

Stamp Act Amendment Act. 9 GEO. V. No. 11,

STAMPS.

9 Geo. V.
No. 11.
THE
STAMP ACT
AMENDMENT
ACT OF 1918.

**An Act to further Amend "The Stamp Act, 1894,"
in certain particulars.**

[ASSENTED TO 1ST NOVEMBER, 1918.]

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

Short title
and
construction
of Act.

1. This Act may be cited as "*The Stamp Act Amendment Act of 1918*," and shall be read as one with *"*The Stamp Act, 1894*," herein referred to as the Principal Act. †"*The Stamp Act Amendment Act of 1904*" and the Principal Act and this Act may together be cited as ‡"*The Stamp Acts, 1894 to 1918*."

Repeal of
certain
enactments.

2. Subsection three of section four and section five of †"*The Stamp Act Amendment Act of 1904*" are repealed and §"*The Stamp Act Amendment Act of 1914*" is repealed.

Amendment
of s. 2.

3. The following amendments are made in section two of the Principal Act—

The definition of "Commissioners" is repealed, and the following provision is inserted in lieu thereof:—

The expression "Commissioner" means the Commissioner of Stamp Duties under this Act, and includes "a Deputy Commissioner."

The definition of "Deputy Commissioner" is repealed.

After the definition of "Material," the following definition is inserted:—

The expression "Minister" means the Attorney-General or other Minister of the Crown charged for the time being with the administration of this Act.

After the definition of "Die," the following definition is inserted:—

The expression "Stock" means any share in stocks or funds of the Imperial Government or of any foreign or colonial State or Government, or in the capital, stock, or funded debt of any British, foreign, or colonial company, corporation, or society.

* 58 Vic. No. 8, *supra*, page 3241.

† 4 Edw. VII. No. 14, *supra*, page 3267.

‡ Reprinted as consolidated, *infra*, Appendix G, page 8939.

§ 5 Geo. V. No. 7, *supra*, page 6379.

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After the definition of "Policy of Insurance," the following definitions are inserted:—

The expression "Policy of Life Insurance" means a policy of insurance upon any life or lives or upon any event or contingency relating to or depending upon any life or lives, except a policy of insurance against accident.

The expression "Policy of Assurance against Accident" means a policy of insurance (other than under **The Workers' Compensation Act of 1916*) for any payment to be made upon the death of any person only from accident or violence or otherwise than from a natural cause or as compensation for personal injury, and includes any notice or advertisement in a newspaper or other publication which purports to insure the payment of money upon the death of or injury to the holder or bearer of the newspaper or publication containing the notice only from accident or violence or otherwise than from a natural cause.

To the definition of "Marketable Security" the following words are added:—" and includes any stock, funds, shares, bonds, or debentures of any Government, municipal or other corporation, company, or society."

After the said definition, the following definitions are inserted:—

The expression "Settlement" means any contract, deed, or agreement (whether voluntary or upon any good or valuable consideration other than a *bonâ fide* pecuniary consideration) whereby any property, real or personal, is settled or agreed to be settled in any manner whatsoever.

The expression "Deed of Gift" means and includes—

- (a) Every deed of gift or instrument by way of gift transferring or purporting to transfer property absolutely made or executed on or after the first day of November, one thousand nine hundred and eighteen ;
- (b) Every conveyance, transfer, or other disposition of property made or executed on or after the first day of November, one thousand nine hundred and eighteen, containing trusts or dispositions to take effect during the life of the donor, and not being made before and in consideration of the marriage of the donor, or

* 6 Geo. V. No. 35 and 7 Geo. V. No. 26, *infra*, Appendix E, page 8745.

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in favour of a *bonâ fide* purchaser or incumbrancer for valuable consideration in money, and whether or not the property comprised in such deed is subject to any limitation;

- (c) Every deed or instrument whereby any person directly or indirectly conveys, transfers, or otherwise disposes of property to or for the benefit of any person connected with him by blood or marriage, in consideration or with the reservation of any benefit or advantage to or in favour of himself or any other person, whether by way of rent-charge, or life or any other estate or interest in the same or any other property, or by way of annuity or other payment or otherwise howsoever, and whether such benefit or advantage is charged on the property comprised in such deed or instrument or not; and, in assessing the duties payable in respect of such property, no deduction shall be made in respect of such benefit or advantage.

The expression "Donor" means the person making any deed of gift.

Amendment
of s. 3.

4. In section three of the Principal Act, the word "Treasurer" is repealed, and the word "Minister" is inserted in lieu thereof.

5. After section four of the Principal Act, the following section is inserted:—

Restriction
on effect of
unstamped
instruments.

[4A.] An instrument chargeable with stamp duty (whether under this Act or under any prior Act) executed in Queensland, or relating if executed outside Queensland to any property situated or to any matter or thing done or to be done in Queensland, shall not, except in criminal proceedings, be given in evidence, or be available for any purpose whatever, unless it is duly stamped in accordance with the law in force at the time when it was first executed or first brought into Queensland if executed outside Queensland:

Provided that—

- (a) When any such unstamped instrument is tendered as evidence in any court in any proceeding (except criminal proceedings), the judge, or presiding magistrate, or justice of

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such court may admit the same in evidence on the party producing the same in evidence or his solicitor giving such security or written undertaking as may be prescribed to pay the whole or the deficiency of the stamp duty and any penalty that may be imposed ;

- (b) When any copy of an instrument chargeable with stamp duty in Queensland is tendered as evidence in any court in any proceeding (except criminal proceedings), the judge, or presiding magistrate, or justice of such court may admit the same in evidence on the party producing the same in evidence or his solicitor giving such security or written undertaking as may be prescribed to produce the original or duplicate thereof and to pay the whole of the deficiency of the stamp duty thereon and any penalty that may be imposed.

