Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Regulations 2004

Statutory Rules 2004 No. 315

made under the


This compilation was prepared on 1 January 2013
taking into account amendments up to SLI 2012 No. 306

[Note: The *Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Regulations 2004* were originally made under the *Petroleum (Submerged Lands) Act 1967*. When that Act was repealed on 01/07/2008 by the *Offshore Petroleum (Repeals and Consequential Amendments) Act 2006* (No. 17 of 2006), these Regulations were maintained in existence by the transitional provisions in clause 4 of Schedule 6 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*. These Regulations have been amended by Regulations made under that Act.]

Prepared by the Office of Parliamentary Counsel, Canberra
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*Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Regulations 2004*
Part 1  Preliminary

1  Name of Regulations [see Note 1]

These Regulations are the Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Regulations 2004.

2  Commencement

These Regulations commence on 1 January 2005.

3  Definitions

In these Regulations:

*CEO* has the meaning given by section 643 of the OPGGS Act.

*Commonwealth waters* has the meaning given by section 643 of the OPGGS Act.

*designated coastal waters* has the meaning given by section 643 of the OPGGS Act.

*NOPSEMA waters* has the meaning given by section 643 of the OPGGS Act.

*OHS inspector* has the meaning given by section 643 of the OPGGS Act.


*part quarter* means a period within a quarter that is at least 1 day long, but less than the length of the quarter, during which a safety case is in force in relation to a facility.

*quarter* means a period of 3 months starting on any of the following dates:

(a) 1 January;
(b) 1 April;
(c) 1 July;
(d) 1 October.
Regulation 4


_SMS_ means safety management system.

_SMS amount_ means a charge for the assessment of a safety management system, worked out in accordance with Schedule 1, that applies to 1 or more facilities or pipelines under the management or control of an operator or licensee.

_State PSLA_ has the meaning given by section 643 of the _OPGGS Act._

_Territory PSLA_ has the same meaning as in section 643 of the _OPGGS Act._

_Titles Administrator_ means the National Offshore Petroleum Titles Administrator.

*Note* Other words and expressions used in these Regulations have the meaning given by section 3 of the _Regulatory Levies Act._ For example:
- annual titles administration levy
- applicable State or Territory safety law
- environment plan levy
- NOPSEMA
- safety case levy
- safety investigation levy
- State safety law
- Territory safety law
- year.

4 Payment of levy for pipeline located both in Commonwealth waters and State/NT designated coastal waters

(1) This regulation applies if a continuous pipeline is located partly in Commonwealth waters, and partly in the designated coastal waters of:
   (a) 1 or more States; or
   (b) the Northern Territory; or
   (c) 1 or more States and the Northern Territory.
(2) Despite any other provision of these Regulations:
(a) if the total length of the segment or segments of the pipeline located in Commonwealth waters is greater than or equal to the total length of the segment or segments of the pipeline located in designated coastal waters:
   (i) no pipeline safety case levy is payable in relation to any segment or segments of that pipeline located in designated coastal waters; and
   (ii) the Safety Authority is not required to comply with a provision of these Regulations relating to notifying a person of when an amount of levy is due and payable in relation to any segment or segments of that pipeline located in designated coastal waters; and

(b) if the total length of the segment or segments of the pipeline located in designated coastal waters is greater than the total length of the segment or segments of the pipeline located in Commonwealth waters:
   (i) no pipeline safety case levy is payable in relation to any segment or segments of that pipeline located in Commonwealth waters; and
   (ii) the Safety Authority is not required to comply with a provision of these Regulations relating to notifying a person of when an amount of levy is due and payable in relation to any segment or segments of that pipeline located in Commonwealth waters.

(3) In this regulation:

  pipeline has the same meaning as in section 7 of the OPGGS Act.

Note The imposition of levy in relation to a pipeline is based on where the pipeline is located. Pipelines are often laid across a number of jurisdictions. This regulation ensures that levy is payable in relation to Commonwealth waters, or designated coastal waters, depending on where the longest part of the pipeline is located.
Part 2  
Safety investigation levy — Commonwealth waters

Division 1  
Preliminary

6  
Definitions for Part 2

In this Part:
accident has the same meaning as in clause 3 of Schedule 3 to the OPGGS Act.
dangerous occurrence has the same meaning as in clause 3 of Schedule 3 to the OPGGS Act.
facility has the same meaning as in clause 3 of Schedule 3 to the OPGGS Act.
incremental cost means the cost worked out under subregulation 7 (2).
inspection has the same meaning as in clause 3 of Schedule 3 to the OPGGS Act.
notifiable accident or occurrence has the same meaning as in subsection 5 (8) of the Regulatory Levies Act.
operator has the same meaning as in clause 5 of Schedule 3 to the OPGGS Act.

7  
Condition for imposition of safety investigation levy

(1) For paragraph 5 (1) (c) of the Regulatory Levies Act, the prescribed condition is that the incremental cost of an inspection mentioned in paragraph 5 (1) (b) of the Regulatory Levies Act exceeds the threshold amount for the inspection.

(2) The incremental cost of an inspection is the sum of the costs and expenses that NOPSEMA reasonably incurs for the purposes of carrying out the inspection.

(3) For subregulation (2), the costs and expenses that NOPSEMA reasonably incurs for the purposes of carrying out the inspection:
(a) include (but are not limited to) remuneration and other costs in relation to OHS inspectors and other staff of NOPSEMA who are involved in the inspection; and

(b) do not include any share of fixed overheads.

(4) The threshold amount for an inspection is $30,000.

(5) NOPSEMA must give a notice to an operator, as soon as practicable after the incremental cost of an inspection exceeds the threshold amount, stating that the incremental cost of the inspection exceeds the threshold amount.

Note: See regulation 10 for the use of an independent expert to assess the costs and expenses that NOPSEMA has reasonably incurred.

Division 2 Working out safety investigation levy

8 Determination of no obligation to pay amount of safety investigation levy

(1) NOPSEMA may determine, in writing, that it is inappropriate for the operator of a facility specified in the determination to pay the amount of safety investigation levy imposed on a notifiable accident or occurrence.

(2) NOPSEMA may make a determination at any time after the incremental cost of an inspection exceeds the threshold amount for the inspection.

(3) An operator and NOPSEMA may agree, at any time, to the selection and appointment of an independent expert:

(a) to investigate whether NOPSEMA should make a determination under subregulation (1) (whether or not NOPSEMA has previously refused to make a determination); and

(b) to report to NOPSEMA on whether it should make a determination.

(4) NOPSEMA must not unreasonably withhold its agreement to the selection or appointment of the independent expert.
(5) The operator must bear the costs incurred for the services of the independent expert.

(6) After the independent expert has given the report, NOPSEMA:
   (a) must consider the report; and
   (b) may make a determination under subregulation (1).

(7) The Minister may give directions, in writing, to NOPSEMA with respect to the exercise of its powers and functions under subregulations (3) and (6).

(8) NOPSEMA must comply with the Minister’s directions.

(9) If NOPSEMA makes a determination under subregulation (1):
   (a) NOPSEMA must give a copy of the determination to the operator as soon as practicable after making it; and
   (b) the determination is taken to have effect on the day on which the incremental cost of the inspection exceeded the threshold amount for the inspection.

9 Amount of safety investigation levy

(1) For subsection 5 (5) of the Regulatory Levies Act:
   (a) if NOPSEMA has not made a determination under subregulation 8 (1) for a particular inspection, the amount of safety investigation levy imposed on a notifiable accident or occurrence is the post-threshold incremental cost of the inspection; and
   (b) if NOPSEMA has made a determination under subregulation 8 (1) for a particular inspection, the amount of safety investigation levy imposed on a notifiable accident or occurrence is zero.

Note The effect of a determination under subregulation 8 (1) is to reduce the amount of safety investigation levy payable to zero, even if the operator has already paid some or all of the levy.

(2) The post-threshold incremental cost of the inspection is worked out by:
   (a) identifying the incremental cost of the inspection on the day when the inspection is complete; and
(b) subtracting the threshold amount.

Note The costs and expenses that NOPSEMA has reasonably incurred for the purposes of carrying out an inspection may be assessed by an independent expert: see regulation 10.

(3) For paragraph (2) (a), an inspection is taken to be complete on the earlier of:

(a) the day when NOPSEMA refers a brief of evidence to the Commonwealth Director of Public Prosecutions in relation to the proposed prosecution of a person in connection with the accident or dangerous occurrence; and

(b) the day when NOPSEMA, by written notice, informs the operator that the inspection is complete.

Note The referral of a brief of evidence, or the giving of a notice, does not prevent NOPSEMA or an OHS inspector from continuing the inspection, or resuming the inspection. However, if the inspection is continued or resumed, no further levy will be payable.

10 Advice of independent expert about costs and expenses

(1) An operator and NOPSEMA may agree, at any time, to the selection and appointment of an independent expert to assess the costs and expenses that NOPSEMA has reasonably incurred for the purposes of carrying out an inspection.

(2) NOPSEMA must not unreasonably withhold its agreement to the selection or appointment of the independent expert.

(3) The operator must bear the costs incurred for the services of the independent expert.

(4) After the independent expert has given a report of the assessment:

(a) NOPSEMA must give a copy of the report to the operator as soon as practicable after receiving it; and

(b) NOPSEMA must consider the report; and

(c) if NOPSEMA has notified the operator of the amount of levy, or the amount of an instalment of levy, that is payable, NOPSEMA may give a notice to the operator:
(i) stating that a revised amount of levy, or a revised amount of an instalment of levy, is payable; or
(ii) withdrawing the notice previously given under subregulation 7 (5).

(5) The Minister may give directions, in writing, to NOPSEMA with respect to the exercise of its powers and functions under subregulations (1) and (4).

(6) NOPSEMA must comply with the Minister’s directions.

Division 3  Paying safety investigation levy

11 When safety investigation levy is due and payable

(1) For subsection 686 (1) of the OPGGS Act, this regulation sets out when safety investigation levy is due and payable.

(2) If an inspection continues for 3 months or less, safety investigation levy is payable when the inspection is taken to be complete for subregulation 9 (3).

(3) If an inspection continues for more than 3 months, safety investigation levy is payable in instalments:
   (a) at the end of each period of 3 months, starting when the inspection starts, during which the inspection continues; and
   (b) when the inspection is taken to be complete for subregulation 9 (3).

(4) NOPSEMA must notify the operator:
   (a) within 14 days after the inspection is taken to be complete for subregulation 9 (3); and
   (b) if the inspection continues for more than 3 months — within 14 days after the end of each 3 month period; of the amount of levy, or the amount of an instalment of levy, that is payable.

Note The amount of safety investigation levy takes into account the post-threshold incremental cost of an inspection.
(5) However, if NOPSEMA fails to notify the operator in accordance with subregulation (4), the validity of any subsequent notification is not affected by the failure.

(6) For subsection 686(1) of the OPGGS Act, safety investigation levy is due 30 days after NOPSEMA notifies the operator under subregulation (4).

Division 4 Administration

12 NOPSEMA must keep records

(1) For this Part, NOPSEMA must make records of:
   (a) the costs and expenses that are to be included in the incremental cost of an inspection, up to the time that the threshold amount is reached; and
   (b) the costs and expenses that are to be included in the post-threshold incremental cost.

(2) NOPSEMA must keep the records for at least 7 years.

(3) NOPSEMA must:
   (a) make the records available for inspection by the operator to whom they relate, on request, at any time during business hours; and
   (b) give copies of the records to that operator, on request.
Part 3  
Safety investigation levy — designated coastal waters

Division 1  
Preliminary

13  
Definitions for Part 3

In this Part:

*accident* has the same meaning as in subsection 6 (8) of the Regulatory Levies Act.

dangerous occurrence has the same meaning as in subsection 6 (8) of the Regulatory Levies Act.

