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- Copy must be lodged with the Sales and Editorial Section, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

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PUBLISHING ALTERATIONS

Periodically the normal *Gazette* publishing times need to be altered to cater for disruption caused by public holidays.

- Easter and Christmas holidays cause disruption each year.
- Australia Day and Anzac Day cause disruption when they fall on a Tuesday or Friday.

In these instances, notices warning of the change are generally published on page 2 for approximately 4 weeks prior to the date.

Readers are urged to check *Gazettes* accordingly, prior to contacting State Law Publisher.

JOHN A. STRIJK, Government Printer.

— PART 1 —

PROCLAMATIONS

AA101*

CARERS RECOGNITION ACT 2004

37 of 2004

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
---	---	--

I, the Governor, acting under section 2 of the *Carers Recognition Act 2004*, 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 22 December 2004.

By Command of the Governor,

S. McHALE, Minister for Minister for Community Development,
Women's Interests, Seniors and Youth.

GOD SAVE THE QUEEN !

AA102*

MAGISTRATES COURT ACT 2004

47 of 2004

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
---	---	--

I, the Governor, acting under section 2 of the *Magistrates Court Act 2004* and with the advice and consent of the Executive Council, fix 1 May 2005 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 22 December 2004.

By Command of the Governor,

J. McGINTY, Attorney General.

GOD SAVE THE QUEEN !

AA103*

MAGISTRATES COURT (CIVIL PROCEEDINGS) ACT 2004

48 of 2004

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
---	---	--

I, the Governor, acting under section 2 of the *Magistrates Court (Civil Proceedings) Act 2004* and with the advice and consent of the Executive Council, fix 1 May 2005 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 22 December 2004.

By Command of the Governor,

J. McGINTY, Attorney General.

GOD SAVE THE QUEEN !

AA104*

CIVIL JUDGMENTS ENFORCEMENT ACT 2004

28 of 2004

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
---	---	--

I, the Governor, acting under section 2 of the *Civil Judgments Enforcement Act 2004* and with the advice and consent of the Executive Council, fix 1 May 2005 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 22 December 2004.

By Command of the Governor,

J. McGINTY, Attorney General.

GOD SAVE THE QUEEN !

AA105*

COURTS LEGISLATION AMENDMENT AND REPEAL ACT 2004

59 of 2004

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
---	---	--

I, the Governor, acting under section 2 of the *Courts Legislation Amendment and Repeal Act 2004* and with the advice and consent of the Executive Council, fix 1 May 2005 as the day on which the provisions of that Act, other than —

- section 11(1);
- in section 123, the amendment to “s. 67(2)”;
- in section 124, the amendment to “s. 4(a)”;
- Schedule 1 clause 13;
- in Schedule 1 clause 94, the amendment to “s. 430(2)(a)”;
- in Schedule 1 clause 116, the amendment to “s. 93(1)”;
- in Schedule 1 clause 150, the amendment to “s. 116A(4)”;
- Schedule 2 clauses 1 to 42 and 44 to 51,

come into operation.

Given under my hand and the Public Seal of the State on 22 December 2004.

By Command of the Governor,

J. McGINTY, Attorney General.

GOD SAVE THE QUEEN !

AA106*

CRIMINAL PROCEDURE ACT 2004

71 of 2004

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
---	---	--

I, the Governor, acting under section 2 of the *Criminal Procedure Act 2004*, and with the advice and consent of the Executive Council, fix 2 May 2005 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 22 December 2004.

By Command of the Governor,

J. McGINTY, Attorney General.

GOD SAVE THE QUEEN !

AA107*

CRIMINAL APPEALS ACT 2004

60 of 2004

PROCLAMATION

WESTERN AUSTRALIA
John Sanderson,
Governor.
[L.S.]

} By His Excellency Lieutenant General John Murray
Sanderson, Companion of the Order of Australia,
Governor of the State of Western Australia.

I, the Governor, acting under section 2 of the *Criminal Appeals Act 2004*, and with the advice and consent of the Executive Council, fix 2 May 2005 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 22 December 2004.

By Command of the Governor,

J. McGINTY, Attorney General.

GOD SAVE THE QUEEN !

AA108*

**CRIMINAL PROCEDURE AND APPEALS
(CONSEQUENTIAL AND OTHER PROVISIONS) ACT 2004**

84 of 2004

PROCLAMATION

WESTERN AUSTRALIA
John Sanderson,
Governor.
[L.S.]

} By His Excellency Lieutenant General John Murray
Sanderson, Companion of the Order of Australia,
Governor of the State of Western Australia.

I, the Governor, acting under section 2 of the *Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004* and with the advice and consent of the Executive Council —

(a) fix 2 May 2005 as the day on which the provisions of that Act, other than—

- in section 82 Table 2, the amendments to —
- the *Finance Brokers Control Act 1975* s. 18F(2);
- the *Gas Standards Act 1972* s. 13(2);
- the *Land Valuers Licensing Act 1978* s. 14(2);
- the *Licensed Surveyors Act 1909* s. 8B(2);
- the *Local Government (Miscellaneous Provisions) Act 1960* s. 374(4);
- Schedule 2 clause 57 and in clause 157 the amendment to “s. 175H(2)(c)”;

come into operation; and

(b) fix 1 July 2005 as the day on which the amendment in that Act Schedule 2 clause 157 to “s. 175H(2)(c)” comes into operation.

Given under my hand and the Public Seal of the State on 22 December 2004.

By Command of the Governor,

J. McGINTY, Attorney General.

GOD SAVE THE QUEEN !

AA109*

STATE ADMINISTRATIVE TRIBUNAL ACT 2004

54 of 2004

PROCLAMATION

WESTERN AUSTRALIA
John Sanderson,
Governor.
[L.S.]

} By His Excellency Lieutenant General John Murray
Sanderson, Companion of the Order of Australia,
Governor of the State of Western Australia.

I, the Governor, acting under section 2 of the *State Administrative Tribunal Act 2004*, and with the advice and consent of the Executive Council, fix 1 January 2005 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 22 December 2004.

By Command of the Governor,

J. McGINTY, Attorney General.

GOD SAVE THE QUEEN !

AA110*

**STATE ADMINISTRATIVE TRIBUNAL (CONFERRAL OF JURISDICTION)
AMENDMENT AND REPEAL ACT 2004**

55 of 2004

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
---	---	--

I, the Governor, acting under section 2 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* and with the advice and consent of the Executive Council—

- (a) fix 1 January 2005 as the day on which that Act, other than Part 2 Division 56, comes into operation; and
- (b) fix 24 January 2005 as the day on which Part 2 Division 56 of that Act comes into operation.

Given under my hand and the Public Seal of the State on 22 December 2004.

By Command of the Governor,

J. McGINTY, Attorney General.

GOD SAVE THE QUEEN !

AA111*

**CRIMINAL LAW AMENDMENT (SEXUAL ASSAULT AND
OTHER MATTERS) ACT 2004**

46 of 2004

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
---	---	--

I, the Governor, acting under section 2 of the *Criminal Law Amendment (Sexual Assault and Other Matters) Act 2004*, and with the advice and consent of the Executive Council, fix 1 January 2005 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 22 December 2004.

By Command of the Governor,

J. McGINTY, Attorney General.

GOD SAVE THE QUEEN !

AA112*

AUSTRALIAN CRIME COMMISSION (WESTERN AUSTRALIA) ACT 2004

74 of 2004

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
---	---	--

I, the Governor, acting under section 2 of the *Australian Crime Commission (Western Australia) Act 2004*, and with the advice and consent of the Executive Council, fix 1 February 2005 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 22 December 2004.

By Command of the Governor,

M. ROBERTS, Minister for Police and Emergency Services.

GOD SAVE THE QUEEN !

AA113*

WORKERS' COMPENSATION REFORM ACT 2004

42 of 2004

PROCLAMATION

WESTERN AUSTRALIA
John Sanderson,
Governor.
[L.S.]

} By His Excellency Lieutenant General John Murray
Sanderson, Companion of the Order of Australia,
Governor of the State of Western Australia.

I, the Governor, acting under the *Workers' Compensation Reform Act 2004* section 2 and with the advice and consent of Executive Council—

- (a) fix 4 January 2005 as the day on which the provisions of that Act referred to in the Table come into operation; and
- (b) fix 1 July 2005 as the day on which the remaining provisions of that Act, other than section 101(4)(a), come into operation.

Table

s. 3	s. 4(b)	s. 5		
s. 8(1) in so far as it deletes the definitions of "Commission", "Committee", "Executive Director", and "the Chairman of the Commission"				
s. 8(2) in so far as it inserts the definitions of "chief executive officer", "the Chairman of WorkCover WA", and "WorkCover WA"				
s. 8(3)(a), (b), (d), (e) & (i)	s. 9	s. 19	s. 23-26	s. 28-35
s. 38-39	s. 40(a)	s. 55(3)(b)	s. 57(a) & (b)	s. 64
s. 65(1)	s. 80-86	s. 87(8)	s. 88(1)-(4)	s. 89-91
s. 93(a), (c), & (d)	s. 94-95	s. 97	s. 98(1), (2) & (3)(a)	s. 99-100
s. 101(1)	s. 102	s. 111-113	s. 115-117	s. 122
s. 123(1)-(5)	s. 124	s. 125(1)	s. 126(1), (2), (3) & (5)	s. 127
s. 131	s. 133	s. 135	s. 137-138	s. 140
s. 141(4)(a), (5)(a), (8), (9), (10), (11), (12), (13), (14), (15)(a), (c) & (d), & (21)				
s. 143(2)	s. 150-153	s. 155	s. 157-159	s. 160
s. 165	s. 166(1) & (2)	s. 167(1) & (5)	s. 168-169	s. 170(1), (2)(b) & (c), & (10)
s. 171(1), (2) & (4)	s. 172-175	Part 4 (other than Division 3)		

Given under my hand and the Public Seal of the State on 22 December 2004.

