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— PART 1 —

CONSUMER AND EMPLOYMENT PROTECTION

CE301*

Consumer Credit (Western Australia) Act 1996

Consumer Credit (Western Australia) Code Amendment Order (No. 2) 2006

Made by the Governor in Executive Council under section 5 of the Act.

1. Citation

This order is the *Consumer Credit (Western Australia) Code Amendment Order (No. 2) 2006*.

2. Commencement

This order comes into operation on —

- (a) if it is published in the *Gazette* on or before the day on which the *Queensland Consumer Credit and Trade Measurement Amendment Act 2006* section 4 comes into operation — that day; or
- (b) if it is published in the *Gazette* after that day — the day on which it is published in the *Gazette*.

3. The Code amended

The amendments in this order are to the *Consumer Credit (Western Australia) Code**.

[* *The Consumer Credit Code set out in the appendix to the Consumer Credit (Queensland) Act 1994 as in force on 9 July 2003 as applied by, and amended under, section 5 of the Consumer Credit (Western Australia) Act 1996.*]

4. Section 17 amended

Section 17(1) is repealed and the following subsection is inserted instead —

“

- (1) An alteration of (including an addition to) a contract document by the credit provider after it is signed by the debtor is ineffective unless the debtor has agreed in writing to the alteration.

”

5. Section 162 amended

(1) Section 162(1) is amended as follows:

- (a) by inserting after “contract,” —
“ mortgage or ”;
- (b) by inserting after “Code” —

“

, other than a document transmitted by electronic communication

”.

(2) After section 162(1) the following subsection is inserted —

“

(1A) A credit contract, mortgage or guarantee or a notice given by a credit provider under this Code, if transmitted by electronic communication —

- (a) must be easily legible; and
- (b) must conform with the provisions of the regulations, if any, as to content, legibility and accompanying information; and
- (c) must be clearly expressed.

”.

(3) Section 162(2) is amended as follows:

- (a) by deleting “a guarantee” and inserting instead —
“ mortgage or guarantee ”;
- (b) by inserting after “credit contracts,” —
“ mortgages or ”.

6. Section 163 amended

Section 163(3) is repealed.

7. Section 164A inserted

After section 164 the following section is inserted in Division 2 —

“

164A. Electronic transactions and documents

- (1) Without limiting the provisions of this Code, it is declared that any contract, mortgage or guarantee referred to in this Code may be made in accordance with the laws of this jurisdiction in relation to electronic transactions.
- (2) Without limiting the provisions of this Code, it is declared that any requirement or permission by or under this Code, however expressed —
 - (a) to give information in writing; or
 - (b) to provide a signature; or

- (c) to produce a document; or
- (d) to record information in writing; or
- (e) to retain a document;

may be met in accordance with the laws of this jurisdiction in relation to electronic transactions.

Example: Giving information would include the requirement under section 34(1) to provide a statement of amount owing.

Note: The laws of this jurisdiction relating to electronic transactions include a definition relating to the giving of information. That definition provides generally, that giving information includes, but is not limited to —

- (a) making an application;
- (b) making or lodging a claim;
- (c) giving, sending or serving a notification;
- (d) lodging a return;
- (e) making a request;
- (f) making a declaration;
- (g) lodging or issuing a certificate;
- (h) making, varying or cancelling an election;
- (i) lodging an objection;
- (j) giving a statement of reasons.

(3) The regulations may provide that —

- (a) a specified transaction, or a specified class of transactions; or
- (b) a specified document, or a specified class of documents; or
- (c) specified information, or a specified class of information;

referred to by or under this Code must not be made, given or provided by electronic communication.

”.

Note: The following note will be inserted at the end of section 172(2) —

“ Note: A nominated address may be an electronic address. ”.

Note: The following note will be inserted at the end of section 172(3) —

“ Note: A nominated address may be an electronic address. ”.

Note: The following note will be inserted immediately after each of the definitions of “document”, “sign” and “writing” in Schedule 2, clause 12(1) —

“ Note: See section 164A. ”.

8. Section 171 amended

Section 171(2)(a) is amended by deleting “similar facility” and inserting instead —

“ electronic communication ”.

9. Section 172 amended

(1) Section 172(1) is amended as follows:

(a) in paragraph (a)(ii) by deleting “post, telex, facsimile or similar facility” and inserting instead —

“

post, telex or facsimile or, with the written consent of the person in accordance with subsection (1A), by electronic communication

”;

(b) in paragraph (b)(ii) by deleting “post, telex, facsimile or similar electronic facility” and inserting instead —

“

post, telex or facsimile or, with the written consent of the body corporate in accordance with subsection (1A), by electronic communication

”.

(2) After section 172(1) the following subsection is inserted —

“

(1A) A debtor, mortgagor or guarantor may consent to the giving of documents by electronic communication by, and only by, a specific positive election in writing, after being informed that if consent is given —

(a) paper documents may no longer be given; and

(b) electronic communications should be regularly checked for notices; and

(c) consent to the giving of documents by electronic communication may be withdrawn at any time.

”.

(3) Section 172(2) is amended by deleting “mortgagor, guarantor or consumer lessee” and inserting instead —

“ mortgagor or guarantor ”.

(4) After section 172(3) the following subsections are inserted —

“

(3A) If a person nominates an address under subsection (2)(a) or (3)(a), the person may, by notice in writing to the person giving the notice or other document referred to in subsection (1), change the nominated address or cancel the nomination.

(3B) If this Code requires or permits a notice or other document to be given to a debtor, mortgagor or guarantor by a credit provider (whether the expression “deliver”, “serve”, “notify”, “send” or “give” or

another expression is used), the notice or other document may, with the written consent in accordance with subsection (3C) of the debtor, mortgagor or guarantor, as the case may be, to service of documents by this process, be given by —

- (a) making it available for a reasonable period of time on the credit provider's information system for retrieval by electronic communication by the debtor, mortgagor or guarantor; and
 - (b) promptly notifying the debtor, mortgagor or guarantor by electronic communication that the information is available for retrieval on that information system and the nature of the information; and
 - (c) providing the debtor, mortgagor or guarantor with the ability to readily retrieve the information by electronic communication.
- (3C) A person may consent to the giving of documents by the process in subsection (3B) by, and only by, a specific positive election in writing, after being informed that if consent is given —
- (a) there is no longer a requirement that paper documents be given; and
 - (b) electronic communications should be regularly checked for notices; and
 - (c) consent to the giving of documents by that process may be withdrawn at any time.
- (3D) In addition to the requirements of the laws of this jurisdiction in relation to electronic transactions, if a notice or other document is given by sending it to a nominated electronic address or by the process in subsection (3B) —
- (a) the notice or other document must be in a format that enables the notice or other documents to be printed and saved to an electronic file; and
 - (b) at the time the notice or other document was sent or was made available on the credit provider's information system, it was reasonable to expect that the intended recipient would be readily able to print the notice or other document and to save it to an electronic file.
- (3E) A nomination or consent under this section ceases to have effect if it is cancelled or withdrawn by the person who made or gave it.

- (3F) The regulations made provide for or with respect to —
- (a) the electronic retention of documents under this Code that have been given by electronic communication or by the process in subsection (3B); and
 - (b) electronic access to those documents by the relevant debtor, mortgagor or guarantor.

”

10. Section 173 amended

- (1) Section 173(1) is amended by deleting paragraph (c) and inserting instead —

“

- (c) in the case of a notice or other document sent by facsimile transmission — on the date it bears or the date on which the machine from which the transmission was sent produces a report indicating that the notice or other document was sent to the facsimile or other number of the addressee, whichever is the later; or
- (d) in the case of a notice or other document given in accordance with section 172(3B) — at the time when the electronic communication referred to in section 172(3B)(b) enters the information system of the addressee; or
- (e) in the case of a notice or other document given by electronic communication — at the time when the electronic communication enters the information system of the addressee.

”

- (2) After section 173(2) the following subsection is inserted —

“

- (3) This section has effect despite anything to the contrary in the laws of this jurisdiction in relation to electronic transactions.

”

11. Section 173A inserted

After section 173 the following section is inserted —

“

173A. Attribution of electronic communications

- (1) For the purposes of this Code, the purported originator of an electronic communication is bound by that communication only if —
 - (a) the purported originator and the addressee of an electronic communication have agreed that the

Electronic Funds Transfer Code of Conduct as published from time to time on the Internet site of the Australian Securities and Investments Commission applies to the electronic communication and under that Code of Conduct the purported originator is bound by the communication; or

- (b) in any other case, the communication was sent by the purported originator or with the authority of the purported originator.
- (2) Subsection (1) does not affect the operation of section 176.
- (3) This section has effect despite anything to the contrary in the laws of this jurisdiction in relation to electronic transactions.

”.

12. Schedule 2 amended

Clause 12(1) is amended by inserting in the appropriate alphabetical position —

“

“electronic communication” means —

- (a) a communication of information in the form of data, text or images by means of guided or unguided electromagnetic energy, or both; or
- (b) a communication of information in the form of sound by means of guided or unguided electromagnetic energy, or both, where the sound is processed at its destination by an automated voice recognition system.

“information system” means a system for generating, sending, receiving, storing or otherwise processing electronic communications.

”.

Note: A draft Order (the Consumer Credit (Western Australia) Code Amendment Order 2006) containing these provisions was approved by the Legislative Assembly on 18 May 2006 (see Hansard p. 2865-6) and by the Legislative Council on 1 June 2006 (see Hansard p. 3398-9).

By Command of the Governor,

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

CE302*

Consumer Credit (Western Australia) Act 1996

Consumer Credit (Western Australia) Code Regulations Amendment Order (No. 4) 2006

Made by the Governor in Executive Council under section 6 of the Act.

1. Citation

This order is the *Consumer Credit (Western Australia) Code Regulations Amendment Order (No. 4) 2006*.

2. The regulations amended

The amendments in this order are to the *Consumer Credit (Western Australia) Code Regulations**.

[* *The regulations in force under Part 4 of the Consumer Credit (Queensland) Act 1994 on 9 July 2003 as applied, and amended under, section 6 of the Consumer Credit (Western Australia) Act 1996. For amendments to 24 July 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 66 and Gazette 13 June 2006.*]

3. Commencement

This order comes into operation on —

- (a) if it is published in the *Gazette* on or before the day on which the *Queensland Consumer Credit and Trade Measurement Amendment Act 2006* section 4 comes into operation — that day; or
- (b) if it is published in the *Gazette* after that day — the day on which it is published in the *Gazette*.

4. Section 10 amended

Section 10(2) is amended by inserting after “above words” —

“

or, if the declaration is to be made by electronic communication, prominently displayed when (but not after) the person signs

”.

5. Section 13 amended

Section 13(5) is repealed and the following subsection is inserted instead —

“

- (5) The financial table is to be set out at the beginning of the precontractual statement. If the precontractual

statement consists of more than one document, the financial table need not be repeated. If the precontractual statement is not a separate document, the financial table is to be set out at the beginning of the proposed contract document. The financial table may be preceded by information necessary to identify the loan.

”

6. Section 15 amended

Section 15(3) is amended by deleting paragraphs (b) and (c) and inserting the following paragraph instead —

“

- (b) they are to be set out immediately above (and on the same page as) each place where the debtor (or at least 1 of the debtors) is to sign the contract document or, if a contract is made by electronic communication, the information and warnings must be prominently displayed when (but not after) the debtor (or if 2 or more debtors, each debtor) signs.

