

Document Type:	Not Chargeable
Exemption Provision:	Lease entered into on or after 1/7/2004

## Introduction

This Document Guide Note applies to **all** leases entered into on or after 1 July 2004, regardless of whether the document is:

- a lease;
- a lease made subsequently;
- an extension of lease for 1 day;
- an extension of lease;
- a lease to a natural person as their principal place of residence; or
- a lease to an exempt authority (e.g. exempt under the *Stamp Duties Act 1923* or some other legislation).

A lease is 'entered into' once both parties to the lease have signed the lease agreement.

For example, where the lessor signs the agreement on 28 June 2004, the lessee signs the agreement on 29 June 2004 and the agreement is dated 2 July, the lease will be taken to be 'entered into' on 29 June 2004.

A lease is a document by which one party, in return for an agreed sum, grants to another party the right of exclusive possession of the first party's property, for a specified time. The lease document sets out the terms, conditions and the amount of the rental that will apply during the term of the lease.

'Lease' includes an agreement for a lease or any written document for the tenancy or occupancy of property.

'Property' means land or a tenement.

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

The document can be in the form of:

- LTO Form L1 – Memorandum of Lease;
- LTO Form E2– Extension of Lease;

- Agreement to lease property; or
- Deed containing provisions for the lease of property.

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

A lease includes a new lease of property or an extension of a lease of property.

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

- the lease is entered into on or after 1 July 2004.

The following similar transactions cannot be self-determined under this document type:

A lease which was entered into prior to 1 July 2004 cannot be self-determined under this document type.

If the lease document includes another document (e.g. Deed of Guarantee) this other document is determined separately under the appropriate head of duty. Refer to the document type: [Exemption](#) | [Deed](#)

## 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?

- Section 75A

## What stamp duty is payable on this document?

This document is not liable to stamp duty as it is **Not Chargeable**.

Where the lease includes a separate consideration (e.g. premium) other than the rent reserved this consideration is chargeable with *ad valorem* conveyance stamp duty. **Two determinations** will apply to the document, the first, must be entered as a lease under this document type (as above) and the second, must be entered under the document types:

[Conveyance of Land | Lease Premium](#)

[Conveyance of Land | Lease Premium – Qualifying Land](#)

## Examples

### Extension of Lease for 1 Day

A lease for a term of five years has been stamped or self-determined in RevenueSA Online. The parties wish to amend the terms of the lease to include GST references.

The parties execute an Extension of Lease for one day which is executed after 1 July 2004. This is the only date appearing on the lease so it is considered that this is a lease entered into on or after 1 July 2004. This document is self-determined under this document type as **Not Chargeable**.

### Lease

Bob and Bill Smith Pty Ltd have entered into a lease after 1 July 2004 to lease a shop located in a major shopping complex over a three year period.

As this lease was entered into on or after 1 July 2004, the lease is self-determined under this document type as **Not Chargeable**.

### Lease Made Subsequently

An Agreement for a Lease of Property has been stamped or self-determined in RevenueSA Online. The same parties have entered into a Memorandum of Lease after 1 July 2004 including exactly the same terms, conditions, property and rental as described in the Agreement for a Lease of Property.

As the Lease Made Subsequently was entered into on or after 1 July 2004, the lease is self-determined under this document type as **Not Chargeable**.

### Lease of land to the Crown

After 1 July 2004, ABC Pty Ltd entered into a lease of property with the Minister of Transport (a body of the Crown). Both parties execute a Memorandum of Lease.

The Memorandum of Lease is self-determined under this document type as **Not Chargeable**.

## Residential lease to a natural person

After 1 July 2004, John Smith entered into an Agreement to lease a house in Belair for \$500 per week. John and his family will be residing in the house as their principal place of residence.

The document is self-determined under this document type as **Not Chargeable**.

## Version History

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