



Queensland

Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2013

Subordinate Legislation 2013 No. 195

made under the

Petroleum and Gas (Production and Safety) Act 2004

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1 Short title

This regulation may be cited as the *Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2013*.

2 Regulation amended

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

3 Replacement of s 88G (Prescription of generic SMP)

Section 88G—

omit, insert—

88G Prescription of generic SMP

- (1) For section 675A of the Act, the LPG Australia safety management plan is prescribed for each stage of—
 - (a) a bulk fuel gas storage facility if the tanks storing the fuel gas at the facility have a total volume of less than 30t; or
 - (b) an LPG delivery network if the total capacity of the cylinders stored for the network is more than 5000L but not more than 12000L.
- (2) Also, the LPG Australia safety management plan is prescribed for each stage of an LPG delivery network if—
 - (a) the total capacity of the cylinders stored for the network is not more than 5000L; and
 - (b) the network includes filling, with LPG, a container with a water capacity of more than 30L.
- (3) In this section—

LPG Australia safety management plan means ‘LPG Australia Safety Management Plan for Gas Supply and Cylinder Distribution Business’,

[s 4]

revision 1.0, July 2007, produced by the Australian Liquefied Petroleum Gas Association Limited ACN 002 703 951.

Editor's note—

A copy of the LPG Australia safety management plan is available on the department's website at <www.dnrm.qld.gov.au>.

4 Amendment of s 134A (Purpose of safety and health fees)

(1) Section 134A, 'cost'—

insert—

costs (the *safety and health operating costs*)

(2) Section 134A, 'quarterly period'—

omit, insert—

financial year

(3) Section 134A, note, '*Geothermal Exploration Act 2004*, section 132A'—

omit, insert—

Geothermal Act, section 4

5 Insertion of new s 134AA

After section 134A—

insert—

134AA Estimation and publication of safety and health costs

- (1) The chief executive must, for each financial year, prepare a written estimate (a *costs estimate*) of the safety and health operating costs for each relevant category of liable person for the year.
- (2) Each costs estimate must be published on the department's website no later than 1 March before the financial year to which the estimate relates.

Editor's note—

At the commencement, the department's website was at <www.dnrm.qld.gov.au>.

(3) A failure to comply with subsection (2) does not limit or otherwise affect the operation of the fee-capping provisions.

(4) In this section—

fee-capping provisions means schedule 9, part 8, sections 1(2), 2(2), 3(2), 4(2), 6(2) and 7(3).

6 Replacement of s 135 (Who is liable to pay a safety and health fee)

Section 135—

omit, insert—

135 Who is liable to pay a safety and health fee

- (1) Subject to sections 135A, 141 and 142AA, a person (a *liable person*) who is a person mentioned in subsection (2) at any time during a financial year must pay a safety and health fee for the year.
- (2) For subsection (1), the persons are each of the following—
 - (a) the operator of an operating plant used to drill a prescribed well, geothermal well (other than a well drilled for wet geothermal production), GHG well or UCG well;
 - (b) the operator of a work over rig that performs well completion or maintenance work for a prescribed well, geothermal well, GHG well or UCG well;
 - (c) the holder of an authority to prospect;
 - (d) the holder of a geothermal exploration permit;
 - (e) the holder of a GHG permit;

[s 6]

- (f) the holder of a petroleum lease, or 1923 Act lease, under which petroleum was produced;
- (g) the operator of a petroleum facility that is any of the following types—
 - (i) a major processing facility;
 - (ii) a facility that produces syngas;
 - (iii) a facility that produces a gasification or retorting product, other than mineral (f) produced by an underground gasification activity;
 - (iv) a facility that produces LPG from petroleum;
 - (v) a facility that produces LNG and—
 - (A) is not a major hazard facility under the *Work Health and Safety Regulation 2011*; and
 - (B) must operate under a safety management plan;
 - (vi) a facility that produces CNG and must operate under a safety management plan;
 - (vii) a facility that produces mineral (f) under an underground gasification activity;
 - (viii) a petroleum facility on an area to which a petroleum facility licence applies that is not included in subparagraphs (i) to (vii);
- (h) the operator of a facility, including a well, or a series of wells, and associated storage and injection equipment used to carry out injection of a GHG stream into the same or associated reservoirs that are part of the 1 GHG project;

