

Approved for Reprint 3 August 1983.

WESTERN AUSTRALIA.

**PETROLEUM
(REGISTRATION FEES) ACT
1967-1981.**

ARRANGEMENT.

Sec.

1. Short title.
2. Commencement.
3. Incorporation.
4. Imposition of registration fees.

Approved for Reprint 3 August 1983.

WESTERN AUSTRALIA.

PETROLEUM (REGISTRATION FEES).

No. 77 of 1967.¹

[Amended by Acts:

No. 69 of 1981, assented to 30 October 1981;

No. 10 of 1982,² assented to 14 May 1982,

and reprinted pursuant to the Amendments Incorporation Act 1938.]

AN ACT to provide for the payment of Fees in respect of the Registration of certain Instruments under the Petroleum Act 1967.

[Assented to 11 December 1967.]

BE it enacted—

1. This Act may be cited as the *Petroleum* Short title.
(*Registration Fees*) Act 1967-1982.

2. This Act shall come into operation on a date Commence-
to be fixed by proclamation.¹ ment.

3. The Petroleum Act 1967 is incorporated and Incorporation.
shall be read as one with this Act.

¹ Came into operation 5 September 1969; see *Gazette* 5/9/69, p. 2540.

² Came into operation 1 July 1982; see s. 2.

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Imposition
of
registration
fees.
Amended by
No. 69 of
1981, s. 36;
No. 10 of
1982, s. 28.

4.¹ (1) There is payable to the Minister, in respect of—

- (a) a memorandum of transfer entered in the Register under section 72 of the Petroleum Act 1967; or
- (b) a memorandum of approval of an instrument entered in the Register under section 75 of the Petroleum Act 1967,

a fee at the rate of one and one-half per centum 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 or 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) of this section 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) of this section 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

¹ Section 36 (2) of Act No. 69 of 1981 reads as follows—

(2) The amendments made by subsection (1) of this section do not apply in respect of a memorandum of transfer in respect of which an application for approval was made before the date on which this Act came into operation or a memorandum of approval of an instrument in respect of which the application for approval was made before that date.

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) of this section—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) of this section—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) of this section,

no fee is payable under subsection (1) or (2) of this section 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) the parties to 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 are related corporations within the meaning of the *Companies (Western Australia) Code*; and

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

no fee is payable under subsection (1) or (2) of this section 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) of this section 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) of this section 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, grant a certificate that the Minister is so satisfied; or
- (b) that a transfer or instrument referred to in subsection (5) of this section—
 - (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, but for the issue of a certificate under this paragraph, be payable under subsection (1) or (2) of this section,

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

