



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

Statutory Rules 2004 No. 315

made under the

Petroleum (Submerged Lands) Act 1967 and the
Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2003

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[Note: The *Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Regulations 2004* were originally made under the *Petroleum (Submerged Lands) Act 1967*. When that Act was repealed on 01/07/2008 by the *Offshore Petroleum (Repeals and Consequential Amendments) Act 2006* (No. 17 of 2006), these Regulations were maintained in existence by the transitional provisions in clause 4 of Schedule 6 to the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*. These Regulations have been amended by Regulations made under that Act.]

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Contents

Part 1	Preliminary	
	1 Name of Regulations [see Note 1]	5
	2 Commencement	5
	3 Definitions	5
	4 Payment of levy for pipeline located both in Commonwealth waters and State/NT designated coastal waters	6
Part 2	Safety investigation levy — Commonwealth waters	
Division 1	Preliminary	
	6 Definitions for Part 2	8
	7 Condition for imposition of safety investigation levy	8
Division 2	Working out safety investigation levy	
	8 Determination of no obligation to pay amount of safety investigation levy	9
	9 Amount of safety investigation levy	10
	10 Advice of independent expert about costs and expenses	11
Division 3	Paying safety investigation levy	
	11 When safety investigation levy is due and payable	12
Division 4	Administration	
	12 Safety Authority must keep records	13
Part 3	Safety investigation levy — designated coastal waters	
Division 1	Preliminary	
	13 Definitions for Part 3	14
	14 Condition for imposition of safety investigation levy	14

		Page
Division 2	Working out safety investigation levy	
15	Determination of no obligation to pay amount of safety investigation levy	15
16	Amount of safety investigation levy	16
17	Advice of independent expert about costs and expenses	17
Division 3	Paying safety investigation levy	
18	When safety investigation levy is due and payable (PSL Act)	18
Division 4	Administration	
19	Safety Authority must keep records	19
Part 4	Safety case levy — Commonwealth waters	
Division 1	Preliminary	
20	Definitions for Part 4	20
Division 2	Working out safety case levy	
21	Amount of safety case levy	21
22	Reconciliation of safety case levy recovered by instalments with levy payable	22
22A	Coming into force, and revisions, of a safety case for a pipeline	23
Division 3	Paying safety case levy	
23	When safety case levy is due and payable	24
24	Notifying when safety case levy is due and payable	26
25	Remitting part of safety case levy	27
26	Adjustment of amount of instalments	28
27	Operator of variable-rating facility must keep Safety Authority informed about operations	29
Part 5	Safety case levy — designated coastal waters	
Division 1	Preliminary	
28	Definitions for Part 5	31
<i>Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Regulations 2004</i>		3

		Page
Division 2	Working out safety case levy	
29	Amount of safety case levy	32
30	Reconciliation of safety case levy recovered by instalments with levy payable	34
30A	Coming into force, and revisions, of a safety case for a pipeline	34
Division 3	Paying safety case levy	
31	When safety case levy is due and payable	36
32	Notifying when safety case levy is due and payable	37
33	Remitting part of safety case levy	38
34	Adjustment of amount of instalments	40
35	Operator of variable-rating facility must keep Safety Authority informed about operations	41
Part 6	Safety Authority	
36	Fee for assessing safety case	42
37	Review of cost-recovery arrangements — periodic reviews	43
38	Review of cost-recovery arrangements — financial report	43
39	Meetings about operations of Safety Authority	43
Schedule 1	Facility amount and SMS amount	45
Part 1	Facility amount	45
Part 2	Factors used to work out facility amount	46
Division 1	Quarter amounts	46
Division 2	Applicable facility rating	46
Division 3	Unit value	47
Part 3	SMS amount	48
Schedule 2	Mobile facilities	51
Schedule 3	Pipeline amount and SMS amount	52
Part 1	Pipeline amount	52
Division 1	Factors used to work out the pipeline amount	52
Division 2	Applicable pipeline rating	52
Division 3	Unit value	52
Part 2	SMS amount	53
Notes		54

Part 1 Preliminary

1 Name of Regulations [see Note 1]

These Regulations are the *Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Regulations 2004*.

2 Commencement

These Regulations commence on 1 January 2005.

3 Definitions

In these Regulations:

CEO has the meaning given by section 643 of the OPGGS Act.

Commonwealth waters has the meaning given by section 643 of the OPGGS Act.

designated coastal waters has the meaning given by section 643 of the OPGGS Act.

OHS inspector has the meaning given by section 643 of the OPGGS Act.

OPGGS Act means the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

OPGGS(SL) Act means the *Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2003*.

part quarter means a period within a quarter that is at least 1 day long, but less than the length of the quarter, during which a safety case is in force in relation to a facility.

quarter means a period of 3 months starting on any of the following dates:

- (a) 1 January;
- (b) 1 April;
- (c) 1 July;
- (d) 1 October.

Regulation 4

Safety Authority means the National Offshore Petroleum Safety Authority, mentioned in Part 6.9 of the OPGGS Act.

Safety Authority waters has the meaning given by section 643 of the OPGGS Act.

SMS means safety management system.

SMS amount means a charge for the assessment of a safety management system, worked out in accordance with Schedule 1, that applies to 1 or more facilities or pipelines under the management or control of an operator or licensee.

State PSLA has the meaning given by section 643 of the OPGGS Act.

Territory PSLA has the same meaning as in section 643 of the OPGGS Act.

Note Other words and expressions used in these Regulations have the meaning given by section 3 of the OPGGS(SL) Act. For example:

- applicable State or Territory safety law
- safety case levy
- safety investigation levy
- State safety law
- Territory safety law
- year.

4 Payment of levy for pipeline located both in Commonwealth waters and State/NT designated coastal waters

- (1) This regulation applies if a continuous pipeline is located partly in Commonwealth waters, and partly in the designated coastal waters of:
 - (a) 1 or more States; or
 - (b) the Northern Territory; or
 - (c) 1 or more States and the Northern Territory.
- (2) Despite any other provision of these Regulations:
 - (a) if the total length of the segment or segments of the pipeline located in Commonwealth waters is greater than or equal to the total length of the segment or segments of the pipeline located in designated coastal waters:

Regulation 4

- (i) no pipeline safety case levy is payable in relation to any segment or segments of that pipeline located in designated coastal waters; and
 - (ii) the Safety Authority is not required to comply with a provision of these Regulations relating to notifying a person of when an amount of levy is due and payable in relation to any segment or segments of that pipeline located in designated coastal waters; and
 - (b) if the total length of the segment or segments of the pipeline located in designated coastal waters is greater than the total length of the segment or segments of the pipeline located in Commonwealth waters:
 - (i) no pipeline safety case levy is payable in relation to any segment or segments of that pipeline located in Commonwealth waters; and
 - (ii) the Safety Authority is not required to comply with a provision of these Regulations relating to notifying a person of when an amount of levy is due and payable in relation to any segment or segments of that pipeline located in Commonwealth waters.
- (3) In this regulation:

pipeline has the same meaning as in section 7 of the OPGGS Act.

Note The imposition of levy in relation to a pipeline is based on where the pipeline is located. Pipelines are often laid across a number of jurisdictions. This regulation ensures that levy is payable in relation to Commonwealth waters, or designated coastal waters, depending on where the longest part of the pipeline is located.

Regulation 6

Part 2 Safety investigation levy — Commonwealth waters

Division 1 Preliminary

6 Definitions for Part 2

In this Part:

accident has the same meaning as in clause 3 of Schedule 3 to the OPGGS Act.

dangerous occurrence has the same meaning as in clause 3 of Schedule 3 to the OPGGS Act.

facility has the same meaning as in clause 3 of Schedule 3 to the OPGGS Act.

incremental cost means the cost worked out under subregulation 7 (2).

inspection has the same meaning as in clause 3 of Schedule 3 to the OPGGS Act.

notifiable accident or occurrence has the same meaning as in subsection 5 (8) of the OPGGS(SL) Act.

operator has the same meaning as in clause 5 of Schedule 3 to the OPGGS Act.

