

**STAMP DUTIES (AMENDMENT) ACT.**

**New South Wales**



**ANNO VICESIMO SECUNDO**

**ELIZABETHÆ II REGINÆ**

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**Act No. 79, 1973.**

An Act to make further provisions with respect to exemptions from, and concessional rates applicable to, death duties; to make provisions with respect to the reduction of death duty upon estates of certain persons; for these purposes to amend the Stamp Duties Act, 1920; and for purposes connected therewith. [Assented to, 20th December, 1973.]

**BE**

*Stamp Duties (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by **No. 79, 1973** and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Stamp Duties Short title. (Amendment) Act, 1973".

2. The Stamp Duties Act, 1920, is amended—

Amendment  
of Act No.  
47, 1920.

(a) by inserting at the end of section 101D (4) (c) the following new subparagraph:—

Sec. 101D.  
(Death duty  
—local  
domicile—  
estates of  
certain  
persons.)

(viii) This paragraph shall, in the case of every person who dies after the commencement of the Stamp Duties (Amendment) Act, 1973, whether in New South Wales or elsewhere and who was at the date of his death domiciled in New South Wales, be read and construed as if—

(a) the words "one thousand pounds" and "two thousand five hundred pounds" wherever occurring in subparagraphs (i) and (ii) of this paragraph were omitted therefrom and the words "two thousand dollars" and "the prescribed amount" were respectively inserted instead;

(b) (i) in subparagraph (i) of this paragraph there were inserted after the words "twenty-one years" the words "or were wholly dependent adult children, or to the wholly dependent

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dependent widower father or the wholly dependent widowed mother”;

(ii) in the same subparagraph there were inserted after the words “such child” the words “or wholly dependent widower father or wholly dependent widowed mother”;

(iii) in subparagraph (ii) of this paragraph there were inserted after the words “twenty-one years” the words “or were wholly dependent adult children, or to the wholly dependent widower father or the wholly dependent widowed mother”; and

(c) subparagraphs (iii), (iv), (v), (vi) and (vii) of this paragraph were omitted therefrom.

(b) by inserting next after section 101D (4) the following new subsection :—

(4A) The reference in paragraph (a) of subparagraph (viii) of paragraph (c) of subsection (4) of this section to the prescribed amount is a reference—

(a) except as provided in paragraph (b) of this subsection, to fifty thousand dollars; or

(b) where the deceased leaves surviving two or more persons, being the widow or widower of the deceased, or a child of the deceased who, at the time of death of the deceased, was under the age of twenty-one years or

**was**

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was a wholly dependent adult child, or the wholly dependent widower father, or the wholly dependent widowed mother, of the deceased, to the aggregate of fifty thousand dollars and the difference between—

- (i) the product obtained by multiplying four thousand dollars by the number of such persons; and
- (ii) four thousand dollars.

(c) by inserting next after section 112C (3E) the following new subsection :—

(3F) This section shall, in the case of every person who dies after the commencement of the Stamp Duties (Amendment) Act, 1973, be read and construed as if—

- (a) the words “seven thousand five hundred pounds” wherever occurring in subsections (1) and (2) of this section were omitted therefrom and the words “sixty-eight thousand dollars” were inserted instead;
- (b) in subsections (1) and (2) of this section there were inserted after the words “twenty-one years” wherever occurring the words “or wholly dependent adult children, or to the wholly dependent widower father or the wholly dependent widowed mother”;
- (c) subsection (3) of this section were omitted therefrom and the following subsections were inserted instead :—

(3) The proportions referred to in subsections (1) and (2) of this section shall be as follows :—

Where the value of that portion of the final balance referred to in subsection (1) of this section or the value of the property passing

No. 79, 1973  
 Sec. 112c.  
 (Abatement  
 in favour of  
 widow, &c.,  
 in certain  
 cases.)

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passing to the persons referred to in subsection (2) of this section does not exceed \$52,000, one-tenth prescribed rate.

