

# EXPOSURE DRAFT

2019-2020-2021

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

EXPOSURE DRAFT
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## **Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Amendment Bill 2021**

**No.     , 2021**

*(Industry, Science, Energy and Resources)*

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

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

4 The Parliament of Australia enacts:

5 **1 Short title**

6 *This Act is the Offshore Petroleum and Greenhouse Gas Storage*  
7 *(Regulatory Levies) Amendment Act 2021.*

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table  
10 commences, or is taken to have commenced, in accordance with

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No. , 2021 *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies)* 1  
*Amendment Bill 2021*

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1 column 2 of the table. Any other statement in column 2 has effect  
2 according to its terms.

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## Commencement information

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Column 1	Column 2	Column 3
Provisions	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	The later of: (a) the start of the day after this Act receives the Royal Assent; and (b) immediately after the commencement of Schedule 2 to the <i>Offshore Petroleum and Greenhouse Gas Storage Amendment (Titles Administration and Other Measures) Act 2021</i> .  However, the provisions do not commence at all if the event in paragraph (b) does not occur.	

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

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

## 3 Schedules

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12 repealed as set out in the applicable items in the Schedule  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

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2 *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) No. , 2021*  
*Amendment Bill 2021*

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## Schedule 1—Amendments

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

#### 1 Section 3

Insert:

*remedial direction* means a direction under section 586, 586A, 587, 587A, 591B, 592, 594A or 595 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

*State/Territory remedial direction* means a direction under a provision of a State PSLA or Territory PSLA that substantially corresponds to a direction under section 586, 586A, 587, 587A, 591B, 592, 594A or 595 of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

#### 2 Subsection 7(1)

Repeal the subsection, substitute:

(1) If:

- (a) a safety case is in force in relation to a facility at any time during a year; and
- (b) the facility is located, or proposed to be located, in Commonwealth waters;

levy is imposed on the safety case in respect of that year.

#### 3 Subsection 7(3)

Repeal the subsection (not including the note), substitute:

(3) Safety case levy imposed by subsection (1) is payable by:

- (a) if the facility is a pipeline subject to a pipeline licence and a remedial direction does not apply in relation to the pipeline at any time during the year—the licensee of the pipeline licence; or

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## Schedule 1 Amendments

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- 1 (b) if the facility is a pipeline subject to a pipeline licence and a  
2 remedial direction applies in relation to the pipeline at any  
3 time during the year:  
4 (i) the licensee of the pipeline licence; and  
5 (ii) if the licensee is not subject to the remedial direction—  
6 the person who is subject to the remedial direction; or  
7 (c) if the facility is not a pipeline that is subject to a pipeline  
8 licence but is a pipeline in relation to which a remedial  
9 direction is in force at any time during the year—the person  
10 who is subject to the direction; or  
11 (d) in any other case—the operator of the facility.

### 4 Subsection 7(5)

12 Repeal the subsection.  
13

### 5 At the end of subsection 7(6)

14 Add “, circumstances or any other matter”.  
15

### 6 Subsection 8(1)

16 Repeal the subsection, substitute:  
17

- 18 (1) If:  
19 (a) a safety case is in force in relation to a facility at any time  
20 during a year; and  
21 (b) the facility is located, or proposed to be located, in the  
22 designated coastal waters of a State or of the Northern  
23 Territory;  
24 levy is imposed on the safety case in respect of that year.

### 7 Subsection 8(3)

25 Repeal the subsection (not including the note), substitute:  
26

- 27 (3) Safety case levy imposed by subsection (1) is payable by:  
28 (a) if the facility is a pipeline subject to a pipeline licence and a  
29 State/Territory remedial direction does not apply in relation  
30 to the pipeline at any time during the year—the licensee of  
31 the pipeline licence; or



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- 1 (b) if the facility is a pipeline subject to a pipeline licence and a  
2 State/Territory remedial direction applies in relation to the  
3 pipeline at any time during the year:  
4 (i) the licensee of the pipeline licence; and  
5 (ii) if the licensee is not subject to the State/Territory  
6 remedial direction—the person who is subject to the  
7 State or Territory remedial direction; or  
8 (c) if the facility is not a pipeline that is subject to a pipeline  
9 licence but is a pipeline in relation to which a State/Territory  
10 remedial direction is in force at any time during the year—  
11 the person who is subject to the direction; or  
12 (d) in any other case—the operator of the facility.

## 13 **8 Subsection 8(5)**

14 Repeal the subsection.

## 15 **9 At the end of subsection 8(6)**

16 Add “, circumstances or any other matter”.

## 17 **10 Section 10C (at the end of the heading)**

18 Add “etc.”.

## 19 **11 Paragraph 10C(1)(b)**

20 Repeal the paragraph, substitute:

- 21 (b) the person is either:  
22 (i) the registered holder of an eligible title; or  
23 (ii) subject to a remedial direction (other than as the  
24 registered holder of an eligible title);

## 25 **12 Section 10D (at the end of the heading)**

26 Add “etc.”.

## 27 **13 Paragraph 10D(1)(b)**

28 Repeal the paragraph, substitute:

- 29 (b) the person is either:  
30 (i) the registered holder of a State/Territory title; or

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## Schedule 1 Amendments

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- 1 (ii) subject to a State/Territory remedial direction (other  
2 than as the registered holder of a State/Territory title);

### 3 **14 Section 10F (at the end of the heading)**

4 Add “etc.”.

### 5 **15 After paragraph 10F(1)(c)**

6 Insert:

7 or (d) both:

8 (i) an environment plan is submitted to NOPSEMA under a  
9 prescribed provision of regulations made under the  
10 *Offshore Petroleum and Greenhouse Gas Storage Act*  
11 *2006*; and

12 (ii) the activities to which the plan relates are carried out for  
13 the purposes of complying with a remedial direction; or

14 (e) both:

15 (i) a proposed revision of an environment plan is submitted  
16 to NOPSEMA under a prescribed provision of  
17 regulations made under the *Offshore Petroleum and*  
18 *Greenhouse Gas Storage Act 2006*; and

19 (ii) the activities to which the revised plan relates are  
20 carried out for the purposes of complying with a  
21 remedial direction;

### 22 **16 At the end of subsection 10F(3)**

23 Add:

24 ; or (f) if paragraph (1)(d) or (e) applies—by the person who is  
25 subject to the direction.

### 26 **17 Section 10G (at the end of the heading)**

27 Add “etc.”.

### 28 **18 After paragraph 10G(1)(c)**

29 Insert:

30 ; or (d) both:

31 (i) an environment plan is submitted to NOPSEMA under a  
32 regulation of a State or Territory that substantially

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Amendments **Schedule 1**

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- 1 corresponds to a prescribed provision of regulations  
2 made under the *Offshore Petroleum and Greenhouse*  
3 *Gas Storage Act 2006*; and  
4 (ii) the activities to which the plan relates are carried out for  
5 the purposes of complying with a State/Territory  
6 remedial direction; or  
7 (e) both:  
8 (i) a proposed revision of an environment plan is submitted  
9 to NOPSEMA under a regulation of a State or Territory  
10 that substantially corresponds to a prescribed provision  
11 of regulations made under the *Offshore Petroleum and*  
12 *Greenhouse Gas Storage Act 2006*; and  
13 (ii) the activities to which the revised plan relates are  
14 carried out for the purposes of complying with a  
15 State/Territory remedial direction;

## 16 **19 At the end of subsection 10G(3)**

17 Add:

- 18 ; or (f) if paragraph (1)(d) or (e) applies—by the person who is  
19 subject to the direction.

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