

EXPLANATORY STATEMENT

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

Primary Industries (Customs) Charges Act 2024

*Primary Industries (Customs) Charges Amendment (Almonds, Avocados and Honey)
Regulations 2025*

Legislative Authority

The *Primary Industries (Customs) Charges Act 2024* (the Act) authorises the imposition of primary industries charges in regulations that are duties of customs within the meaning of section 55 of the Constitution. Section 24 of the Act 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.

Part 2 of the Act authorises the regulations to impose a charge in relation to one or more specified products that are the produce of a primary industry in the circumstances prescribed by the regulations. The Act authorises the regulations to provide for an exemption from a charge imposed under Part 2 (section 9) and for working out the rate of the charge (section 13).

Purpose

The *Primary Industries (Customs) Charges Amendment (Avocados, Almonds and Honey) Regulations 2025* (the Regulations) amend the charge rates in relation to certain products to facilitate the repayment of industry biosecurity response contributions to the Australian Government, for the response to the *Varroa destructor* mite, and to facilitate biosecurity activities in relation to honey.

Specifically, the Regulations amend the *Primary Industries (Customs) Charges Regulations 2024* (the Charges Regulations) to:

- increase the rate of the biosecurity response component of the almond charge from 0.1 cents per kilogram to 0.37 cents per kilogram for almonds (other than almonds of the Nonpareil variety) in their shells;
- increase the rate of the biosecurity response component of the almond charge from 0.1 cents per kilogram to 0.37 cents per kilogram for almonds of the Nonpareil variety in their shells;
- increase the rate of the biosecurity response component of the almond charge from 0.13 cents per kilogram to 0.52 cents per kilogram for almonds that are not in their shells;
- decrease the rate of the research and development component of the avocados charge from 2.9 cents per kilogram to 2.65 cents per kilogram of the avocados (other than for processing);
- increase the rate of the biosecurity response component of the avocados charge from 0 cents per kilogram to 0.25 cents per kilogram for avocados (other than for avocados for processing);
- decrease the rate of the biosecurity response component of the honey charge from 2.7 cents per kilogram to 1 cent per kilogram of honey; and
- increase the rate of the biosecurity activity component of the honey charge from 0.1 cents per kilogram to 2.8 cents per kilogram of honey.

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 are imposed to fund. This includes research and development, biosecurity activities and biosecurity responses.

Subsection 7(3) of the Act provides that before the Governor-General may make regulations for the purposes of subsection 7(1), imposing a charge in relation to products that are the produce of a primary industry, the Minister must be satisfied that the imposition of the charge would result in one or more types of expenditure on matters or activities specified in subsection 7(3). Any charge imposed is a duty of customs, that is a tax on certain products imported into, or exported from, Australia.

To the extent that the amendments to charges imposed by the Charges Regulations could be made for the purposes of subsection 7(1) of the Act, the imposition of those charges will result in one or more of the types of expenditure on matters or activities required by subsection 7(3) of that Act.

Paragraph 24(2)(c) of the Act provides that before regulations are made setting or amending the rate of a charge, the Minister must be satisfied that appropriate consultation has been undertaken with bodies and persons involved in the industry in relation to the charges and any recommendations made by those bodies or persons about the rate have been considered.

The Minister was satisfied under paragraph 24(2)(c) of the Act that appropriate consultation has been undertaken with bodies and persons involved in the industry in relation to the charges and any recommendations made by those bodies or persons about the rates have been considered.

Impact and Effect

The amendments benefit almond, avocado and honey producers. The changes to the biosecurity related charges for almonds, avocados and honey will be used to repay industry response contributions by the Australian Government under ongoing response arrangements. The changes to the biosecurity related charges for honey will also be used to facilitate ongoing biosecurity programs for the honey industry.

The *Primary Industries (Excise) Levies Regulations 2024* (the Levies Regulations) separately impose levies on almonds, avocados and honey that are duties of excise. Such duties are taxes on certain goods produced or manufactured in Australia. The *Primary Industries (Excise) Levies Amendment (Almonds, Avocados, Honey, Laying Chickens and Meat Chickens) Regulations 2025* also amend the rate of the levy on almonds, avocados and honey. The amendments align the rate of the levy in the Levies Regulations and the charge in the Charges Regulations separately imposed on almonds, avocados and honey.

Consultation

The measures in the Regulations were developed in consultation with almonds, avocados and honey producers, in accordance with the Australian Government's *Levy guidelines: How to establish or amend agricultural levies (Levy Guidelines)*.

The Almond Board of Australia, the industry body for almonds, notified charge payers of a proposed increase to the biosecurity response components levy and charge on almonds. There was a thirty-day objection period following the notification; 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*.

Avocados Australia Limited (AAL) is the industry body for avocados. AAL consulted with avocado charge payers and Horticulture Innovation Australia concerning the proposed increase to the biosecurity response component and the decrease to the research and development component of the levy and charge on fresh fruit. Following notification an objection period was held. One objection was received but this objection did not address the proposed changes to the rate of the charge. The department assessed the proposal and considered it to meet the requirements of the *Levy Guidelines*.

