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WESTERN AUSTRALIA

PAY-ROLL TAX ACT 1971

ARRANGEMENT

Sec.		Page
1.	Short title	1
2.	Incorporation of <i>Pay-roll Tax Assessment Act 1971</i>	1
3.	Imposition of pay-roll tax	1
5.	Rates for employers other than group employers or payers of interstate wages	2
6.	Rates for employers who pay interstate wages but are not group members	4
7.	Rates for group employers	10
	NOTES	17

WESTERN AUSTRALIA

PAY-ROLL TAX ACT 1971

AN ACT to impose a Pay-roll Tax.

Short title

1. This Act may be cited as the *Pay-roll Tax Act 1971* ¹.

Incorporation of *Pay-roll Tax Assessment Act 1971*

2. The *Pay-roll Tax Assessment Act 1971* is incorporated with and shall be read as one with this Act.

Imposition of pay-roll tax

3. Pay-roll tax is hereby imposed and shall be payable pursuant to the *Pay-roll Tax Assessment Act 1971* at the appropriate rate declared in this Act.

[*Section 3 amended by No. 53 of 1973 s.3; No. 82 of 1985 s.3.*]

- [4. *Repealed by No. 6 of 1992 s.4.*]

Pay-roll Tax Act 1971

s. 5

**Rates for employers other than group
employers or payers of interstate wages**

5. (1) This section applies in respect of every employer who —

- (a) is not a member of a group; and
- (b) does not pay interstate wages,

and declares the rate of pay-roll tax payable by every such employer to be the appropriate rate ascertained in accordance with this section.

(2) If the amount of taxable wages paid or payable by an employer for the period commencing on 1 July 1991 and ending on 31 May 1992 is —

- (a) not more than \$1 173 333, the rate of pay-roll tax for the period is 3.95%;
- (b) more than \$1 173 333 but less than \$1 955 555, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{46\,347 + 0.0645(W - 1\,173\,333)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (c) not less than \$1 955 555 but less than \$2 444 445, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{96\,800 + 0.102(W - 1\,955\,555)}{W} \times 100$$

(calculated to 4 decimal points)

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

Pay-roll Tax Act 1971

s. 5

- (d) \$2 444 445 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 May 1992 is —

- (a) not more than \$116 667, the rate of pay-roll tax payable each month is 3.95%;
- (b) more than \$116 667 but less than \$194 444, the rate of pay-roll tax payable each month is R%, where —

$$R = \frac{4\ 608 + 0.0645 (W - 116\ 667)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (c) not less than \$194 444 but less than \$243 056, the rate of pay-roll tax payable each month is R%, where —

$$R = \frac{9\ 625 + 0.102 (W - 194\ 444)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (d) \$243 056 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 a financial year commencing on 1 July 1992 or 1 July of a subsequent year is —

- (a) not more than \$1 400 000, the rate of pay-roll tax for the year is 3.95%;

Pay-roll Tax Act 1971

s. 6

- (b) more than \$1 400 000 but less than \$2 333 333, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{55\,300 + 0.0645 (W - 1\,400\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (c) not less than \$2 333 333 but less than \$2 916 667, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{115\,500 + 0.102 (W - 2\,333\,333)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (d) \$2 916 667 or more, the rate of pay-roll tax for the year is 6%.

[Section 5 inserted by No. 82 of 1982 s.5; amended by No. 30 of 1986 s.4; No. 97 of 1987 s.4; No. 28 of 1988 s.4; No. 7 of 1989 s.4; No. 53 of 1990 s.4; No. 6 of 1992 s.5.]

Rates for employers who pay interstate wages but are not group members

6. (1) This section applies in respect of every employer who —

- (a) is not a member of a group; and
(b) pays interstate wages,

and declares the rate of pay-roll tax payable by every such employer to be the appropriate rate ascertained in accordance with this section.

(2) The rate of pay-roll tax payable each month by an employer is 6% unless and until the Commissioner determines under this section that a lesser rate is payable and informs the employer accordingly.

