

Biosecurity Amendment (Fees) Regulations 2017

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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))”.