



ANNO TRICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1982

No. 30 of 1982**An Act to amend the Stamp Duties Act, 1923-1982.***[Assented to 8 April 1982]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Stamp Duties Act Amendment Act (No. 2), 1982".

(2) The Stamp Duties Act, 1923-1982, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act may be cited as the "Stamp Duties Act, 1923-1982".

Commencement.

2. (1) Subject to subsection (2), this Act shall be deemed to have come into operation on the twenty-fourth day of December, 1981.

(2) Section 4 shall come into operation on a day to be fixed by proclamation.

Insertion of new s. 71ca.

3. The following section is inserted after section 71c of the principal Act:

Exemption from duty in respect of certain maintenance agreements, etc.

71ca. (1) In this section—

"instrument to which this section applies" means—

(a) a maintenance agreement registered under Part VIII of the *Family Law Act 1975* of the Commonwealth;

or

(b) a deed or other instrument (including an application to transfer registration of a motor vehicle) for the purposes of, or consequential upon—

(i) a maintenance agreement registered under Part VIII of the *Family Law Act 1975* of the Commonwealth;

or

(ii) an order under Part VIII of the *Family Law Act 1975* of the Commonwealth:

“maintenance agreement” means a maintenance agreement as defined in the *Family Law Act* 1975 of the Commonwealth:

“marriage” includes a marriage that is void and thus liable to annulment; and “married” has a corresponding meaning.

(2) Where an instrument to which this section applies—

(a) provides for a disposition of property between two persons who, at the time of execution of the instrument, are or have been married to each other and no other person takes or is entitled to take an interest in property in pursuance of the instrument;

or

(b) in the case of an application to transfer registration of a motor vehicle—is consequential upon a disposition of property between two persons who, as at the date of the application, are or have been married to each other,

the instrument is exempt from stamp duty if at the time it is submitted for stamping the marriage of the two persons referred to above has been dissolved or annulled.

(3) Where an instrument to which this section applies would have been exempt from stamp duty under subsection (2) if it were not for the fact that when it was submitted for stamping a marriage had not been dissolved or annulled, a person by whom stamp duty was paid on the instrument shall be entitled to a refund of the duty on proof to the satisfaction of the Commissioner that the marriage was subsequently dissolved or annulled.

4. The second schedule to the principal Act is amended by striking out paragraph 6 under the heading “GENERAL EXEMPTIONS FROM ALL STAMP DUTIES” and substituting the following paragraph:

Amendment of
second schedule
to principal
Act.

6. Conveyances of bills, bonds, debentures or other securities—

(a) issued by an instrumentality of the Crown or the Government of the State;

and

(b) being bills, bonds, debentures or other securities in relation to which the Governor has granted an exemption under this paragraph (which exemption may apply generally or be limited to a specified class, or specified classes, of bills, bonds, debentures or other securities).

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

W. R. CROCKER, Governor's Deputy