Revenue Circular DAA003.1 - *Duties Act 1999*
Insurance Duty—Apportionment of Premiums between Australian Jurisdictions

CIRCULAR HISTORY

Circular number	Issued date	Dates of effect		Status
		From	To	
No D6	20 November 2000	1 March 1999	-	Republished as DAA003 with minor amendments
DAA003	30 June 2008	1 July 2008	6 August 2015	Republished as DAA003.1 with minor amendments
DAA003.1	7 August 2015	7 August 2015	1 July 2016	Ceased

PREAMBLE

1. Under Chapter 8 of the *Duties Act 1999* (the Act) insurance duty is charged on the amount of the premium paid in relation to a contract of insurance that effects general insurance (section 177 and 180 of the Act). General insurance is defined by reference to property in the ACT or risks in the ACT, unless a contrary intention is indicated in the legislation (section 175 of the Act).
2. Part 8.5 of Chapter 8 of the Act provides for the apportionment of premiums relating to:
   (a) property that at the time of insurance is located in the ACT and in another place; or
   (b) a risk concerning an act or omission that in the normal course of events may occur in the ACT and in another place.
3. This circular provides details of the Schedule of Apportionment (the Schedule) attached adopted by the Commissioner for ACT Revenue (the Commissioner) under section 198 of the Act with effect from 1 July 2008.
4. The Schedule applies to transactions effected on or after 1 July 2008.

CIRCULAR

Schedule of Apportionment

5. A general insurer must apportion all premiums paid in relation to a contract of insurance that effects general insurance in accordance with the Schedule.
6. The Commissioner may apportion a premium on a basis other than in accordance with the Schedule:
   (a) on application in writing by an insurer or insured person (subsections 199 (2) and (3) of the Act); or
   (b) if not satisfied that the premium has been properly apportioned for each risk insured (subsection 199 (4) of the Act).
7. Where the Schedule indicates that alternative methods of apportionment are available, the "policy measuring factor" used in calculating the premium should be used.
8. The policy measuring factor is the factor used as a basis for establishing the risk/premium under an insurance policy. For example, where the premium for a public liability policy is based on floor area units then the duty should be apportioned in the same manner.
9. Any new policies that are not covered by the Schedule should be referred by a general insurer to the Insurance Council of Australia prior to the issue of any such policy. The Insurance Council will forward details to the Revenue Office for a decision by the Commissioner in consultation with the

Commissioners of the other States and Territories and ultimately for inclusion in the Approved Schedule.

10. The Insurance Council of Australia regularly publishes a "Conspectus of Stamp Duties" including the Approved Schedule as amended. In some years, there may be no changes.

12. The Schedule attached is to be adopted by all taxpayers.

Signed

Kim Salisbury
Commissioner for ACT Revenue
7 August 2015

Contact the ACT Revenue Office

Telephone	(02) 6207 0028
Street address	Access Canberra Dame Pattie Menzies House 16 Challis Street, DICKSON ACT 2602
Postal address	PO Box 293 CIVIC SQUARE ACT 2608
Website	http://www.revenue.act.gov.au/

ATTACHMENT

INSURANCE APPORTIONMENT SCHEDULE

Class of insurance	Agreed basis of apportionment
Aviation Hull, Aviation Hull Third Party Property Liability and Aviation Hull Personal Liability	Where the aircraft, the subject of the insurance, is a high capacity regular public transport aircraft, apportioned on the basis of actual take-offs and landings in the previous year in each jurisdiction of all aircraft covered by the policy. Where the aircraft, the subject of the insurance, is other than a high capacity regular public transport aircraft, jurisdiction of usual hangering of the insured property or location of the insured property.
	Notes 1. The basis of apportionment will also apply whenever the insured company or any of its subsidiaries operate High Capacity Regular Public Transport Aircraft and Low Capacity Regular Public Transport Aircraft in Australia. 2. For the purposes of this Apportionment Schedule, **High Capacity Regular Public Transport Aircraft** means a regular public transport aircraft whose certificate type approval permits the aircraft: (a) to have a maximum seating capacity of more than 38 seats; OR (b) to carry a maximum pay load of more than 4200 kilograms **NB** This definition is contained in regulations made under the *Civil Aviation Act 1988* (Statutory Rule 294 of 1994)
Baggage	See travel.
Bankers Blanket Policy	Apportioned according to the individual policy types outlined in this schedule.
Blood Stock	Place of (usual) location of the asset.
Boiler Explosion	Asset value/sum insured or exposure level for each jurisdiction.
Burglary	Asset value/sum insured or exposure level for each jurisdiction.
Business Interruption	Reasonably estimated profit revenue, fees, rent or other business measurement factor.
Care Custody and Control of Blood Stock	Place of (usual) location of the asset.
Cash in Transit	Number of premises. Asset value/sum insured or exposure level for each jurisdiction.
Company Reimbursement	Salaries and wages, number of people/employees.
Comprehensive Crime Policy	Salaries, wages, number of people/employees.
Contract Works	Asset value/sum insured or exposure level for each jurisdiction.
Contractor Risks	Asset value/sum insured or exposure level for each jurisdiction.
Crop	Asset value/sum insured or exposure level for each jurisdiction.
Deterioration of Stock	Asset value/sum insured or exposure level for each jurisdiction.
Disability – Single	Place of residence of the insured/place of registration of business.
Disability – Group	Place of residence of the insured/place of registration of business.
Directors & Officers	Turnover or sales or number of people.
Fidelity Guarantee	Salaries and wages or number of people.
Fire	Asset value/sum insured or exposure level for each jurisdiction.
General Property	Asset value/sum insured or exposure level for each jurisdiction.
Home Building and Contents	Asset value/sum insured or exposure level for each jurisdiction.
Industrial Special Risk Section – 1 Property	Asset value/sum insured or exposure level for each jurisdiction.

