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AGRICULTURE AND RELATED RESOURCES PROTECTION
ACT 1976

**AGRICULTURE AND RELATED
RESOURCES PROTECTION
(REPEALS AND AMENDMENTS)
REGULATIONS 2010**

Western Australia

Agriculture and Related Resources Protection (Repeals and Amendments) Regulations 2010

CONTENTS

Part 1 — Preliminary

1. Citation
2. Commencement

Part 2 — Repeals

3. Regulations repealed

Part 3 — *Agriculture and Related Resources (Declared Plants and Restricted Animals) Regulations 1982 amended*

4. Regulations amended
5. Regulation 4 amended
6. Regulation 5 replaced
 5. Notice of intention to bring consignment into State
7. Regulation 6 amended
8. Regulation 12 amended
9. Schedule amended
10. Other amendments

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Contents

***Part 4 — Agriculture and Related
Resources (Searches for Declared
Plants and Animals)
Regulations 2003 amended***

- 11. Regulations amended
- 12. Regulation 5 amended

***Part 5 — Agriculture and Related
Resources Protection (Declared
Animals) Regulations 1985
amended***

- 13. Regulations amended
- 14. Regulation 11 amended
- 15. Regulation 17 amended
- 16. Various penalties amended
- 17. Various references to “Protection Board” amended
- 18. Other amendments

***Part 6 — Agriculture and Related
Resources Protection (European
House Borer) Regulations 2006
amended***

- 19. Regulations amended
- 20. Regulation 13 amended
- 21. Regulation 18A amended
- 22. Regulation 20 amended
- 23. Regulation 21 amended

***Part 7 — Agriculture and Related
Resources Protection (Fencing)
Regulations 1985 amended***

- 24. Regulations amended
- 25. Regulation 2 amended
- 26. Various penalties amended
- 27. Various references to “Protection Board” amended
- 28. Other amendments

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Contents

***Part 8 — Agriculture and Related
Resources Protection
(Interference with Experiments)
Regulations 1980 amended***

- 29. Regulations amended
- 30. Regulation 4 amended
- 31. Regulation 9 amended
- 32. Other amendments

***Part 9 — Agriculture and Related
Resources Protection (Poison)
Regulations 1983 amended***

- 33. Regulations amended
- 34. Various penalties amended

***Part 10 — Agriculture and Related
Resources Protection (Property
Quarantine) Regulations 1981
amended***

- 35. Regulations amended
- 36. Various penalties amended
- 37. Other amendments

***Part 11 — Agriculture and Related
Resources Protection (Small Hive
Beetle) Regulations 2009
amended***

- 38. Regulations amended
- 39. Regulation 6 amended
- 40. Regulation 11 amended
- 41. Regulation 13 amended

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Contents

***Part 12 — Agriculture and Related
Resources Protection (Spraying
Restrictions) Regulations 1979
amended***

- 42. Regulations amended
- 43. Regulation 4 amended
- 44. Regulation 5 amended
- 45. Regulation 6 amended

***Part 13 — Agriculture and Related
Resources Protection (Traps)
Regulations 1982 amended***

- 46. Regulations amended
- 47. Regulation 6 amended
- 48. Regulation 7 amended

Agriculture and Related Resources Protection Act 1976

Agriculture and Related Resources Protection (Repeals and Amendments) Regulations 2010

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Agriculture and Related Resources Protection (Repeals and Amendments) Regulations 2010*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Agriculture and Related Resources Protection Amendment Act 2010* section 11 comes into operation.

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Part 2 Repeals

r. 3

Part 2 — Repeals

3. Regulations repealed

These regulations are repealed:

- (a) the *Agriculture and Related Resources Protection (Authorities and Committees) Regulations 1980*;
- (b) the *Agriculture and Related Resources Protection (Payment for Destruction of Declared Animals) Regulations*.

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Agriculture and Related Resources (Declared Plants and
Restricted Animals) Regulations 1982 amended

Part 3

r. 4

**Part 3 — *Agriculture and Related Resources (Declared
Plants and Restricted Animals)
Regulations 1982 amended***

4. Regulations amended

This Part amends the *Agriculture and Related Resources
(Declared Plants and Restricted Animals) Regulations 1982*.

5. Regulation 4 amended

In regulation 4(1) insert in alphabetical order:

inspector includes an authorised person;

6. Regulation 5 replaced

Delete regulation 5 and insert:

5. Notice of intention to bring consignment into State

Notice given for the purposes of section 74(1)(a) of the
Act may be given orally or in writing.

7. Regulation 6 amended

In regulation 6(1) delete the Penalty and insert:

Penalty: a fine of \$2 000.

