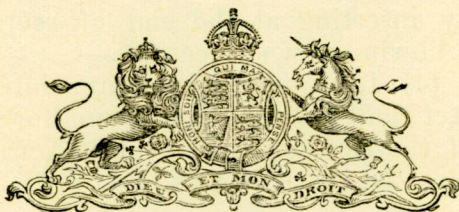


New South Wales.



ANNO VICESIMO PRIMO

GEORGII V REGIS.

Act No. 13, 1931.

An Act to impose certain Stamp Duties and certain Death Duties, and to amend the Stamp Duties Act, 1920-1924, the Companies (Death Duties) Act, 1901, and the Real Property Act, 1900, in certain particulars; to repeal the Stamp Duties (Deductions) Act, 1904; and for purposes connected therewith. [Assented to, 31st March, 1931.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Stamp Duties (Amendment) Act, 1931," and shall be read with the Stamp Duties Act, 1920-1924. Short title.

(2) The Stamp Duties Act, 1920-1924, as amended by this Act, may be cited as the Stamp Duties Act, 1920-1931.

Stamp Duties (Amendment).

Amendment of
Part I of Stamp
Duties Act,
1920-1924.

2. Part I of the Stamp Duties Act, 1920-1924, is amended—

Sec. 2, new
subsec. (4).
(Commis-
sioner.)

(a) by inserting at the end of section two the following new subsection:—

(4) The Commissioner appointed under this Act shall be the Commissioner for the purposes of the Acts repealed by this Act and the Acts repealed by such Acts.

Sec. 3.
(Definitions.)

(b) (i) by omitting from section three the definition of "Public Hospital" and by inserting in lieu thereof the following definition:—

"Public Hospital" means a hospital which is an incorporated hospital or a separate institution within the meaning of the Public Hospitals Act, 1929.

(ii) by inserting in the definition of "Marketable security" in the same section after the word "Stock" the words "as hereinafter defined in this Act and also any";

(iii) by inserting in the same section at the end of the definitions the following words: "References in this Act to gifts for the relief of poverty or the promotion of education include only gifts that have to be applied in New South Wales and that are intended to benefit the public or part of the public."

Amendment of
Part II of Stamp
Duties Act
1920-1924.

3. Part II of the Stamp Duties Act, 1920-1924, is amended—

Sec. 12, new
subsec. (6).
(Licenses to
deal in
stamps.)

(a) by inserting at the end of section twelve the following new subsection:—

(6) The Commissioner may cancel any license granted under this section, and any license may be granted on such terms and conditions as the Commissioner thinks advisable.

Sec. 13 (1).
(Recovery of
fines.)

(b) by inserting in subsection one of section thirteen after the word "Commissioner" the words "or of the Attorney-General";

(c)

Stamp Duties (Amendment).

- (c) by omitting from section fourteen the words "where the same does not exceed twenty-five pounds"; Sec. 14.
(Commissioner may remit fines.)
- (d) by omitting from section nineteen the words "ad valorem" wherever occurring. Sec. 19.
(Facts to be set out.)
- 4.** The Stamp Duties Act, 1920-1924, is further amended— Further amendment of Stamp Duties Act, 1920-1924.
- (a) (i) by inserting in subsection two of section twenty after the word "whatever" the words "except in a prosecution for perjury, false swearing, or making or uttering a false or untrue statutory declaration in case it is false and"; Sec. 20 (2).
(Powers of Commissioner.)
- (ii) by inserting in the same subsection after the words "full duty" the words "and fine";
- (iii) by inserting in the same subsection before the words "fine, forfeiture" the word "other";
- (b) (i) by inserting in section twenty-three after the word "adhesive" wherever occurring the words "or impressed"; Sec. 23.
(Fines.)
- (ii) by inserting at the end of the same section the following new subsection:—
(2) Nothing in this section shall affect the liability of any such person to be prosecuted under any other statute or at Common Law.
- (c) by inserting at the end of section twenty-five the following new subsections:— Sec. 25.
(Stamping after execution.)
- (3) This section shall extend to cases where an instrument has been marked "Interim stamp only" under the provisions of subsection five of section forty-one or subsection seven of section forty-two, but with the following modification, that is to say, the words "after such execution or receipt as aforesaid" are to be deemed to be omitted from paragraphs (b) and (c), and the words "after the instrument was marked 'Interim stamp only'" are to be deemed to be inserted in lieu thereof.

Stamp Duties (Amendment).

(4) Any instrument (whether the duty on it is to be or may be denoted by an adhesive or by an impressed stamp) may, except where other express provision is made by or under this or any other Act, be stamped with an impressed stamp under this section on payment of the duty and of the fines therein provided.

(5) Nothing in this section shall affect the liability of any person to any fine or penalty imposed by or under any other provision of this Act or the regulations or any other Act, and such fines and penalties may be imposed in addition to the fines provided by this section.

Sec. 28.
(Secondary
evidence.)

(d) by adding at the end of section twenty-eight the words "and if the document is one which may legally be stamped after execution";

Sec. 32.
(Money.)

(e) by omitting from section thirty-two the words "British currency" and by inserting in lieu the words "currency lawful in New South Wales";

Sec. 40 (1).
(Agreement.)

(f) by omitting from subsection one of section forty the word "conveyance";

(g) by inserting after section forty the following new section:—

Sec. 40A.
(Options.)

40A. (1) The interest created by an agreement by which an option is given or taken to purchase or sell any property in New South Wales other than stock or marketable security, shall be deemed to be property for the purposes of this Act, and the agreement shall be liable to duty as an agreement for the sale or conveyance of property in New South Wales accordingly.

(2) The ad valorem duty chargeable on the agreement, if any, made in pursuance of and by the exercise of the option shall be reduced by the amount of the ad valorem duty paid on the agreement creating the option.

Sec. 41(4)(a).
(Fixed
duty.)

(h) (i) by omitting from paragraph (a) of subsection four of section forty-one the words "one shilling" and by inserting in lieu the words

Stamp Duties (Amendment).

- words "ten shillings, provided that where the ad valorem duty charged on such agreement (or in case there is more than one of such agreements on the agreement carrying the highest ad valorem duty) is less than ten shillings, the said ad valorem duty or the said highest ad valorem duty as the case may be shall be chargeable in place of the said duty of ten shillings";
- (ii) by omitting from the second column of the matter contained in paragraph five under the heading "Conveyances of any property" in the Second Schedule the figures "£0 1 0" and by inserting in lieu the words and figures "£0 10 0 or (if it be lower) the ad valorem duty as hereinbefore by this Act provided"; Second Schedule.
- (iii) by adding at the end of the first column of the same matter after the word "Commissioner" the words "or he is satisfied that it has been duly stamped";
- (i) (i) by inserting in subsection five of section forty-one after the word "thereupon" the words "and upon payment of the fine (if any)"; Sec. 41 (5).
(Agreements for sale, &c., chargeable as conveyances.)
- (ii) by inserting at the end of subsection six of section forty-one the words "The Commissioner may exercise any of the powers conferred on him by section sixty-eight with respect to any such claim"; Sec. 41 (6).
- (iii) by omitting from paragraph (a) of subsection seven of section forty-one the words "or for any other reason is not substantially performed or carried into effect so as to operate as or be followed by a conveyance"; Sec. 41 (7).
- (iv) by omitting from paragraph (a) of subsection seven of the same section the words "within six months" and by inserting in lieu thereof the words "in or to the effect of the prescribed form within three months"; Sec. 41 (7).
- (v)

Stamp Duties (Amendment).

Sec. 42.
(Property
sold at one
price.)

- (v) by inserting in paragraph (c) of the same subsection after the word "purchaser" the words "or any person claiming under him";
- (vi) by inserting in paragraph (c) of the same subsection after the words "possession of" the words "or has attained tenant of";
- (vii) by inserting at the end of the same paragraph the words "nor unless the Commissioner is satisfied that the contract has not been rescinded or annulled only to avoid the stamp duty upon a subsale of the property";

(j) (i) by inserting after subsection two of section forty-two the following new subsection:—

(2A) Where any property is agreed to be purchased by two or more persons otherwise than as joint tenants, the contract for such purchase shall specify the aliquot part to be taken by each purchaser, and in the absence of such specification the purchasers shall for the purposes of this Act be deemed to have purchased the property in equal shares.

Sec. 42 (3).

(ii) by inserting in paragraph (b) of subsection three of the same section after the word "fine" the words "(other than that on the instrument of subsale to himself)";

Sec. 42 (4).

(iii) by omitting subsection four of the same section and inserting the following new subsection in lieu:—

(4) Where the instruments of the sale and of the subsales have been duly stamped with ad valorem duty in conformity with the foregoing provision, the conveyance by the original vendor to the ultimate purchaser shall be chargeable with a duty of ten shillings, and on payment thereof shall be marked as duly stamped: Provided that where the ad valorem duty on such of the said instruments as carries the highest

ad

Stamp Duties (Amendment).

ad valorem duty is less than ten shillings, the amount of such highest ad valorem duty shall be chargeable in place of the said duty of ten shillings.

- (iv) by inserting in subsection five of the same Sec. 42 (7) section after the words "original purchaser" the words "or to the original purchasers in shares other than those in which they purchased the property";
- (v) by omitting from the same subsection the words "any agreement" and inserting in their stead the words "every direction or agreement";
- (vi) by inserting in the same subsection after the words "such agreements," wherever occurring, the words "or directions";
- (vii) by omitting from the same subsection the word "hereinbefore" and by inserting at the end of the subsection the words "by this Act";
- (viii) by inserting in subsection seven of section Sec. 42 (7) forty-two after the word "thereupon" the words "and upon payment of the fine (if any)";
- (k) (i) by inserting in subsection three of section Sec. 45A. 45A after the words "rubber stamp" the (Betting tickets.) words "or otherwise than by means of a printing press";
- (ii) by inserting at the end of the same section Sec. 45A, new subsec. (6). the following new subsection:—
- (6) Any servant or agent of a bookmaker who issues a betting ticket except in relation to a bet made by the bookmaker personally, shall be liable to a fine of not less than two pounds nor more than ten pounds.
- (l) by omitting subsection three of section fifty- Sec. 51 (3). one;
- (m) (i) by inserting in section fifty-three after Sec. 53. the words "New South Wales" the words (Bills of lading.) "or coastwise within New South Wales";
- (ii)

Stamp Duties (Amendment).

Second
Schedule.

- (ii) by inserting in the matter appearing under the heading "Bill of Lading or Receipt" in the Second Schedule after the words "New South Wales" the words "or coastwise within New South Wales" and by inserting at the end of the same matter the following exemption:—

Exemption.—Any bill of lading or receipt for the carriage of goods coastwise within New South Wales where the freight payable on such goods does not exceed the sum of five shillings.

- (iii) by omitting subsection one of section fifty-four;

Sec. 54 (3).

- (iv) by omitting from subsection three of section fifty-four the word "sign" and inserting in lieu the word "execute";

Sec. 54 (3).

- (v) by inserting in the same subsection after the words "duly stamped" the words "before or at the time of the execution by him";

Sec. 54 (3).

- (vi) by omitting from the same subsection the word "signing" and inserting in lieu the word "executing";

- (vii) by inserting in the same section at the end thereof the following new subsection:—

Sec. 54, new
subsec. (4).

(4) The duty on a bill of lading may be denoted by an adhesive stamp, which is to be affixed and cancelled before or at the time of execution by the person by whom the instrument is first executed.

New s. 57A.
(Charter
party.)

- (n) (i) by inserting after section fifty-seven the following new section:—

57A. Whosoever makes or executes any charter party not duly stamped is liable to a fine not exceeding fifty pounds.

Second
Schedule.

- (ii) by inserting in the matter appearing under the heading "Charter Party" in the Second Schedule after the word "beyond" the words "or coastwise within";

(o)

Stamp Duties (Amendment).

- (o) (i) by omitting from subsection two of section Sec. 53. fifty-eight the word "the" where secondly (Certificate of incorporation.) appearing and by inserting in lieu thereof the word "every";
- (ii) by inserting in the matter appearing under the heading "Companies" in the Second Schedule. Second Schedule before the words "Certificate of incorporation" where those words first occur the word "Every";
- (p) by omitting subsection two of section Sec. 59. fifty-nine and by inserting in lieu thereof the (Company increase of capital.) following new subsection:—
- (2) Such statement of the amount of any increase of registered capital shall be duly stamped with the duty charged thereon within fifteen days after adoption of the resolution by which the registered capital is increased, and in default thereof the company shall be liable to a fine of an amount fixed by the Commissioner not exceeding five pounds as and by way of additional duty.
- (q) by inserting in section sixty-five after the Sec. 65. words "any person" the words "and also (Definition of conveyance and convey.) includes a covenant to pay money not made for a full consideration in money or moneys worth, the money covenanted to be paid to be regarded as the property conveyed";
- (r) (i) by inserting in subsection one of section Sec. 66 (1). sixty-six before the word "value" the (Conveyance how charged.) word "unencumbered";
- (ii) by inserting in paragraph (b) of subsection Sec. 66 (2). two of the same section before the words "value of the property," wherever occurring, the word "unencumbered";
- (iii) by omitting subsection three of section Sec. 66 (3). sixty-six and by inserting in lieu thereof the following new subsection:—
- (3) (a) Notwithstanding anything in this Act (other than section seventy-three) contained a conveyance made without consideration in money or money's worth (not being

Stamp Duties (Amendment).

being a gift or instrument referred to in paragraph (b) of this subsection) shall be charged with ad valorem duty as follows:—

- (i) duty shall be charged on the amount or value of all encumbrances (whether certain or contingent) subject to which the property is conveyed as aforesaid at the rate of ad valorem duty provided in the Second Schedule to this Act for a conveyance of property similar to that conveyed on a sale for a consideration in money or money's worth of not less than the unencumbered value of the property; and in addition,
- (ii) duty shall be charged on the value of the property conveyed by such conveyance at the rate of duty specified in the Fourth Schedule to this Act for an estate whose final balance is equal to the total amount obtained by aggregating together—
 - (a) the value of the property comprised in such conveyance; and
 - (b) the value of all property in New South Wales whatsoever (not being property comprised in a gift or instrument referred to in paragraph (b) of this subsection) conveyed by the same conveyor to any person whomsoever at any time within the period of three years preceding the date of such conveyance without consideration in money or money's worth; and
 - (c) the unencumbered values of all property in New South Wales whatsoever (not being property comprised in an instrument referred to in paragraph (b) of this subsection) conveyed by the same

Stamp Duties (Amendment).

same conveyer to any person whomsoever at any time within the said period of three years upon a consideration in money or money's worth of less than the unencumbered value of the property so conveyed after deducting the value of the consideration in money or money's worth therefor ascertained in accordance with this Act ;

(b) The gifts and instruments referred to in paragraph (a) of this subsection are gifts to a public hospital or for the relief of poverty or the promotion of education in New South Wales or instruments exempted in the "General Exemptions from Stamp Duty under Part III" contained in the Second Schedule to this Act ;

- (iv) by inserting in section sixty-six after ^{Sec. 66 3A)} subsection three the following new subsections :—

(3A) Notwithstanding anything in this Act (other than section seventy-three) contained a conveyance made upon a bona fide consideration in money or money's worth of less than the unencumbered value of the property conveyed (not being an instrument referred to in paragraph (b) of subsection three of this section) shall be charged with ad valorem duty as follows :—

- (i) Duty shall be charged on the amount or value of such consideration for such conveyance ascertained in accordance with this Act at the rate of ad valorem duty provided in the Second Schedule to this Act for a conveyance of property similar to that so conveyed on a sale for a consideration in money or money's worth

Stamp Duties (Amendment).

worth of not less than the unencumbered value of the property; and in addition,

- (ii) duty shall be charged on the difference between the unencumbered value of the property conveyed ascertained in accordance with this Act and the said amount or value of the consideration for such conveyance at the rate of duty specified in the Fourth Schedule to this Act for an estate whose final balance is equal to the total amount obtained by aggregating together—
- (a) the amount of the said difference between the unencumbered value of the property and the value of such consideration; and
 - (b) the values of all property in New South Wales whatsoever (not being property comprised in a gift or instrument referred to in paragraph (b) of subsection three of this section) conveyed by the same conveyor to any person whomsoever at any time within the period of three years preceding the date of such conveyance without consideration in money or money's worth; and
 - (c) the unencumbered value of all property in New South Wales whatsoever (not being property comprised in an instrument referred to in paragraph (b) of subsection three of this section) conveyed by the same conveyor to any person whomsoever at any time within the said period of three years upon a consideration in money or money's worth of

Stamp Duties (Amendment).

of less than the unencumbered value of the property so conveyed therefor, after deducting the value of such consideration in money or money's worth ascertained in accordance with this Act.

(3B) Notwithstanding anything in this Act (other than section seventy-three) contained a conveyance made upon a bona fide consideration in money or money's worth of not less than the unencumbered value of the property conveyed shall be charged with ad valorem duty on the amount or value of the consideration ascertained in accordance with this Act at the rate of ad valorem duty provided in the Second Schedule for a conveyance of property similar to that so conveyed on a sale for a consideration in money or money's worth of not less than the unencumbered value of the property. Sec. 66 (3B).

(3c) Any conveyance, being a gift or instrument referred to in paragraph (b) of subsection three of this section, shall (but without prejudice to the operation of any other provision of this Act) be charged with ad valorem duty on the value of the property conveyed at the rate of duty provided in the Second Schedule to this Act for a conveyance of property similar to that so conveyed on a sale for a consideration in money or money's worth of not less than the unencumbered value of the property. Sec. 66 (3c).

- (v) by omitting from subsection four of section sixty-six the words "to be deemed a conveyance on sale" and by inserting in lieu the words "to be charged with ad valorem duty under the preceding provisions of this section as a conveyance of all the property comprised therein"; Sec. 66 (4).
- (vi)

Stamp Duties (Amendment).

Second
Schedule.
(Conse-
quential.)

(vi) by omitting from the matter in the first column under the heading "Exchange" in the Second Schedule to this Act the words "upon the value of any property conveyed by way of exchange" and by inserting in lieu the words "or any instrument partly effecting such an exchange";

Sec. 71.
(Annuity
not in
existence.)

(s) by inserting in section seventy-one after the word "sale" the words "or upon the gift or creation";

Sec. 72.
(Fixed duty.)

(t) by omitting from section seventy-two the words "ten shillings" and by inserting in lieu the words "one pound";

Sec. 73 (1)(a).
(Certain
conveyances
not charge-
able ad
valorem.)

(u) (i) by omitting paragraph (a) of subsection one of section seventy-three and by inserting in lieu thereof the following new paragraphs:—

(a) (i) an instrument appointing a new trustee; or

(ii) an instrument appointing an additional trustee; or

(iii) an instrument by which a trustee retires from a trust without any new trustee being appointed in his place; or

(iv) a declaration by an executor under section eleven of the Trustee Act, 1925.

Second
Schedule.
(Conse-
quential
amendment.)

(ii) by omitting subparagraph (a) of paragraph four of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" and by inserting in lieu thereof the following new subparagraph:—

(a) (i) an instrument appointing a new trustee; or

(ii) an instrument appointing an additional trustee; or

(iii) an instrument by which a trustee retires from a trust without any new trustee being appointed in his place; or

(iv)

Stamp Duties (Amendment).

- (iv) a declaration by an executor under section eleven of the Trustee Act, 1925.
- (iii) by omitting from paragraph (a) under the subheading "Exemptions" to the heading "Appointment of Trustees" in the Second Schedule the words "or pursuant to"; Second Schedule. (Consequential amendment.)
- (v) (i) by omitting paragraph (b) of subsection one of section seventy-three and by inserting the following new paragraph in lieu :— Sec. 73 (1). (Certain conveyances not chargeable with ad valorem duty.)
- (b) A conveyance not made for valuable consideration and made to a beneficiary by a trustee under and in conformity with the trusts contained in a conveyance or declaration of trust on which ad valorem duty has been paid or contained in a will or arising on an intestacy and in either case in respect of property on which death duty or duty under any Act imposing duties on the estates of deceased persons has been paid or which shall be exempt from death duty by such Act.
- (ii) by omitting subparagraph (b) of paragraph four of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" and by inserting in lieu the following new subparagraph :— Second Schedule. (Consequential.)
- (b) A conveyance not made for valuable consideration and made to a beneficiary by a trustee under and in conformity with the trusts contained in a conveyance or declaration of trust on which ad valorem duty has been paid or contained in a will or arising on an intestacy and in either case in respect of property on which death duty

Stamp Duties (Amendment).

duty or duty under any Act imposing duties on the estates of deceased persons has been paid or which shall be exempt from death duty by such Act.

Sec. 73 [1]
(c).

- (iii) by omitting from paragraph (c) of subsection one of section seventy-three all words following the word "whereby" and by inserting in lieu the words "no greater benefit, legal or equitable, accrues to the person in whose favour the instrument is made or executed than he originally had or was entitled to have by virtue of some other instrument which is duly stamped with ad valorem duty as a conveyance or declaration of trust";

Second
Schedule.
(Conse-
quential.)

- (iv) by omitting from subparagraph (c) of paragraph four of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" all words following the word "whereby" and by inserting in lieu the words "no greater benefit, legal or equitable, accrues to the person in whose favour the instrument is made or executed than he originally had or was entitled to have by virtue of some other instrument which is duly stamped with ad valorem duty as a conveyance or declaration of trust";

Sec 73 [1]
(e).

- (v) by omitting paragraph (e) of subsection one of section seventy-three and inserting the following new paragraph in lieu:—

(e) A conveyance whereby the apparent purchaser of property that is vested in him upon trust for the person who was the real purchaser and who has actually paid the purchase money therefor, conveys the same to the real purchaser;

(vi)

Stamp Duties (Amendment).

- (vi) by omitting subparagraph (e) of paragraph four of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" and by inserting in lieu the following new subparagraph :—
 - (e) A conveyance whereby the apparent purchaser of property that is vested in him upon trust for the person who was the real purchaser and who has actually paid the purchase money therefor, conveys the same to the real purchaser.
- (vii) by omitting paragraph (b) under the sub-heading "Exemptions" to the heading "Policies of Insurance" contained in the Second Schedule ;
- (viii) by inserting at the end of subsection three of section seventy-three the words "or to extend to any instrument referred to in paragraph two of the matter appearing in the Second Schedule under the heading Declaration of Trust";
- (w) (i) by inserting in section 75A after the word "payments" the words "or for other consideration";
- (ii) by omitting from the Second Schedule the matter appearing under the heading "Hire-purchase Agreements" and by inserting in lieu the following :—

| HIRE-PURCHASE AGREEMENTS— | £ | s. | d. | } | The person to or by whom the goods, wares or merchandise are supplied. |
|---|---|----|----|---|--|
| For or relating to the supply of goods, wares, or merchandise on hire— | | | | | |
| Under hand (adhesive stamp may be used) | 0 | 1 | 0 | | |
| Under seal | 1 | 0 | 0 | | |
| (See section 75A.) | | | | | |
| <i>Exemption.</i> —Hire-purchase Agreement under hand where the aggregate of the payments made and to be made as consideration does not exceed £10. | | | | | |

Stamp Duties (Amendment).

- Sec. 76 (1).
(Lease.)
- (x) by inserting in subsection one of section seventy-six after the word "property" the words "and includes any instrument (not being an instrument liable to ad valorem duty as a conveyance) whereby a right to use at or during any time or times any property in New South Wales for any purpose whatever is conferred on or acquired by any person (who shall be deemed to be the lessee)";
- Sec. 78.
(Duty not to be charged on penal rents.)
- (y) by omitting from section seventy-eight the words "or by reason of being made in consideration of the surrender or abandonment of any existing lease of or relating to the same subject-matter";
- Sec. 79 (2).
(Royalty.)
- (z) by adding at the end of subsection two of section seventy-nine the words "in addition to the duty chargeable in respect of the rent and of so much of the consideration as is capable of being valued";
- Sec. 81 (2).
(Letter of allotment.)
- (aa) by inserting in subsection two of section eighty-one after the words "letter of," wherever occurring, the words "allotment or letter of";
- Sec. 85 (1).
(Partition.)
- (bb) (i) by inserting in subsection one of section eighty-five after the word "equality" the words "or where the divided parts of the property are unequal in unencumbered value";
- (ii) by omitting from the same subsection the words "as a conveyance for such consideration, and" and by inserting in lieu the words "as if it were a conveyance of similar property of an unencumbered value equal to the difference between the unencumbered values of the divided parts of the property upon (when such is the case) consideration equal to that paid or given or agreed to be paid or given for equality, and in addition";
- Sec. 85 (2).
- (iii) by omitting from subsection two of the same section the words "ten shillings" and by inserting in lieu the words "one pound";
- (iv)

Stamp Duties (Amendment).

- (iv) by omitting all the matter under the heading "Partition" in the Second Schedule and by inserting the following in lieu :—

PARTITION—

(1) The principal or only instrument effecting a partition of any property.

The same duty as if it were a conveyance of similar property of an unencumbered value equal to the difference between the unencumbered values of the divided parts of the property upon (when such is the case) consideration equal to that given or to be given for equality and in addition a fixed duty of £1.

The persons making the partition or any one or more of them.

(2) In any other case 1 0 0

- (cc) by inserting in paragraph one of section eighty-six after the word "every" the words "certify or declaration as to the existence of or an agreement for any insurance or any"; Sec. 86. (Definition of policy of insurance, &c.)
- (dd) by inserting in subsection one of section eighty-seven after the word "insurance" the words "issued in New South Wales"; Sec. 87 (1). (Adhesive stamps.)
- (ee) by inserting after section eighty-eight the following new section :— New s. 88A. (Penalty for registering unstamped assignment or transfer of policy.)
- 88A. Any company or person registering or recording any assignment or transfer of a policy of insurance before such assignment or transfer has been duly stamped shall be liable to a fine not exceeding five pounds.
- (ff) by omitting from subsection three of section ninety-two the words "one calendar month" and by inserting in lieu thereof the words "three calendar months"; Sec. 92 (3). (Offences relating to receipts.)

(gg)

Stamp Duties (Amendment).

Sec. 94A (1).

(gg) by omitting subsection one of section 94A and by inserting the following new subsection in lieu thereof:—

Issue of
shares by
direction.

(1) If a company under obligation to some person to issue or allot any of its shares to or at the direction of such person issues or allots any of the shares to some other person except upon the duly stamped direction in writing of the person entitled to have the shares so issued or allotted, the company shall be liable to a fine not exceeding one hundred pounds.

New s. 97A.
(Returns by
share-
brokers.)

(hh) by inserting next after section ninety-seven the following new sections:—

97A. (1) Every sharebroker shall, in the case of sales of marketable securities made by him in respect of which no instrument of transfer is executed, make at the prescribed times and in the prescribed manner and form a return to the Commissioner, verified by statutory declaration, showing the prescribed particulars of such sales, and pay to the Commissioner a sum equal to the amount which would have been payable as stamp duty if a transfer on each of such sales had been executed and duly stamped.

(2) Any sharebroker who pays any amount to the Commissioner under this section may retain the same out of any moneys in his hands belonging to the purchaser of the marketable security.

(3) Any sharebroker who fails to comply with the provisions of this section shall be liable to a fine not exceeding one hundred pounds.

New s. 97B.
(Assignment
of mortgages,
&c., to be
marked
before
registration.)

97B. No assignment or transfer of a mortgage or of a debenture shall be registered or recorded in any office unless the assignment or transfer is stamped as a conveyance or is marked by the Commissioner as exempt from stamp

Stamp Duties (Amendment).

stamp duty. If any person or corporation registers or records such assignment or transfer in contravention of this section that person or corporation (and in the case of the corporation the directors or managers thereof) shall be liable to a fine not exceeding twenty pounds.

5. The Second Schedule of the Stamp Duties Act, 1920-1924, is amended as follows:—

- (a) by inserting in the first column at the end of paragraph two of the matter appearing under the heading "Agreement or Memorandum of an Agreement" the following words:—

Further amendment of Stamp Duties Act, 1920-1924;

(Agreements, &c., not otherwise charged.)

Exemption.—Any agreement made by a shire council or a municipal council with the Crown or with any corporation or person representing the Crown that would but for this exemption have been chargeable only with the said fixed duty of one shilling or one pound is exempt from such duty.

- (b) by inserting in the first column of the Second Schedule under the heading "Agreement for the sale or conveyance (including exchange) of any property" the following words:—

(Agreement for sale, &c.)

Provided that any agreement or memorandum under seal, made for or relating to the sale of any goods, wares, or merchandise, is to be charged only with a duty of one pound (for which the parties thereto shall be primarily liable), but so that if the agreement or memorandum comprises also other property it shall be chargeable with the said duty of one pound in respect of the goods, wares, and merchandise only if and when in respect of such goods, wares, and merchandise there are fully set out in it particulars of such property and

Stamp Duties (Amendment).

and the value thereof and an apportionment of the purchase money in respect thereof;

(Bill of exchange, &c.)

(c) by inserting in clause (c) of the Exemptions appearing under the heading "Bill of Exchange and Promissory Notes" after the words "on the" the words "Commonwealth Savings Bank of Australia or on the";

(Conveyance of any property.)

(d) by omitting paragraphs one, two, and three of the matter appearing under the heading "Conveyances of any Property" and by inserting in lieu thereof the following new paragraphs:—

(1) Upon every conveyance of any property (other than shares or rights to shares referred to in paragraph (1) under the heading "Transfer of Shares" herein) on a sale for a consideration in money or money's worth of not less than the unencumbered value of the property—

Where the amount of such consideration does not exceed £50

0 10 0

Exceeds £50 and does not exceed £100

1 0 0

For every £100 and also for any fractional part of £100 of such amount

1 0 0

(2) Upon every conveyance of any property whatsoever made without consideration in money or money's worth (not being a gift or instrument referred to in paragraph (b) of subsection 3 of section 66)—

On the amount or value of all encumbrances (certain or contingent) subject to which the property is conveyed

At the rate specified in paragraph (1) above in the case of property other than shares or rights to shares and in the case of shares or rights to shares at the rate specified in paragraph (1) of the matter under the heading "Transfer of Shares" herein.

The purchaser or in the case of an exchange the person deemed to be the purchaser.

The parties to the conveyance or any one or more of them.

And

Stamp Duties (Amendment).

And in addition—
On the value of the property conveyed

At that rate per centum of the total amount obtained by aggregating together—

- (a) the value of the property so conveyed; and
- (b) the value of all property in New South Wales whatsoever (not being a gift or instrument referred to in paragraph (b) of subsection (3) of section 66) conveyed by the same conveyor to any person whomsoever at any time within the period of three years preceding the date of such conveyance without consideration in money or money's worth; and also
- (c) the unencumbered values of all property in New South Wales whatsoever (not being an instrument referred to in paragraph (b) of subsection (3) of section 66) conveyed by the same conveyor to any person whomsoever at any time within the said period of three years

upon

Stamp Duties (Amendment).

