

EXPLANATORY STATEMENT

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

Primary Industries (Customs) Charges Act 1999

Primary Industries (Customs) Charges Act 2024

Primary Industries (Customs) Charges Legislation Amendment (Apples and Pears, Custard Apples, Lychees and Macadamia Nuts) Regulations 2024

Legislative Authority

Primary Industries (Customs) Charges Act 1999

The *Primary Industries (Customs) Charges Act 1999* (the Charges Act 1999) authorises the imposition of certain primary industries charges in regulations that are duties of customs. Section 8 of the Charges Act 1999 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 or giving effect to the Act. The charges imposed are a duty of custom within the meaning of section 55 of the Constitution.

Primary Industries (Customs) Charges Act 2024

The *Primary Industries (Customs) Charges Act 2024* (the Charges Act 2024) authorises the imposition of charges that are duties of customs. Section 24 of the Charges Act 2024 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 or giving effect to the Act. The charges imposed are a duty of custom within the meaning of section 55 of the Constitution.

Section 4 of the *Acts Interpretation Act 1901* (the 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 Legislation Amendment (Apples and Pears, Custard Apples, Lychees and Macadamia Nuts) Regulations 2024* (the Regulations) before commencement of the Act as if the Charges Act 2024 had already commenced. The Act commences on 1 January 2025.

Purpose

The purpose of the Regulations is to:

- facilitate the repayment of industry biosecurity response contributions to the Australian Government, and biosecurity activities in relation to lychees;
- implement recommendations of the custard apples industry to change the marketing component and the research and development component of the custard apples charge to meet the current needs of industry; and
- clarify that the Emergency Plant Pest Response (EPPR) charge in relation to apples and pears is not imposed on juicing and processing apples and pears.

Specifically, the Regulations will amend charge rates in the *Primary Industries (Customs) Charges Regulations 2000* (the Charges Regulations 2000) to:

- decrease the rate of the existing marketing component for the lychees charge from 2.5 cents per kilogram to 2.25 cents per kilogram on or after 1 January 2025;
- decrease the research and development component for the lychees charge from 5.5 cents per kilogram to 5.25 cents per kilogram on or after 1 January 2025;
- establish a Plant Health Australia (PHA) charge for the lychees charge set at 0.50 cents per kilogram on or after 1 January 2025; and
- clarify that the Emergency Plant Pest Response (EPPR) charge in relation to apples and pears is not imposed on juicing and processing apples and pears.

The Regulations will also amend the *Primary Industries (Customs) Charges Regulations 2024* (the Charges Regulations 2024) to:

- continue after the end of the saving of the Charges Regulations 2000:
 - the decreased rate of the existing marketing component of the lychees charge from 2.5 cents per kilogram of lychees to 2.25 cents per kilogram of lychees as the charge applies on or after 1 July 2025;
 - the decreased research and development component of the lychees charge from 5.5 cents per kilogram of lychees to 5.25 cents per kilogram of lychees as the charge applies on or after 1 July 2025;
 - a component for biosecurity activity charge for lychees set at 0.05 cents per kilogram as the charge applies on or after 1 July 2025;
- increase the biosecurity response component of the apples and pears charge (excluding apples and pears sold for processing into fruit juice or that are processed into fruit juice) from 0.05 cents per kilogram of the fruit to 0.242 cents per kilogram of the fruit as the charge applies on or after 1 January 2025;
- increase the biosecurity response component for macadamia nuts as follows:
 - macadamias in shells – main case (where a sample has been taken) from zero to 0.79 cents per kilogram as the charge applies on or after 1 January 2025;
 - macadamias in shells – other cases (where no sample has been taken) from zero to 0.395 cents per kilogram as the charge applies on or after 1 January 2025;
 - macadamia dried kernels charge from zero to 0.79 cents per kilogram as the charge applies on or after 1 January 2025;
- decrease the rate of the marketing component for the custard apples charge from 13 cents per box or tray and \$16 per tonne to nil as the charge applies on or after 1 January 2025; and
- increase the research and development component for the custard apples charge from 27 cents per box or tray and \$34 per tonne for custard apples to 40 cents per box or tray and \$50 per tonne as the charge applies on or after 1 January 2025.

