

Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Remittal and Refund) Regulation 2014

Select Legislative Instrument No. 202, 2014

I, General the Honourable Sir Peter Cosgrove AK MC (Ret’d), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 11 December 2014

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Ian Macfarlane

Minister for Industry

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1 Name

This is the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Remittal and Refund) Regulation 2014*.

2 Commencement

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

| Commencement information | |
| --- | --- |
| Column 1 | Column 2 |
| Provisions | Commencement |
| 1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table | The day after this instrument is registered. |
| 2. Schedule 1 | At the same time as items 7 to 11 of Schedule 2 to the *Offshore Petroleum and Greenhouse Gas Storage Amendment (Regulatory Powers and Other Measures) Act 2014* commence. |

3 Authority

This instrument is made under the following Acts:

(a) the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;

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

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

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

1 Before regulation 59A

Insert:

Division 1—Amount of annual titles administration levy

2 Subregulation 59A(1)

Omit “Part”, substitute “regulation”.

3 After regulation 59A

Insert:

Division 2—Remittal or refund of annual titles administration levy

59AA Definitions

In this Division:

***eligible title*** has the same meaning as in subsection 10E(7) of the Regulatory Levies Act.

59AB Remittal or refund of levy for titles that cease to be in force

(1) For subsection 695M(3) of the OPGGS Act, the Titles Administrator must remit or refund an amount, or part of an amount, of annual titles administration levy imposed on an eligible title for a year if:

(a) the title wholly or partly ceases to be in force before the end of the year for which levy is imposed; and

(b) the title is not one of the following:

(i) a title that wholly or partly ceases to be in force because it is wholly or partly cancelled under section 275 or 447 of the OPGGS Act;

(ii) a title that wholly or partly ceases to be in force because it is wholly or partly surrendered under section 271 or 443 of the OPGGS Act, unless the application for consent to the surrender was made before the beginning of the year for which the levy is imposed.

(2) For a title, other than a title mentioned in subregulation (4), that ceases wholly to be in force before the end of the year for which levy is imposed, the Titles Administrator must:

(a) calculate the adjusted amount under subregulation (5) for the title for the year; and

(b) do whichever of the following is applicable:

(i) remit so much of the amount of levy for the title for the year as exceeds the adjusted amount and remained unpaid when the levy became due and payable;

(ii) if an amount exceeding the adjusted amount has been paid by way of levy for the title for the year—refund the amount of the excess.

(3) For a title, other than a title mentioned in subregulation (4), that ceases in part to be in force before the end of the year for which levy is imposed, the Titles Administrator must:

(a) calculate the adjusted amount under subregulation (5) in relation to the part of the title; and

(b) do whichever of the following is applicable:

(i) remit so much of the amount of levy attributable to the part of the title as exceeds the adjusted amount and remained unpaid when the levy became due and payable;

(ii) if an amount has been paid by way of levy for the title for the year—refund so much of the amount attributable to the part of the title that exceeds the adjusted amount.

(4) If:

(a) a title is wholly or partly surrendered under section 271 or 443 of the OPGGS Act during a year for which levy is imposed; and

(b) an application for consent to wholly or partly surrender the title was made before the beginning of the year;

the Titles Administrator must do whichever of the following is applicable:

(c) remit so much of the applicable amount of levy (see subregulation (6)) for the title for the year as remained unpaid when the levy for the title became due and payable;

(d) refund so much of the applicable amount of levy for the title for the year as has been paid.

(5) The adjusted amount, for a title for a year, must be calculated as follows:



where:

***applicable amount of levy***: see subregulation (6).

***number of days title is in force***, for a title for a year, means:

(a) if the title ceased wholly to be in force before the end of the year for which levy is imposed—the number of days in the year on which the title was in force; or

(b) if the title ceased in part to be in force before the end of the year for which levy is imposed—the number of days in the year on which the part of the title was in force.

(6) The ***applicable amount of levy***, for a title for a year, is:

(a) if the title ceased wholly to be in force before the end of the year for which levy is imposed—the amount of levy imposed on the title for the year; or

(b) if the title ceased in part to be in force before the end of the year for which levy is imposed—so much of the amount of levy imposed on the title for the year as is attributable to the part of the title.

(7) The amount of levy ***attributable*** to a part of a title, for a title that ceases in part to be in force before the end of a year for which levy is imposed, is the amount attributable under regulation 59A to:

(a) the block or blocks in relation to which the title ceases to be in force; or

(b) the length of pipeline in relation to which the title ceases to be in force.

4 After Part 12

Insert:

Part 13—Application and transitional provisions

64 Application provision—Amendments made by the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Remittal and Refund) Regulation 2014*

(1) Division 2 of Part 11A applies to an eligible title if:

(a) an application for consent to wholly or partly surrender the title under section 269 or 441 of the OPGGS Act had not been finally determined at the commencement time; and

(b) annual titles administration levy is imposed on the title for a year beginning on a day that occurs after the commencement time; and

(c) the title is wholly or partly surrendered under section 271 or 443 of the OPGGS Act, on or after the day the levy is imposed on the title.

Note: Division 2 of Part 11A provides for the remittal or refund of annual titles administration levy in relation to titles that cease (wholly or partly) to be in force during the year for which levy is imposed.

(2) In this regulation:

***commencement time*** means the commencement of Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Remittal and Refund) Regulation 2014*.

(3) This regulation is repealed on 31 December 2016.