Biosecurity Charges Imposition (Customs) Regulation 2016

made under the

Biosecurity Charges Imposition (Customs) Act 2015

Compilation No. 1

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Biosecurity Charges Imposition (Customs) Regulation 2016* that shows the text of the law as amended and in force on 1 April 2018 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This is the *Biosecurity Charges Imposition (Customs) Regulation 2016*.

3 Authority

This instrument is made under the *Biosecurity Charges Imposition (Customs) Act 2015*.

4 Application of this instrument to Norfolk Island

This instrument applies in relation to biosecurity matters in relation to goods that are, or are intended to be, brought or imported into Norfolk Island on or after 1 July 2016 or a conveyance that enters Norfolk Island on or after that date.

5 Simplified outline of this instrument

This instrument prescribes the following:

(a) charges in relation to certain matters connected with the administration of the *Biosecurity Act 2015*;

(b) exemptions from the prescribed charges.

The prescribed charges are imposed as taxes (see the *Biosecurity Charges Imposition (Customs) Act 2015*).

This instrument prescribes a charge only so far as that charge is a duty of customs within the meaning of section 55 of the Constitution. To the extent that the charge is neither a duty of customs nor a duty of excise, it is prescribed by the *Biosecurity Charges Imposition (General) Regulation 2016*.

6 Definitions

In this instrument:

Act means the *Biosecurity Charges Imposition (Customs) Act 2015*.

aircraft has the same meaning as in the *Biosecurity Act 2015*.

approved arrangement has the same meaning as in the *Biosecurity Act 2015*.

Australian territory has the same meaning as in the *Biosecurity Act 2015*.

baggage has the same meaning as in the *Biosecurity Act 2015*.

biosecurity activities has the meaning given by section 7.

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biosecurity matter means a matter connected with the administration of the *Biosecurity Act 2015*.

Christmas Island means the Territory of Christmas Island.

Cocos (Keeling) Islands means the Territory of Cocos (Keeling) Islands.

consignee, of goods brought into Australian territory from outside Australian territory, means the person who is the ultimate recipient of the goods, whether or not the person ordered or paid for the goods.

consignment has a meaning affected by section 8.

Director of Biosecurity has the same meaning as in the *Biosecurity Act 2015*.

disability assistance dog means a dog:

(a) that has been professionally trained to assist a person with a disability; and

(b) that is accompanying a person with such a disability who has a certificate from a medical specialist practitioner in a speciality relevant to the disability, stating that the person requires the assistance of such a dog.

goods has the same meaning as in the *Biosecurity Act 2015*.

husbandry services, in relation to an animal, eggs or a plant that is in a post-entry quarantine facility, means activities relating to the care and maintenance of the animal, eggs, or plant (for example, transport, housing, daily monitoring, feeding, cleaning of facilities and administration of medication).

import declaration has the same meaning as in the *Customs Act 1901*.

port has the same meaning as in the *Biosecurity Act 2015*.

post-entry quarantine facility has the same meaning as in the *Biosecurity Regulation 2016*.

protected zone has the same meaning as in the *Biosecurity Act 2015*.

protected zone vessel has the same meaning as in the *Biosecurity Act 2015*.

Torres Strait permanent biosecurity monitoring zone has the same meaning as in the *Biosecurity Regulation 2016*.

vessel has the same meaning as in the *Biosecurity Act 2015*.

7 Meaning of *biosecurity activities*

(1) Activities to manage biosecurity risks associated with goods, premises or other things are ***biosecurity activities***.

(2) However, ***biosecurity activities*** in relation to an animal, eggs or a plant, does not include husbandry services in relation to the animal, eggs or plant.

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8 Meaning of *consignment*

(1) For the purposes of this instrument, one or more animals or eggs are not a consignment unless:

(a) they are all consigned by the same person to the same consignee; and

(b) they all arrive at a post-entry quarantine facility on the same day.

(2) To avoid doubt, for the purposes of this instrument, a single animal or egg may constitute a consignment of animals or eggs.

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Part 2—Charges

9 Charges for biosecurity matters

For subsection 7(1) of the Act, the charge in relation to a biosecurity matter referred to in column 1 of an item in the following table is the amount set out in, or calculated in accordance with, column 2 of the item.

