



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

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 21 November 2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Julie Collins
Minister for Agriculture, Fisheries and Forestry

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1 Name

This instrument is the *Primary Industries (Customs) Charges Legislation Amendment (Apples and Pears, Custard Apples, Lychees and Macadamia Nuts) Regulations 2024*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	28 November 2024
2. Schedule 1	The day after this instrument is registered.	28 November 2024
3. Schedule 2	Immediately after the commencement of the <i>Primary Industries (Customs) Charges Regulations 2024</i> .	1 January 2025

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- (a) the *Primary Industries (Customs) Charges Act 1999*;
- (b) the *Primary Industries (Customs) Charges Act 2024*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments of the existing regulations

Primary Industries (Customs) Charges Regulations 2000

1 Before clause 23.1 of Schedule 10

Insert:

Division 23.1—Product charge

2 Clause 23.3 of Schedule 10

Repeal the clause, substitute:

23.3 Rate of charge—marketing component

For the purposes of subclause 3(3) of Schedule 10 to the Customs Charges Act, the rate of charge is the following:

- (a) subject to paragraph (b), 2.5 cents per kilogram of lychees;
- (b) on or after 1 January 2025, 2.25 cents per kilogram of lychees.

3 Clause 23.4 of Schedule 10

Repeal the clause, substitute:

23.4 Rate of charge—research and development component

For the purposes of subclause 3(5) of Schedule 10 to the Customs Charges Act, the rate of charge is the following:

- (a) subject to paragraph (b), 5.5 cents per kilogram of lychees;
- (b) on or after 1 January 2025, 5.25 cents per kilogram of lychees.

4 At the end of Part 23 of Schedule 10

Add:

Division 23.2—Special purpose charges

23.6 PHA charge

- (1) For the purposes of clause 2 of Schedule 14 to the Customs Charges Act, PHA charge is imposed on lychees on which charge is imposed by Schedule 10 to the Customs Charges Act on or after 1 January 2025.
- (2) For the purposes of clause 5 of Schedule 14 to the Customs Charges Act, the rate of PHA charge is 0.5 cents per kilogram of lychees.
- (3) For the purposes of clause 10 of Schedule 14 to the Customs Charges Act, PHA charge on lychees is payable by the producer of the lychees.

Note: In relation to PHA charge, see *Plant Health Australia (Plant Industries) Funding Act 2002*.

Schedule 2—Amendments of the new regulations

Primary Industries (Customs) Charges Regulations 2024

- 1 Subclause 38-3(1) of Schedule 2 (cell at table item 1, column headed “Rate of charge”, paragraph (d))**
Omit “0.05 cents”, substitute “0.242 cents”.
- 2 Subclause 38-3(2) of Schedule 2 (cell at table item 1, column headed “Rate of charge”, paragraph (c))**
Omit “0.05 cents”, substitute “0.242 cents”.
- 3 Subclause 44-3(1) of Schedule 2 (cell at table item 1, column headed “Rate of charge”, paragraph (a))**
Omit “13 cents”, substitute “0 cents”.
- 4 Subclause 44-3(1) of Schedule 2 (cell at table item 1, column headed “Rate of charge”, paragraph (b))**
Omit “27 cents”, substitute “40 cents”.
- 5 Subclause 44-3(1) of Schedule 2 (cell at table item 2, column headed “Rate of charge”, paragraph (a))**
Omit “13 cents”, substitute “0 cents”.
- 6 Subclause 44-3(1) of Schedule 2 (cell at table item 2, column headed “Rate of charge”, paragraph (b))**
Omit “27 cents”, substitute “40 cents”.
- 7 Subclause 44-3(1) of Schedule 2 (cell at table item 3, column headed “Rate of charge”, paragraph (a))**
Omit “\$16”, substitute “\$0”.
- 8 Subclause 44-3(1) of Schedule 2 (cell at table item 3, column headed “Rate of charge”, paragraph (b))**
Omit “\$34”, substitute “\$50”.
- 9 Clause 47-3 of Schedule 2 (cell at table item 1, column headed “Rate of charge”, paragraph (a))**
Omit “2.5 cents”, substitute “2.25 cents”.
- 10 Clause 47-3 of Schedule 2 (cell at table item 1, column headed “Rate of charge”, paragraph (b))**
Omit “5.5 cents”, substitute “5.25 cents”.
- 11 Clause 47-3 of Schedule 2 (at the end of the cell at table item 1, column headed “Rate of charge”)**
Add:

; (c) 0.5 cents per kilogram of the lychees (the biosecurity activity component)

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

Omit “zero”, substitute “0.79 cents multiplied by the number worked out under subclause (2)”.

13 Subclause 48-3(2) of Schedule 2 (example)

Omit “is \$0.2521”, substitute “is \$0.26”.

14 Subclause 48-3(2) of Schedule 2 (example)

Omit “\$75.63 (\$0.2521”, substitute “\$78 (\$0.26”.

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

Omit “0 cents”, substitute “0.395 cents”.

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

Omit “0 cents”, substitute “0.79 cents”.