*facility* has the same meaning as in subsection 6 (8) of the Regulatory Levies Act.

*incremental cost* means the cost worked out under subregulation 14 (2).

*inspection* has the same meaning as in subsection 6 (8) of the Regulatory Levies Act.

*notifiable accident or occurrence* has the same meaning as in subsection 6 (8) of the Regulatory Levies Act.

*operator* has the same meaning as in subsection 6 (8) of the Regulatory Levies Act.

14  
Condition for imposition of safety investigation levy

(1) For paragraph 6 (1) (c) of the Regulatory Levies Act, the prescribed condition is that the incremental cost of an inspection mentioned in paragraph 6 (1) (b) of the Regulatory Levies Act exceeds the threshold amount for the inspection.

(2) The incremental cost of an inspection is the sum of the costs and expenses that NOPSEMA reasonably incurs for the purposes of carrying out the inspection.

(3) For subregulation (2), the costs and expenses that NOPSEMA reasonably incurs for the purposes of carrying out the inspection:
(a) include (but are not limited to) remuneration and other costs in relation to OHS inspectors and other staff of NOPSEMA who are involved in the inspection; and

(b) do not include any share of fixed overheads.

(4) The threshold amount for an inspection is $30 000.

(5) NOPSEMA must give a notice to an operator, as soon as practicable after the incremental cost of an inspection exceeds the threshold amount, stating that the incremental cost of the inspection exceeds the threshold amount.

Note  See regulation 17 for the use of an independent expert to assess the costs and expenses that NOPSEMA has reasonably incurred.

Division 2 Working out safety investigation levy

15 Determination of no obligation to pay amount of safety investigation levy

(1) NOPSEMA may determine, in writing, that it is inappropriate for the operator of a facility specified in the determination to pay the amount of safety investigation levy imposed on a notifiable accident or occurrence.

(2) NOPSEMA may make a determination at any time after the incremental cost of an inspection exceeds the threshold amount for the inspection.

(3) An operator and NOPSEMA may agree, at any time, to the selection and appointment of an independent expert:

(a) to investigate whether NOPSEMA should make a determination under subregulation (1) (whether or not NOPSEMA has previously refused to make a determination); and

(b) to report to NOPSEMA on whether it should make a determination.

(4) NOPSEMA must not unreasonably withhold its agreement to the selection or appointment of the independent expert.
(5) The operator must bear the costs incurred for the services of the independent expert.

(6) After the independent expert has given the report, NOPSEMA:
   (a) must consider the report; and
   (b) may make a determination under subregulation (1).

(7) The Minister may give directions, in writing, to NOPSEMA with respect to the exercise of its powers and functions under subregulations (3) and (6).

(8) NOPSEMA must comply with the Minister’s directions.

(9) If NOPSEMA makes a determination under subregulation (1):
   (a) NOPSEMA must give a copy of the determination to the operator as soon as practicable after making it; and
   (b) the determination is taken to have effect on the day on which the incremental cost of the inspection exceeded the threshold amount for the inspection.

16 Amount of safety investigation levy

(1) For subsection 6(5) of the Regulatory Levies Act:
   (a) if NOPSEMA has not made a determination under subregulation 15(1) for a particular inspection, the amount of safety investigation levy imposed on a notifiable accident or occurrence is the post-threshold incremental cost of the inspection; and
   (b) if NOPSEMA has made a determination under subregulation 15(1) for a particular inspection, the amount of safety investigation levy imposed on a notifiable accident or occurrence is zero.

Note The effect of a determination under subregulation 15(1) is to reduce the amount of safety investigation levy payable to zero, even if the operator has already paid some or all of the levy.

(2) The post-threshold incremental cost of the inspection is worked out by:
   (a) identifying the incremental cost of the inspection on the day when the inspection is complete; and
(b) subtracting the threshold amount.

Note The costs and expenses that NOPSEMA has reasonably incurred for the purposes of carrying out an inspection may be assessed by an independent expert: see regulation 15.

(3) For paragraph (2) (a), an inspection is taken to be complete on the earlier of:

(a) the day when NOPSEMA refers a brief of evidence to an agency responsible for the prosecution of offences in relation to the proposed prosecution of a person in connection with the accident or dangerous occurrence; and

(b) the day when NOPSEMA, by written notice, informs the operator that the inspection is complete.

Note The referral of a brief of evidence, or the giving of a notice, does not prevent NOPSEMA or an OHS inspector from continuing the inspection, or resuming the inspection. However, if the inspection is continued or resumed, no further levy will be payable.

17 Advice of independent expert about costs and expenses

(1) An operator and NOPSEMA may agree, at any time, to the selection and appointment of an independent expert to assess the costs and expenses that NOPSEMA has reasonably incurred for the purposes of carrying out an inspection.

(2) NOPSEMA must not unreasonably withhold its agreement to the selection or appointment of the independent expert.

(3) The operator must bear the costs incurred for the services of the independent expert.

(4) After the independent expert has given a report of the assessment:

(a) NOPSEMA must give a copy of the report to the operator as soon as practicable after receiving it; and

(b) NOPSEMA must consider the report; and

(c) if NOPSEMA has notified the operator of the amount of levy, or the amount of an instalment of levy, that is payable, NOPSEMA may give a notice to the operator:

(i) stating that a revised amount of levy, or a revised amount of an instalment of levy, is payable; or
(ii) withdrawing the notice previously given under subregulation 14 (5).

(5) The Minister may give directions, in writing, to NOPSEMA with respect to the exercise of its powers and functions under subregulations (1) and (4).

(6) NOPSEMA must comply with the Minister’s directions.

### Division 3 Paying safety investigation levy

#### 18 When safety investigation levy is due and payable (PSL Act)

(1) For subsection 686 (1) of the OPGGS Act, this regulation sets out when safety investigation levy is due and payable.

(2) If an inspection continues for 3 months or less, safety investigation levy is payable when the inspection is taken to be complete for subregulation 16 (3).

(3) If an inspection continues for more than 3 months, safety investigation levy is payable in instalments:
   (a) at the end of each period of 3 months, starting when the inspection starts, during which the inspection continues; and
   (b) when the inspection is taken to be complete for subregulation 16 (3).

(4) NOPSEMA must notify the operator:
   (a) within 14 days after the inspection is taken to be complete for subregulation 16 (3); and
   (b) if the inspection continues for more than 3 months — within 14 days after the end of each 3 month period;

   of the amount of levy, or the amount of an instalment of levy, that is payable.

*Note* The amount of safety investigation levy takes into account the post-threshold incremental cost of an inspection.
(5) However, if NOPSEMA fails to notify the operator in accordance with subregulation (4), the validity of any subsequent notification is not affected by the failure.

(6) For subsection 686 (1) of the OPGGS Act, safety investigation levy is due 30 days after NOPSEMA notifies the operator under subregulation (4).

Division 4       Administration

19    NOPSEMA must keep records

(1) For this Part, NOPSEMA must make records of:

(a) the costs and expenses that are to be included in the incremental cost of an inspection, up to the time that the threshold amount is reached; and

(b) the costs and expenses that are to be included in the post-threshold incremental cost.

(2) NOPSEMA must keep the records for at least 7 years.

(3) NOPSEMA must:

(a) make the records available for inspection by the operator to whom they relate, on request, at any time during business hours; and

(b) give copies of the records to that operator, on request.
Part 4 Safety case levy — Commonwealth waters

Division 1 Preliminary

20 Definitions for Part 4

In this Part:

facility has the same meaning as in subsection 7 (8) of the Regulatory Levies Act.

major revision, in relation to a safety case for a pipeline, means a revision other than a minor revision.

minor revision, in relation to a safety case for a pipeline, means a revision that is treated as a minor revision under subregulation 22A (2).

mobile facility means a facility of a kind mentioned in Schedule 2.

operator has the same meaning as in subclause 5 (1) of Schedule 3 to the OPGGS Act.

pipeline has the same meaning as in section 7 of the OPGGS Act.

pipeline licensee has the meaning given by section 7 of the OPGGS Act.

proposed facility has the same meaning as in clause 3 of Schedule 3 to the OPGGS Act.

safety case in force in relation to a facility has the same meaning as in subsection 7 (8) of the Regulatory Levies Act.

variable-rating facility means a facility mentioned in item 2 of the table in item 2.3 of Schedule 1.

Note Under subsection 7 (8) of the Regulatory Levies Act, a facility includes a proposed facility. Subsection 7 (1) of the Regulatory Levies Act imposes safety case levy on a facility:

(a) that is located, or proposed to be located, in Commonwealth waters; and
Division 2 Working out safety case levy

21 Amount of safety case levy

(1) For subsections 7 (4) and (5) of the Regulatory Levies Act, and subject to subregulations (2) and (3), the amount of safety case for a facility other than a pipeline levy imposed on a safety case is the sum of:

(a) the SMS amount; and

(b) the facility amount for each facility in relation to which the safety case is in force;

as worked out using Schedule 1.

Note The effect of Schedule 1 is that an operator will pay only one SMS amount in any year, whether:

(a) one safety case or more than one safety case, is in force in relation to the operator; and

(b) the operator operates facilities in Commonwealth waters, designated coastal waters, or both.

(1A) For subsections 7 (4) and (5) of the Regulatory Levies Act, and subject to subregulation (4), the amount of safety case levy imposed on a safety case for a facility that is a pipeline is the sum of:

(a) the SMS amount; and

(b) the pipeline amount for each pipeline in relation to which the safety case is in force;

as worked out using Schedule 3.

Note 1 Schedule 3 ensures that the licensee of a pipeline licence will pay only 1 SMS amount per pipeline safety case in any 1 year, whether:

(a) the licensee holds a licence for more than 1 pipeline; or
(b) the licensee holds a licence for a pipeline or pipelines which are located in Commonwealth waters, designated coastal waters or both.

Note 2 Regulation 4 ensures that levy in relation to a pipeline that is located in both designated coastal waters and Commonwealth waters is payable in relation to 1 of those waters.

(2) For subsections 7 (4) and (5) of the Regulatory Levies Act, if the facility is a mobile facility that:
(a) was first operated in designated coastal waters during a year; and
(b) was then operated in Commonwealth waters during the year;
the facility amount for the facility is zero.

Note Although there is no facility amount for the mobile facility in respect of its operation in Commonwealth waters, a facility amount will be calculated for the mobile facility in accordance with regulation 29 in respect of its operation in designated coastal waters.

(3) For subsections 7 (4) and (5) of the Regulatory Levies Act:
(a) if the facility is a proposed facility (within the meaning of regulation 48):
   (i) in relation to which the fee mentioned in that regulation has been paid; and
   (ii) that has not entered NOPSEMA waters;
the amount of safety case levy imposed on the safety case is zero; and
(b) the safety case in relation to the facility is taken to have come into force for the facility when it first enters NOPSEMA waters.

(4) For subsections 7 (4) and (5) of the Regulatory Levies Act, if:
(a) the safety case for a pipeline is in force at the start of a year; and
(b) no major revision of the safety case came into force during the previous year;
the amount of safety case levy imposed on the safety case is zero.
22 Reconciliation of safety case levy recovered by instalments with levy payable

(1) For subsections 7(4) and (5) of the Regulatory Levies Act, NOPSEMA must ensure, as far as practicable, that the amounts of quarterly or yearly instalments that it notifies to an operator or licensee as being due and payable recover the whole of the amount of levy payable by the operator or licensee in relation to a safety case for a facility for a year or part of a year, taking into account:

(a) any changes in the applicable facility rating of a variable rating facility; and

(b) any remission of levy made under regulation 25; and

(c) any previous adjustment of levy made under regulation 26.

