



Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Regulations 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated: 15 December 2022

David Hurley
Governor-General

By His Excellency's Command

Madeleine King
Minister for Resources

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Part 1—Preliminary

1 Name

This instrument is the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Regulations 2022*.

2 Commencement

- (1) 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	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 January 2023.	1 January 2023

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- (a) the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*;
- (b) the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*.

4 Definitions

Note 1: A number of expressions used in this instrument are defined in section 3 of the Regulatory Levies Act, including the following:

- (a) applicable State or Territory safety law;
- (b) Commonwealth waters;
- (c) compliance investigation;
- (d) designated coastal waters;
- (e) remedial direction;
- (f) State PSLA;
- (g) State/Territory remedial direction;
- (h) Territory PSLA;
- (i) year.

Note 2: A number of expressions used in this instrument are defined in section 7 of the OPGGS Act, including the following:

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- (a) pipeline;
- (b) Titles Administrator.

In this instrument:

acceptance event: each of the following is an **acceptance event** in respect of a safety case in force in relation to a facility:

- (a) NOPSEMA accepts the safety case in accordance with the Safety Regulations;
- (b) NOPSEMA accepts a revision of the safety case in accordance with the Safety Regulations.

activity rating, for an activity to which an environment plan relates, means the number specified in column 2 of the item of the table in section 59B that describes the activity.

CEO means the Chief Executive Officer of NOPSEMA.

compliance rating, for an activity to which an environment plan relates, means the number specified in column 3 of the item of the table in section 59B that describes the activity.

costs and expenses reasonably incurred by NOPSEMA, in relation to the conduct of a compliance investigation or an inspection:

- (a) include (but are not limited to):
 - (i) remuneration and other costs in relation to NOPSEMA inspectors and other staff of NOPSEMA who are involved in the investigation or inspection; and
 - (ii) the costs incurred for the services of independent experts in relation to the investigation or inspection; and
- (b) do not include any share of fixed overheads.

disregarded facility: a facility is a **disregarded facility** for a year if it is a proposed facility of a kind mentioned in paragraph 60(1)(b) and does not enter NOPSEMA waters during the year.

eligible title, for Part 7: see section 59A.

eligible well has the meaning given by:

- (a) for Division 1 of Part 5—subsection 10A(5) or (6) (as applicable) of the Regulatory Levies Act; and
- (b) for Division 2 of Part 5—subsection 10B(5) or (6) (as applicable) of the Regulatory Levies Act.

Environment Regulations means the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009*.

facility:

- (a) for a provision that applies in relation to Commonwealth waters—has the same meaning as in Schedule 3 to the OPGGS Act; and

- (b) for a provision that applies in relation to the designated coastal waters of a State or the Northern Territory—has the same meaning as in the applicable State or Territory safety law; and
- (c) for Parts 3 and 9—includes a proposed facility.

facility amount:

- (a) for a facility (other than a pipeline subject to a pipeline licence) located, or proposed to be located, in Commonwealth waters—see subsection 21(5); and
- (b) for a pipeline subject to a pipeline licence located, or proposed to be located, in Commonwealth waters—see subsection 21A(4); and
- (c) for a facility (other than a pipeline subject to a pipeline licence) located, or proposed to be located, in the designated coastal waters of a State or the Northern Territory—see subsection 29(5); and
- (d) for a pipeline subject to a pipeline licence located, or proposed to be located, in the designated coastal waters of a State or the Northern Territory—see subsection 29A(4).

facility rating:

- (a) for a facility other than a pipeline subject to a pipeline licence—see section 19; and
- (b) for a pipeline subject to a pipeline licence—see section 19A.

inspection has the same meaning as in:

- (a) for Division 2 of Part 2—the applicable State or Territory safety law; and
- (b) for Division 2 of Part 4—the provisions of the relevant State PSLA or Territory PSLA that substantially corresponds to Schedule 3 of the OPGGS Act.

levy period for a compliance investigation or inspection means:

- (a) for an investigation mentioned in paragraph 9(1)(b) of the Regulatory Levies Act—a period of 3 months mentioned in paragraph 9(1)(f) or (g) of that Act; or
- (b) for an inspection mentioned in paragraph 10(1)(b) of the Regulatory Levies Act—a period of 3 months mentioned in paragraph 10(1)(f) or (g) of that Act.

liable holder for well investigation levy means:

- (a) for levy imposed by section 9 of the Regulatory Levies Act—the registered holder by whom the levy is payable; or
- (b) for levy imposed by section 10 of the Regulatory Levies Act—the registered holder by whom the levy is payable.

mobile facility: see section 20A.***NOPSEMA waters*** has the same meaning as in Part 6.9 of the OPGGS Act.***notifiable accident or occurrence*** has the same meaning as in:

- (a) for Division 1 of Part 2—subsection 5(8) of the Regulatory Levies Act; and

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(b) for Division 2 of Part 2—subsection 6(8) of the Regulatory Levies Act.

offshore greenhouse gas storage operations has the same meaning as in section 643 of the OPGGS Act.

offshore petroleum operations has the same meaning as in Part 6.9 of the OPGGS Act.

operator, in relation to a facility, has the same meaning as in:

- (a) if the facility is located, or proposed to be located, in Commonwealth waters—Schedule 3 to the OPGGS Act; and
- (b) if the facility is located, or proposed to be located, in the designated coastal waters of a State or the Northern Territory—the applicable State or Territory safety law.

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

pipeline:

- (a) for a provision that applies in relation to Commonwealth waters—has the same meaning as in the OPGGS Act; and
- (b) for a provision that applies in relation to the designated coastal waters of a State or the Northern Territory—has the same meaning as in the applicable State or Territory safety law; and
- (c) for Part 3—includes a pipeline that is:
 - (i) proposed to be constructed or operated; or
 - (ii) being constructed.

pipeline licence:

- (a) for a provision in Part 3 that applies in relation to the designated coastal waters of a State or the Northern Territory—has the same meaning as in the applicable State or Territory safety law; and
- (b) for a provision in Part 8 that applies in relation to activities authorised by State/Territory titles—means a pipeline licence granted under a State PSLA or a Territory PSLA; and
- (c) otherwise—has the same meaning as in the OPGGS Act.

proposed facility has the same meaning as in:

- (a) for a provision that applies in relation to Commonwealth waters—Schedule 3 to the OPGGS Act; and
- (b) for a provision that applies in relation to the designated coastal waters of a State or the Northern Territory—the applicable State or Territory safety law.

quarter means a period of 3 months starting on 1 January, 1 April, 1 July or 1 October.

quarterly facility amount for a facility (other than a pipeline subject to a pipeline licence) and a quarter in a year means the facility rating for the facility multiplied by \$11,650.

quarterly SMS amount, for a safety case in force in relation to one or more facilities (other than facilities that are pipelines subject to pipeline licences) and a quarter in a year, means:

- (a) if the SMS amount for the safety case and the year is zero—zero; or
- (b) if paragraph (a) does not apply, and each facility (other than a facility that is a disregarded facility for the year) in relation to which the safety case is in force during the year is a mobile facility—\$37,600; or
- (c) if neither paragraph (a) nor (b) applies—\$56,575.

registered holder:

- (a) for the reference to a registered holder in paragraph (b) of the definition of **liable holder**—has the same meaning as in subsection 10(5) of the Regulatory Levies Act; and
- (b) otherwise—has the same meaning as in the OPGGS Act.

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

Resource Management and Administration Regulations means the *Offshore Petroleum and Greenhouse Gas Storage (Resource Management and Administration) Regulations 2011*.

safety case in force in relation to a facility has the same meaning as in:

- (a) for a provision that applies in relation to Commonwealth waters—subsection 7(8) of the Regulatory Levies Act; and
- (b) for a provision that applies in relation to the designated coastal waters of a State or the Northern Territory—subsection 8(8) of the Regulatory Levies Act.

Safety Regulations means the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*.

SMS amount, for a safety case in force in relation to a facility and a year:

- (a) for a facility (other than a pipeline subject to a pipeline licence) located, or proposed to be located, in Commonwealth waters—see subsection 21(4); and
- (b) for a pipeline subject to a pipeline licence located, or proposed to be located, in Commonwealth waters—see subsection 21A(3); and
- (c) for a facility (other than a pipeline subject to a pipeline licence) located, or proposed to be located, in the designated coastal waters of a State or the Northern Territory—see subsection 29(4); and
- (d) for a pipeline subject to a pipeline licence located, or proposed to be located, in the designated coastal waters of a State or the Northern Territory—see subsection 29A(3).

survey activity means a seismic survey or other survey.

threshold time:

- (a) for Division 1 of Part 2—see paragraph 7(2)(a); and
- (b) for Division 2 of Part 2—see paragraph 14(2)(a); and

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- (c) for Division 1 of Part 4—has the same meaning as in paragraph 9(1)(d) of the Regulatory Levies Act; and
- (d) for Division 2 of Part 4—has the same meaning as in paragraph 10(1)(d) of the Regulatory Levies Act.

title, for Part 7: see section 59A.

total activity amount:

- (a) for Division 2 of Part 8—see subsection 59C(2); and
- (b) for Division 3 of Part 8—see subsection 59G(2).

total compliance amount:

- (a) for Division 2 of Part 8—see subsection 59C(3); and
- (b) for Division 3 of Part 8—see subsection 59G(3).

