



ANNO TRICESIMO TERTIO
ELIZABETHAE SECUNDAE REGINAE
VICTORIA

Stamps (Amendment) Act 1984

No. 10118

An Act to amend the *Stamps Act 1958*, the *Motor Boating Act 1961*, the *Financial Institutions Duty Act 1982* and the *Audit Act 1958* and for other purposes.

[Assented to 7 November 1984]

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):

Short title.

1. This Act may be cited as the *Stamps (Amendment) Act 1984*.

Commencement.

2. (1) Subject to sub-section (2) and to sections 5 (5), 7 (2) and 11 (6), this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Sections 4, 6, 12 and 13 shall come into operation on a day or on the respective days to be fixed by proclamation, or successive proclamations of the Governor in Council published in the *Government Gazette*.

Principal Act.

3. In this Act, the *Stamps Act 1958* is called the Principal Act.

No. 6375.
Reprinted to No.
10005.
Subsequently
amended by Nos.
10087 and
10087.

Court fees.

4. (1) In section 5 of the Principal Act, for the words "shall be collected by stamps" there shall be substituted the words "may be collected by stamps or in money".

(2) In the Principal Act—

- (a) in section 7 (1), for all words and expressions beginning with the words "shall from the time named in such Order" and ending at the end of the sub-section there shall be substituted the words "may from the time named in the Order be collected in money instead of by stamps";
- (b) for sub-section (2) of section 7, there shall be substituted the following sub-section:

"(2) From the time named in an Order under sub-section (1), fees to which the Order applies that are paid in money—

- (a) subject to paragraph (b), shall be paid in money to a Receiver of Revenue under the *Audit Act 1958* who shall certify or denote on each instrument to which the Order applies by an impressed stamp or impressed stamps or in such other manner as is specified in the Order the amount of fees paid; or
- (b) in the case of fees payable in a court, may be paid in money to a person, or person included in a class of persons, declared, by order of the Treasurer and the Attorney-General published in the *Government Gazette* to be a prescribed officer of the Court who shall certify or denote in such manner as is prescribed the amount of fees paid."; and
- (c) in section 8 (1), after the expression "*Audit Act 1958*" there shall be inserted the words "or person who is for the time being an officer of the Court declared under section 7".

(3) In the Principal Act—

- (a) for sub-section (1) of section 9, there shall be substituted the following sub-section:

"(1) Subject to this section, a document that ought, under this Part, to bear a stamp or be denoted as prescribed, shall not be of any validity unless it is properly stamped or denoted as prescribed.";

- (b) in section 10—

- (i) for the words "is not duly stamped under this Part" there shall be substituted the words "is not, under this Part, duly stamped or denoted as prescribed"; and

- (ii) after the words "first duly stamped" there shall be inserted the words "or denoted as prescribed";
- (c) in section 11—
 - (i) after the expression "11." there shall be inserted the expression "(1)";
 - (ii) for the words "is to be made by stamps" there shall be substituted the words "is made by stamps";
 - (iii) at the end of the section there shall be inserted the following sub-section:

“(2) An officer whose duty it is to receive a fee or sum of money for any matter or thing to be done or performed for which payment is made in money shall, before doing or performing the matter or thing, see that there is denoted as prescribed on the document or instrument in respect of which the fee or sum of money is payable a note denoting that an amount not less than the fee or sum of money payable for the performance of the matter or thing has been paid.”;
- (d) in section 12 (a), after the word "stamped" there shall be inserted the words "or denoted as prescribed";
- (e) in section 13—
 - (i) in paragraph (a), after the word "cancelled" there shall be inserted the words "and which is not denoted as prescribed under this Part"; and
 - (ii) in paragraph (b), after the words "not sufficiently stamped" there shall be inserted the words "and not denoted as prescribed under this Part"; and
- (f) in section 16, after paragraph (a), there shall be inserted the following paragraph:

“(aa) prescribing the manner and form of denoting a document or instrument for the purposes of this Part;”.

