



Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024

No. 60, 2024

**An Act to repeal various Acts and to deal with
consequential amendments and transitional matters
arising from the enactment of various Acts relating
to primary industries, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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No. 60, 2024

**An Act to repeal various Acts and to deal with
consequential amendments and transitional matters
arising from the enactment of various Acts relating
to primary industries, and for related purposes**

[Assented to 9 July 2024]

The Parliament of Australia enacts:

*No. 60, 2024 Primary Industries (Consequential Amendments and Transitional
Provisions) Act 2024 1*

1 Short title

This Act is the *Primary Industries (Consequential Amendments and Transitional Provisions) Act 2024*.

2 Commencement

- (1) Each provision of this Act 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 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	9 July 2024
2. Schedule 1	1 January 2025.	1 January 2025
3. Schedule 2, items 1 to 122	1 January 2025.	1 January 2025
4. Schedule 2, item 123	1 January 2025. However, the provision does not commence at all if items 16 and 17 of Schedule 1 to the <i>Inspector-General of Live Animal Exports Amendment (Animal Welfare) Act 2023</i> commence before 1 January 2025.	Never commenced
5. Schedule 3, item 1	The day after this Act receives the Royal Assent.	10 July 2024
6. Schedule 3, items 2 to 14	1 January 2025.	1 January 2025
7. Schedule 4	1 January 2025.	1 January 2025
Note:	This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.	

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- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Repeals

Australian Animal Health Council (Live-stock Industries) Funding Act 1996

1 The whole of the Act

Repeal the Act.

Australian Meat and Live-stock Industry Act 1997

2 The whole of the Act

Repeal the Act.

Dairy Adjustment Levy Termination Act 2008

3 The whole of the Act

Repeal the Act.

Dairy Industry Adjustment Act 2000

4 The whole of the Act

Repeal the Act.

Dairy Produce Act 1986

5 The whole of the Act

Repeal the Act.

Egg Industry Service Provision Act 2002

6 The whole of the Act

Repeal the Act.

Egg Industry Service Provision (Transitional and Consequential Provisions) Act 2002

7 The whole of the Act

Repeal the Act.

Forestry Marketing and Research and Development Services Act 2007

8 The whole of the Act

Repeal the Act.

Horse Disease Response Levy Act 2011

9 The whole of the Act

Repeal the Act.

Horse Disease Response Levy Collection Act 2011

10 The whole of the Act

Repeal the Act.

Horticulture Marketing and Research and Development Services Act 2000

11 The whole of the Act

Repeal the Act.

National Cattle Disease Eradication Account Act 1991

12 The whole of the Act

Repeal the Act.

National Residue Survey Administration Act 1992

13 The whole of the Act

Repeal the Act.

National Residue Survey (Consequential Provisions) Act 1992

14 The whole of the Act

Repeal the Act.

National Residue Survey (Customs) Levy Act 1998

15 The whole of the Act

Repeal the Act.

National Residue Survey (Excise) Levy Act 1998

16 The whole of the Act

Repeal the Act.

National Residue Survey Levies Regulations (Validation and Commencement of Amendments) Act 1999

17 The whole of the Act

Repeal the Act.

Pig Industry (Transitional Provisions) Act 1986

18 The whole of the Act

Repeal the Act.

Plant Health Australia (Plant Industries) Funding Act 2002

19 The whole of the Act

Repeal the Act.

Primary Industries (Customs) Charges Act 1999

20 The whole of the Act

Repeal the Act.

Primary Industries (Excise) Levies Act 1999

21 The whole of the Act

Repeal the Act.

Primary Industries Levies and Charges Collection Act 1991

22 The whole of the Act

Repeal the Act.

Sugar Research and Development Services Act 2013

23 The whole of the Act

Repeal the Act.

Schedule 2—Consequential amendments

Part 1—Main amendments

Biosecurity Act 2015

1 Subsection 9(1) (definition of *Agriculture Minister*)

Omit “*Primary Industries Levies and Charges Collection Act 1991*”, substitute “*Primary Industries Levies and Charges Collection Act 2024*”.

Fisheries Administration Act 1991

2 Subsection 94E(1) (paragraph (a) of the definition of *deductible component*)

Omit “subparagraph 30A(1)(a)(i) or (ii) of the *Primary Industries Research and Development Act 1989* to an R & D Corporation (within the meaning of that Act) established in respect of the fishing industry”, substitute “paragraph 36(1)(a) or (b) of the *Primary Industries Levies and Charges Disbursement Act 2024* to the Fisheries Research and Development Corporation”.

Freedom of Information Act 1982

3 Part III of Schedule 2

Omit:

Dairy Produce Act 1986

Horticulture Marketing and Research and Development Services (Repeals and Consequential Provisions) Act 2000

4 Subsection 4(1) (definition of *industry services body*)

Repeal the definition, substitute:

industry services body means the body that was the industry services body under the *Horticulture Marketing and Research and Development Services Act 2000* on 31 December 2024.

Natural Heritage Trust of Australia Act 1997

5 Section 54

Insert:

horticultural product means:

- (a) fruits, including processed fruits; and
- (b) vegetables, including:
 - (i) processed vegetables; and
 - (ii) mushrooms and other edible fungi; and
 - (iii) processed mushrooms and other processed edible fungi; and
- (c) nuts, including processed nuts; and
- (d) nursery products, including:
 - (i) trees, shrubs, plants, seeds, bulbs, corms and tubers; and
 - (ii) propagating material and plant tissue cultures, grown for ornamental purposes or for producing fruits, vegetables, nuts or cut flowers and foliage; and
- (e) cut flowers and foliage, including processed cut flowers and foliage; and
- (f) products prescribed by the regulations for the purposes of this paragraph.

6 Section 54 (definition of *horticulture*)

Omit “(within the meaning of the *Horticulture Marketing and Research and Development Services Act 2000*)”.

Pig Industry Act 2001

7 Section 7

Repeal the following definitions:

- (a) definition of *eligible body*;
- (b) definition of *funding contract*.

8 Section 7 (definition of *industry services body*)

Repeal the definition, substitute:

industry services body means the body that was the industry services body under this Act on 31 December 2024.

9 Section 7

Repeal the following definitions:

- (a) definition of *Levies Collection Act*;
- (b) definition of *marketing payments*;
- (c) definition of *matching payments*;
- (d) definition of *Presiding Officer*;
- (e) definition of *R&D payments*.

10 Divisions 2 and 3 of Part 3

Repeal the Divisions.

11 Subsection 21(1)

Omit “section 9”, substitute “former section 9”.

Primary Industries Research and Development Act 1989

12 After section 2

Insert:

2A Simplified outline of this Act

Establishment of research and development corporations

The Rural Industries Research and Development Corporation is established and the regulations may establish, or continue in existence, other research and development corporations.

Those corporations have various functions and powers. They must have R&D plans and annual operational plans.

Finance

The *Primary Industries Levies and Charges Disbursement Act 2024* provides for payments to those corporations. Under that Act:

- (a) the Commonwealth must pay to those corporations amounts connected with various levies and charges collected under rules made under the *Primary Industries Levies and Charges Collection Act 2024*; and
- (b) those corporations must spend the payments on various activities, including research and development activities and marketing activities for the benefit of primary industries; and
- (c) the Commonwealth must also make matching payments to those corporations, based on amounts of expenditure on research and development activities or certain other activities by those corporations and on gross value of production amounts; and
- (d) those corporations must spend the matching payments on various activities, including research and development activities for the benefit of primary industries.

