

*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.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 25 November, 1975.*

## New South Wales



ANNO VICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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Act No.       , 1975.

An Act to make further provisions with respect to exemptions from, and concessional rates applicable to, death duties; to make provisions with respect to the reduction of death duty upon estates of certain persons; to vary the rates, and the manner of payment, of stamp duty on certain instruments; and for these and other purposes to amend the Stamp Duties Act, 1920.

BE

*Stamp Duties (Amendment).*

**B**E it enacted by the Queen'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. This Act may be cited as the "Stamp Duties Short title. (Amendment) Act, 1975".

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act. **Commence-ment.**

10 (2) Sections 5 (a) and 8 shall commence on 1st January, 1976.

3. The Stamp Duties Act, 1920, is, in this Act, referred to as the Principal Act. **Principal Act.**

4. The Principal Act is amended—

**Amend-ment of Act No. 47, 1920.**

15 (a) by inserting after section 101D (4A) the following subsection :—

**Sec. 101D. (Death duty—local domicile—estates of certain persons.)**

(4B) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, whether

in

*Stamp Duties (Amendment).*

in New South Wales or elsewhere and who was at the date of his death domiciled in New South Wales, be read and construed as if—

5 (a) the reference in paragraph (a) of subparagraph (viii) of paragraph (c) of subsection (4) of this section to the prescribed amount is a reference—

10 (i) except as provided in subparagraph (ii) of this paragraph, to sixty thousand dollars; or

15 (ii) where the deceased leaves surviving two or more persons, being the widow or widower of the deceased, or a child of the deceased who, at the time of death of the deceased, was under the age of twenty-one years or was a wholly dependent adult child, or the wholly dependent widower father, or the wholly dependent widowed mother, of the deceased, to the aggregate of sixty thousand dollars and the difference between—

25 (a) the product obtained by multiplying four thousand dollars by the number of such persons; and

(b) four thousand dollars; and

30 (b) subsection (4A) of this section were omitted therefrom.

(b)

*Stamp Duties (Amendment).*

(b) by inserting after section 112C (3F) the following subsection :—

Sec. 112c.  
(Abatement  
in favour  
of widow,  
etc., in  
certain  
cases.)

5 (3G) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if—

10 (a) the words “seven thousand five hundred pounds” wherever occurring in subsections (1) and (2) of this section were omitted therefrom and the words “seventy-eight thousand dollars” were inserted instead;

15 (b) in subsections (1) and (2) of this section there were inserted after the words “twenty-one years” wherever occurring the words “or wholly dependent adult children, or to the wholly dependent widower father or the wholly dependent widowed mother”;

20 (c) subsection (3) of this section were omitted therefrom and the following subsections were inserted instead :—

(3) The proportions referred to in subsections (1) and (2) of this section shall be as follows :—

25 Where the value of that portion of the final balance referred to in subsection (1) of this section or the value of the property passing to the persons referred to in subsection (2) of this section does not exceed \$62,000, one-tenth prescribed rate.

30 Exceeds \$62,000 but does not exceed \$64,000, two-tenths prescribed rate.

Exceeds

*Stamp Duties (Amendment).*

Exceeds \$64,000 but does not exceed \$66,000, three-tenths prescribed rate.

Exceeds \$66,000 but does not exceed \$68,000, four-tenths prescribed rate.

5 Exceeds \$68,000 but does not exceed \$70,000, five-tenths prescribed rate.

Exceeds \$70,000 but does not exceed \$72,000, six-tenths prescribed rate.

10 Exceeds \$72,000 but does not exceed \$74,000, seven-tenths prescribed rate.

Exceeds \$74,000 but does not exceed \$76,000, eight-tenths prescribed rate.

Exceeds \$76,000 but does not exceed \$78,000, nine-tenths prescribed rate.

15 (3AA) Notwithstanding the provisions of subsections (1), (2) and (3) of this section, each amount of money specified in those subsections shall, where the deceased leaves surviving two or more persons, being the  
20 widow or widower of the deceased, or a child of the deceased who, at the time of the death of the deceased, was under the age of twenty-one years or was a wholly dependent adult child, or the wholly dependent  
25 widower father, or the wholly dependent widowed mother, of the deceased, be increased by the difference between—

30 (a) the product obtained by multiplying four thousand dollars by the number of such persons; and

(b) four thousand dollars; and

(d) subsections (3A), (3B), (3C), (3D), (3E) and (3F) of this section were omitted therefrom.

(c)

*Stamp Duties (Amendment).*

(c) by inserting after section 112D (7) the following subsection :—

Sec. 112D.  
(Non-aggregated property—exemption from duty in certain cases.)

5 (8) Subsection (1) of this section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if—

10 (a) the words “seven thousand five hundred pounds” were omitted therefrom and the words “seventy-eight thousand dollars” were inserted instead ; and

15 (b) the words “or grandchildren” were omitted therefrom and the words “grandchildren, wholly dependent widower father or wholly dependent widowed mother” were inserted instead.

(d) by inserting after section 112H (2B) the following subsection :—

Sec. 112H.  
(Reduction of death duty—rural property.)

20 (2C) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if the words “thirty”, “twenty-five”, “twenty”, “fifteen”, “ten” and “five” in subsection  
25 (2) of this section were omitted therefrom and the words “one hundred”, “eighty-three and one-third”, “sixty-six and two-thirds”, “fifty”, “thirty-three and one-third” and “sixteen and two-thirds” were respectively inserted instead.

(e)

*Stamp Duties (Amendment).*

(e) by inserting after section 112i (2B) the following subsection :—

Sec. 112i.  
(Reduction  
of death  
duty—rural  
property  
(non-  
aggre-  
gated).)

5 (2c) This section shall, in the case of every  
person who dies on or after the date of assent to the  
Stamp Duties (Amendment) Act, 1975, be read  
and construed as if the words “thirty”, “twenty-five”,  
“twenty”, “fifteen”, “ten” and “five” in subsection  
10 (2) of this section were omitted therefrom and the  
words “one hundred”, “eighty-three and one-third”,  
“sixty-six and two-thirds”, “fifty”, “thirty-three and  
one-third” and “sixteen and two-thirds” were  
respectively inserted instead.

5. The Second Schedule to the Principal Act is amended—

Further  
amendment  
of Act No.  
47, 1920.  
Second  
Schedule.

15 (a) by omitting from the matter opposite paragraphs  
(1), (2) and (3) appearing under the heading  
“Bill of Exchange, Promissory Note and Cheque—”  
the matter “0.08” wherever occurring and by insert-  
ing instead the matter “0.10”;

Bill of  
Exchange.  
Promissory  
Note and  
Cheque.

20 (b) (i) by inserting in paragraph (10) appearing  
under the heading “Lease or Promise of or  
Agreement for Lease or Hire of any Property  
not being a Ship or Vessel—” after the words  
“Lord Howe Island Act, 1953,” the words  
25 “National Parks and Wildlife Act, 1974,”;

Lease or  
Promise  
of or  
Agreement  
for Lease  
or Hire  
of any  
Property.

(ii) by inserting in the matter relating to exemp-  
tions appearing under the same heading after  
the words “Lord Howe Island Act, 1953,” the  
words “National Parks and Wildlife Act,  
30 1974,”;

(c)

*Stamp Duties (Amendment).*

(c) by omitting from the matter appearing under the heading "Motor Vehicle Certificate of Registration—" the matter "0.50" and by inserting instead the matter "2.00". Motor Vehicle Certificate of Registration.

5 6. The Principal Act is further amended—

Further amendment of Act No. 47, 1920.

(a) by inserting after section 38B the following section :—

10 38c. (1) Any person liable to the payment of stamp duty under the provisions of this Act may apply to the Commissioner in a form approved by him for approval to pay duty in respect of any class of instruments in accordance with the provisions of this section. Payment of duty by return in certain cases.

15 (2) The Commissioner may approve or refuse an application made under subsection (1) of this section but shall not approve of such an application if the instruments of the class in respect of which it is made are instruments in respect of which the Commissioner may, under any other provision of this Act, grant the applicant an approval to pay duty as an approved person under that provision.

20 (3) Where the Commissioner approves an application made under subsection (1) of this section, he shall in the approval specify the date upon which the approval comes into force and the class of instruments to which the approval relates.

(4)



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*Stamp Duties (Amendment).*

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(4) A person whose application under subsection (1) of this section has been approved by the Commissioner is, while the approval is in force, an approved person for the purposes of this section.

5 (5) Except as provided in this section, an approved person is not liable to pay duty in respect of any instrument of a class to which his approval relates.

10 (6) An approved person shall make a record at such times and of such particulars relating to an instrument of a class to which his approval relates as the Commissioner may, by notice in writing given to him, require.

(7) An approved person shall—

15 (a) lodge with the Commissioner a return in respect of any instrument of a class to which his approval relates at such times, in respect of such periods, in such form and containing such particulars as may be notified to him in writing by the Commissioner; and

20 (b) when he lodges that return, pay to the Commissioner as stamp duty an amount equal to the amount of stamp duty that would, but for the provisions of subsection

25 (5) of this section, have been payable in respect of each instrument to which the return relates.

(8) An approved person shall endorse on any instrument of a class to which his approval relates the words "Stamp Duty" followed by the serial number of the notice of approval issued to him by the Commissioner under this section.

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(9) An instrument endorsed in accordance with subsection (8) of this section shall be deemed to be duly stamped.

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(10)

*Stamp Duties (Amendment).*

(10) A person making any record in accordance with subsection (6) of this section shall retain the record for a period of 2 years.

5 (11) A person who contravenes subsection (6), (7) or (10) of this section is liable to a fine not exceeding \$500.

10 (12) Any person, not being an approved person, who endorses on an instrument any words or numbers suggesting or implying that the instrument is duly stamped under the provisions of this section is liable to a fine not exceeding \$500.

(13) The Commissioner may, by a notice in writing, cancel any approval granted under this section—

15 (a) on application by the person to whom the approval was granted; or

(b) for any reason he deems sufficient, and shall in any such notice specify the date on and from which the approval ceases to be in force.

20 (14) An approval so cancelled shall cease to be in force on and from the date specified in the notice by which the approval is cancelled.

25 (b) by omitting from section 82D (15) the matter "subsection (7)" and by inserting instead the matter "subsection (6), (7) or (14)"; Sec. 82D. (Payment of duty on loans by return.)

30 (c) (i) by inserting in section 84B (2) after the words "primary loan security" where secondly occurring the words "or any other collateral security for the same moneys as are secured by that primary loan security"; Sec. 84B. (Collateral security.)

