

Document Type:	Conveyance of Land
Document Name:	Ex-Service Persons Concession

## Introduction

This Document Guide Note explains how stamp duty is calculated on a conveyance of [residential land](#) to an ex-service person pursuant to General Exemption 23 of Schedule 2.

General Exemption 23 of Schedule 2 provides an exemption from stamp duty by way of deduction of a sum to the maximum of \$2400 from the consideration/value on a conveyance of land, vacant or improved, on which the transferee resides or intends to reside. To be eligible for the exemption the transferee must:

- be a 'prescribed person' (described below); and
- have never received the benefit of the exemption on a conveyance of land before.

General Exemption 23 of Schedule 2 provides a definition for a 'prescribed person'.

To be eligible for this exemption the 'prescribed person' must have served in at least one of the following services:

- Naval;
- Military; or
- Air Force;

OF THE

- Commonwealth;
- United Kingdom; or
- any part of Her Majesty's dominions;

AND must have served in one of the following war zones:

1. World War II between 3 September 1939 and 31 December 1945.
2. Korea between 25 June 1950 and 25 November 1960.
3. Malaya between June 1948 and November 1960.
4. Malaysia between 16 September 1963 and 30 September 1967.
5. Vietnam (southern zone only) between 31 July 1962 to 23 December 1973 (i.e. Australia ceased involvement in the war on 23 December 1973).

The exemption applies regardless of whether the person is still serving at the time of claiming the exemption.

A 'prescribed person' includes a widow of a deceased person who served as described above.

You will need to indicate whether the land is used as **residential** or **non-residential**. For further advice on this refer to the [Document Guide](#) Page.

The Treasurer has approved, on a case by case basis, the provision of *ex gratia* relief from stamp duty in line with this exemption for recipients of the Australian Active Service Medal 1945 to 1975 and/or the Australian Active Service Medal, who are otherwise entitled to the exemption other than not having been on active service in a proclaimed area or operation.

For further information refer to [Revenue Ruling SDA006](#).

## What documents can I self-determine under this document type?

The document can be in the form of:

- a LTO Form T1 - Transfer.

## What types of transactions can I self-determine under this document type?

A conveyance of land is deemed **suitable** for self-determination under this document type where:

- the transferee is a 'prescribed person' as defined in the *Stamp Duties Act 1923* under Schedule 2, General Exemption 23; and
- the prescribed person has **never** previously received the benefit of the exemption on a conveyance of land (vacant or improved).

The document can be self-determined under this heading regardless as to whether:

- the document conveys a full or fractional interest in the land;
- a consideration is passing between the parties; and/or
- the parties to the transaction are related or unrelated.

## What evidence do I need to retain for audit purposes?

For audit purposes, you will need to retain the following documentation either in paper form or electronic form:

- a copy of the documents;
- evidence that a stamp duty determination has been made (i.e. Certificate of Stamp Duty, Document ID or stamped document);

- evidence of service of the 'prescribed person' (or their widow) e.g. pay book, discharge papers etc.;
- a copy of the contract for sale and purchase (if applicable); and
- evidence of the market value of the land as at the date of conveyance (where the parties are related or the transfer conveys a fractional interest).

## What Section(s) of the *Stamp Duties Act 1923* applies?

- Schedule 2, General Exemption 23.

## What stamp duty is payable on this document?

The stamp duty is calculated using the *ad valorem* conveyance rate of stamp duty on the **greater** of the:

- **consideration** minus \$2400; or
- **market value** minus \$2400.

RevenueSA Online requires you to enter the **consideration** or the **market value**, WHICHEVER IS THE GREATER. RevenueSA Online will automatically deduct the exemption when calculating the stamp duty.

If there is a dispute regarding the market value of the land for stamp duty purposes, the document must be **submitted to the Commissioner for assessment** with full details as to why the value is being disputed.

## Example

### Conveyance of land to an eligible ex-service person

Max served in the Southern Zone of the Vietnam war for the period 1 August 1962 to 31 July 1963. He has never received the benefit of the exemption before and is now claiming the exemption on the purchase of a house at Plympton for \$250 000 in which he will reside.

All of the criteria pursuant to Schedule 2, General Exemption 23 have been met, Max is entitled to the active ex-service person's exemption.

Assuming the consideration represents the market value, the stamp duty would be calculated as follows:

Consideration or Market value - \$2400 = Amount on which stamp duty is calculated

\$250 000 - \$2400 = \$247 600

The stamp duty will be charged on \$247 600 (i.e. \$8853 stamp duty).

Note: RevenueSA Online will require you to enter \$250 000 in the 'consideration/value' field.

## Version History

Version No.	Release Date
1	May 2018
2	November 2018
3	July 2019 Hyperlinks updated - April 2022