

STAMP.

No. 14 of 1983.

AN ACT to amend the Stamp Act 1921-1982.

[Assented to 31 October 1983.]

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 1983*. Short title and citation.

(2) In this Act the Stamp Act 1921-1982 is referred to as the principal Act. Reprinted as approved 25 March 1980 and amended by Acts Nos. 47 of 1979, 63 of 1980, 81 and 106 of 1981 and 1, 10, 15, 45, 93, 99 and 112 of 1982.

(3) The principal Act as amended by this Act may be cited as the Stamp Act 1921-1983.

Commence-
ment.

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on 1 November 1983.

(2) Section 6 of this Act, insofar as paragraph (d) is concerned, shall come into operation on a day to be fixed by proclamation.

Section 80A
inserted.

3. After section 80 of the principal Act, the following section is inserted—

Power of
exemption
or refund
for certain
purposes.

“ 80A. Where the Commissioner is satisfied that any lease or agreement for a lease has been made for the purpose of a university or for charitable or similar public purposes, he may exempt from duty, or refund any duty paid on, that lease or agreement for a lease. ”.

Section 92AA
inserted.

4. After section 92A of the principal Act, the following section is inserted—

Duty payable
on returns
where insurer
not liable.

“ 92AA. (1) A person who effects any insurance in respect of property in the State, or in respect of any liability, loss or damage occurring, or brought about by the happening of any event, within the State, for which insurance a policy of insurance or renewal of any such policy is or is to be issued by a person who is not liable to pay duty under this Act shall within one month after effecting the insurance furnish to the Commissioner a return containing such particulars and information as to the insurance as the Commissioner requires in writing.

(2) Every return under subsection (1) of this section is liable to the same duty as would have been chargeable if the insurance to which it relates had been effected under a policy of insurance issued by a person who is liable to pay duty under this Act.

(3) The person liable for payment of the duty under subsection (2) of this section is the person who effected the insurance and the duty is, subject to subsection (4) of this

section, payable upon the lodgment of the return with the Commissioner or at such later time as the Commissioner allows.

(4) Where the policy of insurance or renewal has, before the expiration of the period specified in subsection (1) of this section for the furnishing of the return to the Commissioner, or where the Commissioner has allowed further time, before the expiration of that time, been duly stamped, no duty is payable under this section in respect of that policy of insurance or renewal.

(5) A person who effects any insurance of the nature referred to in subsection (1) of this section and who—

- (a) neglects or fails to furnish a return as required by that subsection; or
- (b) accepts payment of, or agrees to have allowed to him on account, any money upon or in respect of any insurance for which a return as required by that subsection has not been furnished,

commits an offence against this Act and is liable not only to the penalty referred to in section 116 of this Act but also to pay a penalty equal to double the duty that would have been payable had the return been so furnished.

(6) A person who furnishes a return pursuant to subsection (1) of this section that is false or misleading commits an offence against this Act and is liable not only to the penalty referred to in section 116 of this Act but also to pay a penalty equal to double the duty evaded. ”.

Section 112P
amended.

5. Section 112P of the principal Act is amended in paragraph (e) of subsection (6) by inserting after “of the Crown” the following—

“ , other than as a bank, ”.

Second
Schedule
amended.

6. The Second Schedule to the principal Act is amended—

(a) in item 4—

(i) by deleting in sub-item (1) “\$1.50” in the column headed *Duty payable* opposite to paragraph (a) of that sub-item and substituting the following—

“ \$1.75 ”;

(ii) by deleting in sub-item (1) “\$1 200 and \$2” in the column headed *Duty payable* opposite to paragraph (b) of that sub-item and substituting the following—

“ \$1 400 and \$2.50 ”;

(iii) by deleting in sub-item (1) “\$1 600 and \$2.50” in the column headed *Duty payable* opposite to paragraph (c) of that sub-item and substituting the following—

“ \$1 900 and \$3.25 ”;

(iv) by deleting in sub-item (1) “\$5 350 and \$3.50” in the column headed *Duty payable* opposite to paragraph (d) of that sub-item and substituting the following—

“ \$6 775 and \$4 ”;

- (v) by deleting in sub-item (1) "\$14 100 and \$4.00" in the column headed *Duty payable* opposite to paragraph (e) of that sub-item and substituting the following—

" \$16 775 and \$4.25 "; and

- (vi) by deleting in sub-item (5) "1.25" in the column headed *Duty payable* and substituting the following

" 1.50 ";

(b) in item 13—

- (i) by deleting in sub-item (1) "0.15" in the column headed *Duty payable* opposite to paragraph (a) and substituting the following—

" 0.25 ";

- (ii) by deleting in sub-item (1) "2.50" in the column headed *Duty payable* opposite to paragraph (b) and substituting the following—

" 4.25 "; and

- (iii) by deleting in sub-item (2) "0.15" in the column headed *Duty payable* and substituting the following—

" 0.25 ";

(c) in item 14, by deleting—

"but in the case of a motor wagon, an omnibus, a semi-trailer, a tractor (prime mover type) and any other class of motor vehicle declared for the purposes of this item by order made by the Treasurer and published in the *Government Gazette*, the maximum duty shall be \$900 1.50"

and substituting in the column headed "*Duty payable*" the following—

" 3.00 ".

(d) in item 16—

(i) by inserting after “policy of insurance” in sub-item (1) the following—

“ , other than life insurance ”;

(ii) by inserting after “insurance” in sub-item (2) the following—

“ , other than life insurance ”;
and

(iii) by inserting after sub-item (2) the following sub-item—

| | | | |
|---|------|---|--|
| “ The person issuing the policy and see section 94. | (3) | On a policy of life insurance— | |
| | (a) | in the case of tem- porary or term as- surance | 5% of the premium or 5% of the premium for the first year if the assurance continues for more than one year. |
| | (b) | in a case other than of temporary or term assurance— | |
| | (i) | where the sum insured does not exceed \$2 000— for every \$100, and every fractional part of \$100, of the sum insured | 0.05 |
| | (ii) | where the sum insured exceeds \$2 000 | 1.00 and 0.10 for every \$100, and every fractional part of \$100 of the part of the sum insured in excess of \$2 000.”. |

Third
Schedule
amended.

7. The Third Schedule to the principal Act is amended in item 8 by deleting “Policy of life insurance.”.