

Guidelines to signing the NSW Stamp duty exemption – Small Business Declaration

- **What is the NSW small business exemption?**

From 1 January 2018, NSW small businesses will be exempt from paying stamp duty on certain types of insurance.

- **What is a small business?**

Revenue NSW has stated that: “You are a small business if you are **an individual, partnership, company or trust** that is carrying on a business, and the business has an **aggregated turnover of less than \$2 million**. Aggregated turnover is your annual turnover plus the annual turnovers of any business entities that are your affiliates or are connected with you.”

- **Which insurance types will the exemption apply to?**

This exemption can be applied for NSW small businesses with the following insurance types:

- Commercial vehicle insurance
- Commercial aviation insurance
- Occupational indemnity insurance
- Product and public liability insurance

- **Instructions for applying for an exemption**

To receive the exemption, please complete this declaration, declaring that you are a small business. Email the completed declaration to your broker.

Please note:

- a) This declaration covers exempted policies effected or renewed on or after 1st January 2018.
- b) If you are uncertain whether you classify as a small business, please seek professional advice from your broker, financial adviser or legal adviser.
- c) Berkley Insurance Australia will place reliance on your declaration in charging the applicable insurance duty.
- d) False declarations may result in penalties of up to \$11,000 by Revenue NSW plus the insurance duty not paid and penal interest on that balance.
- e) Revenue NSW may also be able to clarify your queries relating to the law and your obligations.
- f) If you are a “not for profit organisation” already entitled to a NSW Stamp Duty Exemption, your premium is already exempt and the NSW Stamp Duty Exemption for Small Business is not relevant.

For more information

Go to Revenue NSW website and see in particular:

- Revenue NSW “Small Business Exemption” heading in Frequently Asked Questions - <http://www.revenue.nsw.gov.au/info/legislation/budget/201706/faq>
- Insurance Duty - <http://www.revenue.nsw.gov.au/taxes/insurance/factsheet/overview>

Also see the Duties Act 1997 (NSW) and the Income Tax Assessment Act 1997 (Cth).

This document is designed to provide helpful general guidance on some key issues relevant to this topic. It should not be relied on as legal advice. It does not cover everything that may be relevant to you and does not take into account your particular circumstances. It is only current as at the date of release. You must ensure that you seek appropriate professional advice in relation to this topic as well as to the currency, accuracy and relevance of this material for you.

NSW STAMP DUTY EXEMPTION – SMALL BUSINESS DECLARATION

This declaration covers exempted policies effected or renewed on or after 1st January 2018.

I hereby declare that I am a Capital Gains Tax small business entity (within the meaning of section 152-10 (1AA) of the *Income Tax Assessment Act 1997* of the Commonwealth).

I am a small business individual, partnership, company and / or trust, which is carrying on a business, and the business has an aggregated turnover of less than \$2 million*.

Signature	_____
Name	_____
Date signed	_____
Name of insured (if different from above)	_____
ABN of Insured	_____
Contact Details – mobile	_____
Contact details – email	_____

* Aggregated turnover is your Australia wide annual turnover plus the annual turnovers of any business entities that are your affiliates or are connected with you.

* A fraudulent declaration may invalidate your insurance contract.