



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

No. 117, 2003 as amended

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Includes amendments up to: Act No. 142, 2013

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About this compilation

This compilation

This is a compilation of the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003* as in force on 14 December 2013. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 24 December 2013.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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An Act to impose levies relating to the regulation of offshore petroleum activities and greenhouse gas storage activities

Part 1—Introduction

1 Short title

This Act may be cited as the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*.

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		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	4 December 2003
2. Sections 3 to 11	1 January 2005.	1 January 2005

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

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- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Definitions

In this Act, unless the contrary intention appears:

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

annual well levy means levy imposed by section 10A or 10B.

applicable State or Territory safety law means:

- (a) in relation to the designated coastal waters of a State—the State safety law of that State; or
- (b) in relation to the designated coastal waters of the Northern Territory—the Territory safety law.

coastal waters, in relation to a State or Territory, has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Commonwealth waters has the same meaning as in Part 6.9 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

construct, in relation to a well, includes:

- (a) drill the well; and
- (b) install any well-related equipment associated with the well.

cost includes part of a cost.

designated coastal waters, in relation to a State or the Northern Territory, has the same meaning as in Part 6.9 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

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

expense includes part of an expense.

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

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

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

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

offshore area, in relation to a State or Territory, has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

OHS inspector has the same meaning as in Part 6.9 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

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

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

petroleum retention lease has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

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

prepare, in relation to a well, includes construct.

safety case levy means levy imposed by section 7 or 8.

safety investigation levy means levy imposed by section 5 or 6.

State PSLA has the same meaning as in Part 6.9 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

State safety law means the provisions of a State PSLA that substantially correspond to Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

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Territory PSLA has the same meaning as in Part 6.9 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Territory safety law means the provisions of the Territory PSLA that substantially correspond to Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

well has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

well activity levy means levy imposed by section 10C or 10D.

well investigation levy means levy imposed by section 9 or 10.

well-related equipment has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

year means a 12-month period beginning on 1 January.

4 Extension to external Territories

This Act extends to each external Territory to which the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* extends.

Note: See section 34 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Part 2—Safety investigation levy

5 Imposition of safety investigation levy—Commonwealth waters

- (1) If:
 - (a) a notifiable accident or occurrence happens in relation to a facility located in Commonwealth waters; and
 - (b) an OHS inspector begins to conduct an inspection in relation to the notifiable accident or occurrence; and
 - (c) the condition or conditions specified in the regulations are satisfied;levy is imposed on the notifiable accident or occurrence.
- (2) Levy imposed by subsection (1) is to be known as ***safety investigation levy***.
- (3) Safety investigation levy imposed by subsection (1) is payable by the operator of the facility.
- (4) Safety investigation levy is not payable under subsection (1) unless regulations are in force for the purposes of paragraph (1)(c).

Note: For collection of safety investigation levy, see section 686 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Amount of safety investigation levy

- (5) The amount of safety investigation levy imposed by subsection (1) in respect of a notifiable accident or occurrence is the amount that is specified in, or worked out in accordance with, the regulations.
- (6) The regulations may specify different amounts of safety investigation levy, or different means of working out amounts of safety investigation levy, in relation to different kinds of notifiable accident or occurrence.
- (7) Subsection (6) does not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

Section 6

Definitions

(8) In this section:

accident has the same meaning as in Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

dangerous occurrence has the same meaning as in Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

facility has the same meaning as in Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

inspection has the same meaning as in Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

notifiable accident or occurrence, in relation to a facility, means an accident or dangerous occurrence:

- (a) at or near the facility; and
- (b) that is required to be notified to NOPSEMA by the operator under clause 82 of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

operator, in relation to a facility, has the same meaning as in Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

6 Imposition of safety investigation levy—designated coastal waters

(1) If:

- (a) a notifiable accident or occurrence happens in relation to a facility located in the designated coastal waters of a State or of the Northern Territory; and
- (b) an OHS inspector begins to conduct an inspection in relation to the notifiable accident or occurrence; and
- (c) the condition or conditions specified in the regulations are satisfied;

levy is imposed on the notifiable accident or occurrence.

