

**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**

ISSN 1448-949X

6891



PERTH, THURSDAY, 30 DECEMBER 2004 No. 239 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 1.00 PM

© STATE OF WESTERN AUSTRALIA

**AERIAL SPRAYING CONTROL ACT 1966
AERIAL SPRAYING CONTROL AMENDMENT REGULATIONS 2004**

**AGRICULTURAL PRODUCE (CHEMICAL RESIDUES) ACT 1983
AGRICULTURAL PRODUCE (CHEMICAL RESIDUES) AMENDMENT
REGULATIONS 2004**

**CHICKEN MEAT INDUSTRY ACT 1977
CHICKEN MEAT INDUSTRY ACT AMENDMENT REGULATIONS 2004**

**MARKETING OF EGGS ACT 1945
MARKETING OF EGGS AMENDMENT REGULATIONS 2004**

**PLANT DISEASES ACT 1914
PLANT DISEASES AMENDMENT REGULATIONS (No. 6) 2004**

**ROYAL AGRICULTURAL SOCIETY ACT 1926
ROYAL AGRICULTURAL SOCIETY AMENDMENT REGULATIONS 2004**

**VETERINARY SURGEONS ACT 1960
VETERINARY SURGEONS AMENDMENT REGULATIONS (No. 2) 2004**

**WESTERN AUSTRALIAN MEAT INDUSTRY AUTHORITY ACT 1976
WESTERN AUSTRALIAN MEAT INDUSTRY AUTHORITY AMENDMENT
REGULATIONS (No. 2) 2004**

**ADOPTION ACT 1994
ADOPTION AMENDMENT REGULATIONS 2004**

**ASSOCIATIONS INCORPORATION ACT 1987
ASSOCIATIONS INCORPORATION AMENDMENT REGULATIONS 2004**

**COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS ACT 1985
COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT
REGULATIONS 2004**

Aerial Spraying Control Act 1966

**Aerial Spraying Control Amendment
Regulations 2004**

Made by the Governor in Executive Council.

1. Citation

These are the *Aerial Spraying Control Amendment Regulations 2004*.

2. Commencement

These regulations come into operation on the day on which Part 2 Division 3 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

3. The regulations amended

The amendments in these regulations are to the *Aerial Spraying Control Regulations 1971**.

[* Reprinted as at 24 December 1999.

For amendments to 29 November 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 9 and Gazette 14 May 2004.]

4. Regulation 8 repealed

Regulation 8 is repealed.

5. Regulation 10A amended

Regulation 10A(2) is repealed.

6. Third Schedule amended

The Third Schedule clause 1 is amended by deleting “12 miles” and inserting instead —

“ 19 kilometres ”.

By Command of the Governor,

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

Agricultural Produce (Chemical Residues) Act 1983

Agricultural Produce (Chemical Residues) Amendment Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These are the *Agricultural Produce (Chemical Residues) Amendment Regulations 2004*.

2. Commencement

These regulations come into operation on the day on which Part 2 Division 4 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

3. The regulations amended

The amendment in these regulations is to the *Agricultural Produce (Chemical Residues) Regulations 1985**.

[* Reprinted as at 9 November 2001.]

4. Regulation 5 repealed

Regulation 5 is repealed.

By Command of the Governor,

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

Chicken Meat Industry Act 1977

**Chicken Meat Industry Act Amendment
Regulations 2004**

Made by the Governor in Executive Council.

1. Citation

These are the *Chicken Meat Industry Act Amendment Regulations 2004*.

2. Commencement

These regulations come into operation on the day on which Part 2 Division 19 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

3. The regulations amended

The amendment in these regulations is to the *Chicken Meat Industry Act Regulations**.

[* Reprinted as at 19 October 2001.]

4. Regulation 11A inserted

After regulation 11 the following regulation is inserted —

“

**11A. Time prescribed for making application for review:
section 18(3) of the Act**

For the purpose of section 18(3) of the Act, the time prescribed for making an application for review to the State Administrative Tribunal is 28 days.

”

By Command of the Governor,

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

Marketing of Eggs Act 1945

**Marketing of Eggs Amendment
Regulations 2004**

Made by the Governor in Executive Council.

1. Citation

These are the *Marketing of Eggs Amendment Regulations 2004*.

2. Commencement

These regulations come into operation on the day on which Part 2 Division 78 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

3. The regulations amended

The amendments in these regulations are to the *Marketing of Eggs Regulations 1945**.

