

**WESTERN
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GOVERNMENT
Gazette**

5903



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GOVERNMENT GAZETTE

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— PART 1 —

PROCLAMATIONS

AA101*

CIVIL LIABILITY ACT 2002

35 OF 2002

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 Liability Act 2002*, and with the advice and consent of the Executive Council, fix 1 January 2003 as the day on which that Act comes into operation.

Given under my hand and the Public Seal of the State on 10 December 2002.

By Command of the Governor,

Dr G. I. GALLOP, Premier.

GOD SAVE THE QUEEN !

AA102

VOLUNTEERS (PROTECTION FROM LIABILITY) ACT 2002

32 OF 2002

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 *Volunteers (Protection from Liability) Act 2002*, and with the advice and consent of the Executive Council, fix 1 January 2003 as the day on which that Act comes into operation.

Given under my hand and the Public Seal of the State on 10 December 2002.

By Command of the Governor,

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

GOD SAVE THE QUEEN !

EDUCATION

ED301*

School Education Act 1999

School Education Amendment Regulations 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *School Education Amendment Regulations 2002*.

2. The regulations amended

The amendments in these regulations are to the *School Education Regulations 2000**.

[* *Published 29 December 2000, p. 7795-900.*]

3. Regulation 3 amended

Regulation 3(1) is amended by deleting the definition of “serious breach of school discipline” and inserting the following definition instead —

“

“serious breach of school discipline” means a breach of school discipline —

- (a) of a kind that is, or that is committed in circumstances that are —
 - (i) set out in the school’s code of conduct as a serious breach of school discipline; or
 - (ii) referred to in a direction under section 232 or CEO’s Instructions under section 233 as a serious breach of school discipline;
- or
- (b) that adversely affects, or threatens, the safety of a person at the school;

”.

4. Regulations 12, 13 and 14 replaced by regulations 12, 13, 14 and 14A

Regulations 12, 13 and 14 are repealed and the following regulations are inserted instead —

“

12. Enrolment for temporary residents — participants in exchange programme: s. 76(2)

For the purposes of section 76(2), a child who is not entitled to reside permanently in Australia is entitled to be enrolled at a government school if —

- (a) the child's usual place of residence while in Australia is in Western Australia; and
- (b) the child is involved in the International Secondary Student Exchange Programme.

13. Enrolment for temporary residents — dependents of scholarship holders: s. 76(2)

For the purposes of section 76(2), a child who is not entitled to reside permanently in Australia is entitled to be enrolled at a government school if —

- (a) the child's usual place of residence while in Australia is in Western Australia; and
- (b) the child is a dependent of a person who is the holder of a scholarship of a kind set out in Schedule 1.

14. Enrolment for temporary residents — defence sponsored: s. 76(2)

For the purposes of section 76(2), a child who is not entitled to reside permanently in Australia is entitled to be enrolled at a government school if —

- (a) the child's usual place of residence while in Australia is in Western Australia; and
- (b) the child, or a person in respect of whom the child is a dependent child, is entitled to reside temporarily in Australia under the Status of Forces Agreement signed at Canberra on 9 May 1963.

14A. Enrolment for other temporary residents: s. 76(2)

For the purposes of section 76(2), a child who is not entitled to reside permanently in Australia is entitled to be enrolled at a government school if —

- (a) the child's usual place of residence while in Australia is in Western Australia; and

- (b) the child, or a person in respect of whom the child is a dependent child, holds a visa of a kind set out in Schedule 2.

”

5. Regulation 18 replaced

Regulation 18 is repealed and the following regulation is inserted instead —

“

18. Other criteria as to enrolment at Schools of Isolated and Distance Education: s. 79(1)(b) and 80(1)(b)

The following criteria are prescribed for the purposes of sections 79(1)(b) and 80(1)(b) in relation to entitlement to enrolment at a School of Isolated and Distance Education —

- (a) the child cannot be reasonably expected to attend, or participate in an educational programme of, any other government school;
- (b) the School has sufficient resources to make an appropriate educational programme available for the child at the School.

”

6. Regulation 44 replaced

Regulation 44 is repealed and the following regulation is inserted instead —

“

44. Suspension for breaches of school discipline: s. 90(2)

- (1) Before a principal suspends a student under section 90(1) for a breach of school discipline other than a serious breach of school discipline, the principal is to —
 - (a) provide oral or written advice about the duration of, and reasons for, the proposed suspension to —
 - (i) the student; and
 - (ii) unless the student is an adult student or an independent minor, a parent of the student or a person responsible for the student;and
 - (b) give a person who is given advice under paragraph (a) a reasonable opportunity to give reasons for not suspending the student.

- (2) If a principal suspends a student under section 90(1) for a serious breach of school discipline the principal is to —
- (a) provide written advice about the duration of, and reasons for, the suspension to —
 - (i) the student; and
 - (ii) unless the student is an adult student or an independent minor, a parent of the student or a person responsible for the student;
- and
- (b) give a person who is given advice under paragraph (a) a reasonable opportunity to show that the student should not have been suspended or that the suspension should not continue.
- (3) A student who is suspended under section 90(1) remains subject to the school's code of conduct during the period of suspension.

”.

7. **Regulation 62 amended**

Regulation 62 is amended by deleting “regulation 12(a) to (c), 13(a) to (c) or 14(a) and (b).” and inserting instead —

“

regulation 12(a) and (b), 13(a) and (b), 14(a) and (b) or 14A(a) and (b).

”.

