

**Authorised Version No. 003**  
**Geothermal Energy Resources Regulations**  
**2006**

**S.R. No. 37/2006**

Authorised Version as at  
20 March 2013

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**PART 1—PRELIMINARY**

**1 Objectives**

The objectives of these Regulations are to—

- (a) ensure that the environmental, health and safety hazards and risks involved in undertaking geothermal energy operations are eliminated or minimised so far as is practicable; and
- (b) prescribe various fees, administrative matters 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 Definitions**

In these Regulations—

***hazard*** means a hazard that has the potential to cause injury, illness or disease;

***major hazard*** means a hazard that has the potential to cause an incident that causes, or that poses a significant threat of causing, more than one death;

***major incident*** means any incident to which Part 5 of the **Occupational Health and Safety Act 2004** applies;

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***operator*** means the person who has the management and control of a geothermal energy operation;

***practicable***, in relation to identifying, assessing, eliminating or minimising a hazard, means practicable having regard to—

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

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

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**PART 2—EXEMPT OPERATIONS**

**4 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 that has an in situ temperature of less than 70 degrees Celsius, when measured in a manner approved by the Secretary, or that is less than 1 kilometre below the surface.

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

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**PART 3—CONDITIONS OF AUTHORITIES**

**6 Conditions of every authority**

In addition to any conditions imposed on an authority by the Act, an authority is subject to the conditions specified in this Part.

**7 Duty to identify hazards and assess risk**

- (1) The operator of a geothermal energy operation must—
  - (a) identify, so far as is reasonably practicable, all hazards of the operation; and
  - (b) comprehensively and systematically assess the risks to health and safety associated with each hazard identified.
- (2) In assessing the risks to health and safety associated with a hazard, the operator must have regard to—
  - (a) the nature of the hazard; and
  - (b) the likelihood of the hazard causing, or contributing to, any harm to any person; and
  - (c) the severity of the harm that may be caused.

**8 Safety assessment for major hazards**

- (1) If any hazard identified under regulation 7 is a major hazard, the operator must also conduct a safety assessment of the hazard.
- (2) In conducting the safety assessment, the operator must—
  - (a) comprehensively and systematically investigate and analyse the hazard so as to obtain a detailed understanding of all aspects of the risk to health and safety posed by the hazard; and

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- (b) use assessment methodologies (whether quantitative or qualitative, or both) that are appropriate to the hazard; and
    - (c) consider the risks posed by the hazard in combination with the risks posed by all the other major hazards (if any) of the geothermal energy operation; and
    - (d) consider measures for the control of the hazard.
  - (3) The operator must document all aspects of the safety assessment, and the documentation must—
    - (a) describe the methodology or methodologies used in the investigation and analysis;
    - (b) state—
      - (i) the nature of the hazard;
      - (ii) the likelihood of the hazard causing, or contributing to, any harm to any person;
      - (iii) the severity of the harm that may be caused;
    - (c) contain judgments about the matters referred to in paragraphs (b)(ii) and (b)(iii), and the reasons for those judgments;
    - (d) describe all measures considered for the control of risk associated with the hazard;
    - (e) describe the reasons for adopting, or rejecting, all the control measures considered;
    - (f) be so set out and expressed that its contents are readily comprehensible to people who use it;
    - (g) be available on request for inspection by an inspector.

## **9 Duty to control risk**

- (1) The operator of a geothermal energy operation must adopt control measures that—
  - (a) eliminate; or
  - (b) if it is not reasonably practicable to eliminate, reduce so far as is reasonably practicable—  
the risks to health and safety identified under regulation 7.
- (2) For the purpose of complying with subregulation (1), the operator must, so far as is reasonably practicable, use one or any combination of the following control measures—
  - (a) the substitution of a new activity, procedure, plant, process or substance for that which is related to the hazard being addressed;
  - (b) the isolation of people from the hazard;
  - (c) physical controls designed to prevent or minimise exposure to hazards.
- (3) If an operator has complied with subregulation (2) and a risk to health and safety remains, the operator must, so far as is reasonably practicable, use systems of work or safe work practices designed to prevent or minimise exposure to hazards to reduce the risk.
- (4) If an operator has complied with subregulations (2) and (3) and a risk to health and safety remains, the operator must provide appropriate personal protective equipment to people at risk.



