

# STAMP.

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No. 81 of 1981.

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AN ACT to amend the Stamp Act 1921-1980.

[Assented to 9 November 1981.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Stamp Amendment Act 1981*. Short title and citation.
- (2) In this Act the Stamp Act 1921-1980 is referred to as the principal Act. Reprinted as approved 25 March 1980 and amended by Acts Nos. 47 of 1979 and 63 of 1980.
- (3) The principal Act as amended by this Act may be cited as the Stamp Act 1921-1981.

Commence-  
ment.

2. (1) This Act, other than sections 3 and 8, shall come into operation on 1 December 1981.

(2) Sections 3 and 8 of this Act shall come into operation on 1 January 1982.

Sections  
75AE and  
75AF  
inserted.

3. After section 75AD of the principal Act, the following sections are inserted—

Rebate of  
duty for  
certain  
dwelling-  
houses and  
businesses.

“ 75AE. (1) In the case of a conveyance or transfer of property chargeable with duty under item 4 (1) of the Second Schedule to this Act, a purchaser who claims to be an entitled person for the purposes of this section may apply to the Commissioner in the manner provided by this section for the duty on the instrument of conveyance or transfer to be assessed in accordance with item 4 (5) of that Schedule.

(2) A purchaser is an entitled person for the purposes of this section if he is able to satisfy the Commissioner of the following—

- (a) he is the person named in the instrument of conveyance or transfer as the purchaser and he does not hold or intend to hold the property as agent, trustee or otherwise on behalf of or in partnership or association with any other person except as set out in the statutory declaration provided for by subsection (3) of this section;
- (b) the value of the property to which the instrument of conveyance or transfer relates, as determined for the purposes of this Act, does not exceed \$50 000;
- (c) the property to which the instrument of conveyance or transfer relates includes a dwellinghouse or consists of or includes a business undertaking;

- (d) where the property includes a dwellinghouse, the purchaser is a natural person who has purchased the property with the intention of occupying the dwellinghouse on the property and intends to occupy that dwellinghouse for an indefinite period as his principal place of residence; and
- (e) where the property consists of or includes a business undertaking, the purchaser (whether or not a natural person) has purchased the property with the intention of carrying on the business undertaking and intends to do so for an indefinite period of time.

(3) An application to the Commissioner under subsection (1) of this section shall be made in writing and shall be accompanied by a statutory declaration made by the purchaser (or by every purchaser if there is more than one purchaser) with respect to the matters referred to in subsection (2) of this section and if the Commissioner is satisfied that the purchaser is an entitled person for the purposes of this section he shall assess the duty on the instrument under item 4 (5) of the Second Schedule to this Act and not under item 4 (1) of that Schedule.

(4) In this section “dwellinghouse” includes flat, apartment, or other residential unit.

75AF. (1) Where property or properties to which this section applies is or are conveyed or transferred by separate conveyances or transfers—

Computation  
of duty  
where several  
conveyances  
or transfers.

- (a) that arise from a single contract of sale; or

(b) that together form, or arise from, substantially one transaction, or one series of transactions, the conveyances or transfers shall be chargeable with *ad valorem* duty calculated upon the sum of the amounts by reference to which *ad valorem* duty on each of the conveyances or transfers would, but for this subsection, have been calculated and that duty shall be apportioned to the various conveyances or transfers as determined by the Commissioner.

(2) Where, by conveyances or transfers that have been, or appear to have been, executed within 12 months of each other, a person conveys or transfers property or properties to which this section applies to the same person (whether that person takes alone or with the same or different persons), it shall be presumed, unless the Commissioner is satisfied to the contrary, that the conveyances arose out of one transaction or one series of transactions.

(3) This section does not operate to reduce the duty payable on any instrument.

(4) This section applies to all property the conveyance or transfer of which is chargeable with duty under item 4 (1) or item 19 of the Second Schedule to this Act. ” .

Section 112I  
amended.

4. Section 112I of the principal Act is amended in the definition of “credit business” in subsection (1)—

(a) by deleting “or” at the end of paragraph (b); and

(b) by deleting paragraph (c).

5. (1) Section 112K of the principal Act is amended—

Section 112K  
amended and  
transitional  
provision.

(a) in subsection (1) (a)—

(i) by deleting “one and a half” in subparagraph (ii) and substituting the following—

“ 1.8 ” ;

(ii) by deleting “one eighth of one” in subparagraph (iv) and substituting the following—

“ .15 ” ;

(iii) by deleting “one and a half” in subparagraph (vi) and substituting the following—

“ 1.8 ” ;

(iv) by deleting “one eighth of one” in subparagraph (viii) and substituting the following—

“ .15 ” ;

(v) by deleting “one and a half” in subparagraph (ixa) and substituting the following—

“ 1.8 ” ; and

(vi) by deleting “one and a half” in subparagraph (xi) and substituting the following—

“ 1.8 ” ;

(b) in subsection (1) (b), by deleting “one eighth of one” and substituting the following—

“ .15 ” ; and

(c) in subsection (2), by deleting “one and a half” and substituting the following—

“ 1.8 ” .

