

Petroleum and Geothermal Energy Safety Levies Amendment Bill 2023

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Western Australia

LEGISLATIVE ASSEMBLY

(As amended during consideration in detail)

**Petroleum and Geothermal Energy Safety
Levies Amendment Bill 2023**

A Bill for

An Act to amend the *Petroleum and Geothermal Energy Safety Levies Act 2011*.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Petroleum and Geothermal Energy Safety Levies Amendment Act 2023*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

1 **Part 2 — Amendments relating to regulated substances**

2 **3. Act amended**

3 This Part amends the *Petroleum and Geothermal Energy Safety*
4 *Levies Act 2011*.

5 **4. Section 3 amended**

6 (1) In section 3 delete the definitions of:

7 *explore*

8 *well*

9 (2) In section 3 insert in alphabetical order:

10

11 *explore* means to carry out a survey operation, drilling
12 operation or other operation, other than a seismic
13 survey, that relates to exploration for —

14 (a) petroleum or a regulated substance; or

15 (b) geothermal energy resources;

16 *geological formation* includes —

17 (a) any seal or reservoir of a geological formation;
18 and

19 (b) any associated geological attributes or features
20 of a geological formation;

21 *regulated substance* means a naturally occurring
22 substance that —

23 (a) occurs in a natural geological formation; and

24 (b) is prescribed by the regulations;

25 *well* means a hole in the Earth's crust made by drilling,
26 boring or any other means in connection with any of
27 the following, other than a seismic shot hole —

28 (a) exploration for petroleum or a regulated
29 substance;

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- 1 (b) operations for recovery of petroleum or a
2 regulated substance;
3 (c) exploration for geothermal energy resources;
4 (d) operations for recovery of geothermal energy;
5

6 **5. Section 3D amended**

- 7 (1) In section 3D(1) in the definition of *petroleum title*
8 paragraph (a)(i) delete “petroleum; or” and insert:

9
10 petroleum or a regulated substance; or
11

- 12 (2) In section 3D(2):

- 13 (a) in paragraphs (a), (b), (c), (e) and (f) delete “petroleum;”
14 and insert:

15
16 petroleum or a regulated substance;
17

- 18 (b) in paragraph (g) delete “petroleum.” and insert:

19
20 petroleum or a regulated substance.
21

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- 1 (b) a consent granted under the *Petroleum,*
2 *Geothermal Energy and Greenhouse Gas*
3 *Storage Act 1967* section 116(1) for GHG
4 exploration operations (as defined in
5 section 5(1) of that Act);
- 6 (c) a licence granted under the *Petroleum and*
7 *Greenhouse Gas Pipelines Act 1969* if the
8 pipeline is a greenhouse gas pipeline (as
9 defined in section 4(1) of that Act);
- 10 (d) a GHG exploration permit, GHG retention
11 lease, GHG injection licence, GHG special
12 prospecting authority or GHG access authority
13 granted under the *Petroleum and Greenhouse*
14 *Gas Storage (Submerged Lands) Act 1982*;
- 15 (e) a consent granted under the *Petroleum and*
16 *Greenhouse Gas Storage (Submerged Lands)*
17 *Act 1982* section 123(1) for GHG exploration
18 operations (as defined in section 4(1) of that
19 Act);
- 20 (f) a pipeline licence granted under the *Petroleum*
21 *and Greenhouse Gas Storage (Submerged*
22 *Lands) Act 1982* if the pipeline is a greenhouse
23 gas pipeline (as defined in section 4(1) of that
24 Act);
- 25 (g) an infrastructure licence granted under the
26 *Petroleum and Greenhouse Gas Storage*
27 *(Submerged Lands) Act 1982* if the
28 infrastructure facilities are for engaging in any
29 of the activities mentioned in section 6B(3) of
30 that Act;
31

1 (2) In section 3 in the definition of *adjacent area* delete “*Petroleum*
2 (*Submerged Lands*) *Act 1982*” and insert:

3

4 *Petroleum and Greenhouse Gas Storage (Submerged Lands)*
5 *Act 1982*

6

7 (3) In section 3 in the definitions of *geothermal energy* and
8 *geothermal energy resources* delete “*Petroleum and*
9 *Geothermal Energy Resources Act 1967*” and insert:

10

11 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
12 *Act 1967*

13

14 **10. Section 3A amended**

15 In section 3A(2) delete “petroleum operation” and insert:

16

17 petroleum operation, or a GHG operation,

18

19 **11. Section 3C amended**

20 In section 3C(1) delete the definition of *geothermal energy title*
21 and insert:

22

23 *geothermal energy title* means a permit, drilling
24 reservation, lease, licence or other authority (however
25 described), other than a GHG title, granted under the
26 *Petroleum, Geothermal Energy and Greenhouse Gas*
27 *Storage Act 1967* in relation to geothermal energy or
28 geothermal energy resources.

