



Queensland

Resources Safety and Health Legislation (Fees and Other Matters) Amendment Regulation 2021

Subordinate Legislation 2021 No. 75

made under the

Coal Mining Safety and Health Act 1999

Explosives Act 1999

Mining and Quarrying Safety and Health Act 1999

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 *Resources Safety and Health Legislation (Fees and Other Matters) Amendment Regulation 2021*.

2 Commencement

This regulation commences on 1 July 2021.

Part 2 Amendment of Coal Mining Safety and Health Regulation 2017

3 Regulation amended

This part amends the *Coal Mining Safety and Health Regulation 2017*.

4 Amendment of s 12E (Payment of safety and health fee)

(1) Section 12E(4)—

omit, insert—

(4) Subsection (5) applies if the responsible person for the coal mine gives the CEO a safety and health census under section 12F for a reporting period for the coal mine.

(4A) The CEO must give the responsible person for the coal mine an invoice for the amount of the safety and health fee for the reporting period for the coal mine—

(a) if the reporting period is a financial year—before 30 August of the year; or

- (b) if the reporting period is a quarter ending on 30 September of a year—before 30 November of the year; or
 - (c) if the reporting period is a quarter ending on 31 December of a year—before 1 March of the following year; or
 - (d) if the reporting period is a quarter ending on 31 March of a year—before 31 May of the year; or
 - (e) if the reporting period is a quarter ending on 30 June of a year—before 30 August of the year.
- (2) Section 12E(7), ‘Subsection (4)’—
omit, insert—
Subsection (5)
- (3) Section 12E—
insert—
- (8) Subsection (10) applies if—
 - (a) the responsible person for a coal mine gives the CEO a safety and health census for a reporting period for the coal mine after the end of the period within which the census was required to be given under section 12F; and
 - (b) the CEO has not given the responsible person for the coal mine a notice mentioned in section 12G(2) relating to the census.
 - (9) The CEO must give the responsible person for the coal mine an invoice for the amount of the safety and health fee for the reporting period for the coal mine within 40 days after receiving the census.
 - (10) The CEO’s failure to give an invoice within a period mentioned in subsection (5) or (10) does not affect the validity of an invoice given under

this section.

- (4) Section 12E(4A) to (10)—
renumber as section 12E(5) to (11).

5 Amendment of s 371 (Tasks—Act, s 76)

- (1) Section 371, heading, ‘s 76’—
omit, insert—

s 76A

- (2) Section 371, ‘section 76(3)(a) of the Act’—
omit, insert—
section 76A(a)(i) of the Act

6 Amendment of sch 1 (Diseases for section 198(6) of the Act)

- Schedule 1, ‘a nominated medical adviser’—
omit, insert—
an appointed medical adviser

7 Amendment of sch 7 (Prescribed tasks for section 76(3)(a) of the Act)

- Schedule 7, heading, ‘section 76(3)(a) of the Act’—
omit, insert—
section 76A(a)(i) of the Act

8 Replacement of sch 8 (Fees)

- Schedule 8—
omit, insert—

Schedule 8 Fees

sections 12E, 12H and 372

Part 1 Board of examiners fees

	\$
1 Application for assessment for a first class, or second class, certificate of competency	44.95
2 Application for assessment for a deputy's, or open-cut examiner's, certificate of competency	26.60
3 Application for assessment for a ventilation officer's certificate of competency	24.90
4 Issuing a duplicate certificate of competency to replace a lost, destroyed or defaced certificate	8.70

Part 2 Other fees

	\$
1 Safety and health fee for a reporting period that is a quarter (s 12E(2))—	
(a) if the number of coal mine workers working at a coal mine during the quarter is more than 5 but not more than 10—for each coal mine worker working at the coal mine during the quarter	30.35
(b) if the number of coal mine workers working at a coal mine during the quarter is more than 10—for each coal mine worker working at the coal mine during the quarter	240.90
2 Safety and health fee for a reporting period that is a financial year (s 12E(2))—	

	\$
(a) if the number of coal mine workers working at a coal mine during the financial year is more than 5 but not more than 10—for each coal mine worker working at the coal mine during the financial year	121.40
(b) if the number of coal mine workers working at a coal mine during the financial year is more than 10—for each coal mine worker working at the coal mine during the financial year	964.00
3 Fee for late safety and health census (s 12H(4))	121.40

9 Amendment of sch 9 (Dictionary)

Schedule 9, definition *appointed medical adviser*, ‘, for chapter 2, part 6, division 2—’—

omit.

