



Western Australia

Revenue Laws Amendment (Assessment) Act 1999

No. 24 of 1999

An Act to amend the —

- *Stamp Act 1921*; and
- *Road Traffic Act 1974*.

[Assented to 29 June 1999]

The Parliament of Western Australia enacts as follows:

No. 24 of 1999

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Revenue Laws Amendment (Assessment) Act 1999*.

2. Commencement

- (1) Subject to this section, this Act comes into operation on the day on which it receives the Royal Assent.
- (2) Section 4 is deemed to have come into operation on 1 July 1998.
- (3) Part 2 Division 3 and Part 3, come into operation —
 - (a) if this Act receives the Royal Assent on or before 1 July 1999, on 1 July 1999;
 - (b) if this Act receives the Royal Assent after 1 July 1999, on the day on which this Act receives the Royal Assent.

Part 2 — *Stamp Act 1921* amended

Division 1 — Preliminary

3. The Act amended by this Part

The amendments in this Part are to the *Stamp Act 1921**.

[* *Reprinted as at 23 January 1996.*

For subsequent amendments see 1998 Index to Legislation of Western Australia, Table 1, p. 237 and Act No. 2 of 1999.]

Division 2 — Amendments about managed investment schemes

4. Section 63 amended

Section 63(2)(a) is repealed and the following paragraph is inserted instead —

“

(a) the unit trust scheme is not —

(i) one to which Division 11 (*sic*) (sections 1451 to 1465) of Part 11.2 of the Corporations Law applies by reason of section 1452 of that Law; or

(ii) a managed investment scheme registered under section 601EB of the Corporations Law,

or is a scheme referred to in subparagraph (i) or (ii) but no units have been issued to the public or an insufficient number of persons is beneficially entitled to units under the scheme;

”.

5. Section 76C amended

Section 76C(1) is amended by inserting after “section 76CA” —
“ or 112UE(2) ”.

6. Part IVE inserted

After section 112UD the following Part is inserted —
“

Part IVE — Managed investment schemes

112UE. Duty on certain instruments for the purpose of managed investment schemes

(1) In this section —

“**old public unit trust**” means an undertaking,
together with the prescribed interests to which it
relates and the trustee or representative and the
management company in relation to those
interests, to which Division 11 (*sic*) (sections 1451
to 1465) of Part 11.2 of the Corporations Law
applies by reason of section 1452 of that Law.

(2) Upon application the Commissioner may authorize
duty at the rate specified in item 6 of the Second
Schedule to be charged on —

- (a) a conveyance or transfer;
- (b) a deed of settlement or deed of gift; or
- (c) the transfer of a licence for a motor vehicle,

in respect of which *ad valorem* duty would otherwise
be payable if the Commissioner is satisfied that it is
one to which subsection (4) applies.

(3) Upon application the Commissioner may authorize
duty at the rate specified in item 6 of the Second

Schedule to be charged on an instrument in respect of which *ad valorem* duty would otherwise be payable, other than one referred to in subsection (2), if the Commissioner is satisfied that —

- (a) the instrument is one to which subsection (4) applies;
 - (b) the instrument replaces another instrument; and
 - (c) the terms and conditions of the instrument are the same as the instrument it replaces.
- (4) This subsection applies to an instrument described in subsection (2) or (3) —
 - (a) if the instrument is entered into on or after 6 April 1999 for the purpose of, or as a consequence of, an old public unit trust becoming, in accordance with Division 11 (*sic*) (sections 1451 to 1465) of Part 11.2 of the Corporations Law, a managed investment scheme that is registered under section 601EB of that Law; and
 - (b) if, after the instrument is executed, the members of the managed investment scheme have the same beneficial interests in the scheme's property as they had in the old public unit trust's property before the instrument was executed.
- (5) If under subsection (2) the Commissioner issues an authorization in respect of the transfer of a licence for a motor vehicle, section 76C(8) does not apply to an application for the transfer of the licence.
- (6) An application to the Commissioner shall be made in a form approved by the Commissioner.

