

1992

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Treasurer)

**Stamp Duties and Taxes (Amendment) Bill
1992**

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 1992*.

Principal Act

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

82042 1991/1899 (T42/92)

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Instruments to be lodged for assessment

3. Section 23 of the Principal Act is amended by omitting “the assignee, transferee or lessee in relation to an instrument” and substituting “the lessor in relation to an instrument referred to in paragraph 17 (1) (c) or the assignee, transferee or lessee in relation to any other instrument”.

Exempt sales

4. Section 56B of the Principal Act is amended—

(a) by inserting before subparagraph (c) (i) the following subparagraphs:

- 10 “(ia) the Territory;
 (ib) the Commonwealth;”;

(b) by omitting from subparagraph (c) (iii) “or”; and

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

- “(e) the vehicle—
- 15 (i) is registered under a corresponding law to the Motor Traffic Act; and
- (ii) is purchased—
- (A) by a person who is not resident in the Territory; or
- 20 (B) by a body corporate the registered office of which is not in the Territory; or
- (f) the vehicle is registered under the *Interstate Road Transport Act 1985* of the Commonwealth.”.

Insertion

- 25 5. After section 56E of the Principal Act the following section is inserted:

Recovery of tax by licensed vehicle dealer

- 30 “56EA. (1) A licensed vehicle dealer may, by writing served on a person, advise the person that, if he or she purchases a specified vehicle at a specified price from the dealer, there is payable to the dealer a specified amount, being an amount not exceeding the amount of tax payable by the dealer on the sale under this Part.

“(2) Where—

- (a) a notice in accordance with subsection (1) has been served on a person; and
- (b) the relevant sale takes place;

5 the dealer may recover from the purchaser the amount specified in the notice as being payable by the purchaser.”.

Insertion

6. After section 60 of the Principal Act the following section is inserted:

10 **Veteran, vintage and historic vehicles**

“60A. (1) Tax is not payable on the registration of a veteran, vintage or historic vehicle if—

- 15 (a) the vehicle had not been registered under the Motor Traffic Act or a corresponding law during the 2 years immediately preceding the registration;
- (b) the registration is the first registration of the vehicle after its restoration; and
- (c) upon registration the vehicle is allocated number-plates that carry the words ‘veteran car’, ‘vintage car’ or ‘historic car’.

20 “(2) Where—

- (a) within the period of 3 years immediately following a registration that is exempt from tax under subsection (1) the relevant vehicle is again registered under the Motor Traffic Act;
- 25 (b) the vehicle is owned by the person who owned it at the time of the registration referred to in subsection (1); and
- (c) on the further registration the vehicle is allocated number-plates that do not carry the words ‘veteran car’, ‘vintage car’ or ‘historic car’;

30 there is payable, on the first such further registration, an amount of tax equal to the tax that would have been payable on the first registration of the vehicle after its restoration if subsection (1) had not been applicable.

“(3) In this section ‘veteran vehicle’, ‘vintage vehicle’ and ‘historic vehicle’ have the same respective meanings as they have in the Motor Traffic Act.”.

Prerequisites for registration

7. Section 61 of the Principal Act is amended—

(a) by omitting from subparagraph (1) (c) (ii) “or” (second occurring);

(b) by inserting after paragraph (1) (c) the following paragraph:

5 “(ca) in the case of a registration that is claimed to be exempt from tax under subsection 60A (1)—the application is accompanied by a certificate by the owner that states—

(i) whether the registration is the first registration of the vehicle after its restoration; and

10 (ii) whether the vehicle has been registered under the Motor Traffic Act or a corresponding law during the period of 2 years immediately preceding the date of the application and, if it has been, the date on which the last registration expired; or”; and

15 (c) by inserting in subsection (3) “or 60A” after “57”.

Schedule 1

8. Schedule 1 to the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

“(a) of a Crown lease to the Territory or the Commonwealth;”.

NOTE

1. Ordinance No. 39, 1987 as amended to date. For previous amendments see the tables in Note 1 to the *Stamp Duties and Taxes Act 1987* (as reprinted as at 31 May 1991) and see also Act No. 108, 1991.