(2) If the amounts paid by way of quarterly or yearly instalments during a year or part of a year are inadequate, or will be inadequate, to recover the whole of the levy payable by the operator or licensee in relation to a safety case for a facility for a year or part of a year:

(a) NOPSEMA must notify the operator or licensee, in writing, of:

(i) the amount of the shortfall in the instalments; and

(ii) the operator’s or licensee’s obligation under this subregulation to pay the shortfall; and

(b) the operator or licensee must pay an amount equal to the amount of the shortfall; and

(c) the amount is due and payable 30 days after NOPSEMA notifies the operator or licensee under paragraph (a).

22A Coming into force, and revisions, of a safety case for a pipeline

When a safety case for a pipeline, or a revision of a safety case, comes into force

(1) A safety case for a pipeline, or a revision of a safety case, is taken to come into force when NOPSEMA accepts the safety case or the revision.
When a revision of a safety case is a minor revision

(2) NOPSEMA may determine, in writing, that a revision of a safety case for a pipeline is a minor revision.

(3) NOPSEMA may make a determination with or without a request by the licensee of the pipeline licence.

Notification of decision

(4) If NOPSEMA determines that a revision is a minor revision, NOPSEMA must notify the licensee of the pipeline licence, in writing, of the decision.

(5) If NOPSEMA refuses to make a determination at the request of the licensee of the pipeline licence:

(a) NOPSEMA must notify the licensee of the pipeline licence, in writing, of the decision and the reasons for the decision; and

(b) if the decision was made by a delegate of the CEO, the notice must also state that the licensee of the pipeline licence may apply for review of the decision by the CEO within 30 days after NOPSEMA notifies the operator.

Review of decision

(6) If the licensee of the pipeline licence applies to the CEO for a review of a decision by a delegate of the CEO to refuse to make a determination at the request of the licensee of the pipeline licence, the CEO must, as soon as practicable:

(a) review the decision; and

(b) notify the licensee of the pipeline licence, in writing, of:

   (i) the decision; and

   (ii) if the CEO confirms the refusal to make a determination — the reasons for the decision.
### Division 3  Paying safety case levy

#### 23 When safety case levy is due and payable

(1) For subsection 687 (3) of the OPGGS Act, this regulation sets out when safety case levy is payable in relation to a facility.

(2) Safety case levy is due and payable:
   - (a) if the facility is not a pipeline — in quarterly instalments; or
   - (b) if the facility is a pipeline — in annual instalments; in accordance with the following table.

<table>
<thead>
<tr>
<th>Item</th>
<th>Facility</th>
<th>Levy</th>
<th>Instalment of levy is due and payable by</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Facility other than a mobile facility or a pipeline</td>
<td>Levy payable for the quarter or part quarter under Schedule 1 in which the safety case is accepted</td>
<td>30 days after NOPSEMA notifies the operator that levy is due and payable for the quarter</td>
</tr>
<tr>
<td>2</td>
<td>Facility other than a mobile facility or a pipeline</td>
<td>Levy payable in respect of any other quarter under Schedule 1</td>
<td>30 days after NOPSEMA notifies the operator that levy is due and payable for the quarter</td>
</tr>
<tr>
<td>3</td>
<td>Mobile facility</td>
<td>Levy payable for the quarter or part quarter under Schedule 1 in which the safety case is accepted</td>
<td>30 days after NOPSEMA notifies the operator that levy is due and payable for the quarter</td>
</tr>
<tr>
<td>4</td>
<td>Mobile facility</td>
<td>Levy payable in respect of any other quarter under Schedule 1</td>
<td>30 days after NOPSEMA notifies the operator that levy is due and payable for the quarter</td>
</tr>
</tbody>
</table>
Regulation 24

<table>
<thead>
<tr>
<th>Item</th>
<th>Facility</th>
<th>Levy</th>
<th>Instalment of levy is due and payable</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Pipeline</td>
<td>Levy payable for the year in which the safety case is in force on 1 January</td>
<td>The later of: (a) the first working day after 1 January; and (b) 60 days after the last major revision of the safety case for the pipeline came into force</td>
</tr>
<tr>
<td>6</td>
<td>Pipeline</td>
<td>Levy payable for the year in which the safety case comes into force after 1 January</td>
<td>60 days after the safety case comes into force</td>
</tr>
</tbody>
</table>

Note: NOPSEMA may be required to adjust the amount of safety case levy under regulation 26 to ensure that the correct amount of levy is paid. An adjustment may be necessary because the unit value for the facility has been reduced during the year, or the facility’s applicable facility rating has changed during the year.

24 Notifying when safety case levy is due and payable

(1) For subsection 687 (3) of the OPGGS Act, NOPSEMA must notify in writing an operator or a licensee of:
(a) the amount of each instalment of safety case levy that will be due and payable in a year in respect of the facility; and
(b) when each instalment will be payable; in accordance with the following table.

<table>
<thead>
<tr>
<th>Item</th>
<th>Facility</th>
<th>Year to which levy relates</th>
<th>Operator must be notified</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Facility other than a mobile facility or a pipeline</td>
<td>Year in which safety case is accepted</td>
<td>By the end of the month following the end of the quarter in which the safety case is accepted, and by the end of the month following the end of each subsequent quarter in the year</td>
</tr>
<tr>
<td>2</td>
<td>Facility other than a mobile facility or a pipeline</td>
<td>Any subsequent year</td>
<td>By the end of the month following the end of each quarter in the year</td>
</tr>
</tbody>
</table>
(2) However, if NOPSEMA fails to notify the operator in accordance with subregulation (1):
   (a) the validity of any subsequent notification is not affected by the failure; and
   (b) for a safety case levy in relation to 1 or more mobile facilities — safety case levy is due 30 days after NOPSEMA notifies the operator.

25 Remitting part of safety case levy

(1) For subsections 687 (1) and (2) of the OPGGS Act:
   (a) a mobile facility is declared to be a facility that operates on an intermittent basis; and
   (b) NOPSEMA may, in accordance with this regulation, remit a part of an amount of safety case levy imposed by the Regulatory Levies Act.

(2) Subject to subregulation (3), if NOPSEMA remits a part of an amount of safety case levy for a quarter (the relevant quarter), NOPSEMA must work out the amount of facility amount, within that levy, that is to be remitted for the relevant quarter using the formula:
facility amount \times \frac{\text{number of days not operated}}{\text{number of days in relevant quarter}}

where:

*facility amount* means the facility amount due and payable for the relevant quarter in accordance with Schedule 1.

*number of days not operated* means the number of days in the relevant quarter on which the mobile facility is not operated in NOPSEMA waters.

(3) NOPSEMA must not remit a part of an amount of safety case levy if the effect of the remission would be that the total amount of facility amount worked out in relation to the mobile facility (whether under regulation 21 or 29) for the period of 4 consecutive quarters ending at the end of the relevant quarter would be less than 1 quarterly instalment of facility amount worked out in relation to the mobile facility in that period using Schedule 1.

(4) Subject to subregulation (5), if NOPSEMA remits a part of an amount of safety case levy for a quarter (the *relevant quarter*):

(a) NOPSEMA must remit any SMS amount, within that levy, only in respect of any period in which no facility of the operator is in operation in NOPSEMA waters (whether or not the same safety case is in operation in relation to those facilities); and

(b) NOPSEMA must work out the SMS amount, within that levy, that is to be remitted for the relevant quarter using the formula:

\[
\text{SMS amount} \times \frac{\text{number of days not operated}}{\text{number of days in relevant quarter}}
\]

where:

*SMS amount* means the SMS amount due and payable for the relevant quarter in accordance with Schedule 1.

*number of days not operated* means the number of days in the relevant quarter on which no facility of the operator is in operation in NOPSEMA waters.
(5) NOPSEMA must not remit a part of an SMS amount if the effect of the remission would be that the total amount of SMS amount worked out in relation to the mobile facility (whether under regulation 21 or 29) for the period of 4 consecutive quarters ending at the end of the relevant quarter would be less than 1 quarterly instalment of SMS amount worked out in relation to the mobile facility in that period using Schedule 1.

26 Adjustment of amount of instalments

(1) This regulation applies:

(a) if:

(i) an operator or licensee has not previously informed NOPSEMA about the operation of a facility; and

(ii) the operator or licensee informs NOPSEMA that the operation of the facility has happened, or is projected to happen, in a way that may affect the facility’s applicable facility rating; and

(iii) the nature of the operation would change an amount of safety case levy that has been calculated in relation to the facility but not yet paid; or

(b) if:

(i) an operator or licensee has previously informed NOPSEMA about the operation of a facility; and

(ii) the operator or licensee informs NOPSEMA that operations at the operator’s facility have differed, or are likely to differ, from the operations of which the operator informed NOPSEMA; and

(iii) the nature of the operation would change an amount of safety case levy that has been calculated in relation to the facility but not yet paid; or

(c) if:

(i) NOPSEMA is satisfied that a facility is operating in a particular way; and

(ii) the nature of the operation would change an amount of safety case levy that has been calculated in relation to the facility but not yet paid.
(2) NOPSEMA must make the necessary increase or decrease to the subsequent instalment or instalments.

(3) However, NOPSEMA must not increase or decrease an instalment unless NOPSEMA notifies the operator or licensee of the adjustment at least 14 days prior to the date on which that instalment is due and payable.

27 **Operator of variable-rating facility must keep NOPSEMA informed about operations**

(1) The operator of a variable-rating facility must, as far as practicable, keep NOPSEMA informed about projected and actual operations at the facility that are relevant to working out the facility’s applicable facility rating.

(2) If the operator of a variable-rating facility becomes aware that operations at the operator’s facility have differed, or are likely to differ, from the operations of which the operator informed NOPSEMA, the operator must, as soon as practicable, notify NOPSEMA of the change.
Part 5

Safety case levy — designated coastal waters

Division 1

Preliminary

28 Definitions for Part 5

In this Part:

facility has the same meaning as in subsection 8(8) of the Regulatory Levies Act.

major revision, in relation to a safety case for a pipeline, means a revision other than a minor revision.

minor revision, in relation to a safety case for a pipeline, means a revision that is treated as a minor revision under subregulation 22A(2).

mobile facility means a facility of a kind mentioned in Schedule 2.

operator has the same meaning as in subsection 8(8) of the Regulatory Levies Act.

pipeline has the same meaning as in section 7 of the OPGGS Act.

pipeline licensee has the meaning given by section 7 of the OPGGS Act.

proposed facility has the same meaning as in subsection 8(8) of the Regulatory Levies Act.

safety case in force in relation to a facility has the same meaning as in subsection 8(8) of the Regulatory Levies Act.

variable-rating facility means a facility mentioned in item 2 of the table in item 2.3 of Schedule 1.

Note Under subsection 8(8) of the Regulatory Levies Act, a facility includes a proposed facility. Subsection 8(1) of the Regulatory Levies Act imposes safety case levy on a facility:

(a) that is located, or proposed to be located, in the designated coastal waters of a State or of the Northern Territory; and
(b) in relation to which a safety case is in force.

A proposed facility is not required to have a safety case in force unless it has commenced to be constructed or installed in designated coastal waters (in which case it becomes a facility). However, it is possible for an operator to have a safety case accepted by NOPSEMA in relation to a proposed facility: if the safety case is accepted, it is taken to be in force and safety case levy becomes payable.

Division 2 Working out safety case levy

29 Amount of safety case levy

(1) For subsections 8 (4) and (5) of the Regulatory Levies Act, and subject to subregulations (2) and (3), the amount of safety case levy imposed on a safety case for a facility other than a pipeline is the sum of:

(a) the SMS amount; and

(b) the facility amount for each facility in relation to which the safety case is in force;

as worked out using Schedule 1.

Note The effect of Schedule 1 is that an operator will pay only one SMS amount in any year, whether:

(a) one safety case or more than one safety case, is in force in relation to the operator; and

(b) the operator operates facilities in designated coastal waters, Commonwealth waters, or both.

