

WESTERN AUSTRALIAN GOVERNMENT Gazette

ISSN 1448-949X

4617



PERTH, TUESDAY, 18 OCTOBER 2005 No. 193

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

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The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy must be lodged with the Sales and Editorial Section, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

Delivery address:

State Law Publisher
Ground Floor,
10 William St. Perth, 6000
Telephone: 9321 7688 Fax: 9321 7536

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— PART 1 —

HEALTH

HE301*

Health Act 1911

Health (Smoking in Enclosed Public Places) Amendment Regulations (No. 2) 2005

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Health (Smoking in Enclosed Public Places) Amendment Regulations (No. 2) 2005*.

2. Commencement

These regulations come into operation on 1 November 2005.

3. The regulations amended

The amendments in these regulations are to the *Health (Smoking in Enclosed Public Places) Regulations 2003**.

[* *Published in Gazette 14 November 2003, p. 4703-20.*
For amendments to 9 August 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 175, and Gazette 28 January 2005.]

4. Regulation 3 amended

Regulation 3 is amended in the definition of “non-smoking area” by deleting “item 2 or 4, of Schedule 1;” and inserting instead —

“ Schedule 1 item 4; ”.

5. Regulation 5 amended

Regulation 5(2), (3) and (5) are repealed and the following subregulations are inserted instead —

“

(2) Despite subregulation (1), regulation 4(1) applies to an enclosed public place that is located in premises

referred to in regulation 7(1) unless the place is the one in which smoking is allowed under regulation 7(1).

- (3) Despite subregulation (1), regulation 4(1) applies to an enclosed public place, other than the International Room, that is located at Burswood Casino.

”

6. Regulation 7 replaced

Regulation 7 is repealed and the following regulation is inserted instead —

“

7. If more than one exempt place in premises, smoking restricted to one place

- (1) If premises comprise more than one enclosed public place of a kind referred to in Schedule 1 item 1, 2, 3, 4 or 5, smoking is prohibited in all but one of those places at any one time.
- (2) Despite subregulation (1), and without affecting regulation 5(1) in respect of Schedule 1 item 6, smoking is prohibited in all the enclosed public places at Burswood Casino except the International Room.

”

7. Regulation 8 repealed

Regulation 8 is repealed.

8. Schedule 1 replaced

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

“

Schedule 1 — Exempt places

[r. 5(1)]

Enclosed public place	Conditions
1. Bar or lounge area adjoining (but not including) a dining area	1. The bar or lounge area is not a subject of a restaurant licence. 2. Meals are not served or consumed in the bar or lounge area except at a bar counter. 3. The bar or lounge area has adequate ventilation. 4. There is no other separately enclosed public place within the premises in which the bar or lounge area is located that comprises another bar or lounge area.

Enclosed public place	Conditions
2. Bar or lounge area not adjoining a dining area	1. The bar or lounge area is not a subject of a restaurant licence. 2. Meals are not served or consumed in the bar or lounge area except at a bar counter. 3. The bar or lounge area has adequate ventilation.
3. Allocated room in restaurant	1. The allocated room is a separate and enclosed room within an area that is a subject of a restaurant licence. 2. Meals are not served or consumed in the allocated room. 3. The allocated room has adequate ventilation. 4. There is only one allocated room in the area referred to in condition 1. 5. The allocated room is not, or does not form part of, the main access way to the area referred to in condition 1.
4. Cabaret or nightclub	1. The cabaret or nightclub has adequate ventilation. 2. 80% of the floor space of the cabaret or nightclub is set aside as a non-smoking area.
5. Covered area	1. One or more of the windows, doors or retractable coverings referred to in paragraph (c)(ii) of the definition of "covered area" in regulation 3 are open so that the covered area is not substantially enclosed.
6. International Room at Burswood Casino	1. The room has adequate ventilation.

”.

By Command of the Governor,

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

— PART 2 —

AGRICULTURE

AG401*

BEEKEEPERS ACT 1963
STOCK DISEASES (REGULATIONS) ACT 1968
APPOINTMENTS

Department of Agriculture,
South Perth WA 6151.

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

Section 5 of the *Beekeepers Act 1963*

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

Stephen Douglas Cooper

Sarah Louise Wylie

KIM CHANCE MLC, Minister for Agriculture and Forestry.

