

Litter (Fees) Determination 2024

Disallowable instrument DI2024-53

made under the

***Litter Act 2004*, s 25 (Determination of fees)**

EXPLANATORY STATEMENT

Under section 25 of the *Litter Act 2004*, (the Act) the Minister has the power to determine fees payable for the purposes of this Act.

This instrument sets the fees payable for the 2023-2024 financial year.

Under certain circumstances specified within the Act, an authorised person can collect and impound shopping trolleys located outside a shopping centre precinct. Once impounded, a shopping trolley becomes an uncollected good.

Historically, the administrative fees charged for the collection and impoundment of a shopping trolley prior to its release, were charged in accordance with the administrative fee set for the release of a good collected and impounded under the *Uncollected Goods Act 1996*.

Although there have been legislative provisions within the Act for the Minister to determine fees for the removal, storage and disposal of shopping trolleys since March 2011, these provisions have not previously been enacted.

Where a retailer wishes to claim their shopping trolley, a removal fee and the applicable daily storage fee (calculated on the number of days the trolley has been stored), will be charged.

Under section 24L of the Act, a removed trolley is taken to be an uncollected good and may be disposed of under the *Uncollected Goods Act 1996*, after 7 days, after the day the retailer collection notice is given to the retailer. Where a shopping trolley is not claimed and disposed of by the Territory, in accordance with section 24M of the Act, any fee for the removal, storage and disposal of the shopping trolley is a debt due to the Territory by the retailer. This provision is not applicable under the *Uncollected Goods Act*, and retailers have historically not claimed their trolleys to avoid paying these fees.

Fees have been generated on a cost recovery model, associated with the resourcing required to attend/collect, store and/or dispose of a shopping trolley located outside of shopping centre precinct. These fees also align with the *2022 Treasury Guidelines for Fees and Charges*.