

## **EXPLANATORY STATEMENT**

Issued by Authority of the Minister for Agriculture, Fisheries and Forestry

*Primary Industries (Customs) Charges Act 2024*

*Primary Industries (Customs) Charges Regulations 2024*

### **Legislative Authority**

The *Primary Industries (Customs) Charges Act 2024* (the Act) authorises the imposition of agricultural charges that are duties of customs. Section 24 of the Act provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out and giving effect to the Act.

Section 4 of the *Acts Interpretation Act 1901* (Acts Interpretation Act) provides authority for legislative instruments, including regulations, to be made after enactment but before the commencement of the relevant enabling legislation. Subsection 4(2) of the Acts Interpretation Act enabled the Governor-General to make the *Primary Industries (Customs) Charges Regulations 2024* (the Regulations) before commencement of the Act as if the Act had already commenced. The Act commences on 1 January 2025.

Subsection 7(1) of the Act enables regulations to impose a charge in the circumstances prescribed in relation to one or more specified animal, plant, fungus or algal products that are produce of a primary industry. The charges imposed are a duty of customs that is a tax on certain products imported into, or exported from, Australia. Part 2, 4 and 5 of the Act respectively enable the regulations to set out exemptions from a charge, the rate of a charge, and the charge payer.

The Minister was satisfied under subsection 7(3) of the Act before the Governor-General made the regulations for the purposes of subsection 7(1), that the imposition of each charge would result in one or more of the types of expenditure on matters or activities specified in that provision.

Extensive industry consultation occurred during the development of the modernised agricultural levies and charges legislative framework (modernised legislative framework) as outlined below. Subitem 1(2) of Schedule 3 to the *Primary Industries (Consequential and Transitional Provisions) Act 2024* provides consultation (that otherwise applies under subsection 24(2) of the Act) is not necessary for the first new Regulations made under the Act, if a charge was imposed in relation to that product under the existing law.

### **Purpose**

The purpose of the Regulations is to provide, under a modernised legislative framework, for the consolidated imposition of charges in relation to animal products, plant products, fungus products, or algal products that are produce of a primary industry. The Regulations also set out any exemptions from the imposition of charge, the rate of charge, and the person who is liable to pay the charge (the charge payer). For some products, the Regulations provide for the imposition of multiple charges.

## Background

The agricultural levy and charge system, known as the agricultural levy system, is a long-standing partnership between industry and the Australian Government to facilitate industry investment in strategic activities. Levies and charges are generally payable by farmers, producers, processors and exporters.

Amounts equal to the collected charge and levy are generally disbursed by the Commonwealth to recipient bodies and other entities to support industry activities the levies were imposed to fund. This includes research and development, marketing, biosecurity activities, biosecurity responses and National Residue Survey testing. Without this arrangement most individual producers could not invest effectively in these activities. The imposition of charges in the Regulations will result in expenditure on one or more matters or activities required by subsection 7(3) of the Act, including the activities mentioned above.

A 2018 review in relation to the sunset of the legislative instruments making up the pre-existing legislative framework found the legislative framework should be modernised to be more effective in meeting industries' needs in the future. The Regulations will form part of the modernised framework and better support industry with charges consolidated in one place.

By consolidating charge settings in the regulations, rather than splitting charge settings between the Act and the regulations, as is the case in the pre-existing framework, the Regulations increase accessibility for industry and simplify understanding of charge settings. It is necessary and appropriate for certain details of charge rates to be included in the Regulations rather than the Act.

## Impact and effect

The Regulations form part of a modernised legislative framework that streamlines the legislation to better support industries' needs in the future.

The Regulations are complementary to the *Primary Industries (Excise) Levies Regulations 2024* (the Levies Regulations) made under the *Primary Industries (Excise) Levies Act 2024* (the Levies Act), rules proposed to be made under the *Primary Industries Levies and Charges Collection Act 2024* (Collection Act) and rules proposed to be made under the *Primary Industries Levies and Charges Disbursement Act 2024* (Disbursement Act).

The Regulations include references to matters intended to be provided in Minister's rules under the Disbursement Act and Secretary's rules under the Collection Act.

## Consultation

The Regulations are informed by extensive consultation by the Department of Agriculture, Fisheries and Forestry (the department) with industry groups, levy payers, collection agents, bodies that receive levy and charge funding, and the public.

- 2017-18: The department reviewed the agricultural levies and charges legislative framework and undertook targeted consultation with approximately 70 stakeholder groups.

- 2019-20: The department released the ‘Streamlining and modernising agricultural levies legislation – early assessment regulation impact statement’ for public consultation.
- 2021-22: The department conducted further consultation with industry representatives and bodies that receive levy and charge funding (industry-owned and statutory research and development corporations, Animal Health Australia and Plant Health Australia). This included targeted consultation with primary industry representative bodies about industry-specific levies and charges. The department spoke to approximately 70 industry representative bodies in relation to the intended approach to transferring their existing excise levies and customs charges into draft legislation. The department also wrote to around 7,500 collection agents to provide information about the proposed approach to the new legislative framework.
- 2023: Public consultation occurred on the draft Bills and a sample of the delegated legislation.
- 2024: Public consultation occurred on exposure drafts of these Regulations, the Levies Regulations, rules made under the Collection Act and rules made under the Disbursement Act.

Consultation on the modernised legislative framework also occurred with relevant Commonwealth agencies during the development of the legislation, including the Attorney-General’s Department, the Australian Bureau of Statistics, the Australian Public Service Commission, the Department of Finance, the Department of the Prime Minister and Cabinet, the Federal Court of Australia, the Federal Circuit and Family Court of Australia, the Office of the Australian Information Commissioner and the Treasury.

The Office of Impact Analysis was consulted in relation to the Impact Analysis (OBPR22-03525) for modernising the agricultural levies legislation.

### **Details/Operation**

A Readers Guide is set out in [Attachment A](#).

Details of the Regulations are set out in [Attachment B](#).

### **Other**

The Regulations are compatible with the human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out in [Attachment C](#).

The Regulations will commence on 1 January 2025. The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

## **Readers Guide**

The text below provides general information about the structure and key concepts in the instrument and the broader modernised legislative framework in which the Regulations operate. This information provides a simplified explanation of the framework and key concepts to assist the reader. For an explanation of a particular provision or concept, see the detailed notes on the clauses that refer to these matters.

### **Charges that may be imposed and expenditure it results in**

These Regulations are made under the *Primary Industries (Customs) Charges Act 2024* (the Act). The Act enables the regulations to impose charges that are duties of customs in relation to animal products, plant products, fungus products or algal products that are produce of a primary industry.

The funds raised by the imposition of charges result in expenditure on certain activities including research and development, marketing, biosecurity activities, biosecurity responses and National Residue Survey testing.

### **Structure of the Regulations**

These Regulations are made up of preliminary provisions and Schedules. The preliminary provisions contain general matters and definitions. The details of each charge are set out in a specific Division or Subdivision within a Part of a Schedule.

There are two Schedules which set out individual charges by group: animals and animal products; and plants and plant products. Each Schedule comprises Parts which each set out, in Divisions, specific sub-groups of animals and animal products and plant and plant products that are the subject of a charge.

For each charge, the Regulations generally set out:

- when a charge is imposed;
- any exemptions from the charge;
- the rate and components of the charge;
- the person who is liable to pay the charge (the charge payer); and
- an application provision.

### **Other legislation in the framework**

The Act, in combination with the following Acts, provides the overarching legislative framework for the agricultural levy and charge system:

- *Primary Industries (Excise) Levies Act 2024* (the Levies Act);
- *Primary Industries (Services) Levies Act 2024* (the Services Levies Act);
- *Primary Industries Levies and Charges Collection Act 2024* (the Collection Act); and

- *Primary Industries Levies and Charges Disbursement Act 2024* (the Disbursement Act).

The delegated legislation made under these Acts includes obligations on levy and charge payers, collection agents, bodies that receive levy and charge funding and other persons. This delegated legislation includes, but is not limited to:

- *Primary Industries (Excise) Levies Regulations 2024* (the Levies Regulations) made under the Levies Act;
- rules made under the Collection Act; and
- rules made under the Disbursement Act.

The new legislative framework replaces an existing framework that provides for the imposition and collection of agricultural levies and charges, and for the disbursement of equivalent amounts of levy and charge. The *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024* supports the transition to the modernised legislative framework by setting out application, savings and transitional arrangements to ensure continuity of arrangements and minimal impacts for levy and charge payers.

### **Application of charge provisions**

The Regulations include an application provision in each Division or Subdivision of a Schedule that specifies a date on or after which a charge is imposed in relation to a product. These dates vary across the charges. This is because the imposition and collection of levies and charges operate on different annual bases for products, primarily calendar or financial years.

For each charge imposed by the Regulations, the date the imposition of charge will apply aligns with the start of the relevant annual period for the product. Any charge on a product imposed under the existing legislative framework will cease to be imposed from that date. This alignment promotes administrative continuity for industry. The charge will be collected in accordance with Rules made under the Collection Act.

### **Charge rates**

The rate of a charge is prescribed for each charge and is worked out in accordance with the relevant rate of charge provision. A charge rate may be expressed as a single component, or the sum of components. The name of each component relates to activities or matters for which the imposition of charge will result in expenditure. Rules made under the Disbursement Act provide for the disbursement of amounts equal to each component of a charge that have been collected to a body or special account for expenditure on the relevant activities or matters.

The charge rate, including components, have generally been set following consultation with the relevant industry sector about what is suitable for its needs.

For some products, the charge rate includes a biosecurity response component that is set to nil. Arrangements between government and industry parties exist under legally binding emergency response deeds to facilitate rapid responses to biosecurity threats. The setting of a nil component allows for a quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the

Commonwealth that a biosecurity response component can be raised to facilitate a payment (including repayment) mechanism if required.

In limited cases, other types of components are also set to nil with the expectation there may be an increase at a later date.

### **Key concepts used in these Regulations**

The following key concepts feature in these Regulations.

#### Charge payer

The ‘charge payer’ is the person liable to pay a charge in relation to a product and is prescribed in each Division or Subdivision. The ‘charge payer’ is identified by reference to the person’s connection with the product and the circumstances in which the particular charge is imposed. The ‘charge payer’ varies across the charges. For example, the ‘charge payer’ maybe the person who exports the product from Australia, who owns the product at a particular point of time relative to its export, or the person who holds a licence under particular legislation for the export of the product from Australia.

#### Threshold exemption

This is a type of charge exemption that applies by reference to a threshold amount and is intended to limit the circumstances in which a person will be required to pay small amounts of charge. A person may be subject to a threshold exemption if the volume of product exported or the total amount of charge the person would be liable to pay is less than a threshold amount over a specified period (e.g. financial year). For example, if a threshold exemption applied to a charge imposed on the export of certain products, a person would not have to pay charge on such exports if the amount of the product that they exported in a specified period was less than a threshold amount. In addition, in some cases, a threshold exemption will apply if the combined amount of charge imposed under the Regulations and levy imposed under the Levies Regulations that a person would otherwise be liable to pay in a specified period, is less than a prescribed amount.

The threshold is intended to make the charge more efficient and cost effective. After the ‘threshold’ is exceeded in a year, the person will be liable to pay charge in the chargeable circumstances, which will include for the period which would otherwise have been below the threshold.

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## **Details of the *Primary Industries (Customs) Charges Regulations 2024***

These Regulations are made up of preliminary provisions, Schedules, Parts and Divisions. The preliminary provisions contain general matters and definitions. Each charge is set out in a specific Division within a Part of a Schedule of charges.

The Division numbering in the Regulations aligns where relevant with the numbering used in the *Primary Industries (Excise) Levies Regulations 2024*. The rules to be made under the *Primary Industries Levies and Charges Collection Act 2024* (which would provide for the administration and collection of the levy and charge) will also use consistent numbering from both sets of the Regulations. To enable this alignment in the rules, there are gaps in Division numbering in the Regulations.

### **Section 1—Name**

This section provides that the name of the instrument is the *Primary Industries (Customs) Charges Regulations 2024* (the Regulations).

### **Section 2—Commencement**

This section provides for the Regulations to commence on 1 January 2025.

### **Section 3—Authority**

This section provides that the Regulations are made under the *Primary Industries (Customs) Charges Act 2024* (the Act).

### **Section 4—Simplified outline of this instrument**

This section provides a simplified outline of the Regulations explaining that this instrument complements the Act by imposing charges on the export or import of animal products, plant products, fungus products or algal products that are produce of a primary industry.

This section also provides that each set of provisions imposing a charge also deals with:

- (a) any exemptions from the charge;
- (b) the rate of the charge; and
- (c) the person who is liable to pay the charge (the charge payer).

Some products have multiple charges.

### **Section 5—Definitions**

This section provides definitions of terms used in the Regulations. Definitions that apply across multiple divisions are defined here. Definitions that are relevant only to a specific Division are defined in that Division and are signposted here.

### **Section 6—Charges**

This section provides that for the purposes of Parts 2, 4 and 5 of the Act, the Schedules have effect.

# Schedule 1—Animals and animal products

## Part 1-1—Bees and Honey

### Division 1—Introduction

#### Clause 1-1—Simplified outline of this Part

This clause provides a simplified outline of Part 1-1. It summarises key features of the queen bee export charge and the honey export charge, which are imposed under this Part.

### Division 2—Bees

This Division imposes a charge (**queen bee export charge**) on queen bees bred in Australia and exported. Charge was previously imposed on queen bees: see Schedule 14 to the *Primary Industries (Customs) Charges Act 1999* (1999 Customs Charges Act) and Schedule 14 to the *Primary Industries (Customs) Charges Regulations 2000* (2000 Customs Charges Regulations).

#### Key definitions for the imposition of queen bee export charge:

- *queen bee* is defined in subclause 2-1(2) of Schedule 1 to the Regulations.