The Australian Honey Bee Industry Council, the industry body for honey, undertook consultation with levy payers before notifying industry of the proposed charge increase. There was a 30-day objection period following the notification; no objections were received. The department assessed the proposal and considered it to meet the requirements of the *Levy Guidelines*.

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 commence on 1 July 2025. The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

Details of the *Primary Industries (Customs) Charges Amendment (Almonds, Avocados and Honey) Regulation 2025*

Section 1 – Name

This section provides that the name of the Regulations is the *Primary Industries (Customs) Charges Amendment (Almonds, Avocados and Honey) Regulations 2025* (the Regulations).

Section 2 – Commencement

This section provides for the Regulations to commence on 1 July 2025.

The note following subsection 2(1) highlights that the table only relates to the provisions of this instrument as originally made. The table is not amended to deal with any later amendments of this instrument.

Subsection 2(2) provides that 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. Column 3 contains relevant dates and details.

Section 3 – Authority

This section provides that this instrument is made under *Primary Industries (Customs) Charges Act 2024* (the Act).

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

Primary Industries (Customs) Charges Regulations 2024

Item 1 – Clause 3-3 of Schedule 1 (table item 1, column headed “Rate of charge”, paragraph (b))

This item omits the rate of charge on honey in relation to the biosecurity activity component of 0.1 cents per kilogram of the honey and substitutes a new rate of 2.8 cents per kilogram of the honey.

The purpose of the amendment is to increase the biosecurity activity component of the charge on honey to facilitate the repayment of underwritten industry biosecurity response contributions to the Australian Government for the response to the *Varroa destructor* mite and fund ongoing biosecurity programs for the industry.

Item 2 – Clause 3-3 of Schedule 1 (table item 1, column headed “Rate of charge”, paragraph (c))

This item omits the rate of charge on honey in relation to the biosecurity response component of 2.7 cents per kilogram of the honey and substitutes a new rate of 1 cent per kilogram of the honey.

The purpose of the amendment is to decrease the biosecurity response component of the charge on honey to facilitate the increase to the biosecurity activity component made by item 1 above, while adding an extra cent per kilogram to the overall charge, to further facilitate repayment of underwritten industry biosecurity response contributions to the Australian Government for the response to the *Varroa destructor* mite.

Item 3 – Clause 3-5 of Schedule 1 (heading)

This item repeals the heading “3-5 Application provision” and substitutes a new heading “3-5 Application provisions”. This item also adds a subclause heading “Original provisions”.

This amendment is consequential to the amendment made by item 5 below which inserts an application provision for clause 3-3 (as amended by items 1 and 2 of this Schedule).

Item 4 – Clause 3-5 of Schedule 1

This item inserts a new subclause (1) before the text “Clause 3-1”.

This amendment is consequential to the amendment made by item 5 below which inserts an application provision for clause 3-3 (as amended by items 1 and 2 of this Schedule).

Item 5 – At the end of clause 3-5 of Schedule 1

This item adds a new subclause heading “*Amendments made by Primary Industries (Customs) Charges Amendment (Almonds, Avocados and Honey) Regulations 2025*”.

This item also adds new “Subclause 3-5(2)” at the end of clause 3-5 of Schedule 1 to the *Primary Industries (Customs) Charges Regulations 2024*.

The new subclause 3-5(2) provides that clause 3-3, as amended by Schedule 1 to the *Primary Industries (Customs) Charges Amendment (Almonds, Avocados and Honey) Regulations 2025*, applies in relation to honey that is exported on or after 1 July 2025, whether the honey is produced before, on or after that day.

The purpose of this new subclause is to provide an application provision for the amendments to the biosecurity activity and biosecurity response components of the honey charge, as made by items 1 and 2 of this Schedule.

Item 6 – Clause 37-3 of Schedule 2 (table item 1, column headed “Rate of charge”, paragraph (b))

This item omits the rate of charge on almonds (other than almonds of the Nonpareil variety) in relation to the biosecurity response component of 0.1 cents per kilogram of the almonds and shells and substitutes a new rate of 0.37 cents per kilogram of the almonds.

The purpose of the amendment is to increase the biosecurity response component of the charge on almonds (other than almonds of the Nonpareil variety) to facilitate the repayment of underwritten industry biosecurity response contributions to the Australian Government for the response to the *Varroa destructor* mite. The application provision in clause 37-5 applies to this change.

Item 7 – Clause 37-3 of Schedule 2 (table item 2, column headed “Rate of charge”, paragraph (b))

This item omits the rate of charge on almonds (of the Nonpareil variety in their shells) in relation to the biosecurity response component of 0.1 cents per kilogram of the almonds and substitutes a new rate of 0.37 cents per kilogram of the almonds.