”

7. Section 34 amended

Section 34 is amended by inserting after “above words” —

“

or, if a consumer lease is made by electronic communication, prominently displayed when (but not after) the person signs

”

8. Section 39 amended

- (1) Section 39 is amended by inserting before “For” the subsection designation “(1)”.
- (2) After the note in section 39 the following subsection is inserted —

“

- (2) For the purposes of section 162(1A)(b) of the Code, if a credit contract, mortgage or guarantee or a notice transmitted by a credit provider under the Code is transmitted by electronic communication —
- (a) the electronic communication must not incorporate any image, message, advertisement or other feature that distracts, or is reasonably likely to distract, the recipient or otherwise reduces or interferes, or is reasonably likely to reduce or interfere, with the recipient’s ability to understand the credit contract, mortgage or guarantee or notice; and

- (b) if an image, message, advertisement or other feature accompanies or is associated with the electronic communication, it must be readily distinguishable from the credit contract, mortgage or guarantee or notice; and
- (c) the recipient must be readily able to scroll through the whole of the credit contract, mortgage or guarantee or notice; and
- (d) the full address (not being a post office box) and telephone number at which the credit provider may be contacted must be included in the credit contract, mortgage or guarantee or notice.

”

9. Section 39A inserted

After section 39 the following section is inserted —

“

39A. Exemptions in relation to electronic communications

For the purposes of section 164A(3) of the Code, the following transactions, documents or information, or classes of transactions, documents or information, must not be made, given or provided by electronic communication —

- (a) a guarantee to which the Code applies under section 9 of the Code;
- (b) a copy of a guarantee given under section 52(1)(a) of the Code;
- (c) a copy of a credit contract given under section 52(1)(b) of the Code;
- (d) a copy of a contract document given under section 54(2)(a) of the Code;
- (e) a notice setting out particulars of the change in the terms of the credit contract under section 56(1)(a) of the Code;
- (f) a default notice under section 80(1) of the Code;
- (g) a default notice under section 80(2) of the Code;
- (h) information concerning the provisions of section 91 of the Code provided to the occupier of premises under section 91(1)(b) of the Code;
- (i) a request for entry to premises under section 24(a) of these regulations;
- (j) a consent to enter premises under section 24(c) of these regulations;

- (k) a notice under section 94(1) of the Code;
- (l) a demand made on the supplier under section 120(5)(a) of the Code;
- (m) a demand made on the supplier under section 120(6)(a) of the Code;
- (n) a notice of intention to repossess under section 156(1) of the Code;
- (o) a transaction on which duty is only charged under the laws of this jurisdiction if the transaction is effected or evidenced by an instrument or document in hard copy form;
- (p) an instrument on which duty is only charged under the laws of this jurisdiction if the instrument is in hard copy form.

”.

Note: A draft Order (the Consumer Credit (Western Australia) Code Regulations Amendment Order (No. 2) 2006) containing these provisions was approved by the Legislative Assembly on 28 June 2006 (see Hansard p. 4458-9) and by the Legislative Council on 29 June 2006 (see Hansard p. 4546-9).

By Command of the Governor,

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

EDUCATION & TRAINING

ED301*

Industrial Training Act 1975

Industrial Training (Apprenticeship Training) Amendment Regulations (No. 3) 2006

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Industrial Training (Apprenticeship Training) Amendment Regulations (No. 3) 2006*.

2. Commencement

These regulations come into operation on 1 October 2006.

3. The regulations amended

The amendments in these regulations are to the *Industrial Training (Apprenticeship Training) Regulations 1981**.

[* Reprinted as at 2 August 2002.

For amendments to 26 July 2006 see *Western Australian Legislation Information Tables for 2005, Table 4, p. 214, and Gazette 4 April and 26 May 2006.*]

4. Schedule 1 amended

Schedule 1 is amended as follows:

- (a) by deleting the item for “Cooking”;
- (b) after the item for “Carpentry and Joinery” by inserting —
“ Chef ”.

5. Schedule 2 amended

Schedule 2 is amended by deleting the item for “Cooking”.

6. Schedule 3A amended

Schedule 3A is amended after the item for “Carpentry and Joinery” by inserting —

“

Chef	425 hours	425 hours		
------	-----------	-----------	--	--

”

7. Schedule 4 amended

Schedule 4 is amended by deleting the item for “Cooking”.

8. Transitional

- (1) Subject to this regulation the *Industrial Training (Apprenticeship Training) Regulations 1981* as in force immediately before 1 October 2006 continue to apply to and in relation to —
 - (a) an apprentice who commenced service as a cook under an apprenticeship agreement before 1 October 2006 (an “existing apprentice”); or
 - (b) a person who —
 - (i) commenced employment as a probationer cook before 1 October 2006; and
 - (ii) completes that probationary employment after 1 October 2006; and

- (iii) on completing that probationary employment commences service under an apprenticeship agreement,
(an “**existing probationer**”).
- (2) The parties to the apprenticeship agreement of an existing probationer may, with the approval of the Director, agree in the apprenticeship agreement that the apprentice is to be employed as a chef and that the term of the apprenticeship is to be 3 years.
- (3) If the parties to an apprenticeship agreement agree in the manner described in subregulation (2), subregulation (1) ceases to apply to and in relation to the apprentice when he or she commences service under the apprenticeship agreement.
- (4) The parties to the apprenticeship agreement of an existing apprentice may, with the approval of the Director, vary the apprenticeship agreement to change —
 - (a) the trade in which the apprentice is employed to that of chef; and
 - (b) the term of the apprenticeship to 3 years (plus any extension made by the Director under subregulation (6)).
- (5) An application for approval under subregulation (4) must be made —
 - (a) in a form and manner approved by the Director; and
 - (b) within 3 months of the date on which these regulations come into operation.
- (6) If, when an application is made for approval under subregulation (4) —
 - (a) the apprentice has not —
 - (i) attended all the classes; and
 - (ii) obtained all the instruction; and
 - (iii) undertaken all the courses and skills training programmes,
that the apprentice is required by section 33(1) of the Act to attend, obtain or undertake in relation to the trade in which he or she is to be employed under the varied agreement; and
 - (b) the Director is satisfied that the apprentice will not reasonably be able to complete those requirements during the term of the apprenticeship (as varied),
the Director may, before approving the variation, extend the term of the apprenticeship (as specified in the variation) by such period as the Director considers is reasonably necessary for the apprentice to complete those requirements.
- (7) A variation of an apprenticeship agreement under subregulation (4) takes effect on the date on which it is approved by the Director.

- (8) If an apprenticeship agreement is varied under subregulation (4), subregulation (1) ceases to apply to and in relation to the apprentice on the date the variation takes effect.

By Command of the Lieutenant-Governor and deputy of the Governor,

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

ED302*

Industrial Training Act 1975

Industrial Training (Apprenticeship Training) Amendment Regulations (No. 4) 2006

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Industrial Training (Apprenticeship Training) Amendment Regulations (No. 4) 2006*.

2. Commencement

These regulations come into operation on 1 October 2006.

3. The regulations amended

The amendments in these regulations are to the *Industrial Training (Apprenticeship Training) Regulations 1981**.

[* Reprinted as at 2 August 2002.

For amendments to 3 August 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 214, and Gazette 4 April and 26 May 2006.]

4. Schedule 1 amended

Schedule 1 is amended as follows:

- (a) by deleting the following items —
- (i) General Butchering;
 - (ii) Slaughtering;
 - (iii) Small Goods Making;

- (b) after the item for “Footwear Manufacturing” by inserting —
 “ General Butcher ”.

5. Schedule 2 amended

Schedule 2 is amended by deleting the items for the following trades —

- (a) General Butchering;
 (b) Slaughtering;
 (c) Smallgoods Making.

6. Schedule 3A amended

Schedule 3A is amended by inserting the following item in the appropriate alphabetical position —

“

General Butcher	360 hours	360 hours		
-----------------	-----------	-----------	--	--

”.

7. Schedule 4 amended

Schedule 4 is amended by deleting the items for the following trades —

- (a) General Butchering;
 (b) Slaughtering;
 (c) Smallgoods Making.

8. Transitional

- (1) Subject to this regulation the *Industrial Training (Apprenticeship Training) Regulations 1981* as in force immediately before 1 October 2006 continue to apply to and in relation to —

- (a) an apprentice who commenced service in an old trade under an apprenticeship agreement before 1 October 2006; or
 (b) a person who —
 (i) commenced employment as a probationer in an old trade before 1 October 2006; and
 (ii) completes that probationary employment after 1 October 2006; and
 (iii) on completing that probationary employment commences service under an apprenticeship agreement,

(an “existing probationer”).

- (2) The parties to the apprenticeship agreement of an existing probationer may, with the approval of the Director, agree in the apprenticeship agreement that —
- (a) the apprentice is to be employed as a general butcher (instead of in the old trade in which he or she was employed as a probationer); and
 - (b) the term of the apprenticeship is to be 3 years.
- (3) If the parties to an apprenticeship agreement agree in the manner described in subregulation (2), subregulation (1) ceases to apply to and in relation to the apprentice when he or she commences service under the apprenticeship agreement.
- (4) In this regulation —
- “old trade”** means —
- (a) General Butchering; or
 - (b) Slaughtering; or
 - (c) Small Goods Making.

By Command of the Lieutenant-Governor and deputy of the Governor,

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

ED303*

Industrial Training Act 1975

Industrial Training (Apprenticeship Training) Amendment Regulations (No. 5) 2006

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Industrial Training (Apprenticeship Training) Amendment Regulations (No. 5) 2006*.

2. Commencement

These regulations come into operation on 1 October 2006.

3. The regulations amended

The amendments in these regulations are to the *Industrial Training (Apprenticeship Training) Regulations 1981**.

[* Reprinted as at 2 August 2002.

For amendments to 21 August 2006 see *Western Australian Legislation Information Tables for 2005, Table 4, p. 214, and Gazette 4 April and 26 May 2006.*]

4. Schedule 1 amended

Schedule 1 is amended as follows:

- (a) by deleting the following items —
 - (i) Combined Hairdressing;
 - (ii) Hairdressing;
 - (iii) Ladies Hairdressing;
 - (iv) Male Hairdressing;
- (b) after the item for “Footwear Manufacturing” by inserting —
 - “ Hairdresser ”.

5. Schedule 2 amended

Schedule 2 is amended by deleting the items for the following trades —

- (a) Ladies Hairdressing;
- (b) Male Hairdressing.

6. Schedule 3A amended

Schedule 3A is amended by inserting the following item in the appropriate alphabetical position —

“

Hairdresser	325 hours	325 hours		
-------------	-----------	-----------	--	--

”

7. Schedule 4 amended

Schedule 4 is amended by deleting the item for “Ladies Hairdressing”.

8. Transitional

- (1) Subject to this regulation the *Industrial Training (Apprenticeship Training) Regulations 1981* as in force immediately before 1 October 2006 continue to apply to and in relation to —
 - (a) an apprentice who commenced service in an old trade under an apprenticeship agreement before 1 October 2006; or
 - (b) a person who —
 - (i) commenced employment as a probationer in an old trade before 1 October 2006; and

- (ii) completes that probationary employment after 1 October 2006; and
 - (iii) on completing that probationary employment commences service under an apprenticeship agreement,
(an “existing probationer”).
- (2) The parties to the apprenticeship agreement of an existing probationer may, with the approval of the Director, agree in the apprenticeship agreement that —
 - (a) the apprentice is to be employed as a hairdresser (instead of in the old trade in which he or she was employed as a probationer); and
 - (b) the term of the apprenticeship is to be 3 years.
- (3) If the parties to an apprenticeship agreement agree in the manner described in subregulation (2), subregulation (1) ceases to apply to and in relation to the apprentice when he or she commences service under the apprenticeship agreement.
- (4) In this regulation —
“old trade” means —
 - (a) Combined Hairdressing; or
 - (b) Hairdressing; or
 - (c) Ladies Hairdressing; or
 - (d) Male Hairdressing.

