



**WESTERN  
AUSTRALIAN  
GOVERNMENT**  
**Gazette**



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JOHN A. STRIJK,  
Acting Government Printer.

## PROCLAMATIONS

AA101

### INDUSTRIAL RELATIONS LEGISLATION AMENDMENT AND REPEAL ACT 1995

(No. 79 of 1995)

## PROCLAMATION

WESTERN AUSTRALIA  
David K. Malcolm,  
Lieutenant-Governor and  
deputy of the Governor.  
[L.S.]

} By the Honourable David Kingsley Malcolm,  
Companion of the Order of Australia, Lieutenant-  
Governor and deputy of the Governor of the  
State of Western Australia.

I, the Lieutenant-Governor and deputy of the Governor, acting under section 3 (2) of the *Industrial Relations Legislation Amendment and Repeal Act 1995* and with the advice and consent of the Executive Council, fix 18 May 1996 as the day on which sections 66 and 68 of that Act come into operation.

Given under my hand and the Public Seal of the State on 7 May 1996.

By Command of the Lieutenant-Governor and deputy of the Governor,

G. D. KIERATH, Minister for Labour Relations.

GOD SAVE THE QUEEN !

AA201

### COAL INDUSTRY SUPERANNUATION AMENDMENT ACT 1995

(No. 46 of 1995)

## PROCLAMATION

WESTERN AUSTRALIA  
David K. Malcolm,  
Lieutenant-Governor and  
deputy of the Governor.  
[L.S.]

} By the Honourable David Kingsley Malcolm,  
Companion of the Order of Australia, Lieutenant-  
Governor and deputy of the Governor of the  
State of Western Australia.

I, the Lieutenant-Governor and deputy of the Governor, acting under section 2 of the *Coal Industry Superannuation Amendment Act 1995*, 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 that Act comes into operation.

Given under my hand and the Public Seal of the State on 7 May 1996.

By Command of the Lieutenant-Governor and deputy of the Governor,

K. J. MINSON, Minister for Mines.

GOD SAVE THE QUEEN !

## BUSH FIRES BOARD

BU301

### BUSH FIRES ACT 1954

*Municipality of the City of Armadale*

By-laws Relating to the Establishment, Maintenance and  
Equipment of Bush Fire Brigades

In pursuance of the powers conferred upon it by the Bush Fires Act 1954 and all other powers enabling it, the Council of the City of Armadale hereby records having resolved on the 5th day of September 1994 to make and submit for confirmation by the Governor the following amendment to the By-Laws published in the *Government Gazette* on 6 July 1984 and amended in the *Government Gazette* of 18 January 1985.

“By-law 4A is amended by deleting the words “first day of September” and “31st day of August” and inserting in lieu thereof the words “1st day of July” and “30th day of June”.

Dated this 21st day of March 1996.

The Common Seal of the City of Armadale was hereunto affixed in the presence of—

R. C. STUBBS, Mayor.  
J. W. FLATOW, City Manager/Town Clerk.

Recommended—

R. L. WIESE, Minister for Emergency Services.

Approved by his Excellency the Governor, in Executive Council this 23rd day of April 1996.

J. PRITCHARD, Clerk of the Council.

**BU401****BUSH FIRES ACT 1954****SECTION 12****Cancellation of Appointment of Bush Fire Liaison Officer**

It is hereby notified that the Hon. Minister administering the Bush Fires Act 1954 has approved the cancellation of Colin Robert Cook's appointment as a Bush Fire Liaison Officer, as published in page 4791 of the *Government Gazette* of 2 December 1988.

**FISHERIES****FI401****PEARLING ACT 1990****SECTION 23 (8)**

FD 788/93 V1.

The public is hereby notified that pursuant to section 23 of the Pearling Act 1990 I have granted the following application for a pearl oyster hatchery licence.

Exmouth Pearls Pty Ltd to undertake hatchery activities at Lyndon Locations 98, 99 and 66 (Exmouth).

In accordance with section 33 (1) of the Pearling Act 1990 a person aggrieved by this decision may, within 14 days of publication of this notice, appeal against the decision by serving on the Minister for Fisheries C/- the Executive Director, Fisheries Department, SGIO Atrium, 168-170 St Georges Terrace, Perth WA 6000, a statement in writing of the grounds of the appeal.

PETER ROGERS, Executive Director.

**HERITAGE COUNCIL OF W.A.****HR401****HERITAGE OF WESTERN AUSTRALIA ACT 1990****NOTICE OF INTENTION TO ENTER PLACES IN THE REGISTER OF HERITAGE PLACES**

The Minister for Heritage, Richard Lewis, JP, MLA, has directed pursuant to Section 47 (1) of the Heritage of Western Australia Act 1990 that the places described in Schedule 1 be entered in the Register of Heritage Places as interim registrations.

The Heritage Council of Western Australia hereby gives notice of the interim registrations and invites submissions on the matter. Submissions must be in writing and should be forwarded to the following address not later than June 21st, 1996.

The Director, Office of the Heritage Council  
292 Hay Street, East Perth WA 6004.

**Schedule 1**

Name	Location	Description of Place included in this entry
St Mary's Church and Graveyard	Yule Avenue, Middle Swan	Lot 1 on Diagram 52804 being the whole of the land comprised in C/T Volume 1479 Folio 866.
Bridgedale	Hampton Street, Bridgetown	Firstly: Lots 6, 8, 9 and 12 on Diagram 17903 being the whole of the land in C/T Volume 1192 Folio 451, Volume 1213 Folio 52, Volume 1169 Folio 916, and Volume 1213 Folio 51. Secondly: Bridgetown Lot 853, being Crown Reserve 25693 and being the whole of the land comprised in Crown Land Record Volume 3013 Folio 26.
London Court	647-653 Hay Street, Perth	Portion of Perth Lot F4 the subject of Diagram 992, being the whole of the land comprised in C/T Volume 1042 Folio 150.