(ii)

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*Stamp Duties (Amendment).*

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5 (ii) by omitting from section 84B (3) the words  
“collateral security” where secondly occurring  
and by inserting instead the words “that col-  
lateral security or any other collateral security,  
executed before that firstmentioned collateral  
security was executed, for the same moneys  
as are secured by that primary loan security”;

(iii) by inserting after section 84B (3) the following  
subsection :—

10 (3A) The provisions of subsections (2) and  
(3) of this section do not apply to or in  
respect of—

15 (a) a loan security which is issued or made  
in another State or Territory of the  
Commonwealth and which is collateral  
security for the same moneys as are  
secured by a foreign security, as  
defined in section 84F (1) of this Act,  
that is not chargeable with duty in New  
20 South Wales under section 84F (2) of  
this Act; and

25 (b) a collateral security in a form approved  
under the Real Property Act, 1900,  
which is executed in substitution for a  
mortgage executed before 1st January,  
1975, in respect of land not under that  
Act and which charges the same land  
with the payment or repayment of the  
same moneys as are secured by that  
30 mortgage.

*Stamp Duties (Amendment).*

7. (1) Part III of the Principal Act is amended by omitting the matter "84A. (1) For the purposes of this Act" and by inserting instead the matter "84G. (1) For the purposes of this Act".
- Further amendment of Act No. 47, 1920. Sec. 84A. (Motor vehicle certificate of registration—Definition.)
- 5 (2) The Principal Act is further amended by omitting from section 22 (1) the matter "84A" and by inserting instead the matter "84G".
- Further amendment of Act No. 47, 1920. Sec. 22. (General direction as to the cancellation of adhesive stamps.)
8. (1) Cheque forms which have, before 1st January, 1976, been printed to the order of a bank under license issued under the provisions of the Principal Act, and are impressed with eight cents stamp duty and are either in the possession of the printer or of the bank on 1st January, 1976, and are unused, shall be deemed to be duly stamped with ten cents stamp duty.
- Transitional provisions.
- 15 (2) A bank which, on 1st January, 1976, is in possession of cheque forms referred to in subsection (1) upon which stamp duty of eight cents on each such form has been paid shall, before 1st February, 1976, furnish to the Commissioner of Stamp Duties a statement in a form approved by him
- 20 giving particulars and numbers of those forms and pay to the Commissioner additional duty of two cents on each such form.

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*Stamp Duties (Amendment).*

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5 (3) A bank which, on 1st January, 1976, is in possession of cheque forms referred to in subsection (1) upon which no stamp duty has been paid shall, when making payment of the stamp duty on those forms in accordance with the provisions of the Principal Act and the regulations there-  
under, pay to the Commissioner of Stamp Duties the amount of ten cents duty on each such form.

10 (4) Where cheque forms referred to in subsection (1) are, on 1st January, 1976, in the possession of a printer and are subsequently delivered to a bank, the bank shall, when making payment of the stamp duty on those forms in accordance with the provisions of the Principal Act and the regulations thereunder, pay to the Commissioner of Stamp Duties the amount of ten cents duty on each such form.

15 (5) Where, on or after 1st January, 1976, a cheque is drawn on an unused cheque form that, on that day, is in the possession of a person other than a bank or a printer referred to in this section, the cheque form shall be deemed to be duly stamped with ten cents stamp duty if it is impressed  
20 with eight cents stamp duty or is deemed, by the operation of the Stamp Duties (Amendment) Act, 1974, to be duly stamped with eight cents stamp duty and—

25 (a) the cheque form was one of more than three hundred such cheque forms in the possession of a person on 1st January, 1976, and that person, before the issue of the cheque form—

30 (i) furnished to the Commissioner of Stamp Duties, for the purposes of this subsection, a declaration in a form approved by the Commissioner giving the particulars and numbers of those cheque forms; and

(ii)

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*Stamp Duties (Amendment).*

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- (ii) paid to the Commissioner a further amount of duty equal to ten cents for each such form so in his possession, less the amount of stamp duty already paid thereon;
- 5 (b) an adhesive duty stamp, sufficient in value to bring to ten cents the value of the stamps on the cheque form, is affixed to the cheque form and duly cancelled before the cheque form is issued; or
- 10 (c) the cheque form is, before its issue, impressed at the Stamp Duties Office with such further amount of duty as is sufficient to bring to ten cents the value of the stamps on the cheque form.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975  
[16c]

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This House Bill, introduced in the LEGISLATIVE ASSEMBLY, and having this day passed a second reading, is now presented to the LEGISLATIVE COUNCIL for its consideration.

R. E. WARD,  
Speaker of the Legislative Assembly.

Legislative Assembly Chamber,  
12th December, 1912.

GENERAL

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THE  
LEGISLATIVE  
ASSEMBLY  
OF  
THE  
PROVINCE  
OF  
SOUTH  
AFRICA

1912

— 111 —



No. , 1975.

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# A BILL

To make further provisions with respect to exemptions from, and concessional rates applicable to, death duties; to make provisions with respect to the reduction of death duty upon estates of certain persons; to vary the rates, and the manner of payment, of stamp duty on certain instruments; and for these and other purposes to amend the Stamp Duties Act, 1920.

[MR COLEMAN—19 November, 1975.]

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BE

*Stamp Duties (Amendment).*

**B**E it enacted by the Queen'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  
5 follows :—

1. This Act may be cited as the "Stamp Duties Short title.  
(Amendment) Act, 1975".

2. (1) Except as provided in subsection (2), this Act Commence-  
shall commence on the date of assent to this Act. ment.

10 (2) Sections 5 (a) and 8 shall commence on 1st  
January, 1976.

3. The Stamp Duties Act, 1920, is, in this Act, referred Principal  
to as the Principal Act. Act.

4. The Principal Act is amended—  
Amend-  
ment of Act  
No. 47,  
1920.

15 (a) by inserting after section 101D (4A) the following Sec. 101D.  
subsection :— (Death  
duty—local  
domicile—  
estates of  
certain  
persons.)  
(4B) This section shall, in the case of every  
person who dies on or after the date of assent to the  
Stamp Duties (Amendment) Act, 1975, whether  
in

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*Stamp Duties (Amendment).*

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in New South Wales or elsewhere and who was at the date of his death domiciled in New South Wales, be read and construed as if—

5 (a) the reference in paragraph (a) of subparagraph (viii) of paragraph (c) of subsection (4) of this section to the prescribed amount is a reference—

10 (i) except as provided in subparagraph (ii) of this paragraph, to sixty thousand dollars; or

15 (ii) where the deceased leaves surviving two or more persons, being the widow or widower of the deceased, or a child of the deceased who, at the time of death of the deceased, was under the age of twenty-one years or was a wholly dependent adult child, or the wholly dependent widower father, or the wholly dependent widowed mother, of the deceased, to the aggregate of sixty thousand dollars and the difference between—

25 (a) the product obtained by multiplying four thousand dollars by the number of such persons; and

(b) four thousand dollars; and

30 (b) subsection (4A) of this section were omitted therefrom.

(b)

*Stamp Duties (Amendment).*

(b) by inserting after section 112C (3F) the following subsection :—

Sec. 112c.  
(Abatement  
in favour  
of widow,  
etc., in  
certain  
cases.)

5 (3G) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if—

10 (a) the words “seven thousand five hundred pounds” wherever occurring in subsections (1) and (2) of this section were omitted therefrom and the words “seventy-eight thousand dollars” were inserted instead;

15 (b) in subsections (1) and (2) of this section there were inserted after the words “twenty-one years” wherever occurring the words “or wholly dependent adult children, or to the wholly dependent widower father or the wholly dependent widowed mother”;

20 (c) subsection (3) of this section were omitted therefrom and the following subsections were inserted instead :—

(3) The proportions referred to in subsections (1) and (2) of this section shall be as follows :—

25 Where the value of that portion of the final balance referred to in subsection (1) of this section or the value of the property passing to the persons referred to in subsection (2) of this section does not exceed \$62,000, one-tenth prescribed rate.

30 Exceeds \$62,000 but does not exceed \$64,000, two-tenths prescribed rate.

Exceeds

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*Stamp Duties (Amendment).*

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Exceeds \$64,000 but does not exceed \$66,000, three-tenths prescribed rate.

Exceeds \$66,000 but does not exceed \$68,000, four-tenths prescribed rate.

5 Exceeds \$68,000 but does not exceed \$70,000, five-tenths prescribed rate.

Exceeds \$70,000 but does not exceed \$72,000, six-tenths prescribed rate.

10 Exceeds \$72,000 but does not exceed \$74,000, seven-tenths prescribed rate.

Exceeds \$74,000 but does not exceed \$76,000, eight-tenths prescribed rate.

Exceeds \$76,000 but does not exceed \$78,000, nine-tenths prescribed rate.

15 (3AA) Notwithstanding the provisions of subsections (1), (2) and (3) of this section, each amount of money specified in those subsections shall, where the deceased leaves surviving two or more persons, being the widow or widower of the deceased, or a child of the deceased who, at the time of the death of the deceased, was under the age of twenty-one years or was a wholly dependent adult child, or the wholly dependent widower father, or the wholly dependent widowed mother, of the deceased, be increased by the difference between—

20 (a) the product obtained by multiplying four thousand dollars by the number of such persons; and

25 (b) four thousand dollars; and

30 (d) subsections (3A), (3B), (3C), (3D), (3E) and (3F) of this section were omitted therefrom.

(c)

*Stamp Duties (Amendment).*

(c) by inserting after section 112D (7) the following subsection :—

Sec. 112D.  
(Non-aggregated property—exemption from duty in certain cases.)

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(8) Subsection (1) of this section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if—

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(a) the words “seven thousand five hundred pounds” were omitted therefrom and the words “seventy-eight thousand dollars” were inserted instead ; and

15

(b) the words “or grandchildren” were omitted therefrom and the words “grandchildren, wholly dependent widower father or wholly dependent widowed mother” were inserted instead.

(d) by inserting after section 112H (2B) the following subsection :—

Sec. 112H.  
(Reduction of death duty—rural property.)

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(2C) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if the words “thirty”, “twenty-five”, “twenty”, “fifteen”, “ten” and “five” in subsection (2) of this section were omitted therefrom and the words “one hundred”, “eighty-three and one-third”, “sixty-six and two-thirds”, “fifty”, “thirty-three and one-third” and “sixteen and two-thirds” were respectively inserted instead.

25

(e)

*Stamp Duties (Amendment).*

(e) by inserting after section 112i (2B) the following subsection :—

Sec. 112i.  
(Reduction  
of death  
duty—rural  
property  
(non-  
aggre-  
gated).)

