2016-2017-2018

The Parliament of the Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Bill 2018

No. , 2018

(Industry, Innovation and Science)

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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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 is the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Act 2018*.

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.
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<td><strong>Commencement</strong></td>
<td><strong>Date/Details</strong></td>
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<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>
<td></td>
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<td>2. Schedule 1, Part 1</td>
<td>The day after this Act receives the Royal Assent.</td>
<td></td>
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<td>3. Schedule 1, Part 2</td>
<td>A single day to be fixed by Proclamation.</td>
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<td></td>
<td>However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.</td>
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<tr>
<td>4. Schedule 2</td>
<td>At the same time as Schedule 1 to the <em>Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Act 2018</em> commences.</td>
<td></td>
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<td>5. Schedule 3</td>
<td>A single day to be fixed by Proclamation.</td>
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</tr>
<tr>
<td></td>
<td>However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.</td>
<td></td>
</tr>
<tr>
<td>6. Schedules 4 and 5</td>
<td>The day after this Act receives the Royal Assent.</td>
<td></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 Schedules

Legislation 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—Well activity levy

Part 1—Amendments commencing on the day after Royal Assent


1 Paragraph 10C(1)(a)
Repeal the paragraph, substitute:
   (a) a person makes an application to NOPSEMA, under Part 5 of the Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011, for acceptance of a well operations management plan; and

2 Subsection 10C(5)
Repeal the subsection.

3 Paragraph 10D(1)(a)
Omit “either”, substitute “any of the following subparagraphs applies”.

4 Subparagraph 10D(1)(a)(i)
Omit “or” (last occurring).

5 Subparagraph 10D(1)(a)(ii)

6 Subparagraph 10D(1)(a)(ii)
Omit “and” (last occurring).

7 At the end of paragraph 10D(1)(a)
Add:
(iii) a person makes an application to NOPSEMA, under the regulations of a State or Territory that substantially correspond to Part 5 of the old Resource Management and Administration Regulations, for acceptance of a well operations management plan; and

8 Paragraph 10D(5)(a)


9 Subsection 10D(6)

Insert:


10 Application of amendments

(1) The amendments of section 10C of the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003 made by this Schedule apply in relation to an application made to NOPSEMA after the commencement of this item.

(2) The amendments of section 10D of the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003 made by this Part, so far as they relate to an application made to NOPSEMA, apply in relation to an application made to NOPSEMA after the commencement of this item.
Part 2—Amendments commencing on a day to be fixed by Proclamation


11 Paragraph 10C(1)(a)

Repeal the paragraph, substitute:

(a) either:
   (i) a person makes an application to NOPSEMA, under Part 5 of the Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011, for acceptance of a well operations management plan; or
   (ii) a person submits to NOPSEMA, under regulation 5.13 of the Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011, a proposed revision of a well operations management plan; and

12 At the end of subsection 10C(1)

Add “or submission”.

13 Subsection 10C(4)

After “application”, insert “or submission”.

14 Subparagraph 10D(1)(a)(iii)

Omit “and” (last occurring).

15 At the end of paragraph 10D(1)(a)

Add:

(iv) a person submits to NOPSEMA, under a regulation of a State or Territory that substantially corresponds to regulation 5.13 of the Offshore Petroleum and Greenhouse Gas Storage (Resource Management and...
Administration) Regulations 2011, a proposed revision of a well operations management plan; and

16 At the end of subsection 10D(1)

Add “or submission”.

17 Subsection 10D(4)

After “application”, insert “or submission”.

18 Application of amendments

(1) The amendments of section 10C of the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003 made by this Part, so far as they relate to an application to NOPSEMA, apply in relation to an application made to NOPSEMA after the commencement of this item.

(2) The amendments of sections 10C and 10D of the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003 made by this Part, so far as they relate to a submission to NOPSEMA of a proposed revision of a well operations management plan, apply in relation to a submission made to NOPSEMA after the commencement of this item.
Schedule 2—Greenhouse gas storage

Part 1—Well investigation levy


1 Section 9 (heading)
   Repeal the heading, substitute:

9  Imposition of well investigation levy—Commonwealth titles

2 Subparagraphs 9(1)(a)(i) and (ii)
   Omit “a petroleum title”, substitute “an eligible title”.

3 Paragraph 9(1)(b)
   After “(2)”, insert “or 13B(1) or (2)”.

4 Subsection 9(1) (note)
   After “Note”, insert “1”.

5 At the end of subsection 9(1)
   Add:


6 Subsection 9(5)
   Insert:

      eligible title means:
      (a) a petroleum title; or
      (b) a greenhouse gas title.

   greenhouse gas title has the same meaning as in Schedule 3 to the Offshore Petroleum and Greenhouse Gas Storage Act 2006.
7 Subsection 9(5) (definition of registered holder)

Omit “a petroleum title”, substitute “an eligible title”.

