



Hazardous Waste (Regulation of Exports and Imports) (Fees) Regulations 1990

Statutory Rules No. 130, 1990

made under the

Hazardous Waste (Regulation of Exports and Imports) Act 1989

Compilation No. 5

Compilation date:	1 July 2017
Includes amendments up to:	F2017L00788
Registered:	13 July 2017

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Hazardous Waste (Regulation of Exports and Imports) (Fees) Regulations 1990* that shows the text of the law as amended and in force on 1 July 2017 (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 Legislation 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 series page on the Legislation 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.

Editorial changes

For more information about any editorial changes made in this compilation, see 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 series page on the Legislation 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name of regulations

These regulations are the *Hazardous Waste (Regulation of Exports and Imports) (Fees) Regulations 1990*.

1A Authority

These Regulations are made under the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*.

2 Interpretation

Note: A number of expressions used in these Regulations are defined in the Act, including the following:

- (a) Basel Convention;
- (b) export permit;
- (c) import permit;
- (d) transit permit.

In these regulations:

Act means the *Hazardous Waste (Regulation of Exports and Imports) Act 1989*.

indexation day means 1 July 2018 and each later 1 July.

index number, for a quarter, means the All Groups Consumer Price Index number that is the weighted average of the 8 capital cities and is published by the Australian Statistician in relation to that quarter.

March quarter means a period of 3 months starting on 1 January.

3 Application fees

For section 32 of the Act, the prescribed fees for applications are specified in clause 1 of Schedule 1.

3A Information fees

- (1) For the purposes of section 32 of the Act, a person who:
 - (a) makes a permit application or a variation application; and
 - (b) is given a request to provide information under section 15 or 28 of the Act in relation to the application; and
 - (c) complies with the request;is liable to pay the Commonwealth a fee specified in clause 2 of Schedule 1.
- (2) For the purposes of section 32 of the Act, a person who:
 - (a) applies for a special import permit, or for a variation of such a permit, under a provision of Part 2 of the Act as applied by the *Hazardous Waste (Regulation of Exports and Imports) (Imports from East Timor) Regulations 2003*; and

Schedule 1 Prescribed fees

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Regulation 3B

- (b) is given a request to provide information under section 15 or 28 of the Act, as applied by the *Hazardous Waste (Regulation of Exports and Imports) (Imports from East Timor) Regulations 2003*, in relation to the application; and
- (c) complies with the request;
- is liable to pay the Commonwealth a fee specified in clause 2 of Schedule 1.
- (3) For the purposes of section 32 of the Act, a person who:
- (a) applies for a special import permit or a special transit permit, or for a variation of such a permit, under a provision of Part 2 of the Act as applied by the *Hazardous Waste (Regulation of Exports and Imports) (Waigani Convention) Regulations 1999*; and
- (b) is given a request to provide information under section 15 or 28 of the Act, as applied by the *Hazardous Waste (Regulation of Exports and Imports) (Waigani Convention) Regulations 1999*, in relation to the application; and
- (c) complies with the request;
- is liable to pay the Commonwealth a fee specified in clause 2 of Schedule 1.
- (4) A fee under subregulation (1), (2) or (3):
- (a) becomes due and payable to the Commonwealth at the time the person complies with the request; and
- (b) may be recovered as a debt due to the Commonwealth by action in a court of competent jurisdiction.

3B Indexation of fees

- (1) This regulation is made for the purposes of subsection 32(7) of the Act.
- (2) If the indexation factor for an indexation day is greater than 1, the amount of a fee specified in clause 1 or 2 of Schedule 1 is, on that day, replaced by the amount worked out using the formula:

$$\text{Amount of the fee on the day before the indexation day} \times \frac{\text{Indexation factor for the indexation day}}{\text{Indexation factor for the indexation day}}$$

- (3) The amount worked out under subregulation (2) is to be rounded to the nearest dollar (rounding 50 cents upwards).

Indexation factor

- (4) The ***indexation factor*** for an indexation day is the number worked out using the formula:

$$\frac{\text{Index number for the reference March quarter}}{\text{Index number for the base March quarter}}$$

where:

base March quarter means the last March quarter before the reference March quarter.

