**Explanatory Statement**

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

*Primary Industries (Excise) Levies Act 1999*

*Primary Industries (Excise) Levies Act 2024*

*Primary Industries (Excise) Levies Legislation Amendment (Apples and Pears, Custard Apples, Lychees and Macadamia Nuts) Regulations 2024*

**Legislative Authority**

*Primary Industries (Excise) Levies Act 1999*

The *Primary Industries (Excise) Levies Act 1999* (the Levies Act 1999) authorises the imposition of certain primary industries levies in regulations that are duties of excise. Section 8 of the Levies 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 levies imposed are a duty of excise within the meaning of section 55 of the Constitution.

*Primary Industries (Excise) Levies Act 2024*

The *Primary Industries (Excise) Levies Act 2024* (the Levies Act 2024) authorises the imposition of levies that are duties of excise. Section 27 of the Levies 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 levies imposed are a duty of excise 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 (Excise) Levies Legislation Amendment (Apples and Pears, Custard Apples, Lychees and Macadamia Nuts) Regulations 2024* (the Regulations) before commencement of the Act as if the Levies 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 levy to meet the current needs of industry; and
* clarify that the Emergency Plant Pest Response (EPPR) levy in relation to apples and pears is not imposed on juicing and processing apples and pears.

Specifically, the Regulations will amend levy rates in the *Primary Industries (Excise) Levies Regulations 1999* (the Levies Regulations 1999) to:

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

The Regulations will also amend the *Primary Industries (Excise) Levies Regulations 2024* (the Levies Regulations 2024) to:

* continue after the end of the saving of the Levies Regulations 1999:
	+ the decreased rate of the existing marketing component of the lychee levy from 2.5 cents per kilogram of lychees to 2.25 cents per kilogram of lychees as the levy applies on or after 1 July 2025;
	+ the decreased research and development component of the lychee levy from 5.5 cents per kilogram of lychees to 5.25 cents per kilogram of lychees as the levy applies on or after 1 July 2025;
	+ a component for biosecurity activity levy for lychees set at 0.05 cents per kilogram as the levy applies on or after 1 July 2025;
* increase the biosecurity response component of the apples and pears levy (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 levy 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 (or equivalent amount) per kilogram as the levy 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 levy applies on or after 1 January 2025;
	+ macadamia dried kernels from zero to 0.79 cents per kilogram as the levy applies on or after 1 January 2025;
* decrease the rate of the marketing component for the custard apples levy from 13 cents per box or tray and $16 per tonne to nil as the levy applies on or after 1 January 2025; and
* increase the research and development component for the custard apples levy 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 levy 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, levy settings will be consolidated in the Levies Regulations 2024, rather than being split between the Levies Act 1999 and the Levies Regulations 1999, 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 Levies Regulations 1999 that will be saved for a particular period before the application of the Levies Regulations 2024.

Clause 2 of Schedule 15 to the Levies Act 1999 imposes a levy on certain leviable horticultural products produced in Australia that are sold by the producer or used by the producer in the production of other goods. Clauses 3 and 4 of that Schedule enable the regulations to fix a rate of levy in relation to marketing and research and development. Clause 2 of Schedule 27 to that Act provides that the regulations may impose levy on one or more specified products that are produce of a primary industry in the circumstances prescribed.

Clause 6 of Schedule 15 to the Levies Act 1999 requires the Minister to consider certain matters before the Governor-General makes regulations for the purposes of that Schedule. This includes any relevant recommendation 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 14 of Schedule 27 to the Levies Act 1999 requires the Minister to take into account any relevant recommendation made to the Minister by any designated body.

The Minister considered whether any relevant recommendations were made by the industry services body under clause 6 to Schedule 15 and any designated body under clause 14 of Schedule 27 to the Levies Act 1999 and was satisfied that appropriate consultation has been undertaken with eligible industry bodies and designated bodies in relation to the levies and any recommendations made by those bodies about the rates have been considered.

Subsection 7(1) of the Levies Act 2024 provides that the regulations may impose a levy in the circumstances prescribed in relation to products that are produce of a primary industry. Subsection 7(3) of the Levies 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 levy 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 Levies Act 2024, before the Governor-General made the regulations for the purposes of subsection 7(1), that the imposition of each levy 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 27(2)(c) of the Levies Act 2024 that appropriate consultation has been undertaken with bodies and persons involved in the industry in relation to the levies and any recommendations made by those bodies or persons about the rates have been considered.

**Impact and Effect**

The amendments will benefit apple and pear, custard apples, lychee and macadamia nut levy payers. The changes to, and creation of, new biosecurity related levies 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 levy for custard apples will allow for greater investment into research and development for the custard apple industry.

