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— PART 1 —

PROCLAMATIONS

AA101*

OCCUPATIONAL THERAPISTS ACT 2005

No. 42 of 2005

PROCLAMATION

Western Australia

*By the Honourable**David Kingsley Malcolm,**Companion of the Order of Australia,
Queen's Counsel, Lieutenant-Governor and
deputy of the Governor of the State of
Western Australia*

[L.S.]

DAVID KINGSLEY MALCOLM

Lieutenant-Governor and deputy of the Governor

I, the Lieutenant-Governor and deputy of the Governor, acting under the Occupational Therapists Act 2005 section 2 and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the Government Gazette as the day on which the provisions of that Act, other than sections 1 and 2, come into operation.

Given under my hand and the Public Seal of the State on 17 July 2007.

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

J. McGINTY, Minister for Health.

Note: Under section 22 of the *Interpretation Act 1984*, sections 1 and 2 came into operation on 19 December 2005.

AA102*

CHIROPRACTORS ACT 2005

No. 31 of 2005

PROCLAMATION

Western Australia

*By His Excellency**Doctor Kenneth Comminos Michael,**Companion of the Order of Australia,
Governor of the State of Western Australia*

[L.S.]

KENNETH COMMINOS MICHAEL
Governor

I, the Governor, acting under the *Chiropractors Act 2005* section 2 and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which the provisions of that Act, other than sections 1 and 2, come into operation.

Given under my hand and the Public Seal of the State on 3 July 2007.

By Command of the Governor,

J. McGINTY, Minister for Health.

Note: Under section 22 of the *Interpretation Act 1984*, sections 1 and 2 came into operation on 12 December 2005.

CONSUMER AND EMPLOYMENT PROTECTION

CE301*

Residential Tenancies Act 1987

**Residential Tenancies Amendment Regulations
(No. 2) 2007**

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

1. Citation

These regulations are the *Residential Tenancies Amendment Regulations (No. 2) 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Residential Tenancies Regulations 1989**.

[* *Reprint 3 as at 26 January 2007.*

For amendments to 14 June 2007 see Gazette 30 March 2007.]

4. Regulation 5A amended

- (1) Regulation 5A(1) is amended by deleting “The State Housing Commission (“Homeswest”)” and inserting instead —
“ The Housing Authority ”.
- (2) Regulation 5A(2) is amended by deleting “The State Housing Commission (“Homeswest”)” in both places where it occurs and inserting instead —
“ The Housing Authority ”.

Note: The heading to regulation 5A will be altered by deleting “Homeswest ” and inserting instead “the Housing Authority”.

5. Regulation 5B amended

- (1) Regulation 5B(1) is amended in the Table by deleting “The Western Australian Government Railways Commission” and inserting in the appropriate alphabetical position —

“ The Public Transport Authority of Western Australia ”.

- (2) Regulation 5B(3) is amended by deleting the Table and inserting the following Table instead —

“

Table

The Agriculture Protection Board of Western Australia
 The Botanic Gardens and Parks Authority
 The Commissioner of Main Roads
 The department of the Public Service principally assisting in the administration of the *Agriculture Act 1988*
 The department of the Public Service principally assisting in the administration of the *Sports Drug Testing Act 2001*
 The Housing Authority
 The Western Australian Meat Industry Authority

”.

- (3) Regulation 5B(4) is amended in the Table by deleting “The Health Department of Western Australian” and inserting instead —

“

The department of the Public Service principally assisting in the administration of the *Health Legislation Administration Act 1984*

”.

6. Regulation 15 amended

Regulation 15(6) is amended by deleting “chief executive officer of the Crown Law Department shall establish in the Residential Accommodation Fund” and inserting instead —

“

bond administrator shall establish in the Rental Accommodation Account

”.

7. Schedule 2 amended

Schedule 2 is amended in clause 2 (Advice, complaints and disputes) in the first paragraph by deleting “Fair Trading” and inserting instead —

“ Consumer Protection ”.

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

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

HEALTH

HE301*

Chiropractors Act 2005

Chiropractors Amendment Regulations 2007

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Chiropractors Amendment Regulations 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Chiropractors Regulations 2007**.

[* *Published in Gazette 15 May 2007, p. 2111-22.*]

4. Regulation 4 amended

Regulation 4(2) is amended by deleting the Table to the subregulation and inserting the following Table instead —

“

Column 1 Qualification	Column 2 Institution
Bachelor of Science (Chiropractic) and Bachelor of Chiropractic	Murdoch University
Bachelor of Chiropractic and Master of Chiropractic	Macquarie University

Column 1 Qualification	Column 2 Institution
Bachelor of Applied Science (Clinical Sciences) (conferred during or before 2006) and Bachelor of Chiropractic Science (conferred during or before 2006)	Royal Melbourne Institute of Technology
Bachelor of Applied Science (Complementary Medicine-Chiropractic) and Master of Clinical Chiropractic Certificate of Attainment	Royal Melbourne Institute of Technology Council of Chiropractic Education of Australasia Inc.
Bachelor of Chiropractic	New Zealand College of Chiropractic
Bachelor of Applied Science (Clinical Sciences)	Royal Melbourne Institute of Technology — Japan
Bachelor of Chiropractic Science	Royal Melbourne Institute of Technology — Japan

”

By Command of the Governor,

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

JUSTICE

JU301*

Criminal Injuries Compensation Act 2003

Criminal Injuries Compensation Amendment Regulations 2007

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

1. Citation

These regulations are the *Criminal Injuries Compensation Amendment Regulations 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendment in these regulations is to the *Criminal Injuries Compensation Regulations 2003**.

[* *Published in Gazette 30 December 2003 p. 5727-8.*]

4. Regulation 5 amended

Regulation 5(2)(b) is amended by inserting after “if a” —
“ substantive or interlocutory ”.

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

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

JU303*

Criminal Law (Mentally Impaired Accused) Act 1996

Criminal Law (Mentally Impaired Defendants) Amendment Regulations 2007

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

1. Citation

These regulations are the *Criminal Law (Mentally Impaired Defendants) Amendment Regulations 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Criminal Law (Mentally Impaired Defendants) Regulations 1997**.

[* Reprint 1 as at 6 February 2004.]

4. Regulation 1 amended

Regulation 1 is amended by deleting “*Defendants*” and inserting instead —

“ *Accused* ”.

5. Regulation 3 amended

- (1) Regulation 3(1) is amended by deleting “or clerk”.
- (2) Regulation 3(2)(b) is amended by deleting “complaint” and inserting instead —

“ prosecution notice ”.

6. Schedule 1 amended

- (1) Schedule 1 Form 1 is amended as follows:
 - (a) by deleting “*Defendants*” and inserting instead —
“ *Accused* ”;
 - (b) by deleting “Defendant” and inserting instead —
“ **Accused** ”;
 - (c) by deleting “defendant” in both places where it occurs and inserting instead —
“ accused ”.
- (2) Schedule 1 Form 2 is amended as follows:
 - (a) by deleting “*Defendants*” in both places where it occurs and inserting instead —
“ *Accused* ”;
 - (b) by deleting “Court of Petty Sessions” and inserting instead —
“ Magistrates Court ”;
 - (c) by deleting “Defendant” and inserting instead —
“ **Accused** ”;
 - (d) by deleting “defendant” in both places where it occurs and inserting instead —
“ accused ”.
- (3) Schedule 1 Form 3 is amended as follows:
 - (a) by deleting “*Defendants*” and inserting instead —
“ *Accused* ”;

- (b) by deleting “Court of Petty Sessions” and inserting instead —
“ Magistrates Court ”;
 - (c) by deleting “Defendant” and inserting instead —
“ **Accused** ”;
 - (d) by deleting “defendant” in each place where it occurs and inserting instead —
“ accused ”.
- (4) Schedule 1 Form 4 is amended as follows:
- (a) by deleting “*Defendants*” and inserting instead —
“ *Accused* ”;
 - (b) by deleting “Defendant” and inserting instead —
“ **Accused** ”;
 - (c) by deleting “defendant” in each place where it occurs and inserting instead —
“ accused ”;
 - (d) by deleting “DEFENDANT” and inserting instead —
“ **ACCUSED** ”.

