



Hazardous Waste (Regulation of Exports and Imports) Levy Act 2017

No. 9, 2017

An Act to impose a levy on permit applications under the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*, and for related purposes

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

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[Assented to 22 February 2017]

The Parliament of Australia enacts:

Part 1—Preliminary

1 Short title

This Act is the *Hazardous Waste (Regulation of Exports and Imports) Levy Act 2017*.

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
Provisions	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	22 February 2017
2. Sections 3 to 10	The later of: (a) 1 July 2017; and (b) the day after this Act receives the Royal Assent.	1 July 2017 (paragraph (a) applies)

Note: This table relates only to the provisions of this Act as originally enacted.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 to bind Crown

This Act binds the Crown in right of each of the States, of the Australian Capital Territory and of the Northern Territory. However, it does not bind the Crown in right of the Commonwealth.

4 Act extends to external Territories

This Act extends to every external Territory.

5 Definitions

In this Act:

hazardous waste permit application means an application under section 12, 13 or 13A of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*.

indexation day means 1 July 2018 and each later 1 July.

index number, for a quarter, means the All Groups Consumer Price Index number that is the weighted average of the 8 capital cities and is published by the Australian Statistician in relation to that quarter.

March quarter means a period of 3 months starting on 1 January.

property of any kind belonging to a State has the same meaning as in section 114 of the Constitution.

6 Act does not impose tax on property of a State

This Act does not impose a tax on property of any kind belonging to a State.

Part 2—Levy on hazardous waste permit applications

7 Imposition of levy

Levy is imposed on a hazardous waste permit application.

8 By whom levy payable

Levy imposed on a hazardous waste permit application is payable by the applicant.

9 Amount of levy

- (1) The amount of levy imposed on a hazardous waste permit application is:
 - (a) \$4,616; or
 - (b) if another amount not exceeding \$6,000 is prescribed by the regulations—that other amount.
- (2) However, if the indexation factor for an indexation day is greater than 1, the amount of the levy is, on that day, replaced by the amount worked out using the formula:

$$\text{Amount of the levy on the day before the indexation day} \times \frac{\text{Indexation factor for the indexation day}}{\text{Indexation factor for the indexation day}}$$

- (3) The amount worked out under subsection (2) is to be rounded to the nearest dollar (rounding 50 cents upwards).

Indexation factor

- (4) The **indexation factor** for an indexation day is the number worked out using the formula:

$$\frac{\text{Index number for the reference March quarter}}{\text{Index number for the base March quarter}}$$

where:

base March quarter means the last March quarter before the reference March quarter.

reference March quarter means the last March quarter before the indexation day.

- (5) The indexation factor is to be worked out to 3 decimal places (rounding up if the fourth decimal place is 5 or more).

Index numbers

- (6) Subject to subsection (7), if at any time before or after the commencement of this section:
- (a) the Australian Statistician has published or publishes an index number in respect of a quarter; and
 - (b) that index number is in substitution for an index number previously published by the Australian Statistician in respect of that quarter;
- disregard the publication of the later index number for the purposes of this section.
- (7) If, at any time before or after the commencement of this section, the Australian Statistician has changed or changes the index reference period for the Consumer Price Index, then, for the purposes of applying this section after the change took place or takes place, have regard only to index numbers published in terms of the new index reference period.

10 Regulations

The Governor-General may make regulations for the purposes of paragraph 9(1)(b).

*[Minister's second reading speech made in—
House of Representatives on 24 November 2016
Senate on 8 February 2017]*

(176/16)

6 Hazardous Waste (Regulation of Exports and Imports) Levy Act 2017 No. 9, 2017