#### Clause 2-1—Imposition of queen bee export charge

Subclause 2-1(1) imposes a charge on queen bees that are bred in Australia and exported from Australia. The term *queen bee* is defined in subclause 2-1(2) as a fertile female bee, with reference to its scientific name and common name.

#### Clause 2-2—Exemptions from charge

This clause exempts queen bees from charge in two cases.

- Subclause 2-2(1) exempts queen bees from charge if queen bee levy has already been imposed on them under the *Primary Industries (Excise) Levies Regulations 2024* (Levies Regulations).
- Subclause 2-2(2) exempts from charge queen bees that, in a financial year, are exported from Australia by a person and the sum of the amount of charge and queen bee levy that they would otherwise be liable to pay in that year is less than \$50. This exemption supports the efficient and cost-effective collection of the charge by not requiring people to pay charge when they would otherwise have a combined levy and charge liability below a threshold set in consultation with industry.

#### Clause 2-3—Rate of the charge

Clause 2-3 prescribes the queen bee export charge rate.

Item 1 of the table in this clause prescribes the research and development component.

The component is set to nil following consultation with industry with the expectation that there may be an increase at a later date. The queen bee export charge rate is the single component amount.

#### **Clause 2-4—Charge payer**

This clause provides that the person who exports the queen bees from Australia is liable to pay the queen bee export charge.

#### **Clause 2-5—Application provision**

Clause 2-5 provides that clause 2-1 applies in relation to queen bees that are exported on or after 1 July 2025, whether the queen bees are bred before, on or after that day.

### **Division 3—Honey**

This Division imposes a charge (**honey export charge**) on honey produced in Australia and exported. Charge was previously imposed on exported honey: see Schedules 9 and 14 to the 1999 Customs Charges Act, Schedule 9 to the 2000 Customs Charges Regulations, Schedule 3 to the *National Residue Survey (Customs) Levy Act 1998* (1998 NRS Customs Act) and Part 9 of the *Primary Industries Levies and Charges (National Residue Survey Levies) Regulations 1998* (1998 NRS Regulations).

#### **Clause 3-1—Imposition of honey export charge**

This clause imposes a charge on honey that is produced in Australia by a bee of a species identified by its scientific name and is exported from Australia.

#### **Clause 3-2—Exemptions from the charge**

This clause exempts honey from charge in two cases.

- Subclause 3-2(1) exempts honey from charge if honey levy has already been imposed on it under the Levies Regulations.
- Subclause 3-2(2) exempts from charge honey that, in a calendar month, a person exports from Australia if the total quantity of honey exported by that person in that month is 50 kilograms or less. This exemption supports the efficient and cost-effective collection of the charge by not requiring people to pay charge when they export a quantity of honey below a threshold quantity set for a calendar month following previous consultation with industry.
- This exemption supports the efficient and cost-effective collection of the charge by not requiring people to pay charge when they would otherwise have a combined levy and charge liability below a threshold set previously following consultation with industry.

Subclause 3-2(3) provides that the threshold exemption in subclause 3-2(2) does not apply to honey that has been the subject of the exemption under subclause 3-2(1). The effect of this subclause is that honey on which levy has already been imposed is not counted towards the 50-kilogram charge threshold.

### **Clause 3-3—Rate of the charge**

Clause 3-3 prescribes the honey export charge rate. Item 1 of the table in this clause prescribes four components:

- the research and development component;
- the biosecurity activity component;
- the biosecurity response component; and
- the National Residue Survey component.

The honey export charge rate is worked out by adding together the four components.

### **Clause 3-4—Charge payer**

This clause provides that the person who exports the honey from Australia is liable to pay the honey export charge.

### **Clause 3-5—Application provision**

Clause 3-5 provides that clause 3-1 applies in relation to honey that is exported on or after 1 January 2025, whether the honey is produced before, on or after that day.

## **Part 1-2—Livestock**

### **Division 7—Introduction**

#### **Clause 7-1—Simplified outline of this Part**

This clause provides a simplified outline of Part 1-2. It summarises key features of the charges imposed under this Part on the following livestock: buffaloes; cattle; goats; and sheep and lambs. It also notes matters of a general nature, including that: the Levies Regulations impose levies on slaughter and transactions of livestock; that multiple charges and levies may apply over the course of an animal's life; and that amounts equal to charges collected are disbursed to different bodies.

### **Division 8—Buffaloes**

This Division imposes a charge (**buffalo export charge**) on buffaloes exported from Australia. Charge was previously imposed on buffaloes: see Schedule 1 to the 1999 Customs Charges Act and Schedule 1 to the 2000 Customs Charges Regulations.

#### **Key definitions for the imposition of buffalo export charge:**

- *buffalo* is defined in subclause 8-1(2) of Schedule 1 to the Regulations.

### **Clause 8-1—Imposition of buffalo export charge**

Subclause 8-1(1) imposes a charge on buffaloes exported from Australia. There are no exemptions from the charge. The term *buffalo* is defined in subclause 8-1(2) by reference to its scientific name.

### **Clause 8-2—Rate of the charge**

Clause 8-2 prescribes the buffalo export charge rate. Item 1 of the table in this clause prescribes the research and development component. The buffalo export charge rate is the single component amount.

### **Clause 8-3—Charge payer**

This clause provides that the person who owns the buffaloes immediately before they are loaded on the ship or aircraft in which they are exported from Australia is liable to pay the buffalo export charge.

### **Clause 8-4—Application provision**

Clause 8-4 provides that clause 8-1 applies in relation to buffaloes that are exported on or after 1 July 2025.

## **Division 9—Cattle**

### **Subdivision 9-A—Cattle exporter charge**

This Subdivision imposes a charge (**cattle exporter charge**) on cattle exported from Australia. Exporter charge was previously imposed on cattle: see Schedule 2 to the 1999 Customs Charges Act and Schedule 2 to the 2000 Customs Charges Regulations.

#### **Key definitions for the imposition of cattle exporter charge:**

- *buffalo* is defined in subclause 8-1(1) of Schedule 1 to the Regulations by reference to its scientific name.
- *cattle* is defined in section 5 of the Regulations as bovine animals other than buffalo.
- *dairy cattle* is defined in section 5 of the Regulations as cattle held for use for, or for purposes incidental to, the production of milk including dairy cows, dairy heifers, calves of dairy cows, and bulls used or held to fertilise dairy cows or heifers.

### **Clause 9-1—Imposition of cattle exporter charge**

Subclause 9-1 imposes a charge on cattle exported from Australia.

There are no exemptions from the charge.

A note to this clause explains that amounts equal to the proceeds of the charge are disbursed to the declared livestock export body.

## **Clause 9-2—Rate of the charge**

Subclause 9-2(1) prescribes the cattle exporter charge rates in two cases.

- Item 1 of the table in this subclause prescribes the rate for cattle that were not dairy cattle before their export. Each component is worked out by reference to the weight of the cattle.
- Item 2 of the table prescribes the rate for cattle that were dairy cattle before their export. Each component is worked out by reference to the head count of the dairy cattle.

In each case, the items prescribe two components:

- the marketing component; and
- the research and development component

The cattle exporter charge rate is worked out in each case by adding together the two components.

Subclause 9-2(2) prescribes how to calculate the weight of the non-dairy cattle for the purposes of item 1 of the table in subsection 9-2(1). The weight (liveweight) of the cattle is their liveweight, if this is described in the bill of lading or similar document of title for the export. If their actual liveweight is not so described, their liveweight is taken to be 480 kilograms per head.

## **Clause 9-3—Charge payer**

This clause provides that the person who owns the cattle immediately before they are loaded on the ship or aircraft in which they are exported from Australia is liable to pay the cattle exporter charge.

## **Clause 9-4—Application provision**

Clause 9-4 provides that clause 9-1 applies in relation to cattle that are exported on or after 1 July 2025.

## **Subdivision 9-B—Cattle owner charge**

This Subdivision imposes a charge (**cattle owner charge**) on cattle exported from Australia, in specific circumstances. Producer charge was previously imposed on cattle: see Schedules 3 and 14 to the 1999 Customs Charges Act, Schedule 3 to the 2000 Customs Charges Regulations, Schedule 2 to the 1998 NRS Customs Act and Part 3 of the 1998 NRS Regulations.

### **Key definitions for the imposition of the cattle owner charge:**

- *buffalo* is defined in subclause 8-1(1) of Schedule 1 to the Regulations by reference to its scientific name.
- *cattle* is defined in section 5 of the Regulations as bovine animals other than buffalo.

- *dairy cattle* is defined in section 5 of the Regulations as cattle held for use in, or for purposes incidental to, the production of milk including dairy cows, dairy heifers, calves of dairy cows and bulls held to fertilise dairy cows or heifers.
- *designated export period* is defined in subclause 9-5(3) of Schedule 1 to the Regulations.
- *export bobby calf* is defined in subclause 9-7(3) of Schedule 1 to the Regulations.

### **Clause 9-5—Imposition of cattle owner charge**

This clause imposes cattle owner charge on cattle exported from Australia in two cases. In each case, cattle that were dairy cattle before their export are excluded from the charge. In the first case, subclause 9-5(1) imposes a charge on cattle exported from Australia, excluding cattle that, before their export, were dairy cattle. Note 1 to this subclause tells the reader that there is an exemption from charge imposed by subclause 9-5(1). Note 2 describes where amounts equal to some of the proceeds of the charge are disbursed.

In the second case, subclause 9-5(2) imposes charge on cattle exported from Australia (excluding cattle that were dairy cattle before their export) if:

- the cattle were purchased by the exporter; and
- the period starting on the day of purchase and ending on the day of the export is longer than the designated export period.

Note 1 to this subclause tells the reader there is no exemption from charge imposed by this subclause. Note 2 describes where amounts equal to some of the proceeds of the charge are disbursed. The effect of this subclause is to require an exporter to pay charge on cattle exported from Australia if they purchase and hold the cattle for longer than a designated export period prior to export.

The term *designated export period* for cattle is defined in subclause 9-5(3) as the longer of:

- 60 days; or
- the sum of the number of days in each of the following periods:
  - the period for which the cattle are required under the law of the country to which they are being exported to be held in quarantine before being exported; and
  - the period for exporting the cattle that is covered by subsection 7-3(1) of the *Export Control (Animals) Rules 2021* in relation to the first export permit for the cattle.

### **Clause 9-6—Exemptions from charge**

This clause exempts cattle exported from Australia from charge imposed by subclause 9-5(1) if levy has already been imposed on a transaction relating to the cattle under subclause 9-6(1) of the Levies Regulations.

### **Clause 9-7—Rate of each charge**

Subclause 9-7(1) prescribes the cattle owner charge rates in two cases: for cattle other than bobby calves and for export bobby calves.



Items 1 and 2 of the table in this subclause prescribe five components:

- the marketing component;
- the research and development component;
- the biosecurity activity component;
- the biosecurity response component; and
- the National Residue Survey component.

In each case, the cattle owner charge rate is worked out by adding together the five components. In each case, each component is worked out by reference to the head count of the cattle.

Subclause 9-7(2) clarifies that, for the purpose of working out the charge for cattle other than export bobby calves, a cow with a calf at foot are together taken to be a single head of cattle.

The biosecurity response components are set to nil to allow for a quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the Commonwealth that a biosecurity response component can be raised to facilitate a payment (including repayment) mechanism if required. The biosecurity activity component for bobby calves is set to nil following consultation with industry, with the possibility there may be an increase at a later date.

The term *export bobby calf* is defined in subclause 9-7(3) as a bovine animal (other than a buffalo) where:

- at the time of export, it is less than 30 days old; and
- either:
  - if its liveweight was determined at the time of export—that liveweight is 80 kilograms or less; or
  - otherwise—if it had been slaughtered at the time of export, the dressed weight of the carcass would have been 40 kilograms or less;

but does not include a calf at foot with a cow.

### **Clause 9-8—Charge payer**

This clause provides that the person who owns the cattle immediately before they are loaded on the ship or aircraft in which they are exported from Australia is liable to pay the cattle owner charge.

### **Clause 9-9—Application provision**

Subclause 9-9(1) provides that subclause 9-5(1) applies in relation to cattle that are exported on or after 1 July 2025.

Subclause 9-9(2) provides that subclause 9-5(2) applies in relation to cattle that are exported on or after 1 July 2025, whether the cattle were purchased before, on or after that day.

## **Division 11—Goats**

### **Subdivision 11-A—Goat exporter charge**

This Subdivision imposes a charge (**goat exporter charge**) on goats exported from Australia. Live-stock (exporters) charge was previously imposed on goats: see Schedule 11 to the 1999 Customs Charges Act and Schedule 11 to the 2000 Customs Charges Regulations.

#### **Key definitions for the imposition of goat exporter charge:**

- *goat* is defined in section 5 of the Regulations by reference to its scientific name.

#### **Clause 11-1—Imposition of goat exporter charge**

Clause 11-1 imposes a charge on goats exported from Australia. There are no exemptions from the charge. A note to this clause explains that amounts equal to the proceeds of the charge are disbursed to the declared livestock export body.

#### **Clause 11-2—Rate of the charge**

Clause 11-2 prescribes the goat exporter charge rate.

Item 1 of the table in this clause prescribes two components:

- the marketing component; and
- the research and development component.

The goat exporter charge rate is worked out by adding together the two components.

#### **Clause 11-3—Charge payer**

Clause 11-3 provides that the person who owns the goats immediately before they are loaded on the ship or aircraft in which they are exported from Australia is liable to pay the goat exporter charge.

#### **Clause 11-4—Application provision**

Clause 11-4 provides that clause 11-1 applies in relation to goats that are exported on or after 1 July 2025.