By command of the Governor,

JOHN KOBELKE, Minister for Consumer and Employment Protection.

GOD SAVE THE QUEEN !

ZZ201*

MOTOR VEHICLE DEALERS AMENDMENT ACT 2003

73 of 2004

PROCLAMATION

WESTERN AUSTRALIA
John Sanderson,
Governor.
[L.S.]

} By His Excellency Lieutenant General John Murray
Sanderson, Companion of the Order of Australia,
Governor of the State of Western Australia.

I, the Governor, acting under section 2 of the *Motor Vehicle Dealers Amendment Act 2003*, 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 section 19 comes into operation.

Given under my hand and the Public Seal of the State on 17 August 2004.

By Command of the Governor,

JOHN KOBELKE, Minister for Consumer and Employment Protection.

GOD SAVE THE QUEEN !

ZZ202*

ROAD TRAFFIC AMENDMENT (DANGEROUS DRIVING) ACT 2004

44 of 2004

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
---	---	--

I, the Governor, acting under section 2 of the *Road Traffic Amendment (Dangerous Driving) Act 2004*, 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 22 December 2004.

By Command of the Governor,

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

GOD SAVE THE QUEEN !

ZZ203

YOUNG OFFENDERS AMENDMENT ACT 2004

58 of 2004

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.]	}	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
---	---	--

I, the Governor, acting under section 2 of the *Young Offenders Amendment Act 2004* and with the advice and consent of the Executive Council—

- (a) fix 1 January 2005 as the day on which the provisions of that Act, other than sections 6, 7 and 40 and Schedule 1, come into operation; and
- (b) fix 1 July 2005 as the day on which sections 6, 7 and 40 and Schedule 1 of that Act come into operation.

Given under my hand and the Public Seal of the State on 22 December 2004.

By Command of the Governor,

M. ROBERTS, Minister for Justice.

GOD SAVE THE QUEEN !

CONSUMER AND EMPLOYMENT PROTECTION

CE301*

Consumer Credit (Western Australia) Act 1996

Consumer Credit (Western Australia) Code Regulations Amendment Order 2004

Made by the Governor in Executive Council under section 6 of the Act.

1. Citation

This order is the *Consumer Credit (Western Australia) Code
Regulations Amendment Order 2004*.

2. Commencement

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

3. The regulations amended

The amendments in this order are to the *Consumer Credit (Western Australia) Code Regulations**.

[* *The regulations in force under Part 4 of the Consumer Credit (Queensland) Act 1994 as applied, and amended under, section 6 of the Consumer Credit (Western Australia) Act 1996.*]

4. Section 22A inserted

After section 22 the following section is inserted in Part 5 —

“

22A. Application of sections 66 to 69 of the Code

(1) For the purposes of section 66(3) of the Code, sections 66 to 69 of the Code do not apply to a credit contract under which the maximum amount of credit that is or may be provided is more than an amount equal to 110% of the amount of the average loan size for new dwellings in New South Wales.

(2) In this section —

“**average loan size for new dwellings in New South Wales**” means the average loan size for the purchase of new dwellings in New South Wales as set out in the Table of Housing Finance Commitments in the publication entitled *Housing Finance, Australia*, as published from time to time by the Australian Bureau of Statistics.

”.

5. Section 23A inserted

After section 23 the following section is inserted —

“

23A. Application of Part 5 Division 3 of the Code

(1) For the purposes of section 86(2) of the Code, Part 5 Division 3 of the Code does not apply to a credit contract in respect of which the maximum amount of credit that is or may be provided is more than an amount equal to 110% of the average loan size for new dwellings in New South Wales.

(2) In this section —

“**average loan size for new dwellings in New South Wales**” means the average loan size for the purchase of new dwellings in New South Wales as

set out in the Table of Housing Finance Commitments in the publication entitled *Housing Finance, Australia*, as published from time to time by the Australian Bureau of Statistics.

”

Note: A draft of this Order was approved by the Legislative Assembly on 26 November 2004 (see Hansard p. 8658-9) and by the Legislative Council on 1 December 2004 (see Hansard p. 8862).

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

CE302*

Fair Trading Act 1987

Fair Trading (Product Safety Standard) Amendment Regulations (No. 3) 2004

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fair Trading (Product Safety Standard) Amendment Regulations (No. 3) 2004*.

2. The regulations amended

The amendments in these regulations are to the *Fair Trading (Product Safety Standard) Regulations 2001**.

[* *Published in Gazette 15 January 2002, p. 183-228.*
For amendments to 13 December 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 107, and Gazette 1 October and 5 November 2004.]

3. Regulation 26 replaced

Regulation 26 is repealed and the following regulation is inserted instead —

“

26. Product safety standard for a vehicle jack

The product safety standard for a vehicle jack consists of either —

- (a) the standard set out in Schedule 5 Division 1 clause 1, as varied by Schedule 5 Division 2 Subdivision 1; or

- (b) the standard set out in Schedule 5 Division 1 clause 2, as varied by Schedule 5 Division 2 Subdivision 2.

”

4. Schedule 5 replaced

Schedule 5 is repealed and the following Schedule is inserted instead —

“

Schedule 5 — Standards for vehicle jacks

[r. 26]

Division 1 — Standards for vehicle jacks

1. **AS/NZS 2693:1993**
Australian/New Zealand Standard AS/NZS 2693:1993 “Vehicle Jacks”, approved by Standards Australia on 17 May 1993, as amended by Amendment No. 1 of 11 April 1994.
2. **AS/NZS 2693:2003**
Australian/New Zealand Standard AS/NZS 2693:2003 “Vehicle Jacks”, approved by Standards Australia on 20 March 2003.

Division 2 — Variations to Standards

Subdivision 1 — Variations to AS/NZS 2693:1993

3. **Clause 5.9**
Delete the clause.

Subdivision 2 — Variations to AS/NZS 2693:2003

4. **Clause 5.8**
Delete the clause.
5. **Clause 6.3**
Delete the clause.
6. **Clause 6.7(c)**
Delete the words “using an operating force not exceeding that specified in Clause 6.3”.
7. **Appendix F clause F3(h)**
Delete the sentence “Do not exceed the operating force specified in clause 6.3”.
8. **Appendix F clause F4(c)**
Delete the words “without exceeding the operating force specified in clause 6.3”.

”

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

CE303*

Travel Agents Act 1985

Travel Agents Amendment Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These are the *Travel Agents Amendment Regulations 2004*.

2. Commencement

These regulations come into operation on 1 January 2005.

3. The regulations amended

The amendments in these regulations are to the *Travel Agents Regulations 1986**.

[* *Reprint 2 as at 14 November 2003.*

For amendments to 19 November 2004 see Gazette 9 March 2004.]

4. Regulation 8 amended

- (1) Before regulation 8(1) the following subregulation is inserted —

“

- (1a) This regulation does not have effect after 31 December 2005.

”.

5. Regulations 8AA and 8AB inserted

After regulation 8 the following regulations are inserted —

“

8AA. Qualifications

- (1) This regulation is to be read with regulation 8.
- (2) In this regulation —
“**State or Territory**” means a State or Territory of Australia.
- (3) The qualifications prescribed for —
- (a) the purposes of section 29(1) or (2); and
 - (b) an individual referred to in section 12(2)(e) who specifies in his application that he proposes to be personally present and in charge of the day to day conduct of business at a place specified by him in that application,

are the qualifications described in subregulation (4) or (5), which are prescribed in relation to the category and type of business carried on, or proposed to be carried on, at the relevant place of business.

- (4) For “**Category A**” business, being any business involving the sale of tickets, or the arrangement of rights of passage, for international travel, or international travel and accommodation, the qualifications required are —
- (a) successful achievement of Unit of Competence THTSOP20A, delivered or assessed by an organisation registered by a State or Territory recognition authority to deliver training and/or conduct assessments and issue nationally recognised qualifications in accordance with the Australian Quality Training Framework; or
 - (b) one years’ full-time experience (or equivalent), in the 5 years preceding the application —
 - (i) in the selling of tickets, or the arrangement of rights of passage, for international travel, or international travel and accommodation; or
 - (ii) in employment as a person in charge of the day to day conduct of a place of business of a licensed travel agent in a State or Territory selling tickets, or arranging of rights of passage, for international travel, or international travel and accommodation.
- (5) For “**Category B**” business, being any business involving the sale of tickets, or the arrangement of rights of passage, for any travel, or travel and accommodation, other than Category A business, no qualifications are required.

