



**STAMP DUTIES**

**No. 45 of 1974**

**ANALYSIS**

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**AN ACT to amend the Stamp Duties Act 1931.**

**[14 October 1974]**

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1—(1)** This Act may be cited as the *Stamp Duties Act 1974*.

Short title and citation.

(2) The *Stamp Duties Act 1931*, as subsequently amended, is in this Act referred to as the *Principal Act*.

Interpretation.

**2** Section 3 of the Principal Act is amended by inserting in subsection (1), after the definition of “ hire-purchase agreement ”, the following definition:—

“ ‘ impressed ’ means impressed by any die, plate, type, tool, or other instrument used under the direction of the Commissioner for denoting any duty or the fact that any duty or penalty has been paid;”.

Duty on cheques.

**3**—(1) Section 72 of the Principal Act is amended by omitting from subsection (4) “ six cents ” and substituting therefor “ 8 cents ”.

(2) This section commences on 1st January 1975.

Duty on bankers' drafts, &c.

**4**—(1) Section 73 of the Principal Act is amended by omitting from subsection (5) “ six cents ” and substituting therefor “ 8 cents ”.

(2) This section commences on 1st January 1975.

Duty on bills of exchange and promissory notes.

**5**—(1) The Second Schedule to the Principal Act is amended in Item 5 by omitting paragraphs (a), (b), and (c) in the 2nd column of that Schedule, and the corresponding entries in the 3rd and 4th columns thereof, and substituting therefor, respectively, the following paragraphs and entries:—

<p>↗ “(a) if it is payable on demand .... . . . . .</p> <p>(b) if it is drawn out of the State and duly stamped with <i>ad valorem</i> duty under the law of any other State or Territory of the Commonwealth .... . . . . .</p> <p>(c) if, in a case to which paragraph (b) does not apply, it is expressed to be payable at a fixed period of not more than 120 days after date or sight, in respect of each 10 days, or fractional part of 10 days, of that period (a period expressed by reference to months being reckoned on the basis of 30 days for a month), for every \$100 or fractional part thereof of the amount for which it is drawn ....</p> <p>(d) in any other case, for each \$50 or fractional part thereof of the amount for which it is drawn .... . . . . .</p> <p>↘</p>	<p>0·08</p> <p>0·08</p> <p>0·01</p> <p>0·08</p>	<p>} By the drawer, if drawn in the State; by the holder, in any other case.”.</p>
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(2) Subsection (1) of this section comes into force on a date to be proclaimed, but if the date so proclaimed is a date before 1st January 1975 the amendment made to the Principal Act by

that subsection has effect until 1st January 1975 as if for the references in the amendment to 8 cents there were substituted references to 6 cents.

(3) If subsection (1) of this section commences after the 1st January 1975 Item 5 in the Second Schedule to the Principal Act has effect during the period commencing on that day and ending on the commencement of that subsection as if for the references in that Item to 6 cents there were substituted references to 8 cents.

**6—**(1) The Second Schedule to the Principal Act is amended in Item 17 by omitting from the 3rd column of the Schedule the figures “0·06” and substituting therefor the figures “0·08”. Drafts or orders for payment of money, including cheques.

(2) This section commences on 1st January 1975.

**7—**(1) The Second Schedule to the Principal Act is amended in Item 39 by omitting from the 3rd column of the Schedule the figures “0·50” and substituting therefor the figures “1·50”. Duty on applications for registration, &c., of motor vehicles.

(2) This section commences on 14th October 1974.

**8** Part I of the Third Schedule to the Principal Act is amended— Exemptions.

(a) with respect to the exemption operating in relation to Item 13 in the Second Schedule, by adding in the 2nd column of that Part the words—

“Any conveyance of real property to the corporation of a municipality, otherwise than for its use solely or mainly—

(a) for the purposes of a trading undertaking within the meaning of Division XXII of Part XVI of the *Local Government Act* 1962;

(b) for the purpose of the provision of off-street car parking; or

(c) for any other purpose prescribed as a purpose in relation to which the exemption is not to apply.”; and

(b) with respect to the exemption operating in relation to Item 20 in the Second Schedule, by adding in the 2nd column of that Part the words—

“Any lease under section 26 of the *Mining Act* 1929 granted in respect of private land within the meaning of that Act.”.