Directors

This Act provides for directors of those corporations and for the appointment process for those directors, including the use of Selection Committees.

13 Paragraphs 3(a) and (b)

Omit “funding and administration”, substitute “undertaking”.

14 Subsection 4(1) (definition of *Collection Act*)

Repeal the definition.

15 Subsection 4(1)

Insert:

designated primary industry sector in relation to an R&D Corporation: see section 5.

16 Subsection 4(1) (definition of *eligible levy payer*)

Repeal the definition.

17 Subsection 4(1) (definition of *funding agreement*)

Omit “subsection 33(4)”, substitute “section 42 of the *Primary Industries Levies and Charges Disbursement Act 2024*”.

18 Subsection 4(1)

Repeal the following definitions:

- (a) definition of *levy*;
- (b) definition of *list of levy payers*.

19 Subsection 4(1) (definition of *marketing activities*)

Repeal the definition, substitute:

marketing activities, in relation to an R&D Corporation, means the following:

- (a) the marketing, advertising or promotion of:
 - (i) a designated primary industry sector in relation to that Corporation; or
 - (ii) goods that are the produce, or that are derived from the produce, of a designated primary industry sector in relation to that Corporation;
- (b) activities incidental to such marketing, advertising or promotion.

20 Subsection 4(1)

Repeal the following definitions:

- (a) definition of *marketing component*;
- (b) definition of *order*;
- (c) definition of *prescribed*;
- (d) definition of *R&D activity*.

21 Subsection 4(1) (paragraph (a) of the definition of *R&D Corporation*)

Repeal the paragraph, substitute:

- (a) a research and development corporation established under regulations, or continued in existence under regulations, made for the purposes of section 8; or

22 Subsection 4(1)

Repeal the following definitions:

- (a) definition of *R&D project*;
- (b) definition of *refund*;
- (c) definition of *regulations*.

23 Subsection 4(1) (definition of research and development)

Repeal the definition, substitute:

research and development: see section 5.

24 Subsection 4(1)

Insert:

research and development activity: see section 5.

25 Subsection 4(1)

Repeal the following definitions:

- (a) definition of *research component*;
- (b) definition of *RIR&D Corporation*;
- (c) definition of *separately levied fishery*;
- (d) definition of *State Research Committee*.

26 Subsection 4(3)

Repeal the subsection.

27 Sections 5 to 6

Repeal the sections, substitute:

5 Expressions defined in the *Primary Industries Levies and Charges Disbursement Act 2024*

For the purposes of this Act, work out what are the following under the definitions in Part 1 of the *Primary Industries Levies and Charges Disbursement Act 2024*:

- (a) *designated primary industry sector* in relation to an R&D Corporation;
- (b) *research and development*;
- (c) *research and development activity*.

Note: The definitions in that Act apply, in part, in relation to a statutory recipient body, which includes an R&D Corporation.

28 Section 8

Repeal the section, substitute:

8 Establishment of research and development corporations

The regulations may:

- (a) establish a research and development corporation with the name prescribed by the regulations; or
- (b) continue in existence a research and development corporation prescribed by the regulations.

29 Subsection 9(1)

Omit “(1)”.

30 Subsection 9(2)

Repeal the subsection.

31 Paragraph 11(a)

Omit “in relation to the primary industry or class of primary industries in respect of which it was established”, substitute “for each designated primary industry sector in relation to the Corporation”.

32 Paragraphs 11(c) and (d)

Omit “R&D activities”, substitute “research and development activities”.

33 Paragraph 11(da)

Omit “the primary industry or class of primary industries in respect of which the Corporation was established, of R&D activities”, substitute “each designated primary industry sector in relation to the Corporation, of research and development activities”.

34 Paragraph 11(e)

Omit “the primary industry or class of primary industries in respect of which the Corporation was established”, substitute “each designated primary industry sector in relation to the Corporation”.

35 Paragraph 11(ea)

Repeal the paragraph, substitute:

- (ea) to carry out marketing activities under the *Primary Industries Levies and Charges Disbursement Act 2024* for the benefit of designated primary industry sectors in relation to the Corporation; and

36 Paragraph 11(eb)

Omit “the primary industry or class of primary industries in respect of which the Corporation was established”, substitute “a designated primary industry sector in relation to the Corporation”.

37 Paragraphs 12(1)(a) and (b)

Omit “R&D”, substitute “research and development activities”.

38 Section 13 (heading)

Omit “R&D activities”, substitute “research and development activities”.

39 Paragraph 13(1)(a)

Repeal the paragraph, substitute:

- (a) research and development activities;

40 Paragraph 13(2)(c)

Omit “R&D activities”, substitute “research and development activities”.

41 Section 14 (heading)

Omit “R&D activities”, substitute “research and development activities”.

42 Paragraph 14(1)(a)

Repeal the paragraph, substitute:

- (a) research and development activities;

43 Paragraph 15(1)(a)

Omit “the primary industry or class of primary industries in respect of which the Corporation was established”, substitute “a designated primary industry sector in relation to the Corporation”.

44 Paragraph 15(1)(b)

Omit “primary industry or class of primary industries”, substitute “sector”.

45 Paragraph 25(2)(a)

Omit “of R&D”, substitute “of research and development activities”.

46 Subparagraphs 25(2)(c)(i) and (ii)

Repeal the subparagraphs, substitute:

- (i) the total amounts likely to be spent by the Corporation in respect of each broad grouping of research and development activities the Corporation proposes to fund during the financial year; and
- (ii) the total of all other amounts likely to be spent by the Corporation during the financial year; and

47 Subparagraph 25(2)(c)(iv)

Omit “section 30, 30A or 30B”, substitute “the *Primary Industries Levies and Charges Disbursement Act 2024*”.

48 Subsection 25(3)

Omit “R&D or marketing activities that an R&D Corporation proposes to fund includes a reference to R&D”, substitute “research and development activities or marketing activities that an R&D Corporation proposes to fund includes a reference to research and development activities”.

49 Subparagraph 28(a)(i)

Omit “R&D activities”, substitute “research and development activities”.

50 Subparagraph 28(a)(iib)

Omit “on the primary industry or class of primary industries in respect of which the Corporation was established”, substitute “on each designated primary industry sector in relation to the Corporation”.

51 Sub-subparagraph 29(b)(iii)(C)

Repeal the sub-subparagraph.

52 Sections 30 to 32

Repeal the sections.

53 Subsection 33(1)

Omit “An”, substitute “Subject to this section, an”.

54 Paragraph 33(1)(a)

Omit “R&D activities” (wherever occurring), substitute “research and development activities”.

55 Paragraph 33(1)(a)

Omit “when payments are made”.

56 Paragraphs 33(1)(ca) to (da)

Repeal the paragraphs, substitute:

- (d) in payment to the Commonwealth of amounts payable under the *Primary Industries Levies and Charges Disbursement Act 2024*; and

57 After subsection 33(1)

Insert:

(1AA) Money paid to an R&D Corporation under the *Primary Industries Levies and Charges Disbursement Act 2024* may be spent by the R&D Corporation only in accordance with that Act.

