



Petroleum (Submerged Lands) (Registration Fees) Act 1967

Act No. 123 of 1967 as amended

[Note: This Act was repealed by Act No. 17 of 2006 on 1 July 2008]

This compilation was prepared on 30 July 2001
taking into account amendments up to Act No. 55 of 2001

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to provide for the payment of Fees in respect of the Registration of certain Instruments under the *Petroleum (Submerged Lands) Act 1967*

1 Short title [see Note 1]

This Act may be cited as the *Petroleum (Submerged Lands) (Registration Fees) Act 1967*.

2 Commencement [see Note 1]

This Act shall come into operation on the day on which it receives the Royal Assent.

3 Incorporation

The *Petroleum (Submerged Lands) Act 1967* is incorporated and shall be read as one with this Act.

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 Designated Authority 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 1967* 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 an instrument or dealing 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 1967* satisfy the Designated Authority that:
 - (i) those parties are related bodies corporate within the meaning of the *Corporations Act 2001*;
 - (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 Designated Authority in respect of an entry in the Register of the approval of a dealing under section 81 of the *Petroleum (Submerged Lands) Act 1967* a fee at the rate of 1.5% of:

- (a) the value of the consideration for the dealing or, if the Designated Authority 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 entry of approval relates to an interest in a licence or pipeline licence;

- (ii) the value of the interest is greater than the amount applicable under paragraph (a);
- (iii) the dealing has an effect of the kind referred to in paragraph 81(1)(a), (b) or (d) of the *Petroleum (Submerged Lands) Act 1967*; and
- (iv) the Designated Authority 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 1967* 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.

(6A) Where:

- (a) the parties to a dealing lodged for approval under section 81 of the *Petroleum (Submerged Lands) Act 1967* satisfy the Designated Authority that:
 - (i) those parties are related bodies corporate within the meaning of the *Corporations Act 2001*;
 - (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.
- (6B) 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 Designated Authority, 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.
- (7) Moneys received by the Designated Authority as fees payable under this Act shall be received by the Designated Authority on behalf of the Commonwealth.

5 Regulations

The Governor-General may make regulations for the purposes of section 4.

Table of Acts

Notes to the *Petroleum (Submerged Lands) (Registration Fees) Act 1967***Note 1**

The *Petroleum (Submerged Lands) (Registration Fees) Act 1967* as shown in this compilation comprises Act No. 123, 1967 amended as indicated in the Tables below.

For application, saving or transitional provisions made by the *Corporations (Repeals, Consequential and Transitional) Act 2001*, see Act No. 55, 2001.

All relevant information pertaining to application, saving or transitional provisions prior to 28 April 2001 is not included in this compilation. For subsequent information see Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Petroleum (Submerged Lands) (Registration Fees) Act 1967</i>	123, 1967	22 Nov 1967	22 Nov 1967	
<i>Petroleum (Submerged Lands) (Registration Fees) Amendment Act 1980</i>	82, 1980	29 May 1980	14 Feb 1983 (see <i>Gazette</i> 1983, No. S29)	S. 3(2) (am. by 80, 1981, s. 3)
as amended by	80, 1981	18 June 1981	14 Feb 1983 (see s. 2 and <i>Gazette</i> 1983, No. S29)	—
<i>Companies (Miscellaneous Amendments) Act 1981</i>	92, 1981	18 June 1981	Part I (ss. 1, 2): Royal Assent Div. 1 of Part XI (s. 36): 1 July 1981 (see s. 2(2)) Remainder: 1 July 1982 (see s. 2(3) and <i>Gazette</i> 1982, No. S124)	—
<i>Petroleum (Submerged Lands) (Registration Fees) Amendment Act 1985</i>	82, 1985	6 June 1985	22 July 1985 (see s. 2 and <i>Gazette</i> 1985, No. S275)	S. 4
<i>Petroleum (Submerged Lands) Legislation Amendment Act 1987</i>	106, 1987	13 Nov 1987	S. 11: 1 Jan 1988 (see <i>Gazette</i> 1987, No. S347) Remainder: Royal Assent	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Primary Industries and Energy Legislation Amendment Act (No. 2) 1989</i>	15, 1990	17 Jan 1990	S. 3: 17 May 1990 (see <i>Gazette</i> 1990, No. S123) (a)	—
<i>Petroleum (Submerged Lands) (Registration Fees) Amendment Act 2001</i>	29, 2001	28 Apr 2001	26 May 2001 (see s. 2)	Sch. 1 (item 3) [see Table A]
<i>Corporations (Repeals, Consequential and Transitional) Act 2001</i>	55, 2001	28 June 2001	Ss. 4–14 and Schedule 3 (items 418, 419): 15 July 2001 (see <i>Gazette</i> 2001, No. S285) (b)	Ss. 4–14

Act Notes

- (a) The *Petroleum (Submerged Lands) (Registration Fees) Act 1967* was amended by section 3 only of the *Primary Industries and Energy Legislation Amendment Act (No. 2) 1989*, subparagraph 2(2)(e) of which provides as follows:
 - (2) Subject to subsection (3), the amendments of:
 - (e) the *Petroleum (Submerged Lands) (Registration Fees) Act 1967*;
made by this Act commence on a day or days to be fixed by Proclamation.
- (b) The *Petroleum (Submerged Lands) (Registration Fees) Act 1967* was amended by Schedule 3 (items 418 and 419) only of the *Corporations (Repeals, Consequential and Transitional) Act 2001*, subsection 2(3) of which provides as follows:
 - (3) Subject to subsections (4) to (10), Schedule 3 commences, or is taken to have commenced, at the same time as the *Corporations Act 2001*.

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 4.....	am. No. 82, 1980 (as am. by No. 80, 1981); No. 92, 1981; No. 82, 1985; No. 106, 1987; No. 15, 1990; Nos. 29 and 55, 2001
S. 5.....	ad. No. 15, 1990

Table A

Table A

Application, saving or transitional provisions

Petroleum (Submerged Lands) (Registration Fees) Amendment Act 2001
(No. 29, 2001)

Schedule 1

3 Transitional—acts of the Joint Authority to be attributed to the Designated Authority

- (1) This item applies to any thing done by the Joint Authority under any of the following provisions of the *Petroleum (Submerged Lands) (Registration Fees) Act 1967* before the commencement of this item:
 - (a) paragraph 4(4)(a);
 - (b) paragraph 4(5)(b);
 - (c) paragraph 4(6A)(a).
- (2) The thing has effect, after the commencement of this item, as if it had been done by the Designated Authority.