



Western Australia

Offshore Minerals (Registration Fees) Act 2003

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Contents

1.	Short title	1
2.	Commencement	1
3.	Definitions	1
4.	Imposition of registration fees	1
5.	Value of exploration works to be deducted	2
6.	Document giving effect to agreement	2
7.	Transactions between related corporations	3
8.	Regulations	4

Notes

	Compilation table	5
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Defined terms

Offshore Minerals (Registration Fees) Act 2003

An Act to provide for the payment of fees for the lodgment for registration of certain documents under *the Offshore Minerals Act 2003*.

1. Short title

This Act may be cited as the *Offshore Minerals (Registration Fees) Act 2003*.

2. Commencement

This Act comes into operation on the day on which the *Offshore Minerals Act 2003* comes into operation.

3. Definitions

- (1) In this Act, unless the contrary intention appears —
document means a document lodged for registration under section 338 or 339 of the *Offshore Minerals Act 2003*.
- (2) Expressions used in this Act that are used in the *Offshore Minerals Act 2003* have, unless the contrary intention appears, the same meanings as they have in that Act.

4. Imposition of registration fees

- (1) There is payable to the Minister, for the lodgment for registration of a document under section 338 or 339 of the *Offshore Minerals Act 2003*, a fee equal to the prescribed percentage of —
 - (a) the value of the consideration for the document; or
 - (b) the value of the licence, share or interest transferred or otherwise dealt with by the document,

s. 5

whichever is the greater.

- (2) The percentage prescribed for the purposes of subsection (1) is not to exceed 10%.
- (3) Where the amount of the fee under subsection (1) for the lodgment of a document is less than the prescribed minimum amount, the amount of the fee for the lodgment of that document is that minimum amount.
- (4) The amount prescribed for the purposes of subsection (3) is not to exceed \$2 000.

5. Value of exploration works to be deducted

- (1) For the purpose of calculating the fee payable under section 4 for the lodgment of a document that relates to an exploration licence, the value, as determined by the Minister, of any exploration works is to be deducted from the value referred to in section 4 that applies to the document.
- (2) In subsection (1) —
exploration works means exploration works that are approved by the Minister and are to be carried out under the exploration licence.

6. Document giving effect to agreement

- (1) Where —
 - (a) a document was executed for the purpose of giving effect to an agreement; and
 - (b) a party to the transfer or other dealing effected by the document holds a certificate under subsection (2) in respect of the agreement to which the document relates,

no fee is payable under section 4 for the lodgment for registration of the document, but there is payable instead a fee of an amount prescribed for the purposes of this subsection.

- (2) The Minister may, on application in writing, grant a certificate that the Minister is satisfied that an agreement was not, or is not proposed to be, entered into for the purpose of avoiding or reducing the fees that would, but for the certificate, be payable under section 4 for the lodgment of a document that is proposed to be lodged for registration.
- (3) The amount prescribed for the purposes of subsection (1) is not to exceed \$20 000.

7. Transactions between related corporations

- (1) Where —
 - (a) 2 or more parties to a transfer or dealing to which a document relates are related corporations; and
 - (b) any of those parties holds a certificate under subsection (2) in respect of the document,no fee is payable under section 4 for the lodgment for registration of the document, but there is payable instead a fee of an amount prescribed for the purposes of this subsection.
- (2) The Minister may, on application in writing, grant a certificate that the Minister is satisfied that a document —
 - (a) was, or is proposed to be, entered into solely for the purpose of the reorganisation or better administration of related corporations or any of them; and
 - (b) was not entered into, or is not proposed to be entered into, substantially for the purpose of avoiding or reducing the fees that would, but for the certificate, be payable under section 4 for the lodgment for registration of the document.

s. 8

(3) The amount prescribed for the purposes of subsection (1) is not to exceed \$20 000.

(4) In this section —

related corporation means a related body corporate within the meaning of the *Corporations Act 2001* of the Commonwealth.

8. Regulations

The Governor may make regulations prescribing matters —

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for giving effect to this Act.

Notes

¹ This is a compilation of the *Offshore Minerals (Registration Fees) Act 2003*. The following table contains information about that Act.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Offshore Minerals (Registration Fees) Act 2003</i>	11 of 2003	17 Apr 2003	1 Jan 2011 (see s. 2 and <i>Gazette</i> 17 Dec 2010 p. 6350)

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
document	3(1)
exploration works	5(2)
related corporation	7(4)