Name	Location	Description of Place included in this entry
Terrace Houses	2-8 Catherine Street, Subiaco	The whole of the land in Strata Plan 11222.
St Luke's Church, Cemetery and Belfry	Cnr Brockman and Weld Streets, Gingin	Lot 1 on Diagram 946 being the whole of the land comprised in C/T Volume 156 Folio 194.
Wonnerup Precinct	Layman Road, Busselton	Lot 2 on Diagram 45895 being the whole of the land comprised in C/T Volume 1372 Folio 873 and Sussex Location 4933 being Crown Reserve 33895, the whole of the land comprised in Crown Land Record Volume 3099 Folio 262.
Old Blythewood	South Western Highway, Pinjarra	Lot 10 on Diagram 45878 being the whole of the land comprised in C/T Volume 1383 Folio 299.
Balladong Farm Group	Cnr Avon Terrace & Parker Road, York	Lot 12 on Plan 10990 being the whole of the land comprised in C/T Volume 1399 Folio 919, and Lot 9 on Diagram 13502 being the whole of the land comprised in C/T Volume 1102 Folio 705.
Tarantella Night Club (fmr)	5 Mouat Street, Fremantle	The whole of the land comprised in Strata Plan 25827.
Group of Four Houses at 19-25 Suffolk Street	19-25 Suffolk Street, Fremantle	Lot 9 on Diagram 21072 being the whole of the land comprised in C/T Volume 1766 Folio 624; Lot 1 on Diagram 5840 being the whole of the land comprised in C/T Volume 848 Folio 62; Lot 2 on Diagram 4999 being the whole of the land comprised in C/T Volume 1448 Folio 234; Lot 1 on Diagram 4999 being the whole of the land comprised in C/T Volume 1418 Folio 125.
Uralia	59 Gordon Street, Northam	Portion of Northam Lot N78 being the whole of the land comprised in C/T Volume 1823 Folio 762.

#### NOTICE OF ADVICE REGARDING REGISTRATION OF CROWN PROPERTY

In accordance with the requirements of Section 47 (5) of the Heritage of Western Australia Act, the Heritage Council hereby gives notice that it has advised the Minister for Heritage that the place listed in Schedule 2 should be entered in the Register of Heritage Places on an interim basis. The Heritage Council hereby gives notice of the interim registration and invites submissions on the matter; submissions must be in writing and should be forwarded to the following address not later than June 21st, 1996.

The Director, Office of the Heritage Council  
292 Hay Street, East Perth WA 6004.

The place listed in Schedule 2 is vested in the Crown, or in a person on behalf of the Crown, in right of the State.

#### Schedule 2

Place	Location	Description of Place included in this entry
Robb Jetty Chimney	Bennett Avenue, Hamilton Hill	That portion of Fremantle Lot 1948 being part of the land comprised in CLR Volume 3037 Folio 567 as defined in HCWA drawing number 3211 prepared by John Giudice Surveyors Pty Ltd. Record.

Dated this 14th day of May 1996.

IAN BAXTER, Director, Office of the Heritage Council.

## LAND ADMINISTRATION

**LA401**

### FORFEITURES

Department of Land Administration.

The following leases and licences together with all rights, title and interest therein have this day been forfeited to the Crown under the Land Act 1933 for the reasons stated.

A. A. SKINNER, Chief Executive Officer.

Date: 9 May 1996.

Name; Lease or Licence No.; District; Reason; Corres No.; Plan.

Ruston, David Alan; 345B/1797; Ravensthorpe Lot 790; Non-Compliance with Conditions; 2026/982; Ravensthorpe 2000 29.01 & 20.40.

Bennett, Gordon; 345B2572; Dampier Loc 345; Non-Payment of Instalments; 2353/994; Plan 18622.

## LOCAL GOVERNMENT

**LG401**

### DOG ACT 1976

*Shire of Capel*

#### Appointment of Officers

Notice is hereby given of the appointment of the following as Authorised Officers under the following Acts and Regulations—

1. Dog Act 1976 and Dog Act Regulations 1976;
2. Dog By-laws;
3. Ranger/Pound keeper under the provision of Part XX of the Local Government Act 1960.

#### Authorised Officers

Clive Thomas Howes  
Peter John Richards  
Donald Peter Earnshaw  
Paul William Hagar  
Steven Lester Jones  
John Brian Kowal  
Robert William Breeze  
Eva Haydon  
Michael Garry Wood  
Robert Glenn Bone

#### Registration Officers

Bernadette Lee Burton  
Jodie Lynn Reidmann

E. HAYDON, Acting Shire Clerk.

**LG402**

### DOG ACT 1976

#### Joint Appointment of Officers

I hereby notify for public information that the following persons have been appointed to administer the provisions of the Dog Act 1976 and Dog Act Regulations 1976 within the Shires of Cue, Meekatharra and Mount Magnet.

#### Authorised Officers

Alan Snow  
Becky Russell

All previous appointments still remain in force.

A. B. WRIGHT, Shire Clerk.

**LG403****DOG ACT 1976***Shire of Kondinin*

It is hereby notified for public information that the following persons have been appointed under the provisions of the Dog Act 1976.

## Registration Officers

Philip Reginald Burton  
 Carolyn Anne Skinner  
 Ellen Deanne Hardy  
 Christina Fotheringham

## Authorised Persons

Michael John Jones	Philip Reginald Burton
Robert Gordon Fraser	Darryl Frederick Collard
Robert Peake	Louis Joseph Bunter
Robert George Prater	Michael Pratzky

All previous appointments are hereby cancelled.

M. J. JONES, Shire Clerk.

**MAIN ROADS****MA401**

MRWA 42-176-B

**MAIN ROADS ACT 1930****LAND ACQUISITION AND PUBLIC WORKS ACT 1902**

## NOTICE OF INTENTION TO TAKE OR RESUME LAND

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Land Acquisition and Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in the Gingin District, for the purpose of the following public works namely, widening of the Perth-Lancelin Road (SLK Section 1.065-103.44) and that the said pieces or parcels of land are marked off on MRWA Drawing No. 9510-002 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

## Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (Approx.)
1.	Joseph Beck Matthews	J. B. Matthews	Portion of Swan Location 5703 and being part of the land comprised in Certificate of Title Volume 1562 Folio 552.	23.0493 ha

Dated this 6th day of May 1996.

