WESTERN AUSTRALIA GOVERNMENT

Gazette

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ACTS AMENDMENT (PETROLEUM) ACT 1990

PROCLAMATION

WESTERN AUSTRALIA
FRANCIS BURT,
Governor

I, the Governor, acting under section 2 (1) of the Acts Amendment (Petroleum) Act 1990 with the advice and consent of the Executive Council, do hereby fix 1 October 1990 as the day on which all the provisions of that Act except for section 132 shall come into operation.

GIVEN under my hand and the Seal of the State on 25th day of September, 1990.

By His Excellency's Command,

JEFF CARR, Minister for Mines.

GOD SAVE THE QUEEN !

PETROLEUM (REGISTRATION FEES) AMENDMENT ACT 1990

PROCLAMATION

WESTERN AUSTRALIA
FRANCIS BURT,
Governor

I, the Governor, acting under section 2 of the Petroleum (Registration Fees) Amendment Act 1990 with the advice and consent of the Executive Council, do hereby fix 1 October 1990 as the day on which that Act shall come into operation.

GIVEN under my hand and the Seal of the State on 25th day of September, 1990.

By His Excellency's Command,

JEFF CARR, Minister for Mines.

GOD SAVE THE QUEEN !

PETROLEUM (SUBMERGED LANDS) REGISTRATION FEES AMENDMENT ACT 1990

PROCLAMATION

WESTERN AUSTRALIA
FRANCIS BURT,
Governor

I, the Governor, acting under section 2 of the Petroleum (Submerged Lands) Registration Fees Amendment Act 1990 with the advice and consent of the Executive Council, do hereby fix 1 October 1990 as the day on which that Act shall come into operation.

GIVEN under my hand and the Seal of the State on 25th day of September, 1990.

By His Excellency's Command,

JEFF CARR, Minister for Mines.

GOD SAVE THE QUEEN !
PETROLEUM ACT 1967
PETROLEUM AMENDMENT REGULATIONS 1990

Made by His Excellency the Governor in Executive Council.

Citation
1. These regulations may be cited as the Petroleum Amendment Regulations 1990.

Commencement
2. These regulations shall come into operation on the day fixed under section 2 (1) of the Acts Amendment (Petroleum) Act 1990.

Principal regulations
3. In these regulations the Petroleum Regulations 1987* are referred to as the Principal regulations.
[*Published in the Gazette on 23 October 1987.]

Regulation 2 amended
4. Regulation 2 of the principal regulations is amended by inserting after—
   (a) "permittee" wherever it occurs the following—
      " , lessee "; and
   (b) "permit" in paragraph (b) the following—
      " , lease ".

Regulations 3 to 5 and Schedules 1 and 2 inserted
5. After regulation 2 of the principal regulations, the following regulations and Schedules are inserted—

Prescribed fees, rates and sums
3. (1) For the purposes of a provision of the Act specified in Column 2 of Schedule 1, the prescribed fee is the amount specified in Column 3 of that Schedule opposite to that provision.
   (2) For the purposes of section 81 (2) of the Act, the prescribed rate is a rate of $2.00 per page.
   (3) The sum prescribed for the purposes of—
      (a) subparagraph (i) of section 108 (1) (a) of the Act is $30 000.00; and
      (b) subparagraph (ii) of section 108 (1) (a) of the Act is $300 000.00.
   (4) For the purposes of section 112 (1a) (b), (2) (b), (5) (c) and (5a) (b) of the Act, the prescribed fee is an amount equal to the sum of the following amounts—
      (a) if the information requested is contained in a document and the document is lent to the person who made that request, an amount calculated at the rate of $25 per day or part of a day during which the document containing that information is on loan to that person;
      (b) if the information requested is contained in a document and the document is not readily available and a search is necessary to locate that information, an amount calculated at the rate of $25 per hour or part of an hour after the first half hour for the time taken to locate that information;
      (c) if any information referred to in paragraph (a) or (b) is, on the application of the person making the request concerned—
         (i) copied or reproduced, or
         (ii) forwarded or consigned to that person,
      an amount equal to all costs incurred in that copying or reproduction or forwarding or consignment, including the costs of packaging when applicable;
   (5) For the purposes of section 112 (3) (b) and (5) (d) of the Act, the prescribed fee is an amount equal to the sum of the following amounts—
      (a) if the relevant core, cutting or sample is lent to the person who made the request concerned, an amount calculated at the rate of $25 per day or part of a day during which that core, cutting or sample is on loan to that person;
      (b) if the relevant core, cutting or sample is not readily available and a search is necessary to locate that core, cutting or sample, an amount calculated at the rate of $25 per hour or part of an hour after the first half hour for the time taken to locate that core, cutting or sample;
(c) if the relevant core, cutting or sample is, on the application of the person making the request concerned, forwarded or consigned to that person, an amount equal to all costs incurred in that forwarding or consignment, including the costs of packaging when applicable.