(3) An employer may request the Commissioner to determine that a lesser rate than 6% shall be payable each month.

(4) An employer who makes a request under subsection (3) shall provide the Commissioner, in the approved form and manner, with estimates of and other information concerning the total interstate wages and taxable wages that the employer expects to pay throughout Australia in respect of —

- (a) the month of June 1992;
- (b) the period of any financial year commencing on 1 July 1992 or 1 July of a subsequent year,

as the case may require.

(5) Upon receiving a request under subsection (3) supported by estimates and information to the Commissioner's satisfaction under subsection (4), the Commissioner shall determine the rate of pay-roll tax payable each month by the employer in accordance with subsections (7) and (9) and inform the employer of the determination (if any).

(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 1991 and ending on 31 May 1992 is —

- (a) not more than \$1 173 333, the rate of pay-roll tax for the period is 3.95%;

Pay-roll Tax Act 1971

s. 6

- (b) more than \$1 173 333 but less than \$1 955 555, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{46\,347 + 0.0645 (W - 1\,173\,333)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (c) not less than \$1 955 555 but less than \$2 444 445, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{96\,800 + 0.102 (W - 1\,955\,555)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (d) \$2 444 445 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 month of June 1992 is —

- (a) not more than \$116 667, the rate of pay-roll tax payable for the month shall be determined as 3.95%;

- (b) more than \$116 667 but less than \$194 444, the rate of pay-roll tax payable for the month shall be determined as R%, where —

$$R = \frac{4\,608 + 0.0645 (E - 116\,667)}{E} \times 100$$

(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 month;

Pay-roll Tax Act 1971

s. 6

- (c) not less than \$194 444 but less than \$243 056, the rate of pay-roll tax payable for the month shall be determined as R%, where —

$$R = \frac{9\ 625 + 0.102 (E - 194\ 444)}{E} \times 100$$

(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 month;

- (d) \$243 056 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 month of June 1992 is —

- (a) not more than \$116 667, the rate of pay-roll tax for the month is 3.95%;

- (b) more than \$116 667 but less than \$194 444, the rate of pay-roll tax for the month is R%, where —

$$R = \frac{4\ 608 + 0.0645 (W - 116\ 667)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (c) not less than \$194 444 but less than \$243 056, the rate of pay-roll tax for the month is R%, where —

$$R = \frac{9\ 625 + 0.102 (W - 194\ 444)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (d) \$243 056 or more, the rate of pay-roll tax for the month is 6%.

Pay-roll Tax Act 1971

s. 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 1992 or 1 July of a subsequent year is —

- (a) not more than \$1 400 000, the rate of pay-roll tax payable each month for the year shall be determined as 3.95%;
- (b) more than \$1 400 000 but less than \$2 333 333, the rate of pay-roll tax payable each month for the year shall be determined as R%, where —

$$R = \frac{55\,300 + 0.0645 (E - 1\,400\,000)}{E} \times 100$$

(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 \$2 333 333 but less than \$2 916 667, the rate of pay-roll tax payable each month for the year shall be determined as R%, where —

$$R = \frac{115\,500 + 0.102 (E - 2\,333\,333)}{E} \times 100$$

(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) \$2 916 667 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 1992 or 1 July of a subsequent year is —

- (a) not more than \$1 400 000, the rate of pay-roll tax for the year is 3.95%;
- (b) more than \$1 400 000 but less than \$2 333 333, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{55\,300 + 0.0645 (W - 1\,400\,000)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (c) not less than \$2 333 333 but less than \$2 916 667, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{115\,500 + 0.102 (W - 2\,333\,333)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (d) \$2 916 667 or more, the rate of pay-roll tax for the year is 6%.

(11) Notwithstanding subsections (6), (8) and (10), if in respect of a year or period an employer fails to comply with section 13 (4) of the *Pay-roll Tax Assessment Act 1971*, the rate of pay-roll tax for the year or period is 6%.

