



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

5151



PERTH, TUESDAY, 6 DECEMBER 2011 No. 236 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

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Western Australia

Western Australian Meat Industry Authority Amendment Regulations 2011

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Western Australian Meat Industry Authority Act 1976

Western Australian Meat Industry Authority Amendment Regulations 2011

Made by the Governor in Executive Council after consultation with the Western Australian Meat Industry Authority.

1. Citation

These regulations are the *Western Australian Meat Industry Authority Amendment Regulations 2011*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Western Australian Meat Industry Authority Regulations 1985*.

4. Regulation 3 amended

In regulation 3(1) delete the definition of *stock agent* and insert:

stock agent has the meaning given in regulation 25.

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5. Regulation 4 amended

After regulation 4(2)(c) insert:

- (da) in relation to the Muchea Livestock Centre,
assisting in the administration of Part VI; and

6. Various penalties amended

- (1) In the provisions listed in the Table in the Penalty delete “\$500”
and insert:

a fine of \$5 000

Table

r. 5(2)	r. 6(2)
r. 7	r. 8(2)
r. 9	r. 10
r. 11(4)	r. 13(3)
r. 14(3)	r. 15
r. 16(2)	

- (2) In regulation 11(2a) in the Penalty delete “\$2 000.” and insert:

a fine of \$5 000.

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7. Regulation 21 amended

In regulation 21:

- (a) delete “*Country Slaughterhouse Regulations 1969* apply,” and insert:

Food Regulations 2009 Part 5 Division 6 applies,

- (b) delete “those regulations.” and insert:

that Division.

8. Part VI replaced

Delete Part VI and insert:

Part VI — Muchea Livestock Centre

Division 1 — Preliminary

25. Terms used

In this Part —

disabled, in relation to any stock, includes being in labour;

driver’s licence means —

- (a) an Australian driver licence as defined in the *Road Traffic Act 1974* section 5(1); or
- (b) a licence, authorisation or status that is recognised, under the *Road Traffic Act 1974*, as authorising the holder to drive a motor vehicle in the State;

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heavy vehicle means a motor vehicle with a gross vehicle mass of more than 4.5 tonnes;

motor vehicle has the meaning given in the *Road Traffic Act 1974* section 5(1);

park, in relation to a motor vehicle, means to permit the vehicle, whether attended or not, to remain stationary, except for the purpose of —

- (a) avoiding conflict with other traffic; or
- (b) complying with the provisions of any written law; or
- (c) taking up or setting down persons or goods, as long as the vehicle remains stationary for not more than 2 minutes;

parking area means an area within the Muchea Livestock Centre that is designated in accordance with regulation 33M as an area in which the parking of motor vehicles is permitted, whether with or without conditions or restrictions;

parking permit has the meaning given in regulation 33N(1);

permit holder has the meaning given in regulation 33N(1);

sign includes a notice;

stand, in relation to a motor vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of —

- (a) avoiding conflict with other traffic; or
- (b) complying with the provisions of any written law;

stock agent —

- (a) means a person who has approval under regulation 27 to act as a stock agent; and

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- (b) in relation to particular stock, means the stock agent to whom that stock is assigned.

Division 2 — Stock agents

26. Stock agents must have Authority approval

A person must not auction stock at the Muchea Livestock Centre unless that person holds a current approval as a stock agent under regulation 27.

Penalty: a fine of \$5 000.

27. Approval of stock agents

- (1) The Authority may grant approvals to act as a stock agent for the purposes of these regulations.
- (2) Applications for approval must be made in writing to the Authority and be accompanied by the fee payable under regulation 34A(1), (3) or (4), as the case requires.
- (3) The Authority may grant approvals subject to any conditions or restrictions the Authority thinks fit.
- (4) An approval granted to a firm or company extends to any member or employee of the firm or company who is an auctioneer as defined in the *Auction Sales Act 1973* section 4 and who holds a general licence granted under that Act.
- (5) An approval to act as a stock agent that was granted by the Authority under these regulations and in force immediately before the day on which the *Western Australian Meat Industry Authority Amendment Regulations 2011* regulation 8 comes into operation —
 - (a) continues in force on and after that date as if it were granted under subregulation (1); and

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- (b) unless sooner withdrawn, continues in force until the close of 30 June 2012.
- (6) An approval to which subregulation (5) applies may be renewed under regulation 29.

28. Duration of approval as stock agent

An approval granted under regulation 27(1), unless sooner withdrawn, has effect as follows —

- (a) if the approval is granted on or after 1 July but on or before 31 December in a year, the approval continues in force until the close of 30 June in the following year, but may be renewed under regulation 29;
- (b) if the approval is granted on or after 1 January but on or before 30 June in a year, the approval continues in force until the close of 30 June in that year, but may be renewed under regulation 29.

