

Recycling and Waste Reduction (Fees) Rules 2020

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 *Recycling and Waste Reduction Act 2020*. | 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Note: This table relates only to the provisions of this instrument as originally made.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*.

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.

| Fees relating to accreditation of voluntary arrangements | | | | |
| --- | --- | --- | --- | --- |
| Item | Column 1 Function | Column 2 Amount | Column 3 Due and payable | Column 4 Person |
| 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.

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:



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.

| Persons affected by reviewable decisions | | |
| --- | --- | --- |
| Item | Column 1  Person *affected* | Column 2  *Reviewable decision* |
| 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 |