



Recycling and Waste Reduction (Fees) Rules 2020

made under section 188 of the

Recycling and Waste Reduction Act 2020

Compilation No. 02

Compilation date: 20 November 2024

This compilation takes account of the disallowance of amendments by the Senate at 17:39 on 20 November 2024.

Prepared by Department of Climate Change, Energy, the Environment and Water, Canberra

About this compilation

This compilation

This is a compilation of the *Recycling and Waste Reduction (Fees) Rules 2020* that shows the text of the law as amended and in force on 20 November 2024 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

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

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:

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

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.

Persons affected by reviewable decisions		
Item	Column 1 <i>Person affected</i>	Column 2 <i>Reviewable decision</i>
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

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	orig = original
am = amended	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
amdt = amendment	pres = present
c = clause(s)	prev = previous
C[x] = Compilation No. x	(prev...) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislation	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Recycling and Waste Reduction (Fees) Rules 2020	16 Dec 2020 (F2020L01627)	17 Dec 2020	
Recycling and Waste Reduction (Fees) Amendment (Export of Regulated Waste Material Fees and Other Measures) Rules 2024	2 July 2024 (F2024L00850)	1 July 2024 (s 2(1) item 1) Note: disallowed by the Senate at 17:39 on 20 November 2024	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2.....	rep LA s 48D
Part 1A	
Part 1A.....	ad F2024L00850 (disallowed)
s 4A.....	ad F2024L00850 (disallowed)
Part 3	
s 8.....	am F2024L00850 (disallowed)
s 9.....	am F2024L00850 (disallowed)
Part 4	
Part 4.....	ad F2024L00850 (disallowed)
s 10.....	ad F2024L00850 (disallowed)