8 Subsection 9(5) (definition of title area)

Repeal the definition, substitute:

**title area:**

(a) in relation to a petroleum title—has the same meaning as in clause 13A of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; or

(b) in relation to a greenhouse gas title—has the same meaning as in clause 13B of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

9 Section 10 (heading)

Repeal the heading, substitute:

10 Imposition of well investigation levy—State/Territory titles

10 Subparagraph 10(1)(a)(i)

Omit “petroleum”.

11 Subparagraph 10(1)(a)(ii)

Omit “petroleum”, substitute “State/Territory”.

12 Paragraph 10(1)(b)

After “(2)”, insert “or 13B(1) or (2)”.

13 Subsection 10(1) (note)

After “Note”, insert “1”.

14 At the end of subsection 10(1)

Add:

15 Subsection 10(5)

Insert:


16 Subsection 10(5) (definition of registered holder)

Omit “petroleum”.

17 Subsection 10(5)

Insert:

State/Territory greenhouse gas title means an instrument under a State PSLA or Territory PSLA that confers, in relation to the designated coastal waters of a State or Territory, some or all of the rights that a Commonwealth greenhouse gas title confers in relation to the offshore area of the State or Territory.

State/Territory title means:

(a) a State/Territory petroleum title; or

(b) a State/Territory greenhouse gas title.

18 Subsection 10(5) (definition of title area)

Repeal the definition, substitute:

Title area:

(a) in relation to a State/Territory petroleum title—has the same meaning as in the provisions of the relevant State PSLA or Territory PSLA that substantially correspond to clause 13A of Schedule 3 to the Offshore Petroleum and Greenhouse Gas Storage Act 2006; or

(b) in relation to a State/Territory greenhouse gas title—has the same meaning as in the provisions of the relevant State PSLA or Territory PSLA that substantially correspond to clause 13B of Schedule 3 to the Offshore Petroleum and Greenhouse Gas Storage Act 2006.
19 Application of amendments

The amendments of sections 9 and 10 of the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003* made by this Part apply in relation to an investigation that starts to be conducted by a NOPSEMA inspector after the commencement of this item.
Part 2—Annual well levy


20 Section 10A (heading)
Repeal the heading, substitute:

10A Imposition of annual well levy—Commonwealth titles

21 Subsection 10A(1)
Omit “a petroleum title”, substitute “an eligible title”.

22 Subsection 10A(3)
Omit “petroleum title”, substitute “eligible title”.

23 Paragraph 10A(5)(a)
Omit “a petroleum title”, substitute “an eligible title”.

24 Subparagraph 10A(5)(b)(i)
Omit “a petroleum title”, substitute “an eligible title”.

25 Paragraph 10A(6)(a)
Omit “a petroleum title”, substitute “an eligible title”.

26 Subparagraph 10A(6)(b)(i)
Omit “a petroleum title”, substitute “an eligible title”.

27 Subsection 10A(8)
Insert:

eligible title means:
(a) a petroleum title; or
(b) a greenhouse gas title.
greenhouse gas title has the same meaning as in Schedule 3 to the


28 Subsection 10A(8) (definition of registered holder)
Omit “a petroleum title”, substitute “an eligible title”.

29 Subsection 10A(8) (definition of title area)
Repeal the definition, substitute:

title area:
(a) in relation to a petroleum title—has the same meaning as in clause 13A of Schedule 3 to the Offshore Petroleum and Greenhouse Gas Storage Act 2006; or
(b) in relation to a greenhouse gas title—has the same meaning as in clause 13B of Schedule 3 to the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

