

Document Type:	Exemptions
Exemption Provision:	Deed

Introduction

A Deed, which is **not chargeable** under any other head of stamp duty, is exempt from stamp duty.

Although a document is referred to as a 'Deed' does not mean it will always be exempt as a Deed. The document must be examined thoroughly to determine its effect and its liability to the appropriate head of stamp duty.

This Document Guide Note applies to those Deeds that are not liable under another head of duty. Some of the Deeds that are **suitable** for self-determination under this document type are:

- Deed establishing a Superannuation Trust;
- Deed of Guarantee;
- Deed establishing a Family Trust;
- Deed of Release;
- Deed of Indemnity;
- Deed of Priority; and
- Deed establishing a Unit Trust.

Deeds that must be **submitted to the Commissioner for assessment** include:

- Deed of Family Arrangement dealing with a deceased estate. Note: A transfer of property pursuant to a Deed of Family Arrangement must be **submitted to the Commissioner for assessment** together with the Deed of Family Arrangement;
- Deed of Dissolution of Partnership;
- Deed of Variation of a Trust which adds new or potential beneficiaries/objects to the Trust; and
- Deed of Gift.

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

The document can be in the form of:

- Deeds that are **not chargeable** under another head of stamp duty.

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

A Deed is deemed **suitable** for self-determination under this document type where the document:

- does not convey property;
- does not create a lease over land;
- does not create a charge over property;
- is **not chargeable** under another head of stamp duty; and
- is not required to be **submitted to the Commissioner for assessment**.

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

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

Schedule 2, Part 2, General Exemption 30.

What stamp duty is payable on this document?

This document is exempt from stamp duty.

Version History

Version No.	Release Date
1	May 2018
2	November 2018
3	July 2019