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## GOVERNMENT GAZETTE

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#### **Closing Dates and Times for copy**

Wednesday 28 December 2005 at 12 noon

Friday 30 December 2005 at 12 noon



# — PART 1 —

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## PROCLAMATIONS

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AA101

### FINANCIAL ADMINISTRATION LEGISLATION AMENDMENT ACT 2005

No. 5 of 2005

PROCLAMATION

Western Australia

By the Honourable Justice David Kingsley Malcolm,  
Companion of the Order of Australia,  
Lieutenant-Governor and Administrator  
of the State of Western Australia  
DAVID KINGSLEY MALCOLM  
Lieutenant-Governor and Administrator

[L.S.]

I, the Lieutenant-Governor and Administrator, acting under the *Financial Administration Legislation Amendment Act 2005* section 2 and with the advice and consent of the Executive Council, fix 1 January 2006 as the day on which sections 4(1), 5, 6, 8 to 26 and Parts 3 and 4 of that Act come into operation.

Given under my hand and the Public Seal of the State on 20 December 2005.

By Command of the Lieutenant-Governor and Administrator,

ERIC RIPPER, Treasurer.

GOD SAVE THE QUEEN !

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AA102\*

### ABORIGINAL COMMUNITIES ACT 1979

PROCLAMATION

Western Australia

By His Excellency the Honourable David Kingsley  
Malcolm, Companion of the Order of Australia,  
Lieutenant-Governor and Administrator  
of the State of Western Australia  
DAVID KINGSLEY MALCOLM  
Lieutenant-Governor and Administrator

[L.S.]

I, the Lieutenant-Governor and Administrator, acting under the *Aboriginal Communities Act 1979* and with the advice and consent of the Executive Council, amend the schedule to the proclamation made under section 6(1) of that Act on 4 December 1990 and published in the *Government Gazette* on 14 December 1990 by deleting the text in Column 2 opposite the entry in Column 1 relating to Mowanjumb Aboriginal Corporation and inserting instead —

“

Lot 85 on Deposited Plan 213679 and being the whole of the land in Certificate of Title Volume 1445 Folio 632, while Mowanjumb Aboriginal Corporation is the registered proprietor of the land.

”

Given under my hand and the Public Seal of the State on 20 December 2005.

By Command of the Lieutenant-Governor and Administrator,

JOHN KOBELKE, Minister for Indigenous Affairs.

GOD SAVE THE QUEEN !

AA103\*

**OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005**

No. 23 of 2005

## PROCLAMATION

Western Australia

By the Honourable Justice David Kingsley Malcolm,  
Companion of the Order of Australia,  
Lieutenant-Governor and Administrator  
of the State of Western Australia  
DAVID KINGSLEY MALCOLM  
Lieutenant-Governor and Administrator

[L.S.]

I, the Lieutenant-Governor and Administrator, acting under the *Oaths, Affidavits and Statutory Declarations Act 2005* section 2 and with the advice and consent of the Executive Council, fix 1 January 2006 as the day on which the provisions of that Act come into operation.

Given under my hand and the Public Seal of the State on 20 December 2005.

By Command of the Lieutenant-Governor and Administrator,

JIM MCGINTY, Attorney General.

GOD SAVE THE QUEEN !

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AA104\*

**EMERGENCY MANAGEMENT ACT 2005**

No. 15 of 2005

## PROCLAMATION

Western Australia

By the Honourable Justice David Kingsley Malcolm,  
Companion of the Order of Australia,  
Lieutenant-Governor and Administrator  
of the State of Western Australia  
DAVID KINGSLEY MALCOLM  
Lieutenant-Governor and Administrator

[L.S.]

I, the Lieutenant-Governor and Administrator, acting under the *Emergency Management Act 2005* section 2 and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which the provisions of that Act come into operation.

Given under my hand and the Public Seal of the State on 9 November 2005.

By Command of the Lieutenant-Governor and Administrator,

MICHELLE ROBERTS, Minister for Police and Emergency Services.

GOD SAVE THE QUEEN !

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AA105\*

**ROAD TRAFFIC AMENDMENT ACT 2000**

No. 39 of 2000

## PROCLAMATION

Western Australia

By the Honourable Justice David Kingsley Malcolm,  
Companion of the Order of Australia,  
Lieutenant-Governor and Administrator  
of the State of Western Australia  
DAVID KINGSLEY MALCOLM  
Lieutenant-Governor and Administrator

[L.S.]

I, the Lieutenant-Governor and Administrator, acting under the *Road Traffic Amendment Act 2000* section 2 and with the advice and consent of the Executive Council, fix 1 January 2006 as the day on which sections 4 to 5, 7 to 16, 17(2), 30 to 33, 38 to 44, 46, 47(1), (2) and (4) and Part 3 Division 1 of that Act come into operation.

Given under my hand and the Public Seal of the State on 20 December 2005.

By Command of the Lieutenant-Governor and Administrator,

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

GOD SAVE THE QUEEN !

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## CONSUMER AND EMPLOYMENT PROTECTION

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CE301\*

Door to Door Trading Act 1987

### Door to Door Trading Amendment Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

**1. Citation**

These regulations are the *Door to Door Trading Amendment Regulations 2005*.

**2. Commencement**

These regulations come into operation on 1 January 2006.

**3. The regulations amended**

The amendments in these regulations are to the *Door to Door Trading Regulations 1987\**.

[\* *Reprint 1 as at 13 February 2004.*

*For amendments to 8 December 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 86.]*

**4. Regulation 2A replaced and transitional provision**

- (1) Regulation 2A is repealed and the following regulation is inserted instead —

“

**2A. Contracts to which Act does not apply**

- (1) The Act does not apply to an electricity supply contract or a gas supply contract.
- (2) In subregulation (1) —
- “**electricity supply contract**” means —
- (a) a standard form contract; or

(b) a non-standard contract,  
as defined in section 47 of the *Electricity Industry Act 2004*;

“**gas supply contract**” means —

(a) a standard form contract; or  
(b) a non-standard contract,  
as defined in section 11WB of the *Energy Coordination Act 1994*.

”.

- (2) Despite the amendment effected by subregulation (1), the Act applies to a non-standard contract, as defined in section 47 of the *Electricity Industry Act 2004*, entered into in the period beginning on 1 January 2006 and ending on 30 March 2006.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

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## EDUCATION

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ED301\*

Vocational Education and Training Act 1996

## Vocational Education and Training Amendment Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

### 1. Citation

These regulations are the *Vocational Education and Training Amendment Regulations 2005*.

### 2. The regulations amended

The amendments in these regulations are to the *Vocational Education and Training Regulations 1996*\*.

[\* Reprint 2 as at 17 December 2004.]

### 3. Regulation 3 amended

Regulation 3 is amended as follows:

- (a) before “In these regulations” by inserting the subregulation designation “(1)”;

- (b) at the end of the regulation by inserting the following subregulations —

“

- (2) In these regulations a reference to the number of hours for a course is a reference to —
- (a) for a course that is accredited by the Training Accreditation Council — the number of hours set out in the submission for accreditation made by the course provider to the Training Accreditation Council as being the number of hours in which an average student could reasonably be expected to complete the course; or
  - (b) for a course in respect of which there is a training package approved by the Minister — the number of hours set out for the course in the training package as being the number of hours in which an average student could reasonably be expected to complete the course.
- (3) For the purposes of these regulations “**completing a course**” —
- (a) includes undertaking any assessment required to be undertaken to complete the course; but
  - (b) does not include undertaking any of the following —
    - (i) unsupervised work experience;
    - (ii) unsupervised industry placement;
    - (iii) unsupervised field placement;
    - (iv) private study.

”.

#### 4. **Regulation 6 amended**

Regulation 6(1)(a) is amended by deleting “tuition” and inserting instead —

“ number of hours ”.

#### 5. **Part 3 Division 2 heading and regulations 12 to 15 replaced**

The heading to Part 3 Division 2 and regulations 12 to 15 are repealed and the following is inserted instead —

“

### **Division 2 — Course fees**

#### **12. Course fees**

- (1) Subject to regulation 15A the course fee for a course is as follows —
- (a) for a category A course — the fee determined in accordance with Schedule 1 clause 5;
  - (b) for a category B course — nil;

- (c) for a category C course — the fee determined in accordance with Schedule 1 clause 6;
  - (d) for a category D course — the fee determined for the course by the college that provides it.
- (2) For the purposes of regulation 20(2b) the concessional rate of course fee for a category D course is 75% of the fee referred to in subregulation (1)(d).

”.

#### **6. Regulation 15A amended and savings**

- (1) Regulation 15A(1) is amended as follows:
- (a) by deleting “tuition fee” and inserting instead —  
“ course fee ”;
  - (b) in subregulation (1)(b) by deleting “calculated in accordance with regulation 12, 13, 14 or 15, as the case requires.” and inserting instead —  
“ determined in accordance with regulation 12. ”.
- (2) Regulation 15A(2) is amended by deleting “tuition fee” and inserting instead —  
“ course fee ”.
- (3) A determination issued under regulation 15A that is in force immediately before these regulations commence and specifies a tuition fee for a course for a student, continues in force after these regulations commence and the fee so specified is to be taken to be the course fee specified for that course for that student.

#### **7. Regulation 17 amended**

Regulation 17(2)(b)(ii) is deleted and the following subparagraph is inserted instead —

“

- (ii) subject to regulations 22 and 23, the course fee for the course provided for by Part 3 Division 2;

”.

#### **8. Regulation 19 amended**

Regulation 19(2) is amended by deleting “for which the tuition” and inserting instead —

“ the number of hours for which ”.

#### **9. Regulation 20 amended**

- (1) Regulation 20(2) is amended as follows:
- (a) by deleting “tuition fees” in the first place where it occurs and inserting instead —  
“ course fee ”;



- (b) by deleting paragraph (g) and inserting the following paragraph instead —

“

- (g) dependents of persons referred to in paragraphs (a) to (f).

”.

- (2) Regulation 20(2b) is amended as follows:

- (a) by deleting “tuition fees” in the first place where it occurs and inserting instead —

“ course fee ”;

- (b) by deleting paragraph (e) and inserting the following paragraph instead —

“

- (e) dependents of persons referred to in paragraphs (a) to (d).

”.

#### **10. Regulations 21, 22 and 23 amended**

Regulations 21, 22(1) and 23(1) are amended by deleting “tuition fee” in each place where it occurs and inserting instead —

“ course fee ”.

#### **11. Regulation 24 amended**

Regulation 24 is amended as follows:

- (a) by deleting “tuition fee — ” and inserting instead —

“ course fee — ”;

- (b) in paragraph (b)(i) by deleting “when tuition is given;” and inserting instead —

“ scheduled for the course; ”.

#### **12. Regulation 25 amended**

- (1) Regulation 25(1) is amended by deleting “tuition fee” and inserting instead —

“ course fee ”.

- (2) Regulation 25(2) is amended as follows:

- (a) in paragraph (a) by deleting “tuition has begun” and inserting instead —

“ the course commences ”;

- (b) in paragraph (b) by deleting “tuition hours of the”.

#### **13. Regulation 26 amended**

- (1) Regulation 26(1) is amended by deleting “tuition fee” and inserting instead —

“ course fee ”.

- (2) Regulation 26(2) is repealed and the following subregulation is inserted instead —

“

- (2) The pro rata refund is to be the same proportion of the fee paid as the proportion of the course not undertaken by the person.

”.

#### 14. Schedule 1 amended

- (1) Schedule 1 items 5 and 6 are deleted and the following items are inserted instead —

“

5. Course fee for a category A course for each hour, or part of an hour, for the course (reg. 12) —
- |   |      |
|---|------|
| (a) if concessional rate applies under reg. 20(2) or 21 ..... | 0.71 |
| (b) otherwise .....   | 1.36 |

The maximum fee under this item for all category A courses taken by a person in a semester is —

- |   |        |
|---|--------|
| (i) if concessional rate applies under reg. 20(2) or 21 ..... | 259.15 |
| (ii) otherwise .....  | 496.40 |
6. Course fee for a category C course for each hour, or part of an hour, for the course (reg. 12) ..... 4.15

”.

- (2) Schedule 1 item 8 is amended by deleting “22.20” and inserting instead —

“ 22.76 ”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

ED302\*

Curriculum Council Act 1997

## Curriculum Council Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

### 1. Citation

These regulations are the *Curriculum Council Regulations 2005*.

**2. Commencement**

These regulations come into operation on 1 January 2006.

**3. Definition**

In these regulations except in regulation 9(2)(c) to (i) —  
“**section**” means a section of the Act.

**4. Unique reference number for each student record**

- (1) The Council is to establish administrative arrangements for the allocation of unique reference numbers to students for whom student records are to be opened under Part 3A of the Act.
- (2) A person who is required by section 19C or 19D to open a student record for a student must, in accordance with the arrangements referred to in subregulation (1), allocate a unique reference number to the student.
- (3) The number allocated to a student under subregulation (2) is prescribed for the purposes of section 19E(c).

**5. Information to be given to the Council under section 19G by school principals**

- (1) The principal of the school at which a student in the 8<sup>th</sup>, 9<sup>th</sup> or 10<sup>th</sup> year of the compulsory education period was enrolled at the end of the school year for the school must, for the purposes of section 19G, inform the Council whether or not the student completed the educational programme applicable to the student in respect of that year.
- (2) The principal of a school at which a student in the 11<sup>th</sup> or 12<sup>th</sup> year of the compulsory education period was enrolled at the end of the school year for the school, whether for full-time or part-time studies, must, for the purposes of section 19G, inform the Council of the results achieved by the student, in accordance with the requirements established by the Council under the Act, for the courses in which the student was enrolled during that year.

**6. Information to be given to the Council under section 19G by providers other than schools**

- (1) In this regulation —  
“**student, apprentice or trainee**” means a person of that description mentioned in the first column of the Table to the definition of “provider” in section 19A(2), other than in item 1 of that Table.
- (2) A person who is a provider in relation to a student, apprentice or trainee when the final result achieved by the student, apprentice or trainee for a year is assessed must, for the purposes of section 19G, give to the Council particulars of that final result.

- (3) A person who is on 1 December in a year an employer of an employee (not being an apprentice or trainee) mentioned in item 5 in the first column of the Table to the definition of “provider” in section 19A(2) must, for the purposes of section 19G, inform the Council that the employee was employed by the employer on that day.
- 7. When information to be given to Council under Part 3A**
- (1) A student record is to be opened under section 19C not later than the end of the first term of the relevant school year.
  - (2) The information referred to in regulations 5 and 6 is to be given to the Council not later than 31 December in the year to which the information relates.
  - (3) Except where subregulation (4) or (5) applies, a provider mentioned in section 19F(2)(b) or (3) is to give to the Council the information referred to in that subsection not later than 14 days after the student is enrolled with or becomes employed by the provider.
  - (4) If a provider in relation to a student in the 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> or 12<sup>th</sup> year of the compulsory education period becomes aware, on or before 18 March in a year, that information previously given in respect of the student under Part 3A of the Act has changed or is incorrect, the new or correct information referred to in section 19F(4) is to be given to the Council not later than 31 March in that year.
  - (5) If a provider in relation to a student in the 11<sup>th</sup> or 12<sup>th</sup> year of the compulsory education period becomes aware, after 18 March and on or before 18 July in a year, that information previously given in respect of the student under Part 3A of the Act has changed or is incorrect, the new or correct information referred to in section 19F(4) is to be given to the Council not later than 31 July in that year.
  - (6) Except where subregulation (4) or (5) applies, a provider mentioned in section 19F(5) is to inform the Council —
    - (a) that a student ceased to be enrolled with or employed by the provider; and
    - (b) of the day of that cessation,not later than 7 days after that day.
  - (7) Where a provider is required to comply with a provision of this regulation in a particular case, the Council may extend the time for compliance in that case if requested by the provider to do so.
- 8. Prescribed fee for section 19J(1)**
- A fee of \$20 is prescribed for the purposes of section 19J(1).

**9. Information prescribed for section 19P**

- (1) This regulation prescribes the information to be provided to —
  - (a) the Director of Catholic Education in Western Australia; and
  - (b) the Association of Independent Schools of Western Australia (Inc.),for the purposes of section 19P, and when it is to be so provided.
- (2) The following information, as recorded in the database referred to in section 19I as at 31 December in each year, is to be provided in respect of children in the State in the 11<sup>th</sup> or 12<sup>th</sup> year of the compulsory education period —
  - (a) the total number of children enrolled for full-time studies at all schools;
  - (b) the total number of children enrolled for part-time studies at all schools;
  - (c) the number of children undertaking a course referred to in section 11B(1)(a) of the School Education Act (the “SE Act”);
  - (d) the number of children undertaking a course or skills training programme referred to in section 11B(1)(b) of the SE Act;
  - (e) the number of children undertaking a course referred to in section 11B(1)(e) of the SE Act;
  - (f) the number of children who are apprentices or trainees as mentioned in section 11B(1)(c) of the SE Act;
  - (g) the number of children who are employed as mentioned in section 11B(1)(d) of the SE Act;
  - (h) the number of children who come within more than one of paragraphs (b), (c), (d), (e), (f) or (g);
  - (i) for children referred to in paragraph (h), a description of each combination of options under section 11B(1) of the SE Act in which any child is participating;
  - (j) the number of children of each age who —
    - (i) come within paragraph (b), (c), (d), (e), (f) or (g); or
    - (ii) are participating in a combination of options referred to in paragraph (i).
- (3) Information under this regulation as at 31 December in a year is to be provided not later than 28 February in the following year.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

ED303\*

School Education Act 1999

## School Education Amendment Regulations (No. 3) 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

### 1. Citation

These regulations are the *School Education Amendment Regulations (No. 3) 2005*.

### 2. Commencement

These regulations come into operation on 1 January 2006.

### 3. The regulations amended

The amendment in these regulations is to the *School Education Regulations 2000\**.

[\* *Published in Gazette 29 December 2000, p. 7795-900.*  
*For amendments to 13 December 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 367, and Gazette 22 July and 2 December 2005.*]

### 4. Part 2 Division 1A inserted

After regulation 11 the following Division is inserted —

“

#### **Division 1A — Provisions relating to year 11 and year 12 options under Part 2 Division 1 Subdivision 1A of the Act**

##### **11A. Definition**

In this Division —

“**option**” means an option provided for by section 11B(1).

##### **11B. Participation in a single option**

For the purposes of section 11C(1), participation by a child in an option is on a full-time basis if the participation is full-time according to the requirements laid down by the provider for participation in the course or employment concerned.

##### **11C. Participation in a combination of options**

(1) In this regulation —

“**course**” includes part-time studies at a school.

- (2) For the purposes of section 11C(1), participation by a child in a combination of options is on a full-time basis if the total participation value of all of the options is not less than 100%.
- (3) The participation value of part-time participation in a course or employment is the proportion, expressed as a percentage, that the part-time participation bears to full-time participation in the course or employment.
- (4) The proportion referred to in subregulation (3) is to be determined by the Minister having regard to —
  - (a) the requirements laid down by the provider for participation in the course or employment concerned; and
  - (b) any time spent travelling between providers' locations, to the extent that the Minister considers that the length of time so spent is significant.

**11D. Exceptions to requirement for variation or proposed variation of arrangements to be notified**

- (1) In this regulation —

**“arrangements previously notified”** means —

  - (a) arrangements that have been notified to the Minister under section 11D(1); and
  - (b) employment that has been notified to the Minister under section 11H(1) of the Act;

**“participation value”** has the meaning given by regulation 11C(3).
- (2) This regulation provides for an exception to the requirement under section 11D(4) that notice be given to the Minister of a variation or proposed variation of arrangements previously notified.
- (3) The exception applies where —
  - (a) the variation does not result; or
  - (b) the proposed variation would not result,

in participation in an option or a combination of options ceasing to be on a full-time basis, but only if there is no change of provider or in the participation value of any option.
- (4) The exception in subregulation (3) also does not apply if the variation results, or the proposed variation would result, in a breach of any condition imposed by the Minister under section 11G(5).

”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

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**ENERGY**

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EN301\*

Electricity Industry Act 2004

**Electricity Industry (Customer Contracts)  
Regulations 2005**

Made by the Lieutenant-Governor and Administrator in Executive Council.

**Part 1 — Preliminary****1. Citation**

These regulations are the *Electricity Industry (Customer Contracts) Regulations 2005*.

**2. Commencement**

These regulations come into operation on 1 January 2006.

**3. Terms used in these regulations**

In these regulations, unless the contrary intention appears —  
“**code of conduct**” has the meaning given to that term in section 78;

“**customer**” has the meaning given to that term in section 47;

“**customer contract**” means a standard form contract or a non-standard contract;

“**distributor**”, in relation to a customer, means the person holding —

- (a) a distribution licence; or
- (b) an integrated regional licence,

for the distribution system through which electricity is supplied to the customer;

“**meter**” means equipment used to measure the quantity of electricity supplied to a customer;

“**network equipment**” means the meter and any wires, apparatus or other equipment used for or in connection with the supply of electricity and located upstream from the meter;

“**non-standard contract**” has the meaning given to that term in section 47;

“**price**” includes charge, fee and tariff;



“**provision**” of a customer contract means a provision, term or condition of a customer contract;

“**retailer**”, in relation to a customer, means the retail licensee selling, or intending to sell, electricity to the customer;

“**retail licensee**” has the meaning given to that term in section 47;

“**section**” means a section of the Act;

“**security deposit**” means an amount of money provided as security against the customer defaulting on a payment due to the retailer under a customer contract;

“**standard form contract**” has the meaning given to that term in section 47;

“**supply**” means the supply of electricity to a customer;

“**supply premises**” means the premises to which electricity is, or will be, supplied under a customer contract.

**4. Parts 2 and 4 not to apply to certain contracts**

Parts 2 and 4 do not apply to a non-standard contract entered into before 31 March 2006.

**Part 2 — General requirements for customer contracts**

**5. Format and expression**

- (1) A customer contract must be in a format that makes it easy to read.
- (2) A customer contract must be expressed in clear, simple and concise language.

**6. Duration of contract**

A customer contract must specify the day on which the contract comes into effect and the period for which it has effect.

**7. Details of retailer**

A customer contract must specify the retailer’s —

- (a) company name and business name (if different from its company name);
- (b) Australian Business Number or Australian Company Number;
- (c) registered office address and business address (if different from its registered office address);
- (d) postal address;
- (e) telephone number;
- (f) email address; and
- (g) internet website address.

**8. Description of goods and services**

A customer contract must give an exact description of the goods and services that the retailer will provide under the contract.

**9. Customer's obligation to pay for electricity**

A customer contract must require the customer to pay for electricity supplied under the contract.

**10. Interference with network equipment**

A customer contract must prohibit the customer from tampering with or bypassing network equipment or allowing any other person to do so.

**11. Disconnection and reconnection**

A customer contract must describe the circumstances in which —

- (a) the retailer has a right to disconnect supply; and
- (b) the retailer is required to reconnect supply.

**12. Security deposits**

- (1) A customer contract must require any security deposit held by the retailer —
  - (a) to be kept in a separate trust account; and
  - (b) to be separately identified in the accounting records of the retailer.
- (2) A customer contract must require the retailer —
  - (a) to pay to the customer interest on any security deposit at the bank bill rate; and
  - (b) to advise the customer of the bank bill rate if requested to do so.
- (3) A customer contract must provide for interest referred to in subregulation (2)(a) to accrue daily and to be capitalised every 90 days unless paid.
- (4) In subregulation (2) —

**“bank bill rate”** means the average rate (rounded up to 4 decimal places) for bank accepted bills having a term equal to or nearest to 90 days as displayed on the “BBSW” page of the Reuters Monitor System at or about 10.30 a.m. Eastern Standard Time on the first day of the relevant 90 day period under subregulation (3) or, if the rate is not displayed on that day, the rate displayed on the most recent day before that day.
- (5) Subregulations (2) and (3) do not apply to a customer contract of a relevant corporation.

**13. Prices**

- (1) A customer contract must describe the prices payable by the customer under the contract and the circumstances in which those prices are payable.
- (2) A customer contract must include details of the retailer's obligations under clause 10.1(3) of the code of conduct in relation to the provision of tariff information.

**14. Billing**

A customer contract must describe the procedures to be followed by the retailer in relation to the preparation, issue and review of the customer's bills.

**15. Termination**

- (1) A customer contract must —
  - (a) deal with the circumstances in which the contract may be terminated by the retailer or the customer;
  - (b) deal with the procedures for and in relation to termination of the contract;
  - (c) without limiting regulation 13(1), describe any fees, charges or penalties payable by the customer if the contract is terminated and the circumstances in which they are payable; and
  - (d) deal with when termination of the contract takes effect.
- (2) Without limiting subregulation (1), a customer contract must authorise the retailer to terminate the contract if the customer —
  - (a) becomes insolvent;
  - (b) goes into liquidation;
  - (c) becomes bankrupt; or
  - (d) commits a breach of the contract for which the retailer has a right, under the contract or a written law, to disconnect supply.
- (3) Without limiting subregulation (1), a customer contract must include provisions that state that if the contract is terminated —
  - (a) the retailer may arrange for a final meter reading and for disconnection;
  - (b) the retailer may issue a final bill to the customer;
  - (c) the retailer may, subject to the provisions of any written law, charge the customer a fee for the final meter reading, disconnection and final bill;
  - (d) the retailer or distributor may remove any network equipment at any time after the day on which the contract ends; and
  - (e) the customer must allow the retailer or distributor safe and unrestricted access to the supply premises for the purpose of removing network equipment.

- (4) If a customer contract (the “**first contract**”) provides for termination of the contract in circumstances where the customer has entered into another customer contract with the retailer, the first contract must not provide for the termination to take effect before the cooling-off period (if any) for the other customer contract expires.
- (5) In subregulation (4) —  
“**cooling-off period**” has the meaning given to that term in —
  - (a) regulation 22(1) if the contract is a standard form contract; or
  - (b) regulation 32(1) if the contract is a non-standard contract.
- (6) If a customer contract (the “**first contract**”) provides for termination of the contract in circumstances where the customer has entered into a customer contract with another retailer, the first contract must not provide for the termination to take effect before the customer is transferred to the other retailer in accordance with the *Electricity Industry Customer Transfer Code 2004*.

#### **16. Amendment of contract**

- (1) A customer contract must inform the customer that the provisions of the contract may be amended without the customer’s consent.
- (2) A customer contract must describe the process for amendment of the contract including —
  - (a) any requirement for approval of a proposed amendment by a particular person or body; and
  - (b) the way in which an amendment will be published.

#### **17. Assignment**

- (1) A customer contract must deal with the assignment of rights and obligations under the contract by the customer and the retailer.
- (2) Without limiting subregulation (1), a customer contract must set out the circumstances in which the customer’s rights and obligations under the contract may be assigned without the customer’s consent.

#### **18. Complaints**

A customer contract must describe the procedures to be followed by the retailer in responding to a complaint made by the customer.

#### **19. Confidentiality**

A customer contract must specify the steps that are to be taken by the retailer to ensure that information held by the retailer about the customer is dealt with in a confidential manner.

**20. Miscellaneous provisions**

A customer contract must deal with the following matters —

- (a) the law that governs the contract;
- (b) the effect of any invalid or unenforceable provision on the other provisions of the contract;
- (c) the way in which notice can be given under the contract and when such notice is deemed to be given;
- (d) the use of electronic communication by the retailer when dealing with the customer.

**21. No contracting out of code of conduct**

- (1) A customer contract must not include a provision that purports to exclude, restrict or modify the effect of the code of conduct unless the exclusion, restriction or modification is expressly authorised by the code of conduct.
- (2) A provision which contravenes subregulation (1) is of no effect.

**Part 3 — Requirements for standard form contracts****22. Cooling-off period for door to door contracts**

- (1) In this regulation —  
“**cooling-off period**” means the period referred to in subregulation (3);  
“**door to door contract**” means a standard form contract that is entered into as a result of door to door trading.
- (2) For the purposes of the definition of “door to door contract” in subregulation (1), a contract is entered into as a result of door to door trading if the conditions referred to in clause 2.5(4) of the code of conduct are satisfied in respect of the contract.
- (3) A customer has a right, at his or her discretion, to terminate a door to door contract within the period of 10 days after the contract is entered into and this right must be specified in the contract.
- (4) A door to door contract must prohibit the retailer from supplying electricity to the customer under the contract during the cooling-off period unless the customer requests supply.
- (5) A door to door contract must require the customer to pay the retailer for electricity supplied and for any services provided in connection with that supply if —
  - (a) at the request of the customer, electricity is supplied to the customer during the cooling-off period; and
  - (b) the customer exercises his or her right to terminate the contract during that period.

**23. Termination of contract by customer**

Without limiting regulation 15(1), a standard form contract must authorise the customer to terminate the contract at any time by giving notice to the retailer not less than 5 days before the day on which the customer wants the contract to end.

**24. Equipment ownership and responsibility**

A standard form contract must deal with ownership of, responsibility for, and rights and obligations in relation to, equipment used for or in connection with supply under the contract.

**25. Meter testing**

A standard form contract must inform the customer —

- (a) that the customer can ask the retailer to arrange for the meter to be tested; and
- (b) of the circumstances in which the customer is required to pay a fee for the test.

**26. Access to supply premises**

- (1) A standard form contract must require the customer to provide safe and unrestricted access to network equipment at the supply premises.
- (2) A standard form contract must require the retailer to take reasonable steps to ensure that any person who enters the supply premises on behalf of the retailer —
  - (a) clearly displays a form of identification; and
  - (b) shows a form of identification to the customer if requested to do so.
- (3) In subregulation (2) —  
“**form of identification**” means a card or other written material that identifies the person as an employee or agent of the retailer.

**27. Customer entering supply premises — existing connection**

A standard form contract must, in relation to an existing electricity connection, specify the method used to determine the quantity of electricity supplied to the customer at the supply premises if a final meter reading was not carried out on the day that the previous customer left the supply premises.

**28. Customer leaving supply premises**

A standard form contract must include provisions that deal with the following matters —

- (a) a requirement for notice to be given by the customer to the retailer before the customer leaves the supply premises;

- (b) the method used to determine the final charge payable by the customer for electricity supplied at the supply premises and any fee payable by the customer in respect of that determination;
- (c) the nature and extent of the customer's obligation to pay for electricity supplied at the supply premises.

**29. Matters beyond the control of customer or retailer**

A standard form contract must deal with the rights and obligations of the customer and the retailer if something happens that is beyond the control of the customer or the retailer.

**30. Security deposits**

- (1) A standard form contract must set out —
  - (a) the circumstances in which the retailer may ask the customer to pay a security deposit;
  - (b) the method used to calculate the amount of any security deposit; and
  - (c) the maximum amount that the retailer may ask the customer to pay as a security deposit.
- (2) Provisions for the purposes of subregulation (1) must include provisions which have the same effect in relation to a security deposit as section 62(11) to (15) of the *Energy Operators (Powers) Act 1979* have in relation to a security required under that Act.
- (3) This regulation does not apply to the standard form contract of a relevant corporation.

**31. Payment difficulties and debt recovery**

- (1) A standard form contract must deal with the rights and obligations of the customer and the retailer in circumstances where the customer has difficulty paying a bill.
- (2) A standard form contract must deal with the rights and obligations of the customer and the retailer in relation to debt collection.

**Part 4 — Requirements for non-standard contracts**

**32. Cooling-off period for non-standard contracts**

- (1) In this regulation —  
“cooling-off period” means the period referred to in subregulation (2).
- (2) A customer has a right, at his or her discretion, to terminate a non-standard contract within the period of 10 days after the contract is entered into and this right must be specified in the contract.

- (3) A non-standard contract must prohibit the retailer from supplying electricity to the customer under the contract during the cooling-off period unless the customer requests supply.
- (4) A non-standard contract must require the customer to pay the retailer for electricity supplied and for any services provided in connection with that supply if —
  - (a) at the request of the customer, electricity is supplied to the customer during the cooling-off period; and
  - (b) the customer exercises his or her right to terminate the contract during that period.

### 33. Termination of contract by customer

- (1) In this regulation —

**“fixed term contract”** means a non-standard contract that is expressed to have effect for a definite period.
- (2) Without limiting regulation 15(1), a non-standard contract (other than a fixed term contract) must authorise the customer to terminate the contract at any time by giving notice to the retailer not less than 5 days before the day on which the customer wants the contract to end.
- (3) A fixed term contract must authorise the customer to terminate the contract at any time by giving notice to the retailer not less than 20 days before the day on which the customer wants the contract to end.
- (4) A fixed term contract must specify any amount payable by the customer, by way of penalty, in the event that the customer terminates the contract before the expiry of the term of the contract.

### 34. Amendment of contract

Without limiting regulation 16, a non-standard contract must require the retailer to notify the customer of any amendment to the contract.

## Part 5 — Deemed contracts with default supplier

### 35. Meaning of terms used in this Part

In this Part, unless the contrary intention appears —

**“connection point”** means the point at which premises owned or occupied by a customer are connected to a distribution system;

**“default supplier”** for a connection point means the default supplier determined for the connection point under regulation 36(1);

**“distributor”** means a person holding —

- (a) a distribution licence; or



- (b) an integrated regional licence authorising the operation of a distribution system.

**36. Determination of default supplier**

- (1) A distributor is required to determine from time to time the default supplier for each connection point that connects to a distribution system operated by the distributor.
- (2) A determination under subregulation (1) must be made in such a way that the default supplier for each connection point is the retail licensee identified by the distributor as supplying electricity at the connection point.
- (3) It is a condition of a distributor's distribution licence or integrated regional licence that the distributor must comply with the obligation in subregulation (1).

**37. Supply under deemed contract with default supplier**

If a customer commences to take a supply of electricity at premises without entering into a contract for the supply with a retail licensee, the electricity is deemed to be supplied under the standard form contract of the default supplier for the connection point in respect of those premises.

**38. Default supplier to notify customer**

- (1) Within 5 days after becoming aware of a customer taking a supply of electricity at premises in the circumstances referred to in regulation 37, the default supplier for the connection point in respect of those premises is required to notify the customer in writing —
  - (a) that the default supplier is the default supplier for that connection point; and
  - (b) of the effect of regulation 37.
- (2) It is a condition of a default supplier's retail licence or integrated regional licence that the default supplier must comply with the obligation in subregulation (1).

## **Part 6 — Miscellaneous**

**39. Exception for section 54(1)**

The licence condition provided for in section 54(1) is subject to the exception that a licensee may supply electricity to customers under a non-standard contract that does not comply with the Act if the contract is entered into before 31 March 2006.

**40. Requirement to offer to supply electricity under standard form contract**

- (1) Western Power Corporation is required to offer to supply electricity under a standard form contract to a customer who

requests supply on or after the day on which these regulations come into operation.

- (2) The obligation in subregulation (1) does not arise if —
  - (a) the premises of the customer requesting supply are not connected to a distribution system; and
  - (b) there is no obligation under the *Electricity Industry (Obligation to Connect) Regulations 2005* regulation 4 for a distributor to attach or connect those premises to a distribution system.
- (3) The obligation in subregulation (1) does not arise if the customer requesting supply —
  - (a) owes an amount of money to Western Power Corporation; and
  - (b) has not —
    - (i) entered into an arrangement with Western Power Corporation for payment of the amount owed; or
    - (ii) complied with the terms of any such arrangement.
- (4) It is a condition of every retail licence and integrated regional licence held by Western Power Corporation that it must comply with the obligation in subregulation (1).

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

EN302\*

Electricity Industry Act 2004

## **Electricity Industry (Licence Conditions) Amendment Regulations 2005**

Made by the Lieutenant-Governor and Administrator in Executive Council.

### **1. Citation**

These regulations are the *Electricity Industry (Licence Conditions) Amendment Regulations 2005*.

### **2. Commencement**

These regulations come into operation on the day on which they are published in the *Gazette*.

**3. The regulations amended**

The amendments in these regulations are to the *Electricity Industry (Licence Conditions) Regulations 2005\**.

[\* *Published in Gazette 7 January 2005, p. 57-9.*]

**4. Regulation 3 amended**

Regulation 3 is amended after the definition of “approved contract” by inserting —

“

“**Coordinator**” means the Coordinator of Energy referred to in section 4 of the *Energy Coordination Act 1994*;

”.

**5. Regulation 5A inserted**

After regulation 5 the following regulation is inserted —

“

**5A. Condition requiring compliance with the *Electricity Industry Metering Code 2005***

(1) This regulation applies to —

- (a) a transmission licence, a distribution licence or an integrated regional licence held by a relevant corporation;
- (b) a retail licence or an integrated regional licence that authorises the sale of electricity transported through a transmission system or distribution system operated by a relevant corporation; and
- (c) a generation licence or an integrated regional licence that authorises the operation of generating works connected to a transmission system or distribution system operated by a relevant corporation.

(2) It is a condition of every licence to which this regulation applies that the metering of the supply of electricity must be undertaken in accordance with the procedures and arrangements set out in the *Electricity Industry Metering Code 2005*.

”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

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**ENVIRONMENT**

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EV301\*

Environmental Protection Act 1986

**Environmental Protection (Clearing of Native Vegetation) Amendment Regulations  
(No. 3) 2005**

Made by the Lieutenant-Governor and Administrator in Executive Council.

**1. Citation**

These regulations are the *Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 3) 2005*.

**2. The regulations amended**

The amendments in these regulations are to the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*\*.

[\* *Published in Gazette 30 June 2004, p. 2587-623.*

*For amendments to 6 December 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 100, and Gazette 24 June 2005.]*

**3. Regulation 5 amended**

Regulation 5(1) is amended in item 20 of the Table to the subregulation as follows:

- (a) in the heading to the item, by deleting “Clearing resulting from” and inserting instead —  
“ **Clearing:** ”;
- (b) by deleting “, carrying out” and inserting instead —  
“ carrying out, ”;
- (c) in paragraph (b), by deleting “in a permitted area” and inserting instead —  
“ in an area of the State other than a non-permitted area ”.

**4. Schedule 1 amended**

- (1) The heading to Schedule 1 is amended by deleting “and” and inserting instead —  
“ **or** ”.

- (2) Schedule 1 clause 1 is amended in the definition of “compressed air drilling” by deleting “and rotary blast drilling) without any” and inserting instead —

“  
 , rotary air blast, reverse circulation and vacuum  
 drilling) with or without  
 ”.

- (3) Schedule 1 clause 2(1) is amended as follows:

- (a) by deleting “mineral and petroleum” and inserting instead —

“ mineral or petroleum ”;

- (b) by deleting paragraph (c) and inserting instead —

“  
 (c) auger or compressed air drilling if —  
 (i) the drilling is along lines that are in a grid  
 pattern (the density of which is no greater  
 than 100 m x 100 m) or along lines that,  
 although not in a grid pattern, are at least  
 100 m apart at their closest point; and  
 (ii) in respect of compressed air drilling — any  
 drilling fluids used or groundwater released  
 is retained in a sump;  
 ”;

- (c) in paragraph (d) by inserting before “compressed” —  
 “ auger or ”;

- (d) in paragraph (d) by deleting “100 m x 100 m” and  
 inserting instead —

“ 1 ha ”;

- (e) after paragraph (d)(i) by deleting “and”;

- (f) after paragraph (d)(ii) by inserting —

“  
 and  
 (iii) in respect of compressed air drilling — any  
 drilling fluids used or groundwater released  
 is retained in a sump;  
 ”;

- (g) in paragraph (i) by deleting “clause” and inserting  
 instead —

“ subclause ”.

- (4) After Schedule 1 clause 2(1) the following subclause is  
 inserted —

“  
 (1a) An activity authorised by a licence granted, after this  
 subclause comes into operation, under section 5C or 26D of  
 the *Rights in Water and Irrigation Act 1914* is a low impact  
 mineral or petroleum activity for the purposes of item 20, to  
 the extent to which it is carried out for the purposes of an

activity carried out under an authority granted under the *Mining Act 1978*, the *Petroleum Act 1967*, the *Petroleum Pipelines Act 1969* or the *Petroleum (Submerged Lands) Act 1982*.

”.

- (5) Schedule 1 clause 4(1) is amended as follows:
- (a) by deleting “permitted area if it is not” and inserting instead —  
“ non-permitted area if it is ”;
  - (b) in paragraph (k)(iv) by deleting “Principals” and inserting instead —  
“ Principles ”.

Note: The heading to Schedule 1 clause 4 will be altered by deleting “Permitted” and inserting instead “**Non-permitted**”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

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## JUSTICE

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JU301\*

District Court of Western Australia Act 1969

## District Court Amendment Rules 2005

Made by the District Court Judges.

### 1. Citation

These rules are the *District Court Amendment Rules 2005*.

### 2. Commencement

These rules come into operation on 1 January 2006.

### 3. The rules amended

The amendments in these rules are to the *District Court Rules 2005*\*.

[\* *Published in Gazette 27 May 2005, p. 2335-92.*]

**4. Rule 5 replaced**

Rule 5 is repealed and the following rule is inserted instead —

“

**5. Application of these rules**

(1) These rules apply to and in respect of every case other than a case —

- (a) that was commenced by writ before 30 May 2005; and
- (b) in which an appearance was entered before 30 May 2005.

(2) If a case is one to which these rules do not apply by virtue of subrule (1) —

- (a) the *District Court Rules 1996* apply to and in respect of it, despite rule 72; and
- (b) the Court may at any time order that these rules apply to and in respect of it, despite subrule (1).

(3) If an order is made under subrule (2)(b) in respect of a case, then, subject to the order, the *District Court Rules 1996* cease to apply to and in respect of the case.

(4) Despite subrules (1) and (2), Part 8 applies to and in respect of any case in which there is a judgment, as that term is defined in the *Civil Judgments Enforcement Act 2004*, that may be enforced under that Act.

”

**5. Rule 21 amended**

Rule 21(5) is repealed.

**6. Rule 21A inserted**

After rule 21 the following rule is inserted in Part 3 Division 3 —

“

**21A. Service of documents by the Court**

- (1) The service of a document on a person by the Court must be by one of the methods in the Table to this rule.
- (2) A document that is served by the Court by a method in the Table to this rule is to be taken to have been served at the time stated opposite the method in the Table, unless the contrary is proved.

**Table**

No.	How a document may be served on a person	When the document is to be taken to have been served
1.	By posting it to the person's address.	When it would be delivered to the address in the ordinary course of post.

No.	How a document may be served on a person	When the document is to be taken to have been served
2.	By putting it in a pigeonhole at the Court that is used by the person's lawyer.	On the next working day after it is put in the pigeonhole.
3.	If the person has provided a fax number under rule 18, by sending it by fax to that number.	If the fax is sent before 4.00 p.m. on a working day, on that day. Otherwise, on the next working day after the fax is sent.
4.	If the person has provided an email address under rule 18, by emailing it (whether or not as an attachment) to that address.	If the email is sent before 4.00 p.m. on a working day, on that day. Otherwise, on the next working day after the email is sent.
5.	If the person has provided an email address under rule 18, by putting it in an electronic mailbox maintained by the Court and sending the person an email at that address that says it is in the mailbox.	On the next working day after the email is sent.

#### 7. **Rule 35 amended**

After rule 35(9) the following subrule is inserted —

“

- (10) Rule 41, other than subrule (3), applies to the conference as if any reference in it to a pre-trial conference were a reference to the conference.

”

#### 8. **Rule 35A inserted**

After rule 35 the following rule is inserted —

“

##### **35A. Mediation may serve as pre-trial conference**

- (1) If, pursuant to a case management direction, the parties to a case have conferred with a mediator, the Court may order that there is not to be a pre-trial conference in the case.
- (2) An order under subrule (1) may be made —
- (a) at the conference with the mediator, if the mediator is a Registrar;
  - (b) after the conference with the mediator;
  - (c) before or after the case is entered for trial;
  - (d) even if notice of a pre-trial conference has been given under rule 39;
  - (e) on the application of a party or, after notifying the parties, on the Court's own initiative.



- (3) If the Court makes an order under subrule (1), rules 40(5), (6) and (7), 41 and 42 apply as if the conference with the mediator had occurred at, or as ordered in, a pre-trial conference.

”.

**9. Rule 39 amended**

Rule 39(1) is amended by inserting after “conference” —  
“ , unless an order has been made under rule 35A ”.

**10. Rule 40 amended**

- (1) After rule 40(4) the following subrule is inserted —

“

- (4a) The presiding officer need not act under subrule (4) if, pursuant to a case management direction, the parties have conferred with a mediator.

”.

- (2) Rule 40(5) is amended as follows:

- (a) by inserting after “subrule (4)” —

“ or (4a) ”;

- (b) by deleting “does not result” and inserting instead —

“ has not resulted ”.

**11. Rule 73 repealed**

Rule 73 is repealed.

Dated: 20/12/2005.

Judges’ signatures:

A. KENNEDY. (J)

P. J. WILLIAMS. (J)

P. J. HEALY. (J)

H. J. WISBEY. (J)

P. D. MARTINO. (J)

M. D. F. O’SULLIVAN. (J)

R. A. MAZZA. (J)

P. R. EATON. (J)

J. CRISFORD. (J)

V. J. FRENCH. (J)

P. M. McCANN. (J)

S. M. DEANE. (J)

W. G. GROVES. (J)

R. A. MACKNAY. (J)

M. A. YEATS. (J)

H. H. JACKSON. (J)

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**LOTTERIES**

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LO301\*

Lotteries Commission Act 1990

**Lotteries Commission (Saturday Lotto)  
Amendment Rules 2005**

Made by the Lotteries Commission under section 28(1) of the Act.

**1. Citation**

These rules are the *Lotteries Commission (Saturday Lotto) Amendment Rules 2005*.

**2. Commencement**

These rules come into operation on 1 January 2006.

**3. The rules amended**

The amendments in these rules are to the *Lotteries Commission (Saturday Lotto) Rules 1996\**.

[\* Reprinted as at 17 May 2002.

*For amendments to 8 December 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 239.]*

**4. Rule 8 amended**

- (1) Rule 8(3)(a) is amended by deleting “for one week or, subject to rule 8A, for 2, 5 or 10 consecutive weeks”.

- (2) After rule 8(3) the following subrule is inserted —

“

- (3a) In addition to allowing an entry for a particular draw, the Commission may allow a Saturday lotto entry to be for 2, 5 or 10 consecutive weeks, and the subscriber must specify which of the allowed options he or she wishes to exercise.

”.

**5. Rule 8A repealed**

Rule 8A is repealed.

**6. Rule 9 amended**

- (1) Rule 9(1) is amended as follows:

- (a) after paragraph (b)(ii) by inserting “and”;

- (b) at the end of paragraph (ba) by deleting “; and” and inserting a full stop;
  - (c) by deleting paragraph (c).
- (2) After rule 9(2) the following subrule is inserted —
- “
- (3) In addition to allowing an entry for a particular draw, the Commission may allow a Saturday lotto entry to be for 2, 5 or 10 consecutive weeks, and the subscriber must specify which of the allowed options he or she wishes to exercise.

”.

**7. Rule 10 amended**

Rule 10(8)(a) is amended by deleting “unless prevented from doing so by rule 8A;” and inserting instead —

“ if that option is allowed; ”.

**8. Rule 14 amended**

Rule 14(2)(ab) is amended by deleting “due to the operation of rule 8A(3);” and inserting instead —

“

because a “consecutive week” option is not allowed for some of the draws on the receipted ticket;

”.

**9. Schedule 3 amended**

Schedule 3 is amended as follows:

- (a) by inserting after “Multiweek options” —  
“ *(if available)* ”;
- (b) by inserting after “Advance sales (maximum)” —  
“ *(if available)* ”.

The Common Seal of the )  
Commission was affixed on the )  
15th day of December 2005, )  
by order and in the presence of — )

L.S.

CLYDE BEVAN, Chairperson.  
ROGER LEWIS, Member.  
PAT TASSELL, Member.

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**TRANSPORT**


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TR301\*

Road Traffic Act 1974

## Road Traffic (Infringements) Amendment Regulations (No. 3) 2005

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Road Traffic (Infringements) Amendment Regulations (No. 3) 2005*.

### 2. The regulations amended

The amendment in these regulations is to the *Road Traffic (Infringements) Regulations 1975\**.

[\* Reprint as at 18 February 2000.

*For amendments to 22 September 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 352-3.]*

### 3. First Schedule amended

The First Schedule is amended after clause 109 by inserting the following —

“

109A.	Regulation 22(3a)	Failure to surrender number plates when required by notice issued whilst a compliance notice under Part 7 of the <i>Road Traffic (Vehicle Standards) Regulations 2002</i> is in force .....	2
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”.

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.

TR302\*

Road Traffic Act 1974

## Road Traffic (Drivers' Licences) Amendment Regulations (No. 5) 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

### 1. Citation

These regulations are the *Road Traffic (Drivers' Licences) Amendment Regulations (No. 5) 2005*.

### 2. Commencement

These regulations come into operation on 1 January 2006.

### 3. The regulations amended

The amendments in these regulations are to the *Road Traffic (Drivers' Licences) Regulations 1975\**.

[\* Reprinted as at 18 March 2005.

For amendments to 6 December 2005 see Gazette  
27 May 2005.]

### 4. Regulation 14A amended

After regulation 14A(3) the following subregulation is inserted —

“

- (4) No licence fee is payable for the first year that an unrestricted licence is being renewed for the first time unless during the preceding period that the licence was held on probation, the holder of the licence —

- (a) was convicted of; or
- (b) paid a modified penalty in relation to an infringement notice for,

any offence under the Act or the *Road Traffic Code 2000* of which the driving of a motor vehicle on a road is an element.

”

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

TR303\*

Western Australian Marine Act 1982

## Western Australian Marine (Infringements) Amendment Regulations (No. 3) 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

### 1. Citation

These regulations are the *Western Australian Marine (Infringements) Amendment Regulations (No. 3) 2005*.

### 2. The regulations amended

The amendments in these regulations are to the *Western Australian Marine (Infringements) Regulations 1985\**.

[\* Reprinted as at 27 August 1999.

For amendments to 2 December 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 452.*]

### 3. First Schedule amended

The First Schedule is amended as follows:

- (a) in item 8A by deleting “engaged in diving operations” and inserting instead —  
“ from which a person is diving ”;
- (b) in item 8B in the 2<sup>nd</sup> column by inserting after “19D” —  
“ (1)(a) ”;
- (c) in item 8B by deleting “from personal buoy” and inserting instead —  
“ at the place where the person is diving ”;
- (d) after item 8B by inserting the following item —

“

8C. 19D(1)(b) Failing to display required lights when diving  
at night otherwise than from a vessel..... 100

”;

- (e) in item 9 by deleting “buoy” in the first place where it occurs and inserting instead —  
“ place ”;
- (f) in item 9 by deleting “buoy” in the second place where it occurs and inserting instead —  
“ that place ”;

- (g) in item 9 after “diving flag” by inserting —  
“ or, during the hours of darkness, the appropriate signal, ”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

TR304\*

Road Traffic Act 1974

## **Road Traffic (Drivers’ Licences) Amendment Regulations (No. 4) 2005**

Made by the Lieutenant-Governor and Administrator in Executive Council.

### **1. Citation**

These regulations are the *Road Traffic (Drivers’ Licences) Amendment Regulations (No. 4) 2005*.

### **2. The regulations amended**

The amendments in these regulations are to the *Road Traffic (Drivers’ Licences) Regulations 1975\**.

[\* Reprint 6 as at 18 March 2005.

For amendments to 25 November 2005 see Gazette 27 May 2005.]

### **3. Schedule 5 amended**

Schedule 5 is amended as follows:

- (a) by deleting “51.0” and inserting instead —  
“ 52.0 ”;
- (b) by deleting “61.0” and inserting instead —  
“ 62.0 ”;
- (c) by deleting “62.0” and inserting instead —  
“ 63.0 ”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

TR305\*

Road Traffic Act 1974

## **Road Traffic (Vehicle Standards) Amendment Rules 2005**

Made by the Lieutenant-Governor and Administrator in Executive Council.

### **1. Citation**

These rules are the *Road Traffic (Vehicle Standards) Amendment Rules 2005*.

### **2. Commencement**

These rules come into operation on the day on which the *Road Traffic Amendment Act 2000* comes into operation.

### **3. The rules amended**

The amendments in these rules are to the *Road Traffic (Vehicle Standards) Rules 2002\**.

[\* *Published in Gazette 12 August 2002, p. 4033-148.*  
*For amendments to 13 December 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 360-2.*]

### **4. Rule 150 amended**

Rule 150(c)(ii) is amended by deleting “its owner” and inserting instead —

“ the responsible person for it ”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

TR306\*

Road Traffic Act 1974

## **Road Traffic (Wardens) Amendment Regulations 2005**

Made by the Lieutenant-Governor and Administrator in Executive Council.

### **1. Citation**

These regulations are the *Road Traffic (Wardens) Amendment Regulations 2005*.



**2. Commencement**

These regulations come into operation on the day on which the *Road Traffic Amendment Act 2000* comes into operation.

**3. The regulations amended**

The amendments in these regulations are to the *Road Traffic (Wardens) Regulations 1986\**.

[\* Reprinted as at 16 November 2001.

For amendments to 13 December 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 359.*]

**4. Regulation 4 amended**

Regulation 4(1) is amended by deleting “owner of” and inserting instead —

“ responsible person for ”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

TR307\*

Road Traffic Act 1974

## **Road Traffic (Vehicle Standards) Amendment Regulations (No. 6) 2005**

Made by the Lieutenant-Governor and Administrator in Executive Council.

**1. Citation**

These regulations are the *Road Traffic (Vehicle Standards) Amendment Regulations (No. 6) 2005*.

**2. Commencement**

These regulations come into operation on the day on which the *Road Traffic Amendment Act 2000* comes into operation.

**3. The regulations amended**

The amendments in these regulations are to the *Road Traffic (Vehicle Standards) Regulations 2002\**.

[\* *Published in Gazette 9 August 2002 p. 3903-4020.*  
*For amendments to 13 December 2005 see Western*  
*Australian Legislation Information Tables for 2004, Table 4,*  
*p. 359, and Gazette 19 April, 27 May and*  
*16 September 2005.*]

**4. Regulation 23 amended**

Regulation 23(1) is amended by deleting “owner or operator of” and inserting instead —

“ responsible person for, or operator of, ”.

**5. Regulation 42 amended**

Regulation 42(3)(a)(ii) is amended by deleting “an owner;” and inserting instead —

“ a responsible person; ”.

**6. Regulation 43 amended**

Regulation 43(3) is repealed and the following subregulation is inserted instead —

“

- (3) A departmental exemption may exempt all vehicles for which a person is responsible from a provision of these regulations or the Vehicle Standards if it would be unreasonable to require the vehicle to comply with the provision.

”.

**7. Regulation 48 amended**

- (1) Regulation 48(1) is amended by deleting “an owner of” and inserting instead —

“ a responsible person for ”.

- (2) Regulation 48(2) is repealed and the following regulation is inserted instead —

“

- (2) If a departmental exemption exempts from a provision of these regulations or the Vehicle Standards all vehicles for which a person is responsible, the provision does not apply to any vehicle for which the person is responsible (irrespective of who is in charge of it) while the exemption is in force.

”.

- (3) Regulation 48(3) is amended by deleting “an owner of” and inserting instead —

“ a responsible person for ”.

- (4) Regulation 48(4) is amended by deleting “an owner of” and inserting instead —

“ a responsible person for ”.

**8. Regulation 69 amended**

Regulation 69(5) is amended by deleting “The owner of” and inserting instead —

“ A responsible person for ”.

**9. Glossary amended**

The Glossary is amended by inserting in the appropriate alphabetical position —

“

“**vehicle for which a person is responsible**” means a vehicle for which the person is a responsible person;

”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

TR308\*

Road Traffic Act 1974

## **Road Traffic (Licensing) Amendment Regulations (No. 3) 2005**

Made by the Lieutenant-Governor and Administrator in Executive Council.

**1. Citation**

These regulations are the *Road Traffic (Licensing) Amendment Regulations (No. 3) 2005*.

**2. Commencement**

These regulations come into operation on the day on which the *Road Traffic Amendment Act 2000* comes into operation.

**3. The regulations amended**

The amendments in these regulations are to the *Road Traffic (Licensing) Regulations 1975\**.

[\* *Reprint 6 as at 26 August 2005.*

*For amendments to 13 December 2005 see Gazette 16 September 2005.]*

**4. Regulation 3F amended**

Regulation 3F is amended by deleting “sections 23, 23A and 24(5),” and inserting instead —

“ sections 17(2) and 23A, ”.

**5. Regulation 22 amended**

- (1) Regulation 22(3) is amended by deleting “the owner, or other person in possession of” and inserting instead —  
“  
a responsible person for, or other person in possession of,  
”.
- (2) Regulation 22(3a) is amended as follows:
- (a) by deleting “the owner or other person in possession of” and inserting instead —  
“  
a person responsible for, or other person in possession of,  
”.
- (b) by deleting “the owner or other person upon” and inserting instead —  
“ the person upon ”.

**6. Regulation 23 amended**

- (1) Regulation 23(1) is amended by deleting “the owner of” and inserting instead —  
“ a responsible person for ”.
- (2) Regulation 23(2) is amended by deleting “the owner of” and inserting instead —  
“ a responsible person for ”.

**7. Regulation 24 amended**

- (1) Regulation 24(3) is amended by deleting “the owner of” and inserting instead —  
“ a responsible person for ”.
- (2) Regulation 24(4) is amended by deleting “an owner” and inserting instead —  
“ a responsible person ”.

**8. Regulation 25 amended**

Regulation 25(1) is amended by deleting “The owner or person in charge of” and inserting instead —  
“ A responsible person for, or a person in charge of, ”.

**9. Regulation 28 amended**

Regulation 28(2) is amended as follows:

- (a) by deleting “The owner or person in charge of” and inserting instead —

“  
A responsible person for, or a person in charge of,  
”.

- (b) in paragraph (c) by deleting “owner of” and inserting instead —  
 “ responsible person for ”.

**10. Regulation 32 amended**

Regulation 32(1)(c) is amended by deleting “the owner,” and inserting instead —  
 “ a responsible person for the vehicle, ”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

TR309\*

Road Traffic Act 1974

## **Road Traffic (Infringements) Amendment Regulations 2005**

Made by the Lieutenant-Governor and Administrator in Executive Council.

**1. Citation**

These regulations are the *Road Traffic (Infringements) Amendment Regulations 2005*.

**2. Commencement**

These regulations come into operation on the day on which the *Road Traffic Amendment Act 2000* comes into operation.

**3. The regulations amended**

The amendments in these regulations are to the *Road Traffic (Infringements) Regulations 1975\**.

[\* Reprinted as at 18 February 2000.

*For amendments to 14 December 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 352-3.]*

**4. Regulation 3 amended**

- (1) Regulation 3(1) is amended by deleting “the First Schedule” and inserting instead —  
 “ Schedule 1 ”.
- (2) Regulation 3(2) is amended by deleting “column 1 of the First Schedule,” and inserting instead —  
 “ Schedule 1 column 1 ”.

**5. Regulation 4 amended**

Regulation 4(1) is repealed.

**6. Regulation 7 amended**

- (1) Regulation 7(1) is repealed and the following subregulation is inserted instead —

“

- (1) The prescribed form of the traffic infringement notice referred to in section 102(1) of the Act is —
- (a) except in a case to which paragraph (b), (c), (d) or (e) applies, the form set out in Schedule 2 Form 1;
  - (b) in the case of a traffic infringement notice under section 102A of the Act, the form set out in Schedule 2 Form 1, made out to the responsible person;
  - (c) in the case of a traffic infringement notice under section 102B of the Act, the form set out in Schedule 2 Form 2;
  - (d) in the case of a traffic infringement notice issued for an alleged offence under section 24(2d) of the Act, the form set out in Schedule 2 Form 3; and
  - (e) in the case of a notice requesting information under section 102C(1) of the Act that is to be regarded as a traffic infringement notice, the form set out in Schedule 2 Form 4.

”.

- (2) Regulation 7(2) is amended by deleting “Form 3 in the Second Schedule.” and inserting instead —

“ Schedule 2 Form 5. ”.

**7. First Schedule amended**

The First Schedule is amended as follows:

- (a) by deleting the Schedule heading and inserting instead —

“

**Schedule 1 — Prescribed offences and modified penalties**

”.

- (b) by deleting item 2 and inserting the following item instead —

“

2. Section 24(2d) Failure to apply for the transfer of a vehicle licence within 28 days after the issue of a notice under section 24(2a)(b) .....

2

”.

**8. Second Schedule amended**

- (1) The Second Schedule is amended by deleting the Schedule heading and inserting instead —

“

**Schedule 1 — Prescribed offences and modified penalties**

”

- (2) The Second Schedule is amended by deleting Form 2, Form 2A and Form 3 and inserting the following Forms instead —

“

**Form 2****TRAFFIC INFRINGEMENT NOTICE — PHOTOGRAPHIC EVIDENCE***Road Traffic Act 1974 section 102B*

To: Address:	Notice No.: <input style="width: 80%;" type="text"/>
	Vehicle No.: <input style="width: 80%;" type="text"/>

**PART A OFFENCE DETAILS**

It is alleged that the following offence occurred and that you were a responsible person for the vehicle.

Offence:

Location:

Offence date:

Offence time:

Issuing officer:

Rank and No.:

Demerit points:

**PART B IMPORTANT INFORMATION**

1. If you were NOT the driver or person in charge of the vehicle at the time of the offence alleged in Part A, notify the issuing officer.
2. You may elect to have the offence alleged in Part A heard in the Magistrates Court.
3. You may pay the modified penalty specified below on or before the due date specified below.

MODIFIED PENALTY:

DUE DATE:

The officer to whom payment may be made is to be specified here

[Payment details to be included with this form]

Details of options, information that may be required and the consequence of non-payment should be set out as part of the Form.

**Form 3****TRAFFIC INFRINGEMENT NOTICE — FAILURE TO APPLY FOR TRANSFER OF VEHICLE LICENCE***Road Traffic Act 1974 sections 24(2d) and 102(1)*

To: Address:	Notice No.: <input style="width: 80%;" type="text"/>
	Vehicle No.: <input style="width: 80%;" type="text"/>

**PART A OFFENCE DETAILS**

It is alleged that the following offence occurred and that you were a responsible person for the vehicle.

Offence details: It is alleged that you committed the offence of failing to make an application for the transfer of the licence for the vehicle within 28 days (or any longer period allowed by the Director General) after a notice has been issued to you under the *Road Traffic Act 1974* section 24(2a)(b).

Offence date:

Person issuing notice:

**PART B IMPORTANT INFORMATION**

1. You may elect to have the offence alleged in Part A heard in the Magistrates Court by filling in Part E on page 2 of this notice.
2. If you have not become the owner of the vehicle, you may choose not to pay the modified penalty specified below and instead complete Part F on page 3 of this notice and return it to the Department for Planning and Infrastructure at PO Box R1290 GPO Perth 6844 as soon as possible. Note however the further information in Part D.
3. You may pay the amount specified below on or before the due date specified below. If you do so you must complete Part G on page 3 of this notice.

<b>Amounts payable:</b>	Stamp duty:	<input type="text"/>	Transfer fee:	<input type="text"/>
	Stamp duty fine:	<input type="text"/>	Modified penalty:	<input type="text"/>
<b>TOTAL AMOUNT DUE:</b>		<input type="text"/>	<b>DUE DATE:</b> <input type="text"/>	

**PART C PAYMENT DETAILS**

Please note the further information in Part D (overleaf).

If paying **by post** send this slip with your payment to: Department for Planning and Infrastructure Payment Centre GPO Box K777 Perth WA 6842.

If paying **in person** present this notice intact at any Australia Post Office or agency.

Infringement No.:	<input type="text"/>	<b>Complete this authorisation for credit card payments</b> Please debit my <input type="checkbox"/> Visa <input type="checkbox"/> Mastercard <input type="checkbox"/> Bankcard <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Cardholder name _____ Card expiry _____ Signature _____ Date _____
Due date:	<input type="text"/>	
Amount due:	<input type="text"/>	
Cheques and money orders must be made payable to the "Department for Planning and Infrastructure".		

Page 2 of Form 3

**PART D YOUR OPTIONS — FURTHER DETAILS****IMPORTANT INFORMATION:**

If, on or before ....., you have not either paid the modified penalty or elected to have the alleged offence determined in court, then this infringement notice will, unless the notice is withdrawn on the basis of information provided by you in Part E, be registered at the Fines Enforcement Registry. You will incur further costs and a vehicle licence suspension may be imposed. If any information provided by you in Part E does not lead to the withdrawal of this notice, you will be notified by mail.

**PAYMENT** will only be accepted if —

the payment is received on or before ..... (**no extensions will be given**);

the payment is made in full (**part payments will not be accepted**); and

the payment is made to the Department for Planning and Infrastructure, Payment Centre, an Australia Post Office or agency.

**Cheques and money orders must be made payable to the "Infringement Payment Centre".**

**PART E ELECTING TO GO TO COURT**

I elect to have the offence alleged in Part A heard and determined in court. I understand that I will receive a summons in due course.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

If the address for that summons differs from that printed on the front page of this notice enter the new address below.

Address: \_\_\_\_\_ Suburb: \_\_\_\_\_ Postcode: \_\_\_\_\_

**Mail this completed form to the Department for Planning and Infrastructure PO Box R1290 GPO Perth 6844.**

Page 3 of Form 3

**PART F INFORMATION REGARDING WHO WAS THE OWNER OF THE VEHICLE****Statement**

I ..... [name], of ..... [address],  
 being authorised to make statements for ....., [if this notice is not addressed to an individual]  
 declare that I am not the owner of the vehicle stated on the front of this notice and that the vehicle is instead owned by —

Surname: \_\_\_\_\_ Given name: \_\_\_\_\_ Ph.: \_\_\_\_\_

Address: \_\_\_\_\_ Suburb: \_\_\_\_\_ Postcode: \_\_\_\_\_

Signature of person making statement: \_\_\_\_\_ Date: \_\_\_\_\_

**PART G APPLICATION FOR TRANSFER****DEFINITIONS**

1. The "**purchase price**" of a vehicle includes —
  - (a) any amount allowed by the seller of a vehicle on a trade in or an exchange of any article; and
  - (b) any amount paid to the seller of a vehicle for things included with or incorporated into the vehicle or for the preparation of the vehicle for delivery to the purchaser.
2. The "**market value**" of a vehicle means the market value of the vehicle at the time of the application for it to be transferred from the previous owner under Part C.
3. As a general rule, the market value of a vehicle is the same as its purchase price, including any amount referred to in 1(a) and (b) above, and adding any special discount allowed which is not available to the public generally (such as a sales tax exemption).

**Warning:** A transferee who understates the purchase price or market value of a vehicle commits an offence under the *Stamp Act 1921* and is liable to a penalty of \$10 000. The transferee is also liable for the payment of the stamp duty that was not paid as a result of the understated purchase price, together with a fine of 100% of that duty.



<b>APPLICATION</b>		
1. I apply for the vehicle, the details of which are shown on the front of this notice, to be transferred from the previous owner.		
Surname: _____	Given name: _____	Ph.: _____
Address: _____	Suburb: _____	Postcode: _____
Driver's Licence: _____	Company (if any): _____	ACN: _____
2. I purchased this vehicle and its purchase price was: _____		
Dealer organisation code (if any): _____		
3. The market value of the vehicle at the time of making this declaration is: _____		
Signature of person making application: _____		Date: _____
<b>DEALER'S CERTIFICATE STAMP ACT 1921 SECTION 76C(7)</b>		
<b>(To be completed by motor vehicle dealers only)</b>		
As the person, or an authorised officer of the company, referred to above, I certify that the motor vehicle described on the front of this notice will be used for the purpose of resale in the ordinary course of business.		
Dealer organisation code: _____		
Signature: _____		Date: _____
<b>Mail this completed form to the Department for Planning and Infrastructure PO Box R1290 GPO Perth 6844.</b>		

**Form 4****NOTICE REQUESTING INFORMATION / TRAFFIC INFRINGEMENT NOTICE — PHOTOGRAPHIC EVIDENCE***Road Traffic Act 1974 section 102C(1)*

To: _____	Notice No.: _____
Address: _____	Specified Day: _____
	Vehicle No.: _____

**PART A OFFENCE DETAILS**

Offence: \_\_\_\_\_

Location: \_\_\_\_\_

Offence date: \_\_\_\_\_

Offence time: \_\_\_\_\_

Issuing officer: \_\_\_\_\_

Rank and No.: \_\_\_\_\_

Demerit points: \_\_\_\_\_

**PART B IMPORTANT INFORMATION**

- The primary purpose of this notice is for you to advise the WA Police who was driving or in charge of the vehicle at the time of the offence alleged in Part A. To do this you may complete and return one of the Divisions of Part F of this notice within 14 days of the specified day (specified at the top of this form) to avoid the modified penalty below.
- If photographic evidence of the offence was enclosed with this notice and you failed to comply with s.102C(3) of the Act within 14 days after the specified day shown above, you commit an offence which may be dealt with in the magistrates court or by paying the modified penalty shown in this Part to the officer specified in Part E within 28 days after the specified day shown above.

*Please note that there is further information in Part E (overleaf).*

MODIFIED PENALTY: \_\_\_\_\_

DUE DATE: \_\_\_\_\_

**PART C PHOTOGRAPHIC EVIDENCE**

The images below are a representation of the original photographic evidence. Due to the limitations of printing photographs in this format they are not intended or expected to duplicate the quality of the original images.

[Photographs of vehicle]

These images identify the vehicle. There is no legal requirement for them to identify the driver of the vehicle. You, as the "responsible person" for this vehicle, are required to identify the driver at the time. These images may assist you in this identification. **[Does not apply if photographic evidence not enclosed]**

**PART D PAYMENT DETAILS**

[Payment details are to be included with this form and the officer to whom payment may be made is to be specified here ]

## Reverse of Form 4

**PART E YOUR OPTIONS — FURTHER DETAILS**

**IMPORTANT INFORMATION:** If you fail to comply with s.102C(3) of the Act, then —  
 this notice is to be regarded as an infringement notice for your failure to comply;  
 the amount due under Part B is the modified penalty for that failure to comply; and  
 unless you, by ....., either (1) pay the modified penalty within the time specified or (2) elect to have the matter dealt  
 with in court; you may be liable for extra costs.

**PAYMENT** will only be accepted if —  
 the payment is received on or before ..... ;  
 the payment is made in full; and  
 the payment is made as specified in this notice.

**PART F INFORMATION REGARDING WHO WAS DRIVING OR IN CHARGE OF THE VEHICLE**

Please complete Division 1 OR 2 or, if photographic evidence was enclosed, Division 3.

**Division 1:** The person who was driving / in charge of (delete whichever is inapplicable) the vehicle was —

Surname: \_\_\_\_\_ Given name: \_\_\_\_\_ Ph.: \_\_\_\_\_  
 Address: \_\_\_\_\_ Suburb: \_\_\_\_\_ Postcode: \_\_\_\_\_  
 Name of person making statement: \_\_\_\_\_ Position: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Division 2:** At the time of the offence the vehicle was stolen / unlawfully taken or used (delete whichever is inapplicable).

Date, time and circumstances in which you discovered vehicle had been stolen / taken / unlawfully used:  
 \_\_\_\_\_

Name of person making statement: \_\_\_\_\_ Position: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Division 3: Statutory Declaration**

I ..... [name], of ..... [address], being  
 authorised to make statements for ....., do solemnly and sincerely declare that I do not know and cannot  
 reasonably ascertain the name and address of the driver or person in charge of the vehicle at the time of the offence alleged in Part A,  
 and I make this solemn declaration by virtue of section 106 of the *Evidence Act 1906*.

Declared at: \_\_\_\_\_ Before: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 JP, CD, Police Officer etc.

**Mail or personally deliver this completed form to the officer in charge, Infringement Management and Operations GPO Box S1400 Perth WA 6845, or personally deliver it to the officer in charge of any police station.**

**Form 5****WITHDRAWAL OF TRAFFIC INFRINGEMENT NOTICE**

Road Traffic Act 1974 section 102(5) or 102C(5)

To: \_\_\_\_\_  
 Address: \_\_\_\_\_

Notice No.: \_\_\_\_\_

**PART A INFRINGEMENT NOTICE WITHDRAWN**

AN INFRINGEMENT NOTICE SERVED ON YOU HAS BEEN WITHDRAWN. ANY PAYMENT THAT HAS BEEN MADE WILL BE REFUNDED AND —

NO FURTHER ACTION WILL BE TAKEN\*

A SUMMONS WILL BE ISSUED\*

[\* delete whichever is not applicable]

**PART B DETAILS OF WITHDRAWN NOTICE**

Notice No.: \_\_\_\_\_ Date notice withdrawn: \_\_\_\_\_

**PART C PRESCRIBED OFFICER WHO ISSUED THIS NOTICE**

Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

”

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

TR310\*

Road Traffic Act 1974

## Road Traffic Code Amendment Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

### 1. Citation

These regulations are the *Road Traffic Code Amendment Regulations 2005*.

### 2. Commencement

These regulations come into operation on the day on which the *Road Traffic Amendment Act 2000* comes into operation.

### 3. The regulations amended

The amendments in these regulations are to the *Road Traffic Code 2000\**.

[\* *Reprint 1 as at 27 August 2004.*

*For amendments to 13 December 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 360.]*

### 4. Regulation 274 amended

Regulation 274(2) is amended by deleting “owner” and inserting instead —

“ responsible person ”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

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## TREASURY AND FINANCE

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TF301\*

Financial Administration and Audit Act 1985

## Financial Administration Amendment Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

### 1. Citation

These regulations are the *Financial Administration Amendment Regulations 2005*.