- (7) A person who, in an application to the Commissioner, makes a statement that is false in a material particular commits an offence under this Act.

”.

Division 3 — Amendments about motor vehicle licences

7. Section 76C amended

- (1) Section 76C(8) is amended as follows —
- (a) by inserting after paragraph (a)(i) —
“ and ”;
 - (b) by inserting after paragraph (a) —
“ and ”;
 - (c) by deleting the comma after paragraph (b) and inserting instead a full stop;
 - (d) by deleting “and the amount of duty payable, based on the market value so stated, shall be paid with the application.”.
- (2) Section 76C(10B) is amended as follows —
- (a) by deleting “, and any fine included,” and inserting instead —
“ under this Part, and any fine included ”;
 - (b) by deleting “section 24(2)” in the 3 places where it occurs and in each place inserting instead —
“ section 24(2c) ”.
- (3) Section 76C(13C) is amended by deleting “section 24(2)” and inserting instead —
“ section 24(2c) ”.

Part 3 — Road Traffic Act 1974 amended

8. The Act amended by this Part

The amendments in this Part are to the *Road Traffic Act 1974**.

[* *Reprinted as at 25 March 1997.*

For subsequent amendments see 1998 Index to Legislation of Western Australia, Table 1, p. 219.]

9. Section 24 amended

(1) Section 24(1) is amended as follows:

(a) in paragraph (a) by deleting “forthwith” and inserting instead —

“ within 7 days after ceasing to be the owner, ”;

(b) in paragraph (b) by deleting “forthwith” and inserting instead —

“ within 7 days after ceasing to be the owner, ”.

(2) Section 24(2) is repealed and the following subsections are inserted instead —

“

(2) A person who becomes the owner of a vehicle in respect of which a licence has been granted shall, within 14 days after becoming the owner, give notice in writing to the Director General of that fact and apply for the transfer of the licence to the person.

(2a) As soon as practicable after receiving notice under subsection (1)(a) or (2), or otherwise, of a change in the ownership of a vehicle in respect of which a licence has been granted, the Director General shall issue the new owner with a notice requiring the new owner —

(a) if the Director General reasonably suspects that the vehicle does not meet a prescribed standard

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or requirement relating to the security of the vehicle, to cause the vehicle to be modified so that it does meet the prescribed standard or requirement; and

- (b) to pay an amount being —
 - (i) the prescribed transfer fee; and
 - (ii) the stamp duty assessed by the Director General under Part IIIC of the *Stamp Act 1921* in respect of the transfer of the licence.
- (2b) If the new owner complies with the notice issued under subsection (2a) within 28 days after the notice is issued, or any longer period that the Director General allows, the Director General, subject to subsection (5), shall transfer the licence to the new owner.
- (2c) If the new owner does not comply with the notice issued under subsection (2a) within 28 days after the notice is issued, or any longer period that the Director General allows, then —
 - (a) if the notice contains the requirement referred to in subsection (2a)(a) and the new owner has not complied with the requirement, the Director General shall cancel the licence in respect of the vehicle, whether or not the new owner has complied with the requirement in subsection (2a)(b); and
 - (b) in any other case, the owner commits an offence.
- (2d) If under subsection (2c)(a) the Director General cancels a licence, the Director General shall refund to the new owner any of the amount referred to in subsection (2a)(b) that has been paid by the new owner.

”.

- (3) Section 24(3) is amended by deleting “subsection (2)” and inserting instead —

“ subsection (2c) ”.

10. Section 102 amended

- (1) Section 102(2a) is amended as follows:

- (a) by deleting “section 24(2)” and inserting instead —
“ section 24(2c) ”;
- (b) in paragraph (a) by deleting “payable under that section”.

- (2) Section 102(2b) is amended by deleting “section 24(2)” and inserting instead —

“ section 24(2c) ”.