7 Condition for imposition of safety investigation levy

- (1) For paragraph 5 (1) (c) of the OPGGS(SL) Act, the prescribed condition is that the incremental cost of an inspection mentioned in paragraph 5 (1) (b) of the OPGGS(SL) Act exceeds the threshold amount for the inspection.
- (2) The incremental cost of an inspection is the sum of the costs and expenses that the Safety Authority reasonably incurs for the purposes of carrying out the inspection.
- (3) For subregulation (2), the costs and expenses that the Safety Authority reasonably incurs for the purposes of carrying out the inspection:

Regulation 8

- (a) include (but are not limited to) remuneration and other costs in relation to OHS inspectors and other staff of the Safety Authority who are involved in the inspection; and
 - (b) do not include any share of fixed overheads.
- (4) The threshold amount for an inspection is \$30 000.
 - (5) The Safety Authority must give a notice to an operator, as soon as practicable after the incremental cost of an inspection exceeds the threshold amount, stating that the incremental cost of the inspection exceeds the threshold amount.

Note See regulation 10 for the use of an independent expert to assess the costs and expenses that the Safety Authority has reasonably incurred.

Division 2 Working out safety investigation levy

8 Determination of no obligation to pay amount of safety investigation levy

- (1) The Safety Authority may determine, in writing, that it is inappropriate for the operator of a facility specified in the determination to pay the amount of safety investigation levy imposed on a notifiable accident or occurrence.
- (2) The Safety Authority may make a determination at any time after the incremental cost of an inspection exceeds the threshold amount for the inspection.
- (3) An operator and the Safety Authority may agree, at any time, to the selection and appointment of an independent expert:
 - (a) to investigate whether the Safety Authority should make a determination under subregulation (1) (whether or not the Safety Authority has previously refused to make a determination); and
 - (b) to report to the Safety Authority on whether it should make a determination.
- (4) The Safety Authority must not unreasonably withhold its agreement to the selection or appointment of the independent expert.

Regulation 9

- (5) The operator must bear the costs incurred for the services of the independent expert.
- (6) After the independent expert has given the report, the Safety Authority:
 - (a) must consider the report; and
 - (b) may make a determination under subregulation (1).
- (7) The Minister may give directions, in writing, to the Safety Authority with respect to the exercise of its powers and functions under subregulations (3) and (6).
- (8) The Safety Authority must comply with the Minister's directions.
- (9) If the Safety Authority makes a determination under subregulation (1):
 - (a) the Safety Authority must give a copy of the determination to the operator as soon as practicable after making it; and
 - (b) the determination is taken to have effect on the day on which the incremental cost of the inspection exceeded the threshold amount for the inspection.

9 Amount of safety investigation levy

- (1) For subsection 5 (5) of the OPGGS(SL) Act:
 - (a) if the Safety Authority has not made a determination under subregulation 8 (1) for a particular inspection, the amount of safety investigation levy imposed on a notifiable accident or occurrence is the post-threshold incremental cost of the inspection; and
 - (b) if the Safety Authority has made a determination under subregulation 8 (1) for a particular inspection, the amount of safety investigation levy imposed on a notifiable accident or occurrence is zero.

Note The effect of a determination under subregulation 8 (1) is to reduce the amount of safety investigation levy payable to zero, even if the operator has already paid some or all of the levy.

- (2) The post-threshold incremental cost of the inspection is worked out by:

Regulation 10

- (a) identifying the incremental cost of the inspection on the day when the inspection is complete; and
- (b) subtracting the threshold amount.

Note The costs and expenses that the Safety Authority has reasonably incurred for the purposes of carrying out an inspection may be assessed by an independent expert: see regulation 10.

- (3) For paragraph (2) (a), an inspection is taken to be complete on the earlier of:
 - (a) the day when the Safety Authority refers a brief of evidence to the Commonwealth Director of Public Prosecutions in relation to the proposed prosecution of a person in connection with the accident or dangerous occurrence; and
 - (b) the day when the Safety Authority, by written notice, informs the operator that the inspection is complete.

Note The referral of a brief of evidence, or the giving of a notice, does not prevent the Safety Authority or an OHS inspector from continuing the inspection, or resuming the inspection. However, if the inspection is continued or resumed, no further levy will be payable.

10 Advice of independent expert about costs and expenses

- (1) An operator and the Safety Authority may agree, at any time, to the selection and appointment of an independent expert to assess the costs and expenses that the Safety Authority has reasonably incurred for the purposes of carrying out an inspection.
- (2) The Safety Authority must not unreasonably withhold its agreement to the selection or appointment of the independent expert.
- (3) The operator must bear the costs incurred for the services of the independent expert.
- (4) After the independent expert has given a report of the assessment:
 - (a) the Safety Authority must give a copy of the report to the operator as soon as practicable after receiving it; and
 - (b) the Safety Authority must consider the report; and

Regulation 11

- (c) if the Safety Authority has notified the operator of the amount of levy, or the amount of an instalment of levy, that is payable, the Safety Authority may give a notice to the operator:
 - (i) stating that a revised amount of levy, or a revised amount of an instalment of levy, is payable; or
 - (ii) withdrawing the notice previously given under subregulation 7 (5).
- (5) The Minister may give directions, in writing, to the Safety Authority with respect to the exercise of its powers and functions under subregulations (1) and (4).
- (6) The Safety Authority must comply with the Minister's directions.

Division 3 Paying safety investigation levy

11 When safety investigation levy is due and payable

- (1) For subsection 686 (1) of the OPGGS Act, this regulation sets out when safety investigation levy is due and payable.
- (2) If an inspection continues for 3 months or less, safety investigation levy is payable when the inspection is taken to be complete for subregulation 9 (3).
- (3) If an inspection continues for more than 3 months, safety investigation levy is payable in instalments:
 - (a) at the end of each period of 3 months, starting when the inspection starts, during which the inspection continues; and
 - (b) when the inspection is taken to be complete for subregulation 9 (3).
- (4) The Safety Authority must notify the operator:
 - (a) within 14 days after the inspection is taken to be complete for subregulation 9 (3); and

Regulation 12

- (b) if the inspection continues for more than 3 months — within 14 days after the end of each 3 month period; of the amount of levy, or the amount of an instalment of levy, that is payable.

Note The amount of safety investigation levy takes into account the post-threshold incremental cost of an inspection.

- (5) However, if the Safety Authority fails to notify the operator in accordance with subregulation (4), the validity of any subsequent notification is not affected by the failure.
- (6) For subsection 686 (1) of the OPGGS Act, safety investigation levy is due 30 days after the Safety Authority notifies the operator under subregulation (4).

Division 4 Administration

12 Safety Authority must keep records

- (1) For this Part, the Safety Authority must make records of:
- (a) the costs and expenses that are to be included in the incremental cost of an inspection, up to the time that the threshold amount is reached; and
 - (b) the costs and expenses that are to be included in the post-threshold incremental cost.
- (2) The Safety Authority must keep the records for at least 7 years.
- (3) The Safety Authority must:
- (a) make the records available for inspection by the operator to whom they relate, on request, at any time during business hours; and
 - (b) give copies of the records to that operator, on request.

Regulation 13

**Part 3 Safety investigation levy —
designated coastal waters**

Division 1 Preliminary

13 Definitions for Part 3

In this Part:

accident has the same meaning as in subsection 6 (8) of the OPGGS(SL) Act.

dangerous occurrence has the same meaning as in subsection 6 (8) of the OPGGS(SL) Act.

facility has the same meaning as in subsection 6 (8) of the OPGGS(SL) Act.

incremental cost means the cost worked out under subregulation 14 (2).

inspection has the same meaning as in subsection 6 (8) of the OPGGS(SL) Act.

notifiable accident or occurrence has the same meaning as in subsection 6 (8) of the OPGGS(SL) Act.

operator has the same meaning as in subsection 6 (8) of the OPGGS(SL) Act.

