

EXPOSURE DRAFT



EXPOSURE DRAFT (07/03/2022)

Offshore Electricity Infrastructure (Regulatory Levies) Regulations 2022

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 2022

David Hurley
Governor-General

By His Excellency's Command

Tim Wilson [**DRAFT ONLY—NOT FOR SIGNATURE**]
Assistant Minister to the Minister for Industry, Energy and Emissions Reduction
Parliamentary Secretary to the Minister for Industry, Energy and Emissions Reduction

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Part 1—Preliminary

1 Name

This instrument is the *Offshore Electricity Infrastructure (Regulatory Levies) Regulations 2022*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The later of: (a) the start of the day after this instrument is registered; and (b) the commencement of the <i>Offshore Electricity Infrastructure (Regulatory Levies) Act 2021</i> .	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

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

3 Authority

This instrument is made under the *Offshore Electricity Infrastructure (Regulatory Levies) Act 2021*.

4 Definitions

In this instrument:

Act means the *Offshore Electricity Infrastructure (Regulatory Levies) Act 2021*.

commercial licence has the same meaning as in the *Offshore Electricity Infrastructure Act 2021*.

feasibility licence has the same meaning as in the *Offshore Electricity Infrastructure Act 2021*.

licence has the same meaning as in the *Offshore Electricity Infrastructure Act 2021*.

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Part 1 Preliminary

Section 4

research and demonstration licence has the same meaning as in the *Offshore Electricity Infrastructure Act 2021*.

transmission and infrastructure licence has the same meaning as in the *Offshore Electricity Infrastructure Act 2021*.

Part 2—Amounts of levy

5 Levies imposed on holders of feasibility licences

For the purposes of subsection 8(2) and section 9 of the Act, the following table sets out:

- (a) the offshore electricity infrastructure levies that are imposed on a person who is the holder of a feasibility licence; and
- (b) the amounts of those levies; and
- (c) the periods for which those levies must be paid.

Levies imposed on holders of feasibility licences			
Item	Kind of levy	Period for which levy must be paid	Amount of levy
1	Annual licence levy	Each period of 12 months for which the licence is held	\$X plus \$X for each 10km ² (or part thereof) of licence area over 100km ²
2	Annual compliance levy	Each period of 12 months for which the licence is held	\$X plus \$X for each 10km ² (or part thereof) of licence area over 100km ²
3	Annual Commonwealth levy	Each period of 12 months for which the licence is held	\$X

Note: A period of 12 months for which the licence is held begins on the day the licence is granted or on an anniversary of that day.

6 Levies imposed on holders of commercial licences

For the purposes of subsection 8(2) and section 9 of the Act, the following table sets out:

- (a) the offshore electricity infrastructure levies that are imposed on a person who is the holder of a commercial licence; and
- (b) the amounts of those levies; and
- (c) the periods for which those levies must be paid.

Levies imposed on holders of commercial licences			
Item	Kind of levy	Period for which levy must be paid	Amount of levy
1	Annual licence levy	Each period of 12 months for which the licence is held	\$X plus \$X for each 10km ² (or part thereof) of licence area over 100km ²
2	Annual compliance levy	Each period of 12 months for which the licence is held	\$X plus \$X for each 10km ² (or part thereof) of licence area over 100km ²

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Part 2 Amounts of levy

Section 7

Levies imposed on holders of commercial licences

Item	Kind of levy	Period for which levy must be paid	Amount of levy
3	Annual Commonwealth levy	Each period of 12 months for which the licence is held	\$X

Note: A period of 12 months for which the licence is held begins on the day the licence is granted or on an anniversary of that day.

7 Levies imposed on holders of research and demonstration licences

For the purposes of subsection 8(2) and section 9 of the Act, the following table sets out:

- (a) the offshore electricity infrastructure levies that are imposed on a person who is the holder of a research and demonstration licence; and
- (b) the amounts of those levies; and
- (c) the periods for which those levies must be paid.

Levies imposed on holders of research and demonstration licences

Item	Kind of levy	Period for which levy must be paid	Amount of levy
1	Annual licence levy	Each period of 12 months for which the licence is held	\$X plus \$X for each 10km ² (or part thereof) of licence area over 100km ²
2	Annual compliance levy	Each period of 12 months for which the licence is held	\$X plus \$X for each 10km ² (or part thereof) of licence area over 100km ²
3	Annual Commonwealth levy	Each period of 12 months for which the licence is held	\$X

Note: A period of 12 months for which the licence is held begins on the day the licence is granted or on an anniversary of that day.

8 Levies imposed on holders of transmission and infrastructure licences

For the purposes of subsection 8(2) and section 9 of the Act, the following table sets out:

- (a) the offshore electricity infrastructure levies that are imposed on a person who is the holder of a transmission and infrastructure licence; and
- (b) the amounts of those levies; and
- (c) the periods for which those levies must be paid.

Levies imposed on holders of transmission and infrastructure licences

Item	Kind of levy	Period for which levy must be paid	Amount of levy
1	Annual licence levy	Each period of 12 months	\$X

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Amounts of levy **Part 2**

Section 8

Levies imposed on holders of transmission and infrastructure licences			
Item	Kind of levy	Period for which levy must be paid	Amount of levy
		for which the licence is held	
2	Annual compliance levy	Each period of 12 months for which the licence is held	\$X
3	Annual Commonwealth levy	Each period of 12 months for which the licence is held	\$X

Note: A period of 12 months for which the licence is held begins on the day the licence is granted or on an anniversary of that day.

Part 3—Adjusting levies

9 Licences held for parts of payment periods

- (1) This section applies if a licence is cancelled or surrendered before the end of a period mentioned in Part 2 (amounts of levy).
- (2) Part 2 applies as if the licence were held for the whole of the period, but the amount of levy is to be worked out on a pro rata basis by reference to the number of days in the period before the licence was cancelled or surrendered.

10 Licences areas varied during payment periods

- (1) This section applies if:
 - (a) a licence area is varied before the end of a period mentioned in Part 2 (amounts of levy); and
 - (b) an amount of offshore electricity infrastructure levy payable for the licence is worked out by reference to the licence area.
- (2) The amount payable by reference to the licence area is to be worked out on a pro rata basis by reference to the number of days in the period before and after the variation.