







# NORTHERN TERRITORY OF AUSTRALIA

Act No. 17 of 2023

An Act to amend the *Stamp Duty Act 1978*

[Assented to 27 June 2023]  
[Introduced 9 May 2023]

The Legislative Assembly of the Northern Territory enacts as follows:

## 1 Short title

This Act may be cited as the *Stamp Duty Amendment Act 2023*.

## 2 Commencement

This Act is taken to have commenced on 9 May 2023.

## 3 Act amended

This Act amends the *Stamp Duty Act 1978*.

## 4 Section 4 amended (Interpretation)

(1) Section 4(1), definitions ***franchise arrangement***, ***franchisee*** and ***lessee***

*omit*

(2) Section 4(1)

*insert*

***lessee*** means a person to whom a lease is granted or agreed to be granted.

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- (3) Section 4(1), definition **agreement**, paragraph (b)  
*omit*  
agreement; and  
*insert*  
agreement.
- (4) Section 4(1), definition **agreement**, paragraph (c)  
*omit*
- (5) Section 4(1), definition **business undertaking**  
*omit*  
profit including a business carried on under or in pursuance of a franchise arrangement.  
*insert*  
profit.
- (6) Section 4(1), definition **conveyance**, paragraph (a)  
*omit, insert*  
(a) the grant of property, but not the grant of a lease other than a convertible Crown lease;
- (7) Section 4(1), definition **dutiable property**, paragraphs (b), (c), (d), (e), (f), (g) and (ga)  
*omit*
- (8) Section 4(1), definition **lease**, paragraph (c)  
*omit*  
sublease; and  
*insert*  
sublease.
- (9) Section 4(1), definition **lease**, paragraph (d)  
*omit*

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**5 Section 4C repealed (Duty assessable on certain franchise arrangements as if conveyance of dutiable property)**

Section 4C

*repeal*

**6 Section 4D amended (Surrender of property amounts to conveyance in certain circumstances)**

Section 4D(2)(c), example

*omit*

*a franchise arrangement.*

*insert*

*an easement.*

**7 Section 9 amended (Time for lodgement of instrument etc.)**

Section 9(3)(c)

*omit, insert*

(c) an instrument that is exempt from duty under item 9, 10, 12 or 15 of Schedule 2.

**8 Sections 9BA and 9BB repealed**

Sections 9BA and 9BB

*repeal*

**9 Part 16 inserted**

After section 115

*insert*

**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

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- (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.

## **10 Schedule 2 amended (Exemptions from duty)**

(1) Schedule 2, items 9 to 11

*omit, insert*

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.

(2) Schedule 2, item 12A

*omit*

## **11 Repeal of Act**

This Act is repealed on the day after the day on which the Administrator's assent to this Act is declared.