



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

6477



PERTH, FRIDAY, 28 DECEMBER 2007 No. 270 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 4.00 PM

© STATE OF WESTERN AUSTRALIA

AGRICULTURE AND RELATED RESOURCES PROTECTION
ACT 1976

**AGRICULTURE AND RELATED
RESOURCES PROTECTION
(EUROPEAN HOUSE BORER)
AMENDMENT
REGULATIONS 2007**

Agriculture and Related Resources Protection Act 1976

Agriculture and Related Resources Protection (European House Borer) Amendment Regulations 2007

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Agriculture and Related Resources Protection (European House Borer) Amendment Regulations 2007*.

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. The regulations amended

The amendments in these regulations are to the *Agriculture and Related Resources Protection (European House Borer) Regulations 2006*.

***Agriculture and Related Resources Protection (European House Borer)
Amendment Regulations 2007***

r. 4

4. Regulation 2 amended

Regulation 2 is amended as follows:

- (a) before “In these” by inserting the subregulation designation “(1)”;
- (b) in the definition of “control period” by deleting “the last day of February” and inserting instead —
“ 31 March ”;
- (c) in the definition of “pinewood” by inserting after “means” —
“ trees or ”;
- (d) by inserting in the appropriate alphabetical position —

“

“pinewood dealer” means a person who carries on a business or hobby of, or a business or hobby that includes, buying, selling or transporting pinewood or pinewood articles;

”;

- (e) in the definition of “PMZ” by inserting after “means” —
“ , subject to subregulation (2), ”;
- (f) at the end of the regulation by inserting —

“

- (2) A PMZ (or priority management zone) does not include a property if —
 - (a) less than 25% of the property is within 100m of the site where wood is infested with EHB; and
 - (b) there are no pine trees growing on the property that are within 100m of that site; and
 - (c) neither the owner nor any occupier of the property is a pinewood dealer; and
 - (d) the Chief Officer or a person authorised by the Chief Officer to do so has, by written notice to

***Agriculture and Related Resources Protection (European House Borer)
Amendment Regulations 2007***

r. 5

the owner or occupier of the property, excluded
the property from the PMZ.

”

5. Regulation 4 amended

After regulation 4(1) the following subregulation is inserted —

“

- (1a) A person purporting to remove seasoned pinewood from an RMZ in accordance with subregulation (1) must, if requested by an authorised person to do so, provide to the authorised person documentary or other evidence that the relevant paragraph of that subregulation has been complied with.

Penalty: a fine of \$2 000.

”

6. Regulation 6 replaced

Regulation 6 is repealed and the following regulation is inserted instead —

“

6. Removal of seasoned pinewood and pinewood articles from PMZ

- (1) A person given a notice under regulation 17 must not remove seasoned pinewood or a pinewood article from a PMZ unless —
- (a) the pinewood or article has been treated in accordance with regulation 12(a); or
 - (b) the pinewood or article has been treated in accordance with regulation 12(b) or (c) and is removed from the RMZ within 72 hours after being treated; or

***Agriculture and Related Resources Protection (European House Borer)
Amendment Regulations 2007***

r. 7

- (c) removal of the pinewood or article without treatment has been authorised and the pinewood or article is removed in accordance with the authorisation.

Penalty: a fine of \$2 000.

- (2) A person purporting to remove seasoned pinewood or a pinewood article from a PMZ in accordance with subregulation (1) must, if requested by an authorised person to do so, provide to the authorised person documentary or other evidence that the relevant paragraph of that subregulation has been complied with.

Penalty: a fine of \$2 000.

”.

7. Regulation 10 amended

Regulation 10(2) is amended as follows:

- (a) by deleting “to — ” and inserting instead —
“ to do any or all of the following — ”;
- (b) after paragraph (b) by deleting “or”.

8. Regulation 12 amended

Regulation 12 is amended as follows:

- (a) by inserting before “Pinewood” the subregulation designation “(1)”;
- (b) after paragraph (a) by inserting —
“ or ”;
- (c) by deleting paragraph (b) and “or” after it and inserting instead —
“
(b) fumigated with methyl bromide in accordance with subregulation (2); or

**Agriculture and Related Resources Protection (European House Borer)
Amendment Regulations 2007**

r. 9

- ”;
- (ba) fumigated with another fumigant chemical in a manner approved by the Chief Officer; or
- (d) at the end of the regulation by inserting —
- “
- (2) Fumigation with methyl bromide is in accordance with this subregulation if —
- (a) it is carried out —
- (i) at a temperature of not less than 10°C; and
- (ii) for not less than 24 hours; and
- (b) the concentration of methyl bromide during the fumigation period is not less than that specified in the Table to this subregulation.

Table

Temperature	Concentration (g/m ³)				
	At start	After 2 hours	After 4 hours	After 12 hours	After 24 hours
≥ 21°C	48	36	31	28	24
≥ 16°C but <21°C	56	42	36	32	28
≥ 10°C but <16°C	64	48	42	36	32

”.

9. Regulation 19 amended

Regulation 19(4) is repealed.

***Agriculture and Related Resources Protection (European House Borer)
Amendment Regulations 2007***

r. 10

10. Regulation 21 amended

Regulation 21(1) is amended after “Chief Officer” by inserting —

“ or an authorised person ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.