5 (2c) This section shall, in the case of every  
person who dies on or after the date of assent to the  
Stamp Duties (Amendment) Act, 1975, be read  
and construed as if the words “thirty”, “twenty-five”,  
“twenty”, “fifteen”, “ten” and “five” in subsection  
10 (2) of this section were omitted therefrom and the  
words “one hundred”, “eighty-three and one-third”,  
“sixty-six and two-thirds”, “fifty”, “thirty-three and  
one-third” and “sixteen and two-thirds” were  
respectively inserted instead.

5. The Second Schedule to the Principal Act is amended—

Further  
amendment  
of Act No.  
47, 1920.  
Second  
Schedule.

15 (a) by omitting from the matter opposite paragraphs  
(1), (2) and (3) appearing under the heading  
“Bill of Exchange, Promissory Note and Cheque—”  
the matter “0.08” wherever occurring and by insert-  
ing instead the matter “0.10”;

Bill of  
Exchange,  
Promissory  
Note and  
Cheque.

20 (b) (i) by inserting in paragraph (10) appearing  
under the heading “Lease or Promise of or  
Agreement for Lease or Hire of any Property  
not being a Ship or Vessel—” after the words  
“Lord Howe Island Act, 1953,” the words  
25 “National Parks and Wildlife Act, 1974,”;

Lease or  
Promise  
of or  
Agreement  
for Lease  
or Hire  
of any  
Property.

(ii) by inserting in the matter relating to exemp-  
tions appearing under the same heading after  
the words “Lord Howe Island Act, 1953,” the  
words “National Parks and Wildlife Act,  
30 1974,”;

(c)

*Stamp Duties (Amendment).*

(c) by omitting from the matter appearing under the heading "Motor Vehicle Certificate of Registration—" the matter "0.50" and by inserting instead the matter "2.00".

Motor Vehicle Certificate of Registration.

5 6. The Principal Act is further amended—

Further amendment of Act No. 47, 1920.

(a) by inserting after section 38B the following section :—

Sec. 38c.

10

38c. (1) Any person liable to the payment of stamp duty under the provisions of this Act may apply to the Commissioner in a form approved by him for approval to pay duty in respect of any class of instruments in accordance with the provisions of this section.

Payment of duty by return in certain cases.

15

(2) The Commissioner may approve or refuse an application made under subsection (1) of this section but shall not approve of such an application if the instruments of the class in respect of which it is made are instruments in respect of which the Commissioner may, under any other provision of this Act, grant the applicant an approval to pay duty as an approved person under that provision.

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(3) Where the Commissioner approves an application made under subsection (1) of this section, he shall in the approval specify the date upon which the approval comes into force and the class of instruments to which the approval relates.

(4)



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*Stamp Duties (Amendment).*

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(4) A person whose application under subsection (1) of this section has been approved by the Commissioner is, while the approval is in force, an approved person for the purposes of this section.

5 (5) Except as provided in this section, an approved person is not liable to pay duty in respect of any instrument of a class to which his approval relates.

10 (6) An approved person shall make a record at such times and of such particulars relating to an instrument of a class to which his approval relates as the Commissioner may, by notice in writing given to him, require.

(7) An approved person shall—

- 15 (a) lodge with the Commissioner a return in respect of any instrument of a class to which his approval relates at such times, in respect of such periods, in such form and containing such particulars as may be notified to him in writing by the Commissioner; and
- 20 (b) when he lodges that return, pay to the Commissioner as stamp duty an amount equal to the amount of stamp duty that would, but for the provisions of subsection
- 25 (5) of this section, have been payable in respect of each instrument to which the return relates.

(8) An approved person shall endorse on any instrument of a class to which his approval relates the words "Stamp Duty" followed by the serial number of the notice of approval issued to him by the Commissioner under this section.

30

(9) An instrument endorsed in accordance with subsection (8) of this section shall be deemed to be duly stamped.

35

(10)

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*Stamp Duties (Amendment).*

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(10) A person making any record in accordance with subsection (6) of this section shall retain the record for a period of 2 years.

5 (11) A person who contravenes subsection (6), (7) or (10) of this section is liable to a fine not exceeding \$500.

10 (12) Any person, not being an approved person, who endorses on an instrument any words or numbers suggesting or implying that the instrument is duly stamped under the provisions of this section is liable to a fine not exceeding \$500.

(13) The Commissioner may, by a notice in writing, cancel any approval granted under this section—

- 15 (a) on application by the person to whom the approval was granted; or
- (b) for any reason he deems sufficient, and shall in any such notice specify the date on and from which the approval ceases to be in force.

20 (14) An approval so cancelled shall cease to be in force on and from the date specified in the notice by which the approval is cancelled.

25 (b) by omitting from section 82D (15) the matter "subsection (7)" and by inserting instead the matter "subsection (6), (7) or (14)";

Sec. 82D.  
(Payment of duty on loans by return.)

30 (c) (i) by inserting in section 84B (2) after the words "primary loan security" where secondly occurring the words "or any other collateral security for the same moneys as are secured by that primary loan security";

Sec. 84B.  
(Collateral security.)

(ii)

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*Stamp Duties (Amendment).*

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5 (ii) by omitting from section 84B (3) the words "collateral security" where secondly occurring and by inserting instead the words "that collateral security or any other collateral security, executed before that firstmentioned collateral security was executed, for the same moneys as are secured by that primary loan security";

(iii) by inserting after section 84B (3) the following subsection :—

10 (3A) The provisions of subsections (2) and (3) of this section do not apply to or in respect of—

15 (a) a loan security which is issued or made in another State or Territory of the Commonwealth and which is collateral security for the same moneys as are secured by a foreign security, as defined in section 84F (1) of this Act, that is not chargeable with duty in New South Wales under section 84F (2) of this Act; and

20

25 (b) a collateral security in a form approved under the Real Property Act, 1900, which is executed in substitution for a mortgage executed before 1st January, 1975, in respect of land not under that Act and which charges the same land with the payment or repayment of the same moneys as are secured by that

30 mortgage.

*Stamp Duties (Amendment).*

7. (1) Part III of the Principal Act is amended by omitting the matter "84A. (1) For the purposes of this Act" and by inserting instead the matter "84G. (1) For the purposes of this Act".
- Further amendment of Act No. 47, 1920. Sec. 84A. (Motor vehicle certificate of registration—Definition.)
- 5 (2) The Principal Act is further amended by omitting from section 22 (1) the matter "84A" and by inserting instead the matter "84G".
- Further amendment of Act No. 47, 1920. Sec. 22. (General direction as to the cancellation of adhesive stamps.)
8. (1) Cheque forms which have, before 1st January, 1976, been printed to the order of a bank under license issued under the provisions of the Principal Act, and are impressed with eight cents stamp duty and are either in the possession of the printer or of the bank on 1st January, 1976, and are unused, shall be deemed to be duly stamped with ten cents stamp duty.
- Transitional provisions.
- 15 (2) A bank which, on 1st January, 1976, is in possession of cheque forms referred to in subsection (1) upon which stamp duty of eight cents on each such form has been paid shall, before 1st February, 1976, furnish to the Commissioner of Stamp Duties a statement in a form approved by him
- 20 giving particulars and numbers of those forms and pay to the Commissioner additional duty of two cents on each such form.

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*Stamp Duties (Amendment).*

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5 (3) A bank which, on 1st January, 1976, is in possession of cheque forms referred to in subsection (1) upon which no stamp duty has been paid shall, when making payment of the stamp duty on those forms in accordance with the provisions of the Principal Act and the regulations there-  
under, pay to the Commissioner of Stamp Duties the amount of ten cents duty on each such form.

10 (4) Where cheque forms referred to in subsection (1) are, on 1st January, 1976, in the possession of a printer and are subsequently delivered to a bank, the bank shall, when making payment of the stamp duty on those forms in accordance with the provisions of the Principal Act and the regulations thereunder, pay to the Commissioner of Stamp Duties the amount of ten cents duty on each such form.

15 (5) Where, on or after 1st January, 1976, a cheque is drawn on an unused cheque form that, on that day, is in the possession of a person other than a bank or a printer referred to in this section, the cheque form shall be deemed to be duly stamped with ten cents stamp duty if it is impressed  
20 with eight cents stamp duty or is deemed, by the operation of the Stamp Duties (Amendment) Act, 1974, to be duly stamped with eight cents stamp duty and—

(a) the cheque form was one of more than three  
25 hundred such cheque forms in the possession of a person on 1st January, 1976, and that person, before the issue of the cheque form—

(i) furnished to the Commissioner of Stamp  
30 Duties, for the purposes of this subsection, a declaration in a form approved by the Commissioner giving the particulars and numbers of those cheque forms; and

(ii)

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*Stamp Duties (Amendment).*

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- (ii) paid to the Commissioner a further amount of duty equal to ten cents for each such form so in his possession, less the amount of stamp duty already paid thereon;
- 5 (b) an adhesive duty stamp, sufficient in value to bring to ten cents the value of the stamps on the cheque form, is affixed to the cheque form and duly cancelled before the cheque form is issued; or
- 10 (c) the cheque form is, before its issue, impressed at the Stamp Duties Office with such further amount of duty as is sufficient to bring to ten cents the value of the stamps on the cheque form.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975  
[16c]

**STAMP DUTIES (AMENDMENT) BILL, 1975**

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**EXPLANATORY NOTE**

THE object of this Bill is to amend the Stamp Duties Act, 1920, in the manner set forth hereunder.

1. Clause 1—short title.
2. Clause 2—commencement.
3. Clause 3—interpretation provision.
4. Clause 4 amends the Stamp Duties Act, 1920—
  - (a) to increase the exemption from death duty in respect of property passing to certain relatives of the deceased from \$50,000 to \$60,000;
  - (b) to increase the amount at which concessional rates for certain relatives of the deceased cease from \$68,000 to \$78,000;
  - (c) to increase from \$68,000 to \$78,000 the exemption from death duty in respect of non-aggregated property where the Commissioner is satisfied that the property passing on the cesser of a limited interest to the widow, widower, children or grandchildren of the person who created the limited interest was included in that person's estate and death duty paid thereon; and
  - (d) to provide for a further reduction, in certain circumstances, of the death duty payable in respect of certain property of a primary producer that passes on that primary producer's death to his or her spouse, child, parent, brother or sister.
5. Clause 5 amends the Second Schedule to the Stamp Duties Act, 1920—
  - (a) to increase from 8 cents to 10 cents as from 1st January, 1976, the stamp duty payable on a cheque, bill of exchange payable on demand and on certain interstate bills of exchange or promissory notes;
  - (b) to provide that a lease under the National Parks and Wildlife Act, 1974, is, where the consideration for the lease is less than \$150 a year, exempt from stamp duty and, if not so exempt, is liable to a maximum duty of \$3; and
  - (c) to increase the stamp duty payable on a motor vehicle certificate of registration from 50 cents for every \$100 or part thereof of the value of the motor vehicle to \$2 for every \$100 or part thereof of that value.