(3) Upon every conveyance of any property whatsoever made upon a consideration in money or money's worth of less than the unencumbered value of the property conveyed (not being an instrument referred to in paragraph (b) of subsection (3) of section 66)—

On the amount or value of such consideration ascertained in accordance with this Act.....

upon a consideration in money or money's worth of less than the unencumbered value of the property thereby conveyed after deducting the value of the consideration in money or money's worth therefor ascertained in accordance with this Act;

as would be chargeable by way of death duty if the said total amount so obtained were the final balance of the estate of a deceased person dying after the passing of the Stamp Duties (Amendment) Act, 1931, domiciled in New South Wales.

The parties to the conveyance or any one or more of them.

At the rate specified in paragraph (1) above in the case of property other than shares or rights to shares and in the case of shares or rights to shares at the rate specified in

paragraph

Stamp Duties (Amendment).

And in addition—

On the difference between the un-encumbered value of the property conveyed ascertained in accordance with this Act and the said amount or value of such consideration for the conveyance

paragraph (1) of the matter under the heading "Transfer of Shares" herein.

At that rate per centum of the total amount obtained by aggregating together—

(a) the amount of the said difference between the unencumbered value of the property and such consideration; and

(b) the values of all property in New South Wales whatsoever (not being property comprised in a gift or instrument referred to in paragraph (b) of subsection 3 of section 66) conveyed by the same conveyor to any person whomsoever at any time within the period of three years preceding the date of such conveyance without consideration in money or money's worth and also

(c)

Stamp Duties (Amendment).

(c) the unencumbered value of all property in New South Wales whatsoever (not being property comprised in an instrument referred to in paragraph (b) of subsection (3) of section 66) conveyed by the same conveyor to any person whomsoever at any time within the said period of three years upon a consideration in money or money's worth of less than the unencumbered value of the property so conveyed therefor after deducting the value of such consideration in money or money's worth ascertained in accordance with this Act as would be chargeable by way of death duty if the said total amount so obtained were the final balance of the estate of a deceased person dying after the passing of the Stamp Duties (Amendment) Act, 1931, domiciled in New South Wales.

(e)

Stamp Duties (Amendment).

(e) by omitting paragraph two of the matter appearing in the Second Schedule under the heading "Declaration of Trust" and by inserting in lieu thereof the following new paragraphs:—

| | | |
|--|--|--|
| 2) Any instrument declaring that any property vested or to be vested in the person executing the same is or shall be held in trust for the person or persons or purpose or purposes mentioned therein notwithstanding that the beneficial owner or person entitled to appoint such property may not have joined therein or assented thereto. | The same duty as if the instrument was a conveyance of the property comprised therein. | The person declaring the trust—or the person directing such declaration. |
| 3) Any such instrument as aforesaid by which (a) the same trusts are declared as have been declared in respect of the same property by an instrument duly stamped with ad valorem duty under this Act or (b) the trusts declared are the same trusts as those upon or subject to which the same property was conveyed to the person declaring the trust by an instrument duly stamped with ad valorem duty under this Act. | 1 0 0 | The person declaring the trust. |

(f) (i) by inserting in the first column of the matter appearing in the Second Schedule under the heading "Foreclosure Order" before the word "value" the word "unencumbered";

(ii) by inserting in the second column of the same matter after the word "conveyance" the words "under paragraph (1) of the matter herein under the heading 'Conveyances of any Property'";

(g) by inserting in the first column of the matter appearing under the heading "Guarantee" in the Second Schedule after the words "Adhesive stamp," and within the brackets, the words "may be used";

(h) (i) by omitting from the second column of paragraph (1) of the matter in the Second Schedule under the heading "Lease or Promise of or Agreement for Lease or Hire" the figures "£0 2 6," wherever occurring, and by inserting in lieu thereof the figures "£0 5 0" in each of the four places;

(ii)

Stamp Duties (Amendment).

- (ii) by inserting in the second column of paragraphs (2) and (3) of the same matter after the word "conveyance" the words "under paragraph (1) under the heading 'Conveyances of any Property' herein";
- (iii) by omitting from the second column of paragraph (4) of the same matter the words "on a conveyance" and by inserting in lieu the words "would be chargeable under paragraph (2) under the heading 'Conveyances of any Property' herein on a conveyance of property of an unencumbered value equal to the value of the lease in question," and by adding at the end of the first column of the same paragraph after the word "consideration" the words "in money or money's worth";
- (iv) by omitting from the first column of paragraph (5) of the same matter the words following the words "indeterminable amount" and by inserting in lieu the words "In addition to the duty that is to be charged on the rent according to the scale set out in paragraph (1) there shall be charged the fixed duty of £1 0 0 and also on the value of so much of the consideration as is capable of being valued";
- (v) by omitting from the second column of paragraph (5) of the same matter the figures "£1 0 0" and by inserting in lieu the words "the same duty as is chargeable under paragraph (1) under the heading 'Conveyances of any Property' herein on property sold for a consideration equal to such value";
- (vi) by inserting in the same matter under the heading "Lease or Promise of or Agreement for Lease or Hire" to follow paragraph seven thereof the following new paragraph:—

(Meters.)

| | | |
|---|---------|--|
| (8) Agreement for the hire of an electricity, gas, or water meter, under hand or under seal (adhesive stamp may be used). | £ s. d. | The person to whom the meter is hired. |
| | 0 1 0 | |

(vii)

Stamp Duties (Amendment).

- (vii) by omitting from the paragraph headed "Exemption" appearing under the same heading the words "a lease of a house used solely as a dwelling, and a lease granted under the Crown Lands Act are exempt" and by inserting in lieu thereof the letters and words:—
- (Lease, &c., exemptions.)
- " (a) a lease for a private dwelling-house only for a term of less than one year; or
- (b) a lease from the Crown under the Crown Lands Consolidation Act, 1913, or any Act amending the same; or
- (c) a lease from the Crown under the Returned Soldiers Settlement Acts; or
- (d) a lease from the Crown under the Prickly-pear Act, 1924-1930; or
- (e) an occupation permit or forest lease from the Crown under the Forestry Act, 1916; or
- (f) a lease from the Crown under the Closer Settlement Acts,
- is exempt."
- (i) by omitting from the second column of paragraph five of the matter appearing under the heading "Letter or Power of Attorney" the figures "£0 10 0" and by inserting in lieu the figures "£1 0 0";
- (Power of attorney.)
- (j) (i) by inserting in paragraph two of the matter appearing under the heading "Policies of Insurance" after the words "adhesive stamp," and within the brackets, the words "may be used."
- (Insurances.)
- (ii) by inserting at the end of the exemptions appearing in the matter under the heading of "Policies of Insurance" the following paragraphs:—
- (f) Any cover-note in pursuance of which a duly stamped policy is issued within one month of the date of the cover-note.
- (g)
- (Policy of insurance exemptions.)

Stamp Duties (Amendment).

(g) Any policy issued to the original insured or his personal representative in pursuance of a cover-note which has been duly stamped as a policy.

Real Property Act instruments.

(k) (i) by omitting paragraphs (3) and (4) of the matter under the heading "Real Property Act, 1900" and by inserting in lieu the following new paragraph :—

| | | |
|---|---|-----------------------------------|
| (3) Memorandum of transfer— | | |
| (a) Duty shall be charged in accordance with the provisions under the heading "Conveyances of any Property" herein upon and in respect of every memorandum of transfer as a conveyance of the property therein, and the person or persons specified by such provisions for the case shall be primarily liable for the duty on the transfer. | | |
| (b) By way of exchange of the property therein. | The same duty as on an exchange herein. | The transferee. |
| (c) By way of partition or division ... | The same duty as on a partition herein. | The persons making the partition. |
| (4) Foreclosure order | The same duty as on a foreclosure order herein. | The mortgagee. |

(ii) by omitting paragraph seven of the matter under the same heading and by inserting in lieu the following new paragraph :—

| | | |
|--|---|-----------------------------------|
| (7) Transfer or surrender of lease— | | |
| (a) Duty shall be charged in accordance with the provisions under the heading "Conveyances of any Property" herein upon and in respect of the transfer or surrender as a conveyance of the property therein and the person or persons specified by such provisions for the case shall be primarily liable for the duty on the transfer or surrender. | | |
| (b) By way of exchange of the property therein. | The same duty as on an exchange herein. | The transferee. |
| } By way of partition or division ... | The same duty as on a partition herein. | The persons making the partition. |

(iii)

Stamp Duties (Amendment).

(iii) by inserting in the matter appearing under the heading "Real Property Act, 1900" (Sale, &c., of mortgages.) after paragraph seven the following new paragraph:—

| | | |
|---|--|-----------------|
| (8) Transfer of a mortgage or an encumbrance made otherwise than by way of mortgage or discharge of mortgage. | The same duty as is payable on a conveyance. | The transferee. |
|---|--|-----------------|

(iv) by inserting after paragraph fourteen of the matter appearing in the Second Schedule under the heading "Real Property Act, 1900," the following new paragraph:—

| | | |
|--|-------|----------------|
| (15) A transmission application to a devisee who is also the sole executor or administrator. | 1 0 0 | The applicant. |
|--|-------|----------------|

(v) by inserting at the end of paragraph (b) of the exemption appearing in the Second Schedule under the same heading the words "other than an application for transmission to a devisee who is also the sole executor or administrator";

(l) (i) by omitting paragraph (e) of the exemptions appearing under the heading "Receipt or Discharge" (Receipt or discharge exemptions.);

(ii) by inserting in paragraph (o) of the exemptions appearing under the same heading after the word "workman" the following words: "or his legal personal representative or his dependents";

(iii) by inserting at the end of paragraph (q) of the exemptions appearing under the same heading the words "or the Deserted Wives and Children Act, 1901";

(iv) by inserting at the end of the exemptions appearing under the same heading the following new paragraph:—

(t) Any receipt given for or upon the payment of money to or for the use of the Royal Life Saving Society, New South Wales head centre, or the Surf Life Saving Association of Australia or clubs affiliated thereto. (Royal Life Saving associations, &c.)

(m)

Stamp Duties (Amendment).

(m) by omitting the matter appearing under the heading "Direction as to Issue or Allotment of Shares" and by inserting the following in lieu :—

Any instrument whereby a person entitled to have any shares issued or allotted to him by any company directs the company to issue the shares to any other person shall be chargeable with duty, as follows :—

(a) If the direction is made upon a consideration in money or money's worth of not less than the unencumbered value of the shares directed to be issued or allotted.

(b) In any case other than that mentioned in the preceding subparagraph (a).

The person to whom the shares are to be issued or allotted.

The same duty as is payable under paragraph (1) under the heading "Transfer of Shares" herein on a transfer of shares for a consideration of equal amount.

The same duty as is payable under paragraph (2) under the heading "Conveyances of any Property" herein on a conveyance of unencumbered property of a value equal to that of the shares directed to be issued or allotted.

Exemption.—A direction for the issue or allotment of shares in a mining company as defined in section 3 made upon a consideration in money or money's worth of not less than the unencumbered value of the shares directed to be issued or allotted.

Transfer of shares.

(n) by omitting all the matter under the heading "Transfer of Shares" except the last paragraph under the subheading "Exemptions" and by inserting the following in lieu :—

TRANSFER OF SHARES—

(1) Upon the transfer of any shares or of the right to any shares in the stock or funds of any corporation or company incorporated in New South Wales or which being incorporated out of New

The transferee

South

Stamp Duties (Amendment).

South Wales has a share register in New South Wales wherein such share or right is registered on a sale thereof for a consideration in money or money's worth of not less than the unencumbered value of the shares or the right to the shares comprised in the transfer—

- For every £10 and also for any fractional part of £10 of the consideration for the transfer ...
- (2) Upon the transfer of shares or of rights to shares made without consideration in money or money's worth.

- (3) Upon the transfer of shares or of rights to shares made upon a consideration in money or money's worth of less than the unencumbered value of the shares or the rights to shares comprised in the transfer.

- (4) Upon the transfer of shares without valuable consideration from an administrator or trustee to the person beneficially entitled thereto under and in conformity with the trusts contained in a conveyance or declaration of trust on which ad valorem duty has been paid or contained in a will or arising on an intestacy and in either case in respect of shares on which death duty or duty under any Act imposing duties on the estates of deceased persons has been paid or which shall be exempt from death duty by such Act.

- (5) Where a transfer of shares includes a right to shares and the transfer is duly stamped in respect of such rights—
On any transfer necessary to vest such rights in the transferee ...

0 1 0
The same duty as is payable under paragraph (2) under the heading "Conveyances of any Property" herein on the conveyance of the shares or rights to shares.

The same duty as is payable under paragraph (3) under the heading "Conveyances of any Property" herein on the conveyance of the shares or rights to shares.

1 0 0
or ad valorem duty at the rate of 1s. for every £10 (or part thereof) of the value of the shares, whichever is the lower.

The parties to the transfer or any one or more of them.

The transferee.

The transferee.

0 2 6

- (o) by omitting from both subparagraphs (a) and (b) of the paragraph headed "Exemptions" under the same heading the words "on sale"

Stamp Duties (Amendment).

sale” and by inserting at the end of each subparagraph the words “on a sale thereof for a consideration in money or money’s worth of not less than the unencumbered value of such property sold”;

(General exemptions.)

- (p) (i) by inserting in paragraph one of the matter appearing under the heading “General Exemptions from Stamp Duty under Part III” after the word “soldier” the words “to a returned sailor or soldier”;
- (ii) by inserting at the end of paragraph nine of the matter appearing under the same heading the words “not being a conveyance from such hospital or from any person on its behalf or an agreement for such conveyance”;
- (iii) by inserting at the end of paragraph ten of the matter appearing under the same heading the words “not being a conveyance from such board or committee or from any person on their behalf or an agreement for such conveyance”;
- (iv) by omitting paragraph fifteen of the matter appearing under the same heading;
- (v) by inserting at the end of paragraph seventeen of the matter appearing under the same heading the following words: “or any transfer or conveyance of a debenture by way of mortgage or by way of discharge of mortgage or any receipt endorsed on either or any of such documents for the consideration therefor”;
- (q) by inserting at the end of the Second Schedule the following new paragraph:—

(18) Any agreement made by a council with the Main Roads Board of New South Wales.

*Stamp Duties (Amendment).***6.** Part IV of the Stamp Duties Act, 1920-1924, is amended—

Further amend-
ment of Stamp
Duties Act,
1920-1924,
Part IV.

- (a) by inserting in subparagraph (a) of paragraph one of section one hundred and two after the word "death" the following words:—

(Death duties.)
(Property
subject to
duty as part
of the estate
of deceased.)

And in addition where the deceased was domiciled in New South Wales all personal property of the deceased situate outside New South Wales at his death (including all personal property so situate over which he had a general power of appointment, exercised by his will).

- (b) (i) by inserting in subparagraph (a) of paragraph two of the same section after the word "general" the words "or special";
(ii) by inserting in subparagraph (b) of paragraph two of the same section after the words "promotion of education" the words "in New South Wales";
(iii) by inserting in paragraph two of the same section to follow subparagraph (b) the following new subparagraph:—

(ba) The value (to be ascertained as at the date of the gift) of any property (not being property included in the estate under the provisions of subparagraph (b) of this paragraph) comprised in any gift made by the deceased within three years before his death, and whether made before or after the passing of this Act, including any money paid or other property conveyed or transferred by the deceased within such period in pursuance of a covenant or agreement made at any time by him without full consideration in money or money's worth:

Provided that the Commissioner may in his discretion reduce such value by the amount by which the value of the property given would in the

Stamp Duties (Amendment).

the ordinary course have depreciated in the hands of the deceased between the date of the gift and the date of his death :

Provided further that this subparagraph shall not apply to any such gift made to a public hospital or for the relief of poverty or the promotion of education in New South Wales.

- (iv) by inserting in subparagraph (d) of paragraph two of the same section after the word "whatsoever" lastly occurring the words "whether enforceable at law or in equity or not and whenever the deceased died";
- (v) by omitting subparagraph (f) of paragraph two of the same section and by inserting in lieu the following new subparagraphs :—
 - (f) Any property which or an interest in which the deceased has at any time, whether before or after the passing of this Act, without full consideration in money or money's worth, caused to be conveyed to, or vested in, himself and any other person jointly, whether by disposition or otherwise, and whether by himself alone or in concert or by arrangement with any other person whatsoever so that a beneficial interest therein or in some part thereof passes or accrues by survivorship to any other person on the death of the deceased.

The value of the consideration in money or money's worth (if any) obtained by the deceased for the conveyance or vesting above mentioned shall be deducted from the value of the property included in the estate :

Provided

Stamp Duties (Amendment).

Provided that no greater sum shall be so deducted than the difference between the value of such property and the value of the beneficial interests passing or accruing to any other person on the death of the deceased.

(fa) Any property owned by the deceased immediately prior to the time of his death jointly with any other person to the extent of the beneficial interests therein passing or accruing by survivorship to any person on the death of the deceased.

(vi) (a) by inserting in subparagraph (1) of the same paragraph before the words "any property" the words "The value (to be ascertained as at the date of the transfer or vesting) of";

(b) by inserting at the end of the same subparagraph (1) the words: "Provided that the Commissioner may in his discretion reduce such value by the amount by which the value of the property transferred or vested would in the ordinary course have depreciated in the hands of the deceased between the date of the transfer or vesting and the date of his death.

"Provided further that where property is included in the estate of a deceased person under this subparagraph the shares or other consideration for the transfer shall not form part of the dutiable estate of the deceased."

(c) (i) by omitting paragraphs (b) and (c) of sub-
 section one and subsection three of section
 one hundred and three ;

Sec. 103.
 (Certain
 debts, &c., to
 be included.)

(ii) by omitting from subsection two of the same section the words "and shares";

(d)

Stamp Duties (Amendment).

Sec. 103A.
(Refund of
duty on
property
outside
New South
Wales.)

- (d) by inserting after section one hundred and three the following new section:—

103A. Where in the case of a person dying after the passing of the Stamp Duties (Amendment) Act, 1931, death duty has been paid under this Act on personal property situate in any part of His Majesty's Dominions other than New South Wales at such death and it is shown to the satisfaction of the Commissioner that death duty (not being duty or tax under any Act of the Commonwealth of Australia) has been lawfully paid on such personal property to the part of His Majesty's Dominions in which such property is situate at such death in consequence of the death of the said deceased and of the property passing thereby, the Commissioner shall refund to the person who has paid the death duty under this Act on such personal property an amount equal to the said death duty so paid thereon to the part of His Majesty's Dominions in which it is situate or to the said duty so paid thereon under this Act, whichever amount is the lesser.

Sec. 104.
(Dutiable
estate.)

- (e) by omitting from section one hundred and four the words "the last two preceding sections" and by inserting in lieu thereof the words "sections one hundred and two and one hundred and three";

Sec. 108 (1).
(Apportion-
ment of debt.)

- (f) (i) by omitting subsection one of section one hundred and eight and by inserting in lieu thereof the following new subsection:—

(1) The allowance so to be made for unsecured debts shall extend only to those debts payable to persons domiciled or carrying on business within New South Wales but not being in either case debts contracted for or in connection with a
business

Stamp Duties (Amendment).

business or a branch of a business of the deceased located out of New South Wales save that—

- (a) where there are no foreign assets, all unsecured debts so far as they are not allowed under the preceding provision of this subsection may be deducted from the dutiable estate of the deceased ;
- (b) where there are foreign assets—
- (i) all unsecured debts (so far as they are not allowed under the said preceding provision) payable to persons domiciled or carrying on business out of New South Wales but being in either case debts contracted for or in connection with a business or branch of a business of the deceased located in New South Wales may be deducted from the dutiable estate of the deceased ;
- (ii) such portion only of any unsecured debt that is not allowed under the preceding provisions of this subsection as exceeds the value of the foreign assets shall be deducted from the dutiable estate of the deceased ;
- (ii) by inserting in subsection two of the same section after the word “situation” the words “or of the domicile of the deceased.”
- (g) by omitting section one hundred and nine and by inserting the following new section :—
109. The allowance to be made for secured debts shall extend only to debts secured by mortgage, lien, or charge solely upon any part of the dutiable estate, save that—
- (a) Where a debt is secured partly upon the dutiable estate and partly upon foreign assets, such portion only of such debt shall be allowed as bears the same
- ratio

Sec. 109.
(Allowance
for secured
debts where
there are
foreign
assets)

Stamp Duties (Amendment).

ratio to the total debt as the value of the part of the dutiable estate so charged bears to the total value of the whole property of the deceased comprised in the security: Provided that no such allowance shall exceed the value of the part of the dutiable estate so charged.

- (b) Where a debt secured solely upon any part of the foreign assets exceeds the value of the assets comprised in the security such portion of that excess may be allowed as the Commissioner thinks just and proper, having regard to the amount of the dutiable estate, the value of the foreign assets, the debts allowable out of the dutiable estate under the other provisions of this Act, and the whole of the debts of the deceased.

(h) by omitting section one hundred and eleven ;

Sec. 111.
(Certain estates
exempted)
Sec. 112.
(Abatement
for widow,
&c.)

- (i) (i) by omitting from subsection one of section one hundred and twelve the words "where the final balance of the estate of the deceased does not exceed five thousand pounds" and by inserting in lieu the words "where the amount of the dutiable estate of the deceased when aggregated with the value of his foreign assets does not, after deducting therefrom all debts actually due and owing by him at the time of his death other than the debts referred to in subsection two of section one hundred and seven, exceed three thousand pounds";
- (ii) by omitting from the same subsection the words "prescribed in the Third Schedule to" and by inserting in lieu the words "that would but for this provision be the rate prescribed by";

(iii)

Stamp Duties (Amendment).

- (iii) by inserting in the same section the following new subsection to follow subsection one :—

(1A) This section shall not apply to any such widow or child unless the Commissioner is satisfied that she or he was dependent upon the deceased for maintenance and support at the time of his death.

- (j) (i) by omitting from subsection two of section Sec. 115. one hundred and fifteen the words “the (Due date of duty.) whole dutiable estate of the deceased” and by inserting in lieu thereof the words “so much of his dutiable estate as is situate in New South Wales” ;
- (ii) by inserting in the same subsection after the word “property” the words “situate in New South Wales the value of which is or which is” ;
- (k) (i) by omitting from subsection four of section Sec. 117 (4). one hundred and seventeen the words Affidavit of value. “the rates set forth in the Third Schedule hereto” and by inserting in lieu the words “the rate applicable thereto under the provisions of this Act.”
- (ii) by omitting subsection five of section Sec. 117 (5) (6) (7). one hundred and seventeen and by inserting in lieu thereof the following new subsections :—

(5) The Commissioner may, notwithstanding that administration of the estate of a deceased person has not been obtained in New South Wales, on the application in the prescribed form of any person interested in the estate, issue an assessment and collect the death duty (if any) payable in respect of the estate, or may certify that no death duty is payable in respect of such estate. (Power to make assessment in certain cases.)

Any

Stamp Duties (Amendment).

Any applicant shall furnish such evidence on oath or by statutory declaration and such information regarding the estate in such manner as the Commissioner may require.

This subsection shall not apply unless the Commissioner is of opinion that the death duty payable in respect of the estate does not exceed ten pounds.

(6) Every conveyance of any real property not under the provisions of the Real Property Act, 1900, executed by an administrator to any devisee or beneficiary and every acknowledgment executed by an administrator in lieu of such conveyance and every declaration by an executor under section eleven of the Trustee Act, 1925, that he holds property as beneficiary shall before being registered in any office be produced to the Commissioner together with evidence identifying such property with that included in the affidavit of value lodged by such administrator with his application for probate or letters of administration of the estate of the deceased person. Any person who registers any such instrument before it has been produced to the Commissioner shall be guilty of an offence and be liable to a penalty of five pounds.

(7) In connection with death duty under this Act or duty under any of the Acts repealed by this Act or under any Act repealed by such Acts on the estate of a deceased person (whether dying before or after the passing of the Stamp Duties (Amendment) Act, 1931), the Commissioner may lodge with the Registrar-General a caveat against any application to bring land under the Real Property Act, 1900, or against any application to be registered

Commis-
sioner
may lodge
caveat.

Stamp Duties (Amendment).

registered as proprietor of any land under that Act or any mortgage or encumbrance thereon, or any dealing with any such land, mortgage, or encumbrance.

Every such caveat shall be dealt with in all respects as if it were a caveat filed by the Registrar-General, except that the Commissioner shall be considered as the caveator.

- (l) by inserting in section one hundred and eighteen after the word "impose" the following proviso :—

Sec. 118.
(Penalty for not taking out administration.)

Provided that where death duty has been paid within the prescribed time upon an assessment in pursuance of subsection five of section one hundred and seventeen, or where the Commissioner has under that section certified that no death duty is payable, such penalties shall not be incurred.

- (m) (i) by inserting in subsection one of section one hundred and twenty after the words "any property" the words "which is or the value of which is";
- (ii) by omitting from the same subsection the word "thereout";
- (iii) by inserting in subsection three of the same section after the words "such duty" the words "and interest thereon at the rate of ten pounds per centum per annum from the date of the expiration of the period of six months after the death of the deceased or if administration has been first granted out of New South Wales, from the date of the expiration of the period of twelve months after the death of the deceased";
- (iv) by inserting in subsection four of section one hundred and twenty before the words "this section" the words "subsections two and three of";

Sec. 120.
(Account duty.)

(n)

Stamp Duties (Amendment).

Sec. 121.

(Interest on unpaid duty.)

- (n) (i) by omitting from subsection one of section one hundred and twenty-one the words "except where duty as assessed by the Commissioner under this Part is paid within thirty days after notice of assessment has been given" and by inserting in lieu thereof the words "except where administration is granted and issued and the death duty is paid within six months after the death of the deceased";
- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following new subsection:—

(2) Such interest shall be calculated from the date of the expiration of the said six months provided that in any case in which administration has been first granted out of New South Wales the interest shall be calculated from the expiration of twelve months after the death of the deceased.

Sec. 122.

(Certificate of Commissioners.)

- (o) (i) by omitting from subsection one of section one hundred and twenty-two the words "carrying on business in New South Wales";
- (ii) by omitting from the same subsection the words "as owner," and inserting in lieu the words and brackets "(or where a policy of life insurance on the life of the deceased stands in such books in the name of any other person)";
- (iii) by omitting paragraph (b) of subsection five and subsection eight of the same section;

Sec. 123.

- (p) (i) by adding at the end of subsection one of section one hundred and twenty-three the words "less the sum of one pound for each separate instrument within the meaning of section sixteen";
- (ii) by inserting at the end of subsection three of section one hundred and twenty-three the words "or unless he is satisfied as to the payment of such duty";

Stamp Duties (Amendment).

7. Part V of the Stamp Duties Act, 1920-1924, is amended—

Further amend-
ment of Stamp
Duties Act, 1920-
1924, Part V.

- (a) by inserting after section one hundred and twenty-five the following new sections:—

125A. In every case in which it is necessary for the purpose of assessing duty under this Act to ascertain the value of any estate or annuity or interest for the life of any person or of any estate, annuity, or interest determinable on or subject to any contingency or the happening of any event or of any estate, annuity, or interest in remainder expectant on the death of any person or expectant on or subject to any contingency or the happening of any event, regard may be had in ascertaining the value of any such property as aforesaid to the death of the person having the life estate or annuity or interest or the happening of the contingency or event at any time before the assessment of duty under this Act is actually made.

Ascertain-
ment of value
of certain
interests.

125B. In any case in which it is necessary to ascertain the value of any property for the purpose of assessing ad valorem duty on any instrument, the existence of any overriding power of revocation or of defeasance or of creating charges or of new appointment or reconveyance in such or any other instrument may be disregarded in determining the value of such property.

Ascertain-
ment of valu-
e of property
subject to e
powers, &c.

- (b) by omitting subsection one of section one hundred and twenty-seven and by inserting the following new subsection in lieu thereof:—

Sec. 127 (1).

(1) (a) For the purposes of this Act, the valuation of shares in any company, whether incorporated in or out of New South Wales, shall be made upon the basis that the memorandum and articles of association or rules of the company satisfy the requirements prescribed by the committee or governing authority of the stock exchange at the place where the share register in which the shares being

Valuation
of shares.

Stamp Duties (Amendment).

being valued are registered is, to enable that company to be placed on the current official list of such stock exchange at the relevant time;

(b) No provision in the memorandum or articles of association or rules of any company whereby or whereunder the value of the shares of a deceased or other member is to be determined shall be applicable in determining the value of the shares for the purposes of this Act.

ec. 138.
(Books to be kept.)

(c) by omitting from section one hundred and thirty-eight the words "Third Schedule" and by inserting in lieu thereof the words "Third, Fourth, and Fifth Schedules";

Sec. 140 (1).
(Refunds)

(d) by inserting at the end of subsection one of section one hundred and forty the words "but (except in accordance with an order of the court under section one hundred and twenty-four) no refund shall be made in respect of any property wrongly included in the dutiable estate of any person whether dying before or after the passing of the Stamp Duties (Amendment) Act, 1931, by reason of any mistake in the construction of this Act";

Sec. 143.
(No abatement of legal proceedings.)

(e) by inserting after section one hundred and forty-two the following new sections:—

(143) No action or proceeding civil or criminal by the Commissioner and no civil action or proceeding against the Commissioner shall determine or abate by reason of the death of the Commissioner or of his removal or retirement from office but it shall be continued as if the vacancy had not happened and it may be enforced by or against a Commissioner subsequently appointed as if he had been the Commissioner by or against whom it was brought.

Sec. 144.
(Construction of Act.)

(144) This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment thereof would

Stamp Duties (Amendment).

would, but for this section, have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

8. The Companies (Death Duties) Act, 1901, is amended—

Amendment of
Companies
(Death Duties)
Act, 1901.

- (a) by omitting paragraph (a) of subsection one of section four and by inserting in lieu the following new paragraph:—
- (a) in New South Wales of mining for gold or other minerals as defined in the Mining Act, 1906, or of treating any such minerals; or
- (b) (i) by inserting in section seven after the words "estate of such member" the words "or notice of the death of such member";
- (ii) by inserting in the same section after the words "letters of administration" where secondly and thirdly occurring the words "or such notice of death";
- (c) (i) by omitting from subsection one of section ten the words "Stamp Duties Act, 1898," wherever occurring, and by inserting in lieu the words "Stamp Duties Act, 1920";
- (ii) by omitting from the same subsection the words "at the rate mentioned in the Second Schedule to this Act";
- (iii) by inserting in the same subsection after the word "death" and immediately before the proviso the words "at the rate set out in the Fifth Schedule to the Stamp Duties Act, 1920-1924, as amended by the Stamp Duties (Amendment) Act, 1931, for an estate the final balance of which is equal to the value of the said shares and stock";
- (iv) by omitting all the words in paragraph (b) of the proviso in the same subsection occurring after the word "duty," secondly occurring, and by inserting in lieu the following words: "calculated as aforesaid according

Sec. 4.

