



Western Australia

Petroleum and Geothermal Energy Safety Levies Act 2011

Incorporating the amendments proposed by:

- the *Work Health and Safety Bill 2019*
Pt. 15 Div. 3 Subdiv. 2 (Bill No. 155-1);
and
- the *Safety Levies Amendment Bill 2019*
Pt. 3 (Bill No. 156-1).

Legend:

Red and **Blue** amendments represent insertions/deletions made by the *Work Health and Safety Bill 2019* (Bill No. 155-1) Pt. 15 Div. 3 Subdiv. 2.

Green amendments represent insertions made by the *Safety Levies Amendment Bill 2019* (Bill No. 156-1) Pt. 3

Petroleum and Geothermal Energy Safety Levies Act 2011

Contents

Part 1 — Preliminary		
1.	Short title	2
2.	Commencement	2
3.	Terms used	2
3A.	Diving operation	7
3B.	DSMS	8
3C.	Geothermal energy operation	8
3D.	Petroleum operation	10
3E.	Safety case	12
Part 2 — Safety levies		
Division 1 — Safety case levy		
4.	Safety case levy payable	13
5.	Liability for payment of safety case levy	13
6.	Amount of safety case levy	13
Division 2 — DSMS levy		
7.	DSMS levy payable	14
8.	Liability for payment of DSMS levy	14
9.	Amount of DSMS levy	14
Part 3 — Assessment and recovery of safety levies		
10.	Assessment of safety levy	19
11.	Payment of safety levy	19
12.	Penalty for non-payment of safety levy	19
13.	Recovery of safety levy and penalty amount	20
Part 4 — Objections and review		
14.	Objection	21
15.	Determination of objection	21
16.	Review of decision on objection	21
17.	Liability to pay not affected by objection	21
Part 5 — Information and records		
18.	CIPS may require information and records	22
19.	Incriminating information	23
20.	False or misleading information	23

Contents

Part 6 — Other matters

21.	Petroleum and Geothermal Energy Safety Levies Account	25
22.	Delegation	25
23.	Confidentiality	26
24.	Protection from liability	26
25.	Evidentiary value of assessment notice	27
26.	Regulations	27

Notes

	Compilation table	29
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Western Australia

Petroleum and Geothermal Energy Safety Levies Act 2011

An Act to provide for levies in relation to petroleum operations and geothermal energy operations, ~~operations, geothermal energy operations, pipeline operations and offshore petroleum operations~~, and for related purposes.

[Long title amended: No. 19 of 2012 s. 4; Work Health and Safety Bill 2019 cl. 309.]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Petroleum and Geothermal Energy Safety Levies Act 2011*.

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — 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.

3. Terms used

In this Act, unless the contrary intention appears —

~~accepted DSMS means a DSMS, as defined in the *Petroleum (Submerged Lands) (Diving Safety) Regulations 2007*, that~~

- ~~(a) has been accepted by the Minister responsible for the administration of the *Petroleum (Submerged Lands) Act 1982*; and~~

- ~~(b) is current for the purposes of those regulations;~~

adjacent area has the meaning given in the *Petroleum (Submerged Lands) Act 1982* section 60K and includes any space referred to in section 7 of that Act;

assessment means an assessment of an amount of safety levy under section 10;

assessment notice means —

- (a) a notice given under section 10(1)(b); or
- (b) a notice of reassessment given in accordance with the regulations;

~~CEO means the chief executive officer of the department;~~

CIPS means the Chief Inspector Petroleum Safety under the *Work Health and Safety Act 2019* Schedule 2 Division 2;

construct has the meaning given in the *Work Health and Safety Act 2019* section 4;

department means the department of the Public Service principally assisting in the administration of this Act;

design has the meaning given in the *Work Health and Safety Act 2019* section 4;

~~*diving contractor* has the meaning given in the *Petroleum (Submerged Lands) (Diving Safety) Regulations 2007*;~~

diving operation — see section 3A;

~~*diving safety management system* means a DSMS as defined in the *Petroleum (Submerged Lands) (Diving Safety) Regulations 2007*;~~

DSMS — see section 3B;

DSMS levy means the levy referred to in section 7;

~~*DSMS levy* means the levy referred to in section 10G;~~

explore means to carry out a survey operation, drilling operation or other operation, other than a seismic survey, that relates to exploration for petroleum or geothermal energy resources;

~~*facility* has the meaning given in the *Petroleum (Submerged Lands) Act 1982* section 4;~~

~~*facility safety case levy* means the levy referred to in section 10A;~~

geothermal energy has the meaning given in the *Petroleum and Geothermal Energy Resources Act 1967* section 5(1);

geothermal energy operation — see section 3C;

