

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

(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.