30 Section 10B (heading)
Repeal the heading, substitute:

10B Imposition of annual well levy—State/Territory titles

31 Paragraphs 10B(1)(a) and (b)
Omit “petroleum”.

32 Subsection 10B(3)
Omit “petroleum”.

33 Paragraph 10B(5)(a)
Omit “petroleum”.

34 Subparagraph 10B(5)(b)(ii)
Omit “petroleum”.

35 Paragraph 10B(6)(a)
Omit “petroleum”.

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Schedule 2  Greenhouse gas storage
Part 2  Annual well levy

36 Subparagraph 10B(6)(b)(ii)
Omit “petroleum”.

37 Subsection 10B(8)
Insert:


38 Subsection 10B(8) (definition of registered holder)
Omit “petroleum”.

39 Subsection 10B(8)
Insert:

State/Territory greenhouse gas title means an instrument under a State PSLA or Territory PSLA that confers, in relation to the designated coastal waters of a State or Territory, some or all of the rights that a Commonwealth greenhouse gas title confers in relation to the offshore area of the State or Territory.

State/Territory title means:
(a) a State/Territory petroleum title; or
(b) a State/Territory greenhouse gas title.

40 Subsection 10B(8) (definition of title area)
Repeal the definition, substitute:

title area:
(a) in relation to a State/Territory petroleum title—has the same meaning as in the provisions of the relevant State PSLA or Territory PSLA that substantially correspond to clause 13A of Schedule 3 to the Offshore Petroleum and Greenhouse Gas Storage Act 2006; or
(b) in relation to a State/Territory greenhouse gas title—has the same meaning as in the provisions of the relevant State PSLA or Territory PSLA that substantially correspond to clause 13B of Schedule 3 to the Offshore Petroleum and Greenhouse Gas Storage Act 2006.
41 Application of amendments

Commonwealth greenhouse gas titles

(1) The amendments of section 10A of the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003 made by this Part, so far as they concern an eligible well in relation to a greenhouse gas title for a year, apply in relation to an eligible well in relation to a greenhouse gas title for a year that began at or after the commencement of this item.

(2) For the purposes of the application of:

(a) subitem (1); and

(b) section 10A of the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003 (as amended by this Part);

...
Schedule 2  Greenhouse gas storage
Part 2  Annual well levy

(c) beginning at the commencement of this item; and
(d) ending at the end of 31 December next following that
    commencement;

is taken to be a year.

Commonwealth petroleum titles

(5) The amendments of section 10A of the *Offshore Petroleum and
    Greenhouse Gas Storage (Regulatory Levies) Act 2003* made by this
    Part, so far as they concern an eligible well in relation to a petroleum
    title for a year, apply in relation to an eligible well in relation to a
    petroleum title for a year that began at or after the commencement of
    this item.

State/Territory petroleum titles

(6) The amendments of section 10B of the *Offshore Petroleum and
    Greenhouse Gas Storage (Regulatory Levies) Act 2003* made by this
    Part, so far as they concern an eligible well in relation to a
    State/Territory petroleum title for a year, apply in relation to an eligible
    well in relation to a State/Territory petroleum title for a year that began
    at or after the commencement of this item.
Part 3—Well activity levy

Offshore Petroleum and Greenhouse Gas Storage
(Regulatory Levies) Act 2003

42 Section 3

Insert:

greenhouse gas assessment permit has the same meaning as in the

43 Section 10C (heading)

Repeal the heading, substitute:

10C Imposition of well activity levy—Commonwealth titles

44 Paragraph 10C(1)(b)

Omit “a petroleum title”, substitute “an eligible title”.

45 Subsection 10C(6)

Insert:

eligible title means:
(a) a petroleum title; or
(b) a greenhouse gas title.

greenhouse gas title means:
(a) a greenhouse gas assessment permit; or
(b) a greenhouse gas holding lease; or
(c) a greenhouse gas injection licence.

46 Subsection 10C(6) (definition of registered holder)

Omit “a petroleum title”, substitute “an eligible title”.

47 Section 10D (heading)

Repeal the heading, substitute:
10D Imposition of well activity levy—State/Territory titles

48 Paragraph 10D(1)(b)

Omit “petroleum”.

49 Subparagraph 10D(5)(c)(ii)

Omit “petroleum”.

50 Subsection 10D(6)

Insert:

**Commonwealth greenhouse gas title** means:

(a) a greenhouse gas assessment permit; or
(b) a greenhouse gas holding lease; or
(c) a greenhouse gas injection licence.