~~*geothermal energy operation* has the meaning given in the *Petroleum and Geothermal Energy Resources Act 1967* section 5(1);~~

geothermal energy resources has the meaning given in the *Petroleum and Geothermal Energy Resources Act 1967* section 5(1);

levy period means a period prescribed as the period in respect of which a safety levy is payable;

~~*licensee*, in relation to a pipeline operation, has the meaning given in the *Petroleum Pipelines Act 1969* Schedule 1 clause 3;~~

objection means an objection under section 14(1);

oil shale includes naturally occurring hydrocarbons that are or may be contained in rocks from which they cannot be recovered otherwise than by mining those rocks as oil shale;

~~*operator* —~~

- ~~(a) in relation to a petroleum operation or geothermal energy operation, has the same meaning as in the *Petroleum and Geothermal Energy Resources Act 1967*;~~
~~or~~

s. 3

~~(b) in relation to a facility, has the meaning given in the *Petroleum (Submerged Lands) Act 1982* Schedule 5 clause 3;~~

penalty amount means an amount payable under section 12(1);

petroleum —

(a) means —

(i) any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state; or

(ii) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or

(iii) any naturally occurring mixture of 1 or more hydrocarbons, whether in a gaseous, liquid or solid state, and 1 or more of the following, that is to say, hydrogen sulphide, nitrogen, helium and carbon dioxide;

but does not include oil shale; and

(b) includes any petroleum as defined in paragraph (a) that has been returned to a natural reservoir; and

(c) also includes any petroleum as defined in paragraph (a) or (b) to which 1 or more things have been added, or from which 1 or more things have been wholly or partly removed, or both; and

(d) also includes any mixture that —

(i) has been recovered from a well; and

(ii) includes petroleum as defined in paragraph (a), (b) or (c);

petroleum operation — see section 3D;

~~**petroleum operation** has the meaning given in the *Petroleum and Geothermal Energy Resources Act 1967* section 5(1);~~

~~**PGERA regulations** means the *Petroleum and Geothermal Energy Resources (Management of Safety) Regulations 2010*;~~

~~**pipeline** has the meaning given in the *Petroleum (Submerged Lands) Act 1982* section 4;~~

~~**pipeline licensee**, in relation to a pipeline, has the meaning given in the *Petroleum (Submerged Lands) Act 1982* section 4;~~

~~**pipeline management plan** has the same meaning as in the *Petroleum (Submerged Lands) (Pipelines) Regulations 2007*;~~

~~**pipeline management plan in force**, in relation to a pipeline, means a pipeline management plan or a revised pipeline management plan—~~

~~(a) that has been accepted in relation to the pipeline by the Minister responsible for the administration of the *Petroleum (Submerged Lands) Act 1982*; and~~

~~(b) the acceptance of which has not been withdrawn;~~

~~**pipeline management plan levy** means the levy referred to in section 10D;~~

~~**pipeline operation** has the meaning given in the *Petroleum Pipelines Act 1969* section 4(1) as affected by the *Barrow Island Act 2003* section 11;~~

~~**pipeline safety case levy** means the levy referred to in section 7;~~

~~**place** has the meaning given in the *Work Health and Safety Act 2019* section 8(2);~~

~~**plant** has the meaning given in the *Work Health and Safety Act 2019* section 4;~~

~~**PPA regulations** means the *Petroleum Pipelines (Management of Safety of Pipeline Operations) Regulations 2010*;~~

~~**prescribed** means prescribed by the regulations;~~

~~**reassessment** means a reassessment of an amount of safety levy in accordance with the regulations;~~

~~**record** means any document or record of information, irrespective of how the information is recorded or stored or able to be recovered and includes —~~

~~(a) any thing from which images, sounds or writings can be reproduced, with or without the aid of anything else; and~~

~~(b) any thing on which information is recorded or stored, whether electronically, magnetically, mechanically or by some other means;~~

~~**revised pipeline management plan** has the same meaning as in the *Petroleum (Submerged Lands) (Pipelines) Regulations 2007*;~~

~~**revised safety case**—~~

~~(a) in relation to a pipeline operation, has the same meaning as in the PPA regulations; or~~

~~(b) in relation to a facility, has the same meaning as in the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2007*;~~

s. 3

~~*revised safety management system* has the same meaning as in the PGERA regulations;~~

safety case — see section 3E;

~~*safety case* —~~

~~(a) in relation to a pipeline operation, has the same meaning as in the PPA regulations; or~~

~~(b) in relation to a facility, has the same meaning as in the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2007*;~~

~~*safety case in force* —~~

~~(a) in relation to a pipeline operation, means a safety case or revised safety case —~~

~~(i) that has been accepted in relation to the operation by the Minister responsible for the administration of the *Petroleum Pipelines Act 1969*; and~~

~~(ii) the acceptance of which has not been withdrawn;~~

~~and includes any condition imposed under the PPA regulations in respect of the operation;~~

