
Act No. 117 of 2003 as amended

This compilation was prepared on 17 June 2011 taking into account amendments up to Act No. 27 of 2011

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

Part 1—Introduction

1 Short title [see Note 1]

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.

<table>
<thead>
<tr>
<th>Provision(s)</th>
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<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>
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<tr>
<td>2. Sections 3 to 11</td>
<td>1 January 2005.</td>
<td>1 January 2005</td>
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</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:

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

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

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

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

construct, in relation to a well, includes:
(a) drill the well; and
(b) install any well-related equipment associated with the well.

cost includes part of a cost.

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

expense includes part of an expense.

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

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

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

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

prepare, in relation to a well, includes construct.


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

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

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

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

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

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

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

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

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

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

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

### 4 Extension to external Territories

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

Note: See section 34 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.
Part 2—Safety investigation levy

5 Imposition of safety investigation levy—Commonwealth waters

(1) If:
   (a) a notifiable accident or occurrence happens in relation to a facility located in Commonwealth waters; and
   (b) an OHS inspector begins to conduct an inspection in relation to the notifiable accident or occurrence; and
   (c) the condition or conditions specified in the regulations are satisfied;

     levy is imposed on the notifiable accident or occurrence.

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

(3) Safety investigation levy imposed by subsection (1) is payable by the operator of the facility.

(4) Safety investigation levy is not payable under subsection (1) unless regulations are in force for the purposes of paragraph (1)(c).


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*.

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

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

(a) at or near the facility; and

(b) that is required to be notified to the Safety Authority by the operator under clause 82 of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

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

6 Imposition of safety investigation levy—designated coastal waters

(1) If:

(a) a notifiable accident or occurrence happens in relation to a facility located in the designated coastal waters of a State or of the Northern Territory; and

(b) an OHS inspector begins to conduct an inspection in relation to the notifiable accident or occurrence; and

(c) the condition or conditions specified in the regulations are satisfied;

levy is imposed on the notifiable accident or occurrence.

(2) Levy imposed by subsection (1) is to be known as *safety investigation levy*. 
Part 2  Safety investigation levy

Section 6

(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).


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 and Greenhouse Gas Storage Act 2006*.

*operator*, in relation to a facility, has the same meaning as in the applicable State or Territory safety law.
Part 3—Safety case levy

7 Imposition of safety case levy—Commonwealth waters

(1) If:
   (a) either:
       (i) at the start of a year, a safety case is in force in relation to a facility; or
       (ii) a safety case is in force in relation to a facility during a part of a year, but is not in force at the start of that year; and
       (b) the facility is located, or proposed to be located, in Commonwealth waters;

   levy is imposed on the safety case in respect of:

   (c) if subparagraph (a)(i) applies—that year; or
   (d) if subparagraph (a)(ii) applies—that part of that year.

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

(3) Safety case levy imposed by subsection (1) is payable by:
   (a) if the facility is a pipeline subject to a pipeline licence—the licensee of the pipeline licence; or
   (b) otherwise—the operator of the facility.


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 and Greenhouse Gas Storage Act 2006, and includes a proposed facility.

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

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

(a) proposed to be constructed or operated; or

(b) being constructed.

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

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

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

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

8 Imposition of safety case levy—designated coastal waters

(1) If:

(a) either:

(i) at the start of a year, a safety case is in force in relation to a facility; or

(ii) a safety case is in force in relation to a facility during a part of a year, but is not in force at the start of that year; and
Part 3 Safety case levy

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(b) the facility is located, or proposed to be located, in the designated coastal waters of a State or of the Northern Territory;

levy is imposed on the safety case in respect of:

(c) if subparagraph (a)(i) applies—that year; or

(d) if subparagraph (a)(ii) applies—that part of that year.

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

(3) Safety case levy imposed by subsection (1) is payable by:

(a) if the facility is a pipeline subject to a pipeline licence—the licensee of the pipeline licence; or

(b) otherwise—the operator of the facility.


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.

