# **Second Schedule**

[Section 16(1)]

# **Duties payable on instruments**

Item	Nature of instrument	Duty payable \$	Person liable to pay duty
[1-2	deleted]		1 0 0
3.	CATTLE SALES STATEMENT		The vendor
	(1) Any statement written out or caused to be written out by the owner or his agent, pursuant to the <i>Cattle Industry Compensation Act 1965</i> in respect of the sale of any cattle or carcasses of cattle, whether payment of the purchase money therefor is or is not made in full at the time of the sale or is to be made by instalments or is otherwise deferred —		
	for every \$1 and also for any		
	fractional part of \$1 —  (a) of the amount of the		
	purchase money in respect		
	of one animal or one carcass		
	sold singly	5/12 cent	
	(b) of the total amount of the purchase money in respect of any number of cattle or		
	carcasses, as the case may be, sold in one lot	5/12 cent	
	or such amount, not being more than 5/12 of a cent, as the Governor may, from time to time, by proclamation declare.  (2) Notwithstanding the provisions of subitem (1), the duty in respect of the amount of the purchase money of any one animal, or any one carcass, whether sold singly or as part of a lot, shall not exceed the sum of 50 cents or such lesser sum as the Governor may, from time to time, by proclamation declare.		
4.	CONVEYANCE OR TRANSFER ON SALE OF PROPERTY		
	(1) Transfer of land under the <i>Transfer of Land Act 1893</i> on a sale thereof or conveyance or transfer of any other property —  Where the amount or value of the consideration —		The purchaser
	(a) does not exceed \$80 000	\$2.00 for every \$100 of the amount or value of the consideration and every fractional part of \$100	
	(b) exceeds \$80 000 but does not	οι φ <b>ι</b> σο	

Item	Nature of instrument	Duty payable	Person liable to
	exceed \$100 000	\$ \$1 600 and \$3.00 for every \$100 of the amount or value of the consideration and every fractional part of \$100 by which the consideration exceeds \$80 000	pay duty
	(c) exceeds \$100 000 but does not exceed \$250 000	\$2 200 and \$4.00 for every \$100 of the amount or value of the consideration and every fractional part of \$100 by which the consideration exceeds \$100 000	
	(d) exceeds \$250 000 but does not exceed \$500 000	\$8 200 and \$5.00 for every \$100 of the amount or value of the consideration and every fractional part of \$100 by which the consideration exceeds \$250 000	
	(e) exceeds \$500 000	\$20 700 and \$5.40 for every \$100 of the amount or value of the consideration and every fractional part of \$100 by which the consideration exceeds \$500 000	
(2)	Transfer under the <i>Transfer of Land Act 1893</i> of land that includes a home within the meaning of section 75AG, where duty on the instrument of transfer becomes chargeable under that section  Where the amount or value of the consideration —  (a) does not exceed \$250 000  (b) exceeds \$250 000 but does not exceed \$350 000	nil \$13.20 for every \$100 and any fractional part of \$100 by which the amount or value of the consideration exceeds \$250 000	the transferee as defined in section 75AG

	N	Nature of instrument	Duty payable	Person liable to
(3)	on the charge Where	Ger under the <i>Transfer of Land</i> 893 of vacant land, where duty instrument of transfer becomes eable under section 75AG et the amount or value of the	\$	pay duty the transferee as defined in section 75AG
	(a) (b)	does not exceed \$150 000 exceeds \$150 000 but does not exceed \$200 000	\$12.40 for every \$100 and for any fractional part of \$100 by which the amount or value of the consideration	
<i>[(1</i> )	(1a) d	lalatad I	exceeds \$150 000	
[(4), (5)	conve proper transfe	fer of land under the <i>Transfer of</i> Act 1893 on a sale thereof or yance or transfer of any other rty where the conveyance or er is chargeable under n 75AE with duty under this		The purchaser
	(a)	where the amount or value of the consideration does not exceed \$100 000	\$1.50 for every \$100 of the amount or value of the consideration and every fractional part of \$100	
	(b)	where the amount or value of the consideration exceeds \$100 000	\$1 500 and \$4.70 for every \$100 and every fractional part of \$100 by which the amount or value of the consideration exceeds \$100 000	
CON (1)	Converge responsible plann Metro perso	expanse or transfer of a lot by the ensible authority for a town ing scheme, including the opolitan Region Scheme, to a n who on the date of the coming operation of the scheme was the r of —  the land comprised in the lot; or land comprised in the scheme and to whom the lot is conveyed or transferred in substitution or exchange for		The transferee

Item

5.