- (2) Levy imposed by subsection (1) is to be known as **safety investigation levy**.
- (3) Safety investigation levy imposed by subsection (1) is payable by the operator of the facility.
- (4) Safety investigation levy is not payable under subsection (1) unless regulations are in force for the purposes of paragraph (1)(c).

Note: For collection of safety investigation levy, see section 686 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Amount of safety investigation levy

- (5) The amount of safety investigation levy imposed by subsection (1) in respect of a notifiable accident or occurrence is the amount that is specified in, or worked out in accordance with, the regulations.
- (6) The regulations may specify different amounts of safety investigation levy, or different means of working out amounts of safety investigation levy, in relation to different kinds of notifiable accident or occurrence.
- (7) Subsection (6) does not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

Definitions

- (8) For the purposes of the application of this section in relation to the designated coastal waters of a State or of the Northern Territory:

accident has the same meaning as in the applicable State or Territory safety law.

dangerous occurrence has the same meaning as in the applicable State or Territory safety law.

facility has the same meaning as in the applicable State or Territory safety law.

inspection has the same meaning as in the applicable State or Territory safety law.

Section 6

notifiable accident or occurrence, in relation to a facility, means an accident or dangerous occurrence:

- (a) at or near the facility; and
- (b) that is required to be notified to NOPSEMA by the operator under the provision of the applicable State or Territory safety law that substantially corresponds to clause 82 of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

operator, in relation to a facility, has the same meaning as in the applicable State or Territory safety law.

Part 3—Safety case levy

7 Imposition of safety case levy—Commonwealth waters

- (1) If:
- (a) either:
 - (i) at the start of a year, a safety case is in force in relation to a facility; or
 - (ii) a safety case is in force in relation to a facility during a part of a year, but is not in force at the start of that year; and
 - (b) the facility is located, or proposed to be located, in Commonwealth waters;
- levy is imposed on the safety case in respect of:
- (c) if subparagraph (a)(i) applies—that year; or
 - (d) if subparagraph (a)(ii) applies—that part of that year.
- (2) Levy imposed by subsection (1) is to be known as *safety case levy*.
- (3) Safety case levy imposed by subsection (1) is payable by:
- (a) if the facility is a pipeline subject to a pipeline licence—the licensee of the pipeline licence; or
 - (b) otherwise—the operator of the facility.

Note: For collection of safety case levy, see section 687 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Amount of safety case levy

- (4) The amount of safety case levy imposed by subsection (1) in respect of a year is the amount that is specified in, or worked out in accordance with, the regulations.
- (5) The amount of safety case levy imposed by subsection (1) in respect of a part of a year is the amount that is worked out in accordance with the regulations.

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- (6) The regulations may specify different amounts of safety case levy, or different means of working out amounts of safety case levy, in relation to different kinds of facilities.
- (7) Subsection (6) does not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

Definitions

- (8) In this section:

facility has the same meaning as in Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, and includes a proposed facility.

operator, in relation to a facility, has the same meaning as in Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

pipeline has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, and includes a pipeline that is:

- (a) proposed to be constructed or operated; or
- (b) being constructed.

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

proposed facility has the same meaning as in Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

safety case in force in relation to a facility has the same meaning as in the *Offshore Petroleum (Safety) Regulations 2009*.

- (9) If the regulations referred to in the definition of **safety case in force in relation to a facility** in subsection (8) are renamed, that definition is amended by omitting the old name and substituting the new name.

8 Imposition of safety case levy—designated coastal waters

- (1) If:
-

- (a) either:
- (i) at the start of a year, a safety case is in force in relation to a facility; or
 - (ii) a safety case is in force in relation to a facility during a part of a year, but is not in force at the start of that year; and
- (b) the facility is located, or proposed to be located, in the designated coastal waters of a State or of the Northern Territory;
- levy is imposed on the safety case in respect of:
- (c) if subparagraph (a)(i) applies—that year; or
 - (d) if subparagraph (a)(ii) applies—that part of that year.
- (2) Levy imposed by subsection (1) is to be known as ***safety case levy***.
- (3) Safety case levy imposed by subsection (1) is payable by:
- (a) if the facility is a pipeline subject to a pipeline licence—the licensee of the pipeline licence; or
 - (b) otherwise—the operator of the facility.