8AB. Transitional qualifications

Where prescribed qualifications are required under section 29(1) or (2), or section 12(2)(e), of the Act, the requirement is satisfied if —

- (a) on or after 1 January 2005; or
- (b) on or before 31 December 2005,

either the qualification requirements prescribed in regulation 8 or the qualification requirements prescribed in regulation 8AA are met.

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

CE304*

Travel Agents Act 1985

Travel Agents (Exemption) Order 2004

Made by the Governor in Executive Council under section 6 of the Act.

1. Citation

This order may be cited as the *Travel Agents (Exemption) Order 2004*.

2. Interpretation

In this order —

“**reciprocating State or Territory**” means a State or Territory specified in Schedule 1.

3. Exemption for travel agents in a reciprocating State or Territory

- (1) Part 2 of the Act does not have effect in relation to a person who is authorised to carry on business as a travel agent under a written law of a reciprocating State or Territory, to the extent that the person —
 - (a) advertises in Western Australia, if the person states in the advertisement —
 - (i) the person’s name;
 - (ii) the number of any licence issued to the person under that law; and
 - (iii) the name of the reciprocating State or Territory in which the licence was issued;
 - or
 - (b) provides information to prospective customers in connection with the person’s business as a travel agent.
- (2) Subclause (1) does not authorise the person to carry on business as a travel agent —
 - (a) if the person is physically present in Western Australia; or
 - (b) through another person who is physically present in Western Australia.

Schedule 1 — Reciprocating States and Territories

[cl. 2]

New South Wales
Victoria
Queensland
South Australia
Tasmania
Australian Capital Territory

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

ENERGY

EN301*

Electricity Corporation Act 1994

**Electricity Transmission Amendment
Regulations (No. 3) 2004**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Electricity Transmission Amendment Regulations (No. 3) 2004*.

2. The regulations amended

The amendment in these regulations is to the *Electricity Transmission Regulations 1996**.

[* Reprinted as at 24 May 2002.

For amendments to 16 November 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 89 and Gazette 22 June 2004.*]

3. Regulation 8 amended

Regulation 8(3) is repealed.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

FIRE AND EMERGENCY SERVICES

FE301*

Bush Fires Act 1954

Bush Fires Amendment Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Bush Fires Amendment Regulations 2004*.

2. The regulations amended

The amendments in these regulations are to the *Bush Fires Regulations 1954**.

[* Reprinted as at 9 February 2001.

For amendments to 13 December 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 38-9.*]

3. Regulation 40 inserted

Part VIII is amended by inserting before regulation 41 the following regulation —

“

40. Apportionment of amounts under section 37 of the Act

- (1) In this regulation —
“**volunteer fire fighter**” has the same meaning as in section 35A of the Act.
- (2) The amounts referred to in section 37(8a) of the Act are to be apportioned between the persons entitled to those amounts as follows —
 - (a) if, immediately before the death of the volunteer fire fighter, each of those persons were dependant on the fire fighter, the amounts are to be apportioned in accordance with Schedule 1 to the *Workers' Compensation and Rehabilitation Act 1981*;
 - (b) if, immediately before the death of the volunteer fire fighter, none of those persons

- were dependant on the volunteer fire fighter, the amounts are to be apportioned in equal shares or if there is only one such person, that person is to receive all of the amounts; or
- (c) if, immediately before the death of the volunteer fire fighter, at least one of those persons was dependant on the volunteer fire fighter and at least one of those persons was not, then —
- (i) a person who was not so dependant is entitled to 10% of the amounts and if there is more than one such person, those persons are entitled to 10% of the amounts apportioned between them in equal shares; and
 - (ii) the person, or persons, who were so dependant are entitled to the rest of the amounts apportioned between them, if there is more than one person, in accordance with Schedule 1 to the *Workers' Compensation and Rehabilitation Act 1981*.

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

JUSTICE

JU301*

Evidence Act 1906

Evidence (Witnesses' and Interpreters' Fees and Expenses) Amendment Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These are the *Evidence (Witnesses' and Interpreters' Fees and Expenses) Amendment Regulations 2004*.

2. Commencement

These regulations come into operation on the day on which section 28(2) of the *Criminal Law Amendment (Sexual Assault and Other Matters) Act 2004* comes into operation, or the day of their publication in the *Gazette*, whichever is the later.

3. The regulations amended

The amendments in these regulations are to the *Evidence (Witnesses' and Interpreters' Fees and Expenses) Regulations 1976**.

[* Reprinted as at 17 May 2002.]

4. Regulation 2 amended

- (1) Regulation 2 is amended by deleting the definitions of “municipality”, “regulation”, “Schedule” and “the Act”.
- (2) Regulation 2 is amended by deleting the definition of “paying officer” and inserting the following definition instead —

“

“paying officer” means a person appointed to be the paying officer, in the particular case, in accordance with regulation 2A;

”

5. Regulation 2A inserted

After regulation 2 the following regulation is inserted —

“

2A. Appointment of paying officer

- (1) In relation to matters referred to in section 119(2)(a)(ii) of the Act in which the complainant is a local government or other statutory body or a person acting on its behalf — the local government or statutory body may appoint one or more persons to be a paying officer, to make the payments prescribed by these regulations.
- (2) In relation to the matters referred to in section 119(2) or (2a) of the Act, other than the matters referred to in subregulation (1) —
 - (a) the chief executive officer;
 - (b) the Director of Public Prosecutions; or
 - (c) the Commissioner of Police,

(as the case requires), may appoint one or more persons to be a paying officer, to make the payments prescribed by these regulations.

”

6. Regulation 3 amended

Regulation 3 is amended by deleting “fixed by” and inserting instead —

“ determined under ”.

7. Regulation 4 amended

Regulation 4(2) is amended by deleting “the amount prescribed as the maximum fee for one day in item 2.” and inserting instead —

“
an amount determined by the person or body entitled to appoint the paying officer
”.

8. Regulation 5 replaced

Regulation 5 is repealed and the following regulation is inserted instead —

“

5. Expert witnesses

- (1) An expert witness may claim fees and expenses incurred by reason of his or her attendance.
- (2) The paying officer is to pay such claims as are, in the officer’s opinion, reasonable and justifiable in each particular case.

”.

9. Regulation 6 amended

- (1) Regulation 6(1) is amended after “as a witness” by inserting —

“

or attendance at, and participation in, programmes in preparation for giving evidence as a witness,

”.

- (2) Regulation 6(2) is repealed and the following subregulations are inserted instead —

“

- (2) A parent, guardian, relative or other support person who necessarily accompanies a witness under the age of 16 years may claim fees and expenses incurred by reason of his or her accompaniment.
- (3) A person who accompanies and assists a witness under the age of 16 years in order to enable the witness to —
 - (a) attend and give evidence at proceedings referred to in section 119(2)(a) and (b) of the Act; or

- (b) attend and participate in programmes in preparation for giving evidence in those proceedings,

may claim fees and expenses incurred by reason of his or her accompaniment and assistance.

- (4) The paying officer is to pay such claims under subregulation (2) or (3) as are, in the officer's opinion, reasonable and justifiable in each particular case, but is not to pay —
 - (a) fees and expenses for more than one parent, guardian, relative or other support person per witness unless regulation 15(2) applies;
 - (b) fees and expenses for more than one person to accompany and assist each witness;
 - (c) fees and expenses to a person for accompanying a child witness to court, where that person is appointed by the court to accompany and assist that child witness.

”

10. Regulation 6A inserted

After regulation 6 the following regulation is inserted —

“

6A. Special witnesses

- (1) A witness aged 16 years or more who is, or may be, declared to be a special witness under section 106R(1) of the Act may claim fees and expenses incurred by reason of his or her attendance at, and participation in, programmes in preparation for giving evidence in proceedings referred to in section 119(2)(a) and (b) of the Act.
- (2) A person who necessarily accompanies and assists a witness aged 16 years or more in order to enable the witness to —
 - (a) attend and give evidence at proceedings referred to in section 119(2)(a) and (b) of the Act; or
 - (b) attend and participate in programmes in preparation for giving evidence in those proceedings,(or both) may claim fees and expenses incurred by reason of his or her accompaniment and assistance.
- (3) A person appointed under section 106R(4)(a) of the Act to provide support for a special witness may claim fees and expenses incurred by providing that support.

- (4) Unless regulation 15(2) applies, the paying officer is to pay such claims under subregulation (2) of this regulation as are, in the officer's opinion, reasonable and justifiable in each particular case, and where —
- (a) a different person attends under paragraph (2)(a) to the person who attends under paragraph (2)(b); or
 - (b) a different person attends under a particular paragraph on a different occasion,
- each is to be paid fees or expenses for that attendance in relation to the one witness.
- (5) The paying officer is to pay such claims under subregulation (3) of this regulation as are, in the officer's opinion, reasonable and justifiable in each particular case, but is not to pay fees or expenses for more than one person under that subregulation per witness, unless regulation 15(2) applies.

”

11. Regulation 7 replaced

Regulation 7 is repealed and the following regulation is inserted instead —

“

7. Fees for interpreters

- (1) The paying officer is to pay an interpreter an attendance fee for his or her participation in proceedings.
- (2) The attendance fee payable is to be at an agreed rate or, where no agreement can be reached, the fee payable is to be one that is, in the officer's opinion, reasonable and justifiable in that particular case.

