



WESTERN  
AUSTRALIAN  
GOVERNMENT

**Gazette**

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

6403



PERTH, FRIDAY, 17 DECEMBER 2010 No. 241 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  
(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 Regulations repealed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**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
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**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
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**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
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**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
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**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
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**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
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**

---

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
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**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
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**

---

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
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**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
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**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
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**

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
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.

  

---