29. Renewal of approval as stock agent

- (1) The Authority may renew an approval to act as a stock agent.
- (2) An approval renewed under subregulation (1) has effect until the close of 30 June in the following year, unless sooner renewed or withdrawn.
- (3) An application for the renewal of an approval must be made in writing to the Authority before the approval ceases to have effect, and be accompanied by the fee payable under regulation 34A(1)(b).
- (4) If an application for the renewal of an approval is made within 28 days after the day on which the approval ceased to have effect, and the fee payable under regulation 34A(1)(b) and the late application fee

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payable under regulation 34A(1)(c) are paid, the Authority may renew that approval, and in that event —

- (a) the renewal of the approval is to be taken for all purposes to have taken effect on the day immediately following the day on which the approval ceased to have effect; and
- (b) the approval has effect as if it had been renewed under subregulation (1).

Division 3 — Delivery and yarding of stock

30. Times and conditions for delivery of stock

- (1) Stock may be delivered to the Muchea Livestock Centre at any time unless the Authority restricts stock delivery times under this regulation.
- (2) The Authority may notify the times during which and the conditions under which stock may be delivered to the Centre, and different delivery times and different delivery conditions may be notified for different kinds of stock.
- (3) Stock delivery times and conditions must be notified —
 - (a) by signs erected in a conspicuous place at each vehicle entrance to the Muchea Livestock Centre; and
 - (b) on a website maintained by the Authority; and
 - (c) at regular intervals determined by the Authority, in a newspaper circulating generally throughout the State.
- (4) If the times during which stock may be delivered to the Muchea Livestock Centre are notified under this

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regulation, a person must not deliver stock of a particular kind to the Centre other than —

- (a) during the periods when the delivery of stock of that kind to the Centre is permitted by the Authority under this regulation; and
- (b) in accordance with any conditions imposed under this regulation by the Authority in relation to the delivery of stock of that kind to the Centre.

Penalty: a fine of \$5 000.

- (5) Despite subregulation (4), if an inspector is satisfied that it is not practicable in the particular circumstances for stock to be delivered to the Muchea Livestock Centre during the times notified under this regulation, the inspector may permit the delivery of stock to the Centre outside those times and (if the inspector considers appropriate) other than in accordance with any conditions imposed under this regulation.
- (6) Nothing done or omitted by a person in compliance with a permission granted by an inspector under subregulation (5) constitutes an offence against subregulation (4).

31. Yarding of stock

A person delivering stock to the Muchea Livestock Centre must place the stock in pens or yards as directed by the Authority.

Penalty: a fine of \$5 000.

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32. Care of stock

- (1) If stock is yarded in the Muchea Livestock Centre, the stock agent (or the owner if there is no stock agent) must —
 - (a) ensure that the stock has access to sufficient water for drinking; and
 - (b) comply with any directions given by the Authority in relation to the care, feeding or watering of the stock.

Penalty: a fine of \$5 000.

- (2) If the Authority reasonably considers that stock yarded in the Muchea Livestock Centre requires watering, feeding, care (for example, assistance with giving birth) or treatment, the Authority may water or feed the stock or, as the case requires, provide the stock with care or treatment.
- (3) The costs incurred by the Authority in watering or feeding stock or providing stock with care or treatment in accordance with subregulation (2) —
 - (a) are a debt due to the Authority by the stock agent (or the owner if there is no stock agent); and
 - (b) may be sued for and recovered in a court of competent jurisdiction.

33A. Disposal of ill, injured, disabled or dead stock

- (1) If any stock delivered to the Muchea Livestock Centre is ill, injured or disabled, or becomes ill, injured or disabled while yarded, the stock agent (or the owner if there is no stock agent) must, as soon as practicable —
 - (a) remove the stock from the Centre, if the stock is fit to be transported; or

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- (b) cause the stock to be destroyed; or
- (c) request the Authority to take charge of the stock and to decide how the stock is to be dealt with (which may include destruction of the stock).

Penalty: a fine of \$5 000.

- (2) The Authority may destroy ill, injured or disabled stock in any of the following circumstances —
 - (a) if the stock agent or, as the case requires, the owner does not comply with subregulation (1) in relation to the stock;
 - (b) if the stock agent or owner requests the Authority to destroy the stock;
 - (c) in circumstances in which the Authority would be obliged or permitted under the *Animal Welfare Act 2002* to destroy the stock without delay.
- (3) If any stock delivered to the Muchea Livestock Centre is dead, or dies or is destroyed while yarded, the Authority must dispose of the stock.
- (4) The costs incurred by the Authority in destroying or disposing of stock under subregulation (2) or (3) —
 - (a) are a debt due to the Authority by the stock agent (or the owner if there is no stock agent); and
 - (b) may be sued for and recovered in a court of competent jurisdiction.

