



Agricultural and Veterinary Chemical Products (Collection of Levy) Regulations 1995

Statutory Rules 1995 No.120 as amended

made under the

*Agricultural and Veterinary Chemical Products
(Collection of Levy) Act 1994*

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1 Name of Regulations [see Note 1]

These Regulations are the *Agricultural and Veterinary Chemical Products (Collection of Levy) Regulations 1995*.

2 Interpretation

In these Regulations, unless the contrary intention appears:

Act means the *Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994*.

3 Registration of chemical products — prescribed laws

For the purposes of paragraph (b) of the definition of *registration law* in subsection 3 (1) of the Act, a law specified in column 3 of an item in Schedule 1, being a law of the jurisdiction specified in column 2 of that item, is a prescribed law of the jurisdiction.

4 Rate of levy — section 11 of the Act

For the purposes of the definition of *rate of levy* in subsection 11 (1) of the Act:

- (a) the rate of 0.7% is prescribed in respect of the year that began on 1 January 1994; and
- (b) the rate of 0.65% is prescribed in respect of:
 - (i) the year that began on 1 January 1999; and
 - (ii) each succeeding calendar year up to and including 2003.

5 Rate of levy — section 12 of the Act

For the purposes of the definition of *rate of levy* in subsection 12 (1) of the Act:

- (a) the rate of 0.7% is prescribed in respect of the first 6 months of the year that began on 1 January 1995; and
- (b) the rate of 0.65% is prescribed in respect of the first 6 months of:
 - (i) the year that began on 1 January 1999; and

- (ii) each succeeding calendar year up to and including 2003.

6 Limit on the amount of levy payable

- (1) For the purposes of paragraph 11 (2) (b) of the Act, the amount of \$25,000 is prescribed in respect of:
 - (a) the year that began on 1 January 1994; and
 - (b) each succeeding calendar year up to and including 2003.
- (2) For the purposes of paragraph 12 (2) (b) of the Act, the amount of \$12,500 is prescribed in respect of the first 6 months of:
 - (a) the year that began on 1 January 1995; and
 - (b) each succeeding calendar year up to and including 2003.

6A Rate of levy — section 12C of the Act

2005-2006 financial year

- (1) For section 12C of the Act, the following rates are prescribed in respect of the 2005-2006 financial year:
 - (a) the rate of 0.9% for the first \$1 million of leviable disposals or part thereof;
 - (b) the rate of 0.55% for any amount in excess of the first \$1 million of leviable disposals up to and including \$5 million;
 - (c) the rate of 0.4% for any amount in excess of \$5 million of leviable disposals.

2006-2007 financial year and later financial years

- (2) For section 12C of the Act, the following rates are prescribed in respect of the 2006-2007 financial year and each succeeding financial year:
 - (a) the rate of 0.8% for the first \$1 million of leviable disposals or part thereof;
 - (b) the rate of 0.45% for any amount in excess of the first \$1 million of leviable disposals up to and including \$5 million;

- (c) the rate of 0.3% for any amount in excess of \$5 million of leviable disposals.

7 Form of search warrant

For the purposes of subsection 24 (2) of the Act (which deals with offence-related warrants), the form of warrant in Schedule 2 is prescribed.

Schedule 1 Prescribed Laws

(regulation 3)

Column 1 Item No.	Column 2 Jurisdiction (State or Territory)	Column 3 Law
1.	Australian Capital Territory	<i>Pesticides Act 1989</i>
2.	New South Wales	<i>Pesticides Act 1978</i> <i>Stock Medicines Act 1989</i>
3.	Northern Territory	<i>Poisons and Dangerous Drugs Act 1983</i>
4.	Queensland	<i>Agricultural Standards Act 1952</i> <i>Chemical Usage (Agricultural and Veterinary) Control Act 1988</i> <i>Agricultural Chemicals Distribution Control Act of 1966</i>
5.	South Australia	<i>Agricultural Chemicals Act, 1955</i> <i>Stock Medicines Act, 1939</i>
6.	Tasmania	<i>Pesticides Act 1968</i> <i>Veterinary Medicines Act 1987</i>
7.	Victoria	<i>Agricultural Chemicals Act 1958</i> <i>Animal Preparations Act 1987</i>
8.	Western Australia	<i>Health Act 1911</i> <i>Veterinary Preparations and Animal Feedstuffs Act, 1976</i>

Schedule 2 Search warrant under subsection 24 (2)

(regulation 7)

Commonwealth of Australia

*Agricultural and Veterinary Chemical Products (Collection of Levy)
Act 1994*

SEARCH WARRANT UNDER SUBSECTION 24 (2)

TO *(name and address of inspector)*, an inspector within the meaning of subsection 3 (1) of the *Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994 (the Act)*:

1. This warrant is issued on the basis that:
 - (a) I am satisfied, by information on oath, that there are reasonable grounds for suspecting that there is, or may be within the next 72 hours, at the premises described below, a particular thing that may be evidence of the commission of an offence against the Act; and
 - (b) I have been given, either orally or by affidavit, the further information (if any) that I required about the grounds on which the issue of this warrant has been sought.
2. The nature of the offence in relation which this warrant is issued is *(state the nature of the suspected offence)*.
3. The purpose for which this warrant is issued is set out in clause 4.
4. This warrant authorises you, with any help, and using any force, that is necessary and reasonable, * at any time of the day or night / * during the following hours of the day or night *(specify the hours)*:
 - (a) to enter the premises at *(address)*; and
 - (b) to exercise the powers set out in paragraphs 22 (1) (c) and (d) of the Act in respect of the particular thing, namely *(specify the particular thing)*.

Note Paragraphs 22 (1) (c) and (d) of the Act empower an inspector to:

- “(c) search the premises for the thing; and
- (d) if the thing is found — seize the thing.”

THIS WARRANT CEASES TO HAVE EFFECT ON *(specify a date not later than 7 days after the day of issue of the warrant)*.

Issued by me, *(full name and designation of magistrate)*.

On *(date)* .

(signature of magistrate)

* Omit whichever is inapplicable.

Table of Instruments

Notes to the *Agricultural and Veterinary Chemical Products (Collection of Levy) Regulations 1995*

Note 1

The *Agricultural and Veterinary Chemical Products (Collection of Levy) Regulations 1995* (in force under the *Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994*) as shown in this compilation comprise Statutory Rules 1995 No.120 amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments. From 1 January 2005 the Statutory Rules series ceased to exist and was replaced with Select Legislative Instruments (SLI series). Numbering conventions remain the same, ie Year and Number.

Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
1995 No. 120	6 June 1995	6 June 1995	
2000 No. 91	1 June 2000	1 June 2000	—
2005 No. 106	8 June 2005 (see F2005L01414)	1 July 2005	—
2006 No. 106	5 June 2006 (see F2006L01711)	1 July 2006	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
R. 1	rs. 2000 No. 91
R. 4	am. 2000 No. 91; 2005 No. 106
R. 5	am. 2000 No. 91; 2005 No. 106
R. 6	am. 2005 No. 106
Heading to r. 6A	rs. 2006 No. 106
R. 6A	ad. 2005 No. 106 am. 2006 No. 106