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# — PART 1 —

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## AGRICULTURE

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AG301\*

Agriculture and Related Resources Protection Act 1976

### **Agriculture and Related Resources Protection (Declared Animals) Amendment Regulations 2005**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Agriculture and Related Resources Protection (Declared Animals) Amendment Regulations 2005*.

**2. Commencement**

These regulations come into operation on 1 July 2005.

**3. The regulations amended**

The amendments in these regulations are to the *Agriculture and Related Resources Protection (Declared Animals) Regulations 1985\**.

[\* Reprinted as at 4 January 2000.

For amendments to 3 May 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 15.*]

**4. Regulation 15 amended**

Regulation 15(2) is amended by deleting “\$15” and inserting instead —

“ \$127 ”.

**5. Regulation 16 amended**

Regulation 16(2)(d) is amended by deleting “\$15.” and inserting instead —

“ \$80. ”.

By Command of the Governor,

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

AG302\*

Aerial Spraying Control Act 1966

## **Aerial Spraying Control Amendment Regulations 2005**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Aerial Spraying Control Amendment Regulations 2005*.

**2. Commencement**

These regulations come into operation on 1 July 2005.

**3. The regulations amended**

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

[\* *Reprint 3 as at 4 March 2005.*]

**4. Regulation 4 amended**

Regulation 4(3)(b) is amended by deleting “\$10.30.” and inserting instead —

“ \$10.60. ”.

**5. Regulation 9 amended**

Regulation 9(2)(b) is amended by deleting “\$19.60” and inserting instead —

“ \$20.00 ”.

By Command of the Governor,

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

AG303\*

Beekeepers Act 1963

## **Beekeepers Amendment Regulations 2005**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Beekeepers Amendment Regulations 2005*.

**2. Commencement**

These regulations come into operation on 1 July 2005.

**3. The regulations amended**

The amendments in these regulations are to the *Beekeepers Regulations 1963*\*.

[\* Reprint 2 as at 21 January 2005.]

**4. Third Schedule amended**

The Third Schedule is amended as follows:

- (a) in item 1 by deleting “\$27.50” and inserting instead —  
“ \$28.00 ”;

- (b) in item 2 by deleting “\$16.40” and inserting instead —  
“ \$17.00 ”.

By Command of the Governor,

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

AG304\*

Plant Diseases Act 1914

## **Plant Diseases Amendment Regulations (No. 3) 2005**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Plant Diseases Amendment Regulations (No. 3) 2005*.

### **2. Commencement**

These regulations come into operation on 1 July 2005.

### **3. The regulations amended**

The amendments in these regulations are to the *Plant Diseases Regulations 1989*\*.

[\* Reprinted as at 20 September 2002.

*For amendments to 8 April 2005 see Western Australian Legislation Information Tables for 2003, Table 4, p. 283, and Gazette 16 and 23 January, 18 May, 21 September and 30 December 2004.]*

### **4. Regulation 19P amended**

Regulation 19P is amended as follows:

- (a) in subregulation (1)(a) by deleting “\$76” and inserting instead —  
“ \$100 ”;

- (b) in subregulation (1)(b) by deleting “\$38.” and inserting instead —  
 “ \$40. ”;
- (c) in subregulation (2) by deleting “\$38.” and inserting instead —  
 “ \$40. ”.

## 5. Schedule 2 replaced

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

“

### Schedule 2

[r. 9]

<b>Fees</b>		<b>\$</b>
1.	General inspection inside normal or shift hours —	
	(a) at an inspection point, per 15 minute unit	31.75
	(b) away from an inspection point —	
	per 15 minute unit within 2 hours from the commencement of the inspection	40.00
	for each additional contiguous 15 minute unit beyond 2 hours for the rest of the working period	31.75
	PLUS an additional service charge when the inspection is more than 50 km away from an inspection point	98.00
2.	General inspection contiguous with normal or shift hours —	
	(a) at an inspection point, per 15 minute unit	42.00
	(b) away from an inspection point —	
	per 15 minute unit within 2 hours from the commencement of the inspection	56.00
	for each additional contiguous 15 minute unit beyond 2 hours for the rest of the working period	42.00
	PLUS an additional service charge when the inspection is more than 50 km away from an inspection point	124.00
3.	Call out, inspection and travel outside normal or shift hours —	
	(a) at an inspection point —	
	for the first 2 hours (minimum fee)	320.00
	for each additional 15 minute unit	48.00
	(b) away from an inspection point —	
	for the first 2 hours (minimum fee)	430.00
	for each additional 15 minutes	62.00
	PLUS an additional service charge when the inspection is more than 50 km away from an inspection point	124.00
4.	Documentation assessment fee	18.50
5.	Laboratory analysis of plants	44.00

”

By Command of the Governor,

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

AG305\*

Seeds Act 1981

## Seeds Amendment Regulations 2005

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Seeds Amendment Regulations 2005*.

### 2. Commencement

These regulations come into operation on 1 July 2005.

### 3. The regulations amended

The amendments in these regulations are to the *Seeds Regulations 1982*\*.

[\* Reprinted as at 20 August 1999.

For amendments to 3 May 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 369.*]

### 4. Regulation 15 amended

- (1) Regulation 15(2) is amended by deleting “\$390” and inserting instead —

“ \$400 ”.

- (2) Regulation 15(6) is amended by deleting “\$255” and inserting instead —

“ \$275 ”.

