



Western Australia

## **Petroleum (Submerged Lands) Regulations 1990**

Compare between:

[01 Jul 2015, 03-b0-03] and [01 Jul 2016, 03-c0-00]



## **Petroleum (Submerged Lands) Regulations 1990**

### **1. Citation**

These regulations may be cited as the *Petroleum (Submerged Lands) Regulations 1990*<sup>1</sup>.

### **2. Commencement**

These regulations shall come into operation on the day fixed under section 2(1) of the *Acts Amendment (Petroleum) Act 1990*<sup>1</sup>.

### **2A. Terms used**

In these regulations —

**AGD** means the Australian Geodetic Datum referred to in regulation 11;

**GDA** means the Geocentric Datum of Australia referred to in regulation 9.

*[Regulation 2A inserted in Gazette 15 Dec 2000 p. 7216.]*

### **3. Prescribed fees, rates and sums**

- (1) For the purposes of a provision of the Act specified in Column 2 of Schedule 1, the prescribed fee is the amount specified in Column 3 of that Schedule opposite to that provision.
- (2) For the purposes of section 87(2) of the Act, the prescribed fee is a fee calculated at the rate of \$~~120~~121.00 per page.

*[(3)-(5) deleted]*

- (6) For the purposes of section 139(a) of the Act, the prescribed minimum fee is \$2 ~~017~~039.00.
- (7) For the purposes of section 139(b) of the Act, the prescribed rate is a rate of \$~~771~~779.00.
- (8) For the purposes of section 139A of the Act, the prescribed rate is a rate of \$16 ~~799~~984.00.
- (9) For the purposes of section 140 of the Act, the prescribed rate is a rate of \$16 ~~352~~532.00.
- (10) For the purposes of section 141A of the Act, the fee is \$16 ~~352~~532.00.

*[Regulation 3 amended in Gazette 22 Jul 1994 p. 3781; 27 Jun 2000 p. 3253; 28 Jun 2002 p. 3093; 28 Feb 2003 p. 674; 23 Jun 2009 p. 2475; 9 Feb 2010 p. 270; 11 May 2010 p. 1819-20; 16 Jul 2010 p. 3360; 24 May 2011 p. 1898; 1 Jul 2011 p. 2737; 12 Jun 2012 p. 2461; 25 Feb 2014 p. 500-1; 17 Jun 2014 p. 1984; 30 Jun 2015 p. 2345 and 2348; 24 Jun 2016 p. 2329-30.]*

*[3A. Deleted in Gazette 23 Jun 2009 p. 2475.]*

**4. Form of instrument of transfer**

For the purposes of section 78(3)(a) of the Act, the prescribed form of an instrument of transfer is the form set out in Schedule 2.

**5. Instrument under Act s. 81(4)(b)**

- (1) For the purposes of section 81(4)(b) of the Act, the following particulars are prescribed —
  - (a) description and date of execution of the instrument evidencing the dealing referred to in section 81(4)(a) of the Act (in this subregulation referred to as the *dealing*);

- (b) details of the title (including the type and number of the title) to which the dealing relates;
- (c) full name and business address of each party to the dealing;
- (d) details of the effect or effects, on registration, of the dealing specified in the relevant paragraph or paragraphs of section 81(1) of the Act;
- (e) details of the interest or interests in the title of all parties to the dealing —
  - (i) before the registration of the dealing; and
  - (ii) in the event of approval of the dealing, after the registration of the dealing;
- (f) in the case of a dealing to which section 4(5)(a) of the *Petroleum (Submerged Lands) Registration Fees Act 1982* applies, the value of the consideration;
- (g) in the case of a dealing relating to an interest in a licence or pipeline licence to which section 4(5)(b) of the *Petroleum (Submerged Lands) Registration Fees Act 1982* applies, the value of the interest;
- (h) whether or not the parties to the dealing have made or propose to make an application for the purposes of section 4(7) of the *Petroleum (Submerged Lands) Registration Fees Act 1982*;
- (j) in respect of any related dealing in relation to which an entry has been made in the Register or an application in writing for approval by the Minister has been lodged (whether before or after the day fixed under section 2(1) of the *Acts Amendment (Petroleum) Act 1990*) —
  - (i) description and date of execution of the instrument evidencing the dealing; and
  - (ii) date of approval by the Minister (if appropriate); and
  - (iii) registration number (if any).