## **10 Review and revision**

The operator of a geothermal energy operation must review and, if necessary, revise anything previously done under regulations 7 and 8—

- (a) before any modification is made to the operation; and
- (b) after any incident involving a hazard occurs at the operation; and
- (c) when there is evidence to indicate that anything done under regulation 7 or 8 is no longer adequate; and
- (d) whether or not the circumstances mentioned in paragraph (a), (b) or (c) arise, at least once each 3 years.

## **11 Safety management system required in a geothermal energy operation**

- (1) The operator of a geothermal energy operation must establish and implement a safety management system as the principal means of ensuring the safe operation of the geothermal energy operation.
- (2) The safety management system must—
  - (a) provide a comprehensive and integrated management system for all control measures adopted under regulation 9; and
  - (b) be described in a document.
- (3) The document must contain a description of—
  - (a) the operator's safety policy;
  - (b) the systems and procedures that apply with respect to each control measure;

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- (c) performance standards for measuring the effectiveness of the safety management system, that—
    - (i) relate to all aspects of the system; and
    - (ii) include steps to be taken to improve continually all aspects of the safety management system;
  - (d) the way in which performance standards are to be met;
  - (e) the process, including methodology and frequency, for the audit of the effectiveness of the safety management system against the performance standards.
- (4) The performance standards for measuring the effectiveness of the safety system must be sufficiently detailed to enable the operator to ensure that the effectiveness of all aspects of the system is apparent from the document.
- (5) The document must be—
- (a) so set out and expressed that its contents are readily comprehensible to people who use it; and
  - (b) available on request for inspection by an inspector.
- (6) The operator must review, and as necessary revise, the safety management system if—
- (a) a modification is to be made to the geothermal energy operation; or
  - (b) an incident involving a hazard occurs; or
  - (c) there is evidence to indicate that anything done under regulation 7 or 8 is no longer adequate.

- (7) The operator must review, and as necessary revise the safety management system at least once each 3 years whether or not the circumstances referred to in subregulation (6) arise.

## **12 Testing control measures for major hazards**

The operator of a geothermal energy operation must, in relation to the control of risk associated with major hazards, test all control measures as often as is necessary to ensure compliance with regulation 9 in relation to those hazards.

## **13 Emergency planning**

- (1) The operator of a geothermal energy operation where one or more major hazards have been identified must prepare an emergency plan for the operation.
- (2) The operator must use the emergency plan as the primary means of responding to incidents involving a significant likelihood of a serious injury or death.
- (3) The emergency plan must—
- (a) address all aspects of emergency response, including—
    - (i) ensuring that a system exists that enables all people at the site of the operation at any given time to be promptly located;
    - (ii) the provision of adequate rescue equipment;
    - (iii) ensuring that people trained in the use of rescue equipment are available on site, or are on call whenever any person is working at the site of the operation;

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- (b) be prepared in conjunction with—
    - (i) the emergency services who have responsibility for the area in which the operation is located;
    - (ii) in relation to hazards that could detrimentally affect the health or safety of people in the area surrounding the operation, the municipal council or councils in that area;
  - (c) be documented;
  - (d) be so set out and expressed that its contents are readily comprehensible to people who use it;
  - (e) be available on request for inspection by an inspector.
- (4) After preparing the emergency plan, the operator must—
- (a) keep a copy of the emergency plan at the operation specifically for the use of the emergency services who have responsibility for the area in which the operation is located; and
  - (b) inform those emergency services of the location of the copy of the emergency plan; and
  - (c) forward a copy of the emergency plan to each of those emergency services.
- (5) The operator must, at least annually—
- (a) test the emergency plan in order to ensure its continued effectiveness; and
  - (b) take all reasonable steps to arrange for the emergency services that have responsibility for the area in which the operation is located to participate in those tests.

