

WESTERN AUSTRALIA

**PAY-ROLL TAX AMENDMENT
ACT 1994**

No. 40 of 1994

AN ACT to amend the *Pay-roll Tax Act 1971* and for related purposes.

[Assented to 26 August 1994.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Pay-roll Tax Amendment Act 1994*.

Commencement

2. This Act is deemed to have come into operation on 1 July 1994.

Principal Act

3. In this Act the *Pay-roll Tax Act 1971** is referred to as the principal Act.

[* *Reprinted as at 10 September 1992.*

For subsequent amendments see 1993 Index to Legislation of Western Australia, Table 1, p. 156.]

Section 5 amended

4. Section 5 of the principal Act is amended by repealing subsections (2) to (5) and substituting the following subsections —

“

(2) If the amount of taxable wages paid or payable by an employer for a month after the month of June 1994 is —

- (a) not more than \$183 333, the rate of pay-roll tax payable each month is 3.95%;
- (b) more than \$183 333 but less than \$305 556, the rate of pay-roll tax payable each month is R%, where —

$$R = \frac{7\,241.65 + 0.0645(W - 183\,333)}{W} \times 100$$

(calculated to 4 decimal points)

W = amount of taxable wages paid or payable for the month;

- (c) not less than \$305 556 but less than \$381 944, the rate of pay-roll tax payable each month is R%, where —

$$R = \frac{15\,125.02 + 0.102(W - 305\,556)}{W} \times 100$$

(calculated to 4 decimal points)

W = amount of taxable wages paid or payable for the month;

- (d) \$381 944 or more, the rate of pay-roll tax payable each month is 6%.

(3) If the amount of taxable wages paid or payable by an employer for a financial year commencing on 1 July 1994 or 1 July of a subsequent year is —

- (a) not more than \$2 200 000, the rate of pay-roll tax for the year is 3.95%;
- (b) more than \$2 200 000 but less than \$3 666 667, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{86\,900 + 0.0645(W - 2\,200\,000)}{W} \times 100$$

(calculated to 4 decimal points)

W = amount of taxable wages paid or payable for the year;

- (c) not less than \$3 666 667 but less than \$4 583 333, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{181\,500.02 + 0.102 (W - 3\,666\,667)}{W} \times 100$$

(calculated to 4 decimal points)

W = amount of taxable wages paid or payable for the year;

- (d) \$4 583 333 or more, the rate of pay-roll tax for the year is 6%.

”.

Section 6 amended

5. (1) Section 6 of the principal Act is amended —

- (a) in subsection (4) by deleting all of the subsection following the word “Australia” and substituting the following —

“

in respect of the period of any financial year commencing on 1 July 1994 or 1 July of a subsequent year.

”;

- (b) in subsection (5) by deleting “subsections (7) and (9)” and substituting the following —

“ subsection (6) ”; and

- (c) in subsection (11) by deleting “subsections (6), (8) and (10)” and substituting the following —

“ subsection (7) ”.

(2) Section 6 of the principal Act is amended by repealing subsections (6) to (10) and substituting the following subsections —

“

(6) If the estimated total interstate wages and taxable wages paid or payable by an employer for a financial year commencing on 1 July 1994 or 1 July of a subsequent year is —

- (a) not more than \$2 200 000, the rate of pay-roll tax payable each month for the year shall be determined as 3.95%;
- (b) more than \$2 200 000 but less than \$3 666 667, the rate of pay-roll tax payable each month for the year shall be determined as R%, where —

$$R = \frac{86\,900 + 0.0645(E - 2\,200\,000)}{E} \times 100$$

(calculated to 2 decimal points)

E = amount of total interstate wages and taxable wages estimated by the employer to be paid or payable for the year;

- (c) not less than \$3 666 667 but less than \$4 583 333, the rate of pay-roll tax payable each month for the year shall be determined as R%, where —

$$R = \frac{181\,500.02 + 0.102(E - 3\,666\,667)}{E} \times 100$$

(calculated to 2 decimal points)

E = amount of total interstate wages and taxable wages estimated by the employer to be paid or payable for the year;

- (d) \$4 583 333 or more, no determination shall be made under this subsection.

