

Revenue Rulings

Transfer of real property from an association to a succeeding incorporated association

Revenue Ruling SD.040

Preamble

Heading VI of the Third Schedule to the *Stamps Act 1958* (the Act) charges duty in respect of the transfer or conveyance of real property, unless an exemption applies.

The question arises whether such a transfer made consequent on the incorporation of an association is subject to duty.

The purpose of this ruling is to outline the application of the Act to the *Associations Incorporation Act 1981*.

Ruling

Section 53A of the *Associations Incorporation Act 1981* states that an instrument for the conveyance of real property or any estate or interest in real property is exempt from stamp duty provided that the conveyance is made in order to give effect to an act of incorporation of an association under the *Associations Incorporation Act 1981*.

In this context, an 'association' means a society, club, institution, association or body formed or carried on for any lawful purpose, that has at least five members.

To be eligible for the exemption, there must be sufficient documentation to indicate that the transferors held the real property or any estate or interest in the real property on behalf of the association prior to the incorporation.

Please note that rulings do not have the force of law. Each decision made by the State Revenue Office is made on the merits of each individual case having regard to any relevant ruling. All rulings must be read subject to Revenue Ruling GEN.01.

Denzil Griffiths

Commissioner of State Revenue

30 April 1994