

Western Australia

Revenue Laws Amendment Act (No. 2) 2005

As at 30 Aug 2005

No. 12 of 2005

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Revenue Laws Amendment Act (No. 2) 2005

No. 12 of 2005

An Act to amend the *Land Tax Assessment Act 2002*, the *Stamp Act 1921* and the *Taxation Administration Act 2003*.

[Assented to 30 August 2005]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Revenue Laws Amendment Act (No. 2) 2005*.

2. Commencement

- (1) Subject to subsection (2), this Act comes into operation on the day on which it receives the Royal Assent.
- (2) Section 5 is deemed to have come into operation on 1 July 2003.

Part 2 — The *Land Tax Assessment Act 2002* amended

3. The Act amended

The amendments in this Part are to the *Land Tax Assessment Act 2002**.

[* *Act No. 52 of 2002.*

*For subsequent amendments see Western Australian
Legislation Information Tables for 2004, Table 1, p. 243-4.]*

4. Section 9A inserted

After section 9 the following section is inserted in Part 2
Division 1 —

“

9A. Notice of errors or omissions

- (1) A person identified as being liable to pay land tax by a land tax assessment notice must notify the Commissioner of any material error or omission in the notice, that is relevant to the assessment, in relation to —
 - (a) any land owned by the person, whether or not the land is specified in the assessment notice;
 - (b) the ownership of any land specified in the assessment notice;
 - (c) any concessions or exemptions allowed, claimed or claimable in respect of land; or
 - (d) any prescribed matters.
- (2) Notice of the error or omission must be given to the Commissioner —
 - (a) on or before the date specified in the assessment notice as the due date for payment of the land tax; or

- (b) if no such date is specified — within 21 days after the date of the assessment notice.
- (3) In a prosecution of a person for an offence against subsection (1) it is a defence if the person proves that the person —
 - (a) did not know; and
 - (b) could not reasonably be expected to have known,that the notice to which the prosecution relates contained any material error or omission.
Penalty: \$5 000.

”.

5. The Glossary amended

The Glossary is amended in clause 1 in the definition of “private residential property” by inserting in paragraph (d) after “sections 24” —

“ ,27 ”.

Part 3 — The *Stamp Act 1921* amended

6. The Act amended

The amendments in this Part are to the *Stamp Act 1921**.

[* *Reprint 14 as at 12 September 2003.*

*For subsequent amendments see Western Australian
Legislation Information Tables for 2004, Table 1, p. 426.]*

7. Section 75JD amended

Section 75JD(2) and (2a) are repealed and the following subsections are inserted instead —

“

- (2) An application for an exemption under section 75JA or 75JB as to an instrument or Part IIIBA statement cannot be made more than 12 months after the date of execution of the instrument or the occurrence of the relevant acquisition.
- (2a) An application for an exemption under section 75JA or 75JB as to an instrument (other than an instrument referred to in section 75JB(2a)) or Part IIIBA statement cannot be made if duty payable on the instrument or statement has been assessed.
- (2b) An application for an exemption under section 75JB for an instrument referred to in section 75JB(2a) cannot be made if, because of the agreement evidenced by the instrument, an application has been made for the transfer of a licence.
- (2c) Subsection (2d) applies to an application for the reassessment of duty payable on an instrument or Part IIIBA statement to be made on the basis that, if an application for an exemption under section 75JA or 75JB (as the case requires) had been made before the

duty was assessed, an exemption would have been granted.

- (2d) Despite section 17(1) of the *Taxation Administration Act 2003*, an application for reassessment to which this subsection applies cannot be made more than 12 months after the date of execution of the instrument or the occurrence of the relevant acquisition.
- (2e) Subsection (2f) applies to an application for the reassessment of duty payable on the transfer of a licence to be made on the basis that, if an application for an exemption under section 75JB as to an instrument referred to in section 75JB(2a) had been made before the application for the transfer was made, an exemption certificate would have been issued under section 75JB(3a).
- (2f) Despite section 17(1) of the *Taxation Administration Act 2003*, an application for reassessment to which this subsection applies cannot be made more than 12 months after the date of execution of the instrument.

”.

- self-assessment in prescribed circumstances;
and
- (g) may authorise the responsible party to cancel a stamp duty certificate issued by the party under the arrangement and issue a replacement certificate to give effect to any corrections or alterations made in accordance with the arrangement.

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