58 Subsection 33(3)

Omit “After 30 June 2015, an”, substitute “An”.

59 Subsections 33(4) and (5)

Repeal the subsections.

60 Section 33A

Repeal the section.

61 Subsection 33B(2)

Omit “R&D activities”, substitute “research and development activities”.

62 Sections 33C to 39

Repeal the sections.

63 Subsection 40(1)

Omit “(1)”.

64 Subsection 40(2)

Repeal the subsection.

65 Section 56

Repeal the section, substitute:

56 Application of Division

This Division applies to an R&D Corporation if:

- (a) there are one or more levies or charges imposed by provisions prescribed by rules made under the *Primary Industries Levies and Charges Disbursement Act 2024* for the

- purposes of paragraph 15(1)(a) of that Act in relation to the Corporation; and
(b) the regulations declare that this Division applies to the Corporation.

66 Section 57 (heading)

Repeal the heading, substitute:

57 List of levy or charge payers

67 Subsection 57(1)

Omit “a levy that is attached to the Corporation”, substitute “any of the levies or charges covered by paragraph 56(a)”.

68 Paragraph 59(1)(b)

Omit “of levy payers”, substitute “referred to in section 57”.

69 Subsection 60(1)

Omit “(1)”.

70 Subsection 60(1)

Omit “eligible levy payers”, substitute “those included in the list prepared by the Corporation under section 57”.

71 Subparagraph 60(1)(b)(ii)

Omit “the primary industry or class of primary industries in respect of which the Corporation was established”, substitute “each designated primary industry sector in relation to the Corporation”.

72 Subparagraph 60(1)(d)(i)

Omit “making of regulations prescribing an amount of levy in respect of a levy attached to the Corporation or declaring the research component, or marketing component, of such a levy”, substitute “amount of any of the levies or charges covered by paragraph 56(a)”.

73 Subparagraph 60(1)(d)(ii)

Omit “making of such regulations”, substitute “amount of any of the levies or charges covered by paragraph 56(a)”.

74 Paragraph 61(a)

Omit “by an eligible levy payer of the Corporation at an annual general meeting”, substitute “at an annual general meeting by a person included in the list prepared by the Corporation under section 57”.

75 Paragraph 61(b)

Omit “Corporation’s eligible levy payers”, substitute “persons included in the list prepared by the Corporation under section 57”.

76 Paragraph 61(c)

Omit “eligible levy payers of the Corporation”, substitute “persons included in the list prepared by the Corporation under section 57”.

77 Paragraph 61(e)

Repeal the paragraph, substitute:

(e) a method:

- (i) of determining the number of votes that a person included in the list prepared by the Corporation under section 57 who is entitled to vote at an annual general meeting may cast when voting at such a meeting; and
- (ii) that has regard to the amount of any of the levies or charges covered by paragraph 56(a) for which the person became liable to pay during, or within 3 months after the end of, the financial year immediately preceding the meeting;

78 Paragraph 61(f)

Omit “levy for which an eligible levy payer became liable”, substitute “any of the levies or charges covered by paragraph 56(a) for which a person included in the list prepared by the Corporation under section 57 became liable to pay”.

79 Paragraph 62(1)(b)

Omit “the eligible levy payers of the Corporation who are included in the list of levy payers”, substitute “the persons included in the list prepared by the Corporation under section 57”.

80 Subsection 62(3)

Repeal the subsection, substitute:

- (3) A person included in the list prepared by the Corporation under section 57 for the financial year in which an annual general meeting of the Corporation is held is entitled to vote upon any matter to be determined at the meeting.

81 Section 65

Repeal the section, substitute:

65 Scope of this Division

This Division applies in relation to a director of an R&D Corporation, other than the Executive Director.

Note: See Division 9 for provisions applying to the Executive Director.

82 Paragraph 131(2)(a)

Omit “the particular primary industry or class of primary industries in respect of which the R&D Corporation or R&D Council is established”, substitute “each designated primary industry sector in relation to the Corporation”.

83 Subsection 142(2)

Omit “R&D activities”, substitute “research and development activities”.

84 Subsection 145(1)

Omit “under section 8 declaring the establishment of the Corporation”, substitute “for the purposes of section 8”.

85 Paragraph 146(b)

Omit “the primary industry or class of primary industries in respect of which the Corporation is established”, substitute “a designated primary industry sector in relation to the Corporation”.

86 Section 147

Omit “under section 8 declaring the establishment of the Corporation”, substitute “for the purposes of section 8”.

87 Subsection 149(2)

Repeal the subsection, substitute:

- (2) Before regulations are made for the purposes of section 8 establishing a research and development corporation, the Minister must have taken into consideration any relevant recommendation made to the Minister by any of the organisations that, in the Minister's opinion, will represent any of the designated primary industry sectors in relation to that corporation upon the establishment of that corporation.

88 Section 150

Repeal the section.

Renewable Energy (Electricity) Act 2000

89 Subsection 5(1) (definition of *Agriculture Department*)

Omit "*Primary Industries Levies and Charges Collection Act 1991*", substitute "*Primary Industries Levies and Charges Collection Act 2024*".

Sugar Research and Development Services (Consequential Amendments and Transitional Provisions) Act 2013

90 Item 1 of Schedule 2 (definition of *industry services body*)

Repeal the definition, substitute:

industry services body means the body that was the industry services body under the *Sugar Research and Development Services Act 2013* on 31 December 2024.

Wine Australia Act 2013

91 Subsection 4(1)

Insert:

designated primary industry sector in relation to the Authority: see section 4AA.

92 Subsection 4(1) (definition of *funding agreement*)

Omit “subsection 35(1C)”, substitute “section 42 of the *Primary Industries Levies and Charges Disbursement Act 2024*”.

93 Subsection 4(1) (definition of *general component*)

Repeal the definition.

94 Subsection 4(1) (definition of *grape or wine research and development*)

Repeal the definition, substitute:

grape or wine research and development means research and development for a designated primary industry sector in relation to the Authority.

95 Subsection 4(1) (definition of *grape or wine research and development activity*)

Repeal the definition, substitute:

grape or wine research and development activity means a research and development activity for a designated primary industry sector in relation to the Authority.

96 Subsection 4(1) (definition of *grapes research levy*)

Omit “Schedule 13 to the *Primary Industries (Excise) Levies Act 1999*”, substitute “a prescribed provision of regulations made under the *Primary Industries (Excise) Levies Act 2024*”.

97 Subsection 4(1)

Insert:

research and development: see section 4AA.

research and development activity: see section 4AA.

98 Subsection 4(1) (definition of *research component*)

Repeal the definition.

99 Subsection 4(1) (definition of *wine export charge*)

Omit “Schedule 13 to the *Primary Industries (Customs) Charges Act 1999*”, substitute “a prescribed provision of regulations made under the *Primary Industries (Customs) Charges Act 2024*”.

100 Subsection 4(1) (definition of *wine grapes levy*)

Omit “Schedule 26 to the *Primary Industries (Excise) Levies Act 1999*”, substitute “a prescribed provision of regulations made under the *Primary Industries (Excise) Levies Act 2024*”.

