

**PETROLEUM (SUBMERGED
LANDS)
REGISTRATION FEES.**

No. 34 of 1982.

AN ACT to provide for the payment of fees in respect of the registration of certain instruments under the Petroleum (Submerged Lands) Act 1982.

[Assented to 27 May 1982.]

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. This Act may be cited as the *Petroleum (Submerged Lands) Registration Fees Act 1982.* Short title.

2. (1) This Act shall come into operation on the day on which the Petroleum (Submerged Lands) Act 1982 comes into operation. Commencement.

(2) The Minister shall as soon as is practicable after the commencement of this Act cause notice of the commencement to be published in the *Gazette*.

Incorporation.

3. This Act is incorporated, and shall be read as one, with the Petroleum (Submerged Lands) Act 1982 (in this Act called "the principal Act").

Imposition of registration fees.

4. (1) There is payable to the Minister in respect of—

- (a) a memorandum of transfer entered in the register under section 78 of the principal Act; or
- (b) a memorandum of approval of an instrument entered in the register under section 81 of the principal Act,

a fee at the rate of $1\frac{1}{2}\%$ of—

- (c) the value of the consideration for the transfer, or for the instrument by which the interest was created, assigned, affected or dealt with, respectively; or
- (d) the value of the permit, licence or pipeline licence transferred, or of the interest created, assigned, affected or dealt with by the instrument, respectively,

whichever is the greater.

(2) Where, but for this subsection, the amount of the fee imposed by subsection (1) in respect of any memorandum would be less than \$300 the amount of the fee imposed in respect of that memorandum is \$300.

(3) For the purpose of calculating the fee payable under subsection (1) in respect of a memorandum of transfer of a permit or a memorandum of approval of an instrument by which an interest in a permit was created, assigned, affected or dealt with, the value, as determined by the Minister, of any

approved exploration works to be carried out in pursuance of the agreement for the transfer or in pursuance of the instrument, as the case may be, shall be deducted—

- (a) where the fee is to be calculated in accordance with paragraph (c) of subsection (1), from the value referred to in that paragraph; and
- (b) where the fee is to be calculated in accordance with paragraph (d) of subsection (1), from the value referred to in that paragraph.

(4) Where—

- (a) the transfer of a permit or licence or an instrument by which an interest in a permit or licence was created, assigned, affected or dealt with was entered into for the purpose of giving effect to a prior agreement; and
- (b) a party to the transfer or the instrument is the holder of a certificate in respect of the transfer or instrument under paragraph (a) of subsection (6),

no fee is payable under subsection (1) or (2) in respect of the memorandum of that transfer or the memorandum of approval of that instrument, as the case may be, but there is payable in respect of the memorandum of that transfer or the memorandum of approval of that instrument a fee of \$3 000.

(5) Where—

- (a) 2 or more parties to the transfer of a permit, licence or pipeline licence or an instrument by which an interest in a permit, licence or pipeline licence was created, assigned, affected or dealt with are related corporations within the meaning of the Companies Act 1961; and

- (b) any of those parties is the holder of a certificate in respect of the transfer or instrument under paragraph (b) of subsection (6),

no fee is payable under subsection (1) or (2) in respect of the memorandum of that transfer or the memorandum of approval of that instrument, as the case may be, but there is payable in respect of the memorandum of that transfer or the memorandum of approval of that instrument a fee of \$3 000.

(6) Where the Minister is satisfied—

- (a) that a prior agreement referred to in subsection (4) was not entered into, or is not proposed to be entered into, substantially for the purpose of avoiding or reducing the registration fees that would, but for the issue of a certificate under this paragraph, be payable under subsection (1) or (2) in respect of a memorandum of transfer or a memorandum of approval of an instrument (being a transfer or instrument entered into or to be entered into for the purpose of giving effect to the prior agreement), the Minister may, on an application in writing made to him at any time by a person who is or proposes to be a party to the prior agreement, issue a certificate that the Minister is so satisfied; or
- (b) that a transfer or instrument referred to in subsection (5)—
 - (i) was or is proposed to be entered into solely for the purpose of the reorganization or the better administration of the related corporations or any of them; and
 - (ii) was not entered into, or is not proposed to be entered into, substantially for the purpose of avoiding or reducing the registration fees that would,

1982.] *Petroleum (Submerged Lands) [No. 34.
Registration Fees.*

but for the issue of a certificate under this paragraph, be payable under subsection (1) or (2),

the Minister may, on an application in writing made to him at any time by any of those related corporations, issue a certificate that the Minister is so satisfied.

5. The Petroleum (Submerged Lands) Registration Fees Act 1967 is repealed. ^{Repeal.}