(4) In section 8 (2) of the *Audit Act* 1958 after the words "Receiver of Revenue" there shall be inserted the words "Prescribed officer of the Court under section 7 of the *Stamps Act* 1958.”.

No. 6203.
Reprinted to No.
8513.
Subsequently
amended by Nos.
9549, 9699,
9815.

Mortgages, mortgage-backed certificates and guaranteed certificates.

5. (1) In the Third Schedule to the Principal Act, after paragraph (14) under the heading "*Exemptions*" under heading IV. (A) there shall be inserted the following paragraph:

“(15) A transfer of a mortgage-backed certificate within the meaning of the *Trustee Act* 1958 or a guaranteed certificate within the meaning of that Act.”.

(2) In the Third Schedule to the Principal Act, after paragraph (8) under the heading "Exemptions" under heading XXII. there shall be inserted the following paragraphs:

"(9) Any mortgage given to a recognized institution within the meaning of the *Trustee Act 1958*, being a mortgage of a mortgage or a mortgage by way of deposit of a mortgage.

(10) Any guaranteed certificate within the meaning of the *Trustee Act 1958*."

(3) In the Third Schedule to the Principal Act, after paragraph (1) under the heading "Exemptions" under heading XXIII. there shall be inserted the following paragraph:

"(2) Any guaranteed certificate within the meaning of the *Trustee Act 1958*."

(4) In the Third Schedule to the Principal Act, after paragraph (9) under the heading "Exemptions" under heading XXIV. there shall be inserted the following paragraphs:

"(10) Any mortgage given to a recognized institution within the meaning of the *Trustee Act 1958*, being a mortgage of a mortgage or a mortgage by way of deposit of a mortgage.

(11) Any mortgage-backed certificate within the meaning of the *Trustee Act 1958*.

(12) Any guaranteed certificate within the meaning of the *Trustee Act 1958*."

(5) This section shall come into operation on the day on which section 5 of the *Trustee (Amendment) Act 1984* comes into operation.

Transfers of mortgages or interest-bearing securities exempt from duty.

6. (1) In the Third Schedule to the Principal Act, after paragraph (3) (a) under the heading "Exemptions" under heading IV. (A) there shall be inserted the following sub-paragraph:

"(b) marketable securities bearing a rate of interest; or".

(2) In the Third Schedule to the Principal Act, paragraph (5) under heading XXIII. shall be repealed.

(3) In section 60B (4) (a) of the Principal Act, for the expression "or clause (3)" there shall be substituted the expression "(3) or (15)".

Conveyance of real property—construction contracts.

7. (1) In section 63 (3) of the Principal Act—

(a) at the end of paragraph (a), the word "and" shall be repealed; and

(b) after paragraph (b) there shall be inserted the following word and paragraph:

"and

(c) where the consideration for the sale of real property or property includes an amount in respect of the construction of a building to be constructed on the real property or property, a reference to the consideration

for that sale does not include a reference to that amount.”.

(2) This section shall be deemed to have come into operation on 1 January 1984.

Workers compensation insurance.

8. (1) In section 95 of the Principal Act, after the definition of “Transport assurance or insurance” there shall be inserted the following definition:

“**Workers compensation insurance**” means accident insurance or indemnity which indemnifies an employer in respect of liability under the *Workers Compensation Act 1958*.”.

(2) In section 97 of the Principal Act—

(a) in sub-section (2), after the expression “1979” there shall be inserted the expression “and before February 1985”;

(b) after sub-section (2), there shall be inserted the following sub-section:

“(2A) A registered company shall, on or before the 21st day of each calendar month after January 1985—

(a) lodge with the Comptroller of Stamps a return in the prescribed form verified in the prescribed manner showing—

(i) the total amount of premiums for workers compensation insurance in respect of policies issued, renewed or taken out on or after 1 January 1985; and

(ii) the total amount of all other premiums—

chargeable with stamp duty under this subdivision received by the company during the last preceding calendar month; and

(b) pay in cash to the Comptroller of Stamps as stamp duty on the return—

(i) an amount equal to 3·5 per centum of the amount of premiums for workers compensation insurance in respect of policies issued, renewed or taken out on or after 1 January 1985; and

(ii) an amount equal to 7 per centum of the amount of premiums for other insurance—

chargeable with stamp duty under this subdivision received by the company during the last preceding calendar month.”.

