

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

PETROLEUM (SUBMERGED LANDS) (REGISTRATION FEES)
AMENDMENT BILL 1985

EXPLANATORY MEMORANDUM

(Circulated by the Authority of the
Minister Representing the Minister for
Resources and Energy, the Hon. Barry O. Jones)

PETROLEUM (SUBMERGED LANDS) (REGISTRATION FEES) AMENDMENT BILL
1985

Purpose

This Bill sets out the fees payable in relation to the registration of transfers and dealings in titles. It is consequential on the amendments in the Petroleum (Submerged Lands) Amendment Bill 1985 coming into operation and providing for changes to the procedures for the registration of transfers of and dealings in titles.

In relation to offshore areas adjacent to the States and the Northern Territory, these amendments have no net financial implications for the Commonwealth as the Petroleum (Submerged Lands) Act 1967 provides for amounts equal to the amounts received by the Commonwealth to be paid to the relevant State or the Northern Territory.

The Commonwealth retains all fees received in relation to areas adjacent to the Commonwealth Territories but it is not possible to estimate the level of these fees in advance of applications being made for the approval and registration of transfers and dealings in titles.

NOTES ON THE CLAUSES OF THE BILL

Clause 1

Short title etc

This clause provides for the short title of the legislation.

Clause 2

Commencement

The provisions of the legislation will come into operation on the day on which section 18 of the Petroleum (Submerged Lands) Amendment Act 1985 (which deals with the approval and registration of transfers of titles) comes into operation. Sections relating to dealings affecting interests in titles will come into operation on the same day.

Clause 3

Imposition of registration fees

The parts of the Principal Act (section 4) which deal with the imposition of registration fees are replaced by new provisions.

The new sub-section 4 (1) defines 'title' to mean a permit, lease, licence, pipeline licence, or access authority.

The new sub-section 4 (2) deals with fees for transfers of titles, and requires payment to the Designated Authority of a fee of 1.5% of either the value of the consideration for the transfer or the value of the title, whichever is the greater. The minimum fee will be \$300.

The new sub-section 4 (3) indicates that where the transfer referred to in the new sub-section 4 (2) relates to a dealing on which a fee of 1.5% of the value of the consideration for the transfer, or the value of the title, has already been paid, then the fee for the transfer referred to in sub-section 4 (2) will be \$300.

The new sub-section 4 (4) limits the fee for registration of a transfer to \$3 000 provided the Joint Authority is satisfied that the title is being transferred between related companies within the meaning of the Companies Act 1981 and that the transfer was entered into for the purpose of a reorganisation of the corporation or for better administration and not to avoid the payment of fees under the Registration Fees Act.

The new sub-section 4 (5) deals with fees for the approval of dealings to create, assign, or affect an equitable interest in a title. A fee of 1.5% of the value of the consideration of the dealing or, if the approval relates to certain dealings affecting an interest in a licence or pipeline licence, of the value of the interest is to be paid to the Designated Authority.

A fee based on 1.5% of the value of the interest in a licence or pipeline licence shall only be paid once in the case of a series of dealings affecting that interest in that licence provided each of those dealings is entered into in pursuance of a previously registered dealing for which such a fee has been paid.

The new sub-section 4 (6) indicates that a fee of \$300 will be charged if the calculated fee referred to in the new sub-section 4 (5) is less than \$300. Dealings creating, varying or terminating a charge over assets of a body corporate will also attract the minimum fee of \$300.

The new sub-section 4 (6A) limits the fee for registration of a dealing to \$3 000 provided the Joint Authority is satisfied that the dealing is between related companies within the meaning of the Companies Act 1981 and that the dealing was entered into for the purpose of a reorganisation of the corporation or for better administration and not to avoid the payment of fees under the Registration Fees Act.

The new sub-section 4 (6B) indicates that, if the Joint Authority approves, the cost of exploration work shall be deducted from the value of the consideration, or value of the interest, before the calculation of a fee under sub-section 4 (4).