8. **Regulation 127A inserted**

After regulation 127 the following regulation is inserted in Part 8 —

“

127A. Other classes of teaching staff: s. 237(c)

The following classes of teaching staff are prescribed for the purposes of section 237(c) —

- (a) director;
- (b) area director;
- (c) school psychologist;
- (d) education officer;
- (e) school development officer;
- (e) principal consultant.

”.

9. Regulation 145 amended

Regulation 145 is amended by deleting “regulation 12(a) to (c), 13(a) to (c) or 14(a) and (b).” and inserting instead —

“

regulation 12(a) and (b), 13(a) and (c), 14(a) and (b) or 14A(a) and (b).

”.

10. Schedule 1 replaced

Schedule 1 is repealed and the following Schedule is inserted instead —

“

Schedule 1 — Scholarships

[r. 13(b)]

AusAID Scholarship

full scholarship awarded by the Commonwealth of Australia to a person who, because of the scholarship, is permitted under a law of the Commonwealth to reside in Australia

full scholarship awarded by the Curtin University of Technology, the Edith Cowan University, Murdoch University or The University of Western Australia

”.

11. Schedule 2 replaced

Schedule 2 is repealed and the following Schedule is inserted instead —

“

Schedule 2 — Visas

[r. 14A(b)]

| Item | Visa Subclass number | Visa Subclass name |
|------|----------------------|--|
| 1. | 300 | Prospective Marriage |
| 2. | 302 | Emergency (Permanent Visa Applicant) |
| 3. | 303 | Emergency (Temporary Visa Applicant) |
| 4. | 309 | Spouse (Provisional) |
| 5. | 310 | Interdependency (Provisional) |
| 6. | 411 | Exchange |
| 7. | 415 | Foreign Government Agency |
| 8. | 418 | Educational |
| 9. | 419 | Visiting Academic |
| 10. | 422 | Medical Practitioner |
| 11. | 426 | Domestic Worker — Diplomatic or Consular |
| 12. | 427 | Domestic Worker — Executive |
| 13. | 428 | Religious Worker |
| 14. | 430 | Supported Dependant |
| 15. | 432 | Expatriate |
| 16. | 442 | Occupational Trainee |

| Item | Visa Subclass number | Visa Subclass name |
|------|----------------------|--|
| 17. | 444 | Special Visa Category (N.Z. passport holders) |
| 18. | 445 | Dependent Child |
| 19. | 446 | Confirmatory (Temporary) |
| 20. | 447 | Refugee and Humanitarian (Secondary Movement Offshore Entry) |
| 21. | 448 | Kosovar Safe Haven (Temporary) |
| 22. | 449 | Humanitarian Stay (Temporary) |
| 23. | 450 | Resolution of Status — Family Member |
| 24. | 451 | Refugee and Humanitarian (Secondary Movement Relocation) |
| 25. | 457 | Business (Long Stay) |
| 26. | 461 | New Zealand Citizen Family Relationship |
| 27. | 497 | Graduate – Skilled |
| 28. | 576 | Defence Sector |
| 29. | 785 | Temporary Protection |
| 30. | 786 | Humanitarian Concern |
| 31. | 820 | Spouse |
| 32. | 826 | Interdependency |
| 33. | 850 | Resolution of Status — (Temporary) |
| 34. | 995 | Diplomatic (Temporary) |

By Command of the Governor,

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

ENVIRONMENT

EV301*

Water Agencies (Powers) Act 1984

Rights in Water and Irrigation Amendment Regulations (No. 2) 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Rights in Water and Irrigation Amendment Regulations (No. 2) 2002*.

2. The regulations amended

The amendments in these regulations are to the *Rights in Water and Irrigation Regulations 2000**

[* *Published 10 January 2001, p. 165-210.*
For amendments to 3 September 2002 see Gazette 14 June 2002.]

3. Regulation 12 amended

Regulation 12(2)(c) is deleted.

4. Regulation 23 amended

- (1) Regulation 23(4)(d) is deleted and the following paragraph is inserted instead —

“
(d) that interested persons may within the time specified in the notice (which is to be not less than 14 days after the publication of the notice) make written submissions to the Commission regarding the application;
”

- (2) Regulation 23(5) is amended by deleting “who will be affected by an activity authorised by the proposed licence” and inserting the following —

“ under subregulation (4)(d) ”.

5. Part heading inserted

After regulation 41 the following Part heading is inserted —

“

Part 4A — Meters

”.

6. Part 5A inserted

After Part 5 of the principal regulations the following Part is inserted —

“

Part 5A — Appeals

49A. Interpretation

- (1) In this Part —

“**appeals convenor**” means the appeals convenor nominated under regulation 49G(4);

“**panel**” means a panel of names from which a tribunal is to be established in accordance with clause 5 of Schedule 2 to the Act;

“**registrar**” means the registrar of appeals referred to in regulation 49G(1);

“**advisory committee**” means the committee referred to in regulation 49H.

- (2) In this Part, “**appeal**”, “**decision**” and “**tribunal**” have the same meanings as they have in clause 1 of Schedule 2 to the Act.

49B. Appointment of members to tribunal

- (1) The Minister, when —
- (a) required to establish a tribunal in accordance with clause 5(1)(a) of Schedule 2 to the Act; or
 - (b) wishing to appoint a member to a tribunal, due to the resignation of a member or a person otherwise ceasing to be a member,

is to request the appeals convenor to submit to the Minister a panel of names.

- (2) The Minister is to appoint a member of a tribunal from a panel of names submitted by the appeals convenor and that appointment is to be accompanied by written notice of the terms on which the person is appointed.
- (3) If a tribunal has 2 or 3 members, the Minister is to appoint one of those members to be the chairperson of the tribunal.

