

STAMP DUTIES AMENDMENT ACT (No. 4) 1983

No. 86 of 1983

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STAMP DUTIES AMENDMENT ACT (No. 4) 1983

No. 86 of 1983

AN ACT to amend the Stamp Duties Act 1931.

[Royal Assent 20 December 1983]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Stamp Duties Amendment Act* Short title. (No. 4) 1983.

2—(1) Except as provided in subsection (2), this Act shall Commence- commence on the day on which it receives the royal assent.

(2) Section 13 (2) shall commence on 1st January 1985.

Principal Act. **3**—In this Act, the *Stamp Duties Act 1931** is referred to as the Principal Act.

Amendment of section 3 of Principal Act (Interpretation).

- 4**—Section 3 (1) of the Principal Act is amended as follows:—
- (a) by inserting in the definition of “duty” “, matter, or thing” after “instrument”;
 - (b) by inserting the following definition after the definition of “receipt”:—
 - “the regulations” means regulations made and in force under this Act;

Amendment of section 9 of Principal Act (Imposition of duties).

5—(1) Section 9 (1) of the Principal Act is amended by omitting “, matters, and things”.

(2) Section 9 of the Principal Act is further amended by inserting the following subsection after subsection (2):—

- (3) In addition to the duty referred to in subsection (1), there shall be raised, levied, and paid for and towards the Consolidated Revenue Fund duty as provided in sections 60c, 60d, and 71b.

Amendment of section 11 of Principal Act (Denoting of duties).

6—Section 11 (2) of the Principal Act is amended as follows:—

- (a) by omitting from paragraph (d) “58;” and substituting “58; or”;
- (b) by omitting from paragraph (e) “64; or” and substituting “64.”;
- (c) by omitting paragraph (f).

Amendment of section 23 of Principal Act (Power to inspect, or require the production of, instruments, &c.).

7—Section 23 (1) (b) of the Principal Act is amended by omitting “(being not more than 5 miles distant from his usual place of abode)” and substituting “in Tasmania”.

* 22 Geo. V No. 19. For this Act, as amended to 1st July 1981, see the continuing Reprint of Statutes. Subsequently amended by Nos. 19 and 24 of 1980, Nos. 44 and 70 of 1981, Nos. 9, 47, 48, 65, and 99 of 1982, and Nos. 23 and 39 of 1983.

8—The heading to Division 3 of Part IV of the Principal Act is omitted and the following heading is substituted:—

Substitution of heading of Division 3, Part IV.

Division 3—Transactions on credit, other than credit card transactions

9—After section 60 of the Principal Act, the following Division is inserted:—

Insertion in Principal Act of new Division 3A, Part IV.

Division 3A—Credit card transactions

60A—In this Division, unless the contrary intention appears—

Interpretation: Division 3A, Part IV.

“account” means an account kept by a credit card provider for a credit card holder pursuant to an agreement for the issue of a credit card to, or at the direction of, the credit card holder;

“active account”, in relation to a month, means an account kept by a credit card provider for a credit card holder in respect of which the credit card provider has, during the billing period in respect of that account that terminated in that month, made a payment pursuant to the agreement under which the credit card was issued to, or at the direction of, the credit card holder;

“billing period”, in relation to an account kept for a credit card holder, means the period in relation to which a statement of account or of transactions is issued to the credit card holder;

“credit card” means a card or other writing, by whatever name called, issued under an agreement under which a credit card provider agrees that, in respect of a transaction with a merchant in connection with which the card or other writing is produced, he will make payment to the merchant, whether or not subject to conditions;

“credit card business” means the business of issuing credit cards to or at the direction of a person;

“credit card holder” means a person ordinarily resident in Tasmania to whom or at whose direction a credit card is issued;

“credit card provider” means a person who carries on a credit card business;

“licensed credit card provider” means a person who holds a licence in force under section 60B;

“merchant” means a person who supplies to a credit card holder goods or services or goods and services in respect of which he receives payment from a credit card provider.

Restrictions
on persons
carrying on
credit card
business.

60B—(1) A person shall not in Tasmania, on or after 1st February 1984, carry on a credit card business, whether or not he carries on any other business, or advertise or hold himself out in any way as carrying on a credit card business, whether or not the head office or principal place of business of that person is in Tasmania or elsewhere, unless he holds a licence in force under this section authorizing him to carry on a credit card business.

Penalty: \$500.

