

# Refund or remission of stamp duty for cancelled or early terminated lease

**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 accessed from the Territory Revenue Office web site at [www.revenue.nt.gov.au](http://www.revenue.nt.gov.au).

## LODGING PARTY

Name:

Lodgement Number:

## DETAILS OF LESSEE(S)

	Lessee 1	Lessee 2
Name(s):	<input type="text"/>	<input type="text"/>
Postal Address:	<input type="text"/>	<input type="text"/>
Postcode:	<input type="text"/>	<input type="text"/>
Telephone no:	<input type="text"/>	<input type="text"/>

## DETAILS OF LESSOR(S)

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

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

Address of leased property:	<input type="text"/>		
Lot no:	<input type="text"/>	Hundred of:	<input type="text"/>
Volume:	<input type="text"/>	Folio:	<input type="text"/>

## DETAILS OF LEASE CANCELLATION OR TERMINATION

1. What date was the lease cancelled or terminated?
2. If the lease was cancelled or terminated on or after 1 July 2006, has or will the lessee or an associate of the lessee occupy the leased property or substantially the same property as the leased property after the cancellation or termination of the lease other than as a purchaser of the property.

YES

NO

3. If the lease was terminated early, what was the total rent paid (including GST) under the lease up to that date?

\$

4. State in full the reason for the cancellation or early termination of the lease.

**TERRITORY REVENUE OFFICE**

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

Name of financial institution:	<input type="text"/>		
Name of account:	<input type="text"/>		
Branch:	<input type="text"/>	BSB:	<input type="text"/>
Account no:	<input type="text"/>		

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

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

**LESSEE**

Signature (Lessee/Agent)

Date

**LESSOR**

Signature (Lessor/Agent)

Date

### PRIVACY STATEMENT

The information requested in this form is required to determine whether you are eligible for a refund of 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. It is an offence under the *Taxation Administration Act* to provide information that you know is false or misleading (maximum penalty 400 penalty units - currently \$44 000). 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 contacting Territory Revenue Office.

## GUIDANCE NOTES

- Former section 56 and section 56A of the *Stamp Duty Act* provides for a refund or remission of duty payable on:
  - A lease for a term of not less than two years that is terminated prior to the expiration of that term; or
  - A grant or a lease that does not proceed:
    - because of non execution by an essential party, non-fulfilment of a condition precedent or the operation of some provision of the instrument: or
    - because the entitlements purportedly conferred by the grant are extinguished by rescission, cancellation or annulment of the grant.
- The amount of the refund for a lease that is terminated early, is the difference between the duty paid and the amount that would have been paid had it been granted for a term expiring on the date that it was terminated.
- A refund or remission of duty does not apply to a lease that terminated on or after 1 July 2006 or a lease that has been cancelled where after the lease termination, the lessee or an associate of the lessee has or will occupy the leased property or substantially the same property other than as a purchaser of the property. For the definition of an 'associate', refer to section 4(2) of the *Stamp Duty Act*.
- All parties to the lease 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.
- Where duty has been paid, the amount will be refunded to the lessee unless authorised otherwise. Payment will be made by electronic funds transfer (EFT) to the account nominated on this application.

## OFFICE USE ONLY

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