By Command of the Lieutenant-Governor and deputy of the Governor,

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

ENVIRONMENT

EV301*

Environmental Protection Act 1986
Environmental Protection (Landfill) Levy Act 1998

Environmental Protection Amendment Regulations 2006

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council on the recommendation of the Environmental Protection Authority.

1. Citation

These regulations are the *Environmental Protection Amendment Regulations 2006*.

2. Commencement

These regulations come into operation on 1 October 2006.

3. The regulations amended

The amendments in these regulations are to the *Environmental Protection Regulations 1987**.

[* *Reprint 5 as at 11 March 2005.*

For amendments to 25 August 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 113.]

4. Regulation 2AA replaced and consequential amendments

- (1) Regulation 2AA is repealed and the following regulation is inserted instead —

“

2AA. Interpretation

In these regulations, unless the contrary intention appears —

“**Departmental library**” means the Department’s library located at The Atrium, 168 St George’s Terrace, Perth, Western Australia;

“**head office**” means the premises of the Authority at Level 8, The Atrium, 168 St George’s Terrace, Perth, Western Australia.

”.

- (2) Regulations 2A(a)(i), 2B(5) and 40 are amended by deleting “public reading room” and inserting instead —

“ Departmental library ”.

5. Regulation 16A amended

Regulation 16A is amended in the definition of “lot” by deleting “*Town Planning and Development Act 1928.*” and inserting instead —

“ *Planning and Development Act 2005.* ”.

6. Regulation 21 amended

Regulation 21(1) is amended as follows:

- (a) by deleting the definition of “landfill cover”;
- (b) in the definition of “metropolitan region” by deleting “*Metropolitan Region Town Planning Scheme Act 1959;*” and inserting instead —

“ *Planning and Development Act 2005;* ”.

7. Regulation 23 amended

- (1) Regulation 23(1)(a) is deleted and the following paragraph is inserted instead —

“

- (a) uncontaminated soil or other clean fill that —
- (i) is, or is to be, used after the completion of landfill operations to cover, to a depth of up to 500 mm, waste disposed of on the premises; and
 - (ii) was accepted by the licensee at no charge;

”.

- (2) After regulation 23(2) the following subregulation is inserted —

“

- (2a) A licensee of a category 63 licensed landfill may by application in the approved form claim an exemption from the requirements of regulation 26(4) and (5) in respect of a return period if no waste has been disposed of to landfill on the licensed landfill.

”.

8. Regulation 24 amended

Regulation 24(3) is amended by deleting “Officer.” and inserting instead —

“

Officer of which the licensee has been given written notice.

”.

9. Regulation 25 amended

- (1) Regulation 25(1) is amended by inserting after “received at a” —

“ category 64 or 65 ”.

- (2) Regulation 25(2) is repealed and the following subregulation is inserted instead —

“

- (2) If —
- (a) the licensee of a category 64 or 65 licensed landfill has been granted an exemption from the requirement to weigh waste received at the licensed landfill; or
 - (b) a category 64 or 65 licensed landfill does not have a weighbridge,

when waste is received at that licensed landfill the licensee is to estimate the weight of that waste in the

approved manner, and the estimated weight is to be the weight that is used for the purpose of determining the amount of the levy under regulation 27.

10. Regulations 26 and 27 replaced by regulations 26, 26A and 27

Regulations 26 and 27 are repealed and the following regulations are inserted instead —

26. Amount of waste — category 63 licensed landfills

- (1) The licensee of a category 63 licensed landfill must —
- (a) cause a survey of the premises to be conducted by a surveyor for the purpose of establishing a base from which the volume of waste subsequently disposed of to landfill on the premises can be measured (the **“baseline survey”**); and
 - (b) lodge with the Chief Executive Officer a report of that survey prepared by the surveyor (the **“baseline report”**).

Penalty: \$5 000.

- (2) In the case of an existing landfill —
- (a) the baseline survey must be conducted as soon as practicable after 1 October 2006; and
 - (b) the baseline report must be lodged on or before 14 October 2006.
- (3) In the case of a category 63 licensed landfill other than an existing landfill —
- (a) the baseline survey must be conducted —
 - (i) after the licence is issued; and
 - (ii) not more than 14 days before the licensee commences accepting waste for disposal to landfill on the premises;and
 - (b) the baseline report must be lodged within 14 days after the licensee commences accepting waste for disposal to landfill on the premises.
- (4) Subject to any exemption granted on application under regulation 23(2a), after the end of a return period the licensee of a category 63 licensed landfill must cause a survey of the premises to be conducted by a surveyor for the purpose of calculating the volume of waste disposed of to landfill during that return period (a **“quarterly survey”**).

- (5) The licensee must lodge a report on a quarterly survey, prepared by the surveyor, with the return lodged under regulation 30 for that return period.
Penalty: \$5 000.
- (6) The report referred to in subregulation (5) must include the surveyor's calculation of the number of cubic metres of waste disposed of to landfill on the premises during the return period based on a comparison of the quarterly survey for that return period and the previous quarterly survey or, if there is no previous quarterly survey, the baseline survey for the premises or the estimated base established under regulation 26A(1).
- (7) The volume of waste so calculated by the surveyor is to be the volume used for the purposes of determining the amount of the levy under regulation 27.
- (8) In this regulation —
- “existing landfill”** means a category 63 licensed landfill —
- (a) for which the licence was in force on 1 October 2006; and
 - (b) at which waste was being accepted for disposal to landfill prior to 1 October 2006;
- “surveyor”** means —
- (a) a licensed surveyor as defined in the *Licensed Surveyors Act 1909*; or
 - (b) a person who is, or is eligible to be, a member of —
 - (i) the Institution of Surveyors, Australia; or
 - (ii) the Spatial Sciences Institute.

26A. CEO may make estimates if survey not conducted

- (1) If the licensee of a category 63 licensed landfill fails to comply with regulation 26(1) the Chief Executive Officer may establish an estimated base from which the volume of waste subsequently disposed of to landfill on the premises can be measured.
- (2) If the licensee of a category 63 licensed landfill fails to comply with regulation 26(5) in respect of a return period the Chief Executive Officer may estimate the number of cubic metres of waste disposed of to landfill on the premises during the return period.
- (3) For the purposes of this regulation the Chief Executive Officer may cause a survey of the kind referred to in regulation 26(1)(a) or (4) to be conducted in respect of the licensed landfill.

- (4) The Chief Executive Officer must give written notice to the licensee of any estimated base established under subregulation (1) or any estimation made under subregulation (2).
- (5) The Chief Executive Officer may call on or use the financial assurance provided by the licensee under regulation 28 to cover any costs incurred under this regulation.

27. Determination of amount of levy

- (1) The amount by way of levy that is payable in respect of waste to which this Part applies that is received at a category 63 licensed landfill during a return period is the amount (in dollars) equal to L in the formula —

$$L = (V \times R) - S$$

where —

V is the number of cubic metres of waste to which this Part applies received at the licensed landfill during the return period determined in accordance with regulation 26 or estimated under regulation 26A(2); and

R is, if the first day of the return period is —

- (a) before 1 July 2008, \$3; or
- (b) on or after 1 July 2008 and before 1 July 2009, \$5; or
- (c) on or after 1 July 2009 and before 1 July 2010, \$7; or
- (d) on or after 1 July 2010, \$9;

and

S is the lesser of —

- (a) the cost incurred by the licensee in complying with regulation 26(4) and (5) in respect of the return period; and
- (b) \$2 000.

- (2) The amount by way of levy that is payable in respect of waste to which this Part applies that is received at a category 64 or 65 licensed landfill during a return period is the amount (in dollars) equal to L in the formula —

$$L = (W \times 92\%) \times R$$

where —

W is the number of tonnes of waste to which this Part applies received at the licensed landfill during the return period determined in accordance with regulation 25; and

R is, if the first day of the return period is —

- (a) before 1 July 2008, \$6; or
- (b) on or after 1 July 2008 and before 1 July 2009, \$7; or
- (c) on or after 1 July 2009 and before 1 July 2010, \$8; or
- (d) on or after 1 July 2010, \$9.

”.

11. Regulation 28 amended

Regulation 28(4) is amended by deleting “Officer.” and inserting instead —

“

Officer of which the licensee has been given written notice.

”.

12. Regulation 29 amended

Regulation 29(2) is amended as follows:

- (a) by deleting paragraph (c) and inserting instead —

“

- (c) in the case of a category 63 licensed landfill, the volume of the waste disposed of to landfill on the premises calculated in accordance with regulation 26; and

- (ca) in the case of a category 64 or 65 licensed landfill, the weight of the waste as weighed or estimated in accordance with regulation 25; and

”.

- (b) after each of paragraphs (a), (b) and (d) by inserting —

“ and ”.

13. Regulation 30 amended

Regulation 30(2) is amended by deleting “regulation 25 or 26,” and inserting instead —

“ regulation 26A, ”.

14. Schedule 4 amended

Schedule 4 Part 3 Table 1 item 3(a) is amended by deleting “(within the meaning of the *Metropolitan Region Town Planning Scheme Act 1959*)” and inserting instead —

“ (as defined in the *Planning and Development Act 2005*) ”.

15. Schedule 6 amended

Schedule 6 is amended under the heading “*Environmental Protection Regulations 1987*” by deleting item 9 and inserting instead —

“

9.	regulation 26(1)	250	500
9A.	regulation 26(5)	250	500

”

Recommended by the Environmental Protection Authority,

WALTER COX, Chairman.

By Command of the Lieutenant-Governor and deputy of the Governor.

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

JUSTICE

JU301

*PRINTERS CORRECTION***LEGAL PRACTICE ACT 2003**
**LEGAL PRACTITIONERS (MAGISTRATES COURT)
(CRIMINAL JURISDICTION) REPORT 2006**

An error occurred in the notice published under the above heading on page 4236 of *Government Gazette* No. 167 dated 26 September 2006 and is corrected as follows.

Delete section numbers—

“4, 5, 6 and 7”

and insert—

“ 1, 2, 3 and 4 ”.

LOTTERIES

LO301*

Lotteries Commission Act 1990

**Lotteries Commission (Saturday Lotto)
Amendment Rules (No. 2) 2006**

Made by the Lotteries Commission under section 28(1) of the Act.

1. Citation

These rules are the *Lotteries Commission (Saturday Lotto) Amendment Rules (No. 2) 2006*.

2. The rules amended

The amendments in these rules are to the *Lotteries Commission (Saturday Lotto) Rules 1996**.

[* Reprint 2 as at 4 August 2006.]

3. Rule 18 amended

Rule 18(2) is amended as follows:

- (a) by deleting “contribution under subrule (1) are” and inserting instead —
“ total contribution under subrule (1) is ”;
- (b) in paragraph (a) by deleting “55%” and inserting instead —
“ not less than 55% ”;
- (c) in paragraph (b) by deleting “remaining 5% of the Commission’s subscriptions” and inserting instead —
“ balance of the contribution ”.