(3) In section 98 of the Principal Act, for sub-section (2) there shall be substituted the following sub-section:

“(2) A registered company may in a notice or document relating to a premium due or to be paid in respect of any policy—

- (a) set out as a separate part of the amount required to be paid—
 - (i) in relation to a premium for workers compensation insurance in respect of policies issued, renewed or taken out on or after 1 January 1985—an amount designated as stamp duty being an amount not exceeding 3·5 per centum of the premium payable; and
 - (ii) in relation to any other premium—an amount designated as stamp duty being an amount not exceeding 7 per centum of the premium payable; or
 - (b) include in the amount required to be paid an amount on account of stamp duty being an amount not exceeding—
 - (i) in relation to a premium for workers compensation insurance in respect of policies issued, renewed or taken out on or after 1 January 1985—an amount on account of stamp duty being an amount not exceeding 3·382 per centum of the amount of premium payable; or
 - (ii) in relation to any other premium—an amount on account of stamp duty being an amount not exceeding 6·543 per centum of the amount of premium payable—
- and any such amount designated as stamp duty or being an amount not greater than 3·382 per centum or 6·543 per centum, as the case may be, of the amount of the premium shall not be regarded as part of the premium chargeable with duty under this subdivision.”.

Betting instruments.

9. (1) In section 112 of the Principal Act, after the interpretation of “Authority” there shall be inserted the following interpretation:

“Automatic recorder” means equipment in respect of which an approval under section 115 is in force.”.

(2) After section 114 of the Principal Act there shall be inserted the following sections:

Automatic recorder.

“115. (1) The Comptroller of Stamps—

- (a) may approve, for the purposes of this subdivision, equipment by which bets may be recorded and betting-tickets issued; and
- (b) may revoke any such approval.

(2) Notice of an approval, or revocation of an approval, under sub-section (1) shall be published in the *Government Gazette*.”

Approval to use automatic recorder.

"115A. (1) A bookmaker may make application in writing to the Comptroller of Stamps for approval to use an automatic recorder.

(2) The Comptroller of Stamps may, subject to such terms and conditions as the Comptroller thinks fit, approve an application under sub-section (1)."

Penalty for unauthorized use of automatic recorder.

"115B. A person shall not issue betting-tickets by means of an automatic recorder unless an approval for that person to use the automatic recorder under section 115A is in force."

(3) In the Principal Act—

(a) in section 116 for paragraph (b) there shall be substituted the following paragraph:

"(b) except in the case of betting-tickets issued by means of an automatic recorder in accordance with this subdivision, be denoted on the betting-tickets by impressed stamps;"

(b) in section 117, for sub-sections (1) and (2) there shall be substituted the following sub-sections:

"(1) A bookmaker who makes a bet with a person on a race-course or, as the case may be, on a sports ground where the amount wagered by the backer is paid to the bookmaker at the time the bet is made—

(a) shall forthwith—

(i) write out a betting-ticket in respect of each such bet; and

(ii) cancel the betting-ticket in the manner prescribed and issue the ticket to the backer; or

(b) in the case of a bookmaker in respect of whom an approval under section 115A is in force, shall comply with paragraph (a) or forthwith issue a betting-ticket by means of an automatic recorder.

(1A) The writing or denoting of more than one future double on a betting-ticket as prescribed for that purpose shall be deemed to be sufficient compliance with sub-section (1).

