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GOVERNMENT GAZETTE

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Wednesday 28 December 2005 at 12 noon

Friday 30 December 2005 at 12 noon



— PART 1 —

PROCLAMATIONS

AA101*

ARCHITECTS ACT 2004

No. 75 of 2004

PROCLAMATION

Western Australia

*By the Honourable
Justice David Kingsley Malcolm,
Companion of the Order of Australia,
Lieutenant-Governor and Administrator of
the State of Western Australia*

[L.S.]

DAVID KINGSLEY MALCOLM
Lieutenant-Governor and
Administrator

I, the Lieutenant-Governor and Administrator, acting under the *Architects Act 2004* section 2 and with the advice and consent of Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which the provisions of that Act come into operation.

Given under my hand and the Public Seal of the State on 9 November 2005.

By Command of the Lieutenant-Governor and Administrator,

F. LOGAN, Minister for Housing and Works.

GOD SAVE THE QUEEN !

FISHERIES

FI301*

Pearling Act 1990

Pearling (General) Amendment Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Pearling (General) Amendment Regulations 2005*.

2. The regulations amended

The amendments in these regulations are to the *Pearling (General) Regulations 1991**.

[* Reprinted as at 26 April 2000.

For amendments to 28 July 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 279.*]

3. Regulation 6 amended

Regulation 6(1) is amended as follows:

- (a) in paragraph (a) by deleting “\$1 910.00” and inserting instead —
“ \$2 000.00 ”;
- (b) in paragraph (b) by deleting “\$330.00” and inserting instead —
“ \$345.00 ”;
- (c) in paragraph (c) by deleting “\$330.00” and inserting instead —
“ \$345.00 ”.

4. Regulation 8 amended

Regulation 8 is amended by deleting “\$67.00” in each place where it occurs and inserting instead —

“ \$70.00 ”.

5. Regulation 9 amended

Regulation 9(1) is amended in the Table as follows:

- (a) by deleting “600” and inserting instead —
“ 628 ”;
- (b) by deleting “67” in both places where it occurs and inserting instead —
“ 70 ”;
- (c) by deleting “375” and inserting instead —
“ 390 ”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

HEALTH

HE301*

Pharmacy Act 1964

Pharmacy Amendment Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Pharmacy Amendment Regulations 2005*.

2. Commencement

These regulations come into operation on 1 January 2006.

3. The regulations amended

The amendment in these regulations is to the *Pharmacy Act Regulations 1976**.

[* *Reprint 2 as at 14 November 2003.*
For amendments to 11 October 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 287.]

4. Appendix C amended

Appendix C is amended by inserting before the entry relating to “Beakers:” —

“

Bar code scanner 1 only

”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

HE302*

Dental Act 1939

Dental Board Amendment Rules 2005

Made by the Dental Board of Western Australia with the approval of the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These rules are the *Dental Board Amendment Rules 2005*.

2. The rules amended

The amendments in these rules are to the *Dental Board Rules 1973**.

[* Reprinted as at 1 August 2003.

For amendments to 30 September 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 83.*]

3. Second Schedule replaced

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

“

Second Schedule**Fees**

| Rule | Description | Fee \$ |
|-------------|--|-------------------|
| 15 | Registration as a dentist | 150 |
| 15 | Registration as a dental therapist, dental hygienist or school dental therapist | 100 |
| 20 | Re-entry of name in Register - dentist | 150 |
| 20 | Re-entry of name in Register – dental therapist, dental hygienist or school dental therapist..... | 100 |
| 23 | Certificate to use a title of dental specialty | 200 |
| 25 | Examinations | 400 |
| 26 | Annual licence fee — dentist | 250 |
| 26 | Annual licence fee — dental therapist, dental hygienist or school dental therapist | 125 |
| 26A | Permit to use a firm-name | 50 |
| 26B | Certificate of professional standing | 50 |
| 26C | Certificate of temporary registration as a dentist (for 12 months or less) | 150 |

”

The Common Seal of the)
Dental Board of Western)
Australia was affixed in) L.S.
the presence of —)

W. M. CLARK
Registrar

JOHN RAYMOND
OWEN
President

Approved by the Lieutenant-Governor and
Administrator in Executive Council,

G. M. PIKE, Clerk of the Executive Council.

HE303*

Health Act 1911

Health (Meat Hygiene) Amendment Regulations (No. 4) 2005

Made by the Lieutenant-Governor and Administrator in Executive
Council.

1. Citation

These regulations are the *Health (Meat Hygiene) Amendment
Regulations (No. 4) 2005*.

2. The regulations amended

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

[* *Reprint 2 as at 1 April 2005.*
For amendments to 17 October 2005 see Gazette
31 May 2005.]

3. Regulation 20 amended

Regulation 20 is amended by deleting “depot of game” and inserting instead —

“ depot or game ”.

4. Schedule 2 amended

Schedule 2 Part 1 item 6 is deleted and the following item is inserted instead —

“

| | | | | | |
|---|----------------|------|------|------|----|
| 6 | Corrigin | 4.75 | 0.92 | 7.92 | ”. |
|---|----------------|------|------|------|----|

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

HE304*

Poisons Act 1964

Poisons Amendment Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *Poisons Amendment Regulations 2005*.

2. Commencement

These regulations come into operation on 1 January 2006.

3. The regulations amended

The amendments in these regulations are to the *Poisons Regulations 1965**.

[* Reprint 7 as at 10 January 2003.

For amendments to 3 October 2005 see *Western Australian Legislation Information Tables for 2004, Table 4, p. 301.*]

4. Regulation 2 amended

(1) Regulation 2 is amended as follows:

- (a) by deleting the definition of “dispense” and inserting instead —

“

“**dispense**”, in relation to a medicine or a poison —

- (a) means supply the medicine or poison on and in accordance with a prescription duly given by a medical practitioner, a nurse practitioner, a dentist or a veterinary surgeon; and
- (b) in relation to a drug of addiction, has a meaning affected by regulation 42A;

”.