**2. The regulations amended**

The amendments in these regulations are to the *Financial Administration Regulations 1986\**.

[\* Reprint 2 as at 6 June 2003.]

**3. Regulation 9 repealed**

Regulation 9 is repealed.

**4. Regulation 24 amended**

Regulation 24(c) is deleted and the following paragraph is inserted instead —

“

(c) the Parliamentary Services Department,

”

**5. Regulation 29 inserted**

After regulation 28 the following regulation is inserted —

“

**29. Prescribed period — section 69 as modified in Schedule 1A**

- (1) The period of 90 days after the end of the financial year is prescribed for the purposes of section 69(2) of the Act as modified in Schedule 1A Part I of the Act.
- (2) The period of 90 days after the end of the financial year is prescribed for the purposes of section 69(2) of the Act as modified in Schedule 1A Part II of the Act.

”

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

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## **WATER/SEWERAGE**

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WA301\*

Water Services Licensing Act 1995

### **Licence Exemption (Shire of Manjimup) Order 2005**

Made by the Lieutenant-Governor and Administrator in Executive Council under section 19.

**1. Citation**

This order is the *Licence Exemption (Shire of Manjimup) Order 2005*.

**2. Interpretation**

In this order —

“**Goldfields/South West Region Controlled Area**” means the Goldfields/South West Controlled Area (Water Supply and Sewerage Services) constituted by the *Goldfields/South West Controlled Area (Water Supply and Sewerage Services) Order 1995*.

**3. Exemption**

The Shire of Manjimup is exempted from the requirement under section 18(1) of the Act for an operating licence in respect of the provision of a water supply service to the Windy Harbour settlement in the Goldfields/South West Controlled Area.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

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**WORKCOVER**

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WC301\*

Workers' Compensation and Injury Management Act 1981

**Approved Medical Specialists Order (No. 3)  
2005**

Made by WorkCover WA under section 146F(1) of the Act.

**1. Citation**

This order is the *Approved Medical Specialists Order (No. 2) 2005*.

**2. Approved medical specialists**

The following medical practitioners are designated as approved medical specialists under section 146F(1) of the Act:

Dr Anne Brady  
Dr Geoffrey Gee  
Dr Charles Goucke  
Mr William Hall  
Professor Neville Knuckey

Dr Jonathan Laugharne  
Dr Peter McCarthy  
Dr Ceiline Murphy  
Dr Monique O'Connor  
Dr Nicol Ormonde  
Dr Kenneth Orr  
Dr Arjun Rao  
Dr Ralph Sicouri  
Professor Allan Skirving  
Dr Krishna Somers  
Dr Neil Westphalen  
Mr Desmond Williams  
Mr John Wright

ADRIAN WARNER,  
Chief Executive Officer,  
WorkCover WA.

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## WORKSAFE

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WS301\*

Occupational Safety and Health Act 1984

# Occupational Safety and Health Amendment Regulations (No. 12) 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

**1. Citation**

These regulations are the *Occupational Safety and Health Amendment Regulations (No. 12) 2005*.

**2. The regulations amended**

The amendments in these regulations are to the *Occupational Safety and Health Regulations 1996\**.

[\* Reprint 4 as at 2 September 2005.

For amendments to 7 December 2005 see Gazette 9 September and 18 November 2005.]

**3. Regulation 6.6 amended**

Regulation 6.6(4)(b) is deleted and the following paragraph is inserted instead —

“

- (b) the period specified by the Commissioner under regulation 6.8(4) for the most recent renewal.

”.

**4. Regulation 6.8 amended**

After regulation 6.8(3) the following subregulation is inserted —

“

- (4) If the Commissioner renews the registration of an assessor the Commissioner is to specify the period, not exceeding 3 years, for which the registration has effect.

”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

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## — PART 2 —

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### AGRICULTURE

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AG101\*

*CORRECTION*  
**PLANT DISEASES ACT 1914**  
DECLARATION

Western Australian *Government Gazette* No 235 published Tuesday 20 December 2005 *Plant Diseases Act 1914* Declaration AG 401 on page 6101 has a typographical error in the final line of the paragraph—

*(Venturia inaequalis)* should read *(Venturia inaequalis)*.

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### CONSUMER AND EMPLOYMENT PROTECTION

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CE401\*

**RETAIL TRADING HOURS ACT 1987**  
RETAIL TRADING HOURS (METROPOLITAN AUSTRALIA DAY)  
EXEMPTION ORDER 2006

Made by the Minister for Consumer and Employment Protection under Section 12(1a) of the Act.

**Part 1—Preliminary**

**1. Citation**

This order may be cited as the *Retail Trading Hours (Metropolitan Australia Day) Exemption Order 2006*.

**2. Commencement**

This Order comes into operation on the day on which it is published in the *Government Gazette*.

**3. Interpretation**

In this Order—

“**Perth area**” has the same meaning as in the *Retail Trading Hours (Tourism Precincts) Exemption Order 1996*.

“**Fremantle area**” has the same meaning as in the *Retail Trading Hours (Tourism Precincts) Exemption Order 1996*.

**4. Application**

(1) This Order applies to general retail shops in the metropolitan area other than general retail shops in the Perth area, as defined in the *Retail Trading Hours (Tourism Precincts) Exemption Order 1996*.

(2) This Order applies to general retail shops in the Fremantle area as defined in the *Retail Trading Hours (Tourism Precincts) Exemption Order 1996*.

(3) This Order does not effect the operation of the *Retail Trading Hours Exemption Order (No 12) 1994*.

(4) This Order does not effect the operation of the *Retail Trading Hours (Rockingham) Exemption Order 1995*.

(5) This Order does not effect the operation of the *Retail Trading Hours (Wanneroo) Exemption Order 1995*.

(6) This Order does not effect the operation of the *Retail Trading Hours (Motor Shops) S12 Order 1996*.

**Part 2—Exemption from Act provisions**

**5. Wednesday 25 January 2006**

Each general retail shop to which this Order applies is exempted from Section 12(1)(a) of the Act on 25 January 2006 provided that the shop is closed on that day until 8.00am and from and after 9.00pm.

JOHN KOBELKE MLA, Minister for Consumer  
and Employment Protection.



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**FISHERIES**

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FI401\*

**FISH RESOURCES MANAGEMENT ACT 1994****MACKEREL FISHERY (INTERIM) MANAGEMENT PLAN AMENDMENT 2005**

FD 489/04 [678]

Made by the Minister under section 54.

**1. Citation**This instrument may be cited as the *Mackerel Fishery (Interim) Management Plan Amendment 2005*.**2. Commencement**

This instrument will commence operation on 1 January 2006.

**3. Management plan amended**The amendments in this instrument are to the *Mackerel Fishery (Interim) Management Plan 2004*.**4. Clause 4 amended**

Clause 4 is amended—

- (a) by deleting “this plan, unless the contrary intention appears—” and inserting instead—  
“In this plan, unless the contrary intention appears—”;
- (b) by deleting the full stop at the end of the definition commencing “statutory fishing returns” and inserting instead a semi colon;
- (c) by inserting in the appropriate alphabetical positions—  
“broad barred spanish mackerel” means fish of that common name described by the scientific classification opposite that name in Column 2 of Schedule 7 of the regulations;  
“CDR” means a Catch and Disposal Record form as approved by the Executive Director;  
“closed waters” means any area of the Fishery where fishing is prohibited;  
“current units of entitlement” means the usual entitlement conferred by a permit as—
  - (a) increased by any entitlement transferred to the permit under section 141 of the Act;
  - (b) decreased by any entitlement transferred from the permit under section 141 of the Act;“fish fillet” does not include any fillet of fish which is not mackerel and has the skin of the fish attached to the fillet;  
“permit period” means the period commencing on 1 January in any year and ending on 31 December in the same year;  
“unit value” means the value of a unit of entitlement, in terms of kilograms of mackerel (whole weight), determined in accordance with Schedule 7;  
“usual units of entitlement” means the entitlement conferred by a permit without regard to any entitlement temporarily transferred to or from the permit under section 141 of the Act.”.

**5. Clause 15 amended**

Clause 15 is amended by deleting “31 December 2005” and inserting instead—

“31 December 2006”.

**6. Clause 16 amended**

Clause 16 is amended by deleting paragraph (i) and inserting instead—

- “(i) the usual units of entitlement conferred by the permit and the class of those units;
- (j) the current units of entitlement conferred by the permit and the class of those units;
- (k) the unit value;
- (l) the amount of mackerel (in kilograms whole weight) that may be taken under the authority of the permit and whether that mackerel is—
  - (i) mackerel other than broad barred spanish mackerel; or
  - (ii) broad barred spanish mackerel;
- (m) any conditions imposed on the permit by the Executive Director.”.

**7. Clause 16A inserted**

After clause 16 the following clause is inserted—

**“16A. Grounds to refuse to transfer a permit**

The Executive Director may refuse to transfer a permit on the grounds that—

- (a) the total fee has not been paid in respect of the permit to be transferred; or
- (b) the Executive Director is of the opinion that the holder of the permit (transferor) may be liable to prosecution for an offence which has been prescribed for the purposes of section 224 of the Act.”.

**8. Clause 17 amended**

Clause 17 is amended by—

- (a) renumbering subclause (5) as subclause (4), subclause (6) as subclause (5), subclause (7) as subclause (6), subclause (11) as subclause (7) and subclause (12) as subclause (8); and
- (b) inserting after subclause (8) the following subclauses—
  - “(9) The master of an authorised boat, at any time when a nomination to fish made in accordance with clause 20H is in effect in respect of that boat, must not allow any mackerel or fish fillet to be on board the boat unless the whole weight (determined in accordance with clause 21B) of all the mackerel and fish fillets taken or landed under the authority of the permit on which that boat is specified is less than or equal to the sum of the unit values of the units conferred by that permit.
  - (10) If a nomination to fish for mackerel is in effect in accordance with clause 20H then the master of the relevant authorised boat must not allow that boat to be in any Area of the Fishery other than a port area or the Area of the Fishery that was specified in that nomination to fish for mackerel.
  - (11) The master of an authorised boat must ensure that all troll lines, handlines, fishing lines and booms carried on or attached to that boat must be securely stowed on board the boat when the boat is in any waters of the Fishery—
    - (a) which are closed waters; or
    - (b) in which that boat is not authorised to be used for fishing.
  - (12) The master of an authorised boat must not allow that boat to be used to fish in the Fishery outside the Area that is specified on the permit that applies to that boat.”.

**9. Clause 20 amended**

Clause 20(1)(d) is amended by deleting “mackerel” in both places where it occurs and inserting instead—

“fish”.

**10. Parts 6A, 6B and 6C inserted**

After Part 6 the following Parts are inserted—

**“Part 6A—Capacity of the Fishery****20A. Capacity of Areas of the Fishery**

(1) The maximum quantity of mackerel that may be taken from each Area of the Fishery during any permit period is limited to the quantity of mackerel (whole weight) that the Executive Director determines, by notice published in the *Gazette* before 1 November each year, may be taken from each Area of the Fishery during the next permit period.

(2) Notwithstanding subclause (1), for the permit period 1 January 2006 to 31 December 2006 the maximum quantity of mackerel (whole weight) that may be taken from—

- (a) Area 1 of the Fishery is—
  - (i) 205,000 kilograms of mackerel other than broad barred spanish mackerel;
  - (ii) 60,000 kilograms of broad barred spanish mackerel;
- (b) Area 2 of the Fishery is—
  - (i) 126,000 kilograms of mackerel other than broad barred spanish mackerel;
  - (ii) 60,000 kilograms of broad barred spanish mackerel;
- (c) Area 3 of the Fishery is—
  - (i) 79,000 kilograms of mackerel other than broad barred spanish mackerel;
  - (ii) 60,000 kilograms of broad barred spanish mackerel.

(3) Notwithstanding the provisions of subclause (1) and subclause (2) if the Executive Director considers it appropriate to do so, the Executive Director may—

- (a) at any time and from time to time during any permit period; and
- (b) by notice published in the *Gazette*,

make a revised determination of the maximum amount of mackerel that may be taken from each Area of the Fishery.

(4) Before making a determination under subclause (1) or subclause (3) the Executive Director must—

- (a) take into account any advice received from the Department’s Director of Fisheries Research; and
- (b) consult all the permit holders who are authorised to fish in the relevant Area of the Fishery.

(5) A notice of determination made under subclause (3)—

- (a) may be made to take effect on gazettal or at a specified future time; and
- (b) revokes any previously made determination that is in force.

(6) Notwithstanding the provisions of subclause (1), where the Executive Director has not made a determination in accordance with that subclause in respect of the next permit period, the

determination that was last made under that subclause or subclause (3) shall apply to the next permit period as if it were a determination made in accordance with subclause (1).

#### **Part 6B—Scheme of entitlements**

##### **20B. Entitlement—allocation of units**

- (1) The entitlement to fish for mackerel in the Fishery under the authority of a permit shall be expressed as a number of units.
- (2) Units shall be described as a class 1A, 2A, or 3A unit, or a class 1B, 2B or 3B unit.
- (3) A class 1A unit shall confer an entitlement to take an amount of mackerel other than broad barred spanish mackerel from Area 1.
- (4) A class 2A unit shall confer an entitlement to take an amount of mackerel other than broad barred spanish mackerel from Area 2.
- (5) A class 3A unit shall confer an entitlement to take an amount of mackerel other than broad barred spanish mackerel from Area 3.
- (6) A class 1B unit shall confer an entitlement to take an amount of broad barred spanish mackerel from Area 1,
- (7) A class 2B unit shall confer an entitlement to take an amount of broad barred spanish mackerel from Area 2.
- (8) A class 3B unit shall confer an entitlement to take an amount of broad barred spanish mackerel from Area 3.
- (9) A permit that authorises fishing in Area 1 of the Fishery shall, at the time it is—
  - (a) renewed for the period ending 31 December 2006; or
  - (b) granted at anytime after 1 January 2006,
 confer—
  - (c) the number of class 1A units as calculated in accordance with the formula specified in subclause (1) of Schedule 6;
  - (d) the number of class 1B units as calculated in accordance with the formula specified in subclause (2) of Schedule 6.
- (10) A permit that authorises fishing in Area 2 of the Fishery shall, at the time it is—
  - (a) renewed for the period ending 31 December 2006; or
  - (b) granted at anytime after 1 January 2006,
 confer—
  - (c) the number of class 2A units as calculated in accordance with the formula specified in subclause (3) of Schedule 6;
  - (d) the number of class 2B units as calculated in accordance with the formula specified in subclause (4) of Schedule 6.
- (11) A permit that authorises fishing in Area 3 of the Fishery shall, at the time it is—
  - (a) renewed for the period ending 31 December 2006; or
  - (b) granted at anytime after 1 January 2006,
 confer—
  - (c) the number of class 3A units as calculated in accordance with the formula specified in subclause (5) of Schedule 6;
  - (d) the number of class 3B units as calculated in accordance with the formula specified in subclause (6) of Schedule 6.

##### **20C. Unit value**

- (1) The sum of the entitlements (sum of the unit values) to fish for mackerel that may be conferred by all the permits authorising fishing in an Area of the Fishery is equal to the capacity for that Area of the Fishery as determined in accordance with clause 20A.
- (2) The extent of the entitlement to fish in an Area of the Fishery that arises from time to time from a unit (the unit value) shall be determined in accordance with Schedule 7 and limited by reference to a number of kilograms (whole weight) of mackerel that may be taken.
- (3) Where the Executive Director makes a revised determination in accordance with clause 20A(3) during a permit period the unit value for the remainder of that permit period shall be redetermined in accordance with the formula specified in Schedule 7.
- (4) Where during a permit period—
  - (a) a permit is not renewed within the period specified in s. 139 of the Act;
  - (b) a permit is cancelled; or
  - (c) units are forfeited under s. 76 of the Act,

and the total number of units for the relevant Area is consequently reduced then the unit value for the remainder of that permit period for that Area shall be redetermined in accordance with the formula specified in Schedule 7.

- (5) Where during a permit period a permit is granted and issued and the total number of units for the relevant Area is consequently increased then the unit value for the remainder of that permit period for that Area shall be redetermined in accordance with the formula specified in Schedule 7.

(6) The holder of a permit or a person acting on that person's behalf must not fish in an Area of the Fishery unless the amount of mackerel (whole weight determined in accordance with clause 21B) taken from that Area of the Fishery under the authority of that permit during the period for which the permit has been granted or renewed is less than the sum of the unit values of the units conferred by that permit.

#### **20D. Defence to section 74 of the Act**

It is a defence in proceedings for an offence against section 74 of the Act in respect of contravening clause 17(9) or clause 20C(6) for a person charged to prove that—

- (a) notice of the fishing in excess of the entitlement was given to the Executive Director, in a manner and in a form approved by the Executive Director, within 7 working days of the mackerel or fish fillets being landed ashore;
- (b) the amount of mackerel or fish fillets by which the entitlement under the permit was exceeded is not more than 100 kilograms (whole weight); and
- (c) the permit holder, not more than 14 days after landing the mackerel or fish fillet, pays to the Fisheries Research and Development Fund an amount of money equal to the product of the number of kilograms (whole weight) by which the entitlement was exceeded and the prescribed value (per unit of weight) for mackerel set out in Schedule 9 of the regulations.

#### **20E. Grounds for refusal to transfer part of an entitlement**

The Executive Director may refuse to transfer any part of an entitlement under a permit on the grounds that—

- (a) the proposed transfer is not for a whole number of units;
- (b) the sum of the unit values (in kilograms whole weight) of the current entitlement for that class of unit that is conferred by the permit from which the units are to be transferred would be less than the amount of mackerel (in kilograms whole weight) relevant to that class of unit already taken under the authority of the permit during the period for which the permit was issued;
- (c) if the transfer were given effect then the normal entitlement conferred by a permit would be less than one;
- (d) the total fee has not been paid in respect of the permit from which the units are to be transferred; or
- (e) the Executive Director is of the opinion that the holder of the permit (from which the units are to be transferred) may be liable to prosecution for an offence which has been prescribed for the purposes of section 224 of the Act.

#### **20F. Temporary transfer of entitlement**

A unit of entitlement conferred by a permit may be temporarily transferred to another permit, for a period ending at the time the permit expires, provided that—

- (a) the current entitlement arising from that class of unit that would be conferred by the permit after the transfer would not be less than the total amount of mackerel relevant to that class of unit (whole weight) already taken under the authority of the permit during the period for which the permit has been granted or renewed;
- (b) the transfer is of a whole number of units;
- (c) the permit from which the units are being transferred will still confer at least one unit after the transfer has been effected; and
- (d) the total fee has been paid in respect of the permit from which the units are to be temporarily transferred.

#### **20G. Minimum number of units to be held**

(1) The authority conferred by a permit granted pursuant to clause 13—

- (a) to fish in Area 1 of the Fishery is of no effect at any time when the current entitlement on the permit specifies a number of class 1A units that is less than 5% of the sum of all the class 1A units specified on permits authorising fishing in the Fishery;
- (b) to fish in Area 2 of the Fishery is of no effect at any time when the current entitlement on the permit specifies a number of class 2A units that is less than 5% of the sum of all the class 2A units specified on permits authorising fishing in the Fishery;
- (c) to fish in Area 3 of the Fishery is of no effect at any time when the current entitlement on the permit specifies a number of class 3A units that is less than 5% of the sum of all the class 3A units specified on permits authorising fishing in the Fishery.

(2) The authority conferred by a permit to fish in Area 1 of the Fishery is of no effect if—

- (a) the holder of the permit is not the same person who was granted the permit pursuant to clause 13(1); and
- (b) the current entitlement on the permit specifies a number of class 1A units that is less than 10% of the sum of all the class 1A units specified on permits authorising fishing in the Fishery.

(3) The authority conferred by a permit to fish in Area 2 of the Fishery is of no effect if—

- (a) the holder of the permit is not the same person who was granted the permit pursuant to clause 13(2); and

- (b) the current entitlement on the permit specifies a number of class 2A units that is less than 10% of the sum of all the class 2A units specified on permits authorising fishing in the Fishery.
- (4) The authority conferred by a permit to fish in Area 3 of the Fishery is of no effect if—
  - (a) the holder of the permit is not the same person who was granted the permit pursuant to clause 13(3); and
  - (b) the current entitlement on the permit specifies a number of class 3A units that is less than 10% of the sum of all the class 3A units specified on permits authorising fishing in the Fishery.

#### **Part 6C—Nominations and notifications**

##### **20H. Nomination to fish for mackerel**

- (1) The master of an authorised boat must not—
  - (a) allow a person to fish in the Fishery from that boat;
  - (b) allow any mackerel to be on that boat when it is in the waters of the Fishery,
 unless a nomination to fish (a “nomination”) has been made—
  - (c) in respect of that boat;
  - (d) by the use of an ALC in accordance with the approved directions for use; and
  - (e) is in effect in accordance with this clause.
- (2) A nomination—
  - (a) must be made by the use of an ALC in accordance with the approved directions for use;
  - (b) must specify the Area or Areas of the Fishery where fishing will be undertaken during the nominated permit period; and
  - (c) may only be made while the relevant authorised boat is in a port area.
- (3) A nomination made contrary to the provisions of subclause (2) is of no effect.
- (4) The holder of a permit or the person acting on that person's behalf may, in accordance with the provisions specified in subclause (2), make a new nomination which, if received by the Department, revokes any previous nomination made for that permit period.
- (5) The master of an authorised boat must not allow that boat to be used in contravention of a nomination made under this clause.
- (6) A nomination made under subclause (2) or subclause (4) ceases to be of effect—
  - (a) at the time the relevant authorised boat leaves the waters of the Fishery;
  - (b) subject to clause 21C(9), at the time the relevant authorised boat enters an Area of the Fishery in which fishing from that boat under the authority of the relevant permit is not permitted;
  - (c) when the relevant permit is transferred under s.140 of the Act; or
  - (d) when the relevant permit expires.

##### **20I. Notification of ceasing to fish**

- (1) Subject to clause 21C(10), the master of an authorised boat must not allow that boat to leave the waters of the Fishery unless a notification of ceasing to fish (a “notification”) has been made and is in effect.
- (2) A notification must be made by the use of an ALC in accordance with the approved directions for use and may only be made when the boat is in a port area.
- (3) A notification made contrary to the provisions of subclause (2) is of no effect.

##### **20J. Notification of entering closed waters**

- (1) The master of an authorised boat must not allow that boat to—
  - (a) enter closed waters;
  - (b) enter waters in which that boat is not authorised to be used for fishing in the Fishery,
 unless a notification of entering closed waters has been made before the boat enters those waters.
- (2) A notification of entering closed waters must be made by the use of an ALC in accordance with the approved directions for use and must be made not more than 1 hour before the boat enters the waters described in subclause (1).
- (3) A notification of entering closed waters made contrary to the provisions of subclause (2) is of no effect.”.

#### **11. Part 7 replaced**

Part 7 is deleted and the following parts inserted instead—

#### **“Part 7—Landing of fish**

##### **21. Landing of fish**

- (1) The master of an authorised boat must not, at any time when a nomination to fish made under clause 20H is in effect and the boat has been used to take fish—
  - (a) in Area 1 only, allow any fish to be unloaded from that boat other than in a port area that is within Area 1;

- (b) in Area 2 only, allow any fish to be unloaded from that boat other than in a port area that is within Area 2;
- (c) in Area 3 only, allow any fish to be unloaded from that boat other than in a port area that is within Area 3.

(2) The master of an authorised boat must not, at any time when a nomination to fish made under clause 20H is in effect and the boat has been used to take fish in more than one Area of the Fishery on the same trip, allow any fish to be unloaded from that boat other than in a port area that is within one of the Areas of the Fishery in which the boat has been used for fishing on that trip.

(3) The master of an authorised boat must not allow any mackerel to be unloaded from that boat at the port areas of Denham, Point Quobba (Blow Holes) or Carnarvon other than—

- (a) whole mackerel;
- (b) mackerel that has had only its head removed or has only been gutted; or
- (c) mackerel that has had only its head removed and has been gutted.

#### **21A. Notification of landing fish**

(1) In this clause the master of an authorised boat from which any fish are landed ashore is referred to as “the master”.

(2) The master must not allow any fish to be unloaded from a boat at any time when a nomination to fish made under clause 20H is in effect in respect of that boat unless a notification of the intention (a “notice”) to unload fish has been received by the Department.