101 After section 4

Insert:

4AA Expressions defined in the *Primary Industries Levies and Charges Disbursement Act 2024*

For the purposes of this Act, work out what are the following under the definitions in Part 1 of the *Primary Industries Levies and Charges Disbursement Act 2024*:

- (a) *designated primary industry sector* in relation to the Authority;
- (b) *research and development*;
- (c) *research and development activity*.

Note: The definitions in that Act apply, in part, in relation to a statutory recipient body, which includes the Authority.

102 Sections 32 to 33

Repeal the sections.

103 Subsection 35(1)

Omit “The”, substitute “Subject to this section, the”.

104 Paragraph 35(1)(ab)

Repeal the paragraph.

105 Paragraph 35(1)(ac)

Omit “when the relevant payments are made”.

106 Paragraph 35(1)(ad)

Repeal the paragraph, substitute:

(ad) in payment to the Commonwealth of amounts payable under the *Primary Industries Levies and Charges Disbursement Act 2024*; and

107 Subsection 35(1A)

Repeal the subsection, substitute:

(1A) Money paid to the Authority under the *Primary Industries Levies and Charges Disbursement Act 2024* may be spent by the Authority only in accordance with that Act.

108 Subsection 35(1B)

Omit “After 30 June 2015, the”, substitute “The”.

109 Subsections 35(1C) and (1D)

Repeal the subsections.

110 Before subsection 35(2)

Insert:

No limit on investments

111 Section 36

Repeal the section.

112 Division 4 of Part VIA (heading)

Repeal the heading, substitute:

Division 4—Other matters

Wool Services Privatisation Act 2000

113 Section 7

Repeal the following definitions:

(a) definition of *research body*;

(b) definition of *wool levy*.

114 Division 7 of Part 2

Repeal the Division.

115 Section 33A

Repeal the section.

116 Application provision—fisheries amendment

The amendment of the *Fisheries Administration Act 1991* made by this Part applies in relation to the financial year beginning on 1 July 2024 and each later financial year.

117 Application provision—Selection Committees

The amendment of paragraph 131(2)(a) of the *Primary Industries Research and Development Act 1989* made by this Part applies in relation to a nomination made on or after the commencement of this item.

118 Transitional provision—Wine Australia

For the purposes of the operation of section 29V of the *Wine Australia Act 2013* in relation to 30 September 2025:

- (a) a reference to wine grapes levy in that section is taken to be a reference to levy imposed by Schedule 26 to the former *Primary Industries (Excise) Levies Act 1999*; and
- (b) a reference to wine export charge in that section is taken to be a reference to charge imposed by Schedule 13 to the former *Primary Industries (Customs) Charges Act 1999*.

Part 2—Other amendments

Export Control Act 2020

119 Subparagraph 372(2)(a)(ii)

After “the”, insert “repealed”.

120 Subparagraph 372(2)(a)(va)

After “the”, insert “repealed”.

121 Before subparagraph 372(2)(a)(vi)

Insert:

(vb) the *Primary Industries Levies and Charges Collection Act 2024*;

122 Subparagraph 372(2)(e)(vi)

After “the”, insert “repealed”.

Inspector-General of Live Animal Exports Act 2019

123 Section 5 (definition of *live-stock*)

Repeal the definition, substitute:

live-stock means any of the following:

- (a) cattle, sheep, goats, deer, buffalo or camelids;
- (b) any other animal prescribed by rules made for the purposes of this definition;
- (c) the young of an animal mentioned in paragraph (a) or (b).

Schedule 3—Application and transitional provisions—operation of new law

1 Application provisions—consultation on rates of levies and charges

Levies

- (1) Subsection 27(2) of the *Primary Industries (Excise) Levies Act 2024* does not apply to the first set of regulations, made under that Act, setting the rate of a levy in relation to a particular product or particular goods if, immediately before the commencement of that subsection, a levy under an old levy Act was imposed in relation to that product or those goods.

Charges

- (2) Subsection 24(2) of the *Primary Industries (Customs) Charges Act 2024* does not apply to the first set of regulations, made under that Act, setting the rate of a charge in relation to a particular product or particular goods if, immediately before the commencement of that subsection, a charge or levy under an old charge/levy Act was imposed in relation to that product or those goods.

Further rule for wool levy or wool export charge

- (3) If in 2024 a poll was conducted in accordance with section 32 of the *Wool Services Privatisation Act 2000*, then:
- (a) subsection 27(2) of the *Primary Industries (Excise) Levies Act 2024* does not apply to any regulations made under that Act amending the rate of levy on wool as a result of that poll; and
 - (b) subsection 24(2) of the *Primary Industries (Customs) Charges Act 2024* does not apply to any regulations made under that Act amending the rate of charge on wool as a result of that poll.

Definitions

- (4) An *old levy Act* is:
-

- (a) the *Primary Industries (Excise) Levies Act 1999*; or
- (b) the *National Residue Survey (Excise) Levy Act 1998*; or
- (c) the *Horse Disease Response Levy Act 2011*.

(5) An **old charge/levy Act** is:

- (a) the *Primary Industries (Customs) Charges Act 1999*; or
- (b) the *National Residue Survey (Customs) Levy Act 1998*.

2 Transitional provisions—exemptions from levies and charges

(1) For the purposes of a provision of regulations under the new Charges Act that deals with exemptions from a charge on an animal product (within the meaning of that Act) or a plant product (within the meaning of that Act):

- (a) a reference in that provision to levy imposed on that product under a provision of regulations under the new Levies Act is taken to include a reference to levy imposed on that product under the old Levies Act or regulations under the old Levies Act; and
- (b) a reference in that provision to charge being previously imposed on that product includes a reference to charge being previously imposed on that product under the old Charges Act or regulations under the old Charges Act.

(2) For the purposes of a provision of regulations under the new Levies Act that deals with exemptions from a levy on an animal product (within the meaning of that Act) or a plant product (within the meaning of that Act):

- (a) a reference in that provision to levy being previously imposed on that product includes a reference to levy being previously imposed on that product under the old Levies Act or regulations under the old Levies Act; and
- (b) a reference in that provision to charge being previously imposed on that product includes a reference to charge being previously imposed on that product under the old Charges Act or regulations under the old Charges Act.

(3) In this item:

new Charges Act means the *Primary Industries (Customs) Charges Act 2022*.

new Levies Act means the *Primary Industries (Excise) Levies Act 2024*.

old Charges Act means the *Primary Industries (Customs) Charges Act 1999*.

old Levies Act means the *Primary Industries (Excise) Levies Act 1999*.

3 Application provision—liability of collection agents

Subsections 10(5) and (9) of the *Primary Industries Levies and Charges Collection Act 2024* apply in relation to agreements entered into before, on or after the commencement of this item.

4 Transitional provisions—exemptions from giving returns for usual return periods

(1) If:

- (a) under regulations made under the *Primary Industries Levies and Charges Collection Act 1991*, a person had an exemption from lodging returns, in relation to an animal product or plant product, for usual return periods in the last levy year for that product, being a financial year or calendar year, that began before the commencement of this item; and
- (b) the person lodged a return for that financial year or calendar year in accordance with those regulations;

the exemption is taken to also apply for the next financial year or calendar year, as the case may be, for the purposes of rules made under the *Primary Industries Levies and Charges Collection Act 2024*.