### 5. Seventh Schedule replaced

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

“

#### Seventh Schedule

*Seed analysis and report fees*

[r. 13]

\$

Fees for the analysis of a seed sample provided under section 25 of the Act and for a report of the result of the analysis are —	
Pure seed content analysis, group 1 .....	50.00
Pure seed content analysis, group 2 .....	63.00
Pure seed content analysis, group 3 .....	77.00
Pure seed content analysis, group 4 .....	93.00



*The pure seed content analysis group is displayed in column 6 of the First Schedule.*

Germination analysis, group 1 .....	50.00
Germination analysis, group 2 .....	56.00
Germination analysis, group 3 .....	61.00

*The germination analysis group is displayed in column 7 of the First Schedule.*

Pure seed content analysis of chaffy seed .....	92.00
Cultivar determination by grow-on test .....	136.00
Moisture content determination .....	55.00
Pest or disease test .....	60.00
Weed seed presence test .....	55.00
Caryopsis presence test .....	55.00
Pigmented seed content .....	38.00
Number of seeds (per unit volume) .....	50.00
Seed identification .....	24.00

”

By Command of the Governor,

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

AG306\*

Stock Diseases (Regulations) Act 1968

## **Enzootic Diseases Amendment Regulations (No. 4) 2005**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Enzootic Diseases Amendment Regulations (No. 4) 2005*.

### **2. Commencement**

These regulations come into operation on 1 July 2005.

### 3. The regulations amended

The amendments in these regulations are to the *Enzootic Diseases Regulations 1970\**.

[\* Reprinted as at 13 August 1999.

For amendments to 3 May 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 391 and Gazette 18 May 2004.*]

### 4. Schedule 4 replaced

Schedule 4 is repealed and the following Schedule is inserted instead —

“

#### Schedule 4 — Charges

[r. 28, 31, 42 and 60]

1. Charges for inspection of stock being imported or exported (regulations 28 and 31) —

Charges	\$
<b>A. Inspection</b> on week day inside normal hours (6 a.m. to 6 p.m.) —	
per 15 minute unit or part of 15 minute unit	24.20
<b>Travel</b> on week day inside normal hours (6 a.m. to 6 p.m.) —	
(i) For the first 25 km from headquarters plus	24.20
(ii) For each 25 km or part of 25 km in excess of 25 km from headquarters	24.20
<b>B. Inspection</b> on week day outside normal hours — per 15 minute unit or part of 15 minute unit	29.50
<b>Travel</b> on week day outside normal hours —	
(i) For the first 25 km from headquarters plus	29.50
(ii) For each 25 km or part of 25 km in excess of 25 km from headquarters	29.50
<b>C. Inspection</b> on Saturday, Sunday or public holiday minimum fee	403.00
per 15 minute unit or part of 15 minute unit	33.50
<b>Travel</b> on Saturday, Sunday or public holiday —	
(i) For the first 25 km from headquarters plus	33.50
(ii) For each 25 km or part of 25 km in excess of 25 km from headquarters	33.50

2.	Charges for supply of Triclabendazole —	
	Minimum charge per session ( <i>regardless of number of animals</i> )	21.00
	or per kg body weight of each animal (where the sum is greater than minimum fee) —	
	up to 35 kg	0.50
	36 — 100 kg	1.70
	101 — 300 kg	3.90
	301 — 600 kg	7.80
	more than 600 kg	10.10

”

By Command of the Governor,

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

AG307\*

Stock (Identification and Movement) Act 1970

## **Stock (Identification and Movement) Amendment Regulations (No. 2) 2005**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Stock (Identification and Movement) Amendment Regulations (No. 2) 2005*.

### **2. Commencement**

These regulations come into operation on 1 July 2005.

### **3. The regulations amended**

The amendments in these regulations are to the *Stock (Identification and Movement) Regulations 1972\**.

[\* Reprinted as at 10 March 2000.

For amendments to 3 May 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 390.*]

**4. Schedule 2 replaced**

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

“

**Schedule 2**

<b>Item</b>	<b>Reg.</b>	<b>Service</b>	<b>Fee \$</b>
1.		Information concerning a registered brand —	
		(a) single brand . . . . .	no charge
		(b) 2 — 200 brands or 1 — 10 pages . . . . .	15.30
		(c) 201 — 1 500 brands or 11 — 200 pages . . . . .	31.50
		(d) a printed copy of more than 1 500 brands or 200 pages . . . . .	158.00
		(e) an electronic copy of information by way of a computer disk of more than 1 500 brands . . . . .	157.00
2.	14(2)	Application to register a brand . . . . .	52.00
3.	16	Provision of a duplicate certificate . . . . .	17.00
4.	17(2)	Application to transfer a registered brand . . . . .	52.00
5.	18	Application to re-register a brand . . . . .	52.00

”

By Command of the Governor,

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

AG308\*

Stock Diseases (Regulations) Act 1968

## **Enzootic Diseases Amendment Regulations 2005**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Enzootic Diseases Amendment Regulations 2005*.

**2. The regulations amended**

The amendments in these regulations are to the *Enzootic Diseases Regulations 1970\**.

[\* Reprinted as at 13 August 1999.

For amendments to 18 April 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 391.*]

**3. Part 11A inserted**

After Part 11 the following Part is inserted —

“

**Part 11A — Domestic chickens**

**99B. Vaccinations of domestic chickens against non-virulent Newcastle disease**

If a person who owns chickens keeps them on premises where 1000 or more domestic chickens are kept, the person must ensure that each chicken owned by the person is vaccinated in an approved manner against non-virulent Newcastle disease.

**99C. Records of vaccinations of domestic chickens**

- (1) The owner must keep a record in an approved manner of any vaccination arranged by the owner, or any previous owner, under regulation 99B.
- (2) The owner must make —
  - (a) the record;
  - (b) the chickens;
  - (c) the place where the chickens are kept; and
  - (d) any vaccines stored by the owner for the purposes of complying with this regulation,

available for inspection by an inspector during normal business hours.

