

Western Australia

**Petroleum (Submerged Lands) Registration Fees
Act 1982**

As at 13 Feb 2004

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at 13 February 2004

Western Australia

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CONTENTS

1.	Short title	1
2.	Commencement	1
3.	Incorporation	1
4.	Imposition of registration fees	2
4A.	Regulations	5
	Notes	
	Compilation table	6



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Petroleum (Submerged Lands) Registration Fees Act 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*.

1. Short title

This Act may be cited as the *Petroleum (Submerged Lands) Registration Fees Act 1982*¹.

2. Commencement

- (1) This Act shall come into operation on the day on which the *Petroleum (Submerged Lands) Act 1982* comes into operation¹.
- (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*.

3. Incorporation

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

s. 4

4. Imposition of registration fees

- (1) In this section, “**title**” means a permit, lease, licence, pipeline 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 title under section 78 of the *Petroleum (Submerged Lands) Act 1982* 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 78 of the *Petroleum (Submerged Lands) Act 1982* 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 81 of the *Petroleum (Submerged Lands) Act 1982* 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 81(1)(a), (b) or (d) of the *Petroleum (Submerged Lands) Act 1982*; and

s. 4

- (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 81 of the *Petroleum (Submerged Lands) Act 1982* 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 81 of the *Petroleum (Submerged Lands) Act 1982* 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 by No. 13 of 1990 s. 4; amended by No. 20 of 2003 s. 39.]

4A. 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 4A inserted by No. 13 of 1990 s. 5.]

- [5. Omitted under the Reprints Act 1984 s. 7(4)(f).]*

Notes

- ¹ This is a reprint as at 13 February 2004 of the *Petroleum (Submerged Lands) Registration Fees Act 1982* 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 (Submerged Lands) Registration Fees Act 1982</i>	34 of 1982	27 May 1982	14 Feb 1983 (see s. 2(1) and <i>Gazette</i> 25 Feb 1983 p. 740)
<i>Petroleum (Submerged Lands) Registration Fees Amendment Act 1990</i> ²	13 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 (Submerged Lands) Registration Fees Act 1982</i> as at 18 Mar 1992 (includes amendments listed above)			
<i>Corporations (Consequential Amendments) Act (No. 2) 2003</i> Pt. 19	20 of 2003	23 Apr 2003	15 Jul 2001 (see s. 2(1) and <i>Cwlth Gazette</i> 13 Jul 2001 No. S285)
Reprint 2: The <i>Petroleum (Submerged Lands) Registration Fees Act 1982</i> as at 13 Feb 2004 (includes amendments listed above)			

- ² The *Petroleum (Submerged Lands) 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 78 of the *Petroleum (Submerged Lands) Act 1982* continues to apply by virtue of the operation of section 201(3) of the *Acts Amendment (Petroleum) Act 1990*.

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