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 levy and charge are generally disbursed under the *Primary Industries Levies and Charges Disbursement Act 2024* by the Commonwealth to recipient bodies and other entities to support activities the levies and charges were imposed to fund. This includes research and development, marketing, biosecurity activities, biosecurity responses, and National Residue Survey testing.

The primary industries levies and charges legislative framework is currently being modernised to increase accessibility for industry and be more effective in meeting industries' needs in the future. As a result, charge settings will be consolidated in the Charges Regulations 2024, rather than being split between the Charges Act 1999 and the Charges Regulations 2000, as is currently the case.

The new legislative framework replaces the 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 a modernised legislative framework by setting out application, savings and transitional arrangements to ensure continuity of arrangements and minimal impacts for levy and charge payers. To implement the legislative changes, relevant changes have been made to both the Charges Regulations 2000 that will be saved for a particular period before the application of the Charges Regulations 2024.

Clause 2 of Schedule 10 to the Charges Act 1999 imposes a charge on certain chargeable horticultural products produced in Australia that are exported from Australia. Clauses 3 and 5 of that Schedule enable the regulations to fix a rate of charge in relation to marketing and research and development. Clause 2 of Schedule 14 enables the regulations to impose a charge on one or more specified products that are produce of a primary industry in the circumstances prescribed.

Clause 5 of Schedule 10 to the Charges Act requires the Minister to consider certain matters before the Governor-General makes regulations for the purposes of that Schedule. This includes any relevant recommendations the industry services body, Horticulture Innovation Australia Limited declared under section 9 of the *Horticulture Marketing and Research and Development Services Act 2000*, makes to the Minister following consultation with the eligible industry body for the leviable horticultural product. Clause 13 of Schedule 14 of the Charges Act 1999 also requires the Minister to take into account any relevant recommendations made to the Minister by any designated body.

The Minister considered whether any relevant recommendations were made by the industry services body under clause 5 of Schedule 10 and any designated body under clause 13 of Schedule 14 to the Charges Act 1999 and was satisfied that appropriate consultation with eligible industry bodies and designated bodies in relation to the charge and any recommendation made by those bodies about the rate have been considered.

Subsection 7(1) of the Charges Act 2024 provides that the regulations may impose a charge in the circumstances prescribed in relation to products that are produce of a primary industry. Subsection 7(3) of the Charges Act 2024 provides that, before the Governor-General may make regulations for the purposes of these provisions, the Minister must be satisfied that the imposition of the charge would result in one or more of the types of expenditure on matters or activities specified.

The Minister was satisfied under subsection 7(3) of the Charges Act 2024, before the Governor-General made the regulations for the purposes of subsection 7(1), that the imposition of each charge will result in one or more of the types of expenditure on matters or activities specified in those provisions. The Minister was also satisfied under paragraph

24(2)(c) of the Charges Act 2024 that appropriate consultation has been undertaken with bodies and persons involved in the industry in relation to the charge and any recommendations made by those bodies or persons about the rate have been considered.

Impact and Effect

The amendments will benefit apple and pear, custard apples, lychee and macadamia nut charge payers. The changes to, and creation of, new biosecurity related charges for apples and pears, macadamia nuts and lychees will be used to repay industry response contributions to the nationally cost-shared *Varroa destructor* mite, by the Australian Government under ongoing response arrangements set out in the Emergency Plant Pest Response Deed. Amendments to the research and development component of the charge for custard apples will allow for greater investment into research and development for the custard apple industry.

Complementary amendments to the *Primary Industries (Excise) Levies Regulations 1999* and the *Primary Industries (Excise) Levies Regulations 2024* by the *Primary Industries (Excise) Levies Amendment (Apples and Pears, Custard Apples, Lychees and Macadamia Nuts) Regulations 2024* align changes in the levy rates for apples and pears, custard apples, lychees and macadamia nuts with the changes in the customs charge.

Consultation

The measures in these Regulations were developed with extensive consultation with apple and pear, custard apple, lychee and macadamia nut growers, in accordance with the Australian Government's *Levy guidelines: How to establish or amend agricultural levies* (Levy Guidelines).

