

NORTHERN TERRITORY OF AUSTRALIA
STAMP DUTY AMENDMENT ACT 2001

No. 48 of 2001

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NORTHERN TERRITORY OF AUSTRALIA

No. 48 of 2001

AN ACT

to amend the *Stamp Duty Act*

[Assented to 19 July 2001]
[Second reading 5 June 2001]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Stamp Duty Amendment Act 2001*.

2. Commencement

(1) Section 7(1) is to be taken to have come into operation on 29 May 2001.

(2) Sections 4, 5, 6 and 7(2) come into operation on 1 July 2001.

3. Principal Act

The *Stamp Duty Act* is in this Act referred to as the Principal Act.

4. New section

The Principal Act is amended by inserting after section 6A the following:

"6B. Stamp duty on Government Business Divisions

"Despite any other Act, stamp duty is imposed on an instrument executed by a Government Business Division except where the instrument is an instrument included in –

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- (a) a class of instruments specified in Schedule 2; or
- (b) a class of instruments prescribed for the purposes of this section."

5. New section

The Principal Act is amended by inserting after section 7 the following:

"8. Waiver of payment of small amounts of duty or additional duty

"(1) Where an amount of stamp duty or an additional amount of duty payable by way of penalty under section 96 or 107 of the *Taxation (Administration) Act* that is otherwise payable is less than \$5, the Commissioner may waive payment of the amount.

"(2) If payment of an amount is waived under subsection (1), the instrument in respect of which the duty or additional duty is payable is to be marked as duly stamped and, subject to the requirements in respect of adhesive stamps under section 14 of the *Taxation (Administration) Act* (if applicable) being complied with, is to be taken to be duly stamped."

6. Schedule 1

Schedule 1 to the Principal Act is amended by omitting from item 9 "\$7,500" and substituting "\$9 000".

7. Schedule 2

(1) Schedule 2 to the Principal Act is amended –

- (a) by omitting from item 9 "specie" and substituting "specie unless the transfer is or is part of a tax avoidance scheme";
- (b) by omitting from item 9A(a) "conveyed" and substituting "conveyed, other than a conveyance under section 56BAC of the *Taxation (Administration) Act*;
- (c) by inserting in item 9A(b) "subject to paragraph (ba)," before "made" (first occurring);
- (d) by omitting from item 9A(b) "duty; or" and substituting "duty;"; and
- (e) by inserting after item 9A(b) the following:

"(ba) made by a trustee of a discretionary trust to a beneficiary where –

- (i) the beneficiary is a natural person and, as a result of the transfer, the beneficiary holds both the legal and equitable interests in the property the subject of the conveyance;

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- (ii) the conveyance is not made for valuable consideration, which includes money or moneys worth, the forgiveness of or release from a debt, gift or legal obligation (including the trustee's right of indemnity and exoneration against a beneficiary) and whether the valuable consideration is paid, payable, made over to, given or granted by or to the trustee, a beneficiary or a person acting for, in concert with or under an arrangement or understanding (which may be formal or informal or express or implied) with the trustee or a beneficiary; and
- (iii) the conveyance is in conformity with a trust contained in a validly constituted trust and the property the subject of the conveyance was acquired by the trustee by virtue of an instrument which was duly stamped or has been exempted from duty under this Schedule or was not otherwise subject to duty; or".

(2) Schedule 2 to the Principal Act is amended –

- (a) by omitting from item 6A "or an authority of the Territory" and substituting ", to a Government Business Division declared by regulation to be a Government Business Division for the purposes of this item or to an authority of the Territory other than a Government Business Division";
- (b) by omitting from item 6A "Territory or authority" and substituting "Territory, Government Business Division or authority";
- (c) by omitting from item 6B "or to an authority of the Territory" and substituting ", to a Government Business Division declared by regulation to be a Government Business Division for the purposes of this item or to an authority of the Territory other than a Government Business Division";
- (d) by omitting item 13;
- (e) by omitting from item 27 "or any statutory body representing the Territory" and substituting ", a Government Business Division declared by regulation to be a Government Business Division for the purposes of this item or a statutory body representing the Territory other than a Government Business Division"; and
- (f) by omitting from item 37(g) "or a person acting on behalf of the Territory" and substituting ", 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".