Part 3 Amendment of Explosives Regulation 2017

10 Regulation amended

This part amends the *Explosives Regulation 2017*.

11 Insertion of new s 177A

After section 177—

insert—

177A Application of part

This part does not apply in relation to a reporting period for any of the following authorities issued under section 19—

- (a) a permit to import explosives;

- (b) a permit to export explosives;
- (c) a permit to store explosives;
- (d) an explosives driver licence;
- (e) a licence to use explosives, if the only explosives worker under the licence for the reporting period is an individual, or an individual who is a partner in a partnership, who holds the licence;
- (f) a shotfirer licence, if the only explosives worker under the licence for the reporting period is an individual, or an individual who is a partner in a partnership, who holds the licence;
- (g) a fireworks operator licence;
- (h) a licence to collect ammunition.

12 **Amendment of s 178 (Payment of safety and health fee)**

(1) Section 178(4)—

omit, insert—

- (4) Subsection (5) applies if the holder of the authority gives the CEO a safety and health census under section 179 for a reporting period for the authority.
- (4A) The CEO must give the holder of the authority an invoice for the amount of the safety and health fee for the reporting period for the authority—
 - (a) if the reporting period is a financial year—before 30 August of the year; or
 - (b) if the reporting period is a quarter ending on 30 September of a year—before 30 November of the year; or

- (c) if the reporting period is a quarter ending on 31 December of a year—before 1 March of the following year; or
 - (d) if the reporting period is a quarter ending on 31 March of a year—before 31 May of the year; or
 - (e) if the reporting period is a quarter ending on 30 June of a year—before 30 August of the year.
- (2) Section 178(7), ‘Subsection (4)’—
omit, insert—
Subsection (5)
- (3) Section 178—
insert—
- (8) Subsection (10) applies if—
 - (a) the holder of an authority gives the CEO a safety and health census for a reporting period for the authority after the end of the period within which the census was required to be given under section 179; and
 - (b) the CEO has not given the holder of the authority a notice mentioned in section 180(2) relating to the census.
 - (9) The CEO must give the holder of the authority an invoice for the amount of the safety and health fee for the reporting period for the authority within 40 days after receiving the census.
 - (10) The CEO’s failure to give an invoice within a period mentioned in subsection (5) or (10) does not affect the validity of an invoice given under this section.
- (4) Section 178(4A) to (10)—
renumber as section 178(5) to (11).

13 Replacement of sch 2 (Fees)

Schedule 2—

omit, insert—

Schedule 2 Fees

sections 13(2)(c), 16(2)(c), 18D, 21, 178(2) and 181(3)

Part 1 Fees for security clearance, authorities and declaration

	\$
1 Security clearance—	
(a) application for security clearance	203.40
(b) application for renewal of security clearance	162.70
2 Licence to import explosives or licence to export explosives—	
(a) for blasting explosives—	
(i) application for licence	nil
(ii) licence for 1 year	759.00
(b) for propellant powders and ammunition—	
(i) application for licence	nil
(ii) licence for 1 year	504.00
(c) for fireworks—	
(i) application for licence	nil
(ii) licence for 1 year	371.30
(d) for distress signals—	

