



ANNO PRIMO

ELIZABETHAE II REGINAE

A.D. 1952

No. 51 of 1952.

An Act to amend the Succession Duties Act,
1929-1951.

[Assented to 4th December, 1952.]

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 "Succession Duties Act Amendment Act, 1952".

(2) The Succession Duties Act, 1929-1951, as amended by this Act, may be cited as the "Succession Duties Act, 1929-1952".

(3) The Succession Duties Act, 1929-1951, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of
s. 4 of
principal Act—
Interpretation.

3. Section 4 of the principal Act is amended by striking out the words "valuable consideration" in the eleventh line of the definition of "deed of gift" and inserting in lieu thereof "full consideration in money or money's worth".

Amendment of
s. 12 of
principal Act—
Statements to
be filed by
administrator.

4. Subsection (3) of section 12 of the principal Act is amended—

(a) by inserting the letter "(a)" after the word "of" first occurring in the third line; and—

(b) by inserting after the word "deceased" in the sixth line the following paragraph :—

(b) all property vested since the twenty-sixth day of October, eighteen hundred and ninety-three, in any persons jointly which, after the passing of the Succession Duties Act Amendment Act, 1952, has accrued to any of such persons by survivorship on the death of the deceased person.

5. Section 20 of the principal Act is amended by striking out the word "third" in the last line of subsection (1) and in the third line of subsection (2), and inserting in lieu thereof in each case the word "second".

Consequential amendment of s. 20 of principal Act.

6. Section 32 of the principal Act is amended by striking out the word "third" in the second line of subsection (1) and inserting in lieu thereof the word "second".

Consequential amendment of s. 32 of principal Act.

7. Section 34 of the principal Act is amended by striking out the word "third" in the first line of subsection (1), the first line of subsection (2), and the first line of subsection (3) and inserting in lieu thereof in each case the word "second".

Consequential amendment of s. 34 of principal Act.

8. Section 35 of the principal Act is amended by striking out the word "third" in the second line of subsection (1), the twelfth line of subsection (3), and the first line of subsection (4) and inserting in lieu thereof in each case the word "second".

Consequential amendment of s. 35 of principal Act.

9. Section 39a of the principal Act is amended by striking out the word "third" in the sixteenth line of sub-section (1) and the first line of subsection (3) and inserting in its place in each case the word "second".

Consequential amendment of s. 39a of principal Act.

10. Section 51 of the principal Act is amended—

Amendment of s. 51 of principal Act—
Interest on duty.

(a) by striking out the word "three" in the fourth line of subsection (1) and inserting in lieu thereof the word "six";

(b) by striking out the words "the amount of duty has not been assessed within three months after the same became chargeable" in the seventh, eighth, and ninth lines of subsection (1) and inserting in lieu thereof "reasonable cause exists for doing so".

11. Section 65 of the principal Act is amended by striking out the words and figures "Taxation Act, 1927" in the sixth line and inserting in lieu thereof "Income Tax Assessment Act, 1936-1946".

Amendment of s. 65 of principal Act—
Power to use taxation returns.

12. The Second and Third Schedules to the principal Act are struck out and the following schedule is inserted in lieu thereof:—

Repeal of Second and Third Schedules of principal Act and enactment of another schedule.

THE SECOND SCHEDULE.

Amount of duties payable on property chargeable with duty under this Act.

1. Where the person deriving or taking the property is the widow, or a child under the age of twenty-one years, of the person from whom the property was derived or taken, the duty shall be as follows :—

Net Present Value of Property Derived or Taken.	Amount of Duty.
Not exceeding £2,800 .	Nil
£2,800-£5,000	12½ per cent of the excess over £2,800
£5,000-£20,000	£275 plus 15 per cent of the excess over £5,000
£20,000-£50,000	£2,525 plus 17½ per cent of the excess over £20,000
£50,000-£100,000	£7,775 plus 20 per cent of the excess over £50,000
£100,000-£200,000	£17,775 plus 22½ per cent of the excess over £100,000
£200,000 and over	£40,275 plus 25 per cent of the excess over £200,000

2. Where the person deriving or taking the property is the widower or a descendant (other than a child under the age of twenty-one years) or an ancestor of the person from whom the property is derived or taken, the duty shall be as follows :—

Net Present Value of Property Derived or Taken.	Amount of Duty.
Not exceeding £500	Nil
£500-£1,000	5 per cent of the excess over £500
£1,000-£2,000	£25 plus 7½ per cent of the excess over £1,000
£2,000-£5,000	£100 plus 10 per cent of the excess over £2,000
£5,000-£10,000	£400 plus 12½ per cent of the excess over £5,000
£10,000-£20,000	£1,025 plus 15 per cent of the excess over £10,000

Net Present Value of Property Derived or Taken.	Amount of Duty.
£20,000-£50,000	£2,525 plus 17½ per cent of the excess over £20,000
£50,000-£100,000 . . .	£7,775 plus 20 per cent of the excess over £50,000
£100,000-£200,000 . . .	£17,775 plus 22½ per cent of the excess over £100,000
£200,000 and over . . .	£40,275 plus 25 per cent of the excess over £200,000

3. Where the person deriving or taking the property from the deceased person is the brother or sister of the person from whom the property is derived or taken or the descendant of any such brother or sister, or a person in any other degree of collateral consanguinity to the person from whom the property is derived or taken the duty shall be as follows :—

Net Present Value of Property Derived or Taken.	Amount of Duty.
Not exceeding £500 . .	5 per cent
£500-£1,000	£25 plus 10 per cent of the excess over £500
£1,000-£2,000	£75 plus 12½ per cent of the excess over £1,000
£2,000-£5,000	£200 plus 15 per cent of the excess over £2,000
£5,000-£10,000	£650 plus 17½ per cent of the excess over £5,000
£10,000-£20,000	£1,525 plus 20 per cent of the excess over £10,000
£20,000-£50,000	£3,525 plus 25 per cent of the excess over £20,000
£50,000-£100,000 . . .	£11,025 plus 27½ per cent of the excess over £50,000
£100,000 and over . . .	£24,775 plus 30 per cent of the excess over £100,000

4. Where the person deriving or taking the property is a stranger in blood to the person from whom the property is derived or taken the duty shall be as follows :—

Net Present Value of Property Derived or Taken.	Amount of Duty.
Not exceeding £500 ..	10 per cent
£500-£1,000	£50 plus 15 per cent of the excess over £500
£1,000-£2,000	£125 plus 20 per cent of the excess over £1,000
£2,000-£5,000	£325 plus 22½ per cent of the excess over £2,000
£5,000-£10,000	£1,000 plus 25 per cent of the excess over £5,000
£10,000-£20,000	£2,250 plus 27½ per cent of the excess over £10,000
£20,000 and over	£5,000 plus 30 per cent of the excess over £20,000

5. Upon any property devised, bequeathed, or passing under any non-testamentary disposition—

- (a) for the purpose of the advancement of religion science or education in the State; or
- (b) to a hospital which the Treasurer is satisfied is not carried on for the purpose of profit to individuals; or
- (c) to a benevolent institution or benevolent society in the State,

the rate of duty shall be ten per centum of the net present value of such property.

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

J. M. NAPIER, Lieutenant-Governor.