(2) In subregulation (1) —

***related dealing*** means any dealing executed, before the execution of the instrument evidencing the dealing referred to in subregulation (1)(a), by some or all of the parties to that instrument —

- (a) that affects the title which is the subject of the dealing to which the instrument referred to in subregulation (1)(a) relates; and
- (b) that —
  - (i) creates or assigns an option to enter into the dealing referred to in subregulation (1)(a); or
  - (ii) creates or assigns a right to enter into the dealing referred to in subregulation (1)(a); or
  - (iii) is altered or terminated by the dealing referred to in subregulation (1)(a),

and includes any transaction in respect of which an instrument was registered under section 81 of the Act before the day fixed under section 2(1) of the *Acts Amendment (Petroleum) Act 1990*.

[6, 7. Deleted in Gazette 23 Jun 2009 p. 2475.]

**8. Royalty value — deductible imposts**

The following imposts are excluded from the definition of ***federal duty*** in section 145A(3) of the Act —

- (a) all taxes, duties, fees, levies and charges already included in the purchase price of goods or services purchased by the permittee, lessee or licensee;
- (b) departure tax;
- (c) fringe benefits tax;
- (d) deductions from salary or wages as required under the *Income Tax Assessment Act 1936* of the Commonwealth to enable income tax to be collected from employees by instalments;

- (e) deductions from prescribed payments as required under the *Income Tax Assessment Act 1936* of the Commonwealth to enable tax to be collected in respect of certain payments for work;
- (f) customs import duty;
- (g) aircraft landing charge;
- (h) training guarantee charge;
- (i) superannuation guarantee charge;
- (j) contributions under Part 4.2 of the *Higher Education Funding Act 1988* of the Commonwealth.

[Regulation 8 inserted in Gazette 20 May 1994 p. 2125-6.]

**9. Application of Geocentric Datum of Australia**

- (1) Subject to regulation 11, the GDA is the prescribed Australian datum for the purposes referred to in section 10(1) of the Act.
- (2) The reference ellipsoid for the GDA is the Geodetic Reference System 1980 (*GRS80*) ellipsoid with a semi-major axis of 6 378 137 m exactly and an inverse flattening (1/f) of 298.257 222 101.
- (3) The reference frame for the GDA is realised by the coordinates of the following Australian Fiducial Network geodetic stations referred to the GRS80 ellipsoid determined within the International Earth Rotation Service Terrestrial Reference Frame 1992 (ITRF92) at the epoch of 1994.0 —

No.	Name	South Latitude	East Longitude	Ellipsoidal Height
AU 012	Alice Springs	23° 40' 12.44592"	133° 53' 07.84757"	603.358 m
AU 013	Karratha	20° 58' 53.17004"	117° 05' 49.87255"	109.246 m
AU 014	Darwin	12° 50' 37.35839"	131° 07' 57.84838"	125.197 m
AU 015	Townsville	19° 20' 50.42839"	146° 46' 30.79057"	587.077 m
AU 016	Hobart	42° 48' 16.98506"	147° 26' 19.43548"	41.126 m
AU 017	Tidbinbilla	35° 23' 57.15627"	148° 58' 47.98425"	665.440 m

**r. 10**

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AU 019	Ceduna	31° 52' 00.01664"	133° 48' 35.37527"	144.802 m
AU 029	Yaragadee	29° 02' 47.61687"	115° 20' 49.10049"	241.291 m

