



# **Primary Industries (Consequential Amendments and Transitional Provisions) Rules 2024**

made under item 16 of Schedule 4 to the

*Primary Industries (Consequential Amendments and Transitional Provisions) Act  
2024*

## **Compilation No. 2**

**Compilation date:** 19 June 2025

**Includes amendments:** F2025L00691

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Primary Industries (Consequential Amendments and Transitional Provisions) Rules 2024* that shows the text of the law as amended and in force on 19 June 2025 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. Any uncommenced amendments affecting the law are accessible on the Register ([www.legislation.gov.au](http://www.legislation.gov.au)).

### Application, saving and transitional provisions

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Presentational changes

The *Legislation Act 2003* provides for First Parliamentary Counsel to make presentational changes to a compilation. Presentational changes are applied to give a more consistent look and feel to legislation published on the Register, and enable the user to more easily navigate those documents.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. Any modifications affecting the law are accessible on the Register.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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**Part 1—Preliminary**

**1 Name**

This instrument is the *Primary Industries (Consequential Amendments and Transitional Provisions) Rules 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. The whole of this instrument	1 January 2025.	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 item 16 of Schedule 4 to the *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024*.

**4 Definitions**

In this instrument:

**charge** has the same meaning as in the *Primary Industries Levies and Charges Collection Act 1991*, as in force immediately before the commencement of this section.

**collection products** has the meaning given by Schedule 4 to the *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024*.

**fishing levy** means the levy imposed by section 5 of the *Fishing Levy Act 1991*.

**fodder** has the same meaning as in Part 5 of Schedule 14 to the *Primary Industries (Customs) Charges Regulations 2000*, as in force immediately before the commencement of this section.

## Section 4

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**levy** has the same meaning as in the *Primary Industries Levies and Charges Collection Act 1991*, as in force immediately before the commencement of this section.

**matching payments** has the meaning given by Schedule 4 to the *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024*.

**old disbursement law** has the meaning given by Schedule 4 to the *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024*.

**old fisheries disbursement law** means the *Primary Industries Research and Development Act 1989*, and the *Fisheries Research and Development Corporation Regulations 1991*, as in force immediately before the commencement of item 1 of Schedule 4 to the *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024*.

**sugar cane** has the same meaning as in Schedule 24 to the *Primary Industries (Excise) Levies Act 1999*, as in force immediately before the commencement of this section.

## Part 2—Transitional rules

### 5 Old levy on sugar cane and old charge on fodder

#### *Sugar cane*

- (1) Subject to this section, the following laws continue to apply on and after the commencement of this section in relation to levy on sugar cane and the 12-month period beginning on 1 March 2024:
  - (a) the *Primary Industries (Excise) Levies Act 1999*, and the regulations under that Act, as in force immediately before the commencement of this section;
  - (b) the *Primary Industries Levies and Charges Collection Act 1991*, and the regulations under that Act, as in force immediately before the commencement of this section;
  - (c) the *Sugar Research and Development Services Act 2013*, as in force immediately before the commencement of this section.

#### *Fodder*

- (2) Subject to this section, the following laws continue to apply on and after the commencement of this section in relation to charge on fodder and the 12-month period beginning on 1 July 2024:
  - (a) the *Primary Industries (Customs) Charges Act 1999*, and the regulations under that Act, as in force immediately before the commencement of this section;
  - (b) the *Primary Industries Levies and Charges Collection Act 1991*, and the regulations under that Act, as in force immediately before the commencement of this section;
  - (c) the *Primary Industries Research and Development Act 1989*, and the regulations under that Act, as in force immediately before the commencement of this section.

#### *Common rules*

- (3) If, in relation to that levy or charge, the due date for payment of the whole or a part of that levy or charge, or an amount equal to the whole or a part of that levy or charge, is a day (other than the last day) of a calendar month beginning on or after the commencement of this section, then the due date for that payment is taken to be the last day of that calendar month.
- (4) If, in relation to that levy or charge, the due date for lodging a return is a day (other than the last day) of a calendar month beginning on or after the commencement of this section, then the due date for that return is taken to be the last day of that calendar month.

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### 6 Levy on mushrooms—alternative payment method for large producers or purchasers

- (1) If:
  - (a) before the commencement of this section, a person was granted an approval under clause 18.8B of Schedule 22 to the *Primary Industries Levies and Charges Collection Regulations 1991* in relation to the 2024-2025 financial year; and
  - (b) for that financial year, the person paid the levy concerned in accordance with the method set out in clause 18.8C of that Schedule;the person is taken to have been granted an approval (the **new approval**) under clause 36-4 of Schedule 2 to the *Primary Industries Levies and Charges Collection Rules 2024* for the 2025-2026 financial year.
- (2) Subsection (1) does not prevent the new approval from being revoked in accordance with clause 36-4 of Schedule 2 to the *Primary Industries Levies and Charges Collection Rules 2024*.

### 7 Fishing levy

The *Primary Industries Research and Development Act 1989*, and the *Fisheries Research and Development Corporation Regulations 1991*, as in force immediately before the commencement of this section, continue to apply on and after that commencement in relation to the fishing levy and the financial year beginning on 1 July 2023 or any earlier financial year.

### 8 Continuing operation of certain horticultural provisions

Despite the repeal of the *Horticulture Marketing and Research and Development Services Act 2000* made by Schedule 1 to the *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024*, section 9 of the *Horticulture Marketing and Research and Development Services (Transfer of Industry Assets and Liabilities) Regulation 2014*, as in force immediately before the commencement of this section, continues to apply on and after that commencement in relation to an instrument that was in operation immediately before that commencement.

