NORTHERN TERRITORY OF AUSTRALIA

STAMP DUTY ACT 1978

As in force at 9 May 2023

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 9 May 2023

STAMP DUTY ACT 1978

An Act relating to stamp duty

Part 1 Preliminary

1 Short title

This Act may be cited as the *Stamp Duty Act 1978*.

2 Commencement

This Act shall come into operation on 1 July 1978.

4 Interpretation

(1) In this Act:

accident insurance, see section 37A.

agreement, in relation to a conveyance, includes:

(a) a memorandum of agreement; and

(b) an arrangement or understanding, whether wholly or partly in writing or otherwise and whether or not between all the parties to the agreement, constituting or forming part of the agreement.

approved means approved for the purposes of this Act by the Commissioner.

associate, see subsection (2).

authorised stamp means a stamp approved by the Commissioner for use under this Act to denote the payment of duty (or that no duty is payable).

beneficiary includes an object of a discretionary trust.

brother/sister – a person is the brother or sister of another if they have one or both parents in common.

building contractor, for Part 5, Division 2A, see section 90C(1).

business undertaking includes all business undertakings whether or not carried on with a view to profit.

change in control, of a corporation – a change in control of a corporation occurs when a person, or a group of associates, becomes able to exercise, or to control (directly or indirectly) the exercise of, a majority of the votes exercisable at meetings of the directors or shareholders of the corporation.

change in control, of a trust includes the following:

(a) if a person has a power to appoint and revoke the appointment of the trustee:

(i) a change of, or a change in control of, the person who has the power; or

(ii) a variation in, or the transfer or some other disposition of, the power;

(b) a change of trustee, a change in control of a corporate trustee, or the appointment of an additional trustee;

(c) a change of, or a change in control of, a person in a position to make or influence (directly or indirectly) a decision to vest, or to refrain from vesting, an interest in the trust property in a beneficiary.

company includes a body, society, association, authority or institution, whether corporate or unincorporate, but does not include a partnership.

consideration, in relation to a conveyance, means the consideration for the conveyance without any deduction or discount for the amount of GST (if any) payable in relation to the supply of the property conveyed.

convertible Crown lease means a lease granted by or in the name of the Territory under the terms of which the lessee has the right to surrender the lease in exchange for the grant of an estate in fee simple in the land or part of the land held under the lease.

conveyance includes the following:

(a) the grant of property, but not the grant of a lease other than a convertible Crown lease;

(b) the transfer or assignment of property;

(c) the vesting of property in, or the accrual of property to, a person;

(d) the foreclosure of a mortgagor's equity of redemption in mortgaged property;

(e) a transaction that is taken to be, or treated as, a conveyance under this Act;

(f) an agreement to make a conveyance;

(g) an instrument effecting or evidencing a conveyance (including a decree, judgment or order of a court);

(h) an instrument, agreement, transaction or arrangement that would operate as a conveyance but for a statutory condition requiring Ministerial approval or registration.

conveyee means a person to whom property is granted, transferred or assigned, in whom property is vested, or to whom property accrues under a conveyance.

declaration of trust means a declaration (other than a declaration by will or testamentary instrument) that property vested, or to be vested, in the declarant is, or is to be, held in trust and includes such a declaration whether made unilaterally or by agreement and whether made with or without the knowledge of the beneficiaries.

developed, for Part 5, Division 2A, see section 90C(2).

discretionary trust means a trust under which:

(a) the identity of a beneficiary, or the quantum of the interest in trust property to be taken by a beneficiary, is to be determined by the trustee or some other person; or

(b) an interest in trust property vests if a discretion conferred under the terms of the trust is not exercised; or

(c) an interest in trust property has vested but is liable, under the terms of the trust, to be divested on the exercise of a discretion by the trustee or some other person;

and includes a trust classified by regulation as a discretionary trust but does not include a trust solely for charitable purposes or a trust of a class excluded by regulation from the ambit of this definition.

dutiable instrument means an instrument:

(a) that is classified as a dutiable instrument in Schedule 1; or

(b) that is liable to duty under any other provision of this Act.

dutiable property means:

(a) land; and

(h) an option to purchase dutiable property or an interest in dutiable property; and

(j) chattels, if part of a transaction in which other dutiable property is conveyed, acquired or created or the beneficial ownership is changed, other than:

(i) goods, wares or merchandise that are stock-in-trade; or

(ii) materials held for use in manufacture; or

(iii) goods under manufacture; or

(iv) livestock; or

(v) any motor vehicle in respect of which a motor vehicle certificate of registration is or will, in the opinion of the Commissioner, be issued to the conveyee; or

(vi) cash or money in an account at call; or

(vii) negotiable instruments, and money on deposit with any person,

and includes an estate or interest (which may be a partnership interest) in dutiable property.

dutiable transaction – a transaction is a dutiable transaction if:

(a) a liability to ad valorem duty is imposed under this Act in respect of the transaction; or

(b) an instrument effecting, or evidencing, the transaction is liable to ad valorem duty under this Act; or

(c) the transaction was not effected by an instrument but, if it had been, the instrument would have been liable to ad valorem duty under this Act; or

(d) a statement or return is required under this Act in relation to the transaction and the statement or return is liable to ad valorem duty.

dutiable value, see section 4AB.

duty means stamp duty.

entity A, for a merger vesting of property, see section 4E(2).

entity B, for a merger vesting of property, see section 4E(4).

execute, in relation to an instrument, means sign the instrument and, if the instrument is under seal, sign and seal the instrument, and, for the purposes of this Act, an instrument is first executed the first time that it is signed or, as the case may require, signed and sealed, by any party to it, but an agreement made by acceptance of an offer contained in an instrument is first executed when the offer is accepted in writing.

exempt entity, see section 4F(1).

exempt instrument or transaction means an instrument or transaction that:

(a) is exempt from duty under Schedule 2 or any other provision of this Act; or

(b) is exempted from duty under the regulations.

exempt use, see section 4F(2) and (3).

family means 2 or more persons connected with each other by family relationships.

family company means a company of which all shareholders are members of the same family.

family relationship means any of the following relationships:

(a) the relationship between a person and the person's spouse;

(b) the relationship between a person and the person's child or remoter lineal descendant;

(c) the relationship between a person and the child or remoter lineal descendant of the person's spouse;

(d) the relationship between a person and the person's brother or sister;

(e) the relationship between a person and the child or remoter lineal descendant of a brother or sister;

(f) the relationship between a person and the spouse of a person with whom a relationship exists under paragraph (b), (c), (d) or (e).

family trust means a trust whose beneficiaries are, and may only be, any of the following in relation to a particular family:

(a) members of the family;

(b) family companies of the family.

farm-in agreement means a written agreement under which a person is entitled to acquire an interest in (but not full ownership of) a resource interest by carrying out exploration work, or contributing a proportionate part of the cost of exploration work to be carried out, on the area of that resource interest after the date of the agreement.

farming land means land, or an estate or interest in land, that is farming property.

farming property means property used solely or principally for farming purposes and includes an estate or interest in such property.

farming purposes means:

(a) the business of primary production; or

(b) a purpose classified by regulation as a farming purpose.

financial market has the same meaning as in section 767A of the Corporations Act 2001.

goods includes all chattels personal other than money or things in action.

Government Business Division has the same meaning as in the *Financial Management Act 1995*.

GST has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

instrument includes any document.

insurance means an undertaking of liability to make good, or indemnify against, loss or damage (including liability to pay damages or compensation), or insuring the payment of money, contingent upon the happening of a specified event, and includes:

(a) the accepting of a premium in consideration of the granting, issuing or renewal of a policy of insurance; and

(b) the granting of a cover note or receiving of a letter or declaration of interest attaching to a policy of insurance; and

(c) the carrying out, by means of insurance effected outside the Territory, of a contract or undertaking in the Territory to effect that insurance; and

(ca) a life insurance rider;

but does not include:

(d) re-insurance effected with another insurer; or

(e) the insurance of the hull of a floating vessel that is being used primarily for commercial purposes; or

(f) the insurance of goods or merchandise or the freight of goods or merchandise, carried by sea, land or air.

insurer means a person that grants, issues or renews, or intends to grant, issue or renew, a policy of insurance in respect of which duty is imposed.

interest in property includes the potential beneficial interest of an object of a discretionary trust.

interposed trust, for Part 3, Division 8A, see section 56C(1).

land means land in the Territory and includes:

(a) an estate or interest in land; and

(b) a lease of land or an interest in a lease of land; and

(ba) a resource interest or an interest in a resource interest; and

(c) a fixture to land (including a tenant's fixture or a fixture associated with operations conducted, or formerly conducted, on the land in relation to a resource interest).

land-holding corporation means a land-holding corporation as defined for Part 3, Division 8A and includes a unit trust scheme that is treated as a land-holding corporation for the purposes of that Division.

lease includes:

(a) a lease granted under an Act; and

(b) a sublease; and

(c) an agreement for a lease or sublease.

legislation includes subordinate legislation and an instrument made under principal or subordinate legislation.

life insurance, see section 37A.

life insurance rider, see section 37A.

life insurer means a company carrying on the business of, or in relation to, the issuing of, or the undertaking of liability under, life policies and includes a person who receives or takes credit for a premium or consideration for any life insurance.

life policy means a policy effecting life insurance.

listed corporation, for Part 3, Division 8A, see section 56C(1).

listed unit trust scheme, for Part 3, Division 8A, see section 56C(1).

majority shareholder, of a corporation, means a person who has a substantial holding (as defined in section 9 of the Corporations Act 2001) related to voting shares carrying 50% or more of the votes attached to voting shares in the corporation.

marketable security means a marketable security not quoted on a recognised financial market and includes:

(a) a share in the capital of a company that is not quoted on a recognised financial market; and

(b) a right (whether existing or future and whether contingent or not) of a person to have issued or transferred to the person a share of a kind referred to in paragraph (a), whether on payment of money or other consideration or not; and

(c) any right or interest (whether described as a unit, sub-unit or otherwise) of a beneficiary under a unit trust scheme that is not quoted on a recognised financial market.

merger vesting, of property, see section 4E.

merging entities, for a merger vesting of property, see section 4E(2) or (3).

merging entity or entities, for a merger vesting of property, see section 4E(4).

mining tenement means a statutory licence, lease or authorisation to explore for, recover or exploit a resource, other than petroleum, found in or under the surface of the earth and includes a mineral title under the *Mineral Titles Act 2010*.

Note for definition ***mining tenement***

A resource found under the surface of the earth includes a mineral or a geothermal resource.

motor vehicle certificate of registration means a certificate of registration issued on the registration or the transfer of the registration of a motor vehicle under the *Motor Vehicles Act 1949*.

new home, for Part 5, Division 2A, see section 90C(1).

object, of a discretionary trust, means a person in whom an interest in the trust property might vest, or might be vested, under the terms of the trust.

partnership acquisition, see section 27(2).

partnership interest means a partnership interest as defined in Part 3, Division 3.

petroleum interest means a lease, licence, permit, interest or other authority issued or granted in the Territory under any of the following:

(a) the *Petroleum Act 1984*;

(b) the *Energy Pipelines Act 1981*;

(c) the *Petroleum (Submerged Lands) Act 1981*;

(d) any other Act respecting:

(i) the conveyance of petroleum by pipeline or the construction or operation of a pipeline to convey petroleum; or

(ii) the exploration for, or the recovery or exploitation of, petroleum.

premium, in relation to insurance, means the gross amount charged or payable in respect of the insurance (which amount does not include any stamp duty paid or payable under this Act):

(a) without deduction for an amount paid or payable or allowed or allowable by way of discount or commission to an agent or other person for securing or arranging that insurance for or on behalf of the insurer; and

(b) without any deduction or discount for the amount of GST (if any) payable in relation to the supply of the insurance,

and includes an instalment of a premium.

primary production means:

(a) the growing or cultivation of trees, crops or other vegetation (including fungi) for sale or for sale of their produce; or

(b) the breeding, rearing or maintenance of living creatures for sale as food or for the production of skins, shells or bodily produce for sale.

property includes an estate or interest in property.

recognised financial market means a financial market that is a member of the World Federation of Exchanges or is declared by regulation to be a recognised financial market.

Registrar means the Registrar within the meaning of the *Motor Vehicles Act 1949*.

related – a corporation is related to another corporation if they are related corporations under section 50 of the Corporations Act 2001.

relevant acquisition has the meaning in section 56P.

relevant entity, for a merger vesting of property, see section 4E(5).

rent includes any amount of GST payable in relation to the supply of the property for which rent is paid or payable.

resource interest means a mining tenement or a petroleum interest.

responsible party, to a dutiable instrument or dutiable transaction, means the party responsible for the payment of duty on the instrument or transaction and includes, where a dutiable transaction is not effected by a dutiable instrument, a person who would have been liable to pay duty on a dutiable instrument if such an

instrument had existed.

spouse includes de facto partner.

stamp duty means duty imposed under this Act or the former *Stamp Duty Act 1978*.

statutory vesting means the vesting of property by or under legislation of the Commonwealth, a State or Territory of the Commonwealth or a jurisdiction outside Australia.

supply has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

tax avoidance scheme has the meaning in section 4B.

trust property includes both capital and income of a trust.

trustee includes the following:

(a) a person constituted a trustee under an implied or constructive trust;

(b) an executor of the will, or an administrator of the estate, of a deceased person;

(c) a receiver, guardian, committee or manager of the property of a person under a legal or other disability;

(d) a receiver or manager of the property of a company or a liquidator of a company for the purpose of its winding-up.

unencumbered value of property, see section 4A.

unit trust scheme means any arrangements made for the purpose, or having the effect, of providing, for persons having funds available for investment, facilities for the participation by them, as beneficiaries under a trust, in any profits or income arising from the acquisition, holding, management or disposal of any property whatsoever pursuant to that trust.

unlisted unit trust scheme, for Part 3, Division 8A, see section 56C(1).

Note for subsection (1)

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

(2) A person is an associate of another if:

(a) they are members of the same family; or

(b) they are related corporations; or

(c) one is a corporation and the other is a director of, or a shareholder in, the corporation; or

(d) they are both trustees of the same trust, or of different trusts with a common beneficiary, or one is a trustee and the other is a beneficiary of the same trust; or

(e) a chain of relationships can be traced between them under one or more of the above paragraphs.

(3) Legislation is taken to provide for the statutory vesting of property if it makes a person or body the successor in title to property of another person or body.

(4) An instrument is duly stamped if the payment of duty on the instrument or the non-liability of the instrument to duty is indicated by:

(a) an authorised stamp on the instrument; or

(b) an endorsement made on the instrument in a manner and form approved by the Commissioner.

(5) Despite subsection (4), a policy of insurance is duly stamped when:

(a) the duty imposed in relation to the policy has been paid; or

(b) the policy is exempt from, or otherwise not liable for duty, under this Act or another law in force in the Territory.

4A Unencumbered value

(1) The unencumbered value of property is the full value of the property free from encumbrances (including any GST payable on the supply of the property).

(2) The unencumbered value of land is to be determined with regard to:

(a) the use of the land that would best enhance its commercial value; and

(b) commercial advantages (such as goodwill) that:

(i) attach to the location or other aspects of the land; and

(ii) would affect the price that a reasonable purchaser would be willing to pay for the land; and

(c) information about the land that would, if known to a reasonable purchaser, affect the price the purchaser would be willing to pay for the land.

Examples

1 The value that accrues to premises because they have been licensed or approved for a particular commercial purpose would be taken into account under paragraph (b) in valuing the premises.

2 Information about the results achieved from exploratory or other operations in the area of a resource interest would be taken into account under paragraph (c) in valuing the resource interest.

(3) Information relevant to the value of property will, for the purposes of valuation, be regarded as an attribute of the property and not as a separate form of property to which an independent value can be attributed.

(4) An encumbrance includes:

(a) a mortgage or charge; or

(b) a debt or liability that might give rise to a right of recourse against the property; or

(c) any agreement or arrangement (including a lease) that has the effect of reducing the value of the property unless the Commissioner is satisfied that the agreement or arrangement was not created or entered into for a purpose (collateral or otherwise) of reducing the value of the property;

but does not include an easement or restrictive covenant unless the Commissioner is of the opinion that it was created or entered into for a purpose (collateral or otherwise) of reducing the value of the property.

(4A) For the purpose of determining whether an agreement or arrangement was created or entered into for a purpose (collateral or otherwise) of reducing the value of the property, the Commissioner may have regard to the following:

(a) the length of time between the agreement or arrangement being made and the conveyance;

(b) whether the parties to the agreement or arrangement are or have been associates;

(c) whether the parties to the agreement or arrangement are or have been dealing with each other at arm's length;

(d) whether there is any commercial efficacy to the making of the agreement or arrangement other than to reduce the value of the property;

(e) whether the agreement or arrangement is in favour of the conveyee or an associate of the conveyee;

(f) any other matters the Commissioner considers relevant.

(5) For the purpose of assessing duty on a particular conveyance the Commissioner may, if satisfied that improvements on land subject to the conveyance have been built by, or at the expense of, the conveyee, reduce the unencumbered value of the land by an amount that reflects, in the Commissioner's opinion, the value of the improvements at the date of the conveyance.

4AB Dutiable value

(1) The dutiable value of dutiable property is:

(a) if consideration is, or is to be, given for the property – the amount or value of the consideration or the unencumbered value of the property (whichever is the greater); or

(b) if no consideration is given for the property – the unencumbered value of the property.

(2) If the amount of consideration is dependent on future contingencies, the dutiable value of the property will be assessed on the assumption that the contingencies will operate so as to maximise the consideration to be given for the property.

(3) However, if it is later shown, on an application for reassessment of duty, that the consideration actually given is less than the assumed consideration, and there is no further scope for contingent increase, the Commissioner may reassess the dutiable value of the property taking into account the amount or value of the consideration actually given.

(4) If:

(a) dutiable property consists of an interest in an exploration mineral title or a petroleum interest relating to exploration; and

(b) the conveyance of the interest arises out of the operation of a farm-in agreement; and

(c) the exploration work, or the contribution to the cost of exploration work, in respect of which the right to the interest arises under the farm-in agreement has actually been carried out or made;

then, for the purpose of assessing the dutiable value of the interest, its unencumbered value will be determined as at the date of the farm-in agreement and the consideration will be taken to be the amount by which the consideration given for the interest exceeds the reasonable cost of the exploration work or (where the consideration consists of a contribution to the cost of exploration work) the relevant proportion of that reasonable cost.

(5) In this section:

exploration mineral title means one of the following mineral titles under the *Mineral Titles Act 2010*:

(a) a mineral exploration licence;

(b) a mineral exploration licence in retention;

(c) an extractive mineral exploration licence.

4AC Valuing certain interests in property

(1) If property is held in common by 2 or more persons, the value of the interest of an owner in the property is assessed by multiplying the total value of the property by a fraction representing the owner's proportionate share of ownership.

(2) The interest of a joint owner of property is valued as if both or all joint owners were tenants in common in equal shares.

(3) This section is applicable both to unencumbered and dutiable value.

4B Tax avoidance schemes

(1) In this section:

scheme includes:

(a) an agreement, arrangement or undertaking:

(i) in whatever form; and

(ii) wherever entered into, made or given; and

(iii) whether unilateral, bilateral or multilateral; and

(iv) whether enforceable or not; and

(b) an act done or omitted to be done, or a course of conduct carried out or not or engaged in or not, by any person whomever in any place wherever.

(2) A tax avoidance scheme is a scheme of which a purpose (collateral or otherwise) is, in the Commissioner's opinion:

(a) to avoid or reduce the duty that would be payable, apart from the scheme, under this Act; or

(b) to obtain the benefit of an exemption or concession from duty that would not be available apart from the scheme.

(3) In considering whether a scheme is a tax avoidance scheme, the Commissioner may have regard to any matter whatever that the Commissioner thinks is relevant.

4D Surrender of property amounts to conveyance in certain circumstances

(1) A person surrenders property:

(a) if the person relinquishes, renounces or abandons the property; or

(b) if the person owns the property and it is cancelled, abrogated, forfeited or extinguished.

(2) A surrender of property is a conveyance of the property if:

(a) the surrender results in an accretion to the interest of someone (the ***conveyee***) in property to which the surrender relates; or

Example

The surrender of a reversionary interest, or an interest in remainder.

(b) the surrender removes a restriction on the right that someone (the ***conveyee***) has to use the property to which the surrender relates; or

Example

The surrender of a lease over property.

(c) the surrender enables someone (the ***conveyee***) to convey the property or substantially similar property to a third person.

Example

The surrender of an easement.

4E Merger vesting of property

(1) This section prescribes circumstances in which there is a ***merger vesting*** of property.

(2) A merger of 2 or more relevant entities (the ***merging entities***) in circumstances where another relevant entity (***entity A***) results as a consequence of the merger is taken to be a merger vesting of all of the property of the merging entities in entity A.

(3) A merger of 2 or more relevant entities (the ***merging entities***) with and into each other in circumstances where each of the merging entities continues in existence is taken to be a merger vesting in the merging entities, jointly, of 50% (in value) of all of the property of the merging entities.

(4) The merger of 1 or more relevant entities (the ***merging entity or entities***) with and into another entity (***entity B***) in any other circumstances is taken to be a merger vesting of all of the property of the merging entity or entities in entity B.

(5) In this section:

relevant entity means a company or unit trust scheme.

4F Exempt entities and uses

(1) An ***exempt entity*** is:

(a) a public hospital; or

(b) a public benevolent institution; or

(c) a religious institution; or

(d) a public education institution; or

(e) a council, society, organisation or other body established or carried on exclusively or principally for the promotion of the interests of a school (other than a school carried on for profit); or

(f) a non-profit organisation having as its sole or dominant purpose a charitable, benevolent, philanthropic or patriotic purpose.

(2) An ***exempt use***, of property by an exempt entity, is a use for purposes other than the carrying on of a commercial activity by or on behalf of the entity.

(3) However, a use that competes with another entity in the conduct of the other entity's business undertaking is not an exempt use regardless of how the exempt entity uses any funds received from the use.

Part 2 Stamp duty

5 Imposition of duty

(1) Stamp duty is imposed, in accordance with this Act:

(a) on dutiable instruments; and

(b) in respect of dutiable transactions.

(2) However, duty is not imposed on, or in respect of, an exempt instrument or transaction.

6 Rate of duty

The rate of duty is the rate specified in Schedule 1 for an instrument or transaction of the relevant class.

Part 3 Liability to duty

Division 1 General

9 Time for lodgement of instrument etc.

(1) Subject to this Act, a dutiable instrument must be lodged with the Commissioner for the assessment of duty:

(a) within 60 days after it is first executed; or

(b) if it becomes legally effective without execution – within 60 days after it becomes legally effective.

(2) The obligation imposed by subsection (1) applies:

(a) whether the instrument is first executed within or outside the Territory; and

(b) whether the instrument is within or outside the Territory.

(3) However, the obligation to lodge a dutiable instrument for the assessment of duty does not extend to:

(a) a motor vehicle certificate of registration; or

(b) a policy of insurance; or

(c) an instrument that is exempt from duty under any of the following provisions of Schedule 2:

(i) items 9 to 13;

(ii) item 15.

(3A) In addition, the obligation to lodge and pay duty on a dutiable instrument does not apply to a conveyance (other than a conveyance to which Division 8AB applies) or grant of a lease that does not proceed unless a subsequent sale or other disposition of the dutiable property the subject of the transaction (the ***relevant transaction***):

(a) is a sub-sale or transaction having the effect of a sub-sale, even if the subsequent conveyance is executed by the person who was the vendor in the relevant transaction; or

(b) is the result of a conveyance by direction, whether in writing or not, initiated by the conveyee in the relevant transaction.

(4) If the instrument is a statement or return it must be lodged on or before the last day allowed for its lodgement.

(5) Duty on an instrument, or to be assessed by reference to an instrument, must be paid on or before the last day allowed for lodgement of the instrument unless a later date is fixed in a notice of assessment of duty.

(6) A person who is liable to duty on an instrument, or to be assessed by reference to an instrument, must ensure that:

(a) the instrument is lodged with the Commissioner for the assessment of duty on or before the last day allowed for its lodgement; and

(b) the duty is paid on or before the last day allowed for payment.

(7) If this Act does not make a particular party to a dutiable transaction liable for payment of duty on the transaction, or an instrument related to the transaction, then all parties are jointly and severally liable for the payment of duty.

9A Unstamped instruments not to be registered

A person must not register, enrol or enter a dutiable instrument in an official register or record unless it is duly stamped.

Maximum penalty: 50 penalty units.

9B Liability to duty in respect of instruments outside Territory

Where an instrument that relates to property in the Territory or to a matter or thing done or to be done in the Territory is executed and held outside the Territory, this Act shall extend and apply to and in relation to the instrument, notwithstanding that the instrument is not in the Territory, in all respects as if the instrument were executed in the Territory.

9C Copies of instruments

(1) In this section ***copy***, in relation to an original instrument, includes:

(a) a duplicate, facsimile, photocopy or counterpart of the original instrument; and

(b) an instrument that acknowledges, evidences or records the existence or terms of the original instrument; and

(c) an instrument that acknowledges, evidences or records the transaction or a part of the transaction to which the original instrument relates or related.

(2) Where an original instrument has not been duly stamped or has been destroyed without being duly stamped, or otherwise cannot be produced for stamping, a copy of the original instrument shall, for the purposes of this Act, be chargeable with duty (including any applicable interest and penalty tax), as if it were the original instrument and be deemed to have been executed by the person or persons who executed the original instrument at the same time as the original instrument was executed.

(3) Where a copy of an original instrument is duly stamped under this Act, the Commissioner shall, on application and production of the copy, stamp any further copy of the original instrument with a particular stamp denoting that it is duly stamped.

9D Instruments not fully executed may be lodged for assessment

Subject to this Act, where an instrument is required by this Act to be lodged with the Commissioner for assessment, the instrument may be lodged and the duty assessed notwithstanding that the instrument is not executed by all necessary parties to it and, if it is lodged, the date of execution shall be taken to be, for all purposes, the date of first execution of the instrument.

10 Duty on statutory corporations and Government Business Divisions

An instrument to which a statutory corporation or a Government Business Division is a party is not exempt from stamp duty unless the instrument is of a class exempted by or under this Act from duty.

11 Denotation of payment of duty

(1) The payment of duty is denoted by authorised stamp or in some other way approved by the Commissioner.

(2) If the tax officer responsible for stamping a document indicates the amount of duty paid in handwriting placed on or near an authorised stamp, the handwriting is taken to form part of the authorised stamp.

15 Single instrument relating to multiple transactions

If a single instrument relates to 2 or more distinct transactions in respect of which duty is payable, the instrument is separately liable to duty in respect of each of those transactions.

16 Multiple instruments relating to a single transaction

(1) If 2 or more instruments together relate to the same transaction, and both or all instruments are required to give effect to the transaction, the instruments must be treated as a single instrument executed at the time when the instruments became legally effective.

Example

If a conveyance consists of a written offer followed by a written acceptance, both instruments would be treated as a single instrument of conveyance taking effect on the date of the acceptance.

(2) If one such instrument is duly stamped with the duty applicable to the transaction as a whole, another instrument relating to the same transaction and referring to the duly stamped instrument, will also be regarded as duly stamped.

17 Stamping of counterparts or copies

The Commissioner must, if satisfied that an instrument is a counterpart or copy of an instrument that has been duly stamped, stamp the counterpart or copy with a stamp indicating that the original has been duly stamped.

17A Stamp duty on related instruments

(1) A conveyance to give effect to an agreement to convey dutiable property is to be stamped without payment (or further payment) of ad valorem duty if:

(a) the agreement is duly stamped as a conveyance; and

(b) the conveyance is subsequent to, and in conformity with, the agreement; and

(c) no further dutiable transaction affecting the dutiable property has occurred between the date of the agreement and the date of the conveyance.

(2) However:

(a) the conveyee must be the person, identified in the agreement, to whom the dutiable property was agreed to be conveyed; or

(b) the Commissioner must be satisfied that the person so identified entered into the agreement as agent for the conveyee; or

(c) the Commissioner must be satisfied that the person so identified entered into the agreement on behalf of:

(i) a corporation that was, as at the date of the agreement, yet to be incorporated or acquired by the person so identified; or

(ii) a trust that was, at the date of the agreement, yet to be established by the person so identified;

and that the conveyee is the corporation or the trustee of the trust.

(2A) In addition, a transfer of dutiable property is to be stamped without payment (or further payment) of ad valorem duty if:

(a) an agreement for the conveyance of the property is duly stamped; and

(b) the purchaser under the agreement and transferee under the transfer:

(i) are related under subsection (2B) when the agreement is made and when it is completed or settled; and

(ii) except for the trustee of a family trust mentioned in subsection (2B)(c), will not hold the property as trustee; and

(c) no valuable consideration is given by the transferee to the purchaser; and

(d) the transfer occurs at the same time as, or proximately with, the completion or settlement of the agreement.

(2B) The purchaser and transferee are related if:

(a) they are in a family relationship; or

(b) one of them is an individual who is a shareholder of a family company and the other is the family company; or

(c) one of them is a beneficiary in a family trust and the other is a trustee of the family trust; or

(d) they are related corporations.

(3) In this section, a reference to a conveyance extends to a lease that is liable to ad valorem duty.

Division 2 Exemptions for corporate re-constructions

18 Interpretation

(1) In this Division:

corporate group means a group of corporations that are related because each corporation in the group is the parent corporation or a subsidiary of another corporation in the group.

dormant, in relation to a corporation, means the corporation has not, during a specified period:

(a) had any assets or liabilities other than share capital for subscriber shares or shares issued to replace subscriber shares of the same value on their redemption; or

(b) been party to an agreement or a beneficiary or trustee of a trust; or

(c) issued or sold any shares or rights relating to shares other than subscriber shares, rights relating to subscriber shares or shares issued to replace subscriber shares of the same value on their redemption.

group corporation means a corporation that is a member of a corporate group (whether because it is the parent corporation or subsidiary of another member of the group).

parent corporation means a corporation that owns at least 90% of the shares issued in, and has the voting control over, one or more other corporations, other than in the capacity of a trustee.

subsidiary means a corporation under the control of another corporation because at least 90% of its shares are owned, and voting control over it is held, by:

(a) another corporation; or

(b) another corporation and one or more of its subsidiaries; or

(c) one or more corporations that are subsidiaries of the same corporation,

other than in the capacity of a trustee.

