



# **Imported Food Charges (Imposition—Customs) Amendment (2023 Measures No. 1) Regulations 2023**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 19 June 2023

David Hurley  
David Hurley  
Governor-General

By His Excellency's Command

Murray Watt  
Murray Watt  
Minister for Agriculture, Fisheries and Forestry

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## 1 Name

This instrument is the *Imported Food Charges (Imposition—Customs) Amendment (2023 Measures No. 1) Regulations 2023*.

## 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	1 July 2023.	1 July 2023

Note: This table relates only to the provisions of this instrument as originally made.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 *Imported Food Charges (Imposition—Customs) Act 2015*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Imported Food Charges (Imposition—Customs) Regulation 2015*

#### 1 Section 6

Omit “For subsection 6(1)”, substitute “(1) For the purposes of subsection 6(1)”.

#### 2 Section 6 (table item 1, column 2)

Omit “\$180”, substitute “\$194”.

#### 3 Section 6 (table item 2)

Repeal the item, substitute:

- |   |  |  |
|---|--|--|
| 2 | Development and administration of arrangements for the performance of activities by a person on behalf of the Commonwealth in accordance with a compliance agreement | For each financial year, or part of a financial year, during which the compliance agreement is in force:<br>(a) if, at any time during the financial year, the person covered by the agreement is also covered by another compliance agreement and any of the agreements are in force before 1 January in the financial year—\$3 110; or<br>(b) if, at any time in the financial year, the person covered by the agreement is also covered by another compliance agreement and none of the agreements are in force before 1 January in the financial year—an amount that is 50% of the amount specified in paragraph (a); or<br>(c) if paragraphs (a) and (b) do not apply in relation to the person covered by the agreement and the agreement is in force before 1 January in the financial year—\$2 680; or<br>(d) if paragraphs (a) and (b) do not apply in relation to the person covered by the agreement and the agreement is in force on or after 1 January in the financial year—an amount that is 50% of the amount specified in paragraph (c) |
|---|--|--|

#### 4 Section 6 (note)

Omit “section 7”, substitute “section 8”.

#### 5 At the end of section 6

Add:

- (2) If an amount of a charge (the *increased charge*) specified in paragraph (a) or (c) of item 2 of the table in subsection (1) is increased under section 6A, the increased charge is to be used for the purposes of working out the amount of the charge under paragraph (b) or (d) of the item.

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**6 After section 6**

Insert:

**6A Indexation of charges***Indexation of charges*

- (1) If the indexation factor for an indexation day is greater than 1, the dollar amounts mentioned in the table in subsection 6(1) are each replaced by the amount worked out using the following formula:

$$\frac{\text{The dollar amount of charge immediately before the indexation day}}{\text{Indexation factor for the indexation day}}$$

- (2) The amount worked out under subsection (1) is to be rounded to the nearest whole dollar (rounding 50 cents upwards).

*Indexation factor*

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

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

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

*Changes to CPI index reference period and publication of substituted index numbers*

- (5) Amounts are to be worked out under this section:
- using only the index numbers published in terms of the most recently published index reference period for the Consumer Price Index; and
  - disregarding index numbers published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

*Definitions*

- (6) In this section:

**base quarter** means the last December quarter before the reference quarter.

**December quarter** means a period of 3 months starting on 1 October.

**indexation day** means 1 July 2024 and each later 1 July.

**index number**, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

**reference quarter** means the December quarter immediately before the indexation day.

**7 Section 7**

Omit “section 6” (first occurring), substitute “subsection 6(1)”.

**8 Subsection 8(1)**

Omit “section 6”, substitute “subsection 6(1)”.

**9 Subsection 8(2)**

Omit “section 6” (wherever occurring), substitute “subsection 6(1)”.

**10 Paragraphs 8(2)(c) and (d)**

Omit “section 9”, substitute “subsection 9(1)”.