Note: For collection of safety case levy, see section 687 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Amount of safety case levy

- (4) The amount of safety case levy imposed by subsection (1) in respect of a year is the amount that is specified in, or worked out in accordance with, the regulations.
- (5) The amount of safety case levy imposed by subsection (1) in respect of a part of a year is the amount that is worked out in accordance with the regulations.
- (6) The regulations may specify different amounts of safety case levy, or different means of working out amounts of safety case levy, in relation to different kinds of facilities.
- (7) Subsection (6) does not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

Section 8

Transitional

- (7A) If, at a particular time during the period:
- (a) beginning at the start of 1 January 2010; and
 - (b) ending at the end of 31 December 2012;
- a pipeline safety management plan is in force in relation to a pipeline that is a facility, this section has effect as if, at that time, a safety case was in force in relation to the facility.
- (7B) For the purposes of the application of this section in relation to a facility located, or proposed to be located, in the designated coastal waters of a State or the Northern Territory, if, at a particular time during the period:
- (a) beginning at the start of 1 January 2010; and
 - (b) ending at the end of 31 December 2012;
- a safety case is in force in relation to the facility (within the meaning of regulations of that State or Territory that substantially correspond to the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 1996*, as those last-mentioned regulations were in force immediately before the end of 31 December 2009), this section has effect as if, at that time, a safety case was in force in relation to the facility.

Definitions

- (8) For the purposes of the application of this section in relation to the designated coastal waters of a State or of the Northern Territory:
- facility** has the same meaning as in the applicable State or Territory safety law, and includes a proposed facility.
- operator**, in relation to a facility, has the same meaning as in the applicable State or Territory safety law.
- pipeline** has the same meaning as in the applicable State or Territory safety law, and includes a pipeline that is:
- (a) proposed to be constructed or operated; or
 - (b) being constructed.

pipeline licence has the same meaning as in the applicable State or Territory safety law.

pipeline safety management plan in force in relation to a pipeline has the same meaning as in regulations of that State or Territory that substantially correspond to the *Petroleum (Submerged Lands) (Pipelines) Regulations 2001*, as those last-mentioned regulations were in force immediately before the end of 31 December 2009.

proposed facility has the same meaning as in the applicable State or Territory safety law.

safety case in force in relation to a facility has the same meaning as in regulations of that State or Territory that substantially correspond to the *Offshore Petroleum (Safety) Regulations 2009*.

- (9) If the regulations referred to in the definition of ***safety case in force in relation to a facility*** in subsection (8) are renamed, that definition is amended by omitting the old name and substituting the new name.

Part 4—Well investigation levy

9 Imposition of well investigation levy—Commonwealth petroleum titles

- (1) If:
- (a) either:
 - (i) a well has been used, is being used, has been prepared for use, or is being prepared for use, in connection with operations authorised by a petroleum title (the **current title**); or
 - (ii) a well has been used in connection with operations authorised by a petroleum title from which the current title is derived, and the wellhead is situated in the title area of the current title; and
 - (b) an OHS inspector has begun to conduct an inspection concerning a contravention or possible contravention of subclause 13A(1) or (2) of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
 - (c) the contravention or possible contravention relates to the well; and
 - (d) a particular time (the **threshold time**) is the first time when the amount of the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the inspection exceeds \$30,000; and
 - (e) NOPSEMA has given the registered holder of the current title a written notice stating that the amount of the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the inspection has exceeded \$30,000;
- levy is imposed on the inspection in respect of:
- (f) the period of 3 months beginning at the threshold time; and
 - (g) each successive 3-month period at any time during which an OHS inspector continues to conduct the inspection.

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Note: Clause 13A of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* deals with the duties of petroleum titleholders in relation to wells.

