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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**Offshore Petroleum and Greenhouse Gas
Storage Regulatory Levies Legislation
Amendment (2011 Measures No. 2) Bill
2011**

No. , 2011

(Resources and Energy)

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

Contents

1	Short title	1
2	Commencement	1
3	Schedule(s)	2
Schedule 1—Amendments		3
<i>Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003</i>		3

i Offshore Petroleum and Greenhouse Gas Storage Regulatory Levies Legislation Amendment (2011 Measures No. 2) Bill 2011 No. , 2011

1 **A Bill for an Act to amend the *Offshore Petroleum*
2 *and Greenhouse Gas Storage (Regulatory Levies) Act*
3 *2003, and for related purposes***

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Offshore Petroleum and Greenhouse*
7 *Gas Storage Regulatory Levies Legislation Amendment (2011*
8 *Measures No. 2) Act 2011.*

9 **2 Commencement**

- 10 (1) Each provision of this Act specified in column 1 of the table
11 commences, or is taken to have commenced, in accordance with
12 column 2 of the table. Any other statement in column 2 has effect
13 according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	
2. Schedule 1	At the same time as Part 1 of Schedule 2 to <i>the Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Act 2011</i> commences.	

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

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

8 **3 Schedule(s)**

9 Each Act that is specified in a Schedule to this Act is amended or
10 repealed as set out in the applicable items in the Schedule
11 concerned, and any other item in a Schedule to this Act has effect
12 according to its terms.
13

1 **Schedule 1—Amendments**
2

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

5 **1 Section 3**

6 Insert:

7 *annual titles administration levy* means levy imposed by
8 section 10E.

9 **2 Section 3**

10 Insert:

11 *environment plan levy* means levy imposed by section 10F or 10G.

12 **3 Section 3**

13 Insert:

14 *greenhouse gas holding lease* has the same meaning as in the
15 *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

16 **4 Section 3**

17 Insert:

18 *greenhouse gas injection licence* has the same meaning as in the
19 *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

20 **5 Section 3**

21 Insert:

22 *infrastructure licence* has the same meaning as in the *Offshore*
23 *Petroleum and Greenhouse Gas Storage Act 2006*.

24 **6 Section 3**

25 Insert:

26 *NOPSEMA* means the National Offshore Petroleum Safety and
27 Environmental Management Authority.

1 **7 Section 3**

2 Insert:

3 *pipeline licence* has the same meaning as in the *Offshore*
4 *Petroleum and Greenhouse Gas Storage Act 2006*.

5 **8 Section 3 (definition of Safety Authority)**

6 Repeal the definition.

7 **9 Subsection 5(8) (paragraph (b) of the definition of *notifiable***
8 ***accident or occurrence*)**

9 Omit “the Safety Authority”, substitute “NOPSEMA”.

10 **10 Subsection 6(8) (paragraph (b) of the definition of**
11 ***notifiable accident or occurrence*)**

12 Omit “the Safety Authority”, substitute “NOPSEMA”.

13 **11 Subsection 9(1)**

14 Omit “the Safety Authority” (wherever occurring), substitute
15 “NOPSEMA”.

16 **12 Subsection 10(1)**

17 Omit “the Safety Authority” (wherever occurring), substitute
18 “NOPSEMA”.

19 **13 Subsection 10A(7)**

20 Omit “the Safety Authority” (wherever occurring), substitute
21 “NOPSEMA”.

22 **14 Paragraph 10B(1)(c)**

23 Omit “the Safety Authority”, substitute “NOPSEMA”.

24 **15 Subsection 10B(7)**

25 Omit “the Safety Authority” (wherever occurring), substitute
26 “NOPSEMA”.

27 **16 Subparagraphs 10C(1)(a)(i) and (ii)**

28 Omit “the Safety Authority”, substitute “NOPSEMA”.

17 Paragraph 10C(5)(a)

2 Omit “the Safety Authority”, substitute “NOPSEMA”.

18 Subparagraphs 10D(1)(a)(i) and (ii)

4 Omit “the Safety Authority”, substitute “NOPSEMA”.

19 Paragraph 10D(5)(a)

6 Omit “the Safety Authority”, substitute “NOPSEMA”.

20 After Part 4B

8 Insert:

Part 4C—Annual titles administration levy**10E Imposition of annual titles administration levy**

- 12 (1) If an eligible title is in force, levy is imposed for each year of the
13 term of the title, if that year begins at or after the commencement
14 of this section.

