



New South Wales

Protection of the Environment Operations (Waste) Amendment (Contributions) Regulation 2002

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

CARMEL TEBBUTT, M.L.C.,
Minister for the Environment

Explanatory note

Part 6 of the *Protection of the Environment Operations (Waste) Regulation 1996* prescribes the contributions required to be paid by the occupiers of scheduled waste facilities in respect of waste received at the facilities.

The object of this Regulation is to amend the *Protection of the Environment Operations (Waste) Regulation 1996* to increase the amount of the contributions payable by providing for an indexed series of regular increases, subject to a maximum of \$25 (indexed) per tonne of waste.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including sections 88 and 323 (the general regulation-making power).

2002 No 360

Clause 1 Protection of the Environment Operations (Waste) Amendment
(Contributions) Regulation 2002

**Protection of the Environment Operations (Waste)
Amendment (Contributions) Regulation 2002**

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Waste) Amendment (Contributions) Regulation 2002*.

2 Commencement

This Regulation commences on 1 July 2002.

**3 Amendment of Protection of the Environment Operations (Waste)
Regulation 1996**

The *Protection of the Environment Operations (Waste) Regulation 1996* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 18 Payment of contributions

Insert before clause 18 (1):

(1A) In this clause:

CPI means the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

ERA means extended regulated area.

SMA means Sydney metropolitan area.

year means a year beginning on 1 July and ending on 30 June.

[2] Clause 18 (1)

Omit the subclause. Insert instead:

- (1) For the purposes of section 88 (2) of the Act, the following contributions are prescribed as the contributions required to be paid by the occupiers of scheduled waste facilities:
 - (a) the SMA amount for the year in which the waste is received for each tonne of waste that is received in that year at a scheduled waste facility located in the Sydney metropolitan area,
 - (b) the ERA amount for the year in which the waste is received for each tonne of waste:
 - (i) that is received in that year at a scheduled waste facility located in the extended regulated area, and
 - (ii) that has been generated in that area,
 - (c) the SMA amount for the year in which the waste is received for each tonne of waste:
 - (i) that is received in that year at a scheduled waste facility located in the extended regulated area, and
 - (ii) that has been generated in the Sydney metropolitan area,

2002 No 360

Protection of the Environment Operations (Waste) Amendment
(Contributions) Regulation 2002

Schedule 1 Amendments

- (d) the SMA amount for the year in which the waste is received for each tonne of waste:
 - (i) that is received in that year at a scheduled waste facility located outside the Sydney metropolitan area and the extended regulated area, and
 - (ii) that has been generated in the Sydney metropolitan area,
- (e) the ERA amount for the year in which the waste is received for each tonne of waste:
 - (i) that is received in that year at a scheduled waste facility located outside the Sydney metropolitan area and the extended regulated area, and
 - (ii) that has been generated in the extended regulated area.

[3] Clause 18 (3)–(11)

Insert after clause 18 (2):

- (3) The SMA amount is as follows:
 - (a) for the year beginning 1 July 2002—\$18.20,
 - (b) for a year, beginning on or after 1 July 2003 and ending on or before 30 June 2010—the lower of:
 - (i) the amount, in dollars and cents, calculated for the year in accordance with the formula in subclause (5), or
 - (ii) the amount, in dollars and cents, calculated for the year in accordance with the formula in subclause (7),
 - (c) for a year, beginning on or after 1 July 2010—the amount, in dollars and cents, calculated for the year in accordance with the formula in subclause (8).
- (4) The ERA amount is as follows:
 - (a) for the year beginning 1 July 2002—\$9.60,
 - (b) for a year, beginning on or after 1 July 2003 and ending on or before 30 June 2013—the lower of:
 - (i) the amount, in dollars and cents, calculated for the year in accordance with the formula in subclause (6), or

- (ii) the amount, in dollars and cents, calculated for the year in accordance with the formula in subclause (7),
- (c) for a year, beginning on or after 1 July 2013—the amount, in dollars and cents, calculated for the year in accordance with the formula in subclause (9).

(5) The formula is:

$$G = (P + \$1.00) \times \left(1 + \left(\frac{A - B}{B} \right) \right)$$

where:

G is the amount, in dollars and cents, being calculated.

P is the SMA amount, in dollars and cents, for the year previous to the year for which the calculation is being made.

A is the CPI number for the March quarter of the year previous to the year for which the calculation is being made.

B is the CPI number for the March quarter of the year 2 years previous to the year for which the calculation is being made.

(6) The formula is:

$$H = (M + \$1.50) \times \left(1 + \left(\frac{A - B}{B} \right) \right)$$

where:

H is the amount, in dollars and cents, being calculated.

M is the ERA amount, in dollars and cents, for the year previous to the year for which the calculation is being made.

A is the CPI number for the March quarter of the year previous to the year for which the calculation is being made.

B is the CPI number for the March quarter of the year 2 years previous to the year for which the calculation is being made.

2002 No 360

Protection of the Environment Operations (Waste) Amendment
(Contributions) Regulation 2002

Schedule 1 Amendments

- (7) The formula is:

$$M = \$25.00 \times \left(1 + \left(\frac{C - D}{D} \right) \right)$$

where:

M is the amount, in dollars and cents, being calculated.

C is the CPI number for the March quarter of the year previous to the year for which the calculation is being made.

D is the CPI number for the December quarter of the year beginning 1 July 2001.

- (8) The formula is:

$$S = T \times \left(1 + \left(\frac{X - Y}{Y} \right) \right)$$

where:

S is the amount, in dollars and cents, being calculated.

T is the SMA amount, in dollars and cents, for the year beginning 1 July 2009.

X is the CPI number for the March quarter of the year previous to the year for which the calculation is being made.

Y is the CPI number for the March quarter of the year beginning 1 July 2008.

- (9) The formula is:

$$E = F \times \left(1 + \left(\frac{X - Z}{Z} \right) \right)$$

where:

E is the amount, in dollars and cents, being calculated.

F is the ERA amount, in dollars and cents, for the year beginning 1 July 2012.

X is the CPI number for the March quarter of the year previous to the year for which the calculation is being made.

Z is the CPI number for the March quarter of the year beginning 1 July 2011.

- (10) The SMA amount and the ERA amount are to be rounded to the nearest 10 cents, and if the amount to be rounded is 5 cents, rounded up.
- (11) If, at any time, the Australian Statistician issues a CPI number in substitution for a CPI number previously issued, the issue of the later CPI number is to be disregarded for the purposes of this clause.