(1A) For subsections 8 (4) and (5) of the Regulatory Levies Act, and subject to subregulation (4), the amount of safety case levy imposed on a safety case for a facility that is a pipeline, is the sum of:

(a) the SMS amount; and

(b) the pipeline amount for each pipeline in relation to which the safety case is in force;

as worked out using Schedule 3.

Note 1 Schedule 3 ensures that the licensee of a pipeline licence will pay only 1 SMS amount per pipeline safety case in any 1 year, whether:

(a) the licensee holds a licence for more than 1 pipeline; or
(b) the licensee holds a licence for a pipeline or pipelines which are located in Commonwealth waters, designated coastal waters or both.

Note 2 Regulation 4 ensures that levy in relation to a pipeline that is located in both designated coastal waters and Commonwealth waters is payable in relation to 1 of those waters.

(2) For subsections 8 (4) and (5) of the Regulatory Levies Act, if the facility is a mobile facility that:
(a) was first operated in Commonwealth waters during a year; and
(b) was then operated in designated coastal waters during the year;
the facility amount for the facility is zero.

Note Although there is no facility amount for the mobile facility in respect of its operation in designated coastal waters, a facility amount will be calculated for the mobile facility in accordance with regulation 21 in respect of its operation in Commonwealth waters.

(3) For subsections 8 (4) and (5) of the Regulatory Levies Act:
(a) if the facility is a proposed facility (within the meaning of regulation 49):
   (i) in relation to which the fee mentioned in that regulation has been paid; and
   (ii) that has not entered NOPSEMA waters;
   the amount of safety case levy imposed on the safety case is zero; and
(b) the safety case in relation to the facility is taken to have come into force for the facility when it first enters NOPSEMA waters.

(4) For subsections 8 (4) and (5) of the Regulatory Levies Act, if:
(a) the safety case for a pipeline is in force at the start of a year; and
(b) no major revision of the safety case came into force during the previous year;
the amount of safety case levy imposed on the safety case is zero.
30 Reconciliation of safety case levy recovered by instalments with levy payable

(1) For subsections 8 (4) and (5) of the Regulatory Levies Act, NOPSEMA must ensure, as far as practicable, that the amounts of quarterly or yearly instalments that it notifies to an operator or licensee as being due and payable recover the whole of the amount of levy payable by the operator or licensee in relation to a safety case for a facility for a year or part of a year, taking into account:

(a) any changes in the applicable facility rating of a variable rating facility; and
(b) any remission of levy made under regulation 33; and
(c) any previous adjustment of levy made under regulation 34.

(2) If the amounts paid by way of quarterly or yearly instalments during a year or part of a year are inadequate, or will be inadequate, to recover the whole of the levy payable by the operator or licensee in relation to a safety case for a facility for a year or part of a year:

(a) NOPSEMA must notify the operator or licensee, in writing, of:
   (i) the amount of the shortfall in the instalments; and
   (ii) the operator’s or licensee’s obligation under this subregulation to pay the shortfall; and
(b) the operator or licensee must pay an amount equal to the amount of the shortfall; and
(c) the amount is due and payable 30 days after NOPSEMA notifies the operator or licensee under paragraph (a).

30A Coming into force, and revisions, of a safety case for a pipeline

When a safety case for a pipeline, or a revision of a safety case, comes into force

(1) A safety case for a pipeline, or a revision of a safety case, is taken to come into force when NOPSEMA accepts the safety case or the revision.
When a revision of a safety case is a minor revision

(2) NOPSEMA may determine, in writing, that a revision of a safety case for a pipeline is a minor revision.

(3) NOPSEMA may make a determination with or without a request by the licensee of the pipeline licence.

Notification of decision

(4) If NOPSEMA determines that a revision is a minor revision, NOPSEMA must notify the licensee of the pipeline licence, in writing, of the decision.

(5) If NOPSEMA refuses to make a determination at the request of the licensee of the pipeline licence:

(a) NOPSEMA must notify the licensee of the pipeline licence, in writing, of the decision and the reasons for the decision; and

(b) if the decision was made by a delegate of the CEO, the notice must also state that the licensee of the pipeline licence may apply for review of the decision by the CEO within 30 days after NOPSEMA notifies the operator.

Review of decision

(6) If a licensee of the pipeline licence applies to the CEO for review of a decision by a delegate of the CEO to refuse to make a determination at the request of the licensee of the pipeline licence, the CEO must, as soon as practicable:

(a) review the decision; and

(b) notify the licensee of the pipeline licence, in writing, of:

(i) the decision; and

(ii) if the CEO confirms the refusal to make a determination — the reasons for the decision.
**Division 3**

**Paying safety case levy**

### 31 When safety case levy is due and payable

1. For subsection 687 (3) of the OPGGS Act, this regulation sets out when safety case levy is payable in relation to a facility.

2. Safety case levy is due and payable:
   - (a) if the facility is not a pipeline — in quarterly instalments;
   - or
   - (b) if the facility is a pipeline — in annual instalments;
   in accordance with the following table.

<table>
<thead>
<tr>
<th>Item</th>
<th>Facility</th>
<th>Levy</th>
<th>Instalment of levy is due and payable by</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Facility other than a mobile facility or a pipeline</td>
<td>Levy payable for the quarter or part quarter under Schedule 1 in which the safety case is accepted</td>
<td>30 days after NOPSEMA notifies the operator that levy is due and payable for the quarter</td>
</tr>
<tr>
<td>2</td>
<td>Facility other than a mobile facility or a pipeline</td>
<td>Levy payable in respect of any other quarter under Schedule 1</td>
<td>30 days after NOPSEMA notifies the operator that levy is due and payable for the quarter</td>
</tr>
<tr>
<td>3</td>
<td>Mobile facility</td>
<td>Levy payable for the quarter or part quarter under Schedule 1 in which the safety case is accepted</td>
<td>30 days after NOPSEMA notifies the operator that levy is due and payable for the quarter</td>
</tr>
<tr>
<td>4</td>
<td>Mobile facility</td>
<td>Levy payable in respect of any other quarter under Schedule 1</td>
<td>30 days after NOPSEMA notifies the operator that levy is due and payable for the quarter</td>
</tr>
</tbody>
</table>
Regulation 32

### Paying safety case levy

#### Division 3

#### Part 5

**Item 5** Pipeline

Levy payable for the year in which the safety case is in force on 1 January

The later of:

(a) the first working day after 1 January; and

(b) 60 days after the last major revision of the safety case for the pipeline came into force

**Item 6** Pipeline

Levy payable for the year in which the safety case comes into force after 1 January

60 days after the safety case comes into force

**Note** NOPSEMA may be required to adjust the amount of safety case levy under regulation 34 to ensure that the correct amount of levy is paid. An adjustment may be necessary because the unit value for the facility has been reduced during the year, or the facility’s applicable facility rating has changed during the year.

### 32 Notifying when safety case levy is due and payable

(1) For subsection 687 (3) of the OPGGS Act, NOPSEMA must notify in writing an operator or a licensee of:

(a) the amount of each instalment of safety case levy that will be due and payable in a year in respect of the facility; and

(b) when each instalment will be payable;

in accordance with the following table.

<table>
<thead>
<tr>
<th>Item</th>
<th>Facility</th>
<th>Year to which levy relates</th>
<th>Operator must be notified</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Facility other than a mobile facility or a pipeline</td>
<td>Year in which safety case is accepted</td>
<td>By the end of the month following the end of the quarter in which the safety case is accepted, and by the end of the month following the end of each subsequent quarter in the year</td>
</tr>
</tbody>
</table>
Part 5  Safety case levy — designated coastal waters
Division 3  Paying safety case levy

**Regulation 33**

<table>
<thead>
<tr>
<th>Item</th>
<th>Facility</th>
<th>Year to which levy relates</th>
<th>Operator must be notified</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Facility other than a mobile facility or a pipeline</td>
<td>Any subsequent year</td>
<td>By the end of the month following the end of each quarter in the year</td>
</tr>
<tr>
<td>3</td>
<td>Mobile facility</td>
<td>Year in which the safety case is accepted</td>
<td>By the end of the month following the end of the quarter in which the safety case is accepted, and by the end of the month following the end of each subsequent quarter in the year</td>
</tr>
<tr>
<td>4</td>
<td>Mobile facility</td>
<td>Any subsequent year</td>
<td>By the end of the month following the end of each quarter in the year</td>
</tr>
<tr>
<td>5</td>
<td>Pipeline</td>
<td>Year in which the safety case is accepted, or a major revision of a safety case is accepted</td>
<td>Within 30 days of the day on which the safety case, or the major revision of the safety case, comes into force.</td>
</tr>
</tbody>
</table>

(2) However, if NOPSEMA fails to notify the operator in accordance with subregulation (1):

(a) the validity of any subsequent notification is not affected by the failure; and

(b) for a safety case levy in relation to 1 or more mobile facilities — safety case levy is due 30 days after NOPSEMA notifies the operator.

**33 Remitting part of safety case levy**

(1) For subsections 687 (1) and (2) of the OPGGS Act:

(a) a mobile facility is declared to be a facility that operates on an intermittent basis; and

(b) NOPSEMA may, in accordance with this regulation, remit a part of an amount of safety case levy imposed by the Regulatory Levies Act.
(2) Subject to subregulation (3), if NOPSEMA remits a part of an amount of safety case levy for a quarter (the *relevant quarter*), NOPSEMA must work out the amount of facility amount, within that levy, that is to be remitted for the relevant quarter using the formula:

\[ \text{facility amount} \times \frac{\text{number of days not operated}}{\text{number of days in relevant quarter}} \]

where:
- **facility amount** means the facility amount due and payable for the relevant quarter in accordance with Schedule 1.
- **number of days not operated** means the number of days in the relevant quarter on which the mobile facility is not operated in NOPSEMA waters.

(3) NOPSEMA must not remit a part of an amount of safety case levy if the effect of the remission would be that the total amount of facility amount worked out in relation to the mobile facility (whether under regulation 21 or 29) for the period of 4 consecutive quarters ending at the end of the relevant quarter would be less than 1 quarterly instalment of facility amount worked out in relation to the mobile facility in that period using Schedule 1.

(4) Subject to subregulation (5), if NOPSEMA remits a part of an amount of safety case levy for a quarter (the *relevant quarter*):

(a) NOPSEMA must remit any SMS amount, within that levy, only in respect of any period in which no facility of the operator is in operation in NOPSEMA waters (whether or not the same safety case is in operation in relation to those facilities); and

(b) NOPSEMA must work out the SMS amount, within that levy, that is to be remitted for the relevant quarter using the formula:

\[ \text{SMS amount} \times \frac{\text{number of days not operated}}{\text{number of days in relevant quarter}} \]
where:

**SMS amount** means the SMS amount due and payable for the relevant quarter in accordance with Schedule 1.

**number of days not operated** means the number of days in the relevant quarter on which no facility of the operator is in operation in NOPSEMA waters.

(5) NOPSEMA must not remit a part of an SMS amount if the effect of the remission would be that the total amount of SMS amount worked out in relation to the mobile facility (whether under regulation 21 or 29) for the period of 4 consecutive quarters ending at the end of the relevant quarter would be less than 1 quarterly instalment of SMS amount worked out in relation to the mobile facility in that period using Schedule 1.

### 34 Adjustment of amount of instalments

(1) This regulation applies:

(a) if:

(i) an operator or licensee has not previously informed NOPSEMA about the operation of a facility; and

(ii) the operator or licensee informs NOPSEMA that the operation of the facility has happened, or is projected to happen, in a way that may affect the facility’s applicable facility rating; and

(iii) the nature of the operation would change an amount of safety case levy that has been calculated in relation to the facility but not yet paid; or

(b) if:

(i) an operator or licensee has previously informed NOPSEMA about the operation of a facility; and

(ii) the operator or licensee informs NOPSEMA that operations at the operator’s facility have differed, or are likely to differ, from the operations of which the operator or licensee informed NOPSEMA; and

(iii) the nature of the operation would change an amount of safety case levy that has been calculated in relation to the facility but not yet paid; or
(c) if:
   (i) NOPSEMA is satisfied that a facility is operating in a particular way; and
   (ii) the nature of the operation would change an amount of safety case levy that has been calculated in relation to the facility but not yet paid.

