

New South Wales.



ANNO VICESIMO QUARTO

GEORGII V REGIS.

Act No. 12, 1933.

An Act to amend the Stamp Duties Act, 1920-1932, as amended by subsequent Acts, in certain respects. [Assented to, 18th October, 1933.]

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, 1933.”

(2) The Stamp Duties Act, 1920-1932, as amended by subsequent Acts, and by this Act, may be cited as the Stamp Duties Act, 1920-1933.

(3) In this Act the Stamp Duties Act, 1920-1932, as amended by subsequent Acts, is referred to as the Principal Act.

(4) This Act shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

*Stamp Duties (Amendment).***2. The Principal Act is amended as follows:—**

Amendment of
Act No. 47,
1920.

Reduction of
duties in
certain cases.

Sec. 41 (4).
(Agreements
for sale or
conveyance.)

Sec. 42 (4).
(Conveyance
by original
vendor to
ultimate
purchaser.)

Second
Schedule.
(Convey-
ances
of any
property.)

Sec. 53 and
Second
Schedule.
(Bill of
lading.)

Sees. 59, 60.
(Capital of
limited
liability
companies.)

- (a) by omitting from paragraph (a) of subsection four of section forty-one the words "ten shillings" wherever occurring and by inserting in lieu thereof the words "five shillings";
- (b) by omitting from subsection four of section forty-two the words "ten shillings" wherever occurring and by inserting in lieu thereof the words "five shillings";
- (c) by omitting from the second column of paragraph (5) of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" the figures "0 10 0" and by inserting in lieu thereof the figures "0 5 0";
- (d) (i) by omitting from section fifty-three the words "or coastwise within New South Wales";
- (ii) by omitting from the matter appearing under the heading "Bill of Lading or Receipt" in the Second Schedule the words "or coastwise within New South Wales";
- (iii) by omitting the exemption from the matter appearing under the same heading;
- (e) (i) by omitting sections fifty-nine and sixty and the short heading preceding section fifty-nine;
- (ii) by omitting paragraph (a) of the matter appearing in the Second Schedule under the heading "Companies";
- (iii) by omitting from the exemption under the said matter—
 - (a) the words "the amount of the nominal capital or";
 - (b) the words "or upon any increase of the registered capital";
- (iv) by inserting in the said exemption after the words "articles of association" the word "or";
- (f)

Stamp Duties (Amendment).

- (f) (i) by omitting from paragraph (1) of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" the figures "0 10 0" and by inserting in lieu thereof the figures "0 7 6"; Second Schedule. (Conveyances on sale.)
- (ii) by omitting from the same paragraph the figures "1 0 0" wherever appearing and by inserting in lieu thereof the figures "0 15 0";
- (g) (i) by omitting from subparagraph (ii) of paragraph (a) of subsection three of section sixty-six the words "Fourth Schedule to this Act for an estate whose final balance is" and by inserting in lieu thereof the words "Sixth Schedule to this Act for an amount"; Sec. 66. (Conveyances without consideration.)
- (ii) by omitting from paragraph (ii) of subsection (3A) of the same section the words "Fourth Schedule to this Act for an estate whose final balance is" and by inserting in lieu thereof the words "Sixth Schedule to this Act for an amount";
- (iii) by inserting at the end of the same subsection the words "The Commissioner may, where he is satisfied that the consideration paid was agreed to as representing the true market value of the property, treat the conveyance as a conveyance on sale and stamp the same accordingly with ad valorem duty on the unencumbered value of the property ascertained in accordance with section sixty-eight."
- (h) (i) by omitting from paragraph (2) of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" the words "At that rate per centum of the total" and by inserting in lieu thereof the words "At the rate specified in the Sixth Schedule to this Act for an amount equal to the total"; Second Schedule. (Conveyances of any property.)

(ii).

Stamp Duties (Amendment).

Second
Schedule.
(Convey-
ances
of any
property.)

- (ii) by omitting from the same paragraph all words after the words "in accordance with this Act";
- (i) (i) by omitting from paragraph (3) of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" the words "At that rate per centum of the total" and by inserting in lieu thereof the words "At the rate specified in the Sixth Schedule to this Act for an amount equal to the total";
- (ii) by omitting from the same paragraph all words after the words "in accordance with this Act" where lastly occurring;
- (j) by inserting next after the Fifth Schedule the following new Schedule:—

New Sixth
Schedule.

Sec. 66.

SIXTH SCHEDULE.

RATE OF STAMP DUTY to be paid pursuant to subparagraph (ii) of paragraph (a) of subsection three of section sixty-six or paragraph (ii) of subsection (3A) of that section on certain conveyances made without consideration in money or money's worth, or with a consideration in money or money's worth of less than the unencumbered value of the property conveyed.

Amount or value.				Rate per centum of duty.
Not exceeding £2,000	...	...	...	1
Exceeding £2,000 but not exceeding £5,000				1½
" £5,000	"	"	£15,000	2
" £15,000	"	"	£25,000	2½
" £25,000	"	"	£50,000	3
" £50,000	"	"	£75,000	3½
" £75,000	"	"	£100,000	4
" £100,000	...	...	...	5

Sec. 66 (3)
(b).
(Marriage
settle-
ments.)

- (k) by inserting at the end of paragraph (b) of subsection three of section sixty-six the words "or instruments effecting a settlement where the instrument is executed before and in consideration of marriage by either party to the marriage or executed after marriage by either party thereto in pursuance of a binding antenuptial contract";

(1)

Stamp Duties (Amendment).

- (l) by omitting from paragraph (b) of subsection one of section seventy-three the words "or declaration of trust on which ad valorem duty has been paid or " and by inserting in lieu thereof the words "declaration of trust or other instrument on which stamp duty imposed by any Act in force at the time of its execution has been paid or which is exempt from stamp duty under such Act or with the trusts "; Sec. 73.
(Certain conveyances not chargeable with ad valorem duty.)
- (m) by omitting from subparagraph (b) of paragraph (4) of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" the words "or declaration of trust on which ad valorem duty has been paid or " and by inserting in lieu thereof the words "declaration of trust or other instrument on which stamp duty imposed by any Act in force at the time of its execution has been paid or which is exempt from stamp duty under such Act or with the trusts "; Second Schedule.
(Conveyances of any property—Par. 4 (b).)
- (n) by inserting in subsection two of section eighty-one after the word "renunciation" where firstly occurring the words "in which no other person is nominated to receive the allotment of shares "; Sec. 81.
(Letters of renunciation.)
- (o) by omitting from the matter appearing in the Second Schedule under the heading "Letter of Allotment and Letter of Renunciation" the words "Adhesive stamp "; Second Schedule.
(Letter of allotment, etc.)
- (p) by omitting subsection one of section eighty-five and by inserting in lieu thereof the following subsection:— Sec. 85.
(Partition.)

(1) Every agreement or other instrument for or effecting the partition or division of any property is to be charged with a fixed duty of one pound and where the divided parts of the property are unequal in unencumbered value the principal or only instrument whereby the partition or division is effected is to be charged in addition to the said fixed duty with the same ad valorem duty as if it were a conveyance of similar

Stamp Duties (Amendment).

similar property of an unencumbered value equal to the amount by which the unencumbered value of the undivided share of each partitioner is exceeded by the unencumbered value of the divided part taken by him and any amount paid or given or agreed to be paid or given for equality shall be deemed to be consideration for such conveyance.

**Second
Schedule.**
(Partition.)

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

PARTITION—

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

A fixed duty of £1, and in addition in a case where the divided parts of the property are unequal in unencumbered value the same ad valorem duty as if it were a conveyance of similar property of an unencumbered value equal to the amount by which the unencumbered value of the undivided share of each partitioner is exceeded by the unencumbered value of the divided part taken by him, and any amount paid or given or agreed to be paid or given for equality shall be deemed to be consideration for such conveyance.

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

- (2) In any other case ...

1 0 0

Sec. 94.
(Share certificates.)

- (r) (i) by omitting section ninety-four and the short heading preceding that section;
- (ii) by omitting from the Second Schedule the heading "Share Certificate or other document" and all matter appearing thereunder;

(s)

Stamp Duties (Amendment).

- (s) (i) by omitting from the matter appearing in the Second Schedule under the heading "Bill of Exchange and Promissory Notes" the words and figures—

Second
Schedule.
(Bill of
exchange and
promissory
notes.)

For every £25 and every fractional part of £25	0 0 6
------------------------------------------------------	-------

and by inserting in lieu thereof the words and figures—

Where the amount or value of the money for which the bill is drawn does not exceed £25	0 0 3
Where such amount or value exceeds £25, for every £25 and every fractional part of £25	0 0 3

- (ii) by inserting at the end of the same matter the following new paragraph:—

(g) Cheque or order payable on demand drawn or given by or on behalf of any society or institution for the relief of poverty.

- (t) by omitting from the matter appearing in the second column of paragraph (1) of the Second Schedule under the heading "Lease or Promise of or Agreement for Lease or Hire of any Property not being a ship or vessel" the figures "0 5 0" wherever occurring and by inserting in lieu thereof the figures "0 2 6" in each of the four places;

Second
Schedule.
(Leases.)

- (u) by inserting in paragraph (5) of the matter appearing in the same Schedule under the heading of "Letter or Power of Attorney or other instrument in the nature of" after the word "described" the words "including the appointment of a receiver by a mortgagee";

Second
Schedule.
(Letter or
power of
attorney.)

