



ANNO VICESIMO QUARTO

**ELIZABETHAE II REGINAE**

A.D. 1975

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**No. 63 of 1975**

An Act to amend the Stamp Duties Act, 1923-1974.

[Assented to 4th September, 1975]

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, 1975".

(2) The Stamp Duties Act, 1923-1974, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Stamp Duties Act, 1923-1975".

Commencement.

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

Amendment of principal Act, s. 31f—  
Statement to be lodged by registered person.

3. Section 31f of the principal Act is amended by striking out from subsection (2) the passage "one and one-half" and inserting in lieu thereof the symbol and figures "\$1·80".

Amendment of heading.

4. The heading immediately preceding section 42a of the principal Act is amended by striking out the passage "and Certificate of Insurance".

Enactment of s. 47a of principal Act—

5. The following section is enacted and inserted in the principal Act immediately after section 47 thereof:—

Stamping of bill of exchange where terms of bill are changed.

47a. (1) Where a bill of exchange has been accepted as payable otherwise than as drawn, the bill shall be deemed for the purposes of this Act to be a bill of exchange drawn as accepted.

(2) Where a bill of exchange has been endorsed and the endorsement prevents the endorsee as a holder of the bill from requiring payment as drawn, the bill shall be deemed for the purposes of this Act to be a bill of exchange drawn as endorsed.

(3) Where the drawer of a bill of exchange or any other person has expressly or by implication signified that the bill may be accepted otherwise than as drawn, the bill shall be deemed for the purposes of this Act to have been drawn as so signified.

(4) Where under any agreement express or implied a bill of exchange is to be paid otherwise than as drawn or accepted, the bill shall be deemed for the purposes of this Act to have been drawn or accepted, as the case may be, in accordance with the agreement.

(5) Where a bill of exchange becomes liable to *ad valorem* duty by the operation of any of the provisions of this section and has already been stamped with any *ad valorem* duty under this Act, the amount of *ad valorem* duty to which, but for this subsection, it would be liable is reduced by the amount of the *ad valorem* duty under this Act with which it has already been stamped.

6. The following section is enacted and inserted in the principal Act immediately after section 60a thereof:—

Enactment of  
s. 60b of  
principal Act—

60b. (1) Where a party to an instrument of a kind that is registrable under the Real Property Act, 1886-1972, satisfies the Commissioner, upon application made to him not later than one year after execution of the instrument—

Refund of  
duty where  
transaction  
is rescinded  
or annulled.

(a) that he has paid duty upon the instrument;

and

(b) that the transaction in respect of which the instrument was executed has been frustrated or avoided, or has miscarried through failure of a party to comply with a condition,

the applicant shall be deemed to be possessed of stamped material rendered useless by being inadvertently spoiled within the meaning of section 106 of this Act and the provisions of that section shall apply accordingly.

(2) This section does not apply in respect of an instrument executed before the commencement of the Stamp Duties Act Amendment Act, 1975.

7. Section 66a of the principal Act is amended—

(a) by striking out from subsection (1) the passage “all moneys paid” and inserting in lieu thereof the passage “the consideration given”;

and

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

Amendment of  
principal Act,  
s. 66a—  
Mode of  
computing  
consideration  
in certain  
cases.

(2) A person who executes or is otherwise engaged in or concerned with the preparation or certification of a conveyance or transfer to which subsection (1) of this section applies who, upon submission of the conveyance or transfer to the Commissioner for stamping, does not disclose the total consideration paid in respect of the whole of the property included in the transaction in connection with which the conveyance or transfer is executed shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

(2a) It shall be a defence to a charge under subsection (2) of this section that the defendant did not know and could not reasonably be expected to have known the total consideration required to be disclosed by that subsection.

Enactment of s. 66ab of principal Act—

8. The following section is enacted and inserted in the principal Act immediately after section 66a thereof:—

Computation of duty in case of certain real property transactions.

66ab. (1) Where land or interests in land is or are conveyed in separate parts or parcels by separate conveyances—

(a) that arise from a single contract of sale;

or

(b) that together form, or arise from, substantially one transaction,

the conveyances shall be chargeable with *ad valorem* duty calculated upon the total consideration given for the whole of the property, and that duty shall be apportioned to the various conveyances as determined by the Commissioner.

