

!2013174GG!

WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

4417



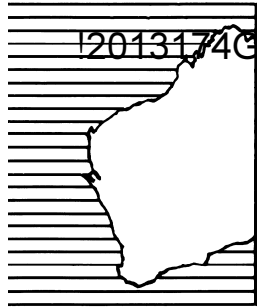
PERTH, TUESDAY, 24 SEPTEMBER 2013 No. 174 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.30 PM

© STATE OF WESTERN AUSTRALIA

BIOSECURITY AND AGRICULTURE MANAGEMENT
ACT 2007

**BIOSECURITY AND
AGRICULTURE MANAGEMENT
(INFRINGEMENT NOTICES)
REGULATIONS 2013**



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette



ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

PERTH, TUESDAY, 24 SEPTEMBER 2013 No. 174 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.30 PM

© STATE OF WESTERN AUSTRALIA

Biosecurity and Agriculture Management Act 2007

Biosecurity and Agriculture Management (Infringement Notices) Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Biosecurity and Agriculture Management (Infringement Notices) Regulations 2013*.

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. Infringement notices

- (1) The offences specified in Schedule 1 are offences for which an infringement notice may be issued under section 126 of the Act.
- (2) The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of section 126 of the Act.

4. Forms

For the purposes of sections 126 and 127 of the Act, the forms set out in Schedule 2 are prescribed in relation to the matters specified in those forms.

Schedule 1 — Prescribed offences and modified penalties

[r. 3]

Division 1 — *Biosecurity and Agriculture Management Act 2007*

Offences under <i>Biosecurity and Agriculture Management Act 2007</i>	Modified penalty
	\$
s. 15(1) Importing prohibited organism (other than high impact organism) except in accordance with import permit and regulations	1 000
s. 15(2) Importing unlisted organism except in accordance with import permit and regulations	400
s. 15(3) Importing prescribed potential carrier (other than of a high impact organism) if import not permitted under, or not in accordance with, regulations	1 000
s. 19(2) Commercial passenger carrier failing to give passengers prescribed import information	300
s. 19(3) Commercial passenger carrier failing to provide secure facility to deposit imported organisms and potential carriers	300
s. 19(4) Commercial passenger carrier failing to dispose of organism or potential carrier in accordance with regulations	400
s. 20(2) Commercial carrier failing to give notice of transport of declared pest or potential carrier in accordance with regulations	300
s. 21(3) Failing to present to inspector imported organism or prescribed potential carrier or import permit, or to provide relevant information	400
s. 23(1) Dealing with declared pest (other than high impact organism) in prohibited manner	1 000
s. 23(3) Contravening regulations in respect of moving declared pest (other than high impact organism) or animal, plant or thing infected or infested with declared pest (other than high impact organism)	400
s. 24(2) Contravening regulations or management plan in relation to introduction of declared pest etc. (other than in relation to high impact organism)	400

Offences under <i>Biosecurity and Agriculture Management Act 2007</i>		Modified penalty
		\$
s. 24(4)	Contravening regulations or management plan in relation to supply of declared pest etc. (other than in relation to high impact organism)	400
s. 25	Keeping, breeding, cultivating or supplying declared pest (other than high impact organism) contrary to Act or authorisation	400
s. 29	Failing to comply with pest exclusion notice	400
s. 30(2)	Owner or other person in control of organism or thing failing to take prescribed control measures to control declared pest	400
s. 30(3)	Owner or occupier of land failing to take prescribed control measures to control declared pest	400
s. 32	Failing to comply with pest control notice (other than in relation to high impact pest)	1 000
s. 52(4)	Using land in contravention of residue management notice	1 000
s. 56(1)	Dealing with chemical product without prescribed qualification or authorisation	1 000
s. 56(2)	Dealing with chemical product without giving notice in accordance with regulations	1 000
s. 56(3)	Dealing with chemical product other than in accordance with regulations	1 000
s. 56(4)	Advising on dealing with chemical product other than in accordance with regulations	1 000
s. 56(5)	Dealing with chemical product when regulations prohibit dealing	1 000
s. 56(6)	Failing to comply with regulations in relation to keeping records about dealing with chemical product	1 000
s. 57	Failing to comply with regulations providing for dealing with thing treated, or not treated, with chemical product or information about dealing	1 000
s. 92	Contravening section relating to inspectors, directions and information	400

