



*Duties Act 2001*

# **Duties Regulation 2013**

**Current as at 1 September 2013**

## Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, for this reprint, gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at [www.legislation.qld.gov.au/Leg\\_Info/information.htm](http://www.legislation.qld.gov.au/Leg_Info/information.htm).
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



Queensland

# Duties Regulation 2013

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# Duties Regulation 2013

[reprinted as in force on 1 September 2013]

## 1 Short title

This regulation may be cited as the *Duties Regulation 2013*.

## 2 Commencement

- (1) This regulation, other than section 9(c), commences on 1 September 2013.
- (2) Section 9(c) is taken to have commenced on 22 March 2010.

## 3 Definitions

The dictionary in schedule 5 defines particular words used in this regulation.

## 4 Declared public unit trust—Act, s 79

- (1) The following unit trusts are public unit trusts for chapter 2, part 8, division 7, of the Act—
  - (a) a unit trust mentioned in schedule 1, part 1;
  - (b) a unit trust mentioned in schedule 1, part 2, if the conditions in subsection (2) are satisfied for the trust.
- (2) For subsection (1)(b), the conditions are—
  - (a) the trust is established and continues for the direct or indirect investment of funds of investors approved by the Treasurer; and
  - (b) the trust—
    - (i) is not established or managed for a particular investor mentioned in paragraph (a); or

[s 5]

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- (ii) if the trust is established or managed for a particular investor mentioned in paragraph (a)—has been approved by the Treasurer as eligible to be declared as a public unit trust; and
  - (c) the Queensland Investment Corporation, or a company wholly owned by the corporation, is the trustee for the trust.
- (3) However, the Treasurer may approve a trust under subsection (2)(b)(ii) only if the Treasurer is satisfied the investor for whom the trust is established or managed has a sufficient connection with the State.

## 5 Apportionment of premiums—Act, s 366

- (1) For chapter 8, part 4, division 1 of the Act, a premium for insurance must be apportioned—
  - (a) for a class of insurance stated in schedule 2, column 1—in the way stated opposite the class in column 2; and
  - (b) for a banker’s blanket policy—by apportioning each class of insurance covered by the policy in the way the class is apportioned under paragraph (a); and
  - (c) for an umbrella excess of loss policy—in the way the predominating class of insurance covered by the policy is apportioned under paragraph (a).
- (2) In a provision in schedule 2, unless a contrary intention appears in the provision, a reference to a person or thing is a reference to the person or thing covered by the insurance.
- (3) In this section—

*predominating class of insurance* means the class of insurance that attracts the highest net premium.

## 6 Duty payable on travel insurance

Duty is payable on 10% of the premium received, for a travel policy mentioned in schedule 2, item 43(a), for travel outbound from Australia, including baggage.

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**7 Fee for instrument lodged on which duty is not imposed**

The fee prescribed for section 495(3) of the Act is \$34.15.

**8 Activities for prescribed business**

An activity, or a combination of any 2 or more activities, stated in schedule 3 is prescribed for the Act, schedule 6, definition *prescribed business*.

**9 Recognised stock exchange**

Each of the following stock exchanges are prescribed for the Act, schedule 6, definition *recognised stock exchange*, paragraph (b)—

- (a) the Australia Pacific Exchange Limited, ACN 080 399 220;
- (b) the National Stock Exchange of Australia Ltd, ACN 000 902 063;
- (c) the New Zealand Exchange Limited;
- (d) a stock exchange that is a member of the World Federation of Exchanges.

**10 Fee payable for administrative function**

The fee payable to the commissioner for an administrative function mentioned in schedule 4 is the amount stated in the schedule opposite the function.

## **Schedule 1      Declared public unit trusts**

section 4

### **Part 1                      Unit trusts existing before 22 July 1994**

- 1 A unit trust that existed before 22 July 1994 for which the Queensland Investment Corporation is the trustee

### **Part 2                      Unit trusts created on or after 22 July 1994**

- 1 QIC Australian Credit Fund
- 2 QIC Australian Equities Fund No. 2
- 3 QIC Australian Venture Capital Fund
- 4 QIC Cash Enhanced Fund
- 5 QIC Emerging Equity Markets Fund
- 6 QIC General Fund No. 1
- 7 QIC General Fund No. 2
- 8 QIC Growth Fund
- 9 QIC Growth Fund No. 2
- 10 QIC High Growth Fund
- 11 QIC Hi-Yield Trust
- 12 QIC Implemented Australian Equities Fund
- 13 QIC Implemented Australian Equities Fund No. 2
- 14 QIC Industrial Equities Fund
- 15 QIC International Equities Fund No. 2