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Division 4 — Sale of stock and abandoned stock

33B. Ill, injured or disabled stock not to be offered for sale

A person must not offer ill, injured or disabled stock for sale at the Muchea Livestock Centre.

Penalty: a fine of \$5 000.

33C. No private sale before auction

A person must not sell stock at the Muchea Livestock Centre by private sale without first submitting the stock for auction at the Centre.

Penalty: a fine of \$5 000.

33D. When stock have to be removed

- (1) Stock yarded in the Muchea Livestock Centre for sale may remain yarded —
 - (a) in the case of calves, until 1 p.m. on the day on which the stock is offered for sale; or
 - (b) in the case of any other stock, until 6 a.m. on the day after the stock is offered for sale.
- (2) If any stock remains yarded after the time applicable under subregulation (1), the Authority may move the stock to —
 - (a) another part of the Centre; or
 - (b) some other place within a reasonable distance from the Centre.
- (3) If the Authority reasonably considers that stock moved under subregulation (2) requires watering, feeding, care (for example, assistance with giving birth) or treatment, the Authority may water or feed the stock or, as the case requires, provide the stock with care or treatment.

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- (4) The costs incurred by the Authority in moving stock under subregulation (2), or in watering or feeding stock or providing stock with care or treatment in accordance with subregulation (3) —
- (a) are a debt due to the Authority by the owner; and
 - (b) may be sued for and recovered in a court of competent jurisdiction.

33E. Abandoned stock

- (1) For the purposes of this regulation, stock is regarded as abandoned if —
- (a) it remains uncollected from the Muchea Livestock Centre, or the place to which it was moved under regulation 33D(2), for more than 2 weeks —
 - (i) if it was yarded for sale, after the date on which it was last offered for sale; or
 - (ii) if it was yarded for transshipment, after it was delivered to the Centre;
 - and
 - (b) the Authority, after making reasonable efforts, is unable to identify the owner of the stock.
- (2) The Authority may sell abandoned stock and retain the proceeds of sale.
- (3) The Authority must first submit abandoned stock for auction before selling the stock by private sale.
- (4) If, within 3 months after the date of the sale of abandoned stock under subregulation (2), a person satisfies the Authority that the person was the owner of the stock immediately before the sale, the Authority

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must pay that person an amount equal to the proceeds of the sale after deducting —

- (a) the costs reasonably incurred by the Authority in —
 - (i) moving the stock under regulation 33D(2); and
 - (ii) watering or feeding the stock or providing the stock with care or treatment in accordance with regulation 33D(3); and
 - (iii) watering or feeding the stock or providing the stock with care or treatment while the stock is regarded as abandoned; and
 - (iv) selling the stock;
- and
- (b) any fees payable under regulation 34 or 36A.

Division 5 — Control of vehicles

33F. Safe operation of vehicles within Centre

- (1) A person must not drive a motor vehicle in the Muchea Livestock Centre without due care and attention.
Penalty: a fine of \$600.
- (2) A person must not drive a motor vehicle in the Muchea Livestock Centre in a manner which, having regard to all the circumstances, is dangerous to any person.
Penalty: a fine of \$800.

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33G. Driving while under the influence prohibited

- (1) In this regulation —

dentist means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the dental profession whose name is entered on the Dentists Division of the Register of Dental Practitioners kept under that Law;

drug has the meaning given in the *Road Traffic Act 1974* section 65;

medical practitioner means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

nurse practitioner means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* whose name is entered on the Register of Nurses kept under that Law as being qualified to practise as a nurse practitioner.

- (2) A person must not drive a motor vehicle in the Muchea Livestock Centre while under the influence of alcohol, drugs or both alcohol and drugs to such an extent as to be incapable of having proper control of the vehicle.

Penalty: a fine of \$1 000.

- (3) In any proceedings for an offence against this regulation, if it is alleged or appears on the evidence that the accused was under the influence of drugs alone, it is a defence for the accused to prove —

- (a) that those drugs were —
- (i) taken for therapeutic purposes in accordance with a prescription of a medical practitioner, nurse practitioner or dentist; or

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(ii) administered for therapeutic purposes by a medical practitioner, nurse practitioner or dentist;

and

(b) that the accused was not aware, and could not reasonably have been expected to be aware, that those drugs were likely to render the accused incapable of having proper control of a motor vehicle.

33H. Drivers to be licensed

A person must not drive a motor vehicle in the Muchea Livestock Centre unless that person is the holder of a current valid driver's licence that, under the *Road Traffic Act 1974*, entitles the person to drive that motor vehicle on a road.

