

# **Agricultural and Veterinary Chemical Products (Collection of Levy) Regulations 1995 No. 120**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 1995 No. 120**

Issued by the Authority of the Minister for Primary Industries and Energy

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

Agricultural and Veterinary Chemical Products (Collection of Levy) Regulations

Section 39 of the *Agricultural and Veterinary Chemical Products (Collection of Levy) Act 1994* (the Act) provides that the Governor-General may make regulations for the purpose of the Act.

The Act commenced on 15 March 1995, but will come into practical effect for the first time on 1 July 1995. Up until 30 June 1995, agricultural and veterinary chemical products have been levied under the *Agricultural and Veterinary Chemical Products (Collection of Interim Levy) Act 1994*.

The proceeds of the levy are used to fund the National Registration Authority for Agricultural and Veterinary Chemicals (NRA). (Other sources of funds for the NRA are the fees payable upon application for registration of a new active ingredient or a new agricultural or veterinary chemical product, and for annual reregistration of such products). The purpose of these regulations is to

- specify a rate of levy for 1995/96 of 0.70% on wholesale sales of those agricultural and veterinary chemicals with annual sales of more than \$100 000, and 0.75% for subsequent years, for the purposes of the Act
- specify \$25 000 as the maximum amount of levy that is payable in respect of any one agricultural or veterinary chemical product for a given 12 month period, and
- prescribe a form of search warrant for use when there is a suspected offence under the Act.

Details of the regulations are as follows:

**Regulation 1** provides for the citation of the regulations

**Regulation 2** provides a definition of the term "Act"

**Regulation 3** lists the State or Territory laws under which agricultural and veterinary chemicals used to be registered prior to the commencement of the National Registration Scheme. This is needed in connection with the definition of the term "registration law" (subsection 3(1) of the Act, as amended)

**Regulation 4** specifies a rate of 0.70% as being applicable to levy payments due on 31 July 1995, and 0.75% on payments due on 31 July 1996 and subsequent years in respect of products registered for a full year. (The definition of the term "prescribed date for payment" in subsection 3(1) of the Act, as amended, links 31 July with the period during which sales of products are totalled for the purposes of calculating the amount of levy)

**Regulation 5** specifies rates of 0.70% and 0.75%, as in regulation 4, in respect of products registered for only six months of the year. (The levy payments are due on 1 September for such products).

**Regulation 6** prescribes \$25 000 as the maximum amount that is payable in respect of any one product that is registered for a full year, and \$12 500 as the maximum amount that is payable in respect of any product registered for only six months of the year

**Regulation 7** prescribes a form of search warrant.