8. Regulation 12 amended

(1) In regulation 12(1) delete “to the Protection Board”.

Agriculture and Related Resources Protection (Repeals and Amendments) Regulations 2010

Part 3 Agriculture and Related Resources (Declared Plants and Restricted Animals) Regulations 1982 amended

r. 9

(2) In regulation 12(2) —

(a) delete “by the Protection Board in” and insert:

by the Director General on behalf of the State in

(b) delete “to the Protection Board” and insert:

to the State

(c) delete “Protection Board shall be” and insert:

Director General is

9. Schedule amended

Delete the Schedule Form No. 1.

10. Other amendments

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
r. 7(3)(c)	Protection Board (each occurrence)	Director General
r. 11(2)	Protection Board	Director General
Sch. Form No. 2	Agriculture Protection Board (each occurrence)	

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Agriculture and Related Resources (Searches for Declared
Plants and Animals) Regulations 2003 amended **Part 4**

r. 11

**Part 4 — *Agriculture and Related Resources (Searches
for Declared Plants and Animals)
Regulations 2003 amended***

11. Regulations amended

This Part amends the *Agriculture and Related Resources
(Searches for Declared Plants and Animals) Regulations 2003*.

12. Regulation 5 amended

In regulation 5(2) —

- (a) in paragraph (a) delete “Protection Board” and insert:

State

- (b) in paragraph (b) after “recovered” insert:

by the Director General on behalf of the State

Note: The heading to amended regulation 5 is to read:

Searches and recovery of costs

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Part 5 Agriculture and Related Resources Protection (Declared
Animals) Regulations 1985 amended

r. 13

**Part 5 — *Agriculture and Related Resources Protection
(Declared Animals) Regulations 1985* amended**

13. Regulations amended

This Part amends the *Agriculture and Related Resources
Protection (Declared Animals) Regulations 1985*.

14. Regulation 11 amended

(1) At the end of regulation 11(1) insert:

Penalty: a fine of \$1 000.

(2) At the end of regulation 11(2) insert:

Penalty: a fine of \$1 000.

(3) At the end of regulation 11 delete the Penalty.

15. Regulation 17 amended

(1) At the end of regulation 17(1) insert:

Penalty: a fine of \$1 000.

(2) At the end of regulation 17(2) insert:

Penalty: a fine of \$1 000.

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Agriculture and Related Resources Protection (Declared
Animals) Regulations 1985 amended

Part 5

r. 16

(3) At the end of regulation 17(3) insert:

Penalty: a fine of \$1 000.

(4) At the end of regulation 17 delete the Penalty.

16. Various penalties amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
r. 4(3)	\$200	a fine of \$2 000
r. 8	\$200	a fine of \$2 000
r. 9(2)	\$100	a fine of \$1 000
r. 9(4)	\$100	a fine of \$1 000
r. 12	\$500	a fine of \$2 000
r. 13(4)	\$200	a fine of \$2 000
r. 18	\$100	a fine of \$1 000
r. 21	\$200	a fine of \$2 000

17. Various references to “Protection Board” amended

In the provisions listed in the Table delete “Protection Board” (each occurrence) and insert:

Director General

Agriculture and Related Resources Protection (Repeals and Amendments) Regulations 2010

Part 5 Agriculture and Related Resources Protection (Declared Animals) Regulations 1985 amended

r. 18

Table

r. 4(1), (2)(c)(iv) and (3)	r. 5
r. 6	r. 7
r. 9(1), (2), (3) and (4)	r. 10(1) and (2)
r. 12	r. 13(1)(a), (2)(c)(vi) and (4)
r. 14(1)	r. 15(1) and (2)
r. 16(1)	r. 16A
r. 18	r. 19(1) and (3)
r. 20	r. 21(b)
Sch. 2 it. 1	

18. Other amendments

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
r. 7(c)	to it	to the Director General
r. 9(3)	its	
r. 10(1)	it shall	the Director General must
r. 10(2)	it considers	the Director General considers

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Agriculture and Related Resources Protection (Declared Animals) Regulations 1985 amended **Part 5**

r. 18

Provision	Delete	Insert
r. 10(2)	it may	the Director General may
r. 15(1)	its satisfaction	the Director General's satisfaction
r. 16(1)(c)	to it	to the Director General
Sch. 1 Form 3	Agriculture Protection Board	Department of Agriculture and Food

Agriculture and Related Resources Protection (Repeals and Amendments) Regulations 2010

Part 6 Agriculture and Related Resources Protection (European House Borer) Regulations 2006 amended

r. 19

Part 6 — *Agriculture and Related Resources Protection (European House Borer) Regulations 2006* amended

19. Regulations amended

This Part amends the *Agriculture and Related Resources Protection (European House Borer) Regulations 2006*.

