



# **Biosecurity 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 *Biosecurity 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Note: This table relates only to the provisions of this instrument as originally made.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 *Biosecurity 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

### *Biosecurity Charges Imposition (Customs) Regulation 2016*

#### 1 Section 6

Insert:

**Class 19 Arrangement** means an approved arrangement that:

- (a) provides for the person covered by the arrangement to assess documents to manage biosecurity risks associated with containerised sea freight; and
- (b) does not require the person to carry out biosecurity activities at a particular place.

**compliance agreement** has the same meaning as in the *Imported Food Control Act 1992*.

**non-commercial vessel** has the same meaning as in the *Biosecurity Regulation 2016*.

#### 2 Section 9

Omit “For subsection 7(1)”, substitute “(1) For the purposes of subsection 7(1)”.

#### 3 Section 9 (table item 1, column 2)

Omit “\$38”, substitute “\$43”.

#### 4 Section 9 (table item 2, column 2)

Omit “\$58”, substitute “\$63”.

#### 5 Section 9 (table item 3, column 2)

Omit “\$120”, substitute “\$122”.

#### 6 Section 9 (table items 4 to 6)

Repeal the items, substitute:

4	Reservation of a place in a post-entry quarantine facility for a horse, and administration and management of biosecurity activities in relation to the horse	For each animal—\$983
4A	Confirmation of a reservation of a place in a post-entry quarantine facility for a horse, and administration and management of biosecurity activities in relation to the horse	For each animal—\$3 934
4B	Reservation of a place in a post-entry quarantine facility for a ruminant, and administration and management of biosecurity activities in relation to the ruminant	For each animal—\$1 005
4C	Confirmation of a reservation of a place in a post-entry quarantine facility for a ruminant, and administration and management of biosecurity activities in relation to the	For each animal—\$4 019

	ruminant	
5	Reservation of a place in a post-entry quarantine facility for an animal not covered by another item of this table, and administration and management of biosecurity activities in relation to the animal	For each animal—\$253
5A	Confirmation of a reservation of a place in a post-entry quarantine facility for an animal not covered by another item of this table, and administration and management of biosecurity activities in relation to the animal	For each animal—\$1 012
6	Reservation of a place in a post-entry quarantine facility for a consignment of bees, and administration and management of biosecurity activities in relation to the consignment	For each consignment—\$837
6A	Confirmation of a reservation of a place in a post-entry quarantine facility for a consignment of bees, and administration and management of biosecurity activities in relation to the consignment	For each consignment—\$3 350

**7 Section 9 (table item 7, column 2)**

Omit “\$2 810”, substitute “\$4 707”.

**8 Section 9 (table item 8, column 2)**

Omit “\$11 240”, substitute “\$18 827”.

**9 Section 9 (table item 9, column 2)**

Omit “\$7 826”, substitute “\$13 109”.

**10 Section 9 (table item 10, column 2)**

Omit “\$31 304”, substitute “\$52 434”.

**11 Section 9 (table item 11, column 2)**

Omit “\$110”, substitute “\$291”.

**12 Section 9 (table item 12, column 2)**

Omit “\$180”, substitute “\$194”.

**13 Section 9 (table item 13)**

Repeal the item, substitute:

13	Development of a proposed arrangement that is approved under section 406 of the <i>Biosecurity Act 2015</i> and administration of the approved arrangement	For each financial year, or part of a financial year, during which the approved arrangement is in force: (a) if, at any time during the financial year, the person covered by the arrangement is also covered by another approved arrangement or one or more compliance agreements, and any of the arrangements or agreements are in force before 1 January in the financial year—
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\$3 110; or

- (b) if, at any time during the financial year, the person covered by the arrangement is also covered by another approved arrangement or one or more compliance agreements, and none of the arrangements or agreements are in force before 1 January in the financial year—an amount that is 50% of the amount specified in paragraph (a); or
- (c) if paragraphs (a) and (b) do not apply in relation to the person covered by the arrangement and the arrangement is a Class 19 Arrangement that is in force before 1 January in the financial year—\$536;
- (d) if paragraphs (a) and (b) do not apply in relation to the person covered by the arrangement and the arrangement is a Class 19 Arrangement that is in force on or after 1 January in the financial year—an amount that is 50% of the amount specified in paragraph (c); or
- (e) if paragraphs (a) to (d) do not apply in relation to the arrangement or the person covered by the arrangement, and the arrangement is in force before 1 January in the financial year—\$2 680; or
- (f) if paragraphs (a) to (d) do not apply in relation to the arrangement or the person covered by the arrangement, and the arrangement is in force on or after 1 January in the financial year—an amount that is 50% of the amount specified in paragraph (e)