Exceeds \$52,000 but does not exceed \$54,000, two-tenths prescribed rate.

Exceeds \$54,000 but does not exceed \$56,000, three-tenths prescribed rate.

Exceeds \$56,000 but does not exceed \$58,000, four-tenths prescribed rate.

Exceeds \$58,000 but does not exceed \$60,000, five-tenths prescribed rate.

Exceeds \$60,000 but does not exceed \$62,000, six-tenths prescribed rate.

Exceeds \$62,000 but does not exceed \$64,000, seven-tenths prescribed rate.

Exceeds \$64,000 but does not exceed \$66,000, eight-tenths prescribed rate.

Exceeds \$66,000 but does not exceed \$68,000, nine-tenths prescribed rate.

(3AA) Notwithstanding the provisions of subsections (1), (2) and (3) of this section, each amount of money specified in those subsections shall, where the deceased leaves surviving two or more persons, being the widow or widower of the deceased, or a child of the deceased who, at the time of the death of the deceased, was under the age of twenty-one years or was a wholly dependent adult child, or the wholly dependent widower father, or the wholly dependent widowed mother, of the deceased, be increased by the difference between—

(a) the product obtained by multiplying four thousand dollars by the number of such persons; and

(b) four thousand dollars; and

(d)

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(d) subsections (3A), (3B), (3C), (3D) and No. 79, 1973  
(3E) of this section were omitted therefrom.

- (d) (i) by omitting from section 112D the word "Where" and by inserting instead the matter "Sec. 112D. (Non-aggregated property—exemption from duty in certain cases.)"  
“(1) Where”;
- (ii) by omitting from section 112D the words “This section” where firstly occurring and by inserting instead the matter “(2) Subsection (1) of this section”;
- (iii) by omitting from section 112D the words “This section” where secondly occurring and by inserting instead the matter “(3) Subsection (1) of this section”;
- (iv) by omitting from section 112D the words “This section” where thirdly occurring and by inserting instead the matter “(4) Subsection (1) of this section”;
- (v) by omitting from section 112D the words “This section” where fourthly occurring and by inserting instead the matter “(5) Subsection (1) of this section”;
- (vi) by omitting from section 112D the words “This section” where fifthly occurring and by inserting instead the matter “(6) Subsection (1) of this section”;
- (vii) by inserting at the end of section 112D the following new subsection :—
- (7) Subsection (1) of this section shall, in the case of every person who dies after the commencement of the Stamp Duties (Amendment) Act, 1973, be read and construed as if—
- (a) the words “seven thousand five hundred pounds” were omitted therefrom and the words “sixty-eight thousand dollars” were inserted instead; and

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(b) the words "or grandchildren" were omitted therefrom and the words "grandchildren, wholly dependent widower father or wholly dependent widowed mother" were inserted instead.

Sec. 112H.  
(Reduction  
of death  
duty—  
rural  
property.)

(e) by inserting next after section 112H (2) the following new subsection :—

(2A) This section shall, in the case of every person who dies after the commencement of the Stamp Duties (Amendment) Act, 1973, be read and construed as if the words "thirty", "twenty-five", "twenty", "fifteen", "ten" and "five" in subsection (2) of this section were omitted therefrom and the words "fifty", "forty-one and two-thirds", "thirty-three and one-third", "twenty-five", "sixteen and two-thirds" and "eight and one-third" were respectively inserted instead.

Sec. 112I.  
(Reduction  
of death  
duty—  
rural  
property  
(non-  
aggre-  
gated).)

(f) by inserting next after section 112I (2) the following new subsection :—

(2A) This section shall, in the case of every person who dies after the commencement of the Stamp Duties (Amendment) Act, 1973, be read and construed as if the words "thirty", "twenty-five", "twenty", "fifteen", "ten" and "five" in subsection (2) of this section were omitted therefrom and the words "fifty", "forty-one and two-thirds", "thirty-three and one-third", "twenty-five", "sixteen and two-thirds" and "eight and one-third" were respectively inserted instead.