15 Note: For *eligible title*, see subsection (7).

- 16 (2) Levy imposed by subsection (1) is to be known as *annual titles*
17 *administration levy*.
- 18 (3) Annual titles administration levy imposed by subsection (1) is
19 payable by the registered holder of the title.

20 *Amount of annual titles administration levy*

- 21 (4) The amount of annual titles administration levy imposed by
22 subsection (1) on a title is the amount that is specified in, or
23 worked out in accordance with, the regulations.
- 24 (5) The regulations may specify different amounts of annual titles
25 administration levy, or different means of working out amounts of
26 annual titles administration levy, in relation to different eligible
27 titles.
- 28 (6) Subsection (5) does not limit subsection 33(3A) of the *Acts*
29 *Interpretation Act 1901*.

1 *Definitions*

2 (7) In this section:

3 ***eligible title*** means:

- 4 (a) a work-bid petroleum exploration permit; or
5 (b) a special petroleum exploration permit; or
6 (c) a petroleum retention lease; or
7 (d) a petroleum production licence; or
8 (e) an infrastructure licence; or
9 (f) a pipeline licence; or
10 (g) a work-bid greenhouse gas assessment permit; or
11 (h) a greenhouse gas holding lease; or
12 (i) a greenhouse gas injection licence.

13 ***registered holder***, in relation to a title, has the same meaning as in
14 the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

15 ***special petroleum exploration permit*** has the same meaning as in
16 the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

17 ***work-bid greenhouse gas assessment permit*** has the same
18 meaning as in the *Offshore Petroleum and Greenhouse Gas*
19 *Storage Act 2006*.

20 ***work-bid petroleum exploration permit*** has the same meaning as
21 in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

22 (8) For the purposes of this section, a year of the term of an eligible
23 title is to be determined in the same manner as it is determined
24 under section 10 of the *Offshore Petroleum and Greenhouse Gas*
25 *Storage Act 2006*.

26 **Part 4D—Environment plan levy**

28 **10F Imposition of environment plan levy—activities authorised by**
29 **Commonwealth titles**

30 (1) If:

- 31 (a) both:

-
- 1 (i) an environment plan is submitted to NOPSEMA under
2 regulation 9 of the *Offshore Petroleum and Greenhouse*
3 *Gas Storage (Environment) Regulations 2009*; and
4 (ii) the activities to which the plan relates are authorised by
5 one or more Commonwealth titles; or
6 (b) both:
 - 7 (i) a proposed revision of an environment plan is submitted
8 to NOPSEMA under regulation 17, 18 or 19 of the
9 *Offshore Petroleum and Greenhouse Gas Storage*
10 *(Environment) Regulations 2009*; and
11 (ii) the activities to which the revised plan relates are
12 authorised by one or more Commonwealth titles;
13 levy is imposed on the submission.
 - 14 (2) Levy imposed by subsection (1) is to be known as ***environment***
15 ***plan levy***.
 - 16 (3) Environment plan levy imposed by subsection (1) is payable:
 - 17 (a) if:
 - 18 (i) paragraph (1)(a) applies; and
19 (ii) the activities to which the plan relates are authorised by
20 a single Commonwealth title;
21 by the registered holder of the Commonwealth title; or
 - 22 (b) if:
 - 23 (i) paragraph (1)(a) applies; and
24 (ii) the activities to which the plan relates are authorised by
25 2 or more Commonwealth titles;
26 jointly and severally by the registered holders of the
27 Commonwealth titles; or
 - 28 (c) if:
 - 29 (i) paragraph (1)(b) applies; and
30 (ii) the activities to which the revised plan relates are
31 authorised by a single Commonwealth title;
32 by the registered holder of the Commonwealth title; or
 - 33 (d) if:
 - 34 (i) paragraph (1)(b) applies; and
35 (ii) the activities to which the revised plan relates are
36 authorised by 2 or more Commonwealth titles;

Schedule 1 Amendments

1 jointly and severally by the registered holders of the
2 Commonwealth titles.

3 *Amount of environment plan levy*

- 4 (4) The amount of environment plan levy imposed by subsection (1) in
5 respect of a submission is the amount that is specified in, or
6 worked out in accordance with, the regulations.
7 (5) The regulations may specify different amounts of environment plan
8 levy, or different means of working out amounts of environment
9 plan levy, in relation to different circumstances.
10 (6) Subsection (5) does not limit subsection 33(3A) of the *Acts
11 Interpretation Act 1901*.