**Division 2 — *Biosecurity and Agriculture Management*
Regulations 2013**

Offences under <i>Biosecurity and Agriculture Management</i> Regulations 2013	Modified penalty \$
r. 11(6) Keeping certain potential carriers other than as authorised by, and in accordance with, permit	100
r. 24(2) Inoculating vertebrate with product containing declared pest	200
r. 26(2) Advertising supply of declared pest	100
r. 26(5) Failing to comply with requirement to discontinue advertisement or publish notice of advice	100
r. 30(4) Removing biosecurity sign	200
r. 32(4) Holding or participating in exhibition or sale of vertebrates, or causing gathering of vertebrates, in contravention of prohibition or condition	400
r. 33(1) Making results of unauthorised test public	400
r. 34(2) Moving stock from abattoir without permit	200
r. 34(3) Moving stock from feedlot without authority	200
r. 36(4) Failing to keep record of search or surveillance	100
r. 36(5) Failing to comply with search or surveillance direction	100
r. 40(2) Interfering with pest control device	200
r. 45(2) Setting trap for vertebrate without permit	200
r. 45(3) Failing to take action in relation to trap as required by regulations	200
r. 48 Using barrier fence without consent	200
r. 49 Damaging or misusing barrier fence	200
r. 50(1) Driving or keeping animal near barrier fence	200
r. 51 Travelling along barrier fence reserve	200
r. 54(2) Making false claim in relation to detection, removal or destruction of declared pest	200
r. 57 Failing to comply with quarantine notice	400
r. 58(1) Failing to give notice or advise of quarantine notice	400
r. 58(2) Person on quarantined place failing to comply	400
r. 64(7) Failing to comply with direction about warning sign	200

Offences under <i>Biosecurity and Agriculture Management Regulations 2013</i>		Modified penalty \$
r. 64(8)	Removing or interfering with warning sign	200
r. 65(4)	Entering quarantined place in contravention of direction	400
r. 66(5)	Moving organism in contravention of movement notice	400
r. 69(1)	Interfering with approved movement of organism of concern or potential carrier	400
r. 69(2)	Interfering with identification on organism of concern or potential carrier	400
r. 70	Outgoing owner failing to notify Director General and new owner	200
r. 75(4)	Failing to give notice of intention to import	300
r. 76	Failing to give notice of intention to import under Commonwealth permit	200
r. 79(4)	Failing to have organism or carrier inspected in manner required by regulations	400
r. 80	Removing organism or carrier from inspection point without authority or direction	400
r. 82(3)	Failing to comply with requirement of warning sign	400
r. 82(4)	Failing to keep conveyance stationary upon stopping in accordance with warning sign	400
r. 83	Damaging or interfering with warning sign	400
r. 84	Failing to keep conveyance stationary when required to stop by inspector	400
r. 85(2)	Failing to give copy of direction to person to whom control of thing is transferred	400
r. 87(1)	Storing hive without closing entrance	200
r. 87(4)	Failing to comply with notice about storing hive	200
r. 98	Contravening condition on permit	400
r. 104(3)	Permit holder failing to give information as required	100
r. 105	Falsely holding out as permit holder	400
r. 115	Contravening condition of quarantine facility approval	400
r. 119(9)	Failing to comply with requirement in closure notice	400
r. 123(1)	Altering quarantine facility without approval	400

Offences under <i>Biosecurity and Agriculture Management Regulations 2013</i>		Modified penalty \$
r. 124	Falsely holding out as person in whose name quarantine facility is approved	400

Division 3 — *Biosecurity and Agriculture Management (Agriculture Standards) Regulations 2013*

Offences under <i>Biosecurity and Agriculture Management (Agriculture Standards) Regulations 2013</i>		Modified penalty \$
r. 10(6)	Failing to comply with duty or obligation in residue quarantine notice	2 000
r. 25	Failing to produce animal feed in accordance with approved quality assurance scheme	500
r. 27(1)	Failing to label manufactured animal feed container (weighing 5 kg or more) in accordance with regulations	200
r. 27(2)	Failing to label manufactured animal feed container (weighing less than 5 kg) in accordance with regulations	200
r. 27(3)	Failing to include vitamin or mineral information on manufactured animal feed container label	200
r. 27(4)	Failing to label delivery docket (for bulk supply of manufactured animal feed) in accordance with regulations	200
r. 27(5)	Failing to label container or docket (for single transaction supply of 500 kg of manufactured animal feed) in accordance with regulations	200
r. 27(6)	Failing to label container or docket (for manufactured animal feed containing veterinary chemical product) in accordance with regulations	200
r. 29(1)	Supplying animal feed after expiry date has passed	200
r. 29(2)	Person who is not manufacturer supplying container of manufactured animal feed contrary to label	200
r. 29(3)	Supplying animal feed contrary to export label	200
r. 29(4)	Feeding stock animal feed contrary to export label	200
r. 29(5)	Storing animal feed contrary to instructions on label or delivery docket	200

