



Royalty Legislation Amendment Bill 2020



Queensland

Royalty Legislation Amendment Bill 2020

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2020

A Bill

for

An Act to amend the *Betting Tax Act 2018*, the *Judicial Review Act 1991*, the *Mineral Resources Act 1989*, the *Mineral Resources Regulation 2013*, the *Payroll Tax Act 1971*, the *Petroleum Act 1923*, the *Petroleum and Gas (Production and Safety) Act 2004*, the *Petroleum and Gas (Royalty) Regulation 2004*, the *Taxation Administration Act 2001* and the *Taxation Administration Regulation 2012* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Royalty Legislation Amendment Act 2020*. 4
5

Clause 2 Commencement 6

This Act commences on 1 October 2020. 7

Part 2 Amendment of Betting Tax Act 2018 8
9

Clause 3 Act amended 10

This part amends the *Betting Tax Act 2018*. 11

Clause 4 Amendment of s 56 (Application of particular refund amounts) 12
13

(1) Section 56— 14

insert— 15

(3A) However, subsections (2) and (3) do not prevent 16
the commissioner from holding the relevant 17
refund amount for any period, or applying the 18
amount for any purpose, at the betting operator's 19
request or with the betting operator's consent. 20

(2) Section 56(3A) to (6)— 21

renumber as section 56(4) to (7). 22

Part 3	Amendment of Judicial Review Act 1991	1 2
Clause 5	Act amended	3
	This part amends the <i>Judicial Review Act 1991</i> .	4
Clause 6	Amendment of s 3 (Definitions)	5
	Section 3—	6
	<i>insert—</i>	7
	<i>royalty</i> see the <i>Taxation Administration Act 2001</i> , schedule 2.	8 9
Clause 7	Amendment of sch 2 (Decisions for which reasons need not be given)	10 11
	(1) Schedule 2, section 15, after ‘impost,’—	12
	<i>insert—</i>	13
	or of royalty,	14
	(2) Schedule 2, section 16, after ‘impost’—	15
	<i>insert—</i>	16
	, or of royalty,	17
Part 4	Amendment of Mineral Resources Act 1989	18 19
Clause 8	Act amended	20
	This part amends the <i>Mineral Resources Act 1989</i> .	21

[s 9]

Clause 9	Omission of ch 11, pt 1, hdg (Payment of royalty)	1
	Chapter 11, part 1, heading—	2
	<i>omit.</i>	3
Clause 10	Insertion of new s 319	4
	Before section 320—	5
	<i>insert—</i>	6
	319 Relationship of chapter with Taxation Administration Act 2001	7 8
	(1) This chapter does not contain all the provisions about royalty payable under this Act.	9 10
	(2) The <i>Taxation Administration Act 2001</i> contains provisions dealing with, among other things, the following—	11 12 13
	(a) assessments of royalty;	14
	(b) payments and refunds of royalty;	15
	(c) imposition of interest and penalties;	16
	(d) objections to particular decisions relating to royalty, and appeals against, or reviews of, decisions on the objections;	17 18 19
	(e) record keeping obligations;	20
	(f) investigative powers, offences, legal proceedings and evidentiary matters;	21 22
	(g) service of documents.	23
	<i>Note—</i>	24
	Under the <i>Taxation Administration Act 2001</i> , section 3, that Act and the provisions of this Act that are a revenue law must be read together as if they together formed a single Act.	25 26 27 28

Clause 11	Amendment of s 320 (Royalty return and payment)	1
(1)	Section 320(8), ‘Minister may in the Minister’s discretion’—	2
	<i>omit, insert—</i>	3
	revenue commissioner may, in the revenue	4
	commissioner’s discretion,	5
(2)	Section 320—	6
	<i>insert—</i>	7
	(9) Also, a regulation may provide that, for the	8
	purpose of calculating royalty payable under this	9
	chapter, the mining of minerals under 1 or more	10
	authorities is, in stated circumstances, taken to be	11
	1 mining operation.	12
Clause 12	Amendment of s 321A (Regulation may impose civil penalties)	13
	Section 321A—	14
	<i>insert—</i>	15
	(4) The regulation may include provision for the	16
	revenue commissioner to remit the whole or part	17
	of the civil penalty.	18
	(5) For the <i>Taxation Administration Act 2001</i> , section	19
	59, a civil penalty is declared to be a penalty tax.	20
		21
Clause 13	Amendment of s 324 (Utilisation of security deposit towards royalty payments)	22
(1)	Section 324(1), ‘(as determined by the Minister pursuant to	23
	section 320(8))’—	24
	<i>omit.</i>	25
		26
(2)	Section 324(1), ‘Minister or, as the case may be, the chief	27
	executive’—	28
	<i>omit, insert—</i>	29
	revenue commissioner	30

[s 14]

Clause 14	Amendment and relocation of s 327A (Minister may require royalty estimate)	1 2
	(1) Section 327A, heading, ‘Minister’—	3
	<i>omit, insert—</i>	4
	Revenue commissioner	5
	(2) Section 327A(1), ‘Minister’—	6
	<i>omit, insert—</i>	7
	revenue commissioner	8
	(3) Section 327A—	9
	<i>relocate</i> to after section 325.	10
Clause 15	Omission of ch 11, pts 2–4	11
	Chapter 11, parts 2 to 4—	12
	<i>omit.</i>	13
Clause 16	Amendment of s 386O (Place or way for making applications, giving, filing, forwarding or lodging documents or making submissions)	14 15 16
	Section 386O(1A), ‘chapter 11, part 3, division 9’—	17
	<i>omit, insert—</i>	18
	the <i>Taxation Administration Act 2001</i> , part 11, division 2	19 20
Clause 17	Amendment of s 398 (Delegation by Minister and chief executive)	21 22
	Section 398—	23
	<i>insert—</i>	24
	<i>Note—</i>	25
	The <i>Taxation Administration Act 2001</i> , section 10 provides for the delegation of the revenue	26 27

	commissioner’s powers under a tax law, which includes particular provisions of this Act.	1 2
Clause 18	Amendment of s 412 (Offences and recovery of penalties etc.)	3 4
	(1) Section 412—	5
	<i>insert—</i>	6
	(2A) The <i>Taxation Administration Act 2001</i> , section 45 provides for the payment and recovery of royalty and related amounts payable to the State under this Act.	7 8 9 10
	(2B) If a person (the <i>payer</i>) does not pay an amount of royalty payable by the payer to another person (the <i>payee</i>) under section 320(3)(b), the payee may recover from the payer the unpaid amount as a debt.	11 12 13 14 15
	(2) Section 412(3), ‘moneys’—	16
	<i>omit, insert—</i>	17
	other amounts	18
	(3) Section 412(2A) to (3)—	19
	<i>renumber</i> as section 412(3) to (5).	20
Clause 19	Amendment of s 412A (Liability of executive officer— particular offences committed by company)	21 22
	Section 412A(5), definition <i>executive liability provision</i> , from ‘• section 326D(1)’ to ‘• section 334C(1)’—	23 24
	<i>omit.</i>	25
Clause 20	Amendment of s 412B (Executive officer may be taken to have committed offence)	26 27
	(1) Section 412B(4)—	28
	<i>omit.</i>	29

[s 21]

- (2) Section 412B(5)— 1
renumber as section 412B(4). 2

Clause 21 Amendment of s 416A (Approval of forms) 3

- (1) Section 416A(1)— 4
omit, insert— 5
- (1) The chief executive may approve forms for use 6
under a provision of this Act other than a royalty 7
provision. 8
- (1A) The revenue commissioner may approve forms 9
for use under a royalty provision. 10
- (2) Section 416A— 11
insert— 12
- (3) In this section— 13
royalty provision means a provision of this Act 14
that is a revenue law under the *Taxation* 15
Administration Act 2001. 16
- (3) Section 416A(1A) to (3)— 17
renumber as section 416A(2) to (4). 18

Clause 22 Amendment of s 417 (Regulation-making power) 19

- Section 417(2)— 20
insert— 21
- (ma) a matter for which, under the *Taxation* 22
Administration Act 2001, a regulation under 23
this Act may make provision; 24

Clause 23 Insertion of new ch 15, pt 20 25

- Chapter 15— 26
insert— 27

Part 20	Transitional provisions for Royalty Legislation Amendment Act 2020	1 2 3
885 Definitions for part		4
	In this part—	5
	<i>amending Act</i> means the <i>Royalty Legislation Amendment Act 2020</i> .	6 7
	<i>former</i> , for a provision, means the provision as in force from time to time before the commencement.	8 9 10
	<i>post-commencement liability</i> means a liability for royalty, or tax under the <i>Taxation Administration Act 2001</i> relating to royalty, other than a pre-commencement liability.	11 12 13 14
	<i>pre-commencement liability</i> means a liability for a royalty-related amount arising before the commencement.	15 16 17
886 Application of Taxation Administration Act 2001 to liability for royalty-related amounts		18 19
	The <i>Taxation Administration Act 2001</i> applies in relation to a liability for royalty or a royalty-related amount, whether arising before or after the commencement, except to the extent provided in this part.	20 21 22 23 24
887 This Act as revenue law for Taxation Administration Act 2001		25 26
(1)	This section provides for how the <i>Taxation Administration Act 2001</i> applies to this Act, in relation to particular liabilities, acts and omissions, to the extent this Act is a revenue law under the <i>Taxation Administration Act 2001</i> .	27 28 29 30 31

[s 23]

- Note—* 1
- See the *Taxation Administration Act 2001*, section 6(6) 2
and (7). 3
- (2) The following provisions of the *Taxation 4
Administration Act 2001* do not apply in relation 5
to a pre-commencement liability— 6
- (a) part 3; 7
- (b) sections 30 to 33; 8
- (c) part 5, divisions 1 and 2; 9
- (d) section 132. 10
- (3) To remove any doubt, it is declared that the 11
Taxation Administration Act 2001 applies in 12
relation to an act or omission after the 13
commencement even if the act or omission relates 14
to a pre-commencement liability. 15
- Example—* 16
- After the commencement on 1 October 2020, during an 17
audit relating to the annual royalty return period from 1 18
July 2019 to 30 June 2020, a royalty payer failed to 19
provide information as required under a notice given 20
under the *Taxation Administration Act 2001*, section 87. 21
The failure to comply with the requirement is an 22
omission after the commencement, even though it 23
relates to a pre-commencement liability. 24
- (4) However, the *Taxation Administration Act 2001*, 25
section 132 does not apply to an act or omission 26
after the commencement relating to a 27
pre-commencement liability. 28
- (5) For the purpose of applying the *Taxation 29
Administration Act 2001*, part 4 in relation to a 30
pre-commencement liability or an act or omission 31
after the commencement relating to a 32
pre-commencement liability— 33
- (a) a reference in the *Taxation Administration 34
Act 2001*, section 41 or 42 to an assessment 35

-
- liability includes a pre-commencement liability; and 1
2
- (b) a reference in the *Taxation Administration Act 2001*, section 42 to primary tax does not include an amount under a former provision of this Act that is a royalty penalty amount, unpaid royalty interest, civil penalty or fee prescribed by regulation that must accompany a royalty return; and 3
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- (c) a reference in the *Taxation Administration Act 2001*, section 29 to an amount payable under a tax law includes a royalty-related amount under a former provision of this Act; and 10
11
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14
- (d) a reference in the *Taxation Administration Act 2001*, section 37(1)(a) to a reassessment includes a reassessment, after the commencement, under a former provision of this Act; and 15
16
17
18
19
- (e) a reference in the *Taxation Administration Act 2001*, section 37(1)(b) to a notice includes a notice given, after the commencement, under a former provision of this Act; and 20
21
22
23
24
- (f) a reference in the *Taxation Administration Act 2001*, section 46 to a reassessment includes a reassessment, after the commencement, under a former provision of this Act; and 25
26
27
28
29
- (g) a notice given before the commencement under former section 333J is taken to have been given under the *Taxation Administration Act 2001*, section 48; and 30
31
32
33
- (h) a notice given before the commencement under former section 333L is taken to have been given under the *Taxation Administration Act 2001*, section 50. 34
35
36
37
-

[s 23]

- (6) A reference in the *Taxation Administration Act 2001*, section 131 to an assessment includes an assessment under former chapter 11. 1
2
3
- (7) Subsection (3) applies subject to subsection (8). 4
- (8) To the extent this Act applies to an act or omission after the commencement relating to a pre-commencement liability, the *Taxation Administration Act 2001*, section 136 applies subject to section 412 of this Act. 5
6
7
8
9
- (9) If, under this section, a provision of the *Taxation Administration Act 2001* relating to a particular matter applies to this Act and a royalty provision of this Act relates to the same matter, this Act does not apply to the matter. 10
11
12
13
14
- (10) In this section— 15
royalty provision, of this Act, means a provision of this Act that is a revenue law under the *Taxation Administration Act 2001*. 16
17
18

888 References in Taxation Administration Act 2001 19
20

For the purpose of this part, unless the context otherwise requires— 21
22

- (a) a reference in the *Taxation Administration Act 2001* to a tax law includes former chapter 11; and 23
24
25
- (b) a reference in the *Taxation Administration Act 2001* to a tax law liability includes a liability for a royalty-related amount under a former provision of this Act; and 26
27
28
29
- (c) a reference in the *Taxation Administration Act 2001* to an assessment or reassessment includes an assessment or reassessment under a former provision of this Act; and 30
31
32
33

(d)	a reference in the <i>Taxation Administration Act 2001</i> to unpaid tax interest includes unpaid royalty interest under a former provision of this Act; and	1 2 3 4
(e)	a reference in the <i>Taxation Administration Act 2001</i> to penalty tax includes a royalty penalty amount under a former provision of this Act; and	5 6 7 8
(f)	a reference in the <i>Taxation Administration Act 2001</i> to a civil penalty includes a civil penalty under former chapter 11; and	9 10 11
(g)	a reference in the <i>Taxation Administration Act 2001</i> to a royalty fee includes a prescribed fee under a former provision of this Act that was required to accompany a royalty return.	12 13 14 15 16
889	Application of Taxation Administration Act 2001, s 38 (Applying amounts to current and future tax liabilities)	17 18 19
	An amount relating to a post-commencement liability may be applied under the <i>Taxation Administration Act 2001</i> , section 38 as payment for a pre-commencement liability.	20 21 22 23
890	Application of Taxation Administration Act 2001, s 138 (Second or subsequent offence)	24 25
(1)	For applying the <i>Taxation Administration Act 2001</i> , section 138 to this Act, the reference in subsection (1)(b) of that section to a further offence is a reference to an offence committed on or after the commencement.	26 27 28 29 30
(2)	If the <i>Taxation Administration Act 2001</i> , section 138(1)(a) applies for an offence against a former provision of this Act that was repealed by the amending Act, the reference in subsection (1)(b)	31 32 33 34

[s 23]

of that section to a further offence against the 1
provision includes a reference to an offence 2
against a provision of this Act or the *Taxation* 3
Administration Act 2001 that corresponds to the 4
former provision. 5

**891 Application of ch 11, pt 3 (Royalty 6
administration) 7**

- (1) Former chapter 11, part 3 and provisions of this 8
Act relating to that part apply to an assessment or 9
reassessment of a pre-commencement liability. 10
- (2) The provisions mentioned in subsection (1) apply 11
as if a reference in the provisions to the Minister 12
were a reference to the revenue commissioner. 13

892 Proceedings for particular offences 14

- (1) This section applies in relation to an offence 15
against former section 412A, committed by a 16
person before the commencement, that related to 17
an offence against former section 326D(1), 18
333B(1), 333C(1), 333D(1) or 334C(1). 19
- (2) Without limiting the *Acts Interpretation Act 1954*, 20
section 20, a proceeding for the offence may be 21
continued or started, and the person may be 22
convicted of and punished for the offence, as if 23
the amending Act had not commenced. 24
- (3) Subsection (2) applies despite the Criminal Code, 25
section 11. 26

**893 Revenue commissioner may do particular 27
things 28**

For the purpose of this part, the revenue 29
commissioner may do anything the Minister 30
could do under a former provision of this Act 31
before the commencement. 32

894 Delegations	1
(1) This section applies if—	2
(a) immediately before the commencement, a delegation of a function or power from the Minister to a person was in force under this Act; and	3 4 5 6
(b) under this Act or the <i>Taxation Administration Act 2001</i> , the revenue commissioner may delegate the function or power.	7 8 9 10
(2) The delegation continues to have effect from the commencement as if it had been made by the revenue commissioner.	11 12 13
895 References to Minister	14
In an Act or document, a reference to the Minister in relation to former chapter 11, or a provision relating to former chapter 11, is, if the context permits, taken to be a reference to the revenue commissioner.	15 16 17 18 19
896 Royalty investigators	20
(1) This section applies to a person who, immediately before the commencement, held an appointment as a royalty investigator.	21 22 23
(2) The person continues as an investigator under the <i>Taxation Administration Act 2001</i> on the same terms of appointment that applied to the person immediately before the commencement.	24 25 26 27
(3) The identity card held by the person under former section 333U is taken to be an identity card issued under the <i>Taxation Administration Act 2001</i> , section 82.	28 29 30 31

[s 23]

897 Application of former regulation provisions to particular matters	1 2
(1) Former sections 63C, 65 and 70 of the <i>Mineral Resources Regulation 2013</i> apply in relation to a pre-commencement liability.	3 4 5
(2) Former chapter 3, part 5, division 3, subdivision 3 of the <i>Mineral Resources Regulation 2013</i> applies in relation to—	6 7 8
(a) a gross value royalty decision made before the commencement; and	9 10
(b) an amendment of a gross value royalty decision made before the commencement; and	11 12 13
(c) an application made under former section 67 of the regulation, but not decided, before the commencement.	14 15 16
898 Transitional regulation-making power	17
(1) A regulation (a <i>transitional regulation</i>) may make provision of a saving or transitional nature about any matter—	18 19 20
(a) for which it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the former provisions of this Act and the <i>Mineral Resources Regulation 2013</i> to the provisions of this Act, the regulation and the <i>Taxation Administration Act 2001</i> as in force from the commencement; and	21 22 23 24 25 26 27 28
(b) for which this Act or a regulation does not make provision or sufficient provision.	29 30
(2) A transitional regulation may have retrospective operation to a day that is not earlier than the day this section commences.	31 32 33
(3) A transitional regulation must declare it is a	34

	transitional regulation.	1
	(4) This section and any transitional regulation expire 2 years after this section commences.	2 3
Clause 24	Amendment of sch 2 (Dictionary)	4
(1)	Schedule 2, definitions <i>administrator, assessment, assessment notice, confidential information, default assessment, garnishee, garnishee amount, garnishee notice, liable person, original assessment, public official, reassessment, royalty investigator, royalty penalty amount, royalty provision, royalty-related amount</i> and <i>unpaid royalty interest</i> —	5 6 7 8 9 10
	<i>omit.</i>	11
(2)	Schedule 2—	12
	<i>insert</i> —	13
	<i>mining operation</i> , for chapter 11, means the mining of minerals that, for the purpose of calculating royalty payable under chapter 11, is taken to be 1 mining operation by force of—	14 15 16 17
	(a) a determination under section 320(8); or	18
	(b) a regulation under section 320(9).	19
	<i>revenue commissioner</i> means the commissioner under the <i>Taxation Administration Act 2001</i> .	20 21
(3)	Schedule 2, definition <i>give</i> , ‘other than under a royalty provision,’—	22 23
	<i>omit.</i>	24
Part 5	Amendment of Mineral Resources Regulation 2013	25 26
Clause 25	Regulation amended	27
	This part amends the <i>Mineral Resources Regulation 2013</i> .	28

[s 26]

Clause 26	Amendment of s 32 (Definitions for ch 3)	1
	Section 32, definition <i>mining operation</i> —	2
	<i>omit.</i>	3
Clause 27	Insertion of new s 32A	4
	After section 32—	5
	<i>insert</i> —	6
	32A Mining operation—Act, s 320	7
	(1) This section is made under section 320(9) of the Act.	8 9
	(2) For the purpose of calculating royalty payable under chapter 11 of the Act—	10 11
	(a) the mining of minerals under 1 authority is taken to be 1 mining operation; and	12 13
	(b) the mining of minerals under 2 or more authorities is taken to be 1 mining operation if—	14 15 16
	(i) the authorities are held by the same person or by 2 or more persons who are relevant entities for each other; and	17 18 19
	(ii) any stage of the mining is carried out by using a common mining facility.	20 21
Clause 28	Insertion of new s 33A	22
	After section 33—	23
	<i>insert</i> —	24
	33A Lodgement with revenue commissioner	25
	A royalty return must be lodged with the revenue commissioner.	26 27

Clause 29	Amendment of s 35 (Period to which a royalty return must relate)	1 2
	(1) Section 35—	3
	<i>insert—</i>	4
	(2A) Also, at a person’s request or with a person’s agreement, the revenue commissioner may decide that, for a mining operation to which subsection (1)(b) applies, a royalty return required to be lodged by the person must relate to a calendar quarter.	5 6 7 8 9 10
	(2) Section 35(3), after ‘subsection (2)(a) or (b)’—	11
	<i>insert—</i>	12
	or (3)	13
	(3) Section 35(3)(c), after ‘gives the person the notice’—	14
	<i>insert—</i>	15
	unless the person agrees otherwise	16
	(4) Section 35(2A) to (4)—	17
	<i>renumber</i> as section 35(3) to (5).	18
Clause 30	Amendment of s 36 (When royalty return must be lodged)	19
	Section 36(5) to (7)—	20
	<i>omit.</i>	21
Clause 31	Amendment of s 37 (Minister may require royalty return to be lodged on particular day)	22 23
	(1) Section 37(1), ‘mentioned in section 36(2), (3) or (5)’—	24
	<i>omit, insert—</i>	25
	‘by which it must be lodged under section 36’.	26
	(2) Section 37(3) and (4)—	27
	<i>omit.</i>	28

[s 32]

Clause 32	Insertion of new s 37A	1
	After section 37—	2
	<i>insert—</i>	3
	37A Fee for failing to lodge royalty return on time	4
	(1) If a person is required to lodge a royalty return and does not lodge the return by the day it is required to be lodged, the person must pay the prescribed fee.	5 6 7 8
	(2) For the <i>Taxation Administration Act 2001</i> , section 30(1)(d), the time by which the fee is payable is the day the assessment is made of the royalty payable for the period to which the return relates.	9 10 11 12
	(3) The revenue commissioner may remit the whole or part of the fee.	13 14
	(4) The remission must be made by assessment under the <i>Taxation Administration Act 2001</i> .	15 16
Clause 33	Amendment of s 38 (No royalty return required in particular circumstances)	17 18
	Section 38(2)—	19
	<i>omit, insert—</i>	20
	(2) However, subsection (1) does not apply in relation to the lodgement of a royalty return by a person if—	21 22 23
	(a) under section 35(2)(b) or (3), the revenue commissioner has decided a royalty return required under the Act to be lodged by the person must relate to a calendar quarter; or	24 25 26 27
	(b) the revenue commissioner gives the person a notice requiring the person to lodge a royalty return for the return period.	28 29 30
	(3) The revenue commissioner may give a person a notice under subsection (2)(b) if the revenue	31 32

commissioner considers that, for the protection of
the public revenue, a royalty return should be
lodged for the return period.