(6) For the purposes of section 137 (b) of the Act, the prescribed rate is a rate of $50.00.

(7) For the purposes of section 137A of the Act, the prescribed rate is a rate of $6 000.00.

(8) For the purposes of section 138 of the Act, the prescribed rate is a rate of $18 000.00.

Form of instrument of transfer

4. For the purposes of section 72 (3) (a) of the Act, the prescribed form of an instrument of transfer is the form set out in Schedule 2.

Instrument under section 75 (4) (b) of Act

5. (1) For the purposes of section 75 (4) (b) of the Act, the following particulars are prescribed—

(a) description and date of execution of the instrument evidencing the dealing referred to in section 75 (4) (a) of the Act (in this subregulation referred to as "the dealing");

(b) details of the title (including the type and number of the title) to which the dealing relates;

(c) full name and business address of each party to the dealing;

(d) details of the effect or effects, on registration, of the dealing specified in the relevant paragraph or paragraphs of section 75 (1) of the Act;

(e) details of the interest or interests in the title of all parties to the dealing—

(i) before the registration of the dealing; and

(ii) in the event of approval of the dealing, after the registration of the dealing;

(f) in the case of a dealing to which section 4 (5) (a) of the Petroleum (Registration Fees) Act 1967 applies, the value of the consideration;

(g) in the case of a dealing relating to an interest in a licence to which section 4 (5) (b) of the Petroleum (Registration Fees) Act 1967 applies, the value of the interest;

(h) whether or not the parties to the dealing have made or propose to make an application for the purposes of section 4 (7) of the Petroleum (Registration Fees) Act 1967;

(i) in respect of any related dealing in relation to which an entry has been made in the Register or an application in writing for approval by the Minister has been lodged (whether before or after the day fixed under section 2 (1) of the Acts Amendment (Petroleum) Act 1990)—

(i) description and date of execution of the instrument evidencing the dealing;

(ii) date of approval by the Minister (if appropriate); and

(iii) registration number (if any).

(2) In subregulation (1)—

"related dealing" means any dealing executed, before the execution of the instrument evidencing the dealing referred to in subregulation (1) (a), by some or all of the parties to that instrument—

(a) that affects the title which is the subject of the dealing to which the instrument referred to in subregulation (1) (a) relates; and

(b) that—

(i) creates or assigns an option to enter into the dealing referred to in subregulation (1) (a); or

(ii) creates or assigns a right to enter into the dealing referred to in subregulation (1) (a); or
(iii) is altered or terminated by the dealing referred to in subregulation (1) (a),
and includes any transaction in respect of which an instrument was registered under section 75 of the Act before the day fixed under section 2 (1) of the Acts Amendment (Petroleum) Act 1990.

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Schedule 1

(Regulation 3 (1))

Prescribed Fees

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<th>Column 1</th>
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<th>Column 3 Amount of prescribed fee</th>
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SCHEDULE 2

(Regulation 4)

PETROLEUM ACT 1967
PETROLEUM REGULATIONS 1987

Form of Instrument of Transfer of Title
Under section 72 of Petroleum Act 1967

[Introducing the holder/holders of the registered holder/holders in consideration to hereby transfer all right, title and interest in that to In witness of this transfer the parties to the transfer have affixed their respective common seals or signatures below on this day of 19...]