6. Clause 6 amends the Stamp Duties Act, 1920—

- (a) to empower the Commissioner of Stamp Duties to approve of stamp duty being paid on a return system in respect of any class of instruments other than instruments on which stamp duty may be paid at present on a return system;
- (b) to provide a penalty for the failure of an approved person under section 82D to make a record of any loan he makes and to keep that record for a period of 2 years; and
- (c) to exempt certain collateral loan securities from the payment of loan security duty.

7. Clause 7 amends the Stamp Duties Act, 1920, for the purpose of statute law revision.

8. Clause 8 contains the usual transitional provisions in respect of cheques that, when clause 5 (a) commences, are stamped, or are deemed to be stamped, with duty of 8 cents.

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PROOF

No. , 1975.

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# A BILL

To make further provisions with respect to exemptions from, and concessional rates applicable to, death duties; to make provisions with respect to the reduction of death duty upon estates of certain persons; to vary the rates, and the manner of payment, of stamp duty on certain instruments; and for these and other purposes to amend the Stamp Duties Act, 1920.

[MR COLEMAN—19 November, 1975.]

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BE

*Stamp Duties (Amendment).*

**B**E it enacted by the Queen'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  
5 follows :—

1. This Act may be cited as the "Stamp Duties Short title.  
(Amendment) Act, 1975".

2. (1) Except as provided in subsection (2), this Act Commence-  
shall commence on the date of assent to this Act. ment.

10 (2) Sections 5 (a) and 8 shall commence on 1st  
January, 1976.

3. The Stamp Duties Act, 1920, is, in this Act, referred Principal  
to as the Principal Act. Act.

4. The Principal Act is amended— Amend-  
ment of Act  
No. 47,  
1920.

15 (a) by inserting after section 101D (4A) the following Sec. 101D.  
subsection :— (Death  
duty—local  
domicile—  
estates of  
certain  
persons.)

(4B) This section shall, in the case of every  
person who dies on or after the date of assent to the  
Stamp Duties (Amendment) Act, 1975, whether

in

*Stamp Duties (Amendment).*

in New South Wales or elsewhere and who was at the date of his death domiciled in New South Wales, be read and construed as if—

5 (a) the reference in paragraph (a) of subparagraph (viii) of paragraph (c) of subsection (4) of this section to the prescribed amount is a reference—

10 (i) except as provided in subparagraph (ii) of this paragraph, to sixty thousand dollars; or

15 (ii) where the deceased leaves surviving two or more persons, being the widow or widower of the deceased, or a child of the deceased who, at the time of death of the deceased, was under the age of twenty-one years or was a wholly dependent adult child, or the wholly dependent widower father, or the wholly dependent widowed mother, of the deceased, to the aggregate of sixty thousand dollars and the difference between—

25 (a) the product obtained by multiplying four thousand dollars by the number of such persons; and

(b) four thousand dollars; and

30 (b) subsection (4A) of this section were omitted therefrom.

(b)

*Stamp Duties (Amendment).*

(b) by inserting after section 112C (3F) the following subsection :—

Sec. 112c.  
(Abatement  
in favour  
of widow,  
etc., in  
certain  
cases.)

5 (3G) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if—

10 (a) the words “seven thousand five hundred pounds” wherever occurring in subsections (1) and (2) of this section were omitted therefrom and the words “seventy-eight thousand dollars” were inserted instead;

15 (b) in subsections (1) and (2) of this section there were inserted after the words “twenty-one years” wherever occurring the words “or wholly dependent adult children, or to the wholly dependent widower father or the wholly dependent widowed mother”;

20 (c) subsection (3) of this section were omitted therefrom and the following subsections were inserted instead :—

(3) The proportions referred to in subsections (1) and (2) of this section shall be as follows :—

25 Where the value of that portion of the final balance referred to in subsection (1) of this section or the value of the property passing to the persons referred to in subsection (2) of this section does not exceed \$62,000, one-tenth prescribed rate.

30 Exceeds \$62,000 but does not exceed \$64,000, two-tenths prescribed rate.

Exceeds

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*Stamp Duties (Amendment).*

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Exceeds \$64,000 but does not exceed \$66,000, three-tenths prescribed rate.

Exceeds \$66,000 but does not exceed \$68,000, four-tenths prescribed rate.

5 Exceeds \$68,000 but does not exceed \$70,000, five-tenths prescribed rate.

Exceeds \$70,000 but does not exceed \$72,000, six-tenths prescribed rate.

10 Exceeds \$72,000 but does not exceed \$74,000, seven-tenths prescribed rate.

Exceeds \$74,000 but does not exceed \$76,000, eight-tenths prescribed rate.

Exceeds \$76,000 but does not exceed \$78,000, nine-tenths prescribed rate.

15 (3AA) Notwithstanding the provisions of subsections (1), (2) and (3) of this section, each amount of money specified in those subsections shall, where the deceased leaves surviving two or more persons, being the widow or widower of the deceased, or a child of the deceased who, at the time of the death of the deceased, was under the age of twenty-one years or was a wholly dependent adult child, or the wholly dependent widower father, or the wholly dependent widowed mother, of the deceased, be increased by the difference between—

20 (a) the product obtained by multiplying four thousand dollars by the number of such persons; and

25 (b) four thousand dollars; and

30 (d) subsections (3A), (3B), (3C), (3D), (3E) and (3F) of this section were omitted therefrom.

(c)

*Stamp Duties (Amendment).*

(c) by inserting after section 112D (7) the following subsection :—

Sec. 112D.  
(Non-aggregated property—exemption from duty in certain cases.)

5 (8) Subsection (1) of this section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if—

10 (a) the words “seven thousand five hundred pounds” were omitted therefrom and the words “seventy-eight thousand dollars” were inserted instead; and

15 (b) the words “or grandchildren” were omitted therefrom and the words “grandchildren, wholly dependent widower father or wholly dependent widowed mother” were inserted instead.

(d) by inserting after section 112H (2B) the following subsection :—

Sec. 112H.  
(Reduction of death duty—rural property.)

20 (2c) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if the words “thirty”, “twenty-five”, “twenty”, “fifteen”, “ten” and “five” in subsection (2) of this section were omitted therefrom and the words “one hundred”, “eighty-three and one-third”, “sixty-six and two-thirds”, “fifty”, “thirty-three and one-third” and “sixteen and two-thirds” were respectively inserted instead.

(e)

*Stamp Duties (Amendment).*

(e) by inserting after section 112I (2B) the following subsection :—

Sec. 112I.  
(Reduction  
of death  
duty—rural  
property  
(non-  
aggre-  
gated).)

5 (2c) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if the words “thirty”, “twenty-five”, “twenty”, “fifteen”, “ten” and “five” in subsection (2) of this section were omitted therefrom and the words “one hundred”, “eighty-three and one-third”, “sixty-six and two-thirds”, “fifty”, “thirty-three and one-third” and “sixteen and two-thirds” were respectively inserted instead.

10 5. The Second Schedule to the Principal Act is amended—

Further  
amendment  
of Act No.  
47, 1920.  
Second  
Schedule.

15 (a) by omitting from the matter opposite paragraphs (1), (2) and (3) appearing under the heading “Bill of Exchange, Promissory Note and Cheque—” the matter “0.08” wherever occurring and by inserting instead the matter “0.10”;

Bill of  
Exchange,  
Promissory  
Note and  
Cheque.

20 (b) (i) by inserting in paragraph (10) appearing under the heading “Lease or Promise of or Agreement for Lease or Hire of any Property not being a Ship or Vessel—” after the words “Lord Howe Island Act, 1953,” the words “National Parks and Wildlife Act, 1974,”;

Lease or  
Promise  
of or  
Agreement  
for Lease  
or Hire  
of any  
Property.

25 (ii) by inserting in the matter relating to exemptions appearing under the same heading after the words “Lord Howe Island Act, 1953,” the words “National Parks and Wildlife Act, 1974,”;

30

(c)

*Stamp Duties (Amendment).*

(c) by omitting from the matter appearing under the heading "Motor Vehicle Certificate of Registration—" the matter "0.50" and by inserting instead the matter "2.00".

Motor Vehicle Certificate of Registration.

5 6. The Principal Act is further amended—

Further amendment of Act No. 47, 1920.

(a) by inserting after section 38B the following section :—

Sec. 38c.

10 38c. (1) Any person liable to the payment of stamp duty under the provisions of this Act may apply to the Commissioner in a form approved by him for approval to pay duty in respect of any class of instruments in accordance with the provisions of this section.

Payment of duty by return in certain cases.

15 (2) The Commissioner may approve or refuse an application made under subsection (1) of this section but shall not approve of such an application if the instruments of the class in respect of which it is made are instruments in respect of which the Commissioner may, under any other provision of this Act, grant the applicant an approval to pay duty as an approved person under that provision.

20 (3) Where the Commissioner approves an application made under subsection (1) of this section, he shall in the approval specify the date upon which the approval comes into force and the class of instruments to which the approval relates.

(4)



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*Stamp Duties (Amendment).*

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(4) A person whose application under subsection (1) of this section has been approved by the Commissioner is, while the approval is in force, an approved person for the purposes of this section.

5 (5) Except as provided in this section, an approved person is not liable to pay duty in respect of any instrument of a class to which his approval relates.

10 (6) An approved person shall make a record at such times and of such particulars relating to an instrument of a class to which his approval relates as the Commissioner may, by notice in writing given to him, require.

(7) An approved person shall—

- 15 (a) lodge with the Commissioner a return in respect of any instrument of a class to which his approval relates at such times, in respect of such periods, in such form and containing such particulars as may be notified to  
20 him in writing by the Commissioner; and
- (b) when he lodges that return, pay to the Commissioner as stamp duty an amount equal to the amount of stamp duty that  
25 (5) of this section, have been payable in respect of each instrument to which the return relates.

(8) An approved person shall endorse on any instrument of a class to which his approval  
30 relates the words "Stamp Duty" followed by the serial number of the notice of approval issued to him by the Commissioner under this section.

(9) An instrument endorsed in accordance with subsection (8) of this section shall be  
35 deemed to be duly stamped.