”

12. Regulation 8 amended

- (1) Regulation 8(2) is amended by deleting “item 6.” and inserting instead —
- “ item 2. ”
- (2) Regulation 8(2a) is repealed and the following subregulation is inserted instead —

“

- (2a) Where the paying officer is satisfied that bus or rail transport is not reasonably convenient, an interpreter shall be paid at the rate prescribed in item 2 for every kilometre that he is required to travel.

”

13. Regulation 10 replaced

Regulation 10 is repealed and the following regulation is inserted instead —

“

10. Expenses for meals

- (1) Where a witness or interpreter is required to travel a distance exceeding 40 kilometres from his or her place of residence (but is not required to stay overnight), the paying officer shall pay the witness or interpreter the allowances for meals prescribed in item 3 in respect of the meals that are normally taken during the time of that travelling and attendance and the cost of which has been paid for by the witness.
- (2) Where a witness or interpreter is required to remain away from his or her residence overnight he or she shall be paid such actual costs for meals as, in the opinion of the paying officer, are reasonable having regard to the circumstances of the particular case.

”

14. Regulation 11 amended

Regulation 11(1) is amended as follows:

- (a) by deleting the subregulation designation “(1)”;
- (b) by deleting “Subject to this regulation, where” and inserting instead —
“ Where ”;
- (c) by deleting “, but so as not to exceed the amount prescribed in item 8”.

15. Regulation 13 repealed

Regulation 13 is repealed.

16. Regulation 15 replaced

Regulation 15 is repealed and the following regulation is inserted instead —

“

15. Discretion to pay higher amounts in certain circumstances

- (1) Where a paying officer is presented with a substantiated claim for expenses, loss of earnings, etc., that exceeds the usual amount paid under these regulations, the person who appointed that payment officer may approve the payment of such higher amount as that person thinks is reasonable, and the amount so fixed by the person shall be the amount payable under these regulations in that case.

- (2) Where, in the opinion of —
- (a) the chief executive officer;
 - (b) the Director of Public Prosecutions; or
 - (c) the Commissioner of Police,

(as the case requires), a witness under 16, a special witness, or a person who may be declared a special witness, necessarily requires a second parent, guardian, relative or other support person to accompany that witness, payment of a further amount may be approved for that second person to accompany the witness.

”

17. Schedule replaced

The Schedule is repealed and the following Schedule is inserted instead —

“

Schedule

[r. 4, 8, 10]

		\$
1.	Fees for attendance	
	For a half-day	10.00
	For a full day	15.00
2.	Rate per kilometre 37.5 cents	
3	Meals —	
	Breakfast	10.00
	Lunch	10.00
	Dinner	20.00

”

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

JU302*

Evidence Act 1906

Evidence (Visual Recording of Interviews with Children) Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Evidence (Visual Recording of Interviews with Children) Regulations 2004*.

2. Commencement

These regulations come into operation on the same day as the *Criminal Law Amendment (Sexual Assault and Other Matters) Act 2004* comes into operation.

3. Interpretation

- (1) In these regulations —
“**section**” means a section of the Act.
- (2) If a word or expression used in these regulations is defined in section 106A then it has the same meaning in these regulations.

4. Prescribed classes of persons — s. 106HA(1)(a)

- (1) For the purposes of section 106HA(1)(a) a person is of the prescribed class if the person —
 - (a) is employed in, or engaged by, the department whether as a public service officer under the *Public Sector Management Act 1994*, under a contract for services, or otherwise;
 - (b) is member of the Police Force or an employee in the Western Australian Police Service; or
 - (c) has successfully completed a training course about interviewing children provided by —
 - (i) the Western Australian Police Service; or
 - (ii) the department,or a course approved in writing by the Commissioner of Police as being similar to such a course.
- (2) In this regulation —
“**Commissioner of Police**” means the person holding or acting in the office of Commissioner of Police under the *Police Act 1892*;
“**department**” means the department of the Public Service principally assisting in the administration of the *Community Services Act 1972*.

5. Prescribed requirements and the extent to which they are to be met — s. 106HA(1)(b)

For the purposes of section 106HA(1)(b) an interview meets the prescribed requirements if it was —

- (a) conducted in such a manner that, as far as is practicable, statements made by the child in the interview were not elicited by the use of leading questions;
- (b) where the child is under the age of 12 years, conducted in such a manner —
 - (i) that the child appears to understand that participating in the interview is a serious matter and that in giving the interview the child has an obligation to tell the truth; or

- (ii) that it is apparent that the child has reached a level of cognitive development that enables the child to understand and respond rationally to questions and to give an intelligible account of his or her experiences;

and

- (c) conducted or recorded in a manner that provides all, or most, of the following information —
 - (i) the date on which the recording was made;
 - (ii) the place at which the recording was made;
 - (iii) the identity of all persons who were present at any time during the interview; and
 - (iv) any breaks in the interview, the time the break commenced and concluded and the reasons for the break.

6. Opportunity of defendant to view visually recorded interview — s. 106HB(2)(b)

The defendant and his or her counsel have been given a reasonable opportunity to view a visually recorded interview for the purposes of section 106HB(2)(b), if —

- (a) at least 3 clear days prior notice in writing has been given to the defendant or his or her counsel specifying —
 - (i) at least 2 occasions during normal office hours when the interview may be viewed; and
 - (ii) the place where the interview may be viewed;
- and
- (b) the interview was available to be viewed at the place specified in the notice on each occasion specified in the notice.

7. Certificate to accompany visually recorded interview

- (1) A person who conducts a visually recorded interview is to certify that —
 - (a) he or she —
 - (i) is a person of a class prescribed under section 106HA(1)(a); and
 - (ii) conducted the interview;
- and
- (b) the details specified in the certificate are true and correct.
- (2) A certificate is to specify —
 - (a) sufficient details to identify the visually recorded interview in respect of which it is given;

- (b) the name, and contact details, of the person who conducted the interview; and
 - (c) which of the classes prescribed under section 106HA(1)(a) (see regulation 4(1)) applies to him or her.
- (3) A certificate given or purporting to be given under this regulation —
- (a) is admissible as evidence of the facts specified in the certificate; and
 - (b) in the absence of proof to the contrary, is proof of those facts.
- (4) A person must not give any information that is false or misleading in a certificate.
Penalty: \$2 000.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

JU303*

Sentencing Act 1995

Sentencing Amendment Regulations (No. 3) 2004

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Sentencing Amendment Regulations (No. 3) 2004*.

2. The regulations amended

The amendments in these regulations are to the *Sentencing Regulations 1996**.

[* Reprinted as at 3 September 2002.

For amendments to 25 October 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 351, and Gazette 14 May and 3 August 2004.*]

3. Schedule 1 amended

Schedule 1 Form 1 is amended by deleting “Eligible for parole” and inserting instead —

“

<p>Parole eligibility order under section 89 of the <i>Sentencing Act 1995</i></p>

”

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

— PART 2 —

AGRICULTURE

AG401*

SOIL AND LAND CONSERVATION ACT 1945

NUGADONG WEST LAND CONSERVATION DISTRICT

(Appointment of Members of District Committee) Instrument 2004

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Nugadong West Land Conservation District (Appointment of Members) Instrument 2004*.

2. Appointment of members

Under section 23(2b) of the Act and clause 6(1) of the *Soil and Land Conservation (Nugadong West Land Conservation District) Order 1985**, the following members are appointed to the land conservation district committee for the Nugadong West Land Conservation District—

- (a) on the nomination of the Shire of Dalwallinu: Helen Nankivell of Wubin;
- (b) to represent the Western Australian Farmers Federation (Inc): Bruce Manuel of Wubin; and
- (c) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Alan Jeffrey Barnes of Dalwallinu
 - (ii) James Edward Chown of Dalwallinu
 - (iii) Graham Jeffrey Pearce of West Wubin
 - (iv) Neville Ainslie Atkinson of Dalwallinu
 - (v) Donald Andrew Nankivell of West Wubin
 - (vi) Bruce Douglas Hyde of Nugadong
 - (vii) Geln Carlshausen of Wubin
 - (viii) Terry Counsel of Wubin

(*Published in the Gazette of 3 May 1985 at pp. 1589-90 and amended in the Gazettes of 28 October 1988 at pp. 4317-4318, 6 April 1990 at pp. 1695-1696, 24 January 1992 at pp. 356-357, 4 November 1994 at p. 5623 and an Amendment Order approved by Executive Council on 22 September 1998 [Department of Agriculture reference: 881739V02P0I]).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 September 2007.

Dated this day 27th day of October 2004.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

AG402*

SOIL AND LAND CONSERVATION ACT 1945

QUAIRADING LAND CONSERVATION DISTRICT

(Appointment of Members of District Committee) Instrument 2004

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Quairading Land Conservation District (Appointment of Members) Instrument 2004*.