- (v) (i) by omitting from paragraph (f) of the exemptions appearing in the Second Schedule under the heading "Policies of Insurance," the words "one month" and by inserting in lieu thereof the words "three months";

Second
Schedule.
(Policies of
insurance.)

(ii)

Stamp Duties (Amendment).

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

(h) Any policy issued to the original insured or his personal representatives in pursuance of a duly stamped certificate of insurance.

Second
Schedule.
(Receipts.)

(w) by inserting at the end of the exemptions appearing in the Second Schedule under the heading "Receipt or Discharge given for or upon the payment of money amounting to £2 and upwards" the following new paragraphs:—

(u) Any receipt given for or upon the payment of money by way of grant to any municipal or shire council by the Government or a Department of the Government of New South Wales.

(v) Any receipt given for or upon the payment of any moneys for a call in respect of the share capital of a mining company as defined by section three of this Act.

Second
Schedule.
(Transfer
of shares.)

(x) (i) by omitting from the second column of paragraph (1) of the matter appearing in the same Schedule under the heading "Transfer of Shares" the figures "0 1 0" and by inserting in lieu thereof the figures "0 0 6";

(ii) by omitting from the first column of paragraph (4) of the same matter the words "or declaration of trust on which ad valorem duty has been paid or" and by inserting in lieu thereof the words "declaration of trust or other instrument on which stamp duty imposed by any Act in force at the time of its execution has been paid or which is exempt from stamp duty under such Act or with the trusts";

(iii) by omitting from the second column of the same paragraph the figure and letter "1s." and by inserting in lieu thereof the figure and letter "6d."; (y)

Stamp Duties (Amendment).

- (y) by inserting at the end of paragraph (7) of the matter appearing in the same Schedule under the heading "General Exemptions from Stamp Duty under Part III" the following new subparagraph—

Second
Schedule.
(General
exemp-
tions.)

- (g) Any request to the Registrar-General under the Real Property (Amendment) Act, 1921, by any such society or branch for the registration of new trustees in relation to any mortgage being an investment of the society or branch.

3. The Principal Act is further amended as follows:—

Further
amendment of
Act No. 47,
1920.

- (a) by inserting in subsection one of section thirteen after the word "incurred" the words "for any breach of the provisions of section ninety-two of this Act may be recovered by any person whomsoever in a summary way before any two justices of the peace and any other fine incurred";

Sec. 13.
(Recovery
of fines.)

- (b) by omitting from paragraph (c) of subsection one of section twenty-five the words "ad valorem";

Sec. 25.
(Terms on
which
instruments
may be
stamped after
execution.)

- (c) (i) by omitting from section thirty-two the words "foreign or colonial";

Sec. 32.
(Money in
foreign or
colonial
currency to be
valued.)

- (ii) by omitting from the same section the words "currency lawful in New South Wales" and by inserting in lieu thereof the words "Australian notes or Australian coins";

- (d) (i) by inserting in division (b) of subparagraph (ii) of paragraph (a) of subsection three of section sixty-six after the word "whomsoever" the words "on the day of but executed by him prior to such conveyance or";

Sec. 66.
(Settlement
duty.)

- (ii) by inserting in division (c) of the same subparagraph after the word "whomsoever" the words "on the day of but executed by him prior to such conveyance or";

(iii)

Stamp Duties (Amendment).

Second
Schedule.
(Conse-
quential.)

Sec. 92 (2).
(Offences
relating to
receipts.)

- (iii) by inserting in subparagraph (b) of paragraph (ii) of subsection (3A) of the same section after the word "whomsoever" the words "on the day of but executed by him prior to such conveyance or";
- (iv) by inserting in subparagraph (c) of the same paragraph after the word "whomsoever" the words "on the day of but executed by him prior to such conveyance or";
- (e) (i) by inserting in the second column of paragraph two of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" after the word "whomsoever" wherever occurring the words "on the day of but executed by him prior to such conveyance or";
- (ii) by inserting in the second column of paragraph three of the matter appearing under the same heading after the word "whomsoever" wherever occurring the words "on the day of but executed by him prior to such conveyance or";
- (f) (i) by omitting from subsection two of section ninety-two the words "two pounds" and by inserting in lieu thereof the words "one pound";
- (ii) by omitting from the same subsection the word "ten" and by inserting in lieu thereof the word "five";
- (iii) by omitting from paragraph (b) of the same subsection the words "a receipt for a sum not amounting to two pounds or separates or divides the amount paid with intent to evade the duty" and by inserting in lieu thereof the words "separate receipts for sums not amounting to two pounds";
- (iv) by omitting from subsection three of the same section the words "two pounds" and by inserting in lieu thereof the words "one pound";
- (g)

Stamp Duties (Amendment).

- (g) by omitting from subparagraph (e) of paragraph (4) of the matter appearing in the Second Schedule under the heading of "Conveyances of any Property" the words "The parties to the settlement or any one of them" and by inserting in lieu thereof the words "The transferee."
- Second
Schedule.
(Convey-
ances of any
property.)
(Correc-
tion.)

4. The Principal Act is further amended as follows:—

- (a) (i) by inserting at the end of the definition of "Disposition of property" in section one hundred the words "whether in any of the cases referred to in the foregoing paragraphs the disposition is effected with or without an instrument in writing";
- Further
amendment of
Act No. 47,
1920.
(Death duties.)
Sec. 100.
(Interpre-
tation.)
(Disposition
of property.)
- (ii) by omitting from the definition of "General power of appointment" in the same section the words "but exclusive of any power exercisable in a fiduciary capacity" and by inserting in lieu thereof the words "or otherwise but does not include any power exercisable by any person in a fiduciary capacity for the benefit of others only arising";
- (General
power of
appoint-
ment.)
- (iii) by omitting from the same section the definition of "Settlement" and by inserting in lieu thereof the following definition:—
- (Settle-
ment.)

"Settlement" includes any disposition of property (whether without consideration or upon any consideration other than full consideration in money or money's worth) whereby any property is settled or agreed to be settled or containing any trust or disposition in respect of any property to take effect after the death of any person but does not include a will.

(b)

Stamp Duties (Amendment).

New s. 100A.

Value of
assets and
liabilities
to be
calculated
in Australian
currency.

- (b) by inserting next after section one hundred the following new section:—

100A. For the purposes of this Part of this Act the value of any assets or liabilities of a deceased person, and the value of any amount required by section 103A of this Act to be refunded shall be calculated in Australian notes and Australian coins according to the current rate of exchange on the day of the death of such deceased person.

Sec. 101.
(Duties on
estates of
persons
dying
after Act.)

- (e) by inserting at the end of section one hundred and one the following words:—

“ The minimum amount of death duty payable under any assessment shall be two shillings.”

New s. 101c.

Death duty.
Local
domicile
in cases of
estates of
persons
dying
after com-
mencement
of Stamp
Duties
(Amend-
ment) Act,
1933.

- (d) by inserting next after section 101B the following new section:—

101c. (1) In the case of every person who dies after the commencement of the Stamp Duties (Amendment) Act, 1933, 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, subject to this section, be assessed and paid upon the final balance of the estate of the deceased as determined in accordance with this Act.

(2) Where 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 five hundred pounds, no death duty shall be chargeable.

(3) Where the value of the dutiable estate of such person when aggregated with the value of all his foreign assets, after deducting therefrom all debts actually due and owing by the

the

Stamp Duties (Amendment).

the deceased at the date of his death, other than the debts referred to in subsection two of section one hundred and seven, exceeds five hundred pounds, but does not exceed one thousand pounds, no death duty shall be chargeable on any property passing by the intestacy or under the will of the deceased to his widow or to any of his children who, at the time of his death, were under the age of twenty-one years, 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 the widow or such child.

- (e) (i) by omitting from subparagraph (a) of paragraph (2) of section one hundred and two the words " or special ";
- (ii) by omitting subparagraph (h) of the same paragraph and by inserting in lieu thereof the following new subparagraph:—

Sec. 102.
(Property subject to duty as part of estate of deceased person.)

- (h) Any money payable to any person under a policy of assurance on the life of the deceased where the whole of the premiums have been paid by the deceased or a part of that money in proportion to the premiums paid by him where part of the premiums have been paid by some other person.

This subparagraph shall not apply in any case where the deceased has been fully reimbursed in money or money's worth in respect of the premiums paid by him at any time, or to any moneys payable under a policy which are liable to duty by reason of subparagraph (a) of paragraph (1) of this section.

- (iii) by inserting at the end of subparagraph (i) of the same paragraph the words "This subparagraph shall not apply to any money payable

Stamp Duties (Amendment).

payable under a policy of assurance to which subparagraph (h) of this paragraph applies.”

(iv) by inserting at the end of the same section the following paragraph:—

(3) The estate of a deceased person shall be deemed not to include—

- (a) an industrial policy of assurance on the life of a deceased person where the amount payable including bonus (if any) does not exceed one hundred pounds;
- (b) any payment made by a friendly society or other organisation on the death of any person by way of funeral donation or mortuary benefit where the amount payable does not exceed fifty pounds.

In this paragraph an “ industrial policy ” means a life policy upon which the contributions or premiums payable by the insured are by the terms of the policy made payable at intervals of less than two months and are contracted to be received, or any one or more of which have actually been received, by means of collectors.