6. (1.) Section five of the Principal Act is repealed, and the following section is inserted in lieu thereof :—

Amendment
of s. 5.

[5.] The Governor in Council may from time to time appoint an officer to be called the Commissioner of Stamp Duties, and may appoint such Deputy Commissioners of Stamp Duties as may be deemed necessary.

Appoint-
ment of
Commis-
sioner,
Deputies,
and other
officers.

The Commissioner of Stamp Duties shall receive as remuneration for his services such sum as Parliament may from time to time appropriate for that purpose.

The Governor in Council may from time to time appoint such assessors and other officers as may be necessary for carrying out the provisions of this Act.

(2.) Until other appointment, the officer holding the office of Chief Commissioner of Stamps at the date of the passing of this Act shall be deemed to have been appointed and to be the Commissioner of Stamp Duties.

(3.) In section seven of the Principal Act the words "Each of such Deputy Commissioners" are repealed, and the words "Subject to the Commissioner, each Deputy Commissioner appointed under this Act" are inserted in lieu thereof.

Amendment
of s. 7.

(4.) Wherever in the Principal Act or any Act amending the same the word "Commissioners" appears, such word is repealed, and the word "Commissioner" is inserted in lieu thereof ; wherever in any Act reference

Con-
sequential
amendments.

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is made to the "Commissioners of Stamps" or to the "Chief Commissioner of Stamps," such reference shall be deemed to be made to the Commissioner of Stamp Duties under this Act, and the provisions of the said Act shall be amended accordingly; and in every case for references or words relating in the plural number to the Commissioners, references or words relating in the singular number to the Commissioner shall be substituted.

Amendment
of s. 9.

7. In section nine of the Principal Act, all words from and including the words "Any Inspector" to the end of the section are repealed, and the following provisions are inserted in lieu thereof:—

Any Inspector, upon receiving a special authority in writing in that behalf from the Commissioner, may require any person to produce to him for inspection all or any instruments or documents chargeable with stamp duty under this Act in the possession or under the power or control of such person.

Any person who refuses or neglects to comply with any such requisition shall be liable to a penalty not exceeding fifty pounds.

In the case of a corporation or joint stock company it shall be the duty not only of the corporation or company but of every secretary, manager, director, and other officer thereof to comply with the requisition of an Inspector under this section; and in the event of any refusal or neglect to comply therewith, the corporation or company, as well as such officer in default, shall be liable to the penalty hereinbefore provided.

Amendment
of s. 10.

8. Section ten of the Principal Act is repealed, and the following section is inserted in lieu thereof:—

Secrecy.

[10.] Every person employed under this Act shall preserve and aid in preserving secrecy with regard to all matters that may come to his knowledge in his official capacity, and shall not communicate any such matter to any other person except in the performance of his duties under this Act, or except to the Auditor-General or some officer of his department for the purposes of audit under the laws in force relating to the audit of public accounts, and to this extent the Auditor-General or any such officer shall be deemed to be persons appointed or employed under this Act.

The Commissioner and every Deputy Commissioner shall take and subscribe before a justice the prescribed

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oath of fidelity and secrecy. Such oath shall also be taken and subscribed by every other person appointed or employed under this Act, and the same may be administered to him by the Commissioner or a Deputy Commissioner or any justice.

Every person who, in contravention of the true intent of such oath and without lawful excuse, reveals any matter or thing which has come to his knowledge in his official capacity shall be liable to a penalty not exceeding one hundred pounds, or to be imprisoned for any period not exceeding six months with or without hard labour.

Notwithstanding anything herein contained, it shall be lawful for the Commissioner, and he is hereby authorised, to afford to the Commonwealth Commissioner of Taxation or his Deputy in Queensland, or any State Taxation Department, any information in his possession with respect to the administration of this Act; and the affording of such information shall not be deemed to be a contravention of this section.

9. Section twelve of the Principal Act is repealed.

Repeal of
s. 12.

10. In paragraph (b) of section sixteen of the Principal Act, after the word "circumstances" the words "within his knowledge" are inserted.

Amendment
of s. 16.

After paragraph (b) of the said section, the following paragraphs are inserted:—

"or (c) Being required to make and produce to the Commissioner a declaration under the **Oaths Act of 1867*" setting forth all the said facts and circumstances, makes a declaration and neglects or omits fully and truly to set forth therein all the said facts and circumstances within his knowledge; or

"(d) Makes any such declaration which is false in any material particular."

11. Section twenty-five of the Principal Act is repealed.

Repeal of
s. 25.

12. In the last paragraph of section thirty-one of the Principal Act, after the word "transfer," where it first occurs, the words "on sale" are inserted.

Amendment
of s. 31.

* 31 Vic. No. 12, *supra*, page 2281.

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Amendment
of s. 32.

13. In section thirty-two of the Principal Act, the words "of two shillings and sixpence" are repealed, and after the words "under hand" the words "other than an agreement for sale chargeable with *ad valorem* conveyance duty" are inserted in lieu thereof.

Repeal of
s. 34.