49C. Submission of panel of names to Minister

- (1) As soon as is practicable after being requested to do so by the Minister the appeals convenor is to submit to the Minister in writing —
- (a) a panel of names, in accordance with these regulations, from which a tribunal may be established; and
 - (b) any recommendation the appeals convenor has as to membership of the tribunal.
- (2) The appeals convenor may cause to be published in a daily newspaper circulating throughout the State a notice calling for expressions of interest in being selected to be a member of a tribunal.
- (3) The advisory committee may recommend to the appeals convenor for inclusion on a panel any person, or persons, who, in the opinion of the committee are suitable to be members of a tribunal.
- (4) The appeals convenor is to consider —
- (a) expressions of interest lodged in accordance with the notice under subregulation (2); and

- (b) the recommendations of the advisory committee under subregulation (3),

but may include a person's name on the panel whether or not the person has lodged an expression of interest or been recommended by the advisory committee for inclusion on the panel.

- (5) The panel is to include the names of —
 - (a) at least 5 people with expertise in the management of water resources;
 - (b) at least 2 people who are legal practitioners, as defined in the *Legal Practitioners Act 1893*, and who have each been admitted for not less than 8 years and have relevant legal expertise; and
 - (c) any person recommended by the Minister for inclusion on the panel.

49D. Provisions regarding panel

- (1) A person's name is to be removed from the panel after a period of 3 years, but may be included on the panel again on the expiry of that period.
- (2) A person's name is to be removed from the panel if the person —
 - (a) makes a written request to that effect to the appeals convenor; or
 - (b) is not eligible to be appointed to a tribunal in accordance with regulation 49E.
- (3) If a person's name is removed from the panel the registrar is to inform the person in writing of that removal as soon as is practicable.

49E. Persons not eligible to be appointed to tribunal

A person is not eligible to be appointed to a tribunal if the person is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy.

49F. Removal from tribunal

The Minister may remove a member of a tribunal from office if —

- (a) the Minister is satisfied that regulation 49E applies in relation to the member;
- (b) the member is persistently absent without leave or reasonable excuse from tribunal meetings of which the member has had notice;

- (c) the member ceases to hold the office or qualifications by virtue of which the member was appointed to the tribunal; or
- (d) extraordinary circumstances render inappropriate the continuation of the person's membership of the tribunal.

49G. Registrar and appeals convenor

- (1) There is to be appointed under Schedule 2 clause 13 to the Act a registrar of appeals.
- (2) The registrar may hold office in conjunction with any other office in the Public Service of the State.
- (3) The registrar is to —
 - (a) keep and maintain —
 - (i) a record of the names of persons on a panel and their qualifications; and
 - (ii) the notice of decisions and records given to the registrar under regulation 49L;
 - and
 - (b) carry out the functions conferred on the registrar under these regulations.
- (4) There is to be nominated in writing by the Minister an appeals convenor.
- (5) The appeals convenor is to —
 - (a) assist the Minister and the advisory committee to perform their functions under Schedule 2 to the Act and this Part; and
 - (b) carry out the functions conferred on the appeals convenor under these regulations.

49H. Advisory committee

There is to be an advisory committee comprising —

- (a) the Chairman of the Environmental Protection Authority appointed under section 7(4a) of the *Environmental Protection Act 1986*;
- (b) the chairperson of the board of management of the Water and Rivers Commission appointed under section 7 of the *Water and Rivers Commission Act 1995*; and
- (c) the chairman of the Legal Practice Board appointed under section 4(3) of the *Legal Practitioners Act 1893*,

or a person who has agreed with one of those persons to take his or her place on the committee and who, in the opinion of that person has suitable qualifications and experience to do so.

49I. Bringing an appeal

- (1) A notice of appeal is to be in the form approved by the registrar and is to be accompanied by the appropriate fee set out in Schedule 1 Part 3.
- (2) If an appeal is withdrawn before a tribunal is established to hear the appeal, the registrar may refund to the person who has paid the fee referred to in subregulation (1) half of that fee.

49J. Procedure on receipt of notice of appeals

- (1) The Minister is to ensure that a copy of each notice of appeal lodged with the Minister is forwarded to the registrar as soon as is practicable after the notice is lodged.
- (2) As soon as is practicable after receiving a copy of a notice of appeal from the Minister, the registrar is to give a copy of the notice of appeal to —
 - (a) the chief executive officer of the Commission;
 - (b) any water resources management committee established under Part III Division 3C of the Act for a locality to which the subject matter of the appeal relates;
 - (c) if the appeal is from a decision regarding an application made under the Act or these regulations, any person who made a submission in respect of the application; and
 - (d) any other person whom the Commission has advised the registrar may wish to respond to the appeal.

49K. Voting of tribunal

If the votes cast on a question are equally divided, the chairperson of the tribunal has a casting vote as well as a deliberative vote.

49L. Record of decisions

- (1) A tribunal is to ensure that an accurate record is made of proceedings before it, its decision on an appeal and the reasons for the decision.

- (2) In addition to the persons or bodies who are to be given notice of the decision on an appeal, and of the reasons for the decision, under Schedule 2 clause 5(6) to the Act the tribunal is also to give such notice to —
- (a) the Minister;
 - (b) the registrar; and
 - (c) any person who has been given the opportunity to respond to the appeal.
- (3) A tribunal is to ensure that the records made under subregulation (1) are given to the registrar.

49M. Copy of decisions and reasons

On request being made to the registrar, a person is to be given a copy of a decision, and the reasons for the decision, of a tribunal.

