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PUBLISHING ALTERATIONS

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

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

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

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

JOHN A. STRIJK, Government Printer.

— PART 1 —

AGRICULTURE

AG301*

Bulk Handling Act 1967

Bulk Handling Act Amendment Regulations 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Bulk Handling Act Amendment Regulations 2003*.

2. The regulations amended

The amendments in these regulations are to the *Bulk Handling Act Regulations 1967**.

[* Reprinted as at 25 June 1997.

For amendments to 15 August 2003 see Western Australian Legislation Information Tables for 2002, Table 4, p. 36, and Gazette 17 June 2003.]

3. Regulation 2 amended

Regulation 2 is amended as follows:

- (a) by deleting the definitions of “bindweed”, “bitter seeds”, “blue kernels”, “brome” or “spear grass”, “cereal rye”, “cotton”, “damaged kernels”, “doublegee”, “drake seed”, “dry green”, “durum wheat”, “eucalyptus”, “foreign material”, “foreign seeds”, “frost affected kernels”, “grain sorghum”, “grain sorghum screen”, “heat damaged”, “heavily discoloured”, “holder”, “iron weed” or “sheep weed”, “linseed”, “lucerne”, “lupins”, “maize”, “melilotus”, “mexican poppy”, “mould affected”, “oats screen”, “objectionable foreign matter”, “rapeseed”, “red”, “Rutherglen Bug”, “safflower”, “saffron thistle”, “screenings”, “6-row barley”, “6-row barley screen”, “skinned”, “smutted”, “smut tipped”, “soya bean”, “spotted”, “sprouted”, “sunflower”,

“tares”, “thorn apple”, “2-row barley”, “2-row barley screen”, “unmillable material”, “variegated thistle”, “weather damaged”, “wheat screen”, “wild lettuce”, “wild oats”, “wild radish”, and “wimmera rye” and the full stop after it;

- (b) by deleting the definition of “ball smut” and inserting the following definition instead —

“

“ball smut” in relation to —

- (a) wheat means broken or unbroken smut balls (*Tilletia tritici* or *Tilletia laevis*) and flag smut (*Urocystis agropyri*);
- (b) barley means covered smut (*Ustilago segetum* var. *hordei*);

”;

- (c) by deleting the definition of “barley” and inserting the following definition instead —

“

“barley” means kernels of the cereal grass *Hordeum vulgare* linn;

”;

- (d) by inserting the following definitions in the appropriate alphabetical positions —

“

“genetically modified” means modified by gene technology within the meaning of that term in section 10(1) of the *Gene Technology Act 2000* of the Commonwealth;

“person entitled to grain” means a person entitled to be listed on the Company’s register referred to in regulation 10 or the holder of a valid warrant;

“sorghum” means kernels of the cereal grass *Sorghum bicolor*;

”;

- (e) in the definition of “quantity” by deleting “10 kg” and inserting instead —

“ 20 kg ”;

- (f) by deleting the definition of “smut” and inserting the following definition instead —

“

“smut” in relation to —

- (a) barley means covered smut (*Ustilago segetun* var. *hordei*);
- (b) oats means covered smut (*Ustilago segetun* var. *hordei*) and loose smut (*Ustilago avenae*);

”;

- (g) by deleting the definition of “standard” and inserting the following definition instead —

“

“**standard**” means standard adopted by the Company under section 6A of the Act;

”.

- (h) by deleting the semicolon after the definition of “wheat” and inserting a full stop instead.

4. Regulation 4 amended

Regulation 4(2) is amended by deleting “31 March” and inserting instead —

“ 30 April ”.

5. Regulations 5, 6 and 7 repealed

Regulations 5, 6 and 7 are repealed.

6. Regulation 8 replaced

Regulation 8 is repealed and the following regulation is inserted instead —

“

8. Deductions

The Company may make a deduction for shrinkage up to the rate of 1.0% of the total weight of a particular type of grain delivered to the Company.

”.

7. Regulation 9 amended

Regulation 9 is amended as follows:

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

“

- (b) unique identifying number for each load of grain recorded on the ticket;

”.

- (b) by deleting paragraphs (e), (f) and (g) and inserting the following paragraphs instead —

“

- (e) name of the deliverer and his or her address;
(f) time the grain was delivered and the Gross, Tare and Nett weights of the load; and

”.

- (c) by deleting the semicolon after paragraph (h) and inserting a full stop instead;
- (d) by deleting paragraphs (i) and (j) and the “and” after paragraph (i).

8. Regulations 10, 11 and 12 replaced

Regulations 10, 11 and 12 are repealed and the following regulations are inserted instead —

“

10. Register of grain entitlements and issue of warrants

- (1) The Company shall maintain a register of grain entitlements held by the Company.
- (2) The register shall record the —
 - (a) name of the person entitled to the grain or that person's agent;
 - (b) type of grain;
 - (c) grade of grain; and
 - (d) quantity of grain.
- (3) On the request of a person entitled to grain the Company shall issue a warrant with respect to that grain.
- (4) A warrant may be transferred by the person entitled to it to another person by an endorsement of the transfer on the warrant.

11. Delivery of grain to the Company

- (1) Every person growing grain for delivery to the Company shall in each year in respect to each type of grain proposed to be delivered furnish to the Company on or before 31 August in that year or such other later date as the Company specifies an estimate showing —
 - (a) the name of the grower;
 - (b) the location numbers and total area in hectares of the farm holding on which the grain is being grown;
 - (c) the total area in hectares of arable land on the holding;
 - (d) the hectares sown of each type of grain on the holding;
 - (e) the place or places where delivery is proposed to be made; and
 - (f) such other information as the Company may require the person to provide.
- (2) Every person tendering grain to the Company shall with each load tendered deliver or cause to be delivered to the duly authorised officer of the Company at the receipt point a written statement showing in respect of the grain the —
 - (a) date of delivery;
 - (b) place of delivery;

- (c) approximate quantity tendered; and
 - (d) type of grain and its variety.
- (3) The Company shall not receive grain from a person until the statements required by subregulations (1) and (2) have been delivered.

