

Authorised Version No. 001
Geothermal Energy Resources Regulations
2016

S.R. No. 15/2016

Authorised Version as at
4 April 2016

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Part 1—Preliminary

1 Objectives

The objectives of these Regulations are—

- (a) to provide for the elimination and minimisation, so far as is practicable, of risks to public safety, the environment, land, property or infrastructure involved in undertaking geothermal energy operations; and
- (b) to prescribe requirements for operation plans; and
- (c) to prescribe various administrative matters, fees and other requirements authorised by the Act.

2 Authorising provision

These Regulations are made under section 169 of the **Geothermal Energy Resources Act 2005**.

3 Commencement

These Regulations come into operation on 4 April 2016.

4 Revocation

The Geothermal Energy Resources Regulations 2006¹ are **revoked**.

5 Definitions

In these Regulations—

ancillary equipment, in relation to a well,
includes—

- (a) equipment located downhole; and
- (b) a blow-out preventer; and
- (c) a well-head;

environmental legislation means any of the
following that relates to the protection of the
environment—

- (a) an Act;
- (b) an Act of the Commonwealth;
- (c) any instrument made or issued under or
for the purpose of an Act referred to in
paragraph (a) or (b);

Example

A subordinate instrument such as a regulation is an
instrument.

environment management plan means a plan
prepared in accordance with Division 2 of
Part 5 and set out in an operation plan under
regulation 11;

facility means a structure that—

- (a) is used or constructed for the purpose
of extracting geothermal energy
resources; or
- (b) carries, contains or includes equipment
for the drilling, modification,
maintenance or repair of a well or
ancillary equipment;

Map Grid of Australia 1994 (MGA94) has
the same meaning as in the Survey
Co-ordination Regulations 2014²;

practicable, in relation to eliminating or minimising hazards and risks, means practicable having regard to—

- (a) the severity of the hazard or risk; and
- (b) the state of knowledge about the hazard or risk; and
- (c) the availability and suitability of ways to eliminate or minimise that hazard or risk; and
- (d) the cost of eliminating or minimising that hazard or risk;

recordable incident means an incident arising out of a geothermal energy operation (other than a reportable incident) that has an impact on the environment, public safety, land, property or infrastructure;

reportable incident means an incident arising out of a geothermal energy operation that—

- (a) causes, or could have caused, substantial damage to the environment, the integrity of the geothermal energy operation, the immediate area of the operation (whether above or below ground), public safety, land, or property; or
- (b) is indicative of a possible future incident of the kind referred to in paragraph (a); or
- (c) occurs when an operation has not been carried out in accordance with the operation plan;

the Act means the **Geothermal Energy Resources Act 2005**;

well means a hole in the sub-soil made by drilling, boring or any other means in connection with a geothermal energy operation, but does not include a seismic shot hole;

well activity, in relation to a well, means an activity carried out during the life of the well;

well integrity, in relation to a well, means that any zone in the well bore—

- (a) is under control, in accordance with an accepted well operation management plan; and
- (b) is able to contain fluid; and
- (c) is not the subject of any unforeseen risk;

well integrity hazard means an event that—

- (a) has the potential to compromise the well integrity of a well; and
- (b) would involve—
 - (i) a significant threat to the safety of individuals; or
 - (ii) a risk of significant damage to the environment or to the geothermal energy resource.

Part 2—Exempt operations

6 Exploration operations to which the Act does not apply

An exploration permit is not required for an exploration operation the purpose of which is to locate a geothermal energy resource—

- (a) that has an in situ temperature of less than 70 degrees Celsius, when measured in a manner approved by the Secretary; or
- (b) that is less than 1 kilometre below the earth's surface.

7 Extraction operations to which the Act does not apply

An extraction licence is not required for an extraction operation in which the geothermal energy resource—

- (a) has an in situ temperature of less than 70 degrees Celsius, when measured in a manner approved by the Secretary; or
- (b) is less than 1 kilometre below the earth's surface.

