

WESTERN AUSTRALIA.



ANNO SEPTIMO

GEORGII QUINTI REGIS,

XII.

No. 12 of 1916.

AN ACT to further amend the Stamp Act,
1882.

[Assented to 5th December, 1916.]

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

1. This Act may be cited as the *Stamp Act Amendment Act*, 1916, and shall be read as one with the Stamp Act, 1882, hereinafter referred to as the principal Act, and its Amendments, and shall come into operation on a date to be fixed by Proclamation.

Short title and commencement.

2. The stamp duties specified in the Schedule to the Stamp Act Amendment Act, 1905, as amended by the several Acts amending the same, including this Act, shall be charged for the use of His Majesty upon the several instruments specified in the said Schedule as amended, subject to the exemptions therein contained, and shall form part of the Consolidated Revenue Fund.

Charge of Duties.

3. Section nineteen of the principal Act is hereby amended by omitting the word "Governor" and inserting "Commissioner of Taxation with the approval of the Minister" in place thereof.

Amendment of Section 19 of the principal Act.

4. Sections seventy and seventy-three of the principal Act are hereby amended by omitting the words "two pounds" wherever those words occur, and by inserting in their place the words "one pound."

Amendment of Sections 70 and 73 of principal Act.

Amendment of
Section 6 of 57
Vict., No. 31.

5. Section six of the Stamp Act, 1882, Amendment Act, 1893, is hereby amended by omitting the words “two pounds” and inserting the words “one pound” in place thereof.

Amendment of
Sections 12 and 13
of Act No. 20 of
1905.

6. Subsection two of section twelve, and section thirteen of the Stamp Act Amendment Act, 1905, are hereby amended by omitting the words “of the Treasury.”

Amendment of
Schedule to Act No.
20 of 1905.

7. The Schedule to the Stamp Act Amendment Act, 1905, is hereby amended as follows:—

(1.) Under the heading “COUPON OR WARRANT” the figure 2 in the exemption is omitted, and the figure 1 is inserted in place thereof.

(2.) Under the heading “CONTRACT NOTE” the words and figures:—

	£	s.	d.
“of the value of £5 and under the			
value of £100	0	0	1
of the value of £100 or upwards ...	0	1	0”

are omitted, and the following words and figures are inserted in place thereof:—

	£	s.	d.
“Under the value of £50	0	0	3
Of the value of £50 and under the			
value of £100	0	0	6
Of the value of £100 and under the			
value of £500	0	1	0
Of the value of £500 and upwards ...	0	2	0”

(3.) Under the heading “CONVEYANCE OR TRANSFER” the words and figures in paragraph (a) and paragraph 3 (a) respectively “for every £5 and also for every fractional part of £5 of the amount or value of the consideration” are omitted, and in the column headed “stamp duty payable” the figures “0. 0. 6.” opposite paragraph (a) and paragraph (3) (a) respectively are omitted and the figures “0. 2 6.” are inserted in place thereof.

(4.) Under the heading “CONVEYANCE OR TRANSFER” the following words are inserted after the word “consideration” in paragraph (b) and paragraph (3) (b) respectively, “And on and after the 1st day of January, 1917, until the 30th day of June 1921, additional duty equal in amount to the duty as prescribed by paragraphs (a) and (b).” And after the words “Conveyance or Transfer of any kind not hereinbefore described” the following words are inserted, namely, “and not being a settlement or deed of gift.”

- (5.) After the word "GUARANTEE" the words "under hand only" are inserted.
- (6) By omitting the table in the second paragraph under the heading "LEASE," and inserting in its place the following words and figures:—

A lease of any lands or tenements at a rent without any payment of any sum of money by way of premium.	When the lease is for a period not exceeding one year.	When the lease is for a period exceeding one year and not exceeding three years.	When the lease is for a period exceeding three years.
	s. d.	s. d.	s. d.
Where the rent, calculated for a whole year, shall not exceed £50	2 6	5 0	7 6
Exceeds £50—for every £50 and also for any fractional part of £50	2 6	5 0	7 6

- (7) By omitting the words "two pounds" under the heading "RECEIPT," and inserting "one pound" in place thereof.
- (8) By inserting the following paragraphs in the exemptions under the heading "RECEIPT":—

Receipt given for any money paid to a Fund formed for the relief or benefit of soldiers or sailors or of the dependents of soldiers or sailors.