Class of insurance	Agreed basis of apportionment
Industrial Special Risk Section – 2 Consequential loss	Reasonably estimated profit revenue, fees, rent or other business measurement factor.
Legal expense insurance	Salaries and wages or number of people.
Livestock	Place of (usual) location of asset.
Loss of Profits	Reasonably estimated profit revenue, fees, rent or other business measurement factor.
Machinery Breakdown (including computers and engineering)	Asset value/sum insured or limit of liability declared in each jurisdiction.
Marine – Builders Risk	Asset value/sum insured or exposure level for each jurisdiction.
Marine – Carrier's Legal Liability - Coastal and international shipping	Predominant location.
Marine – Charterer's Liability - Coastal and international shipping	Predominant location.
Marine – Hull Liability - Coastal and international shipping	Predominant location.
	Notes The apportionment for coastal and international shipping is determined, regardless of the GMT of the vessel, based on the 'predominant location' of the vessel as defined below: (a) On the basis that most vessels will operate from their port of registration, the predominant location should be taken to be that port, subject to (b); (b) If it is disclosed to the insurer at the time the policy is commenced, effected or renewed that the vessel will operate out of another port for the majority of the insurance year, then that other port will be taken to be its predominant location for that insurance year. If a vessel is intended to operate out of a number of ports in an insurance year and none of those periods is for the majority of the year, the port of registration will be taken to be the predominant location for that insurance year. **NB** section 24 of the *Marine Insurance Act 1909* (CW) requires the insured to inform the insurer or every material circumstances known by the insured at the time insurance is obtained.
Marine Private Pleasure	Place of registration or place of residence of the insured.
Money	Number of premises. Asset value/sum insured or exposure level for each jurisdiction.
Mortgage Insurance	Apportionment is based on the location of the property secured. If the security consists of two or more properties that are located in different jurisdictions, the apportionment will be based on a value basis.
Motor Vehicle (private use) and Extended Warranty for Private Use Vehicles	Apportionment based on normal place of garaging of the vehicle.
Motor Vehicle or Extended Warranty – Commercial	Place of registration or deemed registration.
Motor Vehicle or Extended Warranty – Fed. Interstate	Place of registration or deemed registration.
Motor Vehicle or Extended Warranty – Unregistered	Place of (usual) location of asset – garaging.
Occupational (Professional Indemnity)	Salaries, wages, number of people/employees. Estimated profit, fees, rent, revenue etc

Class of insurance	Agreed basis of apportionment
Personal Accident and Illness – Group	Place of residence of the insured/place of registration of business.
Personal Accident and Illness – Single	Place of residence of the insured/place of registration of business.
Personal Liability	State of registration of business or place of residence of the person insured.
Personal Property	Asset value/sum insured or exposure level for each jurisdiction.
Pluvius	Asset value/sum insured or exposure level for each jurisdiction.
Public Liability or Product Liability or Broadform	Salaries, wages, number of people/employees. Turnover or sales. Number of premises. Floor area units or rent by State of risk. Number of members of the organisation in each jurisdiction.
Railway-property	Proportion of kilometres travelled by the rolling stock in each jurisdiction in the previous year.
Railway-public liability	Proportion of kilometres travelled by the rolling stock in each jurisdiction in the previous year.
Sprinkler Leakage	Asset value/sum insured or exposure level for each jurisdiction.
Strata Unit	Asset value/sum insured or exposure level for each jurisdiction.
Title Insurance	Location of the property.
Trade Credit	Turnover or sales.
Travel (outbound from Australia) – includes baggage	Duty payable on 10% of premium received. State of Registration of Business (where the insured is not a natural person) or place of residence of the person insured. **Note:** Should an insurance company disagree with this basis of apportionment they may apply to the Commissioner for apportionment on another basis. Where an insurance company elects to apportion duty on some other basis that method of apportionment must be applied consistently across all jurisdictions.
Travel (within Australia)	Place of residence of the person insured or state of registration of the business (where the insured is not a natural person).