



# **Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Safety Case and Environment Plan Levies) Regulations 2017**

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

Dated 14 December 2017

Peter Cosgrove  
Governor-General

By His Excellency's Command

Matt Canavan  
Minister for Resources and Northern Australia

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## 1 Name

This instrument is the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Safety Case and Environment Plan Levies) Regulations 2017*.

## 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	The day after this instrument is registered.	16 December 2017

Note: This table relates only to the provisions of this instrument as originally made.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 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### Part 1—Amendments

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

##### 1 Paragraph 22(1)(b)

Omit “remission”, substitute “remittal or refund”.

##### 2 Regulation 25

Repeal the regulation, substitute:

##### 25 Remittal or refund of part of safety case levy—mobile facilities

- (1) For the purposes of subsections 687(1) and (2) of the OPGGS Act:
  - (a) a mobile facility is declared to be a facility that operates on an intermittent basis; and
  - (b) this regulation makes provision for the remittal or refund of part of an amount of safety case levy imposed by the Regulatory Levies Act in respect of a mobile facility and a year, or a part of a year.
- (2) If part of an amount of safety case levy must be remitted or refunded in accordance with this regulation, and that part has not been paid, NOPSEMA must remit the part.
- (3) If part of an amount of safety case levy must be remitted or refunded in accordance with this regulation, and that part has been paid, the Commonwealth must refund the part.

##### *Amounts of facility amounts*

- (4) Subject to subregulation (5):
  - (a) an amount of facility amount within an amount of safety case levy must be remitted or refunded in respect of any period in which the mobile facility is not operated in NOPSEMA waters; and
  - (b) the amount of facility amount within an amount of safety case levy for a quarter (the **relevant quarter**) that must be remitted or refunded is worked out using the formula:

$$\text{Facility amount} \times \frac{\text{Number of days not operated}}{\text{Number of days in relevant quarter}}$$

where:

**facility amount** means the facility amount due and payable for the relevant quarter in accordance with Schedule 1.

**number of days not operated** means the number of days in the relevant quarter on which the mobile facility is not operated in NOPSEMA waters.

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- (5) A part of an amount of safety case levy must not be remitted or refunded if the effect of the remittal or refund would be that the total amount of facility amount worked out in relation to the mobile facility (whether under regulation 21 or 29) for the period of 4 consecutive quarters ending at the end of the relevant quarter would be less than 1 quarterly instalment of facility amount worked out in relation to the mobile facility in that period using Schedule 1.

*Amounts of SMS amounts*

- (6) Subject to subregulation (7):
- (a) an amount of SMS amount within an amount of safety case levy must be remitted or refunded in respect of any period in which no facility of the operator of the mobile facility is in operation in NOPSEMA waters (whether or not the same safety case is in operation in relation to those facilities); and
  - (b) the amount of SMS amount within an amount of safety case levy for a quarter (the **relevant quarter**) that must be remitted or refunded is worked out using the formula:

$$\text{SMS amount} \times \frac{\text{Number of days not operated}}{\text{Number of days in relevant quarter}}$$

where:

**number of days not operated** means the number of days in the relevant quarter on which no facility of the operator of the mobile facility is in operation in NOPSEMA waters.

**SMS amount** means the SMS amount due and payable for the relevant quarter in accordance with Schedule 1.

- (7) An amount of SMS amount must not be remitted or refunded if the effect of the remittal or refund would be that the total amount of SMS amount worked out in relation to the mobile facility (whether under regulation 21 or 29) for the period of 4 consecutive quarters ending at the end of the relevant quarter would be less than 1 quarterly instalment of SMS amount worked out in relation to the mobile facility in that period using Schedule 1.

### **3 Paragraph 30(1)(b)**

Omit “remission”, substitute “remittal or refund”.

### **4 Regulation 33**

Repeal the regulation, substitute:

### **33 Remittal or refund of part of safety case levy—mobile facilities**

- (1) For the purposes of subsections 687(1) and (2) of the OPGGS Act:
- (a) a mobile facility is declared to be a facility that operates on an intermittent basis; and
  - (b) this regulation makes provision for the remittal or refund of part of an amount of safety case levy imposed by the Regulatory Levies Act in respect of a mobile facility and a year, or a part of a year.

- (2) If part of an amount of safety case levy must be remitted or refunded in accordance with this regulation, and that part has not been paid, NOPSEMA must remit the part.
- (3) If part of an amount of safety case levy must be remitted or refunded in accordance with this regulation, and that part has been paid, the Commonwealth must refund the part.