Sec. 7.

Sec. 10 (1).

according

Stamp Duties (Amendment).

according to the said Schedule as the value of the assets of the company situated in New South Wales bears to the total assets of the company wherever situated”;

- (v) by omitting paragraph (e) of the proviso to such subsection and by inserting in lieu thereof the following new paragraph:—

(c) Where the company carries on the business of pastoral or agricultural production in New South Wales as mortgagee in possession only, no duty under this section shall be payable by that company; and

Sec. 10 (2).

- (d) by inserting in subsection two of the same section after the word “member” the words “or on which notice of the death of such member”;

Sec. 10 (3).

- (e) by inserting in section ten after subsection two the following new subsection:—

(3) For the purposes of this section the term “assets” means the gross amount of all the real and personal property of the company of every kind including things in action, and without making any deduction in respect of any debts or liabilities of the company.

- (f) by inserting after section eleven the following new sections:—

11A. The provisions of sections seven, ten, eleven, twelve, and thirteen of this Act shall apply to a company incorporated according to the laws of New South Wales that carries on in New South Wales any of the businesses mentioned in paragraphs (a) and (b) of subsection one of section four and has a share register outside New South Wales in like manner in all respects (subject as hereinafter provided) as the said sections seven, ten, eleven, twelve, and thirteen apply to a company incorporated according to the laws of some country other than New South Wales and carrying on any of the said businesses in New

Application
of secs. 7, 10,
11, 12, 13.

Stamp Duties (Amendment).

New South Wales: Provided that the said sections shall not apply in respect of shares and stock registered in the share register of the company kept in New South Wales.

11B. Nothing in this Act shall affect any Saving. liability of shares and stock mentioned in this Act to duty under the Stamp Duties Act, 1920-1931.

9. The Stamp Duties (Deductions) Act, 1904, is Repeal of Act No. 34, 1904. hereby repealed.

10. The Stamp Duties Act, 1920-1924, is further Further amendment of Act No. 47, 1920. amended by inserting after section one hundred and one the following new sections:—

101A. In the case of every person who dies after Sec. 101A. the passing of the Stamp Duties (Amendment) Death duty, local domicile. Act, 1931, whether in New South Wales or elsewhere, and who was at the date of his death domiciled in New South Wales, duty (hereinafter called Death Duty) at the rate mentioned in the Fourth Schedule to this Act shall be assessed and paid upon the final balance of the estate of the deceased as determined in accordance with this Act:

Provided that if the value of the dutiable estate of such deceased when aggregated with the value of all his foreign assets does not, after deducting therefrom all debts actually due and owing by the deceased at the date of his death other than the debts referred to in subsection two of section one hundred and seven, exceed one thousand pounds, no death duty shall be chargeable on any property passing by the intestacy or by the will of the deceased to any person who in the opinion of the Commissioner was dependent on the deceased for maintenance and support at the time of his death or on any other property which or the value of which is included by this Act in the dutiable estate of the deceased, the beneficial interest in which property was vested in or passed on the death of the deceased to a person who in the opinion of the Commissioner was dependent upon the deceased as aforesaid.

Stamp Duties (Amendment).

Death duty,
foreign
domicile.

101B. In the case of every person who dies after the passing of the Stamp Duties (Amendment) Act, 1931, whether in New South Wales or elsewhere, and who was at the date of his death domiciled outside New South Wales, duty (hereinafter called Death Duty) at the rate mentioned in the Fifth Schedule to this Act shall be assessed and paid upon the final balance of the estate of the deceased as determined in accordance with this Act.

Further
amendment
of Act No. 47,
1920.

11. The Stamp Duties Act, 1920-1924, is further amended by inserting next after the Third Schedule the following new Schedules:—

FOURTH SCHEDULE.

New Fourth
and Fifth
Schedules.
(Rates of
duty.)

DEATH DUTY on Estates of Deceased Persons dying after the passing of the Stamp Duties (Amendment) Act, 1931, domiciled in New South Wales.

| Final Balance of Estate. | | Rate per centum of Duty. | |
|--------------------------|--------------------------|-----------------------------|-----------------|
| Not exceeding | £1,000 | ... | 2 |
| Exceeding | £1,000 but not exceeding | £2,000 | 2 $\frac{1}{4}$ |
| " | £2,000 | " | 2 $\frac{3}{4}$ |
| " | £3,000 | " | 2 $\frac{3}{4}$ |
| " | £4,000 | " | 3 |
| " | £5,000 | " | 3 $\frac{1}{4}$ |
| " | £6,000 | " | 3 $\frac{1}{2}$ |
| " | £7,000 | " | 3 $\frac{3}{4}$ |
| " | £8,000 | " | 4 |
| " | £9,000 | " | 4 $\frac{1}{4}$ |
| " | £10,000 | " | 4 $\frac{1}{2}$ |
| " | £11,000 | " | 4 $\frac{3}{4}$ |
| " | £12,000 | " | 5 |
| " | £13,000 | " | 5 $\frac{1}{4}$ |
| " | £14,000 | " | 5 $\frac{1}{2}$ |
| " | £15,000 | " | 5 $\frac{3}{4}$ |
| " | £16,000 | " | 6 |
| " | £17,000 | " | 6 $\frac{1}{4}$ |
| " | £18,000 | " | 6 $\frac{1}{2}$ |
| " | £19,000 | " | 6 $\frac{3}{4}$ |
| " | £20,000 | " | 7 |
| " | £21,000 | " | 7 $\frac{1}{4}$ |
| " | £22,000 | " | 7 $\frac{1}{2}$ |
| " | £23,000 | " | 7 $\frac{3}{4}$ |
| " | £24,000 | " | 8 |
| " | £25,000 | " | 8 $\frac{1}{4}$ |
| " | £26,000 | " | 8 $\frac{1}{2}$ |

FOURTH

Stamp Duties (Amendment).

FOURTH SCHEDULE—continued.

DEATH DUTIES—continued.

| Final Balance of Estate. | | Rate per centum of Duty. |
|--------------------------|-----------------------------------|-----------------------------|
| Exceeding | £27,000 but not exceeding £28,000 | 8 $\frac{3}{4}$ |
| " | £28,000 " " £29,000 | 9 |
| " | £29,000 " " £30,000 | 9 $\frac{1}{4}$ |
| " | £30,000 " " £31,000 | 9 $\frac{1}{2}$ |
| " | £31,000 " " £32,000 | 9 $\frac{3}{4}$ |
| " | £32,000 " " £33,000 | 10 |
| " | £33,000 " " £34,000 | 10 $\frac{1}{4}$ |
| " | £34,000 " " £35,000 | 10 $\frac{1}{2}$ |
| " | £35,000 " " £36,000 | 10 $\frac{3}{4}$ |
| " | £36,000 " " £37,000 | 11 |
| " | £37,000 " " £38,000 | 11 $\frac{1}{4}$ |
| " | £38,000 " " £39,000 | 11 $\frac{1}{2}$ |
| " | £39,000 " " £40,000 | 11 $\frac{3}{4}$ |
| " | £40,000 " " £41,000 | 12 |
| " | £41,000 " " £42,000 | 12 $\frac{1}{4}$ |
| " | £42,000 " " £43,000 | 12 $\frac{1}{2}$ |
| " | £43,000 " " £44,000 | 12 $\frac{3}{4}$ |
| " | £44,000 " " £45,000 | 13 |
| " | £45,000 " " £46,000 | 13 $\frac{1}{4}$ |
| " | £46,000 " " £47,000 | 13 $\frac{1}{2}$ |
| " | £47,000 " " £48,000 | 13 $\frac{3}{4}$ |
| " | £48,000 " " £49,000 | 14 |
| " | £49,000 " " £50,000 | 14 $\frac{1}{4}$ |
| " | £50,000 " " £51,000 | 14 $\frac{1}{2}$ |
| " | £51,000 " " £52,000 | 14 $\frac{3}{4}$ |
| " | £52,000 " " £53,000 | 15 |
| " | £53,000 " " £54,000 | 15 $\frac{1}{4}$ |
| " | £54,000 " " £55,000 | 15 $\frac{1}{2}$ |
| " | £55,000 " " £56,000 | 15 $\frac{3}{4}$ |
| " | £56,000 " " £57,000 | 16 |
| " | £57,000 " " £58,000 | 16 $\frac{1}{4}$ |
| " | £58,000 " " £59,000 | 16 $\frac{1}{2}$ |
| " | £59,000 " " £60,000 | 16 $\frac{3}{4}$ |
| " | £60,000 " " £61,000 | 17 |
| " | £61,000 " " £62,000 | 17 $\frac{1}{8}$ |
| " | £62,000 " " £63,000 | 17 $\frac{1}{4}$ |
| " | £63,000 " " £64,000 | 17 $\frac{1}{2}$ |
| " | £64,000 " " £65,000 | 17 $\frac{3}{4}$ |
| " | £65,000 " " £66,000 | 18 |
| " | £66,000 " " £67,000 | 18 $\frac{1}{8}$ |
| " | £67,000 " " £68,000 | 18 $\frac{1}{4}$ |
| " | £68,000 " " £69,000 | 18 $\frac{1}{2}$ |
| " | £69,000 " " £70,000 | 18 $\frac{3}{4}$ |
| " | £70,000 " " £71,000 | 19 |
| " | £71,000 " " £72,000 | 19 $\frac{1}{8}$ |

FOURTH

Stamp Duties (Amendment).

FOURTH SCHEDULE—*continued.*DEATH DUTIES—*continued.*

| Final Balance of Estate. | | | | Rate per centum of Duty. |
|--------------------------|---------------------------|---------|----------|-----------------------------|
| Exceeding | £72,000 but not exceeding | £73,000 | ... | 19 $\frac{2}{5}$ |
| " | £73,000 | " | £74,000 | 19 $\frac{3}{5}$ |
| " | £74,000 | " | £75,000 | 19 $\frac{4}{5}$ |
| " | £75,000 | " | £76,000 | 20 |
| " | £76,000 | " | £77,000 | 20 $\frac{1}{5}$ |
| " | £77,000 | " | £78,000 | 20 $\frac{2}{5}$ |
| " | £78,000 | " | £79,000 | 20 $\frac{3}{5}$ |
| " | £79,000 | " | £80,000 | 20 $\frac{4}{5}$ |
| " | £80,000 | " | £81,000 | 21 |
| " | £81,000 | " | £82,000 | 21 $\frac{1}{5}$ |
| " | £82,000 | " | £83,000 | 21 $\frac{2}{5}$ |
| " | £83,000 | " | £84,000 | 21 $\frac{3}{5}$ |
| " | £84,000 | " | £85,000 | 21 $\frac{4}{5}$ |
| " | £85,000 | " | £86,000 | 22 |
| " | £86,000 | " | £87,000 | 22 $\frac{1}{5}$ |
| " | £87,000 | " | £88,000 | 22 $\frac{2}{5}$ |
| " | £88,000 | " | £89,000 | 22 $\frac{3}{5}$ |
| " | £89,000 | " | £90,000 | 22 $\frac{4}{5}$ |
| " | £90,000 | " | £91,000 | 23 |
| " | £91,000 | " | £92,000 | 23 $\frac{1}{5}$ |
| " | £92,000 | " | £93,000 | 23 $\frac{2}{5}$ |
| " | £93,000 | " | £94,000 | 23 $\frac{3}{5}$ |
| " | £94,000 | " | £95,000 | 23 $\frac{4}{5}$ |
| " | £95,000 | " | £96,000 | 24 |
| " | £96,000 | " | £97,000 | 24 $\frac{1}{5}$ |
| " | £97,000 | " | £98,000 | 24 $\frac{2}{5}$ |
| " | £98,000 | " | £99,000 | 24 $\frac{3}{5}$ |
| " | £99,000 | " | £100,000 | 24 $\frac{4}{5}$ |
| " | £100,000 | ... | ... | 25 |

FIFTH SCHEDULE.

DEATH DUTY on Estates of Deceased Persons dying after the passing of the Stamp Duties (Amendment) Act, 1931, domiciled outside New South Wales.

| Final Balance of Estate. | | | | Rate per centum of Duty. |
|--------------------------|------------------------|--------|--------|-----------------------------|
| Not exceeding | £500 | ... | ... | 3% |
| Exceeding | £500 but not exceeding | £1,000 | ... | 3 $\frac{1}{3}$ |
| " | £1,000 | " | £2,000 | 3 $\frac{2}{3}$ |
| " | £2,000 | " | £3,000 | 4 |
| " | £3,000 | " | £4,000 | 4 $\frac{1}{3}$ |
| " | £4,000 | " | £5,000 | 4 $\frac{2}{3}$ |
| " | £5,000 | " | £6,000 | 5 |

FIFTH

Stamp Duties (Amendment).

FIFTH SCHEDULE—*continued.*DEATH DUTIES—FOREIGN DOMICILE—*continued.*

| Final Balance of Estate. | | Rate per centum of Duty. |
|--------------------------|-------------------------------------|-----------------------------|
| Exceeding | £6,000 but not exceeding £7,000 ... | 5 $\frac{1}{2}$ |
| " | £7,000 " " £8,000 ... | 5 $\frac{3}{4}$ |
| " | £8,000 " " £9,000 ... | 6 |
| " | £9,000 " " £10,000 ... | 6 $\frac{1}{2}$ |
| " | £10,000 " " £11,000 ... | 6 $\frac{3}{4}$ |
| " | £11,000 " " £12,000 ... | 7 |
| " | £12,000 " " £13,000 ... | 7 $\frac{1}{2}$ |
| " | £13,000 " " £14,000 ... | 7 $\frac{3}{4}$ |
| " | £14,000 " " £15,000 ... | 8 |
| " | £15,000 " " £16,000 ... | 8 $\frac{1}{2}$ |
| " | £16,000 " " £17,000 ... | 8 $\frac{3}{4}$ |
| " | £17,000 " " £18,000 ... | 9 |
| " | £18,000 " " £19,000 ... | 9 $\frac{1}{2}$ |
| " | £19,000 " " £20,000 ... | 9 $\frac{3}{4}$ |
| " | £20,000 " " £21,000 ... | 10 |
| " | £21,000 " " £22,000 ... | 10 $\frac{1}{2}$ |
| " | £22,000 " " £23,000 ... | 10 $\frac{3}{4}$ |
| " | £23,000 " " £24,000 ... | 11 |
| " | £24,000 " " £25,000 ... | 11 $\frac{1}{2}$ |
| " | £25,000 " " £26,000 ... | 11 $\frac{3}{4}$ |
| " | £26,000 " " £27,000 ... | 12 |
| " | £27,000 " " £28,000 ... | 12 $\frac{1}{2}$ |
| " | £28,000 " " £29,000 ... | 12 $\frac{3}{4}$ |
| " | £29,000 " " £30,000 ... | 13 |
| " | £30,000 " " £31,000 ... | 13 $\frac{1}{2}$ |
| " | £31,000 " " £32,000 ... | 13 $\frac{3}{4}$ |
| " | £32,000 " " £33,000 ... | 14 |
| " | £33,000 " " £34,000 ... | 14 $\frac{1}{2}$ |
| " | £34,000 " " £35,000 ... | 14 $\frac{3}{4}$ |
| " | £35,000 " " £36,000 ... | 15 |
| " | £36,000 " " £37,000 ... | 15 $\frac{1}{2}$ |
| " | £37,000 " " £38,000 ... | 15 $\frac{3}{4}$ |
| " | £38,000 " " £39,000 ... | 16 |
| " | £39,000 " " £40,000 ... | 16 $\frac{1}{2}$ |
| " | £40,000 " " £41,000 ... | 16 $\frac{3}{4}$ |
| " | £41,000 " " £42,000 ... | 17 |
| " | £42,000 " " £43,000 ... | 17 $\frac{1}{2}$ |
| " | £43,000 " " £44,000 ... | 17 $\frac{3}{4}$ |
| " | £44,000 " " £45,000 ... | 18 |
| " | £45,000 " " £46,000 ... | 18 $\frac{1}{2}$ |
| " | £46,000 " " £47,000 ... | 18 $\frac{3}{4}$ |
| " | £47,000 " " £48,000 ... | 19 |
| " | £48,000 " " £49,000 ... | 19 $\frac{1}{2}$ |
| " | £49,000 " " £50,000 ... | 19 $\frac{3}{4}$ |
| " | £50,000 " " £51,000 ... | 20 |

FIFTH

Stamp Duties (Amendment).

FIFTH SCHEDULE—continued.

DEATH DUTIES—continued.

| Final Balance of Estate. | | Rate per centum of Duty. |
|--------------------------|--------------------------------------|-----------------------------|
| Exceeding | £51,000 but not exceeding £52,000... | ... 20 $\frac{1}{5}$ |
| " | £52,000 " " £53,000... | ... 20 $\frac{2}{5}$ |
| " | £53,000 " " £54,000... | ... 20 $\frac{3}{5}$ |
| " | £54,000 " " £55,000... | ... 20 $\frac{4}{5}$ |
| " | £55,000 " " £56,000... | ... 21 |
| " | £56,000 " " £57,000... | ... 21 $\frac{1}{5}$ |
| " | £57,000 " " £58,000... | ... 21 $\frac{2}{5}$ |
| " | £58,000 " " £59,000... | ... 21 $\frac{3}{5}$ |
| " | £59,000 " " £60,000... | ... 21 $\frac{4}{5}$ |
| " | £60,000 " " £61,000... | ... 22 |
| " | £61,000 " " £62,000... | ... 22 $\frac{1}{5}$ |
| " | £62,000 " " £63,000... | ... 22 $\frac{2}{5}$ |
| " | £63,000 " " £64,000... | ... 22 $\frac{3}{5}$ |
| " | £64,000 " " £65,000... | ... 22 $\frac{4}{5}$ |
| " | £65,000 " " £66,000... | ... 23 |
| " | £66,000 " " £67,000... | ... 23 $\frac{1}{5}$ |
| " | £67,000 " " £68,000... | ... 23 $\frac{2}{5}$ |
| " | £68,000 " " £69,000 .. | ... 23 $\frac{3}{5}$ |
| " | £69,000 " " £70,000... | ... 23 $\frac{4}{5}$ |
| " | £70,000 " " £71,000... | ... 24 |
| " | £71,000 " " £72,000... | ... 24 $\frac{1}{5}$ |
| " | £72,000 " " £73,000... | ... 24 $\frac{2}{5}$ |
| " | £73,000 " " £74,000... | ... 24 $\frac{3}{5}$ |
| " | £74,000 " " £75,000... | ... 24 $\frac{4}{5}$ |
| " | £75,000 | ... 25 |

By Authority:

ALFRED JAMES KENT, I.S.O., Government Printer, Sydney, 1931.

[1s. 9d.]

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 26 March, 1931.

New South Wales.



ANNO VICESIMO PRIMO

GEORGII V REGIS.

Act No. 13, 1931.

An Act to impose certain Stamp Duties and certain Death Duties, and to amend the Stamp Duties Act, 1920-1924, the Companies (Death Duties) Act, 1901, and the Real Property Act, 1900, in certain particulars; to repeal the Stamp Duties (Deductions) Act, 1904; and for purposes connected therewith. [Assented to, 31st March, 1931.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Stamp Duties Short title. (Amendment) Act, 1931," and shall be read with the Stamp Duties Act, 1920-1924.

(2) The Stamp Duties Act, 1920-1924, as amended by this Act, may be cited as the Stamp Duties Act, 1920-1931.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

H. J. CONNELL,
Chairman of Committees of the Legislative Assembly.

Stamp Duties (Amendment).

Amendment of
Part I of Stamp
Duties Act,
1920-1924.

Sec. 2, new
subsec. (4).
(Commis-
sioner.)

Sec. 3.
(Definitions.)

2. Part I of the Stamp Duties Act, 1920-1924, is amended—

(a) by inserting at the end of section two the following new subsection :—

(4) The Commissioner appointed under this Act shall be the Commissioner for the purposes of the Acts repealed by this Act and the Acts repealed by such Acts.

(b) (i) by omitting from section three the definition of "Public Hospital" and by inserting in lieu thereof the following definition :—

"Public Hospital" means a hospital which is an incorporated hospital or a separate institution within the meaning of the Public Hospitals Act, 1929.

(ii) by inserting in the definition of "Marketable security" in the same section after the word "Stock" the words "as hereinafter defined in this Act and also any";

(iii) by inserting in the same section at the end of the definitions the following words: "References in this Act to gifts for the relief of poverty or the promotion of education include only gifts that have to be applied in New South Wales and that are intended to benefit the public or part of the public."

Amendment of
Part II of Stamp
Duties Act
1920-1924.

Sec. 12, new
subsec. (6).
(Licenses to
deal in
stamps.)

Sec. 13 (1).
(Recovery of
fines.)

3. Part II of the Stamp Duties Act, 1920-1924, is amended—

(a) by inserting at the end of section twelve the following new subsection :—

(6) The Commissioner may cancel any license granted under this section, and any license may be granted on such terms and conditions as the Commissioner thinks advisable.

(b) by inserting in subsection one of section thirteen after the word "Commissioner" the words "or of the Attorney-General";

(c)

Stamp Duties (Amendment).

- (c) by omitting from section fourteen the words "where the same does not exceed twenty-five pounds"; Sec. 14.
(Commissioner may remit fines.)
- (d) by omitting from section nineteen the words "ad valorem" wherever occurring. Sec. 19.
(Facts to be set out.)
- 4.** The Stamp Duties Act, 1920-1924, is further amended— Further amendment of Stamp Duties Act, 1920-1924.
- (a) (i) by inserting in subsection two of section twenty after the word "whatever" the words "except in a prosecution for perjury, false swearing, or making or uttering a false or untrue statutory declaration in case it is false and"; Sec. 20 (2).
(Powers of Commissioner.)
- (ii) by inserting in the same subsection after the words "full duty" the words "and fine";
- (iii) by inserting in the same subsection before the words "fine, forfeiture" the word "other";
- (b) (i) by inserting in section twenty-three after the word "adhesive" wherever occurring the words "or impressed"; Sec. 23.
(Fines.)
- (ii) by inserting at the end of the same section the following new subsection:—
(2) Nothing in this section shall affect the liability of any such person to be prosecuted under any other statute or at Common Law.
- (c) by inserting at the end of section twenty-five the following new subsections:— Sec. 25.
(Stamping after execution.)
- (3) This section shall extend to cases where an instrument has been marked "Interim stamp only" under the provisions of subsection five of section forty-one or subsection seven of section forty-two, but with the following modification, that is to say, the words "after such execution or receipt as aforesaid" are to be deemed to be omitted from paragraphs (b) and (c), and the words "after the instrument was marked 'Interim stamp only'" are to be deemed to be inserted in lieu thereof.

(4)

Stamp Duties (Amendment).

(4) Any instrument (whether the duty on it is to be or may be denoted by an adhesive or by an impressed stamp) may, except where other express provision is made by or under this or any other Act, be stamped with an impressed stamp under this section on payment of the duty and of the fines therein provided.

(5) Nothing in this section shall affect the liability of any person to any fine or penalty imposed by or under any other provision of this Act or the regulations or any other Act, and such fines and penalties may be imposed in addition to the fines provided by this section.

Sec. 28.
(Secondary
evidence.)

Sec. 32.
(Money.)

Sec. 40 (1).
(Agreement.)

Sec. 40A.
(Options.)

Sec. 41 (4)(a).
(Fixed
duty.)

(d) by adding at the end of section twenty-eight the words "and if the document is one which may legally be stamped after execution";

(e) by omitting from section thirty-two the words "British currency" and by inserting in lieu the words "currency lawful in New South Wales";

(f) by omitting from subsection one of section forty the word "conveyance";

(g) by inserting after section forty the following new section:—

40A. (1) The interest created by an agreement by which an option is given or taken to purchase or sell any property in New South Wales other than stock or marketable security, shall be deemed to be property for the purposes of this Act, and the agreement shall be liable to duty as an agreement for the sale or conveyance of property in New South Wales accordingly.

(2) The ad valorem duty chargeable on the agreement, if any, made in pursuance of and by the exercise of the option shall be reduced by the amount of the ad valorem duty paid on the agreement creating the option.

(h) (i) by omitting from paragraph (a) of subsection four of section forty-one the words "one shilling" and by inserting in lieu the words

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- words "ten shillings, provided that where the ad valorem duty charged on such agreement (or in case there is more than one of such agreements on the agreement carrying the highest ad valorem duty) is less than ten shillings, the said ad valorem duty or the said highest ad valorem duty as the case may be shall be chargeable in place of the said duty of ten shillings";
- (ii) by omitting from the second column of the matter contained in paragraph five under the heading "Conveyances of any property" in the Second Schedule the figures "£0 1 0" and by inserting in lieu the words and figures "£0 10 0 or (if it be lower) the ad valorem duty as hereinbefore by this Act provided"; Second Schedule.
- (iii) by adding at the end of the first column of the same matter after the word "Commissioner" the words "or he is satisfied that it has been duly stamped";
- (i) (i) by inserting in subsection five of section forty-one after the word "thereupon" the words "and upon payment of the fine (if any)"; Sec. 41 (5). (Agreements for sale, &c., chargeable as conveyances.)
- (ii) by inserting at the end of subsection six of section forty-one the words "The Commissioner may exercise any of the powers conferred on him by section sixty-eight with respect to any such claim"; Sec. 41 (6).
- (iii) by omitting from paragraph (a) of subsection seven of section forty-one the words "or for any other reason is not substantially performed or carried into effect so as to operate as or be followed by a conveyance"; Sec. 41 (7).
- (iv) by omitting from paragraph (a) of subsection seven of the same section the words "within six months" and by inserting in lieu thereof the words "in or to the effect of the prescribed form within three months"; Sec. 41 (7).
- (v)

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- Sec. 42.
(Property sold at one price.)
- (v) by inserting in paragraph (c) of the same subsection after the word "purchaser" the words "or any person claiming under him";
- (vi) by inserting in paragraph (c) of the same subsection after the words "possession of" the words "or has attained tenant of";
- (vii) by inserting at the end of the same paragraph the words "nor unless the Commissioner is satisfied that the contract has not been rescinded or annulled only to avoid the stamp duty upon a subsale of the property";
- (j) (i) by inserting after subsection two of section forty-two the following new subsection:—
(2A) Where any property is agreed to be purchased by two or more persons otherwise than as joint tenants, the contract for such purchase shall specify the aliquot part to be taken by each purchaser, and in the absence of such specification the purchasers shall for the purposes of this Act be deemed to have purchased the property in equal shares.
- Sec. 42 (3).
- (ii) by inserting in paragraph (b) of subsection three of the same section after the word "fine" the words "(other than that on the instrument of subsale to himself)";
- Sec. 42 (4).
- (iii) by omitting subsection four of the same section and inserting the following new subsection in lieu:—
(4) Where the instruments of the sale and of the subsales have been duly stamped with ad valorem duty in conformity with the foregoing provision, the conveyance by the original vendor to the ultimate purchaser shall be chargeable with a duty of ten shillings, and on payment thereof shall be marked as duly stamped: Provided that where the ad valorem duty on such of the said instruments as carries the highest
ad

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ad valorem duty is less than ten shillings, the amount of such highest ad valorem duty shall be chargeable in place of the said duty of ten shillings.