Part 2—Safety investigation levy

Division 1—Safety investigation levy—Commonwealth waters

7 Conditions for imposition of levy

- (1) This section is made for the purposes of paragraph 5(1)(c) of the Regulatory Levies Act, which deals with the imposition of safety investigation levy on a notifiable accident or occurrence that happens in relation to a facility located in Commonwealth waters.
- (2) The following conditions are specified:
 - (a) a particular time (the *threshold time*) is the first time when the amount of the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the compliance investigation referred to in paragraph 5(1)(b) of the Regulatory Levies Act in respect of the notifiable accident or occurrence exceeds \$30,000;
 - (b) NOPSEMA has given the operator of the facility a written notice stating that the amount of the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of that investigation has exceeded \$30,000.

9 Amount of levy

- (1) For the purposes of subsection 5(5) of the Regulatory Levies Act, the amount of safety investigation levy imposed on a notifiable accident or occurrence is worked out in accordance with this section.
- (2) The amount is the amount of the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the compliance investigation in respect of the notifiable accident or occurrence to the day on which, in accordance with subsection 11(4), the investigation is taken to have ceased, less \$30,000.

10 Amount of costs and expenses—advice of independent expert

- (1) The operator of a facility and NOPSEMA may agree, at any time after the threshold time for a compliance investigation in respect of a notifiable accident or occurrence that has happened in relation to the facility, to the selection and appointment of an independent expert:
 - (a) to assess the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the investigation; and
 - (b) to provide a report to NOPSEMA on the assessment.
- (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.

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- (4) As soon as practicable after receiving a report from the independent expert, NOPSEMA must:
 - (a) give a copy of the report to the operator of the facility; and
 - (b) consider the report in determining the amount of the costs and expenses reasonably incurred by NOPSEMA in conducting the investigation.

11 When levy becomes due and payable

- (1) This section provides for when safety investigation levy imposed on a notifiable accident or occurrence becomes due and payable for the purposes of subsection 686(1) of the OPGGS Act.

When safety investigation levy becomes payable

- (2) If a NOPSEMA inspector ceases to conduct the compliance investigation in relation to the notifiable accident or occurrence before the end of the period of 3 months commencing at the threshold time, safety investigation levy becomes payable at the end of the day the inspector ceases to conduct the investigation.
- (3) If a NOPSEMA inspector continues to conduct the compliance investigation for more than 3 months, safety investigation levy becomes payable in instalments:
 - (a) at the end of each period of 3 months during which the inspector continues to conduct the investigation; and
 - (b) at the end of the day the inspector ceases to conduct the investigation.

When NOPSEMA inspector taken to have ceased to conduct compliance investigation

- (4) For the purposes of subsections (2) and (3), a NOPSEMA inspector is taken to have ceased to conduct the compliance investigation on the earlier of the following:
 - (a) the day NOPSEMA refers a brief of evidence to a prosecuting agency (however described) in relation to the proposed prosecution of a person in connection with the notifiable accident or occurrence;
 - (b) the day NOPSEMA informs the operator of the facility, by written notice, that the investigation is complete.
- (5) If an event mentioned in paragraph (4)(a) occurs, NOPSEMA must notify the operator, in writing, as soon as practicable after it occurs.

When safety investigation levy becomes due and payable

- (6) An amount of safety investigation levy becomes due and payable by the end of the period of 30 days after the day NOPSEMA gives a written notice to the operator under subsection (7).
- (7) If an amount of safety investigation levy becomes payable under subsection (2) or (3) in respect of a period, NOPSEMA must give a written notice of the amount to the operator:

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- (a) if an independent expert is appointed under section 10 to assess the costs and expenses reasonably incurred by NOPSEMA during that period in relation to the conduct of the investigation—within 14 days after the day the independent expert provides a report to NOPSEMA on the assessment; or
 - (b) otherwise—within 14 days after the day the amount becomes payable.
- (8) If NOPSEMA fails to give a written notice to the operator in accordance with subsection (7), the validity of any subsequent notice is not affected by the failure.

Division 2—Safety investigation levy—designated coastal waters

14 Conditions for imposition of levy

- (1) This section is made for the purposes of paragraph 6(1)(c) of the Regulatory Levies Act, which deals with the imposition of safety investigation levy on a notifiable accident or occurrence that happens in relation to a facility located in the designated coastal waters of a State or the Northern Territory.
- (2) The following conditions are specified:
 - (a) a particular time (the **threshold time**) is the first time when the amount of the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the inspection referred to in paragraph 6(1)(b) of the Regulatory Levies Act in respect of the notifiable accident or occurrence exceeds \$30,000;
 - (b) NOPSEMA has given the operator of the facility a written notice stating that the amount of the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of that inspection has exceeded \$30,000.

16 Amount of levy

- (1) For the purposes of subsection 6(5) of the Regulatory Levies Act, the amount of safety investigation levy imposed on a notifiable accident or occurrence is worked out in accordance with this section.
- (2) The amount is the amount of the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the inspection in respect of the notifiable accident or occurrence to the day on which, in accordance with subsection 18(4), the inspection is taken to have ceased, less \$30,000.

17 Amount of costs and expenses—advice of independent expert

- (1) The operator of a facility and NOPSEMA may agree, at any time after the threshold time for an inspection in respect of a notifiable accident or occurrence that has happened in relation to the facility, to the selection and appointment of an independent expert:
 - (a) to assess the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the inspection; and
 - (b) to provide a report to NOPSEMA on the assessment.
- (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) As soon as practicable after receiving a report from the independent expert, NOPSEMA must:

- (a) give a copy of the report to the operator of the facility; and
- (b) consider the report in determining the amount of the costs and expenses reasonably incurred by NOPSEMA in conducting the inspection.

18 When levy becomes due and payable

- (1) This section provides for when safety investigation levy imposed on a notifiable accident or occurrence becomes due and payable for the purposes of subsection 686(1) of the OPGGS Act.

When safety investigation levy becomes payable

- (2) If a NOPSEMA inspector ceases to conduct the inspection in relation to the notifiable accident or occurrence before the end of the period of 3 months commencing at the threshold time, safety investigation levy becomes payable at the end of the day the inspector ceases to conduct the inspection.
- (3) If a NOPSEMA inspector continues to conduct the inspection for more than 3 months, safety investigation levy becomes payable in instalments:
 - (a) at the end of each period of 3 months during which the inspector continues to conduct the inspection; and
 - (b) at the end of the day the inspector ceases to conduct the inspection.

When NOPSEMA inspector taken to have ceased to conduct inspection

- (4) For the purposes of subsections (2) and (3), a NOPSEMA inspector is taken to have ceased to conduct the inspection on the earlier of the following:
 - (a) the day NOPSEMA refers a brief of evidence to a prosecuting agency (however described) in relation to the proposed prosecution of a person in connection with the notifiable accident or occurrence;
 - (b) the day NOPSEMA informs the operator of the facility, by written notice, that the inspection is complete.
- (5) If an event mentioned in paragraph (4)(a) occurs, NOPSEMA must notify the operator, in writing, as soon as practicable after it occurs.

When safety investigation levy becomes due and payable

- (6) An amount of safety investigation levy becomes due and payable by the end of the period of 30 days after the day NOPSEMA gives a written notice to the operator under subsection (7).
- (7) If an amount of safety investigation levy becomes payable under subsection (2) or (3) in respect of a period, NOPSEMA must give a written notice of the amount to the operator:
 - (a) if an independent expert is appointed under section 17 to assess the costs and expenses reasonably incurred by NOPSEMA during that period in relation to the conduct of the inspection—within 14 days after the day the independent expert provides a report to NOPSEMA on the assessment; or
 - (b) otherwise—within 14 days after the day the amount becomes payable.

Part 2 Safety investigation levy

Division 2 Safety investigation levy—designated coastal waters

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- (8) If NOPSEMA fails to give a written notice to the operator in accordance with subsection (7), the validity of any subsequent notice is not affected by the failure.

Part 3—Safety case levy

Division 1—Preliminary

19 Facility ratings—facilities other than pipelines subject to pipeline licences

- (1) The **facility rating** for a facility (other than a pipeline subject to a pipeline licence) for a period is:
- (a) if paragraph (b) does not apply to the facility—the base rating specified in the item of the following table that describes the facility for the period; or
 - (b) if both offshore petroleum operations and offshore greenhouse gas storage operations occur at the facility during the period—the base rating specified in the item of the following table that describes the facility plus 2.

Facility descriptions and base ratings—facilities other than pipelines subject to pipeline licences		
Item	Column 1	Column 2
	Description	Base rating
1	Floating liquefied natural gas facility	25
2	Large platform with drilling or workover capability	12
3	Platform, other than a platform mentioned in item 2, with accommodation facilities when drilling or workover facilities are in commission	8
4	Platform, other than a platform mentioned in item 2, with accommodation facilities when drilling or workover facilities are not in commission	5
5	Floating production storage and offloading facility	6
6	Mobile offshore drilling unit or drill-ship	6
7	Vessel for laying pipes for a petroleum or a greenhouse gas substance	5
8	Vessel or structure used for: <ul style="list-style-type: none"> (a) doing work on an existing pipe; or (b) the erection, dismantling or decommissioning of a facility; or (c) the provision of accommodation for persons working on another facility 	3
9	Floating storage unit linked to a production platform	3
10	Monopod, well head platform, or other small production or injection facility, with no accommodation	1
11	A vessel or structure not described in any of items 1 to 10 of this table	3

Facilities described in more than 1 item

- (2) If a facility is described in more than 1 item of the table for a period, the facility is taken to be described for the period in the item that most accurately describes the facility.

