



Queensland

Water Amendment Regulation (No. 1) 2012

Subordinate Legislation 2012 No. 73

made under the

Water Act 2000

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[s 1]

1 Short title

This regulation may be cited as the *Water Amendment Regulation (No. 1) 2012*.

2 Regulation amended

This regulation amends the *Water Regulation 2002*.

3 Amendment of pt 2A, hdg (Annual levy payable to commission—Act, section 360F)

Part 2A, heading, ‘payable to commission’—

omit, insert—

‘for water supply and demand management’.

4 Amendment of s 24A (Definitions for pt 2A)

Section 24A, definition *commission income statement*—

omit.

5 Insertion of new pt 2B

After part 2A—

insert—

‘Part 2B Annual levy for underground water management—Act, sections 360FA, 360FB and 360FC

‘Division 1 Preliminary

‘24E Purpose and explanation of pt 2B

‘(1) This part provides for an annual levy under section 360FA of the Act to fund the performance of the commission’s

functions under chapter 3 of the Act (the *chapter 3 functions*).

- ‘(2) This part provides for the apportionment of the total annual levy payable by all petroleum tenure holders to classes of petroleum tenure holders according to the proportion of the commission’s estimated costs attributable to the sub-blocks in the areas of petroleum tenures held by the holders.
- ‘(3) This part provides for the apportionment mentioned in subsection (2) by—
- (a) identifying the sub-blocks for which the commission carries out chapter 3 functions (which are called ‘relevant sub-blocks’), and classes of relevant sub-blocks (see section 24G); and
 - (b) providing for the apportionment of the commission’s estimated costs to each class of relevant sub-blocks, according to the proportion of the commission’s chapter 3 functions carried out in the financial year for the class of relevant sub-blocks (see section 24J(2)); and
 - (c) providing for the apportionment of the commission’s estimated costs apportioned to each class of relevant sub-blocks to each relevant sub-block equally, according to the number of relevant sub-blocks of that class existing on the relevant date for the financial year (see section 24J(3)); and
 - (d) providing for the amount of the total annual levy payable by a particular petroleum tenure holder according to the number of relevant sub-blocks of each class in the areas of the petroleum tenures held by the holder (see section 24K).

‘24F Definitions for pt 2B

‘In this part—

2010-2011 financial year means the financial year ending on 30 June 2011.

2011-2012 financial year means the financial year ending on 30 June 2012.

chapter 3 functions see section 24E(1).

class, for a relevant sub-block, see section 24H(2).

commission's estimated costs see section 24G.

relevant date means—

- (a) for the 2010-2011 financial year—1 July 2011; or
- (b) for the 2011-2012 financial year—1 July 2011; or
- (c) for another financial year—1 July of the financial year.

relevant sub-block see section 24H(1).

sub-block see the *Petroleum and Gas (Production and Safety) Act 2004*, section 29(2).

'24G Meaning of *commission's estimated costs*

'The *commission's estimated costs* for a financial year are the estimated costs of carrying out the commission's chapter 3 functions in the financial year, which—

- (a) for the 2010-2011 financial year—are \$3320000; or
- (b) for the 2011-2012 financial year—are \$4520000; or
- (c) for another financial year—are—
 - (i) prepared and approved and under section 360FA(5) of the Act; and
 - (ii) stated in the commission income statement for the financial year.

'24H Relevant sub-blocks and classes of relevant sub-blocks

- '(1) A sub-block is a *relevant sub-block* if—
 - (a) either—
 - (i) the sub-block is within a cumulative management area; or

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- (ii) the sub-block is outside a cumulative management area and the commission performs chapter 3 functions for the sub-block; and
 - (b) either—
 - (i) the sub-block is in the area of a petroleum lease; or
 - (ii) the sub-block is in an area that is—
 - (A) in the area of an authority to prospect, or an area to which an application for an authority to prospect applies; and
 - (B) in which gas field development is being, or is proposed to be, carried out.
 - ‘(2) For this part, relevant sub-blocks are divided into the following classes—
 - (a) relevant sub-blocks outside the cumulative management area;
 - (b) relevant sub-blocks within the cumulative management area that are used, or intended to be used, for conventional petroleum or gas production;
 - (c) relevant sub-blocks within the cumulative management area that are used, or intended to be used, for coal seam gas production.

- ‘(3) In this section—

authority to prospect means an authority to prospect under the *Petroleum and Gas (Production and Safety) Act 2004* or the *Petroleum Act 1923*.

coal seam gas production has the same meaning it has under the *Petroleum and Gas (Production and Safety) Act 2004*.

conventional petroleum or gas production means petroleum production, or gas production, that is not coal seam gas production.

gas field development means the development of an area for coal seam gas production, or conventional petroleum or gas production, for which the EIS process has been completed under the *Environmental Protection Act 1994*.

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Note—

See the *Environmental Protection Act 1994*, section 60 for when the EIS process is completed for a project.

petroleum lease means a petroleum lease under the *Petroleum and Gas (Production and Safety) Act 2004* or the *Petroleum Act 1923*.