(6) (7)

(1) Delete whichever is inapplicable.
(2) Here insert the name of the transferor, or, if there are 2 or more transferors, the name of each transferor.
(3) Here insert the type (e.g. exploration permit, production licence), and number, of the property transferred that is a title within the meaning of section 72 of the Act.
(4) Here insert the value of the consideration for the transfer or the value of the title transferred. If the transfer of the title is pursuant to a dealing which has been approved and registered under the Act, insert a reference that is sufficient to identify that dealing.
(5) Here insert the name and address of the transferee, or, if there are 2 or more transferees, the name and address of each transferee.
(6) Here affix the common seal or signature of the transferor or of each transferor, as the case may be.
(7) Here affix the common seal or signature of the transferee or of each transferee, as the case may be. 

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.
PETROLEUM PIPELINES ACT 1969

PETROLEUM PIPELINES AMENDMENT REGULATIONS 1990

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the Petroleum Pipelines Amendment Regulations 1990.

Commencement

2. These regulations shall come into operation on the day fixed under section 2 (1) of the Acts Amendment (Petroleum) Act 1990.

Principal regulations

3. In these regulations the Petroleum Pipelines Regulations 1970 are referred to as the principal regulations.

[*Published in the Gazette on 30 July 1970 at pp. 2242-2252. For amendments to 31 August 1990, see p. 319 of 1989 Index to Legislation of Western Australia.*]

Regulation 2 amended

4. Regulation 2 of the principal regulations is amended by deleting—

(a) the definitions of "Schedule" and "the Minister";

and

(b) the semi-colon at the end of the definition of "the Act" and substituting a full stop.

Regulation 3 amended

5. Regulation 3 of the principal regulations is amended by repealing subregulation (4).

Regulations 4A, 4B, 4C and 4D inserted

6. The principal regulations are amended by inserting after regulation 4 the following regulations—

Prescribed amount for purposes of section 12 (2) (a) of Act

4A. For the purposes of section 12 (2) (a) of the Act, the prescribed amount is an amount of $120 000.00.

Prescribed amount for purposes of section 29 (1) of Act

4B. For the purposes of section 29 (1) of the Act, the prescribed amount is an amount of $80.00.

Form of instrument of transfer

4C. For the purposes of section 44 (3) (a) of the Act, the prescribed form of an instrument of transfer is the form set out in the Fourth Schedule.

Instrument under section 47 (4) (b) of Act

4D. (1) For the purposes of section 47 (4) (b) of the Act, the following particulars are prescribed—

(a) description and date of execution of the instrument evidencing the dealing referred to in section 47 (4) (a) of the Act (in this subregulation referred to as "the dealing");

(b) details of the licence (including the number of the licence) to which the dealing relates;

(c) full name and business address of each party to the dealing;

(d) details of the effect or effects, on registration, of the dealing specified in the relevant paragraph or paragraphs of section 47 (1) of the Act;

(e) details of the interest or interests in the licence of all parties to the dealing—

(i) before the registration of the dealing; and

(ii) in the event of approval of the dealing, after the registration of the dealing;
(f) in respect of any related dealing in relation to which an entry has been made in the Register or an application in writing for approval by the Minister has been lodged (whether before or after the day fixed under section 2 (1) of the Acts Amendment (Petroleum) Act 1990)—

(i) description and date of execution of the instrument evidencing the dealing;
(ii) date of approval by the Minister (if appropriate); and
(iii) registration number (if any).

(2) In subregulation (1)—

"related dealing" means any dealing executed, before the execution of the instrument evidencing the dealing referred to in subregulation (1) (a), by some or all of the parties to that instrument—

(a) that affects the licence which is the subject of the dealing to which the instrument referred to in subregulation (1) (a) relates; and
(b) that—

(i) creates or assigns an option to enter into the dealing referred to in subregulation (1) (a);
(ii) creates or assigns a right to enter into the dealing referred to in subregulation (1) (a); or
(iii) is altered or terminated by the dealing referred to in subregulation (1) (a),

and includes any transaction in respect of which an instrument was registered under section 47 of the Act before the day fixed under section 2 (1) of the Acts Amendment (Petroleum) Act 1990. ".