## 14 Incident reporting

- (1) For the purposes of this regulation, a ***reportable incident*** means an incident arising out of a geothermal energy operation that is—
  - (a) a major incident; or
  - (b) a breach of the environmental performance standards set out in the environment management plan (prepared in accordance with Part 5) in force for the geothermal energy operation; or
  - (c) an incident with significant potential impacts on human health or the environment.
- (2) The operator must give notice, orally or in writing, of a reportable incident to the Minister, with the date, time and place of the incident, a description of the incident and the steps taken to minimise the impact of the incident as soon as is practicable—
  - (a) after the incident occurs; or
  - (b) if the operator is not initially aware of the incident, after the operator becomes aware that it occurred.

Penalty: 10 penalty units.
- (3) As soon as is practicable after the operator has given notification to the Minister under regulation 14(2), the operator must give the Minister a written report that includes—
  - (a) the date, time and place of the incident; and
  - (b) a description of the incident; and

- (c) any known or suspected causes of the incident; and
- (d) a description of the steps taken to minimise the impact of the incident; and
- (e) a description of the steps taken or proposed to prevent a recurrence of the incident.

Penalty: 10 penalty units.

#### **15 Protection of aquifers and formations containing hydrocarbons**

The holder of an authority must ensure that all reasonable steps are 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.

Penalty: 20 penalty units.

#### **16 Protection of well site**

The holder of an authority must ensure that adequate controls are in place to protect a completed well site from outside interference and to ensure the safety of the public.

Penalty: 20 penalty units.

#### **17 Cessation of drilling operations**

The holder of an authority must ensure that a well is made safe in accordance with good industry practice when the well is decommissioned.

Penalty: 20 penalty units.

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**PART 4—EXTRACTION LICENCES**

**18 Application to contain certain information**

An application for an extraction licence must contain, or be accompanied by, the following information—

- (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; and
- (b) a map indicating the area of the resource and stating the likely area of the resource in square kilometres, together with all information reasonably necessary to enable the Minister to determine the appropriate area of the licence taking into account the requirements of the Act.

**19 Geothermal energy extraction development plan**

For the purposes of section 51 of the Act, a geothermal energy extraction development plan must contain—

- (a) 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
- (b) details of all proposed further data acquisition and studies to enhance geological and geothermal energy resource understanding in the authority area; and

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- (c) 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.
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**PART 5—CONDUCT OF OPERATIONS**

**20 Operation plan must include an environment management plan**

- (1) The operation plan must set out an environment management plan.
- (2) The environment management plan must include the matters set out in regulations 21, 22, 23, 24, 25 and 26.

**21 Description of the environment**

The environment management plan must—

- (a) describe the existing environment that may be affected by the geothermal energy operation, as well as any relevant cultural, historical, aesthetic, social, recreational, ecological, biological, landscape and economic aspects of the environment that may be affected; and
- (b) identify the particular relevant values and sensitivities (if any) of that environment.

**22 Description of environmental effects and risks**

The environment management plan must contain an assessment of the environmental effects and risks of the geothermal energy operation that—

- (a) identifies and evaluates the environmental effects and risks that may arise directly or indirectly from the normal operations of the operation (including construction where applicable); and

- (b) includes an assessment of the risks of the potential effects on the environment resulting from reasonably possible activities in relation to the operation, or incidents or events (whether accidental or otherwise) that are not normal activities, incidents or events in relation to the operation.

### **23 Environmental performance objectives and standards**

The environment management plan must—

- (a) define environmental performance objectives, and set environmental performance standards, against which performance by the operator in protecting the environment from the geothermal operation is to be measured; and
- (b) include measurement methods for determining whether the objectives and standards have been met.

