

ESTATE DUTY ASSESSMENT AMENDMENT ACT 1976

No. 169 of 1976

An Act to amend the *Estate Duty Assessment Act 1914*.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

Short title,
&c.

1. (1) This Act may be cited as the *Estate Duty Assessment Amendment Act 1976*.¹

(2) The *Estate Duty Assessment Act 1914*² is in this Act referred to as the Principal Act.

Commence-
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

3. Section 8AAA of the Principal Act is repealed and the following section substituted:—

Deduction in
respect of
property
passing to
widow or
widower.

“8AAA. Where the whole or a part of the estate of a deceased person passes to or for the benefit of the widow or widower of the deceased person by will, intestacy, gift *inter vivos*, settlement or right of survivorship, there shall be deducted from the gross value of the estate liable to be assessed an amount of \$50,000, or an amount equal to the value of so much of the estate as so passes, whichever is the less.”

Rebate of
Duty.

4. Section 9E of the Principal Act is amended—

(a) by omitting from paragraph (c) of sub-section (3) the words “subject to paragraph (ca),”;

(b) by adding at the end of paragraph (c) of sub-section (3) the word “and”; and

(c) by omitting paragraph (ca) of sub-section (3).

5. Section 10 of the Principal Act is repealed and the following section substituted:—

Returns to
be lodged.

“10. (1) For the purpose of assessment and levy of estate duty, every administrator shall, subject to this section, within the prescribed period, furnish at the prescribed place a full and complete return of all the estate of the deceased person in respect of whose estate he is the administrator.

“(2) A return under this section—

- (a) shall be in accordance with a form approved by the Commissioner;
- (b) shall contain such particulars as are required by the form; and
- (c) shall be verified by the administrator by declaration as required by the form.

“(3) Unless he is required by the Commissioner by notice in writing so to do, it shall not be necessary for the administrator to furnish a return in accordance with sub-section (1) in respect of an estate where the value of the estate does not exceed—

- (a) in the case of an estate the whole of which passes to the widow or widower of the deceased person—\$90,000;
- (b) in the case of an estate, not being an estate to which paragraph (a) applies, the whole of which passes to the widow, widower, children or grandchildren of the deceased person—\$40,000; or
- (c) in any other case—\$20,000.

“(4) Where, from information in his possession, the Commissioner is satisfied that no duty would be payable on the estate of a deceased person, he may inform the administrator, by notice in writing, that a return in pursuance of this section is not required.

“(5) In this section ‘value of the estate’ means the value ascertained by deducting from the gross value of the estate liable to be assessed all the deductions allowable under this Act except the deductions (if any) allowable under sections 8AAA and 18A.”

6. Section 12 of the Principal Act is repealed.

Verification of returns.

7. Section 18A of the Principal Act is amended by omitting sub-section (2A) and substituting the following sub-section:—

Statutory exemption.

“(2A) Notwithstanding sub-section (2), any deduction allowable under section 8AAA shall, in calculating, for the purposes of this section, the value of the part (if any) of the estate that passes to the widow, children or grandchildren of the deceased person, be applied in reducing or extinguishing the amount that would, apart from the deduction, be the value of that part of the estate.”

8. (1) The amendments made by sections 3, 4, 5, 6 and 7 apply in relation to the estates of persons who died on or after 18 August 1976.

Application of amendments.

(2) Notwithstanding the repeal of section 10 of the Principal Act effected by section 5, regulation 5 and paragraph (b) of regulation 7 of the Estate Duty Regulations, as in force immediately before the commencement of this Act, and the Schedule to those Regulations, as so in force, continue to apply in relation to the estates of persons who died before 18 August 1976.

Formal
amendments.

9. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 9

FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter, to identify a section of that Act or of another Act, and substituting that number expressed in figures:—

Sections 4B (3), 8A (4) (a) and (b) and (5) (c) and (d), 9A (5), (7) and (8), 9C (1) (a), 9D (4) (b), 9E (3) (b) and (d), 16B, 17 (1) (c) and (1A), 20 (7A), 24 (1A), 26 (1), 28A, 29, 31 (1), 35, 42, 43 and 47A (1).