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

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

JU302*

Criminal Investigation (Extra-territorial Offences) Act 1987

Criminal Investigation (Extra-territorial Offences) Amendment Regulations 2007

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

1. Citation

These regulations are the *Criminal Investigation (Extra-territorial Offences) Amendment Regulations 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Criminal Investigation (Extra-territorial Offences) Regulations 1989**.

[* *Reprint 1 as at 6 February 2004.*

For amendments to 6 June 2007 see Western Australian Legislation Information Tables for 2006, Table 4.]

4. Schedule amended

- (1) The heading to the Schedule is deleted and the following heading is inserted instead —

“

Schedule 1 — Forms

”.

- (2) The Schedule is amended in the list of Forms by deleting “Complaint to Ground” and inserting instead —

“ Application for ”.

- (3) The Schedule Form 1 is amended as follows:

- (a) by deleting “COMPLAINT TO GROUND” and inserting instead —

“ APPLICATION FOR ”;

- (b) by deleting “complainant” in both places where it occurs and inserting instead —

“ applicant ”;

- (c) by deleting “complainant’s” in both places where it occurs and inserting instead —

“ applicant’s ”.

- (4) The Schedule Form 2 is amended by deleting “complainant” in both places where it occurs and inserting instead —

“ applicant ”.

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

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

JU304*

Evidence Act 1906

Evidence (Witnesses' and Interpreters' Fees and Expenses) Amendment Regulations 2007

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

1. Citation

These regulations are the *Evidence (Witnesses' and Interpreters' Fees and Expenses) Amendment Regulations 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Evidence (Witnesses' and Interpreters' Fees and Expenses) Regulations 1976**.

[* Reprinted as at 17 May 2002.

For amendments to 5 June 2007 see *Western Australian Legislation Information Tables for 2006, Table 4.*]

4. Regulation 2A amended

Regulation 2A(1) is amended by deleting “complainant” and inserting instead —

“ prosecutor ”.

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

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

JU305*

Prostitution Act 2000

Prostitution (Restraining Orders) Amendment Regulations 2007

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

1. Citation

These regulations are the *Prostitution (Restraining Orders) Amendment Regulations 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Prostitution (Restraining Orders) Regulations 2000**.

[* *Published in Gazette 28 July 2000 p. 4065-100.*]

4. Schedule 1 amended

- (1) Schedule 1 is amended by deleting “Court of Petty Sessions” in each place where it occurs and inserting instead —
“ Magistrates Court ”.
- (2) Schedule 1 is amended by deleting “clerk” in each place where it occurs and inserting instead —
“ registrar ”.
- (3) Schedule 1 is amended by deleting “Clerk’s records” in each place where it occurs and inserting instead —
“ Registrar’s records ”.
- (4) Schedule 1 is amended by deleting “Clerk/” in each place where it occurs.

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

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

JU306*

Restraining Orders Act 1997

Restraining Orders Amendment Regulations 2007

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

1. Citation

These regulations are the *Restraining Orders Amendment Regulations 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Restraining Orders Regulations 1997**.

[* Reprint 2 as at 16 March 2007.]

4. Regulation 7 amended

- (1) Regulation 7(1) is amended by deleting “clerk” and inserting instead —

“

registrar of the court where the magistrate hearing the telephone application is based

”.

- (2) Regulation 7(2) is amended by deleting “referred to in” in both places where it occurs and inserting instead —

“ in which the adjourned hearing is to be listed under ”.

5. Regulation 9A inserted

After regulation 9 the following regulation is inserted —

“

9A. Procedure for applying for oral or substituted service

- (1) An application —
 - (a) to a registrar for an order authorising oral service of a restraining order under section 55(2) of the Act; or

- (b) to the court for an order authorising substituted service of a restraining order under section 60(1) of the Act,

is to be made in accordance with this regulation.

- (2) The application is to be made by a police officer.
- (3) The application is to —
- (a) specify the previous attempts to serve the restraining order, including any incidents of deliberate avoidance; and
- (b) otherwise be made in an approved form.
- (4) When a police officer effects oral service in accordance with an order under section 55(2) or 60(1) of the Act, the police officer is to notify the court of that service in an approved form.
- (5) After the court has received that notification, the court is to post a copy of the order to the last known residential address of the person against whom the restraining order was sought.

”.

6. Schedule 1 amended

- (1) Schedule 1 Form 1 is amended by deleting “of courts” and inserting instead —
- “ of the court ”.
- (2) Schedule 1 Form 2 is amended as follows:
- (a) in Part B by deleting “of courts” and inserting instead —
- “ of the court ”;
- (b) in Part D by deleting “of courts” and inserting instead —
- “ of the court ”.
- (3) Schedule 1 Form 5 is amended as follows:
- (a) in Part B by deleting “of courts” and inserting instead —
- “ of the court ”;
- (b) in Part C by deleting “of courts” and inserting instead —
- “ of the court ”.
- (4) Schedule 1 Form 6 is amended as follows:
- (a) in Part C by deleting “of courts” and inserting instead —
- “ of the court ”;
- (b) in Part E by deleting “of courts” and inserting instead —
- “ of the court ”;
- (c) in Part F by inserting in the box immediately before “Name of person serving order” —
- “ Person serving order ”.

- (5) Schedule 1 Form 11 is amended as follows:
- (a) by deleting “complainant” in both places where it occurs and inserting instead —
“ prosecutor ”;
- (b) by deleting “defendant” in both places where it occurs and inserting instead —
“ accused ”.
- (6) Schedule 1 Form 12 Part D is amended by deleting “or Clerk”.

7. Various references to “clerk” changed to “registrar”

- (1) The regulations are amended by deleting “clerk” in each place where it occurs that is mentioned in the Table to this regulation and inserting instead —
“ registrar ”.

Table

r. 6A(4)	Sch. 1 Form 5 Part C (2 places)
r. 6B(4)	Sch. 1 Form 5 Part D (2 places)
r. 6D	Sch. 1 Form 6 Part C
r. 10(1) (2 places)	Sch. 1 Form 6 Part E
r. 10(2) (2 places)	Sch. 1 Form 6 Part F (2 places)
r. 12(b)	Sch. 1 Form 8 Part A
Sch. 1 Form 1 (3 places)	Sch. 1 Form 9 Part A
Sch. 1 Form 2 Part B (2 places)	Sch. 1 Form 9 Part B (4 places)
Sch. 1 Form 2 Part D (2 places)	Sch. 1 Form 12 Part A (4 places)
Sch. 1 Form 2 Part E (2 places)	Sch. 1 Form 12 Part D
Sch. 1 Form 4 (2 places)	Sch. 1 Form 13 Part A
Sch. 1 Form 5 Part B (2 places)	Sch. 1 Form 13 Part B (4 places)

- (2) The regulations are amended by deleting “Clerk” in each place where it occurs that is mentioned in the Table to this regulation and inserting instead —
“ Registrar ”.

Table

Sch. 1 Form 2 Part A	Sch. 1 Form 5 Part A
Sch. 1 Form 3 Part A	Sch. 1 Form 11

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

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

JU307*

Restraint of Debtors Act 1984

Restraint of Debtors Amendment Regulations 2007

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

1. Citation

These regulations are the *Restraint of Debtors Amendment Regulations 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Restraint of Debtors Regulations 1986**.

[* *Reprint 1 as at 12 December 2003.*

For amendments to 15 June 2007 see Western Australian Legislation Information Tables for 2006, Table 4.]

4. Regulation 12 amended

- (1) Regulation 12(1) is amended by deleting “the nearest clerk of courts.” and inserting instead —

“

a registrar at the nearest registry of the Magistrates Court.

”.

- (2) Regulation 12(2) is amended as follows:

- (a) by deleting “clerk or”;
- (b) by deleting “the accountant, Crown Law Department.” and inserting instead —

“

the relevant officer of the department principally assisting the Minister in the administration of the Act.

”.

- (3) Regulation 12(3) is amended as follows:
- (a) by deleting “clerk or”;
 - (b) by deleting “accountant” and inserting instead —
“ relevant officer of the department ”.

5. Schedule amended

- (1) The Schedule Form 4 is amended by deleting “Clerk of Local Court/Court of Petty Sessions” and inserting instead —
“ /Magistrates Court ”.
- (2) The Schedule Form 5 is amended by deleting “, Clerk”.

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

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

JU308*

State Administrative Tribunal Act 2004

State Administrative Tribunal Amendment Regulations 2007

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

1. Citation

These regulations are the *State Administrative Tribunal
Amendment Regulations 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these
regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *State
Administrative Tribunal Regulations 2004**.

[* *Published in Gazette 30 December 2004 p. 6747-848.
For amendments to 5 June 2007 see Western Australian
Legislation Information Tables for 2006, Table 4.*]

4. Regulation 7 amended

Regulation 7 is amended as follows:

- (a) by deleting paragraph (d) and inserting instead —
“
(d) *Osteopaths Act 2005*;
”;
- (b) by deleting paragraph (f) and inserting instead —
“
(f) *Physiotherapists Act 2005*;
”;
- (c) by deleting paragraph (g) and inserting instead —
“
(g) *Psychologists Act 2005*.
”.

5. Schedule 1 amended

Schedule 1 is amended as follows:

- (a) by deleting “*Architects Act 1921*” and inserting instead —
“ *Architects Act 2004* ”;
- (b) by deleting “*Optical Dispensers Act 1966*”;
- (c) by deleting “*Optometrists Act 1940*” and inserting instead —
“ *Optometrists Act 2005* ”;
- (d) by deleting “*Osteopaths Act 1997*” and inserting instead —
“ *Osteopaths Act 2005* ”;
- (e) by deleting “*Physiotherapists Act 1950*” and inserting instead —
“ *Physiotherapists Act 2005* ”;
- (f) by deleting “*Podiatrists Registration Act 1984*” and inserting instead —
“ *Podiatrists Act 2005* ”;
- (g) by deleting “*Psychologists Registration Act 1976*” and inserting instead —
“ *Psychologists Act 2005* ”;
- (h) by deleting “*Security and Related Activities (Control) Act 1996*”.

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

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

JU309*

Suitors' Fund Act 1964

Suitors' Fund Amendment Regulations 2007

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

1. Citation

These regulations are the *Suitors' Fund Amendment Regulations 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Suitors' Fund Regulations 1965**

[* *Reprint 1 as at 7 March 2003.*

For amendments to 5 June 2007 see Western Australian Legislation Information Tables for 2006, Table 4.]

4. Regulation 13 amended

Regulation 13 is amended as follows:

- (a) by deleting “clerk” in each place where it occurs and inserting instead —
“ registrar ”;
- (b) by deleting “of proper” and inserting instead —
“ or proper ”.

5. Schedule 1 amended

- (1) Schedule 1 Form 1 is amended by deleting “complaint,” and inserting instead —
“ prosecution notice, ”.
- (2) Schedule 1 Form 2 is amended as follows:
 - (a) by inserting after “plaintiff,” in the first place where it occurs —
“ claimant, ”;

- (b) by inserting after “plaintiff” in the second place where it occurs —
 “ , claimant, prosecutor ”;
- (c) by inserting after “defendant” in both places where it occurs —
 “ , accused ”.
- (3) Schedule 1 Form 2a is amended by deleting “Complainant” and inserting instead —
 “ Prosecutor ”.
- (4) Schedule 1 Form 4 is amended as follows:
- (a) by deleting “complaint information action or presentment” and inserting instead —
 “ prosecution notice or application ”;
- (b) by deleting “complainant” in both places where it occurs and inserting instead —
 “ prosecutor ”;
- (c) by deleting “defendant” and inserting instead —
 “ accused ”;
- (d) by deleting “COMPLAINANT” and inserting instead —
 “ PROSECUTOR ”;
- (e) by deleting “Mr. S.M.”
 and inserting instead —
 “ Magistrate , ”.

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

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

JU310*

District Court of Western Australia Act 1969

District Court Amendment Rules 2007

Made by the District Court Judges.

1. Citation

These rules are the *District Court Amendment Rules 2007*.

2. The rules amended

The amendments in these rules are to the *District Court Rules 2005*.

3. Rule 8 amended

Rule 8(2)(a), (b) and (c) are deleted and the following paragraphs are inserted instead —

“

- (a) conduct a case management hearing under Part 4 and make any order that may be made at such a hearing;
- (b) conduct a pre-trial conference under Part 4 and make any order that may be made at such a conference;
- (c) conduct a listing conference under Part 4 and make any order that may be made at such a conference;
- (d) during the conduct of a pre-trial conference or a listing conference, settle, sign and seal an order under the RSC Order 43 Rule 16;
- (e) at times other than during the conduct of a pre-trial conference or a listing conference, settle, sign and seal an order under the RSC Order 43 Rule 16 if the solicitors for the parties to proceedings have, under that rule, filed a written consent to the making of the order.

”.

4. Rule 9 amended

Rule 9(1) is amended by inserting after “a” —

“ legally qualified ”.

5. Rule 10 amended

Rule 10(1) is amended by inserting after “by a” —

“ legally qualified ”.

6. Rule 13 amended

Rule 13 is amended by deleting “Registrar, a” and inserting instead —

“ legally qualified Registrar, the ”.

7. Rule 14 amended

- (1) Rule 14(1) is amended by inserting after “where a” —

“ legally qualified ”.

- (2) Rule 14(2) is amended by deleting “For” and inserting instead —

“ Subject to rule 8, for ”.

8. Rule 15 amended

- (1) Rule 15(2) is amended by inserting after “Judge or” —

“ legally qualified ”.

- (2) After rule 15(4) the following subrule is inserted —

“

- (4a) On receiving notice from the Court of the date of the hearing of the appeal, a party who appeals under this rule must serve notice of the hearing date on each other party.

”.

- (3) Rule 15(5) is amended by inserting after “or” —

“ legally qualified ”.