The Australian Lychee Growers Association consulted with lychee growers for several months before holding a ballot which was managed by an independent third party. The majority of the votes from the ballot supported the proposal. There was a six-week objection period following the result of the ballot; no objections were received. The Department of Agriculture, Fisheries and Forestry (the department) assessed the proposal and considered it to meet the requirements of the Levy Guidelines.

Apple and Pear Australia Limited (APAL) is a designated body for apples and pears. On two separate occasions, APAL notified apple and pear growers of the EPPR charge proposal and the biosecurity response charge proposal. For the EPPR charge proposal there was a 60-day objection period following the notification; no objections were received. For the biosecurity response proposal there was a 30-day objection period following the notification; no objections were received. The department assessed both the proposal and considered it to meet the requirements of the Levy Guidelines.

The Australian Macadamia Society Limited notified macadamia nut growers of the charge proposal. There was a 30-day objection period following the notification. Four objections were received but did not necessitate a change to the proposal. Two concerned a misunderstanding regarding the proposed rate. Two suggested the response contribution be funded through the existing research and development charge, but biosecurity response is not a permissible use for those charges. The department assessed the proposal and considered it to meet the requirements of the Levy Guidelines.

Custard Apples Australia consulted with custard apple growers for several months before holding a ballot which was managed by an independent third party. The majority of the votes from the ballot supported the proposal. There was a six-week objection period following the result of the ballot; no objections were received. The department assessed the proposal and considered it to meet the requirements of the Levy Guidelines.

The Office of Impact Analysis has been consulted on the introduction of the biosecurity activity charge and has advised that an Impact Analysis is not required (OIA24-07662). A standing exemption from the requirement to conduct an Impact Analysis for increases or decreases in agricultural charges applies (OIA23-06171).

Details/ Operation

Details of the Regulations are set out in Attachment A.

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 B.

The Regulations will commence as follows:

- sections 1 to 4 and anything in the Regulations not elsewhere covered will commence on the day after the Regulations are registered;
- Schedule 1 will commence on the day after the Regulations are registered; and
- Schedule 2 to the Regulations will commence on 1 January 2025 immediately after the commencement of the *Primary Industries (Customs) Charges Regulations 2024*.

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

Details of the *Primary Industries (Customs) Charges Legislation Amendment (Apples and Pears, Custard Apples, Lychees and Macadamia Nuts) Regulations 2024*

Section 1 – Name

This section provides that the name of the Regulations is the *Primary Industries (Customs) Charges Legislation Amendment (Apples and Pears, Custard Apples, Lychees and Macadamia Nuts) Regulations 2024* (the Regulations).

Section 2 – Commencement

This section provides that the Regulations will commence as follows:

- sections 1 to 4 and anything in the instrument not elsewhere covered will commence on the day after the Regulations are registered.
- Schedule 1 to the Regulations will commence on the day after the Regulations are registered; and
- Schedule 2 to the Regulations will commence on 1 January 2025 immediately after the commencement of the *Primary Industries (Customs) Charges Regulations 2024*.

Section 3 – Authority

This section provides that the Regulations are made under the *Primary Industries (Customs) Charges Act 1999* (the Charges Act 1999) and the *Primary Industries (Customs) Charges Act 2024* (the Charges Act 2024).

Section 4 – Schedules

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

Schedule 1 – Amendments of the existing regulations

Primary Industries (Customs) Charges Regulations 2000

Item 1 – Before clause 23.1 of Schedule 10

This item inserts a new heading ‘Division 23.1 – Product charge’ before clause 23.1 of Schedule 10 to the Charges Regulations 2000. This amendment assists with the readability of Part 23.

Item 2 – Clause 23.3 of Schedule 10

This item repeals clause 23.3 of Schedule 10 to the Charges Regulations 2000, which sets the marketing component of the rate of charge on fresh lychees and substitutes new clause 23.3.

New clause 23.3 provides that in effect for the purposes of subclause 3(3) of Schedule 10 to the Charges Act 1999, the rate of the marketing component of the charge:

- prior to 1 January 2025 is 2.5 cents per kilogram of fresh lychees; and
- on or after 1 January 2025 is 2.25 cents per kilogram of fresh lychees.

