



Tasmanian Freight Equalisation Scheme Ministerial Directions Variation Instrument 2021 (No. 1)

I, **Michael McCormack**, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development make the following variation.

Dated

3/6/2021

A handwritten signature in blue ink, which appears to read 'Michael McCormack'.

Michael McCormack
Deputy Prime Minister and
Minister for Infrastructure, Transport and Regional Development

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1 Name

This instrument is the *Tasmanian Freight Equalisation Scheme Ministerial Directions Variation Instrument 2021 (No. 1)*.

2 Commencement

This instrument commences on the day after it is made.

3 Authority

This instrument is made under subclause 8.2.1 of the *Ministerial Directions for the Operation of the Tasmanian Freight Equalisation Scheme*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is varied or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Ministerial Directions for the Operation of the Tasmanian Freight Equalisation Scheme

1 Subclause 1.3.2

Omit “clause 1.3.4”, substitute “clauses 1.3.4 and 1.3.5”.

2 At the end of clause 1.3

Add:

1.3.5 Further, where *imported goods are shipped to Tasmania from the mainland, the amount of financial assistance is fixed in accordance with clause 3.5A.

3 Subclause 1.5.1

Insert:

Australian equivalent, in relation to *imported goods in respect of which assistance is being claimed, means goods that the Secretary is satisfied are:

- (a) not imported goods; and
- (b) put, or capable of being put, to a use that corresponds with a use (including a design use) to which the imported goods can be put (the *desired use*); and
- (c) suitable for being put to the desired use in the course of activities carried out by the claimant in Tasmania that are listed in Divisions A, B or C of *ANZSIC 2006; and
- (d) available to the claimant for the desired use in sufficient scale and quality.

imported goods means goods imported into Australia which have not undergone a *manufacturing process on the mainland.

4 Subclause 1.5.1 (note to the definition of *business day*)

Repeal the note, substitute:

Note: The administrator’s reduced activity period occurs around Christmas and New Year. The exact dates will vary each year and can be found in the Services Australia Enterprise Agreement.

5 Subclause 1.5.1 (note to the definition of *online portal*)

Repeal the note, substitute:

Note: The administrator will automatically give eligible claimants access to the Scheme online portal.

6 Subclause 1.8.1

Repeal subclause 1.8.1, substitute:

1.8.1 For the purpose of *these Directions, the *date of shipment* of goods is:
(a) if the goods are *imported goods—the date the ship left the port on the *mainland to ship the goods to Tasmania;

(b) in all other cases—the date the ship left the port at which the goods were loaded onto the ship for the first leg of the journey in relation to which assistance is being sought.

7 Subclause 2.2.4

After “intermediary such as a”, insert “customs broker,”.

8 Paragraph 2.9.3(a)

Repeal the paragraph, substitute:

- (a) *imported goods which:
- (i) the *Secretary is satisfied have an *Australian equivalent; or
 - (ii) are listed in Schedule 1A; or
 - (iii) were loaded onto a ship for the journey to Tasmania at a port that was not on the *mainland; or
 - (iv) have a *date of shipment that is before 1 July 2021 or more than 6 months after the goods were imported to Australia from overseas;

9 Subclause 3.1.2

After “*transshipment,”, insert “or *imported goods that are *eligible southbound goods are shipped to Tasmania,”.

10 Subpart 3B (heading)

Repeal the heading, substitute:

SUBPART 3B - ASSISTANCE FOR TRANSHIPPED AND IMPORTED GOODS

11 After clause 3.5

Insert:

3.5A Assistance payable for imported goods shipped to Tasmania

3.5A.1 In the case of *imported goods that are *eligible southbound goods shipped to Tasmania from the *mainland, the *assistance payable to a claimant in respect of those goods is \$700 per *TEU.

3.5A.2 Where imported goods shipped to King Island from the mainland are eligible southbound goods, the assistance payable to a claimant in respect of those goods is \$805 per TEU.

3.5A.3 Where imported goods shipped to the Furneaux Group from the mainland are eligible southbound goods, the assistance payable to a claimant in respect of those goods is:

- (a) if subclause 3.5A.4 does not apply to the goods—\$805 per TEU; or
- (b) if subclause 3.5A.4 applies to the goods—\$1,610 per TEU.