~~or~~

~~(b) in relation to a facility, means a safety case or revised safety case —~~

~~(i) that has been accepted in relation to the facility by the Minister responsible for the administration of the *Petroleum (Submerged Lands) Act 1982*; and~~

~~(ii) the acceptance of which has not been withdrawn;~~

~~and includes any condition imposed under the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2007* in respect of the facility or activities at the facility;~~

safety case levy means the levy referred to in section 4;

safety levy means the safety case levy or the DSMS levy;

~~*safety levy* means —~~

~~(a) the safety management system levy; or~~

~~(b) the pipeline safety case levy; or~~

~~(c) the facility safety case levy; or~~

~~(d) the pipeline management plan levy; or~~

~~(e) the DSMS levy;~~

~~*safety management system* has the same meaning as in the PGERA regulations;~~

~~*safety management system in force*, for a petroleum operation or geothermal operation, means a safety management system or revised safety management system —~~

~~(a) that has been accepted in relation to the operation by the Minister responsible for the administration of the *Petroleum and Geothermal Energy Resources Act 1967*; and~~

~~(b) the acceptance of which has not been withdrawn,~~

~~and includes any condition imposed under the PGERA regulations in respect of the operation;~~

~~*safety management system levy* means the levy referred to in section 4.~~

structure has the meaning given in the *Work Health and Safety Act 2019* section 4;

well means a hole in the Earth's crust made by drilling, boring or any other means in connection with exploration for petroleum or geothermal energy resources or operations for the recovery of petroleum or geothermal energy, but does not include a seismic shot hole;

WHS regulations means regulations made under the *Work Health and Safety Act 2019*;

worker has the meaning given in the *Work Health and Safety Act 2019* section 7.

[Section 3 amended: No. 19 of 2012 s. 5; *Work Health and Safety Bill 2019* cl. 310.]

3A. Diving operation

(1) In this section —

manned submersible craft —

(a) means a craft that is designed to maintain its occupants at or near atmospheric pressure while submerged (whether or not it is self-propelled, and whether or not it is supplied with breathing mixture through an umbilical); and

(b) includes a craft in the form of a suit.

(2) A *diving operation* is a petroleum operation carried out in the adjacent area that comprises 1 or more dives.

s. 3B

(3) For the purposes of subsection (2), a *dive* is an activity that involves a person (the *diver*) —

(a) being in a chamber inside which the ambient pressure is equal to or higher than the hydrostatic pressure at a depth of 1 metre in seawater (whether or not the chamber is submerged in water or another liquid); or

(b) being submerged in water or another liquid and the diver's lungs being subjected to a pressure greater than atmospheric pressure (whether or not the diver is wearing a wetsuit or other protective clothing); or

(c) being in a manned submersible craft that is submerged in water or another liquid.

[Section 3A inserted: Work Health and Safety Bill 2019 cl. 311.]

3B. DSMS

(1) In this section —

document has the meaning given in the *Work Health and Safety Act 2019* section 4.

(2) A *DSMS* is a document —

(a) that a prescribed provision of WHS regulations requires for a diving operation; and

(b) that must set out, in accordance with any applicable requirements of WHS regulations, a safety management system for the diving operation.

[Section 3B inserted: Work Health and Safety Bill 2019 cl. 311.]

3C. Geothermal energy operation

(1) In this section —

accommodation premises —

(a) means residential premises —

(i) the occupation of which is necessary for the purposes of workers' engagement at a geothermal energy site; and

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

and

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

geothermal energy site —

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

(b) includes any fixture, fitting, plant or structure at the place;

geothermal energy title means a permit, drilling reservation, lease, licence or other authority (however described) granted under the *Petroleum and Geothermal Energy Resources Act 1967* in relation to geothermal energy or geothermal energy resources.

(2) A ***geothermal energy operation*** is an activity carried out in an area in respect of which a geothermal energy title is in force for the purpose of any of the following —

(a) exploring for geothermal energy resources;

(b) drilling or servicing a well for geothermal energy resources;

(c) recovering geothermal energy.

(3) Without limiting subsection (2), a ***geothermal energy operation*** includes the following activities —

(a) planning, designing, preparing or constructing a geothermal energy site if the activity is carried out at or in the vicinity of the geothermal energy site;

(b) commissioning, operating or maintaining a geothermal energy site;

(c) decommissioning or abandoning a geothermal energy site or removing any fixture, fitting, plant or structure from a geothermal energy site;

(d) constructing, commissioning, operating or maintaining administrative or other support facilities at or in the vicinity of a geothermal energy site;

s. 3D

- (e) an activity relating to the care, security or maintenance of a geothermal energy site carried out at or in the vicinity of the geothermal energy site;
- (f) constructing, commissioning, operating or maintaining accommodation premises at or in the vicinity of a geothermal energy site;
- (g) a prescribed activity carried out in an area in respect of which a geothermal energy title is in force.

