

Revenue Laws Amendment (Taxation) Bill 2007

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Western Australia

LEGISLATIVE ASSEMBLY

Revenue Laws Amendment (Taxation) Bill 2007

A Bill for

An Act to amend —

- **the *Land Tax Act 2002*; and**
- **the *Land Tax Assessment Act 2002*; and**
- **the *Metropolitan Region Improvement Tax Act 1959*; and**
- **the *Stamp Act 1921*.**

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Revenue Laws Amendment (Taxation) Act 2007*.

2. Commencement

5 This Act comes into operation, or is deemed to have come into operation, as follows:

- (a) Part 1 comes into operation on the day on which this Act receives the Royal Assent (“**assent day**”);
- (b) Parts 2 and 4 come into operation on the day after assent day;
- 10 (c) Part 3 —
 - (i) comes into operation on 30 June 2007 if assent day is not later than that day; or
 - (ii) is deemed to have come into operation on
 - 15 30 June 2007 if assent day is later than that day;
- (d) Part 5 (other than section 13(2)) —
 - (i) comes into operation on 1 July 2007 if assent day is not later than that day; or
 - (ii) is deemed to have come into operation on
 - 20 1 July 2007 if assent day is later than that day;
- (e) section 13(2) comes into operation on 1 January 2009.

Part 2 — Land Tax Act 2002 amended

3. The Act amended

The amendments in this Part are to the *Land Tax Act 2002**.

[* *Reprint 1 as at 4 November 2005.*

5 For subsequent amendments see *Western Australian
Legislation Information Tables for 2006, Table 1.*]

4. Section 5 amended

Section 5 is amended as follows:

- 10 (a) in the heading to Table 5 by deleting “and subsequent
financial years”;
- (b) by inserting after Table 5 the following Table —

“

**Table 6: Land tax rates for 2007/08 and subsequent
financial years**

Unimproved value of the land		Rate of land tax
Exceeding (\$)	Not exceeding (\$)	
0	250 000	Nil
250 000	875 000	0.15 cent for each \$1 in excess of \$250 000
875 000	2 000 000	\$937.50 + 0.75 cent for each \$1 in excess of \$875 000
2 000 000	5 000 000	\$9 375.00 + 1.30 cents for each \$1 in excess of \$2 000 000
5 000 000	10 000 000	\$48 375.00 + 1.55 cents for each \$1 in excess of \$5 000 000
10 000 000		\$125 875.00 + 2.30 cents for each \$1 in excess of \$10 000 000

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”.

Part 3 — *Land Tax Assessment Act 2002* amended

5. **The Act amended**

The amendment in this Part is to the *Land Tax Assessment Act 2002**.

5 [* *Reprint 1 as at 11 August 2006.*
*For subsequent amendments see Western Australian
Legislation Information Tables for 2006, Table 1 and
Act No. 73 of 2006.*]

6. **Section 38A inserted**

10 After section 38 the following section is inserted —

“

38A. **Land used as an aged care facility**

(1) In this section —

15 “**aged care facility**” means any building or any part of
a building used for the provision of a residential
care service that is certified under the
Commonwealth *Aged Care Act 1997*, if the service
has been certified having regard to the building or
the part of the building;

20 “**residential care**” has the meaning given in the
Commonwealth *Aged Care Act 1997*.

(2) Land is exempt for an assessment year if, at midnight
30 June in the previous financial year, it is used for the
purposes of an aged care facility.

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”.

Part 4 — Metropolitan Region Improvement Tax Act 1959 amended

7. The Act amended

5 The amendments in this Part are to the *Metropolitan Region Improvement Tax Act 1959**.

[* *Reprint 3 as at 9 May 2003.*
For subsequent amendments see Western Australian Legislation Information Tables for 2006, Table 1.]

8. Section 9 amended

10 Section 9 is amended by inserting after “year of assessment” in the second place where it occurs —

“

up to and including the year of assessment ending on
30 June 2007

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”.

9. Section 10 inserted

After section 9 the following section is inserted —

“

10. Rate of tax imposed after 30 June 2007

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The rates of Metropolitan Region Improvement Tax imposed by this Act and payable under the *Planning and Development Act 2005* are set out in the Table to this section for the relevant year of assessment according to the unimproved value of the land.

**Table 1: Metropolitan Region Improvement Tax rates for
2007/08 and subsequent years of assessment**

Unimproved value of the land		Rate of Metropolitan Region Improvement Tax
Exceeding (\$)	Not exceeding (\$)	
0	250 000	Nil
250 000		0.18 cent for each \$1 in excess of \$250 000

”.

Part 5 — Stamp Act 1921 amended

Division 1 — The Act amended

10. The Act amended

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

5 [* Reprint 16 as at 12 May 2006.
For subsequent amendments see *Western Australian
Legislation Information Tables for 2006, Table 1.*]

Division 2 — Amendments relating to first home owners

11. Section 75AG amended

10 Section 75AG(1a) is amended as follows:

(a) in paragraph (a) by deleting “\$350 000” and inserting
instead —

“ \$600 000 ”;

15 (b) in paragraph (b) by deleting “\$200 000” and inserting
instead —

“ \$400 000 ”.

12. Second Schedule amended

(1) The Second Schedule item 4(2) is amended as follows:

20 (a) by deleting “\$250 000” in each place where it occurs
and inserting instead —

“ \$500 000 ”;

(b) by deleting “\$350 000” and inserting instead —

“ \$600 000 ”;

25 (c) by deleting “\$13.20” and inserting instead —

“ \$26.10 ”.