### **Subdivision 11-B—Goat owner charge**

This Subdivision imposes a charge (**goat owner charge**) on goats exported from Australia, in specific circumstances. Live-stock (producers) charge was previously imposed on goats: see Schedules 12 and 14 to the 1999 Customs Charges Act, Schedule 12 to the 2000 Customs Charges Regulations, Schedule 5 to the 1998 NRS Customs Act and Part 17 of the 1998 NRS Regulations.

### **Key definitions for the imposition of goat owner charge:**

- *designated export period* for goats is defined in subclause 11-5(3) of Schedule 1 to the Regulations.
- *goat* is defined in section 5 of the Regulations by reference to its scientific name.

### **Clause 11-5—Imposition of goat owner charge**

This clause imposes goat owner charges on goats exported from Australia in two cases. In the first case, subclause 11-5(1) imposes a charge on goats exported from Australia. Note 1 to this subclause tells the reader that there is an exemption from charge imposed by subclause 11-5(1). Note 2 describes where amounts equal to some of the proceeds of the charge are disbursed.

In the second case, subclause 11-5(2) imposes a charge on goats exported from Australia if:

- the goats were purchased by the exporter; and
- the period starting on the day of the purchase and ending on the day of the export is longer than the designated export period.

Note 1 to this subclause tells the reader there is no exemption from charge imposed by this subclause. Note 2 describes where amounts equal to some of the proceeds of the charge are disbursed. The effect of this subclause is to require an exporter to pay charge on goats exported from Australia if they purchase and hold the goats for longer than a designated export period prior to export.

The term *designated export period* for goats is defined in subclause 11-5(3) as the longer of either:

- 30 days; or
- the sum of the number of days in each of the following periods:
  - the period for which the goats are required under the law of the country to which they are being exported to be held in quarantine before being exported; and
  - the period for exporting the goats that is covered by subsection 7-3(1) of the *Export Control (Animals) Rules 2021* in relation to the first export permit for the goats.

### **Clause 11-6—Exemptions from charge**

This clause exempts goats exported from Australia from charge imposed by subclause 11-5(1) if levy has already been imposed on a transaction relating to the goats under subclause 11-6(1) of the Levies Regulations.

### **Clause 11-7—Rate of each charge**

Clause 11-7 prescribes the goat owner charge rate.

Item 1 of the table in this clause prescribes five components:

- the marketing component;

- the research and development component;
- the biosecurity activity component;
- the biosecurity response component; and
- the National Residue Survey component.

The goat owner charge rate is worked out by adding together the five components.

The biosecurity response component is set to nil to allow for a quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the Commonwealth that a biosecurity component can be raised to facilitate a payment (including repayment) mechanism if required.

### **Clause 11-8—Charge payer**

This clause provides that the person who owns the goats immediately before they are loaded on the ship or aircraft in which they are to be exported from Australia is liable to pay the goat owner charge.

### **Clause 11-9—Application provisions**

Subclause 11-9(1) provides that subclause 11-5(1) applies in relation to goats that are exported on or after 1 July 2025.

Subclause 11-9(2) provides that subclause 11-5(2) applies in relation to goats that are exported on or after 1 July 2025, whether the goats were purchased before, on or after that day.

## **Division 14—Sheep and lambs**

### **Subdivision 14-A—Sheep and lambs exporter charge**

This Subdivision imposes a charge (**sheep and lambs exporter charge**) on sheep or lambs exported from Australia. Live-stock (exporters) charge was previously imposed on sheep and lambs: see Schedule 11 to the 1999 Customs Charges Act and Schedule 11 to the 2000 Customs Charges Regulations.

#### **Key definitions for the imposition of sheep and lambs exporter charge:**

- *lamb* is defined in section 5 of the Regulations by reference to its scientific name. It must be under 12 months of age, or not have any permanent incisor teeth in wear.
- *sheep* is defined in section 5 of the Regulations by reference to its scientific name but does not include lambs.

### **Clause 14-1—Imposition of sheep and lambs exporter charge**

This clause imposes a charge on sheep or lambs exported from Australia.

There are no exemptions from the charge.

A note to this clause explains that amounts equal to the proceeds of charge are disbursed to the declared livestock export body.

### **Clause 14-2—Rate of the charge**

This clause prescribes the sheep and lambs exporter charge rate.

Item 1 of the table in this clause prescribes two components:

- the marketing component; and
- the research and development component.

The sheep and lambs exporter charge rate is worked out by adding together the two components.

### **Clause 14-3—Charge payer**

This clause provides that the person who owns the sheep or lambs immediately before they are loaded on the ship or aircraft in which they are exported from Australia is liable to pay the sheep and lambs exporter charge.

### **Clause 14-4—Application provision**

Clause 14-4 provides that clause 14-1 applies in relation to sheep or lambs that are exported on or after 1 July 2025.

### **Subdivision 14-B—Sheep and lambs owner charge**

This Subdivision imposes a charge (*sheep and lambs owner charge*) on sheep or lambs exported from Australia, in specific circumstances. Live-stock (producers) charge was previously imposed on sheep and lambs: see Schedules 12 and 14 to the 1999 Customs Charges Act, Schedule 12 to the 2000 Customs Charges Regulations, Schedule 5 to the 1998 NRS Customs Act and Part 17 of the 1998 NRS Regulations.

#### **Key definitions for the imposition of sheep and lambs owner charge:**

- *designated export period* is defined in subclause 14-5(3) of Schedule 1 to the Regulations.
- *lamb* is defined in section 5 of the Regulations by reference to its scientific name. It must be under 12 months old, or not have any permanent incisor teeth in wear.
- *sheep* is defined in section 5 of the Regulations by reference to its scientific name but does not include lambs.
- *value*, per head of sheep or lambs being exported, is defined in subclause 14-7(3) of Schedule 1 to the Regulations.

### **Clause 14-5—Imposition of sheep and lambs owner charge**

This clause imposes sheep and lambs owner charges on sheep and lambs exported from Australia in two cases.

In the first case, subclause 14-5(1) imposes a charge on sheep or lambs exported from Australia. Note 1 to this subclause tells the reader that there is an exemption from charge imposed by subclause 14-5(1). Note 2 describes where amounts equal to some of the proceeds of the charge are disbursed.

In the second case, subclause 14-5(2) imposes a charge on sheep or lambs exported from Australia if:

- the sheep or lambs were purchased by the exporter; and
- the period starting on the day of the purchase and ending on the day of the export is longer than the designated export period.

Note 1 to this subclause tells the reader there is no exemption from charge imposed by this subclause. Note 2 describes where amounts equal to the some of the proceeds of the charge are disbursed. The effect of this subclause is to require an exporter to pay charge on sheep or lambs exported from Australia if they purchase and hold the sheep or lambs for longer than a designated export period prior to export.

The term *designated export period* is defined in subclause 14-5(3) as the longer of:

- 30 days; or
- the sum of the number of days in each of the following periods:
  - the period for which the sheep or lambs are required under the law of the country to which they are being exported, to be held in quarantine before being exported;
  - the period for exporting the sheep or lambs that is covered by subsection 7-3(1) of the *Export Control (Animals) Rules 2021* in relation to the first export permit for the sheep or lambs.

#### **Clause 14-6—Exemptions from charge**

This clause exempts sheep or lambs exported from Australia from charge imposed by subclause 14-5(1) if transaction levy has already been imposed on a transaction relating to the sheep or lambs under subclause 14-6(1) of the Levies Regulations.

#### **Clause 14-7—Rate of each charge**

This clause prescribes the sheep and lambs owner charge rates for sheep and for lambs.

##### *Sheep*

Subclause 14-7(1) prescribes the rates and components of charge for sheep in three cases according to value:

- Item 1 of the table in this subclause prescribes the rate of charge for sheep valued at less than \$5 a head.
- Item 2 of the table prescribes the rate of charge for sheep valued at between \$5 a head and \$10 a head.
- Item 3 of the table prescribes the rate of charge for sheep valued at more than \$10 a head.

In each case, the item prescribes five components:

- the marketing component;
- the research and development component;
- the biosecurity activity component;
- the biosecurity response component; and
- the National Residue Survey component.

In each case, the sheep and lambs owner charge rate is worked out by adding together the five components.

The components prescribed for sheep valued at less than \$5 per head are set to nil following consultation with industry.

The biosecurity response components prescribed in items 2 and 3 of the table are set to nil to allow for a quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the Commonwealth that a biosecurity response component can be raised to facilitate a payment (including repayment) mechanism if required.

### *Lambs*

Subclause 14-7(2) prescribes the rates and components of charge for lambs in three cases according to value:

- Item 1 of the table in this subclause prescribes the rate of charge for lambs valued at less than \$5 a head.
- Item 2 of the table prescribes the rate of charge for lambs valued at between \$5 a head and \$75 a head.
- Item 3 of the table prescribes the rate of charge for sheep valued at more than \$75 a head.

In each case, the item prescribes five components:

- the marketing component;
- the research and development component;
- the biosecurity activity component;
- the biosecurity response component; and
- the National Residue Survey component.

In each case, the sheep and lambs owner charge rate is worked out by adding together the five components.

The components for lambs valued at less than \$5 per head are set to nil following consultation with industry. The biosecurity response components in items 2 and 3 of the table are set to nil to allow for quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the

Commonwealth that a biosecurity response component can be raised to facilitate a payment (including repayment) mechanism if required.

The term *value*, per head of animals being exported, is defined in subclause 14-7(3). It is the free on board value per head of the animals, rounded up to the nearest 10 cents.

#### **Clause 14-8—Charge payer**

This clause provides that the person who owns the sheep or lambs immediately before they are loaded on the ship or aircraft in which they are exported from Australia is liable to pay the sheep and lambs owner charge.

#### **Clause 14-9—Application provision**

Subclause 14-9(1) provides that subclause 14-5(1) applies in relation to sheep or lambs that are exported on or after 1 July 2025.

Subclause 14-9(2) provides that subclause 14-5(2) applies in relation to sheep or lambs that are exported on or 1 July 2025, whether the sheep or lambs were purchased before, on or after that day.

## **Part 1-3—Livestock Products**

### **Division 15—Introduction**

#### **Clause 15-1—Simplified outline of this Part**

This clause provides a simplified outline of Part 1-3. It summarises key features of the wool levy, which is imposed under this Part.

### **Division 18—Wool**

This Division imposes a charge (**wool export charge**) on wool that is harvested in Australia and exported. Charge was previously imposed on wool: see Schedule 14 to the 1999 Customs Charges Act and Schedule 14 to the 2000 Customs Charges Regulations.

#### **Clause 18-1—Imposition of wool export charge**

Clause 18-1 imposes a charge on wool that is harvested from a live sheep or lamb in Australia and is exported from Australia.

#### **Clause 18-2—Exemptions from the charge**

This clause exempts wool from charge in two cases:

- Subclause 18-2(1) exempts wool from charge, if wool levy has already been imposed on the wool under the Levies Regulations.
- Subclause 18-2(2) exempts wool from charge if wool export charge under clause 18-1 has previously been imposed on the wool.



### **Clause 18-3—Rate of the charge**

Clause 18-3 prescribes the wool export charge rate.

Item 1 of the table in this clause prescribes the general component. The component is calculated as a specified percentage of the free on board value of the wool immediately before export. The wool export charge rate is the general component amount.

### **Clause 18-4—Charge payer**

This clause provides that the person who exports the wool from Australia is liable to pay the wool export charge.

### **Clause 18-5—Application provision**

Clause 18-5 provides that clause 18-1 applies in relation to wool that is exported on or after 1 July 2025, whether the wool is harvested before, on or after that day.

## **Part 1-4—Other animals**

### **Division 19—Introduction**

#### **Clause 19-1—Simplified outline of this Part**

This clause provides a simplified outline of Part 1-5. It summarises key features of two export charges on farmed prawns.

### **Division 20—Farmed prawns**

This Division imposes two charges (**farmed prawns export charge** and **white spot disease repayment export charge**) on farmed prawns harvested in Australia and exported. The charges were previously imposed on farmed prawns: see Schedule 14 to the 1999 Customs Charges Act and Schedule 14 to the 2000 Customs Charges Regulations.

#### **Key definitions for the imposition of the farmed prawns export charge and white spot disease repayment charge:**

- *Australian Kuruma prawn* is defined in subclause 20-1(7) of Schedule 1 to the Regulations.
- *banana prawn* is defined in subclause 20-1(4) of Schedule 1 to the Regulations.
- *black tiger prawn* is defined in subclause 20-1(5) of Schedule 1 to the Regulations.
- *brown tiger prawn* is defined in subclause 20-1(6) of Schedule 1 to the Regulations.
- *Eastern school prawn* is defined in subclause 20-1(8) of Schedule 1 to the Regulations.
- *farmed prawns* is defined in subclause 20-1(3) of Schedule 1 to the Regulations.

### **Clause 20-1—Imposition of farmed prawns export charge and white spot disease repayment export charge**

This clause imposes two charges on farmed prawns.

Subclause 20-1(1) imposes farmed prawns export charge on farmed prawns that are harvested in Australia and exported from Australia.

A note to this subclause explains that amounts equal to farmed prawns export charge received by or on behalf of the Commonwealth are to be paid to the Fisheries Research and Development Corporation under the *Primary Industries Levies and Charges Disbursement Act 2024* (Disbursement Act), for spending on research and development activities for the benefit of the farmed prawn industry.

Subclause 20-1(2) imposes white spot disease repayment export charge on farmed prawns that are harvested in Australia and exported from Australia. A note to this subclause explains that amounts equal to white spot disease repayment export charge received by or on behalf of the Commonwealth are initially retained by the Commonwealth to repay the government-underwritten assistance package provided to prawn farmers affected by white spot disease in the Logan River area of Queensland. It explains that after the farmed prawn industry's liability to the Commonwealth is repaid, amounts are to be paid to the Fisheries Research and Development Corporation under the Disbursement Act.

