



Biosecurity Amendment (Fees) Regulations 2023

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Biosecurity Regulation 2016

1 Section 5 (definition of *in-office activity*)

Repeal the definition, substitute:

in-office activity means a fee-bearing activity that is carried out:

- (a) at a post-entry quarantine facility; or
- (b) at an office of the Agriculture Department; or
- (c) at a location that is agreed, for the purposes of facilitating a flexible working arrangement, between the person carrying out the activity and the Agriculture Department.

2 Section 5 (definition of *out-of-office activity*)

Repeal the definition, substitute:

out-of-office activity means a fee-bearing activity that is not carried out:

- (a) at a post-entry quarantine facility; or
- (b) at an office of the Agriculture Department; or
- (c) at a location that is agreed, for the purposes of facilitating a flexible working arrangement, between the person carrying out the activity and the Agriculture Department.

3 Subsection 106(1) (table item 1)

Repeal the item, substitute:

1	In-office activity provided during ordinary hours of duty, including the following: (a) inspection, examination, assessment, analysis, diagnostic activity, clearance, treatment, audit, supervision, training, and any other activity carried out in relation to goods or a conveyance (other than an activity referred to in another item in this table); (b) assessing a proposed arrangement under section 406 of the Act	For each person carrying out the activity—\$37 for each quarter hour or part of a quarter hour
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4 Subsection 106(1) (cell at table item 2, column 2)

Repeal the cell, substitute:

For each person carrying out the activity:

- (a) if the activity is carried out immediately before or immediately after an in-office activity carried out by the person during ordinary hours of duty—\$55 for each quarter hour or part of a quarter hour; or
- (b) in any other case:
 - (i) for any period up to and including 30 minutes—an amount that is twice the dollar amount specified in paragraph (a); and
 - (ii) for each quarter hour, or part of a quarter

hour, after the first 30 minutes—\$55

5 Subsection 106(1) (cell at table item 3, column 2)

Repeal the cell, substitute:

For each person carrying out the activity:

- (a) for any period up to and including 30 minutes—an amount that is twice the dollar amount specified in paragraph (b); and
- (b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$60

6 Subsection 106(1) (table item 4, column 2)

Omit “\$60”, substitute “\$74”.

7 Subsection 106(1) (table item 5, column 2)

Omit “\$120”, substitute “\$148”.

8 Subsection 106(1) (table item 6, column 2)

Omit “\$240”, substitute “\$296”.

9 Subsection 106(1) (table item 7, column 2)

Omit “\$360”, substitute “\$444”.

10 Subsection 106(1) (table item 8, column 2)

Omit “\$480”, substitute “\$592”.

11 Subsection 106(1) (table item 9, column 2)

Omit “\$30”, substitute “\$37”.

12 Subsection 106(1) (cell at table item 10, column 2)

Repeal the cell, substitute:

For each application—in addition to the initial assessment fee for the application and any fee that applies to the application under item 9:

- (a) if the assessment is provided immediately before or immediately after ordinary hours of duty—\$18 for each quarter hour or part of a quarter hour; or
- (b) in any other case:
 - (i) for any period up to and including 30 minutes—an amount that is twice the dollar amount specified in paragraph (a); and
 - (ii) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$18

13 Subsection 106(1) (cell at table item 11, column 2)

Repeal the cell, substitute:

For each application—in addition to the initial

assessment fee for the application and any fee that applies to the application under item 9:

- (a) for any period up to and including 30 minutes—an amount that is twice the dollar amount specified in paragraph (b); and
- (b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$23

14 Subsection 106(1) (table item 12)

Repeal the item, substitute:

12	Out-of-office activity carried out during ordinary hours of duty, including the following: (a) inspection, examination, assessment, analysis, diagnostic activity, clearance, treatment, audit, supervision, training, and any other activity carried out in relation to goods or a conveyance (other than an activity referred to in another item in this table); (b) assessing a proposed arrangement under section 406 of the Act	For each person carrying out the activity: (a) for less than a working day—\$62 for each quarter hour or part of a quarter hour; or (b) for: (i) each working day—\$1 221; and (ii) each additional quarter hour, or part of a quarter hour, on that day—\$62
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15 Subsection 106(1) (cell at table item 13, column 2)

Repeal the cell, substitute:

For each person carrying out the activity:

- (a) if the activity is provided immediately before or immediately after an out-of-office activity provided by the person during ordinary hours of duty—\$80 for each quarter hour or part of a quarter hour; or
- (b) in any other case:
 - (i) for any period up to and including 30 minutes—an amount that is twice the dollar amount specified in paragraph (a); and
 - (ii) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$80

16 Subsection 106(1) (cell at table item 14, column 2)

Repeal the cell, substitute:

For each person carrying out the activity:

- (a) for any period up to and including 30 minutes—an amount that is twice the dollar amount specified in paragraph (b); and
- (b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$85

17 Subsection 106(1) (table items 16 and 17)

Repeal the items, substitute:

16	Husbandry activities in relation to a horse in a post-entry quarantine facility, for each day after the initial 14 day period during which the horse	For each animal for each day—\$44
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stayed at the post-entry quarantine facility		
16A	Husbandry activities in relation to a ruminant in a post-entry quarantine facility	For each animal for each day—\$101
17	Husbandry activities in relation to an animal not covered by another item of this table in a post-entry quarantine facility	For each animal for each day—\$50

18 Subsection 106(1) (table item 18, column 2)

Omit “\$280”, substitute “\$469”.

