



ANNO TRICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1982

No. 15 of 1982

An Act to amend the Stamp Duties Act, 1923-1981.

[Assented to 11 March 1982]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Stamp Duties Act Amendment Act, 1982".

(2) The Stamp Duties Act, 1923-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Stamp Duties Act, 1923-1982".

**Commence-
ment.**

2. This Act shall come into operation on a day to be fixed by proclamation.

**Insertion of
new s. 31L**

**Registered
person not
to add duty
to amount
payable in
respect of
credit
business.**

3. The following section is inserted after section 31k of the principal Act:

31L. (1) Except as provided in this section, a registered person or any person acting on his behalf shall not add the amount of any duty or of any part of the duty payable by the registered person as such under this Act to any amount payable by any other person with whom he has entered into or is conducting any credit business or rental business, whether by agreement or otherwise, or otherwise demand or recover or seek to recover any such firstmentioned amount from that other person.

Penalty: Two hundred dollars.

(2) In the event of a contravention of subsection (1) of this section—

(a) the court by which the defendant is convicted shall, in addition to imposing a penalty for the offence, order the defendant to refund to the other person referred to in that subsection any such amount which has been paid by that other person;

or

- (b) the other person referred to in that subsection may recover any such amount from the registered person or person to whom he paid it by action in a court of competent jurisdiction as if it were a debt due to him from that person.

(3) Where the amount of any loan has been included in a statement lodged with the Commissioner pursuant to section 31f and the loan is repaid prior to the date agreed upon, the stamp duty paid on the statement may be apportioned upon such basis as is agreed between the lender and the borrower and, in the absence of agreement, the borrower shall pay to the lender such proportion of the stamp duty as bears to the total stamp duty paid the same proportion as the amount of the rebate of interest received by the borrower as a result of the early termination of the contract bears to the total amount of the interest provided in the contract.

(4) This section applies to duty payable by virtue of a transaction entered into after the commencement of the Stamp Duties Act Amendment Act, 1982, not being a transaction of a class specified by proclamation under subsection (5).

(5) The Governor may—

- (a) by proclamation specify a class of transactions for the purposes of subsection (4);
- (b) by further proclamation, vary or revoke a proclamation under paragraph (a).

4. The following section is inserted after section 31o of the principal Act:

Insertion
of new s. 31p.

31p. (1) Except as provided in this section, a vendor of any goods or other person acting on his behalf shall not add the amount of any duty or of any part of the duty payable by the vendor as such under this Act to any amount payable by the purchaser of the goods, whether by agreement or otherwise, or otherwise demand or recover or seek to recover any such amount from the purchaser.

Vendor not
to add
duty to
purchase
price.

Penalty: Two hundred dollars.

(2) In the event of a contravention of subsection (1)—

- (a) the court by which the defendant is convicted shall, in addition to imposing a penalty for the offence, order the defendant to refund to the purchaser any such amount which has been paid by the purchaser;

or

- (b) the purchaser may recover any such amount from the vendor or person to whom he paid it by action in a court of competent jurisdiction as if it were a debt due to him from that vendor or person.

(3) Where a purchaser under an instalment purchase agreement completes the purchase or terminates the bailment of the goods before the last day on which the last instalment is payable under the agreement, the stamp duty paid on the agreement may be apportioned between the vendor and the purchaser on such basis as may be agreed between the vendor and purchaser but, in the absence of such agreement, the purchaser shall pay to the vendor such proportion of the stamp duty as

bears to the total stamp duty paid on the instrument constituting or evidencing the agreement the same proportion as the amount of the rebate of interest, insurance and other charges received by the borrower as a result of the early termination of the agreement bears to the total amount of the interest, insurance and other charges provided in the agreement.

(4) This section applies to duty payable by virtue of a transaction entered into after the commencement of the Stamp Duties Act Amendment Act, 1982, not being a transaction of a class specified by proclamation under subsection (5).

(5) The Governor may—

(a) by proclamation specify a class of transactions for the purposes of subsection (4);

(b) by further proclamation, vary or revoke a proclamation under paragraph (a).

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor