

# Agriculture and Related Resources Protection Amendment Bill 2010

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## ***Agriculture and Related Resources Protection Amendment Bill 2010***

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Western Australia

LEGISLATIVE ASSEMBLY

**Agriculture and Related Resources Protection  
Amendment Bill 2010**

**A Bill for**

**An Act —**

- to amend the *Agriculture and Related Resources Protection Act 1976*; and
- to amend the *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007*,  
and for related purposes.

The Parliament of Western Australia enacts as follows:

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## **Part 1 — Preliminary**

### **1. Short title**

This is the *Agriculture and Related Resources Protection Amendment Act 2010*.

### **2. Commencement**

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.



**s. 6**

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- 1 (2) In section 7(1) insert in alphabetical order:  
2  
3 *Declared Pest Account* has the meaning given in the  
4 *Biosecurity and Agriculture Management Act 2007*  
5 section 6;  
6 *department* means the department principally assisting  
7 in the administration of this Act;  
8 *Director General* means the chief executive officer of  
9 the department;  
10 *inspector* means an inspector appointed under the  
11 *Biosecurity and Agriculture Management Act 2007*  
12 section 162;  
13
- 14 (3) In section 7(1) in the definition of *animal-proof fence*  
15 paragraph (b) delete “Chief Officer” and insert:  
16  
17 Director General  
18
- 19 (4) In section 7(1) in the definition of *authorised person* delete  
20 “Protection Board or the Chief Officer” and insert:  
21  
22 Director General  
23
- 24 (5) In section 7(1) in the definition of *rabbit-proof fence*  
25 paragraph (b) delete “Chief Officer his” and insert:  
26  
27 Director General as  
28

1 (6) In section 7(1) in the definition of *watercourse* delete  
2 “constructed;” and insert:

3

4 constructed.

5

6 **7. Sections 8 and 9 deleted**

7 Delete sections 8 and 9.

8 **8. Section 10 replaced**

9 Delete section 10 and insert:

10

11 **10. Delegation by Minister**

12 (1) The Minister may delegate to the Director General any  
13 power or duty of the Minister under another provision  
14 of this Act.

15 (2) The delegation must be in writing signed by the  
16 Minister.

17 (3) The delegation may expressly authorise the Director  
18 General to further delegate the power or duty.

19 (4) A person exercising or performing a power or duty that  
20 has been delegated to the person under, or as  
21 authorised under, this section, is to be taken to do so in  
22 accordance with the terms of the delegation unless the  
23 contrary intention is shown.

24 (5) Nothing in this section limits the ability of the Minister  
25 to perform a function through an officer or agent.

26 **11A. Delegation by Director General**

27 (1) The Director General may delegate to an officer of the  
28 department any power or duty of the Director General  
29 under another provision of this Act.

**s. 9**

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- 1 (2) The delegation must be in writing signed by the  
2 Director General.
- 3 (3) A person exercising or performing a power or duty that  
4 has been delegated to the person under this section is to  
5 be taken to do so in accordance with the terms of the  
6 delegation unless the contrary intention is shown.
- 7 (4) Nothing in this section limits the ability of the Director  
8 General to perform a function through an officer or  
9 agent.  
10

11 **9. Section 11 amended**

12 In section 11(1) delete “Chairman of the Protection Board or the  
13 Chief Officer” and insert:  
14

15 Director General  
16

17 **10. Section 12 deleted**

18 Delete section 12.

19 **11. Part III deleted**

20 Delete Part III.

21 **12. Section 37 replaced**

22 Delete section 37 and insert:  
23

24 **37. List of declared animals and plants**

25 The Director General must —

- 26 (a) maintain, on or accessible through the  
27 department’s website, a publicly accessible list  
28 setting out —

- 1 (i) every class of plants or animals that is  
2 for the time being the subject of a  
3 declaration made under section 35; and  
4 (ii) the matters for the time being specified  
5 under section 35(2) in relation to each  
6 class referred to in subparagraph (i);  
7 and  
8 (b) make copies of the list available to the public  
9 for inspection at the head office and regional  
10 offices of the department during business hours.  
11

12 **13. Section 41 amended**

13 After section 41(2) insert:  
14

- 15 (3) The Director General may supply poison under  
16 subsection (1) despite anything to the contrary in the  
17 *Poisons Act 1964*.  
18

19 **14. Section 42 amended**

20 In section 42 delete the Penalty and insert:  
21

22 Penalty: a fine of \$20 000.  
23

24 **15. Section 44 amended**

25 In section 44(1) delete the Penalty and insert:  
26

27 Penalty: a fine of \$50 000.  
28

**s. 16**

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1 **16. Section 45 amended**

2 In section 45(1) delete “Protection Board and may be sued for  
3 and recovered” and insert:

4

5 State and may be sued for and recovered by the  
6 Director General on behalf of the State

7

8 **17. Section 46 amended**

9 After section 46(2) insert:

10

11 (3) The Director General may supply poison under  
12 subsection (1) despite anything to the contrary in the  
13 *Poisons Act 1964*.

14

15 **18. Section 49 amended**

16 In section 49 delete the Penalty and insert:

17

18 Penalty: a fine of \$20 000.

19

20 **19. Section 51 amended**

21 In section 51(1) delete the Penalty and insert:

22

23 Penalty: a fine of \$50 000.

24

25 **20. Section 52 amended**

26 In section 52(2):

27 (a) delete “authorised officer” and insert:

28

29 authorised person

30

1 (b) delete “Protection Board, and may be sued for and  
2 recovered” and insert:

3

4 State, and may be sued for and recovered by the  
5 Director General on behalf of the State

6

7 Note: The heading to amended section 52 is to read:

8

**Work and recovery of costs**

9 **21. Section 54 amended**

10 (1) In section 54(1):

11 (a) delete “or the Protection Board,” and insert:

12

13 or an inspector or authorised person,

14

15 (b) delete “determined by the Protection Board, which shall  
16 notify the parties concerned of its decision forthwith on  
17 the making thereof.” and insert:

18

19 decided by the Director General.

20

21 (2) After section 54(1) insert:

22

23 (2) The Director General must notify the parties concerned  
24 of any decision made under subsection (1).

25

26 (3) In section 54(4):

27 (a) delete “Protection Board for it” and insert:

28

29 Director General for the Director General

30

**s. 22**

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- 1 (b) delete “Protection Board may,” (each occurrence) and  
2 insert:  
3  
4 Director General may,  
5  
6 (c) delete “it considers” and insert:  
7  
8 the Director General considers  
9  
10 (d) delete “Protection Board declares” and insert:  
11  
12 Director General declares  
13

14 **22. Section 55 amended**

15 After section 55(2) insert:  
16

- 17 (3) The Director General may supply poison under  
18 subsection (1) despite anything to the contrary in the  
19 *Poisons Act 1964*.  
20

21 **23. Section 56 amended**

22 (1) In section 56(1) delete “by written authorisation under seal,”.

23 (2) After section 56(1) insert:  
24

25 (2A) The delegation must be in writing signed by the  
26 Director General.  
27

28 Note: The heading to amended section 56 is to read:

29 **Director General may delegate powers to local governments**

1   **24.     Heading to Part V Division 5 amended**

2           In the heading to Part V Division 5 delete “**by Protection**  
3           **Board**”.

4   **25.     Section 58 amended**

5       (1) Delete section 58(1) and insert:

6

7           (1) In this section —

8                 *dwelling* has the meaning given in the *Biosecurity and*  
9                 *Agriculture Management Act 2007* section 63.

10       (2A) Inspectors and authorised persons may, at any time and  
11           to such extent as the Director General may determine,  
12           carry out operational work on and in relation to any  
13           place other than a dwelling without cost to the owner  
14           or occupier of that place.

15       (2B) The operational work may be carried out —

- 16           (a) out of moneys from time to time appropriated  
17                 by Parliament for that purpose; or  
18           (b) out of moneys from time to time standing to the  
19                 credit of the Declared Pest Account other than  
20                 moneys derived from rates under section 60; or  
21           (c) on and in relation to private land held under  
22                 pastoral lease out of moneys from time to time  
23                 standing to the credit of the Declared Pest  
24                 Account and derived from rates under  
25                 section 60; or  
26           (d) on and in relation to public land, land under the  
27                 control of a local government or private land  
28                 pursuant to an agreement under section 41, 46  
29                 or 55.  
30

**s. 26**

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1 (2) In section 58(2) delete “the powers of the Protection Board” and  
2 insert:

3

4 powers

5

6 Note: The heading to amended section 58 is to read:

7

**Operational work may be carried out**

8 **26. Section 59 amended**

9 In section 59(1) delete “on the Protection Board or an inspector  
10 or authorised person”.

11 **27. Section 60 amended**

12 (1) In section 60(1) delete “1 July 2006” and insert:

13

14 1 July immediately following the coming into  
15 operation of the *Agriculture and Related Resources*  
16 *Protection Amendment Act 2010* section 27

17

18 (2) In section 60(3) delete “Protection Board, with the approval of  
19 the Minister, may,” and insert:

20

21 Minister may,

22

23 (3) Delete section 60(5) and (6) and insert:

24

25 (5) Different rates may be imposed in respect of different  
26 land and different classes of land.

27

1 (4) After section 60(7) insert:  
2

3 (8) Despite the amendments made by the *Agriculture and*  
4 *Related Resources Protection Amendment Act 2010*  
5 section 27 (the **amending section**), this section, as in  
6 force immediately before the amending section came  
7 into operation, continues to apply in relation to a rate  
8 payable for a financial year commencing before a  
9 financial year referred to in subsection (1).  
10

11 Note: The heading to amended section 60 is to read:

12 **Rates on pastoral leases**

13 **28. Section 61 deleted**

14 Delete section 61.

15 **29. Section 62 amended**

16 (1) In section 62(2) delete “each of sections 60 and 61,” and insert:  
17

18 section 60,  
19

20 (2) In section 62(8) delete “or 61”.

21 **30. Section 63 amended**

22 (1) In section 63(1) delete “or 61”.

23 (2) Delete section 63(2).

24 (3) In section 63(3) delete “or 61”.

25 (4) In section 63(3a):

26 (a) delete “or 61”;

**s. 31**

---

1 (b) in paragraph (a) delete “Protection Board” and insert:

2

3 State

4

5 (c) in paragraph (b) delete “Protection Board;” and insert:

6

7 State;

8

9 (5) In section 63(4) delete “Protection Board,” and insert:

10

11 Minister,

12

13 (6) Delete section 63(5).

14 (7) In section 63(6) delete “or 61”.

15 **31. Section 64 amended**

16 (1) In section 64(1) and (2) delete “or 61”.

17 (2) In section 64(5) delete “or 61”.

18 **32. Section 65 amended**

19 (1) Delete section 65(1) and insert:

20

21 (1) All rates recovered under section 60 are to be credited  
22 to the Declared Pest Account.

23

24 (2) Delete section 65(3)(a).

25 (3) In section 65(3)(b):

26 (a) delete “to which this subsection applies”;

1 (b) delete “Control Account.” and insert:

2

3 Declared Pest Account.

4

5 (4) Delete section 65(4) and insert:

6

7 (4) The costs of assessing, receiving and recovering rates  
8 under section 60 are to be charged under this  
9 subsection to the Consolidated Account.

10 (5) If, in any financial year, the costs referred to in  
11 subsection (4) exceed the sum approved from time to  
12 time by the Treasurer, the Minister must, upon receipt  
13 of a certificate from the Commissioner certifying the  
14 amount of that excess, charge to the Declared Pest  
15 Account and credit to the Consolidated Account a sum  
16 equal to the amount of that excess.

17

18 Note: The heading to amended section 65 is to read:

19

**Rates to be credited to Declared Pest Account**

20 **33. Section 72 amended**

21 In section 72 delete the Penalty and insert:

22

23 Penalty: a fine of \$50 000.

24

25 **34. Section 74 amended**

26 (1) At the end of section 74(1) insert:

27

28 Penalty: a fine of \$50 000.

29

**s. 35**

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- 1 (2) Delete section 74(2) and insert:  
2
- 3 (2) A person who brings into the State from elsewhere any  
4 coat, fodder, machinery, sack, seed, wool pack or  
5 restricted animal must, immediately on arrival of that  
6 thing, deliver the thing into the custody of an inspector  
7 or authorised person.  
8 Penalty: a fine of \$50 000.  
9
- 10 (3) At the end of section 74 delete the Penalty.  
11
- 12 **35. Section 75 amended**
- 13 (1) At the end of section 75(1) insert:  
14  
15 Penalty: a fine of \$20 000.  
16
- 17 (2) At the end of section 75(1a) insert:  
18  
19 Penalty: a fine of \$20 000.  
20
- 21 (3) At the end of section 75(1b) insert:  
22  
23 Penalty: a fine of \$20 000.  
24
- 25 (4) At the end of section 75(2) insert:  
26  
27 Penalty: a fine of \$20 000.  
28
- 29 (5) At the end of section 75 delete the Penalty.

