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Statutory Rules 1995 No. L1

120/

Agricultural and Veterinary Chemical Products (Collection of Levy) Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, make the
following Regulations under the *Agricultural and Veterinary
Chemical Products (Collection of Levy) Act 1994*.

Dated L 1995.

30 May

L
Governor-General

BILL HAYDEN

By His Excellency's Command,

L
Minister for Primary Industries and Energy

BOB COLLINS

Citation

1. These Regulations may be cited as the Agricultural and
Veterinary Chemical Products (Collection of Levy) Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act
1901*, s.48.]

Interpretation

2. In these Regulations, unless the contrary intention appears:

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

Registration of chemical products—prescribed laws

3. 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.

Rate of levy—section 11 of the Act

4. 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 0.75% is prescribed in respect of:
 - (i) the year that began on 1 January 1995; and
 - (ii) each succeeding calendar year.

Rate of levy—section 12 of the Act

5. 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 0.75% is prescribed in respect of the first 6 months of:
 - (i) the year that begins on 1 January 1996; and
 - (ii) each succeeding calendar year.

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Limit on the amount of levy payable

6. (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.

(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.

Form of search warrant

7. 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

Regulation 3

PRESCRIBED LAWS

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>

SCHEDULE 1—continued

Column 1 Item No.	Column 2 Jurisdiction (State or Territory)	Column 3 Law
4.	Queensland	<i>Agricultural Standards Act</i> <i>1952</i> <i>Chemical Usage (Agricultural</i> <i>and Veterinary) Control Act</i> <i>1988</i> <i>Agricultural Chemicals</i> <i>Distribution Control Act of</i> <i>1966</i>
5.	South Australia	<i>Agricultural Chemicals Act,</i> <i>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</i> <i>1958</i> <i>Animal Preparations Act 1987</i>
8.	Western Australia	<i>Health Act 1911</i> <i>Veterinary Preparations and</i> <i>Animal Feedstuffs Act, 1976</i>

SCHEDULE 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*).

SCHEDULE 2—continued

[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.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on

L

1995.

6 June