2. Appointment of members

Under section 23(2b) of the Act and clause 6(1) of the *Soil and Land Conservation (Quairading Land Conservation District) Order 1985**, the following members are appointed to the land conservation district committee for the Quairading Land Conservation District—

- (a) on the nomination of the Shire of Quairading: Clive Hawksley of Quairading and Danuta O'Hare of Quairading;

- (b) to represent the Western Australian Farmers Federation (Inc): Lester Strickland of South Caroling via Quairading, Anne Hawksley of Quairading and Colin James Stacey of Quairading; and
- (c) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Robert James Wilson of Quairading
 - (ii) Eugene Mends Stone of Quairading
 - (iii) Grey Hayes of Quairading
 - (iv) William Walker of Quairading
 - (v) Todd Mills of Quairading
 - (vi) Alan Dominic Gelmi of Quairading
 - (vii) Warwick John Pointon of Dangin
 - (viii) Don Woodcock of Quairading
 - (ix) Pam Caporn of Quairading
 - (x) Rowlie Mellor of Quairading
 - (xi) Elaine Ng of Quairading

(*Published in the Gazette 4 October 1985 at pp. 3922-3923 and amended in the Gazettes of 20 July 1990 at pp. 3454-3455, 17 May 1994 at p. 2067 and an Amendment Order approved by Executive Council on 23 September 1997 {Department of Agriculture reference: 881746V02P0G}).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 September 2007.

Dated this day 27th day of October 2004.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

AG403*

SOIL AND LAND CONSERVATION ACT 1945

SERPENTINE-JARRAHDAL LAND CONSERVATION DISTRICT (Appointment of Members of District Committee) Instrument 2004

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the Serpentine-Jarrahdale Land Conservation District (Appointment of Members) Instrument 2004.

2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Serpentine-Jarrahdale Land Conservation District) Order 1989**, the following members are appointed to the land conservation district committee for the Serpentine-Jarrahdale Land Conservation District—

- (a) on the nomination of the Shire of Serpentine-Jarrahdale: Athol Wolton Wigg of Keysbrook;
- (b) to represent the Western Australian Farmers Federation (Inc): Edward Ernest Love of Mundijong;
- (c) to represent the Pastoralists and Graziers Association of Western Australia: David Klemm of Jarrahdale; and
- (d) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Catherine Annette Lyons of Kelmscott
 - (ii) Shane David Keith Lewis of Darling Downs
 - (iii) Janis Coralie Star of Jarrahdale
 - (iv) Andrew Peter Del Marco of Byford
 - (v) Rupert John Richardson of Mundijong
 - (vi) Nancy Evelyn Scade of Oakford
 - (vii) Greg Petricevich of Byford
 - (viii) Luke Daniel Gossage of Byford
 - (ix) Neil James Kentish of Serpentine
 - (x) Geoff Manning of Mardella

(*Published in the Gazette of 17 March 1989 at pp. 795-796 and amended in the Gazettes of 26 May 1989 at pp. 1580-1581, 11 September 1992 at p. 4594, 14 November 1995 at pp. 5283-5284 and Amendment Orders approved by Executive Council on 2 July 1996 and 4 November 1997 {refer to Department of Agriculture reference: 881787V04P0T} and amended in the Gazette of 8 October 2004 at p. 4730).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 November 2007.

Dated this day 16th day of December 2004.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

AG404***SOIL AND LAND CONSERVATION ACT 1945****SHARK BAY LAND CONSERVATION DISTRICT**

(Appointment of Members of District Committee) Instrument 2004

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Shark Bay Land Conservation District (Appointment of Members) Instrument 2004*.

2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Shark Bay Land Conservation District) Order 1995**, the following members are appointed to the land conservation district committee for the Shark Bay Land Conservation District—

- (a) on the nomination of the Shire of Shark Bay: Harold James Crawford of Meadow Springs;
- (b) to represent the Western Australian Farmers Federation (Inc): Bruce Richard Brown of Tamala Station;
- (c) to represent the Pastoralists and Graziers Association of Western Australia: Brian Maurice Wake of Hamelin Station; and
- (d) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Kerry Edith King of Tamala Station
 - (ii) Peter Kopke of Carbla Station
 - (iii) Alan James Crawford of Nerren Nerren Station
 - (iv) Donald David Stone of Billabong
 - (v) Ian Stuart King of Tamala Station
 - (vi) Henry Laurance (Harry) Sutcliffe of Geraldton
 - (vii) Bryan William Cane of Useless Loop
 - (viii) Elaine Stoney of Woodleigh Station
 - (ix) District Manager, Department of Conservation and Land Management, Denham

(*Published in the Gazette of 2 May 1995 at pp. 1670-1671).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 September 2007.

Dated this day 27th day of October 2004.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

AG405***SOIL AND LAND CONSERVATION ACT 1945****TOODYAY LAND CONSERVATION DISTRICT**

(Appointment of Members of District Committee) Instrument 2004

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Toodyay Land Conservation District (Appointment of Members) Instrument 2004*.

2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Toodyay Land Conservation District) Order 1989**, the following members are appointed to the land conservation district committee for the Toodyay Land Conservation District—

- (a) on the nomination of the Shire of Toodyay: Sally Aileen Craddock of Toodyay and Michael McGuinness of Toodyay;
- (b) to represent the Western Australian Farmers Federation (Inc): Brian Douglas Wood of Toodyay; and

- (c) as persons actively engaged in, or affected by or associated with, land use in the district—
- (i) Peter McKenzie Falconer of Bailup
 - (ii) Francis John Panizza of Wattening
 - (iii) Guiseppe (Joe) Candeloro of Toodyay
 - (iv) Walter Kolb of Toodyay
 - (v) Kevin James Hutchings of Toodyay
 - (vi) Wayne Campbell Clarke of Toodyay

(*Published in the Gazette of 13 October 1989 at pp. 3805-3806 and amended in the Gazettes of 18 May 1990 at p. 2336 and 30 April 1996 at pp. 1853-1854).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 November 2007.

Dated this day 16th day of December 2004.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

AG406*

SOIL AND LAND CONSERVATION ACT 1945

WEST KOOJAN-GILLINGARRA LAND CONSERVATION DISTRICT

(Appointment of Members of District Committee) Instrument 2004

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *West Koojan-Gillingarra Land Conservation District (Appointment of Members) Instrument 2004*.

2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (West Koojan-Gillingarra Land Conservation District) Order 1987**, the following members are appointed to the land conservation district committee for the West Koojan-Gillingarra Land Conservation District—

- (a) on the nomination of the Shire of Moora: James Pond of Moora;
- (b) on the nomination of the Shire of Dandaragan: Brian Cahill of Dandaragan;
- (c) on the nomination of the Shire of Victoria Plains: James Kelly of Gillingarra;
- (d) to represent the Western Australian Farmers Federation (Inc): John Henry Longman of Moora;
- (e) to represent the Pastoralists and Graziers Association of Western Australia: Donald Thomas McKinley of Moora; and
- (f) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Alexander Langridge of Gillingarra
 - (ii) Martinus Wyert Van Beek of Moora
 - (iii) Robin John Barrett of West Koojan
 - (iv) Peter Michael Kelly of Gillingarra

(*Published in the Gazette of 7 August 1987 at pp. 3127-3128 and amended in the Gazettes of 28 June 1991 at pp. 3104-3106 and 24 November 1995 at p. 5392).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 November 2007.

Dated this day 16th day of December 2004.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

AG407

MARKETING OF POTATOES ACT 1946

POTATO MARKETING POOLS

In accordance with Section 26(2) of the Marketing of Potatoes Act Pool 5 season 2004/05.

Pool Period: 26 December 2004 to 12 March 2005

Estimated mass of potatoes to be accepted 9,966 tonnes

Additional specifications: Nil

Allocation of Marketing Entitlement to growers is in accordance with the guidelines established with the Minister for Agriculture.

AG408**MARKETING OF POTATOES ACT 1946****POTATO MARKETING POOLS**

In accordance with Section 26(2) of the Marketing of Potatoes Act Pool 6 season 2004/05.

Pool Period: 13 March 2005 to 7 May 2005

Estimated mass of potatoes to be accepted 8,545 tonnes

Additional specifications: Nil

Allocation of Marketing Entitlement to growers is in accordance with the guidelines established with the Minister for Agriculture.

AG409**MARKETING OF POTATOES ACT 1946****POTATO MARKETING POOLS**

In accordance with Section 26(2) of the Marketing of Potatoes Act Pool 7 season 2004/05.

Pool Period: 8 May 2005 to 30 June 2005

Estimated mass of potatoes to be accepted 7,319 tonnes

Additional specifications: Nil

Allocation of Marketing Entitlement to growers is in accordance with the guidelines established with the Minister for Agriculture.

CEMETERIES**CC401*****CEMETERIES ACT 1986****GERALDTON CEMETERY BOARD**

In pursuance of the powers conferred by Section 53 of the Cemeteries Act 1986, the Geraldton Cemetery Board hereby records having resolved on the 8th December 2004 that the following additional fees and charges shall apply from 15 January 2005.

