Offshore Petroleum (Safety Levies) Act 2003

Act No. 117 of 2003 as amended

This compilation was prepared on 1 July 2008
taking into account amendments up to Act No. 19 of 2006

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General’s Department, Canberra
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*Offshore Petroleum (Safety Levies) Act 2003*
An Act to impose safety investigation levy, safety case levy, and pipeline safety management plan levy, in relation to offshore petroleum facilities

Part 1—Introduction

1 Short title [see Note 1]

This Act may be cited as the Offshore Petroleum (Safety 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.

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

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.
3 Definitions

In this Act, unless the contrary intention appears:

**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 4.8 of the *Offshore Petroleum Act 2006*.

**designated coastal waters**, in relation to a State or the Northern Territory, has the same meaning as in Part 4.8 of the *Offshore Petroleum Act 2006*.

**OHS inspector** has the same meaning as in Part 4.8 of the *Offshore Petroleum Act 2006*.

**pipeline safety management plan levy** means levy imposed by section 9 or 10.

**Safety Authority** means the National Offshore Petroleum Safety Authority continued in existence by Part 4.8 of the *Offshore Petroleum Act 2006*.

**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 4.8 of the *Offshore Petroleum Act 2006*.

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

**Territory PSLA** has the same meaning as in Part 4.8 of the *Offshore Petroleum Act 2006*.

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

Note: See section 17 of the *Offshore Petroleum Act 2006*. 

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*Offshore Petroleum (Safety Levies) Act 2003*
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 396 of the Offshore Petroleum 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 Act 2006.

dangerous occurrence has the same meaning as in Schedule 3 to the Offshore Petroleum Act 2006.

facility has the same meaning as in Schedule 3 to the Offshore Petroleum Act 2006.

inspection has the same meaning as in Schedule 3 to the Offshore Petroleum 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 the Safety Authority by the operator under clause 82 of Schedule 3 to the Offshore Petroleum Act 2006.

operator, in relation to a facility, has the same meaning as in Schedule 3 to the Offshore Petroleum 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.
Part 2  Safety investigation levy

Section 6

(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 396 of the Offshore Petroleum 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 the Safety Authority 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 Act 2006.
Section 6

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 the operator of the facility.

Note: For collection of safety case levy, see section 397 of the Offshore Petroleum 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.
Definitions

(8) In this section:

facility has the same meaning as in Schedule 3 to the Offshore Petroleum 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 Act 2006.

proposed facility has the same meaning as in Schedule 3 to the Offshore Petroleum Act 2006.

safety case in force in relation to a facility has the same meaning as in the Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 1996.

(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 the operator of the facility.
Part 3  Safety case levy

Section 8

Note: For collection of safety case levy, see section 397 of the Offshore Petroleum 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.

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.

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 Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 1996.

(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—Pipeline safety management plan levy

9 Imposition of pipeline safety management plan levy—Commonwealth waters

(1) If:
   (a) either:
       (i) at the start of a year, a pipeline safety management plan is in force in relation to a pipeline; or
       (ii) a pipeline safety management plan is in force in relation to a pipeline during a part of a year, but is not in force at the start of that year; and
   (b) the pipeline is located, or proposed to be located, in Commonwealth waters; and
   (c) the pipeline is covered by a pipeline licence;

   levy is imposed on the pipeline safety management plan in respect of:
   (d) if subparagraph (a)(i) applies—that year; or
   (e) if subparagraph (a)(ii) applies—that part of that year.

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

(3) Pipeline safety management plan levy imposed by subsection (1) is payable by the licensee of the pipeline licence.

Note: For collection of pipeline safety management plan levy, see section 398 of the Offshore Petroleum Act 2006.

Amount of pipeline safety management plan levy

(4) The amount of pipeline safety management plan 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 pipeline safety management plan 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.
Part 4 Pipeline safety management plan levy

Section 10

(6) The regulations may specify different amounts of pipeline safety management plan levy, or different means of working out amounts of pipeline safety management plan levy, in relation to different kinds of pipelines.

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

Definitions

(8) In this section:

pipeline has the same meaning as in the Offshore Petroleum 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 Act 2006.

pipeline safety management plan in force in relation to a pipeline has the same meaning as in the Petroleum (Submerged Lands) (Pipelines) Regulations 2001.

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

10 Imposition of pipeline safety management plan levy—designated coastal waters

(1) If:
(a) either:
   (i) at the start of a year, a pipeline safety management plan is in force in relation to a pipeline; or
   (ii) a pipeline safety management plan is in force in relation to a pipeline during a part of a year, but is not in force at the start of that year; and
(b) the pipeline is located, or proposed to be located, in the designated coastal waters of a State or of the Northern Territory; and
(c) the pipeline is covered by a pipeline licence; 
levy is imposed on the pipeline safety management plan in respect of:
(d) if subparagraph (a)(i) applies—that year; or
(e) if subparagraph (a)(ii) applies—that part of that year.