[Section 3C inserted: Work Health and Safety Bill 2019 cl. 311.]

3D. Petroleum operation

(1) In this section —

accommodation premises —

(a) means residential premises —

(i) the occupation of which is necessary for the purposes of workers' engagement at a petroleum site; and

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

and

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

petroleum site —

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

(b) includes any fixture, fitting, plant or structure at the place;

petroleum title means —

(a) a permit, drilling reservation, lease, licence or other authority (however described) granted under —

(i) the *Petroleum and Geothermal Energy Resources Act 1967* in relation to petroleum; or

(ii) the *Petroleum Pipelines Act 1969*; or

(iii) the *Petroleum (Submerged Lands) Act 1982*;

or

(b) the Barrow Island lease as defined in the *Barrow Island Act 2003* section 3.

(2) A **petroleum operation** is an activity that is carried out in an area in respect of which a petroleum title is in force, or that is carried out in the adjacent area, for the purpose of any of the following —

(a) exploring for petroleum;

(b) drilling or servicing a well for petroleum;

(c) extracting or recovering petroleum;

(d) injecting petroleum into a natural underground reservoir;

(e) processing petroleum;

(f) handling or storing petroleum;

(g) the piped conveyance or offloading of petroleum.

(3) Without limiting subsection (2), a **petroleum operation** includes the following activities —

(a) planning, designing, preparing or constructing a petroleum site if the activity is carried out at or in the vicinity of the petroleum site;

(b) commissioning, operating or maintaining a petroleum site;

(c) decommissioning or abandoning a petroleum site or removing any fixture, fitting, plant or structure from a petroleum site;

(d) constructing, commissioning, operating or maintaining administrative or other support facilities at or in the vicinity of a petroleum site;

(e) an activity relating to the care, security or maintenance of a petroleum site carried out at or in the vicinity of the petroleum site;

(f) constructing, commissioning, operating or maintaining accommodation premises at or in the vicinity of a petroleum site;

(g) a prescribed activity carried out in —

(i) an area in respect of which a petroleum title is in force; or

(ii) the adjacent area.

[Section 3D inserted: Work Health and Safety Bill 2019 cl. 311.]

s. 3E

3E. Safety case

(1) In this section —

document has the meaning given in the *Work Health and Safety Act 2019* section 4.

(2) A *safety case* is a document —

(a) that a prescribed provision of WHS regulations requires for a petroleum operation or a geothermal energy operation; and

(b) that must set out, in accordance with any applicable requirements of WHS regulations, a case for safety of the operation.

[Section 3E inserted: *Work Health and Safety Bill 2019* cl. 311.]

Part 2 — Safety levies

[Heading inserted: Work Health and Safety Bill 2019 cl. 312.]

Division 1 — Safety case levy

[Heading inserted: Work Health and Safety Bill 2019 cl. 312.]

4. Safety case levy payable

(1) If, for the whole or a part of a levy period, a safety case is in force for a petroleum operation or a geothermal energy operation, a levy is payable in respect of the safety case.

(2) The levy is payable in accordance with the regulations.

(2A) The levy is imposed.

(3) The regulations may make provision specifying, or for working out, when a safety case is in force for a petroleum operation or a geothermal energy operation.

[Section 4 inserted: Work Health and Safety Bill 2019 cl. 312; amended: Safety Levies Amendment Bill 2019 cl. 6.]

5. Liability for payment of safety case levy

(1) The person liable to pay the safety case levy is the person responsible for the safety case.

(2) The regulations may make provision specifying, or for working out, the person responsible for a safety case.

[Section 5 inserted: Work Health and Safety Bill 2019 cl. 312.]

6. Amount of safety case levy

(1) The amount of safety case levy payable is the amount specified in, or worked out in accordance with, the regulations.

(2) Without limiting section 26(3), the regulations may specify different amounts of safety case levy, or different means of working out amounts of safety case levy, for different classes of safety cases.

[Section 6 inserted: Work Health and Safety Bill 2019 cl. 312.]

Division 2 — DSMS levy

[Heading inserted: Work Health and Safety Bill 2019 cl. 312.]

7. DSMS levy payable

(1) If, for the whole or a part of a levy period, a DSMS is in force for a diving operation, a levy is payable in respect of the DSMS.

(2) The levy is payable in accordance with the regulations.

(2A) The levy is imposed.

(3) The regulations may make provision specifying, or for working out, when a DSMS is in force for a diving operation.

[Section 7 inserted: Work Health and Safety Bill 2019 cl. 312; amended: Safety Levies Amendment Bill 2019 cl. 6.]

8. Liability for payment of DSMS levy

(1) The person liable to pay the DSMS levy is the person responsible for the DSMS.

(2) The regulations may make provision specifying, or for working out, the person responsible for a DSMS.

[Section 8 inserted: Work Health and Safety Bill 2019 cl. 312.]