### 9 Authorisations and delegations

- (1) An instrument in force under section 26 or 29 of the *Primary Industries Levies and Charges Collection Act 1991* immediately before the commencement of this section continues in force on and after that commencement in relation to the continued application of that Act, and the regulations under that Act, on and after that commencement.
- (2) An instrument of delegation in force under the old disbursement law continues in force on and after the commencement of this section in relation to the continued application of that law on and after that commencement.



## 10 Preserving old declarations of declared bodies

- (1) A declared body declaration in force immediately before the commencement of item 1 of Schedule 4 to the *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024* continues in force, on and after that commencement, in relation to the continued application of the old disbursement law on and after that commencement.

Note: Item 4 of Schedule 4 to the *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024* deals with the continued application of the old disbursement law.

- (2) A **declared body declaration** is:
- (a) a declaration made under section 60 or 61 of the *Australian Meat and Live-stock Industry Act 1997* before 1 January 2025; or
  - (b) a declaration made under section 7 of the *Dairy Produce Act 1986* before 1 January 2025; or
  - (c) a declaration made under section 6 of the *Egg Industry Service Provision Act 2002* before 1 January 2025; or
  - (d) a declaration made under section 11 of the *Forestry Marketing and Research and Development Services Act 2007* before 1 January 2025; or
  - (e) a declaration made under subsection 9(1) of the *Horticulture Marketing and Research and Development Services Act 2000* before 1 January 2025; or
  - (f) a declaration made under section 11 of the *Pig Industry Act 2001* before 1 January 2025; or
  - (g) a declaration made under section 9 of the *Sugar Research and Development Services Act 2013* before 1 January 2025; or
  - (h) a declaration made under section 30 of the *Wool Services Privatisation Act 2000* before 1 January 2025.

## 11 Matching payments under the old fisheries disbursement law

For the purposes of the operation of the old fisheries disbursement law in relation to the financial year beginning on 1 July 2024, paragraph 30A(2)(b) of the *Primary Industries Research and Development Act 1989* applies as if a reference to the amounts paid to the Corporation during the year under subparagraphs (1)(a)(i) and (ii) included a reference to the amounts paid to the Corporation during the year under paragraph 36(1)(a) of the *Primary Industries Levies and Charges Disbursement Act 2024*.

## 12 Appropriations

- (1) Section 37 of the *Primary Industries Levies and Charges Disbursement Act 2024* applies on and after the commencement of this section as if it also applied to payments by the Commonwealth on or after that commencement under:
- (a) the old disbursement law (as that law continues to apply under Schedule 4 to the *Primary Industries (Consequential Amendments and Transitional*

## Section 12

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- Provisions) Act 2024*) in relation to a levy or charge for a collection product; or
- (b) the old disbursement law (as that law continues to apply under Schedule 4 to the *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024*) in relation to matching payments to a body; or
  - (c) the *Primary Industries Research and Development Act 1989* (as that Act continues to apply under section 7 of this instrument) in relation to the fishing levy.
- (2) Section 52 of the *Primary Industries Levies and Charges Disbursement Act 2024* applies on and after the commencement of this section as if it also applied to payments by the Commonwealth on or after that commencement under the *Australian Animal Health Council (Live-stock Industries) Funding Act 1996* (as that Act continues to apply under Schedule 4 to the *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024*) in relation to a levy or charge for a collection product.
- (3) Section 62 of the *Primary Industries Levies and Charges Disbursement Act 2024* applies on and after the commencement of this section as if it also applied to payments by the Commonwealth on or after that commencement under the *Plant Health Australia (Plant Industries) Funding Act 2002* (as that Act continues to apply under Schedule 4 to the *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024*) in relation to a levy or charge for a collection product.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	orig = original
am = amended	p = page(s)
amdt = amendment	para = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
ch = Chapter(s)	prev = previous
cl = clause(s)	(prev...) = previously
cont. = continued	pt = Part(s)
def = definition(s)	r = regulation(s)/Court rule(s)
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
div = Division(s)	rep = repealed
ed = editorial change	rs = repealed and substituted
exp = expires/expired or ceases/ceased to have effect	s = section(s)/subsection(s) /rule(s)/subrule(s)/order(s)/suborder(s)
gaz = gazette	sch = Schedule(s)
LA = <i>Legislation Act 2003</i>	SLI = Select Legislative Instrument
LIA = <i>Legislative Instruments Act 2003</i>	SR = Statutory Rules
(md) = misdescribed amendment can be given effect	sub ch = Sub-Chapter(s)
(md not incorp) = misdescribed amendment cannot be given effect	sub div = Subdivision(s)
mod = modified/modification	sub pt = Subpart(s)
No. = Number(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Primary Industries (Consequential Amendments and Transitional Provisions) Rules 2024	19 Dec 2024 (F2024L01731)	1 Jan 2025 (s 2(1) item 1)	
Primary Industries Legislation Amendment (Fishing Levy Component and Transitional Provisions) Rules 2025	18 June 2025 (F2025L00691)	sch 2 (items 1-3): 1 Jan 2025 (s 2(1) item 3) sch 2 (items 4, 5): 19 June 2025 (s 2(1) item 4)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2.....	rep <u>LA</u> s 48D
s 4.....	am F2025L00691
Part 2	
s 9.....	am F2025L00691
s 10.....	ad F2025L00691
s 11.....	ad F2025L00691
s 12.....	ad F2025L00691