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— PART 1 —

FIRE AND EMERGENCY SERVICES

FE301*

Fire and Emergency Services Superannuation Act 1985

Fire and Emergency Services (Superannuation Fund) Amendment Regulations 2008

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fire and Emergency Services (Superannuation Fund) Amendment Regulations 2008*.

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 *Fire and Emergency Services (Superannuation Fund) Regulations 1986*.

4. Regulation 3 amended

Regulation 3(1) is amended as follows:

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

“

“**earnings rate**”, in respect of a member, means the earnings rate determined by the Superannuation Board under regulation 9B for the member;

“**partner**” means —

- (a) a spouse; or
- (b) a de facto partner who is a spouse as defined in section 10 of the SIS Act;

“**SIS Regulations**” means the *Superannuation Industry (Supervision) Regulations 1994* of the Commonwealth;

“**splittable contribution**” has the same meaning as it has in Division 6.7 of the SIS Regulations;

- (b) by deleting the definition of “preservation age” and inserting instead —

“**preservation age**” means, for a person who was born —

- (a) before 1 July 1960, 55 years of age;
- (b) during the year 1 July 1960 to 30 June 1961, 56 years of age;
- (c) during the year 1 July 1961 to 30 June 1962, 57 years of age;
- (d) during the year 1 July 1962 to 30 June 1963, 58 years of age;
- (e) during the year 1 July 1963 to 30 June 1964, 59 years of age;
- (f) after 30 June 1964, 60 years of age;

- (c) in the definition of “maximum benefit” by deleting “under regulation 18 if the member had become totally and permanently disabled;” and inserting instead —

under regulation 18 if —

- (a) the member had become totally and permanently disabled; and
- (b) each reference in Schedule 2 to 12 783 days were a reference to 10 958 days;

5. Regulation 9B replaced

Regulation 9B is repealed and the following regulation is inserted instead —

9B. Earnings rate

- (1) From time to time the Superannuation Board, on the advice of an actuary, is to determine an earnings rate for members.
- (2) The Superannuation Board may determine different earnings rates for different members or different classes of members.
- (3) An earnings rate may be positive or negative.

- (4) In determining an earnings rate the Superannuation Board is to have regard to —
- (a) the net earnings income derived from the investment of assets in the Superannuation Fund; and
 - (b) costs and expenses; and
 - (c) the desirability of averaging earnings in order to reduce fluctuations in earnings rates; and
 - (d) investment choices made by members; and
 - (e) any other matters that appear to the Superannuation Board to be relevant.

”.

6. Regulation 16BB inserted

After regulation 16BA the following regulation is inserted —

“

16BB. Contribution splitting

- (1) A member —
- (a) for whom splittable contributions have been made to the Superannuation Fund; and
 - (b) whose partner is also a member,
- may apply to the Superannuation Board to transfer some or all of those contributions to the partner’s accumulation account in accordance with Division 6.7 of the SIS Regulations.
- (2) The Superannuation Board may accept an application under subregulation (1) if it is satisfied that the application complies with Division 6.7 of the SIS Regulations.
- (3) On acceptance of an application under subregulation (1) the Superannuation Board is to transfer the contributions as requested.

”.

7. Regulation 16C amended

- (1) Regulation 16C(2) is amended as follows:
- (a) after paragraph (a) by inserting —

“

- (aa) the amount of any splittable contributions transferred to the member under regulation 16BB; and

”.

- (b) in paragraph (g) by deleting “interest” and inserting instead —
“ earnings ”;
 - (c) after each of paragraphs (a), (b) to (fa) and (fc) by inserting —
“ and ”.
- (2) Regulation 16C(3) is amended as follows:
- (a) after paragraph (ab) by inserting —
“
(ac) the amount of any splittable contribution transferred by the member under regulation 16BB; and
”;
 - (b) after each of paragraphs (a), (aa) and (ab) by inserting —
“ and ”.
- (3) Regulation 16C(4) is repealed and the following subregulations are inserted instead —
“
- (4) At least once every year the Superannuation Board must, for each member —
 - (a) calculate the member’s earnings for the period since earnings were last credited to the member’s accumulation account (or if no earnings have been credited, since the account was opened) by applying the member’s earnings rate to the balance in the account; and
 - (b) credit the amount of the member’s earnings to the member’s accumulation account.
 - (5) When making a calculation under subregulation (4)(a) the Superannuation Board may apply the earnings rate to daily balances, average balances or on such other basis as it considers appropriate.
- ”.