- (b) by inserting the following definition in its appropriate alphabetical position —

“

“**prescribe**”, in relation to a drug of addiction, has a meaning affected by regulation 42A;

”.

5. Regulation 42A inserted

Before regulation 42 the following regulation is inserted in Part 6 Division 1 —

“

42A. Interpretation

In this Part, a reference to prescribing or dispensing a drug of addiction is to be read as including a reference to prescribing or dispensing a preparation containing a drug of addiction.

”.

6. Regulation 51 amended

Regulation 51(1) is amended as follows:

- (a) after paragraph (a) by inserting —

“

- (aa) it shall not prescribe more than one drug of addiction, nor any other substance, but may prescribe the same drug in more than one form;

”.

- (b) in paragraph (b)(iii) by deleting “name and full address of the patient” and inserting instead —

“

name, full address and date of birth of the patient

”.

- (c) in paragraph (b)(iv) by deleting “poison or preparation containing the poison” and inserting instead —
 “ drug of addiction ”;
- (d) by deleting paragraph (b)(v) and inserting the following subparagraph instead —
 “
 (v) precise directions for the use of the drug of addiction, including the dose to be taken or administered and the frequency with which the dose is to be taken or administered;
 ”;
- (e) in paragraph (b)(vi) by deleting “it is to be dispensed more than once,” and inserting instead —
 “
 the drug of addiction is to be dispensed more than once under the prescription,
 ”;
- (f) in paragraph (b)(ix) by deleting “contains” and inserting instead —
 “ prescribes ”.

7. Regulation 52 amended

- (1) Regulation 52(3) is amended as follows:
- (a) by deleting “persons dispensing prescriptions referred to in this regulation — ” and inserting instead —
 “
 a person who dispenses a drug of addiction under a prescription —
 ”;
- (b) in paragraph (a) by deleting “the person to whom a prescription is submitted for dispensing shall satisfy himself — ” and inserting instead —
 “
 the dispenser shall satisfy himself or herself —
 ”;
- (c) after paragraph (a)(i) by deleting “and”;
- (d) in paragraph (a)(ii) by deleting “duly registered within the State”;
- (e) after paragraph (a)(ii) by inserting —
 “
 and
 (iii) in accordance with subregulation (3a), that the prescription was signed by the prescriber whose name appears on the prescription;
 ”;

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

“

- (b) the drug of addiction shall not be dispensed under the prescription more than the maximum number of times indicated on the prescription, or at intervals less than those indicated on the prescription;
- (ba) on each occasion on which the drug of addiction is dispensed under the prescription the dispenser shall —
 - (i) sign the prescription clearly in ink using his or her usual signature; and
 - (ii) stamp or otherwise mark the prescription clearly in ink with the date on which the drug is dispensed;
- (bb) on the first occasion on which the drug of addiction is dispensed under the prescription, the dispenser shall stamp or otherwise mark the prescription clearly in ink with the name and address of the dispensary;

”.

,

- (g) by deleting paragraph (c) and inserting the following paragraph instead —

“

- (c) where the drug of addiction is prescribed by a veterinary surgeon, the dispenser shall not dispense the drug of addiction on more than one occasion under that prescription;

”.

,

- (h) by deleting paragraph (d) and inserting the following paragraph instead —

“

- (d) where the dispenser dispenses less than the prescribed amount of the drug of addiction on presentation of the prescription and dispenses or intends to dispense the remainder on another occasion or occasions, the dispenser shall on each occasion on which part of the prescribed amount is dispensed, note on the prescription clearly in ink the amount dispensed and the date on which it was dispensed;

”.

,

- (i) by deleting paragraphs (e) and (f) and inserting the following paragraphs instead —
- “
- (e) after dispensing the drug of addiction as directed by the prescription the dispenser shall —
- (i) mark the prescription with the number of occasions remaining (if any) on which the drug of addiction is to be dispensed under the prescription; and
- (ii) subject to subregulation (7), retain the prescription in safe custody at the dispensary;
- (f) the dispenser shall write in ink, or stamp, the word “cancelled” across the prescription in legible letters if —
- (i) the prescription does not clearly indicate the maximum number of occasions on which the drug of addiction is to be dispensed under the prescription;
- (ii) the prescription does not clearly indicate the intervals at which the drug of addiction is to be dispensed under the prescription; or
- (iii) the drug of addiction has already been dispensed on the maximum number of occasions on which it can lawfully be dispensed under the prescription;
- ”.
- (j) in paragraph (g) by deleting “person who dispenses a prescription” and inserting instead —
- “ dispenser ”;
- (k) by deleting paragraph (h) and inserting the following paragraph instead —
- “
- (h) before the drug of addiction is handed to the purchaser, the following particulars shall be recorded in accordance with regulation 52B —
- (i) the prescription number;
- (ii) the name, full address and date of birth of the patient or, in the case of a prescription for veterinary use, the name and full address of the person having the care of the animal for which the drug of addiction is prescribed;
- (iii) a description of the drug of addiction;
- (iv) the quantity of the drug of addiction dispensed;

- (v) directions for the use of the drug of addiction;
 - (vi) the date of the prescription;
 - (vii) the name and address of the prescriber;
 - (viii) a note of the basis on which the dispenser is satisfied for the purposes of subregulation (3)(a)(iii) that the signature on the prescription is the signature of the prescriber whose name appears on the prescription;
- ”.
- (2) After regulation 52(3) the following subregulation is inserted —
- “
- (3a) For the purposes of subregulation (3)(a)(iii), the dispenser shall orally ask the prescriber whose name appears on the prescription to verify that the prescriber issued the prescription, unless the dispenser is satisfied that the signature on the prescription is the signature of the prescriber on the basis that the dispenser is familiar with the signature of the prescriber and recognises the signature on the prescription as the prescriber’s signature.
- ”.
- (3) Subregulation (4) is amended as follows:
- (a) by deleting “A prescription” and inserting instead —
- “
- A person shall not dispense a drug of addiction under a prescription
- ”.
- (b) by deleting “shall not be dispensed”.
- (4) Subregulation (5) is amended as follows:
- (a) by deleting “A prescription” and inserting instead —
- “
- A person shall not dispense a drug of addiction under a prescription
- ”.
- (b) by deleting “, shall not be dispensed”.
- (5) Subregulation (6a) is amended as follows:
- (a) by inserting after “for dispensing” —
- “ a drug of addiction ”;
- (b) by inserting after “to dispense” —
- “ the drug of addiction under ”.

