



ANNO VICESIMO

## ELIZABETHAE II REGINAE

A.D. 1971

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## No. 80 of 1971

An Act to amend the Stamp Duties Act, 1923-1970.

[Assented to 18th November, 1971]

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), 1971".

(2) The Stamp Duties Act Amendment Act, 1923-1970, as amended by this Act and by all other amendments (if any) amending the same prior to the commencement of this Act, may be cited as the "Stamp Duties Act, 1923-1971".

(3) The Stamp Duties Act, 1923-1970, 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  
principal Act,  
s. 42a—  
Interpretation.

3. Section 42a of the principal Act is amended—

(a) 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, as amended, and

the regulations thereunder, and includes an application so made to renew the registration of a motor vehicle;

and

(b) by inserting after the definition that is presently the last definition in that section, the following definition:—

“policy of insurance” means a policy of insurance under Part IV of the Motor Vehicles Act, 1959, as amended.

4. Section 42b of the principal Act is amended—

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

(a) by striking out subsection (2) and inserting in lieu thereof the following subsections:—

(1a) The amount of stamp duty—

(a) payable upon an application to register a motor vehicle shall be an amount calculated by the addition of—

(i) the amount prescribed by the second schedule to this Act as the component payable in respect of registration;

and

(ii) the amount prescribed by the second schedule to this Act as the component payable in respect of a policy of insurance;

or

(b) payable upon an application to transfer the registration of a motor vehicle, shall be the amount prescribed by the second schedule to this Act as the component payable in respect of registration, and in the case of such an application, no additional component shall be payable in respect of a policy of insurance.

(2) The amount payable upon an application in accordance with subsection (1a) of this section shall be paid by the applicant to the Registrar of Motor Vehicles at the time of making the application.;

(b) by striking out from paragraph (a) of subsection (2a) the passage “and on a certificate of insurance lodged with the Registrar of Motor Vehicles”;

and

(c) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(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 as stamp duty on applications to register, and to transfer the registration of, motor vehicles, and showing separately the amounts so received upon applications to register motor vehicles in respect of policies of insurance, 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—

(i) all amounts representing the stamp duty received by the Registrar on applications to register motor vehicles except amounts paid upon such applications in respect of policies of insurance;

and

(ii) all amounts representing the stamp duty received by the Registrar upon applications to transfer the registration of motor vehicles;

and

(b) place to the credit of the Hospitals Fund kept at the Treasury all amounts representing stamp duty received by the Registrar upon applications in respect of policies of insurance.

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

5. Section 42c of the principal Act is amended by striking out 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—  
Refund.

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

(a) by striking out from subsection (1) the passage “upon a certificate of insurance relating to the motor vehicle lodged with the Registrar of Motor Vehicles”;

and

(b) by striking out from subsection (1a) the passage “and the certificate of insurance relating to that motor vehicle lodged with” and inserting in lieu thereof the word “by”.

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

7. Section 42e of the principal Act is amended by striking out the passage “or to the item in that schedule commencing ‘CERTIFICATE OF INSURANCE’”.

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

Amendment of  
second schedule  
of principal  
Act.

(a) by inserting after the passage “APPLICATION to Register a Motor Vehicle or Application to transfer the registration of a Motor Vehicle” the passage:—

(A) *Component payable in respect of Registration;*

(b) by striking out the italicized word “*Exemptions*” within the item commencing “APPLICATION to Register a Motor Vehicle” and inserting in lieu thereof the passage “*Exemptions from payment of this component—*”;

(c) by inserting at the end of the exemptions relating to the item commencing “APPLICATION to Register a Motor Vehicle” the following passage:—

(B) *Component payable in respect of a Policy of Insurance*

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Where the application is for registration of the vehicle for a period of twelve months 2.00  
Where the application is for registration of the vehicle for a period of six months . . . 1.00.

*Exemptions from payment of this component—*

1. Policy of insurance where the application for registration 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. Policy of insurance where the application is for registration of a trailer.
3. Policy of insurance where the application for registration 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. Policy of insurance where the application 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. Policy of insurance where the application for registration is made by a council, as defined in the Planning and Development Act, 1966-1971, or by a controlling authority referred to in Part XIX of the Local Government Act, 1934-1970, or by the Metropolitan County Board constituted under the Food and Drugs Act, 1907-1967.

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6. Policy of insurance where the application for registration is made by a person entitled under section 38 of the Motor Vehicles Act, 1959-1971, to have the motor vehicle in respect of which the application is made registered at a reduced fee.
7. Policy of insurance where the application for registration 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. Policy of insurance where the application for registration 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.;
- and
- (d) by striking out the item commencing "CERTIFICATE OF INSURANCE relating to a motor vehicle".

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

J. M. NAPIER, Lieutenant-Governor