**99D. Testing of domestic chickens**

- (1) The owner must, if directed to do so by an inspector, arrange for the chickens to be tested for non-virulent Newcastle disease.
- (2) The owner must permit an inspector, or a person authorised by an inspector, to take blood samples from the chickens for the purposes of testing the samples for non-virulent Newcastle disease.

”

**4. First Schedule amended**

The First Schedule Part C Division 1 Subdivision 1 is amended by inserting in the appropriate alphabetical position —

“ Non-virulent Newcastle disease ”.

By Command of the Governor,

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

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**HEALTH**

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HE301\*

Health Act 1911

**Health (Food Hygiene) Amendment Regulations  
(No. 2) 2005**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Health (Food Hygiene) Amendment Regulations (No. 2) 2005*.

**2. Commencement**

These regulations come into operation on 1 July 2005.

**3. The regulations amended**

The amendments in these regulations are to the *Health (Food Hygiene) Regulations 1993\**.

[\* Reprinted as at 12 April 2002.

For amendments to 2 May 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 170, and Gazette 8 February 2005.*]

**4. Schedule 5 amended**

Schedule 5 is amended by deleting “45” in both places where it occurs and inserting instead —

“ 46 ”.

By Command of the Governor,

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

HE302\*

Health Act 1911

## **Health (Food Standards) (Administration) Amendment Regulations 2005**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Health (Food Standards) (Administration) Amendment Regulations 2005*.

**2. Commencement**

These regulations come into operation on 1 July 2005.

**3. The regulations amended**

The amendments in these regulations are to the *Health (Food Standards) (Administration) Regulations 1986\**.

[\* *Reprint 1 as at 12 September 2003.*

*For amendments to 2 May 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 170.]*

**4. Regulation 6 amended**

Regulation 6 is amended by deleting “\$35” and inserting instead —

“ \$36 ”.

By Command of the Governor,

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

HE303\*

Health Act 1911

## Health (Meat Hygiene) Amendment Regulations (No. 3) 2005

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Health (Meat Hygiene) Amendment Regulations (No. 3) 2005*.

### 2. The regulations amended

The amendments in these regulations are to the *Health (Meat Hygiene) Regulations 2001*\*.

[\* *Reprint 1 as at 14 March 2003.*

*For amendments to 4 May 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 170-1, and Gazette 4 and 22 February 2005.]*

### 3. Regulation 4 amended

Regulation 4(1)(f) is amended by deleting “Hygiene” and inserting instead —

“ *Hygienic* ”.

### 4. Schedule 2 amended

Schedule 2 Part 1 item 8 is amended by deleting “2.64” and inserting instead —

“ 4.23 ”.

By Command of the Governor,

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

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HE304\*

Health Act 1911

## Health (Pet Meat) Amendment Regulations 2005

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Health (Pet Meat) Amendment Regulations 2005*.

### 2. Commencement

These regulations come into operation on 1 July 2005.

### 3. The regulations amended

The amendments in these regulations are to the *Health (Pet Meat) Regulations 1990\**.

[\* Reprinted as at 7 December 2001.

For amendments to 2 May 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 174.*]

### 4. Schedule 4 replaced

Schedule 4 is repealed and the following Schedule is inserted instead —

“

### Schedule 4

#### Fees

Item	Regulation	Service	Fee (\$)
1.	10(2)	Registration of a knackery	338
2.	10(4)	Hire of a stamp for a knackery	55
3.	13(2)	Registration of a processing establishment	338
4.	18(2)	Hire of a brand for a processing establishment	55
5.	33(2)	Registration of a Class 1 pet meat shop	205
6.	33(2)	Registration of a Class 2 pet meat shop	113

Item	Regulation	Service	Fee (\$)
7.	52(1)	Transfer of registration	113

By Command of the Governor,

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

HE305\*

Health Act 1911

## Health (Public Buildings) Amendment Regulations 2005

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Health (Public Buildings) Amendment Regulations 2005*.

### 2. Commencement

These regulations come into operation on 1 July 2005.

### 3. The regulations amended

The amendments in these regulations are to the *Health (Public Buildings) Regulations 1992\**.

[\* Reprint 1 as at 1 August 2003.

*For amendments to 2 May 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 175.]*

### 4. Schedule 1 amended

Schedule 1 is amended by deleting “\$660” and inserting instead —

“ \$677 ”.

By Command of the Governor,

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

HE306\*

Health Act 1911

## Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Amendment Regulations (No. 2) 2005

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Amendment Regulations (No. 2) 2005*.

### 2. Commencement

These regulations come into operation on 1 July 2005.

### 3. The regulations amended

The amendments in these regulations are to the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974\**.

[\* Reprint 3 as at 8 August 2003.

For amendments to 2 May 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 178.*]

### 4. Schedule 1 amended

Schedule 1 is amended as follows:

- (a) in item 1 by deleting “90.00” and inserting instead —  
“ 92.00 ”;
- (b) in item 3 by deleting “90.00” and inserting instead —  
“ 92.00 ”.

By Command of the Governor,

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

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HE307\*

Health Act 1911

## Offensive Trades (Fees) Amendment Regulations 2005

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Offensive Trades (Fees) Amendment Regulations 2005*.

### 2. Commencement

These regulations come into operation on 1 July 2005.

### 3. The regulations amended

The amendments in these regulations are to the *Offensive Trades (Fees) Regulations 1976\**.

[\* Reprinted as at 7 June 2002.