	\$
(i) application for licence	nil
(ii) licence for 1 year	113.50
(e) for an explosive not mentioned in any of paragraphs (a) to (d)—	
(i) application for licence	nil
(ii) licence for 1 year	371.30
3 Licence to manufacture explosives—	
(a) for an explosives factory other than a mobile manufacturing unit—	
(i) application for licence	nil
(ii) licence for 1 year	470.20
(b) for a mobile manufacturing unit—	
(i) application for licence	nil
(ii) licence for 1 year	216.30
(c) for manufacture of explosives at a place that is not an explosives factory—	
(i) application for licence	nil
(ii) licence for 1 year	109.00
4 Licence to sell explosives—	
(a) for blasting explosives—	
(i) application for licence	nil
(ii) licence for 1 year	91.75
(b) for propellant powders—	
(i) application for licence	nil
(ii) licence for 1 year	91.75
(c) for fireworks—	
(i) application for licence	nil

	\$
(ii) licence for 1 year	91.75
(d) for ammunition—	
(i) application for licence	nil
(ii) licence for 1 year	16.95
(e) for an explosive not mentioned in any of paragraphs (a) to (d)—	
(i) application for licence	nil
(ii) licence for 1 year	91.75
5 Licence to store explosives—	
(a) for blasting explosives up to 100kg—	
(i) application for licence	nil
(ii) licence for 1 year	120.30
(b) for blasting explosives greater than 100kg—	
(i) application for licence	nil
(ii) licence for 1 year	470.20
(c) for propellant powders up to 100kg—	
(i) application for licence	nil
(ii) licence for 1 year	45.20
(d) for propellant powders greater than 100kg but not greater than 250kg—	
(i) application for licence	nil
(ii) licence for 1 year	120.30
(e) for propellant powders greater than 250kg—	
(i) application for licence	nil
(ii) licence for 1 year	470.20
(f) for fireworks up to 100kg (gross weight)—	
(i) application for licence	nil

	\$
(ii) licence for 1 year	45.20
(g) for fireworks greater than 100kg (gross weight)—	
(i) application for licence	nil
(ii) licence for 1 year	470.20
(h) for an explosive not mentioned in any of paragraphs (a) to (g), up to 100kg—	
(i) application for licence	nil
(ii) licence for 1 year	45.20
(i) for an explosive not mentioned in any of paragraphs (a) to (g), greater than 100kg—	
(i) application for licence	nil
(ii) licence for 1 year	470.20
6 Licence to transport explosives—	
(a) application for licence	nil
(b) licence for 1 year for each vehicle stated in the licence	120.30
7 Explosives driver licence—	
(a) application for licence	nil
(b) licence for 1 year	65.05
8 Licence to use explosives—	
(a) application for licence	nil
(b) licence for 1 year	65.05
9 Shotfirer licence—	
(a) application for licence	nil
(b) licence for 1 year	65.05
10 Fireworks contractor licence—	
(a) application for licence	nil

	\$
(b) licence for 1 year	432.30
11 Fireworks operator licence—	
(a) application for licence	nil
(b) licence for 1 year	138.00
12 Licence to collect ammunition—	
(a) application for licence	nil
(b) licence for 1 year	16.95
13 Application for permit to import explosives	nil
14 Application for permit to export explosives	nil
15 Application for permit to store explosives	nil
16 Application for explosives trial approval (s 16(2)(c))	nil
17 Request for declaration that explosive is an authorised explosive (s 13(2)(c))	155.60
18 Transfer of licence other than a licence to use an explosive	47.30
19 Copy of licence or security clearance	47.30

Part 2 Safety and health fee

	\$
1 Safety and health fee for a reporting period that is a quarter (s 178(2))—	
(a) if the number of explosives workers working under an authority during the quarter is more than 5 but not more than 10—for each explosives worker working under the authority during the quarter	30.35

	\$
(b) if the number of explosives workers working under an authority during the quarter is more than 10—for each explosives worker working under the authority during the quarter	240.90
2 Safety and health fee for a reporting period that is a financial year (s 178(2))—	
(a) if the number of explosives workers working under an authority during the financial year is more than 5 but not more than 10—for each explosives worker working under the authority during the financial year	121.40
(b) if the number of explosives workers working under an authority during the financial year is more than 10—for each explosives worker working under the authority during the financial year	964.00
3 Fee for late safety and health census (s 181(3))	121.40

Part 4 **Amendment of Mining and Quarrying Safety and Health Regulation 2017**

14 **Regulation amended**

This part amends the *Mining and Quarrying Safety and Health Regulation 2017*.

