



# Offshore Petroleum (Safety Levies) Amendment Regulations 2009 (No. 1)<sup>1</sup>

**Select Legislative Instrument 2009 No. 381**

---

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2003* and the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Dated 14 December 2009

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

MARTIN FERGUSON  
Minister for Resources and Energy

---

**1 Name of Regulations**

These Regulations are the *Offshore Petroleum (Safety Levies) Amendment Regulations 2009 (No. 1)*.

**2 Commencement**

These Regulations commence on 1 January 2010.

**3 Amendment of *Offshore Petroleum (Safety Levies) Regulations 2004***

Schedule 1 amends the *Offshore Petroleum (Safety Levies) Regulations 2004*.

**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).

---

## Schedule 1 Amendments

(regulation 3)

### [1] Regulation 1

*substitute*

#### 1 Name of Regulations

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

### [2] Regulation 3, except the note

*substitute*

#### 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.

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

**OPGGS Act** means the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

**OPGGS(SL) Act** means the *Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2003*.

**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.

**Safety Authority** means the National Offshore Petroleum Safety Authority, mentioned in Part 6.9 of the OPGGS Act.

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

**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.

**[3] Regulation 3, note**

*omit*

OPSL Act

*insert*

OPGGS(SL) Act

**[4] Regulation 3, note**

*omit*

- pipeline safety management plan levy

**[5] Subparagraph 4 (2) (a) (i)**

*omit*

pipeline safety management plan levy

*insert*

safety case levy

---

**[6] Subparagraph 4 (2) (b) (i)**

*omit*

pipeline safety management plan levy

*insert*

safety case levy

**[7] Subregulation 4 (3), including note**

*substitute*

(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.

**[8] Regulation 6**

*substitute*

**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 OPGGS(SL) Act.

*operator* has the same meaning as in clause 5 of Schedule 3 to the OPGGS Act.

**[9] Subregulation 7 (1)**

*omit each mention of*

OPSL Act

*insert*

OPGGS(SL) Act

**[10] Subregulation 9 (1)**

*omit*

OPSL Act

*insert*

OPGGS(SL) Act

**[11] Regulation 11, heading**

*substitute*

**11 When safety investigation levy is due and payable**

**[12] Subregulations 11 (1) and (6)**

*omit*

subsection 150YR (1) of the PSL Act

*insert*

subsection 686 (1) of the OPGGS Act

---

**[13] Regulation 13**

*substitute*

**13 Definitions for Part 3**

In this Part:

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

*dangerous occurrence* has the same meaning as in subsection 6 (8) of the OPGGS(SL) Act.

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

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

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

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

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

**[14] Subregulation 14 (1)**

*omit each mention of*

OPSL Act

*insert*

OPGGS(SL) Act

**[15] Subregulation 16 (1)**

*omit*

OPSL Act

*insert*

OPGGS(SL) Act

**[16] Subregulations 18 (1) and (6)**

*omit*

subsection 150YR (1) of the PSL Act

*insert*

subsection 686 (1) of the OPGGS Act

**[17] Regulation 20, except the note**

*substitute*

**20 Definitions for Part 4**

In this Part:

***facility*** has the same meaning as in subsection 7 (8) of the OPGGS(SL) 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 OPGGS(SL) Act.

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

---

**[18] Regulation 20, note***omit*

subsection 7 (8) of the OPSL Act

*insert*

subsection 7 (8) of the OPGGS(SL) Act

**[19] Regulation 20, note***omit*

Paragraph 7 (1) (b) of the OPSL Act

*insert*

Subsection 7 (1) of the OPGGS(SL) Act

**[20] Subregulation 21 (1)***omit*

OPSL Act

*insert*

OPGGS(SL) Act

**[21] Subregulation 21 (1)***after*

on a safety case

*insert*

for a facility other than a pipeline

**[22] After subregulation 21 (1)***insert*

(1A) For subsections 7 (4) and (5) of the OPGGS(SL) 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.

**[23] Subregulation 21 (2)**

*omit*

OPSL Act

*insert*

OPGGS(SL) Act

**[24] Subregulation 21 (3)**

*omit*

OPSL Act

*insert*

OPGGS(SL) Act

**[25] After subregulation 21 (3)**

*insert*

- (4) For subsections 7 (4) and (5) of the OPGGS(SL) 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.

---

**[26] Subregulation 22 (1)**

*omit*

OPSL Act

*insert*

OPGGS(SL) Act

**[27] Subregulation 22 (1)**

*after*

amounts of quarterly

*insert*

or yearly

**[28] Subregulation 22 (1)**

*after each mention of*

operator

*insert*

or licensee

**[29] Subregulation 22 (2)**

*substitute*

- (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) the Safety Authority 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 the Safety Authority notifies the operator or licensee under paragraph (a).

**[30] After regulation 22**

*insert*

**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 the Safety Authority accepts the safety case or the revision.

*When a revision of a safety case is a minor revision*

- (2) The Safety Authority may determine, in writing, that a revision of a safety case for a pipeline is a minor revision.
- (3) The Safety Authority may make a determination with or without a request by the licensee of the pipeline licence.