Penalty: a fine of \$800.

33I. Driver to produce driver's licence for inspection

(1) If requested by an inspector, a person driving a motor vehicle in the Muchea Livestock Centre must produce the person's driver's licence for inspection by the inspector.

Penalty: a fine of \$200.

(2) Despite subregulation (1), it is not an offence under that subregulation if the person subsequently produces the person's driver's licence to an inspector within one week from the day on which the request was made.

33J. Entry and exit of vehicles

(1) The Authority may, by erecting signs, or painting marks on roadways, or both, designate places to be used by motor vehicles entering or leaving the Muchea Livestock Centre.

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- (2) A place may be designated —
 - (a) as both an entrance and an exit; or
 - (b) solely as an entrance; or
 - (c) solely as an exit.
- (3) A person must not drive a motor vehicle into the Muchea Livestock Centre other than at a place designated under subregulation (1) for use by motor vehicles entering the Centre.
Penalty: a fine of \$250.
- (4) A person must not drive a motor vehicle out of the Muchea Livestock Centre other than at a place designated under subregulation (1) for use by motor vehicles leaving the Centre.
Penalty: a fine of \$250.

33K. Traffic movement within Centre

- (1) The Authority may, by erecting signs, or painting marks on roadways, or both, indicate the direction or path to be followed by motor vehicles in any part of the Muchea Livestock Centre.
- (2) A person must not drive a motor vehicle within the Muchea Livestock Centre except in the direction or following the path indicated in accordance with subregulation (1) for the part of the Centre where the driving occurs.
Penalty: a fine of \$250.

33L. Speed limits

- (1) The Authority may, by erecting signs, or painting marks on roadways, or both, indicate maximum speed limits for motor vehicles within the Muchea Livestock Centre or within particular parts of the Centre.

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- (2) A person must not drive a motor vehicle within the Muchea Livestock Centre at a speed in excess of the maximum speed limit indicated in accordance with subregulation (1) for the part of the Centre where the driving occurs.

Penalty: a fine of \$250.

33M. Regulation of parking

- (1) The Authority may, by erecting signs, or painting marks on roadways or other parts of the Muchea Livestock Centre, or both, do all or any of the following —
- (a) designate areas in the Centre in which the parking of motor vehicles is permitted;
 - (b) designate areas in the Centre in which the parking of motor vehicles of a particular class is permitted;
 - (c) designate areas in the Centre in which the parking of motor vehicles used by a particular person or class of persons is permitted;
 - (d) designate areas in the Centre in which the standing of motor vehicles is prohibited;
 - (e) designate areas in the Centre in which the parking of motor vehicles is prohibited.
- (2) When designating an area in accordance with subregulation (1), the Authority may also do all or any of the following —
- (a) determine conditions or restrictions under which parking in the area is permitted;
 - (b) determine the manner in which parking in the area is permitted;
 - (c) determine times at which parking or standing in the area is permitted or prohibited;

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- (d) determine the maximum period for which parking in the area is permitted.
- (3) The signs or marks used to designate an area in accordance with subregulation (1) must clearly indicate —
 - (a) the particular designation given to that area; and
 - (b) any conditions, restrictions and other matters determined in relation to the area in accordance with subregulation (2).

33N. Parking permits

- (1) The Authority may issue a sticker or other identification card (a *parking permit*) to any person (a *permit holder*) for whom a parking area in the Muchea Livestock Centre has been designated in accordance with regulation 33M(1)(b) or (c).
- (2) Applications for a parking permit must be made in writing to the Authority, and be accompanied by the fee payable under regulation 34B.
- (3) The Authority may issue parking permits subject to any conditions or restrictions the Authority thinks fit.
- (4) Unless a parking permit is sooner cancelled in accordance with its conditions —
 - (a) a parking permit for a heavy vehicle is valid for one month beginning on the date stated on the permit;
 - (b) a parking permit for any other type of motor vehicle is valid for one year beginning on the date stated on the permit.

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33O. Parking offences

- (1) A person must not, in the Muchea Livestock Centre, park or stand a motor vehicle in a place contrary to any sign erected, or marking made, under regulation 33M.
Penalty: a fine of \$250.
- (2) A person must not, in the Muchea Livestock Centre, park a motor vehicle in a place that is not designated under regulation 33M as a parking area.
Penalty: a fine of \$250.
- (3) A permit holder must not, within the Muchea Livestock Centre, park a motor vehicle in a parking area other than in accordance with, or contrary to, any condition or restriction applying to the person's parking permit.
Penalty: a fine of \$250.
- (4) A permit holder who parks a motor vehicle in a parking area within the Muchea Livestock Centre in accordance with the person's parking permit must display the person's parking permit on that vehicle while it remains parked in that area.
Penalty: a fine of \$250.
- (5) A permit holder who parks a motor vehicle in a parking area within the Muchea Livestock Centre must, if requested by an inspector, produce the person's parking permit for inspection by the inspector.
Penalty: a fine of \$200.

