



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

**No. 117, 2003**

## **Compilation No. 20**

<b>Compilation date:</b>	2 March 2022
<b>Includes amendments up to:</b>	Act No. 97, 2021
<b>Registered:</b>	11 March 2022

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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* that shows the text of the law as amended and in force on 2 March 2022 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

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

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
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.

- (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.

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### 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.

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

Note: See also section 3B.

**compliance investigation** means an investigation under Part 3 of the *Regulatory Powers (Standard Provisions) Act 2014*, in its application under Division 1 of Part 6.5 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.

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

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

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

**designated coastal waters**, in relation to a State or the Northern Territory, has the meaning given by section 3A.

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

**expense** includes part of an expense.

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

**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*.

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

**licence area** 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.

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

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

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

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**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.

**remedial direction** means a direction under section 586, 586A, 587, 587A, 591B, 592, 594A or 595 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

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

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

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

**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*.

**State/Territory remedial direction** means a direction under a provision of a State PSLA or Territory PSLA that substantially corresponds to section 586, 586A, 587, 587A, 591B, 592, 594A or 595 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

**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.

### **3A Designated coastal waters**

- (1) For the purposes of this Act, ***designated coastal waters***, in relation to a State or the Northern Territory, means:
  - (a) so much of the scheduled area for that State or Territory as consists of the territorial sea; and
  - (b) any area that:
    - (i) is within the scheduled area for that State or Territory; and
    - (ii) is on the landward side of the territorial sea; and
    - (iii) was, immediately before the commencement of the relevant State PSLA or Territory PSLA, the subject of a petroleum exploration permit under the repealed *Petroleum (Submerged Lands) Act 1967*.
- (2) For the purposes of subsection (1), assume that the breadth of the territorial sea of Australia had never been determined or declared to be greater than 3 nautical miles, but had continued to be 3 nautical miles.
- (3) Paragraph (1)(b) has effect subject to subsection (4).

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- (4) For the purposes of this Act, if (whether before or after the commencement of this subsection) an area that is within the designated coastal waters of a State or Territory because it is described in subparagraphs (1)(b)(i), (ii) and (iii) became or becomes an area that is:
- (a) not the subject of a petroleum exploration permit under the relevant State PSLA or Territory PSLA; and
  - (b) not the subject of a petroleum retention lease under the relevant State PSLA or Territory PSLA; and
  - (c) not the subject of a petroleum production licence under the relevant State PSLA or Territory PSLA; and
  - (d) not the subject of an application for a petroleum retention lease or petroleum production licence under the relevant State PSLA or Territory PSLA;
- the area is taken to have ceased to be part of the designated coastal waters of that State or Territory.

### **3B Commonwealth waters—cross-boundary greenhouse gas titles**

For the purposes of this Act, each of the following areas is taken to be in Commonwealth waters:

- (a) the permit area of a cross-boundary greenhouse gas assessment permit;
- (b) the lease area of a cross-boundary greenhouse gas holding lease;
- (c) the licence area of a cross-boundary greenhouse gas injection licence.

### **3C Crown to be bound**

This Act binds, and is taken always to have bound, the Crown in right of each of the States and of the Northern Territory. However, it does not bind, and is taken never to have bound, the Crown in right of the Commonwealth.

### **3D Act does not impose a tax on property of a State**

- (1) This Act has no effect, and is taken always to have had no effect, to the extent (if any) to which it imposes a tax on property of any kind belonging to a State.
- (2) In this section, *property of any kind belonging to a State* has the same meaning as in section 114 of the Constitution.

### **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) a NOPSEMA inspector begins to conduct a compliance investigation 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) 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*.

**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) a NOPSEMA 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.

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- (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.

***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) a safety case is in force in relation to a facility at any time during a 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 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) unless any of the following paragraphs apply—the operator of the facility; or
  - (b) if the facility is a pipeline subject to a pipeline licence and a remedial direction does not apply in relation to the pipeline at any time during the year—the licensee of the pipeline licence; or
  - (c) if the facility is a pipeline subject to a pipeline licence and a remedial direction applies in relation to the pipeline at any time during the year:
    - (i) the licensee of the pipeline licence; and
    - (ii) if the licensee is not subject to the remedial direction—the person who is subject to the remedial direction; or
  - (d) if the facility is not a pipeline that is subject to a pipeline licence but is a pipeline in relation to which a remedial direction is in force at any time during the year—the person who is subject to the remedial direction.