- Clause 34 Amendment of s 38A (Returns required for coal seam gas)**
- (1) Section 38A(4) and (6)—
omit.
- (2) Section 38A(7), ‘or an annual royalty return’—
omit.
- (3) Section 38A(5) and (7)—
renumber as section 38A(4) and (5).
- Clause 35 Amendment of s 39 (When royalty payable—yearly return period)**
- Section 39, ‘The royalty payable’—
omit, insert—
- Under the *Taxation Administration Act 2001*,
section 30(1), the royalty payable
- Clause 36 Insertion of new s 39A**
- After section 39—
insert—
- 39A When royalty payable to person other than the State—quarterly return period**
- (1) This section applies to royalty payable under section 320(3)(b) of the Act, to a person other than the State, for a return period that is a quarterly return period.
- (2) The royalty is payable on the day the royalty return must be lodged for the return period.

[s 37]

Clause 37	Amendment of s 40 (When and how royalty payable—quarterly return period)	1 2
(1)	Section 40(1), ‘section 41’— <i>omit, insert—</i> sections 39A and 41	3 4 5
(2)	Section 40(1)(c), before ‘instalment 3’— <i>insert—</i> under the <i>Taxation Administration Act 2001</i> , section 30(1)(a),	6 7 8 9
(3)	Section 40(3), note— <i>omit.</i>	10 11
Clause 38	Amendment of s 41 (Quarterly payment notice)	12
	Section 41(1)— <i>omit, insert—</i>	13 14
(1)	If the revenue commissioner considers it appropriate, the revenue commissioner may, by notice (a <i>quarterly payment notice</i>) given to a person, state that the time royalty is payable by the person for a quarterly return period is the day the royalty return must be lodged for the period instead of an earlier time under section 40(1)(a) or (b).	15 16 17 18 19 20 21 22
Clause 39	Amendment of s 42 (Working out monthly payments for quarterly return period generally)	23 24
(1)	Section 42(2)(a) and (b), ‘assessment under section 331A of the Act, and any reassessment under section 331B of the Act,’— <i>omit, insert—</i> assessment under the <i>Taxation Administration Act 2001</i>	25 26 27 28 29 30

-
- (2) Section 42, example, ‘Minister under section 331B of the Act’— 1
2
omit, insert— 3
revenue commissioner under the *Taxation* 4
Administration Act 2001 5

Clause 40 Amendment of s 46 (Royalty payable) 6

- (1) Section 46, after ‘minerals’— 7
insert— 8
, other than coal seam gas, 9
- (2) Section 46— 10
insert— 11
- (2) The royalty payable under the Act for coal seam 12
gas produced in a return period is the royalty rate 13
stated in schedule 3, part 2, section 7. 14

Clause 41 Amendment of s 47 (Particular royalties payable on adjustment basis) 15
16

- (1) Section 47(3), note— 17
omit. 18
- (2) Section 47(4), ‘, in the way mentioned in the Act, section 19
332AA(2)’— 20
omit, insert— 21
under the *Taxation Administration Act 2001*, part 22
4, division 2 23

Clause 42 Amendment of s 48 (Royalty on stocks of mineral for mining operation that has ended) 24
25

- (1) Section 48(1)(b), after ‘minerals’— 26
insert— 27

[s 43]

	, other than coal seam gas,	1
(2)	Section 48(1)(c), after ‘minerals’— <i>insert</i> —	2 3
	mentioned in paragraph (b)	4
(3)	Section 48(3)— <i>omit</i> .	5 6
(4)	Section 48(4), ‘, other than coal seam gas,’— <i>omit</i> .	7 8
Clause 43	Omission of s 53 (Value of coal seam gas)	9
	Section 53— <i>omit</i> .	10 11
Clause 44	Amendment of s 54 (Value of minerals other than coal seam gas)	12 13
(1)	Section 54, heading, from ‘other’— <i>omit</i> .	14 15
(2)	Section 54(1), ‘other than coal seam gas’— <i>omit</i> .	16 17
Clause 45	Amendment of ch 3, pt 5, hdg (Working out gross values of minerals other than coal seam gas)	18 19
	Chapter 3, part 5, heading, from ‘other’— <i>omit</i> .	20 21
Clause 46	Amendment of s 63 (Gross value royalty decisions)	22
(1)	Section 63(5)(e), note— <i>omit, insert</i> —	23 24

	<i>Note—</i>	1
	For reassessment of royalty payable, see subdivision 4 and the <i>Taxation Administration Act 2001</i> , part 3, division 3.	2 3 4
(2)	Section 63(5)—	5
	<i>insert—</i>	6
	(f) how the holder may object to the decision.	7
	<i>Note—</i>	8
	For objections against gross value royalty decisions, see the <i>Taxation Administration Act 2001</i> , section 63A.	9 10
(3)	Section 63—	11
	<i>insert—</i>	12
	(6) Despite section 59, the revenue commissioner can not be compelled to make a gross value royalty decision for a mineral for a return period, to the extent the decision would decrease the gross value taken to apply for the mineral, if royalty was payable for the return period.	13 14 15 16 17 18
	(7) For the <i>Taxation Administration Act 2001</i> , section 75, a decision of the revenue commissioner mentioned in subsection (6) not to make a gross value royalty decision is a non-reviewable decision.	19 20 21 22 23
Clause 47	Replacement of s 63C (Minister must reassess amount of royalty payable if particular expired gross value royalty decisions used)	24 25 26
	Section 63C—	27
	<i>omit, insert—</i>	28
	63C Revenue commissioner must reassess amount of royalty payable if particular expired gross value royalty decisions used	29 30 31
	(1) This section applies if—	32

[s 48]

	(a) the revenue commissioner makes the new decision mentioned in section 63B(1); and	1 2
	(b) the new decision applies for a return period starting during the period mentioned in section 63B(2); and	3 4 5
	(c) the revenue commissioner has made an assessment under the <i>Taxation Administration Act 2001</i> of the amount of royalty payable by the holder for the mineral for the return period without having regard to the new decision.	6 7 8 9 10 11
	(2) The revenue commissioner must reassess, under the <i>Taxation Administration Act 2001</i> , the amount of royalty payable by the holder for the mineral for the return period having regard to the new decision.	12 13 14 15 16
	<i>Note—</i>	17
	See the <i>Taxation Administration Act 2001</i> , part 4 for the revenue commissioner’s obligation to refund any excess amount on the making of the reassessment.	18 19 20
	(3) For the <i>Taxation Administration Act 2001</i> , section 23(b), it is declared that the limitation period does not apply to the making of the reassessment.	21 22 23
	(4) Subsection (5) applies if, on the reassessment, the holder for the mineral is liable for penalty tax, unpaid tax interest or a civil penalty (each a <i>relevant liability</i>).	24 25 26 27
	(5) The revenue commissioner must remit the relevant liability to the extent it is payable only because of the operation of subsection (2).	28 29 30
Clause 48	Amendment of s 64 (Obligation to notify incorrect gross value royalty decision)	31 32
	(1) Section 64(2), ‘60 days’—	33
	<i>omit, insert—</i>	34

	30 days	1
(2)	Section 64(2), penalty—	2
	<i>omit.</i>	3
(3)	Section 64(2)—	4
	<i>insert—</i>	5
	<i>Note—</i>	6
	In relation to a failure to comply with a requirement under this section, see the <i>Taxation Administration Act</i> <i>2001</i> , sections 120 and 121.	7 8 9
Clause 49	Amendment of s 65 (Minister may amend gross value royalty decision)	10 11
	Section 65(5) and (6)—	12
	<i>omit, insert—</i>	13
	(5) Despite subsection (4), the revenue commissioner may, at any time, amend an earlier decision for a mineral applying for a return period as follows—	14 15 16
	(a) the earlier decision may be amended in a way that decreases the gross value of the mineral if, within 5 years after the day that royalty became payable for the return period, the holder applied for an amended gross value royalty decision;	17 18 19 20 21 22
	(b) the earlier decision may be amended in a way that increases the gross value of the mineral if, within 5 years after the day that royalty became payable for the return period, the revenue commissioner gave the holder—	23 24 25 26 27 28
	(i) a notice informing the holder that an investigation into the holder's liability for royalty has started under the <i>Taxation Administration Act 2001</i> , part 7 or a recognised law; or	29 30 31 32 33

[s 49]

- (ii) a notice under subsection (2); 1
- (c) the earlier decision may be amended in a 2
way that increases the gross value of the 3
mineral if the revenue commissioner 4
reasonably believes— 5
 - (i) there has been fraud or evasion of 6
royalty; or 7
 - (ii) the holder for the mineral, or a person 8
acting for the holder, has knowingly 9
misled the revenue commissioner, or 10
caused the revenue commissioner to be 11
misled, about the value of the mineral, 12
including, for example, by giving, 13
omitting or changing information or 14
documents; 15
- (d) if an appeal against, or review of, the earlier 16
decision has started, the earlier decision 17
may be amended, with the holder’s 18
agreement, before a decision is made on the 19
appeal or review. 20
- (6) Subsection (2) does not apply to an amendment of 21
an earlier decision mentioned in subsection (5)(d). 22
- (7) The revenue commissioner can not be compelled 23
to amend an earlier decision, to the extent the 24
amendment would decrease the gross value 25
applying for a mineral under the decision for a 26
return period, if royalty was payable for the return 27
period. 28
- (8) For the *Taxation Administration Act 2001*, section 29
75, a decision of the revenue commissioner not to 30
make an amendment mentioned in subsection (7) 31
is a non-reviewable decision. 32
- (9) The revenue commissioner may amend an earlier 33
decision even if an objection or appeal against, or 34
review of, the earlier decision has started but not 35
yet been decided. 36

	<i>Note—</i>	1
	For objections, reviews and appeals relating to gross value royalty decisions, see the <i>Taxation Administration Act 2001</i> , part 6.	2 3 4
Clause 50	Amendment of s 66 (Notice of amendment)	5
	(1) Section 66(e), note—	6
	<i>omit, insert—</i>	7
	<i>Note—</i>	8
	For reassessment of royalty payable, see subdivision 4 and the <i>Taxation Administration Act 2001</i> , part 3, division 3.	9 10 11
	(2) Section 66—	12
	<i>insert—</i>	13
	(f) how the holder may object to the decision.	14
	<i>Note—</i>	15
	For objections against amendments of gross value royalty decisions, see the <i>Taxation Administration Act 2001</i> , section 63A.	16 17 18
Clause 51	Omission of ch 3, pt 5, div 3, sdiv 3 (Review of gross value royalty decisions)	19 20
	Chapter 3, part 5, division 3, subdivision 3—	21
	<i>omit.</i>	22
Clause 52	Replacement of s 70 (Minister must reassess amount of particular royalty payable)	23 24
	Section 70—	25
	<i>omit, insert—</i>	26
	70 Revenue commissioner must reassess amount of particular royalty payable	27 28
	(1) This section applies if—	29

[s 52]

- (a) a gross value royalty decision (the *unamended decision*), or an amendment under section 65 of a gross value royalty decision, applies for a mineral for an earlier return period; and
- (b) the revenue commissioner has made an assessment under the *Taxation Administration Act 2001* of the amount of royalty payable for the mineral by the holder for the period without having regard to the unamended decision or the amendment.
- (2) The revenue commissioner must reassess, under the *Taxation Administration Act 2001*, part 3 division 3—
- (a) for an unamended decision—the amount of royalty payable for the mineral by the holder for each earlier return period to which the unamended decision applies; or
- (b) for an amendment of a gross value royalty decision—the amount of royalty payable for the mineral by the holder for each earlier return period to which the amendment applies.
- Note—*
- See the *Taxation Administration Act 2001*, section 18(b).
- (3) For the *Taxation Administration Act 2001*, section 23(b)(ii), it is declared that the limitation period does not apply to—
- (a) a reassessment required under subsection (2)(a) for a return period that decreases the holder's liability for royalty, if the holder applies for a gross value royalty decision under section 60 within 5 years of royalty becoming payable for the return period; or

	(b) a reassessment required under subsection (2)(a) for a return period that increases the holder's liability for royalty, if the revenue commissioner gives notice under section 61(3), within 5 years of royalty becoming payable for the return period, informing the holder that the revenue commissioner proposes to make a gross value royalty decision; or	1 2 3 4 5 6 7 8 9
	(c) a reassessment required under subsection (2)(b).	10 11
Clause 53	Amendment of s 77 (Imposition—Act, s 321A)	12
	(1) Section 77(5)—	13
	<i>omit, insert—</i>	14
	(5) Subsection (6) applies if, for royalty payable for the current return period, an assessment is made under the <i>Taxation Administration Act 2001</i> .	15 16 17
	(2) Section 77(6)(a), 'or reassessment'—	18
	<i>omit.</i>	19
	(3) Section 77—	20
	<i>insert—</i>	21
	(7A) The remission must be made by assessment under the <i>Taxation Administration Act 2001</i> .	22 23
	(4) Section 77(7A) and (8)—	24
	<i>renumber</i> as section 77(8) and (9).	25
Clause 54	Omission of ss 78 and 79	26
	Sections 78 and 79—	27
	<i>omit.</i>	28

[s 55]

Clause 55	Replacement of ss 80 and 81	1
	Sections 80 and 81—	2
	<i>omit, insert—</i>	3
	81 Unpaid tax interest on royalty—Taxation Administration Act 2001, s 54	4
		5
	(1) For the <i>Taxation Administration Act 2001</i> , section 54(9), this section provides for working out the period for which unpaid tax interest accrues if—	6
		7
		8
	(a) royalty is payable by a person to the State under section 40(1) for a quarterly return period; and	9
		10
		11
	(b) the person has not paid all of the amount payable for instalment 1, instalment 2 or instalment 3 as required under section 40.	12
		13
		14
	(2) If instalment 1 or instalment 2 is not paid in full by the day required under section 40, unpaid tax interest accrues on the amount unpaid from time to time, for the period—	15
		16
		17
		18
	(a) starting on, and including, the day after the day the instalment is required to be paid; and	19
		20
		21
	(b) ending on, and including, the earlier of the following days—	22
		23
	(i) the day the instalment is paid in full;	24
	(ii) the lodgement day.	25
	(3) If the royalty payable for the quarterly return period is not paid in full on the lodgement day, unpaid tax interest accrues on the total amount unpaid, from time to time, for the period—	26
		27
		28
		29
	(a) starting on, and including, the day after the lodgement day; and	30
		31
	(b) ending on, and including, the day the total amount is paid in full.	32
		33

	(4) In this section—	1
	<i>lodgement day</i> means the day a royalty return must be lodged for the quarterly return period, disregarding any extension given under the <i>Taxation Administration Act 2001</i> , section 151.	2 3 4 5
	<i>unpaid tax interest</i> see the <i>Taxation Administration Act 2001</i> , section 54(1).	6 7
Clause 56	Omission of ch 3, pt 10 (Giving documents under royalty provisions)	8 9
	Chapter 3, part 10—	10
	<i>omit.</i>	11
Clause 57	Insertion of new ch 4, pt 13	12
	Chapter 4—	13
	<i>insert—</i>	14
	Part 13	15
	Transitional provision for Royalty Legislation Amendment Act 2020	16 17
	115 Application of former s 64	18
	(1) Former section 64(2) applies in relation to a holder becoming aware, before the commencement, that a decision was not, or was no longer, correct as mentioned in that section.	19 20 21 22
	(2) In this section—	23
	<i>former section 64(2)</i> means section 64(2) as in force immediately before the commencement.	24 25
Clause 58	Amendment of sch 5 (Fees)	26
	Schedule 5, part 8—	27

[s 59]

omit, insert—

1

Part 8

Royalty returns

2

\$

1 Failing to lodge a 203.25
royalty return by the
due day (section 37A)

Clause 59 Amendment of sch 6 (Dictionary) 3

(1) Schedule 6, definition *mining operation—* 4

omit. 5

(2) Schedule 6— 6

insert— 7

recognised law see the *Taxation Administration* 8

Act 2001, schedule 2. 9

Clause 60 Amendment of various sections 10

(1) Each of the following provisions is amended by omitting 11
'Minister' and inserting 'revenue commissioner'— 12

• section 35 13

• section 37, other than heading 14

• section 41(3) 15

• section 43 16

• section 44 17

• section 45, other than heading 18

• section 47 19

• section 48 20

• section 54 21

•	section 56, definitions <i>earlier return period</i> and <i>gross value royalty decision</i>	1 2
•	section 59	3
•	section 60(2)	4
•	section 61	5
•	section 62	6
•	section 63	7
•	section 63B	8
•	section 64	9
•	section 65, other than heading	10
•	section 66	11
•	section 77(7)	12
•	section 83	13
•	section 84(b)	14
•	section 85, other than heading	15
(2)	Each of the following provisions is amended by omitting ‘ Minister ’ and inserting ‘ Revenue commissioner ’—	16 17
•	section 37, heading	18
•	section 45, heading	19
•	section 65, heading	20
•	section 85, heading	21
(3)	Each of the following provisions is amended by omitting ‘Minister’s’ and inserting ‘revenue commissioner’s’—	22 23
•	section 61	24
•	section 63	25

[s 61]

Part 6 **Amendment of Payroll Tax Act** 1
1971 2

Clause 61 **Act amended** 3
This part amends the *Payroll Tax Act 1971*. 4

Clause 62 **Amendment of s 83 (Application of annual refund amount** 5
or final refund amount) 6
(1) Section 83— 7
insert— 8
(3A) However subsections (2) and (3) do not prevent 9
the commissioner from holding the amount for 10
any period, or applying the amount for any 11
purpose, at the employer’s request or with the 12
employer’s consent. 13
(2) Section 83(6), ‘For subsection (5)’— 14
omit, insert— 15
For subsection (6) 16
(3) Section 83(3A) to (6)— 17
renumber as section 83(4) to (7). 18

Part 7 **Amendment of Petroleum Act** 19
1923 20

Clause 63 **Act amended** 21
This part amends the *Petroleum Act 1923*. 22

Clause 64 **Amendment of s 102 (Interest on amounts owing to the** 23
State under this Act) 24
Section 102(1), note— 25

omit.

1

Part 8 **Amendment of Petroleum and
Gas (Production and Safety)
Act 2004**

2

3

4

Clause 65 **Act amended**

5

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

6

7

Clause 66 **Amendment of s 487 (Operation and purpose of pt 1)**

8

Section 487(2)(c)(ii)—

9

omit, insert—

10

(ii) unpaid civil penalty or penalty tax;

11

Clause 67 **Amendment of s 588 (Interest on amounts owing to the
State other than for petroleum royalty)**

12

13

Section 588(1), note, ‘section 602’—

14

omit, insert—

15

the *Taxation Administration Act 2001*, section 54

16

Clause 68 **Amendment of s 589 (Recovery of unpaid amounts)**

17

(1) Section 589, before subsection (1)—

18

insert—

19

(1AA) The *Taxation Administration Act 2001*, section 45
provides for the payment and recovery of
petroleum royalty and related amounts.