(2) For the purposes of this Division, a corporation has voting control over another corporation when it is in a position to cast, or control the casting of, 90% or more of the maximum votes that can be cast at a general meeting of the other corporation other than under a debenture or trust deed securing the issue of a debenture.

19 Exemption: interposing new corporation between existing corporation and its shareholders

(1) A conveyance of shares in a corporation (the ***target corporation***) is not dutiable as the acquisition of a relevant interest in a land-holding corporation if:

(a) the target corporation becomes, as a result of the conveyance, the subsidiary of another corporation (the ***interposed corporation***); and

(b) this section applies to the conveyance.

(2) Subject to subsection (3), this section applies to a conveyance of shares if, and only if:

(a) the interposed corporation is a corporation with limited liability; and

(b) the interposed corporation was dormant from its registration until the resolution to acquire the shares in the target corporation; and

(c) the interposed corporation acquires at least 90% of the issued shares in, and the voting control over, the target corporation as a result of the conveyance; and

(d) at least 90% of the consideration for the conveyance of the shares in the target corporation consists of shares in the interposed corporation that are issued to the shareholders of the target corporation; and

(e) the value of the consideration for the acquisition of the shares conveyed from each shareholder in the target corporation is equal to the value of the shares held by the shareholder immediately before the shares were conveyed; and

(f) immediately after the conveyance of the shares in the target corporation at least 90% of the shares in the interposed corporation consisted of the shares issued to the shareholders of the target corporation as consideration for the acquisition of their shares; and

(g) if, because of the conveyance of shares, the interposed corporation becomes the parent corporation of more than one subsidiary – the same shareholders owned at least 90% of the issued shares in, and had voting control over, each of the target corporations before the conveyance took effect.

(3) However, this section does not apply to a conveyance of shares if:

(a) the conveyance is a tax avoidance scheme, or part of a tax avoidance scheme; or

(b) the Commissioner is of the opinion that the conveyance is a scheme, or part of a scheme, of which a purpose (collateral or otherwise) is to frustrate the recovery of duty, tax or royalty that is payable to the Territory.

20 Exemption: conveyances and transfers between group corporations

(1) Subject to subsections (2) and (4):

(a) duty is not payable on a conveyance of dutiable property, or a transfer of a motor vehicle certificate of registration, from one group corporation to another group corporation; and

(b) duty mentioned in Division 8A is not payable in respect of a relevant acquisition if, and to the extent that, the relevant acquisition is the result of a conveyance of marketable securities from one group corporation to another group corporation.

(2) Subsection (1) does not apply unless:

(a) the conveyor or transferor did not hold, and the conveyee or transferee will not hold, the property as trustee; and

(b) the conveyor and conveyee, or the transferor and transferee, of the property are group corporations in the same corporate group; and

(c) the conveyance or transfer has not been made pursuant to an arrangement under which:

(i) part or all of the consideration for the conveyance or transfer has or is to be provided or received, directly or indirectly, by a person who is not a group corporation in the same corporate group; or

(ii) a group corporation in the same corporate group may provide any of the consideration for the conveyance or transfer other than in a manner specified in subsection (3); or

(iii) a group corporation is required to dispose of any of the consideration through a payment or other disposition to:

(A) a person other than a group corporation in the same corporate group; or

(B) a person other than by way of loan on ordinary commercial terms; and

(d) the property conveyed or transferred is, at the time of the conveyance or transfer, group property within the meaning of section 21.

(3) For the purposes of subsection (2)(c)(ii), consideration for the conveyance or transfer may be provided:

(a) by a financial institution by way of loan on ordinary commercial terms; or

(b) by a group corporation in the same corporate group; or

(c) under an offer and sale of shares to the public in the circumstances specified in section 23(4)(b).

(4) Subsection (1) does not apply if:

(a) the conveyance or transfer is a tax avoidance scheme, or part of a tax avoidance scheme; or

(b) the Commissioner is of the opinion that the conveyance or transfer is a scheme, or part of a scheme, of which a purpose (collateral or otherwise) is to frustrate the recovery of duty, tax or royalty that is payable to the Territory.

21 Meaning of *group property* in section 20

For the purposes of section 20, property that is conveyed or transferred is group property if:

(a) the conveyor and conveyee, or the transferor and transferee, were group corporations in the same corporate group before, and at all times since, the property was first wholly owned by a group corporation in the same corporate group (which may have been the conveyor or transferor or another group corporation); or

(b) the conveyor and conveyee or the transferor and transferee:

(i) were group corporations in the same corporate group before the property came into the ownership of the conveyor or transferor or another group corporation in the same corporate group by way of a transaction for which duty, or an equivalent duty under a law of a State or another Territory of the Commonwealth that corresponds with this Act, has been paid; and

(ii) have been group corporations in the same corporate group at all times since the property has been continuously owned by the conveyor or transferor or the other group corporation; or

(c) the conveyor and conveyee or transferor and transferee are interposed corporation and target corporation (within the meaning of section 19); or

(d) the conveyee or transferee is the parent corporation of the conveyor or transferor and duty under Division 8A has been paid for by the conveyee or transferee acquiring its shares in the conveyor or transferor; or

(e) the conveyor and conveyee, or the transferor and transferee, have been group corporations in the same corporate group for at least 3 years; or

(f) the conveyance or transfer is between 2 corporations of which one is the parent corporation and the other its subsidiary and both of the following conditions apply:

(i) that the corporation that is the parent corporation became the parent corporation of the subsidiary either:

(A) on the subsidiary's registration; or

(B) after the subsidiary's registration and, if so, the subsidiary has been dormant since that registration;

(ii) that the parent corporation has remained the parent corporation of the subsidiary since the subsidiary's registration or becoming the parent corporation of the subsidiary until the conveyance or transfer of the property.

23 Reassessment of duty

(1) If:

(a) duty has been assessed on a conveyance, transfer or relevant acquisition on the basis that it is exempt from duty under section 19 or 20; and

(b) within 3 years after the conveyance, transfer or relevant acquisition:

(i) the conveyor or conveyee, or the transferor or transferee, ceases to be in the same corporate group; or

(ii) part or all of the consideration for the property conveyed or transferred, or for the relevant acquisition, is provided or received other than in accordance with section 20,

the Commissioner must make a reassessment of the duty payable on the conveyance, transfer or relevant acquisition as if the exemption from duty under section 19 or 20 had never applied to the conveyance, transfer or relevant acquisition.

(2) The Commissioner must make a reassessment under subsection (1) even if:

(a) the limitation period for making reassessments of tax under the *Taxation Administration Act 2007* has expired; or

(b) he or she has made a ruling under section 25 that the exemption from duty under section 19 or 20 applies to the conveyance, transfer or relevant acquisition.

(3) If the Commissioner makes a reassessment under subsection (1), all corporations that belonged to the relevant corporate group at the time the property was conveyed or transferred, or the relevant acquisition was made, are jointly and severally liable to pay the reassessed duty (including interest and penalty tax).

(4) This section does not apply:

(a) if the conveyor or conveyee, or transferor or transferee, ceases to exist (other than under an arrangement, a significant purpose of which is to avoid the requirement that the conveyor or conveyee, or the transferor or transferee, belong to the same corporate group for the 3 year period referred to in subsection (1)(b));

(b) if:

(i) the conveyor or conveyee, or transferor or transferee, ceases to be a group corporation in the same corporate group because its shares, or the shares of another corporation (which becomes a parent corporation) interposed between the conveyor and conveyee, or the transferor and transferee, are offered and sold to the public; and

(ii) the shares are quoted on a recognised financial market within 12 months after the offer to the public; or

(c) if the conveyor or transferor ceases to be a group corporation in the same corporate group as the conveyee or transferee, or the conveyee or transferee ceases to be a group corporation in the same corporate group as the conveyor or transferor, in circumstances where the corporation ceasing to be in the corporate group has, immediately before doing so, no assets or no assets other than cash, money in an account at call or on deposit with any person or a negotiable instrument.

(5) For the purposes of subsection (4)(a), a corporation that is registered under the Corporations Act 2001 ceases to exist if it is deregistered under that Act.

24 Time for parties to give notice that reassessment required

(1) If an event specified in section 23(1)(b) occurs in relation to a conveyance, transfer or relevant acquisition referred to in section 23(1)(a), a party to the conveyance, transfer or relevant acquisition must, within 30 days of the event occurring:

(a) give notice to the Commissioner that the event has occurred; and

(b) lodge with the Commissioner all documents necessary for the reassessment of duty.

(2) If subsection (1) is not complied with, each party to the conveyance, transfer or relevant acquisition is guilty of an offence.

Maximum penalty: 500 penalty units.

25 Application for ruling regarding proposed corporate re-construction

(1) A corporation that proposes to be a party to a conveyance, transfer or relevant acquisition referred to in section 19 or 20 may apply to the Commissioner for a ruling whether the proposed conveyance, transfer or relevant acquisition would be exempt from duty under that section.

(2) The application must be accompanied by all relevant information.

(3) The Commissioner must give the applicant notice of the ruling.

26 Application for exemption regarding corporate re-construction

(1) The parties to a conveyance, transfer or relevant acquisition referred to in section 19 or 20 may apply to the Commissioner for an exemption under that section from the payment of duty.

(2) The application must be accompanied by all relevant information.

(3) If the Commissioner is satisfied that the applicant is entitled to the exemption sought in the application, the Commissioner must grant the exemption accordingly.

(4) If the Commissioner previously gave a ruling in favour of the applicant in relation to the relevant transaction, the Commissioner is bound by the ruling unless it appears to the Commissioner that:

(a) the circumstances of the actual transaction differ in a material respect from the circumstances of the proposed transaction as disclosed in the application for the ruling (or the accompanying information); or

(b) the applicant failed to disclose, or misrepresented, a material fact in the application for the ruling.

Division 3 Partnerships

27 Interpretation: partnership property and partnership interest

(1) A reference in this Division to a partnership is a reference to the holding of property by the partners of a partnership for the partnership.

(2) For the purposes of this Division, a person makes a partnership acquisition if the person acquires a partnership interest, within the meaning of subsection (3), in a partnership that holds dutiable property.

(3) A partner's partnership interest is:

(a) if the partner has a partnership entitlement in a partnership under which, in the ordinary course of determining the partner's entitlement to share in the profits of the partnership or obligation to contribute to the capital or losses of the partnership, the entitlement to share in the profits or obligation to contribute to capital or losses varies or may vary from time to time – the percentage that represents the proportion that the value of the partner's entitlement as a partner bears to the value of the entitlements of all the partners in the partnership; or

(b) if the partner is entitled only to share in the profits of the partnership and has given or is required to give consideration, or has made or is required to make a contribution to the capital of the partnership, for the entitlement to share in the profits – the percentage that represents the proportion that the partner's entitlement to the profits of the partnership bears to the entitlements to the profits of the partnership of all the partners in the partnership; or

(c) if the percentage referred to in paragraph (a) or (b) does not apply, the greater of:

(i) the percentage of the capital of the partnership the partner has contributed or is obliged to contribute; or

(ii) the percentage of the losses of the partnership the partner is required to bear.

28 Acquiring a partnership interest

(1) A person acquires a partnership interest if:

(a) a partnership (of which he or she becomes a partner) is formed; or

(b) the person's partnership interest increases.

(2) For the purposes of subsection (1):

(a) a partnership may be formed by a change in the membership of a partnership or the merger of 2 or more partnerships; and

(b) a person's partnership interest may increase:

(i) under the terms of a partnership agreement; or

(ii) on the retirement of a partner from a partnership; or

(iii) on a change in the terms of a partnership agreement effecting a change in the interests of the partners; and

(c) a partner's partnership entitlement referred to in section 27(3)(a) does not increase if:

(i) the person's entitlement to share in the profits of the partnership or obligation to contribute to the capital or losses increases by reason only of the person's performance as a partner; and

(ii) there is no arrangement stating the extent of the future variation to the partner's entitlement to share in the profits of the partnership or obligation to contribute to the capital or losses or the consideration for the variation.

(3) The acquisition of a partnership interest (a ***partnership acquisition***) is a conveyance.

(4) The partnership interest is taken to be a proportionate interest in dutiable property held by or on behalf of the partnership equivalent to the percentage defining the extent of the partnership interest.

29 Value of partnership acquisition

(1) Subject to subsections (2) and (3), the unencumbered value of a partner's partnership acquisition is determined by applying the partner's partnership interest to the unencumbered value of all the dutiable property held by the partnership.

(2) Subject to sections 29AA and 29A, in determining the unencumbered value of a partner's partnership acquisition on the formation of a partnership, the unencumbered value of any dutiable property the partner contributed to the partnership on its formation is to be disregarded.

(3) In determining the unencumbered value of a partner's partnership acquisition that is an increase in the partner's partnership interest (other than an increase in the partner's partnership interest on the formation of a partnership), the acquisition is taken to be the increase in the partner's partnership interest.

29AA Value of partnership acquisition if change in membership of partnership by admission of one or more new partners

Where a new partnership is formed by a change in the membership of a partnership by the admission of one or more new partners, the unencumbered value of a partner's partnership acquisition on the formation of the new partnership is determined by:

(a) applying the partner's partnership interest to the unencumbered value of all dutiable property held by the new partnership on its formation; and

(b) deducting from that:

(i) if the partner was not a partner of the former partnership – the value that would be the unencumbered value of the partner's partnership acquisition in the new partnership on its formation if the dutiable property of the partnership comprised only the dutiable property (if any) that the partner contributed to it on its formation; or

(ii) if the partner was a partner in the former partnership – the lesser of the following:

(A) the value that would be the unencumbered value of the partner's partnership acquisition in the new partnership on its formation if the dutiable property of that partnership comprised only the dutiable property of the former partnership;

(B) the value that represents the unencumbered value of the partner's partnership interest in the former partnership before the formation of the new partnership.

29A Value of partnership acquisition where merger of 2 or more partnerships

(1) This section applies if:

(a) a person first makes a partnership acquisition on the merger of 2 or more partnerships; and

(b) immediately before the merger, the person had a partnership interest in one of the former partnerships; and

(c) the unencumbered value of that partnership interest included all or part of the unencumbered value of the dutiable property of the former partnership which, on the merger, becomes dutiable property of the merged partnership.

(2) The unencumbered value of the person's acquisition on the merger of the partnerships must be reduced by the lesser of:

(a) the value that would be the unencumbered value of the person's partnership acquisition in the merged partnership if the dutiable property of the merged partnership comprised only the dutiable property of the former partnership of which the person was a partner; or

(b) the value that represents the unencumbered value of the person's partnership interest in the former partnership that becomes the dutiable property of the merged partnership.

29B Reduction of dutiable value of dutiable property if conveyed to partner on retirement or dissolution of partnership

(1) This section applies if, because a person ceases to be a partner in a partnership because he or she retires from the partnership or the partnership is dissolved, dutiable property of the partnership is conveyed or agreed to be conveyed to the person.

(2) The unencumbered value of the dutiable property conveyed to the person is to be reduced by an amount determined by applying the person's partnership interest in the partnership to the unencumbered value of the dutiable property of the partnership immediately before the person's retirement or the partnership's dissolution.

(3) If the unencumbered value of dutiable property is reduced under subsection (2) to a value that is more than the consideration for the dutiable property, the amount of duty payable on the conveyance of the dutiable property is:

(a) subject to paragraph (b) – the amount of duty determined to be payable on the reduced unencumbered value of the dutiable property; or

(b) if the amount of duty determined to be payable on the reduced unencumbered value of the dutiable property is less than $20 – $20.

Division 6 Insurance Business

37 Definitions

In this Division:

Australian insurer means an insurer that is:

(a) a body corporate incorporated, or registered as a company, under a law of the Commonwealth or of a State or Territory of the Commonwealth; or

(b) a body corporate that is registered as a foreign body, or as a foreign company, under a law of the Commonwealth or of a State or Territory of the Commonwealth; or

(c) the Territory.

overseas insurer means an insurer that is not an Australian insurer.

37A Life insurance and life insurance rider

(1) In this Act:

accident insurance means insurance insuring the payment of benefits:

(a) on the death of a person only from accident or violence or otherwise than from a natural cause; or

(b) as compensation for personal injury.

life insurance means insurance insuring the payment of benefits on death (other than accident insurance) or on the happening of a contingency dependent upon the termination or continuance of human life, and includes:

(a) insurance under an instrument evidencing a contract that is subject to payment of premiums for a term dependent upon the termination or continuance of human life; and

(b) insurance under an instrument securing the grant of an annuity for a term dependent upon the termination or continuance of human life.

(2) If a life policy also provides for the payment of benefits on the occurrence of a contingency or event that does not relate to or depend on the termination or continuance of human life (***life insurance rider***), then the additional insurance provided under or in accordance with the life policy is taken to be a life insurance rider and not life insurance.

(3) Subsection (2) applies:

(a) whether or not the life insurance and the life insurance rider are separate or distinct matters; and

(b) whether or not payment of benefits under the life insurance rider component of the policy:

(i) will or may reduce the benefits payable under the life insurance component of the policy; or

(ii) will or may terminate the policy.

(4) The Commissioner may apportion the amount or proportion of a premium or other amount payable for a life policy that relates to a life insurance rider if:

(a) there is no separately identifiable part of the premium or other amount apportioned to the rider; or

(b) the Commissioner is not satisfied that the separately identifiable part of the premium or other amount has been correctly apportioned to the rider.

38 Imposition of duty on policies of insurance

Stamp duty is payable on a policy of insurance in respect of:

(a) property in the Territory; or

(b) a risk, contingency or event concerning an act or omission that, in the normal course of events, may occur within or partly within the Territory; or

(c) a life insurance rider in respect of a person whose principal place of residence is in the Territory.

39 Australian insurers to be registered

(1) An Australian insurer must not grant, issue or renew a policy of insurance in respect of which duty is imposed unless the insurer is registered under this Division.

Maximum penalty: 50 penalty units.

(2) Nothing in subsection (1) affects the liability of an Australian insurer for duty imposed in respect of a policy of insurance granted, issued or renewed in contravention of this section.

40 Register of Insurers

For the purpose of this Division, the Commissioner shall keep a register to be called "Register of Insurers".

41 Registration

(1) An Australian insurer that intends to grant, issue or renew a policy of insurance on which duty is imposed may apply to the Commissioner for registration in the Register.

(2) The Commissioner must, on receiving an application from an insurer under subsection (1), register the insurer by entering the name of the insurer in the Register.

(3) The Commissioner must notify the insurer of its registration under this Division.

(4) The Commissioner must revoke the registration of an insurer under this Division on receiving notification of the winding-up of the insurer, or on receiving an application from the insurer to revoke the registration.

42 Returns in respect of insurance business

An Australian insurer registered, or required to be registered, under this Division must, within 21 days after the end of each month:

(a) lodge with the Commissioner a return detailing all premiums received in that month by the insurer in respect of which duty is imposed; and

(b) pay the duty payable in respect of those premiums.

43 Refund of duty for surrendered or cancelled insurance

If an insurer pays duty in respect of a premium that is later refunded in whole or part to the insured because of cancellation of the policy of insurance, a refund of overpaid duty is to be made under the *Taxation Administration Act 2007* if (and only if) the Commissioner is satisfied, on application by the insurer, that the refund would not result in a windfall gain to the insurer.

44 Insurer may recover duty from the insured person

Nothing in this Act prevents an insurer from recovering duty paid or payable on a policy of insurance from the person who pays the premiums on the policy.

44A Insurance granted, issued or renewed by overseas insurer

(1) A person who effects insurance in respect of:

(a) property in the Territory; or

(b) a risk, contingency or event concerning an act or omission that, in the normal course of events, may occur within or partly within the Territory;

for which a policy of insurance is or is to be granted, issued or renewed (directly or indirectly) by an overseas insurer must, within 30 days after effecting the insurance, lodge with the Commissioner a return containing the approved particulars (including details of the premiums paid for policies of insurance in respect of which duty is imposed) and pay the relevant amount of duty.

(2) The person who effects insurance to which this section applies and the overseas insurer who granted, issued or renewed the policy of insurance for that insurance are jointly and severally liable for the duty imposed in respect of the policy of insurance.

44B Agents and brokers taken to be acting for insurer

(1) For the purposes of this Division, an insurance agent or insurance broker who arranges for the grant, issue or renewal of a policy of insurance (whether on behalf of the insurer or the person effecting the insurance) is to be taken to have granted, issued or renewed the policy on behalf of the insurer.

(2) Subsection (1) applies in relation to an insurance agent or insurance broker (wherever the agent or broker carries on business) whether or not the agent or broker is acting in pursuance of a binder within the meaning of section 761A of the Corporations Act 2001.

Division 7A Apportionment of premiums etc. between Territory and other jurisdictions

49A Application of Division

This Division applies to:

(a) a policy of insurance in respect of:

(i) property in the Territory and property in another place; or

(ii) a risk, contingency or event concerning an act or omission that, in the normal course of events, may occur within or partly within the Territory or within or partly within another place or within or partly within the Territory and another place; or

(b) a policy of insurance that is a life insurance rider in respect of persons whose principal places of residence are variously in the Territory and another place.

49B Schedule of Apportionment

(1) The Commissioner may adopt a Schedule of Apportionment for the purpose of apportioning premiums for insurance, or premiums paid for specific classes of insurance, and other amounts in relation to insurance in accordance with this Division.

(2) The Schedule of Apportionment may be developed in consultation with any person the Commissioner considers suitable.

49C Apportionment in practice

(1) Subject to this section, a premium or an amount is to be apportioned in accordance with the Schedule of Apportionment adopted for the time being.

(2) An insurer or an insured person may apply to the Commissioner to apportion a premium or an amount on a basis other than that provided by the Schedule of Apportionment and the Commissioner may apportion the premium or amount on the other basis.

(3) If the Commissioner is not satisfied that a premium paid or another amount in relation to a policy of insurance has been properly

apportioned for each risk insured, the Commissioner may determine the apportionment, reassess the liability to duty and charge duty accordingly.

Division 8 Conveyances and Leases

50 Persons liable to pay duty

Subject to this Act:

(a) duty imposed on a conveyance is payable by the conveyee; and

(b) duty imposed on a lease is payable by the lessee.

52A Computation of duty where 2 or more instruments

(1) This section applies to the following instruments:

(a) an instrument by which, or evidencing a transaction or part of a transaction by which, dutiable property is conveyed; and

(b) a statement under section 83B; and

(c) a memorandum created for the purposes of section 86, where the memorandum relates to an instrument under paragraph (a) or the failure to lodge a statement under section 83B.

(2) In this section, ***relevant transaction*** means a transaction which is or should be evidenced by an instrument referred to in subsection (1)(b) or (c).

(3) Where 2 or more instruments to which this section applies together form, or arise from, substantially one transaction or one series of transactions, those instruments shall, unless the Commissioner is satisfied that it would not be just and reasonable in the circumstances, be chargeable with ad valorem duty as a single transaction calculated at the rate appropriate to the dutiable property conveyed on the sum of the amounts by reference to which ad valorem duty on each of those instruments would, but for this subsection, have been calculated, and that duty shall be apportioned to the various instruments as determined by the Commissioner.

(4) Where a person conveys dutiable property to the same person (whether that person takes alone or with the same or different persons) by an instrument to which this section applies:

(a) which has been, or appears to have been, executed within 12 months of:

(i) another such instrument; or

(ii) a relevant transaction; or

(b) being a statement under section 83B or a memorandum under section 86 evidencing a relevant transaction which, in the opinion of the Commissioner, was entered into within 12 months of:

(i) another relevant transaction evidenced by such a statement or memorandum; or

(ii) the execution of an instrument referred to in paragraph (a),

it shall be presumed, unless the Commissioner is satisfied to the contrary, that the instruments arose out of one transaction or one series of transactions.

(5) Where ad valorem duty has been paid in respect of an instrument referred to in subsection (3), the duty otherwise payable under that subsection shall be reduced by the amount of duty already paid.

(6) Except as provided by subsection (5), this section does not operate to reduce the duty payable on any instrument.

56A Refund or remission of duty if transaction does not proceed etc.

(1) If:

(a) duty has been paid, or is payable, on a conveyance (other than a conveyance to which Division 8AB applies) or on the grant of a lease; and

(b) the conveyance or grant does not proceed:

(i) because of non-execution by an essential party, non-fulfilment of a condition precedent or the operation of some provision of the instrument; or

(ii) because the entitlements purportedly conferred by the conveyance or grant are extinguished by rescission, cancellation or annulment of the conveyance or grant;

the Commissioner must refund the duty paid or remit the duty payable (as the case requires).

(1A) Subsection (1) does not apply in relation to the grant of a lease if the lessee or an associate of the lessee has occupied the leased property (or property substantially the same as the leased property), except as a result of the sale of the property to the lessee or associate, after the date when the grant did not proceed.

(1B) In addition, the Commissioner must remit the duty assessed (but not paid) on a dutiable instrument if, under section 9(3A), there is no obligation to pay duty on the instrument because the transaction does not proceed.

(2) A refund or remission of duty may only be made or granted under the *Taxation Administration Act 2007* on an application:

(a) made within 90 days (or a longer period allowed by the Commissioner) after it first became apparent that the conveyance or grant would not proceed (which, in the case of rescission, cancellation or annulment, will be taken to be the date of the rescission, cancellation or annulment); and

(b) supported by all documents relevant to the application and such other evidence as the Commissioner may require.

(3) All instruments evidencing a transaction in respect of which duty has, in pursuance of this section, been remitted or refunded shall have a note of that fact endorsed on them by the Commissioner and, on being so endorsed, they shall have no effect in law or in equity to convey dutiable property or grant a lease.

(4) This section does not apply to or in relation to a transaction where the Commissioner is of the opinion that a subsequent sale or other disposition of the dutiable property the subject of the transaction:

(a) is a sub-sale or a transaction having the effect of a sub-sale, notwithstanding that the subsequent conveyance is executed by the person who was the vendor in that first-mentioned transaction; or

(b) is the result of a conveyance by direction, whether in writing or not, initiated by the conveyee in that transaction.

(5) If duty has been remitted or refunded under subsection (1) or (1B) for a transaction, and the Commissioner subsequently forms the

opinion there has been a subsequent sale or other disposition of the dutiable property the subject of the transaction of a type mentioned in subsection (4)(a) or (b), the instruments evidencing the transaction remain liable to duty.

(6) An assessment may be made under subsection (5) even though the period of limitation for making reassessments has expired.

Division 8AA Declarations of trust

56BA Declaration of trust

(1) A declaration of trust is a conveyance.

(2) The declaration is to be assessed for duty as a conveyance to the declarant of all the dutiable property subject to the trust (irrespective of whether the declarant has, or may acquire, a beneficial interest under the trust).

Division 8AAA Changes in beneficiaries and trustees of discretionary trusts

56BAB Imposition of duty on addition or change of beneficiary under discretionary trust

(1) The following transactions are conveyances for the re-constitution of a trust:

(a) the addition of a person or class of persons as a beneficiary or beneficiaries of a discretionary trust;

(b) the sale (or other disposition) of a beneficial interest (or potential beneficial interest) by a beneficiary of a discretionary trust;

(c) an amendment or variation to the terms of a non-discretionary trust that has the effect of creating a discretionary trust.

(2) Such a conveyance is to be assessed for duty as a conveyance of all the dutiable property subject to the trust.

(3) All the trustees and any person who becomes a beneficiary as a result of the conveyance are jointly and severally liable for the duty payable on the conveyance.

(4) A transaction is not dutiable under this section if:

(a) all the existing beneficiaries, and all new beneficiaries, are members of the same family; or

(b) the Commissioner is satisfied the transaction is not a tax avoidance scheme or part of a tax avoidance scheme.

56BAC Imposition of duty where change in beneficiary and trustee under discretionary trust

(1) Subject to this section, if:

(a) a change in control of a corporate beneficiary under a discretionary trust and a change in control of the discretionary trust occur within a 12-month period; and

(b) the changes arise from one transaction or one series of transactions or substantially from one transaction or one series of transactions;

the changes in control together constitute a conveyance occurring on the date of the later of the changes.

(2) The conveyance is to be regarded as a conveyance for the reconstitution of the trust and is to be assessed for duty as a conveyance of all the dutiable property subject to the trust.

(3) The beneficiary subject to the change in control, and all the trustees, are jointly and severally liable for the duty imposed on the conveyance.

(4) However, duty is not payable if the Commissioner is satisfied that the concurrent or consecutive changes in control are not a tax avoidance scheme or part of a tax avoidance scheme.

Division 8AB Options to convey dutiable property

56BB Definitions

In this Division:

call option has the meaning in section 56BC(1)(a).

option property means the dutiable property that is common to the call option and the put option.

put option has the meaning in section 56BC(1)(b).

56BC Duty payable on call and put option

(1) This section applies if:

(a) there is a conveyance to a person (***the first person***) of an option (***the call option***) to require another person (***the***

second person) to convey to the first person, or to a person with whom the first person has an agreement, arrangement or understanding (***a third person***), dutiable property; and

(b) the second person has an option (***the put option***) to require the first person or a third person referred to in paragraph (a) to be the conveyee in a conveyance of the dutiable property from the second person.

(2) The conveyance of the call option is taken to be a conveyance of the option property from the second person to the first person and duty is payable by the first person accordingly.

(3) The conveyance of the option property is taken to have occurred when the later of the conveyance of the call option occurs or the put option comes into existence.

(4) Duty is payable by the first person under subsection (2):

(a) regardless of when the call option or the put option is exercisable; and

(b) even though the call option or the put option is exercisable over dutiable property in addition to the option property.

