



NORTHERN TERRITORY OF AUSTRALIA

No. 30 of 1987

AN ACT

to amend the *Stamp Duty Act*

[Assented to 21 October, 1987]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Stamp Duty Amendment Act (No. 2) 1987*.

2. COMMENCEMENT

This Act shall come into operation on 1 August 1987.

3. PRINCIPAL ACT

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

4. EXEMPTIONS

Section 6 of the Principal Act is amended by omitting subsections (5), (7), (9) and (10).

5. CONVEYANCE OF PROPERTY

Section 8(1) of the Principal Act is amended by omitting "or transfer of an estate in fee simple in land or of a Crown lease of land for a term exceeding 5 years".

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6. REPEAL AND SUBSTITUTION

Section 8A of the Principal Act is repealed and the following substituted:

"8A. ASSESSING DUTY IN CERTAIN CIRCUMSTANCES

"(1) Where land is conveyed to or by persons as joint tenants, for the purpose of assessing duty on the instruments effecting the conveyance, a reference in the instrument to joint tenants shall be read as a reference to tenants in common.

"(2) In assessing the duty payable on a conveyance, where there are improvements on the land the subject of the conveyance claimed by the conveyee to have been effected by him, or at his expense, the Commissioner may exclude from the total value or amount on which duty is to be assessed such value or amount as the Commissioner thinks fit in respect of the value or amount, as at the date of execution of that conveyance, of those improvements."

7. CONCESSIONAL RATES OF DUTY ON FIRST HOME PURCHASE

Section 8B of the Principal Act is amended -

(a) by omitting from subsection (3) -

- (i) "a transfer of an estate in fee simple in, or a transfer of a Crown lease over," and substituting "a conveyance of";
- (ii) "transferee" (three times occurring) and substituting "conveyee"; and
- (iii) "the transfer" (three times occurring) and substituting "the conveyance"; and

(b) by omitting from subsection (4) -

- (i) "a transfer of an estate in fee simple in, or a transfer of a Crown lease over," and substituting "a conveyance of";
- (ii) "transferees" (wherever occurring) and substituting "conveyees"; and
- (iii) "the transfer" and "such a transfer" and substituting "the conveyance" and "such a conveyance" respectively.

8. SCHEDULE 1

Schedule 1 to the Principal Act is amended -

(a) by omitting item 5 and substituting the following:

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"5. *Conveyance of Real Property*

- (1) Conveyance other than a conveyance of a description referred to in paragraph (2), (3) or (4)
- Where the amount of the consideration for or the value of the property the subject of the conveyance or transfer (whichever is the higher) - Does not exceed \$30,000 ... 1.5% of that amount or value
- Exceeds \$30,000 but does not exceed \$50,000 ... 2% of that amount or value
- Exceeds \$50,000 but does not exceed \$100,000 ... 2.5% of that amount or value
- Exceeds \$100,000 but does not exceed \$150,000 ... 3% of that amount or value
- Exceeds \$150,000 but does not exceed \$500,000 ... 3.5% of that amount or value
- Exceeds \$500,000 ... 4% of that amount or value
- (2) Conveyance to or by persons as joint tenants where one or more of those persons retains an interest in the land the subject of the conveyance
- At the rate specified in paragraph (1) above plus \$5.00
- (3) Partition of land -
- (a) where consideration is given or agreed to be given or where partition is unequal - on the value of the additional portion making up the larger part
- At the rate specified in paragraph (1) above
- (b) in any other case
- \$5.00
- (4) Conveyance made subsequent to and in conformity with a duly stamped agreement or agreements for such conveyance
- \$0.50";

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- (b) by omitting from item 12 "Lease, an agreement for lease, sub-lease, under-lease or the grant of a sub-lease or under-lease of an estate in fee simple in land or a Crown lease for a term exceeding 5 years of land in the Territory" and substituting "Lease of the land in the Territory";

- (c) by inserting after item 21 the following:

"21A. Tourism Marketing Duty Invoice

On each tourism marketing
duty invoice made out
pursuant to Division 13A
of Part III of the
Taxation (Administration)
Act.

- (a) Subject to paragraph
(b), for each day or
part of a day shown
on the invoice as
being the period of
the let of the
accommodation unit,
up to a maximum of
7 days \$2
- (b) For each day or part
of a day shown on the
invoice as being the
period of the let of
the accommodation
unit at a caravan
park, up to a maximum
of 7 days \$1";
and

- (d) by adding at the end of item 22 the following:

"(2) Copy of original instru-
ment, being a copy
within the meaning of
section 9C of the
Taxation (Administration)
Act of an original
instrument within the
meaning of that section The same duty as on the
original instrument".

9. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the
Schedule.

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SCHEDULE

Section 9

AMENDMENTS

Provision	Amendment	
	omit	substitute
Section 3	" <i>Taxation Administration Ordinance</i> "	" <i>Taxation (Administration) Act</i> "
Section 6(2)	" <i>Bankruptcy Act 1966 or the Commonwealth</i> "	" <i>Bankruptcy Act 1966 of the Commonwealth</i> "
	" <i>Inscribed Stock Act 1911</i> "	" <i>or the Commonwealth Inscribed Stock Act 1911 of the Commonwealth</i> "
SCHEDULE 1		
- item 7	"the matter herein under the heading 'Conveyance of Real Property'"	"item 5 in this Schedule"
- items 12(3), (4) and (5), 15(2)(a) and (b)	"under the heading 'Conveyances of Real Property' herein"	"of item 5 in this Schedule"
- item 17(1) and (2)	"5 per cent"	"5%"
- item 19	"Tax Ticket issued under Part VIIA of the <i>Lottery and Gaming Ordinance</i> "	"Betting ticket within the meaning of the <i>Racing and Betting Act</i> "
SCHEDULE 2		
- item 18(b)	" <i>Taxation (Administration) Ordinance</i> "	" <i>Taxation (Administration) Act</i> "
- item 25	" <i>Local Government Ordinance</i> "	" <i>Local Government Act</i> "
- item 28	The whole item	

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
- item 32	" <i>Workmen's Compensation Ordinance</i> "	" <i>Work Health Act</i> "
Long title and sections 1, 2, 3, 4, 6(6) and (13) and 9	"Ordinance" (wherever occurring)	"Act"