Offences under <i>Biosecurity and Agriculture Management (Agriculture Standards) Regulations 2013</i>		Modified penalty \$
r. 31	Failing to hold or store manufactured animal feed in a manner which prevents it coming into contact with restricted animal material	500
r. 32(4)	Giving animal feed containing restricted animal material to ruminant	500
r. 32(5)	Putting animal feed for ruminants in container that has been used for packing restricted animal material	500
r. 33(3)	Failing to label certain manufactured animal feed as containing restricted animal material	200
r. 33(4)	Failing to label certain manufactured animal feed as not containing restricted animal material	200
r. 36	Doing thing in relation to prohibited pig feed in contravention of regulations	500
r. 39	Failing to label fertiliser as required by regulations	200
r. 45	Selling immature citrus fruit intended for consumption as fresh fruit	200
r. 47	Selling immature table grapes intended for consumption as fresh fruit	200

Division 4 — *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*

Offences under <i>Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013</i>		Modified penalty \$
r. 7(1)	Owning or purchasing stock when not registered	200
r. 10(1)	Operating a non-farming property when not registered	200
r. 13(1)	Being or becoming a beekeeper when not registered	200
r. 18	Failing to give notice of the movement of stock to farming property in certain circumstances	200
r. 19(1)	Registered person failing to give notice of change of address	200
r. 19(2)	Registered beekeeper failing to give notice of change of place of residence or business	200
r. 38(8)	Permit holder failing to comply with requirement	200

Offences under <i>Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013</i>		Modified penalty \$
r. 39	Failing to give to inspector unused device or identification equipment after registered identifier ceases to be allotted to person	500
r. 40(1)	Possessing device or identification equipment when not registered owner of the identifier	200
r. 40(2)	Having on property a device or identification equipment contrary to regulations	500
r. 40(4)	Removing device or identification equipment from property contrary to regulations	500
r. 49(1)	Failing to give NLIS device to inspector	200
r. 62(5)	Failing to retain confirmation of registration record where person supplied with device or identification equipment	200
r. 62(7)	Failing to comply with direction to give record made under this regulation to approved person	500
r. 65(2)	Failing to retain confirmation of registration record where person supplied with NLIS device	200
r. 65(4)	Failing to comply with direction to give record made under this regulation to approved person	500
r. 67(5)	Failing to retain confirmation of registration record where person supplied with NLIS tag	200
r. 67(7)	Failing to comply with direction to give record made under this regulation to approved person	500
r. 70(7)	Failing to retain identification exemption certificate for specified time	200
r. 73(1)	Possessing or controlling live animal not identified in accordance with regulations	500
r. 76(1)	Failing to identify certain cattle or buffalo in the south-west of the State in accordance with regulations	200
r. 76(2)	Failing to identify certain cattle or buffalo in accordance with regulations	200
r. 88(2)	Failing to keep animal without NLIS separate from other animals	200
r. 89(2)	Failing to give information to saleyard operator as required	500

Offences under <i>Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013</i>		Modified penalty \$
r. 104(1)	Saleyard operator failing to apply NLIS post breeder device to animal or update NLIS database	500
r. 104(3)	Saleyard operator failing to hold animals at saleyard and inform inspector	200
r. 105	Saleyard operator failing to comply with direction of inspector	500
r. 108(1)	Saleyard operator moving animal from saleyard contrary to regulations	500
r. 110(2)	Abattoir operator failing to comply with direction of inspector	500
r. 116(2)	Export depot operator failing to comply with direction of inspector	500
r. 128	Moving sheep or goat from farming property contrary to regulations	500
r. 135(2)	Failing to give information to saleyard operator as requested	500
r. 143(2)	Holding yard operator failing to comply with direction given by inspector	500
r. 148(2)	Saleyard operator failing to apply NLIS post breeder tag to animal	500
r. 149(2)	Saleyard operator failing to comply with direction given by inspector	500
r. 150	Saleyard operator failing to apply NLIS post breeder tag to animal born at saleyard	500
r. 152(1)	Saleyard operator failing to record movement of consignment of sheep or goats to or from saleyard	500
r. 154(2)	Abattoir operator failing to comply with direction given by inspector	500
r. 161(2)	Export depot operator failing to comply with direction given by inspector	500
r. 165(1)	Owner of deer (other than imported deer or deer from pound) failing to identify it in accordance with regulations	200
r. 165(2)	Owner of imported deer failing to identify it in accordance with regulations	200