14 Condition for imposition of safety investigation levy

- (1) For paragraph 6 (1) (c) of the OPGGS(SL) Act, the prescribed condition is that the incremental cost of an inspection mentioned in paragraph 6 (1) (b) of the OPGGS(SL) Act exceeds the threshold amount for the inspection.
- (2) The incremental cost of an inspection is the sum of the costs and expenses that the Safety Authority reasonably incurs for the purposes of carrying out the inspection.
- (3) For subregulation (2), the costs and expenses that the Safety Authority reasonably incurs for the purposes of carrying out the inspection:

Regulation 15

- (a) include (but are not limited to) remuneration and other costs in relation to OHS inspectors and other staff of the Safety Authority who are involved in the inspection; and
 - (b) do not include any share of fixed overheads.
- (4) The threshold amount for an inspection is \$30 000.
 - (5) The Safety Authority must give a notice to an operator, as soon as practicable after the incremental cost of an inspection exceeds the threshold amount, stating that the incremental cost of the inspection exceeds the threshold amount.

Note See regulation 17 for the use of an independent expert to assess the costs and expenses that the Safety Authority has reasonably incurred.

Division 2 Working out safety investigation levy

15 Determination of no obligation to pay amount of safety investigation levy

- (1) The Safety Authority may determine, in writing, that it is inappropriate for the operator of a facility specified in the determination to pay the amount of safety investigation levy imposed on a notifiable accident or occurrence.
- (2) The Safety Authority may make a determination at any time after the incremental cost of an inspection exceeds the threshold amount for the inspection.
- (3) An operator and the Safety Authority may agree, at any time, to the selection and appointment of an independent expert:
 - (a) to investigate whether the Safety Authority should make a determination under subregulation (1) (whether or not the Safety Authority has previously refused to make a determination); and
 - (b) to report to the Safety Authority on whether it should make a determination.
- (4) The Safety Authority must not unreasonably withhold its agreement to the selection or appointment of the independent expert.

Regulation 16

- (5) The operator must bear the costs incurred for the services of the independent expert.
- (6) After the independent expert has given the report, the Safety Authority:
 - (a) must consider the report; and
 - (b) may make a determination under subregulation (1).
- (7) The Minister may give directions, in writing, to the Safety Authority with respect to the exercise of its powers and functions under subregulations (3) and (6).
- (8) The Safety Authority must comply with the Minister's directions.
- (9) If the Safety Authority makes a determination under subregulation (1):
 - (a) the Safety Authority must give a copy of the determination to the operator as soon as practicable after making it; and
 - (b) the determination is taken to have effect on the day on which the incremental cost of the inspection exceeded the threshold amount for the inspection.

16 Amount of safety investigation levy

- (1) For subsection 6 (5) of the OPGGS(SL) Act:
 - (a) if the Safety Authority has not made a determination under subregulation 15 (1) for a particular inspection, the amount of safety investigation levy imposed on a notifiable accident or occurrence is the post-threshold incremental cost of the inspection; and
 - (b) if the Safety Authority has made a determination under subregulation 15 (1) for a particular inspection, the amount of safety investigation levy imposed on a notifiable accident or occurrence is zero.

Note The effect of a determination under subregulation 15 (1) is to reduce the amount of safety investigation levy payable to zero, even if the operator has already paid some or all of the levy.

Regulation 17

- (2) The post-threshold incremental cost of the inspection is worked out by:
- (a) identifying the incremental cost of the inspection on the day when the inspection is complete; and
 - (b) subtracting the threshold amount.

Note The costs and expenses that the Safety Authority has reasonably incurred for the purposes of carrying out an inspection may be assessed by an independent expert: see regulation 15.

- (3) For paragraph (2) (a), an inspection is taken to be complete on the earlier of:
- (a) the day when the Safety Authority refers a brief of evidence to an agency responsible for the prosecution of offences in relation to the proposed prosecution of a person in connection with the accident or dangerous occurrence; and
 - (b) the day when the Safety Authority, by written notice, informs the operator that the inspection is complete.

Note The referral of a brief of evidence, or the giving of a notice, does not prevent the Safety Authority or an OHS inspector from continuing the inspection, or resuming the inspection. However, if the inspection is continued or resumed, no further levy will be payable.

17 Advice of independent expert about costs and expenses

- (1) An operator and the Safety Authority may agree, at any time, to the selection and appointment of an independent expert to assess the costs and expenses that the Safety Authority has reasonably incurred for the purposes of carrying out an inspection.
- (2) The Safety Authority must not unreasonably withhold its agreement to the selection or appointment of the independent expert.
- (3) The operator must bear the costs incurred for the services of the independent expert.

Regulation 18

- (4) After the independent expert has given a report of the assessment:
 - (a) the Safety Authority must give a copy of the report to the operator as soon as practicable after receiving it; and
 - (b) the Safety Authority must consider the report; and
 - (c) if the Safety Authority has notified the operator of the amount of levy, or the amount of an instalment of levy, that is payable, the Safety Authority may give a notice to the operator:
 - (i) stating that a revised amount of levy, or a revised amount of an instalment of levy, is payable; or
 - (ii) withdrawing the notice previously given under subregulation 14 (5).
- (5) The Minister may give directions, in writing, to the Safety Authority with respect to the exercise of its powers and functions under subregulations (1) and (4).
- (6) The Safety Authority must comply with the Minister's directions.

Division 3 Paying safety investigation levy

18 When safety investigation levy is due and payable (PSL Act)

- (1) For subsection 686 (1) of the OPGGS Act, this regulation sets out when safety investigation levy is due and payable.
- (2) If an inspection continues for 3 months or less, safety investigation levy is payable when the inspection is taken to be complete for subregulation 16 (3).
- (3) If an inspection continues for more than 3 months, safety investigation levy is payable in instalments:
 - (a) at the end of each period of 3 months, starting when the inspection starts, during which the inspection continues; and
 - (b) when the inspection is taken to be complete for subregulation 16 (3).

Regulation 19

- (4) The Safety Authority must notify the operator:
- (a) within 14 days after the inspection is taken to be complete for subregulation 16 (3); and
 - (b) if the inspection continues for more than 3 months — within 14 days after the end of each 3 month period;
- of the amount of levy, or the amount of an instalment of levy, that is payable.
- Note* The amount of safety investigation levy takes into account the post-threshold incremental cost of an inspection.
- (5) However, if the Safety Authority fails to notify the operator in accordance with subregulation (4), the validity of any subsequent notification is not affected by the failure.
- (6) For subsection 686 (1) of the OPGGS Act, safety investigation levy is due 30 days after the Safety Authority notifies the operator under subregulation (4).

Division 4 Administration

19 Safety Authority must keep records

- (1) For this Part, the Safety Authority must make records of:
- (a) the costs and expenses that are to be included in the incremental cost of an inspection, up to the time that the threshold amount is reached; and
 - (b) the costs and expenses that are to be included in the post-threshold incremental cost.
- (2) The Safety Authority must keep the records for at least 7 years.
- (3) The Safety Authority must:
- (a) make the records available for inspection by the operator to whom they relate, on request, at any time during business hours; and
 - (b) give copies of the records to that operator, on request.

Part 4 Safety case levy — Commonwealth waters

Division 1 Preliminary

20 Definitions for Part 4

In this Part:

facility has the same meaning as in subsection 7 (8) of the OPGGS(SL) Act.

major revision, in relation to a safety case for a pipeline, means a revision other than a minor revision.

minor revision, in relation to a safety case for a pipeline, means a revision that is treated as a minor revision under subregulation 22A (2).

mobile facility means a facility of a kind mentioned in Schedule 2.

operator has the same meaning as in subclause 5 (1) of Schedule 3 to the OPGGS Act.

pipeline has the same meaning as in section 7 of the OPGGS Act.

pipeline licensee has the meaning given by section 7 of the OPGGS Act.

proposed facility has the same meaning as in clause 3 of Schedule 3 to the OPGGS Act.

safety case in force in relation to a facility has the same meaning as in subsection 7 (8) of the OPGGS(SL) Act.

variable-rating facility means a facility mentioned in item 2 of the table in item 2.3 of Schedule 1.

Note Under subsection 7 (8) of the OPGGS(SL) Act, a *facility* includes a proposed facility. Subsection 7 (1) of the OPGGS(SL) Act imposes safety case levy on a facility:

- (a) that is located, or proposed to be located, in Commonwealth waters; and
- (b) in relation to which a safety case is in force.