(2) NOPSEMA must make the necessary increase or decrease to the subsequent instalment or instalments.

(3) However, NOPSEMA must not increase or decrease an instalment unless NOPSEMA notifies the operator or licensee of the adjustment at least 14 days prior to the date on which that instalment is due and payable.

35 **Operator of variable-rating facility must keep NOPSEMA informed about operations**

(1) The operator of a variable-rating facility must, as far as practicable, keep NOPSEMA informed about projected and actual operations at the facility that are relevant to working out the facility’s applicable facility rating.

(2) If the operator of a variable-rating facility becomes aware that operations at the operator’s facility have differed, or are likely to differ, from the operations of which the operator informed NOPSEMA, the operator must, as soon as practicable, notify NOPSEMA of the change.
Part 6  Well investigation levy — Commonwealth waters

Division 1  Preliminary

36  Definitions for Part 6

In this Part:

*Commonwealth DPP* means the Director of Public Prosecutions of the Commonwealth.

*inspection* has the meaning given by clause 3 of Schedule 3 to the OPGGS Act.

*levy period* means a period of 3 months mentioned in paragraph 9 (1) (f) or (g) of the Regulatory Levies Act.

*petroleum title* has the meaning given by clause 3 of Schedule 3 to the OPGGS Act.

*registered holder*, in relation to a petroleum title, has the meaning given by section 7 of the OPGGS Act.

*well investigation levy* has the meaning given by section 9 of the Regulatory Levies Act.

Division 2  Working out well investigation levy

37  Determination of no obligation to pay amount of well investigation levy

(1) NOPSEMA may determine, in writing, that it is inappropriate for the registered holder of a petroleum title to pay well investigation levy imposed on an inspection under section 9 of the Regulatory Levies Act.

(2) NOPSEMA may make a determination at any time after well investigation levy is first imposed on an inspection.
(3) The registered holder and NOPSEMA may agree, at any time, to the selection and appointment of an independent expert:

(a) to investigate whether NOPSEMA should make a determination under subregulation (1) (whether or not NOPSEMA has previously refused to make a determination); and

(b) to report to NOPSEMA on whether it should make a determination.

(4) NOPSEMA must not unreasonably withhold its agreement to the selection or appointment of the independent expert.

(5) The registered holder must bear the costs incurred for the services of the independent expert.

(6) After the independent expert has given the report, NOPSEMA:

(a) must consider the report; and

(b) may make a determination under subregulation (1).

(7) The Minister may give directions, in writing, to NOPSEMA with respect to the exercise of its powers and functions under subregulations (3) and (6).

(8) NOPSEMA must comply with the Minister’s directions.

(9) If NOPSEMA makes a determination under subregulation (1):

(a) NOPSEMA must give a copy of the determination to the registered holder as soon as practicable after making it; and

(b) the determination is taken to:

(i) have effect on the day on which levy was first imposed on the inspection; and

(ii) cover every levy period that occurs during the inspection.

38 Amount of well investigation levy

(1) For subsection 9 (4) of the Regulatory Levies Act, the table sets out the amount of well investigation levy imposed on an inspection, depending on whether there is a determination under subregulation 37 (1) for the inspection.
Regulation 39

<table>
<thead>
<tr>
<th>Item</th>
<th>Is there a determination?</th>
<th>Amount for a levy period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No</td>
<td>The costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the inspection during the period</td>
</tr>
<tr>
<td>2</td>
<td>Yes</td>
<td>Zero</td>
</tr>
</tbody>
</table>

Note: The effect of a determination under subregulation 37 (1) is to reduce the amount of well investigation levy payable for an inspection to zero for all levy periods that occur during the inspection, even if the registered holder of a petroleum title has already paid levy in respect of one or more levy periods.

When inspection ends

(2) For this regulation, an inspection is taken to continue to be conducted until the day on which:

(a) NOPSEMA refers a brief of evidence to the Commonwealth DPP in relation to the inspection and to the proposed prosecution of a person concerning a contravention or possible contravention of subclause 13A (1) or (2) of Schedule 3 to the OPGGS Act; or

(b) NOPSEMA, by written notice, informs the registered holder of a petroleum title that the inspection is complete.

(3) If an event mentioned in paragraph (2) (a) occurs in relation to a petroleum title, NOPSEMA must notify the registered holder of the petroleum title, in writing, as soon as practicable after it occurs.

39 Advice of independent expert about costs and expenses

(1) The registered holder of a petroleum title and NOPSEMA may agree, at any time, to the selection and appointment of an independent expert to assess the costs and expenses that NOPSEMA has reasonably incurred for the purposes of carrying out an inspection.
(2) NOPSEMA must not unreasonably withhold its agreement to the selection or appointment of the independent expert.

(3) The registered holder must bear the costs incurred for the services of the independent expert.

(4) After the independent expert has given a report of the assessment:
   (a) NOPSEMA must give a copy of the report to the registered holder as soon as practicable after receiving it; and
   (b) NOPSEMA must consider the report; and
   (c) if NOPSEMA has notified the registered holder of the amount of levy that is payable for a levy period — NOPSEMA may give a notice to the registered holder stating that a revised amount of levy is payable for the period.

(5) The Minister may give directions, in writing, to NOPSEMA with respect to the exercise of its powers and functions under subregulations (1) and (4).

(6) NOPSEMA must comply with the Minister’s directions.

**Division 3  Paying well investigation levy**

**40 When well investigation levy is due and payable**

(1) For subsection 688(1) of the OPGGS Act, this regulation sets out when well investigation levy is due and payable.

(2) Well investigation levy imposed in respect of a levy period is payable as follows:
   (a) if the inspection is completed during the levy period because of an event mentioned in subregulation 38(2), the levy is payable on the day on which the event occurs;
   (b) if paragraph (a) does not apply, the levy is payable at the end of the levy period.

(3) NOPSEMA must notify the registered holder of a petroleum title of the amount of levy that is payable in respect of a levy period within 14 days after the amount becomes payable.
(4) However, if NOPSEMA fails to notify the registered holder in accordance with subregulation (3), the validity of any subsequent notification is not affected by the failure.

(5) For subsection 688 (1) of the OPGGS Act, well investigation levy is due 30 days after NOPSEMA notifies the registered holder under subregulation (3).

41 NOPSEMA must keep records

(1) NOPSEMA must make records of the costs and expenses that are to be included in the cost of an inspection.

(2) In particular, NOPSEMA must make the following records:
   (a) a statement that the costs and expenses incurred have reached $30 000;
   (b) a statement of the costs and expenses incurred in respect of the first levy period;
   (c) a statement of the costs and expenses incurred in respect of each individual successive levy period.

(3) NOPSEMA must keep the records for at least 7 years.

(4) NOPSEMA must:
   (a) make the records available for inspection by the registered holder of a petroleum title to whom they relate, on request, at any time during business hours; and
   (b) give copies of the records to that registered holder, on request.
Part 7  Well investigation levy — designated coastal waters

Division 1  Preliminary

42  Definitions for Part 7

In this Part:

*inspection* has the meaning given by subsection 10 (5) of the Regulatory Levies Act.

*levy period* means a period of 3 months mentioned in paragraph 10 (1) (f) or (g) of the Regulatory Levies Act.

*registered holder*, in relation to a State/Territory petroleum title, has the meaning given by subsection 10 (5) of the Regulatory Levies Act.

*State/Territory petroleum title* has the meaning given by subsection 10 (5) of the Regulatory Levies Act.

*well investigation levy* has the meaning given by section 10 of the Regulatory Levies Act.

Division 2  Working out well investigation levy

43  Determination of no obligation to pay amount of well investigation levy

(1) NOPSEMA may determine, in writing, that it is inappropriate for the registered holder of a State/Territory petroleum title to pay well investigation levy imposed on an inspection under section 10 of the Regulatory Levies Act.

(2) NOPSEMA may make a determination at any time after the well investigation levy is first imposed on an inspection.
(3) The registered holder and NOPSEMA may agree, at any time, to the selection and appointment of an independent expert:
   (a) to investigate whether NOPSEMA should make a determination under subregulation (1) (whether or not NOPSEMA has previously refused to make a determination); and
   (b) to report to NOPSEMA on whether it should make a determination.

(4) NOPSEMA must not unreasonably withhold its agreement to the selection or appointment of the independent expert.

(5) The registered holder must bear the costs incurred for the services of the independent expert.

(6) After the independent expert has given the report, NOPSEMA:
   (a) must consider the report; and
   (b) may make a determination under subregulation (1).

(7) The Minister may give directions, in writing, to NOPSEMA with respect to the exercise of its powers and functions under subregulations (3) and (6).

(8) NOPSEMA must comply with the Minister’s directions.

(9) If NOPSEMA makes a determination under subregulation (1):
   (a) NOPSEMA must give a copy of the determination to the registered holder as soon as practicable after making it; and
   (b) the determination is taken to:
      (i) have effect on the day on which the levy was first imposed on the inspection; and
      (ii) cover every levy period that occurs during the inspection.

44 **Amount of well investigation levy**

(1) For subsection 10 (4) of the Regulatory Levies Act, the table sets out the amount of well investigation levy imposed on an inspection, depending on whether there is a determination under subregulation 43 (1) for the inspection.
<table>
<thead>
<tr>
<th>Item</th>
<th>Is there a determination?</th>
<th>Amount for a levy period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No</td>
<td>The costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the inspection during the period</td>
</tr>
<tr>
<td>2</td>
<td>Yes</td>
<td>Zero</td>
</tr>
</tbody>
</table>

*Note* The effect of a determination under subregulation 43(1) is to reduce the amount of well investigation levy payable for an inspection to zero for all levy periods that occur during the inspection, even if the registered holder of a State/Territory petroleum title has already paid levy in respect of one or more levy periods.

**When inspection ends**

(2) For this regulation, an inspection is taken to continue to be conducted until the day on which:

(a) NOPSEMA refers a brief of evidence to a prosecuting agency in relation to the inspection and to the proposed prosecution of a person concerning a contravention or possible contravention of a corresponding provision; or

(b) NOPSEMA, by written notice, informs the registered holder of a State/Territory petroleum title that the inspection is complete.

(3) If an event mentioned in paragraph (2)(a) occurs in relation to a State/Territory petroleum title, NOPSEMA must notify the registered holder of the petroleum title, in writing, as soon as practicable after it occurs.

(4) In this regulation:

- **corresponding provision** means a provision of a State or Territory PSLA that substantially corresponds to subclause 13A(1) or (2) of Schedule 3 to the OPGGS Act.

- **prosecuting agency** means the agency responsible for the prosecution of an offence in a corresponding provision.
45 Advice of independent expert about costs and expenses

(1) The registered holder of a State/Territory petroleum title and NOPSEMA may agree, at any time, to the selection and appointment of an independent expert to assess the costs and expenses that NOPSEMA has reasonably incurred for the purposes of carrying out an inspection.

(2) NOPSEMA must not unreasonably withhold its agreement to the selection or appointment of the independent expert.

(3) The registered holder must bear the costs incurred for the services of the independent expert.

(4) After the independent expert has given a report of the assessment:
   (a) NOPSEMA must give a copy of the report to the registered holder as soon as practicable after receiving it; and
   (b) NOPSEMA must consider the report; and
   (c) if NOPSEMA has notified the registered holder of the amount of levy that is payable for a levy period — NOPSEMA may give a notice to the registered holder stating that a revised amount of levy is payable for the period.