(2) A betting-ticket shall—

(a) be in the form and of such size and colour and be numbered as prescribed; or

(b) in the case of a betting-ticket issued by means of an automatic recorder, be in the prescribed form and be numbered as prescribed."

- (c) in section 117, for sub-section (4) there shall be substituted the following sub-section:

“(4) In respect of bets made or placed by or on behalf of a bookmaker on race-courses or sports grounds (whether the amount wagered by the backer is or is not then paid to the bookmaker) the bookmaker—

- (a) shall—

(i) forthwith enter in a betting book or cause a clerk employed in that behalf to enter forthwith in a betting book the prescribed particulars with respect to every bet made by the bookmaker, other than future double bets; and

(ii) keep in respect of each future double bet made by or on behalf of the bookmaker the duplicate copy as prescribed of the betting ticket written and cancelled pursuant to this section and lodge the duplicate copy with the Comptroller of Stamps with bookmakers' statements as provided in this subdivision; or

- (b) in the case of a bookmaker in respect of whom an approval under section 115A is in force, shall comply with paragraph (a) or—

(i) forthwith record by means of an automatic recorder the prescribed particulars with respect to each bet made by the bookmaker other than future double bets; and

(ii) keep in respect of each future double bet made by or on behalf of the bookmaker a record as prescribed of the betting ticket being a record issued by means of an automatic recorder and lodge that record with the Comptroller of Stamps with bookmakers' statements as provided in this subdivision.”;

- (d) after section 117 (8) there shall be inserted the following sub-section:

“(8A) A bookmaker in respect of whom an approval under section 115A is in force, or a person employed by or acting for such a bookmaker, is not guilty of an offence under sub-section (6) or (8) by reason only of failing to enter or cause to be entered in a betting book particulars with respect to a bet if the bookmaker complies with sub-section (4) (b) in respect of that bet.”;

- (e) after section 117 (9) there shall be inserted the following sub-section:

“(10) A bookmaker in respect of whom an approval under section 115A is in force shall, when so required by the

Comptroller of Stamps, produce to the Comptroller for examination and for retention by the Comptroller for as long as the Comptroller deems necessary, any records made by the bookmaker by means of an automatic recorder.”.

- (f) in section 118 (1), after the words “whether written out or not” there shall be inserted the words “, automatic recorder”;
- (g) in section 118 (3), after the word “documents” there shall be inserted the words “or automatic recorder”;
- (h) in section 118 (4), after the word “documents” there shall be inserted the words “or automatic recorder”;
- (i) in section 120 (1) (a), for the word “and” at the end of sub-paragraph (iii) and sub-paragraph (iv) there shall be substituted the following sub-paragraphs:

“(iv) in the case of a bookmaker in respect of whom an approval under section 115A is in force, the number of betting-tickets issued by means of an automatic recorder during that period; and

(v) any other prescribed particulars;”;

- (j) in section 166B (7) after the expression “section 117 (1)” there shall be inserted the expression “or to have been issued in the form prescribed and numbered as prescribed for the purposes of section 117 (2)”;

- (k) after section 166B.(9) there shall be inserted the following sub-section:

“(9A) A document purporting to be a record made by an automatic recorder that bears the name of a bookmaker and other particulars prescribed under section 117 (4) (b) shall be admissible in evidence in any proceedings against a person under this Act and, in the absence of evidence to the contrary, be proof that the document is such a record and was made by or at the direction of that bookmaker.”;

and

- (l) in the Third Schedule under heading XV.—

(i) at the end of paragraph (b), the word “and” shall be repealed; and

(ii) after paragraph (c) there shall be inserted the following word and paragraph:

“and

(d) in respect of all betting-tickets issued by means of an automatic recorder—an amount equal to the sum which the bookmaker would have been required to pay in stamp duty if the duty had been

denoted on the betting-tickets by impressed stamps.”

New Subdivision (13A).

10. (1) For subdivision (13A) of Division 3 of Part II. of the Principal Act there shall be substituted the following subdivision:

“(13A) *Rental Business*”

Interpretation.

