

Authorised Version No. 003
Agricultural and Veterinary Chemicals
(Control of Use) (Infringement Notices)
Regulations 2013

S.R. No. 156/2013

Authorised Version incorporating amendments as at
23 July 2017

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**Agricultural and Veterinary Chemicals
(Control of Use) (Infringement Notices)
Regulations 2013**

S.R. No. 156/2013

Authorised Version incorporating amendments as at
23 July 2017

1 Objective

The objective of these Regulations is to prescribe—

- (a) offences for which infringement notices may be served; and
- (b) infringement penalties for those infringement offences.

2 Authorising provision

These Regulations are made under section 76 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**.

3 Commencement

These Regulations come into operation on 1 January 2014.

4 Revocations

The following Regulations are **revoked**—

- (a) the Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices) Regulations 2004¹;
- (b) the Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices) (Amendment) Regulations 2006²;

(c) the Agricultural and Veterinary Chemicals
(Control of Use) (Infringement Notices)
(Amendment) Regulations 2007³;

(d) the Agricultural and Veterinary Chemicals
(Control of Use) (Infringement Notices)
Amendment Regulations 2010⁴.

5 Definition

In these Regulations, *the Act* means the
**Agricultural and Veterinary Chemicals
(Control of Use) Act 1992.**

6 Prescribed infringement offences

For the purposes of section 69(1) of the Act, an
offence specified in Column 2 of the Schedule is
prescribed as an infringement offence.

7 Prescribed infringement penalties

For the purposes of section 69(1) of the Act, the
prescribed infringement penalty for an
infringement offence is the penalty set out in
Column 3 of the Schedule in respect of the
corresponding infringement offence set out in
Column 2 of the Schedule.

Agricultural and Veterinary Chemicals (Control of Use) (Infringement
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Schedule

Schedule

Regulations 6 and 7

Sch.
amended by
S.R. Nos
183/2014
reg. 4, 69/2017
reg. 4.

**Prescribed infringement offences and
infringement penalties**

In this Schedule, *the Regulations* means the Agricultural and Veterinary Chemicals (Control of Use) Regulations 2017⁵.

Part 1—Offences against the Act

<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Infringement offence</i>	<i>Column 3</i> <i>Infringement penalty</i>
1	An offence against section 18(4) of the Act	In the case of a corporation, 5 penalty units In any other case, 3 penalty units
2	An offence against section 48(2) of the Act	5 penalty units
3	An offence against section 49(4) of the Act	5 penalty units
3A	An offence against section 52AA of the Act	4 penalty units
4	An offence against section 67A(1) of the Act	4 penalty units
5	An offence against section 67B(1) of the Act	1 penalty unit

Part 2—Offences against the Regulations

<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Infringement offence</i>	<i>Column 3</i> <i>Infringement penalty</i>
1	An offence against regulation 6(2) of the Regulations	2 penalty units
2	An offence against regulation 6(3) of the Regulations	2 penalty units

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Schedule

<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Infringement offence</i>	<i>Column 3</i> <i>Infringement penalty</i>
3	An offence against regulation 7(2) of the Regulations	2 penalty units
4	An offence against regulation 7(3) of the Regulations	2 penalty units
5	An offence against regulation 8(2) of the Regulations	2 penalty units
6	An offence against regulation 8(3) of the Regulations	2 penalty units
7	An offence against regulation 12(1) of the Regulations	2 penalty units
8	An offence against regulation 12(2) of the Regulations	2 penalty units
9	An offence against regulation 16 of the Regulations	2 penalty units

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices) Regulations 2013, S.R. No. 156/2013 were made on 10 December 2013 by the Governor in Council under section 76 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**, No. 46/1992 and came into operation on 1 January 2014: regulation 3.

The Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices) Regulations 2013 will sunset 10 years after the day of making on 10 December 2023 (see section 5 of the **Subordinate Legislation Act 1994**).

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule.

This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms.

See section 36(1A)(2A)(2B).

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- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

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Endnotes

2 Table of Amendments

This publication incorporates amendments made to the Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices) Regulations 2013 by statutory rules, subordinate instruments and Acts.

Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices)
Amendment Regulations 2014, S.R. No. 183/2014

Date of Making: 29.10.14

Date of Commencement: 1.11.14: reg. 3

Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices)
Amendment Regulations 2017, S.R. No. 69/2017

Date of Making: 11.7.17

Date of Commencement: 23.7.17: reg. 3

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Reg. 4(a): S.R. No. 155/2004 as amended by S.R. Nos 113/2006, 83/2007 and 29/2010.

² Reg. 4(b): S.R. No. 113/2006.

³ Reg. 4(c): S.R. No. 83/2007.

⁴ Reg. 4(d): S.R. No. 29/2010.

⁵ Schedule definition of *the Regulations*: S.R. No. 68/2017.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2017 is \$158.57.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.