20

21

22

(2) Section 589(1), ‘an amount’—

23

omit, insert—

24

[s 69]

	another amount	1
(3)	Section 589(1AA) to (2)—	2
	<i>renumber</i> as section 589(1) to (3).	3
Clause 69	Omission of ch 6, pt 1, hdg (Imposition of petroleum royalty)	4
	Chapter 6, part 1, heading—	5
	<i>omit.</i>	6
Clause 70	Insertion of new s 589A	7
	Before section 590—	8
	<i>insert—</i>	9
	589A Relationship of chapter with Taxation Administration Act 2001	10
	(1) This chapter does not contain all the provisions about petroleum royalty payable under this Act.	11
	(2) The <i>Taxation Administration Act 2001</i> contains provisions dealing with, among other things, the following—	12
	(a) assessments of petroleum royalty;	13
	(b) payments and refunds of petroleum royalty;	14
	(c) imposition of interest and penalties;	15
	(d) objections to particular decisions relating to petroleum royalty, and appeals against, or reviews of, decisions on the objections;	16
	(e) record keeping obligations;	17
	(f) investigative powers, offences, legal proceedings and evidentiary matters;	18
	(g) service of documents.	19
		20
		21
		22
		23
		24
		25
		26
		27

	<i>Note—</i>	1
	Under the <i>Taxation Administration Act 2001</i> , section 3,	2
	that Act and the provisions of this Act that are a revenue	3
	law must be read together as if they together formed a	4
	single Act.	5
Clause 71	Amendment of s 590 (Imposition of petroleum royalty on petroleum producers)	6
	(1) Section 590(2)(b), ‘manner’—	7
	<i>omit, insert—</i>	8
	way	9
	(2) Section 590—	10
	<i>insert—</i>	11
	(3A) A regulation may provide for a participant in a	12
	joint venture, or other arrangement, involving the	13
	production of petroleum to be taken to be a	14
	petroleum producer for a royalty provision.	15
	(3) Section 590(3A) and (4)—	16
	<i>renumber</i> as section 590(4) and (5).	17
Clause 72	Amendment of s 591 (General exemptions from petroleum royalty)	18
	Section 591(1), ‘Minister’—	19
	<i>omit, insert—</i>	20
	revenue commissioner	21
Clause 73	Replacement of s 592 (Minister may decide measurement if not made or royalty information not given)	22
	Section 592—	23
	<i>omit, insert—</i>	24
		25
		26
		27

[s 73]

592 Revenue commissioner may decide measurement or information required for royalty return	1 2 3
(1) This section applies if a measurement of, or information about, petroleum is required for a royalty return and either—	4 5 6
(a) the measurement of, or information about, the petroleum is not given to the revenue commissioner; or	7 8 9
(b) the revenue commissioner is not satisfied about the accuracy or completeness of the measurement of, or information about, the petroleum given to the revenue commissioner.	10 11 12 13 14
(2) The revenue commissioner may decide the measurement of, or information about, the petroleum.	15 16 17
(3) The decided measurement or information is taken to be the required measurement or information.	18 19
(4) The revenue commissioner must give the petroleum producer for whom the decided measurement or information applies notice of the decision.	20 21 22 23
(5) To remove any doubt, it is declared that this section does not relieve a person of an obligation to make a measurement of, or give information about, petroleum required for a royalty return.	24 25 26 27
592A Requirement to lodge royalty returns	28
(1) A petroleum producer must lodge written returns about petroleum produced by the petroleum producer as required by regulation.	29 30 31
(2) A return under subsection (1) is a <i>royalty return</i> .	32
(3) Unless a regulation provides otherwise, a petroleum producer must lodge royalty returns	33 34

	whether or not petroleum has been produced	1
	during the royalty return period.	2
Clause 74	Omission of ch 6, pt 2, div 1 (Preliminary)	3
	Chapter 6, part 2, division 1—	4
	<i>omit.</i>	5
Clause 75	Amendment, relocation and renumbering of s 599A (Minister may require royalty estimate)	6
	(1) Section 599A, heading, ‘Minister’—	7
	<i>omit, insert—</i>	8
	Revenue commissioner	9
	(2) Section 599A(1), ‘Minister’—	10
	<i>omit, insert—</i>	11
	revenue commissioner	12
	(3) Section 599A—	13
	<i>relocate</i> to after section 592A and <i>renumber</i> as section 593.	14
		15
Clause 76	Amendment, relocation and renumbering of s 604A (Regulation may impose civil penalties)	16
	(1) Section 604A—	17
	<i>insert—</i>	18
	(4) The regulation may include provision for the	19
	revenue commissioner to remit the whole or part	20
	of the civil penalty.	21
	(5) For the <i>Taxation Administration Act 2001</i> , section	22
	59, a civil penalty is declared to be a penalty tax.	23
	(2) Section 604A—	24
	<i>relocate</i> to after section 593 as renumbered by this Act and	25
	<i>renumber</i> as section 594.	26
		27

[s 77]

Clause 77	Omission of ch 6, pts 2–5	1
	Chapter 6, parts 2 to 5—	2
	<i>omit.</i>	3
Clause 78	Amendment of s 813 (False or misleading documents or statements)	4
	Section 813(6)—	5
	<i>omit.</i>	6
Clause 79	Amendment of s 814 (Liability of executive officer— particular offences committed by corporation)	8
	Section 814(5), definition <i>executive liability provision</i> , from ‘• section 604F(1)’ to ‘• section 617C(1)’—	9
	<i>omit.</i>	10
		11
		12
Clause 80	Amendment of s 814A (Executive officer may be taken to have committed offence)	13
	Section 814A(4)—	14
	<i>omit.</i>	15
		16
Clause 81	Amendment of s 851AA (Place or way for making applications or giving or lodging documents)	17
	Section 851AA(4)(c), ‘chapter 6, part 2, division 6’—	18
	<i>omit, insert—</i>	19
	the <i>Taxation Administration Act 2001</i> , part 11,	20
	division 2	21
		22
Clause 82	Amendment of s 857 (Delegation by Minister, chief executive, CEO or chief inspector)	23
	Section 857—	24
	<i>insert—</i>	25
		26

	<i>Note—</i>	1
	The <i>Taxation Administration Act 2001</i> , section 10	2
	provides for the delegation of the revenue	3
	commissioner’s powers under a tax law, which includes	4
	particular provisions of this Act.	5
Clause 83	Amendment of s 858 (Approved forms)	6
	(1) Section 858(1)—	7
	<i>omit, insert—</i>	8
	(1) The chief executive may approve forms for use	9
	under a provision of this Act other than a royalty	10
	provision.	11
	(2) Section 858—	12
	<i>insert—</i>	13
	(2A) The revenue commissioner may approve forms	14
	for use under a royalty provision of this Act.	15
	(3) Section 858(2A) and (3)—	16
	<i>renumber</i> as section 858(3) and (4).	17
Clause 84	Amendment of s 859 (Regulation-making power)	18
	(1) Section 859(2)(b)—	19
	<i>omit, insert—</i>	20
	(b) imposing a penalty for a contravention of a	21
	provision of a regulation, other than a	22
	royalty provision, of no more than 20	23
	penalty units;	24
	(ba) imposing a penalty for a contravention of a	25
	provision of a regulation that is a royalty	26
	provision of no more than 100 penalty units;	27
	(2) Section 859(2)—	28
	<i>insert—</i>	29

[s 85]

	(f) a matter for which, under the <i>Taxation Administration Act 2001</i> , a regulation under this Act may make provision.	1 2 3
(3)	Section 859(2)(ba) to (d)— <i>renumber</i> as section 859(2)(c) to (e).	4 5
Clause 85	Insertion of new ch 15, pt 28	6
	Chapter 15—	7
	<i>insert</i> —	8
	Part 28	9
	Transitional provisions for Royalty Legislation Amendment Act 2020	10 11
	1018 Definitions for part	12
	In this part—	13
	<i>amending Act</i> means the <i>Royalty Legislation Amendment Act 2020</i> .	14 15
	<i>former</i> , for a provision, means the provision as in force from time to time before the commencement.	16 17 18
	<i>post-commencement liability</i> means a liability for petroleum royalty, or tax under the <i>Taxation Administration Act 2001</i> relating to petroleum royalty, other than a pre-commencement liability.	19 20 21 22
	<i>pre-commencement liability</i> means a liability for a royalty-related amount arising before the commencement.	23 24 25
	1019 Application of Taxation Administration Act 2001 to liability for royalty-related amounts	26 27
	The <i>Taxation Administration Act 2001</i> applies in relation to a liability for petroleum royalty or a	28 29

royalty-related amount, whether arising before or 1
after the commencement, except to the extent 2
provided in this part. 3

1020 This Act as revenue law for Taxation 4
Administration Act 2001 5

(1) This section provides for how the *Taxation 6*
Administration Act 2001 applies to this Act, in 7
relation to particular liabilities, acts and 8
omissions, to the extent that this Act is a revenue 9
law under the *Taxation Administration Act 2001*. 10

Note— 11

See the *Taxation Administration Act 2001*, section 6(8) 12
and (9). 13

(2) The following provisions of the *Taxation 14*
Administration Act 2001 do not apply in relation 15
to a pre-commencement liability— 16

(a) part 3; 17

(b) sections 30 to 33; 18

(c) part 5, divisions 1 and 2; 19

(d) section 132. 20

(3) To remove any doubt, it is declared that the 21
Taxation Administration Act 2001 applies in 22
relation to an act or omission after the 23
commencement even if the act or omission relates 24
to a pre-commencement liability. 25

Example— 26

After the commencement on 1 October 2020, during an 27
audit relating to the annual royalty return period from 1 28
July 2019 to 30 June 2020, a petroleum royalty payer 29
failed to provide information as required under a notice 30
given under the *Taxation Administration Act 2001*, 31
section 87. The failure to comply with the requirement 32
is an omission after the commencement, even though it 33
relates to a pre-commencement liability. 34

(4) However, the *Taxation Administration Act 2001*, 35

[s 85]

- section 132 does not apply to an act or omission 1
after the commencement relating to a 2
pre-commencement liability. 3
- (5) For the purpose of applying the *Taxation* 4
Administration Act 2001, part 4 in relation to a 5
pre-commencement liability or an act or omission 6
after the commencement relating to a 7
pre-commencement liability— 8
- (a) a reference in the *Taxation Administration* 9
Act 2001, section 41 or 42 to an assessment 10
liability includes a pre-commencement 11
liability; and 12
- (b) a reference in the *Taxation Administration* 13
Act 2001, section 42 to primary tax does not 14
include an amount under a former provision 15
of this Act that is a royalty penalty amount, 16
unpaid royalty interest, civil penalty or fee 17
prescribed by regulation that must 18
accompany a royalty return; and 19
- (c) a reference in the *Taxation Administration* 20
Act 2001, section 29 to an amount payable 21
under a tax law includes a royalty-related 22
amount under a former provision of this 23
Act; and 24
- (d) a reference in the *Taxation Administration* 25
Act 2001, section 37(1)(a) to a reassessment 26
includes a reassessment, after the 27
commencement, under a former provision of 28
this Act; and 29
- (e) a reference in the *Taxation Administration* 30
Act 2001, section 37(1)(b) to a notice 31
includes a notice given, after the 32
commencement, under a former provision of 33
this Act; and 34
- (f) a reference in the *Taxation Administration* 35
Act 2001, section 46 to a reassessment 36
includes a reassessment, after the 37

commencement, under a former provision of this Act; and	1 2
(g) a notice given before the commencement under former section 604AB is taken to have been given under the <i>Taxation Administration Act 2001</i> , section 48; and	3 4 5 6
(h) a notice given before the commencement under former section 604AD is taken to have been given under the <i>Taxation Administration Act 2001</i> , section 50.	7 8 9 10
(6) A reference in the <i>Taxation Administration Act 2001</i> , section 131 to an assessment includes an assessment under former chapter 6 and a determination within the meaning given under this Act as in force before 1 July 2014.	11 12 13 14 15
(7) Subsection (3) applies subject to subsection (8).	16
(8) To the extent this Act applies to an act or omission after the commencement relating to a pre-commencement liability, the <i>Taxation Administration Act 2001</i> , section 136 applies subject to section 837 of this Act.	17 18 19 20 21
(9) If, under this section, a provision of the <i>Taxation Administration Act 2001</i> relating to a particular matter applies to this Act and a royalty provision of this Act relates to the same matter, this Act does not apply to the matter.	22 23 24 25 26
1021 References in Taxation Administration Act 2001	27 28
For the purpose of this part, unless the context otherwise requires—	29 30
(a) a reference in the <i>Taxation Administration Act 2001</i> to a tax law includes former chapter 6; and	31 32 33

[s 85]

(b)	a reference in the <i>Taxation Administration Act 2001</i> to a tax law liability includes a liability for a royalty-related amount under a former provision of this Act; and	1 2 3 4
(c)	a reference in the <i>Taxation Administration Act 2001</i> to an assessment or reassessment includes an assessment or reassessment under a former provision of this Act; and	5 6 7 8
(d)	a reference in the <i>Taxation Administration Act 2001</i> to unpaid tax interest includes unpaid royalty interest under a former provision of this Act; and	9 10 11 12
(e)	a reference in the <i>Taxation Administration Act 2001</i> to penalty tax includes a royalty penalty amount under a former provision of this Act; and	13 14 15 16
(f)	a reference in the <i>Taxation Administration Act 2001</i> to a civil penalty includes a civil penalty under former chapter 6; and	17 18 19
(g)	a reference in the <i>Taxation Administration Act 2001</i> to a royalty fee includes a prescribed fee under a former provision of this Act that was required to accompany a royalty return.	20 21 22 23 24
	1022 Application of Taxation Administration Act 2001, s 38 (Applying amounts to current and future tax liabilities)	25 26 27
	An amount relating to a post-commencement liability may be applied under the <i>Taxation Administration Act 2001</i> , section 38 as payment for a pre-commencement liability.	28 29 30 31

1023 Application of Taxation Administration Act 2001, s 138 (Second or subsequent offence)	1
	2
(1) For applying the <i>Taxation Administration Act 2001</i> , section 138 to this Act, the reference in subsection (1)(b) of that section to a further offence is a reference to an offence committed on or after the commencement.	3 4 5 6 7
(2) If the <i>Taxation Administration Act 2001</i> , section 138(1)(a) applies for an offence against a former provision of this Act that was repealed by the amending Act, the reference in subsection (1)(b) of that section to a further offence against the provision includes a reference to an offence against a provision of this Act or the <i>Taxation Administration Act 2001</i> that corresponds to the former provision.	8 9 10 11 12 13 14 15 16
1024 Application of former ch 6, pt 2 (Royalty administration)	17
	18
(1) Former chapter 6, part 2 and provisions of this Act relating to that part apply to an assessment or reassessment of a pre-commencement liability.	19 20 21
(2) The provisions mentioned in subsection (1) apply as if a reference in the provisions to the Minister were a reference to the revenue commissioner.	22 23 24
1025 Application of particular provisions to reassessment	25
	26
(1) This section applies if, under this part, former section 599C applies to a reassessment of petroleum royalty.	27 28 29
(2) Despite former section 599C(7), the revenue commissioner must make any assessment or reassessment for a royalty return period that is required under the <i>Taxation Administration Act 2001</i> , section 19 for a pre-commencement	30 31 32 33 34

[s 85]

liability.	1
1026 Proceedings for particular offences	2
(1) This section applies in relation to an offence against former section 814, committed by a person before the commencement, that related to an offence against former section 604F(1), 605(1), 606(1), 607 or 617C(1).	3 4 5 6 7
(2) Without limiting the <i>Acts Interpretation Act 1954</i> , section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the amending Act had not commenced.	8 9 10 11 12
(3) Subsection (2) applies despite the Criminal Code, section 11.	13 14
1027 Revenue commissioner may do particular things	15 16
For the purpose of this part, the revenue commissioner may do anything the Minister could do under the former provisions of this Act before the commencement.	17 18 19 20
1028 Delegations	21
(1) This section applies if—	22
(a) immediately before the commencement, a delegation of a function or power from the Minister to a person was in force under this Act; and	23 24 25 26
(b) under this Act or the <i>Taxation Administration Act 2001</i> , the revenue commissioner may delegate the function or power.	27 28 29 30
(2) The delegation continues to have effect from the	31

commencement as if it had been made by the 1
revenue commissioner. 2

1029 References to the Minister 3

In an Act or document, a reference to the Minister 4
in relation to former chapter 6, or a provision 5
relating to former chapter 6, is, if the context 6
permits, taken to be a reference to the revenue 7
commissioner. 8

1030 Royalty investigators 9

- (1) This section applies to a person who, immediately 10
before the commencement, held an appointment 11
as a royalty investigator. 12
- (2) The person continues as an investigator under the 13
Taxation Administration Act 2001 on the same 14
terms of appointment that applied to the person 15
immediately before the commencement. 16
- (3) The identity card held by the person under former 17
section 615 is taken to be an identity card issued 18
under the *Taxation Administration Act 2001*, 19
section 82. 20

**1031 Annual return period starting on 1 July 2020 21
and ending on 30 June 2021 taken to end on 30 22
September 2020 for former ch 6 23**

- (1) This section applies if a petroleum producer is 24
required to lodge an annual royalty return, under 25
former section 599(2), for an annual return period 26
that starts on 1 July 2020 and ends on 30 June 27
2021. 28
- (2) For former chapter 6, the annual return period is 29
taken to start on 1 July 2020 and end on 30 30
September 2020. 31

[s 85]

1032 Annual return period starting on 1 January 2020 and ending on 31 December 2020 taken to end on 30 September 2020 for former ch 6	1
	2
	3
(1) This section applies if a petroleum producer is required to lodge an annual royalty return, under former section 599(2), for an annual return period that starts on 1 January 2020 and ends on 31 December 2020.	4
	5
	6
	7
	8
(2) For former chapter 6, the annual return period is taken to start on 1 January 2020 and end on 30 September 2020.	9
	10
	11
1033 Transitional regulation-making power	12
(1) A regulation (a <i>transitional regulation</i>) may make provision of a saving or transitional nature about any matter—	13
	14
	15
(a) for which it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the former provisions of this Act and the <i>Petroleum and Gas (Royalty) Regulation 2004</i> to the provisions of this Act, the regulation and the <i>Taxation Administration Act 2001</i> as in force from the commencement; and	16
	17
	18
	19
	20
	21
	22
	23
(b) for which this Act or a regulation does not make provision or sufficient provision.	24
	25
(2) The matters mentioned in subsection (1) relating to the <i>Petroleum and Gas (Royalty) Regulation 2004</i> include—	26
	27
	28
(a) the time by which petroleum royalty must be paid; and	29
	30
(b) the way in which petroleum royalty is calculated; and	31
	32
(c) the rate at which petroleum royalty is payable.	33
	34

	(3) A transitional regulation may have retrospective operation to a day that is not earlier than the day this section commences.	1 2 3
	(4) A transitional regulation must declare it is a transitional regulation.	4 5
	(5) This section and any transitional regulation expire 2 years after this section commences.	6 7
Clause 86	Amendment of sch 1 (Reviews and appeals)	8
	Schedule 1, table 2, heading ‘Other decisions’ and entries for sections 592 and 604—	9 10
	<i>omit.</i>	11
Clause 87	Amendment of sch 2 (Dictionary)	12
	(1) Schedule 2, definitions <i>administrator, annual return period, annual royalty return, approved auditor, assessment, assessment notice, confidential information, default assessment, garnishee, garnishee amount, garnishee notice, liable person, original assessment, public official, reassessment, royalty information, royalty investigator, royalty penalty amount, royalty provision, royalty-related amount, royalty return, royalty return period</i> and <i>unpaid royalty interest</i> —	13 14 15 16 17 18 19 20 21
	<i>omit.</i>	22
	(2) Schedule 2—	23
	<i>insert</i> —	24
	<i>penalty tax</i> see the <i>Taxation Administration Act 2001</i> , section 58(1).	25 26
	<i>revenue commissioner</i> means the commissioner under the <i>Taxation Administration Act 2001</i> .	27 28
	<i>royalty fee</i> see the <i>Taxation Administration Act 2001</i> , schedule 2.	29 30
	<i>royalty provision</i> , of this Act, means a provision	31

[s 88]

of this Act that is a revenue law under the *Taxation Administration Act 2001*. 1
2

royalty-related amount means any of the 3
following amounts— 4

(a) an amount of petroleum royalty; 5

(b) a civil penalty under section 594 or other 6
penalty tax; 7

(c) a royalty fee under the *Taxation 8
Administration Act 2001*; 9

(d) unpaid tax interest under the *Taxation 10
Administration Act 2001*. 11

royalty return see section 592A(2). 12

royalty return period means the period, 13
prescribed by regulation, for which a royalty 14
return is required to be lodged. 15

