

Serial 56
Taxation
(Administration)
Amendment
Mr Coulter

NORTHERN TERRITORY OF AUSTRALIA
TAXATION (ADMINISTRATION) AMENDMENT BILL 1991

TABLE OF PROVISIONS

Clause

1. Short title
2. Principal Act
3. Interpretation
4. New section:

"9D. INSTRUMENTS NOT FULLY EXECUTED MAY BE
LODGED FOR ASSESSMENT"
5. New section:

"55A. REFUND OF DUTY WHERE PARTY FAILS TO
EXECUTE"
6. Validation



NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Taxation (Administration) Act*

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 *Taxation (Administration) Amendment Act 1991*.

2. PRINCIPAL ACT

The *Taxation (Administration) Act* is in this Act referred to as the Principal Act.

3. INTERPRETATION

Section 4(1) of the Principal Act is amended -

(a) by inserting, after the definition of "adhesive stamp", the following:

"'agreement', in relation to a conveyance, includes a memorandum of agreement and also includes any arrangement or understanding, whether wholly or partly in writing or otherwise and whether or not between all the parties to the agreement, constituting or forming part of the agreement;"; and

(b) by inserting in the definition of "execute" after "instrument" (last appearing) the words ", and, for the purposes of this Act, an instrument is first executed the first time that it is signed or, as the case may require,

signed and sealed, by any party to it, but an agreement made by acceptance of an offer contained in an instrument is first executed when the offer is accepted in writing".

4. NEW SECTION

The Principal Act is amended by inserting after section 9C the following:

"9D. INSTRUMENTS NOT FULLY EXECUTED MAY BE LODGED FOR ASSESSMENT

"Subject to this Act, where an instrument is required by this Act to be lodged with the Commissioner for assessment, the instrument may be lodged and the duty assessed notwithstanding that the instrument is not executed by all necessary parties to it and, if it is lodged, the date of execution shall be taken to be, for all purposes, the date of first execution of the instrument.".

5. NEW SECTION

The Principal Act is amended by inserting, after section 55, the following:

"55A. REFUND OF DUTY WHERE PARTY FAILS TO EXECUTE

"Where duty has been paid or is payable on a conveyance which had been or is lodged with the Commissioner for assessment and the conveyance had not been or is not fully executed, the Commissioner shall, if satisfied that the conveyance is ineffective by reason of a failure of the necessary parties to execute it, refund the amount of duty paid or, as the case may require, remit the duty otherwise payable.".

6. VALIDATION

Where an instrument was lodged with the Commissioner for assessment before the commencement of this Act, being an instrument that was not executed by all necessary parties to it, the lodgment and any duty paid in relation to the instrument shall be as valid and effectual for the purposes of the Principal Act as if section 9D of the Principal Act were in force at the time the instrument was lodged.
