



# **Recycling and Waste Reduction (Fees) Rules 2020**

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I, Sussan Ley, Minister for the Environment, make the following rules.

Dated 16 December 2020

Sussan Ley  
Minister for the Environment

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## Part 1—Preliminary

### 1 Name

This instrument is the *Recycling and Waste Reduction (Fees) Rules 2020*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The later of: (a) the start of the day after this instrument is registered; and (b) the commencement of the <i>Recycling and Waste Reduction Act 2020</i> .	17 December 2020 (paragraph (a) applies)

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under the *Recycling and Waste Reduction Act 2020*.

### 4 Definitions

Note: A number of expressions used in this instrument are defined in section 10 of the Act.

In this instrument:

*Act* means the *Recycling and Waste Reduction Act 2020*.

Section 5

## Part 2—Fees relating to product stewardship

### 5 Fees relating to the accreditation of voluntary arrangements

- (1) This section is made for the purposes of paragraphs 155(2)(a), (d) and (e) of the Act.
- (2) The fee for performing a function referred to in column 1 of an item in the following table:
- (a) is the amount specified in, or worked out using the method specified in, column 2 of the item; and
  - (b) is due and payable at the time specified in column 3 of the item; and
  - (c) is payable by the person specified in column 4 of the item.

<b>Fees relating to accreditation of voluntary arrangements</b>				
<b>Item</b>	<b>Column 1 Function</b>	<b>Column 2 Amount</b>	<b>Column 3 Due and payable</b>	<b>Column 4 Person</b>
1	Consideration of an application for accreditation of a voluntary arrangement	For each application: (a) if the application is not in relation to an accredited voluntary arrangement— \$5,900; or (b) if the application is in relation to an accredited voluntary arrangement— \$3,900	At the time the application is made	The administrator of the voluntary arrangement
2	Consideration of an application to vary the accreditation of an accredited voluntary arrangement	For each person performing the function—\$26.60 for each quarter hour or part thereof	When a demand for payment of the fee is made	The administrator of the voluntary arrangement

### 6 Fees must accompany applications for the accreditation of voluntary arrangements

For the purposes of paragraph 172(1)(e) of the Act, a fee prescribed by item 1 of the table in subsection 5(2) for consideration of an application for accreditation of a voluntary arrangement must accompany the application.

Note: Paragraph 172(1)(e) of the Act does not require the fee to accompany the application if the fee is waived.

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**7 Penalties for late payment of fees**

- (1) This section is made for the purposes of paragraph 155(2)(f) of the Act.
- (2) If a fee (the *original fee*) referred to in section 5 is not paid by the time the original fee is due and payable, the person liable to pay the original fee is also liable to pay a penalty of the amount worked out using the following formula:

$$\frac{0.2 \times \text{Original fee} \times \text{Days overdue}}{365}$$

where:

*days overdue* is the number of days after the original fee is due and payable that elapse before the day on which the original fee is paid.

## Part 3—Miscellaneous

### 8 Remitting and refunding fees and penalties

- (1) This section is made for the purposes of paragraph 155(2)(g) of the Act.
- (2) The Minister may, if the Minister considers it appropriate to do so:
  - (a) remit the whole or part of a fee, or a penalty for late payment of a fee, that is payable under this instrument; or
  - (b) refund the whole or part of a fee, or a penalty for late payment of a fee, that has been paid under this instrument.
- (3) The Minister may do so on the Minister's own initiative or on written application by a person.

### 9 Review of decisions

- (1) This section is made for the purposes of subsection 151(2) of the Act.
- (2) Column 1 of the following table sets out each person *affected* by a reviewable decision. Column 2 of the table sets out the *reviewable decision* that a particular person is affected by.

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<b>Persons affected by reviewable decisions</b>		
<b>Item</b>	<b>Column 1 <i>Person affected</i></b>	<b>Column 2 <i>Reviewable decision</i></b>
1	A person who applies under section 8 for the whole or part of a fee, or a penalty for late payment of a fee, to be remitted	A decision by the Minister under that section to refuse to remit the whole or part of the fee, or the penalty for late payment of a fee
2	A person who applies under section 8 for the whole or part of a fee, or a penalty for late payment of a fee, to be refunded	A decision by the Minister under that section to refuse to refund the whole or part of the fee, or the penalty for late payment of a fee

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