33P. Directions and permissions given by inspector

- (1) Despite the other provisions of this Division, an inspector may do any of the following —
 - (a) direct or permit a person who wishes to park or stand a motor vehicle in the Muchea Livestock

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Centre to park or stand the vehicle in a place nominated by the inspector, whether or not parking or standing the vehicle in that place is lawful;

- (b) direct or permit the driver of a motor vehicle in the Muchea Livestock Centre to position the vehicle in a particular position;
 - (c) direct the driver or other person in control of a motor vehicle in the Muchea Livestock Centre to move the vehicle from a particular place, whether or not the vehicle is lawfully parked or standing in that place;
 - (d) direct or permit the driver of a motor vehicle who wishes to enter or leave the Muchea Livestock Centre to enter or leave the Centre contrary to the manner required by regulation 33J.
- (2) A person who does not comply with a direction given by an inspector under subregulation (1) commits an offence.
Penalty: a fine of \$500.
- (3) Nothing done or omitted by a person in compliance with a direction given, or permission granted, by an inspector under subregulation (1) constitutes an offence against any provision of this Division.

Division 6 — General provisions

33Q. Restrictions on smoking

- (1) The Authority may, by erecting signs, designate areas of the Muchea Livestock Centre where smoking is not permitted and areas where smoking is permitted.

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- (2) A person must not smoke in an area of the Muchea Livestock Centre that is designated under subregulation (1) as a no smoking area.
Penalty: a fine of \$500.
- (3) This regulation does not allow the Authority to permit smoking in contravention of the *Occupational Safety and Health Regulations 1996* or the *Tobacco Products Control Regulations 2006*.

33R. Disposal of rubbish and dead stock

- (1) In this regulation —
litter includes all kinds of rubbish, refuse, junk, garbage or scrap.
- (2) A person must not deposit litter within the Muchea Livestock Centre unless the litter is deposited in a place or receptacle provided for that purpose.
Penalty: a fine of \$400.
- (3) A person must not deposit any dead or dying stock within the Muchea Livestock Centre unless the stock is deposited in an area designated by the Authority for that purpose.
Penalty: a fine of \$1 000.

33S. Consumption of alcohol prohibited

- (1) In this regulation —
liquor has the meaning given in the *Liquor Control Act 1988* section 3(1).
- (2) A person must not consume liquor in the Muchea Livestock Centre.
Penalty: a fine of \$400.

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33T. Spitting, urinating etc. except in toilet prohibited

- (1) A person must not, within the Muchea Livestock Centre, without reasonable excuse, spit except in a toilet facility provided by the Authority.

Penalty: a fine of \$100.

- (2) A person must not, within the Muchea Livestock Centre, urinate or defecate except in a toilet facility provided by the Authority.

Penalty: a fine of \$1 000.

33U. Dogs restricted

- (1) A person who brings a dog into the Muchea Livestock Centre must ensure that, at all times while the dog is in the Centre, the dog is —

- (a) tied up; or
- (b) confined completely within a vehicle or cage;
or
- (c) restrained in some other way so as to prevent it from wandering within the Centre.

Penalty: a fine of \$1 000.

- (2) Subregulation (1) does not apply to any of the following dogs —

- (a) a sheepdog, while the sheepdog is working sheep within the Centre;
- (b) a guide dog or hearing dog accompanying its owner;
- (c) a dog that is trained to assist a person to alleviate the effect of a disability that the person has and that is accompanying its owner;
- (d) a dog that is working with a police officer on duty.

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- (3) While a person is using a sheepdog within the Centre to work sheep, the person must ensure that the dog is at all times —
- (a) muzzled; and
 - (b) under the person's effective control.

Penalty: a fine of \$1 000.

33V. Obstructing movement of vehicles, stock etc. prohibited

- (1) A person must not, without the prior approval of the Authority, place or leave anything within the Muchea Livestock Centre in a manner that obstructs, or is reasonably likely to obstruct, the movement of vehicles, stock or pedestrians into, out of or within the Centre.
- Penalty: a fine of \$300.
- (2) If anything is placed or left within the Centre in contravention of subregulation (1), the Authority may cause the thing to be moved to the extent reasonably necessary to remove the obstruction.
- (3) The costs incurred by the Authority in moving an obstruction in accordance with subregulation (2) —
- (a) are a debt due to the Authority by the person responsible for causing the obstruction; and
 - (b) may be sued for and recovered in a court of competent jurisdiction.
- (4) Nothing in subregulation (2) limits or affects any right, power, authority or remedy that the Authority has under any written law or at common law or in equity in respect of anything placed or left within the Centre.