- (6) After regulation 52(6a) the following subregulations are inserted —
- “
- (7) The dispenser of a drug of addiction may transfer a prescription into the safe custody of another person if the transfer is approved by the Commissioner of Health under subregulation (7a).
- (7a) The Commissioner of Health may, on the oral application of the dispenser, give approval for the dispenser to transfer the prescription to another person by whom the drug can be dispensed in accordance with these regulations.
- ”

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

HOUSING AND WORKS

HW301*

Western Australia

Architects Regulations 2005

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Schedule 1 — Fees

Architects Act 2004

Architects Regulations 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

Part 1 — Preliminary**1. Citation**

These regulations are the *Architects Regulations 2005*.

2. Commencement

These regulations come into operation on the day on which the *Architects Act 2004* comes into operation.

3. Definitions

In these regulations —

“**registered address**”, in relation to a registered person or licensed corporation, means the address that is recorded in the register in respect of the person or corporation;

“**return day**” means the day set by the Board as the last day for the return of the voting papers for an election under regulations 8 and 9;

“**section**” means section of the Act.

Part 2 — The Architects Board

Division 1 — Nominations

4. Bodies that nominate persons for ministerial appointment of members

The following bodies are prescribed for the purposes of section 7(1)(b) —

- (a) the Royal Australian Institute of Architects;
- (b) the Association of Consulting Architects — Australia;
- (c) the University of Western Australia;
- (d) the Curtin University of Technology.

Division 2 — Elections

5. Nominations

- (1) The Board is to call for the nomination of registered persons as candidates for election to the office of a Board member under section 7(1)(c) that —
 - (a) is due to become vacant because the member’s term of office is about to expire by the passage of time; or
 - (b) becomes vacant under Schedule 1 clause 3 of the Act.
- (2) For the purposes of subregulation (1) the Board is send to each registered person —
 - (a) a nomination paper, in a form approved by the Board, for the registered person to nominate himself or herself as a candidate for election to the office; and
 - (b) written notice —
 - (i) of the number of members to be elected under section 7(1)(c) in the particular election;

- (ii) of the period for which the successful candidate is to hold office;
 - (iii) of the time by which nominations are to be received by the Board;
 - (iv) of the return day; and
 - (v) that a nomination will not be accepted unless the candidate provides, for inclusion with the voting papers, a statement about the nominee's qualifications, experience and reasons for nomination.
- (3) The nomination paper and notices are to be sent to the registered person's registered address —
- (a) in the case of an office mentioned in subregulation (1)(a), at least 60 days before the day on which the term of office is due to expire; or
 - (b) in the case of an office mentioned in subregulation (1)(b), as soon as is practicable after the office becomes vacant.

6. List of candidates

- (1) The Board is to prepare a list of candidates for election from the nominations made under regulation 5.
- (2) The Board is not to include a person's name in the list if —
 - (a) the person has not signed the nomination form;
 - (b) the nomination was not received by the time mentioned in regulation 5(2)(b)(iii);
 - (c) the person has not provided a statement mentioned in regulation 5(2)(b)(v); or
 - (d) the person is not eligible for election because of section 7(5)(a) or (b).

7. Voting papers

- (1) If the number of names in the list of candidates exceeds the number of members to be elected the Board is to send a voting paper for an election to each registered person.
- (2) The voting paper is to be sent to the registered person's registered address at least 14 days before the return day.
- (3) The voting paper is to contain —
 - (a) the list of candidates;
 - (b) notice of the number of members to be elected under section 7(1)(c) in the particular election;
 - (c) notice of the return day;
 - (d) instructions on how the elector is to record his or her vote; and

(e) notice that the vote will not be counted if it is not received by the Board by the return day.

(4) The voting paper is to be in a form approved by the Board and signed by the registrar or the chairperson of the Board.

8. Counting of votes

(1) As soon as is practicable after the return day the registrar and at least one other person are to —

(a) open and examine the votes received by the Board on or before the return day; and

(b) count the votes that have been correctly recorded in accordance with the instructions mentioned in regulation 7(3)(d).

(2) The Board is to check the registrar's examination and counting of the votes as soon as is practicable after the registrar has counted the votes.

(3) If 2 or more candidates receive the same number of votes the members of the Board who are also registered persons may, by simple majority, select one of their number to have a casting vote to resolve the matter in respect of those candidates.

9. Nominations not exceeding vacancies

If the number of names in the list of candidates does not exceed the number of members to be elected —

(a) it is not necessary to conduct an election under regulations 7 and 8;

(b) each candidate in the list of candidates is to be taken to be elected at the time by which nominations are to be received by the Board; and

(c) if a vacancy remains, the members of the Board who are also registered persons may, by simple majority, select one of their number to elect a registered person to fill the vacancy and that person is to be taken to be elected at the time the Board receives the person's acceptance of his or her election under this regulation.

10. Names of elected members to be published in *Gazette*

The Board is to publish in the *Gazette* the names of the persons —

(a) who are elected under regulations 7 and 8; or

(b) who, under regulation 9(b) or (c), are to be taken to be elected.

11. Electors to vote once only

(1) A registered person must not vote more than once in an election under this Division.

Penalty: a fine of \$2 000.

- (2) In subregulation (1) —
“vote” does not include a casting vote under regulation 8(3) or the election of a Board member under regulation 9(c).