‘Division 2 Working out annual levy

‘24I Amount of total annual levy

- ‘(1) The total annual levy must be based on a financial year.
- ‘(2) The total annual levy payable under section 360FA of the Act for a financial year is an amount up to the commission’s estimated costs for the financial year.

‘24J Apportionment of commission’s estimated costs to each relevant sub-block

- ‘(1) This section provides for the apportionment of the commission’s estimated costs for a financial year to each relevant sub-block.
- ‘(2) The commission must apportion the commission’s estimated costs to each class of relevant sub-blocks according to the proportion of the commission’s chapter 3 functions carried out in the financial year for the class of relevant sub-blocks.
- ‘(3) The commission must apportion the amount worked out under subsection (2) for a class of relevant sub-blocks to each relevant sub-block in that class equally, according to the number of relevant sub-blocks of that class existing on the relevant date for the financial year.

‘24K Apportionment of annual levy among petroleum tenure holders

- ‘(1) This section provides for the apportionment of the total annual levy payable by all petroleum tenure holders for a financial

year to classes of petroleum tenure holders according to the number of relevant sub-blocks in the areas of the petroleum tenures held by the petroleum tenure holders on the relevant date for the financial year.

- ‘(2) The total annual levy decided under section 24I must be apportioned among petroleum tenure holders as follows—
- (a) for a petroleum tenure holder who does not hold any relevant sub-blocks—nil;
 - (b) for each other petroleum tenure holder—according to the amount worked out by multiplying the number of relevant sub-blocks of each class in the areas of the petroleum tenures held by the holder on the relevant date by the amount worked out for each relevant sub-block of that class under section 24J(3).

‘Division 3 Collecting annual levy

‘24L Special provision for payment of annual levy for 2010-2011 financial year

‘For section 360FB(1)(b) of the Act, the annual levy for the 2010-2011 financial year payable by a petroleum tenure holder is to be paid over the three financial years after the 2010-2011 financial year in addition to the levy (if any) payable by the holder for those financial years.

‘24M Requirements for notice of annual levy

- ‘(1) This section applies if the annual levy payable by a petroleum tenure holder for a financial year is more than nil.
- ‘(2) The chief executive officer of the commission must give the petroleum tenure holder a notice about the annual levy payable by the holder for the financial year.
- ‘(3) If the chief executive officer of the commission must give a notice under subsection (2) for the 2010-2011 financial year and a later financial year, the chief executive officer may give one notice for both years.

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- ‘(4) The chief executive officer of the commission may give a notice to a petroleum tenure holder on a quarterly basis or at an interval decided by the chief executive officer (the *levy period*).
- ‘(5) The notice must state the following—
- (a) the number of each class of relevant sub-blocks to which the notice applies;
 - (b) the financial year to which the notice applies;
 - (c) the levy period to which the notice applies;
 - (d) the amount of the annual levy payable by the petroleum tenure holder for the levy period (*levy amount*);
 - (e) that the levy amount becomes payable on the day the notice is given;
 - (f) if the notice applies to the 2010-2011 financial year and a later financial year—the part of the levy amount payable for the 2010-2011 financial year;
 - (g) the day by which the levy amount must be paid (the *due date*);
 - (h) the way in which the levy amount must be paid;
 - (i) that if the levy amount is not paid by the due date, the State may, under section 360FA(7) of the Act, recover from the holder the amount as a debt.

‘24N Payment of annual levy

- ‘(1) The levy amount for a levy period becomes payable by a petroleum tenure holder on the day the holder is given a notice under section 24M for the levy period.
- ‘(2) The petroleum tenure holder must pay the levy amount—
- (a) within 30 days after the chief executive officer of the commission gives the holder the notice; and
 - (b) in the way stated in the notice.
- ‘(3) In this section—
- levy amount* see section 24M(5)(d).

levy period see section 24M(4).’.

6 Amendment of sch 17 (Dictionary)

Schedule 17—

insert—

‘*2010-2011 financial year*, for part 2B, see section 24F.

2011-2012 financial year, for part 2B, see section 24F.

chapter 3 functions, for part 2B, see section 24E(1).

class, for part 2B, see section 24H(2).

commission’s estimated costs, for part 2B, see section 24G.

commission income statement, for a financial year, means the commission’s income statement for the financial year as contained in the document called ‘Service Delivery Statement’ prepared by the commission and published in the State budget for the financial year.

Editor’s note—

A copy of the ‘Service Delivery Statement’ is available for inspection at <www.budget.qld.gov.au>.

relevant date, for part 2B, see section 24F.

relevant sub-block, for part 2B, see section 24H(1).

sub-block, for part 2B, see section 24F.’.

ENDNOTES

- 1 Made by the Governor in Council on 14 June 2012.
- 2 Notified in the gazette on 15 June 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Energy and Water Supply.