

Western Australia

Offshore Minerals (Registration Fees) Bill 2000

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Western Australia

LEGISLATIVE ASSEMBLY

**Offshore Minerals (Registration Fees)
Bill 2000**

A Bill for

An Act to provide for the payment of fees for the lodgment for registration of certain documents under the *Offshore Minerals Act 2000*.

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Offshore Minerals (Registration Fees) Act 2000*.

2. Commencement

This Act comes into operation on the day on which the *Offshore Minerals Act 2000* comes into operation.

3. Definitions

5 (1) In this Act, unless the contrary intention appears —
“**document**” means a document lodged for registration under
section 338 or 339 of the *Offshore Minerals Act 2000*.

(2) Expressions used in this Act that are used in the *Offshore
Minerals Act 2000* have, unless the contrary intention appears,
10 the same meanings as they have in that Act.

4. Imposition of registration fees

(1) There is payable to the Minister, for the lodgment for
registration of a document under section 338 or 339 of the
Offshore Minerals Act 2000, a fee equal to the prescribed
15 percentage of —

- (a) the value of the consideration for the document; or
- (b) the value of the licence, share or interest transferred or
otherwise dealt with by the document,

whichever is the greater.

20 (2) The percentage prescribed for the purposes of subsection (1) is
not to exceed 10%.

(3) Where the amount of the fee under subsection (1) for the
lodgment of a document is less than the prescribed minimum
amount, the amount of the fee for the lodgment of that
25 document is that minimum amount.

(4) The amount prescribed for the purposes of subsection (3) is not
to exceed \$2 000.

5. Value of exploration works to be deducted

(1) For the purpose of calculating the fee payable under section 4 for the lodgment of a document that relates to an exploration licence, the value, as determined by the Minister, of any exploration works is to be deducted from the value referred to in section 4 that applies to the document.

(2) In subsection (1) —
“**exploration works**” means exploration works that are approved by the Minister and are to be carried out under the exploration licence.

6. Document giving effect to agreement

(1) Where —
(a) a document was executed for the purpose of giving effect to an agreement; and
(b) a party to the transfer or other dealing effected by the document holds a certificate under subsection (2) in respect of the agreement to which the document relates,

no fee is payable under section 4 for the lodgment for registration of the document, but there is payable instead a fee of an amount prescribed for the purposes of this subsection.

(2) The Minister may, on application in writing, grant a certificate that the Minister is satisfied that an agreement was not, or is not proposed to be, entered into for the purpose of avoiding or reducing the fees that would, but for the certificate, be payable under section 4 for the lodgment of a document that is proposed to be lodged for registration.

(3) The amount prescribed for the purposes of subsection (1) is not to exceed \$20 000.

7. Transactions between related corporations

(1) Where —

(a) 2 or more parties to a transfer or dealing to which a document relates are related corporations; and

5 (b) any of those parties holds a certificate under subsection (2) in respect of the document,

no fee is payable under section 4 for the lodgment for registration of the document, but there is payable instead a fee of an amount prescribed for the purposes of this subsection.

10 (2) The Minister may, on application in writing, grant a certificate that the Minister is satisfied that a document —

(a) was, or is proposed to be, entered into solely for the purpose of the reorganisation or better administration of related corporations or any of them; and

15 (b) was not entered into, or is not proposed to be entered into, substantially for the purpose of avoiding or reducing the fees that would, but for the certificate, be payable under section 4 for the lodgment for registration of the document.

20 (3) The amount prescribed for the purposes of subsection (1) is not to exceed \$20 000.

(4) In this section —

“related corporation” has the same meaning as it has in the Corporations Law.

25 **8. Regulations**

The Governor may make regulations prescribing matters —

(a) required or permitted by this Act to be prescribed; or

- (b) necessary or convenient to be prescribed for giving effect to this Act.

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