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— PART 1 —

AGRICULTURE

AG301*

Stock Diseases (Regulations) Act 1968

Enzootic Diseases Amendment Regulations (No. 6) 2005

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Enzootic Diseases Amendment Regulations (No. 6) 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 9 May 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 391.]

3. Regulation 4 amended

Regulation 4 is amended as follows:

- (a) by inserting in the appropriate alphabetical position —

“

“**abattoir**” includes a pet food processing plant;

”;

- (b) in the definition of “disease” by deleting “the First Schedule” and inserting instead —

“ Schedule 1 ”;

- (c) in the definition of “form” by deleting “the Third Schedule” and inserting instead —

“ Schedule 3 ”;

- (d) by deleting the definition of “Schedule”.

4. Regulation 5 amended

- (1) Regulation 5(1) is amended by deleting “Part A, Part B or Part C of the First Schedule” and inserting instead —
“ Schedule 1 Division 1, 2, 3 or 4 ”.
- (2) Regulation 5(2) is amended by deleting “Part B of the First Schedule” and inserting instead —
“ Schedule 1 Division 3 ”.

5. Regulation 6 amended

Regulation 6 is amended by deleting “Part A or Part B or Part C of the First Schedule” and inserting instead —
“ Schedule 1 Division 1, 2, 3 or 4 ”.

6. Regulation 11 amended

- (1) Regulation 11(1a) is amended as follows:
- (a) in paragraph (a) by deleting “Part A or Part B of the First Schedule” and inserting instead —
“ Schedule 1 Division 1, 2 or 3 ”;
 - (b) in paragraph (b) by deleting “Part A or B of the First Schedule may exist, or a disease specified in Part C or Part D of the First Schedule does exist,” and inserting instead —
“
Schedule 1 Division 1, 2 or 3 may exist, or a
disease specified in Schedule 1 Division 4 or 5
does exist,
”.
- (2) Regulation 11(1b) is amended by deleting “Part B of the First Schedule” and inserting instead —
“ Schedule 1 Division 3 ”.

7. Regulation 20 amended

Regulation 20(1) is amended by deleting “the First Schedule” and inserting instead —
“ Schedule 1 ”.

8. Regulation 27 replaced

Regulation 27 is repealed and the following regulation is inserted instead —

“

27. Removal of animals from abattoir

A person must not move stock, or permit stock to be moved from an abattoir, or from the lairage or holding yard of an abattoir, to any other place, unless the

person has a permit issued by an inspector to move the stock.

Penalty: \$1 000.

”.

9. Regulation 28 amended

Regulation 28(1), (1a) and (2) is amended by deleting “the Fourth Schedule” in each place where it occurs and inserting instead —

“ Schedule 4 ”.

10. Regulation 29 amended

Regulation 29(1), (2) and (2a) is amended by deleting “the Second Schedule” in each place where it occurs and inserting instead —

“ Schedule 2 ”.

11. Regulation 31 amended

Regulation 31(3) is amended by deleting “the Fourth Schedule” and inserting instead —

“ Schedule 4 ”.

12. Regulation 34A amended

- (1) Regulation 34A(1), (3), (4) and (5) is amended by deleting “the Fifth Schedule” in each place where it occurs and inserting instead —

“ Schedule 5 ”.

- (2) Regulation 34A(2) is amended by deleting “The Fifth Schedule” and inserting instead —

“ Schedule 5 ”.

13. Regulation 42 amended

Regulation 42 is amended by deleting “the Fourth Schedule” and inserting instead —

“ Schedule 4 ”.

14. Regulation 60 amended

Regulation 60(2) is amended by deleting “the Fourth Schedule” and inserting instead —

“ Schedule 4 ”.

15. First Schedule replaced

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

“

Schedule 1 — Enzootic diseases

[r. 4, 5, 6, 11 and 20]

Division 1 — Diseases foreign to Australia that, if identified, are subject to control measures**Subdivision 1 — Animal diseases**

African horse sickness
Aujeszky's disease
Borna disease
Bovine brucellosis
Caprine brucellosis
Chagas' disease
Chronic wasting disease of deer
Contagious agalactia in sheep
Contagious bovine pleuropneumonia
Contagious caprine pleuropneumonia
Contagious equine metritis
Dourine
Duck virus enteritis (Duck plague)
Duck virus hepatitis
East Coast fever (Theileriosis)
Encephalitides (tick borne)
Enterovirus encephalomyelitis (Teschen disease)
Epizootic lymphangitis
Equine encephalomyelitis (Eastern, Western and Venezuelan)
Equine encephalosis
Equine influenza
Equine piroplasmiasis (babesiosis)
Equine viral arteritis
Getah virus infection
Glanders
Goat pox
Haemorrhagic septicaemia
Heartwater
Infectious bursal disease (hypervirulent form)

Japanese encephalitis
Jembrana disease
Louping Ill
Lumpy skin disease
Maedi-Visna
Malignant catarrhal fever (wildebeest associated)
Nairobi sheep disease
Nipah virus infection
Peste des petits ruminants
Porcine cysticercosis (*C. cellulosae*)
Porcine reproductive and respiratory syndrome
Post weaning multisystemic wasting syndrome
Potomac fever
Pulmonary adenomatosis (Jaagsiekte)
Rift Valley fever
Scrapie
Sheep pox
Sheep scab
Surra
Swine influenza
Transmissible gastroenteritis
Transmissible spongiform encephalopathy
Trichinellosis
Trypanosomiasis
Tularaemia
Warble fly infestation
Wesselsbron disease
West Nile virus infection - clinical

Subdivision 2 — Crustacean diseases

Baculoviral midgut gland necrosis
Crayfish plague
GAV/LOV virus of prawns
Infectious hypodermal and haemopoietic necrosis virus
Necrotising hepatopancreatitis
Spawner isolated mortality virus infection
Taura syndrome
White spot disease
Yellowhead disease

Subdivision 3 — Fish diseases

Aeromonas salmonicida infection (Furunculosis)
Bacterial kidney disease (Renibacterium salmoninarium)
Channel catfish virus disease
Enteric redmouth disease (Yersinia ruckeri)
Enteric septicaemia of catfish (Edwardsiella ictaluri)
Gyrodactylosis (Gyrodactylus salaris)
Infectious haematopoietic necrosis
Infectious pancreatic necrosis
Infectious salmon anaemia
Oncorhynchus masou disease
Piscirickettsiosis
Red sea bream iridoviral disease
Spring viraemia of carp
Viral haemorrhagic septicaemia
Whirling disease of salmonids
White sturgeon iridoviral disease

Subdivision 4 — Mollusc diseases

Akoya oyster disease
Iridovirus
Withering syndrome of abalone

Division 2 — Diseases not foreign to Australia that, if identified, are subject to control measures**Subdivision 1 — Animal diseases**

Anthrax
Bovine Johne's disease
Bovine tuberculosis
Equine infectious anaemia
Liver fluke
Menangle virus infection
Porcine brucellosis (Brucella suis)
Trichinosis
Virulent footrot (infection with protease thermostable strains of Dichelobacter nodosus) in sheep and goats

Subdivision 2 — Fish diseases

Epizootic haemopoietic necrosis (Redfin virus)
Herpesvirus infection of Koi carp
Viral encephalopathy and retinopathy

Division 3 — Diseases present only in the Kimberley

Anaplasmosis
Babesiosis
Cattle tick infestation

Division 4 — Diseases that, if identified, might be subject to control measures**Subdivision 1 — Animal diseases**

Australian bat lyssavirus infection
Enzootic bovine leucosis
Equine herpes virus 1 infection (abortogenic and neurological strains)
Footrot in sheep and goats (U5 protease thermo-unstable strain of *Dichelobacter nodosus*)
Hendra virus infection
Non virulent Newcastle disease
Ovine Johne's disease
Porcine circovirus type 2 infection (pathogenic strains)
Porcine myocarditis
Salmonella abortus equi infection in horses
Salmonella abortus ovis infection in sheep
Salmonella enteritidis infection in poultry
Virulent footrot (infection with protease thermostable strains of *Dichelobacter nodosus*) in ruminants other than sheep and goats

Subdivision 2 — Crustacean diseases

Microsporidiosis
Spherical baculovirus (*Penaeus monodon* type baculovirus)

Subdivision 3 — Fish diseases

Aeromonas salmonicida infection (Goldfish ulcer disease)
Anguillicola nematode of eels
Epizootic ulcerative syndrome

Subdivision 4 — Mollusc diseases

Bonamiosis
Haplosporidiosis
Marteiliosis
Mikrocytosis (*Mykrocytois mackii* and *M. roughleyi*)
Perkinsosis

Division 5 — Diseases that are subject to control measures in extreme cases

Ked infestation of sheep

Lice infestation of sheep

”

16. Second Schedule amended

- (1) The Second Schedule is amended by deleting the heading to the Schedule and inserting instead —

“

Schedule 2 — Restrictions on introduction of stock from other parts of the Commonwealth

[r. 29]

”

- (2) Schedule 2 is amended by deleting the heading “General” before clause 1 and inserting instead —

“

Division 1 — General

”

- (3) Schedule 2 is amended by deleting the heading “Cattle not for immediate slaughter” before clause 8 and inserting instead —

“

Division 2 — Cattle not for immediate slaughter

”

- (4) Schedule 2 is amended by deleting the heading “Sheep and goats not for immediate slaughter” before clause 18 and inserting instead —

“

Division 3 — Sheep and goats not for immediate slaughter

”

- (5) Schedule 2 is amended by deleting the heading “Cattle and sheep for immediate slaughter” before clause 26 and inserting instead —

“

Division 4 — Cattle and sheep for immediate slaughter

”

- (6) Schedule 2 is amended by deleting the heading “Swine” before clause 30 and inserting instead —

“

Division 5 — Swine

”

- (7) Schedule 2 is amended by deleting the heading “Deer” before clause 33 and inserting instead —

“

Division 6 — Deer

”

- (8) Schedule 2 is amended by deleting the heading “Pearl Oysters” before clause 35 and inserting instead —

“

Division 7 — Pearl oysters

”

- (9) Schedule 2 is amended by deleting the heading “Semen and Embryos” before clause 36 and inserting instead —

“

Division 8 — Semen and embryos

”

17. Third Schedule amended

The Third Schedule is amended by deleting the heading to the Schedule and inserting instead —

“

Schedule 3 — Forms

[r. 4]

”

18. Fourth Schedule amended

The Fourth Schedule is amended by deleting the heading to the Schedule and inserting instead —

“

Schedule 4 — Charges

[r. 28, 31, 42 and 60]

”

19. Fifth Schedule amended

- (1) The Fifth Schedule is amended by deleting the headings to the Schedule and inserting instead —

“

Schedule 5 — Prohibitions and conditions relating to the intrastate movement of stock

[r. 34A]

Division 1 — Preliminary

Subdivision 1 — Interpretation

”

- (2) Schedule 5 is amended by deleting the headings “Table” and “Part 1 — Cattle not for immediate slaughter” and inserting instead —

“

Subdivision 2 — Cattle not for immediate slaughter

”

- (3) Schedule 5 is amended by deleting the heading “Part 2 — Cattle for immediate slaughter” and inserting instead —
- “
- Subdivision 3 — Cattle for immediate slaughter**
- ”
- (4) Schedule 5 is amended by deleting the heading “Part 3 — Sheep” and inserting instead —
- “
- Subdivision 4 — Sheep**
- ”
- (5) Schedule 5 is amended by deleting the heading “Part 4 — Horses, Mules, Donkeys, Camels, Deer” and inserting instead —
- “
- Subdivision 5 — Horses, mules, donkeys, camels, deer**
- ”
- (6) Schedule 5 is amended by deleting the heading “Conditions” and the heading “Preliminary” immediately after that, and inserting instead —
- “
- Division 2 — Conditions**
- Subdivision 1 — Interpretation**
- ”
- (7) Schedule 5 is amended by deleting the heading “General” and inserting instead —
- “
- Subdivision 2 — General**
- ”
- (8) Schedule 5 is amended by deleting the heading “Brucellosis” and inserting instead —
- “
- Subdivision 3 — Brucellosis**
- ”
- (9) Schedule 5 is amended by deleting the heading “Tuberculosis” and inserting instead —
- “
- Subdivision 4 — Tuberculosis**
- ”
- (10) Schedule 5 is amended by deleting the heading “Cattle Tick” and inserting instead —
- “
- Subdivision 5 — Cattle tick**
- ”

- (11) Schedule 5 is amended by deleting the heading “Lice and Keds” and inserting instead —

“

Subdivision 6 — Lice and keds

”.

By Command of the Governor,

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

AG302*

Stock Diseases (Regulations) Act 1968

Enzootic Diseases Amendment Regulations (No. 2) 2005

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Enzootic Diseases Amendment Regulations (No. 2) 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 19 May 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 391.*]

3. Regulation 4 amended

Regulation 4 is amended by deleting the definitions of “holding” and “the Act” and inserting in the appropriate alphabetical positions the following definitions —

“

“**export**”, in relation to stock, means to export live stock overseas;

“**export depot**” means any non-farming property where stock is kept for export;

“**holding yard**” means a non-farming property except a saleyard, abattoir or export depot;

- “**NLIS database**” means the electronic database maintained under regulation 78C;
- “**NLIS device**” has the meaning given to that term in regulation 77;
- “**NLIS post breeder device**”, in relation to an animal, means an NLIS device that is, or is to be, applied under these regulations to the animal on a property except the animal’s property of birth;
- “**non-farming property**” means a property where stock is kept by a person to whom section 13 of the *Stock (Identification and Movement) Act 1970* does not apply;
- “**operator**”, in relation to a property includes —
- (a) a person who is the agent of the operator; or
 - (b) any other person who is in possession or in charge of stock, or otherwise has control or management of stock, on the property;
- “**PIC**” means a property identification code specified in the register in relation to a property;
- “**property**” means any land or collection of lands constituting or worked as one parcel of land —
- (a) that is a run as defined in section 5 of the *Stock (Identification and Movement) Act 1970*; or
 - (b) on which stock is otherwise kept;
- “**register**” means the register of brands and earmarks kept under section 20 of the *Stock (Identification and Movement) Act 1970*;
- “**registered**” means entered in the register;
- “**saleyard**” means a property where stock is sold by public auction;
- “**update the NLIS database**”, in relation to an NLIS device, means to update information on the database in relation to that device in accordance with regulation 78C(4);

”.

4. Regulation 75 amended

- (1) Regulation 75(1) is amended by deleting “ear mark” and inserting instead —
“ earmark ”.
- (2) Regulation 75(2) is amended as follows:
 - (a) by deleting “ear mark” in the first place where it occurs and inserting instead —
“ earmark ”;

- (b) by deleting “ear mark registered under the *Stock (Brands and Movement) Act 1970*.” and inserting instead —
“ registered earmark. ”.
- (3) Regulation 75(3) is amended by deleting “ear mark” and inserting instead —
“ earmark ”.

5. Part 8A inserted

After regulation 75 the following Part is inserted —

“

Part 8A — NLIS devices

76. Interpretation

In this section —

“**animal**” means stock;

“**identification number**”, in relation to an NLIS device, means a number, referred to in regulation 77(2), of the device;

“**manufacture**”, in relation to an NLIS device, includes to recycle the device;

“**sell**” includes to supply;

“**visible identification number**”, in relation to an NLIS device, means the number, referred to in regulation 77(2)(b), of the device.

77. NLIS device

- (1) For the purposes of these regulations an NLIS (which stands for “National Livestock Identification System”) device is an approved electronic device —
- (a) that is able to identify an animal for the whole of its life; and
- (b) that complies with this regulation.
- (2) An NLIS device must have —
- (a) a unique number that is encoded in the device so that it can be read electronically; and
- (b) a unique number that is displayed on the exterior of the device so that it is visible to the naked eye and legible.
- (3) The visible identification number must include a PIC.

78. Manufacture and sale of NLIS devices generally

- (1) A person must not manufacture an NLIS device unless the person is an approved manufacturer.
Penalty: \$5 000.

- (2) A person must not sell an NLIS device unless it has been manufactured by an approved manufacturer.
Penalty: \$5 000.

78A. Sale of NLIS devices by approved manufacturers

- (1) An approved manufacturer must not sell an NLIS device to a person unless —
- (a) the person has applied to the manufacturer for an NLIS device that will identify stock owned by that person or stock to which NLIS post breeder devices must be applied;
 - (b) the person has given the manufacturer —
 - (i) his or her full name and address; and
 - (ii) the PIC of the property on which the stock is kept by the person;
 - (c) the manufacturer has confirmed that the PIC relates to a property where the person keeps the stock —
 - (i) by sighting the code in an original certificate of registration of a brand under section 23 of the *Stock (Identification and Movement) Act 1970* in relation to a brand registered for that stock;
 - (ii) by application to the Chief Inspector; or
 - (iii) by reference to the internet website maintained under regulation 78I(3) of these regulations or regulation 12(4) of the *Stock (Identification and Movement) Regulations 1972*;
 - (d) the manufacturer has kept a written or electronic record of that confirmation; and
 - (e) the NLIS device includes that PIC in its visible identification number.

Penalty: \$5 000.

- (2) The Chief Inspector may request an approved manufacturer to make available to an approved person any record of confirmation kept under subregulation (1)(d).
- (3) An approved manufacturer must comply with a request under subregulation (2) as soon as practicable after the request is made.
Penalty: \$5 000.
- (4) An approved manufacturer who sells an NLIS device must, after the sale but before giving the device to the purchaser —
- (a) encode in the device a number referred to in regulation 77(2)(a);

- (b) display on the device a visual identification number that includes the PIC of the property of the purchaser; and
- (c) update the NLIS database in relation to that device by recording the numbers referred to in paragraphs (a) and (b) and the date on which the device is to be given to the purchaser.

Penalty: \$5 000.

- (5) If an approved manufacturer gives an NLIS device to a purchaser on a date that is different to a date recorded under subregulation (4)(c), the approved manufacturer must, as soon as practicable after the device is given to the purchaser, update the database by recording the correct date.

Penalty: \$5 000.

78B. Sale of NLIS devices by persons except approved manufacturers

- (1) A person except an approved manufacturer must not sell an unused NLIS device unless the sale is approved in writing by the Chief Inspector or another inspector.

Penalty: \$5 000.

- (2) If an approval is given under subregulation (1), the Chief Inspector or other inspector is to update the NLIS database in relation to the device by recording the PIC of the property on which the purchaser keeps any stock to which the device is applied.

- (3) A person except an approved manufacturer must not sell a used NLIS device unless the device is sold to an approved manufacturer.

Penalty: \$5 000.

78C. NLIS database

- (1) The Chief Inspector is to ensure that an electronic database of NLIS devices is maintained in accordance with this regulation by an approved person.
- (2) The database is to record in relation to each NLIS device —
 - (a) the identification numbers of the device;
 - (b) if the device is not applied to an animal — the PIC of the property in relation to which the device was issued;
 - (c) if the device is applied to an animal —
 - (i) the PIC of the property on which the animal is kept for the time being by its owner; and

- (ii) any slaughter or death in other circumstances of the animal, or export of the animal;
 - and
 - (d) any other approved information.
- (3) The information recorded in the database is to be made accessible on an internet website to —
- (a) persons who are required by these regulations to update the database; and
 - (b) inspectors for the purposes of administering the Act.
- (4) A person except the approved person who is required by these regulations to update the database may do so by —
- (a) accessing the internet website; or
 - (b) sending the updated information to the approved person electronically or in another approved form.
- (5) A person must not enter false or misleading information into the database.
Penalty: \$5 000.
- (6) A copy or print-out of an entry in the database is evidence of the facts stated in the copy or print-out and, in the absence of evidence to the contrary, is proof of those facts.