(3) Schedule 2, definition *give*, ‘other than under a royalty 16
provision,’— 17

omit. 18

Part 9 **Amendment of Petroleum and 19 Gas (Royalty) Regulation 2004** 20

Clause 88 **Regulation amended** 21

This part amends the *Petroleum and Gas (Royalty) Regulation 22
2004*. 23

Clause 89 **Amendment of s 3 (Dictionary)** 24

Section 3, ‘schedule 12’— 25

omit, insert— 26

schedule 1 27

Clause 90	Replacement of ch 6, hdg (Fees and royalties)	1
	Chapter 6, heading—	2
	<i>omit, insert—</i>	3
	Chapter 6 Petroleum royalty	4
Clause 91	Omission of ch 6, pt 2, hdg (Late fee and royalties etc.)	5
	Chapter 6, part 2, heading—	6
	<i>omit.</i>	7
Clause 92	Omission of ch 6, pt 2, div 1 (Late fee)	8
	Chapter 6, part 2, division 1—	9
	<i>omit.</i>	10
Clause 93	Omission of ch 6, pt 2, div 4, hdg (Petroleum royalty)	11
	Chapter 6, part 2, division 4, heading—	12
	<i>omit.</i>	13
Clause 94	Omission of ch 6, pt 2, div 4, sdivs 1, 2, 2A, 3 and 5	14
	Chapter 6, part 2, division 4, subdivisions 1, 2, 2A, 3 and 5—	15
	<i>omit.</i>	16
Clause 95	Amendment of ch 6, pt 2, div 4, sdiv 4B, hdg (Unpaid royalty interest)	17
	Chapter 6, part 2, division 4, subdivision 4B, heading, ‘royalty’—	18
	19	20
	<i>omit, insert—</i>	21
	tax	22

[s 96]

Clause 96	Renumbering of ch 6, pt 2, div 4, sdivs 4–4B	1
	Chapter 6, part 2, division 4, subdivisions 4 to 4B—	2
	<i>renumber</i> as chapter 6, parts 8 to 10.	3
Clause 97	Insertion of new ch 6, pts 1–7	4
	Chapter 6—	5
	<i>insert</i> —	6
	Part 1 Preliminary	7
	Division 1 Purpose	8
	133 Purpose of chapter	9
	This chapter prescribes—	10
	(a) for section 590(2)(a) of the Act, the time on or before which petroleum royalty must be paid; and	11 12 13
	(b) for section 590(2)(b) of the Act, the way in which petroleum royalty is calculated; and	14 15
	(c) for section 590(2)(c) of the Act, the rate at which petroleum royalty is payable.	16 17
	Division 2 Interpretation	18
	134 Definitions for chapter	19
	(1) In this chapter—	20
	<i>average hedge settlement rate</i> , for a royalty return period, means the average, worked out for the royalty return period, of the hedge settlement rates for each day in the royalty return period.	21 22 23 24

<i>domestic gas</i> see section 135.	1
<i>gas</i> means petroleum in a gaseous state at standard temperature and pressure.	2 3
<i>hedge settlement rate</i> , for a day, means the WM/Reuters Australian Fix 10.00a.m. rate on the day.	4 5 6
<i>independent buyer</i> , in relation to a petroleum producer or a reseller for the producer, means a person who is not a relevant entity for the producer.	7 8 9 10
<i>liquid petroleum</i> see section 138.	11
<i>LNG</i> means liquefied natural gas.	12
<i>LNG project</i> means an LNG project under a determination of the revenue commissioner under section 139.	13 14 15
<i>LNG project buyer</i> , in relation to a petroleum producer or a reseller for the producer, means a person who the producer or reseller knows is a member of an LNG project because—	16 17 18 19
(a) the person has, under section 141(2), given the producer or the reseller a notice stating that the person is a member of the LNG project; or	20 21 22 23
(b) the revenue commissioner has, under section 141(4), told the producer or the reseller that the person is a member of the LNG project.	24 25 26 27
<i>member</i> , of an LNG project, means a member of an LNG project under a determination of the revenue commissioner under section 139.	28 29 30
<i>oil</i> means petroleum in a liquid state.	31
<i>project gas</i> see section 137.	32
<i>relevant entity</i> , for a petroleum producer, means—	33 34

[s 97]

- (a) for a petroleum producer that is a corporation—
- (i) an associated entity of the corporation within the meaning of the Corporations Act, section 50AAA; or
 - (ii) a related entity of the corporation within the meaning of the Corporations Act, section 9, definition *related entity*; or
 - (iii) a related party of the corporation within the meaning of the Corporations Act, section 228; or
- (b) for a petroleum producer who is an individual—a related person of the individual within the meaning of the *Duties Act 2001*, section 61, other than section 61(1)(d) of that Act.
- reseller**, for a petroleum producer, means a relevant entity for the producer that sells, or otherwise transfers ownership of, petroleum that is produced by the producer and owned by the reseller.
- standard temperature and pressure** means an absolute pressure of 101.325kPa at a temperature of 15°C.
- supply gas** see section 136.
- (2) To remove any doubt, it is declared that, for this chapter, a reference to a petroleum producer includes a participant in a joint venture, or other arrangement, involving the production of petroleum who is taken to be a petroleum producer under section 590(4) of the Act.

135 What is *domestic gas*

- (1) Petroleum produced by a petroleum producer in a

-
- royalty return period is *domestic gas* if— 1
- (a) the petroleum is gas; and 2
 - (b) during the royalty return period, the petroleum is— 3
 - (i) sold or otherwise transferred, either 5
directly by the producer or indirectly 6
by the producer through 1 or more 7
resellers for the producer, to a person 8
who is not an LNG project buyer; or 9
 - (ii) flared, used or vented; or 10
 - (iii) if the producer is not a member of an 11
LNG project—stored by, or kept in the 12
possession of, the producer or 1 or 13
more resellers for the producer. 14
- (2) In this section— 15
- use*, petroleum, does not include convert the 16
petroleum into LNG. 17

136 What is *supply gas* 18

- Petroleum produced by a petroleum producer in a 19
royalty return period is *supply gas* if— 20
- (a) the petroleum is gas; and 21
 - (b) the petroleum is not produced by the 22
producer as a member of an LNG project; 23
and 24
 - (c) during the royalty return period, the 25
petroleum is sold or otherwise transferred, 26
either directly by the producer or indirectly 27
by the producer through 1 or more resellers 28
for the producer, to a person who is an LNG 29
project buyer. 30

[s 97]

137 What is <i>project gas</i>	1
Petroleum produced by a petroleum producer in a royalty return period is <i>project gas</i> if—	2
	3
(a) the petroleum is gas; and	4
(b) the petroleum is produced by the petroleum producer as a member of an LNG project; and	5
	6
	7
(c) the petroleum is not domestic gas.	8
138 What is <i>liquid petroleum</i>	9
Petroleum produced by a petroleum producer in a royalty return period is <i>liquid petroleum</i> if the petroleum is oil.	10
	11
	12
Part 2 LNG projects	13
139 Revenue commissioner may make determination that petroleum venture is LNG project	14
	15
	16
(1) This section applies if the revenue commissioner believes a petroleum venture exists between—	17
	18
(a) 1 or more petroleum producers; and	19
(b) 1 or more other persons each of whom is a relevant entity for a petroleum producer mentioned in paragraph (a).	20
	21
	22
(2) The revenue commissioner may make a determination that the petroleum venture is an LNG project.	23
	24
	25
(3) If the revenue commissioner makes a determination under subsection (2), the revenue commissioner must also make a determination of who are the members of the LNG project.	26
	27
	28
	29

-
- (4) The revenue commissioner must give each person who is a member of the LNG project notice of the determinations under subsections (2) and (3). 1
2
3
- (5) The notice must include the following information— 4
5
- (a) a description of the petroleum venture that constitutes the LNG project; 6
7
- (b) the names of the members of the LNG project; 8
9
- (c) the names of the petroleum producers who are members of the LNG project; 10
11
- (d) the petroleum tenures under which petroleum is produced for the LNG project. 12
13
- (6) A determination under subsection (2) or (3) takes effect on the day stated in the notice. 14
15
- (7) The revenue commissioner may amend or revoke a determination made under subsection (2) or (3) by notice given to each person who is, or was before the amendment or revocation, a member of the LNG project. 16
17
18
19
20
- (8) An amendment or revocation under subsection (7) takes effect on the day stated in the notice. 21
22
- (9) For subsections (6) and (8), the day stated in the notice may be a day before the day on which the revenue commissioner makes, amends or revokes the determination. 23
24
25
26
- (10) In this section— 27
- petroleum venture*** means a joint venture or other arrangement involving— 28
29
- (a) the production of gas for the purpose of converting the gas into LNG; and 30
31
- (b) the processing, transportation, storage, conversion, sale or purchase of the gas or LNG mentioned in paragraph (a). 32
33
34

[s 97]

- 140 Revenue commissioner must reassess amount of royalty payable if particular determinations made** 1
2
3
- (1) This section applies if the revenue commissioner— 4
5
- (a) has made, amended or revoked a determination under section 139 (each a *new decision*); and 6
7
8
- (b) has made an assessment under the *Taxation Administration Act 2001* of the amount of petroleum royalty payable by a petroleum producer for a royalty return period without having regard to the new decision. 9
10
11
12
13
- (2) The revenue commissioner must reassess, under the *Taxation Administration Act 2001*, the amount of petroleum royalty payable by the petroleum producer for the royalty return period having regard to the new decision. 14
15
16
17
18
- Note—* 19
- See the *Taxation Administration Act 2001*, part 4 for the revenue commissioner’s obligation to refund any excess amount on the making of the reassessment. 20
21
22
- (3) Subsection (4) applies if, on the reassessment, the petroleum producer is liable for penalty tax, unpaid tax interest or a civil penalty (each a *relevant liability*). 23
24
25
26
- (4) The revenue commissioner must remit the relevant liability to the extent it is payable only because of the operation of subsection (2). 27
28
29
- 141 Notification of status when petroleum producer, or reseller for producer, sells to member of LNG project** 30
31
32
- (1) This section applies if a person— 33
- (a) is a member of an LNG project; and 34

-
- (b) purchases gas from a petroleum producer, or a reseller for the producer, who is not a member of the LNG project mentioned in paragraph (a). 1
2
3
4
- (2) The person must, as soon as reasonably practicable after the purchase, give the petroleum producer, or the reseller for the producer, a notice stating that the person is a member of the LNG project. 5
6
7
8
9
Maximum penalty—100 penalty units. 10
- (3) However, subsection (2) does not apply if the person has already given the petroleum producer, or the reseller for the producer, a notice stating that the person is a member of the LNG project. 11
12
13
14
- (4) The revenue commissioner may tell the petroleum producer, or the reseller for the producer, that the person is a member of the LNG project. 15
16
17
- 142 Notification of revenue commissioner when persons involved in petroleum venture change** 18
19
- (1) Subsection (2) applies if a person who is a member of an LNG project (the *departing member*) stops being involved in the petroleum venture that constitutes the LNG project. 20
21
22
23
- (2) Each petroleum producer who continues to be involved in the petroleum venture must, within 30 days after the departing member stops being involved in the venture, give the revenue commissioner a notice stating that the departing member has stopped being involved in the venture. 24
25
26
27
28
29
30
Maximum penalty—100 penalty units. 31
- (3) Subsection (4) applies if a person (the *new participant*) starts being involved in a petroleum venture that constitutes an LNG project. 32
33
34

[s 97]

- (4) Each petroleum producer, including the new participant if the new participant is a petroleum producer, who is involved in the petroleum venture must, within 30 days after the new participant starts being involved in the venture, give the revenue commissioner a notice stating that the new participant has started being involved in the venture. 1
2
3
4
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8
- Maximum penalty—100 penalty units. 9
- (5) A petroleum producer may give a notice under subsection (2) or (4) jointly with another petroleum producer. 10
11
12
- (6) The revenue commissioner must, after receiving a notice under subsection (2) or (4), make a decision about whether to amend or revoke— 13
14
15
- (a) the determination of the LNG project; or 16
- (b) the determination of the members of the LNG project. 17
18

Part 3 Royalty rates 19

Division 1 Preliminary 20

143 Definitions for part 21

In this part— 22

relevant period, for a royalty return period, means— 23
24

- (a) if the royalty return period is a calendar quarter—the 3-month period starting on the day that is 4 months immediately before the start of the royalty return period; or 25
26
27
28
- (b) if the royalty return period is a financial year—the 12-month period starting on the 29
30

day that is 4 months immediately before the start of the royalty return period.	1 2
<i>volume</i> , of petroleum, means—	3
(a) for domestic gas, supply gas, project gas, gas or LNG—the volume converted to gigajoules; or	4 5 6
(b) for liquid petroleum or oil—the volume measured in barrels.	7 8
Division 2 Domestic gas	9
144 Definitions for division	10
In this division—	11
<i>average sales price</i> , for domestic gas for a petroleum producer for a royalty return period, see sections 146 and 147.	12 13 14
<i>benchmark price</i> , for domestic gas for a royalty return period, means the firm End of Day Wallumbilla Benchmark Price averaged over the period.	15 16 17 18
145 Petroleum royalty for domestic gas	19
If petroleum produced by a petroleum producer in a royalty return period is domestic gas, the producer must pay petroleum royalty for the period on the volume of domestic gas produced in the period at the following rate—	20 21 22 23 24
(a) if the average sales price for domestic gas for the producer for the period is not more than \$3 per gigajoule—0.02 cents per gigajoule for each 1 cent per gigajoule more than \$0 per gigajoule;	25 26 27 28 29

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- (b) if the average sales price for domestic gas for the producer for the period is more than \$3, but not more than \$8, per gigajoule—6 cents per gigajoule plus 0.08 cents per gigajoule for each 1 cent per gigajoule more than \$3 per gigajoule;
- (c) if the average sales price for domestic gas for the producer for the period is more than \$8 per gigajoule—46 cents per gigajoule plus 0.10 cents per gigajoule for each 1 cent per gigajoule more than \$8 per gigajoule.

146 What is the *average sales price* for domestic gas

- (1) The *average sales price* for domestic gas for a petroleum producer for a royalty return period is worked out using the following formula—

$$ASP = \frac{AR + DS}{AV + DV}$$

where—

ASP is the average sales price.

AR is the total revenue from all gas sold in the royalty return period, either directly by the producer or indirectly by the producer through 1 or more resellers for the producer, to a person who—

- (a) is not an LNG project buyer; and
- (b) is an independent buyer.

AV is the total volume of all gas sold in the royalty return period, either directly by the producer or indirectly by the producer through 1 or more resellers for the producer, to a person who—

- (a) is not an LNG project buyer; and

(b) is an independent buyer. 1

DS is the deemed sales value of all gas sold in the 2
royalty return period, either directly by the 3
producer or indirectly by the producer through 4
or more resellers for the producer, to a person 5
who— 6

(a) is not an LNG project buyer; and 7

(b) is not an independent buyer. 8

DV is the total volume of all gas sold in the 9
royalty return period, either directly by the 10
producer or indirectly by the producer through 1
or more resellers for the producer, to a person 12
who— 13

(a) is not an LNG project buyer; and 14

(b) is not an independent buyer. 15

(2) For subsection (1), the deemed sales value of all 16
gas sold in the royalty return period, either 17
directly by the producer or indirectly by the 18
producer through 1 or more resellers for the 19
producer, to a person who is not an LNG project 20
buyer and is not an independent buyer is worked 21
out using the following formula— 22
23

$$DS = BP \times DV$$

where— 24

DS is the deemed sales value. 25

BP is the benchmark price for domestic gas for 26
the royalty return period. 27

DV is the total volume of all gas sold in the 28
royalty return period, either directly by the 29
producer or indirectly by the producer through 1
or more resellers for the producer, to a person 31
who— 32

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(a) is not an LNG project buyer; and	1
(b) is not an independent buyer.	2
147 When average sales price is the benchmark price	3 4
(1) This section applies in relation to domestic gas produced by a petroleum producer in a royalty return period if—	5 6 7
(a) an election made by the producer under subsection (3) is in effect; or	8 9
(b) the producer does not provide, for an assessment, the information required to work out, under section 146, the average sales price for domestic gas for the producer for the period; or	10 11 12 13 14
(c) no gas is sold in the period, either directly by the producer or indirectly by the producer through 1 or more resellers for the producer, to a person who—	15 16 17 18
(i) is not an LNG project buyer; and	19
(ii) is an independent buyer; or	20
(d) the revenue commissioner considers it is appropriate for the protection of the public revenue for subsection (2) to apply.	21 22 23
(2) Despite section 146, the average sales price for domestic gas for the petroleum producer for the royalty return period is the benchmark price for domestic gas for the period.	24 25 26 27
(3) A petroleum producer may make an election in a royalty return lodged by the producer for subsection (2) to apply.	28 29 30
(4) An election made by a petroleum producer under subsection (3)—	31 32

-
- (a) starts on the first day of the royalty return period for the royalty return in which the election is made; and
- (b) continues in effect for each royalty return period after the royalty return period mentioned in paragraph (a) unless the revenue commissioner ends the election under subsection (6).
- (5) A petroleum producer may apply to the revenue commissioner in the approved form to end an election made under subsection (3).
- (6) The revenue commissioner may decide to end the election only if the revenue commissioner considers ending the election is appropriate having regard to all of the circumstances, including, for example, the protection of the public revenue.
- (7) The revenue commissioner must give the petroleum producer notice of a decision under subsection (6).
- (8) The election ends on the day stated in the notice.
- (9) For subsection (8), the day stated in the notice may be a day before the day on which the petroleum producer made the application under subsection (5) to end the election.
- (10) In making a decision under subsection (1)(d), the revenue commissioner may have regard to any of the following matters—
- (a) any arrangements existing between the petroleum producer, or 1 or more resellers for the producer, and a person who purchases domestic gas from the producer or reseller;
- (b) the number of sales in the royalty return period of domestic gas produced by the petroleum producer;
-

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- | | | |
|------|--|------------------|
| (c) | the volume of domestic gas produced by the petroleum producer in the royalty return period that is sold to an independent buyer; | 1
2
3 |
| (d) | the volume of domestic gas produced by the petroleum producer in the royalty return period that is sold to a person other than an independent buyer; | 4
5
6
7 |
| (e) | any other matter the revenue commissioner considers relevant. | 8
9 |
| (11) | The revenue commissioner must give a petroleum producer notice of a decision under subsection (1)(d). | 10
11
12 |
| (12) | The decision takes effect on the day stated in the notice. | 13
14 |
| (13) | For subsection (12), the day stated in the notice may be a day before the day on which the revenue commissioner makes the decision. | 15
16
17 |

Division 3 Supply gas 18

148 Definitions for division 19

In this division— 20

average sales price, for supply gas for a petroleum producer for a royalty return period, see sections 148B and 148D. 21
22
23

benchmark price, for supply gas for a royalty return period, see section 148C. 24
25

148A Petroleum royalty for supply gas 26

If petroleum produced by a petroleum producer in a royalty return period is supply gas, the producer must pay petroleum royalty for the period on the volume of supply gas produced in the period at the 27
28
29
30

-
- following rate— 1
- (a) if the average sales price for supply gas for 2
the producer for the period is not more than 3
\$3 per gigajoule—0.05 cents per gigajoule 4
for each 1 cent per gigajoule more than \$0 5
per gigajoule; 6
- (b) if the average sales price for supply gas for 7
the producer for the period is more than \$3, 8
but not more than \$8, per gigajoule—15 9
cents per gigajoule plus 0.10 cents per 10
gigajoule for each 1 cent per gigajoule more 11
than \$3 per gigajoule; 12
- (c) if the average sales price for supply gas for 13
the producer for the period is more than \$8 14
per gigajoule—65 cents per gigajoule plus 15
0.125 cents per gigajoule for each 1 cent per 16
gigajoule more than \$8 per gigajoule. 17

**148B What is the *average sales price* for supply 18
gas 19**

- (1) The *average sales price* for supply gas for a 20
petroleum producer for a royalty return period is 21
worked out using the following formula— 22
23

$$ASP = \frac{AR + DS}{AV + DV}$$

where— 24

ASP is the average sales price. 25

AR is the total revenue from all gas sold in the 26
royalty return period, either directly by the 27
producer or indirectly by the producer through 1 28
or more resellers for the producer, to a person 29
who— 30

- (a) is an LNG project buyer; and 31
- (b) is an independent buyer. 32

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AV is the total volume of all gas sold in the royalty return period, either directly by the producer or indirectly by the producer through 1 or more resellers for the producer, to a person who—

(a) is an LNG project buyer; and

(b) is an independent buyer.

DS is the deemed sales value of all gas sold in the royalty return period, either directly by the producer or indirectly by the producer through 1 or more resellers for the producer, to a person who—

(a) is an LNG project buyer; and

(b) is not an independent buyer.