- (iv) by inserting in subsection five of the same section after the words "original purchaser" the words "or to the original purchasers in shares other than those in which they purchased the property"; Sec. 42 (5).
- (v) by omitting from the same subsection the words "any agreement" and inserting in their stead the words "every direction or agreement";
- (vi) by inserting in the same subsection after the words "such agreements," wherever occurring, the words "or directions";
- (vii) by omitting from the same subsection the word "hereinbefore" and by inserting at the end of the subsection the words "by this Act";
- (viii) by inserting in subsection seven of section forty-two after the word "thereupon" the words "and upon payment of the fine (if any)"; Sec. 42 7).
- (k) (i) by inserting in subsection three of section 45A after the words "rubber stamp" the words "or otherwise than by means of a printing press"; Sec. 45A. (Betting tickets.)
- (ii) by inserting at the end of the same section the following new subsection:— Sec. 45A, new subsec. (6).
 - (6) Any servant or agent of a bookmaker who issues a betting ticket except in relation to a bet made by the bookmaker personally, shall be liable to a fine of not less than two pounds nor more than ten pounds.
- (l) by omitting subsection three of section fifty-one; Sec. 51 (3).
- (m) (i) by inserting in section fifty-three after the words "New South Wales" the words "or coastwise within New South Wales"; Sec. 53. (Bills of lading.)
- (ii)

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- Second Schedule. (ii) by inserting in the matter appearing under the heading "Bill of Lading or Receipt" in the Second Schedule after the words "New South Wales" the words "or coastwise within New South Wales" and by inserting at the end of the same matter the following exemption :—
Exemption.—Any bill of lading or receipt for the carriage of goods coastwise within New South Wales where the freight payable on such goods does not exceed the sum of five shillings.
- (iii) by omitting subsection one of section fifty-four ;
- Sec. 54 (3). (iv) by omitting from subsection three of section fifty-four the word "sign" and inserting in lieu the word "execute" ;
- Sec. 54 (3). (v) by inserting in the same subsection after the words "duly stamped" the words "before or at the time of the execution by him" ;
- Sec. 54 (3). (vi) by omitting from the same subsection the word "signing" and inserting in lieu the word "executing" ;
- (vii) by inserting in the same section at the end thereof the following new subsection :—
 (4) The duty on a bill of lading may be denoted by an adhesive stamp, which is to be affixed and cancelled before or at the time of execution by the person by whom the instrument is first executed.
- Sec. 54, new subsec. (4).
- News s. 57A. (n) (i) by inserting after section fifty-seven the following new section :—
 57A. Whosoever makes or executes any charter party not duly stamped is liable to a fine not exceeding fifty pounds.
 (Charter party.)
- Second Schedule. (ii) by inserting in the matter appearing under the heading "Charter Party" in the Second Schedule after the word "beyond" the words "or coastwise within" ;
- (o)

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- (o) (i) by omitting from subsection two of section fifty-eight the word "the" where secondly appearing and by inserting in lieu thereof the word "every"; Sec. 58. (Certificate of incorporation.)
- (ii) by inserting in the matter appearing under the heading "Companies" in the Second Schedule before the words "Certificate of incorporation" where those words first occur the word "Every"; Second Schedule.
- (p) by omitting subsection two of section fifty-nine and by inserting in lieu thereof the following new subsection:— Sec. 59. (Company increase of capital.)
- (2) Such statement of the amount of any increase of registered capital shall be duly stamped with the duty charged thereon within fifteen days after adoption of the resolution by which the registered capital is increased, and in default thereof the company shall be liable to a fine of an amount fixed by the Commissioner not exceeding five pounds as and by way of additional duty.
- (q) by inserting in section sixty-five after the words "any person" the words "and also includes a covenant to pay money not made for a full consideration in money or moneys worth, the money covenanted to be paid to be regarded as the property conveyed"; Sec. 65. (Definition of conveyance and convey.)
- (r) (i) by inserting in subsection one of section sixty-six before the word "value" the word "unencumbered"; Sec. 66 (1). (Conveyance how charged.)
- (ii) by inserting in paragraph (b) of subsection two of the same section before the words "value of the property," wherever occurring, the word "unencumbered"; Sec. 66 (2).
- (iii) by omitting subsection three of section sixty-six and by inserting in lieu thereof the following new subsection:— Sec. 66 (3).
- (3) (a) Notwithstanding anything in this Act (other than section seventy-three) contained a conveyance made without consideration in money or money's worth (not being

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being a gift or instrument referred to in paragraph (b) of this subsection) shall be charged with ad valorem duty as follows:—

(i) duty shall be charged on the amount or value of all encumbrances (whether certain or contingent) subject to which the property is conveyed as aforesaid at the rate of ad valorem duty provided in the Second Schedule to this Act for a conveyance of property similar to that conveyed on a sale for a consideration in money or money's worth of not less than the unencumbered value of the property; and in addition,

(ii) duty shall be charged on the value of the property conveyed by such conveyance at the rate of duty specified in the Fourth Schedule to this Act for an estate whose final balance is equal to the total amount obtained by aggregating together—

(a) the value of the property comprised in such conveyance; and

(b) the value of all property in New South Wales whatsoever (not being property comprised in a gift or instrument referred to in paragraph (b) of this subsection) conveyed by the same conveyor to any person whomsoever at any time within the period of three years preceding the date of such conveyance without consideration in money or money's worth; and

(c) the unencumbered values of all property in New South Wales whatsoever (not being property comprised in an instrument referred to in paragraph (b) of this subsection) conveyed by the same

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same conveyor to any person whomsoever at any time within the said period of three years upon a consideration in money or money's worth of less than the unencumbered value of the property so conveyed after deducting the value of the consideration in money or money's worth therefor ascertained in accordance with this Act ;

(b) The gifts and instruments referred to in paragraph (a) of this subsection are gifts to a public hospital or for the relief of poverty or the promotion of education in New South Wales or instruments exempted in the "General Exemptions from Stamp Duty under Part III" contained in the Second Schedule to this Act ;

(iv) by inserting in section sixty-six after Sec. 66 (3A). subsection three the following new subsections :—

(3A) Notwithstanding anything in this Act (other than section seventy-three) contained a conveyance made upon a bona fide consideration in money or money's worth of less than the unencumbered value of the property conveyed (not being an instrument referred to in paragraph (b) of subsection three of this section) shall be charged with ad valorem duty as follows :—

(i) Duty shall be charged on the amount or value of such consideration for such conveyance ascertained in accordance with this Act at the rate of ad valorem duty provided in the Second Schedule to this Act for a conveyance of property similar to that so conveyed on a sale for a consideration in money or money's worth

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worth of not less than the unencumbered value of the property; and in addition,

- (ii) duty shall be charged on the difference between the unencumbered value of the property conveyed ascertained in accordance with this Act and the said amount or value of the consideration for such conveyance at the rate of duty specified in the Fourth Schedule to this Act for an estate whose final balance is equal to the total amount obtained by aggregating together—
- (a) the amount of the said difference between the unencumbered value of the property and the value of such consideration; and
 - (b) the values of all property in New South Wales whatsoever (not being property comprised in a gift or instrument referred to in paragraph (b) of subsection three of this section) conveyed by the same conveyor to any person whomsoever at any time within the period of three years preceding the date of such conveyance without consideration in money or money's worth; and
 - (c) the unencumbered value of all property in New South Wales whatsoever (not being property comprised in an instrument referred to in paragraph (b) of subsection three of this section) conveyed by the same conveyor to any person whomsoever at any time within the said period of three years upon a consideration in money or money's worth
of

Stamp Duties (Amendment).

of less than the unencumbered value of the property so conveyed therefor, after deducting the value of such consideration in money or money's worth ascertained in accordance with this Act.

(3B) Notwithstanding anything in this Act (other than section seventy-three) contained a conveyance made upon a bona fide consideration in money or money's worth of not less than the unencumbered value of the property conveyed shall be charged with ad valorem duty on the amount or value of the consideration ascertained in accordance with this Act at the rate of ad valorem duty provided in the Second Schedule for a conveyance of property similar to that so conveyed on a sale for a consideration in money or money's worth of not less than the unencumbered value of the property.

(3C) Any conveyance, being a gift or instrument referred to in paragraph (b) of subsection three of this section, shall (but without prejudice to the operation of any other provision of this Act) be charged with ad valorem duty on the value of the property conveyed at the rate of duty provided in the Second Schedule to this Act for a conveyance of property similar to that so conveyed on a sale for a consideration in money or money's worth of not less than the unencumbered value of the property.

(v) by omitting from subsection four of section sixty-six the words "to be deemed a conveyance on sale" and by inserting in lieu the words "to be charged with ad valorem duty under the preceding provisions of this section as a conveyance of all the property comprised therein";

(vi)

Stamp Duties (Amendment).

Second
Schedule.
(Conse-
quential.)

(vi) by omitting from the matter in the first column under the heading "Exchange" in the Second Schedule to this Act the words "upon the value of any property conveyed by way of exchange" and by inserting in lieu the words "or any instrument partly effecting such an exchange";

Sec. 71.
(Annuity
not in
existence.)

(s) by inserting in section seventy-one after the word "sale" the words "or upon the gift or creation";

Sec. 72.
(Fixed duty.)

(t) by omitting from section seventy-two the words "ten shillings" and by inserting in lieu the words "one pound";

Sec. 73 (1)(a).
(Certain
conveyances
not charge-
able ad
valorem.)

(u) (i) by omitting paragraph (a) of subsection one of section seventy-three and by inserting in lieu thereof the following new paragraphs:—

(a) (i) an instrument appointing a new trustee; or

(ii) an instrument appointing an additional trustee; or

(iii) an instrument by which a trustee retires from a trust without any new trustee being appointed in his place; or

(iv) a declaration by an executor under section eleven of the Trustee Act, 1925.

Second
Schedule.
(Conse-
quential
amendment.)

(ii) by omitting subparagraph (a) of paragraph four of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" and by inserting in lieu thereof the following new subparagraph:—

(a) (i) an instrument appointing a new trustee; or

(ii) an instrument appointing an additional trustee; or

(iii) an instrument by which a trustee retires from a trust without any new trustee being appointed in his place; or

(iv)

Stamp Duties (Amendment).

- (iv) a declaration by an executor under section eleven of the Trustee Act, 1925.
- (iii) by omitting from paragraph (a) under the subheading "Exemptions" to the heading "Appointment of Trustees" in the Second Schedule the words "or pursuant to"; Second Schedule. (Consequential amendment.)
- (v) (i) by omitting paragraph (b) of subsection one of section seventy-three and by inserting the following new paragraph in lieu:— Sec. 73 (1). (Certain conveyances not chargeable with ad valorem duty.)
- (b) A conveyance not made for valuable consideration and made to a beneficiary by a trustee under and in conformity with the trusts contained in a conveyance or declaration of trust on which ad valorem duty has been paid or contained in a will or arising on an intestacy and in either case in respect of property on which death duty or duty under any Act imposing duties on the estates of deceased persons has been paid or which shall be exempt from death duty by such Act.
- (ii) by omitting subparagraph (b) of paragraph four of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" and by inserting in lieu the following new subparagraph:— Second Schedule. (Consequential.)
- (b) A conveyance not made for valuable consideration and made to a beneficiary by a trustee under and in conformity with the trusts contained in a conveyance or declaration of trust on which ad valorem duty has been paid or contained in a will or arising on an intestacy and in either case in respect of property on which death duty

Stamp Duties (Amendment).

duty or duty under any Act imposing duties on the estates of deceased persons has been paid or which shall be exempt from death duty by such Act.

Sec. 73 (1)
(c).

(iii) by omitting from paragraph (c) of subsection one of section seventy-three all words following the word "whereby" and by inserting in lieu the words "no greater benefit, legal or equitable, accrues to the person in whose favour the instrument is made or executed than he originally had or was entitled to have by virtue of some other instrument which is duly stamped with ad valorem duty as a conveyance or declaration of trust";

Second
Schedule.
(Conse-
quential.)

(iv) by omitting from subparagraph (c) of paragraph four of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" all words following the word "whereby" and by inserting in lieu the words "no greater benefit, legal or equitable, accrues to the person in whose favour the instrument is made or executed than he originally had or was entitled to have by virtue of some other instrument which is duly stamped with ad valorem duty as a conveyance or declaration of trust";

Sec. 73 (1)
(e).

(v) by omitting paragraph (e) of subsection one of section seventy-three and inserting the following new paragraph in lieu:—

(e) A conveyance whereby the apparent purchaser of property that is vested in him upon trust for the person who was the real purchaser and who has actually paid the purchase money therefor, conveys the same to the real purchaser;

(vi)

Stamp Duties (Amendment).

- (vi) by omitting subparagraph (e) of paragraph four of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" and by inserting in lieu the following new subparagraph :—
- (e) A conveyance whereby the apparent purchaser of property that is vested in him upon trust for the person who was the real purchaser and who has actually paid the purchase money therefor, conveys the same to the real purchaser.
- (vii) by omitting paragraph (b) under the sub-heading "Exemptions" to the heading "Policies of Insurance" contained in the Second Schedule ;
- (viii) by inserting at the end of subsection three of section seventy-three the words "or to extend to any instrument referred to in paragraph two of the matter appearing in the Second Schedule under the heading Declaration of Trust" ;
- (w) (i) by inserting in section 75A after the word "payments" the words "or for other consideration" ;
- (ii) by omitting from the Second Schedule the matter appearing under the heading "Hire-purchase Agreements" and by inserting in lieu the following :—

| HIRE-PURCHASE AGREEMENTS— | £ s. d. | } | The person to or by whom the goods, wares or merchandise are supplied. |
|---|---------|---|--|
| For or relating to the supply of goods, wares, or merchandise on hire— | | | |
| Under hand (adhesive stamp may be used) | 0 1 0 | | |
| Under seal | 1 0 0 | | |
| (See section 75A.) | | | |
| <i>Exemption.</i> —Hire-purchase Agreement under hand where the aggregate of the payments made and to be made as consideration does not exceed £10. | | | |

Stamp Duties (Amendment).

- Sec. 76 (1).
(Lease.)
- (x) by inserting in subsection one of section seventy-six after the word "property" the words "and includes any instrument (not being an instrument liable to ad valorem duty as a conveyance) whereby a right to use at or during any time or times any property in New South Wales for any purpose whatever is conferred on or acquired by any person (who shall be deemed to be the lessee)";
- Sec. 78.
(Duty not to be charged on penal rents.)
- (y) by omitting from section seventy-eight the words "or by reason of being made in consideration of the surrender or abandonment of any existing lease of or relating to the same subject-matter";
- Sec. 79 (2).
(Royalty.)
- (z) by adding at the end of subsection two of section seventy-nine the words "in addition to the duty chargeable in respect of the rent and of so much of the consideration as is capable of being valued";
- Sec. 81 (2).
(Letter of allotment.)
- (aa) by inserting in subsection two of section eighty-one after the words "letter of," wherever occurring, the words "allotment or letter of";
- Sec. 85 (1).
(Partition.)
- (bb) (i) by inserting in subsection one of section eighty-five after the word "equality" the words "or where the divided parts of the property are unequal in unencumbered value";
- (ii) by omitting from the same subsection the words "as a conveyance for such consideration, and" and by inserting in lieu the words "as if it were a conveyance of similar property of an unencumbered value equal to the difference between the unencumbered values of the divided parts of the property upon (when such is the case) consideration equal to that paid or given or agreed to be paid or given for equality, and in addition";
- Sec. 85 (2).
- (iii) by omitting from subsection two of the same section the words "ten shillings" and by inserting in lieu the words "one pound";
- (iv)

Stamp Duties (Amendment).

(iv) by omitting all the matter under the heading "Partition" in the Second Schedule and by inserting the following in lieu:—

PARTITION—

(1) The principal or only instrument effecting a partition of any property.

The same duty as if it were a conveyance of similar property of an unencumbered value equal to the difference between the unencumbered values of the divided parts of the property upon (when such is the case) consideration equal to that given or to be given for equality and in addition a fixed duty of £1.

The persons making the partition or any one or more of them.

(2) In any other case 1 0 0

(cc) by inserting in paragraph one of section eighty-six after the word "every" the words "certify or declaration as to the existence of or an agreement for any insurance or any";

Sec. 86. (Definition of policy of insurance, &c.)

(dd) by inserting in subsection one of section eighty-seven after the word "insurance" the words "issued in New South Wales";

Sec. 87 (1). (Adhesive stamps.)

(ee) by inserting after section eighty-eight the following new section:—

NEW s. 88A. (Penalty for registering unstamped assignment or transfer of policy.)

88A. Any company or person registering or recording any assignment or transfer of a policy of insurance before such assignment or transfer has been duly stamped shall be liable to a fine not exceeding five pounds.

(ff) by omitting from subsection three of section ninety-two the words "one calendar month" and by inserting in lieu thereof the words "three calendar months";

Sec. 92 (3). (Offences relating to receipts.)

(gg)

Stamp Duties (Amendment).

Sec. 94A (1).

(gg) by omitting subsection one of section 94A and by inserting the following new subsection in lieu thereof:—

Issue of shares by direction.

(1) If a company under obligation to some person to issue or allot any of its shares to or at the direction of such person issues or allots any of the shares to some other person except upon the duly stamped direction in writing of the person entitled to have the shares so issued or allotted, the company shall be liable to a fine not exceeding one hundred pounds.

New s. 97A.
(Returns by share-brokers.)

(hh) by inserting next after section ninety-seven the following new sections:—

97A. (1) Every sharebroker shall, in the case of sales of marketable securities made by him in respect of which no instrument of transfer is executed, make at the prescribed times and in the prescribed manner and form a return to the Commissioner, verified by statutory declaration, showing the prescribed particulars of such sales, and pay to the Commissioner a sum equal to the amount which would have been payable as stamp duty if a transfer on each of such sales had been executed and duly stamped.

(2) Any sharebroker who pays any amount to the Commissioner under this section may retain the same out of any moneys in his hands belonging to the purchaser of the marketable security.

(3) Any sharebroker who fails to comply with the provisions of this section shall be liable to a fine not exceeding one hundred pounds.

New s. 97B.
(Assignment of mortgages, &c., to be marked before registration.)

97B. No assignment or transfer of a mortgage or of a debenture shall be registered or recorded in any office unless the assignment or transfer is stamped as a conveyance or is marked by the Commissioner as exempt from stamp

Stamp Duties (Amendment).

stamp duty. If any person or corporation registers or records such assignment or transfer in contravention of this section that person or corporation (and in the case of the corporation the directors or managers thereof) shall be liable to a fine not exceeding twenty pounds.

5. The Second Schedule of the Stamp Duties Act, 1920-1924, is amended as follows:—

- (a) by inserting in the first column at the end of paragraph two of the matter appearing under the heading "Agreement or Memorandum of an Agreement" the following words:—

Further amendment of Stamp Duties Act, 1920-1924.

(Agreements, &c., not otherwise charged.)

Exemption.—Any agreement made by a shire council or a municipal council with the Crown or with any corporation or person representing the Crown that would but for this exemption have been chargeable only with the said fixed duty of one shilling or one pound is exempt from such duty.

- (b) by inserting in the first column of the Second Schedule under the heading "Agreement for the sale or conveyance (including exchange) of any property" the following words:—

(Agreement for sale, &c.)

Provided that any agreement or memorandum under seal, made for or relating to the sale of any goods, wares, or merchandise, is to be charged only with a duty of one pound (for which the parties thereto shall be primarily liable), but so that if the agreement or memorandum comprises also other property it shall be chargeable with the said duty of one pound in respect of the goods, wares, and merchandise only if and when in respect of such goods, wares, and merchandise there are fully set out in its particulars of such property and

Stamp Duties (Amendment).

and the value thereof and an apportionment of the purchase money in respect thereof;

(Bill of exchange, &c.)

(c) by inserting in clause (c) of the Exemptions appearing under the heading "Bill of Exchange and Promissory Notes" after the words "on the" the words "Commonwealth Savings Bank of Australia or on the";

(Conveyance of any property.)

(d) by omitting paragraphs one, two, and three of the matter appearing under the heading "Conveyances of any Property" and by inserting in lieu thereof the following new paragraphs:—

(1) Upon every conveyance of any property (other than shares or rights to shares referred to in paragraph (1) under the heading "Transfer of Shares" herein) on a sale for a consideration in money or money's worth of not less than the unencumbered value of the property—

Where the amount of such consideration does not exceed £50

0 10 0

Exceeds £50 and does not exceed £100

1 0 0

For every £100 and also for any fractional part of £100 of such amount

1 0 0

(2) Upon every conveyance of any property whatsoever made without consideration in money or money's worth (not being a gift or instrument referred to in paragraph (b) of subsection 3 of section 66)—

On the amount or value of all encumbrances (certain or contingent) subject to which the property is conveyed

At the rate specified in paragraph (1) above in the case of property other than shares or rights to shares and in the case of shares or rights to shares at the rate specified in paragraph (1) of the matter under the heading "Transfer of Shares" herein.

The purchaser or in the case of an exchange the person deemed to be the purchaser.

The parties to the conveyance or any one or more of them.

And

Stamp Duties (Amendment).

| | |
|---|--|
| And in addition— On the value of the property conveyed | At that rate per centum of the total amount obtained by aggregating together— (a) the value of the property so conveyed ; and (b) the value of all property in New South Wales whatsoever (not being a gift or instrument referred to in paragraph (b) of subsection (3) of section 66) conveyed by the same conveyor to any person whomsoever at any time within the period of three years preceding the date of such conveyance without consideration in money or money's worth ; and also (c) the unencumbered values of all property in New South Wales whatsoever (not being an instrument referred to in paragraph (b) of subsection (3) of section 66) conveyed by the same conveyor to any person whomsoever at any time within the said period of three years |
|---|--|

upon

Stamp Duties (Amendment).

- (3) Upon every conveyance of any property whatsoever made upon a consideration in money or money's worth of less than the unencumbered value of the property conveyed (not being an instrument referred to in paragraph (b) of subsection (3) of section 66)—

On the amount or value of such consideration ascertained in accordance with this Act.....

upon a consideration in money or money's worth of less than the unencumbered value of the property thereby conveyed after deducting the value of the consideration in money or money's worth therefor ascertained in accordance with this Act:

as would be chargeable by way of death duty if the said total amount so obtained were the final balance of the estate of a deceased person dying after the passing of the Stamp Duties (Amendment) Act, 1931, domiciled in New South Wales.

The parties to the conveyance or any one or more of them.

At the rate specified in paragraph (1) above in the case of property other than shares or rights to shares and in the case of shares or rights to shares at the rate specified in

paragraph

Stamp Duties (Amendment).

And in addition—

On the difference between the un-encumbered value of the property conveyed ascertained in accordance with this Act and the said amount or value of such consideration for the conveyance

paragraph (1) of the matter under the heading "Transfer of Shares" herein.

At that rate per centum of the total amount obtained by aggregating together—

(a) the amount of the said difference between the unencumbered value of the property and such consideration; and

(b) the values of all property in New South Wales whatsoever (not being property comprised in a gift or instrument referred to in paragraph (b) of subsection 3 of section 66) conveyed by the same conveyor to any person whomsoever at any time within the period of three years preceding the date of such conveyance without consideration in money or money's worth and also

(c)

Stamp Duties (Amendment).

(c) the unencumbered value of all property in New South Wales whatsoever (not being property comprised in an instrument referred to in paragraph (b) of subsection (3) of section 66) conveyed by the same conveyor to any person whomsoever at any time within the said period of three years upon a consideration in money or money's worth of less than the unencumbered value of the property so conveyed therefor after deducting the value of such consideration in money or money's worth ascertained in accordance with this Act as would be chargeable by way of death duty if the said total amount so obtained were the final balance of the estate of a deceased person dying after the passing of the Stamp Duties (Amendment) Act, 1931, domiciled in New South Wales.

(e)

Stamp Duties (Amendment).

(e) by omitting paragraph two of the matter appearing in the Second Schedule under the heading "Declaration of Trust" and by inserting in lieu thereof the following new paragraphs:—

| | | |
|---|--|--|
| (2) Any instrument declaring that any property vested or to be vested in the person executing the same is or shall be held in trust for the person or persons or purpose or purposes mentioned therein notwithstanding that the beneficial owner or person entitled to appoint such property may not have joined therein or assented thereto. | The same duty as if the instrument was a conveyance of the property comprised therein. | The person declaring the trust—or the person directing such declaration. |
| (3) Any such instrument as aforesaid by which (a) the same trusts are declared as have been declared in respect of the same property by an instrument duly stamped with ad valorem duty under this Act or (b) the trusts declared are the same trusts as those upon or subject to which the same property was conveyed to the person declaring the trust by an instrument duly stamped with ad valorem duty under this Act. | 1 0 0 | The person declaring the trust. |

(f) (i) by inserting in the first column of the matter appearing in the Second Schedule under the heading "Foreclosure Order" before the word "value" the word "unencumbered";

(ii) by inserting in the second column of the same matter after the word "conveyance" the words "under paragraph (1) of the matter herein under the heading 'Conveyances of any Property'";

(g) by inserting in the first column of the matter appearing under the heading "Guarantee" in the Second Schedule after the words "Adhesive stamp," and within the brackets, the words "may be used";

(h) (i) by omitting from the second column of paragraph (1) of the matter in the Second Schedule under the heading "Lease or Promise of or Agreement for Lease or Hire" the figures "£0 2 6," wherever occurring, and by inserting in lieu the figures "£0 5 0" in each of the four places;

(ii)

Stamp Duties (Amendment).

- (ii) by inserting in the second column of paragraphs (2) and (3) of the same matter after the word "conveyance" the words "under paragraph (1) under the heading 'Conveyances of any Property' herein";
- (iii) by omitting from the second column of paragraph (4) of the same matter the words "on a conveyance" and by inserting in lieu the words "would be chargeable under paragraph (2) under the heading 'Conveyances of any Property' herein on a conveyance of property of an unencumbered value equal to the value of the lease in question," and by adding at the end of the first column of the same paragraph after the word "consideration" the words "in money or money's worth";
- (iv) by omitting from the first column of paragraph (5) of the same matter the words following the words "indeterminable amount" and by inserting in lieu the words "In addition to the duty that is to be charged on the rent according to the scale set out in paragraph (1) there shall be charged the fixed duty of £1 0 0 and also on the value of so much of the consideration as is capable of being valued";
- (v) by omitting from the second column of paragraph (5) of the same matter the figures "£1 0 0" and by inserting in lieu the words "the same duty as is chargeable under paragraph (1) under the heading 'Conveyances of any Property' herein on property sold for a consideration equal to such value";
- (vi) by inserting in the same matter under the heading "Lease or Promise of or Agreement for Lease or Hire" to follow paragraph seven thereof the following new paragraph:—

(Meters.)

(S) Agreement for the hire of an electricity, gas, or water meter, under hand or under seal (adhesive stamp may be used).

£ s. d.
0 1 0

The person to whom the meter is hired.

(vii)

Stamp Duties (Amendment).

- (vii) by omitting from the paragraph headed ^(Lease, &c., exemptions.) "Exemption" appearing under the same heading the words "a lease of a house used solely as a dwelling, and a lease granted under the Crown Lands Act are exempt" and by inserting in lieu thereof the letters and words:—
- "(a) a lease for a private dwelling-house only for a term of less than one year; or
- (b) a lease from the Crown under the Crown Lands Consolidation Act, 1913, or any Act amending the same; or
- (c) a lease from the Crown under the Returned Soldiers Settlement Acts; or
- (d) a lease from the Crown under the Prickly-pear Act, 1924-1930; or
- (e) an occupation permit or forest lease from the Crown under the Forestry Act, 1916; or
- (f) a lease from the Crown under the Closer Settlement Acts,
- is exempt."
- (i) by omitting from the second column of para- ^(Power of attorney.) graph five of the matter appearing under the heading "Letter or Power of Attorney" the figures "£0 10 0" and by inserting in lieu the figures "£1 0 0";
- (j) (i) by inserting in paragraph two of the matter ^(Insurances.) appearing under the heading "Policies of Insurance" after the words "adhesive stamp," and within the brackets, the words "may be used."
- (ii) by inserting at the end of the exemptions ^(Policy of insurance exemptions.) appearing in the matter under the heading of "Policies of Insurance" the following paragraphs:—
- (f) Any cover-note in pursuance of which a duly stamped policy is issued within one month of the date of the cover-note.
- (g)

Stamp Duties (Amendment).

Real
Property
Act instru-
ments.

(g) Any policy issued to the original insured or his personal representative in pursuance of a cover-note which has been duly stamped as a policy.

(k) (i) by omitting paragraphs (3) and (4) of the matter under the heading "Real Property Act, 1900" and by inserting in lieu the following new paragraph :—

| | | |
|---|---|-----------------------------------|
| (3) Memorandum of transfer— | | |
| (a) Duty shall be charged in accordance with the provisions under the heading "Conveyances of any Property" herein upon and in respect of every memorandum of transfer as a conveyance of the property therein, and the person or persons specified by such provisions for the case shall be primarily liable for the duty on the transfer. | | |
| (b) By way of exchange of the property therein. | The same duty as on an exchange herein. | The transferee. |
| (c) By way of partition or division ... | The same duty as on a partition herein. | The persons making the partition. |
| (4) Foreclosure order .. | The same duty as on a foreclosure order herein. | The mortgagee. |

(ii) by omitting paragraph seven of the matter under the same heading and by inserting in lieu the following new paragraph :—

| | | |
|--|---|-----------------------------------|
| (7) Transfer or surrender of lease— | | |
| (a) Duty shall be charged in accordance with the provisions under the heading "Conveyances of any Property" herein upon and in respect of the transfer or surrender as a conveyance of the property therein and the person or persons specified by such provisions for the case shall be primarily liable for the duty on the transfer or surrender. | | |
| (b) By way of exchange of the property therein. | The same duty as on an exchange herein. | The transferee. |
| (c) By way of partition or division ... | The same duty as on a partition herein. | The persons making the partition. |

(iii)

Stamp Duties (Amendment).

(iii) by inserting in the matter appearing under the heading "Real Property Act, 1900" (Sale, &c., of mortgages.) after paragraph seven the following new paragraph:—

| | | |
|---|--|-----------------|
| (8) Transfer of a mortgage or an encumbrance made otherwise than by way of mortgage or discharge of mortgage. | The same duty as is payable on a conveyance. | The transferee. |
|---|--|-----------------|

(iv) by inserting after paragraph fourteen of the matter appearing in the Second Schedule under the heading "Real Property Act, 1900," the following new paragraph:—

| | | |
|--|-------|----------------|
| (15) A transmission application to a devisee who is also the sole executor or administrator. | 1 0 0 | The applicant. |
|--|-------|----------------|

(v) by inserting at the end of paragraph (b) of the exemption appearing in the Second Schedule under the same heading the words "other than an application for transmission to a devisee who is also the sole executor or administrator";

(1) (i) by omitting paragraph (e) of the exemptions appearing under the heading "Receipt or Discharge" (Receipt or discharge of exemptions.)

(ii) by inserting in paragraph (o) of the exemptions appearing under the same heading after the word "workman" the following words: "or his legal personal representative or his dependents";

(iii) by inserting at the end of paragraph (q) of the exemptions appearing under the same heading the words "or the Deserted Wives and Children Act, 1901";

(iv) by inserting at the end of the exemptions appearing under the same heading the following new paragraph:—

(t) Any receipt given for or upon the payment of money to or for the use of the Royal Life Saving Society, New South Wales head centre, or the Surf Life Saving Association of Australia or clubs affiliated thereto. (Royal Life Saving associations, &c.)

(m)

Stamp Duties (Amendment).

(m) by omitting the matter appearing under the heading "Direction as to Issue or Allotment of Shares" and by inserting the following in lieu:—

Any instrument whereby a person entitled to have any shares issued or allotted to him by any company directs the company to issue the shares to any other person shall be chargeable with duty, as follows:—

(a) If the direction is made upon a consideration in money or money's worth of not less than the unencumbered value of the shares directed to be issued or allotted.

(b) In any case other than that mentioned in the preceding subparagraph (a).

Exemption.—A direction for the issue or allotment of shares in a mining company as defined in section 3 made upon a consideration in money or money's worth of not less than the unencumbered value of the shares directed to be issued or allotted.

Transfer of shares.

(n) by omitting all the matter under the heading "Transfer of Shares" except the last paragraph under the subheading "Exemptions" and by inserting the following in lieu:—

TRANSFER OF SHARES—

(1) Upon the transfer of any shares or of the right to any shares in the stock or funds of any corporation or company incorporated in New South Wales or which being incorporated out of New

The person to whom the shares are to be issued or allotted.

The same duty as is payable under paragraph (1) under the heading "Transfer of Shares" herein on a transfer of shares for a consideration of equal amount.

The same duty as is payable under paragraph (2) under the heading "Conveyances of any Property" herein on a conveyance of unencumbered property of a value equal to that of the shares directed to be issued or allotted.

The transferee

South

Stamp Duties (Amendment).

South Wales has a share register in New South Wales wherein such share or right is registered on a sale thereof for a consideration in money or money's worth of not less than the unencumbered value of the shares or the right to the shares comprised in the transfer—

For every £10 and also for any fractional part of £10 of the consideration for the transfer ...

(2) Upon the transfer of shares or of rights to shares made without consideration in money or money's worth.

0 1 0

The same duty as is payable under paragraph (2) under the heading "Conveyances of any Property" herein on the conveyance of the shares or rights to shares.

The parties to the transfer or any one or more of them.

(3) Upon the transfer of shares or of rights to shares made upon a consideration in money or money's worth of less than the unencumbered value of the shares or the rights to shares comprised in the transfer.

The same duty as is payable under paragraph (3) under the heading "Conveyances of any Property" herein on the conveyance of the shares or rights to shares.