9. Rule 16 amended

Rule 16(1) is repealed and the following subrule is inserted —

“

- (1) Not less than 7 days after an appeal is commenced, a legally qualified Registrar may summons the parties to the appeal to a directions hearing before a legally qualified Registrar.

”.

10. Part 3 heading amended

The heading to Part 3 is amended by deleting “General matters” and inserting instead —

“ **Filing and service of documents** ”.

11. Part 3 Division 1 repealed

Part 3 Division 1 is repealed.

12. Rule 21 amended

- (1) Rule 21(1) is repealed.

- (2) Rule 21(2) is amended by deleting “subrule (1)” and inserting instead —

“ the RSC Order 72 ”.

- (3) Rule 21(4) is repealed.

13. Rule 21A amended

Rule 21A is amended in the Table by deleting “rule 18” in each place where it occurs and inserting instead —

“ the RSC Order 71A ”.

14. Rule 22 amended

Rule 22 is amended by deleting “A person filing a summons to be dealt with in chambers must include either —” and inserting instead —

“

- (1) Before filing a summons to be dealt with in chambers the parties to the summons must, in good faith, attempt to resolve as many of the issues giving rise to the summons as possible.
- (2) A person filing a summons to be dealt with in chambers must include in the summons or file with the summons —

”.

15. Rule 23 amended

Rule 23 is amended in the definition of “mediator” by inserting after “means a” —

“ legally qualified ”.

16. Rule 24 amended

Rule 24(2) is amended as follows:

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

“

- (ga) direct that a party file and serve a concise statement of the issues of fact or law that the party contends will need to be determined at trial;
- (gb) direct that a party file and serve a chronology of events relevant to the party’s case;
- (gc) dispense with a requirement to file and serve a document under Part 4A, or alter the day on or by which a party must comply with such a requirement;

”;

- (b) by deleting paragraphs (l) and (m);
- (c) in paragraph (p) by deleting “exceptional” and inserting instead —
“ special ”.

17. Rule 27 amended

Rule 27(1) is amended by deleting “a case is listed for trial or hearing,” and inserting instead —

“ the trial or the hearing of a case, ”.

18. Heading to Part 4 Division 3 Subdivision 1 inserted

After the heading to Part 4 Division 3 the following Subdivision heading is inserted —

“ **Subdivision 1 — Preliminary** ”.

19. Rule 31 amended

Rule 31(5) is amended by deleting “(2), despite subrule (3).” and inserting instead —

“ (3), despite subrule (4). ”.

20. Heading to Part 4 Division 3 Subdivision 2 inserted

After rule 34 the following Subdivision heading is inserted —

“ **Subdivision 2 — Mediations** ”.

21. Rule 35A amended

Rule 35A(2)(a) is amended by inserting after “a” —

“ legally qualified ”.

22. Heading to Part 4 Division 3 Subdivision 3 inserted

After rule 35A the following Subdivision heading is inserted —

“
“ **Subdivision 3 — Entry for trial, and ancillary matters** ”.

23. Rule 37 amended

Rule 37(3) is repealed and the following subrule is inserted instead —

“
(3) To enter a case for trial the plaintiff must file and serve a Form 1 (Entry for trial) which must state the dates, within 40 days after the date of the form, when the parties are not available to attend a pre-trial conference.
”.

24. Heading to Part 4 Division 3 Subdivision 4 inserted

After rule 38 the following Subdivision heading is inserted —

“
“ **Subdivision 4 — Pre-trial conference, and ancillary matters** ”.

25. Rule 39 amended

Rule 39(2) is amended by inserting after “Judge” —

“ or legally qualified Registrar ”.

26. Rule 41 amended

After rule 41(3) the following subrule is inserted —

“

- (4) The presiding officer, whether or not the parties agree, may report to the Court any failure by a party to cooperate in the pre-trial conference.

”.

27. Heading to Part 4 Division 3 Subdivision 5 inserted

After rule 41 the following Subdivision heading is inserted —

“ **Subdivision 5 — Listing conference** ”.

28. Rule 42 amended

- (1) Rule 42(1)(a) and (b) are deleted.
(2) Rule 42(2) and (3) are repealed.

29. Rule 43 amended

After rule 43(3) the following subrule is inserted —

“

- (3a) The lawyer who will appear at trial for a party must certify that he or she has reviewed the pleadings and is satisfied that they adequately define all the issues of fact or law that the party contends will need to be determined at trial, and the document containing this certification must be tendered at the listing conference.

”.

30. Heading to Part 4 Division 3 Subdivision 6 inserted

After rule 43 the following Subdivision heading is inserted —

“ **Subdivision 6 — Inactive cases** ”.

31. Part 4A inserted

After rule 45 the following Part is inserted —

“

Part 4A — Documents to be filed, served or delivered before trial

45A. Application of Part

This Part applies only to a case that is an action commenced by writ.

45B. “Trial date”, meaning of

In this Part —

“**trial date**” of a case means the day on which the trial of the case is listed to start.

45C. Particulars of damages

- (1) This rule applies to any party to a case who claims damages in the case.
- (2) The party must file and serve particulars of damages within 60 days after the day the defence (or if there is more than one defendant, the first defence) is filed.
- (3) If the case is a personal injuries action, the particulars of damages must set out in detail the amount of money claimed for any of the following, the justification for claiming it, and how it is calculated —
 - (a) loss of earning capacity —
 - (i) past; and
 - (ii) future;
 - (b) loss of superannuation due to —
 - (i) past loss of earning capacity; and
 - (ii) future loss of earning capacity;
 - (c) special damages;
 - (d) past gratuitous services;
 - (e) interest on past loss and expenditure;
 - (f) future need —
 - (i) for medical services; and
 - (ii) for nursing and other care and assistance services, whether paid or gratuitous; and
 - (iii) for appliances, and modifications to equipment and environment;
 - (g) any other discrete item of damages.
- (4) If the case is not a personal injuries action, the particulars of damages must set out in detail any amount of money claimed, the justification for claiming it, and how it is calculated.

45D. Building and engineering contracts — actions involving claims under

- (1) In this rule —

“**Scott Schedule**” means a statement of the issues of fact and law that the plaintiff contends will need to be determined at trial.
- (2) This rule applies to a case in which a claim is made under a building or engineering contract.
- (3) The plaintiff must apply to the Court for a direction as to whether the plaintiff is to lodge a Scott Schedule.
- (4) The application must be made within 75 days after the day the defence (or if there is more than one defendant, the first defence) is filed.

45E. Index of expert witness reports

- (1) In this rule —
“**report**” of an expert witness includes the notes of a treating medical practitioner.
- (2) This rule applies if under rule 40(5)(a) the presiding officer orders the parties to attend a listing conference.
- (3) A party must file and serve an index of the reports of any expert witness that the party intends to tender as evidence at trial and must do so —
 - (a) at least 14 days before the day of the listing conference, if the party is the plaintiff; and
 - (b) at least 7 days before the day of the listing conference, in the case of any other party.
- (4) At any time before the 21 day period preceding the trial date, a party served with an index (“**A**”) may serve the party who served the index (“**B**”) with a notice requiring information as to the qualifications and experience of an expert witness whose report is listed in the index.
- (5) On A serving B with a notice, B must provide the information within 7 days.
- (6) Except with the leave of the Court, a party cannot tender the report of an expert witness as evidence unless the party has complied with this rule in relation to that report.

