

2010-2011-2012

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Greenhouse and Energy Minimum  
Standards (Registration Fees) Bill 2012**

**No.     , 2012**

*(Climate Change and Energy Efficiency)*

**A Bill for 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**



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1 **A Bill for an Act to impose, as taxes, fees for**  
2 **registering models of GEMS products under the**  
3 ***Greenhouse and Energy Minimum Standards Act***  
4 **2012, and for related purposes**

5 The Parliament of Australia enacts:

6 **Part 1—Preliminary**  
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8 **1 Short title**

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

## Part 1 Preliminary

### Section 2

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#### 1 **2 Commencement**

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

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
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.	
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

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

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

#### 13 **3 Act binds the Crown**

14 This Act binds the Crown in each of its capacities.

#### 15 **4 External Territories**

16 This Act extends to every external Territory.

#### 17 **5 Extraterritorial application**

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

1     **6 Act does not impose tax on property of a State**

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

6     **7 Definitions**

- 7             (1) In this Act:
- 8                     *registration application* means an application under section 41 of  
9                     the *Greenhouse and Energy Minimum Standards Act 2012* to  
10                    register one or more models of GEMS products in relation to one  
11                    or more product classes.
- 12                    *registration fees*: see subsection 8(1).
- 13             (2) Other expressions used in this Act that are defined in the  
14             *Greenhouse and Energy Minimum Standards Act 2012* have the  
15             same meanings as they have in that Act.  
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Section 8

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## Part 2—Registration fees

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### 8 Imposition of registration fees

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

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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*).

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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*).

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- (2) Registration fees specified under subsection (1) are imposed, and are so imposed as taxes.

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- (3) Two or more registration fees may be specified for a single registration application.

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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.

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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).

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### 9 Matters relating to amount of fees

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- (1) A legislative instrument made under subsection 8(1) may specify a registration fee:

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- (a) by specifying an amount as the fee; or  
(b) by specifying a method for calculating the amount of the fee.

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- (2) In specifying the amount of a registration fee, or a method for calculating such an amount, for the purposes of subsection (1), the GEMS Regulator may take into account matters including the following:  
(a) the cost of processing registration applications;
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Section 9

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- 1                   (b) the cost of compliance monitoring (including testing) in  
2                   relation to models of GEMS products, for the purposes of the  
3                   *Greenhouse and Energy Minimum Standards Act 2012*.
- 4           (3) To avoid doubt, subsection (2) does not limit the matters the  
5           GEMS Regulator may take into account in specifying an amount or  
6           method for the purposes of subsection (1).
- 7           (4) The amount of a registration fee need not bear any relationship to  
8           the cost of providing any service that forms part of, or is related to:  
9           (a) determining a registration application; or  
10           (b) registering a model of a GEMS product in relation to a  
11           product class.  
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1 **Part 3—Miscellaneous**  
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3 **10 Regulations**

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