(4) Upon the transfer of shares without valuable consideration from an administrator or trustee to the person beneficially entitled thereto under and in conformity with the trusts contained in a conveyance or declaration of trust on which ad valorem duty has been paid or contained in a will or arising on an intestacy and in either case in respect of shares on which death duty or duty under any Act imposing duties on the estates of deceased persons has been paid or which shall be exempt from death duty by such Act.

1 0 0

or ad valorem duty at the rate of 1s. for every £10 (or part thereof) of the value of the shares, whichever is the lower.

The transferee.

(5) Where a transfer of shares includes a right to shares and the transfer is duly stamped in respect of such rights—

On any transfer necessary to vest such rights in the transferee ...

0 2 6

The transferee.

(o) by omitting from both subparagraphs (a) and (b) of the paragraph headed "Exemptions" under the same heading the words "on sale"

Stamp Duties (Amendment).

sale” and by inserting at the end of each subparagraph the words “on a sale thereof for a consideration in money or money’s worth of not less than the unencumbered value of such property sold”;

(General
• exemptions.)

- (p) (i) by inserting in paragraph one of the matter appearing under the heading “General Exemptions from Stamp Duty under Part III” after the word “soldier” the words “to a returned sailor or soldier”;
- (ii) by inserting at the end of paragraph nine of the matter appearing under the same heading the words “not being a conveyance from such hospital or from any person on its behalf or an agreement for such conveyance”;
- (iii) by inserting at the end of paragraph ten of the matter appearing under the same heading the words “not being a conveyance from such board or committee or from any person on their behalf or an agreement for such conveyance”;
- (iv) by omitting paragraph fifteen of the matter appearing under the same heading;
- (v) by inserting at the end of paragraph seventeen of the matter appearing under the same heading the following words: “or any transfer or conveyance of a debenture by way of mortgage or by way of discharge of mortgage or any receipt endorsed on either or any of such documents for the consideration therefor”;
- (q) by inserting at the end of the Second Schedule the following new paragraph:—

(18) Any agreement made by a council with the Main Roads Board of New South Wales.

*Stamp Duties (Amendment).***6.** Part IV of the Stamp Duties Act, 1920-1924, is amended—

Further amend-
ment of Stamp
Duties Act,
1920-1924,
Part IV.

- (a) by inserting in subparagraph (a) of paragraph one of section one hundred and two after the word "death" the following words:—

(Death duties.)
(Property
subject to
duty as part
of the estate
of deceased.)

And in addition where the deceased was domiciled in New South Wales all personal property of the deceased situate outside New South Wales at his death (including all personal property so situate over which he had a general power of appointment, exercised by his will).

- (b) (i) by inserting in subparagraph (a) of paragraph two of the same section after the word "general" the words "or special";
(ii) by inserting in subparagraph (b) of paragraph two of the same section after the words "promotion of education" the words "in New South Wales";
(iii) by inserting in paragraph two of the same section to follow subparagraph (b) the following new subparagraph:—

(ba) The value (to be ascertained as at the date of the gift) of any property (not being property included in the estate under the provisions of subparagraph (b) of this paragraph) comprised in any gift made by the deceased within three years before his death, and whether made before or after the passing of this Act, including any money paid or other property conveyed or transferred by the deceased within such period in pursuance of a covenant or agreement made at any time by him without full consideration in money or money's worth:

Provided that the Commissioner may in his discretion reduce such value by the amount by which the value of the property given would in

the

Stamp Duties (Amendment).

the ordinary course have depreciated in the hands of the deceased between the date of the gift and the date of his death :

Provided further that this subparagraph shall not apply to any such gift made to a public hospital or for the relief of poverty or the promotion of education in New South Wales.

(iv) by inserting in subparagraph (d) of paragraph two of the same section after the word "whatsoever" lastly occurring the words "whether enforceable at law or in equity or not and whenever the deceased died";

(v) by omitting subparagraph (f) of paragraph two of the same section and by inserting in lieu the following new subparagraphs :—

(f) Any property which or an interest in which the deceased has at any time, whether before or after the passing of this Act, without full consideration in money or money's worth, caused to be conveyed to, or vested in, himself and any other person jointly, whether by disposition or otherwise, and whether by himself alone or in concert or by arrangement with any other person whatsoever so that a beneficial interest therein or in some part thereof passes or accrues by survivorship to any other person on the death of the deceased.

The value of the consideration in money or money's worth (if any) obtained by the deceased for the conveyance or vesting above mentioned shall be deducted from the value of the property included in the estate :

Provided

Stamp Duties (Amendment).

Provided that no greater sum shall be so deducted than the difference between the value of such property and the value of the beneficial interests passing or accruing to any other person on the death of the deceased.

- (fa) Any property owned by the deceased immediately prior to the time of his death jointly with any other person to the extent of the beneficial interests therein passing or accruing by survivorship to any person on the death of the deceased.
- (vi) (a) by inserting in subparagraph (l) of the same paragraph before the words "any property" the words "The value (to be ascertained as at the date of the transfer or vesting) of";
- (b) by inserting at the end of the same subparagraph (l) the words: "Provided that the Commissioner may in his discretion reduce such value by the amount by which the value of the property transferred or vested would in the ordinary course have depreciated in the hands of the deceased between the date of the transfer or vesting and the date of his death.

"Provided further that where property is included in the estate of a deceased person under this subparagraph the shares or other consideration for the transfer shall not form part of the dutiable estate of the deceased."

- (c) (i) by omitting paragraphs (b) and (c) of sub-
 section one and subsection three of section
 one hundred and three ;
- (ii) by omitting from subsection two of the same
 section the words "and shares";

Sec. 103.
 (Certain
 debts, &c., to
 be included.)

(d)

Stamp Duties (Amendment).

Sec. 103A.
(Refund of
duty on
property
outside
New South
Wales.)

- (d) by inserting after section one hundred and three the following new section:—

103A. Where in the case of a person dying after the passing of the Stamp Duties (Amendment) Act, 1931, death duty has been paid under this Act on personal property situate in any part of His Majesty's Dominions other than New South Wales at such death and it is shown to the satisfaction of the Commissioner that death duty (not being duty or tax under any Act of the Commonwealth of Australia) has been lawfully paid on such personal property to the part of His Majesty's Dominions in which such property is situate at such death in consequence of the death of the said deceased and of the property passing thereby, the Commissioner shall refund to the person who has paid the death duty under this Act or such personal property an amount equal to the said death duty so paid thereon to the part of His Majesty's Dominions in which it is situate or to the said duty so paid thereon under this Act, whichever amount is the lesser.

Sec. 104.
(Dutiable
estate.)

- (e) by omitting from section one hundred and four the words "the last two preceding sections" and by inserting in lieu thereof the words "sections one hundred and two and one hundred and three";

Sec. 108 (1).
(Apportion-
ment of debt.)

- (f) (i) by omitting subsection one of section one hundred and eight and by inserting in lieu thereof the following new subsection:—

(1) The allowance so to be made for unsecured debts shall extend only to those debts payable to persons domiciled or carrying on business within New South Wales but not being in either case debts contracted for or in connection with a
business

Stamp Duties (Amendment).

business or a branch of a business of the deceased located out of New South Wales save that—

- (a) where there are no foreign assets, all unsecured debts so far as they are not allowed under the preceding provision of this subsection may be deducted from the dutiable estate of the deceased ;
- (b) where there are foreign assets—
- (i) all unsecured debts (so far as they are not allowed under the said preceding provision) payable to persons domiciled or carrying on business out of New South Wales but being in either case debts contracted for or in connection with a business or branch of a business of the deceased located in New South Wales may be deducted from the dutiable estate of the deceased ;
- (ii) such portion only of any unsecured debt that is not allowed under the preceding provisions of this subsection as exceeds the value of the foreign assets shall be deducted from the dutiable estate of the deceased ;
- (ii) by inserting in subsection two of the same section after the word “situation” the words “or of the domicile of the deceased.”
- (g) by omitting section one hundred and nine and by inserting the following new section :—
- Sec. 109.
109. The allowance to be made for secured debts shall extend only to debts secured by mortgage, lien, or charge solely upon any part of the dutiable estate, save that—
- (Allowance for secured debts where there are foreign assets)
- (a) Where a debt is secured partly upon the dutiable estate and partly upon foreign assets, such portion only of such debt shall be allowed as bears the same
- ratio**

Stamp Duties (Amendment).

ratio to the total debt as the value of the part of the dutiable estate so charged bears to the total value of the whole property of the deceased comprised in the security: Provided that no such allowance shall exceed the value of the part of the dutiable estate so charged.

- (b) Where a debt secured solely upon any part of the foreign assets exceeds the value of the assets comprised in the security such portion of that excess may be allowed as the Commissioner thinks just and proper, having regard to the amount of the dutiable estate, the value of the foreign assets, the debts allowable out of the dutiable estate under the other provisions of this Act, and the whole of the debts of the deceased.

Sec. 111.
(Certain estates
exempted.)

Sec. 112.
(Abatement
for widow,
&c.)

(h) by omitting section one hundred and eleven ;

(i) (i) by omitting from subsection one of section one hundred and twelve the words "where the final balance of the estate of the deceased does not exceed five thousand pounds" and by inserting in lieu the words "where the amount of the dutiable estate of the deceased when aggregated with the value of his foreign assets does not, after deducting therefrom all debts actually due and owing by him at the time of his death other than the debts referred to in subsection two of section one hundred and seven, exceed three thousand pounds";

(ii) by omitting from the same subsection the words "prescribed in the Third Schedule to" and by inserting in lieu the words "that would but for this provision be the rate prescribed by";

(iii)

Stamp Duties (Amendment).

- (iii) by inserting in the same section the following new subsection to follow subsection one:—

(1A) This section shall not apply to any such widow or child unless the Commissioner is satisfied that she or he was dependent upon the deceased for maintenance and support at the time of his death.

- (j) (i) by omitting from subsection two of section Sec. 115. one hundred and fifteen the words “the (Due date of duty.) whole dutiable estate of the deceased” and by inserting in lieu thereof the words “so much of his dutiable estate as is situate in New South Wales”;

- (ii) by inserting in the same subsection after the word “property” the words “situate in New South Wales the value of which is or which is”;

- (k) (i) by omitting from subsection four of section Sec. 117 (4). one hundred and seventeen the words Affidavit of value. “the rates set forth in the Third Schedule hereto” and by inserting in lieu the words “the rate applicable thereto under the provisions of this Act.”

- (ii) by omitting subsection five of section Sec. 117 one hundred and seventeen and by inserting (5)(6)(7). in lieu thereof the following new subsections:—

(5) The Commissioner may, notwithstanding that administration of the estate of a deceased person has not been obtained in New South Wales, on the application in the prescribed form of any person interested in the estate, issue an assessment and collect the death duty (if any) payable in respect of the estate, or may certify that no death duty is payable in respect of such estate. (Power to make assessment in certain cases.)

Any

Stamp Duties (Amendment).

Any applicant shall furnish such evidence on oath or by statutory declaration and such information regarding the estate in such manner as the Commissioner may require.

This subsection shall not apply unless the Commissioner is of opinion that the death duty payable in respect of the estate does not exceed ten pounds.

(6) Every conveyance of any real property not under the provisions of the Real Property Act, 1900, executed by an administrator to any devisee or beneficiary and every acknowledgment executed by an administrator in lieu of such conveyance and every declaration by an executor under section eleven of the Trustee Act, 1925, that he holds property as beneficiary shall before being registered in any office be produced to the Commissioner together with evidence identifying such property with that included in the affidavit of value lodged by such administrator with his application for probate or letters of administration of the estate of the deceased person. Any person who registers any such instrument before it has been produced to the Commissioner shall be guilty of an offence and be liable to a penalty of five pounds.

(7) In connection with death duty under this Act or duty under any of the Acts repealed by this Act or under any Act repealed by such Acts on the estate of a deceased person (whether dying before or after the passing of the Stamp Duties (Amendment) Act, 1931), the Commissioner may lodge with the Registrar-General a caveat against any application to bring land under the Real Property Act, 1900, or against any application to be registered

Commis-
sioner
may lodge
caveat.

Stamp Duties (Amendment).

registered as proprietor of any land under that Act or any mortgage or encumbrance thereon, or any dealing with any such land, mortgage, or encumbrance.

Every such caveat shall be dealt with in all respects as if it were a caveat filed by the Registrar-General, except that the Commissioner shall be considered as the caveator.

- (l) by inserting in section one hundred and eighteen after the word "impose" the following proviso :—

Sec. 118.
(Penalty for not taking out administration.)

Provided that where death duty has been paid within the prescribed time upon an assessment in pursuance of subsection five of section one hundred and seventeen, or where the Commissioner has under that section certified that no death duty is payable, such penalties shall not be incurred.

- (m) (i) by inserting in subsection one of section one hundred and twenty after the words "any property" the words "which is or the value of which is" ;
- (ii) by omitting from the same subsection the word "thereout" ;
- (iii) by inserting in subsection three of the same section after the words "such duty" the words "and interest thereon at the rate of ten pounds per centum per annum from the date of the expiration of the period of six months after the death of the deceased or if administration has been first granted out of New South Wales, from the date of the expiration of the period of twelve months after the death of the deceased" ;
- (iv) by inserting in subsection four of section one hundred and twenty before the words "this section" the words "subsections two and three of" ;

Sec. 120.
(Account duty.)

(n)

Stamp Duties (Amendment).

Sec. 121.
(Interest on
unpaid duty.)

(n) (i) by omitting from subsection one of section one hundred and twenty-one the words "except where duty as assessed by the Commissioner under this Part is paid within thirty days after notice of assessment has been given" and by inserting in lieu thereof the words "except where administration is granted and issued and the death duty is paid within six months after the death of the deceased";

(ii) by omitting subsection two of the same section and by inserting in lieu thereof the following new subsection:—

(2) Such interest shall be calculated from the date of the expiration of the said six months provided that in any case in which administration has been first granted out of New South Wales the interest shall be calculated from the expiration of twelve months after the death of the deceased.

Sec. 122.
(Certificate
of Commis-
sioners.)

(o) (i) by omitting from subsection one of section one hundred and twenty-two the words "carrying on business in New South Wales";

(ii) by omitting from the same subsection the words "as owner," and inserting in lieu the words and brackets "(or where a policy of life insurance on the life of the deceased stands in such books in the name of any other person)";

(iii) by omitting paragraph (b) of subsection five and subsection eight of the same section;

Sec. 123.

(p) (i) by adding at the end of subsection one of section one hundred and twenty-three the words "less the sum of one pound for each separate instrument within the meaning of section sixteen";

(ii) by inserting at the end of subsection three of section one hundred and twenty-three the words "or unless he is satisfied as to the payment of such duty";

Stamp Duties (Amendment).

7. Part V of the Stamp Duties Act, 1920-1924, is amended—

Further amend-
ment of Stamp
Duties Act, 1920-
1924, Part V.

- (a) by inserting after section one hundred and twenty-five the following new sections:—

125A. In every case in which it is necessary for the purpose of assessing duty under this Act to ascertain the value of any estate or annuity or interest for the life of any person or of any estate, annuity, or interest determinable on or subject to any contingency or the happening of any event or of any estate, annuity, or interest in remainder expectant on the death of any person or expectant on or subject to any contingency or the happening of any event, regard may be had in ascertaining the value of any such property as aforesaid to the death of the person having the life estate or annuity or interest or the happening of the contingency or event at any time before the assessment of duty under this Act is actually made.

Ascertain-
ment of value
of certain
interests.

125B. In any case in which it is necessary to ascertain the value of any property for the purpose of assessing ad valorem duty on any instrument, the existence of any overriding power of revocation or of defeasance or of creating charges or of new appointment or reconveyance in such or any other instrument may be disregarded in determining the value of such property.

Ascertain-
ment of value
of property
subject to
powers, &c.

- (b) by omitting subsection one of section one hundred and twenty-seven and by inserting the following new subsection in lieu thereof:—

Sec. 127 (1).

(1) (a) For the purposes of this Act, the valuation of shares in any company, whether incorporated in or out of New South Wales, shall be made upon the basis that the memorandum and articles of association or rules of the company satisfy the requirements prescribed by the committee or governing authority of the stock exchange at the place where the share register in which the shares being

Valuation
of shares.

Stamp Duties (Amendment).

being valued are registered is, to enable that company to be placed on the current official list of such stock exchange at the relevant time;

(b) No provision in the memorandum or articles of association or rules of any company whereby or whereunder the value of the shares of a deceased or other member is to be determined shall be applicable in determining the value of the shares for the purposes of this Act.

Sec. 133.
(Books to be kept.)

(c) by omitting from section one hundred and thirty-eight the words "Third Schedule" and by inserting in lieu thereof the words "Third, Fourth, and Fifth Schedules";

Sec. 140 (1).
(Refunds.)

(d) by inserting at the end of subsection one of section one hundred and forty the words "but (except in accordance with an order of the court under section one hundred and twenty-four) no refund shall be made in respect of any property wrongly included in the dutiable estate of any person whether dying before or after the passing of the Stamp Duties (Amendment) Act, 1931, by reason of any mistake in the construction of this Act";

Sec. 143.
(No abatement of legal proceedings.)

(e) by inserting after section one hundred and forty-two the following new sections:—

(143) No action or proceeding civil or criminal by the Commissioner and no civil action or proceeding against the Commissioner shall determine or abate by reason of the death of the Commissioner or of his removal or retirement from office but it shall be continued as if the vacancy had not happened and it may be enforced by or against a Commissioner subsequently appointed as if he had been the Commissioner by or against whom it was brought.

Sec. 144.
(Construction of Act.)

(144) This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment thereof would

Stamp Duties (Amendment).

would, but for this section, have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

8. The Companies (Death Duties) Act, 1901, is amended—

Amendment of
Companies
(Death Duties)
Act, 1901.

- (a) by omitting paragraph (a) of subsection one of section four and by inserting in lieu the following new paragraph:—
- (a) in New South Wales of mining for gold or other minerals as defined in the Mining Act, 1906, or of treating any such minerals; or
- (b) (i) by inserting in section seven after the words "estate of such member" the words "or notice of the death of such member";
- (ii) by inserting in the same section after the words "letters of administration" where secondly and thirdly occurring the words "or such notice of death";
- (c) (i) by omitting from subsection one of section ten the words "Stamp Duties Act, 1898," wherever occurring, and by inserting in lieu the words "Stamp Duties Act, 1920";
- (ii) by omitting from the same subsection the words "at the rate mentioned in the Second Schedule to this Act";
- (iii) by inserting in the same subsection after the word "death" and immediately before the proviso the words "at the rate set out in the Fifth Schedule to the Stamp Duties Act, 1920-1924, as amended by the Stamp Duties (Amendment) Act, 1931, for an estate the final balance of which is equal to the value of the said shares and stock";
- (iv) by omitting all the words in paragraph (b) of the proviso in the same subsection occurring after the word "duty," secondly occurring, and by inserting in lieu the following words: "calculated as aforesaid according

Sec. 4.

Sec. 7.

Sec. 10 (1).

according

Stamp Duties (Amendment).

according to the said Schedule as the value of the assets of the company situated in New South Wales bears to the total assets of the company wherever situated”;

(v) by omitting paragraph (c) of the proviso to such subsection and by inserting in lieu thereof the following new paragraph:—

(c) Where the company carries on the business of pastoral or agricultural production in New South Wales as mortgagee in possession only, no duty under this section shall be payable by that company; and

Sec. 10 (2).

(d) by inserting in subsection two of the same section after the word “member” the words “or on which notice of the death of such member”;

Sec. 10 (3).

(e) by inserting in section ten after subsection two the following new subsection:—

(3) For the purposes of this section the term “assets” means the gross amount of all the real and personal property of the company of every kind including things in action, and without making any deduction in respect of any debts or liabilities of the company.

(f) by inserting after section eleven the following new sections:—

11A. The provisions of sections seven, ten, eleven, twelve, and thirteen of this Act shall apply to a company incorporated according to the laws of New South Wales that carries on in New South Wales any of the businesses mentioned in paragraphs (a) and (b) of subsection one of section four and has a share register outside New South Wales in like manner in all respects (subject as hereinafter provided) as the said sections seven, ten, eleven, twelve, and thirteen apply to a company incorporated according to the laws of some country other than New South Wales and carrying on any of the said businesses in
New

Application
of secs. 7, 10,
11, 12, 13.

Stamp Duties (Amendment).

New South Wales: Provided that the said sections shall not apply in respect of shares and stock registered in the share register of the company kept in New South Wales.

11B. Nothing in this Act shall affect any Saving. liability of shares and stock mentioned in this Act to duty under the Stamp Duties Act, 1920-1931.

9. The Stamp Duties (Deductions) Act, 1904, is Repeal of Act No. 34, 1904. hereby repealed.

10. The Stamp Duties Act, 1920-1924, is further Further amendment of Act No. 47, 1920. amended by inserting after section one hundred and one the following new sections:—

101A. In the case of every person who dies after Sec. 101A. the passing of the Stamp Duties (Amendment) Death duty, local domicile. Act, 1931, whether in New South Wales or elsewhere, and who was at the date of his death domiciled in New South Wales, duty (hereinafter called Death Duty) at the rate mentioned in the Fourth Schedule to this Act shall be assessed and paid upon the final balance of the estate of the deceased as determined in accordance with this Act:

Provided that if the value of the dutiable estate of such deceased when aggregated with the value of all his foreign assets does not, after deducting therefrom all debts actually due and owing by the deceased at the date of his death other than the debts referred to in subsection two of section one hundred and seven, exceed one thousand pounds, no death duty shall be chargeable on any property passing by the intestacy or by the will of the deceased to any person who in the opinion of the Commissioner was dependent on the deceased for maintenance and support at the time of his death or on any other property which or the value of which is included by this Act in the dutiable estate of the deceased, the beneficial interest in which property was vested in or passed on the death of the deceased to a person who in the opinion of the Commissioner was dependent upon the deceased as aforesaid.

101B.

Stamp Duties (Amendment).

Death duty,
foreign
domicile.

101B. In the case of every person who dies after the passing of the Stamp Duties (Amendment) Act, 1931, whether in New South Wales or elsewhere, and who was at the date of his death domiciled outside New South Wales, duty (hereinafter called Death Duty) at the rate mentioned in the Fifth Schedule to this Act shall be assessed and paid upon the final balance of the estate of the deceased as determined in accordance with this Act.

Further
amendment
of Act No. 47,
1920.

11. The Stamp Duties Act, 1920-1924, is further amended by inserting next after the Third Schedule the following new Schedules:—

FOURTH SCHEDULE.

New Fourth
and Fifth
Schedules.
(Rates of
duty.)

DEATH DUTY on Estates of Deceased Persons dying after the passing of the Stamp Duties (Amendment) Act, 1931, domiciled in New South Wales.

| Final Balance of Estate. | | Rate per centum of Duty. |
|--------------------------|---------------------------------|-----------------------------|
| Not exceeding | £1,000 | 2 |
| Exceeding | £1,000 but not exceeding £2,000 | 2 $\frac{1}{4}$ |
| " | £2,000 | 2 $\frac{1}{2}$ |
| " | £3,000 | 2 $\frac{3}{4}$ |
| " | £4,000 | 3 |
| " | £5,000 | 3 $\frac{1}{4}$ |
| " | £6,000 | 3 $\frac{1}{2}$ |
| " | £7,000 | 3 $\frac{3}{4}$ |
| " | £8,000 | 4 |
| " | £9,000 | 4 $\frac{1}{4}$ |
| " | £10,000 | 4 $\frac{1}{2}$ |
| " | £11,000 | 4 $\frac{3}{4}$ |
| " | £12,000 | 5 |
| " | £13,000 | 5 $\frac{1}{4}$ |
| " | £14,000 | 5 $\frac{1}{2}$ |
| " | £15,000 | 5 $\frac{3}{4}$ |
| " | £16,000 | 6 |
| " | £17,000 | 6 $\frac{1}{4}$ |
| " | £18,000 | 6 $\frac{1}{2}$ |
| " | £19,000 | 6 $\frac{3}{4}$ |
| " | £20,000 | 7 |
| " | £21,000 | 7 $\frac{1}{4}$ |
| " | £22,000 | 7 $\frac{1}{2}$ |
| " | £23,000 | 7 $\frac{3}{4}$ |
| " | £24,000 | 8 |
| " | £25,000 | 8 $\frac{1}{4}$ |
| " | £26,000 | 8 $\frac{1}{2}$ |
| " | £27,000 | 8 $\frac{3}{4}$ |

FOURTH

Stamp Duties (Amendment).

FOURTH SCHEDULE—continued.

DEATH DUTIES—continued.

| Final Balance of Estate. | | Rate per centum of Duty. |
|--------------------------|-----------------------------------|-----------------------------|
| Exceeding | £27,000 but not exceeding £28,000 | ... 8 $\frac{3}{4}$ |
| " | £28,000 " " £29,000 | ... 9 |
| " | £29,000 " " £30,000 | ... 9 $\frac{1}{4}$ |
| " | £30,000 " " £31,000 | ... 9 $\frac{1}{2}$ |
| " | £31,000 " " £32,000 | ... 9 $\frac{3}{4}$ |
| " | £32,000 " " £33,000 | ... 10 |
| " | £33,000 " " £34,000 | ... 10 $\frac{1}{4}$ |
| " | £34,000 " " £35,000 | ... 10 $\frac{1}{2}$ |
| " | £35,000 " " £36,000 | ... 10 $\frac{3}{4}$ |
| " | £36,000 " " £37,000 | ... 11 |
| " | £37,000 " " £38,000 | ... 11 $\frac{1}{4}$ |
| " | £38,000 " " £39,000 | ... 11 $\frac{1}{2}$ |
| " | £39,000 " " £40,000 | ... 11 $\frac{3}{4}$ |
| " | £40,000 " " £41,000 | ... 12 |
| " | £41,000 " " £42,000 | ... 12 $\frac{1}{4}$ |
| " | £42,000 " " £43,000 | ... 12 $\frac{1}{2}$ |
| " | £43,000 " " £44,000 | ... 12 $\frac{3}{4}$ |
| " | £44,000 " " £45,000 | ... 13 |
| " | £45,000 " " £46,000 | ... 13 $\frac{1}{4}$ |
| " | £46,000 " " £47,000 | ... 13 $\frac{1}{2}$ |
| " | £47,000 " " £48,000 | ... 13 $\frac{3}{4}$ |
| " | £48,000 " " £49,000 | ... 14 |
| " | £49,000 " " £50,000 | ... 14 $\frac{1}{4}$ |
| " | £50,000 " " £51,000 | ... 14 $\frac{1}{2}$ |
| " | £51,000 " " £52,000 | ... 14 $\frac{3}{4}$ |
| " | £52,000 " " £53,000 | ... 15 |
| " | £53,000 " " £54,000 | ... 15 $\frac{1}{4}$ |
| " | £54,000 " " £55,000 | ... 15 $\frac{1}{2}$ |
| " | £55,000 " " £56,000 | ... 15 $\frac{3}{4}$ |
| " | £56,000 " " £57,000 | ... 16 |
| " | £57,000 " " £58,000 | ... 16 $\frac{1}{4}$ |
| " | £58,000 " " £59,000 | ... 16 $\frac{1}{2}$ |
| " | £59,000 " " £60,000 | ... 16 $\frac{3}{4}$ |
| " | £60,000 " " £61,000 | ... 17 |
| " | £61,000 " " £62,000 | ... 17 $\frac{1}{8}$ |
| " | £62,000 " " £63,000 | ... 17 $\frac{2}{8}$ |
| " | £63,000 " " £64,000 | ... 17 $\frac{3}{8}$ |
| " | £64,000 " " £65,000 | ... 17 $\frac{4}{8}$ |
| " | £65,000 " " £66,000 | ... 18 |
| " | £66,000 " " £67,000 | ... 18 $\frac{1}{8}$ |
| " | £67,000 " " £68,000 | ... 18 $\frac{2}{8}$ |
| " | £68,000 " " £69,000 | ... 18 $\frac{3}{8}$ |
| " | £69,000 " " £70,000 | ... 18 $\frac{4}{8}$ |
| " | £70,000 " " £71,000 | ... 19 |
| " | £71,000 " " £72,000 | ... 19 $\frac{1}{8}$ |

FOURTH

Stamp Duties (Amendment).

FOURTH SCHEDULE—*continued.*DEATH DUTIES—*continued.*

| Final Balance of Estate. | | Rate per centum of Duty. |
|--------------------------|---------------------------------------|-----------------------------|
| Exceeding | £72,000 but not exceeding £73,000 ... | 19 $\frac{2}{5}$ |
| " | £73,000 " " £74,000 ... | 19 $\frac{3}{5}$ |
| " | £74,000 " " £75,000 ... | 19 $\frac{4}{5}$ |
| " | £75,000 " " £76,000 ... | 20 |
| " | £76,000 " " £77,000 ... | 20 $\frac{1}{5}$ |
| " | £77,000 " " £78,000 ... | 20 $\frac{2}{5}$ |
| " | £78,000 " " £79,000 ... | 20 $\frac{3}{5}$ |
| " | £79,000 " " £80,000 ... | 20 $\frac{4}{5}$ |
| " | £80,000 " " £81,000 ... | 21 |
| " | £81,000 " " £82,000 ... | 21 $\frac{1}{5}$ |
| " | £82,000 " " £83,000 ... | 21 $\frac{2}{5}$ |
| " | £83,000 " " £84,000 ... | 21 $\frac{3}{5}$ |
| " | £84,000 " " £85,000 ... | 21 $\frac{4}{5}$ |
| " | £85,000 " " £86,000 ... | 22 |
| " | £86,000 " " £87,000 ... | 22 $\frac{1}{5}$ |
| " | £87,000 " " £88,000 ... | 22 $\frac{2}{5}$ |
| " | £88,000 " " £89,000 ... | 22 $\frac{3}{5}$ |
| " | £89,000 " " £90,000 ... | 22 $\frac{4}{5}$ |
| " | £90,000 " " £91,000 ... | 23 |
| " | £91,000 " " £92,000 ... | 23 $\frac{1}{5}$ |
| " | £92,000 " " £93,000 ... | 23 $\frac{2}{5}$ |
| " | £93,000 " " £94,000 ... | 23 $\frac{3}{5}$ |
| " | £94,000 " " £95,000 ... | 23 $\frac{4}{5}$ |
| " | £95,000 " " £96,000 ... | 24 |
| " | £96,000 " " £97,000 ... | 24 $\frac{1}{5}$ |
| " | £97,000 " " £98,000 ... | 24 $\frac{2}{5}$ |
| " | £98,000 " " £99,000 ... | 24 $\frac{3}{5}$ |
| " | £99,000 " " £100,000 ... | 24 $\frac{4}{5}$ |
| " | £100,000 | 25 |

FIFTH SCHEDULE.