(2) A person who is guilty of an offence against subsection (1) is, in addition to any other penalty that may be imposed on him, liable to pay to the Commissioner a sum equivalent to twice the amount of the duty that would have been payable if he had been a licensed credit card provider and had complied with section 60C, and the justices by whom he is convicted may order him to pay that sum to the Commissioner accordingly.

(3) A person who seeks a licence under this section shall make an application to the Commissioner in a form approved by the Commissioner.

(4) An application under subsection (3) shall be verified by declaration made by the applicant or an agent of the applicant.

(5) On receipt of an application under subsection (3), the Commissioner may grant the application or may refuse to grant the application.

(6) Where the Commissioner—

(a) grants an application under subsection (3), he shall grant to the applicant a licence authorizing him to carry on a credit card business; or

(b) refuses to grant such an application, he shall, immediately, by notice in writing served on the applicant, inform him of the refusal and of the ground on which the refusal is based.

(7) A licence under this section—

- (a) is in force until revoked by the Commissioner; and
- (b) is subject to such conditions as the Commissioner determines and as are specified in the licence.

(8) If it appears to the Commissioner that a person to whom a licence under this section has been granted has—

- (a) contravened, or failed to comply with, a condition to which the licence is subject; or
- (b) contravened, or failed to comply with, or has evaded or attempted to evade, any of the provisions of this Act,

the Commissioner may, in his absolute discretion, by notice in writing delivered or posted to that person, revoke the licence.

(9) A notice for the purpose of subsection (8) shall specify the ground on which the revocation to which it relates is based and the date on which that revocation is to take effect, being a date not earlier than 14 days after the date on which the notice has been delivered or posted to the person to whom it relates.

(10) A licensed credit card provider who ceases to carry on a credit card business in Tasmania may surrender his licence under this section by delivering it to the Commissioner together with a notification in writing to the effect that the licence is being surrendered.

(11) The Commissioner shall, on receipt of a licence referred to in subsection (10) and a notification under that subsection, cancel the licence.

60C—(1) Subject to section 60E, a licensed credit card provider shall—

- (a) subject to subsection (3), within 10 days after—
 - (i) the end of the month of February 1984; and

(ii) the end of each subsequent month, make out and lodge with the Commissioner a return in a form approved by the Commissioner setting out the total amounts and other particulars required by the form in respect of all active accounts kept by the licensed credit card provider pursuant to a licence under section 60B during that month; and

Monthly returns and payments by licensed credit card providers.

(b) when he lodges that return, pay to the Commissioner as duty an amount calculated in accordance with subsection (2).

(2) For the purposes of subsection (1), the amount of duty payable in respect of each active account is the sum of \$0.15 multiplied by the number less one of the merchants with whom there has been a transaction of which advice has been received by the licensed credit card provider during the billing period of that account that terminated in the preceding month.

(3) Where the Commissioner is of the opinion that it would be unduly onerous to require a licensed credit card provider to lodge returns—

(a) within the time specified in subsection (1), he may, by notice in writing, vary the time within which that licensed credit card provider is required to lodge returns in pursuance of that subsection; or

(b) relating to each month, he may, by notice in writing, authorize that licensed credit card provider to lodge returns relating to such other periods as may be specified in the notice,

and the licensed credit card provider shall, while that notice remains unrevoked, lodge returns accordingly.

(4) The Commissioner may, at any time, by notice in writing, revoke any notice given in pursuance of subsection (3).

(5) A return under subsection (1) (a) shall be verified by a declaration made by the licensed credit card provider by whom the return is lodged or by a person in his employment.

(6) A licensed credit card provider who fails to—

(a) lodge a return as required by subsection (1) (a);

(b) include in such a return the particulars referred to in subsection (1) (a); or

(c) pay any duty as and when required by subsection (1) (b),

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

(7) A licensed credit card provider who is convicted of an offence under subsection (6) (c) is liable, in addition to any penalty that may be imposed on him, to pay to the Commissioner a sum equivalent to twice the amount of the duty that would have been payable by him if subsection (1) (b) had been complied with, and the justices by whom he is convicted may order him to pay that sum to the Commissioner accordingly.

60D—(1) Where, on or after 1st February 1984, a credit card is issued by a credit card provider who is not licensed under section 60B to or at the direction of a person ordinarily resident in Tasmania, that person shall, not later than 14 days after he receives a statement of account or of transactions from the credit card provider, make a memorandum in writing specifying the number of merchants with whom there was a transaction in connection with which the credit card was produced during the period to which the statement relates.