The purpose of this amendment is to decrease the marketing component of the charge on fresh lychees on or after 1 January 2025

Item 3 – Clause 23.4 of Schedule 10

This item repeals clause 23.4 of Schedule 10 to the Regulations, which sets the research and development component of the rate of charge on fresh lychees and substitutes new clause 23.4.

New clause 23.4 provides that for the purposes of subclause 3(5) of Schedule 10 to the Charges Act 1999, the rate of the research and development component of the charge:

- prior to 1 January 2025 is 5.5 cents per kilogram of fresh lychees; and
- on or after 1 January 2025 decreases to 5.25 cents per kilogram of fresh lychees.

The purpose of this amendment is to decrease the research and development component of the charge on fresh lychees on or after 1 January 2025.

Item 4 – At the end of Part 23 of Schedule 10

This item adds a new ‘Division 23.3 – Special purpose charges’ at the end of Part 23 of Schedule 10 to the Regulations.

New subclause 23.6(1) provides that for the purposes of clause 2 of Schedule 14 to the Charges Act 1999, a PHA charge is imposed on fresh lychees on which charge is imposed by Schedule 10 to that Act on or after 1 January 2025.

New subclause 23.6(2) provides that for the purposes of clause 5 of Schedule 14 to the Charges Act 1999, the rate of PHA charge on fresh lychees is 0.5 cents per kilogram.

New subclause 23.6(3) provides that for the purposes of clause 10 of Schedule 14 to the Charges Act 1999, the PHA charge on fresh lychees is payable by the producer of the lychees.

New clause 23.6 also adds a note to refer readers to the *Plant Health Australia (Plant Industries) Funding Act 2002*, in relation to the PHA charge.

The purpose of this new Division is to provide for a Plant Health Australia (PHA) charge on fresh lychees on or after 1 January 2025.

Schedule 2 – Amendments of the new regulations

Primary Industries (Customs) Charges Regulations 2024

Item 1 – Subclause 38-3(1) of Schedule 2 (cell at table item 1, column headed “Rate of charge”, paragraph (d))

This item omits the existing rate of charge on apples in relation to the biosecurity response component of 0.05 cents per kilogram and substitutes a new rate of 0.242 cents per kilogram.

The purpose of this amendment is to increase the biosecurity response component of the charge on apples to facilitate repayment of industry biosecurity response contributions to the Australian Government for the response to the *Varroa destructor* mite as the charge applies on or after 1 January 2025.

Item 2 – Subclause 38-3(2) of Schedule 2 (cell at table item 1, column headed “Rate of charge”, paragraph (c))

This item omits the existing rate of charge on pears in relation to the biosecurity response component of 0.05 cents per kilogram and substitutes a new rate of 0.242 cents per kilogram.

The purpose of the amendment is to increase the biosecurity response component of the charge on pears to facilitate the repayment of industry biosecurity response contributions to the Australian Government for the response to the *Varroa destructor* mite as the charge applies on or after 1 January 2025.

Item 3 – Subclause 44-3(1) of Schedule 2 (cell at table item 1, column headed “Rate of charge”, paragraph (a))

This item omits the existing rate of charge on custard apples in relation to the marketing component of 13 cents per box and substitutes a new rate of 0 cents per box.

The purpose of the amendment is to reduce the rate of the marketing component of the charge on custard apples sold by the box to nil to meet the current priorities of industry as the charge applies on or after 1 January 2025.

Item 4 – Subclause 44-3(1) of Schedule 2 (cell at table item 1, column headed “Rate of charge”, paragraph (b))

This item omits the existing rate of charge on custard apples in relation to the research and development component of 27 cents per box of custard apples and substitutes a new rate of 40 cents per box.

The purpose of the amendment is to increase the research and development component of the charge on custard apples sold by the box to meet the current priorities of industry as the charge applies on or after 1 January 2025.

Item 5 – Subclause 44-3(1) of Schedule 2 (cell at table item 2, column headed “Rate of charge”, paragraph (a))

This item omits the existing rate of charge on custard apples in relation to the marketing component of 13 cents per tray of custard apples and substitutes a new rate of 0 cents per tray.

