

**PAY-ROLL TAX AMENDMENT
ACT 1993**

No. 23 of 1993

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

[Assented to 9 December 1993.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Pay-roll Tax Amendment Act 1993*.

Commencement

2. This Act comes into operation on 1 January 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 1992 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), (3), (4) and (5) and substituting the following subsections —

“

(2) If the amount of taxable wages paid or payable by an employer for the period commencing on 1 July 1993 and ending on 31 December 1993 is —

- (a) not more than \$750 000, the rate of pay-roll tax for the period is 3.95%;
- (b) more than \$750 000 but less than \$1 250 000, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{29\ 625 + 0.0645 (W - 750\ 000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (c) not less than \$1 250 000 but less than \$1 562 500, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{61\,875 + 0.102(W - 1\,250\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (d) \$1 562 500 or more, the rate of pay-roll tax for the period is 6%.

(3) If the amount of taxable wages paid or payable by an employer for a month after the month of December 1993 is —

- (a) not more than \$150 000, the rate of pay-roll tax payable each month is 3.95%;

- (b) more than \$150 000 but less than \$250 000, the rate of pay-roll tax payable each month is R%, where —

$$R = \frac{5\,925 + 0.0645(W - 150\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (c) not less than \$250 000 but less than \$312 500, the rate of pay-roll tax payable each month is R%, where —

$$R = \frac{12\,375 + 0.102(W - 250\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (d) \$312 500 or more, the rate of pay-roll tax payable each month is 6%.

(4) If the amount of taxable wages paid or payable by an employer for the period commencing on 1 January 1994 and ending on 30 June 1994 is —

- (a) not more than \$900 000, the rate of pay-roll tax for the period is 3.95%;
- (b) more than \$900 000 but less than \$1 500 000, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{35\,550 + 0.0645(W - 900\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (c) not less than \$1 500 000 but less than \$1 875 000, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{74\,250 + 0.102(W - 1\,500\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (d) \$1 875 000 or more, the rate of pay-roll tax for the period is 6%.

(5) 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 \$1 800 000, the rate of pay-roll tax for the year is 3.95%;

- (b) more than \$1 800 000 but less than \$3 000 000, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{71\,100 + 0.0645(W - 1\,800\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (c) not less than \$3 000 000 but less than \$3 750 000, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{148\,500 + 0.102(W - 3\,000\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (d) \$3 750 000 or more, the rate of pay-roll tax for the year is 6%.

”

Section 6 amended

5. (1) Section 6 (4) of the principal Act is amended by deleting paragraphs (a) and (b) and substituting the following paragraphs —

“

- (a) the period commencing on 1 January 1994 and ending on 30 June 1994;
- (b) the period of any financial year commencing on 1 July 1994 or 1 July of a subsequent year,

”

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

“

(6) Subject to subsection (11), if the amount of total interstate wages and taxable wages paid or payable by an employer for the period commencing on 1 July 1993 and ending on 31 December 1993 is —

- (a) not more than \$750 000, the rate of pay-roll tax for the period is 3.95%;
- (b) more than \$750 000 but less than \$1 250 000, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{29\,625 + 0.0645(W - 750\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (c) not less than \$1 250 000 but less than \$1 562 500, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{61\,875 + 0.102(W - 1\,250\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (d) \$1 562 500 or more, the rate of pay-roll tax for the period is 6%.

(7) If the estimated total interstate wages and taxable wages paid or payable by an employer for the period commencing on 1 January 1994 and ending on 30 June 1994 is —

- (a) not more than \$900 000, the rate of pay-roll tax payable each month for the period shall be determined as 3.95%;
- (b) more than \$900 000 but less than \$1 500 000, the rate of pay-roll tax payable each month for the period shall be determined as R%, where —

$$R = \frac{35\,550 + 0.0645(E - 900\,000)}{E} \times 100$$

(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 period;

- (c) not less than \$1 500 000 but less than \$1 875 000, the rate of pay-roll tax payable each month for the period shall be determined as R%, where —

$$R = \frac{74\,250 + 0.102(E - 1\,500\,000)}{E} \times 100$$

(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 period;

- (d) \$1 875 000 or more, no determination shall be made under this subsection.

(8) Subject to subsection (11), if the amount of total interstate wages and taxable wages paid or payable by an employer for the period commencing on 1 January 1994 and ending on 30 June 1994 is —

- (a) not more than \$900 000, the rate of pay-roll tax for the period is 3.95%;
- (b) more than \$900 000 but less than \$1 500 000, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{35\,550 + 0.0645(W - 900\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (c) not less than \$1 500 000 but less than \$1 875 000, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{74\,250 + 0.102(W - 1\,500\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (d) \$1 875 000 or more, the rate of pay-roll tax for the period is 6%.

