

**Version No. 001**  
**Environment Protection (Distribution of  
Landfill Levy) Regulations 2002**

**S.R. No. 131/2002**

Version as at 1 January 2003

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**1. Objective**

The objective of these Regulations is to specify how landfill levies are to be distributed for the purposes of section 70(6B) of the **Environment Protection Act 1970**.

**2. Authorising provisions**

These Regulations are made under sections 70(6B) and 71 of the **Environment Protection Act 1970**.

**3. Commencement**

These Regulations come into operation on 1 January 2003.

**4. Interpretation**

- (1) In these Regulations "**the Act**" means the **Environment Protection Act 1970**.
- (2) A reference in these Regulations to a quarter is a reference to the period of 3 months ending on 31 March, 30 June, 30 September or 31 December.

**5. Landfill levy accounts to be created**

- (1) Within the Environment Protection Fund, the Authority must create the following 2 accounts—
  - (a) a general landfill levy account; and
  - (b) a sustainability fund account.

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- (2) The Authority must credit to the general landfill levy account all amounts paid into the Environment Protection Fund under section 70(3)(aba) of the Act on or after 15 October 2002.
- (3) The Authority must pay out of the general landfill levy account any refund the Authority is required to pay under Division 3 of Part IX of the Act (other than a refund attributable to any levy paid under section 50S(2)).

Note: Section 70(7) of the Act actually provides the authorisation of these refund payments from the Environment Protection Fund, so sub-regulation (3) is simply intended to ensure that those refunds come out of the general landfill levy account rather than the sustainability fund account.

- (4) A requirement in these Regulations to pay or draw an amount out of the general landfill levy account is to be read as requiring and authorising the payment of that amount out of the Environment Protection Fund.

**6. Distribution of landfill levies to regional waste management groups**

- (1) The Authority must pay \$2.78 million out of the general landfill levy account to regional waste management groups in 2003.
- (2) In respect of each subsequent calendar year, the Authority must pay out of the general landfill levy account to regional waste management groups the amount derived from the following calculation—

$$PA \times SBI$$

where—

PA is the amount paid in the previous year under this regulation;

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SBI is the annual rate approved by the Treasurer in relation to the State Budget delivered in that previous year for the purposes of section 8 of the **Subordinate Legislation Act 1994**<sup>1</sup>.

- (3) The Authority must distribute the annual amount it is required to pay under this regulation in accordance with Table 1.
- (4) The Authority must divide the amount it is required to pay a regional waste management group into quarterly instalments.

**TABLE 1**

<i>Regional waste management group</i>	<i>Percentage of annual amount payable (%)</i>
Barwon	6.1
Calder	5.3
Central Murray	4.9
Wimmera Mallee	3.5
Eastern Metropolitan	9.4
Greater Gippsland	6.8
Goulburn Valley	5.9
Grampians	4.9
Highlands	5.6
Mildura	3.5
Mornington Peninsula	3.5
North Eastern	5.5
Northern Metropolitan	9.8
South Eastern Metropolitan	10
South Western	5.3
Western Metropolitan	10

**7. Further amount to be paid to regional waste management groups**

- (1) Each calendar year, the Authority must pay, out of the general landfill levy account, to a regional waste management group listed in column 1 of Table 2 the amount shown in column 2 of that Table opposite the name of that group.

**TABLE 2**

<i>Regional waste management group</i>	<i>Amount to be paid</i>
Barwon, Calder, Central Murray, Wimmera Mallee, Goulburn Valley, Grampians, Highlands, Mildura, Mornington Peninsula, North Eastern, Northern Metropolitan, South Western	\$60 000
Eastern Metropolitan, South Eastern Metropolitan, Western Metropolitan, Greater Gippsland	\$120 000

Note: Sub-regulation (1) requires the Authority to pay a total amount of \$1.2 million each year ((12 × \$60 000 = \$720 000) + (4 × \$120 000 = \$480 000)) to regional waste management groups.

- (2) The Authority must not make a payment under sub-regulation (1) to a regional waste management group unless the Minister has notified the Authority that she or he is satisfied that the group has complied with the requirements of section 50LA of the Act.
- (3) The Authority must divide the amount it is required to pay a regional waste management group into quarterly instalments.

**8. Payments to EcoRecycle Victoria and the Authority**

- (1) In this regulation, "**money available for distribution**" means the amount of money standing to the credit of the general landfill levy account at the end of a quarter, less—

- (a) the amount of the quarterly instalment distributions that the Authority will be required to make in respect of the next quarter under regulations 6 and 7; and
  - (b) any amount that the Authority is withholding in compliance with regulation 7(2).
- (2) The Authority must distribute any money available for distribution in the following way—
- (a) it must pay out of the general landfill levy account to EcoRecycle Victoria the relevant percentage of that money specified in column 2 of Table 3; and
  - (b) it must draw out of the general landfill levy account for its own purposes the relevant percentage of that money specified in column 3 of Table 3; and
  - (c) it must transfer any remaining amount of that money into the sustainability fund account.

Note: As these Regulations do not authorise the making of any payments out of the sustainability fund account, the money in that account can only be withdrawn under section 70(6B)(b) of the Act after the processes required by section 70A of the Act have occurred.

**TABLE 3**

<i>Time period</i>	<i>Percentage of the money available for distribution (%)</i>	
	<i>EcoRecycle Victoria</i>	<i>Authority</i>
On or after 1 January 2003	68	22
On or after 1 January 2004	63	19
On or after 1 January 2005	58	17

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<i>Time period</i>	<i>Percentage of the money available for distribution (%)</i>	
	<i>EcoRecycle Victoria</i>	<i>Authority</i>
On or after 1 January 2006	53	15
On or after 1 January 2007	50	13
On or after 1 January 2008	50	12

**9. Period of payment**

The Authority must make all distributions required—

- (a) under regulations 6 and 7, by the 15th day of the quarter; and
- (b) under regulation 8, by the 15th day after the end of each quarter.

**10. Transitional arrangements**

- (1) Despite anything to the contrary in these Regulations, the Authority must make the first quarterly distribution of money under regulation 8 by 15 January 2003.
- (2) For the purposes of sub-regulation (1)—
  - (a) a reference in regulation 8(1) to the end of a quarter is to be read as a reference to 31 December 2002; and
  - (b) a reference in regulation 8(1)(a) to "the next quarter" is to be read as a reference to the quarter ending on 31 March 2003.

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Endnotes
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## ENDNOTES

### 1. General Information

The Environment Protection (Distribution of Landfill Levy) Regulations 2002, S.R. No. 131/2002 were made on 17 December 2002 by the Governor in Council under sections 70(6B) and 71 of the **Environment Protection Act 1970**, No. 8056/1970 and came into operation on 1 January 2003.

The Environment Protection (Distribution of Landfill Levy) Regulations 2002 will sunset 10 years after the day of making on 17 December 2012 (see section 5 of the **Subordinate Legislation Act 1994**).



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<b>Endnotes</b>
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**2. Table of Amendments**

There are no amendments made to the Environment Protection (Distribution of Landfill Levy) Regulations 2002 by statutory rules, subordinate instruments and Acts.

### **3. Explanatory Details**

<sup>1</sup> Reg. 6(2): Act No. 104/1994.