78D. Applying an NLIS device

- (1) A person must not, without the written approval of an inspector, apply an NLIS device to an animal unless —
- (a) the person is the owner of the animal or is otherwise required or enabled by these regulations to apply the device;
 - (b) the animal is on the property in relation to which the device was issued and the visible identification number of the device includes the PIC of that property;
 - (c) in the case of an NLIS device other than a NLIS post breeder device, the animal is on the animal's property of birth;
 - (d) in the case of an NLIS post breeder device, the animal is not on the animal's property of birth; and
 - (e) the device is applied in the approved manner.

Penalty: \$5 000.

- (2) A person must not apply more than one NLIS device to an animal at any one time.

Penalty: \$5 000.

- (3) A person must not apply an NLIS device to an animal if an NLIS device is already applied to the animal.

Penalty: \$5 000.

78E. Unapplied NLIS devices to be returned or given up

If a person possesses an NLIS device that is not applied to an animal and —

- (a) the device does not include in its visible identification number the PIC of a property on which stock is kept, sold, slaughtered or exported by the person; or
- (b) the person does not possess the device with the approval of a person who is lawfully entitled to the possession,

the person must, as soon as practicable after coming into that possession, give the device to an inspector.

Penalty: \$5 000.

78F. Removal, damage and replacement of NLIS devices

- (1) A person must not remove an NLIS device from an animal unless it is done —

- (a) after the animal has been slaughtered in an abattoir;
- (b) after the animal is slaughtered or otherwise dies on any other property, by the operator of the property;
- (c) after the device ceases functioning, by the operator of the property on which the animal is kept; or
- (d) by an approved person.

Penalty: \$5 000.

- (2) A person must not damage or deface an NLIS device except by disposing of it in accordance with subregulation (3).

Penalty: \$5 000.

- (3) A person must not dispose of an NLIS device unless —

- (a) the person has removed it in accordance with subregulation (1); and
- (b) it is disposed of in an approved manner.

Penalty: \$5 000.

- (4) If an NLIS device is removed from a live animal under subregulation (1)(c), the operator of the property on which the animal is kept may apply a replacement NLIS device to the animal.
- (5) If a replacement NLIS device is applied to an animal after it has been moved from the property where the original device was applied, the operator must update the database by recording —
 - (a) the visible identification number of the replacement device; and
 - (b) if possible, the visible identification number of the original device.

Penalty: \$5 000.

78G. False representation that something is an NLIS device

A person must not falsely represent that something is an NLIS device.

Penalty: \$5 000.

78H. Responsibilities of owners and purchasers

- (1) Except as provided in subregulation (3), if an owner of an animal to which an NLIS device is applied moves the animal to a property with a different PIC from that recorded on the database, the owner must, within the period specified in subregulation (2), update the NLIS database in relation to the device by recording —
 - (a) the PIC of the property on which the animal is to be kept;
 - (b) the serial number of the waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* relating to the movement of the animal; and
 - (c) the date the animal was moved.

Penalty: \$5 000.
- (2) The owner must comply with the requirements of subregulation (1) within 48 hours after the animal has been moved.
- (3) Subregulation (1) does not apply if —
 - (a) the owner moves the animal to a holding yard;
 - (b) the owner moves the animal to a saleyard;
 - (c) the owner moves the animal from a saleyard after purchasing the animal there;
 - (d) the owner moves the animal directly to an abattoir for slaughter;

- (e) the owner moves the animal directly to an export depot for export; or
 - (f) an inspector has, in a particular case, given written approval for the owner to move the animal to another property without updating the database.
- (4) If an animal at a saleyard has an NLIS device applied to it, a purchaser of the animal must, when requested by the saleyard operator, provide the PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the purchaser.
- Penalty: \$5 000.

78I. Responsibilities of non-farming property operators

- (1) A person operating, or intending to operate, a non-farming property may apply to the Chief Inspector to issue an identification code in respect of that property.
 - (2) On an application under subregulation (1), the Chief Inspector may issue an identification code in respect of the property and that code is to be taken to be the PIC of the property for the purposes of these regulations.
 - (3) The Chief Inspector is to keep a register of the identification codes issued under subregulation (2) and publish the register on an internet website maintained by or for the Chief Inspector.
 - (4) An operator of a non-farming property must not permit an animal to which an NLIS device has been applied to be moved to the property unless the property has an identification code issued under subregulation (2).
- Penalty: \$5 000.

78J. Responsibilities of saleyard operators

- (1) Unless an inspector in a particular case approves otherwise, if an animal to which an NLIS device is applied is moved to a saleyard, the saleyard operator must, as soon as practicable after the animal has been moved there, check, and if necessary update, the NLIS database to ensure that the PIC recorded in relation to the device is that of the property on which the owner of the animal kept it before it was moved to the saleyard.
- Penalty: \$5 000.
- (2) A saleyard operator must not move, or permit to be moved, from the saleyard an animal to which an NLIS device is applied unless —
 - (a) it is moved back to the property from where it came or to another property with a PIC; and

- (b) within 48 hours after it is moved, the saleyard operator updates the NLIS database in relation to the device by recording —
- (i) the PIC of the property to which the animal has been moved;
 - (ii) the serial number of the waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* relating to the movement of the animal; and
 - (iii) the date the animal was moved.

Penalty: \$5 000.

- (3) If an animal to which an NLIS device is applied is moved to a saleyard, a person must not, without the approval of an inspector, sell the animal, or permit the animal to be sold, unless the device is functioning.

Penalty: \$5 000.

- (4) If an animal at a saleyard has an NLIS device applied to it, a person must not sell the animal, or permit the animal to be sold, at the saleyard unless the person has obtained from the proposed purchaser the PIC of the property on which the animal is to be kept or slaughtered, or from which the animal is to be exported, by the purchaser.

Penalty: \$5 000.

78K. Responsibilities of abattoir operators

- (1) If an animal to which an NLIS device is applied is moved to an abattoir except from a saleyard, the abattoir operator must —
- (a) as soon as practicable after the animal has been slaughtered; or
 - (b) before it is otherwise moved from the abattoir, check, and if necessary update, the NLIS database to ensure that the PIC recorded in relation to the device is that of the property on which the owner of the animal kept it before it was moved to the abattoir.

Penalty: \$5 000.

- (2) If an animal to which an NLIS device is applied is slaughtered in an abattoir, the abattoir operator must, within 7 days after the slaughter, update the NLIS database in relation to the device by recording the slaughter of the animal.

Penalty: \$5 000.

- (3) An abattoir operator must not move, or permit to be moved, from the abattoir a live animal to which an NLIS device is applied unless —
- (a) it is moved back to the property from where it came or to another property with a PIC; and
 - (b) within 48 hours after it is moved, the abattoir operator updates the NLIS database in relation to the device by recording —
 - (i) the PIC of the property to which the animal has been moved;
 - (ii) the serial number of the waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* relating to the movement of the animal; and
 - (iii) the date the animal was moved.

Penalty: \$5 000.

78L. Responsibilities of export depot operators

- (1) If an animal to which an NLIS device is applied is moved to an export depot, the export depot operator must, within the period specified in subregulation (2), check, and if necessary update, the NLIS database to ensure that the PIC recorded in relation to the device is that of the property on which the owner of the animal kept it before it was moved to the export depot.
- Penalty: \$5 000.
- (2) The export depot operator must comply with the requirements of subregulation (1) within —
- (a) 48 hours after the animal has been moved to the export depot; or
 - (b) if the animal is exported or otherwise moved from the export depot within that period, as soon as practicable after the animal has been exported or moved.
- (3) If an animal to which an NLIS device is applied is exported from an export depot, the export depot operator must, within 7 days after the export, update the NLIS database in relation to the device by recording the export of the animal.
- Penalty: \$5 000.
- (4) An export depot operator must not, except by export, move, or permit to be moved, from the export depot an animal to which an NLIS device is applied unless —

- (a) it is moved back to the property from where it came or to another property with a PIC; and

- (b) within 48 hours after it is moved, the export depot operator updates the NLIS database in relation to the device by recording —
- (i) the PIC of the property to which the animal has been moved;
 - (ii) the serial number of the waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* relating to the movement of the animal; and
 - (iii) the date the animal was moved.

Penalty: \$5 000.

78M. NLIS devices on animals that die while being moved to another property

If an animal to which an NLIS device is applied dies except by slaughter on, or while being moved to, a property with a different PIC from that recorded on the database, the operator of the property to which the animal was moved must, within 48 hours after the death, update the NLIS database in relation to the device by recording the death of the animal.

Penalty: \$5 000.

”.

6. Regulation 79 amended

Regulation 79 is amended by deleting “a tail tag of an approved kind,” and inserting instead —

“ a tailtag of an approved kind, an NLIS device, ”.

7. Regulation 85 inserted

After regulation 84 the following regulation is inserted into Part 9 —

“

85. Application of regulations 81 to 84

Regulations 81, 82, 83 and 84 do not apply to NLIS devices.

”.

8. Regulation 115 amended

Regulation 115(1)(a) is amended by inserting after “regulations” —

“ except regulations 78B(2), 78C(1) and 78I(3) ”.

9. Schedule 2 amended

- (1) Schedule 2 item 15 is amended by deleting “tail”.

- (2) Schedule 2 item 29(1) is amended by deleting “tail”.
- (3) Schedule 2 item 29(2) is amended by deleting “tail-tag, ear mark” and inserting instead —
“ tag ”.

10. Schedule 3 amended

Schedule 3 Form No. 3 is amended by deleting “TAIL”.

11. Schedule 5 amended

- (1) Schedule 5 is amended in the definition of “provisionally clear herd” by deleting “holding” and inserting instead —
“ property ”.
- (2) Schedule 5 Division 2 is amended as follows:
 - (a) in item 13 by deleting “red tail” and inserting instead —
“ approved ”;
 - (b) in item 14 by deleting “red tail” and inserting instead —
“ approved ”;
 - (c) in item 16 by deleting “ear mark” and inserting instead —
“ earmark ”.

By Command of the Governor,

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

AG303*

Stock Diseases (Regulations) Act 1968

Enzootic Diseases Amendment Regulations (No. 3) 2005

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Enzootic 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 *Enzootic Diseases Regulations 1970**.

