

Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Titles Administration) Regulations 2021

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 09 December 2021

David Hurley

Governor‑General

By His Excellency’s Command

Keith Pitt

Minister for Resources and Water

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1 Name

 This instrument is the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment (Titles Administration) Regulations 2021*.

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 | At the same time as Schedule 1 to the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Act 2021* commences. | 2 March 2022 |

Note: This table relates only to the provisions of this instrument as originally made.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 *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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

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

1 Regulation 21

Omit “subsections 7(4) and (5)” (wherever occurring), substitute “subsection 7(4)”.

2 Subregulation 22(1)

Omit “subsections 7(4) and (5)”, substitute “subsection 7(4)”.

3 Subregulation 22(1)

Omit “or part of a year”.

4 Subregulation 22(2)

Omit “or part of a year” (wherever occurring).

5 Paragraph 25(1)(b)

Omit “, or a part of a year”.

6 Regulation 29

Omit “subsections 8(4) and (5)” (wherever occurring), substitute “subsection 8(4)”.

7 Subregulation 30(1)

Omit “subsections 8(4) and (5)”, substitute “subsection 8(4)”.

8 Subregulation 30(1)

Omit “or part of a year”.

9 Subregulation 30(2)

Omit “or part of a year” (wherever occurring).

10 Paragraph 33(1)(b)

Omit “, or a part of a year”.

11 Subregulation 59C(1) (at the end of the note)

Add “, or are carried out for the purposes of complying with a remedial direction”.

12 Subregulation 59G(1) (at the end of the note)

Add “, or are carried out for the purposes of complying with a State/Territory remedial direction”.

13 Regulation 64 (after table item 12)

Insert:

|  |  |  |
| --- | --- | --- |
| 12A | Subparagraph 10F(1)(d)(i) | Regulation 9 of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* |
| 12B | Subparagraph 10F(1)(e)(i) | Regulation 17, 18 or 19 of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* |

14 Regulation 64 (at the end of the table)

Add:

|  |  |  |
| --- | --- | --- |
| 16 | Subparagraph 10G(1)(d)(i) | Regulation 9 of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* |
| 17 | Subparagraph 10G(1)(e)(i) | Regulation 17, 18 or 19 of the *Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009* |

15 After Part 12A

Insert:

Part 12B—Application of these Regulations if a remedial direction is in force

64A Application of these Regulations if a remedial direction is in force

 (1) This regulation applies if:

 (a) a direction (a ***petroleum remedial direction***) is in force under section 586, 586A, 587 or 587A of the OPGGS Act; or

 (b) a direction (a ***greenhouse gas remedial direction***) is in force under section 591B, 592, 594A or 595 of the OPGGS Act.

 (2) Regulation 4 applies only to a pipeline licensee.

 (3) Division 2 of Part 10, and regulations 59C and 62, apply as follows:

 (a) as if a reference to a registered holder of an eligible title that is a petroleum title included a reference to a person who is subject to a petroleum remedial direction;

 (b) as if a reference to a registered holder of an eligible title that is a greenhouse gas title included a reference to a person who is subject to a greenhouse gas remedial direction.

 (4) The following provisions apply as if a reference to a licensee or licensee of a pipeline licence included a reference to a person who is subject to a petroleum remedial direction or a greenhouse gas remedial direction:

 (a) the definition of ***SMS amount*** in regulation 3;

 (b) Divisions 2 and 3 of Part 4;

 (c) regulation 62;

 (d) Part 2 of Schedule 3.

 (5) Part 11B, other than regulation 59B, applies as if:

 (a) a reference to an individual activity included a reference to an activity that is:

 (i) of the same kind as a petroleum activity in the table in subregulation 59C(7); and

 (ii) carried out for the purpose of complying with a petroleum remedial direction; and

 (b) a reference to a licensed petroleum pipeline included a reference to a pipeline in relation to which a petroleum remedial direction applies.

64B Application of these Regulations if a State/Territory remedial direction is in force

 (1) This regulation applies if:

 (a) a direction (a ***State/Territory*** ***petroleum remedial direction***) is in force under a provision of a State PSLA or Territory PSLA that substantially corresponds to section 586, 586A, 587 or 587A of the OPGGS Act; or

 (b) a direction (a ***State/Territory*** ***greenhouse gas remedial direction***) is in force under a provision of a State PSLA or Territory PSLA that substantially corresponds to section 591B, 592, 594A or 595 of the OPGGS Act.

 (2) Regulation 4 applies only to a pipeline licensee.

 (3) Division 2 of Part 11, and regulations 59G and 62, apply as follows:

 (a) as if a reference to a registered holder of a State/Territory title that is a State/Territory petroleum title included a reference to a person who is subject to a State/Territory petroleum remedial direction;

 (b) as if a reference to a registered holder of a State/Territory title that is a State/Territory greenhouse gas title included a reference to a person who is subject to a State/Territory greenhouse gas remedial direction.

 (4) The following provisions apply as if a reference to a licensee or licensee of a pipeline licence included a reference to a person who is subject to a State/Territory petroleum remedial direction or a State/Territory greenhouse gas remedial direction:

 (a) the definition of ***SMS amount*** in regulation 3;

 (b) Divisions 2 and 3 of Part 5;

 (c) regulation 62;

 (d) Part 2 of Schedule 3.

 (5) Part 11C, other than regulation 59F, applies as if:

 (a) a reference to an individual activity included a reference to an activity that is:

 (i) of the same kind as a petroleum activity in the table in subregulation 59G(7); and

 (ii) carried out for the purpose of complying with a State/Territory petroleum remedial direction; and

 (b) a reference to a licensed petroleum pipeline included a reference to a pipeline in relation to which a State/Territory petroleum remedial direction applies.

16 Clause 4 of Schedule 2 (note)

Omit “, or a part of a year,”.