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33W. Restrictions on signs

- (1) A person must not, without the prior written approval of the Authority, erect on, or affix to, any part of the Muchea Livestock Centre any sign.

Penalty: a fine of \$500.

- (2) If any sign is erected on, or affixed to, any part of the Centre in contravention of subregulation (1), the Authority may cause the sign to be removed and disposed of as the Authority thinks fit.

33X. Inspectors may direct compliance with this Part

- (1) If an inspector believes on reasonable grounds that a person is contravening any provision of this Part, the inspector may direct that person —

- (a) to take whatever steps the inspector reasonably considers necessary to comply with the provision and specifies in the direction; and
(b) to take those steps within the time specified in the direction.

- (2) If an inspector gives a direction under this regulation to a person, the inspector must record the direction in writing and give a copy to the person as soon as practicable.

- (3) A person who, without reasonable excuse, does not comply with a direction given by an inspector under subregulation (1) within the time specified by the inspector commits an offence.

Penalty: a fine of \$5 000.

- (4) The fact that an inspector gives a direction to a person under this regulation does not affect any liability that the person may have incurred in respect of any

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non-compliance with, or contravention of, these regulations or any other written law.

Division 7 — Infringement notices

33Y. Prescribed offences and modified penalties

- (1) The offences listed in Schedule 6A are offences for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.
- (2) The modified penalty specified opposite an offence listed in Schedule 6A is the modified penalty for that offence for the purposes of the *Criminal Procedure Act 2004* section 5(3).

33ZA. Authorised officers and approved officers

- (1) The chief executive officer of the Authority may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2.
- (2) The chief executive officer of the Authority must issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.

33ZB. Forms

The forms set out in Schedule 6B are prescribed in relation to the matters specified in those forms.

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9. Regulations 34A and 34B inserted

After regulation 33 insert:

34A. Fees for approvals and renewals of approvals as stock agent

- (1) The fees set out in Schedule 6 Part 2A are payable in respect of —
 - (a) the grant of an approval to act as a stock agent;
 - (b) the renewal of an approval to act as a stock agent;
 - (c) a late application for renewal of an approval to act as a stock agent.
- (2) Despite subregulation (1), if the duration of an approval to act as a stock agent, when granted, will be 11 months or less, the fee payable is to be determined in accordance with subregulation (3) or (4), as the case requires.
- (3) The fee payable for the grant of an approval, if the duration of the approval will be one month or more, is the amount calculated in accordance with the following formula —

$$\frac{A}{12} \times B$$

where —

- A is the fee payable under subregulation (1)(a);
and
- B is the number of whole months for which the approval is to be granted.

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- (4) The fee set out in Schedule 6 Part 2A is payable for the grant of an approval, if the duration of the approval will be less than one month.

34B. Fees for parking permits in Muchea Livestock Centre

The fees set out in Schedule 6 Part 2B are payable in respect of the issue of parking permits under regulation 33N.

10. Regulation 34 amended

- (1) After regulation 34(1) insert:
- (2A) A fee is payable under subregulation (1) whether the stock is sold by auction or by private sale.
- (2) Delete regulation 34(2)(a) and insert:
- (a) in respect of stock yarded for transshipment in the Muchea Livestock Centre; and
- (3) In regulation 34(3A) after “transshipment” insert:
- in the Muchea Livestock Centre

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11. Regulation 35A inserted

After regulation 34 insert:

35A. Circumstances in which yard fees reduced or not payable

- (1) If more than 2 000 sheep or more than 2 000 lambs are submitted for sale at the Muchea Livestock Centre on behalf of a single vendor at the same scheduled sheep sale or lamb sale, the fee payable under regulation 34(1) in respect of that stock is reduced by 50%.
- (2) If more than 500 cattle or more than 500 calves are submitted for sale at the Muchea Livestock Centre on behalf of a single vendor at the same scheduled cattle sale or calves sale, the fee payable under regulation 34(1) in respect of that stock is reduced by 50%.
- (3) If more than 120 cattle or more than 600 sheep are submitted for sale at the Muchea Livestock Centre on behalf of a single vendor at the same scheduled cattle sale or sheep sale, the fee payable under regulation 34(1) in respect of that stock is reduced by 50% if the Authority is satisfied that —
 - (a) the stock is being submitted for sale because of exceptional circumstances (for example, drought, flood, bushfire or some other natural disaster, or market crisis or collapse); and
 - (b) it is appropriate that the fee otherwise payable be reduced.
- (4) Subregulations (1) to (3) apply whether the sheep, lambs, cattle or calves are offered for sale as one lot or in 2 or more lots.

