

Primary Industries (Customs) Charges Amendment (Rubus) 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 14 September 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 *Primary Industries (Customs) Charges Amendment (Rubus) 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 October 2023. | 1 October 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Note: This table relates only to the provisions of this instrument as originally made.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 *Primary Industries (Customs) Charges Act 1999*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Primary Industries (Customs) Charges Regulations 2000

1 Before clause 25.1 of Schedule 10

Insert:

Division 25.1—Product charge

2 Clause 25.3 of Schedule 10

Repeal the clause, substitute:

25.3 Rate of charge—marketing component

For the purposes of subclause 3(3) of Schedule 10 to the Customs Charges Act, the rate of charge for rubus, on or after 1 October 2023, is nil.

3 Clause 25.4 of Schedule 10

Omit “rubus is 10 cents”, substitute “rubus, on or after 1 October 2023, is 2 cents”.

4 At the end of Part 25 of Schedule 10

Add:

Division 25.2—Special purpose charges

25.6 PHA charge

(1) For the purposes of clause 2 of Schedule 14 to the Customs Charges Act, PHA charge is imposed on rubus on which charge is imposed by Schedule 10 to that Act.

(2) For the purposes of clause 5 of Schedule 14 to the Customs Charges Act, the rate of PHA charge on rubus is 2 cents per kilogram of fruit.

(3) For the purposes of clause 10 of Schedule 14 to the Customs Charges Act, PHA charge on rubus is payable by the producer of the rubus.

Note: The *Plant Health Australia (Plant Industries) Funding Act 2002* deals with some of the effects of payment and collection of PHA charge.