8. Regulation 21AA amended

Regulation 21AA(1)(b) is deleted and the following paragraph is inserted instead —

- “
- (b) satisfies a condition of release within the meaning of Part 6 of the SIS Regulations in respect of which the cashing restriction specified in the SIS Regulations Schedule 1 is nil,
- ”.

9. Regulation 21AB inserted

After regulation 21AA the following regulation is inserted —

“

21AB. Phased retirement benefit

- (1) A member who —
 - (a) is at least the preservation age; and
 - (b) applies to the Superannuation Board for payment of a benefit under this regulation,is entitled to a benefit of the amount specified in the member's application, which must not exceed the balance of the member's accumulation account.
- (2) A benefit under this regulation is to be paid —
 - (a) under regulation 22 as a pension benefit; and
 - (b) on terms and conditions that ensure that the benefit is —
 - (i) a non-commutable allocated annuity; or
 - (ii) a non-commutable allocated pension; or
 - (iii) a non-commutable annuity; or
 - (iv) a non-commutable pension,(all as defined in the SIS Regulations).
- (3) For the purposes of regulation 22, an application under subregulation (1)(b) for payment of a benefit is taken to also be an application under regulation 22(1) for the benefit to be paid as a pension benefit.

”.

10. Regulation 21C amended

Regulation 21C(2) is repealed.

11. Regulation 21D inserted

After regulation 21C the following regulation is inserted —

“

21D. Delay in payment of benefit

- (1) If a benefit to which a member is entitled or which has become payable is not paid or transferred under regulation 21B(2) or (3) as soon as is permitted by these regulations, the Superannuation Board is to —
 - (a) retain the accumulation component of the benefit in the member's accumulation account; and
 - (b) if the benefit includes a defined benefit component, credit the amount of that component to the member's accumulation account; and

- (c) maintain the member's accumulation account in accordance with these regulations until the benefit is paid or transferred,

and when the benefit is paid or transferred, the amount to be paid or transferred is the balance in the account at that time.

- (2) This regulation does not apply to —
 - (a) a supplementary disablement benefit; or
 - (b) any part of a benefit that a person has elected under regulation 22 to receive as a pension.

”.

12. Regulation 22 amended

Regulation 22(2) is amended by deleting “If” and inserting instead —

“ Subject to regulation 21AB(2)(b), if ”.

13. Regulation 23 repealed

Regulation 23 is repealed.

14. Regulation 23BA amended

- (1) Regulation 23BA(1) is amended by deleting “regulation 23B(3)(c)” in both places where it occurs and inserting instead —

“ regulation 23B(3a)(c) ”.
- (2) Regulation 23BA(3) is amended by deleting “regulation 23B(3)(a)” and inserting instead —

“ regulation 23B(3a)(a) ”.
- (3) Regulation 23BA(5) is amended by deleting “regulation 23B(3)(b)” and inserting instead —

“ regulation 23B(3a)(b) ”.
- (4) Regulation 23BA(9) is amended by deleting “regulation 23B(3)” and inserting instead —

“ regulation 23B(3a) ”.

15. Regulation 23C amended

Regulation 23C(2) is amended as follows:

- (a) in paragraph (a) by deleting “regulation 23B(3)(a)” and inserting instead —

“ regulation 23B(3a)(a) ”;
- (b) in paragraph (b) by deleting “regulation 23B(3)(b)” and inserting instead —

“ regulation 23B(3a)(b) ”;

- (c) in paragraph (c) by deleting “regulation 23B(3)(c)” and inserting instead —
 “ regulation 23B(3a)(c) ”.

16. Regulation 27 amended

Regulation 27(2) and (2a) are repealed.

17. Division heading and regulations 29 and 30 replaced

The heading to Part V Division 3 and regulations 29 and 30 are repealed and the following is inserted instead —

“

Division 3 — Miscellaneous

29. Unclaimed benefits

If a benefit that is payable to or in respect of a member becomes unclaimed money that the Superannuation Board is required —

- (a) by the *Superannuation (Unclaimed Money and Lost Members) Act 1999* (Commonwealth) to pay to the Commonwealth Commissioner of Taxation; or
- (b) by the *Unclaimed Money (Superannuation and RSA Providers) Act 2003* to pay to the Treasurer,

the Superannuation Board is to pay the benefit in accordance with that Act.

30. Assignment or charge of benefit prohibited

A person who is, or may become, entitled to a benefit cannot assign the person’s right to, or create a charge over, the benefit, and any purported assignment or charge is void.