Transitional

(7A) If, at a particular time during the period:

(a) beginning at the start of 1 January 2010; and

(b) ending at the end of 31 December 2012;

a pipeline safety management plan is in force in relation to a pipeline that is a facility, this section has effect as if, at that time, a safety case was in force in relation to the facility.

(7B) For the purposes of the application of this section in relation to a facility located, or proposed to be located, in the designated coastal waters of a State or the Northern Territory, if, at a particular time during the period:

(a) beginning at the start of 1 January 2010; and
(b) ending at the end of 31 December 2012;

a safety case is in force in relation to the facility (within the meaning of regulations of that State or Territory that substantially correspond to the Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 1996, as those last-mentioned regulations were in force immediately before the end of 31 December 2009), this section has effect as if, at that time, a safety case was in force in relation to the facility.

**Definitions**

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

*facility* has the same meaning as in the applicable State or Territory safety law, and includes a proposed facility.

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

*pipeline* has the same meaning as in the applicable State or Territory safety law, and includes a pipeline that is:

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

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

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

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

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

(9) If the regulations referred to in the definition of safety case in force in relation to a facility in subsection (8) are renamed, that definition is amended by omitting the old name and substituting the new name.
Part 4—Well investigation levy

9 Imposition of well investigation levy—Commonwealth petroleum titles

(1) If:
   (a) either:
      (i) a well has been used, is being used, has been prepared
          for use, or is being prepared for use, in connection with
          operations authorised by a petroleum title (the current
          title); or
      (ii) a well has been used in connection with operations
          authorised by a petroleum title from which the current
          title is derived, and the wellhead is situated in the title
          area of the current title; and
   (b) an OHS inspector has begun to conduct an inspection
       concerning a contravention or possible contravention of
       subclause 13A(1) or (2) of Schedule 3 to the Offshore
       Petroleum and Greenhouse Gas Storage Act 2006; and
   (c) the contravention or possible contravention relates to the
       well; and
   (d) a particular time (the threshold time) is the first time when
       the amount of the costs and expenses reasonably incurred by
       the Safety Authority in relation to the conduct of the
       inspection exceeds $30,000; and
   (e) the Safety Authority has given the registered holder of the
       current title a written notice stating that the amount of the
       costs and expenses reasonably incurred by the Safety
       Authority in relation to the conduct of the inspection has
       exceeded $30,000;

  levy is imposed on the inspection in respect of:
   (f) the period of 3 months beginning at the threshold time; and
   (g) each successive 3-month period at any time during which an
       OHS inspector continues to conduct the inspection.

Note: Clause 13A of Schedule 3 to the Offshore Petroleum and Greenhouse
Gas Storage Act 2006 deals with the duties of petroleum titleholders
in relation to wells.
(2) Levy imposed by subsection (1) is to be known as **well investigation levy**.

(3) Well investigation levy imposed by subsection (1) is payable by the registered holder of the current title.

**Amount of well investigation levy**

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

**Definitions**

(5) In this section:

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

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

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

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

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

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

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

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

(1) If:

(a) either:

(i) a well has been used, is being used, has been prepared for use, or is being prepared for use, in connection with

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operations authorised by a State/Territory petroleum title (the current title) granted under a State PSLA or Territory PSLA; or

(ii) a well has been used in connection with operations authorised by a petroleum title from which the current title is derived, and the wellhead is situated in the title area of the current title; and

(b) an OHS inspector has begun to conduct an inspection concerning a contravention or possible contravention of a provision of the State PSLA or Territory PSLA that substantially corresponds to subclause 13A(1) or (2) of Schedule 3 to the Offshore Petroleum and Greenhouse Gas Storage Act 2006; and

(c) the contravention or possible contravention relates to the well; and

(d) a particular time (the threshold time) is the first time when the amount of the costs and expenses reasonably incurred by the Safety Authority in relation to the conduct of the inspection exceeds $30,000; and

(e) the Safety Authority has given the registered holder of the current title a written notice stating that the amount of the costs and expenses reasonably incurred by the Safety Authority in relation to the conduct of the inspection has exceeded $30,000;

levy is imposed on the inspection in respect of:

(f) the period of 3 months beginning at the threshold time; and

(g) each successive 3-month period at any time during which an OHS inspector continues to conduct the inspection.