20. Regulation 13 amended

In regulation 13(2) delete “Protection Board, and may be sued for and recovered” and insert:

State, and may be sued for and recovered by the Director General on behalf of the State

21. Regulation 18A amended

In regulation 18A(1) delete “Chief Officer” and insert:

Director General

22. Regulation 20 amended

In regulation 20(1) delete “Chief Officer” and insert:

Director General

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Agriculture and Related Resources Protection (European House Borer) Regulations 2006 amended **Part 6**

r. 23

23. Regulation 21 amended

In regulation 21(1) delete “Chief Officer” and insert:

Director General

Agriculture and Related Resources Protection (Repeals and Amendments) Regulations 2010

Part 7 Agriculture and Related Resources Protection (Fencing)
Regulations 1985 amended

r. 24

Part 7 — *Agriculture and Related Resources Protection (Fencing) Regulations 1985* amended

24. Regulations amended

This Part amends the *Agriculture and Related Resources Protection (Fencing) Regulations 1985*.

25. Regulation 2 amended

Delete regulation 2(2).

26. Various penalties amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
r. 5	\$200	a fine of \$2 000
r. 8	\$200	a fine of \$2 000
r. 9(1)	\$200	a fine of \$2 000
r. 10	\$200	a fine of \$2 000
r. 11	\$200	a fine of \$2 000

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Agriculture and Related Resources Protection (Fencing) **Part 7**
Regulations 1985 amended

r. 27

27. Various references to “Protection Board” amended

In the provisions listed in the Table delete “Protection Board” (each occurrence) and insert:

Director General

Table

r. 2(1) def. of <i>approved</i>	r. 3(1)
r. 5	r. 8(d)
r. 10	r. 12 def. of <i>permit</i>
r. 15(2)	Sch. cl. 1

Note: The heading to amended regulation 3 is to read:

Powers of Director General

28. Other amendments

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
r. 3(2)	Protection Board	department
r. 4	erected by the Protection Board	erected under these regulations
r. 4	exercised by the Protection Board which	exercised by the Director General who

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Part 7 Agriculture and Related Resources Protection (Fencing)
Regulations 1985 amended

r. 28

Provision	Delete	Insert
r. 11	property of the Protection Board	property of the State
r. 11	approval of the Protection Board	approval of the Director General
r. 12 def. of <i>certificate</i>	Chief Officer	Director General
r. 14(1)	Chief Officer	Director General
r. 15(2)	Chief Officer	Director General

Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010

Agriculture and Related Resources Protection (Interference
with Experiments) Regulations 1980 amended **Part 8**

r. 29

Part 8 — *Agriculture and Related Resources Protection*
(Interference with Experiments)
Regulations 1980 amended

29. Regulations amended

This Part amends the *Agriculture and Related Resources Protection (Interference with Experiments) Regulations 1980*.

30. Regulation 4 amended

In regulation 4 delete the Penalty and insert:

Penalty: a fine of \$1 000.

31. Regulation 9 amended

In regulation 9(1) delete the Penalty and insert:

Penalty: a fine of \$1 000.

32. Other amendments

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
r. 3(1)	Protection Board	Director General
r. 4(a)	Protection Board	department
r. 4(c)	occupier of, such	occupier of such
r. 5(1)	Protection Board	Director General

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Part 8 Agriculture and Related Resources Protection (Interference
with Experiments) Regulations 1980 amended

r. 32

Provision	Delete	Insert
r. 5(1)	it sees	the Director General thinks
r. 6	Protection Board	Director General

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Agriculture and Related Resources Protection (Poison) **Part 9**
Regulations 1983 amended

r. 33

**Part 9 — *Agriculture and Related Resources Protection
(Poison) Regulations 1983 amended***

33. Regulations amended

This Part amends the *Agriculture and Related Resources Protection (Poison) Regulations 1983*.

34. Various penalties amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
r. 6	\$200	a fine of \$2 000
r. 7(1)	\$200	a fine of \$2 000
r. 8(1)	\$200	a fine of \$2 000
r. 8(2)	\$200	a fine of \$2 000
r. 9	\$200	a fine of \$2 000
r. 10	\$200	a fine of \$2 000

Agriculture and Related Resources Protection (Repeals and Amendments) Regulations 2010

Part 10 Agriculture and Related Resources Protection (Property Quarantine) Regulations 1981 amended

r. 35

Part 10 — *Agriculture and Related Resources Protection (Property Quarantine) Regulations 1981* amended

35. Regulations amended

This Part amends the *Agriculture and Related Resources Protection (Property Quarantine) Regulations 1981*.