For amendments to 2 May 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 180-1.*]

### 4. Regulation 3 amended

Regulation 3 is amended by deleting the Table and inserting instead —

“

**Table**

Offensive Trade	Fee (\$)
Slaughterhouses .....	231
Piggeries .....	231
Artificial manure depots .....	164
Bone mills .....	133
Places for storing, drying or preserving bones .....	133
Fat melting, fat extracting or tallow melting establishments —	
(a) Butcher shops and similar .....	133
(b) Larger establishments .....	231
Blood drying .....	133
Gut scraping, preparation of sausage skins .....	133
Fellmongeries .....	133
Manure works .....	164
Fish curing establishments .....	164

<b>Offensive Trade</b>	<b>Fee (\$)</b>
Laundries, drycleaning establishments .....	113
Bone merchant premises .....	133
Flock factories .....	133
Knackeries .....	231
Poultry processing establishments .....	231
Poultry farming .....	231
Rabbit farming .....	231
Fish processing establishments in which whole fish are cleaned and prepared .....	231
Shellfish and crustacean processing establishments .....	231
Any other offensive trade not specified .....	231

”

By Command of the Governor,

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

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## **JUSTICE**

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JU301\*

Spent Convictions Act 1988

### **Spent Convictions (Act Amendment) Regulations 2005**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Spent Convictions (Act Amendment) Regulations 2005*.

**2. *Spent Convictions Act 1988* Schedule 3 amended**

The amendments in these regulations are to the *Spent Convictions Act 1988*\* Schedule 3.

[\* Reprinted as at 1 September 2000.

*For amendments to 11 May 2005 see Western Australian  
Legislation Information Tables for 2004, Table 1, p. 418-19.]*

### 3. Clause 1 amended

(1) The table to clause 1(1) is amended as follows:

- (a) in items 3 and 4 by inserting after “person” —  
“ appointed as or ”;
- (b) by inserting after item 4 —

“

- 4A. A person appointed, or being considered for appointment, by the Commissioner of Police acting as an employing authority under the *Public Sector Management Act 1994* to an office, post or position the duties of which are such that the holder of it is, or may be required, to provide services to persons who are not of full legal capacity or to deal in any manner with persons who are not of full legal capacity.

Section 18  
and  
Division 4

”.

- (c) in item 6 by inserting after “person” —  
“ employed or ”.

(2) Clause 1(2) is amended by deleting paragraphs (a) and (b) and “or” after paragraph (a) and inserting instead —

“

- (a) has appointed, employed, seconded or engaged the person or is considering the person for appointment, employment, secondment or engagement;
- (b) has issued a permit to the person or is considering issuing a permit to the person;
- (c) is considering granting or issuing a licence to the person; or
- (d) has authorised the person or is considering the person for authorisation,

”.

(3) After clause 1(2) the following subclauses are inserted —

“

- (3) The persons specified in the table to this subclause are excepted from the provisions of sections 18, 19, 20 and 22 and Division 4 of Part 3 in respect of all spent convictions.

#### Table

1. A person who is employed, or who is being considered for employment, in the Department of Education and Training.
2. A person who is employed, or who is being considered for employment, in the Department of Education Services.

3. A person who is a member of the governing body of a school that is registered under Part 4 of the *School Education Act 1999* or who is named as a member of the governing body in an application for registration made under section 158 of that Act.
4. A person who is employed, or who is being considered for employment, in a school that is registered under Part 4 of the *School Education Act 1999*.
5. A person who is a member of the governing body of a community kindergarten that is registered under Part 5 of the *School Education Act 1999* or who is named as a member of the governing body in an application for registration made under section 193 of that Act.
6. A person who is employed, or who is being considered for employment, in a community kindergarten that is registered under Part 5 of the *School Education Act 1999*.
7. A person who is engaged, or who is being considered for engagement, whether for reward or not, to carry out duties that may require the person to come into contact with children of a school (whether in or outside school premises) for purposes related to school activities, for purposes related to health or for religious purposes.
8. A person who is engaged, or who is being considered for engagement, whether for reward or not, to carry out duties that may require the person to come into contact with children of a community kindergarten that is registered under Part 5 of the *School Education Act 1999* (whether in or outside the premises of the community kindergarten) for purposes related to activities of the community kindergarten, for purposes related to health or for religious purposes.
9. A person who is employed, or who is being considered for employment, in a college established under section 35 of the *Vocational Education and Training Act 1996*.
10. A person who is employed, or who is being considered for employment, by a registered training provider under the *Vocational Education and Training Act 1996*.
11. A person who is a member of the governing body of an organisation registered under the *Education Service Providers (Full Fee Overseas Students) Registration Act 1991* or is named as a member of the governing body in an application for the registration of an organisation made under that Act.

12. A person who is employed, or who is being considered for employment, by an organisation registered under the *Education Service Providers (Full Fee Overseas Students) Registration Act 1991*.
  13. A person who is employed, or who is being considered for employment, by the Country High Schools Hostels Authority.
  14. A person who has been appointed, or who is being considered for appointment, as a member of the Board established under section 7 of the *Western Australian College of Teaching Act 2004*.
  15. A person who is employed, or who is being considered for employment, by the Western Australian College of Teaching.
  16. A person who is registered or provisionally registered as a teacher or holds a limited authority to teach under the *Western Australian College of Teaching Act 2004* or who has applied for membership of the Western Australian College of Teaching in the category of registration as a teacher, provisional registration as a teacher or limited authority to teach.
  17. A person who is employed, or who is being considered for employment, by an organisation that has obtained funding or is proposing to obtain funding under a funding agreement with the Minister administering the *School Education Act 1999*.
  18. A person who is placed, or who is being considered for placement, in a school as part of a course of training that the person is undertaking for the purpose of obtaining a vocational qualification.
- (4) In the case of a person referred to in an item of the table to subclause (3), the exception in that subclause extends to any other person —
- (a) who has employed, appointed or placed the person or is considering the person for employment, appointment or placement;
  - (b) who has registered a school, community kindergarten or organisation of whose governing body the person is a member or is considering registering a school, community kindergarten or organisation of whose governing body the person is named as a member;
  - (c) for whom the person provides, or has offered to provide, services on a voluntary basis; or
  - (d) who has registered, provisionally registered or issued limited authority to the person or is



considering registering, provisionally registering or issuing limited authority to the person,

whichever is relevant for the purposes of the item.