49N. Validity of acts of tribunal

No act, proceeding or decision of a tribunal is invalid on the ground of any vacancy in the office of any member of the tribunal or of any defect in the appointment of a member of the tribunal.

49O. Enforcement of order for costs

If any costs ordered by the tribunal to be paid by a party are not paid —

- (a) the registrar, on application made by the party entitled to such costs, is to give to the party a certificate specifying the amount of such costs; and
- (b) the party so entitled may recover the costs from the party against whom the order was made as a debt due in a court of competent jurisdiction.

”

7. Schedule 1 amended

- (1) Schedule 1 Part 1 is amended by inserting after item 4 the following item —

“

- | | | |
|----|---|-------|
| 5. | Maximum amount for meter test (reg. 44(4)) | \$500 |
|----|---|-------|

”

- (2) Schedule 1 is amended by inserting after Part 2 the following Part —

“

**Part 3 — Fees relating to appeals under Part III
Division 3B of the Act**

(r. 49I)

- | | | |
|----|---|-------|
| 1. | An appeal under section 26GG(1) where the volume of water taken, or the water entitlement transferred or proposed to be taken or transferred, under the licence per year is — | |
| | (a) not more than 1 500 kilolitres | \$100 |
| | (b) more than 1 500 but less than 10 000 kilolitres | \$200 |
| | (c) more than 10 000 but less than 100 000 kilolitres | \$300 |
| | (d) more than 100 000 kilolitres | \$500 |
| 2. | (1) An appeal under section 26GH(1) regarding a direction related to the taking of water for domestic purposes, or for the watering of stock | \$100 |
| | (2) All other appeals under section 26GH(1) ... | \$200 |
| 3. | An appeal under section 26GI | \$300 |
| 4. | All other appeals under Part III Division 3B of the Act | \$300 |

”

By Command of the Governor,

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

HEALTH

HE301*

Health Act 1911

Health Act (Swimming Pools) Amendment Regulations (No. 2) 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Health Act (Swimming Pools) Amendment Regulations (No. 2) 2002*.

2. The regulations amended

The amendments in these regulations are to *Health Act (Swimming Pools) Amendment Regulations 2002**.

[* *Published 1 November 2002, p. 5363-7.*]

3. Regulation 2 amended

Regulation 2 is amended by deleting “*Amendment Regulations 2002*” and inserting instead —

“ *Regulations 1964* ”.

By Command of the Governor,

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

INDUSTRIAL RELATIONS

IR301*

Industrial Relations Act 1979

Industrial Relations Commission Amendment Regulations (No. 3) 2002

Made by the Chief Commissioner of the Western Australian Industrial Relations Commission under section 96 of the Act.

1. Citation

These regulations may be cited as the *Industrial Relations Commission Amendment Regulations (No. 3) 2002*.

2. The regulations amended

The amendments in these regulations are to the *Industrial Relations Commission Regulations 1985**.

[* *Reprinted 24 March 1998.*

For amendments to 13 September 2002 see 2001 Index to Legislation of Western Australia, Table 4, p. 176, and Gazette 2 August 2002.]

3. Part XVI inserted

After regulation 110 the following Part is inserted —

“

Part XVI — Miscellaneous

111. Delegation to Registrars — claims under section 29(1)(b)

A claim under section 29(1)(b) of the Act may be referred by the Chief Commissioner, or by the Commissioner to whom the claim has been allocated, to the Registrar for resolution by conciliation under section 32 of the Act by the Registrar or a Deputy Registrar.

112. Delegation to Registrars — claims under section 29(1)(b) — time limits for review of decisions of Registrars

- (1) For the purposes of section 96(9) of the Act, a party to a proceeding in which a Registrar has performed a function delegated under regulation 111 may apply to the Commission to review a decision made by the Registrar within 7 days of the making of the decision, or such further time as is allowed by the Chief Commissioner.
- (2) For the purposes of section 96(12) of the Act, a review referred to in section 96(11) of the Act in respect of a function delegated under regulation 111 is to be carried out within 14 days of the Chief Commissioner assigning a Commissioner to undertake the review or deciding to undertake the review himself or herself, or such further time as is allowed by the Chief Commissioner.
- (3) In this regulation —
“**decision**”, made by a Registrar, means a direction, determination or order made by the Registrar in the performance of the delegated function.

”

Date: 13 December 2002.

W. S. COLEMAN, Chief Commissioner,
The Western Australian Industrial Relations Commission.

JUSTICE

JU301*

Local Courts Act 1904

Local Court Amendment Rules 2002

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

1. Citation

These rules may be cited as the *Local Court Amendment Rules 2002*.

2. Commencement

These rules come into operation on the day after the last day of the specified period, which is the period of one month after the day on which these rules are published in the *Gazette*.

3. The rules amended

The amendments in these rules are to the *Local Court Rules 1961**.

[* Reprinted 13 October 2000.

For amendments to 23 July 2002 see 2000 Index to Legislation of Western Australia, Table 4, p. 200-3, and Gazette 10 July and 19 October 2001.]

4. Order 2 rule 5A inserted

After Order 2 rule 5, the following rule is inserted —

“

5A. Clerk to provide searchable information to approved recipients

(1) In this rule —

“**approved recipient**” means a person who is approved in writing by the Attorney General as a person entitled to receive information from the court;

“**searchable information**”, in relation to an action or matter in the court, means —

- (a) the names and addresses of the parties and the amount and nature of the claim;
- (b) the amount of any judgment entered; and

- (c) whether the action or matter has been discontinued.
- (2) Except as provided in subrule (4), the clerk shall on each working day provide an approved recipient with such searchable information that has not already been provided to the recipient in relation to each action or matter in the court.
- (3) An approved recipient to whom information has been provided under subrule (1) is liable to a fee in the amount prescribed in Appendix Part II Table of court fees item 8(aa) for each action or matter specified in the information.
- (4) If suitable facilities exist at the court to enable searchable information to be provided by email, then the information shall not be provided except by email to an approved recipient who has paid the annual fee prescribed in Appendix Part II Table of court fees item 8(ab).