Part 3—Extraction licences

8 Application for an extraction licence to contain certain information

For the purposes of section 45(1)(h) of the Act, an application for an extraction licence must contain, or be accompanied by, the following—

- (a) all information that is reasonably necessary to enable the Minister to assess whether a geothermal energy resource exists in the licence area and whether the exploitation of the resource is likely to be commercially feasible;
- (b) a map indicating the area of the resource and stating the likely area of the resource in square kilometres, together with all information that is reasonably necessary to enable the Minister to determine the appropriate area of the licence taking into account the requirements of the Act.

Part 4—Development plans

9 Geothermal energy extraction development plan

- (1) For the purposes of section 51(2) of the Act, a geothermal energy extraction development plan must contain—
 - (a) a description of each stage of the geothermal energy operation, including equipment or facilities to be used; and
 - (b) a description of the relevant existing geological and geothermal energy resource data that relate to the authority area and of the interpretations of that data; and
 - (c) details of proposed further data acquisition and studies to enhance geological and geothermal energy resource understanding; and
 - (d) a geothermal energy resource management plan that—
 - (i) describes how the geothermal energy will be extracted; and
 - (ii) provides the reasons for adopting the proposed approach; and
 - (iii) estimates the future performance of the geothermal energy resource; and
 - (iv) specifies the proposed rate of recovery of geothermal energy.
- (2) The holder of an authority must ensure that the geothermal energy extraction development plan is reviewed within one year after the initial geothermal energy extraction (unless the Minister agrees to a longer period) and then at intervals not exceeding one year.

10 Additional information

If a geothermal energy extraction development plan has been lodged by the holder of an extraction licence for the purposes of section 52 of the Act, the Minister, by written notice, may require the holder to provide any additional information that the Minister considers to be relevant to the approval of the plan.

Part 5—Operation plan

Division 1—General

11 Operation plan

- (1) An operation plan given to the Minister under section 96(1) of the Act—
 - (a) must be appropriate for the nature and scale of the geothermal energy activity; and
 - (b) must set out the following for the purposes of section 96(1)(d) of the Act—
 - (i) a description of the geothermal energy operation and the equipment and facilities to be used in the operation;
 - (ii) if a facility is proposed for a geothermal energy operation, the details required under regulation 12;
 - (iii) an environment management plan in accordance with Division 2;
 - (iv) if the operation involves geothermal energy exploration, a statement of the activities referred to in section 5 of the Act that are proposed to be carried out;
 - (v) if a well is to be made, a well operation management plan in accordance with Division 3;
 - (vi) processes for review of the risks identified in the plan by the holder of the authority whenever there is a significant change in the risks that the geothermal energy operation may pose;
 - (vii) processes for review of the plan by the holder of the authority at least once every 5 years;

(viii) processes for the submission to the Minister of a report by the holder of the authority on the findings of each such review.

(2) If an operation plan has been submitted by the holder of an authority, the Minister may, by notice in writing, require the holder to provide any additional information that the Minister considers to be relevant to acceptance of the plan.

12 Operation plan applying to a facility—design etc. of facility

- (1) For the purposes of regulation 11(1)(b)(ii), the required details are—
- (a) the proposed design, construction, installation and maintenance of the facility; and
 - (b) if the facility is to be modified, details of the proposed modification; and
 - (c) the proposals for the decommissioning of the facility.
- (2) The details set out under subregulation (1)(a) and (b) must be sufficient to show whether the facility is adequate for the proposed geothermal energy operation.

Division 2—Environment management plan

13 Description of the environment, etc.

An environment management plan must—

- (a) describe the environment, including any relevant values and sensitivities; and
- (b) describe any relevant cultural, historical, aesthetic, social, recreational, ecological, biological, landscape and economic aspects

- of the environment that may be affected by the geothermal energy operation; and
- (c) identify any communities, land or property in the vicinity of the operation and any geothermal energy or geothermal energy resource that the operation might affect.

14 Identification and assessment of risks

An environment management plan must—

- (a) identify and assess the risks to the environment, to any member of the public, to land or to property in the vicinity of the operation and to any geothermal energy or geothermal energy resource, that may arise directly or indirectly from the normal activities of the geothermal energy operation (including construction where applicable); and
- (b) identify and assess the risks to the environment, to any member of the public, to land or to property in the vicinity of the operation and to any geothermal energy or geothermal energy resource, that may arise directly or indirectly from activities of the geothermal energy operation that are not normal activities, or from incidents or events (whether planned or unplanned).