(3) A notice made under subclause (2) must—

- (a) be made by the use of an ALC in accordance with the approved directions for use;
- (b) be made—
  - (i) not less than 4 hours before entering a port area;
  - (ii) not more than one hour before the relevant boat leaves the waters of the Fishery if the boat has been used for fishing in Area 1 on that trip and the fish are to be unloaded in the port area of Darwin; or
  - (iii) at the same time as a notification under clause 20J(1) is made if the fish are to be unloaded from a boat at a port area which is not in an Area where the boat has been used for fishing on that trip;
- (c) specify if any mackerel or fish fillets are to be unloaded; and
- (d) specify the port area at which the fish are to be unloaded.

(4) A person must not transmit any information in a notice made under subclause (2) that the person knows to be false or misleading.

#### **21B. Determination of weight and records of fish landed in the Fishery**

(1) In this clause the master of an authorised boat from which any fish are landed ashore is referred to as “the master”.

(2) The master must not allow any broad barred spanish mackerel to be landed in any state other than—

- (a) whole; or
- (b) gilled and gutted only.

(3) The master must, within 240 minutes of landing mackerel or fish fillets ashore, accurately determine the weight (in kilograms) of—

- (a) the mackerel other than broad barred spanish mackerel;
- (b) the broad barred spanish mackerel;
- (c) the fish fillets,

and whether the weight is of—

- (d) whole, head/gutted, gilled/gutted or filleted mackerel other than broad barred spanish mackerel;
- (e) whole or gilled/gutted broad barred spanish mackerel; or
- (f) fish fillets.

(4) The master of an authorised boat from which mackerel or fish fillets have been landed ashore must within 240 minutes of landing the mackerel or fish fillets ashore, sign and specify in triplicate in a CDR, accurate details of—

- (a) the Area from which the mackerel or fish fillets were taken;
- (b) the place, time and date of the landing of the mackerel or fish fillets;
- (c) the name, permit number and business address of any person to whom any mackerel or fish fillets have been or are to be consigned (as the case may require);
- (d) the name of any person retaining any mackerel or fish fillets which are not being consigned and the place to which the mackerel or fish fillets are to be taken (as the case may require);
- (e) the name of the employer of any person who is to transport the mackerel or fish fillets;
- (f) the number of containers in which the mackerel or fish fillets are consigned;

- (g) the determination of the weight (in kilograms) of—
    - (i) the mackerel other than broad barred spanish mackerel;
    - (ii) the broad barred spanish mackerel; and
    - (iii) the fish fillets,
      - as determined in accordance with subclause (3), and whether the weight is of—
      - (iv) whole, head/gutted, gilled/gutted or filleted mackerel other than broad barred spanish mackerel;
      - (v) whole or gilled/gutted broad barred spanish mackerel; or
      - (vi) fish fillets.
  - (h) the whole weight (in kilograms) of the mackerel other than broad barred spanish mackerel, the broad barred spanish mackerel and fish fillets using the determination made in accordance with subclause (3) and the conversion factors specified in Schedule 4;
  - (i) the name of the master of the authorised boat and details of the permit under the authority of which the mackerel or fish fillets were taken.
- (5) The master must not depart, and not permit the mackerel or fish fillets to be removed, from the place where the weight of the mackerel or fish fillets was determined until subclauses (3) and (4) have been complied with.
- (6) A person to whom subclause (4) applies must retain and keep safe and secure the triplicate copies of the CDR form referred to in subclause (4), and produce the copies to a Fisheries Officer on demand.
- (7) A person to whom subclause (4) applies must, within 48 hours of landing any mackerel or fish fillets ashore, forward the duplicate copy of the completed CDR referred to in subclause (4) to an office of the Department.
- (8) A person must not make an entry in accordance with subclause (4) that the person knows to be false or misleading.
- (9) For the purposes of subclause (3) the master must use a means of determining the weight which is accurate and, immediately prior to weighing the mackerel or fish fillets, determined to be in proper working condition.
- (10) A person must not remove any mackerel or fish fillets from the place where the mackerel or fish fillets were landed ashore—
- (a) unless subclauses (3) and (4) have been complied with;
  - (b) without the consent of the master;
  - (c) unless the mackerel and fish fillets are in the same condition (whole, head/gutted, gilled/gutted or filleted) in which they were in when they were landed ashore; and
  - (d) a completed CDR is securely attached to the mackerel or fish fillets.
- (11) Where the Executive Director issues a consignment number in respect of a notice given under subclause 21A(2) the master must make and keep a record of that consignment number on a CDR.
- (12) The master must ensure—
- (a) that any mackerel or fish fillets consigned from the place of landing has securely attached to it an original copy of the completed CDR; and
  - (b) that any container of mackerel or fish fillets in a consignment is clearly and legibly labelled with the CDR number that relates to that consignment.
- (13) For the purposes of subclause (6), each occasion on which mackerel or fish fillets are transported from the place of landing shall constitute a consignment, and a separate completed CDR shall be used in respect of each such consignment.
- (14) A person must complete a CDR in respect of mackerel and fish fillets taken from each Area of the Fishery.
- (15) A person must not record on any CDR any mackerel or fish fillets not taken from the Area to which that CDR relates.

#### **Part 7A—Exceptions**

##### **21C. Exceptions to clauses 10, 17, 20H, 20I, 20J and 21**

- (1) Clauses 17(5), 17(6), 21(1)(a) and 21(2) do not apply to the master of a boat where—
  - (a) the boat is authorised to be used for fishing in Area 1;
  - (b) the boat has been used to fish in Area 1 of the Fishery; and
  - (c) the master of that boat has, under clause 21A(2) given notification that fish will be unloaded in the port area of Darwin.
- (2) Clauses 10(5), 17(6) and 21(1)(a) do not apply to the master of a boat where—
  - (a) the boat is authorised to be used for fishing in Area 1;
  - (b) the boat has been used to fish in Area 1 only;
  - (c) the master of that boat has, under clause 21A(2) given notification that fish will be unloaded in the port area of Port Hedland; and
  - (d) the boat is steaming continuously and directly to Port Hedland to unload the fish.

- (3) Clause 17(3) does not apply when mackerel or fish fillets are being transferred from an auxiliary boat to the associated primary boat.
- (4) Clauses 17(6), 21(1)(b) and 21(2) do not apply to the master of a boat where—
- (a) the boat is authorised to be used for fishing in Area 2;
  - (b) the boat has been used to fish in Area 2 but not Area 1;
  - (c) the master of that boat has, under clause 21A(2) given notification that fish will be unloaded in the port area of Brome; and
  - (d) the boat is steaming continuously and directly to Broome to unload the fish.
- (5) Clause 17(6) does not apply to the master of a boat where—
- (a) the boat is an authorised boat under two or more permits;
  - (b) the permits referred to in paragraph (a) collectively authorise fishing in two adjoining Areas of the Fishery or all three Areas of the Fishery;
  - (c) the boat has been used to fish in at least two adjoining Areas of the Fishery on the same trip; and
  - (d) any fish on the boat are landed at a port area that is within one of the Areas of the Fishery in which the boat has been used to fish on that trip.
- (6) Notwithstanding clauses 17(5), 17(6), 21(2) or 21A(2) the master of an authorised boat may land fish from that boat at a port area which is outside the Area in which the boat has been used to fish where the master of the boat, while the boat is in a port area, has advised the Executive Director by ALC and in accordance with the approved directions for use that—
- (a) the next occasion when fish will be unloaded from the boat, the boat will be in a port area outside the Area in which the boat will be used for fishing;
  - (b) a notification of entering closed waters will be made in accordance with clause 20J;
  - (c) a notification of the intention to land fish will be made in accordance with clause 21A;
  - (d) immediately following the next occasion that fish are unloaded from the boat a notification of ceasing to fish will be made in accordance with clause 20I in respect of that boat; and
  - (e) a nomination to fish under clause 20H will not be made in respect of the boat for the remainder of that permit period.
- (7) A person must not transmit any information in a notice made under subclause (6) that the person knows to be false or misleading.
- (8) Clause 17(10) does not apply to the master of a boat—
- (a) acting in accordance with a nomination to fish made under clause 20H; and
  - (b) the boat is steaming continuously and directly from a port area to an Area of the Fishery specified in that nomination to commence fishing.
- (9) A nomination to fish for mackerel is not cancelled under clause 20H(6)(b) if—
- (a) the master of an authorised boat is acting in accordance with a relevant nomination;
  - (b) the master of the boat referred to in (a) has made a notification of landing fish in accordance with clause 21A;
  - (c) an exception as specified in subclause (3), (4) or (6) applies to the master of the boat; and
  - (d) after the fish have been landed the boat is steaming continuously and directly from the port area to an Area of the Fishery specified in that nomination.
- (10) The master of an authorised boat does not have to provide a notification of ceasing to fish in accordance with clause 20I(1) if—
- (a) the boat is authorised to be used for fishing in Area 1;
  - (b) the boat has been used for fishing in Area 1; and
  - (c) the master of that boat has, under clause 21A given notification that fish will be unloaded in the port area of Darwin.”.

## 12. Clause 24 replaced

Clause 24 is deleted and the following clause inserted instead—

### “24. Offences and major provisions

A person who contravenes a provision of—

- (a) clause 8(1), 9(3), 9(4), 10(1), 10(4), 10(5), 11, 17(3), 17(4), 17(5), 17(6), 17(7), 17(9), 17(10), 17(12), 20C(6), 21A(2), 21A(4), 21B(4), 21B(5), 21B(8), 21B(10), 21B(12), 21B(14), 21B(15), 21C(7); or
- (b) clause 17(1), 17(2), 17(11), 18(2), 18(4), 18(5), 19(3), 20H(1), 20H(2), 20H(5), 20I(1), 20I(2), 20J(1), 20J(2), 21(1), 21(2), 21(3), 21A(3), 21B(2), 21B(3), 21B(6), 21B(7), 21B(9), 21B(11), 22(1), 22(2), 23(1) and 23(4),

commits an offence and for the purposes of section 75 of the Act the offences specified in paragraph (a) are major provisions.”.



**13. Schedule 5 replaced**

Schedule 5 is deleted and the following Schedule inserted instead—

**“Schedule 5****Fees**

The fee payable for the grant or renewal of a permit that expires on 31 December 2006 is the sum obtained by multiplying the number of units of entitlement conferred by the permit by the fee for each unit, as follows—

- (a) Class 1A unit—\$8.39 per unit
- (b) Class 2A unit—\$7.97 per unit
- (c) Class 3A unit—\$7.92 per unit
- (d) Class 1B unit—\$1.51 per unit
- (e) Class 2B unit—\$0.88 per unit
- (f) Class 3B unit—\$0.55 per unit. “.

**14. Schedules inserted**

After Schedule 5 the following Schedules are inserted—

**“Schedule 6****Allocation of units**

(1) The number of class 1A units to be conferred by a permit that authorises fishing in Area 1 (“the relevant permit”) when that permit is renewed for the period ending 31 December 2006 or when it is granted after 1 January 2006 shall be calculated in accordance with the following formula—

$$\frac{A}{B} \times \frac{C}{50} = D$$

Where—

- A is the amount of mackerel in kilograms (whole weight), and confirmed by statutory fishing returns, that was submitted by the applicant for the relevant permit when satisfying the criteria specified in clause 13(1);
- B is the total amount of mackerel in kilograms (whole weight), and confirmed by statutory fishing returns, that was submitted by all the successful applicants for permits that authorise fishing in Area 1 that were granted before 31 December 2005 when satisfying the criteria specified in clause 13(1);
- C is the capacity of Area 1 of the Fishery as specified in clause 20A(2)(a)(i); and
- D is the number of class 1A units to be specified on the permit when renewed or granted as the case may be.

(2) The number of class 1B units to be conferred by a permit that authorises fishing in Area 1 (“the relevant permit”) when that permit is renewed for the period ending 31 December 2006 or when it is granted after 1 January 2006 shall be calculated in accordance with the following formula—

$$\frac{A}{B} \times \frac{C}{50} = D$$

Where—

- A is the amount of mackerel in kilograms (whole weight), and confirmed by statutory fishing returns, that was submitted by the applicant for the relevant permit when satisfying the criteria specified in clause 13(1);
- B is the total amount of mackerel in kilograms (whole weight), and confirmed by statutory fishing returns, that was submitted by all the successful applicants for permits that authorise fishing in Area 1 that were granted before 31 December 2005 when satisfying the criteria specified in clause 13(1);
- C is the capacity of Area 1 of the Fishery as specified in clause 20A(2)(a)(ii); and
- D is the number of class 1B units to be specified on the permit when granted or renewed as the case may be.

(3) The number of class 2A units to be conferred by a permit that authorises fishing in Area 2 (“the relevant permit”) when that permit is renewed for the period ending 31 December 2006 or when it is granted after 1 January 2006 shall be calculated in accordance with the following formula—

$$\frac{A}{B} \times \frac{C}{50} = D$$

Where—

- A is the amount of mackerel in kilograms (whole weight), and confirmed by statutory fishing returns, that was submitted by the applicant for the relevant permit when satisfying the criteria specified in clause 13(2);
- B is the total amount of mackerel in kilograms (whole weight), and confirmed by statutory fishing returns, that was submitted by all the successful applicants for permits that authorise fishing in Area 2 that were granted before 31 December 2005 when satisfying the criteria specified in clause 13(2);

C is the capacity of Area 2 of the Fishery as specified in clause 20A(2)(b)(i); and

D is the number of class 2A units to be specified on the permit when renewed or granted as the case may be.

(4) The number of class 2B units to be conferred by a permit that authorises fishing in Area 2 (“the relevant permit”) when that permit is renewed for the period ending 31 December 2006 or when it is granted after 1 January 2006 shall be calculated in accordance with the following formula—

$$\frac{A}{B} \times \frac{C}{50} = D$$

Where—

A is the amount of mackerel in kilograms (whole weight), and confirmed by statutory fishing returns, that was submitted by the applicant for the relevant permit when satisfying the criteria specified in clause 13(2);

B is the total amount of mackerel in kilograms (whole weight), and confirmed by statutory fishing returns, that was submitted by all the successful applicants for permits that authorise fishing in Area 2 that were granted before 31 December 2005 when satisfying the criteria specified in clause 13(2);

C is the capacity of Area 1 of the Fishery as specified in clause 20A(2)(b)(ii); and

D is the number of class 2B units to be specified on the permit when renewed or granted as the case may be.

(5) The number of class 3A units to be conferred by a permit that authorises fishing in Area 3 (“the relevant permit”) when that permit is renewed for the period ending 31 December 2006 or when it is granted after 1 January 2006 shall be calculated in accordance with the following formula—

$$\frac{A}{B} \times \frac{C}{50} = D$$

Where—

A is the amount of mackerel in kilograms (whole weight), and confirmed by statutory fishing returns, that was submitted by the applicant for the relevant permit when satisfying the criteria specified in clause 13(3);

B is the total amount of mackerel in kilograms (whole weight), and confirmed by statutory fishing returns, that was submitted by all the successful applicants for permits that authorise fishing in Area 3 that were granted before 31 December 2005 when satisfying the criteria specified in clause 13(3);

C is the capacity of Area 1 of the Fishery as specified in clause 20A(2)(c)(i); and

D is the number of class 3A units to be specified on the permit when renewed or granted as the case may be.

(6) The number of class 3B units to be conferred by a permit that authorises fishing in Area 3 (“the relevant permit”) when that permit is renewed for the period ending 31 December 2006 or when it is granted after 1 January 2006 shall be calculated in accordance with the following formula—

$$\frac{A}{B} \times \frac{C}{50} = D$$

Where—

A is the amount of mackerel in kilograms (whole weight), and confirmed by statutory fishing returns, that was submitted by the applicant for the relevant permit when satisfying the criteria specified in clause 13(3);

B is the total amount of mackerel in kilograms (whole weight), and confirmed by statutory fishing returns, that was submitted by all the successful applicants for permits that authorise fishing in Area 3 that were granted before 31 December 2005 when satisfying the criteria specified in clause 13(3);

C is the capacity of Area 1 of the Fishery as specified in clause 20A(2)(c)(ii); and

D is the number of class 3B units to be specified on the permit when renewed or granted as the case may be.

(7) Where, in this Schedule, the terms “amount of mackerel in kilograms” or “total amount of mackerel in kilograms” are used, that amount of mackerel excludes any mackerel—

- (a) taken by the use of the relevant boat when it was being used as a charter boat for recreational fishing;
- (b) not taken by the holder of a commercial fishing licence fishing for a commercial purpose; or
- (c) not taken under the authority of an authorisation.

(8) Where, as the result of the above calculations a result is not a whole number, then any fraction less than half is rounded down to the nearest whole number and any other fraction is rounded upwards to the nearest whole number.

**Schedule 7**  
**Unit values**

The extent of the entitlement to fish in an Area of the Fishery that arises from a unit shall be determined using the following formula—

$$\frac{A}{B} = C$$

Where—

- A is the capacity of an Area (either mackerel other than broad barred spanish mackerel or broad barred spanish mackerel whichever applies to the relevant class of unit) as specified in clause 20A(2) or determined under clauses 20A(1) or 20A(3) whichever is the later;
- B is the sum of all the relevant class of units for an Area (as specified on all the permits which confer that class of unit);
- C is the value of the relevant class of unit (in kilograms).

Where, as the result of the above calculation a result is more than two decimal places, then any fraction ending with 50 or less at the 3rd and 4th decimal places is rounded down to two decimal places and any fraction ending with 51 or more at the 3rd and 4th decimal places is rounded up to two decimal places.

For the purpose of this schedule the “relevant class of unit” is the unit which is set out in column 2 opposite the specified Area and fish in column 1 of the table below.

<b>Area</b>	<b>Relevant class of unit</b>
Area 1—Mackerel other than broad barred spanish mackerel	class 1A
Area 1—Broad barred spanish mackerel	class 1B
Area 2—Mackerel other than broad barred spanish mackerel	class 2A
Area 2—Broad barred spanish mackerel	class 2B
Area 3—Mackerel other than broad barred spanish mackerel	class 3A
Area 3—Broad barred spanish mackerel	class 3B ”.

Dated this 18th day of December 2005.

KIM CHANCE, A/Minister for Fisheries.

**FI402\***

**FISH RESOURCES MANAGEMENT ACT 1994**

WEST COAST DEEP SEA CRAB FISHERY (INTERIM) MANAGEMENT PLAN AMENDMENT 2005

FD 948/02 [728]

Made by the Minister under section 54(2).

**1. Citation**

This instrument may be cited as the *West Coast Deep Sea Crab Fishery (Interim) Management Plan Amendment 2005*.

**2. Management plan amended**

The amendments in this instrument are to the *West Coast Deep Sea Crab Fishery (Interim) Management Plan 2003\**.

**3. Clause 3 amended**

Clause 3 is amended by deleting “31 December 2005” and inserting instead—  
“ 31 December 2006 “.

**4. Clause 13 amended**

- (1) Clause 13 is amended by deleting the subclause designation “(1)”.
- (2) Subclause (2) is revoked.

*[\*Published in the Gazette of 28 January 2003. Amended by the West Coast Deep Sea Crab Fishery (Interim) Management Plan Amendment 2004 published in the Gazette of 24 December 2004.]*

Dated this 18th day of December, 2005.

KIM CHANCE, A/Minister for Fisheries.

FI403\*

**PEARLING ACT 1990**  
**PEARLING (ANNUAL FEES) NOTICE 2005**

FD 347/00 [730]

Made by the Minister under section 27(1)(a).

**1. Citation**This notice may be cited as the *Pearling (Annual Fees) Notice 2005*.**2. Interpretation**

In this notice, unless the contrary intention appears—

“pearling (seeding) licence” has the same meaning as in the regulations;

“pearling (wildstock) licence” has the same meaning as in the regulations;

“pearl shell unit” means—

- (a) in Zone 1, 1000 pearl oysters that may be taken under a pearling (wildstock) licence;
- (b) in Zone 2 and 3, 1100 pearl oysters that may be taken under a pearling (wildstock) licence;
- (c) in respect of a pearling (seeding) licence, 1000 pearl oysters that may be seeded under that licence;

“regulations” means the *Pearling (General) Regulations 1991*.**3. Commencement**

This notice shall commence operation on 1 January 2006.

**4. Annual fees for farm leases, pearling licences, hatchery licences and permits**

For the purposes of section 27(1)(a) of the Act, the annual fee declared for the year ending 31 December 2006 in respect of—

- (a) a farm lease is \$155.00 per square nautical mile or part thereof of the area of the relevant pearl oyster farm;
- (b) a pearling (wildstock) licence is \$3226.00 per pearl shell unit or part thereof;
- (c) a pearling (seeding) licence is \$3226.00 per pearl shell unit or part thereof;
- (d) a hatchery licence is \$280.00;
- (e) a pearling permit is \$67.00;
- (f) a hatchery permit is \$67.00.

**5. Payment by instalments**

(1) For the purposes of regulation 9A of the regulations, the annual fee for a pearling (wildstock) licence, pearling (seeding) licence or hatchery licence may be paid by instalments as specified in the Schedule to this notice if—

- (a) an election to pay by instalments is made by the holder of the licence in accordance with subclause (2); and
- (b) there is no other fee, charge or levy in respect of the licence which has not been paid at the time the election is received at the head office of the Department.

(2) An election made for the purposes of subclause (1) must be—

- (a) made in writing;
- (b) received at the head office of the Department prior to the commencement of the licensing period to which the election relates; and
- (c) accompanied by the first instalment plus the surcharge.

(3) For the purposes of regulation 9A(2) of the regulations, the surcharge shall be 3.13% of the annual fee.

(4) The holder of a licence, or a person acting on that person's behalf, must not engage in any pearling activity at any time when the fee or surcharge payable in respect of the licence is outstanding.

**Schedule**

**Payment by Instalments**

- (a) The first instalment is 25% of the annual fee and is due for payment on or before 1 January of the year for which the licence is granted or renewed.
- (b) The second instalment is 25% of the annual fee and is due for payment on or before 1 April immediately following the period specified in paragraph (a).
- (c) The third instalment is the annual fee less the instalments provided for in paragraphs (a) and (b) and is due for payment on or before 1 July immediately following the period specified in paragraph (a).

Dated this 18th day of December 2005.

KIM CHANCE, A/Minister for Fisheries.

FI404\*

**FISH RESOURCES MANAGEMENT ACT 1994**  
**PROHIBITION ON COMMERCIAL FISHING (JURIEN BAY MARINE PARK) ORDER 2005**  
Order No. 17 of 2005

FD 1620/98 [664]

Made by the Minister under section 43.

**1. Citation**

This order may be cited as the *Prohibition on Commercial Fishing (Jurien Bay Marine Park) Order 2005*.

**2. Interpretation**

(1) In this order, unless the contrary intention appears—

“regulations” means the *Fish Resources Management Regulations 1995*;

“Sanctuary Areas” means all of the areas set out in Schedule 4;

“Special Purpose Puerulus Monitoring Area” means the area set out in Schedule 2;

“Special Purpose Scientific Reference Areas” means all of the areas set out in Schedule 3;

“Special Purpose Shore Based Activities Areas” means all of the areas set out in Schedule 1.

(2) In this order, unless the contrary intention appears “rock lobster pot” has the same meaning as provided for in regulation 3 of the regulations.

(3) In this order, unless the contrary intention appears “abalone (all species)” has the same meaning as provided for in regulation 3(2) and Schedule 7 to the regulations.

**3. Special Purpose Puerulus Monitoring Area and Sanctuary Areas**

A person must not engage in fishing for a commercial purpose in the waters of the Special Purpose Puerulus Monitoring Area or Sanctuary Areas.

**4. Special Purpose Shore Based Activities Areas**

(1) A person must not engage in fishing for a commercial purpose in the waters of the Special Purpose Shore Based Activities Areas.

(2) Subclause (1) does not apply to fishing—

(a) for abalone in accordance with the *Abalone Management Plan 1992* without the use of, and not in connection with the use of, a boat;

(b) by demersal gillnet in accordance with the *West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan 1997* without the use of, and not in connection with the use of, a boat; or

(c) by beach seine net—

(i) within 100 metres of the high water mark of the mainland; and

(ii) with one end of the net on the landward side of the waterline.

**5. Special Purpose Scientific Reference Areas**

(1) A person must not engage in fishing for a commercial purpose in the waters of the Special Purpose Scientific Reference Areas.

(2) Subclause (1) does not apply to a person fishing—

(a) by rock lobster pot in accordance with the *West Coast Rock Lobster Management Plan 1993*;

(b) for abalone in accordance with the *Abalone Management Plan 1992* without the use of, and not in connection with the use of, a boat;

(c) by demersal gillnet in accordance with the *West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan 1997* without the use of, and not in connection with the use of, a boat; or

(d) by beach seine net from a licensed fishing boat.