D. R. WARNER, Director Corporate Services.

**MA402**

MRWA 42-85-F

**MAIN ROADS ACT 1930****LAND ACQUISITION AND PUBLIC WORKS ACT 1902**

## NOTICE OF INTENTION TO TAKE OR RESUME LAND

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Land Acquisition and Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in the Boyup Brook District, for the purpose of the following public works namely, widening of the Donnybrook Kojonup Road (SLK Section 77.3-78.7) and that the said pieces or parcels of land are marked off on MRWA Drawings No. 9502-0309-1, 9502-0310 and 9502-0311 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

## Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (Approx.)
1.	Geoffrey Alan Harris and Janice Mary Harris	G. A. & J. M. Harris	Nelson Location 3591 and being part of the land comprised in Certificate of Title Volume 1063 Folio 499.	1.268 ha
2.	William Thomas Gordon	W. T. Gordon	Portion of each of Nelson Locations 1279 and 2286 and being part of the land comprised in Certificate of Title Volume 1464 Folio 275.	1.4076 ha

Dated this 10th day of May 1996.

D. R. WARNER, Director Corporate Services.

MA403

MRWA 42-98-C

**MAIN ROADS ACT 1930  
LAND ACQUISITION AND PUBLIC WORKS ACT 1902  
NOTICE OF INTENTION TO TAKE OR RESUME LAND**

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Land Acquisition and Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in the Morawa District, for the purpose of the following public works namely, widening of the Wubin-Mullewa Road (SLK Section 119.38-119.98) and that the said pieces or parcels of land are marked off on MRWA Drawing No. 9623-004 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (Approx.)
1.	L G & D M Harley & Co. Pty Ltd.	L G & D M Harley & Co. Pty Ltd.	Portion of Victoria Location 3933 and being part of the land comprised in Certificate of Title Volume 1255 Folio 56.	7931.24 m <sup>2</sup>

Dated this 9th day of May 1996.

D. R. WARNER, Director Corporate Services.

**MINERALS AND ENERGY**

MN301

**COAL INDUSTRY SUPERANNUATION ACT 1989  
COAL INDUSTRY SUPERANNUATION AMENDMENT  
REGULATIONS 1996**

Made by the Lieutenant-Governor and Deputy of the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Coal Industry Superannuation Amendment Regulations 1996*.



### Commencement

2. These regulations come into operation on the day on which the *Coal Industry Superannuation Amendment Act 1995* comes into operation.

### Principal regulations

3. In these regulations the *Coal Industry Superannuation Regulations 1990\** are referred to as the principal regulations.

[\* *Published in Gazette of 28 June 1990 at pp. 3109-36.*  
*For amendments to 2 May 1996 see 1994 Index to Legislation of Western Australia, Table 4, pp. 35-36.*]

### Regulation 3 amended

4. Regulation 3 (1) of the principal regulations is amended —

- (a) in the definition of “accrual product” —
  - (i) by deleting “final average salary” and substituting the following —

“ benchmark salary ”;
  - (ii) by inserting before “membership” the following —

“ category A ”; and
  - (iii) by inserting after “of that member” the following —

“ while in Service ”;
- (b) in the definition of “accrual rate” by deleting “final average salary” in both places where it occurs and substituting the following —

“ benchmark salary ”;
- (c) in the definition of “accrued benefit” by deleting “final average salary applicable to that member;” and substituting the following —

“ benchmark salary; ”;
- (d) by deleting the definition of “member” and substituting the following definition —

“  
“**member**” means a person who has become a member under regulation 10, 11 or 11A and who has not cease to be a member under regulation 11B;  
”;
- (e) in the definition of “previous fund” by deleting “Act.” and substituting the following —

“ Act; ”; and
- (f) by inserting in the appropriate alphabetical positions the following definitions —

“  
“**accumulation account**” means the account kept for a member under regulation 27A;

**“salary day” means —**

- (a) in relation to an employer, the day on which salary becomes payable by the employer to members who are in service with the employer; and
- (b) in relation to a member, the day on which the member’s salary becomes payable.

**Regulation 4 amended**

5. (1) Regulation 4 (1) of the principal regulations is amended by deleting “has —” and substituting the following —

“ has been in service and has — ”.

(2) Regulation 4 (2) of the principal regulations is repealed and the following subregulation is substituted —

“ (2) If a person who has ceased to be in service but who is still a member returns to service, the Board may include any part of the period during which the person was previously in service in the person’s membership on such terms and conditions as the Board determines.

**Regulation 4A inserted**

6. After regulation 4 of the principal regulations the following regulation is inserted —

“ **Service**

**4A.** In these regulations —

- (a) a person is “in service” if the person is a mine worker or an officer of the Board; and
- (b) a person is “in service with an employer” if the person is —
  - (i) in the case of an officer of the Board, in service while an officer of the Board; and
  - (ii) in the case of a mineworker, in service while employed by, working on the mine of, or otherwise associated with, that employer.

**Regulation 5 amended**

7. Regulation 5 of the principal regulations is amended —

(a) by inserting after “A member” the following —

“ who is 60 years of age or younger ”;

(b) by deleting paragraph (c) and substituting the following paragraph —

“ (c) in any other event if the Board is satisfied, after considering any medical or other evidence that it considers to be relevant, that the member is, and until attaining 60 years of age will continue to be, physically or mentally incapable of engaging in, or working for reward

in, any occupation or work for which, in the opinion of the Board, the member is suited to undertake by education, training or experience or for which the member would be suited as a result of retraining.

”.