15 Performance objectives and standards

An environment management plan must—

- (a) define performance objectives and set performance standards against which performance by the holder of the authority in protecting the environment, any member of the public, land or property in the vicinity of the operation and any relevant geothermal energy or geothermal energy resource, from

the geothermal energy operation is to be measured; and

- (b) include measurement methods for determining whether the objectives and standards have been met.

16 Implementation strategy for the environment management plan

An environment management plan must contain an implementation strategy that—

- (a) includes measures to ensure that the performance objectives and standards in the environment management plan are met; and
- (b) identifies the specific systems, practices and procedures to be used to ensure that any risks to the following arising from the operations are eliminated or minimised so far as is reasonably practicable—
 - (i) the environment;
 - (ii) any member of the public, land or property in the vicinity of the operation;
 - (iii) any relevant geothermal energy or geothermal energy resource that the operation may affect; and
- (c) identifies the specific systems, practices and procedures to be used to ensure that the performance objectives and standards in the environment management plan are met; and
- (d) includes measures to ensure that each employee or contractor working in connection with the geothermal energy operation—
 - (i) is aware of the employee's or contractor's responsibilities in relation to the environment, any member of the

- public, land or property in the vicinity of the operation; and
- (ii) is aware of the employee's or contractor's responsibilities in relation to any geothermal energy or geothermal energy resource that the operation might affect; and
 - (iii) has the appropriate skills and training to be able to fulfil those responsibilities; and
- (e) provides for the monitoring and audit of the performance of the holder of the authority in relation to meeting the performance objectives and standards set out in the environment management plan; and
 - (f) provides for review of the implementation strategy; and
 - (g) provides for the maintenance of an accurate quantitative record of emissions and discharges into the air, onto the land surface environment or below the land surface environment that can be monitored and audited against the performance standards; and
 - (h) includes arrangements for recording, monitoring and reporting information about the geothermal energy operation (including information required to be recorded under the Act, the regulations and any other environmental legislation applying to the activity) sufficient to enable the Minister to determine whether there is compliance with the environment management plan; and

- (i) includes procedures to ensure that details of all reportable incidents and recordable incidents are recorded and kept so that they may be made available to an inspector exercising a power under the Act; and
- (j) provides for appropriate consultation, ongoing for the duration of the operation, about the holder of the authority's performance with—
 - (i) relevant agencies of the Commonwealth and the State; and
 - (ii) other relevant interested people and organisations; and
- (k) provides for the maintenance of an up-to-date emergency response manual that includes detailed response arrangements for—
 - (i) dealing with any threat to the environment, to any member of the public, to land or to property in the vicinity of the geothermal energy operation and to any geothermal energy or geothermal energy resource that the operation might affect; and
 - (ii) ensuring that the threat does not harm anything or any person referred to in subparagraph (i).

17 Other information in the environment management plan

The environment management plan must contain the following—

- (a) a statement of the corporate environmental policy of the holder of the authority;

- (b) a report on any consultations between the holder of the authority and relevant agencies, interested people and organisations in the course of developing the environment management plan;
- (c) a list of all environmental legislation that may apply to the geothermal energy operation.

Division 3—Well operation management plan

18 Well operation management plan

- (1) The well operation management plan set out in an operation plan by the holder of an authority must—
 - (a) be appropriate for the nature and scale of the well activity; and
 - (b) include details of the design of the well and ancillary equipment, including details of how the well will protect the geothermal energy resource; and
 - (c) include details of—
 - (i) the proposed geothermal energy operation, including proposed drilling; and
 - (ii) the process by which the well is to be brought to the stage where a connection can be made with a geothermal energy resource so that fluids can be produced from, or injected into, the resource; and
 - (iii) how modifications, maintenance and repairs to the well and ancillary equipment are to be managed; and
 - (iv) how suspension and abandonment of the well are to be managed; and