(5) The duty imposed is payable on the greater of:

(a) the sum of the consideration for the conveyance of the call option over the option property and the consideration for the exercise of the call option over the option property; or

(b) the unencumbered value of the option property.

(6) If, as a result of the exercise of the call option or the put option, the option property is conveyed from the second person to the first person, the ad valorem duty payable on the conveyance is reduced by the amount of duty paid or payable by the first person under subsection (2).

(7) If the option property is conveyed to a third person, the reduction of ad valorem duty available to the first person under subsection (6) will only extend to the third person if the Commissioner is satisfied:

(a) that:

(i) the first person was, at the time of the transfer of the call option, acting as agent of the third person; or

(ii) the third person is a corporation or the trustee of a trust that the first person was, at the time of the transfer of the call option, in the process of incorporating, establishing or acquiring; and

(b) that there has been no sub-sale or other dutiable dealing with the option property between the time of the transfer of the call option and the conveyance to the third person.

56BD Duty payable if neither option exercised

(1) This section applies if:

(a) both the call option and the put option expire without being exercised; and

(b) the failure to exercise either option is not a tax avoidance scheme or part of a tax avoidance scheme; and

(c) the option property has not been conveyed to a third person referred to in section 56BC(1)(a) (whether as a result of the exercise of the call option or the put option or otherwise).

(2) Duty is payable on the last conveyance of the call option as an option to purchase the dutiable property the subject of the call option.

(3) The duty imposed is payable by the last conveyee of the call option.

(4) However, the conveyee liable to pay duty under subsection (3) is entitled to a remission or refund of an amount equal to the difference between:

(a) the amount of duty paid or payable on the call option by the conveyee under section 56BC(2); and

(b) the amount of duty paid or payable on the call option by the conveyee under subsection (3).

(5) A refund or remission of duty may only be made or granted under the *Taxation Administration Act 2007* on an application:

(a) made within 90 days (or a longer period allowed by the Commissioner) after the expiry of the put or call option (whichever is last to expire); and

(b) supported by all documents relevant to the application and such other evidence as the Commissioner may require.

56BE Circumstances in which duty is not payable

(1) Duty is not payable on a conveyance under section 56BC if the conveyance of the call option occurred, and the put option came into existence, before 23 June 2004.

(2) Duty is not payable under section 56BC(2) if the Commissioner is satisfied that:

(a) the call option and the put option are part of a scheme of call options and put options granted by the proprietors of a business, the only purpose of which is to facilitate the continuation of the business by one or some of the proprietors (***the continuing proprietors***); and

(b) the call options and put options forming the scheme are only exercisable on the occurrence of a specified event that would cause the continuing proprietors to seek to acquire the interest in the business of another of the proprietors; and

(c) the call option and the put option are not a tax avoidance scheme or part of a tax avoidance scheme.

(3) In subsection (2):

proprietor, of a business, means a natural person who is:

(a) if the business is a partnership – a partner in the business; or

(b) if the business is a company – a shareholder in the business; or

(c) if the business is a unit trust scheme – a unit holder in the business; or

(d) if paragraphs (a), (b) and (c) do not apply – a person determined by the Commissioner to be a proprietor of the business.

Division 8A Relevant acquisitions in certain corporations and unit trust schemes entitled to land

56C Interpretation

(1) In this Division:

acquire, in relation to an interest or a shareholding in a land-holding corporation, includes acquire the interest or shareholding in any of the following ways:

(a) the allotment or issue of a share, not being the issue of a share to a member on registration of the corporation;

(b) the redemption, surrender or cancellation of a share;

(c) the variation, abrogation or alteration of a right pertaining to a share;

(ca) the payment of an amount owing for a share;

(cb) a declaration of trust over shares;

(cc) if shares are held subject to a discretionary trust – the addition of a beneficiary or class of beneficiaries to the existing beneficiaries under the trust;

(cd) if shares are held subject to a discretionary trust – a change in control of a corporate beneficiary under the trust and a change in control of the trust if both changes:

(i) occur within a 12 month period; and

(ii) arise from (or substantially from) one transaction or one series of transactions;

(ce) a statutory vesting of shares;

(cf) a merger vesting of shares;

but does not include an acquisition:

(d) that occurs solely as the result of:

(i) the appointment of a receiver or trustee in bankruptcy; or

(ii) the appointment of a liquidator; or

(iii) the making of a compromise or arrangement under Part 5.1 of the Corporations Act 2001 that:

(A) has been made with the corporation's creditors or a class of them; and

(B) has been approved by the court; and

(C) is not a tax avoidance scheme or part of a tax avoidance scheme; or

(iv) the distribution of the estate of a deceased person, including an acquisition that occurs as the result of:

(A) a will, a codicil or an order of a court varying or modifying the provisions of a will or codicil; or

(B) an intestacy or an order of a court varying or modifying the application, in relation to the estate of a deceased person, of the provisions of a law relating to the distribution of the assets of persons who die intestate.

corporation has the same meaning as in the Corporations Act 2001.

director has the same meaning as in the Corporations Act 2001.

entitled means beneficially entitled.

interest has the meaning in section 56Q, and includes a significant interest.

interposed trust, see section 124-1045 of the *Income Tax Assessment Act 1997* (Cth).

land includes anything fixed to the land (irrespective of whether it would be regarded as a fixture at common law).

linked entity, of a corporation, has the meaning in section 56NA(1).

listed corporation means a corporation that is on the official list of a recognised financial market if the listing is not a tax avoidance scheme or part of a tax avoidance scheme.

listed unit trust scheme means a unit trust scheme that is on the official list of a recognised financial market if the listing is not a tax avoidance scheme or part of a tax avoidance scheme.

relevant period, in relation to a relevant acquisition, means:

(a) the period of 3 years ending on the date of the relevant acquisition; or

(b) if a person makes a relevant acquisition because the person acquires an interest by exercising a right to acquire the interest – the period commencing 3 years before the day on which the person or a related person acquired the right to acquire the interest and ending on the date of the relevant acquisition.

share means a share in the share capital of a corporation and includes stock and an interest in a share or stock, and ***shareholding*** has a corresponding meaning.

significant interest has the meaning in section 56Q(4).

unit means a right or interest, whether described as a unit or sub-unit or otherwise, of a beneficiary under a unit trust scheme, and includes an interest in a unit.

unit trustee means a trustee of a unit trust scheme.

unlisted unit trust scheme means a unit trust scheme that is not a listed unit trust scheme.

(3) For the purposes of this Division, the following persons are related:

(a) natural persons who are spouses of each other, or who are related as parent and child;

(b) related corporations;

(c) trustees of the same trust, or of different trusts if there is a beneficiary common to both trusts;

(d) a natural person and a corporation if the natural person is a majority shareholder, director or secretary of the corporation or a related corporation;

(e) a natural person and a trustee of a trust of which the natural person is a beneficiary;

(f) a corporation and a trustee of a trust of which:

(i) the corporation, or a majority shareholder, director or secretary of the corporation, is a beneficiary; or

(ii) a related corporation is a beneficiary;

(g) persons who acquire interests in a corporation by virtue of acquisitions that together form or arise from substantially one transaction or one series of transactions;

(h) in relation to the acquisition of an interest in a corporation by a declaration of trust over shares – the trustees and beneficiaries of the trust;

(i) in relation to an acquisition of an interest in a corporation by virtue of the addition of a beneficiary or class of beneficiaries to the existing beneficiaries under a discretionary trust – the trustees of, and the additional beneficiary or class of beneficiaries under, the trust.

(4) But a person will not be regarded as related to another if the Commissioner is satisfied that they are not, and have not been, acting in concert in relation to the acquisition of interests in a corporation.

(6) For the purposes of this Division, and subject to section 56CA, the entitlement of a person to participate as a shareholder in the distribution of the property of a corporation on a winding up of the corporation is an entitlement to an amount calculated as if:

(a) the winding up were carried out in accordance with the constitution or rules of the corporation and the law relevant to the winding up, as the constitution or rules and law exist at the time of the winding up; or

(b) the person (whether acting alone or together with related persons) had, immediately before the winding up, paid up any uncalled amount for the shares in the corporation and exercised all powers and discretions exercisable by the person (whether acting alone or together with related persons) by reason of having acquired an interest in the corporation to:

(i) effect or compel an alteration to the constitution or rules; or

(ii) vary the rights conferred by shares in the corporation; or

(iii) effect or compel the substitution or replacement of shares in the corporation with other shares in the corporation,

in such manner as to maximize that amount,

whichever of the amounts under paragraph (a) or (b) results in the greater amount, unless the Commissioner determines, where the calculation under paragraph (b) results in the greater amount, that the amount of the entitlement should be calculated under paragraph (a).

(7) For the purposes of this Division, and subject to section 56CA, the entitlement of a person on the distribution of a trust shall be determined as the greatest entitlement that the person could derive at any time from the trust whether by the fulfilment of a condition, the outcome of a contingency or the exercise of a power or discretion or otherwise and, in particular, a person that may benefit from, or the trust property of another trust that may comprise or be augmented by a benefit from, a discretionary trust shall be deemed to be entitled to or comprise, or be augmented by:

(a) the property subject to the discretionary trust, unless the Commissioner determines otherwise; or

(b) such part of that property as the Commissioner determines.

(9) Farming land is not to be taken into account as land of a land-holding corporation for the purpose of assessing duty on a relevant acquisition if:

(a) the transaction would, assuming it were a conveyance of the farming land between the parties to the relevant acquisition, be exempt from duty under section 87; and

(b) the parties acquiring the relevant interest intend that the farming land will continue to be used solely or principally for farming purposes; and

(c) the parties from whom the relevant interest is acquired held the relevant interest for at least 5 years before the date of the relevant acquisition or the land-holding corporation acquired the farming land before those parties acquired their interest in it.

(10) For this Division, if an interest or a shareholding in a corporation is acquired by virtue of a declaration of trust over shares:

(a) the interest or shareholding vested or to be vested in the declarant is taken to be the interest or shareholding acquired; and

(b) the declarant is taken to be the person who acquired the interest or shareholding; and

(c) the acquisition is taken to have occurred at the time the declaration is made.

(11) For this Division, if an interest or a shareholding in a corporation is acquired by virtue of the addition of a beneficiary or class of beneficiaries to the existing beneficiaries under a discretionary trust:

(a) the interest or shareholding over which the trust is declared is taken to be the interest or shareholding acquired; and

(b) the trustees are taken to be the persons who acquired the interest or shareholding; and

(c) the acquisition is taken to have occurred at the time of the addition.

(11A) For this Division, the addition of a beneficiary or class of beneficiaries to the existing beneficiaries under a discretionary trust includes any of the following:

(a) the addition of a beneficiary who is a natural person or a body corporate;

(b) the addition of a class of beneficiaries the members of which are natural persons, bodies corporate or both;

(c) the addition of a person or class of persons in whom the whole or part of the trust property vests if the trustee does not make a determination to vest that whole or part;

(d) the transfer or other disposition by a beneficiary of his or her beneficial interest under the trust.

(11B) If the effect of an amendment or variation of the terms of a non-discretionary trust is to create a discretionary trust, this Division applies in relation to the discretionary trust as if, at the time the amendment or variation is made:

(a) there are beneficiaries or classes of beneficiaries already existing under the discretionary trust; and

(b) the beneficiaries or classes of beneficiaries under the discretionary trust are added to the existing beneficiaries or classes of beneficiaries.

(12) For this Division, if an interest or a shareholding in a corporation is acquired by virtue of a change in control of a beneficiary under, and a change of or in control of a trustee of, a discretionary trust mentioned in paragraph (cd) of the definition of ***acquire***:

(a) the interest or shareholding over which the trust is declared is taken to be the interest or shareholding acquired; and

(b) the trustees are taken to be the persons who acquired the interest or shareholding; and

(c) the acquisition is taken to have occurred at the time of the later of the changes.

(13) For this Division, if an interest or a shareholding in a corporation is acquired by virtue of a statutory vesting:

(a) the interest or shareholding that vests in the person or body concerned is taken to be the interest or shareholding acquired; and

(b) the person or body in whom the interest or shareholding vests is taken to be the person or body who acquired the interest or shareholding; and

(c) the acquisition is taken to have occurred at the time the law by or under which the vesting occurs determines when the interest or shareholding vests in the person or body.

(14) The following provisions apply to a merger vesting of shares in a land-holding corporation:

(a) for a merger vesting mentioned in section 4E(2):

(i) a 100% shareholding in each of the merging entities is taken to be the shareholding acquired; and

(ii) entity A is taken to be the person who acquired the shareholding; and

(iii) the acquisition is taken to have occurred when the merger is completed;

(b) for a merger vesting mentioned in section 4E(3):

(i) a 50% shareholding in each of the merging entities is taken to be the shareholding acquired; and

(ii) the merging entities are taken together to be the persons who acquired the shareholding; and

(iii) the acquisition is taken to have occurred when the merger is completed;

(c) for a merger vesting mentioned in section 4E(4):

(i) a 100% shareholding in, or in each of, the merging entity or entities is taken to be the shareholding acquired; and

(ii) entity B is taken to be the person who acquired the shareholding; and

(iii) the acquisition is taken to have occurred when the merger is completed.

(15) Subsection (16) applies to an acquisition of an interest in a corporation if all of the following conditions are satisfied:

(a) the acquisition is made only for one of the following purposes:

(i) to enable the person (other than the corporation) from whom the interest is acquired to obtain finance under an arrangement (the ***finance arrangement***), whether by way of renewal of the finance arrangement or otherwise;

(ii) to enable the person to obtain an extension of the period for which finance was obtained under the finance arrangement;

(b) one of the following applies:

(i) the acquisition alone does not constitute a significant interest in the corporation;

(ii) an amount was deducted from the duty charged on a statement lodged under section 56K in relation to the acquisition under section 56M(2)(c)(ix).

(16) For this Division, if the conditions in subsection (15) are satisfied:

(a) the person from whom the interest is acquired is taken to be still holding the interest; and

(b) the person acquiring the interest is taken not to be holding the interest.

(17) Subsection (16) ceases to have effect in relation to the persons mentioned in that subsection at the earlier of the following:

(a) the enforcement or termination of the finance arrangement;

(b) the person mentioned in subsection (16)(b) is required under section 56K(7) to relodge a statement.

56CA Arrangement relating to certain entitlement

(1) This section applies if the Commissioner is satisfied:

(a) any of the following entitlements of a person is reduced (including reduced to nil) as a direct or indirect result of an arrangement:

(i) an entitlement in the distribution of the property of a corporation as a shareholder on the winding up of the corporation as described in section 56C(6);

(ii) an entitlement on the distribution of a trust as described in section 56C(7); and

(b) one of the following (a ***relevant transaction***) occurs:

(i) an acquisition of an interest or shareholding by a person in a land-holding corporation;

(ii) an event that would be such an acquisition apart from the arrangement.

(2) Unless the Commissioner is satisfied the arrangement is not a tax avoidance scheme or part of a tax avoidance scheme:

(a) the arrangement must be disregarded for the purposes of this Act in relation to the relevant transaction; and

(b) the Commissioner may determine that, in relation to the relevant transaction, on a specified date:

(i) the person has made an acquisition of an interest or shareholding in the land-holding corporation that is 100% or a lesser specified percentage; or

(ii) the person has an entitlement to receive 100%, or a lesser specified percentage, of the unencumbered value of the property of the corporation or trust mentioned in subsection (1)(a).

Example for subsection (2)(a) and (b)(i)

An amendment of the constitution of a corporation has the effect of reducing to nil the entitlement of all of its shareholders to the distribution of its property on its winding up. The Commissioner considers the amendment is an arrangement covered by this section.

There has been a transfer of shares in the corporation (which is a relevant transaction in relation to a land-holding corporation mentioned in subsection (1)(b)). The reduction of the shareholders' entitlement must be disregarded for this Act in relation to the transfer under subsection (2)(a). In addition, the Commissioner determines under subsection (2)(b)(i) that, in relation to the transfer, a person has acquired a 90% interest in the corporation on a specified day. As a result, the person is liable to pay stamp duty in relation to the acquisition.

(3) To avoid doubt, subsection (2) has effect in relation to the application of section 56C(6) and (7) for the purposes of this Act.

(4) Without limiting subsection (1), an ***arrangement*** includes:

(a) a scheme as defined in section 4B(1); and

(b) all or part of the constitution or rules of a corporation, or of the constituent document of a trust; and

(c) an amendment to the constitution, rules or constituent document.

56CAA Acquisition of interest by share transfer

(1) This section applies to an acquisition of an interest in a corporation that is, or is to be, evidenced by a transfer of shares.

(2) For this Act, the acquisition is taken to occur, on the earliest of the following dates:

(a) the date on which the documents evidencing the transfer of, or the title to, the shares are delivered to the person acquiring the shares or someone else on that person's behalf;

(b) the date on which all or any part of the consideration for the shares is given to the person from whom the shares are acquired or someone else on that person's behalf;

(c) the date on which the name of the person acquiring the shares is registered on the register of the members of the corporation.

(3) Subsection (4) applies if:

(a) the acquisition is taken to occur on the date mentioned in subsection (2)(b); and

(b) none of the events mentioned in subsection (2)(a) and (c) has occurred; and

(c) the transaction for the transfer of the shares is rescinded, annulled or otherwise terminated.

(4) The Commissioner may:

(a) determine the acquisition did not occur; and

(b) assess or reassess a person's liability to pay duty accordingly.

(5) If an acquisition of an interest in relation to shares in a corporation is taken to have occurred on a day under subsection (2):

(a) the person acquiring the interest is taken to have become a shareholder of the corporation in relation to those shares on that day; and

(b) the person from whom the interest is acquired is taken to have ceased to be a shareholder of the corporation in relation to those shares on that day.

(6) If the Commissioner subsequently determines under subsection (4) that the acquisition did not occur:

(a) the person mentioned in subsection (5)(a) is taken never to have been the shareholder of the corporation in relation to those shares as provided under that subsection; and

(b) the person mentioned in subsection (5)(b) is taken never to have ceased to be a shareholder of the corporation in relation to those shares as provided under that subsection.

56D Lodgement of statements by trustees

(1) If a person by a relevant acquisition acquires an interest in a land-holding corporation in the capacity of a trustee, the liability to prepare and lodge a statement under section 56K is not affected by the fact that the acquisition is not made by the person beneficially, and this Division applies as if the acquisition had been made beneficially.

(2) Where the Commissioner considers that:

(a) a beneficiary under a trust is related to another person who has acquired an interest in a corporation; and

(b) the beneficiary's interest when combined with that of the related person exceeds the trustee's interest;

on payment of the duty payable on the statement required to be lodged under section 56K by the beneficiary any duty paid by the trustee in respect of the acquisition giving rise to the requirement for that statement to be lodged shall be refunded to the trustee.

56K When statement to be lodged

(1) Where, by a relevant acquisition, a person acquires an interest in a land-holding corporation, that person shall prepare and lodge with the Commissioner a statement in respect of that acquisition.

(2) If a relevant acquisition occurs through the aggregation of the interests of related persons, the requirement imposed by subsection (1) extends to each related person, but compliance by one of them is to be regarded as compliance by all.

(3) The statement under subsection (1) must be lodged within 60 days after the occurrence of the relevant acquisition.

(4) The statement must include:

(a) the name and address of the person who has made the relevant acquisition (including the names and addresses of any related persons to whom subsection (2) applies); and

(b) the date of the relevant acquisition; and

(c) particulars of the interest acquired and of all interests previously acquired by the person or a related person and the date on which each of those interests was acquired; and

(d) the person's estimate of the unencumbered value of all land to which the corporation is entitled as at the date of the relevant acquisition and as at the date of each acquisition of an interest in the corporation by the person or a related person during the relevant period; and

(e) details of any duty paid under this Division in respect of any such acquisition within the relevant period.

(5) A statement under subsection (1) shall be deemed, for the purposes of this Act, to be an instrument executed on the day on which the relevant acquisition occurred.

(5A) Subsection (5B) applies if:

(a) an amount is deducted from duty chargeable on a statement prepared and lodged under subsection (1) for a relevant acquisition of an interest by a person in a land-holding corporation because of section 56M(2)(c)(i); and

(b) the interposed trust becomes an unlisted unit trust scheme at any time within 3 years after the scheme is completed.

(5B) Despite section 56M(3), the person must, within 60 days after the interposed trust becomes an unlisted unit trust scheme:

(a) relodge the statement; and

(b) pay duty (including interest and penalty tax) on it as if the deduction had never applied.

(6) Subsection (7) applies if:

(a) an amount is deducted from the duty chargeable on a statement prepared and lodged under subsection (1) for a relevant acquisition of an interest by a person in a corporation because of section 56M(2)(c)(ix); and

(b) it becomes apparent that neither of the following events will occur within 5 years after the relevant acquisition (or a longer period approved by the Commissioner in writing):

(i) the person from whom the interest was acquired reacquiring the interest;

(ii) if the relevant acquisition was by way of a mortgage – the mortgagee exercising the mortgagee's power of sale in selling the interest to someone other than the person mentioned in subparagraph (i).

(7) The person mentioned in subsection (6)(a) must, within 30 days after it becomes apparent that the event mentioned in subsection (6)(b)(i) or (ii) will not occur within the 5 years or longer period mentioned in that subsection:

(a) relodge the statement; and

(b) pay duty (including interest and penalty tax) on the statement as if the deduction had never applied.

(8) The Commissioner may reassess duty on an instrument in relation to an acquisition, even though the time limit for reassessment under the *Taxation Administration Act 2007* may have passed, if:

(a) the duty was assessed on the basis that an amount is to be deducted under section 56M(2)(c)(ix); but

(b) a statement is required to be relodged in relation to the acquisition under subsection (7) (whether or not the statement is in fact relodged).

(9) A person commits an offence if the person fails to comply with subsection (1), (2), (3), (5B) or (7).

Maximum penalty: 100 penalty units.

56M Statement chargeable with duty

(1) A statement lodged under section 56K is chargeable with duty at the ad valorem rate applicable to a conveyance of dutiable property with a dutiable value determined under section 56R.

(2) However, there is to be deducted from the duty chargeable on a statement lodged under section 56K:

(a) the amount, if any, paid under Schedule 1, item 20 to the *Stamp Duty Act 1978* as in force before 1 July 2006 in respect of any instrument effecting or evidencing the acquisition of an interest in the corporation within the relevant period in relation to the relevant acquisition, except duty:

(i) previously deducted under this paragraph; or

(ii) paid in respect of the acquisition of an interest referred to in paragraph (c); and

(b) the amount, if any, paid under this Division (but not refunded) on another statement lodged under section 56K in respect of the portion of the dutiable value of the relevant acquisition specified in that other statement that relates to the dutiable value of the acquisition of an interest in the corporation by the person or any related persons within the relevant period in relation to the relevant acquisition; and

(c) the amount payable under this Division in respect of the acquisition of an interest in the corporation by the person or any related persons in any of the following circumstances:

(i) if each of the following applies:

(A) the acquisition is made for giving effect to a scheme that would qualify as a roll-over under Subdivision 124-Q of the *Income Tax Assessment Act 1997* (Cth);

(B) when the scheme is completed, the interposed trust will not be an unlisted unit trust scheme;

(C) the acquisition is not a tax avoidance scheme or part of a tax avoidance scheme;

Note for subparagraph (i)

If the interposed trust becomes an unlisted unit trust scheme at any time within 3 years after the scheme is completed, the statement lodged under section 56K(1) is required to be relodged for the Commissioner to reassess and impose duty as if the deduction did not apply, see section 56K(5A) and (5B).

(v) if the interest is acquired within the relevant period by virtue of the vesting of marketable securities under a declaration of trust over shares and duty has already been paid under this Division in respect of an acquisition of that interest by virtue of the declaration of trust having been made when the marketable securities were to be vested in the declarant;

(vi) if the interest is acquired within the relevant period by virtue of the addition of a beneficiary or class of beneficiaries to the existing beneficiaries under a discretionary trust and either of the following applies:

(A) the existing and the additional beneficiaries are members of the same family;

(B) the addition is not a tax avoidance scheme or part of a tax avoidance scheme;

(vii) the acquisition occurs through a change in control of a corporate beneficiary and a change in control of a discretionary trust and the Commissioner is satisfied that the changes are not a tax avoidance scheme or part of a tax avoidance scheme;

(ix) the Commissioner is satisfied the acquisition is made only for any of the following purposes:

(A) to enable a person (other than the corporation) from whom the interest is acquired to obtain finance under an arrangement (the ***finance arrangement***), whether by way of renewal of the finance arrangement or otherwise;

(B) to enable the person to obtain an extension of the period for which finance was obtained under the finance arrangement;

(C) to enable the person or someone providing finance to the person under the finance arrangement to enforce or terminate the finance arrangement;

(x) if the interest is acquired within the relevant period in relation to the relevant acquisition and duty is not payable in respect of the interest by virtue of section 22 as in force before 1 July 2006 or by virtue of section 19 or 20 as in force on or after 1 July 2006; and

(d) the amount, if any, paid under Division 8B (but not refunded) for the part of the duty for a merger vesting of land within the relevant period in relation to the relevant acquisition.

(2A) Subject to subsection (2B), there is to be deducted from the duty chargeable on a statement lodged under section 56K the amount payable by a person under this Division in respect of the proportion of the dutiable value of the acquisition of an interest in the corporation in respect of land to which the corporation is entitled if the interest is acquired within the relevant period by the person or any related persons and a direct conveyance of the land from the person who held the interest to the person who acquired the interest:

(a) would not be liable to ad valorem duty because of a law of the Territory (other than Division 2); or

(b) would not be liable to duty because of an order or binding agreement under Part VIII, VIIIA or VIIIAB of the *Family Law Act 1975* (Cth) in circumstances where both of the following apply:

(i) the order or agreement relates to the marriage (including a void marriage or former marriage) or de facto relationship (including a former de facto relationship) of the person who held the interest and the person who acquired the interest;

(ii) the person who acquired the interest is not an agent or trustee of another person.

(2B) Subsection (2A) applies only if an amount payable in respect of the acquisition of the interest in the corporation has not been deducted under subsection (2)(c).

(3) Despite section 9, duty on a statement lodged under section 56K is due and payable by the person liable to pay it:

(a) on the date specified in the notice of assessment of the duty as the date on which the duty is due and payable; or

(b) if no date is specified or no notice is served – within 60 days after the occurrence of the relevant acquisition.

56N Corporation to which Division applies

(1) This Division applies to a land-holding corporation in which a person acquires a relevant acquisition.

(2) A land-holding corporation is a corporation entitled to land that has an unencumbered value of at least $500 000.

56NA Linked entity

(1) A linked entity of a corporation is a person who is part of a chain of persons:

(a) that includes the corporation; and

(b) that is comprised of one or more links; and

(c) in which a link exists if a person, whether alone or together with other linked entities, would be entitled to receive at least 20% of the unencumbered value of the property of another person in the chain (the ***property-holder***).

(2) For subsection (1)(c), a person's entitlement at a particular time is determined in the following way:

(a) if the property-holder is a corporation – as an entitlement to participate as a shareholder in the distribution of the property on a winding-up of the corporation, at that time, calculated in accordance with section 56C(6);

(b) if the property-holder is a trustee of a trust – as an entitlement on the distribution of the trust, at that time, determined in accordance with section 56C(7).

56NB Unencumbered value of land of corporation

(1) The unencumbered value of land to which a corporation is entitled at a particular time is the aggregate of the following amounts:

(a) the unencumbered value, at that time, of land to which the corporation is entitled in its own right;

(b) the portion of the unencumbered value, at that time, of land to which the corporation would be entitled if each linked entity were to be wound up.

(2) For subsection (1)(b), the portion of the unencumbered value to which the corporation would be entitled is the value determined without regard to any liabilities of a linked entity.

(3) For this section:

(a) a person is taken to be entitled to land that is subject to an agreement for the sale or purchase of the land by the person; and

(b) a person who is entitled to land as a co-owner of the land is taken to be entitled to the whole of the land unless the Commissioner is satisfied the reason for the person being a co-owner is not to defeat the object of this Division.

56P Meaning of *relevant acquisition*

(1) An acquisition of an interest in a corporation by a person is a ***relevant acquisition*** for this Division:

(a) if it is an acquisition that alone constitutes a significant interest in the corporation; or

(b) if, when aggregated with other interests in the corporation held by the person, or the person and related persons, it constitutes a significant interest in the corporation; or

(c) if, by the acquisition, a person who has a significant interest in the corporation or an interest referred to in paragraph (b) acquires a further interest in the corporation.

(2) In addition, the Commissioner may determine a person has made a relevant acquisition on a specified date of an interest in a corporation that is 100% or a lesser specified percentage if the Commissioner considers:

(a) the person has acquired the control of the corporation; and

(b) the control is acquired otherwise than by a relevant acquisition mentioned in subsection (1).

(3) For subsection (2), a person acquires the control of a corporation if the person acquires the capacity to determine or influence the outcome of decisions about any of the corporation's financial and operating policies (whether directly or indirectly), taking into account

all of the following:

(a) any enforceable rights the person has over those policies;

(b) any practical influence the person can exert over those policies;

(c) any other practice or behaviour of the person that might affect those policies (whether or not the practice or behaviour involves a breach of an agreement or of a trust).

(4) A reference to a person in subsections (2) and (3) includes a reference to a person acting alone or together with related persons.

56Q Interest and significant interest in corporation

(1) A person has an interest in a corporation if the person has or would have, on the winding up of the corporation, an entitlement as a shareholder to a distribution of the corporation's property.

(3) A person's interest in a corporation is the person's entitlement expressed as a percentage of the value of all of the corporation's property that would be distributed if the corporation were wound up immediately after the person acquires the interest.

(4) A person has a significant interest in a corporation if the person's entitlement, as mentioned in subsection (3), is:

(a) for a listed corporation or listed unit trust scheme:

(i) for a merger vesting of shares – 50% or more of all the property of the corporation or scheme; or

(ii) otherwise – 90% or more of all the property of the corporation or scheme; or

(b) for another corporation or unit trust scheme – 50% or more of all the property of the corporation or scheme.

