

STAMP.

No. 102 of 1970.

AN ACT to amend the Stamp Act, 1921-1970, and to repeal certain provisions thereof.

[Assented to 8th December, 1970.]

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:—

Short title
and citation.

1. (1) This Act may be cited as the *Stamp Act Amendment Act, 1970*.

Reprinted
as approved
for reprint
27th August,
1968, as
amended by
Acts Nos. 54
of 1968,
113 of 1969
and No. 21
of 1970.

(2) In this Act the Stamp Act, 1921-1970, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Stamp Act, 1921-1970.

2. (1) On the first day of January, nineteen hundred and seventy-one—

Repeal and commencement of sections and heading.

- (a) section 96 of the principal Act as amended by this Act, sections 97, 98 and 99D of the principal Act and section 99 of the principal Act as so amended, shall be repealed;
- (b) the heading "RECEIPT." and the provisions under that heading as inserted in the Second Schedule to the principal Act by this Act, shall be repealed; and
- (c) sections 3, 4, and paragraph (b) of section 12, sections 13, 14 and paragraph (a) of section 15 of this Act shall come into operation.

(2) Sections 5, 6, 7, 8, 9, 10 and 11 and paragraph (b) of section 15 of this Act, shall be deemed to have come into operation on the first day of October, nineteen hundred and seventy.

(3) Paragraphs (a), (c), (d) and (e) of section 12 of this Act shall be deemed to have come into operation on the first day of July, nineteen hundred and seventy and any declaration made by the Treasurer of the State pursuant to the principal Act as amended by any such paragraph, may be declared to have effect on or after that date.

(4) Without prejudice to the operation of the provisions of the Interpretation Act, 1918, to this Act and the principal Act the provisions of sections 15 and 16 of the Interpretation Act, 1918, apply in respect of the repeals effected by this Act.

Application of Interpretation Act, 1918.

3. The proviso to subsection (1) of section 21 of the principal Act is amended by deleting the passage "a receipt," in line three thereof.

Amendment to s. 21. (General direction as to cancellation of adhesive stamps.)

4. Section 27 of the principal Act is amended by deleting the words "in the case of a receipt or" in line one.

Amendment to s. 27. (Instruments not duly stamped inadmissible except in criminal proceedings.)

Amendment
to s. 96.
(Inter-
pretation.)

5. Section 96 of the principal Act is amended—

- (a) by deleting the subsection designation “(1)” in line one;
- (b) by adding after the word “paid” in line four of paragraph (a) of subsection (1) the passage “for or on account of salaries, wages or pensions”;
- (c) by adding after the word “demand” where appearing in line one and again in line two of paragraph (b) of subsection (1) the passage “for or on account of salaries, wages or pensions”, in each case; and
- (d) by repealing subsection (2).

Amendment
to s. 99.
(Penalty for
offences.)

6. Subsection (4) of section 99 of the principal Act is repealed.

S. 99A re-
pealed.
(Power to
elect to
pay duty
otherwise
than by
payment
of receipt
duty.)

7. Section 99A of the principal Act is repealed.

S. 99B re-
pealed.
(Require-
ments where
notice of
election
given.)

8. Section 99B of the principal Act is repealed.

S. 99C re-
pealed.
(Offences.)

9. Section 99C of the principal Act is repealed.

S. 100 re-
pealed.
(Receipt
duty as
between
principal
and agent.)

10. Section 100 of the principal Act is repealed.

S. 101A re-
pealed.
(Stamp duty
chargeable
on certain
note,
memoran-
dum or
acknow-
ledgment of
payment.)

11. Section 101A of the principal Act is repealed.

12. Section 112I of the principal Act is amended—

Amendment
to s. 112I.
(Interpre-
tation.)

- (a) by substituting for the words “at a simple annual rate of nine per centum per annum on the amount of the credit provided under the arrangement and from time to time outstanding” in lines fifteen to nineteen inclusive of the definition “credit arrangement” the words “on the amount of credit provided under the arrangement and from time to time outstanding at a rate per centum per annum declared from time to time by the Treasurer of the State by instrument in writing published in the *Government Gazette* which rate shall not be less than nine per centum per annum”;
- (b) by adding after the passage “applies;”, in the last line of paragraph (b) of the definition “credit business”, the passage—

or

- (c) the business of making loans to its members of a body known as a credit union that is registered under the Co-operative and Provident Societies Act, 1903; ;
- (c) by substituting for the words “nine per centum per annum” in lines three and four of paragraph (c) of the definition “discount transaction” the words “the rate per centum per annum declared from time to time by the Treasurer of the State by instrument in writing published in the *Government Gazette* which rate shall not be less than nine per centum per annum”;
- (d) by substituting for the words “nine per centum” in the last two lines of the definition “loan” the words “the rate per centum per annum declared from time to time by the Treasurer of the State by instrument in writing published in the *Government Gazette* which rate shall not be less than nine per centum per annum”; and

- (e) by substituting for the words “nine per centum per annum” in the last line of paragraph (b) of subsection (4) the words “the rate per centum per annum declared from time to time by the Treasurer of the State by instrument in writing published in the *Government Gazette* which rate shall not be less than nine per centum per annum”.

Amendment
to s. 112K.
(Statements
to be lodged
with the
Commis-
sioner by
registered
persons.)

13. Subsection (5) of section 112K of the principal Act is amended by substituting for the definition “housing loan” in paragraph (a) thereof, a definition as follows—

“housing loan” means a loan—

- (i) that the borrower has declared, by statutory declaration in the prescribed form, to have been obtained for the purpose of defraying the whole or part of the cost of the construction or acquisition of a house or flat that is occupied or intended to be occupied by the borrower for residential purposes or of defraying the whole or part of the cost of land on which the borrower intends to have constructed a house or flat to be occupied by him for residential purposes; and
- (ii) the repayment of which is secured by a mortgage of that house or flat or of the land on which it is or is being constructed or on which the house or flat is intended to be constructed or which is to re-finance any such loan and which loan when re-financed is secured by a mortgage of that house or flat or land; .

Amendment
to s. 120.
(Regula-
tions.)

14. Paragraph (c) of subsection (1) of section 120 of the principal Act is repealed.

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

Amendment
to The
Second
Schedule.

- (a) by deleting the passage "Duplicate receipt." under the heading "Exemptions." following the heading "DUPLICATE or COUNTER-PART"; and
- (b) by repealing the heading "RECEIPT." and the provisions under that heading, including those under the heading "Exemptions.", and substituting therefor the following heading and provisions—

RECEIPT.

Amounting to \$10 or more,
for every \$10 and frac-
tional part of \$10 0.01 .