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

(f) by inserting at the end of section 103A the following new subsection:—

(2) Where the Commissioner is satisfied that in such a case as is referred to in the foregoing provisions of this section a refund will become payable he may in lieu of requiring the payment to him of the full amount of the death duty make a provisional allowance of the estimated amount of the refund subject to such conditions as he may impose or as may be prescribed by the regulations.

(g)

Stamp Duties (Amendment).

- (g) by inserting next after section one hundred and twelve the following new section:— New s. 112A.

112A. (1) Where the amount of the dutiable estate of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1933, 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 five thousand pounds, death duty shall be calculated at one-half the rate that would, but for this provision, be the rate prescribed by this Act on any property devolving by the intestacy on, or passing under the will of the deceased to his widow, or to any of his children who, at the time of his death, were under the age of twenty-one years, and any other property included by this Act in the dutiable estate of the deceased, the beneficial interest in which property is vested in or on the death of the deceased, passes to the widow or such child. Abatement in favour of widow, etc., in certain cases.

(2) This section shall not apply where the deceased was at the time of his death domiciled at some place outside New South Wales.

- (h) by inserting at the end of section one hundred and fifteen the following new subsections:— Sec. 115.

(3) In case the duty is not paid within the prescribed time the Commissioner may apply to the Supreme Court, which may order that a sufficient part of the property included in the dutiable estate be sold, and the proceeds of such sale applied in payment of the duty and of the costs consequent thereon. (Duty due on assessment, etc.)

(4) Where any property has been sold under any such order the Supreme Court may make an order vesting the property in the purchaser.

(5) Every such vesting order shall have the same effect as if all persons entitled to the property

Stamp Duties (Amendment).

property had been free from all disability and had duly executed all proper conveyances, transfers, and assignments of the property for such estate or interest as is specified in the order.

Sec. 117.
(Affidavit
of value.)

- (i) by inserting in section one hundred and seventeen next after subsection six the following new subsection:—

(6A) Every transmission application under the Real Property Act, 1900, and every notice of death or other application to be registered as proprietor of any land under the said Act or of any estate or interest therein or any mortgage or encumbrance thereon by reason of the death of any person shall, before being lodged in the office of the Registrar-General, be produced to the Commissioner together with evidence identifying the property to be affected thereby with that included in the affidavit of value lodged by the administrator of the deceased person with his application for probate or letters of administration of the estate of the deceased person.

Sec. 120.
(Account
duty.)

- (j) by omitting from subsection three of section one hundred and twenty the words “ ten pounds per centum ” and by inserting in lieu thereof the words “ eight pounds per centum ”;

Sec. 121.
(Interest on
unpaid
duty.)

- (k) by omitting from subsection one of section one hundred and twenty-one the words “ ten pounds per centum ” and by inserting in lieu thereof the words “ eight pounds per centum ”;

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

- (l) (i) by inserting at the end of subsection two of section one hundred and twenty-two the words “ and any person who seeks to have any dealing referred to in subsection one of this section registered recorded or otherwise given effect to or any such policy satisfied in contravention of such subsection shall incur a like penalty ”;

(ii)

Stamp Duties (Amendment).

- (ii) by inserting in paragraph (a) of subsection five of the same section after the words " Public Trustee " the words " either solely or jointly with any other person " ;
- (m) by inserting next after section one hundred and twenty-four the following new section:— New s. 124A.

124A. (1) Any administrator liable to the payment of death duty who is dissatisfied with the assessment of the Commissioner by reason of the value placed by the Commissioner on any land may within thirty days after notice of the assessment has been given to the administrator, and on payment of the duty in conformity with the assessment, deliver to the Commissioner a notice in writing requiring him to refer the matter to the local land board constituted under the Crown Lands Consolidation Act, 1913, for the land district in which the land or the larger part thereof is situated.

Reference to
local land
board in
certain
cases.

(2) The Commissioner shall thereupon refer the matter to the local land board for determination.

(3) The local land board shall determine the improved value of the land included in the assessment.

No appeal shall lie from such determination.

(4) If the improved value of the land so determined is in excess of that included in the assessment any further duty payable shall upon demand be paid by the administrator. If the improved value of the land as so determined is less than the value included in the assessment the Commissioner shall refund to the administrator the duty so paid in excess.

(5) In every appeal under this section the Commissioner and the administrator shall each pay his own costs.

(6) The provisions of this section shall not apply in any case where the unimproved value as recorded by the Commissioner of any land

Stamp Duties (Amendment).

land exceeds three thousand pounds, or in the case of any land or interest in land which is under the provisions of the Valuation of Land Act, 1916.

(7) In this section "improved value" and "unimproved value" in relation to land shall have the meanings ascribed to those terms by the Valuation of Land Act, 1916.

Sec. 125.
(Valuation.)

- (n) by inserting in subsection one of section one hundred and twenty-five after the word "land" the words "or any interest therein the value of which exceeds two hundred pounds";

Sec. 128 (1).
(Reassessments and refunds.)

- (o) by inserting at the end of subsection one of section one hundred and twenty-eight the following words:—

"The Commissioner may at his discretion at any time cause to be made all such alterations in or additions to any assessment as he thinks necessary in order to insure its completeness and accuracy and notify the administrator accordingly.

Where any alteration in an assessment has the effect of reducing the death duty any duty overpaid shall be refunded by the Commissioner, but no refund shall be made unless application for the same is made by the administrator within three years from the date of the overpayment of duty."

Sec. 140 (3).
(Refund of duty where property wrongly included in dutiable estate.)

- (p) by omitting from subsection three of section one hundred and forty the words "Any claim for a refund of duty so paid in excess" and by inserting in lieu thereof the words "The repayment of duty provided for in subsection one of this section."

By Authority:

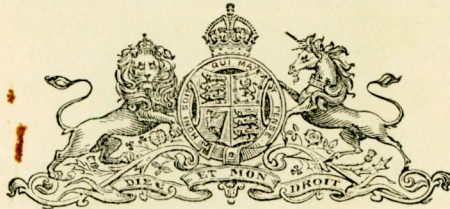
ALFRED JAMES KENT, I.S.O., Government Printer, Sydney—1933.

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, 10 October, 1933.*

New South Wales.



ANNO VICESIMO QUARTO

GEORGII V REGIS.

Act No. 12, 1933.

An Act to amend the Stamp Duties Act, 1920-1932, as amended by subsequent Acts, in certain respects. [Assented to, 18th October, 1933.]

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, 1933.”

(2) The Stamp Duties Act, 1920-1932, as amended by subsequent Acts, and by this Act, may be cited as the Stamp Duties Act, 1920-1933.

(3) In this Act the Stamp Duties Act, 1920-1932, as amended by subsequent Acts, is referred to as the Principal Act.

(4) This Act shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2.

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

W. W. HEDGES,
Chairman of Committees of the Legislative Assembly.

Stamp Duties (Amendment).

2. The Principal Act is amended as follows:—

Amendment of
Act No. 47,
1920.

Reduction of
duties in
certain cases.
Sec. 41 (4).
(Agreements
for sale or
conveyance.)

- (a) by omitting from paragraph (a) of subsection four of section forty-one the words "ten shillings" wherever occurring and by inserting in lieu thereof the words "five shillings";

Sec. 42 (4).
(Conveyance
by original
vendor to
ultimate
purchaser.)

- (b) by omitting from subsection four of section forty-two the words "ten shillings" wherever occurring and by inserting in lieu thereof the words "five shillings";

Second
Schedule.
(Convey-
ances
of any
property.)

- (c) by omitting from the second column of paragraph (5) of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" the figures "0 10 0" and by inserting in lieu thereof the figures "0 5 0";

Sec. 53 and
Second
Schedule.
(Bill of
lading.)

- (d) (i) by omitting from section fifty-three the words "or coastwise within New South Wales";
(ii) by omitting from the matter appearing under the heading "Bill of Lading or Receipt" in the Second Schedule the words "or coastwise within New South Wales";
(iii) by omitting the exemption from the matter appearing under the same heading;

Secs. 59, 60.
(Capital of
limited
liability
companies.)

- (e) (i) by omitting sections fifty-nine and sixty and the short heading preceding section fifty-nine;
(ii) by omitting paragraph (a) of the matter appearing in the Second Schedule under the heading "Companies";
(iii) by omitting from the exemption under the said matter—
 (a) the words "the amount of the nominal capital or";
 (b) the words "or upon any increase of the registered capital";
(iv) by inserting in the said exemption after the words "articles of association" the word "or";

(f)

Stamp Duties (Amendment).

- (f) (i) by omitting from paragraph (1) of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" the figures "0 10 0" and by inserting in lieu thereof the figures "0 7 6"; Second Schedule. (Conveyances on sale.)
- (ii) by omitting from the same paragraph the figures "1 0 0" wherever appearing and by inserting in lieu thereof the figures "0 15 0";
- (g) (i) by omitting from subparagraph (ii) of paragraph (a) of subsection three of section sixty-six the words "Fourth Schedule to this Act for an estate whose final balance is" and by inserting in lieu thereof the words "Sixth Schedule to this Act for an amount"; Sec. 66. (Conveyances without consideration.)
- (ii) by omitting from paragraph (ii) of subsection (3A) of the same section the words "Fourth Schedule to this Act for an estate whose final balance is" and by inserting in lieu thereof the words "Sixth Schedule to this Act for an amount";
- (iii) by inserting at the end of the same subsection the words "The Commissioner may, where he is satisfied that the consideration paid was agreed to as representing the true market value of the property, treat the conveyance as a conveyance on sale and stamp the same accordingly with ad valorem duty on the unencumbered value of the property ascertained in accordance with section sixty-eight."
- (h) (i) by omitting from paragraph (2) of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" the words "At that rate per centum of the total" and by inserting in lieu thereof the words "At the rate specified in the Sixth Schedule to this Act for an amount equal to the total"; Second Schedule. (Conveyances of any property.)