Item	Nature of instrument	Duty payable \$	Person liable to pay duty
	that land or part thereof, where the lot is comprised in the scheme and the conveyance or transfer is made in order to carry out or facilitate the carrying out of the scheme	20.00	<b>P</b> 3 3 4 4 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5
6.	requires.  CONVEYANCE OR TRANSFER  Conveyance or transfer of any kind not described elsewhere in this Schedule and not being —		The transferee
	(a) a settlement; (b) a deed of gift; or (c) an exchange.	The lesser of —  (a) \$20; and  (b) the duty that would be payable under item 4 if the conveyance or transfer was chargeable with duty under that item	
[7. 8.	deleted] DEED OR DECLARATION (1) Deed of any kind not otherwise chargeable with duty	20.00	The parties thereto The person making the declaration
9.	or gift  DUPLICATE OR COUNTERPART  Duplicate or counterpart of a stamped instrument	\$5.00 or the same duty as the original if less than \$5.00	The person liable to duty on the original instrument
10.	EXCHANGE For any instrument effecting an exchange of any property	See section 75AC	The person to whom any property is conveyed by way of exchange
[11. 12.	deleted] LEASE OR AGREEMENT FOR LEASE (1) Any lease made in perpetuity or for a term of years or for a period terminable with one or more lives, or otherwise contingent, in	Duty on the amount payable. (See item 4)	The lessee

Item		Nature of instrument	Duty payable \$	Person liable to pay duty
	<i>[</i> (2)	consideration of a sum of money paid by way of premium, fine or the like, if without rent, or an agreement for such a lease. deleted]	Ψ	pay duty
	(3)	A lease of any lands or tenements at a rent and in consideration of a premium, fine or the like, or an agreement for such a lease	Duty equal to the amount of duty payable on a conveyance in consideration of the premium, fine or the like under item 4	The lessee
13.		TGAGES (INCLUDING HOME TGAGES)		
	(1)	If no advance has been made under the mortgage	\$20.00	Mortgagor
	(2)	For the amount secured by a mortgage other than a home mortgage	\$20.00 for any amount up to and including \$5 000,	Mortgagor
			plus \$0.40 for each additional \$100 and every fractional part of \$100	
	(2a)	For the amount secured by a home mortgage where the whole of the secured amount is used for the mortgagor's dwellinghouse as		
		provided in section 85(2)	\$20.00 for any amount up to and including \$8 000 plus \$0.25 for each additional \$100 and every fractional part of \$100	Mortgagor

Item		N	Vature of instrument	Duty payable \$	Person liable to pay duty	
	(2b)	mortg secure	te amount secured by a home gage where only part of the ed amount is used for the gagor's dwellinghouse as			
			ded in section 85(2)	\$20.00 for any amount up to and including \$8 000	Mortgagor	
				plus \$0.25 for each additional \$100 and every fractional part of \$100 that is used for the		
				mortgagor's dwellinghouse, plus \$0.40 for each \$100 and		
				every fractional part of \$100 that is not used for the mortgagor's		
	(2)			dwellinghouse		
	(3)		strument setting out the transfer ignment of any mortgage —			
		(a)	by way of sale for a consideration in money or money's worth for not less than market value	20.00	Transferee	
		(aa)	by way of sale, other than a sale to which paragraph (a) of	See item 4	Transferee	
		(b)	this subitem appliesby way of gift	See item 19	Donor	
		[(c)	deleted]	200 110111 17	201101	
		(d)	of any other kind	20.00	Transferee	
14.		ICLE L NSFER	ICENCES, GRANT OR			
	(1)		grant or transfer of a licence for cle that is not a heavy vehicle —		The person in whose name the	
		(a)	where the market value of the vehicle does not exceed \$15 000	2.75% of the market value	licence is granted or the transferee; and see section 76H(2)	
		(b)	where the market value of the vehicle exceeds \$15 000 but does not exceed \$40 000	$2.75 + \left(\frac{\text{MV} - 15000}{6666.66}\right)$ (rounded to 2 decimal places) of the market	_	
		(c)	where the market value of the vehicle exceeds \$40 000	value (MV) 6.5% of the market value		

