



ANNO TRICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1985

No. 81 of 1985

An Act to amend the Stamp Duties Act, 1923.

[Assented to 22 August 1985]

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

1. (1) This Act may be cited as the "Stamp Duties Act Amendment Act, 1985". Short title.
- (2) The Stamp Duties Act, 1923, is in this Act referred to as "the principal Act".
2. This Act shall be deemed to have come into operation on the fifth day of August, 1985. Commencement.
3. Section 4 of the principal Act is amended by striking out the definition of "fixed interest security". Amendment of s. 4—
Interpretation.
4. The following section is inserted after section 5a of the principal Act:

5ab. Where the Commissioner finds that duty has, in consequence of the amendments effected to this Act by the Stamp Duties Act Amendment Act, 1985, been overpaid, the Commissioner may refund to the person who paid the duty the amount of the duty found to be overpaid.

Refund of duty overpaid as a consequence of Stamp Duties Act Amendment Act, 1985.
5. Section 28 of the principal Act and the heading preceding that section are repealed. Repeal of s. 28 and heading.
6. Section 31f of the principal Act is amended—
 - (a) by striking out from paragraph (b) of subsection (1) the passage "the amount referred to in paragraph (a)" and substituting the passage "the amount (if any) by which the amount referred to in paragraph (a) exceeds \$1 250";Amendment of s. 31f—
Statement to be lodged by registered person.

- (b) by striking out from paragraph (b) of subsection (2) the passage "two thousand dollars" and substituting the passage "\$20 000";
- (c) by striking out from subsection (2) the passage "1.8 per centum of the total amount" and substituting the passage "1.8 per centum of the amount (if any) by which the total amount exceeds \$15 000";
- (d) by striking out from subsection (3) the passage "two thousand dollars" and substituting the passage "\$15 000";
- (e) by striking out from subsection (4) the passage "three thousand dollars" and substituting the passage "\$25 000".

Amendment of
s. 31i—
Matters not
required to be
included in
statement.

7. Section 31i of the principal Act is amended—

- (a) by striking out paragraph (f) of subsection (1);

and

- (b) by inserting after subsection (1) the following subsection:

(1a) Where a registered person receives in excess of \$1 250 per month for or in relation to the use of goods under a lease, bailment, licence or other agreement that provides for the registered person to be responsible for the servicing of those goods, the registered person may deduct from the excess, on account of the cost of servicing those goods—

- (a) an amount not exceeding 40 per centum of the excess or such higher proportion of the excess as is fixed by the Commissioner, on the application of the registered person, in respect of particular goods where, in the opinion of the Commissioner, the higher proportion is properly attributable to the cost of servicing the goods;

or

- (b) the actual cost of servicing the goods,

whichever is the lesser.

Repeal of s. 53
and heading.

8. Section 53 of the principal Act and the heading preceding that section are repealed.

Amendment of
s. 71c—
Concessional rates
of duty in respect
of the purchase of
a first home, etc.

9. Section 71c of the principal Act is amended—

- (a) by striking out from subparagraph (iv) of paragraph (a) of subsection (1) the passage "three months" wherever it occurs and substituting, in each case, the passage "12 months";
- (b) by striking out subparagraph (i) of paragraph (b) and substituting the following subparagraph:
 - (i) occupied a dwellinghouse (except as a minor) either in the State or elsewhere in pursuance of a relevant interest of that party in the dwellinghouse or any

interest of that party in shares conferring a right to occupy the dwellinghouse;;

(c) by striking out the word "or" between paragraphs (a) and (b) of subsection (2);

(d) by striking out from paragraph (b) of subsection (2) the passage "on or after the first day of December, 1982" and substituting the passage "on or after the first day of December, 1982, and the conveyance is submitted for stamping before the fifth day of August, 1985";

(e) by inserting after paragraph (b) of subsection (2) the following paragraph:

(c) where the conveyance arises from a contract entered into on or after the first day of December, 1982, and the conveyance is submitted for stamping on or after the fifth day of August, 1985, and—

(i) the amount by reference to which the duty would, apart from this section, be calculated does not exceed \$50 000—no duty shall be payable;

or

(ii) the amount by reference to which the duty would, apart from this section, be calculated exceeds \$50 000—the duty payable shall be the amount payable apart from this section less the amount of duty payable on a conveyance of property the value of which is \$50 000.;

(f) by inserting after subsection (2) the following subsection:

(2a) Where the Commissioner is satisfied by such evidence as the Commissioner may require—

(a) that a person or persons who have paid stamp duty on a conveyance would have been entitled to the benefit of this section in respect of the conveyance if when it was submitted for stamping the requirements of subsection (1) (a) (iv) had been satisfied;

(b) that person or those persons in fact occupied a dwellinghouse on the land comprised in the conveyance, or in pursuance of rights conferred by shares comprised in the conveyance, as their principal place of residence within 12 months of the date of the conveyance,

the Commissioner shall refund to that person or those persons any duty in excess of the amount that would have been payable if the conveyance had been stamped under this section.