56R How dutiable value determined

(1) Where section 56M(1) applies, duty is chargeable in accordance with this section on the basis of the unencumbered value (in this section called ***the dutiable value***) of the land to which the corporation is entitled.

(2) The dutiable value of an interest in a corporation is the amount calculated by multiplying the interest by the unencumbered value of the land to which the corporation is entitled at the date the interest is acquired.

(3) Where a person acquires an interest in a corporation that is a relevant acquisition, the dutiable value of the acquisition is the aggregate of the amounts, severally calculated as provided by subsection (2), of the value of that interest and of the value of each other interest acquired by the person or a related person within the relevant period in relation to the relevant acquisition.

56S Liability for duty

(1) Where a statement is required to be lodged under section 56K:

(a) the person who is required to lodge the statement; and

(b) the corporation in which the interest is acquired; and

(c) any related person with whose interest the person's interest is aggregated;

are jointly and severally liable for the duty chargeable under this Division.

(3) If:

(a) an agreement to purchase land by a corporation or a linked entity of a corporation is not completed but duty has been assessed and imposed under this Division as if the corporation or linked entity owned the land; or

(b) an agreement to sell land by a corporation or a linked entity of a corporation is completed but duty has been assessed and imposed under this Division before the completion of the agreement as if the corporation or linked entity owned the land,

the Commissioner must reassess the duty imposed and, in doing so, must disregard the land for the purposes of determining whether the corporation is a land-holding corporation and assessing duty payable.

(5) Subsection (3) does not apply if an agreement referred to in that subsection is a tax avoidance scheme or part of a tax avoidance scheme.

56T Unit trust schemes

Unless the context indicates or requires otherwise, this Division applies to a unit trust scheme as if:

(a) the unit trust scheme were a corporation; and

(b) a unit in the unit trust scheme were a share in a corporation; and

(c) the acquisition of units in the unit trust scheme were the acquisition of shares in a corporation; and

(d) a reference to the constitution or rules of a corporation were a reference to the constituent documents of a unit trust scheme; and

(e) a reference to a winding-up of a corporation were a reference to a termination of a unit trust scheme.

Division 8B Imposition of duty on statutory vesting and merger vesting of dutiable property

56W Duty on a statutory and merger vesting of dutiable property

(1) The statutory or merger vesting of dutiable property is a conveyance of the property.

(2) The relevant entity, body or person in whom the dutiable property vests is liable for duty on the conveyance at the ad valorem conveyance rate.

(3) The relevant entity, body or person in whom the dutiable property vests must, within 60 days after the date of the vesting, lodge a statement with the Commissioner:

(a) identifying the dutiable property subject to the vesting; and

(b) stating the unencumbered value of the dutiable property.

Maximum penalty: 50 penalty units.

(4) Duty is payable on the statement as if it were the instrument of conveyance.

Division 9 Motor vehicle certificate of registration

57 Owner to pay duty

(1) If a certificate of registration for a motor vehicle is, on issue, liable to duty, the applicant for registration of the motor vehicle must, before the issue of the certificate, pay to the Registrar an amount equal to the duty payable on the certificate.

Maximum penalty: 50 penalty units.

(2) If a motor vehicle:

(a) has been kept in the Territory for a period of less than 12 months; and

(b) has, during that period, been available for hire or lease to the public from a person carrying on the business of hiring or leasing motor vehicles (without provision of a driver) to the public;

the Commissioner may, on application, assess the duty payable on the certificate as a proportion of the duty actually paid that the number of months the vehicle was kept in the Territory during the registration period (counting a part of a month as a whole month) bears to the number of months in the registration period.

58 Registrar not to register unless duty paid

(1) The Registrar notwithstanding anything contained in the *Motor Vehicles Act 1949*, shall not register a motor vehicle where the motor vehicle certificate of registration in respect of that vehicle is liable to duty unless:

(a) there has been paid to the Registrar in respect of the registration the duty payable on the certificate; and

(b) the Registrar is satisfied that the duty paid on the certificate was based on the dutiable value of the motor vehicle.

(2) The Registrar shall pay to the Commissioner the amount of the duty received by him under this section.

59 Assessment of duty payable on motor vehicle certificate of registration

(1) In this section:

additional equipment means all equipment which is an integral part of the motor vehicle or added to the motor vehicle before registration and, without limiting the meaning, includes all features actually fitted by the manufacturer or usually fitted by a manufacturer, including air conditioning.

application for registration of a motor vehicle includes an application for the transfer of registration.

dutiable value means:

(a) in the case of the transfer of a motor vehicle by a sale and purchase at arm's length – the sum of the amount for which

the motor vehicle and any additional equipment in or added to the motor vehicle was sold (which is to include any deposit paid and any trade-in allowance) and the amount paid for dealer delivery charges; or

(b) in any other case – the market value of the motor vehicle and the additional equipment in or added to the motor vehicle as at the date the transaction that gives rise to the application for registration of the motor vehicle is entered into or at the date the application for registration is made, whichever is the greater.

(1A) For the purposes of this section, the dutiable value of a motor vehicle is to be calculated without any deduction or discount for the amount of GST (if any) payable in relation to the supply of the vehicle.

(2) Where a motor vehicle certificate of registration is liable to duty, it shall be assessed on the dutiable value of the motor vehicle and the applicant for registration of the motor vehicle shall declare the dutiable value on an approved form.

(3) Where an application for registration relates to the transfer of a motor vehicle, within 14 days after the date of the transfer, the transferor shall notify on the form of application or in another approved manner the amount received as consideration for the transfer.

(4) The Commissioner or the Registrar may require the applicant or transferor (as the case requires) to provide, within the time specified, the further information that the Commissioner or Registrar considers necessary to determine:

(a) whether duty is payable under this Division; or

(b) if duty is payable, the amount of duty.

(5) A person must not:

(a) fail, refuse or neglect to comply with subsection (2) or (3) or a requirement under subsection (4); or

(b) in purported compliance with subsection (2) or (3) or a requirement under subsection (4), provide information that is false in a material particular.

Maximum penalty: 50 penalty units.

59A Refund of duty if sale of motor vehicle cancelled

The Commissioner must refund the amount of duty paid on a motor vehicle certificate of registration if the Commissioner is satisfied that:

(a) the transaction to which the motor vehicle certificate of registration relates has been cancelled; and

(b) the motor vehicle the subject of the transaction has been returned to the person from whom it was purchased; and

(c) all money refundable on the cancellation of the transaction (other than the amount of duty paid) has been refunded to the person who purchased the vehicle.

60 How duty denoted

The payment of duty on a motor vehicle certificate of registration shall be denoted by an approved means.

61 Exemption to be claimed in declaration

A person claiming an exemption from paying duty on a motor vehicle certificate of registration shall, with his application for registration, lodge with the Registrar a declaration stating the grounds on which the exemption is claimed.

Division 15 Transactions otherwise than by dutiable instruments

83B Payment of duty on statement in absence of dutiable instrument

(1) If:

(a) a dutiable transaction occurs; and

(b) the transaction is not effected or evidenced by a dutiable instrument or such an instrument existed but has been lost or destroyed;

the responsible party must lodge a statement in respect of the transaction with the Commissioner.

(2) The statement:

(a) must be in the approved form; and

(b) must be lodged within 60 days after the date of the dutiable transaction to which it relates.

(3) The statement is a dutiable instrument that is liable to duty in the same way, and to the same extent, as if it were an instrument effecting the dutiable transaction executed on the date of that transaction.

(4) Duty on the statement must be paid on or before the last day allowed for its lodgement or a later date fixed in a notice of assessment of duty.

(5) If a statement is not lodged, or duty is not paid, as required by this section, the responsible party is guilty of an offence.

Maximum penalty: 100 penalty units.

(6) A statement is not liable to duty under this section if the Commissioner is satisfied that the relevant transaction:

(a) is not a tax avoidance scheme or part of a tax avoidance scheme; and

(b) the relevant transaction is:

(i) the appointment of a receiver or trustee in bankruptcy; or

(ii) the appointment of a liquidator under the Corporations Act 2001; or

(iii) the making of a compromise or arrangement under Part 5.1 of the Corporations Act 2001; or

(iv) the issue or redemption of units in a unit trust scheme; or

(v) a transfer of property by way or pledge or security; or

(vi) the release or termination of an option to purchase dutiable property.

83C Stamping of other instruments related to same transaction

(1) If a statement relating to a dutiable transaction is duly stamped under this Division, the statement is to be regarded as a duly stamped instrument evidencing the relevant transaction.

(2) It follows that, if an instrument effecting the relevant transaction or another instrument evidencing the transaction is later produced for stamping, it may be stamped without further payment of ad valorem duty.

83E Aiding and abetting

A person who:

(a) directly or indirectly, aids, abets, counsels or procures another person to enter into a transaction to which this Division applies; or

(b) is, in any way, by act or omission, directly or indirectly concerned in, or party to, the entry by another person into a transaction to which this Division applies,

knowing or believing that the other person does not intend to lodge a statement under section 83B and pay duty in accordance with this Division in respect of the transaction, is guilty of an offence.

Maximum penalty: 85 penalty units.

Part 4 Assessment and stamping of instruments

84 Assessment of duty on instruments

(1) The Commissioner must assess the duty payable on an instrument lodged for assessment.

(2) On payment of the amount of duty assessed (together with any interest and penalty tax), the Commissioner must stamp the instrument with a stamp indicating the payment of duty.

(3) An instrument is not to be stamped until the assessed duty (together with any interest and penalty tax) has been paid.

(4) If the Commissioner decides, on the assessment, that no duty is payable, the Commissioner may stamp the instrument with a stamp indicating that no duty is payable.

85 Retaining and impounding of instruments

(1) The Commissioner may retain possession of an instrument lodged for assessment of duty until the assessment is completed and any duty payable (including interest and penalty tax) has been paid.

(2) The Commissioner may retain possession of a dutiable instrument seized in the course of an authorised investigation until an assessment is completed and any duty payable (including interest and penalty tax) has been paid.

(3) This section does not relieve the Commissioner from the obligation to produce the instrument before a court when required to do so by order or process of a court.

86 Creation of memorandum for the purpose of assessment

(1) If the Commissioner has reason to suspect that:

(a) a dutiable transaction has occurred; but

(b) one of the following applies:

(i) no instrument has been lodged in relation to the transaction for the assessment of duty;

(ii) it is impractical or impossible for the instrument, or a copy of the instrument, to be lodged for assessment or reassessment of duty;

the Commissioner may create a memorandum of the transaction.

(2) The memorandum is to be assessed for duty as if it were a dutiable instrument relating to the dutiable transaction brought into existence on the date of the dutiable transaction and lodged for the assessment of duty under this Act on the date of its creation by the Commissioner.

(3) If:

(a) a motor vehicle registered under the *Motor Vehicles Act 1949* is sold or disposed of; and

(b) one of the following applies:

(i) the new owner does not apply to the Registrar for transfer of registration of the vehicle within the period required by that Act;

(ii) the duty paid by the new owner in relation to the registration of the vehicle is not based on the dutiable value of the vehicle as worked out under section 59;

the Commissioner may create a memorandum and assess it for duty as the certificate of registration that might have been issued if an application for transfer of registration had been made as required.

(4) If a memorandum is created under subsection (3), the new owner of the vehicle is liable to interest and penalty tax on the basis that a default in the payment of the duty assessed on the memorandum

occurred at the end of the period within which an application for transfer of registration should have been made.

Part 5 Exemptions, concessions and rebates

Division 1 Family farming properties

87 Exemption from duty on conveyance of family farming property to family members, family companies or family trusts

(1) A conveyance of farming property is exempt from stamp duty if the Commissioner is satisfied, on an application for exemption, that:

(a) the main purpose of the conveyance is to pass, or facilitate the passing, of a farming property, or the benefit of a farming property, from one generation of a family to a later generation or between members of the same generation; and

(b) the conveyance is eligible for exemption from stamp duty under this section.

(2) A conveyance of farming property is eligible for exemption from stamp duty if the conveyor is a natural person who does not hold the property as trustee and the property is conveyed to one or more of the following:

(a) a member of the conveyor's family who will not hold the property as trustee;

(b) a company that will not hold the property as trustee if:

(i) all the shareholders are members of the conveyor's family; and

(ii) no shareholder holds or will hold any shares in the company as trustee;

(c) a person who will hold the property as trustee if:

(i) all the beneficiaries of the trust are members of the conveyor's family; and

(ii) the trust deed includes provisions, that cannot be altered, specifying that only members of the conveyor's family may be beneficiaries of the trust and no beneficiary may be the trustee of another trust.

(3) A conveyance of farming property is eligible for exemption from stamp duty if the conveyor is a family company that does not hold the property as trustee (the ***conveyor company***) and the property is conveyed to one or more of the following:

(a) a member of the same family as the shareholders of the conveyor company who will not hold the property as trustee;

(b) a family company that will not hold the property as trustee (the ***conveyee company***) if:

(i) the shareholders of the conveyor company and the conveyee company are all members of the same family; and

(ii) no shareholder of the conveyee company holds or will hold any shares in that company as trustee;

(c) a person who will hold the property as trustee if:

(i) the beneficiaries of the trust and the shareholders of the conveyor company are all members of the same family; and

(ii) the trust deed includes provisions, that cannot be altered, specifying that only members of the relevant family may be beneficiaries of the trust and no beneficiary may be the trustee of another trust.

(4) A conveyance of farming property is eligible for exemption from stamp duty if the conveyor is the trustee of a family trust (the ***conveyor trust***) and the property is conveyed to one or more of the following:

(a) a member of the family for which the conveyor trust is established who will not hold the property as trustee;

(b) a family company that will not hold the property as trustee if:

(i) the shareholders of the company and the beneficiaries of the conveyor trust are all members of the same family; and

(ii) no shareholder holds or will hold any shares in the company as trustee;

(c) a person who will hold the property as trustee of a family trust (the ***conveyee trust***) if:

(i) the beneficiaries of the conveyor trust and the conveyee trust are all members of the same family; and

(ii) the trust deed includes provisions, that cannot be altered, specifying that only members of the relevant family may be beneficiaries of the conveyee trust and no beneficiary may be the trustee of another trust.

(5) However, a conveyance is not eligible for exemption from stamp duty under this section:

(a) if the Commissioner is satisfied the conveyance arises from a scheme with the principal purpose of taking advantage of the benefit of the exemption from stamp duty; or

(b) if a conveyee does not intend to use the farming property solely or principally for farming purposes; or

(c) if the conveyance also conveys property that is not farming property; or

(d) if any prescribed condition is not complied with; or

(e) if the conveyance occurs within 5 years after the date of an earlier conveyance of the same, or part of the same, farming property for which an exemption was allowed under this section (or a corresponding previous enactment).

Division 2 Home incentive schemes

88 Interpretation

(1) In this Division:

Australian citizen, see section 3 of the *First Home Owner Grant Act 2000*.

built – a home is taken to have been built on land if it is relocated, and affixed, to the land.

comprehensive home building contract, see section 3 of the *First Home Owner Grant Act 2000*.

conveyance includes the grant or transfer of a lease or sublease mentioned in section 5(2) of the *First Home Owner Grant Act 2000*.

conveyee includes a lessee and sublessee under a lease or sublease mentioned in section 5(2) of the *First Home Owner Grant Act 2000*.

established home means a home that is not a qualifying home as defined in section 90AA.

first home owner concession means a concession from the payment of duty on a conveyance of land equal to the lesser of:

(a) the total amount of duty assessed as payable on the conveyance; or

(b) the duty payable on a conveyance of land with a dutiable value of $540 000.

first home owner discount means a concession from the payment of duty on a conveyance of land equal to:

(a) for a conveyance first executed on or after 24 May 2016 but before 1 September 2016 – the lesser of:

(i) 50% of the duty assessed as payable on the conveyance; or

(ii) $10 000; or

(b) for a conveyance first executed on or after 1 September 2016 but before 7 May 2019, if the dutiable value of the land does not exceed the threshold amount:

(i) an amount prescribed by regulation; or

(ii) if no amount is prescribed as mentioned in subparagraph (i) – the lesser of:

(A) the total amount of duty assessed as payable on the conveyance; or

(B) the duty payable on a conveyance of land with a dutiable value of $500 000; or

(c) for a conveyance first executed on or after 1 September 2016 but before 1 January 2017, if the dutiable value of the land exceeds the threshold amount – $10 000.

first home owner grant, see section 3 of the *First Home Owner Grant Act 2000*.

home, see section 4 of the *First Home Owner Grant Act 2000*.

off-the-plan contract means a contract for the purchase of a home that has not been previously occupied or sold as a place of residence on a proposed lot on a plan of any of the following kinds, whether or not the plan is registered in the land register under the *Land Title Act*:

(a) a plan of subdivision as defined in section 4 of the *Land Title Act 2000*;

(b) a plan of survey as defined in section 4 of the *Land Title Act 2000*;

(c) a units plan as defined in section 4(1) of the *Unit Titles Act 1975*;

(d) a plan of any other kind (however described) that is defined in another Act and prescribed by regulation as a plan for this definition.

owner builder, see section 3 of the *First Home Owner Grant Act 2000*.

period for occupancy, of a home, means:

(a) if the home is built on the land at the relevant time – 12 months after the date the conveyees become entitled to possession of the land under the conveyance; or

(b) if there is no home built on the land at the relevant time and the conveyees are owner builders of the home or have entered into a comprehensive home building contract for the home – the earlier of the following:

(i) 5 years after the date the conveyees become entitled to possession of the land;

(ii) 12 months after completion of the building of the home; or

(c) if there is no home built on the land at the relevant time and the conveyees have entered into an off-the-plan contract for the home – 12 months after the date the conveyees become entitled to possession of the land under the conveyance; or

(d) in any case – the longer period approved by the Commissioner under this Division.

permanent resident, see section 3 of the *First Home Owner Grant Act 2000*.

prescribed period means:

(a) a continuous period of 6 months; or

(b) a shorter continuous period approved by the Commissioner under this Division.

principal place of residence rebate means a concession from the payment of duty on a conveyance of land equal to the lesser of:

(a) the total amount of duty assessed as payable on the conveyance; or

(b) the following:

(i) for a conveyance that was first executed before 4 December 2012 – $3 500;

(ii) for a conveyance that is first executed on or after 4 December 2012 – $7 000.

relevant interest means:

(a) an interest (other than a non-conforming interest) that is a relevant interest under section 5 of the *First Home Owner Grant Act 2000*; or

(b) an interest in residential property in a State or another Territory of the Commonwealth that is a relevant interest (but not a non-conforming interest) under a law of that State or Territory corresponding to the *First Home Owner Grant Act 2000*.

relevant time, in relation to a conveyance of land, means:

(a) if one instrument effects or evidences the conveyance – the time when the instrument is executed; or

(b) if more than one instrument effects or evidences the conveyance – the time when the first of the instruments is executed.

residential property, see section 3 of the *First Home Owner Grant Act 2000*.

senior, pensioner and carer concession means a concession from the payment of duty on a conveyance of land equal to the lesser of the following:

(a) the total amount of duty assessed as payable on the conveyance;

(b) the following:

(i) for a conveyance that was first executed before 28 April 2015 – $8 500;

(ii) for a conveyance that is first executed on or after 28 April 2015 – $10 000.

Territory home owner discount means a concession:

(a) from the payment of duty on a conveyance of land that is equal to the lesser of:

(i) the total amount of duty assessed as payable on the conveyance; or

(ii) $18 601; and

(b) that applies if the dutiable value of the land does not exceed the threshold amount.

threshold amount means:

(a) an amount prescribed by regulation; or

(b) if no amount is prescribed as mentioned in paragraph (a) – $650 000.

(2) If the Commissioner is satisfied that, at the relevant time, a person:

(a) is married but not cohabiting with the spouse to whom the person is married (the ***married spouse***); and

(b) has no intention of resuming cohabitation;

the married spouse is not to be regarded for the purposes of the application as the person's spouse.

88A Application of Division

Except if otherwise expressly provided, this Division applies to conveyances first executed on or before 30 June 2021.

89 First home owner concession

(1A) This section does not apply in relation to a conveyance that was first executed on or after 4 December 2012.

(1) The conveyee or conveyees of land are entitled to the first home owner concession if, on an application for the concession, the Commissioner is satisfied that:

(a) the conveyee or each of the conveyees is an individual; and

(b) the conveyee is, or at least one of the conveyees is, at least 18 years of age at the relevant time; and

(c) the conveyee, or at least one of the conveyees, is an Australian citizen or a permanent resident at the time of making the declaration mentioned in subsection (8); and

(d) no conveyee and no spouse of a conveyee at the relevant time has previously received the first home owner concession or a corresponding concession under an earlier enactment; and

(e) no conveyee, and no spouse of a conveyee at the relevant time, has previously had a relevant interest in a residential property that was occupied by the conveyee or spouse as a residence; and

(f) no conveyee has a beneficial interest in the land the subject of the conveyance; and

(g) the conveyee or conveyees will acquire the whole beneficial interest in the land the subject of the conveyance; and

(h) no conveyee will acquire an interest in the land in the capacity of a trustee; and

(i) the conveyee or conveyees will occupy a home on the land or to be built on the land as their principal place of residence for the prescribed period commencing within the period for occupancy; and

(j) either of the following applies:

(i) if at the relevant time there is a home on the land or the conveyance is an off-the-plan contract – the dutiable value of the land does not exceed $750 000;

(ii) if at the relevant time there is no home on the land – the dutiable value of the land does not exceed $385 000; and

(k) the conveyee or conveyees become entitled to possession of the land within:

(i) 12 months after settlement of the conveyance; or

(ii) the longer period approved by the Commissioner under subsection (12).

(3) If a conveyee or conveyees fail, or will fail, to occupy a home on the land as their principal place of residence:

(a) within the period for occupancy; or

(b) for the prescribed period in accordance with this section;

the conveyee or conveyees must, within 30 days after the date on which it first becomes apparent that the failure will occur, give written notice to the Commissioner of the failure or impending failure.

Maximum penalty: 50 penalty units.

Note

This subsection does not apply to a conveyee who has an exemption from the relevant occupancy requirement.

(3A) The Commissioner may reassess duty on the conveyance even though the time limit for reassessment under the *Taxation Administration Act 2007* has passed if the conveyee or conveyees would otherwise receive the concession if the time limit had not passed.

(4) If a conveyee or conveyees fail to occupy a home on the land as their principal place of residence:

(a) within the period for occupancy; or

(b) for the prescribed period in accordance with this section;

the Commissioner must, even though the time limit for reassessment under the *Taxation Administration Act 2007* may have passed, reassess duty on the conveyance on the basis that the conveyee or conveyees were not eligible for the first home owner concession unless, in the Commissioner's opinion, there are special reasons for not making the reassessment.

(5) If duty is reassessed under subsection (4), and duty (and any interest and penalty tax) payable on the reassessment is paid, then, for the purposes of any future application by the conveyee, or any of the conveyees, for the first home owner concession:

(a) the grant of the concession will be ignored; and

(b) the interest in residential property acquired under the conveyance on which duty was reassessed will be ignored.

(6) This section applies to the acquisition by a person, other than the Chief Executive Officer (Housing), of an interest in land under a scheme administered by the Chief Executive Officer (Housing) under section 22 or 24 of the *Housing Act 1982* as if the person were acquiring 100% of the land or, if 2 or more persons are acquiring the interest, the persons were acquiring 100% of the land in the same proportions as they are acquiring the interest.

(7) If a person acquires land or an interest in land as guardian of a person under a legal disability, this section applies as if the person under the legal disability were:

(a) the conveyee of the land or interest; and

(b) the applicant for the first home owner concession; and

(c) if the concession is granted – the recipient of the concession.

(8) A person applying for the first home owner concession, and the person's spouse (if any), must give to the Commissioner a declaration, in the approved form, providing the information relating to the application that the Commissioner requires.

(9) The Commissioner may exempt a conveyee from the requirement that the conveyee be at least 18 years of age at the relevant time if the Commissioner is satisfied that the conveyance does not form part of a scheme to circumvent limitations on, or requirements affecting, eligibility for or entitlement to a first home owner concession.

(10) If the Commissioner refuses to exempt a conveyee under subsection (9), the conveyee's acquisition of a relevant interest in residential property under the conveyance will be ignored for the purposes of a future application by the conveyee for the first home owner concession.

(11) If satisfied there are special reasons to do so, the Commissioner may:

(a) approve either or both of the following for a conveyee:

(i) an extension of the period for occupancy;

(ii) a reduction of the prescribed period; or

(b) exempt a conveyee from the requirement under subsection (1)(i).

(12) If satisfied there are special reasons to do so, the Commissioner may approve an extension of the period in which a conveyee is required under subsection (1)(k) to become entitled to possession of the land.

89AA First home owner discount

(1) This section applies in relation to a conveyance first executed on or after 24 May 2016 but before 7 May 2019.

(2) A conveyee of land is entitled to the first home owner discount if, on an application for the discount, the Commissioner is satisfied that:

(a) the conveyee is an individual; and

(b) subject to subsection (9), the conveyee is at least 18 years of age at the relevant time; and

(c) the conveyee is an Australian citizen, or a permanent resident, at the time the conveyee gives the declaration mentioned in subsection (8); and

(d) neither the conveyee, nor a spouse of the conveyee at the relevant time, has previously received any of the following:

(i) a first home owner grant;

(ii) the first home owner discount;

(iii) the first home owner concession;

(iv) the senior, pensioner and carer concession;

(v) the principal place of residence rebate;

(vi) a corresponding grant, discount, concession or rebate under an earlier enactment; and

(e) neither the conveyee, nor a spouse of the conveyee at the relevant time, has previously had a relevant interest in a residential property; and

(f) the conveyee has no beneficial interest in the land the subject of the conveyance; and

(g) the conveyee will acquire the whole beneficial interest in the land the subject of the conveyance; and

(h) the conveyee will not acquire an interest in the land in the capacity of a trustee; and

(i) subject to subsection (10), the conveyee will occupy an established home on the land as the conveyee's principal place of residence for the prescribed period commencing within the period for occupancy; and

(j) the conveyee becomes entitled to possession of the land within:

(i) 12 months after settlement of the conveyance; or

(ii) the longer period approved by the Commissioner under subsection (11); and

(k) the conveyee is not entitled to, and will not become entitled to, a first home owner grant in relation to the conveyance or the construction of a home on the land.

Notes for subsection (2)

1 See subsection (12) for how these requirements apply if there are multiple conveyees under a conveyance.

2 See section 90B for eligibility for the first home owner discount if the conveyee would be entitled to another concession under this Division.

(3) Subsection (2)(d) does not apply if:

(a) the previous grant has been repaid; or

(b) the duty that would have been payable but for the previous discount, concession or rebate, has been paid.

(4) In deciding for subsection (2)(e) whether a conveyee or spouse had a relevant interest in residential property at a particular time, the Commissioner must include a relevant interest the conveyee or spouse would have had if the occupation of the property had not been deferred because the property was subject to a lease.

(5) Subsection (6) applies if the conveyee fails, or will fail, to occupy an established home on the land as the conveyee's principal place of residence:

(a) within the period for occupancy; or

(b) for the prescribed period in accordance with this section.

(6) The conveyee must, within 30 days after the date on which it first becomes apparent that a failure mentioned in subsection (5) will occur, give written notice to the Commissioner of the failure or impending failure.

Maximum penalty: 50 penalty units.

Note for subsection (6)

This subsection does not apply to a conveyee who has an exemption from the relevant occupancy requirement.

(7) If a person acquires land or an interest in land as guardian of a person under a legal disability, this section applies as if the person under the legal disability were:

(a) the conveyee of the land or interest; and

(b) the applicant for the first home owner discount; and

(c) if the discount is granted – the recipient of the discount.

(8) A conveyee applying for the first home owner discount, and the conveyee's spouse (if any), must give the Commissioner a declaration, in the approved form, providing the information relating to the application that the Commissioner requires.

(9) The Commissioner may exempt a conveyee from the requirement that the conveyee be at least 18 years of age at the relevant time if the Commissioner is satisfied that the conveyance does not form part of a scheme to circumvent limitations on, or requirements affecting, eligibility for or entitlement to the first home owner discount.

(10) If satisfied there are special reasons to do so, the Commissioner may:

(a) approve either or both of the following for a conveyee:

(i) an extension of the period for occupancy;

(ii) a reduction of the prescribed period; or

(b) exempt a conveyee from the requirement under subsection (2)(i).

(11) If satisfied there are special reasons to do so, the Commissioner may approve an extension of the period in which a conveyee is required under subsection (2)(j) to become entitled to possession of the land.

(12) If there are 2 or more conveyees under a conveyance:

(a) subject to paragraphs (b) to (e), this section applies as if a reference in this section to a conveyee were a reference to each conveyee; and

(b) the requirements of subsection (2)(b), (c) and (i) are satisfied if at least one of the conveyees meets those requirements; and

(c) subsection (2)(g) applies as if a reference in that subsection to the conveyee were a reference to the conveyees together; and

(d) subsection (6) applies only if all of the conveyees fail, or will fail, to occupy an established home on the land as mentioned in subsection (5); and

(e) a conveyee need not comply with subsection (6) if another conveyee has already complied with that subsection.

89AAB Territory home owner discount

(1) This section applies in relation to a conveyance first executed on or after 8 February 2019.

(2) A conveyee of land is entitled to the Territory home owner discount if, on an application for the discount, the Commissioner is satisfied that:

(a) the conveyee is an individual; and

(b) subject to subsection (10), the conveyee is at least 18 years of age at the relevant time; and

(c) the conveyee is an Australian citizen, or a permanent resident, at the time the conveyee gives the declaration mentioned in subsection (9); and

(d) subject to subsections (11) and (12), neither the conveyee, nor a spouse of the conveyee at the relevant time, had a relevant interest in residential property in the Territory within 24 months before the relevant time; and

(e) the conveyee has no beneficial interest in the land the subject of the conveyance; and

(f) the conveyee will acquire the whole beneficial interest in the land the subject of the conveyance; and

(g) the conveyee will not acquire an interest in the land in the capacity of a trustee; and

(h) subject to subsection (14), the conveyee will occupy a home on the land as the conveyee's principal place of residence for the prescribed period commencing within the period for occupancy; and

(i) the conveyee becomes entitled to possession of the land within:

(i) 12 months after settlement of the conveyance; or

(ii) the longer period approved by the Commissioner under subsection (15).