#### **14 Section 9 (table item 13A)**

Repeal the item, substitute:

- |     |   |                     |
|-----|---|---------------------|
| 13A | Entry of information into the automated entry processing system, by a person covered by an approved arrangement, about goods to be brought or imported into Australian territory, if the entry is not referred to the Agriculture Department for verification | For each entry—\$20 |
|-----|---|---------------------|

#### **15 Section 9 (cell at table item 14, column 2)**

Repeal the cell, substitute:

For each vessel:

- (a) that is a non-commercial vessel—\$155; or
- (b) other than a non-commercial vessel—\$1 354

#### **16 At the end of section 9**

Add:



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- (2) If an amount of a charge (the *increased charge*) specified in paragraph (a), (c) or (e) of item 13 of the table in subsection (1) is increased under section 9A, the increased charge is to be used for the purposes of working out the amount of the charge under paragraph (b), (d) or (f) of the item.

## 17 After section 9

Insert:

### 9A 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 9(1) are each replaced by the amount worked out using the following formula:

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

- (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).

#### *Application of replacement amount*

- (6) If a dollar amount mentioned in item 1 or 2 of the table in subsection 9(1) is replaced under this section on an indexation day, the replacement amount applies in relation to goods that are the subject of an import declaration communicated on or after that day.
- (7) Subject to subsection (8), if a dollar amount mentioned in item 11 of the table in subsection 9(1) is replaced under this section on an indexation day, the replacement amount applies in relation to each month, or part of a month, that begins on or after that day.

- (8) If a dollar amount (the *old charge*) mentioned in items 4 to 11 of the table in subsection 9(1) is replaced under this section on an indexation day, the old charge applies instead of the replacement amount in relation to a biosecurity matter that is carried out on or after the indexation day if:
- (a) an invoice was issued by the Agriculture Department in relation to the biosecurity matter before that day; or
  - (b) demand for payment had been made in relation to the biosecurity matter before that day.

*Definitions*

- (9) 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.

**18 Subsections 10(3), (4), (5) and (6)**

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

**19 Subsection 10(7) (heading)**

Omit “*Management*”, substitute “*Administration*”.

**20 Subsection 10(7)**

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

**21 Paragraphs 10(7)(c) and (d)**

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

**22 Subsection 10(8)**

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

**23 At the end of Part 3**

Add:

**12 Amendments made by the *Biosecurity Charges Imposition (Customs) Amendment (2023 Measures No. 1) Regulations 2023***

- (1) The amendments made by items 3 and 4 of Schedule 1 to the *Biosecurity Charges Imposition (Customs) Amendment (2023 Measures No. 1) Regulations 2023* apply in relation to goods that are the subject of an import declaration communicated on or after 1 July 2023.

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- (2) The amendments made by item 6 of Schedule 1 to the *Biosecurity Charges Imposition (Customs) Amendment (2023 Measures No. 1) Regulations 2023* apply in relation to a reservation or confirmation of a reservation of a place in a post-entry quarantine facility that is made before 1 July 2023 if:
- (a) the reservation or confirmation of the reservation was made in relation to an animal or consignment that is to enter the facility on or after 1 July 2023; and
  - (b) the amount (the **relevant amount**) that applied in relation to the animal or consignment under item 4, 5 or 6 of the table in section 9, as in force immediately before 1 July 2023, had not been paid before 1 July 2023; and
  - (c) no invoice had been issued by the Agriculture Department in relation to the relevant amount before 1 July 2023; and
  - (d) no demand for payment of the relevant amount had been made before 1 July 2023.
- (3) Subject to subsection (4), the amendments made by item 11 of Schedule 1 to the *Biosecurity Charges Imposition (Customs) Amendment (2023 Measures No. 1) Regulations 2023* apply in relation to each month, or part of a month, that begins on or after 1 July 2023.
- (4) Despite the amendments made by Schedule 1 to the *Biosecurity Charges Imposition (Customs) Amendment (2023 Measures No. 1) Regulations 2023*, items 4 to 11 of the table in section 9, as in force immediately before 1 July 2023, continue to apply in relation to a biosecurity matter that is carried out on or after 1 July 2023, as if the amendments had not been made, if:
- (a) an invoice was issued by the Agriculture Department in relation to the biosecurity matter before 1 July 2023; or
  - (b) demand for payment had been made in relation to the biosecurity matter before 1 July 2023.