12. Notification of arrangements to receive grain, and ceasing to receive grain

- (1) Before receiving grain at a receival point in each season, the Company shall publish the date or dates on which it proposes to commence receiving grain at the receival point and the type of grain to be received.
- (2) The Company may for any reason, including weather conditions, cease to receive grain at any receival point at any time for such period as it considers necessary.

”.

9. Regulation 13 amended

- (1) Regulation 13(1) is amended as follows:
- (a) in paragraph (c) by deleting “12” and inserting instead —
“ 14 ”;
 - (b) after paragraph (g) by inserting the following paragraphs —
“
(h) includes genetically modified grain;
(ha) contains or is contaminated by any substance that is prohibited as an additive to food under a law of the State or the Commonwealth;
- ”.
- (2) Regulation 13(3) is amended by deleting “\$1 000” and inserting instead —
“ \$2 000 ”.

10. Regulation 14 replaced

Regulation 14 is repealed and the following regulation is inserted instead —

“

14. Taking and dealing with sample of wheat or grain

For the purposes of section 43(2a) and (4) of the Act, the officer of the Company shall —

- (a) draw a representative sample of not less than 2 litres;
- (b) divide the said sample into 2 equal sub-samples;

- (c) seal each sub-sample with a statement showing the relevant details in a sample bag supplied by the Company;
- (d) fasten securely to each of the sample bags an address label showing the date, the type of grain, the name of the grower, the name of the receival point and the letter "S";
- (e) send one sub-sample to the office of the Company;
- (f) retain the other sub-sample at the receival point; and
- (g) where a weighbridge ticket is issued, mark it or cause it to be marked with the letter "S" or other appropriate symbol in the space provided for marking the grade.

”

11. Regulation 15 amended

- (1) Regulation 15(1) is amended as follows:
 - (a) by deleting “or dockage or both”;
 - (b) by deleting “at Perth” and inserting instead —
“ at an office of the Company nominated by it ”.
- (2) Regulation 15(2) is amended as follows:
 - (a) in paragraph (c) by deleting “at Perth” and inserting instead —
“ nominated by it ”;
 - (b) in paragraph (e) by deleting “dockage” and inserting instead —
“ the grade of the grain ”.
- (3) Regulation 15(3) is amended by deleting “and dockage”.

12. Regulation 16 amended

- (1) Regulation 16(1) is amended by deleting “or dockage or both”.
- (2) Regulation 16(2) is amended as follows:
 - (a) in paragraph (c) by deleting “in Perth” and inserting instead —
“ nominated by it ”;
 - (b) in paragraph (f) by deleting “dockage” and inserting instead —
“ the grade of the grain ”.
- (3) Regulation 16(3) is amended by deleting “an examination fee of \$72” and inserting instead —
“ the required examination fee ”.
- (4) Regulation 16(4)(a) is amended by deleting “or dockage or both”.

13. Regulation 16A repealed

Regulation 16A is repealed.

14. Regulation 17 amended

- (1) Regulation 17(1) is amended by deleting “or dockage or both in accordance with regulation 14 or 15” and inserting instead —
“ in accordance with section 43 of the Act ”.
- (2) Regulation 17(2) is amended by deleting “or dockage or both in accordance with regulation 16” and inserting instead —
“ in accordance with section 43 of the Act ”.

15. Regulation 18 repealed

Regulation 18 is repealed.

16. Regulation 19 replaced

Regulation 19 is repealed and the following regulation is inserted instead —

“

19. Request for delivery of grain and surrendering of warrants

- (1) Every person entitled to grain who wishes to obtain grain from the Company shall —
 - (a) pay to the Company —
 - (i) the charges that are ascertainable in the particular case; and
 - (ii) subject to later adjustment between the person entitled to the grain and the Company the amount of charges that are not definitely ascertainable on the date of the surrender of the warrant or the satisfaction of an entitlement to grain as calculated by the Company to the date on which it is then expected that the quantity of grain will actually be delivered;
 - (b) bear any transport charges incurred in respect of grain obtained from the Company;
 - (c) surrender to the Company any warrant relating to the grain; and
 - (d) give the Company notice at least 14 days before delivery is to commence of the preferred place of delivery.
- (2) The Company shall not deliver grain on a request made under subregulation (1) unless any warrant relating to the grain is surrendered to the Company.

”.

17. Regulation 20 replaced

Regulation 20 is repealed and the following regulation is inserted instead —

“

20. Delivery of grain

- (1) Subject to section 15 of the Act, before 1 March in any year the Company shall deliver grain at any receival point or port in the State as required by the person entitled to grain, but is not obliged to deliver grain from the particular point of receival as shown on the warrant.
- (2) Subject to section 15 of the Act, on or after 1 March in any year, the Company may deliver grain to any receival point or port in the State.

”

18. Regulations 21 and 22 repealed

Regulations 21 and 22 are repealed.

19. Regulation 23 replaced

Regulation 23 is repealed and the following regulation is inserted instead —

“

23. Vessel to be moved once loading completed

If a person entitled to grain requires grain to be delivered to a vessel at a port, that person shall, on completion of the bulk loading and on being requested to do so, cause the vessel to be moved.

”

20. Regulations 24 and 25 repealed

Regulations 24 and 25 are repealed.

21. Regulation 26 amended

Regulation 26 is amended as follows:

- (a) by deleting subparagraph (a)(i);
- (b) after paragraph (a) by deleting the semicolon and inserting a full stop instead;
- (c) by deleting paragraphs (b), (c) and (d).

22. Regulation 27 amended

- (1) Regulation 27(1) is amended as follows:

- (a) by deleting “, subject to allowances for dockage, deliver to the holder of a warrant” and inserting instead —
“ deliver to a person entitled to grain ”;

- (b) by deleting “in respect of which the warrant was issued” and inserting instead —
“ which is recorded on the Company’s register ”.
- (2) Regulation 27(2) is amended as follows:
 - (a) by deleting “holder” and inserting instead —
“ person entitled to grain ”;
 - (b) by deleting “and dockage in accordance with regulation 18”.