Offences under <i>Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013</i>		Modified penalty \$
r. 165(3)	Owner of deer from pound failing to identify it in accordance with regulations	200
r. 170(1)	Owner of horse (other than imported horse or horse from pound) kept on property in south-west of State failing to identify it in accordance with regulations	200
r. 170(3)	Owner of imported horse failing to identify it in accordance with regulations	200
r. 170(4)	Owner of horse from pound failing to identify it in accordance with regulations	200
r. 178(1)	Owner of pig failing to identify it in accordance with regulations	500
r. 181(1)	Owner of South American camelid (other than imported South American camelid or South American camelid from pound) failing to identify it in accordance with regulations	200
r. 181(2)	Owner of imported South American camelid failing to identify it in accordance with regulations	200
r. 181(3)	Owner of South American camelid from pound failing to identify it in accordance with regulations	200
r. 189	Causing or permitting animal to be moved from property or land without giving carrier a waybill	500
r. 190(5)	Failing to retain copy of waybill or other transport document for specified time	200
r. 192(1)	Purchaser failing to give carrier copies of waybill in certain circumstances	500
r. 192(2)	Carrier failing to attach waybill from purchaser to other waybill	200
r. 196(9)	Failing to comply with direction to give to inspector movement permit or copy	500
r. 199(1)	Possessing or controlling animal being moved without transport document	500
r. 200(3)	Carrier failing to retain copy of transport document for specified time	200
r. 201(3)	Property operator failing to retain copy of transport document for specified time	200

Offences under <i>Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013</i>		Modified penalty \$
r. 202	Beekeeper failing to identify hives with registered identifier	200
r. 207	Possessing unidentified hive	200
r. 208(1)	Beekeeper failing to display notice	200
r. 209(3)	Beekeeper failing to retain record of establishment, or removal, of apiary	200
r. 210(2)	Beekeeper failing to retain recording confirming registration of other person	200

Division 5 — *Biosecurity and Agriculture Management (Quality Assurance and Accreditation) Regulations 2013*

Offences under <i>Biosecurity and Agriculture Management (Quality Assurance and Accreditation) Regulations 2013</i>		Modified penalty \$
r. 15(3)	Failing to return accreditation document	100
r. 17	Contravening accreditation condition	200
r. 18(1)	Giving assurance certificate without authority	400

Schedule 2 — Forms

[r. 4]

Form 1 — Infringement notice (section 126)

<i>Biosecurity and Agriculture Management Act 2007 section 126</i> INFRINGEMENT NOTICE		Infringement notice no.	
Alleged offender	Name		
	Address		
Details of alleged offence	Date or period		
	Place		
	Written law contravened		
	Details of offence		
Date	Date of notice		
Inspector	Name		
	Signature		
Modified penalty	\$ _____		
Penalty	Individual	\$ _____	You do not have to pay this amount. This is the maximum fine that can be imposed if you are prosecuted in a court and convicted of this offence.
	Body corporate	\$ _____	

<p>TAKE NOTICE</p>	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty to the Director General within 28 days after the date of this notice.</p> <p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.</p> <p>If you need more time to pay the modified penalty, you should contact the Director General at the address below.</p> <p>Paying the modified penalty will not be regarded as an admission for the purposes of any civil or criminal court case.</p> <p>If you want this matter to be dealt with by prosecution in court, sign and date here:</p> <p>_____ / /20</p> <p>and post this notice to the Director General at the address below within 28 days after the date of this notice.</p> <p>If you consider that you have good reason to have this notice withdrawn, you can write to the Director General at the address below requesting that this notice be withdrawn and setting out the reasons why you consider that this notice should be withdrawn. Your letter must be received not later than 28 days after the date of this notice.</p>	
<p>How to pay</p>	<p>By post</p>	<p>Tick the relevant box below and post this notice to:</p> <p><i>[Insert address]</i></p> <p><input type="checkbox"/> I want to pay the modified penalty. A cheque or money order (payable to the</p>

Form 2 — Withdrawal of infringement (section 127)

<p><i>Biosecurity and Agriculture Management Act 2007 section 127</i></p> <p>WITHDRAWAL OF INFRINGEMENT NOTICE</p>		Withdrawal no.
Alleged offender	Name	
	Address	
Details of infringement notice	Infringement notice no.	
	Date of issue	
Details of alleged offence	Date or period	
	Place	
	Written law contravened	
	Details of offence	
Signature of Director General or delegate	Name	
	Signature	
Date	Date of withdrawal	

<p>Withdrawal of infringement notice</p> <p><i>[*Delete whichever is not applicable]</i></p>	<p>The above infringement notice issued against you for the above alleged offence has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.</p> <p style="padding-left: 40px;">* Your refund is enclosed</p> <p style="padding-left: 40px;"><i>or</i></p> <p style="padding-left: 40px;">* If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by signing and dating this notice and posting it to:</p> <p style="padding-left: 40px;"><i>[Insert address]</i></p>		
<p>Your signature</p>		<p>Date</p>	

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.