**Information Notice**

**Act Title** **Duties Act 2000**

**Information Title:** **Correction**

**Version:** **097**

Version 097 of the **Duties Act 2000**, lodged on the Law Today on 1 July 2014, does not incorporate the amendments made to that Act by Part 2 of the **Building a Better Victoria (State Tax and Other Legislation Amendment) Act 2014**, No. 40/2014. Part 2 came into operation on 1 July 2014.

Part 2 reads as follows:

Part 2—Duties Act 2000

Division 1—Insurance duty

 3 Definitions

In section 3(1) of the **Duties Act 2000**—

 (a) **insert** the following definition—

"***insurer*** has the meaning given by section 184;";

 (b) the definition of ***general insurer*** is **repealed**;

 (c) in the definition of ***life insurance***, for "section 198" **substitute** "section 196A";

 (d) the definition of ***life insurer*** is **repealed**.

 4 Insurance duty

 (1) In the **Duties Act 2000**—

 (a) section 175(4) is **repealed**;

 (b) at the foot of section 176(2) **insert**—

"**Note**

General insurance also includes life insurance policy riders—see section 196B.";

 (c) in section 176(3) **omit** "life insurance or";

 (d) in section 180 **omit** "general".

 (2) For section 183(1) of the **Duties Act 2000 substitute**—

 "(1) An insurer or a person to whom section 181 applies is entitled to a refund of duty if the insurer refunds, or there is refunded to the person, the whole or a part of a dutiable premium in respect of the contract of insurance for which duty has been paid.".

 (3) For section 183(3) of the **Duties Act 2000 substitute**—

 "(3) An insurer to whom duty is refunded may apply the amount of the refund to offset any other payment required to be made under this Act by the insurer.".

 (4) In the **Duties Act 2000**—

 (a) in section 183—

 (i) in subsection (4), for "a general insurer" **substitute** "an insurer";

 (ii) in subsection (5) **omit** "general" (wherever occurring);

 (b) in the heading to Division 2 of Part 2 of Chapter 8, for "**a general insurer**" **substitute** "**an insurer**".

 5 New section 184 substituted

For section 184 of the **Duties Act 2000 substitute**—

 "184 Who is an insurer?

An ***insurer*** is a person—

 (a) who writes general insurance; and

 (b) who does so otherwise than as an insurance intermediary; and

 (c) who either—

 (i) is authorised under the Insurance Act 1973 of the Commonwealth to carry on insurance business; or

 (ii) is registered under the Life Insurance Act 1995 of the Commonwealth.".

 6 Registration of insurers

In the **Duties Act 2000**—

 (a) **insert** the following heading to section 185—

"Insurers must be registered";

 (b) in section 185, for "A general insurer" **substitute** "An insurer";

 (c) in section 186, for "a general insurer" **substitute** "an insurer";

 (d) in section 187(1)—

 (i) for "a general insurer's" **substitute** "an insurer's";

 (ii) in paragraph (a), after "revoked" **insert** "or the insurer's registration under the Life Insurance Act 1995 of the Commonwealth is cancelled (as the case requires)";

 (e) **insert** the following heading to section 188—

"Cessation of business and cancellation of registration by the insurer";

 (f) **insert** the following heading to section 189—

"Register of insurers";

 (g) in section 189(1) **omit** "general";

 (h) in section 194(2), for "A general insurer" **substitute** "An insurer";

 (i) in section 195(1) **omit** ", life insurance";

 (j) in section 196(g)(ii), for "society." **substitute** "society;";

 (k) after section 196(g) **insert**—

 "(h) life insurance.".

 7 New sections 196A and 196B inserted

After section 196 of the **Duties Act 2000 insert**—

 "196A Life insurance

 (1) Subject to section 196B, ***life insurance*** is any insurance in respect of—

 (a) a life or lives; or

 (b) an event or contingency relating to or depending on a life or lives—

of a person who is, or persons who are, domiciled in Victoria at the time the insurance policy is issued, but does not include insurance against accident.

 (2) ***Insurance against accident*** is any insurance under which payment is agreed to be made on the death of a person only from accident or violence or otherwise from a natural cause or as compensation for personal injury.

 196B Life insurance policy riders

 (1) This section does not apply to a policy of life insurance unless the insured person is, or the insured persons are, domiciled in Victoria.

 (2) If a policy of life insurance, in addition to providing the insurance referred to in section 196A(1), also provides for the payment of a benefit on the occurrence of a contingency or event that does not relate to or depend on a life or lives (the ***additional insurance***), then the additional insurance provided under or in accordance with the policy is taken to be general insurance and not life insurance.

 (3) Subsection (2) applies—

 (a) whether or not the life insurance and the additional insurance are separate or distinct matters; and

 (b) whether or not payment of a benefit under the additional insurance component of the policy—

 (i) will or may reduce the benefit payable under the life insurance component of the policy; or

 (ii) will or may terminate the policy.

 (4) If—

 (a) there is no separately identifiable part of the premium payable in respect of the policy attributable to the additional insurance; or

 (b) in the Commissioner's opinion, the identified part of the premium attributable to the additional insurance does not appear to correctly reflect the additional insurance—

the Commissioner may determine the amount or proportion of the premium attributable to the additional insurance.".

 8 Abolition of life insurance duty

Part 3 of Chapter 8 of the **Duties Act 2000** is **repealed**.

 9 New clause 32 inserted in Schedule 2

After clause 31 of Schedule 2 to the **Duties Act 2000 insert**—

 "32 Building a Better Victoria (State Tax and Other Legislation Amendment) Act 2014

A person who, immediately before 1 July 2014, was registered as a general insurer or a life insurer under Chapter 8 (as in force immediately before that day) is taken, on and after that day, to be registered as an insurer under Part 2 of Chapter 8 (as in force on and after that day).".

Division 2—Motor vehicle duty

 10 What is the rate of duty?

In section 218(1) of the **Duties Act 2000**—

 (a) in paragraph (a)—

 (i) in subparagraph (i), for "$10 per $200" **substitute** "$10.40 per $200";

 (ii) in subparagraph (ia), for "$6 per $200" **substitute** "$6.40 per $200";

 (iii) in subparagraph (ii), for "$5 per $200" **substitute** "$5.40 per $200";

 (b) in paragraph (ab)—

 (i) for "$10 per $200" **substitute** "$10.40 per $200";

 (ii) for "$6 per $200" **substitute** "$6.40 per $200";

 (c) in paragraph (b), for "$8 per $200" **substitute** "$8.40 per $200".