

Serial 240
Stamp Duty Amendment Bill 2000
Mr Reed

**A BILL
for
AN ACT**

to amend the *Stamp Duty Act*



NORTHERN TERRITORY OF AUSTRALIA

STAMP DUTY AMENDMENT ACT 2000

No. of 2000

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2000

AN ACT

to amend the *Stamp Duty Act*

[Assented to 2000]
[Second reading 2000]

The Legislative Assembly of the Northern Territory enacts as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Stamp Duty Amendment Act 2000*.

2. Commencement

(1) This Part comes into operation on the day on which the Administrator's assent to this Act is declared.

(2) Parts 2, 3, 4, 5, 6, 7, and 8 come into operation on 1 July 2000.

(3) Part 9 is to be taken to have come into operation on 16 May 2000.

3. Principal Act

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

PART 2 – EXEMPTION FOR CONVEYANCES AND LEASES TO PUBLIC HOSPITALS, PUBLIC BENEVOLENT INSTITUTIONS ETC.

4. Schedule 2

Schedule 2 to the Principal Act is amended by omitting item 36 and substituting the following:

- "36. An instrument effecting or evidencing the conveyance of dutiable property or the grant of a lease to a public hospital, public benevolent institution, religious institution or public education institution or 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 the profit of an individual) if the property the subject of the conveyance or lease is to be used solely by that entity for purposes other than the carrying on of a commercial activity conducted by or on behalf of the entity."

PART 3 – INSURANCE

5. Repeal

Section 8C of the Principal Act is repealed.

6. Schedule 1

Schedule 1 to the Principal Act is amended –

- (a) by omitting from item 17(1) and (2) "8%" and substituting "10%"; and
- (b) by omitting item 17(3).

7. Application

The amendment of the Principal Act effected by section 6(b) does not apply in relation to a policy of insurance issued before 1 July 2000 unless the policy was issued on or after 16 May 2000 to take effect on or after 1 July 2000.

PART 4 – LEASES

8. Schedule 2

Schedule 2 to the Principal Act is amended by omitting item 5 and substituting the following:

- "5. Lease of a building or part of a building to be used for residential purposes."

PART 5 – HIRING ARRANGEMENTS

9. Schedule 1

Schedule 1 to the Principal Act is amended by omitting from item 9 "1.5%" and substituting "1.8%".

PART 6 – EXEMPTIONS FOR MOTOR VEHICLE CERTIFICATES OF REGISTRATION

10. Schedule 2

Schedule 2 to the Principal Act is amended by omitting item 37 and substituting the following:

"37. 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 –
 - (i) a motor vehicle certificate of registration issued in respect of a motor vehicle that –
 - (A) was at any time registered under the *Interstate Road Transport Act 1985* of the Commonwealth; and
 - (B) is being registered under the *Motor Vehicles Act* by a person who has, until so registering the motor vehicle, never paid any stamp duty in relation to the motor vehicle under any law in force in the Commonwealth or a State or Territory of the Commonwealth;
 - (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* 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

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- (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 transfer –
 - (i) to a person who is the spouse, de facto partner, parent or child 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, de facto partner, parent or child jointly with that person,if the transfer 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;
 - (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;

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- (g) a motor vehicle certificate of registration issued on an application for registration by the Territory or a person acting on behalf of the Territory;
- (h) a motor vehicle certificate of registration issued in the name of a public hospital, public benevolent institution, religious institution or public education institution or 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 the profit of an individual);
- (j) 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;
- (k) a motor vehicle certificate of registration issued in respect of a vehicle that is—
 - (i) a motorized wheelchair;
 - (ii) an experimental or research vehicle that has no readily ascertainable market value;
 - (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) a vehicle that is registered under the *Motor Vehicles Act* as a classic, veteran or vintage vehicle;
- (m) a motor vehicle certificate of registration issued to a veteran who is totally and permanently incapacitated and who is eligible to receive

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the special rate of pension under section 24 of the *Veterans' Entitlements Act 1986* of the Commonwealth where the vehicle is for the veteran's non-commercial use."

11. Repeal of Stamp Duty (Exemption) Regulations

The Stamp Duty (Exemption) Regulations are repealed.

PART 7 – DEEDS AND OTHER MISCELLANEOUS AGREEMENTS

12. Schedule 1

Schedule 1 to the Principal Act is amended –

- (a) by omitting item 2;
- (b) by omitting from item 5(3)(b) "\$5.00" and substituting "\$20.00";
- (c) by omitting from item 6 "\$50.00" and "\$5.00" and substituting "\$20.00" in both cases;
- (d) by omitting item 8;
- (e) by omitting from item 11 "\$5.00" and substituting "\$20.00";
- (f) by omitting from item 12(6) "\$50.00" and substituting "\$20.00";
- (g) by omitting item 13;
- (h) by omitting from item 18(4) "\$3.00" and substituting "\$20.00"; and
- (j) by omitting from items 23 and 24 "\$5.00" and substituting "\$20.00".

PART 8 – FIRST HOME OWNERS CONCESSION

13. Concessional rates of duty on first home purchase

Section 8B of the Principal Act is amended by adding at the end the following:

"(6) This section applies in relation to the acquisition of an interest in land under a Scheme set out in Schedule 6 or 7 of the Housing Assistance Schemes Regulations (a 'H.A.S. interest') as if –

- (a) where a person is acquiring the H.A.S. interest alone – the person were acquiring 100% of the land; and
- (b) where 2 or more persons are acquiring the H.A.S. interest – the persons were acquiring 100% of the land in the same proportions as they are acquiring the H.A.S. interest."

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14. Repeal

Section 8BA of the Principal Act is repealed.

PART 9 – DECLARATIONS OF TRUST

15. Schedule 1

Schedule 1 to the Principal Act is amended –

(a) by omitting from item 5(1) "or (5)" and substituting ", (5), (6) or (7)"; and

(b) by adding at the end of item 5 the following:

"(6) A transfer of, or an agreement to transfer, dutiable property subject to a declaration of trust to a trustee if ad valorem duty has been paid on the declaration of trust in respect of the same dutiable property \$5.00

(7) A declaration of trust that declares the same trusts as those on which and subject to which the same dutiable property was transferred to the person declaring the trust if ad valorem duty has been paid on the transfer or the agreement to transfer \$5.00".