DEATH DUTY on Estates of Deceased Persons dying after the passing of the Stamp Duties (Amendment) Act, 1931, domiciled outside New South Wales.

| Final Balance of Estate. | | Rate per centum of Duty. |
|--------------------------|-----------------------------------|-----------------------------|
| Not exceeding | £500 | 3% |
| Exceeding | £500 but not exceeding £1,000 ... | 3 $\frac{1}{3}$ |
| " | £1,000 " " £2,000 ... | 3 $\frac{2}{3}$ |
| " | £2,000 " " £3,000 ... | 4 |
| " | £3,000 " " £4,000 ... | 4 $\frac{1}{3}$ |
| " | £4,000 " " £5,000 ... | 4 $\frac{2}{3}$ |
| " | £5,000 " " £6,000 ... | 5 |

FIFTH

*Stamp Duties (Amendment).*FIFTH SCHEDULE—*continued.*DEATH DUTIES—FOREIGN DOMICILE—*continued.*

| Final Balance of Estate. | | Rate per centum of Duty. |
|--------------------------|-------------------------------------|-----------------------------|
| Exceeding | £6,000 but not exceeding £7,000 ... | 5 $\frac{1}{2}$ |
| " | £7,000 " " £8,000 ... | 5 $\frac{3}{4}$ |
| " | £8,000 " " £9,000 ... | 6 |
| " | £9,000 " " £10,000 ... | 6 $\frac{1}{2}$ |
| " | £10,000 " " £11,000 ... | 6 $\frac{3}{4}$ |
| " | £11,000 " " £12,000 ... | 7 |
| " | £12,000 " " £13,000 ... | 7 $\frac{1}{2}$ |
| " | £13,000 " " £14,000 ... | 7 $\frac{3}{4}$ |
| " | £14,000 " " £15,000 ... | 8 |
| " | £15,000 " " £16,000 ... | 8 $\frac{1}{2}$ |
| " | £16,000 " " £17,000 ... | 8 $\frac{3}{4}$ |
| " | £17,000 " " £18,000 ... | 9 |
| " | £18,000 " " £19,000 ... | 9 $\frac{1}{2}$ |
| " | £19,000 " " £20,000 ... | 9 $\frac{3}{4}$ |
| " | £20,000 " " £21,000 ... | 10 |
| " | £21,000 " " £22,000 ... | 10 $\frac{1}{2}$ |
| " | £22,000 " " £23,000 ... | 10 $\frac{3}{4}$ |
| " | £23,000 " " £24,000 ... | 11 |
| " | £24,000 " " £25,000 ... | 11 $\frac{1}{2}$ |
| " | £25,000 " " £26,000 ... | 11 $\frac{3}{4}$ |
| " | £26,000 " " £27,000 ... | 12 |
| " | £27,000 " " £28,000 ... | 12 $\frac{1}{2}$ |
| " | £28,000 " " £29,000 ... | 12 $\frac{3}{4}$ |
| " | £29,000 " " £30,000 ... | 13 |
| " | £30,000 " " £31,000 ... | 13 $\frac{1}{2}$ |
| " | £31,000 " " £32,000 ... | 13 $\frac{3}{4}$ |
| " | £32,000 " " £33,000 ... | 14 |
| " | £33,000 " " £34,000 ... | 14 $\frac{1}{2}$ |
| " | £34,000 " " £35,000 ... | 14 $\frac{3}{4}$ |
| " | £35,000 " " £36,000 ... | 15 |
| " | £36,000 " " £37,000 ... | 15 $\frac{1}{2}$ |
| " | £37,000 " " £38,000 ... | 15 $\frac{3}{4}$ |
| " | £38,000 " " £39,000 ... | 16 |
| " | £39,000 " " £40,000 ... | 16 $\frac{1}{2}$ |
| " | £40,000 " " £41,000 ... | 16 $\frac{3}{4}$ |
| " | £41,000 " " £42,000 ... | 17 |
| " | £42,000 " " £43,000 ... | 17 $\frac{1}{2}$ |
| " | £43,000 " " £44,000 ... | 17 $\frac{3}{4}$ |
| " | £44,000 " " £45,000 ... | 18 |
| " | £45,000 " " £46,000 ... | 18 $\frac{1}{2}$ |
| " | £46,000 " " £47,000 ... | 18 $\frac{3}{4}$ |
| " | £47,000 " " £48,000 ... | 19 |
| " | £48,000 " " £49,000 ... | 19 $\frac{1}{2}$ |
| " | £49,000 " " £50,000 ... | 19 $\frac{3}{4}$ |
| " | £50,000 " " £51,000 ... | 20 |

FIFTH

Stamp Duties (Amendment).

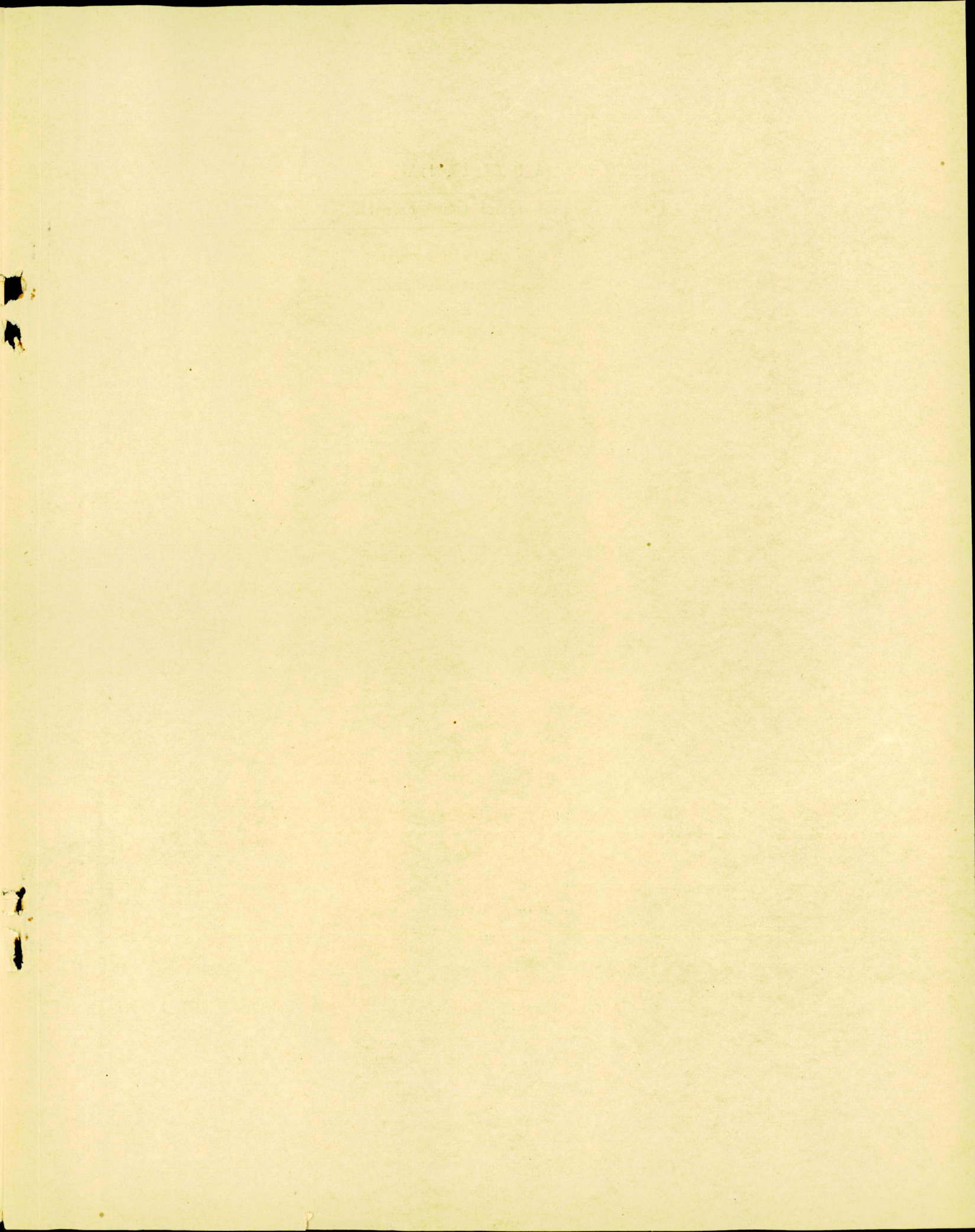
FIFTH SCHEDULE—*continued.*DEATH DUTIES—*continued.*

| Final Balance of Estate. | | Rate per centum of Duty. |
|--------------------------|--------------------------------------|-----------------------------|
| Exceeding | £51,000 but not exceeding £52,000... | ... 20 $\frac{1}{2}$ |
| " | £52,000 " " £53,000... | ... 20 $\frac{2}{5}$ |
| " | £53,000 " " £54,000... | ... 20 $\frac{3}{5}$ |
| " | £54,000 " " £55,000... | ... 20 $\frac{4}{5}$ |
| " | £55,000 " " £56,000... | ... 21 |
| " | £56,000 " " £57,000... | ... 21 $\frac{1}{5}$ |
| " | £57,000 " " £58,000... | ... 21 $\frac{2}{5}$ |
| " | £58,000 " " £59,000... | ... 21 $\frac{3}{5}$ |
| " | £59,000 " " £60,000... | ... 21 $\frac{4}{5}$ |
| " | £60,000 " " £61,000... | ... 22 |
| " | £61,000 " " £62,000... | ... 22 $\frac{1}{5}$ |
| " | £62,000 " " £63,000... | ... 22 $\frac{2}{5}$ |
| " | £63,000 " " £64,000... | ... 22 $\frac{3}{5}$ |
| " | £64,000 " " £65,000... | ... 22 $\frac{4}{5}$ |
| " | £65,000 " " £66,000... | ... 23 |
| " | £66,000 " " £67,000... | ... 23 $\frac{1}{5}$ |
| " | £67,000 " " £68,000... | ... 23 $\frac{2}{5}$ |
| " | £68,000 " " £69,000 .. | ... 23 $\frac{3}{5}$ |
| " | £69,000 " " £70,000... | ... 23 $\frac{4}{5}$ |
| " | £70,000 " " £71,000... | ... 24 |
| " | £71,000 " " £72,000... | ... 24 $\frac{1}{5}$ |
| " | £72,000 " " £73,000... | ... 24 $\frac{2}{5}$ |
| " | £73,000 " " £74,000... | ... 24 $\frac{3}{5}$ |
| " | £74,000 " " £75,000... | ... 24 $\frac{4}{5}$ |
| " | £75,000 | ... 25 |

*In the name and on behalf of His Majesty I assent
to this Act.*

PHILIP GAME,
Governor.

*Government House,
Sydney, 31st March, 1931.*



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 26 March, 1931.

New South Wales.



ANNO VICESIMO PRIMO

GEORGII V REGIS.

Act No. , 1931.

An Act to impose certain Stamp Duties and certain Death Duties, and to amend the Stamp Duties Act, 1920-1924, the Companies (Death Duties) Act, 1901, and the Real Property Act, 1900, in certain particulars; to repeal the Stamp Duties (Deductions) Act, 1904; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Stamp Duties Short title. (Amendment) Act, 1931," and shall be read with the Stamp Duties Act, 1920-1924.

(2) The Stamp Duties Act, 1920-1924, as
10 amended by this Act, may be cited as the Stamp Duties Act, 1920-1931.

Stamp Duties (Amendment).

2. Part I of the Stamp Duties Act, 1920-1924, is amended—

Amendment of
Part I of Stamp
Duties Act,
1920-1924.

(a) by inserting at the end of section two the following new subsection:—

Sec. 2, new
subsec. (4).

5 (4) The Commissioner appointed under this Act shall be the Commissioner for the purposes of the Acts repealed by this Act and the Acts repealed by such Acts.

(Commis-
sioner.)

10 (b) (i) by omitting from section three the defini-
tion of "Public Hospital" and by inserting
in lieu thereof the following definition:—

Sec. 3.
(Definitions.)

15 "Public Hospital" means a hospital
which is an incorporated hospital or a
separate institution within the mean-
ing of the Public Hospitals Act,
1929.

20 (ii) by inserting in the definition of "Market-
able security" in the same section after
the word "Stock" the words "as herein-
after defined in this Act and also any";

25 (iii) by inserting in the same section at the end
of the definitions the following words:
"References in this Act to gifts for the
relief of poverty or the promotion of
education include only gifts that have to
be applied in New South Wales and that are
intended to benefit the public or part of
the public."

3. Part II of the Stamp Duties Act, 1920-1924, is
30 amended—

Amendment of
Part II of Stamp
Duties Act,
1920-1924.

(a) by inserting at the end of section twelve the following new subsection:—

Sec. 12, new
subsec. (6).

35 (6) The Commissioner may cancel any
license granted under this section, and any
license may be granted on such terms and con-
ditions as the Commissioner thinks advisable.

(Licenses to
deal in
stamps.)

(b) by inserting in subsection one of section
thirteen after the word "Commissioner" the
words "or of the Attorney-General";

Sec. 13(1).
(Recovery of
fines.)

(c)

Stamp Duties (Amendment).

- (c) by omitting from section fourteen the words
 “where the same does not exceed twenty-five
 pounds”;
- (d) by omitting from section nineteen the words
 “ad valorem” wherever occurring.
- 5 **4.** The Stamp Duties Act, 1920-1924, is further
 amended—
- (a) (i) by inserting in subsection two of section
 10 twenty after the word “whatever” the
 words “except in a prosecution for perjury,
 false swearing, or making or uttering a
 false or untrue statutory declaration in case
 it is false and”;
- (ii) by inserting in the same subsection after
 15 the words “full duty” the words “and
 fine”;
- (iii) by inserting in the same subsection before
 the words “fine, forfeiture” the word
 “other”;
- 20 (b) (i) by inserting in section twenty-three after
 the word “adhesive” wherever occurring
 the words “or impressed”;
- (ii) by inserting at the end of the same section
 25 the following new subsection:—
 (2) Nothing in this section shall affect
 the liability of any such person to be prose-
 cuted under any other statute or at Common
 Law.
- (c) by inserting at the end of section twenty-five
 30 the following new subsections:—
- (3) This section shall extend to cases where
 35 an instrument has been marked “Interim stamp
 only” under the provisions of subsection five
 of section forty-one or subsection seven of
 section forty-two, but with the following
 modification, that is to say, the words “after
 such execution or receipt as aforesaid” are to
 be deemed to be omitted from paragraphs (b)
 and (c), and the words “after the instrument
 40 was marked ‘Interim stamp only’” are to be
 deemed to be inserted in lieu thereof.

Sec. 14.
 (Commissioner
 may remit
 fines.)

Sec. 19.
 (Facts to be et
 out.)

Further
 amendment of
 Stamp Duties
 Act, 1920-1924.

Sec. 20 (2).
 (Powers of
 Commis-
 sioner.)

Sec. 23.
 (Fines.)

Sec. 25.
 (Stamping
 after
 execution.)

Stamp Duties (Amendment).

5 (4) Any instrument (whether the duty on it is to be or may be denoted by an adhesive or by an impressed stamp) may, except where other express provision is made by or under this or any other Act, be stamped with an impressed stamp under this section on payment of the duty and of the fines therein provided.

10 (5) Nothing in this section shall affect the liability of any person to any fine or penalty imposed by or under any other provision of this Act or the regulations or any other Act, and such fines and penalties may be imposed in addition to the fines provided by this section.

15 (d) by adding at the end of section twenty-eight ^{e c. 28.} the words "and if the document is one which ^(Secondary evidence.) may legally be stamped after execution";

(e) by omitting from section thirty-two the words ^{Sec. 32.} "British currency" and by inserting in lieu ^(Money.) the words "currency lawful in New South Wales";

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(f) by omitting from subsection one of section ^{Sec. 40 (1).} forty the word "conveyance"; ^(Agreement.)

(g) by inserting after section forty the following new section:—

25 40A. (1) The interest created by an agree- ^{Sec. 40A.} ment by which an option is given or taken to ^(Options.) purchase or sell any property in New South Wales other than stock or marketable security, shall be deemed to be property for the purposes of this Act, and the agreement shall be liable to duty as an agreement for the sale or conveyance of property in New South Wales accordingly.

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35 (2) The ad valorem duty chargeable on the agreement, if any, made in pursuance of and by the exercise of the option shall be reduced by the amount of the ad valorem duty paid on the agreement creating the option.

40 (h) (i) by omitting from paragraph (a) of sub- ^{Sec. 41 (4)(a).} section four of section forty-one the words ^(Fixed duty.) "one shilling" and by inserting in lieu the words

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- 5 words "ten shillings, provided that where the ad valorem duty charged on such agreement (or in case there is more than one of such agreements on the agreement carrying the highest ad valorem duty) is less than ten shillings, the said ad valorem duty or the said highest ad valorem duty as the case may be shall be chargeable in place of the said duty of ten shillings";
- 10 (ii) by omitting from the second column of the Second Schedule. matter contained in paragraph five under the heading "Conveyances of any property" in the Second Schedule the figures "£0 1 0" and by inserting in lieu the
- 15 words and figures "£0 10 0 or (if it be lower) the ad valorem duty as hereinbefore by this Act provided";
- (iii) by adding at the end of the first column of the same matter after the word "Commissioner" the words "or he is satisfied that it has been duly stamped";
- 20 (i) (i) by inserting in subsection five of section Sec. 41 (5). forty-one after the word "thereupon" the (Agreements for sale, &c., chargeable as conveyances.) words "and upon payment of the fine (if any)";
- 25 (ii) by inserting at the end of subsection six Sec. 41 (6). of section forty-one the words "The Commissioner may exercise any of the powers conferred on him by section sixty-eight with respect to any such claim";
- 30 (iii) by omitting from paragraph (a) of sub- Sec. 41 (7). section seven of section forty-one the words "or for any other reason is not substantially performed or carried into effect so as to operate as or be followed by a conveyance";
- 35 (iv) by omitting from paragraph (a) of sub- Sec. 41 (7). section seven of the same section the words "within six months" and by inserting in lieu thereof the words "in or to the effect of the prescribed form within three months";
- 40 (v)

Stamp Duties (Amendment).

- (v) by inserting in paragraph (c) of the same subsection after the word " purchaser " the words " or any person claiming under him " ;
- 5 (vi) by inserting in paragraph (c) of the same subsection after the words " possession of " the words " or has attorned tenant of " ;
- 10 (vii) by inserting at the end of the same paragraph the words " nor unless the Commissioner is satisfied that the contract has not been rescinded or annulled only to avoid the stamp duty upon a subsale of the property " ;
- 15 (j) (i) by inserting after subsection two of section Sec. 42. forty-two the following new subsection :— (Property sold at one price.)
 (2A) Where any property is agreed to be purchased by two or more persons otherwise than as joint tenants, the contract for such purchase shall specify the aliquot part to be taken by each purchaser, and in the absence of such specification the purchasers shall for the purposes of this Act be deemed to have purchased the property in equal shares.
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- 25 (ii) by inserting in paragraph (b) of subsection Sec. 42 (3). three of the same section after the word " fine " the words " (other than that on the instrument of subsale to himself) " ;
- 30 (iii) by omitting subsection four of the same Sec. 42 (4). section and inserting the following new subsection in lieu :—
- (4) Where the instruments of the sale and of the subsales have been duly stamped with ad valorem duty in conformity with the foregoing provision, the conveyance by the original vendor to the ultimate purchaser shall be chargeable with a duty of ten shillings, and on payment thereof shall be marked as duly stamped : Provided that where the ad valorem duty on such of the said instruments as carries the highest ad
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Stamp Duties (Amendment).

ad valorem duty is less than ten shillings, the amount of such highest ad valorem duty shall be chargeable in place of the said duty of ten shillings.

- 5 (iv) by inserting in subsection five of the same Sec. 42 (5) section after the words "original purchaser" the words "or to the original purchasers in shares other than those in which they purchased the property";
- 10 (v) by omitting from the same subsection the words "any agreement" and inserting in their stead the words "every direction or agreement";
- 15 (vi) by inserting in the same subsection after the words "such agreements," wherever occurring, the words "or directions";
- (vii) by omitting from the same subsection the word "hereinbefore" and by inserting at the end of the subsection the words "by this Act";
- 20 (viii) by inserting in subsection seven of section Sec. 42 (7) forty-two after the word "thereupon" the words "and upon payment of the fine (if any)";
- 25 (k) (i) by inserting in subsection three of section Sec. 45A. 45A after the words "rubber stamp" the (Betting tickets.) words "or otherwise than by means of a printing press";
- 30 (ii) by inserting at the end of the same section Sec. 45A, new subsec. (6). the following new subsection:—
 (6) Any servant or agent of a bookmaker who issues a betting ticket except in relation to a bet made by the bookmaker personally, shall be liable to a fine of not less than two pounds nor more than ten pounds.
- 35 (l) by omitting subsection three of section fifty- Sec. 51 (3). one;
- 40 (m) (i) by inserting in section fifty-three after Sec. 53. the words "New South Wales" the words (Bills of lading.) "or coastwise within New South Wales";
 (ii)

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- 5 (ii) by inserting in the matter appearing under the heading "Bill of Lading or Receipt" in the Second Schedule after the words "New South Wales" the words "or coastwise within New South Wales" and by inserting at the end of the same matter the following exemption :—
- 10 *Exemption.*—Any bill of lading or receipt for the carriage of goods coastwise within New South Wales where the freight payable on such goods does not exceed the sum of five shillings.
- 15 (iii) by omitting subsection one of section fifty-four ;
- (iv) by omitting from subsection three of section fifty-four the word "sign" and inserting in lieu the word "execute" ;
- 20 (v) by inserting in the same subsection after the words "duly stamped" the words "before or at the time of the execution by him" ;
- (vi) by omitting from the same subsection the word "signing" and inserting in lieu the word "executing" ;
- 25 (vii) by inserting in the same section at the end thereof the following new subsection :—
- (4) The duty on a bill of lading may be denoted by an adhesive stamp, which is to be affixed and cancelled before or at the time of execution by the person by whom the instrument is first executed.
- 30 (11) (i) by inserting after section fifty-seven the following new section :—
- 57A. Whosoever makes or executes any charter party not duly stamped is liable to a fine not exceeding fifty pounds.
- 35 (ii) by inserting in the matter appearing under the heading "Charter Party" in the Second Schedule after the word "beyond" the words "or coastwise within" ;

(o)

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- (o) (i) by omitting from subsection two of section fifty-eight the word "the" where secondly appearing and by inserting in lieu thereof the word "every"; Sec. 58. (Certificate of incorporation.)
- 5 (ii) by inserting in the matter appearing under the heading "Companies" in the Second Schedule before the words "Certificate of incorporation" where those words first occur the word "Every"; Second Schedule.
- 10 (p) by omitting subsection two of section fifty-nine and by inserting in lieu thereof the following new subsection:— Sec. 59. (Company increase of capital.)
- 15 (2) Such statement of the amount of any increase of registered capital shall be duly stamped with the duty charged thereon within fifteen days after adoption of the resolution by which the registered capital is increased, and in default thereof the company shall be liable to a fine of an amount fixed by the Commissioner not exceeding five pounds as and by way of additional duty.
- 20 (q) by inserting in section sixty-five after the words "any person" the words "and also includes a covenant to pay money not made for a full consideration in money or moneys worth, the money covenanted to be paid to be regarded as the property conveyed"; Sec. 65. (Definition of conveyance and convey.)
- 25 (r) (i) by inserting in subsection one of section sixty-six before the word "value" the word "unencumbered"; Sec. 66 (1). (Conveyance how charged.)
- 30 (ii) by inserting in paragraph (b) of subsection two of the same section before the words "value of the property," wherever occurring, the word "unencumbered"; Sec. 66 (2).
- 35 (iii) by omitting subsection three of section sixty-six and by inserting in lieu thereof the following new subsection:— Sec. 66 (.).
- 40 (3) (a) Notwithstanding anything in this Act (other than section seventy-three) contained a conveyance made without consideration in money or money's worth (not being

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being a gift or instrument referred to in paragraph (b) of this subsection) shall be charged with ad valorem duty as follows:—

- 5 (i) duty shall be charged on the amount or value of all encumbrances (whether certain or contingent) subject to which the property is conveyed as aforesaid at the rate of ad valorem duty provided in the Second Schedule to this Act for a conveyance of property similar to that conveyed on a sale for a consideration in money or money's worth of not less than the unencumbered value of the property; and in addition,
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- 15 (ii) duty shall be charged on the value of the property conveyed by such conveyance at the rate of duty specified in the Fourth Schedule to this Act for an estate whose final balance is equal to the total amount obtained by aggregating together—
- 20 (a) the value of the property comprised in such conveyance; and
- 25 (b) the value of all property in New South Wales whatsoever (not being property comprised in a gift or instrument referred to in paragraph (b) of this subsection) conveyed by the same conveyor to any person whomsoever at any time within the period of three years preceding the date of such conveyance without consideration in money or money's worth; and
- 30 (c) the unencumbered values of all property in New South Wales whatsoever (not being property comprised in an instrument referred to in paragraph (b) of this subsection) conveyed by the
- 35
- 40 same

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5 same conveyor to any person
whomsoever at any time within
the said period of three years upon
a consideration in money or
money's worth of less than the
unencumbered value of the pro-
10 perty so conveyed after deducting
the value of the consideration in
money or money's worth therefor
ascertained in accordance with
this Act ;

15 (b) The gifts and instruments re-
ferred to in paragraph (a) of this subsection
are gifts to a public hospital or for the
relief of poverty or the promotion of educa-
tion in New South Wales or instruments
exempted in the "General Exemptions from
Stamp Duty under Part III" contained in
the Second Schedule to this Act ;

20 (iv) by inserting in section sixty-six after Sec. 66 (3A).
subsection three the following new subsec-
tions:—

25 (3A) Notwithstanding anything in this
Act (other than section seventy-three) con-
tained a conveyance made upon a bona
fide consideration in money or money's
worth of less than the unencumbered value
of the property conveyed (not being an
30 instrument referred to in paragraph (b) of
subsection three of this section) shall be
charged with ad valorem duty as follows:—

35 (i) Duty shall be charged on the amount
or value of such consideration for
such conveyance ascertained in ac-
cording with this Act at the rate of
ad valorem duty provided in the
Second Schedule to this Act for a
conveyance of property similar to
40 that so conveyed on a sale for a
consideration in money or money's
worth

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worth of not less than the unencumbered value of the property ; and in addition,

- 5 (ii) duty shall be charged on the difference between the unencumbered value of the property conveyed ascertained in accordance with this Act and the said amount or value of the consideration for such conveyance at the rate of duty specified in the Fourth Schedule to this Act for an estate whose final balance is equal to the total amount obtained by aggregating together—
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- 15 (a) the amount of the said difference between the unencumbered value of the property and the value of such consideration ; and
- 20 (b) the values of all property in New South Wales whatsoever (not being property comprised in a gift or instrument referred to in paragraph (b) of subsection three of this section) conveyed by the same conveyor to any person whomsoever at any time within the period of three years preceding the date of such conveyance without consideration in money or money's worth ; and
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- 30 (c) the unencumbered value of all property in New South Wales whatsoever (not being property comprised in an instrument referred to in paragraph (b) of subsection three of this section) conveyed by the same conveyor to any person whomsoever at any time within the said period of three years upon a consideration in money or money's worth
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Stamp Duties (Amendment).

of less than the unencumbered value of the property so conveyed therefor, after deducting the value of such consideration in money or money's worth ascertained in accordance with this Act.

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(3B) Notwithstanding anything in this Act (other than section seventy-three) contained a conveyance made upon a bona fide consideration in money or money's worth of not less than the unencumbered value of the property conveyed shall be charged with ad valorem duty on the amount or value of the consideration ascertained in accordance with this Act at the rate of ad valorem duty provided in the Second Schedule for a conveyance of property similar to that so conveyed on a sale for a consideration in money or money's worth of not less than the unencumbered value of the property.

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(3C) Any conveyance, being a gift or instrument referred to in paragraph (b) of subsection three of this section, shall (but without prejudice to the operation of any other provision of this Act) be charged with ad valorem duty on the value of the property conveyed at the rate of duty provided in the Second Schedule to this Act for a conveyance of property similar to that so conveyed on a sale for a consideration in money or money's worth of not less than the unencumbered value of the property.

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(v) by omitting from subsection four of section sixty-six the words "to be deemed a conveyance on sale" and by inserting in lieu the words "to be charged with ad valorem duty under the preceding provisions of this section as a conveyance of all the property comprised therein";

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(vi)

Stamp Duties (Amendment).

- 5 vi) by omitting from the matter in the first column under the heading "Exchange" in the Second Schedule to this Act the words "upon the value of any property conveyed by way of exchange" and by inserting in lieu the words "or any instrument partly effecting such an exchange"; Second Schedule. (Consequential.)
- 10 (s) by inserting in section seventy-one after the word "sale" the words "or upon the gift or creation"; Sec. 71. (Annuity not in existence.)
- 15 (t) by omitting from section seventy-two the words "ten shillings" and by inserting in lieu the words "one pound"; Sec. 72. (Fixed duty.)
- 20 (u) (i) by omitting paragraph (a) of subsection one of section seventy-three and by inserting in lieu thereof the following new paragraphs:— Sec. 73 (1)(a). (Certain conveyances not chargeable ad valorem.)
- 25 (a) (i) an instrument appointing a new trustee; or
- 20 (ii) an instrument appointing an additional trustee; or
- 25 (iii) an instrument by which a trustee retires from a trust without any new trustee being appointed in his place; or
- 30 (iv) a declaration by an executor under section eleven of the Trustee Act, 1925.
- 35 (ii) by omitting subparagraph (a) of paragraph four of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" and by inserting in lieu thereof the following new subparagraph:— Second Schedule (Consequential amendment)
- (a) (i) an instrument appointing a new trustee; or
- (ii) an instrument appointing an additional trustee; or
- (iii) an instrument by which a trustee retires from a trust without any new trustee being appointed in his place; or
- (iv)

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- (iv) a declaration by an executor under section eleven of the Trustee Act, 1925.
- 5 (iii) by omitting from paragraph (a) under the subheading "Exemptions" to the heading "Appointment of Trustees" in the Second Schedule the words "or pursuant to"; Second Schedule. (Consequential amendment.)
- 10 (v) (i) by omitting paragraph (b) of subsection one of section seventy-three and by inserting the following new paragraph in lieu :— Sec. 73 (1). (Certain conveyances not chargeable with ad valorem duty.)
- 15 (b) A conveyance not made for valuable consideration and made to a beneficiary by a trustee under and in conformity with the trusts contained in a conveyance or declaration of trust on which ad valorem duty has been paid or contained in a will or arising on an intestacy and in either case in respect of property on which death duty or duty under any Act imposing duties on the estates of deceased persons has been paid or which shall be exempt from death duty by such Act.
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- 25 (ii) by omitting subparagraph (b) of paragraph four of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" and by inserting in lieu the following new subparagraph :— Second Schedule. (Consequential.)
- 30 (b) A conveyance not made for valuable consideration and made to a beneficiary by a trustee under and in conformity with the trusts contained in a conveyance or declaration of trust on which ad valorem duty has been paid or contained in a will or arising on an intestacy and in either case in respect of property on which death duty
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duty or duty under any Act imposing duties on the estates of deceased persons has been paid or which shall be exempt from death duty by such Act.