First Schedule amended  
7. The First Schedule to the principal regulations is amended by deleting Form Number 6.

Third schedule amended  
8. The Third Schedule to the principal regulations is amended—

(a) by deleting "THIRD SCHEDULE" and substituting the following—

"THIRD SCHEDULE
(Regulation 4) ";

(b) by deleting item 1 and substituting the following item—

"1. Application for licence Sec. 8 (l) (i) $3 000.00 ";

(c) in item 2 by deleting "$150" and substituting the following—

"$1 200.00 ";

(d) in item 3 by deleting "$150" and substituting the following—

"$600 ";

(e) by deleting items 4 and 5 and substituting the following items—

"4. Registration of memorandum of transfer and name of transferee Sec. 44 (9) $60.00
5. Registration as licensee on devolution by operation of law Sec. 45 (2) $60.00
5A. Application by company for registration of change of name Sec. 45 (3) $60.00
5B. Entry on memorial of registration of approval of dealing Sec. 47 (12) $60.00"

(f) in item 6 by deleting "$6.00" and substituting the following—

"$12.00 ";

(g) in item 7 by deleting the passage beginning with "A fee of $6.00" and ending with "in excess of three" and substituting the following—

"$2.00 "; and

(h) in item 8 by deleting "$15.00" and substituting the following—

"$30.00 ".


Fourth Schedule inserted
9. The principal regulations are amended by inserting after the Third Schedule the following Schedule—

"FOURTH SCHEDULE
(Regulation 4C)
PETROLEUM PIPELINES ACT 1969
PETROLEUM PIPELINES REGULATIONS 1970
Form of Instrument of Transfer of Licence
Under section 44 of Petroleum Pipelines Act 1969

I/We(1) (2) being the registered holder/holders(3) of (3) ...(4) in consideration of(4) ...(5) hereby transfer all right, title and interest in that(4) ...(5) to(5) ...(6) 

In witness of this transfer the parties to the transfer have affixed their respective common seals or signatures below on this... day of 19... 

(6) 
(7) 

1. Delete whichever is inapplicable.
2. Here insert the name of the transferor, or, if there are 2 or more transferors, the name of each transferor.
3. Here insert the number of the licence transferred.
4. Here insert the value of the consideration for the transfer or the value of the licence transferred. If the transfer of the licence is pursuant to a dealing which has been approved and registered under the Act, insert a reference that is sufficient to identify that dealing.
5. Here insert the name and address of the transferee, or, if there are 2 or more transferees, the name and address of each transferee.
6. Here affix the common seal or signature of the transferor or of each transferor, as the case may be.
7. Here affix the common seal or signature of the transferee or of each transferee, as the case may be.

By His Excellency's Command, 

M. C. WAUCHOPE, Clerk of the Council.

PETROLEUM (SUBMERGED LANDS) ACT 1982
PETROLEUM (SUBMERGED LANDS) REGULATIONS 1990

Made by His Excellency the Governor in Executive Council.

Citation
1. These regulations may be cited as the Petroleum (Submerged Lands) Regulations 1990.

Commencement
2. These regulations shall come into operation on the day fixed under section 2 (1) of the Acts Amendment (Petroleum) Act 1990.

Prescribed fees, rates and sums
3. (1) For the purposes of a provision of the Act specified in Column 2 of Schedule I, the prescribed fee is the amount specified in Column 3 of that Schedule opposite to that provision.

(2) For the purposes of section 87 (2) of the Act, the prescribed fee is a fee calculated at the rate of $2.00 per page.