Charges

Item	Column 1 Biosecurity matter	Column 2 Amount
1	In relation to goods that are the subject of an import declaration and that have been brought into Australian territory on an aircraft—risk profiling, surveillance, monitoring compliance and administration of other biosecurity matters	For each import declaration—$33
2	In relation to goods that are the subject of an import declaration and that have been brought into Australian territory on a vessel—risk profiling, surveillance, monitoring compliance and administration of other biosecurity matters	For each import declaration—$42
3	Application for a permit under section 177 of the *Biosecurity Act 2015* authorising goods to be brought or imported into Australian territory	$120
4	Administration and management of biosecurity activities in relation to a horse or ruminant, or any other animal (other than a cat or dog) weighing more than 25 kilograms, in a post-entry quarantine facility	For each animal—$3 000
5	Administration and management of biosecurity activities in relation to a cat or dog, or any other animal weighing 25 kilograms or less, in a post-entry quarantine facility	For each animal—$1 200
6	Administration and management of biosecurity activities in relation to a consignment of bees in a post-entry quarantine facility	For each consignment—$2 500
7	Reservation of a place in a post-entry quarantine facility for a consignment of live birds, and administration and management of biosecurity activities in relation to the consignment	For each consignment—$2 810

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Charges

Item	Column 1 Biosecurity matter	Column 2 Amount
8	Confirmation of a reservation of a place in a post-entry quarantine facility for a consignment of live birds, and administration and management of biosecurity activities in relation to the consignment	For each consignment—$11 240
9	Reservation of a place in a post-entry quarantine facility for a consignment of birds' eggs for hatching, and administration and management of biosecurity activities in relation to the consignment	For each consignment—$7 826
10	Confirmation of a reservation of a place in a post-entry quarantine facility for a consignment of birds' eggs for hatching, and administration and management of biosecurity activities in relation to the consignment	For each consignment—$31 304
11	Administration and management of biosecurity activities in relation to a plant, or plants, in a post-entry quarantine facility	For each square metre, or part of a square metre, of space occupied by the plant or plants for each month or part of a month—$110
12	Application for approval of a proposed arrangement under section 405 of the *Biosecurity Act 2015*	$180
13	Development of a proposed arrangement that is approved under section 406 of the *Biosecurity Act 2015* and management of the approved arrangement	For each financial year, or part of a financial year, during which the arrangement is in force: (a) if the arrangement was in force on or before 1 January in the financial year—$2 900; or (b) if the arrangement is first approved after 1 January in the financial year—$1 450
14	In relation to the first mooring of a vessel at a port in Australian territory after the vessel enters Australian territory—risk profiling, surveillance, monitoring compliance and administration of other biosecurity matters	For each vessel: (a) that is 25 metres or more long—$920; or (b) that is less than 25 metres long—$100

Note: A person may be exempt from liability to pay the charge prescribed by item 12 or 13 of the above table (see section 10).

10 Exemptions from charges

General

(1) For section 10 of the Act, the charge prescribed in relation to a biosecurity matter by section 9 of this instrument is not payable if the biosecurity matter relates to:

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(a) goods brought or imported into Australian territory:
  (i) for the official use of a diplomatic mission in Australian territory; or
  (ii) for the personal use of a diplomatic agent of the mission; or
  (iii) for the personal use of a member of the diplomatic agent's family, if the person forms part of the diplomatic agent's household and is not an Australian citizen; or

(b) goods brought or imported into Australian territory for the personal use of a member of the administrative or technical staff (the ***staff member***) of a diplomatic mission at the time of first placement, if the staff member is neither an Australian citizen nor permanently resident in Australia; or

(c) goods brought or imported into Australian territory for the personal use of a member of the staff member's family at the time of first placement, if the person forms part of the staff member's household and is neither an Australian citizen nor permanently resident in Australia; or

(d) conveyances or equipment used by the defence force of a foreign country that is engaged in a combined military activity if the Australian Defence Force has informed the Director of Biosecurity; or

(e) a disability assistance dog brought or imported into Australian territory; or

(f) the examination of baggage that is brought or imported into Australian territory on the same aircraft or vessel as the owner of the baggage or the person who brought or imported the baggage; or

(g) the screening or inspection of mail that arrives in Australian territory.