(10)

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*Stamp Duties (Amendment).*

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(10) A person making any record in accordance with subsection (6) of this section shall retain the record for a period of 2 years.

5 (11) A person who contravenes subsection (6), (7) or (10) of this section is liable to a fine not exceeding \$500.

10 (12) Any person, not being an approved person, who endorses on an instrument any words or numbers suggesting or implying that the instrument is duly stamped under the provisions of this section is liable to a fine not exceeding \$500.

(13) The Commissioner may, by a notice in writing, cancel any approval granted under this section—

15 (a) on application by the person to whom the approval was granted; or

(b) for any reason he deems sufficient,

and shall in any such notice specify the date on and from which the approval ceases to be in force.

20 (14) An approval so cancelled shall cease to be in force on and from the date specified in the notice by which the approval is cancelled.

25 (b) by omitting from section 82D (15) the matter "subsection (7)" and by inserting instead the matter "subsection (6), (7) or (14)";

Sec. 82D.  
(Payment of duty on loans by return.)

(c) (i) by inserting in section 84B (2) after the words "primary loan security" where secondly occurring the words "or any other collateral security for the same moneys as are secured by that primary loan security";

Sec. 84B.  
(Collateral security.)

30

(ii)

*Stamp Duties (Amendment).*

5 (ii) by omitting from section 84B (3) the words  
“collateral security” where secondly occurring  
and by inserting instead the words “that col-  
lateral security or any other collateral security,  
executed before that firstmentioned collateral  
security was executed, for the same moneys  
as are secured by that primary loan security”;

(iii) by inserting after section 84B (3) the following  
subsection :—

10 (3A) The provisions of subsections (2) and  
(3) of this section do not apply to or in  
respect of—

15 (a) a loan security which is issued or made  
in another State or Territory of the  
Commonwealth and which is collateral  
security for the same moneys as are  
secured by a foreign security, as  
20 defined in section 84F (1) of this Act,  
that is not chargeable with duty in New  
South Wales under section 84F (2) of  
this Act; and

25 (b) a collateral security in a form approved  
under the Real Property Act, 1900,  
which is executed in substitution for a  
mortgage executed before 1st January,  
1975, in respect of land not under that  
Act and which charges the same land  
with the payment or repayment of the  
30 same moneys as are secured by that  
mortgage.

*Stamp Duties (Amendment).*

7. (1) Part III of the Principal Act is amended by omitting the matter "84A. (1) For the purposes of this Act" and by inserting instead the matter "84G. (1) For the purposes of this Act".
- Further amendment of Act No. 47, 1920. Sec. 84A. (Motor vehicle certificate of registration—Definition.)
- 5 (2) The Principal Act is further amended by omitting from section 22 (1) the matter "84A" and by inserting instead the matter "84G".
- Further amendment of Act No. 47, 1920. Sec. 22. (General direction as to the cancellation of adhesive stamps.)
8. (1) Cheque forms which have, before 1st January, 1976, been printed to the order of a bank under license issued under the provisions of the Principal Act, and are impressed with eight cents stamp duty and are either in the possession of the printer or of the bank on 1st January, 1976, and are unused, shall be deemed to be duly stamped with ten cents stamp duty.
- Transitional provisions.
- 15 (2) A bank which, on 1st January, 1976, is in possession of cheque forms referred to in subsection (1) upon which stamp duty of eight cents on each such form has been paid shall, before 1st February, 1976, furnish to the Commissioner of Stamp Duties a statement in a form approved by him
- 20 giving particulars and numbers of those forms and pay to the Commissioner additional duty of two cents on each such form.

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*Stamp Duties (Amendment).*

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3  
5  
5 (3) A bank which, on 1st January, 1976, is in possession of cheque forms referred to in subsection (1) upon which no stamp duty has been paid shall, when making payment of the stamp duty on those forms in accordance with the provisions of the Principal Act and the regulations thereunder, pay to the Commissioner of Stamp Duties the amount of ten cents duty on each such form.

10 (4) Where cheque forms referred to in subsection (1) are, on 1st January, 1976, in the possession of a printer and are subsequently delivered to a bank, the bank shall, when making payment of the stamp duty on those forms in accordance with the provisions of the Principal Act and the regulation thereunder, pay to the Commissioner of Stamp Duties the amount of ten cents duty on each such form.

15 (5) Where, on or after 1st January, 1976, a cheque is drawn on an unused cheque form that, on that day, is in the possession of a person other than a bank or a printer referred to in this section, the cheque form shall be deemed to be duly stamped with ten cents stamp duty if it is impressed  
20 with eight cents stamp duty or is deemed, by the operation of the Stamp Duties (Amendment) Act, 1974, to be duly stamped with eight cents stamp duty and—

25 (a) the cheque form was one of more than three hundred such cheque forms in the possession of a person on 1st January, 1976, and that person, before the issue of the cheque form—

30 (i) furnished to the Commissioner of Stamp Duties, for the purposes of this subsection, a declaration in a form approved by the Commissioner giving the particulars and numbers of those cheque forms; and

(ii)

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*Stamp Duties (Amendment).*

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- (ii) paid to the Commissioner a further amount of duty equal to ten cents for each such form so in his possession, less the amount of stamp duty already paid thereon;
- 5 (b) an adhesive duty stamp, sufficient in value to bring to ten cents the value of the stamps on the cheque form, is affixed to the cheque form and duly cancelled before the cheque form is issued; or
- 10 (c) the cheque form is, before its issue, impressed at the Stamp Duties Office with such further amount of duty as is sufficient to bring to ten cents the value of the stamps on the cheque form.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

# New South Wales



ANNO VICESIMO QUARTO

## ELIZABETHÆ II REGINÆ

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Act No. 75, 1975.

An Act to make further provisions with respect to exemptions from, and concessional rates applicable to, death duties; to make provisions with respect to the reduction of death duty upon estates of certain persons; to vary the rates, and the manner of payment, of stamp duty on certain instruments; and for these and other purposes to amend the Stamp Duties Act, 1920. [Assented to, 1st December, 1975.]

BE

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*Stamp Duties (Amendment).*


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**B**E it enacted by the Queen'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 :—

Short title.      **1.** This Act may be cited as the "Stamp Duties (Amendment) Act, 1975".

Commence-  
ment.            **2.** (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Sections 5 (a) and 8 shall commence on 1st January, 1976.

Principal  
Act.              **3.** The Stamp Duties Act, 1920, is, in this Act, referred to as the Principal Act.

Amend-  
ment of Act  
No. 47,  
1920.            **4.** The Principal Act is amended—

Sec. 101D.  
(Death  
duty—local  
domicile—  
estates of  
certain  
persons.)      (a) by inserting after section 101D (4A) the following subsection :—

(4B) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, whether

in



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*Stamp Duties (Amendment).*

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in New South Wales or elsewhere and who was at the date of his death domiciled in New South Wales, be read and construed as if—

(a) the reference in paragraph (a) of subparagraph (viii) of paragraph (c) of subsection (4) of this section to the prescribed amount is a reference—

(i) except as provided in subparagraph (ii) of this paragraph, to sixty thousand dollars; or

(ii) where the deceased leaves surviving two or more persons, being the widow or widower of the deceased, or a child of the deceased who, at the time of death of the deceased, was under the age of twenty-one years or was a wholly dependent adult child, or the wholly dependent widower father, or the wholly dependent widowed mother, of the deceased, to the aggregate of sixty thousand dollars and the difference between—

(a) the product obtained by multiplying four thousand dollars by the number of such persons; and

(b) four thousand dollars; and

(b) subsection (4A) of this section were omitted therefrom.

(b)

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*Stamp Duties (Amendment).*


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Sec. 112c.  
(Abatement  
in favour  
of widow,  
etc., in  
certain  
cases.)

(b) by inserting after section 112C (3F) the following subsection :—

(3G) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if—

- (a) the words “seven thousand five hundred pounds” wherever occurring in subsections (1) and (2) of this section were omitted therefrom and the words “seventy-eight thousand dollars” were inserted instead;
- (b) in subsections (1) and (2) of this section there were inserted after the words “twenty-one years” wherever occurring the words “or wholly dependent adult children, or to the wholly dependent widower father or the wholly dependent widowed mother”;
- (c) subsection (3) of this section were omitted therefrom and the following subsections were inserted instead :—

(3) The proportions referred to in subsections (1) and (2) of this section shall be as follows :—

Where the value of that portion of the final balance referred to in subsection (1) of this section or the value of the property passing to the persons referred to in subsection (2) of this section does not exceed \$62,000, one-tenth prescribed rate.

Exceeds \$62,000 but does not exceed \$64,000, two-tenths prescribed rate.

Exceeds

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*Stamp Duties (Amendment).*

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Exceeds \$64,000 but does not exceed \$66,000, three-tenths prescribed rate.

Exceeds \$66,000 but does not exceed \$68,000, four-tenths prescribed rate.

Exceeds \$68,000 but does not exceed \$70,000, five-tenths prescribed rate.

Exceeds \$70,000 but does not exceed \$72,000, six-tenths prescribed rate.

Exceeds \$72,000 but does not exceed \$74,000, seven-tenths prescribed rate.

Exceeds \$74,000 but does not exceed \$76,000, eight-tenths prescribed rate.

Exceeds \$76,000 but does not exceed \$78,000, nine-tenths prescribed rate.

(3AA) Notwithstanding the provisions of subsections (1), (2) and (3) of this section, each amount of money specified in those subsections shall, where the deceased leaves surviving two or more persons, being the widow or widower of the deceased, or a child of the deceased who, at the time of the death of the deceased, was under the age of twenty-one years or was a wholly dependent adult child, or the wholly dependent widower father, or the wholly dependent widowed mother, of the deceased, be increased by the difference between—

- (a) the product obtained by multiplying four thousand dollars by the number of such persons; and
- (b) four thousand dollars; and
- (d) subsections (3A), (3B), (3C), (3D), (3E) and (3F) of this section were omitted therefrom.

(c)

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*Stamp Duties (Amendment).*


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Sec. 112D.  
(Non-aggregated property—exemption from duty in certain cases.)

- (c) by inserting after section 112D (7) the following subsection :—

(8) Subsection (1) of this section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if—

- (a) the words “seven thousand five hundred pounds” were omitted therefrom and the words “seventy-eight thousand dollars” were inserted instead; and
- (b) the words “or grandchildren” were omitted therefrom and the words “grandchildren, wholly dependent widower father or wholly dependent widowed mother” were inserted instead.

Sec. 112H.  
(Reduction of death duty—rural property.)