### Regulations 6, 7 and 8 repealed and regulations 6 and 7 substituted

8. Regulations 6, 7 and 8 of the principal regulations are repealed and the following regulations are substituted —

“

#### Partial permanent disablement

6. A member shall be regarded as partially and permanently disabled if the member —

- (a) is 60 years of age or younger;
- (b) is not totally and permanently disabled; and
- (c) in the opinion of the Board, after consideration of material evidence satisfactory to it, is physically or mentally incapable of engaging in, or working for reward in, any occupation or work for the employer for which he or she is reasonably qualified by education, training or experience.

#### Benchmark salary

7. (1) Subject to subsections (2) and (3), in these regulations —

“**benchmark salary**” means 52 times the weekly rate of wages prescribed in the coal mining industrial award applicable to employees of Western Collieries Ltd in Western Australia for the classification of “**Motor Truck Drivers of over 100 tons but not exceeding 110 tons**” as at the date on which the *Coal Industry Superannuation Amendment Regulations 1996* came into operation, increased on that date and on each subsequent 1 July by —

- (a) either —
    - (i) an amount equal to the increase (if any) in the index of Average Weekly Ordinary Time Earning for full time adults published by the Australian Statistician for the year ending on the previous 31 March; or
    - (ii) such lesser amount as is determined by the Board on the recommendation of the actuary;
- and
- (b) any additional amount agreed between the Board and all employers.

(2) The Board may, on the recommendation of the actuary, determine that benchmark salary is to be increased quarterly on 1 January, 1 April, 1 July and 1 October each year instead of annually on 1 July.

(3) If the Board makes a determination under subregulation (2), the increase to be effected under subregulation (1) (a) (i) is to be equal to the increase (if any) in the index of Average Weekly Ordinary Time Earning for full time adults published by the Australian Statistician for the quarter ending on the previous 31 September, 31 December, 31 March or 31 June respectively.

”.

**Regulation 9A inserted**

9. The following regulation is inserted in Part 3 of the principal regulations before regulation 10 —

“

**Categories of membership**

9A. The members of the Fund are divided into 2 categories as follows —

- (a) category A - people who became members under regulation 10 or 11; and
- (b) category B - people who became members under regulation 11A.

”.

**Regulation 10 amended**

10. Regulation 10 of the principal regulations is amended —

- (a) by inserting after “become a” the following —  
“ category A ”; and
- (b) by deleting “and, subject to the Act, shall remain a member of the Fund so long as he or she continues in employment as a mineworker”.

**Regulation 11 amended**

11. (1) Regulation 11 (1) of the principal regulations is amended —

- (a) by inserting after “become a” the following —  
“ category A ”; and
- (b) by deleting “and shall remain a member of the Fund so long as he or she continues in employment as a mineworker”.

(2) Regulation 11 (2) of the principal regulations is amended by inserting after “continue to be” the following —

“ in service as ”.

**Regulations 11A and 11B inserted**

12. After regulation 11 of the principal regulations the following regulations are inserted —

“

**Officers of the Board**

11A. (1) An officer of the Board may apply to become a category B member at any time by giving written notice to the Board.

(2) If the Board accepts an officer's application, the officer becomes a category B member on the officer's next salary day.

**Cessation of membership**

11B. A member ceases to be a member if —

- (a) both —
  - (i) the member has ceased to be in service; and
  - (ii) all benefits which are or may be payable to or in respect of the member, have been paid or transferred from the Fund; or

- (b) the member receives a benefit under regulation 21C (1) or (2).

”.

**Regulation 12 amended**

13. Regulation 12 of the principal regulations is amended by inserting after “from the Fund” the following —

“

together with any other information which the SIS Act requires the Board to give to new members

”.

**Regulation 13 amended**

14. Regulation 13 (1) (a) of the principal regulations is amended by inserting after “member” the following —

“

in the category specified by the Board

”.

**Regulation 14 amended**

15. (1) Regulation 14 (1) of the principal regulations is repealed and the following subregulations are substituted —

“

(1) Each category A member in service shall contribute to the Fund each year an amount equal to 3% of the benchmark salary.

(1a) A member shall pay the contributions payable under subregulation (1) in instalments as at each salary day.

(1b) A category A member may contribute to the Fund any further amount agreed between the member and the Board.

(1c) Each category B member may contribute to the Fund any amount agreed between the member and the Board.

”.

- (2) Regulation 14 (3), (5) and (6) of the principal regulations is repealed.

**Regulations 15 and 16 repealed and regulation 15 substituted**

16. Regulations 15 and 16 of the principal regulations are repealed and the following regulation is substituted —

“

**Contributions by employers**

15. (1) Subject to subregulation (6), each employer shall contribute to the Fund in respect of each category A member in service with that employer the amount or at the rate recommended by the actuary under subregulation (4), or such other amount or rate as is agreed between the Board, the actuary and the employers.

(2) An employer shall pay the contributions payable under subregulation (1) in instalments as at each salary day.

(3) Each employer shall contribute to the Fund in respect of each category B member in service with that employer the amount (if any) agreed between the employer and the member.

(4) An employer may contribute such further amount in respect of a member as is agreed between the employer and the member.

(5) In each report on an actuarial review conducted under section 23 (1) of the Act, the actuary shall advise the Board of the amounts or rates of contributions required from each employer in order to ensure the stability of the Fund and secure the rights of members.

(6) The amount or rate of contributions to be made by an employer under subregulation (1) shall not be —

- (a) less than 7%; nor
- (b) more than 10%,

of the total benchmark salaries for all category A members in service with that employer.

(7) If the rate of contributions recommended by the actuary under subregulation (5) is greater than the maximum rate permitted by subregulation (6), the Board —

- (a) shall obtain from the actuary a report as to the extent (if any) to which benefits should be reduced having regard to the level of employer contributions and the capacity of the Fund to pay benefits; and
- (b) may amend these regulations to reduce benefits in accordance with that report.

(8) Regulation 53 (1), (2) and (3) does not apply to an amendment made under subregulation (7) (b).