”.

5. Appendix amended

Appendix Part II Table of court fees is amended as follows:

- (a) in item 8(a) by deleting “(but where search made by recognised reporting service \$1.00)”;
- (b) after item 8(a) by inserting —

“

| | | |
|------|--|-------------|
| (aa) | Fee per action or matter specified in information under Order 2 rule 5A(3) | \$1.00 |
| (ab) | Annual fee for information provided by email under Order 2 rule 5A(4) | \$30 000.00 |

”.

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

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

RACING, GAMING AND LIQUOR

RG301*

Betting Control Act 1954

**Betting Control Amendment Regulations
(No. 2) 2002**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Betting Control Amendment Regulations (No. 2) 2002*.

2. The regulations amended

The amendments in these regulations are to the *Betting Control Regulations 1978**.

[* Reprinted 6 April 2001.

For amendments to 7 November 2002 see 2001 Index to Legislation of Western Australia, Table 4, p. 30, and Gazette 20 September 2002.]

3. Regulation 3A inserted

After regulation 3 the following regulation is inserted —

“

3A. Other functions of the Board

The Board has the function of auditing the accounts and records of the betting transactions of the TAB and totalisator agencies to ascertain the extent of compliance of the TAB and those agencies with the *Betting Control Act 1954* and the *Totalisator Agency Board Betting Act 1960*.

”

4. Regulation 18 amended

Regulation 18(1) is amended as follows:

- (a) in paragraph (a) by deleting “\$50 000” and inserting instead —

“ \$100 000 ”;

- (b) in paragraph (b) by deleting “\$30 000” and inserting instead —

“ \$40 000 ”;

- (c) in paragraph (c) by deleting “\$20 000” and inserting instead —
“ \$25 000 ”;
- (d) in paragraph (d) by deleting “\$20 000” and inserting instead —
“ \$25 000 ”.

5. Regulation 63 amended

Regulation 63(4)(b) is deleted and the following paragraph is inserted instead —

“

- (b) if the bet is a “bet back”, the bookmaker who makes the bet or on whose behalf the bet is made shall record —
 - (i) the details of the bet;
 - (ii) the bet as a “bet back”; and
 - (iii) the number of the betting ticket.

”.

6. Regulation 73 amended

- (1) Regulation 73 is amended as follows:
 - (a) by inserting before “For” the subregulation designation “(1)”;
 - (b) by deleting “, other than a bet made by telephone under regulation 71 or 72,”.
- (2) At the end of regulation 73 the following subregulation and note are inserted —

“

- (2) Subregulation (1) does not apply to a bet back within the meaning of regulation 63(3).

Note: The requirement to write and deliver to the bettor a betting ticket does not apply to bets made by telephone in accordance with the regulations, see section 31(1)(b)(iii) of the Act.

”.

By Command of the Governor,

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

TRAINING

TA301

VOCATIONAL EDUCATION AND TRAINING ACT 1996 COLLEGES AMALGAMATION ORDER (No.2) 2002

Made by the Minister for Training under the Vocational Education and Training Act 1996.

PART 1—PRELIMINARY

Citation

1. This order may be cited as the *Colleges Amalgamation Order (No. 2) 2002*.

Commencement

2. This order takes effect on 1 January 2003.

Objects of this order

3. The objects of this order are to—

- (a) amalgamate Eastern Pilbara College of TAFE with West Pilbara College of TAFE;
- (b) continue the amalgamated college renamed as Pilbara TAFE;
- (c) terminate the terms of office of the members of the Governing Councils of Eastern Pilbara College of TAFE and West Pilbara College of TAFE;
- (d) appoint members of the Governing Council of Pilbara TAFE; and
- (e) make provision in relation to other matters necessary for, or incidental to, giving effect to this Order and protecting the rights, interests and welfare of persons affected by this Order.

PART 2—AMALGAMATION AND RENAMING

Colleges amalgamated and renamed

4. With effect on and from 1 January 2003 the college known as Eastern Pilbara College of TAFE is amalgamated with West Pilbara College of TAFE and the college, as so amalgamated, is continued and renamed Pilbara TAFE.

PART 3—TERMINATION OF TERMS OF OFFICE

Termination of terms of office

5. The terms of office of the members of the Governing Councils of Eastern Pilbara College of TAFE and West Pilbara College of TAFE are terminated.

PART 4—APPOINTMENT OF MEMBERS OF GOVERNING COUNCIL

Appointment of members of Governing Council

6. (1) Subject to this clause, the persons whose names are listed below are appointed to be members of the Governing Council of Pilbara TAFE—

- (a) Mr John Jakobson, Production Manager, BHP, PO Box 655, NEWMAN
- (b) Ms Judie Pettitt, 484 McKenzie Way, KARRATHA
- (c) Ms Sharleen Chilvers, 16 Snook Way, KARRATHA
- (d) Ms Vanessa Kinsella, 12 Reynolds Place, SOUTH HEDLAND
- (e) Mr Adam Parr, General Manager, Dampier Operations, Hamersley Iron, PO Box 21, DAMPIER
- (f) Mr Anthony Seddon, 3 Kruger Close, KARRATHA
- (g) Mr Brad Snell, 376 Samson Way, KARRATHA
- (h) Mr Joseph Todd, 16 Etrema Loop, SOUTH HEDLAND
- (i) Mr Terry Whitby, Commissioner, Aboriginal and Torres Strait Islander Commission, PO Box 2628, SOUTH HEDLAND
- (j) Ms Leonie Clelland, 16 Lockyer Way, ROEBOURNE
- (k) Ms Joyce Drummond, 435 Sherlock Street, ROEBOURNE
- (l) Ms Anita Grace, 52 Giles Street, NEWMAN

(2) The term of office of the members appointed under subclause (1)(a) to (i) is three years.