The purpose of the amendment is to decrease the marketing component of the charge on custard apples sold by the tray to nil to meet the current priorities of industry as the charge applies on or after 1 January 2025.

Item 6 – Subclause 44-3(1) of Schedule 2 (cell at table item 2, column headed “Rate of charge”, paragraph (b))

This item omits the existing rate of charge on custard apples in relation to the research and development component of 27 cents per tray and substitutes a new rate of 40 cents per tray.

The purpose of the amendment is to increase the research and development component of the charge on custard apples sold by the tray as the charge applies on or after 1 January 2025 to increase investment in research and development in custard apple production.

Item 7 – Subclause 44-3(1) of Schedule 2 (cell at table item 3, column headed “Rate of charge”, paragraph (a))

This item omits the existing rate of charge on custard apples in relation to the marketing component of \$16 per tonne of custard apples and substitutes a new rate of \$0 per tonne of custard apples.

The purpose of the amendment is to reduce the marketing component of the charge on custard apples sold by the tonne as the charge applies on or after 1 January 2025 to meet the current priorities of industry.

Item 8 – Subclause 44-3(1) of Schedule 2 (cell at table item 3, column headed “Rate of charge”, paragraph (b))

This item omits the existing rate of charge on custard apples in relation to the research and development component of \$34 per tonne of custard apples and substitutes a new rate of \$50 per tonne of custard apples.

The purpose of the amendment is to increase the research and development component of the charge on custard apples sold by the tonne as the charge applies on or after 1 January 2025 to increase investment in research and development in custard apple production.

Item 9 – Subclause 47-3 of Schedule 2 (cell at table item 1, column headed “Rate of charge”, paragraph (a))

This item omits the existing rate of charge on lychees in relation to the marketing component of 2.5 cents per kilogram of the lychees and substitutes a new rate of 2.25 cents per kilogram of the lychees.

The purpose of this amendment is to continue after the end of the saving of the Charges Regulations 2000, the decrease of the marketing component of the charge on lychees as the charge applies on or after 1 July 2025, to ensure that the biosecurity activity component of charge on lychees, provided for in item 11 below, does not increase the overall total charge.

Item 10 – Subclause 47-3 of Schedule 2 (cell at table item 1, column headed “Rate of charge”, paragraph (b))

This item omits the existing rate of charge on lychees in relation to the research and development component of 5.5 cents per kilogram of the lychees and substitutes a new rate of 5.25 cents per kilogram of the lychees.

The purpose of this amendment is to continue after the end of the savings of the Charges Regulations 2000, the decrease of the research and development component of the charge on lychees as the charge applies on or after 1 July 2025 to ensure that the biosecurity activity component of charge on lychees, provided for in item 11 below, does not increase the overall total charge.

Item 11 – Subclause 47-3 of Schedule 2 (at the end of the cell at table item 1, column headed “Rate of charge”)

This item adds a new charge component to clause 47-3 of Schedule 2. The purpose of this component is to include a biosecurity activity component of the charge on lychees. The rate of the biosecurity activity component on lychees is 0.5 cents per kilogram of the lychees.

The purpose of the amendment is to continue after the end of the saving of the Charges Regulations 2000 a component of biosecurity activity charge on lychees as the charge applies on or after 1 July 2025.

Item 12 – Subclause 48-3(1) of Schedule 2, (cell at table item 1, column headed “Rate of charge”, paragraph (c))

This item omits the existing rate of charge on macadamias in shell – main case in relation to the biosecurity component of 0 cents and substitutes a new rate of 0.79 cents multiplied by the number worked out under subclause (2).

The purpose of this amendment is to increase the biosecurity response component of the charge on macadamia nuts to facilitate the repayment of industry biosecurity response contributions to the Australian Government for the response to the *Varroa destructor* mite as the charge applies on or after 1 January 2025.

Item 13 – Subclause 48-3(2) of Schedule 2, (example)

This item omits “is \$0.2521”, from the example and substitutes “ is \$0.26”. This amendment updates the figures to reflect the increased biosecurity response component in the example.

Item 14 – Subclause 48-3(2) of Schedule 2, (example)

This item omits “\$75.63 (\$0.2521” from the example and substitutes “\$78 (0.26”. This amendment updates the figures to reflect the increased biosecurity response component in the example.