15 **Amendment of s 11B (Meaning of *responsible person*)**

Section 11B(1)(a), after ‘prospecting permit’—

insert—

or mining claim

16 Amendment of s 11C (Payment of safety and health fee)

(1) Section 11C(4)—

omit, insert—

(4) Subsection (5) applies if the responsible person for the mine gives the CEO a safety and health census under section 11D for a reporting period for the mine.

(4A) The CEO must give the responsible person for the mine an invoice for the amount of the safety and health fee for the reporting period for the mine—

(a) if the reporting period is a financial year—before 30 August of the year; or

(b) if the reporting period is a quarter ending on 30 September of a year—before 30 November of the year; or

(c) if the reporting period is a quarter ending on 31 December of a year—before 1 March of the following year; or

(d) if the reporting period is a quarter ending on 31 March of a year—before 31 May of the year; or

(e) if the reporting period is a quarter ending on 30 June of a year—before 30 August of the year.

(2) Section 11C(7), ‘Subsection (4)’—

omit, insert—

Subsection (5)

(3) Section 11C—

insert—

(8) Subsection (10) applies if—

(a) the responsible person for a mine gives the CEO a safety and health census for a

reporting period for the mine after the end of the period within which the census was required to be given under section 11D; and

(b) the CEO has not given the responsible person for the mine a notice mentioned in section 11E(2) relating to the census.

(9) The CEO must give the responsible person for the mine an invoice for the amount of the safety and health fee for the reporting period for the mine within 40 days after receiving the census.

(10) The CEO's failure to give an invoice within a period mentioned in subsection (5) or (10) does not affect the validity of an invoice given under this section.

(4) Section 11C(4A) to (10)—

renumber as section 11C(5) to (11).

17 **Amendment of sch 5 (General exposure limits for hazards)**

Schedule 5, entry for crystalline silica (cristobalite, quartz, tridymite), column 2, note—

omit.

18 **Replacement of sch 6 (Fees)**

Schedule 6—

omit, insert—

Schedule 6 Fees

sections 11C(2), 11F(4) and 151

Part 1 Board of examiners’ fees

	\$
1 Application for assessment for a first class certificate of competency	44.95
2 Issuing a duplicate certificate of competency to replace a lost, destroyed or defaced certificate	8.70

Part 2 Other fees

	\$
1 Safety and health fee for a reporting period that is a quarter (s 11C(2))—	
(a) if the number of workers working at a mine during the quarter is more than 5 but not more than 10—for each worker working at the mine during the quarter	30.35
(b) if the number of workers working at a mine during the quarter is more than 10—for each worker working at the mine during the quarter	240.90
2 Safety and health fee for a reporting period that is a financial year (s 11C(2))—	
(a) if the number of workers working at a mine during the financial year is more than 5 but not more than 10—for each worker working at the mine during the financial year	121.40
(b) if the number of workers working at a mine during the financial year is more than 10—for each worker working at the mine during the financial year	964.00
3 Fee for late safety and health census (s 11F(4))	121.40

19 Amendment of sch 7 (Dictionary)

Schedule 7, definition *Australian Qualifications Framework*—

omit.

Part 5 Amendment of Petroleum and Gas (General Provisions) Regulation 2017

20 Regulation amended

This part amends the *Petroleum and Gas (General Provisions) Regulation 2017*.

21 Amendment of s 5 (Substances that are petroleum)

(1) Section 5(1)(b) and (c)—

omit, insert—

(b) biomethane;

(2) Section 5(1)(d)—

renumber as section 5(1)(c).

22 Amendment of s 6 (Substances that are fuel gas)

(1) Section 6(1)(c) and (d)—

omit, insert—

(c) biomethane;

(2) Section 6(1)(e)—

renumber as section 6(1)(d).

23 Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

biogas has the meaning given by ISO 20675 ‘Biogas—Biogas production, conditioning, upgrading and utilization—Terms, definitions and classification scheme’.