The purpose of the amendment is to increase the biosecurity response component of the charge on almonds (of the Nonpareil variety in their shells) to facilitate the repayment of underwritten industry biosecurity response contributions to the Australian Government for the response to the *Varroa destructor* mite. The application provision in clause 37-5 applies to this change.

Item 8 – Clause 37-3 of Schedule 2 (table item 3, column headed “Rate of charge”, paragraph (b))

This item omits the rate of charge on almonds (that are not in their shells) in relation to the biosecurity response component of 0.13 cents per kilogram of the almonds and substitutes a new rate of 0.52 cents per kilogram of the almonds.

The purpose of the amendment is to increase the biosecurity response component of the charge on almonds (that are not in their shells) to facilitate the repayment of underwritten industry biosecurity response contributions to the Australian Government for the response to the *Varroa destructor* mite. The application provision in clause 37-5 applies to this change.

Item 9 – Clause 39-3 of Schedule 2 (table item 1, column headed “Rate of charge”, paragraph (b))

This item omits the rate of charge on avocados in relation to the research and development component of 2.9 cents per kilogram of the avocados and substitutes a new rate of 2.65 cents per kilogram of the avocados.

The purpose of the amendment is to decrease the research and development component of the charge on avocados that are harvested in and exported from Australia. This ensures that the increase to the biosecurity response component made by item 10 below, does not increase the overall charge rate.

Item 10 – Clause 39-3 of Schedule 2 (table item 1, column headed “Rate of charge”, paragraph (d))

This item omits the rate of charge on avocados in relation to the biosecurity response component of 0 cents per kilogram of the avocados and substitutes a new rate of 0.25 cents per kilogram of the avocados.

The purpose of the amendment is to increase the biosecurity response component of the charge on avocados to facilitate the repayment of underwritten industry biosecurity response contributions to the Australian Government for the response to the *Varroa destructor* mite.

Item 11 – Clause 39-5 of Schedule 2 (heading)

This item repeals the heading “39-5 Application provision” and substitutes a new heading “39-5 Application provisions”. This item also adds a new subclause heading “*Original provisions*”.

This amendment is consequential to the amendment made by item 13 below which inserts an application provision for clause 39-3 (as amended by items 9 and 10 of this Schedule).

Item 12 – Clause 39-5 of Schedule 2

This item inserts a subclause (1) before the text “Clause 39-1”. This amendment would be consequential to the amendment made by item 13 below which would insert an application provision for clause 39-3 (as amended by items 9 and 10 of this Schedule).

Item 13 – At the end of clause 39-5 of Schedule 2

This item adds a new subclause heading “*Amendments made by Primary Industries (Customs) Charges Amendment (Almonds, Avocados and Honey) Regulations 2025*”.

This item also adds new “Subclause 39-5(2)” at the end of clause 39-5 of Schedule 2 to the *Primary Industries (Customs) Charges Regulations 2024*.

New subclause 39-5(2) provides that clause 39-3, as amended by Schedule 1 to the *Primary Industries (Customs) Charges Amendment (Almonds, Avocados and Honey) Regulations 2025*, applies in relation to avocados that are exported on or after 1 July 2025, whether the avocados are harvested before, on or after that day.

The purpose of this new subclause is to provide an application provision for the amendments to the research and development and biosecurity response components of the avocado charge as made by items 9 and 10 of this Schedule.

Statement of Compatibility with Human Rights

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

Primary Industries (Customs) Charges Amendment (Almonds, Avocados and Honey) Regulations 2025

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 *Primary Industries (Customs) Charges Amendment (Avocados, Almonds and Honey) Regulations 2025* (the Regulations) amend the charge rates in relation to certain products to facilitate the repayment of industry biosecurity response contributions to the Australian Government, for the response to the *Varroa destructor* mite, and to facilitate biosecurity activities in relation to honey.

Specifically, the Regulations amend the *Primary Industries (Customs) Charges Regulations 2024* to:

- increase the rate of the biosecurity response component of the almond charge from 0.1 cents per kilogram to 0.37 cents per kilogram for almonds (other than almonds of the Nonpareil variety) in their shells;
- increase the rate of the biosecurity response component of the almond charge from 0.1 cents per kilogram to 0.37 cents per kilogram for almonds of the Nonpareil variety in their shells;
- increase the rate of the biosecurity response component of the almond charge from 0.13 cents per kilogram to 0.52 cents per kilogram for almonds that are not in their shells;
- decrease the rate of the research and development component of the avocados charge from 2.9 cents per kilogram to 2.65 cents per kilogram of the avocados (other than for processing);
- increase the rate of the biosecurity response component of the avocados charge from 0 cents per kilogram to 0.25 cents per kilogram for avocados (other than for avocados for processing);
- decrease the rate of the biosecurity response component of the honey charge from 2.7 cents per kilogram to 1 cent per kilogram of honey; and
- increase the rate of the biosecurity activity component of the honey charge from 0.1 cents per kilogram to 2.8 cents per kilogram of honey.

The legislative instrument commences on 1 July 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