### **24 Implementation strategy for the environment management plan**

- (1) The environment management plan must contain an implementation strategy for the geothermal energy operation.
- (2) The implementation strategy must include measures to ensure that the environmental performance objectives and standards in the environment management plan are met.
- (3) The implementation strategy must identify the specific systems, practices and procedures to be used to ensure that—

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- (a) any potential adverse environmental effects of, and any risks to the environment arising from, the operation are eliminated, or if that is not reasonably practicable, are minimised so far as is reasonably practicable; and
    - (b) the environmental performance objectives and standards in the environment management plan are met.
  - (4) The implementation strategy must establish a clear chain of command, setting out the roles and responsibilities of personnel in relation to the implementation, management and review of the environment management plan.
  - (5) The implementation strategy must include measures to ensure that each employee or contractor working on, or in connection with, the geothermal energy operation is aware of his or her responsibilities in relation to the environment and has the appropriate skills and training to be able to fulfil those responsibilities.
  - (6) The implementation strategy must provide for the monitoring, audit and review of the operators environmental performance and of the implementation strategy.
  - (7) The implementation strategy must provide for the maintenance of a quantitative record of emissions and discharges (whether occurring during normal operations or otherwise) to the air, land surface or below the land surface environment that is accurate and that can be monitored and audited against the environmental performance standards.

- (8) The implementation strategy must provide for the maintenance of an up-to-date emergency response manual, including detailed response arrangements, for dealing with any circumstance that arises suddenly and that threatens the environment in the vicinity of the operation, and to ensure that the circumstance does not harm the environment.
- (9) The implementation strategy must provide for appropriate consultation about the operator's environmental performance with—
  - (a) relevant authorities of the Commonwealth and State; and
  - (b) other relevant interested people and organisations.

**25 Other information in the environment management plan**

The environment management plan must contain the following—

- (a) a statement of the operators corporate environmental policy; and
- (b) a report on any consultations between the operator and relevant authorities, interested people and organisations in the course of developing the environment management plan; and
- (c) a list of all environmental legislation of the Commonwealth or the State that may apply to the geothermal energy operation; and
- (d) a description of any arrangements for ongoing consultation between the operator and relevant authorities, interested people and organisations during the life of the operation.

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**26 Reporting etc. arrangements in the operation plan**

The operation plan must include arrangements for—

- (a) recording information about the geothermal energy operation sufficient to enable an inspector to determine whether the performance objectives and standards in the environment management plan and the safety management system have been met or are being met; and
- (b) reporting to the Minister on the performance of the geothermal energy operation with respect to its environmental management and safety management objectives at least once a year at intervals agreed with the Minister.

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**PART 6—INFORMATION**

**27 Technical report**

- (1) The holder of an authority must submit to the Minister, in an electronic form which accords with an industry standard, an annual technical report in relation to the geothermal energy exploration activities (if any) undertaken under the authority containing the following—
- (a) a complete record of all geological, geophysical, geochemical, geothermal and other technical investigations undertaken in the period covered in the report, together with maps showing the locations of surveys;
  - (b) a complete record of all drill holes, together with logs, including temperature logs and maps showing the locations of the holes;
  - (c) details of any material tested, along with test results;
  - (d) a summary of any geothermal energy resources, identified, if possible, in an industry standard manner;
  - (e) any interpretations formed as a result of the surveys or activities undertaken;
  - (f) details of how the maps and sections provided in the report are related to the Map Grid of Australia (GDA94 coordinates) and the National Topographic Map Series;
  - (g) the name of the author of the report;
  - (h) the date of the report.

- (2) The holder or former holder of an authority must submit the annual report—
- (a) on or before 28 July in each year covering the exploration activities for the preceding financial year; and
  - (b) if the authority ceased to have effect during a financial year, within 4 weeks after the authority ceased to have effect covering the exploration activities in that year up until the day the authority ceased to have effect.

Penalty: 10 penalty units.

- (3) The Minister may, on a request from the holder, or former holder, of an authority, extend the period for the submission of an annual report.
- (4) If the Minister extends the period of time in accordance with subregulation (3), the holder, or former holder, must submit the annual report within the extended period of time.