- 5 (iii) by omitting from paragraph (c) of sub-^{Sec. 73 (1)} section one of section seventy-three all ^{(c).} words following the word "whereby" and by inserting in lieu the words "no greater benefit, legal or equitable, accrues to the person in whose favour the instrument is made or executed than he originally had or was entitled to have by virtue of some other instrument which is duly stamped with ad valorem duty as a conveyance or declaration of trust";
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- 15 (iv) by omitting from subparagraph (c) of para-^{Second} graph four of the matter appearing in the ^{Schedule:} Second Schedule under the heading "Con-^{(Conse-} conveyances of any Property" all words fol-^{quential.)} lowing the word "whereby" and by inserting in lieu the words "no greater benefit, legal or equitable, accrues to the person in whose favour the instrument is made or executed than he originally had or was entitled to have by virtue of some other instrument which is duly stamped with ad valorem duty as a conveyance or declaration of trust";
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- 25 (v) by omitting paragraph (e) of subsection ^{Sec. 73 (1)} one of section seventy-three and inserting ^{(e).} the following new paragraph in lieu:—
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- 35 (c) A conveyance whereby the apparent purchaser of property that is vested in him upon trust for the person who was the real purchaser and who has actually paid the purchase money therefor, conveys the same to the real purchaser;

(vi)

Stamp Duties (Amendment).

- 5 (vi) by omitting subparagraph (e) of paragraph ^{Second} four of the matter appearing in the ^{Schedule.} Second Schedule under the heading "Conveyances ^{(Conse-} of any Property" and by inserting in lieu ^{quential.)} the following new subparagraph :—
- 10 (e) A conveyance whereby the apparent purchaser of property that is vested in him upon trust for the person who was the real purchaser and who has actually paid the purchase money therefor, conveys the same to the real purchaser.
- 15 (vii) by omitting paragraph (b) under the sub-^{Second} heading "Exemptions" to the heading ^{Schedule.} "Policies of Insurance" contained in the ^{(Conse-} Second Schedule ; ^{quential.)}
- 20 (viii) by inserting at the end of subsection three ^{Sec. 73 (3).} of section seventy-three the words "or to extend to any instrument referred to in paragraph two of the matter appearing in the Second Schedule under the heading Declaration of Trust";
- 25 (w) (i) by inserting in section 75A after the word ^{Sec. 75A.} "payments" the words "or for other con- ^{(Hire-pur-} sideration"; ^{chases.)}
- 30 (ii) by omitting from the Second Schedule the ^{Second} matter appearing under the heading "Hire- ^{Schedule.} purchase Agreements" and by inserting in lieu the following :—

| | | | |
|----|--|---|---|
| 35 | HIRE-PURCHASE AGREEMENTS— For or relating to the supply of goods, wares, or merchandise on hire— Under hand (adhesive stamp may be used) Under seal (See section 75A.) | £ s. d. 0 1 0 1 0 0 | } The person to or by whom the goods, wares or mer- chandise are supplied. |
| 40 | Exemption.—Hire-purchase Agreement under hand where the aggregate of the payments made and to be made as consideration does not exceed £10. | | |

Stamp Duties (Amendment).

- 5 (x) by inserting in subsection one of section Sec. 76 (1).
 seventy-six after the word "property" the (Lease.)
 words "and includes any instrument (not being
 an instrument liable to ad valorem duty as a
 conveyance) whereby a right to use at or
 during any time or times any property in New
 South Wales for any purpose whatever is con-
 ferred on or acquired by any person (who shall
 be deemed to be the lessee)";
- 10 (y) by omitting from section Sec. 78.
 words "or by reason of being made in con- (Duty not to
 sideration of the surrender or abandonment be charged on
 of any existing lease of or relating to the same penal rents.)
 subject-matter";
- 15 (z) by adding at the end of subsection two of Sec. 79 (2).
 section seventy-nine the words "in addition to (Royalty.)
 the duty chargeable in respect of the rent and
 of so much of the consideration as is capable
 of being valued";
- 20 (aa) by inserting in subsection two of section Sec. 81 (2).
 eighty-one after the words "letter of," wherever (Letter of
 occurring, the words "allotment or letter of"; allotment.)
- 25 (bb) (i) by inserting in subsection one of section Sec. 85 (1).
 eighty-five after the word "equality" the (Partition.)
 words "or where the divided parts of the
 property are unequal in unencumbered
 value";
- 30 (ii) by omitting from the same subsection the
 words "as a conveyance for such considera-
 tion, and" and by inserting in lieu the
 words "as if it were a conveyance of similar
 property of an unencumbered value equal
 to the difference between the unencumbered
 values of the divided parts of the property
 upon (when such is the case) consideration
 equal to that paid or given or agreed to be
 paid or given for equality, and in addition";
- 35 (iii) by omitting from subsection two of the same Sec. 85 (2).
 section the words "ten shillings" and by
 inserting in lieu the words "one pound";
- 40 (iv)

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(iv) by omitting all the matter under the heading "Partition" in the Second Schedule and by inserting the following in lieu :—

5 PARTITION—

(1) The principal or only instrument effecting a partition of any property.

The same duty as if it were a conveyance of similar property of an unencumbered value equal to the difference between the unencumbered values of the divided parts of the property upon (when such is the case) consideration equal to that given or to be given for equality and in addition a fixed duty of £1.

The persons making the partition or any one or more of them.

(2) In any other case

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30 (cc) by inserting in paragraph one of section eighty-six after the word "every" the words "certify or declaration as to the existence of or an agreement for any insurance or any"; Sec. 86. (Definition of policy of insurance, &c.)

35 (dd) by inserting in subsection one of section eighty-seven after the word "insurance" the words "issued in New South Wales"; Sec. 87 (1). (Adhesive stamps.)

(ee) by inserting after section eighty-eight the following new section :— Ncw s. 88A. (Penalty for registering unstamped assignment or transfer of policy.)
 40 88A. Any company or person registering or recording any assignment or transfer of a policy of insurance before such assignment or transfer has been duly stamped shall be liable to a fine not exceeding five pounds.

45 (ff) by omitting from subsection three of section ninety-two the words "one calendar month" and by inserting in lieu thereof the words "three calendar months"; Sec. 92 (3). (Offences relating to receipts.)

(gg)

Stamp Duties (Amendment).

(gg) by omitting subsection one of section 94A and Sec. 94A (1).
by inserting the following new subsection in
lieu thereof:—

5 (1) If a company under obligation to some Issue of
person to issue or allot any of its shares to or shares by
at the direction of such person issues or allots directions
any of the shares to some other person except
upon the duly stamped direction in writing
of the person entitled to have the shares so
10 issued or allotted, the company shall be liable
to a fine not exceeding one hundred pounds.

(hh) by inserting next after section ninety-seven the New s. 97A.
following new sections:— (Returns by

15 97A. (1) Every sharebroker shall, in the share-
case of sales of marketable securities made by brokers.)
him in respect of which no instrument of trans-
fer is executed, make at the prescribed times
and in the prescribed manner and form a
return to the Commissioner, verified by statu-
20 tory declaration, showing the prescribed parti-
culars of such sales, and pay to the Com-
missioner a sum equal to the amount which
would have been payable as stamp duty if a
transfer on each of such sales had been executed
and duly stamped.

25 (2) Any sharebroker who pays any
amount to the Commissioner under this section
may retain the same out of any moneys in his
hands belonging to the purchaser of the
30 marketable security.

(3) Any sharebroker who fails to com-
ply with the provisions of this section shall be
liable to a fine not exceeding one hundred
pounds.

35 97B. No assignment or transfer of a mort- New s. 97B.
gage or of a debenture shall be registered or (Assignment
recorded in any office unless the assignment of mortgages,
or transfer is stamped as a conveyance or is &c., to be
marked by the Commissioner as exempt from marked
stamp before
registration.)

Stamp Duties (Amendment).

stamp duty. If any person or corporation registers or records such assignment or transfer in contravention of this section that person or corporation (and in the case of the corporation the directors or managers thereof) shall be liable to a fine not exceeding twenty pounds.

5 **5.** The Second Schedule of the Stamp Duties Act, 1920-1924, is amended as follows:—

10 (a) by inserting in the first column at the end of paragraph two of the matter appearing under the heading "Agreement or Memorandum of an Agreement" the following words:—

15 *Exemption.*—Any agreement made by a shire council or a municipal council with the Crown or with any corporation or person representing the Crown that would but for this exemption have been chargeable only with the said fixed duty of one shilling or one pound is exempt from such duty.

20 (b) by inserting in the first column of the Second Schedule under the heading "Agreement for the sale or conveyance (including exchange) of any property" the following words:—

25 Provided that any agreement or memorandum under seal, made for or relating to the sale of any goods, wares, or merchandise, is to be charged only with a duty of one pound (for which the parties thereto shall be primarily liable), but so that if the agreement or memorandum comprises also other property it shall be chargeable with the said duty of one pound in respect of the goods, wares, and merchandise only if and when in respect of such goods, wares, and merchandise there are fully set out in it particulars of such property and

30

35

Further amendment of Stamp Duties Act, 1920-1924.

(Agreements, &c., not otherwise charged.)

(Agreement for sale, &c.)

Stamp Duties (Amendment).

and the value thereof and an apportionment of the purchase money in respect thereof;

5 (c) by inserting in clause (c) of the Exemptions (Bill of exchange, &c.) appearing under the heading "Bill of Exchange and Promissory Notes" after the words "on the" the words "Commonwealth Savings Bank of Australia or on the";

10 (d) by omitting paragraphs one, two, and three of the matter appearing under the heading "Conveyances of any Property" and by inserting in lieu thereof the following new paragraphs:—

15 (1) Upon every conveyance of any property (other than shares or rights to shares referred to in paragraph (1) under the heading "Transfer of Shares" herein) on a sale for a consideration in money or money's worth of not less than the unencumbered value of the property—

| | | | |
|--|--|--------|--|
| | Where the amount of such consideration does not exceed £50 | 0 10 0 | The purchaser or in the case of an exchange the person deemed to be the purchaser. |
| | Exceeds £50 and does not exceed £100 | 1 0 0 | |
| | For every £100 and also for any fractional part of £100 of such amount | 1 0 0 | |

30 (2) Upon every conveyance of any property whatsoever made without consideration in money or money's worth (not being a gift or instrument referred to in paragraph (b) of subsection 3 of section 66)—

| | | | |
|----|--|--|---|
| | On the amount or value of all encumbrances (certain or contingent) subject to which the property is conveyed | At the rate specified in paragraph (1) above in the case of property other than shares or rights to shares and in the case of shares or rights to shares at the rate specified in paragraph (1) of the matter under the heading "Transfer of Shares" herein. | The parties to the conveyance or any one or more of them. |
| 40 | | | |
| 45 | | | |
| 50 | | | |

.And

Stamp Duties (Amendment).

| | At that rate per centum of the total amount obtained by aggregating together— |
|----|---|
| 5 | |
| 10 | (a) the value of the property so conveyed; and |
| 15 | (b) the value of all property in New South Wales whatsoever (not being a gift or instrument referred to in paragraph (b) of subsection (3) of section 66) conveyed by the same conveyor to any person whomsoever at any time within the period of three years preceding the date of such conveyance without consideration in money or money's worth; and also |
| 20 | |
| 25 | |
| 30 | |
| 35 | |
| 40 | |
| 45 | (c) the unencumbered values of all property in New South Wales whatsoever (not being an instrument referred to in paragraph (b) of subsection (3) of section 66) conveyed by the same conveyor to any person whomsoever at any time within the said period of three years |
| 50 | |
| 55 | |
| 60 | |

upon

Stamp Duties (Amendment).

| | | |
|----|---|---|
| 5 | upon a consideration in money or money's worth of less than the unencumbered value of the property thereby conveyed after deducting the value of the consideration in money or money's worth therefor ascertained in accordance with this Act: | |
| 10 | as would be chargeable by way of death duty if the said total amount so obtained were the final balance of the estate of a deceased person dying after the passing of the Stamp Duties (Amendment) Act, 1931, domiciled in New South Wales. | |
| 15 | (3) Upon every conveyance of any property whatsoever made upon a consideration in money or money's worth of less than the unencumbered value of the property conveyed (not being an instrument referred to in paragraph (b) of subsection (3) of section 66)— | The parties to the conveyance or any one or more of them. |
| 20 | On the amount or value of such consideration ascertained in accordance with this Act..... | |
| 25 | At the rate specified in paragraph (1) above in the case of property other than shares or rights to shares and in the case of shares or rights to shares at the rate specified in | |
| 30 | | paragraph |
| 35 | | |
| 40 | | |
| 45 | | |
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| 60 | | |

Stamp Duties (Amendment).

| | |
|----|--|
| 5 | (c) the unencumbered value of all property in New South Wales whatsoever (not being property comprised in an instrument referred to in paragraph (b) of subsection (3) of section 66) conveyed by the same conveyor to any person whomsoever at any time within the said period of three years upon a consideration in money or money's worth of less than the unencumbered value of the property so conveyed therefor after deducting the value of such consideration in money or money's worth ascertained in accordance with this Act as would be chargeable by way of death duty if the said total amount so obtained were the final balance of the estate of a deceased person dying after the passing of the Stamp Duties (Amendment) Act, 1931, domiciled in New South Wales. |
| 10 | |
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Stamp Duties (Amendment).

(e) by omitting paragraph two of the matter appearing in the Second Schedule under the heading "Declaration of Trust" and by inserting in lieu thereof the following new paragraphs:—

| | | | |
|----|---|--|--|
| 5 | (2) Any instrument declaring that any property vested or to be vested in the person executing the same is or shall be held in trust for the person or persons or purpose or purposes mentioned therein notwithstanding that the beneficial owner or person entitled to appoint such property may not have joined therein or assented thereto. | The same duty as if the instrument was a conveyance of the property comprised therein. | The person declaring the trust—or the person directing such declaration. |
| 10 | (3) Any such instrument as aforesaid by which (a) the same trusts are declared as have been declared in respect of the same property by an instrument duly stamped with ad valorem duty under this Act or (b) the trusts declared are the same trusts as those upon or subject to which the same property was conveyed to the person declaring the trust by an instrument duly stamped with ad valorem duty under this Act. | 1 0 0 | The person declaring the trust. |
| 15 | | | |
| 20 | | | |
| 25 | | | |

(f) (i) by inserting in the first column of the matter appearing in the Second Schedule under the heading "Foreclosure Order" before the word "value" the word "unencumbered";

(ii) by inserting in the second column of the same matter after the word "conveyance" the words "under paragraph (1) of the matter herein under the heading 'Conveyances of any Property'";

(g) by inserting in the first column of the matter appearing under the heading "Guarantee" in the Second Schedule after the words "Adhesive stamp," and within the brackets, the words "may be used";

(h) (i) by omitting from the second column of paragraph (1) of the matter in the Second Schedule under the heading "Lease or Promise of or Agreement for Lease or Hire" the figures "£0 2 6," wherever occurring, and by inserting in lieu the figures "£0 5 0" in each of the four places;

(ii)

Stamp Duties (Amendment).

- (ii) by inserting in the second column of paragraphs (2) and (3) of the same matter after the word "conveyance" the words "under paragraph (1) under the heading 'Conveyances of any Property' herein";
- 5 (iii) by omitting from the second column of paragraph (4) of the same matter the words "on a conveyance" and by inserting in lieu the words "would be chargeable under paragraph (2) under the heading 'Conveyances of any Property' herein on a conveyance of property of an unencumbered value equal to the value of the lease in question," and by adding at the end of the first column of the same paragraph after the word "consideration" the words "in money or money's worth";
- 10 (iv) by omitting from the first column of paragraph (5) of the same matter the words following the words "indeterminable amount" and by inserting in lieu the words "In addition to the duty that is to be charged on the rent according to the scale set out in paragraph (1) there shall be charged the fixed duty of £1 0 0 and also on the value of so much of the consideration as is capable of being valued";
- 15 (v) by omitting from the second column of paragraph (5) of the same matter the figures "£1 0 0" and by inserting in lieu the words "the same duty as is chargeable under paragraph (1) under the heading 'Conveyances of any Property' herein on property sold for a consideration equal to such value";
- 20 (vi) by inserting in the same matter under the heading "Lease or Promise of or Agreement for Lease or Hire" to follow paragraph seven thereof the following new paragraph:—
- 25
- 30
- 35

| | | | |
|----|---|------------------|--|
| 40 | (8) Agreement for the hire of an electricity, gas, or water meter, under hand or under seal (adhesive stamp may be used). | £ s. d. 0 1 0 | The person to whom the meter is hired. |
|----|---|------------------|--|

(vii)

Stamp Duties (Amendment).

- (vii) by omitting from the paragraph headed "Exemption" appearing under the same heading the words "a lease of a house used solely as a dwelling, and a lease granted under the Crown Lands Act are exempt" and by inserting in lieu thereof the letters and words:—
- 5
- “(a) a lease for a private dwelling-house only for a term of less than one year; or
- 10
- (b) a lease from the Crown under the Crown Lands Consolidation Act, 1913, or any Act amending the same; or
- 15
- (c) a lease from the Crown under the Returned Soldiers Settlement Acts; or
- (d) a lease from the Crown under the Prickly-pear Act, 1924-1930; or
- 20
- (e) an occupation permit or forest lease from the Crown under the Forestry Act, 1916; or
- (f) a lease from the Crown under the Closer Settlement Acts,
- is exempt.”
- 25
- (i) by omitting from the second column of paragraph five of the matter appearing under the heading "Letter or Power of Attorney" the figures "£0 10 0" and by inserting in lieu the figures "£1 0 0";
- 30
- (j) (i) by inserting in paragraph two of the matter appearing under the heading "Policies of Insurance" after the words "adhesive stamp," and within the brackets, the words "may be used."
- 35
- (ii) by inserting at the end of the exemptions appearing in the matter under the heading of "Policies of Insurance" the following paragraphs:—
- 40
- (f) Any cover-note in pursuance of which a duly stamped policy is issued within one month of the date of the cover-note.
- (g)

Stamp Duties (Amendment).

(g) Any policy issued to the original insured or his personal representative in pursuance of a cover-note which has been duly stamped as a policy.

5 (k) (i) by omitting paragraphs (3) and (4) of the matter under the heading "Real Property Act, 1900" and by inserting in lieu the following new paragraph :—

| | | | |
|----|--|---|-----------------------------------|
| 10 | (3) Memorandum of transfer— (a) Duty shall be charged in accordance with the provisions under the heading "Conveyances of any Property" herein upon and in respect of every memorandum of transfer as a conveyance of the property therein, and the person or persons specified by such provisions for the case shall be primarily liable for the duty on the transfer. | | |
| 15 | | | |
| 20 | (b) By way of exchange of the property therein. | The same duty as on an exchange herein. | The transferee. |
| 25 | (c) By way of partition or division ... | The same duty as on a partition herein. | The persons making the partition. |
| 30 | (4) Foreclosure order | The same duty as on a foreclosure order herein. | The mortgagee. |

(ii) by omitting paragraph seven of the matter under the same heading and by inserting in lieu the following new paragraph :—

| | | | |
|----|---|---|-----------------------------------|
| 35 | (7) Transfer or surrender of lease— (a) Duty shall be charged in accordance with the provisions under the heading "Conveyances of any Property" herein upon and in respect of the transfer or surrender as a conveyance of the property therein and the person or persons specified by such provisions for the case shall be primarily liable for the duty on the transfer or surrender. | | |
| 40 | | | |
| 45 | (b) By way of exchange of the property therein. | The same duty as on an exchange herein. | The transferee. |
| 50 | (c) By way of partition or division ... | The same duty as on a partition herein. | The persons making the partition. |

(iii)

Stamp Duties (Amendment).

(iii) by inserting in the matter appearing under (Sale, &c., of the heading "Real Property Act, 1900" mortgages.) after paragraph seven the following new paragraph:—

| | | | |
|---|---|--|-----------------|
| 5 | (8) Transfer of a mortgage or an encumbrance made otherwise than by way of mortgage or discharge of mortgage. | The same duty as is payable on a conveyance. | The transferee. |
|---|---|--|-----------------|

(iv) by inserting after paragraph fourteen of the matter appearing in the Second Schedule under the heading "Real Property Act, 1900," the following new paragraph:—

| | | | |
|----|--|-------|----------------|
| 10 | (15) A transmission application to a devisee who is also the sole executor or administrator. | 1 0 0 | The applicant. |
|----|--|-------|----------------|

(v) by inserting at the end of paragraph (b) of the exemption appearing in the Second Schedule under the same heading the words "other than an application for transmission to a devisee who is also the sole executor or administrator";

(l) (i) by omitting paragraph (e) of the exemptions appearing under the heading "Receipt or Discharge"; (Receipt or discharge exemptions.)

(ii) by inserting in paragraph (o) of the exemptions appearing under the same heading after the word "workman" the following words: "or his legal personal representative or his dependents";

(iii) by inserting at the end of paragraph (q) of the exemptions appearing under the same heading the words "or the Deserted Wives and Children Act, 1901";

(iv) by inserting at the end of the exemptions appearing under the same heading the following new paragraph:—

(t) Any receipt given for or upon the payment of money to or for the use of the Royal Life Saving Society, New South Wales head centre, or the Surf Life Saving Association of Australia or clubs affiliated thereto. (Royal Life Saving associations, &c.)

40

(m)

Stamp Duties (Amendment).

(m) by omitting the matter appearing under the heading "Direction as to Issue or Allotment of Shares" and by inserting the following in lieu:—

| | | |
|----|--|---|
| 5 | Any instrument whereby a person entitled to have any shares issued or allotted to him by any company directs the company to issue the shares to any other person shall be chargeable with duty, as follows:— | The person to whom the shares are to be issued or allotted. |
| 10 | (a) If the direction is made upon a consideration in money or money's worth of not less than the unencumbered value of the shares directed to be issued or allotted. | The same duty as is payable under paragraph (1) under the heading "Transfer of Shares" herein on a transfer of shares for a consideration of equal amount. |
| 15 | (b) In any case other than that mentioned in the preceding subparagraph (a). | The same duty as is payable under paragraph (2) under the heading "Conveyances of any Property" herein on a conveyance of unencumbered property of a value equal to that of the shares directed to be issued or allotted. |
| 20 | | |
| 25 | | |
| 30 | | |
| 35 | | |
| 40 | <i>Exemption.</i> —A direction for the issue or allotment of shares in a mining company as defined in section 3 made upon a consideration in money or money's worth of not less than the unencumbered value of the shares directed to be issued or allotted. | |
| 45 | | |

(n) by omitting all the matter under the heading "Transfer of Shares" except the last paragraph under the subheading "Exemptions" and by inserting the following in lieu:—

| | | |
|----|--|---------------------|
| 50 | TRANSFER OF SHARES— | Transfer of shares. |
| 55 | (1) Upon the transfer of any shares or of the right to any shares in the stock or funds of any corporation or company incorporated in New South Wales or which being incorporated out of New | The transferee. |

South

Stamp Duties (Amendment).

| | | | |
|----|---|---|---|
| 5 | South Wales has a share register in New South Wales wherein such share or right is registered on a sale thereof for a consideration in money or money's worth of not less than the unencumbered value of the shares or the right to the shares comprised in the transfer— | | |
| 10 | For every £10 and also for any fractional part of £10 of the consideration for the transfer ... | 0 1 0 | |
| 15 | (2) Upon the transfer of shares or of rights to shares made without consideration in money or money's worth. | The same duty as is payable under paragraph (2) under the heading "Conveyances of any Property" herein on the conveyance of the shares or rights to shares. | The parties to the transfer or any one or more of them. |
| 20 | | | |
| 25 | (3) Upon the transfer of shares or of rights to shares made upon a consideration in money or money's worth of less than the unencumbered value of the shares or the rights to shares comprised in the transfer. | The same duty as is payable under paragraph (3) under the heading "Conveyances of any Property" herein on the conveyance of the shares or rights to shares. | |
| 30 | | | |
| 35 | | | |
| 40 | (4) Upon the transfer of shares without valuable consideration from an administrator or trustee to the person beneficially entitled thereto under and in conformity with the trusts contained in a conveyance or declaration of trust on which ad valorem duty has been paid or contained in a will or arising on an intestacy and in either case in respect of shares on which death duty or duty under any Act imposing duties on the estates of deceased persons has been paid or which shall be exempt from death duty by such Act. | 1 0 0 | The transferee. |
| 45 | | or ad valorem duty at the rate of 1s. for every £10 (or part thereof) of the value of the shares, whichever is the lower. | |
| 50 | | | |
| 55 | (5) Where a transfer of shares includes a right to shares and the transfer is duly stamped in respect of such rights— On any transfer necessary to vest such rights in the transferee ... | 0 2 6 | The transferee. |
| 60 | (o) by omitting from both subparagraphs (a) and (b) of the paragraph headed "Exemptions" under the same heading the words "on sale" | | |

Stamp Duties (Amendment).

- 5 sale" and by inserting at the end of each subparagraph the words "on a sale thereof for a consideration in money or money's worth of not less than the unencumbered value of such property sold";
- 10 (p) (i) by inserting in paragraph one of the matter appearing under the heading "General Exemptions from Stamp Duty under Part III" after the word "soldier" the words "to a returned sailor or soldier";
- 15 (ii) by inserting at the end of paragraph nine of the matter appearing under the same heading the words "not being a conveyance from such hospital or from any person on its behalf or an agreement for such conveyance";
- 20 (iii) by inserting at the end of paragraph ten of the matter appearing under the same heading the words "not being a conveyance from such board or committee or from any person on their behalf or an agreement for such conveyance";
- 25 (iv) by omitting paragraph fifteen of the matter appearing under the same heading;
- 30 (v) by inserting at the end of paragraph seventeen of the matter appearing under the same heading the following words: "or any transfer or conveyance of a debenture by way of mortgage or by way of discharge of mortgage or any receipt endorsed on either or any of such documents for the consideration therefor";
- 35 (q) by inserting at the end of the Second Schedule the following new paragraph:—
- (18) Any agreement made by a council with the Main Roads Board of New South Wales.

*Stamp Duties (Amendment).***6.** Part IV of the Stamp Duties Act, 1920-1924, is amended—Further amend-
ment of Stamp
Duties Act,
1920-1924,
Part IV.

- (a) by inserting in subparagraph (a) of paragraph one of section one hundred and two after the word "death" the following words:—

(Death duties.)
(Property subject to duty as part of the estate of deceased.)

5

And in addition where the deceased was domiciled in New South Wales all personal property of the deceased situate outside New South Wales at his death (including all personal property so situate over which he had a general power of appointment, exercised by his will).

10

- (b) (i) by inserting in subparagraph (a) of paragraph two of the same section after the word "general" the words "or special";

15

- (ii) by inserting in subparagraph (b) of paragraph two of the same section after the words "promotion of education" the words "in New South Wales";

20

- (iii) by inserting in paragraph two of the same section to follow subparagraph (b) the following new subparagraph:—

(ba) The value (to be ascertained as at the date of the gift) of any property (not being property included in the estate under the provisions of subparagraph (b) of this paragraph) comprised in any gift made by the deceased within three years before his death, and whether made before or after the passing of this Act, including any money paid or other property conveyed or transferred by the deceased within such period in pursuance of a covenant or agreement made at any time by him without full consideration in money or money's worth:

25

30

35

Provided that the Commissioner may in his discretion reduce such value by the amount by which the value of the property given would in the

40

Stamp Duties (Amendment).

the ordinary course have depreciated in the hands of the deceased between the date of the gift and the date of his death :

5 Provided further that this subparagraph shall not apply to any such gift made to a public hospital or for the relief of poverty or the promotion of education in New South Wales.

10 (iv) by inserting in subparagraph (d) of paragraph two of the same section after the word " whatsoever " lastly occurring the words " whether enforceable at law or in equity or not and whenever the deceased

15 died " ;

(v) by omitting subparagraph (f) of paragraph two of the same section and by inserting in lieu the following new subparagraphs :—

20 (f) Any property which or an interest in which the deceased has at any time, whether before or after the passing of this Act, without full consideration in money or money's worth, caused to be conveyed to, or vested in, himself

25 and any other person jointly, whether by disposition or otherwise, and whether by himself alone or in concert or by arrangement with any other person whatsoever so that a beneficial interest therein or in some part thereof passes or accrues by survivorship to any other person on the

30 death of the deceased.

35 The value of the consideration in money or money's worth (if any) obtained by the deceased for the conveyance or vesting above mentioned shall be deducted from the value of the property included in the estate :

Provided

Stamp Duties (Amendment).

5 Provided that no greater sum shall
be so deducted than the difference
between the value of such property
and the value of the beneficial inter-
ests passing or accruing to any other
person on the death of the deceased.

10 (fa) Any property owned by the deceased
immediately prior to the time of his
death jointly with any other person
to the extent of the beneficial interests
therein passing or accruing by sur-
vivorship to any person on the death
of the deceased.

15 (vi) (a) by inserting in subparagraph (1) of the
same paragraph before the words "any
property" the words "The value (to
be ascertained as at the date of the
transfer or vesting) of";

20 (b) by inserting at the end of the same sub-
paragraph (1) the words: "Provided
that the Commissioner may in his
discretion reduce such value by the
amount by which the value of the
property transferred or vested would
25 in the ordinary course have depreciated
in the hands of the deceased between
the date of the transfer or vesting and
the date of his death.

30 "Provided further that where pro-
perty is included in the estate of a
deceased person under this subparagraph
the shares or other consideration for
the transfer shall not form part of the
dutiable estate of the deceased."

35 (c) (i) by omitting paragraphs (b) and (c) of sub-
section one and subsection three of section
one hundred and three;

(ii) by omitting from subsection two of the same
section the words "and shares";

(d)

Sec. 103.
(Certain
debts, &c., to
be included.)

Stamp Duties (Amendment).

(d) by inserting after section one hundred and three the following new section:—

Sec. 103A.
(Refund of duty on property outside New South Wales.)