DV is the total volume of all gas sold in the royalty return period, either directly by the producer or indirectly by the producer through 1 or more resellers for the producer, to a person who—

(a) is an LNG project buyer; and

(b) is not an independent buyer.

(2) For subsection (1), the deemed sales value of all gas sold in the royalty return period, either directly by the petroleum producer or indirectly by the producer through 1 or more resellers for the producer, to a person who is an LNG project buyer and is not an independent buyer is worked out using the following formula—

$$DS = BP \times DV$$

where—

DS is the deemed sales value.

BP is the benchmark price for supply gas for the royalty return period.

DV is the total volume of all gas sold in the royalty return period, either directly by the producer or indirectly by the producer through 1 or more resellers for the producer, to a person who—

- (a) is an LNG project buyer; and
- (b) is not an independent buyer.

148C What is the benchmark price for supply gas

The *benchmark price* for supply gas for a royalty return period is the price worked out using the following formula—

$$BP = SP \times 0.09 \text{ barrels per gigajoule}$$

where—

BP is the benchmark price for supply gas.

SP is the average, for the relevant period for the royalty return period, of the daily Europe Brent Spot Price FOB (Dollars per Barrel) converted into Australian dollars at the average hedge settlement rate for the royalty return period.

148D When average sales price is the benchmark price

- (1) This section applies in relation to supply gas produced by a petroleum producer in a royalty return period if—
 - (a) an election made by the producer under subsection (3) is in effect; or
 - (b) the producer does not provide, for an assessment, the information required to work out, under section 148B, the average

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- sales price for supply gas for the producer 1
for the period; or 2
- (c) no gas is sold in the period, either directly 3
by the producer or indirectly by the 4
producer through 1 or more resellers for the 5
producer, to a person who— 6
- (i) is an LNG project buyer; and 7
- (ii) is an independent buyer; or 8
- (d) the revenue commissioner considers it is 9
appropriate for the protection of the public 10
revenue for subsection (2) to apply. 11
- (2) Despite section 148B, the average sales price for 12
supply gas for the petroleum producer for the 13
royalty return period is the benchmark price for 14
supply gas for the period. 15
- (3) A petroleum producer may make an election in a 16
royalty return lodged by the producer for 17
subsection (2) to apply. 18
- (4) An election made by a petroleum producer under 19
subsection (3)— 20
- (a) starts on the first day of the royalty return 21
period for the royalty return in which the 22
election is made; and 23
- (b) continues in effect for each royalty return 24
period after the royalty return period 25
mentioned in paragraph (a) unless the 26
revenue commissioner ends the election 27
under subsection (6). 28
- (5) A petroleum producer may apply to the revenue 29
commissioner in the approved form to end an 30
election made under subsection (3). 31
- (6) The revenue commissioner may decide to end the 32
election only if the revenue commissioner 33
considers ending the election is appropriate 34
having regard to all of the circumstances, 35

-
- including, for example, the protection of the public revenue. 1
2
- (7) The revenue commissioner must give the petroleum producer notice of a decision under subsection (6). 3
4
5
- (8) The election ends on the day stated in the notice. 6
- (9) For subsection (8), the day stated in the notice may be a day before the day on which the petroleum producer made the application under subsection (5) to end the election. 7
8
9
10
- (10) In making a decision under subsection (1)(d), the revenue commissioner may have regard to any of the following matters— 11
12
13
- (a) any arrangements existing between the petroleum producer, or 1 or more resellers for the producer, and a person who purchases supply gas from the producer or reseller; 14
15
16
17
18
- (b) the number of sales in the royalty return period of supply gas produced by the petroleum producer; 19
20
21
- (c) the volume of supply gas produced by the petroleum producer in the royalty return period that is sold to an independent buyer; 22
23
24
- (d) the volume of supply gas produced by the petroleum producer in the royalty return period that is sold to a person other than an independent buyer; 25
26
27
28
- (e) any other matter the revenue commissioner considers relevant. 29
30
- (11) The revenue commissioner must give a petroleum producer notice of a decision under subsection (1)(d). 31
32
33
- (12) The decision takes effect on the day stated in the notice. 34
35

[s 97]

- (13) For subsection (12), the day stated in the notice 1
may be a day before the day on which the revenue 2
commissioner makes the decision. 3

Division 4 Project gas 4

148E Definitions for division 5

In this division— 6

average sales price, for project gas for a 7
petroleum producer for a royalty return period, 8
see sections 148G and 148I. 9

benchmark price, for project gas for a royalty 10
return period, see section 148H. 11

148F Petroleum royalty for project gas 12

If petroleum produced by a petroleum producer in 13
a royalty return period is project gas, the producer 14
must pay petroleum royalty for the period on the 15
volume of project gas produced in the period at 16
the following rate— 17

- (a) if the average sales price for project gas for 18
the producer for the period is not more than 19
\$9 per gigajoule—0.03 cents per gigajoule 20
for each 1 cent per gigajoule more than \$0 21
per gigajoule; 22
- (b) if the average sales price for project gas for 23
the producer for the period is more than \$9, 24
but not more than \$14, per gigajoule—27 25
cents per gigajoule plus 0.09 cents per 26
gigajoule for each 1 cent per gigajoule more 27
than \$9 per gigajoule; 28
- (c) if the average sales price for project gas for 29
the producer for the period is more than \$14 30
per gigajoule—72 cents per gigajoule plus 31

0.125 cents per gigajoule for each 1 cent per 1
gigajoule more than \$14 per gigajoule. 2

**148G What is the *average sales price* for project 3
gas 4**

- (1) The *average sales price* for project gas for a 5
petroleum producer for a royalty return period is 6
worked out using the following formula— 7
8

$$ASP = \frac{AR + DS}{AV + DV}$$

where— 9

ASP is the average sales price. 10

AR is the total revenue from all LNG sold in the 11
royalty return period, by each member of the LNG 12
project of which the producer is a member, to a 13
person who is neither a member of the LNG 14
project nor a relevant entity for a member of the 15
LNG project. 16

AV is the total volume of all LNG sold in the 17
royalty return period, by each member of the LNG 18
project of which the producer is a member, to a 19
person who is neither a member of the LNG 20
project nor a relevant entity for a member of the 21
LNG project. 22

DS is the deemed sales value of all LNG sold in 23
the royalty return period, by each member of the 24
LNG project of which the producer is a member, 25
to a person who is either a member of the LNG 26
project or a relevant entity for a member of the 27
LNG project. 28

DV is the total volume of all LNG sold in the 29
royalty return period, by each member of the LNG 30
project of which the producer is a member, to a 31
person who is either a member of the LNG project 32

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or a relevant entity for a member of the LNG project. 1
2
(2) For subsection (1), the deemed sales value of all LNG sold in the period, by each member of the LNG project of which the petroleum producer is a member, to a person who is either a member of the LNG project or a relevant entity for a member of the LNG project is worked out using the following formula— 3
4
5
6
7
8
9
10

$$DS = BP \times DV$$

where— 11
DS is the deemed sales value. 12
BP is the benchmark price for project gas for the royalty return period. 13
14
DV is the total volume of all LNG sold in the royalty return period, by each member of the LNG project of which the producer is a member, to a person who is either a member of the LNG project or a relevant entity for a member of the LNG project. 15
16
17
18
19
20

148H What is the *benchmark price* for project gas 21

The *benchmark price* for project gas for a royalty return period is the price worked out using the following formula— 22
23
24
25

$$BP = SP \times 0.135 \text{ barrels per gigajoule}$$

where— 26
BP is the benchmark price for project gas. 27
SP is the average, for the relevant period for the royalty return period, of the daily Europe Brent 28
29

Spot Price FOB (Dollars per Barrel) converted 1
into Australian dollars at the hedge settlement rate 2
for the royalty return period. 3

**148I When average sales price is the benchmark 4
price 5**

- (1) This section applies in relation to project gas 6
produced by a petroleum producer in a royalty 7
return period if— 8
- (a) an election made by the producer under 9
subsection (3) is in effect; or 10
- (b) the producer does not provide, for an 11
assessment, the information required to 12
work out, under section 148G, the average 13
sales price for project gas for the producer 14
for the period; or 15
- (c) no LNG is sold in the period, by a member 16
of the LNG project of which the producer is 17
a member, to a person who is neither a 18
member of the LNG project nor a relevant 19
entity for a member of the LNG project; or 20
- (d) the revenue commissioner considers it is 21
appropriate for the protection of the public 22
revenue for subsection (2) to apply. 23
- (2) Despite section 148G, the average sales price for 24
project gas for the petroleum producer for the 25
royalty return period is the benchmark price for 26
project gas for the period. 27
- (3) A petroleum producer may make an election in a 28
royalty return lodged by the producer for 29
subsection (2) to apply. 30
- (4) An election made by a petroleum producer under 31
subsection (3)— 32

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- (a) starts on the first day of the royalty return period for the royalty return in which the election is made; and
 - (b) continues in effect for each royalty return period after the royalty return period mentioned in paragraph (a) unless the revenue commissioner ends the election under subsection (6).
- (5) A petroleum producer may apply to the revenue commissioner in the approved form to end an election made under subsection (3).
- (6) The revenue commissioner may decide to end the election only if the revenue commissioner considers ending the election is appropriate having regard to all of the circumstances, including, for example, the protection of the public revenue.
- (7) The revenue commissioner must give the petroleum producer notice of a decision under subsection (6).
- (8) The election ends on the day stated in the notice.
- (9) For subsection (8), the day stated in the notice may be a day before the day on which the petroleum producer made the application under subsection (5) to end the election.
- (10) In making a decision under subsection (1)(d), the revenue commissioner may have regard to any of the following matters—
- (a) any arrangements existing between a member of the LNG project of which the petroleum producer is a member and a person who purchases LNG from a member of the LNG project;
 - (b) the number of sales of LNG in the royalty return period by all members of the LNG

-
- project of which the petroleum producer is a member; 1
2
- (c) the volume of LNG sold in the royalty return period by all members of the LNG project of which the petroleum producer is a member to a person who is neither a member of the LNG project nor a relevant entity for a member of the LNG project; 3
4
5
6
7
8
- (d) the volume of LNG sold in the royalty return period by all members of the LNG project of which the petroleum producer is a member to a person who is a member of the LNG project or a relevant entity for a member of the LNG project; 9
10
11
12
13
14
- (e) any other matter the revenue commissioner considers relevant. 15
16
- (11) The revenue commissioner must give a petroleum producer notice of a decision under subsection (1)(d). 17
18
19
- (12) The decision takes effect on the day stated in the notice. 20
21
- (13) For subsection (12), the day stated in the notice may be a day before the day on which the revenue commissioner makes the decision. 22
23
24

Division 5 Liquid petroleum 25

148J Definitions for division 26

In this division— 27

average sales price, for liquid petroleum for a petroleum producer for a royalty return period, see sections 148L and 148M. 28
29
30

benchmark price, for liquid petroleum for a royalty return period, is the average, for the 31
32

[s 97]

royalty return period, of the daily Europe Brent 1
Spot Price FOB (Dollars per Barrel) converted 2
into Australian dollars at the average hedge 3
settlement rate for the royalty return period. 4

148K Petroleum royalty for liquid petroleum 5

If petroleum produced by a petroleum producer in 6
a royalty return period is liquid petroleum, the 7
producer must pay petroleum royalty for the 8
period on the volume of liquid petroleum 9
produced in the period at the following rate— 10

(a) if the average sales price for liquid 11
petroleum for the producer for the period is 12
not more than \$50 per barrel—0.03 cents 13
per barrel for each 1 cent per barrel more 14
than \$0 per barrel; 15

(b) if the average sales price for liquid 16
petroleum for the producer for the period is 17
more than \$50, but not more than \$100, per 18
barrel—\$1.50 per barrel plus 0.115 cents 19
per barrel for each 1 cent per barrel more 20
than \$50 per barrel; 21

(c) if the average sales price for liquid 22
petroleum for the producer for the period is 23
more than \$100 per barrel—\$7.25 per barrel 24
plus 0.125 cents per barrel for each 1 cent 25
per barrel more than \$100 per barrel. 26

**148L What is the *average sales price* for liquid 27
petroleum** 28

(1) The *average sales price* for liquid petroleum for a 29
petroleum producer for a royalty return period is 30
worked out using the following formula— 31
32

$$ASP = \frac{AR + DS}{AV + DV}$$

where— 1

ASP is the average sales price. 2

AR is the total revenue from all oil sold in the 3
period, either directly by the producer or 4
indirectly by the producer through 1 or more 5
resellers for the producer, to an independent 6
buyer. 7

AV is the total volume of all oil sold in the period, 8
either directly by the producer or indirectly by the 9
producer through 1 or more resellers for the 10
producer, to an independent buyer. 11

DS is the deemed sales value of all oil sold in the 12
period, either directly by the producer or 13
indirectly by the producer through 1 or more 14
resellers for the producer, to a person other than 15
an independent buyer. 16

DV is the total volume of all oil sold in the period, 17
either directly by the producer or indirectly by the 18
producer through 1 or more resellers for the 19
producer, to a person other than an independent 20
buyer. 21

- (2) For subsection (1), the deemed sales value of all 22
oil sold in the royalty return period, either directly 23
by the producer or indirectly by the producer 24
through 1 or more resellers for the producer, to a 25
person other than an independent buyer is worked 26
out using the following formula— 27
28

$$DS = BP \times DV$$

where— 29

DS is the deemed sales value. 30

BP is the benchmark price for liquid petroleum 31
for the royalty return period. 32

DV is the total volume of all oil sold in the royalty 33

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return period, either directly by the producer or 1
indirectly by the producer through 1 or more 2
resellers for the producer, to a person other than 3
an independent buyer. 4

**148M When average sales price is the benchmark 5
price 6**

- (1) This section applies in relation to liquid petroleum 7
produced by a petroleum producer in a royalty 8
return period if— 9
- (a) an election made by the producer under 10
subsection (3) is in effect; or 11
 - (b) the producer does not provide, for an 12
assessment, the information required to 13
work out, under section 148L, the average 14
sales price for liquid petroleum for the 15
producer for the period; or 16
 - (c) no oil is sold in the period, either directly by 17
the producer or indirectly by the producer 18
through 1 or more resellers for the producer, 19
to an independent buyer; or 20
 - (d) the revenue commissioner considers it is 21
appropriate for the protection of the public 22
revenue for subsection (2) to apply. 23
- (2) Despite section 148L, the average sales price for 24
liquid petroleum for the petroleum producer for 25
the royalty return period is the benchmark price 26
for liquid petroleum for the period. 27
- (3) A petroleum producer may make an election in a 28
royalty return lodged by the producer for 29
subsection (2) to apply. 30
- (4) An election made by a petroleum producer under 31
subsection (3)— 32

-
- (a) starts on the first day of the royalty return period for the royalty return in which the election is made; and
- (b) continues in effect for each royalty return period after the royalty return period mentioned in paragraph (a) unless the revenue commissioner ends the election under subsection (6).
- (5) A petroleum producer may apply to the revenue commissioner in the approved form to end an election made under subsection (3).
- (6) The revenue commissioner may decide to end the election only if the revenue commissioner considers ending the election is appropriate having regard to all of the circumstances, including, for example, the protection of the public revenue.
- (7) The revenue commissioner must give the petroleum producer notice of a decision under subsection (6).
- (8) The election ends on the day stated in the notice.
- (9) For subsection (8), the day stated in the notice may be a day before the day on which the petroleum producer made the application under subsection (5) to end the election.
- (10) In making a decision under subsection (1)(d), the revenue commissioner may have regard to any of the following matters—
- (a) any arrangements existing between the petroleum producer, or 1 or more resellers for the producer, and a person who purchases liquid petroleum from the producer or reseller;
- (b) the number of sales in the royalty return period of liquid petroleum produced by the petroleum producer;

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- | | | |
|------|--|------------------|
| (c) | the volume of liquid petroleum produced by the petroleum producer in the royalty return period that is sold to an independent buyer; | 1
2
3 |
| (d) | the volume of liquid petroleum produced by the petroleum producer in the royalty return period that is sold to a person other than an independent buyer; | 4
5
6
7 |
| (e) | any other matter the revenue commissioner considers relevant. | 8
9 |
| (11) | The revenue commissioner must give a petroleum producer notice of a decision under subsection (1)(d). | 10
11
12 |
| (12) | The decision takes effect on the day stated in the notice. | 13
14 |
| (13) | For subsection (12), the day stated in the notice may be a day before the day on which the revenue commissioner makes the decision. | 15
16
17 |

Part 4 Royalty returns 18

148N Purpose of part 19

For section 592A of the Act, this part prescribes the requirements for royalty returns lodged under the Act. 20
21
22

148O Lodgement with revenue commissioner 23

A royalty return must be lodged with the revenue commissioner. 24
25

148P Form of royalty returns 26

A royalty return lodged under the Act must be in the approved form. 27
28

-
- 148Q Period to which royalty return must relate** 1
- (1) A royalty return required under the Act to be 2
lodged by a petroleum producer must relate to a 3
period of— 4
- (a) if the petroleum producer holds a petroleum 5
lease or a 1923 Act lease—a calendar 6
quarter; or 7
- (b) otherwise—a financial year. 8
- (2) However, if the revenue commissioner considers 9
it appropriate having regard to the amount of the 10
petroleum royalty likely to be payable by the 11
petroleum producer, the revenue commissioner 12
may decide that— 13
- (a) for a petroleum producer to whom 14
subsection (1)(a) applies—a royalty return 15
must relate to a financial year; or 16
- (b) for a petroleum producer to whom 17
subsection (1)(b) applies—a royalty return 18
must relate to a calendar quarter. 19
- (3) A petroleum producer may ask the revenue 20
commissioner to make a decision under 21
subsection (2)(b). 22
- (4) If the revenue commissioner makes a decision 23
under subsection (2)(a) or (b) or (3)— 24
- (a) the revenue commissioner must give notice 25
of the decision to the petroleum producer 26
required to lodge the return; and 27
- (b) the notice must state the day on which the 28
decision is to take effect; and 29
- (c) for subsection (2)(b) or (3)—the day stated 30
in the notice must not be earlier than the day 31
the revenue commissioner gives the 32
petroleum producer the notice unless the 33
person agrees otherwise. 34

[s 97]

- (5) The decision takes effect on the day stated in the notice. 1
2
- 148R When royalty return must be lodged** 3
- (1) A royalty return required under the Act to be lodged by a petroleum producer that relates to a financial year must be lodged within 3 months after the day the year ends. 4
5
6
7
- (2) A royalty return required under the Act to be lodged by a petroleum producer that relates to a calendar quarter must be lodged on or before the last business day of the month after the day the quarter ends. 8
9
10
11
12
- (3) This section applies subject to section 148S. 13
- 148S Revenue commissioner may require royalty return to be lodged on particular day** 14
15
- (1) This section applies if the revenue commissioner considers that, for the protection of the public revenue, a royalty return should be lodged on a day that is earlier than the day mentioned in section 148R(1) or (2). 16
17
18
19
20
- (2) The revenue commissioner may, by notice, require the petroleum producer required to lodge the royalty return to lodge it on a stated day that is at least 7 days after the day the revenue commissioner gives the petroleum producer the notice. 21
22
23
24
25
26
- 148T Fee for failing to lodge royalty return on time** 27
- (1) If a petroleum producer is required to lodge a royalty return and does not lodge the return by the day it is required to be lodged, the petroleum producer must pay the prescribed fee. 28
29
30
31
- (2) The prescribed fee is \$203.25. 32

-
- (3) For the *Taxation Administration Act 2001*, section 30(1)(d), the time by which the prescribed fee is payable is the day the assessment is made of the petroleum royalty payable for the period to which the return relates.
- (4) The revenue commissioner may remit the whole or part of the fee.
- (5) The remission must be made by assessment under the *Taxation Administration Act 2001*.

Part 5 Payment of petroleum royalty

148U When petroleum royalty payable—yearly return period

For the *Taxation Administration Act 2001*, section 30(1), the petroleum royalty payable by a petroleum producer under the Act for a royalty return period that is a financial year is payable on the day the royalty return must be lodged for the royalty return period.

