



Primary Industries (Consequential Amendments and Transitional Provisions) Rules 2024

I, Julie Collins, Minister for Agriculture, Fisheries and Forestry, make the following rules.

Dated 18 December 2024

Julie Collins
Minister for Agriculture, Fisheries and Forestry

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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Note: This table relates only to the provisions of this instrument as originally made.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.

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.

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.

Section 4

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.

Section 6

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 (within the meaning of Schedule 4 to the *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024*) 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.