(5) The Minister may give directions, in writing, to NOPSEMA with respect to the exercise of its powers and functions under subregulations (1) and (4).

(6) NOPSEMA must comply with the Minister’s directions.

Division 3 Paying well investigation levy

46 When well investigation levy is due and payable

(1) For subsection 688 (1) of the OPGGS Act, this regulation sets out when well investigation levy is due and payable.
(2) Well investigation levy imposed in respect of a levy period is payable as follows:
   (a) if the inspection is completed during the levy period because of an event mentioned in subregulation 44 (2), the levy is payable on the day on which the event occurs;
   (b) if paragraph (a) does not apply, the levy is payable at the end of the levy period.

(3) NOPSEMA must notify the registered holder of a State/Territory petroleum title of the amount of levy that is payable in respect of a levy period within 14 days after the amount becomes payable.

(4) However, if NOPSEMA fails to notify the registered holder in accordance with subregulation (3), the validity of any subsequent notification is not affected by the failure.

(5) For subsection 688 (1) of the OPGGS Act, well investigation levy is due 30 days after NOPSEMA notifies the registered holder under subregulation (3).

47 NOPSEMA must keep records

(1) NOPSEMA must make records of the costs and expenses that are to be included in the cost of an inspection.

(2) In particular, NOPSEMA must make the following records:
   (a) a statement that the costs and expenses incurred have reached $30 000;
   (b) a statement of the costs and expenses incurred in respect of the first levy period;
   (c) a statement of the costs and expenses incurred in respect of each individual successive levy period.

(3) NOPSEMA must keep the records for at least 7 years.

(4) NOPSEMA must:
   (a) make the records available for inspection by the registered holder of a State/Territory petroleum title to whom they relate, on request, at any time during business hours; and
   (b) give copies of the records to that registered holder, on request.
Part 8  
Annual well levy — Commonwealth petroleum titles

48 Definitions for Part 8

In this Part:

annual well levy has the meaning given by section 10A of the Regulatory Levies Act.

eligible well has the meaning given by section 10A of the Regulatory Levies Act.

petroleum title has the meaning given by clause 3 of Schedule 3 to the OPGGS Act.

transitional year means the year mentioned in subsection 10A (9) of the Regulatory Levies Act.

49 Amount of annual well levy

(1) For subsection 10A (4) of the Regulatory Levies Act, the amount of annual well levy for a year, for the eligible wells in relation to a petroleum title, is worked out using the formula:

\[ \$2,600 \times (\text{number of eligible wells}) \]

Amount for the transitional year

(2) However, the amount of annual well levy for the transitional year, for the eligible wells in relation to a petroleum title, is worked out using the formula:

\[ \left( \frac{\text{number of days in the transitional year}}{365} \right) \times (\$2,600 \times (\text{number of eligible wells})) \]

Note Subsection 10A (9) of the Regulatory Levies Act provides for a transitional year that commences when that section commences and ends on the next following 31 December.
50 When annual well levy is due and payable

(1) For subsection 688A (1) of the OPGGS Act, this regulation sets out when annual well levy is due and payable.

(2) Annual well levy is payable on 1 January of any year in respect of which annual well levy is imposed by subsection 10A (1) of the Regulatory Levies Act.

(3) However, for annual well levy that is imposed in respect of the transitional year, levy is payable on the day on which section 10A of the Regulatory Levies Act commences.

(4) For subsection 688A (1) of the OPGGS Act, annual well levy is due 30 days after the levy becomes payable.
Part 9

Annual well levy — State/Territory petroleum titles

51 Definitions for Part 9

In this Part:

annual well levy has the meaning given by section 10B of the Regulatory Levies Act.

eligible well has the meaning given by section 10B of the Regulatory Levies Act.

State/Territory petroleum title has the meaning given by subsection 10B(8) of the Regulatory Levies Act.

transitional year means the year mentioned in subsection 10B(9) of the Regulatory Levies Act.

52 Amount of annual well levy

(1) For subsection 10B(4) of the Regulatory Levies Act, the amount of annual well levy for a year, for the eligible wells in relation to a State/Territory petroleum title, is worked out using the formula:

\[ \$2,600 \times \text{(number of eligible wells)} \]

Amount for the transitional year

(2) However, the amount of annual well levy for the transitional year, for the eligible wells in relation to a State/Territory petroleum title, is worked out using the formula:

\[ \left( \frac{\text{number of days in the transitional year}}{365} \right) \times (\$2,600 \times \text{(number of eligible wells)}) \]

Note Subsection 10B(9) of the Regulatory Levies Act provides for a transitional year that commences when the section commences and ends on the next following 31 December.
Regulation 53

53 When annual well levy is due and payable

(1) For subsection 688A (1) of the OPGGS Act, this regulation sets out when annual well levy is due and payable.

(2) Annual well levy is payable on 1 January of any year in respect of which annual well levy is imposed by subsection 10B (1) of the Regulatory Levies Act.

(3) However, for annual well levy that is imposed in respect of the transitional year, levy is payable on the day on which section 10B commences.

(4) For subsection 688A (1) of the OPGGS Act, annual well levy is due 30 days after the levy becomes payable.
Regulation 54

Part 10 Well activity levy — Commonwealth petroleum titles

54 Definitions for Part 10

In this Part:

- **petroleum title** has the meaning given by section 10C of the Regulatory Levies Act.
- **registered holder**, in relation to a petroleum title, has the meaning given by section 7 of the OPGGS Act.
- **well activity levy** has the meaning given by section 10C of the Regulatory Levies Act.

55 Amount of well activity levy

For subsection 10C (4) of the Regulatory Levies Act, the table sets out the amount of well activity levy imposed on an application mentioned in subsection 10C (1) of that Act.

<table>
<thead>
<tr>
<th>Item</th>
<th>Application</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Application for acceptance of a well operations management plan</td>
<td>$20 000</td>
</tr>
<tr>
<td>2</td>
<td>Application for approval to commence an activity relating to a well</td>
<td>$10 000</td>
</tr>
</tbody>
</table>

56 When well activity levy is due and payable

(1) For subsection 688B (1) of the OPGGS Act, this regulation sets out when well activity levy becomes due and payable.

58 *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Regulations 2004*
(2) Well activity levy is payable at the time a registered holder of a petroleum title submits an application to NOPSEMA:
   (a) under regulation 5.06 of the Resource Management and Administration Regulations for acceptance of a well operations management plan; or
   (b) under regulation 5.23 of the Resource Management and Administration Regulations for approval to commence an activity relating to a well.

(3) For subsection 688B (1) of the OPGGS Act, well activity levy is due 30 days after the levy becomes payable.
Definitions for Part 11

In this Part:

registered holder, in relation to a State/Territory petroleum title, has the meaning given by subsection 10D (6) of the Regulatory Levies Act.


State/Territory petroleum title has the meaning given by subsection 10D (6) of the Regulatory Levies Act.

well activity levy has the meaning given by section 10D of the Regulatory Levies Act.

Amount of well activity levy

For subsection 10D (4) of the Regulatory Levies Act, the table sets out the amount of well activity levy imposed on an application mentioned in subsection 10D (1) of that Act.

<table>
<thead>
<tr>
<th>Item</th>
<th>Application</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Application for acceptance of a well operations management plan</td>
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</tr>
<tr>
<td>2</td>
<td>Application for approval to commence an activity relating to a well</td>
<td>$10 000</td>
</tr>
</tbody>
</table>

When well activity levy is due and payable

(1) For subsection 688B (1) of the OPGGS Act, this regulation sets out when well activity levy becomes due and payable.
(2) Well activity levy is payable at the time at which a registered holder of a State/Territory petroleum title:

(a) submits an application to NOPSEMA, under a regulation of a State or Territory that substantially corresponds to regulation 5.06 of the Resource Management and Administration Regulations, for acceptance of a well operations management plan; or

(b) submits an application to NOPSEMA, under a regulation of a State or Territory that substantially corresponds to regulation 5.23 of the Resource Management and Administration Regulations, for approval to commence an activity relating to a well.

(3) For subsection 688B (1) of the OPGGS Act, well activity levy is due 30 days after the levy becomes payable.
Part 11A    Annual titles administration levy

59A    Amount of annual titles administration levy

(1) For subsection 10E (4) of the Regulatory Levies Act, this Part sets out the amounts of annual titles administration levy mentioned in subsection 10E (2) of that Act.

Note Annual titles administration levy applies to an eligible title, as defined in subsection 10E (7) of the Regulatory Levies Act.

(2) The amount of annual titles administration levy for a work-bid petroleum exploration permit or a special petroleum exploration permit is the greater of:
   (a) $1 290; and
   (b) the number of blocks to which the permit relates, multiplied by $65.

(3) The amount of annual titles administration levy for a petroleum retention lease is the number of blocks to which the lease relates, multiplied by $7 755.

(4) The amount of annual titles administration levy for a petroleum production licence is the number of blocks to which the licence relates, multiplied by $23 265.

(5) The amount of annual titles administration levy for an infrastructure licence is $15 510 for each licence.

(6) The amount of annual titles administration levy for a pipeline licence is $105 for each kilometre, or part of a kilometre, of the pipeline’s length.

(7) The amount of annual titles administration levy for a work-bid greenhouse gas assessment permit is zero.

(8) The amount of annual titles administration levy for a greenhouse gas holding lease is the number of blocks to which the lease relates, multiplied by $6 820.
(9) The amount of annual titles administration levy for a greenhouse gas injection licence is the number of blocks to which the licence relates, multiplied by $20,460.

*Note* Section 695M of the OPGGS Act sets out when annual titles administration levy is due and payable.
Part 11B  Environment plan levy — Commonwealth waters

59B  Definitions for Part 11B

In this Part:

facility has the same meaning as in clause 4 of Schedule 3 to the OPGGS Act.

individual activity means a petroleum activity, or all of the petroleum activities, that:
(a) are authorised by a single Commonwealth title; and
(b) are of the same kind as a petroleum activity in the table in subregulation 59C (7);
other than a seismic survey or other survey.

Example
If 4 wells are to be drilled in one title area, this is one individual activity (drilling). If 4 wells are to be drilled, with 2 in one title area and 2 in another, this counts as 2 individual activities (drilling).

licensed petroleum pipeline means a petroleum pipeline covered by a pipeline licence.

59C  Amount of environment plan levy

(1) For subsection 10F (4) of the Regulatory Levies Act, the amount of environment plan levy imposed by section 10F of that Act on the submission of an environment plan, or a proposed revision of an environment plan, is the sum of each amount worked out using this regulation.

Note  Section 10F relates to environment plans, and proposed revisions of environment plans, in which the activities to which the plan or revised plan relates are authorised by one or more Commonwealth titles.

Individual activities (not seismic surveys and other surveys)

(2) For an individual activity in the environment plan, or revised environment plan, add the activity amount and the compliance amount for the individual activity.
(3) The **activity amount** is worked out for an individual activity by:
   (a) identifying the activity rating in the table in subregulation (7) for the petroleum activity or activities that make up the individual activity; and
   (b) multiplying the activity rating by $3,000.

(4) The **compliance amount** is worked out for an individual activity by:
   (a) identifying the compliance rating in the table in subregulation (7) for the petroleum activity or activities that make up the individual activity; and
   (b) multiplying the compliance rating by $3,000; and
   (c) multiplying the result of paragraph (b) by the lesser of:
      (i) the expected duration of the individual activity (expressed in whole years and rounding part years up to the next whole year); and
      (ii) 5.

*Note* The expected duration of the individual activity is worked out from the timetable in the environment plan: see paragraph 13 (1) (c) of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

**Seismic surveys and other surveys**

(5) If an activity in the environment plan or revised environment plan is a seismic survey or other survey:
   (a) add the activity amount and the compliance amount for the survey; and
   (b) perform this addition once, no matter how many titles the survey will cover.