Item 15 – Subclause 48-3(3) of Schedule 2, (cell at table item 1, column headed “Rate of charge”, paragraph (c))

This item omits the existing rate of charge on macadamias in shell – other cases in relation to the biosecurity response component of 0 cents and substitutes a new rate of 0.395 cents per kilogram of the macadamias in shell.

The purpose of this amendment is to increase the biosecurity response component of the charge on macadamia nuts to facilitate the repayment of industry biosecurity response contributions to the Australian Government for the response to the *Varroa destructor* mite as the charge applies on or after 1 January 2025.

Item 16 – Subclause 48-3(4) of Schedule 2, (cell at table item 1, column headed “Rate of charge”, paragraph (c))

This item omits the existing rate of charge on macadamia dried kernels in relation to the biosecurity response component of 0 cents and substitutes a new rate of 0.79 cents per kilogram of the kernels.

The purpose of this amendment is to increase the biosecurity response component of the charge on macadamia nuts to facilitate the repayment of industry biosecurity response contributions to the Australian Government for the response to the *Varroa destructor* mite as the charge applies on or after 1 January 2025.

Statement of Compatibility with Human Rights

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

Primary Industries (Customs) Charges Legislation Amendment (Apples and Pears, Custard Apples, Lychees and Macadamia Nuts) Regulations 2024

This 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*.

Overview of the Legislative Instrument

The purpose of the *Primary Industries (Customs) Charges Amendment (Apples and Pears, Custard Apples, Lychees and Macadamia Nuts) Regulations 2024 (the Legislative Instrument)* is to make the following changes to the *Primary Industries (Customs) Charges Regulations 2000* and the *Primary Industries (Customs) Charges Regulations 2024* to meet current industry needs of the sector by:

- decreasing the rate of the existing marketing component of the lychees charge from 2.5 cents per kilogram to 2.25 cents per kilogram on or after 1 January 2025;
- decreasing the research and development component of the lychees charge from 5.5 cents per kilogram to 5.25 cents per kilogram on or after 1 January 2025;
- establishing a Plant Health Australia (PHA) charge for lychees set at 0.50 cents per kilogram on or after 1 January 2025;
- clarifying that the Emergency Plant Pest Response (EPPR) charge in relation to apples and pears is not imposed on juicing and processing apples and pears;
- decreasing rate of the existing marketing component of the lychee charge from 2.5 cents per kilogram of lychees to 2.25 cents per kilogram of lychees as the charge applies on or after 1 July 2025;
- decreasing the research and development component of the lychee charge from 5.5 cents per kilogram of lychees to 5.25 cents per kilogram of lychees as the charge applies on or after 1 July 2025;
- continuing a component for biosecurity activity charge for lychees set at 0.05 cents per kilogram as the charge applies on or after 1 July 2025;
- increasing the biosecurity response component of the apples and pears charge (excluding apples and pears sold for processing into fruit juice or that are processed into fruit juice) from 0.05 cents per kilogram of the fruit to 0.242 cents per kilogram of the fruit as the charge applies on or after 1 January 2025;
- increasing the biosecurity response component for macadamia nuts as follows:
 - macadamias in shells – main case (where a sample has been taken) from zero to 0.79 cents per kilogram as the charge applies on or after 1 January 2025;
 - macadamias in shells – other cases (where no sample has been taken) from zero to 0.395 cents per kilogram as the charge applies on or after 1 January 2025;

- macadamia dried kernels from zero to 0.79 cents per kilogram as the charge applies on or after 1 January 2025;
- decreasing the rate of the marketing component for the custard apples charge from 13 cents per box or tray and \$16 per tonne to nil as the charge applies on or after 1 January 2025; and
- increasing the research and development component for the custard apples charge from 27 cents per box or tray and \$34 per tonne for custard apples to 40 cents per box or tray and \$50 per tonne as the charge applies on or after 1 January 2025.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

The measures in the Legislative Instrument are 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 the Legislative Instrument does not engage any human rights issues.

The Hon. Julie Collins

Minister for Agriculture, Fisheries and Forestry