36. Various penalties amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
r. 3(4)	\$500	a fine of \$2 000
r. 4(4)	\$400	a fine of \$2 000
r. 5(1)	\$500	a fine of \$2 000
r. 5(2)	\$400	a fine of \$2 000
r. 6(2)	\$400	a fine of \$2 000
r. 8(2)	\$1 000	a fine of \$2 000

37. Other amendments

Amend the provisions listed in the Table as set out in the Table.

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Agriculture and Related Resources Protection (Property Quarantine) Regulations 1981 amended **Part 10**

r. 37

Table

Provision	Delete	Insert
r. 4(1)	Chief Officer or Deputy Chief Officer (each occurrence)	Director General
r. 4(1)(b)	Chief Officer or a Deputy Chief Officer	Director General
r. 6(3)	Protection Board (first occurrence)	Director General on behalf of the State
r. 6(3)	Protection Board (second occurrence)	State
r. 9(1)	Protection Board	Director General
r. 9(2)	Protection Board	Director General
r. 10(1)	Protection Board	Director General
r. 10(4)(a)	Protection Board	Director General
r. 10(4)(b)	Chief Officer (each occurrence)	Director General

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Part 11 Agriculture and Related Resources Protection (Small Hive Beetle) Regulations 2009 amended

r. 38

**Part 11 — *Agriculture and Related Resources Protection
(Small Hive Beetle) Regulations 2009* amended**

38. Regulations amended

This Part amends the *Agriculture and Related Resources Protection (Small Hive Beetle) Regulations 2009*.

39. Regulation 6 amended

In regulation 6(1) delete “Chief Officer” and insert:

Director General

40. Regulation 11 amended

In regulation 11(2) delete “Protection Board and may be sued for and recovered” and insert:

State and may be sued for and recovered by the Director General on behalf of the State

41. Regulation 13 amended

In regulation 13(1) delete “Chief Officer” and insert:

Director General

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Agriculture and Related Resources Protection (Spraying
Restrictions) Regulations 1979 amended **Part 12**

r. 42

**Part 12 — *Agriculture and Related Resources Protection
(Spraying Restrictions) Regulations 1979* amended**

42. Regulations amended

This Part amends the *Agriculture and Related Resources Protection (Spraying Restrictions) Regulations 1979*.

43. Regulation 4 amended

- (1) At the end of regulation 4(1) insert:

Penalty: a fine of \$2 000.

- (2) At the end of regulation 4(2) insert:

Penalty: a fine of \$2 000.

- (3) Delete regulation 4(3).

44. Regulation 5 amended

- (1) At the end of regulation 5(1) insert:

Penalty: a fine of \$2 000.

- (2) Delete regulation 5(2) and insert:

- (2) An authorised person who finds an ester of an acid stored in contravention of subregulation (1) must —
- (a) seize and remove the ester from the prescribed area concerned; or

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Part 12 Agriculture and Related Resources Protection (Spraying Restrictions) Regulations 1979 amended

r. 45

(b) direct the owner or occupier of the land on which the ester is stored, or an agent of that person, to remove the ester from the prescribed area within a time specified in the direction.

(3A) A person who is given a direction under subregulation (2)(b) must comply with the direction.
Penalty: a fine of \$2 000.

(3) In regulation 5(3) and (4) delete “inspector” (each occurrence) and insert:

authorised person

(4) Delete regulation 5(5).

45. Regulation 6 amended

In regulation 6 delete the Penalty and insert:

Penalty: a fine of \$2 000.

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Agriculture and Related Resources Protection (Traps) **Part 13**
Regulations 1982 amended

r. 46

**Part 13 — *Agriculture and Related Resources Protection
(Traps) Regulations 1982 amended***

46. Regulations amended

This Part amends the *Agriculture and Related Resources Protection (Traps) Regulations 1982*.

47. Regulation 6 amended

In regulation 6(1):

- (a) delete “of the Protection Board” and insert:

of the Director General

- (b) delete “by the Protection Board.” and insert:

by the Director General.

- (c) delete the Penalty and insert:

Penalty: a fine of \$2 000.

48. Regulation 7 amended

In regulation 7:

- (a) in paragraph (d) delete “Protection Board; and” and insert:

Director General; and

***Agriculture and Related Resources Protection (Repeals and Amendments)
Regulations 2010***

Part 13 Agriculture and Related Resources Protection (Traps)
Regulations 1982 amended

r. 48

(b) delete the Penalty and insert:

Penalty: a fine of \$2 000.

(c) after each of paragraphs (a) to (c) insert:

and

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.
