

NORTHERN TERRITORY OF AUSTRALIA

GEOTHERMAL ENERGY AMENDMENT REGULATIONS 2020

Subordinate Legislation No. 19 of 2020

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 19 of 2020*

Geothermal Energy Amendment Regulations 2020

I, Vicki Susan O'Halloran, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Geothermal Energy Act 2009*.

Dated 26 June 2020

V. S. O' Halloran
Administrator

By Her Honour's Command

G. F. McCarthy
Minister for Local Government, Housing and Community Development
acting for
Minister for Primary Industry and Resources

* Notified in the *Northern Territory Government Gazette* on 1 July 2020.

1 Title

These Regulations may be cited as the *Geothermal Energy Amendment Regulations 2020*.

2 Commencement

These Regulations commence on the day on which they are notified in the *Gazette*.

3 Regulations amended

These Regulations amend the *Geothermal Energy Regulations 2009*.

4 Regulation 3 amended (Definitions)

(1) Regulation 3, definitions *infringement notice* and *infringement offence*

omit

(2) Regulation 3

insert

infringement notice, see regulation 33.

infringement notice offence, see regulation 32(1).

prescribed amount, see regulation 32(2).

5 Regulation 6 amended (Fees for geothermal authority applications)

Regulation 6(1)

omit, insert

(1) Schedule 1 prescribes the fees payable for the geothermal applications specified in it.

6 Regulation 8 amended (Annual fee for authority year)

Regulation 8(2)

omit, insert

(2) Schedule 2 prescribes the annual fee payable for each block in a geothermal authority area for an authority year.

7 Regulation 9 amended (Lodgment of annual report)

Regulation 9(2)

omit, insert

- (2) Schedule 3 prescribes the fee payable for the late lodgment of an annual report within a specified period.

8 Regulation 23 replaced

Regulation 23

repeal, insert

23 Fees payable in relation to register

Schedule 4 prescribes the fee payable for an application or document specified in it.

9 Part 6 replaced

Part 6

repeal, insert

Part 6 Infringement notice offences

32 Infringement notice offence and prescribed amount payable

- (1) An ***infringement notice offence*** is an offence against a provision specified in Schedule 5.
- (2) The ***prescribed amount*** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in Schedule 5.

33 When infringement notice may be given

If the Minister believes on reasonable grounds that a person has committed an infringement notice offence, the Minister may give a notice (an ***infringement notice***) to the person.

34 Contents of infringement notice

- (1) The infringement notice must specify the following:
 - (a) the name and address of the person, if known;
 - (b) the date the infringement notice is given to the person;

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- (c) the date and time of the infringement notice offence and the place at which the infringement notice offence occurred;
 - (d) a description of the offence;
 - (e) the prescribed amount payable for the offence;
 - (f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act 2001*, to which the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
- (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;
 - (b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act 2001* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;
 - (c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act 2001*.
- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

35 Electronic payment and payment by cheque

- (1) If the person uses electronic means to pay the prescribed amount, payment is not effected until the amount is credited to the payee's bank account.
- (2) If the person tenders a cheque in payment of the prescribed amount, payment is not effected unless the cheque is cleared on first presentation.

36 Withdrawal of infringement notice

- (1) The Minister may withdraw the infringement notice by written notice given to the person.
- (2) The notice must be given:
 - (a) within 28 days after the infringement notice is given to the person; and

(b) before payment of the prescribed amount.

37 Application of Part

- (1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.
- (2) Also, this Part does not:
- (a) require an infringement notice to be given; or
 - (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
 - (c) prevent more than one infringement notice for the same offence being given to a person.
- (3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

10 Schedules 1 to 5 replaced

Schedules 1 to 5

repeal, insert

Schedule 1 Fees for geothermal authority applications

regulation 6(1)

| Geothermal authority application | Fee payable (revenue units) |
|--|--|
| Grant of geothermal exploration permit under section 12 or 13 of Act | 4 132 |
| Renewal of geothermal exploration permit under section 18 of Act | 4 132 |
| Grant of geothermal retention licence under section 22 of Act | 8 264 |
| Renewal of geothermal retention licence under section 25 of Act | 8 264 |

| | |
|--|--------|
| Grant of geothermal production lease under section 32 of Act | 41 322 |
| Variation of condition of geothermal authority under section 54 of Act | 165 |

Schedule 2 Annual fees

regulation 8(2)

| Geothermal authority area | Authority year | Fee payable for each block (revenue units) |
|----------------------------------|------------------------|---|
| Permit area | Year 1, 2, 3, 4 and 5 | 17 |
| | Year 6, 7, 8, 9 and 10 | 33 |
| | Each remaining year | 66 |
| Licence area | Each year | 165 |
| Lease area | Each year | 1 653 |

Schedule 3 Fees for late lodgment of annual report

regulation 9(2)

| Period of late lodgment | Fee payable (revenue units) |
|--|---|
| Later than 28 days, but within 56 days, after the prescribed lodgment day | 83 |
| Later than 56 days, but within 84 days, after the prescribed lodgment day | 496 |
| Later than 84 days, but within 112 days, after the prescribed lodgment day | 909 |
| Any period after 112 days after the prescribed lodgment day | 909 plus 413 for each additional period, or part period, of 28 days |

Schedule 4 Fees in relation to register

regulation 23

| Application or document | Fee payable (revenue units) |
|--|--------------------------------|
| Inspect register under section 70(5) of Act | 12 |
| Copy or summary of entry in register under section 70(5) of Act | 4 for each page |
| Registration of transfer of geothermal authority interest under section 72(1) of Act | 620 |
| Registration of devolution of geothermal authority interest under section 73(1) of Act | 207 |
| Certificate relating to information under section 76 of Act | 21 |
| Caveat under section 78(1) of Act | 83 |
| Continuation of caveat under section 81(3) of Act | 83 |

Schedule 5 Infringement notice offences and prescribed amounts

regulation 32

| Provision | Prescribed amount in penalty units |
|--|---------------------------------------|
| <i>Geothermal Energy Act 2009</i> | |
| section 122(4) | 5 |
| <i>Geothermal Energy Regulations 2009</i> | |
| regulations 12 and 13(2) | 2 |

11 Repeal of Regulations

These Regulations are repealed on the day after they commence.