[Section 6 inserted by No. 82 of 1985 s.5; amended by No. 30 of 1986 s.5; No. 97 of 1987 s.5; No. 28 of 1988 s.5; No. 7 of 1989 s.5; No. 53 of 1990 s.5; No. 6 of 1992 s.6.]

s. 7

Rates for group employers

7. (1) This section applies in respect of every employer who pays taxable wages and is a member of a group and declares the rate of pay-roll tax payable by every such employer to be the appropriate rate ascertained in accordance with this section.

(2) The rate of pay-roll tax payable each month by an employer is 6% unless and until the Commissioner determines under this section that a lesser rate is payable and informs the employer accordingly.

(3) An employer who is the designated group employer may request the Commissioner to determine a lesser rate than 6% payable each month by every member of the group that pays taxable wages in Western Australia.

(4) A designated group employer who makes a request under subsection (3) shall provide the Commissioner, in the approved form and manner, with estimates of and other information concerning the total interstate wages and taxable wages that those members of the group that pay taxable wages in Western Australia expect to pay throughout Australia in respect of —

- (a) the month of June 1992;
- (b) the period of any financial year commencing on 1 July 1992 or 1 July of a subsequent year,

as the case may require.

(5) If a designated group employer is unable to provide the estimates and information required under subsection (4), the designated group employer may, by instrument signed by every member of the group that pays taxable wages in Western Australia, notify the Commissioner that —

- (a) the designated group employer is unable to provide the Commissioner with those estimates and that information;

- (b) all members of the group that pay taxable wages in Western Australia request the Commissioner to determine a lower rate than 6% payable each month by those members; and
- (c) each such member of the group undertakes to supply directly to the Commissioner those estimates and that information in respect of that member.

(6) Upon receiving a request under subsection (3) supported by estimates and information to the Commissioner's satisfaction under subsection (4) or a notice, estimates and information to the Commissioner's satisfaction under subsection (5), the Commissioner shall determine in accordance with subsections (8) and (10) the rate of pay-roll tax payable each month by every member of the group that pays taxable wages in Western Australia and shall inform every such member of the group of the determination (if any).

(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 1991 and ending on 31 May 1992 is —

- (a) not more than \$1 173 333, the rate of pay-roll tax payable for the period is 3.95%;
- (b) more than \$1 173 333 but less than \$1 955 555, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{46\,347 + 0.0645(W - 1\,173\,333)}{W} \times 100$$

(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;

Pay-roll Tax Act 1971

s. 7

- (c) not less than \$1 955 555 but less than \$2 444 445, the rate of pay-roll tax for the period is R%, where —

$$R = \frac{96\,800 + 0.102 (W - 1\,955\,555)}{W} \times 100$$

(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) \$2 444 445 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 the group that pay taxable wages in Western Australia for the month of June 1992 is —

- (a) not more than \$116 667, the rate of pay-roll tax payable for the month by each member of the group shall be determined as 3.95%;
- (b) more than \$116 667 but less than \$194 444, the rate of pay-roll tax payable for the month by each member of the group shall be determined as R%, where —

$$R = \frac{4\,608 + 0.0645 (E - 116\,667)}{E} \times 100$$

(calculated to 2 decimal points)

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

- (c) not less than \$194 444 but less than \$243 056, the rate of pay-roll tax payable for the month by each

member of the group shall be determined as R%, where —

$$R = \frac{9\ 625 + 0.102 (E - 194\ 444)}{E} \times 100$$

(calculated to 2 decimal points)

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

- (d) \$243 056 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 month of June 1992 is —

- (a) not more than \$116 667, the rate of pay-roll tax for the month is 3.95%;
- (b) more than \$116 667 but less than \$194 444, the rate of pay-roll tax for the month is R%, where —

$$R = \frac{4\ 608 + 0.0645 (W - 116\ 667)}{W} \times 100$$

(calculated to 4 decimal points)

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

Pay-roll Tax Act 1971

s. 7

- (c) not less than \$194 444 but less than \$243 056, the rate of pay-roll tax for the month is R%, where —

$$R = \frac{9\ 625 + 0.102 (W - 194\ 444)}{W} \times 100$$

(calculated to 4 decimal points)

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

- (d) \$243 056 or more, the rate of pay-roll tax for the month is 6%.