4. Schedule 3 amended

Schedule 3 is amended by deleting

“

Prize pool — % of subscriptions	55.0%
Prize reserve fund — % of subscriptions	5.0%

”

and inserting instead —

“

Prize pool — % of subscriptions	no less than 55.0%
Prize reserve fund — % of subscriptions	balance of prize fund after prize pool (up to 5.0%)

”

The Common Seal of the)
Commission was affixed on the)
21st day of September 2006,)
by order and in the presence of —)

L.S.

CLYDE BEVAN, Chairperson.
ROGER LEWIS, Member.
ANNE CONTI, Member.

LO302*

Lotteries Commission Act 1990

Lotteries Commission (Super 66) Amendment Rules (No. 2) 2006

Made by the Lotteries Commission under section 28(1) of the Act.

1. Citation

These rules are the *Lotteries Commission (Super 66) Amendment Rules (No. 2) 2006*.

2. The rules amended

The amendments in these rules are to the *Lotteries Commission (Super 66) Rules 1996**.

[* *Reprint 1 as at 4 July 2003.*

For amendments to 18 September 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 243 and Gazette of 21 April 2006.]

3. Rule 13 amended

Rule 13(2) is amended as follows:

- (a) before “contribution under subrule (1)” by inserting —
“ total ”;
- (b) in paragraph (a) by deleting “56.5%” and inserting instead —
“ not less than 55% ”;
- (c) in paragraph (b) by deleting “remaining 3.5% of the Commission’s subscriptions” and inserting instead —
“ balance of the contribution ”.

4. Schedule 1 amended

Schedule 1 is amended by deleting

“

Prize pool — % of subscriptions	56.5%
Prize reserve fund — % of subscriptions	3.5%

”

and inserting instead —

“

Prize pool — % of subscriptions	no less than 55.0%
Prize reserve fund — % of subscriptions	balance of prize fund after prize pool (up to 5.0%)

”

The Common Seal of the)
Commission was affixed on the)
21st day of September 2006,)
by order and in the presence of —)

L.S.

CLYDE BEVAN, Chairperson.

ROGER LEWIS, Member.

ANNE CONTI, Member.

LO303*

Lotteries Commission Act 1990

Lotteries Commission (Oz Lotto) Amendment Rules 2006

Made by the Lotteries Commission under section 28(1) of the Act.

1. Citation

These rules are the *Lotteries Commission (Oz Lotto) Amendment Rules 2006*.

2. The rules amended

The amendments in these rules are to the *Lotteries Commission (Oz Lotto) Rules 1995**.

[* Reprinted as at 17 May 2002.

For amendments to 18 September 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 242.]

3. Rule 16 amended

Rule 16(2) is amended as follows:

- (a) by deleting “contribution under subrule (1) will” and inserting instead —

“ total contribution under subrule (1) is to ”;

- (b) in paragraph (a) by deleting “56.5%” and inserting instead —
 “ not less than 55% ”;
- (c) in paragraph (b) by deleting “remaining 3.5% of the Commission’s subscriptions” and inserting instead —
 “ balance of the contribution ”.

4. Schedule 3 amended

Schedule 3 is amended in the column headed “Winning Numbers” as follows:

- (a) by deleting “Seven and One Supplementaries” and inserting instead —
 “ Seven and One Supplementary ”;
- (b) by deleting “Six and Two Supplementary” and inserting instead —
 “ Six and Two Supplementaries ”;
- (c) by deleting “Six and One” and inserting instead —
 “ Six and One Supplementary ”.

5. Schedule 4 amended

Schedule 4 is amended by deleting

“

Prize Pool % Subscriptions	56.5%
Prize Reserve Fund %	
Subscriptions (maximum)	3.5%

”

and inserting instead —

“

Prize pool — % of Subscriptions	no less than 55.0%
Prize reserve fund — % of Subscriptions	balance of prize fund after prize pool (up to 5.0%)

”.

The Common Seal of the)
 Commission was affixed on the)
 21st day of September 2006,)
 by order and in the presence of —)

L.S.

CLYDE BEVAN, Chairperson.
 ROGER LEWIS, Member.
 ANNE CONTI, Member.

LO304*

Lotteries Commission Act 1990

Lotteries Commission (Powerball) Amendment Rules 2006

Made by the Lotteries Commission under section 28(1) of the Act.

1. Citation

These rules are the *Lotteries Commission (Powerball) Amendment Rules 2006*.

2. The rules amended

The amendments in these rules are to the *Lotteries Commission (Powerball) Rules 1996**.

[* Reprinted as at 17 May 2002.

For amendments to 18 September 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 242.]

3. Rule 18 amended

Rule 18(2) is amended as follows:

- (a) by deleting “contribution under subrule (1) are” and inserting instead —
“ total contribution under subrule (1) is ”;
- (b) in paragraph (a) by deleting “57.5%” and inserting instead —
“ not less than 55% ”;
- (c) in paragraph (b) by deleting “remaining 2.5% of the Commission’s subscriptions” and inserting instead —
“ balance of the contribution ”.

4. Schedule 4 amended

Schedule 4 is amended by deleting

“

Prize pool — % of subscriptions	57.5%
Prize reserve fund — % of subscriptions	2.5%

”

and inserting instead —

“

Prize pool — % of Subscriptions	no less than 55.0%
Prize reserve fund — % of Subscriptions	balance of prize fund after prize pool (up to 5.0%)

”

The Common Seal of the)
Commission was affixed on the)
21st day of September 2006,)
by order and in the presence of —)

L.S.

CLYDE BEVAN, Chairperson.

ROGER LEWIS, Member.

ANNE CONTI, Member.

LO305*

Lotteries Commission Act 1990

Lotteries Commission (Monday and Wednesday Lotto) Amendment Rules (No. 2) 2006

Made by the Lotteries Commission under section 28(1) of the Act.

1. Citation

These rules are the *Lotteries Commission (Monday and Wednesday Lotto) Amendment Rules (No. 2) 2006*.

2. The rules amended

The amendments in these rules are to the *Lotteries Commission (Monday and Wednesday Lotto) Rules 2006**.

[* *Published in Gazette 21 April 2006, p. 1611.*]

3. Rule 18 amended

Rule 18(2) is amended as follows:

- (a) by deleting “contributions under subrule (1) are” and inserting instead —

“ total contribution under subrule (1) is ”;

- (b) in paragraph (a) by deleting “55%” and inserting instead —
 “ not less than 55% ”;
- (c) in paragraph (b) by deleting “remaining 5% of the Commission’s subscriptions” and inserting instead —
 “ balance of the contribution ”.

4. Schedule 4 amended

Schedule 4 is amended by deleting

“

Prize pool — % of subscriptions	55.0%	
Prize reserve fund — % of subscriptions	5.0%	”

and inserting instead —

“

Prize pool — % of subscriptions	no less than 55.0%	
Prize reserve fund — % of subscriptions	balance of prize fund after prize pool (up to 5.0%)	”

The Common Seal of the)
 Commission was affixed on the)
 21st day of September 2006,)
 by order and in the presence of —)

L.S.

CLYDE BEVAN, Chairperson.

ROGER LEWIS, Member.

ANNE CONTI, Member.

LO306*

Lotteries Commission Act 1990

**Lotteries Commission (Soccer Pools)
 Amendment Rules 2006**

Made by the Lotteries Commission under section 28(1) of the Act.

1. Citation

These rules are the *Lotteries Commission (Soccer Pools) Amendment Rules 2006*.

2. The rules amended

The amendments in these rules are to the *Lotteries Commission (Soccer Pools) Rules 1996**.

[* Reprinted as at 17 May 2002.

For amendments to 18 September 2006 see *Western Australian Legislation Information Tables for 2005, Table 4, p. 243.*]

3. Rule 23 amended

Rule 23(2) is amended as follows:

- (a) before “contribution” by inserting —
“ total ”;
- (b) in paragraph (a) by deleting “48%” and inserting instead —
“ not less than 45% ”;
- (c) in paragraph (b) by deleting “remaining 2% of the Commission’s base costs” and inserting instead —
“ balance of the contribution ”.

4. Schedule 4 amended

Schedule 4 is amended by deleting

“

Prize pool — % of base costs	48.0%
Prize reserve fund — maximum % of base costs	2.0%

”

and inserting instead —

“

Prize pool — % of base costs	no less than 45.0%
Prize reserve fund — % of base costs	balance of prize fund after prize pool (up to 5.0%)

”

The Common Seal of the)
Commission was affixed on the)
21st day of September 2006,)
by order and in the presence of —)

L.S.

CLYDE BEVAN, Chairperson.

ROGER LEWIS, Member.

ANNE CONTI, Member.

WORKSAFE

WS301*

Occupational Safety and Health Act 1984

**Commission for Occupational Safety and
Health (Appointment of Member)
Instrument (No. 2) 2006**

Made by the Lieutenant-Governor and deputy of the Governor in
Executive Council.

1. Citation

This instrument is the *Commission for Occupational Safety and
Health (Appointment of Member) Instrument (No. 2) 2006*.

2. Appointment of member under section 6(2)(d)(iii) of the Act

Matthew Lyall Davies, having been nominated by the Minister
after consultation with the Chamber of Commerce and Industry
of Western Australia (Inc) and The Trades and Labor Council of
Western Australia for appointment under section 6(2)(d)(iii) of
the Act as a member of the Commission, is appointed to hold
office under that provision for a term expiring on 3 April 2009.

By Command of the Lieutenant-Governor and deputy of the Governor,

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

— PART 2 —

CONSERVATION

CO401*

CONSERVATION AND LAND MANAGEMENT ACT 1984
CONSERVATION AND LAND MANAGEMENT (REVOCATION OF STATE FOREST)
ORDER (NO. 2) 2006

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 9(2) of the *Conservation and Land Management Act 1984*.

1. Citation

This order may be cited as the *Conservation and Land Management (Revocation of State Forest) Order (No. 2) 2006*.

2. Background to this order

(1) In accordance with section 9(2) of the Act, a proposal dated 26 October 2005 that several areas (about 126.4 hectares in total) be revoked from State Forest Nos. 7, 16, 29, 30, 35, 36, 38, 57 and 65 was laid before both Houses of Parliament.

(2) Resolutions that the proposal referred to in sub-clause (1) be carried out were passed by the Legislative Assembly on 1 December 2005 and by the Legislative Council on 23 May 2006.

(3) The lands referred to in sub-clause (1) have been surveyed and are now described in Schedules 1-9. These lands fall within the Shires of Bridgetown-Greenbushes, Donnybrook-Balingup, Gingin, Manjimup, Mundaring, Nannup, Wanneroo and Waroona and are required to formally widen, realign or dedicate several roads.

3. Portions of State Forest Nos. 7, 16, 29, 30, 35, 36, 38, 57 and 65 revoked

The lands described in Schedules 1-9 are declared to be no longer State forest.

Schedule 1—Land no longer part of State Forest No. 7

Upgrade of Great Eastern Highway

Lot 300 (0.4389 hectares) and road widening (0.0324 hectares) on Deposited Plan 49612 0.4713 hectares
 On Department of Land Information Plan: BG34 (10) 8.7

Schedule 2—Land no longer part of State Forest No. 16

Peel Deviation

Lot 300 (comprising five severances) on Deposited Plan 51479 83.2385 hectares
 On Department of Land Information Plans: BG 32 (10) 1.2; Lake Clifton NE and SE (2032-III-NE and SE)

Schedule 3—Land no longer part of State Forest No. 29

Realignment of Anderson Road

Lots 302 (3.5024 hectares) and 303 (0.8343 hectares) on Deposited Plan 44598 4.3367 hectares
 On Department of Land Information Plans: Donnybrook SE (2030-I-SE) and Wilga SW (2130-IV-SW).

