

# Refund or remission of stamp duty on cancelled conveyance

**Note:** The guidance notes provided overleaf are provided for guidance purposes only. They are not an exhaustive explanation of the provisions of the Act and reference should be made to the legislation for complete details. The legislation can be downloaded from the Territory Revenue Office website at [www.revenue.nt.gov.au](http://www.revenue.nt.gov.au).

## LODGING PARTY

Name:

Lodgement Number:

## DETAILS OF PURCHASER(S)

	Purchaser 1	Purchaser 2
Name(s):	<input type="text"/>	<input type="text"/>
Postal address:	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
Telephone no:	<input type="text"/>	<input type="text"/>

## DETAILS OF SELLER(S)

	Seller 1	Seller 2
Name(s):	<input type="text"/>	<input type="text"/>

## DETAILS OF PROPERTY *(including land description where applicable)*

Name of property:

Address of property:

Lot no:  Hundred of:

Volume:  Folio:

## DETAILS OF TRANSFER

1. What date was the transaction cancelled?
2. State in full the reason why the transaction did not proceed (ie. finance not approved, breach of condition).
3. Has the entitlement of the buyer to the property been extinguished?  Yes  No
4. Has the buyer on-sold the property to another party?  Yes  No
5. Has the buyer directed, whether in writing or not, the property to be transferred to another person?  Yes  No

## TERRITORY REVENUE OFFICE

**ACCOUNT DETAILS FOR REFUND OF DUTY (if applicable)**

Name of financial institution:

Name of account:

Branch:

BSB:  Account no:

**DECLARATION – MUST BE COMPLETED BY ALL PARTIES OR THEIR AGENTS**

We, the parties to the instrument or agents thereof, declare that the statements contained herein are to the best of our knowledge and belief, true and correct in every particular.

Signature (Purchaser/Agent)

Date

Signature (Seller/Agent)

Date

**WARNING:** It is an offence under the *Taxation Administration Act* to provide information that you know is misleading in a material particular (maximum penalty 400 penalty units – current penalty unit values are available from [www.revenue.nt.gov.au](http://www.revenue.nt.gov.au)).

**PRIVACY STATEMENT**

The information requested in this form is required to determine whether you are eligible for a refund stamp duty paid or remission of duty payable. Any information you provide is on a voluntary basis but is needed to process your application for refund or remission. The information contained in this form may be communicated to persons authorised under the *Taxation Administration Act*. You may review or correct any personal information provided by by contacting Territory Revenue Office.

**OFFICE USE ONLY**

Recommended:	Date:	Amount \$	Record type
Approved:	Date:		
Recovery advised:	Date:	Entered:	Date:

# GUIDANCE NOTES

These notes are provided for guidance purposes only. They are not an exhaustive explanation of the provisions of the Act and reference should be made to the legislation for complete details. The legislation can be downloaded from the TRO web site at [www.revenue.nt.gov.au](http://www.revenue.nt.gov.au). Follow the links from the front page.

1. Section 56A of the *Stamp Duty Act* provides for a refund or remission of duty payable on a conveyance of dutiable property that does not proceed ('the cancellation') because of:
  - (i) non-execution by an essential party, non-fulfilment of a condition precedent or the operation of some provision of the instrument.
  - (ii) the entitlements purportedly conferred by the conveyance are extinguished by rescission, cancellation or annulment of the conveyance.
2. A refund or remission does not apply if the buyer has on-sold the property or has directed, whether in writing or not, that it be conveyed to another party.
3. Section 9(3A) of the Act provides that there is no requirement to lodge and pay duty on a conveyance that does not proceed unless it is of a kind to which 2 above applies.
4. This application form applies to a conveyance that has been lodged with the Territory Revenue Office (TRO) or for which a refund of duty is sought. It must be lodged with TRO within 90 days of the date of cancellation. If the application period has expired, an extension may be approved if reasonable cause is shown. For refunds, all stamped instruments evidencing the conveyance, including duplicates, counterparts and transfers must be lodged with the application.
5. All parties to the transaction or their agents must complete the application. If signatures of all cannot be obtained, full details of the reasons for their inability must be provided.
6. Where duty has been paid, the amount will be refunded to the liable party unless authorised otherwise. Payment will be made by Electronic Funds Transfer (EFT) to the account nominated on this application.

For further information on cancelled conveyances, please refer to the TRO website at [www.revenue.nt.gov.au](http://www.revenue.nt.gov.au).