Biosecurity matters carried out in, or in relation to goods, conveyances or other things brought or imported into, Norfolk Island, Christmas Island or Cocos (Keeling) Islands

(2) For section 10 of the Act, the charge prescribed in relation to a biosecurity matter by section 9 of this instrument is not payable if the biosecurity matter relates to:

(a) goods that are, or are intended to be, brought or imported into Norfolk Island, Christmas Island or Cocos (Keeling) Islands; or

(b) an application for approval, under section 405 of the *Biosecurity Act 2015,* of a proposed arrangement that provides for a person to carry out activities to manage biosecurity risks associated with specified goods, premises or other things in Norfolk Island, Christmas Island or Cocos (Keeling) Islands; or

(c) the development of a proposed arrangement, that is approved under section 406 of the *Biosecurity Act 2015*, that provides for a person to carry out activities to manage biosecurity risks associated with specified goods, premises or other things in Norfolk Island, Christmas Island or Cocos (Keeling) Islands and management of the approved arrangement; or

(d) conveyances that are in Norfolk Island, Christmas Island or Cocos (Keeling) Islands.

Note: This section applies in relation to biosecurity matters in relation to goods that are, or are intended to be, brought or imported into Norfolk Island on or after 1 July 2016 or a conveyance that enters Norfolk Island on or after that date (see section 4).

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Biosecurity matters relating to goods or vessels moving from the protected zone or the Torres Strait permanent biosecurity monitoring zone to certain other parts of Australian territory

(3) For section 10 of the Act, the charge prescribed by item 3 of the table in section 9 of this instrument is not payable in relation to an application for a permit under section 177 of the *Biosecurity Act 2015* authorising goods to be brought or imported:

(a) from a part of Australian territory specified in column 1 of item 9 of the table in section 5 of the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* into a part of Australian territory specified in column 2 of that item; or

(b) from a part of Australian territory specified in column 1 of item 10 of the table in section 5 of the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* into a part of Australian territory specified in column 2 of that item; or

(c) from a part of Australian territory specified in column 1 of item 11 of the table in section 5 of the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* into a part of Australian territory specified in column 2 of that item.

(4) For section 10 of the Act, the charge prescribed by item 14 of the table in section 9 of this instrument is not payable in relation to:

(a) the mooring of a vessel at a port in a part (the ***destination part***) of Australian territory specified in column 2 of item 10 of the table in section 5 of the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* after the vessel entered the destination part in the course of a voyage from a part of Australian territory specified in column 1 of that item; or

(b) the mooring of a vessel at a port in a part (the ***destination part***) of Australian territory specified in column 2 of item 11 of the table in section 5 of the *Biosecurity (Movements between Parts of Australian Territory) Declaration 2016* after the vessel entered the destination part in the course of a voyage from a part of Australian territory specified in column 1 of that item.

Mooring of protected zone vessels

(5) For section 10 of the Act, the charge prescribed by item 14 of the table in section 9 of this instrument is not payable in relation to a protected zone vessel.

Application for approval of proposed arrangement to carry out biosecurity activities

(6) For section 10 of the Act, a person is not liable to pay the charge prescribed by item 12 of the table in section 9 of this instrument in relation to an application referred to in that item if the person is:

(a) covered by an approved arrangement; or

(b) a party to a compliance agreement in force under section 35A of the *Imported Food Control Act 1992*.

Management of an approved arrangement

(7) For section 10 of the Act, a person is not liable to pay the charge prescribed by item 13 of the table in section 9 of this instrument for a financial year, or a part of a financial year, in relation to an approved arrangement if the person has paid any of the following:

(a) the charge prescribed by item 13 of the table in section 9 of this instrument for that financial year, or that part of the financial year, in relation to another approved arrangement;

(b) the charge prescribed by item 13 of the table in section 9 of the *Biosecurity Charges Imposition (General) Regulation 2016* for that financial year, or that part of the financial year, in relation to another approved arrangement;

(c) the charge prescribed by item 2 of the table in section 6 of the *Imported Food Charges (Imposition—Customs) Regulation 2015* for that financial year or that part of the financial year;

(d) the charge prescribed by item 2 of the table in section 6 of the *Imported Food Charges (Imposition—General) Regulation 2015* for that financial year or that part of the financial year.

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Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation "(md)" added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation "(md not incorp)" is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

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Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Biosecurity Charges Imposition (Customs) Regulation 2016	9 May 2016 (F2016L00723)	16 June 2016 (s 2(1) item 1)	
Biosecurity Charges Imposition (Customs) Amendment (International Vessel Arrival) Regulations 2018	29 Mar 2018 (F2018L00453)	1 Apr 2018 (s 2(1) item 1)	—

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
Part 2	
s 9	am F2018L00453

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