Examples of biogas—

- biogas derived from a waste disposal tip
- biogas derived during the treatment of sewage

biomethane has the meaning given by ISO 20675 ‘Biogas—Biogas production, conditioning, upgrading and utilization—Terms, definitions and classification scheme’.

Examples of biomethane—

- biomethane derived from a waste disposal tip
- biomethane derived during the treatment of sewage

Part 6 **Amendment of Petroleum and Gas (Safety) Regulation 2018**

24 **Regulation amended**

This part amends the *Petroleum and Gas (Safety) Regulation 2018*.

25 **Amendment of s 155 (Who is liable to pay a safety and health fee)**

Section 155(2)(q)—

omit, insert—

- (q) the operator of a facility that produces or processes biogas or biomethane;

26 Amendment of s 156 (Who is not liable to pay a safety and health fee)

Section 156(1)(a)(ii)—

omit, insert—

- (ii) for an operator mentioned in section 155(2)(q)—all the gas produced or processed is passively vented and the facility is a waste disposal tip;

27 Amendment of s 158 (Requirements for safety and health fee return)

Section 158(1)(q)—

omit, insert—

- (q) for a person mentioned in section 155(2)(q)—the number of sites operated by the person with a facility that produces or processes biogas or biomethane; and

28 Amendment of sch 5 (Gas work licences and gas work authorisations)

Schedule 5, part 2, entry for gas work licence (hydrocarbon refrigerant), all the words in column 2—

omit, insert—

- (a) a current refrigerant handling licence of a type listed in the gas work requirements for the type of gas work licence; and
- (b) the required units of competency for the type of licence

29 Amendment of sch 6, pts 1 and 2

Schedule 6, parts 1 and 2—

omit, insert—

Part 1 Gas work licence and gas work authorisation fees

	\$
1 Application for gas work licence (Act, s 728A(b))	48.75
2 Annual fee for gas work licence (s 126(2))	32.45
3 Application for gas work authorisation (Act, s 728A(b))—	
(a) for a gas work authorisation (industrial appliances)	81.40
(b) for a gas work authorisation (major project)	2,454.00
(c) for a gas work authorisation (motor fuel)	81.40
(d) for a gas work authorisation (servicing)	81.40
4 Annual fee for gas work authorisation (s 126(2))—	
(a) for a gas work authorisation (industrial appliances)	48.75
(b) for a gas work authorisation (major project)	2,454.00
(c) for a gas work authorisation (motor fuel)	48.75
(d) for a gas work authorisation (servicing)	48.75
5 Replacement of gas work licence or gas work authorisation	48.75

Part 2 Other fees mentioned in 2004 Act

	\$
1 Application for gas quality approval (Act, s 622(2)(b))	398.80

- \$
- 2 Copy of a document or information held in the register of gas work licences and authorisations (Act, s 734AC(1)(c)) 15.55
- 30 Amendment of sch 6, pt 3, s 2 (Drilling wells)**
Schedule 6, part 3, section 2(1), ‘\$1,579’—
omit, insert—
\$1,606
- 31 Amendment of sch 6, pt 3, s 3 (Well completion or maintenance work)**
Schedule 6, part 3, section 3(1), ‘\$297.20’—
omit, insert—
\$302.30
- 32 Amendment of sch 6, pt 3, s 4 (Exploration)**
Schedule 6, part 3, section 4(1), ‘\$2.55’—
omit, insert—
\$2.60
- 33 Amendment of sch 6, pt 3, s 5 (Producing petroleum under a petroleum lease)**
Schedule 6, part 3, section 5(1), ‘\$1,628’—
omit, insert—
\$1,656
- 34 Amendment of sch 6, pt 3, s 6 (Petroleum facilities)**
(1) Schedule 6, part 3, section 6(1)(a) to (h)—
omit, insert—

- (a) for the operation of a major processing facility—\$13,870;
- (b) for the operation of a facility that produces syngas—\$6,933;
- (c) for the operation of a facility that produces a gasification or retorting product, other than mineral (f), produced by an underground gasification activity—\$6,933;
- (d) for the operation of a facility that produces LPG from petroleum—\$10,401;
- (e) for the operation of a facility that produces LNG, is not a major hazard facility under the *Work Health and Safety Regulation 2011* and must operate under a safety management system—\$10,401;
- (f) for the operation of a facility that produces CNG, is not a major hazard facility under the *Work Health and Safety Regulation 2011* and must operate under a safety management system—\$4,852;
- (g) for the operation of a facility that produces mineral (f) under an underground gasification activity—\$13,870;
- (h) for the operation of a facility on an area to which a petroleum facility licence applies that is not included in any of paragraphs (a) to (g)—\$13,870.

