

STAMP.

No. 63 of 1980.

AN ACT to amend the Stamp Act 1921-1979.

[Assented to 26 November 1980.]

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:—

1. (1) This Act may be cited as the *Stamp Amendment Act 1980*.

Short title
and
citation.

(2) In this Act the Stamp Act 1921-1979 is referred to as the principal Act.

Reprinted
as approved
for reprint
25 March
1980, and
amended by
Act No. 47
of 1979.

(3) The principal Act as amended by this Act may be cited as the Stamp Act 1921-1980.

(4) This Act shall be deemed to have come into operation on 4 November 1980.

Section 82
inserted.

2. After section 81 of the principal Act, the following section is inserted—

Duty
chargeable
on certain
transfers or
conveyances
by way of
security.

“ 82. (1) Subject to this section, an instrument of mortgage which by itself or in conjunction with another instrument effects a conveyance or transfer of property is chargeable with duty under item 4 of the Second Schedule to this Act as a conveyance or transfer of that property.

(2) References in item 4 of the Second Schedule to this Act to consideration shall, for the purposes of this section, be construed as references to the amount or value of the property conveyed or transferred.

(3) Duty referred to in subsection (1) of this section shall be paid by the mortgagor or obligor under the instrument of mortgage.

(4) Subsection (1) of this section does not apply to or in relation to an instrument of mortgage which is, in the opinion of the Commissioner, a *bona fide* instrument of mortgage.

(5) An assessment of duty shall not be subject to any objection or appeal under section thirty-two or thirty-three of this Act on any grounds relating to the exercise by the Commissioner of the discretion conferred on him by subsection (4) of this section but a person who is dissatisfied with a decision made by the Commissioner in the exercise of that discretion may, within forty-two days after the date of the assessment or within such longer period as the Treasurer may allow, post to or lodge with the Treasurer an appeal in writing stating fully and in detail the grounds on which he relies.

(6) The Treasurer shall, with all reasonable despatch, consider an appeal posted to or lodged with him under subsection (5) of this section and may either disallow it or, for reasonable cause shown by the person making that appeal, allow it.

(7) The Treasurer shall give to the person making an appeal referred to in subsection (6) of this section written notice of his decision on that appeal and that decision shall be final. ” .

3. The Third Schedule to the principal Act is amended in item 1 (4) (b) by inserting, after “society or club”, the following—

Third
Schedule
amended.

“ (other than a credit union registered under the Credit Unions Act 1979 or a society within the meaning of the Building Societies Act 1976) ”.