Part 3 — Registration and licensing

Division 1 — Registration

12. Registration requirements

For the purposes of section 29(b), the requirements in relation to a natural person are that the person —

- (a) either —
- (i) holds a qualification obtained as a result of the successful completion of an architectural education course that has been accredited by the Board under section 10(c);
 - (ii) holds a qualification that in the opinion of the Board is equivalent to such a qualification (after having regard to the advice of the Architects Accreditation Council of Australia where relevant); or
 - (iii) has otherwise attained a standard in relation to the practice of architecture that is acceptable to the Board (after having regard to the advice of the Architects Accreditation Council of Australia where relevant);
- (b) has been assessed as eligible to sit, and has passed, the examinations mentioned in regulation 13;
- (c) has not been convicted of an offence, whether in this State or elsewhere, the nature of which renders the person unfit to be a registered person; and
- (d) is otherwise a fit and proper person.

13. Examinations to be passed

The examinations to be passed by a person desiring to be registered are —

- (a) the version of the written examination, known as the National Examination Paper, set by the Architects Accreditation Council of Australia for use at the time the person takes the examination; and
- (b) the examination, known as the Examination by Interview, conducted in accordance with the Guide for Candidates published by the Architects Accreditation Council of Australia, as that document is in force from time to time.

14. Conduct of examinations

- (1) The Board may conduct examinations of the kind mentioned in regulation 13 at such times and at such intervals as it thinks fit.
- (2) A person who wishes to take an examination (including an assessment for eligibility for taking an examination) must pay the Board the fee prescribed by regulation 21 in relation to the examination.
- (3) A person employed, engaged or appointed by the Board to supervise an examination who has reasonable grounds to believe that a candidate is cheating in, or is otherwise acting in an improper manner during, an examination —
 - (a) may, at any time during the examination, direct the candidate to leave the examination room; and
 - (b) is to given a written report about the incident to the Board.
- (4) The Board, in such manner as it thinks fit —
 - (a) is to notify each candidate for an examination conducted by the Board of the candidate's results; and
 - (b) is to inform each unsuccessful candidate of his or her areas of weakness.

Division 2 — Licensing**15. Licensing requirements**

For the purposes of section 31(b), the requirements in relation to a corporation are that —

- (a) the corporation's constitution is, or the rules governing the corporation's internal management are, acceptable to the Board;
- (b) each of the directors of the corporation is acceptable to the Board;
- (c) all architectural work to be done by the corporation is to be done under the direct control and supervision of a registered person who is an officer or employee of the corporation;
- (d) the means by which the corporation proposes to comply with paragraph (c) are acceptable to the Board;
- (e) the person who will have ultimate responsibility for the architectural work to be done by the corporation is a registered person who is an officer or employee of the corporation; and
- (f) the name under which the corporation proposes to carry on the practice of architecture is acceptable to the Board.

Division 3 — The register

16. Divisions of the register — registered persons

The divisions of the register in relation to registered persons are —

- (a) division 1 for registered persons who are currently practising architecture;
- (b) division 2 for registered persons who are not currently practising architecture.

Part 4 — Insurance

17. Amount of insurance cover

For the purposes of sections 30(2)(b) and 32(2)(c), the minimum amount of insurance cover is \$1 000 000.

18. Information about insurance cover — registered persons

- (1) For the purposes of section 54(1), the information in relation to the insurance cover that is in effect in respect of a registered person is a document from the insurer or a broker showing —
 - (a) the period in respect of which the insurance cover is in effect;
 - (b) the amount of the insurance cover; and
 - (c) the categories of persons in respect of whose acts and omissions the insurance cover applies.
- (2) The time for giving the Board information mentioned in subregulation (1) is —
 - (a) in the case of the initial registration, 28 days after the day on which the registered person is advised of the registration;
 - (b) in the case of a renewal of registration, 14 days after the day on which the registered person is advised of the renewal; and
 - (c) in any case where the insurer, the period of insurance or the amount or type of cover is changed after the period mentioned in paragraph (a) or (b), 14 days after the change occurs.

19. Information about insurance cover — licensed corporations

- (1) For the purposes of section 54(1), the information in relation to the insurance cover that is in effect in respect of a licensed corporation is a document from the insurer or a broker showing —
 - (a) the period in respect of which the insurance cover is in effect;
 - (b) the amount of the insurance cover; and

- (c) the categories of persons in respect of whose acts and omissions the insurance cover applies.
- (2) The time for giving the Board information mentioned in subregulation (1) is —
- (a) in the case of the initial grant of the licence, 28 days after the day on which the licensed corporation is advised of the grant of the licence;
 - (b) in the case of a renewal of a licence, 14 days after the day on which the licensed corporation is advised of the renewal; and
 - (c) in any case where the insurer, the period of insurance or the amount or type of cover is changed after the period mentioned in paragraph (a) or (b), 14 days after the change occurs.

Part 5 — Disciplinary proceedings

20. Unprofessional conduct as an architect

For the purposes of section 56(2), the following conduct of a person (“**person 1**”) constitutes unprofessional conduct as an architect —

- (a) holding out or in any way implying that person 1’s name is entered in a particular division of the register if the name is not entered in that division of the register;
- (b) using, in connection with an architectural service provided by person 1 —
 - (i) the name of a registered person who is not a partner or employee of person 1; or
 - (ii) the name of a licensed corporation of which person 1 is not an officer, employee or partner;
- (c) allowing a natural person (“**person 2**”) to practise in person 1’s name in connection with an architectural service provided by person 2 if —
 - (i) person 2 is not registered; or
 - (ii) person 2 is registered but is not a partner or employee of person 1;
- (d) allowing a corporation to practise in person 1’s name in connection with an architectural service provided by the corporation if —
 - (i) the corporation is not a licensed corporation; or
 - (ii) the corporation is a licensed corporation but person 1 is not an officer of the corporation;
- (e) signing an account, statement, report, specification, plan or other document purporting to represent any architectural work as having been done by person 1 in

circumstances where the work has not been done under person 1's direct control or supervision;

- (f) accepting architectural work on condition or promise that person 1 will give or receive, or because person 1 has given or received, any remuneration, discount, gift or commission directly or indirectly to or from another person, other than remuneration to be received by person 1 from the client;
- (g) failing to disclose to a client a direct or indirect pecuniary interest (other than an interest in a public company) that person 1 has in any product or service that person 1 —
 - (i) specifies or recommends for use in connection with the project in respect of which person 1's services are engaged; or
 - (ii) uses or causes to be used in connection with that project;
- (h) using, or causing to be used, in connection with a project in respect of which person 1's services are engaged, a product or service in which person 1 has an interest of a kind referred to in paragraph (g) without having —
 - (i) the client's written acknowledgment of the disclosure of the interest; and
 - (ii) the client's written consent to the use of the product or service.