Notes for subsection (2)

1 See subsection (16) for how these requirements apply if there are multiple conveyees under a conveyance.

2 See section 90B for eligibility for the Territory home owner discount if the conveyee would be entitled to another concession under this Division.

(3) The Commissioner may reassess duty on the conveyance even though the time limit for reassessment under the *Taxation Administration Act 2007* has passed if the conveyee or conveyees would otherwise receive the Territory home owner discount if the time limit had not passed.

(4) If the following occurs, the Commissioner must, even though the time limit for reassessment under the *Taxation Administration Act 2007* may have passed, reassess duty on the conveyance on the basis that the conveyee or conveyees were not eligible for the Territory home owner discount unless, in the Commissioner's opinion, there are special reasons for not making the reassessment:

(a) if the conveyee, or the conveyee's spouse:

(i) is exempted from the requirement under subsection (2)(d) because subsection (11)(c)(ii) applies; and

(ii) did not dispose of the relevant interest in accordance with the order, binding agreement or unconditional contract;

(b) a conveyee or conveyees fail to occupy a home on the land as their principal place of residence:

(i) within the period for occupancy; or

(ii) for the prescribed period in accordance with this section.

(5) In deciding for subsection (2)(d) whether a conveyee, or the conveyee's spouse, had an interest at a particular time, the Commissioner must include an interest the conveyee, or the conveyee's spouse, would have had if the occupation of the property had not been deferred because the property was subject to a lease.

(6) Subsection (7) applies if the conveyee fails, or will fail, to occupy a home on the land as the conveyee's principal place of residence:

(a) within the period for occupancy; or

(b) for the prescribed period in accordance with this section.

(7) The conveyee must, within 30 days after the date on which it first becomes apparent that a failure mentioned in subsection (6) has occurred or will occur, give written notice to the Commissioner of the failure or impending failure.

Maximum penalty: 50 penalty units.

Note for subsection (7)

This subsection does not apply to a conveyee who has an exemption from the relevant occupancy requirement.

(8) If a person acquires land or an interest in land as guardian of a person under a legal disability, this section applies as if the person under the legal disability were:

(a) the conveyee of the land or interest; and

(b) the applicant for the Territory home owner discount; and

(c) if the discount is granted – the recipient of the discount.

(9) A conveyee applying for the Territory home owner discount, and the conveyee's spouse (if any), must give the Commissioner a declaration, in the approved form, providing the information relating to the application that the Commissioner requires.

(10) The Commissioner may exempt a conveyee from the requirement that the conveyee be at least 18 years of age at the relevant time if the Commissioner is satisfied that the conveyance does not form part of a scheme to circumvent limitations on, or requirements affecting, eligibility for or entitlement to the Territory home owner discount.

(11) Subject to subsection (13), the Commissioner may exempt a conveyee, or the conveyee's spouse, from the requirement under subsection (2)(d) if satisfied:

(a) the conveyee, or the conveyee's spouse, was in a marriage or de facto relationship with another person under the *Family Law Act 1975* (Cth); and

(b) the conveyee, or the conveyee's spouse, had a relevant interest in residential property in the Territory during the marriage or de facto relationship; and

(c) at the time the conveyance is first executed, the marriage or de facto relationship had irretrievably broken down, and one of the following applies for each relevant interest:

(i) the conveyee, or the conveyee's spouse, for reasons that relate to the breakdown, no longer has the relevant interest in residential property in the Territory;

(ii) either of the following has occurred with the effect that the conveyee, or the conveyee's spouse, will no longer have the relevant interest in residential property in the Territory:

(A) an order or binding agreement under Part VIII, VIIIA or VIIIAB of the *Family Law Act 1975* (Cth) for the distribution of property between the conveyee and the other person, or the conveyee's spouse and the other person;

(B) the conveyee, or the conveyee's spouse, has entered into an unconditional contract for the disposal of the relevant interest.

(12) For subsection (11)(c)(ii), it is irrelevant whether the conveyee, or the conveyee's spouse, still has the relevant interest at the time the conveyance is first executed.

(13) The requirement under subsection (2)(d) applies if a conveyee, or the conveyee's spouse:

(a) acquires a relevant interest in residential property in the Territory after the breakdown of the marriage or de facto relationship but before the time the conveyance is first executed; and

(b) has the relevant interest within 24 months before the relevant time.

(14) If satisfied there are special reasons to do so, the Commissioner may:

(a) approve either or both of the following for a conveyee:

(i) an extension of the period for occupancy;

(ii) a reduction of the prescribed period; or

(b) exempt a conveyee from the requirement under subsection (2)(h).

(15) If satisfied there are special reasons to do so, the Commissioner may approve an extension of the period in which a conveyee is required under subsection (2)(i) to become entitled to possession of the land.

(16) If there are 2 or more conveyees under a conveyance:

(a) subject to paragraphs (b) to (d), this section applies as if a reference in this section to a conveyee were a reference to each conveyee; and

(b) the requirements of subsection (2)(b), (c) and (h) are satisfied if at least one of the conveyees meets those requirements; and

(c) subsection (2)(f) applies as if a reference in that subsection to the conveyee were a reference to the conveyees together; and

(d) subsection (7) applies only if all of the conveyees fail, or will fail, to occupy a home on the land as mentioned in subsection (6); and

(e) a conveyee need not comply with subsection (7) if another conveyee has already complied with that subsection.

89AAC Entitlement if eligible for first home owner grant and Territory home owner discount

(1) This section applies if:

(a) a person enters an eligible transaction, the commencement date for which is on or after 1 January 2015 but before 7 May 2019; and

(b) the conveyance for the eligible transaction is first executed on or after 8 February 2019; and

(c) the dutiable value of the land does not exceed the threshold amount.

(2) If the person is paid the first home owner grant for the transaction, the person is not eligible for the Territory home owner discount for the conveyance for the transaction.

(3) However, the person may apply for the Territory home owner discount for the conveyance for the transaction if the person is not paid the first home owner grant for the transaction.

(4) In this section:

commencement date, see section 13(5) of the *First Home Owner Grant Act 2000*.

eligible transaction, see section 13(1) of the *First Home Owner Grant Act 2000*.

first home owner grant means the amount mentioned in section 18(3B) of the *First Home Owner Grant Act 2000*.

89A Senior, pensioner and carer concession

(1) The conveyees of a conveyance of land are entitled to the senior, pensioner and carer concession if the Commissioner, on an application for the concession, is satisfied:

(a) all the conveyees are individuals; and

(b) at least 1 conveyee:

(i) at the relevant time, is 60 years of age or older; or

(ii) at the relevant time, is the eligible holder of an NT Pensioner and Carer Concession Card or a Northern Territory Concession Scheme Card; or

(iii) at the relevant time, is entitled to hold a card mentioned in subparagraph (ii) and, at the time of the application for the concession, is the holder of such a card; and

(d) no conveyee has a beneficial interest in the land; and

(e) the conveyees will acquire the whole beneficial interest in the land; and

(f) no conveyee will acquire an interest in the land in the capacity of a trustee; and

(g) the conveyees will occupy a home on the land or to be built on the land as their principal place of residence for the prescribed period commencing within the period for occupancy; and

(ga) the conveyee or conveyees have not been paid, are not entitled to, and will not become entitled to, a first home owner grant in relation to the conveyance or the construction of a home on the land; and

(h) either of the following applies:

(i) if, at the relevant time there is a home on the land or the conveyance is an off-the-plan contract – the dutiable value of the land does not exceed $750 000;

(ii) if, at the relevant time there is no home on the land – the dutiable value of the land does not exceed $385 000; and

(i) the conveyees become entitled to possession of the land within:

(i) 12 months after settlement of the conveyance; or

(ii) the longer period approved by the Commissioner under subsection (11A).

Note for subsection (1)

See section 90B for eligibility for the senior, pensioner and carer concession if the conveyee would be entitled to another concession under this Division.

(3) A conveyee must, within 30 days after the date on which it first becomes apparent that he or she will fail to comply with any of the occupancy requirements, give written notice of that fact to the Commissioner.

Maximum penalty: 50 penalty units.

(4) Subsection (3) does not apply to a conveyee in relation to an occupancy requirement if an exemption under subsection 11(b) covers that conveyee and requirement.

(5) The Commissioner may reassess duty on the conveyance even though the time limit for reassessment under the *Taxation Administration Act 2007* has passed if the conveyees would otherwise receive the concession if the time limit had not passed.

(6) The Commissioner must reassess duty on the conveyance on the basis the conveyees were not entitled to the concession (whether or not the time limit for reassessment under the *Taxation Administration Act 2007* has passed) if a conveyee fails to comply with any of the occupancy requirements.

(7) Subsection (6) does not apply if:

(a) the failure is covered by an exemption under subsection 11(b); or

(b) the Commissioner is satisfied there are special reasons for not making the reassessment.

(8) This section applies to the acquisition by a person, other than the Chief Executive Officer (Housing), of an interest in land under a scheme administered by the Chief Executive Officer (Housing) under section 22 or 24 of the *Housing Act 1982* as if:

(a) the person were acquiring 100% of the land; or

(b) if 2 or more persons are acquiring the interest – the persons were acquiring 100% of the land in the same proportions as they are acquiring the interest.

(9) If a person acquires land or an interest in land as the guardian of a person (the ***disabled person***) who is under a legal disability, this section applies as if the disabled person were:

(a) the conveyee of the land or interest; and

(b) the applicant for the senior, pensioner and carer concession; and

(c) if the concession is granted – the recipient of the concession.

(10) A person applying for the senior, pensioner and carer concession must give to the Commissioner a declaration in the approved form providing the information relating to the application that the Commissioner requires.

(11) If satisfied there are special reasons to do so, the Commissioner may:

(a) approve either or both of the following for a conveyee:

(i) an extension of the period for occupancy;

(ii) a reduction of the prescribed period; or

(b) exempt a conveyee from the requirement under subsection (1)(g).

(11AA) A conveyee is exempt from the requirement under subsection (1)(g) if:

(a) the conveyance is first executed on or after 28 April 2015; and

(b) at least one other conveyee to the conveyance complies with the requirements in both subsections (1)(b) and (g).

(11A) If satisfied there are special reasons to do so, the Commissioner may approve an extension of the period in which a conveyee is required under subsection (1)(i) to become entitled to possession of the land.

(12) In this section:

NT Pensioner and Carer Concession Card means a concession card administered for the Northern Territory Pensioner and Carer Concession Scheme by the Territory.

90 Principal place of residence rebate

(1AA) This section does not apply in relation to a conveyance that was first executed on or after 8 February 2019.

(1) The conveyee or conveyees of land are entitled to the principal place of residence rebate if, on application for the rebate, the Commissioner is satisfied that:

(a) the conveyee or each of the conveyees is an individual; and

(c) no conveyee has a beneficial interest in the land the subject of the conveyance; and

(d) the conveyee or conveyees will acquire the whole beneficial interest in the land the subject of the conveyance; and

(e) no conveyee will acquire an interest in the land in the capacity of a trustee; and

(f) the conveyee or conveyees will occupy a qualifying home on the land or to be built on the land as their principal place of residence for the prescribed period commencing within the period for occupancy; and

(fa) the conveyee or conveyees have not been paid, are not entitled to, and will not become entitled to, a first home owner grant in relation to the conveyance or the construction of a home on the land; and

(g) the conveyee or conveyees become entitled to possession of the land within:

(i) 12 months after settlement of the conveyance; or

(ii) the longer period approved by the Commissioner under subsection (9).

Note for subsection (1)

See section 90B for eligibility for the principal place of residence rebate if the conveyee would be entitled to another concession under this Division.

(3) If a conveyee or conveyees fail, or will fail, to occupy a qualifying home on the land as their principal place of residence:

(a) within the period for occupancy; or

(b) for the prescribed period in accordance with this section;

the conveyee or conveyees must, within 30 days after the date on which it first becomes apparent that the failure will occur, give written notice to the Commissioner of the failure or impending failure.

Maximum penalty: 50 penalty units.

Note

This subsection does not apply to a conveyee who has an exemption from the relevant occupancy requirement.

(3A) The Commissioner may reassess duty on the conveyance even though the time limit for reassessment under the *Taxation Administration Act 2007* has passed if the conveyee or conveyees would otherwise receive the rebate if the time limit had not passed.

(4) If a conveyee or conveyees fail to occupy a qualifying home on the land as their principal place of residence:

(a) within the period for occupancy; or

(b) for the prescribed period in accordance with this section;

the Commissioner must, even though the time limit for reassessment under the *Taxation Administration Act 2007* may have passed, reassess duty on the conveyance on the basis that the conveyee or conveyees were not eligible for the principal place of residence rebate unless, in the Commissioner's opinion, there are special reasons for not making the reassessment.

(5) This section applies to the acquisition by a person, other than the Chief Executive Officer (Housing), of an interest in land under a scheme administered by the Chief Executive Officer (Housing) under section 22 or 24 of the *Housing Act 1982* as if the person were acquiring 100% of the land or, if 2 or more persons are acquiring the interest, the persons were acquiring 100% of the land in the same proportions as they are acquiring the interest.

(6) If a person acquires land or an interest in land as guardian of a person under a legal disability, this section applies as if the person under the legal disability were:

(a) the conveyee of the land or interest; and

(b) the applicant for the principal place of residence rebate; and

(c) if the rebate is granted – the recipient of the rebate.

(7) A person applying for the principal place of residence rebate must give to the Commissioner a declaration, in the approved form, providing the information relating to the application that the Commissioner requires.

(8) If satisfied there are special reasons to do so, the Commissioner may:

(a) approve either or both of the following for a conveyee:

(i) an extension of the period for occupancy;

(ii) a reduction of the prescribed period; or

(b) exempt a conveyee from the requirement under subsection (1)(f).

(8A) A conveyee is exempt from the requirement under subsection (1)(f) if:

(a) the conveyance is first executed on or after 28 April 2015; and

(b) at least one other conveyee to the conveyance complies with the requirement under subsection (1)(f).

(9) If satisfied there are special reasons to do so, the Commissioner may approve an extension of the period in which a conveyee is required under subsection (1)(g) to become entitled to possession of the land.

(10) In this section:

qualifying home means the following:

(a) for a conveyance that was first executed before 4 December 2012 – a home;

(b) for a conveyance that is first executed on or after 4 December 2012 but before 13 May 2014 – a new home as defined in section 18(5) of the *First Home Owner Grant Act 2000* (as then in force);

(c) for a conveyance that is first executed on or after 13 May 2014 – a qualifying home as defined in section 90AA.

90AA Meaning of *qualifying home* on and after 13 May 2014

(1) For section 90(10)(c), for a conveyance that is first executed on or after 13 May 2014 a home is a ***qualifying home*** if:

(a) the home has not been previously occupied or sold as a place of residence; or

(b) all of the following apply:

(i) the home is the subject of a contract for the purchase of the home;

(ii) the sale of the home is, under the *A New Tax System (Goods and Services Tax) Act 1999* (Cth), a taxable supply as a sale of new residential premises as defined in section 40-75(1)(b) of that Act;

(iii) the home has not, since being renovated, been occupied or sold as a place of residence; or

(c) the Commissioner declares the home to be a qualifying home under subsection (2).

Note for subsection (1)(b)(ii)

Section 40-75(1)(b) of the A New Tax System (Goods and Services Tax) Act 1999 (Cth), relates to residential premises that have been created through substantial renovations of a building.

(2) The Commissioner may declare a home that would not otherwise be a qualifying home, to be a qualifying home in relation to a conveyance if satisfied that:

(a) it would be a qualifying home but for the fact that it has previously been sold as a place of residence; and

(b) doing so would not have the effect of circumventing limitations on, or requirements affecting, eligibility for or entitlement to a principal place of residence rebate imposed by or under this Act.

(3) In this section:

place of residence includes a building, or part of a building, occupied as residential accommodation (regardless of the duration of the occupation).

Examples for subsection (3)

A building occupied as residential accommodation might include a hotel, serviced apartments or workers accommodation.

90A Reassessments in relation to first home owner grant and senior, pensioner and carer concession or principal place of residence rebate

(1) Subsection (2) applies to a conveyance if:

(a) duty on the conveyance of land was assessed on the basis that the conveyee or conveyees were entitled to the senior, pensioner and carer concession or the principal place of residence rebate; and

(b) the Commissioner subsequently authorises payment to the conveyee or conveyees of a first home owner grant in relation to the conveyance or the construction of a home on the land.

(2) The Commissioner must reassess duty on the conveyance on the basis that the conveyee or conveyees were not entitled to the senior, pensioner and carer concession or the principal place of residence rebate.

(3) Subsection (4) applies to a conveyance if:

(a) duty on the conveyance of land was assessed on the basis that the conveyee or conveyees were not entitled to the senior, pensioner and carer concession or the principal place of residence rebate because they would become entitled to a first home owner grant in relation to the conveyance or the construction of a home on the land; and

(b) the conveyee or conveyees do not become entitled to a first home owner grant in relation to the conveyance or construction.

(4) The Commissioner must reassess duty on the conveyance on the basis that the conveyee or conveyees are not entitled to, and will not become entitled to, a first home owner grant if:

(a) the conveyee or conveyees apply for the reassessment; or

(b) the Commissioner considers the reassessment appropriate.

(5) Subsections (2) and (4) apply even if the time limit for reassessment under the *Taxation Administration Act 2007* has passed.

(6) If, as a result of a reassessment under subsection (2), the conveyee or conveyees are liable to pay duty on the conveyance, the Commissioner may credit all or part of the first home owner grant payable to them against their liability arising under that reassessment.

90AB Reassessments in relation to first home owner grant and Territory home owner discount

(1) This section applies if:

(a) duty on a conveyance of land was assessed on the basis that the conveyee or conveyees were entitled to the Territory home owner discount; and

(b) the Commissioner subsequently authorises payment to the conveyee or conveyees of the first home owner grant in relation to the conveyance or the construction of a home on the land.

(2) If subsection (1) applies, the Commissioner must reassess duty on the conveyance on the basis that the conveyee or conveyees were not entitled to the Territory home owner discount.

(3) If, as a result of a reassessment under subsection (2), the conveyee or conveyees are liable to pay duty on the conveyance, the Commissioner may credit all or part of the first home owner grant payable to them against their liability arising under that reassessment.

(4) In this section:

first home owner grant means the amount mentioned in section 18(3B) of the *First Home Owner Grant Act 2000*.

90B No multiple concessions

(1) This section applies if, apart from this section, a conveyee of land would be entitled to more than one of the following concessions from the payment of duty on the conveyance of the land:

(a) the first home owner concession;

(b) the first home owner discount;

(c) the senior, pensioner and carer concession;

(d) the principal place of residence rebate;

(e) the Territory home owner discount.

(2) The conveyee is entitled to only one of the concessions from the payment of duty mentioned in subsection (1).

(3) The concession to which the conveyee is entitled is:

(a) the concession that gives the conveyee the greater or greatest benefit; or

(b) if each concession gives the same benefit, the concession determined by the Commissioner.

Division 2A Residential land conveyance

90C Interpretation

(1) In this Division:

building contractor means a building contractor prescribed under regulation 41B of the *Building Regulations 1993*.

developed, see subsection (2).

new home means a home that has not been previously occupied or sold as a place of residence.

(2) For this Division, land is considered to be ***developed*** if:

(a) the land is cleared of vegetation, existing structures are removed from the land or the land is rehabilitated; and

(b) new infrastructure is constructed on the land; and

(c) the land is subdivided into lots.

(3) The definitions in section 88(1) apply to this Division.

90D Exemption for conveyance of residential land

(1) This section applies in relation to a conveyance first executed during the period commencing on 1 July 2022 and ending on 30 June 2027 unless:

(a) the conveyance replaces an earlier conveyance, first executed before 1 July 2022, in relation to the same or substantially similar land; or

(b) the conveyance is in relation to land for which the conveyee entered into an option to purchase before 1 July 2022; or

(c) the conveyor of the land had an option, granted before 1 July 2022, to require the conveyee to purchase the land to which the conveyance relates or substantially similar land.

(2) The conveyance is exempt from duty if all of the following conditions are met:

(a) the conveyee is:

(i) an individual; and

(ii) subject to subsection (7), at least 18 years of age at the relevant time; and

(iii) an Australian citizen or a permanent resident at the relevant time;

(b) in the conveyance, the conveyee agrees to acquire title to and the whole beneficial interest in land owned by a building contractor;

(c) the conveyee has no beneficial interest in the land being conveyed before the relevant time;

(d) in the conveyance, the building contractor agrees to convey the land to the conveyee;

(e) in the conveyance, the building contractor agrees to do one of the following:

(i) build or place a detached, new home on the land being conveyed;

(ii) complete the building of a partially completed and detached, new home that is situated on the land being conveyed;

(iii) convey a completed and detached, new home that is situated on the land being conveyed;

(f) the land being conveyed is owned by the building contractor immediately before the conveyance is executed or will be owned by the building contractor immediately before settlement of the conveyance;

(g) the land being conveyed was purchased by the building contractor from another person who developed it as a residential lot;

(h) the building contractor paid duty on the dutiable value of the land when the building contractor purchased it from the person who developed it as a residential lot;

(i) the conveyee occupies the home as the conveyee's principal place of residence for the prescribed period commencing within the period for occupancy, unless the Commissioner is satisfied that special reasons exist to vary this requirement;

(j) the conveyee becomes entitled to possession of the land within 12 months after settlement of the conveyance, unless the Commissioner is satisfied that special reasons exist to vary this requirement.

Note for subsection (2)(b)

The conveyee is not acquiring an interest in the land in the capacity of a trustee.

(3) If there are 2 or more conveyees under the conveyance, the conveyance is not exempt from duty unless:

(a) subject to subsection (7), at least one of the conveyees meets the criteria specified in subsection (2)(a)(ii); and

(b) at least one of the conveyees meets the criteria specified in subsection (2)(a)(iii); and

(c) subject to paragraphs (a) and (b), all conditions in subsection (2) are met; and

(d) all conveyees agree to acquire title to and the whole beneficial interest in the land being conveyed.

(4) If a person acquires land or an interest in land as guardian of a person under a legal disability, the person under the legal disability is taken to be:

(a) the conveyee of the land; and

(b) the applicant for the exemption; and

(c) the recipient of any exemption granted.

(5) A conveyee who fails, or will fail, to occupy a home in accordance with subsection (2)(i) must give written notice to the Commissioner of the failure or impending failure within 30 days after the day on which it first becomes apparent to the conveyee that the failure occurred or will occur.

Maximum penalty: 50 penalty units.

Note for subsection (5)

This subsection does not apply to a conveyee who has an exemption from the relevant occupancy requirement.

(6) For subsection (5), if there are 2 or more conveyees under the conveyance:

(a) the notice is only required to be given if all conveyees fail, or will fail, to occupy a home in accordance with subsection (2)(i); and

(b) the notice is only required to be given by one conveyee.

(7) The Commissioner may exempt a conveyee from the requirement that the conveyee be at least 18 years of age at the relevant time if the Commissioner is satisfied that the conveyance does not form part of a scheme to circumvent limitations on, or requirements affecting, eligibility for or entitlement to the exemption.

(8) If a conveyee fails to occupy the home in accordance with subsection (2)(i), the Commissioner must, even though the time limit for reassessment under the *Taxation Administration Act 2007* may have passed, reassess duty on the conveyance on the basis that the conveyee or conveyees were not eligible for the exemption unless, in the Commissioner's opinion, there are special reasons for not making the reassessment.

Division 3 Property settlements on breakdown of relationship

91 Exemption from duty

(1) A conveyance of dutiable property is exempt from duty if:

(a) the parties to the conveyance are or were parties to a marriage or de facto relationship under the *Family Law Act 1975* (Cth); and

(b) within 12 months after the date of the conveyance, an order is made by the Family Court for the distribution of property between the parties to the conveyance under Part VIII or VIIIAB of the *Family Law Act 1975* (Cth); and

(c) the terms of the conveyance are consistent with the order.

(2) A conveyance of dutiable property is exempt from duty if:

(a) the parties to the conveyance are or were parties to a marriage or de facto relationship under the *Family Law Act 1975* (Cth); and

(b) the conveyance occurred after the irretrievable breakdown of the marriage or de facto relationship; and

(c) within 12 months after the date of the conveyance, a binding financial agreement for the distribution of property between the parties to the conveyance is made under Part VIIIA or VIIIAB of the *Family Law Act 1975* (Cth); and

(d) the terms of the conveyance are consistent with the agreement.

(3) Except as otherwise provided by the *Taxation Administration Act 2007*, the Commissioner must refund any duty paid on a conveyance before it becomes exempt under subsection (1) or (2).

Division 3A Statutory trusts for sale or partition

91A Vesting of dutiable property in statutory trust for sale or partition

(1) This section applies in relation to a statutory vesting that occurs on or after 1 July 2015.

(2) The statutory vesting under section 40(1) of the *Law of Property Act 2000* of dutiable property by which property vests in the trustee of a statutory trust for sale or a statutory trust for partition is exempt from duty.

91B Conveyance of property from statutory trust for sale to beneficial owner

(1) This section applies to a conveyance of dutiable property that is:

(a) first executed on or after 1 July 2015; and

(b) is a conveyance from a trustee of a statutory trust for sale mentioned in section 91A(2) to one or more of the beneficial owners of the trust property.

(2) The dutiable value of the dutiable property is calculated by deducting from the unencumbered value of the property or the consideration for the property (whichever is greater) the proportion of that amount that is the same as the proportion of the conveyee's beneficial interest in the property immediately before the conveyance.

Note for section 91B

See Schedule 1, clause 1(4) in relation to the duty payable on a partition of land.

Division 4 Managed investment schemes

92 Managed investment scheme conveyance

(1) A managed investment scheme conveyance is not liable to ad valorem duty.

(2) Each of the following transactions is a managed investment scheme conveyance:

(a) a conveyance of dutiable property from a person as vendor to the custodian for a responsible entity of a registered scheme, where:

(i) the conveyance is made pursuant to an agreement for the conveyance of the dutiable property between the person as vendor and the responsible entity as purchaser; and

(ii) the dutiable property is acquired by the responsible entity as scheme property; and

(iii) the agreement has been stamped with ad valorem duty;

(b) a conveyance of dutiable property that is either from the responsible entity of a registered scheme to the custodian for that responsible entity or from the custodian of a responsible entity of a registered scheme to that responsible entity, where:

(i) the dutiable property is scheme property of that registered scheme; and

(ii) the conveyance is not part of an arrangement under which:

(A) the scheme property or an interest in the scheme property ceases to be scheme property; or

(B) the members of the registered scheme do not have the same trust interest in the scheme property after the conveyance of that property as they had immediately before the arrangement was entered into;

(c) a conveyance of dutiable property that is scheme property which is a consequence of the retirement of the responsible entity or custodian of a registered scheme or the appointment of a new responsible entity or custodian of the registered scheme, where the Commissioner is satisfied that:

(i) the only interest acquired by a person in relation to the property as a result of the conveyance is an interest acquired by the replacement or new responsible entity or custodian; and

(ii) the replacement or new responsible entity or custodian acquired that interest only because of its appointment as the responsible entity or custodian for the registered scheme.

(3) In this section:

custodian means a corporation appointed under section 601FB of the Corporations Act 2001 to hold the property of a registered scheme as agent for the responsible entity of the registered scheme.

registered scheme, see the Corporations Act 2001.

responsible entity, see the Corporations Act 2001.

scheme property means the dutiable property of a registered scheme held by a person as the responsible entity of the registered scheme or as a custodian for the responsible entity of the registered scheme.

Division 5 Electric motor vehicle

92A Concession for duty on registration of electric motor vehicle

(1) This section applies in relation to the issue of a certificate of registration for an electric motor vehicle during the period commencing on 1 July 2022 and ending on 30 June 2027.

(2) When determining the amount of duty payable in relation to the issue of a certificate of registration under section 57 for an electric motor vehicle, the first $50 000 of the dutiable value of the electric motor vehicle is exempt from duty.

(3) Section 61 does not apply to this section.

(4) Despite subsection (2), the amount of the exemption that may be claimed under this section is limited to a maximum of $1 500.

(5) In this section:

electric motor vehicle means a motor vehicle that:

(a) uses an electric motor for propulsion, whether or not it is also fitted with an internal combustion engine; and

(b) takes and stores energy from an external source of electricity; and

(c) is not equipped with a fuel cell for converting hydrogen to electricity.

Note for subsection (5)

This includes vehicles that operate only with an electric motor as well as plug-in hybrid electric vehicles.

Part 6 Miscellaneous

93 Authorised stamps

(1) The Commissioner must decide the form of stamps (***authorised stamps***) for use under this Act.

(2) Equipment for affixing authorised stamps must be kept under the Commissioner's control and used only as directed by the Commissioner.

94 Forgery etc. of authorised stamp

(1) A person must not:

(a) forge an authorised stamp; or

(b) dishonestly stamp an instrument with a stamp that could reasonably be taken to be an authorised stamp.

Maximum penalty: Imprisonment for 2 years.

(2) A person must not, without lawful authority or excuse, have possession of equipment capable of being used to forge an authorised stamp.

Maximum penalty: Imprisonment for 2 years.

95 Regulatory offences

An offence against any of the following provisions is a regulatory offence:

(a) section 9A;

(b) section 24;

(c) section 39;

(d) section 45;

(e) section 56K(9);

(f) section 57;

(g) section 59(5).

96 Admissibility of unstamped instruments

(1) A dutiable instrument that is not duly stamped is not admissible in evidence in any court in support or defence of a civil claim.