1 **36. Section 77 amended**

2 (1) In section 77(1) delete the Penalty and insert:

3

4 Penalty: a fine of \$50 000.

5

6 (2) In section 77(2) delete “it considers” and insert:

7

8 the Director General considers

9

10 **37. Section 78 amended**

11 In section 78 delete the Penalty and insert:

12

13 Penalty: a fine of \$20 000.

14

15 **38. Section 79 amended**

16 (1) At the end of section 79(1) insert:

17

18 Penalty: a fine of \$20 000.

19

20 (2) At the end of section 79(2) insert:

21

22 Penalty: a fine of \$20 000.

23

24 (3) At the end of section 79 delete the Penalty.

25

26 **39. Section 80 amended**

27 (1) In section 80(1) delete the Penalty and insert:

28

29 Penalty: a fine of \$20 000.

30

**s. 40**

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1 (2) In section 80(2) delete “it considers” and insert:

2

3

the Director General considers

4

5 **40. Section 81 amended**

6 In section 81 delete the Penalty and insert:

7

8

Penalty: a fine of \$20 000.

9

10 **41. Section 83 amended**

11 In section 83(1) delete the Penalty and insert:

12

13

Penalty: a fine of \$20 000.

14

15 **42. Section 83A amended**

16 Delete section 83A(3), (4), (5) and (6).

17 **43. Section 94A amended**

18 In section 94A delete “Chief Officer” and insert:

19

20

Director General

21

22 **44. Sections 95 and 96 replaced**

23 Delete sections 95 and 96 and insert:

24

25 **95. Judicial notice of signatures**

26

A person acting judicially must take judicial notice of  
the signature of the Director General and of the  
Minister.

27

28

1           **96.       Authentication of documents**

2                           Subject to this Act, every document required or used  
3                           for or in connection with the purposes of this Act may  
4                           be authenticated by the signature of the Director  
5                           General or the Minister.  
6

7           **45.       Section 97 amended**

8                           In section 97(1):

9                           (a)   delete “the Minister or the Protection Board,” and insert:

10

11   the State under this Act,

12

13                           (b)   delete “Minister, the Chairman of the Protection Board  
14                           or the Chief Officer,” and insert:

15

16   Minister or the Director General,

17

18                           (c)   delete “the Minister or the Protection Board in” and  
19                           insert:

20

21   the Minister or the Director General in  
22

23           **46.       Section 98 replaced**

24                           Delete section 98 and insert:  
25

26           **98.       Prosecutions**

27                           A prosecution for an offence under this Act cannot be  
28                           commenced except by or with the approval of the  
29                           Director General.  
30

**s. 47**

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1 **47. Section 99 amended**

2 In section 99 delete “it may,” and insert:

3

4 the Minister may,

5

6 **48. Section 103 replaced**

7 Delete section 103 and insert:

8

9 **103. Governor may make regulations**

10 The Governor may make regulations prescribing all  
11 matters which by this Act are required or permitted to  
12 be prescribed or are contemplated as being prescribed  
13 or which are necessary or expedient to be prescribed  
14 for carrying this Act into effect.  
15

16 **49. Section 104 amended**

17 In section 104:

18 (a) delete paragraphs (a), (b), (c) and (d);

19 (b) in paragraph (g) delete “Protection Board.” and insert:

20

21 State.

22

23 **50. Section 105 amended**

24 In section 105:

25 (a) in paragraph (e) delete “to the Protection Board”;

26 (b) delete paragraph (s)(iii) and “and” after it and insert:

27

28 (iii) providing for the recovery from the  
29 owner, consignor, consignee, or person  
30 in possession or control of any animal,

1 thing or prohibited material, of the  
2 expenses incurred by officers of the  
3 department in connection with that  
4 animal, thing or prohibited material;  
5

6 (c) in paragraph (t)(iii) delete “Protection Board to impose,  
7 in any permit issued by it under regulations made  
8 pursuant to this paragraph, any further conditions and  
9 restrictions as to such introduction, keeping, sale, or  
10 disposal that it” and insert:

11  
12 Director General to impose, in any  
13 permit issued by the Director General  
14 under regulations made under this  
15 paragraph, any further conditions and  
16 restrictions as to such introduction,  
17 keeping, sale or disposal that the  
18 Director General  
19

20 (d) in paragraph (w) delete “Protection Board” and insert:

21  
22 department  
23

24 (e) in paragraph (x) delete “referred to in section 8(1)(k) of  
25 the *Agriculture Protection Board Act 1950*” and insert:

26  
27 for the destruction of declared animals  
28

29 **51. Section 106 amended**

30 In section 106(1):

31 (a) in paragraph (a) delete “Minister and the Protection  
32 Board to erect,” and insert:

33  
34 Director General to erect,

**s. 51**

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(b) in paragraph (a) delete “Minister and the Protection Board and their respective” and insert:

Director General and the department’s

(c) in paragraph (b) delete “Crown and the Protection Board” and insert:

State

(d) in paragraph (b) delete “Crown or Protection Board;” and insert:

State;

(e) in paragraph (j) delete “Chief Officer” and insert:

Director General

(f) in paragraph (n)(i) delete “Minister or Protection Board” and insert:

State

(g) in paragraph (p) delete “Minister or the Protection Board” and insert:

State

1 **52. Section 108 replaced**

2 Delete section 108 and insert:

3

4 **108. Penalties under regulations**

5 Regulations made under this Act may impose for a  
6 breach of a regulation so made a maximum penalty not  
7 exceeding \$20 000, with or without a fine for each  
8 separate and further offence committed under the  
9 *Interpretation Act 1984* section 71 of not more than  
10 \$500.  
11

12 **53. Part X deleted**

13 Delete Part X.

14 **54. Part XI inserted**

15 At the end of the Act insert:

16

17 **Part XI — *Agriculture and Related Resources***  
18 ***Protection Amendment Act 2010* — Savings and**  
19 **transitional provisions**

20 **120. Terms used**

21 In this Part —

22 ***commencement day*** means the day on which the  
23 *Agriculture and Related Resources Protection*  
24 *Amendment Act 2010* section 7 comes into operation;

25 ***Protection Board*** means the Agriculture Protection  
26 Board of Western Australia constituted under the  
27 *Agriculture Protection Board Act 1950*.

- 1           **121. Approvals and certificates**
- 2           An approval or certificate given by the Chief Officer  
3           under this Act as in force before the commencement  
4           day and of effect on that day has effect on and after  
5           that day as if it were an approval or certificate of the  
6           Director General.
- 7           **122. Authorised persons**
- 8           An authorisation given under section 11 as in force  
9           before the commencement day and in effect  
10          immediately before that day has effect on and after that  
11          day as if it were an authorisation of the Director  
12          General.
- 13          **123. Declarations**
- 14          A declaration made by the Protection Board under this  
15          Act as in force before the commencement day and in  
16          effect immediately before that day has effect on and  
17          after that day as if it were a declaration of the Minister.
- 18          **124. Rates payable under section 61**
- 19          Despite the amendments made by the *Agriculture and*  
20          *Related Resources Protection Amendment Act 2010*  
21          sections 28 to 32 (the **amending sections**), sections 61  
22          to 65, as in force before the amending sections came  
23          into operation, continue to apply in relation to a rate  
24          payable for a financial year commencing on a day  
25          before the amending sections came into operation  
26          except that —
- 27               (a) any reference in section 63(3a) or (4) to the  
28               Protection Board is to be taken to be a reference  
29               to the Minister; and
- 30               (b) rates recovered under section 61 after the  
31               coming into operation of the *Agriculture and*  
32               *Related Resources Protection Amendment*

1 *Act 2010* section 28 are to be credited to the  
2 Declared Pest Account.

3 **125. Funds in, or payable to, former account**

4 (1) In this section —

5 *closure day* means the day on which the *Agriculture*  
6 *and Related Resources Protection Amendment*  
7 *Act 2010* section 32 comes into operation;

8 *former account* means the Declared Plants and  
9 Animals Control Fund referred to in section 65 as in  
10 force before the closure day.

11 (2) On the closure day any moneys standing to the credit  
12 of the former account are to be credited to the Declared  
13 Pest Account and the former account is then to be  
14 closed.