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Facilities described in items 3 and 4

- (3) If a facility is described in items 3 and 4 of the table at different times during a period, the facility is taken to be described for the whole period in:
- (a) the item that describes the facility for the greater number of days in the period; or
 - (b) if both items describe the facility for the same number of days in the period—item 3.

19A Facility ratings—pipelines subject to pipeline licences

The **facility rating** for a facility that is a pipeline subject to a pipeline licence is the base rating specified in the item of the following table that describes the facility.

Facility descriptions and base ratings—pipelines subject to pipeline licences		
Item	Column 1	Column 2
	Description	Base rating
1	A pipeline subject to a pipeline licence with no sub-sea development or manifold connected to the pipeline	1
2	A pipeline subject to a pipeline licence with no more than 2 sub-sea developments or manifolds connected to the pipeline	2
3	A pipeline subject to a pipeline licence with more than 2 sub-sea developments or manifolds connected to the pipeline	3

20 Safety case in force in relation to a facility—prescribed regulations

For the purposes of the definition of **safety case in force in relation to a facility** in subsections 7(8) and 8(8) of the Regulatory Levies Act, the Safety Regulations are prescribed.

20A Facilities that operate on intermittent basis—mobile facilities

- (1) For the purposes of paragraphs 687(1)(a) and (2)(a) of the OPGGS Act, a mobile facility is declared to be a facility that operates on an intermittent basis.
- (2) Each of the following is a **mobile facility**:
- (a) a mobile offshore drilling unit or drill-ship;
 - (b) a vessel used for doing work on an existing pipe;
 - (c) a vessel used for laying pipes for petroleum, or a greenhouse gas substance;
 - (d) a vessel or structure used for the erection, dismantling or decommissioning of a facility;
 - (e) an accommodation facility used for persons working on another facility.

20B Operator to inform NOPSEMA about change in description of certain facilities

- (1) The operator of a facility described in item 3 of the table in subsection 19(1) must, as far as practicable, notify NOPSEMA in writing if the operator is aware that the facility has or will become a facility described in item 4 of that table.
- (2) The operator of a facility described in item 4 of the table in subsection 19(1) must, as far as practicable, notify NOPSEMA in writing if the operator is aware that the facility has or will become a facility described in item 3 of that table.

20C When person is already liable to pay SMS amount

Facilities other than pipelines subject to pipeline licences

- (1) If, apart from this subsection, a person would become liable to pay more than one SMS amount in a year under section 21 or 29 (or both):
 - (a) NOPSEMA must decide the case in which the person is first liable to pay an SMS amount for the year under those sections; and
 - (b) for the purposes of paragraphs 21(4)(a) and 29(4)(a), the person is taken to be already liable to pay an SMS amount under those sections in each other case.

Pipelines subject to pipeline licences

- (2) If, apart from this subsection, a person would become liable to pay more than one SMS amount in a year under section 21A or 29A (or both):
 - (a) NOPSEMA must decide the case in which the person is first liable to pay an SMS amount for the year under those sections; and
 - (b) for the purposes of paragraphs 21A(3)(a) and 29A(3)(a), the person is taken to be already liable to pay an SMS amount under those sections in each other case.

20D Application of this Part if remedial directions are in force in relation to pipelines

Remedial directions

- (1) If a remedial direction is in force in relation to a pipeline, the definition of **SMS amount** in section 4, and Divisions 1 and 2 of this Part, other than subsection 21A(5), apply as follows:
 - (a) as if a reference to a pipeline subject to a pipeline licence included a reference to a pipeline in relation to which a remedial direction is in force;
 - (b) as if a reference to a licensee, or a licensee of a pipeline licence, included a reference to a person who is subject to a remedial direction that is in force in relation to a pipeline.

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State/Territory remedial directions

- (2) If a State/Territory remedial direction is in force in relation to a pipeline, the definition of ***SMS amount*** in section 4, and Divisions 1 and 3 of this Part, other than subsection 29A(5), apply as follows:
- (a) as if a reference to a pipeline subject to a pipeline licence included a reference to a pipeline in relation to which a State/Territory remedial direction is in force;
 - (b) as if a reference to a licensee, or a licensee of a pipeline licence, included a reference to a person who is subject to a State/Territory remedial direction that is in force in relation to a pipeline.

Division 2—Safety case levy—Commonwealth waters

21 Amount of levy—facilities other than pipelines subject to pipeline licences

- (1) For the purposes of subsection 7(4) of the Regulatory Levies Act, this section provides for the amount of safety case levy imposed on a safety case in respect of a year if the safety case is in force at any time during the year in relation to one or more facilities (other than facilities that are pipelines subject to pipeline licences) located, or proposed to be located, in Commonwealth waters.

Amount of levy—general

- (2) If the safety case is in force during the year in relation to at least one facility that is not a disregarded facility for the year, the amount of levy is the sum of:
- (a) the SMS amount for the safety case and the year; and
 - (b) for each facility (other than a facility that is a disregarded facility for the year) in relation to which the safety case is in force at the start of the year—the facility amount for the facility; and
 - (c) for each facility (other than a facility that is a disregarded facility for the year) in relation to which the safety case is in force during the year, but not at the start of the year—the facility amount for the facility divided by 365 and multiplied by the number of days in the year for which the safety case is in force in relation to the facility.
- (3) For the purposes of paragraph (2)(c), if a facility in relation to which the safety case is in force during the year is a proposed facility of a kind mentioned in paragraph 60(1)(b) of this instrument that enters NOPSEMA waters during the year, the safety case is taken to come into force in relation to the facility on the day the facility first enters NOPSEMA waters.

SMS amount for safety case and year

- (4) The **SMS amount** for the safety case and the year is:
- (a) if the person liable to pay the levy is already liable to pay an SMS amount in the year for another safety case under this section or section 29—zero; or
 - (b) if paragraph (a) does not apply, and each facility (other than a facility that is a disregarded facility for the year) in relation to which the safety case is in force during the year is a mobile facility—\$150,400; or
 - (c) if neither paragraph (a) nor (b) applies—\$226,300.

Note: For when a person is already liable to pay an SMS amount, see section 20C.

Facility amount for facility

- (5) The **facility amount** for a facility is:
- (a) if paragraph (b) does not apply—the facility rating for the facility multiplied by \$46,600; or

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- (b) if the facility is a mobile facility that, during the year, was first operated in designated coastal waters and was then operated in Commonwealth waters—zero.

Note: For mobile facilities mentioned in paragraph (5)(b), see section 29.

Amount of levy—safety case in force in relation to only disregarded facilities

- (6) If the safety case is in force during the year only in relation to one or more facilities each of which is a disregarded facility for the year, the amount of levy is zero.

21A Amount of levy—pipelines subject to pipeline licences

- (1) For the purposes of subsection 7(4) of the Regulatory Levies Act, this section provides for the amount of safety case levy imposed on a safety case in respect of a year if the safety case is in force at any time during the year in relation to one or more facilities that are pipelines subject to pipeline licences located, or proposed to be located, in Commonwealth waters.

Amount of levy—general

- (2) The amount of levy is the sum of the following amounts:
 - (a) the SMS amount for the safety case and the year; and
 - (b) the facility amount for each facility (other than a facility covered by subsection (5)) in relation to which the safety case is in force during the year.

SMS amount for safety case and year

- (3) The **SMS amount** for the safety case and the year is:
 - (a) if the person liable to pay the levy is already liable to pay an SMS amount in the year for another safety case under this section or section 29A—zero; or
 - (b) if paragraph (a) does not apply and there are one or more acceptance events in relation to the safety case during the year—\$74,600; or
 - (c) if neither paragraph (a) nor (b) applies—zero.

Note: For when a person is already liable to pay an SMS amount, see section 20C.

Facility amount for facility

- (4) The **facility amount** for a facility in relation to which the safety case is in force during the year is:
 - (a) if one or more acceptance events occur in relation to the safety case during the year—the amount that is the result of multiplying the following:
 - (i) the facility rating for the facility;
 - (ii) the number of acceptance events that occur in relation to the safety case during the year;
 - (iii) \$18,600; or
 - (b) if paragraph (a) does not apply—zero.

Certain pipelines located mostly in designated coastal waters

- (5) This subsection covers a facility that is a pipeline subject to a pipeline licence if:
- (a) the pipeline is located, or proposed to be located, in both Commonwealth waters and the designated coastal waters of:
 - (i) one or more States; or
 - (ii) the Northern Territory; or
 - (iii) one or more States and the Northern Territory; and
 - (b) more of the length of the pipeline is located in the designated coastal waters.

Note: The reference to a pipeline subject to a pipeline licence in subsection (5) does not include a reference to a pipeline in relation to which a remedial direction is in force: see paragraph 20D(1)(a) of this instrument.

23 When levy becomes due and payable

- (1) For the purposes of subsection 687(3) of the OPGGS Act:
- (a) levy imposed in respect of a year on a safety case in force in relation to a facility of a kind mentioned in column 1 of an item of the following table becomes payable in accordance with column 2 of the item; and
 - (b) NOPSEMA must give a written notice of the amount of levy that has become payable to the operator of the facility or the licensee of the pipeline licence (as applicable) in accordance with column 3 of the item; and
 - (c) the amount of levy becomes due and payable in accordance with column 4 of the item.

