

Petroleum and Geothermal Energy Safety Levies Amendment Bill 2012

CONTENTS

1.	Short title	2
2.	Commencement	2
3.	Act amended	2
4.	Long title amended	2
5.	Section 3 amended	2
6.	Part 2 Division 2 heading amended	6
7.	Section 8 amended	6
8.	Section 9 amended	6
9.	Part 2 Divisions 3, 4 and 5 inserted	7
	Division 3 — Facility safety case levy	
10A.	Facility safety case levy	7
10B.	Liability for payment of facility safety case levy	7
10C.	Amount of facility safety case levy	7
	Division 4 — Pipeline management plan levy	
10D.	Pipeline management plan levy	8
10E.	Liability for payment of pipeline management plan levy	8
10F.	Amount of pipeline management plan levy	8
	Division 5 — DSMS levy	
10G.	DSMS levy	8
10H.	Liability for payment of DSMS levy	9
10I.	Amount of DSMS levy	9
10.	Section 10 amended	9
11.	Section 21 amended	9
12.	Section 26 amended	10

Western Australia

LEGISLATIVE ASSEMBLY

**Petroleum and Geothermal Energy Safety
Levies Amendment Bill 2012**

A Bill for

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

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Petroleum and Geothermal Energy Safety Levies*
3 *Amendment Act 2012*.

4 **2. Commencement**

5 This Act comes into operation as follows —

- 6 (a) sections 1 and 2 — on the day on which this Act
7 receives the Royal Assent;
8 (b) the rest of the Act — on a day fixed by proclamation,
9 and different days may be fixed for different provisions.

10 **3. Act amended**

11 This Act amends the *Petroleum and Geothermal Energy Safety*
12 *Levies Act 2011*.

13 **4. Long title amended**

14 In the long title delete “**operations and pipeline operations,**”
15 and insert:

16
17 **operations, pipeline operations and offshore petroleum**
18 **operations,**
19

20 **5. Section 3 amended**

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

22 *operator*
23 *PGERA regulations*
24 *PPA regulations*
25 *revised safety case*
26 *safety case*
27 *safety case in force*
28 *safety case levy*

(2) In section 3 insert in alphabetical order:

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;

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

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

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

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;

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

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

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;

s. 5

- 1 **pipeline licensee**, in relation to a pipeline, has the
2 meaning given in the *Petroleum (Submerged Lands)*
3 *Act 1982* section 4;
- 4 **pipeline management plan** has the same meaning as in
5 the *Petroleum (Submerged Lands) (Pipelines)*
6 *Regulations 2007*;
- 7 **pipeline management plan in force**, in relation to a
8 pipeline, means a pipeline management plan or a
9 revised pipeline management plan —
- 10 (a) that has been accepted in relation to the
11 pipeline by the Minister responsible for the
12 administration of the *Petroleum (Submerged*
13 *Lands) Act 1982*; and
- 14 (b) the acceptance of which has not been
15 withdrawn;
- 16 **pipeline management plan levy** means the levy
17 referred to in section 10D;
- 18 **pipeline safety case levy** means the levy referred to in
19 section 7;
- 20 **PPA regulations** means the *Petroleum Pipelines*
21 *(Management of Safety of Pipeline Operations)*
22 *Regulations 2010*;
- 23 **revised pipeline management plan** has the same
24 meaning as in the *Petroleum (Submerged Lands)*
25 *(Pipelines) Regulations 2007*;
- 26 **revised safety case** —
- 27 (a) in relation to a pipeline operation, has the same
28 meaning as in the PPA regulations; or
- 29 (b) in relation to a facility, has the same meaning
30 as in the *Petroleum (Submerged Lands)*
31 *(Management of Safety on Offshore Facilities)*
32 *Regulations 2007*;

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;

s. 6

- 1 (3) In section 3 in the definition of *revised safety management*
2 *system* delete “it has”.
- 3 (4) In section 3 in the definition of *safety levy* delete paragraph (b)
4 and insert:
5
- 6 (b) the pipeline safety case levy; or
7 (c) the facility safety case levy; or
8 (d) the pipeline management plan levy; or
9 (e) the DSMS levy;
10
- 11 (5) In section 3 in the definition of *safety management system*
12 delete “it has”.
- 13 **6. Part 2 Division 2 heading amended**
- 14 In the heading to Part 2 Division 2 delete “**Safety**” and insert:
15
- 16 **Pipeline safety**
17
- 18 **7. Section 8 amended**
- 19 In section 8 after “pay the” insert:
20
- 21 pipeline
22
- 23 Note: The heading to amended section 8 is to read:
24 **Liability for payment of pipeline safety case levy**
- 25 **8. Section 9 amended**
- 26 (1) In section 9(1) after “amount of” insert:
27
- 28 pipeline
29

(2) In section 9(2) after “amounts of” (each occurrence) insert:

pipeline

Note: The heading to amended section 9 is to read:

Amount of pipeline safety case levy

9. Part 2 Divisions 3, 4 and 5 inserted

At the end of Part 2 insert:

Division 3 — Facility safety case levy

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.

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.

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.

1 **Division 4 — Pipeline management plan levy**

2 **10D. Pipeline management plan levy**

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

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

8 **10E. Liability for payment of pipeline management plan**
9 **levy**

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

13 **10F. Amount of pipeline management plan levy**

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

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

21 **Division 5 — DSMS levy**

22 **10G. DSMS levy**

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

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

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.

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.

10. Section 10 amended

In section 10(2) delete “1967 or the *Petroleum Pipelines Act 1969*.” and insert:

1967, the Petroleum Pipelines Act 1969 or the Petroleum (Submerged Lands) Act 1982.

11. Section 21 amended

In section 21(3):

- (a) in paragraph (c) delete “section 4(1).” and insert:
section 4(1);

s. 12

1 (b) after paragraph (c) insert:

2

3 (d) each listed OSH law as defined in the
4 *Petroleum (Submerged Lands) Act 1982*
5 section 4.
6

7 **12. Section 26 amended**

8 In section 26(2) delete paragraphs (b) and (c) and insert:

9

10 (b) provide for the classification of safety
11 management systems, safety cases, pipeline
12 management plans and diving safety
13 management systems; and

14 (c) without limiting paragraph (b), authorise or
15 require the CEO to determine the classification
16 of a safety management system, safety case,
17 pipeline management plan or diving safety
18 management system for the purposes of
19 assessing the amount of safety levy payable in
20 respect of the safety management system,
21 safety case, pipeline management plan or
22 diving safety management system, as the case
23 requires; and
24

25 Note: The heading to section 7 is to read:

26 **Pipeline safety case levy**

=====