9. Amount of DSMS levy

(1) The amount of DSMS levy payable is the amount specified in, or worked out in accordance with, the regulations.

(2) Without limiting section 26(3), the regulations may specify different amounts of DSMS levy, or different means of working out amounts of DSMS levy, for different classes of DSMSs.

[Section 9 inserted: Work Health and Safety Bill 2019 cl. 312.]

Part 2 — Safety levies

Division 1 — Safety management system levy

4. — Safety management system levy

~~(1) If, for the whole or a part of a levy period, there is a safety management system in force for a petroleum operation or geothermal energy operation, a levy is payable in respect of the safety management system.~~

~~(2) The levy is payable in accordance with the regulations.~~

~~(3) The levy is imposed.~~

~~[Section 4 amended: No. 51 of 2011 s. 4.]~~

5. — Liability for payment of safety management system levy

~~(1) The person liable to pay the safety management system levy in respect of a safety management system in force for a petroleum operation is the operator of the petroleum operation.~~

~~(2) The person liable to pay the safety management system levy in respect of a safety management system in force for a geothermal energy operation is the operator of the geothermal energy operation.~~

6. — Amount of safety management system levy

~~(1) The amount of safety management system levy payable is the amount that is specified in, or worked out in accordance with, the regulations.~~

~~(2) The regulations may specify different amounts of safety management system levy, or different means of working out amounts of safety management system levy, for different classes of safety management system.~~

Division 2 — Pipeline safety case levy

~~[Heading amended: No. 19 of 2012 s. 6.]~~

7. — Pipeline safety case levy

~~(1) If, for the whole or a part of a levy period, there is a safety case in force for a pipeline operation, a levy is payable in respect of the safety case.~~

~~(2) The levy is payable in accordance with the regulations.~~

Petroleum and Geothermal Energy Safety Levies Act 2011

Part 2 Safety levies

Division 2 DSMS levy

s. 9

~~(3) The levy is imposed.~~

~~[Section 7 amended: No. 51 of 2011 s. 5.]~~

~~**8. Liability for payment of pipeline safety case levy**~~

~~The person liable to pay the pipeline safety case levy in respect of a safety case in force for a pipeline operation is the licensee of the pipeline operation.~~

~~[Section 8 amended: No. 19 of 2012 s. 7.]~~

~~**9. Amount of pipeline safety case levy**~~

~~(1) The amount of pipeline safety case levy payable is the amount that is specified in, or worked out in accordance with, the regulations.~~

~~(2) The regulations may specify different amounts of pipeline safety case levy, or different means of working out amounts of pipeline safety case levy, for different classes of safety case.~~

~~[Section 9 amended: No. 19 of 2012 s. 8.]~~

~~**Division 3 Facility safety case levy**~~

~~[Heading inserted: No. 19 of 2012 s. 9.]~~

~~**10A. Facility safety case levy**~~

~~(1) If, for the whole or a part of a levy period, there is a safety case in force for a facility, a levy is payable in respect of the safety case.~~

~~(2) The levy is payable in accordance with the regulations.~~

~~(3) The levy is imposed.~~

~~[Section 10A inserted: No. 19 of 2012 s. 9; amended: No. 20 of 2012 s. 4.]~~

~~**10B. Liability for payment of facility safety case levy**~~

~~The person liable to pay the facility safety case levy in respect of a safety case in force for a facility is the operator of the facility.~~

~~[Section 10B inserted: No. 19 of 2012 s. 9.]~~

~~10C. Amount of facility safety case levy~~

~~(1) The amount of facility safety case levy payable is the amount that is specified in, or worked out in accordance with, the regulations.~~

~~(2) The regulations may specify different amounts of facility safety case levy, or different means of working out amounts of facility safety case levy, for different classes of safety case.~~

~~[Section 10C inserted: No. 19 of 2012 s. 9.]~~

~~Division 4 Pipeline management plan levy~~

~~[Heading inserted: No. 19 of 2012 s. 9.]~~

~~10D. Pipeline management plan levy~~

~~(1) If, for the whole or a part of a levy period, there is a pipeline management plan in force for a pipeline, a levy is payable in respect of the pipeline management plan.~~

~~(2) The levy is payable in accordance with the regulations.~~

~~(3) The levy is imposed.~~

~~[Section 10D inserted: No. 19 of 2012 s. 9; amended: No. 20 of 2012 s. 5.]~~

~~10E. Liability for payment of pipeline management plan levy~~

~~The person liable to pay the pipeline management plan levy in respect of a pipeline management plan in force for a pipeline is the pipeline licensee for the pipeline.~~

~~[Section 10E inserted: No. 19 of 2012 s. 9.]~~

~~10F. Amount of pipeline management plan levy~~

~~(1) The amount of pipeline management plan levy payable is the amount that is specified in, or worked out in accordance with, the regulations.~~