14. Section thirty-four of the Principal Act is repealed.

Amendment
of s. 35.

15. In section thirty-five of the Principal Act, the word "except" is repealed and the word "including" is inserted in lieu thereof.

Amendment
of s. 43.

16. In section forty-three of the Principal Act, the words "of not less than twenty nor more than" are repealed, and the words "not exceeding" are inserted in lieu thereof:

Provided, nevertheless, that the Commissioner may, in his discretion, instead of instituting proceedings for the recovery of the penalty, demand and receive the amount thereof, or such reduced amount as he may think fit, from the person liable to pay the same.

Amendment
of s. 46.

17. In section forty-six of the Principal Act, after the words "A policy of insurance" the words "(including a policy on any life or lives)" are inserted. The proviso in the said section is repealed, and the following words are inserted in lieu thereof:—

"and such policy shall be duly stamped within thirty days after receipt thereof by any person or company in Queensland.

Any person or company receiving such policy shall, unless such policy is duly stamped as aforesaid, be liable to a penalty not exceeding fifty pounds":

Provided, nevertheless, that the Commissioner may, in his discretion, instead of instituting proceedings for the recovery of the penalty, demand and receive such sum as he may think fit, not exceeding fifty pounds, from the person liable to pay the same.

Amendment
of s. 47.

18. In subsection two of section forty-seven of the Principal Act, before the word "Makes" the words "Receives or takes credit for any consideration, or" are inserted.

Repeal of
s. 48.

19. Section forty-eight of the Principal Act is repealed.

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20. After section forty-eight of the Principal Act, the following section is inserted :—

[48A.] (1.) When in the opinion of the Commissioner any person granting policies of insurance against accident or other form of risk so carries on the business of such insurance as to render it impracticable or inexpedient to require that duty be charged and paid upon such policies, the Commissioner may enter into an agreement with that person in the prescribed form for the delivery to him, during any period mentioned in the agreement, of half-yearly accounts of all moneys received in respect of premiums on such policies.

Composition
of duty in
respect of
policies of
insurance
against
accident, &c.

(2.) Accounts in pursuance of such agreement shall be delivered to the Commissioner within fifteen days after the first day of July and the first day of January in each year.

(3.) Every account shall be a full and true account of all unstamped policies of such insurance granted during the period for which the same is rendered and of all sums of money received and not already accounted for in respect of any other unstamped policies of such insurance at any time before the commencement of that period.

(4.) After an agreement has been entered into between the Commissioner and any person, and during the period for which such agreement is in force, no policy of such insurance granted by that person and covered by such agreement shall be chargeable with duty, but in lieu of and by way of composition for that duty there shall be charged, levied, and collected, on the aggregate amount of all sums received in respect of premiums on such policies, a duty at the rate of one pound per centum thereof as stamp duty.

(5.) The duty shall be paid upon the delivery of the account.

(6.) If the duty charged is not paid upon the delivery of the account, it shall be a debt due to His Majesty from the person by or on whose behalf the account is delivered, and may be recovered accordingly.

(7.) If default is made in delivering such an account as is hereby required or in paying the duty in conformity with this section, the person in default shall be liable to pay to His Majesty by way of penalty a sum equal to ten pounds per centum upon the amount of duty payable, and a like penalty for every month after the first

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month during which default continues ; and every such sum shall be a debt due to His Majesty, and may be recovered accordingly.

(8.) All agreements entered into between the Commissioner and any person prior to the first day of November, one thousand nine hundred and eighteen, which would be valid if entered into under this section, shall be as valid as if they had been made under the provisions thereof ; and to that extent this enactment shall have retrospective operation.

Amendment
of s. 49.

21. The following proviso is added to section forty-nine of the Principal Act :—

Provided that—

- (a) A transfer of a pastoral lease, occupation license, or grazing selection shall for the purposes of this Act be deemed to comprise all live stock and other moveable chattels included with the sale of such holding, notwithstanding that the same are not included in the instrument of the transfer of such holding, but pass upon or by delivery or by or pursuant to another writing or instrument or in any other manner, and notwithstanding that the same are not at the date of the execution of the said instrument upon such holding ; and
- (b) The true consideration for the sale, including such live stock and other chattels as aforesaid, shall either appear in the said instrument or be declared by a declaration under the **“Oaths Act of 1867.”*

22. After section forty-nine of the Principal Act, the following section is inserted :—

Collection of
duty in cases
of property
vested by
Act or
purchased
under
statutory
power.

[49A.] Where on or after the first day of November, one thousand nine hundred and eighteen, by virtue of any Act whether passed before or after this Act, either—

- (a) Any property is vested by way of sale in any person ; or
- (b) Any property is vested by Proclamation or other instrument made in pursuance of any Act in any constructing authority not being a local authority ;

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such person or constructing authority shall, within two months from the date of vesting, or within fourteen days after the final assessment of the compensation where the same is to be fixed by any tribunal, produce a copy of the Act, or some instrument relating to the vesting, to the Commissioner, who shall forthwith cause the same to be stamped as if such Act or instrument were a conveyance on sale made in consideration of the price or compensation paid to the person from whom such land was divested. And in default of such production the duty shall be a debt due to His Majesty from such person or authority.

To the extent aforesaid, this enactment shall have retrospective operation.