Fees and charges include 10% goods and services tax except where shown exempt

MEMORIAL POSITION (plaque not included)	
tenure on all memorial positions shall be 25 years from date of receipt of scheduled fee	
Kerbing position Memorial Garden No 1 or 2	\$221.00
Kerbing position Memorial Garden No 3	\$442.00
Kerbing position Memorial Garden No 4	\$473.00
Rose garden position Memorial Garden No 2	\$373.00
Garden position in Memorial Garden No 4	\$692.00
Single brick niche position	\$208.00
Double brick niche position	\$421.00
Single tile niche position	\$223.00
Double tile niche position	\$486.00
Single marble niche position	\$248.00
Double marble niche position	\$576.00
Garden of Dreams—	
Rose garden position	\$298.00
Inner kerb position	\$228.00
Garden bank	\$252.00
Attendance fee for memorial garden placement, each installation	\$60.00
For permit to place a memorial in the Memorial Gardens	Exempt \$120.00
Registration of ashes from other crematoria	\$65.00

The fees and charges in the above schedule were set by resolution at a duly convened meeting of the Geraldton Cemetery Board held on 8th December 2004.

MAX CORREY, Chairman.
JENNIFER HALL, Secretary.

CONSUMER AND EMPLOYMENT PROTECTION

CE401

COMPANIES (CO-OPERATIVE) ACT 1943

(Section 296(5))

COMPANIES STRUCK OFF THE REGISTER

Notice is hereby given that the following companies have been struck off the register in accordance with s296 (5) of the Act and are hereby dissolved—

Care N' Save Community Co-operative Ltd
Greenstar Co-operative Ltd

Dated this 29th day of December 2004.

DENIS M. BLAKEWAY, for the Commissioner for Fair Trading.

FISHERIES

FI401*

PEARLING ACT 1990**PEARLING (ANNUAL FEES) NOTICE 2004**

FD 347/00 [677]

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

1. Citation

This notice may be cited as the *Pearling (Annual Fees) Notice 2004*.

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 2005.

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 2005 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 \$5187.00 per pearl shell unit or part thereof;
- (c) a pearling (seeding) licence is \$600.00 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 24th day of December 2004.

K. CHANCE, Minister for Agriculture,
Forestry and Fisheries.

MEDICAL BOARD OF WA

MX401

MEDICAL ACT 1894
MEDICAL BOARD OF WESTERN AUSTRALIA
Orders of the Board

Inquiry No.: 1945-136

Date Heard: 21 December 2004.

Date Delivered: 21 December 2004.

In the matter of the Medical Act 1894 (as amended) (WA) and in the matter of Dr Jerzy Cias and in the matter of an Inquiry to Section 13 of the Medical Act 1894 (as amended) (WA).

Before: Professor C. A. Michael AO, MD, FROCG, FRACOG, DDU; Ms P. Giles BA LLB Hons; Associate Professor G. Riley MRC Psych., FRACGP, FRANZCP; Dr R. Capolingua MBBS; Dr P. Wallace MBChB.

Upon hearing Ms D. P. Scaddan, Counsel Assisting the Medical Board, and Mr G. I. Irving, Counsel for Dr Jerzy Cias, on the allegations contained in the Notice of Inquiry issued 2 October 2004 and as amended on 26 November 2004, the Board finds and orders—

1 Findings

- 1.1 Dr Jerzy Cias is guilty of improper conduct in a professional respect as alleged in paragraph 1 of the Amended Notice of Inquiry.
- 1.2 Dr Jerzy Cias is guilty of improper conduct in a professional respect as alleged in paragraph 2 of the Amended Notice of Inquiry.

2 Orders

- 2.1 That Dr Jerzy Cias be reprimanded.
- 2.2 That Dr Jerzy Cias give to the Board a written undertaking to be of good behaviour for a period of 24 months, with the 24 month period commencing from the date he commences employment as a medical practitioner.
- 2.3 That Dr Jerzy Cias pay 75 per cent of the Board's costs of this Inquiry.

Orders made on the 21st day of December 2004.

SIMON HOOD, Registrar,
Medical Board of Western Australia.

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA
Royal Assent To Bill

It is hereby notified for public information that the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the date shown, to the undermentioned Bill passed by the Legislative Council and the Legislative Assembly during the Second Session of the Thirty-Sixth Parliament.

Short Title of Bill	Date of Assent	Act No.
Criminal Procedure and Appeals (Consequential and Other Provisions) Bill 2004	December 16 2004	84 of 2004

L. B. MARQUET, Clerk of the Parliaments.

December 23 2004.

PREMIER AND CABINET

PC401*

APPOINTMENT OF DEPUTY OF THE GOVERNOR

It is hereby notified for public information that the Governor, under clause XVI of the *Letters Patent relating to the Office of Governor of the State of Western Australia* dated 14 February 1986, has appointed the Lieutenant-Governor the Honourable David Kingsley Malcolm AC, to be deputy of the Governor and in that capacity to perform and exercise all the powers and functions of the Governor during the following period—

6 January to 20 January 2005 (both dates inclusive).

M. C. WAUCHOPE, Director General, Department of the Premier and Cabinet.

PLANNING AND INFRASTRUCTURE

PI401*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

AMENDMENT TO IMPROVEMENT PLAN NO. 26

Port Coogee

File: 819-2-23-3; 862-2-23-3 V3

It is hereby notified for public information that the Western Australian Planning Commission, acting pursuant to Section 37A of the Metropolitan Region Town Planning Scheme Act 1959, has certified and recommended that for the purpose of advancing the planning, development and use of the land including offshore land described below, it should be made the subject of an Improvement Plan.

The amended Improvement Plan comprises the land formerly contained in Improvement Plan No. 26 known as South Coogee, and is expanded to include the offshore component of Metropolitan Region Scheme Amendment No. 1010/33 known as Port Catherine, as depicted on Western Australian Planning Commission plan numbered 3.0786/1.

The recommendation has been accepted by the Minister for Planning and Infrastructure and His Excellency the Governor. The amended Improvement Plan No. 26 is effective on and from 22 December 2004.

A copy of the Improvement Plan No. 26 document can be viewed at—

- Department for Planning and Infrastructure, Wellington Street, Perth
- Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Cockburn, Cnr Rockingham Rd & Coleville Crescent, Spearwood

IAN PATTERSON, Secretary, Western Australian Planning Committee.

PI402*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Town of Claremont

Town Planning Scheme No. 3—Amendment No. 90

Ref: 853/2/2/3 Pt 90

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 Town of Claremont Town Planning Scheme Amendment on 22 December 2004 for the purpose of reclassifying Reserve 9111, Devon and Derby Roads, Swanbourne, from “Public Purposes—Primary School” to “Residential R20 and R25” and “Local Reserves—Recreation”.

P. OLSON, Mayor.
A. KYRON, Chief Executive Officer.

PI403*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Joondalup

District Planning Scheme No. 2—Amendment No. 13

Ref: 853/2/34/2 Pt 13

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 City of Joondalup Town Planning Scheme Amendment on 21 December 2004 for the purpose of adding additional use 1-19 to Lot 99 (4) Hocking Road, Kingsley in “Schedule 2—Section 1 (Clause 3.15)—Additional Uses” as follows—

SCHEDULE 2—SECTION 1 (CLAUSE 3.15)—ADDITIONAL USES

NO	STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE
1-19	4 Hocking Road, Kingsley	Lot 99	Consulting Rooms; Medical Centre; Office; Veterinary Consulting Rooms; Funeral Parlour; Vehicle Sales/Hire Premises and Warehouse

D. CARLOS, Mayor.
D. SMITH, Chief Executive Officer.

PI405*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Stirling

District Planning Scheme No. 2—Amendment No. 466

Ref: 853/2/20/34 Pt 466

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 City of Stirling Town Planning Scheme Amendment on 21 December 2004 for the purpose of amending Schedule 2A “Special Use Zones” in the manner described below—

1. Modifying the existing entry reproduced below from—

LOCATION	PARTICULARS OF LAND	PERMITTED USE
Odin Drive, Bryan Place, Boya Way, Gwelup	Portion of Perthshire Location Au and being Lots 11, 503 and 5 on Plan 925 and Diagram 24250	Showroom

to the following—

LOCATION	PARTICULARS OF LAND	PERMITTED USE
Erindale Road, Boya Way, Stirling	Portion of Perthshire Location Au and being Lot 705, Diagram 28415 and Lot 214, Diagram 24166	Showroom

2. Inserting a new entry into Schedule 2A as follows—

LOCATION	PARTICULARS OF LAND	PERMITTED USE
Bryan Place and Erindale Road, Stirling	Portion of Perthshire Location Au and being Lot 100 on Diagram 93850	Showroom and Office

D. C. VALLELONGA, Mayor.
L. DELAHAUNTY, Chief Executive Officer.

PI404*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Joondalup

District Planning Scheme No. 2—Amendment No. 20

Ref: 853/2/34/2 Pt 20

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 City of Joondalup Town Planning Scheme Amendment on 22 December 2004 for the purpose of—

1. Removing the local “Public Use—Primary School” reservation and the R20 density code from Lot 124 (92) Cook Avenue, Hillarys.
2. Zoning Lot 124 (92) Cook Avenue “Urban Development”.

J. PATERSON, Chairman of Commissioners.
C. HIGHAM, Acting Chief Executive Officer.

PI406*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Wanneroo

District Planning Scheme No. 2—Amendment No. 40

Ref: 853/2/30/19 Pt 40

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 City of Wanneroo Town Planning Scheme Amendment on 22 December 2004 for the purpose of—

1. Recoding Lot 941 Belhaven Terrace, Quinns Rocks, from Residential R20 to Residential R40.
2. Recoding Lots 933, 934, 935 and 936 Belhaven Terrace, Lots 954 and 955 Agnes Way, Lots 949, 950, 951 and 965 Meringa Crescent and Lot 971 Hampshire Drive, Quinns Rocks, from R20 and R40 to R20.