23. Regulation 28 amended

- (1) Regulation 28 is amended by deleting “holder” in the 3 places where it occurs and inserting instead —
“ person entitled to grain ”.
- (2) Regulation 28(c) is amended by deleting “a fee of \$256.00” and inserting instead —
“ a required fee ”.

24. Regulation 29 amended

Regulation 29 is amended as follows:

- (a) by deleting “warrant holder” and inserting instead —
“ person entitled to grain ”;
- (b) in paragraph (a) by deleting “the holder” and inserting instead —
“ that person ”;
- (c) in paragraph (b) by deleting “holder” in the first 2 places where it occurs and inserting instead —
“ person entitled to grain ”;
- (d) in paragraph (b)(ii) by deleting “holder, on payment by him of a fee of \$2” and inserting instead —
“ person entitled to grain ”.

25. Regulation 30 amended

- (1) Regulation 30(1) is amended as follows:
 - (a) by deleting “holder” and inserting instead —
“ person entitled to grain ”;
 - (b) by deleting “, a fee of \$2,”;
 - (c) after paragraph (c) by inserting “and”;
 - (d) by deleting paragraph (d) and “and” after it.
- (2) Regulation 30(2) is amended by deleting “holder” in both places where it occurs and inserting instead —
“ person entitled to grain ”.

- (4) The Fourth Schedule Form 5 is amended by deleting “A fee of \$2 is payable to Co-operative Bulk Handling Limited, in connection with the above.”.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

CONSUMER AND EMPLOYMENT

CE301*

Retirement Villages Act 1992

Retirement Villages Amendment Regulations 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Retirement Villages Amendment Regulations 2003*.

2. Commencement

These regulations come into operation on 1 October 2003.

3. The regulations amended

The amendments in these regulations are to the *Retirement Villages Regulations 1992**.

[* *Published in Gazette 10 July 1992, p. 3191-8.*
For amendments to 19 August 2003 see Western Australian Legislation Information Tables for 2002, Table 4, p. 317.]

4. Schedule 1 amended and transitional

- (1) Schedule 1 Form 1 is deleted and the following form is inserted instead —

“

Form 1

Retirement Villages Act 1992

[r. 4]

Information statement for prospective resident

Under section 13(2) of the *Retirement Villages Act 1992* the owner of residential premises in a retirement village is required to provide the following information to a person at least 5 working days before that person enters into a residence contract.

THE OWNER MUST ANSWER EACH OF THE FOLLOWING QUESTIONS IN WRITING BELOW EACH QUESTION —

Payment of premium and refund entitlement

1. What premium and other costs are payable to enter the retirement village?
2. What is the refund entitlement if the residence contract is terminated and when is it to be paid? (Include any fees or commissions charged by the administering body on termination of the contract and detail the method used to make the determination.)
3. To enable me to compare the financial packages offered by different retirement villages, what would be the final return due after, say, 1, 2, 5 and 10 years.

Charges for village operating costs

4. What retirement village operating costs are charged to a resident? What are the components of those costs? What method or calculation is used to determine the resident's share of those costs and variations of those costs?
5. By what percentage did the village's operating costs payable by the residents increase during the previous financial year?
6. Can a resident be liable for any additional or extraordinary charges? If so, under what circumstances?

Budget surplus

7. For what purpose, or purposes, may any budget surplus in the retirement village be applied?
8. Does a resident have any say in the purpose, or purposes, to which any budget surplus in the retirement village is to be applied? If so, what is the process for resident involvement in this decision?

Reserve funds

9. Is there provision for a reserve fund to pay for repairs, replacements, maintenance and renovations within the retirement village? If not, what are the arrangements for the carrying out of, and the funding of, such works?
10. What, if any, contribution does a resident make to any reserve fund? What method or calculation is used to determine any resident contribution?

Resident funded capital improvements

11. What are the rights of a resident to compensation for capital improvements made to the residential premises at the resident's expense?

Amenities and services

12. What amenities and services are, or are to be, provided or made available by the administering body? What charges or fees are payable by a resident for those amenities and services and what is the basis for the future determination of those charges or fees? Are there any conditions that apply to a resident's access to, or use of, those amenities and services?
13. What optional amenities and services are, or are to be, provided or made available by the administering body and at what cost?

Existing service contract

14. Is there a service contract already in existence that will bind a prospective resident? How can the service contract be varied or cancelled?

Insurance

15. What insurance arrangements (including self-insurance arrangements) are in place or proposed for the retirement village? What village insurance costs are, or will be, payable by the residents?
16. What is, or will be, the extent of insurance cover (including self-insurance cover) in the event of the residential premises or the retirement village as a whole being damaged or totally destroyed?

Village management

17. What are the qualifications and experience of the retirement village's senior management?
18. Can the administering body of the retirement village transfer or assign its management responsibilities and obligations to a third party? If so —
 - What notice will be given to the residents of the transfer or assignment?
 - What information will be given to the residents about the qualifications and experience of the party to whom the responsibilities and obligations are to be transferred or assigned?
19. Is the retirement village accredited under any established accreditation scheme that applies to the retirement village industry?
20. What arrangements, if any, exist for the appointment of a trustee or residents' representative to oversee the interests of the residents under the retirement village scheme?

Resident consultation

21. What arrangements exist for a resident to participate in the administration of the retirement village, including the making of residence rules and the setting of charges for the village operating costs that are payable by the resident?
22. How can the rights and obligations of the administering body and the resident under the residence contract and related contracts be varied? What resident participation is required to effect such variations?

Resident voting rights

23. If 2 or more residents occupy the same residential premises in the retirement village, is each resident entitled to vote on a matter that requires, or provides for, the consent of the residents of the village?
24. What are the rights of a resident of the retirement village to appoint a person to vote for the resident by way of a proxy vote?

Use of residential premises

25. What restrictions are there on a resident's use of his/her residential premises and the retirement village amenities in regard to —

- having someone else live with him/her?
- having visitors, including short-stay guests?
- car parking?
- pets?