*Notification of decision*

- (4) If the Safety Authority determines that a revision is a minor revision, the Safety Authority must notify the licensee of the pipeline licence, in writing, of the decision.
- (5) If the Safety Authority refuses to make a determination at the request of the licensee of the pipeline licence:
- (a) the Safety Authority 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 the Safety Authority 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.

**[31] Regulation 23**

*substitute*

**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.

<b>Item</b>	<b>Facility</b>	<b>Levy</b>	<b>Instalment of levy is due and payable by</b>
1	Facility other than a mobile facility or a pipeline	Levy payable for the quarter or part quarter under Schedule 1 in which the safety case is accepted	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter
2	Facility other than a mobile facility or a pipeline	Levy payable in respect of any other quarter under Schedule 1	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter
3	Mobile facility	Levy payable for the quarter or part quarter under Schedule 1 in which the safety case is accepted	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter
4	Mobile facility	Levy payable in respect of any other quarter under Schedule 1	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter
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
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* The Safety Authority 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.

**[32] Regulation 24, heading***substitute***24 Notifying when safety case levy is due and payable****[33] Subregulation 24 (1)***substitute*

- (1) For subsection 687 (3) of the OPGGS Act, the Safety Authority 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.

<b>Item</b>	<b>Facility</b>	<b>Year to which levy relates</b>	<b>Operator must be notified</b>
1	Facility other than a mobile facility or a pipeline	Year in which safety case is accepted	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
2	Facility other than a mobile facility or a pipeline	Any subsequent year	By the end of the month following the end of each quarter in the year
3	Mobile facility	Year in which safety case is accepted	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
4	Mobile facility	Any subsequent year	By the end of the month following the end of each quarter in the year

---

Item	Facility	Year to which levy relates	Operator must be notified
5	Pipeline	Year in which safety case is accepted, or a major revision of a safety case is accepted	Within 30 days of the day on which the safety case, or the major revision of the safety case, comes into force

---

**[34] Subregulation 25 (1)***omit*

For subsections 150YS (1) and (2) of the PSL Act

*insert*

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

**[35] Paragraph 25 (1) (b)***omit*

OPSL Act

*insert*

OPGGS(SL) Act

**[36] Subregulation 25 (3)***omit each mention of*

the sum of 2 whole quarter amounts

*insert*

1 quarterly instalment

**[37] Subregulation 25 (5)***omit*

the sum of 2 quarterly instalments

*insert*

1 quarterly instalment

---

**[38] Regulation 26**

*after each mention of*

operator

*insert*

or licensee

**[39] Regulation 28, except the note**

*substitute*

**28 Definitions for Part 5**

In this Part:

***facility*** has the same meaning as in subsection 8 (8) of the OPGGS(SL) 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 OPGGS(SL) 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 OPGGS(SL) Act.

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

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

**[40] Regulation 28, note**

*omit*

subsection 8 (8) of the OPSL Act

*insert*

subsection 8 (8) of the OPGGS(SL) Act

**[41] Regulation 28, note**

*omit*

Paragraph 8 (1) (b) of the OPSL Act

*insert*

Subsection 8 (1) of the OPGGS(SL) Act

**[42] Subregulation 29 (1)**

*omit*

OPSL Act

*insert*

OPGGS(SL) Act

**[43] Subregulation 29 (1)**

*after*

on a safety case

*insert*

for a facility other than a pipeline

**[44] After subregulation 29 (1)**

*insert*

(1A) For subsections 8 (4) and (5) of the OPGGS(SL) 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.

**[45] Subregulation 29 (2)**

*omit*

OPSL Act

*insert*

OPGGS(SL) Act

**[46] Subregulation 29 (3)**

*omit*

OPSL Act

*insert*

OPGGS(SL) Act

**[47] After subregulation 29 (3)**

*insert*

- (4) For subsections 8 (4) and (5) of the OPGGS(SL) 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.

**[48] Subregulation 30 (1)**

*omit*

OPSL Act

*insert*

OPGGS(SL) Act

**[49] Subregulation 30 (1)**

*after*

amounts of quarterly

*insert*

or yearly

**[50] Subregulation 30 (1)**

*after each mention of*

operator

*insert*

or licensee

**[51] Subregulation 30 (2)**

*substitute*

- (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) the Safety Authority 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 the Safety Authority notifies the operator or licensee under paragraph (a).

**[52] After regulation 30**

*insert*

**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 the Safety Authority accepts the safety case or the revision.

*When a revision of a safety case is a minor revision*

- (2) The Safety Authority may determine, in writing, that a revision of a safety case for a pipeline is a minor revision.
- (3) The Safety Authority may make a determination with or without a request by the licensee of the pipeline licence.

*Notification of decision*

- (4) If the Safety Authority determines that a revision is a minor revision, the Safety Authority must notify the licensee of the pipeline licence, in writing, of the decision.
- (5) If the Safety Authority refuses to make a determination at the request of the licensee of the pipeline licence:
- (a) the Safety Authority 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 the Safety Authority 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.