[* Reprinted as at 13 August 1999.

For amendments to 9 May 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 391.*]

4. Part 9 replaced

Part 9 is repealed and the following Part is inserted instead —

“

Part 9 — Cattle or buffalo identification

79. Interpretation

(1) In this Part —

“**approved identification**” means identification approved under regulation 80(3);

“**animal**” means cattle or buffalo;

“**sell**” includes to supply.

(2) For the purposes of this Part, an animal is moved from one property to another if it is moved between places that have different PICs.

80. Responsibilities of owners

(1) Except as provided in subregulation (2), an owner of an animal must not move the animal, or permit the animal to be moved, from a property unless the animal has an NLIS device applied to it at the time it is moved.

Penalty: \$5 000.

(2) Subregulation (1) does not apply if —

(a) subject to subregulations (3) and (5) to (7) —

(i) the animal is being moved to an export depot or an abattoir from the animal’s property of birth; or

(ii) the animal is being moved to a saleyard, an export depot or an abattoir from a property that is contiguous with the animal’s property of birth and that is not in an area referred to in section 30(1)(a) of the *Stock (Identification and Movement) Act 1970*;

or

(b) the animal is exempted from the requirement of that subregulation by the Chief Inspector.

(3) The owner cannot rely upon the exemption in subregulation (2)(a) unless an approved means of

identification, except an NLIS device, is applied to the animal and —

- (a) the identification displays the PIC of the property from which the animal is being moved;
 - (b) in the case of animals being moved to an abattoir, the identification takes the form of an eartag or tailtag;
 - (c) in the case of animals being moved to an export depot, the identification takes the form of an eartag.
- (4) A person must not remove from an animal any means of identification approved under subregulation (3) unless it is done —
- (a) after the animal has been slaughtered in an abattoir;
 - (b) after the animal is slaughtered or otherwise dies on any other property, by the operator of the property; or
 - (c) by an approved person.

Penalty: \$5 000.

- (5) The owner cannot rely upon the exemption in subregulation (2)(a) unless the animal is kept separate from —
- (a) animals to which NLIS devices have been applied; and
 - (b) animals being moved from another property.
- (6) The owner cannot rely upon the exemption in subregulation (2)(a) unless the owner has furnished to the drover or carrier of the animal a waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* that applies to all the animals moved under that subregulation at that time and no other animals.
- (7) The owner cannot rely upon the exemption in subregulation (2)(a)(ii) unless the owner has furnished to the drover or carrier of the animal a waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* that displays the PIC of the property of birth of the animal.

81. Responsibilities of purchasers

If animals are sold to a person, the person must not take possession of the animals unless they are moved in accordance with these regulations.

Penalty: \$5 000.

82. Responsibilities of drovers or carriers

- (1) In this regulation —
“**transport document**” means —
- (a) a waybill;
 - (b) a document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970*; or
 - (c) a note referred to in section 50(3) of the *Stock (Identification and Movement) Act 1970*.
- (2) A drover or carrier moving animals from a property to a holding yard must, as soon as practicable after arriving at the holding yard, endorse on the transport document —
- (a) the PIC of the holding yard; and
 - (b) the PIC of the property to which the animals are to be taken from the holding yard.
- Penalty: \$5 000.
- (3) A drover or carrier moving animals from a property to a saleyard, abattoir or export depot must, as soon as practicable after arriving there, give to the operator a copy of any transport document relating to the animals.
Penalty: \$5 000.
- (4) If a drover or carrier moves animals from a property and the animals have approved identification applied to them, the drover or carrier must keep the animals separate from —
- (a) animals to which NLIS devices have been applied; and
 - (b) animals being moved from another property.
- Penalty: \$5 000.

83. Responsibilities of holding yard operators

When animals are moved to a holding yard from a particular property and are kept there for more than 48 hours, the operator of the holding yard must keep a record, in an approved form, of —

- (a) the PIC of the property from which animals were moved to the holding yard;
- (b) the date on which animals were moved to the holding yard from the property;
- (c) the number of animals moved to the holding yard from the property on that date; and
- (d) the date on which the animals were moved from the holding yard.

84. Responsibilities of saleyard operators

- (1) Unless an inspector in a particular case approves otherwise, if an animal is moved to a saleyard and an NLIS device is not applied to the animal, the saleyard operator must, within the period specified in subregulation (2) —
- (a) apply an NLIS post breeder device to the animal; and
 - (b) update the NLIS database in relation to the device by recording —
 - (i) the PIC of the property from which the animal was moved to the saleyard;
 - (ii) the serial number of the waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* relating to the movement of the animal; and
 - (iii) the date the animal was moved.

Penalty: \$5 000.

- (2) The saleyard operator must comply with the requirements of subregulation (1) as soon as practicable after the movement of the animal to the saleyard and before it is sold or otherwise moved from the saleyard.
- (3) If animals are moved to a saleyard and more than 10% of the animals have neither NLIS devices nor approved identification applied to them, the operator of the saleyard must —
- (a) hold the animals at the saleyard without selling them; and
 - (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under subregulation (4).

Penalty: \$5 000.

- (4) The inspector may make any necessary or convenient direction in relation to the animals including —
- (a) to hold the animals at the saleyard;
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for subregulation (1) to be complied with.

- (5) A saleyard operator must comply with a direction given by an inspector under subregulation (4).

Penalty: \$5 000.

- (6) If an animal is born on, or while being moved to, a saleyard the saleyard operator must —
- (a) as soon as practicable after its birth and before it is sold or otherwise moved from the saleyard, apply an NLIS post breeder device to the animal; and
 - (b) within 48 hours after the device is applied, update the NLIS database in relation to the device by recording —
 - (i) the PIC of the property from which the mother of the animal was moved to the saleyard;
 - (ii) the serial number of the waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* relating to the movement of the animal's mother; and
 - (iii) the date the animal was born.

Penalty: \$5 000.

85. Responsibilities of abattoir operators

- (1) In this regulation —
- “inspector”** includes an officer of an agency responsible under a written law of this State or the Commonwealth for —
- (a) the inspection of animals before they are slaughtered; and
 - (b) giving consent for the animals to be slaughtered after inspection,
- who is authorised by the agency to exercise the functions of an inspector under this regulation.
- (2) If an animal to which approved identification is applied is moved to an abattoir, the abattoir operator must —
- (a) keep a record in accordance with subregulation (3) of the movement of the animal to the abattoir and any subsequent slaughter, or other movement from the abattoir, of the animal; and
 - (b) make the record available for inspection by an inspector during normal business hours.
- Penalty: \$5 000.
- (3) A record under subregulation (2) is to be in an approved form and is to include the PIC of the property from which the animal was moved to the abattoir and the name and address of the operator of that property.

- (4) Unless an inspector in a particular case approves otherwise, if an animal is moved to an abattoir and neither an NLIS device nor approved identification is applied to the animal, the abattoir operator must, within the period specified in subregulation (5) —
- (a) apply to the animal —
 - (i) an NLIS post breeder device; or
 - (ii) an approved tag displaying the PIC of the property from which the animal was moved to the abattoir;
 - and
 - (b) if the operator applies a tag to the animal —
 - (i) keep an approved record of the consignment in which the animal was moved to the abattoir; and
 - (ii) make the record available for inspection by an inspector during normal business hours.

Penalty: \$5 000.

- (5) The abattoir operator must comply with the requirements of subregulation (4) as soon as practicable after the movement of the animal to the abattoir and before it is slaughtered or otherwise moved from the abattoir.
- (6) If animals are moved to an abattoir and more than 10% of the animals have neither NLIS devices nor approved identification applied to them, the operator of the abattoir must —
- (a) hold the animals at the abattoir without slaughtering them; and
 - (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under subregulation (7).

Penalty: \$5 000.

- (7) The inspector may make any necessary or convenient direction in relation to the animals including —
- (a) to hold the animals at the abattoir;
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for subregulation (4) to be complied with.

- (8) An abattoir operator must comply with a direction given by an inspector under subregulation (7).

Penalty: \$5 000.

- (9) If an animal to which approved identification is applied is moved to an abattoir but is not slaughtered, the abattoir operator must not move the animal from the abattoir to another property unless —
- (a) before the animal is moved, the abattoir operator applies an NLIS post breeder device to the animal;
 - (b) as soon as practicable after the NLIS device is applied, the abattoir operator updates the NLIS database in relation to the device by recording —
 - (i) the PIC of the property from which the animal was moved to the abattoir;
 - (ii) the PIC of the abattoir;
 - (iii) the serial number of the waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* relating to the movement of the animal to the abattoir; and
 - (iv) the date the animal was moved to the abattoir;and
 - (c) within 48 hours after the animal is moved to the other property, the abattoir operator updates the NLIS database in relation to the device by recording —
 - (i) the PIC of the property;
 - (ii) the serial number of the waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* relating to the movement of the animal; and
 - (iii) the date the animal was moved.

Penalty: \$5 000.

85A. Responsibilities of export depot operators

- (1) If an animal to which approved identification is applied is moved to an export depot, the export depot operator must —
- (a) keep a record in accordance with subregulation (2) of the movement of the animal to the export depot and any subsequent export, or other movement from the export depot, of the animal; and
 - (b) make the record available for inspection by an inspector during normal business hours.

Penalty: \$5 000.

- (2) A record under subregulation (1) is to be in an approved form and is to include the PIC of the property from which the animal was moved to the export depot and the name and address of the operator of that property.
- (3) Unless an inspector in a particular case approves otherwise, if an animal is moved to an export depot and neither an NLIS device nor approved identification is applied to the animal, the export depot operator must, within the period specified in subregulation (4) —
- (a) apply to the animal —
 - (i) an NLIS post breeder device; or
 - (ii) an approved tag displaying the PIC of the property from which the animal was moved to the export depot;
 - and
 - (b) if the operator applies a tag to the animal —
 - (i) keep an approved record of the consignment in which the animal was moved to the export depot; and
 - (ii) make the record available for inspection by an inspector during normal business hours.