Schedule 4—Land no longer part of State Forest No. 30

Truncation at the corner of Hester Road and Bill Baldock Drive

Lot 300 (road widening) on Deposited Plan 42073 0.0176 hectares
 On Department of Land Information Plan: BG 29 (10) 6.2

Schedule 5—Land no longer part of State Forest Nos. 35 and 57

Dedication of Graphite Road

Sub-Schedule A: State Forest No. 35
 Lot 13913 on Deposited Plan 39680 17.7979 hectares

Sub-Schedule B: State Forest No. 57
 Lot 13849 on Deposited Plan 39680 15.2884 hectares
 On Department of Land Information Plans: Carlotta Brook NW, SW and SE (2029-I-NW, SW and SE)

Schedule 6—Land no longer part of State Forest No. 36**Widening of Seven Day Road**

Lot 13945 (0.3596 hectares) on Deposited Plan 41623 and
 Lot 3000 (0.1696 hectares) on Deposited Plan 41626 Total Area: 0.5292 hectares
 On Department of Land Information Plan: Pemberton NW (2129-III-NW)

Schedule 7—Land no longer part of State Forest No. 38**Widening of Kim Road**

Lot 300 on Deposited Plan 41625 0.0121 hectares
 On Department of Land Information Plan: Pemberton NE (2129-III-NE)

Schedule 8—Land no longer part of State Forest No. 65**Realignment of Boronia Road**

Lot 15362 (3.8285 hectares) on Deposited Plan 39843 and
 Lot 15364 (0.9468 hectares) on Deposited Plan 39844 Total Area: 4.7753 hectares
 On Department of Land Information Plan: Moore River SE (2035-III-SE)

Schedule 9—Land no longer part of State Forest No. 65**Widening of Old Yanchep Road**

Lot 3001 (road widening) on Deposited Plan 48943 0.1441 hectares
 On Department of Land Information Plan: BG35 (5) 4.08 and BG35 (10) 2.04
 By Command of the Lieutenant-Governor and deputy of the Governor,

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

CONSUMER AND EMPLOYMENT PROTECTION

CE401***ASSOCIATIONS INCORPORATION ACT 1987**

Section 35(4)

REINSTATED ASSOCIATIONS

MARIST JUNIOR HOCKEY CLUB INCORPORATED—A1000759V

WA PRIMARY INDUSTRIES TRAINING COUNCIL INC.—A1004825M

Notice is hereby given that the incorporation of the above-named associations has been re-instated as from the date of this notice.

Dated the 29th September 2006.

PATRICK WALKER, Commissioner for Fair Trading.

CE402***FAIR TRADING ACT 1987**

Section 73

DESIGNATION

In my capacity as Commissioner for Consumer Protection, acting pursuant to section 73(10)(b) of the *Fair Trading Act 1987* ("the FTA"), I say as follows—

1. I designate the person employed by or agent for the Department of Consumer and Employment Protection, who from time to time holds the position or the title, identified in the Schedule to this instrument, a 'Designated Person' to whom payments of a modified penalty, by cheque or money order, may be made under section 73(10)(a) of the FTA.
2. This instrument may be amended or revoked in writing by the Commissioner for Consumer Protection.
3. So far as this instrument applies to a particular person, it will automatically cease upon termination of the employment or agency of that person with the Department of Consumer and Employment Protection.
4. Prior to the termination of the employment or agency of a person referred to in paragraph three above, the Commissioner for Consumer Protection can terminate this delegation.

Dated the 27th day of September 2006.

PATRICK JOHN WALKER, Commissioner for Consumer Protection.

SCHEDULE

Director, Trading Standards and Fuel

CULTURE AND THE ARTS

CA401

STATE RECORDS ACT 2000

STATE RECORDS (IMPLEMENTATION) ORDER 2006

Made by the State Records Commission under section 27(3) of the *State Records Act 2000*.

1. Citations

This order may be cited as the *State Records (Implementation) Order 2006*.

2. Commencement

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

3. Time for submitting draft recordkeeping plans

The requirement in section 27(2) of the *State Records Act 2000* is to be complied with by all Schedule 3, Item 1 organizations before 1 April 2007.

Dated: 25 September 2006.

DEIRDRE O'DONNELL, Chair.
K. J. HENDERSON, Member.
DES PEARSON, Member.
DARRYL WOOKEY, Member.

ENERGY

EN402*

ELECTRICITY CORPORATIONS ACT 2005

ELECTRICITY CORPORATIONS (AMENDMENT OF TRANSFER ORDER) ORDER 2006

Made by the Minister under section 153(2) of the Act.

I, Francis Logan, Minister for Energy, order that—

- (a) the following paragraph be inserted after paragraph (e) of the Transfer Order made under section 147(1) of the Act on 31 March 2006—

“ (f) if the assets, rights and liabilities of Western Power arising from or in connection with litigation or another claim involving Western Power are allocated to a new corporation pursuant to item 13 in Table A, then that new corporation is to replace Western Power as a party to that litigation or other claim.

”;

- (b) the following paragraph be inserted at the end of item 6A of Table A to the Transfer Order—

“ The fair value of the IT & T application entitled “Customer Management System” and having the Application Acronym “CIS” specified as Record Number 61 in Part A of Schedule 6 (including, without limitation, licences, source codes, object codes, job control languages, associated databases and technical/user manuals) is \$157,424.

”;

- (c) the following paragraphs be inserted after paragraph (c) in item 8 of Table A to the Transfer Order—

“

(ca)	the insurance policy relating to Contract Works (third party works) with cover title “Contract Works and Legal Liability”;	Networks
(cb)	the insurance policies relating to the Muja D Upgrade with cover titles “Contract Works” and “Marine Cargo”; and	Generation

”;

- (d) the phrase “\$162 million” be deleted from the third column of the row relating to Record Number 746 in the table in Part B of Schedule 2 to the Transfer Order and substituted by “\$174,321,513”;

- (e) the following row be inserted at the end of the table in Part A of Schedule 3 to the Transfer Order—

“

	11191	Perry Road		Pinjar	41494
--	-------	------------	--	--------	-------

”;

- (f) the following row be inserted at the end of the table in Part B of Schedule 10 to the Transfer Order—

“

Supreme Court Action No 2486/2005

”;

- (g) the figure “\$37,472,000” in Schedule 12 to the Transfer Order be deleted and substituted by “\$27,278,186”,

with effect from 1 April 2006, in accordance with section 153(3) of the Act.

Date: 25th September 2006.

FRANCIS LOGAN MLA, Minister for Energy.

EN401*

ELECTRICITY INDUSTRY ACT 2004

NOTICE UNDER SECTION 23 (1) NOTICE OF DECISIONS.

Notice is given that the following Distribution & Transmission licences have been amended—

- Licensee: Electricity Networks Corporation
 Issue Date: 22 September 2006
 Address of Licensee: 363 Wellington Street
 PERTH WA 6000
1. Classification: Distribution Licence (EDL 1)
 Term of Licence: Up to and including 29 March 2036
 Amendment: Clause 25.2, inclusion of “unless otherwise directed by the Authority”
 Area Covered: Area within the boundaries set out in South West Interconnected System Electricity Licence Area Plan No. ERA-EL-072.
 2. Classification: Transmission Licence (ETL 2)
 Term of Licence: Up to and including 29 March 2036
 Amendment: Clause 22.2, inclusion of “unless otherwise directed by the Authority”
 Area Covered: Area within the boundaries set out in the South West Interconnected System Electricity Licence Area Plan No. ERA-EL-077.
- Inspection of Licence: Economic Regulation Authority
 6th Floor
 197 St Georges Terrace
 Perth WA 6000
<http://www.era.wa.gov.au>

LYNDON G. ROWE, Chairman,
 Economic Regulation Authority.

EN403*

ELECTRICITY CORPORATIONS ACT 2005

ELECTRICITY CORPORATIONS (ORDER FOR RE-ALLOCATION) ORDER 2006

Made by the Minister under Section 160 of the Act.

I, Francis Logan, Minister for Energy, declare that the assets, rights and liabilities of Western Power Corporation (Western Power) that—

- (a) are specified in Column 1 of the table in the Schedule to this Order (the Table) (other than the excluded assets, rights and liabilities specified in Schedule 1 to the Transfer Order made under section 147(1) of the Act on 31 March 2006 (Transfer Order); and
 - (b) were allocated to the Electricity Networks Corporation (Networks), the Electricity Generation Corporation (Generation), the Electricity Retail Corporation (Retail) and the Regional Power Corporation (Regional) as specified in Column 2 of the Table pursuant to the Transfer Order,
- are instead vested in Networks, Generation, Retail and Regional as specified in Column 3 of the Table, with effect from 1 April 2006, in accordance with section 161(2) of the Act.

Date: 25th September 2006.

FRANCIS LOGAN MLA, Minister for Energy.

Schedule

Column 1	Column 2	Column 3
(i) All assets, rights and liabilities of Western Power arising from or in connection with insurance policies relating to property and liability construction risk with the cover title of "Contract Works – Third Party Liability Construction" and the insurance policy relating to the worldwide transport of items and equipment with the cover title of "Marine Transit". (Item 8(a) in Table A to the Transfer Order)	Generation, Networks and Regional, jointly	Generation, Networks, Retail and Regional, jointly
(ii) All assets, rights and liabilities of Western Power arising from or in connection with insurance policies relating to motor vehicles owned or leased with the cover title of "Motor Vehicle" and third party vehicles under repair at Western Power workshops and being test driven with the cover title of "Motor Trade (workshops)". (Item 8(b) in Table A to the Transfer Order)	Generation and Networks, jointly	Networks
(iii) All rights of Western Power arising from the existing benefit of entitlements to any refund of income tax, fringe benefits tax, goods and services tax, capital gains tax, payroll Tax, PAYG and PAYE installments of income tax and any other right to a refund of a tax payment not specified elsewhere in this Order. (Item 20 in Table A to the Transfer Order)	Networks	Proportionally, 70.68% Networks, 24% Generation, 1.75% Retail and 3.57% Regional.
(iv) All assets, rights and liabilities of Western Power arising from or in connection with the Energy Sales Agreement between Western Power and Newmont Mining Services Pty Ltd. (Record Number 1463 in Part C of Schedule 2 to the Transfer Order)	Retail	Generation
(v) All assets, rights and liabilities of Western Power arising from or in connection with the Mid West Pipeline Gas Transportation Agreement DBNGP to Hill 60 Power Station between Western Power and APT Pipelines (WA) Pty Limited (together as Midwest Pipelines) and Western Power. (Record Number 1277 in Part D of Schedule 2 to the Transfer Order)	Regional	Regional, in respect of the assets, rights and liabilities of Western Power in its capacity as part owner of the Mid West Pipeline, and Retail, in respect of the assets, rights and liabilities of Western Power in its capacity as a party to the contract other than as part owner of the Mid West Pipeline.
(vi) All assets, rights and liabilities of Western Power arising from or in connection with the IT&T Application entitled "Enterprise Project Management System" and having the Application Acronym "EPMS" (including, without limitation, licences, source codes, object codes, job control languages, associated databases and technical/user manuals). (Record Number 233 in Part A of Schedule 6 to the Transfer Order)	Retail	Networks

Column 1	Column 2	Column 3
(vii) All assets, rights and liabilities of Western Power arising from or in connection with the IT&T Application entitled "Repository of Contestible Customers" and having the Application Acronym "ROCC" (including, without limitation, licences, source codes, object codes, job control languages, associated databases and technical/user manuals). (Record Number 245 in Part A of Schedule 6 to the Transfer Order)	Retail	Networks
(viii) All assets, rights and liabilities of Western Power arising from or in connection with the intellectual property application entitled "Call Centre Knowledge Base" (including, without limitation, licences, source codes, object codes, job control languages, associated databases and technical/user manuals). (Record Number 39 in Part E of Schedule 8 to the Transfer Order)	Networks	Retail

HEALTH

HE401***MENTAL HEALTH ACT 1996**

MENTAL HEALTH (AUTHORIZED MENTAL HEALTH PRACTITIONERS) ORDER (NO. 6) 2006
Made by the Chief Psychiatrist under section 20.