‘131AA. (1) In this subdivision, unless inconsistent with the context or subject-matter—

“**Goods**” includes all chattels personal and fixtures severable from the realty but does not include money, livestock or things in action.

“**Prescribed amount**” in relation to a statement under section 131AC means—

- (a) where the statement relates to a month before July 1985—\$7500; and
- (b) where the statement relates to a month after June 1985—\$15 000.

“**Prescribed period**” in relation to a statement under section 131AC means—

- (a) where the statement relates to a month before July 1985—the period commencing on 1 January 1985 and ending on 30 June 1985;
- (b) where the statement relates to a month after June 1985—the period of 12 months commencing on 1 July 1985 or any succeeding 1 July.

“**Registered person**” means a person who is registered under this subdivision.

“**Rental business**” means the business of—

- (a) letting, bailing or otherwise giving rights to use goods;
- (b) acquiring the rights of the lessor, bailor or other disponent under any agreement or arrangement for the letting, bailing or hiring of goods or under any other similar agreement or arrangement with respect to the use of goods—

but does not include the business of giving to any person the right to use goods in conjunction with a lease of, or licence to occupy or use, any real property.

“**Special rental agreement**” means an agreement for—

- (a) letting, bailing or otherwise giving rights to use goods other than books; or
- (b) acquiring the rights of the lessor, bailor or other disponent under any agreement or arrangement for letting, bailing or hiring of goods other than books or

under any other similar agreement or arrangement with respect to the use of goods other than books—

where the aggregate amount paid or payable under the agreement exceeds \$266 667 but does not include an agreement for the right to use goods in conjunction with a lease of or licence to occupy or use any real property.

(2) A person is not required to register under this subdivision by reason only of the fact that the person acts as agent for, or is the employee of, a person who carries on any rental business.

Persons carrying on rental business to be registered.

"131AB. (1) A person shall not in Victoria carry on any rental business (whether or not the person carries on any other business) or advertise or hold out in any way that the person carries on any such business, whether the head office or principal place of business of the person is in Victoria or elsewhere, unless the person is registered under this subdivision.

Penalty: 50 penalty units.

(2) A person, other than a corporation incorporated or formed outside the Commonwealth of Australia and the external Territories of the Commonwealth who, in the course of any business, undertakes negotiations in Victoria with the object of transacting any rental business shall be deemed to carry on rental business in Victoria whether the person has an established place of business in Victoria or not.

(3) The Comptroller of Stamps shall register any person who applies, in the prescribed form, for registration under this subdivision.

(4) A registered person who ceases to carry on rental business in Victoria may by notice in the prescribed form given to the Comptroller of Stamps cancel the registration of the person under this subdivision."

Statements to be lodged by registered persons with Comptroller.

"131AC. (1) A registered person shall, not later than the twenty-first day of each calendar month—

(a) forward to the Comptroller of Stamps a statement in the prescribed form and verified in the prescribed manner showing—

(i) the total amount received by the registered person during the last preceding month (in this section called the "monthly total") in respect of rental business for or in relation to the use of goods (other than books), other than amounts so received in respect of special rental agreements; and

(ii) the total amount received by the registered person during the last preceding month in respect of each special rental agreement; and

