

AG301*

Agriculture and Related Resources Protection Act 1976

Agriculture and Related Resources Protection (European House Borer) Amendment Regulations 2010

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Agriculture and Related Resources Protection (European House Borer) Amendment Regulations 2010*.

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 *Agriculture and Related Resources Protection (European House Borer) Regulations 2006*.

4. Regulation 2 amended

- (1) In regulation 2(1) delete the definitions of:

pinewood article

PMZ

RMZ

- (2) In regulation 2(1) insert in alphabetical order:

PMZ or *priority management zone* means each property in respect of which the owner or occupier has been given a notice under regulation 17(1);

RMZ or **restricted movement zone** means an area determined by a notice given under regulation 18A(1);

unseasoned pinewood means pinewood that is not seasoned pinewood;

- (3) In regulation 2(1) in the definition of **control period** delete “31 March” and insert:

30 April

- (4) In regulation 2(1) in the definition of **pinewood** delete “*Pseudotsugata*,” and insert:

Pseudotsuga whether or not the wood is, or is part of an article (including an item of furniture, decoration, utensil or other personal effect);

- (5) In regulation 2(1) in the definition of **pinewood dealer** delete “pinewood or pinewood articles;” and insert:

pinewood;

- (6) In regulation 2(1) in the definition of **unwanted pinewood** delete “seasoned”.

- (7) Delete regulation 2(2).

5. Regulation 3 amended

In regulation 3(1) delete “unwanted”.

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

Bringing pinewood into RMZ

6. Regulation 4 amended

In regulation 4(1):

- (a) delete the passage beginning with “If” and ending with “unless —” and insert:

A person must not remove from a RMZ seasoned pinewood that has been in the RMZ for a period of 72 hours or more unless —

- (b) in paragraph (c) delete “regulation 12(a);” and insert:

regulation 12(1)(a);

- (c) in paragraph (d) delete “regulation 12(b) or (c)” and insert:

regulation 12(1)(b) or (c)

- (d) after each of paragraphs (a) to (d) insert:

or

7. Regulation 5 replaced

Delete regulation 5 and insert:

5. Removing unseasoned pinewood from RMZ

A person must not, during a control period, remove from a RMZ unseasoned pinewood unless the removal has been authorised and the pinewood is removed in accordance with the authorisation.

Penalty: a fine of \$2 000.

8. Regulation 6 amended

- (1) Delete regulation 6(1) and insert:

- (1) A person given a notice under regulation 17 must not remove seasoned pinewood from a PMZ unless —
- (a) the pinewood has been treated in accordance with regulation 12(1)(a); or
 - (b) the pinewood has been treated in accordance with regulation 12(1)(b) or (c) and within 72 hours after being treated is removed from —
 - (i) the PMZ; and
 - (ii) if the PMZ is located within a RMZ, the RMZ;
- or
- (c) removal of the pinewood without treatment has been authorised and the pinewood is removed in accordance with the authorisation.

Penalty: a fine of \$2 000.

- (2) In regulation 6(2) delete “or a pinewood article”.

Note: The heading to amended regulation 6 is to read:

Removal of pinewood from PMZ

9. Regulation 7 amended

In regulation 7 delete “or a pinewood article”.

Note: The heading to amended regulation 7 is to read:

Causing pinewood to be moved

10. Regulation 8 amended

In regulation 8(3) delete “or pinewood article”.

11. Regulation 11 amended

In regulation 11:

(a) delete paragraph (a) and insert:

(a) chipped so that the volume of no piece is greater than 100 cm³; or

(b) in paragraph (c)(ii) delete “the Chief Officer.” and insert:

an authorised person.

12. Regulation 12 amended

In regulation 12(1):

(a) delete paragraph (a) and “or” after it and insert:

(a) treated with a preservative in accordance with the Australian Standard AS/NZS 1604 series of Standards relating to the preservative treatment of timber products; or

(b) in paragraph (ba) delete “the Chief Officer; or” and insert:

an authorised person; or

13. Regulation 16 amended

In regulation 16:

(a) delete “the Chief Officer” and insert:

an authorised person

(b) in paragraph (b) delete “12(b).” and insert:

12(1)(b) or (ba).

14. Regulation 17 replaced

Delete regulation 17 and insert:

17. Authorised person to notify owner or occupier of certain properties of infestation

- (1) As soon as practicable after becoming aware that pinewood is infested with EHB an authorised person must give written notice to the owner or occupier of —
 - (a) the property on which the pinewood is located; and
 - (b) each property on which there is pinewood that, because of its proximity to the infested pinewood, is likely to become infested with EHB.
- (2) The notice must —
 - (a) identify the property to which it relates; and
 - (b) inform the owner or occupier of the restrictions imposed by these regulations.

15. Regulation 18A inserted

After regulation 17 insert:

18A. Notification of RMZ

- (1) As soon as practicable after becoming aware of a site where pinewood is infested with EHB the Chief Officer may, by notice published in the *Gazette* and in a newspaper circulating in the area, determine an area to be an area within which, because of its proximity to the infested pinewood, the movement of pinewood is to be restricted.
- (2) The notice must —
 - (a) identify the area to which it relates; and
 - (b) provide details of the restrictions imposed by these regulations.

16. Regulation 18 amended

- (1) In regulation 18(1) delete “pinewood or pinewood article —” and insert:

pinewood —

- (2) In regulation 18(2):
- (a) in paragraph (a) delete “pinewood or pinewood article; or” and insert:

pinewood; or
 - (b) in paragraph (b) delete “pinewood or pinewood article.” and insert:

pinewood.
- (3) In regulation 18(3):
- (a) in paragraph (a) delete “pinewood or pinewood article;” and insert:

pinewood;
 - (b) in paragraph (b) delete “or pinewood article”;
 - (c) in paragraph (c) delete “pinewood or pinewood article,” and insert:

pinewood,

Note: The heading to amended regulation 18 is to read:

Information as to source and supply of pinewood

17. Regulation 19 amended

- (1) In regulation 19(1):
- (a) delete “The Chief Officer” and insert:

An authorised person
 - (b) delete “or pinewood articles”.
- (2) In regulation 19(3) delete “the Chief Officer.” and insert:

an authorised person.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.