EXPLANATORY STATEMENT

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

Primary Industries Levies and Charges Disbursement Act 2024

Primary Industries Levies and Charges Disbursement Amendment (Passionfruit) Rules 2026

Legislative Authority

Section 90 of the *Primary Industries Levies and Charges Disbursement Act 2024* (the Disbursement Act) provides that the Minister may, by legislative instrument, make rules prescribing matters required or permitted by the Act to be prescribed by the rules or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Purpose

The purpose of the *Primary Industries Levies and Charges Disbursement Amendment (Passionfruit) Rules 2026* (the Amendment Rules) is to amend the *Primary Industries Levies and Charges Disbursement Rules 2024* (the Disbursement Rules) to require the Commonwealth to pay Plant Health Australia amounts equal to the biosecurity activity and biosecurity response components of the rates of the levy and charge on certain passionfruit when the Commonwealth receives amounts of that levy and charge.

The Amendment Rules are consequential to the *Primary Industries (Customs) Charges Amendment (Chestnuts, Passionfruit and Stone Fruit) Regulations 2026* (the Charges Amendment Regulations) and the *Primary Industries (Excise) Levies Amendment (Chestnuts, Passionfruit and Stone Fruit) Regulations 2026* (the Levies Amendment Regulations), which introduce the biosecurity activity component and the biosecurity response component of the rates of the levy and charge on passionfruit (other than passionfruit that is sold or exported for processing or that is processed).

Background

The agricultural levy and charge system is a long-standing partnership between industry and the Australian Government to facilitate industry investment in strategic activities. The Disbursement Act provides for payments to Plant Health Australia that must be spent on certain activities including activities relating to the promotion or maintenance of the health of plants, animals, fungi or algae.

Amounts equal to the collected levies and charges are disbursed in accordance with the Disbursement Act and the Disbursement Rules by the Commonwealth to recipient bodies and other entities to support activities the levies and charges are imposed to fund. Under subsections 54(1) and 58(1) of the Disbursement Act, the Commonwealth must pay to Plant Health Australia amounts equal to the amounts of a component of the rate of a levy or charge, if the component is prescribed by the rules. Section 49 of the Disbursement Rules prescribes biosecurity activity components and biosecurity response components of the rates of various levies and charges for the purposes of paragraphs 54(1)(a) and 58(1)(a) of the Disbursement Act.

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Sections 55 and 59 of the Disbursement Act provide for how Plant Health Australia must apply the payments it receives from the Commonwealth. This includes applying payments in relation to discharging liability to the Commonwealth under an emergency plant biosecurity response deed and on activities promoting or maintaining the health of plants, animals, fungi or algae.

Impact and Effect

The Amendment Rules prescribe the biosecurity activity and biosecurity response components of the passionfruit levy and export charge. After collecting such components, the Commonwealth must pay Plant Health Australia the amounts equal to those components.

Consultation

Passionfruit Australia Inc. (PAI), the industry representative body for passionfruit, consulted levy and charge payers on the changes to the rates of the levy and charge on passionfruit made by the Levies Amendment Regulations and the Charges Amendment Regulations respectively, including the introduction of the biosecurity activity and biosecurity response components of the rates of the levy and charge. PAI notified the passionfruit levy payers of the proposed changes and held an objection period from 5 December 2025 to 30 January 2026.

In its notification to the levy and charge payers, PAI explained that the biosecurity activity and biosecurity response components will be collected by the Department of Agriculture, Fisheries and Forestry and that amounts equal to those components will be paid to Plant Health Australia. There was no opposition from passionfruit levy and charge payers to the proposed changes during this period. PAI received a letter of support from Plant Health Australia in relation to the introduction of the components.

The Department of Agriculture, Fisheries and Forestry consulted with Plant Health Australia in relation to the Amendment Rules. Plant Health Australia provided support and raised no concerns with the Amendment Rules.

Details/ Operation

Details of the Amendment Rules are set out in Attachment A.

Other

The Amendment Rules 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 Amendment Rules commence on 1 October 2026. The Amendment Rules are a legislative instrument for the purposes of the *Legislation Act 2003*.