148V When petroleum royalty payable— return period that is calendar quarter

- (1) Subject to section 148W, the petroleum royalty payable by a petroleum producer under the Act for a royalty return period that is a calendar quarter is payable as follows—
- (a) instalment 1 is payable on the last business day of the second month of the royalty return period;
- (b) instalment 2 is payable on the last business day of the third month of the royalty return period;

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- (c) under the *Taxation Administration Act 2001*, section 30(1)(a), instalment 3 is payable on the day a royalty return must be lodged for the royalty return period. 1
2
3
4
- (2) A petroleum producer must lodge an approved form for a payment under subsection (1) when the payment is made. 5
6
7
- (3) In this section— 8
- instalment 1***, for a royalty return period that is a calendar quarter, means— 9
10
- (a) the amount payable by the petroleum producer for the first month of the royalty return period worked out under section 148X; or 11
12
13
14
- (b) if an election under section 148Z applies for the first month of the royalty return period—the amount payable by the petroleum producer for the first month worked out under section 148Z(5)(a). 15
16
17
18
19
- instalment 2***, for a royalty return period that is a calendar quarter, means— 20
21
- (a) the amount payable by the petroleum producer for the second month of the royalty return period worked out under section 148X; or 22
23
24
25
- (b) if an election under section 148Z applies for the second month of the royalty return period—the amount payable by the petroleum producer for the second month worked out under section 148Z(5)(b). 26
27
28
29
30
- instalment 3***, for a royalty return period that is a calendar quarter, means— 31
32
- (a) if the sum of instalment 1 and instalment 2 for the royalty return period is less than the petroleum royalty payable by the petroleum 33
34
35

-
- producer under the Act for the royalty return 1
period (the *total royalty*)—the amount of the 2
total royalty less the sum; or 3
- (b) otherwise—zero. 4

148W Quarterly payment notice 5

- (1) If the revenue commissioner considers it 6
appropriate, the revenue commissioner may, by 7
notice (a *quarterly payment notice*) given to 8
petroleum producer, state that the day petroleum 9
royalty is payable by the petroleum producer for a 10
royalty return period that is a calendar quarter is 11
the day the royalty return must be lodged for the 12
period instead of an earlier time under section 13
148V(1)(a) or (b). 14
- (2) A quarterly payment notice given to a petroleum 15
producer must state the period for which the 16
notice applies. 17
- (3) If the revenue commissioner considers it 18
appropriate to do so, the revenue commissioner 19
may, by notice, withdraw a quarterly payment 20
notice. 21
- (4) A withdrawal under subsection (3) takes effect 22
from the start of the next royalty return period 23
after the end of the royalty return period in which 24
the notice of the withdrawal is given. 25

**148X Working out monthly payments for return 26
period that is calendar quarter generally** 27

- (1) This section provides, for section 148V(1), the 28
amounts payable by a petroleum producer for the 29
first and second months of a royalty return period 30
(the *current royalty return period*). 31

Note— 32

See, however, section 148Z. 33

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- (2) The amount payable by the petroleum producer for each of the first and second months of the current royalty return period is a third of the total amount of the petroleum royalty payable by the petroleum producer under the Act for the previous royalty return period—
- (a) taking into account any assessment under the *Taxation Administration Act 2001*, for the petroleum royalty payable for the previous royalty return period, made before the earlier of the following events happens—
- (i) the amount for the first month of the current royalty return period is paid;
- (ii) the amount for the first month of the current royalty return period becomes payable; and
- (b) disregarding any assessment under the *Taxation Administration Act 2001*, for the petroleum royalty payable for the previous royalty return period, made when, or after, the earlier of the events mentioned in paragraph (a)(i) and (ii) happens.
- Example—*
- The petroleum royalty paid for the previous royalty return period was \$90,000. A reassessment for the previous royalty return period was made by the revenue commissioner under the *Taxation Administration Act 2001* to increase the petroleum royalty payable for the previous royalty return period to \$120,000. The reassessment was made before the amount payable for the first month of the royalty return period is paid or becomes payable (whichever is the earlier). Accordingly, the amount payable under this section for the first month and second month of the royalty return period is \$40,000 (being a third of \$120,000).

148Y Working out monthly payments for return period that is calendar quarter in particular circumstances	1
	2
	3
(1) This section applies if—	4
(a) an amount is payable by a petroleum producer under section 148X(2) for the first and second months of a royalty return period (the <i>current royalty return period</i>); and	5 6 7 8 9
(b) either—	10
(i) the petroleum producer did not lodge a royalty return for the previous royalty return period, as required under the Act; or	11 12 13 14
(ii) the previous royalty return period was not a calendar quarter.	15 16
(2) For working out the amounts payable by the petroleum producer under section 148X(2)—	17 18
(a) the revenue commissioner may—	19
(i) if subsection (1)(b)(i) applies— estimate the total amount of petroleum royalty payable by the petroleum producer under the Act for the previous royalty return period; or	20 21 22 23 24
(ii) if subsection (1)(b)(ii) applies—adjust the amount of petroleum royalty payable by the petroleum producer under the Act for the previous royalty return period to estimate an amount representative of the petroleum royalty that would have been payable if the previous royalty return period were a calendar quarter; and	25 26 27 28 29 30 31 32 33
(b) the revenue commissioner must give the petroleum producer a notice stating the	34 35

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- amount (the *estimated amount*) estimated 1
by the revenue commissioner under 2
paragraph (a)(i) or (ii); and 3
- (c) the estimated amount is the total amount of 4
petroleum royalty payable by the petroleum 5
producer under the Act for the previous 6
royalty return period. 7
- (3) In estimating an amount for subsection (2)(a)(i) or 8
(ii), the revenue commissioner may have regard 9
to— 10
- (a) any other royalty returns lodged by the 11
petroleum producer; and 12
- (b) the volume of petroleum for which the 13
petroleum royalty is payable; and 14
- (c) any other relevant matter. 15
- 148Z Election to change monthly payments for 16
return period that is calendar quarter 17**
- (1) This section applies if, at the relevant time— 18
- (a) a petroleum producer reasonably believes 19
the amount of petroleum royalty payable by 20
the producer under the Act for a royalty 21
return period that is a calendar quarter (the 22
current royalty return period) will be less 23
than the petroleum royalty payable by the 24
producer under the Act for the previous 25
royalty return period; and 26
- (b) the revenue commissioner has not given the 27
petroleum producer a notice under section 28
148ZA. 29
- (2) For subsection (1), the petroleum royalty payable 30
by the petroleum producer under the Act for the 31
previous royalty return period is the amount that, 32
under section 148X or 148Y, is the petroleum 33
royalty payable by the producer under the Act for 34

-
- the previous royalty return period for section 148X(2). 1
2
- (3) The petroleum producer may elect to change the amount payable for the first or second months of the current royalty return period. 3
4
5
- (4) The election must— 6
- (a) be in the approved form; and 7
- (b) state the amount of petroleum royalty the petroleum producer reasonably believes will be payable by the petroleum producer under the Act for the current royalty return period; and 8
9
10
11
12
- (c) unless the revenue commissioner, by notice given to the petroleum producer, approves another day for making the election—be lodged on or before— 13
14
15
16
- (i) for an election for the first month of the current royalty return period—the last business day of the second month of the royalty return period; or 17
18
19
20
- (ii) for an election for the second month of the current royalty return period—the last business day of the third month of the royalty return period. 21
22
23
24
- (5) Subject to subsection (6)— 25
- (a) if the petroleum producer makes an election under subsection (3) for the first month of the current royalty return period, the amount payable for that month is a third of the amount mentioned in subsection (4)(b) for the election; or 26
27
28
29
30
31
- (b) if the petroleum producer makes an election under subsection (3) for the second month of the current royalty return period, the amount payable for that month is a third of 32
33
34
35

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the amount mentioned in subsection (4)(b)	1
for the election.	2
(6) The amount payable, as changed under subsection	3
(3) for the first or second months of a royalty	4
return period, may be more than the amount	5
payable under subsection (5)(a) or (5)(b).	6
(7) In this section—	7
<i>relevant time</i> , for an election for the first month or	8
the second month of a royalty return period,	9
means when the amount payable for the month	10
becomes payable under section 148V.	11
148ZA Revenue commissioner may give notice	12
requiring petroleum royalty payable to be	13
worked out under s 148X	14
(1) This section applies if—	15
(a) a petroleum producer has previously made	16
an election under section 148Z(3); and	17
(b) the revenue commissioner considers the	18
petroleum producer did not have a	19
reasonable basis for forming the belief	20
mentioned in section 148Z(1)(a) for the	21
election.	22
(2) The revenue commissioner may give the	23
petroleum producer a notice stating that the	24
amounts payable by the petroleum producer for	25
the first and second months of 1 or more royalty	26
return periods must be worked out under section	27
148X.	28
(3) The petroleum producer may not make an election	29
under section 148Z(3) for a royalty return period	30
to which the notice relates.	31

Part 6	Joint venture tenures	32
---------------	------------------------------	----

148ZB Definitions for part	1
In this part—	2
<i>amount</i> , of petroleum produced under a joint venture tenure, includes a percentage or proportion of petroleum produced under the tenure.	3 4 5 6
<i>election period</i> , for a joint venture tenure, means the period for which a non-tenure holder is taken to be a petroleum producer, in relation to an amount of petroleum produced under the joint venture tenure, for a royalty provision.	7 8 9 10 11
<i>joint venture tenure</i> see section 148ZC(1)(b).	12
<i>non-tenure holder</i> see section 148ZC(1)(a).	13
<i>tenure holder</i> see section 148ZC(1)(b).	14
148ZC Non-tenure holder may apply to be treated as petroleum producer for joint venture tenure	15 16
(1) This section applies if—	17
(a) a person (the <i>non-tenure holder</i>) is a participant in a joint venture, or other arrangement, involving the production of petroleum and does not hold a petroleum tenure under which the petroleum for the joint venture or other arrangement is produced; and	18 19 20 21 22 23 24
(b) another person (the <i>tenure holder</i>) holds a petroleum tenure under which the petroleum for the joint venture or other arrangement is produced (the <i>joint venture tenure</i>).	25 26 27 28
(2) The non-tenure holder may apply to the revenue commissioner to be taken to be a petroleum producer, in relation to a stated amount of petroleum produced under the joint venture tenure, for a royalty provision.	29 30 31 32 33

[s 97]

- | | |
|---|-----------------------|
| (3) The application must— | 1 |
| (a) be in the approved form; and | 2 |
| (b) identify the joint venture tenure; and | 3 |
| (c) state the proposed amount of petroleum
produced under the joint venture tenure for
which the non-tenure holder is to be taken to
be a petroleum producer for a royalty
provision; and | 4
5
6
7
8 |
| (d) state the proposed day for the election
period for the joint venture tenure to start;
and | 9
10
11 |
| (e) state either— | 12 |
| (i) the proposed day for the election
period for the joint venture tenure to
end; or | 13
14
15 |
| (ii) that the election period for the joint
venture tenure is to end under section
148ZD; and | 16
17
18 |
| (f) be accompanied by the consent to the
application of the tenure holder. | 19
20 |
| (4) The revenue commissioner must decide the
application by— | 21
22 |
| (a) granting the application in the way
proposed; or | 23
24 |
| (b) granting the application in another way, with
the written agreement of the non-tenure
holder and tenure holder; or | 25
26
27 |
| (c) refusing to grant the application. | 28 |
| (5) The revenue commissioner may grant the
application only if the revenue commissioner is
satisfied the decision would not adversely affect
the protection of the public revenue. | 29
30
31
32 |
| (6) The election period must not— | 33 |

-
- (a) start on a day earlier than the first day of the current royalty return period; or
- (b) if a day is stated under subsection (3)(e)(i)—end on a day later than the stated day.
- (7) The revenue commissioner must give the non-tenure holder and the tenure holder notice of the decision.
- (8) If the decision is to refuse to grant the application, the notice must include reasons for the decision.
- (9) If the revenue commissioner decides to grant the application, for the election period for the joint venture tenure—
- (a) the non-tenure holder is taken to produce the amount of petroleum produced under the joint venture tenure that is decided by the revenue commissioner; and
- (b) the non-tenure holder is taken to be a petroleum producer, in relation to the amount of petroleum mentioned in paragraph (a), for a royalty provision; and
- (c) the non-tenure holder is taken to be a taxpayer under the *Taxation Administration Act 2001* in relation to petroleum royalty payable on the amount of petroleum mentioned in paragraph (a); and
- (d) a provision relating to when a royalty return is required to be lodged is taken to apply to the non-tenure holder as if the non-tenure holder held the joint venture tenure; and
- (e) sections 591 and 591A of the Act are taken to apply, in relation to the amount of petroleum mentioned in paragraph (a), as if the non-tenure holder held the joint venture tenure.

[s 97]

- (10) This section does not affect the tenure holder's liability to pay petroleum royalty on the amount of petroleum mentioned in subsection (9)(a) if the non-tenure holder does not pay the royalty. 1
2
3
4
- (11) In this section— 5
current royalty return period means the royalty return period applying in relation to the joint venture tenure on the day the application under this section is made. 6
7
8
9
- 148ZD Ending of election period on application or by revenue commissioner** 10
11
- (1) This section applies if the revenue commissioner has approved an application in relation to a joint venture tenure under section 148ZC. 12
13
14
- (2) The non-tenure holder or tenure holder for the joint venture tenure may apply to the revenue commissioner to end the election period for the joint venture tenure. 15
16
17
18
- (3) The application must— 19
- (a) be in the approved form; and 20
- (b) state the proposed day for the election period for the joint venture tenure to end; and 21
22
23
- (c) if the application is made by the non-tenure holder—be accompanied by evidence that the non-tenure holder has notified the tenure holder of the application; and 24
25
26
27
- (d) if the application is made by the tenure holder—be accompanied by evidence that the tenure holder has notified the non-tenure holder of the application. 28
29
30
31
- (4) The revenue commissioner must decide the application by— 32
33

-
- (a) ending the election period on the day proposed; or 1
2
- (b) ending the election period on another day, with the written agreement of the non-tenure holder and tenure holder; or 3
4
5
- (c) refusing to end the election period. 6
- (5) The revenue commissioner must decide to end the election period if the revenue commissioner is satisfied that ending the election period would not adversely affect the protection of the public revenue. 7
8
9
10
11
- (6) The revenue commissioner may also decide, on the revenue commissioner's own initiative, to end the election period for the joint venture tenure if the revenue commissioner is satisfied that ending the election period is appropriate for the protection of the public revenue. 12
13
14
15
16
17
- (7) The day on which the election period ends must not be earlier than the first day of the current royalty return period. 18
19
20
- (8) The revenue commissioner must give the non-tenure holder and the tenure holder notice of a decision under subsection (4) or (6). 21
22
23
- (9) If the decision is under subsection (6), the notice must include reasons for the decision. 24
25
- (10) To remove any doubt, it is declared that the ending of the election period for the joint venture tenure does not affect a liability arising before the ending of the period. 26
27
28
29
- (11) In this section— 30
current royalty return period means— 31
- (a) for an application under subsection (2)—the royalty return period applying in relation to the joint venture tenure on the day the application is made; or 32
33
34
35

[s 98]

- (b) for a decision under subsection (6)—the 1
royalty return period applying in relation to 2
the joint venture tenure on the day the 3
decision is made. 4

Part 7 Miscellaneous 5

149 Application of chapter to swap arrangements 6

- (1) The revenue commissioner may make a 7
determination about how this chapter applies to 8
swap arrangements. 9
- (2) Without limiting subsection (1), for petroleum 10
subject to a swap arrangement, a determination 11
may be made about— 12
- (a) how the average sales price for the 13
petroleum is to be worked out for part 3; and 14
- (b) if the petroleum is gas—whether the gas is 15
to be classified as domestic gas, supply gas 16
or project gas. 17
- (3) The revenue commissioner must publish a 18
determination made under subsection (1) on the 19
department’s website. 20
- (4) In this section— 21
- swap arrangement* means an arrangement 22
entered into between petroleum producers to 23
swap rights or obligations in relation to petroleum 24
produced by the producers to the extent the 25
arrangement relates to exchanging the same 26
volume and quality of petroleum in a particular 27
period. 28

Clause 98 Amendment of s 149A (Application of sdiv 4) 29

- (1) Section 149A, heading— 30

omit, insert—

1

149A Purpose of part

2

(2) Section 149A, ‘subdivision’

3

omit, insert—

4

part

5

(3) Section 149A, ‘section 599A(2)’—

6

omit, insert—

7

section 593(2)

8

Clause 99 Amendment of s 149B (What notice must contain)

9

(1) Section 149B(1), ‘section 599A(1)’—

10

omit, insert—

11

section 593

12

(2) Section 149B(1) and (3), ‘Minister’—

13

omit, insert—

14

revenue commissioner

15

(3) Section 149B(2)—

16

omit, insert—

17

(2) For subsection (1)(d), the information the revenue commissioner may ask a petroleum producer to provide in the royalty estimate includes the following—

18

19

20

21

(a) a statement of each type of petroleum the producer expects to produce in the estimate period;

22

23

24

(b) for each type of petroleum stated under paragraph (a), an estimate of the following for the estimate period—

25

26

27

(i) the volume of petroleum the producer expects to produce;

28

29

[s 100]

	(ii) the volume of petroleum the producer expects to be exempt from petroleum royalty under section 591 or 591A of the Act;	1 2 3 4
	(iii) the volume of petroleum the producer expects to be subject to the benchmark price for the petroleum;	5 6 7
	(iv) the average sales price for the petroleum for the petroleum producer for the estimate period.	8 9 10
(4)	Subsection 149B(4)— <i>omit, insert</i> —	11 12
	(4) In this section— <i>type</i> , of petroleum, means—	13 14
	(a) domestic gas; or	15
	(b) supply gas; or	16
	(c) project gas; or	17
	(d) liquid petroleum.	18
Clause 100	Amendment of s 149D (Minister may request information to support royalty estimate)	19 20
(1)	Section 149D, heading, ‘Minister’— <i>omit, insert</i> —	21 22
	Revenue commissioner	23
(2)	Section 149D(1), (2) and (3), ‘Minister’— <i>omit, insert</i> — revenue commissioner	24 25 26
(3)	Section 149D(2), ‘section 599A(2)’— <i>omit, insert</i> — section 593(2)	27 28 29

Clause 101	Amendment of s 149E (Imposition of civil penalty—Act, s 604A)	1
		2
	(1) Section 149E, heading, ‘604A’—	3
	<i>omit, insert—</i>	4
	594	5
	(2) Section 149E(1), (2) and (3), ‘section 147B election’—	6
	<i>omit, insert—</i>	7
	section 148Z election	8
	(3) Section 149E(3)(a), ‘section 147A’—	9
	<i>omit, insert—</i>	10
	section 148X	11
	(4) Section 149E(5)—	12
	<i>omit, insert—</i>	13
	(5) Subsection (6) applies if, for petroleum royalty payable for the current royalty return period, an assessment is made under the <i>Taxation Administration Act 2001</i> .	14
		15
		16
		17
	(5) Section 149E(6), ‘or reassessment’—	18
	<i>omit.</i>	19
	(6) Section 149E(7), ‘section 147B(2)’—	20
	<i>omit, insert—</i>	21
	section 148Z(2)	22
	(7) Section 149E(8), ‘Minister’—	23
	<i>omit, insert—</i>	24
	revenue commissioner	25
	(8) Section 149E—	26
	<i>insert—</i>	27
	(8A) The remission must be made by assessment.	28
	(9) Section 149E(9)—	29

[s 102]

omit, insert— 1

(9) In this section— 2

current royalty return period see section 3
148Z(1)(a). 4

section 148Z election means an election under 5
section 148Z(3) to change the amount payable for 6
the first month or the second month, or both, of 7
the current royalty return period. 8

(10) Section 149E(8A) and (9)— 9

renumber as section 149E(9) and (10). 10

Clause 102 Omission of ss 149F and 149G 11

Sections 149F and 149G— 12

omit. 13

Clause 103 Replacement of ss 149H and 149I 14

Sections 149H and 149I— 15

omit, insert— 16

149I Unpaid tax interest on petroleum royalty— 17

Taxation Administration Act 2001, s 54 18

(1) For the *Taxation Administration Act 2001*, section 19
54(9), this section provides for working out the 20
period for which unpaid tax interest accrues if— 21

(a) petroleum royalty is payable by a person 22
under section 148V(1) for a royalty return 23
period that is a calendar quarter; and 24

(b) the person has not paid all of the amount 25
payable for instalment 1, instalment 2 or 26
instalment 3 as required under section 148V. 27

(2) If instalment 1 or instalment 2 is not paid in full 28
by the day required under section 148V, unpaid 29
tax interest accrues on the amount unpaid, from 30

time to time, for the period—	1
(a) starting on, and including, the day after the day the instalment is required to be paid; and	2 3 4
(b) ending on, and including, the earlier of the following days—	5 6
(i) the day the instalment is paid in full;	7
(ii) the lodgement day.	8
(3) If the petroleum royalty payable for the royalty return period is not paid in full on the lodgement day, unpaid tax interest accrues on the total amount unpaid, from time to time, for the period—	9 10 11 12 13
(a) starting on, and including, the day after the lodgement day; and	14 15
(b) ending on, and including, the day the total amount is paid in full.	16 17
(4) In this section—	18
<i>lodgement day</i> means the day a petroleum royalty return must be lodged for a royalty return period, disregarding any extension given under the <i>Taxation Administration Act 2001</i> , section 151.	19 20 21 22
Clause 104 Insertion of new ch 7, pt 14	23
Chapter 7—	24
<i>insert—</i>	25
Part 14 Transitional provisions	26
for Royalty Legislation	27
Amendment Act 2020	28

[s 104]