-
- (i) the operator of a pipeline under a pipeline licence;
 - (j) the operator of a distribution pipeline that is not part of a distribution system;
 - (k) the operator of a GHG stream pipeline under the GHG storage Act;
 - (l) the operator of a distribution system;
 - (m) the operator of an LPG delivery network that is an operating plant, if section 675A(1) of the Act does not apply for any stage of the operating plant;
 - (n) a product supplier of automotive LPG;
 - (o) a tanker delivery carrier;
 - (p) the operator of a site (a *major consumer*) if the gas devices at the site have a total gas capacity of 50GJ/hr or more and gas has been consumed at the site by a gas device;
 - (q) the operator of a facility that produces or processes any of the following—
 - (i) biogas;
 - (ii) gas derived from a waste disposal tip;
 - (iii) gas derived during the treatment of sewage;
 - (r) the operator of a gas system used for special effects for entertainment or amusement purposes.

Note—

See also section 135A.

- (3) The amount of the fee must be calculated in the way provided for under schedule 9, part 8.
- (4) A liable person who is mentioned in more than 1 category of liable persons for a year must pay a safety and health fee for the year in relation to each category.

135A Who is not liable to pay a safety and health fee

- (1) Despite section 135, the following are not liable persons—
 - (a) an operator mentioned in section 135(2)(q) if either of the following apply—
 - (i) the operator has, on or before 9 November after the financial year for which the safety and health fee would otherwise be payable, received a positive advance finding for an activity at the facility that relates to the production or processing of biogas or gas carried out at the facility;
 - (ii) for an operator mentioned in section 135(2)(q)(ii)—all the gas produced or processed is passively vented;
 - (b) the operator of a coal mining-CSG operating plant.
- (2) In this section—

Innovation Australia means the board established under the *Industry Research and Development Act 1986* (Cwlth), section 6.

passively vented means vented to the atmosphere, without mechanical assistance, in reliance on natural pressure gradients.

Example of passive venting—

venting gas to the atmosphere, without mechanical assistance, through a bore hole

positive advance finding, for an operator's activities at a facility, means an advance finding, issued by Innovation Australia, confirming the activities are either of the following—

- (a) core R&D activities;
- (b) supporting R&D activities.

7 Replacement of ch 6, pt 2, div 2, sdiv 3, hdg and s 138

Chapter 6, part 2, division 2, subdivision 3, heading and section 138—

omit, insert—

Subdivision 3 Lodgement of safety and health fee return and payment of fee

8 Replacement of s 139 (Requirement to lodge safety and health fee return)

Section 139—

omit, insert—

139 Requirement to lodge safety and health fee return

- (1) A person mentioned in section 135 or 135A(1)(a) must lodge a return (a *safety and health fee return*) for each financial year by 31 July immediately after the end of the year.

Maximum penalty—20 penalty units.

- (2) To remove any doubt, subsection (1) applies to the person even if the person is also mentioned in section 135A(1)(b).
- (3) However, the person may give a safety and health fee return after the period mentioned in subsection (1) if, before the period ends—
 - (a) the person applies to the chief executive in writing to extend the period; and
 - (b) the chief executive gives the person a written notice stating that the person may give the safety and health return before the end of a day stated in the notice for that purpose.
- (4) If the person is given written notice under subsection (2)(b), the person must give the chief

[s 8]

executive the safety and health return before the end of the day stated in the notice for giving the return.

Maximum penalty—20 penalty units.

139A Requirements for safety and health fee return

- (1) A safety and health fee return must be in the approved form and must state, for the financial year to which it relates—
 - (a) for a person mentioned in section 135(2)(a)—the total distance (km) drilled in all prescribed wells, geothermal wells, GHG wells or UCG wells drilled by the person; and
 - (b) for a person mentioned in section 135(2)(b)—the total number of wells for which completion or maintenance work was performed by the person; and
 - (c) for a person mentioned in section 135(2)(c)—the number of authorities to prospect, and the area, in sub-blocks, of the authorities to prospect, held by the person; and
 - (d) for a person mentioned in section 135(2)(d)—the number of geothermal exploration permits, and the area, in sub-blocks, of the geothermal exploration permits, held by the person; and
 - (e) for a person mentioned in section 135(2)(e)—the number of GHG permits, and the area, in sub-blocks, of the GHG permits, held by the person; and
 - (f) for a person mentioned in section 135(2)(f)—the number of prescribed wells within the area of the petroleum lease or

