

MP301

Mining Act 1978
Petroleum and Geothermal Energy Resources Act 1967
Petroleum (Submerged Lands) Act 1982

Mines and Petroleum Regulations Amendment (Royalty Information) Regulations 2022

SL 2022/1

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Mines and Petroleum Regulations Amendment (Royalty Information) Regulations 2022*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

Part 2 — *Mining Regulations 1981* amended

3. Regulations amended

This Part amends the *Mining Regulations 1981*.

4. Regulation 96CB inserted

After regulation 96CA insert:

96CB. Release of information to Director General of Finance for royalties activities

(1) In this regulation —

Department of Finance means the department of the Public Service principally assisting the Minister for Finance in the administration of the *Taxation Administration Act 2003*;

Department of Finance worker means a public service officer, or any other individual, who is employed or engaged in, or who otherwise holds a position in, the Department of Finance;

Director General of Finance means the individual for the time being holding or acting in the office of chief executive officer of the Department of Finance;

Minister for Finance means the Minister to whom the administration of the *Taxation Administration Act 2003* is for the time being committed by the Governor;

relevant information means information of the kind referred to in section 162(2)(x) of the Act, irrespective of when, as the case may be —

- (a) any application or report containing the information was made or given; or
- (b) the information was supplied to the Minister, a warden or an official;

royalties activities means activities done by the Department of Finance in preparation for, or otherwise in anticipation of, Department of Finance workers having, or being delegated, functions for, or connected with, the administration or collection of royalties in respect of minerals.

- (2) The Director General of Mines may release relevant information to the Director General of Finance for the purposes of, or in relation to, royalties activities.
- (3) If the Director General of Mines releases relevant information under subregulation (2), a Department of Finance worker may access, copy, use, store or disclose the relevant information for the purposes of, or in relation to, royalties activities.
- (4) Subregulation (3) authorises a Department of Finance worker to disclose relevant information only to another Department of Finance worker, the Minister for Finance or another Minister.
- (5) An individual who is or was a Department of Finance worker commits an offence if —
 - (a) relevant information released by the Director General of Mines under subregulation (2) came to the individual's knowledge in the course of, or by reason of, their employment or engagement in, or their otherwise holding a position in, the Department of Finance; and
 - (b) the individual accesses, copies, uses, stores or discloses the relevant information —
 - (i) for the purpose of personal gain; or
 - (ii) otherwise in a way that is not authorised under subregulation (3).
- (6) A Minister to whom relevant information is disclosed under subregulation (3) or this subregulation may access, copy, use, store or disclose the relevant information for the purposes of, or in relation to, royalties activities.
- (7) Subregulation (6) authorises a Minister to disclose relevant information only to another Minister.

Note for this regulation:

This regulation does not authorise the public release of relevant information.

Part 3 — *Petroleum and Geothermal Energy Resources*
(*Resource Management and Administration*)
***Regulations 2015* amended**

5. Regulations amended

This Part amends the *Petroleum and Geothermal Energy Resources (Resource Management and Administration) Regulations 2015*.

6. Regulation 94A inserted

At the end of Part 9 Division 3 insert:

94A. Release of documentary information to Director General of Finance for royalties activities

(1) In this regulation —

Department of Finance means the department of the Public Service principally assisting the Minister for Finance in the administration of the *Taxation Administration Act 2003*;

Department of Finance worker means a public service officer, or any other individual, who is employed or engaged in, or who otherwise holds a position in, the Department of Finance;

Director General of Finance means the individual for the time being holding or acting in the office of chief executive officer of the Department of Finance;

Minister for Finance means the Minister to whom the administration of the *Taxation Administration Act 2003* is for the time being committed by the Governor;

royalties activities means activities done by the Department of Finance in preparation for, or otherwise in anticipation of, Department of Finance workers having, or being delegated, functions for, or connected with, the administration or collection of royalties in respect of petroleum.

- (2) The Minister may make documentary information available to the Director General of Finance for the purposes of, or in relation to, royalties activities.
- (3) If the Minister makes documentary information available under subregulation (2), a Department of Finance worker may access, copy, use, store or disclose the documentary information for the purposes of, or in relation to, royalties activities.
- (4) Subregulation (3) authorises a Department of Finance worker to disclose documentary information only to another Department of Finance worker, the Minister for Finance or another Minister.
- (5) An individual who is or was a Department of Finance worker commits an offence if —
 - (a) documentary information that was made available by the Minister under subregulation (2) came to the individual's knowledge in the course of, or by reason of, their employment or engagement in, or their otherwise holding a position in, the Department of Finance; and
 - (b) the individual accesses, copies, uses, stores or discloses the documentary information —
 - (i) for the purpose of personal gain; or
 - (ii) otherwise in a way that is not authorised under subregulation (3).

Penalty for this subregulation: a fine of \$10 000.

- (6) A Minister to whom documentary information is disclosed under subregulation (3) or this subregulation may access, copy, use, store or disclose the documentary information for the purposes of, or in relation to, royalties activities.
- (7) Subregulation (6) authorises a Minister to disclose documentary information only to another Minister.

Part 4 — *Petroleum (Submerged Lands) (Resource Management and Administration) Regulations 2015*
amended

7. Regulations amended

This Part amends the *Petroleum (Submerged Lands) (Resource Management and Administration) Regulations 2015*.

8. Regulation 93A inserted

At the end of Part 9 Division 3 insert:

93A. Release of documentary information to Director General of Finance for royalties activities

(1) In this regulation —

Department of Finance means the department of the Public Service principally assisting the Minister for Finance in the administration of the *Taxation Administration Act 2003*;

Department of Finance worker means a public service officer, or any other individual, who is employed or engaged in, or who otherwise holds a position in, the Department of Finance;

Director General of Finance means the individual for the time being holding or acting in the office of chief executive officer of the Department of Finance;

Minister for Finance means the Minister to whom the administration of the *Taxation Administration Act 2003* is for the time being committed by the Governor;

royalties activities means activities done by the Department of Finance in preparation for, or otherwise in anticipation of, Department of Finance workers having, or being delegated, functions for, or connected with, the administration or collection of royalties in respect of petroleum.

- (2) The Minister may make documentary information available to the Director General of Finance for the purposes of, or in relation to, royalties activities.
- (3) If the Minister makes documentary information available under subregulation (2), a Department of Finance worker may access, copy, use, store or disclose the documentary information for the purposes of, or in relation to, royalties activities.
- (4) Subregulation (3) authorises a Department of Finance worker to disclose documentary information only to another Department of Finance worker, the Minister for Finance or another Minister.
- (5) An individual who is or was a Department of Finance worker commits an offence if —
 - (a) documentary information that was made available by the Minister under subregulation (2) came to the individual's knowledge in the course of, or by reason of, their employment or engagement in, or their otherwise holding a position in, the Department of Finance; and
 - (b) the individual accesses, copies, uses, stores or discloses the documentary information —
 - (i) for the purpose of personal gain; or
 - (ii) otherwise in a way that is not authorised under subregulation (3).

Penalty for this subregulation: a fine of \$10 000.

- (6) A Minister to whom documentary information is disclosed under subregulation (3) or this subregulation may access, copy, use, store or disclose the documentary information for the purposes of, or in relation to, royalties activities.
- (7) Subregulation (6) authorises a Minister to disclose documentary information only to another Minister.

V.MOLAN, Clerk of the Executive Council.
