

Western Australia

Stamp Amendment (Budget) Act 2002

As at 28 Jun 2002

No. 11 of 2002

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Stamp Amendment (Budget) Act 2002

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Western Australia

Stamp Amendment (Budget) Act 2002

No. 11 of 2002

An Act to amend the *Stamp Act 1921*.

[Assented to 28 June 2002]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Stamp Amendment (Budget) Act 2002*.

2. Commencement

- (1) Subject to this section, this Act comes into operation on the day on which it receives the Royal Assent.
- (2) Part 2 comes into operation, or is deemed to have come into operation, on 1 July 2002.
- (3) Part 3 comes into operation —
 - (a) on 1 July 2002; or
 - (b) on the day on which this Act receives the Royal Assent, if that is after 1 July 2002.
- (4) Part 4 comes into operation, or is deemed to have come into operation —
 - (a) on 1 July 2002 in relation to policies of insurance issued under the *Motor Vehicle (Third Party Insurance) Act 1943* that are effected or renewed on or after 1 July 2002; and
 - (b) on 16 May 2002 in relation to policies of insurance issued under the *Motor Vehicle (Third Party Insurance) Act 1943* that —
 - (i) were effected or renewed on or after 16 May 2002 but before 1 July 2002; and
 - (ii) are valid for a period commencing on or after 1 July 2002.

3. The Act amended

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

[* *Reprinted as at 3 Aug 2001.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 354.]

Part 2 — Transfer of property rate change

4. Second Schedule item 4 amended

- (1) The amendments in this section are to the Second Schedule.
- (2) Item 4(1)(a) is amended by deleting “\$1.95” and inserting instead —
“ \$2.00 ”.
- (3) Item 4(1)(b) is amended by deleting “\$1 560 and \$2.85” and inserting instead —
“ \$1 600 and \$3.00 ”.
- (4) Item 4(1)(c) is amended by deleting “\$2 130 and \$3.70” and inserting instead —
“ \$2 200 and \$4.15 ”.
- (5) Item 4(1)(d) is amended by deleting “\$7 680 and \$4.55” and inserting instead —
“ \$8 425 and \$5.15 ”.
- (6) Item 4(1)(e) is amended by deleting “\$19 055 and \$4.85” and inserting instead —
“ \$21 300 and \$5.50 ”.

5. Transitional

Despite the amendments effected by this Part, the *Stamp Act 1921* as in force immediately before 1 July 2002 continues to apply to and in relation to instruments of a kind referred to in the Second Schedule item 4(1) to that Act that were executed before 1 July 2002.

Part 3 — Vehicle licence rate change

6. Section 76B amended

Section 76B is amended by inserting the following definitions in their appropriate alphabetical positions —

“

“**Commonwealth Act**” means the *Interstate Road Transport Act 1985* of the Commonwealth;

“**corresponding State law**” means a law of any other State or a Territory corresponding to the *Road Traffic Act 1974*;

“**heavy vehicle**” means a motor vehicle with a gross vehicle mass of more than 4.5 tonnes;

”

7. Second Schedule item 14 amended

The Second Schedule item 14 is deleted and the following item is inserted instead —

“

14. MOTOR VEHICLE LICENCE, ISSUE OR TRANSFER

- | | | |
|---|--|---|
| (1) On the issue or transfer of a licence for a motor vehicle that is not a heavy vehicle — | | The person in whose name the licence is issued or the transferee; and see section 76C(13) |
| (a) where the market value of the vehicle does not exceed \$15 000 | 2.75% of the market value | |
| (b) where the market value of the vehicle exceeds \$15 000 but does not exceed \$40 000 | $\left[2.75 + \left(\frac{MV - 15\,000}{6\,666.66} \right) \right] \%$
(rounded to 2 decimal places) of the market value (MV) | |
| (c) where the market value of the vehicle exceeds \$40 000..... | 6.5% of the market value | |

s. 8

- (2) On the issue of a licence for a heavy vehicle that has not previously been used nor registered under the *Road Traffic Act 1974* or a corresponding State law The lesser of —
- (a) 3% of the market value; and
 - (b) \$12 000
- (3) On the issue or transfer of a licence for any other heavy vehicle —
- (a) where the market value of the vehicle does not exceed \$15 000 2.5% of the market value
 - (b) where the market value of the vehicle exceeds \$15 000 but does not exceed \$40 000 $\left[2.5 + \left(\frac{MV - 15\,000}{10\,000} \right) \right] \%$
 (rounded to 2 decimal places) of the market value (MV)
 - (c) where the market value of the vehicle exceeds \$40 000..... The lesser of —
 - (a) 5% of the market value; and
 - (b) \$20 000

The duty payable under item 14 is to be rounded down to the nearest 5 cents

”.

8. Third Schedule amended

The Third Schedule is amended as follows:

- (a) by deleting item 9(1);
- (b) in item 9(2), (3), (4) and (5) by deleting “RTA” in each place where it occurs and inserting instead —
 “ *Road Traffic Act 1974* ”.

9. Transitional

- (1) Despite the amendments effected by this Part, the *Stamp Act 1921* as in force immediately before the commencement day continues to apply to and in relation to the issue or transfer of a motor vehicle licence the application for which was made before the commencement day.
- (2) Despite subsection (1), if —
- (a) the commencement day is after 1 July 2002;
 - (b) an application for the issue or transfer of a motor vehicle licence is made to a licensing authority on or after 1 July 2002; and
 - (c) stamp duty in respect of the issue or transfer of the licence is not paid before the commencement day,
- then the *Stamp Act 1921* as amended by this Part applies to and in relation to the issue or transfer of the licence.
- (3) If, under section 76C(9), (10) or (10C) of the *Stamp Act 1921*, the amount of duty payable in respect of the issue or transfer of a licence is assessed before the commencement day, then the *Stamp Act 1921* as in force immediately before that day continues to apply to and in relation to the issue or transfer of the licence and the assessment.
- (4) In this Part —
- “**commencement day**” means day on which this Part comes into operation.

Part 4 — Policy of insurance rate change

10. Section 96 amended

Section 96(1) and (2) are amended by deleting “item 16(1)(a), (1)(c)” and inserting instead —

“ item 16(1) ”.

11. Second Schedule item 16 amended

The Second Schedule item 16(1)(b) is amended by deleting “0.25” and inserting instead —

“

8% of the amount calculated
under section 96(2)

”.