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.
- (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, circumstances or any other matter.
- (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 meaning given by prescribed regulations, or a prescribed provision of regulations, made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

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**8 Imposition of safety case levy—designated coastal waters**

- (1) If:
- (a) a safety case is in force in relation to a facility at any time during a 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 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) unless any of the following paragraphs apply—the operator of the facility; or
  - (b) if the facility is a pipeline subject to a pipeline licence and a State/Territory remedial direction does not apply in relation to the pipeline at any time during the year—the licensee of the pipeline licence; or
  - (c) if the facility is a pipeline subject to a pipeline licence and a State/Territory remedial direction applies in relation to the pipeline at any time during the year:
    - (i) the licensee of the pipeline licence; and
    - (ii) if the licensee is not subject to the State/Territory remedial direction—the person who is subject to the State or Territory remedial direction; or
  - (d) if the facility is not a pipeline that is subject to a pipeline licence but is a pipeline in relation to which a State/Territory remedial direction is in force at any time during the year—the person who is subject to the remedial direction.

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.

- (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, circumstances or any other matter.
- (7) Subsection (6) does not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

*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.

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**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 prescribed regulations, or a prescribed provision of regulations, made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

## Part 4—Well investigation levy

### 9 Imposition of well investigation levy—Commonwealth 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 an eligible title (the ***current title***); or
    - (ii) a well has been used in connection with operations authorised by an eligible title from which the current title is derived, and the wellhead is situated in the title area of the current title; and
  - (b) a NOPSEMA inspector has begun to conduct a compliance investigation relating to a contravention or possible contravention of subclause 13A(1) or (2) or 13B(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 compliance investigation 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 compliance investigation has exceeded \$30,000;
- levy is imposed on the compliance investigation in respect of:
- (f) the period of 3 months beginning at the threshold time; and

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- (g) each successive 3-month period at any time during which a NOPSEMA inspector continues to conduct the compliance investigation.

Note 1: 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.

Note 2: Clause 13B of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* deals with the duties of greenhouse gas 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 a compliance investigation is the amount that is specified in, or worked out in accordance with, the regulations.

*Definitions*

- (5) In this section:

***conduct*** a compliance investigation includes prepare a written report relating to the compliance investigation.

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

***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*.

***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 an eligible title, has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

**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*.

**well** includes well-related equipment associated with a well.

## 10 Imposition of well investigation levy—State/Territory 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 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 State/Territory title from which the current title is derived, and the wellhead is situated in the title area of the current title; and
  - (b) a NOPSEMA 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) or 13B(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

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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 a NOPSEMA inspector continues to conduct the inspection.

Note 1: 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.

Note 2: Clause 13B of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* deals with the duties of greenhouse gas 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 greenhouse gas title*** means a greenhouse gas title within the meaning of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.



**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 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 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 petroleum 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 petroleum 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.

**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

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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*.

*well* includes well-related equipment associated with a well.

## **Part 4A—Annual well levy**

### **10A Imposition of annual well levy—Commonwealth titles**

- (1) If there are one or more eligible wells in relation to an eligible 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 eligible 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 an eligible title (the *current title*); and
  - (b) the well is or was drilled under the authority of:
    - (i) the current title; or
    - (ii) an eligible 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 an eligible title (the **current title**); and
  - (b) the well was drilled under the authority of:
    - (i) the current title; or
    - (ii) an eligible 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*

- (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 a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
- (7) For the purposes of this section, if a well commences to be abandoned, and prescribed regulations, or a prescribed provision of regulations, made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* (as those prescribed regulations are in force, or as that prescribed provision is in force, at the time when the abandonment commenced) requires the commencement of the abandonment of the 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*.

**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*.

**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 an eligible title, has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

**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*.

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

- (1) If:
  - (a) there are one or more eligible wells in relation to a State/Territory title for a year; and
  - (b) the State/Territory 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 prescribed regulations, or a prescribed provision of regulations, made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

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**.

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- (3) Annual well levy imposed by subsection (1) is payable by the registered holder of the State/Territory 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, the well is wholly or partly situated in the title area of a State/Territory 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 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 title (the **current title**); and
  - (b) the well was drilled under the authority of:
    - (i) the current title; or
    - (ii) a State/Territory 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 old Resource Management and Administration Regulations 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
  - (b) if the approval was subject to conditions—the abandonment was in accordance with those conditions.