(2) Where duty has been or is being paid under section 112K of this Act in respect of a loan, other than a loan upon an account current, at the rate

provided for by that section as it was prior to the coming into operation of this section of this Act, section 112K (1) (b) shall continue to apply in respect of every such loan as if this section had not been enacted.

Section 112P  
amended.

6. Section 112P of the principal Act is amended in subsection (2) by deleting “one and a half” in both places where it occurs and substituting in each case the following—

“ 1.8 ” .

Section 112S  
amended.

7. Section 112S of the principal Act is amended in subsection (4) (b) by deleting “one and a half” and substituting the following—

“ 1.8 ” .

Second  
Schedule  
amended.

8. The Second Schedule to the principal Act is amended—

(a) in item 2, by deleting “0.08” where it occurs in the column headed *Duty payable* opposite to paragraphs (a) and (b) and substituting in each case the following—

“ 0.10 ” ;

(b) in item 4—

(i) by deleting sub-items (1) and (2) and substituting the following sub-items—

<p>“ (1) Transfer of land under the Transfer of Land Act 1893 on a sale thereof or conveyance or transfer of any other property (except any marketable security or right in respect of shares)—</p> <p>Where the amount or value of the consideration—</p> <p>(a) does not exceed</p> <p>\$80 000    . . . . .</p>	<p>‡</p>	<p>The purchaser</p> <p>\$1.50 for every \$100 of the amount or value of the consideration and every fractional part of \$100</p>
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- (b) exceeds \$80 000  
but does not  
exceed \$100 000 \$1 200 and  
\$2 for every  
\$100 of the  
amount or  
value of the  
considera-  
tion and  
every frac-  
tional part  
of \$100 by  
which the  
considera-  
tion exceeds  
\$80 000
- (c) exceeds \$100 000  
but does not  
exceed \$250 000 \$1 600 and  
\$2.50 for  
every \$100  
of the  
amount or  
value of the  
considera-  
tion and  
every frac-  
tional part  
of \$100 by  
which the  
considera-  
tion exceeds  
\$100 000
- (d) exceeds \$250 000  
but does not  
exceed \$500 000 \$5 350 and  
\$3.50 for  
every \$100  
of the  
amount or  
value of the  
considera-  
tion and  
every frac-  
tional part  
of \$100 by  
which the  
considera-  
tion exceeds  
\$250 000
- (e) exceeds \$500 000 \$14 100 and  
\$4.00 for  
every \$100  
of the  
amount or  
value of the  
considera-  
tion and  
every frac-  
tional part  
of \$100 by  
which the  
considera-  
tion exceeds  
\$500 000. " ;

(ii) by inserting after sub-item (4) the following sub-item—

- " (5) Transfer of land under the Transfer of Land Act 1893 on a sale thereof or conveyance or transfer of any other property—
- The purchaser.

In the case where the purchaser is an entitled person for the purposes of section 75AE of this Act—

for every \$100 of the amount or value of the consideration and also

for every frac-  
tional part of \$100 1.25 " ;

(c) in item 12 (2), by deleting paragraphs (a), (b), (c) and (d) and the entries opposite thereto in the column headed *Duty payable* and substituting the following—

“ (a) for a period not exceeding one year, for every \$100 of the rent and also for every fractional part of \$100 thereof that would be payable for a whole year .... 0.35  
 (b) for a period exceeding one year, for every \$100 of the total rent payable and also for every fractional part of \$100 thereof .... 0.35  
 (c) for an indefinite term, for every \$100 of the rent and also for every fractional part of \$100 thereof that would be payable for a whole year .... 0.70 " ;

and

(d) in item 14—

(i) by deleting “up to a maximum duty of \$150” and substituting the following—

“ but in the case of a motor wagon, an omnibus, a semi-trailer, a tractor (prime mover type) and any other class of motor vehicle declared for the purposes of this item by order made by the *Treasurer* and published in the *Government Gazette*, the maximum duty shall be \$900 ”; and

(ii) by deleting “0.75” in the column headed *Duty payable* and substituting the following—

“ 1.50 ” .

Second  
Schedule  
amended.

9. The Second Schedule to the principal Act is amended in item 11 by deleting “ $1\frac{1}{2}\%$ ” and substituting the following—

“ 1.8% ” .