



Imported Food Legislation Amendment (2023 Measures No. 1) 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 19 June 2023

David Hurley
David Hurley
Governor-General

By His Excellency's Command

Murray Watt
Murray Watt
Minister for Agriculture, Fisheries and Forestry

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1 Name

This instrument is the *Imported Food Legislation Amendment (2023 Measures No. 1) 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	1 July 2023.	1 July 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Note: This table relates only to the provisions of this instrument as originally made.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 following:

- (a) the *Imported Food Charges (Collection) Act 2015*;
- (b) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 to the Imported Food Control Regulations 2019

Imported Food Control Regulations 2019

1 Section 5 (definition of *in-office*)

Repeal the definition, substitute:

in-office, in relation to the provision of a chargeable service, means the provision of the service:

- (a) at a post-entry quarantine facility; or
- (b) at an office of the Department; or
- (c) at a location that is agreed, for the purposes of facilitating a flexible working arrangement, between the person carrying out the service and the Department.

2 Section 5 (definition of *out-of-office*)

Repeal the definition, substitute:

out-of-office, in relation to the provision of a chargeable service, means the provision of the service other than at:

- (a) a post-entry quarantine facility; or
- (b) an office of the Department; or
- (c) a location that is agreed, for the purposes of facilitating a flexible working arrangement, between the person carrying out the service and the Department.

3 Section 5

Insert:

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

4 Section 30

Before “For the purposes of”, insert “(1)”.

5 Section 30 (table item 1, column 2)

Omit “\$30”, substitute “\$37”.

6 Section 30 (cell at table item 2, column 2)

Repeal the cell, substitute:

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—\$55 for each quarter hour or part of a quarter hour; or
- (b) in any other case:
 - (i) for any period up to and including 30

-
- minutes—an amount that is twice the dollar amount specified in paragraph (a); and
 - (ii) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$55

7 Section 30 (cell at table item 3, column 2)

Repeal the cell, substitute:

For each authorised officer providing the chargeable service:

- (a) for any period up to and including 30 minutes—an amount that is twice the dollar amount specified in paragraph (b); and
- (b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$60

8 Section 30 (cell at table item 4, column 2)

Repeal the cell, substitute:

For each authorised officer providing the chargeable service:

- (a) for less than 7.5 hours—\$62 for each quarter hour or part of a quarter hour; or
- (b) for:
 - (i) each 7.5 hours—\$1,221; and
 - (ii) each additional quarter hour or part of a quarter hour—\$62

9 Section 30 (cell at table item 5, column 2)

Repeal the cell, substitute:

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—\$80 for each quarter hour or part of a quarter hour; or
- (b) in any other case:
 - (i) for any period up to and including 30 minutes—an amount that is twice the dollar amount specified in paragraph (a); and
 - (ii) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$80

10 Section 30 (cell at table item 6, column 2)

Repeal the cell, substitute:

For each authorised officer providing the chargeable service:

- (a) for any period up to and including 30 minutes—an amount that is twice the dollar amount specified in paragraph (b); and

- (b) for each quarter hour, or part of a quarter hour, after the first 30 minutes—\$85

11 At the end of section 30

Add:

- (2) If an amount of a charge (the *increased charge*) specified in paragraph (a) of item 2 or 5 of the table in subsection (1) is increased under section 30A, the increased charge is to be used for the purposes of working out the amount of the charge under subparagraph (b)(i) of the item.
- (3) If an amount of a charge (the *increased charge*) specified in paragraph (b) of item 3 or 6 of the table in subsection (1) is increased under section 30A, the increased charge is to be used for the purposes of working out the amount of the charge under paragraph (a) of the item.

12 After section 30

Insert:

30A Indexation of charges

Indexation of charges

- (1) If the indexation factor for an indexation day is greater than 1, the dollar amounts mentioned in the table in subsection 30(1) are each replaced by the amount worked out using the following formula:

$$\text{The dollar amount of charge immediately before the indexation day} \times \frac{\text{Indexation factor for the indexation day}}{\text{Indexation factor for the indexation day}}$$

- (2) The amount worked out under subsection (1) is to be rounded to the nearest whole dollar (rounding 50 cents upwards).

Indexation factor

- (3) The indexation factor for an indexation day is the number worked out using the following formula:

$$\frac{\text{Index number for the reference quarter}}{\text{Index number for the base quarter}}$$

- (4) The indexation factor is to be worked out to 3 decimal places (rounding up if the fourth decimal place is 5 or more).

Changes to CPI index reference period and publication of substituted index numbers

- (5) Amounts are to be worked out under this section:
- (a) using only the index numbers published in terms of the most recently published index reference period for the Consumer Price Index; and
- (b) disregarding index numbers published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

Definitions

(6) In this section:

base quarter means the last December quarter before the reference quarter.

December quarter means a period of 3 months starting on 1 October.

indexation day means 1 July 2024 and each later 1 July.

index number, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

reference quarter means the December quarter immediately before the indexation day.

Schedule 2—Amendments to the Imported Food Charges (Collection) Regulation 2015

Imported Food Charges (Collection) Regulation 2015

1 Section 5

Repeal the section, substitute:

5 Time for payment

For the purposes of paragraph 8(a) of the Act, an imported food charge (customs), or an imported food charge (general), is due and payable:

- (a) if the Department issues an invoice in relation to the charge that specifies the last day for payment of the charge—by close of business on that day; or
- (b) in any other case—when a demand for payment of the charge is made.