(2) Subitem (1) does not prevent the exemption from being revoked in accordance with rules made under the *Primary Industries Levies and Charges Collection Act 2024*.

(3) In this item:

animal product has the same meaning as in the *Primary Industries Levies and Charges Collection Act 2024*.

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

plant product has the same meaning as in the *Primary Industries Levies and Charges Collection Act 2024*.

quarter means a period of 3 months beginning on 1 July, 1 October, 1 January or 1 April.

usual return period means a quarter or a calendar month.

5 Application and transitional provisions—matching payments

Matching payments to bodies other than the Fisheries Research and Development Corporation

- (1) Section 23 of the *Primary Industries Levies and Charges Disbursement Act 2024* applies in relation to a relevant financial year that is the financial year beginning on 1 July 2025 or a later financial year.
- (2) For the purposes of the operation of that section, subsection 25(3) of that Act applies whether or not any of the last 3 financial years ends before or after the commencement of this item.

Matching payments to the Fisheries Research and Development Corporation

- (3) Sections 26 and 27 of the *Primary Industries Levies and Charges Disbursement Act 2024* apply in relation to a relevant financial year that is the financial year beginning on 1 July 2025 or a later financial year.
- (4) For the purposes of the operation of those sections, subsections 29(3), 30(3), 31(3) and 32(3) of that Act apply whether or not any of the last 3 financial years ends before or after the commencement of this item.

Carry-over amounts

- (5) For the purposes of the operation of sections 23 and 24 of the *Primary Industries Levies and Charges Disbursement Act 2024* in relation to a recipient body and the relevant financial year that is the financial year beginning on 1 July 2025:
 - (a) paragraph 24(1)(b) of that Act does not apply; but
 - (b) the recipient body's qualifying expenditure amount for that financial year is taken to include the amount specified in, or

worked out in accordance with, an instrument made under subitem (6) in relation to that body.

- (6) The Minister may make a notifiable instrument for the purposes of paragraph (5)(b).
- (7) If, in relation to the financial year beginning on 1 July 2024, a body is required to pay an amount to the Commonwealth under an old repayment provision, the Commonwealth may set off the whole or a part of that amount against a payment the Commonwealth must make under section 23 of the *Primary Industries Levies and Charges Disbursement Act 2024* to the body in relation to the financial year beginning on 1 July 2025.

Definitions

- (8) In this item:

old repayment provision means the following:

- (a) subsection 66(3) of the *Australian Meat and Live-stock Industry Act 1997*, as in force immediately before the commencement of this item;
- (b) subsection 6(4) of the *Dairy Produce Act 1986*, as in force immediately before the commencement of this item;
- (c) subsection 8(3) of the *Egg Industry Service Provision Act 2002*, as in force immediately before the commencement of this item;
- (d) subsection 9(4) of the *Forestry Marketing and Research and Development Services Act 2007*, as in force immediately before the commencement of this item;
- (e) subsection 16(7A) of the *Horticulture Marketing and Research and Development Services Act 2000*, as in force immediately before the commencement of this item;
- (f) subsection 10(8) of the *Pig Industry Act 2001*, as in force immediately before the commencement of this item;
- (g) subsection 32(1A) of the *Primary Industries Research and Development Act 1989*, as in force immediately before the commencement of this item;
- (h) subsection 7(4) of the *Sugar Research and Development Services Act 2013*, as in force immediately before the commencement of this item;

- (i) subsection 32B(2) of the *Wine Australia Act 2013*, as in force immediately before the commencement of this item;
- (j) subsection 31(7) of the *Wool Services Privatisation Act 2000*, as in force immediately before the commencement of this item.

recipient body has the same meaning as in the *Primary Industries Levies and Charges Disbursement Act 2024*.

6 Application provision—fishing levy

Subsection 36(1) of the *Primary Industries Levies and Charges Disbursement Act 2024* applies in relation to the financial year beginning on 1 July 2024 and each later financial year.

7 Application provision—report about National Residue Survey Special Account

For the purposes of the operation of section 67 of the *Primary Industries Levies and Charges Disbursement Act 2024* in relation to the first financial year ending after the day on which this item commences, the report for that year must also include the details referred to in paragraphs 10(a) and (b) of the *National Residue Survey Administration Act 1992* (as in force immediately before the commencement of this item) in relation to that year.

8 Application provision—use or disclosure of protected information

- (1) Subsections 45(1) and (2) of the *Primary Industries Levies and Charges Collection Act 2024* apply in relation to information obtained or generated on or after the commencement of this item.
- (2) Subsections 81(1) and (2) of the *Primary Industries Levies and Charges Disbursement Act 2024* apply in relation to information obtained or generated on or after the commencement of this item.

9 Transitional provisions—old levies and charge information

- (1) On and after the commencement of this item, the following information is taken to be relevant levy/charge information for the purposes of the operation of the *Primary Industries Levies and Charges Collection Act 2024*:

- (a) information obtained by a person under a former Collection Act or regulations under that Act, including the operation of that Act or those regulations on or after that commencement;
 - (b) information obtained or generated by a person in the course of or for the purposes of:
 - (i) administering, or monitoring compliance with, a former Collection Act or regulations under that Act, including the operation of that Act or those regulations on or after that commencement; or
 - (ii) assisting another person to administer, or monitor compliance with, a former Collection Act or regulations under that Act, including the operation of that Act or those regulations on or after that commencement.
 - (2) Subsection 28(1) of the *Primary Industries Levies and Charges Collection Act 2024* applies on and after the commencement of this item as if the following were purposes covered by that subsection:
 - (a) administering, or monitoring compliance with, a former Collection Act or regulations under that Act, including the operation of that Act or those regulations on or after that commencement;
 - (b) assisting another person to administer, or monitor compliance with, a former Collection Act or regulations under that Act, including the operation of that Act or those regulations on or after that commencement.
 - (3) Subsection 30(1) of the *Primary Industries Levies and Charges Collection Act 2024* does not apply to the use or disclosure of relevant levy/charge information if that information:
 - (a) is of a kind covered by paragraph 27A(1)(a), (b) or (c) of the *Primary Industries Levies and Charges Collection Act 1991* (the **old Act**), as in force immediately before the commencement of this item; and
 - (b) was obtained for the purpose of it being given to an eligible recipient (within the meaning of section 27A of the old Act) under subsection 27A(1) of the old Act for a purpose covered by subsection 27B(1), (2) or (3) of the old Act.
 - (4) In this item:
former Collection Act means:
-

- (a) the *Primary Industries Levies and Charges Collection Act 1991*, as in force immediately before the commencement of this item; or
- (b) the *Horse Disease Response Levy Collection Act 2011*, as in force immediately before the commencement of this item.

Note: Items 2 and 3 of Schedule 4 continue in operation the former Collection Acts and regulations under those Acts.