- (5) The persons specified in the first column of the table to this subclause are excepted from the provisions of Part 3 specified in the second column in respect of all spent convictions.

**Table**

	<b>Person excepted</b>	<b>Provisions of Part 3</b>
1.	A person who is employed, or who is being considered for employment, by the Director General of the Department for Community Development if the person may in the course of the person's duties deal with children and their families or with sensitive and confidential information about children and their families.	Sections 18 and 20 and Division 4
2.	A person —	Sections 18 and 20 and Division 4
	(a) who is placed, or who is being considered for placement, as a student or trainee; or	
	(b) who is engaged, or who is being considered for engagement, in an unpaid capacity,	
	in the Department for Community Development if the person may in the course of the person's service deal with children and their families or with sensitive and confidential information about children and their families.	
3.	A person who is a member, or who is being considered for membership, of a committee or other body advising the Minister for Community Development or the Director General of the Department for Community Development if the committee or body may in the course of performing its functions deal with children and their families or with sensitive and confidential information about children and their families.	Sections 18 and 20 and Division 4

	<b>Person excepted</b>	<b>Provisions of Part 3</b>
4.	A person who has been engaged, or who is being considered for engagement, either for reward or in an unpaid capacity by the Department for Community Development to provide overnight care for a child or children, whether in the person's home or otherwise.	Sections 18 and 20 and Division 4
5.	A person applying for a licence or permit to provide a child care service under the <i>Community Services Act 1972</i>	Sections 18 and 20 and Division 4
6.	A person applying under section 38(1) of the <i>Adoption Act 1994</i> to be assessed for suitability for adoptive parenthood.	Division 4

- (6) In the case of a person referred to in an item of the table to subclause (5), the exception in that subclause extends to any other person who —
- (a) has employed, placed, appointed or engaged the person or is considering the person for employment, placement, appointment or engagement;
  - (b) is considering issuing or granting a licence or permit to the person; or
  - (c) is assessing the suitability of the person,
- whichever is relevant for the purposes of the item.
- (7) The persons specified in the table to this subclause are excepted from the provisions of sections 18, 19, 20 and 22 and Division 4 of Part 3 in respect of all spent convictions.

#### Table

1. A person who is employed or seconded, or who is being considered for employment or secondment, by the Director General of the Department of Health under the —
    - (a) *Health Act 1911*;
    - (b) *Hospitals and Health Services Act 1927*;
    - (c) *Mental Health Act 1996*; or
    - (d) *Alcohol and Drug Authority Act 1974*.
  2. A person who is placed, or who is being considered for placement, as a student undertaking a practicum or in an unpaid capacity in the Department of Health.
- (8) In the case of a person referred to in an item of the table to subclause (7) the exception in that subclause extends to any other person who has employed, seconded or placed the person or is considering the person for employment, secondment or placement.

- (9) The persons specified in the table to this subclause are excepted from the provisions of sections 18, 19, 20 and 22 and Division 4 of Part 3 in respect of all spent convictions.

**Table**

1. A person who is employed, or who is being considered for employment, in the Disability Services Commission referred to in section 6 of the *Disability Services Act 1993*.
  2. A person who is appointed, or who is being considered for appointment, as a member of the board of the Disability Services Commission referred to in section 7 of the *Disability Services Act 1993*.
  3. A person who is a member, or who is being considered for appointment as a member, of the Ministerial Advisory Council on Disability referred to in section 22 of the *Disability Services Act 1993*.
  4. A person who is a member, or who is being considered for appointment or election as a member, of the governing body of an organisation that is funded by the Disability Services Commission under Part 4 or 4A of the *Disability Services Act 1993*.
  5. A person who is employed, or who is being considered for employment, in an organisation that is funded by the Disability Services Commission under Part 4 or 4A of the *Disability Services Act 1993*.
  6. A person who is placed, or who is being considered for placement, in an unpaid capacity in an organisation that is funded by the Disability Services Commission under Part 4 or 4A of the *Disability Services Act 1993*.
- (10) In the case of a person referred to in an item of the table to subclause (9), the exception in that subclause extends to any other person who has employed, placed or appointed the person or is considering the person for employment, placement or appointment.
- (11) In the case of a person referred to in —
- (a) item 5 or 12 of the table to subclause (1);
  - (b) item 1, 2, 6 to 10, 12, 13, 15 or 17 of the table to subclause (3);
  - (c) item 1 of the table to subclause (5);
  - (d) item 1 of the table to subclause (7); or
  - (e) item 1 or 5 of the table to subclause (9),
- the exception in the relevant subclause extends to any other person who is or may become the principal of that person for the purposes of section 20.

**4. Clause 2 amended**

- (1) The table to clause 2(1) is amended as follows:
- (a) by deleting items 1, 2 and 3;
  - (b) in item 4 by deleting “school,”;
  - (c) by deleting item 5;
  - (d) in item 8 by deleting “by” and inserting instead —  
“ in ”.
- (2) Clause 2(4) is amended by deleting paragraphs (a) to (d) and “or” after paragraph (c) and inserting instead —  
“  
  - (a) is considering the person for employment or has employed the person; or
  - (b) is considering the person for participation in a scheme,
”.
- (3) After clause 2(4) the following subclauses are inserted —  
“  
  - (5) In the case of a person referred to in item 8 of the table to subclause (1), the exception in that subclause extends to any other person who is or may become the principal of that person for the purposes of section 20.
  - (6) The persons specified in the table to this subclause are excepted from the provisions of sections 27 and 28 in respect of all spent convictions.
”.