Spouse or de facto partner occupancy rights

26. What effect does the death of a resident have on the right of a spouse or de facto partner residing with the resident to continue to occupy the residential premises?

Transport

27. What type of public, private or village transport is available to residents?

Medical certificate requirements

28. Does the prospective resident have to supply a medical certificate or report to certify his/her ability to live independently?
29. Will the prospective resident have to provide documentation of his/her medical condition and medications? If so, who will have access to it?

Emergency call procedures

30. Is there an emergency call system? If so, when is it monitored? Who is responsible for responding to the calls?
31. In the event of an emergency who will be called and how will they gain access to the resident's residential premises?
32. If hospitalisation is required, where will a person normally be taken?

Hospitalisation

33. If hospitalisation or nursing care is required, how long will the resident's residential premises be kept in the name of the resident?
34. In the event that hospitalisation or nursing care is required, what ongoing costs would the resident incur with his/her existing residential premises?

Moving

35. What costs are associated with moving to and living in alternative accommodation within the retirement village?
36. In what circumstances would a resident be required to move to alternative accommodation within the retirement village or be transferred or relocated?

Village under construction

37. If the residential premises in the retirement village are still under construction, can the prospective resident have input into the design, construction or furnishings of his/her premises?

Refund of deposit

38. What entitlement does a prospective resident have to a refund of his/her deposit if the construction of the retirement village has not been commenced or completed?

Sale of village

39. What protection does a resident have against a loss of rights (including accommodation rights) if the retirement village is sold to another organisation?

Restrictions on sale of residential premises

40. Are there any restrictions on the sale of residential premises (e.g. sole agency)? What happens if there is a dispute over the sale price?

Repair and refurbishment of residential premises

41. Can a resident be liable to pay for the cost of any repair or refurbishment of residential premises? If so, under what circumstances?

42. What can a resident do if dissatisfied with a claim made by the administering body for payment of any repair or refurbishment of residential premises?

Termination of contract

43. Under what conditions can the residence contract in the retirement village be terminated and at what cost? (The conditions must include the procedures to be followed under the *Retirement Villages Act 1992* and any applicable code.)

44. What fees will be payable by a prospective resident or a resident on termination of the residence contract? (This must include who is responsible for ongoing village operating costs and other charges during a period of vacancy of the residential premises.)

Signature of owner:

Date:

- (2) Despite subregulation (1), if the owner of a retirement village is required, under section 13(2) of the *Retirement Villages Act 1992*, to give a statement containing information prescribed by regulation 4 of the *Retirement Villages Regulations 1992*, between 1 October 2003 and 31 December 2003 (inclusive), the owner satisfies the requirements of section 13(2) if either —
- (a) the form inserted by subregulation (1); or
 - (b) the form it replaced,
- is completed and signed.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

ENVIRONMENT

EV301*

Environmental Protection Act 1986

**Environmental Protection Amendment
Regulations 2003**

Made by the Governor in Executive Council on the recommendation of the Environmental Protection Authority.

1. Citation

These regulations may be cited as the *Environmental Protection Amendment Regulations 2003*.

2. The regulations amended

The amendments in these regulations are to the *Environmental Protection Regulations 1987**.

[* Reprinted as at 29 November 2002.

For amendments to 18 July 2003 see *Western Australian Legislation Information Tables for 2002, Table 4, p. 94.*]

3. Regulation 4 amended

- (1) Regulation 4(5) is amended by deleting “this Part (other than regulation 5G)” and inserting instead —
“ regulations 5B, 5C, 5D and 5F ”.
- (2) Regulation 4(6) is amended by inserting after “Schedule 4” —
“ Part 1 ”.
- (3) After regulation 4(6) the following regulation is inserted —
“
(7) In Schedule 4 Parts 2 and 3 fee amounts are expressed in units or fractions of a unit, one unit being equivalent to the amount specified in column 2 of the Table to this subregulation for a licence that is to come into force during the period specified in column 1 of that Table.

Table

Column 1	Column 2
Period	\$
Beginning on 1 October 2002 and ending on 30 September 2003	14.00
Beginning on 1 October 2003 and ending on 30 September 2004	18.85
Beginning on 1 October 2004 and ending on 30 September 2005	24.00
Beginning on 1 October 2005 and ending on 30 September 2006	28.50
Beginning on 1 October 2006 and ending on 30 September 2007	29.25
Beginning on 1 October 2007 and ending on 30 September 2008	30.00
Beginning on 1 October 2008 and ending on 30 September 2009	30.75
Beginning on 1 October 2009 and ending on 30 September 2010	31.50
Beginning on 1 October 2010 and ending on 30 September 2011	32.25
Beginning on 1 October 2011 and ending on 30 September 2012	33.00
Beginning on and from 1 October 2012	33.75

”.

4. Regulation 5DA inserted

After regulation 5D the following regulation is inserted —

“

5DA. Payment of licence fees

- (1) In subregulation (3) —
 “**fee period**” means the period beginning on 1 October and ending on 30 September in any year.
- (2) An application for a licence must be accompanied by the fee for the entire period for which the licence is sought.
- (3) If the application is for a period that spans 1 October of any year, the licence fee is calculated by adding together the amounts payable in respect of each fee period (calculated on a pro rata basis if the amount in respect of the fee period is payable for a period of less than one year).