~~(2) The regulations may specify different amounts of pipeline management plan levy, or different means of working out amounts of pipeline management plan levy, for different classes of pipeline management plan.~~

~~[Section 10F inserted: No. 19 of 2012 s. 9.]~~

~~**Division 5 — DSMS levy**~~

~~*[Heading inserted: No. 19 of 2012 s. 9.]*~~

~~**10G. — DSMS levy**~~

~~(1) If, for the whole or a part of a levy period, there is an accepted DSMS, a levy is payable in respect of the accepted DSMS.~~

~~(2) The levy is payable in accordance with the regulations.~~

~~(3) The levy is imposed.~~

~~*[Section 10G inserted: No. 19 of 2012 s. 9; amended: No. 20 of 2012 s. 6.]*~~

~~**10H. — Liability for payment of DSMS levy**~~

~~The person liable to pay the DSMS levy in respect of an accepted DSMS is the diving contractor to whom the accepted DSMS relates.~~

~~*[Section 10H inserted: No. 19 of 2012 s. 9.]*~~

~~**10I. — Amount of DSMS levy**~~

~~(1) The amount of DSMS levy payable is the amount that is specified in, or worked out in accordance with, the regulations.~~

~~(2) The regulations may specify different amounts of DSMS levy, or different means of working out amounts of DSMS levy, for different classes of diving safety management system.~~

~~*[Section 10I inserted: No. 19 of 2012 s. 9.]*~~

~~*[Part 2 (s. 4-10I) deleted: Work Health and Safety Bill 2019 cl. 312.]*~~

Part 3 — Assessment and recovery of safety levies

10. Assessment of safety levy

- (1) The ~~CIPS~~~~CEO~~ must —
 - (a) assess the amount of safety levy that is payable; and
 - (b) give a notice to each of the persons liable to pay a safety levy specifying —
 - (i) the amount of safety levy payable; and
 - (ii) the day on which the safety levy is payable; and
 - (iii) any other matter required by the regulations.
- (2) The ~~CIPS~~~~CEO~~ may make an assessment on the basis of information obtained or provided under this Act, the *Petroleum and Geothermal Energy Resources Act 1967*, the *Petroleum Pipelines Act 1969* or the *Petroleum (Submerged Lands) Act 1982*.
- (3) Subsection (2) does not limit the material to which the ~~CIPS~~~~CEO~~ can have regard when making an assessment.
[Section 10 amended: No. 19 of 2012 s. 10; [Work Health and Safety Bill 2019 cl. 313.](#)]

11. Payment of safety levy

- (1) An amount of safety levy becomes due and payable on the day specified in, or worked out in accordance with, the regulations.
- (2) A safety levy is payable to the ~~CIPS~~~~CEO~~.
[Section 11 amended: [Work Health and Safety Bill 2019 cl. 314.](#)]

12. Penalty for non-payment of safety levy

- (1) If an amount of safety levy remains unpaid after the day on which it becomes due and payable, the person liable to pay the safety levy is liable to pay to the ~~CIPS~~~~CEO~~, in addition to the amount of safety levy, an amount calculated at the prescribed rate on the amount of safety levy from time to time remaining unpaid.

s. 13

- (2) The [CIPSCO](#) may waive, in whole or in part, a penalty amount if the [CIPSCO](#) considers that there are good reasons for doing so.

[\[Section 12 amended: Work Health and Safety Bill 2019 cl. 315.\]](#)

13. Recovery of safety levy and penalty amount

The following amounts may be recovered by the [CIPSCO](#) in a court of competent jurisdiction as debts due to the State —

- (a) an amount of safety levy that remains unpaid after the day on which it becomes due and payable;
- (b) a penalty amount that remains unpaid.

[\[Section 13 amended: Work Health and Safety Bill 2019 cl. 316.\]](#)

Part 4 — Objections and review

14. Objection

- (1) A person may object to an assessment notice given to the person —
 - (a) on the ground that the person is not liable to pay the safety levy to which the notice relates; or
 - (b) on the ground that there is an error in the assessment or reassessment of the amount of safety levy payable; or
 - (c) on a prescribed ground (if any).
- (2) An objection must be made to the ~~CIPS CEO~~ in writing within the prescribed period or any longer period that the ~~CIPS CEO~~ may allow.
- (3) An objection must —
 - (a) identify the person making the objection; and
 - (b) give details of the grounds of the objection; and
 - (c) comply with any other prescribed requirements.

[Section 14 amended: Work Health and Safety Bill 2019 cl. 317.]

15. Determination of objection

The ~~CIPS CEO~~ must consider and make a decision on an objection in accordance with the regulations.

[Section 15 amended: Work Health and Safety Bill 2019 cl. 318.]

16. Review of decision on objection

A person who is dissatisfied with a decision of the ~~CIPS CEO~~ on an objection may apply to the State Administrative Tribunal for a review of the decision.