(2) However, the court may receive such an instrument in evidence if the party seeking to tender the instrument pays into court the duty payable on the instrument (together with any penalty).

(3) If duty is paid into court under subsection (2):

(a) the proper officer of the court must remit the payment to the Commissioner together with the instrument; and

(b) the Commissioner must stamp the instrument and return it to the proper officer of the court.

97 Former transitional provisions

Despite the repeal of former transitional provisions (Parts IX to XII), the effect of those provisions is preserved so far as they may have continuing relevance.

97A Transitional provision (rates of duty)

(1) Subject to subsection (2), the relevant amendments apply to a conveyance first executed on or after 6 May 2008 and, if a conveyance was first executed before that date, this Act applies as if the relevant amendments had not been made.

(2) This Act also applies to a conveyance as if the relevant amendments had not been made if:

(a) the conveyance replaces an earlier conveyance, first executed before 6 May 2008, of the same or substantially similar property; or

(b) the conveyee entered into a contract or option, before 6 May 2008, to purchase the property to which the conveyance relates, or substantially similar property; or

(c) the conveyor had an option, granted before 6 May 2008, to require the conveyee to purchase the property to which the conveyance relates or substantially similar property.

(3) In this section:

relevant amendments means:

(a) the amendment made by the *Revenue Law Reform (Budget Initiatives) Act 2008* to the definition of ***first home owner concession*** in section 88; and

(b) the amendments made by the *Revenue Law Reform (Budget Initiatives) Act 2008* to the rate of ad valorem conveyance duty under this Act.

97B Transitional provision (dutiable property)

(1) A conveyance of relevant property is not liable to duty if:

(a) the conveyance was first executed before the commencement of the relevant amendment; or

(b) the conveyance is made before 1 July 2009 in pursuance of an agreement to make the conveyance entered into before the commencement of the relevant amendment.

(2) In this section:

relevant amendment means the amendment made by *Revenue Law Reform (Budget Initiatives) Act* 2008 under which certain mining tenements that were not formerly dutiable property became dutiable property.

relevant property means property that becomes dutiable property as a result of the relevant amendment.

98 Regulations

The Administrator may make regulations under this Act.

Part 7 Transitional matters for Revenue Legislation Amendment Act 2009

99 Application

(1) Section 56C(6)(b) as amended by section 24(2) of the amending Act applies only to a calculation for the acquisition of an interest that occurs on or after the introduction day.

(2) Section 56CA as inserted by section 25 of the amending Act, and section 56C(6) and (7) as amended by section 24(1) and (3) of the amending Act, apply as follows:

(a) the Commissioner may make a determination under section 56CA that takes effect from, and specifying, a date that is on or after the introduction day;

(b) the determination must relate to a relevant transaction mentioned in that section that occurred on or after the introduction day;

(c) the determination may relate to an arrangement mentioned in that section that is made on, or takes effect from, a date that is the introduction day or before or after that day.

(3) Section 56P as amended by section 26 of the amending Act applies as follows:

(a) the Commissioner may make a determination under that section that takes effect from, and specifying, a date that is on or after the introduction day; and

(b) the determination must relate to the acquisition of the control of a corporation as mentioned in that section that occurs on or after the introduction day.

(4) In this section:

amending Act means the *Revenue Legislation Amendment Act 2009*.

introduction day means the day on which the Bill for the amending Act is introduced in the Legislative Assembly.

Part 8 Transitional matters for Revenue and Other Legislation Amendment Act 2010

100 Definition

In this Part:

2010 amending Act means the *Revenue and Other Legislation Amendment Act 2010*.

101 Arrangement for provision of finance

(1) The relevant amendments do not apply to an arrangement that was:

(a) covered by section 56C(1), definition ***acquire***, paragraph (d)(v) as in force immediately before 4 May 2010; and

(b) entered into before 4 May 2010 (whether or not it was completed before that date).

(2) In this section:

relevant amendments means the amendments made by sections 11 to 13 of the 2010 amending Act.

102 Increase in first home owner concession and principal place of residence rebate and new senior, pensioner and carer concession

(1) Subject to subsection (2):

(a) the relevant amendments apply to a conveyance first executed on or after 4 May 2010; and

(b) if a conveyance was first executed before that date, this Act applies as if the relevant amendments had not been made.

(2) This Act also applies to a conveyance as if the relevant amendments had not been made if:

(a) the conveyance replaces an earlier conveyance, first executed before 4 May 2010, of the same or substantially similar land; or

(b) the conveyees entered into a contract or option, before 4 May 2010, to purchase the land to which the conveyance relates or substantially similar land; or

(c) the conveyor had an option, granted before 4 May 2010, to require the conveyees to purchase the land to which the conveyance relates or substantially similar land.

(3) In this section:

relevant amendments means the amendments made by sections 14(2), (3) and (5), 16 and 17(1) of the 2010 amending Act.

103 Extension of period for occupancy for entitlement to first home owner concession and principal place of residence rebate

(1) This section applies if, before 4 May 2010, duty was assessed on a conveyance of land on the basis that the conveyees were not entitled to the concession or rebate merely because the conveyees did not satisfy the requirement that a home be built on the land within 3 years after the relevant time for the conveyance.

(2) On application by the conveyees, the Commissioner may, under the *Taxation Administration Act 2007*, reassess duty on the conveyance as if the relevant amendments had commenced.

(3) On making the reassessment, the Commissioner must refund to the conveyees the difference between the amount of duty paid on the assessment and the amount of duty payable on the reassessment.

(4) Subsection (3) applies subject to the *Taxation Administration Act 2007*.

(5) In this section:

concession or rebate means the first home owner concession or principal place of residence rebate, and includes a corresponding concession or rebate under an earlier enactment.

relevant amendments means the amendments made by sections 14(1) and (4), 15 and 17(2) to (5) of the 2010 amending Act.

104 Acquisition of interest by transfer of shares

(1) This section applies if, for the purposes of Part 3, Division 8:

(a) an acquisition of an interest in a corporation is, or is to be, evidenced by a transfer of shares; and

(b) the transfer of the shares was not made before 1 July 2010; and

(c) one or more of the dates mentioned in section 56CAA(2) occur on or after 1 July 2010 (whether or not any of those dates occurs before 1 July 2010).

(2) Despite section 56CAA(2), the acquisition of the interest is taken to occur on the earliest of those dates that occurs on or after 1 July 2010.

Part 9 Transitional matters for Revenue Legislation Amendment Act 2011

105 Occupancy requirements – Commissioner may reassess earlier conveyance

(1) This section applies if, before 3 May 2011, duty was assessed on a conveyance of land on the basis that the conveyee or conveyees was or were not entitled to a home incentive concession or rebate merely because of a failure to satisfy an occupancy requirement.

(2) On application by the conveyee or conveyees, the Commissioner may:

(a) exercise the Commissioner's powers under sections 89, 89A and 90; and

(b) reassess duty on the conveyance under the *Taxation Administration Act 2007*;

as if the occupancy amendments had commenced before the conveyance occurred.

(3) In this section:

home incentive concession or rebate means any of the following, or a corresponding concession or rebate under an earlier enactment:

(a) the first home owner concession;

(b) the senior, pensioner and carer concession;

(c) the principal place of residence rebate.

occupancy amendments means the amendments made by sections 9, 10 and 11 of the *Revenue Legislation Amendment Act 2011*.

occupancy requirement, for a conveyance of land, means a requirement that a conveyee:

(a) occupy a home on the land as the conveyee's principal place of residence; or

(b) commence to occupy a home on the land as the conveyee's principal place of residence within a particular period; or

(c) occupy a home on the land as the conveyee's principal place of residence for a particular period.

(4) A term defined in section 88 for Part 5, Division 2 has the same meaning in this section.

Part 10 Transitional matters for Revenue and Other Legislation Amendment Act 2012

106 Changes to home incentive schemes under Part 5, Division 2

(1) This section applies to a conveyance of land if:

(a) the conveyance replaces an earlier conveyance, first executed before 4 December 2012, of the same or substantially similar land; or

(b) the conveyees entered into a contract or option, before 4 December 2012, to purchase the same or substantially similar land; or

(c) the conveyor had an option, granted before 4 December 2012, to require the conveyees to purchase the same or substantially similar land.

(2) If this section applies to a conveyance:

(a) the amount of the principal place of residence rebate for the conveyance is equal to the lesser of:

(i) the total amount of duty assessed as payable on the conveyance; or

(ii) $3 500; and

(b) section 89 applies in relation to the conveyance despite section 89(1A); and

(c) a home on the land or to be built on the land is a qualifying home for section 90 (whether or not it is a new home).

Part 11 Transitional matters for Revenue and Other Legislation Amendment Act 2015

107 Definition

In this Part:

amending act means the *Revenue and Other Legislation Amendment Act 2015*.

108 Application of section 4A

(1) Section 4A, as amended by the amending act, applies in relation to a conveyance of dutiable property first executed on or after 1 July 2015.

(2) Section 4A, as in force before 1 July 2015, continues to apply in relation to a conveyance of dutiable property first executed before 1 July 2015 as if the amending act had not commenced.

109 Changes to the definition of senior, pensioner and carer concession in section 88

(1) This section applies to a conveyance of land if:

(a) the conveyance replaces an earlier conveyance, first executed before 28 April 2015, of the same or substantially similar land; or

(b) the conveyees entered into a contract or option, before 28 April 2015, to purchase the same or substantially similar land; or

(c) the conveyor had an option, granted before 28 April 2015, to require the conveyees to purchase the same or substantially similar land.

(2) If this section applies to a conveyance, the amount of the senior, pensioner and carer concession is equal to the lesser of the following:

(a) the total amount of duty assessed as payable on the conveyance;

(b) $8 500.

110 Changes to life insurance provisions

(1) This Act, as amended by the amending act, applies in relation to:

(a) a life policy or life insurance rider issued on or after 1 July 2015; and

(b) a group life insurance policy:

(i) issued before 1 July 2015; but

(ii) only to the extent it relates to a person who becomes insured under the policy on or after 1 July 2015.

(2) This Act, as in force before 1 July 2015, continues to apply in relation to:

(a) a life policy (as defined before 1 July 2015) issued before 1 July 2015; but

(b) does not apply in relation to a group life insurance policy issued before 1 July 2015 to the extent it relates to a person who becomes insured under the policy on or after 1 July 2015.

(3) A person who, immediately before 1 July 2015, was registered as a life insurer under section 47 is taken to be an Australian insurer registered under section 41.

(4) In this section:

group life insurance policy means a life policy (as defined before 1 July 2015) that insures a group of people, the membership of which changes over time.

*Example for subsection (4), definition **group life insurance policy***

A life policy which insures the members of a superannuation fund.

Part 12 Transitional matters for Stamp Duty Amendment (First Home Owner Discount) Act 2016

111 First home owner discount

(1) This section applies to a conveyance of land if:

(a) the conveyance replaces an earlier conveyance, first executed before 24 May 2016, of the same or substantially similar land; or

(b) the conveyees entered into a contract or option, before 24 May 2016, to purchase the same or substantially similar land; or

(c) the conveyor had an option, granted before 24 May 2016, to require the conveyees to purchase the same or substantially similar land.

(2) If this section applies to a conveyance, the conveyance is taken, for section 89AA, to have been first executed before 24 May 2016.

Part 13 Transitional matters for Stamp Duty Amendment Act 2016

112 Change to first home owner discount

(1) This section applies to a conveyance of land if:

(a) the conveyance replaces an earlier conveyance, first executed before 1 September 2016, of the same or substantially similar land; or

(b) the conveyees entered into a contract or option, before 1 September 2016, to purchase the same or substantially similar land; or

(c) the conveyor had an option, granted before 1 September 2016, to require the conveyees to purchase the same or substantially similar land.

(2) If this section applies to a conveyance, the conveyance is taken, for the first home owner discount, to have been first executed before 1 September 2016.

Note for section 112

The first home owner discount is provided for in section 89AA. One of the determining factors for the discount is the date on which a conveyance was first executed – see section 88(1), definition ***first home owner discount****.*

113 No multiple concessions

Section 90B applies in relation to all conveyances, whether first executed before, on or after the commencement of that section.

Part 14 Transitional matters for Revenue Legislation Amendment Act 2018

114 Changes to resource interest provisions

(1) Subject to subsections (2) and (3), the amendments made to this Act by the *Revenue Legislation Amendment Act 2018* apply in relation to any dutiable transaction that occurs on or after 1 May 2018.

(2) Despite subsection (1), this Act, as in force immediately before 1 May 2018, continues to apply in relation to a dutiable transaction mentioned in subsection (1) that occurs on or after 1 May 2018, but before 1 July 2023, if the agreement in respect of the transaction, or the instrument effecting or evidencing the transaction, was first executed before 1 May 2018.

(3) Despite subsection (1), the amendments made to this Act by the *Revenue Legislation Amendment Act 2018* apply in relation to a dutiable transaction mentioned in Schedule 2, item 23(a)(i), that occurs on or after 1 July 2018.

Part 15 Transitional matters for Revenue Legislation Amendment Act 2019

115 Transitional matters for *Revenue Legislation Amendment Act 2019*

(1) Subject to subsection (2):

(a) the relevant amendments apply to a conveyance first executed on or after 8 February 2019; and

(b) if a conveyance was first executed before that date, this Act applies as if the relevant amendments had not been made.

(2) This Act also applies to a conveyance as if the relevant amendments had not been made if:

(a) the conveyance replaces an earlier conveyance, first executed before 8 February 2019, of the same or substantially similar land; or

(b) the conveyees entered into a contract or option, before 8 February 2019, to purchase the land to which the conveyance relates or substantially similar land; or

(c) the conveyor had an option, granted before 8 February 2019, to require the conveyees to purchase the land to which the conveyance relates or substantially similar land.

(3) In this section:

relevant amendments means the amendments made to this Act by Part 4 of the *Revenue Legislation Amendment Act 2019*.

Part 16 Transitional matters for Stamp Duty Amendment Act 2023

116 Changes to dutiable property

(1) The provisions of this Act as in force immediately before 9 May 2023 apply to a conveyance of dutiable property if:

(a) the conveyance was first executed before that date; or

(b) the conveyance replaces an earlier conveyance, first executed before that date, of the same or substantially similar dutiable property; or

(c) a person entered into an agreement or option, before that date, to purchase the dutiable property to which the conveyance relates or substantially similar dutiable property; or

(d) a person had an option, granted before that date, to require another person to purchase the dutiable property to which the conveyance relates or substantially similar dutiable property.

(2) In subsection (1):

conveyance has the meaning in section 4 as in force immediately before 9 May 2023.

dutiable property has the meaning in section 4 as in force immediately before 9 May 2023.

Schedule 1 Dutiable instruments and rates of duty

section 4(1)
definition ***dutiable instrument***
and section 6

1 Conveyances

(1) A conveyance of dutiable property is a dutiable instrument.

(2) Subject to this clause, the duty payable on a conveyance of dutiable property is determined as follows:

(a) if the dutiable value of the dutiable property subject to the conveyance does not exceed $525 000:

$D = (0.06571441 \times V^2) + 15V$

where:

D is the duty (expressed in dollars)

V is 1/1 000 of the dutiable value (expressed in dollars)

(b) if the dutiable value exceeds $525 000 but is less than $3 000 000, the duty is 4.95% of the dutiable value;

(c) if the dutiable value is $3 000 000 or more but is less than $5 000 000, the duty is 5.75% of the dutiable value;

(d) if the dutiable value is $5 000 000 or more, the duty is 5.95% of the dutiable value.

(3) A conveyance of dutiable property by or to joint tenants is, if the conveyor, or one or more of the conveyors, retains an interest in the property, assessed for duty as a conveyance of the interest that is not retained by the conveyor or conveyors rather than the form of the conveyance but an additional $5 is payable.

Examples

1 *If property is held jointly by 2 persons, and they convey the property to one of them, the conveyance is assessed for ad valorem duty as a conveyance of a half-share of the property and the total amount of the duty is the amount so assessed plus $5.*

2 *If a sole owner conveys property to him/herself jointly with another, the conveyance is assessed for ad valorem duty as a conveyance of a half-share of the property and the total amount of the duty is the amount so assessed plus $5.*

(4) If the conveyance is for partition of land between persons who own the land as joint tenants or as tenants in common:

(a) in the case of a symmetrical partition of the land:

(i) if no consideration is given for the conveyance – the duty is $20; or

(ii) if consideration is given for the conveyance – the duty is assessed at the ad valorem rate on the amount or value of the consideration; or

(b) in the case of an asymmetrical partition of the land – ad valorem duty is to be assessed on the basis that the conveyance is a conveyance of a proportion of the whole land from the person or persons who take a lesser share (i.e. a share less than their proportionate interest prior to the partition) to the person or persons who take a greater share (i.e. a share greater than their proportionate interest prior to the partition).

Note

It follows from this that, if consideration is given for an asymmetrical partition, ad valorem duty will be calculated on the amount of the consideration or the relevant proportion of the unencumbered value of the land (whichever is the greater) and, if consideration is not given, on the relevant proportion of the unencumbered value of the land.

(5) For subclause (4), a symmetrical partition of land is one in which the portions resulting from the partition are in accordance with the proportionate interests of the owners prior to the partition; otherwise, the partition is to be regarded as asymmetrical.

(6) If the conveyance is made subsequent to, and in conformity with, an agreement for the conveyance that has been stamped with ad valorem duty, the duty payable on the conveyance is $5.

(6A) If the conveyance is made of dutiable property as mentioned in section 17A(2A), the duty payable on the transfer is $5.

(7) If:

(a) a conveyance of dutiable property is made on terms under which the conveyee is to hold the property on trust; and

(b) a declaration of trust is made in anticipation of the conveyance of dutiable property to the declarant to be held on trust; and

(c) both instruments relate to the same dutiable property; and

(d) ad valorem duty has been paid on one of the instruments;

the duty payable on the other instrument is $5.

(8) The duty payable on a managed investment scheme conveyance is $20.

(9) If a conveyance is a grant by the Territory of an estate in fee simple in land, or of a convertible Crown lease, for monetary consideration, the duty is calculated at the ad valorem rate:

(a) if paragraphs (b) and (c) do not apply – on the amount of the consideration; or

(b) if all of the consideration is unascertainable at the time of the grant – the unencumbered value of the land at that time; or

(c) if part of the consideration is unascertainable at the time of the grant – on the greater of the following:

(i) the amount of the consideration that is ascertainable at that time;

(ii) the unencumbered value of the land at that time.

(10) If a conveyance is a foreclosure order, the duty is calculated at the ad valorem rate on the dutiable value of dutiable property subject to the mortgage to which the foreclosure relates.

2 Deeds not otherwise charged

(1) A deed:

(a) that is not chargeable with ad valorem duty; and

(b) that:

(i) constitutes a trust; or

(ii) varies a trust in any way; or

(iii) deals with actual, potential or contingent interests or entitlements under a trust; or

(iv) extinguishes a trust;

is a dutiable instrument.

(2) The duty payable on such a deed is $20.

(3) This item does not apply to Special Disability Trust as defined in the *Social Security Act 1991* (Cth) or *Veterans Entitlement Act 1986* (Cth).

3 Instrument for the appointment of a trustee

(1) An instrument for the appointment of a trustee is a dutiable instrument.

(2) The duty payable on such an instrument is $20.

4 Lease of land in the Territory

(1) A lease of land in the Territory is a dutiable instrument if duty is chargeable on the grant of the lease.

(2) Duty is only chargeable on the grant of a lease if, in addition to or instead of rent payable for the lease, valuable consideration is given:

(a) for the lease; or

(b) for an option under which the lease is granted.

(3) If valuable consideration in addition to, or instead of, rent is given for a lease, duty is to be calculated at the ad valorem conveyance rate on the amount or value of the consideration.

(4) However, if a lease is entered into subsequent to, and in conformity with, an agreement for the lease that has been stamped with ad valorem duty, the duty payable on the lease is $5.

5 Motor vehicle certificate of registration

(1) A motor vehicle certificate of registration is a dutiable instrument.

(2) The duty payable on a motor vehicle certificate of registration is $3 for every $100 or fractional part of $100 of the dutiable value of the motor vehicle.

6 Policy of insurance

(1) A policy of insurance is a dutiable instrument.

(3) The duty on a policy of insurance:

(a) is payable on the issue and each renewal of the policy; and

(b) is:

(i) for a policy issued, or renewed, for one year or less – 10% of the amount of the premium; and

(ii) for a policy issued or renewed for a term of more than one year – 10% of the amount of the premium for each year and any fractional part of a year in the term.

(4) The duty on a policy of insurance that is a life insurance rider is calculated in accordance with subclause (3) on the part of the premium payable for the life policy that is apportioned to the rider.

7 Instrument to correct error

(1) An instrument to correct an error in a duly stamped instrument (the ***principal instrument***) is itself a dutiable instrument.

(2) If the Commissioner is satisfied that the sole purpose of the instrument is to correct an error that would not have increased the liability of the principal instrument to duty, the duty payable on such an instrument is $20.

(3) If the Commissioner is not so satisfied, the duty is the difference between the amount of duty that should have been paid, and the amount actually paid, on the principal instrument plus interest and penalty tax assessed by the Commissioner on the basis that the person liable for duty on the principal instrument has been in default in respect of that sum since duty on the principal instrument fell due for payment.

8 Counterpart or copy of duly stamped instrument

The Commissioner must, on lodgement of a counterpart or copy of a duly stamped instrument, stamp the counterpart or copy with a stamp indicating that the original has been duly stamped on payment to the Commissioner of a fee of $5.

Note

A counterpart or copy is itself dutiable in the same way as the original if the original has not been duly stamped.

Schedule 2 Exemptions from duty

section 4(1)
definition ***exempt instrument or transaction***

Conveyances

1 Conveyance to the Territory, to a Government Business Division declared by regulation to be a Government Business Division to which this exemption applies or to an authority of the Territory other than a Government Business Division. (If a conveyance falls partially within and partially outside the terms of this exemption, duty is to be calculated as if the conveyance were not exempt and then proportionately reduced to reflect the extent of the exemption.)

2 Conveyance to the Commonwealth or to an authority of the Commonwealth.

3 Conveyance for the purposes of a compulsory transfer of business under Part 4 of the *Financial Sector (Business Transfer and Group Restructure) Act 1999* (Cth).

4 Statutory vesting:

(a) by which property vests in a company only because of its registration under Part 5B.1 of the Corporations Act 2001; or

(b) by which property held by a person for or on behalf of an association vests in the association under section 12 of the *Associations Act 2003* only because of its incorporation under that Act; or

(c) by which property vests in the executor or administrator of a deceased person's estate under section 52 of the *Administration and Probate Act 1969*.

5 Conveyance during the winding-up of a company of its property to a shareholder of the company where the shareholder is entitled to the property on a distribution in specie unless the conveyance is or is part of a tax avoidance scheme.

6 Conveyance:

(a) that the Commissioner is satisfied is made solely for the purpose of effecting the appointment of a new trustee on the retirement of a trustee or as an additional trustee, if:

(i) no beneficial interest passes in the property conveyed; and

(ii) the trust is a discretionary trust – no change of potential beneficial interest occurs as a result of the transaction; and

(iii) the property conveyed was acquired by the retiring trustee or existing trustee in the capacity of trustee by virtue of an instrument that was duly stamped, was exempt from duty under this Schedule (or a corresponding previous enactment) or was for some other reason not liable to duty; or

(b) made by a trustee of a non-discretionary trust to a beneficiary where:

(i) the conveyance is made in accordance with the terms of the trust (but not for valuable consideration); and

(ii) the property conveyed was acquired by the trustee by virtue of an instrument that was duly stamped, was exempt from duty under this Schedule (or a corresponding previous enactment) or was for some other reason not liable to duty; or

(c) made by a trustee of a discretionary trust to a beneficiary where:

(i) the beneficiary is an individual and, as a result of the conveyance, becomes absolute owner of the property conveyed; and

(ii) the conveyance is not made for valuable consideration (which may take any form including the forgiveness of or release from a debt or obligation) given or to be given by the beneficiary or anyone else; and

(iii) the conveyance is in accordance with the terms of the trust and the property conveyed was acquired by the trustee by virtue of an instrument that was duly stamped, was exempt from duty under this Schedule (or a corresponding previous enactment) or was for some other reason not liable to duty; or

(d) made by a trustee as executor of the will, or administrator of the estate, of a deceased person, to a beneficiary of the deceased person's estate in accordance with the provisions of the will or the rules of intestate distribution; or

(e) in relation to which the Commissioner is satisfied of both of the following:

(i) no valuable consideration is given for the conveyance;

(ii) the conveyance is made to a Special Disability Trust as defined in the *Social Security Act 1991* (Cth) or *Veterans Entitlement Act 1986* (Cth).

7 Conveyance where the Commissioner is satisfied that:

(a) there are 2 parties to the conveyance and each is the spouse of the other; and

(b) the property subject to the conveyance is the principal place of residence of the parties to the conveyance; and

(c) no consideration is given for the conveyance; and

(d) the effect of the conveyance is that both parties to the conveyance will own the place of residence to which the conveyance relates in equal shares; and

(e) no other person takes an interest under the conveyance.

8 Conveyance to a former bankrupt from the estate of the former bankrupt (except where the bankrupt takes the property as trustee of a trust).

9 Grant of a resource interest unless, in the opinion of the Commissioner, the grant forms part of a wider transaction amounting in effect to a transfer of the resource interest.

10 Conveyance of chattels as part of a transaction that:

(a) includes a conveyance or grant of a lease, or an interest in a lease, of land for nil or only nominal dutiable value; and

(b) does not include a conveyance of any other dutiable property.

12 Grant of an estate in fee simple or other lesser estate in land from the Crown other than:

(a) a grant of an estate in fee simple or lesser estate after the surrender of a convertible Crown lease held over the same land the subject of the grant where:

(i) the grantee was not the person who surrendered the convertible Crown lease; and

(ii) the grant, in the opinion of the Commissioner, forms part of a wider transaction amounting, in effect, to a transfer of the estate in the land; or

(b) a grant of an estate in fee simple or convertible Crown lease for which monetary consideration is given or agreed to be given (whether or not the consideration is subject to specified conditions and whether or not those conditions have been met); or

(c) a grant of a resource interest.

14 Conveyance of dutiable property to an exempt entity if the property is to be used solely by the entity for an exempt use.

Leases

15 Lease that is a residence contract under the *Retirement Villages Act 1995*.

16 Lease to the Territory, to a Government Business Division declared by regulation to be a Government Business Division to which this exemption applies or to an authority of the Territory other than a Government Business Division.

17 Lease to the Commonwealth or to an authority of the Commonwealth.

18 Lease of property to an exempt entity if the property is to be used solely by the entity for an exempt use.

Insurance

19 An insurance cover-note in pursuance of which a duly stamped policy is issued within 3 months of the date of the cover-note.

20 A policy of insurance issued to the original insured or the insured's personal representative in pursuance of a cover-note which has been duly stamped as a policy.

21 A policy of insurance taken out as required under the *Return to Work Act 1986*.

22 A policy of medical benefits insurance issued by a person registered as a private health insurer under Part 4-3 of the *Private Health Insurance Act 2007* (Cth) that provides hospital benefits or medical benefits (or both) whether or not other benefits are also provided.

22A A life policy issued by a life insurer (other than a life insurance rider).

22B An authorised RBI policy, as defined in section 54CB of the *Building Act 1982*, issued on or after 1 July 2015 in accordance with Part 5A of the *Building Act 1982*.

22C A fidelity certificate, as defined in section 54D of the *Building Act 1982*, issued on or after 1 July 2015 in accordance with Part 5A of the *Building Act 1982*.