*[Regulation 9 inserted in Gazette 15 Dec 2000 p. 7216-17.]*

**10. Application of GDA to certain instruments**

- (1) A reference (a **GDA reference**) in an instrument under the Act or these regulations that comes into force on or after the commencement day to the position on the surface of the Earth of a graticular section or block is to be made by reference to —
  - (a) the GDA; and
  - (b) coordinates of latitude and longitude calculated to 3 decimal places of a second.
- (2) An instrument under the Act or these regulations referred to in subregulation (1) that contains a GDA reference is to be endorsed with a statement to the effect that the GDA applied to the calculation of the coordinates of latitude and longitude relevant to the GDA reference, but the omission of such a statement does not affect the validity of the instrument.
- (3) Despite section 17 of the Act, for the purposes of subregulation (1) —
  - (a) the meridians of longitude defining the eastern and western boundaries of a graticular section; and
  - (b) the parallels of latitude defining the northern and southern boundaries of a graticular section,

may be taken to be at a distance from each other that is other than 5 minutes.

- (4) In subregulation (1) —  
**commencement day** means the day on which section 8 of the *Acts Amendment (Australian Datum) Act 2000* comes into operation<sup>2</sup>.

*[Regulation 10 inserted in Gazette 15 Dec 2000 p. 7217-18.]*



**11. Application of Australian Geodetic Datum**

- (1) Subject to regulation 10, the AGD is the prescribed datum for the purposes referred to in —
  - (a) section 10(5) of the Act (which refers to the determination of the position on the surface of the Earth of the boundary of the area described in Schedule 2 to the Act); and
  - (b) section 17(4) of the Act (which refers to the determination of the position on the surface of the Earth of a graticular section or a block).
- (2) The AGD is defined by an ellipsoid having a semi-major axis (equatorial radius) of 6 378 160 m and a flattening of 1/298.25 and fixed by the position of the origin being the Johnston Geodetic Station in the Northern Territory of Australia.
- (3) The Johnston Geodetic Station is taken to be situated at —
  - (a) 25° 56' 54.5515" south latitude and 133° 12' 30.0771" east longitude; or
  - (b) where decimal reckoning is used, 25° 56.90919' south latitude and 133° 12.50129' east longitude,and to have a ground level elevation of 571.2 m above the ellipsoid referred to in subregulation (2).
- (4) An instrument in force under the Act or these regulations immediately before the commencement day that contains a reference to the position on the surface of the Earth of a point, line or area determined by reference to the AGD is to be endorsed, if it is practicable to do so, with a statement to the effect that the AGD applied to that determination, but the omission of such a statement does not affect the validity of the instrument.
- (5) If, in relation to an instrument referred to in subregulation (4), coordinates calculated by reference to the AGD are to be converted to coordinates calculated by reference to the GDA,

the conversion is to be made using the National Transformation Version 2 (NTV2) grid file transformation.

*[Regulation 11 inserted in Gazette 15 Dec 2000 p. 7218.]*

**12. Transitional provision: operation of r. 3**

- (1) In this regulation —  
**regulation 3** means regulation 3 as in force immediately before the commencement of the *Petroleum and Energy Legislation Amendment Act 2010* section 149.
- (2) This regulation is made for the purposes of Schedule 3 clause 4(4) of the Act.
- (3) Regulation 3 as continued in force under Schedule 3 clause 4(3)(b) of the Act is, for the purposes of its application under that paragraph, deleted.

*[Regulation 12 inserted in Gazette 30 Jun 2015 p. 2345.]*

**Schedule 1 — Prescribed fees**

[r. 3(1)]

[Heading inserted in Gazette 12 Jun 2012 p. 2461.]