10 Remission of penalty

- (1) Subsection 9(5) of the *Primary Industries Levies and Charges Collection Act 2024* applies on and after the commencement of this item as if it extended to a penalty under subsection 15(1) of the *Primary Industries Levies and Charges Collection Act 1991*, or section 7 of the *Horse Disease Response Levy Collection Act 2011*, before, on or after that commencement.
- (2) Subsection 11(5) of the *Primary Industries Levies and Charges Collection Act 2024* applies on and after the commencement of this item as if it extended to a penalty under subsection 15(2), (3) or (4) of the *Primary Industries Levies and Charges Collection Act 1991* before, on or after that commencement.
- (3) A decision of the Secretary of the Department on or after the commencement of this item to refuse to remit a penalty referred to in subitem (1) or (2) of this item is taken to be a decision covered by paragraph 48(1)(a) of the *Primary Industries Levies and Charges Collection Act 2024* (about reconsideration of decisions).

Note: Items 2 and 3 of Schedule 4 continue in operation the former *Primary Industries Levies and Charges Collection Act 1991* and the *Horse Disease Response Levy Collection Act 2011*.

11 Application provisions—compliance and enforcement

Monitoring powers

- (1) Section 20 of the *Primary Industries Levies and Charges Collection Act 2024* applies on and after the commencement of this item as if subsection 20(1) of that Act also mentioned a provision of a former Collection Act or of regulations under a former Collection Act, including the operation of that provision on or after that commencement.

Schedule 3 Application and transitional provisions—operation of new law

Note 1: The effect of this subitem is that provisions of a former Collection Act or of regulations under a former Collection Act are subject to monitoring on or after 1 January 2025 under the *Regulatory Powers (Standard Provisions) Act 2014*.

Note 2: Items 2 and 3 of Schedule 4 continue in operation the former Collection Acts and regulations under those Acts.

(2) Section 20 of the *Primary Industries Levies and Charges Collection Act 2024* applies on and after the commencement of this item as if subsection 20(2) of that Act also mentioned information given in compliance or purported compliance with a provision of a former Collection Act or of regulations under a former Collection Act, including the operation of that provision on or after that commencement.

Note 1: The effect of this subitem is that information given under provisions of a former Collection Act or of regulations under a former Collection Act is subject to monitoring on or after 1 January 2025 under the *Regulatory Powers (Standard Provisions) Act 2014*.

Note 2: Items 2 and 3 of Schedule 4 continue in operation the former Collection Acts and regulations under those Acts.

Investigation powers

(3) Section 21 of the *Primary Industries Levies and Charges Collection Act 2024* applies on and after the commencement of this item as if subsection 21(1) of that Act also mentioned the following:

- (a) an offence against a former Collection Act or regulations under a former Collection Act, including the operation of that offence on and after that commencement;
- (b) an offence against the *Crimes Act 1914* or the *Criminal Code* that relates to a former Collection Act or regulations under a former Collection Act.

Note 1: The effect of this subitem is that offences under a former Collection Act or regulations under a former Collection Act are subject to investigation on or after 1 January 2025 under the *Regulatory Powers (Standard Provisions) Act 2014*.

Note 2: Items 2 and 3 of Schedule 4 continue in operation the former Collection Acts and regulations under those Acts.

Definitions

(4) In this item:
former Collection Act means:

- (a) the *Primary Industries Levies and Charges Collection Act 1991*, as in force immediately before the commencement of this item; or
- (b) the *Horse Disease Response Levy Collection Act 2011*, as in force immediately before the commencement of this item.

12 Application provisions—information gathering

- (1) Section 26 of the *Primary Industries Levies and Charges Collection Act 2024* applies on and after the commencement of this item as if subsection 26(1) of that Act also applies in relation to information or documents relevant to the operation of a provision of a former Collection Act or of regulations under a former Collection Act, including the operation of that provision on or after that commencement.

Note 1: The effect of this subitem is that the Secretary can gather information or documents relevant to the operation of provisions of a former Collection Act or of regulations under a former Collection Act on or after 1 January 2025 under the *Primary Industries Levies and Charges Collection Act 2024*.

Note 2: Items 2 and 3 of Schedule 4 continue in operation the former Collection Acts and regulations under those Acts.

- (2) In this item:

former Collection Act means:

- (a) the *Primary Industries Levies and Charges Collection Act 1991*, as in force immediately before the commencement of this item; or
- (b) the *Horse Disease Response Levy Collection Act 2011*, as in force immediately before the commencement of this item.

13 Transitional provisions—old NRS information

- (1) If, before the commencement of this item, information of a kind referred to in subsection 11(1) of the *National Residue Survey Administration Act 1992* was collected and the information is in existence immediately before that commencement, the information is taken, on and after that commencement, to be relevant NRS information for the purposes of the *Primary Industries Levies and Charges Disbursement Act 2024*.

- (2) If a person holds an approval in force under section 11 of the *National Residue Survey Administration Act 1992* immediately before the commencement of this item, the approval continues in force (and may be dealt with) on and after that commencement as if it were an approval granted under section 72 of the *Primary Industries Levies and Charges Disbursement Act 2024*.
- (3) If relevant NRS information is disclosed to the person under subsection 72(1) of the *Primary Industries Levies and Charges Disbursement Act 2024*, the approval is taken to authorise the person to use that information for a purpose specified in the approval, as in force immediately before the commencement of this item.

14 Application provision—reports about recoverable payments

Section 87 of the *Primary Industries Levies and Charges Disbursement Act 2024* applies in relation to a financial year ending after the commencement of this item.

Schedule 4—Application, saving and transitional provisions—operation of old law

Part 1—Definitions

1 Definitions

In this Schedule:

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 item.

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

horse disease response levy means levy imposed by section 5 of the *Horse Disease Response Levy Act 2011*, as in force immediately before the commencement of this item.

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 item.

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

matching payments means the following:

- (a) payments under subsection 66(1) of the *Australian Meat and Live-stock Industry Act 1997*, as in force immediately before the commencement of this item;
- (b) payments referred to in paragraph 5(1)(b) of the *Dairy Produce Act 1986*, as in force immediately before the commencement of this item;
- (c) payments referred to in paragraph 7(1)(c) of the *Egg Industry Service Provision Act 2002*, as in force immediately before the commencement of this item;
- (d) payments referred to in paragraph 8(1)(b) of the *Forestry Marketing and Research and Development Services Act*

2007, as in force immediately before the commencement of this item;

- (e) payments under subsection 16(2) of the *Horticulture Marketing and Research and Development Services Act 2000*, as in force immediately before the commencement of this item;
- (f) payments referred to in paragraph 9(1)(c) of the *Pig Industry Act 2001*, as in force immediately before the commencement of this item;
- (g) payments under paragraph 30(1)(b) or 30A(1)(b) of the *Primary Industries Research and Development Act 1989*, as in force immediately before the commencement of this item;
- (h) payments referred to in paragraph 6(1)(b) of the *Sugar Research and Development Services Act 2013*, as in force immediately before the commencement of this item;
- (i) payments under paragraph 32(ai) of the *Wine Australia Act 2013*, as in force immediately before the commencement of this item;
- (j) payments referred to in paragraph 31(1)(b) of the *Wool Services Privatisation Act 2000*, as in force immediately before the commencement of this item.

