

WESTERN AUSTRALIA

STAMP AMENDMENT ACT 1993

No. 42 of 1993

AN ACT to amend the *Stamp Act 1921*.

[Assented to 20 December 1993.]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Stamp Amendment Act 1993*.

Commencement

2. (1) This Act, other than Part 2 and section 6, comes into operation on the day on which it receives the Royal Assent.

(2) Part 2 comes into operation on 1 January 1994.

(3) Section 6 comes into operation on a day to be fixed by proclamation.

Principal Act

3. In this Act the *Stamp Act 1921** is referred to as the principal Act.

[* *Reprinted as at 21 March 1989.*

For subsequent amendments see 1992 Index to Legislation of Western Australia, Table 1, pp. 197-9.]

**PART 2 — AMENDMENTS RELATING TO BILLS
OF EXCHANGE ETC.**

Section 50E repealed

4. Section 50E of the principal Act is repealed.

Second Schedule amended

5. The Second Schedule to the principal Act is amended by deleting item 2 and substituting the following item —

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**2. BILL OF EXCHANGE OR
PROMISSORY NOTE**

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|-----|--|--|------|
| (1) | Bill of exchange (excluding cheque or payment order within the meaning of the <i>Cheques and Payment Orders Act 1986</i> (Cwith)) or promissory note payable on demand, at sight or on presentation. | The drawer or maker.
(See section 50) | 0.10 |
| (2) | Cheque or payment order within the meaning of the <i>Cheques and Payment Orders Act 1986</i> (Cwith) drawn against an account maintained in Western Australia. | The drawer.
(See section 50) | 0.10 |

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**PART 3 — AMENDMENTS RELATING TO CERTAIN
EXEMPTIONS**

Part IIIA inserted

6. After Part IIIC of the principal Act the following Part is inserted —

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**PART IIIA — EXEMPTION FOR CERTAIN
DEEDS WITH CHARITIES**

Power to exempt certain deeds

76D. (1) If the Commissioner is satisfied that a deed made after this section comes into operation and chargeable with duty under item 8 of the Second Schedule is between —

- (a) a charitable body or a body established for similar public purposes; and
- (b) a person with a disability or a qualified person,

and for the purpose of granting the person the right to occupy residential accommodation, the Commissioner may exempt the deed from duty or refund any duty paid on the deed.

(2) In subsection (1) —

“disability” has the same definition as in section 3 of the *Disability Services Act 1993*;

“qualified person” means a person who is 55 or over, or who is or was the spouse of such a person, or who, with such a person, is or was one of a *de facto* married couple (as that expression is defined in section 75C (4)).

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Part IVC inserted

7. After Part IVB of the principal Act the following Part is inserted —

“

PART IVC — NURSING HOME AGREEMENTS

Certain nursing home agreements exempt

112Q. (1) Notwithstanding anything in this Act, duty shall not be charged on —

- (a) an agreement under Part V of the *National Health Act 1953* (Cwlth) between the proprietor of an approved nursing home and a person in relation to whom an approval for admission to an approved nursing home has been given, and relating to the care of the person as a patient of the approved nursing home;
- (b) an agreement between the proprietor of a nursing home and a person who by reason of infirmity or illness, disease, incapacity or disability requires admission to a nursing home for nursing care, and relating to the care of the person as a patient of the nursing home, which agreement is declared by the Minister by notice published in the *Government Gazette* to be exempt for the purposes of this section.

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(2) An agreement referred to in subsection (1) does not have to be lodged with the Commissioner for assessment.

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