”.

18. Regulation 41 amended

Regulation 41(8) is amended by deleting “paragraph (a)(iii)”.

19. Regulation 41A inserted

After regulation 41 the following regulation is inserted —

“

41A. Application of regulations to members reduced in rank

- (1) In this regulation —

“**highest rank**”, in relation to a member, means the highest rank at which the member has, at any time been employed by the member’s current employer;

“highest rank salary”, in relation to a member, means the annual rate of remuneration payable to an employee on the member’s highest rank;

“prescribed member” means a member referred to in subregulation (2);

“relevant percentage”, in relation to a member, means —

- (a) in respect of any period during which a prescribed member is classified as being employed at a rank lower than the member’s highest rank, the member’s actual annual rate of remuneration for that period expressed as a percentage of the member’s highest rank salary for that period;
 - (b) in respect of any other period, 100%.
- (2) If at any time a member is or has been classified by the employer as being employed at a rank lower than that at which the member was previously employed these regulations shall apply to that member with the modifications and variations set out in this regulation.
 - (3) The employer shall advise the Superannuation Board and the member of a relevant percentage of a prescribed member —
 - (a) when the member becomes a prescribed member; and
 - (b) whenever there is any change in that percentage.
 - (4) For the purposes of determining the superannuation salary of a prescribed member the annual rate of remuneration of the member shall be deemed to be the actual annual rate of remuneration adjusted in the ratio that 100% bears to the relevant percentage of the member.
 - (5) During any period of membership during which the relevant percentage of a prescribed member is less than 100% the contributions that would otherwise have been payable by the member under regulation 15 or by the employer under regulation 16 shall be reduced in the ratio that the relevant percentage of the member bears to 100%.
 - (6) Where any benefit calculated under Schedule 1, Schedule 1A or Schedule 4 is payable to or in respect of a prescribed member in respect of any period of membership during which the relevant percentage of the member was less than 100%, that benefit shall be reduced in the ratio that the relevant percentage of the member during that period bears to 100%.

- (7) Where an amount has to be calculated using a membership period determined under Schedule 2 in order to determine a benefit under or by reference to regulation 17 that is payable to or in respect of a prescribed member and, immediately before the benefit became payable, the member was classified as being employed at a rank lower than the member's highest rank, that amount shall be reduced in the ratio that the relevant percentage of the member immediately before the benefit became payable bears to 100%.

”

20. Regulation 46 amended

Regulation 46(3)(f) is amended by deleting “Insurance and Superannuation Commissioner appointed under the *Insurance and Superannuation Commissioner Act 1987 (Commonwealth)*” and inserting instead —

“

Australian Prudential Regulation Authority
established by the *Australian Prudential
Regulation Authority Act 1998*
(Commonwealth)

”

21. Schedule 2 amended

Schedule 2 is amended by deleting “10 958 days” in the 3 places where it occurs and inserting instead —

“ 12 783 days ”.

22. Schedule 4 amended

Schedule 4 is amended by deleting the definition of “r” and inserting instead —

“

r is the discount factor determined by the Superannuation Board on the advice of an actuary to be appropriate to reflect the fact that the member has become entitled to a benefit under regulation 21(1) before the member reaches 55 years of age;

”

By Command of the Governor,

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

JUSTICE

JU301*

Spent Convictions Act 1988

Spent Convictions Amendment Regulations 2007

Made by the deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Spent Convictions 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 *Spent Convictions Regulations 1992*.

4. Schedule 1 replaced

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

“

Schedule 1

[r. 5]

SPENT CONVICTIONS ACT 1988 — SECTION 7(1)

APPLICATION FOR CERTIFICATE THAT LESSER CONVICTION IS SPENT

Particulars of applicant —

SURNAME:
OTHER NAMES:
ANY NAME PREVIOUSLY USED (ALIAS):
DATE OF BIRTH:/...../..... PLACE OF BIRTH:
RESIDENTIAL ADDRESS:
.....
POSTAL ADDRESS (If different from above):
.....

I apply to the Commissioner of Police for a certificate that any lesser Western Australian convictions that may be eligible in accordance with the *Spent Convictions Act 1988* are spent.

Signature of applicant: _____

(To be signed in the presence of an authorised witness*)

* see Information for Applicant

Declaration of authorised witness —

I declare that I have —

- sighted original identification documentation that confirms the identity of the applicant; and
- witnessed the applicant's signature.