- (d) by inserting after section 112H (2B) the following subsection :—

(2C) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if the words “thirty”, “twenty-five”, “twenty”, “fifteen”, “ten” and “five” in subsection (2) of this section were omitted therefrom and the words “one hundred”, “eighty-three and one-third”, “sixty-six and two-thirds”, “fifty”, “thirty-three and one-third” and “sixteen and two-thirds” were respectively inserted instead.

(e)

*Stamp Duties (Amendment).*

- (e) by inserting after section 112i (2B) the following subsection :—

(2c) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if the words “thirty”, “twenty-five”, “twenty”, “fifteen”, “ten” and “five” in subsection (2) of this section were omitted therefrom and the words “one hundred”, “eighty-three and one-third”, “sixty-six and two-thirds”, “fifty”, “thirty-three and one-third” and “sixteen and two-thirds” were respectively inserted instead.

Sec. 112i.  
(Reduction of death duty—rural property (non-aggregated).)

5. The Second Schedule to the Principal Act is amended—

Further amendment of Act No. 47, 1920. Second Schedule.

- (a) by omitting from the matter opposite paragraphs (1), (2) and (3) appearing under the heading “Bill of Exchange, Promissory Note and Cheque—” the matter “0.08” wherever occurring and by inserting instead the matter “0.10”;

Bill of Exchange, Promissory Note and Cheque.

- (b) (i) by inserting in paragraph (10) appearing under the heading “Lease or Promise of or Agreement for Lease or Hire of any Property not being a Ship or Vessel—” after the words “Lord Howe Island Act, 1953,” the words “National Parks and Wildlife Act, 1974,”;

Lease or Promise of or Agreement for Lease or Hire of any Property.

- (ii) by inserting in the matter relating to exemptions appearing under the same heading after the words “Lord Howe Island Act, 1953,” the words “National Parks and Wildlife Act, 1974,”;

(c)

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*Stamp Duties (Amendment).*


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Motor  
Vehicle  
Certificate  
of Regis-  
tration.

- (c) by omitting from the matter appearing under the heading "Motor Vehicle Certificate of Registration—" the matter "0.50" and by inserting instead the matter "2.00".

Further  
amend-  
ment of  
Act No. 47,  
1920.

**6. The Principal Act is further amended—**

Sec. 38c.

- (a) by inserting after section 38B the following section :—

Payment  
of duty  
by  
return in  
certain  
cases.

38c. (1) Any person liable to the payment of stamp duty under the provisions of this Act may apply to the Commissioner in a form approved by him for approval to pay duty in respect of any class of instruments in accordance with the provisions of this section.

(2) The Commissioner may approve or refuse an application made under subsection (1) of this section but shall not approve of such an application if the instruments of the class in respect of which it is made are instruments in respect of which the Commissioner may, under any other provision of this Act, grant the applicant an approval to pay duty as an approved person under that provision.

(3) Where the Commissioner approves an application made under subsection (1) of this section, he shall in the approval specify the date upon which the approval comes into force and the class of instruments to which the approval relates.

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*Stamp Duties (Amendment).*

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(4) A person whose application under subsection (1) of this section has been approved by the Commissioner is, while the approval is in force, an approved person for the purposes of this section.

(5) Except as provided in this section, an approved person is not liable to pay duty in respect of any instrument of a class to which his approval relates.

(6) An approved person shall make a record at such times and of such particulars relating to an instrument of a class to which his approval relates as the Commissioner may, by notice in writing given to him, require.

(7) An approved person shall—

- (a) lodge with the Commissioner a return in respect of any instrument of a class to which his approval relates at such times, in respect of such periods, in such form and containing such particulars as may be notified to him in writing by the Commissioner; and
- (b) when he lodges that return, pay to the Commissioner as stamp duty an amount equal to the amount of stamp duty that would, but for the provisions of subsection (5) of this section, have been payable in respect of each instrument to which the return relates.

(8) An approved person shall endorse on any instrument of a class to which his approval relates the words "Stamp Duty" followed by the serial number of the notice of approval issued to him by the Commissioner under this section.

(9) An instrument endorsed in accordance with subsection (8) of this section shall be deemed to be duly stamped.

(10)

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*Stamp Duties (Amendment).*


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(10) A person making any record in accordance with subsection (6) of this section shall retain the record for a period of 2 years.

(11) A person who contravenes subsection (6), (7) or (10) of this section is liable to a fine not exceeding \$500.

(12) Any person, not being an approved person, who endorses on an instrument any words or numbers suggesting or implying that the instrument is duly stamped under the provisions of this section is liable to a fine not exceeding \$500.

(13) The Commissioner may, by a notice in writing, cancel any approval granted under this section—

(a) on application by the person to whom the approval was granted; or

(b) for any reason he deems sufficient,

and shall in any such notice specify the date on and from which the approval ceases to be in force.

(14) An approval so cancelled shall cease to be in force on and from the date specified in the notice by which the approval is cancelled.

Sec. 82D.  
(Payment  
of  
duty on  
loans by  
return.)

(b) by omitting from section 82D (15) the matter “subsection (7)” and by inserting instead the matter “subsection (6), (7) or (14)”;

Sec. 84B.  
(Collateral  
security.)

(c) (i) by inserting in section 84B (2) after the words “primary loan security” where secondly occurring the words “or any other collateral security for the same moneys as are secured by that primary loan security”;

(ii)



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*Stamp Duties (Amendment).*

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- (ii) by omitting from section 84B (3) the words “collateral security” where secondly occurring and by inserting instead the words “that collateral security or any other collateral security, executed before that firstmentioned collateral security was executed, for the same moneys as are secured by that primary loan security”;
  
- (iii) by inserting after section 84B (3) the following subsection :—

(3A) The provisions of subsections (2) and (3) of this section do not apply to or in respect of—

- (a) a loan security which is issued or made in another State or Territory of the Commonwealth and which is collateral security for the same moneys as are secured by a foreign security, as defined in section 84F (1) of this Act, that is not chargeable with duty in New South Wales under section 84F (2) of this Act; and
  
- (b) a collateral security in a form approved under the Real Property Act, 1900, which is executed in substitution for a mortgage executed before 1st January, 1975, in respect of land not under that Act and which charges the same land with the payment or repayment of the same moneys as are secured by that mortgage.

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*Stamp Duties (Amendment).*


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Further amendment of Act No. 47, 1920. Sec. 84A. (Motor vehicle certificate of registration—Definition.)

7. (1) Part III of the Principal Act is amended by omitting the matter “84A. (1) For the purposes of this Act” and by inserting instead the matter “84G. (1) For the purposes of this Act”.

Further amendment of Act No. 47, 1920. Sec. 22. (General direction as to the cancellation of adhesive stamps.)

(2) The Principal Act is further amended by omitting from section 22 (1) the matter “84A” and by inserting instead the matter “84G”.

Transitional provisions.

8. (1) Cheque forms which have, before 1st January, 1976, been printed to the order of a bank under license issued under the provisions of the Principal Act, and are impressed with eight cents stamp duty and are either in the possession of the printer or of the bank on 1st January, 1976, and are unused, shall be deemed to be duly stamped with ten cents stamp duty.

(2) A bank which, on 1st January, 1976, is in possession of cheque forms referred to in subsection (1) upon which stamp duty of eight cents on each such form has been paid shall, before 1st February, 1976, furnish to the Commissioner of Stamp Duties a statement in a form approved by him giving particulars and numbers of those forms and pay to the Commissioner additional duty of two cents on each such form.

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*Stamp Duties (Amendment).*

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(3) A bank which, on 1st January, 1976, is in possession of cheque forms referred to in subsection (1) upon which no stamp duty has been paid shall, when making payment of the stamp duty on those forms in accordance with the provisions of the Principal Act and the regulations thereunder, pay to the Commissioner of Stamp Duties the amount of ten cents duty on each such form.

(4) Where cheque forms referred to in subsection (1) are, on 1st January, 1976, in the possession of a printer and are subsequently delivered to a bank, the bank shall, when making payment of the stamp duty on those forms in accordance with the provisions of the Principal Act and the regulations thereunder, pay to the Commissioner of Stamp Duties the amount of ten cents duty on each such form.

(5) Where, on or after 1st January, 1976, a cheque is drawn on an unused cheque form that, on that day, is in the possession of a person other than a bank or a printer referred to in this section, the cheque form shall be deemed to be duly stamped with ten cents stamp duty if it is impressed with eight cents stamp duty or is deemed, by the operation of the Stamp Duties (Amendment) Act, 1974, to be duly stamped with eight cents stamp duty and—

(a) the cheque form was one of more than three hundred such cheque forms in the possession of a person on 1st January, 1976, and that person, before the issue of the cheque form—

(i) furnished to the Commissioner of Stamp Duties, for the purposes of this subsection, a declaration in a form approved by the Commissioner giving the particulars and numbers of those cheque forms; and