This clause defines the following terms:

- ***farmed prawns*** is defined in subclause 20-1(3) as banana prawns, black tiger prawns, brown tiger prawns, Australian Kuruma prawns or Eastern school prawns that are produced by aquaculture.
- ***banana prawn*** is defined in subclause 20-1(4) by reference to its scientific names.
- ***black tiger prawn*** is defined in subclause 20-1(5) by reference to its scientific name.
- ***brown tiger prawn*** is defined in subclause 20-1(6) by reference to its scientific name.
- ***Australian Kuruma prawn*** is defined in subclause 20-1(7) by reference to its current and former scientific names.
- ***Eastern school prawn*** is defined in subclause 20-1(8) by reference to its scientific name.

### **Clause 20-2—Exemptions from the charge**

This clause exempts farmed prawns from charge imposed under clause 20-1 if levy has already been imposed on them under Schedule 1 to the Levies Regulations.

### **Clause 20-3—Rate of the charge**

Subclause 20-3(1) prescribes the farmed prawns export charge rate. Item 1 of the table in this subclause prescribes: the research and development component.

The farmed prawns export charge rate is the single component amount.

Subclause 20-3(2) prescribes the white spot disease repayment export charge rate.

Item 1 of the table in this subclause is the amount of the white spot disease repayment export charge. For each charge, the rate is worked out per kilogram of farmed prawns, weighed before any part of the prawn is removed.

#### **Clause 20-4—Charge payer**

This clause provides that the person who exports the farmed prawns from Australia is liable to pay the farmed prawns export charge and the white spot disease repayment export charge.

#### **Clause 20-5—Application provision**

Clause 20-5 provides that subclause 20-1(1) or (2) applies in relation to farmed prawns that are exported on or after 1 July 2025, whether the farmed prawns are harvested before, on or after that day.

## **Schedule 2—Plants and plant products**

### **Part 2-1—Crops**

#### **Division 24—Introduction**

##### **Clause 24-1—Simplified outline of this Part**

This clause provides a simplified outline of Part 2-1. It summarises key features of the seed cotton export charge.

#### **Division 25—Cotton**

This Division imposes a charge (**seed cotton export charge**) on seed cotton harvested in Australia and exported. Charge was previously imposed on seed cotton: see Schedule 14 to the 1999 Customs Charges Act and Schedule 14 to the 2000 Customs Charges Regulations.

##### **Key definitions for the imposition of seed cotton export charge:**

- *cotton plant* is defined in subclause 25-1(3) of Schedule 2 to the Regulations.
- *seed cotton* is defined in subclause 25-1(2) of Schedule 2 to the Regulations.

##### **Clause 25-1—Imposition of seed cotton export charge**

Subclause 25-1(1) imposes charge on seed cotton that is harvested in Australia and exported from Australia. There are no exemptions from the charge on seed cotton.

This clause defines the following terms:

- *cotton plant* is defined in subclause 25-1(3) by reference to its scientific name.
- *seed cotton* is defined in subclause 25-1(2) as the seed with the natural fibrous hairs attached, harvested from the ripened bolls of the cotton plant.

## **Clause 25-2—Rate of the charge**

Clause 25-2 prescribes the seed cotton export charge rate.

Item 1 of the table in this clause prescribes three components:

- the research and development component;
- the biosecurity activity component; and
- the biosecurity response component.

The seed cotton export charge rate is worked out by adding together the three components.

The biosecurity response component is set to nil to allow for a quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the Commonwealth that a biosecurity response component can be raised to facilitate a payment (including repayment) mechanism if required.

## **Clause 25-3—Charge payer**

This clause provides that the person who exports the seed cotton from Australia is liable to pay the seed cotton export charge.

## **Clause 25-4—Application provision**

Clause 25-4 provides that clause 25-1 applies in relation to seed cotton that is exported on or after 1 July 2025, whether the seed cotton is harvested before, on or after that day.

# **Part 2-2—Forestry**

## **Division 30—Introduction**

### **Clause 30-1—Simplified outline of this Part**

This clause provides a simplified outline of Part 2-2. It summarises key features of the forest industries export charge and the forest products import charge, which are imposed under this Part.

## **Division 33—Forest industries export charge**

This Division imposes a charge (**forest industries export charge**) on logs produced from trees felled in Australia and exported. Charge was previously imposed on logs: see Schedule 7 to the 1999 Customs Charges Act and Schedule 7 to the 2000 Customs Charges Regulations.

### **Clause 33-1—Imposition of forest industries export charge**

Clause 33-1 imposes charge on logs that are produced from trees felled in Australia and are exported from Australia.

### **Clause 33-2—Exemptions from the charge**

This clause exempts logs from the forest industries export charge in two cases:

- Subclause 33-2(1) exempts logs from charge if forest industries products levy has already been imposed on them under the Levies Regulations.
- Subclauses 33-2(2) and (3) exempt logs from charge if, apart from subclause 33-2(2) and the provisions covered by subclause 33-2(3), the total of:
  - forest industries export charge (i.e. the charge imposed under this Division);
  - forest products import charge (under Division 34 of Part 2-2 of Schedule 2 to the Regulations); and
  - forest industries products levy under the Levies Regulations;

that the person who exports the logs would be liable to pay in relation to a financial year that has ended is less than \$330. The exemption operates after the end of the relevant financial year in relation to that year. This exemption supports the efficient and cost-effective collection of the charge by not requiring persons who export logs to pay charge who would otherwise have a combined levy and charge liability below a threshold set previously following consultation with industry.

### **Clause 33-3—Rate of the charge**

Subclause 33-3(1) prescribes the forest products export charge rate for eleven classes of logs.

Each item of the table in this subclause prescribes the charge rate for a class of logs with a single component: the general component. The general component is worked out by reference to the volume of logs in cubic metres. If more than one item in the table covers a class of logs, subclause 33-3(2) provides that the first item that covers that class should be applied.

Items 9 and 10 of the table in this subclause prescribe two classes of logs with a nil rate set following consultation with industry, with the expectation the rate may be increased. Item 11 of the table prescribes a class of logs, ‘any other logs’, with a nil rate. This class of logs is designed to cover logs not otherwise referred to in the table.

In each case, the forest products export charge rate is the single component amount.

### **Clause 33-4—Charge payer**

This clause provides that the person who exports the logs from Australia is liable to pay the forest industries export charge.

### **Clause 33-5—Application provision**

Clause 33-5 provides that clause 33-1 applies in relation to logs that are exported on or after 1 July 2025, whether the logs were produced before, on or after that day.

## **Division 34—Forest products import charge**

This Division imposes a charge (**forest products import charge**) on forest products imported into Australia. Charge was previously imposed on the import of forest products: see Schedule 8 to the 1999 Customs Charges Act and Schedule 8 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of forest products import charge:**

- *forest products* is defined in subsection 34-1(2) of Schedule 2 to the Regulations.

### **Clause 34-1—Imposition of forest products import charge**

Subclause 34-1(1) imposes charge on forest products that are imported into Australia.

The term *forest products* is defined in subsection 34-1(2) as logs or other goods that are classified to specific headings of Schedule 3 to the *Customs Tariff Act 1995*.

### **Clause 34-2—Exemptions from the charge**

This clause exempts forest products from the charge if, apart from subclause 34-2(1) and the provisions covered by subclause 34-2(2), the total of:

- forest products import charge (i.e. the charge imposed under this Division);
- forest industries export charge (under Division 33 of Part 2-2 of Schedule 2 to the Regulations); and
- forest industries products levy under the Levies Regulations;

that the person who imports the forest products would be liable to pay in relation to a financial year that has ended is less than \$330. The exemption operates after the end of the relevant financial year in relation to that year. This exemption supports the efficient and cost-effective collection of the charge by not requiring persons who import logs to pay charge who would otherwise have a combined levy and charge liability below a threshold set previously following consultation with industry.

### **Clause 34-3—Rate of the charge**

Clause 34-3 prescribes forest products import charge rates and components in two cases: forest products that are logs and forest products that are not logs.

Subclause 34-3(1) prescribes different rates of charge for different classes of forest products that are logs, with a single component.

Each item of the table in this subclause prescribes the general component. The general component is worked out by reference to the volume of logs in cubic metres. If more than one item of the table covers a class of logs, subclause 34-3(2) provides that the first item that covers that class should be applied.

Items 9 and 10 of the table in this subclause prescribe two classes of logs with a nil rate set following consultation with industry, with the expectation there may be an increase at a later

date. Item 11 of the table prescribes a class of logs, ‘any other logs’, with a nil rate. This class of logs is designed to cover logs not otherwise referred to in the table.

Subclauses 34-3(3) and (4) prescribe the forest products import charge rate for forest products that are not logs, with a single component. Each item of the table in this subclause prescribes the general component.

The general component is worked out by reference to the applicable number of cents per cubic metre of each class of logs covered by subclause 34-3(1) that were used to produce the forest products. The applicable number is worked out by multiplying:

- the number of cents per cubic metre that would have been applicable under subclause 34-3(1) in respect of that class of logs if that class of logs had been imported into Australia; by
- the number specified in column 2 in the table in subclause 34-3(4) for the tariff classification of the forest products.

The forest products import charge rate is the single component amount.

#### **Clause 34-4—Charge payer**

This clause provides that the person who imports the forest products into Australia is liable to pay the forest products import charge.

#### **Clause 34-5—Application provision**

Clause 34-5 provides that clause 34-1 applies in relation to forest products that are imported on or after 1 July 2025.

## **Part 2-3—Horticulture**

### **Division 35—Introduction**

#### **Clause 35-1—Simplified outline of this Part**

This clause provides a simplified outline of Part 2-3. It notes that export charges are imposed on various horticultural products in this Part. It also notes that an export charge is not imposed on particular horticultural products if levy has already been imposed on the product under the Levies Regulations.

### **Division 37—Almonds**

This Division imposes a charge (**almond export charge**) on almonds harvested in Australia and exported. Charge was previously imposed on almonds: see Schedules 10 and 14 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

#### **Key definitions for the imposition of almond export charge:**

- *almond* is defined in subclause 37-1(2) of Schedule 2 to the Regulations.

### **Clause 37-1—Imposition of almond export charge**

Subclause 37-1(1) imposes a charge on almonds that are harvested in Australia and are exported from Australia.

The term *almond* is defined in subclause 37-1(2) by reference to its scientific name.

### **Clause 37-2—Exemptions from the charge**

This clause exempts almonds from charge if almond levy has already been imposed on them under the Levies Regulations.

### **Clause 37-3—Rate of the charge**

Clause 37-3 prescribes the almond export charge rates in three cases: for almonds other than almonds of the Nonpareil variety in their shells; for almonds of the Nonpareil variety in their shells; and for almonds not in their shells.

Items 1, 2 and 3 of the table in this clause each prescribe two components:

- the research and development component; and
- the biosecurity response component.

In each case the almond export charge rate is worked out by adding together the two components.

### **Clause 37-4—Charge payer**

This clause provides that the person who exports the almonds from Australia is liable to pay the almond export charge.

### **Clause 37-5—Application provision**

Clause 37-5 provides that clause 37-1 applies in relation to almonds that are exported on or after 1 July 2025, whether the almonds are harvested before, on or after that day.

## **Division 38—Apples and pears**

This Division imposes a charge (**apple and pear export charge**) on apples or pears harvested in Australia and exported. Charge was previously imposed on apples and pears: see Schedule 10 and 14 to the 1999 Customs Charges Act; Schedule 10 to the 2000 Customs Charges Regulations; Schedule 4 to the 1998 NRS Customs Act and Part 11 of the 1998 NRS Regulations.

### **Key definitions for the imposition of apple and pear export charge:**

- *apple* is defined in subclause 38-1(2) of Schedule 2 to the Regulations.
- *pear* is defined in subclause 38-1(3) of Schedule 2 to the Regulations.



### **Clause 38-1—Imposition of apple and pear export charge**

Subclause 38-1(1) imposes a charge on apples or pears that are harvested in Australia and are exported from Australia.

This clause defines the following terms:

- *apple* is defined in subclause 38-1(2) by reference to its scientific name.
- *pear* is defined in subclause 38-1(3) by reference to its scientific name. It does not include nashi.

### **Clause 38-2—Exemptions from the charge**

This clause exempts apples and pears from apple and pear export charge if apple and pear levy has already been imposed on them under the Levies Regulations.

### **Clause 38-3—Rate of the charge**

This clause prescribes the apple and pear export charge rate in two cases: for apples and for pears. Subclause 38-3(1) prescribes the charge rate for apples.

Item 1 of the table in this subclause prescribes with five components:

- the marketing component;
- the research and development component;
- the biosecurity activity components;
- the biosecurity response component; and
- the National Residue Survey component.

For apples, the apple and pear export charge rate is worked out by adding together the five components.

Subclause 38-3(2) prescribes the charge rate for pears.

Item 1 of the table in this subclause prescribes with four components:

- the marketing component;
- the research and development component;
- the biosecurity response component; and
- the National Residue Survey component.

For pears, the apple and pear export charge rate is worked out by adding together the four components.

### **Clause 38-4—Charge payer**

This clause provides that the person who exports the apples or pears from Australia is liable to pay the apple and pear export charge.

### **Clause 38-5—Application provision**

Clause 38-5 provides that clause 38-1 applies in relation to apples or pears that are exported on or after 1 January 2025, whether the apples or pears are harvested before, on or after that day.

### **Division 39—Avocados**

This Division imposes a charge (**avocado export charge**) on avocados harvested in Australia and exported. Charge was previously imposed on avocados: see Schedules 10 and 14 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

#### **Key definitions for the imposition of avocado export charge:**

- *avocado* is defined in subclause 39-1(2) of Schedule 2 to the Regulations.

### **Clause 39-1—Imposition of avocado export charge**

Subclause 39-1(1) imposes a charge on avocados that are harvested in Australia and are exported from Australia. The term *avocado* is defined in subclause 39-1(2) by reference to its scientific name.