COMMUNITY DEVELOPMENT

CX401

ADOPTION ACT 1994
APPOINTMENT

I, Jane Brazier, Director General for Community Development, issue the following person with a licence to act as a Contact and Mediation Agency under Sections 105 and 106 of the Adoption Act 1994 and subject to the Adoption Regulations and Code of Practice 1995 for a period of three years—

Georgina Doran

Adoption Research and Counselling Service

38 Queens Crescent

Mt Lawley WA 6050

Dated this 10th day of October 2005.

JANE BRAZIER, Director General,
Department for Community Development.

EDUCATION

ED401

VOCATIONAL EDUCATION AND TRAINING ACT 1996
APPOINTMENT

Made by the Minister for Education and Training under section 19(a) of the *Vocational Education and Training Act 1996*.

Citation

1. This is the *State Training Board (Appointment of Members) Instrument 2005*.

2. The persons whose names are listed below, namely—

- Mr John (Jock) Ferguson of 23 Pitt Street, Kensington WA 6151
- Mr Umberto (Bert) Giancristofaro of 55 St Michael's Terrace, Mt Pleasant WA 6153

are appointed members of the State Training Board for the period commencing on 1 October 2005 and ending on 30 June 2008.

Dated this 6th day of October 2005.

LJILJANNA RAVLICH, Minister for Education and Training.

HEALTH

HE401*

HUMAN REPRODUCTIVE TECHNOLOGY ACT 1991

WESTERN AUSTRALIAN REPRODUCTIVE TECHNOLOGY COUNCIL (APPOINTMENT OF DEPUTY) INSTRUMENT (NO 2) 2005

Made by the Governor pursuant to Clauses 2(1) and 3(6) of the Schedule to the *Human Reproductive Technology Act 1991* (the Act).

1. Citation

This instrument may be cited as the *Western Australian Reproductive Technology Council (Appointment of Deputy) Instrument (No 2) 2005*.

2. Appointment of Deputy

Pursuant to clauses 2(1) and 3(6) of the Schedule to the Act, Ms Brenda McGivern is appointed as Deputy to act in the place of Ms Leonie Jane Forrest for the period ending 1 November 2007.

By Command of the Governor,

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

HE402*

POISONS ACT 1964

POISONS (AUTHORIZED POSSESSION OF SUBSTANCES) ORDER (NO. 3) 2005

Made by the Governor in Executive Council under section 41 of the Act.

Citation

1. This order may be cited as the *Poisons (Authorized Possession of Substances) Order (No. 3) 2005*.

Commencement

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

Interpretation

3. In this order—

“specified place” means the School of Pharmacy, Curtin University of Technology, Bentley;

“specified substances” means the amount of the substances included in Schedule 9 to the Act, possession and use of which is authorized under clause 4.

Possession and use of certain substance authorized

4. Subject to clause 5, the persons mentioned in the table to this clause are authorized to together possess and use at the specified place, for research purposes, not more than—

- 50mg of N,a-DIMETHYL-3,4-(METHYLENEDIOXY)PHENYLETHYLAMINE (MDMA);
- 50mg of 4-METHOXY-alpha-METHYLPHENYLETHYLAMINE (PMA), and
- 50mg of N-ETHYL-alpha-METHYL-3,4-(METHYLENEDIOXY)PHENETHYLAMINE (N-ETHYL MDA).

Table

Dr Andrew Crowe, Senior Lecturer, School of Pharmacy, Curtin University of Technology, Bentley.

Michelle Kinsella, Research Pharmacist, School of Pharmacy, Curtin University of Technology, Bentley.

Conditions of authorized possession

5. The possession and use authorized under clause 4 is subject to the conditions that—

- (a) the specified substances, when not required for the purposes referred to in clause 4, are stored at the specified place in a secure manner, as directed by the Commissioner of Health;
- (b) written records relating to the specified substances are maintained by the persons mentioned in the table to clause 4 at the specified place, as directed by the Commissioner of Health; and
- (c) that, if requested by the Commissioner of Health, any oral information or written report relating to the specified substances is given by the persons mentioned in the table to clause 4 to the Commissioner.