Signature of witness: _____

Full name of witness: _____

Authority of witness: _____

Date: / /

INFORMATION FOR APPLICANT

1. Use of this form

This form is only to be used for lesser convictions for offences against the law of Western Australia.

A lesser conviction is one for which imprisonment for one year or less, and a fine of less than \$15 000, was imposed.

All other convictions only become spent by order of the District Court.

2. When application can be made

An application for a certificate that a lesser conviction is spent cannot be made until a period has expired after the conviction without any further conviction being incurred (unless no punishment or only a fine of \$500 or less was awarded for the further conviction).

The period is 10 years plus any period of imprisonment relevant to the conviction.

There are rules in the *Spent Convictions Act 1988* section 11 for working out this period.

The period is different if there is a subsequent conviction.

3. Witnessing the signature of applicant

The following persons are authorised to witness the applicant's signature —

- an Australia Post officer;
- a police officer;
- any other person listed in the *Oaths, Affidavits and Statutory Declarations Act 2005* Schedule 2.

4. Evidence of identity

Identification documents to a value of 100 points, as set out below must be produced and sighted by the person witnessing the applicant's signature. At least one identification document must include a photograph of the applicant.

Primary Identification

70 points for each document produced —

- Birth certificate (not extract of birth)
- Australian passport (current or expired within last 2 years)
- Current overseas passport
- Australian citizenship certificate.

Secondary Identification**Category 1**

40 points for the first document produced;

25 points for each additional document produced —

- Drivers' licence with photo identity issued under the *Road Traffic Act 1974*, or equivalent licence issued by another State or Territory
- Licence with photo identity issued under the *Firearms Act 1973*, or equivalent licence issued by another State or Territory
- Employee identity card (with photo identity) issued by a State or Commonwealth government department or agency
- Photo identity card issued by a tertiary education institution
- Learners' permit issued under the *Road Traffic Act 1974*, or equivalent permit issued by another State or Territory
- Department of Veteran Affairs card
- Centrelink or Social Security card.

Category 2

25 points for each document produced —

- Proof of age card issued by the Department of Planning and Infrastructure
- Medicare card
- Local government rates notice
- Property lease/rental agreement
- Property insurance papers
- Motor vehicle registration or insurance papers
- Professional or trade association card.

Category 3

25 points for each document produced —

(Each document must be from a different organisation)

- Utility bills (e.g. telephone, gas, electricity, water)
- Credit or bank account card
- Bank statement or passbook.

5. Issue of certificate

The certificate will be posted to the postal address shown in the application. Should this change you should notify the Commissioner of Police.

”

By Command of the deputy of the Governor,

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

SUPERANNUATION BOARD

SZ301*

State Superannuation Act 2000

State Superannuation Amendment Regulations (No. 2) 2008

Made by the Governor in Executive Council.

1. Citation

These regulations are the *State Superannuation Amendment Regulations (No. 2) 2008*.

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 Superannuation Regulations 2001*.

4. Regulation 85 amended

Regulation 85(2a) is repealed and the following subregulation is inserted instead —

“

(2a) Subregulation (2) does not prevent —

- (a) all or part of a transfer benefit under regulation 44B from being transferred to the GESB Super Scheme for a Gold State Super Member who is also a West State Super Member; or
- (b) a West State Super Member making a transfer under regulation 96 in circumstances described in regulation 96(2)(b).

”.

5. Regulation 96 amended

(1) Regulation 96(2) is repealed and the following subregulation is inserted instead —

“

(2) A West State Super Member cannot make a transfer under this regulation unless —

- (a) the person is already a GESB Super Member; or
- (b) the transfer will result in the person ceasing to be a West State Super Member.

”.

(2) Regulation 96(3)(a)(i) is amended after “another” by inserting —

“ scheme or ”.

6. Regulation 114 amended

Regulation 114(2) is amended by inserting after “to the Member” —

“ when requested by the Member to do so ”.

7. Regulation 118 amended

(1) Regulation 118(1) is amended by deleting from “until” to the end of the subregulation and inserting instead —

“

unless the Member —

- (a) is retired; or

- (b) is suffering permanent incapacity; or
- (c) is at least 65 years of age; or
- (d) has died.

”

- (2) After regulation 118(1) the following subregulation is inserted —

“

- (1a) If a GESB Super Member —
- (a) satisfies the Board that he or she is retired; and
 - (b) subsequently ceases to be retired,

the benefit to which the Member was entitled immediately before he or she ceased to be retired remains payable notwithstanding that the Member is no longer retired.

