

South Australia

Environment Protection (Fees and Levy) Variation Regulations 2003

under the *Environment Protection Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Environment Protection (Fees and Levy) Variation Regulations 2003*.

2—Commencement

These regulations will come into operation on 1 July 2003.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Environment Protection (Fees and Levy) Regulations 1994* (Gazette 15.12.1994 p 2202) as varied

4—Variation of regulation 3—Interpretation

- (1) Regulation 3—before the definition of *authorisation fee* insert:

accredited activity means a prescribed activity of environmental significance carried on by a licensee in respect of which accreditation is granted under Part 3;

- (2) Regulation 3—after the definition of *authorisation fee* insert:

authorisation fee payment date, in relation to a licence, means the date of grant or renewal of the licence or the date, as fixed by condition of the licence, before which an annual authorisation fee is payable under section 48(2) of the Act;

- (3) Regulation 3, definition of *licence period*—delete the definition and substitute:

licence period, in relation to a licence, means the period from one authorisation fee payment date for the licence until the next such date;

5—Substitution of regulation 4

Regulation 4—delete regulation 4 and substitute:

4—Monetary value of fee unit

In these regulations, the monetary value of a fee unit on or after 1 July 2003 is as follows:

- (a) for the purposes of regulation 14(1)(a)—\$5.05;
- (b) for the purposes of clause 3(5) and (6) of Part A of Schedule 3—
 - (i) for the financial year commencing on 1 July 2003—\$16.10;
 - (ii) for the financial year commencing on 1 July 2004—\$18.70;
 - (iii) for the financial year commencing on 1 July 2005 and each subsequent financial year—\$21.40;
- (c) for the purposes of the remainder of Part A of Schedule 3—
 - (i) for the financial year commencing on 1 July 2003—\$16.70;
 - (ii) for the financial year commencing on 1 July 2004—\$19.40;
 - (iii) for the financial year commencing on 1 July 2005 and each subsequent financial year—\$22.20;
- (d) for the purposes of Part B of Schedule 3—

- (i) for the financial year commencing on 1 July 2003—\$19.50;
- (ii) for the financial year commencing on 1 July 2004—\$22.80;
- (iii) for the financial year commencing on 1 July 2005 and each subsequent financial year—\$26.00;
- (e) for all other purposes—\$13.00.

6—Insertion of regulations 11A to 11D

After regulation 11 insert:

11A—Accredited licences

- (1) A licensee may apply to the Authority to be accredited as an accredited licensee in respect of a particular prescribed activity of environmental significance carried on at premises occupied by the licensee.
- (2) An application for accreditation must be made in a manner and form approved by the Authority and accompanied by any information required by the Authority.
- (3) Subject to this regulation, the Authority may grant accreditation if satisfied that—
 - (a) the activity is being carried on at the premises to a high level of environmental performance; and
 - (b) that performance can be maintained for the duration of the licence period.
- (4) In determining the level of environmental performance for the purposes of subregulation (3), the Authority may take into consideration the following:
 - (a) the licensee's record of compliance with the Act and statutory instruments under the Act;
 - (b) whether the licensee has an environment improvement program in place in respect of the activity;
 - (c) any other matter it considers relevant.
- (5) The Authority must not grant accreditation unless satisfied that the licensee has in place in respect of the activity the following:
 - (a) an environment management system approved by the Authority;
 - (b) an environmental audit and compliance program approved by the Authority.
- (6) The Authority must, within 14 days of granting an application for accreditation, publish a notice in the Gazette specifying the name of the accredited licensee, the premises at which the accredited activity is carried on and the nature of that activity.

- (7) An accreditation may, with the approval of the Authority, be transferred simultaneously with the transfer of a licence under section 49 of the Act.

11B—Performance reports

- (1) An accredited licensee must submit a performance report to the Authority within 60 days after the end of each financial year or such further period as the Authority may approve containing details of environmental performance at the premises at which the accredited activity is carried on during the financial year.
- (2) A performance report must—
- (a) be prepared in a form approved by the Authority; and
 - (b) contain information or details required by the Authority; and
 - (c) be authorised by the licensee.

11C—Benefits of accreditation

An accredited licensee is entitled to—

- (a) a 50 per cent reduction in the licence fee otherwise payable under Schedule 3 in relation to the accredited activity (however, an accredited licensee may not simultaneously claim a discount under regulation 11 in respect of the same activity); and
- (b) any other variations to the licence conditions favourable to the licensee considered appropriate by the Authority.

11D—Review of accreditation

- (1) The Authority may, at any time, review the accreditation of an accredited licensee.
- (2) The Authority must give the licensee notice of its intention to conduct a review under this regulation.
- (3) The Authority may cancel an accreditation if of the opinion that—
- (a) the accredited activity is no longer being carried on at the premises to a high level of environmental performance; or
 - (b) the licensee has contravened the Act or a statutory instrument under the Act; or
 - (c) the licensee no longer has in place or is implementing in respect of the accredited activity—
 - (i) an environment management system approved by the Authority; or
 - (ii) an environment improvement program approved by the Authority;
 - (iii) an environmental audit and compliance program approved by the Authority.

- (4) If a licensee's accreditation is cancelled, the licensee must pay to the Authority an amount equal to the licence fee reduction resulting from the accreditation multiplied by the proportion that the number of days in the remainder of the current licence period bears to the number of days in the licence period.

7—Variation of regulation 14—Waste depot levy (Section 113)

- (1) Regulation 14(1)(a)(i)—delete "0.205 fee units" and substitute:
1 fee unit
- (2) Regulation 14(1)(a)(ii)—delete "0.407" and substitute:
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8—Variation of Schedule 5—Miscellaneous Fees

- (1) Schedule 5, clause 2—delete "6.40" wherever occurring and substitute in each case:
6.65
- (2) Schedule 5, clause 3(a)—delete "3.15" and substitute:
3.25
- (3) Schedule 5, clause 3(b)—delete "1.05" and substitute:
1.10

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 29 May 2003

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