**SCHEDULE 1****Special Purpose Shore Based Activities Areas**

North Head Area 1 Special Purpose Shore Based Activities Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 12.806' south latitude; thence west along the parallel to the intersection of 114° 59.788' east longitude; thence north along the geodesic to the intersection of 30° 12.654' south latitude and 114° 59.789' east longitude; thence north west by north along the geodesic to the intersection of 30° 12.565' south latitude and 114° 59.719' east longitude; thence north west along the geodesic to the intersection of 30° 12.493' south latitude and 114° 59.509' east longitude; thence north east by east along the geodesic to the intersection of the high water mark on the coastline and 30° 12.455' south latitude; thence generally southerly along the high water mark to the commencement point.

North Head Area 2 Special Purpose Shore Based Activities Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 115° 00.849' east longitude; thence westerly along the geodesic to the intersection of 30° 14.008' south latitude and 115° 00.755' east longitude; thence north west by west along the geodesic to the intersection of 30° 13.977' south latitude and 115° 00.683' east longitude; thence continuing north west by west along the

geodesic to the intersection of 30° 13.938' south latitude and 115° 00.617' east longitude; thence north west along the geodesic to the intersection of 30° 13.867' south latitude and 115° 00.531' east longitude; thence north west by west along the geodesic to the intersection of 30° 13.796' south latitude and 115° 00.402' east longitude; thence west north west along the geodesic to the intersection of 30° 13.744' south latitude and 115° 00.261' east longitude; thence west by north along the geodesic to the intersection of 30° 13.722' south latitude and 115° 00.087' east longitude; thence north along the meridian to the intersection of the high water mark on the coastline; thence generally south easterly along the high water mark to the commencement point.

Boullanger Island Special Purpose Shore Based Activities Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 20.413' south latitude; thence west along the parallel to the intersection of 115° 02.488' east longitude; thence north north west along the geodesic to the intersection of 30° 20.039' south latitude and 115° 02.256' east longitude; thence north west along the geodesic to the intersection of 30° 19.737' south latitude and 115° 01.945' east longitude; thence continuing north west along the geodesic to the intersection of 30° 19.594' south latitude and 115° 01.749' east longitude; thence continuing north west along the geodesic to the intersection of 30° 19.377' south latitude and 115° 01.523' east longitude; thence continuing north west along the geodesic to the intersection of 30° 19.225' south latitude and 115° 01.305' east longitude; thence north west by north along the geodesic to the intersection of 30° 19.028' south latitude and 115° 01.124' east longitude; thence north east by north along the geodesic to the intersection of 30° 18.818' south latitude and 115° 01.275' east longitude; thence north east along the geodesic to the intersection of 30° 18.658' south latitude and 115° 01.365' east longitude; thence east along the parallel to the intersection of the high water mark on the coastline; thence generally south westerly and south easterly along the high water mark to the commencement point.

Nambung Bay Special Purpose Shore Based Activities Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 33.823' south latitude; thence north north west along the geodesic to the intersection of 30° 33.752' south latitude and 115° 05.412' east longitude; thence north east by north along the geodesic to the intersection of 30° 33.634' south latitude and 115° 05.484' east longitude; thence continuing north east by north along the geodesic to the intersection of 30° 33.514' south latitude and 115° 05.576' east longitude; thence north by east along the geodesic to the intersection of 30° 33.418' south latitude and 115° 05.599' east longitude; thence northerly along the geodesic to the intersection of 30° 33.097' south latitude and 115° 05.582' east longitude; thence north north west along the geodesic to the intersection of 30° 32.887' south latitude and 115° 05.508' east longitude; thence continuing north north west along the geodesic to the intersection of 30° 32.571' south latitude and 115° 05.335' east longitude; thence continuing north north west along the geodesic to the intersection of 30° 32.280' south latitude and 115° 05.172' east longitude; thence north west by north along the geodesic to the intersection of 30° 32.065' south latitude and 115° 04.986' east longitude; thence continuing north west by north along the geodesic to the intersection of 30° 31.887' south latitude and 115° 04.849' east longitude; thence north north west along the geodesic to the intersection of 30° 31.834' south latitude and 115° 04.730' east longitude; thence north west by north along the geodesic to the intersection of 30° 31.719' south latitude and 115° 04.645' east longitude; thence east along the parallel to the intersection of the high water mark on the coastline; thence generally south south easterly along the high water mark to the commencement point.

## SCHEDULE 2

### Special Purpose Puerulus Monitoring Area

Special Purpose Puerulus Monitoring Area (Boullanger Island, Tern Island, Whitlock Island and Osprey Island)—All waters bounded by a line commencing at the intersection of 30° 19.393' south latitude and 114° 59.650' east longitude (south east side of Whitlock Island); thence northerly along the geodesic to the intersection of 30° 19.090' south latitude and 114° 59.659' east longitude (northern end of Whitlock Island); thence continuing northerly along the geodesic to the intersection of 30° 18.899' south latitude and 114° 59.641' east longitude (northern end of Tern Island); thence north east by north along the geodesic to the intersection of 30° 18.691' south latitude and 114° 59.785' east longitude (north eastern side of Osprey Island); thence north by east along the geodesic to the intersection of 30° 18.550' south latitude and 114° 59.830' east longitude (northern end of Osprey Island reef); thence east by south along the geodesic to the intersection of 30° 18.661' south latitude and 115° 00.347' east longitude (northern most point of Boullanger Island islet); thence south south east along the geodesic to the intersection of 30° 18.727' south latitude and 115° 00.375' east longitude; thence south south east along the geodesic to the intersection of 30° 18.767' south latitude and 115° 00.396' east longitude (the northern most point of Boullanger Island); thence south along the meridian to the intersection of 30° 18.900' south latitude; thence south west by west along the geodesic to the intersection of 30° 19.151' south latitude and 114° 59.928' east longitude (south western most point of Boullanger Island); thence south west along the geodesic to the commencement point.

## SCHEDULE 3

### Special Purpose Scientific Reference Areas

Fisherman Islands Special Purpose Scientific Reference Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 10.447' south latitude; thence west along the parallel to the intersection of 114° 56.721' east longitude; thence north along the meridian to the intersection of 30° 08.260' south latitude; thence east along the parallel to the intersection the high water mark on the coastline; thence generally south along the high water mark to the commencement point.

Green Islands Special Purpose Scientific Reference Areas—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 47.277' south latitude; thence west along the parallel to the intersection of 115° 07.611' east longitude; thence north north west along the geodesic to the intersection of 30° 39.993' south latitude and 115° 04.259' east longitude; thence east along the parallel to the intersection of the high water mark on the coastline; thence generally southerly along the high water mark to the commencement point, but excluding waters of Sanctuary Areas as set out in Schedule 4.

Hill River Special Purpose Scientific Reference Areas—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 27.467' south latitude; thence west along the parallel to the intersection of 114° 59.383' east longitude; thence north by west along the geodesic to the intersection of 30° 24.191' south latitude and 114° 58.500' east longitude; thence east along the parallel to the intersection of the high water mark on the coastline; thence generally southerly along the high water mark to the commencement point, but excluding waters of Sanctuary Areas as set out in Schedule 4.

#### SCHEDULE 4

##### Sanctuary Areas

Fisherman Islands Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 08.260' south latitude; thence west along the parallel to the intersection of 114° 56.721' east longitude; thence north along the meridian to the intersection of 30° 07.786' south latitude; thence east along the parallel to the intersection of the high water mark on the coastline; thence generally south along the high water mark to the commencement point.

North Head Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 115° 00.849' east longitude; thence westerly along the geodesic to the intersection of 30° 14.055' south latitude and 114° 59.545' east longitude; thence north by west along the geodesic to the intersection of 30° 12.666' south latitude and 114° 59.348' east longitude (southern most point of Sandland Island); thence north north east along the geodesic to the intersection of 30° 12.585' south latitude and 114° 59.384' east longitude (northern most point of Sandland Island); thence north east by east along the geodesic to the intersection of the high water mark on the coastline and 30° 12.455' south latitude; thence generally southerly and south easterly along the high water mark to the commencement point, but excluding waters of Special Purpose Shore Based Activities Areas as set out in Schedule 1.

Pumpkin Hollow Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 14.974' south latitude; thence north westerly along the geodesic to the intersection of the high water mark on the coastline and 115° 00.849' east longitude; thence generally easterly and southerly along the high water mark to the commencement point.

Boullanger Island Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 20.958' south latitude; thence west by south along the geodesic to the intersection of 30° 21.174' south latitude and 114° 59.792' east longitude (South Essex Rock); thence north east by north along the geodesic to the intersection of 30° 20.982' south latitude and 114° 59.930' east longitude (southern tip Middle Essex Rock); thence northerly along the geodesic to the intersection of 30° 20.924' south latitude and 114° 59.933' east longitude (northern tip Middle Essex Rock); thence north by east along the geodesic to the intersection of 30° 19.932' south latitude and 115° 00.232' east longitude; thence north westerly along the geodesic to the intersection of 30° 19.393' south latitude and 114° 59.650' east longitude (south east side of Whitlock Island); thence north easterly along the geodesic to the intersection of 30° 19.151' south latitude and 114° 59.928' east longitude (south western point of Boullanger Island); thence north east by east along the geodesic to the intersection of 30° 18.900' south latitude and 115° 00.396' east longitude; thence north along the meridian to the intersection of 30° 18.767' south latitude; thence north north westerly along the geodesic to the intersection of 30° 18.727' south latitude and 115° 00.375' east longitude; thence continuing north north westerly along the geodesic to the intersection of 30° 18.661' south latitude and 115° 00.347' east longitude (northern most point of Boullanger Island islet); thence easterly along the geodesic to the intersection of the high water mark on the coastline and 30° 18.659' south latitude; thence generally south westerly and south easterly along the high water mark to the commencement point, but excluding waters of Special Purpose Shore Based Activities Areas as set out in Schedule 1.

Booker Rocks Sanctuary Area—All waters bounded by a line commencing at the intersection of 30° 25.147' south latitude and 115° 01.553' east longitude; thence west along the parallel to the intersection of 115° 01.380' east longitude; thence north along the meridian to the intersection of 30° 24.998' south latitude; thence east along the parallel to the intersection of 115° 01.553' east longitude; thence south along the meridian to the commencement point.

Nambung Bay Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 33.823' south latitude; thence north north west along the geodesic to the intersection of 30° 33.752' south latitude and 115° 05.412' east longitude; thence continuing north north west along the geodesic to the intersection of 30° 31.719' south latitude and 115° 04.612' east longitude; thence east along the parallel to the intersection of the high water mark on the coastline; thence generally southerly along the high water mark to the commencement point, but excluding waters of Special Purpose Shore Based Activities Areas as set out in Schedule 1.

Cavanagh Reef Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 37.927' south latitude; thence west along the parallel to the intersection of 115° 06.087' east longitude; thence north along the meridian to the intersection of 30° 36.791' south latitude; thence east along the parallel to the intersection of the high water mark; thence generally southerly along the high water mark to the commencement point.

Grey Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 40.664' south latitude; thence westerly along the geodesic to the intersection of 30° 40.743' south latitude and 115° 06.831' east longitude; thence south westerly along the geodesic to the intersection of 30° 41.002' south latitude and 115° 06.488' east longitude (south eastern end of south Green Island); thence north westerly along the geodesic to the intersection of 30° 40.844' south latitude and 115° 06.299' east longitude (north west side of south Green Island); thence north west by west along the geodesic to the intersection of 30° 40.829' south latitude and 115° 06.273' east longitude (south end of north Green Island); thence north west by north along the geodesic to the intersection of 30° 40.722' south latitude and 115° 06.200' east longitude (eastern side of north Green Island); thence east north east along the geodesic to the intersection of the high water mark on the coastline and 30° 39.993' south latitude; thence generally southerly along the high water mark to the commencement point.

Target Rock Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 45.744' south latitude; thence west by north along the geodesic to the intersection of 30° 45.617' south latitude and 115° 09.978' east longitude; thence north north west along the geodesic to the intersection of 30° 44.485' south latitude and 115° 09.550' east longitude; thence east along the parallel to the intersection of the high water mark on the coastline; thence generally southerly along the high water mark to the commencement point.

Wedge Island Sanctuary Area—All waters bounded by a line commencing at the intersection of 30° 49.755' south latitude and 115° 11.551' east longitude; thence south west by south along the geodesic to the intersection of 30° 49.879' south latitude and 115° 11.448' east longitude; thence north westerly along the geodesic to the intersection of 30° 49.677' south latitude and 115° 11.169' east longitude; thence north east by north along the geodesic to the intersection of 30° 49.535' south latitude and 115° 11.278' east longitude; thence south easterly along the geodesic to the commencement point.

Dated this 21st day of December 2005.

JON FORD, Minister for Fisheries.

#### FI405\*

### FISH RESOURCES MANAGEMENT ACT 1994

#### PROHIBITION ON RECREATIONAL FISHING (JURIEN BAY MARINE PARK) ORDER 2005

Order No. 18 of 2005

FD 1620/98 [664]

Made by the Minister under section 43.

#### 1. Citation

This order may be cited as the *Prohibition on Recreational Fishing (Jurien Bay Marine Park) Order 2005*.

#### 2. Interpretation

(1) In this order, unless the contrary intention appears—

“fishing net” has the same meaning as in regulation 3 of the regulations;

“regulations” means the *Fish Resources Management Regulations 1995*;

“Sanctuary Areas” means all of the areas set out in Schedule 4;

“Special Purpose Puerulus Monitoring Area” means the area set out in Schedule 2;

“Special Purpose Scientific Reference Areas” means all of the areas set out in Schedule 3;

“Special Purpose Shore Based Activities Areas” means all of the areas set out in Schedule 1.

(2) In this order, unless the contrary intention appears the following expressions have the same meaning as provided for in regulation 3(2) and Schedule 7 to the regulations—

“abalone (all species)”;

“rock lobster”.

#### 3. Sanctuary Areas

A person must not engage in recreational fishing in the waters of the Sanctuary Areas.

#### 4. Special Purpose Shore Based Activities Areas

(1) A person must not engage in recreational fishing in the waters of the Special Purpose Shore Based Activities Areas.

(2) Subclause (1) does not apply to a person fishing for abalone or rock lobster—

(a) without the use of, and not in connection with the use of, a boat; and

(b) without diving.

(3) Subclause (1) does not apply to a person fishing without the use of, and not in connection with the use of, a boat—

(a) by means of a fishing line; or

(b) by means of a fishing net.



**5. Special Purpose Puerulus Monitoring Area**

- (1) A person must not engage in recreational fishing in the waters of the Special Purpose Puerulus Monitoring Area.
- (2) Subclause (1) does not apply to a person fishing by means of a fishing line.

**6. Special Purpose Scientific Reference Areas**

- (1) A person must not engage in recreational fishing in the waters of the Special Purpose Scientific Reference Areas.
- (2) Subclause (1) does not apply to a person fishing for rock lobster.
- (3) Subclause (1) does not apply to a person fishing without the use of, and not in connection with the use of, a boat—
- (a) for abalone;
  - (b) by means of a fishing line; or
  - (c) by means of a fishing net.

**SCHEDULE 1****Special Purpose Shore Based Activities Areas**

North Head Area 1 Special Purpose Shore Based Activities Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 12.806' south latitude; thence west along the parallel to the intersection of 114° 59.788' east longitude; thence north along the geodesic to the intersection of 30° 12.654' south latitude and 114° 59.789' east longitude; thence north west by north along the geodesic to the intersection of 30° 12.565' south latitude and 114° 59.719' east longitude; thence north west along the geodesic to the intersection of 30° 12.493' south latitude and 114° 59.509' east longitude; thence north east by east along the geodesic to the intersection of the high water mark on the coastline and 30° 12.455' south latitude; thence generally southerly along the high water mark to the commencement point.

North Head Area 2 Special Purpose Shore Based Activities Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 115° 00.849' east longitude; thence westerly along the geodesic to the intersection of 30° 14.008' south latitude and 115° 00.755' east longitude; thence north west by west along the geodesic to the intersection of 30° 13.977' south latitude and 115° 00.683' east longitude; thence continuing north west by west along the geodesic to the intersection of 30° 13.938' south latitude and 115° 00.617' east longitude; thence north west along the geodesic to the intersection of 30° 13.867' south latitude and 115° 00.531' east longitude; thence north west by west along the geodesic to the intersection of 30° 13.796' south latitude and 115° 00.402' east longitude; thence west north west along the geodesic to the intersection of 30° 13.744' south latitude and 115° 00.261' east longitude; thence west by north along the geodesic to the intersection of 30° 13.722' south latitude and 115° 00.087' east longitude; thence north along the meridian to the intersection of the high water mark on the coastline; thence generally south easterly along the high water mark to the commencement point.

Boullanger Island Special Purpose Shore Based Activities Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 20.413' south latitude; thence west along the parallel to the intersection of 115° 02.488' east longitude; thence north north west along the geodesic to the intersection of 30° 20.039' south latitude and 115° 02.256' east longitude; thence north west along the geodesic to the intersection of 30° 19.737' south latitude and 115° 01.945' east longitude; thence continuing north west along the geodesic to the intersection of 30° 19.594' south latitude and 115° 01.749' east longitude; thence continuing north west along the geodesic to the intersection of 30° 19.377' south latitude and 115° 01.523' east longitude; thence continuing north west along the geodesic to the intersection of 30° 19.225' south latitude and 115° 01.305' east longitude; thence north west by north along the geodesic to the intersection of 30° 19.028' south latitude and 115° 01.124' east longitude; thence north east by north along the geodesic to the intersection of 30° 18.818' south latitude and 115° 01.275' east longitude; thence north east along the geodesic to the intersection of 30° 18.658' south latitude and 115° 01.365' east longitude; thence east along the parallel to the intersection of the high water mark on the coastline; thence generally south westerly and south easterly along the high water mark to the commencement point.

Nambury Bay Special Purpose Shore Based Activities Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 33.823' south latitude; thence north north west along the geodesic to the intersection of 30° 33.752' south latitude and 115° 05.412' east longitude; thence north east by north along the geodesic to the intersection of 30° 33.634' south latitude and 115° 05.484' east longitude; thence continuing north east by north along the geodesic to the intersection of 30° 33.514' south latitude and 115° 05.576' east longitude; thence north by east along the geodesic to the intersection of 30° 33.418' south latitude and 115° 05.599' east longitude; thence northerly along the geodesic to the intersection of 30° 33.097' south latitude and 115° 05.582' east longitude; thence north north west along the geodesic to the intersection of 30° 32.887' south latitude and 115° 05.508' east longitude; thence continuing north north west along the geodesic to the intersection of 30° 32.571' south latitude and 115° 05.335' east longitude; thence continuing north north west along the geodesic to the intersection of 30° 32.280' south latitude and 115° 05.172' east longitude; thence north west by north along the geodesic to the intersection of 30° 32.065' south latitude and 115° 04.986' east longitude; thence continuing north west by north along the geodesic to the intersection of 30° 31.887' south latitude and 115° 04.849' east longitude; thence north north west along the geodesic to the intersection of 30° 31.834' south latitude and 115° 04.730' east longitude; thence north west by north along the geodesic to the intersection of 30° 31.719' south latitude and 115° 04.645' east longitude; thence east along the parallel to the intersection of the high water mark on the coastline; thence generally south south easterly along the high water mark to the commencement point.

**SCHEDULE 2****Special Purpose Puerulus Monitoring Area**

Special Purpose Puerulus Monitoring Area (Boullanger Island, Tern Island, Whitlock Island and Osprey Island)—All waters bounded by a line commencing at the intersection of 30° 19.393' south latitude and 114° 59.650' east longitude (south east side of Whitlock Island); thence northerly along the geodesic to the intersection of 30° 19.090' south latitude and 114° 59.659' east longitude (northern end of Whitlock Island); thence continuing northerly along the geodesic to the intersection of 30° 18.899' south latitude and 114° 59.641' east longitude (northern end of Tern Island); thence north east by north along the geodesic to the intersection of 30° 18.691' south latitude and 114° 59.785' east longitude (north eastern side of Osprey Island); thence north by east along the geodesic to the intersection of 30° 18.550' south latitude and 114° 59.830' east longitude (northern end of Osprey Island reef); thence east by south along the geodesic to the intersection of 30° 18.661' south latitude and 115° 00.347' east longitude (northern most point of Boullanger Island islet); thence south south east along the geodesic to the intersection of 30° 18.727' south latitude and 115° 00.375' east longitude; thence south south east along the geodesic to the intersection of 30° 18.767' south latitude and 115° 00.396' east longitude (the northern most point of Boullanger Island); thence south along the meridian to the intersection of 30° 18.900' south latitude; thence south west by west along the geodesic to the intersection of 30° 19.151' south latitude and 114° 59.928' east longitude (south western most point of Boullanger Island); thence south west along the geodesic to the commencement point.

**SCHEDULE 3****Special Purpose Scientific Reference Areas**

Fisherman Islands Special Purpose Scientific Reference Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 10.447' south latitude; thence west along the parallel to the intersection of 114° 56.721' east longitude; thence north along the meridian to the intersection of 30° 08.260' south latitude; thence east along the parallel to the intersection the high water mark on the coastline; thence generally south along the high water mark to the commencement point.

Green Islands Special Purpose Scientific Reference Areas—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 47.277' south latitude; thence west along the parallel to the intersection of 115° 07.611' east longitude; thence north north west along the geodesic to the intersection of 30° 39.993' south latitude and 115° 04.259' east longitude; thence east along the parallel to the intersection of the high water mark on the coastline; thence generally southerly along the high water mark to the commencement point, but excluding waters of Sanctuary Areas as set out in Schedule 4.

Hill River Special Purpose Scientific Reference Areas—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 27.467' south latitude; thence west along the parallel to the intersection of 114° 59.383' east longitude; thence north by west along the geodesic to the intersection of 30° 24.191' south latitude and 114° 58.500' east longitude; thence east along the parallel to the intersection of the high water mark on the coastline; thence generally southerly along the high water mark to the commencement point, but excluding waters of Sanctuary Areas as set out in Schedule 4.

**SCHEDULE 4****Sanctuary Areas**

Fisherman Islands Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 08.260' south latitude; thence west along the parallel to the intersection of 114° 56.721' east longitude; thence north along the meridian to the intersection of 30° 07.786' south latitude; thence east along the parallel to the intersection of the high water mark on the coastline; thence generally south along the high water mark to the commencement point.

North Head Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 115° 00.849' east longitude; thence westerly along the geodesic to the intersection of 30° 14.055' south latitude and 114° 59.545' east longitude; thence north by west along the geodesic to the intersection of 30° 12.666' south latitude and 114° 59.348' east longitude (southern most point of Sandland Island); thence north north east along the geodesic to the intersection of 30° 12.585' south latitude and 114° 59.384' east longitude (northern most point of Sandland Island); thence north east by east along the geodesic to the intersection of the high water mark on the coastline and 30° 12.455' south latitude; thence generally southerly and south easterly along the high water mark to the commencement point, but excluding waters of Special Purpose Shore Based Activities Areas as set out in Schedule 1.

Pumpkin Hollow Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 14.974' south latitude; thence north westerly along the geodesic to the intersection of the high water mark on the coastline and 115° 00.849' east longitude; thence generally easterly and southerly along the high water mark to the commencement point.

Boullanger Island Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 20.958' south latitude; thence west by south along the geodesic to the intersection of 30° 21.174' south latitude and 114° 59.792' east longitude (South Essex Rock); thence north east by north along the geodesic to the intersection of 30° 20.982' south latitude and 114° 59.930' east longitude (southern tip Middle Essex Rock); thence northerly along the geodesic to the intersection of 30° 20.924' south latitude and 114° 59.933' east longitude (northern tip Middle Essex Rock); thence north by east along the geodesic to the intersection of 30° 19.932' south latitude and 115° 00.232' east longitude; thence north westerly along the geodesic to the intersection of 30° 19.393' south latitude and 114° 59.650' east longitude (south east side of Whitlock Island); thence

north easterly along the geodesic to the intersection of 30° 19.151' south latitude and 114° 59.928' east longitude (south western point of Boullanger Island); thence north east by east along the geodesic to the intersection of 30° 18.900' south latitude and 115° 00.396' east longitude; thence north along the meridian to the intersection of 30° 18.767' south latitude; thence north north westerly along the geodesic to the intersection of 30° 18.727' south latitude and 115° 00.375' east longitude; thence continuing north north westerly along the geodesic to the intersection of 30° 18.661' south latitude and 115° 00.347' east longitude (northern most point of Boullanger Island islet); thence easterly along the geodesic to the intersection of the high water mark on the coastline and 30° 18.659' south latitude; thence generally south westerly and south easterly along the high water mark to the commencement point, but excluding waters of Special Purpose Shore Based Activities Areas as set out in Schedule 1.