### **Clause 39-2—Exemptions from the charge**

This clause exempts avocados from charge if avocado levy has already been imposed on them under the Levies Regulations.

### **Clause 39-3—Rate of the charge**

Clause 39-3 prescribes the avocado export charge rate.

Item 1 of the table in this clause prescribes four components:

- the marketing component;
- the research and development component;
- the biosecurity activity component; and
- the biosecurity response component.

The avocado export charge rate is worked out by adding together the four components.

The biosecurity response component is set to nil to allow for a quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the Commonwealth that a biosecurity component can be raised to facilitate a payment (including repayment) mechanism if required.

### **Clause 39-4—Charge payer**

This clause provides that the person who exports the avocados from Australia is liable to pay the avocado export charge.

### **Clause 39-5—Application provision**

Clause 39-5 provides that clause 39-1 applies in relation to avocados that are exported on or after 1 January 2025, whether the avocados are harvested before, on or after that day.

### **Division 41—Cherries**

This Division imposes a charge (**cherry export charge**) on cherries that are harvested in Australia and exported. Charge was previously imposed on cherries: see Schedules 10 and 14 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

#### **Key definitions for the imposition of cherry export charge:**

- *cherry* is defined in subclause 41-1(2) of Schedule 2 to the Regulations.

### **Clause 41-1—Imposition of cherry export charge**

Subclause 41-1(1) imposes a charge on cherries that are harvested in Australia and are exported from Australia. The term *cherry* is defined in subclause 41-1(2) by reference to its scientific name.

### **Clause 41-2—Exemptions from the charge**

This clause exempts cherries from charge if cherry levy has already been imposed on them under the Levies Regulations.

### **Clause 41-3—Rate of the charge**

Clause 41-3 prescribes the cherry export charge rate.

Item 1 of the table in this clause prescribes four components:

- the marketing component;
- the research and development component;
- the biosecurity activity component; and
- the biosecurity response component.

The cherry export charge rate is worked out by adding together the four components.

### **Clause 41-4—Charge payer**

This clause provides that the person who exports the cherries from Australia is liable to pay the cherry export charge.

### **Clause 41-5—Application provision**

Clause 41-5 provides that clause 41-1 applies in relation to cherries that are exported on or after 1 April 2025, whether the cherries are harvested before, on or after that day.

## **Division 42—Chestnuts**

This Division imposes a charge (**chestnut export charge**) on chestnuts that are harvested in Australia and exported. Charge was previously imposed on chestnuts: see Schedules 10 and 14 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of chestnut export charge:**

- *chestnut* is defined in subclause 42-1(2) of Schedule 2 to the Regulations.

### **Clause 42-1—Imposition of chestnut export charge**

Subclause 42-1(1) imposes a charge on chestnuts that are harvested in Australia and exported from Australia. The term *chestnut* is defined in subclause 42-1(2) by reference to its scientific name.

### **Clause 42-2—Exemptions from the charge**

This clause exempts chestnuts from charge chestnuts if chestnut levy has already been imposed on them under the Levies Regulations.

### **Clause 42-3—Rate of the charge**

Clause 42-3 specifies the chestnut export charge rate.

Item 1 of the table in this clause prescribes four components:

- the marketing component;
- the research and development component;
- the biosecurity activity component; and
- the biosecurity response component.

The chestnut export charge rate is worked out by adding together the four components.

### **Clause 42-4—Charge payer**

This clause provides that the person who exports the chestnuts from Australia is liable to pay the chestnut export charge.

### **Clause 42-5—Application provision**

Clause 42-5 provides that clause 42-1 applies in relation to chestnuts that are exported on or after 1 July 2025, whether the chestnuts are harvested before, on or after that day.

## **Division 43—Citrus**

This Division imposes a charge (**citrus export charge**) on citrus harvested in Australia and exported. Charge was previously imposed on citrus: see Schedules 10 and 14 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of citrus export charge:**

- *citrus* is defined in subclause 43-1(2) of Schedule 2 to the Regulations.
- *citrus box* is defined in subclause 43-3(4) of Schedule 2 to the Regulations.
- *orange* is defined in subclause 43-3(3) of Schedule 2 to the Regulations.

### **Clause 43-1—Imposition of citrus export charge**

Subclause 43-1(1) imposes a charge on citrus that is harvested in Australia and exported from Australia. The term *citrus* is defined in subclause 43-1(2) by reference to scientific names and includes any hybrid between, or within, either of the listed genera. A non-exhaustive list of fruit included within the definition is given.

### **Clause 43-2—Exemptions from the charge**

This clause exempts citrus from charge if citrus levy has already been imposed on it under the Levies Regulations.

### **Clause 43-3—Rate of the charge**

This clause prescribes the citrus export charge rate in two cases: for oranges and for ‘other citrus’.

For oranges, subclause 43-3(1) prescribes the rate of charge in three cases: for oranges packed in citrus boxes, for oranges packed in containers that are not citrus boxes and for all other oranges.

Items 1, 2 and 3 of the table in this subclause each prescribe four components:

- the marketing component;
- the research and development component;
- the biosecurity activity component; and
- the biosecurity response component.

For oranges in each case, the citrus export charge rate is worked out by adding together the four components.

For other citrus, subclause 43-3(2) prescribes the rate of charge in four cases: for other citrus packed in citrus boxes; for grapefruit packed in containers that are not citrus boxes, for other citrus packed in containers that are not citrus boxes and for all other citrus.

Items 1, 2 and 3 of the table in this subclause each prescribe three components:

- the research and development component;
- the biosecurity activity component; and
- the biosecurity response component.

In each case, the citrus export charge rate is worked out by adding together the three components.

This clause defines the following terms:

- **orange** is defined in subclause 43-3(3) by reference to its scientific name.
- **citrus box** is defined in subclause 43-3(4) as a container of a kind used in the Australian horticultural industry for packing citrus and known in that industry as a bushel box or 30 litre box.

#### **Clause 43-4—Charge payer**

This clause provides that the person who exports the citrus from Australia is liable to pay the citrus export charge.

#### **Clause 43-5—Application provision**

Clause 43-5 provides that clause 43-1 applies in relation to citrus that is exported on or after 1 January 2025, whether the citrus is harvested before, on or after that day.

### **Division 44—Custard apples**

This Division imposes a charge (**custard apple export charge**) on custard apples harvested in Australia and exported. Charge was previously imposed on custard apples: see Schedule 10 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

#### **Key definitions for the imposition of custard apple export charge:**

- **custard apple** is defined in subclause 44-1(2) of Schedule 2 to the Regulations.
- **custard apple box** is defined in subclause 44-3(2) of Schedule 2 to the Regulations.
- **custard apple tray** is defined in subclause 44-3(3) of Schedule 2 to the Regulations.

#### **Clause 44-1—Imposition of custard apple export charge**

Subclause 44-1(1) imposes an export charge on custard apples that are harvested in Australia and exported from Australia. The term **custard apple** is defined in subclause 44-1(2) by reference to its scientific name and includes any hybrid between any of the listed species.

#### **Clause 44-2—Exemptions from the charge**

This clause exempts custard apples from charge if custard apple levy has already been imposed on them under the Levies Regulations.

### **Clause 44-3—Rate of the charge**

Subclause 44-3(1) prescribes custard apple export charge rates in three cases: custard apples packed in custard apple boxes; custard apples packed in custard apple trays; and all other custard apples.

For each case, items 1, 2 and 3 of the table in this subclause prescribe two components:

- the marketing component; and
- the research and development component.

In each case, the custard apple export charge rate is worked out by adding together the two components.

This clause defines the following terms:

- ***custard apple box*** is defined in subclause 44-3(2) as a box of custard apples, being a box of a kind ordinarily used in the Australian horticultural industry for packing custard apples. A note explains that a custard apple box is ordinarily 10 kilograms of custard apples.
- ***custard apple tray*** is defined in subclause 44-3(3) as a single layer tray of custard apples, being a tray of a kind ordinarily used in the Australian horticultural industry for packing custard apples. A note explains that a custard apple tray is ordinarily 7 kilograms of custard apples.

### **Clause 44-4—Charge payer**

This clause provides that the person who exports the custard apples from Australia is liable to pay the custard apple export charge.

### **Clause 44-5—Application provision**

Clause 44-5 provides that clause 44-1 applies in relation to custard apples that are exported on or after 1 January 2025, whether the custard apples are harvested before, on or after that day.

## **Division 47—Lychees**

This Division imposes a charge (**lychee export charge**) on lychees harvested in Australia and exported. Charge was previously imposed on lychees: see Schedule 10 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of lychee export charge:**

- ***lychee*** is defined in subclause 47-1(2) of Schedule 2 to the Regulations.

### **Clause 47-1—Imposition of lychee export charge**

Subclause 47-1(1) imposes a charge on lychees that are harvested in Australia and exported from Australia. The term *lychee* is defined in subclause 47-1(2) by reference to its scientific name.

### **Clause 47-2—Exemptions from the charge**

This clause exempts lychees from charge if lychee levy has already been imposed on them under the Levies Regulations.

### **Clause 47-3—Rate of the charge**

Clause 47-3 prescribes the lychee export charge rate.

Item 1 of the table in this clause prescribes two components:

- the marketing component; and
- the research and development component.

The lychee export charge rate is worked out by adding together the two components.

### **Clause 47-4—Charge payer**

This clause provides that the person who exports the lychees from Australia is liable to pay the lychee export charge.

### **Clause 47-5—Application provision**

Clause 47-5 provides that clause 47-1 applies in relation to lychees that are exported or after 1 July 2025, whether the lychees are harvested before, on or after that day.

## **Division 48—Macadamia nuts**

This Division imposes a charge (**macadamia nut export charge**) on macadamia nuts – in shell or macadamia dried kernels – harvested in Australia and exported, in certain circumstances. Charge was previously imposed on macadamia nuts: see Schedules 10 and 14 to the 1999 Customs Charges Act; Schedule 10 to the 2000 Customs Charges Regulations; Schedule 4 to the 1998 NRS Customs Act and Part 11 of the 1998 NRS Regulations.

### **Key definitions for the imposition of macadamia nut export charge:**

- *macadamia nut* is defined in subclause 48-1(4) of Schedule 2 to the Regulations.
- *macadamia dried kernel* is defined in subclause 48-1(5) of Schedule 2 to the Regulations.
- *macadamia in shell* is defined in subclause 48-1(6) of Schedule 2 to the Regulations.
- *representative sample*, of macadamias in shell, is defined in subclause 48-1(7) of Schedule 2 to the Regulations.



### **Clause 48-1—Imposition of macadamia nut export charge**

Clause 48-1 imposes export charge on macadamias in three cases: the ‘main case’ for macadamias in shell, the ‘other cases’ for macadamias in shell and the ‘dried kernels’ case.

- Subclause 48-1(1) imposes charge on macadamias in shell if macadamia nuts are harvested in Australia and the macadamias in shell are exported from Australia. The charge is imposed only if a representative sample of the macadamias in shell has been dried to a particular moisture content level and the kernels have then been removed from the sample prior to the export. This is referred to in the Regulations as the ‘main case’.
- Subclause 48-1(2) imposes charge on macadamias in shell if macadamia nuts are harvested in Australia and the macadamias in shell are exported from Australia, if subclause 48-1(1) does not apply in relation to the export. This is referred to in the Regulations as the ‘other cases’.
- Subclause 48-1(3) imposes charge on macadamia dried kernels if macadamia nuts are harvested in Australia and the macadamia dried kernels are exported from Australia. This is referred to in the Regulations as the ‘dried kernels’ case.

This clause defines the following terms:

- ***macadamia nut*** is defined in subclause 48-1(4) by reference to its scientific name.
- ***macadamia dried kernel*** is defined in subclause 48-1(5) as a macadamia nut kernel that has been artificially partly dried.
- ***macadamia in shell*** is defined in subclause 48-1(6) as a macadamia nut after dehusking but before kernel extraction.
- ***representative sample***, of macadamias in shell, is defined in subclause 48-1(7) as a sample that weighs at least 500 grams and has a moisture content of 10%.

### **Clause 48-2—Exemptions from the charge**

This clause provides for two exemptions from macadamia nut export charge.

- Subclause 48-2(1) exempts macadamias in shell or macadamia dried kernels from the export charge if macadamia nut levy has already been imposed on them under the Levies Regulations.
- Subclause 48-2(2) exempts from charge macadamias in shell or macadamia dried kernels that, in a calendar year, are exported by a person, if the total amount of macadamia nut levy and macadamia nut charge that person would otherwise be liable to pay in that year is less than \$120. This exemption supports the efficient and cost-effective collection of the charge by not requiring people to pay charge who would otherwise have a combined levy and charge liability below a threshold previously set following consultation with industry.

### **Clause 48-3—Rate of the charge**

Clause 48-3 prescribes macadamia nut export charge rates in three cases: the ‘main case’ for macadamias in shell, the ‘other cases’ for macadamias in shell and the ‘dried kernels’ case. The rates are expressed differently to account for differences in the assumed or actual dried kernel weight in the relevant case.

In each case, item 1 of the table in the relevant subclause prescribes four components:

- the marketing component;
- the research and development component;
- the biosecurity response component; and
- the National Residue Survey component.

Subclause 48-3(1) prescribes the rate of charge imposed by subclause 48-1(1): the main case for macadamias in shell. Item 1 of the table in subclause 48-3(1) prescribes the rate of charge for macadamias in shell. In this case, the macadamia nut export charge rate is worked out by adding together the four components. Each component is an amount of cents multiplied by a number worked out under the method statement in subclause 48-3(2).

Subclause 48-3(2) prescribes how to work out the number referred to in subclause 48-3(1). It provides that the number is worked out by multiplying the quantity (in kilograms) of the macadamias in shell that are exported by the ‘applicable percentage’. It prescribes a four-step method statement to work out the applicable percentage. An example illustrating how to work out the applicable percentage, the number and thus the rate of the charge is included in a note.

