



ANNO VICESIMO TERTIO

# GEORGII V REGIS.

## A.D. 1932.

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### No. 2094.

An Act to amend the Succession Duties Acts, 1929 to 1930.

*[Assented to, November 30th, 1932.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

**1.** (1) This Act may be cited as the "Succession Duties Act Amendment Act, 1932". Short titles.

(2) The Succession Duties Acts, 1929 to 1930, and this Act may be cited together as the "Succession Duties Acts, 1929 to 1932".

(3) The Succession Duties Act, 1929, is hereinafter referred to as "the principal Act". No. 1898 of 1929.

**2.** Subsection (1) of section 4 of the principal Act is amended by striking out the definition of "Foreign company" therein. Amendment of principal Act, s. 4 (1)—  
Interpretation.

**3.** The principal Act is amended by inserting therein after section 21 the following section :— Amendment of principal Act—

21A. If under two or more settlements made by the same settlor property is given or accrues to the same person on the death of the settlor or any other person, the duty in respect of the property given or accruing under such settlements to such same person upon any one such death shall be chargeable and payable on the aggregate amount of the net present value of all the property so given or accruing upon such death to such person under all the said settlements. Aggregation of property taken under settlements.

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Amendment of principal Act, Part II.—

Payment of duty in certain cases of declaration of trusts.

4. Part II. of the principal Act is amended by inserting therein after section 39 therein the following section:—

39A. (1) If under any document purporting to be a declaration of trust the beneficial interest in any property purports to be given to or vested in or held in trust for any *cestui que trust*, and the document is not revoked or otherwise determined before the death of the *cestui que trust* and is such that, if there were present an intention of creating a trust on the part of the person declaring the trust (who is hereinafter in this section referred to as “the trustee”) the document would be construed as a declaration of trust with respect to such property, but upon or after the death of the *cestui que trust* the property aforesaid is not included as property derived from the *cestui que trust* or other property upon which for the purpose of this Act duty is chargeable on such death, but the beneficial interest in the property is retained by the trustee, duty shall be chargeable upon the said property according to the scale in the Third Schedule hereto on the net value of the said property at the time of death of the *cestui que trust*.

(2) The said duty shall be a first charge upon the said property.

(3) For the purposes of the Third Schedule hereto in its application to this section the property shall be deemed to be property given or accruing under a deed of gift to the trustee.

(4) The trustee shall file a statement with the Commissioner showing all particulars which the Commissioner requires to enable him to assess the duty payable under this section. The said statement shall be filed immediately after the death of the *cestui que trust*.

(5) Immediately after the Commissioner approves the statement and assesses the duty the trustee shall pay the duty so assessed.

(6) The Commissioner may extend the time for payment.

(7) Sections 38 and 39 shall apply to any duty payable under this section and any statement required to be filed under this section.

Amendment of principal Act, s. 42—

Continuance of increased duties for a further year.

5. Section 42 of the principal Act (as amended by section 2 of the Succession Duties Act Amendment Act, 1929, and section 9 of the Succession Duties Act Amendment Act, 1930), is amended by striking out the words “thirty-three” therein and by inserting in lieu thereof the words “thirty-four”.

Amendment of principal Act, s. 62—

Duty to keep book.

6. Section 62 of the principal Act is amended by striking out the words “the same shall be entered in a book to be kept by the Commissioner for this purpose, and he” in the second and third lines thereof and by inserting in lieu thereof the words “the Commissioner.”

7. Section

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7. Section 63A of the principal Act (as enacted by section 10 of the Succession Duties Act Amendment Act, 1930), is amended—

Amendment of principal Act, s. 63A—

Small insurance policies.

(a) by inserting therein after subsection (1) thereof the following subsection:—

(1A) In any case where—

(a) any safe deposit is held in the name of any deceased person either alone or jointly, at the premises in South Australia of any corporation, company, or society:

(b) any property is deposited for safe custody in the name of any deceased person, either alone or jointly, at the premises in South Australia of any corporation, company, or society,

the corporation, company, or society, if it has notice of the death of the deceased (whether pursuant to subsection (4) hereof or otherwise, however) shall not allow or suffer the removal of any property or thing from such safe deposit or of any property deposited for safe custody as aforesaid unless the Commissioner certifies in writing that all duties in respect of such property or thing payable in respect of the estate of the said deceased person, or payable by reason of any increase of benefit or any accruing of beneficial interest by reason of the said death, have been paid, or that proper security has been given for the payment thereof, or that the Commissioner consents to the proposed removal.

(b) by adding at the end thereof the following subsection:—

(6) If the amount payable in respect of a policy of assurance on the life of a deceased person who was at the date of his death domiciled in South Australia does not exceed Two Hundred Pounds, a corporation, company, or society may pay the amount payable in respect of the policy without the production of such certificate as aforesaid or such consent as aforesaid if the corporation, company, or society is satisfied by a declaration of some person that—

(a) the gross value of the whole of the estate of the deceased person does not exceed Five Hundred Pounds; and

(b) under the will or intestacy of the deceased person the whole of the beneficial interest in the policy of assurance passes to the widow or widower or to any ancestor or descendant of the deceased person, or is divided

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divided among such persons, and that the person making the declaration is a person entitled to some part of the said beneficial interest.

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

A. HORE-RUTHVEN, Governor.