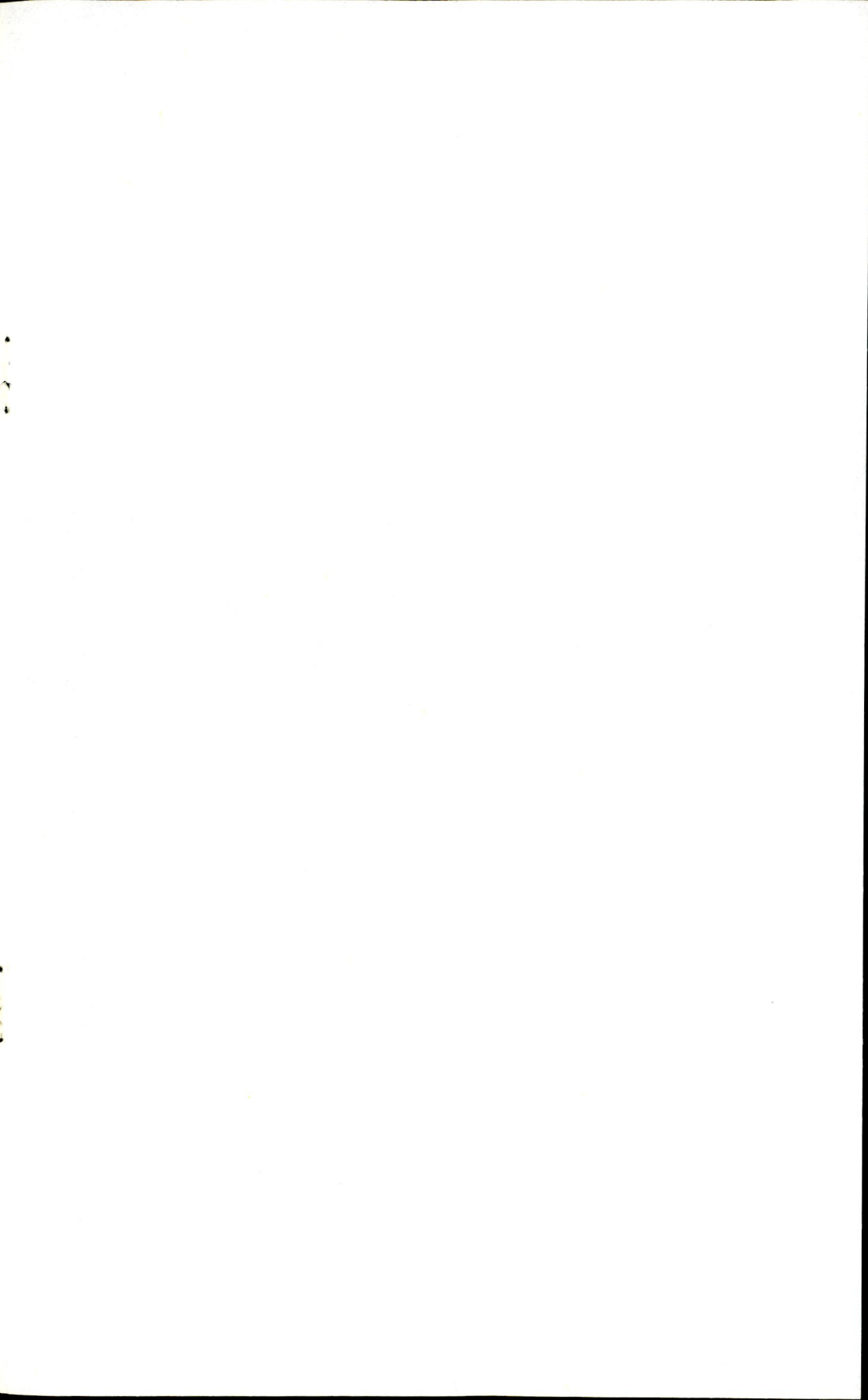
(ii)

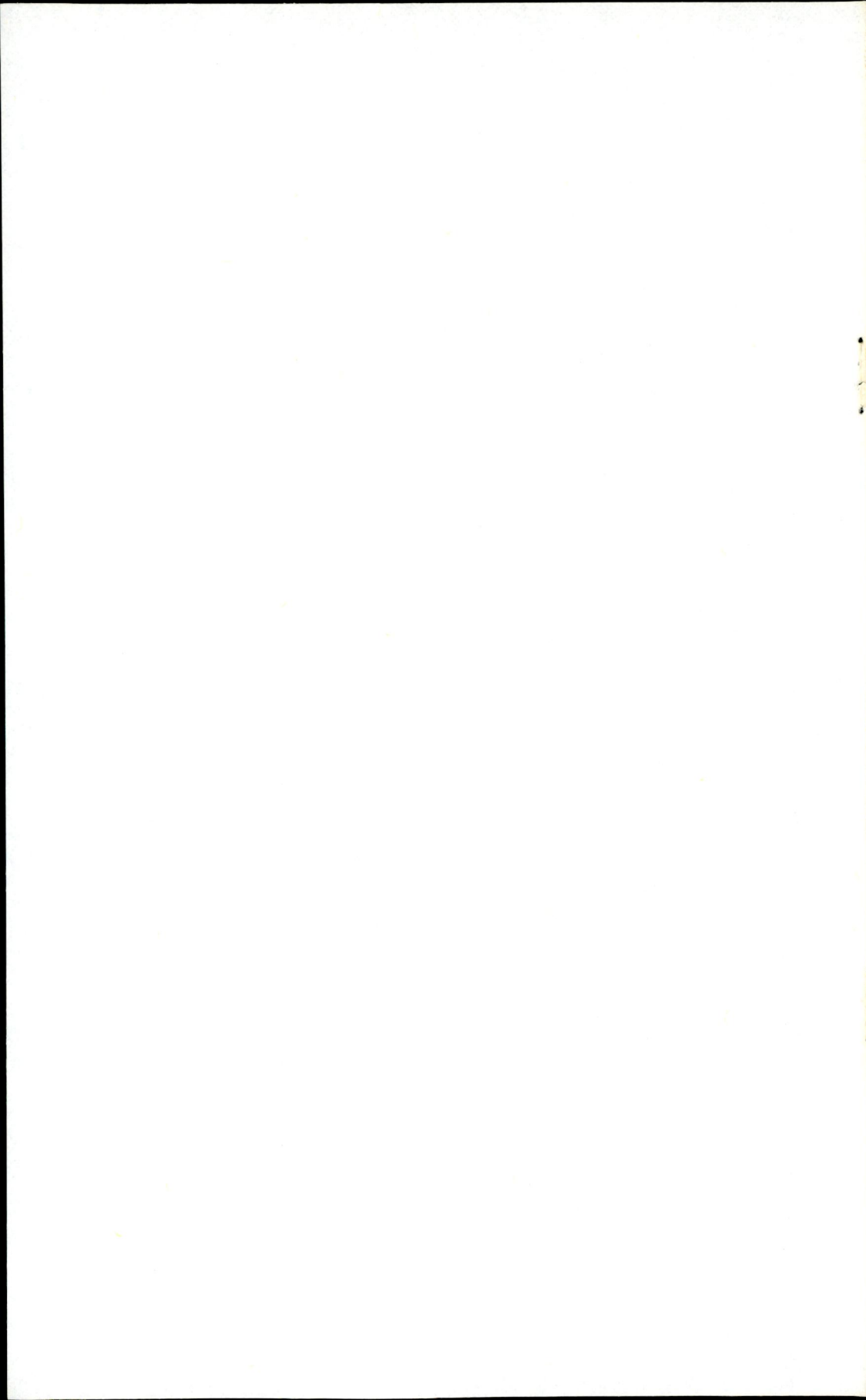
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*Stamp Duties (Amendment).*

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- (ii) paid to the Commissioner a further amount of duty equal to ten cents for each such form so in his possession, less the amount of stamp duty already paid thereon;
- (b) an adhesive duty stamp, sufficient in value to bring to ten cents the value of the stamps on the cheque form, is affixed to the cheque form and duly cancelled before the cheque form is issued; or
- (c) the cheque form is, before its issue, impressed at the Stamp Duties Office with such further amount of duty as is sufficient to bring to ten cents the value of the stamps on the cheque form.





*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.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 26 November, 1975.*

## New South Wales



ANNO VICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 75, 1975.**

An Act to make further provisions with respect to exemptions from, and concessional rates applicable to, death duties; to make provisions with respect to the reduction of death duty upon estates of certain persons; to vary the rates, and the manner of payment, of stamp duty on certain instruments; and for these and other purposes to amend the Stamp Duties Act, 1920. [Assented to, 1st December, 1975.]

BE

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

J. H. BROWN,  
*Chairman of Committees of the Legislative Assembly.*

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*Stamp Duties (Amendment).*


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**B**E it enacted by the Queen'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 :—

Short title.      **1.** This Act may be cited as the "Stamp Duties (Amendment) Act, 1975".

Commence-      **2.** (1) Except as provided in subsection (2), this Act  
ment.            shall commence on the date of assent to this Act.

(2) Sections 5 (a) and 8 shall commence on 1st January, 1976.

Principal      **3.** The Stamp Duties Act, 1920, is, in this Act, referred  
Act.            to as the Principal Act.

Amend-      **4.** The Principal Act is amended—  
ment of Act  
No. 47,  
1920.

Sec. 101D.      (a) by inserting after section 101D (4A) the following  
(Death            subsection :—  
duty—local  
domicile—  
estates of  
certain  
persons.)

(4B) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, whether

in



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*Stamp Duties (Amendment).*

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in New South Wales or elsewhere and who was at the date of his death domiciled in New South Wales, be read and construed as if—

(a) the reference in paragraph (a) of subparagraph (viii) of paragraph (c) of subsection (4) of this section to the prescribed amount is a reference—

(i) except as provided in subparagraph (ii) of this paragraph, to sixty thousand dollars; or

(ii) where the deceased leaves surviving two or more persons, being the widow or widower of the deceased, or a child of the deceased who, at the time of death of the deceased, was under the age of twenty-one years or was a wholly dependent adult child, or the wholly dependent widower father, or the wholly dependent widowed mother, of the deceased, to the aggregate of sixty thousand dollars and the difference between—

(a) the product obtained by multiplying four thousand dollars by the number of such persons; and

(b) four thousand dollars; and

(b) subsection (4A) of this section were omitted therefrom.

(b)

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*Stamp Duties (Amendment).*


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Sec. 112C.  
(Abatement  
in favour  
of widow,  
etc., in  
certain  
cases.)

(b) by inserting after section 112C (3F) the following subsection :—

(3G) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if—

- (a) the words “seven thousand five hundred pounds” wherever occurring in subsections (1) and (2) of this section were omitted therefrom and the words “seventy-eight thousand dollars” were inserted instead;
- (b) in subsections (1) and (2) of this section there were inserted after the words “twenty-one years” wherever occurring the words “or wholly dependent adult children, or to the wholly dependent widower father or the wholly dependent widowed mother”;
- (c) subsection (3) of this section were omitted therefrom and the following subsections were inserted instead :—

(3) The proportions referred to in subsections (1) and (2) of this section shall be as follows :—

Where the value of that portion of the final balance referred to in subsection (1) of this section or the value of the property passing to the persons referred to in subsection (2) of this section does not exceed \$62,000, one-tenth prescribed rate.

Exceeds \$62,000 but does not exceed \$64,000, two-tenths prescribed rate.

Exceeds

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*Stamp Duties (Amendment).*

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Exceeds \$64,000 but does not exceed \$66,000, three-tenths prescribed rate.

Exceeds \$66,000 but does not exceed \$68,000, four-tenths prescribed rate.

Exceeds \$68,000 but does not exceed \$70,000, five-tenths prescribed rate.

Exceeds \$70,000 but does not exceed \$72,000, six-tenths prescribed rate.

Exceeds \$72,000 but does not exceed \$74,000, seven-tenths prescribed rate.

Exceeds \$74,000 but does not exceed \$76,000, eight-tenths prescribed rate.

Exceeds \$76,000 but does not exceed \$78,000, nine-tenths prescribed rate.