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- 1923 Act lease that have produced petroleum; and
- (g) for a person mentioned in section 135(2)(g)—
 - (i) which type of petroleum facility mentioned in section 135(2)(g) is operated by the person; and
 - (ii) the amount of petroleum (m³) processed by the petroleum facility (the *relevant petroleum facility*); and
 - (iii) the number of other petroleum facilities operated at the same site and under the same safety management plan as the relevant petroleum facility; and
 - (h) for a person mentioned in section 135(2)(h)—the number of GHG projects started; and
 - (i) for a person mentioned in section 135(2)(i)—the length (km) and diameter (mm) of the pipeline; and
 - (j) for a person mentioned in section 135(2)(j)—the length (km) and diameter (mm) of the part of the distribution pipeline that is not part of the distribution system; and
 - (k) for a person mentioned in section 135(2)(k)—the length (km) and diameter (mm) of the GHG stream pipeline; and
 - (l) for a person mentioned in section 135(2)(l)—the length (km) of the distribution system;
 - (m) for a person mentioned in section 135(2)(m)—the maximum number of each of the following fuel gas containers used in

[s 8]

connection with the operation of the operating plant—

- (i) fuel gas containers with a capacity less than 50L;
 - (ii) fuel gas containers with a capacity 50L or more but less than 1kL;
 - (iii) fuel gas containers with a capacity 1kL or more but less than 8kL;
 - (iv) fuel gas containers with a capacity more than 8kL; and
- (n) for a person mentioned in section 135(2)(n)—the number of times the person supplied automotive LPG to an automotive LPG site; and
 - (o) for a person mentioned in section 135(2)(o)—the number of automotive LPG sites to which the person delivered automotive LPG; and
 - (p) for a person mentioned in section 135(2)(p)—the maximum consumption rate (in GJ/hr) for which the gas device is designed; and
 - (q) for a person mentioned in section 135(2)(q)—the number of sites, operated by the person, with facilities that produce or process—
 - (i) for a person mentioned at section 135(2)(q)(i)—biogas; or
 - (ii) for a person mentioned at section 135(2)(q)(ii)—gas derived from a waste disposal tip; or
 - (iii) for a person mentioned at section 135(2)(q)(iii)—gas derived during the treatment of sewage; and

-
- (r) for a person mentioned in section 135(2)(r)—
- (i) the number of gas systems mentioned in that paragraph operated by the person; and
 - (ii) the number of times the gas system was operated; and
 - (iii) the amount of fuel gas used by the gas system.
- (2) The return must be lodged at the office of the chief executive.
- (3) The information that must be included in the return under subsection (1) is the ***required information***.

9 Replacement of ss 141 and 142

Sections 141 and 142—

omit, insert—

141 Requirement for invoice to be given

- (1) The chief executive must give a liable person an invoice for the amount of the safety and health fee payable by the person for a financial year on or before the invoice date for the year.
- (2) However, if the person has not lodged a safety and health fee return for the year by the invoice date for the year, the chief executive must give the person the invoice within 30 days after the day the person lodges the return.
- (3) Also, if the liable person does not pay the fee on or before the payment date, the chief executive must, within 10 days after the payment date, give the liable person an invoice for the late fee mentioned in schedule 9, part 8, section 16(1).
- (4) The chief executive's failure to give an invoice within a period stated in subsections (1) to (3)

[s 9]

does not affect the validity of an invoice given under this section.

- (5) In this section—
invoice date, for a financial year, means 10 November after the end of the year.

142 Invoice may be reissued if incorrect

- (1) This section applies if the chief executive—
- (a) has given a liable person an invoice under section 141(1) or (2); and
 - (b) after giving the invoice, is of the opinion, based on information available to the chief executive, that the safety and health fee stated in the invoice is incorrect.
- (2) The chief executive may give the liable person an invoice (a *reissued invoice*) for the correct amount of the safety and health fee within 30 days after receiving the information.