When levy becomes due and payable				
Item	Column 1	Column 2	Column 3	Column 4
	Kind of facility	When levy becomes payable	When NOPSEMA to give written notice of amount of levy that is payable	When levy becomes due and payable
1	Facility (other than a pipeline subject to a pipeline licence) located or proposed to be located in Commonwealth waters	Levy becomes payable in instalments either: <ul style="list-style-type: none"> (a) if the safety case is in force in relation to a facility at the start of the year—at the end of each quarter in the year; and (b) otherwise—at the end of the first quarter in the year in which the safety case is 	Within 30 days after the end of each quarter mentioned in column 2	By the end of the period of 30 days after a notice mentioned in column 3 is given

Part 3 Safety case levy

Division 2 Safety case levy—Commonwealth waters

Section 23

When levy becomes due and payable				
Item	Column 1	Column 2	Column 3	Column 4
	Kind of facility	When levy becomes payable	When NOPSEMA to give written notice of amount of levy that is payable	When levy becomes due and payable
		in force in relation to a facility, and at the end of each subsequent quarter in the year		
2	Facility that is a pipeline subject to a pipeline licence located or proposed to be located in Commonwealth waters	Levy becomes payable: (a) if only one acceptance event occurs in respect of the safety case during the year—on the day the acceptance event occurs; or (b) otherwise—in instalments on each day during the year that an acceptance event occurs in respect of the safety case	Within 30 days after the end of the day, or after the end of each day, mentioned in column 2	By the end of the period of 30 days after a notice mentioned in column 3 is given

- (2) If NOPSEMA fails to give a written notice to the operator or licensee in accordance with column 3 of an item of the table, the validity of any subsequent notice is not affected by the failure.

Division 3—Safety case levy—designated coastal waters

29 Amount of levy—facilities other than pipelines subject to pipeline licences

- (1) For the purposes of subsection 8(4) of the Regulatory Levies Act, this section provides for the amount of safety case levy imposed on a safety case in respect of a year if the safety case is in force at any time during the year in relation to one or more facilities (other than facilities that are pipelines subject to a pipeline licences) located, or proposed to be located, in the designated coastal waters of a State or the Northern Territory.

Amount of levy—general

- (2) If the safety case is in force during the year in relation to at least one facility that is not a disregarded facility for the year, the amount of levy is the sum of:
- (a) the SMS amount for the safety case and the year; and
 - (b) for each facility (other than a facility that is a disregarded facility for the year) in relation to which the safety case is in force at the start of the year—the facility amount for the facility; and
 - (c) for each facility (other than a facility that is a disregarded facility for the year) in relation to which the safety case is in force during the year, but not at the start of the year—the facility amount for the facility divided by 365 and multiplied by the number of days in the year for which the safety case is in force in relation to the facility.
- (3) For the purposes of paragraph (2)(c), if a facility in relation to which the safety case is in force during the year is a proposed facility of a kind mentioned in paragraph 60(1)(b) of this instrument that enters NOPSEMA waters during the year, the safety case is taken to come into force in relation to the facility on the day the facility first enters NOPSEMA waters.

SMS amount for safety case and year

- (4) The **SMS amount** for the safety case and the year is:
- (a) if the person liable to pay the levy is already liable to pay an SMS amount in the year for another safety case under this section or section 21—zero; or
 - (b) if paragraph (a) does not apply, and each facility (other than a facility that is a disregarded facility for the year) in relation to which the safety case is in force during the year is a mobile facility—\$150,400; or
 - (c) if neither paragraph (a) nor (b) applies—\$226,300.

Note: For when a person is already liable to pay an SMS amount, see section 20C.

Facility amount for facility

- (5) The **facility amount** for a facility is:
- (a) if paragraph (b) does not apply—the facility rating for the facility multiplied by \$46,600; or

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- (b) if the facility is a mobile facility that, during the year, was first operated in Commonwealth waters and was then operated in designated coastal waters—zero.

Note: For mobile facilities mentioned in paragraph (5)(b), see section 21.

Amount of levy—safety case in force in relation to only disregarded facilities

- (6) If the safety case is in force during the year only in relation to one or more facilities each of which is a disregarded facility for the year, the amount of levy is zero.

29A Amount of levy—pipelines subject to pipeline licences

- (1) For the purposes of subsection 8(4) of the Regulatory Levies Act, this section provides for the amount of safety case levy imposed on a safety case in respect of a year if the safety case is in force at any time during the year in relation to one or more facilities that are pipelines subject to pipeline licences located, or proposed to be located, in designated coastal waters.

Amount of levy—general

- (2) The amount of levy is the sum of the following amounts:
- (a) the SMS amount for the safety case and the year; and
 - (b) the facility amount for each facility (other than a facility covered by subsection (5)) in relation to which the safety case is in force during the year.

SMS amount for safety case and year

- (3) The **SMS amount** for the safety case and the year is:
- (a) if the person liable to pay the levy is already liable to pay an SMS amount in the year for another safety case under this section or section 21A—zero; or
 - (b) if paragraph (a) does not apply and there are one or more acceptance events in relation to the safety case during the year—\$74,600; or
 - (c) if neither paragraph (a) nor (b) applies—zero.

Note: For when a person is already liable to pay an SMS amount, see section 20C.

Facility amount for facility

- (4) The **facility amount** for a facility in relation to which the safety case is in force during the year is:
- (a) if one or more acceptance events occur in relation to the safety case during the year—the amount that is the result of multiplying the following:
 - (i) the facility rating for the facility;
 - (ii) the number of acceptance events that occur in relation to the safety case during the year;
 - (iii) \$18,600; or
 - (b) if paragraph (a) does not apply—zero.

Certain pipelines located mostly in Commonwealth waters

- (5) This subsection covers a facility that is a pipeline subject to a pipeline licence if:
- (a) the pipeline is located, or proposed to be located, in both Commonwealth waters and the designated coastal waters of:
 - (i) one or more States; or
 - (ii) the Northern Territory; or
 - (iii) one or more States and the Northern Territory; and
 - (b) more of the length of the pipeline is located in Commonwealth waters.

Note: The reference to a pipeline subject to a pipeline licence in subsection (5) does not include a reference to a pipeline in relation to which a State/Territory remedial direction is in force: see paragraph 20D(2)(a) of this instrument.

31 When levy becomes due and payable

- (1) For the purposes of subsection 687(3) of the OPGGS Act:
- (a) levy imposed in respect of a year on a safety case in force in relation to a facility of a kind mentioned in column 1 of an item of the following table becomes payable in accordance with column 2 of the item; and
 - (b) NOPSEMA must give a written notice of the amount of levy that has become payable to the operator of the facility or the licensee of the pipeline licence (as applicable) in accordance with column 3 of the item; and
 - (c) the amount of levy becomes due and payable in accordance with column 4 of the item.

When levy becomes due and payable				
Item	Column 1	Column 2	Column 3	Column 4
	Kind of facility	When levy becomes payable	When NOPSEMA to give written notice of amount of levy that is payable	When levy becomes due and payable
1	Facility (other than a pipeline subject to a pipeline licence) located or proposed to be located in designated coastal waters	Levy becomes payable in instalments either: <ul style="list-style-type: none"> (a) if the safety case is in force in relation to a facility at the start of the year—at the end of each quarter in the year; and (b) otherwise—at the end of the first quarter in the year in which the safety case is in force in 	Within 30 days after the end of each quarter mentioned in column 2	By the end of the period of 30 days after a notice mentioned in column 3 is given

Part 3 Safety case levy

Division 3 Safety case levy—designated coastal waters

Section 31

When levy becomes due and payable				
Item	Column 1	Column 2	Column 3	Column 4
	Kind of facility	When levy becomes payable	When NOPSEMA to give written notice of amount of levy that is payable	When levy becomes due and payable
		relation to a facility, and at the end of each subsequent quarter in the year		
2	Facility that is a pipeline subject to a pipeline licence located or proposed to be located in designated coastal waters	Levy becomes payable: (a) if only one acceptance event occurs in respect of the safety case during the year—on the day the acceptance event occurs; or (b) otherwise—in instalments on each day during the year that an acceptance event occurs in respect of the safety case	Within 30 days after the end of the day, or after the end of each day, mentioned in column 2	By the end of the period of 30 days after a notice mentioned in column 3 is given

- (2) If NOPSEMA fails to give a written notice to the operator or licensee in accordance with column 3 of an item of the table, the validity of any subsequent notice is not affected by the failure.

Division 4—Safety case levy—reconciliation, remittal, refund and adjustment

32 Reconciliation of levy recovered by instalments with levy payable

- (1) NOPSEMA must ensure, as far as practicable, that the amounts of safety case levy that, under section 23 or 31, it notifies to the operator of a facility or the licensee of a pipeline licence as being due and payable recover the whole of the amount of levy payable by the operator or licensee for the year, taking into account:
 - (a) any changes in the applicable facility rating of a facility described in items 3 or 4 of the table in subsection 19(1); and
 - (b) any remittal or refund of levy made under section 33; and
 - (c) any previous adjustment of levy made under section 34.
- (2) For the purposes of subsection 687(3) of the OPGGS Act, if the amounts paid by way of instalments during a year are inadequate, or will be inadequate, to recover the whole of the amount of levy payable by the operator or licensee in relation to a safety case in force in relation to one or more facilities for a year:
 - (a) NOPSEMA must notify the operator or licensee, in writing, of:
 - (i) the amount of levy (the **shortfall amount**) that has not been paid in the instalments, or that will otherwise need to be paid, to ensure that the whole of the levy that is payable is recovered; and
 - (ii) the operator's or licensee's obligation to pay the shortfall amount; and
 - (b) the shortfall amount is due and payable 30 days after NOPSEMA notifies the operator or licensee under paragraph (a).

