

# Stamps (Amendment) Bill

No.

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# LEGISLATIVE ASSEMBLY

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Read 1° 22 April 1993

*(Brought in by Mr Stockdale and Mr Smith (Polwarth))*

## A BILL

to amend the **Stamps Act 1958**, the **Transport Accident Act 1986** and the **State Taxation (Amendment) Act 1992** and for other purposes.

### **Stamps (Amendment) Act 1993**

The Parliament of Victoria enacts as follows:

#### ***1. Purposes***

The purposes of this Act are—

- 5
- (a) to make further provision for exemption from duty on change of use of motor vehicles and commercial trailers;
- 10
- (b) to remove the exemption from stamp duty for motor vehicle insurance business and to provide for the payment of stamp duty in respect of transport accident charges by the Transport Accident Commission;

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Section headings appear in bold italics and are not part of the Act.  
(See **Interpretation of Legislation Act 1984**.)

- (c) to make certain other amendments to the **Stamps Act 1958**, the **Transport Accident Act 1986** and the **State Taxation (Amendment) Act 1992**.

## 2. *Commencement*

- (1) Subject to this section, this Act comes into operation on the day on which it receives the Royal Assent. 5
- (2) Section 12 is deemed to have come into operation on 24 November 1992.
- (3) Section 13 (2) is deemed to have come into operation on 7 June 1988. 10

N . 6375.  
Reprinted to  
No. 29/1988  
and  
subsequently  
amended by  
Nos 65/1988,  
12/1989,  
18/1989,  
44/1989,  
57/1989,  
67/1989,  
81/1989,  
92/1990,  
74/1991,  
48/1992 and  
76/1992.

## 3. *Principal Act*

In this Act, the **Stamps Act 1958** is called the Principal Act.

## 4. *Refund of part of duty on certain leases*

- (1) In section 80 of the Principal Act, for “three months” substitute “3 years”. 15
- (2) Section 80 of the Principal Act, as amended by this Act, applies in respect of a surrender, forfeiture or other determination whether occurring before or after the commencement of section 4 of the **Stamps (Amendment) Act 1993**. 20

## 5. *Insurance and assurance business*

- (1) In section 95 of the Principal Act—
- (a) in the definition of “assurance or insurance business” omit “, motor vehicle insurance”; 25

(b) the definitions of “motor vehicle” and “motor vehicle insurance” are **repealed**.

(2) In section 110A (5) of the Principal Act, **omit** “motor vehicle insurance or”.

5 **6. New sub-division (11B) inserted**

After sub-division (11A) of Division 3 of Part II of the Principal Act **insert—**

***‘(11B) Transport Accident Charges***

**111E. Definitions**

10 In this sub-division—

“**transport accident charge**” means a transport accident charge applicable to a motor vehicle under Part 7 of the **Transport Accident Act 1986** and payable to the Commission on or after 1 June 1993;

15 “**Commission**” means the Transport Accident Commission;

20 “**Fund**” means the Transport Accident Fund.

**111F. Returns by Commission**

(1) The Commission—

(a) must, on or before 9 June 1993—

25 (i) lodge with the Comptroller of Stamps a return in a form approved by the Comptroller showing the total amount of transport accident charges paid into the Fund on or before 5 June 1993; and

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(ii) pay in cash out of the Fund to the Comptroller as stamp duty on the return an amount equal to 10 per centum of that amount; and 5

(b) must, on or before each succeeding Wednesday—

(i) lodge with the Comptroller a return in a form approved by the Comptroller showing the total amount of transport accident charges paid into the Fund during the week ending on the preceding Saturday; and 10  
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(ii) pay in cash out of the Fund to the Comptroller as stamp duty on the return an amount equal to 10 per centum of that amount. 20

(2) If the Commission does not lodge a return and pay an amount due in accordance with sub-section (1), an amount of 20 per centum of that amount due is a debt due and payable to the Crown and may be recovered in accordance with this Act. 25

(3) The Comptroller of Stamps may, if he or she thinks fit, mitigate or remit a debt payable under sub-section (2). 30

(4) If the Comptroller of Stamps is satisfied that, in the circumstances in a particular case, it is not reasonable to require returns to be lodged by the Commission in each week, the Comptroller may agree to accept returns at such times and relating to such periods as the Comptroller thinks fit. 35

**111G. Commission to keep records**

The Commission—

- 5 (a) must keep or cause to be kept sufficient books to enable the Commission to calculate accurately the total amount of transport accident charges which are to be set out in the weekly statements required to be submitted to the Comptroller under this sub-division; and
- 10
- 15 (b) must keep those books available for inspection for at least 3 years from the week to which each such return relates or for such shorter period as the Comptroller determines in any particular case.’.