142AA Date for payment

- (1) The safety and health fee for a financial year must be paid by a liable person on or before the payment date.
- (2) However, if the amount of the safety and health fee for the year stated in a reissued invoice for the person (the *reissued amount*) is—
- (a) higher than the amount for the fee already paid by the person, the person must, on or before the payment date, pay the balance amount; or
 - (b) lower than the amount for the fee already paid by the person, the chief executive must, on or before the refund date, refund the balance amount.

(3) For subsection (1), if the person does not pay the fee on or before the payment date, when the fee is paid it must be accompanied by the late fee mentioned in schedule 9, part 8, section 16(1).

(4) In this section—

balance amount—

(a) for subsection (2)(a)—means the part of the reissued amount that remains after subtracting the amount of the fee already paid; and

(b) for subsection (2)(b)—means the part of the fee already paid that remains after subtracting the reissued amount.

refund date means the day that is 30 days after the day the reissued invoice is given.

10 Amendment of s 143 (Notice may be given to liable person if return not lodged or is inadequate)

Section 143(1)(a), ‘section 139’—

omit, insert—

sections 139 and 139A

11 Insertion of new ch 7, pt 10

After section 175—

insert—

Part 10 Transitional provision for Petroleum and Gas (Production and Safety) Amendment Regulation (No. 1) 2013

176 Estimation and publication of safety and health costs for 2013-14 financial year

- (1) The chief executive must, for the 2013-14 financial year, prepare a costs estimate of the safety and health operating costs for each relevant category of liable person for the year.
- (2) The costs estimate must be published on the department's website on, or as soon as practicable after, the commencement.
- (3) This section applies despite section 134AA(2).
- (4) In this section—
2013-14 financial year means the financial year ending 30 June 2014.

12 Amendment of sch 9 (Fees)

- (1) Schedule 9, heading, '142(2)'—

omit, insert—

142AA(3)

- (2) Schedule 9, part 8, section 1—

omit, insert—

1 Drilling wells

- (1) The safety and health fee payable for a financial year by the operator (the **relevant drilling plant operator**) of an operating plant used to drill a prescribed well, geothermal well, GHG well or UCG well (**relevant drilling plant**) during the year is \$1279.00 for each kilometre drilled.

- (2) However, if the safety and health fees calculated under subsection (1) for all operators of relevant drilling plant during the year exceeds the costs estimate for the category of liable person mentioned in section 135(2)(a) for the year, the safety and health fee payable for the year by the relevant drilling operator is the amount worked out using the formula—

$$C \times (W/T)$$

where—

C means the costs estimate.

W means the number of kilometres the relevant drilling plant operator drills using the relevant drilling plant during the year.

T means the number of kilometres all operators of relevant drilling plant drill using the plant during the year.

- (3) Schedule 9, part 8, section 2—

omit, insert—

2 Well completion or maintenance work

- (1) The safety and health fee payable for a financial year by the operator (the ***relevant work over rig operator***) of a work over rig that performs well completion or maintenance work for a prescribed well, geothermal well, GHG well or UCG well (a ***relevant work over rig***) during the year is \$240.40 for each well for which completion or maintenance work was done during the year.
- (2) However, if the safety and health fees calculated under subsection (1) for all operators of relevant work over rigs during the year exceeds the costs estimate for the category of liable person mentioned in section 135(2)(b) for the year, the safety and health fee payable for the year by the relevant work over rig operator is the amount worked out using the formula—

[s 12]

C x (W/T)

where—

C means the costs estimate.

W means the number of wells for which completion or maintenance work was done by the the relevant work over rig operator during the year.

T means the number of wells for which completion or maintenance work was done by all operators of relevant work over rigs during the year.

- (4) Schedule 9, part 8, section 3—

omit, insert—

3 Exploration

- (1) The safety and health fee payable for a financial year by the holder (the ***relevant authority or permit holder***) of an authority to prospect, a geothermal exploration permit or a GHG permit is \$2.07 for each sub-block included in the area to which the authority or permit applies.
- (2) However, if the safety and health fees calculated under subsection (1) for all holders of an authority to prospect, a geothermal exploration permit or a GHG permit during the year exceeds the total of the costs estimates for the categories of liable person mentioned in section 135(2)(c), (d) and (e) for the year, the safety and health fee payable for the year by the relevant authority or permit holder is the amount worked out using the formula—

C x (N/T)

where—

C means the total of the costs estimates.