(3AA) Notwithstanding the provisions of subsections (1), (2) and (3) of this section, each amount of money specified in those subsections shall, where the deceased leaves surviving two or more persons, being the widow or widower of the deceased, or a child of the deceased who, at the time of the death of the deceased, was under the age of twenty-one years or was a wholly dependent adult child, or the wholly dependent widower father, or the wholly dependent widowed mother, of the deceased, be increased by the difference between—

(a) the product obtained by multiplying four thousand dollars by the number of such persons; and

(b) four thousand dollars; and

(d) subsections (3A), (3B), (3C), (3D), (3E) and (3F) of this section were omitted therefrom.

(c)

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*Stamp Duties (Amendment).*


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Sec. 112D.  
(Non-aggregated property—exemption from duty in certain cases.)

(c) by inserting after section 112D (7) the following subsection :—

(8) Subsection (1) of this section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if—

(a) the words “seven thousand five hundred pounds” were omitted therefrom and the words “seventy-eight thousand dollars” were inserted instead; and

(b) the words “or grandchildren” were omitted therefrom and the words “grandchildren, wholly dependent widower father or wholly dependent widowed mother” were inserted instead.

Sec. 112H.  
(Reduction of death duty—rural property.)

(d) by inserting after section 112H (2B) the following subsection :—

(2C) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if the words “thirty”, “twenty-five”, “twenty”, “fifteen”, “ten” and “five” in subsection (2) of this section were omitted therefrom and the words “one hundred”, “eighty-three and one-third”, “sixty-six and two-thirds”, “fifty”, “thirty-three and one-third” and “sixteen and two-thirds” were respectively inserted instead.

(e)

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*Stamp Duties (Amendment).*

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(e) by inserting after section 112i (2B) the following subsection :—

Sec. 112i.  
(Reduction  
of death  
duty—rural  
property  
(non-  
aggre-  
gated).)

(2c) This section shall, in the case of every person who dies on or after the date of assent to the Stamp Duties (Amendment) Act, 1975, be read and construed as if the words “thirty”, “twenty-five”, “twenty”, “fifteen”, “ten” and “five” in subsection (2) of this section were omitted therefrom and the words “one hundred”, “eighty-three and one-third”, “sixty-six and two-thirds”, “fifty”, “thirty-three and one-third” and “sixteen and two-thirds” were respectively inserted instead.

5. The Second Schedule to the Principal Act is amended—

Further  
amendment  
of Act No.  
47, 1920.  
Second  
Schedule.

(a) by omitting from the matter opposite paragraphs (1), (2) and (3) appearing under the heading “Bill of Exchange, Promissory Note and Cheque—” the matter “0.08” wherever occurring and by inserting instead the matter “0.10”;

Bill of  
Exchange,  
Promissory  
Note and  
Cheque.

(b) (i) by inserting in paragraph (10) appearing under the heading “Lease or Promise of or Agreement for Lease or Hire of any Property not being a Ship or Vessel—” after the words “Lord Howe Island Act, 1953,” the words “National Parks and Wildlife Act, 1974.”;

Lease or  
Promise  
of or  
Agreement  
for Lease  
or Hire  
of any  
Property.

(ii) by inserting in the matter relating to exemptions appearing under the same heading after the words “Lord Howe Island Act, 1953,” the words “National Parks and Wildlife Act, 1974.”;

(c)

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*Stamp Duties (Amendment).*


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Motor  
Vehicle  
Certificate  
of Regis-  
tration.

- (c) by omitting from the matter appearing under the heading "Motor Vehicle Certificate of Registration—" the matter "0.50" and by inserting instead the matter "2.00".

Further  
amend-  
ment of  
Act No. 47,  
1920.

6. The Principal Act is further amended—

Sec. 38c.

- (a) by inserting after section 38B the following section :—

Payment  
of duty  
by  
return in  
certain  
cases.

38c. (1) Any person liable to the payment of stamp duty under the provisions of this Act may apply to the Commissioner in a form approved by him for approval to pay duty in respect of any class of instruments in accordance with the provisions of this section.

(2) The Commissioner may approve or refuse an application made under subsection (1) of this section but shall not approve of such an application if the instruments of the class in respect of which it is made are instruments in respect of which the Commissioner may, under any other provision of this Act, grant the applicant an approval to pay duty as an approved person under that provision.

(3) Where the Commissioner approves an application made under subsection (1) of this section, he shall in the approval specify the date upon which the approval comes into force and the class of instruments to which the approval relates.

(4)

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*Stamp Duties (Amendment).*

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(4) A person whose application under subsection (1) of this section has been approved by the Commissioner is, while the approval is in force, an approved person for the purposes of this section.

(5) Except as provided in this section, an approved person is not liable to pay duty in respect of any instrument of a class to which his approval relates.

(6) An approved person shall make a record at such times and of such particulars relating to an instrument of a class to which his approval relates as the Commissioner may, by notice in writing given to him, require.

(7) An approved person shall—

- (a) lodge with the Commissioner a return in respect of any instrument of a class to which his approval relates at such times, in respect of such periods, in such form and containing such particulars as may be notified to him in writing by the Commissioner; and
- (b) when he lodges that return, pay to the Commissioner as stamp duty an amount equal to the amount of stamp duty that would, but for the provisions of subsection (5) of this section, have been payable in respect of each instrument to which the return relates.

(8) An approved person shall endorse on any instrument of a class to which his approval relates the words "Stamp Duty" followed by the serial number of the notice of approval issued to him by the Commissioner under this section.

(9) An instrument endorsed in accordance with subsection (8) of this section shall be deemed to be duly stamped.

(10)

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*Stamp Duties (Amendment).*


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(10) A person making any record in accordance with subsection (6) of this section shall retain the record for a period of 2 years.

(11) A person who contravenes subsection (6), (7) or (10) of this section is liable to a fine not exceeding \$500.

(12) Any person, not being an approved person, who endorses on an instrument any words or numbers suggesting or implying that the instrument is duly stamped under the provisions of this section is liable to a fine not exceeding \$500.

(13) The Commissioner may, by a notice in writing, cancel any approval granted under this section—

(a) on application by the person to whom the approval was granted; or

(b) for any reason he deems sufficient,

and shall in any such notice specify the date on and from which the approval ceases to be in force.

(14) An approval so cancelled shall cease to be in force on and from the date specified in the notice by which the approval is cancelled.

Sec. 82D.  
(Payment  
of  
duty on  
loans by  
return.)

(b) by omitting from section 82D (15) the matter “subsection (7)” and by inserting instead the matter “subsection (6), (7) or (14)”;

Sec. 84B.  
(Collateral  
security.)

(c) (i) by inserting in section 84B (2) after the words “primary loan security” where secondly occurring the words “or any other collateral security for the same moneys as are secured by that primary loan security”;

(ii)



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*Stamp Duties (Amendment).*

---

(ii) by omitting from section 84B (3) the words "collateral security" where secondly occurring and by inserting instead the words "that collateral security or any other collateral security, executed before that firstmentioned collateral security was executed, for the same moneys as are secured by that primary loan security";

(iii) by inserting after section 84B (3) the following subsection :—

(3A) The provisions of subsections (2) and (3) of this section do not apply to or in respect of—

(a) a loan security which is issued or made in another State or Territory of the Commonwealth and which is collateral security for the same moneys as are secured by a foreign security, as defined in section 84F (1) of this Act, that is not chargeable with duty in New South Wales under section 84F (2) of this Act; and

(b) a collateral security in a form approved under the Real Property Act, 1900, which is executed in substitution for a mortgage executed before 1st January, 1975, in respect of land not under that Act and which charges the same land with the payment or repayment of the same moneys as are secured by that mortgage.

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*Stamp Duties (Amendment).*


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Further amendment of Act No. 47, 1920. Sec. 84A. (Motor vehicle certificate of registration—Definition.)

7. (1) Part III of the Principal Act is amended by omitting the matter “84A. (1) For the purposes of this Act” and by inserting instead the matter “84G. (1) For the purposes of this Act”.

Further amendment of Act No. 47, 1920. Sec. 22. (General direction as to the cancellation of adhesive stamps.)

(2) The Principal Act is further amended by omitting from section 22 (1) the matter “84A” and by inserting instead the matter “84G”.

Transitional provisions.

8. (1) Cheque forms which have, before 1st January, 1976, been printed to the order of a bank under license issued under the provisions of the Principal Act, and are impressed with eight cents stamp duty and are either in the possession of the printer or of the bank on 1st January, 1976, and are unused, shall be deemed to be duly stamped with ten cents stamp duty.

(2) A bank which, on 1st January, 1976, is in possession of cheque forms referred to in subsection (1) upon which stamp duty of eight cents on each such form has been paid shall, before 1st February, 1976, furnish to the Commissioner of Stamp Duties a statement in a form approved by him giving particulars and numbers of those forms and pay to the Commissioner additional duty of two cents on each such form.

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*Stamp Duties (Amendment).*

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(3) A bank which, on 1st January, 1976, is in possession of cheque forms referred to in subsection (1) upon which no stamp duty has been paid shall, when making payment of the stamp duty on those forms in accordance with the provisions of the Principal Act and the regulations thereunder, pay to the Commissioner of Stamp Duties the amount of ten cents duty on each such form.

(4) Where cheque forms referred to in subsection (1) are, on 1st January, 1976, in the possession of a printer and are subsequently delivered to a bank, the bank shall, when making payment of the stamp duty on those forms in accordance with the provisions of the Principal Act and the regulations thereunder, pay to the Commissioner of Stamp Duties the amount of ten cents duty on each such form.

(5) Where, on or after 1st January, 1976, a cheque is drawn on an unused cheque form that, on that day, is in the possession of a person other than a bank or a printer referred to in this section, the cheque form shall be deemed to be duly stamped with ten cents stamp duty if it is impressed with eight cents stamp duty or is deemed, by the operation of the Stamp Duties (Amendment) Act, 1974, to be duly stamped with eight cents stamp duty and—

(a) the cheque form was one of more than three hundred such cheque forms in the possession of a person on 1st January, 1976, and that person, before the issue of the cheque form—

(i) furnished to the Commissioner of Stamp Duties, for the purposes of this subsection, a declaration in a form approved by the Commissioner giving the particulars and numbers of those cheque forms; and

(ii)

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- (ii) paid to the Commissioner a further amount of duty equal to ten cents for each such form so in his possession, less the amount of stamp duty already paid thereon;
- (b) an adhesive duty stamp, sufficient in value to bring to ten cents the value of the stamps on the cheque form, is affixed to the cheque form and duly cancelled before the cheque form is issued; or
- (c) the cheque form is, before its issue, impressed at the Stamp Duties Office with such further amount of duty as is sufficient to bring to ten cents the value of the stamps on the cheque form.

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 1st December, 1975.*