”

#### **Regulations 17 to 22 repealed and regulations 17 to 22A substituted**

17. Regulations 17 to 22 of the principal regulations are repealed and the following regulations are substituted —

“

#### **Retirement benefits - category A**

17. (1) A category A member who leaves service with an employer between 55 and 65 years of age (inclusive) is entitled to a benefit equal to —

- (a) the member's accrued benefit; and
- (b) the balance of the member's accumulation account.

(2) A category A member who leaves service with an employer for any reason (other than death) after reaching 65 years of age is entitled to a benefit equal to the amount that would have been payable to the member if the member had —

- (a) left service with that employer on the day the member turned 65;
- (b) become entitled to a benefit under subregulation (1) on that day; and
- (c) retained that benefit in the Fund under regulation 22 until the day the member actually left service with that employer.

#### **Death benefits - category A**

18. If a category A member who is under 60 years of age dies in service, the Board shall pay a benefit equal to —

- (a) the member's accrued benefit calculated as if —
  - (i) the member had remained in service until reaching 60 years of age; and

(ii) the benchmark salary had remained the same as it was on the date of death; and

(b) the balance of the member's accumulation account.

(2) If a category A member who is over 60 years of age dies in service, the Board shall pay a benefit equal to the benefit that the would have been payable to the member if the member had —

(a) left service on the day the member turned 60;

(b) become entitled to a benefit under regulation 17 (1) on that day; and

(c) retained that benefit in the Fund under regulation 22 until the date of death.

#### **Total and permanent disablement benefit - category A**

19. (1) A category A member who leaves service with an employer because of total and permanent disablement is entitled to a benefit equal to —

(a) the member's accrued benefit calculated as if —

(i) the member had remained in service with that employer until reaching 60 years of age; and

(ii) the benchmark salary had remained the same as it was on the date of disablement; and

(b) the balance of the member's accumulation account.

(2) In this regulation and regulation 20 —

**"date of disablement"** means the last day in respect of which the member received remuneration from that employer prior to becoming entitled to the benefit.

#### **Partial and permanent disablement benefit - category A**

20. A category A member who leaves service with an employer because of partial and permanent disablement is entitled to a benefit equal to —

(a) the member's accrued benefit calculated as at the date of disablement; and

(b) the balance of the member's accumulation account.

#### **Resignation benefit - category A**

21. (1) Subject to subsection (2), a category A member who leaves service with an employer in circumstance other than those described in regulations 17 to 20 or 21A is entitled to a benefit equal to the balance of the member's accumulation account plus —

(a) if the member retains the whole of the benefit in the Fund, an amount calculated in accordance with Part A of Schedule 1; or

(b) otherwise, an amount calculated in accordance with Part B of Schedule 1.

(2) A category A member who leaves service by reason of ceasing to be a mineworker but who remains in employment with the same employer —

(a) is not entitled to a benefit under subregulation (1) at the time of leaving service; and

- (b) is entitled to a benefit when the member ceases to be in employment with that employer equal to the amount that would have been payable to the member if the member had —
  - (i) become entitled to a benefit under subregulation (1) on the day the member ceased to be a mineworker; and
  - (iii) retained that benefit in the Fund under regulation 22 until the day the member actually left service with that employer.

#### **Retrenchment benefit - category A**

**21A.** A category A member who leaves services with an employer as a result of being retrenched is entitled to a benefit equal to the balance of the member's accumulation account plus —

- (a) if the member retains the whole of the benefit in the Fund, an amount calculated in accordance with Part C of Schedule 1; or
- (b) otherwise, an amount calculated in accordance with Part D of Schedule 1.

#### **Benefits for category B members**

**21B.** (1) A category B member who leaves service with an employer for any reason (other than death) is entitled to a benefit equal to the balance in the member's accumulation account.

(2) If a category B member dies in service the Board is to pay a benefit equal to the balance in the member's accumulation account.

#### **Benefits while in service**

**21C.** (1) If a member —

- (a) is in service; and
- (b) reaches the age at which the SIS Act requires the Board to pay the member's benefit,

the Board must pay to the member a benefit equal to the benefit that the member would have been entitled to had the member left service on the date the member reached that age.

(2) A member who —

- (a) is in service,
- (b) is 65 years of age or older; and
- (c) requests payment,

is entitled to a benefit equal to the benefit that the member would have been entitled to had the member left service on the date of the request.

(3) A member who —

- (a) is in service;
- (b) is under 65 years of age; and
- (c) requests payment,



is entitled to a benefit of up to the amount which the Board is permitted by the SIS Act to pay to the member.

(4) If a benefit paid under subregulation (3) includes a defined benefit component, the benefit payable to or in respect of the member when the member leaves service is to be adjusted accordingly.

### **Retained benefits**

**22.** (1) A member who becomes entitled to a benefit under regulations 17, 21, 21A or 21B (1) may, prior to the benefit being paid to the member, request the Board to retain all or part of the benefit in the Fund.

(2) If a member requests the Board to retain part of a benefit payable under regulation 21 (b) or 21A (b), the dollar value of any defined benefit component of that part of the benefit is to be credited to the member's accumulation account and treated as a retained accumulation component.

(3) In relation to the defined benefit component of any retained benefit, the Board shall keep a record of the multiple of the benchmark salary used to calculate that benefit.

(4) In relation to the accumulation component of any retained benefit, the Board shall retain that amount in the member's accumulation account.

(5) The amount of a retained benefit is the balance in the member's accumulation account and —

- (a) if the retained benefit is paid or transferred under regulation 44 prior to the member reaching 55 years of age, the amount calculated in accordance with Part E of Schedule 1; or
- (b) in any other case, an amount calculated by multiplying the multiple kept under subregulation (2) by the benchmark salary at the date of payment.

(6) If a member who has retained a benefit dies before that benefit is paid, the Board is to pay the retained benefit under regulation 24.

### **Preservation**

**22A.** If required to do so by the SIS Act the Board must preserve all or part of any benefit otherwise payable from the Fund in a manner consistent with the SIS Act.