Part 6 — Fees

21. Fees

The fee set out in column 3 of Schedule 1 in respect of a matter is prescribed in relation to the matter.

22. When renewal fees fall due

- (1) For the purposes of section 37(1), the day on which the fee for the renewal of a person's registration or a corporation's licence falls due is —
 - (a) 31 March of each year following the year in which the registration or licence first took effect; or
 - (b) the day set by the Board under subregulation (3).
- (2) A registered person may apply to the Board for the Board to set a day after 31 March to be the day on which the fee for the renewal of the person's registration in that year falls due.
- (3) On an application the Board, if satisfied that the applicant is experiencing hardship, may set a day after 31 March but before 1 October to be the day on which the fee for the renewal of the person's registration in that year falls due.

Part 7 — Miscellaneous

23. **Certificates of registration, licence documents to be available for inspection**

- (1) A registered person must ensure that a certificate of registration issued to the person is available for inspection by any person during business hours at the person's registered address.
- (2) A licensed corporation must ensure that a licence document issued to the corporation is available for inspection by any person during business hours at the corporation's registered address.

Penalty applicable to subregulations (1) and (2): a fine of \$1 000.

24. **Advice about changes in practising status**

- (1) A registered person whose name is entered in division 2 of the register must give the registrar written advice if the person starts practising architecture.
- (2) A registered person whose name is entered in division 1 of the register must give the registrar written advice if the person stops practising architecture.
- (3) The advice referred to in subregulation (1) or (2) must be given no later than 30 days after the change occurs.

25. **Consent to use a name other than a name recorded in the register**

- (1) An application for the Board's consent to a registered person's or a licensed corporation's practising architecture under any name other than the name of the person or corporation as recorded in the register is to be —
 - (a) made in writing in a manner and form determined by the Board; and
 - (b) accompanied by the fee prescribed by regulation 21 in relation to the application.
- (2) The applicant is to provide the Board with any further information that the Board requires in any particular case and is to verify the information by statutory declaration if required by the Board to do so.
- (3) Without limiting the kinds of condition that the Board may impose in relation to the name of the practice, the Board may impose as a condition of the giving of its consent —
 - (a) a requirement that the name and registration number of the registered person who has ultimate responsibility for the architectural work done by the applicant is displayed on all the applicant's stationery, advertisements, job

signs and other information given to the public about the applicant's architectural work;

- (b) a requirement that the applicant must ensure that a certificate of registration issued to the registered person who has ultimate responsibility for the architectural work done by the applicant is available for inspection by any person during business hours at the applicant's registered address.

Schedule 1 — Fees

[r. 21]

| Provision of Act or regulations | Subject matter | Fee (\$) |
|---------------------------------|---|----------|
| s. 33(1)(b)(i) | Application for registration | 110 |
| s. 33(1)(b)(i) | Application for grant of licence | 200 |
| s. 33(1)(b)(ii) | Registration fee | 165 |
| s. 33(1)(b)(ii) | Licence fee | 275 |
| s. 37(1) | Renewal of registration | 165 |
| s. 37(1) | Renewal of licence | 275 |
| s. 37(2)(c) | Restoration of name to the register if name removed under s. 37(1) | 55 |
| s. 44(2) | Certified copy of part of, or entry in, the register | 75 |
| s. 45 | Amendment of particulars entered in the register | 25 |
| s. 51(2) | Restoration of name to the register if name removed under s. 47 or 49 | 25 |
| s. 51(5) | Restoration of name to the register if name removed by way of disciplinary action | 50 |
| s. 71(2)(j) and r. 14(2) | Assessment of eligibility for, and taking, the National Examination Paper examination | 350 |
| s. 71(2)(j) and r. 14(2) | Taking the Examination by Interview | 300 |
| s. 71(2)(j) and r. 14(2) | Supplementary Examination by Interview | 250 |
| s. 71(2)(j) and r. 25(1)(b) | Application for Board's consent to a name under which a person or corporation can carry on the practice of architecture | 110 |

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.

TREASURY AND FINANCE

TF301*

State Trading Concerns Act 1916

**State Trading Concerns (Authorisation)
Amendment Regulations (No. 3) 2005**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *State Trading Concerns (Authorisation) Amendment Regulations (No. 3) 2005*.

2. The regulations amended

The amendments in these regulations are to the *State Trading Concerns (Authorisation) Regulations 1998**.

[* *Reprint 2 as at 6 August 2004.*

For amendments to 13 September 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 388, and Gazette 15 July and 12 August 2005.]

3. Schedule 1 amended

Schedule 1 Part 2 under the heading "Department of Environment" is amended as follows:

- (a) by inserting before "information" —
" goods ";
- (b) by deleting "to the private sector or the Commonwealth Government" and inserting instead —
" relating to activities it carries out ";
- (c) by inserting after "similar to advertising" —
" in relation to its activities ".

By Command of the Governor,

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

— PART 2 —

AGRICULTURE

AG401*

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

ZONE CONTROL AUTHORITY CHAIRPERSONS

Appointment

Agriculture Protection Board,
South Perth.

Acting pursuant to section 15 (1) of the *Agriculture and Related Resources Protection Act 1976*, the Agriculture Protection Board hereby appoints the following Deputy Chief Agriculture Protection Officer as Chairman of the Bunbury Zone Control Authority—

Chairperson

Mr Brad McCormick

Zone Control Authority

Bunbury

The appointment of Dr Greg Sawyer as Chairman of Bunbury ZCA is hereby cancelled.