**7. Notice of change of use**

20 In section 137AG of the Principal Act, for sub-section (1) **substitute—**

25 “(1) If a licensed motor car trader or a registered used car dealer who has made an application for registration, or given a notice of acquisition of a motor vehicle or commercial trailer, being an application or notice to which paragraph 1, 1A, 1AA or 1AB of the exemptions under Heading XXI in the Third Schedule applies—

- 30 (a) in the case of an application or notice to which paragraph 1 or 1AA applies, subsequently commences to use the motor vehicle or commercial trailer otherwise than solely for the purposes of sale; or
- 35 (b) in the case of an application or notice to which paragraph 1A or 1AB applies, subsequently commences to use the motor vehicle or commercial trailer otherwise than solely or primarily for one or more of the purposes referred to in that paragraph—

the licensed motor car trader or registered used car dealer must, not later than 14 days after the commencement of the use, send or deliver to the Comptroller of Stamps notice in prescribed form of the change of use, together with the amount of stamp duty payable on the notice.”

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### **8. Exemptions for certain banks to cease**

In the Third Schedule to the Principal Act—

(a) in heading VI, in Exemption (2)—

(i) **omit** “otherwise than to the State Bank of Victoria”;

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(ii) **omit** “or to the Commonwealth Savings Bank of Australia”;

(b) in heading VIII, in Exemption (2)—

(i) **omit** “otherwise than to the State Bank of Victoria”;

15

(ii) **omit** “or the Commonwealth Savings Bank of Australia”.

### **9. Registration of motor vehicles and commercial trailers**

In the Third Schedule to the Principal Act, for exemptions 1 and 1A under heading XXI **substitute**—

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“1. An application to register a motor vehicle or commercial trailer made by a licensed motor car trader who carries on a business of dealing in motor vehicles or commercial trailers if the application is made—

(a) in the course of and for the purpose of carrying on that business; and

(b) solely for the purpose of the sale of the motor vehicle or commercial trailer.

1A. An application to register a motor vehicle or commercial trailer given by a licensed motor car trader who carries on a business of dealing, for the purpose of sale by retail, in motor vehicles or commercial trailers, if the application is made—

(a) in the course of and for the purpose of carrying on that business and solely or primarily for the purpose of either or both of the following:



- (i) the sale of the motor vehicle or commercial trailer;
  - (ii) the use of the motor vehicle or commercial trailer for the purpose of the sale of another motor vehicle or commercial trailer of the same class; or
- (b) solely or primarily for the purpose of the provision of the motor vehicle or commercial trailer to a secondary educational institution for use for driver education purposes.
- 1AA. A notice of acquisition of a motor vehicle or commercial trailer made by a registered used car dealer who carries on a business of dealing in motor vehicles or commercial trailers if the application is made—
- (a) in the course of and for the purpose of carrying on that business; and
  - (b) solely for the purpose of the sale of the motor vehicle or commercial trailer.
- 1AB. A notice of acquisition of a motor vehicle or commercial trailer made by a registered used car dealer who carries on a business of dealing, for the purpose of sale by retail, in motor vehicles or commercial trailers, if the application is made—
- (a) in the course of and for the purpose of carrying on that business and solely or primarily for the purpose of either or both of the following:
    - (i) the sale of the motor vehicle or commercial trailer;
    - (ii) the use of the motor vehicle or commercial trailer for the purpose of the sale of another motor vehicle or commercial trailer of the same class; or
  - (b) solely or primarily for the purpose of the provision of the motor vehicle or commercial trailer to a secondary educational institution for use for driver education purposes.”.

## **10. Deeds of cross guarantee**

In the Third Schedule to the Principal Act, under heading XXII, after Exemption (10) **insert—**

“(11) A deed of cross guarantee approved by the Australian Securities Commission for the purposes of an order under section 313 (6) of the Corporations Law.”.

**11. Amendment of Transport Accident Act 1986**

- (1) In section 27 (2) (a) of the **Transport Accident Act 1986**, after “transport accident charges” insert “and additional amounts”.
- (2) After section 109 (4) of the **Transport Accident Act 1986** insert— 5
- “(4A) The Commission may require the owner of a registered motor vehicle to pay, together with the transport accident charge applicable to the vehicle, an additional amount not exceeding the amount of stamp duty payable by the Commission in respect of that charge under the **Stamps Act 1958**. 10
- (4B) If the Commission requires the payment of an additional amount in respect of a transport accident charge, the charge is deemed not to have been paid until the additional amount has been paid.” 15

No. 76/1992.

**12. Amendment of State Taxation (Amendment) Act 1992**

- In section 30 (2) (b) of the **State Taxation (Amendment) Act 1992** for “section 98 (2) (b)” substitute “section 98 (2)”. 20

No. 17/1988.

**13. Statute law revision**

- (1) In the Principal Act— 25
- (a) section 2 is **repealed**;
- (b) the First Schedule is **repealed**.
- (2) In the **Stamps (Secondary Mortgage Market) Act 1988** in section 5 (2) (c), after “section” insert “(where twice occurring)”.