- (2) The Second Schedule item 4(3) is amended as follows:
- (a) by deleting “\$150 000” in each place where it occurs and inserting instead —
“ \$300 000 ”;
 - 5 (b) by deleting “\$200 000” and inserting instead —
“ \$400 000 ”;
 - (c) by deleting “\$12.40” and inserting instead —
“ \$15.70 ”.

Division 3 — Amendments relating to motor vehicles

10 **13. Second Schedule amended**

- (1) The Second Schedule item 14(1) is amended as follows:
- (a) in paragraph (a) by deleting “\$15 000” and inserting instead —
“ \$20 000 ”;
 - 15 (b) in paragraph (b) by deleting “\$15 000” and inserting instead —
“ \$20 000 ”;
 - (c) in paragraph (b) by deleting “\$40 000” and inserting instead —
20 “ \$45 000 ”;
 - (d) in paragraph (b) by deleting “15000” in the formula and inserting instead —
“ 20000 ”;
 - 25 (e) in paragraph (c) by deleting “\$40 000” and inserting instead —
“ \$45 000 ”.

(2) The Second Schedule item 14(1) is amended as follows:

- (a) in paragraph (a) by deleting “\$20 000” and inserting instead —
“ \$25 000 ”;
- 5 (b) in paragraph (b) by deleting “\$20 000” and inserting instead —
“ \$25 000 ”;
- (c) in paragraph (b) by deleting “\$45 000” and inserting instead —
10 “ \$50 000 ”;
- (d) in paragraph (b) by deleting “20000” in the formula and inserting instead —
“ 25000 ”;
- 15 (e) in paragraph (c) by deleting “\$45 000” and inserting instead —
“ \$50 000 ”.

(3) The Second Schedule item 14(2) is amended as follows:

- (a) by inserting after “grant” —
“ or transfer ”;
- 20 (b) by deleting “that has not previously been used nor licensed or registered under the *Road Traffic Act 1974* or a corresponding State law”.

(4) The Second Schedule item 14(3) is deleted.

14. Third Schedule amended

25 The Third Schedule clause 9 is amended by inserting after subclause (6) the following subclauses —

- “
- 30 (7) A licence granted or transferred to a person for a caravan or camper trailer, that is, a trailer permanently fitted for human habitation in the course of a journey.

- (8) In subclause (7) —
“trailer” means a vehicle designed to be drawn by another vehicle.

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Division 4 — Transitional provisions

15. Schedule 4 amended

After Schedule 4 Division 1 the following Division is inserted —

“

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Division 2 — Provisions for *Revenue Laws Amendment (Taxation) Act 2007*

1. Application of Act in relation to certain first home owners

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- (1) Subject to subclause (3), this Act applies to and in relation to an instrument referred to in section 75AG(1) executed on or after 10 May 2007 as if the amendments in sections 11 and 12 of the *Revenue Laws Amendment (Taxation) Act 2007* had come into operation on 10 May 2007.

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- (2) If, in relation to an instrument referred to in section 75AG(1) executed on or after 12 February 2007 and before 10 May 2007, the transferee, or each transferee, is a participant in the scheme known as the First Start Shared Equity Scheme (provided by the State through the Department of Housing and Works), this Act applies to and in relation to the instrument as if the amendments in sections 11 and 12 of the *Revenue Laws Amendment (Taxation) Act 2007* had come into operation on 12 February 2007.

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- (3) If an instrument referred to in section 75AG(1) (other than an instrument to which subclause (2) applies) was executed before 10 May 2007, this Act applies to and in relation to —
(a) the instrument; and

- (b) if the instrument is replaced by an instrument executed on or after 10 May 2007 — the replacement instrument, to the extent to which it is an instrument referred to in section 75AG(1),

5 as if the amendments made by sections 11 and 12 of the *Revenue Laws Amendment (Taxation) Act 2007* had not come into operation.

- 10 (4) In this clause, a reference to an instrument referred to in section 75AG(1) includes a reference to an instrument that would have been referred to in section 75AG(1) but for the amount or value of the consideration exceeding \$350 000 or \$200 000 (as the case requires).

2. Application of Act in relation to certain motor vehicles — 1 July 2007

15 (1) This Act as amended by sections 13(1), (3) and (4) and 14 of the *Revenue Laws Amendment (Taxation) Act 2007* applies to and in relation to the grant or transfer of a licence the application for which was made on or after 1 July 2007.

- 20 (2) If —
(a) the application for the grant or transfer of a licence was made before 1 July 2007; or
(b) under section 76K, the amount of duty payable in respect of the grant or transfer of a licence was assessed before 1 July 2007,

25 this Act applies to and in relation to the grant or transfer of the licence as if the amendments made by sections 13(1), (3) and (4) and 14 of the *Revenue Laws Amendment (Taxation) Act 2007* had not come into operation.

30 **3. Application of Act in relation to certain motor vehicles — 1 January 2009**

- (1) This clause has effect on and from 1 January 2009.

Revenue Laws Amendment (Taxation) Bill 2007

Part 5 Stamp Act 1921 amended

Division 4 Transitional provisions

s. 15

(2) This Act as amended by section 13(2) of the *Revenue Laws Amendment (Taxation) Act 2007* applies to and in relation to the grant or transfer of a licence the application for which was made on or after 1 January 2009.

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(3) If —

(a) the application for the grant or transfer of a licence is made before 1 January 2009; or

(b) under section 76K, the amount of duty payable in respect of the grant or transfer of a licence is assessed before 1 January 2009,

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this Act applies to and in relation to the grant or transfer of the licence as if the amendments made by section 13(2) of the *Revenue Laws Amendment (Taxation) Act 2007* had not come into operation.

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4. Reassessments

Subject to section 17 of the *Taxation Administration Act 2003*, the Commissioner must make any reassessment necessary to give effect to this Division.

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