(b) pay in cash to the Comptroller of Stamps—

- (i) an amount equal to 1.5 per centum of the amount (if any) by which the sum of that monthly total and the aggregate of the monthly totals in respect of preceding months in the prescribed period (other than any part of those monthly totals in respect of which duty is payable or has been paid under this section) exceeds the prescribed amount; and
 - (ii) in respect of each special rental agreement, an amount equal to 1.5 per centum of the amount referred to in paragraph (a) (ii) or \$4000 (whichever is the lesser) or, where an amount of duty has previously been paid under this section in respect of the special rental agreement, an amount equal to 1.5 per centum of the amount referred to in paragraph (a) (ii) or the amount (if any) by which \$4000 exceeds the aggregate amount of that duty previously so paid (whichever is the lesser).
- (2) The amounts referred to in sub-section (1) include amounts received by or on behalf of the registered person in respect of the use of goods where—
- (a) the right to use the goods was granted in Victoria;
 - (b) any of the negotiations by or on behalf of the registered person with respect to the grant of the right to use the goods were undertaken in Victoria; or
 - (c) the goods were delivered in Victoria to the grantee of the right to use those goods.
- (3) The duty paid by the registered person shall be denoted on the statement by a cash register receipt imprint.
- (4) Nothing in this subdivision shall require a registered person to include in the statement required to be submitted to the Comptroller of Stamps by sub-section (1) an amount in respect of—
- (a) any transaction effected or evidenced by an instrument to which subdivision (14) applies;
 - (b) the grant of the right to the use of goods beneficially owned by a corporation to another corporation which is by virtue of section 7 (5) of the *Companies (Victoria) Code* deemed to be related to that first-mentioned corporation; or
 - (c) any business transacted by the registered person outside Victoria if—
 - (i) none of the negotiations leading to the transaction of the business took place in Victoria; and
 - (ii) the goods obtained by the other party to the transaction were obtained for the purpose of being used exclusively outside Victoria—
- but a registered person shall supply to the Comptroller of Stamps such particulars of the matters referred to in this

sub-section as are prescribed or as are in any particular case required by the Comptroller of Stamps.'

Registered persons to keep records.

"131AD. (1) A registered person—

- (a) shall keep or cause to be kept in Victoria sufficient books and records to enable the person to calculate accurately the total amounts which are to be set out in the monthly statements required to be submitted to the Comptroller of Stamps under this subdivision; and
- (b) shall keep those books and records as well as all working papers used in making the calculations available for inspection for a period of at least three years from the month to which each such return relates or for such shorter period as the Comptroller determines in any particular case.

Penalty: 10 penalty units.

(2) Where the Comptroller of Stamps is satisfied that—

- (a) it is not reasonably practicable to calculate precisely any total amount which is to be set out in the statement of a registered person, the Comptroller may agree to accept statements from that person in which that total amount is calculated in such manner or on such basis as the Comptroller thinks fit; or
- (b) in the circumstances in a particular case it is not reasonable to require statements to be lodged by the registered person in each month, the Comptroller may agree to accept statements at such times and relating to such periods as the Comptroller thinks fit—

but any such agreement may be cancelled by notice in writing under the hand of the Comptroller given to the registered person."

Penalties.

"131AE. (1) Where a registered person does not, in respect of a month, in accordance with section 131AC, forward to the Comptroller of Stamps a statement and pay an amount due as stamp duty not later than the 21st day of the succeeding month, an amount of 10 per centum of that amount due is a debt due and payable by that registered person to Her Majesty and may be recovered in accordance with this Act.

(2) The Comptroller of Stamps may mitigate or remit a debt payable under this section."

As to transactions with unregistered persons.

"131AF. (1) Where any person domiciled or resident in Victoria transacts or offers to transact any business with a person carrying on any rental business (whether within or outside Victoria) who is not a

registered person the person shall forthwith make a note or memorandum in writing of the transaction or offer containing such particulars as are prescribed.

(2) A note or memorandum made for the purposes of sub-section (1) is chargeable with duty for the use of Her Majesty at the rate of 1.5 per centum or \$4000, whichever is the lesser, of the amount that is or will be payable for the use of the goods to which the transaction relates but, where the amount is not capable of being determined, the person making the note or memorandum shall be liable, in lieu of paying that duty on the note or memorandum, to pay a duty of \$0.10 by an impressed stamp on the note or memorandum and to pay not later than 31 March in each year further duty on the note or memorandum at the rate of 1.5 per centum of the amount paid or payable in respect of the use of goods during the year ending on 31 January then last past.