”

5. Regulation 5G amended

- (1) Regulation 5G(1)(a)(i) is amended by deleting the Table and inserting the following Table instead —

“

Table

Column 1 Period	Column 2 \$
Beginning on 1 October 2002 and ending on 30 September 2003	315 000.00
Beginning on 1 October 2003 and ending on 30 September 2004	365 000.00
Beginning on 1 October 2004 and ending on 30 September 2005	415 000.00
Beginning on 1 October 2005 and ending on 30 September 2006	465 000.00
Beginning on 1 October 2006 and ending on 30 September 2007	515 000.00
Beginning on 1 October 2007 and ending on 30 September 2008	565 000.00
Beginning on 1 October 2008 and ending on 30 September 2009	615 000.00
Beginning on 1 October 2009 and ending on 30 September 2010	665 000.00
Beginning on 1 October 2010 and ending on 30 September 2011	715 000.00
Beginning on 1 October 2011 and ending on 30 September 2012	765 000.00
Beginning on and from 1 October 2012	815 000.00

”

- (2) Regulation 5G(1)(a)(ii) is amended by deleting the Table and inserting the following Table instead —

“

Table

Column 1 Period	Column 2 \$
Beginning on 1 October 2002 and ending on 30 September 2003	260 000.00
Beginning on 1 October 2003 and ending on 30 September 2004	310 000.00
Beginning on 1 October 2004 and ending on 30 September 2005	360 000.00
Beginning on 1 October 2005 and ending on 30 September 2006	410 000.00
Beginning on 1 October 2006 and ending on 30 September 2007	460 000.00
Beginning on 1 October 2007 and ending on 30 September 2008	510 000.00
Beginning on 1 October 2008 and ending on 30 September 2009	560 000.00
Beginning on 1 October 2009 and ending on 30 September 2010	610 000.00
Beginning on 1 October 2010 and ending on 30 September 2011	660 000.00
Beginning on 1 October 2011 and ending on 30 September 2012	710 000.00
Beginning on and from 1 October 2012	760 000.00

”

- (3) Regulation 5G(1)(b) is amended by deleting the Table and inserting the following Table instead —

“

Table

Column 1 Period	Column 2 \$
Beginning on 1 October 2002 and ending on 30 September 2003	350 000.00
Beginning on 1 October 2003 and ending on 30 September 2004	400 000.00
Beginning on 1 October 2004 and ending on 30 September 2005	450 000.00
Beginning on 1 October 2005 and ending on 30 September 2006	500 000.00
Beginning on 1 October 2006 and ending on 30 September 2007	550 000.00
Beginning on 1 October 2007 and ending on 30 September 2008	600 000.00
Beginning on 1 October 2008 and ending on 30 September 2009	650 000.00

Column 1	Column 2
Period	\$
Beginning on 1 October 2009 and ending on 30 September 2010	700 000.00
Beginning on 1 October 2010 and ending on 30 September 2011	750 000.00
Beginning on 1 October 2011 and ending on 30 September 2012	800 000.00
Beginning on and from 1 October 2012	850 000.00

”

- (4) Regulation 5G(1)(c) is amended by deleting the Table and inserting the following Table instead —

“

Table

Column 1	Column 2
Period	\$
Beginning on 1 October 2002 and ending on 30 September 2003	350 000.00
Beginning on 1 October 2003 and ending on 30 September 2004	400 000.00
Beginning on 1 October 2004 and ending on 30 September 2005	450 000.00
Beginning on 1 October 2005 and ending on 30 September 2006	500 000.00
Beginning on 1 October 2006 and ending on 30 September 2007	550 000.00
Beginning on 1 October 2007 and ending on 30 September 2008	600 000.00
Beginning on 1 October 2008 and ending on 30 September 2009	650 000.00
Beginning on 1 October 2009 and ending on 30 September 2010	700 000.00
Beginning on 1 October 2010 and ending on 30 September 2011	750 000.00
Beginning on 1 October 2011 and ending on 30 September 2012	800 000.00
Beginning on and from 1 October 2012	850 000.00

”

Recommended by the Environmental Protection Authority.

Date: 8th August 2003.

W. J. COX, Chairman.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

— PART 2 —

FISHERIES

FI401*

PEARLING ACT 1990

Section 23(8)

GRANT OF A PEARL OYSTER HATCHERY LICENCE—CARNARVON

FD 0351/03

I, Peter Rogers, the Executive Director of the Fisheries Department of Western Australia, pursuant to Section 23 of the *Pearling Act 1990* ("the *Pearling Act*") have granted an application by Tennereef Pearling Company Pty Ltd, for a pearl oyster hatchery licence to undertake hatchery activities at Carnarvon.

Under section 33(1) of the *Pearling Act* a person aggrieved by my decision may, within 14 days after publication of this notice in the *Gazette* appeal against this decision by serving on the Minister for Fisheries a statement in writing of the grounds of that appeal.

The statement of the grounds of appeal may be served on the Minister care of the following address—

The Executive Director, Department of Fisheries
Third Floor, SGIO Atrium
168-170 St Georges Terrace
PERTH WA 6000

Dated this 2nd day of September 2003.

P. P. ROGERS, Executive Director,
Department of Fisheries.

HEALTH

HE401

HEALTH ACT 1911

APPOINTMENTS

Health Department of WA,
Perth, 31 August 2003.

In accordance with the provisions of section 28 of the Health Act 1911, the appointment of the following persons as Environmental Health Officers is approved—

Environmental Health Officer	Date Effective	Local Government
Brady, Melanie Michelle	28 July 2003	Shire of Chapman Valley
Somes, Jeff Grant	8 August 2003	City of Swan
Ali, Suha	31 July 2003-31 October 2003	City of Nedlands
Schwenke, David Laurence	18 August 2003	City of South Perth
McRobb, Frank John	7 August 2003-26 December 2003	Shire of Katanning
Gosatti, Nicola	12 August 2003-14 November 2003	City of Melville
McCann, David Anthony	22 August 2003-20 August 2004	City of Subiaco
Downes, Shane	18 August 2003	Shire of Carnamah
Roberts, Jennifer	8 September 2003	Shire of Murray
Buchanan, Ross Donald	14 August 2003-17 May 2004	Town of Cambridge

Dr MARGARET STEVENS, Executive Director,
Public Health.

JUSTICE

JU401*

COURT SECURITY AND CUSTODIAL SERVICES ACT 1999 REVOCATIONS

Pursuant to the provisions of section 56 of the *Court Security and Custodial Services Act 1999*, the Director General of the Department of Justice has revoked the following Permits to do High-Level Security Work—

Surname	First Name(s)	Permit Number	Date Permit Revoked
Johnson	Linda Janet	CS2-061	03/09/2003
O'Leary	Mary Louise	CS2-100	03/09/2003
Boffey	Bradley John	CS2-159	03/09/2003
Burrow	Craig Andrew	CS2-278	03/09/2003
Poultney	Warren James	CS2-323	03/09/2003
Mills	Peter John	CS3-026	03/09/2003

This notice is published under section 57(1) of the *Court Security and Custodial Services Act 1999*.

