



New South Wales

Protection of the Environment Operations (General) Amendment (Licence Fees) Regulation 2022

under the

Protection of the Environment Operations Act 1997

His Honour the Administrator, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

JAMES GRIFFIN, MP
Minister for Environment and Heritage

Explanatory note

The object of this Regulation is to amend the *Protection of the Environment Operations (General) Regulation 2021* in relation to determining the administrative fee component of the annual licence fee for the scheduled activity of petroleum exploration, assessment and production.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 57(1) and 323 (the general regulation-making power).

Protection of the Environment Operations (General) Amendment (Licence Fees) Regulation 2022

under the

Protection of the Environment Operations Act 1997

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (General) Amendment (Licence Fees) Regulation 2022*.

2 Commencement

This Regulation commences on 1 July 2022.

Schedule 1 Amendment of Protection of the Environment Operations (General) Regulation 2021

[1] Schedule 1 Licensing fees

Omit item 2 from the matter relating to petroleum exploration, assessment and production.

Insert instead—

2 Administrative fee	Administrative fee units
Base fee per licence	155

2A Additional fee

Wellheads at licensed premises at beginning of licence fee period	Administrative fee units
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For each wellhead up to and including 150 wellheads 22

For each wellhead over 150 wellheads 11

2B In item 2A—

petroleum well includes a production well, exploration well, appraisal well, assessment well or pilot well, but does not include a slim core hole.

slim core hole means a hole drilled for the purpose of recovering information about petrology, lithology, stratigraphy or geological structure and not for the purpose of petroleum production.

wellhead means a wellhead of a petroleum well that is active, under construction, shut-in or suspended, but not decommissioned.

[2] Schedule 8 Savings and transitional provisions

Insert at the end of the Schedule—

Part 2 Provision consequent on commencement of Protection of the Environment (General) Amendment (Licence Fees) Regulation 2022

3 Adjustment of administrative fee

- (1) This clause applies to an administrative fee for a licence for the scheduled activity of petroleum exploration, assessment and production if the administrative fee was determined in accordance with Chapter 2, Part 1, Division 2 before 1 July 2022.
- (2) As soon as practicable after 1 July 2022, the administrative fee is to be adjusted proportionately according to the parts of the licence fee period occurring before and after 1 July 2022.
- (3) No adjustment is to be made unless the resultant administrative fee is greater than or less than the unadjusted fee by at least the amount of 2 administrative fee units.
- (4) An additional amount of a fee already paid or due for payment is to be paid by the licence holder to the EPA not later than 60 days after the licence holder has been notified of the additional amount.
- (5) A reduction in the amount that is in excess of the amount of at least 2 administrative fee units is to be—

- (a) offset against an amount owed by the licence holder to the EPA, or
 - (b) refunded to the licence holder by the EPA.
- (6) An adjustment under this clause is to be determined according to the number of wellheads at the licensed premises on 1 July 2022 instead of the number of wellheads at the licensed premises at the beginning of the licence fee period.
- (7) The provisions of Chapter 2, Part 1, Division 5 relating to the payment of interest on unpaid administrative fees apply to an additional amount of the fee under this clause.