



Offshore Petroleum (Safety Levies) Act 2003

No. 117, 2003

An Act to impose safety investigation levy, safety case levy, and pipeline safety management plan levy, in relation to offshore petroleum facilities

Note: An electronic version of this Act is available in SCALEplus
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)

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**An Act to impose safety investigation levy, safety
case levy, and pipeline safety management plan
levy, in relation to offshore petroleum facilities**

[Assented to 4 December 2003]

The Parliament of Australia enacts:

Section 1

Part 1—Introduction

1 Short title

This Act may be cited as the *Offshore Petroleum (Safety Levies) Act 2003*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	4 December 2003
2. Sections 3 to 11	1 January 2005.	1 January 2005.

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Definitions

In this Act, unless the contrary intention appears:

applicable State or Territory safety law means:

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

Commonwealth waters has the same meaning as in Part IIIC of the *Petroleum (Submerged Lands) Act 1967*.

designated coastal waters, in relation to a State or the Northern Territory, has the same meaning as in Part IIIC of the *Petroleum (Submerged Lands) Act 1967*.

OHS inspector has the same meaning as in Part IIIC of the *Petroleum (Submerged Lands) Act 1967*.

pipeline safety management plan levy means levy imposed by section 9 or 10.

Safety Authority means the National Offshore Petroleum Safety Authority established by Part IIIC of the *Petroleum (Submerged Lands) Act 1967*.

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

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

State PSLA has the same meaning as in Part IIIC of the *Petroleum (Submerged Lands) Act 1967*.

State safety law means the provisions of a State PSLA that substantially correspond to Schedule 7 to the *Petroleum (Submerged Lands) Act 1967*.

Territory PSLA has the same meaning as in Part IIIC of the *Petroleum (Submerged Lands) Act 1967*.

Territory safety law means the provisions of the Territory PSLA that substantially correspond to Schedule 7 to the *Petroleum (Submerged Lands) Act 1967*.

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

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4 Extension to external Territories

This Act extends to each external Territory to which the *Petroleum (Submerged Lands) Act 1967* extends.

Note: See section 7 of the *Petroleum (Submerged Lands) Act 1967*.

Part 2—Safety investigation levy

5 Imposition of safety investigation levy—Commonwealth waters

- (1) If:
- (a) a notifiable accident or occurrence happens in relation to a facility located in Commonwealth waters; and
 - (b) an OHS inspector begins to conduct an inspection in relation to the notifiable accident or occurrence; and
 - (c) the condition or conditions specified in the regulations are satisfied;
- levy is imposed on the notifiable accident or occurrence.
- (2) Levy imposed by subsection (1) is to be known as *safety investigation levy*.
- (3) Safety investigation levy imposed by subsection (1) is payable by the operator of the facility.
- (4) Safety investigation levy is not payable under subsection (1) unless regulations are in force for the purposes of paragraph (1)(c).

Note: For collection of safety investigation levy, see section 150YR of the *Petroleum (Submerged Lands) Act 1967*.

Amount of safety investigation levy

- (5) The amount of safety investigation levy imposed by subsection (1) in respect of a notifiable accident or occurrence is the amount that is specified in, or worked out in accordance with, the regulations.
- (6) The regulations may specify different amounts of safety investigation levy, or different means of working out amounts of safety investigation levy, in relation to different kinds of notifiable accident or occurrence.
- (7) Subsection (6) does not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

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Definitions

(8) In this section:

accident has the same meaning as in Schedule 7 to the *Petroleum (Submerged Lands) Act 1967*.

dangerous occurrence has the same meaning as in Schedule 7 to the *Petroleum (Submerged Lands) Act 1967*.

facility has the same meaning as in Schedule 7 to the *Petroleum (Submerged Lands) Act 1967*.

inspection has the same meaning as in Schedule 7 to the *Petroleum (Submerged Lands) Act 1967*.

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

- (a) at or near the facility; and
- (b) that is required to be notified to the Safety Authority by the operator under clause 41 of Schedule 7 to the *Petroleum (Submerged Lands) Act 1967*.

operator, in relation to a facility, has the same meaning as in Schedule 7 to the *Petroleum (Submerged Lands) Act 1967*.