33 Remittal or refund of levy—safety case in force in relation to mobile facilities that operate on an intermittent basis

Purpose

- (1) This section is made for the purposes of subsections 687(1) and (2) of the OPGGS Act.

Remittal of levy

- (2) NOPSEMA must remit part of an amount of safety case levy imposed on a safety case in respect of a year if:
 - (a) the safety case is in force in relation to a mobile facility during the year; and
 - (b) at the end of a quarter (the **relevant quarter**) in the year, an instalment of levy imposed on the safety case is payable in accordance with section 23 or 31; and
 - (c) the facility did not operate in NOPSEMA waters on one or more days in the relevant quarter; and
 - (d) the instalment has not been paid.

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Refund of levy

- (3) The Commonwealth must refund part of an amount of safety case levy imposed on a safety case in respect of a year if:
- (a) the safety case is in force in relation to a mobile facility during the year; and
 - (b) at the end of a quarter (the **relevant quarter**) in the year, an instalment of levy imposed on the safety case is payable in accordance with section 23 or 31; and
 - (c) the facility did not operate in NOPSEMA waters on one or more days in the relevant quarter; and
 - (d) the instalment has been paid.

Amounts to be remitted or refunded

- (4) Subject to subsection (7), the amount under subsection (6) for the relevant quarter for the facility must be remitted or refunded.
- (5) Subject to subsection (9), the amount under subsection (8) for the relevant quarter for the safety case must be remitted or refunded.

Amounts of facility amount

- (6) The amount under this subsection for the relevant quarter for the facility is worked out using the formula:

$$\begin{array}{l} \text{Quarterly facility amount} \\ \text{for the facility and the relevant quarter} \end{array} \times \frac{\text{Number of days not operated}}{\text{Number of days in relevant quarter}}$$

where:

number of days not operated means the number of days in the relevant quarter that:

- (a) the safety case was in force in relation to the facility; and
 - (b) the facility did not operate in NOPSEMA waters.
- (7) A part of an amount under subsection (6) for the facility must not be remitted or refunded if the remittal or refund of the part would have the effect that the total of the amounts under subsection (6) for the facility remitted or refunded for the 4 consecutive quarters ending at the end of the relevant quarter exceeds the total of the quarterly facility amounts for the facility and the 3 consecutive quarters ending immediately before the relevant quarter.

Amounts of SMS amount

- (8) The amount under this subsection for the relevant quarter for a safety case is worked out using the formula:

$$\begin{array}{l} \text{Quarterly SMS amount} \\ \text{for the safety case and the relevant quarter} \end{array} \times \frac{\text{Number of days not operated}}{\text{Number of days in relevant quarter}}$$

where:

number of days not operated means the number of days in the relevant quarter that:

- (a) the safety case was in force in relation to the facility; and
 - (b) no facility operated by the operator of the facility operated in NOPSEMA waters.
- (9) A part of an amount under subsection (8) for the safety case must not be remitted or refunded if the remittal or refund of the part would have the effect that the total of the amounts under subsection (8) for the safety case remitted or refunded for the 4 consecutive quarters ending at the end of the relevant quarter exceeds the total of the quarterly SMS amounts for the safety case and the 3 consecutive quarters ending immediately before the relevant quarter.

34 Adjustment of amount of instalments of levy

- (1) This section applies if:
- (a) all of the following apply:
 - (i) the operator of a facility or a licensee of a pipeline licence has not previously informed NOPSEMA about the operation of a facility;
 - (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;
 - (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) all of the following apply:
 - (i) an operator of a facility or a licensee of a pipeline licence has previously informed NOPSEMA about the operation of a facility;
 - (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;
 - (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) both of the following apply:
 - (i) NOPSEMA is satisfied that a facility is operating in a particular way;
 - (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 of safety case levy payable under Division 2 or 3 of this Part (as applicable).
- (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.

Part 4—Well investigation levy

Division 1—Well investigation levy—Commonwealth waters

38 Amount of levy

For the purposes of subsection 9(4) of the Regulatory Levies Act, the amount of well investigation levy imposed on a compliance investigation for a levy period is the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the investigation during the levy period.

39 Amount of costs and expenses—advice of independent expert

- (1) The liable holder for well investigation levy imposed on a compliance investigation and NOPSEMA may agree, at any time after the threshold time for the investigation, to the selection and appointment of an independent expert:
 - (a) to assess the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the investigation; and
 - (b) to provide a report to NOPSEMA on the assessment.
- (2) NOPSEMA must not unreasonably withhold its agreement to the selection or appointment of the independent expert.
- (3) The liable holder must bear the costs incurred for the services of the independent expert.
- (4) As soon as practicable after receiving a report from the independent expert, NOPSEMA must:
 - (a) give a copy of the report to the liable holder; and
 - (b) consider the report in determining the amount of the costs and expenses reasonably incurred by NOPSEMA in conducting the investigation.

40 When levy becomes due and payable

- (1) This section provides for when well investigation levy imposed on a compliance investigation in respect of a levy period becomes due and payable for the purposes of subsection 688(1) of the OPGGS Act.

When well investigation levy becomes payable

- (2) Well investigation levy for a levy period becomes payable:
 - (a) if a NOPSEMA inspector ceases to conduct the investigation during the levy period—at the end of the day the inspector ceases to conduct the investigation; and
 - (b) otherwise—at the end of the levy period.

When NOPSEMA inspector taken to have ceased to conduct compliance investigation

- (3) For the purposes of subsection (2), a NOPSEMA inspector is taken to have ceased to conduct the compliance investigation on the earlier of the following:
- (a) the day NOPSEMA refers a brief of evidence to a prosecuting agency (however described) in relation to the proposed prosecution of a person in connection with the contravention or possible contravention to which the investigation relates;
 - (b) the day NOPSEMA informs the liable holder for the well investigation levy, by written notice, that the investigation is complete.
- (4) If an event mentioned in paragraph (3)(a) occurs, NOPSEMA must notify the liable holder, in writing, as soon as practicable after it occurs.

When well investigation levy becomes due and payable

- (5) An amount of well investigation levy for a levy period becomes due and payable by the end of the period of 30 days after the day NOPSEMA gives a written notice to the liable holder under subsection (6).
- (6) If an amount of well investigation levy becomes payable under subsection (2) in respect of a levy period, NOPSEMA must give a written notice of the amount to the liable holder for the well investigation levy:
- (a) if an independent expert is appointed under section 39 to assess the costs and expenses reasonably incurred by NOPSEMA during that period in relation to the conduct of the investigation—within 14 days after the day the independent expert provides a report to NOPSEMA on the assessment; or
 - (b) otherwise—within 14 days after the day the amount becomes payable.
- (7) If NOPSEMA fails to give a written notice to the liable holder in accordance with subsection (6), the validity of any subsequent notice is not affected by the failure.

Division 2—Well investigation levy—designated coastal waters

44 Amount of levy

For the purposes of subsection 10(4) of the Regulatory Levies Act, the amount of well investigation levy imposed on an inspection for a levy period is the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the inspection during the levy period.

45 Amount of costs and expenses—advice of independent expert

- (1) The liable holder for well investigation levy imposed on an inspection and NOPSEMA may agree, at any time after the threshold time for the inspection, to the selection and appointment of an independent expert:
 - (a) to assess the costs and expenses reasonably incurred by NOPSEMA in relation to the conduct of the inspection; and
 - (b) to provide a report to NOPSEMA on the assessment.
- (2) NOPSEMA must not unreasonably withhold its agreement to the selection or appointment of the independent expert.
- (3) The liable holder must bear the costs incurred for the services of the independent expert.
- (4) As soon as practicable after receiving a report from the independent expert, NOPSEMA must:
 - (a) give a copy of the report to the liable holder; and
 - (b) consider the report in determining the amount of the costs and expenses reasonably incurred by NOPSEMA in conducting the inspection.

46 When levy becomes due and payable

- (1) This section provides for when well investigation levy imposed on an inspection in respect of a levy period becomes due and payable for the purposes of subsection 688(1) of the OPGGS Act.

When well investigation levy becomes payable

- (2) Well investigation levy for a levy period becomes payable:
 - (a) if a NOPSEMA inspector ceases to conduct the inspection during the levy period—at the end of the day the inspector ceases to conduct the inspection; and
 - (b) otherwise—at the end of the levy period.

When NOPSEMA inspector taken to have ceased to conduct inspection

- (3) For the purposes of subsection (2), a NOPSEMA inspector is taken to have ceased to conduct the inspection on the earlier of the following:

- (a) the day NOPSEMA refers a brief of evidence to a prosecuting agency (however described) in relation to the proposed prosecution of a person in connection with the contravention or possible contravention to which the inspection relates;
 - (b) the day NOPSEMA informs the liable holder for the well investigation levy, by written notice, that the inspection is complete.
- (4) If an event mentioned in paragraph (3)(a) occurs, NOPSEMA must notify the liable holder, in writing, as soon as practicable after it occurs.

When well investigation levy becomes due and payable

- (5) An amount of well investigation levy for a levy period becomes due and payable by the end of the period of 30 days after the day NOPSEMA gives a written notice to the liable holder under subsection (6).
- (6) If an amount of well investigation levy becomes payable under subsection (2) in respect of a levy period, NOPSEMA must give a written notice of the amount to the liable holder for the well investigation levy:
 - (a) if an independent expert is appointed under section 45 to assess the costs and expenses reasonably incurred by NOPSEMA during that period in relation to the conduct of the inspection—within 14 days after the day the independent expert provides a report to NOPSEMA on the assessment; or
 - (b) otherwise—within 14 days after the day the amount becomes payable.
- (7) If NOPSEMA fails to give a written notice to the liable holder in accordance with subsection (6), the validity of any subsequent notice is not affected by the failure.