Motor vehicle certificates of registration

23 Any of the following motor vehicle certificates of registration:

(a) a motor vehicle certificate of registration issued to the person in whose name the vehicle was last registered before it was issued (whether registered in the Territory or elsewhere and whether or not that registration has expired) other than:

(ii) a motor vehicle certificate of registration issued in respect of a motor vehicle that:

(A) is a motor vehicle in which seating is provided for not less than 12 persons; and

(B) is being registered under the *Motor Vehicles Act 1949* by a person who has, until so registering the motor vehicle, never paid any stamp duty in relation to that motor vehicle under any law in force in the Commonwealth or a State or Territory of the Commonwealth; or

(iii) a motor vehicle certificate of registration, or a motor vehicle certificate of registration belonging to a class of motor vehicle certificates of registration, prescribed for the purposes of this subparagraph;

(b) a motor vehicle certificate of registration issued following a conveyance of the motor vehicle:

(i) to a person who is the spouse, parent, child or stepchild of the person in whose name the vehicle was last registered (whether in the Territory or elsewhere) before the issue of the motor vehicle certificate of registration; or

(ii) to or from the spouse, parent, child or stepchild jointly with that person;

if the conveyance is wholly by way of gift;

(c) a motor vehicle certificate of registration issued to a person who is engaged solely or principally in the business of agricultural or pastoral production other than in respect of a vehicle designed primarily and principally for the transport of persons;

(d) a motor vehicle certificate of registration issued to a person to give effect to:

(i) a change in that person's name; or

(ii) a change in the name of the business carried on by that person;

(e) a motor vehicle certificate of registration issued to a person:

(i) who is the executor or administrator of, or the person administering, the estate of a deceased person for the purpose of transferring the vehicle to a person beneficially entitled to the vehicle; or

(ii) who is the executor or administrator of, or the person administering, the estate of a deceased person for the purpose of sale in the course of winding-up the estate of a deceased person; or

(iii) who is beneficially entitled to the vehicle under the estate of a deceased person;

(f) a duplicate motor vehicle certificate of registration;

(g) a motor vehicle certificate of registration issued on an application for registration by the Territory, by a Government Business Division declared by regulation to be a Government Business Division for the purposes of this item or by a person acting on behalf of the Territory other than a Government Business Division;

(h) a motor vehicle certificate of registration issued in the name of an exempt entity;

(i) a motor vehicle certificate of registration issued to a person who, in the opinion of the Commissioner, is engaged principally in the business of buying and selling motor vehicles (a ***motor vehicle trader***) in respect of:

(i) a vehicle acquired by the motor vehicle trader for the purpose of resale by the motor vehicle trader in the ordinary course of business; or

(ii) a new motor vehicle used solely or principally by the motor vehicle trader to sell new motor vehicles of the same class;

other than:

(iii) a vehicle used solely or principally by the motor vehicle trader, a member of the motor vehicle trader's staff or a member of the motor vehicle trader's family; or

(iv) a vehicle used for general purposes in the motor vehicle trader's business;

(j) a motor vehicle certificate of registration issued in respect of a vehicle that is:

(i) a motorised wheelchair; or

(ii) an experimental or research vehicle that has no readily ascertainable market value; or

(iii) a vehicle that has been brought into the Territory principally to take part in, or be part of, a specific event or specific events; or

(iv) registered under the *Motor Vehicles Act 1949* as an enthusiast vehicle; or

(v) a trailer that has a gross vehicle mass of not more than 4.5 t;

Note for subparagraph (v)

*A caravan is a trailer within the meaning of the definition **trailer** in the Motor Vehicles Act 1949.*

(k) a motor vehicle certificate of registration issued:

(i) to a veteran who is eligible to receive a pension at the rate specified by section 22(4) or 24(4) of the *Veterans' Entitlements Act 1986* (Cth); and

(ii) in respect of a motor vehicle for the veteran's non-commercial use;

(l) a motor vehicle certificate of registration issued to a person solely to correct an error on another motor vehicle certificate of registration on which stamp duty has been paid.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Taxation (Administration) Ordinance 1978* (Act No. 49, 1978)**
Assent date 30 June 1978
Commenced 1 July 1978 (s 2)

***Taxation (Administration) Act (No. 2) 1978* (Act No. 96, 1978)**
Assent date 5 September 1978
Commenced 5 September 1978

***Taxation (Administration) Act (No. 3) 1978* (Act No. 14, 1979)**
Assent date 26 January 1979
Commenced 26 January 1979

***Taxation (Administration) Act 1979* (Act No. 72, 1979)**
Assent date 26 June 1979
Commenced 26 June 1979

***Taxation (Administration) Act (No. 2) 1979* (Act No. 160, 1979)**
Assent date 12 December 1979
Commenced 9 May 1980 (*Gaz* G19, 9 May 1980, p 17)

***Taxation (Administration) Amendment Act 1981* (Act No. 68, 1981)**
Assent date 31 August 1981
Commenced 1 September 1981 (s 2)

***Taxation (Administration) Amendment Act 1982* (Act No. 78, 1982)**
Assent date 8 December1982
Commenced 8 December1982

***Taxation (Administration) Amendment Act 1983* (Act No. 34, 1983)**
Assent date 3 October 1983
Commenced 3 October 1983

Criminal Law (Regulatory Offences) Act 1983 **(Act No. 68, 1983)**

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 *Criminal Code Act 1983* (Act No. 47, 1983), *Gaz* G46, 18 November 1983, p 11 and *Gaz* G8, 26 February 1986, p 5)

Taxation (Administration) Amendment Act 1985 **(Act No. 26, 1985)**

Assent date	26 June 1985
Commenced	4 June 1985 (s 2)

Taxation (Administration) Amendment Act (No. 2) 1985 **(Act No. 54, 1985)**

Assent date	25 November 1985
Commenced	1 December 1985 (s 2)

Companies and Securities (Consequential Amendments) Act 1986 **(Act No. 18, 1986)**

Assent date	30 June 1986
Commenced	1 July 1986 (s 2)

Taxation (Administration) Amendment Act 1986 **(Act No. 61, 1986)**

Assent date	19 December 1986
Commenced	19 December 1986

Taxation (Administration) Amendment Act 1987 **(Act No. 31, 1987)**

Assent date	31 July 1987
Commenced	1 August 1987 (s 2)

Taxation (Administration) Amendment Act (No. 2) 1987 **(Act No. 34, 1987)**

Assent date	31 July 1987
Commenced	1 August 1987 (s 2)

Taxation (Administration) Amendment Act 1988 **(Act No. 4, 1988)**

Assent date	21 March 1988
Commenced	24 August 1988 (*Gaz* S44, 24 August 1988)

Taxation (Administration) Amendment Act (No. 2) 1988 **(Act No. 53, 1988)**

Assent date	17 November 1988
Commenced	ss 1 to 5: 17 November 1988; ss 6 and 9: 17 August 1988; ss 7 and 8: 1 September 1988 (s 2)

Taxation (Administration) Amendment Act 1989 **(Act No. 23, 1989)**

Assent date	15 June 1989
Commenced	29 November 1989 (s 2, s 2 *Racing and Betting Amendment Act 1989* (Act No. 12, 1989), s 2 *Unlawful Betting Act 1989* (Act No. 13, 1989) and *Gaz* G17, 3 May 1989, p 2)

Amending Legislation

Statute Law Revision Act 1989 **(Act No. 60, 1989)**

Assent date	2 October 1989
Commenced	2 October 1989

Taxation (Administration) Amendment Act (No. 2) 1989 **(Act No. 42, 1989)**

Assent date	20 September 1989
Commenced	s 7: 1 December 1989; rem: 20 September 1989 (s 2)

***Taxation (Administration) Amendment Act 1990* (Act No. 22, 1990)**

Assent date	7 June 1990
Commenced	1 January 1991 (s 2, s 2 *Stamp Duty Amendment Act 1990* (Act No. 21, 1990) and *Gaz* S76, 21 December 1990)

***Local Court (Consequential Amendments) Act 1990* (Act No. 31, 1990)**

Assent date	11 June 1990
Commenced	1 January 1991 (s 2, s 2 *Local Court Act 1989* (Act No. 31, 1989) and *Gaz* G49, 12 December 1990, p 2)

***Statute Law Revision Act 1990* (Act No. 33, 1990)**

Assent date	11 June 1990
Commenced	11 June 1990

***Taxation (Administration) Amendment Act (No. 2) 1990* (Act No. 47, 1990)**

Assent date	20 September 1990
Commenced	20 September 1990

***Debits Tax Act 1990* (Act No. 55, 1990)**

Assent date	14 December 1990
Commenced	1 January 1991 (s 2 and s 2 *Debits Tax Termination Act 1990* (Cth Act No. 136, 1990))

***Corporations (Consequential Amendments) Act 1990* (Act No. 59, 1990)**

Assent date	14 December 1990
Commenced	1 January 1991 (s 2, s 2 *Corporations (NT) Act 1990* (Act No. 56, 1990) and *Gaz* S76, 21 December 1990)

***Taxation (Administration) Amendment Act 1991* (Act No. 18, 1991)**

Assent date	3 June 1991
Commenced	3 June 1991

***Real Property (Consequential Amendments) Act 1991* (Act No. 33, 1991)**

Assent date	25 June 1991
Commenced	1 October 1991 (*Gaz* S49, 1 October 1991)

***Taxation (Administration) Amendment Act (No. 2) 1991* (Act No. 80, 1991)**

Assent date	24 December 1991
Commenced	1 January 1992 (s 2)

***Taxation (Administration) Amendment Act 1992* (Act No. 52, 1992)**

Assent date	18 September 1992
Commenced	1 July 1992 (s 2)

***Public Sector Employment and Management (Consequential Amendments) Act 1993* (Act No. 28, 1993)**

Assent date	30 June 1993
Commenced	1 July 1993 (s 2, s 2 *Public Sector Employment and Management Act 1993* (Act No. 11, 1993) and *Gaz* S53, 29 June 1993)

***Taxation (Administration) Amendment Act 1993* (Act No. 59, 1993)**

Assent date	5 October 1993
Commenced	31 August 1994 (*Gaz* G35, 31 August 1994, p 6)

Taxation (Administration) Amendment Act (No. 2) 1993 **(Act No. 60, 1993)**

Assent date	5 October 1993
Commenced	1 October 1993 (s 2)

Taxation (Administration) Amendment Act 1994 **(Act No. 43, 1994)**

Assent date	30 June 1994
Commenced	1 July 1994 (s 2)

Taxation (Administration) Amendment Act (No. 2) 1994 **(Act No. 71, 1994)**

Assent date	15 December 1994
Commenced	15 December 1994

Financial Management (Consequential Amendments) Act 1995 **(Act No. 5, 1995)**

Assent date	21 March 1995
Commenced	1 April 1995 (s 2, s 2 *Financial Management 1995* (Act No. 4, 1995) and *Gaz* S13, 31 March 1995)

Taxation (Administration) Amendment Act 1995 **(Act No. 49, 1995)**

Assent date	15 November 1995
Commenced	1 July 1995 (s 2, s 2 *Stamp Duty Amendment Act (No. 2) 1995* (Act No. 48, 1995))

Sentencing (Consequential Amendments) Act 1996 **(Act No. 17, 1996)**

Assent date	19 April 1996
Commenced	1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz* S15, 13 June 1996)

Taxation (Administration) Amendment Act 1998 **(Act No. 19, 1998)**

Assent date	30 March 1998
Commenced	30 March 1998

Taxation (Administration) Amendment Act 1999 **(Act No. 14, 1999)**

Assent date	1 April 1999
Commenced	ss 7(b), 18(a), (b), and (c) and 29(a): 1 July 1998; rem: 1 April 1999 (s 2)

Statute Law Revision Act 1999 **(Act No. 27, 1999)**

Assent date	18 June 1999
Commenced	18 June 1999

Statute Law Revision Act (No. 2) 1999 **(Act No. 48, 1999)**

Assent date	10 November 1999
Commenced	10 November 1999

Statute Law Revision Act 2000 **(Act No. 19, 2000)**

Assent date	6 June 2000
Commenced	12 July 2000 (*Gaz* G27, 12 July 2000, p 2)

Financial Relations Agreement (Consequential Provisions) Act 2000 **(Act No. 32, 2000)**

Assent date	27 June 2000
Commenced	1 July 2001 (s 2)

Taxation (Administration) Amendment Act 2000 **(Act No. 36, 2000)**

Assent date	27 June 2000
Commenced	1 July 2000 (s 2)

Land Title (Consequential Amendments) Act 2000 **(Act No. 45, 2000)**

Assent date	12 September 2000
Commenced	1 December 2000 (s 2, s 2 *Land Title Act 2000* (Act No. 2, 2000) and *Gaz* G38, 27 September 2000, p 2)

Statute Law Revision Act 2001 **(Act No. 3, 2001)**

Assent date	22 March 2001
Commenced	22 March 2001

Corporations Reform (Consequential Amendments NT) Act 2001 **(Act No. 17, 2001)**

Assent date	29 June 2001
Commenced	s 17(1) and (6): 1 July 2001 (s 2(2) and (3))

Taxation (Administration) Amendment Act 2001 **(Act No. 47, 2001)**

Assent date	19 July 2001
Commenced	ss 4(1), 5, 15, 23 and 26: 29 May 2001; ss 4(2) and (3), 6 to 8, 14, 16 to 22, 24, 25, 27 to 29 and 31: 1 July 2001; ss 9, 13 and 30: 1 November 2001 (s 2, s 2 *Financial Relations Agreement (Consequential Provisions) Act* (Act No. 32, 2000) and *Gaz* G42, 24 October 2001, p 4)

Statute Law Revision Act (No. 2) 2001 **(Act No. 62, 2001)**

Assent date	11 December 2001
Commenced	11 December 2001

Corporations (Financial Services Reform Amendments) Act 2002 **(Act No. 16, 2002)**

Assent date	7 June 2002
Commenced	11 March 2002 (s 2, s 2 *Financial Services Reform Act 2001* (Cth Act No. 122, 2001), s 2 Corporations Act 2001 (Cth Act No. 50, 2001) and Cth *Gaz* S285, 13 July 2001)

Statute Law Revision (Financial Provisions) Act 2002 **(Act No. 38, 2002)**

Assent date	13 September 2002
Commenced	30 October 2002 (*Gaz* G43, 30 October 2002, p 3)

Taxation (Administration) Amendment Act 2001 **(Act No. 50, 2002)**

Assent date	10 October 2002
Commenced	10 October 2002 (s 2)

Statute Law Revision Act 2003 **(Act No. 12, 2003)**

Assent date	18 March 2003
Commenced	18 March 2003

Taxation (Administration) Amendment Act 2003 **(Act No. 34, 2003)**

Assent date	30 June 2003
Commenced	ss 4 and 23: rep (Act No. 21, 2011); ss 11 to 22 and 28: 27 May 2003; rem: 1 July 2003 (s 2)

Amending Legislation

Revenue Legislation Amendment Act 2011 **(Act No. 21, 2011)**

Assent date	24 June 2011
Commenced	pt 2: 3 May 2011; rem: 1 July 2011 (s 2)

Statute Law Revision Act (No. 2) 2003 **(Act No. 44, 2003)**

Assent date	7 July 2003
Commenced	7 July 2003

Law Reform (Gender, Sexuality and De Facto Relationships) Act 2003 **(Act No. 1, 2004)**

Assent date	7 January 2004
Commenced	17 March 2004 (*Gaz* G11, 17 March 2004, p 8)

Taxation (Administration) Amendment Act 2004 **(Act No. 41, 2004)**

Assent date	6 July 2004
Commenced	pt 1: 6 July 2004; pt 2: 18 May 2004; pts 3, 4 and 5: 1 July 2004; pt 6: 23 June 2004 (s 2)

Statute Law Revision Act (No. 2) 2004 **(Act No. 54, 2004)**

Assent date	15 September 2004
Commenced	27 October 2004 (*Gaz* G43, 27 October 2004, p 3)

Taxation (Administration) Amendment (Objections and Appeals)Act 2005 **(Act No. 5, 2005)**

Assent date	4 March 2005
Commenced	31 March 2005 (*Gaz* S11, 31 March 2005, p 1)

Australian Crime Commission (Consequential Amendments) Act 2005 **(Act No. 7, 2005)**

Assent date	17 March 2005
Commenced	18 May 2005 (s 2, s 2 *Australian Crime Commission (Northern Territory) Act 2005* (Act No. 6, 2005) and *Gaz* G20, 18 May 2005, p 2)

Taxation (Administration) Amendment Act 2005 **(Act No. 28, 2005)**

Assent date	18 July 2005
Commenced	s 3 and pts 2 and 3: 3 May 2005; pts 4 and 5: 1 July 2005; rem: 18 July 2005 (s 2)

Statute Law Revision Act 2005 **(Act No. 44, 2005)**

Assent date	14 December 2005
Commenced	14 December 2005

Treasury Legislation and Consequential Amendment Act 2006 **(Act No. 19, 2006)**

Assent date	28 June 2006
Commenced	pt 1: 28 June 2006; pt 2: 2 May 2006; rem: 1 July 2006 (s 2)

Statute Law Revision Act 2007 **(Act No. 4, 2007)**

Assent date	8 March 2007
Commenced	8 March 2007

Revenue (Budget Initiatives) Amendment Act 2007 **(Act No. 12, 2007)**

Assent date	30 June 2007
Commenced	pt 2, div 2 and pt 3, div 2: 1 May 2007; rem: 1 July 2007 (s 2)

Revenue Law Reform (Stamp Duty) Act 2007 **(Act No. 27, 2007)**

Assent date	29 October 2007
Commenced	1 January 2008 (s 2)

Law Reform (Work Health) Amendment Act 2007 **(Act No. 30, 2007)**

Assent date	12 December 2007
Commenced	1 July 2008 (*Gaz* S29, 25 June 2008)

Revenue Law Reform (Budget Initiatives) Act 2008 **(Act No. 23, 2008)**

Assent date	30 June 2008
Commenced	pt 1, ss 3, 12(1), 18 and 19: 1 January 2008; ss 7, 10 and 11(1): 6 May 2008; rem: 1 July 2008 (s 2)

Local Government (Consequential Amendments) Act 2008 **(Act No. 28, 2008)**

Assent date	14 November 2008
Commenced	1 July 2008 (s 2)

Revenue Legislation Amendment Act 2009 **(Act No. 17, 2009)**

Assent date	25 June 2009
Commenced	pt 1 and pt 3 divs 1 and 2: 1 October 2008; pt 3 div 3: 6 May 2009; pt 2 divs 1 and 2, pt 3, div 4 and pts 4 and 5: June 2009; pt 3, dev 5: 1 July 2009; pt 2, div 3 and pt 3, div 6: 1 January 2010 (s 2 and *Gaz* G49, 9 December 2009, p 3)

Revenue and Other Legislation Amendment Act 2010 **(Act No. 21, 2010)**

Assent date	30 June 2010
Commenced	pt 2 and pt 4 divs 1 and 2: 4 May 2010; rem: 1 July 2010 (s 2)

Mineral Titles (Consequential Amendments) Act 2010 **(Act No. 37, 2010)**

Assent date	18 November 2010
Commenced	7 November 2011 (*Gaz* G41, 12 October 2011, p 5)

Revenue Legislation Amendment Act 2011 **(Act No. 21, 2011)**

Assent date	24 June 2011
Commenced	pt 2: 3 May 2011; rem: 1 July 2011 (s 2)

Revenue and Other Legislation Amendment Act 2012 **(Act No. 30, 2012)**

Assent date	18 December 2012
Commenced	pts 2 and 3: 4 December 2012; pt 4: 1 January 2013; rem: 18 December 2012 (s 2)

Penalties Amendment (Miscellaneous) Act 2013 **(Act No. 23, 2013)**

Assent date	12 July 2013
Commenced	28 August 2013 (*Gaz* G35, 28 August 2013, p 2)

Treasury Legislation Amendment Act 2014 **(Act No. 24, 2014)**

Assent date	26 June 2014
Commenced	13 May 2014 (s 2)

Statute Law Revision Act 2014 **(Act No. 38, 2014)**

Assent date	13 November 2014
Commenced	13 November 2014

Workers Rehabilitation and Compensation Legislation Amendment Act 2015 **(Act No. 9, 2015)**

Assent date	23 April 2015
Commenced	ss 3, 4, 5, 24, 25 and pt 4: 22 May 2015; rem: 1 July 2015: (*Gaz* S50, 22 May 2015)

Revenue and Other Legislation Amendment Act 2015 **(Act No. 18, 2015)**

Assent date	23 June 2015
Commenced	pt 2 and pt 5, divs 1 to 4: 28 April 2015; pts 3 and 4, pt 5, divs 5 to 8 and pt 6: 1 July 2015; rem: 23 June 2015 (s 2)

Fisheries Legislation Amendment Act 2016 **(Act No. 23, 2016)**

Assent date	9 June 2016
Commenced	1 January 2017 (*Gaz* G51, 21 December 2016, p 12)

Stamp Duty Amendment (First Home Owner Discount) Act 2016 **(Act No. 31, 2016)**

Assent date	13 July 2016
Commenced	13 July 2016

Stamp Duty Amendment Act 2016 **(Act No. 35, 2016)**

Assent date	20 December 2016
Commenced	20 December 2016

Revenue and Other Legislation Amendment Act 2017 **(Act No. 13, 2017)**

Assent date	27 June 2017
Commenced	1 July 2017 (s 2)

Revenue Legislation Amendment Act 2018 **(Act No. 14, 2018)**

Assent date	28 June 2018

Commenced	pts 3, 4 and 6 (except ss 34 and 36(3)): 1 May 2018;
	pt 2, divs 1 and 2, pt 5, ss 34 and 36(3) and pt 7: 1 July 2018;
	pt 2, div 3 and pt 8: 1 July 2019 (s 2)

Revenue Legislation Amendment Act 2019 **(Act No. 22, 2019)**

Assent date	21 June 2019
Commenced	pt 3: 21 June 2019; rem: 8 February 2019 (s 2)

Treasury and Finance Legislation Amendment Act 2020 **(Act No. 28, 2020)**

Assent date	15 December 2020
Commenced	pts 2 and 3: 1 July 2020 (s 2(2)); pt 4: 1 December 2020 (s 2(3)); rem: 16 December 2020 (s 2(1))

Revenue Legislation Amendment and Repeal Act 2022 **(Act No. 15, 2022)**

Assent date	30 June 2022
Commenced	1 July 2022 (s 2)

Stamp Duty Amendment Act 2023 **(Act No. 17, 2023)**

Assent date	27 June 2023
Commenced	9 May 2023 (s 2)

3 SAVINGS AND TRANSITIONAL PROVISIONS

s 4 *Taxation (Administration) Act (No. 2) 1978* (Act No. 96, 1978)
s 10 and Pt 6, Div 3 *Financial Relations Agreement (Consequential Provisions) Act 2000* (Act No. 32, 2000)
ss 24 and 25(2) *Taxation (Administration) Amendment Act 2000* (Act No. 36, 2000)
s 30 *Taxation (Administration) Amendment Act 2001* (Act No. 47, 2001)
ss 16(2) and (3) and 23(2) *Taxation (Administration) Amendment Act 2003* (Act No. 34, 2003)
s 97 of this Act for repeal of former transitional provisions (Parts IX to XII)

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 4, 4AB, 23, 43, 56A, 56BD, 56K, 56M, 58, 86, 88, 89, 89A, 90, 90A, 91, 91A, 103 and 105 and Sch 2.

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lt	amd No. 31, 1987, s 15; No. 27, 2007, s 5
pt 1 hdg	amd No. 27, 2007, s 6
s 1	amd No. 31, 1987, s 15 sub No. 27, 2007, s 7
s 2	amd No. 31, 1987, s 15
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s 4	amd No. 96, 1978, s 3; No. 72, 1979, s 3; No. 160, 1979, s 4; No. 68, 1981, s 5; No. 78, 1982, s 3; No. 54, 1985, s 4; No. 61, 1986, s 3; No. 31, 1987, ss 4 and 15; No. 34, 1987, s 4; No. 4, 1988, s 4; No. 53, 1988, s 4; No. 42, 1989, s 4; No. 22, 1990, s 4; No. 47, 1990, s 3; No. 18, 1991, s 3; No. 80, 1991, s 4; No. 60, 1993, s 4; No. 43, 1994, s 4; No. 19, 1998, s 3; No. 14, 1999, s 4; No. 19, 2000, s 9; No. 32, 2000, ss 5, 13 and 26; No. 36, 2000, ss 4, 22, 25, 26, 27, 31 and 42; No. 17, 2001, s 17; No. 47, 2001, s 4; No. 16, 2002, s 7; No. 50, 2002, s 4; No. 44, 2003, s 4; No. 54, 2004, s 7; No. 28, 2005, s 6; No. 44, 2005, s 31; No. 19, 2006, ss 20, 35, 47, 65 and 81; No. 12, 2007, ss 11 and 19; No. 27, 2007, s 9; No. 23, 2008, s 4; No. 17, 2009, ss 15, 23 and 29; No. 21, 2010, ss 20 and 37; No. 21, 2011, s 26; No. 37, 2010, s 10; No. 18, 2015, s 29; No. 23, 2016, s 69; No. 14, 2018, s 31; No. 15, 2022, s 18; No. 17, 2023, s 4
s 4A	ins No. 36, 2000, s 17 amd No. 50, 2002, s 5; No. 44, 2003, s 4; No. 41, 2004, s 4; No. 19, 2006, s 48; No. 12, 2007, s 20; No. 27, 2007, s 10; No. 18, 2015, s 40; No. 14, 2018, s 32
s 4AB	ins No. 19, 2006, s 66 sub No. 27, 2007, s 11 amd No. 23, 2008, s 5; No. 37, 2010, s 10; No. 14, 2018, s 33
s 4AC	ins No. 27, 2007, s 11
s 4B	ins No. 47, 2001, s 5 amd No. 41, 2004, s 5; No. 19, 2006, s 27; No. 27, 2007, s 12; No. 21, 2010, s 37
s 4C	ins No. 50, 2002, s 6 amd No. 19, 2006, s 36 rep No. 17, 2023, s 5
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s 6	amd No. 31, 1987, s 15 sub No. 19, 1998, s 4 rep No. 27, 2007, s 14
s 7	amd No. 31, 1987, s 15; No. 4, 1988, s 7; No. 42, 1989, s 5; No. 59, 1993, s 3; No. 60, 1993, s 5; No. 5, 1995, s 19; No. 14, 1999, s 5; No. 50, 2002, s 7 rep No. 27, 2007, s 14
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s 9	amd No. 72, 1979, s 4; No. 31, 1987, ss 5 and 15; No. 43, 1994, s 5; No. 14, 1999, s 6; No. 47, 2001, s 6; No. 19, 2006, s 83 sub No. 27, 2007, s 16 amd No. 23, 2008, s 6; No. 17, 2009, s 31; No. 18, 2015, s 30 No. 17, 2023, s 7
s 9A	ins No. 78, 1982, s 4 amd No. 43, 1994, s 6; No. 14, 1999, s 7; No. 32, 2000, s 27 sub No. 27, 2007, s 16
s 9B	ins No. 31, 1987, s 6
s 9BA	ins No. 80, 1991, s 5 amd No. 50, 2002, s 8; No. 19, 2006, s 37 rep No. 17, 2023, s 8
s 9BB	ins No. 47, 2001, s 7 amd No. 50, 2002, s 9; No. 19, 2006, s 38; No. 27, 2007, s 17; No. 21, 2010, s 37 rep No. 17, 2023, s 8
s 9BC	ins No. 50, 2002, s 10 rep No. 19, 2006, s 39
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s 10	amd No. 31, 1987, ss 7 and 15; No. 17, 1996, s 6; No. 14, 1999, s 8; No. 19, 2006, s 68 sub No. 27, 2007, s 19
s 11	amd No. 31, 1987, s 15; No. 19, 2006, s 84 sub No. 27, 2007, s 19
s 12	amd No. 19, 2006, s 85 rep No. 27, 2007, s 18
s 13	sub No. 19, 2006, s 86 rep No. 27, 2007, s 18
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s 15	amd No. 31, 1987, s 15 sub No. 27, 2007, s 20
s 16	sub No. 27, 2007, s 20
s 17	amd No. 72, 1979, s 5; No. 78, 1982, s 5; No. 31, 1987, ss 8 and 15; No. 60, 1993, s 7; No. 43, 1994, s 7; No. 19, 2006, s 27 sub No. 27, 2007, s 20
s 17A	ins No. 53, 1988, s 5 amd No. 42, 1989, s 6; No. 14, 1999, s 30; No. 36, 2000, s 43; No. 47, 2001, s 8 sub No. 27, 2007, s 20 amd No. 17, 2009, s 32; No. 21, 2010, s 21
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s 19	amd No. 31, 1987, s 15 rep No. 60, 1993, s 8 ins No. 50, 2002, s 11 amd No. 19, 2006, s 21; No. 12, 2007, s 17 sub No. 27, 2007, s 21

s 20	amd No. 31, 1987, s 15 rep No. 60, 1993, s 8 ins No. 50, 2002, s 11 amd No. 34, 2003, s 5; No. 19, 2006, s 22; No. 12, 2007, s 18; No. 21, 2010, s 37
s 21	rep No. 60, 1993, s 8 ins No. 50, 2002, s 11 amd No. 27, 2007, s 22
s 22	amd No. 31, 1987, s 15 rep No. 60, 1993, s 8 ins No. 50, 2002, s 11 rep No. 19, 2006, s 23
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s 27	rep No. 42, 1989, s 7 ins No. 50, 2002, s 11 amd No. 21, 2010, s 37
s 28	amd No. 31, 1987, s 15 rep No. 42, 1989, s 7 ins No. 50, 2002, s 11 amd No. 27, 2007, s 27; No. 21, 2010, s 37
s 29	amd No. 31, 1987, s 15 rep No. 42, 1989, s 7 ins No. 50, 2002, s 11 amd No. 34, 2003, s 7
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s 29B	ins No. 54, 1985, s 5 rep No. 42, 1989, s 7 ins No. 50, 2002, s 11
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s 29H	ins No. 54, 1985, s 5 amd No. 62, 2001, s 15; No. 38, 2002, s 6 rep No. 28, 2005, s 7

s 29J	ins No. 54, 1985, s 5 amd No. 14, 1999, s 9 rep No. 28, 2005, s 7
ss 29K – 29M	ins No. 54, 1985, s 5 rep No. 28, 2005, s 7
s 29N	ins No. 54, 1985, s 5 amd No. 14, 1999, s 10 rep No. 28, 2005, s 7
s 29P	ins No. 54, 1985, s 5 rep No. 28, 2005, s 7
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s 32	amd No. 72, 1979, s 7; No. 31, 1987, s 15 rep No. 42, 1989, s 7
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s 35	amd No. 72, 1979, s 8 rep No. 42, 1989, s 7
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s 37	sub No. 72, 1979, s 9 rep No. 42, 1989, s 7 ins No. 47, 2001, s 9 amd No. 34, 2003, s 9; No. 21, 2010, s 37
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s 39	amd No. 31, 1987, s 15; No. 14, 1999, s 30 sub No. 47, 2001, s 10 amd No. 27, 2007, s 29; No. 21, 2010, s 37
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s 49B	ins No. 36, 2000, s 21 amd No. 18, 2015, s 35
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s 51	amd No. 72, 1979, s 13; No. 31, 1987, s 15 rep No. 34, 2003, s 10
s 52	amd No. 72, 1979, s 14; No. 31, 1987, ss 10 and 15; No. 43, 1994, s 8; No. 14, 1999, s 30; No. 47, 2001, s 14 rep No. 34, 2003, s 10
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s 53	rep No. 19, 2006, s 39
s 54	amd No. 72, 1979, s 15; No. 31, 1987, s 15 rep No. 19, 2006, s 39
s 55	amd No. 31, 1987, s 15; No. 14, 1999, s 30 sub No. 36, 2000, s 23 amd No. 3, 2001, s 8 rep No. 19, 2006, s 39
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s 56	amd No. 36, 2000, s 44 rep No. 19, 2006, s 39
s 56A	ins No. 72, 1979, s 16 sub No. 78, 1982, s 6 amd No. 31, 1987, s 11 sub No. 80, 1991, s 7 amd No. 36, 2000, s 45; No. 41, 2004, s 14; No. 19, 2006, ss 27 and 69; No. 27, 2007, s 38; No. 17, 2009, s 33
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pt III	
div 8AA hdg	ins No. 36, 2000, s 15