**Table**

1. A person in respect of whom section 34 of the *Working with Children (Criminal Record Checking) Act 2004* applies.
2. A person making, or giving effect to, a request for a criminal record check as defined in section 4 of the *Working with Children (Criminal Record Checking) Act 2004*.

By Command of the Governor,

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

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**MINERALS AND PETROLEUM**

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MP301\*

Mining Act 1978

**Mining (Ellendale Diamond Royalties)  
Amendment Regulations 2005**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Mining (Ellendale Diamond Royalties) Amendment Regulations 2005*.

**2. The regulations amended**

The amendments in these regulations are to the *Mining (Ellendale Diamond Royalties) Regulations 2002*\*.

[\* *Published in Gazette 8 February 2002, p. 581.*  
*For amendments to 17 February 2005 see Gazette 11 February 2005.*]

**3. Regulation 3 amended**

- (1) Regulation 3(1) is amended in the definition of “allowable capital expenditure” as follows:

- (a) by deleting the semicolon after paragraph (d) and inserting a comma instead;
- (b) by inserting at the end of the definition —

“

and, in the case of any year beginning after 30 June 2005, also means the purchase price paid under the sale agreement for the Ellendale mining area and Ellendale Information, as defined in the sale agreement, being the purchase price set out in item 2 of Schedule 1 in the sale agreement;

”.

- (2) In regulation 3(1) the following definition is inserted in the appropriate alphabetical position —

“

“**sale agreement**” means the agreement dated 5 September 2001 and made between Argyle Diamond Mines Pty Limited, Capricorn Diamonds

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Limited, Ashton Argyle Holdings Pty Limited,  
AML Nominees Limited and Kimberley Diamond  
Company NL;

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By Command of the Governor,

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

  

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## — PART 2 —

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### CONSERVATION

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CO401\*

**CONSERVATION AND LAND MANAGEMENT ACT 1984**  
**SWAN ESTUARY MARINE PARK AND ADJACENT NATURE RESERVES**  
**MANAGEMENT PLAN 1999-2009**

Proposed Amendment to Management Plan

The Marine Parks and Reserves Authority advises that an amendment is proposed to the *Swan Estuary Marine Park and Adjacent Nature Reserves Management Plan 1999-2009*. The amendment will allow for an in-water dog exercise area along 67 m of the foreshore of the Swan Estuary Marine Park.

The current management plan prohibits dog access to the Marine Park. However, at the time of release of the plan, a commitment was given to consider the recommendations of a community-based working group regarding future dog access at the Alfred Cove section of the Park.

The working group recommended an in-water dog exercise area of 300 m in length, which will include a 67 m foreshore section of the Marine Park. This recommendation has been endorsed by the Marine Parks and Reserves Authority on the basis that the exercise area is away from the Alfred Cove Nature Reserve and the important feeding and resting areas in the Park for migratory birds.

This proposal to allow for an in-water dog exercise area in 67 m of the Swan Estuary Marine Park is open for public comment. The closing date for submissions is 5 August 2005.

A copy of the proposed amendment may be obtained from—

Department of Conservation and Land Management, State Operations Headquarters  
17 Dick Perry Avenue, Technology Park (Western Precinct), Kensington WA 6151.

Department of Conservation and Land Management NatureBase webpage—

[http://www.naturebase.net/national\\_parks/management/man\\_have\\_your\\_say\\_amendments.html](http://www.naturebase.net/national_parks/management/man_have_your_say_amendments.html)

Submissions should be directed to the Executive Director, Att: Planning Co-ordinator, Department of Conservation and Land Management, Locked Bag 104, Bentley Deliver Centre WA 6983.

KEIRAN McNAMARA, Executive Director,  
Department of Conservation and Land Management.

BARRY WILSON, Chairman,  
Marine Parks and Reserves Authority.

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### ENERGY

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EN401\*

**ENERGY COORDINATION ACT 1994**

Section 11ZOM

APPROVAL OF AMENDMENTS TO GAS RETAIL MARKET SCHEME

The Minister for Energy, pursuant to Section 11ZOM of the *Energy Coordination Act 1994*, hereby approves the following amendments to the Constitution of Retail Energy Market Company Limited as an amendment to the retail market scheme operated by Retail Energy Market Company Limited—

- (1) Deleting the existing Clause 7.1 and replacing it with the following—

7.1 Eligibility

A person, or if more than one person collectively holds a Licence each of those persons collectively, (in either case the “applicant”) shall be eligible to be a Member only if the applicant—

- (a) is the holder of a Licence; or

- (b) is lawfully entitled to carry on, or intends to carry on, the business of Gas Retailer; or
- (c) has held a Licence or has carried on the business of Gas Retailer at any time during the preceding 425 days;

and

- (d) agrees in writing to become a Member of the Company and to be bound by the Constitution by completing an application for membership in the form prescribed by the Board.

For the purposes of this Clause 7.1, the words “Gas Retailer” mean a person who sells gas that has been transported through a GDS to one or more customer(s), and the term “GDS” has same the meaning given to that term in the Retail Market Rules.

and

- (2) Deleting the existing Clause 8.2 and replacing it with the following—

8.2 Automatic cessation

A person ceases to be a Member—

- (a) if the person was the holder of a Gas Distribution Licence, if that person ceases to hold a Gas Distribution Licence;

or,

- (b) if the person carried on the business of Gas Retailer, if that person ceases to carry on the business of Gas Retailer and more than 425 days have passed since the cessation of such business.

