

WESTERN AUSTRALIA

STAMP AMENDMENT ACT (No. 4)

No. 16 of 1989

AN ACT to amend the *Stamp Act 1921*.

[Assented to 16 November 1989]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Stamp Amendment Act (No. 4) 1989*.

Commencement

2. (1) Section 4 (1) shall come into operation on the day on which this Act receives the Royal Assent.

(2) Section 4 (2)—

- (a) shall come into operation, or be deemed to have come into operation, on the day fixed by proclamation in accordance with paragraph (b);
- (b) shall not be proclaimed to come into operation, or to be deemed to have come into operation, on a day other than 1 November 1989.

(3) Section 4 (3) shall come into operation on the day on which section 22 (f) of the *Stamp Amendment Act (No. 3) 1989* comes into operation.

(4) Section 4 (4) shall come into operation, or be deemed to have come into operation, on the day on which section 30 of the *Stamp Amendment Act (No. 3) 1989* comes into operation or is deemed to have come into operation.

Principal Act

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

[*Reprinted as approved 21 March 1989 and amended by Act No. 3 of 1989.]

Second Schedule amended

4. (1) The Second Schedule to the principal Act is amended in item 4 (3)—

- (a) by deleting “or” after paragraph (a);
- (b) in paragraph (b) by deleting “corporation,” and substituting the following—

“ corporation; or ”; and

- (c) by inserting after paragraph (b) the following paragraph—

“ (ba) in any other case, ”.

(2) The Second Schedule to the principal Act is amended in item 13 by deleting sub-items (1) and (2) and substituting the following sub-items—

- “ (1) An instrument referred to in the heading to this item for the payment or repayment of any sum or sums of money at stated periods, being neither interest for any principal sum secured by a duly stamped instrument nor wages or salary—
- (a) for a definite and certain period so that the total amount ultimately payable can be ascertained—
- Mortgagor or obligor
- Where the total amount—
- (i) does not exceed \$35 000 0.25 for every \$100 and also for every fractional part of \$100
- (ii) exceeds \$35 000 \$87.50 and 0.40 for every \$100, and also for every fractional part of \$100, by which the amount exceeds \$35 000;
- (b) for a term of life or any other indefinite period— for every \$100, and also for every fractional part of \$100, of the amount payable annually 4.25
- (1a) An instrument referred to in the heading to this item to which section 83 (1a) or (1b) applies—
- Mortgagor or obligor
- for every \$100, and also for every fractional part of \$100, of the amount payable 0.25
- (2) An instrument referred to in the heading to this item for the payment or repayment of money—
- Mortgagor or obligor; and see sections 82 (3) and 83 (4)
- Where the total amount—
- (a) does not exceed \$35 000 0.25 for every \$100, and also for every fractional part of \$100, of the amount payable
- (b) exceeds \$35 000 (i) \$87.50; and (ii) 0.40 for every \$100, and also for every fractional part of \$100, by which the amount payable exceeds \$35 000

(3) The Second Schedule to the principal Act is amended in item 14, in the column headed "Person liable to pay duty", by deleting "transferee" and substituting the following—

“ transferee; and see section 76C (13) ”.

(4) The Second Schedule to the principal Act is amended in clause 16—

(a) in subclause (1) (a) and (c), by deleting "amount of the premium" and substituting, in each case, the following—

“ amount calculated under section 96 (2) ”;

and

(b) in subclause (3) (a), by deleting "5% of the premium or 5% of the premium for the first year" and substituting the following—

“ 5% of the amount calculated under section 96 (2) or 5% of the amount so calculated in respect of the first year ”.