Receipts given for salaries not exceeding Five pounds per week.

- (9) After the words "SETTLEMENT, DEED OF—" the words "OR DEED OF GIFT" are inserted, and the following words are added to paragraph (1) under the heading "SETTLEMENT, DEED OF—," namely, "or is given or agreed to be given in any manner whatsoever." Under the same heading the words and figures "for every £100 and every part of £100, 0 5 0" are omitted, and in lieu thereof the following words are inserted in the column headed Stamp Duty Payable—"The same duty as upon a conveyance or transfer on sale."

8. Section ten and paragraph (3) of section eleven of the Stamp Act Amendment Act, 1913, are hereby amended by omitting the words "two pounds" and inserting in place thereof the words "one pound."

Amendment of secs. 10 and 11 of Act No. 29 of 1913.

9. (1.) The stamp duty on a contract note may be denoted by an adhesive stamp, which shall be cancelled by the person by whom the note is executed by writing on or across the stamp his name, or the name of his firm, together with the true date of his so writing.

Cancellation of stamp on contract note.

Imp. Finance Act, 1910, s. 78.

(2.) The stamp duty on a contract note may be added to the charge for brokerage or agency, and shall be recoverable as part of such charge.

Stamp duty on gifts
inter vivos.
See Impl. Finance
Act, 1910, s. 74.

10. (1.) Any conveyance or transfer operating as a voluntary disposition *inter vivos* shall be chargeable with the like stamp duty as if it were a conveyance or transfer on sale, with the substitution in each case of the value of the property conveyed or transferred for the amount or value of the consideration for the sale.

(2.) Any conveyance or transfer (not being a disposition made in favour of a purchaser or encumbrancer or other person in good faith and for valuable consideration) shall, for the purposes of this section, be deemed a conveyance or transfer operating as a voluntary disposition *inter vivos*, and the consideration for any conveyance or transfer shall not for this purpose be deemed to be valuable consideration when the Commissioner of Taxation is of opinion that by reason of the inadequacy of the sum paid as consideration or other circumstances, the conveyance or transfer confers a substantial benefit on the person to whom the property is conveyed or transferred.

(3.) A conveyance or transfer for a nominal consideration for effectuating the appointment of a new trustee, or the retirement of a trustee, whether the trust is expressed or implied, or under which no beneficial interest passes in the property conveyed or transferred, or made to a beneficiary by a trustee or other person in a fiduciary capacity under any trust whether expressed or implied, shall not be charged with duty under this section.

Production of
stamped instru-
ment on registra-
tion of *caveat*.

11. The Registrar of Titles may refuse to receive a *caveat* under Part V. of the Transfer of Land Act, 1893, unless the instrument document or writing (if any), duly stamped, in respect of which the *caveat* is lodged, is produced for his inspection.

Inspectors. Queens-
land, 1894, ss. 9, 10,
11.

12. (1.) The Governor may appoint any officer of the Taxation Department to be an Inspector of Stamps.

(2.) An Inspector of Stamps may require that any instrument be produced to him by the holder thereof for inspection.

(3.) Any holder of an instrument who, when so required by an Inspector of Stamps, refuses or neglects to produce such instrument to the Inspector of Stamps for inspection, shall be liable to a penalty not exceeding fifty pounds.

(4.) An Inspector of Stamps shall not, except for the purpose or in course of proceedings in a Court of Justice divulge or cause to be divulged to any person, except the Commissioner of Taxation, the contents or substance of any instrument produced to him for inspection, and any Inspector who discloses any information so obtained, save as hereinbefore excepted, shall be liable to a penalty of not exceeding one hundred pounds:

Provided that any information obtained by an Inspector of Stamps may be used by the Commissioner of Taxation for the purposes of the principal Act and its amendments and of the Land and Income Tax Assessment Act, 1907, and the Dividend Duties Act, 1902.

(5.) When any instrument which is produced to an Inspector of Stamps for inspection, or which in any manner comes into his hands, appears to him to be chargeable with stamp duty and to be unstamped or insufficiently stamped, such Inspector may take a copy of the instrument, and shall forward such copy, with his report thereon, to the Commissioner of Taxation, and the Commissioner may in his discretion institute proceedings on behalf of the Colonial Treasurer for any breach of the law.