



Queensland

Water (Annual Levy for Underground Water Management) Amendment Regulation 2019

Subordinate Legislation 2019 No. 242

made under the

Water Act 2000

Contents

		Page
1	Short title	3
2	Regulation amended	3
3	Replacement of s 84 (Purpose and explanation of part)	3
	84 Purpose of part	3
4	Amendment of s 85 (Definitions for part)	3
5	Amendment of s 87 (Relevant sub-blocks and classes of relevant sub-blocks)	4
6	Insertion of new s 87A	4
	87A Classes of levyable mining tenures	4
7	Insertion of new pt 7, div 2, sdiv 1, hdg	6
8	Insertion of new s 88A and pt 7, div 2, sdiv 2, hdg	6
	88A Apportionment between office's estimated petroleum costs and office's estimated mining costs	6
9	Amendment of s 89 (Apportionment of office's estimated costs to each relevant sub-block)	6
10	Amendment of s 90 (Apportionment of annual levy among petroleum tenure holders)	7
11	Insertion of new pt 7, div 2, sdiv 3	7
	Subdivision 3 Apportionment of annual levy for mining tenure holders	
	90A Apportionment of office's estimated mining costs	7

Contents

	90B	Apportionment of annual levy among mining tenure holders	8
12		Amendment of s 91 (Requirements for notice of annual levy) ..	9
13		Amendment of s 92 (Payment of annual levy)	9
14		Amendment of sch 19 (Dictionary)	9

1 Short title

This regulation may be cited as the *Water (Annual Levy for Underground Water Management) Amendment Regulation 2019*.

2 Regulation amended

This regulation amends the *Water Regulation 2016*.

3 Replacement of s 84 (Purpose and explanation of part)

Section 84—

omit, insert—

84 Purpose of part

This part provides for—

- (a) an annual levy under section 479 of the Act; and
- (b) the apportionment to resource tenure holders of the total annual levy payable by all resource tenure holders.

4 Amendment of s 85 (Definitions for part)

- (1) Section 85, definition *class*—

omit.

- (2) Section 85—

insert—

class A tenure see section 87A(1).

class B tenure see section 87A(2).

class C tenure see section 87A(3).

levyable mining tenure see section 87A(4).

office's estimated mining costs see section 88A(b).

[s 5]

office's estimated petroleum costs see section 88A(a).

resource project see the *Environmental Protection Act 1994*, section 112.

5 Amendment of s 87 (Relevant sub-blocks and classes of relevant sub-blocks)

Section 87, heading, after 'relevant sub-blocks'—

insert—

for petroleum tenures

6 Insertion of new s 87A

After section 87—

insert—

87A Classes of levyable mining tenures

- (1) A mining lease is a *class A tenure* if the lease is a CMA tenure under chapter 3 of the Act.
- (2) A mineral development licence is a *class B tenure* if—
 - (a) the licence is a CMA tenure under chapter 3 of the Act; and
 - (b) the holder of the licence has applied for a mining lease under the Mineral Resources Act for carrying out activities; and
 - (c) any of the following apply—
 - (i) the proposed lease is a relevant tenure for an environmental authority or proposed environmental authority under which the activities are to be carried out as part of a resource project;
 - (ii) the activities are part of a project for which an EIS process applies under the

Environmental Protection Act 1994,
section 37;

- (iii) the activities are part of a coordinated project for which an EIS is required under the *State Development and Public Works Organisation Act 1971*.
- (3) A mining lease is a ***class C tenure*** for a financial year if—
- (a) the lease is not a CMA tenure under chapter 3 of the Act; and
- (b) the lease is a relevant tenure for an environmental authority under which activities are carried out as part of a resource project; and
- (c) for the resource project, an average of at least 500ML of water each year for the levy period for the financial year has been taken or interfered with under the Mineral Resources Act, section 334ZP(1).
- (4) A ***levyable mining tenure*** is a class A tenure, class B tenure or class C tenure.
- (5) In this section—

coordinated project see the *State Development and Public Works Organisation Act 1971*, schedule 2.

levy period, for a financial year, means the period of 3 years ending immediately before the relevant day for the financial year.

mineral development licence means a mineral development licence under the Mineral Resources Act.

mining lease means a mining lease under the Mineral Resources Act.

relevant tenure see the *Environmental Protection Act 1994*, schedule 4.