”

- (3) Regulation 118(2)(a) and “or” after it are deleted and the following is inserted instead —

“

- (a) the benefit is payable under subregulation (1)(a), (b) or (c) or subregulation (1a); or

”

- (4) Regulation 118(5) is amended by deleting “Member “suffers permanent” and inserting instead —

“ Member is “**suffering permanent** ”.

8. Regulation 122 amended

- (1) Regulation 122(1) is amended as follows:

- (a) in paragraphs (a) and (b) by inserting after “benefit” —
“ and earnings ”;
- (b) by deleting the full stop at the end of paragraph (b) and inserting instead —

“

,

and the Board is to comply with that request.

”

- (2) Regulation 122(2)(a) and (b) are amended after “in relation to” by inserting —

“ so much of the benefit and earnings as constitute ”.

- (3) Regulation 122(4), (5) and (6) are repealed.

9. Regulation 122A inserted

After regulation 122 the following regulation is inserted —

“

122A. Payment or transfer of all or part of benefit

- (1) A request under regulation 114(2), 118(2), 120 or 122(1) for payment or transfer of a benefit may be made in relation to all or part of the benefit.
- (2) A request cannot be made for the payment or transfer of an amount —
 - (a) that is less than \$1 000; or
 - (b) the payment or transfer of which will reduce the balance in the Member's GESB Super account to less than \$1 000,

unless the amount requested is the whole of the balance in the account or the Board otherwise agrees.

”

10. Regulation 202 replaced

Regulation 202 is repealed and the following regulation is inserted instead —

“

202. Retirement Access Scheme closed to new members

No person can become a Retirement Access Member on or after the day on which this regulation comes into operation.

”

By Command of the Governor,

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

WATER/SEWERAGE

WA101*

CORRECTION

BUSSELTON WATER BOARD

In a publication dated Thursday the 20th March 2008 an incorrect set of By-law amendments were published. The following replaces those amendments in their entirety.

WATER BOARDS ACT 1904

BUSSELTON WATER BOARD

Busselton Water Area By-Laws

Under the powers conferred by the *Water Boards Act 1904* and under all of the powers, the Busselton Water Board resolved on 18th February 2008 to amend the Busselton Water Area By-laws.

In this by-law, the Busselton Water Area By-laws as published in the *Government Gazette* on 23 September 1994 and amended on 14 October 1997 is referred to as the principal by-law. The principal by-law is amended as follows—

1 Heading amended

At the commencement, the title “Division 1” is deleted and “Part I” is inserted.

2 Heading and new by-law 1A inserted

After the heading “Part 1” add the following—

“1A. Terms Used in These By-laws

“**approval**” means the Board has given its approval;

“**non-residential lot**” does not include a lot that has on it a building that is used, or suitable to be used, for residential purposes, or a lot depicted on a strata plan unless it is a lot in a survey-strata scheme;

“**water**” means water supplied by the Board.”

3 Heading amended

After by-law 8 the title “Division II” is deleted and “Part 2” is inserted.

4 By-law 18 amended

4.1 By-law 18 is amended by inserting “(1)” at the commencement of the paragraph.

4.2 After sub-by-law 18(1) add the following—

“(2) Notwithstanding sub-by-law (1), the scope of restrictions set out in sub-by-law (3) shall generally apply.

(3) A person must not, without the written approval of the Board, use water in contravention of any of the following clauses—

(a) A person does not breach these restrictions if—

(i) the person uses water to water a market garden or plant nursery to the minimum extent necessary to ensure the viable operation of the market garden or plant nursery; and

(ii) the market garden or plant nursery is not supplied with water other than by Busselton Water.

(b) A person must not water a lawn or garden except by—

(i) reticulation during either, but not both, the morning period or the evening period on one of both of 2 days of the week specified in Schedule 1 in relation to the relevant property where morning period means the period before 9.00 a.m. and evening period means the period after 6.00 p.m.; or

(ii) a hand held hose with one outlet; or

(iii) a hand held watering can.

(c) A person must not spray a building, paved area or road except—

(i) to the minimum extent necessary for fire fighting; or

(ii) with—

(I) a high pressure water cleaner which uses pressurized water flowing at a rate of not more than 6L per minute; or

(II) a hand held hose with one outlet;

to the minimum extent necessary for the cleaning of the building, path, paved area or road so as to avoid a threat to public health or safety; or

(iii) with a hand held hose with one outlet to the minimum extent necessary for purposes related to the construction, demolition or repair of the building, path, paved area or road.