Column 1 Item	Column 2 Provision of Act	Column 3 Amount of prescribed fee (\$)
1.	s. 21(1)(f)	6 <del>036</del> 102.00
2.	s. 24(1)(a)	6 <del>036</del> 102.00
3.	s. 30(2)(c)	6 <del>036</del> 102.00
4.	s. 38A(2)(e)	6 <del>036</del> 102.00
5.	s. 38CA(2)(d)	6 <del>036</del> 102.00
6.	s. 38F(2)(d)	6 <del>036</del> 102.00
7.	s. 41(1)(e)	6 <del>036</del> 102.00
8.	s. 48(1)(a)	6 <del>036</del> 102.00
9.	s. 51(2)(e)	6 <del>036</del> 102.00
10.	s. 54(2)(d)	6 <del>036</del> 102.00
11.	s. 60B(2)(d)	6 <del>036</del> 102.00
12.	s. 60J(2)(d)	6 <del>036</del> 102.00
13.	s. 64(1)(f)	6 <del>036</del> 102.00
14.	s. 71(2)(e)	6 <del>036</del> 102.00
15.	s. 79(2)	<del>120</del> 121.00
16.	s. 79(3)(b)	<del>120</del> 121.00

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**Schedule 1** Prescribed fees

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<b>Column 1 Item</b>	<b>Column 2 Provision of Act</b>	<b>Column 3 Amount of prescribed fee (\$)</b>
17.	s. 86(1)	<del>120</del> <u>121</u> .00
18.	s. 87(3)	<del>120</del> <u>121</u> .00
19.	s. 111(2)(d)	6 <del>036</del> <u>102</u> .00
20.	s. 141	<del>192</del> <u>194</u> .00

*[Schedule 1 inserted in Gazette 12 Jun 2012 p. 2461-2; amended in Gazette 25 Feb 2014 p. 501; 17 Jun 2014 p. 1984-5; 30 Jun 2015 p. 2348-9; [24 Jun 2016 p. 2330.](#)]*

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## Schedule 2

[Regulation 4]

*Petroleum (Submerged Lands) Act 1982*  
*Petroleum (Submerged Lands) Regulations 1990*

### **Form of Instrument of Transfer of Title under section 78 of *Petroleum (Submerged Lands) Act 1982***

I/We <sup>(1) (2)</sup> .....  
being the registered holder/holders <sup>(1)</sup> of <sup>(3)</sup> .....  
in consideration of <sup>(4)</sup> .....  
hereby transfer all right, title and interest in that <sup>(3)</sup> .....  
to <sup>(5)</sup> .....

In witness of this transfer the parties to the transfer have affixed their respective  
common seals or signatures below on this ..... day of  
..... 20 .....

(6)

(7)

- (1) Delete whichever is inapplicable.
- (2) Here insert the name of the transferor, or, if there are 2 or more transferors, the name of each transferor.
- (3) Here insert the type (e.g. exploration permit, production licence), and number, of the property transferred that is a title as defined in section 74J of the Act.
- (4) Here insert the value of the consideration for the transfer or the value of the title transferred. If the transfer of the title is pursuant to a dealing which has been approved and registered under the Act, insert a reference that is sufficient to identify that dealing.
- (5) Here insert the name and address of the transferee, or, if there are 2 or more transferees, the name and address of each transferee.
- (6) Here affix the common seal or signature of the transferor or of each transferor, as the case may be.
- (7) Here affix the common seal or signature of the transferee or of each transferee, as the case may be.

*[Schedule 2 amended in Gazette 23 Jun 2009 p. 2477.]*

### Notes

- <sup>1</sup> This is a compilation of the *Petroleum (Submerged Lands) Regulations 1990* 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

