

WESTERN AUSTRALIA

**PETROLEUM ROYALTIES
LEGISLATION AMENDMENT
ACT 1994**

No. 11 of 1994

**AN ACT to amend the *Petroleum Act 1967* and the
Petroleum (Submerged Lands) Act 1982.**

[Assented to 15 April 1994.]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Petroleum Royalties Legislation Amendment Act 1994*.

Commencement

2. This Act is deemed to have come into operation on 1 March 1994.

PART 2 — PETROLEUM ACT 1967

Principal Act

3. In this Part the *Petroleum Act 1967** is referred to as the principal Act.

[* *Reprinted as at 17 December 1992.*
For subsequent amendments see Act No. 21 of 1993.]

Section 5 amended

4. Section 5 (1) of the principal Act is amended by inserting after the definition of “royalty period” the following definition —

“
“royalty value” has the meaning applicable under
section 144A (1) or (2);
”.

Sections 52, 57 and 142 amended

5. Sections 52 (1) and (3), 57 (2) (b) and 142 (2) and (9) of the principal Act are amended by deleting “value at the well-head” and substituting, in each case, the following —

“ royalty value ”.

Section 144A inserted

6. After section 144 of the principal Act the following section is inserted —

“

Royalty value

144A. (1) For the purposes of this Act (but subject to subsection (2)) the royalty value of any petroleum is its value at the well-head as agreed or determined under section 145.

(2) If, in relation to petroleum recovered on or after 1 March 1994, the value at the well-head of that petroleum as agreed or determined under section 145 is calculated in a way that provides for a reduction, discount, deduction or allowance to be made for federal duty that has been paid, is payable or may become payable, the royalty value of that petroleum is the sum of —

- (a) its value at the well-head as so calculated; and
- (b) the amount of that reduction, discount, deduction or allowance.

(3) In subsection (2) “**federal duty**” means excise duty, or any other tax, duty, fee, levy or charge (except a tax, duty, fee, levy or charge of a kind excluded from this definition by the regulations) imposed by or under a law of the Commonwealth.

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PART 3 — PETROLEUM (SUBMERGED LANDS) ACT 1982

Principal Act

7. In this Part the *Petroleum (Submerged Lands) Act 1982** is referred to as the principal Act.

[* *Reprinted as at 24 March 1992.*

For subsequent amendments see Acts Nos. 6 and 21 of 1993.]

Section 4 amended

8. Section 4 of the principal Act is amended by inserting after the definition of “royalty period” the following definition —

“

“royalty value” has the meaning applicable under section 145A (1) or (2);

”.

Sections 42, 47 and 143 amended

9. Sections 42 (1), 47 (2) (b) and 143 (2) of the principal Act are amended by deleting “value at the well-head” and substituting, in each case, the following —

“ royalty value ”.

Section 145A inserted

10. After section 145 of the principal Act the following section is inserted —

“

Royalty value

145A. (1) For the purposes of this Act (but subject to subsection (2)) the royalty value of any petroleum is its value at the well-head as agreed or determined under section 147.

(2) If, in relation to petroleum recovered on or after 1 March 1994, the value at the well-head of that petroleum as agreed or determined under section 147 is calculated in a way that provides for a reduction, discount, deduction or allowance to be made for federal duty that has been paid, is payable or may become payable, the royalty value of that petroleum is the sum of —

- (a) its value at the well-head as so calculated; and
- (b) the amount of that reduction, discount, deduction or allowance.

(3) In subsection (2) “**federal duty**” means excise duty, or any other tax, duty, fee, levy or charge (except a tax, duty, fee, levy or charge of a kind excluded from this definition by the regulations) imposed by or under a law of the Commonwealth.

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