

# LEGISLATIVE ASSEMBLY

Read 1° 15 November 1983

(Brought in by Mr Jolly and Mr Fordham)

## A BILL

To make further amendment to the *Probate Duty Act* 1962 consequential on the abolition of probate duty and for other purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. This Act may be cited as the *Probate Duty (Amendment) Act* 1983. Short title.

2. In this Act the *Probate Duty Act* 1962 is called the Principal Act. Principal Act No. 6890.  
Reprinted to No. 9019.  
Subsequently amended by Nos. 9070, 9103, 9334, 9441, 9576, 9618, 9699 and 9903.

3. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

10 4. After section 2A of the Principal Act, there shall be inserted the following section: Amendment of No. 6890.  
New s. 2b.

“2B. The provisions of this Act, other than the provisions of sections 31, 32 and 33, shall not apply to or with respect to the estate of a person who dies on or after 1 January 1984 or to or in respect of anything done or suffered or omitted to be done by any other person in respect of such an estate.”

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Refund of  
prepayments after  
1 January 1984.

5. (1) An amount of a prepayment made by a person under section 39 of the Principal Act shall, unless that person dies before 1 January 1984, be refunded from the Probate Duty Prepayment Account to that person as soon as practicable after that date together with an amount equal to the rebate calculated in accordance with the Third Schedule to that Act that would have been deducted from the probate duty payable in respect of his estate if he had died on 31 December 1983 and probate duty equal to or exceeding the sum of the prepayment and the amount of the rebate had been payable.

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(2) The amount equal to the rebate referred to in sub-section (1) shall be paid from the Consolidated Fund which is hereby to the necessary extent appropriated accordingly.

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