*Amounts of facility amounts*

- (4) Subject to subregulation (5):
  - (a) an amount of facility amount within an amount of safety case levy must be remitted or refunded in respect of any period in which the mobile facility is not operated in NOPSEMA waters; and
  - (b) the amount of facility amount within an amount of safety case levy for a quarter (the **relevant quarter**) that must be remitted or refunded is worked out using the formula:

$$\text{Facility amount} \times \frac{\text{Number of days not operated}}{\text{Number of days in relevant quarter}}$$

where:

**facility amount** means the facility amount due and payable for the relevant quarter in accordance with Schedule 1.

**number of days not operated** means the number of days in the relevant quarter on which the mobile facility is not operated in NOPSEMA waters.

- (5) A part of an amount of safety case levy must not be remitted or refunded if the effect of the remittal or refund would be that the total amount of facility amount worked out in relation to the mobile facility (whether under regulation 21 or 29) for the period of 4 consecutive quarters ending at the end of the relevant quarter would be less than 1 quarterly instalment of facility amount worked out in relation to the mobile facility in that period using Schedule 1.

*Amounts of SMS amounts*

- (6) Subject to subregulation (7):
  - (a) an amount of SMS amount within an amount of safety case levy must be remitted or refunded in respect of any period in which no facility of the operator of the mobile facility is in operation in NOPSEMA waters (whether or not the same safety case is in operation in relation to those facilities); and
  - (b) the amount of SMS amount within an amount of safety case levy for a quarter (the **relevant quarter**) that must be remitted or refunded is worked out using the formula:

$$\text{SMS amount} \times \frac{\text{Number of days not operated}}{\text{Number of days in relevant quarter}}$$

where:



*number of days not operated* means the number of days in the relevant quarter on which no facility of the operator of the mobile facility is in operation in NOPSEMA waters.

*SMS amount* means the SMS amount due and payable for the relevant quarter in accordance with Schedule 1.

- (7) An amount of SMS amount must not be remitted or refunded if the effect of the remittal or refund would be that the total amount of SMS amount worked out in relation to the mobile facility (whether under regulation 21 or 29) for the period of 4 consecutive quarters ending at the end of the relevant quarter would be less than 1 quarterly instalment of SMS amount worked out in relation to the mobile facility in that period using Schedule 1.

## **5 Regulation 59E (heading)**

Repeal the heading, substitute:

### **59E Remittal or refund of compliance amount**

## **6 Subregulation 59E(1)**

Omit “, NOPSEMA must”.

## **7 Paragraphs 59E(1)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) NOPSEMA must remit each instalment of the compliance amount that has not yet been paid; and
- (b) the Commonwealth must refund each instalment of the compliance amount that has been paid.

## **8 Subregulation 59E(3)**

Omit “, NOPSEMA must”.

## **9 Paragraphs 59E(3)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) NOPSEMA must remit each instalment of the compliance amount that has not yet been paid; and
- (b) the Commonwealth must refund each instalment of the compliance amount that has been paid.

## **10 Regulation 59I (heading)**

Repeal the heading, substitute:

### **59I Remittal or refund of compliance amount**

## **11 Subregulation 59I(1)**

Omit “, NOPSEMA must”.

## **12 Paragraphs 59I(1)(a) and (b)**

Repeal the paragraphs, substitute:

**Schedule 1 Amendments**

**Part 1 Amendments**

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- (a) NOPSEMA must remit each instalment of the compliance amount that has not yet been paid; and
- (b) the Commonwealth must refund each instalment of the compliance amount that has been paid.

**13 Subregulation 59I(3)**

Omit “, NOPSEMA must”.

**14 Paragraphs 59I(3)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) NOPSEMA must remit each instalment of the compliance amount that has not yet been paid; and
- (b) the Commonwealth must refund each instalment of the compliance amount that has been paid.

**15 Clause 4 of Schedule 2 (note)**

Repeal the note, substitute:

Note: A mobile facility mentioned in this Schedule may operate intermittently. See regulations 25 and 33 for when a part of an amount of safety case levy imposed by the Regulatory Levies Act in respect of a mobile facility and a year, or a part of a year, must be remitted or refunded.

## **Part 2—Application provisions**

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

#### **16 In the appropriate position in Part 13**

Insert:

#### **66 Application provision—Amendments made by the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Safety Case and Environment Plan Levies) Regulations 2017***

Regulations 25, 33, 59E and 59I, as amended by the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Safety Case and Environment Plan Levies) Regulations 2017* (the **amending regulations**), apply in relation to levy imposed by the Regulatory Levies Act before, on or after the commencement of the amending regulations.