N means the number of sub-blocks within the area of the authorities to prospect, geothermal

exploration permits or GHG permits held by the relevant authority or permit holder during the year.

T means the number of sub-blocks within the areas of all authorities to prospect, geothermal exploration permits or GHG permits held during the year.

- (5) Schedule 9, part 8, section 4—

omit, insert—

4 Producing petroleum under a petroleum lease or 1923 Act lease

- (1) The safety and health fee payable for a financial year payable by the holder (the *relevant lease holder*) of a petroleum lease, or 1923 Act lease, is \$1318 for each prescribed well within the area of the lease that has produced petroleum during the year.
- (2) However, if the safety and health fees calculated under subsection (1) for all holders of petroleum leases or 1923 Act leases in the year exceeds the costs estimate for the category of liable person mentioned in section 135(2)(f) for the year, the safety and health fee payable for the year by the relevant lease holder is the amount worked out using the formula—

$C \times (P/T)$

where—

C means the costs estimate.

P means the number of prescribed wells within the area of the petroleum lease or 1923 Act lease that produced petroleum during the year.

T means the total number of prescribed wells within the areas of petroleum leases or 1923 Act leases that produced petroleum during the year.

[s 12]

(6) Schedule 9, part 8, section 5(1)—

insert—

(ba) for a facility that produces a gasification or retorting product, other than mineral (f) produced by an underground gasification activity—\$5516;

(7) Schedule 9, part 8, section 5(2)—

omit, insert—

(2) However—

(a) if there is more than 1 facility mentioned in subsection (1)(a) to (g) operated at a single site under a single safety management plan, the relevant petroleum facility operator is only required to pay—

(i) if the fee under subsection (1) for any of the facilities is higher than the fee under that subsection for any of the other facilities—the highest of the fees; or

Example for subparagraph (i)—

If there is a facility that produces syngas and a facility that produces mineral (f) by an underground gasification activity and both facilities are operated at a single site under a single safety management plan, the operator of the facilities is only required to pay a fee of \$11033 rather than fees totalling \$16549.

(ii) otherwise—the fee for 1 of the facilities; and

(b) if a facility is a facility of more than 1 facility type—

(i) if the fee under subsection (1) for any of the facility types is higher than the fee under that subsection for any of the other facility types—the highest of the fees; or

Example for subparagraph (i)—

If there is a major processing facility that produces LPG from petroleum, the operator of the facility is only required to pay a fee of \$11033 rather than fees totalling \$19307.

(ii) otherwise—the fee for 1 of the facility types.

(3) In this section—

facility type means a type of facility mentioned in subsection (1)(a) to (g).

(8) Schedule 9, part 8, section 6—

omit, insert—

6 Facility used to carry out a GHG storage activity

(1) The safety and health fee payable for a financial year by the operator (the **relevant GHG storage facility operator**) of a facility, including a well, or a series of wells, and associated storage and injection equipment used to carry out injection of a GHG stream into the same or associated reservoirs that are part of the 1 GHG project (a **relevant GHG storage facility**) is \$11033 for each GHG project for which any work was started by the operator during the year.

(2) However, if the safety and health fees calculated under subsection (1) for all operators of relevant GHG storage facilities during the year exceeds the costs estimate for the category of liable person mentioned in section 135(2)(h) for the year, the safety and health fee payable for the year by the relevant GHG storage facility operator is the amount worked out using the formula—

$$C \times (F/T)$$

where—

C means the costs estimate.

[s 12]

F means the number of relevant GHG storage facilities operated by the relevant GHG storage facility operator during the year.

T means the number of relevant GHG storage facilities operated by all operators during the year.

- (9) Schedule 9, part 8, section 7—

omit, insert—

7 Pipelines

- (1) The safety and health fee payable for a financial year by the operator (the *relevant pipeline operator*) of a pipeline under a pipeline licence or the operator of GHG stream pipeline under the GHG Storage Act or a distribution pipeline that is not part of a distribution system (a *relevant pipeline*) is \$0.00032 for each pipeline index for the pipeline.

