



Imported Food Control Amendment (Fees) Regulation 2015

Select Legislative Instrument No. 193, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),
Governor-General of the Commonwealth of Australia, acting with the
advice of the Federal Executive Council, make the following regulation.

Dated 26 November 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

Barnaby Joyce
Minister for Agriculture and Water Resources

OPC61479 - A

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1 Name

This is the *Imported Food Control Amendment (Fees) Regulation 2015*.

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 December 2015.	1 December 2015

Note: This table relates only to the provisions of this instrument as originally made.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 Control Act 1992*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Imported Food Control Regulations 1993

1 Subregulation 3(1)

Omit “(1)” (first occurring).

2 Subregulation 3(1)

Insert:

Departmental holiday, for the provision of a chargeable service, means a Monday, Tuesday, Wednesday, Thursday or Friday that is observed as a public holiday in the place where the service is provided.

in-office, in relation to the provision of a chargeable service, means the provision of the service at a location where services of an authorised officer are available on an ongoing basis.

ordinary hours of duty means the period that begins at 6.30 am and ends at 6.30 pm on any weekday.

out-of-office, in relation to the provision of a chargeable service, means the provision of the service at a location where services of an authorised officer are not available on an ongoing basis.

weekday, for the provision of a chargeable service, means a Monday, Tuesday, Wednesday, Thursday or Friday that is not a Departmental holiday in the place where the service is provided.

working day, for the provision of a chargeable service, means a period of 7.5 hours for which an authorised officer provides the service during the ordinary hours of duty on a weekday.

3 Regulation 33

Repeal the regulation, substitute:

33 Fees for chargeable services

- (1) For subsection 36(1) of the Act, the fee that a person is liable to pay to the Commonwealth in respect of the provision of a chargeable service referred to in column 1 of an item in the

following table is the amount set out in, or worked out in accordance with, column 2 of the item.

Fees		
Item	Column 1 Chargeable service	Column 2 Amount
1	In-office assessment, issue of approval or other relevant documentation, inspection, treatment, audit, analysis, training, or other chargeable service in relation to food to which the Act applies, provided during ordinary hours of duty	For each authorised officer providing the chargeable service—\$30 for each quarter hour or part of a quarter hour
2	In-office chargeable service mentioned in item 1 provided on a weekday outside ordinary hours of duty	For each authorised officer providing the chargeable service: (a) if the service is provided immediately before or immediately after an in-office chargeable service provided by the authorised officer during ordinary hours of duty—\$45 for each quarter hour or part of a quarter hour; or (b) in any other case: (i) for any period up to 30 minutes—\$90; and (ii) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$45
3	In-office chargeable service mentioned in item 1 provided on a Saturday, Sunday or a Departmental holiday	For each authorised officer providing the chargeable service: (a) for any period up to 30 minutes—\$100; and (b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$50
4	Out-of-office assessment, issue of approval or other relevant documentation, inspection, treatment, audit, analysis, training,	For each authorised officer providing the chargeable service: (a) for less than a working day—\$50 for each quarter hour or part of a

Schedule 1 Amendments

Fees		
Item	Column 1 Chargeable service	Column 2 Amount
	or other chargeable service in relation to food to which the Act applies, provided during ordinary hours of duty	quarter hour; or (b) for: (i) each working day—\$1 000; and (ii) each additional quarter hour, or part of a quarter hour, on that day—\$50
5	Out-of-office chargeable service mentioned in item 4 provided on a weekday outside ordinary hours of duty	For each authorised officer providing the chargeable service: (a) if the service is provided immediately before or immediately after an out-of-office chargeable service provided by the authorised officer during ordinary hours of duty—\$65 for each quarter hour or part of a quarter hour; or (b) in any other case: (i) for any period up to 30 minutes—\$130; and (ii) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$65
6	Out-of-office chargeable service mentioned in item 4 provided on a Saturday, Sunday or a Departmental holiday	For each authorised officer providing the chargeable service: (a) for any period up to 30 minutes—\$140; and (b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$70
7	Chargeable service provided by a person by arrangement with the Commonwealth	A fee equivalent to the cost incurred by the Commonwealth in arranging and paying for the person to provide the chargeable service

- (2) If a person requests a chargeable service to be provided at a particular time, and the provision of the service at that time would mean that the person would be liable to pay a fee under item 2, 3, 5

or 6 of the table in subregulation (1), an authorised officer must tell the person about the fee before the service is provided.

4 Regulation 34

Omit “within 28 days after the last day on which the payment was due”, substitute “the amount that was paid within 30 days after the day the demand for payment of the amount is made”.

5 Regulation 35

Repeal the regulation, substitute:

35 Waiver of fees

- (1) The Secretary may waive a fee for a chargeable service if the Secretary considers it appropriate to do so in all the circumstances.
- (2) The Secretary may do so on his or her own initiative or on written application by a person.

6 At the end of paragraph 36(c)

Add “, including carrying out audits”.

7 Paragraph 36(d)

Repeal the paragraph, substitute:

- (d) training of a person in relation to matters covered by a compliance agreement or another arrangement with the Commonwealth;

8 At the end of paragraph 36(e)

Add “, including carrying out audits”.

9 After Part 4

Insert:

Part 5—Application and transitional provisions

37 Application of amendments made by the *Imported Food Control Amendment (Fees) Regulation 2015*

The amendments made by Schedule 1 to the *Imported Food Control Amendment (Fees) Regulation 2015* apply in relation to a chargeable service that is provided on or after 1 December 2015.

38 Repeal of this Part

This Part is repealed at the start of 1 July 2016.

10 Schedules (heading before Schedule 1)

Repeal the heading.

11 Schedule 2

Repeal the Schedule.