(ii)

Stamp Duties (Amendment).

Second
Schedule.
(Convey-
ances
of any
property.)

New Sixth
Schedule.

Sec. 66.

- (ii) by omitting from the same paragraph all words after the words "in accordance with this Act";
- (i) (i) by omitting from paragraph (3) of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" the words "At that rate per centum of the total" and by inserting in lieu thereof the words "At the rate specified in the Sixth Schedule to this Act for an amount equal to the total";
- (ii) by omitting from the same paragraph all words after the words "in accordance with this Act" where lastly occurring;
- (j) by inserting next after the Fifth Schedule the following new Schedule:—

SIXTH SCHEDULE.

RATE OF STAMP DUTY to be paid pursuant to sub-paragraph (ii) of paragraph (a) of subsection three of section sixty-six or paragraph (ii) of subsection (3A) of that section on certain conveyances made without consideration in money or money's worth, or with a consideration in money or money's worth of less than the unencumbered value of the property conveyed.

Amount or value.				Rate per centum of duty.
Not exceeding £2,000	...	...	...	1
Exceeding £2,000 but not exceeding £5,000				1½
" £5,000	"	"	£15,000	2
" £15,000	"	"	£25,000	2½
" £25,000	"	"	£50,000	3
" £50,000	"	"	£75,000	3½
" £75,000	"	"	£100,000	4
" £100,000	...	...	...	5

Sec. 66 (3)
(b).
(Marriage
settle-
ments.)

- (k) by inserting at the end of paragraph (b) of subsection three of section sixty-six the words "or instruments effecting a settlement where the instrument is executed before and in consideration of marriage by either party to the marriage or executed after marriage by either party thereto in pursuance of a binding antenuptial contract";

(1)

Stamp Duties (Amendment).

- (l) by omitting from paragraph (b) of subsection one of section seventy-three the words " or declaration of trust on which ad valorem duty has been paid or " and by inserting in lieu thereof the words " declaration of trust or other instrument on which stamp duty imposed by any Act in force at the time of its execution has been paid or which is exempt from stamp duty under such Act or with the trusts "; Sec. 73. (Certain conveyances not chargeable with ad valorem duty.)
- (m) by omitting from subparagraph (b) of paragraph (4) of the matter appearing in the Second Schedule under the heading " Conveyances of any Property " the words " or declaration of trust on which ad valorem duty has been paid or " and by inserting in lieu thereof the words " declaration of trust or other instrument on which stamp duty imposed by any Act in force at the time of its execution has been paid or which is exempt from stamp duty under such Act or with the trusts "; Second Schedule. (Conveyances of any property—Par. 4 (b).)
- (n) by inserting in subsection two of section eighty-one after the word " renunciation " where firstly occurring the words " in which no other person is nominated to receive the allotment of shares "; Sec. 81. (Letters of renunciation.)
- (o) by omitting from the matter appearing in the Second Schedule under the heading " Letter of Allotment and Letter of Renunciation " the words " Adhesive stamp "; Second Schedule. (Letter of allotment, etc.)
- (p) by omitting subsection one of section eighty-five and by inserting in lieu thereof the following subsection:— Sec. 85. (Partition.)

(1) Every agreement or other instrument for or effecting the partition or division of any property is to be charged with a fixed duty of one pound and where the divided parts of the property are unequal in unencumbered value the principal or only instrument whereby the partition or division is effected is to be charged in addition to the said fixed duty with the same ad valorem duty as if it were a conveyance of similar

Stamp Duties (Amendment).

similar property of an unencumbered value equal to the amount by which the unencumbered value of the undivided share of each partitioner is exceeded by the unencumbered value of the divided part taken by him and any amount paid or given or agreed to be paid or given for equality shall be deemed to be consideration for such conveyance.

Second
Schedule.
(Partition.)

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

PARTITION—

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

A fixed duty of £1, and in addition in a case where the divided parts of the property are unequal in unencumbered value the same ad valorem duty as if it were a conveyance of similar property of an unencumbered value equal to the amount by which the unencumbered value of the undivided share of each partitioner is exceeded by the unencumbered value of the divided part taken by him, and any amount paid or given or agreed to be paid or given for equality shall be deemed to be consideration for such conveyance.

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

- (2) In any other case ... 1 0 0

Sec. 94.
(Share certificates.)

- (r) (i) by omitting section ninety-four and the short heading preceding that section;

- (ii) by omitting from the Second Schedule the heading "Share Certificate or other document" and all matter appearing thereunder;

(s)

Stamp Duties (Amendment).

- (s) (i) by omitting from the matter appearing in the Second Schedule under the heading "Bill of Exchange and Promissory Notes" the words and figures—

Second
Schedule.
(Bill of
exchange and
promissory
notes.)

For every £25 and every fractional part of £25	0 0 6 |
---------------------------------------------------------	-------

and by inserting in lieu thereof the words and figures—

Where the amount or value of the money for which the bill is drawn does not exceed £25	0 0 3 |
Where such amount or value exceeds £25, for every £25 and every fractional part of £25	0 0 3 |

- (ii) by inserting at the end of the same matter the following new paragraph:—

(g) Cheque or order payable on demand drawn or given by or on behalf of any society or institution for the relief of poverty.

- (t) by omitting from the matter appearing in the second column of paragraph (1) of the Second Schedule under the heading "Lease or Promise of or Agreement for Lease or Hire of any Property not being a ship or vessel" the figures "0 5 0" wherever occurring and by inserting in lieu thereof the figures "0 2 6" in each of the four places;

Second
Schedule.
(Leases.)

- (u) by inserting in paragraph (5) of the matter appearing in the same Schedule under the heading of "Letter or Power of Attorney or other instrument in the nature of" after the word "described" the words "including the appointment of a receiver by a mortgagee";

Second
Schedule.
(Letter or
power of
attorney.)

- (v) (i) by omitting from paragraph (f) of the exemptions appearing in the Second Schedule under the heading "Policies of Insurance," the words "one month" and by inserting in lieu thereof the words "three months";

Second
Schedule.
(Policies of
insurance.)

(ii)

Stamp Duties (Amendment).

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

(h) Any policy issued to the original insured or his personal representatives in pursuance of a duly stamped certificate of insurance.

Second
Schedule.
(Receipts.)

(w) by inserting at the end of the exemptions appearing in the Second Schedule under the heading "Receipt or Discharge given for or upon the payment of money amounting to £2 and upwards" the following new paragraphs:—

(u) Any receipt given for or upon the payment of money by way of grant to any municipal or shire council by the Government or a Department of the Government of New South Wales.

(v) Any receipt given for or upon the payment of any moneys for a call in respect of the share capital of a mining company as defined by section three of this Act.

Second
Schedule.
(Transfer
of shares.)

(x) (i) by omitting from the second column of paragraph (1) of the matter appearing in the same Schedule under the heading "Transfer of Shares" the figures "0 1 0" and by inserting in lieu thereof the figures "0 0 6";

(ii) by omitting from the first column of paragraph (4) of the same matter the words "or declaration of trust on which ad valorem duty has been paid or" and by inserting in lieu thereof the words "declaration of trust or other instrument on which stamp duty imposed by any Act in force at the time of its execution has been paid or which is exempt from stamp duty under such Act or with the trusts";

(iii) by omitting from the second column of the same paragraph the figure and letter "1s." and by inserting in lieu thereof the figure and letter "6d."; (y)

Stamp Duties (Amendment).

- (y) by inserting at the end of paragraph (7) of the matter appearing in the same Schedule under the heading "General Exemptions from Stamp Duty under Part III" the following new sub-paragraph—

Second
Schedule.
(General
exemp-
tions.)

- (g) Any request to the Registrar-General under the Real Property (Amendment) Act, 1921, by any such society or branch for the registration of new trustees in relation to any mortgage being an investment of the society or branch.

3. The Principal Act is further amended as follows:—

Further
amendment of
Act No. 47,
1920.

- (a) by inserting in subsection one of section thirteen after the word "incurred" the words "for any breach of the provisions of section ninety-two of this Act may be recovered by any person whomsoever in a summary way before any two justices of the peace and any other fine incurred";

Sec. 13.
(Recovery
of fines.)

- (b) by omitting from paragraph (c) of subsection one of section twenty-five the words "ad valorem";

Sec. 25.
(Terms on
which
instruments
may be
stamped after
execution.)

- (c) (i) by omitting from section thirty-two the words "foreign or colonial";

Sec. 32.
(Money in
foreign or
colonial
currency to be
valued.)

- (ii) by omitting from the same section the words "currency lawful in New South Wales" and by inserting in lieu thereof the words "Australian notes or Australian coins";

- (d) (i) by inserting in division (b) of subparagraph (ii) of paragraph (a) of subsection three of section sixty-six after the word "whomsoever" the words "on the day of but executed by him prior to such conveyance or";

Sec. 66.
(Settlement
duty.)