A proposed facility is not required to have a safety case in force unless it has commenced to be constructed or installed in Commonwealth waters (in which case it becomes a facility). However, it is possible for an operator to

have a safety case accepted by the Safety Authority in relation to a proposed facility: if the safety case is accepted, it is taken to be in force and safety case levy becomes payable.

Division 2 Working out safety case levy

21 Amount of safety case levy

(1) For subsections 7 (4) and (5) of the OPGGS(SL) Act, and subject to subregulations (2) and (3), the amount of safety case for a facility other than a pipeline levy imposed on a safety case is the sum of:

- (a) the SMS amount; and
- (b) the facility amount for each facility in relation to which the safety case is in force;

as worked out using Schedule 1.

Note The effect of Schedule 1 is that an operator will pay only one SMS amount in any year, whether:

- (a) one safety case or more than one safety case, is in force in relation to the operator; and
- (b) the operator operates facilities in Commonwealth waters, designated coastal waters, or both.

(1A) For subsections 7 (4) and (5) of the OPGGS(SL) Act, and subject to subregulation (4), the amount of safety case levy imposed on a safety case for a facility that is a pipeline is the sum of:

- (a) the SMS amount; and
- (b) the pipeline amount for each pipeline in relation to which the safety case is in force;

as worked out using Schedule 3.

Note 1 Schedule 3 ensures that the licensee of a pipeline licence will pay only 1 SMS amount per pipeline safety case in any 1 year, whether:

- (a) the licensee holds a licence for more than 1 pipeline; or
- (b) the licensee holds a licence for a pipeline or pipelines which are located in Commonwealth waters, designated coastal waters or both.

Note 2 Regulation 4 ensures that levy in relation to a pipeline that is located in both designated coastal waters and Commonwealth waters is payable in relation to 1 of those waters.

Regulation 22

- (2) For subsections 7 (4) and (5) of the OPGGS(SL) Act, if the facility is a mobile facility that:
- (a) was first operated in designated coastal waters during a year; and
 - (b) was then operated in Commonwealth waters during the year;
- the facility amount for the facility is zero.

Note Although there is no facility amount for the mobile facility in respect of its operation in Commonwealth waters, a facility amount will be calculated for the mobile facility in accordance with regulation 29 in respect of its operation in designated coastal waters.

- (3) For subsections 7 (4) and (5) of the OPGGS(SL) Act:
- (a) if the facility is a proposed facility (within the meaning of regulation 48):
 - (i) in relation to which the fee mentioned in that regulation has been paid; and
 - (ii) that has not entered Safety Authority waters;the amount of safety case levy imposed on the safety case is zero; and
 - (b) the safety case in relation to the facility is taken to have come into force for the facility when it first enters Safety Authority waters.
- (4) For subsections 7 (4) and (5) of the OPGGS(SL) Act, if:
- (a) the safety case for a pipeline is in force at the start of a year; and
 - (b) no major revision of the safety case came into force during the previous year;
- the amount of safety case levy imposed on the safety case is zero.

22 Reconciliation of safety case levy recovered by instalments with levy payable

- (1) For subsections 7 (4) and (5) of the OPGGS(SL) Act, the Safety Authority must ensure, as far as practicable, that the amounts of quarterly or yearly instalments that it notifies to an operator or licensee as being due and payable recover the whole of the amount of levy payable by the operator or

Regulation 22A

licensee in relation to a safety case for a facility for a year or part of a year, taking into account:

- (a) any changes in the applicable facility rating of a variable rating facility; and
 - (b) any remission of levy made under regulation 25; and
 - (c) any previous adjustment of levy made under regulation 26.
- (2) If the amounts paid by way of quarterly or yearly instalments during a year or part of a year are inadequate, or will be inadequate, to recover the whole of the levy payable by the operator or licensee in relation to a safety case for a facility for a year or part of a year:
- (a) the Safety Authority must notify the operator or licensee, in writing, of:
 - (i) the amount of the shortfall in the instalments; and
 - (ii) the operator's or licensee's obligation under this subregulation to pay the shortfall; and
 - (b) the operator or licensee must pay an amount equal to the amount of the shortfall; and
 - (c) the amount is due and payable 30 days after the Safety Authority notifies the operator or licensee under paragraph (a).

22A Coming into force, and revisions, of a safety case for a pipeline

When a safety case for a pipeline, or a revision of a safety case, comes into force

- (1) A safety case for a pipeline, or a revision of a safety case, is taken to come into force when the Safety Authority accepts the safety case or the revision.

When a revision of a safety case is a minor revision

- (2) The Safety Authority may determine, in writing, that a revision of a safety case for a pipeline is a minor revision.
- (3) The Safety Authority may make a determination with or without a request by the licensee of the pipeline licence.

Regulation 23

Notification of decision

- (4) If the Safety Authority determines that a revision is a minor revision, the Safety Authority must notify the licensee of the pipeline licence, in writing, of the decision.
- (5) If the Safety Authority refuses to make a determination at the request of the licensee of the pipeline licence:
 - (a) the Safety Authority must notify the licensee of the pipeline licence, in writing, of the decision and the reasons for the decision; and
 - (b) if the decision was made by a delegate of the CEO, the notice must also state that the licensee of the pipeline licence may apply for review of the decision by the CEO within 30 days after the Safety Authority notifies the operator.

Review of decision

- (6) If the licensee of the pipeline licence applies to the CEO for a review of a decision by a delegate of the CEO to refuse to make a determination at the request of the licensee of the pipeline licence, the CEO must, as soon as practicable:
 - (a) review the decision; and
 - (b) notify the licensee of the pipeline licence, in writing, of:
 - (i) the decision; and
 - (ii) if the CEO confirms the refusal to make a determination — the reasons for the decision.

Division 3 Paying safety case levy

23 When safety case levy is due and payable

- (1) For subsection 687 (3) of the OPGGS Act, this regulation sets out when safety case levy is payable in relation to a facility.
- (2) Safety case levy is due and payable:
 - (a) if the facility is not a pipeline — in quarterly instalments;or

Regulation 23

(b) if the facility is a pipeline — in annual instalments;
 in accordance with the following table.

Item	Facility	Levy	Instalment of levy is due and payable by
1	Facility other than a mobile facility or a pipeline	Levy payable for the quarter or part quarter under Schedule 1 in which the safety case is accepted	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter
2	Facility other than a mobile facility or a pipeline	Levy payable in respect of any other quarter under Schedule 1	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter
3	Mobile facility	Levy payable for the quarter or part quarter under Schedule 1 in which the safety case is accepted	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter
4	Mobile facility	Levy payable in respect of any other quarter under Schedule 1	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter
5	Pipeline	Levy payable for the year in which the safety case is in force on 1 January	The later of: (a) the first working day after 1 January; and (b) 60 days after the last major revision of the safety case for the pipeline came into force
6	Pipeline	Levy payable for the year in which the safety case comes into force after 1 January	60 days after the safety case comes into force

Note The Safety Authority may be required to adjust the amount of safety case levy under regulation 26 to ensure that the correct amount of levy is paid. An adjustment may be necessary because the unit value for the facility has been reduced during the year, or the facility's applicable facility rating has changed during the year.

Regulation 24

24 Notifying when safety case levy is due and payable

- (1) For subsection 687 (3) of the OPGGS Act, the Safety Authority must notify in writing an operator or a licensee of:
- (a) the amount of each instalment of safety case levy that will be due and payable in a year in respect of the facility; and
 - (b) when each instalment will be payable;
- in accordance with the following table.

