



Offshore Electricity Infrastructure (Regulatory Levies) Act 2021

No. 122, 2021

**An Act to impose offshore electricity infrastructure
levy, 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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No. 122, 2021

**An Act to impose offshore electricity infrastructure
levy, and for related purposes**

[Assented to 2 December 2021]

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act is the *Offshore Electricity Infrastructure (Regulatory Levies) 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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	At the same time as the <i>Offshore Electricity Infrastructure Act 2021</i> commences.	2 June 2022

Note: This table relates only to the provisions of this Act as originally enacted.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.

3 Act to bind Crown

This Act binds the Crown in right of each of the States, of the Australian Capital Territory and of the Northern Territory. However, it does not bind the Crown in right of the Commonwealth.

4 Act does not impose levy on property of a State

- (1) This Act does not impose a tax on property of any kind belonging to a State.
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- (2) In this section, *property of any kind belonging to a State* has the same meaning as in section 114 of the Constitution.

5 Extension to external Territories

This Act extends to the following external Territories:

- (a) Norfolk Island;
- (b) the Territory of Christmas Island;
- (c) the Territory of Cocos (Keeling) Islands;
- (d) the Territory of Ashmore and Cartier Islands;
- (e) the Territory of Heard Island and McDonald Islands;
- (f) the Coral Sea Islands Territory.

6 Extra-territorial application

This Act extends to acts, omissions, matters and things outside Australia.

7 Definitions

In this Act:

offshore electricity infrastructure levy means levy imposed by section 8.

offshore electricity infrastructure licence holder means a person who is the holder of a licence (within the meaning of the *Offshore Electricity Infrastructure Act 2021*).

offshore infrastructure activity has the same meaning as in the *Offshore Electricity Infrastructure Act 2021*.

Registrar has the same meaning as in the *Offshore Electricity Infrastructure Act 2021*.

Regulator has the same meaning as in the *Offshore Electricity Infrastructure Act 2021*.

Part 2—Imposition and amount of levy

8 Imposition of levy

- (1) Offshore electricity infrastructure levy is imposed on a person:
 - (a) who is an offshore electricity infrastructure licence holder; or
 - (b) who engages in an offshore infrastructure activity of a kind prescribed by the regulations.
- (2) The regulations may prescribe different kinds of offshore electricity infrastructure levy that are imposed on a person who is an offshore electricity infrastructure licence holder.
- (3) Without limiting subsection (2), an offshore electricity infrastructure levy imposed on a person who is an offshore electricity infrastructure licence holder may relate to:
 - (a) a period during which the person holds the licence; or
 - (b) a regulatory or compliance activity undertaken by the Commonwealth, the Regulator or Registrar that relates to the licence.

9 Amount of levy

The amount of offshore electricity infrastructure levy is the amount:

- (a) prescribed by the regulations; or
- (b) worked out in accordance with a method prescribed by the regulations.

Part 3—Regulations

10 Regulations

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

*[Minister's second reading speech made in—
House of Representatives on 2 September 2021
Senate on 22 November 2021]*

(122/21)