Citation

1. This order may be cited as the *Mental Health (Authorized Mental Health Practitioners) Order (No. 6) 2006*.

Commencement

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

Authorized mental health practitioner

3. The mental health practitioners specified in Schedule 1 to this order are designated as authorized mental health practitioners.

Schedule 1

NAME	PROFESSION
FAGENCE Anne	Psychologist
GRENNAN Steve	Mental Health Nurse
JONES Terrie	Mental Health Nurse
LANCASTER Patricia	Mental Health Nurse
MANNING Dee Ann	Mental Health Nurse

Dated 25th September 2006.

Dr ROWAN DAVIDSON, Chief Psychiatrist.

HE402***MENTAL HEALTH ACT 1996**

MENTAL HEALTH (AUTHORIZED MENTAL HEALTH PRACTITIONERS) REVOCATION
ORDER (NO. 5) 2006

Made by the Chief Psychiatrist under section 20.

Citation

1. This order may be cited as the *Mental Health (Authorized Mental Health Practitioners) Revocation Order (No. 5) 2006*.

Commencement

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

Revocation of designation

3. The designation, as an authorized mental health practitioner, of the mental health practitioner specified in Schedule 1 to this order is revoked.

Schedule 1**NAME**

JONES Terry

PROFESSION

Mental Health Nurse

Dated 25th September 2006.

Dr ROWAN DAVIDSON, Chief Psychiatrist.

JUSTICE

JU401*

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 Department of the Attorney General has issued the following persons with Permits to do High-Level Security Work—

Surname	First Name(s)		Permit Number	Date Permit Issued	Permit Commence Date	Permit Expiry Date
Quinn	Julie	Elizabeth	CS7-024	22/09/2006	15/09/2006	30/07/2008
Sinclair	Deslyn	Francis	CS7-025	18/09/2006	18/09/2006	30/07/2008
Berchy	Dominic	Jude	CS7-026	22/09/2006	18/09/2006	30/07/2008
Day	Peter	Jeremy	CS7-027	19/09/2006	18/09/2006	30/07/2008
Dennis	Llewellyn	Martin	CS7-028	22/09/2006	18/09/2006	30/07/2008
Donovan	Laura	Dawn	CS7-029	21/09/2006	18/09/2006	30/07/2008
Kinnane	Brian	Francis	CS7-030	18/09/2006	18/09/2006	30/07/2008
Marlow	Karen	Kay	CS7-031	19/09/2006	18/09/2006	30/07/2008
Neighbour	Philip	Mark	CS7-032	18/09/2006	18/09/2006	30/07/2008
Sharrett	Steven	Allan	CS7-033	18/09/2006	18/09/2006	30/07/2008
Thornton	Victoria		CS7-034	21/09/2006	18/09/2006	30/07/2008

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

GREGORY RICKIE, A/CSCS Contract Manager.

LAND ADMINISTRATION

LA401

TRANSFER OF LAND ACT 1893**APPLICATION J612987**

Take notice that Wayne Anthony Croxford of Lot 145 North Road, York has made application to bring the following land under the Transfer of Land Act, 1893.

Being Lot 145 (York Sub Lot 145) on D.P.223250 containing 3.6371 ha being the whole of the land comprised in Memorial Book XXX—64.

All persons other than the applicant claiming any estate right title or interest in the above land and desiring to object to the application are required to lodge in this office on or before 20 October 2006 a caveat forbidding the land being brought under the operation of the Act.

BRUCE ROBERTS, Registrar of Titles.

LOCAL GOVERNMENT

LG401*

BUSH FIRES ACT 1954*Shire of Koorda*

APPOINTMENT OF OFFICERS

Notice is hereby given pursuant to section 38 of the Bush Fires Act 1954, that the following is a list of Fire Control Officers appointed for duty within the Shire of Koorda for 2006/2007. All other appointments are hereby cancelled.

Chief Fire Control Officer	R. D. G. Storer
Deputy Chief Fire Control Officer	G. Briotti
Fire Control Officers	G. Westlund
	A. Leeke
	D. Prior
	M. Sutton
	C. Strahan
	G. Surtees
Fire Weather Officers	R. D. G. Storer
	A. J. Leeke
Captain of Koorda Fire Brigade	Darren Prior
Captain of Kulja Fire Brigade	Greg Westlund
Dual Fire Control Officer Shire of Dowerin	H. (John) Bear 96322021
Dual Fire Control Officer Shire of Wongan Ballidu	Eric Ganzer 96721022
Dual Fire Control Officer Shire of Dalwallinu	Gary Butcher
Dual Fire Control Officer Shire of Mt Marshall	Jack Walker 96 851202
	a/h 96851318
	Tanika McLennan (Permits)
	Alan Gracie 96 851226
Dual Fire Control Officer Shire of Wyalkatchem	Max Ward 96 811039
Fire and Rescue	Justin Begley 96 811469

GRAEME J. McDONALD, Chief Executive Officer.

LG501*

BUSH FIRES ACT 1954*Shire of Mullewa*

FIREBREAK ORDER (SECTION 33)

Notice to Owners and Occupiers of Land

Pursuant to the powers contained in Section 33 of the above Act, you are hereby required on or before the 1st October 2006 to plough, scarify, cultivate, or otherwise clear and thereafter maintain free from all flammable material until 31st March 2007, firebreaks in accordance with the following:

1. Rural Land

Owners and Occupiers of lands, other than within a townsite, shall clear of all flammable material firebreaks of at least three (3) metres width as close as practicably possible inside and along the whole of the external boundary of their property or properties.

2. Townsite Land

Owners and Occupiers within a townsite shall—

- (a) Clear of all flammable material the whole of the area where;
 - (i) The area of the land is 2023 square metres or less or,
 - (ii) The land is used for storage of flammable liquids, or
 - (iii) There is a hotel situated thereon.
- (b) If the area of land exceeds 2023 square metres (half an acre):
 - (i) Clear of all flammable material firebreaks at least two (2) metres wide immediately inside all external boundaries of the land, or
 - (ii) Have the grass mown to a height of not more than 50mm over the whole of the land, except where the land is used for the storage of flammable liquids.

3. Homesteads, building, haystacks, stacks of fodder, bulk fuel, drums and liquid petroleum

Owners and Occupiers of land shall—

During the period from 1st day of October, 2006 to the 31st day of March 2007, inclusive, have firebreaks at least three (3) metres wide in such positions as are necessary to completely surround the perimeter of any homestead, building, fuel installation (including drums), haystack (where such a haystack is situated within 200 metres of any homestead, building, fuel installation) or group of such structures or installations.

4. Harvesting

A fully operational mobile fire-fighting unit complete with a container with at least 400 litres minimum capacity of water is to be readily available to any paddock being harvested. A fully operational plough, tillage or cultivator equipment is to be readily available, and in close proximity, to any paddock being harvested. The responsibility to supply these units being that of the landholder.

5. General Information

If for any reason it is considered impractical to comply with any provision of this notice, a written application for a variation may be made to the Shire Council and must reach the Chief Executive Officer by the 30th day of September 2006. Any such application must bear the signature of the Fire Control Officer of the area signifying his agreement to the variation.

If permission for variation is not granted, the terms of this notice must be complied with, or as the Council directs.

6. Registration

It is in the interest of all residents to be registered members of the Bush Fire Brigade covering the area in which they own land. Membership of a Brigade is the safest way to ensure cover under the Shire's Fire Insurance Policy which covers personal injury and damage to equipment resulting from fighting bush fires under the direction of a Fire Control Officer.

Flammable Material is defined for the purpose of this order to include bush (as defined in the Bush Fire Act), boxes, cartons, paper and like flammable materials, rubbish and also combustible matter, but does not include green standing trees or growing bushes or plants in gardens or lawns.

The penalty for failing to comply with this notice is a fine of \$250 by infringement notice or not more than \$5000 if prosecuted, and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.

By Order of the Council,

TOM HARTMAN, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401

MINING ACT 1978

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
Leonora.

In accordance with Regulation 49(2)(c) of the Mining Regulations 1981, notice is hereby given that the following licences are liable to forfeiture under the provisions of Section 96(1)(a) of the Mining Act, 1978, for breach of covenant, viz. failure to lodge a report within the prescribed period.

K. H. AUTY, Warden.

To be heard in the Warden's Court at Leonora on 29th November, 2006.

EAST MURCHISON MINERAL FIELD

Lawlers District

Prospecting Licence

P36/1519—Northfields (WA) Pty Ltd

MOUNT MARGARET MINERAL FIELD

Mount Malcolm District

Prospecting Licences

P37/5884—Johnson, Chad Graeme; Johnson, Neal Graeme

P37/6353—Fox Resources Ltd

P37/6396—Johnson, Neale Graeme; Halloran, Wayne Vincent

Mount Morgans District

Prospecting Licence

P39/3796—Johnson, Chad Graeme; Johnson, Neale Graeme

MP402**MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,
Leonora.

In accordance with Regulation 49(2)(c) of the Mining Regulations 1981, notice is hereby given that the following licences are liable to forfeiture under the provisions of Section 96(1)(a) of the Mining Act, 1978, for breach of covenant, viz. non-payment of rent.

K. H. AUTY, Warden.

To be heard in the Warden's Court at Leonora on 29th November, 2006.

MOUNT MARGARET MINERAL FIELD*Mount Malcolm District*

Prospecting Licence

P37/6706—Williams, Norman Andrew; Williams, Thomas Geoffrey

Mount Margaret District

Prospecting Licence

P38/2892—Gondwana Resources Ltd

MP403**MINING ACT 1978**

INTENTION TO FORFEIT

Department of Industry and Resources,
Perth WA 6000.

In accordance with Regulation 50(b) of the Mining Regulations, 1981, notice is hereby given that unless the rent due on the undermentioned licences and leases is paid on or before 18 October 2006, it is the intention of the Minister for State Development under the provisions of Sections 96A(1) and 97(1) of the Mining Act, 1978 to forfeit such for breach covenant, viz, non-payment of rent.

JIM LIMERICK, Director General.

Number	Holder	Mineral Field
Exploration Licences		
E59/1075	Australian Specialty Stone Group Pty; Rubias Teston	Yalgoo
E59/1091	Australian Specialty Stone Group Pty; Rubias Teston	Yalgoo
E63/850	Keith Fox	Dundas
E69/1793	Adelaide Prospecting Pty Ltd	Warburton
E70/2444	Swan Cove Enterprises Pty Ltd	South West
E70/2727	Swan Cove Enterprises Pty Ltd	South West
Mining Leases		
M08/95	Deacon Nominees Pty Ltd; David Leslie Prunster	Ashburton
M27/237	Donald Robin Crook; Gordon Keith Edson	North East Coolgardie

MP404

MINING ACT 1978**INSTRUMENT OF EXEMPTION—EXTENSION OF PERIOD**

The Minister for Resources and Assisting the Minister for State Development, pursuant to the powers conferred on him by Section 19 of the *Mining Act 1978*, hereby extends the exemption granted on 8 November 2002 and published in the *Government Gazette* dated 15 November 2002 for that area of land described in the schedule hereunder, not being private land or land that is the subject of a mining tenement or of an application therefore, from Divisions 1 to 5 of Part IV of the *Mining Act 1978*.