183 Definitions for part	1
In this part—	2
<i>amending Act</i> means the <i>Royalty Legislation Amendment Act 2020</i> .	3 4
<i>former</i> , for a provision of the Act or this regulation, means the provision as in force from time to time before the commencement.	5 6 7
<i>new</i> , for a provision of this regulation, means the provision as in force from the commencement.	8 9
184 Financial year 2020–2021 taken to start on 1 October 2020 for new ch 6	10 11
(1) This section applies if a petroleum producer is required, under new section 148Q(1)(b), to lodge a royalty return for a financial year.	12 13 14
(2) For new chapter 6, the financial year that starts on 1 July 2020 and ends on 30 June 2021 is taken to start on 1 October 2020 and end on 30 June 2021.	15 16 17
185 Petroleum royalty payable on petroleum produced in royalty return period ending before 1 October 2020 but not disposed of before 1 October 2020	18 19 20 21
(1) This section applies if—	22
(a) a petroleum producer produced petroleum under a petroleum tenure or a 1923 Act petroleum tenure in a royalty return period that ended before 1 October 2020; and	23 24 25 26
(b) the petroleum was not disposed of before 1 October 2020.	27 28
(2) For former chapter 6, the petroleum royalty payable by the petroleum producer is—	29 30

-
- (a) despite former section 147(1)(a), taken to be payable for the royalty return period that ended on 30 September 2020; and
- (b) despite former section 147C(a), taken to be payable at the rate of 12.5% of the wellhead value of the petroleum mentioned in subsection (1).
- (3) To remove any doubt, it is declared that former section 148 continues to apply for working out the wellhead value of the petroleum.
- (4) In this section—
royalty return period see former section 146A.
- 186 Petroleum royalty payable on petroleum produced in annual return period ending before 1 October 2020 but not disposed of before 1 October 2020**
- (1) This section applies if—
- (a) a petroleum producer produced petroleum under a petroleum tenure or a 1923 Act petroleum tenure in an annual return period that ended before 1 October 2020; and
- (b) the petroleum was not disposed of before 1 October 2020.
- (2) For former chapter 6, the petroleum royalty payable by the petroleum producer is—
- (a) despite former section 147BA(1)(a), taken to be payable for the annual return period that ended on 30 September 2020; and
- (b) despite former section 147C(a), taken to be payable at the rate of 12.5% of the wellhead value of the petroleum mentioned in subsection (1).
- (3) To remove any doubt, it is declared that former

[s 104]

section 148 continues to apply for working out the wellhead value of the petroleum.	1 2
(4) In this section—	3
<i>annual return period</i> see former section 599(11) of the Act.	4 5
187 Working out components of wellhead value of petroleum produced before 1 October 2020	6 7
(1) This section applies if petroleum was produced by a petroleum producer before 1 October 2020.	8 9
(2) Former chapter 6, part 2, division 4, subdivisions 2 and 2A continue to apply, as if the amending Act had not commenced, for working out the components of the wellhead value of the petroleum.	10 11 12 13 14
(3) Without limiting subsection (2), any of the following may happen after the commencement in relation to the petroleum—	15 16 17
(a) the petroleum producer may apply under former section 148B for a petroleum royalty decision;	18 19 20
(b) a notice may be given to the petroleum producer under former section 148C(3);	21 22
(c) a petroleum royalty decision may be made under former section 148E;	23 24
(d) a petroleum royalty decision may be amended under former section 148H;	25 26
(e) the petroleum producer may apply under former section 148J for review of—	27 28
(i) a petroleum royalty decision; or	29
(ii) an amendment of a petroleum royalty decision;	30 31

-
- (f) a review application may be decided under former section 148K; 1
2
- (g) a reassessment may be made under former section 148M. 3
4
- (4) However, for subsection (3)(e), the petroleum producer may apply under former section 148J for review of a petroleum royalty decision, or an amendment of a petroleum royalty decision, only if the decision or the amendment was made before the commencement. 5
6
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- 188 Petroleum producer to advise revenue commissioner of particular matters affecting petroleum royalty decision** 11
12
13
- (1) This section applies if, before or after the commencement, a petroleum royalty decision was or is made under former section 148E in relation to a petroleum producer. 14
15
16
17
- (2) Section 148G, as in force immediately before the commencement, continues to apply in relation to the petroleum producer as if the amending Act had not commenced. 18
19
20
21
- 189 Application for petroleum royalty decision made before commencement** 22
23
- (1) This section applies if— 24
- (a) before the commencement, a petroleum producer made an application under former section 148B(1) for a petroleum royalty decision; and 25
26
27
28
- (b) immediately before the commencement, the application had not been finally dealt with. 29
30
- (2) Former chapter 6 continues to apply in relation to the application as if the amending Act had not commenced. 31
32
33

[s 105]

(3)	This section does not limit section 187.	1
190	Application for review made before commencement	2 3
(1)	This section applies if—	4
(a)	before the commencement, a petroleum producer made an application under former section 148J for the review of a petroleum royalty decision or an amendment of a petroleum royalty decision; and	5 6 7 8 9
(b)	immediately before the commencement, the application had not been finally dealt with.	10 11
(2)	Former chapter 6 continues to apply in relation to the application as if the amending Act had not commenced.	12 13 14
(3)	This section does not limit section 187.	15
191	References to Minister taken to be references to revenue commissioner	16 17
(1)	This section applies if a provision of this part provides that a former provision of this regulation is to continue to apply in relation to a matter as if the amending Act had not commenced.	18 19 20 21
(2)	A reference in the former provision to the Minister is taken to be a reference to the revenue commissioner.	22 23 24
Clause 105	Amendment and renumbering of sch 12 (Dictionary)	25
(1)	Schedule 12, definitions <i>component</i> , <i>disposes of</i> , <i>earlier return period</i> , <i>petroleum product</i> , <i>petroleum royalty decision</i> , <i>relevant entity</i> , <i>stated factor</i> and <i>wellhead value</i> — <i>omit.</i>	26 27 28 29
(2)	Schedule 12—	30

<i>insert—</i>	1
amount , of petroleum produced under a joint venture tenure, for chapter 6, part 6, see section 148ZB.	2 3 4
average hedge settlement rate , for a royalty return period, for chapter 6, see section 134(1).	5 6
average sales price—	7
(a) for domestic gas for a petroleum producer for a royalty return period, for chapter 6, part 3, division 2—see sections 146 and 147; or	8 9 10 11
(b) for supply gas for a petroleum producer for a royalty return period, for chapter 6, part 3, division 3—see sections 148B and 148D; or	12 13 14
(c) for project gas for a petroleum producer for a royalty return period, for chapter 6, part 3, division 4—see sections 148G and 148I; or	15 16 17
(d) for liquid petroleum for a petroleum producer for a royalty return period, for chapter 6, part 3, division 5—see sections 148L and 148M.	18 19 20 21
benchmark price—	22
(a) for domestic gas for a royalty return period, for chapter 6, part 3, division 2—see section 144; or	23 24 25
(b) for supply gas for a royalty return period, for chapter 6, part 3, division 3—see section 148C; or	26 27 28
(c) for project gas for a royalty return period, for chapter 6, part 3, division 4—see section 148H; or	29 30 31
(d) for liquid petroleum for a royalty return period, for chapter 6, part 3, division 5—see section 148J.	32 33 34

[s 105]

<i>calendar quarter</i> means each of the following 3-month periods in a year—	1 2
(a) 1 January to 31 March;	3
(b) 1 April to 30 June;	4
(c) 1 July to 30 September;	5
(d) 1 October to 31 December.	6
<i>domestic gas</i> , for chapter 6, see section 135.	7
<i>election period</i> , for a joint venture tenure, for chapter 6, part 6, see section 148ZB.	8 9
<i>gas</i> , for chapter 6, see section 134(1).	10
<i>hedge settlement rate</i> , for a day, for chapter 6, see section 134(1).	11 12
<i>independent buyer</i> , in relation to a petroleum producer or a reseller for the producer, for chapter 6, see section 134(1).	13 14 15
<i>joint venture tenure</i> , for chapter 6, part 6, see section 148ZC(1)(b).	16 17
<i>liquid petroleum</i> , for chapter 6, see section 138.	18
<i>LNG</i> , for chapter 6, see section 134(1).	19
<i>LNG project</i> , for chapter 6, see section 134(1).	20
<i>LNG project buyer</i> , in relation to a petroleum producer or a reseller for the producer, for chapter 6, see section 134(1).	21 22 23
<i>member</i> , of an LNG project, for chapter 6, see section 134(1).	24 25
<i>non-tenure holder</i> , for chapter 6, part 6, see section 148ZC(1)(a).	26 27
<i>oil</i> , for chapter 6, see section 134(1).	28
<i>project gas</i> , for chapter 6, see section 137.	29
<i>relevant entity</i> , for a petroleum producer, for chapter 6, see section 134(1).	30 31

<i>relevant period</i> , for a royalty return period, for chapter 6, part 3, see section 143.	1 2
<i>reseller</i> , for a petroleum producer, for chapter 6, see section 134(1).	3 4
<i>standard temperature and pressure</i> , for chapter 6, see section 134(1).	5 6
<i>supply gas</i> , for chapter 6, see section 136.	7
<i>tenure holder</i> , for chapter 6, part 6, see section 148ZC(1)(b).	8 9
<i>unpaid tax interest</i> see the <i>Taxation Administration Act 2001</i> , section 54(1).	10 11
<i>volume</i> , of petroleum, for chapter 6, part 3, see section 143.	12 13
(3) Schedule 12— <i>renumber</i> as schedule 1.	14 15

Part 10	Amendment of Taxation Administration Act 2001	16 17
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Clause 106	Act amended	18
	This part amends the <i>Taxation Administration Act 2001</i> .	19

Clause 107	Amendment of s 6 (Revenue laws)	20
	Section 6—	21
	<i>insert</i> —	22
	(6) Each of the following provisions of the <i>Mineral Resources Act 1989</i> is a revenue law—	23 24
	(a) chapter 11;	25

[s 108]

	(b) another provision of that Act to the extent the provision is administered by the Minister administering this Act.	1 2 3
	(7) Subsection (6) is subject to the <i>Mineral Resources Act 1989</i> , chapter 15, part 20.	4 5
	(8) Each of the following provisions of the <i>Petroleum and Gas (Production and Safety) Act 2004</i> is a revenue law—	6 7 8
	(a) chapter 6;	9
	(b) another provision of that Act to the extent the provision is administered by the Minister administering this Act.	10 11 12
	(9) Subsection (8) is subject to the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , chapter 15, part 28.	13 14 15
Clause 108	Insertion of new s 6A	16
	After section 6—	17
	<i>insert—</i>	18
	6A References to tax	19
	(1) To enable the use of a simpler style in provisions that apply to both taxes and royalties, this Act uses the term ‘tax’ which, under its definition, includes royalty payable under the <i>Mineral Resources Act 1989</i> and petroleum royalty payable under the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	20 21 22 23 24 25 26
	(2) That use of the term ‘tax’, and related terms, must not be taken to affect the nature of the payments under those Acts as royalties.	27 28 29
Clause 109	Insertion of new s 13A	30
	After section 13—	31

insert—

13A Assessment may be made despite related objections, appeals or reviews

The commissioner may make an assessment under this division even if any of the following has started but not yet been decided—

- (a) an objection against a related royalty valuation decision;
- (b) an appeal against, or review of, the commissioner's decision on an objection against a related royalty valuation decision.

Clause 110 Amendment of s 14 (Making self assessment by lodging return)

- (1) Section 14(a), 'the amount of each taxpayer's liability for tax stated in the return'—

omit, insert—

each taxpayer stated in the return

- (2) Section 14(c), 'amount stated in the return for the liability'—

omit, insert—

amount that, on the basis of the information stated in the return, is the amount of each taxpayer's liability for tax

Clause 111 Amendment of s 14A (Making self assessment by lodging transaction statement)

- (1) Section 14A(a), 'the amount of a taxpayer's liability for tax'—

omit, insert—

the taxpayer

- (2) Section 14A(c), 'amount stated in the statement for the liability'—

[s 112]

omit, insert— 1
amount that, on the basis of the information stated 2
in the statement, is the amount of the taxpayer’s 3
liability for tax 4

**Clause 112 Amendment of s 17 (Commissioner’s general power to 5
make reassessments) 6**
Section 17(3)— 7
omit, insert— 8
(3) The commissioner may make a reassessment 9
under subsection (1) even if any of the following 10
has started but not yet been decided— 11
(a) an objection against the assessment or a 12
related royalty valuation decision; 13
(b) an appeal against, or review of, the 14
commissioner’s decision on an objection 15
mentioned in paragraph (a). 16

**Clause 113 Replacement of s 19 (When commissioner must make 17
reassessment—objections, court decisions or QCAT 18
decisions) 19**
Section 19— 20
omit, insert— 21
**19 When commissioner must make 22
reassessment—objections, court decisions or 23
QCAT decisions 24**
(1) This section applies if— 25
(a) the commissioner decides to allow an 26
objection to an assessment or royalty 27
valuation decision in whole or part; or 28
(b) a court or QCAT makes a decision about a 29
taxpayer’s tax law liability or about a 30
royalty valuation decision. 31

	(2) The commissioner must make any amendment of the royalty valuation decision, and any reassessment of the taxpayer's liability for tax, that is necessary to give effect to the decision.	1 2 3 4
	(3) However, the commissioner need not act under subsection (2) to give effect to a decision of a court or QCAT until—	5 6 7
	(a) the end of the period allowed for an appeal against the decision; or	8 9
	(b) if an appeal is started against the decision— the appeal ends.	10 11
Clause 114	Amendment of s 26 (Assessment notice to be given to taxpayer)	12 13
	Section 26—	14
	<i>insert—</i>	15
	(6) Despite subsection (1), the commissioner need not give an assessment notice for an assessment making a remission under section 60 or a revenue law if, after the remission and the application of payments received by the commissioner for the taxpayer's assessment liability, the taxpayer has no assessment liability.	16 17 18 19 20 21 22
Clause 115	Insertion of new s 28A	23
	After section 28—	24
	<i>insert—</i>	25
	28A Assessments of liability for royalty under the Mineral Resources Act 1989	26 27
	(1) This section applies in relation to a taxpayer's liability for royalty under the <i>Mineral Resources Act 1989</i> .	28 29 30
	(2) Without limiting section 26, the matters stated in	31

[s 116]

	an assessment notice must include—	1
	(a) the amount of royalty payable to the State; and	2 3
	(b) if the <i>Mineral Resources Act 1989</i> , section 320(3)(b) applies—the amount of royalty payable to another person.	4 5 6
	(3) A reassessment mentioned in section 25(b) may change the amount of royalty payable to the State or the amount payable to another person, whether or not it changes the taxpayer’s total liability for royalty.	7 8 9 10 11
	(4) Section 28(1) applies as if a reference to a taxpayer’s liability for tax were a reference to the amount of the taxpayer’s liability for royalty that is payable to the State.	12 13 14 15
Clause 116	Amendment of s 29 (Methods of payment)	16
	Section 29(1), ‘under a tax law must be paid to the commissioner’—	17 18
	<i>omit, insert—</i>	19
	to the commissioner under a tax law must be paid	20
Clause 117	Amendment of s 30 (Time for payment of tax)	21
	(1) Section 30(1)—	22
	<i>insert—</i>	23
	(ca) for an amount of tax, payable under a royalty law, for which the royalty law provides a time for payment—by that time; or	24 25 26 27
	(2) Section 30(1)(ca) and (d)—	28
	<i>renumber</i> as section 30(1)(d) and (e).	29
	(3) Section 30(2), ‘subsection (1)(d)’—	30

omit, insert— 1

subsection (1)(e) 2

(4) Section 30— 3

insert— 4

(3) For a return self-assessment, assessed interest is 5

payable on the day the assessment is made. 6

Clause 118 Amendment of s 34 (Payment arrangements) 7

(1) Section 34(1), ‘extend’— 8

omit, insert— 9

approve an arrangement (a *payment* 10

arrangement) extending 11

(2) Section 34(2)— 12

omit, insert— 13

(2) Without limiting subsection (1), the payment 14

arrangement may be for payment of the amount 15

by way of instalments. 16

Clause 119 Replacement of s 38 (Applying amounts to current and future tax liabilities) 17
18

Section 38— 19

omit, insert— 20

38 Applying amounts to current and future tax liabilities 21
22

(1) This section applies if a taxpayer is entitled to a 23

refund of an amount (the *refund amount*) under 24

section 37. 25

(2) The commissioner may apply the whole or part of 26

the refund amount, and any section 61A interest 27

payable on the refund amount, as payment for any 28

of the following— 29

[s 119]

- (a) any tax law liability of the taxpayer; 1
- (b) any tax law liability of the taxpayer that the commissioner reasonably believes will become payable within 60 days after the entitlement to the refund arises; 2
3
4
5
- (c) for a refund amount that is a royalty amount, and any section 61A interest payable on that amount—any liability of the taxpayer for a royalty amount that the commissioner reasonably believes will become payable on or before the later of the following days— 6
7
8
9
10
11
 - (i) the day that is 6 months after the entitlement to the refund arises; 12
13
 - (ii) the day an assessment is made for the taxpayer for the next royalty return period to end after the entitlement to the refund arises. 14
15
16
17
- (3) Immediately after the end of the period within which the commissioner may apply the refund amount under subsection (2), the commissioner must refund or pay to the taxpayer any part of the refund amount and section 61A interest that has not been applied. 18
19
20
21
22
23
- (4) However subsections (2) and (3) do not prevent the commissioner from holding the refund amount or section 61A interest for any period, or applying it for any purpose, at the taxpayer's request or with the taxpayer's consent. 24
25
26
27
28
- (5) This section has effect subject to section 39. 29
- (6) In this section— 30
 - royalty amount* means— 31
 - (a) an amount payable by a taxpayer under a royalty law; or 32
33

	(b) an amount payable by a taxpayer, under this Act, that relates to an amount mentioned in paragraph (a).	1 2 3
	<i>royalty return period</i> , for a taxpayer, means a period for which, under a royalty law, the taxpayer must lodge a return.	4 5 6
	<i>section 61A interest</i> means interest payable on a refund amount by the commissioner to a taxpayer under section 61A.	7 8 9
Clause 120	Amendment of s 39 (General provision about refunds and payments of section 61A interest)	10 11
	Section 39(5), definition <i>section 61A interest</i> , ‘section 38(5)’—	12 13
	<i>omit, insert—</i>	14
	section 38(6)	15
Clause 121	Amendment of s 45 (Unpaid amount under tax law is debt)	16 17
	Section 45—	18
	<i>insert—</i>	19
	(3) Subsections (1) and (2) do not apply to an amount of royalty payable under the <i>Mineral Resources Act 1989</i> to a person other than the State.	20 21 22
Clause 122	Amendment of s 54 (Unpaid tax interest)	23
	(1) Section 54(2A)—	24
	<i>omit, insert—</i>	25
	(2A) Late payment interest accrues at the prescribed rate on the unpaid primary tax as follows—	26 27

[s 122]

- | | | |
|------|--|-------------|
| (a) | for unpaid primary tax under a royalty law,
late payment interest accrues daily from and
including the start date; | 1
2
3 |
| (b) | for unpaid primary tax under a revenue law
other than a royalty law, late payment
interest accrues— | 4
5
6 |
| (i) | on the day of the week prescribed by
regulation first happening after the start
date; and | 7
8
9 |
| (ii) | weekly after the first accrual under
subparagraph (i). | 10
11 |
| (2) | Section 54(4), ‘and (2A)(a)’—
<i>omit, insert—</i> | 12
13 |
| | and (3) | 14 |
| (3) | Section 54(4), example, ‘ <i>subsection (4)(c)(ii)</i> ’—
<i>omit, insert—</i> | 15
16 |
| | <i>subsection (5)(c)(ii)</i> | 17 |
| (4) | Section 54(4), example, ‘under subsection (5)’—
<i>omit, insert—</i> | 18
19 |
| | under subsection (6) | 20 |
| (5) | Section 54(5), ‘For subsection (4)(aa)(ii),’—
<i>omit, insert—</i> | 21
22 |
| | For subsection (5)(aa)(ii), | 23 |
| (6) | Section 54(6), example, ‘ <i>for subsection (6)</i> ’—
<i>omit, insert—</i> | 24
25 |
| | <i>for subsection (7)</i> | 26 |
| (7) | Section 54(6), example, ‘for subsection (4)(c)(ii)’—
<i>omit, insert—</i> | 27
28 |
| | for subsection (5)(c)(ii) | 29 |
| (8) | Section 54— | 30 |

insert—

- (6A) A reference in this section to an amount of primary tax payable by a taxpayer does not include a reference to an amount of royalty payable under the *Mineral Resources Act 1989* to a person other than the State.
- (6B) Despite subsections (2) and (3)(a), a regulation under a royalty law may prescribe how unpaid tax interest is worked out in particular cases or classes of cases, including, for example, how the interest is worked out if royalty is, under a regulation under a royalty law, payable in instalments.
- (9) Section 54(7), definition *total number of days of noncompliance*, ‘in subsection (4)(aa)(ii)’—
omit, insert—
in subsection (5)(aa)(ii)
- (10) Section 54(7), definition *total number of days of noncompliance*, ‘in subsection (4)(aa)(iii)’—
omit, insert—
in subsection (5)(aa)(iii)
- (11) Section 54(2A) to (7)—
renumber as section 54(3) to (10).