23. The following subsection is added to section fifty of the Principal Act :— Amendment
of s. 50.

(3.) Provided that where such consideration or part of such consideration consists of shares or debentures issued or to be issued by a company, the market or actual value of the shares or debentures shall be taken as the value of such consideration or part of the consideration.

24. After section fifty-one of the Principal Act, the following sections are inserted :—

[51A.] Where any person, on or after the first day of November, one thousand nine hundred and eighteen, makes a voluntary disposition of any property to or for the benefit of a company formed or to be formed, the instrument by which such disposition is made shall, for the purpose of this Act, be deemed a voluntary conveyance of such property; and to that extent this enactment shall have retrospective operation. Voluntary
disposition
to a
company
deemed to be
a voluntary
conveyance.

[51B.] (1.) The person making a settlement, deed of gift, or voluntary conveyance (not being the appointment merely of a new trustee) of any property, or any declaration of trust having the effect of such settlement, deed, or conveyance, shall, within thirty days after making the same, or after it has first been received in Queensland, in case it is first executed at any place out of Queensland, lodge with the Commissioner an affidavit by some competent person stating to the best of his knowledge, information, and belief the value of such property, together with the instrument or a true copy thereof. Valuation of
property
passing
under
voluntary
conveyance.

The Commissioner shall thereupon assess the duty payable in respect of the instrument.

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(2.) If the person making such instrument fails to comply with this section within the prescribed period, it shall be lawful for the Supreme Court or a Judge thereof, on application made by the Commissioner, to order the said person to lodge the affidavit or the instrument, or a true copy thereof, within the time and as directed by such order; and the costs of and incidental to the order shall be paid as the Court or Judge may direct.

Valuation
where con-
sideration
doubted.

[51c.] Where in the opinion of the Commissioner the consideration in any transfer or conveyance does not represent the value of the property referred to or dealt with in such instrument, or the evidence of value is unsatisfactory, he may cause a valuation of the property to be made by some person appointed by him, and may assess the duty payable on the footing of such valuation.

The Commissioner may, having regard to the merits of the case, charge the whole or any part of the expenses of or incidental to the making of the valuation to the person liable to pay the duty, and may recover the same from him as a debt due to His Majesty.

Amendment
of s. 53.

25. Subsections four, five, and six of section fifty-three are repealed, and the following subsections are inserted:—

(4.) Where a person having contracted, on or after the first day of November, one thousand nine hundred and eighteen, for the purchase of any property, but not having obtained a conveyance or transfer thereof, contracts to sell the same to any other person, and the property is in consequence conveyed or transferred directly from the first vendor of the property to a sub-purchaser, the conveyance or transfer shall, for the purposes of this Act, be deemed to be a conveyance or transfer on sale of the estate or interest in the property of each purchaser and sub-purchaser of the property, and shall be chargeable with *ad valorem* duty in respect of the consideration moving from the purchaser and each such sub-purchaser respectively:

Provided that in any such case the original purchaser and each sub-purchaser shall respectively be liable to pay the *ad valorem* duty payable in respect of the consideration moving from him, and such duty may be recovered from him by the Commissioner or the last sub-purchaser who pays the same.

(5.) No instrument of conveyance or transfer executed on or after the first day of November, one thousand nine

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hundred and eighteen, of any estate or interest in any property whatsoever except stock or marketable security shall be valid, either at law or in equity, unless the name of the purchaser or transferee is written therein in ink at the time of the execution thereof.

Any such instrument so made shall be absolutely void and inoperative, and shall in no case be made available by the insertion of a name or any other particulars afterwards.

Moreover, for any breach of this subsection a penalty not exceeding twenty pounds shall be incurred by each party executing the instrument.

26. (1.) Subsection one of section fifty-four of the Principal Act is repealed, and the following subsection is inserted in lieu thereof:— Amendment of s. 54.

(1.) Any contract or agreement—

(a) For the sale of any equitable estate or interest in any property whatsoever; or

(b) For the sale of any estate or interest in any property, except—

(i.) Property locally situated out of Queensland;

(ii.) Solely of any goods, live stock, wares, or merchandise;

(iii.) Stock or marketable security;

(iv.) Any ship or vessel or any part interest share or property of or in any ship or vessel;

shall be charged with the same *ad valorem* duty to be paid by the purchaser as if it were an actual conveyance on sale of the estate, interest, or property contracted or agreed to be sold.

(2.) Subsections two, four, and five of the said section are repealed.

(3.) In subsection three of the said section, the words “or sub-purchaser, or any other person on his behalf or by his direction” are repealed.

27. Section fifty-five of the Principal Act is repealed. Repeal of s. 55.

28. (1.) In paragraph (c) of subsection one of section sixty-five of the Principal Act, the words “other than an agreement chargeable with duty as an equitable mortgage” are repealed. Amendment of s. 65.

In the said paragraph, after the words “as security” the words “and any instrument by which any property

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whatsoever is charged with or rendered liable as a security for the payment or the repayment of any sum of money" are inserted.

In paragraph (d) of the said section, the word "deed" is repealed, and the word "instrument" is inserted in lieu thereof. The following words are added to the said paragraph:—

"and any power or letter of attorney given upon the occasion of or relating to the deposit of any title-deeds or instruments constituting or being evidence of the title to any property whatsoever or creating a charge on such property; and".

The following paragraph is added to the said subsection:—

(e) Any deed of mortgage and trust for the purpose of securing debenture-holders, upon its execution in Queensland:

Provided that any legal mortgage afterwards executed in pursuance thereof shall be treated as collateral thereto.