*Definitions*

- (8) In this section:

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

***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*.

***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 Greenhouse Gas Storage Legislation Amendment (Well Operations) Regulation 2015*.

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**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 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 petroleum 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 petroleum 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.

**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*.



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

- (1) If:
- (a) either:
    - (i) a person makes an application to NOPSEMA, under prescribed regulations, or a prescribed provision of regulations, made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, for acceptance of a well operations management plan; or
    - (ii) a person submits to NOPSEMA, under a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, a proposed revision of a well operations management plan; and
  - (b) the person is either:
    - (i) the registered holder of an eligible title; or
    - (ii) subject to a remedial direction (other than as the registered holder of an eligible title);
- levy is imposed on the application or submission.
- (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 or submission is the amount that is specified in, or worked out in accordance with, the regulations.

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*Definitions*

(6) In this section:

***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.

***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 an eligible title, has the same meaning as in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

**10D Imposition of well activity levy—State/Territory titles etc.**

(1) If:

(a) any of the following subparagraphs applies:

- (i) a person makes an application to NOPSEMA, under the regulations of a State or Territory that substantially correspond to prescribed regulations, or a prescribed provision of regulations, made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, for acceptance of a well operations management plan;
- (ii) a person makes an application to NOPSEMA, under regulations of a State or Territory that substantially correspond to Part 5 of the old Resource Management and Administration Regulations, for approval to commence an activity relating to a well;

- (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;
  - (iv) a person submits to NOPSEMA, under a regulation of a State or Territory that substantially corresponds to a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*, a proposed revision of a well operations management plan; and
- (b) the person is either:
- (i) the registered holder of a State/Territory title; or
  - (ii) subject to a State/Territory remedial direction (other than as the registered holder of a State/Territory title);
- levy is imposed on the application or submission.
- (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 or submission 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 old Resource Management and Administration Regulations, for approval to commence an activity relating to a well; and

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- (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 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 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 greenhouse gas title*** means:

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

***Commonwealth petroleum title*** means:

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

***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 Greenhouse Gas Storage Legislation Amendment (Well Operations) Regulation 2015*.

***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 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 petroleum 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 petroleum 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.

## Part 4C—Annual titles administration levy

### 10E Imposition of annual titles administration levy

- (1) Levy is imposed on an eligible title:
  - (a) for the year beginning on the day the title comes into force; and
  - (b) for each subsequent year beginning on the anniversary of that day, if the title is in force at the start of the anniversary.

Levy is imposed whether or not the eligible title is in force for the whole of the year.

Note: See section 695M of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* for the remittal or refund of levy imposed for a year by this subsection if the title ceases to be in force before the end of the year.

- (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:

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

***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
- (aa) a cash-bid petroleum exploration permit; or
- (b) a special petroleum exploration permit; or
- (ba) a boundary-change 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
- (ga) a cross-boundary 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*.

## Part 4D—Environment plan levy

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

- (1) If:
- (a) both:
    - (i) an environment plan is submitted to NOPSEMA under a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; 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 a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
    - (ii) the activities to which the revised plan relates are authorised by one or more Commonwealth titles; or
  - (c) both:
    - (i) an environment plan is submitted to NOPSEMA under a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
    - (ii) the plan is submitted by an applicant for a Commonwealth title mentioned in paragraph (e), (f), (g), (k) or (l) of the definition of **Commonwealth title** in subsection (7); or
  - (d) both:
    - (i) an environment plan is submitted to NOPSEMA under a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and



- (ii) the activities to which the plan relates are carried out for the purposes of complying with a remedial direction; or
- (e) both:
  - (i) a proposed revision of an environment plan is submitted to NOPSEMA under a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
  - (ii) the activities to which the revised plan relates are carried out for the purposes of complying with a remedial direction;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 titleholder; 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 titleholders; 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 titleholder; 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;

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- jointly and severally by the titleholders; or
- (e) if paragraph (1)(c) applies—by the applicant for the Commonwealth title; or
- (f) if paragraph (1)(d) or (e) applies—by the person who is subject to the remedial direction.

*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
- (ga) a petroleum scientific investigation consent; 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; or

(m) a greenhouse gas research consent.

**greenhouse gas research consent** 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 scientific investigation consent** 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*.

**titleholder** means:

- (a) for a title mentioned in any of paragraphs (a) to (g) or (h) to (l) of the definition of **Commonwealth title** in this subsection—the registered holder of the title; or
- (b) for a consent mentioned in paragraph (ga) or (m) of the definition of **Commonwealth title** in this subsection—the holder of the consent (within the meaning of section 254 or 425 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*).