- (v) the equipment and facilities to be used in connection with the well and its ancillary equipment; and
 - (d) identify the risks associated with the well activity and state how the holder of the authority proposes to eliminate or minimise those risks.
- (2) The well operation management plan must include the following material unless the Minister has given the holder of the authority permission, in writing, not to include material specified in the permission—
- (a) information about the conduct of the well activity;
 - (b) an explanation of—
 - (i) the philosophy of, and criteria for, the design, construction, operational activity and management of the well and ancillary equipment; and
 - (ii) the possible geothermal energy resources extraction activities of the well, showing that the well activity, and all associated operational work, will be carried out appropriately;
 - (c) details of—
 - (i) the logs to be run; and
 - (ii) the proposals for testing of the well and ancillary equipment; and
 - (iii) proposed sampling and testing for geothermal energy;
 - (d) performance objectives against which the performance of the well activity is to be measured;

- (e) measurement criteria that define the performance objectives;
- (f) an explanation of how the holder of the authority will deal with—
 - (i) a well integrity hazard; and
 - (ii) a significant increase in an existing risk or a well integrity hazard in relation to the well, including the possibility of continuing an activity for the purpose of dealing with the well integrity hazard or the risk; and
 - (iii) the protection of aquifers and hydrocarbon-bearing formations, including the steps to be undertaken during the drilling and continuing operation and decommissioning of a well to prevent communication between, leakage from, or the pollution of, aquifers or hydrocarbon-bearing formations.

19 Consent to conduct extraction test

- (1) On the application of the holder of an authority, the Minister may grant written consent to conduct a geothermal energy extraction test in a well that has not been opened to extraction if satisfied that it is appropriate to do so.
- (2) An application under subregulation (1) must provide details of the testing program and the equipment to be used.
- (3) The Minister may impose conditions on a consent granted under subregulation (1).

- (4) The holder of an authority must not conduct a geothermal energy extraction test in a well that has not been opened to extraction except in accordance with the written consent of the Minister under subregulation (1).

Penalty: 20 penalty units.

20 Consent to suspend or abandon a well

- (1) On the application of the holder of an authority, the Minister may grant written consent to suspend or abandon a well if satisfied that it is appropriate to do so.
- (2) An application under subregulation (1) must include—
- (a) the name and exact location of the well; and
 - (b) the reasons for the proposed suspension or abandonment; and
 - (c) the details of the proposed suspension or abandonment program, including the method by which the well will be made safe.
- (3) The Minister may impose conditions on a consent granted under subregulation (1).
- (4) The holder of an authority must ensure that a well is not suspended except in accordance with the written consent of the Minister under subregulation (1).

Penalty: 20 penalty units.

- (5) The holder of an authority must ensure that a well is not abandoned except in accordance with the written consent of the Minister under subregulation (1).

Penalty: 20 penalty units.

Part 6—Reporting

21 Samples

- (1) The holder of an authority must ensure that any samples collected in connection with the drilling of a well are processed and stored in accordance with good industry practice.

Penalty: 20 penalty units.

- (2) The holder of an authority must ensure that any samples collected in connection with the drilling of a well, if requested by the Minister, are given to the Minister in accordance with the request.

Note

Section 113(c) of the Act provides a penalty of 60 penalty units for failing to give the Minister samples when required to do so by the regulations.

22 Annual report

- (1) For the purposes of section 113(c) of the Act, the holder of an authority must give the Minister a report, in respect of each financial year, of the following—
 - (a) the geothermal energy operation activities undertaken under the authority during that year (if any);
 - (b) conclusions derived from those activities;
 - (c) reports and studies relating to those activities.
- (2) A report under subregulation (1) must include the following—
 - (a) details of the expenditure by the holder of the authority on each activity undertaken during the year;

- (b) if the authority is an extraction licence, the quantities of geothermal energy extracted under the licence;
 - (c) the date the report was completed;
 - (d) the name of the person who prepared the report.
- (3) The holder of an authority must give the report under subregulation (1) to the Minister—
- (a) within 28 days after the end of the financial year to which it relates; or
 - (b) if the authority ceased to have effect during a financial year, within 28 days after the authority ceased to have effect.
- (4) The Minister, on a request from the holder of an authority, may extend the period for the submission of a report.
- (5) If the Minister extends the period in accordance with subregulation (4), the holder of an authority must give the report to the Minister within the extended period.
- (6) For the purposes of this regulation, a holder of an authority includes a person who was the holder of an authority in the financial year to which the report relates.

