



Passenger Movement Charge Collection (Recovery and Refund of Charges) 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 31 August 2023

David Hurley
Governor-General

By His Excellency's Command

Clare O'Neil
Minister for Home Affairs

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1 Name

This instrument is the *Passenger Movement Charge Collection (Recovery and Refund of Charges) 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	The day after this instrument is registered.	2 September 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Note: This table relates only to the provisions of this instrument as originally made.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 *Passenger Movement Charge Collection Act 1978*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) authorised officer;
- (b) charge.

In this instrument:

Act means the *Passenger Movement Charge Collection Act 1978*.

6 Refunds of charge

- (1) A person entitled to a refund of charge in accordance with subsection 9(1) of the Act may apply to the Commonwealth for the refund of charge.

Section 7

- (2) An application under subsection (1) must be:
- (a) made in writing to an authorised officer; and
 - (b) accompanied by evidence sufficient to prove the person's entitlement to the refund of charge sought in the application.

7 Recovery of incorrectly paid refunds of charge

If a person obtains or receives a refund of charge to which the person was not entitled, the amount refunded to the person is a debt due to the Commonwealth by the person and may be recovered by action in a court of competent jurisdiction.

Schedule 1—Repeals

Passenger Movement Charge Collection (Recovery and Refund of Charges) Regulation 2013

1 The whole of the instrument

Repeal the instrument.