(2) Levy imposed by subsection (1) is to be known as **pipeline safety management plan levy**.

(3) Pipeline safety management plan levy imposed by subsection (1) is payable by the licensee of the pipeline licence.

Note: For collection of pipeline safety management plan levy, see section 398 of the *Offshore Petroleum Act 2006*.

*Amount of pipeline safety management plan levy*

(4) The amount of pipeline safety management plan 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 pipeline safety management plan 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 pipeline safety management plan levy, or different means of working out amounts of pipeline safety management plan levy, in relation to different kinds of pipelines.

(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:

- **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.

(9) If the regulations referred to in the definition of pipeline safety management plan in force in relation to a pipeline in subsection (8) are renamed, that definition is amended by omitting the old name and substituting the new name.
Part 5—Regulations

11 Regulations

The Governor-General may make regulations for the purposes of sections 5, 6, 7, 8, 9 and 10.
Notes to the Offshore Petroleum (Safety Levies) Act 2003

Note 1

The Offshore Petroleum (Safety Levies) Act 2003 as shown in this compilation comprises Act No. 117, 2003 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions see Table A.

### Table of Acts

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<th>Act</th>
<th>Number and year</th>
<th>Date of Assent</th>
<th>Date of commencement</th>
<th>Application, saving or transitional provisions</th>
</tr>
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<td></td>
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<td>Remainder: Royal Assent</td>
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<tr>
<td>Offshore Petroleum (Safety Levies) Amendment Act 2006</td>
<td>19, 2006</td>
<td>29 Mar 2006</td>
<td>Schedule 1: 1 July 2008 (see s. 2(1) and F2008L02273)</td>
<td>Sch. 1 (items 33–36)</td>
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Table of Amendments

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<td>Note to s. 8(3)</td>
<td>am. No. 19, 2006</td>
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<td>S. 9</td>
<td>am. No. 19, 2006</td>
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<td>Note to s. 9(3)</td>
<td>am. No. 19, 2006</td>
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<td>S. 10</td>
<td>am. No. 19, 2006</td>
</tr>
<tr>
<td>Note to s. 10(3)</td>
<td>am. No. 19, 2006</td>
</tr>
</tbody>
</table>
Table A

Application, saving or transitional provisions

Offshore Petroleum (Safety Levies) Amendment Act 2006 (No. 19, 2006)

Schedule 1

33 Application—safety investigation levy

The following amendments made by this Schedule:

(a) the amendments of sections 5 and 6 of the Offshore Petroleum (Safety Levies) Act 2003;

(b) the amendments of sections 3 and 4 of that Act, to the extent to which they relate to section 5 or 6 of that Act;

apply in relation to a notifiable accident or occurrence that happens after the commencement of this item.

34 Application—safety case levy

(1) The following amendments made by this Schedule:

(a) the amendments of sections 7 and 8 of the Offshore Petroleum (Safety Levies) Act 2003;

(b) the amendments of sections 3 and 4 of that Act, to the extent to which they relate to section 7 or 8 of that Act;

apply in relation to a safety case in force at the start of a year if that year starts after the commencement of this item.

(2) The following amendments made by this Schedule:

(a) the amendments of sections 7 and 8 of the Offshore Petroleum (Safety Levies) Act 2003;

(b) the amendments of sections 3 and 4 of that Act, to the extent to which they relate to section 7 or 8 of that Act;

apply in relation to a safety case in force during a part of a year (but not in force at the start of that year) if that part of that year starts after the commencement of this item.
35 Application—pipeline safety management plan levy

(1) The following amendments made by this Schedule:
   (a) the amendments of sections 9 and 10 of the Offshore Petroleum (Safety Levies) Act 2003;
   (b) the amendments of sections 3 and 4 of that Act, to the extent to which they relate to section 9 or 10 of that Act;
apply in relation to a pipeline safety management plan in force at the start of a year if that year starts after the commencement of this item.

(2) The following amendments made by this Schedule:
   (a) the amendments of sections 9 and 10 of the Offshore Petroleum (Safety Levies) Act 2003;
   (b) the amendments of sections 3 and 4 of that Act, to the extent to which they relate to section 9 or 10 of that Act;
apply in relation to a pipeline safety management plan in force during a part of a year (but not in force at the start of that year) if that part of that year starts after the commencement of this item.

36 Transitional—regulations

To avoid doubt, the amendments made by this Schedule do not affect the continuity of regulations made for the purposes of section 5, 6, 7, 8, 9 or 10 of the Offshore Petroleum (Safety Levies) Act 2003 before the commencement of this item.