Item		N	ature of instrument	Duty payable \$	Person liable to pay duty
		vehicle used no the <i>Roo</i>	grant of a licence for a heavy that has not previously been or licensed or registered under ad Traffic Act 1974 or a onding State law	The lesser of —  (a) 3% of the marked value; and	
		any oth (a)	grant or transfer of a licence for er heavy vehicle — where the market value of the vehicle does not exceed \$15 000		
	(	,	where the market value of the vehicle exceeds \$15 000 but does not exceed \$40 000	value $ \left[ 2.5 + \left( \frac{\text{MV} - 15000}{10000} \right) \right] $ (rounded to 2 decimal market value (MV)	•
	(	. ,	where the market value of the vehicle exceeds \$40 000	The lesser of —  (a) 5% of the market value; and  (b) \$20 000	
14A. 15.	APPI		WHICH SECTION 112UB(2)	The duty payable under item 14 is to be rounded down to the nearest 5 cents See item 4.  Property transferred or vested under an order. On the value of the property referred to the same duty as that set out in item 4, references to consideration in that item being construed as references to the amount or value of the property concerned	Transferee or the person in whom the property is ordered to be vested
13.	(1)	Any ins	strument effecting a partition of operty	20.00	The parties thereto
16.		require	strument setting out any amount d to achieve equality	See section 75AD	
	(1)	Any ir insurat	nstrument evidencing a policy of nce — deleted]		The person issuing the policy and see sections 92A(4)(a) and 94
		(b)	issued under the Motor Vehicle		

Item		Nature of instrument	Duty payable \$	Person liable to pay duty
		(Third Party Insurance) Act 1943	10% of the amount calculated under section 96(2)	
		(c) in any other case	10% of the amount calculated under section 96(2)	
	(2)	On a policy of insurance (undisclosed premium) — for every \$100, and also for every		Insured
		fractional part of \$100, of the sum insured	0.10	
17.	ANY OR I An i	EASE OR RENUNCIATION OF PROPERTY OR OF ANY RIGHT NTEREST IN ANY PROPERTY nstrument of release or renunciation red to in the heading to this item —		
		(a) by way of sale(b) by way of gift	See item 4 See item 19	Purchaser Donor
18.	HIR	E OF GOODS	200 110111 17	201101
10.	(1)	A return under section 112L	See section 112LB	The commercial hire business
	(2)	A statement under section 112M	See section 112MA	The hirer of the goods
19.	SET GIF	TLEMENT, DEED OF, OR DEED OF	See item 4	The settlor or donor
	(1)	Any instrument, whether voluntary or upon any good or valuable consideration other than a <i>bona fide</i> pecuniary consideration whereby any property is settled or agreed to be settled in any manner whatsoever, or is given or agreed to be given in any manner whatsoever.  Any instrument declaring that the property vested in the person executing the same shall be held in	References to consideration in item 4 being construed as references to the amount or value of the property concerned	
		trust for the person or persons mentioned therein.		

[Second Schedule inserted by No. 37 of 1979 s. 108; amended by No. 81 of 1981 s. 8 and 9; No. 45 of 1982 s. 4; No. 93 of 1982 s. 8; No. 99 of 1982 s. 5; No. 14 of 1983 s. 6; No. 61 of 1983 s. 13; No. 81 of 1984 s. 37; No. 19 of 1985 s. 22; No. 85 of 1985 s. 3; No. 98 of 1986 s. 20; No. 16 of 1989 s. 4; No. 58 of 1990 s. 6; No. 42 of 1993 s. 5; No. 39 of 1994 s. 12 and 14; No. 22 of 1995 s. 4; No. 20 of 1996 s. 44; No. 48 of 1996 s. 37; No. 13 of 1997 s. 23 and 28; No. 57 of 1997 s. 113(6); No. 18 of 1998 s. 12; No. 22 of 1998 s. 53; No. 25 of 1999 s. 7(1); No. 53 of 1999 s. 30; No. 6 of 2000 s. 7; No. 4 of 2001 s. 8; No. 11 of 2002 s. 4, 7 and 11; No. 46 of 2002 s. 10; No. 2 of 2003 s. 141; No. 21 of 2003 s. 33; No. 44 of 2003 s. 4(2)-(6) and 5; No. 59 of 2003 s. 4; No. 66 of 2004 s. 8.]

