



Queensland

# Natural Resources and Mines Legislation Amendment Regulation (No. 2) 2005

## Subordinate Legislation 2005 No. 263

made under the

*Mineral Resources Act 1989*

*Petroleum Act 1923*

*Petroleum and Gas (Production and Safety) Act 2004*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Natural Resources and Mines Legislation Amendment Regulation (No. 2) 2005*.

### **2 Commencement**

This regulation commences on 1 January 2006.

## **Part 2 Amendment of Mineral Resources Regulation 2003**

### **3 Regulation amended in pt 2**

This part amends the *Mineral Resources Regulation 2003*.

### **4 Replacement of s 31 (General royalty payable under the Act)**

Section 31—

*omit, insert—*

#### **‘31 General royalty payable under the Act**

‘(1) Royalty payable under the Act by a person is payable, for all minerals sold, disposed of or used in a return period, at the following rate<sup>1</sup>—

(a) for a prescribed mineral—

(i) if subparagraph (ii) does not apply—the fixed rate for the mineral; or

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1 See, however, subdivisions 3 (Exemptions for particular minerals), 4 (Concessions for particular minerals) and 5 (Discounts for particular minerals processed in Queensland).

- (ii) if the person elected to pay royalty for the mineral at the variable rate—the variable rate for the mineral;
  - (b) for another mineral—the rate stated for the mineral in schedule 4, part 2.
- ‘(2) If the person elected to pay royalty for a prescribed mineral at the variable rate for the mineral for a relevant 5 year period for the mineral, the person must pay the royalty at the variable rate for all of that mineral sold, disposed of or used during the relevant 5 year period.
- ‘(3) In this section—
  - elected* means made an election under section 31A.
  - fixed rate*, for a prescribed mineral, means the rate stated for the mineral in schedule 4, part 1, section 2.
  - relevant 5 year period*, for a prescribed mineral, means the 5 year period—
    - (a) ending on either 31 December 2010 or 31 December 2015; and
    - (b) for which an election was made under section 31A to pay royalty for the mineral at the variable rate.
  - variable rate*, for a prescribed mineral, means the rate stated for the mineral in schedule 4, part 1, section 3.

**‘31A Election to pay royalty for prescribed mineral at variable rate**

- ‘(1) A person who is required under the Act to pay royalty for a prescribed mineral sold, disposed of, or used after 31 December 2005 may elect to pay the royalty at the variable rate for the mineral.
- ‘(2) The election must be made—
  - (a) for a mineral sold, disposed of, or used before 1 January 2011—on the first royalty return lodged by the person after 31 December 2005; or
  - (b) for a mineral sold, disposed of, or used after 31 December 2010 but before 1 January 2016—on the first

royalty return lodged by the person after 31 December 2010.’.

## 5 Replacement of sch 5 (Rental payable)

Schedule 5—

*omit, insert—*

### ‘Schedule 5 Rental payable

section 83

		\$
1	For a mining claim. . . . .	28.95
2	For an exploration permit—for each sub-block. . . . .	116.70
3	For a mineral development licence—for each hectare—	
	(a) for the first year of the licence. . . . .	3.40
	(b) for the second year of the licence . . . . .	6.90
	(c) for the third year of the licence . . . . .	10.40
	(d) for the fourth year of the licence . . . . .	17.80
	(e) for a year of the licence after the fourth year. . . . .	21.30
4	For a mining lease—for each hectare . . . . .	45.05’.

## 6 Amendment of sch 7 (Dictionary)

Schedule 7—

*insert—*

‘*variable rate*, for a prescribed mineral, see section 31(3).’.

## **Part 3**                      **Amendment of Petroleum and Gas (Production and Safety) Regulation 2004**

### **7**            **Regulation amended in pt 3**

This part amends the *Petroleum and Gas (Production and Safety) Regulation 2004*.

### **8**            **Amendment of s 145 (Annual rent)**

Section 145(2)—  
*omit.*

### **9**            **Amendment of s 146 (Storage rent payable by owner of stored petroleum or prescribed storage gas)**

Section 146(2)—  
*omit.*

### **10**          **Amendment of sch 9 (Fees)**

- (1) Schedule 9, part 4, item 4(a), ‘100.00’—  
*omit, insert—*  
‘102.50’.
- (2) Schedule 9, part 4, item 4(b), ‘25.00’—  
*omit, insert—*  
‘25.60’.
- (3) Schedule 9, part 4, item 6(a), ‘2 000.00’—  
*omit, insert—*  
‘2 050.00’.
- (4) Schedule 9, part 4, item 6(b), ‘1 000.00’—  
*omit, insert—*  
‘1 025.00’.

**11 Replacement of sch 10 (Annual rent)**

Schedule 10—

*omit, insert—*

**‘Schedule 10 Annual rent**

**‘Part 1 Annual rent**

sections 145(1) and 146(1)

	\$
1 Annual rent for authority to prospect (for each sub-block included in the area for the authority)—Act, s 75(1)(b) . .	2.25
2 Annual rent for petroleum lease (for each km <sup>2</sup> of the area for the lease)—Act, s 155(1)(b). . . . .	112.70
3 Annual rent for data acquisition authority (for each sub-block included in the area of the authority)—Act, s 184A(1) . . . . .	2.25
4 Annual rent for water monitoring authority (for each sub-block included in the area of the authority)—Act, s 202A(1) . . . . .	1.12
5 Annual rent for 1923 Act ATP (for each sub-block included in the area for the authority)—1923 Act, s 74N .	2.25

## **‘Part 2                      Storage rent**

\$

- 1    Annual rent for storing petroleum or prescribed storage gas (for each km<sup>2</sup> of the area for the old lease or, if the Minister has made a call for tenders under the Act, section 218, the area of the proposed petroleum lease stated in the call for tenders)—Act, s 227(3). . . . . 112.70’.

## **Part 4                      Amendment of Petroleum Regulation 2004**

### **12            Regulation amended in pt 4**

This part amends the *Petroleum Regulation 2004*.

### **13            Amendment of s 40 (Annual rent [P&G, s 145])**

- (1) Section 40(1), ‘\$100’—

*omit, insert—*

‘\$112.70’.

- (2) Section 40(2)—

*omit.*

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#### ENDNOTES

- 1    Made by the Governor in Council on 3 November 2005.
- 2    Notified in the gazette on 4 November 2005.
- 3    Laid before the Legislative Assembly on . . .
- 4    The administering agency is the Department of Natural Resources and Mines.