(3) The sum prescribed for the purposes of—
(a) subparagraph (i) of section 114 (1) (a) of the Act is $30 000.00;
(b) subparagraph (ii) of section 114 (1) (a) of the Act is $300 000.00; and
(c) subparagraph (iii) of section 114 (1) (a) of the Act is $120 000.00.
(4) For the purposes of section 118 (1a) (b), (2) (b), (5) (c) and (5a) (b) of the Act, the prescribed fee is an amount equal to the sum of the following amounts—

(a) if the information requested is contained in a document and the document is lent to the person who made that request, an amount calculated at the rate of $25 per day or part of a day during which the document containing that information is on loan to that person;

(b) if the information requested is contained in a document and the document is not readily available and a search is necessary to locate that information, an amount calculated at the rate of $25 per hour or part of an hour after the first half hour for the time taken to locate that information;

(c) if any information referred to in paragraph (a) or (b) is, on the application of the person making the request concerned—

(i) copied or reproduced; or

(ii) forwarded or consigned to that person,

an amount equal to all costs incurred in that copying or reproduction or forwarding or consignment, including the costs of packaging when applicable.

(5) For the purposes of section 118 (3) (b) and (5) (d) of the Act, the prescribed fee is an amount equal to the sum of the following amounts—

(a) if the relevant core, cutting or sample is lent to the person who made the request concerned, an amount calculated at the rate of $25 per day or part of a day during which that core, cutting or sample is on loan to that person;

(b) if the relevant core, cutting or sample is not readily available and a search is necessary to locate that core, cutting or sample, an amount calculated at the rate of $25 per hour or part of an hour after the first half hour for the time taken to locate that core, cutting or sample;

(c) if the relevant core, cutting or sample is, on the application of the person making the request concerned, forwarded or consigned to that person, an amount equal to all costs incurred in that forwarding or consignment, including the costs of packaging when applicable.

(6) For the purposes of section 139 (a) of the Act, the prescribed minimum fee is $1 000.00.

(7) For the purposes of section 139 (b) of the Act, the prescribed rate is a rate of $50 000.00.

(8) For the purposes of section 139A of the Act, the prescribed rate is a rate of $6 000.00.

(9) For the purposes of section 140 of the Act, the prescribed rate is a rate of $18 000.00.

Form of instrument of transfer

4. For the purposes of section 78 (3) (a) of the Act, the prescribed form of an instrument of transfer is the form set out in Schedule 2.

Instrument under section 81 (4) (b) of Act

5. (1) For the purposes of section 81 (4) (b) of the Act, the following particulars are prescribed—

(a) description and date of execution of the instrument evidencing the dealing referred to in section 81 (4) (a) of the Act (in this subregulation referred to as "the dealing");

(b) details of the title (including the type and number of the title) to which the dealing relates;

(c) full name and business address of each party to the dealing;

(d) details of the effect or effects, on registration, of the dealing specified in the relevant paragraph or paragraphs of section 81 (1) of the Act;

(e) details of the interest or interests in the title of all parties to the dealing—

(i) before the registration of the dealing; and

(ii) in the event of approval of the dealing, after the registration of the dealing;

(f) in the case of a dealing to which section 4 (5) (a) of the Petroleum (Submerged Lands) Registration Fees Act 1982 applies, the value of the consideration;

(g) in the case of a dealing relating to an interest in a licence or pipeline licence to which section 4 (5) (b) of the Petroleum (Submerged Lands)
Registration Fees Act 1982 applies, the value of the interest;

(h) whether or not the parties to the dealing have made or propose to make an application for the purposes of section 4 (7) of the Petroleum (Submerged Lands) Registration Fees Act 1982;

(j) in respect of any related dealing in relation to which an entry has been made in the Register or an application in writing for approval by the Minister has been lodged (whether before or after the day fixed under section 2 (1) of the Acts Amendment (Petroleum) Act 1990)—

(i) description and date of execution of the instrument evidencing the dealing;

(ii) date of approval by the Minister (if appropriate); and

(iii) registration number (if any).

(2) In subregulation (1)—

"related dealing" means any dealing executed, before the execution of the instrument evidencing the dealing referred to in subregulation (1) (a), by some or all of the parties to that instrument—

(a) that affects the title which is the subject of the dealing to which the instrument referred to in subregulation (1) (a) relates; and

(b) that—

(i) creates or assigns an option to enter into the dealing referred to in subregulation (1) (a);

(ii) creates or assigns a right to enter into the dealing referred to in subregulation (1) (a); or

(iii) is altered or terminated by the dealing referred to in subregulation (1) (a),

and includes any transaction in respect of which an instrument was registered under section 81 of the Act before the day fixed under section 2 (1) of the Acts Amendment (Petroleum) Act 1990.

