

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 *Primary Industries (Customs) Charges Regulations 2024*. | 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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”.