**[53] Regulation 31**

*substitute*

**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.

Item	Facility	Levy	Instalment of levy is due and payable by
1	Facility other than a mobile facility or a pipeline	Levy payable for the quarter or part quarter under Schedule 1 in which the safety case is accepted	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter
2	Facility other than a mobile facility or a pipeline	Levy payable in respect of any other quarter under Schedule 1	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter
3	Mobile facility	Levy payable for the quarter or part quarter under Schedule 1 in which the safety case is accepted	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter
4	Mobile facility	Levy payable in respect of any other quarter under Schedule 1	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter
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
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* The Safety Authority 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.

**[54] Regulation 32, heading***substitute***32 Notifying when safety case levy is due and payable****[55] Subregulation 32 (1)***substitute*

- (1) For subsection 687 (3) of the OPGGS Act, the Safety Authority 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.

<b>Item</b>	<b>Facility</b>	<b>Year to which levy relates</b>	<b>Operator must be notified</b>
1	Facility other than a mobile facility or a pipeline	Year in which safety case is accepted	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
2	Facility other than a mobile facility or a pipeline	Any subsequent year	By the end of the month following the end of each quarter in the year
3	Mobile facility	Year in which the safety case is accepted	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
4	Mobile facility	Any subsequent year	By the end of the month following the end of each quarter in the year

---

Item	Facility	Year to which levy relates	Operator must be notified
5	Pipeline	Year in which the safety case is accepted, or a major revision of a safety case is accepted	Within 30 days of the day on which the safety case, or the major revision of the safety case, comes into force.

---

**[56] Subregulation 33 (1)***omit*

For subsections 150YS (1) and (2) of the PSL Act

*insert*

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

**[57] Paragraph 33 (1) (b)***omit*

OPSL Act

*insert*

OPGGS(SL) Act

**[58] Subregulation 33 (3)***omit*

the sum of 2 whole quarter amounts

*insert*

1 quarterly instalment

**[59] Subregulation 33 (5)***omit*

the sum of 2 quarterly instalments

*insert*

1 quarterly instalment

**[60] Regulation 34**

*after each mention of*

operator

*insert*

or licensee

**[61] Part 6**

*substitute*

## **Part 6 Safety Authority**

### **36 Fee for assessing safety case**

- (1) For section 685 of the OPGGS Act, the fee for the assessment of a safety case in relation to a proposed facility:
  - (a) submitted under regulation 28 of the *Petroleum (Submerged Lands) Management of Safety on Offshore Facilities) Regulations 1996*; or
  - (b) submitted under regulations of a State or of the Northern Territory that substantially corresponds to the regulation mentioned in paragraph (a);is the amount determined by the Safety Authority.
- (2) The amount of the fee must not exceed the total of the costs incurred by the Safety Authority in assessing the safety case.
- (3) The fee is payable:
  - (a) by the operator or licensee of the proposed facility; and
  - (b) at the time the safety case is submitted to the Safety Authority.
- (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 being constructed at a place outside Safety Authority waters.

---

**[62] Parts 7 and 8**

*omit*

**[63] Part 9, heading**

*omit*

**[64] Regulation 50**

*relocate as regulation 37 in Part 6*

**[65] Subregulation 51 (3)**

*omit*

regulation 52

*insert*

regulation 39

**[66] Regulation 51**

*relocate as regulation 38 in Part 6*

**[67] Paragraph 52 (2) (c)**

*omit*

regulation 50 and the financial report prepared under  
regulation 51

*insert*

regulation 37 and the financial report prepared under  
regulation 38

**[68] Regulation 52**

*relocate as regulation 39 in Part 6*

**[69] Schedule 1, heading**

*substitute*

**Schedule 1 Facility amount and SMS amount**

(subregulations 21 (1) and 29 (1))

**[70] Schedule 1, clause 2.3**

*substitute*

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.

**[71] Schedule 1, clause 2.3, table, item 1**

*omit*

production

**[72] Schedule 1, clause 2.3, table, item 1**

*omit*

9

*insert*

12

**[73] Schedule 1, clause 2.3, table, item 2**

*omit*

production

**[74] Schedule 1, clause 2.3, table, item 5***substitute*

5	Vessel for laying pipes for a petroleum or a greenhouse gas substance	5
5A	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	3

**[75] Schedule 1, clause 2.3, table, item 7***after*

production

*insert*

or injection

**[76] Schedule 1, clause 2.6***omit*

\$25 000

*insert*

\$26 000

**[77] Schedule 1, clause 3.1***omit each mention of*

OPSL Act

*insert*

OPGGS(SL) Act

**[78] Schedule 2, clause 2***after*

petroleum

*insert*

or a greenhouse gas substance

**[79] Schedule 2, clause 3, note**

*omit*

OPSL Act

*insert*

OPGG(SL) Act

**[80] Schedule 3, heading**

*substitute*

**Schedule 3 Pipeline amount and SMS amount**

(subregulations 21 (1A) and 29 (1A))

**[81] Schedule 3, clause 2.2, note**

*omit*

pipeline management safety plan

*insert*

safety case

---

**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.