# **Exemptions from duty**

# Item Nature of instrument

- [1. deleted]
- 2. CONVEYANCE OR TRANSFER ON SALE OF PROPERTY:
  - (1) A conveyance or transfer of a marketable security or right in respect of shares or an agreement under which an option is given or taken to purchase or sell a marketable security or right in respect of shares.

[(2)-(4) deleted]

- (5) Conveyance, transfer or surrender of the fee simple or other less estate in land to the Crown.
- (6) A conveyance or transfer of the fee simple in
  - (a) Crown land by way of exchange where the decision to exchange the land is given effect under clause 4;
  - (b) Crown land the subject of a licence referred to in clause 21;
  - (c) Crown land the subject of a lease referred to in clause 22;
  - (d) Crown land the subject of a conditional purchase lease referred to in clause 26;
  - (e) Crown land the subject of a conditional purchase lease referred to in clause 27;
  - (f) war service land referred to in clause 30; or
  - (g) Crown land referred to in clause 32,

of Schedule 2 to the Land Administration Act 1997.

- (6a) A transfer of the fee simple in Crown land
  - (a) pursuant to a request under section 45A; or
  - (b) granted under section 80,

of the *Public Works Act 1902* as in force immediately before the commencement of the *Acts Amendment (Land Administration) Act 1997* <sup>8</sup>.

- (6b) A grant of a mining tenement under the *Mining Act 1978*.
- (6c) A conveyance of the fee simple in Crown land under section 87 of the *Land Administration Act 1997* to complete a land exchange under section 11(1)(b) of that Act.
- (6d) A conveyance, grant or transfer of the fee simple or other less estate in Crown land pursuant to
  - (a) a request under section 212;
  - (b) an agreement under section 255;
  - (c) an award under section 256; or
  - (d) section 257,

of the Land Administration Act 1997.

- (7) A conveyance or transfer of any estate or interest in any real or personal property locally situated out of Western Australia.
- (7a) A conveyance or transfer of any estate or interest in goods, wares or

merchandise that are —

- (a) stock-in-trade held or used in connection with a business;
- (b) held for use in, or are under, manufacture; or
- (c) prescribed to be exempt.
- (7b) A conveyance or transfer of any estate or interest in any ship or vessel, or part interest or share or property of or in any ship or vessel.
- (7c) The conveyance or transfer of any estate or interest in goods, wares or merchandise not referred to in subitems (7a) and (7b), except as provided in sections 70(2) and (3) and referred to in section 31B(3)(b) or (c).

# [(8)-(10) deleted]

- (11) A transfer to a person of the whole or any part of, or an interest in
  - (a) a trade debt:
  - (b) cash or money in an account at call;
  - (c) money on deposit with any person;
  - (d) a negotiable instrument;
  - (e) choses in action with respect to work in progress.

# [(12)-(14) deleted]

(15) A conveyance or transfer of property to the representative in Australia of the Government of another country, a foreign consul, or a trade commissioner of another country, if that property is intended for official use.

# [(16), (17) deleted]

- (18) Any of the following matters under the Strata Titles Act 1985
  - (a) the passing of any property that occurs by operation of section 21I, 21M or an order under section 103P;
  - (b) a transfer or other document or a disposition statement referred to in section 21V or 31H;
  - (c) anything that occurs by operation of section 21W, 21Y, 31G, 31J or an order under section 103P; or
  - (d) anything done under, or to give effect to, Division 2A of Part II or Division 3 of Part III,

but this subitem does not apply to the extent that the consideration for the passing of property, or for any other thing referred to in this subitem, is other than an interest in common property.

