



## Biosecurity Amendment (Fees) Regulations 2017

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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 regulations.

Dated 14 December 2017

Peter Cosgrove  
Governor-General

By His Excellency's Command

Barnaby Joyce  
Deputy Prime Minister and Minister for Agriculture and Water Resources

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## 1 Name

This instrument is the *Biosecurity Amendment (Fees) Regulations 2017*.

## 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.	19 December 2017

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Biosecurity Regulation 2016*

#### 1 Section 5

Insert:

***international traveller*** means a person who arrives at a landing place or port aboard an incoming aircraft or vessel.

***special processing area*** of a landing place or port for the carrying out of a fee-bearing activity means:

- (a) if the landing place or port is commonly used by incoming aircraft or vessels—an area of the landing place or port other than an area in which the fee-bearing activity is carried out in relation to a majority of international travellers arriving at the landing place or port; or
- (b) otherwise—an area of the landing place or port in which the fee-bearing activity is, or is to be, carried out in relation to international travellers arriving at the landing place or port.

#### 2 After section 106

Insert:

##### 106A Fee-bearing activities carried out in special processing areas

- (1) This section applies if, at the request of a person, the Director of Biosecurity arranges for a fee-bearing activity to be carried out:
  - (a) in a special processing area of a landing place or port for the carrying out of the fee-bearing activity; and
  - (b) in relation to one or more international travellers arriving at the landing place or port and their baggage.
- (2) For the purposes of subsection 592(1) of the Act, the person may be charged an agreed fee in respect of the carrying out of the fee-bearing activity and any other fee-bearing activity in relation to the international travellers and their baggage.

Note: An agreed fee in respect of the carrying out of the fee-bearing activity and other fee-bearing activities may be charged in anticipation of the carrying out of the activity.

- (3) The amount of the agreed fee must be:
  - (a) for any period up to 3 hours during which one or more fee-bearing activities are carried out—at least \$420 but not more than \$840 for each person carrying out those activities; and
  - (b) for each quarter hour (or part of a quarter hour) immediately following the first 3 hours during which those activities are carried out—at least \$35 but not more than \$70 for each person carrying out those activities.
- (4) A fee that may be charged under subsection (2) in relation to a fee-bearing activity is in addition to any other fee that may be charged under this instrument in relation to the activity.

#### 3 Section 107 (heading)

Repeal the heading, substitute:

**107 When sections 106 and 106A do not apply**

**4 Section 112 (heading)**

Repeal the heading, substitute:

**112 Agent's liability to pay certain cost-recovery charges**

**5 Section 112**

After “cost-recovery charge” (wherever occurring), insert “(other than a fee charged under subsection 106A(2))”.