

Australian Capital Territory

# Environment Protection (Fees) Determination 2015 (No 1)

## Disallowable instrument DI2015–15

made under the

**Environment Protection Act 1997, section 165 (Determination of fees etc)**

## EXPLANATORY STATEMENT

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Section 165 of the *Environment Protection Act 1997* (the Act) provides that the Minister may determine fees. Section 165(2) of the Act provides that a determination is a disallowable instrument.

The *Environment Protection Amendment Act 2014* (the amendment Act) amended the Act to include two new additional Class A activities that require an environmental authorisation to be conducted – the operation of a waste transfer station receiving 30 000t or more of waste each year; and the operation of a commercial facility for the treatment of the hazardous waste components of electronic waste.

The amendment Act also added a new additional Class B activity, which requires either an environmental authorisation or environmental protection agreement – the operation of a commercial facility for the storage or dismantling of electronic waste.

This Disallowable Instrument, in addition to the fees determined by *Environment Protection (Fees) Determination 2014 (No 1)* (DI2014-155), determines the application (\$244.10) and annual fees (\$3808) for the two new Class A activities. This Disallowable Instrument also determines additionally the application fee (which is only payable when conducted under an environmental authorisation, not under an environmental protection agreement) and the annual fee, both of which are \$244.10 for the new Class B activity.

The new fees are consistent with the other fees determined by the instrument. No other fees have been changed from DI2014-155.

This Disallowable Instrument commences on the day after it is notified. It revokes *Environment Protection (Fees) Determination 2014 (No 1)* (DI2014-155).

A Regulatory Impact Statement is not required as the Disallowable Instrument is an amendment to an existing fee structure, consistent with that structure and consistent with announced government policy. This conclusion is based on sections 36(1)(b) and 36(1)(k) of the *Legislation Act 2001*.