

1993

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer)

**Stamp Duties and Taxes (Amendment) Bill
(No. 3) 1993**

A BILL

FOR

**An Act to amend the *Stamp Duties and Taxes Act*
1987**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

- 5 **1.** This Act may be cited as the *Stamp Duties and Taxes (Amendment) Act (No. 3) 1993*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

- 10 **3.** In this Act, "Principal Act" means the *Stamp Duties and Taxes Act 1987*.¹

83074 1993/78 (T74/93)

Interpretation

4. Section 4 of the Principal Act is amended by inserting in subsection (1) the following definition:

- 5 “‘spouse’, in relation to a person, includes a person who lives with the first-mentioned person as his or her spouse, although not legally married to him or her, on a *bona fide* domestic basis, and has so lived for a continuous period of not less than 2 years;”

Premiums subject to tax

10 5. Section 30 of the Principal Act is amended by omitting from paragraphs (a) and (b) “in the Territory or elsewhere in Australia” and substituting “, whether in Australia or elsewhere,”.

Insertion

6. After section 36 of the Principal Act the following section is inserted:

15 **Duty where insurer unregistered**

“36A. (1) Where—

- (a) a person obtains, effects or renews insurance in the Territory or elsewhere as an insured person with another person who is not a registered insurer;
- 20 (b) a determined amount of tax is payable on the premium under section 30; and
- (c) the premium is not exempted under section 31;
- the insured person referred to in paragraph (a) shall, within 21 days after the end of the month in which the premium relating to the insurance is paid
- 25 (whether to that other person or to a broker or agent)—
- (d) lodge with the Commissioner a return in the approved form; and
- (e) pay the tax payable in respect of the premium.

30 “(2) The payment of a periodic premium in respect of disability income insurance which is continued, but not renewed, on the payment of the premium is taken to effect the insurance for the purposes of this section.

“(3) In this section—

“‘registered insurer’ means a registered general insurer or a registered life insurer.”.

Unregistered insurers

7. Section 37 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

5 “(1) A person shall not carry on business as a life insurer or general insurer unless the person is so registered.

Penalty: \$5,000 or imprisonment for 6 months, or both.”

Schedule 1

8. Schedule 1 to the Principal Act is amended—

(a) by inserting after paragraph (d) the following paragraphs:

10 “(da) made pursuant to an order of a court for the distribution of property consequent on the termination of a relationship between spouses, not being an order referred to in paragraph (d);

15 (db) by a person to his or her spouse of an interest in property that is, at the date of the conveyance, used as their principal place of residence, if the conveyance results in the interest in the property being held by the spouses as—

(i) joint tenants;

20 (ii) tenants in common in equal shares; or

(iii) tenants in common in shares that are proportionate to the contributions of the spouses towards the purchase and improvement of the property or in such proportions as are prescribed;”

25 (b) by omitting from paragraph (m) “or”;

(c) by adding at the end of paragraph (o) “or”; and

(d) by adding at the end the following paragraph:

“(p) made in accordance with section 253Y of the *Industrial Relations Act 1988* of the Commonwealth.”

30 **Schedule 4**

9. Schedule 4 to the Principal Act is amended—

(a) by omitting from paragraph (m) “or” (last occurring);

(b) by adding at the end of paragraph (n) “or”; and

(c) by adding at the end the following paragraph:

“(p) made in accordance with section 253ZA of the *Industrial Relations Act 1988* of the Commonwealth.”

Schedule 5

10. Schedule 5 to the Principal Act is amended—

- 5
- (a) by omitting from paragraph (p) “or” (last occurring);
 - (b) by adding at the end of paragraph (q) “or”; and
 - (c) by adding at the end the following paragraph:

“(r) made in accordance with section 253ZA of the *Industrial Relations Act 1988* of the Commonwealth.”

10 Schedule 6

11. Schedule 6 to the Principal Act is amended by adding at the end the following paragraph:

- 15
- “(g) an organisation registered under the *Industrial Relations Act 1988* of the Commonwealth, where the registration of the vehicle occurs in accordance with section 253ZB of that Act.”

NOTE

1. Reprinted as at 31 August 1992. See also Acts Nos. 16 and , 1993.

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