Description of Land:

That area of land shown hachured pink on the plan at page 234 of Department of Industry and Resources File 8981/00 Vol. 4.

Area: 95.647 hectares

Designated 'S.19/172' on Tengraph

Dated at Perth this 19th day of September 2006.

JOHN BOWLER, JP MLA, Minister for Resources and
Assisting the Minister for State Development.

MP405

MINING ACT 1978**INSTRUMENT OF EXEMPTION OF LAND—EXTENSION OF PERIOD**

The Minister for Mines pursuant to the powers conferred on him by Section 19 of the *Mining Act 1978*, hereby extends the exemption granted on 17 October 1996 and published in *Government Gazette* dated 25 October 1996 and extended on 21 September 1998 for a further period of two years expiring on 16 October 2000, as published in the *Government Gazette* dated 25 September 1998, further extended for a two-year period expiring on 16 October 2002 as published in the *Government Gazette* dated 6 October 2000, further extended for a two-year period expiring on 16 October 2004 as published in the *Government Gazette* dated 1 November 2002 and further extended for a two-year period expiring on 16 October 2006 as published in the *Government Gazette* dated 17 September 2004 of that area described hereunder (not being private land or land that is the subject of a mining tenement or an application therefor) from Divisions 1 to 5 of Part IV of the *Mining Act 1978*.

Description of Land:

Those portions of land, not being private land, or land the subject of a mining tenement or application for a mining tenement, shaded green on the plans at pages 194 and 195 of Minerals and Energy File 9772/94 and designated 'S19-72' and 'S19-73' on the Departmental Public Plan.

Period of Extension: 17 October 2006 to 16 October 2008

Dated at Perth this 19th day of September 2006.

JOHN BOWLER, JP MLA, Minister for Resources and
Assisting the Minister for State Development.

MP406

MINING ACT 1978**INSTRUMENT OF EXEMPTION OF LAND—EXTENSION OF PERIOD**

The Minister for Resources and Assisting the Minister for State Development, pursuant to the powers conferred on him by Section 19 of the *Mining Act 1978*, hereby further extends the exemption last granted on 3 September 2004 and published in the *Government Gazette* dated 24 September 2004 of that area of land described in the schedule hereunder and designated S19/152 in Tengraph from Divisions 1 to 5 of Part IV of the *Mining Act 1978* for a further 2 year period expiring on 24 September 2008.

SCHEDULE**Location: Jandakot—South West Mineral Field.**

Datum Peg situated at the South West corner of former surveyed tenement MC1077H.

thence from datum 299.62 metres at bearing 346°58' along boundary of late surveyed MC1077H;

thence 842.45 metres at bearing 76°58' of boundary of late surveyed MC1077H;

thence 201.17 metres at bearing 166°58' along boundary of late surveyed MC1077H;

thence 124.98 metres at bearing 234°18' along north surveyed boundary of Warton Road;

thence 304.31 metres at bearing 205°38' along north surveyed boundary of Warton Road;

thence 381.05 metres at bearing 295°38' along north surveyed boundary of Reserve 8129;

thence 195.08 metres at bearing 205°38' along west surveyed boundary of Reserve 8129;
thence 155.36 metres at bearing 298°06' along north surveyed boundary of Forrest Road back to datum.

Dated at Perth this 10th day of September 2006.

JOHN BOWLER, JP MLA, Minister for Resources and
Assisting the Minister for State Development.

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA

Royal Assent to Bills

It is hereby notified for public information that the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the dates shown, to the undermentioned Bills passed by the Legislative Council and the Legislative Assembly during the First Session of the Thirty-Seventh Parliament.

Short Title of Bill	Date of Assent	Act No.
Misuse of Drugs Amendment Bill 2006	22 September 2006	40 of 2006
Parole and Sentencing Legislation Amendment Bill 2006	22 September 2006	41 of 2006
Terrorism (Preventative Detention) Bill 2005	22 September 2006	42 of 2006

Dated 22 September 2006.

MIA BETJEMAN, Clerk of the Parliaments.

PLANNING AND INFRASTRUCTURE

PI401*

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Stirling

District Planning Scheme No. 2—Amendment No. 509

Ref: 853/2/20/34 Pt 509

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the City of Stirling local planning scheme amendment on 19 September 2006 for the purpose of rezoning Lot 1, HN 426 Wanneroo Road, Westminster, from 'Medium Density Residential R50' to 'Special Use—Automotive Marine Sales and Repair' as depicted on the Scheme Amendment Map.

J. COPLEY, A/Mayor.
R. POVEY A/Chief Executive Officer.

PI402*

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Albany

Town Planning Scheme No. 3—Amendment No. 244

Ref: 853/5/4/5 Pt 244

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the City of Albany local planning scheme amendment on 12 September 2006 for the purpose of—

1. Rezoning Pt Lot 39 Catalina Road from 'Rural' to 'Residential Development'
2. Amending the Scheme Map accordingly.

A. E. GOODE, Mayor
A. C. HAMMOND, Chief Executive Officer.

PI403*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Albany
 Town Planning Scheme No. 3—Amendment No. 250

Ref: 853/5/4/5 Pt 250

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the City of Albany local planning scheme amendment on 12 September 2006 for the purpose of—

1. Deleting Part Lot 376, La Perouse Road, Goode Beach, Albany, in Schedule II—Additional Use Sites Code No. 11: ‘Shop and Residential R10’
2. Rezoning Part Lot 376 La Perouse Road, Goode Beach to “Residential”
3. Incorporating the following into Table 3 as follows—

Part Lot 376 La Perouse Road, Goode Beach	R12.5
---	-------

4. Amending the Scheme Maps accordingly.

D. W. WELLINGTON, Deputy Mayor.
 W. P. MADIGAN, Acting Chief Executive Officer.

PI404*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Mundaring
 Town Planning Scheme No. 3—Amendment No. 67

Ref: 853/2/27/3 Pt 67

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the Shire of Mundaring local planning scheme amendment on 19 September 2006 for the purpose of rezoning Lot 111’ 8 Beenong Road, Darlington from ‘Residential R5’ to ‘Special Purpose’ and making the following changes (as marked in underlined italics) to Schedule 1 of the Scheme—

PRESCRIBED USE / PURPOSE	LAND PARTICULARS	PERMISSIBILITY OF USES AND SPECIAL CONDITIONS
LOCALITY: DARLINGTON 2. School	Lots <u>111</u> , 10 and 11 Beenong Road, Darlington	AA—Private School and Incidental Uses

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

PI405*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Subiaco
 Town Planning Scheme No. 4—Amendment No. 5

Ref: 853/2/12/7 pt 5

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the City of Subiaco local planning scheme amendment on 12 September 2006 for the purpose of—

1. Recoding 49-53 Hardy Road, Nedlands from Residential R20 to Residential R50.
2. Recoding a 5sqm portion of 108 Lawler Street, Subiaco from Residential R20 to Residential R50.
3. Increasing the applicable plot ratio for 119 Hamersley Road, Subiaco from 0.5 to 0.55.
4. Increasing the applicable plot ratio for 2 Bagot Road, Subiaco from 1.3 to 1.5.
5. Providing for an additional use right of “Office” for 315 Railway Road, Shenton Park.

6. Providing for additional uses rights of "Office" and "Consulting Rooms" for the following sites—

- (a) 187 & 193 Roberts Road, Subiaco.
- (b) 305 Roberts Road, Subiaco.
- (c) 22 Townshend Road, Subiaco.
- (d) 164-190 Onslow Road, Shenton Park.

SCHEME AMENDMENT Schedule 2: additional uses. Refer clause 17

1	2	3	4	5	6	7	
ITEM NO.	PARTICULARS OF LAND				ADDED USE CLASS PERMITTED	DEVELOPMENT REQUIREMENTS	
	STREET NAME	STREET NO.	LOT NO.	LOCATION NO.		MAXIMUM PLOT RATIO	REQUIREMENTS OTHER THAN PLOT RATIO
3 (A7)	HAMERSLEY ROAD	119	PT 6/7	P252	OFFICE	0.55	<ul style="list-style-type: none"> • THE OFFICE IS REQUIRED TO BE CONTAINED WITHIN THE EXISTING BUILDING
8 (A6)	BAGOT ROAD	2	100	P408	OFFICE	1.5	<ul style="list-style-type: none"> • REFER TO CLAUSE 29
15 (A9)	RAILWAY ROAD	315	P537		OFFICE	AS PER EXISTING DEVELOPMENT	<ul style="list-style-type: none"> • REFER ALSO TO CLAUSE 29
16(A10)	ROBERTS ROAD	187 & 193	25, 26 & 27		OFFICE & CONSULTING ROOMS	0.65	<ul style="list-style-type: none"> • CONSERVATION OF ORIGINAL DWELLING ON LOTS 26 & 27. • REFER ALSO TO CLAUSE 29
17(A11)	ROBERTS ROAD	305	6		OFFICE & CONSULTING ROOMS	0.65	<ul style="list-style-type: none"> • REFER ALSO TO CLAUSE 29
18(A12)	TOWNSEND ROAD	22	24		OFFICE & CONSULTING ROOMS	0.55	<ul style="list-style-type: none"> • CONSERVATION OF ORIGINAL DWELLING • REFER ALSO TO CLAUSE 29
19(A13)	ONSWLOW ROAD	164-190	67,66,65, 64,63,62, 61 & 60		OFFICE & CONSULTING ROOMS	0.65	<ul style="list-style-type: none"> • MAXIMUM BUILDING HEIGHT OF 10 METRES AND 7 METRE WALL HEIGHT WHERE COUNCIL IS SATISFIED THAT THERE IS NO UNDUE ADVERSE IMPACT ON ADJOINING RESIDENTIAL SITES OR THE GENERAL AMENITY OF THE LOCALITY. • MAXIMUM STREET SETBACK OF 2 METRES. • MINIMUM REAR SETBACK OF 6 METRES FOR THAT PORTION OF THE BUILDING WITH A WALL HEIGHT EXCEEDING 4 METRES.

1	2	3	4	5	6	7	
ITEM NO.	PARTICULARS OF LAND				ADDED USE CLASS PERMITTED	DEVELOPMENT REQUIREMENTS	
	STREET NAME	STREET NO.	LOT NO.	LOCATION NO.		MAXIMUM PLOT RATIO	REQUIREMENTS OTHER THAN PLOT RATIO
							<ul style="list-style-type: none"> • PARKING AND VEHICULAR ACCESS LIMITED TO THE REAR OF THE PROPERTY OFF ROW. • EXISTING CROSSOVERS AT FRONT TO BE REMOVED • REFER ALSO TO CLAUSE 29

Note: Item Number in brackets indicates Map reference number.