10. Section 75 of the principal Act and the heading preceding that section are repealed.

Repeal of s. 75
and heading.

Amendment of
second schedule.

11. The second schedule to the principal Act is amended—

- (a) by striking out the item commencing “AFFIDAVIT or DECLARATION”;
- (b) by inserting after exemption No. 4 to the item commencing “ANNUAL LICENCE” the following exemptions:
5. Any premium or portion of a premium received or charged on or after the first day of January, 1985, under a policy of workers compensation insurance where the premium or portion is referable to insurance against liability to pay workers compensation in respect of workers under the age of 25 years.
 6. Any premium or portion of a premium received or charged on or after the first day of January, 1985, under a policy of insurance by a registered medical benefits organization within the meaning of the *National Health Act 1953* of the Commonwealth where the premium or portion is referable to insurance against medical, dental or hospital expenses.;
- (c) by striking out exemption No. 17 to the item commencing “APPLICATION to Register a Motor Vehicle” and substituting the following exemption:
17. Any application to transfer the registration of a motor vehicle made by a mortgagee—
 - (a) who has, in accordance with the Consumer Transactions Act, 1972, taken possession of the motor vehicle in pursuance of a consumer mortgage;
 - or
 - (b) to whom the motor vehicle has been voluntarily returned by the mortgagor in pursuance of the Consumer Transactions Act, 1972.;
- (d) by striking out the item commencing “BILL OF LADING or SHIPPING NOTE”;
- (e) by striking out from paragraph (aa) of the item commencing “CONVEYANCE or TRANSFER on sale” the passage “and not being a fixed interest security”;
- (f) by striking out paragraph (aab) of the item commencing “CONVEYANCE or TRANSFER on sale”;
- (g) by striking out paragraph (b) of the item commencing “CONVEYANCE or TRANSFER on sale” and substituting the following paragraph:
- (b) In any other case (not being a conveyance or transfer on sale of any stock or marketable security)—

Where the value of the property conveyed—

Does not exceed \$12 000 for every \$100 or fractional part of \$100 of the value \$1.00

Exceeds \$12 000 but does not exceed \$30 000 \$120 plus \$2.00 for every \$100 or fractional part of \$100 of the excess over \$12 000 of that value

Exceeds \$30 000 but does not exceed \$50 000 \$480 plus \$3.00 for every \$100 or fractional part of \$100 of the excess over \$30 000 of that value

Exceeds \$50 000 but does not exceed \$100 000 \$1 080 plus \$3.50 for every \$100 or fractional part of \$100 of the excess over \$50 000 of that value

Exceeds \$100 000 \$2 830 plus \$4.00 for every \$100 or fractional part of \$100 of the excess over \$100 000 of that value.;

(h) by striking out the exemption to the item commencing "CONVEYANCE or TRANSFER on sale" and substituting the following exemptions:

1. Conveyance or transfer of a mortgage or an interest in a mortgage.
2. Conveyance or transfer of any debenture, debenture stock, bond, note or other security of a government or of any municipal or other corporation, company or society (whether constituting a charge on the assets of the government, or of the municipal or other corporation, company or society or not).;

(i) by striking out from the item commencing "CONVEYANCE operating as a voluntary disposition *inter vivos*" the passage commencing the words "Does not exceed \$12 000" and ending immediately before the heading "*Exemption*" and substituting the following:

Does not exceed \$12 000 for every \$100 or fractional part of \$100 of the value \$1.00

Exceeds \$12 000 but does not exceed \$30 000 \$120 plus \$2.00 for every \$100 or fractional part of \$100 of the excess over \$12 000 of that value

Exceeds \$30 000 but does not exceed \$50 000 \$480 plus \$3.00 for every \$100 or fractional part of \$100 of the excess over \$30 000 of that value

Exceeds \$50 000 but does not exceed \$100 000 \$1 080 plus \$3.50 for every \$100 or fractional part of \$100 of the excess over \$50 000 of that value

Exceeds \$100 000 \$2 830 plus \$4.00 for every \$100 or fractional part of \$100 of the excess over \$100 000 of that value.;

(j) by inserting after the present exemption to the item commencing "CONVEYANCE operating as a voluntary disposition *inter vivos*" the following exemption:

2. Conveyance or transfer of a mortgage.;

(k) by inserting after the present exemption to the item commencing "LEASE" the following exemption:

2. Lease or agreement for lease of residential premises that are or are to be occupied by the lessee or prospective lessee as a place of residence.;

and

(l) by striking out the item commencing "LETTER OF ALLOTMENT".

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

D. B. DUNSTAN, Governor