- (2) The *pipeline index* for a pipeline means the amount calculated using the following formula—

$$PI = L \times D^2$$

where—

D means the diameter (mm) of the pipeline.

L means the length (km) of the pipeline.

PI means the pipeline index.

- (3) However, if the safety and health fees calculated under subsection (1) for all operators of relevant pipelines during the year exceeds the total of the costs estimates for the categories of liable person mentioned in section 135(2)(i), (j) and (k) for the year, the safety and health fee payable for the year by the relevant pipeline operator is the amount worked out using the formula—

$$C \times (P/T)$$

where—

C means the total of the costs estimates.

P means the total of the pipeline indexes for all relevant pipelines operated by the relevant pipeline operator during the year.

T means the total of the pipeline indexes for all relevant pipelines operated by all operators during the year.

- (10) Schedule 9, part 8, section 8, from ‘that was used’—

omit, insert—

that was commissioned during the year

- (11) Schedule 9, part 8, section 9—

omit.

- (12) Schedule 9, part 8, section 10—

omit, insert—

10 Particular LPG delivery network that is operating plant

- (1) The safety and health fee payable for a financial year by the operator of an LPG delivery network that is an operating plant, if section 675A(1) of the Act does not apply for any stage of the operating plant, is—
- (a) if the container index for the operator for the year is 10000 or less—\$2500; or
 - (b) if the container index for the operator for the year is more than 10000 but not more than 50000—\$6000; or
 - (c) otherwise—\$0.76 multiplied by the container index of the operator for the year.
- (2) However, the maximum fee payable by the operator under subsection (1)(c) for a financial year is \$551680.
- (3) The *container index* of the operator for the year must be worked out using the following formula—

[s 12]

$$CI = D/40 + (E \times 2) + (G \times 5) + (H \times 25)$$

where—

CI is the container index.

D is the number of fuel gas containers used by the operator at any time during the year with a capacity of less than 50L.

E is the number of fuel gas containers used by the operator at any time during the year with a capacity of 50L or more but less than 1kL.

G is the number of fuel gas containers used by the operator at any time during the year with a capacity of 1kL or more but less than 8kL.

H is the number of fuel gas containers used by the operator at any time during the year with a capacity of 8kL or more.

- (13) Schedule 9, part 8, section 13(a), ‘\$8274’—

omit, insert—

\$6000

- (14) Schedule 9, part 8, section 13(b), ‘\$13791’—

omit, insert—

\$9500

- (15) Schedule 9, part 8, section 13(c), ‘\$16549’—

omit, insert—

\$11500

- (16) Schedule 9, part 8, section 16(1), ‘section 142(2)’—

omit, insert—

section 142AA(3)

- (17) Schedule 9, part 8, section 16(1), ‘last day for payment under section 142(1)’—

omit, insert—

payment date

13 Amendment of sch 12 (Dictionary)

(1) Schedule 12—

insert—

category of liable person means each type of liable person mentioned in section 135(2).

costs estimate, of safety and health operating costs for a relevant category of liable person for a financial year, see section 134AA(1).

payment date—

(a) for an invoice given under section 141(1)—

(i) if the invoice is not given within the period mentioned in section 141(1)—means the day that is 30 days after the day the invoice is given; or

(ii) otherwise—means 10 December after the end of the financial year to which the invoice relates; or

(b) for an invoice given under section 141(2) or a reissued invoice—means the day that is 30 days after the day the invoice is given.

reissued invoice see section 142(2).

relevant category of liable person means each type of liable person mentioned in section 135(2)(a) to (f) and (h) to (k).

safety and health operating costs see section 134A.

(2) Schedule 12, definition *major consumer*, ‘section 135(2)(k)’—

omit, insert—

section 135(2)(p)

[s 13]

(3) Schedule 12, definition *required information*, ‘section 139(4)’—

omit, insert—

section 139A(3)

ENDNOTES

- 1 Made by the Governor in Council on 3 October 2013.
- 2 Notified on the Queensland legislation website on 4 October 2013.
- 3 The administering agency is the Department of Natural Resources and Mines.

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Authorised by the Parliamentary Counsel