Item	Facility	Year to which levy relates	Operator must be notified
1	Facility other than a mobile facility or a pipeline	Year in which safety case is accepted	By the end of the month following the end of the quarter in which the safety case is accepted, and by the end of the month following the end of each subsequent quarter in the year
2	Facility other than a mobile facility or a pipeline	Any subsequent year	By the end of the month following the end of each quarter in the year
3	Mobile facility	Year in which safety case is accepted	By the end of the month following the end of the quarter in which the safety case is accepted, and by the end of the month following the end of each subsequent quarter in the year
4	Mobile facility	Any subsequent year	By the end of the month following the end of each quarter in the year
5	Pipeline	Year in which safety case is accepted, or a major revision of a safety case is accepted	Within 30 days of the day on which the safety case, or the major revision of the safety case, comes into force

- (2) However, if the Safety Authority fails to notify the operator in accordance with subregulation (1):

Regulation 25

- (a) the validity of any subsequent notification is not affected by the failure; and
- (b) for a safety case levy in relation to 1 or more mobile facilities — safety case levy is due 30 days after the Safety Authority notifies the operator.

25 Remitting part of safety case levy

- (1) For 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) the Safety Authority may, in accordance with this regulation, remit a part of an amount of safety case levy imposed by the OPGGS(SL) Act.
- (2) Subject to subregulation (3), if the Safety Authority remits a part of an amount of safety case levy for a quarter (the **relevant quarter**), the Safety Authority must work out the amount of facility amount, within that levy, that is to be remitted for the relevant quarter 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 Safety Authority waters.

- (3) The Safety Authority must not remit a part of an amount of safety case levy if the effect of the remission 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.

Regulation 26

- (4) Subject to subregulation (5), if the Safety Authority remits a part of an amount of safety case levy for a quarter (the **relevant quarter**):
- (a) the Safety Authority must remit any SMS amount, within that levy, only in respect of any period in which no facility of the operator is in operation in Safety Authority waters (whether or not the same safety case is in operation in relation to those facilities); and
 - (b) the Safety Authority must work out the SMS amount, within that levy, that is to be remitted for the relevant quarter using the formula:

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

where:

SMS amount means the SMS 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 no facility of the operator is in operation in Safety Authority waters.

- (5) The Safety Authority must not remit a part of an SMS amount if the effect of the remission 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.

26 Adjustment of amount of instalments

- (1) This regulation applies:
- (a) if:
 - (i) an operator or licensee has not previously informed the Safety Authority about the operation of a facility; and
 - (ii) the operator or licensee informs the Safety Authority that the operation of the facility has happened, or is

Regulation 27

- projected to happen, in a way that may affect the facility's applicable facility rating; and
- (iii) the nature of the operation would change an amount of safety case levy that has been calculated in relation to the facility but not yet paid; or
- (b) if:
- (i) an operator or licensee has previously informed the Safety Authority about the operation of a facility; and
 - (ii) the operator or licensee informs the Safety Authority that operations at the operator's facility have differed, or are likely to differ, from the operations of which the operator informed the Safety Authority; and
 - (iii) the nature of the operation would change an amount of safety case levy that has been calculated in relation to the facility but not yet paid; or
- (c) if:
- (i) the Safety Authority is satisfied that a facility is operating in a particular way; and
 - (ii) the nature of the operation would change an amount of safety case levy that has been calculated in relation to the facility but not yet paid.
- (2) The Safety Authority must make the necessary increase or decrease to the subsequent instalment or instalments.
- (3) However, the Safety Authority must not increase or decrease an instalment unless the Safety Authority notifies the operator or licensee of the adjustment at least 14 days prior to the date on which that instalment is due and payable.

27 Operator of variable-rating facility must keep Safety Authority informed about operations

- (1) The operator of a variable-rating facility must, as far as practicable, keep the Safety Authority informed about projected and actual operations at the facility that are relevant to working out the facility's applicable facility rating.

Regulation 27

- (2) If the operator of a variable-rating facility becomes aware that operations at the operator's facility have differed, or are likely to differ, from the operations of which the operator informed the Safety Authority, the operator must, as soon as practicable, notify the Safety Authority of the change.

Part 5 Safety case levy — designated coastal waters

Division 1 Preliminary

28 Definitions for Part 5

In this Part:

facility has the same meaning as in subsection 8 (8) of the OPGGS(SL) Act.

major revision, in relation to a safety case for a pipeline, means a revision other than a minor revision.

minor revision, in relation to a safety case for a pipeline, means a revision that is treated as a minor revision under subregulation 22A (2).

mobile facility means a facility of a kind mentioned in Schedule 2.

operator has the same meaning as in subsection 8 (8) of the OPGGS(SL) Act.

pipeline has the same meaning as in section 7 of the OPGGS Act.

pipeline licensee has the meaning given by section 7 of the OPGGS Act.

proposed facility has the same meaning as in subsection 8 (8) of the OPGGS(SL) Act.

safety case in force in relation to a facility has the same meaning as in subsection 8 (8) of the OPGGS(SL) Act.

variable-rating facility means a facility mentioned in item 2 of the table in item 2.3 of Schedule 1.

Note Under subsection 8 (8) of the OPGGS(SL) Act, a *facility* includes a proposed facility. Subsection 8 (1) of the OPGGS(SL) Act imposes safety case levy on a facility:

- (a) that is located, or proposed to be located, in the designated coastal waters of a State or of the Northern Territory; and
- (b) in relation to which a safety case is in force.

Regulation 29

A proposed facility is not required to have a safety case in force unless it has commenced to be constructed or installed in designated coastal waters (in which case it becomes a facility). However, it is possible for an operator to have a safety case accepted by the Safety Authority in relation to a proposed facility: if the safety case is accepted, it is taken to be in force and safety case levy becomes payable.

Division 2 Working out safety case levy

29 Amount of safety case levy

(1) For subsections 8 (4) and (5) of the OPGGS(SL) Act, and subject to subregulations (2) and (3), the amount of safety case levy imposed on a safety case for a facility other than a pipeline is the sum of:

- (a) the SMS amount; and
- (b) the facility amount for each facility in relation to which the safety case is in force;

as worked out using Schedule 1.

Note The effect of Schedule 1 is that an operator will pay only one SMS amount in any year, whether:

- (a) one safety case or more than one safety case, is in force in relation to the operator; and
- (b) the operator operates facilities in designated coastal waters, Commonwealth waters, or both.

(1A) For subsections 8 (4) and (5) of the OPGGS(SL) Act, and subject to subregulation (4), the amount of safety case levy imposed on a safety case for a facility that is a pipeline, is the sum of:

- (a) the SMS amount; and
- (b) the pipeline amount for each pipeline in relation to which the safety case is in force;

as worked out using Schedule 3.

Note 1 Schedule 3 ensures that the licensee of a pipeline licence will pay only 1 SMS amount per pipeline safety case in any 1 year, whether:

- (a) the licensee holds a licence for more than 1 pipeline; or
- (b) the licensee holds a licence for a pipeline or pipelines which are located in Commonwealth waters, designated coastal waters or both.

Regulation 29

Note 2 Regulation 4 ensures that levy in relation to a pipeline that is located in both designated coastal waters and Commonwealth waters is payable in relation to 1 of those waters.

- (2) For subsections 8 (4) and (5) of the OPGGS(SL) Act, if the facility is a mobile facility that:
- (a) was first operated in Commonwealth waters during a year; and
 - (b) was then operated in designated coastal waters during the year;
- the facility amount for the facility is zero.

Note Although there is no facility amount for the mobile facility in respect of its operation in designated coastal waters, a facility amount will be calculated for the mobile facility in accordance with regulation 21 in respect of its operation in Commonwealth waters.

- (3) For subsections 8 (4) and (5) of the OPGGS(SL) Act:
- (a) if the facility is a proposed facility (within the meaning of regulation 49):
 - (i) in relation to which the fee mentioned in that regulation has been paid; and
 - (ii) that has not entered Safety Authority waters;the amount of safety case levy imposed on the safety case is zero; and
 - (b) the safety case in relation to the facility is taken to have come into force for the facility when it first enters Safety Authority waters.
- (4) For subsections 8 (4) and (5) of the OPGGS(SL) Act, if:
- (a) the safety case for a pipeline is in force at the start of a year; and
 - (b) no major revision of the safety case came into force during the previous year;
- the amount of safety case levy imposed on the safety case is zero.