[Section 16 amended: Work Health and Safety Bill 2019 cl. 319.]

17. Liability to pay not affected by objection

A person's liability to pay an amount of safety levy, or a penalty amount, is not affected by the making of an objection.

Part 5 — Information and records

18. CIPS may require information and records~~CEO may require information and records~~

- (1) The CIPS~~CEO~~, for the purposes of the administration and enforcement of this Act, may do any of the following —
 - (a) direct a person —
 - (i) to give such information as the CIPS~~CEO~~ requires; or
 - (ii) to answer a question put to the person;
 - (b) direct a person to produce a record in the person's custody or under the person's control;
 - (c) examine and make a copy of a record produced in response to a direction under paragraph (b).
- (2) A direction under subsection (1)(a) —
 - (a) may be given orally or in writing to the person required to give the information or answer; and
 - (b) must specify the time at or within which the information or answer is to be given; and
 - (c) may require that the information or answer —
 - (i) be given orally or in writing; or
 - (ii) be given at or delivered to a place specified in the direction; or
 - (iii) in the case of written information or a written answer, be delivered by means specified in the direction; or
 - (iv) be verified by statutory declaration.
- (3) A direction under subsection (1)(b) —
 - (a) must be given in writing to the person required to produce the record; and
 - (b) must specify the time at or within which the record is to be produced; and
 - (c) may require that the record be produced —
 - (i) at a place specified in the direction; and
 - (ii) by means specified in the direction.

- (4) A person to whom a direction is given under subsection (1) must not, without reasonable excuse, fail to comply with the direction.

Penalty: a fine of \$20 000.

[\[Section 18 amended: Work Health and Safety Bill 2019 cl. 320.\]](#)

19. Incriminating information

- (1) An individual is not excused from giving information, answering a question or producing a record when directed to do so under section 18 on the ground that the information, answer to the question, or production of the record, might tend to incriminate the individual or make the individual liable to a penalty.

- (2) However —

- (a) the information or answer given or record produced; or
- (b) giving the information, answering the question or producing the record; or
- (c) any information, document or thing obtained as a direct or indirect consequence of giving the information, answering the question or producing the record,

is not admissible in evidence against the individual —

- (d) in any civil proceedings; or
- (e) in any criminal proceedings other than proceedings for perjury or an offence against section 20.

20. False or misleading information

- (1) A person must not, in compliance or purported compliance with a direction under section 18 or any other requirement under this Act, do any of the things set out in subsection (2).

Penalty: a fine of \$20 000.

- (2) The things to which subsection (1) applies are —

- (a) making a statement that the person knows is false or misleading in a material particular; or
- (b) making a statement that is false or misleading in a material particular, with reckless disregard as to whether or not the statement is false or misleading in a material particular; or

s. 20

- (c) providing, or causing to be provided, information that the person knows is false or misleading in a material particular; or
- (d) providing, or causing to be provided, information that is false or misleading in a material particular, with reckless disregard as to whether or not the information is false or misleading in a material particular.

Part 6 — Other matters

21. Petroleum and Geothermal Energy Safety Levies Account

- (1) An agency special purpose account called the Petroleum and Geothermal Energy Safety Levies Account (the *Account*) is to be established for the department under the *Financial Management Act 2006* section 16.
- (2) The Account must be credited with the following —
 - (a) any safety levy paid or recovered;
 - (b) any penalty amount paid or recovered.
- (3) Moneys held in the Account must be applied in payment of the costs and expenses incurred in the administration and enforcement of these enactments —
 - (a) this Act;
 - (b) [the Work Health and Safety Act 2019 in relation to petroleum operations and geothermal energy operations.](#)
 - ~~(b) each listed OSH law as defined in the *Petroleum and Geothermal Energy Resources Act 1967* section 5(1);~~
 - ~~(c) each listed OSH law as defined in the *Petroleum Pipelines Act 1969* section 4(1);~~
 - ~~(d) each listed OSH law as defined in the *Petroleum (Submerged Lands) Act 1982* section 4.~~

[Section 21 amended: No. 19 of 2012 s. 11; [Work Health and Safety Bill 2019 cl. 321.](#)]

22. Delegation

- (1) The ~~CIPS~~CEO may delegate to a public service officer in the department any power or duty of the ~~CIPS~~CEO under another provision of this Act.
- (2) The delegation must be in writing signed by the ~~CIPS~~CEO.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.

s. 23

- (5) Nothing in this section limits the ability of the ~~CIPSCO~~ to perform a function through an officer or agent.

