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Stamp Act 1921

## **Stamp Regulations 2003**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Stamp Regulations 2003*.

**2. Commencement**

These regulations come into operation on the day on which the *Stamp Amendment Act 2003* comes into operation.

**3. Stamp Regulations 1979 repealed**

The *Stamp Regulations 1979* are repealed.

**4. Interpretation**

In these regulations —

“**section**” means section of the Act;

“**Third Schedule**” means the Third Schedule to the Act.

**5. Recognized financial markets (s. 4(1))**

For the purposes of the definition of “recognized financial market” in section 4(1), the following financial markets are prescribed —

- (a) Australian Stock Exchange Limited;
- (b) Stock Exchange of Newcastle Limited;
- (c) any stock exchange that is a member of the Federation Internationale des Bourses de Valeurs (FIBV).

**6. Manner of endorsement (s. 17C)**

- (1) The endorsement of an instrument for the purposes of section 17C is to be effected by the notation on the instrument of sufficient information to indicate —
  - (a) which of the events referred to in section 17C(1) has occurred;
  - (b) where duty, penalty tax or any other amount has been paid in relation to the instrument, the amount so paid; and
  - (c) that the endorsement is made by, or on behalf of, the Commissioner.
- (2) An endorsement may include any other information the Commissioner considers appropriate.

**7. Business licences (s. 31B)**

For the purposes of section 31B, the following kinds of business licences are prescribed —

- (a) authorisations and entitlements under the *Fish Resources Management Act 1994*;
- (b) pearling licences, hatchery licences and quotas under the *Pearling Act 1990*;
- (c) taxi plates under the *Taxi Act 1994*;
- (d) licences under the *Liquor Licensing Act 1988*;

- (e) licences under the *Marketing of Eggs Act 1945*, Part IVA;
- (f) commercial radio broadcasting licences and commercial television broadcasting licences under the *Broadcasting Services Act 1992* of the Commonwealth;
- (g) subscription based broadcasting licences under Part 7 of the *Broadcasting Services Act 1992* of the Commonwealth.

**8. Transactions exempt from s. 31B (s. 31B(3))**

- (1) The following class of transactions is exempt from the operation of section 31B(1) and (2) — all transactions referred to in section 31B(1)(c) that would not be chargeable with duty if section 31B did not exist, other than personal loans made by financial institutions.
- (2) In this regulation —
  - “**credit**” is provided if under a contract —
    - (a) payment of a debt owed by one person (the debtor) to another (the credit provider) is deferred; or
    - (b) one person (the debtor) incurs a deferred debt to another (the credit provider);

“**financial institution**” means bank, building society, credit union, finance company or life insurance company carrying on the business of lending money to members of the public by way of personal loans;

“**personal loan**” means credit (other than credit secured by a mortgage, charge or otherwise by property or the deposit of title deeds) provided under a contract that —

- (a) does not involve the provision of credit by way of overdraft;
- (b) is not a short term money market dealing; and
- (c) is not a contract under which —
  - (i) multiple advances of credit are contemplated; and
  - (ii) the amount of available credit ordinarily increases as the amount of credit is reduced.

**9. Instruments of security — laws of other States (s. 84(2c))**

For the purposes of section 84(2c) the following provisions of laws of other States are prescribed —

- (a) for New South Wales, the *Duties Act 1997*, section 225;
- (b) for Victoria, the *Duties Act 2000*, section 171.

**10. Policies of insurance — exemptions (Third Schedule, item 8(4))**

- (1) For the purposes of the Third Schedule, item 8(4) the following classes of policies of insurance are prescribed —
- (a) policies of insurance issued by registered organisations in the course of their health insurance business;
  - (b) policies of insurance under the Defence Service Homes Insurance Scheme.
- (2) In this regulation —
- “**Defence Service Homes Insurance Scheme**” has the meaning given in section 38 of the *Defence Service Homes Act 1918* of the Commonwealth;
- “**health insurance business**” has the meaning given in section 67 of the *National Health Act 1953* of the Commonwealth;
- “**registered organisation**” has the meaning given in section 4 of the *National Health Act 1953* of the Commonwealth.

**11. Vehicle licences — exemptions (Third Schedule, item 9(3))**

For the purposes of the Third Schedule, item 9(3) the following classes of vehicles, class of persons and purpose are prescribed —

- (a) tractor plants and tractors (other than prime mover types), as described in the First Schedule to the *Road Traffic Act 1974*;
- (b) persons who own a vehicle the vehicle licence fee for which is reduced under regulation 21M of the *Road Traffic (Licensing) Regulations 1975*;
- (c) the uses of the vehicle described in that regulation 21M.

**12. Rental business — duties of registered persons (Part IVB)**

- (1) A registered person to whom a certificate of registration has been issued under section 112J(3a) must —
- (a) keep the certificate at the address in respect of which it was issued; and
  - (b) make the certificate available for inspection by a person seeking to engage in rental business with the registered person and answer all reasonable enquires made by that person.
- (2) Terms used in this regulation have the same meanings as they have in Part IVB of the Act.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.