[* *Reprint 2 as at 7 March 2003*.

For amendments to 26 November 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 236.]

4. Regulation 58 amended

Regulation 58(a)(vi) is amended by deleting “5 degrees Fahrenheit.” and inserting instead —

“ 15°C. ”.

5. Regulation 59 amended

Regulation 59(b) is amended by deleting “Local Court,” and inserting instead —

“ State Administrative Tribunal, ”.

6. Regulation 60 amended

- (1) Regulation 60(a) is amended by deleting “Local Court held nearest to the office of the Board” and inserting instead —

“ State Administrative Tribunal ”.

- (2) Regulation 60(b) is amended by deleting “prescribed under the Local Court Rules for filing the duplicate copy of the notice in the Local Court as hereinafter provided.” and inserting instead —

“

required to be paid for commencing proceedings in the State Administrative Tribunal.

”.

- (3) Regulation 60(c) is amended by deleting “Local Court” and inserting instead —

“ State Administrative Tribunal ”.

- (4) Regulation 60(d) is amended by deleting “forthwith file one copy of such notice at the office of the Local Court held nearest to the office of the Board.” and inserting instead —

“

refer the dispute to the State Administrative Tribunal and file one copy of such notice with the executive officer of the Tribunal.

”.

7. Regulations 61, 62, 63, 64, 65 and 66 repealed

Regulations 61, 62, 63, 64, 65 and 66 are repealed.

8. The Appendix amended

- (1) The Appendix Form No. 13 is amended as follows:

- (a) by deleting “Local Court held nearest to the office of the Board.” and inserting instead —

“ State Administrative Tribunal. ”;

- (b) by deleting “Local Court Rules for filing the request.” and inserting instead —

“

State Administrative Tribunal Act 2004 for commencing proceedings in the State Administrative Tribunal.

”.

- (c) by deleting “Local Court aforesaid” and inserting instead —

“ State Administrative Tribunal ”;

- (d) by deleting “Local Court” where it last occurs and inserting instead —

“ State Administrative Tribunal ”.

- (2) The Appendix Form No.14 is amended as follows:

- (a) by deleting “Local Court held nearest to the office of the Board” and inserting instead —

“ State Administrative Tribunal ”;

- (b) by deleting “section 52” and inserting instead —
“ section 32 ”;
- (c) by deleting “Magistrate of the Local Court at Perth.”
and inserting instead —
“
executive officer of the State Administrative Tribunal:
”;
- (d) by deleting “referred to you” and inserting instead —
“ referred to the State Administrative Tribunal ”.
- (3) The Appendix Form No. 15 is deleted.

By Command of the Governor,

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

Plant Diseases Act 1914

**Plant Diseases Amendment Regulations
(No. 6) 2004**

Made by the Governor in Executive Council.

1. Citation

These are the *Plant Diseases Amendment Regulations (No. 6) 2004*.

2. Commencement

These regulations come into operation on the day on which Part 2 Division 104 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

3. The regulations amended

The amendment in these regulations is to the *Plant Diseases Regulations 1989**.

[* Reprinted as at 20 September 2002.

For amendments to 26 November 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 283, and Gazette 16 and 23 January, 18 May and 21 September 2004.]

4. Part 4 Division 3 repealed

Part 4 Division 3 is repealed.

By Command of the Governor,

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

Royal Agricultural Society Act 1926

**Royal Agricultural Society Amendment
Regulations 2004**

Made by the Governor in Executive Council.

1. Citation

These are the *Royal Agricultural Society Amendment Regulations 2004*.

2. Commencement

These regulations come into operation on the day on which Part 2 Division 116 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

3. The regulations amended

The amendments in these regulations are to the *Royal Agricultural Society Regulations 1942**.

[* *Reprint 1 as at 7 May 2004*.]

4. Regulation 7 repealed

Regulation 7 is repealed.

5. Regulation 10 amended

Regulation 10(i) is amended by deleting “Similar notice shall be given as provided in regulation 7.” and inserting instead —

“

The secretary of the Royal Agricultural Society shall be furnished with a copy of the notice of appeal and the grounds of appeal at least 14 days before the appeal is dealt with by the Minister.

”.

By Command of the Governor,

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

Veterinary Surgeons Act 1960

**Veterinary Surgeons Amendment Regulations
(No. 2) 2004**

Made by the Governor in Executive Council.