(7) Subject to subsection (11), if the amount of total interstate wages and taxable wages paid or payable by an employer for a financial year commencing on 1 July 1994 or 1 July of a subsequent year is —

- (a) not more than \$2 200 000, the rate of pay-roll tax for the year is 3.95%;
- (b) more than \$2 200 000 but less than \$3 666 667, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{86\,900 + 0.0645(W - 2\,200\,000)}{W} \times 100$$

(calculated to 4 decimal points)

W = amount of total interstate wages and taxable wages paid or payable for the year;

- (c) not less than \$3 666 667 but less than \$4 583 333, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{181\,500.02 + 0.102(W - 3\,666\,667)}{W} \times 100$$

(calculated to 4 decimal points)

W = amount of total interstate wages and taxable wages paid or payable for the year;

- (d) \$4 583 333 or more, the rate of pay-roll tax for the year is 6%.

Section 7 amended

6. (1) Section 7 of the principal Act is amended —

(a) in subsection (4) by deleting all of the subsection following the word “Australia” and substituting the following —

“
in respect of the period of any financial year commencing on 1 July 1994 or 1 July of a subsequent year.
”;

(b) in subsection (6) by deleting “subsections (8) and (10)” and substituting the following —

“ subsection (7) ”; and

(c) in subsection (12) by deleting “subsections (7), (9) and (11)” and substituting the following —

“ subsection (8) ”.

(2) Section 7 of the principal Act is amended by repealing subsections (7) to (11) and substituting the following subsections —

“

(7) If the estimated total interstate wages and taxable wages paid or payable by all members of a group that pay taxable wages in Western Australia for a financial year commencing on 1 July 1994 or 1 July of a subsequent year is —

(a) not more than \$2 200 000, the rate of pay-roll tax payable each month by each member of the group for the year shall be determined as 3.95%;

- (b) more than \$2 200 000 but less than \$3 666 667, the rate of pay-roll tax payable each month by each member of the group for the year shall be determined as R%, where —

$$R = \frac{86\,900 + 0.0645 (E - 2\,200\,000)}{E} \times 100$$

(calculated to 2 decimal points)

E = amount of total interstate wages and taxable wages estimated to be paid or payable for the year by all members of the group that pay taxable wages in Western Australia;

- (c) not less than \$3 666 667 but less than \$4 583 333, the rate of pay-roll tax payable each month by each member of the group for the year shall be determined as R%, where —

$$R = \frac{181\,500.02 + 0.102 (E - 3\,666\,667)}{E} \times 100$$

(calculated to 2 decimal points)

E = amount of total interstate wages and taxable wages estimated to be paid or payable for the year by all members of the group that pay taxable wages in Western Australia;

- (d) \$4 583 333 or more, no determination shall be made under this subsection.

(8) Subject to subsection (12), if the amount of total interstate wages and taxable wages paid or payable by all members of a group that pay taxable

wages in Western Australia for a financial year commencing on 1 July 1994 or 1 July of a subsequent year is —

- (a) not more than \$2 200 000, the rate of pay-roll tax for the year is 3.95%;
- (b) more than \$2 200 000 but less than \$3 666 667, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{86\,900 + 0.0645 (W - 2\,200\,000)}{W} \times 100$$

(calculated to 4 decimal points)

W = amount of total interstate wages and taxable wages paid or payable for the year by all members of the group that pay taxable wages in Western Australia;

- (c) not less than \$3 666 667 but less than \$4 583 333, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{181\,500.02 + 0.102 (W - 3\,666\,667)}{W} \times 100$$

(calculated to 4 decimal points)

W = amount of total interstate wages and taxable wages paid or payable for the year by all members of the group that pay taxable wages in Western Australia;

- (d) \$4 583 333 or more, the rate of pay-roll tax for the year is 6%.

Existing rates and liabilities not affected

7. Without limiting the operation of the *Interpretation Act 1984*, the provisions of the principal Act as in force immediately before the commencement of this Act, insofar as they apply to a period before that commencement, continue to have effect in relation to the imposition of pay-roll tax under the principal Act in respect of wages paid or payable for that period and the assessment, collection and payment of any pay-roll tax imposed in respect of such wages.