



Queensland

# Mines and Energy Legislation Amendment Regulation (No. 4) 2008

## Subordinate Legislation 2008 No. 263

made under the

*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 *Mines and Energy Legislation Amendment Regulation (No. 4) 2008*.

### **2 Commencement**

This regulation commences on 1 September 2008.

## **Part 2 Amendment of Petroleum and Gas (Production and Safety) Regulation 2004**

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

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

### **4 Replacement of s 134 (Payment of annual licence fee for pipeline licence or petroleum facility licence)**

Section 134—

*omit, insert—*

#### **‘134 Payment of annual licence fee for pipeline or petroleum facility licence**

- ‘(1) The annual licence fee payable for a pipeline licence or a petroleum facility licence is stated in schedule 9, part 4.
- ‘(2) The annual licence fee for a licence mentioned in subsection (1), or a pro-rata amount of the annual licence fee if the period to which the fee relates is less than a year, must be paid on or before the following days—

[s 5]

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- (a) on the grant of the licence, if the Minister has not already required payment of the fee—the 20th business day after the licence takes effect;

*Note—*

For an example of when the Minister may require payment for a pipeline licence see section 410(1)(b)(i) of the Act and for a petroleum facility licence see section 446(1)(b)(i) of the Act.

- (b) otherwise—31 August each year.
- ‘(3) The annual licence fee must be paid by cash, cheque or electronic transfer of funds.
- ‘(4) If the annual licence fee for a licence mentioned in subsection (1) is paid for a year and the licence ends during the year, the proportion of the annual licence fee that relates to the remainder of the year may be refunded.’.

## **5 Insertion of new ch 7, pt 4**

After section 167—

*insert—*

# **‘Part 4 Transitional provision for the Mines and Energy Legislation Amendment Regulation (No. 4) 2008**

## **‘168 Payment of annual licence fee**

- ‘(1) This section applies to an annual licence fee that would, under the unamended provision, be payable on the anniversary day for a pipeline or a petroleum facility licence from 1 September 2008 to 30 August 2009.
- ‘(2) The annual licence fee must be paid on the anniversary day.
- ‘(3) The amount of the annual licence fee payable on the anniversary day must be worked out using the formula—



[s 8]

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- ‘(3) The annual rent must be paid by cash, cheque or electronic transfer of funds.
- ‘(4) If the annual rent for a lease is paid for a year and the lease ends during the year, the proportion of the annual rent that relates to the remainder of the year may be refunded.’.

**8 Replacement of ch 4, hdg (Repeal of Petroleum Regulation 1966 and transitional provisions)**

Chapter 4, heading—

*omit, insert—*

**‘Chapter 4 Repeal and transitional provisions’.**

**9 Insertion of new part heading**

Before section 44—

*insert—*

**‘Part 1 Repeal of Petroleum Regulation 1966 and transitional provisions’.**

**10 Amendment of s 44 (Definitions for ch 4)**

- (1) Section 44, heading, ‘ch 4’—

*omit, insert—*

**‘pt 1’.**

- (2) Section 44, ‘chapter’—

*omit, insert—*

**‘part’.**

**11 Insertion of new ch 4, pt 2**

After section 48—

*insert—*

**‘Part 2 Transitional provision for the  
Mines and Energy Legislation  
Amendment Regulation (No. 4)  
2008**

**‘49 Payment of annual rent for a particular period**

‘(1) This section applies to annual rent for a lease that would, under the unamended provision, be payable on the anniversary day of the lease from 1 September 2008 to 30 August 2009.

‘(2) The annual rent must be paid on the anniversary day.

‘(3) The amount of the annual rent payable on the anniversary day must be worked out using the formula—

$$A = B/365 \times F$$

where—

*A* is the amount of the annual rent payable on the anniversary day.

*B* is the number of days from the anniversary day to 30 August 2009.

*F* is the annual rent calculated by reference to section 40(1).

‘(4) In this section—

*anniversary day* means the anniversary of the day the lease took effect.

*unamended provision* means section 40 as in force immediately before the commencement of this section.’.

ENDNOTES

- 1 Made by the Governor in Council on 21 August 2008.
- 2 Notified in the gazette on 22 August 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Mines and Energy.

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