- (2) Levy imposed by subsection (1) is to be known as ***well investigation levy***.
- (3) Well investigation levy imposed by subsection (1) is payable by the registered holder of the current title.

Amount of well investigation levy

- (4) The amount of well investigation levy imposed by subsection (1) on an inspection is the amount that is specified in, or worked out in accordance with, the regulations.

Definitions

- (5) In this section:

conduct an inspection includes prepare a written report relating to the inspection.

derived has the same meaning as in Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

inspection has the same meaning as in Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

petroleum title has the same meaning as in Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

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

title area has the same meaning as in clause 13A of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

well includes well-related equipment associated with a well.

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10 Imposition of well investigation levy—State/Territory petroleum titles

- (1) If:
- (a) either:
 - (i) a well has been used, is being used, has been prepared for use, or is being prepared for use, in connection with operations authorised by a State/Territory petroleum title (the *current title*) granted under a State PSLA or Territory PSLA; or
 - (ii) a well has been used in connection with operations authorised by a petroleum title from which the current title is derived, and the wellhead is situated in the title area of the current title; and
 - (b) an OHS inspector has begun to conduct an inspection concerning a contravention or possible contravention of a provision of the State PSLA or Territory PSLA that substantially corresponds to subclause 13A(1) or (2) of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
 - (c) the contravention or possible contravention relates to the well; and
 - (d) a particular time (the *threshold time*) is the first time when the amount of the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the inspection exceeds \$30,000; and
 - (e) NOPSEMA has given the registered holder of the current title a written notice stating that the amount of the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the inspection has exceeded \$30,000;
- levy is imposed on the inspection in respect of:
- (f) the period of 3 months beginning at the threshold time; and
 - (g) each successive 3-month period at any time during which an OHS inspector continues to conduct the inspection.

Note: Clause 13A of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* deals with the duties of petroleum titleholders in relation to wells.

- (2) Levy imposed by subsection (1) is to be known as ***well investigation levy***.
- (3) Well investigation levy imposed by subsection (1) is payable by the registered holder of the current title.

Amount of well investigation levy

- (4) The amount of well investigation levy imposed by subsection (1) on an inspection is the amount that is specified in, or worked out in accordance with, the regulations.

Definitions

- (5) In this section:

Commonwealth petroleum title means a petroleum title within the meaning of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

conduct an inspection includes prepare a written report relating to the inspection.

derived has the same meaning as in the provisions of the relevant State PSLA or Territory PSLA that substantially correspond to Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

inspection has the same meaning as in the provisions of the relevant State PSLA or Territory PSLA that substantially correspond to Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

registered holder, in relation to a State/Territory petroleum 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 petroleum 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

Part 4A—Annual well levy**10A Imposition of annual well levy—Commonwealth petroleum titles**

- (1) If there are one or more eligible wells in relation to a petroleum title for a year, levy is imposed on those wells.

Note: For *eligible well*, see subsections (5) and (6).

- (2) Levy imposed by subsection (1) is to be known as *annual well levy*.
- (3) Annual well levy imposed by subsection (1) is payable by the registered holder of the petroleum title.

Amount of annual well levy

- (4) The amount of annual well levy imposed by subsection (1) in respect of one or more wells is the amount that is specified in, or worked out in accordance with, the regulations.

Eligible well

- (5) For the purposes of this section, if:
- (a) immediately before the start of a year, a well is wholly or partly situated in the title area of a petroleum title (the *current title*); and
 - (b) the well is or was drilled under the authority of:
 - (i) the current title; or
 - (ii) a petroleum title from which the current title is derived; and
 - (c) the well is not abandoned;
- the well is an *eligible well* in relation to the current title for that year.
- (6) For the purposes of this section, if:

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- (a) during a year, a well began to be drilled in the title area of a petroleum title (the **current title**); and
 - (b) the well was drilled under the authority of:
 - (i) the current title; or
 - (ii) a petroleum title from which the current title is derived; and
 - (c) the well was abandoned during that year;
- the well is an **eligible well** in relation to the current title for the subsequent year.