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Petroleum (Submerged Lands) Regulations 1990</i>	28 Sep 1990 p. 5105-8	1 Oct 1990 (see r. 2 and <i>Gazette</i> 28 Sep 1990 p. 5099)
<i>Petroleum (Submerged Lands) Amendment Regulations 1993</i>	24 Dec 1993 p. 6832 (correction 31 Dec 1993 p. 6876)	24 Dec 1993
<i>Petroleum (Submerged Lands) Amendment Regulations 1994</i>	20 May 1994 p. 2125-6	20 May 1994
<i>Petroleum (Submerged Lands) Amendment Regulations (No. 2) 1994</i>	22 Jul 1994 p. 3781	22 Jul 1994 (see r. 2 and <i>Gazette</i> 22 Jul 1994 p. 3728)
<i>Petroleum (Submerged Lands) Amendment Regulations 2000</i>	8 Feb 2000 p. 456-7	8 Feb 2000
<i>Petroleum (Submerged Lands) Amendment Regulations (No. 2) 2000</i>	27 Jun 2000 p. 3253-4	1 Jul 2000 (see r. 2)
<i>Petroleum (Submerged Lands) Amendment Regulations (No. 3) 2000</i>	15 Dec 2000 p. 7216-18	16 Dec 2000 (see r. 2 and <i>Gazette</i> 15 Dec 2000 p. 7201)
<b>Reprint of the <i>Petroleum (Submerged Lands) Regulations 1990</i> as at 9 March 2001</b> (includes amendments listed above)		
<i>Petroleum (Submerged Lands) Amendment Regulations 2002</i>	28 Jun 2002 p. 3092-4	1 Jul 2002 (see r. 2)
<i>Petroleum (Submerged Lands) Amendment Regulations 2003</i>	28 Feb 2003 p. 673-5	28 Feb 2003
<i>Petroleum (Submerged Lands) Amendment Regulations 2009</i>	23 Jun 2009 p. 2474-7	r. 1 and 2: 23 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2009 (see r. 2(b))
<i>Petroleum (Submerged Lands) Amendment Regulations 2010</i>	9 Feb 2010 p. 270	r. 1 and 2: 9 Feb 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Feb 2010 (see r. 2(b))

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Petroleum (Submerged Lands) Amendment Regulations (No. 2) 2010</i>	11 May 2010 p. 1819-21	r. 1 and 2: 11 May 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 12 May 2010 (see r. 2(b))
<i>Petroleum (Submerged Lands) Amendment Regulations (No. 3) 2010</i>	16 Jul 2010 p. 3359-61	r. 1 and 2: 16 Jul 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 17 Jul 2010 (see r. 2(b)(ii))
<b>Reprint 2: The Petroleum (Submerged Lands) Regulations 1990 as at 24 Sep 2010</b> (includes amendments listed above)		
<i>Petroleum (Submerged Lands) Amendment Regulations 2011</i>	24 May 2011 p. 1897-8	r. 1 and 2: 24 May 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 25 May 2011 (see r. 2(b) and <i>Gazette</i> 24 May 2011 p. 1892)
<i>Petroleum (Submerged Lands) Amendment Regulations (No. 2) 2011</i>	1 Jul 2011 p. 2736-8	r. 1 and 2: 1 Jul 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2011 (see r. 2(b))
<i>Petroleum (Submerged Lands) Amendment Regulations 2012</i>	12 Jun 2012 p. 2460-2	r. 1 and 2: 12 Jun 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2012 (see r. 2(b))
<i>Petroleum (Submerged Lands) Amendment Regulations 2014</i>	25 Feb 2014 p. 500-1	r. 1 and 2: 25 Feb 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Feb 2014 (see r. 2(b))
<i>Petroleum (Submerged Lands) Amendment Regulations (No. 2) 2014</i>	17 Jun 2014 p. 1983-5	r. 1 and 2: 17 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b))
<b>Reprint 3: The Petroleum (Submerged Lands) Regulations 1990 as at 14 Nov 2014</b> (includes amendments listed above)		
<i>Petroleum (Submerged Lands) Amendment Regulations 2015</i>	30 Jun 2015 p. 2345	r. 1 and 2: 30 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2 and <i>Gazette</i> 30 Jun 2015 p. 2321)
<i>Petroleum (Submerged Lands) Amendment Regulations (No. 2) 2015</i>	30 Jun 2015 p. 2348-9	r. 1 and 2: 30 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))

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<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<a href="#"><u>Mines and Petroleum Regulations Amendment (Fees and Levies) Regulations 2016 Pt. 8</u></a>	<a href="#"><u>24 Jun 2016 p. 2325-34</u></a>	<a href="#"><u>1 Jul 2016 (see r. 2(b))</u></a>

<sup>2</sup> Commencement day was 16 December 2000 (see *Gazette* 15 Dec 2000 p. 7201).