Part 5—Annual well levy

Division 1—Annual well levy—Commonwealth titles

49 Amount of levy

For the purposes of subsection 10A(4) of the Regulatory Levies Act, the amount of annual well levy for each eligible well is \$5,500.

50 When levy becomes due and payable

For the purposes of subsection 688A(1) of the OPGGS Act, annual well levy becomes due and payable by the end of the period of 30 days after the start of the year in respect of which the levy is imposed.

51 Abandoned wells—prescribed regulations

For the purposes of subsection 10A(6A) of the Regulatory Levies Act, paragraph 5.17(c) of the Resource Management and Administration Regulations is prescribed.

Division 2—Annual well levy—State/Territory titles

52 Amount of levy

For the purposes of subsection 10B(4) of the Regulatory Levies Act, the amount of annual well levy for each eligible well is \$5,500.

53 When levy becomes due and payable

For the purposes of subsection 688A(1) of the OPGGS Act, annual well levy becomes due and payable by the end of the period of 30 days after the start of the year in respect of which the levy is imposed.

53A Functions and powers of NOPSEMA under State and Territory laws—prescribed regulations

For the purposes of paragraph 10B(1)(c) of the Regulatory Levies Act, Part 5 of the Resource Management and Administration Regulations is prescribed.

Part 6—Well activity levy

Division 1—Preliminary

54 Applications and submissions—prescribed regulations

- (1) For the purposes of subparagraph 10C(1)(a)(i) and 10D(1)(a)(i) of the Regulatory Levies Act, regulation 5.06 of the Resource Management and Administration Regulations is prescribed.
- (2) For the purposes of subparagraph 10C(1)(a)(ii) and 10D(1)(a)(iv) of the Regulatory Levies Act, regulation 5.13 of the Resource Management and Administration Regulations is prescribed.

Division 2—Well activity levy—Commonwealth titles

55 Amount of levy

For the purposes of subsection 10C(4) of the Regulatory Levies Act, the amount of well activity levy imposed on an application or submission is \$46,600.

56 When levy becomes due and payable

For the purposes of subsection 688B(1) of the OPGGS Act:

- (a) well activity levy imposed on an application for acceptance of a well operations management plan becomes due and payable by the end of the period of 30 days after the day on which the application is made; and
- (b) well activity levy imposed on the submission of a proposed revision of a well operations management plan becomes due and payable by the end of the period of 30 days after the day on which the revision is submitted.

Division 3—Well activity levy—State/Territory titles

58 Amount of levy

For the purposes of subsection 10D(4) of the Regulatory Levies Act, the amount of well activity levy imposed on an application or submission is:

- (a) for an application or submission mentioned in subparagraph 10D(1)(a)(i), (iii) or (iv) of the Act—\$46,600; and
- (b) for an application mentioned in subparagraph 10D(1)(a)(ii) of the Act—\$10,000.

59 When levy becomes due and payable

For the purposes of subsection 688B(1) of the OPGGS Act:

- (a) well activity levy imposed on an application for acceptance of a well operations management plan becomes due and payable by the end of the period of 30 days after the day on which the application is made; and
- (b) well activity levy imposed on an application for approval to commence an activity relating to a well becomes due and payable by the end of the period of 30 days after the day on which the application is made; and
- (c) well activity levy imposed on the submission of a proposed revision of a well operations management plan becomes due and payable by the end of the period of 30 days after the day on which the revision is submitted.

Part 7—Annual titles administration levy

59A Definitions

In this Part:

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

title means a title within the meaning of section 695M of the OPGGS Act.

59AA Amount of levy

For the purposes of subsection 10E(4) of the Regulatory Levies Act, the amount of annual titles administration levy imposed on an eligible title for:

- (a) the year beginning on the day the eligible title comes into force; and
 - (b) each subsequent year beginning on the anniversary of that day;
- is specified in, or worked out in accordance with, the following table.

Annual titles administration levy amounts		
Item	Column 1	Column 2
	Eligible title	Amount
1	work-bid petroleum exploration permit	\$11,000
2	cash-bid petroleum exploration permit	\$11,000
3	special petroleum exploration permit	\$11,000
4	boundary-change petroleum exploration permit	\$11,000
5	petroleum retention lease	the number of blocks that are the subject of the lease, multiplied by \$22,000
6	petroleum production licence	the number of blocks that are the subject of the licence, multiplied by \$22,000
7	infrastructure licence	\$27,500
8	pipeline licence	\$110 for each kilometre, or part of a kilometre, of the length of the pipeline covered by the licence
9	work-bid greenhouse gas assessment permit	\$11,000
10	cross-boundary greenhouse gas assessment permit	\$11,000
11	greenhouse gas holding lease	the number of blocks that are the subject of the lease, multiplied by \$22,000
12	greenhouse gas injection licence	the number of blocks that are the subject of the licence,

Section 59AB

Annual titles administration levy amounts		
Item	Column 1	Column 2
	Eligible title	Amount
		multiplied by \$22,000

Note: Section 695M of the OPGGS Act sets out when annual titles administration levy becomes due and payable.

59AB Remittal or refund of levy—title wholly ceases to be in force during year

Remittal of levy

- (1) For the purposes of subsection 695M(3) of the OPGGS Act, the Titles Administrator must remit an amount of levy, worked out under subsection (3), if:
 - (a) the levy is imposed on a title for a year; and
 - (b) the title wholly ceases to be in force at a particular time during the year, other than in the circumstances mentioned in subsection (4); and
 - (c) the levy has not been paid by that time.

Refund of levy

- (2) For the purposes of subsection 695M(3) of the OPGGS Act, the Titles Administrator must refund an amount of levy, worked out under subsection (3), if:
 - (a) the levy is imposed on a title for a year; and
 - (b) the title wholly ceases to be in force at a particular time during the year, other than in the circumstances mentioned in subsection (4); and
 - (c) the levy has been paid by that time.

Amount to be remitted or refunded

- (3) The amount to be remitted under subsection (1), or refunded under subsection (2), is worked out in accordance with the formula:

$$\frac{\text{The number of days in the year that the title is not in force}}{365} \times \frac{\text{The amount of annual titles administration levy imposed on the title for the year}}{1}$$

Circumstances in which remittal or refund is not applicable under this section

- (4) For the purposes of paragraphs (1)(b) and (2)(b), the circumstances are that:
 - (a) the title is wholly cancelled under section 275 or 447 of the OPGGS Act during the year; or
 - (b) the title is wholly surrendered under section 271 or 443 of the OPGGS Act during the year.

Note: For paragraph (4)(b), see section 59AD for the remittal or refund of levy in the circumstance that a title is wholly surrendered during the year and the application for consent to surrender the title is made before the beginning of that year.

59AC Remittal or refund of levy—title partly ceases to be in force during year*Remittal of levy*

- (1) For the purposes of subsection 695M(3) of the OPGGS Act, the Titles Administrator must remit an amount of levy, worked out under subsection (3), if:
- (a) the levy is imposed on a title for a year; and
 - (b) the title partly ceases to be in force at a particular time during the year, other than in the circumstances mentioned in subsection (6); and
 - (c) the levy has not been paid by that time.

Refund of levy

- (2) For the purposes of subsection 695M(3) of the OPGGS Act, the Titles Administrator must refund an amount of levy, worked out under subsection (3), if:
- (a) the levy is imposed on a title for a year; and
 - (b) the title partly ceases to be in force at a particular time during the year, other than in the circumstances mentioned in subsection (6); and
 - (c) the levy has been paid by that time.

Amount to be remitted or refunded

- (3) The amount to be remitted under subsection (1), or refunded under subsection (2), is the sum of each amount worked out in accordance with subsection (4) or (5) (as applicable).
- (4) For each block that ceases to be the subject of the title during the year, work out an amount in accordance with the following formula:

$$\frac{\text{The number of days in the year that the block is not the subject of the title}}{365} \times \$22,000$$

- (5) For each kilometre (or part of a kilometre) of pipeline that ceases to be covered by the title during the year, work out an amount in accordance with the following formula:

$$\frac{\text{The number of days in the year that the kilometre (or part of the kilometre) of pipeline is not covered by the title}}{365} \times \$110$$

Circumstances in which remittal or refund is not applicable under this section

- (6) For the purposes of paragraphs (1)(b) and (2)(b), the circumstances are that:
- (a) the title is partly cancelled under section 275 or 447 of the OPGGS Act during the year; or
 - (b) the title is partly surrendered under section 271 or 443 of the OPGGS Act during the year.

Section 59AD

Note: For paragraph (6)(b), see section 59AE for the remittal or refund of levy in the circumstance that a title is partly surrendered during the year and the application for consent to surrender, or to partly surrender, the title is made before the beginning of that year.

59AD Remittal or refund of levy—title wholly surrendered during year and application for consent to surrender made before that year

Remittal of levy

- (1) For the purposes of subsection 695M(3) of the OPGGS Act, the Titles Administrator must remit the whole amount of levy imposed on a title for a year if:
- (a) the title is wholly surrendered under section 271 or 443 of the OPGGS Act at a particular time during the year; and
 - (b) the application for consent to surrender the title was made before the start of the year; and
 - (c) the amount of levy has not been paid by the time the title is surrendered.