Penalty: \$5 000.

- (4) The export depot operator must comply with the requirements of subregulation (3) as soon as practicable after the movement of the animal to the export depot and before it is exported or is otherwise moved from the depot.
- (5) If animals are moved to an export depot and more than 10% of the animals have neither NLIS devices nor approved identification applied to them, the operator of the export depot must —
- (a) hold the animals at the export depot; and
 - (b) inform an inspector accordingly, and comply with any directions given to the operator by the inspector under subregulation (6).

Penalty: \$5 000.

- (6) The inspector may make any necessary or convenient direction in relation to the animals including —
- (a) to hold the animals at the export depot;
 - (b) to move them to, and hold them at, another place specified by the inspector; and
 - (c) to arrange for subregulation (3) to be complied with.

- (7) An export depot operator must comply with a direction given by an inspector under subregulation (6).
Penalty: \$5 000.
- (8) If an animal is born on, or while being moved to, an export depot the export depot operator must as soon as practicable after its birth or movement to the depot, as the case may be, and before it is sold or otherwise moved from the depot, apply an approved eartag to the animal.
Penalty: \$5 000.
- (9) If an animal to which approved identification is applied is moved to an export depot but is not exported, the export depot operator must not move the animal from the export depot unless —
- (a) the animal is moved to an abattoir; or
 - (b) if the animal is moved to any other property, the export depot operator complies with subregulation (10).
- Penalty: \$5 000.
- (10) The export depot operator must not move the animal to the other property unless —
- (a) before the animal is moved, the export depot operator applies an NLIS post breeder device to the animal;
 - (b) as soon as practicable after the NLIS device is applied, the export depot operator updates the NLIS database in relation to the device by recording —
 - (i) the PIC of the property from which the animal was moved to the export depot;
 - (ii) the serial number of the waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* relating to the movement of the animal to the export depot; and
 - (iii) the date the animal was moved;and
 - (c) within 48 hours after the animal is moved to the other property, the export depot operator updates the NLIS database by recording —
 - (i) the PIC of the property;
 - (ii) the serial number of the waybill or other document prescribed under section 46 of the *Stock (Identification and Movement) Act 1970* relating to the movement of the animal; and

(iii) the date the animal was moved.

”.

5. Schedule 2 amended

- (1) Schedule 2 item 15 is amended by deleting “the registered tail tag of the property of origin and each breeding animal shall be individually identified by a tattoo, ear tab or brand.” and inserting instead —

“

an NLIS device or identification approved under regulation 80(3).

”.

- (2) Schedule 2 item 29(1) is amended by deleting “is tagged with the registered tail tag of the property of origin.” and inserting instead —

“ is identified by an NLIS device. ”.

- (3) Schedule 2 item 29(2) is amended by deleting “to its property of origin by means of the registered tail tag, ear mark or brand, as the case requires,” and inserting instead —

“ by an NLIS device ”.

By Command of the Governor,

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

AG304*

Stock (Identification and Movement) Act 1970

Stock (Identification and Movement) Amendment Regulations 2005

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Stock (Identification and Movement) Amendment Regulations 2005*.

2. 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 25 May 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 390.*]

3. Regulation 4 amended

- (1) Regulation 4(3) is repealed and the following subregulation is inserted instead —

“

- (3) A person must not brand a sheep, goat or camelid by means of an eartag unless —
- (a) the person is, or is acting on behalf of, the owner of the animal; and
 - (b) the colour of the eartag is —
 - (i) if the animal is being branded on the property of birth — approved by the Registrar for the year in which the tag is applied; or
 - (ii) if the animal is being branded on any other property of origin — pink.

”.

- (2) Regulation 4(4) is amended as follows:

- (a) by deleting “Where” and inserting instead —
“ Subject to subregulation (4a), where ”;
- (b) in paragraph (a) by inserting after “this regulation” —
“ and regulation 4A ”.

- (3) After regulation 4(4) the following subregulation is inserted —

“

- (4a) Where sheep, goats and camelids are branded by means of an eartag under subregulation (3)(b)(ii) the eartag is to be placed in the right or off ear of a male sheep, goat or camelid and in the left or near ear of a female sheep, goat or camelid.

”.

- (4) After regulation 4(5) the following subregulation is inserted —

“

- (6) In this regulation —
“**property of origin**”, in relation to a sheep, goat or camelid that is being branded, means a property that has the property identification code specified in the register in relation to the brand.

”.

4. Regulation 4A inserted

After regulation 4 the following regulation is inserted —

“

4A. Manufacture and sale of eartags for identifying sheep, goats and camelids

(1) In this regulation —

“approved manufacturer”, in relation to an eartag, means a manufacturer of an eartag approved under subregulation (2);

“eartag” means an eartag for identifying sheep, goats or camelids for the purposes of these regulations.

(2) A person must not manufacture an eartag unless the person is approved by the Registrar.

Penalty: \$5 000.

(3) A person must not sell an eartag unless it has been manufactured by an approved manufacturer.

Penalty: \$5 000.

(4) An approved manufacturer must not sell an eartag unless —

(a) a person has applied to the manufacturer for an eartag that will identify sheep, goats or camelids owned by that person;

(b) the person has given the manufacturer —

(i) his or her full name and postal address; and

(ii) a copy of the registered brand owned by that person;

(c) the manufacturer has confirmed that the registered brand relates to a property where the person keeps the sheep, goats or camelids —

(i) by sighting the brand in an original certificate of registration of a brand under section 23 of the Act in relation to a brand registered for the sheep, goats or camelids;

(ii) by application to the Registrar; or

(iii) by reference to the internet website maintained under regulation 12(4);

(d) the manufacturer has kept a written or electronic record of that confirmation; and

(e) the eartag displays the registered brand.

Penalty: \$5 000.

- (5) An approved manufacturer who sells an eartag must keep a written or electronic record of the confirmation under subregulation (4)(c) for a period of 2 years after the sale of the eartag.

Penalty: \$5 000.

- (6) The Registrar may request an approved manufacturer to make available to an approved person any record of confirmation kept under subregulation (5) and in that event the approved manufacturer must comply with the request as soon as practicable after the request is made.

Penalty: \$5 000.

”.

5. Regulation 11A amended

Regulation 11A is amended as follows:

- (a) in paragraph (a)(iii) by deleting “tag,” and inserting instead —

“ tag; ”;

- (b) in paragraph (b) by deleting “referred to in Form No. 7 in Schedule 1.” and inserting instead —

“ referred to in regulation 20(1a). ”.

6. Regulation 12 amended

- (1) Regulation 12(1) is amended by deleting “Form No. 1 in”.

- (2) After regulation 12(3) the following subregulation is inserted —

“

- (4) The register is to be published on an internet website maintained by or for the Registrar.

”.

7. Regulation 14 amended

Regulation 14(1) is amended by deleting “shall be made in the form of Form No. 2 in Schedule 1.” and inserting instead —

“ is to be made in a form approved by the Registrar. ”.

8. Regulation 15 amended

Regulation 15 is amended by deleting “shall be in the form of Form No. 3 in Schedule 1.” and inserting instead —

“ is to be in a form approved by the Registrar. ”.

9. Regulation 17 amended

Regulation 17(1) is amended by deleting “shall be in the form of Form No. 4 in Schedule 1.” and inserting instead —

“ is to be in a form approved by the Registrar. ”.

10. Regulation 19 amended

- (1) Regulation 19(1) is amended by deleting “the form of Form No. 5 in Schedule 1,” and inserting instead —
“ a form approved by the Registrar, ”.
- (2) Regulation 19(2) is amended by deleting “shall be in the form of Form No. 6 in Schedule 1.” and inserting instead —
“ is to be in a form approved by the Registrar. ”.

11. Regulation 20 amended

- (1) Regulation 20(1a) is repealed and the following subregulation is inserted instead —

“

- (1a) The document must contain —
 - (a) the full name and address, in block letters, of the proprietor and any other person for the time being having custody and control of the stock to be removed;
 - (b) the full name of the person driving or carrying the stock;
 - (c) the signatures of the persons referred to in paragraphs (a) and (b);
 - (d) the full name of the person to whom the stock are consigned;
 - (e) a distinguishing serial number;
 - (f) particulars of the run or other place from which the stock are to be removed;
 - (g) either —
 - (i) the registered brand of the owner of the stock or, if the stock is moved after being sold at a saleyard, the registered brand of the vendor of the stock; or
 - (ii) the property identification code specified in the register in relation to that brand;
 - (h) the total number of the stock;
 - (i) the number of stock of each type referred to in subregulation (2);
 - (j) the breed, sex and age of the stock;
 - (k) except as provided in subregulation (1c), the information required to be recorded under regulation 20C relating to brands and earmarks on the stock;

- (l) if the stock are identified under Part 9 of the *Enzootic Diseases Regulations 1970*, the type of identification and any number on it;
- (m) the destination of the stock; and
- (n) the number plate for each vehicle (if any) in which the stock are to be carried.

”.

- (2) After regulation 20(1b) the following subregulation is inserted —

“

- (1c) The information referred to in regulation 20C(2a) is not required on the document if the information —
- (a) is recorded in some other document; and
 - (b) is provided to an inspector on request.

”.

12. Regulation 20C amended

Regulation 20C(1), (2) and (2a) are repealed and the following subregulations are inserted instead —

“

- (1) If stock are branded with the registered brand of the owner of the stock, a person furnishing a waybill or other document in relation to the stock must record that brand.
- (2) If stock are not branded with the registered brand of the owner of the stock, a person furnishing a waybill or other document in relation to stock must record —
- (a) every brand or earmark on the stock; or
 - (b) in the case of cattle, if it is impracticable to record every brand or earmark, the word “various”.
- (2a) A person furnishing a waybill or other document on which the word “various” is recorded under subregulation (2)(b) must record —
- (a) the total number of cattle in respect of which the word “various” is recorded under subregulation (2)(b);
 - (b) the number and description of the cattle that have been identified with a brand or earmark in respect of each of the 4 brands or earmarks with which the greatest number of cattle have been identified; and
 - (c) a description of the 4 brands or earmarks referred to in paragraph (b).