Abandoned wells

- (7) For the purposes of this section, if the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* requires the commencement of the abandonment of a well to be approved by NOPSEMA under those regulations, disregard the abandonment unless:
 - (a) the commencement of the abandonment was approved by NOPSEMA under those regulations; and
 - (b) if the approval was subject to conditions—the abandonment was in accordance with those conditions.

Definitions

- (8) In this section:

derived has the same meaning as in Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

petroleum title has the same meaning as in Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

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

title area has the same meaning as in clause 13A of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Transitional

- (9) For the purposes of this section, if this section does not commence on a 1 January, the period:
- (a) beginning at the commencement of this section; and
 - (b) ending at the end of 31 December next following that commencement;
- is taken to be a year.
- (10) Subsection (6) does not apply to a well that began to be drilled before the commencement of this section.

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

- (1) If:
- (a) there are one or more eligible wells in relation to a State/Territory petroleum title for a year; and
 - (b) the State/Territory petroleum title was granted under a law of a particular State or Territory; and
 - (c) at the start of the year, NOPSEMA has functions or powers under regulations of the State or Territory that substantially correspond to Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*;
- levy is imposed on those wells.
- Note: For *eligible well*, see subsections (5) and (6).
- (2) Levy imposed by subsection (1) is to be known as ***annual well levy***.
- (3) Annual well levy imposed by subsection (1) is payable by the registered holder of the State/Territory petroleum title.

Amount of annual well levy

- (4) The amount of annual well levy imposed by subsection (1) in respect of one or more wells is the amount that is specified in, or worked out in accordance with, the regulations.

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Eligible well

- (5) For the purposes of this section, if:
- (a) immediately before the start of a year, the well is wholly or partly situated in the title area of a State/Territory petroleum title (the **current title**); and
 - (b) the well is or was drilled under the authority of:
 - (i) the current title; or
 - (ii) a State/Territory petroleum title from which the current title is derived; and
 - (c) the well is not abandoned;
- the well is an **eligible well** in relation to the current title for that year.
- (6) For the purposes of this section, if:
- (a) during a year, a well began to be drilled in the title area of a State/Territory petroleum title (the **current title**); and
 - (b) the well was drilled under the authority of:
 - (i) the current title; or
 - (ii) a State/Territory petroleum title from which the current title is derived; and
 - (c) the well was abandoned during that year;
- the well is an **eligible well** in relation to the current title for the subsequent year.

Abandoned wells

- (7) For the purposes of this section, if regulations of a State or Territory that substantially correspond to Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011* require the commencement of the abandonment of a well to be approved by NOPSEMA under those regulations of the State or Territory, disregard the abandonment unless:
- (a) the commencement of the abandonment was approved by NOPSEMA under those regulations of the State or Territory; and

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- (b) if the approval was subject to conditions—the abandonment was in accordance with those conditions.

Definitions

- (8) In this section:

Commonwealth petroleum title means a petroleum title within the meaning of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

derived has the same meaning as in the provisions of the relevant State PSLA or Territory PSLA that substantially correspond to Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

registered holder, in relation to a State/Territory petroleum 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 petroleum 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 petroleum title confers in relation to the offshore area of the State or Territory.

title area 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*.

Transitional

- (9) For the purposes of this section, if this section does not commence on a 1 January, the period:
- (a) beginning at the commencement of this section; and
 - (b) ending at the end of 31 December next following that commencement;
- is taken to be a year.

Part 4A Annual well levy

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- (10) Subsection (6) does not apply to a well that began to be drilled before the commencement of this section.

Part 4B—Well activity levy**10C Imposition of well activity levy—Commonwealth petroleum titles**

- (1) If:
- (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 makes an application to NOPSEMA, under Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*, for approval to commence an activity relating to a well; and
 - (b) the person is the registered holder of a petroleum title; levy is imposed on the application.
- (2) Levy imposed by subsection (1) is to be known as ***well activity levy***.
- (3) Well activity levy imposed by subsection (1) is payable by the person.