(3) Notwithstanding sub-section (2), a person is not liable to pay an aggregate amount exceeding \$4000 in respect of any special rental agreement.

(4) The duty shall be denoted on the note or memorandum by an impressed stamp and shall be paid by the person liable to make the note or memorandum within seven days of the making of the note or memorandum.

(5) A note or memorandum which is not stamped as required by this section may be stamped on payment of a penalty of double the amount of duty that should have been paid and a penalty of not more than \$1000.

(6) Any person who fails to comply with sub-section (1) shall be liable to pay a penalty equal to double the amount of the duty that would have been payable if the person had made a note or memorandum in writing of the transaction or offer in compliance with the requirements of sub-section (1).

(7) Notwithstanding anything in this section, a person domiciled or resident in Victoria need not make a note or memorandum of any business transacted or offered to be transacted—

- (a) if the total amount that is or will be payable for the use of goods does not exceed \$100 or the grant of the right to the use of the goods is for a period of fourteen days or less;
- (b) with a person carrying on business outside Victoria if—
 - (i) none of the negotiations leading to the transaction of or to the offer to transact the business were carried out in Victoria; and
 - (ii) the goods obtained by him were obtained for the purpose of being used exclusively outside Victoria;
- (c) with the Crown or any person acting on behalf of the Crown whether in right of the Commonwealth or any State of the Commonwealth; or

(d) which is not a grant of the right to use goods."

Undertaking to pay duty.

"131AG. (1) A person carrying on any rental business (whether within or outside Victoria) who is not a registered person and is not required to be a registered person may give an undertaking in accordance with the prescribed form and manner to the Comptroller of Stamps to make such payments to the Comptroller of Stamps in respect of such amounts and at such times as he would be required to make payments if he were required to be a registered person.

(2) Where the Comptroller of Stamps receives an undertaking under sub-section (1), he shall determine whether or not to accept the undertaking.

(3) An undertaking accepted by the Comptroller of Stamps under this section has effect from the date on which it is so accepted until—

- (a) the person by whom the undertaking was given withdraws the undertaking by notice in writing given to the Comptroller of Stamps; or
- (b) the Comptroller of Stamps, by notice in writing given to the person, withdraws his acceptance of the undertaking."

(2) In section 1 of the Principal Act, for the expression "(13A) Credit and Rental Business ss. 131AA-131AG" there shall be substituted the expression "(13A) Rental Business ss. 131AA-131AG".

(3) In section 137N of the Principal Act—

- (a) after the expression "137N" there shall be inserted the expression "(1)";
- (b) at the end of paragraph (c) the word "and" shall be repealed;
- (c) for paragraph (d) there shall be substituted the following paragraphs:

(d) "authorized dealer in the short term money market" means a corporation that, under section 97 (7) (b) of the *Companies (Victoria) Code* is declared, or deemed to be declared, to be an authorized dealer in the short term money market;

(e) "bank" means a bank within the meaning of section 5 of the *Banking Act* 1959 of the Commonwealth as amended and in force for the time being or a bank constituted under a law of a State or Territory; and

(f) "dealer in the unofficial short term money market" means—

- (i) a body corporate that, under section 131AG (2) as in force immediately before the commencement of section 10 of the *Stamps (Amendment) Act* 1984, is declared to be a dealer in the unofficial short

- term money market, unless the declaration is revoked for the purposes of this subdivision under sub-section (2); or
- (ii) a body corporate declared by the Comptroller of Stamps by notice published in the *Government Gazette* to be, for the purposes of this subdivision, a dealer in the unofficial short term money market.”;
- (d) at the end of the section, there shall be inserted the following sub-section:
- “(2) The Comptroller of Stamps may, by notice published in the *Government Gazette*, revoke—
- (a) for the purposes of this subdivision, a declaration made under section 131AG (2) as in force immediately before the commencement of section 10 of the *Stamps (Amendment) Act 1984*; or
- (b) a declaration made under sub-section (1) (f) (ii).”
- (4) In section 13 of the *Financial Institutions Duty Act 1982*—
- (a) in sub-section (2), after the expression “*Stamps Act 1958*” there shall be inserted the expression “as in force immediately before the commencement of section 10 of the *Stamps (Amendment) Act 1984* or under section 137N (1) (f) (ii) of the *Stamps Act 1958*”; and
- (b) in sub-section (3) (b), after the expression “section 131AG” there shall be inserted the expression “as in force immediately before the commencement of section 10 of the *Stamps (Amendment) Act 1984* or under section 137N (1) (f) (ii) of the *Stamps Act 1958*”.

