

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1925.

A BILL

To amend the Stamp Duties Act, 1920-1924,
in certain particulars; and for purposes
connected therewith.

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
the same, as follows:—

1. (1) This Act may be cited as the “Stamp Duties Short title.
(Amendment) Act, 1925,” and shall be read with the
Stamp Duties Act, 1920-1924.

(2) The Stamp Duties Act, 1920-1924, as
amended by this Act, may be cited as the Stamp Duties
Act, 1920-1925.

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2. Part II of the Stamp Duties Act, 1920-1924, is amended—

Amendment of Part II of Stamp Duties Act, 1920-1924.

(a) by omitting from section fourteen the words "where the same does not exceed twenty-five pounds";

Sec. 14.

(b) by adding at the end of subsection one of section fifteen the words "or may be repaid the value of such spoiled or unused stamp by the Commissioner";

Sec. 15 (1).

(c) by adding at the end of section fifteen the following new subsection:—

Sec. 15, new subsec. (3).

(3) The Commissioner may repay any duty which is shown to his satisfaction to be overpaid or paid in error, retaining such percentage thereof as may be prescribed;

(d) by inserting after section fifteen the following new sections:—

New ss. 15A, 15B.

15A. (1) The Governor may by proclamation published in the Gazette establish at any town in the State a branch of the office of the Commissioner.

Branch offices may be opened.

Qld. Act. 1894, 58 Vic., No. 8, ss. 6, 7.

(2) The Governor may appoint an officer in charge of any such branch office.

(3) Subject to the Commissioner, each such officer in charge so appointed shall perform at such branch office any of the duties and may exercise such of the powers imposed or conferred upon the Commissioner under the provisions of this Act as may be prescribed.

15B. (1) The Commissioner shall supervise and direct the working and management of branch offices established under this Act.

Commissioner to supervise branches.

Ibid. s. 8.

(2) Every officer in charge of any branch office shall carry out the directions given him by the Commissioner and shall at all times supply to him such returns or other information as he may require.

3.

- 3.** The Stamp Duties Act, 1920-1924, is further amended—
- Further amendment of Stamp Duties Act, 1920-1924, s. 40.
- (a) by omitting from subsection one of section forty the word "conveyance";
- (b) by adding to subsection six of section forty-one the words "The Commissioner may exercise any of the powers conferred on him by section sixty-eight with respect to any such claim"; Sec. 41 (6).
- (c) by inserting in paragraph (c) of subsection seven of section forty-one after the words "possession of" the words "or attorned tenant of"; Sec. 41 (7) (c).
- (d) by omitting from subsection three of section 45A the words "by or on whose behalf it is issued"; Sec. 45A (3).
- (e) by inserting in section sixty-five after the word "person" the words "or by virtue of which any person becomes entitled to a share in any property in New South Wales or any estate or interest therein"; Sec. 65.
- (f) by inserting in section seventy-one after the word "sale" the words "or creation"; Sec. 71.
- (g) (i) by omitting paragraph (a) of subsection one of section seventy-three and by inserting in lieu thereof the following new paragraph:— Sec. 73 (1)(a).
- (a) (i) an instrument appointing a new trustee; or
- (ii) an instrument appointing an additional trustee; or
- (iii) an instrument by which a trustee retires from a trust without any new trustee being appointed in his place; or
- (iv) a declaration by an executor under section eleven of the Trustee Act, 1925;
- (ii) by omitting subparagraph (a) of paragraph (4) of the matter appearing in the Second Schedule. Second Schedule under the heading "Conveyances of any property" and by inserting in lieu thereof the following new subparagraph:—
- (a) (i) an instrument appointing a new trustee; or
- (ii)