1. Citation

These are the *Veterinary Surgeons Amendment Regulations (No. 2) 2004*.

2. Commencement

These regulations come into operation on the day on which Part 2 Division 131 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

3. The regulations amended

The amendments in these regulations are to the *Veterinary Surgeons Regulations 1979**.

[* *Reprint 2 as at 14 May 2004.*]

4. Regulations 23 to 27 repealed

Regulations 23 to 27 are repealed.

5. Schedule amended

The Schedule Form No. 9 and Form No. 10 are deleted.

By Command of the Governor,

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

Western Australian Meat Industry Authority Act 1976

Western Australian Meat Industry Authority Amendment Regulations (No. 2) 2004

Made by the Governor in Executive Council.

1. Citation

These are the *Western Australian Meat Industry Authority Amendment Regulations (No. 2) 2004*.

2. Commencement

These regulations come into operation on the day on which Part 2 Division 136 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

3. The regulations amended

The amendment in these regulations is to the *Western Australian Meat Industry Authority Regulations 1985**.

[* *Reprinted as at 22 October 1999.*

For amendments to 25 November 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 436-7, and Gazette 15 June 2004.]

4. Regulation 22 repealed

Regulation 22 is repealed.

By Command of the Governor,

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

Adoption Act 1994

Adoption Amendment Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These are the *Adoption Amendment Regulations 2004*.

2. Commencement

These regulations come into operation on the day on which Part 2 Division 2 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

3. The regulations amended

The amendments in these regulations are to the *Adoption Regulations 1995**.

[* *Reprint 1 as at 3 October 2003.*]

4. Regulation 17 amended

- (1) Regulation 17(1) is amended by deleting “appeal to the District Court on the ground that the Minister made an error of law or of fact in making the decision.” and inserting instead —

“

apply to the State Administrative Tribunal for a review of the decision.

”.

- (2) Regulation 17(2) is amended as follows:

- (a) by deleting “An appeal” and inserting instead —
“ An application for review ”;
- (b) by deleting “District Court” and inserting instead —
“ State Administrative Tribunal ”;
- (c) by deleting “an appeal” and inserting instead —
“ an application for review ”.

- (3) Regulation 17(3) and (4) are repealed.

5. Regulation 18 repealed

Regulation 18 is repealed.

6. Regulation 19 amended

Regulation 19(1)(d) is amended by deleting “on appeal to the District Court.” and inserting instead —

“ on review by the State Administrative Tribunal. ”.

7. Regulation 23F amended

Regulation 23F(4) is amended as follows:

(a) by deleting “an appeal” and inserting instead —
“ an application for review ”;

(b) by deleting “District Court.” and inserting instead —
“ State Administrative Tribunal. ”.

8. Regulation 23M amended

- (1) Regulation 23M(1) is amended by deleting “appeal to the District Court on the ground that the State Central Authority made an error of law or of fact in making the decision.” and inserting instead —

“

apply to the State Administrative Tribunal for a review of the decision.

”.

- (2) Regulation 23M(2) is amended as follows:

(a) by deleting “An appeal” and inserting instead —
“ An application for review ”;

(b) by deleting “District Court” and inserting instead —
“ State Administrative Tribunal ”;

(c) by deleting “an appeal” and inserting instead —
“ an application for review ”.

- (3) Regulation 23M(3) and (4) are repealed.

9. Regulation 23N repealed

Regulation 23N is repealed.

10. Regulation 23O amended

Regulation 23O(1)(d) is amended by deleting “on appeal to the District Court.” and inserting instead —

“ on review by the State Administrative Tribunal. ”.

11. Regulation 77 amended

- (1) Regulation 77(1) is amended by deleting “appeal to the District Court on the ground that the Director-General made an error of law or of fact in making the decision.” and inserting instead —

“

apply to the State Administrative Tribunal for a review of the decision.

”.

(2) Regulation 77(2), (3) and (4) are repealed.

12. Regulation 78 repealed

Regulation 78 is repealed.

13. Regulation 80 amended

Regulation 80(1)(d) is amended by deleting “appeal to the District Court.” and inserting instead —

“ review by the State Administrative Tribunal. ”.

By Command of the Governor,

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

Associations Incorporation Act 1987

**Associations Incorporation Amendment
Regulations 2004**

Made by the Governor in Executive Council.

