A Bill for an Act to amend the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*, and for related purposes
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**Schedule 1—Amendments**

*Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*
A Bill for an Act to amend the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*, and for related purposes

The Parliament of Australia enacts:

1 **Short title**

This Act may be cited as the *Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies Legislation Amendment (2011 Measures No. 2) Act 2011*.

2 **Commencement**

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.
## Commencement information

<table>
<thead>
<tr>
<th>Provision(s)</th>
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</thead>
<tbody>
<tr>
<td>1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table</td>
<td>The day this Act receives the Royal Assent.</td>
</tr>
<tr>
<td>2. Schedule 1</td>
<td>At the same time as Part 1 of Schedule 2 to the <em>Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Act 2011</em> commences.</td>
</tr>
</tbody>
</table>

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Schedule 1—Amendments


1 Section 3

Insert:

annual titles administration levy means levy imposed by section 10E.

2 Section 3

Insert:

environment plan levy means levy imposed by section 10F or 10G.

3 Section 3

Insert:

greenhouse gas holding lease has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

4 Section 3

Insert:

greenhouse gas injection licence has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

5 Section 3

Insert:

infrastructure licence has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

6 Section 3

Insert:

NOPSEMA means the National Offshore Petroleum Safety and Environmental Management Authority.
7 Section 3

Insert:

pipeline licence has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

8 Section 3 (definition of Safety Authority)

Repeal the definition.

9 Subsection 5(8) (paragraph (b) of the definition of notifiable accident or occurrence)

Omit “the Safety Authority”, substitute “NOPSEMA”.

10 Subsection 6(8) (paragraph (b) of the definition of notifiable accident or occurrence)

Omit “the Safety Authority”, substitute “NOPSEMA”.

11 Subsection 9(1)

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

12 Subsection 10(1)

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

13 Subsection 10A(7)

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

14 Paragraph 10B(1)(c)

Omit “the Safety Authority”, substitute “NOPSEMA”.

15 Subsection 10B(7)

Omit “the Safety Authority” (wherever occurring), substitute “NOPSEMA”.

16 Subparagraphs 10C(1)(a)(i) and (ii)

Omit “the Safety Authority”, substitute “NOPSEMA”.

17 Paragraph 10C(5)(a)
Omit “the Safety Authority”, substitute “NOPSEMA”.

18 Subparagraphs 10D(1)(a)(i) and (ii)
Omit “the Safety Authority”, substitute “NOPSEMA”.

19 Paragraph 10D(5)(a)
Omit “the Safety Authority”, substitute “NOPSEMA”.

20 After Part 4B
Insert:

Part 4C—Annual titles administration levy

10E Imposition of annual titles administration levy

(1) If an eligible title is in force, levy is imposed for each year of the term of the title, if that year begins at or after the commencement of this section.

Note: For eligible title, see subsection (7).

(2) Levy imposed by subsection (1) is to be known as annual titles administration levy.

(3) Annual titles administration levy imposed by subsection (1) is payable by the registered holder of the title.

Amount of annual titles administration levy

(4) The amount of annual titles administration levy imposed by subsection (1) on a title is the amount that is specified in, or worked out in accordance with, the regulations.

(5) The regulations may specify different amounts of annual titles administration levy, or different means of working out amounts of annual titles administration levy, in relation to different eligible titles.

(6) Subsection (5) does not limit subsection 33(3A) of the Acts Interpretation Act 1901.
Definitions

(7) In this section:

eligible title means:

(a) a work-bid petroleum exploration permit; or

(b) a special petroleum exploration permit; or

(c) a petroleum retention lease; or

(d) a petroleum production licence; or

(e) an infrastructure licence; or

(f) a pipeline licence; or

(g) a work-bid greenhouse gas assessment permit; or

(h) a greenhouse gas holding lease; or

(i) a greenhouse gas injection licence.

registered holder, in relation to a title, has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

special petroleum exploration permit has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

work-bid greenhouse gas assessment permit has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

work-bid petroleum exploration permit has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

(8) For the purposes of this section, a year of the term of an eligible title is to be determined in the same manner as it is determined under section 10 of the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

Part 4D—Environment plan levy

10F Imposition of environment plan levy—activities authorised by Commonwealth titles

(1) If:

(a) both:
(i) an environment plan is submitted to NOPSEMA under regulation 9 of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009; and

(ii) the activities to which the plan relates are authorised by one or more Commonwealth titles; or

(b) both:

(i) a proposed revision of an environment plan is submitted to NOPSEMA under regulation 17, 18 or 19 of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009; and

(ii) the activities to which the revised plan relates are authorised by one or more Commonwealth titles;

levy is imposed on the submission.

(2) Levy imposed by subsection (1) is to be known as environment plan levy.