6 Imposition of safety investigation levy—designated coastal waters

(1) If:

- (a) a notifiable accident or occurrence happens in relation to a facility located in the designated coastal waters of a State or of the Northern Territory; and
- (b) an OHS inspector begins to conduct an inspection in relation to the notifiable accident or occurrence; and
- (c) the condition or conditions specified in the regulations are satisfied;

levy is imposed on the notifiable accident or occurrence.

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

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

Note: For collection of safety investigation levy, see section 150YR of the *Petroleum (Submerged Lands) Act 1967*.

Amount of safety investigation levy

- (5) The amount of safety investigation levy imposed by subsection (1) in respect of a notifiable accident or occurrence is the amount that is specified in, or worked out in accordance with, the regulations.
- (6) The regulations may specify different amounts of safety investigation levy, or different means of working out amounts of safety investigation levy, in relation to different kinds of notifiable accident or occurrence.
- (7) Subsection (6) does not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

Definitions

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

accident has the same meaning as in the applicable State or Territory safety law.

dangerous occurrence has the same meaning as in the applicable State or Territory safety law.

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

inspection has the same meaning as in the applicable State or Territory safety law.

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

- (a) at or near the facility; and

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- (b) that is required to be notified to the Safety Authority by the operator under the provision of the applicable State or Territory safety law that substantially corresponds to clause 41 of Schedule 7 to the *Petroleum (Submerged Lands) Act 1967*.

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

Part 3—Safety case levy

7 Imposition of safety case levy—Commonwealth waters

- (1) If:
- (a) either:
 - (i) at the start of a year, a safety case is in force in relation to a facility; or
 - (ii) a safety case is in force in relation to a facility during a part of a year, but is not in force at the start of that year; and
 - (b) the facility is located, or proposed to be located, in Commonwealth waters;
- levy is imposed on the safety case in respect of:
- (c) if subparagraph (a)(i) applies—that year; or
 - (d) if subparagraph (a)(ii) applies—that part of that year.

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

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

Note: For collection of safety case levy, see section 150YS of the *Petroleum (Submerged Lands) Act 1967*.

Amount of safety case levy

- (4) The amount of safety case levy imposed by subsection (1) in respect of a year is the amount that is specified in, or worked out in accordance with, the regulations.
- (5) The amount of safety case levy imposed by subsection (1) in respect of a part of a year is the amount that is worked out in accordance with the regulations.
- (6) The regulations may specify different amounts of safety case levy, or different means of working out amounts of safety case levy, in relation to different kinds of facilities.

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- (7) Subsection (6) does not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

Definitions

- (8) In this section:

facility has the same meaning as in Schedule 7 to the *Petroleum (Submerged Lands) Act 1967*, and includes a proposed facility.

operator, in relation to a facility, has the same meaning as in Schedule 7 to the *Petroleum (Submerged Lands) Act 1967*.

proposed facility has the same meaning as in Schedule 7 to the *Petroleum (Submerged Lands) Act 1967*.

safety case in force in relation to a facility has the same meaning as in the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 1996*.

8 Imposition of safety case levy—designated coastal waters

- (1) If:
- (a) either:
 - (i) at the start of a year, a safety case is in force in relation to a facility; or
 - (ii) a safety case is in force in relation to a facility during a part of a year, but is not in force at the start of that year; and
 - (b) the facility is located, or proposed to be located, in the designated coastal waters of a State or of the Northern Territory;
- levy is imposed on the safety case in respect of:
- (c) if subparagraph (a)(i) applies—that year; or
 - (d) if subparagraph (a)(ii) applies—that part of that year.
- (2) Levy imposed by subsection (1) is to be known as **safety case levy**.
- (3) Safety case levy imposed by subsection (1) is payable by the operator of the facility.

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Note: For collection of safety case levy, see section 150YS of the *Petroleum (Submerged Lands) Act 1967*.

Amount of safety case levy

- (4) The amount of safety case levy imposed by subsection (1) in respect of a year is the amount that is specified in, or worked out in accordance with, the regulations.
- (5) The amount of safety case levy imposed by subsection (1) in respect of a part of a year is the amount that is worked out in accordance with the regulations.
- (6) The regulations may specify different amounts of safety case levy, or different means of working out amounts of safety case levy, in relation to different kinds of facilities.
- (7) Subsection (6) does not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

Definitions

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

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

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

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

safety case in force in relation to a facility has the same meaning as in regulations of that State or Territory that substantially correspond to the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 1996*.

