



ANNO DECIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1968

No. 26 of 1968

An Act to amend the Stamp Duties Act, 1923-1967.

[Assented to 5th December, 1968.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Stamp Duties Act Amendment Act (No. 2), 1968".

(2) The Stamp Duties Act, 1923-1967, as amended by this Act, may be cited as the "Stamp Duties Act, 1923-1968".

(3) The Stamp Duties Act, 1923-1967, is hereinafter referred to as "the principal Act".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of
heading
preceding
s. 42a of
principal Act.

3. The heading preceding section 42a of the principal Act is amended by inserting after the word "*Application*" the passage "*and Certificate of Insurance*".

Amendment of
principal Act,
s. 42a—
Interpretation.

4. Section 42a of the principal Act is amended by striking out the definition of "application to register a motor vehicle" and inserting in lieu thereof the following definition :—

"application to register a motor vehicle" means an application to register a motor vehicle made under the Motor Vehicles Act, 1959-1968, as amended, and the regulations thereunder :.

5. Section 42b of the principal Act is amended by repealing subsections (2) and (3) and inserting the following subsections in their place:—

Amendment of
principal Act,
s. 42b—
Payment of
duty.

(2) An amount representing the duty, if any, chargeable under this Act on an application to register a motor vehicle and on the certificate of insurance relating to that motor vehicle lodged with the Registrar of Motor Vehicles under section 21 of the Motor Vehicles Act, 1959-1968, as amended, or on an application to transfer the registration of a motor vehicle shall be paid by the applicant to the Registrar of Motor Vehicles at the time of making the application.

(2a) The duty paid by any person—

(a) on an application to register a motor vehicle and on a certificate of insurance lodged with the Registrar of Motor Vehicles shall be denoted by impressed stamp or cash register imprint, or by both, on the certificate or interim certificate of registration relating to that motor vehicle issued by the Registrar or on such form or forms as may be approved by the Commissioner;

and

(b) on an application to transfer the registration of a motor vehicle shall be denoted by impressed stamp or cash register imprint, or by both, on such form or forms as may be approved by the Commissioner.

(3) The Registrar of Motor Vehicles shall furnish the Commissioner, at least once in every month, with a statement showing details of amounts received by him for stamp duty on applications to register and to transfer the registration of motor vehicles and on certificates of insurance relating to motor vehicles lodged with him under section 21 of the Motor Vehicles Act, 1959-1968, as amended, and shall pay all amounts of stamp duty received by him to the Treasurer who shall—

(a) place to the credit of the General Revenue all amounts representing the stamp duty received by the Registrar on applications to register and to transfer the registration of motor vehicles;

and

(b) place to the credit of the Hospitals Fund kept at the Treasury all amounts representing the stamp duty received by the Registrar on certificates of insurance relating to motor vehicles lodged with the Registrar under section 21 of that Act.

(3a) The moneys placed to the credit of the Hospitals Fund in accordance with paragraph (b) of subsection (3) of this section shall be used for the provision, maintenance, development and improvement of public hospitals within the meaning of section 16 of the State Lotteries Act, 1966, and equipment for such hospitals in such amounts as the Treasurer shall upon the recommendation of the Chief Secretary (but subject to appropriations for the purpose which Parliament may from time to time determine) approve.

Amendment of
principal Act,
s. 42c—
Statement in
support of
claim for
exemption.

6. Section 42c of the principal Act is amended by inserting after the word “application” firstly occurring the passage “or upon the certificate of insurance relating to the motor vehicle in respect of which the application is made”.

Amendment of
principal Act,
s. 42d—
Power to
refund duty
overpaid.

7. Section 42d of the principal Act is amended—

(a) by striking out from subsection (1) the passage “or an application” and inserting in lieu thereof the passage “, upon a certificate of insurance relating to the motor vehicle lodged with the Registrar of Motor Vehicles, or upon an application”;

(b) by inserting after the passage “may refund” in subsection (1) the passage “or authorize the Registrar of Motor Vehicles to refund”;

(c) by inserting after the passage “may refund” in subsection (1a) the passage “or authorize the Registrar of Motor Vehicles to refund”;

and

(d) by striking out from subsection (1a) the passage “that registration or transfer” and inserting in lieu thereof the passage “the application in pursuance of which that motor vehicle was registered and the certificate of insurance relating to that motor vehicle lodged

with the Registrar of Motor Vehicles or in respect of the application in pursuance of which the registration of that motor vehicle was transferred”.

8. Section 42e of the principal Act is amended—

- (a) by striking out the passage “and 42e” and inserting in lieu thereof the passage “and this section”;

and

- (b) by striking out the passage “set out in the Second Schedule to this Act in the paragraph therein commencing APPLICATION” and inserting in lieu thereof the passage “to the item in the second schedule to this Act commencing ‘APPLICATION to Register a Motor Vehicle’ or to the item in that schedule commencing ‘CERTIFICATE OF INSURANCE’”.

Amendment of
principal Act,
s. 42e—
Regulations.

9. The second schedule to the principal Act is amended—

- (a) by striking out from the item therein commencing “APPLICATION to Register a Motor Vehicle” the *Exemptions* numbered 9, 10, 11, 12, 13, 14 and 15 added by regulations made by the Governor and published in the *Gazette* on the 23rd September, 1965, on page 1138, on the 20th October, 1966, on page 1730 and on the 12th October, 1967, on page 1718, and inserting in their place the following :—

Amendment of
second
schedule to
principal Act.