Credit and transactions with unlicensed credit card providers.

(2) There is payable on a memorandum made for the purposes of subsection (1) duty at the rate of \$0.15 multiplied by the number less one of the merchants included in the memorandum.

(3) The duty payable on a memorandum as mentioned in subsection (2) shall be denoted as provided in section 11 (1) and shall, within 7 days after the making of the memorandum, be paid by the person liable to make it.

(4) A person who fails to comply with subsection (1) or (3) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

60E—Duty under this Division is not payable in respect of a transaction made pursuant to an agreement between a credit card holder and a licensed credit card provider in respect of which the licensed credit card provider has paid duty under item 14 or 15 of Part I of Schedule 2.

Transactions in respect of which duty is not payable under this Division.

60F—(1) Where a licensed credit card provider pays, or is liable to pay, duty in respect of an active account kept for a credit card holder, the licensed credit card provider may recover an amount equal to that duty from the credit card holder.

Power of licensed credit card providers to recover duty.

(2) A credit card holder is not liable under subsection (1) to pay to a licensed credit card provider an amount in respect of an amount of duty that has been refunded to the licensed credit card provider in accordance with a provision of this Act.

(3) A licensed credit card provider may debit an active account with an amount that the credit card holder for whom the account is kept is liable to pay to the licensed credit card provider under subsection (1).

(4) In this section, "active account" means an account in respect of which duty is required to be paid by section 60c (1).

Insertion in
Principal Act
of new
Division 6A,
Part IV.

10—After section 71 of the Principal Act, the following Division is inserted:—

Division 6A—Debits duty

Interpretation:
Division 6A,
Part IV.

71A—(1) In this Division, unless the contrary intention appears—

"account" means an account kept in Tasmania with a financial institution, being an account to which payments by the financial institution in respect of withdrawals from the account by the account holder, or by any one or more of the account holders, may be debited, whether or not those withdrawals, in the case of a financial institution that is a bank, are made by cheques drawn on the financial institution or by any other means;

"account holder" means the person in whose name, or either or any of the persons in whose names, an account is kept;

"bank" means—

(a) a bank as defined in section 5 (1) of the *Banking Act 1959* of the Commonwealth; or

(b) a bank constituted under a law of Tasmania, and includes a branch of a bank;

"building society" means a permanent society established under the *Building Societies Act 1876*;

"credit union" means a body of persons, whether incorporated or unincorporated, which carries on a business, whether by employees, agents, or other means, under any name or title of which the words "credit union", "credit society", "savings and loans society", or "savings and loans union", or any other words importing a similar meaning, form part and whose objects are or include—

- (a) the raising of a fund by subscriptions of the members of the credit union;
- (b) making loans from that fund to its members as provided by or under this Act; and
- (c) the encouraging of habits of thrift among its members;

“ exempt account ” means—

- (a) an account with a financial institution kept by an account holder who has not attained the age of 19 years where deposits to the account by the account holder are made under an arrangement as approved by the Director-General of Education or the governing body of the school of which the account holder is a pupil;
- (b) an account kept by a person to whom or in respect of whom there is being paid any pension, benefit, or allowance under the *Social Security Act 1947* of the Commonwealth, the *Repatriation Act 1920* of the Commonwealth, or the *Tuberculosis Act 1948* of the Commonwealth and who holds—
 - (i) a current card known as a “ Pensioner Health Benefits Card ” issued pursuant to the *Health Insurance Act 1973* of the Commonwealth; or
 - (ii) a current card issued pursuant to an Act of the Commonwealth and that is specified by the Governor, by order, as being equivalent to a card referred to in subparagraph (i);
- (c) an account kept by a person to whom or in respect of whom there is being paid an unemployment benefit or special benefit under the *Social Security Act 1947* of the Commonwealth or in respect of whom a declaration is in force under section 5B of the *Health Insurance Act 1973* of the Commonwealth and who holds—