Note

Section 113(c) of the Act provides a penalty of 60 penalty units for failing to give the Minister information or records when required to do so by the regulations.

23 Reports of surveys, drilling and other activities

- (1) For the purposes of section 113(c) of the Act, the holder of an authority must give to the Minister, in an electronic form which accords with industry standards—

- (a) a report (including interpreted data) of—
 - (i) surveys taken; and
 - (ii) drilling activities, together with logs (including temperature logs) and maps showing the locations of the drill holes; and
 - (iii) seismic activities; and
 - (iv) samples of any material tested, together with test results; and
 - (v) any geothermal energy resources, identified, if possible, in an industry standard manner; and
 - (vi) each geophysical, geochemical, geotechnical or seismic survey carried out by the holder; and
 - (b) copies of field, positional and processed or reprocessed data (including interpreted data).
- (2) A report under subregulation (1) must be dated and include the name of the person who prepared the report.
- (3) The holder of an authority must give the report under subregulation (1) to the Minister—
- (a) within 28 days after the end of the financial year to which it relates; or
 - (b) if the authority ceased to have effect during a financial year, within 28 days after the authority ceased to have effect.
- (4) The Minister, on a request from the holder of an authority, may extend the period for the submission of a report.

- (5) If the Minister extends the period in accordance with subregulation (4), the holder of an authority must give the report to the Minister within the extended period.
- (6) For the purposes of this regulation, a holder of an authority includes a person who was the holder of an authority in the financial year to which the report relates.

Note

Section 113(c) of the Act provides a penalty of 60 penalty units for failing to give the Minister information or records when required to do so by the regulations.

24 Incident reporting

- (1) The holder of an authority must give to the Minister notice of a reportable incident, that complies with subregulation (2)—
 - (a) as soon as is practicable after the reportable incident occurs; or
 - (b) if the holder of the authority is not initially aware of the reportable incident, as soon as is practicable after the holder becomes aware that it occurred.

Penalty: 20 penalty units.

- (2) Notice under subregulation (1) must—
 - (a) be given orally or in writing; and
 - (b) include the date, time and place of the reportable incident; and
 - (c) describe the steps taken to minimise the impact of the reportable incident.

- (3) As soon as is practicable after the holder of an authority has given notice to the Minister under subregulation (1), the holder must give the Minister a written report that includes—
- (a) the date, time and place of the reportable incident; and
 - (b) a description of the reportable incident; and
 - (c) any known or suspected causes of the reportable incident; and
 - (d) a description of the steps taken to minimise the impact of the reportable incident; and
 - (e) a description of the steps taken or proposed to be taken to prevent a recurrence of the reportable incident.

Penalty: 20 penalty units.

Part 7—Geothermal energy register

25 Documents to be registered

In addition to the items listed in section 153 of the Act, the Minister must register the following documents in the geothermal energy register—

- (a) consolidations of adjoining authorities;
- (b) instruments approving the transfer of an authority;
- (c) instruments approving the partial transfer of an area in an exploration permit or extraction licence;
- (d) instruments requiring persons to enter unit development agreements;
- (e) instruments suspending conditions imposed on authorities.

Part 8—Administrative matters and fees

26 Dimensions, boundaries, position and extent of authority area

The Minister may determine the dimensions, boundaries, form, position and extent of an authority area by means of 10 kilometre interval grid coordinates on the Map Grid of Australia 1994 (MGA94).

27 Maximum permit area

For the purposes of section 24(a)(i) of the Act, the area to which an exploration permit applies must not exceed 10 000 square kilometres.

28 Form of work program

For the purposes of section 61(d) of the Act, a work program must be—

- (a) in an electronic form approved by the Minister; or
- (b) in writing.

