

# LEGISLATIVE ASSEMBLY

Read 1<sup>o</sup> 10 April, 1974.

(Brought in by Mr. Hamer and Mr. Thompson.)

## A BILL

To amend the *Stamps Act* 1958 with respect to the Duty payable on certain Bills of Exchange and Promissory Notes.

5 **BE** it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Stamps (Bills of Exchange) Act* 1974. Short title.

(2) In this Act the *Stamps Act* 1958 is called the Principal Act. Principal Act  
No. 6375.  
Reprinted to  
No. 8274.  
Subsequently  
amended by  
Nos. 8408, 8411,  
8427, 8465,  
S.R. 315/1973.

10 (3) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*. Commence-  
ment.

2. The Principal Act is hereby amended as follows :— Amendment of  
No. 6375.

(a) Section 42 shall be repealed ;

15 (b) In sub-section (1) of section 43 after the words " bill of exchange " there shall be inserted the words " or

promissory note” and for the words “bill is signed” there shall be substituted the words “bill or note is signed”;

(c) In sub-section (1) of section 46—

(i) after the words “bill of exchange” where twice occurring, there shall be inserted the words “or promissory note”; and 5

(ii) for the words “with the same stamp duty as a promissory note” there shall be substituted “as a bill of exchange or promissory note in accordance with paragraph (4) under Heading I. of the Third Schedule”; 10

(d) In sub-section (2) of section 46—

(i) for the words “bill of exchange or renewal” there shall be substituted the words “bill of exchange promissory note or renewal”; 15

(ii) for the words “as a promissory note” there shall be substituted the expression “in accordance with paragraph (4) under Heading I. of the Third Schedule”; and 20

(iii) for the words “bill or renewal” (where twice occurring) there shall be substituted the words “bill note or renewal”;

(e) For sub-section (3) of section 46 there shall be substituted the following sub-section :— 25

“(3) The penalties and disabilities contained in sub-section (2) shall not affect any *bona fide* holder for value of any such bill note or renewal if such holder gives to the court judge or justice before whom any proceedings are taken against any person in respect of such bill note or renewal or before whom the same is questioned satisfactory proof— 30

(a) that he took or received the same in *bona fide* ignorance that such bill note or renewal was not duly stamped; and 35

(b) that he was not guilty of any wilful default or want of care in taking or receiving the same—

and thereupon the court judge or justice may direct the holder to stamp the bill note or renewal with the amount of the duty chargeable thereon 40

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in the first instance and to cancel those stamps and such bill note or renewal shall then so far as it relates to that holder be deemed to be duly stamped.” ;

5 (f) After section 46 there shall be inserted the following section :—

“ 46A. (1) Where a bill of exchange has been accepted as payable otherwise than as drawn, the bill shall be deemed for the purposes of this Act to be a bill of exchange drawn as accepted.

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(2) Where a bill of exchange has been endorsed and the endorsement has the effect of limiting the endorsee as a holder of the bill to require payment otherwise than as drawn, the bill shall be deemed for the purposes of this Act to be a bill of exchange drawn as endorsed.

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(3) Where the drawer of a bill of exchange or any other person has expressly or by implication signified that the bill may be accepted otherwise than as drawn, the bill shall be deemed for the purposes of this Act to have been drawn as so signified.

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(4) Where under any agreement expressed or implied a bill of exchange is to be paid otherwise than as drawn or accepted, the bill shall be deemed for the purposes of this Act to have been drawn or accepted, as the case may be, in accordance with the agreement.

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(5) Where a bill of exchange becomes liable to duty by the operation of any of the provisions of this section, the amount of *ad valorem* duty that is so payable shall be reduced by an amount equal to the *ad valorem* duty with which the bill has been stamped.”

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35 (g) In sub-section (1) of section 48—

“(i) for the words “bill of exchange” there shall be substituted the words “bill of exchange or promissory note” ;

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(ii) in paragraph (a) after the word “bill” there shall be inserted the words “or note” ;  
and

(iii) in paragraph (b) after the word “bill” (wherever occurring) there shall be inserted the words “or note”.

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(h) In sub-section (2) of section 48 after the word “bill” there shall be inserted the words “or note”.

3. In

Amendment of  
No. 6375.  
Third Schedule.

3. In the Third Schedule of the Principal Act under the heading  
"I. BILLS OF EXCHANGE AND PROMISSORY NOTES"—for paragraphs  
(1) and (2) there shall be substituted the following paragraphs :—

	\$ c.	
"(1) BILL OF EXCHANGE payable on demand (cheques etc.) and PROMISSORY NOTE payable on demand .. .. .	0.07	5
(2) BILL OF EXCHANGE and PROMISSORY NOTE drawn or made out of Victoria and duly stamped with <i>ad valorem</i> duty under the law of another State of the Commonwealth of Australia .. .. .	0.07	10
(3) BILL OF EXCHANGE AND PROMISSORY NOTE (not being a bill or note referred to in paragraph (2)) which is expressed to be payable at a fixed period of not more than 120 days after date or sight— In respect of each ten days and also of any fractional part of ten days of that period (a period expressed by reference to a month or months being reckoned on the basis of 30 days for a month), for every \$100 and also for any fractional part of \$100 of the amount or value of the money for which the bill or note is drawn or made ..	0.01	25
(4) BILL OF EXCHANGE and PROMISSORY NOTE of any other kind whatsoever (except a Bank Note)— For every \$100 and also for any fractional part of \$100 of the amount or value of the money for which the bill or note is drawn or made .. .. .	0.12."	30