- (ii) by inserting in division (c) of the same subparagraph after the word "whomsoever" the words "on the day of but executed by him prior to such conveyance or";

(iii)

Stamp Duties (Amendment).

Second
Schedule.
(Conse-
quential.)

Sec. 92 (2).
(Offences
relating to
receipts.)

- (iii) by inserting in subparagraph (b) of paragraph (ii) of subsection (3A) of the same section after the word "whomsoever" the words "on the day of but executed by him prior to such conveyance or";
- (iv) by inserting in subparagraph (c) of the same paragraph after the word "whomsoever" the words "on the day of but executed by him prior to such conveyance or";
- (e) (i) by inserting in the second column of paragraph two of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" after the word "whomsoever" wherever occurring the words "on the day of but executed by him prior to such conveyance or";
- (ii) by inserting in the second column of paragraph three of the matter appearing under the same heading after the word "whomsoever" wherever occurring the words "on the day of but executed by him prior to such conveyance or";
- (f) (i) by omitting from subsection two of section ninety-two the words "two pounds" and by inserting in lieu thereof the words "one pound";
- (ii) by omitting from the same subsection the word "ten" and by inserting in lieu thereof the word "five";
- (iii) by omitting from paragraph (b) of the same subsection the words "a receipt for a sum not amounting to two pounds or separates or divides the amount paid with intent to evade the duty" and by inserting in lieu thereof the words "separate receipts for sums not amounting to two pounds";
- (iv) by omitting from subsection three of the same section the words "two pounds" and by inserting in lieu thereof the words "one pound";

(g)

Stamp Duties (Amendment).

- (g) by omitting from subparagraph (e) of paragraph (4) of the matter appearing in the Second Schedule under the heading of "Conveyances of any Property" the words "The parties to the settlement or any one of them" and by inserting in lieu thereof the words "The transferee."
- Second
Schedule.
(Convey-
ances of any
property.)
(Correc-
tion.)

4. The Principal Act is further amended as follows:—

Further
amendment of
Act No. 47,
1920.
(Death duties.)
Sec. 100.

- (a) (i) by inserting at the end of the definition of "Disposition of property" in section one hundred the words "whether in any of the cases referred to in the foregoing paragraphs the disposition is effected with or without an instrument in writing";
- (ii) by omitting from the definition of "General power of appointment" in the same section the words "but exclusive of any power exercisable in a fiduciary capacity" and by inserting in lieu thereof the words "or otherwise but does not include any power exercisable by any person in a fiduciary capacity for the benefit of others only arising";
- (iii) by omitting from the same section the definition of "Settlement" and by inserting in lieu thereof the following definition:—
- (Interpre-
tation.)
(Disposition
of property.)
(General
power of
appoint-
ment.)
(Settle-
ment.)

"Settlement" includes any disposition of property (whether without consideration or upon any consideration other than full consideration in money or money's worth) whereby any property is settled or agreed to be settled or containing any trust or disposition in respect of any property to take effect after the death of any person but does not include a will.

(b)

Stamp Duties (Amendment).

New s. 100A.

Value of
assets and
liabilities
to be
calculated
in Australian
currency.

- (b) by inserting next after section one hundred the following new section:—

100A. For the purposes of this Part of this Act the value of any assets or liabilities of a deceased person, and the value of any amount required by section 103A of this Act to be refunded shall be calculated in Australian notes and Australian coins according to the current rate of exchange on the day of the death of such deceased person.

Sec. 101.
(Duties on
estates of
persons
dying
after Act.)

- (c) by inserting at the end of section one hundred and one the following words:—

“The minimum amount of death duty payable under any assessment shall be two shillings.”

New s. 101c.

Death duty.
Local
domicile
in cases of
estates of
persons
dying
after com-
mencement
of Stamp
Duties
(Amend-
ment) Act,
1933.

- (d) by inserting next after section 101B the following new section:—

101c. (1) In the case of every person who dies after the commencement of the Stamp Duties (Amendment) Act, 1933, 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, subject to this section, be assessed and paid upon the final balance of the estate of the deceased as determined in accordance with this Act.

(2) Where 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 five hundred pounds, no death duty shall be chargeable.

(3) Where the value of the dutiable estate of such person when aggregated with the value of all his foreign assets, after deducting therefrom all debts actually due and owing by the

Stamp Duties (Amendment).

the deceased at the date of his death, other than the debts referred to in subsection two of section one hundred and seven, exceeds five hundred pounds, but does not exceed one thousand pounds, no death duty shall be chargeable on any property passing by the intestacy or under the will of the deceased to his widow or to any of his children who, at the time of his death, were under the age of twenty-one years, 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 the widow or such child.

- (e) (i) by omitting from subparagraph (a) of paragraph (2) of section one hundred and two the words "or special";
- (ii) by omitting subparagraph (h) of the same paragraph and by inserting in lieu thereof the following new subparagraph:—

Sec. 102.
(Property
subject to
duty as part
of estate of
deceased
person.)

- (h) Any money payable to any person under a policy of assurance on the life of the deceased where the whole of the premiums have been paid by the deceased or a part of that money in proportion to the premiums paid by him where part of the premiums have been paid by some other person.

This subparagraph shall not apply in any case where the deceased has been fully reimbursed in money or money's worth in respect of the premiums paid by him at any time, or to any moneys payable under a policy which are liable to duty by reason of subparagraph (a) of paragraph (1) of this section.

- (iii) by inserting at the end of subparagraph (i) of the same paragraph the words "This subparagraph shall not apply to any money payable

Stamp Duties (Amendment).

payable under a policy of assurance to which subparagraph (h) of this paragraph applies."

(iv) by inserting at the end of the same section the following paragraph:—

(3) The estate of a deceased person shall be deemed not to include—

(a) an industrial policy of assurance on the life of a deceased person where the amount payable including bonus (if any) does not exceed one hundred pounds;

(b) any payment made by a friendly society or other organisation on the death of any person by way of funeral donation or mortuary benefit where the amount payable does not exceed fifty pounds.

In this paragraph an "industrial policy" means a life policy upon which the contributions or premiums payable by the insured are by the terms of the policy made payable at intervals of less than two months and are contracted to be received, or any one or more of which have actually been received, by means of collectors.

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

(f) by inserting at the end of section 103A the following new subsection:—

(2) Where the Commissioner is satisfied that in such a case as is referred to in the foregoing provisions of this section a refund will become payable he may in lieu of requiring the payment to him of the full amount of the death duty make a provisional allowance of the estimated amount of the refund subject to such conditions as he may impose or as may be prescribed by the regulations.

(g)

Stamp Duties (Amendment).

- (g) by inserting next after section one hundred and twelve the following new section:—

112A. (1) Where the amount of the dutiable estate of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1933, 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 five thousand pounds, death duty shall be calculated at one-half the rate that would, but for this provision, be the rate prescribed by this Act on any property devolving by the intestacy on, or passing under the will of the deceased to his widow, or to any of his children who, at the time of his death, were under the age of twenty-one years, and any other property included by this Act in the dutiable estate of the deceased, the beneficial interest in which property is vested in or on the death of the deceased, passes to the widow or such child.

Abatement
in favour of
widow, etc.,
in certain
cases.

(2) This section shall not apply where the deceased was at the time of his death domiciled at some place outside New South Wales.

- (h) by inserting at the end of section one hundred and fifteen the following new subsections:—

(3) In case the duty is not paid within the prescribed time the Commissioner may apply to the Supreme Court, which may order that a sufficient part of the property included in the dutiable estate be sold, and the proceeds of such sale applied in payment of the duty and of the costs consequent thereon.

(4) Where any property has been sold under any such order the Supreme Court may make an order vesting the property in the purchaser.

(5) Every such vesting order shall have the same effect as if all persons entitled to the property

Sec. 115.
(Duty due on
assessment,
etc.)

Stamp Duties (Amendment).

property had been free from all disability and had duly executed all proper conveyances, transfers, and assignments of the property for such estate or interest as is specified in the order.

Sec. 117.
(Affidavit
of value.)

- (i) by inserting in section one hundred and seventeen next after subsection six the following new subsection:—

(6A) Every transmission application under the Real Property Act, 1900, and every notice of death or other application to be registered as proprietor of any land under the said Act or of any estate or interest therein or any mortgage or encumbrance thereon by reason of the death of any person shall, before being lodged in the office of the Registrar-General, be produced to the Commissioner together with evidence identifying the property to be affected thereby with that included in the affidavit of value lodged by the administrator of the deceased person with his application for probate or letters of administration of the estate of the deceased person.

Sec. 120.
(Account
duty.)

- (j) by omitting from subsection three of section one hundred and twenty the words “ ten pounds per centum ” and by inserting in lieu thereof the words “ eight pounds per centum ”;

Sec. 121.
(Interest on
unpaid
duty.)

- (k) by omitting from subsection one of section one hundred and twenty-one the words “ ten pounds per centum ” and by inserting in lieu thereof the words “ eight pounds per centum ”;

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

- (l) (i) by inserting at the end of subsection two of section one hundred and twenty-two the words “ and any person who seeks to have any dealing referred to in subsection one of this section registered recorded or otherwise given effect to or any such policy satisfied in contravention of such subsection shall incur a like penalty ”;

(ii)

Stamp Duties (Amendment).

