

EXPLANATORY MEMORANDUM

STAMP AMENDMENT (TAXING) BILL 2005

The Stamp Amendment (Assessment) Bill 2005 and the Stamp Amendment (Taxing) Bill 2005 seek to amend the *Stamp Act 1921* by rewriting Part III F, which contains provisions relating to the duty payable in respect of policies of insurance, and providing an exemption from insurance duty for that part of an insurance premium that relates to property or risk outside of Australia.

The amendments contained in this Bill are to the Second and Third Schedules of the Stamp Act, and are complementary to the amendments contained in the Stamp Amendment (Assessment) Bill 2005.

Clause 1: Short title

This clause provides that this Act may be cited as the *Stamp Amendment (Taxing) Act 2005*.

Clause 2: Commencement

This clause provides the commencement dates for the Act.

This Act comes into operation on the same day that section 6 of the *Stamp Amendment (Assessment) Act 2005* comes into operation.

Clause 3: The Act amended

This clause provides that the amendments contained in this Act are to the *Stamp Act 1921*.

Clause 4: Second Schedule item 16 replaced

This clause amends the Second Schedule by deleting the current item 16 and inserting a new item 16.

The new item 16 is shown below.

Item	Nature of instrument	Duty payable	Person liable to pay duty
16.	POLICY OF INSURANCE		
	(1) A return under section 94	See section 94A	The insurer
	(2) A statement under section 95A	See section 95A	The person required to lodge the statement

Clause 5: Third Schedule item 8 deleted

This clause deletes item 8 of the Third Schedule as the exemptions from insurance duty are now set out in Part IIIF of the Act.