Example

If there is a total number of 60 stock to be recorded under paragraph (a), and 20 animals are identified with brand A, 15 animals with earmark B, 10 animals with earmark C, 7 animals with brand D, 5 animals with brand E and 3 animals with earmark F, the information required under paragraph (b) is —

20	(Description of stock)	Brand A
15	(Description of stock)	Earmark B
10	(Description of stock)	Earmark C
7	(Description of stock)	Brand D

”.

13. Regulation 21 amended

Regulation 21 is amended by inserting after “these regulations” —

“ except regulation 12 ”.

14. Schedule 1 amended

- (1) Schedule 1 is amended by deleting the heading to the Schedule and the heading “Form No. 1” and inserting instead —

“

Schedule 1 — Form of the register

[r. 12(1)]

”.

- (2) Schedule 1 Form 1 is amended by deleting the Table to Part A and inserting instead —

“

Reg. no. / Pig tattoo	Brand	Earmark	Date of registration	Expiry of registration	Brand owner's trading name	Postal address of brand owner	Name of run or farm / Property address	Property identification code

”.

- (3) Schedule 1 is amended by deleting Forms 2 to 6.

By Command of the Governor,

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

AG306*

Seeds Act 1981

Declaration under section 12, 2005

Declared by the Minister under section 12(1)(a) of the Act.

1. Citation

This declaration may be cited as the *Declaration under section 12, 2005*.

2. Commencement

This declaration comes into operation on the day after the day on which it is published in the *Gazette*.

3. Repeal of declaration of seeds

The declarations of seed of plants as a prohibited seed for the purposes of the Act published in the *Gazette* on 31 December 1981 at page 5399-400 and 18 June 1982 at page 2045 are repealed.

4. Declaration of seeds

The seed of the plants listed in the Table to this clause are declared to be prohibited seed for the purposes of the Act.

Table

Botanical name	Common name
Acanthospermum hispidum	Starburr
Acroptilon repens	Creeping knapweed
Aegilops species	Goatgrasses
Ageratina adenophorum	Crofton weed
Ageratina riparium	Mistflower
Alhagi pseudalhagi	Camelthorn
Alternanthera philoxeroides	Alligator weed
Alternanthera pungens	Khaki weed
Ambrosia species	Ragweeds
Amsinckia species	Yellow burrweeds
Argemone mexicana	Mexican poppy
Bassia scoparia (Kochia scoparia)	Kochia
Berkheya rigida	African thistle
Calotropis procera	Calotrope
Cannabis sativa	Indian hemp other than industrial hemp as defined in the <i>Industrial Hemp Act 2004</i> section 3(1)
Cardaria draba	Hoary cress

Botanical name	Common name
<i>Carduus nutans</i>	Nodding thistle
<i>Carthamus glaucus</i>	Glaucous star thistle
<i>Carthamus lanatus</i>	Saffron thistle
<i>Carthamus leucocaulos</i>	Distaff thistle
<i>Centaurea calcitrapa</i>	Star thistle
<i>Centaurea solstitialis</i>	St Barnabys thistle
<i>Cestrum parqui</i>	Green cestrum
<i>Chondrilla juncea</i>	Skeleton weed
<i>Chromolaena odorata</i>	Siam weed
<i>Chrysanthemoides monilifera</i>	Boneseed
<i>Cirsium arvense</i>	Perennial thistle
<i>Conium species</i>	Hemlocks
<i>Convolvulus arvensis</i>	Field bindweed
<i>Cuscuta species</i>	Dodder
<i>Cynara cardunculus</i>	Artichoke thistle
<i>Datura species</i>	Thornapples
<i>Dinebra retroflexa</i>	Dinebra
<i>Diplotaxis tenuifolia</i>	Sand rocket
<i>Echium italicum</i>	Italian bugloss
<i>Echium plantagineum</i>	Paterson's curse
<i>Egeria densa</i>	Dense waterweed
<i>Eichhornia crassipes</i>	Water hyacinth
<i>Elodea species</i>	Pondweeds
<i>Emex australis</i>	Doublegee
<i>Emex spinosa</i>	Lesser jack
<i>Eremocarpus setiger</i>	Doveweed
<i>Eriocereus martinii</i>	Harrisia cactus
<i>Euphorbia paralias</i>	Sea spurge
<i>Euphorbia segetalis</i>	Shortstem carnation weed
<i>Euphorbia terracina</i>	Geraldton carnation weed
<i>Galium aparine</i>	Cleavers
<i>Galium tricornutum</i>	Three horned bedstraw
<i>Gaura species</i>	Clockweeds
<i>Gmelina asiatica</i>	Badhara bush
<i>Gomphocarpus fruticosus</i>	Narrowleaf cottonbush
<i>Gorteria personata</i>	Gorteria
<i>Gymnocoronis spilanthoides</i>	Senegal tea
<i>Helenium species</i>	Sneezeweeds
<i>Helianthus ciliaris</i>	Texas blueweed
<i>Heliotropium amplexicaule</i>	Blue heliotrope
<i>Heliotropium europaeum</i>	Common heliotrope
<i>Homeria species</i>	Cape tulips
<i>Hypericum androsaemum</i>	Tutsan
<i>Hypericum perforatum</i>	St. John's wort
<i>Hypericum x indorum</i>	Tutsan

Botanical name	Common name
<i>Hyptis capitata</i>	Knobweed
<i>Hyptis suaveolens</i>	Hyptis
<i>Ibicella lutea</i>	Yellowflower devil's claw
<i>Ipomoea purpurea</i>	Common morning glory
<i>Iva axillaris</i>	Poverty weed
<i>Largosiphon major</i>	Largosiphon
<i>Malachra fasciata</i>	Malachra
<i>Marrubium vulgare</i>	Horehound
<i>Martynia annua</i>	Smallfruit devil's claw
<i>Mentha pulegium</i>	Pennyroyal
<i>Mimosa invisa</i>	Giant sensitive plant
<i>Mimosa pigra</i>	Sensitive plant
<i>Mimosa pudica</i>	Common sensitive plant
<i>Mimosa</i> spp.	Sensitive plants
<i>Myagrum perfoliatum</i>	Muskweed
<i>Nassella trichotoma</i>	Serrated tussock
<i>Onopordum acanthium</i>	Cotton thistle
<i>Onopordum acaulon</i>	Stemless thistle
<i>Opuntia</i> species	Prickly pear
<i>Orohanche</i> species	Broomrapes
<i>Oryza rufipogon</i>	Red rice
<i>Oxalis</i> species	Sourgrasses
<i>Papaver somniferum</i>	Opium poppy
<i>Parkinsonia aculeata</i>	Parkinsonia
<i>Parthenium hysterophorus</i>	Parthenium weed
<i>Penganum harmala</i>	African rue
<i>Pennisetum macrourum</i>	African feather grass
<i>Pennisetum pedicellatum</i>	Pennisetum
<i>Pentzia suffruticosa</i>	Calomba daisy
<i>Physalis viscosa</i>	Sticky cape gooseberry
<i>Picnomon acarna</i>	Soldier thistle
<i>Pistia stratiotes</i>	Water lettuce
<i>Proboscidea louisianica</i>	Purple flower devil's claw
<i>Prosopis</i> species	Mesquites
<i>Rorippa austriaca</i>	Austrian field cress
<i>Sagittaria graminea</i>	Sagittaria
<i>Sagittaria montevidensis</i>	Arrowhead
<i>Sagittaria platyphylla</i>	Sagittaria
<i>Salvia aethiopis</i>	Mediterranean sage
<i>Salvia reflexa</i>	Mintweed
<i>Salvinia</i> species	Salvinias
<i>Scolymus hispanicus</i>	Golden thistle
<i>Scolymus maculatus</i>	Spotted thistle
<i>Senecio jacobaea</i>	Ragwort
<i>Senecio pterophorus</i>	African daisy

Botanical name	Common name
Setaria faberi	Giant foxtail
Sida acuta	Spinyhead sida
Sida cordifolia	Flannel weed
Sida leprosa	Alkali sida
Silybum marianum	Variegated thistle
Sinapis arvensis	Charlock
Solanum elaeagnifolium	Silverleaf nightshade
Solanum hermannii	Apple of Sodom
Sorghum halepense	Johnson grass
Stachytarpheta jamaicensis	Jamaica snakeweed
Stachytarpheta urticifolia	Dark blue snakeweed
Striga species	Witchweeds
Themeda quadrivalis	Grader grass
Thlaspi arvense	Penny cress
Tribulus terrestris	Caltrop
Ulex europaeus	Gorse
Wedelia glauca	Pascalina weed
Xanthium species	Burr thistles
Zantedeschia aethiopica	Arum lily

Date: 1/6/2005.

K. CHANCE, Minister for Agriculture and Forestry

AG305*

Seeds Act 1981

Seeds Amendment Regulations (No. 2) 2005

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Seeds Amendment Regulations (No. 2) 2005*.

2. The regulations amended

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

[* Reprinted as at 20 August 1999.

For amendments to 10 May 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 369*]

3. First Schedule amended

The First Schedule is amended by inserting the following item in the appropriate alphabetical position —

“

Cannabis sativa	Industrial hemp as defined in the <i>Industrial Hemp Act 2004</i> s. 3(1)	10.0	98	70	2	2
-----------------	---	------	----	----	---	---

”**4. Third Schedule amended**

The Third Schedule is amended by deleting the item commencing “*Acroptilon repens*”.

By Command of the Governor,

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

— PART 2 —

AGRICULTURE

AG401*

STOCK DISEASES (REGULATIONS) ACT 1968
STOCK (IDENTIFICATION AND MOVEMENT) ACT 1970
APPOINTMENTS

Department of Agriculture,
South Perth WA 6151.

The Governor is pleased to appoint the following as Inspectors pursuant to the following Acts—

Section 8 (1) of the *Stock Diseases (Regulations) Act 1968*—

Janice Anne Trembath

Neville Thomas Wharmby

Section 37 of the *Stock (Identification and Movement) Act 1970*—

Janice Anne Trembath

KIM CHANCE MLC, Minister for Agriculture and Forestry.