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1 **12. Section 3CA inserted**

2 After section 3C insert:

3

4 **3CA. GHG operation**

5 (1) In this section —

6 ***accommodation premises*** —

7 (a) means residential premises —

8 (i) the occupation of which is necessary for
9 the purposes of workers' engagement at
10 a GHG site; and

11 (ii) that are not situated within a townsite as
12 defined in the *Land Administration*
13 *Act 1997* section 26(1) or the
14 metropolitan region as defined in the
15 *Planning and Development Act 2005*
16 section 4(1);

17 and

18 (b) includes land, buildings and recreational
19 facilities used in connection with the
20 occupation of those premises;

21 ***GHG site*** —

22 (a) means a place at which an activity referred to in
23 subsection (2) is, or is to be, carried out; and

24 (b) includes any fixture, fitting, plant or structure at
25 the place.

26 (2) A ***GHG operation*** is an activity —

27 (a) that is carried out in an area in respect of which
28 a GHG title is in force or that is carried out in
29 the adjacent area; and

- 1 (b) the carrying out of which —
2 (i) is authorised under a GHG title; or
3 (ii) is for the purposes of an activity that is
4 so authorised.
- 5 (3) Without limiting subsection (2), a **GHG operation**
6 includes the following activities —
- 7 (a) planning, designing, preparing or constructing a
8 GHG site if the activity is carried out at or in
9 the vicinity of the GHG site;
- 10 (b) commissioning, operating or maintaining a
11 GHG site;
- 12 (c) decommissioning or abandoning a GHG site or
13 removing any fixture, fitting, plant or structure
14 from a GHG site;
- 15 (d) constructing, commissioning, operating or
16 maintaining administrative or other support
17 facilities at or in the vicinity of a GHG site;
- 18 (e) an activity relating to the care, security or
19 maintenance of a GHG site carried out at or in
20 the vicinity of the GHG site;
- 21 (f) constructing, commissioning, operating or
22 maintaining accommodation premises at or in
23 the vicinity of a GHG site;
- 24 (g) a prescribed activity carried out in —
25 (i) an area in respect of which a GHG title
26 is in force; or
27 (ii) the adjacent area.
28

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1 **13. Section 3D amended**

2 In section 3D(1) in the definition of *petroleum title* delete
3 paragraph (a) and insert:
4

- 5 (a) a permit, drilling reservation, lease, licence or
6 other authority (however described), other than
7 a GHG title, granted under —
8 (i) the *Petroleum, Geothermal Energy and*
9 *Greenhouse Gas Storage Act 1967* in
10 relation to petroleum or a regulated
11 substance; or
12 (ii) the *Petroleum and Greenhouse Gas*
13 *Pipelines Act 1969*; or
14 (iii) the *Petroleum and Greenhouse Gas*
15 *Storage (Submerged Lands) Act 1982*;
16 or
17

18 **14. Section 3E amended**

19 In section 3E(2)(a) delete “operation or a geothermal energy”
20 and insert:
21

22 operation, a geothermal energy operation or a GHG
23

24 **15. Section 4 amended**

25 In section 4(1) and (3) delete “operation or a geothermal
26 energy” and insert:
27

28 operation, a geothermal energy operation or a GHG
29

1 **16. Section 10 amended**

2 In section 10(2) delete “*Petroleum and Geothermal Energy*
3 *Resources Act 1967*, the *Petroleum Pipelines Act 1969*, the
4 *Petroleum (Submerged Lands) Act 1982*” and insert:

5
6 *Petroleum, Geothermal Energy and Greenhouse Gas Storage*
7 *Act 1967*, the *Petroleum and Greenhouse Gas Pipelines*
8 *Act 1969*, the *Petroleum and Greenhouse Gas Storage*
9 *(Submerged Lands) Act 1982*

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