



Victoria

No. 28 of 1988

Stamps (Amendment) Act 1988

[Assented to 17 May 1988]

The Parliament of Victoria enacts as follows:

Purpose.

1. The purpose of this Act is to make certain amendments to the *Stamps Act 1958*.

Commencement.

2. (1) Section 6 shall be deemed to have come into operation on 18 September 1986.

(2) Section 7 is deemed to have come into operation on 15 December 1987.

(3) Section 8 is deemed to have come into operation on 1 March 1988.

(4) The remaining provisions of this Act come into operation on the day on which this Act receives the Royal Assent.

Principal Act.

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

No. 6375.
Reprinted to No.
10256. As
amended by
16/1986,
19/1986,
23/1986,
59/1986,
68/1986,
104/1986,
109/1986,
110/1986,
125/1986,
127/1986,
37/1987,
49/1987,
65/1987.

Amendment of section 137DA.

4. In section 137DA (2) (a) of the Principal Act for “the instrument” substitute “any such instrument”.

New section 137R inserted.

5. In Part II of the Principal Act, after section 137Q insert—

Corporate reconstructions.

“137R. (1) An instrument executed after the commencement of section 5 of the *Stamps (Amendment) Act* 1988 is exempt to the extent determined by the Minister from duty under this Act if it is an instrument of a class that, under guidelines approved for the time being by the Minister, is a class of instrument arising out of a bona fide corporate reconstruction.

(2) If duty under this Act has been paid on an instrument that, under sub-section (1), is exempt or partially exempt from duty, the Comptroller of Stamps must refund any duty paid that, by reason of the exemption, is not payable.

(3) The Minister must, before 31 October in each year, cause to be laid before each House of the Parliament, a report of exemptions and partial exemptions approved and refunds made under this section in the preceding financial year, including the name of each corporation that has had the benefit of an exemption, partial exemption or refund and the amount of stamp duty that would have been payable but for the exemption or partial exemption and the amount of any refund.”

Further exemption from marketable security duty.

6. In Heading IV in the Third Schedule to the Principal Act, for Exemption (3) under the heading “(A) TRANSFER OF MARKETABLE SECURITIES” substitute—

“(3) Any transfer of—

(a) marketable securities not being—

(i) shares within the meaning of the *Companies (Victoria) Code* in the share capital of a corporation; or

(ii) rights or interests (whether described as units or sub-units or otherwise) of a beneficiary under a unit trust scheme; or

(b) rights in respect of shares not being rights in respect of—

(i) shares within the meaning of the *Companies (Victoria) Code* in the share capital of a corporation; or

- (ii) rights or interests (whether described as units or sub-units or otherwise) of a beneficiary under a unit trust scheme—

for a consideration in money or money's worth of not less than the unencumbered value thereof.”.

Repeal of certain exemptions.

7. (1) The Third Schedule to the Principal Act is amended as follows:

- (a) In Heading IV, for Exemption (12) under the heading “(A) TRANSFER OF MARKETABLE SECURITIES” substitute—

“(12) A transfer of a marketable security held by a company if—

- (a) the transfer is made to a shareholder of the company in the course of any distribution of assets of the company in consequence of the reduction of the capital of the company other than a reduction of capital made in consequence of the redemption of redeemable preference shares; and
 (b) the Comptroller of Stamps is satisfied that the transfer does not arise from arrangements or a scheme devised for the principal purpose of taking advantage of the benefit of this exemption.”;

- (b) In Heading VI, for Exemption (19) substitute—

“(19) Any instrument for the conveyance of any real property held by a company if—

- (a) the conveyance is made to a shareholder of the company in the course of any distribution of assets of the company in consequence of the reduction of the capital of the company other than a reduction of capital made in consequence of the redemption of redeemable preference shares; and
 (b) the Comptroller of Stamps is satisfied that the transfer does not arise from arrangements or a scheme devised for the principal purpose of taking advantage of the benefit of this exemption.”.

(2) The Comptroller of Stamps may re-assess the duty with which an instrument made on or after 15 December 1987 and before the commencement of this section for the transfer of a marketable security or for the conveyance of any real property is chargeable if it appears to the Comptroller that duty, or additional duty, is payable in respect of the instrument by reason of the amendment of the Principal Act by sub-section (1).

(3) Section 33 (2), (3) and (4) applies to a re-assessment under sub-section (2) as if it were an assessment under section 33 (1).

Miscellaneous amendments.**8. The Principal Act is amended as follows:****(a) In section 95—**

- (i) in paragraph (a) of the definition of “Assurance or insurance business” for “motor car insurance” substitute “motor vehicle insurance”; and
- (ii) for the definition of “Motor car” substitute—
‘ “Motor vehicle” has the same meaning as in the *Road Safety Act 1986*.’; and
- (iii) for the definition of “Motor car insurance” substitute—
‘ “Motor vehicle insurance” means compulsory third-party insurance or an indemnity under the *Transport Accident Act 1986* against liability at common law or otherwise in respect of the death of or bodily injury to any person arising out of the use of a motor vehicle.’;

(b) In section 110A (5) for “motor car insurance” substitute “motor vehicle insurance”;**(c) In Heading XXI in the Third Schedule—**

- (i) in Exemption 6, for “sub-section (5A) of section 6 of the *Motor Car Act 1958*” substitute “the regulations under the *Road Safety Act 1986*”; and
- (ii) in Exemption 11, for “motor car” (where twice occurring) substitute “motor vehicle”.

NOTES**1. Minister’s second reading speech—***Legislative Assembly: 31 March 1988**Legislative Council: 19 April 1988***2. The long title for the Bill for this Act was “A Bill to amend the *Stamps Act 1958* and for other purposes.”.**