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Regulation 4

reference March quarter means the last March quarter before the indexation day.

- (5) The indexation factor is to be worked out to 3 decimal places (rounding up if the fourth decimal place is 5 or more).

Index numbers

- (6) Subject to subregulation (7), if at any time before or after the commencement of this subregulation:
- (a) the Australian Statistician has published or publishes an index number in respect of a quarter; and
 - (b) that index number is in substitution for an index number previously published by the Australian Statistician in respect of that quarter;
- disregard the publication of the later index number for the purposes of this regulation.
- (7) If, at any time before or after the commencement of this regulation, the Australian Statistician has changed or changes the index reference period for the Consumer Price Index, then, for the purposes of applying this regulation after the change took place or takes place, have regard only to index numbers published in terms of the new index reference period.

4 Application—amendments made by the *Hazardous Waste (Regulation of Exports and Imports) (Fees) Amendment Regulation 2016*

The amendments made by the *Hazardous Waste (Regulation of Exports and Imports) (Fees) Amendment Regulation 2016* apply in relation to an application for a permit, or for a variation of a permit, made on or after 1 July 2016.

5 Application—amendments made by the *Hazardous Waste (Regulation of Exports and Imports) Legislation Amendment (2017 Measures) Regulations 2017*

The amendments made by Schedule 2 to the *Hazardous Waste (Regulation of Exports and Imports) Legislation Amendment (2017 Measures) Regulations 2017* apply in relation to an application for a permit, or for a variation of a permit, made on or after 1 July 2017.

Schedule 1 Prescribed fees

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Clause 1

Schedule 1—Prescribed fees

Note: See regulations 3 and 3A.

1 Application fees

The prescribed fee for an application for a permit, or a variation, of a kind specified in an item in Column 1 of the following table is the fee set out in Column 2 of the table for the item.

Application fees		
Item	Column 1	Column 2
	Application for grant or variation of permit	Fee
		\$
1	Transit permit—grant	5,225
2	Import permit—grant	7,088
3	Export permit—grant for operations which may lead to resource recovery, recycling, reclamation, direct re-use or alternative uses (within the meaning of the Basel Convention)	12,667
4	Export permit—grant for operations other than those which may lead to resource recovery, recycling, reclamation, direct re-use or alternative uses (within the meaning of the Basel Convention)	35,035
5	Transit permit—variation	2,244
6	Import permit—variation	2,616
7	Export permit—variation of export permit granted for operations which may lead to resource recovery, recycling, reclamation, direct re-use or alternative uses (within the meaning of the Basel Convention)	5,970
8	Export permit—variation of export permit granted for operations other than those which may lead to resource recovery, recycling, reclamation, direct re-use or alternative uses (within the meaning of the Basel Convention)	14,913

2 Other fees

The prescribed fee for providing information in response to a request referred to in regulation 3A is \$1,498.

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.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

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

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	Date of notification in <i>Gazette</i>	Commencement	Application, saving and transitional provisions
1990 No. 130	25 June 1990	17 July 1990	
1996 No. 285	12 Dec 1996	12 Dec 1996	—
1999 No. 6	11 Feb 1999	11 Feb 1999	—

Name	Registration	Commencement	Application, saving and transitional provisions
Hazardous Waste (Regulation of Exports and Imports) (Fees) Amendment Regulation 2016	9 May 2016 (F2016L00730)	1 July 2016 (s 2(1) item 1)	—
Hazardous Waste (Regulation of Exports and Imports) Legislation Amendment (2017 Measures) Regulations 2017	29 June 2017 (F2017L00788)	Sch 2:1 July 2017 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
r 1	rs 1999 No. 6
r 1A	ad F2016L00730
r 2	rs 1996 No. 285
	am 1999 No. 6; F2016L00730; F2017L00788
r 3	rs F2016L00730
	am F2017L00788
r 3A	ad F2017L00788
r 3B.....	ad F2017L00788
r 4	ad F2016L00730
r 5	ad F2017L00788
Schedule	rs 1996 No. 285
	am 1999 No. 6
	rep F2016L00730
Schedule 1	
Schedule 1 heading.....	rs F2017L00788
Schedule 1	ad F2016L00730
	am F2017L00788
