



# Offshore Electricity Infrastructure (Regulatory Levies) Regulations 2022

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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: 27 October 2022

David Hurley  
Governor-General

By His Excellency's Command

Chris Bowen  
Minister for Climate Change and Energy

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## Part 1—Preliminary

### 1 Name

This instrument is the *Offshore Electricity Infrastructure (Regulatory Levies) Regulations 2022*.

### 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.	1 November 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Note: This table relates only to the provisions of this instrument as originally made.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 Electricity Infrastructure (Regulatory Levies) Act 2021*.

### 4 Definitions

In this instrument:

*Act* means the *Offshore Electricity Infrastructure (Regulatory Levies) Act 2021*.

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

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

*holder*, in relation to a licence, has the same meaning as in the *Offshore Electricity Infrastructure Act 2021*.

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

*licence area*, in relation to a licence, has the same meaning as in the *Offshore Electricity Infrastructure Act 2021*.

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**research and demonstration licence** has the same meaning as in the *Offshore Electricity Infrastructure Act 2021*.

**transmission and infrastructure licence** has the same meaning as in the *Offshore Electricity Infrastructure Act 2021*.

**vacated area**, in relation to a licence, has the same meaning as in the *Offshore Electricity Infrastructure Act 2021*.

## Part 2—Amounts of levy

### 5 Levies imposed on holders of feasibility licences

For the purposes of subsection 8(2) and section 9 of the Act, the following table sets out:

- (a) the offshore electricity infrastructure levies that are imposed on a person who is the holder of a feasibility licence; and
- (b) the amounts of those levies; and
- (c) the periods for which those levies must be paid.

<b>Levies imposed on holders of feasibility licences</b>			
<b>Item</b>	<b>Kind of levy</b>	<b>Period for which levy must be paid</b>	<b>Amount of levy</b>
1	Annual licence levy	Each period of 12 months for which the licence is held	\$120,000 plus \$1,000 for each 10 km <sup>2</sup> (or part thereof) of licence area over 100 km <sup>2</sup>
2	Annual compliance levy	Each period of 12 months for which the licence is held	\$100,000 plus \$5,000 for each 10 km <sup>2</sup> (or part thereof) of licence area over 100 km <sup>2</sup>
3	Annual Commonwealth levy	Each period of 12 months for which the licence is held	\$513,342

Note: A period of 12 months for which the licence is held begins on the day the licence is granted or on an anniversary of that day.

### 6 Levies imposed on holders of commercial licences

For the purposes of subsection 8(2) and section 9 of the Act, the following table sets out:

- (a) the offshore electricity infrastructure levies that are imposed on a person who is the holder of a commercial licence; and
- (b) the amounts of those levies; and
- (c) the periods for which those levies must be paid.

<b>Levies imposed on holders of commercial licences</b>			
<b>Item</b>	<b>Kind of levy</b>	<b>Period for which levy must be paid</b>	<b>Amount of levy</b>
1	Annual licence levy	Each period of 12 months for which the licence is held	\$150,000 plus \$2,000 for each 10 km <sup>2</sup> (or part thereof) of licence area over 100 km <sup>2</sup>
2	Annual compliance levy	Each period of 12 months for which the licence is held	\$300,000 plus \$10,000 for each 10 km <sup>2</sup> (or part thereof) of licence area over 100 km <sup>2</sup>
3	Annual Commonwealth levy	Each period of 12 months	\$295,186

## Part 2 Amounts of levy

### Section 7

#### Levies imposed on holders of commercial licences

Item	Kind of levy	Period for which levy must be paid	Amount of levy
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for which the licence is held

Note: A period of 12 months for which the licence is held begins on the day the licence is granted or on an anniversary of that day.

### 7 Levies imposed on holders of research and demonstration licences

For the purposes of subsection 8(2) and section 9 of the Act, the following table sets out:

- the offshore electricity infrastructure levies that are imposed on a person who is the holder of a research and demonstration licence; and
- the amounts of those levies; and
- the periods for which those levies must be paid.

#### Levies imposed on holders of research and demonstration licences

Item	Kind of levy	Period for which levy must be paid	Amount of levy
1	Annual licence levy	Each period of 12 months for which the licence is held	\$120,000 plus \$1,000 for each 10 km <sup>2</sup> (or part thereof) of licence area over 100 km <sup>2</sup>
2	Annual compliance levy	Each period of 12 months for which the licence is held	\$100,000 plus \$5,000 for each 10 km <sup>2</sup> (or part thereof) of licence area over 100 km <sup>2</sup>
3	Annual Commonwealth levy	Each period of 12 months for which the licence is held	\$295,186

Note: A period of 12 months for which the licence is held begins on the day the licence is granted or on an anniversary of that day.

### 8 Levies imposed on holders of transmission and infrastructure licences

For the purposes of subsection 8(2) and section 9 of the Act, the following table sets out:

- the offshore electricity infrastructure levies that are imposed on a person who is the holder of a transmission and infrastructure licence; and
- the amounts of those levies; and
- the periods for which those levies must be paid.

#### Levies imposed on holders of transmission and infrastructure licences

Item	Kind of levy	Period for which levy must be paid	Amount of levy
1	Annual licence levy	Each period of 12 months for which the licence is held	\$120,000
2	Annual compliance levy	Each period of 12 months	\$100,000



## Section 9

<b>Levies imposed on holders of transmission and infrastructure licences</b>			
<b>Item</b>	<b>Kind of levy</b>	<b>Period for which levy must be paid</b>	<b>Amount of levy</b>
		for which the licence is held	
3	Annual Commonwealth levy	Each period of 12 months for which the licence is held	\$295,186

Note: A period of 12 months for which the licence is held begins on the day the licence is granted or on an anniversary of that day.

### **9 Levies are imposed at start of period, and for full period**

To avoid doubt:

- (a) a levy that relates to a period for which a licence is held is imposed on the person who holds the licence at the start of that period; and
- (b) subject to sections 10 (licences that cease to be in effect during payment periods) and 11 (parts of licence areas that become vacated areas during payment periods), the full amount of the levy is imposed even if the person does not intend to hold the licence for the whole period.

Note: However, if the licence ceases to be in effect, or if a part of the licence area becomes a vacated area, an amount of levy may be refunded (see section 48 of the *Offshore Electricity Infrastructure Regulations 2022*).

## Part 3—Adjusting levies

### 10 Licences that cease to be in effect during payment periods

- (1) This section applies if, during a period mentioned in Part 2 (amounts of levy), a licence:
  - (a) is cancelled; or
  - (b) ceases to be in force under paragraph 74(6)(a) (licence surrender) of the *Offshore Electricity Infrastructure Act 2021*; or
  - (c) in the case of a feasibility licence—ceases to have effect under paragraph 36(4)(a) of that Act; or
  - (d) otherwise ceases to be in effect.

Note: This section does not apply merely because a licence reaches its end day (within the meaning of the *Offshore Electricity Infrastructure Act 2021*).

- (2) Part 2 applies as if the licence were held for the whole of the period, but the amount of levy is to be worked out on a pro rata basis by reference to the number of days in the period before the licence ceased to be in effect.

### 11 Parts of licence areas that become vacated areas during payment periods

- (1) This section applies if:
  - (a) during a period mentioned in Part 2 (amounts of levy), part of a licence's licence area becomes a vacated area in relation to the licence (otherwise than because the licence has ceased to be in effect); and
  - (b) an amount of offshore electricity infrastructure levy payable for the licence is worked out by reference to the licence area.
- (2) The amount payable by reference to the licence area is to be worked out on a pro rata basis by reference to the number of days in the period before and after the area becomes a vacated area.