Note: The year in respect of which levy is imposed on a title is the year beginning on the day the title comes into force, or a subsequent year beginning on the anniversary of that day: see section 59AA.

Refund of levy

- (2) For the purposes of subsection 695M(3) of the OPGGS Act, the Titles Administrator must refund the whole amount of levy imposed on a title for a year if:
- (a) the title is wholly surrendered under section 271 or 443 of the OPGGS Act at a particular time during the year; and
 - (b) the application for consent to surrender the title was made before the start of the year; and
 - (c) the amount of levy has been paid by the time the title is surrendered.

Note: The year in respect of which levy is imposed on a title is the year beginning on the day the title comes into force, or a subsequent year beginning on the anniversary of that day: see section 59AA.

59AE Remittal or refund of levy—title partly surrendered during year and application for consent to surrender made before that year

Remittal of levy

- (1) For the purposes of subsection 695M(3) of the OPGGS Act, the Titles Administrator must remit an amount of levy, worked out under subsection (3), if:
- (a) the levy is imposed on a title for a year; and
 - (b) the title is partly surrendered under section 271 or 443 of the OPGGS Act at a particular time during the year; and
 - (c) the application for consent to surrender, or to partly surrender, the title was made before the start of the year; and
 - (d) the amount of levy has not been paid by the time the title is surrendered.

Section 59AE

Note: The year in respect of which levy is imposed on a title is the year beginning on the day the title comes into force, or a subsequent year beginning on the anniversary of that day: see section 59AA.

Refund of levy

- (2) For the purposes of subsection 695M(3) of the OPGGS Act, the Titles Administrator must refund an amount of levy, worked out under subsection (3), if:
- (a) the levy is imposed on a title for a year; and
 - (b) the title is partly surrendered under section 271 or 443 of the OPGGS Act at a particular time during the year; and
 - (c) the application for consent to surrender, or to partly surrender, the title was made before the start of the year; and
 - (d) the amount of levy has been paid by the time the title is surrendered.

Note: The year in respect of which levy is imposed on a title is the year beginning on the day the title comes into force, or a subsequent year beginning on the anniversary of that day: see section 59AA.

Amount of levy to be remitted or refunded

- (3) The amount to be remitted under subsection (1), or refunded under subsection (2), is the sum of:
- (a) for each block in respect of which the title is surrendered—\$22,000; or
 - (b) for each kilometre (or part of a kilometre) of pipeline in respect of which the title is surrendered—\$110.

Part 8—Environment plan levy

Division 1—Preliminary

59B Ratings for activities to which environment plans relate

- (1) The following table specifies:
- (a) activities; and
 - (b) activity ratings and compliance ratings for those activities.

Activities, activity ratings and compliance ratings			
Item	Column 1	Column 2	Column 3
	Activity	Activity rating	Compliance rating
1	Operation of a facility that is used for: (a) the recovery or processing of petroleum; or (b) the injection or storage of a greenhouse gas substance into the seabed or subsoil	25	22
2	Operation of a facility that is used for the storage of petroleum but not for the recovery or processing of petroleum	14	9
3	Recovery of petroleum, or the injection of a greenhouse gas substance into the seabed or subsoil, using a subsea installation that: (a) is not by itself a facility mentioned in item 1; and (b) is not connected to a facility mentioned in item 1 or 2 that is located in the same licence area; and (c) is not connected to a pipeline subject to a pipeline licence that is located in the same licence area	12	6
4	Operation of a pipeline subject to a pipeline licence	6	3
5	Construction or installation of a facility mentioned in item 1 or 2	25	18
6	Construction or installation of a pipeline subject to a pipeline licence	16	13
7	Decommissioning, dismantling or removing a facility mentioned in item 1 or 2	22	14
8	Decommissioning, dismantling or removing a pipeline subject to a pipeline licence	16	14
9	Significant modification of a facility mentioned in item 1 or 2	23	17
10	Significant modification of a pipeline subject to a pipeline licence	16	13
11	Drilling	27	14
12	Conducting a seismic survey	17	9

Section 59BA

Activities, activity ratings and compliance ratings			
Item	Column 1	Column 2	Column 3
	Activity	Activity rating	Compliance rating
13	Conducting a survey (other than a seismic survey)	10	3
14	Any other activity carried out under an instrument, authority or consent granted or issued under: (a) if authorised by a Commonwealth title (within the meaning of section 10F of the Regulatory Levies Act)—the OPGGS Act; or (b) if authorised by a State/Territory title (within the meaning of section 10G of the Regulatory Levies Act)—an Act of a State or Territory that substantially corresponds to the OPGGS Act	9	3

Application of this section if a remedial direction is in force

- (2) If a remedial direction is in force, subsection (1) applies as if:
- (a) a reference to a pipeline subject to a pipeline licence included a reference to a pipeline in relation to which a remedial direction is in force; and
 - (b) a reference to any other activity carried out under an instrument, authority or consent granted or issued under the OPGGS Act included a reference to any other activity carried out for the purposes of complying with a remedial direction.

Application of this section if a State/Territory remedial direction is in force

- (3) If a State/Territory remedial direction is in force, subsection (1) applies as if:
- (a) a reference to a pipeline subject to a pipeline licence included a reference to a pipeline in relation to which a State/Territory remedial direction is in force; and
 - (b) a reference to any other activity 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 included a reference to any other activity carried out for the purposes of complying with a State/Territory remedial direction.

59BA Submissions to NOPSEMA—prescribed regulations

- (1) For the purposes of subparagraphs 10F(1)(a)(i), (c)(i) and (d)(i) and 10G(1)(a)(i), (c)(i) and (d)(i) of the Regulatory Levies Act, regulation 9 of the Environment Regulations is prescribed.
- (2) For the purposes of subparagraphs 10F(1)(b)(i) and (e)(i) and 10G(1)(b)(i) and (e)(i) of the Regulatory Levies Act, regulations 17, 18 and 19 of the Environment Regulations are prescribed.

Division 2—Environment plan levy—Commonwealth titles

59C Amount of levy

- (1) For the purposes of subsection 10F(4) of the Regulatory Levies Act, the amount of environment plan levy imposed on the submission of an environment plan, or a proposed revision of an environment plan, is the sum of the following:
 - (a) the total activity amount for the submission;
 - (b) the total compliance amount for the submission.

Total activity amount for submission

- (2) The **total activity amount** for the submission is the sum of the activity amounts for all of the activities to which the plan or revised plan relates.

Total compliance amount for submission

- (3) The **total compliance amount** for the submission is the sum of the compliance amounts for all of the activities to which the plan or revised plan relates.

Activity amounts for activities

- (4) The **activity amount** for an activity to which the plan or revised plan relates is worked out by:
 - (a) multiplying the activity rating for the activity by \$4,800; and
 - (b) if the activity is not a survey activity, and is not carried out for the purposes of complying with a remedial direction—multiplying the result of paragraph (a) by the number of Commonwealth titles (within the meaning of section 10F of the Regulatory Levies Act) that authorise the activity.

Compliance amounts for activities

- (5) The **compliance amount** for an activity to which the plan or revised plan relates is worked out by:
 - (a) multiplying the compliance rating for the activity by \$4,800; and
 - (b) multiplying the result of paragraph (a) by the lesser of:
 - (i) the expected duration of the activity as specified in the plan or revised plan (expressed in whole years and rounding part years up to the next whole year); and
 - (ii) 5; and
 - (c) if the activity is not a survey activity, and is not carried out for the purposes of complying with a remedial direction—multiplying the result of paragraph (b) by the number of Commonwealth titles (within the meaning of section 10F of the Regulatory Levies Act) that authorise the activity.

59D When levy becomes due and payable

- (1) For the purposes of subsection 688C(1) of the OPGGS Act, this section provides for when environment plan levy imposed on the submission of an environment plan, or a proposed revision of an environment plan, becomes due and payable.

Total activity amount

- (2) The total activity amount for the submission becomes due and payable by the end of the period of 30 days after the day the plan or proposed revision is submitted.

Total compliance amount

- (3) The total compliance amount for the submission becomes due and payable in annual instalments during the period that the plan (or revised plan) is in force.
- (4) The first instalment of the total compliance amount becomes due and payable by the end of the period of 30 days after the day the plan or proposed revision is submitted.
- (5) Each subsequent instalment of the total compliance amount becomes due and payable on 1 January in each calendar year after the year the plan or proposed revision is submitted.

59E Remittal or refund of levy

- (1) For the purposes of subsection 688C(1A) of the OPGGS Act, this section provides for the remittal or refund of environment plan levy imposed on the submission of an environment plan or a proposed revision of an environment plan.

Withdrawal of environment plan before acceptance or refusal

- (2) If an environment plan is withdrawn under subregulation 11AA(1) of the Environment Regulations:
 - (a) NOPSEMA must remit each instalment of the total compliance amount for the submission of the plan that has not yet been paid; and
 - (b) the Commonwealth must refund each instalment of the total compliance amount for the submission of the plan that has been paid.

Refusal to accept environment plan or proposed revision

- (3) If NOPSEMA refuses to accept an environment plan or proposed revision under regulation 10 of the Environment Regulations:
 - (a) NOPSEMA must remit each instalment of the total compliance amount for the submission that has not yet been paid; and
 - (b) the Commonwealth must refund each instalment of the total compliance amount for the submission that has been paid.

Section 59E

Environment plan superseded by revised plan

- (4) NOPSEMA must remit an instalment of the total compliance amount for the submission of an environment plan if:
 - (a) NOPSEMA accepts a proposed revision of the environment plan under regulation 10 of the Environment Regulations; and
 - (b) at the time the proposed revision is accepted, the instalment has not yet been paid.