Penalty: 10 penalty units.

## **28 Samples**

- (1) The holder of an authority must ensure that any samples recovered 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 recovered 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 comply with regulation 28(2).

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**29 Quantity of geothermal energy extracted to be measured, recorded and reported**

- (1) The holder of an extraction licence must measure and record, in a manner and at a frequency approved by the Minister, the quantity of geothermal energy extracted under the licence.

Penalty: 20 penalty units.

- (2) If requested by the Minister by notice in writing, the holder must provide a copy of any record made under subregulation (1) to the Minister within the time specified in the notice.

Penalty: 20 penalty units.

- (3) The holder or former holder of an extraction licence must submit to the Minister an annual report specifying the quantity of geothermal energy extracted during the year.

- (4) The holder or former holder of an extraction licence must submit the annual report—

(a) on or before 28 July in each year specifying quantities for the preceding financial year; and

(b) if the extraction licence has ceased to have effect during a financial year, within 4 weeks after the licence ceased to have effect specifying the quantities extracted in that year up until the day the licence ceased to have effect.

Penalty: 20 penalty units.

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**PART 7—GEOTHERMAL ENERGY REGISTER**

**30 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.
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**PART 8—FEES**

**31 Fees**

The fees in the Schedule are to be paid.

**32 Annual fees**

The annual fee for an authority set out in the Schedule must be paid—

- (a) within 7 days after the registration of the authority; and
- (b) before the expiry of each 12 month period after the date of registration.

**33 Late fee for renewal of exploration permit**

The late fee for the purposes of section 27(3) of the Act is 10 fee units for each week or part of a week after the last day that the fee that is late should have been paid.

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**PART 9—MISCELLANEOUS**

**34 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.

**35 Maximum permit area**

The area to which an exploration permit applies must not exceed 10 000 square kilometres.

**36 Form of work program**

A work program must be in an electronic form approved by the Minister or be in writing.

**37 Time for application to Tribunal or referral to Supreme Court**

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

**38 Manner and time of payment of royalty**

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 30 July in each year.

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Geothermal Energy Resources Regulations 2006  
S.R. No. 37/2006

Sch.

**SCHEDULE**

Regulation 31

**FEEs**

<i>Item</i>	<i>Exploration Permits</i>	<i>Fee</i>
1	Fee for application for exploration permit	400 fee units
2	Fee for renewal of exploration permit	200 fee units
3	Annual fee for exploration permit	550 fee units
4	Fee for transfer of exploration permit	400 fee units
<i>Item</i>	<i>Retention Leases</i>	<i>Fee</i>
5	Fee for application for retention lease	400 fee units
6	Annual fee for retention lease	550 fee units
7	Fee for transfer of retention lease	400 fee units
<i>Item</i>	<i>Extraction Licences</i>	<i>Fee</i>
8	Application fee for extraction licence	1000 fee units
9	Annual fee for extraction licence	550 fee units
10	Fee for transfer of extraction licence	400 fee units
<i>Item</i>	<i>Geothermal Energy Register</i>	<i>Fee</i>
11	Inspection of the geothermal energy register	2 fee units
12	Copy of document or entry in geothermal energy register—per A4 page	\$4

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<i>Item</i>	<i>Geothermal Energy Register</i>	<i>Fee</i>
13	Certificate under section 159(2) of the Act as to matter relating to contents of geothermal energy register	5 fee units

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## ENDNOTES

### 1. General Information

The Geothermal Energy Resources Regulations 2006, S.R. No. 37/2006 were made on 4 April 2006 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 2006.

The Geothermal Energy Resources Regulations 2006 will sunset 10 years after the day of making on 4 April 2016 (see section 5 of the **Subordinate Legislation Act 1994**).

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## **2. Table of Amendments**

There are no amendments made to the Geothermal Energy Resources Regulations 2006 by statutory rules, subordinate instruments and Acts.

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### 3. Explanatory Details

#### 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 2012 is \$12.53. 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.