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- (5) No fee is payable under regulation 34(1) in respect of stock offered for sale by auction at the Muchea Livestock Centre if the Authority is satisfied that the proceeds of the sale of that stock are to be donated to charity.

12. Regulation 36A inserted

After regulation 35 insert:

36A. Stock treated as yarded for transshipment

- (1) For the purposes of regulations 34 and 35, stock that remains yarded after the time referred to in regulation 33D(1) and applicable to that stock is to be treated as if it were yarded for transshipment for the period beginning at that time and ending when the owner or purchaser takes possession of the stock or the stock is sold under regulation 33E, whichever is the later.
- (2) For the purposes of regulations 34 and 35, stock that is yarded for more than 2 days before the day on which it is offered for sale is to be treated as if it were yarded for transshipment for the period in excess of those 2 days.

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13. Schedules 6A and 6B inserted

After Schedule 5 insert:

**Schedule 6A — Prescribed offences and
modified penalties**

[r. 33Y]

Offences under <i>Western Australian Meat Industry Authority Regulations 1985</i>	Modified penalty
r. 33B Offering ill, injured or disabled stock for sale at Muchea Livestock Centre	\$200
r. 33C Selling stock at Muchea Livestock Centre by private sale without first submitting stock for auction	\$200
r. 33H Driving motor vehicle in Muchea Livestock Centre without current valid driver's licence	\$160
r. 33I(1) Failing to produce driver's licence within one week after request by inspector, or at all	\$40
r. 33J(3) Entering Muchea Livestock Centre in vehicle through non-approved entrance	\$50
r. 33J(4) Exiting Muchea Livestock Centre in vehicle through non-approved exit	\$50
r. 33K(2) Driving motor vehicle in Muchea Livestock Centre contrary to traffic movement sign or road marking	\$50
r. 33L(2) Driving motor vehicle in Muchea Livestock Centre in excess of maximum speed limit	\$50
r. 33O(1), (2) and (3) Offences relating to parking or standing of motor vehicle in Muchea Livestock Centre	\$50
r. 33O(4) Failing to display parking permit on motor vehicle	\$50
r. 33O(5) Failing to produce parking permit at request of inspector	\$40

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Offences under <i>Western Australian Meat Industry Authority Regulations 1985</i>	Modified penalty
r. 33P(2) Failing to comply with direction given by inspector in relation to motor vehicle	\$100
r. 33Q(2) Smoking in no smoking area	\$100
r. 33R(2) Littering	\$80
r. 33R(3) Depositing dead or dying stock in undesignated area of Muchea Livestock Centre	\$200
r. 33S(2) Consuming liquor in Muchea Livestock Centre	\$80
r. 33T(1) Spitting other than in toilet facility	\$20
r. 33T(2) Urinating or defecating other than in toilet facility	\$200
r. 33U(1) Offences relating to dogs in Muchea Livestock and (3) Centre	\$200
r. 33V(1) Obstructing movement of vehicles, stock or pedestrians	\$60
r. 33W(1) Erecting or affixing sign without permission	\$100
r. 33X(3) Failing to comply with direction given by inspector	\$100

Schedule 6B — Forms: infringement notices

[r. 33ZB]

Form 8.1 — Infringement notice

<i>Western Australian Meat Industry Authority Act 1976</i>		Infringement notice No.
Infringement notice		
Alleged offender	Name: Family name	
	Given names	
	or Company name _____	
	ACN	
	Address: _____	
	Postcode	
Date of birth		Male/Female
Driver's licence	No.: _____	State/Country: _____
	Type: _____	Class(es): _____
		Expiry date: _____

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Vehicle details (if alleged offence relates to vehicle)	Plate No.		State:	
	Licence expiry date		Vin/Chassis No.	
	Make		Colour	
	Body type			
Description of alleged offence	Date: / /20	Time:	a.m./p.m.	
	Place			
	Details of offence:			
	Law contravened	<i>Western Australian Meat Industry Authority Regulations 1985 r.</i>		
Modified penalty	The modified penalty for the alleged offence is \$			
Officer issuing notice	Name:			
	Signature:			
	Office:			
Date	Date of notice: / /20			
Notice to alleged offender	<p>Important information</p> <p>It is alleged that you have*/the driver or person in charge of the above vehicle has* committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.</p> <p>If you consider that you have good reason to have this notice withdrawn, you can write to the Chief Executive Officer, Western Australian Meat Industry Authority, at the address below requesting that this notice be withdrawn and setting out the reasons why you consider that this notice should be withdrawn. Your letter must be received not later than 28 days after the date of this notice.</p> <p>* If this notice has been served on you as a responsible person for the vehicle (which can be done by securely attaching the notice to the vehicle), then in the absence</p>			