- (ii) by inserting in paragraph (a) of subsection five of the same section after the words " Public Trustee " the words " either solely or jointly with any other person ";
- (m) by inserting next after section one hundred and twenty-four the following new section:—

New s. 124A.

124A. (1) Any administrator liable to the payment of death duty who is dissatisfied with the assessment of the Commissioner by reason of the value placed by the Commissioner on any land may within thirty days after notice of the assessment has been given to the administrator, and on payment of the duty in conformity with the assessment, deliver to the Commissioner a notice in writing requiring him to refer the matter to the local land board constituted under the Crown Lands Consolidation Act, 1913, for the land district in which the land or the larger part thereof is situated.

Reference to local land board in certain cases.

(2) The Commissioner shall thereupon refer the matter to the local land board for determination.

(3) The local land board shall determine the improved value of the land included in the assessment.

No appeal shall lie from such determination.

(4) If the improved value of the land so determined is in excess of that included in the assessment any further duty payable shall upon demand be paid by the administrator. If the improved value of the land as so determined is less than the value included in the assessment the Commissioner shall refund to the administrator the duty so paid in excess.

(5) In every appeal under this section the Commissioner and the administrator shall each pay his own costs.

(6) The provisions of this section shall not apply in any case where the unimproved value as recorded by the Commissioner of any land

Stamp Duties (Amendment).

land exceeds three thousand pounds, or in the case of any land or interest in land which is under the provisions of the Valuation of Land Act, 1916.

(7) In this section "improved value" and "unimproved value" in relation to land shall have the meanings ascribed to those terms by the Valuation of Land Act, 1916.

Sec. 125.
(Valuation.)

(n) by inserting in subsection one of section one hundred and twenty-five after the word "land" the words "or any interest therein the value of which exceeds two hundred pounds";

Sec. 128 (1).
(Reassess-
ments and
refunds.)

(o) by inserting at the end of subsection one of section one hundred and twenty-eight the following words:—

"The Commissioner may at his discretion at any time cause to be made all such alterations in or additions to any assessment as he thinks necessary in order to insure its completeness and accuracy and notify the administrator accordingly.

Where any alteration in an assessment has the effect of reducing the death duty any duty overpaid shall be refunded by the Commissioner, but no refund shall be made unless application for the same is made by the administrator within three years from the date of the overpayment of duty."

Sec. 140 (3)
(Refund of
duty where
property
wrongly
included in
dutyable
estate.)

(p) by omitting from subsection three of section one hundred and forty the words "Any claim for a refund of duty so paid in excess" and by inserting in lieu thereof the words "The repayment of duty provided for in subsection one of this section."

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

Government House,

Sydney, 18th October, 1933.

PHILIP GAME,

Governor.

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, 6 October, 1933, A.M.

New South Wales.



ANNO VICESIMO QUARTO

GEORGII V REGIS.

Act No. , 1933.

An Act to amend the Stamp Duties Act, 1920-1932, as amended by subsequent Acts, in certain respects.

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, 1933.” Short title.

(2) The Stamp Duties Act, 1920-1932, as amended by subsequent Acts, and by this Act, may be cited as the **10** Stamp Duties Act, 1920-1933.

(3) In this Act the Stamp Duties Act, 1920-1932, as amended by subsequent Acts, is referred to as the Principal Act.

(4) This Act shall commence on a day to be **15** appointed by the Governor and notified by proclamation published in the Gazette.

Stamp Duties (Amendment).

2. The Principal Act is amended as follows:—

- | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| | | Amendment of
Act No. 47,
1920.
Reduction of
duties in
certain cases.
Sec. 41 (4).
(Agreements
for sale or
conveyance.) |
| 5 | (a) by omitting from paragraph (a) of subsection four of section forty-one the words "ten shillings" wherever occurring and by inserting in lieu thereof the words "five shillings"; | |
| | (b) by omitting from subsection four of section forty-two the words "ten shillings" wherever occurring and by inserting in lieu thereof the words "five shillings"; | Sec. 42 (4).
(Conveyance
by original
vendor to
ultimate
purchaser.) |
| 10 | (c) by omitting from the second column of paragraph (5) of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" the figures "0 10 0" and by inserting in lieu thereof the figures "0 5 0"; | Second
Schedule.
(Convey-
ances
of any
property.) |
| 15 | (d) (i) by omitting from section fifty-three the words "or coastwise within New South Wales"; | Sec. 53 and
Second
Schedule.
(Bill of
lading.) |
| 20 | (ii) by omitting from the matter appearing under the heading "Bill of Lading or Receipt" in the Second Schedule the words "or coastwise within New South Wales"; | |
| | (iii) by omitting the exemption from the matter appearing under the same heading; | |
| 25 | (e) (i) by omitting sections fifty-nine and sixty and the short heading preceding section fifty-nine; | Secs. 59, 60.
(Capital of
limited
liability
companies.) |
| | (ii) by omitting paragraph (a) of the matter appearing in the Second Schedule under the heading "Companies"; | |
| 30 | (iii) by omitting from the exemption under the said matter— | |
| | (a) the words "the amount of the nominal capital or"; | |
| 35 | (b) the words "or upon any increase of the registered capital"; | |
| | (iv) by inserting in the said exemption after the words "articles of association" the word "or"; | |

(f)

Stamp Duties (Amendment).

- 5 (f) (i) by omitting from paragraph (1) of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" the figures "0 10 0" and by inserting in lieu thereof the figures "0 7 6";
- 10 (ii) by omitting from the same paragraph the figures "1 0 0" wherever appearing and by inserting in lieu thereof the figures "0 15 0";
- 15 (g) (i) by omitting from subparagraph (ii) of paragraph (a) of subsection three of section sixty-six the words "Fourth Schedule to this Act for an estate whose final balance is" and by inserting in lieu thereof the words "Sixth Schedule to this Act for an amount";
- 20 (ii) by omitting from paragraph (ii) of subsection (3A) of the same section the words "Fourth Schedule to this Act for an estate whose final balance is" and by inserting in lieu thereof the words "Sixth Schedule to this Act for an amount";
- 25 (iii) by inserting at the end of the same subsection the words "The Commissioner may, where he is satisfied that the consideration paid was agreed to as representing the true market value of the property, treat the conveyance as a conveyance on sale and stamp the same accordingly with ad valorem duty on the unencumbered value of the property ascertained in accordance with section sixty-eight."
- 30 (h) (i) by omitting from paragraph (2) of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" the words "At that rate per centum of the total" and by inserting in lieu thereof the words "At the rate specified in the Sixth Schedule to this Act for an amount equal to the total";
- 35 (ii)
- 40

Second
Schedule.
(Convey-
ances on
sale.)

Sec. 66.
(Convey-
ances with-
out con-
sideration.)

Second
Schedule.
(Convey-
ances
of any
property.)

Stamp Duties (Amendment).

- (ii) by omitting from the same paragraph all words after the words "in accordance with this Act";
- 5 (i) (i) by omitting from paragraph (3) of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" the words "At that rate per centum of the total" and by inserting in lieu thereof the words "At the rate specified in the Sixth Schedule to this Act for an amount equal to the total";
- 10 (ii) by omitting from the same paragraph all words after the words "in accordance with this Act" where lastly occurring;
- 15 (j) by inserting next after the Fifth Schedule the following new Schedule:—

Second
Schedule.
(Convey-
ances
of any
property.)

New Sixth
Schedule.

SIXTH SCHEDULE.

Sec. 66.

RATE OF STAMP DUTY to be paid pursuant to sub-paragraph (ii) of paragraph (a) of subsection three of section sixty-six or paragraph (ii) of subsection (3A) of that section on certain conveyances made without consideration in money or money's worth, or with a consideration in money or money's worth of less than the unencumbered value of the property conveyed.

25	Amount or value.				Rate per centum of duty.
	Not exceeding £2,000	...	...	...	1
	Exceeding £2,000 but not exceeding £5,000				1½
	" £5,000	"	"	£15,000	2
30	" £15,000	"	"	£25,000	2½
	" £25,000	"	"	£50,000	3
	" £50,000	"	"	£75,000	3½
	" £75,000	"	"	£100,000	4
	" £100,000	...	...	...	5

- 35 (k) by inserting at the end of paragraph (b) of subsection three of section sixty-six the words "or instruments effecting a settlement where the instrument is executed before and in consideration of marriage by either party to the marriage or executed after marriage by either party thereto in pursuance of a binding antenuptial contract";
- 40

Sec. 66 (3)
(b).
(Marriage
settle-
ments.)

(1)

Stamp Duties (Amendment).

- 5 (1) by omitting from paragraph (b) of subsection one of section seventy-three the words " or declaration of trust on which ad valorem duty has been paid or " and by inserting in lieu thereof the words " declaration of trust or other instrument on which stamp duty imposed by any Act in force at the time of its execution has been paid or which is exempt from stamp duty under such Act or with the trusts ";
- 10 (m) by omitting from subparagraph (b) of paragraph (4) of the matter appearing in the Second Schedule under the heading " Conveyances of any Property " the words " or declaration of trust on which ad valorem duty has been paid or " and by inserting in lieu thereof the words " declaration of trust or other instrument on which stamp duty imposed by any Act in force at the time of its execution has been paid or which is exempt from stamp duty under such Act or with the trusts ";
- 15 (n) by inserting in subsection two of section eighty-one after the word " renunciation " where firstly occurring the words " in which no other person is nominated to receive the allotment of shares ";
- 20 (o) by omitting from the matter appearing in the Second Schedule under the heading " Letter of Allotment and Letter of Renunciation " the words " Adhesive stamp ";
- 25 (p) by omitting subsection one of section eighty-five and by inserting in lieu thereof the following subsection:—
- 30 (1) Every agreement or other instrument for or effecting the partition or division of any property is to be charged with a fixed duty of one pound and where the divided parts of the property are unequal in unencumbered value the principal or only instrument whereby the partition or division is effected is to be charged in addition to the said fixed duty with the same ad valorem duty as if it were a conveyance of similar
- 35
- 40

Sec. 73.
(Certain conveyances not chargeable with ad valorem duty.)