The appointment of Ms Kim William as Chairman of Meekatharra ZCA is hereby cancelled.

Date: 9 November 2005.

CHRIS RICHARDSON, Chairman, APB.

CEMETERIES

CC401*

CEMETERIES ACT 1986

Shire of Mundaring

FEES AND CHARGES

In pursuance of the powers conferred by Section 53 of the *Cemeteries Act 1986*, the Council of the Shire of Mundaring hereby records having resolved on 25 October 2005 to set the following fees and charges effective from 29 November 2005. The fees shall be payable upon application for services detailed hereunder at both Mundaring and Wooroloo Cemeteries.

| Details | Mundaring/Wooroloo Proposed Charges Effective 29.11.2005 | |
|--|--|--------|
| | GST Exempt | |
| Undertakers' Licence P/Annum | * | 576.00 |
| Branch Account Fee | * | 176.00 |
| Single Funeral Permit | * | 130.00 |
| Monumental Licence (Annual) | | 285.00 |
| Single Permit | * | 99.00 |
| Monument Erection Permit | * | 222.00 |
| Note: *GST Exempt under Division 81 ruling Item 5.127—A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2000. | | |

| Details | Mundaring/Wooroloo Proposed Charges Effective 29.11.2005 |
|---|--|
| | Including GST |
| | \$ |
| Interment of Adult | 772.20 |
| Interment of Child (under 13) | 462.00 |
| Grant of Right of Burial Where Directed by Council | 1030.70 |
| Interment on Weekends or Public Holidays, Extra Fee | 369.60 |
| Saturday Morning Funeral | 386.10 |
| Interment of Ashes in Family Grave | 192.50 |
| Interment of Ashes In Niche Wall: Single | 459.80 |
| Double | 770.00 |
| Interment of Ashes in Garden | 449.90 |
| Fee for Exhumation | 1512.50 |
| Reinterment After Exhumation | 772.20 |
| Number Disc | 33.00 |
| Reopening of Grave: Adult | 772.20 |
| Child (under 13) | 462.00 |
| Interment of Ashes on Weekend or Public Holiday—Extra Fee | 369.60 |
| Grant Transfer/Reissue/Refund | 41.80 |
| Note: Interment on a staff rostered day off will not incur any extra fee. | |

J. BEATON, Shire President.
J. THROSSELL, Chief Executive Officer.

HEALTH

HE401

HEALTH PROFESSIONALS (SPECIAL EVENTS EXEMPTION) ACT 2000

HEALTH PROFESSIONALS (SPECIAL EVENTS EXEMPTION) ORDER (No.1) 2005

Made by the Minister for Health pursuant to section 6 of the *Health Professionals (Special Events Exemption) Act 2000*.

Citation

1. This order may be cited as the *Health Professionals (Special Events Exemption) Order (No.1) 2005*.

Declaration of Special Event

2. The event specified in the Schedule is declared to be a special event for the purposes of the Act.

Exemption period

3. The period in which the exemptions under the Act have effect in respect of the special event specified in the Schedule commences on 25 November 2005 and ends on 3 December 2005.

Procedure for notification

4. For the purposes of section 6(3)(b) of the Act, persons intending to provide health care services to visitors in Western Australia as visiting health professionals are required to provide written notice to—

Ms Audrey Garden
Office of the Chief Medical Officer
Department of Health Western Australia
189 Royal Street
East Perth WA 6004

Schedule

- Indian Rim Asian University Games 2005

Dated this 7th day of November 2005.

JIM MCGINTY MLA, Minister for Health.

JUSTICE

JU401

COURT SECURITY AND CUSTODIAL SERVICES ACT 1999

REVOCATIONS

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

| Surname | First Name(s) | Permit Number | Date Permit Revoked |
|-------------|---------------|---------------|---------------------|
| Marshall | Geoffrey | CS6-152 | 12/10/2005 |
| Wicks | Trent Anthony | CS6-449 | 24/10/2005 |
| Matovinovic | Tomislav Paul | CS6-034 | 25/10/2005 |
| Marshall | Colin Lindsay | CF6-129 | 28/10/2005 |

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

BRIAN YEARWOOD, Director,
Contracted Services.

JU402

COURT SECURITY AND CUSTODIAL SERVICES ACT 1999

PERMIT DETAILS

Pursuant to the provisions of section 51 of the *Court Security and Custodial Services Act 1999*, the Director General of the Ministry of Justice has issued the following Permit to do High-Level Security Work—

| Surname | First Name(s) | Permit Number | Date Permit Issued | Permit Commence Date | Permit Expiry Date |
|---------|-----------------|---------------|--------------------|----------------------|--------------------|
| Walker | Denise Margaret | CS6-563 | 10/11/2005 | 10/11/2005 | 30/07/2005 |

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

| Surname | First Name(s) | Permit Number | Date Permit Revoked |
|---------|-----------------|---------------|---------------------|
| Walker | Denise Margaret | CS6-447 | 8/11/2005 |

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

BRIAN YEARWOOD, Director,
Contracted Services.

LOCAL GOVERNMENT

LG401*

BUSH FIRE ACT 1954*Shire of Beverley*

APPOINTMENT OF OFFICERS

It is hereby notified for public information that in accordance with Section 38 of the Act, the following persons have been appointed as Fire Control Officers—

| | |
|---|----------------------|
| Chief Fire Control Officer | John Barrett-Lennard |
| Deputy Chief Fire Control Officer | David Adams |
| Fire Control Officers | David Bell |
| | Kevin Priest |
| | James Aird |
| | Robert Williamson |
| | Royce Edwards |
| | Garry Miller |
| | Gregory Moulton |
| | Richard Smith |
| | Keith Byers |
| | Stephen Gollan |
| Dual Fire Control Officer Shire of Quairading | Mr A. D. Gelmi |
| Dual Fire Control Officer Shire of York | Terry Davies |
| Dual Fire Control Officer Shire of York | Paul Jenkinson |
| Dual Fire Control Officer Shire of York | Norm Whitburn |
| Dual Fire Control Officer Shire of Brookton | Ian Morgan Eva |
| Dual Fire Control Officer Shire of Brookton | Mark Whittington |
| Dual Fire Control Officer Shire of Brookton | Fred Gillham |
| Dual Fire Control Officer Shire of Brookton | Len Simmons |

All previous appointments are hereby cancelled.