- (19) A timber sharefarming agreement under the *Conservation and Land Management Act 1984* or the *Forest Products Act 2000* under which a *profit à prendre* is created but this subitem does not apply to such an agreement if a *profit à prendre* had been previously created in respect of a crop of trees to which the agreement applies.
- (20) An agreement under the *Tree Plantation Agreements Act 2003* in respect of which a plantation interest, as defined in that Act, is created but this subitem does not apply to such an agreement if a plantation interest had been previously created in respect of a plantation to which the agreement applies.

# 3. DEED OR DECLARATION:

- (1) Any instrument for the purpose of
  - (a) discharging or releasing any stamped instrument of security which discharge or release is not made to effect a voluntary disposition *inter vivos* or a conveyance or transfer on sale; or
  - (b) extending the terms of repayment of the amount secured by a stamped security.
- (2) Any instrument or undertaking given by a society registered under the *Housing Societies Act 1976* to the Treasurer where the instrument is associated with a guarantee given by the Treasurer securing advances to the society.
- (3) Any instrument executed on or after 1 July 1992 granting a power of attorney.
- (4) An instrument described in item 8(1) of the Second Schedule to which an exempt body (as defined in section 119) is a party.
- (5) Any of the following matters under the Strata Titles Act 1985
  - (a) anything that occurs by operation of section 21W, 21Y, 31G or
  - (b) anything done under, or to give effect to, Division 2A of Part II or Division 3 of Part III,

but this subitem does not apply to the extent that the consideration for the passing of property, or for any other thing referred to in this subitem, is other than an interest in common property.

- (6) Draft or order drawn by any financial institution in Western Australia on any other financial institution in Western Australia not payable to bearer or order, and used solely for the purpose of settling or clearing any account between those financial institutions.
- (7) Letter written by a financial institution in Western Australia to any other financial institution in Western Australia directing the payment of any sum of money, the same not being payable to bearer or to order, and that letter not being sent or delivered to the person to whom payment is to be made or to any person on his behalf.
- (8) Letter of credit granted in Western Australia authorising drafts payable in Western Australia to be drawn out of Western Australia.
- (9) A deed that evidences
  - (a) a lease or an agreement to lease; or
  - (b) a bond, debenture, covenant, bill of sale, guarantee, lien or other instrument of security that is not subject to duty under item 13 of the Second Schedule.
- 4. DUPLICATE OR COUNTERPART:

Duplicates or counterparts of insurance policies.

5. DEEDS OF SETTLEMENT OR DEEDS OF GIFT:

An instrument otherwise dutiable under item 19 of the Second Schedule which would be exempt if it effected, or evidenced, a conveyance or transfer that is exempt under item 2 of the Third Schedule.

- 6. LEASE OR AGREEMENT FOR LEASE:
  - (1) All leases or agreements for leases from
    - (a) the Crown;

- (b) the Minister to whom the administration of the *Land Administration Act 1997* is for the time being committed, under that Act; or
- (c) the Minister to whom the *Mining Act 1978* is for the time being committed, under that Act.
- [(2) deleted]
- (3) A lease or an agreement for a lease to the representative in Australia of the Government of another country, a foreign consul, or a trade commissioner of another country, if the property subject to the lease or agreement is intended for official use.

# 7. MORTGAGES (INCLUDING HOME MORTGAGES)

[(1), (2) deleted]

- (3) Any mortgage when the total amount secured is less than \$100. [(4)-(10) deleted]
- (11) Any instrument charging the assets of a society registered under the *Housing Societies Act 1976* in favour of the Treasurer where the instrument is associated with a guarantee given by the Treasurer securing advances to the society.
- (12) Any instrument securing the repayment of moneys borrowed for the purchase by, or lease to, the representative in Australia of the Government of another country, a foreign consul, or a trade commissioner of another country, if the property purchased or leased is intended for official use.
- (13) Any of the following matters under the Strata Titles Act 1985
  - (a) the passing of any property that occurs by operation of section 21I, 21M or an order under section 103P;
  - (b) a transfer or other document or a disposition statement referred to in section 21V or 31H;
  - (c) anything that occurs by operation of section 21W, 21Y, 31G, 31J or an order under section 103P; or
  - (d) anything done under, or to give effect to, Division 2A of Part II or Division 3 of Part III,

but this subitem does not apply to the extent that the consideration for the passing of property, or for any other thing referred to in this subitem, is other than an interest in common property.