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	<p>of evidence to the contrary, you are presumed to have been the driver or person in charge of the vehicle at the time of the offence unless, within 28 days after the date of this notice —</p> <ul style="list-style-type: none"> (a) the modified penalty is paid; or (b) you inform the officer who issued this notice that you were not the driver or person in charge of the vehicle at the time of the offence and you supply that officer — <ul style="list-style-type: none"> (i) with the name and address of the driver or person in charge of the vehicle at that time; or (ii) with information showing that at that time the vehicle had been stolen or unlawfully taken or was being unlawfully used. <p>The <i>Criminal Procedure Act 2004</i> section 11 sets out when a person is responsible for a vehicle. The current licence holder of the vehicle will usually be responsible, but someone else may be responsible in the circumstances set out in that section.</p> <p>* Delete whichever is not applicable.</p>
	<p>How to pay</p> <p>Tick the relevant box below and post this notice to: Chief Executive Officer Western Australian Meat Industry Authority PO Box 1434 Midland WA 6936</p> <ul style="list-style-type: none"> <input type="checkbox"/> I want to pay the modified penalty. A cheque (payable to ‘Western Australian Meat Industry Authority’) for the modified penalty is enclosed. <input type="checkbox"/> I want to pay the modified penalty by using a credit card. The credit card details are — <p>Paying the modified penalty will not be taken to be an admission for the purposes of any civil or criminal court case.</p>

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	<p>If you do not pay the modified penalty within 28 days, you may be prosecuted for the alleged offence or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> to recover the modified penalty. If enforcement action is taken under that Act —</p> <ul style="list-style-type: none"> • additional administrative charges may be incurred; and • action may be taken to suspend your driver's licence or vehicle licence until you have paid in full the modified penalty and any additional charges; and • you will be given an opportunity to elect to have a prosecution notice for the alleged offence dealt with by a court. <p>Payments after the due date can only be made with a final demand letter, which incurs an additional enforcement fee.</p> <p>If you need more time to pay the modified penalty, you can apply for an extension of time by writing to the Chief Executive Officer, Western Australian Meat Industry Authority, at the above address.</p> <p>If you want this matter to be dealt with by prosecution in court, tick this box <input type="checkbox"/> sign and date this notice and post it to the Chief Executive Officer, Western Australian Meat Industry Authority, at the above address within 28 days after the date of this notice.</p> <p>Signature: / /20</p>
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Form 8.2 — Withdrawal of infringement notice

<i>Western Australian Meat Industry Authority Act 1976</i>		Withdrawal notice No.
Withdrawal of infringement notice		
Alleged offender	Name: Family name	
	Given names	
	or Company name _____ CAN	
	Address: _____ Postcode	
Infringement notice	Infringement notice No.:	
	Date of issue: / /20	
Description of alleged offence	Date: / /20 Time: a.m./p.m.	
	Place:	
	Details of offence:	
	Law contravened	<i>Western Australian Meat Industry Authority Regulations 1985 r.</i>
Approved officer withdrawing notice	Name:	
	Signature:	
	Office:	
Date	Date of withdrawal: / /20	
Withdrawal of infringement notice [* delete whichever is not applicable]	The above infringement notice, which was issued for the above alleged offence, has been withdrawn.	
	If you have already paid the modified penalty for the alleged offence, you are entitled to a refund. * Your refund is enclosed. or * If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign and date this notice and post it to: Chief Executive Officer Western Australian Meat Industry Authority PO Box 1434 Midland WA 6936 Signature: / /20	

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14. Schedule 6 amended

- (1) Delete the reference after the heading to Schedule 6 and insert:

[r. 33, 34A, 34B and 34]

- (2) After Schedule 6 Part 1 insert:

Part 2A — Fees for stock agent approvals and renewals

- | | | |
|----|--|-------|
| 1. | Application for approval to act as stock agent | \$200 |
| 2. | Annual fee for renewal of approval to act as stock agent | \$200 |
| 3. | Late application fee for renewal of approval to act as stock agent | \$20 |
| 4. | Application for approval to act as stock agent, where duration of approval less than one month | \$15 |

Part 2B — Muchea Livestock Centre: parking permit fees

- | | | |
|----|---|-------|
| 1. | Monthly fee for parking permit for heavy vehicle | \$275 |
| 2. | Annual fee for parking permit for any other type of motor vehicle | \$200 |

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.