Second Schedule.
(Conveyances of any property—Par. 4 (b).)

Sec. 81.
(Letters of renunciation.)

Second Schedule.
(Letter of allotment, etc.)

Sec. 85.
(Partition.)

Stamp Duties (Amendment).

5 similar property of an unencumbered value
equal to the amount by which the unencumbered
value of the undivided share of each partitioner
is exceeded by the unencumbered value of the
divided part taken by him and any amount paid
or given or agreed to be paid or given for
equality shall be deemed to be consideration for
such conveyance.

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

PARTITION—

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

20 A fixed duty of £1,
and in addition in
a case where the
divided parts of
the property are
unequal in unen-
cumbered value the
same ad valorem
duty as if it were
a conveyance of
similar property of
an unencumbered
value equal to the
amount by which
the unencumbered
value of the undi-
vided share of each
partitioner is ex-
ceeded by the un-
encumbered value
of the divided part
taken by him, and
any amount paid
or given or agreed
to be paid or given
for equality shall
be deemed to be
consideration for
such conveyance.

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

(2) In any other case ... 1 0 0

45 (r) (i) by omitting section ninety-four and the short heading preceding that section;

(ii) by omitting from the Second Schedule the heading "Share Certificate or other document" and all matter appearing thereunder;

(s).

Sec. 94.
(Share certi-
ficates.)

Stamp Duties (Amendment).

- (s) (i) by omitting from the matter appearing in the Second Schedule under the heading "Bill of Exchange and Promissory Notes" the words and figures—

Second
Schedule.
(Bill of
exchange and
promissory
notes.)

5 For every £25 and every fractional part
of £25 0 0 6 |

and by inserting in lieu thereof the words and figures—

10 Where the amount or value of the
money for which the bill is drawn
does not exceed £25 0 0 3 |
Where such amount or value exceeds
£25, for every £25 and every
fractional part of £25 0 0 3 |

- 15 (ii) by inserting at the end of the same matter
the following new paragraph:—

(g) Cheque or order payable on demand
drawn or given by or on behalf of
any society or institution for the
relief of poverty.

- 20 (t) by omitting from the matter appearing in the
second column of paragraph (1) of the Second
Schedule under the heading "Lease or Promise
of or Agreement for Lease or Hire of any
25 Property not being a ship or vessel" the figures
"0 5 0" wherever occurring and by inserting
in lieu thereof the figures "0 2 6" in each of
the four places;

Second
Schedule.
(Leases.)

- 30 (u) by inserting in paragraph (5) of the matter
appearing in the same Schedule under the head-
ing of "Letter or Power of Attorney or other
instrument in the nature of" after the word
"described" the words "including the appoint-
ment of a receiver by a mortgagee";

Second
Schedule.
(Letter or
power of
attorney.)

- 35 (v) (i) by omitting from paragraph (f) of the
exemptions appearing in the Second
Schedule under the heading "Policies of
Insurance," the words "one month" and
by inserting in lieu thereof the words
40 "three months";

Second
Schedule.
(Policies of
insurance.)

(ii).

Stamp Duties (Amendment).

- (ii) by inserting at the end of the exemptions appearing under the same heading the following new paragraph:—
- 5 (h) Any policy issued to the original insured or his personal representatives in pursuance of a duly stamped certificate of insurance.
- 10 (w) by inserting at the end of the exemptions appearing in the Second Schedule under the heading "Receipt or Discharge given for or upon the payment of money amounting to £2 and upwards" the following new paragraphs:—
- 15 (u) Any receipt given for or upon the payment of money by way of grant to any municipal or shire council by the Government or a Department of the Government of New South Wales.
- 20 (v) Any receipt given for or upon the payment of any moneys for a call in respect of the share capital of a mining company as defined by section three of this Act.
- 25 (x) (i) by omitting from the second column of paragraph (1) of the matter appearing in the same Schedule under the heading "Transfer of Shares" the figures "0 1 0" and by inserting in lieu thereof the figures "0 0 6";
- 30 (ii) by omitting from the first column of paragraph (4) of the same matter the words "or declaration of trust on which ad valorem duty has been paid or" and by inserting in lieu thereof the words "declaration of trust or other instrument on which stamp duty imposed by any Act in force at the time of its execution has been paid or which is exempt from stamp duty under such Act or with the trusts";
- 35 (iii) by omitting from the second column of the same paragraph the figure and letter "1s." and by inserting in lieu thereof the figure and letter "6d."; (y)
- 40

Second
Schedule.
(Receipts.)

Second
Schedule.
(Transfer
of shares.)

Stamp Duties (Amendment).

- (y) by inserting at the end of paragraph (7) of the matter appearing in the same Schedule under the heading " General Exemptions from Stamp Duty under Part III " the following new sub-
 5 paragraph—
 (g) Any request to the Registrar-General under the Real Property (Amendment) Act, 1921, by any such society or branch for the registration of new trustees in
 10 relation to any mortgage being an investment of the society or branch.
3. The Principal Act is further amended as follows:—
- (a) by inserting in subsection one of section thirteen after the word " incurred " the words " for any
 15 breach of the provisions of section ninety-two of this Act may be recovered by any person whomsoever in a summary way before any two justices of the peace and any other fine incurred " ;
- 20 (b) by omitting from paragraph (c) of subsection one of section twenty-five the words " ad valorem " ;
- (c) (i) by omitting from section thirty-two the words " foreign or colonial " ;
 25 (ii) by omitting from the same section the words " currency lawful in New South Wales " and by inserting in lieu thereof the words " Australian notes or Australian coins " ;
- 30 (d) (i) by inserting in division (b) of subparagraph (ii) of paragraph (a) of subsection three of section sixty-six after the word " whomsoever " the words " on the day of but executed by him prior to such conveyance or " ;
 35 (ii) by inserting in division (c) of the same subparagraph after the word " whomsoever " the words " on the day of but executed by him prior to such conveyance or " ;
- (iii)

Second
Schedule.
(General
exemp-
tions.)

Further
amendment of
Act No. 47,
1920.

Sec. 13.
(Recovery
of fines.)

Sec. 25.
(Terms on
which
instruments
may be
stamped after
execution.)

Sec. 32.
(Money in
foreign or
colonial
currency to be
valued.)

Sec. 66.
(Settlement
duty.)

Stamp Duties (Amendment).

- 5 (iii) by inserting in subparagraph (b) of paragraph (ii) of subsection (3A) of the same section after the word "whomsoever" the words "on the day of but executed by him prior to such conveyance or";
- 10 (iv) by inserting in subparagraph (c) of the same paragraph after the word "whomsoever" the words "on the day of but executed by him prior to such conveyance or";
- 15 (e) (i) by inserting in the second column of paragraph two of the matter appearing in the Second Schedule under the heading "Conveyances of any Property" after the word "whomsoever" wherever occurring the words "on the day of but executed by him prior to such conveyance or";
- 20 (ii) by inserting in the second column of paragraph three of the matter appearing under the same heading after the word "whomsoever" wherever occurring the words "on the day of but executed by him prior to such conveyance or";
- 25 (f) (i) by omitting from subsection two of section ninety-two the words "two pounds" and by inserting in lieu thereof the words "one pound";
- 30 (ii) by omitting from the same subsection the word "ten" and by inserting in lieu thereof the word "five";
- 35 (iii) by omitting from paragraph (b) of the same subsection the words "a receipt for a sum not amounting to two pounds or separates or divides the amount paid with intent to evade the duty" and by inserting in lieu thereof the words "separate receipts for sums not amounting to two pounds";
- 40 (iv) by omitting from subsection three of the same section the words "two pounds" and by inserting in lieu thereof the words "one pound";
- (g)

Second
Schedule.
(Conse-
quential.)

Sec. 92 (2).
(Offences
relating to
receipts.)

Stamp Duties (Amendment).

(g) by omitting from subparagraph (e) of paragraph (4) of the matter appearing in the Second Schedule under the heading of "Conveyances of any Property" the words "The parties to the settlement or any one of them" and by inserting in lieu thereof the words "The transferee."

Second
Schedule.
(Convey-
ances of any
property.)
(Correc-
tion.)

4. The Principal Act is further amended as follows:—

Further
amendment of
Act No. 47,
1920.
(Death duties.)

(a) (i) by inserting at the end of the definition of "Disposition of property" in section one hundred the words "whether in any of the cases referred to in the foregoing paragraphs the disposition is effected with or without an instrument in writing";

Sec. 100.
(Interpre-
tation.)
(Disposition
of property.)

(ii) by omitting from the definition of "General power of appointment" in the same section the words "but exclusive of any power exercisable in a fiduciary capacity" and by inserting in lieu thereof the words "or otherwise but does not include any power exercisable by any person in a fiduciary capacity for the benefit of others only arising";

(General
power of
appoint-
ment.)