Part 4—Pipeline safety management plan levy

9 Imposition of pipeline safety management plan levy— Commonwealth waters

- (1) If:
 - (a) either:
 - (i) at the start of a year, a pipeline safety management plan is in force in relation to a pipeline; or
 - (ii) a pipeline safety management plan is in force in relation to a pipeline during a part of a year, but is not in force at the start of that year; and
 - (b) the pipeline is located, or proposed to be located, in Commonwealth waters; and
 - (c) the pipeline is covered by a pipeline licence;levy is imposed on the pipeline safety management plan in respect of:
 - (d) if subparagraph (a)(i) applies—that year; or
 - (e) if subparagraph (a)(ii) applies—that part of that year.
- (2) Levy imposed by subsection (1) is to be known as *pipeline safety management plan levy*.
- (3) Pipeline safety management plan levy imposed by subsection (1) is payable by the licensee of the pipeline licence.

Note: For collection of pipeline safety management plan levy, see section 150YT of the *Petroleum (Submerged Lands) Act 1967*.

Amount of pipeline safety management plan levy

- (4) The amount of pipeline safety management plan levy imposed by subsection (1) in respect of a year is the amount that is specified in, or worked out in accordance with, the regulations.
- (5) The amount of pipeline safety management plan levy imposed by subsection (1) in respect of a part of a year is the amount that is worked out in accordance with the regulations.

- (6) The regulations may specify different amounts of pipeline safety management plan levy, or different means of working out amounts of pipeline safety management plan levy, in relation to different kinds of pipelines.
- (7) Subsection (6) does not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

Definitions

- (8) In this section:

pipeline has the same meaning as in the *Petroleum (Submerged Lands) Act 1967*, and includes a pipeline that is:

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

pipeline licence has the same meaning as in the *Petroleum (Submerged Lands) Act 1967*.

pipeline safety management plan in force in relation to a pipeline has the same meaning as in the *Petroleum (Submerged Lands) (Pipelines) Regulations 2001*.

10 Imposition of pipeline safety management plan levy—designated coastal waters

- (1) If:
- (a) either:
 - (i) at the start of a year, a pipeline safety management plan is in force in relation to a pipeline; or
 - (ii) a pipeline safety management plan is in force in relation to a pipeline during a part of a year, but is not in force at the start of that year; and
 - (b) the pipeline is located, or proposed to be located, in the designated coastal waters of a State or of the Northern Territory; and
 - (c) the pipeline is covered by a pipeline licence;
- levy is imposed on the pipeline safety management plan in respect of:

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- (d) if subparagraph (a)(i) applies—that year; or
 - (e) if subparagraph (a)(ii) applies—that part of that year.
- (2) Levy imposed by subsection (1) is to be known as ***pipeline safety management plan levy***.
- (3) Pipeline safety management plan levy imposed by subsection (1) is payable by the licensee of the pipeline licence.

Note: For collection of pipeline safety management plan levy, see section 150YT of the *Petroleum (Submerged Lands) Act 1967*.

Amount of pipeline safety management plan levy

- (4) The amount of pipeline safety management plan levy imposed by subsection (1) in respect of a year is the amount that is specified in, or worked out in accordance with, the regulations.
- (5) The amount of pipeline safety management plan levy imposed by subsection (1) in respect of a part of a year is the amount that is worked out in accordance with the regulations.
- (6) The regulations may specify different amounts of pipeline safety management plan levy, or different means of working out amounts of pipeline safety management plan levy, in relation to different kinds of pipelines.
- (7) Subsection (6) does not limit subsection 33(3A) of the *Acts Interpretation Act 1901*.

Definitions

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

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

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

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

pipeline safety management plan in force in relation to a pipeline has the same meaning as in regulations of that State or Territory that substantially correspond to the *Petroleum (Submerged Lands) (Pipelines) Regulations 2001*.

Part 5 Regulations

Section 11

Part 5—Regulations

11 Regulations

The Governor-General may make regulations for the purposes of sections 5, 6, 7, 8, 9 and 10.

*[Minister's second reading speech made in—
House of Representatives on 17 September 2003
Senate on 14 October 2003]*

(153/03)