(6) The activity amount is worked out as explained in subregulation (3) and the compliance amount is worked out as explained in subregulation (4).
### Activity and compliance ratings

(7) The table sets out activity ratings and compliance ratings for petroleum activities.

<table>
<thead>
<tr>
<th>Item</th>
<th>Petroleum activity</th>
<th>Activity rating</th>
<th>Compliance rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Operation of a facility that is used for the recovery or processing of petroleum</td>
<td>11</td>
<td>14</td>
</tr>
<tr>
<td>2</td>
<td>Operation of a facility that is used for the storage of petroleum but not for the recovery or processing of petroleum</td>
<td>6</td>
<td>11</td>
</tr>
<tr>
<td>3</td>
<td>Recovery of petroleum using a subsea installation that:</td>
<td>6</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>(a) is not by itself a facility mentioned in item 1; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) is not connected to a facility mentioned in item 1 or 2 that is located in the same production licence area; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) is not connected to a licensed pipeline that is located in the same production licence area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Operation of a licensed petroleum pipeline</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>5</td>
<td>Construction or installation of a facility mentioned in item 1 or 2</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>6</td>
<td>Construction or installation of a licensed petroleum pipeline</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>7</td>
<td>Decommissioning, dismantling or removing a facility mentioned in item 1 or 2</td>
<td>9</td>
<td>13</td>
</tr>
<tr>
<td>8</td>
<td>Decommissioning, dismantling or removing a licensed petroleum pipeline</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>9</td>
<td>Significant modification of a facility mentioned in item 1 or 2</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>
## Minor revision

(8) NOPSEMA:

(a) may determine, in writing, that a proposed revision of an environment plan is a minor revision; and

(b) may make a determination with or without a request by the registered holder of the Commonwealth title that authorises the activities to which the plan relates.

(9) If NOPSEMA determines that a revision is a minor revision, NOPSEMA must notify the registered holder, in writing, of the decision.

(10) If NOPSEMA refuses to make a determination at the request of the registered holder:

(a) NOPSEMA must notify the registered holder, in writing, of the decision and the reasons for the decision; and

(b) if the decision was made by a delegate of the CEO, the notice must also state that the registered holder may apply for review of the decision by the CEO within 30 days after NOPSEMA notifies the registered holder.

---

### Table

<table>
<thead>
<tr>
<th>Item</th>
<th>Petroleum activity</th>
<th>Activity rating</th>
<th>Compliance rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Significant modification of a licensed petroleum pipeline</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>11</td>
<td>Drilling</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>12</td>
<td>Seismic survey</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>13</td>
<td>Other survey</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>14</td>
<td>Any other petroleum-related operations or works carried out under an instrument, authority or consent granted or issued under the OPGGS Act</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>15</td>
<td>Any other activity relating to petroleum exploration or development which may have an impact on the environment</td>
<td>5</td>
<td>9</td>
</tr>
</tbody>
</table>
(11) If the registered holder applies to the CEO for a review of a
decision by a delegate of the CEO to refuse to make a
determination at the request of the registered holder, the CEO
must, as soon as practicable:
(a) review the decision; and
(b) notify the registered holder, in writing, of:
   (i) the decision; and
   (ii) if the CEO confirms the refusal to make a
determination — the reasons for the decision.

(12) The amount of environment plan levy on the submission of a
proposed revision of an environment plan that is a minor
revision is zero.

59D When environment plan levy is due and payable

(1) For subsection 688C (1) of the OPGGS Act, this regulation sets
out when environment plan levy on the submission of an
environment plan or a proposed revision of an environment
plan is due and payable.

(2) The levy is payable on the submission of the environment plan
or the proposed revision.

(3) The activity amount for:
   (a) an individual activity; or
   (b) a seismic survey or other survey;
   is due 30 days after the submission of the environment plan or
   the proposed revision.

(4) The compliance amount for:
   (a) an individual activity; or
   (b) a seismic survey or other survey;
   is due in equal annual instalments during the period of the
   environment plan.

(5) For subregulation (4):
   (a) the first instalment is due 30 days after the submission of
       the environment plan or the proposed revision; and
(b) each subsequent instalment is due at the beginning of each calendar year after the submission of the environment plan or the proposed revision.

59E Refund or remission of compliance amount

(1) If NOPSEMA refuses to accept an environment plan, or a revision of an environment plan, under subregulation 11(3) of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009, NOPSEMA must:

(a) refund each instalment of the compliance amount that has been paid; and

(b) remit each instalment of the compliance amount that has not yet been paid.

(2) If:

(a) NOPSEMA accepts a proposed revision of an environment plan under subregulation 11(3) of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 that is not a minor revision; and

(b) one or more instalments of compliance amount (the unpaid compliance amount) relating to the environment plan (the original plan) is not yet due;

NOPSEMA must remit the unpaid compliance amount relating to the original plan.
Part 11C

Environment plan levy — designated coastal waters

59F Definitions for Part 11C

In this Part, and for the purposes of the application of this Part 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.

individual activity means a petroleum activity, or all of the petroleum activities, that:
(a) are authorised by a single State/Territory title; and
(b) are of the same kind as a petroleum activity in the table in subregulation 59G (7);
other than a seismic survey or other survey.

Example
If 4 wells are to be drilled in one title area, this is one individual activity (drilling). If 4 wells are to be drilled, with 2 in one title area and 2 in another, this counts as 2 individual activities (drilling).

licensed petroleum pipeline means a petroleum pipeline covered by a pipeline licence granted under a State PSLA or a Territory PSLA.

State/Territory title has the meaning given by subsection 10G (7) of the Regulatory Levies Act.

59G Amount of environment plan levy

(1) For subsection 10G (4) of the Regulatory Levies Act, the amount of environment plan levy imposed by section 10G of the Act on the submission of an environment plan, or a proposed revision of an environment plan, is the sum of each amount worked out using this regulation.

Note Section 10G of the Regulatory Levies Act relates to environment plans, or proposed revisions of environment plans, that are submitted under regulations of a State or Territory that substantially correspond to the Offshore Petroleum and Greenhouse Gas Storage (Environment) (Regulatory Levies) Regulations 2004.
Regulation 59G

Regulations 2009 and in which the activities to which the plan or revised plan relates are authorised by one or more State/Territory titles.

Individual activities (not seismic surveys and other surveys)

(2) For an individual activity in the environment plan, or revised environment plan, add the activity amount and the compliance amount for the individual activity.

(3) The activity amount is worked out for an individual activity by:
   (a) identifying the activity rating in the table in subregulation (7) for the petroleum activity or activities that make up the individual activity; and
   (b) multiplying the activity rating by $3 000.

(4) The compliance amount is worked out for an individual activity by:
   (a) identifying the compliance rating in the table in subregulation (7) for the petroleum activity or activities that make up the individual activity; and
   (b) multiplying the compliance rating by $3 000; and
   (c) multiplying the result of paragraph (b) by the lesser of:
      (i) the expected duration of the individual activity (expressed in whole years and rounding part years up to the next whole year); and
      (ii) 5.

Note The expected duration of the individual activity is worked out from the timetable in the environment plan: see the provision in a law of a State or Territory that substantially corresponds to paragraph 13 (1) (c) of the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009.

Seismic surveys and other surveys

(5) If an activity in the environment plan or revised environment plan is a seismic survey or other survey:
   (a) add the activity amount and the compliance amount for the survey; and
Part 11C  Environment plan levy — designated coastal waters

Regulation 59G

(b) perform this addition once, no matter how many titles the survey will cover.

(6) The activity amount is worked out as explained in subregulation (3) and the compliance amount is worked out as explained in subregulation (4).

Activity and compliance ratings

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<td>7</td>
<td>Decommissioning, dismantling or removing a facility mentioned in item 1 or 2</td>
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<td>13</td>
</tr>
</tbody>
</table>

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**Environment plan levy — designated coastal waters**

**Part 11C**

**Regulation 59G**

**Table:**

<table>
<thead>
<tr>
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<th>Activity rating</th>
<th>Compliance rating</th>
</tr>
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<td>8</td>
<td>Decommissioning, dismantling or removing a licensed petroleum pipeline</td>
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<td>9</td>
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<td>Any other petroleum-related operations or works carried out under an instrument, authority or consent granted or issued under an Act of a State or Territory that substantially corresponds to the OPGGS Act</td>
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<td>5</td>
<td>9</td>
</tr>
</tbody>
</table>

**Minor revision**

(8) NOPSEMA:

(a) may determine, in writing, that a proposed revision of an environment plan is a minor revision; and

(b) may make a determination with or without a request by the registered holder of the State/Territory title that authorises the activities to which the plan relates.

(9) If NOPSEMA determines that a revision is a minor revision, NOPSEMA must notify the registered holder, in writing, of the decision.
(10) If NOPSEMA refuses to make a determination at the request of the registered holder:
   (a) NOPSEMA must notify the registered holder, in writing, of the decision and the reasons for the decision; and
   (b) if the decision was made by a delegate of the CEO, the notice must also state that the registered holder may apply for review of the decision by the CEO within 30 days after NOPSEMA notifies the registered holder.

(11) If the registered holder applies to the CEO for a review of a decision by a delegate of the CEO to refuse to make a determination at the request of the registered holder, the CEO must, as soon as practicable:
   (a) review the decision; and
   (b) notify the registered holder, in writing, of:
       (i) the decision; and
       (ii) if the CEO confirms the refusal to make a determination — the reasons for the decision.

(12) The amount of environment plan levy on the submission of a proposed revision of an environment plan that is a minor revision is zero.

59H  When environment plan levy is due and payable

(1) For subsection 688C (1) of the OPGGS Act, this regulation sets out when environment plan levy on the submission of an environment plan, or a proposed revision of an environment plan, is due and payable.

(2) The levy is payable on the submission of the environment plan or the proposed revision.

(3) The activity amount for:
   (a) an individual activity; or
   (b) a seismic survey or other survey;
       is due 30 days after the submission of the environment plan or the proposed revision.

(4) The compliance amount for:
   (a) an individual activity; or
Regulation 59I

(b) a seismic survey or other survey;
is due in equal annual instalments during the period of the
environment plan.

(5) For subregulation (4):
(a) the first instalment is due 30 days after the submission of
the environment plan or the proposed revision; and
(b) each subsequent instalment is due at the beginning of each
calendar year after the submission of the environment plan
or the proposed revision.

59I Refund or remission of compliance amount

(1) If NOPSEMA refuses to accept an environment plan, or a
revision of an environment plan, under
the provision in a law of a State or Territory that substantially corresponds to
subregulation 11 (3) of the Offshore Petroleum and
Greenhouse Gas Storage (Environment) Regulations 2009,
NOPSEMA must:
(a) refund each instalment of the compliance amount that has
been paid; and
(b) remit each instalment of the compliance amount that has
not yet been paid.

(2) If:
(a) NOPSEMA accepts a proposed revision of an
environment plan under the provision in a law of a State or
Territory that substantially corresponds to
subregulation 11 (3) of the Offshore Petroleum and
Greenhouse Gas Storage (Environment) Regulations 2009
that is not a minor revision; and
(b) one or more instalments of compliance amount (the
unpaid compliance amount) relating to the environment
plan (the original plan) is not yet due;
NOPSEMA must remit the unpaid compliance amount relating
to the original plan.
60 Fee for assessing safety case

(1) For section 685 of the OPGGS Act, a fee is payable to NOPSEMA by the operator of a proposed facility if NOPSEMA assesses a safety case submitted to it by the operator.

(2) The amount or rate of the fee is an amount or rate determined by the CEO and must not exceed the total of the expenses incurred by NOPSEMA for the purposes of assessing the safety case.

(3) The fee is payable at the time or times agreed in writing between the CEO and the operator.