Complementary amendments to the *Primary Industries (Customs) Charges Regulations 2000* and the *Primary Industries (Customs) Charges Regulations 2024* by the *Primary Industries (Customs) Charges Amendment (Apples and Pears, Custard Apples, Lychees and Macadamia Nuts) Regulations 2024* align changes in the charge rates for apples and pears, custard apples, lychees and macadamia nuts with the changes to the excise levy rates.

**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 levy proposal and the biosecurity response levy proposal. For the EPPR levy proposal there was a 60-day objection period following the notification; no objections were received. For the biosecurity response levy proposal there was a 30-day objection period following the notification; no objections were received. The department assessed both proposals and considered them to meet the requirements of the Levy Guidelines.

The Australian Macadamia Society Limited notified macadamia nut growers of the levy proposal. There was a 30-day objection period following the notification. Four objections were received but these did not require changes to the proposal. Two concerned a misunderstanding regarding the proposed rate. Two suggested the response contribution be funded through the existing research and development levy, but biosecurity response is not a permissible use for those levies. 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 levy 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 levies 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, Schedule 1 and anything in the Regulations not elsewhere covered will commence on the day after the Regulations are registered; and
* 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 (Excise) Levies Regulations 2024*.

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

**Attachment A**

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

Section 2 – Commencement

This section provides that the Regulations 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.
* Schedule 2 to the Regulations will commence on 1 January 2025 immediately after the commencement of the *Primary Industries (Excise) Levies Regulations 2024.*

Section 3 – Authority

This section provides that the Regulations are made under the *Primary Industries (Excise) Levies Act 1999* (the Levies Act 1999) and the *Primary Industries (Excise) Levies Act 2024* (the Levies 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 (Excise) Levies Regulations 1999***

**Item 1** – **Subclause 3.7(1) of Schedule 15**

This item amends subclause 3.7(1) of Schedule 15 to the Regulations to exclude juicing apples, processing apples, juicing pears or processing pears from the Emergency Plant Pest Response (EPPR) levy. The purpose of the amendment is to clarify that the EPPR levy is not imposed on juicing and processing apples and pears.

**Item 2 – Before clause 23.1 of Schedule 15**

This item inserts a new heading ‘Division 23.1—Definitions’ before clause 23.1 of Schedule 15 to the Regulations. This amendment assists with the readability of Part 23.

**Item 3 – Before clause 23.2 of Schedule 15**

This item inserts a new heading ‘Division 23.2—Product levy’ before clause 23.2 of Schedule 15 to the Regulations. This amendment assists with the readability of Part 23.

**Item 4 – Clause 23.4 of Schedule 15**

This item repeals clause 23.4 of Schedule 15 to the Regulations, which sets the marketing component of the rate of levy on fresh lychees and substitutes new clause 23.4.

New clause 23.4 provides in effect that for the purposes of subclause 4(1) of Schedule 15 to the Levies Act 1999, the rate of the marketing component of the levy:

* 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 the amendment is to decrease the marketing component of the levy on fresh lychees on or after 1 January 2025.

**Item 5 – Paragraph 23.5(a) of Schedule 15**

This item repeals paragraph 23.5(a) of Schedule 15 to the Regulations which sets the research and development component of the levy on fresh lychees and substitutes new paragraph 23.5(a).

The effect of new paragraph 23.5(a) is that the rate of the research and development component of the levy on fresh lychees:

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

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

**Item 6 – At the end of Part 23 of Schedule 15**

This item adds a new ‘Division 23.3 – Special purpose levies’ at the end of Part 23 of Schedule 15 to the Regulations.

New subclause 23.7(1) provides that for the purposes of clause 2 of Schedule 27 to the Levies Act*,* PHA levy is imposed on fresh lychees on which levy is imposed by Schedule 15 to that Act on or after 1 January 2025.

New subclause 23.7 (2) provides that for the purposes of clause 6 of Schedule 27 to the Levies Act 1999, the rate of PHA levy on fresh lychees is 0.5 cents per kilogram.

New subclause 23.7(3) provides that for the purposes of clause 11 of Schedule 27 to the Levies Act 1999, PHA levy on fresh lychees is payable by the producer of the lychees.

New clause 23.7 also adds a note to refer readers to the *Plant Health Australia (Plant Industries) Funding Act 2002*, in relation to the PHA levy.

The purpose of this new Division is to provide for a PHA levy on fresh lychees on or after 1 January 2025.

**Schedule 2 – Amendments of the new regulations**

***Primary Industries (Excise) Levies Regulations 2024***

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

This item omits the existing rate of levy 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 the amendment is to increase the biosecurity response component of the levy on apples to facilitate the repayment of industry biosecurity response contributions to the Australian Government for the response to the *Varroa destructor* mite as the levy applies on or after 1 January 2025.