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ATTACHMENT A

Details of the *Primary Industries Levies and Charges Disbursement Amendment (Passionfruit) Rules 2026*

Section 1—Name

This section provides that the name of the instrument is the *Primary Industries Levies and Charges Disbursement Amendment (Passionfruit) Rules 2026* (the Amendment Rules).

Section 2—Commencement

This section provides for the Amendment Rules to commence on 1 October 2026.

Section 3—Authority

This section provides that the Amendment Rules are made under the *Primary Industries Levies and Charges Disbursement Act 2024* (the Disbursement 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 Levies and Charges Disbursement Rules 2024

Item 1 – Section 49 (after table item 34)

This item inserts two items after table item 34 in section 49 of the *Primary Industries Levies and Charges Disbursement Rules 2024* (the Disbursement Rules).

Section 49 of the Disbursement Rules provides that, in relation to Plant Health Australia, the following apply:

- for the purposes of paragraph 54(1)(a) of the Disbursement Act:
  - a prescribed provision is each provision covered by column 1 of an item in this table (and known as the levy or charge described in column 2 of that item); and
  - the prescribed components of the rate of the levy or charge are the biosecurity activity components covered by column 3 of that item;

- for the purposes of paragraph 58(1)(a) of the Disbursement Act:
  - a prescribed provision is each provision covered by column 1 of an item in this table (and known as the levy or charge described in column 2 of that item); and
  - the prescribed components of the rate of the levy or charge are the biosecurity response components covered by column 3 of that item.

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Table item 34A

The new table item 34A provides that, for the purposes of paragraph 54(1)(a) and paragraph 58(1)(a) of the Disbursement Act:

- in column 1: the prescribed provision is subclause 55-1(1) of Schedule 2 to the *Primary Industries (Excise) Levies Regulations 2024* (Levies Regulations);

- in column 2: the levy or charge is the passionfruit levy; and

- in column 3: the prescribed components are the biosecurity activity component covered by item 2 or 3 of the table in subclause 55-3(1) of Schedule 2 to the Levies Regulations and the biosecurity response component covered by item 2 or 3 of the table in subclause 55-3(1) of Schedule 2 to the Levies Regulations.

Table item 34B

The new table item 34B provides that, for the purposes of paragraph 54(1)(a) and paragraph 58(1)(a) of the Disbursement Act:

- in column 1: the prescribed provision is subclause 55-1(1) of Schedule 2 to the *Primary Industries (Customs) Charges Regulations 2024* (Charges Regulations);

- in column 2: the levy or charge is the passionfruit export charge; and

- in column 3: the prescribed components are the biosecurity activity component covered by item 2 or 3 of the table in subclause 55-3(1) of Schedule 2 to the Charges Regulations and the biosecurity response component covered by item 2 or 3 of the table in subclause 55-3(1) of Schedule 2 to the Charges Regulations.

The purpose of the amendment is to require the Commonwealth to pay amounts equal to:

- the biosecurity activity components of the rates of the passionfruit levy and passionfruit export charge to Plant Health Australia under paragraph 54(1)(a) of the Disbursement Act; and

- the biosecurity response components of the rates of the passionfruit levy and passionfruit export charge to Plant Health Australia under paragraph 58(1)(a) of the Disbursement Act.

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ATTACHMENT B

Statement of Compatibility with Human Rights

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

Primary Industries Levies and Charges Disbursement Amendment (Passionfruit) Rules 2026

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 Levies and Charges Disbursement Amendment (Passionfruit) Rules 2026* (the Amendment Rules) is to amend the *Primary Industries Levies and Charges Disbursement Rules 2024* to require the Commonwealth to pay Plant Health Australia amounts equal to the biosecurity activity and biosecurity response components of the rates of the levy and charge on certain passionfruit when the Commonwealth receives amounts of that levy and charge.

The Amendment Rules are consequential to the *Primary Industries (Customs) Charges Amendment (Chestnuts, Passionfruit and Stone Fruit) Regulations 2026* and the *Primary Industries (Excise) Levies Amendment (Chestnuts, Passionfruit and Stone Fruit) Regulations 2026*, which introduce the biosecurity activity component and the biosecurity response component of the rates of the levy and charge on passionfruit (other than passionfruit that is sold or exported for processing or that is processed).

The legislative instrument commences on 1 October 2026.

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

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