



# **Greenhouse and Energy Minimum Standards (Registration Fees) Act 2012**

**No. 133, 2012**

**An Act to impose, as taxes, fees for registering models of GEMS products under the *Greenhouse and Energy Minimum Standards Act 2012*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)



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**No. 133, 2012**

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**An Act to impose, as taxes, fees for registering models of GEMS products under the *Greenhouse and Energy Minimum Standards Act 2012*, and for related purposes**

[Assented to 21 September 2012]

The Parliament of Australia enacts:

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*Greenhouse and Energy Minimum Standards (Registration Fees) Act 2012* No. 133, 2012

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## Part 1 Preliminary

### Section 1

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## Part 1—Preliminary

### 1 Short title

This Act may be cited as the *Greenhouse and Energy Minimum Standards (Registration Fees) Act 2012*.

### 2 Commencement

- (1) Each provision of this Act 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
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day after this Act receives the Royal Assent.	22 September 2012
2. Sections 3 to 10	At the same time as section 3 of the <i>Greenhouse and Energy Minimum Standards Act 2012</i> commences.	1 October 2012

Note: This table relates only to the provisions of this Act as originally enacted.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

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

### 3 Act binds the Crown

This Act binds the Crown in each of its capacities.

#### 4 External Territories

This Act extends to every external Territory.

#### 5 Extraterritorial application

This Act extends to acts, omissions, matters and things outside Australia.

#### 6 Act does not impose tax on property of a State

- (1) This Act does not impose a tax on property of any kind belonging to a State.
- (2) In this section, *property of any kind belonging to a State* has the same meaning as in section 114 of the Constitution.

#### 7 Definitions

- (1) In this Act:

*registration application* means an application under section 41 of the *Greenhouse and Energy Minimum Standards Act 2012* to register one or more models of GEMS products in relation to one or more product classes.

*registration fees*: see subsection 8(1).

- (2) Other expressions used in this Act that are defined in the *Greenhouse and Energy Minimum Standards Act 2012* have the same meanings as they have in that Act.

## Part 2—Registration fees

### 8 Imposition of registration fees

- (1) The GEMS Regulator may, by legislative instrument, specify fees (*registration fees*) for registration applications.

Example 1: The instrument might specify different fees for applications to register models in different product classes (see subsection 33(3A) of the *Acts Interpretation Act 1901*).

Example 2: The instrument might specify different fees for registration applications depending on whether or not the applications are made by electronic means (see subsection 33(3A) of the *Acts Interpretation Act 1901*).

- (2) Registration fees specified under subsection (1) are imposed, and are so imposed as taxes.
- (3) Two or more registration fees may be specified for a single registration application.

Example: The instrument might specify a number of registration fees for a single registration application to deal with applications covering a number of models or product classes.

Note: The GEMS Regulator may, in a particular case or in particular classes of cases, waive or reduce a registration fee, or refund the whole or part of a registration fee, that would otherwise be payable under the *Greenhouse and Energy Minimum Standards Act 2012* (see section 64 of that Act).

### 9 Matters relating to amount of fees

- (1) A legislative instrument made under subsection 8(1) may specify a registration fee:
  - (a) by specifying an amount as the fee; or
  - (b) by specifying a method for calculating the amount of the fee.
- (2) In specifying the amount of a registration fee, or a method for calculating such an amount, for the purposes of subsection (1), the



Section 9

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GEMS Regulator may take into account only the following matters:

- (a) the cost of processing registration applications;
- (b) the cost of compliance monitoring (including testing) in relation to models of GEMS products, for the purposes of the *Greenhouse and Energy Minimum Standards Act 2012*.

**Part 3** Miscellaneous

Section 10

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**Part 3—Miscellaneous**

**10 Regulations**

The Governor-General may make regulations prescribing matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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*[Minister's second reading speech made in—  
House of Representatives on 30 May 2012  
Senate on 10 September 2012]*

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(112/12)  
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2012