- (i) a current card known as a " Health Care Card " issued pursuant to the *Health Insurance Act 1973* of the Commonwealth; or
 - (ii) a current card issued pursuant to an Act of the Commonwealth and that is specified by the Governor, by order, as being equivalent to a card referred to in subparagraph (i);
- (d) an account kept by or on behalf of the Treasurer or an officer of the Government of Tasmania for a public purpose;
 - (e) an account kept by a bank in favour of another bank, and intended and used only for clearing purposes between those banks;
 - (f) an account kept by a friendly society registered under the *Friendly Societies Act 1888*;
 - (g) an account kept by the Director of Ambulance Services under the *Ambulance Service Act 1982*;
 - (h) an account kept by a public hospitals board constituted under the *Hospitals Act 1918*;
 - (i) an account kept by the licensee, proprietor, governors, trustees, committee of management, or resident manager of a private hospital for or in connection with the purposes of the hospital;
 - (j) an account kept by the University of Tasmania;
 - (k) an account kept on behalf of a Department of the Government of the Commonwealth or on behalf of an instrumentality of the Commonwealth;
 - (l) an account kept by a financial institution on behalf of another financial institution; or

(m) an account kept by a person constituted, established, or appointed as mentioned in the last item under the heading *General* in Part I of Schedule 3 and declared by a proclamation under that Schedule to have exemption from all duties under Schedule 2, being a proclamation that is in force immediately before 1st February 1984 or that comes into force on or after that day;

“ exempt debit ”, in relation to an account, means a debit—

(a) that is made solely for the purpose of reversing a credit previously made to the account;

(b) that is made pursuant to section 71G (3);
or

(c) that is made pursuant to section 10 (3) of the *Bank Account Debits Tax Administration Act* 1982 of the Commonwealth;

“ financial institution ” means—

(a) a bank;

(b) a building society;

(c) a credit union; or

(d) a body prescribed, or of a class prescribed, in the regulations for the purposes of this definition;

“ governing body ”, in relation to a school, means the person who, or body of persons (whether incorporated or unincorporated) which, has the ownership, management, or control of a school;

“ taxable account ” means an account, other than an exempt account;

“ taxable debit ” means a debit, other than an exempt debit, made to a taxable account.

(2) An account that is kept by 2 or more account holders is not an exempt account within the meaning of that expression, as defined in subsection (1), unless each of the account holders is entitled to keep an exempt account.

(3) Where a debit made to an account is subsequently reversed, the debit shall, for the purposes of this Division, be taken to be, and to have always been, an exempt debit.

(4) Where this Division imposes a liability on a person being a partnership or other unincorporated association or body of persons to pay any duty, that liability shall be deemed to be imposed jointly and severally on the persons who are the members of the partnership or other association or body at the time when the liability arises.

71B—(1) A financial institution shall, in accordance with this section, pay to the Commissioner duty at the rate of \$0·15 in respect of each taxable debit made to a taxable account kept with the financial institution.

(2) A financial institution shall—

(a) subject to subsection (3), within 10 days after—

(i) the end of the month of February 1984;
and

(ii) the end of each subsequent month,
cause to be made out and lodged with the Commissioner a return in a form approved by the Commissioner setting out the particulars required by the form in respect of all taxable debits made to taxable accounts kept with the financial institution during that month and particulars of such other matters as may be required by that form;
and

(b) when that return is lodged, pay to the Commissioner duty at the rate prescribed by subsection (1) in respect of each of those taxable debits.

(3) Where the Commissioner is of the opinion that it would be unduly onerous to require a financial institution to lodge returns—

(a) within the time specified in subsection (2), he may, by notice in writing, vary the time within which that financial institution is required to lodge returns in pursuance of that subsection; or

(b) relating to each month, he may, by notice in writing, authorize that financial institution to lodge returns relating to such other periods as may be specified in the notice,

and the financial institution shall, while that notice remains unrevoked, lodge returns accordingly.

(4) The Commissioner may, at any time, by notice in writing, revoke any notice given in pursuance of subsection (3).

(5) A return under subsection (2) (a) shall be verified by a declaration made by the general manager, manager, or agent of the financial institution by which the return is lodged.

(6) A financial institution that fails to—

- (a) lodge a return as required by subsection (2) (a);
- (b) include in such a return the particulars referred to in subsection (2) (a); or
- (c) pay any duty as and when required by subsection (2) (b),

is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

(7) A financial institution that is convicted of an offence under subsection (6) (c) is liable, in addition to any penalty that may be imposed on it, to pay to the Commissioner a sum equivalent to twice the amount of the duty payable by it pursuant to—

- (a) subsection (1), where a return has been lodged by the financial institution under subsection (2) (a);
or
- (b) an assessment made by the Commissioner under section 71E, where a return has not been lodged by the financial institution under subsection (2) (a),

and the justices by whom the financial institution is convicted may order it to pay that sum to the Commissioner accordingly.