For the purposes of this Clause 8.2, the words “Gas Retailer” have same the meaning given to them in Clause 7.1.

and

- (3) Deleting the existing Clause 10.6(e)(ii) and replacing it with the following—

- (e) (ii) A Member holding a Gas Trading Licence or carrying on the business of Gas Retailer and each of its Associates which is a Member and also holds a Gas Trading Licence or carries on the business of Gas Retailer are, for the purposes of clause 10.6(c), taken to be one Member and both or all of those Members (as the case may be) together shall have one vote on a show of hands and on a poll.

and

- (4) Inserting the following new Clause 10.6(e)(iv)—

- (e) (iv) A Member which—

- (A) has ceased to hold a Licence; or

- (B) has ceased to carry on the business of Gas Retailer; or

- (C) is no longer entitled to carry on the business of Gas Retailer;

shall not be entitled to vote at a general meeting of the Company (subject to the requirements in section 246B of the Corporations Act 2001).

and

- (5) Inserting the following new Clause 10.6(e)(v)—

- (e) (v) For the purposes of this Clause 10.6, the term “Gas Retailer” has same the meaning given to that term in Clause 7.1.

and

- (6) Deleting the existing Clause 11.3(b)(i)(A) and replacing it with the following—

- (A) 4 Directors nominated by Members holding a Gas Trading Licence or carrying on the business of Gas Retailer, one of whom must be a Director appointed by AGL for initial period of 2 years from the date of incorporation of the Company. During this period, AGL whilst a Member may, by written notice to the Company, remove any Director appointed by it and replace that Director, or replace a Director appointed by it who ceases for any other reason to be a Director. During the period where Members holding Gas Trading Licences or carrying on the business of Gas Retailer are Appointing Members, the 4 Directors referred to above are taken to include Directors appointed by those Appointing Members;

and

- (7) Inserting the following new Clause 11.3(b)(vii)—

- (b) (vii) For the purposes of this Clause 11.3(b), the term “Gas Retailer” has same the meaning given to that term in Clause 7.1.”

These amendments to the Constitution of Retail Energy Market Company Limited are to come into force at the beginning of the day after the day on which it is published in the *Government Gazette*.

ALAN CARPENTER MLA, Minister for Energy.



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## FIRE AND EMERGENCY SERVICES

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**FE401\*****FIRE AND EMERGENCY SERVICES AUTHORITY OF WESTERN AUSTRALIA ACT 1998**  
**FIRE AND EMERGENCY SERVICES AUTHORITY (DETERMINATION OF EMERGENCY SERVICES**  
**LEVY) NOTICE 2005**

Made by the Minister under section 36G(1) and 36I of the Act.

1. Determination of levy for 2005/06 levy year [36G(1)]
  - (1) The emergency services levy that is payable for the 2005/06 levy year on land in ESL categories 1, 2, 3 and 4 is determined as a rate in the dollar of the gross rental value (GRV) of the land as follows—
    - (a) for land in ESL category 1: 0.0142 dollars for each dollar of GRV;
    - (b) for land in ESL category 2: 0.0106 dollars for each dollar of GRV;
    - (c) for land in ESL category 3: 0.0071 dollars for each dollar of GRV;
    - (d) for land in ESL category 4: 0.0050 dollars for each dollar of GRV.
  - (2) The emergency services levy that is payable for the 2005/06 levy year on land in ESL category 5 is determined as a fixed charge of \$35.00.
  - (3) Subclauses (1) and (2) apply regardless of the purpose for which the land is used.
2. Determination of minimum and maximum amounts of levy [36I]
  - (1) The minimum amount of levy payable for the 2005/06 levy year on land in ESL categories 1, 2, 3 and 4 is determined as \$35.00.
  - (2) Subclause 1 applies regardless of the purpose for which the land is used.
  - (3) The maximum amount of levy payable for the 2005/06 levy year on land in ESL categories 1, 2, 3 and 4 is determined as follows—
    - (a) for vacant land and for land used for farming or single-unit residential purposes: \$195.00;
    - (b) for land used for multi-unit residential purposes: \$195.00 multiplied by the relevant number of units;
    - (c) for land used for commercial, industrial or miscellaneous purposes: \$110,000.00.

MICHELLE ROBERTS, Minister for Police and Emergency Services.

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## HEALTH

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**HE401****MEDICAL ACT 1894**  
**ORDERS OF THE BOARD**

Inquiry No. 1852,1763-103

Date Heard: 11, 12, 18, 30 March 2004, 25 May 2004, 26 April 2005

Delivered: 26 April 2005, 9 May 2005

In the matter of Medical Board of Western Australia and Robert Bryan Thomas in the matter of an Inquiry to be conducted by the Medical Board of Western Australia pursuant to Section 13 of the abovementioned Act.

Before: Professor C. A. Michael AO, MD, FRCOG, FRACOG, DDU; Mr N. Mullany LLB Hons, BCL; Dr P. Wallace OAM, MB ChB, FRACGP, FACRRM, Dip Obst RCOG; Dr F. Jefferies MB BS, FACRRM; Mr P. Walker FIMM, FAIM.

Mr M. H. Zilko SC and Ms J. M. Tavelli, assisting the Board.

Mr P. A. Tottle and Ms M. Naylor, for Dr Thomas (11, 12, 18, 30 March 2004).

Mr S. D. Hall and Ms M. Naylor, for Mr Thomas (25 May 2004).