(2) A person who executes or is otherwise engaged or concerned in the preparation or certification of a conveyance to which subsection (1) of this section applies who, upon submission of the conveyance to the Commissioner for stamping, does not disclose the total consideration paid in respect of the whole of the property included in the transaction in connection with which the conveyance is executed shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

(3) It shall be a defence to a charge under subsection (2) of this section that the defendant did not know and could not reasonably be expected to have known the total consideration required to be disclosed by that subsection.

Amendment of principal Act, s. 68—  
Duty in certain cases.

9. Section 68 of the principal Act is amended—

(a) by striking out from subsection (1) the word “Where” and inserting in lieu thereof the passage “Subject to section 66a and section 66ab of this Act, where”;

and

(b) by striking out from subsection (2) the word “Where” and inserting in lieu thereof the passage “Subject to section 66a and section 66ab of this Act, where”.

Amendment of principal Act, s. 69—  
Where there are several instruments.

10. Section 69 of the principal Act is amended by striking out the word “Where” and inserting in lieu thereof the passage “Subject to section 66a and section 66ab of this Act, where”.

Amendment of second schedule of principal Act.

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

(a) by striking out from that part of the schedule headed “APPLICATION to Register a Motor Vehicle or Application to transfer the Registration of a Motor Vehicle” the Exemption No. 15 under the subheading “(A) *Component payable in respect of Registration*” and inserting in lieu thereof the following exemption:—

15. Any application to register a motor vehicle where the applicant or applicants is or are the same person or persons in whose name or names the vehicle was registered (either under the law of this State, or under the law of any other State or Territory of the Commonwealth) immediately before the date on which the application is made.;

(b) by striking out the following paragraphs:—

	Amount of duty \$
BILL OF EXCHANGE, CHEQUE, ORDER payable on demand, COUPON, or INTEREST WARRANT .....	0·08
<i>Exemption—</i>	
Coupons and interest warrants issued by or on behalf of, or in connection with any security guaranteed by, the Government of South Australia. Any cheque drawn on an account maintained with a savings bank by a person permitted to draw cheques on such an account in accordance with the provisions set forth in the Commonwealth (Savings Bank) Regulations being Statutory Rules, 1960, No. 6, or any Regulations amending or substituted for the same other than any such amending or substituted Regulations so far as the same extend the class of persons who may draw cheques on any such account.	
BILLS OF EXCHANGE of any kind whatsoever drawn in South Australia other than bills on demand, payable at any place beyond the limits of the Commonwealth of Australia—	
For every \$100, or fractional part thereof .....	0·10
BILL OF EXCHANGE of any other kind whatsoever, and PROMISSORY NOTE of every kind whatsoever, drawn or expressed to be payable, or actually paid or endorsed, or in any manner negotiated, in South Australia—	
For every \$50, and also for any fractional part of \$50 .....	0·05

and inserting in lieu thereof the following paragraphs:—

	Amount of duty \$
BILL OF EXCHANGE (Cheque, Order, etc.) payable on demand COUPON, INTEREST WARRANT .....	0·08
BILL OF EXCHANGE and PROMISSORY NOTE drawn or made out of South Australia and duly stamped with <i>ad valorem</i> duty under the law of another State of the Commonwealth of Australia .....	0·08

Amount  
of duty  
\$

BILL OF EXCHANGE and PROMISSORY NOTE (not being a bill or note referred to in the paragraph immediately preceding this paragraph) which is expressed to be payable at a fixed period of not more than one hundred and twenty days after date or sight—

In respect of each ten days and also of any fractional part of ten days of that period (a period expressed by reference to a month being reckoned on the basis of thirty days for a month), for every \$100 and also for any fractional part of \$100 of the amount or value of the money for which the bill or note is drawn or made ..... 0·01

BILL OF EXCHANGE and PROMISSORY NOTE of any other kind whatsoever (except a Bank Note)—

For every \$100 and also for any fractional part of \$100 of the amount or value of the money for which the bill or note is drawn or made .... 0·12 ;

(c) by striking out from *Exemption* No. 1 relating to bills of exchange, etc. the passage “or debenture” and inserting in lieu thereof the passage “, debenture, coupon or interest warrant”;

and

(d) by striking out from *Exemption* No. 4 relating to bills of exchange, etc. the passage “Cheque or order drawn upon the Savings Bank of South Australia” and inserting in lieu thereof the following passage:—

Any cheque drawn on an account maintained with a savings bank by a person permitted to draw cheques on such an account in accordance with the provisions of the Commonwealth (Savings Bank) Regulations, being Statutory Rules, 1960, No. 6, or any regulations amending or substituted for those regulations.

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

M. L. OLIPHANT, Governor