Exemptions :—

9. Any application to register, or to transfer the registration of, a motor vehicle in which seating for not less than twelve adult passengers is provided and which is to be used solely or predominantly for the carriage of passengers for hire or reward.
10. Any application to register a motor vehicle in, or to transfer the registration of a motor vehicle to, the name of a council as defined in the Planning and Development Act, 1966-1967, or a controlling authority referred to in Part XIX of the Local Government Act, 1934-1967, or the Metropolitan County Board constituted under the Food and Drugs Act, 1908-1967.
11. Any application to register a motor vehicle in, or to transfer the registration of a motor vehicle to, the name of a person entitled under section 38 of the Motor Vehicles Act, 1959-1968, as amended, to have that motor vehicle registered at a reduced registration fee.
12. Any application to register a motor vehicle in, or to transfer the registration of a motor vehicle to, the name of a person who satisfies the Registrar—

(a) that he is licensed under the law of another State or Territory of the Commonwealth to carry on the business of buying, selling or exchanging second-hand or used motor vehicles ;

(b) that the application is being made by that person for the purpose of the resale by him to another person of the motor vehicle to which the application relates ;

and

(c) that such resale is in the ordinary course of the business of that person.

13. Any application to register a motor vehicle in, or to transfer the registration of a motor vehicle to, the name of a person who satisfies the Registrar—

(a) that he is the owner of the motor vehicle ;

(b) that, in consequence of the loss by him of the use of one or both of his legs, he is permanently unable to use public transport ;

(c) that the motor vehicle will be wholly or mainly used for transporting himself ;

and

(d) that he is not enjoying the benefit of this exemption in respect of any other motor vehicle currently owned by him.

14. Any application to register a motor vehicle in, or to transfer the registration of a motor vehicle to, the name of a person who satisfies the Registrar—

(a) that the motor vehicle is the subject of a hire-purchase agreement ;

and

(b) that he is a person to whom the hirer's rights under the agreement have passed by assignment :

But if *ad valorem* stamp duty has already been paid in respect of the assignment of such rights on the instrument whereby or by virtue whereof such rights were assigned, this exemption shall apply only to the extent of the amount of such duty so paid.

15. Any application to register a motor vehicle made under the Motor Vehicles Act, 1959-1968, as amended, by a person in whose name the motor vehicle was registered (whether under that Act or under the law of the Northern Territory or the Australian Capital Territory or of any other State of the Commonwealth) immediately before the date on which the application is made.

and

(b) by inserting after the item commencing "BILL OF LADING or SHIPPING NOTE" the following item and

Exemptions :—

CERTIFICATE OF INSURANCE relating to a motor vehicle lodged with the Registrar of Motor Vehicles under section 21 of the Motor Vehicles Act, 1959-1968, as amended—

Where the application in relation to which the certificate is lodged is for registration of the vehicle for a period of twelve months....	\$ 2.00
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Where the application in relation to which the certificate is lodged is for registration of the vehicle for a period of six months.....	1.00
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Exemptions—

1. Certificate of insurance where the application in relation to which the certificate is lodged is made by a person or body who or which is entitled to registration of the motor vehicle to which the application relates without fee.
2. Certificate of insurance where the application in relation to which the certificate is lodged is for registration of a trailer.
3. Certificate of insurance where the application in relation to which the certificate is lodged is made by the Crown or by any statutory body or authority which holds its assets for and on account of the Crown or by any person on behalf of the Crown or of any such body or authority.
4. Certificate of insurance where the application in relation to which the certificate is lodged is for registration of a motor vehicle in which seating for not less than twelve adult passengers is provided and which is used solely or predominantly for the carriage of passengers for hire or reward.
5. Certificate of insurance where the application in relation to which the certificate is lodged is made by a council as defined by the Planning and Development Act, 1966-1967, or by a controlling authority referred to in Part XIX of the Local Government Act, 1934-1967, or by the Metropolitan County Board constituted under the Food and Drugs Act, 1908-1967.
6. Certificate of insurance where the application in relation to which the certificate is lodged is made by a person entitled under section 38 of the Motor Vehicles Act, 1959-1968, as amended, to have the motor vehicle in respect of which the application is made registered at a reduced fee.

7. Certificate of insurance where the application in relation to which the certificate is lodged is made by a person who satisfies the Registrar of Motor Vehicles—

- (a) that he is the owner of the motor vehicle ;
 - (b) that, in consequence of the loss by him of the use of one or both of his legs, he is permanently unable to use public transport;
 - (c) that the motor vehicle will be wholly or mainly used for transporting himself ;
- and
- (d) that he is not enjoying the benefit of this exemption in respect of any other motor vehicle currently owned by him.

8. Certificate of insurance where the application in relation to which the certificate is lodged is made by a person who satisfies the Registrar of Motor Vehicles—

- (a) that he is the owner of the motor vehicle ;
 - (b) that he is in receipt of a pension paid or payable under any Act or law of the Commonwealth ;
- and
- (c) that he is, by virtue of being in receipt of such a pension, entitled to travel in any public transport in South Australia at concession fares under any Act, regulation or by-law for the time being in force.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

J. W. HARRISON, Governor.