(2) Schedule 6, part 3, section 6(2)(a)(i), example—
omit, insert—

Example for subparagraph (i)—

If there is a facility that produces syngas and a facility that produces mineral (f) under an underground gasification activity and both facilities are operated at a single site under a single safety management system, the operator of the facilities is only required to pay a fee of \$13,870 rather than fees totalling \$20,803.

- (3) Schedule 6, part 3, section 6(2)(b)(i), example—

omit, insert—

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 \$13,870 rather than fees totalling \$24,271.

35 Amendment of sch 6, pt 3, s 7 (Facility used to carry out a GHG storage activity)

Schedule 6, part 3, section 7(1), ‘\$13,638’—

omit, insert—

\$13,870

36 Amendment of sch 6, pt 3, s 8 (Pipelines)

Schedule 6, part 3, section 8(1), ‘\$0.0003953’—

omit, insert—

\$0.0004020

37 Amendment of sch 6, pt 3, s 9 (Operating a distribution system)

Schedule 6, part 3, section 9, ‘\$207.00’—

omit, insert—

\$210.50

38 Amendment of sch 6, pt 3, s 10 (Non-automotive LPG delivery network)

- (1) Schedule 6, part 3, section 10(1)(a) to (c)—

omit, insert—

- (a) if the container index for the operator for the year is 10,000 or less—\$3,142; or

- (b) if the container index for the operator for the year is more than 10,000 but not more than 50,000—\$7,542; or
 - (c) otherwise—\$0.94 multiplied by the container index for the operator for the year.
- (2) Schedule 6, part 3, section 10(2), ‘\$682,022’—
omit, insert—
\$693,616

39 Amendment of sch 6, pt 3, s 11 (Product supplier of automotive LPG)

Schedule 6, part 3, section 11, ‘\$4.55’—
omit, insert—
\$4.65

40 Amendment of sch 6, pt 3, s 13 (Major consumer)

Schedule 6, part 3, section 13(a) to (c)—
omit, insert—

- (a) if the gas devices installed at the site have a total gas capacity of not more than 150GJ/hr—\$7,542;
- (b) if the gas devices installed at the site have a total gas capacity of more than 150GJ/hr but not more than 500GJ/hr—\$11,945;
- (c) if the gas devices installed at the site have a total gas capacity of more than 500GJ/hr—\$14,457.

41 Amendment of sch 6, pt 3, s 15 (Special effects gas system)

Schedule 6, part 3, section 15, ‘\$1,361’—

omit, insert—

\$1,384

42 Amendment of sch 6, pt 3, s 16 (Late fees)

Schedule 6, part 3, section 16(1) and (2)(a), ‘\$679’—

omit, insert—

\$691

43 Amendment of sch 7 (Dictionary)

Schedule 7—

insert—

biogas has the meaning given by ISO 20675 ‘Biogas—Biogas production, conditioning, upgrading and utilization—Terms, definitions and classification scheme’.

Examples of biogas—

- biogas derived from a waste disposal tip
- biogas derived during the treatment of sewage

biomethane has the meaning given by ISO 20675 ‘Biogas—Biogas production, conditioning, upgrading and utilization—Terms, definitions and classification scheme’.

Examples of biomethane—

- biomethane derived from a waste disposal tip
- biomethane derived during the treatment of sewage

ENDNOTES

- 1 Made by the Governor in Council on 17 June 2021.
- 2 Notified on the Queensland legislation website on 18 June 2021.
- 3 The administering agency is Resources Safety and Health Queensland.

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