(10) If the estimated total interstate wages and taxable wages paid or payable by all members of the group that pay taxable wages in Western Australia for a financial year commencing on 1 July 1992 or 1 July of a subsequent year is —

- (a) not more than \$1 400 000, 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 \$1 400 000 but less than \$2 333 333, the rate of pay-roll tax payable each month by each member of the group for the year shall be determined as R%, where —

$$R = \frac{55\ 300 + 0.0645 (E - 1\ 400\ 000)}{E} \times 100$$

(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 \$2 333 333 but less than \$2 916 667, the rate of pay-roll tax payable each month by each

member of the group for the year shall be determined as R%, where —

$$R = \frac{115\,500 + 0.102 (E - 2\,333\,333)}{E} \times 100$$

(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) \$2 916 667 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 1992 or 1 July of a subsequent year is —

- (a) not more than \$1 400 000, the rate of pay-roll tax for the year is 3.95%;
- (b) more than \$1 400 000 but less than \$2 333 333, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{55\,300 + 0.0645 (W - 1\,400\,000)}{W} \times 100$$

(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;

Pay-roll Tax Act 1971

s. 7

- (c) not less than \$2 333 333 but less than \$2 916 667, the rate of pay-roll tax for the year is R%, where —

$$R = \frac{115\,500 + 0.102 (W - 2\,333\,333)}{W} \times 100$$

(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) \$2 916 667 or more, the rate of pay-roll tax for the year is 6%.

(12) Notwithstanding subsections (7), (9) and (11), if in respect of a year or period a designated group employer or any member of the group that pays taxable wages in Western Australia, as the case may require, fails to comply with section 13 (4) of the *Pay-roll Tax Assessment Act 1971*, the rate of pay-roll tax for the year or period is 6%.

[Section 7 inserted by No. 82 of 1985 s.5; amended by No. 30 of 1986 s.6; No. 97 of 1987 s.6; No. 28 of 1988 s.6; No. 7 of 1989 s.6; No. 53 of 1990 s.6; No. 6 of 1992 s.7.]

Pay-roll Tax Act 1971

NOTES

^{1.} This reprint is a compilation as at 10 September 1992 of the *Pay-roll Tax Act 1971* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Pay-roll Tax Act 1971</i>	11 of 1971	30 September 1971	30 September 1971	
<i>Pay-roll Tax Act Amendment Act 1973</i>	53 of 1973	6 November 1973	1 September 1973 (see section 2)	
<i>Pay-roll Tax Act Amendment Act 1974</i>	2 of 1974	30 August 1974	1 September 1974 (see section 2)	
<i>Pay-roll Tax Amendment Act 1984</i>	96 of 1984	7 December 1984	1 January 1985 (see section 2)	
<i>Pay-roll Tax Amendment Act 1985</i>	82 of 1985	4 December 1985	1 January 1986 (see section 2)	
<i>Pay-roll Tax Amendment Act 1986</i>	30 of 1986	31 July 1986	1 August 1986 (see section 2)	
<i>Pay-roll Tax Amendment Act 1987</i>	97 of 1987	16 December 1987	1 January 1988 (see section 2)	
<i>Pay-roll Tax Amendment Act 1988</i>	28 of 1988	24 November 1988	Section 6 (1) deemed operative 1 January 1988; balance operative 1 January 1989 (see section 2)	

Pay-roll Tax Act 1971

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Pay-roll Tax Amendment Act 1989</i>	7 of 1989	13 November 1989	Deemed operative 1 November 1989 (see section 2 (b))	
<i>Pay-roll Tax Amendment Act 1990</i>	53 of 1990	17 December 1990	17 December 1990	
<i>Pay-roll Tax Amendment Act 1992</i>	6 of 1992	16 June 1992	1 June 1992 (see section 2)	Savings ²

² Section 8 of Act No. 6 of 1992 reads as follows —

“ **Existing rates and liabilities not affected**

8. 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 (18), 6 (33) and 7 (35)) 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.

”.