



# **Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Act 2021**

**No. 97, 2021**

***An Act to amend the *Offshore Petroleum and  
Greenhouse Gas Storage (Regulatory Levies) Act  
2003*, and for related purposes***

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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# **Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Act 2021**

**No. 97, 2021**

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**An Act to amend the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*, and for related purposes**

*[Assented to 3 September 2021]*

The Parliament of Australia enacts:

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*No. 97, 2021      Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies)      1*  
*Amendment Act 2021*

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## 1 Short title

This Act is the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Act 2021*.

## 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.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	3 September 2021
2. Schedule 1	The later of: (a) the start of the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum and Greenhouse Gas Storage Amendment (Titles Administration and Other Measures) Act 2021</i> .  However, the provisions do not commence at all if the event mentioned in paragraph (b) does not occur.	2 March 2022 (paragraph (b) applies)

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Note: This table relates only to the provisions of this Act as originally enacted.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

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

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### **3 Schedules**

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## Schedule 1—Amendments

### *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*

#### 1 Section 3

Insert:

**remedial direction** means a direction under section 586, 586A, 587, 587A, 591B, 592, 594A or 595 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

**State/Territory remedial direction** means a direction under a provision of a State PSLA or Territory PSLA that substantially corresponds to section 586, 586A, 587, 587A, 591B, 592, 594A or 595 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

#### 2 Subsection 7(1)

Repeal the subsection, substitute:

- (1) If:
- (a) a safety case is in force in relation to a facility at any time during a 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 that year.

#### 3 Subsection 7(3)

Repeal the subsection (not including the note), substitute:

- (3) Safety case levy imposed by subsection (1) is payable by:
- (a) unless any of the following paragraphs apply—the operator of the facility; or
  - (b) if the facility is a pipeline subject to a pipeline licence and a remedial direction does not apply in relation to the pipeline at any time during the year—the licensee of the pipeline licence; or



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- (c) if the facility is a pipeline subject to a pipeline licence and a remedial direction applies in relation to the pipeline at any time during the year:
    - (i) the licensee of the pipeline licence; and
    - (ii) if the licensee is not subject to the remedial direction—the person who is subject to the remedial direction; or
  - (d) if the facility is not a pipeline that is subject to a pipeline licence but is a pipeline in relation to which a remedial direction is in force at any time during the year—the person who is subject to the remedial direction.

#### **4 Subsection 7(5)**

Repeal the subsection.

#### **5 At the end of subsection 7(6)**

Add “, circumstances or any other matter”.

#### **6 Subsection 8(1)**

Repeal the subsection, substitute:

- (1) If:
  - (a) a safety case is in force in relation to a facility at any time during a 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 that year.

#### **7 Subsection 8(3)**

Repeal the subsection (not including the note), substitute:

- (3) Safety case levy imposed by subsection (1) is payable by:
  - (a) unless any of the following paragraphs apply—the operator of the facility; or
  - (b) if the facility is a pipeline subject to a pipeline licence and a State/Territory remedial direction does not apply in relation to the pipeline at any time during the year—the licensee of the pipeline licence; or

- (c) if the facility is a pipeline subject to a pipeline licence and a State/Territory remedial direction applies in relation to the pipeline at any time during the year:
  - (i) the licensee of the pipeline licence; and
  - (ii) if the licensee is not subject to the State/Territory remedial direction—the person who is subject to the State or Territory remedial direction; or
- (d) if the facility is not a pipeline that is subject to a pipeline licence but is a pipeline in relation to which a State/Territory remedial direction is in force at any time during the year—the person who is subject to the remedial direction.

**8 Subsection 8(5)**

Repeal the subsection.

**9 At the end of subsection 8(6)**

Add “, circumstances or any other matter”.

**10 Section 10C (at the end of the heading)**

Add “etc.”.

**11 Paragraph 10C(1)(b)**

Repeal the paragraph, substitute:

- (b) the person is either:
  - (i) the registered holder of an eligible title; or
  - (ii) subject to a remedial direction (other than as the registered holder of an eligible title);

**12 Section 10D (at the end of the heading)**

Add “etc.”.

**13 Paragraph 10D(1)(b)**

Repeal the paragraph, substitute:

- (b) the person is either:
  - (i) the registered holder of a State/Territory title; or
  - (ii) subject to a State/Territory remedial direction (other than as the registered holder of a State/Territory title);

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**14 Section 10F (at the end of the heading)**

Add “etc.”.

**15 After paragraph 10F(1)(c)**

Insert:

or (d) both:

- (i) an environment plan is submitted to NOPSEMA under a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
- (ii) the activities to which the plan relates are carried out for the purposes of complying with a remedial direction; or

(e) both:

- (i) a proposed revision of an environment plan is submitted to NOPSEMA under a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
- (ii) the activities to which the revised plan relates are carried out for the purposes of complying with a remedial direction;

**16 At the end of subsection 10F(3)**

Add:

; or (f) if paragraph (1)(d) or (e) applies—by the person who is subject to the remedial direction.

**17 Section 10G (at the end of the heading)**

Add “etc.”.

**18 After paragraph 10G(1)(c)**

Insert:

; or (d) both:

- (i) an environment plan is submitted to NOPSEMA under a regulation of a State or Territory that substantially corresponds to a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and

- (ii) the activities to which the plan relates are carried out for the purposes of complying with a State/Territory remedial direction; or
- (e) both:
  - (i) a proposed revision of an environment plan is submitted to NOPSEMA under a regulation of a State or Territory that substantially corresponds to a prescribed provision of regulations made under the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*; and
  - (ii) the activities to which the revised plan relates are carried out for the purposes of complying with a State/Territory remedial direction;

### **19 At the end of subsection 10G(3)**

Add:

- ; or (f) if paragraph (1)(d) or (e) applies—by the person who is subject to the remedial direction.

### **20 Application of amendments**

- (1) The amendments of sections 7 and 8 of the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003* made by this Schedule apply in relation to the imposition of safety case levy by that Act for a year that begins on or after the commencement of those amendments.
- (2) The amendments of sections 10C and 10D of the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003* made by this Schedule apply in relation to the imposition of well activity levy by that Act on applications and submissions for which levy is imposed by section 10C or 10D of that Act if the application or submission is made on or after the commencement of those amendments.
- (3) The amendments of sections 10F and 10G of the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003* made by this Schedule apply in relation to the imposition of environment plan levy by that Act on submissions for which levy is imposed by section 10F or 10G of that Act if the submission is made on or after the commencement of those amendments.

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*[Minister's second reading speech made in—  
House of Representatives on 26 May 2021  
Senate on 9 August 2021]*

*(54/21)*

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