”

### **Part 5A inserted**

**18.** After regulation 27 of the principal regulations the following Part is inserted —

“

## **PART 5A — ACCUMULATION ACCOUNTS**

### **Accumulation accounts**

**27A.** (1) The Board shall keep an accumulation account for each member.

(2) The Board shall credit to a member's accumulation account —

- (a) all contributions to the Fund made by under regulations 14 (1b) or (1c);
- (b) all employer contributions made for that member under regulation 15 (3) or (4);

- (c) amounts transferred from other funds or converted to accumulation benefits under regulation 43;
  - (d) the proceeds of any life insurance policy effected for the member the premiums for which were debited to the account;
  - (e) any defined benefit component of a retained benefit converted to an accumulation component under regulation 22 (2); and
  - (f) earnings distributed to that account under regulation 27B.
- (3) The Board shall debit to a member's accumulation account —
- (a) premiums for life insurance effected in respect of the member;
  - (b) tax payable by the Board in respect of employer contributions credited to the account;
  - (c) losses distributed to that account under regulation 27B; and
  - (d) the accumulation component of any benefit or amount transferred from the Fund in respect of the member.

### **Earnings and losses**

**27B.** (1) At the end of each financial year (or at such other times as the Board determines) the Board shall declare a Fund earning rate for the period since the last declaration was made.

(2) The Board shall distribute the earnings or losses of the Fund for the period covered by the declaration to the accumulation accounts that exist on the last day of that period.

(3) The Board may, from time to time, declare an interim Fund earning rate.

(4) When a benefit is to be paid or an amount is to be transferred from an accumulation account, the Board is to distribute earnings or losses of the Fund for the period since the last date as at which a distribution was made to that account at the interim Fund earning rate.

(5) The Board shall decide whether Fund earning rates are to be applied to accumulation accounts on daily balances, on average balance or on some other basis.

(6) In determining a Fund earning rate the Board shall take into account —

- (a) the earnings or losses of the Fund;
- (b) the costs and expenses of the Fund, including any tax that is or may be incurred by the Board;
- (c) the level of the Fund's reserves;
- (d) the appropriateness of averaging earnings, losses and expenses over several years; and
- (e) any other matters which the SIS Act requires the Board to consider or which the Board considers relevant.

(7) The Fund earning rate or interim Fund earning rate for any period may be positive or negative.

**Regulation 34 amended**

19. (1) Regulation 34 (1) of the principal regulations is amended —
- (a) by deleting “employed by” in the first place where it occurs and substituting the following —  
“ in service with ”; and
  - (b) paragraph (b) by deleting “the members employed by that body” and substituting the following —  
“ those members ”.
- (2) Regulation 34 (2) of the principal regulations is amended —
- (a) by deleting “employed by” and substituting the following —  
“ in service with ”; and
  - (b) by deleting “but no provision shall be made for the payment of a benefit to any of those members while that member remains in the employment of that body other than for the support and maintenance of that member and the dependants of that member in the case of hardship.” and substituting the following paragraph —  
“  
but no benefit shall be paid to any member who is in service unless that payment is permitted by the SIS Act.  
”.

**Regulation 35 amended**

20. (1) Regulation 35 (1) of the principal regulations is amended by deleting “employed by” and substituting the following —  
“ in service with ”.
- (2) Regulation 35 (2) (a) of the principal regulations is amended by deleting “retired from the employment of” and substituting the following —  
“ left service with ”.
- (3) Regulation 35 (4) of the principal regulations is amended —
- (a) by deleting “employed by an employer enters the employment of” and substituting the following —  
“ referred to in subregulation (1) enters service with ”;  
and
  - (b) by deleting “first-mentioned” and substituting the following —  
“ previous ”.

**Regulation 36 amended**

21. Regulation 36 (2) of the principal regulations is amended by deleting “rate” and substituting the following —  
“ salary ”.

**Regulation 41A inserted**

22. After regulation 41 of the principal regulations the following regulation is inserted —

“

**Vacancies**

41A. A vacancy on the Board must be filled within the time specified in the SIS Act.

”.

**Regulation 42 repealed**

23. Regulation 42 of the principal regulations is repealed.

**Regulation 43 amended**

24. (1) Regulation 43 (1) (a) of the principal regulations is amended by deleting “becomes” and substituting the following —

“ is ”.

(2) After regulation 43 (2) of the principal regulations the following subregulation is inserted —

“

(3) If a member has been granted additional benefits under subregulation (2) that are calculated on a defined benefit basis, they may be converted to benefits calculated on an accumulation basis on such terms as the Board and member agree.

”.

**Regulation 44 amended**

25. (1) Regulation 44 (1) of the principal regulations is amended by deleting “employment” and substituting the following —

“ service ”.

(2) After regulation 44 (1) of the principal regulations the following subregulation is inserted —

“

(1a) The Board must pay to a member or transfer to another superannuation fund or other person or fund, any benefit which the SIS Act requires to be so paid or transferred.

”.

(3) Regulation 44 (2) of the principal regulations is amended —

(a) in paragraph (b) by deleting “employed by the employer but enters into the employment of” and substituting the following —

“

in service with that employer but enters into service with

”;

and

(b) by deleting “employees of” and substituting the following —

“ people in service with ”.

**Regulation 45 amended**

26. (1) Regulation 45 (1) of the principal regulations is repealed and the following subregulation is substituted —

“

(1) If a member leaves service in circumstances where it is reasonable to expect that the member will return to service within a reasonable time, the Board may treat the member as continuing to be in service on such terms and conditions as are agreed between the Board, the member and the employer.

”

(2) Regulation 45 (2) of the principal regulations is amended by deleting “absent from the employment of the employer”.

(3) Regulation 45 (4) and (5) of the principal regulations is repealed and the following subregulations are substituted —

“

(4) Unless otherwise agreed under subregulation (1) or (2) —

- (a) no contributions are payable by or in respect of the member during the relevant period;
- (b) the relevant period is not to be counted in determining the member's membership; and
- (c) if a benefit becomes payable under regulation 19 or 20 during the relevant period, the member is deemed to have received salary on the employer's last salary day prior to the benefit becoming payable.