71c—(1) A financial institution shall—

- (a) before 1st February 1984, in the case of a financial institution carrying on business in Tasmania;
- or

- (b) within 15 days after it commences to carry on business in Tasmania, in any other case,

apply to the Commissioner for registration as a financial institution under this section.

(2) A financial institution that fails to comply with subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

Obligation
on financial
institutions to
apply for
registration.

(3) A financial institution that seeks registration under this section shall make an application to the Commissioner in a form approved by the Commissioner.

(4) An application under subsection (3) shall be verified by a declaration made by the general manager, manager, or agent of the applicant.

(5) On receipt of an application under subsection (3), the Commissioner shall register the financial institution to which the application relates and issue a certificate of registration to it.

(6) A financial institution that ceases to carry on business in Tasmania may surrender its certificate of registration under this section by delivering it to the Commissioner together with a notification in writing to the effect that the certificate is being surrendered.

(7) The Commissioner shall, on receipt of a certificate of registration referred to in subsection (6) and a notification under that subsection, cancel the certificate.

71D—(1) Where a person claims that an account kept by him with a financial institution is an exempt account, that person shall, if required by the financial institution, satisfy it, by declaration or otherwise, that the account is an exempt account.

(2) A person to whom subsection (1) applies who, in response to a requirement made of him under that subsection, knowingly makes a statement that is false or misleading in a material particular, is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

(3) Where, as the result of evidence given to a financial institution by a person in response to a requirement made by it under subsection (1) or otherwise obtained by it, the financial institution treats as an exempt account an account kept with it by that person and, in the opinion of the Commissioner, the account is not an exempt account, the Commissioner or any officer appointed by the Treasurer may, as provided in section 32, recover from the financial institution the duty that should have been paid by it under this Division.

(4) Where an account kept with a financial institution that is an exempt account ceases to be an exempt account, the holder of the account shall, within 14 days after the account so ceases to be an exempt account, inform the financial institution of that fact.

(5) A person to whom subsection (4) applies who does not comply with that subsection is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

71E—(1) Where—

- (a) a financial institution does not apply for registration as required by section 71C (1);
- (b) a financial institution does not lodge a return as and when required by this Division or by the Commissioner;
- (c) the Commissioner is not satisfied with a return made out by a financial institution; or
- (d) the Commissioner has reason to believe or suspect that a financial institution (though it may not have lodged any such return) is liable to pay duty under this Division,

Assessments by
Commissioner.

the Commissioner may—

- (e) calculate the number of taxable debits made to taxable accounts kept with the financial institution; and
- (f) assess the duty payable by the financial institution in respect of the number of the taxable debits so calculated.

(2) Where the Commissioner causes an assessment to be made under subsection (1), the financial institution to which the assessment relates is, subject to any objection or appeal made by it under this Act, liable to pay duty as provided by the assessment.

(3) A financial institution that becomes liable to pay duty by virtue of an assessment made under subsection (1) is also liable to pay, by way of additional duty, double the amount of that duty, but the Commissioner may, in any particular case, for any reason that he thinks sufficient, remit the additional duty or any part of it.

(4) As soon as possible after an assessment is made under subsection (1), the Commissioner shall cause notice in writing of the assessment and of the duty and additional duty to be served on the financial institution liable to pay it.

(5) The amount of duty and additional duty (if any) specified in a notice under subsection (4) is due and payable on or before the date specified in the notice.

(6) The omission to serve a notice under subsection (4) does not invalidate the relevant assessment and calculation made by the Commissioner.

Power of
Commissioner
to collect
duty from
person owing
money to
financial
institution.

71F—(1) The Commissioner may, by notice in writing (a copy of which shall be served on the financial institution), require—

- (a) a person by whom any money is due or accruing or may become due to a financial institution;
- (b) a person who holds or may subsequently hold money for or on account of a financial institution;
- (c) a person who holds or may subsequently hold money on account of some other person for payment to a financial institution; or
- (d) a person having authority from some other person to pay money to a financial institution,

to pay to the Commissioner immediately on the money becoming due or being held, or within such further time as the Commissioner allows, the money or so much of it as is sufficient to pay the duty due under this Division by the financial institution or the penalty and costs, if any, imposed by a court on it in respect of an offence under this Act.

(2) A person who fails to comply with a notice under subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding \$500.

(3) Where an amount referred to in subsection (1) is less than the amount of the duty due by the relevant financial institution, the person served with the notice under that subsection shall pay to the Commissioner, in reduction of the amount of the duty due, the amount payable by that person to the financial institution.

