



Western Australia

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

Compare between:

[18 Dec 2010, 01-b0-01] and [05 Feb 2013, 01-c0-01]



## **Agriculture and Related Resources Protection (Interference with Experiments) Regulations 1980**

### **1. Citation**

These regulations may be cited as the *Agriculture and Related Resources Protection (Interference with Experiments) Regulations 1980*<sup>1</sup>.

### **2. Interpretation**

In these regulations, unless the contrary intention appears —  
*entry permit* means permit issued under regulation 5(1);  
*experimental area* means experimental area for the time being designated by notice under regulation 3;  
*regulation* means one of these regulations;  
*subregulation* means subregulation of the regulation wherein the word is used;  
*the Act* means the *Agriculture and Related Resources Protection Act 1976* as amended.

### **3. Experimental areas**

- (1) The Director General Board may, by notice, designate as an experimental area a location or reserve that is to be used for the purposes of conducting experiments on or in relation to declared

**r. 4**

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plants or declared animals, and may, by subsequent notice, revoke any such notice.

- (2) A notice under subregulation (1) designating a location or reserve as an experimental area —
  - (a) shall specify —
    - (i) the situation and extent and, where practicable, the boundaries and size of the experimental area;
    - (ii) the nature of experiments to be conducted thereon;
    - (iii) the declared plants or declared animals in respect of which experiments are to be conducted thereon; and
    - (iv) the day on and from which the notice takes and has effect;
  - (b) shall be published in the *Government Gazette* and a newspaper circulating in the part of the State in which the location or reserve to which the notice relates is situated; and
  - (c) takes effect on and from the day specified for that purpose in the notice, being a day not before the notice is published in accordance with paragraph (b), and continues to have effect until revoked.

*[Regulation 3 amended in Gazette 17 Dec 2010 p. 6423.]*

**4. Restricted entry**

A person shall not enter onto an experimental area unless he is —

- (a) an officer or employee of the department, or an authorised person;
- (b) a person whose presence is necessary to an experiment within the experimental area;

- (c) the owner or occupier of land comprised in the experimental area, or a person acting with the authority of the owner or occupier of such land;
- (d) where the experimental area includes land under the control of a council or other body, a member, officer, or employee of the council or other body;
- (e) a police officer acting in the lawful execution of his duties; or
- (f) the holder of an appropriate entry permit issued pursuant to regulation 5.

Penalty: a fine of \$1 000.

*[Regulation 4 amended in Gazette 17 Dec 2010 p. 6423.]*

**5. Entry permit**

- (1) The Director General may issue a permit to enter an experimental area or a part thereof to any person as the Director General thinks fit.
- (2) An entry permit shall specify —
  - (a) the person to whom it is issued;
  - (b) the experimental area or part thereof in respect of which it applies;
  - (c) any conditions to which it is subject;
  - (d) the period for which it applies.

*[Regulation 5 amended in Gazette 17 Dec 2010 p. 6423-4.]*

**6. Application for entry permit**

A person may apply in writing to the Director General for an entry permit, setting out details of the entry permit sought and giving reasons in support of the application.

*[Regulation 6 amended in Gazette 17 Dec 2010 p. 6423-4.]*

**7. Authority to be produced**

Before exercising any power conferred under these regulations in relation to any person —

- (a) an authorised person shall, if required to do so, produce his written authority; and
- (b) an inspector shall, if required to do so, produce the certificate of his appointment as an inspector.

**8. Certain requirements**

- (1) An inspector or authorised person may require a person on an experimental area to state whether or not he claims to be a person who was entitled to enter onto the experimental area and, if he does so claim, the capacity in which he claims to have been entitled to enter onto the experimental area.
- (2) Where in response to a requirement under subregulation (1) a person claims to be the holder of an entry permit, the inspector or authorised person who made the requirement may further require that the entry permit be produced for inspection.
- (3) Where —
  - (a) a person refuses or wilfully fails to comply with a requirement of an inspector or authorised person made under subregulation (1) or (2); or
  - (b) an inspector or authorised person reasonably believes that a person entered into an experimental area without being entitled to do so,

without affecting any penalty to which the person may be liable by reason of his entering onto the experimental area or by reason of anything done by the person on the experimental area the inspector or authorised person may require that person to leave the experimental area forthwith.

**9. Interference**

- (1) A person other than a person who is, or is acting under the direction or with the authority of, the person in charge of an experiment shall not interfere with or cause interference with the experiment, whether by an act on the experimental area on which the experiment is being conducted, or otherwise.

Penalty: a fine of \$1 000.

- (2) An inspector or authorised person may require a person who is contravening subregulation (1) to forthwith discontinue such contravention or take such measures to ensure that such contravention does not continue as the inspector or authorised person may require.

*[Regulation 9 amended in Gazette 17 Dec 2010 p. 6423.]*

## Notes

- <sup>1</sup> This is a compilation of the *Agriculture and Related Resources Protection (Interference with Experiments) Regulations 1980*. ~~The~~ and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about ~~these regulations and~~ any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Agriculture and Related Resources Protection (Interference with Experiments) Regulations 1980</i>	4 Jul 1980 p. 2196-7	4 Jul 1980
<b>Reprint 1: The <i>Agriculture and Related Resources Protection (Interference with Experiments) Regulations 1980</i> as at 5 Dec 2003</b>		
<i>Agriculture and Related Resources Protection (Repeals and Amendments) Regulations 2010</i> Pt. 8	17 Dec 2010 p. 6403-32	18 Dec 2010 (see r. 2(b) and <i>Gazette</i> 17 Dec 2010 p. 6349)

- <sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

### Provisions that have not come into operation

<u>Citation</u>	<u>Gazettal</u>	<u>Commencement</u>
<i>Biosecurity and Agriculture Management Regulations 2013</i> r. 137(e) and 138 <sup>2</sup>	5 Feb 2013 p. 465-591	1 May 2013 (see r. 2(b) and <i>Gazette</i> 5 Feb 2013 p. 823)

- <sup>2</sup> On the date as at which this compilation was prepared, the *Biosecurity and Agriculture Management Regulations 2013* r. 137(e) and 138 had not come into operation. They read as follows:

#### 137. Regulations repealed

These regulations are repealed:

- (e) *Agriculture and Related Resources Protection (Interference with Experiments) Regulations 1980*;

#### 138. Fees and expenses

On and from the commencement day —

- (a) any fees payable under a regulation repealed under regulation 137 and outstanding on the commencement

day are to be regarded as payable under these regulations at the time, and in the manner, in which the fees would have been payable under the repealed regulation and may be recovered accordingly; and

- (b) any expenses recoverable under a regulation repealed under regulation 137 and outstanding on the commencement day may be recovered under regulation 128.

Penalty: a fine of \$10 000.