Amount of well activity levy

- (4) The amount of well activity levy imposed by subsection (1) on an application is the amount that is specified in, or worked out in accordance with, the regulations.

Exemption

- (5) If:
- (a) at a particular time, a person makes an application to NOPSEMA, under Part 5 of the *Offshore Petroleum and*

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Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011, for approval to commence an activity relating to a well; and

- (b) well activity levy is imposed by subsection (1) on the application; and
- (c) during the 6-month period beginning at that time:
 - (i) the person makes another application under that Part for approval to commence an activity relating to the well; or
 - (ii) another person who has become the registered holder of a petroleum title makes an application under that Part for approval to commence an activity relating to the well;

well activity levy is not imposed by subsection (1) on the application referred to in subparagraph (c)(i) or (ii), as the case may be.

Definitions

- (6) In this section:

petroleum title means:

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence.

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

10D Imposition of well activity levy—State/Territory petroleum titles

- (1) If:
 - (a) either:
 - (i) a person makes an application to NOPSEMA, under the regulations of a State or Territory that substantially correspond to Part 5 of the *Offshore Petroleum and*

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Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011, for acceptance of a well operations management plan; or

- (ii) a person makes an application to NOPSEMA, under regulations of a State or Territory that substantially correspond to Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*, for approval to commence an activity relating to a well; and

- (b) the person is the registered holder of a State/Territory petroleum title;

levy is imposed on the application.

- (2) Levy imposed by subsection (1) is to be known as ***well activity levy***.
- (3) Well activity levy imposed by subsection (1) is payable by the person.

Amount of well activity levy

- (4) The amount of well activity levy imposed by subsection (1) on an application is the amount that is specified in, or worked out in accordance with, the regulations.

Exemption

- (5) If:
- (a) at a particular time, a person makes an application to NOPSEMA, under the regulations of a State or Territory that substantially correspond to Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*, for approval to commence an activity relating to a well; and
- (b) well activity levy is imposed by subsection (1) on the application; and
- (c) during the 6-month period beginning at that time:

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- (i) the person makes another application under those regulations for approval to commence an activity relating to the well; or
- (ii) another person who has become the registered holder of a State/Territory petroleum title makes an application under those regulations for approval to commence an activity relating to the well;

well activity levy is not imposed by subsection (1) on the application referred to in subparagraph (c)(i) or (ii), as the case may be.

Definitions

- (6) In this section:

Commonwealth petroleum title means:

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence.

registered holder, in relation to a State/Territory petroleum 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 petroleum 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 petroleum title confers in relation to the offshore area of the State or Territory.

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:

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

eligible title means:

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

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- (aa) a cash-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;

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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;
- jointly and severally by the registered holders of the 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 *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

petroleum special prospecting authority has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

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

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:

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- (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.

Part 5 Regulations

Section 11

Part 5—Regulations

11 Regulations

The Governor-General may make regulations for the purposes of sections 5, 6, 7, 8, 9, 10, 10A, 10B, 10C, 10D, 10E, 10F and 10G.

Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history
- Endnote 5—Uncommenced amendments
- Endnote 6—Modifications
- Endnote 7—Misdescribed amendments
- Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Endnotes

Endnote 1—About the endnotes

Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

Modifications—Endnote 6

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

Misdescribed amendments—Endnote 7

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

Miscellaneous—Endnote 8

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Offshore Petroleum (Safety Levies) Act 2003	117, 2003	4 Dec 2003	ss. 3–11: 1 Jan 2005 Remainder: Royal Assent	
Offshore Petroleum (Safety Levies) Amendment Act 2006	19, 2006	29 Mar 2006	Schedule 1: 1 July 2008 (see s. 2(1) and F2008L02273) Remainder: Royal Assent	Sch. 1 (items 33–36)
Offshore Petroleum (Safety Levies) Amendment (Greenhouse Gas Storage) Act 2008	120, 2008	21 Nov 2008	Schedule 1: (a) Schedule 2: (a) Remainder: Royal Assent	—
Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Amendment Act 2009	103, 2009	8 Oct 2009	Schedule 1 (items 1–12): 1 Jan 2010 Schedule 1 (item 13): 9 Oct 2009 Remainder: Royal Assent	Sch. 1 (items 7, 12, 13)
Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Amendment Act 2010	119, 2010	16 Nov 2010	Schedule 1: 1 Jan 2010 Remainder: Royal Assent	Sch. 1 (items 5, 6)
Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies Legislation Amendment (2011 Measures No. 1) Act 2011	27, 2011	25 May 2011	Schedule 1: 17 June 2011 (see F2011L01059) Remainder: Royal Assent	—