Schedule 1

Prescribed Fees

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SCHEDULE 2

PETROLEUM (SUBMERGED LANDS) ACT 1982

PETROLEUM (SUBMERGED LANDS) REGULATIONS 1990

Form of Instrument of Transfer of Title

Under section 78 of Petroleum (Submerged Lands) Act 1982

I/We(1)(2) being the registered holder/holders(3) of(4) in consideration of(5) hereby transfer all right, title and interest in that(5) to(5)
In witness of this transfer the parties to the transfer have affixed their respective common seals or signatures below on this ........................................ day of ................................ 19......

(6) (7)

(1) Delete whichever is inapplicable.
(2) Here insert the name of the transferor, or, if there are 2 or more transferors, the name of each transferor.
(3) Here insert the type (e.g. exploration permit, production licence), and number, of the property transferred that is a title within the meaning of section 78 of the Act.
(4) Here insert the value of the consideration for the transfer or the value of the title transferred. If the transfer of the title is pursuant to a dealing which has been approved and registered under the Act, insert a reference that is sufficient to identify that dealing.
(5) Here insert the name and address of the transferee, or, if there are 2 or more transferees, the name and address of each transferee.
(6) Here affix the common seal or signature of the transferor or of each transferor, as the case may be.
(7) Here affix the common seal or signature of the transferee or of each transferee, as the case may be.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

PETROLEUM (REGISTRATION FEES) ACT 1967

PETROLEUM (REGISTRATION FEES) REGULATIONS 1990
Made by His Excellency the Governor in Executive Council.

Citation
1. These regulations may be cited as the Petroleum (Registration Fees) Regulations 1990.

Commencement
2. These regulations shall come into operation on the commencement of the Petroleum (Registration Fees) Amendment Act 1990.

Prescribed amounts
3. (1) For the purposes of section 4 (2) of the Act, the prescribed amount is an amount of $600.00.
(2) For the purposes of section 4 (3) of the Act, the prescribed amount is an amount of $600.00.
(3) For the purposes of section 4 (4) of the Act, the prescribed amount is an amount of $3 000.00.
(4) For the purposes of section 4 (6) of the Act, the prescribed amount is an amount of $600.00.
(5) For the purposes of section 4 (7) of the Act, the prescribed amount is an amount of $3 000.00.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

PETROLEUM (SUBMERGED LANDS) REGISTRATION FEES ACT 1982

PETROLEUM (SUBMERGED LANDS) REGISTRATION FEES REGULATIONS 1990
Made by His Excellency the Governor in Executive Council.

Citation
1. These regulations may be cited as the Petroleum (Submerged Lands) Registration Fees Regulations 1990.

Commencement
2. These regulations shall come into operation on the commencement of the Petroleum (Submerged Lands) Registration Fees Amendment Act 1990.
Prescribed amounts

3. (1) For the purposes of section 4 (2) of the Act, the prescribed amount is an amount of $600.00.

(2) For the purposes of section 4 (3) of the Act, the prescribed amount is an amount of $600.00.

(3) For the purposes of section 4 (4) of the Act, the prescribed amount is an amount of $3,000.00.

(4) For the purposes for section 4 (6) of the Act, the prescribed amount is an amount of $600.00.

(5) For the purposes of section 4 (7) of the Act, the prescribed amount is an amount of $3,000.00.

By His Excellency’s Command,

M. C. WAUCHOPE, Clerk of the Council.

EXPLOSIVES & DANGEROUS GOODS ACT 1961

His Excellency the Governor in Executive Council in accordance with section 9 of the Explosives and Dangerous goods Act and section 52 of the Interpretation Act has appointed Kenneth Robert Price to act in the position of Chief Inspector of Explosives and Dangerous Goods as from 1 October 1990.

Dr C. D. Branch, Acting Director General of Mines.