

AG301\*

Stock Diseases (Regulations) Act 1968

## **Enzootic Diseases Amendment Regulations (No. 3) 2008**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Enzootic Diseases Amendment Regulations (No. 3) 2008*.

### **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 *Enzootic Diseases Regulations 1970*.

**4. Regulation 100 amended**

Regulation 100(1) is amended by inserting in the appropriate alphabetic position —

“

“**approval to transport**” means approval given under regulation 107A(1);

”.

**5. Regulation 103 replaced**

Regulation 103 is repealed and the following regulation is inserted instead —

“

**103. When pearl oysters can be transported**

(1) Except as provided in subregulation (2), a person shall not transport pearl oysters —

- (a) out of a hatchery; or
- (b) off a quarantine site; or
- (c) out of a zone of the Western Australian pearl oyster fishery.

(2) Subregulation (1) does not apply if —

- (a) there is a certificate of health in force in relation to the pearl oysters; or
- (b) the pearl oysters are transported in accordance with an approval to transport.

Penalty: a fine of \$5 000.

”.

**6. Regulation 104 amended**

Regulation 104(1)(a) is amended by deleting “at least 600 pearl oysters” and inserting instead —

“

as many pearl oysters as an approved fish pathologist reasonably requires for testing

”.

**7. Regulation 107 amended**

Regulation 107(1) is amended as follows:

- (a) in paragraph (a) by deleting “at least 300 pearl oysters” and inserting instead —

“

as many pearl oysters as an approved fish pathologist reasonably requires for testing

”;

- (b) in paragraph (b) by deleting “at least 300 formalin-seawater fixed pearl oysters” and inserting instead —

“

as many formalin-seawater fixed pearl oysters as an approved fish pathologist reasonably requires for testing

”.

**8. Regulation 107A inserted**

After regulation 107 the following regulation is inserted —

“

**107A. Approval to transport**

- (1) The Chief Inspector may, in writing, approve the transport of pearl oysters if —
- (a) an approved fish pathologist has tested, in accordance with regulation 107, a sample of those pearl oysters; and
  - (b) the fish pathologist —
    - (i) is not satisfied of the matters referred to in regulation 106(1)(a) because of the presence of oyster oedema disease in the sample; or
    - (ii) is not satisfied of the matters referred to in regulation 106(1)(b) because of the presence of oyster oedema disease among pearl oysters at the hatchery, quarantine site or other place where the pearl oysters are being held, in the preceding 12 months.
- (2) An approval to transport remains in force for 2 weeks from the day on which it was given unless, before then, it ceases to be in force under regulation 110.

”.

**9. Regulation 108 amended**

Regulation 108(1) is amended by deleting the full stop at the end of paragraph (b) and inserting instead —

“

; and

- (c) advising the person that if the reason for not issuing the certificate of health is the presence of oyster oedema disease in the sample, he or she may apply to the Chief Inspector for an approval to transport the pearl oysters —
  - (i) out of a hatchery; or
  - (ii) off a quarantine site; or

- (iii) out of a zone of the Western Australian pearl oyster fishery.

”.

**10. Regulation 109 amended**

Regulation 109 is amended by deleting “a pearling inspector (within the meaning of the *Pearling Act 1990*)” and inserting instead —

“

an inspector as defined in the *Pearling Act 1990*

”.

**11. Regulation 109A inserted**

After regulation 109 the following regulation is inserted —

“

**109A. Chief Inspector to notify approval to transport**

Within 24 hours after giving an approval to transport pearl oysters, the Chief Inspector is to give notice of that approval to —

- (a) an inspector as defined in the *Pearling Act 1990*; and
- (b) the fish pathologist who tested the sample of pearl oysters to which the approval relates.

”.

**12. Regulation 110 amended**

Regulation 110(1) is amended after “certificate of health” —

“ or approval to transport ”.

**13. Various references to penalty clauses amended**

- (1) Each provision listed in the Table to this subregulation is amended by deleting the penalty clause and inserting instead —

“

Penalty: a fine of \$1 000, but the minimum penalty is a fine of \$100.

”.

**Table**

r. 5(1)	r. 13(1)
r. 31(5)	r. 49

- (2) Each provision listed in the Table to this subregulation is amended by inserting after “Penalty:” —

“ a fine of ”.

**Table**

r. 6B(2)	r. 20(3)	r. 27	r. 40
s. 78(1)	r. 78(2)	r. 79(1)	r. 79(3)
r. 79(4)	r. 79(5)	r. 80(1)	r. 80(3)

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r. 81(5)	r. 82(1)	r. 82(2)	r. 82(3)
r. 83	r. 84(1)	r. 84(2)	r. 84(3)
r. 84(5)	r. 84A	r. 84B(1)	r. 84D(1)
r. 84E(2)	r. 84E(3)	r. 84E(4)	r. 84F(1)
r. 84F(2)	r. 84G	r. 84H	r. 84I(1)
r. 84I(2)	r. 84J(1)	r. 84J(3)	r. 84K(2)
r. 84L	r. 84M(1)	r. 84M(2)	r. 84N(1)
r. 84N(2)	r. 84P(1)	r. 84P(3)	r. 84Q(2)
r. 84R	r. 84S(1)	r. 84S(3)	r. 84T
r. 84U	r. 84V(1)	r. 84V(3)	r. 84W(2)
r. 84X	r. 84Y(1)	r. 84Y(3)	r. 84Y(4)
r. 84Z(1)	r. 85(1)	r. 85C	r. 85D(1)
r. 85D(2)	r. 85D(3)	r. 85D(4)	r. 85E(1)
r. 85E(2)	r. 85E(3)	r. 85E(4)	r. 85F(1)
r. 85F(2)	r. 85F(3)	r. 85G	r. 85H(1)
r. 85H(5)	r. 85I(2)	r. 85I(3)	r. 85I(4)
r. 85J(1)	r. 85J(2)	r. 85K	r. 85L(1)
r. 85L(2)	r. 85M(2)	r. 85M(4)	r. 85N(2)
r. 85O	r. 85P(1)	r. 85P(2)	r. 85Q(1)
r. 85Q(2)	r. 85S(2)	r. 85S(4)	r. 85S(5)
r. 85T(2)	r. 85U	r. 85V(2)	r. 85V(4)
r. 85W(2)	r. 85W(4)	r. 85X(2)	r. 85Y
r. 85Z(2)	r. 85Z(4)	r. 101(1)	r. 101(2)
r. 101(3)	r. 102(4)	r. 104(4)	r. 104(7)

By Command of the Governor,

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