Regulation 30

30 Reconciliation of safety case levy recovered by instalments with levy payable

- (1) For subsections 8 (4) and (5) of the OPGGS(SL) Act, the Safety Authority must ensure, as far as practicable, that the amounts of quarterly or yearly instalments that it notifies to an operator or licensee as being due and payable recover the whole of the amount of levy payable by the operator or licensee in relation to a safety case for a facility for a year or part of a year, taking into account:
 - (a) any changes in the applicable facility rating of a variable rating facility; and
 - (b) any remission of levy made under regulation 33; and
 - (c) any previous adjustment of levy made under regulation 34.
- (2) If the amounts paid by way of quarterly or yearly instalments during a year or part of a year are inadequate, or will be inadequate, to recover the whole of the levy payable by the operator or licensee in relation to a safety case for a facility for a year or part of a year:
 - (a) the Safety Authority must notify the operator or licensee, in writing, of:
 - (i) the amount of the shortfall in the instalments; and
 - (ii) the operator's or licensee's obligation under this subregulation to pay the shortfall; and
 - (b) the operator or licensee must pay an amount equal to the amount of the shortfall; and
 - (c) the amount is due and payable 30 days after the Safety Authority notifies the operator or licensee under paragraph (a).

30A Coming into force, and revisions, of a safety case for a pipeline

When a safety case for a pipeline, or a revision of a safety case, comes into force

- (1) A safety case for a pipeline, or a revision of a safety case, is taken to come into force when the Safety Authority accepts the safety case or the revision.

Regulation 30A

When a revision of a safety case is a minor revision

- (2) The Safety Authority may determine, in writing, that a revision of a safety case for a pipeline is a minor revision.
- (3) The Safety Authority may make a determination with or without a request by the licensee of the pipeline licence.

Notification of decision

- (4) If the Safety Authority determines that a revision is a minor revision, the Safety Authority must notify the licensee of the pipeline licence, in writing, of the decision.
- (5) If the Safety Authority refuses to make a determination at the request of the licensee of the pipeline licence:
 - (a) the Safety Authority must notify the licensee of the pipeline licence, in writing, of the decision and the reasons for the decision; and
 - (b) if the decision was made by a delegate of the CEO, the notice must also state that the licensee of the pipeline licence may apply for review of the decision by the CEO within 30 days after the Safety Authority notifies the operator.

Review of decision

- (6) If a licensee of the pipeline licence applies to the CEO for review of a decision by a delegate of the CEO to refuse to make a determination at the request of the licensee of the pipeline licence, the CEO must, as soon as practicable:
 - (a) review the decision; and
 - (b) notify the licensee of the pipeline licence, in writing, of:
 - (i) the decision; and
 - (ii) if the CEO confirms the refusal to make a determination — the reasons for the decision.

Regulation 31

Division 3 Paying safety case levy

31 When safety case levy is due and payable

- (1) For subsection 687 (3) of the OPGGS Act, this regulation sets out when safety case levy is payable in relation to a facility.
- (2) Safety case levy is due and payable:
 - (a) if the facility is not a pipeline — in quarterly instalments;
or
 - (b) if the facility is a pipeline — in annual instalments;
in accordance with the following table.

Item	Facility	Levy	Instalment of levy is due and payable by
1	Facility other than a mobile facility or a pipeline	Levy payable for the quarter or part quarter under Schedule 1 in which the safety case is accepted	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter
2	Facility other than a mobile facility or a pipeline	Levy payable in respect of any other quarter under Schedule 1	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter
3	Mobile facility	Levy payable for the quarter or part quarter under Schedule 1 in which the safety case is accepted	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter
4	Mobile facility	Levy payable in respect of any other quarter under Schedule 1	30 days after the Safety Authority notifies the operator that levy is due and payable for the quarter

Regulation 32

Item	Facility	Levy	Instalment of levy is due and payable by
5	Pipeline	Levy payable for the year in which the safety case is in force on 1 January	The later of: (a) the first working day after 1 January; and (b) 60 days after the last major revision of the safety case for the pipeline came into force
6	Pipeline	Levy payable for the year in which the safety case comes into force after 1 January	60 days after the safety case comes into force

Note The Safety Authority may be required to adjust the amount of safety case levy under regulation 34 to ensure that the correct amount of levy is paid. An adjustment may be necessary because the unit value for the facility has been reduced during the year, or the facility's applicable facility rating has changed during the year.

32 Notifying when safety case levy is due and payable

- (1) For subsection 687 (3) of the OPGGS Act, the Safety Authority must notify in writing an operator or a licensee of:
- (a) the amount of each instalment of safety case levy that will be due and payable in a year in respect of the facility; and
 - (b) when each instalment will be payable;
- in accordance with the following table.

Item	Facility	Year to which levy relates	Operator must be notified
1	Facility other than a mobile facility or a pipeline	Year in which safety case is accepted	By the end of the month following the end of the quarter in which the safety case is accepted, and by the end of the month following the end of each subsequent quarter in the year

Regulation 33

Item	Facility	Year to which levy relates	Operator must be notified
2	Facility other than a mobile facility or a pipeline	Any subsequent year	By the end of the month following the end of each quarter in the year
3	Mobile facility	Year in which the safety case is accepted	By the end of the month following the end of the quarter in which the safety case is accepted, and by the end of the month following the end of each subsequent quarter in the year
4	Mobile facility	Any subsequent year	By the end of the month following the end of each quarter in the year
5	Pipeline	Year in which the safety case is accepted, or a major revision of a safety case is accepted	Within 30 days of the day on which the safety case, or the major revision of the safety case, comes into force.

- (2) However, if the Safety Authority fails to notify the operator in accordance with subregulation (1):
- (a) the validity of any subsequent notification is not affected by the failure; and
 - (b) for a safety case levy in relation to 1 or more mobile facilities — safety case levy is due 30 days after the Safety Authority notifies the operator.

33 Remitting part of safety case levy

- (1) For 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) the Safety Authority may, in accordance with this regulation, remit a part of an amount of safety case levy imposed by the OPGGS(SL) Act.

Regulation 33

- (2) Subject to subregulation (3), if the Safety Authority remits a part of an amount of safety case levy for a quarter (the **relevant quarter**), the Safety Authority must work out the amount of facility amount, within that levy, that is to be remitted for the relevant quarter 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 Safety Authority waters.

- (3) The Safety Authority must not remit a part of an amount of safety case levy if the effect of the remission 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.
- (4) Subject to subregulation (5), if the Safety Authority remits a part of an amount of safety case levy for a quarter (the **relevant quarter**):
- the Safety Authority must remit any SMS amount, within that levy, only in respect of any period in which no facility of the operator is in operation in Safety Authority waters (whether or not the same safety case is in operation in relation to those facilities); and
 - the Safety Authority must work out the SMS amount, within that levy, that is to be remitted for the relevant quarter using the formula:

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

Regulation 34

where:

SMS amount means the SMS 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 no facility of the operator is in operation in Safety Authority waters.

- (5) The Safety Authority must not remit a part of an SMS amount if the effect of the remission 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.

34 Adjustment of amount of instalments

- (1) This regulation applies:
- (a) if:
- (i) an operator or licensee has not previously informed the Safety Authority about the operation of a facility; and
 - (ii) the operator or licensee informs the Safety Authority that the operation of the facility has happened, or is projected to happen, in a way that may affect the facility's applicable facility rating; and
 - (iii) the nature of the operation would change an amount of safety case levy that has been calculated in relation to the facility but not yet paid; or
- (b) if:
- (i) an operator or licensee has previously informed the Safety Authority about the operation of a facility; and
 - (ii) the operator or licensee informs the Safety Authority that operations at the operator's facility have differed, or are likely to differ, from the operations of which the operator or licensee informed the Safety Authority; and

Regulation 35

- (iii) the nature of the operation would change an amount of safety case levy that has been calculated in relation to the facility but not yet paid; or
- (c) if:
 - (i) the Safety Authority is satisfied that a facility is operating in a particular way; and
 - (ii) the nature of the operation would change an amount of safety case levy that has been calculated in relation to the facility but not yet paid.
- (2) The Safety Authority must make the necessary increase or decrease to the subsequent instalment or instalments.
- (3) However, the Safety Authority must not increase or decrease an instalment unless the Safety Authority notifies the operator or licensee of the adjustment at least 14 days prior to the date on which that instalment is due and payable.