(5) In subregulation (4) —

“**relevant period**” means any period during which a member has —

- (a) continued in service under subregulation (1); or
- (b) been absent on leave without pay.

”

**Regulation 46 amended**

27. (1) Regulation 46 (1) the principal regulations is amended —

(a) by inserting after “any time a” the following —

“ category A ”; and

(b) by deleting “employed”.

(2) Regulation 46 (2) of the principal regulations is amended —

(a) by deleting “employed”; and

(b) by deleting “employment” and substituting the following —

“ service ”.

(3) Regulation 46 (5) of the principal regulations is repealed.

**Regulation 47 amended**

28. (1) Regulation 47 (2) of the principal regulations is amended —

(a) by inserting after “If a” the following —

“ category A ”; and

(b) by inserting after "adjust the" the following —

" defined benefit component of ".

(2) Regulation 47 (3) of the principal regulations is amended by deleting "the age of compulsory retirement" and substituting the following —

" 60 years of age ".

#### **Regulation 49 repealed**

29. Regulation 49 of the principal regulations is repealed.

#### **Regulation 50 amended**

30. Regulation 50 (1) of the principal regulations is amended by deleting "employment" and substituting the following —

" work ".

#### **Regulation 52 repealed and a regulation substituted**

31. Regulation 52 of the principal regulations is repealed and the following regulation is substituted —

"

##### **Information**

52. (1) The Board must give to each member, each employer and any other person the information which the SIS Act requires the Board to give to that person at the time it is required by that Act to be given.

(2) The annual report must be given to members as soon as practicable after the Board submits the annual report under section 66 of the *Financial Administration and Audit Act 1985* and not later than 14 days before the ensuing annual general meeting of members.

"

#### **Regulation 53 amended**

32. (1) Regulation 53 (3) of the principal regulations is amended by deleting "subregulations (4) and (5)" and substituting the following —

" subregulation (4) ".

(2) Regulation 53 (5) of the principal regulations is repealed and the following subregulations are substituted —

"

(5) No amendment may reduce a benefit contrary to the SIS Act.

(6) No amendment may enable an individual to be appointed to replace the Board as trustee of the Fund unless, after the amendment, the Fund will comply with the SIS Act.

"

**Schedules 1, 2, 2A, 2B and 2C repealed and Schedule 1 substituted**

33. Schedules 1, 2, 2A, 2B and 2C of the principal regulations are repealed and the following Schedule is substituted —

“

**SCHEDULE 1**

[Regs. 21, 21A and 22]

**PART A — FULLY RETAINED RESIGNATION BENEFIT**

[Reg. 21 (a)]

The amount referred to in regulation 21 (a) is the amount calculated using this formula —

$$(BS \times APB \times f) + (BS \times APA)$$

**PART B — CASH/TRANSFER OR PARTIALLY RETAINED RESIGNATION BENEFIT**

[Reg. 21 (b)]

The amount referred to in regulation 21 (b) is the lesser of the amounts calculated using these two formulae —

- (a)  $(BS \times APB \times f) + (BS \times APA \times DF)$ ; and
- (b)  $BS \times AP \times DF$ .

**PART C — FULLY RETAINED RETRENCHMENT BENEFIT**

[Reg. 21A (a)]

The amount referred to in regulation 21A (a) is the amount calculated using this formula —

$$BS \times AP.$$

**PART D — CASH/TRANSFER OR PARTIALLY RETAINED RETRENCHMENT BENEFIT**

[Reg. 21A (B)]

The amount referred to in regulation 21A (b) is the amount calculated using this formula —

$$BS \times AP \times DF.$$

**PART E — TRANSFER AMOUNT**

[Reg. 22 (5) (a)]

The amount referred to in regulation 22 (5) (a) is —

- (a) if the benefit retained was a benefit payable under regulation 21A (a), is the amount calculated using this formula —
  - $BS \times AP \times DF$ ; or
- (b) if the benefit retained was a benefit retained under regulation 21 (a), is the lesser of the amounts calculated using these two formulae —
  - (i)  $(BS \times APB \times f) + (BS \times APA \times DF)$ ; and
  - (ii)  $BS \times AP \times DF$ .

**PART F — DEFINITIONS**

In this Schedule —

- BS = benchmark salary;
- AP = the sum of all accrual products for the member;
- APA = the sum of all accrual products of the member for membership after 30 June 1992
- APB = the sum of all the accrual products of the member for membership before 1 July 1992;
- f = if the member has been a member for —
- (a) less than 5 years, 0.3;
- (b) more than 5 years but less than 15 years —
- $0.3 + [(n - 5) \times 0.07]$
- where —
- n = period of membership; or
- (c) 15 years or more, 1.00;
- DF = the discount factor determine from time to time by the Board on the advice of the actuary.

**Transitional**

34. The benefit of a member who became entitled to the benefit from the Fund before these regulations came into operations is to be calculated and paid to the member in accordance with the principal regulations as if these regulations had not come into operation.

By Command of the Lieutenant-Governor and deputy of the Governor,

J. PRITCHARD, Clerk of the Council.

MN401

State of Western Australia  
**PETROLEUM (SUBMERGED LANDS) ACT 1967**

Section 37(1)

**DECLARATION OF A LOCATION**

I, Peter William Baillie, Acting Director Petroleum Operations Division of the Department of Minerals and Energy for the State of Western Australia, being the officer for the time being which holds certain powers and functions of the Commonwealth-Western Australia Offshore Petroleum Joint Authority in respect of the area specified as being adjacent to the State of Western Australia by virtue of an instrument of delegation dated 1 May 1993 and published in the *Government Gazette* of Western Australia on 14 May 1993, do by the publication of this instrument the *Government Gazette* declare the following block to be a location for the purpose of Part III of the Act.