5 103A. Where in the case of a person dying after the passing of the Stamp Duties (Amendment) Act, 1931, death duty has been paid under this Act on personal property situate in any part of His Majesty's Dominions other than New South Wales at such death and it is shown to the satisfaction of the Commissioner that death duty (not being duty or tax under any Act of the Commonwealth of Australia) has been lawfully paid on such personal property to the part of His Majesty's Dominions in which such property is situate at such death in consequence of the death of the said deceased and of the property passing thereby, the Commissioner shall refund to the person who has paid the death duty under this Act on such personal property an amount equal to the said death duty so paid thereon to the part of His Majesty's Dominions in which it is situate or to the said duty so paid thereon under this Act, whichever amount is the lesser

25 (e) by omitting from section one hundred and four. Sec. 104.
the words "the last two preceding sections" (Dutiable estate.)
and by inserting in lieu thereof the words "sections one hundred and two and one hundred and three":

30 (f) (i) by omitting subsection one of section one hundred and eight and by inserting in lieu thereof the following new subsection:— Sec. 108 (1).
(Apportionment of debt.)

35 (1) The allowance so to be made for unsecured debts shall extend only to those debts payable to persons domiciled or carrying on business within New South Wales but not being in either case debts contracted for or in connection with a

business

Stamp Duties (Amendment).

business or a branch of a business of the deceased located out of New South Wales save that—

- 5 (a) where there are no foreign assets, all unsecured debts so far as they are not allowed under the preceding provision of this subsection may be deducted from the dutiable estate of the deceased ;
- 10 (b) where there are foreign assets—
- 15 (i) all unsecured debts (so far as they are not allowed under the said preceding provision) payable to persons domiciled or carrying on business out of New South Wales but being in either case debts contracted for or in connection with a business or branch of a business of the deceased located in New South Wales may be deducted from the dutiable estate of the deceased ;
- 20 (ii) such portion only of any unsecured debt that is not allowed under the preceding provisions of this subsection as exceeds the value of the foreign assets shall be deducted from the dutiable estate of the deceased ;
- 25 (ii) by inserting in subsection two of the same section after the word "situation" the words "or of the domicile of the deceased."
- 30 (g) by omitting section one hundred and nine and by inserting the following new section :—
- 35 109. The allowance to be made for secured debts shall extend only to debts secured by mortgage, lien, or charge solely upon any part of the dutiable estate, save that—
- 40 (a) Where a debt is secured partly upon the dutiable estate and partly upon foreign assets, such portion only of such debt shall be allowed as bears the same ratio

Sec. 109.
(Allowance
for secured
debts where
there are
foreign
assets.)

Stamp Duties (Amendment).

5 ratio to the total debt as the value of the part of the dutiable estate so charged bears to the total value of the whole property of the deceased comprised in the security: Provided that no such allowance shall exceed the value of the part of the dutiable estate so charged.

10 (b) Where a debt secured solely upon any part of the foreign assets exceeds the value of the assets comprised in the security such portion of that excess may be allowed as the Commissioner thinks just and proper, having regard to the amount of the dutiable estate, the value of the foreign assets, the debts allowable out of the dutiable estate under the other provisions of this Act, and the whole of the debts of the deceased.

15

20

(h) by omitting section one hundred and eleven ; Sec. 111.

(Certain estates exempted.)

25 (i) (i) by omitting from subsection one of section one hundred and twelve the words "where the final balance of the estate of the deceased does not exceed five thousand pounds" and by inserting in lieu the words "where the amount of the dutiable estate of the deceased when aggregated with the value of his foreign assets does not, after deducting therefrom all debts actually due and owing by him at the time of his death other than the debts referred to in subsection two of section one hundred and seven, exceed three thousand pounds";

30

Sec. 112.
(Abatement for widow, &c.)

35 (ii) by omitting from the same subsection the words "prescribed in the Third Schedule to" and by inserting in lieu the words "that would but for this provision be the rate prescribed by";

(iii)

Stamp Duties (Amendment).

(iii) by inserting in the same section the following new subsection to follow subsection one:—

5 (1A) This section shall not apply to any such widow or child unless the Commissioner is satisfied that she or he was dependent upon the deceased for maintenance and support at the time of his death.

10 (j) (i) by omitting from subsection two of section one hundred and fifteen the words "the whole dutiable estate of the deceased" and by inserting in lieu thereof the words "so much of his dutiable estate as is situate in New South Wales";

15 (ii) by inserting in the same subsection after the word "property" the words "situate in New South Wales the value of which is or which is";

20 (k) (i) by omitting from subsection four of section one hundred and seventeen the words "the rates set forth in the Third Schedule hereto" and by inserting in lieu the words "the rate applicable thereto under the provisions of this Act."

25 (ii) by omitting subsection five of section one hundred and seventeen and by inserting in lieu thereof the following new subsections:—

30 (5) The Commissioner may, notwithstanding that administration of the estate of a deceased person has not been obtained in New South Wales, on the application in the prescribed form of any person interested in the estate, issue an assessment and collect the death duty (if any) payable in respect of the estate, or may certify that no death duty is payable in respect of such estate.

Any

Stamp Duties (Amendment).

Any applicant shall furnish such evidence on oath or by statutory declaration and such information regarding the estate in such manner as the Commissioner may require.

This subsection shall not apply unless the Commissioner is of opinion that the death duty payable in respect of the estate does not exceed ten pounds.

(6) Every conveyance of any real property not under the provisions of the Real Property Act, 1900, executed by an administrator to any devisee or beneficiary and every acknowledgment executed by an administrator in lieu of such conveyance and every declaration by an executor under section eleven of the Trustee Act, 1925, that he holds property as beneficiary shall before being registered in any office be produced to the Commissioner together with evidence identifying such property with that included in the affidavit of value lodged by such administrator with his application for probate or letters of administration of the estate of the deceased person. Any person who registers any such instrument before it has been produced to the Commissioner shall be guilty of an offence and be liable to a penalty of five pounds.

(7) In connection with death duty under this Act or duty under any of the Acts repealed by this Act or under any Act repealed by such Acts on the estate of a deceased person (whether dying before or after the passing of the Stamp Duties (Amendment) Act, 1931), the Commissioner may lodge with the Registrar-General a caveat against any application to bring land under the Real Property Act, 1900, or against any application to be registered

Commis-
sioner
may lodge
caveat.

Stamp Duties (Amendment).

registered as proprietor of any land under that Act or any mortgage or encumbrance thereon, or any dealing with any such land, mortgage, or encumbrance.

5 Every such caveat shall be dealt with in all respects as if it were a caveat filed by the Registrar-General, except that the Commissioner shall be considered as the caveator.

10 (l) by inserting in section one hundred and eighteen after the word "impose" the following proviso :—

Sec. 118.
(Penalty for not taking out administration.)

15 Provided that where death duty has been paid within the prescribed time upon an assessment in pursuance of subsection five of section one hundred and seventeen, or where the Commissioner has under that section certified that no death duty is payable, such penalties shall not be incurred.

20 (m) (i) by inserting in subsection one of section one hundred and twenty after the words "any property" the words "which is or the value of which is";

Sec. 120.
(Account duty.)

25 (ii) by omitting from the same subsection the word "thereout";

30 (iii) by inserting in subsection three of the same section after the words "such duty" the words "and interest thereon at the rate of ten pounds per centum per annum from the date of the expiration of the period of six months after the death of the deceased or if administration has been first granted out of New South Wales, from the date of the expiration of the period of twelve months after the death of the deceased";

35 (iv) by inserting in subsection four of section one hundred and twenty before the words "this section" the words "subsections two and three of";

(n)

Stamp Duties (Amendment).

- (n) (i) by omitting from subsection one of section Sec. 121. one hundred and twenty-one the words (Interest on unpaid duty.) "except where duty as assessed by the Commissioner under this Part is paid within thirty days after notice of assessment has been given" and by inserting in lieu thereof the words "except where administration is granted and issued and the death duty is paid within six months after the death of the deceased";
- (ii) by omitting subsection two of the same section and by inserting in lieu thereof the following new subsection:—
- (2) Such interest shall be calculated from the date of the expiration of the said six months provided that in any case in which administration has been first granted out of New South Wales the interest shall be calculated from the expiration of twelve months after the death of the deceased.
- (o) (i) by omitting from subsection one of section Sec. 122. one hundred and twenty-two the words (Certificate of Commissioners.) "carrying on business in New South Wales";
- (ii) by omitting from the same subsection the words "as owner," and inserting in lieu the words and brackets "(or where a policy of life insurance on the life of the deceased stands in such books in the name of any other person)";
- (iii) by omitting paragraph (b) of subsection five and subsection eight of the same section;
- (p) (i) by adding at the end of subsection one of section Sec. 123. one hundred and twenty-three the words "less the sum of one pound for each separate instrument within the meaning of section sixteen";
- (ii) by inserting at the end of subsection three of section one hundred and twenty-three the words "or unless he is satisfied as to the payment of such duty";

Stamp Duties (Amendment).

7. Part V of the Stamp Duties Act, 1920-1921, is amended—

Further amend-
ment of Stamp
Duties Act, 1920-
1924, Part V.

(a) by inserting after section one hundred and twenty-five the following new sections:—

5 125A. In every case in which it is necessary for the purpose of assessing duty under this Act to ascertain the value of any estate or annuity or interest for the life of any person or of any estate, annuity, or interest determinable

Ascertain-
ment of value
of certain
interests.

10 on or subject to any contingency or the happen-
ing of any event or of any estate, annuity, or
interest in remainder expectant on the death of
any person or expectant on or subject to any
contingency or the happening of any event,
15 regard may be had in ascertaining the value
of any such property as aforesaid to the death
of the person having the life estate or annuity
or interest or the happening of the contingency
or event at any time before the assessment of
20 duty under this Act is actually made.

25 125B. In any case in which it is necessary
to ascertain the value of any property for the
purpose of assessing ad valorem duty on any
instrument, the existence of any overriding
power of revocation or of defeasance or of
creating charges or of new appointment or re-
conveyance in such or any other instrument
may be disregarded in determining the value
of such property.

Ascertain-
ment of value
of property
subject to
powers, &c.

30 (b) by omitting subsection one of section one
hundred and twenty-seven and by inserting
the following new subsection in lieu thereof:—

Sec. 127 (1).

35 (1) (a) For the purposes of this Act, the
valuation of shares in any company, whether
incorporated in or out of New South Wales,
shall be made upon the basis that the memor-
andum and articles of association or rules of
the company satisfy the requirements pre-
scribed by the committee or governing
40 authority of the stock exchange at the place
where the share register in which the shares
being

Valuation
of shares.

Stamp Duties (Amendment).

being valued are registered is, to enable that company to be placed on the current official list of such stock exchange at the relevant time;

- 5 (b) No provision in the memorandum or articles of association or rules of any company whereby or whereunder the value of the shares of a deceased or other member is to be determined shall be applicable in
- 10 determining the value of the shares for the purposes of this Act.
- (c) by omitting from section one hundred and thirty-eight the words "Third Schedule" and by inserting in lieu thereof the words "Third, Fourth, and Fifth Schedules";
- 15 (d) by inserting at the end of subsection one of section one hundred and forty the words "but (except in accordance with an order of the court under section one hundred and twenty-four) no refund shall be made in respect of any property wrongly included in the dutiable estate of any person whether dying before or after the passing of the Stamp Duties (Amendment) Act, 1931, by reason of any mistake in the construction of this Act";
- 20 (e) by inserting after section one hundred and forty-two the following new sections:—
- 25 (143) No action or proceeding civil or criminal by the Commissioner and no civil action or proceeding against the Commissioner shall determine or abate by reason of the death of the Commissioner or of his removal or retirement from office but it shall be continued as if the vacancy had not happened and it may be enforced by or against a Commissioner subsequently appointed as if he had been the Commissioner by or against whom it was brought.
- 30 (144) This Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment thereof
- 35 would
- 40

Sec. 138.
(Books to be kept.)

Sec. 140 (1).
(Refunds.)

Sec. 143.
(No abatement of legal proceedings.)

Sec. 144.
(Construction of Act.)

Stamp Duties (Amendment).

would, but for this section, have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.

5 **8.** The Companies (Death Duties) Act, 1901, is amended— Amendment of Companies (Death Duties) Act, 1901.

(a) by omitting paragraph (a) of subsection one of section four and by inserting in lieu the following new paragraph:— Sec. 4.

10 (a) in New South Wales of mining for gold or other minerals as defined in the Mining Act, 1906, or of treating any such minerals; or

15 (b) (i) by inserting in section seven after the words "estate of such member" the words "or notice of the death of such member"; Sec. 7.

(ii) by inserting in the same section after the words "letters of administration" where secondly and thirdly occurring the words "or such notice of death";

20 (c) (i) by omitting from subsection one of section ten the words "Stamp Duties Act, 1898," wherever occurring, and by inserting in lieu the words "Stamp Duties Act, 1920"; Sec. 10 (1).

25 (ii) by omitting from the same subsection the words "at the rate mentioned in the Second Schedule to this Act";

30 (iii) by inserting in the same subsection after the word "death" and immediately before the proviso the words "at the rate set out in the Fifth Schedule to the Stamp Duties Act, 1920-1924, as amended by the Stamp Duties (Amendment) Act, 1931, for an estate the final balance of which is equal to the value of the said shares and stock";

35 (iv) by omitting all the words in paragraph (b) of the proviso in the same subsection occurring after the word "duty," secondly occurring, and by inserting in lieu the following words: "calculated as aforesaid according

40

Stamp Duties (Amendment).

according to the said Schedule as the value of the assets of the company situated in New South Wales bears to the total assets of the company wherever situated”;

5 (v) by omitting paragraph (c) of the proviso to such subsection and by inserting in lieu thereof the following new paragraph:—

10 (c) Where the company carries on the business of pastoral or agricultural production in New South Wales as mortgagee in possession only, no duty under this section shall be payable by that company; and

15 (d) by inserting in subsection two of the same section after the word “member” the words “or on which notice of the death of such member”;

(e) by inserting in section ten after subsection two the following new subsection:—

20 (3) For the purposes of this section the term “assets” means the gross amount of all the real and personal property of the company of every kind including things in action, and without making any deduction in respect of any debts or liabilities of the company.

25 (f) by inserting after section eleven the following new sections:—

30 11A. The provisions of sections seven, ten, eleven, twelve, and thirteen of this Act shall apply to a company incorporated according to the laws of New South Wales that carries on in New South Wales any of the businesses mentioned in paragraphs (a) and (b) of subsection one of section four and has a share register outside New South Wales in like manner in all respects (subject as hereinafter provided) as the said sections seven, ten, eleven, twelve, and thirteen apply to a company incorporated according to the laws of some country other than New South Wales and carrying on any of the said businesses in

New

Application
of secs. 7, 10,
11, 12, 13.

Stamp Duties (Amendment).

New South Wales: Provided that the said sections shall not apply in respect of shares and stock registered in the share register of the company kept in New South Wales.

5 11B. Nothing in this Act shall affect any Saving. liability of shares and stock mentioned in this Act to duty under the Stamp Duties Act, 1920-1931.

9. The Stamp Duties (Deductions) Act, 1904, is Repeal of Act No. 34, 1904. hereby repealed.

10. The Stamp Duties Act, 1920-1924, is further Further amendment of Act No. 47, 1920. amended by inserting after section one hundred and one the following new sections:—

15 101A. In the case of every person who dies after Sec. 101A. the passing of the Stamp Duties (Amendment) Death duty, local domicile. Act, 1931, whether in New South Wales or elsewhere, and who was at the date of his death domiciled in New South Wales, duty (hereinafter called Death Duty) at the rate mentioned

20 in the Fourth Schedule to this Act shall be assessed and paid upon the final balance of the estate of the deceased as determined in accordance with this Act:

25 Provided that if the value of the dutiable estate of such deceased when aggregated with the value of all his foreign assets does not, after deducting therefrom all debts actually due and owing by the deceased at the date of his death other than the

30 debts referred to in subsection two of section one hundred and seven, exceed one thousand pounds, no death duty shall be chargeable on any property passing by the intestacy or by the will of the deceased to any person who in the opinion of the Commissioner was dependent on the deceased for

35 maintenance and support at the time of his death or on any other property which or the value of which is included by this Act in the dutiable estate of the deceased, the beneficial interest in which property was vested in or passed on the death of

40 the deceased to a person who in the opinion of the Commissioner was dependent upon the deceased as aforesaid.

Stamp Duties (Amendment).

101B. In the case of every person who dies after the passing of the Stamp Duties (Amendment) Act, 1931, whether in New South Wales or elsewhere, and who was at the date of his death domiciled outside New South Wales, duty (hereinafter called Death Duty) at the rate mentioned in the Fifth Schedule to this Act shall be assessed and paid upon the final balance of the estate of the deceased as determined in accordance with this Act.

Death duty,
foreign
domicile.

11. The Stamp Duties Act, 1920-1924, is further amended by inserting next after the Third Schedule the following new Schedules:—

Further
amendment
of Act No. 47,
1920.

FOURTH SCHEDULE.

New Fourth
and Fifth
Schedules.
(Rates of
duty.)

15 DEATH DUTY on Estates of Deceased Persons dying after the passing of the Stamp Duties (Amendment) Act, 1931, domiciled in New South Wales.

| Final Balance of Estate. | | Rate per centum of Duty. | |
|--------------------------|---|-----------------------------|-----------------|
| 20 | Not exceeding £1,000 | ... | 2 |
| | Exceeding £1,000 but not exceeding £2,000 | ... | 2 $\frac{1}{4}$ |
| | " £2,000 | " " | 2 $\frac{1}{2}$ |
| | " £3,000 | " " | 2 $\frac{3}{4}$ |
| | " £4,000 | " " | 3 |
| 25 | " £5,000 | " " | 3 $\frac{1}{4}$ |
| | " £6,000 | " " | 3 $\frac{1}{2}$ |
| | " £7,000 | " " | 3 $\frac{3}{4}$ |
| | " £8,000 | " " | 4 |
| | " £9,000 | " " | 4 $\frac{1}{4}$ |
| 30 | " £10,000 | " " | 4 $\frac{1}{2}$ |
| | " £11,000 | " " | 4 $\frac{3}{4}$ |
| | " £12,000 | " " | 5 |
| | " £13,000 | " " | 5 $\frac{1}{4}$ |
| | " £14,000 | " " | 5 $\frac{1}{2}$ |
| 35 | " £15,000 | " " | 5 $\frac{3}{4}$ |
| | " £16,000 | " " | 6 |
| | " £17,000 | " " | 6 $\frac{1}{4}$ |
| | " £18,000 | " " | 6 $\frac{1}{2}$ |
| | " £19,000 | " " | 6 $\frac{3}{4}$ |
| 40 | " £20,000 | " " | 7 |
| | " £21,000 | " " | 7 $\frac{1}{4}$ |
| | " £22,000 | " " | 7 $\frac{1}{2}$ |
| | " £23,000 | " " | 7 $\frac{3}{4}$ |
| | " £24,000 | " " | 8 |
| 45 | " £25,000 | " " | 8 $\frac{1}{4}$ |
| | " £26,000 | " " | 8 $\frac{1}{2}$ |
| | " £27,000 | " " | 8 $\frac{3}{4}$ |

FOURTH

Stamp Duties (Amendment).

FOURTH SCHEDULE—continued.

DEATH DUTIES—continued.

| Final Balance of Estate. | | Rate per centum of Duty. |
|--------------------------|---|-----------------------------|
| 5 | Exceeding £27,000 but not exceeding £28,000 ... | 8 $\frac{3}{4}$ |
| | £28,000 " " £29,000 ... | 9 |
| | £29,000 " " £30,000 ... | 9 $\frac{1}{4}$ |
| | £30,000 " " £31,000 ... | 9 $\frac{1}{2}$ |
| | £31,000 " " £32,000 ... | 9 $\frac{3}{4}$ |
| 10 | £32,000 " " £33,000 ... | 10 |
| | £33,000 " " £34,000 ... | 10 $\frac{1}{4}$ |
| | £34,000 " " £35,000 ... | 10 $\frac{1}{2}$ |
| | £35,000 " " £36,000 ... | 10 $\frac{3}{4}$ |
| | £36,000 " " £37,000 ... | 11 |
| 15 | £37,000 " " £38,000 ... | 11 $\frac{1}{4}$ |
| | £38,000 " " £39,000 ... | 11 $\frac{1}{2}$ |
| | £39,000 " " £40,000 ... | 11 $\frac{3}{4}$ |
| | £40,000 " " £41,000 ... | 12 |
| | £41,000 " " £42,000 ... | 12 $\frac{1}{4}$ |
| 20 | £42,000 " " £43,000 ... | 12 $\frac{1}{2}$ |
| | £43,000 " " £44,000 ... | 12 $\frac{3}{4}$ |
| | £44,000 " " £45,000 ... | 13 |
| | £45,000 " " £46,000 ... | 13 $\frac{1}{4}$ |
| | £46,000 " " £47,000 ... | 13 $\frac{1}{2}$ |
| 25 | £47,000 " " £48,000 ... | 13 $\frac{3}{4}$ |
| | £48,000 " " £49,000 ... | 14 |
| | £49,000 " " £50,000 ... | 14 $\frac{1}{4}$ |
| | £50,000 " " £51,000 ... | 14 $\frac{1}{2}$ |
| | £51,000 " " £52,000 ... | 14 $\frac{3}{4}$ |
| 30 | £52,000 " " £53,000 ... | 15 |
| | £53,000 " " £54,000 ... | 15 $\frac{1}{4}$ |
| | £54,000 " " £55,000 ... | 15 $\frac{1}{2}$ |
| | £55,000 " " £56,000 ... | 15 $\frac{3}{4}$ |
| | £56,000 " " £57,000 ... | 16 |
| 35 | £57,000 " " £58,000 ... | 16 $\frac{1}{4}$ |
| | £58,000 " " £59,000 ... | 16 $\frac{1}{2}$ |
| | £59,000 " " £60,000 ... | 16 $\frac{3}{4}$ |
| | £60,000 " " £61,000 ... | 17 |
| | £61,000 " " £62,000 ... | 17 $\frac{1}{4}$ |
| 40 | £62,000 " " £63,000 ... | 17 $\frac{1}{2}$ |
| | £63,000 " " £64,000 ... | 17 $\frac{3}{4}$ |
| | £64,000 " " £65,000 ... | 17 $\frac{3}{4}$ |
| | £65,000 " " £66,000 ... | 18 |
| | £66,000 " " £67,000 ... | 18 $\frac{1}{4}$ |
| 45 | £67,000 " " £68,000 ... | 18 $\frac{1}{2}$ |
| | £68,000 " " £69,000 ... | 18 $\frac{3}{4}$ |
| | £69,000 " " £70,000 ... | 18 $\frac{3}{4}$ |
| | £70,000 " " £71,000 ... | 19 |
| | £71,000 " " £72,000 ... | 19 $\frac{1}{2}$ |

FOURTH

Stamp Duties (Amendment),

FOURTH SCHEDULE—*continued.*

DEATH DUTIES—*continued.*

| | Final Balance of Estate. | | Rate per centum of Duty. |
|----|---|----------|--------------------------|
| 5 | Exceeding £72,000 but not exceeding £73,000 | ... | 19 $\frac{2}{5}$ |
| | £73,000 | £74,000 | 19 $\frac{3}{5}$ |
| | £74,000 | £75,000 | 19 $\frac{4}{5}$ |
| | £75,000 | £76,000 | 20 |
| | £76,000 | £77,000 | 20 $\frac{1}{5}$ |
| 10 | £77,000 | £78,000 | 20 $\frac{2}{5}$ |
| | £78,000 | £79,000 | 20 $\frac{3}{5}$ |
| | £79,000 | £80,000 | 20 $\frac{4}{5}$ |
| | £80,000 | £81,000 | 21 |
| | £81,000 | £82,000 | 21 $\frac{1}{5}$ |
| 15 | £82,000 | £83,000 | 21 $\frac{2}{5}$ |
| | £83,000 | £84,000 | 21 $\frac{3}{5}$ |
| | £84,000 | £85,000 | 21 $\frac{4}{5}$ |
| | £85,000 | £86,000 | 22 |
| | £86,000 | £87,000 | 22 $\frac{1}{5}$ |
| 20 | £87,000 | £88,000 | 22 $\frac{2}{5}$ |
| | £88,000 | £89,000 | 22 $\frac{3}{5}$ |
| | £89,000 | £90,000 | 22 $\frac{4}{5}$ |
| | £90,000 | £91,000 | 23 |
| | £91,000 | £92,000 | 23 $\frac{1}{5}$ |
| 25 | £92,000 | £93,000 | 23 $\frac{2}{5}$ |
| | £93,000 | £94,000 | 23 $\frac{3}{5}$ |
| | £94,000 | £95,000 | 23 $\frac{4}{5}$ |
| | £95,000 | £96,000 | 24 |
| | £96,000 | £97,000 | 24 $\frac{1}{5}$ |
| 30 | £97,000 | £98,000 | 24 $\frac{2}{5}$ |
| | £98,000 | £99,000 | 24 $\frac{3}{5}$ |
| | £99,000 | £100,000 | 24 $\frac{4}{5}$ |
| | £100,000 | ... | 25 |

FIFTH SCHEDULE.

35 DEATH DUTY on Estates of Deceased Persons dying after the passing of the Stamp Duties (Amendment) Act, 1931, domiciled outside New South Wales.

| | Final Balance of Estate. | | Rate per centum of Duty. |
|----|---|--------|--------------------------|
| 40 | Not exceeding £500 | ... | 3% |
| | Exceeding £500 but not exceeding £1,000 | ... | 3 $\frac{1}{3}$ |
| | £1,000 | £2,000 | 3 $\frac{2}{3}$ |
| | £2,000 | £3,000 | 4 |
| | £3,000 | £4,000 | 4 $\frac{1}{3}$ |
| 45 | £4,000 | £5,000 | 4 $\frac{2}{3}$ |
| | £5,000 | £6,000 | 5 |

FIFTH

*Stamp Duties (Amendment).*FIFTH SCHEDULE—*continued.*DEATH DUTIES—FOREIGN DOMICILE—*continued.*

| Final Balance of Estate. | | | | Rate per centum of Duty. |
|--------------------------|---|-----|-----|-----------------------------|
| 5 | Exceeding £6,000 but not exceeding £7,000 | ... | ... | 5½ |
| | £7,000 | .. | .. | 5 |
| | £8,000 | .. | .. | 6 |
| | £9,000 | .. | .. | 6½ |
| | £10,000 | .. | .. | 6 |
| 10 | £11,000 | .. | .. | 7 |
| | £12,000 | .. | .. | 7½ |
| | £13,000 | .. | .. | 7 |
| | £14,000 | .. | .. | 8 |
| | £15,000 | .. | .. | 8½ |
| 15 | £16,000 | .. | .. | 8 |
| | £17,000 | .. | .. | 9 |
| | £18,000 | .. | .. | 9½ |
| | £19,000 | .. | .. | 9 |
| | £20,000 | .. | .. | 10 |
| 20 | £21,000 | .. | .. | 10½ |
| | £22,000 | .. | .. | 10 |
| | £23,000 | .. | .. | 11 |
| | £24,000 | .. | .. | 11½ |
| | £25,000 | .. | .. | 11 |
| 25 | £26,000 | .. | .. | 12 |
| | £27,000 | .. | .. | 12½ |
| | £28,000 | .. | .. | 12 |
| | £29,000 | .. | .. | 13 |
| | £30,000 | .. | .. | 13½ |
| 30 | £31,000 | .. | .. | 13 |
| | £32,000 | .. | .. | 14 |
| | £33,000 | .. | .. | 14½ |
| | £34,000 | .. | .. | 14 |
| | £35,000 | .. | .. | 15 |
| 35 | £36,000 | .. | .. | 15½ |
| | £37,000 | .. | .. | 15 |
| | £38,000 | .. | .. | 16 |
| | £39,000 | .. | .. | 16½ |
| | £40,000 | .. | .. | 16 |
| 40 | £41,000 | .. | .. | 17 |
| | £42,000 | .. | .. | 17½ |
| | £43,000 | .. | .. | 17 |
| | £44,000 | .. | .. | 18 |
| | £45,000 | .. | .. | 18½ |
| 45 | £46,000 | .. | .. | 18 |
| | £47,000 | .. | .. | 19 |
| | £48,000 | .. | .. | 19½ |
| | £49,000 | .. | .. | 19 |
| | £50,000 | .. | .. | 20 |
| | £51,000 | .. | .. | 20 |

FIFTH

Stamp Duties (Amendment).

FIFTH SCHEDULE—continued.

DEATH DUTIES—continued.

| Final Balance of Estate. | | Rate per centum of Duty. |
|--------------------------|--|-----------------------------|
| 5 | Exceeding £51,000 but not exceeding £52,000... | ... 20 $\frac{1}{5}$ |
| " | £52,000 " " £53,000... | ... 20 $\frac{2}{5}$ |
| " | £53,000 " " £54,000... | ... 20 $\frac{3}{5}$ |
| " | £54,000 " " £55,000... | ... 20 $\frac{4}{5}$ |
| " | £55,000 " " £56,000... | ... 21 |
| 10 | " £56,000 " " £57,000... | ... 21 $\frac{1}{5}$ |
| " | £57,000 " " £58,000... | ... 21 $\frac{2}{5}$ |
| " | £58,000 " " £59,000... | ... 21 $\frac{3}{5}$ |
| " | £59,000 " " £60,000... | ... 21 $\frac{4}{5}$ |
| " | £60,000 " " £61,000... | ... 22 |
| 15 | " £61,000 " " £62,000... | ... 22 $\frac{1}{5}$ |
| " | £62,000 " " £63,000... | ... 22 $\frac{2}{5}$ |
| " | £63,000 " " £64,000... | ... 22 $\frac{3}{5}$ |
| " | £64,000 " " £65,000... | ... 22 $\frac{4}{5}$ |
| " | £65,000 " " £66,000... | ... 23 |
| 20 | " £66,000 " " £67,000... | ... 23 $\frac{1}{5}$ |
| " | £67,000 " " £68,000... | ... 23 $\frac{2}{5}$ |
| " | £68,000 " " £69,000... | ... 23 $\frac{3}{5}$ |
| " | £69,000 " " £70,000... | ... 23 $\frac{4}{5}$ |
| " | £70,000 " " £71,000... | ... 24 |
| 25 | " £71,000 " " £72,000... | ... 24 $\frac{1}{5}$ |
| " | £72,000 " " £73,000... | ... 24 $\frac{2}{5}$ |
| " | £73,000 " " £74,000... | ... 24 $\frac{3}{5}$ |
| " | £74,000 " " £75,000... | ... 24 $\frac{4}{5}$ |
| " | £75,000 | ... 25 |

