



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

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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 (Excise) Levies 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 (Excise) Levies 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Note: This table relates only to the provisions of this instrument as originally made.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 (Excise) Levies Act 1999*;
- (b) the *Primary Industries (Excise) Levies 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments of the existing regulations

### *Primary Industries (Excise) Levies Regulations 1999*

#### **1 Subclause 3.7(1) of Schedule 15**

After “pears”, insert “(other than juicing apples, processing apples, juicing pears or processing pears)”.

#### **2 Before clause 23.1 of Schedule 15**

Insert:

### **Division 23.1—Definitions**

#### **3 Before clause 23.2 of Schedule 15**

Insert:

### **Division 23.2—Product levy**

#### **4 Clause 23.4 of Schedule 15**

Repeal the clause, substitute:

#### **23.4 Rate of levy—marketing component**

For the purposes of subclause 4(1) of Schedule 15 to the Excise Levies Act, the rate of levy is the following:

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

#### **5 Paragraph 23.5(a) of Schedule 15**

Repeal the paragraph, substitute:

- (a) the following:
  - (i) subject to subparagraph (ii), 5.5 cents per kilogram of fresh lychees;
  - (ii) on or after 1 January 2025, 5.25 cents per kilogram of fresh lychees;
- and

#### **6 At the end of Part 23 of Schedule 15**

Add:

### **Division 23.3—Special purpose levies**

#### **23.7 PHA levy**

- (1) For the purposes of clause 2 of Schedule 27 to the Excise Levies Act, PHA levy is imposed on fresh lychees on which levy is imposed by Schedule 15 to the Excise Levies Act on or after 1 January 2025.
- (2) For the purposes of clause 6 of Schedule 27 to the Excise Levies Act, the rate of PHA levy for fresh lychees is 0.5 cents per kilogram.

- (3) For the purposes of clause 11 of Schedule 27 to the Excise Levies Act, PHA levy imposed on fresh lychees is payable by the producer of the lychees.

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

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# Schedule 2—Amendments of the new regulations

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

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

Omit “0.05 cents”, substitute “0.242 cents”.

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

Omit “\$16”, substitute “\$0”.

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

Omit “\$34”, substitute “\$50”.

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

Omit “2.5 cents”, substitute “2.25 cents”.

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

Add:



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; (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 levy”, 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 levy”, 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 levy”, paragraph (c))**

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