35 Operator of variable-rating facility must keep Safety Authority informed about operations

- (1) The operator of a variable-rating facility must, as far as practicable, keep the Safety Authority informed about projected and actual operations at the facility that are relevant to working out the facility's applicable facility rating.
- (2) If the operator of a variable-rating facility becomes aware that operations at the operator's facility have differed, or are likely to differ, from the operations of which the operator informed the Safety Authority, the operator must, as soon as practicable, notify the Safety Authority of the change.

Regulation 36

Part 6 Safety Authority**36 Fee for assessing safety case**

- (1) For section 685 of the OPGGS Act, a fee is payable to the Safety Authority by the operator of a proposed facility if the Safety Authority assesses a safety case submitted to it by the operator.
- (2) The amount or rate of the fee is an amount or rate determined by the CEO and must not exceed the total of the expenses incurred by the Safety Authority for the purposes of assessing the safety case.
- (3) The fee is payable at the time or times agreed in writing between the CEO and the operator.

- (4) In this regulation:

proposed facility means a proposed facility (within the meaning of clause 3 of Schedule 3 to the OPGGS Act or the applicable State or Territory safety law) that is:

- (a) proposed to be or is being constructed at a place outside Safety Authority waters; and
- (b) proposed to be installed and operated at a site in Commonwealth waters or in the designated coastal waters of a State or the Northern Territory.

safety case means:

- (a) a safety case submitted under regulation 2.24 of the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*; or
- (b) a safety case (or equivalent) that:
 - (i) is submitted under the applicable State or Territory safety law; and
 - (ii) substantially corresponds to regulation 2.24 of the *Offshore Petroleum and Greenhouse Gas Storage (Safety) Regulations 2009*.

Regulation 39

37 Review of cost-recovery arrangements — periodic reviews

- (1) The CEO must conduct periodic reviews of cost-recovery in relation to the operations of the Safety Authority.
- (2) A review must include a comparison of fees and levies collected with the regulatory activities undertaken in the period.

38 Review of cost-recovery arrangements — financial report

- (1) The CEO must prepare a financial report in respect of each financial year that assesses the cost-effectiveness of the operations of the Safety Authority in that financial year.
- (2) The report must be audited by an independent auditor.
- (3) The CEO must give a copy of the report, and the auditor's certification, to each of the following persons at least 1 month before the meeting required under regulation 39:
 - (a) the Australian Petroleum Production & Exploration Association Limited;
 - (b) each operator of a facility, and each licensee of a pipeline licence, in relation to which levy has been due and payable in accordance with these Regulations during the financial year;
 - (c) any other person to whom the CEO believes it would be appropriate to give the report.

Note The requirements of this Part are in addition to the requirements of Part 7 of the *Financial Management and Accountability Act 1997*.

39 Meetings about operations of Safety Authority

- (1) The CEO must, each year, meet representatives of the offshore petroleum industry to discuss the cost-effectiveness of the operations of the Safety Authority.
- (2) The CEO must present at the meeting:
 - (a) the costs of, and budget projections for, the operations of the Safety Authority; and

Regulation 39

- (b) the Safety Authority's operating budget for the following year; and
- (c) a cost-effectiveness assessment based on the most recent periodic review conducted under regulation 37 and the financial report prepared under regulation 38 in respect of the preceding financial year.

Schedule 1 Facility amount and SMS amount

(subregulations 21 (1) and 29 (1))

Part 1 Facility amount

1.1 Facility amount:

- (a) is first worked out when a safety case is accepted by the Safety Authority in relation to a facility; and
- (b) is worked out for each subsequent year in which the safety case is in force in relation to the facility.

Note If a mobile facility is operated during a year in Commonwealth waters and in designated coastal waters, the amount of the facility amount takes into account where the facility was first operated: see regulations 21 and 29.

1.2 For the year in which the safety case is accepted in relation to the facility, the facility amount for the facility is worked out using the following table.

Item	When was the safety case accepted in relation to the facility?	Facility amount
1	At the start of the year	The sum of the whole quarter amounts for each quarter in the year
2	At the start of a quarter other than the first quarter in the year	The sum of the whole quarter amounts for: <ul style="list-style-type: none"> (a) the quarter in which the safety case is accepted; and (b) each subsequent quarter in the year
3	After the start of a quarter	The sum of: <ul style="list-style-type: none"> (a) the part quarter amount for the quarter in which the safety case is accepted; and (b) the whole quarter amounts for each remaining quarter in the year

Note Whole quarter amounts and part quarter amounts are explained in Part 2 of this Schedule.

- 1.3 For each year after the year in which the safety case is accepted in relation to a facility, the facility amount for the facility is the sum of the whole quarter amounts for the facility for each quarter in the year.

Part 2 Factors used to work out facility amount

Division 1 Quarter amounts

- 2.1 To work out the whole quarter amount for a facility, multiply:
- (a) the facility's applicable facility rating; and
 - (b) the unit value;
- and divide the result by 4.
- 2.2 To work out the part quarter amount for a facility, multiply:
- (a) the facility's applicable facility rating; and
 - (b) the unit value; and
 - (c) the number of days in the part quarter during which the safety case is in force in relation to the facility;
- and divide the result by 365.

Division 2 Applicable facility rating

- 2.3 The applicable facility rating for a facility described in an item in the following table is:
- (a) the number set out in the item; or
 - (b) if both offshore petroleum operations and offshore greenhouse gas storage operations occur on the facility — the number set out in the item plus 2 points.

Item	Facility or proposed facility	Facility rating
1	Large platform with drilling/workover capability	12
2	Other platform with accommodation facilities:	
	(a) when drilling/workover facilities are in commission	8
	(b) when drilling/workover facilities are not in commission	5
	<i>Note</i> This is a <i>variable-rating facility</i> .	
3	Floating production storage and offloading facility	6
4	Mobile offshore drilling unit or drill-ship	6
5	Vessel for laying pipes for a petroleum or a greenhouse gas substance	5
5A	Vessel or structure used for the erection, dismantling or decommissioning of a facility or for the provision of accommodation for persons working on another facility	3
6	Floating storage unit linked to a production platform	3
7	Monopod, well head platform or other small production or injection facility with no accommodation	1

2.4 If the facility is a variable-rating facility, the facility's applicable facility rating for a quarter is:

- (a) the rating that applies to the facility for the greater number of days in that quarter; or
- (b) if both ratings apply for the same number of days — the higher rating.

2.5 If a facility (including a variable-rating facility) can be described using more than 1 item, the item that most accurately describes the facility is the appropriate item.

Note If a facility changes its description during a year, the calculation of safety case levy will need to reflect any change to the applicable facility rating.

Division 3 Unit value

2.6 The *unit value* is \$26 000.

Part 3 SMS amount

3.1 In this Part:

facility means a facility to which the definition of that word in subsection 7 (8) or 8 (8) of the OPGGS(SL) Act applies.

safety case in force in relation to a facility means a safety case to which the definition of that expression in subsection 7 (8) or 8 (8) of the OPGGS(SL) Act applies.

3.2 An operator is required to pay only one SMS amount in relation to a year.

Note An operator may have one or more safety cases in force, in relation to different facilities, at a particular time.

3.3 The SMS amount for a safety case in force in relation to a facility is worked out using the following table and the rules in clause 3.4.