Division 3—Environment plan levy—State/Territory titles

59G Amount of levy

- (1) For the purposes of subsection 10G(4) of the Regulatory Levies Act, the amount of environment plan levy imposed on the submission of an environment plan, or a proposed revision of an environment plan, is the sum of the following:
- (a) the total activity amount for the submission;
 - (b) the total compliance amount for the submission.

Total activity amount for submission

- (2) The **total activity amount** for the submission is the sum of the activity amounts for all of the activities to which the plan or revised plan relates.

Total compliance amount for submission

- (3) The **total compliance amount** for the submission is the sum of the compliance amounts for all of the activities to which the plan or revised plan relates.

Activity amounts for activities

- (4) The **activity amount** for an activity to which the plan or revised plan relates is worked out by:
- (a) multiplying the activity rating for the activity by \$4,800; and
 - (b) if the activity is not a survey activity, and is not carried out for the purposes of complying with a State/Territory remedial direction—multiplying the result of paragraph (a) by the number of State/Territory titles (within the meaning of section 10G of the Regulatory Levies Act) that authorise the activity.

Compliance amounts for activities

- (5) The **compliance amount** for an activity to which the plan or revised plan relates is worked out by:
- (a) multiplying the compliance rating for the activity by \$4,800; and
 - (b) multiplying the result of paragraph (a) by the lesser of:
 - (i) the expected duration of the activity as specified in the plan or revised plan (expressed in whole years and rounding part years up to the next whole year); and
 - (ii) 5; and
 - (c) if the activity is not a survey activity, and is not carried out for the purposes of complying with a State/Territory remedial direction—multiplying the result of paragraph (b) by the number of State/Territory titles (within the meaning of section 10G of the Regulatory Levies Act) that authorise the activity.

Section 59H

59H When levy becomes due and payable

- (1) For the purposes of subsection 688C(1) of the OPGGS Act, this section provides for when environment plan levy imposed on the submission of an environment plan, or a proposed revision of an environment plan, becomes due and payable.

Total activity amount

- (2) The total activity amount for the submission becomes due and payable by the end of the period of 30 days after the day the plan or proposed revision is submitted.

Total compliance amount

- (3) The total compliance amount for the submission becomes due and payable in annual instalments during the period that the plan (or revised plan) is in force.
- (4) The first instalment of the total compliance amount becomes due and payable by the end of the period of 30 days after the day the plan or proposed revision is submitted.
- (5) Each subsequent instalment of the total compliance amount becomes due and payable on 1 January in each calendar year after the year the plan or proposed revision is submitted.

59I Remittal or refund of levy

- (1) For the purposes of subsection 688C(1A) of the OPGGS Act, this section provides for the remittal or refund of environment plan levy imposed on the submission of an environment plan or a proposed revision of an environment plan.

Withdrawal of environment plan before acceptance or refusal

- (2) If an environment plan is withdrawn under a provision of a law of a State or Territory that substantially corresponds to subregulation 11AA(1) of the Environment Regulations:
 - (a) NOPSEMA must remit each instalment of the total compliance amount for the submission of the plan that has not yet been paid; and
 - (b) the Commonwealth must refund each instalment of the total compliance amount for the submission of the plan that has been paid.

Refusal to accept environment plan or proposed revision

- (3) If NOPSEMA refuses to accept an environment plan or proposed revision under a provision of a law of a State or Territory that substantially corresponds to regulation 10 of the Environment Regulations:
 - (a) NOPSEMA must remit each instalment of the total compliance amount for the submission that has not yet been paid; and
 - (b) the Commonwealth must refund each instalment of the total compliance amount for the submission that has been paid.

Environment plan superseded by revised plan

- (4) NOPSEMA must remit an instalment of the total compliance amount for the submission of an environment plan if:
 - (a) NOPSEMA accepts a proposed revision of the environment plan under a provision of a law of a State or Territory that substantially corresponds to regulation 10 of the Environment Regulations; and
 - (b) at the time the proposed revision is accepted, the instalment has not yet been paid.

Part 9—NOPSEMA

60 Fee for assessing safety case

- (1) For the purposes of section 685 of the OPGGS Act, a fee is payable to NOPSEMA by the operator of a facility if:
 - (a) NOPSEMA assesses a safety case (however described) for the facility that is submitted under:
 - (i) regulation 2.24 of the Safety Regulations; or
 - (ii) the applicable State or Territory safety law that substantially corresponds to that regulation; and
 - (b) the facility is:
 - (i) proposed to be, or is being, constructed at a location outside NOPSEMA waters; and
 - (ii) proposed to be installed and operated at a location in Commonwealth waters or in the designated coastal waters of a State or the Northern Territory.
- (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.

61 Review of cost-recovery arrangements—periodic reviews

- (1) The CEO must conduct periodic reviews of cost-recovery arrangements in relation to the operations of NOPSEMA.
- (2) A review under subsection (1) must include a comparison of the costs and expenses incurred by NOPSEMA in undertaking regulatory activities during the period covered by the review with the fees and levies collected by NOPSEMA that relate to that 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 section 63:
 - (a) the Australian Petroleum Production & Exploration Association Limited;

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- (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 this instrument during the financial year;
- (c) each of the following who are liable to pay levy in accordance with this instrument during the financial year:
 - (i) a registered holder of a title;
 - (ii) a holder of a State/Territory title;
 - (iii) a person subject to a remedial direction;
 - (iv) a person subject to a State/Territory remedial direction;
- (d) any other person to whom the CEO believes it would be appropriate to give the report.

Note: The requirements of this section are in addition to the requirements of Division 4 of Part 2-3 of the *Public Governance, Performance and Accountability Act 2013*.

63 Meetings about operations of NOPSEMA

- (1) The CEO must, each year, meet representatives of the offshore petroleum industry and the offshore greenhouse gas storage 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 section 61 and the financial report prepared under section 62 in respect of the preceding financial year.

64 NOPSEMA to make and keep records of costs and expenses incurred in conducting compliance investigations and inspections

NOPSEMA must:

- (a) make a record of the costs and expenses mentioned in an item of the following table; and
- (b) keep the record for the period mentioned in the item; and
- (c) if requested by a person mentioned in the item:
 - (i) make the record available to the person for inspection at any time during business hours; and
 - (ii) give a copy of the record to the person.

Records NOPSEMA must make and keep			
Item	Column 1	Column 2	Column 3
	Costs and expenses	Period	Person
1	The costs and expenses incurred by NOPSEMA in relation to the conduct of a compliance investigation	At least 7 years after the day the investigation or inspection is taken to have ceased	The operator of the facility in respect of which the notifiable accident or occurrence has happened

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Records NOPSEMA must make and keep			
Item	Column 1	Column 2	Column 3
	Costs and expenses	Period	Person
	or inspection in respect of a notifiable accident or occurrence on which safety investigation levy is imposed		
2	Costs and expenses incurred by NOPSEMA in relation to the conduct of a compliance investigation or inspection on which well investigation levy is imposed	At least 7 years after the day the investigation or inspection is taken to have ceased	The liable holder for the well investigation levy

Part 10—Application, saving and transitional provisions

Division 1—Provisions relating to the commencement of this instrument

65 Definitions for Division

In this Division:

old instrument means the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Regulations 2004*, as in force immediately before 1 January 2023.

66 Levies and fees payable under the old instrument

Despite the repeal of the old instrument by the *Offshore Petroleum and Greenhouse Gas Storage Legislation (Repeal and Other Measures) Regulations 2022*, the old instrument continues to apply on and after 1 January 2023 in relation to the following as if that repeal had not happened:

- (a) for levy imposed in respect of a particular period—levy imposed in respect of a period that starts before 1 January 2023;
- (b) for any other levy—levy imposed before 1 January 2023;
- (c) fees payable for the assessment of a safety case that is submitted before 1 January 2023 (see section 60 of this instrument).

67 Amounts under the old instrument for remitting or refunding safety case levy

Facility amounts for quarters in 2022

- (1) A reference in subsection 33(7) of this instrument to an amount worked out under subsection 33(6) for a facility and a previous quarter is taken to include a reference to an amount worked out under subsection 25(4) or 33(4) (as applicable) of the old instrument for the facility and that previous quarter.
- (2) A reference in subsection 33(7) of this instrument to a quarterly facility amount for a facility and a previous quarter is taken to include a reference to a quarterly instalment of facility amount worked out in relation to the facility and that previous quarter using Schedule 1 to the old instrument (as referred to in subsection 25(5) or 33(5) (as applicable) of the old instrument).

SMS amounts for quarters in 2022

- (3) A reference in subsection 33(9) of this instrument to an amount worked out under subsection 33(8) for a safety case and a previous quarter is taken to include a reference to an amount worked out under subsection 25(6) or 33(6) (as applicable) of the old instrument for the safety case and that previous quarter.

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- (4) A reference in subsection 33(9) of this instrument to a quarterly SMS amount for a safety case and a previous quarter is taken to include a quarterly instalment of SMS amount worked out in relation to the safety case and that previous quarter using Schedule 1 to the old instrument (as referred to in subsection 25(7) or 33(7) (as applicable) of the old instrument).

68 Keeping old records of costs and expenses incurred in conducting compliance investigations and inspections

A reference in paragraph 64(b) or (c) of this instrument to a record is taken to include a reference to a record of costs and expenses made under regulation 12, 19, 41 or 47 of the old instrument.