(iii) by omitting from the same section the definition of "Settlement" and by inserting in lieu thereof the following definition:—

(Settle-
ment.)

"Settlement" includes any disposition of property (whether without consideration or upon any consideration other than full consideration in money or money's worth) whereby any property is settled or agreed to be settled or containing any trust or disposition in respect of any property to take effect after the death of any person but does not include a will.

(b)

Stamp Duties (Amendment).

- (b) by inserting next after section one hundred the following new section:—

100A. For the purposes of this Part of this Act the value of any assets or liabilities of a deceased person, and the value of any amount required by section 103A of this Act to be refunded shall be calculated in Australian notes and Australian coins according to the current rate of exchange on the day of the death of such deceased person.

Value of assets and liabilities to be calculated in Australian currency.

- (c) by inserting at the end of section one hundred and one the following words:—

“ The minimum amount of death duty payable under any assessment shall be two shillings.”

Sec. 101.
(Duties on estates of persons dying after Act.)

- (d) by inserting next after section 101B the following new section:—

101c. (1) In the case of every person who dies after the commencement of the Stamp Duties (Amendment) Act, 1933, 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, subject to this section, be assessed and paid upon the final balance of the estate of the deceased as determined in accordance with this Act.

Death duty. Local domicile in cases of estates of persons dying after commencement of Stamp Duties (Amendment) Act, 1933.

(2) Where 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 five hundred pounds, no death duty shall be chargeable.

(3) Where the value of the dutiable estate of such person when aggregated with the value of all his foreign assets, after deducting therefrom all debts actually due and owing by the

the

Stamp Duties (Amendment).

- the deceased at the date of his death, other than the debts referred to in subsection two of section one hundred and seven, exceeds five hundred pounds, but does not exceed one thousand pounds, no death duty shall be chargeable on any property passing by the intestacy or under the will of the deceased to his widow or to any of his children who, at the time of his death, were under the age of twenty-one years, 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 the widow or such child.
- (e) (i) by omitting from subparagraph (a) of paragraph (2) of section one hundred and two the words " or special ";
- (ii) by omitting subparagraph (h) of the same paragraph and by inserting in lieu thereof the following new subparagraph:—
- (h) Any money payable to any person under a policy of assurance on the life of the deceased where the whole of the premiums have been paid by the deceased or a part of that money in proportion to the premiums paid by him where part of the premiums have been paid by some other person.
- This subparagraph shall not apply in any case where the deceased has been fully reimbursed in money or money's worth in respect of the premiums paid by him at any time, or to any moneys payable under a policy which are liable to duty by reason of subparagraph (a) of paragraph (1) of this section.
- (iii) by inserting at the end of subparagraph (i) of the same paragraph the words "This subparagraph shall not apply to any money payable

Sec. 102.
(Property
subject to
duty as part
of estate of
deceased
person.)

Stamp Duties (Amendment).

payable under a policy of assurance to which subparagraph (h) of this paragraph applies.”

(iv) by inserting at the end of the same section the following paragraph:—

(3) The estate of a deceased person shall be deemed not to include—

(a) an industrial policy of assurance on the life of a deceased person where the amount payable including bonus (if any) does not exceed one hundred pounds;

(b) any payment made by a friendly society or other organisation on the death of any person by way of funeral donation or mortuary benefit where the amount payable does not exceed fifty pounds.

In this paragraph an “ industrial policy ” means a life policy upon which the contributions or premiums payable by the insured are by the terms of the policy made payable at intervals of less than two months and are contracted to be received, or any one or more of which have actually been received, by means of collectors.

(f) by inserting at the end of section 103A the following new subsection:—

(2) Where the Commissioner is satisfied that in such a case as is referred to in the foregoing provisions of this section a refund will become payable he may in lieu of requiring the payment to him of the full amount of the death duty make a provisional allowance of the estimated amount of the refund subject to such conditions as he may impose or as may be prescribed by the regulations.

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

(g)

Stamp Duties (Amendment).

(g) by inserting next after section one hundred and twelve the following new section:—

5 112A. (1) Where the amount of the dutiable estate of any person who dies after the commencement of the Stamp Duties (Amendment) Act, 1933, 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 five thousand pounds, death duty shall be calculated at one-half the rate that would, but for this provision, be the rate prescribed by this Act on any property devolving by the intestacy on, or passing under the will of the deceased to his widow, or to any of his children who, at the time of his death, were under the age of twenty-one years, and any other property included by this Act in the dutiable estate of the deceased, the beneficial interest in which property is vested in or on the death of the deceased, passes to the widow or such child.

Abatement in favour of widow, etc., in certain cases.

15 (2) This section shall not apply where the deceased was at the time of his death domiciled at some place outside New South Wales.

25 (h) by inserting at the end of section one hundred and fifteen the following new subsections:—

Sec. 115. (Duty due on assessment, etc.)

30 (3) In case the duty is not paid within the prescribed time the Commissioner may apply to the Supreme Court, which may order that a sufficient part of the property included in the dutiable estate be sold, and the proceeds of such sale applied in payment of the duty and of the costs consequent thereon.

35 (4) Where any property has been sold under any such order the Supreme Court may make an order vesting the property in the purchaser.

40 (5) Every such vesting order shall have the same effect as if all persons entitled to the property

Stamp Duties (Amendment).

property had been free from all disability and had duly executed all proper conveyances, transfers, and assignments of the property for such estate or interest as is specified in the order.

8

- (i) by inserting in section one hundred and seventeen next after subsection six the following new subsection:—

Sec. 117.
(Affidavit
of value.)

10

(6A) Every transmission application under the Real Property Act, 1900, and every notice of death or other application to be registered as proprietor of any land under the said Act or of any estate or interest therein or any mortgage or encumbrance thereon by reason of the death of any person shall, before being lodged in the office of the Registrar-General, be produced to the Commissioner together with evidence identifying the property to be affected thereby with that included in the affidavit of value lodged by the administrator of the deceased person with his application for probate or letters of administration of the estate of the deceased person.

15

20

25

- (j) by omitting from subsection three of section one hundred and twenty the words " ten pounds per centum " and by inserting in lieu thereof the words " eight pounds per centum ";

Sec. 120.
(Account
duty.)

30

- (k) by omitting from subsection one of section one hundred and twenty-one the words " ten pounds per centum " and by inserting in lieu thereof the words " eight pounds per centum ";

Sec. 121.
(Interest on
unpaid
duty.)

35

- (l) (i) by inserting at the end of subsection two of section one hundred and twenty-two the words " and any person who seeks to have any dealing referred to in subsection one of this section registered recorded or otherwise given effect to or any such policy satisfied in contravention of such subsection shall incur a like penalty ";

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

(ii)

Stamp Duties (Amendment).

(ii) by inserting in paragraph (a) of subsection five of the same section after the words " Public Trustee " the words " either solely or jointly with any other person ";

5 (m) by inserting next after section one hundred and twenty-four the following new section:— New s. 124A.

10 124A. (1) Any administrator liable to the payment of death duty who is dissatisfied with the assessment of the Commissioner by reason of the value placed by the Commissioner on any land may within thirty days after notice of the assessment has been given to the administrator, and on payment of the duty in conformity with the assessment, deliver to the Commissioner a notice in writing requiring him to refer the matter to the local land board constituted under the Crown Lands Consolidation Act, 1913, for the land district in which the land or the larger part thereof is situated. Reference to local land board in certain cases.

20 (2) The Commissioner shall thereupon refer the matter to the local land board for determination.

25 (3) The local land board shall determine the improved value of the land included in the assessment.

No appeal shall lie from such determination.

30 (4) If the improved value of the land so determined is in excess of that included in the assessment any further duty payable shall upon demand be paid by the administrator. If the improved value of the land as so determined is less than the value included in the assessment the Commissioner shall refund to the administrator the duty so paid in excess.

35 (5) In every appeal under this section the Commissioner and the administrator shall each pay his own costs.

40 (6) The provisions of this section shall not apply in any case where the unimproved value as recorded by the Commissioner of any land

Stamp Duties (Amendment).

land exceeds three thousand pounds, or in the case of any land or interest in land which is under the provisions of the Valuation of Land Act, 1916.

5 (7) In this section "improved value" and "unimproved value" in relation to land shall have the meanings ascribed to those terms by the Valuation of Land Act, 1916.

10 (n) by inserting in subsection one of section one hundred and twenty-five after the word "land" the words "or any interest therein the value of which exceeds two hundred pounds";

Sec. 125.
(Valuation.)

15 (o) by inserting at the end of subsection one of section one hundred and twenty-eight the following words:—

Sec. 128 (1).
(Reassessments and refunds.)

20 "The Commissioner may at his discretion at any time cause to be made all such alterations in or additions to any assessment as he thinks necessary in order to insure its completeness and accuracy and notify the administrator accordingly.

25 Where any alteration in an assessment has the effect of reducing the death duty any duty overpaid shall be refunded by the Commissioner, but no refund shall be made unless application for the same is made by the administrator within three years from the date of the overpayment of duty."

30 (p) by omitting from subsection three of section one hundred and forty the words "Any claim for a refund of duty so paid in excess" and by inserting in lieu thereof the words "The repayment of duty provided for in subsection one of this section."

Sec. 140 (3).
(Refund of duty where property wrongly included in dutiable estate.)