

**Authorised Version No. 001**  
**Agricultural and Veterinary Chemicals**  
**(Control of Use) (Infringement Notices)**  
**Regulations 2023**

**S.R. No. 126/2023**

Authorised Version as at  
9 December 2023

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**S.R. No. 126/2023**

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**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 9 December 2023.

**4 Revocations**

The following Regulations are **revoked**—

- (a) the Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices) Regulations 2013<sup>1</sup>;
- (b) the Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices) Amendment Regulations 2014<sup>2</sup>;

(c) the Agricultural and Veterinary Chemicals  
(Control of Use) (Infringement Notices)  
Amendment Regulations 2017<sup>3</sup>.

## **5 Definition**

In these Regulations—

***the Act*** means the **Agricultural and Veterinary  
Chemicals (Control of Use) Act 1992**.

## **6 Prescribed infringement offences**

- (1) For the purposes of section 69(1) of the Act, an offence specified in Column 2 of Schedule 1 is prescribed as an infringement offence.
- (2) An offence against section 18(1), 20(1), 20(3), 21, 32(1) or 32(2) of the Act is not an infringement offence if it is allegedly committed by a corporation.

## **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 Schedule 1 in respect of the corresponding infringement offence set out in Column 2 of Schedule 1.

## Schedule 1—Prescribed infringement offences and infringement penalties

Regulations 6 and 7

### 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	Subject to regulation 6(2), an offence against section 18(1) of the Act	5 penalty units
2	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
3	An offence against section 19(6) of the Act	In the case of a corporation, 5 penalty units In any other case, 3 penalty units
4	Subject to regulation 6(2), an offence against section 20(1) of the Act	5 penalty units
5	Subject to regulation 6(2), an offence against section 20(3) of the Act	5 penalty units
6	Subject to regulation 6(2), an offence against section 21 of the Act	5 penalty units
7	An offence against section 30(1) of the Act	5 penalty units
8	Subject to regulation 6(2), an offence against section 32(1) of the Act	5 penalty units
9	Subject to regulation 6(2), an offence against section 32(2) of the Act	5 penalty units
10	An offence against section 42(1) of the Act	5 penalty units

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Schedule 1—Prescribed infringement offences and infringement penalties

<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Infringement offence</i>	<i>Column 3</i> <i>Infringement penalty</i>
11	An offence against section 42(2) of the Act	5 penalty units
12	An offence against section 42(3) of the Act	5 penalty units
13	An offence against section 48(2) of the Act	5 penalty units
14	An offence against section 49(4) of the Act	5 penalty units
15	An offence against section 52AA of the Act	4 penalty units
16	An offence against section 54J of the Act	In the case of a corporation, 5 penalty units In any other case, 2 penalty units
17	An offence against section 55(3) of the Act	5 penalty units
18	An offence against section 56(3) of the Act	5 penalty units
19	An offence against section 58(4) of the Act	5 penalty units
20	An offence against section 62(2) of the Act	In the case of a corporation, 5 penalty units In any other case, 2 penalty units
21	An offence against section 67A(1) of the Act	4 penalty units
22	An offence against section 67B(1) of the Act	1 penalty unit

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Schedule 1—Prescribed infringement offences and infringement penalties

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**Part 2—Offences against the Agricultural  
and Veterinary Chemicals (Control of Use)  
Regulations 2017**

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<i>Column 1 Item</i>	<i>Column 2 Infringement offence</i>	<i>Column 3 Infringement penalty</i>
1	An offence against regulation 6(2) of the Agricultural and Veterinary Chemicals (Control of Use) Regulations 2017	2 penalty units
2	An offence against regulation 6(3) of the Agricultural and Veterinary Chemicals (Control of Use) Regulations 2017	2 penalty units
3	An offence against regulation 7(2) of the Agricultural and Veterinary Chemicals (Control of Use) Regulations 2017	2 penalty units
4	An offence against regulation 7(3) of the Agricultural and Veterinary Chemicals (Control of Use) Regulations 2017	2 penalty units
5	An offence against regulation 8(2) of the Agricultural and Veterinary Chemicals (Control of Use) Regulations 2017	3 penalty units
6	An offence against regulation 8(3) of the Agricultural and Veterinary Chemicals (Control of Use) Regulations 2017	3 penalty units
7	An offence against regulation 12(1) of the Agricultural and Veterinary Chemicals (Control of Use) Regulations 2017	3 penalty units

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Schedule 1—Prescribed infringement offences and infringement penalties

<i>Column 1</i> <i>Item</i>	<i>Column 2</i> <i>Infringement offence</i>	<i>Column 3</i> <i>Infringement penalty</i>
8	An offence against regulation 12(2) of the Agricultural and Veterinary Chemicals (Control of Use) Regulations 2017	2 penalty units
9	An offence against regulation 16 of the Agricultural and Veterinary Chemicals (Control of Use) Regulations 2017	3 penalty units

**Part 3—Offences against the Agricultural  
and Veterinary Chemicals (Control of Use)  
(Ruminant Feed) Regulations 2015**

<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 9 of the Agricultural and Veterinary Chemicals (Control of Use) (Ruminant Feed) Regulations 2015	2 penalty units
2	An offence against regulation 10(1) of the Agricultural and Veterinary Chemicals (Control of Use) (Ruminant Feed) Regulations 2015	5 penalty units
3	An offence against regulation 10(2) of the Agricultural and Veterinary Chemicals (Control of Use) (Ruminant Feed) Regulations 2015	5 penalty units



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Schedule 1—Prescribed infringement offences and infringement penalties

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Item</i>	<i>Infringement offence</i>	<i>Infringement penalty</i>
4	An offence against regulation 10(3) of the Agricultural and Veterinary Chemicals (Control of Use) (Ruminant Feed) Regulations 2015	5 penalty units

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://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 2023, S.R. No. 126/2023 were made on 5 December 2023 by the Administrator of the State of Victoria as the Governor's deputy, with the advice of the Executive Council, under section 76 of the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**, No. 46/1992 and came into operation on 9 December 2023: regulation 3.

The Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices) Regulations 2023 will sunset 10 years after the day of making on 5 December 2033 (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).

- **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).

## **2 Table of Amendments**

There are no amendments made to the Agricultural and Veterinary Chemicals (Control of Use) (Infringement Notices) Regulations 2023 by statutory rules, subordinate instruments and Acts.

### 3 Explanatory details

<sup>1</sup> Reg. 4(a): S.R. No. 156/2013 as amended by S.R. Nos 183/2014 and 69/2017.

<sup>2</sup> Reg. 4(b): S.R. No. 183/2014.

<sup>3</sup> Reg. 4(c): S.R. No. 69/2017.

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#### 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 2023 is \$192.31. 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.