15 (3) Moneys referred to in subsection (2) may be applied —

16 (a) in the payment of any liabilities of the former  
17 account which arose before the closure day; and

18 (b) for the purposes set out in the *Biosecurity and*  
19 *Agriculture Management Act 2007* section 138.

20 (4) The Declared Pest Account is to be credited with any  
21 money that became payable to the former account  
22 before the closure day and that is paid after that day.

23 (5) If in an agreement, instrument or other document there  
24 is a reference to the former account, that reference is,  
25 unless the context otherwise requires, to be read and  
26 have effect on and after the closure day as if it were a  
27 reference to the Declared Pest Account.

28 **126. Management programmes**

29 A management programme made and published under  
30 section 66 as in force before the commencement day  
31 and in effect immediately before that day has effect on

**s. 54**

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1 and after that day as if it were made and published  
2 under that section by the Minister.

3 **127. Notices**

4 A notice given to the Protection Board under  
5 section 74, 75 or 76 as in force before the  
6 commencement day has effect on and after that day as  
7 if it were a notice given under that section to the  
8 Director General.

9 **128. Permissions and authorities**

10 (1) Permission granted by the Protection Board under  
11 section 77 or 80 as in force before the commencement  
12 day has effect on and after that day as if it were  
13 permission granted under that section by the Director  
14 General.

15 (2) A written authority given by the Protection Board  
16 under section 79(2) as in force before the  
17 commencement day has effect on and after that day as  
18 if it were given under that section by the Director  
19 General.

20 **129. Transitional regulations**

21 (1) If there is no sufficient provision in this Part for  
22 dealing with a transitional matter, regulations may  
23 prescribe all matters that are required or necessary or  
24 convenient to be prescribed for dealing with the matter.

25 (2) In subsection (1) —

26 *transitional matter* means a matter that needs to be  
27 dealt with for the purpose of effecting the transition  
28 from an Act (including this Act) as enacted  
29 immediately before the commencement day to the Act  
30 as amended by the *Agriculture and Related Resources*  
31 *Protection Amendment Act 2010*.

- 1           (3) Regulations made under subsection (1) may provide  
2           that specified provisions of this Act as in force after the  
3           commencement of the *Agriculture and Related*  
4           *Resources Protection Amendment Act 2010*, or of  
5           subsidiary legislation made under this Act, or of an Act  
6           amended by the *Agriculture and Related Resources*  
7           *Protection Amendment Act 2010* —  
8           (a) do not apply; or  
9           (b) apply with specified modifications,  
10          to or in relation to any matter.
- 11          (4) If regulations under subsection (1) provide that a  
12          specified state of affairs is to be taken to have existed,  
13          or not to have existed, on and from a day that is earlier  
14          than the day on which the regulations are published in  
15          the *Gazette* but not earlier than the commencement  
16          day, the regulations have effect according to their  
17          terms.
- 18          (5) In subsections (3) and (4) —  
19          *specified* means specified or described in the  
20          regulations.
- 21          (6) If regulations contain a provision referred to in  
22          subsection (4), the provision does not operate so as  
23          to —  
24          (a) affect in a manner prejudicial to any person  
25          (other than the State or an authority of the  
26          State), the rights of that person existing before  
27          the day of publication of those regulations; or  
28          (b) impose liabilities on any person (other than the  
29          State or an authority of the State) in respect of  
30          anything done or omitted to be done before the  
31          day of publication of those regulations.  
32

**s. 55**

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1 **55. Various references to “Protection Board” amended**

- 2 (1) In the provisions listed in the Table delete “Protection Board”  
3 (each occurrence) and insert:

4  
5 Minister

6  
7 **Table**

s. 7(1) def. of <i>declaration</i>	s. 7(1) def. of <i>management programme</i>
s. 35(1)	s. 36(1), (3) and (4)
s. 66(1), (3) and (4)(c)	s. 99

8

- 9 (2) In the provisions listed in the Table delete “Protection Board”  
10 (each occurrence) and insert:

11  
12 Director General

13  
14 **Table**

s. 7(1) def. of <i>barrier fence</i>	s. 41(1) and (2)
s. 46(1) and (2)	s. 48
s. 50(1)(b)	s. 51(2a)
s. 54(5)	s. 55(1) and (2)
s. 56(1) and (2)	s. 68(3), (4) and (5)
s. 69(1)	s. 71(2)

s. 74(1)	s. 75(2)
s. 76(1) and (2)	s. 77(2) and (4)
s. 79(2)	s. 80(2) and (4)
s. 84(4)	s. 106(1)(c), (d), (i) and (k)

