



# NORTHERN TERRITORY OF AUSTRALIA

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No. 33 of 1983

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## AN ACT

To amend the *Stamp Duty Act*

[Assented to 3 October 1983]

**B**E 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 1983*.

### 2. COMMENCEMENT

This Act shall be deemed to have come into operation on 30 August 1983.

### 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 8A the following:

#### "8B. CONCESSIONAL RATES OF DUTY ON FIRST HOME PURCHASE

"(1) In this section, unless the contrary intention appears, 'dwelling-house' does not include -

- (a) a boarding-house, guest-house or hostel;
- (b) a demountable for which there is no permanent provision for lighting, water supply, drainage and sewerage;
- (c) a shed or garage or other like structure;
- (d) a caravan or tent; or

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- (e) a structure the subject of a declaration under sub-section (2).

"(2) The Minister may, in respect of a structure which would, but for this sub-section, be a dwelling-house, by notice in the *Gazette* declare the structure not to be a dwelling-house.

"(3) Where a transfer of an estate in fee simple in, or a transfer of a Crown lease over, land -

- (a) on which is situated -

- (i) a dwelling-house; or

- (ii) a partly completed dwelling-house; or

- (b) which is vacant but on which a dwelling-house is proposed to be built,

is to a transferee (other than a transferee as a trustee, joint tenant or tenant in common) who is a natural person and who satisfies the Commissioner that -

- (c) he is acquiring the land for the purposes of personal occupation;

- (d) he has not previously owned, or held a Crown lease over, such land in the Territory; and

- (e) where there is a partly completed dwelling-house on the land or where the land is vacant - he intends to complete that dwelling-house, or build a dwelling-house on the vacant land, as the case may be, within a reasonable time after the date of the transfer,

the transferee shall be entitled to a concession on the duty otherwise payable on the instruments effecting the transfer equivalent to, where the amount of the consideration for or the value of the land (including a dwelling-house or partly completed dwelling-house, if any, on that land) the subject of the transfer -

- (f) does not exceed \$80,000 - the total amount of the duty otherwise payable; or

- (g) exceeds \$80,000 - the duty otherwise payable on the first \$80,000 of that amount.

"(4) Where a transfer of an estate in fee simple in, or a transfer of a Crown lease over, land -

- (a) on which is situated -

- (i) a dwelling-house; or

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(ii) a partly completed dwelling-house; or

(b) which is vacant but on which a dwelling-house is proposed to be built,

is to transferees as joint tenants, or tenants in common, who are natural persons and who satisfy the Commissioner that -

(c) they are acquiring the land for the purpose of personal occupation;

(d) at least one of them has not previously owned, or held a Crown lease over, such land in the Territory; and

(e) where there is a partly completed dwelling-house on the land or where the land is vacant - they intend to complete that dwelling-house, or build a dwelling-house on the vacant land, as the case may be, within a reasonable time after the date of the transfer,

the transferees shall be entitled to a concession on the duty otherwise payable on the instruments effecting the transfer equivalent to -

(f) where the transferees are joint tenants - the duty which would be payable for such a transfer on the amount obtained by dividing \$80,000 by the total number of those transferees and multiplying the resultant quotient by the number of those transferees who have satisfied the Commissioner that they have not previously owned, or held a Crown lease over, such land in the Territory; or

(g) where the transferees are tenants in common - the duty which would be payable on the amount that bears to \$80,000 the same ratio that that proportion of the interest in the tenancy in common held by those transferees who have not previously owned, or held a Crown lease over, such land in the Territory bears to the total interest of the tenancy in common."

5. SCHEDULE 1

Item 14 of Schedule 1 to the Principal Act is amended by omitting "item 8 of Schedule 2" and substituting "section 8B".

6. SCHEDULE 2

Schedule 2 to the Principal Act is amended by omitting item 8.