BRIAN YEARWOOD, A/Director Custodial Contracts

LOCAL GOVERNMENT

LG401

SHIRE OF MERREDIN
SHIRE OF KELLERBERRIN
SHIRE OF TRAYNING
SHIRE OF TAMMIN
SHIRE OF KONDININ
SHIRE OF MT MARSHALL
SHIRE OF KOORDA
SHIRE OF WYALKATCHEM
SHIRE OF MUKINBUDIN
SHIRE OF WESTONIA
 APPOINTMENT OF RANGER

It is hereby notified for public information that the appointment of Mr Andrew Driver by the Council's of the Shire of Merredin, Shire of Kellerberrin, Shire of Trayning, Shire of Tammin, Shire of Kondinin, Shire of Mt Marshall, Shire of Koorda, Shire of Wyalkatchem, Shire of Mukinbudin and Shire of Westonia, as an Authorised Officer to enforce the provisions of the following—

Local Government (Miscellaneous Provisions) Act 1960; Local Government Act 1995; Caravan Parks and Camping Grounds Act 1995; Dog Act 1976 and Regulations; Bush Fires Act 1954 and Regulations; Litter Act 1979; Control of Vehicles (Off Road Areas) Act 1978 and Regulations (as amended); And applicable Shire Council Local Laws are hereby cancelled.

PHILLIP ANASTASAKIS, Chief Executive Officer.
 FRANK PECZKA, Chief Executive Officer.
 KEVIN DICKSON, Chief Executive Officer.
 GREG HADLOW, Chief Executive Officer.
 KENN DONOHUE, Chief Executive Officer.
 GRAEME McDONALD, Chief Executive Officer.
 MICHAEL KEEBLE, Chief Executive Officer.
 ANDREW BORRETT, Chief Executive Officer.
 JULIAN MURPHY, Chief Executive Officer.

LG402*

BUSH FIRES ACT 1954
City of Mandurah
FIRE NOTICE 2003/2004

Notice to all Owners and/or Occupiers of Land

Important information relating to your responsibility as a landowner in the City of Mandurah Pursuant to the powers contained in Section 33 of the Bush Fires Act 1954 you are required to carry out fire prevention work on land owned or occupied by you in accordance with the provisions of this Notice to the satisfaction of Council or its duly authorised officers.

This work must be carried out by 17 November 2003, or within 14 days of becoming the owner or occupier, should this be after that date and kept maintained throughout the summer months until 31 May 2004.

Persons who fail to comply with the requirements of this notice may be issued with an infringement notice or prosecuted. Where the owner fails to comply with the requisitions of the notice, council or its duly authorised officers will carry out the required work at the cost of the owner or occupier.

In addition, you may be required to carry out further works which may be deemed necessary and specified by way of a separate written notice forwarded to the address shown on the City of Mandurah rate records for that land.

If it is considered for any reason impractical to clear firebreaks as required by this Notice, or if natural features render firebreaks unnecessary, you may apply in writing to the City of Mandurah or its duly authorised officers, not later than 1 November 2003 for alternative positions, or other methods of fire prevention on your land. If permission is not granted, you must comply with the requirements of the Notice.

What you are required to do

Occupied or unoccupied land less than 2023m²

Where the area of the land is less than 2023m² (approximately 1/2 acre) remove all flammable material on the land except living standing trees, from the whole of the land by either ploughing, cultivating, scarifying, chemical spraying (followed by slashing down to ground level) or other approved method by an authorised officer of Council.

A four metre fire break is not acceptable.

Occupied or unoccupied land 2023m² and over

When the area of land is 2023m² (approximately 1/2 acre) and over provide a mineral earth firebreak at least 4 metres wide, with a vertical height clearance of 4.2 metres;

1. Immediately inside all external boundaries of the said land.
2. Immediately surrounding all outbuildings erected on the said land.

Fire Permit Requirements

Restricted Period	Prohibited Burning	Restricted Period
Permit Required		Permit Required
1/4/03—30/11/03 →	1/12/2003—31/3/2004	→ 1/4/04—30/11/04

By order of the Council

MARK NEWMAN, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401*

PETROLEUM ACT 1967

Section 30(1)

DISCRETE AREAS RELEASE

INVITATION FOR APPLICATIONS FOR THE GRANT OF EXPLORATION PERMITS

RELEASE DATE: TUESDAY 9 SEPTEMBER 2003

CLOSING DATE: THURSDAY 4:00PM 11 MARCH 2004

AREAS AVAILABLE

Applications are invited for the grant of exploration permits (Permit), over the areas described as follows within Western Australia's onshore Canning, Carnarvon and Perth Basins, not including coastal waters, under the jurisdiction of the Petroleum Act 1967.

Applications will be received up until 4.00 pm on Thursday, 11 March 2004.

AREA L03-4

Map Sheet (SE51) Broome

Block No.	Block No.	Block No.	Block No.
6841	6842	6843	6844
6845	6846	6847	6848
6849	6850	6851	6913
6914	6915	6916	6917
6918	6919	6920	6921
6922	6923	6985	6986
6987	6988	6989	6990

Block No.	Block No.	Block No.	Block No.
6991	6992	6993	6994
6995	7057	7058	7059
7060	7061	7062	7063
7064	7065	7066	7067
7129	7130	7131	7132
7133	7134	7135	7136
7137	7138	7202	7203
7204	7205	7206	7208
7209	7210		

Assessed to contain 62 blocks.

