



Western Australia

Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967

As at 19 Jan 2008

Version 03-c0-07

Published on www.legislation.wa.gov.au

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Contents

1.	Short title	1
2.	Commencement	1
3.	Act read with <i>Petroleum and Geothermal Energy Resources Act 1967</i>	1
4.	Imposition of registration fees	1
5.	Regulations	5
Notes		
	Compilation table	6

Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967

An Act to provide for the payment of fees in respect of the registration of certain instruments under the *Petroleum and Geothermal Energy Resources Act 1967*.

[Long title amended: No. 35 of 2007 s. 103(2).]

1. Short title

This Act may be cited as the *Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967*¹.

[Section 1 amended: No. 35 of 2007 s. 103(3).]

2. Commencement

This Act shall come into operation on a date to be fixed by proclamation¹.

3. Act read with *Petroleum and Geothermal Energy Resources Act 1967*

The *Petroleum and Geothermal Energy Resources Act 1967* is incorporated and shall be read as one with this Act.

[Section 3 amended: No. 35 of 2007 s. 103(4).]

4. Imposition of registration fees

- (1) In this section, *title* means a permit, drilling reservation, lease, licence or access authority.
- (2) Subject to this section, there is payable to the Minister in respect of an entry in the Register of a memorandum of the transfer of a

s. 4

title under section 72 of the *Petroleum and Geothermal Energy Resources Act 1967* a fee at the rate of 1.5% of —

- (a) the value of the consideration for the transfer; or
- (b) the value of the title transferred,

whichever is the greater or, if the amount of that fee is less than the prescribed amount, a fee of the prescribed amount.

(3) Where —

- (a) a fee imposed by this Act, as in force at any time, in respect of an entry of approval of an instrument or dealing, being a dealing or instrument pursuant to which the transfer of a title is agreed to, has been paid; and
- (b) but for this subsection, the amount of the fee imposed by subsection (2) in respect of the entry of a memorandum of the transfer of the title, being a transfer executed for the purpose of giving effect to the dealing or instrument referred to in paragraph (a), would be greater than the prescribed amount,

the amount of the fee imposed by subsection (2) in respect of the entry of the memorandum of the transfer is the prescribed amount.

(4) Where —

- (a) the parties to a transfer of a title lodged for approval under section 72 of the *Petroleum and Geothermal Energy Resources Act 1967* satisfy the Minister that —
 - (i) they are related bodies corporate within the meaning of the *Corporations Act 2001* of the Commonwealth;
 - (ii) the transfer was executed solely for the purpose of a reorganization of the corporations concerned or any of them or solely for the purpose of securing the better administration of the corporations concerned or any of them; and

(iii) the transfer was not executed substantially for the purpose of avoiding or reducing the registration fees that would, but for this subsection, be payable under subsection (2) in respect of the entry of a memorandum of the transfer;

and

(b) but for this subsection, the amount of the fee imposed by subsection (2) in respect of the entry of the memorandum of the transfer of the title would be more than the prescribed amount,

the amount of the fee imposed by subsection (2) in respect of the entry of the memorandum of the transfer is the prescribed amount.

(5) Subject to this section, there is payable to the Minister in respect of an entry in the Register of the approval of a dealing under section 75 of the *Petroleum and Geothermal Energy Resources Act 1967* a fee at the rate of 1.5% of —

(a) the value of the consideration for the dealing or, if the Minister approves the dealing in relation to another title or titles, an amount equal to the value of the consideration for the dealing divided by the number of titles in relation to which the dealing is approved; or

(b) in a case where —

(i) the value of the interest in a title is greater than the amount applicable under paragraph (a);

(ii) the dealing has an effect of the kind referred to in section 75(1)(a), (b) or (d) of the *Petroleum and Geothermal Energy Resources Act 1967*; and

(iii) the Minister is satisfied that the dealing was not made pursuant to another dealing or an instrument, being a dealing or instrument that relates to that title and in respect of an entry of approval of which a fee has been paid under this Act, as in force at any time,

the value of the interest.

(6) Where —

- (a) but for this subsection, the amount of the fee imposed by subsection (5) in relation to an entry of approval of a dealing would be less than the prescribed amount; or
- (b) an approval under section 75 of the *Petroleum and Geothermal Energy Resources Act 1967* is given in respect of a dealing that is a dealing to which that section of that Act applies by reason only that the dealing creates, varies or terminates a charge over some or all of the assets of a body corporate,

the amount of the fee imposed by subsection (5) in respect of the entry of that approval is the prescribed amount.