(d) A person must not fill a swimming pool except to the minimum extent necessary for the proper functioning of the pool.”

5 Headings amended and new by-laws 27A-27L added

5.1 After by-law 27 the following titles are deleted—

“Division III

Rates and Charges”,

and the following titles inserted—

“Part 3

Water Efficiency Management Plans

Division 1—General”

5.2 Add by-laws 27A-27L—

“ 27A Meaning of “Water Efficiency Management Plan”

- (1) In this Part—
“**water efficiency management plan**”, in relation to a non-residential lot, means a plan for ensuring that water supplied to the lot is used as efficiently as practicable, prepared in accordance with sub-bylaw (2).
- (2) A water efficiency management plan must be in an approved form and must contain—
 - (a) The full name and address of each owner and occupier of the lot; and
 - (b) A description of the nature of any business or other work being conducted on the lot; and
 - (c) Details of the measures comprising the plan, including proposed timeframes for implementing each of those measures; and
 - (d) The estimated savings in water use under the plan; and
 - (e) The substance of the most recent report under by-law 27K (if any) prepared in relation to the lot; and
 - (f) Such other information as the Board reasonably requires, as specified in any notice under by-law 27C(2), 27D(2), or 27J(1).

27B Extensions of Time

- (1) Where under this Part—
 - (a) It is an offence for a person to fail to do something within a specified period; and
 - (b) In a particular case it is not practicable for the person to do the thing within that period, the person may, before the end of the period, make a written application to the Board to extend that period.
- (2) The Board may, on an application under sub-bylaw (1) extend the period.
- (3) The person does not commit the offence if the person does the thing within the extended period.

27C Initial Preparation and Submission of Water Efficiency Management Plans

- (1) This by-law applies to an owner or occupier of a non-residential lot in a particular consumption year unless—
 - (a) the lot was supplied with less than 20 ML of water in the consumption year immediately before that year; or
 - (b) the owner or occupier has submitted to the Board a water efficiency management plan, the approval of which
 - (i) is being considered under by-law 27D;
 - (ii) has been given and remains in force under by-law 27G.
- (2) The Board may, by notice in writing, require the owner or occupier to prepare and submit for approval to the Board a water efficiency management plan.
- (3) A person who is served with a notice under sub-bylaw (2) must prepare the water efficiency management plan and submit it for approval to the Board within 90 days after the notice is served on the person.

Penalty: a fine of \$2,000

27D Approvals, Requests for Further Information and Requests for Amendments

- (1) This by-law applies when the Board receives from a person—
 - (a) a water efficiency management plan prepared and submitted under sub-bylaw (4) or by-law 27C(3), 27E, 27I or 27J(3); or
 - (b) further information provided under sub-bylaw (3).
- (2) The Board must, by notice in writing served on the person within 60 days after the plan is received by the Board—
 - (a) approve the plan in the form most recently submitted; or
 - (b) request further information from the person relating to the plan, including the person’s comments on any specific amendments to the plan the Board considers might be necessary; or
 - (c) request an amended water efficiency management plan in accordance with any instructions specified in the notice; or

- (d) if, while the Board is considering the plan, a subsequent revised water efficiency management plan is submitted to the Board under by-law 27E, do anything referred to in paragraph (a), (b) or (c) in relation to the revised plan.
- (3) A person who is served with a notice under sub-by-law (2)(b) must provide the further information within 30 days after the notice is served on the person.
Penalty: a fine of \$2,000
- (4) A person who is served with a notice under sub-by-law (2)(c) must prepare the amended water efficiency management plan and submit it for approval to the Board within 60 days after the notice is served on the person.
Penalty: a fine of \$2,000

27E Persons may Submit Revised Plans for Approval at any Time

A person who has submitted a water efficiency management plan for approval to the Board under this Part may, at any time after that submission (whether or not the plan has been approved), prepare a revised water efficiency management plan and submit it for approval to the Board.

Division 2—After Approval of Water Efficiency Management Plans

27F Application

This Division applies where a person has submitted a water efficiency management plan under by-law 27C(3), 27D(4), 27E, 27I or 27J(3) and the plan has been approved.

27G Period of Approval of Water Efficiency Management Plan

The approval remains in force on and from the day the approval was given until—

- (a) the person ceases to be an owner or occupier of the lot; or
- (b) the approval is revoked under by-law 27L; or
- (c) a revised water efficiency management plan is submitted by the person under by-law 27E, 27I or 27J(3); or
- (d) a period of 5 years expires,

Whichever occurs first.