AG402*

AGRICULTURAL PRODUCE COMMISSION ACT 1988
CHANGE TO WARE POTATO FEE FOR SERVICE

I, the undersigned Minister for Agriculture, Forestry and Fisheries being the Minister charged with the administration of the Agricultural Produce Commission Act 1988 grant, pursuant to Section 14 of the said Act, implementation of change to the ware potato fee for service for the APC Potato Producers' Committee. The fee for service charge is increased to—

\$29.73 per tonne on ware potatoes sold by producers.

The above charge to operate from 1 July 2005.

KIM CHANCE MLC, Minister for Agriculture and Forestry.

EDUCATION AND TRAINING

ED401

EDITH COWAN UNIVERSITY ACT 1984
APPOINTMENT

It is hereby notified for general information that the Governor in Executive Council has, in accordance with Section 9(1)(a) of the *Edith Cowan University Act 1984*, approved the appointment of Ms Leslie Chalmers as member of the Edith Cowan University Council for a term of office expiring 26 April 2008.

LJILJANNA RAVLICH MLC, Minister for Education and Training.
M. C. WAUCHOPE, Clerk of the Executive Council.

FISHERIES

FI401

FISH RESOURCES MANAGEMENT ACT 1994
SOUTH COAST PURSE SEINE MANAGED FISHERY
Approved Receivers of Small Pelagic Fish

FD 1404/98 [697]

Made under clause 14C of the *South Coast Purse Seine Management Plan 1994*.**1. Approved receivers of small pelagic fish**

I hereby approved of the class of persons specified in the Schedule as being receivers of small pelagic fish.

2. Revocation of notice

The notice made under clause 14C of the *South Coast Purse Seine Management Plan 1994* dated 29 September 2004 and published in the *Gazette* on 5 October 2004 is revoked.

Schedule

Persons who, from time to time, are the holders of the following licences—

- Fish Processing Licence No. 1004
- Fish Processing Licence No. 1072
- Fish Processing Licence No. 1107
- Fish Processing Licence No. 1111
- Fish Processing Licence No. 1132
- Fish Processing Licence No. 1173
- Fish Processing Licence No. 1183
- Fish Processing Licence No. 1184

Dated this 2nd day of June 2005.

P. P. ROGERS, Executive Director.

HEALTH

HE401

HOSPITALS AND HEALTH SERVICES ACT 1927

Hawthorn Hospital

HOSPITALS AND HEALTH SERVICES (CLOSURE OF PUBLIC HOSPITAL) INSTRUMENT 2005

Made by the Governor pursuant to section 8 of the *Hospitals and Health Services Act 1927*.

1. Citation

This instrument may be cited as the *Hospitals and Health Services (Closure of Public Hospital) Instrument 2005*.

2. Closure of Public Hospital

The public hospital known as Hawthorn Hospital is officially closed with effect from the date of publication of this Instrument in the *Government Gazette*.

By the Governor's Command,

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

HE402*

POISONS ACT 1964**POISONS (SECTION 24) (REGISTERED PESTICIDE
STRYCHNINE ALKALOID) AMENDMENT NOTICE 2005**

Made by the Commissioner of Health under section 24 of the Act.

1. Citation

This notice may be cited as the *Poisons (Section 24) (Registered Pesticide Strychnine Alkaloid) Amendment Notice 2005*.

2. Commencement

This notice comes into operation on the day on which it is published in the *Gazette*.

3. The notice amended

The amendment in this notice is to the *Poisons (Section 24) (Registered Pesticide Strychnine Alkaloid) Notice 2004**.

[* *Published in the Gazette 23 November 2004, pp. 5225-29*]

4. Schedule 1 amended

Part 2 of Schedule 1 is amended by inserting the following under "Mullewa"—
"Narembeen".

Dr MARGARET STEVENS, delegate of the
Commissioner of Health.

LOCAL GOVERNMENT

LG401**SHIRE OF MURRAY*

APPOINTMENT OF AUTHORISED PERSONS

It is hereby notified for public information that effective from May 9, 2005 Barry Alan Keys has been appointed to the position of Senior Ranger for the Shire of Murray and is authorised to enforce and administer the following Acts and Local Laws as a authorised person or authorised officer—

- Local Government (Miscellaneous Provisions) Act 1960; Part XX
- Local Government (Miscellaneous Provisions) Act, Section 449 as Pound Keeper and Ranger;
- Local Government Act 1995; Part 9 Division 2, pursuant to 9.(10),(13),(15).
- Local Government Act 1995; Part 3 Division 3 Subdivision 4, pursuant to Section 3.(39)
- Dog Act 1976 Section 29.(1) Section 33E(1)
- Caravan Parks and Camping Grounds Act 1995 Section 17
- Litter Act 1979 Section 26 (1)
- Bush Fires Act 1954 Section 38 (1) as a Bush Fire Control Officer and Section 59 (2).
- Shire of Murray Consolidated Local Government Laws

All previous appointments remain current.

N. G. LEACH, Chief Executive Officer.

LG402**SHIRE OF DANDARAGAN*

AUTHORISED OFFICER

It is notified for public information that Mr. Steven John Ball has been appointed as an authorised officer for the purpose of attending court and carrying out prosecutions on behalf of Council under the following Acts and By-Laws—

- Dog Act 1976 and Regulations
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations
- Bush Fires Act 1954 and Regulations
- Litter Act 1979 and Regulations
- Caravan parks and Camping Grounds Act 1995 and Regulations
- Spear Guns Control Act 1995 and Regulations
- Local Government Act 1995
- Local Government (Miscellaneous Provisions) Act 1960
- Shire of Dandaragan By-Laws and Regulations

The appointment of Barry Keys is hereby cancelled.

D. SEINOR, Acting Chief Executive Officer.

LG403*

LOCAL GOVERNMENT ACT 1995
Shire of Jerramungup
(BASIS OF RATES)

Department of Local Government
and Regional Development,
8 June 2005.

DLGRD: J5-4#02

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon John Bowler MLA, Minister for Local Government and Regional Development being charged for the time being, with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the schedule hereunder shall be gross rental value for the purposes of rating with effect from 20 May 2005.

CHERYL GWILLIAM, Director General.

SCHEDULE
ADDITION TO GROSS RENTAL VALUE AREAS
SHIRE OF JERRAMUNGUP

All that portion of land being Lot 89 as shown on Deposited Plan 251077; Lot 113 as shown on Deposited Plan 257536; Lot 112 as shown on Deposited Plan 257537; Lot 114 as shown on Deposited Plan 257538 and Lot 115 as shown on Deposited Plan 257539.

LG404*

LOCAL GOVERNMENT ACT 1995
City of Rockingham
(BASIS OF RATES)

Department of Local Government
and Regional Development,
8 June 2005.

DLGRD: RK5-4#4

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon John Bowler MLA, Minister for Local Government and Regional Development being charged for the time being, with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the schedule hereunder shall be gross rental value for the purposes of rating with effect from 1 July 2005.

CHERYL GWILLIAM, Director General.

SCHEDULE
ADDITIONS TO GROSS RENTAL VALUE AREA
CITY OF ROCKINGHAM

All those portions of land comprised in the schedules below—

SCHEDULE "A"

All that land being Lot 3 as shown on Diagram 48425; Lot 300 as shown on Diagram 63726; Lot 12 as shown on Diagram 66583 and Lot 129 as shown on Diagram 74726.

SCHEDULE "B"

All that land being Lot 11 as shown on Plan 14716.

SCHEDULE "C"

All that land being Lot 21 as shown on Deposited Plan 27504; Lots 1 to 36 inclusive as shown on Deposited Plan 40008; Lot 189, Lots 203 to 205 inclusive, Lots 251 to 253 inclusive, Lot 269 and Lot 270 as shown on Deposited Plan 40399; Lots 651 to 662 inclusive as shown on Deposited Plan 41370; Lots 601 to 610 inclusive, Lots 620 to 636 inclusive, Lots 639 to 647 inclusive, Lots 652 to 654 inclusive, Lots 683 to 690 inclusive, lots 695 to 698 inclusive and Lots 700 to 706 inclusive as shown on Deposited Plan 41696; Lots 1001 to 1005 inclusive, Lots 1051 to 1054 inclusive, Lots 1064 to 1111 inclusive, Lot 8001 and Lot 8002 as shown on Deposited Plan 42100; Lots 297 to 311 inclusive, Lots 313 to 327 inclusive, Lots 329 to 346 inclusive, Lots 355 to 359 inclusive, Lots 361 to 366

inclusive, Lots 377 to 391 inclusive and Lots 401 to 407 inclusive as shown on Deposited Plan 42938; Lots 501 to 579 inclusive and Lots 634 to 644 inclusive as shown on Deposited Plan 42959; Lot 611, Lot 612, Lot 637, Lot 638 and Lots 648 to 651 inclusive as shown on Deposited Plan 43411; Lots 1006 to 1009 inclusive, Lots 1042 to 1050 inclusive, Lots 1055 to 1063 inclusive, Lots 1112 to 1130 inclusive, Lots 1132 to 1143 inclusive and Lots 1145 to 1152 inclusive as shown on Deposited Plan 43590; Lots 1010 to 1013 inclusive, Lots 1018 to 1041 inclusive, Lots 1153 to 1156 inclusive, Lot 1159 and Lot 1160 as shown on Deposited Plan 43621; Lots 1 to 11 inclusive, Lots 60 to 91 inclusive, Lot 104 and Lot 105 as shown on Deposited Plan 44071; Lot 663, Lot 664, Lots 691 to 694 inclusive, Lot 699, Lots 714 to 764 inclusive, Lots 771 to 778 inclusive, Lot 788 and Lot 789 as shown on Deposited Plan 44083; Lots 12 to 59 inclusive, Lots 121 to 124 inclusive, Lots 129 to 132 inclusive, Lot 148 and Lot 151 as shown on Deposited Plan 44107 and Lot 1006 as shown on Deposited Plan 202754.