(7) Where —

- (a) the parties to a dealing lodged for approval under section 75 of the *Petroleum and Geothermal Energy Resources Act 1967* satisfy the Minister that —
 - (i) they are related bodies corporate within the meaning of the *Corporations Act 2001* of the Commonwealth;
 - (ii) the dealing was entered into solely for the purpose of a reorganization of the corporations concerned or any of them or solely for the purpose of securing the better administration of the corporations concerned or any of them;
and
 - (iii) the dealing was not entered into substantially for the purpose of avoiding or reducing the registration fees that would, but for this subsection, be payable under subsection (5) in respect of the entry of approval of the dealing;
- and

(b) but for this subsection, the amount of the fee imposed by subsection (5) in relation to the entry of approval of the dealing would be more than the prescribed amount,

the amount of the fee imposed by subsection (5) in respect of the entry of approval of that dealing is the prescribed amount.

(8) For the purposes of calculating the amount of the fee imposed by subsection (5) in respect of an entry of approval of a dealing, the value, as determined by the Minister, of any exploration works to be carried out pursuant to the dealing, being works that were, at the time when the application for approval of the dealing was lodged, required or permitted to be carried out by or under the relevant title, shall be deducted from the value of the consideration for the dealing or from the value of the interest in the relevant licence, as the case requires.

[Section 4 inserted: No. 14 of 1990 s. 4; amended: No. 28 of 1994 s. 78; No. 20 of 2003 s. 37(2); No. 35 of 2007 s. 103(5).]

5. Regulations

The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.

[Section 5 inserted: No. 14 of 1990 s. 5.]

Notes

- ¹ This is a compilation of the *Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Petroleum (Registration Fees) Act 1967</i> ³	77 of 1967	11 Dec 1967	5 Sep 1969 (see s. 2 and <i>Gazette</i> 5 Sep 1969 p. 2540)
<i>Acts Amendment (Mining) Act 1981 Pt. IV</i>	69 of 1981	30 Oct 1981	30 Oct 1981
<i>Companies (Consequential Amendments) Act 1982 s. 28</i>	10 of 1982	14 May 1982	1 Jul 1982 (see s. 2(1) and <i>Gazette</i> 25 Jun 1982 p. 2079)
Reprint of the <i>Petroleum (Registration Fees) Act 1967</i> approved 3 Aug 1983 (includes amendments listed above)			
<i>Petroleum (Registration Fees) Amendment Act 1990</i> ²	14 of 1990	31 Jul 1990	1 Oct 1990 (see s. 2 and <i>Gazette</i> 28 Sep 1990 p. 5099)
Reprint of the <i>Petroleum (Registration Fees) Act 1967</i> as at 16 Jan 1992 (includes amendments listed above)			
<i>Acts Amendment (Petroleum) Act 1994 Pt. 5</i>	28 of 1994	29 Jun 1994	22 Jul 1994 (see s. 2 and <i>Gazette</i> 22 Jul 1994 p. 3728)
<i>Corporations (Consequential Amendments) Act (No. 2) 2003 Pt. 17</i>	20 of 2003	23 Apr 2003	15 Jul 2001 (see s. 2(1) and <i>Cwlth Gazette</i> 13 Jul 2001 No. S285)
Reprint 3: The <i>Petroleum (Registration Fees) Act 1967</i> as at 19 Sep 2003 (includes amendments listed above)			
<i>Petroleum Amendment Act 2007 s. 103</i>	35 of 2007	21 Dec 2007	19 Jan 2008 (see s. 2(b) and <i>Gazette</i> 18 Jan 2008 p. 147)

- ² The *Petroleum (Registration Fees) Amendment Act 1990* s. 6 reads as follows:

“

6. Application of principal Act

The principal Act continues to apply in relation to transfers to which section 72 of the *Petroleum Act 1967* continues to apply by

virtue of the operation of section 56(3) of the *Acts Amendment
(Petroleum) Act 1990*.

”.

- ³ Now known as the *Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967*; short title changed (see note under s. 1)

Defined terms

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)
title	4(1)