J. KELLY, Mayor.
C. JOHNSON, Chief Executive Officer.

POLICE

PO401*

ROAD TRAFFIC ACT 1974

TEMPORARY SUSPENSION OF REGULATIONS

I, Graham William Moon, INSPECTOR (TRAFFIC SERVICES) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by Section 83(1) of that Act, and the consent of the Local Authorities having been obtained and nominated for the purposes of—

G. W. MOON, Inspector (Traffic Services).

A TRIATHLON by members/entrants of the GERALDTON TRIATHLON ASSN on 4 December 2004 between the hours of 15:00 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

GLENDINNING PARK, GLENDINNING ROAD AND BRAND HIGHWAY, GERALDTON.

All participants to wear approved head protection at all times for the cycle event.

A DEEPWATER POINT RUN by members/entrants of the WEST AUSTRALIAN MARATHON CLUB on 5 December 2004 between the hours of 07:00 Hrs and 08:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

A TRIATHLON—DENMARK by members/entrants of the ALBANY TRIATHLON CLUB on 5 December 2004 between the hours of 09:00 Hrs and 12:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the carriageway on:-

DENMARK RIVER BRIDGE, SOUTHWEST HIGHWAY, HOLLING ROAD, INLET DRIVE, MOKARE HERITAGE TRAIL IN THE DENMARK AREA.

A TRIATHLON by members/entrants of the HEDLAND TRI SPORTS ASSOCIATION on 28 November 2004 between the hours of 16:00 Hrs and 18:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

CRAWFORD STREET, MCGREGGOR STREET, ANDERSON STREET AND EDGAR STREET IN THE TOWN OF PORT HEDLAND.

A CAR RALLY by members/entrants of the LIGHT CAR CLUB OF WA INC on 27 November 2004 between the hours of 08:00 Hrs and 22:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

BLUE ROCK ROAD, ACACIA ROAD, FROLLETT ROAD, BULLDOZER ROAD, 37 MILE ROAD, OLD SCAFFOLD ROAD, HEROLD ROAD, BALMORAL ROAD (BETWEEN SOLUS AND MILLARS LOG), IN JARRAHDALÉ AREA.

All participants to wear approved head protection at all times.

A FOOT RACE by members/entrants of the WEST AUSTRALIAN MARATHON CLUB on 28 November 2004 between the hours of 07:00 Hrs and 08:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined left hand side of the carriageway on—

CITY BEACH CARPARK 100 METRES NORTH OF RESTAURANT, NORTH ALONG FOOTPATH INTO CARPARK ACCESS ROAD KEEPING TO EXTREME LEFT OF CARRIAGEWAY IN A CONED OFF 2 METRE LANE, THROUGH CARPARK TO PATH IN FRONT OF FLOREAT BEACH KIOSK ALONG THE FULL LENGTH OF THE OLD ROAD, THEN TURN AND HEAD SOUTH ON DUAL USE PATH RETURNING TO START/FINISH AREA, IN THE TOWN OF CAMBRIDGE.

A CYCLE TIME TRIAL RACE by members/entrants of the AUSTRALIAN TIME TRIALS ASSOCIATION on 21 November 2004 between the hours of 07:00 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

PICKERING BROOK ROAD, BRACKEN ROAD, FORREST ROAD AND REPATRIATION ROAD, IN PICKERING BROOK.

All participants to wear approved head protection at all times.

A CYCLE RACE by members/entrants of the BUNBURY CYCLE CLUB on 24 November 2004 between the hours of 18:00 Hrs and 19:30 Hrs, 8 December 2004 between the hours of 18:00 Hrs and 19:30 Hrs, 5 January 2005 between the hours of 18:00 Hrs and 19:30 Hrs, 19 January 2005 between the hours of 18:00 Hrs and 19:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

MAXED STREET, SHANAHAN ROAD AND HALIFAX DRIVE, IN THE CITY OF BUNBURY.

All participants to wear approved head protection at all times.

A TRIATHLON by members/entrants of the INTERNATIONAL MANAGEMENT GROUP on 28 November 2004 between the hours of 04:00 Hrs and 24:00 Hrs, 29 November 2004 between the hours of 00:01 Hrs and 01:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

SCOUT ROAD, QUEEN STREET, MARINE TERRACE, MILNE STREET, GUERIN STREET, LAYMAN ROAD, TUART DRIVE AND BUSSELL HIGHWAY, IN THE SHIRE OF BUSSELTON.

All participants to wear approved head protection at all times for the cycle event.

A FUN RUN by members/entrants of the TRIATHLON WESTERN AUSTRALIA on 27 November 2004 between the hours of 12:00 Hrs and 12:45 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

GEOGRAPHE BAY ROAD, IN THE SHIRE OF BUSSELTON.

A TRIATHLON by members/entrants of the SHIRE OF EAST PILBARA AQUATIC CENTRE on 28 November 2004 between the hours of 07:00 Hrs and 08:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

FROM AQUATIC CENTRE GATES THROUGH WOOLWORTHS CARPARK, NEWMAN DRIVE, WHALEBACK DRIVE, RADIO HILL DRIVE, WELSH DRIVE, KALGAN DRIVE, NEWMAN DRIVE, WOOLWORTHS CARPARK, IN NEWMAN.

All participants to wear approved head protection at all times for the cycle event.

A CYCLING ROAD RACE by members/entrants of the WEST COAST MASTERS CYCLING COUNCIL INC on 28 November 2004 between the hours of 09:00 Hrs and 12:00 Hrs, 12 December 2004 between the hours of 09:00 Hrs and 12:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

BRODIE HALL DRIVE AND SARICH WAY, IN BENTLEY.

All participants to wear approved head protection at all times.

A MINI TRIATHLON by members/entrants of the BUNBURY TRIATHLON CLUB INC on 5 December 2004 between the hours of 07:30 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

POTTER GORGE CAMPSITE, TOM JONES DRIVE, WELLINGTON WEIR ROAD AND RETURN TO POTTER GORGE, IN THE SHIRE OF COLLIE .

All participants to wear approved head protection at all times for the cycle event.

A CHILDREN'S TRIATHLON by members/entrants of the NORTH COAST TRIATHLON CLUB on 5 December 2004 between the hours of 08:00 Hrs and 09:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

CHELMORTON LOOP AND COPPER CLOSE, IN CARINE.

All participants to wear approved head protection at all times for the cycle event.

A CYCLE TIME TRIAL RACE (40KM) by members/entrants of the AUSTRALIAN TIME TRIALS ASSOCIATION on 5 December 2004 between the hours of 07:00 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

START ON OLD NORTHAM ROAD, (300 METRES NORTH OF GREAT EASTERN HIGHWAY), TRAVELLING NORTH EASTERLY ON GOVERNMENT ROAD/WERRIBEE ROAD, TURNING 50 METRES PRIOR TO HAWKE AVENUE AND RETURNING TO START/FINISH, IN THE SHIRE OF MUNDARING .

All participants to wear approved head protection at all times.

A TRIATHLON (SWIM- RIDE- RUN) by members/entrants of the FASTER MARKETING & SPORTS PERFORMANCE on 11 December 2004 between the hours of 06:30 Hrs and 08:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

FROM POINT WALTER RESERVE USING HONOUR AVENUE WEST, CARROLL AVENUE, BURKE DRIVE, HISLOP STREET, WICHMANN ROAD TO MOREING ROAD, RETURN VIA SAME ROADS THEN POINT WALTER ROAD, PRESTON POINT ROAD, WAUHOP ROAD, RIVERSIDE ROAD TO EAST STREET, RETURNING VIA SAME ROADS TO POINT WALTER RESERVE, IN THE CITY OF MELVILLE.

All participants to wear approved head protection at all times for the cycle event.

A ROAD CYCLING RACE (10 & 20 KM TIME TRIAL) by members/entrants of the ALBANY CYCLING CLUB INC on 7 December 2004 between the hours of 17:00 Hrs and 19:00 Hrs, 14 December 2004 between the hours of 17:00 Hrs and 19:00 Hrs, 21 December 2004 between the hours of 17:00 Hrs and 19:00 Hrs, 4 January 2005 between the hours of 17:00 Hrs and 19:00 Hrs, 11 January 2005 between the hours of 17:00 Hrs and 19:00 Hrs, 18 January 2005 between the hours of 17:00 Hrs and 19:00 Hrs, 25 January 2005 between the hours of 17:00 Hrs and 19:00 Hrs, 2 February 2005 between the hours of 17:00 Hrs and 19:00 Hrs, 8 February 2005 between the hours of 17:00 Hrs and 19:00 Hrs, 15 February 2005 between the hours of 17:00 Hrs and 19:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

FRENCHMAN BAY ROAD, IN THE SHIRE OF ALBANY.

All participants to wear approved head protection at all times.