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

(2) Levy imposed by subsection (1) is to be known as well investigation levy.

(3) Well investigation levy imposed by subsection (1) is payable by the registered holder of the current title.
Part 4  Well investigation levy

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Amount of well investigation levy

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

Definitions

(5) In this section:

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

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

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

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

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

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

*title area* has the same meaning as in the provisions of the relevant State PSLA or Territory PSLA that substantially correspond to clause 13A of Schedule 3 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

*well* includes well-related equipment associated with a well.
Part 4A—Annual well levy

10A Imposition of annual well levy—Commonwealth petroleum titles

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

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

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

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

Amount of annual well levy

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

Eligible well

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

(6) For the purposes of this section, if:
   (a) during a year, a well began to be drilled in the title area of a petroleum title (the current title); and
   (b) the well was drilled under the authority of:
Part 4A  Annual well levy

Section 10A

(i) the current title; or
(ii) a petroleum title from which the current title is derived; and
(c) the well was abandoned during that year;
the well is an eligible well in relation to the current title for the subsequent year.

Abandoned wells

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

Definitions

(8) In this section:

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

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

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

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

Transitional

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

is taken to be a year.

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

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

(1) If:
   (a) there are one or more eligible wells in relation to a State/Territory petroleum title for a year; and
   (b) the State/Territory petroleum title was granted under a law of a particular State or Territory; and
   (c) at the start of the year, the Safety Authority has functions or powers under regulations of the State or Territory that substantially correspond to Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*; levy is imposed on those wells.

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

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

(3) Annual well levy imposed by subsection (1) is payable by the registered holder of the State/Territory petroleum title.

*Amount of annual well levy*

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

*Eligible well*

(5) For the purposes of this section, if:
   (a) immediately before the start of a year, the well is wholly or partly situated in the title area of a State/Territory petroleum title (the *current title*); and
   (b) the well is or was drilled under the authority of:
      (i) the current title; or
      (ii) a State/Territory petroleum title from which the current title is derived; and
Part 4A  Annual well levy

Section 10B

(c) the well is not abandoned;
the well is an eligible well in relation to the current title for that year.

(6) For the purposes of this section, if:
(a) during a year, a well began to be drilled in the title area of a State/Territory petroleum title (the current title); and
(b) the well was drilled under the authority of:
(i) the current title; or
(ii) a State/Territory petroleum title from which the current title is derived; and
(c) the well was abandoned during that year;
the well is an eligible well in relation to the current title for the subsequent year.

Abandoned wells

(7) For the purposes of this section, if regulations of a State or Territory that substantially correspond to Part 5 of the Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011 require the commencement of the abandonment of a well to be approved by the Safety Authority under those regulations of the State or Territory, disregard the abandonment unless:
(a) the commencement of the abandonment was approved by the Safety Authority 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 petroleum title means a petroleum title within the meaning of Schedule 3 to the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

derived has the same meaning as in the provisions of the relevant State PSLA or Territory PSLA that substantially correspond to Schedule 3 to the Offshore Petroleum and Greenhouse Gas Storage Act 2006.
registered holder, in relation to a State/Territory petroleum title, means the person whose name is shown in the Register kept under the relevant State PSLA or Territory PSLA as the holder of the title.

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

title area has the same meaning as in the provisions of the relevant State PSLA or Territory PSLA that substantially correspond to clause 13A of Schedule 3 to the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

Transitional

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

(10) Subsection (6) does not apply to a well that began to be drilled before the commencement of this section.
Part 4B—Well activity levy

10C Imposition of well activity levy—Commonwealth petroleum titles

(1) If:
   (a) either:
       (i) a person makes an application to the Safety Authority, under Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*, for acceptance of a well operations management plan; or
       (ii) a person makes an application to the Safety Authority, under Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*, for approval to commence an activity relating to a well; and
   (b) the person is the registered holder of a petroleum title; levy is imposed on the application.