Subclause 48-3(3) prescribes the rate of charge imposed by subclause 48-1(2): other cases for macadamias in shell. This case covers circumstances where a dried kernel weight for macadamias in shell is not available. Item 1 of the table in subclause 48-3(3) prescribes the rate for other cases of macadamias in shell. In this case, the macadamia nut export charge rate is worked out by adding together the four components. Each component is an amount of cents per kilogram of macadamias in shell.

Subclause 48-3(4) prescribes the rate of charge imposed by subclause 48-1(3): the ‘dried kernel’ case. Item 1 of the table in subclause 48-3(4) prescribes the rate for macadamia dried kernels. In this case, the macadamia nut export charge rate is worked out by adding together the four components. Each component is an amount of cents per kilogram of the kernels.

In each case, the biosecurity response component is set to nil to allow for quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the Commonwealth that a biosecurity component can be raised to facilitate a payment (including repayment) mechanism if required.

#### **Clause 48-4—Charge payer**

This clause provides that the person who exports the macadamias in shell or macadamia dried kernels from Australia is liable to pay the macadamia nut export charge.

#### **Clause 48-5—Application provision**

Clause 48-5 provides that clause 48-1 applies in relation to macadamias in shell or macadamia kernels that are exported on or after 1 January 2025, whether the macadamia nuts are harvested before, on or after that day.

## **Division 49—Mangoes**

This Division imposes a charge (**mango export charge**) on mangoes harvested in Australia and exported. Charge was previously imposed on mangoes: see Schedules 10 and 14 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of mango export charge:**

- *mango* is defined in subclause 49-1(2) of Schedule 2 to the Regulations.

### **Clause 49-1—Imposition of mango export charge**

Subclause 49-1(1) imposes a charge on mangoes that are harvested in Australia and exported from Australia. The term *mango* is defined in subclause 49-1(2) by reference to its scientific name.

### **Clause 49-2—Exemptions from the charge**

This clause exempts mangoes from charge if mango levy has already been imposed on the mangoes under the Levies Regulations.

### **Clause 49-3—Rate of the charge**

Clause 49-3 prescribes the mango export charge rate.

Item 1 in the table in this clause prescribes four components:

- the marketing component;
- the research and development component;
- the biosecurity activity component; and
- the biosecurity response component.

The mango export charge rate is worked out by adding together the four components.

### **Clause 49-4—Charge payer**

This clause provides that the person who exports the mangoes from Australia is liable to pay the mango export charge.

### **Clause 49-5—Application provision**

Clause 49-5 provides that clause 49-1 applies in relation to mangoes that are exported on or after 1 July 2025, whether the mangoes are harvested before, on or after that day.

## **Division 50—Melons**

This Division imposes a charge (**melon export charge**) on melons harvested in Australia and exported. Charge was previously imposed on melons: see Schedules 10 and 14 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of melon export charge:**

- *melon* is defined in subclause 50-1(2) of Schedule 2 to the Regulations.

### **Clause 50-1—Imposition of melon export charge**

Subclause 50-1(1) imposes a charge on melons that are harvested in Australia and exported from Australia. The term *melon* is defined in subclause 50-1(2) by reference to scientific and common names.

### **Clause 50-2—Exemptions from the charge**

This clause exempts melons from charge in two cases.

- Subclause 50-2(1) exempts melons from charge if melon levy has already been imposed on them under the Levies Regulations.
- Subclause 50-2(2) exempts from charge melons that, in a financial year, a person exports from Australia if the total quantity of melons the person exports in that year is less than 20 tonnes. This exemption supports the efficient and cost-effective collection of the charge by not requiring people to pay charge who export a quantity of melons below a threshold amount set previously following consultation with industry.
- Subclause 50-2(3) provides that the threshold exemption in subclause 50-2(2) does not apply to melons that are exempt from charge under subclause 50-2(1). The effect of this subclause is that melons that are exempt from charge, because levy has already been imposed on the melons under the Levies Regulations, are not counted towards the threshold in subclause 50-2(2).

### **Clause 50-3—Rate of the charge**

Clause 50-3 prescribes the melon export charge rate.

Item 1 of the table in this clause prescribes three components:

- the research and development component;
- the biosecurity activity component; and
- the biosecurity response component.

The melon export charge rate is worked out by adding together the three components.

The biosecurity response component is set to nil to allow for quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the Commonwealth that a biosecurity response component can be raised to facilitate a payment (including repayment) mechanism if required.

### **Clause 50-4—Charge payer**

This clause provides that the person who exports the melons from Australia is liable to pay the melon export charge.

### **Clause 50-5—Application provision**

Clause 50-5 provides that clause 50-1 applies in relation to melons that are exported on or after 1 July 2025, whether the melons are harvested before, on or after that day.

## **Division 51—Nashi**

This Division imposes a charge (**nashi export charge**) on nashi harvested in Australia and exported. Charge was previously imposed on nashi: see Schedule 10 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of nashi export charge:**

- *nashi* is defined in subclause 51-1(2) of Schedule 2 to the Regulations.

### **Clause 51-1—Imposition of nashi export charge**

Subclause 51-1(1) imposes charge on nashi that are harvested in Australia and exported from Australia. The term *nashi* is defined in subclause 51-1(2) by reference to its scientific name.

### **Clause 51-2—Exemptions from the charge**

This clause exempts nashi from charge if nashi levy has already been imposed on them under the Levies Regulations.

### **Clause 51-3—Rate of the charge**

Clause 51-3 prescribes the nashi export charge rate.

Item 1 of the table in this clause prescribes the research and development component. The component is set to nil following consultation with industry, with the expectation that there may be an increase at a later date.

The nashi export charge rate is the single component amount.

### **Clause 51-4—Charge payer**

This clause provides that the person who exports the nashi from Australia is liable to pay the nashi export charge.

### **Clause 51-5—Application provision**

Clause 51-5 provides that clause 51-1 applies in relation to nashi that are exported on or after 1 January 2025, whether the nashi are harvested before, on or after that day.

## **Division 53—Onions**

This Division imposes a charge (**onion export charge**) on onions harvested in Australia and exported. Charge was previously imposed on onions: see Schedules 10 and 14 to the 1999 Customs Charges Act; Schedule 10 to the 2000 Customs Charges Regulations; Schedule 4 to the 1998 NRS Customs Act and Part 11 of the 1998 NRS Regulations.

### **Key definitions for the imposition of onion export charge:**

- *onion* is defined in subclause 53-1(2) of Schedule 2 to the Regulations.

### **Clause 53-1—Imposition of onion export charge**

Subclause 53-1(1) imposes a charge on onions that are harvested in Australia and exported from Australia. The term *onion* is defined in subclause 53-1(2) by reference to its scientific name but does not include shallots.

### **Clause 53-2—Exemptions from the charge**

This clause exempts onions from charge if onion levy has already been imposed on them under the Levies Regulations.

### **Clause 53-3—Rate of the charge**

Clause 53-3 prescribes the onion export charge rate.

Item 1 of the table in this clause prescribes five components:

- the marketing component;
- the research and development component;
- the biosecurity activity component;
- the biosecurity response component; and
- the National Residue Survey component.

The onion export charge rate is worked out by adding together the five components.

The biosecurity response component is set to nil to allow for a quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the Commonwealth that a biosecurity component can be raised to facilitate a payment (including repayment) mechanism if required. The National Residue Survey component is set to nil with the possibility there may be an increase at a later date.

### **Clause 53-4—Charge payer**

This clause provides that the person who exports the onions from Australia is liable to pay the onion export charge.

### **Clause 53-5—Application provision**

Clause 53-5 provides that clause 53-1 applies in relation to onions that are exported on or after 1 January 2025, whether the onions are harvested before, on or after that day.

### **Division 54—Papaya**

This Division imposes a charge (**papaya export charge**) on papaya that is harvested in Australia and exported. Charge was previously imposed on papaya: see Schedule 10 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

#### **Key definitions for the imposition of papaya export charge:**

- *papaya* is defined in subclause 54-1(2) of Schedule 2 to the Regulations.

#### **Clause 54-1—Imposition of papaya export charge**

Subclause 54-1(1) imposes a charge on papaya that is harvested in Australia and exported from Australia. The term *papaya* is defined in subclause 54-1(2) by reference to its scientific name. A note to this subclause explains that papaya is also known as pawpaw, papaw and paw paw.

#### **Clause 54-2—Exemptions from the charge**

This clause exempts papaya from charge if papaya levy has already been imposed on them under the Levies Regulations.

#### **Clause 54-3—Rate of the charge**

Clause 54-3 prescribes the rate of papaya export charge.

Item 1 of the table in this clause prescribes two components:

- the marketing component and
- the research and development component.

The papaya export charge rate is worked out by adding together the two components.

#### **Clause 54-4—Charge payer**

This clause provides that the person who exports the papaya from Australia is liable to pay the papaya export charge.

#### **Clause 54-5—Application provision**

Clause 54-5 provides that clause 54-1 applies in relation to papaya that is exported on or after 1 July 2025, whether the papaya is harvested before, on or after that day.

## **Division 55—Passionfruit**

This Division imposes a charge (**passionfruit export charge**) on passionfruit harvested in Australia and exported. Charge was previously imposed on passionfruit: see Schedule 10 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of passionfruit export charge:**

- *passionfruit* is defined in subclause 55-1(2) of Schedule 2 to the Regulations.
- *passionfruit carton* is defined in subclause 55-3(2) of Schedule 2 to the Regulations.

### **Clause 55-1—Imposition of passionfruit export charge**

Subclause 55-1(1) imposes a charge on passionfruit that is harvested in Australia and exported from Australia. The term *passionfruit* is defined in subclause 55-1(2) by reference to its scientific name.

### **Clause 55-2—Exemptions from the charge**

This clause exempts passionfruit from charge if passionfruit levy has already been imposed on it under the Levies Regulations.

### **Clause 55-3—Rate of the charge**

Subclause 55-3(1) prescribes passionfruit export charge rates in three cases: passionfruit exported for processing, passionfruit packed in passionfruit cartons, and all other passionfruit.

Items 1, 2 and 3 of the table in this subclause prescribe two components in each case:

- the marketing component; and
- the research and development component.

In each case, the passionfruit export charge rate is worked out by adding together the two components.

The term *passionfruit carton* is defined in subclause 55-3(2) as an 18 litre container of a kind ordinarily used in the Australian horticultural industry for packing passionfruit.

### **Clause 55-4—Charge payer**

This clause provides that the person who exports the passionfruit from Australia is liable to pay passionfruit export charge.

### **Clause 55-5—Application provision**

Clause 55-5 provides that clause 55-1 applies in relation to passionfruit that is exported on or after 1 July 2025, whether the passionfruit is harvested before, on or after that day.



## **Division 56—Persimmons**

This Division imposes a charge (**persimmon export charge**) on persimmons that are harvested in Australia and exported. Charge was previously imposed on persimmons: see Schedule 10 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of persimmon export charge:**

- *persimmon* is defined in subclause 56-1(2) of Schedule 2 to the Regulations.

### **Clause 56-1—Imposition of charge**

Subclause 56-1(1) imposes a charge on persimmons that are harvested in Australia and exported from Australia. The term *persimmon* is defined in subclause 56-1(2) by reference to its scientific name.

### **Clause 56-2—Exemptions from the charge**

This clause exempts persimmons from charge if persimmon levy has already been imposed on them under the Levies Regulations.

### **Clause 56-3—Rate of the charge**

Clause 56-3 specifies the persimmon export charge rate.

Item 1 of the table in this clause prescribes two components:

- the marketing component; and
- the research and development component.

The persimmon export charge rate is worked out by adding together the two components.

### **Clause 56-4—Charge payer**

This clause provides that the person who exports the persimmons from Australia is liable to pay the persimmon export charge.

### **Clause 56-5—Application provision**

Clause 56-5 provides that clause 56-1 applies in relation to persimmons that are exported on or after 1 July 2025, whether the persimmons are harvested before, on or after that day.

## **Division 57—Pineapples**

This Division imposes a charge (**pineapple export charge**) on pineapples that are harvested in Australia and exported. Charge was previously imposed on pineapples: see Schedules 10 and 14 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

## **Key definitions for the imposition of pineapple export charge:**

- *pineapple* is defined in subclause 57-1(2) of Schedule 2 to the Regulations.

### **Clause 57-1—Imposition of pineapple export charge**

Subclause 57-1(1) imposes a charge on pineapples that are harvested in Australia and exported from Australia. The term *pineapple* is defined in subclause 57-1(2) by reference to its scientific name.

### **Clause 57-2—Exemptions from the charge**

This clause exempts pineapples from charge if pineapple levy has already been imposed on them under the Levies Regulations.

### **Clause 57-3—Rate of charge**

Clause 57-3 prescribes the pineapple export charge rate.

Item 1 in the table in this clause prescribes four components:

- the marketing component;
- the research and development component;
- the biosecurity activity component; and
- the biosecurity response component.

The pineapple export charge rate is worked out by adding together the four components.

The biosecurity response component is set to nil to allow for a quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the Commonwealth that a biosecurity component can be raised to facilitate a payment (including repayment) mechanism if required.

### **Clause 57-4—Charge payer**

This clause provides that the person who exports the pineapples from Australia is liable to pay the pineapple export charge.

### **Clause 57-5—Application provision**

Clause 57-5 provides that clause 57-1 applies in relation to pineapples that are exported on or after 1 July 2025, whether the pineapples are harvested before, on or after that day.

## **Division 58—Potatoes**

This Division imposes a charge (**potato export charge**) on potatoes harvested in Australia and exported. Charge was previously imposed on potatoes: see Schedules 10 and 14 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of potato export charge:**

- *potato* is defined in subclause 58-1(2) of Schedule 2 to the Regulations.