### **10G Imposition of environment plan levy—activities authorised by State/Territory titles etc.**

- (1) If either:
  - (a) both:

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- (i) an environment plan is submitted to NOPSEMA under a regulation of a State or Territory that substantially corresponds to a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; 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 a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
  - (ii) the activities to which the revised plan relates are authorised by one or more State/Territory titles; or
- (c) both:
- (i) an environment plan is submitted to NOPSEMA under a regulation of a State or Territory that substantially corresponds to a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
  - (ii) the plan is submitted by an applicant for a State/Territory title that substantially corresponds to a Commonwealth title mentioned in paragraph (e), (f), (g), (k) or (l) of the definition of **Commonwealth title** in subsection 10F(7); or
- (d) both:
- (i) an environment plan is submitted to NOPSEMA under a regulation of a State or Territory that substantially corresponds to a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
  - (ii) the activities to which the plan relates are carried out for the purposes of complying with a State/Territory remedial direction; or
- (e) 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 a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
  - (ii) the activities to which the revised plan relates are carried out for the purposes of complying with a State/Territory remedial direction;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 titleholder; 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 titleholders; 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 titleholder; 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 titleholders; or
  - (e) if paragraph (1)(c) applies—by the applicant for the State/Territory title; or

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- (f) if paragraph (1)(d) or (e) applies—by the person who is subject to the remedial direction.

*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 designated 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.

**titleholder** means:

- (a) for a State/Territory title that substantially corresponds to a Commonwealth title mentioned in any of paragraphs (a) to (g) or (h) to (l) of the definition of **Commonwealth title** in subsection 10F(7)—the registered holder of the title; or
- (b) for a State/Territory title that substantially corresponds to a consent mentioned in paragraph (ga) or (m) of the definition of **Commonwealth title** in subsection 10F(7)—the holder of the consent under the relevant State PSLA or Territory PSLA.

## **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

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key 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 (or will amend) the compiled law. The information includes commencement details for amending laws and details of any 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 (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can



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Endnote 1—About the endnotes

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be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## 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	s 3–11: 1 Jan 2005 (s 2(1) item 2) Remainder: 4 Dec 2003 (s 2(1) item 1)	
Offshore Petroleum (Safety Levies) Amendment Act 2006	19, 2006	29 Mar 2006	Sch 1: 1 July 2008 (s 2(1) item 2 and F2008L02273) Remainder: 29 Mar 2006 (s 2(1) item 1)	Sch 1 (items 33–36)
Offshore Petroleum (Safety Levies) Amendment (Greenhouse Gas Storage) Act 2008	120, 2008	21 Nov 2008	Sch 1: 1 July 2008 (s 2(1) item 2) Schedule 2: 22 Nov 2008 (s 2(1) item 3) Remainder: 21 Nov 2008 (s 2(1) item 1)	—
Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Amendment Act 2009	103, 2009	8 Oct 2009	Sch 1 (items 1–12): 1 Jan 2010 (s 2(1) item 2) Sch 1 (item 13): 9 Oct 2009 (s 2(1) item 3) Remainder: 8 Oct 2009 (s 2(1) item 1)	Sch 1 (items 7, 12, 13)
Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Amendment Act 2010	119, 2010	16 Nov 2010	Sch 1: 1 Jan 2010 (s 2(1) item 2) Remainder: 16 Nov 2010 (s 2(1) item 1)	Sch 1 (items 5, 6)