(3) Environment plan levy imposed by subsection (1) is payable:

(a) if:

(i) paragraph (1)(a) applies; and

(ii) the activities to which the plan relates are authorised by a single Commonwealth title;

by the registered holder of the Commonwealth title; or

(b) if:

(i) paragraph (1)(a) applies; and

(ii) the activities to which the plan relates are authorised by 2 or more Commonwealth titles;

jointly and severally by the registered holders of the Commonwealth titles; or

(c) if:

(i) paragraph (1)(b) applies; and

(ii) the activities to which the revised plan relates are authorised by a single Commonwealth title;

by the registered holder of the Commonwealth title; or

(d) if:

(i) paragraph (1)(b) applies; and

(ii) the activities to which the revised plan relates are authorised by 2 or more Commonwealth titles;
Amount of environment plan levy

(4) The amount of environment plan levy imposed by subsection (1) in respect of a submission is the amount that is specified in, or worked out in accordance with, the regulations.

(5) The regulations may specify different amounts of environment plan levy, or different means of working out amounts of environment plan levy, in relation to different circumstances.

(6) Subsection (5) does not limit subsection 33(3A) of the Acts Interpretation Act 1901.

Definitions

(7) In this section:

Commonwealth title means:
(a) a petroleum exploration permit; or
(b) a petroleum retention lease; or
(c) a petroleum production licence; or
(d) an infrastructure licence; or
(e) a pipeline licence; or
(f) a petroleum special prospecting authority; or
(g) a petroleum access authority; or
(h) a greenhouse gas assessment permit; or
(i) a greenhouse gas holding lease; or
(j) a greenhouse gas injection licence; or
(k) a greenhouse gas search authority; or
(l) a greenhouse gas special authority.

greenhouse gas assessment permit has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

greenhouse gas search authority has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

greenhouse gas special authority has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage Act 2006.
petroleum access authority has the same meaning as in the

petroleum special prospecting authority has the same meaning as

registered holder, in relation to a title, has the same meaning as in

10G Imposition of environment plan levy—activities authorised by
State/Territory titles

(1) If either:
   (a) both:
      (i) an environment plan is submitted to NOPSEMA under a
          regulation of a State or Territory that substantially
          corresponds to regulation 9 of the Offshore Petroleum
          and Greenhouse Gas Storage (Environment)
          Regulations 2009; and
      (ii) the activities to which the plan relates are authorised by
           one or more State/Territory titles; or
   (b) both:
      (i) a proposed revision of an environment plan is submitted
          to NOPSEMA under a regulation of a State or Territory
          that substantially corresponds to regulation 17, 18 or 19
          of the Offshore Petroleum and Greenhouse Gas Storage
          (Environment) Regulations 2009; and
      (ii) the activities to which the revised plan relates are
           authorised by one or more State/Territory titles;

   levy is imposed on the submission.

(2) Levy imposed by subsection (1) is to be known as environment
plan levy.

(3) Environment plan levy imposed by subsection (1) is payable:
   (a) if:
      (i) paragraph (1)(a) applies; and
      (ii) the activities to which the plan relates are authorised by
           a single State/Territory title;
           by the registered holder of the State/Territory title; or
   (b) if:
(i) paragraph (1)(a) applies; and
(ii) the activities to which the plan relates are authorised by
2 or more State/Territory titles;
jointly and severally by the registered holders of the
State/Territory titles; or
(c) if:
(i) paragraph (1)(b) applies; and
(ii) the activities to which the revised plan relates are
authorised by a single State/Territory title;
by the registered holder of the State/Territory title; or
(d) if:
(i) paragraph (1)(b) applies; and
(ii) the activities to which the revised plan relates are
authorised by 2 or more State/Territory titles;
jointly and severally by the registered holders of the
State/Territory titles.

Amount of environment plan levy

(4) The amount of environment plan levy imposed by subsection (1) in
respect of a submission is the amount that is specified in, or
worked out in accordance with, the regulations.

(5) The regulations may specify different amounts of environment plan
levy, or different means of working out amounts of environment
plan levy, in relation to different circumstances.

(6) Subsection (5) does not limit subsection 33(3A) of the Acts
Interpretation Act 1901.

Definitions

(7) In this section:

registered holder, in relation to a State/Territory title, means the
person whose name is shown in the Register kept under the
relevant State PSLA or Territory PSLA as the holder of the title.

State/Territory title means an instrument under a State PSLA or
Territory PSLA that confers, in relation to the coastal waters of a
State or Territory, some or all of the rights that a Commonwealth
title (within the meaning of section 10F) confers in relation to the offshore area of the State or Territory.

21 **Section 11**

Omit “10C and 10D”, substitute “10C, 10D, 10E, 10F and 10G”.

(86/11)