[s 7]

7 Insertion of new pt 7, div 2, sdiv 1, hdg

Before section 88—

insert—

Subdivision 1 Total annual levy and office's estimated costs

8 Insertion of new s 88A and pt 7, div 2, sdiv 2, hdg

After section 88—

insert—

88A Apportionment between office's estimated petroleum costs and office's estimated mining costs

The office must apportion the office's estimated costs for a financial year to—

- (a) the estimated cost of performing its functions for the financial year for petroleum tenure holders (the *office's estimated petroleum costs*); and
- (b) the estimated cost of performing its functions for the financial year for mining tenure holders (the *office's estimated mining costs*).

Subdivision 2 Apportionment of annual levy for petroleum tenure holders

9 Amendment of s 89 (Apportionment of office's estimated costs to each relevant sub-block)

- (1) Section 89, heading, after 'estimated'—

insert—

petroleum

- (2) Section 89(1) and (2), after ‘estimated’—

insert—

petroleum

10 Amendment of s 90 (Apportionment of annual levy among petroleum tenure holders)

- (1) Section 90(1), ‘all’—

omit.

- (2) Section 90(2), ‘decided under section 88’—

omit.

11 Insertion of new pt 7, div 2, sdiv 3

Part 7, division 2—

insert—

Subdivision 3 Apportionment of annual levy for mining tenure holders

90A Apportionment of office’s estimated mining costs

- (1) This section provides for the apportionment of the office’s estimated mining costs for a financial year in relation to levyable mining tenures.
- (2) The office must apportion the office’s estimated mining costs to each class of levyable mining tenure according to the proportion of the office’s functions under the Act carried out in the financial year for the class of levyable mining tenure.
- (3) The office must further apportion the amount worked out under subsection (2) for a class of levyable mining tenure by—

[s 11]

- (a) for a class A tenure—dividing the amount apportioned for class A tenures by the total number of hectares in all class A tenures existing on the relevant date for the financial year; and
- (b) for a class B tenure—dividing the amount apportioned for class B tenures by the total number of hectares in all class B tenures existing on the relevant date for the financial year; and
- (c) for a class C tenure—dividing the amount apportioned for class C tenures by the total number of resource projects that include a class C tenure, worked out on the relevant date for the financial year.

90B Apportionment of annual levy among mining tenure holders

- (1) This section provides for the apportionment of the total annual levy payable by mining tenure holders for a financial year to classes of mining tenure holders.
- (2) The total annual levy related to mining tenure holders must be apportioned among the mining tenure holders as follows—
 - (a) for a mining tenure holder who does not hold a levyable mining tenure on the relevant date for the financial year—nil;
 - (b) for each mining tenure holder who holds a class A tenure or class B tenure on the relevant date for the financial year—by multiplying the number of hectares, including any part of a hectare, in the tenure by the amount worked out for the tenure under section 90A(3)(a) or (b);
 - (c) for each mining tenure holder who holds a class C tenure on the relevant date for the

financial year—by multiplying the number of resource projects that include the tenure by the amount worked out for each project under section 90A(3)(c).

12 Amendment of s 91 (Requirements for notice of annual levy)

(1) Section 91, ‘petroleum’—

omit, insert—

resource

(2) Section 91(4)(a)—

omit, insert—

(a) the number of—

(i) for a petroleum tenure holder—each class of relevant sub-blocks to which the notice applies; or

(ii) for a mining tenure holder—each class of mining tenure to which the notice applies;

13 Amendment of s 92 (Payment of annual levy)

Section 92, ‘petroleum’—

omit, insert—

resource

14 Amendment of sch 19 (Dictionary)

(1) Schedule 19, definition *class*—

omit.

(2) Schedule 19—

insert—

class A tenure, for part 7, see section 87A(1).

class B tenure, for part 7, see section 87A(2).

class C tenure, for part 7, see section 87A(3).

levyable mining tenure, for part 7, see section 87A(4).

office's estimated mining costs, for part 7, see section 88A(b).

office's estimated petroleum costs, for part 7, see section 88A(a).

resource project, for part 7, see section 85.

ENDNOTES

- 1 Made by the Governor in Council on 28 November 2019.
- 2 Notified on the Queensland legislation website on 29 November 2019.
- 3 The administering agency is the Department of Natural Resources, Mines and Energy.

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