(4) A person who makes a payment in pursuance of this section shall be deemed to have been acting under the authority of the financial institution and of all other persons concerned, and is hereby indemnified in respect of the payment.

(5) If the duty due by a financial institution is paid, or the penalty and costs, if any, imposed by a court on it in respect of an offence under this Act are paid, before a payment is made under a notice given under subsection (1), the Commissioner shall immediately give notice of the payment to the person served with the notice under that subsection.

(6) In this section, "duty" includes any judgment debt and costs in respect of duty.

71G—(1) Where a financial institution pays, or is liable to pay, duty in respect of a taxable debit to a taxable account kept with the financial institution, the institution may recover that amount from the account holder or, if there are 2 or more account holders, from either or any of those account holders.

Power of financial institutions to recover duty.

(2) An account holder is not, or any account holders are not, liable under subsection (1) to pay to a financial institution an amount in respect of an amount of duty that has been refunded to the financial institution in accordance with a provision of this Act.

(3) A financial institution may debit an account with an amount that the account holder is, or the account holders are, liable to pay to the financial institution under subsection (1).

71H—Where a financial institution is not bound by the provisions of this Act, the duty that would otherwise be payable by that financial institution in respect of a taxable debit made to a taxable account kept with that financial institution shall be paid by the account holder of that account.

Account holder to pay duty in certain circumstances.

11—(1) Section 76 (1) (e) of the Principal Act is amended by inserting "(not being a return under section 60C (1) (a) or 71B (2) (a))" after "return".

Amendment of section 76 of Principal Act (Offences).

(2) Section 76 (9) of the Principal Act is amended by inserting "or under section 60B (2), 60C (7), or 71B (7)" after "(8)".

(3) Section 76 (11) of the Principal Act is amended by inserting "or section 60B (4), 60C (5), 71B (5), or 71C (4)" after "Part IV".

Amendment of section 79 of Principal Act (Refunds of excess duty).

12—Section 79 (1) of the Principal Act is amended as follows:—

- (a) by inserting “ section 60C, section 60D,” after “ 58,”;
- (b) by inserting “ or section 71B,” after “ 66,”.

Amendment of Schedule 3 to Principal Act (INSTRUMENTS EXEMPTED FROM DUTY).

13—(1) Part I of Schedule 3 to the Principal Act is amended by omitting paragraph (a) of item 17 and substituting the following paragraph:—

(a) to the bearer or order drawn—

- (i) by a financial institution within the meaning of Division 6A of Part IV; or
- (ii) on an account kept by a financial institution referred to in subparagraph (i) with another such financial institution;

(2) Part I of Schedule 3 to the Principal Act is further amended as follows:—

- (a) by omitting from item 17 (a) (i) “ IV; or ” and substituting “ IV;”;
- (b) by inserting the following subparagraphs after subparagraph (ii) of item 17 (a):—
 - (iii) on a financial institution referred to in subparagraph (i) when duty under that Division has or will be debited to the account of the account holder by whom the cheque, draft, or order is drawn; or
 - (iv) on a financial institution referred to in subparagraph (i) when the cheque, draft, or order is drawn on that financial institution against an exempt account within the meaning of Division 6A of Part IV;

Transitional provisions.

14—The transitional provisions set out in Schedule 1 have effect.

SCHEDULE 1

Section 14

TRANSITIONAL PROVISIONS

1—Where, before 1st January 1985, a debit is made to a current account kept with a bank in Tasmania on which cheques may be drawn, that debit is not subject to duty under Division 6A of Part IV of the Principal Act (as inserted by this Act).

Debits made
by certain
cheques.

2—(1) In this clause, “cheque forms” means forms of cheques drawn on a bank in Tasmania.

Certain cheque
forms.

(2) Where, immediately before 1st January 1985, a person holds cheque forms which have not been used by him and in respect of which he has paid duty amounting to at least \$2 in the aggregate, the Treasurer shall, on an application made to him in accordance with subclause (3), refund an amount equal to the amount of that duty to that person or, if that person is dead or under a legal disability, to the legal personal representative of that person.

(3) An application under subclause (2)—

(a) shall be in writing; and

(b) shall be supported by such evidence as to the applicant’s entitlement to the refund as the Treasurer may require,

but is of no effect unless it is made within the period of 12 months commencing on 1st January 1985.

(4) An amount required for a refund of duty under this clause is a charge on the Consolidated Revenue Fund and is payable out of that Fund without further appropriation than this subclause.