51 Subsection 10D(6) (definition of **registered holder**)

Omit “petroleum”.

52 Subsection 10D(6)

Insert:

**State/Territory greenhouse gas title** means an instrument under a State PSLA or Territory PSLA that confers, in relation to the designated coastal waters of a State or Territory, some or all of the rights that a Commonwealth greenhouse gas title confers in relation to the offshore area of the State or Territory.

**State/Territory title** means:

(a) a State/Territory petroleum title; or
(b) a State/Territory greenhouse gas title.

53 Subsection 10F(7) (definition of **greenhouse gas assessment permit**)

Repeal the definition.
54 Application of amendments

(1) The amendments of sections 10C and 10D of the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003* made by this Part, so far as they relate to an application made to NOPSEMA, apply in relation to an application made to NOPSEMA after the commencement of this item.

(2) The amendments of sections 10C and 10D of the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003* made by this Part, so far as they relate to a submission to NOPSEMA of a proposed revision of a well operations management plan, apply in relation to a submission made to NOPSEMA after the commencement of this item.
Schedule 3—Investigations


1 Section 3
Insert:


2 Paragraph 5(1)(b)
Omit “an inspection”, substitute “a compliance investigation”.

3 Subsection 5(8) (definition of *inspection*)
Repeal the definition.

4 Paragraph 9(1)(b)
Omit “an inspection concerning”, substitute “a compliance investigation relating to”.

5 Paragraphs 9(1)(d) and (e)
Omit “inspection”, substitute “compliance investigation”.

6 Subsection 9(1)
Omit “on the inspection”, substitute “on the compliance investigation”.

7 Paragraph 9(1)(g)
Omit “inspection”, substitute “compliance investigation”.

8 Subsection 9(4)
Omit “an inspection”, substitute “a compliance investigation”.

9 Subsection 9(5) (definition of *conduct*)
Omit “an inspection”, substitute “a compliance investigation”.

20  Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies)  No.  , 2018
    Amendment Bill 2018
10 **Subsection 9(5) (definition of conduct)**

Omit “the inspection”, substitute “the compliance investigation”.

11 **Subsection 9(5) (definition of inspection)**

Repeal the definition.

12 **Application of amendments**

The amendments of sections 5 and 9 of the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003* made by this Schedule apply in relation to a compliance investigation that began to be conducted after the commencement of this item.
Schedule 4—Abandoned wells


1 Before subsection 10A(7)
   Insert:
   
   (6A) For the purposes of this section, disregard the abandonment of a well unless the process of abandoning the well was the subject of a notification under paragraph 5.17(c) of the Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011.

2 Subsection 10A(7)
   After “if”, insert “a well commences to be abandoned, and”.

3 Subsection 10A(7)
   Before “requires”, insert “(as in force at the time when the abandonment commenced)”.

4 Subsection 10A(7)
   Omit “a well”, substitute “the well”.

5 Subsection 10B(7)

6 Subsection 10B(8)
   Insert:
   
   old Resource Management and Administration Regulations means the Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011, as in force before the commencement of the Offshore Petroleum and

7 Application of amendment

Subsection 10A(6A) of the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003 (as amended by this Schedule) applies in relation to the abandonment of a well if the abandonment commenced at or after the commencement of this item.
Schedule 5—Removal of spent provisions


1 Subsections 10A(9) and (10)

   Repeal the subsections.

2 Subsections 10B(9) and (10)

   Repeal the subsections.

3 Transitional

   (1) Despite the repeal of subsection 10A(9) of the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003 by this Schedule, that subsection continues to apply, in relation to the period mentioned in that subsection, as if that repeal had not happened.

   (2) Despite the repeal of subsection 10A(10) of the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003 by this Schedule, that subsection continues to apply, in relation to a well mentioned in that subsection, as if that repeal had not happened.

   (3) Despite the repeal of subsection 10B(9) of the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003 by this Schedule, that subsection continues to apply, in relation to the period mentioned in that subsection, as if that repeal had not happened.

   (4) Despite the repeal of subsection 10B(10) of the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003 by this Schedule, that subsection continues to apply, in relation to a well mentioned in that subsection, as if that repeal had not happened.