

SOUTH AUSTRALIA**STATE TAXATION OFFICE****Stamp Duties****Circular No. 67****STAMP DUTY ON CONVEYANCE OF PROPERTY,
BUSINESSES AND GOODWILL OF BUSINESSES**

The Stamp Duties Act, 1923 provides that written agreements for the sale of any estate or interest in any property subject to certain exemptions shall be chargeable with stamp duty (Section 31). Additionally, where a change in legal or beneficial ownership of certain property is not effected or evidenced in writing, then a statement must be lodged at the Stamp Duties Office (instead of the written agreement). Stamp duty must also be paid on this statement (Section 71e).

Any sale of a business is liable for the payment of stamp duty within two months of the date of the agreement or the date of the transaction. This includes the transfer of goodwill, stock, plant and equipment associated with the transfer of a business.

The written agreement or the statement (blank pro formas can be obtained from the Stamp Duties Office) must be presented to the Stamp Duties Office and stamp duty paid within two months of the date of the transfer of the business. If either of these is not presented within the two months all parties to the transaction may be liable for prosecution under the Stamp Duties Act, 1923. If the stamp duty is not paid within two months, penalty duty will be charged.

Stamp duty is payable on the consideration passing or if not considered satisfactory then on the total value of the "property" conveyed in the agreement or shown in the statement. Duty is calculated in accordance with the rate specified in the Second Schedule to the Act. Charts to assist in determining the duty payable on an agreement or statement are available from the Stamp Duties Office. The Commissioner may cause a valuation of the property to be made in certain circumstances and assess the duty payable by reference to that valuation.

Lodgement for stamping can be made at the Stamp Duties Office, Torrens Building, Victoria Square between the hours of 9.00 am and 4.00 pm. Enquiries in relation to this matter can be directed to Mr Walton on telephone 226 3726. Lodgement can also be effected by mail to GPO Box 1353, Adelaide, 5001.

11 December, 1992

COMMISSIONER OF STAMPS

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