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Libraries & Information
Department of Justice

**OFFSHORE MINERALS (REGISTRATION
FEES) BILL 2000**

COMMITTEE

CLAUSE BY CLAUSE NOTES

General Outline

By agreement with the Commonwealth this Bill effectively mirrors the Commonwealth Offshore Minerals (Registration Fees) Act 1994. It provides for the method of calculation of fees required for documents lodged for registration against titles issued pursuant to the State Offshore Minerals Bill, when enacted.

These registration fees effectively replace the payment of State stamp duty. The various State/NT Offshore Minerals Bills, when enacted, will regulate mineral activity within coastal waters adjacent to each State or Territory. Although administered by the State, stamp duty can only be collected in WA for land described as being land of Western Australia.

Under the Coastal Waters (State Powers) Act of 1980 the State's jurisdiction is up to the territorial sea and, as a consequence, the "coastal waters" covered by the operation of the Offshore Minerals Bill is not within the jurisdiction of the State Stamp Act.

Also, as stamp duty varies from State to State the imposition of a uniform registration fee applicable to all coastal waters is consistent with the concept of common offshore minerals legislation, and the same formula also applies to offshore petroleum legislation.

Clause 1 - Short title

The Act will be known as the Offshore Minerals (Registration Fees) Act 2000.

Clause 2 - Commencement

The Act will come into operation the same day as the Offshore Minerals Act 2000 commences; the date will be fixed by proclamation.

Clause 3 - Definitions

This clause defines documents which may be lodged for registration under the Offshore Minerals Act 1999 as transfers of licences or any other dealings which affect an interest in a licence.

Subclause (2) provides that expressions used in the Registration Fees Act have the same meaning as they have in the Offshore Minerals Act, unless this Act specifically provides a different meaning.

Clause 4 - Imposition of registration fees

This clause sets out the fee payable for any document lodged for registration. The fee mirrors the fee which applies under the Commonwealth Registration Fees Act 1994 and

will be a percentage of either the value of the consideration, or the value of the actual interest being dealt with, whichever is the greater.

Subclause (2) puts a ceiling of 10% of the calculation however it is expected that the present Commonwealth prescribed rate of 1.5% will be applied.

Subclause (3) & (4) provide for the payment of at least a minimum fee which is not to exceed \$2,000.

Clause 5 - Value of exploration works to be deducted

This clause offers an incentive to explorers by providing that the value of any approved exploration works is to be deducted from the amount assessed under clause 4 for the purposes of calculating the fee payable, ie the value multiplied by the prescribed percentage.

Clause 6 - Document giving effect to agreement

This clause provides for the payment of a reduced fee where a document was executed for the purposes of giving effect to an agreement. In these instances the Minister may issue a certificate which puts a ceiling on the prescribed fee payable, which is currently \$3,000 under the Commonwealth Offshore Act.

Clause 7 - Transactions between related corporations

Similar to clause 6, this clause provides for the payment of a reduced fee where a document was executed between related parties for the sole purpose of reorganisation or better administration of those related corporations. In these instances the Minister may issue a certificate which puts a ceiling on the prescribed fee payable, which is currently \$3,000 under the Commonwealth Offshore Act.

Clause 8 - Regulations

This is a standard clause which enables regulations to be proclaimed which aid the operation of the Act.