(4) In this regulation:

proposed facility means a proposed facility (within the meaning of clause 3 of Schedule 3 to the OPGGS Act or the applicable State or Territory safety law) that is:

(a) proposed to be or is being constructed at a place outside NOPSEMA waters; and

(b) proposed to be installed and operated at a site in Commonwealth waters or in the designated coastal waters of a State or the Northern Territory.

safety case means:

(a) a safety case submitted under regulation 2.24 of the Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009; or

(b) a safety case (or equivalent) that:

(i) is submitted under the applicable State or Territory safety law; and

61 **Review of cost-recovery arrangements — periodic reviews**

(1) The CEO must conduct periodic reviews of cost-recovery in relation to the operations of NOPSEMA.

(2) A review must include a comparison of fees and levies collected with the regulatory activities undertaken in the period.

62 **Review of cost-recovery arrangements — financial report**

(1) The CEO must prepare a financial report in respect of each financial year that assesses the cost-effectiveness of the operations of NOPSEMA in that financial year.

(2) The report must be audited by an independent auditor.

(3) The CEO must give a copy of the report, and the auditor’s certification, to each of the following persons at least 1 month before the meeting required under regulation 63:

(a) the Australian Petroleum Production & Exploration Association Limited;

(b) each operator of a facility, and each licensee of a pipeline licence, in relation to which levy has been due and payable in accordance with these Regulations during the financial year;

(c) each registered holder of a petroleum title or a State/Territory petroleum title for whom levy has been due and payable in accordance with these Regulations during the financial year;

(d) any other person to whom the CEO believes it would be appropriate to give the report.

*Note* The requirements of this Part are in addition to the requirements of Part 7 of the Financial Management and Accountability Act 1997.

63 **Meetings about operations of NOPSEMA**

(1) The CEO must, each year, meet representatives of the offshore petroleum industry to discuss the cost-effectiveness of the operations of NOPSEMA.
(2) The CEO must present at the meeting:
(a) the costs of, and budget projections for, the operations of NOPSEMA; and
(b) NOPSEMA’s operating budget for the following year; and
(c) a cost-effectiveness assessment based on the most recent periodic review conducted under regulation 61 and the financial report prepared under regulation 62 in respect of the preceding financial year.
Schedule 1  Facility amount and SMS amount
(subregulations 21 (1) and 29 (1))

Part 1  Facility amount

1.1  Facility amount:
(a) is first worked out when a safety case is accepted by NOPSEMA in relation to a facility; and
(b) is worked out for each subsequent year in which the safety case is in force in relation to the facility.

Note  If a mobile facility is operated during a year in Commonwealth waters and in designated coastal waters, the amount of the facility amount takes into account where the facility was first operated: see regulations 21 and 29.

1.2  For the year in which the safety case is accepted in relation to the facility, the facility amount for the facility is worked out using the following table.

<table>
<thead>
<tr>
<th>Item</th>
<th>When was the safety case accepted in relation to the facility?</th>
<th>Facility amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>At the start of the year</td>
<td>The sum of the whole quarter amounts for each quarter in the year</td>
</tr>
<tr>
<td>2</td>
<td>At the start of a quarter other than the first quarter in the year</td>
<td>The sum of the whole quarter amounts for:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) the quarter in which the safety case is accepted; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) each subsequent quarter in the year</td>
</tr>
<tr>
<td>3</td>
<td>After the start of a quarter</td>
<td>The sum of:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(a) the part quarter amount for the quarter in which the safety case is accepted; and</td>
</tr>
</tbody>
</table>
### Part 2 Factors used to work out facility amount

#### Division 1 Quarter amounts

2.1 To work out the whole quarter amount for a facility, multiply:
   (a) the facility’s applicable facility rating; and
   (b) the unit value;
   and divide the result by 4.

2.2 To work out the part quarter amount for a facility, multiply:
   (a) the facility’s applicable facility rating; and
   (b) the unit value; and
   (c) the number of days in the part quarter during which the safety case is in force in relation to the facility;
   and divide the result by 365.

#### Division 2 Applicable facility rating

2.3 The applicable facility rating for a facility described in an item in the following table is:
   (a) the number set out in the item; or
   (b) if both offshore petroleum operations and offshore greenhouse gas storage operations occur on the facility — the number set out in the item plus 2 points.
### Schedule 1
#### Part 2

**Factors used to work out facility amount**

<table>
<thead>
<tr>
<th>Item</th>
<th>Facility or proposed facility</th>
<th>Facility rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Large platform with drilling/workover capability</td>
<td>12</td>
</tr>
<tr>
<td>2</td>
<td>Other platform with accommodation facilities:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) when drilling/workover facilities are in commission</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>(b) when drilling/workover facilities are not in commission</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Note This is a <strong>variable-rating facility</strong>.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Floating production storage and offloading facility</td>
<td>6</td>
</tr>
<tr>
<td>4</td>
<td>Mobile offshore drilling unit or drill-ship</td>
<td>6</td>
</tr>
<tr>
<td>5</td>
<td>Vessel for laying pipes for a petroleum or a greenhouse gas substance</td>
<td>5</td>
</tr>
<tr>
<td>5A</td>
<td>Vessel or structure used for the erection, dismantling or decommissioning of a facility or for the provision of accommodation for persons working on another facility</td>
<td>3</td>
</tr>
<tr>
<td>6</td>
<td>Floating storage unit linked to a production platform</td>
<td>3</td>
</tr>
<tr>
<td>7</td>
<td>Monopod, well head platform or other small production or injection facility with no accommodation</td>
<td>1</td>
</tr>
</tbody>
</table>

2.4 If the facility is a variable-rating facility, the facility’s applicable facility rating for a quarter is:

   (a) the rating that applies to the facility for the greater number of days in that quarter; or

   (b) if both ratings apply for the same number of days — the higher rating.

2.5 If a facility (including a variable-rating facility) can be described using more than 1 item, the item that most accurately describes the facility is the appropriate item.

   *Note* If a facility changes its description during a year, the calculation of safety case levy will need to reflect any change to the applicable facility rating.

### Division 3

**Unit value**

2.6 The **unit value** is $31 000.
Part 3  SMS amount

3.1 In this Part:

facility means a facility to which the definition of that word in subsection 7 (8) or 8 (8) of the Regulatory Levies Act applies.
safety case in force in relation to a facility means a safety case to which the definition of that expression in subsection 7 (8) or 8 (8) of the Regulatory Levies Act applies.

3.2 An operator is required to pay only one SMS amount in relation to a year.

Note An operator may have one or more safety cases in force, in relation to different facilities, at a particular time.

3.3 The SMS amount for a safety case in force in relation to a facility is worked out using the following table and the rules in clause 3.4.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description of the safety case</th>
<th>What facility or facilities are involved?</th>
<th>The SMS amount is</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The safety case is in force in relation to one or more facilities at the start of a year</td>
<td>Either: (a) the only facility is not a mobile facility; or (b) at least one of the facilities is not a mobile facility</td>
<td>$150 000</td>
</tr>
<tr>
<td>2</td>
<td>The safety case is in force in relation to one or more facilities at the start of a year</td>
<td>Either: (a) the only facility is a mobile facility; or (b) all of the facilities are mobile facilities</td>
<td>$100 000</td>
</tr>
<tr>
<td>3</td>
<td>The safety case is in force in relation to one or more facilities after the start of a year No safety case has been in force in relation to any facility of the operator previously in that year</td>
<td>Either: (a) the only facility is not a mobile facility; or (b) at least one of the facilities is not a mobile facility</td>
<td>$150 000</td>
</tr>
<tr>
<td>Item</td>
<td>Description of the safety case</td>
<td>What facility or facilities are involved?</td>
<td>The SMS amount is</td>
</tr>
<tr>
<td>------</td>
<td>---------------------------------</td>
<td>------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>4</td>
<td>The safety case is in force in relation to one or more facilities after the start of a year</td>
<td>Either: (a) the only facility is a mobile facility; or (b) all of the facilities are mobile facilities</td>
<td>$100 000</td>
</tr>
</tbody>
</table>

No safety case has been in force in relation to any facility of the operator previously in that year.

3.4 The table in clause 3.3 is to be applied using the following rules:

(a) if item 1 of the table applies to a safety case of the operator:
   (i) the SMS amount mentioned in column 4 of the item is payable in relation to that safety case; and
   (ii) no SMS amount is payable in relation to any other safety case of the operator;

(b) if item 1 does not apply to any safety case of the operator, but item 2 applies to a safety case of the operator:
   (i) the SMS amount mentioned in column 4 of item 2 is payable in relation to that safety case; and
   (ii) no SMS amount is payable in relation to any other safety case of the operator;

(c) if item 3 applies to a safety case of the operator:
   (i) the SMS amount mentioned in column 4 of the item is payable in relation to that safety case; and
   (ii) no SMS amount is payable in relation to any other safety case of the operator;

(d) if item 3 does not apply to any safety case of the operator, but item 4 applies to a safety case of the operator:
   (i) the SMS amount mentioned in column 4 of item 4 is payable in relation to that safety case; and
(ii) no SMS amount is payable in relation to any other safety case of the operator.

Note Because the operator will be required to pay only one SMS amount for a year under clause 3.2, the operator will not be required to pay a second SMS amount as part of another safety case levy (for example, if the operator has safety cases in relation to both Commonwealth waters and designated coastal waters).
Schedule 2 Mobile facilities
(regulations 20 and 28, definition of mobile facility)

1 Mobile offshore drilling unit or drill-ship

2 Vessel for laying pipes for petroleum, or a greenhouse gas substance or vessel or structure used for the erection, dismantling or decommissioning of a facility

3 Accommodation facility used for persons working on another facility

Note A mobile facility mentioned in this Schedule may operate intermittently. NOPSEMA may remit part of an amount of safety case levy imposed by the Regulatory Levies Act in respect of a safety case for a mobile facility: see regulations 25 and 33.
Schedule 3  Pipeline amount and SMS amount
(subregulations 21 (1A) and 29 (1A))

Part 1  Pipeline amount

Division 1  Factors used to work out the pipeline amount

1.1 To work out the pipeline amount for a pipeline, multiply:
    (a) the pipeline’s applicable pipeline rating; and
    (b) the unit value.

Division 2  Applicable pipeline rating

1.2 The applicable pipeline rating for a pipeline described in an item in the following table is the number set out in the item.

<table>
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<tr>
<th>Item</th>
<th>Description of sub-sea development</th>
<th>Pipeline rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No sub-sea development or manifold connected</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>to the pipeline</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>One or 2 sub-sea developments or manifolds</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>connected to the pipeline</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>More than 2 sub-sea developments or manifolds</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>connected to the pipeline</td>
<td></td>
</tr>
</tbody>
</table>

Division 3  Unit value

1.3 The unit value is $10 000 for each pipeline.
Part 2  SMS amount

2.1 The licensee of a pipeline licence is required to pay only 1 SMS amount in relation to a year.

2.2 The SMS amount is $40,000.

Note Because the licensee of a pipeline licence will be required to pay only 1 SMS amount for a year under clause 2.1, the licensee will not be required to pay a second SMS amount if another pipeline is operated under the same safety case.
Notes to the **Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Regulations 2004**

**Note 1**


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

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*(a) This instrument was taken to have been registered on Thursday, 16 June 2011 under subsection 31 (3) of the *Legislative Instruments Act 2003*. It was gazetted in the Commonwealth of Australia Special Gazette No. S103 on 16 June 2011.*
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Selective Legislative Instrument 2009 No. 381

4  Transitional

Parts 6 and 7 of the *Offshore Petroleum (Safety Levies) Regulations 2004*, as in force immediately before 1 January 2010, continue to apply in relation to:

(a) the assessment of levy payable on a pipeline safety management plan in force before the commencement of these Regulations; and

(b) an assessment that no levy is payable on a pipeline safety management plan in force before the commencement of these Regulations; and

(c) the payment or recovery of the levy mentioned in paragraph (a).