45F. Papers for the Judge

- (1) At least 42 days before the trial date, the plaintiff must file and serve the papers for the Judge comprising —
 - (a) the pleadings, and any affidavits ordered to stand as pleadings, with any amendments to them incorporated and the dates of those amendments; and
 - (b) the particulars of damages filed and served under rule 45C; and
 - (c) any request or order for particulars that has been made together with the particulars given; and
 - (d) any order for directions made under the RSC Order 19 rule 4.
- (2) If the pleadings are amended after the plaintiff has filed and served the papers referred to in subrule (1), the plaintiff must file and serve the whole of the pleadings as amended unless the Court orders otherwise.

45G. Records and objects intended to be tendered as evidence

- (1) In this rule —
“**object**” means plan, photograph, model or other object.
- (2) The RSC Order 36 Rule 4 does not apply to a case.
- (3) Except with the leave of the Court, a party cannot tender a record or object as evidence at trial unless the party has complied with —
 - (a) subrules (4) and (7) in relation to the record; and
 - (b) subrules (4) and (5) in relation to the object.
- (4) A party must file and serve a list of all records and objects that the party intends to tender as evidence at trial and must do so —
 - (a) at least 42 days before the trial date, if the party is the plaintiff; and
 - (b) at least 28 days before the trial date, in the case of any other party.
- (5) A party who files and serves a list under subrule (4) must allow inspection of any object in the list by any party who requests it and must do so within 3 working days of receiving the request or within a longer period agreed between the parties.
- (6) A party (“**A**”) served under subrule (4) with a list must serve the party who filed the list with a written notice stating —
 - (a) which of the records and objects in the list A agrees may be admitted in evidence without further proof; and
 - (b) which of the records and objects in the list A does not agree may be admitted in evidence without further proof,and must do so at least 14 days before the trial date.
- (7) At the start of the trial, a party who has filed and served a list under subrule (4) must give the trial Judge —
 - (a) each record in the list that the party intends to tender with the consent of each other party, bundled together; and
 - (b) each other record in the list that the party intends to tender, bundled together; and
 - (c) a copy of any bundle of records given under paragraph (a) or (b).

45H. Outline of submissions

- (1) A party must file and serve the “Outline of submissions” —
 - (a) 42 days before the trial date, if the party is the plaintiff; or
 - (b) 28 days before the trial date, in the case of any other party.
- (2) The Outline of submissions consists of a Form 2 to which is attached —
 - (a) a document titled “Submissions”; and
 - (b) a document titled “Legal authorities”; and
 - (c) if the party wants the Court to make orders, a document titled “List of orders wanted”; and
 - (d) if the party chooses, a document titled “Draft chronology”.
- (3) The document titled “Submissions” —
 - (a) must contain the contentions of law or fact the party intends to make at the trial, expressed so as to convey the substance of them clearly and as succinctly as possible; and
 - (b) must set out the contentions in numbered paragraphs; and
 - (c) must refer to each principal legal authority on which the party relies in support of the contention; and
 - (d) must not be more than 10 pages long; and
 - (e) must be signed by the person who prepared it.
- (4) The document titled “Legal authorities” —
 - (a) must list, and number consecutively, each principal legal authority to which the court is referred, under these headings in this order —
 - (i) “Written laws”;
 - (ii) “Judgments”;
 - (iii) “Legal texts”;and
 - (b) must mark with an asterisk any legal authority from which it is intended to read any text to the court at the hearing; and
 - (c) for each written law listed, include its short title, its jurisdiction and each relevant rule or provision of it; and

[Example:

Written laws:

*1. *Interpretation Act 1984* (WA) s. 5 “under”; s. 61.

2. *Acts Interpretation Act 1901* (Cth) s. 22(1).]

- (d) for each judgment listed, include —
 - (i) first, its citation in an authorised law report (if any) and any page of it on which is a relevant passage; and
 - (ii) second, its media neutral citation (if any);

[Example:
Judgments:

*3. Ward v The Queen (2000) 23 WAR 254 at 274; [2000] WASCA 413 at [106].

4. Talbot v Lane (1994) 14 WAR 120.]

and

- (e) for each authoritative legal text listed, refer to the edition concerned and to each relevant passage.
- (5) The document titled “List of orders wanted” must set out the orders that the party wants the Court to make.
- (6) The document titled “Draft chronology” must state succinctly in numbered paragraphs arranged in date order the date and facts of each event that is material to the case.

45I. List of witnesses

- (1) At least 7 days before the trial date for a case, a party to the case must file and serve a document listing, in the order in which they will be called, each witness that the party intends to call to give evidence and stating —
 - (a) any special circumstances that affect the date or time when the witness can be called; and
 - (b) any directions that the Court has made in relation to the taking of evidence from the witness by audio link or video link.
- (2) Except with the leave of the Court, a party cannot call a witness at a trial unless the party has complied with this rule in relation to that witness.

”

32. Rule 46 amended

After rule 46(2) the following subrule is inserted —

“

- (2a) If a plaintiff in a personal injuries action is required under subrule (2) to give discovery of income tax returns, the plaintiff must discover the returns lodged by the plaintiff for, at least —
 - (a) the financial year during which the incident pleaded as the cause of the personal injuries occurred; and
 - (b) each of the 2 preceding financial years.

”

33. Rule 48 replaced by Parts 5A and 5B

Rule 48 is repealed and the following is inserted instead —

“

Part 5A — Expert Evidence**48. Expert witnesses, certification as to compliance with practice directions**

- (1) This rule applies to the report of an expert witness that a party intends to tender as evidence other than the report of a medical expert prepared for the purposes of a personal injuries action.
- (2) The author of the report must certify in the report that he or she has read and complied with the practice direction made by the Court for the purposes of this rule.
- (3) Except with the leave of the Court, a report that has not been certified as required under subrule (2) is not admissible at trial.

Part 5B — Interlocutory applications**48A. Amending pleadings, RSC Order 21 modified**

- (1) The RSC Order 21 applies, subject to this rule.
- (2) The RSC Order 33 Rule 10 and rule 48C of these rules do not apply to an interlocutory application to amend pleadings.
- (3) If an application to amend a pleading is filed after a case is listed for trial, the application must be accompanied by an affidavit of the party making the application or the lawyer representing the party.
- (4) The affidavit is to set out the facts —
 - (a) that have arisen since the certificate was tendered under rule 43(3a); and
 - (b) that ground the party's or the lawyer's argument that the amendment is necessary.

48B. Interlocutory applications after listing for trial

- (1) If an application for an interlocutory order is filed after a case is listed for trial, the application must be accompanied by an affidavit of the party making the application or the lawyer representing the party.
- (2) The affidavit is to set out the facts that ground the party's or the lawyer's argument that the order is necessary.

- (3) Unless justice requires otherwise, the Court will not grant an application referred to in subrule (1) if to do so would necessitate adjourning the trial.

”.

34. Rule 52 amended

- (1) Rule 52(2) is amended by inserting after “decision, a” —
“ legally qualified ”.
- (2) Rule 52(6) is amended by inserting after “A” —
“ legally qualified ”.

35. Rule 53 amended

Rule 53(2) is amended by deleting “an address for service of the respondent in Australia.” and inserting instead —

“ a statement of the respondent’s service details. ”.

36. Rule 55 amended

- (1) Rule 55(1) is amended by deleting “a Registrar” in each place where it occurs and inserting instead —
“ a legally qualified Registrar ”.
- (2) Rule 55(3) is amended by deleting “the Registrar” and inserting instead —
“ the legally qualified Registrar ”.