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- (ii) an instrument appointing an additional trustee ; or
- (iii) an instrument by which a trustee retires from a trust without any new trustee being appointed in his place ; or
- (iv) a declaration by an executor under section eleven of the Trustee Act, 1925 ;
- (iii) by inserting in subsection one of section Sec. 73 (1). seventy-three after paragraph (a) the following new paragraph :—
 - (aa) an instrument whereby property is discharged from an existing charge, and imposing the same charge upon other property ;
 - (iv) by omitting from paragraph (d) of the same Ibid. subsection the words “ on which ad valorem duty has been paid ” and by inserting in lieu thereof the words “ which has been duly stamped ” ;
- (h) (i) by inserting in subsection (2A) of section Sec. 73 (2A). seventy-three after the word “ appointment ” the words “ of a new or additional trustee ” ;
- (ii) by inserting in paragraph (4), subparagraph Second Schedule. (f) of the matter appearing in the Second Schedule under the heading “ Conveyances of any property ” after the word “ appointment ” the words “ of a new or an additional trustee ” ;
- (i) by inserting in subsection two of section Sec. 81 (2). eighty-one after the words “ letter of ” wherever occurring the words “ allotment or letter of ” ;
- (j) by inserting in subsection one of section Sec. 87 (1). eighty-seven after the word “ insurance ” the words “ issued in New South Wales ” ;
- (k) by omitting subsection one of section Sec. 94A (1). 94A and by inserting the following new subsection in lieu thereof :—
 - (1) If a company under obligation to some person to issue or allot any of its shares to

OR

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or at the direction of such person issues or allots any of the shares to some other person except upon the duly stamped direction in writing of the person entitled to have the shares so issued or allotted, the company shall be liable to a fine not exceeding *one hundred pounds*;

- (l) by inserting at the end of section one hundred and eleven the following new subsection:—

Sec. 111,
new subsec.
(3).

(3) No death duty shall be payable in respect of any account payable on the death of the deceased by any society, company, association, or trades union as a funeral donation or mortuary benefit in accordance with the rules of the society, company, association, or trades union;

- (m) by omitting from subsection five of section

Sec. 117 (5).

one hundred and seventeen the words "by transmission of land of any deceased proprietor when the land" and by inserting in lieu thereof the words "of land which," and by omitting from the same subsection the words "of the deceased proprietor" and by inserting in lieu thereof the words "of a deceased person";

- (n) by inserting in the Second Schedule in paragraph five of the matter appearing under the heading "Conveyances of any property" after the word "Commissioner" the words "or he is satisfied that it has been duly stamped";

Second
Schedule.

- (o) by omitting from the paragraph headed "Exemption" appearing in the Second Schedule under the heading "Lease or promise of or agreement for lease or hire" the words "a lease of a house used solely as a dwelling and a lease granted under the Crown Lands Act are exempt" and by inserting in lieu thereof the letters and words:—

Ibid.

(a) a lease of a house used solely as a dwelling; or

(b)

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- (b) a lease under the Crown Lands Consolidation Act, 1913, or any Act amending the same; or
- (c) a lease under the Public Watering Places Act, 1900; or
- (d) a lease under the Prickly Pear Act, 1924,

is exempt.

An agreement for the hire of an electricity, gas, or water meter is to be stamped as an agreement under hand (one shilling adhesive stamp);

- (p) by adding to paragraph (q) of the exemptions^{Second} appearing in the Second Schedule under the^{Schedule.} heading "Receipt or discharge" the words "or the Deserted Wives and Children Act, 1901";
- (q) by inserting in paragraph (1) of the matter *Ibid.* appearing in the Second Schedule under the heading "General Exemptions from Stamp Duty under Part III" after the word "soldier" the words "to a returned sailor or soldier."
- (r) by omitting from paragraph (9) of the matter *Ibid.* appearing in the Second Schedule under the heading "General Exemptions from Stamp Duty under Part III" the words "any instrument" and by inserting in lieu thereof the words "any conveyance to, or instrument (except a conveyance)";
- (s) by omitting from paragraph (10) of the matter *Ibid.* appearing in the Second Schedule under the heading "General Exemptions from Stamp Duty under Part III" the words "any instrument" and by inserting in lieu thereof the words "any conveyance to, or instrument (except a conveyance)"; and by adding at the end of the same paragraph the words "or the New South Wales District of the Saint John Ambulance Brigade (Overseas) or the Saint John Ambulance Association, New South Wales centre."