(3) The term of office of the members appointed under subclause (1)(j) to (l) is two years.

(4) Mr John Jakobson is appointed to be chairperson and Ms Judie Pettitt is appointed to be deputy chairperson.

PART 5—CONSEQUENTIAL PROVISIONS**Interpretation**

7. In this Part unless the contrary intention appears—

“**an amalgamated college**” means a college amalgamated under clause 4.

“**commencement day**” means the day referred to in clause 2.

Staff

8. (1) The persons who were employed or engaged by an amalgamated college immediately before the commencement day are, with effect on and from that day, to be taken to be employed or engaged by Pilbara TAFE on the same terms and conditions including the salary payable, as those on which they were employed or engaged immediately before the relevant day.

(2) A person to whom sub-clause (1) applies retains all his or her existing and accruing rights, including rights under the *Superannuation and Family Benefits Act 1938*, the *Government Employees Superannuation Act 1987* or the *State Superannuation Act 2000*, as the case may be, as if his or her employment or engagement by Pilbara TAFE were a continuation of his or her employment by an amalgamated college immediately before the relevant day.

(3) Nothing in this clause affects the powers of Pilbara TAFE as an employing authority under the *Public Sector Management Act 1994*.

Students

9. (1) On and from the commencement day—

(a) each person who was, immediately before the commencement day, enrolled as a student of an amalgamated college becomes an enrolled student of Pilbara TAFE;

(b) each person who was, immediately before the commencement day, eligible to be enrolled as a student of any of the amalgamated colleges is eligible to be enrolled as a student of Pilbara TAFE; and

(c) each person who was, immediately before the commencement day, entitled to be, but had not been, awarded a diploma, certificate or honorary award by an amalgamated college is entitled to be awarded an appropriate diploma, certificate or honorary award by Pilbara TAFE.

(2) A person who has completed part of a course of study as an enrolled student at an amalgamated college is to be taken to have completed that part of the course of study at Pilbara TAFE.

(3) Students enrolled at an amalgamated college under sub-clause (1) are entitled, on completion of their courses, to be awarded an appropriate award by Pilbara TAFE.

Transfer of funds

10. (1) The entitlement of an amalgamated college or the Department to any funds for the amalgamated college or for any purposes of an amalgamated college is to be taken to be the entitlement of Pilbara TAFE and the necessary arrangements are to be made for that purpose in any account at the Department.

(2) Any moneys held on trust by an amalgamated college or for an amalgamated college, other than a trust to which the *Charitable Trusts Act 1962* applies, vests in Pilbara TAFE for the same purposes.

(3) Any money held in the Trust Fund of an amalgamated college or for an amalgamated college vests in the Pilbara TAFE Trust Fund.

Fixed assets and consumables

11. (1) All the rights, title and interest of the Minister for Training as a body corporate for the purposes of an amalgamated college immediately before the commencement day vests in the Minister for Training for the purposes of Pilbara TAFE on and from the commencement day.

(2) All the rights, title and interest of an amalgamated college immediately before the commencement day in stock in trade and other consumables used or to be used for the purposes of an amalgamated college vests in Pilbara TAFE on and from the commencement day.

Liabilities

12. (1) To the extent that they have not been fulfilled as at the commencement day, the subsisting and future obligations and liabilities of the Minister for Training in relation to an amalgamated college in respect of any lease or occupation of premises are to be obligations and liabilities of the Minister for Training in relation to Pilbara TAFE on and from the commencement day.

(2) To the extent that they have not been fulfilled as at the commencement day the subsisting and future obligations and liabilities of an amalgamated college in respect of—

- (a) any contract between an amalgamated college or for the purposes of an amalgamated college and any other person;
- (b) the computer and software and related contracts between an amalgamated college or for the purposes of an amalgamated college and any other person; and
- (c) transactions entered into in the ordinary course of business for goods or services provided for the purposes of an amalgamated college;

are to be the liabilities and obligations of Pilbara TAFE.

(3) Where—

- (a) the transfer of any obligation or liability referred to in sub-clause (1) or (2) requires the consent of a third party; and
- (b) the consent to the transfer of the obligation or liability cannot be obtained, the obligation or liability is, by force of this Order, transferred to the Minister for Training or Pilbara TAFE, as the case requires, and to the extent that the rights of third parties are affected the obligation or liability is to be taken to be a continuing obligation or liability of the Minister for Training or Pilbara TAFE.

Financial provisions

13. (1) As soon as practicable after the commencement day the Governing Council of Pilbara TAFE is to cause sections 66, 67 and 68 of the *Financial Administration and Audit Act 1985* to be complied with, in relation to an amalgamated college in respect of the period commencing 1 January 2002 and ending immediately before the commencement day.

(2) A report prepared under sub-clause (1) is to be taken to be an annual report for the purposes of section 69 of the *Financial Administration and Audit Act 1985*.