1

2 **56. Various penalties amended**

3 Amend the provisions listed in the Table as set out in the Table.

4

**Table**

Provision	Delete	Insert
s. 48	\$200	a fine of \$20 000
s. 53	\$500	a fine of \$20 000
s. 68(6)	\$1 000	a fine of \$50 000
s. 69(3)	\$500	a fine of \$20 000
s. 70(3)	\$500	a fine of \$20 000
s. 83A(2)	\$1 000	a fine of \$50 000
s. 85(4)	\$2 000	a fine of \$20 000
s. 87	\$2 000	a fine of \$20 000
s. 88	\$1 500	a fine of \$20 000
s. 92(6)	\$200	a fine of \$20 000

1 **Part 3 — Amendments to *Biosecurity and Agriculture***  
2 ***Management (Repeal and Consequential Provisions)***  
3 ***Act 2007***

4 **57. Act amended**

5 This Part amends the *Biosecurity and Agriculture Management*  
6 *(Repeal and Consequential Provisions) Act 2007*.

7 **58. Section 2 amended**

8 Delete section 2(3).

9 **59. Section 30A inserted**

10 At the end of Part 2 Division 6 Subdivision 1 insert:  
11

12 **30A. *Firearms Act 1973* amended**

13 (1) This section amends the *Firearms Act 1973*.

14 (2) Delete section 17B(3)(c) and insert:  
15

16 (c) shall not use a silencer otherwise than in  
17 conjunction with a .22 calibre rifle named and  
18 identified in the Corporate Licence referred to  
19 in subsection (7) for the purpose of shooting  
20 birds that are declared pests under the  
21 *Biosecurity and Agriculture Management*  
22 *Act 2007*;

23  
24 (3) In section 17B(8) delete the definition of ***agriculture***  
25 ***inspector*** and insert:

26  
27 ***agriculture inspector*** means an inspector appointed  
28 under the *Biosecurity and Agriculture Management*  
29 *Act 2007* section 162;  
30

1   **60.     Section 30 amended**

2           In section 30 delete the definition of *former account*.

3   **61.     Sections 32 and 33 deleted**

4           Delete sections 32 and 33.

5   **62.     Section 37 deleted**

6           Delete section 37.

7   **63.     Section 38 deleted**

8           Delete section 38.

9   **64.     Section 58 amended**

10       (1) In section 58(1) delete the passage that begins with “to be  
11       applied —” and continues to the end of paragraph (c) and insert:

12

13           (the *cattle industry account*)

14

15       (2) After section 58(1) insert:

16

17           (2A) Moneys credited to the cattle industry account as  
18           referred to in subsection (1) are to be applied for the  
19           following purposes —

20               (a) in the payment of compensation payable on an  
21               application referred to in section 57 made under  
22               the repealed Act;

23               (b) in the payment of any liabilities of the former  
24               account which arose before the commencement  
25               day;

26               (c) in the payment of the costs of the provision of,  
27               or the promotion and encouragement of,

**s. 65**

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- 1 scientific research for the improvement of cattle  
2 health and production;  
3 (d) for the purposes set out in the regulations under  
4 the BAM Act section 141 establishing the  
5 account;  
6 (e) for any other purpose that, in the opinion of the  
7 management committee established for the  
8 account, will promote and encourage the cattle  
9 industry.  
10

11 **65. Section 92 deleted**

12 Delete section 92.

13 **66. Section 93 amended**

14 Delete section 93(2) and insert:

15

- 16 (2) Section 32(c) is amended by deleting “for the purposes  
17 of the *Agriculture and Related Resources Protection*  
18 *Act 1976* section 69” and inserting instead —

19 “

20 for the purposes of the *Biosecurity and*  
21 *Agriculture Management Act 2007* section 42

22 ”.

23

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**Part 4 — Amendments to other Acts**

**67. *Aerial Spraying Control Act 1966* amended**

- (1) This section amends the *Aerial Spraying Control Act 1966*.
- (2) In section 13A(1) delete “or the Agriculture Protection Board”.