H. HENDERSON, Mayor.
C. BURTON, Chief Executive Officer.

PI406*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Busselton

Town Planning Scheme No. 20—Amendment No. 43

Ref: 853/6/621 Pt 43

It is hereby notified for public information, in accordance with Section 87 of the Planning & Development Act 2005 that the Minister for Planning & Infrastructure approved the Shire of Busselton local planning scheme amendment on September 14, 2006 for the purpose of—

1. modifying the boundary of the 'Port Geographe Development' area to reflect the proposed realignment of Layman Road, by including Lots 10 and portion of Lots 500 & 9001 Layman Road, Geographe;
2. modifying the boundary of the 'Wetland' and 'Floodway' areas to reflect the proposed realignment of Layman Road by excluding portion of Lot 500 Layman Road, Geographe;
3. rezoning Lot 10 Layman Road, Geographe from Agriculture to Residential and Recreation reserve;
4. rezoning portion of Lot 9001 Layman Road, Geographe from Residential R20, Business, Recreation reserve and Public Purposes reserve, to Residential R20, R30 and R20/40, Recreation reserve and Public Purposes reserve ;
5. rezoning portion of Lot 9000 Layman Road, Geographe from Business to Residential R20, R30 and R40, and Recreation reserve;
6. rezoning portion of Lot 500 from 'Recreation' reserve to 'Residential R20' and No Zone for the road reserve;
7. amending Clause 32(2) by the inclusion of an additional Sub-Clause—
 - (o) The height of buildings on lots adjacent to the future Layman Road and Vasse Estuary shall be limited to 7.5 metres above the finished surface level of the land as specified on approved subdivisional engineering plans”;
8. amending Clause 58(b) by replacing the text with the following—
 - (b) subject to Sub-Clauses (d) and (e), the Council may, for the purposes of urban consolidation, only consent to the development of a lot for the purposes of grouped dwellings at a maximum density of R30 on lots greater than 1,500m² within any area coded R10 to R20 or R20/30 on the Scheme Map, subject to formal advertising pursuant to Clause 12, and excluding standard residential lots with direct canal frontage in the Port Geographe Development Area.
9. amending Clause 58(c) by replacing text with the following—
 - (c) subject to Sub-Clauses (d) and (e), the Council may, for the purposes of urban consolidation, only consent to the development of a lot for the purposes of grouped dwellings at a maximum density of R40 on lots greater than 1,500m² within any area coded R20/40 on the Scheme Map, subject to formal advertising pursuant to Clause 12.

KEVIN DOUGLAS, President.
ANDREW MacNISH, Chief Executive Officer.

POLICE

PO501

POLICE ACT 1892 POLICE AUCTION

Under the provisions of the Police Act 1892 unclaimed and stolen property will be sold by public auction at Lot 1513 Lambert Road Karratha at 10:00 am on Wednesday 18th October 2006.

Auction to be conducted by Ross's Auctions, Licensed Auctioneer.

K. O'CALLAGHAN, Commissioner of Police.

PREMIER AND CABINET

PC401*

INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment—

Hon J. C. Kobelke MLA to act temporarily in the office of Minister for Indigenous Affairs; Tourism; Culture and the Arts in the absence of the Hon S. M. McHale MLA for the period 19 to 25 September 2006 (both dates inclusive).

This notice supersedes that published in *Government Gazette* Number 153 on 5 September 2006.

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

RACING, GAMING AND LIQUOR

RG401*

LIQUOR LICENSING ACT 1988 LIQUOR LICENSING APPLICATIONS

The following is a summary of applications received under the *Liquor Licensing Act 1988* and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming and Liquor, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
11654	Pacific Beverages Pty Ltd	Application for the grant of a Wholesaler's licence in respect of premises situated in Kewdale and known as Pacific Beverages Pty Ltd	13/10/2006
11651	West Coast Breath Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Mandurah and known as Hogs Breath Caf� (Mandurah)	04/10/2006
11419	Koolama Syndicate Pty Ltd	Application for the grant of a Wholesaler's licence in respect of premises situated in Manjimup and known as Koolama Estate Vineyard	08/10/2006
11650	Havana Murphys Pty Ltd	Application for the grant of a Tavern licence in respect of premises situated in Joondalup and known as Havana Murphys	18/10/2006

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
28583	Rikta Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Cowaramup and known as Margaret River Regional Wine Centre	16/10/2006
28363	Gustav Holdings Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Woodvale and known as The Moon Woodvale Tavern & Reception Centre	10/10/2006
28443	Sleek Investments Pty Ltd & Kavalia Nominees Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Koondoola and known as The Burbridge Tavern	12/10/2006
APPLICATIONS TO ADD, VARY OR CANCEL A CONDITION OF LICENCE			
267046	Sleek Investments Pty Ltd & Kavalia Nominees Pty Ltd	Application to add, vary or cancel a condition of the Tavern licence in respect of premises situated in Koondoola and known as The Burbridge Tavern	12/06/2006

This notice is published under section 67(5) of the *Liquor Licensing Act 1988*.

Dated: 27 September 2006.

P. MINCHIN, Director of Liquor Licensing.

TRANSPORT

TR401*

RAIL FREIGHT SYSTEM ACT 2000

RAIL FREIGHT SYSTEM (S.37 CORRIDOR LAND) ORDER NO. 4/2006

Made under Section 37 by the Minister for Planning and Infrastructure

1. Citation

This order may be cited as the *Rail Freight System (S.37 Corridor Land) Order No. 4/2006*.

2. Excision of land in the Rail Corridor

The excision of land in the rail corridor identified in the last column of the Schedule.

Schedule—Land to be excised

Designation Identification	Railway Line Identification	Railway Identification Plan Number	Land Description
11.026.8	East Perth—Cockburn North	Plan 02	Identified as Lot 9600 on Deposited Plan 48275 having an area of 6037m ² .

ALANNAH MacTIERNAN, MLA, Minister for Planning and Infrastructure.

Dated this 20th day of September 2006.

TR402*

WESTERN AUSTRALIAN MARINE ACT 1982

NAVIGABLE WATERS REGULATIONS

City of Joondalup

Prohibited Swimming Area

Hillarys Boat Harbour

Department for Planning and Infrastructure,
Fremantle WA, 29 September 2006.

Acting pursuant to the powers conferred by Regulation 10A(b) of the Navigable Waters Regulations, the department hereby revokes Notice TR401 as published in the *Government Gazette* on 3 February 1995 and by this notice defines and sets aside the following area of navigable waters as an area where swimming is prohibited—

Hillarys Boat Harbour: Those waters contained within the harbour and also those waters extending outside the entrance to the harbour bounded by lines from 115° 44.045'E, 31° 49.349'S (on the disabled persons' fishing platform) to 115° 43.726'E, 31° 49.211'S (Cow Rocks South Cardinal Spar Buoy) to 115° 43.676'E, 31° 49.468'S (Outer Port Beacon) to 115° 43.806'E, 31° 49.526'S (Boyinaboat Starboard Beacon) to 115° 43.889'E, 31° 49.390'S (the north-western extremity of the Southern Breakwater) but excluding the designated Boating Prohibited Area within the harbour. This includes all diving operations. All coordinates based on GDA 94.

DAVID HARROD, General Manager Marine Safety,
Department for Planning and Infrastructure.

WATER/SEWERAGE

WA401

COUNTRY AREAS WATER SUPPLY ACT 1947

WATER CORPORATION

Nilgen Water Supply

Notice of Acquisition

The Water Corporation under the provisions of section 39A(1) of the Country Areas Water Supply Act 1947 at the request of the Minister for Water Resources has acquired the water works and associated assets comprising the Nilgen Water Supply Scheme.

J. I. GILL, Chief Executive Officer.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Marie Theresa Bradley, late of 5/93 Forrest Street, Fremantle, Western Australia, Secretary, 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 3 June 2006, are required by the Executor, Mr Peter James Bradley care of P A Martino, PO Box 564, West Perth WA 6872, to send particulars of their claim to him by 31 October 2006, after which date the Executor 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

In the matter of the estate of Desmond Vincent Gordon Henley of unit 2/421 Cambridge Street, Floreat 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 the 19th day of January 2006, are required by the Executor Ms Raemie Michelle Orton of 30 Robinson Terrace, Daglish in the said State to send the particulars of their claims to her by the 13th day of January 2007, after which date the Executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

ZX403***TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 29th October 2006 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Barron Leslie Malcolm also known as Malcolm Leslie Barron, late of 4 Cambourne Way Thornlie, died 22.08.2006, (DE19942356EM13)

Clark Valerie Jean, late of Unit 6/132-134 Flinders Street Yokine, died 30.08.2006, (DE19923555EM22)

Dhu Margaret Gloria, late of 41 Morgan Street Port Hedland, died 17.10.2005, (DE33047372EM37)

Doran Elsie, late of 20 Caledonian Avenue Maylands, died 23.07.2006, (DE19782382EM110)

Forbes Noel James Raymond, late of Third (East) Avenue Maylands, died 10.03.2006, (DE19941374EM17)

Gaston Lillian Elaine, late of Lakeview Lodge 5 Britannia Street Leederville formerly of 24 Markham Way Balga, died 18.08.2006, (DE19920298EM13)

Gray Leslie John, late of Armadale Nursing Home 21 Angelo Street Armadale, died 28.08.2006, (DE19651349EM36)

Henderson Francis Leslie also known as Francis Henderson, late of Osboine Contemporary Aged Care 39 Newton Street Bayswater, died 23.07.2005, (DE33037777EM27)

Hodges Wendy Elizabeth, late of Meath Care 77 Lynn Street Trigg, died 26.08.2006, (DE33048406EM22)

Lawson Thomas McGregor, late of Ascot Nursing Home 29 Neville Street Bayswater, died 25.07.2006, (DE33051330EM23)

Lindsay William Andrew, late of Unit 4/10 Prescott Place Orelia formerly of 80 Parer Street Burwood Victoria, died 26.05.2006, (DE33050493EM32)

Morley George Allan, late of Valencia Nursing Home 24 Valencia Road Carmel, died 06.02.2006, (PM19990643TM32)

Mortimore Charles William, late of Ocean Star Hostel Mangles Street Bunbury, died 08.07.2006, (DE19460467EM36)

Petchell Donald Frank, late of 298 Wharf Street Queens Park, died 24.07.2006, (DE19723875EM27)

Sargent Robert Charles, late of St Francis Aged Care Facility 162 Holland Street Fremantle, died 02.08.2006, (DE19870971EM13)

Scaddan Bertram Joseph, late of 350 Odin Road Stirling, died 29.08.2006, (DE19822556EM38)

Williams Nemo Quincy also known as John Charles Williams, late 294 Railway Parade Leederville, died 26.08.2006, (DE19801102EM23)

JOHN SKINNER, Public Trustee
Public Trust Office
565 Hay Street
Perth WA 6000.
Telephone: 9222 6777.

PUBLIC NOTICES

ZZ401

DISPOSAL OF UNCOLLECTED GOODS ACT 1970

Sections 19(1), (2) (b) and (c) and 26(1)(c), (2) and (5)

Notice under Part VI of Intention to apply to Court for an order to sell or otherwise dispose of goods valued in excess of \$300.00.

To the Commissioner of Police of 2 Adelaide Terrace, Perth WA 6004, bailor.

1. You were given notice on 18th of August 2006 that the following goods:
Ford Falcon Sedan XY, VIN: CK2793C. Situated at Hitchcock Panel Beaters, 23 Minna Street, Albany WA 6330 were ready for redelivery on 1/12/05.
2. A dispute relating to the goods was determined on "No Dispute". In the following manner:
Unable to contact anyone in relation to the vehicle.
3. Unless not more than one month after the date of the giving of this notice you either take redelivery of the goods or give directions for their redelivery, Hitchcock Panel Beaters of 23 Minna Street, Albany WA 6330 Bailee, intends on making an application to the Court for an order to sell or otherwise dispose of them in accordance with the act.

Dated 18 August 2006.

CHRIS BELTRAMA, Bailee.

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