KEITH BYERS, Chief Executive Officer.

LG402*

DOG ACT 1976*Shire of Dardanup*

DOG REGISTRATION OFFICER

It is hereby notified for public information that the following Officers has been appointed by Council as Authorised Dog Registration Officers under the Dog Act 1976, effective immediately, until further notice—

Appointments—

Vicki Lingwood
Janelle Walker
Casey Dell'Agostino

1 November 2005.

M. L. CHESTER, Chief Executive Officer.

LG403

CITY OF WANNEROO

Authorised Officers

It is hereby notified for public information that the following persons have been appointed by Council as officers empowered to enforce the provisions of the following—

Local Government Act 1995 and related Local Laws

All other legislation Council is empowered to enforce.

- Warren Andersen

The following appointments are hereby cancelled—

- Aaron Beales
- Paul Bennett
- Same Neale
- Anneliese Goldsword

CHARLES JOHNSON, Chief Executive Officer.

MARINE/MARITIME

MX401*

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS
DECLARATION OF EMERGENCY VESSELS

Department for Planning and Infrastructure,
Fremantle WA, 15 November 2005.

Acting pursuant to the powers conferred by Regulation 19H of the Navigable Waters Regulations, I hereby declare all motor vessels registered in the name of Surf Life Saving Western Australia (SLSWA) to be "Emergency Vessels" and may operate in accordance with the Director General's exemption dated 10 November 2005.

ALISON COATES, Acting General Manager Marine Safety,
Department for Planning and Infrastructure.

MINERALS AND PETROLEUM

MP401*

PETROLEUM (SUBMERGED LANDS) ACT 1967
GRANT OF RENEWAL OF EXPLORATION PERMIT WA-290-P

Renewal of Exploration Permit WA-290-P has been granted to OMV Barrow Pty Ltd, Tap (Shelfal) Pty Ltd and Nippon Oil Exploration (Australia) Pty Ltd to have effect from and including 10 November 2005 for a period of five years.

W. L. TINAPPLE, Director Petroleum and Royalties Division.

WATER/SEWERAGE

WA401*

WATER AGENCIES (POWERS) ACT 1984
NARNGULU WASTEWATER TREATMENT PLANT

Shire of Greenough

Proposal to Construct a New Wastewater Treatment Plant with a Capacity of 3.5ML/d

To allow treatment of increased wastewater flows due to the infill sewerage programme, the Water Corporation proposes to construct the following works: a 3.5 ML/d High Performance Aerated Lagoon (HPAL) System, comprising of one reactor basin and three settling basins; enclosed screenings facilities complete with screenings handling system (washing, compaction and dewatering) and manual bypass screen; treated wastewater pump station for transferring treated wastewater to infiltration ponds; five infiltration ponds with a total area of 30,500m²; two sludge drying beds, with proposed dimensions of 50m x 60m x 1.5m; and a groundwater monitoring system comprising of seven bores.

The location of the proposed works is at the Narngulu Industrial Estate, Victoria Locations 1189 and 1782.

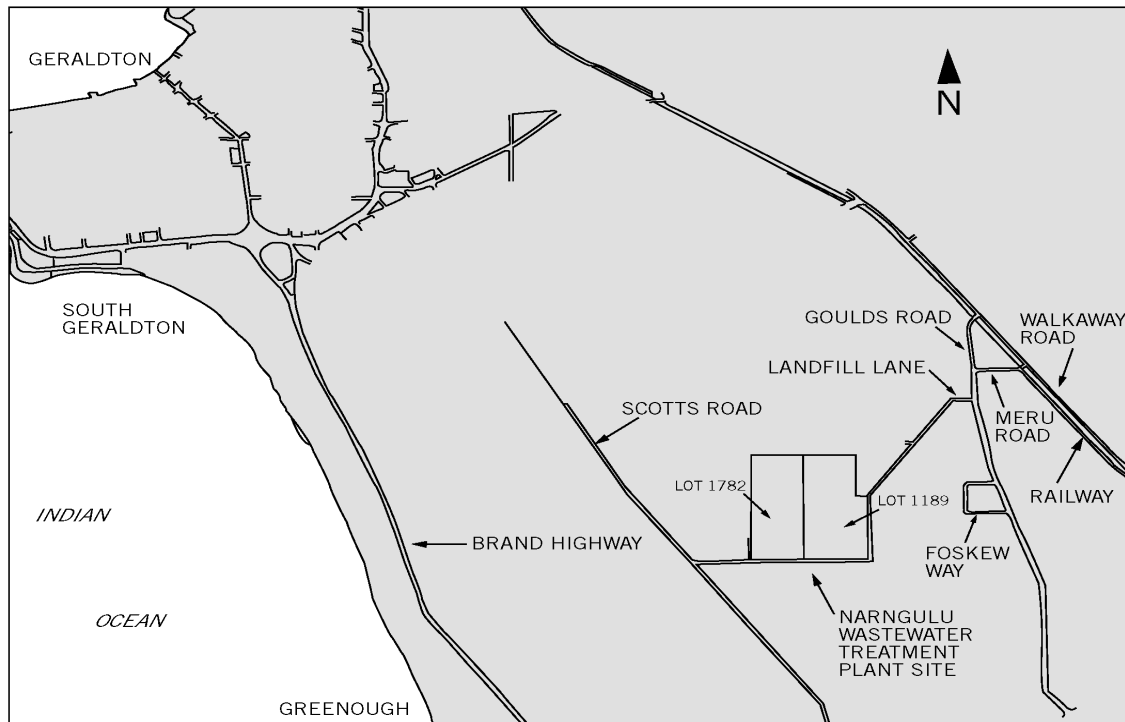
The proposed works are scheduled to commence in March 2006 and will continue for approximately 8 months.