Clause 123 Amendment of s 58 (Liability for penalty tax)

Section 58—

insert—

- (4) A reference in this section to an amount of primary tax does not include a reference to an amount of royalty payable under the *Mineral Resources Act 1989* to a person other than the State.

[s 124]

Clause 124	Amendment of s 60 (When commissioner may remit unpaid tax interest and penalty tax)	1
	Section 60(3)—	2
	<i>omit.</i>	3
		4
Clause 125	Insertion of new s 62A	5
	After section 62—	6
	<i>insert—</i>	7
	62A Royalty under Mineral Resources Act 1989	8
	A person is not entitled to interest under this division on an amount of royalty paid under the <i>Mineral Resources Act 1989</i> to a person other than the State.	9
		10
		11
		12
Clause 126	Amendment of pt 6, hdg (Objections, reviews and appeals against assessments)	13
	Part 6, heading, ‘against assessments’—	14
	<i>omit.</i>	15
		16
Clause 127	Amendment of s 63 (Right to object)	17
	(1) Section 63, heading—	18
	<i>omit, insert—</i>	19
	63 Right to object—assessments	20
	(2) Section 63(2)—	21
	<i>omit, insert—</i>	22
	(2) Also, a taxpayer who is dissatisfied with any of the following reassessments may object to it—	23
		24
	(a) a reassessment increasing the taxpayer’s liability for tax;	25
		26
	(b) a reassessment under section 18(b) decreasing a taxpayer’s liability for tax;	27
		28

-
- (c) a reassessment of the taxpayer's liability for royalty payable under the *Mineral Resources Act 1989* that—
- (i) varies the amount payable to the State and the amount payable to another person; and
 - (ii) does not change the taxpayer's total liability for royalty.

Clause 128 Insertion of new s 63A 9

After section 63— 10

insert— 11

63A Right to object—royalty valuation decisions 12

- (1) A taxpayer who is dissatisfied with an original royalty valuation decision may object to the decision. 13
14
15
- (2) A taxpayer who is dissatisfied with an amended royalty valuation decision may object to the decision. 16
17
18
- (3) However, the right of objection to an amended royalty valuation decision is limited to the changes for the particular matters for which the amended royalty valuation decision is made. 19
20
21
22
- (4) A decision or conduct leading up to or forming part of the process of making a royalty valuation decision is subject to objection only as part of an objection to the royalty valuation decision. 23
24
25
26

Clause 129 Amendment of s 64 (Grounds of objection) 27

(1) Section 64(1), after 'assessment'— 28

insert— 29

or royalty valuation decision 30

[s 130]

- (2) Section 64— 1
insert— 2
- (3) Also, if a royalty valuation decision relates to an 3
assessment, a matter relating to the decision may 4
only be raised in an objection to the decision 5
under section 63A and may not be raised in an 6
objection to the assessment under section 63. 7

- Clause 130 Amendment of s 65 (Making objection)** 8
- Section 65(1)(d)— 9
omit, insert— 10
- (d) be lodged within 60 days after the following 11
notice is given to the taxpayer— 12
- (i) for an objection under section 63—the 13
assessment notice for the assessment to 14
which the objection relates; 15
- (ii) for an objection under section 63A— 16
the notice for the royalty valuation 17
decision to which the objection relates. 18

- Clause 131 Amendment of s 67 (Deciding objection)** 19
- Section 67(2), ‘assessment to which the objection relates 20
was’— 21
omit, insert— 22
- objection relates to an assessment or royalty 23
valuation decision 24

- Clause 132 Amendment of s 68 (Notice of decision)** 25
- Section 68(2)(c), before ‘the taxpayer’— 26
insert— 27
- that 28

Clause 133	Amendment of s 69 (Right of appeal or review)	1
(1)	Section 69(1)(b), before ‘the taxpayer’—	2
	<i>insert—</i>	3
	for an objection under section 63—	4
(2)	Section 69—	5
	<i>insert—</i>	6
(4)	To remove any doubt, it is declared that subsection (1)(b) applies to an objection to an assessment whether or not the taxpayer also makes an objection under section 63A to a royalty valuation decision relating to the assessment.	7 8 9 10 11
(5)	For royalty payable under the <i>Mineral Resources Act 1989</i> , the reference in subsection (1)(b) to payment of the whole of the amount of the tax is a reference to payment of the whole of the amount of the royalty assessed as payable to the State.	12 13 14 15 16
Clause 134	Amendment of s 69A (Effect of making reassessment after appeal or review started)	17 18
(1)	Section 69A, heading—	19
	<i>omit, insert—</i>	20
	69A Effect of reassessment or amendment of decision after appeal or review started	21 22
(2)	Section 69A(1)—	23
	<i>omit, insert—</i>	24
(1)	This section applies if—	25
(a)	a taxpayer appeals to the Supreme Court against, or applies to QCAT for a review of, the commissioner’s decision on the taxpayer’s objection; and	26 27 28 29

[s 135]

	(b) after the appeal or review has started but before it has been decided, the taxpayer receives—	1 2 3
	(i) for an objection under section 63—an assessment notice for a reassessment of the taxpayer’s liability for tax; or	4 5 6
	(ii) for an objection under section 63A—a notice under the royalty law of an amended royalty valuation decision.	7 8 9
(3)	Section 69A(2), ‘On receiving the assessment notice for the reassessment, the’— <i>omit, insert—</i> The	10 11 12 13
(4)	Section 69A(2)(b) and (3), after ‘reassessment’— <i>insert—</i> or amended royalty valuation decision	14 15 16
Clause 135	Amendment of s 71 (QCAT to decide review on evidence before the commissioner)	17 18
	Section 71(5), definition <i>original decision</i> , ‘or reassessment’— <i>omit, insert—</i> , reassessment, royalty valuation decision or amended royalty valuation decision	19 20 21 22 23
Clause 136	Amendment of s 75 (What is a <i>non-reviewable decision</i>)	24
	Section 75(1), ‘this Act’— <i>omit, insert—</i> a tax law	25 26 27

Clause 137	Amendment of s 77 (Application of Judicial Review Act)	1
	Section 77(a), (b) and (c), after ‘assessment’—	2
	<i>insert</i> —	3
	or royalty valuation decision	4
Clause 138	Amendment of s 78 (Declaration of recognised law and corresponding commissioner)	5
	Section 78(1)(a)—	6
	<i>omit, insert</i> —	7
	(a) the levying or collection of—	8
	(i) a tax, fee, duty or other impost; or	9
	(ii) a royalty;	10
Clause 139	Insertion of new s 99A	11
	After section 99—	12
	<i>insert</i> —	13
	99A Testing of seized thing for royalty law	14
	(1) This section applies only for the administration or enforcement of—	15
	(a) a royalty law; or	16
	(b) a law declared to be a recognised law under section 78(1)(a)(ii).	17
	(2) If an investigator considers a thing seized under section 97 is a mineral or petroleum, the investigator may carry out, or arrange to have carried out, a scientific or other test on a sample of the thing.	18
	(3) The testing may have the effect of destroying the thing.	19
	(4) Section 99(1) does not apply in relation to a thing seized and tested under this section.	20
		21
		22
		23
		24
		25
		26
		27
		28
		29

[s 140]

Clause 140	Amendment of s 111 (Disclosure of confidential information)	1 2
(1)	Section 111(2)(d)(i), ‘taxation’— <i>omit, insert—</i> public	3 4 5
(2)	Section 111(2)(d)(ii)— <i>omit, insert—</i> (ii) a resources law; or	6 7 8
(3)	Section 111(2)(f)(i), ‘taxation’— <i>omit, insert—</i> public revenue	9 10 11
(4)	Section 111(7), definition <i>royalty law</i> — <i>omit, insert—</i> <i>resources law</i> includes the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> .	12 13 14 15
Clause 141	Amendment of s 147 (Giving document if more than 1 taxpayer liable)	16 17
	Section 147— <i>insert—</i>	18 19
(5)	A reference in this section to a liability to pay tax for an instrument, transaction or matter includes a reference to a liability to pay tax for a matter for a particular period.	20 21 22 23
Clause 142	Amendment of s 148 (Ways document given by commissioner)	24 25
	Section 148— <i>insert—</i>	26 27
(2)	Without limiting subsection (1)(a), a document to	28

- be given to a person by the commissioner is properly given if it is left at, or sent to—
- (a) an address notified to the commissioner by—
 - (i) the person; or
 - (ii) an agent of the person with apparent authority to notify the person’s address; or
 - (b) for a document to be given under a royalty law—the address for the person recorded in the register.
- (3) In this section—
- register* means the register kept under the *Mineral and Energy Resources (Common Provisions) Act 2014*.

Clause 143 Insertion of new pt 11B

After part 11A—
insert—

Part 11B Royalty operations

149J Definitions for part

- In this part—
- authority holder*, for a royalty operation, means a holder of any of the authorities under which the royalty operation is carried on.
- royalty operation* means a mining operation within the meaning given by the *Mineral Resources Act 1989* for chapter 11 of that Act.

[s 144]

149K References to assessment

A reference in this Act to an assessment of a taxpayer's liability for tax includes a reference to an assessment of the liability for tax, for a royalty operation, of all the authority holders.

149L Refunds

- (1) This section applies if the authority holders for a royalty operation are entitled to a refund of an amount under section 37 in relation to the liability for tax for the royalty operation.
- (2) Section 38 applies as if a reference to a tax law liability of the taxpayer were a reference to a tax law liability, for the royalty operation, of the authority holders.
- (3) A reference in section 39 to a taxpayer receiving an amount from another person includes a reference to an authority holder for the royalty operation receiving an amount from a person other than another authority holder for the royalty operation.

Clause 144 Renumbering of pt 14 (Transitional provision for Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009)

Part 14—

renumber as part 13, division 3.

Clause 145 Renumbering of pt 15 (Transitional provisions for Land Tax Act 2010)

Part 15—

renumber as part 13, division 4.

Clause 146	Amendment of s 166 (Definition for pt 15)	1
	(1) Section 166, heading, ‘pt 15’—	2
	<i>omit, insert—</i>	3
	div 4	4
	(2) Section 166 ‘this part’—	5
	<i>omit, insert—</i>	6
	this division	7
Clause 147	Renumbering of pt 16 (Savings provision for repealed Tobacco Products (Licensing) Act 1988)	8
	Part 16—	9
	<i>renumber</i> as part 13, division 5.	10
Clause 148	Renumbering of pt 17 (Savings, transitional and related provisions for repeal of Community Ambulance Cover Act 2003)	11
	Part 17—	12
	<i>renumber</i> as part 13, division 6.	13
Clause 149	Amendment of s 170 (Definitions for pt 17)	14
	(1) Section 170, heading, ‘pt 17’—	15
	<i>omit, insert—</i>	16
	div 6	17
	(2) Section 170, ‘this part’—	18
	<i>omit, insert—</i>	19
	this division	20

[s 150]

Clause 150	Renumbering of pt 18 (Transitional provision for Revenue Amendment and Trade and Investment Queensland Act 2013)	1 2 3	
	Part 18—	4	
	<i>renumber</i> as part 13, division 7.	5	
Clause 151	Renumbering of pt 19 (Transitional provision for Revenue Legislation Amendment Act 2014)	6 7	
	Part 19—	8	
	<i>renumber</i> as part 13, division 8.	9	
Clause 152	Renumbering of pt 20 (Transitional provision for Payroll Tax Rebate, Revenue and Other Legislation Amendment Act 2015)	10 11 12	
	Part 20—	13	
	<i>renumber</i> as part 13, division 9.	14	
Clause 153	Renumbering of pt 21 (Transitional provision for Revenue and Other Legislation Amendment Act 2018)	15 16	
	Part 21—	17	
	<i>renumber</i> as part 13, division 10.	18	
Clause 154	Insertion of new pt 13, div 11	19	
	Part 13—	20	
	<i>insert</i> —	21	
	Division 11	Transitional provisions for	22
		Royalty Legislation	23
		Amendment Act 2020	24

179 Definitions for division	1
In this division—	2
<i>former</i> , for a provision of this Act, the <i>Mineral Resources Act 1989</i> or the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , means the provision as in force from time to time before the commencement.	3 4 5 6 7
<i>post-commencement liability</i> means a liability for tax other than a pre-commencement liability.	8 9
<i>pre-commencement liability</i> means a liability for a royalty-related amount under the <i>Mineral Resources Act 1989</i> or the <i>Petroleum and Gas (Production and Safety) Act 2004</i> arising before the commencement.	10 11 12 13 14
180 Application of ss 13A and 19	15
(1) Sections 13A and 19 apply to the commissioner in relation to an assessment, amendment or reassessment even if it relates to a pre-commencement liability.	16 17 18 19
(2) Subsection (1) applies despite the <i>Mineral Resources Act 1989</i> , section 887(2)(a) and the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , section 1020(2)(a).	20 21 22 23
181 Assessment for mineral royalty for financial year ending 30 June 2021	24 25
(1) Part 3 applies to an assessment of liability for royalty or a royalty-related amount under the <i>Mineral Resources Act 1989</i> for the financial year ending 30 June 2021.	26 27 28 29
(2) Subsection (1) applies despite the <i>Mineral Resources Act 1989</i> , section 887(2)(a).	30 31

[s 154]

182 Application of s 61 (Interest on particular overpayments following court's or QCAT's decision)	1 2 3
(1) A reference in section 61(1)(a) to a decision of the Supreme Court under section 70C includes a decision, made after the commencement, relating to a pre-commencement liability.	4 5 6 7
(2) A reference in section 61(1)(b) to an application by a taxpayer does not include an application relating to a pre-commencement liability.	8 9 10
(3) A reference in section 61(1)(c) to a decision of QCAT includes a decision, made after the commencement, relating to a pre-commencement liability.	11 12 13 14
183 Application of s 61A (Interest on particular overpayments following commissioner's decision)	15 16 17
A reference in section 61A(1) to a decision of the commissioner under section 67(1) includes a decision, made after the commencement, relating to a pre-commencement liability.	18 19 20 21
184 Application of pt 6 (Objections, reviews and appeals)	22 23
(1) Part 6 applies in relation to an assessment, reassessment, royalty valuation decision or amended royalty valuation decision made on or after the commencement.	24 25 26 27
(2) For subsection (1), it does not matter whether an assessment, reassessment, royalty valuation decision or amended royalty valuation decision—	28 29 30
(a) relates to a pre-commencement liability or a post-commencement liability; or	31 32

-
- (b) was made under this Act or the *Mineral Resources Act 1989* or the *Petroleum and Gas (Production and Safety) Act 2004*. 1
2
3

185 Application of pt 8 (Confidentiality and collection of information) 4
5

Part 8 applies to— 6

- (a) confidential information acquired, before 7
the commencement, by an official 8
performing functions under or in relation to 9
the administration or enforcement of a 10
former provision of the *Mineral Resources 11
Act 1989* or the *Petroleum and Gas 12
(Production and Safety) Act 2004*; and 13
- (b) confidential information acquired or 14
received by another person before the 15
commencement. 16

186 References to royalty valuation decision 17

A reference in this Act to a royalty valuation 18
decision includes— 19

- (a) a decision under a former provision of the 20
*Petroleum and Gas (Production and Safety) 21
Act 2004* about 1 or more components of the 22
wellhead value of petroleum; and 23
- (b) a decision amending a decision mentioned 24
in paragraph (a). 25

187 Transitional regulation-making power 26

- (1) A regulation (a *transitional regulation*) may 27
make provision of a saving or transitional nature 28
about any matter— 29
- (a) for which it is necessary to make provision 30
to allow or facilitate the doing of anything to 31

[s 155]

	achieve the transition from the former provisions of this Act, the <i>Mineral Resources Act 1989</i> and the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , and regulations under those Acts, to the provisions of this Act and the regulations as in force from the commencement; and	1 2 3 4 5 6 7
	(b) for which this Act or a regulation does not make provision or sufficient provision.	8 9
(2)	A transitional regulation may have retrospective operation to a day that is not earlier than the day this section commences.	10 11 12
(3)	A transitional regulation must declare it is a transitional regulation.	13 14
(4)	This section and any transitional regulation expire 2 years after this section commences.	15 16
Clause 155	Amendment of sch 2 (Dictionary)	17
(1)	Schedule 2, definitions <i>original assessment</i> , <i>payment arrangement</i> , <i>primary tax</i> and <i>tax</i> — <i>omit</i> .	18 19 20
(2)	Schedule 2— <i>insert</i> —	21 22
	<i>amended royalty valuation decision</i> means a royalty valuation decision as amended under the <i>Mineral Resources Act 1989</i> .	23 24 25
	<i>authority holder</i> , for a royalty operation, for part 11B, see section 149J.	26 27
	<i>mineral</i> see the <i>Mineral Resources Act 1989</i> , section 6.	28 29
	<i>original assessment</i> —	30

-
- (a) generally, means the first assessment of a taxpayer's liability for tax for an instrument, transaction or other matter; and
- (b) in relation to a taxpayer's liability for tax for a matter in relation to a particular period, means the first assessment of the taxpayer's liability for tax for that period.
- payment arrangement** see section 34(1).
- petroleum** see the *Petroleum and Gas (Production and Safety) Act 2004*, section 10.
- primary tax** means a tax, royalty, levy or duty imposed under a revenue law.
- resources law** means an Act, that includes a royalty law, to the extent the Act is not a royalty law.
- royalty** means—
- (a) royalty under the *Mineral Resources Act 1989*; or
- (b) petroleum royalty under the *Petroleum and Gas (Production and Safety) Act 2004*.
- royalty civil penalty** means—
- (a) a civil penalty imposed by a regulation under the *Mineral Resources Act 1989*, section 321A; or
- (b) a civil penalty imposed by a regulation under the *Petroleum and Gas (Production and Safety) Act 2004*, section 594.
- royalty fee** means a fee payable under a royalty law if a return is not lodged by the day required under the royalty law.
- royalty law** means—
- (a) a provision of the *Mineral Resources Act 1989* that is a revenue law under this Act; or

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- (b) a provision of the *Petroleum and Gas (Production and Safety) Act 2004* that is a revenue law under this Act. 1
2
3
- royalty operation**, for part 11B, see section 149J. 4
- royalty valuation decision**— 5
- (a) means a decision under the *Mineral Resources Act 1989* about the gross value of a mineral; and 6
7
8
- (b) includes an amended royalty valuation decision. 9
10
- tax** means primary tax, assessed interest, penalty tax, royalty civil penalty or royalty fee. 11
12
- (3) Schedule 2, definition *objection*, ‘, for an assessment,’— 13
omit. 14

Part 11 **Amendment of Taxation Administration Regulation 2012** 15 16

- Clause 156** **Regulation amended** 17
- This part amends the *Taxation Administration Regulation 2012*. 18
19
- Clause 157** **Amendment of s 4 (Prescribed method of payment—Act, s 29)** 20
21
- (1) Section 4(1)— 22
insert— 23
- (da) royalty, a royalty civil penalty and a royalty fee; 24
25
- (2) Section 4(1)(e), ‘or betting tax’— 26
omit, insert— 27

	, betting tax or royalty	1
(3)	Section 4(1)(da) to (i)—	2
	<i>renumber</i> as section 4(1)(e) to (j).	3
(4)	Section 4(2), definition <i>electronic payment method</i> , paragraph (d), ‘subsection (1)(a), (b), (c), (d) and (e)’—	4
	<i>omit, insert</i> —	5
	subsection (1)(a) to (f)	6
(5)	Section 4(2), definition <i>electronic payment method</i> , paragraph (e), ‘subsection (1)(f), (g), (h) or (i)’—	7
	<i>omit, insert</i> —	8
	subsection (1)(g) to (j)	9
Clause 158	Insertion of new ss 12A and 12B	10
	After section 12—	11
	<i>insert</i> —	12
	12A Ways of giving royalty document to commissioner—Act, s 143	13
	(1) For section 143(1)(d) of the Act, this section prescribes a way of giving a document under a royalty law to the commissioner.	14
	(2) The document may be given to the commissioner by leaving it at an office of the resources department with the chief executive, or a public service employee, of the resources department.	15
	(3) In this section—	16
	<i>resources department</i> means the department in which a resources law is administered.	17
	12B When royalty document is given to commissioner—Act, s 144	18
	(1) This section applies in relation to a document	19

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	under a royalty law given to the commissioner	1
	under section 12A.	2
	(2) For section 144(1)(d) of the Act, the document is	3
	taken to be given to the commissioner when it is	4
	actually received by the chief executive or public	5
	service employee mentioned in section 12A(2).	6
Clause 159	Amendment of s 13 (Non-application of s 147 of Act)	7
	Section 13(2), after ‘payroll tax’—	8
	<i>insert—</i>	9
	or royalty	10

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