By Command of the Governor,

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

HE403***POISONS ACT 1964**

POISONS (AUTHORIZED POSSESSION OF SUBSTANCES) AMENDMENT ORDER (NO. 2) 2005

Made by the Governor in Executive Council under section 41 of the Act.

Citation

1. This order may be cited as the *Poisons (Authorized Possession of Substances) Amendment Order (No. 2) 2005*.

Commencement

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

Principal order

3. In this order the *Poisons (Authorized Possession of Substances) Order (No. 2) 2005** is referred to as the principal order.

[*Published in *Gazette* 15 April 2005, p. 1209]

Clause 4 amended

4. Clause 4 of the principal order is amended by inserting the following entry in the table to that clause—

“ **Matthew James McIldowie**: Student, School of Biomedical and Chemical Sciences of the University of Western Australia. ”.

By Command of the Governor,

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

JUSTICE**JU401*****JUSTICES OF THE PEACE ACT 2004****APPOINTMENT**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the following to the office of Justice of the Peace for the State of Western Australia;

Jim Bosma of 45 Forrest Road, Armadale

RAY WARNES, A/Executive Director, Court Services.

LOCAL GOVERNMENT

LG401*

BUSH FIRE ACT 1954

City of Swan

BUSH FIRE CONTROL OFFICERS

It is hereby advised that the following persons are appointed as City of Swan Bush Fire Control Officers under The Bush Fires Act 1954, Part IV Division 1 Section 38.

Chief Bush Fire Control Officer—Wayne Cooke (CFM-Swan)

Deputy Chief Bush Fire Control Officers—

- (1) Kerry Lovett (West Swan VBFB)
- (2) Sean Corbin (East Gidgegannup VBFB)
- (3) Greg Dunstan (City of Swan)

BUSHFIRE CONTROL OFFICERS—

Lance Smith (Coordinator Community Rangers & Customer Advocates)	Phillip Corbin (East Gidgegannup VBFB)
Kevin Richardson (Ranger)	Vince Pullella (East Gidgegannup VBFB)
David Vickery-Howe (Ranger)	Greg Prior* (East Gidgegannup VBFB)
Patrick Hedges (Ranger)	Alisdair McCrudden* (East Gidgegannup VBFB)
Sandra Graeme (Ranger)	Greg Lang* (Bullsbrook VBFB)
Gavin Eva (Customer Advocate)	John Eva (West Gidgegannup VBFB)
Gray Godfrey (Customer Advocate)	Brian White* (West Gidgegannup VBFB)
Ian Robinson (Customer Advocate)	Peter Taylor (West Gidgegannup VBFB)
Neill Barry (Customer Advocate)	David Spice (East Swan VBFB)
Jane Lees (Customer Advocate)	Alan Raeburn (Bullsbrook VBFB)
Les Swannell (East Swan VBFB)	Mark Baker (Bullsbrook VBFB)
Peter Liddle (East Swan VBFB)	
	Kellsey Hemmings (West Swan VBFB)
	Warwick Kilworth* (West Swan VBFB)

* refers to restricted role as BFCO

CANCELLATIONS: All other previous appointments.

By order of the Council,

E. W. T. LUMSDEN, Chief Executive Officer.

LG402*

TOWN OF BASSENDEAN

Appointment

It is hereby notified for public information that Sharna Murton has been appointed as a Ranger, effective from Wednesday, 5 October 2005. She is an authorised officer under the following Acts and is required to enforce the—

- i. Dog Act 1976 and Regulations
- ii. Litter Act 1979
- iii. Local Government Act 1995
- iv. Council Local Laws
- v. Control of Vehicles (Off-road areas) Act 1978
- vi. Bush Fires Act

The appointment of Andrew Driver as an authorised officer under the abovementioned Acts and local laws is hereby cancelled from 1 October 2005.

Dated: 1 October 2005.