*[Section 22 amended: Work Health and Safety Bill 2019
cl. 322.]*

23. Confidentiality

A person who is or has been engaged in the performance of functions under this Act must not, directly or indirectly, record, disclose or make use of any information obtained in the performance of those functions except —

- (a) for the purpose of, or in connection with, performing functions under this Act or another written law; or
- (b) as required or allowed by this Act or another written law; or
- (c) with the written consent of the Minister or the person to whom the information relates; or
- (d) for the purpose of any proceedings before a court or the State Administrative Tribunal arising out of the operation of this Act; or
- (e) in prescribed circumstances.

Penalty: a fine of \$20 000.

24. Protection from liability

- (1) An action in tort does not lie against a person for anything that the person has done, in good faith, in the performance or purported performance of a function under this Act.
- (2) The protection given by subsection (1) applies even though the thing done as described in that subsection may have been capable of being done whether or not this Act had been enacted.
- (3) Despite subsection (1), the State is not relieved of any liability that it might have for another person having done anything as described in that subsection.
- (4) In this section a reference to the doing of anything includes a reference to the omission to do anything.

25. Evidentiary value of assessment notice

An assessment notice (or a copy of an assessment notice) is admissible as evidence in proceedings under this Act and, in the absence of proof to the contrary, is proof of the following —

- (a) the making of the assessment;
- (b) the amount of safety levy assessed;
- (c) the identity of the person liable to pay the safety levy;
- (d) when payment of the safety levy is due;
- (e) any other fact stated in the notice.

26. Regulations

(1) The Governor may make regulations prescribing all matters that are —

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for giving effect to the purposes of this Act.

(2) Without limiting subsection (1), the regulations may —

(a) provide for the amount of safety levy payable to be worked out on such basis, and in accordance with such factors, as are prescribed; and

~~(b) provide for the classification of safety management systems, safety cases, pipeline management plans and diving safety management systems; and~~

~~(c) without limiting paragraph (b), authorise or require the CEO to determine the classification of a safety management system, safety case, pipeline management plan or diving safety management system for the purposes of assessing the amount of safety levy payable in respect of the safety management system, safety case, pipeline management plan or diving safety management system, as the case requires; and~~

(d) deal with the assessment of the amount of safety levy payable and the procedure for assessment; and

(e) deal with the reassessment of the amount of safety levy payable and the procedure for reassessment; and

(f) provide for the payment and recovery of amounts, or the refund of amounts, after reassessment; and

s. 26

- (g) provide for matters relating to the determination of objections, and the review of decisions on objections, under Part 4; and
- (h) provide for the keeping of records by persons who are or may be liable to pay a safety levy; and
- (i) provide for review by the State Administrative Tribunal of decisions made under the regulations; and
- (j) provide that contravention of a regulation is an offence and, for an offence against the regulations, provide for a penalty not exceeding a fine of \$10 000.

(3) Without limiting subsection (1), the regulations may make different provision for different classes of safety cases or DSMSs and may, accordingly —

- (a) provide for the classification of safety cases or DSMSs; and
- (b) without limiting paragraph (a), authorise or require the CIPS to determine the classification of a safety case or DSMS for the purposes of the regulations.

[Section 26 amended: No. 19 of 2012 s. 12; Work Health and Safety Bill 2019 cl. 323.]

Petroleum and Geothermal Energy Safety Levies Act 2011

Notes

- ¹ This is a compilation of the *Petroleum and Geothermal Energy Safety Levies Act 2011* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Petroleum and Geothermal Energy Safety Levies Act 2011</i>	50 of 2011	11 Nov 2011	s. 1 and 2: 11 Nov 2011 (see s. 2(a)); Act other than s. 1 and 2: 1 Jan 2012 (see s. 2(b) and <i>Gazette</i> 30 Dec 2011 p. 5573)
<i>Petroleum and Geothermal Energy Safety Levies Amendment Act 2011</i>	51 of 2011	11 Nov 2011	s. 1 and 2: 11 Nov 2011 (see s. 2(a)); s. 3-5: 1 Jan 2012 (see s. 2(b)-(d) and <i>Gazette</i> 30 Dec 2011 p. 5573)
<i>Petroleum and Geothermal Energy Safety Levies Amendment Act 2012</i>	19 of 2012	3 Jul 2012	s. 1 and 2: 3 Jul 2012 (see s. 2(a)); Act other than s. 1 and 2: 1 Oct 2012 (see s. 2(b) and <i>Gazette</i> 28 Sep 2012 p. 4647)
<i>Petroleum and Geothermal Energy Safety Levies Amendment Act (No. 2) 2012</i>	20 of 2012	3 Jul 2012	s. 1 and 2: 3 Jul 2012 (see s. 2(a)); Act other than s. 1 and 2: 1 Oct 2012 (see s. 2(b) and <i>Gazette</i> 28 Sep 2012 p. 4647)
Work Health and Safety Bill 2019 Pt. 15 Div. 3 Subdiv. 2	Current Bill No. 155-1		
Safety Levies Amendment Bill 2019 Pt. 3	Current Bill No. 156-1		