References to an amalgamated college

14. A reference to an amalgamated college in any instrument, contract or legal proceedings made or commenced before the commencement day is to be read and construed as a reference to Pilbara TAFE.

Dated this 11th day of December 2002.

JOHN KOBELKE, MLA, Minister for Training.

— PART 2 —

EDUCATION

ED401

EDITH COWAN UNIVERSITY ACT 1984

APPOINTMENT

It is hereby notified for general information that the Governor in Executive Council has, in accordance with Section 9(1)(a) of the Edith Cowan University Act 1984, approved the appointment of Ms Karen Macdonald as member of the Edith Cowan University Council for a term of office expiring 19 November 2005.

ALAN CARPENTER MLA, Minister for Education.

LAND ADMINISTRATION

LA401*

TRANSFER OF LAND ACT 1893

APPOINTMENT

Department of Land Administration,
Midland.

DOLA File 886-1998

His Excellency the Governor in Executive Council is pleased to appoint under section 5 of the Transfer of Land Act 1893 John Lindon Gladstone as Commissioner of Titles.

GRAHAME SEARLE, Acting Chief Executive.

LA402*

TRANSFER OF LAND ACT 1893

APPOINTMENT

Department of Land Administration,
Midland.

DOLA File 886-1998

His Excellency the Governor in Executive Council is pleased to appoint under section 6 of the Transfer of Land Act 1893 Jennifer Helen Mair Engelhard as Deputy Commissioner of Titles.

GRAHAME SEARLE, Acting Chief Executive.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995*Shire of Bridgetown-Greenbushes*

AUTHORISED PERSONS

It is hereby notified for public information that the following persons have been appointed Authorised Officers in accordance with the relevant Acts hereunder effectively immediately.

1. Dog Act 1976 & Regulations, Control of Off-Road Vehicles Act 1978 & Regulations, Litter Act 1979 & Regulations, Local Government Act 1995, Local Government (Miscellaneous Provisions) Act 1960, Bush Fires Act 1954 & Regulations, Shire of Bridgetown-Greenbushes Local Laws—

| | |
|-------------------------|---------------------|
| Andrew Geoffrey Macnish | Andrew James Norris |
| Timothy Patrick Clynch | Samantha Jane Elgar |
| Peter Michael Royer | |

2. Dog Act 1976—Registration Officers

| | |
|---------------------------|-----------------------------|
| Michelle Robyn Larkworthy | Darren Alan Wilson |
| Sonia Lee Reid | Eileen Joyce Kneale |
| Lesa Marie Boni | Stephanie Rachael Karafilis |

3. Health Act 1911, Caravan Parks and Camping Grounds Act 1995

| | |
|---------------------|-------------------------|
| Peter Andrew Nissen | Russell John Hodgkinson |
|---------------------|-------------------------|

4. Powers of Entry—Shire of Bridgetown-Greenbushes Town Planning Schemes No. 3 and 4

| | |
|------------------------|-----------------------|
| Timothy Patrick Clynch | Ferenc Stephen Kovacs |
|------------------------|-----------------------|

5. Bush Fires Act 1954—Section 38 (FCO)

| | |
|--|------------------|
| Brian Wheatley, Chief Bush Fire Control Officer & Fire Weather Officer | |
| Derek Dilkes, Deputy Chief Bush Fire Control Officer | |
| Rodney Hester | Phillip Prunster |
| James Gifford | David Jenkins |
| Tom Tassos | Hugh Browne |
| Leslie Brookes | Rodney Winchombe |
| Brian Hamence | Michael Woodall |
| Gregory John Rees | |

6. Bush Fires Act 1954—Section 40 (Dual FCO)

| | |
|-------------|-----------------|
| Ian Muir | Richard Gifford |
| Jeff Potter | |

All previous authorisations are hereby revoked.

ANDREW MACNISH, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401*

COMMONWEALTH OF AUSTRALIA
STATE OF WESTERN AUSTRALIA
PETROLEUM (SUBMERGED LANDS) ACT 1967
PETROLEUM (SUBMERGED LANDS) ACT 1982
(SECTION 119)

Prohibition of Entry into a Safety Zone

I, William Lee Tinapple, the Director Petroleum Division of the Department of Mineral and Petroleum Resources of the State of Western Australia, by instruments of delegation dated 31 May 2001 & 13 March 2001 and pursuant to Section 119 of the above Acts, hereby prohibit all vessels other than vessels under control of the registered holders of Exploration Permits WA-286-P and TP/15 from entering or remaining in the area of the safety zone without the consent in writing of the Director, Petroleum Division. This safety zone extends to a distance of five hundred metres, measured from—

1. the Cliff Head-3 well (latitude 29° 26' 17.6" South, longitude 114° 51' 43.8" East),
2. the Mentelle-1 well (latitude 29° 26' 9.8" South, longitude 114° 53' 21.3" East),
3. the Twin Lions-1 well (latitude 29° 22' 15.8" South, longitude 114° 53' 6.2" East) and
4. the Moondah-1 well (latitude 29° 17' 9.6" South, longitude 114° 52' 43.8" East.)

and is activated while the drilling facility remains on the sites referred to.

* note: the above are GDA94 coordinates

Where an unauthorised vessel enters or remains in the safety zone specified in contravention of this instrument, the owner and the person in command or in charge of the vessel are each guilty of an offence against Section 119 of the Acts and are punishable, upon conviction, by a fine not exceeding \$100,000 or imprisonment for a term not exceeding 10 years, or both, pursuant to Section 119(3) of the Acts.

Dated this 11th day of December 2002.