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

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Compilation No. 20

Compilation date: 02/03/2022

Registered: 11/03/2022

## Endnotes

### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies Legislation Amendment (2011 Measures No. 1) Act 2011	27, 2011	25 May 2011	Sch 1: 17 June 2011 (s 2(1) item 2 and F2011L01059) Remainder: 25 May 2011 (s 2(1) item 1)	—
Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies Legislation Amendment (2011 Measures No. 2) Act 2011	114, 2011	14 Oct 2011	Sch 1: 1 Jan 2012 (s 2(1) item 2) Remainder: 14 Oct 2011 (s 2(1) item 1)	—
Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Act 2013	142, 2013	13 Dec 2013	Sch 1: 14 Dec 2013 (s 2(1) item 2) Remainder: 13 Dec 2013 (s 2(1) item 1)	—
Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Act 2014	79, 2014	17 July 2014	Sch 1 (items 1, 2): 17 Jan 2015 (s 2(1) item 2) Sch 1 (items 3–21): 18 July 2014 (s 2(1) item 3) Remainder: 17 July 2014 (s 2(1) item 1)	Sch 1 (item 21)
Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Designated Coastal Waters) Act 2015	16, 2015	19 Mar 2015	20 Mar 2015 (s 2)	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Matters) Act 2015	34, 2015	2 Apr 2015	Sch 1: 3 Apr 2015 (s 2(1) items 2, 3) Remainder: 2 Apr 2015 (s 2(1) item 1)	—
Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Act 2019	93, 2019	28 Oct 2019	Sch 1 (items 1–10), Sch 4 and 5: 29 Oct 2019 (s 2(1) items 2, 6) Sch 1 (items 11–18), Sch 2, 3 and 6: 28 Apr 2020 (s 2(1) items 3–5, 7)	Sch 1 (item 10, 18), Sch 2 (items 19, 41, 54), Sch 3 (item 12), Sch 4 (item 7), Sch 5 (item 3) and Sch 6 (item 20)
<b>as amended by</b>				
Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Measures) Act 2020	42, 2020	15 May 2020	Sch 3 (item 1): 28 Oct 2019 (s 2(1) item 4)	—
Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Miscellaneous Measures) Act 2020	42, 2020	15 May 2020	Sch 1: 1 Oct 2020 (s 2(1) item 2) Sch 2: 16 May 2020 (s 2(1) item 3)	—
Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Act 2021	97, 2021	3 Sept 2021	Sch 1: 2 Mar 2022 (s 2(1) item 2)	Sch 1 (item 20)

## Endnotes

### Endnote 4—Amendment history

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#### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
Title .....	am No 120, 2008; No 103, 2009; No 27, 2011
<b>Part 1</b>	
s 1 .....	am No 120, 2008; No 27, 2011
s 3 .....	am No 19, 2006; No 120, 2008; No 103, 2009; No 27, 2011; No 114, 2011; No 16, 2015; No 34, 2015; No 93, 2019
	ed C16
	am No 42, 2020; No 97, 2021
s 3A.....	ad No 16, 2015
s 3B.....	ad No 42, 2020
s 3C.....	ad No 42, 2020
s 3D.....	ad No 42, 2020
s 4 .....	am No 19, 2006; No 120, 2008
<b>Part 2</b>	
s 5 .....	am No 19, 2006; No 120, 2008; No 114, 2011; No 34, 2015; No 93, 2019
s 6 .....	am No 19, 2006; No 120, 2008; No 114, 2011; No 34, 2015
<b>Part 3</b>	
s 7 .....	am No 19, 2006; No 120, 2008; No 103, 2009
	rs No 103, 2009
	am No 119, 2010; No 93, 2019; No 97, 2021
s 8 .....	am No 19, 2006; No 120, 2008; No 103, 2009
	rs No 103, 2009
	am No 119, 2010; No 93, 2019; No 97, 2021
<b>Part 4</b>	
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

## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
	am No 114, 2011; No 34, 2015; No 93, 2019
s 10 .....	am No 19, 2006; No 120, 2008
	rep No 103, 2009
	ad No 27, 2011
	am No 114, 2011; No 16, 2015; No 34, 2015; No 93, 2019
<b>Part 4A</b>	
Part 4A.....	ad No 27, 2011
s 10A.....	ad No 27, 2011
	am No 114, 2011; No 93, 2019
s 10B.....	ad No 27, 2011
	am No 114, 2011; No 16, 2015; No 93, 2019
<b>Part 4B</b>	
Part 4B.....	ad No 27, 2011
s 10C.....	ad No 27, 2011
	am No 114, 2011; No 93, 2019; No 97, 2021
s 10D.....	ad No 27, 2011
	am No 114, 2011; No 16, 2015; No 93, 2019; No 97, 2021
<b>Part 4C</b>	
Part 4C.....	ad No 114, 2011
s 10E.....	ad No 114, 2011
	am No 142, 2013; No 79, 2014; No 34, 2015; No 42, 2020
<b>Part 4D</b>	
Part 4D.....	ad No 114, 2011
s 10F.....	ad No 114, 2011
	am No 79, 2014; No 93, 2019; No 97, 2021
s 10G.....	ad No 114, 2011
	am No 79, 2014; No 16, 2015; No 93, 2019; No 97, 2021
<b>Part 5</b>	
s 11 .....	am No 103, 2009; No 27, 2011; No 114, 2011