(2.) Subsection two of the said section is repealed.

Repeal of
s. 66.

29. Section sixty-six of the Principal Act is repealed.

30. Sections sixty-eight and sixty-nine of the Principal Act are repealed, and the following section is inserted in lieu thereof:—

Security for
future
advances,
how to be
charged.

[68.] (1.) A security for the payment or repayment of money lent or to be lent, advanced, or paid, or which has or may become due upon an account current either with or without money previously due, is to be charged, where the total amount secured or to be ultimately recoverable is in any way limited, with the same duty as a security for the amount so limited.

(2.) Where such total amount is unlimited, the security is to be available for such amount only as the *ad valorem* duty impressed thereon extends to cover; but where any advance or loan is made in excess of the amount covered by that duty, the security shall, for the purpose of stamp duty, be deemed to be a new and separate instrument, bearing date the day on which the advance or loan is made.

(3.) The holder of the security shall, on or before the first day of June in each year, make and deliver to the

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Commissioner a declaration stating the highest amount further advanced on such security during the preceding twelve months, accompanied by the duty payable thereon, and he shall be entitled to receive a certificate duly stamped in such form as the Commissioner may think fit, which said certificate shall be affixed to the security by the holder, and shall be evidence that duty on such amount has been paid; and the holder thereof shall not be liable for any penalty for not having paid duty on such further advances at the time when the same were respectively made:

Provided that, in any case of an instrument executed by way of security for further advances, the mortgagee or person entitled to the moneys secured thereby shall, when the amount due on such instrument is paid off, or if the same expires by effluxion of time, make and deliver to the Commissioner a declaration stating the total advances made since the execution of such instrument, and pay the duty (if any) due thereon.

(4.) No money to be advanced for the insurance of any property comprised in the security against damage by fire, or for keeping up any policy of life insurance comprised in the security, or for effecting in lieu thereof any new policy, or for the renewal of any grant or lease of any property comprised in the security upon the dropping of any life whereon the property is held, shall be reckoned as forming part of the amount in respect whereof the security is chargeable with *ad valorem* duty.

(5.) If the mortgagee or person entitled to the moneys secured by any instrument as aforesaid is absent from Queensland, the declaration may be made by his agent or attorney who is able to depose of his own knowledge, or, in the case of a company or corporation, by its manager or some other officer who is able so to depose.

(6.) Any mortgagee or other person for the time being entitled to the moneys secured by any instrument securing an unlimited sum, who neglects or omits to make or deliver the declaration mentioned herein, and to pay the duty (if any) due thereon, shall be liable to a penalty not exceeding one hundred pounds; and in the case of any company or corporation every director, manager, or other officer thereof shall be liable to the same penalty.

(7.) Provided that any security executed prior to the first day of November, one thousand nine hundred and

eighteen, which was not at the time of the execution thereof subject to *ad valorem* mortgage duty shall be subject to the operation of this section in so far only as relates to any advances made thereunder on or after the first day of November, one thousand nine hundred and eighteen.

Amendment
of s. 70.

31. In section seventy of the Principal Act, the words "one pound," where they thrice occur, are repealed, and the words "two pounds" are respectively inserted in lieu thereof.

Amendment
of s. 71.

32. In subsection two of section seventy-one of the Principal Act, the words "refuses to give" are repealed, and the words "does not give or issue" are inserted in lieu thereof.

In subsection three of the said section, after the word "gives" the words "or issues" are inserted.

The following provision is added to the said section:—

Provided that the Commissioner may, in his discretion, instead of instituting proceedings for the recovery of the penalty, demand and receive the amount thereof, or such reduced amount as he may think fit, from the person liable to pay the same.

33. After section seventy-one of the Principal Act, the following section is inserted:—

Duplicate or
additional
receipts.

[72.] Every duplicate or additional receipt must bear the words "original duly stamped" or "original stamped" across such receipt; otherwise any such receipt so issued or given shall not fall within the exemption provided by this Act.

Every person who wilfully issues a receipt endorsed "original duly stamped" or "original stamped" where the original has not been duly stamped shall be liable to a penalty not exceeding fifty pounds.

34. Section seventy-three of the Principal Act is repealed, and the following section is inserted in lieu thereof:—

Licenses to
sell stamps.

[73.] The Commissioner may, in his discretion, grant a license to any person to sell stamps at any place to be named in the license; and such person shall be allowed

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such commission on the value of such stamps purchased by him for sale as may from time to time be provided by regulations under this Act.

35. In section seventy-seven of the Principal Act, the words "sixty days" are repealed, and the words "six months" are inserted in lieu thereof. Amendment of s. 77.

36. After section seventy-eight of the Principal Act, the following section is inserted :—

[78A.] In all legal proceedings instituted by or on behalf of the Crown in pursuance of this Act, or any regulations made thereunder, the averment that— Evidence of averments.

- (1) Any person made or gave or executed any instrument ; or
- (2) Any assessment or reassessment has been duly made ; or
- (3) Any duty, fine, or penalty has or has not been paid ;

shall be sufficient evidence of the fact until the contrary is proved.

37. Section eighty-three of the Principal Act is repealed, and the section hereunder set forth is inserted in lieu thereof: Provided that all existing regulations shall remain in force until repealed or amended by new regulations made under the said section :—

[83.] The Governor in Council may from time to time make regulations with respect to all or any of the following matters :— Regulations.