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

This item omits the existing rate of levy 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 levy 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 levy 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 levy”, paragraph (a))**

This item omits the existing rate of levy 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 marketing component of the levy on custard apples sold by the box to nil to meet the current priorities of industry as the levy 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 levy”, paragraph (b))**

This item omits the existing rate of levy 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 levy on custard apples sold by the box to meet the current priorities of industry as the levy 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 levy”, paragraph (a))**

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

The purpose of the amendment is to decrease the marketing component of the levy on custard apples sold by the tray to nil to meet the current priorities of industry as the levy 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 levy”, paragraph (b))**

This item omits the existing rate of levy 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 levy on custard apples sold by the tray as the levy 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 levy”, paragraph (a))**

This item omits the existing rate of levy 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 levy on custard apples sold by the tonne as the levy 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 levy”, paragraph (b))**

This item omits the existing rate of levy 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 levy on custard apples sold by the tonne as the levy applies on or after 1 January 2025 to increase investment in research and development in custard apple production.

**Item 9 – Clause 47-3 of Schedule 2 (cell at table item 2, column headed “Rate of levy”, paragraph (a))**

This item omits the existing rate of levy 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 the amendment is to continue after the end of the saving of the Levies Regulations 1999, the decrease of the marketing component of the levy on lychees as the levy applies on or after 1 July 2025, to ensure that the biosecurity activity component of levy on lychees, provided for in item 11 below, does not increase the overall levy rate.

**Item 10 – Clause 47-3 of Schedule 2, (cell at table item 2, column headed “Rate of levy”, paragraph (b))**

This item omits the existing rate of levy 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 the amendment is to continue after the end of the saving of the Levies Regulations 1999, the decrease of the research and development component of the levy on lychees as the levy applies on or after 1 July 2025 to ensure that the biosecurity activity component of levy on lychees, provided for in item 11 below, does not increase the overall levy rate.

**Item 11 – Clause 47-3 of Schedule 2 (at the end of the cell at table item 2, column headed “Rate of levy”)**

This item adds a new levy component to clause 47-3 of Schedule 2. The purpose of this component is to include a biosecurity activity component of the levy on lychees. The rate of the biosecurity activity component of the levy 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 Levies Regulations 1999 a component of biosecurity activity levy on lychees as the levy applies on or after 1 July 2024.

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

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

The purpose of the amendment is to increase the biosecurity response component of the levy on macadamia nuts to facilitate the repayment of industry biosecurity contributions to the Australian Government for the response to the *Varroa destructor* mite as the levy 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 levy”, paragraph (c))**

This item omits the existing rate of levy of 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 the amendment is to increase the biosecurity response component of the levy on macadamia nuts to facilitate the repayment of industry biosecurity contributions to the Australian Government for the response to the *Varroa destructor* mite as the levy 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 levy”, paragraph (c))**

This item omits the existing rate of levy 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 the amendment is to increase the biosecurity response component of the levy on macadamia nuts to facilitate the repayment of industry biosecurity contributions to the Australian Government for the response to the *Varroa destructor* mite as the levy applies on or after 1 January 2025.

**Attachment B**

**Statement of Compatibility with Human Rights**

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

***Primary Industries (Excise) Levies 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 (Excise) Levies Legislation 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 (Excise) Levies Regulations 1999* and the *Primary Industries (Excise) Levies Regulations 2024* to meet current industry needs of the sector by:

* + - * decreasing the rate of the existing marketing component of the lychees levy 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 levy from 5.5 cents per kilogram to 5.25 cents per kilogram on or after 1 January 2025;
			* establishing a Plant Health Australia (PHA) levy for lychees set at 0.50 cents per kilogram on or after 1 January 2025;
			* clarifying that the Emergency Plant Pest Response (EPPR) levy 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 levy from 2.5 cents per kilogram of lychees to 2.25 cents per kilogram of lychees as the levy applies on or after 1 July 2025;
* decreasing the research and development component of the lychee levy from 5.5 cents per kilogram of lychees to 5.25 cents per kilogram of lychees as the levy applies on or after 1 July 2025;
* continuing a component for biosecurity activity levy for lychees set at 0.05 cents per kilogram as the levy applies on or after 1 July 2025;
* increasing the biosecurity response component of the apples and pears levy (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 levy 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 (or equivalent amount) per kilogram as the levy 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 levy applies on or after 1 January 2025;
	+ macadamia dried kernels from zero to 0.79 cents per kilogram as the levy applies on or after 1 January 2025;
* decreasing the rate of the marketing component for the custard apples levy from 13 cents per box or tray and $16 per tonne to nil as the levy applies on or after 1 January 2025; and
* increase the research and development component for the custard apples levy 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 levy 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**