Item	Description of the safety case	What facility or facilities are involved?	The SMS amount is
1	The safety case is in force in relation to one or more facilities at the start of a year	Either: (a) the only facility is not a mobile facility; or (b) at least one of the facilities is not a mobile facility	\$125 000
2	The safety case is in force in relation to one or more facilities at the start of a year	Either: (a) the only facility is a mobile facility; or (b) all of the facilities are mobile facilities	\$80 000
3	The safety case is in force in relation to one or more facilities after the start of a year No safety case has been in force in relation to any facility of the operator previously in that year	Either: (a) the only facility is not a mobile facility; or (b) at least one of the facilities is not a mobile facility	\$125 000

Item	Description of the safety case	What facility or facilities are involved?	The SMS amount is
4	The safety case is in force in relation to one or more facilities after the start of a year No safety case has been in force in relation to any facility of the operator previously in that year	Either: (a) the only facility is a mobile facility; or (b) all of the facilities are mobile facilities	\$80 000

3.4 The table in clause 3.3 is to be applied using the following rules:

- (a) if item 1 of the table applies to a safety case of the operator:
 - (i) the SMS amount mentioned in column 4 of the item is payable in relation to that safety case; and
 - (ii) no SMS amount is payable in relation to any other safety case of the operator;
- (b) if item 1 does not apply to any safety case of the operator, but item 2 applies to a safety case of the operator:
 - (i) the SMS amount mentioned in column 4 of item 2 is payable in relation to that safety case; and
 - (ii) no SMS amount is payable in relation to any other safety case of the operator;
- (c) if item 3 applies to a safety case of the operator:
 - (i) the SMS amount mentioned in column 4 of the item is payable in relation to that safety case; and
 - (ii) no SMS amount is payable in relation to any other safety case of the operator;
- (d) if item 3 does not apply to any safety case of the operator, but item 4 applies to a safety case of the operator:
 - (i) the SMS amount mentioned in column 4 of item 4 is payable in relation to that safety case; and

- (ii) no SMS amount is payable in relation to any other safety case of the operator.

Note Because the operator will be required to pay only one SMS amount for a year under clause 3.2, the operator will not be required to pay a second SMS amount as part of another safety case levy (for example, if the operator has safety cases in relation to both Commonwealth waters and designated coastal waters).

Schedule 2 **Mobile facilities**

(regulations 20 and 28, definition of *mobile facility*)

- 1 Mobile offshore drilling unit or drill-ship
- 2 Vessel for laying pipes for petroleum, or a greenhouse gas substance or vessel or structure used for the erection, dismantling or decommissioning of a facility
- 3 Accommodation facility used for persons working on another facility

Note A mobile facility mentioned in this Schedule may operate intermittently. The Safety Authority may remit part of an amount of safety case levy imposed by the OPGGS(SL) Act in respect of a safety case for a mobile facility: see regulations 25 and 33.

Schedule 3 Pipeline amount and SMS amount

(subregulations 21 (1A) and 29 (1A))

Part 1 Pipeline amount

Division 1 Factors used to work out the pipeline amount

- 1.1 To work out the pipeline amount for a pipeline, multiply:
- (a) the pipeline's applicable pipeline rating; and
 - (b) the unit value.

Division 2 Applicable pipeline rating

- 1.2 The applicable pipeline rating for a pipeline described in an item in the following table is the number set out in the item.

Item	Description of sub-sea development	Pipeline rating
1	No sub-sea development or manifold connected to the pipeline	1
2	One or 2 sub-sea developments or manifolds connected to the pipeline	2
3	More than 2 sub-sea developments or manifolds connected to the pipeline	3

Division 3 Unit value

- 1.3 The *unit value* is \$10 000 for each pipeline.

Part 2 SMS amount

2.1 The licensee of a pipeline licence is required to pay only 1 SMS amount in relation to a year.

2.2 The SMS amount is \$40 000.

Note Because the licensee of a pipeline licence will be required to pay only 1 SMS amount for a year under clause 2.1, the licensee will not be required to pay a second SMS amount if another pipeline is operated under the same safety case.

Table of Instruments

Notes to the *Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Regulations 2004*

Note 1

The *Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Regulations 2004* (in force under the *Petroleum (Submerged Lands) Act 1967* and the *Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2003*) as shown in this compilation comprise Statutory Rules 2004 No. 315 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions *see* Table A.

Table of Instruments

Year and Number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
2004 No. 315	11 Nov 2004	1 Jan 2005	
2006 No. 251	22 Sept 2006 (see F2006L03105)	23 Sept 2006	—
2009 No. 381	16 Dec 2009 (see F2009L04440)	1 Jan 2010	R. 4
2010 No. 121	7 June 2010 (see F2010L01498)	8 June 2010	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part 1	
R. 1	rs. 2009 No. 381
R. 3	am. 2009 No. 381
Note to r. 3	am. 2009 No. 381
R. 4	rs. 2006 No. 251 am. 2009 No. 381
R. 5	rep. 2006 No. 251
Part 2	
Division 1	
R. 6	rs. 2009 No. 381
R. 7	am. 2009 No. 381
Division 2	
R. 9	am. 2009 No. 381
Division 3	
Heading to r. 11	rs. 2009 No. 381
R. 11	am. 2009 No. 381
Part 3	
Division 1	
R. 13	rs. 2009 No. 381
R. 14	am. 2009 No. 381
Division 2	
R. 16	am. 2009 No. 381
Division 3	
R. 18	am. 2009 No. 381
Part 4	
Division 1	
R. 20	am. 2009 No. 381
Note to r. 20	am. 2009 No. 381
Division 2	
R. 21	am. 2009 No. 381
R. 22	am. 2009 No. 381
R. 22A	ad. 2009 No. 381
Division 3	
R. 23	rs. 2009 No. 381
Heading to r. 24	rs. 2009 No. 381
R. 24	am. 2009 No. 381

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 25	am. 2009 No. 381
R. 26	am. 2009 No. 381
Part 5	
Division 1	
R. 28	am. 2009 No. 381
Note to r. 28	am. 2009 No. 381
Division 2	
R. 29	am. 2009 No. 381
R. 30	am. 2009 No. 381
R. 30A	ad. 2009 No. 381
Division 3	
R. 31	rs. 2009 No. 381
Heading to r. 32	rs. 2009 No. 381
R. 32	am. 2009 No. 381
R. 33	am. 2009 No. 381
R. 34	am. 2009 No. 381
Part 6	
Part 6	rs. 2009 No. 381
R. 36	rs. 2009 No. 381; 2010 No. 121
R. 37	2009 No. 381
formerly r. 50	
R. 38	am. 2009 No. 381
formerly r. 51	
R. 39	am. 2009 No. 381
formerly r. 52	
R. 37	rep. 2009 No. 381
R. 38	rep. 2009 No. 381
R. 39	rs. 2006 No. 251 rep. 2009 No. 381
R. 40	rep. 2009 No. 381
R. 41	rep. 2009 No. 381
Part 7	rep. 2009 No. 381
R. 42	rep. 2009 No. 381
R. 43	rep. 2009 No. 381
R. 44	rep. 2009 No. 381
R. 45	rs. 2006 No. 251 rep. 2009 No. 381
R. 46	rep. 2009 No. 381
R. 47	rep. 2009 No. 381
Part 8	rep. 2009 No. 381

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 48	rep. 2009 No. 381
R. 49	rep. 2009 No. 381
Heading to Part 9	rep. 2009 No. 381
R. 50	
Renumbered r. 37 and relocated to Part 6	2009 No. 381
R. 51	
Renumbered r. 38 and relocated to Part 6	2009 No. 381
R. 52	
Renumbered r. 39 and relocated to Part 6	2009 No. 381
Schedule 1	
Heading to Schedule 1	rs. 2009 No. 381
Schedule 1	am. 2006 No. 251; 2009 No. 381
Schedule 2	
Schedule 2	am. 2006 No. 251; 2009 No. 381
Schedule 3	
Heading to Schedule 3	rs. 2009 No. 381
Schedule 3	ad. 2006 No. 251 am. 2009 No. 381

Table A

Table A **Application, saving or transitional provisions**

Selective Legislative Instrument 2009 No. 381

4 **Transitional**

Parts 6 and 7 of the *Offshore Petroleum (Safety Levies) Regulations 2004*, as in force immediately before 1 January 2010, continue to apply in relation to:

- (a) the assessment of levy payable on a pipeline safety management plan in force before the commencement of these Regulations; and
- (b) an assessment that no levy is payable on a pipeline safety management plan in force before the commencement of these Regulations; and
- (c) the payment or recovery of the levy mentioned in paragraph (a).