29 Period before a disputed claim can go to the Tribunal or Supreme Court

For the purposes of section 94 of the Act, the specified period of time is 30 days.

30 Manner and time of payment of royalty

For the purposes of section 105(2) of the Act, if an extraction licence does not specify when and how royalties are to be paid, royalties must be paid in respect of the geothermal energy extracted in each financial year and be paid not later than 28 July in each year.

31 Application fees

- (1) For an application for an exploration permit, a fee of 375 fee units is required to be paid.
- (2) For an application for a retention lease, a fee of 565 fee units is required to be paid.
- (3) For an application for an extraction licence, a fee of 565 fee units is required to be paid.
- (4) For an application for a special access authorisation, a fee of 165 fee units is required to be paid.
- (5) For an application for a special drilling authorisation, a fee of 165 fee units is required to be paid.

32 Fee for renewal of exploration permit

For the purposes of section 28(1)(b) of the Act, the fee for an application for renewal of an exploration permit is 170 fee units.

33 Annual fees

- (1) The following annual fees are payable—
 - (a) for an exploration permit, 125 fee units;
 - (b) for a retention lease, 125 fee units;
 - (c) for an extraction licence, 410 fee units;
 - (d) for a special access authorisation, 125 fee units;
 - (e) for a special drilling authorisation, 125 fee units.
- (2) The annual fee payable in respect of the first year after the registration of an authority must be paid no later than 7 days after the authority is registered.

- (3) The annual fee payable in respect of the second or subsequent year after the registration of an authority must be paid before the first anniversary of the registration of the authority.

34 Fees for transfer of an authority

The following fees are payable—

- (a) for transfer, or partial transfer, of an exploration permit, 115 fee units;
- (b) for transfer of a retention lease, 115 fee units;
- (c) for transfer, or partial transfer, of an extraction licence, 115 fee units;
- (d) for transfer of a special access authorisation, 115 fee units;
- (e) for transfer of a special drilling authorisation, 115 fee units.

35 Fee for suspension or variation of conditions of an authority

The fee payable for processing an application for suspension or variation of the conditions of an authority is 115 fee units.

36 Fee for consolidation of adjoining authorities

The following fees are payable—

- (a) for processing an application for consolidation of adjoining exploration permits, 115 fee units;
- (b) for processing an application for consolidation of adjoining retention leases, 115 fee units;
- (c) for processing an application for consolidation of adjoining extraction licences, 115 fee units;

- (d) for processing an application for consolidation of adjoining special access authorisations, 115 fee units;
- (e) for processing an application for consolidation of adjoining special drilling authorisations, 115 fee units.

37 Fees for processing applications for acceptance of operation plans

For the purposes of section 96 of the Act, the following fees are payable for the processing of an application for the acceptance of an operation plan by the Minister—

- (a) for an application for the acceptance of an operation plan that includes proposed drilling activities, 960 fee units;
- (b) for an application for the acceptance of an operation plan that does not include proposed drilling activities, 390 fee units.

38 Fees for inspection of, or copy of document in, geothermal energy register

For the purposes of section 158 of the Act, the following fees are payable—

- (a) for inspection of the geothermal energy register, 2 fee units;
- (b) for each page of a copy of a document or entry in the geothermal energy register, \$4.00.

39 Fee for Minister's certificate

For the purposes of section 159(2) of the Act, the fee payable for a certificate is 5 fee units.

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Geothermal Energy Resources Regulations 2016, S.R. No. 15/2016 were made on 22 March 2016 by the Governor in Council under section 169 of the **Geothermal Energy Resources Act 2005**, No. 7/2005 and came into operation on 4 April 2016: regulation 3.

The Geothermal Energy Resources Regulations 2016 will sunset 10 years after the day of making on 22 March 2026 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

2 Table of Amendments

There are no amendments made to the Geothermal Energy Resources Regulations 2016 by statutory rules, subordinate instruments and Acts.

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Reg. 4: S.R. No. 37/2006.

² Reg. 5 def. of *Map Grid of Australia 1994 (MGA94)*: S.R. No. 39/2014 as amended by S.R. No. 44/2015.

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2015 is \$13.60. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2015 is \$151.67.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.