Booker Rocks Sanctuary Area—All waters bounded by a line commencing at the intersection of 30° 25.147' south latitude and 115° 01.553' east longitude; thence west along the parallel to the intersection of 115° 01.380' east longitude; thence north along the meridian to the intersection of 30° 24.998' south latitude; thence east along the parallel to the intersection of 115° 01.553' east longitude; thence south along the meridian to the commencement point.

Nambung Bay Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 33.823' south latitude; thence north north west along the geodesic to the intersection of 30° 33.752' south latitude and 115° 05.412' east longitude; thence continuing north north west along the geodesic to the intersection of 30° 31.719' south latitude and 115° 04.612' east longitude; thence east along the parallel to the intersection of the high water mark on the coastline; thence generally southerly along the high water mark to the commencement point, but excluding waters of Special Purpose Shore Based Activities Areas as set out in Schedule 1.

Cavanagh Reef Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 37.927' south latitude; thence west along the parallel to the intersection of 115° 06.087' east longitude; thence north along the meridian to the intersection of 30° 36.791' south latitude; thence east along the parallel to the intersection of the high water mark; thence generally southerly along the high water mark to the commencement point.

Grey Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 40.664' south latitude; thence westerly along the geodesic to the intersection of 30° 40.743' south latitude and 115° 06.831' east longitude; thence south westerly along the geodesic to the intersection of 30° 41.002' south latitude and 115° 06.488' east longitude (south eastern end of south Green Island); thence north westerly along the geodesic to the intersection of 30° 40.844' south latitude and 115° 06.299' east longitude (north west side of south Green Island); thence north west by west along the geodesic to the intersection of 30° 40.829' south latitude and 115° 06.273' east longitude (south end of north Green Island); thence north west by north along the geodesic to the intersection of 30° 40.722' south latitude and 115° 06.200' east longitude (eastern side of north Green Island); thence east north east along the geodesic to the intersection of the high water mark on the coastline and 30° 39.993' south latitude; thence generally southerly along the high water mark to the commencement point.

Target Rock Sanctuary Area—All waters bounded by a line commencing at the intersection of the high water mark on the coastline and 30° 45.744' south latitude; thence west by north along the geodesic to the intersection of 30° 45.617' south latitude and 115° 09.978' east longitude; thence north north west along the geodesic to the intersection of 30° 44.485' south latitude and 115° 09.550' east longitude; thence east along the parallel to the intersection of the high water mark on the coastline; thence generally southerly along the high water mark to the commencement point.

Wedge Island Sanctuary Area—All waters bounded by a line commencing at the intersection of 30° 49.755' south latitude and 115° 11.551' east longitude; thence south west by south along the geodesic to the intersection of 30° 49.879' south latitude and 115° 11.448' east longitude; thence north westerly along the geodesic to the intersection of 30° 49.677' south latitude and 115° 11.169' east longitude; thence north east by north along the geodesic to the intersection of 30° 49.535' south latitude and 115° 11.278' east longitude; thence south easterly along the geodesic to the commencement point.

Dated this 21st day of December 2005.

JON FORD, Minister for Fisheries.

## JUSTICE

JU401\*

### PRISONS ACT 1981

#### PERMIT DETAILS

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Director General of the Department of Justice has revoked the following Permit to do High-Level Security Work—

SURNAME	OTHER NAMES	PERMIT No.	REVOCATION DATE
SORRELL	Gregory Brian	AP 0120	18/12/2005

This notice is published under section 15P of the *Prisons Act 1981*.

BRIAN LAWRENCE, Manager, Acacia Prison Contract.

JU402\*

**PRISONS ACT 1981**  
PERMIT DETAILS

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Director General of the Department of Justice has revoked the following Permit to do High-Level Security Work—

SURNAME	OTHER NAMES	PERMIT No.	REVOCATION DATE
BRACKEN	Matthew Arthur	AP0396	20/12/2005

This notice is published under section 15P of the *Prisons Act 1981*.

BRIAN LAWRENCE, Manager, Acacia Prison Contract.

JU403\*

**PRISONS ACT 1981**  
PERMIT DETAILS

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Director General of the Department of Justice has revoked the following Permit to do High-Level Security Work—

SURNAME	OTHER NAMES	PERMIT No.	REVOCATION DATE
COLLINS	Fiona Maree	AP233	18/12/2005

This notice is published under section 15P of the *Prisons Act 1981*.

BRIAN LAWRENCE, Manager, Acacia Prison Contract.

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## LOCAL GOVERNMENT

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LG401

**DOG ACT 1976**

*Town of Port Hedland*

APPOINTMENT OF DOG REGISTRATION OFFICERS

It is hereby notified for public information that Pam Whiteford-Hey, Jo Barbi, Leighah Carney, Tracey Dhu, Helen Nicholls, Nadia Hendriksen, Debbie Evans, Danielle Cowan, Gail Laney, Stephen Carstairs, Sesina Granquist, Paula McGuire, Julie Roberts, Linda Nickoll, Andriena Ciric, Chris Sousa, Daniel Hendriksen, Colin Mathie and Kylie Hodges are appointed as Dog Registration Officers for the Town of Port Hedland.

All previous appointments are cancelled.

CHRIS ADAMS, Chief Executive Officer.

LG402\*

**BUSH FIRES ACT 1954**

*Shire of Dumbleyung*

FIRE CONTROL OFFICERS 2005-06

The following have been appointed as Dual Bush Fire Control Officers for the Shire of Dumbleyung in accordance with the *Bush Fires Act 1954*. All previous appointments from the Shire of Katanning are hereby cancelled—

Shire of Katanning      Mr Richard Marshall

IAN V. CRAVEN, Chief Executive Officer.

LG403\*

**LOCAL GOVERNMENT ACT 1995**

*Shire of Gingin*

APPOINTMENT OF RANGER/AUTHORISED OFFICER

It is hereby notified for public information that Joseph Silvestro has been appointed as a Ranger for the Shire of Gingin and as an authorised officer for the following purposes—

Dog Act 1976  
Litter Act 1979  
Local Government Act 1995 (as amended)  
Shire of Gingin Local Laws  
Bush Fires Act 1954  
Control of Vehicles (Off-Road Areas) Act 1978 and Amendments

S. D. FRASER, Chief Executive Officer.

LG501\*

**BUSH FIRES ACT 1954***City of Mandurah***PROHIBIT BURNING OF GARDEN REFUSE**

Notice is hereby given to all owners or occupiers of land in the City of Mandurah that in accordance with Section 24G of the *Bush Fires Act 1954* (as amended) Council resolved on Tuesday 15 November 2005 to prohibit the burning of garden refuse within the district of Mandurah that would otherwise be permitted under Section 24F of the *Bush Fires Act 1954*.

Under no circumstances is any garden refuse permitted to be burnt between the hours of 6:00pm and 11:00pm during the LIMITED BURNING TIMES without Council's or a duly authorised officer's approval as detailed in Council's Fire Break Notice.

This notice remains in effect indefinitely.

"Limited Burning Times" means—

Restricted Burning Times: 1 April to 30 November inclusive annually

Prohibited Burning Times: 1 December to 31 March inclusive annually

"Permits to Burn" are required between 1 April and 30 November annually. No burning is permitted between 1 December and 31 March annually.

Enquiries on this issue should be directed to Ranger Services on 9581 2772.

MARK NEWMAN, Chief Executive Officer.

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**MARINE/MARITIME**


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MX401\*

**WESTERN AUSTRALIAN MARINE ACT 1982****RESTRICTED SPEED AREAS—ALL VESSELS***Shire of Waroona*

Waroona Dam

Department for Planning and Infrastructure  
Fremantle WA, 23 December 2005.

Acting pursuant to the powers conferred by Section 67 of the Western Australian Marine Act 1982, the department by this notice limits the speed of motor vessels to five (5) knots within the following area—

Waroona Dam—All the waters of the dam lying to the north and east of the buoys and signs on the foreshore marking the limit of the ski area.

DAVID HARROD, General Manager Marine Safety  
Department for Planning and Infrastructure.

MX402\*

**WESTERN AUSTRALIAN MARINE ACT 1982****NAVIGABLE WATERS REGULATIONS****WATER SKI AREA***Shire of Waroona*

Waroona Dam

Department for Planning and Infrastructure  
Fremantle WA, 23 December 2005.

Acting pursuant to the powers conferred by Section 48A of the Navigable Waters Regulations the department by this notice defines and sets aside the following area of Navigable Water for the purpose of Water Skiing between the hours of Sunrise and Sunset and orders that bathing shall be prohibited therein—

Waroona Dam—All the waters of the dam lying to the north and east of a line drawn 200 metres upstream and parallel with the dam wall to lines marked with buoys in the north-east and eastern arms Provided however that skiing is not permitted within 45 metres of the foreshore except when taking off and landing. The rotation of all water skiing on the dam shall be in an anti-clockwise direction.

DAVID HARROD, General Manager Marine Safety  
Department for Planning and Infrastructure.

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## MINERALS AND PETROLEUM

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MP401\*

Commonwealth of Australia

**PETROLEUM (SUBMERGED LANDS) ACT 1967**

## RENEWAL OF EXPLORATION PERMIT WA-294-P (R1)

The renewal of Exploration Permit No. WA-294-P (R1) has been approved and will take effect from the 20/12/05.

W. L. TINAPPLE, Director Petroleum & Royalties Division.

MP402

**MINING ACT 1978**  
INTENTION TO FORFEIT

Department of Industry Resources,  
Perth WA 6000.

In accordance with Regulation 50(b) of the Mining Regulations 1981, notice is hereby given that unless the rent due on the undermentioned licences and leases is paid on or before 13 January 2006 it is the intention of the Minister for State Development under the provisions of sections 96A(1) and 97(1) of the Mining Act 1978 to forfeit such for breach covenant, viz, non-payment of rent.

JIM LIMERICK, Director General.

Number	Holder	Mineral Field
Exploration Licences		
15/584	Cooke, Richard Henry Sinclair, Neil Wesley	Coolgardie
80/2703	Bepike Pty Ltd	Kimberley
Mining Leases		
16/175	Hoppmann, Robert	Coolgardie
36/322	Creasy, Mark Gareth Newmont Yeadal Operations Pty Ltd	East Murchison
36/323	Creasy, Mark Gareth Newmont Yeadal Operations Pty Ltd	East Murchison
37/716	Money, John Robert Venn	Mt Margaret
37/717	Money, John Robert Venn	Mt Margaret

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## PLANNING AND INFRASTRUCTURE

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PI401\*

**TRANSPORT CO-ORDINATION ACT 1996**

## TRANSPORT (COMMERCIAL GOODS VEHICLES EXEMPTION) AMENDMENT ORDER 2005

Made by the Minister for Planning and Infrastructure under section 19 of the *Transport Coordination Act 1966*.

**1. Citation**

This order may be cited as the *Transport (Commercial Goods Vehicles Exemption) Order 2005*.

**2. The Order amended**

The amendments in this order are to the *Transport (Commercial Goods Vehicles Exemption) Order 1992*<sup>1</sup>.

**3. Clause 4 replaced**

Clause 4 is repealed and the following clause is inserted instead—

**“4 Exemption**

(1) A commercial goods vehicle, other than a commercial goods vehicle to which subclause (2) applies, is exempt from section 20 of the Act.

(2) This subclause applies to any commercial goods vehicle used for the carriage of iron ore or any mining product from which iron is to be extracted, and which is to be sourced from any mine or mine stockpile situated within a 100km radius of Wubin, Pindar, Geraldton, Marchagee and South Mine 94 or within an area 100km on either side of—

- (a) The Northern Railway Line between Wubin and Geraldton including the Pindar to Mullewa section;
- (b) The Midland Railway line between Marchagee and Geraldton; or
- (c) The Railway line between South Mine 94 and Dongara.”

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

<sup>1</sup> [Published in Gazette 23 June 1992, pp 2636-7. For amendments to 2005, see Index to Legislation of Western Australia Table 4.]

**PI402\***

*CORRECTION*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

APPROVED TOWN PLANNING SCHEME AMENDMENT

*Shire of Murray*

Town Planning Scheme No. 4—Amendment No. 192

Ref: 853/6/16/7 Pt 192

It is hereby notified for public information that the notice under the above Amendment No 192 published at page 5739 of the *Government Gazette* No 208 dated 3 December 2004, contained an error which is now corrected as follows—

Include the following in Schedule 3—Canal Development Zone—

Description of Land	Permitted Uses	Development Control Provisions
“Murray Waters” Canal Estate as delineated on the Scheme Map and bounded by Pelican Road; South Yunderup Road and Willow Place, South Yunderup	9. Bed and Breakfast Accommodation	To be determined as an “SA” use in accordance with clause 5.2.2
“Murray Lakes” as delineated on the Scheme Map and bounded by Banksia Road, Cammarri Way, Sunland Avenue, South Yunderup Road; Delta Drive and Patemen Place, South Yunderup	10. Bed and Breakfast Accommodation	To be determined as an “SA” use in accordance with clause 5.2.2

N. LEACH, Chief Executive Officer.

**PI403\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

APPROVED TOWN PLANNING SCHEME AMENDMENT

*Shire of Augusta-Margaret River*

Town Planning Scheme No. 11—Amendment No. 151

Ref: 853/6/3/8 Pt 151

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Augusta-Margaret River town planning scheme amendment on 13 December 2005 for the purpose of—

1. Amending the Scheme Map to show that Lot 76 Kevill Road West, Margaret River contains an “Additional Use”, as identified on the Scheme Amendment Map.
2. Amending Appendix IV—Additional Use Right, in the Scheme Text, by the addition of the following—

Street	Particulars of Land	Additional Use Permitted and Any Specific Conditions of Operation
Corner Wallcliffe Road and Kevill Road West	Lot 76 of Sussex Location 409 Kevill Road West	1. Development is to be in accordance with the Development Guide Plan. However, minor variations may be

Street	Particulars of Land	Additional Use Permitted and Any Specific Conditions of Operation
		<p>approved by the Council if deemed necessary and if in accordance with the objectives of the Scheme.</p> <p>2. Chalet Development not to exceed a maximum density of two chalets.</p> <p>3. In considering any proposal for development, the following shall be addressed to the satisfaction of Council—</p> <ul style="list-style-type: none"> <li>• Effluent disposal including a geo-technical report prepared to the satisfaction of the WA Health Department demonstrating the site's suitability for on-site effluent disposal;</li> <li>• Water supply;</li> <li>• Revegetation areas identified on a detailed rehabilitation plan at the Development Application stage;</li> <li>• Fire protection measures to the satisfaction of the Fire Emergency Service Authority and Council, and such measures shall form a Fire Management Plan to be adopted by Council for any development on the lot and implemented at the development stage; and</li> <li>• Built form including building materials and building bulk in accordance with Council's Visual Management Policy.</li> </ul> <p>4. Development as may be approved by Council is to be located in such a manner as to minimise disturbance to existing vegetation.</p>

R. COLYER, President.  
J. TRAIL, Chief Executive Officer.

**PI404\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

APPROVED TOWN PLANNING SCHEME AMENDMENT

*Shire of Augusta-Margaret River*

Town Planning Scheme No. 11—Amendment No. 153

Ref: 853/6/3/8 Pt 153

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Augusta-Margaret River town planning scheme amendment on 15 December 2005 for the purpose of—

1. Rezoning a portion of Lot 100 Cowaramup Bay Road, Road Cowaramup from "Rural" to "Special Use" as depicted on the amending map adopted by Council.
2. Amending the Scheme Text by inserting in "Schedule III—Special Use Sites" the following.

LOT AND LOCATION	PERMITTED USES (SEE CLAUSE 4.8)
Lot 100 Cowaramup Bay Road, Cowaramup	<p>PURPOSE</p> <p>1.0 The purpose of this Special Use Zone affecting the subject land is to provide for—</p> <p>(a) Site specific controls and other provisions for the establishment of the residential extension of the integrated village concept over adjoining Lot 21 Brockman Road.</p>



LOT AND LOCATION	PERMITTED USES (SEE CLAUSE 4.8)
	<p data-bbox="691 253 1398 353">(b) Expansion of the Cowaramup Townsite in a manner that is consistent with the objectives and guidelines of the Leeuwin Naturaliste Ridge Statement of Planning Policy No. 7 and the West Cowaramup Townsite Strategy</p> <p data-bbox="659 365 826 396"><b>OBJECTIVES</b></p> <p data-bbox="659 398 746 430">Overall</p> <p data-bbox="659 432 1398 510">2.0 To provide for flexibility in the zoning controls to allow for the extension of residential development through innovative approaches to subdivision, land use and ongoing management.</p> <p data-bbox="659 512 1398 672">2.1 To provide for a transitional development area that accounts for the environmental qualities of the site, surrounding agricultural uses and a desire to provide for increased lifestyle choices that are compatible with the character of agriculture, arts and crafts production and tourism of the location and Shire in general.</p> <p data-bbox="659 674 1398 775">2.2 To provide for development design and construction standards and guidelines that minimise adverse environmental impacts and that are compatible with the surrounding rural character of the locality.</p> <p data-bbox="659 777 1398 833">2.3 To minimise the loss of significant remnant vegetation through appropriate subdivision design and controls.</p> <p data-bbox="659 835 1398 943">2.4 To provide for detailed on-going land use and environmental management provisions through the use of management plans and caveats that can be integrated with appropriate land tenure mechanisms.</p> <p data-bbox="659 945 1398 1023">2.5 To ensure that development only occurs once appropriate infrastructure and services have been provided for, and all land use management plans approved.</p> <p data-bbox="659 1034 1066 1066"><b>DEVELOPMENT CONCEPT PLAN</b></p> <p data-bbox="659 1068 1398 1146">3.0 Subdivision and development shall be generally in accordance with the approved Cowaramup Village Extension Development Concept Plan (dated 21 October 2005).</p> <p data-bbox="659 1149 1398 1361">3.1 The Council may endorse or refuse any proposed modifications to the approved Development Concept Plan by way of resolution of Council where the modifications are consistent with the purpose and objectives of the zone. Where modifications to the Development Concept Plan are proposed, the Council shall require the modifications to be advertised for public comment for a period of 21 days prior to considering the proposed modification.</p> <p data-bbox="659 1364 1398 1520">3.2 The Council shall forward a copy of any modifications referred to in 3.1, once these have been considered by Council, to the Western Australian Planning Commission for its consideration. The modified Development Concept Plan will not come into effect until endorsed by the Western Australian Planning Commission (WAPC).</p> <p data-bbox="659 1532 991 1563"><b>PERMISSIBLE LAND USES</b></p> <p data-bbox="659 1565 1398 1644">4.0 The following list indicates the uses which may be permitted in the various landuse categories nominated on the approved Development Concept Plan.</p> <p data-bbox="659 1646 887 1677">4.1 Residential Lots</p> <p data-bbox="691 1680 927 1711">(a) 'P' Use Category</p> <p data-bbox="738 1713 922 1744">Single Dwelling</p> <p data-bbox="691 1747 932 1778">(b) 'IP' Use category</p> <p data-bbox="738 1780 938 1812">Home occupation</p> <p data-bbox="691 1814 946 1845">(c) 'AA' Use Category</p> <p data-bbox="738 1848 778 1879">Nil</p> <p data-bbox="691 1881 943 1912">(d) 'SA' Use Category</p> <p data-bbox="738 1915 932 1946">Day Care Centre</p> <p data-bbox="659 1948 1054 1980">4.2 Remnant Vegetation Protection</p> <p data-bbox="691 1982 922 2013">(a) 'P' Use Category</p> <p data-bbox="738 2016 778 2047">Nil</p> <p data-bbox="691 2049 932 2080">(b) 'IP' Use Category</p> <p data-bbox="738 2083 778 2114">Nil</p>

LOT AND LOCATION	PERMITTED USES (SEE CLAUSE 4.8)
	<p>(c) 'AA' Use Category Discretionary uses (AA), as determined by Council, are to be consistent with the Environmental Management Plan (referred to in clause 11.1 and/or the Development Concept Plan and are to be incidental to the intended protection of the vegetation and passive recreational uses of the land.</p> <p>(d) 'SA' Use Category Nil</p> <p>4.3 Cultural Activities Precinct No permanent buildings / structures will be permitted, however, the <i>following short term/temporary</i> land uses may be permitted—</p> <p>(a) 'P' Use Category Nil</p> <p>(b) 'IP' Use Category Nil</p> <p>(c) 'AA' Use Category Trade Display Open Air Display</p> <p>(d) 'SA' Use Category Concert (means land used for entertainment with a focus on cultural events)  Markets (means any land or building used for the display and sale of goods from stalls by independent vendors)  Public Amusement (means the use of land as a theatre, a cinema, a dance hall, a skating rink, swimming pool or gymnasium or for games or any other temporary use which Council considers meets the general meaning of 'Public Amusement')</p> <p>Prior to the Shire considering any proposed use within the Cultural Activities Precinct the proponent is to prepare a management plan which addresses the following—</p> <ul style="list-style-type: none"> <li>• frequency of proposed use,</li> <li>• hours of operation;</li> <li>• potential noise impacts;</li> <li>• traffic and parking management;</li> <li>• public toilet facilities;</li> <li>• crowd control and security;</li> <li>• vegetation protection;</li> <li>• methods to reduce any potential land use conflict; and</li> <li>• any other matter and/or special events policy required by Council to demonstrate the suitability of the proposed use.</li> </ul> <p>4.4 Uses other than those listed in clause 4.1, 4.2 and 4.3 inclusively of this Schedule as it relates to the subject property are prohibited except where it can be demonstrated, to the satisfaction of Council, that those uses are incidental or ancillary to an approved permitted use.</p> <p><b>DEVELOPMENT</b></p> <p>Residential Lots</p> <p>5.0 The following provisions shall apply to all land nominated as Residential Lots on the approved Development Concept Plan.</p> <p>5.1 All development/lots shall be connected to a reticulated water supply and reticulated sewerage scheme.</p> <p>5.2 Residential development density shall be in accordance with the R-Code nominated on the Development Concept Plan.</p> <p>5.3 Single Dwellings and habitable buildings shall be constructed to meet Australian Standard AS 3959 "Construction of buildings in Bush Fire Prone Areas".</p> <p>5.4 In addition to clause 5.2, residential development shall comply with the Scheme and R-Codes unless varied by design guidelines endorsed by Council and the Western Australian Planning Commission that may address, but not be limited to—</p> <ul style="list-style-type: none"> <li>• Setbacks</li> </ul>

LOT AND LOCATION	PERMITTED USES (SEE CLAUSE 4.8)
	<ul style="list-style-type: none"> <li>• Building Materials</li> <li>• Building Height</li> <li>• Grouped Dwellings, where applicable</li> <li>• Overlooking and Overshadowing</li> <li>• Fencing</li> <li>• Levels, Earthworks and Retaining Walls</li> <li>• Roofscape</li> <li>• Outbuildings and Other Structures</li> <li>• Security</li> <li>• Solar Orientation.</li> <li>• Mitigation of risk from wildfire.</li> </ul> <p>5.5 Council may request as a condition of subdivision approval that the Western Australian Planning Commission require building envelopes, or modified building setback requirements, for all vegetated lots to maximise vegetation protection and retain fire management clearing requirements within the proposed lots where possible. All residences and outbuildings shall be contained within the envelope/setback area and where Council approves a building envelope or setback variation these shall supersede the setback requirement of the R-Codes.</p> <p><b>Affordable Housing</b></p> <p>6.0 Prior to subdivision, the subdivider is to develop appropriate legal mechanisms and agreements for the establishment of 23 affordable housing lots within the R15 Residential cell—as indicated on the Cowaramup Village Extension(West Cowaramup) Development Concept Plan, contained within Amendment No 153—generally in accordance with the principles and guidelines established within the amendment report, except that the allocation shall be fixed at 23 lots and any funds will be set aside for supporting future affordable housing projects or the provision or maintenance of community facilities at the discretion of Council. Costs associated with the preparation of the legal agreement(s) shall be bourn by the proponent.</p> <p>6.1 The abovementioned legal agreement shall make provision for the timely implementation/provision of the affordable housing lots, with the timing being negotiated between the proponent and the Council.</p> <p><b>Sustainable (Display) Home</b></p> <p>7.0 Prior to subdivision, the subdivider is to enter into a suitable agreement for the establishment of a Sustainable (Display) Home within the Residential R15 cell—as indicated on the Cowaramup Village Extension Development Concept Plan, contained within Amendment No 153—generally in accordance with the principles and guidelines established within the Amendment report, and to the satisfaction of Council.</p> <p>7.1 Notwithstanding the above, the establishment of a Sustainable (Display) Home by the subdivider in an alternative location may be supported by Council subject to the subdivider entering into an alternative agreement to the satisfaction of Council prior to subdivision.</p> <p>7.2 The abovementioned agreement shall make provision for the timely provision of the Sustainable (Display) Home, with the timing being negotiated between the proponent and the Council.</p> <p><b>Fire Protection</b></p> <p>8.0 At the time of subdivision, Council may request that the WAPC impose a condition requiring the preparation and implementation of a Fire Management Plan on a staged basis, as subdivision occurs generally in accordance with the draft Fire Management Plan contained in the Amendment No. 153 report to the satisfaction of Council and FESA.</p> <p><b>Vegetation Protection</b></p> <p>9.0 No trees or substantial native vegetation shall be felled or removed from the site except where—</p> <ul style="list-style-type: none"> <li>(a) required for approved development or subdivision works;</li> <li>(b) required to fulfil the provisions or requirements of an approved Bush Fire Management;</li> </ul>