- 16 QIC Office Property Fund
- 17 QIC Premium Equities Fund
- 18 QIC Resources Equities Fund
- 19 QIC Retail (No. 2) Fund
- 20 QIC Small Companies Fund
- 21 QIC Special Purpose Trust No. 1
- 22 QIC Special Purpose Trust No. 2
- 23 QIC Stable Fund
- 24 Queensland BioCapital Fund
- 25 Queensland Investment Trust No. 1

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## Schedule 2      Apportionment of premiums

section 5

<b>Class of insurance</b>	<b>Way apportioned</b>
1      Aviation non-ownership liability	State in which the insured person resides
2      Aviation hull, aviation hull third party property liability and aviation hull personal liability—	
(a) high capacity regular public transport aircraft. . . . .	Number of take-offs and landings in the previous year in each State for all aircraft covered by the policy (whether operated by the insured person or by a subsidiary)
(b) another aircraft. . . . .	State in which the aircraft is usually located or stored in a hangar (whether operated by the insured person or by a subsidiary)
3      Bloodstock. . . . .	State in which the bloodstock is usually located
4      Boiler explosion. . . . .	Value of property or sum insured or exposure level for each State
5      Burglary. . . . .	Value of property or sum insured or exposure level for each State

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Class of insurance	Way apportioned
6 Business interruption . . . . .	Reasonably estimated profit revenue, fees, rent or other business measurement factor for each State
7 Care, custody and control of bloodstock . . . . .	State in which the bloodstock is usually located
8 Cash in transit . . . . .	Number of premises or value of property or sum insured or exposure level for each State
9 Company reimbursement . . . . .	Estimated salaries and wages or number of persons working in each State
10 Comprehensive crime policy . . .	Estimated salaries and wages or number of persons working in each State
11 Contract works . . . . .	Value of property or sum insured or exposure level for each State
12 Contractors risk . . . . .	Value of property or sum insured or exposure level for each State
13 Crop . . . . .	Value of property or sum insured or exposure level for each State

Schedule 2

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<b>Class of insurance</b>	<b>Way apportioned</b>
14 Deterioration of stock. . . . .	Value of property or sum insured or exposure level for each State
15 Directors and officers. . . . .	Estimated turnover, sales or number of persons working in each State
16 Disability—	
(a) individual . . . . .	State in which the business is registered or State in which the insured person resides
(b) group . . . . .	State in which the business is registered or State in which the insured person resides
17 Fidelity guarantee. . . . .	Estimated salaries and wages or number of persons working in each State
18 Fire . . . . .	Value of property or sum insured or exposure level for each State
19 General property . . . . .	Value of property or sum insured or exposure level for each State
20 Home building and contents . . .	Value of property or sum insured or exposure level for each State

Class of insurance	Way apportioned
21 Industrial special risk—	
(a) property . . . . .	Value of property or sum insured or exposure level for each State
(b) consequential loss . . . . .	Reasonably estimated profit revenue, fees, rent or other business measurement factor for each State
22 Legal expense insurance . . . . .	Estimated salaries and wages or number of persons working in each State
23 Livestock . . . . .	State in which the livestock is usually located
24 Loss of profits . . . . .	Reasonably estimated profit revenue, fees, rent or other business measurement factor for each State
25 Machinery breakdown (including computers and engineering). . . . .	Value of property or sum insured or limit of liability declared for each State
26 Marine—	
(a) builders risk . . . . .	Value of property or sum insured or exposure level for each State
(b) carriers legal liability, charterers liability and hull liability for coastal and international shipping. . . . .	State which is the predominant location of the vessel

<b>Class of insurance</b>	<b>Way apportioned</b>
(c) private pleasure craft . . . . .	State in which the vessel is registered or State in which the insured person resides
27 Medical indemnity . . . . .	Subscriptions paid in each State
28 Money . . . . .	Number of premises or value of property or sum insured or exposure level for each State
29 Mortgage insurance—	
(a) if security consists of 2 or more properties located in different States . . . . .	Value of property located in each State
(b) otherwise . . . . .	State in which the property is usually located
30 Motor vehicle, including extended warranty insurance—	
(a) commercial motor vehicle . . . . .	State in which vehicle is registered or taken to be registered
(b) private use motor vehicle . . . . .	State in which vehicle is usually located or stored in a garage
(c) federal interstate motor vehicle . . . . .	State in which vehicle is registered or taken to be registered
(d) unregistered motor vehicle . . . . .	State in which vehicle is usually located or stored in a garage