(9) 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 \$1 800 000, the rate of pay-roll tax payable each month for the year shall be determined as 3.95%;

- (b) more than \$1 800 000 but less than \$3 000 000, the rate of pay-roll tax payable each month for the year shall be determined as R%, where —

$$R = \frac{71\,100 + 0.0645(E - 1\,800\,000)}{E} \times 100$$

(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 \$3 000 000 but less than \$3 750 000, the rate of pay-roll tax payable each month for the year shall be determined as R%, where —

$$R = \frac{148\,500 + 0.102(E - 3\,000\,000)}{E} \times 100$$

(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;

- (d) \$3 750 000 or more, no determination shall be made under this subsection.

(10) 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 \$1 800 000, the rate of pay-roll tax for the year is 3.95%;

- (b) more than \$1 800 000 but less than \$3 000 000, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{71\,100 + 0.0645(W - 1\,800\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (c) not less than \$3 000 000 but less than \$3 750 000, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{148\,500 + 0.102(W - 3\,000\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (d) \$3 750 000 or more, the rate of pay-roll tax for the year is 6%.

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Section 7 amended

6. (1) Section 7 (4) of the principal Act is amended by deleting paragraphs (a) and (b) and substituting the following paragraphs —

“

- (a) the period commencing on 1 January 1994 and ending on 30 June 1994;
- (b) the period of any financial year commencing on 1 July 1994 or 1 July of a subsequent year,

”

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

“

(7) 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 the period commencing on 1 July 1993 and ending on 31 December 1993 is —

- (a) not more than \$750 000, the rate of pay-roll tax for the period is 3.95%;
- (b) more than \$750 000 but less than \$1 250 000, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{29\,625 + 0.0645(W - 750\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (c) not less than \$1 250 000 but less than \$1 562 500, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{61\,875 + 0.102(W - 1\,250\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (d) \$1 562 500 or more, the rate of pay-roll tax for the period is 6%.

(8) 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 the period commencing on 1 January 1994 and ending on 30 June 1994 is —

- (a) not more than \$900 000, the rate of pay-roll tax payable each month for the period by each member of the group shall be determined as 3.95%;
- (b) more than \$900 000 but less than \$1 500 000, the rate of pay-roll tax payable each month for the period by each member of the group shall be determined as R%, where —

$$R = \frac{35\,550 + 0.0645(E - 900\,000)}{E} \times 100$$

(calculated to 2 decimal points)

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

- (c) not less than \$1 500 000 but less than \$1 875 000, the rate of pay-roll tax payable each month for the period by each member of the group shall be determined as R%, where —

$$R = \frac{74\,250 + 0.102(E - 1\,500\,000)}{E} \times 100$$

(calculated to 2 decimal points)

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

- (d) \$1 875 000 or more, no determination shall be made under this subsection.

(9) 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 the period commencing on 1 January 1994 and ending on 30 June 1994 is —

- (a) not more than \$900 000, the rate of pay-roll tax for the period is 3.95%;
- (b) more than \$900 000 but less than \$1 500 000, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{35\,550 + 0.0645 (W - 900\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (c) not less than \$1 500 000 but less than \$1 875 000, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{74\,250 + 0.102 (W - 1\,500\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (d) \$1 875 000 or more, the rate of pay-roll tax for the period is 6%.

(10) 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 \$1 800 000, 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 \$1 800 000 but less than \$3 000 000, the rate of pay-roll tax payable each month by each member of the group for the year shall be determined as R%, where —

$$R = \frac{71\,100 + 0.0645 (E - 1\,800\,000)}{E} \times 100$$

(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 \$3 000 000 but less than \$3 750 000, the rate of pay-roll tax payable each month by each member of the group for the year shall be determined as R%, where —

$$R = \frac{148\,500 + 0.102 (E - 3\,000\,000)}{E} \times 100$$

(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;

- (d) \$3 750 000 or more, no determination shall be made under this subsection.

(11) 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 \$1 800 000, the rate of pay-roll tax for the year is 3.95%;
- (b) more than \$1 800 000 but less than \$3 000 000, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{71\,100 + 0.0645 (W - 1\,800\,000)}{W} \times 100$$

(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 \$3 000 000 but less than \$3 750 000, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{148\,500 + 0.102 (W - 3\,000\,000)}{W} \times 100$$

(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;

- (d) \$3 750 000 or more, the rate of pay-roll tax for the year is 6%.

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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 (other than sections 5 (5), 6 (10) and 7 (11)) 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 any period before the commencement of this Act and the assessment, collection and payment of any pay-roll tax imposed in respect of such wages.