37. Rule 59 amended

After rule 59(2) the following subrules are inserted —

“

- (3) On determining an appeal the Court may make any order as to money paid under rule 51 or 53 that is just having regard to any order made as to costs.
- (4) If the Court does not make an order under subrule (3), a legally qualified Registrar may make such an order at any time.

”.

38. Rule 60 amended

- (1) Rule 60(1) is amended by inserting after “A” —
“ legally qualified ”.
- (2) Rule 60(2) is amended by inserting after “A” —
“ legally qualified ”.

39. Rule 61 amended

- (1) Rule 61(1) is repealed.

- (2) Rule 61(2)(a) is amended by deleting “a trial, or the hearing of an application,” and inserting instead —

“ the hearing of an application ”.

- (3) Rule 61(5) and (6) are repealed and the following subrule is inserted instead —

“

- (5) At least 2 clear working days before the date of the hearing, each party must file and immediately serve an Outline of submissions as described in rule 45H(2) to (6) and the reference in rule 45H(3)(a) to the trial is to be read as a reference to the hearing.

”.

40. Rule 71 amended

Rule 71(2) is repealed and the following subrules are inserted instead —

“

- (2) An application under this rule must be in writing and set out the grounds of the application.
- (2a) After receiving an application under this rule the Court may, in writing, direct the applicant to provide additional information in the form of an affidavit.
- (2b) The Court is not required to deal with an application if the applicant fails to comply with a direction under subrule (2a).

”.

41. Part 11 inserted

After rule 72 the following Part is inserted —

“

Part 11 — Transitional and savings provisions

73. Terms used in this Part

In this Part —

“**commencement**” means the coming into operation of the *District Court Amendment Rules 2007*;

“**former rules**” means the *District Court Rules 2005* as enacted before being amended by the *District Court Amendment Rules 2007*.

74. Cases to which former rules apply

If immediately before the commencement a case is listed for trial or the trial of a case is being conducted, then the former rules apply to and in respect of the case.

75. Outline of submissions for certain hearings

If immediately before the commencement —

- (a) a Judge or a Registrar has ordered under rule 61(2) that a hearing of an application is to be subject to rule 61; and
- (b) the hearing has not been held but is due to be held within 7 days,

then rule 61(1), (5) and (6) of the former rules applies to and in respect of the hearing.

”

42. Schedule 1 amended

- (1) Schedule 1 Form 1 is deleted and the following form is inserted instead —

“

1. Entry for trial (r. 37)

District Court of Western Australia		At:
Entry for trial		Number:
Matter Certificate * delete if inapplicable	<p>[Names of all parties]</p> <p>The [party] certifies that —</p> <ul style="list-style-type: none"> • the [party] has been given discovery and inspection by all of the other parties; and • *the [party] served interrogatories and has received answers; and • the [party] has complied with all directions and orders made by the Court at the case management hearing; and • the [party] has complied with all orders made by the Court since the case management hearing; and • no other interlocutory orders are needed; and • the [party] has complied with the <i>Rules of the Supreme Court 1971</i> Order 36A; and • the [party] has complied with the <i>District Court Rules 2005</i> rule 36(1); and • the [party] has complied with the <i>District Court Rules 2005</i> rule 45C; and • *the [party] has complied with the <i>District Court Rules 2005</i> rule 45D; and • *the [party] has complied with the <i>District Court Rules 2005</i> rule 45D; and • this matter is in all respects ready for trial. 	
Entry for trial	The [party] enters this matter for trial.	
Unavailable dates	The parties are not available for a pre-trial conference on these dates:	
Signature of party or lawyer Party/[Party's] lawyer	Date:

”

(2) After Schedule 1 Form 2 the following form is inserted —

“

3. Outline of submissions (r. 45H, 61)

District Court of Western Australia		At:
Outline of submissions		Number:
Matter	[Names of all parties]	
Party filing outline	[Name of party filing outline and whether plaintiff or defendant, appellant or respondent]	
Notice *Delete if inapplicable	Attached to this form are these documents in this order —	
	<ul style="list-style-type: none"> • Submissions; and • Legal authorities; and • *List of orders wanted; and • *Draft chronology. 	
Signature of party or lawyer Party/[Party's] lawyer	Date:

”

Dated: 6 July 2007.

Judges' signatures:

A. KENNEDY.	M. J. BOWDEN.
P. J. HEALY.	M. G. MULLER.
A. D. FENBURY.	B. J. H. GOETZE.
S. M. DEANE	T. D. SWEENEY.
R. E. KEEN.	R. A. MAZZA.
W. G. GROVES.	H. J. WISBEY.
P. R. EATON.	C. J. O'BRIEN.

LOCAL GOVERNMENT

LG301*

HEALTH ACT 1911

LOCAL GOVERNMENT ACT 1995

Shire of Mundaring

HEALTH AMENDMENT LOCAL LAWS 2007

Under the powers conferred by section 342 of the *Health Act 1911*, subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Mundaring resolved on 22 May 2007 to make the following local laws.

Citation

1. These local laws may be cited as the “*Shire of Mundaring Health Amendment Local Laws 2007*”.

Principal local laws

2. In these local laws, the *Shire of Mundaring Health Local Laws 2003* made under the *Health Act 1911* and as made by the Council of the Shire of Mundaring by notice published in the *Government Gazette* on the 30 May 2003,—and as amended and published in the *Government Gazette* on 16 June 2004, are referred to as the principal local laws.

Principal local laws amended

3. The principal local laws are amended by deleting Section 5.4.4 and substituting same with—

“5.4.4 An owner or occupier of premises shall not keep a rooster or peafowl on land that is zoned residential without the approval of the Principal Environmental Health Officer and in accordance with any conditions imposed by the Principal Environmental Health Officer”.

Passed at an ordinary meeting of the Council of the Shire of Mundaring held on the 22nd day of May 2007.

The Common Seal of the Shire of Mundaring was hereunto affixed by authority of Council.

On this 6th day of June 2007.

JONATHON THROSSELL, Chief Executive Officer.
TOM PASHLEY, Authorised Officer.

Consented to—

Dr A. ROBERTSON, Executive Director Public Health.

Dated this 26th day of June 2007.

RACING, GAMING AND LIQUOR

RG301*

Casino Control Act 1984

**Casino Control (Area of Gaming Licence) Notice
(No. 2) 2007**

Made by the Gaming and Wagering Commission of Western Australia with the approval of the Minister for Racing and Gaming under the *Casino Control Act 1984* section 21(4a) and (4c).

1. Citation

This notice is the *Casino Control (Area of Gaming Licence) Notice (No. 2) 2007*.

2. Commencement

This notice comes into operation as follows:

- (a) clauses 1 and 2 — on the day on which this notice is published in the *Gazette*;
- (b) the rest of the clauses — on the day after that day.

3. Interpretation

In this notice —

“the casino gaming licence” means the casino gaming licence granted in relation to the premises at Burswood Island.

