

STAMPING REQUIREMENTS

STAMPING REQUIREMENTS FOR INSTRUMENTS THAT ESTABLISH OR VARY THE GOVERNING RULES OF A COMPLYING SUPERANNUATION FUND

What is necessary to create a stamping obligation in a jurisdiction?

	Signing in that jurisdiction?	Property in that jurisdiction?	Trustee resides/is registered in that jurisdiction?
ACT	No	No	No
NSW	No	No	No
NT	No	Yes	No
Qld	No	No	No
SA	No	No	No
Tas	Yes	No	No
Vic	No	No	No
WA	No	No	No

Further details regarding each jurisdiction

VIC — No stamping is necessary for an instrument that establishes or that amends provisions governing a complying superannuation fund: s 39 of the *Duties Act 2000* (Vic). The State Revenue Office of Victoria has a policy of not stamping any such instrument that is sent to it.

NSW — No stamping is necessary for an instrument that establishes or that amends provisions governing a complying superannuation fund: s 65(10)(a) of the *Duties Act 1997* (NSW). The NSW Office of State Revenue has a policy of not stamping any such instrument that is sent to it.

QLD — No stamping is necessary for an instrument that establishes or that amends provisions governing a complying superannuation fund provided that the superannuation fund is established with a settlement of cash or without any dutiable property (cash or otherwise): ss 9 and 10 of the *Duties Act 2001* (Qld).

SA — No stamping is necessary for an instrument that establishes or that amends provisions governing a complying superannuation fund provided that amending instruments do not create a new trust over dutiable property and do not affect the interests of any member.

You may nevertheless, if so desired, still lodge the instrument with RevenueSA, Ground Floor, State Administration Centre, 200 Victoria Square, Adelaide South Australia 5000 (by post: GPO Box 1353, Adelaide SA 5001) to be stamped 'exempt'. No time frame is imposed as to when the instruments need to be stamped.

ACT — No stamping is necessary for an instrument that establishes or that amends provisions governing a

complying superannuation fund: *Duties Act 1999* (ACT) (as amended by the *Duties Amendment Act 2008* (ACT)). The ACT Office of State Revenue has a policy of not stamping any such instrument that is sent to it.

TAS — If executed in Tasmania, an instrument that establishes or that amends provisions governing a superannuation fund must then be lodged with a cheque for \$20 with the State Revenue Office of Tasmania, 80 Elizabeth Street, Hobart, Tasmania 7000 (by post: GPO Box 1374, Hobart, Tasmania 7001) for stamping within 3 months to avoid penalty duty. Refer to section 44 of the *Duties Act 2001* (Tas). Instruments which are not executed in Tasmania will not be subject to duty under the *Duties Act 2001* (Tas).

WA — No stamping is necessary for an instrument that establishes or that amends provisions governing a complying superannuation fund: ch 2 of the *Duties Act 2008* (WA). The Office of State Revenue Western Australia has a policy of not stamping any such instrument that is sent to it.

NT — Once executed, an instrument that establishes or that amends provisions governing a superannuation fund must then be lodged with a cheque for \$20 (plus \$5 of each copy) with the Territory Revenue Office, Level 4, 38 Cavenagh Street, Darwin, Northern Territory 0800 (by post: GPO Box 154, Darwin NT 0801) for stamping within 60 days of execution to avoid penalty duty: item 2 sch 1 of the *Stamp Duty Act 2001* (NT). Instruments relating to property in the Territory or to a matter or thing done in the Territory are subject to stamp duty, irrespective of whether such an instrument is executed in another State or Territory: s 9B of the *Stamp Duty Act 2001* (NT).