LOT AND LOCATION	PERMITTED USES (SEE CLAUSE 4.8)
	<p>(c) required by a Council Firebreak Order; or</p> <p>(d) Trees are declared by a qualified person to be dead, diseased or dangerous.</p> <p>Drainage</p> <p>10.0 At the time of subdivision, Council may request that the WAPC impose a condition requiring the preparation of a drainage strategy for the site and the strategy is to be implemented on a staged basis as subdivision occurs.</p> <p>Remnant Vegetation Protection</p> <p>11.0 Prior to subdivision, the subdivider is to demonstrate how the Remnant Vegetation Protection areas are to be managed and protected in perpetuity. However, such management is to be generally in accordance with the principles established within the Amendment report.</p> <p>11.1 At the time of subdivision, Council may request that the WAPC impose a condition requiring the subdivider to prepare and implement an Environmental Management Plan for Remnant Vegetation Protection areas. The Environmental Management Plan may include, but will not be limited to, the following—</p> <p>(a) Description and mapping of remnant vegetation and watercourses.</p> <p>(b) Description of regional conservation values.</p> <p>(c) Management of remnant vegetation and watercourses to avoid potential impacts and landuse conflicts through addressing but not limited to the following—</p> <ul style="list-style-type: none"> <li>• clearing restrictions;</li> <li>• fencing guidelines detailing appropriate materials and promoting uniformity;</li> <li>• signage;</li> <li>• weed control;</li> <li>• fire management and paths;</li> <li>• rehabilitation;</li> <li>• mosquito and midge control;</li> <li>• pets;</li> <li>• monitoring;</li> <li>• incorporation of public open space; and</li> <li>• provision of pathways.</li> </ul> <p>(d) Description of how potential impacts and potential land use conflicts will be avoided through appropriate buffers and land use management.</p> <p>(e) Provision of details of contingency plans in the event the development has an adverse impact upon environmental values.</p> <p>11.2 At the time of subdivision, Council may recommend the WAPC impose a condition that the pathways indicated on the Development Concept Plan shall be constructed in keeping with the recommendations of the Environmental Management Plan prior to any clearance of subdivision conditions.</p> <p>11.3 At the time of subdivision, Council may request that the WAPC impose a condition requiring the preparation and implementation of a rehabilitation programme for the Revegetation Area identified on the Development Concept Plan to the satisfaction of Council. Furthermore, Council shall require the subdivider to enter into a legal agreement with the Shire to ensure the satisfactory implementation, and ongoing maintenance, of Revegetation Areas in accordance with the rehabilitation programme approved by Council.</p> <p>11.4 At the time of subdivision the Council may request that the WAPC impose a condition to ensure significant vegetation on residential lots is identified and protected where possible.</p> <p>11.5 At the time of subdivision, Council may request that the WAPC impose a condition requiring the preparation and implementation of guidelines to encourage the planting of native vegetation as part of the landscaping of residential lots.</p>

LOT AND LOCATION	PERMITTED USES (SEE CLAUSE 4.8)
	<p>11.6 At the time of subdivision, Council may request that the WAPC impose a condition requiring a Section 70A notification on all titles to alert the first and subsequent purchasers of residential lots of the landscape guidelines.</p> <p>11.7 At the time of subdivision, the Council may recommend that the WAPC impose a condition that covenants or similar controls be implemented to prohibit the keeping of cats.</p> <p>Road Access</p> <p>12.0 Prior to subdivision, Council and the subdivider are to establish a staging and contributions programme to ensure adequate road upgrading to provide for strategic road linkage connecting the proposed development/subdivision to the local road network, generally in accordance with the West Cowaramup Townsite Strategy.</p> <p>12.1 At the time of subdivision, Council may request that the WAPC impose a condition that Brockman Road be constructed and upgraded by the subdivider in accordance with Council's Operations Policy PE.50 or any amendments thereto.</p>

R. COLYER, President.  
J. TRAIL, Chief Executive Officer.

PI405\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

APPROVED TOWN PLANNING SCHEME AMENDMENT

*Shire of Dardanup*

Town Planning Scheme No. 3—Amendment No. 126

Ref: 853/6/9/6 Pt 126

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Dardanup town planning scheme amendment on 15 December 2005 for the purpose of—

1. Rezoning portion of Lot 4579 Panizza Road, Crooked Brook from "General Farming" to "General Farming" with "Additional Use—Chicken Processing Facility".
2. Modifying the scheme text by inserting into Appendix IV "Additional Use Zones" Additional Use No 11 which is to read as follows—

No	Street	Particulars Of Land	Additional Use Permitted	Conditions
11	Panizza Road	Portion of Lot 4579, Crooked Brook	Chicken Processing Facility	<p>1. Subdivision and Development shall generally be in accordance with the Outline Development Plan No. 04324P-04 dated 12.12.05 attached to the Scheme Amendment No. 126 Report.</p> <p>2. Vegetation buffers to be maintained within 20 metres of all boundaries with the exception of land that is required for access or servicing infrastructure.</p> <p>3. At the subdivision stage, a 70A Notification is to be placed on the title of the proposed abattoir site acknowledging that mining may occur adjacent to the lot boundary.</p> <p>4. The owner of the abattoir site acknowledges that there is significant titanium mineralisation within close proximity to the boundary of the lot and that the owner(s) support mining of this resource in the future.</p>

B. G. DAY, President.  
M. L. CHESTER, Chief Executive Officer.

PI406\*

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

## APPROVED TOWN PLANNING SCHEME AMENDMENT

*Shire of Dardanup*

Town Planning Scheme No. 3—Amendment No. 127

Ref: 853/6/9/6 Pt 127

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Dardanup town planning scheme amendment on 15 December 2005 for the purpose of—

1. Rezoning portion of Lot 800 corner of Hamilton Road and Old Coast Road, Eaton to “Recreation” as depicted on the Scheme Amendment Map.
2. Rezoning portion of Lot 800 corner Hamilton Road and Old Coast Road to “Residential R15” as depicted on the Scheme Amendment Map.
3. Rezoning portion of road reserve adjacent to north west boundary of Lot 800 corner Hamilton Road and Old Coast Road to “Recreation” as depicted on the Scheme Amendment Map.
4. Rezoning portion of Reserve 34227 from “Recreation” to no zone (roads) as depicted on the Scheme Amendment Map.
5. Amending the Scheme Area Boundary to conform with the Local Government Boundary.
6. Including an additional sub clause within Section 3.3 of the Scheme: Special Application of the Residential Planning Codes to read—

Prior to subdivision, land coded R15 abutting Old Coast Road within Lot 800 Hamilton Road, Eaton shall be developed with uniform masonry fencing in combination with earth bunding within the Old Coast Road Reserve to ameliorate traffic noise generated from the Old Coast Road.

The subdivider is to plant the Old Coast Road Reserve with dense native vegetation, with the necessary approvals from the Main Roads WA and the City of Bunbury, in order to provide an effective visual screen of the proposed residential development to reduce the visual impact of the development from Old Coast Road and to secure the amenity of the residential area. Existing vegetation within the Old Coast Road Reserve should be preserved wherever practicable.

M. T. BENNETT, President.  
M. L. CHESTER, Chief Executive Officer.

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**POLICE**

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PO501\*

**POLICE ACT 1892**

## POLICE AUCTION

Under the provisions of the *Police Act 1892*, unclaimed and forfeited property and bicycles will be sold by public auction Ross's Sales & Auctions, 241 Railway Parade, Maylands on Wednesday 18 January 2006 at 10.00am.

The auction is to be conducted by Mr Brad Buckle, Mr Craig Edwards, Mr Kevin Grickage.

K. O'CALLAGHAN, Commissioner of Police,  
Western Australia Police Service.

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**PREMIER AND CABINET**

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PC401\*

**INTERPRETATION ACT 1984**

## MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Lieutenant-Governor and Administrator in accordance with Section 52(1)(b) of the *Interpretation Act 1984* has approved the following temporary appointment—

Hon E S Ripper MLA to act temporarily in the office of Minister for Disability Services; Citizenship and Multicultural Interests; Seniors and Volunteering; Minister Assisting the Minister for Federal Affairs in the absence of the Hon M M Quirk MLA for the period 26 December 2005 to 2 January 2006 (both dates inclusive).

M. C. WAUCHOPE, Director General  
Department of the Premier and Cabinet.

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## RACING, GAMING AND LIQUOR

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RG401

**RACING PENALTIES (APPEALS) ACT 1990**

## RACING PENALTIES APPEAL TRIBUNAL INSTRUMENT OF APPOINTMENT

I, Mark McGowan MLA, being the Minister responsible for the administration of the *Racing Penalties (Appeals) Act 1990* and acting in accordance with section 5(1) of that Act, hereby appoint Mr Dan Mossenson as the chairperson, for a term commencing 1 March 2006 and expiring 28 February 2009, and;

acting in accordance with section 6(3) of that Act, hereby appoint the following to the panel of persons who are eligible to be selected by the chairperson to be appointed as members of a Tribunal in relation to any appeal, for terms commencing 1 March 2006 and expiring 28 February 2009—

Mr Patrick John Hogan  
Mr John Brian Prior  
Mr William James Chesnutt

Dated this 13th day of December 2005.

MARK MCGOWAN, Minister for Racing and Gaming.

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RG402

**GAMING AND WAGERING COMMISSION ACT 1987**

## GAMING AND WAGERING COMMISSION (APPOINTMENT OF MEMBERS) INSTRUMENT (NO. 2) 2005

Made by the Minister for Racing and Gaming under section 12(1) of the *Gaming and Wagering Commission Act 1987*.

**1. Citation**

This instrument may be cited as the *Gaming and Wagering Commission (Appointment of Members) Instrument (No. 2) 2005*.

**2. Re-appointment of Member**

Under section 12(1)(b) of the *Gaming and Wagering Commission Act 1987*, George Edward Davies, of 5 Gladstone Road, Rivervale, is re-appointed as a member of the Gaming and Wagering Commission of Western Australia for a term commencing 1 January 2006 and expiring on 31 December 2008.

**3. Appointment of Members**

Under section 12(1)(b) of the *Gaming and Wagering Commission Act 1987*,

Kevin Harrison, of 18 Collier Street, Ardross; and  
Colleen Patricia Hayward, of 19 Myrtle Street, Perth

are appointed as members of the Gaming and Wagering Commission of Western Australia for a term commencing 1 January 2006 and expiring on 31 December 2008; and

Helen Cogan, of 176 Lake Street, Northbridge

is appointed as a member of the Gaming and Wagering Commission of Western Australia for a term commencing 1 January 2006 and expiring on 31 December 2007.

MARK MCGOWAN, Minister for Tourism; Racing and Gaming;  
Youth; Peel and the South West.

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RG403\*

**LIQUOR LICENSING ACT 1988**

## LIQUOR LICENSING APPLICATIONS

The following is a summary of applications received under the *Liquor Licensing Act 1988* and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming and Liquor, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
11121	Robert Ruse, Anthony Ruse and Felicity Ruse	Application for the grant of a Producer's licence in respect of premises situated in Denmark and known as Silverstream Wines	5/1/06

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR THE GRANT OF A LICENCE—<i>continued</i></b>			
11122	Amnesty Wines of Margaret River Pty Ltd	Application for the grant of a Wholesaler's licence in respect of premises situated in Forest Grove and known as Amnesty Wines of Margaret River Pty Ltd	29/12/05
11129	Leighton Browne Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Jarrahdale and known as Serpentine, Café on the Dam	16/1/06
11130	Rohan James Passmore and Susan Passmore	Application for the grant of a Producer's licence in respect of premises situated in Middle Swan and known as Great Northern Distillery	5/1/06
11119	Action Industrial Catering Pty Ltd	Application for the grant of a Special Facility—Canteen licence in respect of premises situated 60km north of Leonora Kalgoorlie to Wiluna Road and known as Jabiru Mine Site-Jaguar Wet Mess	29/12/05
11120	Oyster Bay Wines Australia Pty Ltd	Application for the grant of a Wholesaler's licence in respect of premises situated in Subiaco and known as Oyster Bay Wines Australia Pty Ltd	28/12/05
<b>APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS</b>			
25524	Evercrown Group Pty Ltd	Application for the grant of ongoing ETP in respect of premises situated at Christmas Island and known as Christmas Island Supermarket	2/1/06
25543	Smithers Jones Pty Ltd	Application for the grant of an ongoing ETP in respect of premises situated at Northbridge and known as Geisha Bar	3/1/06
<b>APPLICATIONS TO ADD, VARY OR CANCEL A CONDITION OF LICENCE</b>			
243963	Alfon Pty Ltd	Application to add, vary or cancel a condition of the Hotel licence in respect of premises situated in Mount Hawthorn and known as Paddington Alehouse	1/1/06

This notice is published under section 67(5) of the *Liquor Licensing Act 1988*.

Dated: 21 December 2005.

P. MINCHIN, Director of Liquor Licensing.

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## **WATER/SEWERAGE**

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WA401\*

### **WATER AGENCIES (POWERS) ACT 1984**

#### **WATER SUPPLY IMPROVEMENTS**

##### *Shire of Brookton*

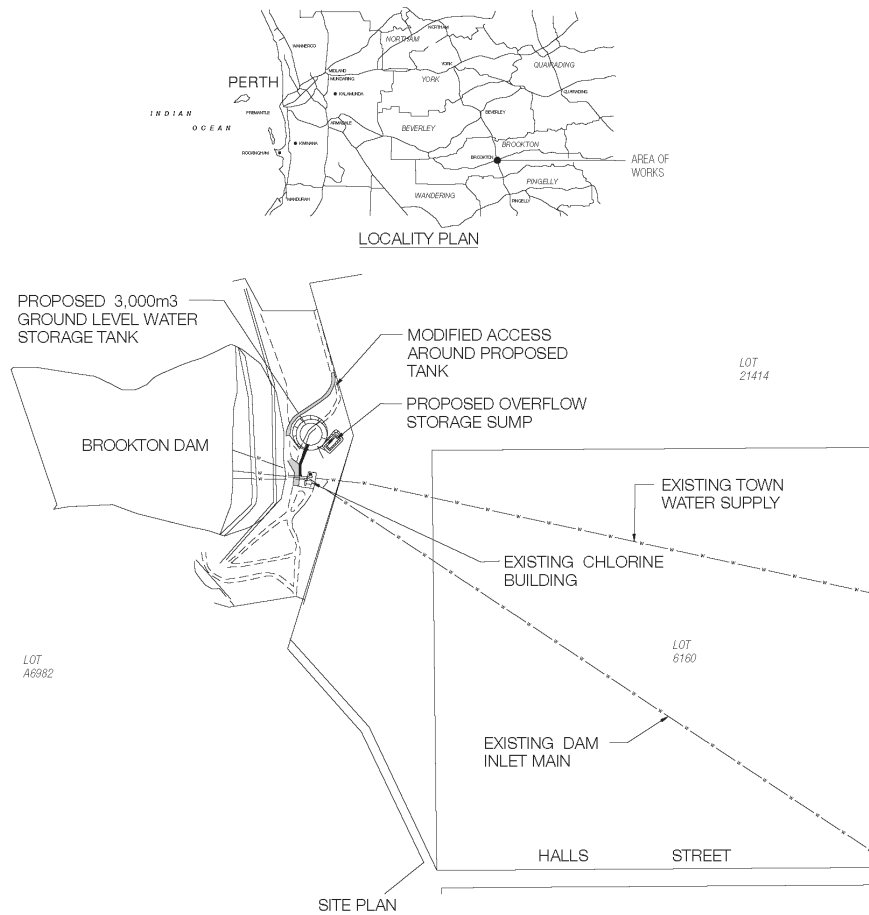
Notice of Authorisation to Construct a 3,000m<sup>3</sup> Ground Level Water Storage Tank

In accordance with the provisions of the Water Agencies (Powers) Act 1984, the Minister assisting the Minister for Water Resources has authorised Water Corporation to construct the following works—

- A ground level water storage tank of reinforced concrete construction of approximately 3000 cubic metres capacity, 26 metres diameter and 6 metres wall height with a reinforced concrete roof.
- An overflow storage sump.
- Associated pipework including valves and meters.
- Modification on existing chlorination facilities including installation of chlorination dosing and sampling points and associated instrumentation.
- Earthworks over approximately 0.23 hectares for the proposed tank.



The location of the proposed works is at Brookton Dam site, Brookton, as shown on the plan.  
The works will improve the quality of the existing water supply to Brookton.




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## DECEASED ESTATES

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**ZX401**

**TRUSTEES ACT 1962**  
**DECEASED ESTATES**

Notice to Creditors and Claimants

Margaret Phyllis Young (also known as Margaret Phyllis Stables), late of 3/6 Park Lane, Claremont, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962, relates) in respect of the estate of the deceased who died on 29 August 2005 are required by the Executor of 21 Punai Place, Bickley to send particulars of their claims to him by no later than 23 January 2006 after which date he may convey or distribute the assets having regard only to the claims of which he then has notice.

**ZX402**

**TRUSTEES ACT 1962**  
**DECEASED ESTATES**

Notice to Creditors and Claimants

Gerald Bradley, late of Flat 7, 68 McMaster Street, Victoria Park, Western Australia.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962, relates) in respect of the estate of the deceased who died on 25 October 2004 at Murdoch in the said State are required by the Administrator and Trustee of care of Messrs Dwyer Durack Lawyers of 6th Floor, St Martins Tower, 44 St Georges Terrace, Perth to send particulars of their claims to her by Monday, 23 January 2006 after which date the Trustee may convey or distribute the assets having regard only to the claims of which she then has notice.

**ZX403****TRUSTEES ACT 1962**  
**DECEASED ESTATES**

## Notice to Creditors and Claimants

James Keegan Mercer, late of 29 Lynton Street, Doubleview, Western Australia, Retired Bank Officer, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962, relates) in respect of the estate of the deceased who died on 31 October 2005 are required by the Trustee ANZ Executors & Trustee Company Limited ABN 33 006 132 332) of Level 21, 530 Collins Street, Melbourne, VIC 3000 to send particulars of their claim to them by 3 February 2006 after which date the Trustee may convey or distribute the assets having regard only to the claims of which they then have notice.

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**ZX404****TRUSTEES ACT 1962**  
**DECEASED ESTATES**

## Notice to Creditors and Claimants

Mary Anne Elizabeth Ryniker, late of Regents Garden Nursing Home, 2 Amur Place, Bateman, Western Australia, Home Duties, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962, relates) in respect of the estate of the deceased who died on 1 November 2005 are required by the Trustee ANZ Executors & Trustee Company Limited ABN 33 006 132 332) of Level 21, 530 Collins Street, Melbourne, VIC 3000 to send particulars of their claim to them by 3 February 2006 after which date the Trustee may convey or distribute the assets having regard only to the claims of which they then have notice.

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**ZX405****TRUSTEES ACT 1962**  
**DECEASED ESTATES**

## Notice to Creditors and Claimants

Eugenio Iglesias-Lugris, late of 34 Scott Street, Mortdale in Western Australia, Furniture Designer.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962, relates) in respect of the estate of the deceased, who died on 26 January 2006 at 103 Conidae Drive, Heathridge in Western Australia, are required by the personal representative, being Hendo Fernando Iglesias-Lugris to send particulars of their claims c/o Fidock Legal, Locked Bag 10, South Perth WA 6951 within 30 days of publication of this notice after which date the personal representative may convey or distribute the assets having regard only to the claims of which he then has notice.

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**ZX406****TRUSTEES ACT 1962**  
**DECEASED ESTATES**

## Notice to Creditors and Claimants

In the matter of the Estate of Martin Christopher Pott, late of 3 Strickland Street, Mount Claremont, Western Australia, Geophysicist, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962, relates) in respect of the Estate of the deceased, who died on 21 November 2005, are required by the proposed Administrator to send the particulars of their claim to Taylor Linfoot & Holmes, GPO Box Z2586, Perth, Western Australia 6001, by the 14th day of February 2006, after which date the said may convey or distribute the assets having regard only to the claims of which she then has had notice.

Dated the 20th day of December 2005.

ANDREW J. LINFOOT, Taylor Linfoot & Holmes.

**ZX407**

**TRUSTEES ACT 1962**  
**DECEASED ESTATES**

Notice to Creditors and Claimants

Timothy Nicholas Hughes, late of 9 Nutley Street, Maddington, Western Australia, Truck Driver, deceased.

Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on 29 June 2005, are required by the trustee, being Coralie Gaye Scoby-Smith, of care of Mort & Associates, P.O. Box 20, Cannington, Western Australia, 6987, to send particulars of their claims to her by the 31st day of January 2006, after which date the trustee may convey or distribute the assets, having regard only to claims of which she then has notice.

**ZX408**

**TRUSTEES ACT 1962**  
**DECEASED ESTATES**

Notice to Creditors and Claimants

Doris Macalpine, late of Recherche Hostel, Eyre Street, Esperance, Western Australia, Home Duties, deceased.

Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on the 2nd day of September 2005, are required by the trustees Elizabeth Anne Alford of c/- Birman & Ride, PO Box Y3089, East St Georges Terrace, Perth, WA, 6832 to send particulars of their claims to them by the date being one month from the publication of this notice, after which date the trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

**ZX409**

**TRUSTEES ACT 1962**  
**DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act* relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 23rd January 2006, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Barritt, Phyllis Mary, Late of Sunshine Park Hostel 10 Brady Road Lesmurdie, died 17/10/05, (DE19812430EM23)

Belavy, Stefan, Late of Unit 81/4 Bulwer Street Perth, died 20/8/04, (DE33038508EM22)

Broom, Kathleen Mary, Late of Wearne Hostel 40 Marine Parade Cottesloe, died 14/11/05, (DE19810106EM36)

Chinn, Marjory Headridge, Late of Hollywood Senior Citizens Village 118-120 Monash Avenue Nedlands, died 23/8/05, (DE19916430EM26)

Cooper, Harold Anthony, Late of 351 Abernethy Road Cloverdale, died 30/10/05, (DE20011430EM27)

Cowan, Mary Dircksey, Late of 2 Hellenic Drive Dianella, died 8/11/05, (DE19951250EM36)

Guy, Fergus Donald, Late of Banksia Caravan Park 78/219 Midland Road Hazelmere, died 8/8/05, (DE19883263EM32)

Houston-Blair, Eric, Late of 78 Brown Street East Perth, died 8/2/05, (PM33017733TM15)

Ostling, Alice Merle also known as Merle Ostling, Late of 2 Halse Crescent Melville, died 2/12/05, (DE20000748EM38)

Ridley, Olga Olivia, Late of 102A Kingsway Caravan Park Kingsway Road and Wanneroo Road Landsdale, died 11/8/05, (DE33043811EM37)

Rowden, Thomas Ronald, Late of 132 Belmont Avenue Belmont, died 23/11/05, (DE19932428EM15)

Skillen, Bertram Albert, Late of 1 Bull Creek Drive Bull Creek, died 30/11/05, (DE19460317EM27)

Taylor, Violet Hazel also known as Bonnie Taylor, Late of Unit 2/52 Justinian Street Palmyra, died 5/12/05, (DE19900110EM37)

SHAUN WILLIAM CONLIN, A/Public Trustee,  
Public Trust Office, 565 Hay Street, Perth WA 6000.  
Telephone 9222 6777.

## CLAIMS FOR MISSING ISSUES

(SUBSCRIPTION ITEMS)

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this date will attract payment in full.

### STATE LAW PUBLISHER

#### SUBSCRIPTION RATES FOR 2006

All subscriptions are for the period from 1 January to 31 December 2006. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include GST where applicable and postage by surface mail unless stated otherwise.

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Interstate .....	444.40
Overseas (airmail) .....	601.00

Data on CD's is fully indexed and is searchable. Other CD ROM products with legislation or other statutory information can be packaged to individual requirements. Prices are available on request.