AREA L03-5

Map Sheet (SE51) Broome

Block No.	Block No.	Block No.	Block No.
6852	6853	6854	6855
6924	6925	6926	6927
6928	6996	6997	6998
6999	7000	7068	7069
7070	7071	7072	7139
7140	7141	7142	7143
7144	7211	7212	7213
7214	7215	7216	7282
7283	7284	7285	7286
7287	7288	7289	7290
7354	7355	7356	7357
7358	7359	7360	7361
7362	7426	7427	7428
7429	7430	7431	7432
7433	7434	7500	7501
7502	7503	7504	7505
7506	7573	7574	7575
7576	7577	7578	

Assessed to contain 71 blocks.

AREA L03-6

Map Sheet (SE51) Broome

Block No.	Block No.	Block No.	Block No.
7707	7708	7709	7710
7711	7712	7713	7714
7715	7716	7717	7718
7779	7780	7781	7782
7783	7784	7785	7786
7787	7788	7789	7790
7851	7852	7853	7854
7855	7856	7857	7858
7859	7860	7861	7862
7924	7925	7926	7927
7928	7929	7930	7931
7932	7933	7934	7935
7998	7999	8000	8001
8002	8003	8004	8005
8006	8007	8072	8076
8077	8078	8079	8151

Assessed to contain 64 blocks.

AREA L03-7

Map Sheet (SE51) Broome

Block No.	Block No.	Block No.	Block No.
7719	7720	7791	7792
7793	7863	7864	7865
7866	7867	7936	7937
7938	7939	8008	8009
8010	8011	8080	8081
8082	8083	8152	8153
8154	8155	8156	8224
8225	8226	8227	8228
8229	8297	8298	8299
8300	8301	8302	8370
8371	8372	8373	8374
8375	8443	8444	8445
8446	8447	8448	

Map Sheet (SF51) Oakover River

Block No.	Block No.	Block No.	Block No.
5059	5060	5061	5062
5063	5064	5132	5133
5134	5135	5136	5204
5205	5206	5207	

Assessed to contain 66 blocks.

AREA L03-8

Map Sheet (SG50) Meekatharra

Block No.	Block No.	Block No.	Block No.
6741	6742	6743	6744
6745	6746	6813	6814
6815	6816	6817	6818
6885	6886	6887	6888
6889	6890	6957	6958
6959	6960	6961	6962
7029	7030	7031	7032
7033	7034	7101	7102
7103	7104	7105	7106
7173	7174	7175	7176
7177	7178	7245	7246
7247	7248	7249	7250
7317	7318	7319	7320
7321	7322	7389	7390
7391	7392	7393	7394
7461	7462	7463	7464
7465	7466	7533	7534
7535	7536	7537	7538
7605	7606	7607	7608
7609	7610	7677	7678
7679	7680	7681	7682
7749	7750	7751	7752
7753	7754	7821	7822
7823	7824	7825	7826
7893	7894	7895	7896
7897	7898	7965	7966
7967	7968	7969	7970
8037	8038	8039	8040
8041	8042	8109	8110
8111	8112	8113	8114
8181	8182	8183	8184
8185	8186	8253	8254
8255	8256	8257	8258
8325	8326	8327	8328
8329	8330	8397	8398
8399	8400	8401	8402

Assessed to contain 144 blocks.

APPLICATION DETAILS

Permit applications shall specify a work program (e.g. minimum number of wells to be drilled, kilometres of seismic, geophysical, geochemical surveys etc.) to be carried out and estimated expenditures for **each of six years**. Wells referred to in the work program should not include development wells.

Applicants should also make themselves aware of the existence of any areas, which have the potential to restrict exploration activities eg, National Parks, Nature Reserves, Marine Parks, World Heritage Areas and Conservation Reserves.

Insofar as Reserved Land is concerned, entry for exploration purposes is subject to approval by the Minister. In this regard, it should be noted that Government policy, at least, is such that petroleum extraction from within National Parks and Nature Reserves should not be presumed.

Any applications over the above onshore areas may be subject to the provisions of the Commonwealth Native Title Act 1993 and applicants should be prepared to negotiate with Native Title parties pursuant to the right to negotiate provisions of the NTA. It should, however, be noted that the right to negotiate does not apply offshore.

Applicants should also be aware that all the areas available for application are subject (at least in part) to Native Title claims. Plans showing these claim boundaries are available from the Department of Industry and Resources.

An information package on the release areas detailing the criteria for assessment of applications and the conditions to apply following the award of a permit, and including a plan of the release areas and an application proforma, is available on CD-ROM. Copies of the CD-ROM can be obtained from the Petroleum Division, Department of Industry and Resources by contacting the Senior Titles Officer (Titles) on (08) 9222 3186.

Applications are to be made in accordance with Section 31 of the Petroleum Act 1967 as appropriate. Consideration of an application for the grant of a Permit shall take into account work programs relative to the whole of the area applied for, the adequacy of the work program and the applicant's technical and financial ability to undertake the work. Permits are awarded on the understanding that the first two years work commitment will be fulfilled without variation.

Where there is more than one applicant to the application, the percentage participating interests of each party to the application is to be supplied including evidence that a satisfactory settlement has been, or can be, reached on a Joint Operating Agreement (a copy of a Heads of Agreement dealing will generally suffice).

LODGEMENT OF APPLICATIONS

Applications **must be lodged by 4.00pm on Thursday, 11 March 2004**. Applications, together with supporting data, should be submitted to—

Director Petroleum Division
Department of Industry and Resources
Level 11, Mineral House
100 Plain Street
EAST PERTH WA 6004

Attention: Petroleum Applications Receiving Officer

The following special instructions should be observed—

- The application and supporting data, together with a fee of \$3,900.00 (non-refundable) payable to the Department of Industry and Resources through an Australian Bank or by Australian bank cheque, should be enclosed in the envelope or package.
- The application should be sealed and clearly marked "**Application for Exploration Permit—Commercial-in-Confidence**".
- Unless delivered by hand to the Petroleum Applications Receiving Officer the sealed application (as described above) should be enclosed in plain paper, envelope or package and forwarded to the above address

Receipts for applications (received and delivered by hand) will be issued by the Petroleum Applications Receiving Officer.