G. EVERSLED, Chief Executive Officer.

MAIN ROADS

MR401*

ROAD TRAFFIC ACT 1974
ROAD TRAFFIC CODE 2000
AUTHORISED PERSONS

Appointment of Accredited Pilots as Authorised Persons

I hereby declare that each person who is an accredited pilot pursuant to Regulation 3 of the *Road Traffic Code 2000* named in the attached lists are 'authorised persons' within the meaning of and in accordance with Regulation 271 of the *Road Traffic Code 2000* for the purposes of regulations 272(1)(a), 272(1)(d), 282(2) and 286 of the *Road Traffic Code 2000* whilst performing their functions in facilitating the safe movement of an oversize vehicle escorted by an accredited pilot.

12 October 2005.

KARL J. O'CALLAGHAN APM, Commissioner of Police.

Authorised Persons / Accredited Pilot Escorts

Surname	First Name	Street	Suburb	State	P/C	Accredited Pilot No.
Bradley	Sean	73 Cooks Road	WOONGOOLBA	QLD	4207	KB 0323
Burns	Robert	11 Burnside Street	BAYSWATER	WA	6053	WA-1-52565
Carmichael	Craig	27 Pioneer Way	PITTSWORTH	QLD	4356	WA-1-54599
Elder	Sandra	62 Pritchard Street	MANJIMUP	WA	6258	WA-1-54491
Harman	Derek	75 Holyoake Road	DWELLINGUP	WA	6213	WA-1-18593
Jakubow	Jezy	26 Throssell Street	NORTHAM	WA	6401	WA-1-35945
Kilanski	Russell	8 Foreman Street	NORTHAM	WA	6401	WA-1-54466
Large	Christopher	32 One & All Drive	NORTH HAVEN	SA	5018	WA-1-54565
Morcombe	Trevor	PO Box 32	SCADDAW	WA	6447	WA-1-54363
Pooley	David	18 Tabard Street	GREENWOOD	WA	6024	WA-1-54297
Scilio	Alexandro	60 Orton Rd	CASUARINA	WA	6167	KB 0322
Slater	Ian	142 Hoult's Lane	MOYHU	VIC	3732	WA-1-54668
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Smith	Atholl	39 Tankard Street	NORTHAM	WA	6401	WA-1-54465
Trousselot	Malcolm	32B Farnell St	BUNBURY	WA	6230	KB 0321
Walker	Kenneth	PO Box 175	ROCHESTER	VIC	3561	WA-1-54617
Webb	Maurice	15 Goodall Street	GOSNELLS	WA	6110	WA-1-39715

PLANNING AND INFRASTRUCTURE

PI401*

WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985

As read in conjunction with the

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

PEEL REGION SCHEME AMENDMENT

PEEL REGION SCHEME AMENDMENT NO. 012/33A

Regional Open Space—West Pinjarra

Call for Public Submissions

The Western Australian Planning Commission intends to amend the Peel Region Scheme (PRS) for land located in the Shire of Murray and is seeking public comment.

The amendment proposes to transfer Lots 295, 350 and 354 Alderson Street, Lots 299 and 309 Hampton Road, and portion of the Alderson Street road reserve from Rural zone to Regional Open Space reservation.

Procedure

The procedure for amending the Scheme, as set out in section 33A of the *Metropolitan Region Town Planning Scheme Act* (as read in conjunction with the *Western Australian Planning Commission Act*), is to be used to advertise this proposal.

Certificate

The Western Australian Planning Commission has certified that, in its opinion, the amendments do not constitute a substantial alteration to the Peel Region Scheme.

Exhibition

Full details of the proposals can be found in the WAPC explanatory *amendment report*. A separate report is available for each amendment. Copies of the amending plans and detail plans showing the proposed changes to the respective zones and reservations of the Scheme, and the WAPC *amendment report*, will be available for public inspection from Tuesday 18 October 2005 to Monday 19 December 2005 at the following places—

- | | |
|---|---|
| • Department for Planning and Infrastructure
1st floor, Albert Facey House
469 Wellington Street
PERTH | Department for Planning and
Infrastructure (Peel Region Office)
Unit 2B, 11 Pinjarra Road
MANDURAH |
| • Battye Library
Level 3, Alexander Library Building
Perth Cultural Centre
PERTH | Shire of Murray
Pinjarra Road
PINJARRA |

Documents are also available from the WAPC internet site www.wapc.wa.gov.au

Submissions

Any person who wishes to make a submission either supporting, objecting or providing comment on any provisions of the proposed amendment should do so on a submission form (Form 33A). These submission forms are available from the display locations, the relevant *amendment report* and the Internet.