WILLIAM LEE TINAPPLE, Director Petroleum Division.

Enquiries as to the times the drilling facility remains on site should be directed to:

Roc Oil (WA) Pty Ltd, ph (02) 8356 2060.

MP402*

PETROLEUM ACT 1967**RENEWAL OF PETROLEUM EXPLORATION PERMIT**

EXPLORATION PERMIT NO. EP403, held by Apache Northwest Pty Ltd and Tap (Shelfal) Pty Ltd has been renewed for five (5) years commencing 11 December 2002.

W. L. TINAPPLE, Director Petroleum Division.

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA**BILL ASSENTED TO**

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. |
|--|-----------------------|----------------|
| Child Support (Adoption of Laws) Amendment Bill 2001 | December 9 2002 | 41 of 2002 |

L. B. MARQUET, Clerk of the Parliaments.

December 11 2002.

PA401*

PARLIAMENT OF WESTERN AUSTRALIA**BILL ASSENTED TO**

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 dates shown, to the undermentioned Bills 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. |
|---|-----------------------|----------------|
| Fire and Emergency Services Legislation (Emergency Services Levy) Amendment Bill 2002 | December 11 2002 | 42 of 2002 |
| Conservation and Land Management Amendment Bill 2002 | December 11 2002 | 43 of 2002 |

L. B. MARQUET, Clerk of the Parliaments.

December 11 2002.

PLANNING AND INFRASTRUCTURE

PI401*

WESTERN AUSTRALIAN PLANNING COMMISSION*City of Fremantle***EXTENSION OF SUBMISSION PERIOD FREMANTLE EASTERN BYPASS****Metropolitan Region Scheme Amendment No.1055/33****City of Fremantle Town Planning Scheme No.3 Amendment 57**

The Western Australian Planning Commission and the City of Fremantle have called for submissions to amend their town planning schemes for land in the City of Fremantle.

The purpose of both amendments relate to the proposed removal of the regional road reservation for that section of the Fremantle Eastern Bypass between High Street, Fremantle and Healy Road, Hamilton Hill, and what the land should be used for when the bypass has been removed.

The period for lodging submissions for both amendments has been extended to a total of four months, and will now conclude on Wednesday 12 March 2003.

Copies of relevant plans and reports explaining the proposed changes to the Schemes are available for public inspection at each of the following places—

- Department for Planning and Infrastructure
1st Floor, Albert Facey House
469 Wellington Street
PERTH
- J S Battye Library
Alexander Library Building
Francis Street
NORTHBRIDGE
- City of Fremantle
8 William Street
FREMANTLE
- Main Roads WA
'Don Aitken Centre'
Waterloo Crescent
EAST PERTH
- Council Offices of the municipalities of—
 - City of Cockburn
 - City of Melville
 - City of Perth

Documents are also available from the Internet sites of the: Western Australian Planning Commission—www.planning.wa.gov.au; and the City of Fremantle—www.freofoocus.com.au.

Submission forms are available from the display locations and the Internet, and must be lodged with either the—

| | |
|---|---|
| Secretary Western Australian Planning Commission 469 Wellington Street PERTH WA 6000 | OR City of Fremantle PO Box 807 FREMANTLE WA 6959 |
|---|---|

on or before 5.00pm **WEDNESDAY 12 MARCH 2003**. Late submissions will not be considered.

P. M. MELBIN, Secretary,
Western Australian Planning Commission.

WATER

WA401*

WATER SERVICES CO-ORDINATION ACT 1995

NOTICE UNDER SECTION 26 GRANT OF LICENCE.

Notice is given that the following operating licence has been granted—

| | |
|------------------------|--|
| Licensee: | Ord Irrigation Cooperative Limited |
| Classification: | Operating Licence – Irrigation and Non-Potable Water Supply Services |
| Term of Licence: | 29 November 2002 up to and including 30 July 2027 |
| Area Covered: | Ord River Operating Area (Irrigation and Non-Potable Water Supply Services) . Plan No. OWR-OA-284 |
| Inspection of Licence: | Office of Water Regulation 6 th Floor 197 St George's Terrace Perth WA 6000 |

B. R. MARTIN, Co-ordinator of Water Services.

WA402*

WATER SERVICES CO-ORDINATION ACT 1995

NOTICE UNDER SECTION 31 (5) AMENDMENT OF LICENCE.

Notice is given that the following operating licence has been amended—

| | |
|------------------------|--|
| Licensee: | Water Corporation |
| Classification: | Operating Licence, Water Supply Services, Sewerage Services, Irrigation Services, Drainage Services |
| Term of Licence: | Up to and including 28 June 2021 |
| Amendment: | The following sole provider operating areas have been amended— <ul style="list-style-type: none"> • OWR-OA-175C Ord River Operating Area, Irrigation Services • OWR-OA-175-1 Ord River Operating Area, Irrigation Services |
| Inspection of Licence: | Office of Water Regulation 6 th Floor 197 St George's Terrace Perth WA 6000 |

B. R. MARTIN, Co-ordinator of Water Services.

PUBLIC NOTICES

ZZ101

**BUSSELTON CHILD HEALTH CLINIC (INC)
VOLUNTARY WINDING-UP**

The public is advised that the Busselton Child Health Clinic (Inc.) is to be voluntarily wound up. Any person claiming to have any moneys or property whatsoever owing to them by the association is required to give notice of their claim in writing to P.O. Box 5060, West Busselton 6280 within fourteen (14) days of the publication of this notice.

Lodged by Beere May & Meyer, 37 Kent Street, Busselton.

Solicitors for the Association.

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