



Western Australia

Agriculture and Related Resources Protection Act 1976

Agriculture and Related Resources Protection (Poison) Regulations 1983

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Western Australia

Agriculture and Related Resources Protection (Poison) Regulations 1983

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Agriculture and Related Resources Protection (Poison) Regulations 1983

1. Citation

These regulations may be cited as the *Agriculture and Related Resources Protection (Poison) Regulations 1983*¹.

2. Commencement

These regulations shall come into operation on the 28th day after the day on which they are published in the *Government Gazette*¹.

3. Repeal

The *Vermin Act (Poison Baits) Regulations 1965*, as amended, are repealed.

4. Interpretation

In these regulations, unless the contrary intention appears —

built-up area means an area which is built up with structures devoted to business, industry or dwelling-houses at intervals of less than 100 metres for a distance of one half kilometre or more;

poison means a poison listed in the Schedule to these regulations;

special rural zone means land which is zoned as a special rural zone under the provisions of a town planning scheme in force under the *Town Planning and Development Act 1928*;

subregulation means a subregulation of the regulation in which the term is used.

5. Sodium fluoroacetate

It shall not be lawful to lay baits containing sodium fluoroacetate for the purpose of destroying declared animals unless the baits are laid by a person who is authorised to do so under the *Health (Pesticides) Regulations 2011*.

[Regulation 5 amended in Gazette 1 Feb 2011 p. 377.]

6. Laying poison prohibited in certain areas

A person, other than an inspector or authorised person, shall not lay poison for the purpose of destroying declared animals on any land within 20 metres of a road, reserve or public place that is in a built-up area or in a special rural zone.

Penalty: a fine of \$2 000.

[Regulation 6 amended in Gazette 17 Dec 2010 p. 6425.]

7. Notice of intention to lay poison

- (1) A person shall not lay poison in a special rural zone or in a built-up area unless, at least 24 hours prior to laying such poison, he has given notice of his intention to lay poison to every owner of land contiguous with the land on which he intends to lay the poison and to the council of the municipality in which the land is located.

Penalty: a fine of \$2 000.

- (2) A notice referred to in subregulation (1) shall be in writing and shall specify —
- (a) the date on which it is intended to lay the poison;

- (b) the location of the land on which it is intended to lay the poison; and
- (c) the type of poison it is intended to lay.

[Regulation 7 amended in Gazette 17 Dec 2010 p. 6425.]

8. Erection of signs

- (1) A person who lays poison in a special rural zone, in a built-up area or on any road, reserve or public place outside a built-up area without erecting on that land prominently displayed signs indicating that poison has been laid is guilty of an offence.

Penalty: a fine of \$2 000.

- (2) A person who fails to ensure that a sign he has erected pursuant to subregulation (1) remains in position until the poison he has laid is used or destroyed is guilty of an offence.

Penalty: a fine of \$2 000.

[Regulation 8 amended in Gazette 17 Dec 2010 p. 6425.]

9. Securing bait

A person who lays poison in a special rural zone or in a built-up area shall ensure that the bait is secured or buried.

Penalty: a fine of \$2 000.

[Regulation 9 amended in Gazette 17 Dec 2010 p. 6425.]

10. Destroying baits

A person who lays poison baits shall ensure that any bait which is not used is destroyed by being buried or burnt in such a manner as to prevent access to the remains by animals.

Penalty: a fine of \$2 000.

[Regulation 10 amended in Gazette 17 Dec 2010 p. 6425.]

Schedule

Strychnine.

Notes

- ¹ This is a compilation of the *Agriculture and Related Resources Protection (Poison) Regulations 1983* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Agriculture and Related Resources Protection (Poison) Regulations 1983</i>	29 Apr 1983 p. 1349	27 May 1983 (see r. 2)
Reprint 1: The <i>Agriculture and Related Resources Protection (Poison) Regulations 1983</i> as at 5 Dec 2003		
<i>Agriculture and Related Resources Protection (Repeals and Amendments) Regulations 2010</i> Pt. 9	17 Dec 2010 p. 6403-32	18 Dec 2010 (see r. 2(b) and <i>Gazette</i> 17 Dec 2010 p. 6349)
<i>Agriculture and Related Resources Protection (Poison) Amendment Regulations 2011</i>	1 Feb 2011 p. 376-7	r. 1 and 2: 1 Feb 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 2 Feb 2011 (see r. 2(b)(ii))

- ^{1a} 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

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

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

137. Regulations repealed

These regulations are repealed:

- (f) *Agriculture and Related Resources Protection (Poison) Regulations 1983*;

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.