- (1) The duties of persons employed in the administration of this Act or the regulations ;
- (2) The times and manner of giving notices ;
- (3) The forms to be used under this Act or the regulations ;
- (4) The effective cancellation of adhesive duty stamps on documents allowed to be stamped with adhesive stamps ;
- (5) Imposing penalties not exceeding twenty pounds for breach of any regulation ;
- (6) Generally for carrying this Act into effect.

All such regulations shall be published in the *Gazette*, and thereupon, subject to the third last paragraph of this section, shall have the same effect as if they were enacted in this Act.

Such regulations and any amendment thereof shall be laid before both Houses of Parliament within fourteen

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sitting days after such publication, if Parliament is in session, and, if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution disallowing any such regulation or amendment thereof, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation or amendment thereof has been laid before it, such regulation or amendment thereof shall thereupon cease to have effect, but without prejudice to the validity of anything done thereunder in the meantime.

For the purposes of this Act, the term "sitting days" shall mean days on which the House actually sits for the despatch of business :

Provided always that if such regulations and amendments thereof, if any, are not duly laid before Parliament as hereinbefore prescribed they shall thereupon cease to have any force, effect, or operation whatsoever.

Amendments
of the
Schedule.

38. The following amendments are made in the Schedule to the Principal Act :—

(1.) The provision under the heading "AGREEMENT OR ANY MEMORANDUM OF AN AGREEMENT" is repealed, and the following provision is inserted in lieu thereof :—

AGREEMENT or any MEMORANDUM of an AGREEMENT under hand only, and not otherwise specifically charged with any duty, whether the same be only evidence of a contract or obligatory upon the parties from its being a written instrument—

	£	s.	d.
For value, for every £20 and also for every fractional part of £20	0	0	6
(But not to exceed 5s. on any such instrument)			
In any other case	0	2	6

Exemptions.

- (1) Agreement or Memorandum the matter whereof is not of the value of £5.
- (2) Agreement made between the Government and parties tendering for the performance of work and labour or the supply of materials used by the Government.
- (3) Agreement, whether under hand only or by deed, made in pursuance of **"The Workers' Compensation Act of 1916"* or any Act amending or in substitution for that Act.
- (4) Agreement made by any person and his employer with respect to his employment or the terms of his employment or otherwise for any purpose under any Wages Act in force or

* 6 Geo. V. No. 35 and 7 Geo. V. No. 26, *infra*, Appendix E, page 8745.

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hereafter to be enacted, where the wages or salary payable under such agreement, if received for a year, would not exceed four hundred pounds.

- (5) Guarantees given in connection with shipping documents for oversea goods only, during the term of the present War and for six months thereafter; and on satisfactory proof being produced to the Commissioner that the delay was caused through War conditions.
- (6) An order for the supply of goods, wares, or merchandise (not being live stock) which is not in itself a binding agreement, and whether or not such order is followed by a formal acknowledgment thereof in writing or compliance therewith.
- (7) Correspondence in the ordinary course of business relating to advances which is followed by a duly stamped security.

(2.) The provisions under the heading "APPRENTICESHIP" and Articles of Clerkship are repealed, and the following provision is inserted in lieu thereof:—

APPRENTICESHIP, instrument of—	£	s.	d.
To learn a profession	0	2	6
Assignment thereof	0	2	6
To learn a trade	0	1	0
Assignment thereof	0	1	0

(3.) The "Exemption" under the heading "BILL OF LADING" is repealed.

(4.) The provisions under the heading "BOND" are repealed, and the following provisions are inserted in lieu thereof:—

BOND given as security for the due execution of an office and for the accounting for money received by virtue thereof where the amount secured exclusive of penalty exceeds £200

} *Ad valorem* duty as in the case of mortgage, bond, debenture, and covenant.

BOND, COVENANT, or INSTRUMENT of any kind whatsoever—

- 1. Being the only or principal or primary security for any annuity (except upon the original creation thereof by way of sale or security, and except a superannuation annuity) or for any sum or sums of money at stated periods, not being interest for any principal sum secured by a duly stamped instrument, nor rent reserved by a lease or tack—

For a definite and certain period, so that the total amount to be ultimately payable can be ascertained	}	The same <i>ad valorem</i> duty as a mortgage, bond, debenture, and covenant for such total sum.	£	s.	d.
For the term of life or any other indefinite period	}		0	5	0
For every £5 and also for every fractional part of £5 of the annuity or sum periodically payable	}				

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2. Being a grant or contract for payment of a superannuation annuity, that is to say, a deferred life annuity granted or secured to any person in consideration of annual premiums payable until he attains a specified age, and so as to commence on his attaining that age—

For every £5 and also for every fractional part of £5 of the annuity 0 1 0

3. Being a collateral or auxiliary or additional or substituted security for any of the above-mentioned purposes, where the principal or primary instrument is duly stamped
-) The same duty as a mortgage, bond, debenture, and covenant of the same kind.

BOND or recognisance of any kind whatever not otherwise charged nor expressly exempted from all stamp duty 0 10 0

Exemptions.

Bond given by the parent or friends of any lunatic for the maintenance of such lunatic in any asylum for the relief or cure of lunacy.

Bond given by any person on obtaining letters of administration.

Renewal of any such bond by reason of the death or insolvency of the sureties, or either of them, or otherwise.