19 Subsection 106(1) (table item 19, column 2)

Omit “\$150”, substitute “\$57”.

20 Subsection 106(1) (table item 20, column 2)

Omit “\$200”, substitute “\$76”.

21 Subsection 106(1) (table item 21, column 2)

Omit “\$20”, substitute “\$60”.

22 Subsection 106(1) (table item 22)

Repeal the item.

23 Subsection 106(1) (table item 23, column 2)

Omit “\$30”, substitute “\$45”.

24 After subsection 106(1)

Insert:

(1A) If an amount of a fee (the *increased fee*) specified in paragraph (a) of item 2, 10 or 13 of the table in subsection (1) is increased under section 107A, the increased fee is to be used for the purposes of working out the amount of the fee under subparagraph (b)(i) of the item.

(1B) If an amount of a fee (the *increased fee*) specified in paragraph (b) of item 3, 11 or 14 of the table in subsection (1) is increased under section 107A, the increased fee is to be used for the purposes of working out the amount of the fee under paragraph (a) of the item.

25 Paragraph 106A(3)(a)

Omit “\$420 but not more than \$840”, substitute “\$516 but not more than \$1,032”.

26 Paragraph 106A(3)(b)

Omit “\$35 but not more than \$70”, substitute “\$43 but not more than \$86”.

27 At the end of Division 1 of Part 2 of Chapter 9

Add:

107A Indexation of fees

Indexation of fees

- (1) If the indexation factor for an indexation day is greater than 1, the dollar amounts mentioned in items 1 to 23 of the table in subsection 106(1) and paragraphs 106A(3)(a) and (b) are each replaced by the amount worked out using the following formula:

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

- (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) Subject to subsection (8), if a dollar amount mentioned in item 18 or 21 of the table in subsection 106(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 the indexation day.
- (7) If a dollar amount mentioned in item 23 of the table in subsection 106(1) is replaced under this section on an indexation day, the replacement amount applies in relation to each period of 30 days, or part of a period of 30 days, that begins on or after the indexation day.
- (8) If a dollar amount (the *old fee*) mentioned in items 1 to 14 and 16 to 21 of the table in subsection 106(1) is replaced under this section on an indexation day, the old fee applies instead of the replacement amount in relation to a fee-bearing activity that is carried out on or after the indexation day if:
- an invoice was issued by the Agriculture Department in relation to the fee-bearing activity before that day; or

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- (b) demand for payment had been made in relation to the fee-bearing activity before that day.
- (9) If a dollar amount mentioned in paragraph 106A(3)(a) or (b) is replaced under this section on an indexation day, the replacement amount applies in relation to any request made by a person on or after the indexation day.

Definitions

- (10) 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.

28 Paragraphs 108(2)(a) and (b)

Repeal the paragraphs, substitute:

- (a) if the Agriculture Department issues an invoice in relation to the fee that specifies the last day for payment of the fee—by close of business on that day; or
- (b) in any other case—when a demand for payment of the fee is made.

29 Subsection 108(4A)

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

30 Subsection 108(5)

Repeal the subsection (not including the note), substitute:

- (5) A charge imposed by the *Biosecurity Charges Imposition (Customs) Act 2015* or the *Biosecurity Charges Imposition (General) Act 2015*, other than a charge covered by subsection (4A) of this section, is due and payable:
- (a) if the Agriculture Department issues an invoice in relation to the charge that specifies the last day for payment of the charge—by close of business on that day; or
- (b) in any other case—when a demand for payment of the charge is made.

31 Subsection 109(4)

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

32 In the appropriate position in Chapter 10

Insert:

124 Amendments made by the *Biosecurity Amendment (Fees) Regulations 2023*

- (1) Subject to subsection (3), the amendments made by items 18 and 21 of Schedule 1 to the *Biosecurity Amendment (Fees) Regulations 2023* apply in relation to each month, or part of a month, that begins on or after 1 July 2023.
- (2) The amendments made by item 23 of Schedule 1 to the *Biosecurity Amendment (Fees) Regulations 2023* apply in relation to each period of 30 days, or part of a period of 30 days, that begins on or after 1 July 2023.
- (3) Despite the amendments made by Schedule 1 to the *Biosecurity Amendment (Fees) Regulations 2023*, items 1 to 14 and 16 to 21 of the table in subsection 106(1), as in force immediately before 1 July 2023, continue to apply in relation to a fee-bearing activity 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 fee-bearing activity before 1 July 2023; or
 - (b) demand for payment had been made in relation to the fee-bearing activity before 1 July 2023.