s 56BA	ins No. 36, 2000, s 15 amd No. 19, 2006, s 27 sub No. 27, 2007, s 40
pt III	
div 8AAA hdg	ins No. 47, 2001, s 15
s 56BAA	ins No. 47, 2001, s 15 amd No. 44, 2003, s 4; No. 1, 2004, s 62 rep No. 27, 2007, s 41
s 56BAB	ins No. 47, 2001, s 15 amd No. 19, 2006, s 27 sub No. 27, 2007, s 41
s 56BAC	ins No. 47, 2001, s 15 amd No. 41, 2004, s 11; No. 19, 2006, s 27 sub No. 27, 2007, s 41
pt III	
div 8AB hdg	ins No. 36, 2000, s 16 sub No. 41, 2004, s 15 amd No. 19, 2006, s 27
s 56BB	ins No. 36, 2000, s 16 sub No. 41, 2004, s 15 amd No. 19, 2006, s 27
s 56BC	ins No. 36, 2000, s 16 sub No. 41, 2004, s 15 amd No. 19, 2006, s 27; No. 27, 2007, s 42
s 56BD	ins No. 36, 2000, s 16 sub No. 41, 2004, s 15 amd No. 19, 2006, s 27; No. 27, 2007, s 43; No. 21, 2010, s 37
s 56BE	ins No. 41, 2004, s 15 amd No. 21, 2010, s 37; No. 38, 2014, s 2
pt III	
div 8A hdg	ins No. 53, 1988, s 6 sub No. 19, 2006, s 49
s 56C	ins No. 53, 1988, s 6 amd No. 48, 1999, s 3; No. 19, 2000, s 9; No. 36, 2000, s 5; No. 17, 2001, s 17; No. 50, 2002, s 12; No. 34, 2003, s 11; No. 44, 2003, s 4; No. 1, 2004, s 62; No. 41, 2004, s 6; No. 54, 2004, s 7; No. 28, 2005, s 4; No. 19, 2006, s 50; No. 12, 2007, s 21; No. 27, 2007, s 44; No. 17, 2009, ss 17, 24 and 34; No. 21, 2010, ss 11, 22 and 37
s 56CA	ins No. 19, 2006, s 51 rep No. 27, 2007, s 45 ins No. 17, 2009, s 25
s 56CAA	ins No. 21, 2010, s 23
s 56D	ins No. 53, 1988, s 6 amd No. 34, 2003, s 12; No. 19, 2006, s 52; No. 27, 2007, s 46
s 56E	ins No. 53, 1988, s 6 amd No. 14, 1999, s 14; No. 36, 2000, s 6 rep No. 27, 2007, s 47
s 56F	ins No. 53, 1988, s 6 amd No. 33, 1991, s 7; No. 80, 1991, s 8; No. 36, 2000, s 7; No. 45, 2000, s 11; No. 34, 2003, s 13; No. 5, 2005, s 4; No. 19, 2006, s 53 rep No. 27, 2007, s 47
s 56G	ins No. 53, 1988, s 6 amd No. 33, 1991, s 7; No. 36, 2000, s 8; No. 45, 2000, s 11 rep No. 27, 2007, s 47
s 56H	ins No. 53, 1988, s 6 amd No. 33, 1991, s 7; No. 36, 2000, s 9; No. 45, 2000, s 11 rep No. 27, 2007, s 47

s 56J	ins No. 53, 1988, s 6 amd No. 33, 1991, s 7; No. 36, 2000, s 10; No. 45, 2000, s 11 rep No. 27, 2007, s 47
s 56K	ins No. 53, 1988, s 6 amd No. 14, 1999, s 15; No. 36, 2000, s 11; No. 34, 2003, s 14; No. 19, 2006, s 54; No. 27, 2007, s 48; No. 17, 2009, ss 18 and 35; No. 21, 2010, s 12
s 56M	ins No. 53, 1988, s 6 amd No. 33, 1990, s 9; No. 47, 2001, s 16; No. 34, 2003, s 15; No. 41, 2004, ss 7 and 12; No. 19, 2006, s 55; No. 27, 2007, s 49; No. 17, 2009, ss 19 and 36; No. 21, 2010, ss 13 and 37; No. 21, 2011, s 27
s 56N	ins No. 53, 1988, s 6 amd No. 43, 1994, s 10; No. 19, 2000, s 9; No. 32, 2000, s 28; No. 36, 2000, s 12; No. 17, 2001, s 17; No. 47, 2001, s 17; No. 16, 2002, s 7; No. 50, 2002, s 13; No. 34, 2003, s 16 sub No. 19, 2006, s 56
ss 56NA – 56NB	ins No. 19, 2006, s 56
s 56P	ins No. 53, 1988, s 6 amd No. 50, 2002, s 14 sub No. 34, 2003, s 17 amd No. 19, 2006, s 57; No. 17, 2009, s 26
s 56Q	ins No. 53, 1988, s 6 amd No. 43, 1994, s 11 sub No. 34, 2003, s 17 amd No. 19, 2006, s 58; No. 17, 2009, s 20
s 56R	ins No. 53, 1988, s 6 amd No. 36, 2000, s 13; No. 50, 2002, s 15; No. 34, 2003, s 18; No. 19, 2006, s 59
s 56S	ins No. 53, 1988, s 6 amd No. 50, 2002, s 16; No. 34, 2003, s 19; No. 19, 2006, s 60; No. 27, 2007, s 50; No. 21, 2010, s 37
s 56T	ins No. 53, 1988, s 6 amd No. 48, 1999, s 3; No. 19, 2000, s 9; No. 36, 2000, s 14; No. 17, 2001, s 17; No. 34, 2003, s 20 sub No. 19, 2006, s 61
s 56U	ins No. 53, 1988, s 6 amd No. 34, 2003, s 21 rep No. 41, 2004, s 8
pt III	
div 8B hdg	ins No. 34, 2003, s 22 sub No. 17, 2009, s 21
s 56V	ins No. 34, 2003, s 22 amd No. 41, 2004, s 13; No. 19, 2006, s 27 rep No. 27, 2007, s 51
s 56W	ins No. 34, 2003, s 22 amd No. 19, 2006, s 27 sub No. 27, 2007, s 51 amd No. 17, 2009, s 22
s 57	amd No. 31, 1987, s 15; No. 47, 1990, s 4; No. 14, 1999, s 30; No. 12, 2007, s 12 sub No. 27, 2007, s 52
s 58	amd No. 31, 1987, s 15; No. 60, 1993, s 10; No. 36, 2000, s 32; No. 27, 2007, s 53
s 59	amd No. 31, 1987, s 15; No. 47, 1990, s 5 sub No. 60, 1993, s 11 amd No. 14, 1999, ss 16 and 30; No. 32, 2000, s 14; No. 36, 2000, s 33; No. 23, 2013, s 5

s 59A	ins No. 34, 2003, s 24 amd No. 21, 2010, s 37
pt III	
div 10 hdg	rep No. 32, 2000, s 29
s 62	amd No. 31, 1987, s 15; No. 14, 1999, s 30 rep No. 32, 2000, s 29
s 63	amd No. 31, 1987, s 15; No. 14, 1999, s 17 rep No. 32, 2000, s 29
s 64	amd No. 31, 1987, s 15; No. 14, 1999, s 30 rep No. 32, 2000, s 29
s 65	rep No. 32, 2000, s 29
s 66	amd No. 31, 1987, s 15; No. 36, 2000, s 40 rep No. 32, 2000, s 29
pt III	
div 11 hdg	amd No. 49, 1995, s 3 rep No. 19, 2006, s 24
s 67	amd No. 78, 1982, s 7; No. 31, 1987, s 15; No. 42, 1989, s 8; No. 43, 1994, s 12 sub No. 71, 1994, s 3 amd No. 49, 1995, s 4; No. 32, 2000, s 30; No. 17, 2001, s 17 rep No. 19, 2006, s 24
s 67A	ins No. 36, 2000, s 41 rep No. 19, 2006, s 24
s 68	amd No. 43, 1994, s 13 rep No. 19, 2006, s 24
s 69	sub No. 78, 1982, s 8 amd No. 49, 1995, s 5 rep No. 19, 2006, s 24
pt III	
div 11A hdg	ins No. 72, 1979, s 17 rep No. 60, 1993, s 12
s 69A	ins No. 72, 1979, s 17 amd No. 78, 1982, s 9 rep No. 60, 1993, s 12
s 69B	ins No. 72, 1979, s 17 amd No. 78, 1982, s 10 rep No. 60, 1993, s 12
s 69C	ins No. 72, 1979, s 17 rep No. 60, 1993, s 12
s 69D	ins No. 72, 1979, s 17 amd No. 80, 1991, s 9 rep No. 60, 1993, s 12
s 69E	ins No. 72, 1979, s 17 amd No. 34, 1983, s 3 rep No. 60, 1993, s 12
ss 69F – 69H	ins No. 72, 1979, s 17 rep No. 60, 1993, s 12
s 69J	ins No. 34, 1983, s 4 rep No. 60, 1993, s 12
pt III	
div 11B hdg	ins No. 4, 1988, s 9 rep No. 32, 2000, s 31
ss 69K – 69M	ins No. 4, 1988, s 9 rep No. 32, 2000, s 31
s 69N	ins No. 4, 1988, s 9 amd No. 14, 1999, s 30 rep No. 32, 2000, s 31

ss 69P – 69Q	ins No. 4, 1988, s 9 rep No. 32, 2000, s 31
pt III	
div 12 hdg	rep No. 23, 1989, s 3 ins No. 43, 1994, s 14 rep No. 32, 2000, s 31
pt III	
div 13 hdg	rep No. 12, 2007, s 13
s 70	amd No. 31, 1987, s 15 rep No. 23, 1989, s 3 ins No. 43, 1994, s 14 amd No. 14, 1999, s 18 rep No. 32, 2000, s 31 ins No. 50, 2002, s 17 rep No. 12, 2007, s 13
pt III	
div 12A hdg	ins No. 68, 1981, s 6 rep No. 22, 1990, s 5
ss 70A – 70D	ins No. 68, 1981, s 6 rep No. 22, 1990, s 5
s 71	amd No. 72, 1979, s 18; No. 31, 1987, s 15; No. 14, 1998, s 30; No. 32, 2000, s 15; No. 36, 2000, s 28 rep No. 12, 2007, s 13
s 72	rep No. 12, 2007, s 13
s 73	amd No. 72, 1979, s 19; No. 47, 2001, s 18 rep No. 12, 2007, s 13
s 74	amd No. 14, 1999. s 19; No. 47, 2001, s 19 rep No. 12, 2007, s 13
s 75	amd No. 72, 1979, s 20; No. 14, 1999, s 30; No. 32, 2000, s 16; No. 50, 2002, s 18 rep No. 12, 2007, s 13
s 75AA	ins No. 36, 2000, s 29 rep No. 12, 2007, s 13
s 75AB	ins No. 50, 2002, s 19
s 75A	ins No. 71, 1994, s 4 amd No. 36, 2000, s 30 rep No. 12, 2007, s 13
ss 76 – 77	amd No. 31, 1987, s 15; No. 14, 1999, s 30 rep No. 12, 2007, s 13
s 78	amd No. 72, 1979, s 21; No. 31, 1987, s 15 rep No. 12, 2007, s 13
s 78A	ins No. 52, 1992, s 3 amd No. 47, 2001, s 20; No. 34, 2003, s 25 rep No. 12, 2007, s 13
s 78B	ins No. 52, 1992, s 3 amd No. 47, 2001, s 21; No. 34, 2003, s 26 rep No. 12, 2007, s 13
s 78C	ins No. 52, 1992, s 3 amd No. 27, 1999, s 15; No. 47, 2001, s 22; No. 34, 2003, s 27 rep No. 12, 2007, s 13
s 78D	ins No. 52, 1992, s 3 rep No. 12, 2007, s 13
s 79	amd No. 72, 1979, s 22 sub No. 14, 1999, s 20 rep No. 12, 2007, s 13
s 80	rep No. 12, 2007, s 13

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div 13A hdg	ins No. 31, 1987, s 12 rep No. 32, 2000, s 6
s 80A	ins No. 31, 1987, s 12 amd No. 34, 1987, s 5; No. 53, 1988, s 7 rep No. 32, 2000, s 6
s 80B	ins No. 31, 1987, s 12 amd No. 14, 1999, s 21 rep No. 32, 2000, s 6
s 80C	ins No. 31, 1987, s 12 amd No. 34, 1987, s 6 rep No. 32, 2000, s 6
s 80D	ins No. 31, 1987, s 12 sub No. 34, 1987, s 7 amd No. 53, 1988, s 8; No. 14, 1999, s 22 rep No. 32, 2000, s 6
s 80E	ins No. 31, 1987, s 12 sub No. 34, 1987, s 7 amd No. 14, 1999, ss 23 and 30 rep No. 32, 2000, s 6
s 80F	ins No. 31, 1987, s 12 sub No. 34, 1987, s 7 rep No. 32, 2000, s 6
s 80G	ins No. 31, 1987, s 12 amd No. 34, 1987, s 8 rep No. 32, 2000, s 6
s 80H	ins No. 31, 1987, s 12 amd No. 5, 1995, s 19 rep No. 32, 2000, s 6

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div 14 hdg	rep No. 27, 2007, s 54
s 81	amd No. 14, 1999, s 24; No. 19, 2000, s 9; No. 54, 2004, s 7; No. 28, 2005, s 8; No. 4, 2007, s 7 rep No. 27, 2007, s 54
s 82	amd No. 4, 2007, s 7 rep No. 27, 2007, s 54

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div 15 hdg	ins No. 53, 1988, s 9
s 83A	ins No. 53, 1988, s 9 amd No. 80, 1991, s 10; No. 43, 1994, s 15; No. 71, 1994, s 5; No. 32, 2000, s 32; No. 47, 2001, s 23; No. 50, 2002, s 20; No. 34, 2003, s 28; No. 44, 2003, s 4; No. 41, 2004, ss 9 and 16; No. 19, 2006, ss 25 and 70 rep No. 27, 2007, s 55
s 83B	ins No. 53, 1988, s 9 amd No. 80, 1991, s 11; No. 43, 1994, s 16; No. 71, 1994, s 6; No. 47, 2001, s 24; No. 19, 2006, s 26 sub No. 27, 2007, s 55
s 83C	ins No. 53, 1988, s 9 rep No. 80, 1991, s 12 ins No. 27, 2007, s 55
s 83D	ins No. 53, 1988, s 9 amd No. 80, 1991, s 13; No. 71, 1994, s 7; No. 12, 2003, s 18 rep No. 27, 2007, s 56
s 83E	ins No. 53, 1988, s 9 amd No. 14, 1999, s 30; No. 21, 2010, s 37; No. 23, 2013, s 5
s 83F	ins No. 53, 1988, s 9 amd No. 31, 1990, s 7; No. 14, 1999, s 25 rep No. 27, 2007, s 56

pt 4 hdg	sub No. 27, 2007, s 57
s 84	amd No. 31, 1987, s 15 sub No. 27, 2007, s 57
s 85	amd No. 31, 1987, s 15; No. 47, 2001, s 25 sub No. 27, 2007, s 57
s 86	amd No. 31, 1987, s 15 sub No. 27, 2007, s 57 amd No. 21, 2010, s 24; No. 38, 2014, s 2
pt 5 hdg	ins No. 27, 2007, s 57
pt 5 div 1 hdg	ins No. 27, 2007, s 57
s 87	amd No. 31, 1987, s 15; No. 71, 1994, s 8; No. 17, 1996, s 6; No. 14, 1999, s 30; No. 19, 2006, s 71 sub No. 27, 2007, s 57
pt 5 div 2 hdg	ins No. 27, 2007, s 57
s 88	amd No. 31, 1987, s 15; No. 71, 1994, s 9; No. 17, 1996, s 6; No. 14, 1999, s 30; No. 19, 2006, s 72 sub No. 27, 2007, s 57 amd No. 23, 2008, s 7; No. 17, 2009, s 40; No. 21, 2010, s 14; No. 30, 2012, s 4; No. 18, 2015, s 24; No. 31, 2016, s 3; No. 35, 2016, s 3; No. 22, 2019, s 8
s 88A	ins No. 22, 2019, s 9 amd No. 28, 2020, s 8
s 89	amd No. 31, 1987, s 15; No. 47, 1990, s 6; No. 71, 1994, s 10; No. 17, 1996, s 6; No. 14, 1999, s 30; No. 19, 2006, s 73 sub No. 27, 2007, s 57 amd No. 23, 2008, s 8; No. 17, 2009, s 41; No. 21, 2010, ss 15 and 37; No. 21, 2011, s 9; No. 30, 2012, s 5
s 89AA	ins No. 31, 2016, s 4 amd No. 35, 2016, s 4; No. 22, 2019, s 10
ss 89AAB – 89AAC	ins No. 22, 2019, s 11
s 89A	ins No. 21, 2010, s 16 amd No. 21, 2011, s 10; No. 30, 2012, s 6; No. 38, 2014, s 2; No. 18, 2015, s 26; No. 35, 2016, s 5; No. 13, 2017, s 10; No. 14, 2018, s 34
s 90	amd No. 31, 1987, s 15 sub No. 27, 2007, s 57 amd No. 23, 2008, s 9; No. 21, 2010, ss 17 and 37; No. 21, 2011, s 11; No. 30, 2012, s 7; No. 24, 2014, s 11; No. 18, 2015, s 27; No. 35, 2016, s 6; No. 22, 2019, s 12
s 90AA	ins No. 24, 2014, s 12
s 90A	ins No. 30, 2012, s 8 amd No. 22, 2019, s 13; No. 15, 2022, s 19
s 90AB	ins No. 22, 2019, s 14
s 90B	ins No. 35, 2016, s 7 amd No. 22, 2019, s 15
pt 5 div 2A hdg	ins No. 15, 2022, s 20
ss 90C – 90D	ins No. 15, 2022, s 20
pt 5 div 3 hdg	ins No. 27, 2007, s 57 sub No. 21, 2011, s 28
s 91	rep No. 19, 2006, s 74 ins No. 27, 2007, s 57 sub No. 21, 2011, s 28
pt 5 div 3A hdg	ins No. 18, 2015, s 42

ss 91A – 91B	ins No. 18, 2015, s 42
pt 5	
div 4 hdg	ins No. 27, 2007, s 57
s 92	sub No. 27, 2007, s 57
pt 5	
div 5 hdg	ins No. 15, 2022, s 21
s 92A	ins No. 15, 2022, s 21
pt 6 hdg	ins No. 27, 2007, s 57
s 93	amd No. 31, 1987, s 15
	sub No. 27, 2007, s 57
s 94	amd No. 31, 1987, ss 13 and 15
	sub No. 80, 1991, s 14
	amd No. 36, 2000, s 34
	sub No. 27, 2007, s 57
s 95	amd No. 36, 2000, s 35
	sub No. 27, 2007, s 57
	amd No. 38, 2014, s 2
s 96	amd No. 72, 1979, s 23; No. 31, 1987, s 14; No. 36, 2000, s 36; No. 4, 2007, s 7
	sub No. 27, 2007, s 57
s 97	amd No. 43, 1994, s 17; No. 50, 2002, s 21; No. 19, 2006, s 75
	sub No. 27, 2007, s 57
s 97A	ins No. 28, 2005, s 12
	amd No. 19, 2006, s 27
	rep No. 27, 2007, s 57
	ins No. 23, 2008, s 10
s 97B	ins No. 23, 2008, s 10
s 98	sub No. 27, 2007, s 57
pt 7 hdg	ins No. 17, 2009, s 27
s 99	ins No. 17, 2009, s 27
	rep No. 27, 2007, s 57
pt V hdg	sub No. 5, 2005, s 5
	rep No. 27, 2007, s 57
pt V	
div 1 hdg	ins No. 5, 2005, s 5
	rep No. 27, 2007, s 57
pt 8 hdg	ins No. 21, 2010, s 18
s 100	amd No. 72, 1979, s 24; No. 31, 1987, s 15; No. 36, 2000, s 47
	sub No. 5, 2005, s 5
	amd No. 19, 2006, s 95
	rep No. 27, 2007, s 57
	ins No. 21, 2010, s 18
pt V	
div 2 hdg	ins No. 5, 2005, s 5
	rep No. 27, 2007, s 57
s 101	sub No. 72, 1979, s 25
	amd No. 19, 2000, s 9
	sub No. 5, 2005, s 5
	rep No. 27, 2007, s 57
s 102	sub No. 72, 1979, s 25; No. 5, 2005, s 5
	rep No. 27, 2007, s 57
	ins No. 21, 2010, s 18
	rep No. 72, 1979, s 25
	ins No. 5, 2005, s 5
	rep No. 27, 2007, s 57
	ins No. 21, 2010, s 18

s 104	sub No. 5, 2005, s 5 rep No. 27, 2007, s 57 ins No. 21, 2010, s 25
pt 9 hdg	ins No. 21, 2011, s 12
s 105	sub No. 5, 2005, s 5 rep No. 27, 2007, s 57 ins No. 21, 2011, s 12 amd No. 38, 2014, s 2
s 105A	ins No. 36, 2000, s 48 sub No. 5, 2005, s 5 rep No. 27, 2007, s 57
pt V div 3 hdg	ins No. 5, 2005, s 5 rep No. 27, 2007, s 57
s 105B	ins No. 47, 2001, s 26 amd No. 41, 2004, s 10 sub No. 5, 2005, s 5 amd No. 19, 2006, s 96 rep No. 27, 2007, s 57
s 105C	ins No. 5, 2005, s 5 amd No. 19, 2006, s 97 rep No. 27, 2007, s 57
s 105D	ins No. 5, 2005, s 5 amd No. 19, 2006, s 98 rep No. 27, 2007, s 57
s 105E	ins No. 5, 2005, s 5 amd No. 19, 2006, s 99 rep No. 27, 2007, s 57
s 105F	ins No. 5, 2005, s 5 rep No. 27, 2007, s 57
s 105G	ins No. 5, 2005, s 5 amd No. 19, 2006, s 100 rep No. 27, 2007, s 57
s 105H	ins No. 5, 2005, s 5 amd No. 19, 2006, s 101 rep No. 27, 2007, s 57
pt V div 4 hdg	ins No. 5, 2005, s 5 rep No. 27, 2007, s 57
ss 105J – 105N	ins No. 5, 2005, s 5 rep No. 27, 2007, s 57
pt V div 5 hdg	ins No. 5, 2005, s 5 rep No. 27, 2007, s 57
ss 105P – 105R	ins No. 5, 2005, s 5
s 105S	ins No. 5, 2005, s 5 amd No. 19, 2006, s 102 rep No. 27, 2007, s 57
pt VA hdg	ins No. 5, 2005, s 5 rep No. 27, 2007, s 57
s 105T	ins No. 5, 2005, s 5 amd No. 19, 2006, s 103 rep No. 27, 2007, s 57
ss 105U – 105Y	ins No. 5, 2005, s 5 rep No. 27, 2007, s 57

pt VI hdg	rep No. 27, 2007, s 57
pt 10 hdg	ins No. 30, 2012, s 9
s 106	amd No. 31, 1987, s 15 rep No. 27, 2007, s 57 ins No. 30, 2012, s 9
pt 11 hdg	ins No. 18, 2015, s 25
s 107	amd No. 72, 1979, s 26; No. 31, 1987, s 15; No. 36, 2000, s 37 rep No. 27, 2007, s 57 ins No. 18, 2015, s 25
s 108	amd No. 31, 1987, s 15; No. 19, 2006, s 76 rep No. 27, 2007, s 57 ins No. 18, 2015, s 41
s 108A	ins No. 72, 1979, s 27 rep No. 27, 2007, s 57
s 109	amd No. 31, 1987, s 15 rep No. 27, 2007, s 57 ins No. 18, 2015, s 25
pt VII hdg	ins No. 19, 2006, s 104 rep No. 27, 2007, s 57
s 110	amd No. 31, 1987, s 15 rep No. 27, 2007, s 57 ins No. 18, 2015, s 37
pt 12 hdg	ins No. 31, 2016, s 5
s 111	amd No. 31, 1987, s 15 rep No. 27, 2007, s 57 ins No. 31, 2016, s 5
pt 13 hdg	ins No. 35, 2016, s 8
s 112	amd No. 31, 1987, s 15; No. 36, 2000, s 49; No. 19, 2006, s 105 rep No. 27, 2007, s 57 ins No. 35, 2016, s 8
s 113	amd No. 31, 1987, s 15 rep No. 27, 2007, s 57 ins No. 35, 2016, s 8
pt VII hdg	rep No. 19, 2006, s 106
pt 14 hdg	ins No. 14, 2018, s 35
s 114	amd No. 31, 1987, s 15 rep No. 27, 2007, s 57 ins No. 14, 2018, s 35
pt 15 hdg	ins No. 22, 2019, s 16
s 115	amd No. 31, 1987, s 15 rep No. 27, 2007, s 57 ins No. 22, 2019, s 16
pt 16 hdg	ins No. 17, 2023, s 9
s 116	amd No. 31, 1987, s 15; No. 17, 1996, s 6 rep No. 27, 2007, s 57 ins No. 17, 2023, s 9
pt VIIA hdg	ins No. 4, 1988, s 10 rep No. 27, 2007, s 57
s 116A	ins No. 4, 1988, s 10 amd No. 142, 1989, s 9; No. 55, 1990, s 22; No. 14, 1999, s 26; No. 47, 2001, s 27 rep No. 27, 2007, s 57
ss 116B – 116C	ins No. 4, 1988, s 10 rep No. 27, 2007, s 57
s 116D	ins No. 4, 1988, s 10 amd No. 14, 1999, s 30 rep No. 27, 2007, s 57

s 116E	ins No. 4, 1988, s 10 amd No. 59, 1990, s 4; No. 19, 1998, s 5; No. 14, 1999, s 30; No. 17, 2001, s 17; No. 7, 2005, s 3; No. 4, 2007, s 7 rep No. 27, 2007, s 57
s 116F	ins No. 4, 1988, s 10 rep No. 27, 2007, s 57
pt VIII hdg	rep No. 27, 2007, s 57
s 117	amd No. 31, 1987, s 15 sub No. 28, 2005, s 5 rep No. 27, 2007, s 57
s 118	amd No. 31, 1987, s 15 rep No. 27, 2007, s 57
s 119	amd No. 72, 1979, s 28 rep No. 27, 2007, s 57
s 120	amd No. 31, 1987, s 15 rep No. 27, 2007, s 57
s 121	amd No. 72, 1979, s 29 rep No. 27, 2007, s 57
s 123	amd No. 31, 1987, s 15 sub No. 14, 1999, s 27 rep No. 27, 2007, s 57
s 123A	ins No. 68, 1983, s 92 sub No. 14, 1999, s 28 amd No. 32, 2000, ss 7 and 33; No. 36, 2000, s 38; No. 50, 2002, s 22; No. 34, 2003, s 29; No. 28, 2005, s 9; No. 19, 2006, s 62; No. 12, 2007, s 14 rep No. 27, 2007, s 57
s 124	amd No. 31, 1987, s 15; No. 47, 2001, s 28 rep No. 27, 2007, s 57
s 125	amd No. 31, 1987, s 15 rep No. 27, 2007, s 57
s 126	amd No. 31, 1987, s 15; No. 34, 1987, s 9; No. 42, 1989, s 10; No. 14, 1999, s 30; No. 32, 2000, ss 8 and 34; No. 47, 2001, s 29; No. 28, 2005, s 10; No. 12, 2007, s 15 rep No. 27, 2007, s 57
s 127	amd No. 31, 1987, s 15; No. 14, 1999, s 30 rep No. 27, 2007, s 57
s 128	amd No. 31, 1987, s 15 rep No. 27, 2007, s 57
s 129	amd No. 31, 1987, s 15; No. 43, 1994, s 18; No. 14, 1999, s 29; No. 32, 2000, s 35 rep No. 27, 2007, s 57
pt IX hdg	ins No. 5, 2005, s 6 rep No. 27, 2007, s 57
ss 130 – 135	ins No. 5, 2005, s 6 rep No. 27, 2007, s 57
pt X hdg	ins No. 28, 2005, s 11 rep No. 27, 2007, s 57
s 136	ins No. 28, 2005, s 11 rep No. 27, 2007, s 57
pt XI hdg	ins No. 19, 2006, s 41 rep No. 27, 2007, s 57
pt XI	
div 1 hdg	ins No. 19, 2006, s 41 rep No. 27, 2007, s 57
s 137	ins No. 19, 2006, s 41 rep No. 27, 2007, s 57

pt XI	
div 2 hdg	ins No. 19, 2006, s 41 rep No. 27, 2007, s 57
ss 138 – 140	ins No. 19, 2006, s 41 rep No. 27, 2007, s 57
pt XI	
div 3 hdg	ins No. 19, 2006, s 63 rep No. 27, 2007, s 57
ss 141 – 143	ins No. 19, 2006, s 77 rep No. 27, 2007, s 57
pt XII hdg	ins No. 12, 2007, s 16 rep No. 27, 2007, s 57
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sch 1	sub No. 27, 2007, s 58 amd No. 23, 2008, s 11; No. 17, 2009, s 37; No. 21, 2010, ss 19 and 26; No. 21, 2011, s 29; No. 18, 2015, s 38; No. 13, 2017, s 11
sch 2	ins No. 27, 2007, s 58 amd No. 30, 2007, s 59; No. 23, 2008, s 12; No. 28, 2008, s 3; No. 17, 2009, ss 14, 28 and 38; No. 21, 2010, s 27 and 37; No. 38, 2014, s 2; No. 9, 2015, s 31; No. 18, 2015, ss 28, 39 and 43; No. 23, 2016, s 69; No. 13, 2017, s 12; No. 14, 2018, s 36; No. 17, 2023, s 10