National Residue Survey Special Account means the National Residue Survey Special Account mentioned in subsection 64(1) of the *Primary Industries Levies and Charges Disbursement Act 2024*.

old disbursement law means the following:

- (a) the *Australian Meat and Live-stock Industry Act 1997*, and the regulations under that Act, as in force immediately before the commencement of this item;
- (b) the *Dairy Produce Act 1986*, and the regulations under that Act, as in force immediately before the commencement of this item;
- (c) the *Egg Industry Service Provision Act 2002*, as in force immediately before the commencement of this item;
- (d) the *Forestry Marketing and Research and Development Services Act 2007*, and the regulations under that Act, as in force immediately before the commencement of this item;

- (e) the *Horticulture Marketing and Research and Development Services Act 2000*, and the regulations under that Act, as in force immediately before the commencement of this item;
- (f) the *Pig Industry Act 2001*, as in force immediately before the commencement of this item;
- (g) the *Primary Industries Research and Development Act 1989*, and the regulations under that Act, as in force immediately before the commencement of this item;
- (h) the *Sugar Research and Development Services Act 2013*, as in force immediately before the commencement of this item;
- (i) the *Wine Australia Act 2013*, as in force immediately before the commencement of this item;
- (j) the *Wool Services Privatisation Act 2000*, and the regulations under that Act, as in force immediately before the commencement of this item.

old horse disease response levy law means the following:

- (a) the *Horse Disease Response Levy Act 2011*, and any regulations under that Act, as in force immediately before the commencement of this item;
- (b) the *Horse Disease Response Levy Collection Act 2011*, and any regulations under that Act, as in force immediately before the commencement of this item.

old levy or charge law means the following:

- (a) the *Primary Industries (Excise) Levies Act 1999*, and the regulations under that Act, as in force immediately before the commencement of this item;
- (b) the *Primary Industries (Customs) Charges Act 1999*, and the regulations under that Act, as in force immediately before the commencement of this item;
- (c) the *National Residue Survey (Excise) Levy Act 1998*, and the regulations under that Act, as in force immediately before the commencement of this item;
- (d) the *National Residue Survey (Customs) Levy Act 1998*, and the regulations under that Act, as in force immediately before the commencement of this item;
- (e) the *Primary Industries Levies and Charges Collection Act 1991*, and the regulations under that Act, as in force immediately before the commencement of this item.

Schedule 4 Application, saving and transitional provisions—operation of old law
Part 1 Definitions

recipient body has the meaning given by the *Primary Industries Levies and Charges Disbursement Act 2024*.

Part 2—Old levies or charges

2 Saving and transitional provisions—old levies or charges

- (1) Subject to this item, in relation to a levy or charge for a collection product, the old levy or charge law continues to apply on and after the commencement of this item in relation to that levy or charge and to a levy year for that product that began before that commencement.

Note: This item ensures, for example, that:

- (a) the rights and obligations of intermediaries under section 7 of the *Primary Industries Levies and Charges Collection Act 1991* continue to apply on and after the commencement of this item; and
 - (b) late payment penalty can continue to apply under section 15 of that Act on and after that commencement; and
 - (c) amounts can continue to be recovered by the Commonwealth under section 17 of that Act on and after that commencement as debts due to the Commonwealth; and
 - (d) refunds can continue to be made under section 18 of that Act on and after that commencement; and
 - (e) the offence in subsection 24(1) of that Act continues to apply for a failure to give a return under regulations under that Act before, on or after that commencement.
- (2) If, in relation to such a levy or charge, the due date for payment of the whole or a part of the levy or charge, or an amount equal to the whole or a part of the levy or charge, is a day (other than the last day) of a calendar month beginning on or after the commencement of this item, then the due date for that payment is taken to be the last day of that calendar month.
- (3) If, in relation to such a 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 item, then the due date for that return is taken to be the last day of that calendar month.
- (4) For the purposes of this item, an agreement in force under section 10 or 11 of the *Primary Industries Levies and Charges Collection Act 1991* immediately before the commencement of this item continues in force under that section on and after that commencement.
- (5) This item has effect subject to Part 4 of this Schedule.

3 Saving provision—horse disease response levy

- (1) The old horse disease response levy law continues to apply on and after the commencement of this item in relation to horse disease response levy imposed before that commencement.
- (2) This item has effect subject to Part 4 of this Schedule.

4 Saving and transitional provisions—old disbursement law

- (1) In relation to a levy or charge for a collection product, the old disbursement law continues to apply on and after the commencement of this item in relation to that levy or charge and to a levy year for that product that began before that commencement.
- (2) The old disbursement law, to the extent to which it relates to the following:
 - (a) matching payments to a body;
 - (b) in connection with those payments—payments from the body to the Commonwealth;continues to apply on and after the commencement of this item in relation to the financial year beginning on 1 July 2024 or an earlier financial year.
- (3) Once an instrument under subitem 5(6) of Schedule 3 commences in relation to a recipient body and the financial year beginning on 1 July 2025, the Commonwealth is taken to have discharged all of its obligations to that body under the old disbursement law in relation to matching payments to the body for the financial year beginning on 1 July 2024 or an earlier financial year.
- (4) Subitem (3) does not affect the continued operation of any provision of the old disbursement law under which:
 - (a) a body is required to pay an amount to the Commonwealth;
or
 - (b) that amount is made a debt due to the Commonwealth; or
 - (c) that amount may be recovered by the Minister, on behalf of the Commonwealth, by action in a court of competent jurisdiction.

5 Saving provisions—Animal Health Australia

- (1) In relation to a levy or charge for a collection product, the *Australian Animal Health Council (Live-stock Industries) Funding Act 1996*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to that levy or charge and to a levy year for that product that began before that commencement.
- (2) The *Australian Animal Health Council (Live-stock Industries) Funding Act 1996*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to horse disease response levy imposed before that commencement.

6 Saving provision—Plant Health Australia

In relation to a levy or charge for a collection product, the *Plant Health Australia (Plant Industries) Funding Act 2002*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to that levy or charge and to a levy year for that product that began before that commencement.

Part 3—National Residue Survey Special Account

7 Saving and transitional provisions—National Residue Survey

Credits

- (1) If an amount of levy payable under the *National Residue Survey (Customs) Levy Act 1998* or the *National Residue Survey (Excise) Levy Act 1998* is collected by or on behalf of the Commonwealth after the commencement of this item, an amount equal to that amount of levy is to be credited to the National Residue Survey Special Account.
- (2) If an amount of penalty in connection with that levy is collected by or on behalf of the Commonwealth after the commencement of this item, an amount equal to that amount of penalty is to be credited to the National Residue Survey Special Account.

Debits

- (3) Subsection 8(2) of the *National Residue Survey Administration Act 1992*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to the National Residue Survey Account continued in existence under the *Primary Industries Levies and Charges Disbursement Act 2024*.

Release of information before commencement

- (4) Section 11 of the *National Residue Survey Administration Act 1992*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to the following:
 - (a) information released to a person under paragraph 11(2)(b) of that Act before that commencement;
 - (b) the use of that information by a person before, on or after that commencement.
- (5) If a person holds an approval in force under section 11 of the *National Residue Survey Administration Act 1992* immediately before the commencement of this item, then, for the purposes of subitem (4), and in addition to subitem 13(2) of Schedule 3, the approval continues in force (and may be dealt with) under that section on and after that commencement.