(5.) All provisions under the headings from “CHARTER PARTY” to “POLICIES OF INSURANCE,” both inclusive, are repealed, and the following provisions are inserted in lieu thereof:—

CHARTER PARTY—	£ s. d.
When the Charter does not exceed £20	0 10 0
When it exceeds £20 and does not exceed £100	0 15 0
When it exceeds £100	1 0 0

CONVEYANCE OR TRANSFER—

1. Of any stock or marketable security—

For every £10 and also for any fractional part of £10 of the then value of the stock or marketable security transferred 0 0 6

2. Of stock or marketable security made for the purpose of carrying into effect the bequests under a will, or distribution in intestacy, or of a settlement in respect of which *ad valorem* duty has already been paid under such settlement—

For every £10 and also for any fractional part of £10 of the then value thereof 0 0 6

But such duty shall not exceed 10s.

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3. On sale of any property (except stock or marketable security as aforesaid)—	£	s.	d.
Where the amount or value of the consideration for the sale does not exceed £50	0	7	6
Exceeds £50 and does not exceed £100	0	15	0
Exceeds £100—for every £100 and also for any fractional part of £100 of such amount or value ..	0	15	0
4. By way of exchange, gift, or partition of any property (except stock or marketable security as aforesaid)—			
The same duty on the value of such property and any amount paid or other consideration given for equality as on the amount or value of the consideration for a conveyance or transfer on sale.			
5. By way of security, of any property or of any security.			See mortgage, &c.
6. Of any kind not hereinbefore described	0	10	0

Exemptions.

- All conveyances or transfers of lands to the Government for public purposes.
- Any grant from the Crown under the hand of the Governor of Queensland for the time being to any purchaser of Crown land in Queensland.
- Transfer under the Mining Acts of a claim or share in a claim where the consideration paid does not exceed £50.
- Transfer of a pastoral holding (not being a preferential pastoral holding) from the mortgagee to the mortgagor having the effect of a release of the mortgage.

DECLARATION OF TRUST—

1. Any instrument declaring that property vested in any person as the apparent purchaser thereof is held by him in trust for the person or persons who have actually paid the purchase money therefor	0	10	0
2. Any instrument declaring that the property vested in the person executing the same is or shall be held in trust for the person or persons mentioned therein—			

Upon the amount or value thereof .. { The same duty as on conveyance on sale.

DEED of any kind whatsoever not described in this Schedule 0 10 0

DEPOSIT of title-deeds. See mortgage, &c.

LEASE or AGREEMENT for a LEASE or any written document for the tenancy or occupancy of any lands, tenements, or hereditaments, the following duties in respect of the rent at the rate per annum :—			
Where the rent does not exceed £50	0	2	6
Where the rent exceeds £50 and does not exceed £100	0	5	0
Above £100, for every £100 and also for every fractional part of £100	0	5	0

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Exemption.

Leases from the Crown under Land Acts.*

LEASE of any lands, tenements, or hereditaments granted for a consideration and also for a yearly rent

} Both conveyance on sale duty on the consideration paid for the lease, license, and moveable chattels included in the transaction and lease duty.

LEASE of any kind not hereinbefore described £ s. d.
 0 10 0

For every transfer or cancellation of any lease (other than a transfer of any run or station held under lease or license from the Crown, or of any interest therein), one-half the amount of lease duty originally paid, and conveyance duty on the consideration paid for the lease, license, and moveable chattels included in the transaction.

See mortgage, &c.

MORTGAGE of stock or marketable security, under hand only.

MORTGAGE, BOND, DEBENTURE, and COVENANT—

1. Being the only or principal or primary security for the payment or repayment of money—
 - Not exceeding £50 0 2 6
 - For every additional £50 and also for any fractional part of £50 0 2 6
2. Transfer or assignment of any mortgage, bond, debenture, or covenant, or of any money or stock secured by any such instrument—
 - For every £50 and also for any fractional part of £50 of the amount transferred or assigned, exclusive of interest which is not in arrear 0 1 3
 - And also where any further money is added to the money already secured

} The same duty as a principal security for such further money.
3. Being a collateral, or auxiliary, or additional, or substituted security, or by way of further assurance for the above-mentioned purposes, where the principal or primary security is duly stamped 0 2 6
4. Reconveyance, release, or discharge of any such security as aforesaid, or of the benefit thereof, or of the money thereby secured 0 2 6

POLICIES OF LIFE INSURANCE—

When the sum insured exceeds £50 but does not exceed £100 0 1 0

Exceeds £100 but does not exceed £1,000, for every full sum of £100 and also for every fractional part of £100 of the amount insured 0 1 0

* See *infra*, Appendix F, page 8775.

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	£	s.	d.
Exceeds £1,000—For the first £1,000 thereof at the rate prescribed for a policy not exceeding £1,000, and for every £100 or fractional part thereof exceeding £1,000	0	2	0
POLICIES OF INSURANCE (other than Policies of Life Assurance and Workers' Compensation Policies issued under * <i>"The Workers' Compensation Act of 1916,"</i> or any Act amending or in substitution for that Act)—			
Upon any policy or instrument of guarantee or indemnity against loss or damage by fire or other casualty to any property on land—			
For every £100 or fractional part of £100 insured for any period exceeding six months	0	1	0
For every £100 or fractional part of £100 insured for any period not exceeding six months	0	0	6
Upon any time policy, or instrument of guarantee, or indemnity whereby any insurance is made upon any ship or vessel or upon any goods, merchandise, or other property on board of any ship or vessel, or upon the freight thereof for any period or voyage, for every £100 or every fractional part of £100			
	0	0	3
Upon any policy of insurance on wool, tallow, skins, meats, or sugar to be carried both on sea and land, for every £100 or fractional part of £100			
	0	0	3
Upon any policy or instrument of guarantee or indemnity against accident or fidelity or want of honesty, for every £100 or any fractional part of £100			
	0	1	0
Upon all other policies, for every £100 or fractional part of £100			
	0	1	0

Exemptions.

