

1987-88

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 25 May 1988

*(Attorney-General)*

**A BILL**

FOR

**An Act relating to fees payable for the purposes of the  
*Corporations Act 1988***

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**Short title**

1. This Act may be cited as the *Corporations (Fees) Act 1988*.

5 **Commencement**

2. This Act shall come into operation on a day to be fixed by Proclamation.

**Interpretation**

10 3. An expression has the same meaning in this Act as in the *Corporations Act 1988*.

**Fees payable**

4. (1) There shall be paid to the Commonwealth for or in respect of:  
(a) the lodgment of documents under the *Corporations Act 1988*;

- (b) the registration of documents under that Act or the inspection or search of registers kept by, or documents in the custody of, the Commission under that Act;
  - (c) the production by the Commission, pursuant to a subpoena, of any register kept by, or documents in the custody of, the Commission under that Act; 5
  - (d) the issuing of documents or copies of documents, the granting of licences, consents or approvals or the doing of other acts or things by the Minister or the Commission under that Act;
  - (e) the issuing by the Commission of documents that contain extracts from documents lodged under that Act; 10
  - (f) the making of inquiries of, or applications to, the Minister or the Commission in relation to matters arising under that Act; and
  - (g) the submission to the Commission of documents for examination by the Commission; 15
- such fees (if any) as are prescribed.

(2) Where a fee is payable to the Commonwealth under subsection (1) for or in respect of the lodgment of a document and the document is submitted for lodgment without payment of the fee:

- (a) the document shall not be taken not to have been lodged because of non-payment of the fee; but 20
- (b) the fee is a debt due to the Commonwealth and may be recovered by the Commission in a court of competent jurisdiction.

(3) Where:

- (a) by virtue of section 338 of the *Corporations Act 1988*, a company is to be deemed, for the purposes of that Act, to lodge a document at a particular time; and 25
- (b) a fee would, if the company had in fact lodged the document at that time, have been payable to the Commonwealth under subsection (1) of this section for or in respect of the lodgment; 30

then:

- (c) the company shall pay to the Commonwealth a fee (in this subsection called the "relevant fee") of an amount equal to the amount of the fee referred to in paragraph (b); and
- (d) as from that time, the relevant fee is a debt due to the Commonwealth and may be recovered by the Commission in a court of competent jurisdiction. 35

(4) Where a fee is payable to the Commonwealth under subsection (1) for or in respect of any matter involving the doing of any act or thing by the Minister or the Commission, the Minister or the Commission shall not do that act or thing until the fee has been paid. 40

(5) This section has effect despite anything contained in the *Corporations Act 1988*.

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- (6) Nothing in this section prevents the Commonwealth from:
    - (a) waiving or reducing, in a particular case or classes of cases, fees that would otherwise be payable under this section; or
    - (b) refunding, in whole or in part, in a particular case or classes of cases, fees paid under this section.

**Regulations**

5. The Governor-General may make regulations, not inconsistent with this Act, prescribing fees, in no case exceeding \$2,500, for the purposes of subsection 4 (1).

