



ANNO VICESIMO TERTIO

**ELIZABETHAE II REGINAE**

A.D. 1974

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**No. 90 of 1974**

An Act to amend the Stamp Duties Act, 1923-1974.

*[Assented to 2nd December, 1974]*

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, 1974".

(2) The Stamp Duties Act, 1923-1974, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Stamp Duties Act, 1923-1974".

Commencement.

2. (1) This Act, other than sections 6 to 11, inclusive, of this Act, shall come into operation on a day to be fixed by proclamation.

(2) Sections 6 to 11, inclusive, of this Act shall come into operation on such days as are respectively fixed by proclamation.

Enactment of s. 47d of principal Act—

3. The following section is enacted and inserted in the principal Act immediately before section 48 thereof:—

Additional duty on cheques imposed by Stamp Duties Act Amendment Act, 1974.

47d. (1) Notwithstanding any provision of this Act but subject to subsection (2) of this section, any additional duty imposed by virtue of the operation of section 8 of the Stamp Duties Act Amendment Act, 1974, shall not be payable on a cheque made out on a form issued by a bank as defined in section 48a of this Act to a customer before the commencement of that section.

(2) Subsection (1) of this section shall have no effect in relation to any cheque referred to in that section drawn after a day to be specified by proclamation for the purposes of this section, being a day not earlier than the thirtieth day after the publication of the proclamation in the *Gazette*.

4. Section 48 of the principal Act is amended by striking out from subsection (3) the word "five" and inserting in lieu thereof the word "eight".

Amendment of principal Act, s. 48—  
When bills, notes, etc., to be stamped.

5. Section 48a of the principal Act is amended—

(a) by inserting in subsection (3a) after the passage "duly stamped unless" the symbol and letter "— (a)";

Amendment of principal Act, s. 48a—  
Licences for duty paid cheques.

and

(b) by inserting in subsection (3a) after the passage "to the cheque" the passage—

;

or

(b) the Treasurer by writing signifies that he is satisfied that proper arrangements have been made for payment by the bank of the additional stamp duty payable on that cheque.

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

Amendment of second schedule of principal Act.

(a) by striking out from subparagraph (i) of paragraph (a) of the item commencing "ANNUAL LICENCE" the passage "1.00" and inserting in lieu thereof the passage "1.50";

and

(b) by striking out from subparagraph (iii) of paragraph (a) of the item commencing "ANNUAL LICENCE" the passage "5.00" and inserting in lieu thereof the passage "6.00".

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

Amendment of second schedule of principal Act.

(a) by striking out paragraph (c) from division (A) of the item commencing "APPLICATION to Register a Motor Vehicle" and inserting in lieu thereof the following paragraphs:—

(c) exceeds \$2 000, but does not exceed \$3 000.. \$30.00 plus \$3.00 for every \$100, or fractional part of \$100, of the excess over \$2 000 of that value.

(ca) exceeds \$3 000 ..... \$60.00 plus \$4.00 for every \$100, or fractional part of \$100, of the excess over \$3 000 of that value.;

(b) by striking out paragraph (e) from division (A) of that item and inserting in lieu thereof the following paragraphs:—

(e) exceeds \$1 000, but does not exceed \$2 000 \$10.00 plus \$2.00 for every \$100, or fractional part of \$100, of the excess over \$1 000 of that value.

(f) exceeds \$2 000 ..... \$30.00 plus \$3.00 for every \$100, or fractional part of \$100, of the excess over \$2 000 of that value.;

(c) by striking out from division (A) of that item the passage—

The duty in respect of any one application shall not in any case be less than \$4.

The duty on an application by a person beneficially entitled under the will or on the intestacy of a deceased person to the motor vehicle to which the application relates shall, irrespective of the value of the motor vehicle, be \$4.

and inserting in lieu thereof the passage—

The duty on an application by a person beneficially entitled under the will or on the intestacy of a deceased person to the motor vehicle to which the application relates shall, irrespective of the value of the motor vehicle, be \$4, but in any other case the duty in respect of any one application shall not be less than \$5.;

(d) by striking out from division (B) of that item the passage "2·00" and inserting in lieu thereof the passage "3·00";

and

(e) by striking out from division (B) of that item the passage "1·00" and inserting in lieu thereof the passage "1·50".

Amendment of second schedule of principal Act.

8. The second schedule to the principal Act is amended by striking out from the item commencing "BILL OF EXCHANGE, CHEQUE, ORDER" the passage "0·06" and inserting in lieu thereof the passage "0·08".

Amendment of second schedule of principal Act.

9. The second schedule to the principal Act is amended by striking out paragraph (b) from the item commencing "CONVEYANCE OR TRANSFER" and inserting in lieu thereof the following paragraph:—

(b) In any other case (not being a conveyance or transfer on sale of any stock or marketable security)—

Where the amount or value of the consideration for the sale—

Does not exceed \$12 000, for every \$100, or fractional part of \$100, of such amount or value .....

1·25

Exceeds \$12 000, but does not exceed \$18 000

\$150 plus \$2·50 for every \$100, or fractional part of \$100, of the excess over \$12 000 of that amount or value.

Exceeds \$18 000 but does not exceed \$50 000

\$300 plus \$3·00 for every \$100, or fractional part of \$100, of the excess over \$18 000 of that amount or value.

Exceeds \$50 000 but does not exceed \$100 000

\$1 260 plus \$3·50 for every \$100, or fractional part of \$100, of the excess over \$50 000 of that amount or value.

Exceeds \$100 000.....

\$3 010 plus \$4·00 for every \$100, or fractional part of \$100, of the excess over \$100 000 of that amount or value.

10. The second schedule to the principal Act is amended by striking out the item commencing "CONVEYANCE operating as a voluntary disposition" and inserting in lieu thereof the following item:—

Amendment of second schedule of principal Act.

	Amount of Duty
	\$
CONVEYANCE operating as a voluntary disposition, <i>inter vivos</i> , of any property.	
Where the value of the property conveyed—	
Does not exceed \$12 000, for every \$100, or fractional part of \$100, of such value.....	1·25
Exceeds \$12 000, but does not exceed \$18 000..	\$150 plus \$2·50 for every \$100, or fractional part of \$100, of the excess over \$12 000 of that value.
Exceeds \$18 000, but does not exceed \$50 000..	\$300 plus \$3·00 for every \$100, or fractional part of \$100, of the excess over \$18 000 of that value.
Exceeds \$50 000, but does not exceed \$100 000	\$1 260 plus \$3·50 for every \$100, or fractional part of \$100, of the excess over \$50 000 of that value.
Exceeds \$100 000.....	\$3 010 plus \$4·00 for every \$100, or fractional part of \$100, of the excess over \$100 000 of that value.

11. The second schedule to the principal Act is amended by inserting immediately after the item headed "DEED (except as otherwise provided in this schedule)—" the following item:—

Amendment of second schedule of principal Act.

INSTRUMENT of discharge or partial discharge of a mortgage or charge over land or an interest in land.....	4·00
which duty may be denoted by an adhesive stamp.	

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

M. L. OLIPHANT, Governor