



Tasmanian Freight Equalisation Scheme Ministerial Directions Variation Instrument 2019 (No 3)

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

Dated

2/10/2019

A handwritten signature in black ink, appearing 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 2019 (No 3)*.

2 Commencement

This instrument commences on 1 October 2019.

3 Authority

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

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Each instrument that is specified in a Schedule to this instrument is varied or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Tasmanian Freight Equalisation Scheme Ministerial Directions 2016

1 After paragraph 1.4.1(e)

Insert:

- (ea) Part 5A deals with payment of **interest** if there is a delay in payment of the claim;

2 Subclause 1.5.1 (definition of ‘business day’)

Repeal the definition, substitute:

business day means a day other than:

- (a) a Saturday or Sunday; or
- (b) a public holiday in the place concerned; or
- (c) a day during the *administrator’s reduced activity period.

Note: The administrator’s reduced activity period occurs around Christmas and New Year each year. In 2019, the reduced activity period of the Department of Human Services is between 24 December 2019 and 1 January 2020, as set out in the *Department of Human Services Agreement 2017-2020*.

3 Subclause 1.5.1

Insert:

online portal means the online portal established by the Secretary or the administrator in relation to the *Scheme.

Note: In 2019, the administrator’s online portal was known as the Centrelink Business Online Services and the Tasmanian Bulk Upload Service.

4 Subclause 1.5.1 (definition of ‘reassessment officer’)

Omit ‘*administrator’, substitute ‘administrator’.

5 At the end of clause 1.5

Add:

- 1.5.2 The rules for calculating time in section 36 of the *Acts Interpretation Act 1901* apply to these Directions as if it were an Act.

6 At the end of clause 3.15

Add:

- 3.15.3 This clause only applies in respect of goods with a *date of shipment before 1 October 2019.

7 At the end of clause 4.8

Add:

- 4.8.3 If the person lodging the claim is a claims agent, the claim must be lodged through the *online portal.

4.8.4 The form approved for use under subclause 4.8.1 may require the provision of information about *high density freight.

8 Subclause 4.11.1

Omit all the words after “in support of the claim” (including the note).

9 At the end of clause 4.11

Add:

4.11.2 A claimant or claims agent must provide the requested information through the *online portal.

4.11.3 The Secretary may defer deciding the claim until the information is provided as required by this clause.

4.11.4 If the information is not provided as required by this clause within 21 days of the request, the Secretary may reject the claim.

Note: If a claim is made which is incomplete, incorrect or not accompanied by all the required information, the Secretary may not pay assistance in respect of that claim - see clause 5.1.

10 Clause 5.1

After ‘Secretary may make payment’, insert ‘of assistance’.

11 Subclause 5.1.1

After ‘The *Secretary may make a payment’, insert ‘of *assistance’.

12 Paragraph 5.1.1(b)

Omit ‘*assistance’, substitute ‘assistance’.

13 After Part 5

Insert:

PART 5A—PAYMENT OF INTEREST IF PAYMENT OF CLAIM DELAYED

5A.1 Secretary may pay interest if there is a delayed payment of assistance

5A.1.1 If, in relation to a claim:

- (a) the payment day is later than the interest day; and
- (b) the amount calculated under clause 5A.2 is \$100 or greater; and
- (c) the claim has been received through the *online portal;

the *Secretary may pay interest in respect of the claim as calculated under clause 5A.2. However, *these Directions do not give rise to any entitlement to interest.

5A.1.2 In this clause, in relation to a claim for *assistance in respect of goods:

claim complete day means the later of the following:

- (a) the day the claim is received by the Secretary;

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- (b) the latest day the Secretary receives material that results in the claim becoming in accordance with Part 4 (within the meaning of clause 5.1);
 - (c) the day the claimant is registered under the Scheme;
 - (d) the day the claimant receives a notification that the goods are *eligible southbound goods;
 - (e) if the claimant is a *self-assessed claimant—the day the claimant is *approved under clause 4.5;
 - (f) the latest day all information requested under clause 4.11 in respect of the claim is provided to the Secretary in accordance with that clause;
 - (g) if the claimant is granted an extension of time for the purposes of clause 4.12 allowing the claimant to submit the claim more than 6 months after the *date of shipment—the day the Secretary notifies the claimant that the claim is ready for processing;
 - (h) the day the claimant’s identity becomes verified under clause 4.13;
 - (i) if assistance is claimed under clause 2.8 (southbound component)—the day the claimant is registered under clause 4.14;
 - (j) the day on which there is compliance within the meaning of clause 5.5;
 - (k) if incorrect bank account details have been provided—the day on which the Secretary receives the correct details.

interest day means the first *business day arising after the period of 30 processing days after the claim complete day.

processing day means a day other than the following:

- (a) any public holiday in Tasmania;
- (b) any day during the *administrator’s reduced activity period;

Note: The administrator’s reduced activity period occurs around Christmas and New Year each year. In 2019, the reduced activity period of the Department of Human Services is between 24 December 2019 and 1 January 2020, as set out in the *Department of Human Services Agreement 2017-2020*.

- (c) if a decision relating to the claim is the subject of a review under clause 7.2 or 7.3—the day the applicant for the review receives a copy of the decision under clause 7.2 or 7.3;
- (d) any day before the day mentioned in paragraph (c);
- (e) if a request for an extension of time is made in relation to the claim under clause 8.6—a day during the period beginning on the day the request is made and ending on:
 - (i) if the time limit is extended—the last day of the extension; or
 - (ii) in all other cases—the day the claimant receives notification of the outcome of the request.

payment day means the day on which the Secretary makes a payment in relation to the claim under clause 5.1.

Note: See clause 1.9 for the rule about time when *documents are taken to be received.

5A.2 Amount of interest payable

5A.2.1 The amount of interest payable is calculated according to the following formula and rounded to the nearest whole number of cents:

$$A \times D \times GIC$$

where:

A refers to the assistance otherwise payable under this Part; and

D refers to the number of processing days between the interest day and the payment day; and

GIC means the general interest charge rate determined under section 8AAD of the *Taxation Administration Act 1953* on the interest day, expressed as a daily rate; and

interest day, *payment day* and *processing day* have the same meaning as in clause 5A.1.

Note: The general interest charge rate is published on the website of the Australian Taxation Office as an annual and daily rate.

Example: If the assistance otherwise payable under this Part is \$50,000, assistance is paid 20 days after the interest day and the general interest charge daily rate is published as 0.02339726%, the amount of increased assistance is:

$$50000 \times 20 \times (0.02339726 / 100) = 233.9726 = \$ 233.97$$

5A.3 Same requirements apply to payment of interest

5A.3.1 If interest is payable or has been paid in relation to a payment of *assistance, clauses 5.2 to 5.8, and Part 6, apply as if the interest were part of the assistance.

14 Application

- (1) Items 1 and 13 of this Schedule apply to claims in respect of goods with a *date of shipment on or after 1 October 2019.
- (2) Items 2 to 5 and 7 to 12 apply in relation to claims lodged on or after 1 October 2019.