3.5A.4 This subclause applies to goods if:

- (a) the goods are eligible southbound goods; and

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- (b) the goods have been shipped to the Furneaux Group from the mainland via the main island of Tasmania; and
 - (c) the *shipment of the goods involved a land transport component on the main island of Tasmania; and
 - (d) when the goods were moved from one vehicle or vessel to another, the move took place as soon as practicable; and
 - (e) the goods did not undergo a *manufacturing process on the main island of Tasmania prior to their shipment to the Furneaux Group.

Note 1: Claims for assistance under this clause can be made from 1 October 2021 (see subclause 4.12.4).

Note 2: No assistance is payable under the Scheme in respect of imported goods unless the goods are shipped from the mainland to Tasmania (see subclause 2.8.1).

12 Subclause 3.6.1

After “clause 3.5”, insert “or clause 3.5A”.

13 Subclause 3.7.1

Omit “*eligible northbound goods shipped to the mainland for the purpose of *transshipment”, substitute “goods for which assistance is payable under Subpart 3B”.

14 Subclause 4.8.3

After “claims agent”, insert “or if the claim includes *imported goods,”.

15 At the end of subclause 4.9.1

Add:

;

(h) if the goods in respect of which assistance is being claimed are *imported goods:

- (i) evidence of the importation of the goods into Australia; and
- (ii) a TCO (tariff concession order) within the meaning of Part XVA of the *Customs Act 1901* that applies to the goods, or an approved statutory declaration made by the claimant (or, if the claimant is a company, an individual duly authorised by the company for this purpose) in respect of the goods (including documents required by the approved statutory declaration).

16 Clause 4.12 (heading)

Repeal the heading, substitute:

4.12 Timeframes for lodging claims

17 After subclause 4.12.3 (before the note)

Insert:

4.12.4 A claim for assistance in respect of *imported goods may only be lodged from 1 October 2021.

18 At the end of clause 5.5

Add:

- 5.5.3 If, before payment is made in relation to a claim, the claimant or the claimant's claims agent has not complied with a request for information made under subclause 8.4A.4, the Secretary may reject the claim, reduce the amount of assistance to be paid, or withhold payment of any further assistance until there is compliance.

19 Subclause 5A.1.2 (note to paragraph (b) of the definition of *processing day*)

Repeal the note, substitute:

Note: The administrator's reduced activity period occurs around Christmas and New Year. The exact dates will vary each year and can be found in the Services Australia Enterprise Agreement.

20 Subclause 7.1.1

After "**these Directions*", insert ", other than a decision under clause 8.4A,".

21 Subclause 8.2.3

After "Schedule 1", insert "and Schedule 1A".

22 After clause 8.4

Insert:

8.4A Application to vary Schedule 1A—ineligible imported goods

- 8.4A.1 A **person* may apply to the **Secretary* for the inclusion or removal of **imported goods* in Schedule 1A. The application must be in writing and must include the following:
- (a) a description of the goods;
 - (b) reasons for including or removing the goods in Schedule 1A.
- 8.4A.2 Unless the Secretary has referred the application to the **Minister* for consideration, the Secretary is to decide the application within 90 days after receiving the application, and may have regard to the following:
- (a) the reasons stated in the application for including or removing the goods in Schedule 1A;
 - (b) the extent to which suitable and available domestic equivalents to the goods exist;
 - (c) the extent to which it may be desirable for such equivalents to be developed or the supply of such equivalents to be increased;
 - (d) the extent to which provision of **assistance* in respect of the goods:
 - (i) is having, or is likely to have, a measurable impact on the use of goods by businesses; and
 - (ii) that impact (or likely impact) is in turn impacting, or is likely to impact, the capacity of Australian businesses producing such equivalents to fairly compete;
 - (e) any other matter the Secretary considers relevant.

8.4A.3 The Secretary must give written notice of and reasons for the Secretary's decision to the applicant.

8.4A.4 The Secretary may request information from a claimant or a *claims agent for the purposes of deciding an application, and the claimant or claims agent must comply with the request.

23 Subclause 8.5.1

After "Schedule 1", insert "or Schedule 1A".

24 Schedule 1

Omit ", until the end of 30 June 2021" (wherever occurring).

25 After Schedule 1

Insert:

SCHEDULE 1A: IMPORTED GOODS INELIGIBLE FOR ASSISTANCE

(Reserved for future use)