27H Compliance with Water Efficiency Management Plans

(1) The person must comply with the water efficiency management plan during the period that the approval remains in force under by-law 27G.

Penalty: a fine of \$2,000.

(2) If the Board reasonably suspects that the person has not complied, or is not complying, with the plan during the period that the approval remains in force under by-law 27G, the Board may, by notice in writing, require the person to provide a written report on the person's implementation of the plan.

(3) A person who is served with a notice under sub-by-law (2) must prepare the report in an approved form and submit it to the Board within 30 days after the notice is served on the person.

Penalty: a fine of \$2,000.

27I Persons to Submit Revised Water Efficiency Management Plans Before end of Approval Period

(1) Except as provided in sub-by-law (2), the person must, at least 90 days before the end of the period that the approval remains in force under by-law 27G, prepare and submit for approval to the Board a revised water efficiency management plan.

Penalty: a fine of \$2,000.

(2) Sub-by-law (1) does not apply to the person if—

- (a) the lot was supplied with less than 20 ML of water in the consumption year immediately before the consumption year in which the approval is due to expire; and
- (b) the person has submitted to the Board a written notice in an approved form—
 - (i) confirming the circumstances in paragraph (a); and
 - (ii) stating that the person does not intend to use 20 ML or more of water in the consumption year in which the approval is due to expire.

27J Board may Require Revised Water Efficiency Management Plans

(1) In addition to by-law 27I, the Board may, by notice in writing at any time during the period that the approval remains in force under by-law 27G require the person to prepare and submit for approval to the Board a revised water efficiency management plan if—

- (a) There has been a significant change in—
 - (i) the use of water supplied to the lot; or
 - (ii) the quantity of water available for supply to the lot, since the approval was given; or
- (b) otherwise where the Board thinks it is necessary on the basis of a report under by-law 27K.

(2) The notice may specify measures to be included in the revised plan, including timeframes for implementing each of those measures.

(3) A person who is served with a notice under sub-by-law (1) must prepare the revised plan and submit it for approval to the Board within 60 days after the notice is served on the person.

Penalty: a fine of \$2,000.

27K Annual Reports on Water Efficiency Management Plans

(1) During the period that the approval remains in force under by-law 27G the person must, within 30 days after each anniversary of the approval, prepare and submit to the Board a report on the efficacy of the water efficiency management plan.

Penalty: a fine of \$2,000

(2) The report must be in an approved form and must—

- (a) compare the use of water supplied to the property during the period to which the report relates against the estimated savings in water use under the plan for that period; and
- (b) contain such other information relating to the efficacy of the plan as the Board reasonably requires, as specified in—
 - (i) any notice under by-law 27C(2), 27D(2) or 27J(1); or
 - (ii) any other written notice served on the person for the purposes of this paragraph.

(3) The Board may, by notice in writing served on the person within 90 days after the report is received by the Board, request such further information from the person relating to the efficacy of the plan as the Board reasonably requires.

(4) A person who is served with a notice under sub-by-law (3) must provide the information in an approved form and submit it to the Board within 30 days after the notice is served on the person.

Penalty: a fine of \$2,000.

27L Board may Revoke Approval of Water Efficiency Management Plans

(1) The person may, in an approved form, make an application for the Board to revoke its approval of the water efficiency management plan.

(2) On an application under sub-by-law (1) the Board may revoke its approval if it is satisfied that—

- (a) the lot was supplied with less than 20 ML of water in the consumption year immediately before the consumption year in which the application was made; and
- (b) the person does not intend to use 20 ML or more of water in the consumption year in which the application was made.

6 Heading inserted

6.1 After by-law 27L the following headings are inserted.

**“Part 4
Rates and Charges”**

7 Schedule 1 added

After by-law 39 add Schedule 1—

“Schedule 1—Specified days for watering by reticulation

[bl.18]

Last digit of property's street or lot number	Days for watering by reticulation
1	Wednesday and Saturday
2	Thursday and Sunday
3	Friday and Monday
4	Saturday and Tuesday
5	Sunday and Wednesday
6	Monday and Thursday
7	Tuesday and Friday
8	Wednesday and Saturday
9	Thursday and Sunday
0	Friday and Monday”

Dated this 28th day of March 2008.