1. Citation

These are the *Associations Incorporation Amendment Regulations 2004*.

2. Commencement

These regulations come into operation on the day on which Part 2 Division 10 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

3. The regulations amended

The amendments in these regulations are to the *Associations Incorporation Regulations 1988**.

[* Reprinted as at 11 October 2002.

For amendments to 26 November 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 27.]

4. Regulation 5 repealed

Regulation 5 is repealed.

5. Schedule 2 amended

Schedule 2 item 3 is deleted.

By Command of the Governor,

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

Commercial Tenancy (Retail Shops) Agreements Act 1985

**Commercial Tenancy (Retail Shops) Agreements
Amendment Regulations 2004**

Made by the Governor in Executive Council.

1. Citation

These are the *Commercial Tenancy (Retail Shops) Agreements Amendment Regulations 2004*.

2. Commencement

These regulations come into operation on the day on which Part 2 Division 21 of the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

3. The regulations amended

The amendments in these regulations are to the *Commercial Tenancy (Retail Shops) Agreements Regulations 1985**.

[* Reprinted as at 24 November 2000.

For amendments to 26 November 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 49.*]

4. Regulations 7 and 8 repealed

Regulations 7 and 8 are repealed.

5. Schedule amended

- (1) The Schedule Forms 4 and 5 are deleted.
- (2) The Schedule Form 6 is amended as follows:
 - (a) under the heading “DISCLOSURE STATEMENT (s.6)” in the paragraph commencing “You can go to” by deleting “Commercial Tribunal” and inserting instead —
“ **State Administrative Tribunal** ”;
 - (b) under the heading “TENANT GUIDE (s.6A)” in the paragraph commencing “You can go to” by deleting “Commercial Tribunal” and inserting instead —
“ **State Administrative Tribunal** ”;
 - (c) under the heading “TERM OF THE RETAIL SHOP LEASE (s.13)” in the paragraph commencing “The

tenure you negotiate” by deleting “Registrar” and inserting instead —

“ State Administrative Tribunal ”;

- (d) under the heading “STRUCTURING YOUR LEASE” in the paragraph commencing “The Act empowers the” by deleting “Registrar of the Commercial Tribunal” and inserting instead —

“ State Administrative Tribunal ”;

- (e) under the heading “RENT REVIEW (s.11)” by deleting the heading “The role of the Act and the Registrar” and inserting the following heading instead —

“

The role of the Act and the State Administrative Tribunal

”;

- (f) under the heading “RENT REVIEW (s.11)” in the paragraph commencing “In the case of disagreement” by deleting “Commercial Registrar” and inserting instead —

“ State Administrative Tribunal ”;

- (g) under the heading “RENT REVIEW (s.11)” in the paragraph commencing “Until both parties” by deleting “Registrar” in both places where it occurs and inserting instead —

“ Tribunal ”;

- (h) under the heading “RENT REVIEW (s.11)” in the paragraph commencing “Until both parties” by deleting “Registrar’s” and inserting instead —

“ Tribunal’s ”;

- (i) under the heading “CONTRIBUTION TO LANDLORD EXPENSES (s.12)” in the paragraph commencing “The Registrar of the Commercial Tribunal” by deleting “The Registrar of the Commercial Tribunal” and inserting instead —

“ The State Administrative Tribunal ”;

- (j) under the heading “HOURS OF OPERATION (s.12C)” in the paragraph commencing “As you have the discretion” by inserting before “Tribunal” —

“ State Administrative ”;

- (k) under the heading “COMPENSATION BY LANDLORD (s.14)” in the paragraph commencing “Only after your written request” by deleting “Commercial Tribunal” and inserting instead —

“ State Administrative Tribunal ”;

- (l) under the heading “DISPUTES BETWEEN THE LESSEE (TENANT) AND LESSOR (LANDLORD)” by deleting all of the words, headings and paragraphs

after “authorises the” to and including “contemplated by the parties.” and inserting instead —

“

State Administrative Tribunal to deal with these disputes as “a question arising”. Either the lessee or the lessor may initiate this action with the Tribunal by making an application to the Tribunal and paying the appropriate fee. A matter or question may be dealt with through a compulsory conference or mediation process under the *State Administrative Tribunal Act 2004*.

”.

By Command of the Governor,

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



2 0 0 4 0 0 2 3 9 6 6