Upon hearing Mr M. H. Zilko S. C. and Ms J. M. Tavelli, Counsel Assisting the Medical Board and Mr P. A. Tottle and Mr S. D. Hall, Counsel for Mr R. B. Thomas, on the allegations contained in the Further Amended Notice of Inquiry dated 12 March 2004, the Board finds Dr R. B. Thomas guilty of gross carelessness as alleged in paragraphs 2.3, 3.3, 3.4, 3.5, 4.5 and improper conduct as alleged in paragraphs 2.3, 3.5, 4.1A, 4.6, 5.1-5.5 of the Further Amended Notice of Inquiry and orders that—

1. The registration of the Mr R. B. Thomas (“the Practitioner”) is suspended for a period of 12 months commencing on 23 May 2005.
2. The Practitioner is fined \$5000 to be paid within 60 days of the date of the reasons for decision in relation to penalty and costs dated 9 May 2005.

3. The practitioner is reprimanded.
4. Subject to Order 5 below, the Inquiry be otherwise adjourned to a date to be fixed by the Registrar in April 2006 to allow the Board to determine whether any restrictions and/or conditions should be imposed on the Practitioner's practice upon expiration of the period of suspension of registration pursuant to the powers of the Board under Section 13(9a)(b) of the Medical Act 1894 (WA);
5. The Board reserves the right to reconvene the Inquiry at any time before April 2006 if though necessary;
6. The Practitioner shall pay the reasonable costs of the Inquiry to be agreed or, if not agreed, to be fixed by the Board after written submissions have been received from the practitioner and those assisting the Board. In the absence of agreement the written submissions are to be filed within 30 days of the date of the reasons for decision in relation to penalty and costs dated 9 May 2005.

BRYANT STOKES, Registrar.

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## JUSTICE

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JU401\*

### JUSTICES OF THE PEACE ACT 2004

#### RESIGNATIONS

It is hereby notified for public information that His Excellency the Governor in Executive Council has accepted the resignation of—

Mr Maxwell Clive De Grussa of 3 The Mill, School Lane, Great Ayton, North Yorkshire, TS9 6SE, England

from the Office of Justice of the Peace for the State of Western Australia.

RAY WARNES, A/Executive Director,  
Court Services.

JU402\*

### COURT SECURITY AND CUSTODIAL SERVICES ACT 1999

#### PERMIT DETAILS

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
Carroll	Andrew Gerard	CS2-020	26/05/2005
Harvey	Lesley Anne	CS2-190	26/05/2005
Nokes	Stephen	CS2-302	26/05/2005
Coe	Bradley Robert	CS3-009	26/05/2005
Saunders	Nathan John	CS3-050	26/05/2005
Rodwell	Luisa Iolanda	CS4-038	26/05/2005
Quartermaine	Patrick James	CS5-025	26/05/2005
Read	Michael Leonard	CS5-109	26/05/2005
Simpson	Susanne Norah	CS5-110	26/05/2005
McKenzie	Anthony John	CS5-113	26/05/2005
Ray	Harry George	CS5-114	26/05/2005

Surname	First Name(s)	Permit Number	Date Permit Revoked
Barry	Paul	CS5-115	26/05/2005
Northcott	Paul	CS5-116	26/05/2005
Crait	Camille Maree	CS5-118	26/05/2005
Hutson	Aaron Marten	CS5-120	26/05/2005
Harfield	Shirley Ann	CS5-138	26/05/2005
Harrison	Neil David	CS5-140	26/05/2005
Jackson	Kim Leah	CS5-142	26/05/2005
Rankine	Duncan Weir	CS5-145	26/05/2005
Ring	Stacey Elizabeth	CS5-147	26/05/2005
Smith	Iain MacKenzie	CS5-148	26/05/2005

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

BRIAN YEARWOOD, Director,  
Contracted Services.

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## LOCAL GOVERNMENT

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LG401\*

### *CITY OF BELMONT*

#### APPOINTMENT OF AUTHORISED PERSONS

It is hereby notified for public information that the following persons have been appointed Authorised Officers for the City of Belmont, effective from 23 May 2005, and are officers authorised to exercise the powers in accordance with the following Acts, Regulations and Local Laws—

- Local Government “Parking for Disabled Persons” Regulations 1996
- City of Belmont—Parking and Parking Facilities Local Law

This authorisation is confined to the Belmont Forum Shopping Centre Parking Stations (Parking Station No. 1 and Parking Station No. 2) as constituted by Council resolution on 14 August 2000.

Authorised Persons—

- Jasmine Cruse
- Zolton Hunter Grant
- Craig Dixon

All other appointments relating to the Belmont Forum Shopping Centre Parking Stations are hereby cancelled.

R. J. LUTEY, Acting Chief Executive Officer.

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## PREMIER AND CABINET

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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 appointments—

Hon K. M. Chance MLC to act temporarily in the office of Minister for Fisheries; the Kimberley, Pilbara and Gascoyne in the absence of the Hon J. R. Ford MLC for the period 9 to 20 June 2005 (both dates inclusive)

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

PC402\*

**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 J. Bowler MLA to act temporarily in the office of Minister for Planning and Infrastructure in the absence of the Hon A. MacTiernan MLA for the period 19 July 2005 to 5 August 2005 (both dates inclusive)

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

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## DECEASED ESTATES

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ZX401

**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 deceased person Clasina Hermina Davies of 1 Bessant Court, Westfield, Western Australia who died on 2 February 2005 are required by the personal representative, Phillip Dean Cousins of care of Peter J. Griffin & Co., Solicitors of Suite 4, 1st Floor, 48 Kishorn Road, Applecross, Western Australia, to send particulars of their claims to him not less than one month from the date of advertisement hereof, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

Signed: PETER GRIFFIN.



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