Class of insurance	Way apportioned
31 Non-appearance—entertainment industry .....	Ticket sales in each State
32 Occupational—professional indemnity .....	Estimated salaries and wages or number of persons working in each State or reasonably estimated profit revenue, fees or rent for each State
33 Personal accident and illness—	
(a) individual .....	State in which the business is registered or State in which the insured person resides
(b) group .....	State in which the business is registered or State in which the insured person resides
34 Personal liability—	
(a) individual .....	State in which the insured person resides
(b) business .....	State in which the business is registered
35 Personal property .....	Value of property or sum insured or exposure level for each State
36 Pluvius .....	Value of property or sum insured or exposure level for each State

Class of insurance	Way apportioned
37 Public liability, product liability or broadform . . . . .	Estimated salaries and wages, number of persons working in each State, turnover or sales, floor area units, number of premises or rent for each State
38 Railway property or public liability . . . . .	Number of kilometres travelled by the rolling stock in each State in the 12-month period immediately before the insurance policy's inception or renewal
39 Sprinkler leakage . . . . .	Value of property or sum insured or exposure level for each State
40 Strata unit . . . . .	Value of property or sum insured or exposure level for each State
41 Title insurance . . . . .	State in which the property is located
42 Trade credit policies . . . . .	Estimated turnover or sales in each State
43 Travel— (a) outbound from Australia, including baggage— (i) individual . . . . .	State in which the insured person resides



<b>Class of insurance</b>	<b>Way apportioned</b>
(ii) business.....	State in which the business is registered
(b) within Australia—	
(i) individual .....	State in which the insured person resides
(ii) business.....	State in which the business is registered

## **Schedule 3      Activities for prescribed business**

section 8

- 1 Excavating and earthmoving
- 2 Framing pictures
- 3 Gunsmithing
- 4 Locksmithing
- 5 Manufacturing, processing and packaging
- 6 Operating any of the following—
  - (a) a beauty salon or barber shop;
  - (b) a bus service;
  - (c) a cinema;
  - (d) a crematorium;
  - (e) an engineering workshop;
  - (f) a laundry or laundrette;
  - (g) a newsagency, travel agency or real estate agency;
  - (h) a repair and service workshop;
  - (i) a rental business;
  - (j) a restaurant or cafe;
  - (k) a service station;
  - (l) a sports complex or gymnasium;
  - (m) a warehouse or bulk storage complex
- 7 Operating as an undertaker or funeral director
- 8 Printing and publishing
- 9 Repairing boots and shoes

- 10 Retailing and wholesaling, whether or not involving repairing or installing goods sold
- 11 Upholstering

## **Schedule 4      Fee payable for administrative function**

section 10

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Returning, by post, an instrument or statement lodged for assessment—	
(a) first instrument or statement .....	4.50
(b) each additional instrument or statement, including a copy .....	1.40

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## Schedule 5 Dictionary

### section 3

***exposure level*** means the maximum possible monetary risk to the insurer if the insurer agrees to indemnify an insured person under an insurance contract.

***federal interstate motor vehicle*** means a motor vehicle registered under the *Interstate Road Transport Act 1985* (Cwlth).

***high capacity regular public transport aircraft***, for schedule 2, item 2(a), means an aircraft employed in regular public transport operations under the *Civil Aviation Regulations 1988* (Cwlth), whose certificate of type approval under those regulations permits the aircraft to have—

- (a) a maximum seating capacity of more than 38 seats; or
- (b) a capacity to carry a maximum payload of more than 4200kg.

***limit of liability declared*** means the maximum amount, mentioned in an insurance contract, payable to an insured person under the insurance contract.

***predominant location***, for a vessel mentioned in schedule 2, item 26(b), means—

- (a) if the insured person has disclosed to the insurer that the vessel will operate from its port of registration for the insurance year—the port of registration for that insurance year; or
- (b) if the insured person has disclosed to the insurer that the vessel will operate from more than 1 port during the insurance year—the port from which it will operate for most of that insurance year; or
- (c) if the insured person has disclosed to the insurer that the vessel will operate from more than 1 port during the insurance year but no port can be identified as the port from which the vessel will operate for most of the

insurance year—the vessel's port of registration for that insurance year.

# Endnotes

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## 2 Date to which amendments incorporated

This is the reprint date mentioned in the *Reprints Act 1992*, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the *Duties Regulation 2013* may be made in accordance with this reprint under the *Reprints Act 1992*, section 49.

## 3 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Current as at	Amendments included	Notes
22 March 2010	none	s 9(c) commenced
1 September 2013	none	remaining provs commenced

## 5 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note.

### **Duties Regulation 2013 SL No. 156**

made by the Governor in Council on 15 August 2013

notfd gaz 16 August 2013 pp 1002–3

ss 1–2 commenced on date of notification

s 9(c) commenced 22 March 2010 (see s 2(2))

remaining provisions commenced 1 September 2013 (see s 2(1))

[exp 1 September 2023](#) (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.