

2001

THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

DUTIES AMENDMENT BILL 2001 (NO 2)

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendment moved by Gary Humphries MLA

Treasurer

**Details of the amendment to the Duties Amendment Bill 2001 (No 2), moved by
the Treasurer, Gary Humphries MLA**

Summary

The amendments to the *Duties Amendment Bill 2001 (No.2)* (the Bill) are technical in nature. They deal with the interaction of an amendment proposed in the Bill and amendments to the *Duties Act 1999* passed earlier this year as part of the *Legislation (Consequential Amendments) Act 2001* (the LCAA). The need for the Assembly amendments arises due to an unforeseen anomaly concerning the timing of the proposed passage and commencement of the amendments to the *Duties Act 1999* proposed in the Bill, and the commencement of the LCAA.

The LCAA was passed earlier this year, but has not yet commenced operation. Without this amendment, when the LCAA commences later this year amendments 1.1252 & 1.1253 of the LCAA would amend sections 232 (4) and (5) of the *Duties Act 1999*. The LCAA amendments were drafted to amend the version of section 232 which is to be replaced by the Bill.

Clause 34 of the Bill omits section 232 of the *Duties Act 1999*, and substitutes a new section 232 (Corporate reconstructions - exemptions). The new section 232 entirely supersedes the amendments to section 232 to be made by the LCAA, rendering those amendments unnecessary and inappropriate.

It is not intended to commence the LCAA until AFTER the commencement of the Bill following passage in the Assembly and gazettal. If the LCAA amendments to section 232 of the *Duties Act 1999* were to be left to commence AFTER the new section 232 is substituted (by the Bill as enacted), they would not apply properly to the new section 232, and could cause confusion and uncertainty.

Amendment Notes

Clause 40, New dot point, Page 21, line 8

This amendment inserts the *Legislation (Consequential Amendments) Act 2001* as an Act to be amended by Schedule 1 to the Bill.

Schedule 1, Proposed new part 4, Page 25, line 13

This amendment inserts a new part in Schedule 1, namely **Part 4 Legislation (Consequential Amendments) Act 2001**. This new Part will amend the *Legislation (Consequential Amendments) Act 2001* to omit two amendments, namely amendments 1.1252 and 1.1253 of Schedule 1 to that Act, which amend section 232 of the *Duties Act 1999*. The not-yet-commenced amendments 1.1252 and 1.1253 will no longer be necessary or relevant, as they will be entirely superseded by the new

section 232 of the *Duties Act 1999* to be inserted by the Bill. This amendment will avoid the anomaly that would result if they were left to commence after the commencement of new section 232.