2. The following provisions of the Principal Act are amended by omitting the words “of this Act”, “of this section” and “of this sub-section” (wherever occurring):—

Sections 4B (3), 8A (4) (a) and (b) and (5) (c) and (d), 9 (4) (a), 9A (5), (6), (7) and (8), 9B (2) (c), 9C (1) (a), 9D (4) (b), (6), (7) and (8) (b) (i), 9E (3) (b) and (d), 16B, 17 (1A), 18A (1) (c), 20 (7A), 24 (1A), 26 (1), 28A, 29, 31 (1), 34 (4), 42, 43, 47 (2) and (4) and 47A (1).

3. The Principal Act is further amended as set out in the following table:—

Provision	Amendment
Section 8 (4) (a)	Omit “One hundred dollars”, substitute “\$100”.
Section 8AA (1) (definition of “the Joint Defence Space Research Facility”)	Omit “the ninth day of December, One thousand nine hundred and sixty-six”, substitute “9 December 1966”.
Section 9 (1)	Omit “the third day of September, One thousand nine hundred and thirty-nine”, substitute “3 September 1939”.
Section 9 (1A)	Omit “Ten thousand dollars” (twice occurring), substitute “\$10,000”.
Section 9 (1B)	Omit “Ten thousand dollars”, substitute “\$10,000”.
Section 9A (1) (definition of “year of income”)	Omit “the thirtieth day of June”, substitute “30 June”.
Section 9E (1)	Omit “Two hundred and fifty thousand dollars”, substitute “\$250,000”.
Section 9E (3) (a)	(a) Omit “One hundred and forty thousand dollars” (wherever occurring), substitute “\$140,000”. (b) Omit “Two hundred and twenty dollars”, substitute “\$220”.
Section 18A (1)	(a) Omit “Forty thousand dollars” (wherever occurring), substitute “\$40,000”. (b) Omit “Twenty thousand dollars” (wherever occurring), substitute “\$20,000”. (c) Omit “Two dollars” (twice occurring), substitute “\$2”. (d) Omit “Eight dollars” (twice occurring), substitute “\$8”.
Section 18A (1A) (a)	(a) Omit “Forty thousand dollars”, substitute “\$40,000”. (b) Omit “Forty-eight thousand dollars”, substitute “\$48,000”.
Section 18A (1A) (b)	(a) Omit “Twenty thousand dollars”, substitute “\$20,000”. (b) Omit “Twenty-four thousand dollars”, substitute “\$24,000”.
Section 25 (1)	Omit “Two dollars”, substitute “\$2”.
Section 26 (1)	Omit “Two dollars”, substitute “\$2”.

SCHEDULE—continued

Provision	Amendment
Section 35	Omit “of this Act”.
Section 35 (b)	(a) Omit “Four hundred dollars”, substitute “\$400”. (b) Omit “of this section”.
Section 46	Omit “One hundred dollars”, substitute “\$100”.
Section 47 (1)	Omit “Two hundred dollars”, substitute “\$200”.
Section 47 (3)	(a) Omit “of this section”. (b) Omit “One thousand dollars”, substitute “\$1,000”.
Section 47A (1)	Omit “Two dollars” (twice occurring), substitute “\$2”.
Section 48	Omit “One thousand dollars”, substitute “\$1,000”.

NOTES

1. Act No. 169, 1976; assented to 13 December 1976.
2. Act No. 22, 1914, as amended. For previous amendments *see* Act No. 29, 1916; No. 34, 1922; No. 47, 1928; No. 12, 1940; No. 18, 1942; No. 16, 1947; No. 80, 1950; Nos. 1 and 52, 1953; No. 94, 1956; No. 60, 1957; No. 97, 1962; No. 72, 1963; Nos. 32 and 138, 1965; Nos. 53 and 93, 1966; No. 40, 1967; No. 9, 1970; No. 95, 1972; No. 216, 1973 (as amended by No. 20, 1974); and No. 130, 1974.