4. Area to which the casino gaming licence relates

The areas set out in the *Casino Control (Area of Gaming Licence) Notice 2007*, published in the *Gazette* of 24 April 2007, p. 1761-66, as being the areas to which the casino gaming licence relates are altered, so that the respective shaded areas demonstrated on the plans set out in Schedule 1 to this notice in relation to —

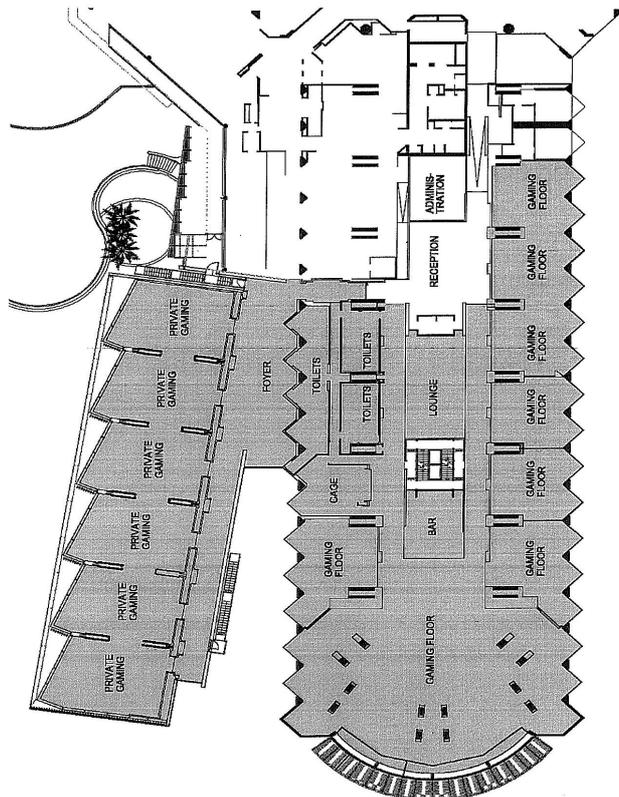
- (a) the international gaming facility (Intercontinental Burswood Resort Hotel); and
- (b) the lower plaza level (Intercontinental Burswood Resort Hotel); and
- (c) the basement (Casino); and
- (d) the ground floor; and
- (e) the top floor (Casino),

of the premises known as the Burswood Entertainment Complex, are the areas to which the casino gaming licence relates.

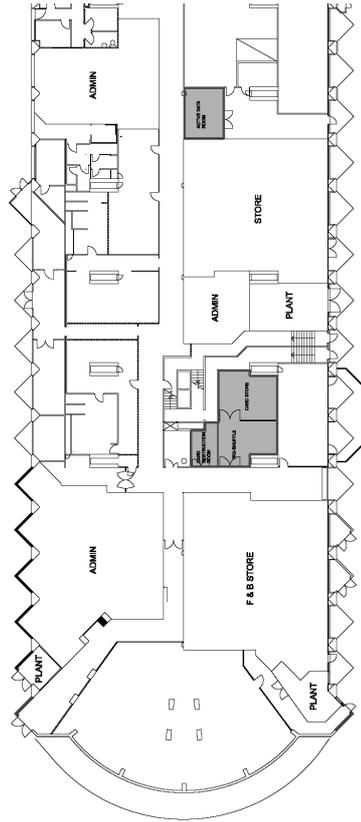
5. Revocation

The *Casino Control (Area of Gaming Licence) Notice 2007* is revoked.

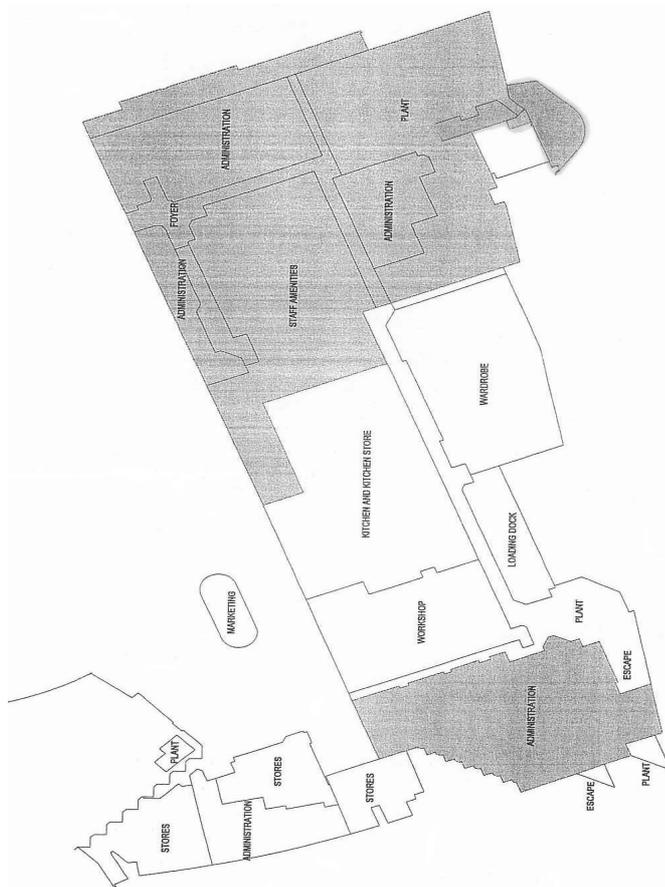
Schedule 1 — Areas to which the casino gaming licence relates



Plan of the International Gaming Facility



Plan of the lower plaza level showing the Card Destruction Room, Pre-Shuffle Room, Card Store Room and Active Data Room



Plan of the Basement showing the Administration Area, Count Facilities and Secure Storage Areas

Approved by the Minister for Racing and Gaming —

Hon LJILJANNA RAVLICH MLC, Minister for Racing and Gaming.

Dated 16th July 2007.

Sealed by the Gaming and Wagering
Commission of Western Australia in the
presence of:

BARRY A. SARGEANT

Chairperson

KEVIN HARRISON

Member (L.S.)

Dated 26th June 2007.

— PART 2 —

FISHERIES

FI401

PEARLING ACT 1990
GRANT OF PEARL OYSTER FARM LEASES
Seaflower Bay B

FD 319/06

I, Peter Millington, the Chief Executive Officer of the Department of Fisheries, Western Australia, pursuant to Section 23 of the *Pearling Act 1990* ("the *Pearling Act*") have granted an application by Paspaley Pearling Company Pty Ltd, for a pearl oyster farm lease, in respect of an area of water located at Seaflower Bay B.

Under section 33(1) of the *Pearling Act* a person aggrieved by my decision may apply to the State Administrative Tribunal (SAT) for a review of the decision. Application forms can be obtained from the SAT located at Level 4, 12 St Georges Terrace, Perth WA or from the SAT's website at www.sat.justice.wa.gov.au. The application together with any supporting documents should be lodged with the SAT within 28 days of publication of the Notice. When an application is accepted by the Chief Executive Officer of the SAT, the applicant is to give a copy of the application to the Chief Executive Officer, Department of Fisheries, Level 3, 168 St Georges Terrace, Perth WA.

Dated this 26th day of July 2007.

P. J. MILLINGTON, Chief Executive Officer, Department of Fisheries.

HERITAGE

HR401*

HERITAGE OF WESTERN AUSTRALIA ACT 1990
ENTRY OF PLACES IN THE REGISTER OF HERITAGE PLACES

Notice is hereby given in accordance with section 51(2) of the *Heritage of Western Australia Act 1990* that, pursuant to directions from the Minister for Heritage, the places described in Schedule 1 have been entered in the Register of Heritage Places on a permanent basis with effect from today.

Schedule 1

Description of Place

Bank of New South Wales (fmr), Northam located at 161 Fitzgerald Street, Northam; Lot 113 on DP 222923 and being the whole of the land contained in C/T V 1983 F 482.

Methodist Church (fmr), Denmark located at Cnr Price and Mitchell Streets, Denmark; Lot 1010 on DP 222379 being the whole of Res 18535 and the whole of the land contained in CLT V 3140 F 5.