12 *Definitions*

- 13 (7) In this section:

14 **Commonwealth title** means:

- 15 (a) a petroleum exploration permit; or
16 (b) a petroleum retention lease; or
17 (c) a petroleum production licence; or
18 (d) an infrastructure licence; or
19 (e) a pipeline licence; or
20 (f) a petroleum special prospecting authority; or
21 (g) a petroleum access authority; or
22 (h) a greenhouse gas assessment permit; or
23 (i) a greenhouse gas holding lease; or
24 (j) a greenhouse gas injection licence; or
25 (k) a greenhouse gas search authority; or
26 (l) a greenhouse gas special authority.

27 **greenhouse gas assessment permit** has the same meaning as in the
28 *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

29 **greenhouse gas search authority** has the same meaning as in the
30 *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

31 **greenhouse gas special authority** has the same meaning as in the
32 *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

1 ***petroleum access authority*** has the same meaning as in the
2 *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

3 ***petroleum special prospecting authority*** has the same meaning as
4 in the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

5 ***registered holder***, in relation to a title, has the same meaning as in
6 the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

7 **10G Imposition of environment plan levy—activities authorised by 8 State/Territory titles**

9 (1) If either:

10 (a) both:

11 (i) an environment plan is submitted to NOPSEMA under a
12 regulation of a State or Territory that substantially
13 corresponds to regulation 9 of the *Offshore Petroleum*
14 *and Greenhouse Gas Storage (Environment)*
15 *Regulations 2009*; and

16 (ii) the activities to which the plan relates are authorised by
17 one or more State/Territory titles; or

18 (b) both:

19 (i) a proposed revision of an environment plan is submitted
20 to NOPSEMA under a regulation of a State or Territory
21 that substantially corresponds to regulation 17, 18 or 19
22 of the *Offshore Petroleum and Greenhouse Gas Storage*
23 *(Environment) Regulations 2009*; and

24 (ii) the activities to which the revised plan relates are
25 authorised by one or more State/Territory titles;

26 levy is imposed on the submission.

27 (2) Levy imposed by subsection (1) is to be known as ***environment***
28 ***plan levy***.

29 (3) Environment plan levy imposed by subsection (1) is payable:

30 (a) if:

31 (i) paragraph (1)(a) applies; and

32 (ii) the activities to which the plan relates are authorised by
33 a single State/Territory title;

34 by the registered holder of the State/Territory title; or

35 (b) if:

Schedule 1 Amendments

- 1 (i) paragraph (1)(a) applies; and
- 2 (ii) the activities to which the plan relates are authorised by
3 2 or more State/Territory titles;
- 4 jointly and severally by the registered holders of the
5 State/Territory titles; or
- 6 (c) if:
 - 7 (i) paragraph (1)(b) applies; and
 - 8 (ii) the activities to which the revised plan relates are
9 authorised by a single State/Territory title;
10 by the registered holder of the State/Territory title; or
- 11 (d) if:
 - 12 (i) paragraph (1)(b) applies; and
 - 13 (ii) the activities to which the revised plan relates are
14 authorised by 2 or more State/Territory titles;
15 jointly and severally by the registered holders of the
16 State/Territory titles.

Amount of environment plan levy

- 18 (4) The amount of environment plan levy imposed by subsection (1) in
19 respect of a submission is the amount that is specified in, or
20 worked out in accordance with, the regulations.
- 21 (5) The regulations may specify different amounts of environment plan
22 levy, or different means of working out amounts of environment
23 plan levy, in relation to different circumstances.
- 24 (6) Subsection (5) does not limit subsection 33(3A) of the *Acts*
25 *Interpretation Act 1901*.

Definitions

- 27 (7) In this section:

registered holder, in relation to a State/Territory title, means the person whose name is shown in the Register kept under the relevant State PSLA or Territory PSLA as the holder of the title.

State/Territory title means an instrument under a State PSLA or Territory PSLA that confers, in relation to the coastal waters of a State or Territory, some or all of the rights that a Commonwealth

1 title (within the meaning of section 10F) confers in relation to the
2 offshore area of the State or Territory.

3 **21 Section 11**

4 Omit “10C and 10D”, substitute “10C, 10D, 10E, 10F and 10G”.