# 8. POLICY OF INSURANCE:

- (1) Any policy of reinsurance. (See section 95.)
- (2) Any policy of insurance in respect of goods in the course of being transported, whether by rail, road, air or sea, and whether within Western Australia or elsewhere.
- (3) Any policy of insurance in respect of a marine hull used primarily for commercial purposes.
- (3a) Any policy of insurance effected by an exempt body (as defined in section 119) on or after 30 June 1989.
- (4) Any policy of insurance of a class or description prescribed by regulations made under section 120.

# 9. VEHICLE LICENCE

- [(1) deleted]
- (2) A licence granted to a person for a vehicle which was, before the grant of that licence, last licensed or registered in that person's name under
  - (a) the Road Traffic Act 1974;
  - (b) a law of any other country corresponding to the *Road Traffic Act 1974*; or
  - (c) a corresponding State law,

but this subitem does not apply to a licence granted to a person for a heavy vehicle which was, before the grant of that licence, last licensed or registered in the person's name under a corresponding State law if the vehicle was registered in that person's name under the Commonwealth Act on or after 16 January 1997.

- (3) A licence granted for a vehicle that is in a prescribed class of vehicles to a member of a prescribed class of persons where the vehicle is used for a purpose prescribed for the purposes of this subitem.
- (4) A licence granted to a person for a heavy vehicle if
  - the vehicle was, immediately before 16 January 1997, registered in that person's name under the Commonwealth Act; and
  - (b) since 16 January 1997, no licence or registration has been granted under the *Road Traffic Act 1974* or a corresponding State law for the vehicle in any other person's name.
- (5) A licence granted to a person for a vehicle
  - (a) that was modified and that was, before the grant of the licence, last licensed or registered in that person's name under
    - (i) the Road Traffic Act 1974;
    - (ii) a law of any other country corresponding to the *Road Traffic Act 1974*; or
    - (iii) a corresponding State law;

or

- (b) that was part of a vehicle that was modified and that was, before the grant of the licence, last licensed or registered in that person's name under
  - (i) the Road Traffic Act 1974;
  - (ii) a law of any other country corresponding to the *Road Traffic Act 1974*; or
  - (iii) a corresponding State law.

(6) The exemption in subitem (5) applies whether or not a vehicle that results from the modification needs to meet a standard or requirement before it can be licensed that is different to the one that the original vehicle had to meet.

[Third Schedule inserted by No. 37 of 1979 s. 109; amended by No. 63 of 1980 s. 3; No. 10 of 1982 s. 28; No. 14 of 1983 s. 7; No. 61 of 1983 s. 14; No. 81 of 1984 s. 38; No. 109 of 1984 s. 3 and 12; No. 84 of 1985 s. 11; No. 98 of 1986 s. 21; No. 100 of 1987 s. 14; No. 3 of 1989 s. 8; No. 41 of 1989 s. 27; No. 73 of 1990 s. 45; No. 52 of 1991 s. 14; No. 39 of 1994 s. 13, 20 and 21; No. 79 of 1994 s. 5(1); No. 14 of 1995 s. 44; No. 14 of 1996 s. 4; No. 20 of 1996 s. 45; No. 48 of 1996 s. 30(1) and 38; No. 61 of 1996 s. 40; No. 13 of 1997 s. 30 and 47; No. 31 of 1997 s. 82 and 141; No. 22 of 1998 s. 43 and 54; No. 58 of 1998 s. 8; No. 2 of 1999 s. 23; No. 26 of 1999 s. 103(3); No. 53 of 1999 s. 31; No. 29 of 2000 s. 4 and 16; No. 10 of 2001 s. 187; No. 12 of 2001 s. 51; No. 11 of 2002 s. 8; No. 2 of 2003 s. 142; No. 56 of 2003 s. 9; No. 66 of 2003 s. 88; No. 12 of 2004 s. 35; (Correction to Reprint in Gazette 20 Jul 2004 p. 2909); No. 11 of 2005 s. 29.1