The Common Seal of the Busselton Water Board was affixed in the presence of—

R. PIGGOTT, Acting Chairman.
K. WHITE, Chief Executive Officer.

— PART 2 —

ELECTORAL COMMISSION

EC401*

WESTERN AUSTRALIAN COLLEGE OF TEACHING ACT 2004
WESTERN AUSTRALIAN COLLEGE OF TEACHING (ELECTIONS) REGULATIONS 2007
ELECTION OF BOARD MEMBER (1) PURSUANT TO SECTION 9(2)(b)
Election Timetable pursuant to Regulation 6

Notice of the election: Friday, 4 April 2008
Opening of Nominations: Monday, 7 April 2008
Close of Nominations: at 4.00 pm on Monday, 21 April 2008
Close of Roll: at 4.00 pm on Monday, 21 April 2008
Close of Poll: at 10.00 am on Monday, 26 May 2008

WARWICK GATELY AM, Electoral Commissioner.

JUSTICE

JU401*

JUSTICES OF THE PEACE ACT 2004
APPOINTMENT

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

Jennifer Hazel Joy Harris of 11 Francis Street, Marble Bar

RAY WARNES, Executive Director,
Court and Tribunal Services.

LAND ADMINISTRATION

LA401*

DAMPIER TO BUNBURY PIPELINE ACT 1997
DESIGNATED LAND

I, Ljiljanna Ravlich, DBNGP Land Access Minister, give notice in accordance with Section 33(1) of the *Dampier to Bunbury Pipeline Act 1997* that the land, the subject of the LAND DESCRIPTION described below is designated, at the beginning of the day this notice is published in the *Government Gazette*, as additional land in the DBNGP corridor.

LAND DESCRIPTION

1. Portion of Lot 212 on Deposited Plan 44735 shown as DBNGP corridor marked Y on Deposited Plan 56851 being part of the land comprised in Certificate of Title Volume 2610 Folio 488.

The Plans may be inspected at Landgate, Midland Square, Midland.

LJILJANNA RAVLICH MLC, DBNGP Land Access Minister.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995*Shire of Capel*
(BASIS OF RATES)Department of Local Government
and Regional Development.

DLGRD: CP5-4#06

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the A/Director General of the Department of Local Government and Regional Development, under delegation from the Hon Ljiljanna Ravlich MLC, Minister for Local Government, being charged for the time being with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the schedule hereunder shall be gross rental value for the purposes of rating with effect from 13 February 2008.

ROSS WEAVER, A/Director General.

Schedule

ADDITION TO GROSS RENTAL VALUE AREA

Shire of Capel

All those portions of land being Lots 922 to 935 inclusive and Lots 2961 to 2970 inclusive as shown on Deposited Plan 55511.

MINERALS AND PETROLEUM

MP401*

Commonwealth of Australia

PETROLEUM (SUBMERGED LANDS) ACT 1967

NOTICE OF GRANT OF RETENTION LEASE WA-36-R

Retention Lease WA-36-R held by Woodside Energy Limited and Mitsui E & P Australia Pty Limited has been granted to have effect for a period of five (5) years from the 20th day of March 2008.

W. L. TINAPPLE, Director Petroleum Division.

WORKSAFE

WS401*

OCCUPATIONAL SAFETY AND HEALTH ACT 1984**OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996**

EXEMPTION CERTIFICATE PURSUANT TO REGULATION 2.13

(No. 9 of 2008)

I, Nina Lyhne, WorkSafe Western Australia Commissioner, hereby grant an exemption to Crane Rental Pty Ltd T/A Tom's Cranes (WA) from the requirements of Regulation 4.3(2)(c) of the *Occupational Safety and Health Regulations 1996* in relation to obtaining a statement signed by a design verifier to the effect that a tower crane's design complies with Australian Standard AS1418.4-2001.

This exemption relates to the tower crane, Youngmao model STT 293, serial number 2007L150S.

This exemption is made on the condition that a statement is obtained signed by a design verifier to the effect that the tower crane's design complies with Australian Standard AS1418.4-2004.

Dated this 26th day of March 2008.

NINA LYHNE, WorkSafe Western Australia Commissioner.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

In the matter of the estate of Rose Patricia Walton of 20/2 Theakston Green, Leeming, 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 said deceased person, who died on 7 July 2007, are required by the Executor of the deceased's estate being Julia Dawn Heavens, care of Angus Tibbits Solicitors, Suite 9, 73 Calley Drive, Leeming, Western Australia, to send particulars of their claims to her by 28 April 2008, after which date the Executor may convey or distribute the assets having regard only to the claims of which she then has notice.

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