Construction of the proposed works will be by major earthwork excavation equipment with excess excavated material being removed from the site by earthmoving trucks.

A copy of this Notice of Proposal (referred to as HZ25-0-1) is available for viewing, during office hours, at the Water Corporation's Geraldton Regional Office, 45 Cathedral Avenue, Geraldton, WA 6530.

Further information may also be obtained by contacting the Project Manager, Stephen Horrocks on telephone (08) 9420 2777.

Objections to the proposed works will be considered if lodged in writing, addressed to the Project Manager, PO Box 100, Leederville 6902, Western Australia, before close of business Friday, 16 December 2005.



WORKSAFE

WS401*

OCCUPATIONAL SAFETY AND HEALTH ACT 1984
OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996
 EXEMPTION CERTIFICATE PURSUANT TO REGULATION 2.13
 (No. 22 of 2005)

I, Nina Lyhne, WorkSafe Western Australia Commissioner, hereby grant an exemption to Katrina Vernon Lavers and Jonathan Paul Burt T/A skadada (hereafter known as skadada) from the requirements of the following regulations of the Occupational Safety and Health Regulations 1996—

- Regulation 4.53(2)(a) through to Regulation 4.53(2)(e), inclusive; and
- Regulation 4.54(4)(c) insofar as it relates to the requirements of Section 6.18 of AS 2550.1—2002

insofar as the above require a person or persons suspended from a crane to be accommodated in a workbox. This exemption relates to the use of two cranes for single and multi-crane hoisting to suspend aerial performers during a rehearsal and performance at the Newman Aquatic Centre, Newman on 19 November 2005.

I further grant an exemption from Regulation 4.54(7)(b) in relation to the trapeze act and the use of two cranes for multi-crane hoisting to suspend three persons between the cranes during the abovementioned performance.

I also grant an exemption from the requirements of Regulation 4.54(3) in relation to the use of the two cranes in the abovementioned rehearsal and performance.

The following conditions shall apply with respect to use of the cranes—

- notwithstanding that Section 6.18.2 of Australian Standard AS2550.1 refers to use of a workbox, from which requirement skadada is exempted, the requirements for the cranes listed in clauses (a) to (h) of 6.18.2 shall still apply;
- the crane operators shall remain at the controls of the crane at all times during the performance;
- the only crane motion permitted whilst a person is suspended from the crane hooks is hoist up or down at slow speed;
- a means of lowering the persons in the event of an emergency or failure of the power supply to the cranes is provided;
- a certificated dogger or rigger oversees the attachment of the lifting gear to the crane hooks; and
- with regard to the trapeze act involving three performers, the rated capacities of the two cranes are not exceeded with dual crane lift restrictions.

This exemption is valid on 19 November 2005 only.

Dated this 9th day of November 2005.

NINA LYHNE, WorkSafe Western Australia Commissioner.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Keith Upton Barbar Sharpe, late of 7 Eleanor Street, Albany, Western Australia, Delicatessen Store Proprietor, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962, relates) in respect to the estate of the deceased who died on the 11th day of July 2005 are required by the Executor, Merle Elaine Cranwell of 3 Cabarita Lane, Kingsley, Western Australia to send particulars of their claims to her by no later than 15 December 2005 after which date the Executor may distribute the assets having regard only to the claims on hand.

ZX402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

James Patrick Hall, late of Unit 3A Hellam Grove, Booragoon, Western Australia, deceased.

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 the 22nd day of November 2004, are required by the personal representative, Francis James Hall of 18 Morgan Loop, Boulder, Western Australia to send particulars of their claims to him by the 16th day of December 2005 after which date the personal representative may convey or distribute the assets having regard only to the claims of which he then has notice.

ZX403

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Margaret Dorothy Richards, late of Unit 212/5 Anstey Street, South Perth, in the State of Western Australia, deceased.

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 13 July 2005, are required by the trustees, namely Marek Mieczslaw Mony de Kerloy of Mony de Kerloy Barristers and Solicitors, 129 Royal Street, East

Perth in the State of Western Australia, Solicitor and Noel John Hosken of Bridges Personal Investment Services, Level 7, 15-17 William Street, Perth, in the State of Western Australia, Financial Advisor, to send particulars of their claims to them by 15 December 2005, after which date the trustees may convey or distribute the assets having regard only to the claims of which they then have notice.

WESTERN AUSTRALIA

CONTAMINATED SITES ACT 2003

***Price: \$19.00 counter sales
Plus postage on 240 grams**

* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

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WESTERN AUSTRALIA

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WESTERN AUSTRALIA

SENTENCE ADMINISTRATION ACT 2003

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WESTERN AUSTRALIA

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ACT 2003**

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WESTERN AUSTRALIA

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ACT 2003**

**Price: \$19.00 counter sales
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WESTERN AUSTRALIA

**PUBLIC INTEREST DISCLOSURE
ACT 2003**

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WESTERN AUSTRALIA

CARBON RIGHTS ACT 2003

**Price: \$3.45 counter sales
Plus postage on 30 grams**

*Prices subject to change on addition of amendments.

CLAIMS FOR MISSING ISSUES

(SUBSCRIPTION ITEMS)

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this date will attract payment in full.

STATE LAW PUBLISHER

SUBSCRIPTION RATES FOR 2006

All subscriptions are for the period from 1 January to 31 December 2006. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include GST where applicable and postage by surface mail unless stated otherwise.

GOVERNMENT GAZETTE

General *Government Gazettes* are published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.

Special *Government Gazettes* are published periodically.

| | |
|--------------------------|----------|
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(per year)..... 771.10

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Hansard is printed and distributed weekly during parliamentary sessions.

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