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

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies Legislation Amendment (2011 Measures No. 2) Act 2011	114, 2011	14 Oct 2011	Schedule 1: 1 Jan 2012 (see s. 2(1)) Remainder: Royal Assent	—
Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Act 2013	142, 2013	13 Dec 2013	Sch 1: 14 Dec 2013 (see s 2(1)) Remainder: Royal Assent	—

- (a) Subsection 2(1) (items 2 and 3) of the *Offshore Petroleum (Safety Levies) Amendment (Greenhouse Gas Storage) Act 2008* provides as follows:
- (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		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
2. Schedule 1	Immediately after the commencement of Schedule 1 to the <i>Offshore Petroleum (Safety Levies) Amendment Act 2006</i> .	1 July 2008
3. Schedule 2	Immediately after the commencement of item 1 of Schedule 4 to the <i>Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008</i> .	22 November 2008

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Title	am. No. 120, 2008; No. 103, 2009; No. 27, 2011
Part 1	
s. 1	am. No. 120, 2008; No. 27, 2011
s. 3	am. No. 19, 2006; No. 120, 2008; No. 103, 2009; Nos. 27 and 114, 2011
s. 4	am. No. 19, 2006; No. 120, 2008
Note to s. 4	am. No. 19, 2006; No. 120, 2008
Part 2	
s. 5	am. No. 19, 2006; No. 120, 2008; No. 114, 2011
Note to s. 5(4)	am. No. 19, 2006; No. 120, 2008
s. 6	am. No. 19, 2006; No. 120, 2008; No. 114, 2011
Note to s. 6(4)	am. No. 19, 2006; No. 120, 2008
Part 3	
s. 7	am. No. 19, 2006; No. 120, 2008; No. 103, 2009; No. 119, 2010
Note to s. 7(3)	am. No. 19, 2006; No. 120, 2008 rs. No. 103, 2009
s. 8	am. No. 19, 2006; No. 103, 2009; No. 119, 2010
Note to s. 8(3)	am. No. 19, 2006; No. 120, 2008 rs. No. 103, 2009
Part 4	
Part 4	rep. No. 103, 2009 ad. No. 27, 2011
s. 9	am. No. 19, 2006; No. 120, 2008 rep. No. 103, 2009 ad. No. 27, 2011 am. No. 114, 2011
Note to s. 9(3)	am. No. 19, 2006; No. 120, 2008 rep. No. 103, 2009
s. 10	am. No. 19, 2006 rep. No. 103, 2009

Endnote 4—Amendment history

Provision affected	How affected
	ad. No. 27, 2011
	am. No. 114, 2011
Note to s. 10(3)	am. No. 19, 2006; No. 120, 2008
	rep. No. 103, 2009
Part 4A	
Part 4A.....	ad. No. 27, 2011
ss. 10A, 10B.....	ad. No. 27, 2011
	am. No. 114, 2011
Part 4B	
Part 4B.....	ad. No. 27, 2011
ss. 10C, 10D.....	ad. No. 27, 2011
	am. No. 114, 2011
Part 4C	
Part 4C.....	ad. No. 114, 2011
s. 10E.....	ad. No. 114, 2011
	am No 142, 2013
Part 4D	
Part 4D.....	ad. No. 114, 2011
ss. 10F, 10G.....	ad. No. 114, 2011
Part 5	
s. 11	am. No. 103, 2009; Nos. 27 and 114, 2011

Endnotes

Endnote 5—Uncommenced amendments [none]

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]