**68. *Biosecurity and Agriculture Management Act 2007* amended**

- (1) This section amends the *Biosecurity and Agriculture Management Act 2007*.
- (2) In section 138(a) delete “prescribed land in prescribed situations (if any);” and insert:

areas for which the rates were collected under Division 1;

- (3) In section 138(e) delete “section 139(3).” and insert:

section 139(3);

- (4) After section 138(e) insert:

(f) for any purpose authorised under this Act or another written law.

**69. *Firearms Act 1973* amended**

- (1) This section amends the *Firearms Act 1973*.
- (2) In section 17B(1) delete “officer or employee of the Board” and insert:

agriculture inspector

**s. 69**

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- 1 (3) In section 17B(3):  
2 (a) delete “officer or employee” and insert:  
3  
4 agriculture inspector  
5  
6 (b) delete paragraph (c) and insert:  
7  
8 (c) shall not use a silencer otherwise than in  
9 conjunction with a .22 calibre rifle named and  
10 identified in the Corporate Licence referred to  
11 in subsection (7) for the purpose of shooting  
12 birds that are —  
13 (i) declared animals under the *Agriculture*  
14 *and Related Resources Protection*  
15 *Act 1976*; or  
16 (ii) declared pests under the *Biosecurity and*  
17 *Agriculture Management Act 2007*;  
18 and  
19  
20 (c) after each of paragraphs (a), (b) and (d) insert:  
21  
22 and  
23  
24 (4) In section 17B(4):  
25 (a) delete “officer or employee” and insert:  
26  
27 agriculture inspector  
28  
29 (b) delete “the Board” and insert:  
30  
31 the Director General  
32

- 1 (5) After each of section 17B(5)(a) and (b) insert:  
2
- 3 or  
4
- 5 (6) In section 17B(6) delete “officer or employee of the Board” and  
6 insert:  
7
- 8 agriculture inspector  
9
- 10 (7) In section 17B(7) delete “the Board” (each occurrence) and  
11 insert:  
12
- 13 the department  
14
- 15 (8) In section 17B(8) delete the definitions of:  
16 **subsection**  
17 **the Board**
- 18 (9) In section 17B(8) insert in alphabetical order:  
19
- 20 **agriculture inspector** means —  
21 (a) an inspector appointed under the *Biosecurity*  
22 *and Agriculture Management Act 2007*  
23 section 162; or  
24 (b) an authorised person as defined in the  
25 *Agriculture and Related Resources Protection*  
26 *Act 1976* section 7(1);  
27 **department** means the department principally assisting  
28 in the administration of the *Biosecurity and Agriculture*  
29 *Management Act 2007*;  
30

**s. 70**

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1 (10) In section 17B(8) in the definition of *silencer* delete “nature;”  
2 and insert:

3

4 nature.

5

6 **70. *Plant Pests and Diseases (Eradication Funds) Act 1974***  
7 **amended**

8 (1) This section amends the *Plant Pests and Diseases (Eradication*  
9 *Funds) Act 1974*.

10 (2) In section 4(1) delete the definitions of:

11 ***Department***

12 ***Director***

13 ***Protection Board***

14 ***resistant grain insects***

15 (3) In section 4(1) insert in alphabetical order:

16

17 ***Department*** means the department principally assisting  
18 in the administration of this Act;

19 ***Director General*** means the chief executive officer of  
20 the Department;

21 ***resistant grain insects*** means insects that belong to a  
22 class of insects designated under subsection (3);

23

24 (4) After section 4(2) insert:

25

26 (3) The Minister may, for the purposes of the definition of  
27 ***resistant grain insects*** in subsection (1), by notice  
28 published in the *Gazette* designate any class of insects  
29 that —

30 (a) have a detrimental effect on grain; and



**s. 71**

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s. 8E	s. 8F(3)
s. 8G(2)	s. 10
s. 12(2)	s. 13(2) and (6)

1 **71. *Poisons Act 1964* amended**

2 (1) This section amends the *Poisons Act 1964*.

3 (2) In section 32(c) delete “provided by section 69 of the  
4 *Agriculture and Related Resources Protection Act 1976* or  
5 section 8(2) of the *Agriculture Protection Board Act 1950*,” and  
6 insert:

7

8 for the purposes of the *Agriculture and Related*  
9 *Resources Protection Act 1976* section 69,

10

11

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