Motor car duty.

11. (1) In section 33A (1) of the Principal Act, for the expression “in pursuance of section 32 or section 33” there shall be substituted the expression “under this Act”.

(2) In section 137A (1) of the Principal Act, after the interpretation of “Registered used car dealer” there shall be inserted the following interpretation:

““Special dealer” means a person who would be a motor car trader within the meaning of the *Motor Car Traders Act 1973* but for the fact that the motor cars in which the person trades are not motor cars within the meaning of that Act.”

(3) In section 137AA (1) of the Principal Act, after the word “trader” there shall be inserted the words “or a special dealer”.

(4) After section 137AB (3) of the Principal Act, there shall be inserted the following sub-section:

"(4) Where the Comptroller of Stamps is satisfied that it is not reasonable in a particular case to require a registered used car dealer to furnish a statement in each month, the Comptroller may agree to accept statements and payments at such times and in relation to such periods as the Comptroller thinks fit but any such agreement may be cancelled by notice in writing under the hand of the Comptroller given to the registered used car dealer."

(5) In the Third Schedule to the Principal Act, after paragraph 1B under the heading "Exemptions" under heading XXI. there shall be inserted the following paragraph:

"1C. An application to register, or a notice of acquisition of, a motor car or commercial vehicle made or given by a person who is the holder of a licence under a law of another State or of a Territory that corresponds to a licence under the *Motor Car Traders Act* 1973 but is not the holder of a licence under that Act where the application or notice is made or given in the course of and for the purposes of carrying on the business to which the licence relates."

(6) Sub-sections (2), (3) and (5) shall be deemed to have come into operation on 1 January 1984.

Repeal of motor boat duty.

12. (1) Subdivision (16A) of Division 3 of Part II. of the Principal Act shall be repealed.

(2) In the Third Schedule to the Principal Act, heading XXIA. and matter under that heading shall be repealed.

(3) In section 1 of the Principal Act, the expression "(16A) Applications for Registration of Motor Boats and Notices of Acquisition of Motor Boats ss. 137CA-137CC" shall be repealed.

(4) The *Motor Boating Act* 1961 is amended as follows:

- (a) In section 9 (2), the expression "together with the duty payable under section 137CA (2) of the *Stamps Act* 1958" (where twice occurring) shall be repealed; and
- (b) In section 13 (3), the expression "together with the duty payable under section 137CA (2) of the *Stamps Act* 1958" shall be repealed.

No. 6832.
Reprinted to No.
8662.
Subsequently
amended by Nos.
9120, 9126,
9557, 9574,
9834, 9861,
9886, 9902,
9921.

Leases for private dwellings.

13. In the Third Schedule to the Principal Act, after paragraph (9) under the heading "Exemptions" under heading VIII., there shall be inserted the following paragraph:

"(10) A lease or agreement for a lease of lands or tenements for use only as a private dwelling where the consideration by way of rent does not exceed rent at a rate of \$110 per week."

Refunds of stamp duty.

14. (1) Where, by reason of the enactment of section 7 or 11, a person was not liable to pay an amount of stamp duty that the person has paid, the Comptroller of Stamps may refund that amount to that person.

(2) The amount of a refund under sub-section (1) shall be paid from the Consolidated Fund which is hereby to the necessary extent appropriated accordingly.