### **Clause 58-1—Imposition of potato export charge**

Subclause 58-1(1) imposes charge on potatoes that are harvested in Australia and exported from Australia. The term *potato* is defined in subclause 58-1(2) by reference to its scientific name.

### **Clause 58-2—Exemptions from the charge**

This clause exempts potatoes from potato export charge in two cases:

- Subclause 58-2(1) exempts potatoes from charge if potato levy has already been imposed on the potatoes under the Levies Regulations.
- Subclause 58-2(2) exempts from charge potatoes that, in a calendar year, a person exports from Australia if the total quantity of potatoes the person exports in that year is less than 100 tonnes. This exemption supports the efficient and cost-effective collection of the charge by not requiring people to pay charge on quantities below a threshold set previously following consultation with industry.

Subclause 58-2(3) provides that the threshold exemption in subclause 58-2(2) does not apply to potatoes that are exempt from charge under subclause 58-2(1). The effect of this subclause is that potatoes that are exempt from charge, because levy has already been imposed on the potatoes under the Levies Regulations, are not counted towards the threshold in subclause 58-2(2).

### **Clause 58-3—Rate of the charge**

This clause prescribes the potato export charge rate.

Item 1 of the table in this clause prescribes three components:

- the research and development component;
- the biosecurity activity component; and
- the biosecurity response component.

The potato export charge rate is worked out by adding together the three components.

### **Clause 58-4—Charge payer**

This clause provides that the person who exports the potatoes from Australia is liable to pay the potato export charge.

### **Clause 58-5—Application provision**

Clause 58-5 provides that clause 58-1 applies in relation to potatoes that are exported on or after 1 January 2025, whether the potatoes are harvested before, on or after that day.

## **Division 60—Rubus (raspberry, blackberry etc.)**

This Division imposes a charge (**rubus export charge**) on rubus harvested in Australia and exported, in specific circumstances. Charge was previously imposed on rubus: see Schedules 10 and 14 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of rubus export charge:**

- *rubus* is defined in subclause 60-1(2) of Schedule 2 to the Regulations.

### **Clause 60-1—Imposition of rubus export charge**

Subclause 60-1(1) imposes a charge on rubus that is harvested in Australia and exported from Australia.

The term *rubus* is defined in subclause 60-1(2) by reference to its scientific name and includes any hybrids within that genus. A note to this subclause gives examples of what is and what is not included within the definition.

### **Clause 60-2—Exemptions from the charge**

This clause exempts rubus from charge if rubus levy has already been imposed on the rubus under the Levies Regulations.

### **Clause 60-3—Rate of the charge**

Clause 60-3 prescribes the rubus export charge rate.

Item 1 of the table in this clause prescribes three components:

- the marketing component;
- the research and development component; and
- the biosecurity activity component.

The rubus export charge rate is worked out by adding together the three components.

The marketing component is set to nil in consultation with industry, with the expectation there may be an increase at a later date.

### **Clause 60-4—Charge payer**

This clause provides that the person who exports the rubus from Australia is liable to pay the rubus export charge.

### **Clause 60-5—Application provision**

Clause 60-5 provides that clause 60-1 applies in relation to rubus that is exported on or after 1 July 2025, whether the rubus is harvested before, on or after that day.

## **Division 61—Stone fruit**

This Division imposes a charge (**stone fruit export charge**) on stone fruit harvested in Australia and exported. Charge was previously imposed on stone fruit: see Schedules 10 and 14 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of stone fruit export charge:**

- *stone fruit* is defined in subclause 61-1(2) of Schedule 2 to the Regulations.

### **Clause 61-1—Imposition of stone fruit export charge**

Subclause 61-1(1) imposes a charge on stone fruit that is harvested in Australia and exported from Australia. The term *stone fruit* is defined in subclause 61-1(2) as a fruit of a number of specified species, identified by their scientific names and common names, and hybrids between any of those species.

### **Clause 61-2—Exemptions from the charge**

This clause exempts stone fruit from stone fruit charge if stone fruit levy has already been imposed on the stone fruit under the Levies Regulations.

### **Clause 61-3—Rate of the charge**

Clause 61-3 prescribes the stone fruit export charge rate.

Item 1 of the table in this clause prescribes four components:

- the marketing component;
- the research and development component;
- the biosecurity activity component; and
- the biosecurity response component.

The stone fruit export charge rate is worked out by adding together the four components.

The marketing component is set to nil following consultation with industry, with the possibility there may be an increase at a later date. The biosecurity response component is set to nil to allow for a quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the Commonwealth that a biosecurity response component can be raised to facilitate a payment (including repayment) mechanism if required.

### **Clause 61-4—Charge payer**

This clause provides that the person who exports the stone fruit from Australia is liable to pay the stone fruit export charge.

### **Clause 61-5—Application provision**

Clause 61-5 provides that clause 61-1 applies in relation to stone fruit that is exported on or after 1 July 2025, whether the stone fruit is harvested before, on or after that day.

### **Division 63—Sweet potatoes**

This Division imposes a charge (**sweet potato export charge**) on sweet potatoes that are harvested in Australia and exported. Charge was previously imposed on sweet potatoes: see Schedules 10 and 14 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

#### **Key definitions for the imposition of sweet potato:**

- *sweet potato* is defined in subclause 63-1(2) of Schedule 2 to the Regulations.

### **Clause 63-1—Imposition of sweet potato export charge**

Subclause 63-1(1) imposes a charge on sweet potatoes that are harvested in Australia and exported from Australia. The term *sweet potato* is defined in subclause 63-1(2) by reference to its scientific name.

### **Clause 63-2—Exemptions from the charge**

This clause exempts sweet potatoes from charge if sweet potato levy has already been imposed on them under the Levies Regulations.

### **Clause 63-3—Rate of charge**

Clause 63-3 prescribes the sweet potato export charge rate.

Item 1 of the table in this clause prescribes four components:

- the marketing component;
- the research and development component;
- the biosecurity activity component; and
- the biosecurity response component.

Each component is worked out as a percentage of the free on board value of the sweet potatoes immediately before export. The sweet potato export charge rate is worked out by adding together the four components.

The biosecurity response component is set to nil to allow for a quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the Commonwealth that a biosecurity component can be raised to facilitate a payment (including repayment) mechanism if required.

### **Clause 63-4—Charge payer**

This clause provides that the person who exports the sweet potatoes from Australia is liable to pay the sweet potato export charge.

### **Clause 63-5—Application provision**

Clause 63-5 provides that clause 63-1 applies in relation to sweet potatoes that are exported on or after 1 July 2025, whether the sweet potatoes are harvested before, on or after that day.

## **Division 64—Vegetables**

This Division imposes a charge (**vegetable export charge**) on vegetables harvested in Australia and exported. Charge was previously imposed on vegetables: see Schedules 10 and 14 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

### **Clause 64-1—Imposition of vegetable export charge:**

This clause imposes a charge on vegetables. The term ‘vegetables’ is not defined and it is intended that the ordinary meaning would apply. This clause clarifies that while vegetables are subject to the charge, specific vegetables, including vegetables on which charge is imposed under a different Part or Division of these regulations, are expressly excluded from the vegetable export charge.

Subclause 64-1(1) imposes a charge on vegetables that are harvested in Australia and exported from Australia.

Subclause 64-1(2) clarifies that subclause 64-1(1) applies to shallots and parsley (each identified by its scientific name).

Subclause 64-1(3) prescribes specific kinds of vegetables on which vegetable export charge is not imposed. Of the vegetables so prescribed, those vegetables that have a scientific name not defined elsewhere in the regulations are identified by their scientific names or by broad category, such as ‘other herbs’. This subclause prescribes vegetables on which charge is imposed elsewhere in these regulations – onions, melons, potatoes and sweet potatoes – that are not subject to the vegetable export charge.

A note to subclause 64-1(3) refers to the definition of *melon* in clause 50-1 (which covers specific species or varieties of melons) to illustrate that vegetable export charge is not imposed on the melons on which charge is imposed under the melon export charge but may be imposed on other melons that are exported from Australia as vegetables, such as cucumbers.

### **Clause 64-2—Exemptions from the charge**

This clause exempts vegetables from charge if vegetable levy has already been imposed on them under the Levies Regulations.

### **Clause 64-3—Rate of the charge**

Clause 64-3 prescribes the vegetable export charge rate.

Item 1 of the table in this clause prescribes three components:

- the research and development component;
- the biosecurity activity component; and
- the biosecurity response component.

The amount of each component is worked out as a specified percentage of the free on board value of the vegetables. The vegetable export charge rate is worked out by adding together the three components.

### **Clause 64-4—Charge payer**

This clause provides that the person who exports the vegetables from Australia is liable to pay the vegetable export charge.

### **Clause 64-5—Application provision**

Clause 64-5 provides that clause 64-1 applies in relation to vegetables that are exported on or after 1 July 2025, whether the vegetables are harvested before, on or after that day.

## **Part 2-4—Viticulture**

### **Division 65—Introduction**

#### **Clause 65-1—Simplified outline of this Part**

This clause provides a simplified outline of Part 2-4. It summarises key features of the export charges imposed under this Part: the table grapes export charge; the dried grapes export charge; and the wine export charge.

### **Division 66—Table grapes export charge**

This Division imposes a charge (**table grapes export charge**) on table grapes harvested in Australia and exported. Charge was previously imposed on table grapes: see Schedules 10 and 14 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

#### **Key definitions for the imposition of table grapes export charge:**

- *grape* is defined in section 5 of the Regulations by reference to its scientific name.



### **Clause 66-1—Imposition of table grapes export charge**

Clause 66-1 imposes a charge on table grapes that are harvested in Australia and exported from Australia. The term ‘table grapes’ is not defined and it is intended that the ordinary meaning would apply.

### **Clause 66-2—Exemptions from the charge**

This clause exempts table grapes from charge if table grapes levy has already been imposed on them under the Levies Regulations.

### **Clause 66-3—Rate of the charge**

Clause 66-3 prescribes the table grapes export charge rate.

Item 1 of the table in this clause prescribes three components:

- the marketing component;
- the research and development component; and
- the biosecurity response component.

The table grapes export charge rate is worked out by adding together the three components.

The biosecurity response component is set to nil to allow for a quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the Commonwealth that a biosecurity component can be raised to facilitate a payment (including repayment) mechanism if required.

### **Clause 66-4—Charge payer**

This clause provides that the person who exports the table grapes from Australia is liable to pay the table grapes export charge.

### **Clause 66-5—Application provision**

Clause 66-5 provides that clause 66-1 applies in relation to table grapes that are exported on or after 1 July 2025, whether the grapes are harvested before, on or after that day.

## **Division 67—Dried grapes export charge**

This Division imposes a charge (**dried grapes export charge**) on dried grapes, where grapes were grown and dried in Australia and the dried grapes exported. Charge was previously imposed on dried grapes as dried fruits: see Schedules 10 and 14 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of dried grapes export charge:**

- *grape* is defined in section 5 of the Regulations by reference to its scientific name.

### **Clause 67-1—Imposition of dried grape export charge**

Clause 67-1 imposes a charge on dried grapes, where the grapes were grown and dried in Australia and exported from Australia.

### **Clause 67-2—Exemptions from the charge**

This clause exempts dried grapes from charge if dried grapes levy has already been imposed on them under the Levies Regulations.

### **Clause 67-3—Rate of the charge**

Clause 67-3 prescribes the dried grapes export charge rate.

Item 1 of the table in this clause prescribes two components:

- the marketing component; and
- the biosecurity response component.

The dried grapes export charge rate is worked out by adding together both components.

The biosecurity response component is set to nil to allow for a quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the Commonwealth that a biosecurity response component can be raised to facilitate a payment (including repayment) mechanism if required.

### **Clause 67-4—Charge payer**

This clause provides that the person who exports the dried grapes from Australia is liable to pay the dried grapes export charge.

### **Clause 67-5—Application provision**

Clause 67-5 provides that clause 67-1 applies in relation to dried grapes that are exported on or after 1 January 2025, whether the grapes are grown or dried before, on or after that day.

## **Division 70—Wine export charge**

This Division imposes a charge (**wine export charge**) on wine produced in Australia and exported. Charge was previously imposed on wine: see Schedule 13 to the 1999 Customs Charges Act and Schedule 13 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of wine export charge:**

- *wine* is defined in subclause 70-1(2) of Schedule 2 to the Regulations.

### **Clause 70-1—Imposition of wine export charge**

Subclause 70-1(1) imposes a charge on wine that is produced in Australia and exported from Australia. The term *wine* is defined in subclause 70-1(2) as an alcoholic beverage produced

by the complete or partial fermentation of fresh grapes or products derived solely from fresh grapes, or both.

### **Clause 70-2—Exemptions from the charge**

This clause exempts small quantities of wine from charge. Small quantities is defined in subsection 40J(1) of the *Wine Australia Act 2013* and regulations made for the purposes of that subsection.

### **Clause 70-3—Rate of the charge**

Clause 70-3 prescribes the wine export charge rate with a marketing component.

Subclause 70-3(1) provides that the rate of wine export charge on wine exported in a quarter in a financial year is worked out by the method prescribed by subclause 70-3(2).

Subclause 70-3(2) prescribes the method for working out the marketing component amount for a quarter, on the basis of the cumulative free on board sales value of the wine exported by the licensed exporter, quarter by quarter, over a financial year. Subclause 70-3(2) provides that the rate of charge on wine exported by a person in a quarter in a financial year is:

- the amount of charge worked out for the quarter calculated, using the table in the subclause, on the basis of the total free on board sales value of *all* of the wine exported by the person *in that year* as at the end of the quarter; less
- any amounts of charge worked out as payable by that person for earlier quarters in that year.

The table in the subclause prescribes the method for working out the amount of charge for a quarter. The amount is dependent on the total free on board sales value of all of the wine exported in that year as at the end of the relevant quarter.