Life policies issued under the Act 29 Vic. No. 18.

Life policies not exceeding £50.

Policies effected and expressed to be effected by way of reinsurance.

Cover notes and interim receipts issued pending inspection and acceptance of any risk or issue of policy. This exemption extends to policy duty only.

NOTE.—The duty upon a policy of insurance other than life insurance may be denoted by an adhesive stamp, such adhesive stamp to be cancelled by the person issuing such instrument.

POWER or LETTER of ATTORNEY or other instrument in the nature of—

Any kind whatsoever not otherwise specifically provided for or any duplicate thereof 0 10 0

* 6 Geo. V. No. 35 and 7 Geo. V. No. 26, *infra*, Appendix E, page 8745.

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Exemptions.

An appointment in writing, by an applicant for a selection under **The Land Act of 1910*," or any Act amending or in substitution for that Act, of an agent to act for such applicant in connection with such application.

An appointment in writing for the sole purpose of appointing or authorising a proxy to vote at any one meeting at which votes may be given by proxy.

(6.) The provision under the heading "RECEIPT," except the exemptions thereto, is repealed, and the following provision is inserted in lieu thereof:—

RECEIPT—Given for or on the payment of money—	£	s.	d.
Amounting to £2 or upwards, but not exceeding £5	0	0	1
Exceeding £5 or upwards, but not exceeding £50 ..	0	0	2
Exceeding £50 or upwards, but not exceeding £100	0	0	3
Exceeding £100. For every £100 or fractional part thereof	0	0	3

In the exemptions under the said heading "RECEIPT," after the word "stamped" in the 2nd exemption, the words "with *ad valorem* duty" are inserted; and after the word "Receipt" in the 3rd exemption, the words "or acknowledgment" are inserted; and after the words "accounted for," the following proviso is inserted:—

"Provided that this exemption shall not extend to acknowledgments for any sum carried to the credit of any depositor or shareholder in any bank on any division of profits made by such bank, or for or in respect of any dividend from any bank or joint stock or other company on the same being deposited by any person to the credit of any other person in any bank, or for or in respect of any sum paid to the credit of any person in any bank for rent or interest by any other person, or for or in respect of any sum deposited, the receipt for which would be liable to duty if such sum were paid directly by any person to any other person."

The following further provisions are added to the said exemptions:—

Any cash sale docket—that is to say, a document issued or tendered to a purchaser of goods for cash paid over the counter by a salesman in any retail establishment immediately on the occasion of such purchase denoting the description of the goods purchased and the retail price thereof or amount then paid in cash therefor, but does not acknowledge the receipt of the money.

* 1 Geo. V. No. 15, *infra*, Appendix F, page 8775.

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Duplicate receipt or additional receipt given after the original has been duly stamped and bearing the words across such receipt "original duly stamped" or "original stamped."

Receipts given for contributions to charitable institutions (r religious bodies or for gifts of charity by any such institution or body.

Receipts given for wages or salary where the total sum of such wages or salary, if received for a year, would not exceed £400—any Act to the contrary notwithstanding.

(7.) All provisions under the headings "SETTLEMENT" and "TRANSFER" are repealed, and the following provisions are inserted in lieu thereof:—

SETTLEMENT, DEED OF GIFT, OR VOLUNTARY CONVEYANCE (not being the appointment merely of a new trustee) of any property containing any trust, or any DECLARATION OF TRUST having the effect of such settlement, deed, or conveyance, *ad valorem* duty as hereunder on the amount or value of such property:

Amount or Value.	Rate per Centum of Duty.
Not exceeding £1,000	½
Exceeding £1,000 but not exceeding £2,000 ..	1
Exceeding £2,000 but not exceeding £3,000 ..	1½
Exceeding £3,000 but not exceeding £4,000 ..	2
Exceeding £4,000 but not exceeding £5,000 ..	2½
Exceeding £5,000 but not exceeding £6,000 ..	3
Exceeding £6,000 but not exceeding £7,000 ..	3½
Exceeding £7,000 but not exceeding £8,000 ..	4
Exceeding £8,000 but not exceeding £9,000 ..	4½
Exceeding £9,000	5

39. In section two hundred and forty-nine of **The Local Authorities Act of 1902* as amended by section twenty-three of †*The Local Authorities Acts Amendment Act of 1912*, the words "or for stamp duty" are repealed. Saving of sequential amendment.

40. Nothing in this Act contained shall be construed to repeal or affect prejudicially the provisions of sub-section three of section twenty-four of ‡*The Queensland Government Savings Bank Act of 1916*. Saving of 7 Geo. V. No. 17, s. 24 (3).

STATE ENTERPRISES.

See TRADE.

* 2 Edw. VII. No. 19, *supra*, page 1860.

† 3 Geo. V. No. 16, *supra*, page 5653.

‡ 7 Geo. V. No. 17, *supra*, page 7406.