Enquiries concerning this gazettal should be referred to—

Senior Titles Officer (Titles)
Petroleum Division
Telephone: (08) 9222 3186
Facsimile: (08) 9222 3799

MP402*

PETROLEUM ACT 1967

EXPIRY OF EXPLORATION PERMIT EP373

Petroleum Exploration Permit EP373 expired on 23 August 2003.

W. L. TINAPPLE, Director Petroleum Division.

MP403*

PETROLEUM ACT 1967

PARTIAL SURRENDER OF EXPLORATION PERMIT EP 357

The partial surrender of EP 357, in respect to Hamersley Range Block 6307, has been registered and will take effect on the date this Notice appears in the *Government Gazette*.

W. L. TINAPPLE, Director Petroleum Division.

PLANNING AND INFRASTRUCTURE

PI401*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

NOTICE OF AMENDMENT OF PLANNING CONTROL AREA NO. 49

Lot 30 Gnangara Road, Lexia

File No: 835-2-30-5

General Description

The Minister for Planning and Infrastructure has granted approval to amend Planning Control Area No. 49, originally declared over the whole of the whole of Swan Location 2130 Cecil Road, Pinjar. The Planning Control Area was subsequently amended in December 2001 to include Lot 5 Gnangara Rd, Gnangara and Lots 22 and 31 Gnangara Rd, Lexia. It was further amended in November 2002 to incorporate Lot 16 Gnangara Road, Lexia.

This amendment to Planning Control Area No. 49 includes the whole of Lot 30 Gnangara Rd, Lexia, as shown on Western Australian Planning Commission Plan Number 3.1557/3.

Purpose of The Planning Control Area

The purpose of this amended Planning Control Area is to protect significant groundwater resources within the Priority 1 source protection area of Gnangara Underground Water Pollution Control Area. The Commission considers that the amended Planning Control Area is required to ensure that no further development occurs on this land which might prejudice this purpose until it may be reserved for the purpose of Parks and Recreation and Water Catchments in the Metropolitan Region Scheme.

Duration and Effects

The amended Planning Control Area has effect from the date of publication of this notice in the *Government Gazette* to the original declaration expiry of 27 April 2006, or until revoked by the Western Australian Planning Commission with the approval of the Minister.

A person shall not commence and carry out development in a Planning Control Area without the prior approval of the Western Australian Planning Commission. The penalty for failure to comply with this requirement is \$2,000, and in the case of a continuing offence, a further fine of \$200 for each day during which the offence continues.

Compensation is payable in respect of land injuriously affected by this declaration, and land so affected may be acquired by the Western Australian Planning Commission in the same circumstances and in the same manner as if the land had been reserved in the Metropolitan Region Scheme for a public purpose.

Where the Amended Planning Control Area is available for public inspection

- Department for Planning and Infrastructure
1st floor,
469 Wellington Street
PERTH WA
- Municipal office of the City of Swan
Midland Square
MIDLAND WA
- JS Battye Library
Alexander Library Building
NORTHBRIDGE WA

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

PORT AUTHORITIES

PH401

PORT AUTHORITIES ACT 1999 PORT HEDLAND PORT AUTHORITY

Appointments

Office of the Minister for
Planning and Infrastructure, Perth.

It is hereby notified for general information that the Minister for Planning and Infrastructure has approved the appointment of—

- Mr Phil Pyle as Alternate for Mr Dean Dalla Valle (Director) of the Port Hedland Port Authority.

This appointment is in accordance with Sections 7-10 of the Port Authorities Act 1999.

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

PREMIER AND CABINET

PC401*

INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment—

Hon T. G. Stephens MLC to act temporarily in the office of Minister for Planning and Infrastructure in the absence of the Hon A. MacTiernan MLA for the period 3 to 7 September 2003 (both dates inclusive)

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

PUBLIC NOTICES

ZZ101

PUBLIC TRUSTEE ACT 1941**DECEASED ESTATES**

Notice to Creditors and Claimants

Notice is hereby given that pursuant to Section 14 of the Public Trustee Act 1941 and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth the 3rd day of September 2003.

A. R. McLAREN, Public Trustee,
565 Hay Street, Perth WA 6000.

Name of Deceased; Address; Date of Death; Date Election Filed.

Yearsley, Anthony (DE19884074EM36); Padbury; 16/1/03; 19/5/03.

Nix, Jessie Mary Ellen (DE33021791EM37); Cloverdale; 2/4/03; 26/5/03.

Mills, Stanley William (DE19660910EM37); White Gum Valley; 10/4/03; 30/6/03.

Down, Gordon (DE33015209EM17); St James; 13/6/02; 12/8/03.

Abercrombie, Arthur James (DE19990849EM43); Beckenham; 4/2/02; 12/8/03.

Dhue, Ursula Monica (DE19782579EM17); Como; 26/5/03; 19/8/03.

ZZ102

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the estate of the undermentioned deceased persons are required by the personal representatives of care of Minter Ellison of Central Park, 152-158 St George's Terrace, Perth to send particulars of their claims to them by the 12th day of October 2003 after which date the personal representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

Williamson, Herbert Reginald, late of 120 Lustrells Crescent, Saltdean, Brighton, East Sussex BN2 8FL, Army Officer (Retired), died 22/1/03.

Williamson, Alice Maria, otherwise Alice Marie, late of 120 Lustrells Crescent, Saltdean, Brighton, East Sussex BN2 8FL, Married Woman, died 26/12/02.

WESTERN AUSTRALIA

**CRIMINAL INVESTIGATION
(EXCEPTIONAL POWERS) AND
FORTIFICATION REMOVAL ACT 2002**

**Price: \$8.50 counter sales
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*Prices subject to change on addition of amendments.

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For further information please contact:

State Law Publisher

Telephone: 9321 7688

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(SUBSCRIPTION ITEMS)

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Claims lodged after this date will attract payment in full.

STATE LAW PUBLISHER

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* Prices cover period from 1 January to 30 June 2004. From 1 July access to on-line legislation will be free.

GOVERNMENT GAZETTE

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Special *Government Gazettes* are published periodically.

All Gazettes	\$
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	\$
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