

Western Australia

**Revenue Laws Amendment (Tax Relief) Act (No.
2) 2004**

As at 08 Dec 2004

No. 83 of 2004

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Revenue Laws Amendment (Tax Relief) Act (No. 2) 2004

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**Revenue Laws Amendment (Tax Relief) Act
(No. 2) 2004**

No. 83 of 2004

An Act to amend the —

- *Land Tax Act 2002*;
 - *Pay-roll Tax Act 2002*; and
 - *Stamp Act 1921*,
- and for related purposes.**

[Assented to 8 December 2004]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Revenue Laws Amendment (Tax Relief) Act (No. 2) 2004*.

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

Part 2 — Land Tax Act 2002 amended

3. The Act amended

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

[* *Act No. 51 of 2002.*

*For subsequent amendments see Western Australian
Legislation Information Tables for 2003, Table 1, p. 208 and
Act No 11 of 2004.]*

4. Section 5 amended

Section 5 is amended as follows:

- (a) by deleting from the heading to Table 3 “and subsequent financial years”;
- (b) by inserting after Table 3 the following Table —

“

Table 4: Land tax rates for 2005/06 and subsequent financial years		
Unimproved value of the land		
Exceeding (\$)	Not exceeding (\$)	Rate of land tax
0	100 000	Nil
100 000	220 000	0.15 cent for each \$1 in excess of \$100 000
220 000	570 000	\$180.00 + 0.45 cent for each \$1 in excess of \$220 000
570 000	2 000 000	\$1 755.00 + 1.76 cents for each \$1 in excess of \$570 000

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2 000 000	5 000 000	\$26 923.00 + 2.30 cents for each \$1 in excess of \$2 000 000
5 000 000		\$95 923.00 + 2.50 cents for each \$1 in excess of \$5 000 000

”.

Part 3 — *Pay-roll Tax Act 2002*

5. The Act amended

The amendments in this Part are to the *Pay-roll Tax Act 2002**.

[* *Act No. 47 of 2002.*

*For subsequent amendments see Western Australian
Legislation Information Tables for 2003, Table 1, p. 281.]*

6. Section 5 amended

- (1) Section 5 is amended by deleting “Pay-roll tax” and inserting instead —

“

- (1) Pay-roll tax on wages paid or payable before
1 January 2005

”.

- (2) At the end of section 5 the following subsection is inserted —

“

- (2) Pay-roll tax on wages paid or payable on or after
1 January 2005 is imposed at the rate of 5.5%.

”.

Part 4 — Stamp Act 1921 amended

7. 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 2003, Table 1, p. 365 and Acts Nos. 56, 59 and 66 of 2003 and 11 and 12 of 2004.]

8. Second Schedule amended — rate changes

- (1) The amendments in this section are to the Second Schedule.
- (2) Item 4(1)(a) is amended by deleting “\$2.20” and inserting instead —
“ \$2.00 ”.
- (3) Item 4(1)(b) is amended by deleting “\$1 760 and \$3.30” and inserting instead —
“ \$1 600 and \$3.00 ”.
- (4) Item 4(1)(c) is amended by deleting “\$2 420 and \$4.50” and inserting instead —
“ \$2 200 and \$4.00 ”.
- (5) Item 4(1)(d) is amended by deleting “\$9 170 and \$5.60” and inserting instead —
“ \$8 200 and \$5.00 ”.
- (6) Item 4(1)(e) is amended by deleting “\$23 170 and \$6.00” and inserting instead —
“ \$20 700 and \$5.40 ”.

- (7) Item 4(2)(a) is amended by deleting “\$220 000” and inserting instead —
“ \$250 000 ”.
- (8) Item 4(2)(b) is amended as follows:
- (a) by deleting “\$220 000”, in both places where it occurs, and inserting instead —
“ \$250 000 ”;
 - (b) by deleting “\$300 000” and inserting instead —
“ \$350 000 ”;
 - (c) by deleting “\$14.96” and inserting instead —
“ \$13.20 ”.
- (9) Item 4(3)(a) is amended by deleting “\$100 000” and inserting instead —
“ \$150 000 ”.
- (10) Item 4(3)(b) is amended as follows:
- (a) by deleting “\$100 000”, in both places where it occurs, and inserting instead —
“ \$150 000 ”;
 - (b) by deleting “\$150 000” and inserting instead —
“ \$200 000 ”;
 - (c) by deleting “\$9.34” and inserting instead —
“ \$12.40 ”.
- (11) Item 4(5)(b) is amended by deleting “\$5.42” and inserting instead —
“ \$4.70 ”.

9. Application provision

(1) In this section —

“conveyance or transfer” of property includes a contract, agreement or other instrument that is chargeable with duty as a conveyance or transfer of property;

“duty” means duty payable under the *Stamp Act 1921*;

“existing instrument” means a conveyance or transfer of property (the **“dutiable property”**) that was first executed before 29 October 2004;

“former provisions” means provisions of the *Stamp Act 1921* that are amended by this Part, as those provisions were enacted at any time before 29 October 2004.

(2) Despite the amendments made by this Part, former provisions that applied in relation to an existing instrument before 29 October 2004 —

(a) continue to apply in relation to the existing instrument; and

(b) if an instrument first executed on or after 29 October 2004 replaces the existing instrument, apply in relation to the replacement instrument to the extent to which it is a conveyance or transfer of the dutiable property.

(3) Subject to subsection (2)(b), the provisions of the *Stamp Act 1921* as amended by this Part apply in relation to a conveyance or transfer of property first executed on or after 29 October 2004.

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