Part 4—Some matters under the old Collection Acts

8 Remission of penalty

A decision cannot be made under section 16 of the *Primary Industries Levies and Charges Collection Act 1991* or section 8 of the *Horse Disease Response Levy Collection Act 2011*, as continued in operation under item 2 or 3 of this Schedule, on or after the commencement of this item.

Note: Instead, a penalty under the *Primary Industries Levies and Charges Collection Act 1991* or the *Horse Disease Response Levy Collection Act 2011* can be remitted under the *Primary Industries Levies and Charges Collection Act 2024*: see item 10 of Schedule 3.

9 Checking compliance with Act

- (1) Sections 19, 19A, 19B, 21 and 22 of the *Primary Industries Levies and Charges Collection Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to the following:
 - (a) an entry to premises that occurred before that commencement;
 - (b) a thing seized before that commencement.
- (2) Premises cannot be entered under section 19 of the *Primary Industries Levies and Charges Collection Act 1991*, as continued in operation under item 2 of this Schedule, on or after the commencement of this item.
- (3) Division 2 of Part 3 of the *Horse Disease Response Levy Collection Act 2011*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to the following:
 - (a) an entry to premises that occurred before that commencement;
 - (b) a thing seized before that commencement.
- (4) Premises cannot be entered under the *Regulatory Powers (Standard Provisions) Act 2014*, as it relates to the *Horse Disease Response Levy Collection Act 2011*, as continued in operation under item 3 of this Schedule, on or after the commencement of this item.

Note: Instead, compliance activities relating to the former *Primary Industries Levies and Charges Collection Act 1991* and regulations under that Act, or the former *Horse*

Disease Response Levy Collection Act 2011 and regulations under that Act, can occur in accordance with provisions of the *Primary Industries Levies and Charges Collection Act 2024*: see item 11 of Schedule 3.

10 Giving of information

- (1) Sections 23 and 24 of the *Primary Industries Levies and Charges Collection Act 1991*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a notice given under section 23 of that Act before that commencement.
- (2) A notice cannot be given under section 23 of the *Primary Industries Levies and Charges Collection Act 1991*, as continued in operation under item 2 of this Schedule, on or after the commencement of this item.
- (3) Sections 11 and 12 of the *Horse Disease Response Levy Collection Act 2011*, as in force immediately before the commencement of this item, continue to apply on and after that commencement in relation to a notice given under section 11 of that Act before that commencement.
- (4) A notice cannot be given under section 11 of the *Horse Disease Response Levy Collection Act 2011*, as continued in operation under item 3 of this Schedule, on or after the commencement of this item.

Note: Instead, a notice can be given under subsection 26(1) of the *Primary Industries Levies and Charges Collection Act 2024* to obtain information or documents relating to the former *Primary Industries Levies and Charges Collection Act 1991* and regulations under that Act or the former *Horse Disease Response Levy Collection Act 2011* and regulations under that Act: see item 12 of Schedule 3.

11 Offences in relation to weighing cattle carcasses

Section 24A of the *Primary Industries Levies and Charges Collection Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to cattle slaughtered before that commencement.

12 Disclosure of information

- (1) Section 27B of the *Primary Industries Levies and Charges Collection Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to
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information given before that commencement or to an approval given under that section before that commencement.

- (2) Information cannot be given or made available under section 27, 27A or 27C of the *Primary Industries Levies and Charges Collection Act 1991* on or after the commencement of this item.
- (3) Information cannot be disclosed under section 36 of the *Horse Disease Response Levy Collection Act 2011* on or after the commencement of this item.

Note: Instead, information under the *Primary Industries Levies and Charges Collection Act 1991* or regulations under that Act, or the *Horse Disease Response Levy Collection Act 2011* or regulations under that Act, becomes relevant levy/charge information for the purposes of the *Primary Industries Levies and Charges Collection Act 2024*: see item 9 of Schedule 3. The information can then be used or disclosed in accordance with the provisions of Part 5 of the *Primary Industries Levies and Charges Collection Act 2024*.

13 Reconsideration and review of decisions

- (1) Section 28 of the *Primary Industries Levies and Charges Collection Act 1991*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to the following:
 - (a) a decision covered by paragraph (a) of the definition of **relevant decision** in subsection 28(9) of that Act made before that commencement;
 - (b) a decision covered by any other paragraph of that definition made before, on or after that commencement.
- (2) Section 9 of the *Horse Disease Response Levy Collection Act 2011*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a decision referred to in subsection 9(1) of that Act made before that commencement.

Part 5—Other provisions

14 Continuing operation of certain provisions

- (1) The repeal of the *Egg Industry Service Provision (Transitional and Consequential Provisions) Act 2002* by Schedule 1 does not affect the continuing operation of any provision of that Act made or expressed to be made for an application, saving or transitional purpose (or that makes provision consequential or related to such a provision).
- (2) For the purposes of the operation of a provision of the *Forestry Marketing and Research and Development Services (Transitional and Consequential Provisions) Act 2007* on or after the commencement of this item, as that provision is continued by item 2 of Schedule 5 to the *Statute Law Revision (Spring 2016) Act 2016*, the successor body is taken to be the first body that was declared under the former *Forestry Marketing and Research and Development Services Act 2007* as the industry services body.

15 Reviews of horse biosecurity response levy

- (1) If levy is imposed by regulations under the *Primary Industries (Excise) Levies Act 2024* on a disposal of manufactured feed or worm treatment, the Minister must ensure that there are 2 reviews under this item into whether that levy is the most appropriate way of raising money to meet the costs of any emergency response to a disease affecting horses.

First review

- (2) The Minister must ensure that the first review is undertaken and completed:
 - (a) before the end of 31 December 2026, unless paragraph (b) applies; or
 - (b) if:
 - (i) the rate of that levy is greater than nil on a day in 2026 and the Minister considers that it is appropriate to delay the first review; and
 - (ii) the rate of that levy subsequently becomes nil; as soon as practicable after the rate of that levy so becomes nil.

Second review

- (3) The Minister must ensure that the second review is undertaken and completed:
- (a) before the end of the day (the *relevant day*) that is the fifth anniversary of the day the first review is completed, unless paragraph (b) applies; or
 - (b) if:
 - (i) the rate of that levy is greater than nil on a day in the period of 12 months ending at the end of the relevant day and the Minister considers that it is appropriate to delay the second review; and
 - (ii) the rate of that levy subsequently becomes nil; as soon as practicable after the rate of that levy so becomes nil.

Review reports

- (4) The persons undertaking a review under this item must give the Minister a written report of the review.

Publication

- (5) The Minister must arrange for a copy of the report to be published on the Department's website.

16 Transitional rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to:
- (a) the enactment of the *Primary Industries Levies and Charges Collection Act 2024* or the *Primary Industries Levies and Charges Disbursement Act 2024*; or
 - (b) the amendments or repeals made by Schedule 1 or 2 to this Act.
- (2) To avoid doubt, the rules may not do the following:
- (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or

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- (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.
 - (3) Parts 1 to 4 do not limit the rules that may be made for the purposes of subitem (1).
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*[Minister's second reading speech made in—
House of Representatives on 18 October 2023
Senate on 16 November 2023]*

(128/23)