**HAMERSLEY RANGE MAP SHEET**

Block No.: 174  
Field: Wandoo  
Location No.: 1 SL/95-6

This block is the subject of Exploration Permit No. WA-243-P held by Ampolex Limited and Ashland Exploration Australia Pty Ltd.

Dated this 2nd day of May 1996.

PETER BAILLIE, Acting Director Petroleum Operations Division.



**MN402**

Commonwealth of Australia

**PETROLEUM (SUBMERGED LANDS) ACT 1967**

## NOTICE OF RENEWAL OF EXPLORATION PERMIT

Exploration Permit No. WA-208-P held by Mount Isa Mines Limited of Level 2, 230 Lutwyche Road, Windsor QLD 4030, Socdet Production Pty Limited of 976 Ground Floor, 16 Ord Street, West Perth WA 6005, Hardy Petroleum Limited of Level 3, Norwich House, 40 Kings Park Road, West Perth WA 6005 and Woodside Oil Ltd of Level 40, 385 Bourke Street, Melbourne VIC 3000 has been renewed to have effect for a period of five (5) years from the 11th day of April 1996.

PETER BAILLIE, Acting Director Petroleum Operations Division.

**MN403****PETROLEUM ACT 1967**

## RENEWAL OF PETROLEUM EXPLORATION PERMIT

Exploration Permit No. EP129, held by Petroleum Securities Energy Limited, Petroleum Securities Pty Limited and Laurel Bay Petroleum Limited of Level 13, Gold Fields House, 1 Alfred Street, Sydney NSW 2000, and Terratek Drilling Tools Pty Limited of 13 Vale Street, Malaga WA 6062, Vamgas Pty Ltd of 39 Grenfell Street, Adelaide SA 5000, Permanent Trustee Australia Limited of Permanent Trustee House, 23-25 O'Connell Street, Sydney NSW 2000 and Santos Gnuco Pty Ltd of 39 Grenfell Street, Adelaide SA 5000 has been renewed for five (5) years commencing 2 May 1996.

IAN FRASER, Director Petroleum Operations Division.

**PLANNING****PD401****TOWN PLANNING AND DEVELOPMENT ACT 1928**  
SCHEME AMENDMENT AVAILABLE FOR INSPECTION*City of Canning*

Town Planning Scheme No. 40—Amendment No. 29

Ref: 853/2/16/44, Pt. 29.

Notice is hereby given that the City of Canning has prepared the abovementioned scheme amendment for the purpose of deleting existing design guidelines from the Scheme Text and replacing them with new Residential Design Guidelines as proposed in the Amendment.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 1317 Albany Highway, Cannington, and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including June 25, 1996.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before June 25, 1996.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

I. F. KINNER, Chief Executive/Town Clerk.

**PUBLIC SECTOR MANAGEMENT****PS401****PUBLIC SECTOR MANAGEMENT ACT 1994**  
CHIEF EXECUTIVE OFFICER APPOINTMENTS

The Government of Western Australia is keen to ensure that chief executive officers of all public service departments and agencies are the most suitable for the position. I have therefore decided that it is generally preferable to advertise chief executive officer positions at the expiry of existing appointments to ensure that competitive and merit-based appointments are made. This approach should not, however, be seen as a reflection upon the capacity of current chief executive officers whose terms of appointment have expired. I expect that present occupants will, in most cases, wish to apply for appointment to advertised positions.

Having received and considered relevant advice in respect of the chief executive officer listed below, I Richard Fairfax Court, Minister for Public Sector Management, notify that I have not recommended the reappointment of—

Agency	Title	Name of Current Occupant
Department of Land Administration	Chief Executive	Mr Allan Skinner

I shall soon be requesting the Commissioner for Public Sector Standards to act to enable the filling of this vacancy.

RICHARD COURT, Premier and Minister for Public Sector Management.

## TRANSPORT

TR401

### NAVIGABLE WATERS REGULATIONS Declaration of Emergency Vessel

Department of Transport,  
Fremantle W.A. 14 May 1996.

Acting pursuant to the powers conferred by Regulation 19H of the Navigable Waters Regulations I hereby declare the following vessel to be an emergency vessel and is permitted to use a lamp displaying intermittent blue flashes when actually deployed on sea search and rescue operations. Prior approval from the Water Police or a Department of Transport Marine Officer must be obtained in each instance that the blue flashing light is to be used.

Fremantle Volunteer Sea Rescue Group (Inc.)—Private vessel—named “Rover I” Registration Number AP470.

STUART HICKS, Director General of Transport.

TR402

### NAVIGABLE WATERS REGULATIONS Water Ski Areas Carnarvon

Department of Transport,  
Fremantle W.A. 12 January 1996.

Acting pursuant to the powers conferred by Regulation 48A of the Navigable Waters Regulations the Department of Transport by this notice revokes sub paragraph (1)(b)(6) of the notice published in the *Government Gazette* on 25 October 1991 relating to Water Ski Areas in the Shire of Carnarvon—Gascoyne River.

Providing that this revocation will apply only until completion of dredging operations in the Carnarvon Facine in approximately June 1998.

STUART HICKS, Director General of Transport.

## PUBLIC NOTICES

ZZ401

### NOTICE OF DISSOLUTION

Notice is hereby given that the partnership previously subsisting between Ian John Wells, Robyn Joan Wells, John Collie Clegg and Janet Clegg carrying on business as vendors and servicers of fire extinguishers at corner Carrole and Alcoa Streets, Maddington under the style or firm of Eversafe Fire Protection has been dissolved by mutual consent as from 9th day of May 1996 so far as concerns the said Ian John Wells and Robyn Joan Wells who retire from the said firm.

Dated 9th May 1996.

IAN JOHN WELLS.  
ROBYN JOAN WELLS.

## WESTERN AUSTRALIA

**NURSES ACT 1992**

\*Price: \$6.70 Counter Sales  
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**NURSES RULES 1993**

\*Price: \$5.30 Counter Sales  
Plus Postage on 80 grams

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