LG405*

LOCAL GOVERNMENT ACT 1995

City of Wanneroo

(BASIS OF RATES)

Department of Local Government
and Regional Development,
8 June 2005.

DLGRD: WC5-4#4

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon John Bowler MLA, Minister for Local Government and Regional Development being charged for the time being, with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the schedule hereunder shall be gross rental value for the purposes of rating with effect from 23 May 2005.

CHERYL GWILLIAM, Director General.

SCHEDULE

ADDITIONS TO GROSS RENTAL VALUE AREA

CITY OF WANNEROO

All those portions of land comprised in the schedules below—

SCHEDULE "A"

All that land being Lot 2, Lot 3 and Lot 5 as shown on Diagram 21467; Lot 20 as shown on Diagram 42097 and Lot 20 and Lot 21 as shown on Diagram 53588.

SCHEDULE "B"

All that land being Lots 201 to 204 inclusive, Lot 240, Lots 262 to 265 inclusive, Lots 298 to 333 inclusive and Lot 9000 as shown on Deposited Plan 42000; Lot 577, Lot 578, Lot 620 and Lot 621 as shown on Deposited Plan 42122; Lot 88, Lot 89 and Lot 9000 as shown on Deposited Plan 42531; Lot 87 and Lot 9001 as shown on Deposited Plan 42579; Lot 315, Lot 316, Lots 322 to 363 inclusive, Lot 385, Lot 9003 and Lot 9004 as shown on Deposited Plan 42718; Lots 1 to 6 inclusive and Lot 9001 as shown on Deposited Plan 43073 and Lots 731 to 753 inclusive as shown on Deposited Plan 43686.

PLANNING AND INFRASTRUCTURE

PI401*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

METROPOLITAN REGION SCHEME AMENDMENT NO. 1100/33

Canning Highway, Between Petra Street and Canning Bridge

Call For Public Submissions

The Western Australian Planning Commission intends to amend the Metropolitan Region Scheme (MRS) for land in the local government of Melville and is seeking public comment.

The amendment seeks to modify the Primary Regional Road reservation boundaries currently reserved in the Metropolitan Region Scheme for the section of Canning Highway between Petra Street and Canning Bridge.

The plans showing the proposed change and the Commission's *Amendment Report* which explains the proposal, will be available for public inspection from Tuesday 17 May 2005 to Friday 19 August 2005 at each of the following places—

- Department for Planning and Infrastructure
1st Floor, 469 Wellington Street, Perth
- J S Battye Library
Level 3, Alexander Library Building
Perth Cultural Centre
- Main Roads WA
Waterloo Crescent, Perth
- City of Perth
- City of Fremantle
- City of Melville
- Town of East Fremantle

Documents are also available from the Commission's internet site www.wapc.wa.gov.au.

Submissions

Any person who desires to make a submission to support, object or provide comment on any part of the proposed Amendment should do so on a Form 6A. This submission form is available from the display locations, the *Amendment Report* and the Internet.

Submissions must be lodged with the: Secretary, Western Australian Planning Commission, 469 Wellington Street, Perth WA 6000, on or before 5.00pm Friday, 19 August 2005.

Late submissions will not be considered.

R. N. STOKES, Acting Secretary,
Western Australian Planning Commission.

PI402*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Augusta-Margaret River
Town Planning Scheme No. 11 - Amendment No. 140

Ref: 853/6/3/8 Pt 140

It is hereby notified for public information, in accordance with section 7 of the *Town Planning and Development Act 1928* (as amended) that the Minister for Planning and Infrastructure approved the Shire of Augusta-Margaret River town planning scheme amendment on 1 June 2005 for the purpose of—

1. Rezoning Sussex Location 1191 Waddingham Road Gracetown from "Rural" zone to "Special Use" zone as depicted on the Scheme Amendment Map.
2. Amending the Scheme Text by adding to Schedule III—Special Use Sites, as follows.

Lot and Location	Permitted Uses
Sussex Location 1191 Waddingham Road, Gracetown	<p>1. Subdivision and development of the land shall be in accordance with the Subdivision and Development Guide Plan forming part of this scheme (Amendment No. 140). However, minor variations to development may be approved by the Council if deemed necessary and if in accordance with the objectives of the Scheme.</p> <p>Objective</p> <p>2. Subdivision and development of the site must maintain, protect and enhance the landscape and conservation values in accordance with the Principal Ridge Protection designation of the land within the Leeuwin-Naturaliste Ridge Statement of Planning Policy.</p> <p>Subdivision</p> <p>3. No further subdivision to that shown on the Subdivision and Development Guide Plan will be supported by Council.</p> <p>4. Council may recommend as conditions of subdivision approval—</p> <ol style="list-style-type: none"> (a) The implementation of the endorsed Fire Management Plan (FMP) as included within the Scheme Amendment report. (b) That a Section 70A notification under the <i>Transfer of Land Act</i> be imposed to advise prospective purchasers that— <ol style="list-style-type: none"> i. No further subdivision of the lots will be supported; ii. Residential development is restricted to one single dwelling and ancillary outbuildings, in accordance with the provisions of the Scheme and the objectives and policies of the Leeuwin-Naturaliste Ridge Statement of Planning Policy 6.1; and iii. A Fire Management Plan is applicable to the land, which requires the landowner to undertake ongoing fire protection measures as described.

Lot and Location	Permitted Uses
	(c) The subdivider entering in to a conservation covenant with the Department of Conservation and Land Management (or an alternative authority acceptable to the Western Australian Planning Commission) to ensure the protection of remnant vegetation in perpetuity in accordance with the objectives of the Leeuwin-Naturaliste Ridge Statement of Planning Policy 6.1.
	Development
	5. The uses that may be permitted as 'P' uses within this Special Use zone are—
	<ul style="list-style-type: none"> • Single Dwelling • Home Occupation
	Council may, at its discretion, consider approving residential outbuildings, which are incidental to the use 'Single Dwelling' where it can be demonstrated that these outbuildings, by their type and scale, will not have a detrimental impact on the landscape and conservation values of the land.
	6. Uses which may be permitted as 'AA' within the Agricultural Area notated on the Subdivision and Development Guide Plan within proposed Lot 1 are as follows—
	<ul style="list-style-type: none"> • Intensive Agriculture • Rural Pursuit • Cottage Industry
	7. No tourist development shall be permitted on the lots.
	8. Approval for any clearing must be obtained from Council to ensure that no flora or fauna habitats are destroyed, except where clearly stated in the Development Guide Plan.
	9. No vegetation shall be cleared within any lot except for the purposes of—
	<ul style="list-style-type: none"> • Compliance with approved FMP; • Construction of accessways as shown on the Subdivision and Development Guide Plan; and • Clearing to facilitate approved development.
	10. In considering any development application, Council shall seek comments from the Department of Conservation and Land Management regarding potential visual, landscape and environmental impacts of the proposal.
	11. No additional fences shall be erected on the proposed lots except to define a yard area for each single dwelling in addition to any fencing necessary to ensure protection of remnant or riparian streamline vegetation from agricultural use of the Agricultural Area on proposed Lot 1. Fencing is to be inevident in the landscape from important tourist routes and not detract from the landscape and conservation values of the land. Written approval from Council will be required for any fencing.
	12. All buildings shall comply with AS3959 (1991 as amended)—'Construction of Buildings in Bush fire Prone Areas' or subsequent revisions applicable at the time of building.
	13. Any revegetation or landscape works shall consist of local indigenous species, which compliment the landscape or environmental values of the land.
	14. Disposal of on-site effluent is to be to the specification and satisfaction of Council and Department of Health, and avoids the risk of damaging Cave ecosystems.
	15. Each dwelling shall be provided with a supply of potable water, to be in the form of a water tank with a minimum capacity of 140kilolitres.
	16. Only Non reflective building and roofing materials will be permitted and shall be of a colour consistent with the vegetation and/or predominant colours of individual building sites.
	17. No grazing of animals shall occur on the proposed lots, except for the Agricultural Area on Lot 1 as shown on the Subdivision and Development Guide Plan.

PI403*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Stirling

District Planning Scheme No. 2 - Amendment No. 460

Ref: 853/2/20/34 Pt 460

It is hereby notified for public information, in accordance with section 7 of the *Town Planning and Development Act 1928* (as amended) that the Minister for Planning and Infrastructure approved the City of Stirling town planning scheme amendment on 8 June 2005 for the purpose of—

1. Rezoning portion of Lot 2 (HN 2) Kenhelm Street, Balcatta, from 'Special Use' Zone - Service Station and Special Garden Industrial to 'Special Garden Industrial' Zone.
2. Including Lot 2 (HN 2) Kenhelm Street, Balcatta as an additional use 'Showroom and Service Station' in Schedule 2B of the Scheme, as follows—

Schedule 2B

No	Description of Land	Additional Use	Conditions
6	Lot 2 (HN 2) Kenhelm Street, Balcatta.	Showroom Service Station	The use of land as Service Station shall be restricted to within 35 metres from the Balcatta Road boundary.

D. C. VALLELONGA, Mayor.
L. DELAHAUNTY, Chief Executive Officer.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Stanley John Mutton, late of 34 Wheyland Street, Willagee, Secretary.

Creditors and other person having claims (to which s 63 of the Trustees Act 1962, relates) in respect of the estate of the deceased, who died on 14 May 2005 are required by the trustee Alan John Mutton care of 2 Sleat Road, Applecross Western Australia 6153 to send particulars of their claims to him by 10 July 2005 after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZX402*

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Mateuz Artiuczyk, late of 152 Brisbane Street, Perth, Western Australia, Retired person.

Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on 21 November 2004 are required by the applicant for a grant of representation, Barbara Ptasiewicz whose solicitors are Brian Muir & Company, whose agent is Tottle Partners, Level 1, 181 St Georges Terrace, Perth WA 6000 to send particulars of their claims to her by 14 July 2005 after which date the applicant for grant of representation may convey or distribute the assets, having regard only to the claims of which she then has notice.

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