National Australia Bank, Northam located at 141 Fitzgerald Street, Northam; Lot 7 on D 11282 and being the whole of the land contained in C/T V 1065 F 737.

National Bank, Narrogin located at 27 Fortune Street, Narrogin; Lot 48 on DP 222890 being the whole of the land contained in C/T V 2141 F 912.

St James' Chapel, Kojarena located at Kojarena South Road, Kojarena; Firstly Ptn of Victoria Loc 2186 being Lot 180 on D 9612 and secondly Ptn of Victoria Loc 2177 being Lot 201 on DP 302269 and being the whole of the land contained in C/T V 1038 F 645.

St Mary's Anglican Church Complex located at 9 Ridge Street, South Perth; Lot 87 on D 83901 being the whole of the land contained in C/T V 1972 F 921.

Statham's Quarry (fmr) located at Ridge Hill Road, Gooseberry Hill; That Ptn of Lot 3040 on DP 36439 being part Class A Res 47880 and part of the land contained in CLT V 3134 F 988 as is defined in HCWA Survey Drawing No. 10570 prepared by Whelans and dated 10 February 2005.

Pursuant to directions from the Minister for Heritage, notice is hereby given in accordance with Section 49(1) of the *Heritage of Western Australia Act 1990* that it is proposed that the place described in Schedule 2 be entered in the Register of Heritage Places on a permanent basis. The Heritage Council invites submissions on the proposal, which must be in writing & should be forwarded to the

address below not later than 11 September 2007. The place will be entered in the Register on an interim basis with effect from today in accordance with section 50(1) of the *Heritage of Western Australia Act 1990*.

Schedule 2

Description of Place

Beaufort Street Terraces located at 225-227 and 235-241 Beaufort Street, Perth; Lot 134 on Plan 613 and being the whole of the land contained in C/T V 873 F 74, ptn of Perth Town Lot N30 and being Lots 100 and 101 on D 63744 and being the whole of the land contained in C/T V 1630 F 399, ptn of Perth Town Lot N30 and being Lots 102, 103 and 104 on D 63744 and being the whole of the land contained in C/T V 1685 F 933, ptn of Perth Town Lot N30 and being Lots 105, 106 and 107 on D 63744 and being the whole of the land contained in C/T V 1685 F 934, ptn of Perth Town Lot N30 and being Lots 108 and 109 on D 63744 and being the whole of the land contained in C/T V 1639 F 901.

Date 31 July 2007.

(sgd) IAN BAXTER, Director, Office of the Heritage Council of W.A.
108 Adelaide Terrace East Perth WA 6004.

LOCAL GOVERNMENT

LG401*

HEALTH ACT 1911

Shire of Capel

FEES AND CHARGES

At a meeting of the Capel Shire Council, held on 25 July 2007 it was resolved that the fees and charges specified hereunder be imposed for the 2007/08 financial year within the Shire of Capel in accordance with the provisions of the Health Act 1911.

Rubbish Collection

\$140.00 per annum for one 240 litre refuse bin collected weekly.

\$109.00 per annum for each additional 240 litre bin collected weekly.

\$100.00 per annum for one 240 litre refuse bin collected fortnightly.

Rubbish Disposal

\$75.00 per annum refuse site charge for each dwelling.

Refuse Site Charges

\$30.00 per cubic metre for residential waste disposed of at the Capel refuse site.

P. F. SHEEDY, Chief Executive Officer.

LG402

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT ADVISORY BOARD

Appointments

Department of Local Government
and Regional Development,
Perth, 1 August 2007.

DLGRD: 358-98#05

It is hereby notified for public information that the Governor has under the provisions of Schedule 2.5 of the *Local Government Act 1995* appointed the following persons to the Local Government Advisory Board for a term expiring on 31 August 2008—

1. Cr Helen Mary Dullard (nominee of the Minister for Local Government and Regional Development) as a member and Chairperson.
2. Cr Patricia Creevey (nominee of the Minister for Local Government and Regional Development) as a member.

CHERYL GWILLIAM, Director General, Department of
Local Government and Regional Development.

LG403

LOCAL GOVERNMENT GRANTS ACT 1978

LOCAL GOVERNMENT GRANTS COMMISSION

Appointment

Department of Local Government
and Regional Development,
Perth, 1 August 2007.

DLGRD: 282-97#03

It is hereby notified for public information that the Governor has under section 5(1) (c) (ii) of the *Local Government Grants Act 1978* appointed Cr Celestino Marino Gregorini to the Western Australian Local Government Grants Commission as member and Chairman for a term expiring on 31 July 2008.

CHERYL GWILLIAM, Director General, Department of
Local Government and Regional Development.

PLANNING AND INFRASTRUCTURE

PI401*

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

Town Planning Scheme No. 4—Amendment No. 1

Ref: 853/5/6/4 Pt 1

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 Cranbrook local planning scheme amendment on 10 July 2007 for the purpose of—

1. reclassifying part of Lot 83 Trent Street, Frankland, from Local Reserve for Parks and Recreation to Residential Zone with R10 density code;
2. reclassifying part of Lot 1997 Rocky Gully-Frankland Road, Frankland, from Residential Zone to Local Reserve for Parks and Recreation;
3. changing the residential density code from R5 to R10 for part of Lot 83 Trent Street, Lot 23 Evans Street, and part of Lot 27 Frankland-Cranbrook Road, Frankland; and
4. changing the residential density code from R2.5 to R5 for Lots 35 and 38 Evans Street, Lot 36 Moir Street, Lot 37 Booka Street; parts of Lots 26 and 27 Frankland-Cranbrook Road, Frankland;

as depicted on the Scheme Amendment Map.

N. BURGES, Shire President.
A. P. MIDDLETON, Chief Executive Officer.

PI402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Albany

Town Planning Scheme No. 1A—Amendment No. 152

Ref: 853/5/2/15 Pt 152

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 18 July 2007 for the purpose of recoding Lots 1, 2, 30, 31, 102, 103, 554 and 555 Cockburn Road, Lots 100 and 104 Campbell Road and Lot 101 Knight Street, Albany from “Residential R20” to “Residential R30”, as depicted on the scheme map.

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

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Gregory Elphick, late of 262 Great Eastern Highway, Ascot in Western Australia, Jeweller.

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 4 August 2006 at Royal Perth Hospital, Perth in Western Australia, are required by the personal representative, being Colleen Lesley Elphick to send particulars of their claims to Haynes Legal of P.O. Box 370, Greenwood, Western Australia, 6924 within 30 days of publication of this notice after which date the personal representative may convey or distribute the assets, having regard only to the claims of which s/he then has notice.

ZX402

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Linda Jane Butcher, late of 113 Victoria Road, Kenwick Western Australia.

Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on 12 April 2006, are required by the trustee's solicitors, McDonald Pynt Lawyers of PO Box 697 Fremantle, Western Australia to send particulars of their claims to them within 30 days of this notice after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZX403

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Florence Roberta Smith, of Lathlain Care Facility, 62 Archer Street, Carlisle, formerly of 3 Kintail Road, Applecross, Western Australia.

Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on 18 July 2002, are required by the personal representative, Craig Ian Burton of care of Fairweather & Lemonis, Level 9, 172 St Georges Terrace, Perth WA 6000 to send particulars of their claims to him by the 31st day of August 2007, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

WESTERN AUSTRALIA

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