A TRIATHLON CLUB EVENT by members/entrants of the BUSSELTON TRIATHLON CLUB on 12 December 2004 between the hours of 07:30 Hrs and 10:30 Hrs, 13 February 2005 between the hours of 07:30 Hrs and 10:30 Hrs, 27 March 2005 between the hours of 07:30 Hrs and 10:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

FROM MEELUP BEACH CARPARK, MEELUP BEACH ROAD, SOUTH STREET, EAGLE BAY ROAD AND CAPE NATURALISTE ROAD, IN THE SHIRE OF BUSSELTON.

All participants to wear approved head protection at all times for the cycle event.

A TRIATHLON by members/entrants of the MANDURAH TRIATHLON CLUB INC on 12 December 2004 between the hours of 06:30 Hrs and 10:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway(s) mentioned hereunder.

Racing to be confined to the left of the carriageway on—

HALLS HEAD PARADE, MARY STREET, PERIE BANOU CLOSE AND LEIGHTON PLACE, IN HALLS HEAD (MANDURAH) .

All participants to wear approved head protection at all times for the cycle event.

REGIONAL DEVELOPMENT

RD401

REGIONAL DEVELOPMENT COMMISSIONS ACT 1993 APPOINTMENT OF MEMBERS

Department of Local Government
And Regional Development

The following have been appointed as board members to the Goldfields-Esperance Development Commission in Western Australia, in accordance with the *Regional Development Commissions Act 1993*.

GOLDFIELDS-ESPERANCE DEVELOPMENT COMMISSION

Board of Management

Ministerial	Office	Term
Mr Colin Stewart	Deputy Chair	31 December 2007
Mr Colin Johnstone	Member	31 December 2007
Community		
Ms Brenda Mary Tilbrook	Member	31 December 2007
Local Government		
Mr Graham Selkirk Thomson	Member	31 December 2007
Ms Sandra Marie Trenowden	Member	31 December 2007

RACING, GAMING AND LIQUOR

RG401*

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
APPLICATIONS FOR THE GRANT OF A LICENCE			
10574	RXM Red Pty Ltd	Application for the grant of a Wholesaler's licence in respect of premises situated in Nedlands and known as RXM Red Pty Ltd	06/01/2005
10577	Daniel & Ling Lichtensteiger	Application for the grant of a Restaurant licence in respect of premises situated in Kalbarri and known as The Grass Tree Cafe and Restaurant	09/01/2005
APPLICATIONS TO ADD, VARY OR CANCEL A CONDITION OF LICENCE			
211726	Proserpine Enterprises Pty Ltd	Application to add, vary or cancel a condition of the Hotel licence in respect of premises situated in Katanning and known as Katanning Hotel	11/01/2005

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS TO ADD, VARY OR CANCEL A CONDITION OF LICENCE— <i>continued</i>			
211542	Palmerville Pty Ltd	Application to add, vary or cancel a condition of the Hotel licence in respect of premises situated in Kambalda and known as Giants Liquor Kambalda Motor Hotel	17/01/2005

This notice is published under section 67(5) of the *Liquor Licensing Act 1988*.

Dated: 29 December 2004.

H. R. HIGHMAN, Director of Liquor Licensing.

WATER

WA401

WATER BOARDS ACT 1904

BUSSELTON WATER BOARD

The Governor in Executive Council has approved the appointment of the following person as a member of the Busselton Water Board—

Ms Merryl Peet for a period expiring on 31 May 2007

M. C. WAUCHOPE, Clerk of the Executive Council.

WA402

WILLIAWS SEWERAGE

Notice of Acquisition

The Water Corporation under the provisions of Section 11(3) of the Country Towns Sewerage Act 1948, at the request of the Williams Shire Council, has with the approval of His Excellency the Governor, by and with the consent of the Executive Council, acquired the Shire of Williams wastewater scheme.

J. I. GILL, Managing Director,
Water Corporation.

WORKCOVER

WC401

WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981

WORKCOVER WA GOVERNING BODY APPOINTMENTS INSTRUMENT 2004

Made by the Governor in Executive Council on the recommendation of the Minister.

1. Citation

This instrument may be cited as the *WorkCover WA Governing Body Appointments Instrument 2004*.

2. Nominee members of WorkCover WA's governing body appointed

(1) Under section 95(1)(a) of the Act, Mr Anthony Cooke is appointed as a member and Chairman of WorkCover WA's governing body for the period ending 30 April 2005.

(2) Under section 95(1)(c)(i) of the Act, Mr Graham John Greig is appointed as a member of WorkCover WA's governing body for the period ending immediately before the third anniversary of the commencement day.

(3) Under section 95(1)(c)(ii) of the Act, Ms Janine Marie Freeman is appointed as a member of WorkCover WA's governing body for the period ending immediately before the third anniversary of the commencement day.

(4) Under section 95(1)(c)(iii) of the Act, Mr Daryl Glen Cameron is appointed as a member of WorkCover WA's governing body for the period ending 30 June 2006.

(5) Under section 95(1)(c)(iv) of the Act, Mrs Victoria Rosalind Wilmot is appointed as a member of WorkCover WA's governing body for the period ending immediately before the third anniversary of the commencement day.

(6) In this clause—

“**commencement day**” means the day on which the *Workers’ Compensation Reform Act 2004* section 82 comes into operation.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

WORKSAFE

WS401*

OCCUPATIONAL SAFETY AND HEALTH ACT 1984
OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996
EXEMPTION CERTIFICATE PURSUANT TO REGULATION 2.13

(No. 49 of 2004)

I, Nina Lyhne, WorkSafe Western Australia Commissioner, hereby grant an exemption to Kimberley Demolition from the requirements of Section 9 of the Code of Practice on the Safe Removal of Asbestos NOHSC:2002 (1988), as called up in Regulation 5.50(a) of the Occupational Safety and Health Regulations 1996 (the Regulations) in relation to demolishing a dwelling at 3 (lot 42/2) Gray Street, Broome.

I further grant an exemption from the need to remove asbestos material in accordance with the requirements of Australian Standard AS2601:2001, as called up in Regulation 3.123(1) of the Regulations in relation to the aforementioned address.

This exemption is subject to implementation of the demolition workplan and meeting the following conditions—

- All adjacent property owners and occupiers are notified of the proposed demolition and prohibited from entering the boundaries of the site during work;
- Adequate public protection is maintained around the site;
- The local authority environmental health officer also approves the methodology proposed;
- All persons involved in the demolition work wear the appropriate asbestos related PPE at all times during the demolition work;
- The structure is saturated with water prior to, and during, the demolition work;
- The demolition work and the clearing of asbestos cement sheeting is carried out over no more than one day;
- The clearing of asbestos cement sheeting is carried out in accordance with Section 9 of the Code of Practice for the Safe Removal of Asbestos [NOHSC:2002(1988)];
- All demolished material is treated as asbestos waste material;
- As far as practicable, the mobile plant used on site does not run over any demolished or waste material;
- All plant and equipment used in the site be cleaned immediately prior to leaving the site;
- All other demolition work to be carried out in accordance with the work plan; attached to your application and AS2601-2001 The Demolition of Structures

Dated this 24 day of December 2004.

NINA LYHNE, WorkSafe Western Australia Commissioner.

PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Margaret Esther Bolton of 291 Marmion Street, Melville in the State of Western Australia, Retired Stenographer.

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 15 July 2004 are required by the Trustee, Alistair Robert MacKinlay of 2 Sleat Road, Applecross Western Australia 6153 to send particulars of their claims to him by 28 January 2005 after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZZ202

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

James Allen Hunter late of 54 Fletcher Road, Lesmurdie in the State of Western Australia, Retired Real Estate Agent, 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 10 November 2001 are required by the personal representative to send particulars of their claims to her care of Talbot & Olivier Barristers & Solicitors, Level 10, 55 St George's Terrace, Perth by the 11 February 2005 after which date the personal representative may convey or distribute the assets having regard to the claims of which she then has notice.

Talbot & Olivier as solicitors for the personal representative.

ZZ203

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 31st January 2005 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Carlson Kevin James also known as Jim Carlson, late of 1 Todd Street Merredin, died 15/10/2004, (DE19903321EM23)

Dimovitis Sophia, late of 170 French Street Tuart Hill, died 4/11/2004, (DE20002644EM15)

Floyd Kathleen Gladys, late of Hollywood Senior Citizens Village 118-120 Monash Avenue Nedlands, died 4/12/2004, (DE19832849EM27)

Gardiner Alexander, late of 77 Anaconda Drive Gosnells, died 19/10/2004, (DE19925229EM26)

James Trevor Oswald, late of 77 Cull Road Albany, died 15/11/2004, (DE19840442EM32)

Johnston Brian James, late of 15 Hinchinbrook Avenue Ridgewood formerly of 16 Milner Street Quinns Rock, died 6/12/2004, (DE19790537EM38)

Riach Robert, late of Elimatta Lodge 45 Alexander Drive Mount Lawley, died 16/10/2004, (DE19933543EM26)

Young Reginald George, late of 76 Wintersweet Ramble Mirrabooka, died 28/11/2004, (DE19954373EM33)

Zadow John William, late of 320 Hawtin Road Forrestfield, died 12/11/2004, (DE33031754EM26)

ANTONINA ROSE McLAREN, Public Trustee,
Public Trust Office, 565 Hay Street,
Perth WA 6000.
Telephone: 9222 6777

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