Item 1 of the table in subclause 70-3(2) covers the case where the free on board sales value of the wine exported by the person in the year at the end of the relevant quarter is not more than \$20,000,000.

Item 2 of the table covers the case where the free on board sales value of the wine exported by the person in the year at the end of the relevant quarter is more than \$20,000,000 but not more than \$70,000,000.

Item 3 of the table covers the case where the free on board sales value of the wine exported by the person in the year at the end of the relevant quarter is more than \$70,000,000.

A note to this clause provides a detailed example of the operation of the rate calculation.

### **70-4—Charge payer**

This clause provides that the person who holds the licence under the *Wine Australia Act 2013* for the export of the wine is liable to pay the wine export charge.

## **70-5—Application provision**

Clause 70-5 provides that clause 70-1 applies in relation to wine that is exported on or after 1 July 2025, whether the wine is produced before, on or after that day.

## **Part 2-5—Other plants and plant products**

### **Division 71—Introduction**

#### **Clause 71-1—Simplified outline of this Part**

This clause provides a simplified outline of Part 2-5. It summarises key features of the export charges imposed under this Part: the fodder export charge; the tea tree oil export charge; and the turf export charge.

### **Division 72—Fodder**

This Division imposes a charge (**fodder export charge**) on fodder that is produced in Australia and exported. Charge was previously imposed on fodder: see Schedule 14 to the 1999 Customs Charges Act and Schedule 14 to the 2000 Customs Charges Regulations.

#### **Key definitions for the imposition of fodder export charge:**

- *fodder* is defined in subclause 72-1(2) of Schedule 2 to the Regulations.

#### **Clause 72-1—Imposition of fodder export charge**

Subclause 72-1(1) imposes a charge on fodder that is produced in Australia and exported from Australia. The term *fodder* is defined in subclause 72-1(2) as hay (including of various specified types) and straw (including cereal straw), any of which are for use for animal feed, but does not include chaff, extruded products or silage.

#### **Clause 72-2—Exemptions from the charge**

This clause exempts from charge fodder that, in a quarter in a financial year, a person exports from Australia, if the total quantity of fodder exported by that person in that quarter is less than 250 tonnes. The exemption supports the efficient and cost-effective collection of the charge by not requiring people to pay charge below a quarterly threshold set previously following consultation with industry.

#### **Clause 72-3—Rate of the charge**

Clause 72-3 prescribes the rate of fodder export charge.

Item 1 of the table in this clause prescribes the research and development component. The fodder export charge rate is the single component amount.

## **Clause 72-4—Charge payer**

This clause provides that the person who exports the fodder from Australia is liable to pay the fodder export charge.

## **Clause 72-5—Application provision**

Clause 72-5 provides that clause 72-1 applies in relation to fodder that is exported on or after 1 July 2025, whether the fodder is produced before, on or after that day.

## **Division 74—Tea tree oil**

This Division imposes a charge (**tea tree oil export charge**) on tea tree oil distilled in Australia and exported. Charge was previously imposed on tea tree oil: see Schedule 14 to the 1999 Customs Charges Act and Schedule 14 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of tea tree oil:**

- *tea tree oil* is defined in subclause 74-1(2) of Schedule 2 to the Regulations.

## **Clause 74-1—Imposition of tea tree oil export charge**

Subclause 74-1(1) imposes a charge on tea tree oil that is distilled in Australia and exported from Australia. The term *tea tree oil* is defined in subclause 74-1(2) as oil distilled from a plant, referred to by its scientific name, according to a specified international standard in force from time to time.

Subsection 24(5) of the Act provides that the regulations may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force or existing from time to time.

The purpose of the specified tea tree oil standard (ISO 4730:2017 *Essential oil of Melaleuca, terpinen-4-ol type (Tea Tree oil)*) is to specify certain characteristics of the essential oil *Melaleuca, terpinen-4-ol type (tea tree oil)* that need to be met in order to demonstrate the quality of the oil produced. Tea tree oil is an essential oil that has therapeutic uses for humans, particularly dermatological uses, when distilled in accordance with the international standard.

The ISO standard is not publicly available and can be purchased from the International Organization for Standardization. However, people liable to pay the tea tree oil export charge must, in the ordinary course of their business, have access to the standard.

The distillation of tea tree oil that is safe for therapeutic use by humans is, by its nature, technical. A person claiming that their oil meets the ISO standard — and thereby potentially becoming liable to pay the charge — must have access to that ISO standard in order to meet it. Additionally, in Australia, the Australian Tea Tree Oil Industry Association incorporates the ISO standard in place from time to time into its certification and quality assurance training process. This includes developing an industry code of practice, training in ISO certification standards, audit services and access to a trademarked certification logo.

### **Clause 74-2—Exemptions from the charge**

This clause exempts tea tree oil from charge if tea tree oil levy has already been imposed on it under the Levies Regulations.

### **Clause 74-3—Rate of the charge**

This clause prescribes the tea tree oil export charge rate.

Item 1 of the table in this clause prescribes two components:

- the research and development component; and
- the biosecurity response component.

The tea tree oil export charge rate is worked out by adding together the two components. The biosecurity response component is set to nil to allow for a quick activation, by increasing the component amount, in the event of a relevant biosecurity response. This provides certainty for the industry and the Commonwealth that a biosecurity response component amount can be raised to facilitate a payment (including repayment) mechanism if required.

### **Clause 74-4—Charge payer**

This clause provides that the person who exports the tea tree oil from Australia is liable to pay the tea tree oil export charge.

### **Clause 74-5—Application provision**

Clause 74-5 provides that clause 74-1 applies in relation to tea tree oil that is exported on or after 1 July 2025, whether the tea tree oil is distilled before, on or after that day.

## **Division 75—Turf**

This Division imposes a charge (**turf export charge**) on turf that is harvested in Australia and exported. Charge was previously imposed on turf: see Schedule 10 to the 1999 Customs Charges Act and Schedule 10 to the 2000 Customs Charges Regulations.

### **Key definitions for the imposition of turf export charge:**

- *turf* is defined in subclause 75-1(2) of Schedule 2 to the Regulations.

### **Clause 75-1—Imposition of turf export charge**

Subclause 75-1(1) imposes a charge on turf harvested in Australia and exported from Australia. The term *turf* is defined in subclause 75-1(2) as a living grass species that forms a uniform ground cover.

### **Clause 75-2—Exemptions from the charge**

This clause exempts turf from charge in two cases:

- Subclause 75-2(1) exempts turf from charge if turf levy has already been imposed it under the Levies Regulations.
- Subclause 75-2(2) exempts from charge turf that, in a financial year, a person exports from Australia, if the sum of the following is 20,000 square metres or less:
  - the total quantity of turf that is exported from Australia by the person in that year;
  - the total quantity of turf that is owned by the person immediately after it is harvested and sold by the person in that year.

This exemption supports the efficient and cost-effective collection of charge by not requiring people to pay charge on quantities of turf below a threshold set previously following consultation with industry.

Subclause 75-2(3) provides that the threshold exemption in subclause 75-2(2) does not apply to turf that is exempt from charge under subclause 75-2(1). The effect of this subclause is that turf that is exempt from charge, because levy has already been imposed on the turf under the Levies Regulations, is not counted towards the threshold in subclause 75-2(2).

### **Clause 75-3—Rate of the charge**

Clause 75-3 prescribes the turf export charge rate.

Item 1 of the table in this clause prescribes two components:

- the marketing component; and
- the research and development component.

The turf export charge rate is worked out by adding together the two components.

### **Clause 75-4—Charge payer**

This clause provides that the person who exports the turf from Australia is liable to pay the turf export charge.

### **Clause 75-5—Application provision**

Clause 75-5 provides that clause 75-1 applies in relation to turf that is exported on or after 1 July 2025, whether the turf is harvested before, on or after that day.

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

*Primary Industries (Customs) Charges Regulations 2024*

This disallowable legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* and advances certain of those rights.

### **Background**

The *Primary Industries (Customs) Charges Act 2024* (the Act) forms part of a package of Acts to modernise the agricultural levies and charges legislative framework. The Act enables customs charges to be imposed as part of the agricultural levy and charge system, known as the agricultural levy system.

The Act, in combination with the following Acts, provides the overarching legislative framework for the agricultural levy system:

- *Primary Industries (Excise) Levies Act 2024*
- *Primary Industries (Services) Levies Act 2024*
- *Primary Industries Levies and Charges Collection Act 2024*
- *Primary Industries Levies and Charges Disbursement Act 2024*
- *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024.*

### **Overview of the Legislative Instrument**

The purpose of the *Primary Industries (Customs) Charges Regulations 2024* (the Regulations) is to provide, under a modernised levies and charges legislative framework (modernised legislative framework), for the consolidated imposition of charges in relation to animal products, plant products, fungus products, or algal products that are produce of a primary industry.

The Regulations also set out any exemptions from the imposition of charge, the rate of charge, and the person who is liable to pay the charge (the charge payer). For some products, the Regulations provide for the imposition of multiple charges.

This legislative instrument commences on 1 January 2025.

### **Human rights implications**

The relevant aspects of the Act were assessed as engaging human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. That assessment was set out in the Explanatory Memorandum to the Bill for the Act. That assessment concluded that the Act, and the agricultural levy system overall, were compatible with human rights because the measures in



the Act promoted human rights, did not engage human rights, or to the extent that they did engage and limit specified human rights, those limitations were reasonable, necessary, and proportionate to the Act's legitimate objectives.

The Parliamentary Joint Committee on Human Rights examined the Statement of Compatibility with Human Rights to the Bill for the Act in Report 12 of 2023, in accordance with the *Human Rights (Parliamentary Scrutiny) Act 2011*. The Committee made no comment on the Bill on the basis that it did not engage, or only marginally engaged human rights; promoted human rights; and/or permissibly limited human rights. For an analysis of the human rights implications of the modernised legislation package as a whole, the Explanatory Memoranda for the Bills should be referred to.

This legislative instrument, by extension, engages the following rights:

- the right to an adequate standard of living – Article 11(1) of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR)
- the right to health – Article 12(1) of the ICESCR.

#### *Right to an adequate standard of living*

The disallowable legislative instrument engages the right to an adequate standard of living under Article 11(1) of the ICESCR. This includes the right to adequate food, clothing, water, and housing, and to the continuous improvement of living conditions. States Parties have an obligation to ensure the availability and accessibility of the resources necessary for the progressive realisation of this right. Article 4 of the ICESCR provides that these rights may be subject to permissible limitations only where those limitations are provided by law and are for the purpose of promoting the general welfare in a democratic society.

The Regulations impose charges on approximately forty animal and plant products, including fishing, livestock, fibre, fodder, forestry, wine and horticultural products. The charges imposed by this instrument ensure the Australian agricultural sector is well positioned to meet domestic and international need for high quality and greater variety of food, fibre, wood and other primary produce as well as assist industry to collectively fund beneficial biosecurity projects for pest and disease preparedness, emergency responses and management.

While the imposition of a customs charge may limit the profit individual charge payers make from their goods initially, the aggregation of charges imposed by the Regulations promotes the right to an adequate standard of living through the benefits of collective investment. Individual businesses often struggle to fund strategic activities (such as research and development (R&D)) activities that will increase production in the long term or biosecurity activities that will address the risk to all growers from pests and diseases). Charges are imposed in response to a charge proposal supported by at least a majority of charge payers and directed to industry-wide benefits.

The outcomes of these investments also lead to broader public benefits for Australians and the international community reliant on Australian production. By strengthening the productivity of the Australian agricultural, fisheries and forestry sector, as well as making production more resilient to threats, the activities funded by the levy system positively impact the availability and accessibility of the resources necessary for the progressive realisation of

this right. For example, the levy system benefits the availability and accessibility of food and other primary produce such as fibre which may be used for clothing and wood which may be used for housing.

On balance, the likely benefits delivered by the agricultural levy system are broad and serve to promote the right to an adequate standard of living through improved economic and social outcomes. The Instrument promotes this right by supporting targeted investment to increase beneficial farming, fisheries and forestry technologies and practices to help communities to achieve greater productivity, sustainability, climate resilience, and food security.

Any purported limitation on this right at point of imposition, is reasonable and proportionate having regard to the objective of improving the standard of living of charge payers by enhancing their individual productivity, access to markets, climate resilience and profitability.

### *Right to health*

Article 12 of the ICESCR promotes the right of all individuals to enjoy the highest attainable standards of physical and mental health.

The UNCESCR has stated (General Comment No 14 (2000)) that health is a fundamental human right indispensable for the exercise of other human rights and that the right to health is not to be understood as the right to be healthy, but rather entails a right to a system of health protection which provides equality of opportunity for people to enjoy the highest attainable level of health. The right may be understood as encompassing the prevention and reduction of the population's exposure to harmful substances such as harmful chemicals or other detrimental environmental conditions that directly or indirectly impact upon human health (at [15]).

The instrument engages and promotes the right to health through imposing charges for investment in activities that prevent or reduce harm to human health. Activities funded by the levy system support access to food which is nutritionally adequate and safe for the Australian and international community. Activities include biosecurity activities, residue testing as well as wide-ranging R&D activities into agricultural production that can increase food production, food security and food safety. For example, biosecurity activities that support the prevention and control of animal diseases and plant pests contribute to adequate food supply. Monitoring and testing of contaminant levels in agricultural products ensures that food produced in Australia is safe (for example, that it does not contain unsafe levels of chemical residues or heavy metals).

The instrument further promotes the right to health through funding activities which will support and underpin the sourcing and availability of safe food as well as improving, monitoring and management of new and emerging food safety and security risks.

## **Conclusion**

The legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* as it promotes the protection of the human rights it engages. To the extent that it may limit human rights, those limits are reasonable, necessary and proportionate to the instrument's legitimate objectives.

**The Hon. Julie Collins**

**Minister for Agriculture, Fisheries and Forestry**