(2) Levy imposed by subsection (1) is to be known as well activity levy.

(3) Well activity levy imposed by subsection (1) is payable by the person.

Amount of well activity levy

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

Exemption

(5) If:
   (a) at a particular time, a person makes an application to the Safety Authority, under Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*, for acceptance of a well operations management plan; or
   (ii) a person makes an application to the Safety Authority, under Part 5 of the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*, for approval to commence an activity relating to a well; and
Well activity levy  Part 4B

Section 10D

Administration) Regulations 2011, for approval to commence an activity relating to a well; and

(b) well activity levy is imposed by subsection (1) on the application; and

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

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

Definitions

(6) In this section:

petroleum title means:
   (a) a petroleum exploration permit; or
   (b) a petroleum retention lease; or
   (c) a petroleum production licence.

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

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

(1) If:
   (a) either:
      (i) a person makes an application to the Safety Authority, under the regulations of a State or Territory that substantially correspond to Part 5 of the Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011, for acceptance of a well operations management plan; or


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

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

levy is imposed on the application.

(2) Levy imposed by subsection (1) is to be known as **well activity levy**.

(3) Well activity levy imposed by subsection (1) is payable by the person.

*Amount of well activity levy*

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

*Exemption*

(5) If:

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

(b) well activity levy is imposed by subsection (1) on the application; and

(c) during the 6-month period beginning at that time:

(i) the person makes another application under those regulations for approval to commence an activity relating to the well; or

(ii) another person who has become the registered holder of a State/Territory petroleum title makes an application under those regulations for approval to commence an activity relating to the well;
well activity levy is not imposed by subsection (1) on the application referred to in subparagraph (c)(i) or (ii), as the case may be.

Definitions

(6) In this section:

**Commonwealth petroleum title** means:

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

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

**State/Territory petroleum title** means an instrument under a State PSLA or Territory PSLA that confers, in relation to the coastal waters of a State or Territory, some or all of the rights that a Commonwealth petroleum title confers in relation to the offshore area of the State or Territory.
Part 5—Regulations

11 Regulations

The Governor-General may make regulations for the purposes of sections 5, 6, 7, 8, 9, 10, 10A, 10B, 10C and 10D.
Notes to the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*

**Note 1**

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

(a) Subsection 2(1) (items 2 and 3) of the Offshore Petroleum (Safety Levies) Amendment (Greenhouse Gas Storage) Act 2008 provides as follows:

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

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

---

*Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Amendment Act 2009 (No. 103, 2009)*

**Schedule 1**

**7 Application of amendments**

The amendments made by this Part apply in relation to a safety case to the extent to which the safety case is in force at or after the commencement of this item.

**12 Application of amendments**

The amendments made by this Part apply in relation to a pipeline safety management plan to the extent to which the plan is in force at or after the commencement of this item.

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*Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003* 31
13 Transitional—references to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*

(1) During the period:
   (a) beginning at the start of 1 July 2008; and
   (b) ending at the end of 21 November 2008;

   the *Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2003* is taken to have had effect as if each reference in that Act to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* were a reference to the *Offshore Petroleum Act 2006*.

(2) Subitem (1) is enacted for the avoidance of doubt.


5 Application of amendment—subsection 7(8) of the *Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2003*

(1) The amendment made by item 1 applies in relation to a safety case in force at the start of a year if that year starts on or after 1 January 2010.

(2) The amendment made by item 1 applies 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 the year starts on or after 1 January 2010.

6 Application of amendment—subsection 8(8) of the *Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2003*

(1) The amendment made by item 4 applies in relation to a safety case in force at the start of a year if that year starts on or after 1 January 2010.

(2) The amendment made by item 4 applies 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 the year starts on or after 1 January 2010.