Submissions must be lodged with the Secretary, Western Australian Planning Commission, Unit 2B, 11-13 Pinjarra Road, Mandurah WA 6210 on or before 5.00 pm Monday 19 December 2005.

Late submissions will not be considered.

RAY STOKES, Acting Secretary,
Western Australian Planning Commission.

PI402***WESTERN AUSTRALIAN PLANNING COMMISSION ACT 1985**

As read in conjunction with the

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

PEEL REGION SCHEME AMENDMENT NO. 007/33A

GENERAL OMNIBUS (NO. 2)

Notice of Approved Amendment

File : 833-6-1-2

The Minister for Planning and Infrastructure has approved, with modification, the abovementioned amendment to the Peel Region Scheme. The amendment is shown on the Western Australian Planning Commission plan numbers 1.5478/1, 1.5479 and 1.5480 and is effective from the date of publication of this notice in the *Government Gazette*.

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

PI403***TOWN PLANNING AND DEVELOPMENT ACT 1928**

APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Mandurah

Town Planning Scheme No. 3—Amendment No. 67

Ref: 853/6/13/12 Pt 67

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 Mandurah town planning scheme amendment on 11 October 2005 for the purpose of—

1. Rezoning Lot 4901 (Reserve 24454) Stinton Street, Mandurah from 'District Recreation' to 'Special Development'.
2. Amending the Scheme Maps accordingly.

K. HOLMES, Mayor.
M. NEWMAN, Chief Executive Officer.

PI404*

TOWN PLANNING AND DEVELOPMENT ACT 1928

APPROVED TOWN PLANNING SCHEME AMENDMENT

City of Mandurah

Town Planning Scheme No. 3—Amendment No. 69

Ref: 853/6/13/12 Pt 69

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 Mandurah town planning scheme amendment on 11 October 2005 for the purpose of—

1. Rezoning the residential zoned portions of Lot 312 Dawesville Road West, Dawesville, from 'Residential R12.5' and 'Residential R20' to 'Residential R17.5'.
2. Amending the Scheme Maps accordingly.

P. CREEVEY, Mayor.
M NEWMAN, Chief Executive Officer.

REGIONAL DEVELOPMENT

RD401

REGIONAL DEVELOPMENT COMMISSIONS ACT 1993

APPOINTMENTS

It is hereby notified for general information that the Minister for Peel and the South West has approved the following appointments in accordance with Part 3 of the *Regional Development Commissions Act 1993*—

SOUTH WEST DEVELOPMENT COMMISSION

Board of Management

- Cr Peter Monagle as a local government representative for a 3-year term expiring 31 October 2008.
- Mr Nicholas Oaks as a ministerial representative for a 2-year term expiring 31 October 2007.
- Ms Posy Barnes as a community representative for a 3-year term expiring 31 October 2008.

MARK MCGOWAN MLA, Minister for Peel and the South West.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Claims against the Estate of Daryl Arthur Oehlers, Company Director, late of 44 Berry Drive, Maida Vale, Western Australia, pursuant to Section 63 of the Trustees Act 1962, should be lodged with the Executor, 44 Berry Drive, Maida Vale WA 6057 within one calendar month from the publication of this notice. After that time the Assets of the Estate may be conveyed and distributed having regard only to the claims of which at the time the Executor has notice.

NORMAN A. BELL.

ZX402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Gilbert Isherwood Brinsden, late of Unit 2, Hammond Road, Claremont, Western Australia.

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 14 April 2002, are required by the Executor and

Trustee of care of Messrs Cullen Babington Hughes Lawyers of 229 Stirling Highway, Claremont to send particulars of their claims to him within 30 days of the date of this notice. After that date, the Trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

CULLEN BABINGTON HUGHES PTY LTD,
(ACN 094 864 212)
PO Box 907, Claremont WA 6910.

ZX403

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Claims against the estate of Scott Jason Thomas, late of 49 Parkes Street, Albany, Western Australia should be lodged with the Administrators, c/- PO Box 485, Albany WA before 21 November 2005 after which date the assets will be distributed having regard only to the claims received.

HAYES ROBINSON.

A L L N E W !

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