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— PART 1 —

AGRICULTURE AND FOOD

AG301*

Agricultural Produce Commission Act 1988

Agricultural Produce (Horticultural Industry) Amendment Regulations 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Agricultural Produce (Horticultural Industry) Amendment Regulations 2009*.

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. Regulations amended

These regulations amend the *Agricultural Produce (Horticultural Industry) Regulations 2001*.

4. Regulation 2 amended

- (1) In regulation 2 insert in alphabetical order:

charge means a charge imposed under section 14 of the Act;

- (2) In regulation 2 in the definition of *dealer*:

- (a) delete paragraph (c);
- (b) delete paragraph (d) and “or” after it;

(c) after each of paragraphs (a) and (b) insert:

or

5. Regulation 4 amended

In regulation 4(2):

(a) delete “for the purposes of section 13 of the Act in relation to the producers’ committee or a proposed producers’ committee —” and insert:

a producer may be required to produce for the purposes of section 13 of the Act —

(b) in paragraph (a) delete “a person;” and insert:

the producer during a specified period or on a specified date;

(c) in paragraph (b) delete “the area of land cultivated by a person” and insert:

the location and area of land cultivated by the producer during a specified period or on a specified date

(d) delete paragraph (c) and insert:

(c) the name and address of each dealer to whom the producer has sold or supplied specified horticultural produce during a specified period or on a specified date;

(d) the quantity of specified horticultural produce sold or supplied to each dealer referred to in paragraph (c) during a specified period or on a specified date;

(e) the quantity of specified horticultural produce sold or supplied by the producer during a specified period or on a specified date otherwise than to a dealer.

6. Regulation 5 amended

(1) Delete regulation 5(2) and insert:

(2) A producer of horticultural produce who sells the produce to a person other than a dealer must pay any

charge that relates to the produce to the Commission not later than 14 days after the end of the month during which the produce was sold or within such longer period as the Commission allows.

- (2) Delete regulation 5(3), (4) and (5).
- (3) In regulation 5 delete the Penalty.

Note: The heading to amended regulation 5 is to read:

Liability for charges

7. Regulation 6A inserted

After regulation 5 insert:

6A. Collection by dealer

- (1) A charge required under subregulation (2) to be collected by a dealer becomes due and payable by a producer on the day on which the dealer is required to collect the charge from the producer.
- (2) Except where collection is required under regulation 6, a dealer who purchases or receives horticultural produce from a producer must, on the day on which the dealer purchases or receives the produce, collect from the producer any charge that relates to the produce and for which the producer is liable under regulation 5(1).
Penalty: a fine of \$2 000.
- (3) A dealer may collect a charge referred to in subregulation (2) —
 - (a) by deducting the amount of the charge from moneys owed to the producer by the dealer; or
 - (b) as a separate transaction.
- (4) A dealer who collects a charge from a producer under subregulation (3)(a) must, within 28 days of making the deduction, give the producer a written statement of the amount deducted.
- (5) A dealer who collects a charge under this regulation holds the charge on behalf of the Commission.
- (6) A dealer who collects any charge under subregulation (2) must pay the charge so collected to the Commission not later than 14 days after the end of the month during which the charge was collected or within such longer period as the Commission allows.
Penalty: a fine of \$2 000.

- (7) The payment by a dealer to the Commission of a charge collected under this regulation —
- (a) if collected by way of deduction from an amount owed by the dealer to a producer, is a discharge of the dealer's obligation to pay the amount of the deduction to the producer; and
 - (b) is a discharge of the producer's liability to pay that charge.

8. Regulation 6 amended

After regulation 6(2) insert:

- (3) A charge referred to in regulation 5(1) that is required to be collected by a local government under this regulation is payable on and from the day specified in the notice of the charge as being the day on and from which the charge is imposed.

9. Regulation 7 amended

- (1) In regulation 7 delete "A notice" and insert:

(1) A notice

- (2) At the end of regulation 7 insert:

- (2) The notice must be published at least 14 days before the day specified in the notice as the day on and from which the charge referred to in the notice is imposed.

10. Regulation 8 replaced

Delete regulation 8 and insert:

8. Returns

- (1) A dealer must, not later than 14 days after the end of each month during which the dealer has dealt in horticultural produce or within such longer period after the end of that month as the Commission allows, furnish to the Commission a return in the form approved by the Commission showing all dealings by the dealer in horticultural produce during that month.
Penalty: a fine of \$2 000.

- (2) A dealer referred to in subregulation (1), if requested to do so by the Commission, must include in the return the following information —
- (a) the names of the producers with whom the dealer dealt;
 - (b) the quantities of horticultural produce supplied by those producers;
 - (c) each type of horticultural produce supplied by those producers.

Penalty: a fine of \$2 000.

- (3) A producer must, not later than 14 days after the end of each month during which the producer has sold horticultural produce produced by the producer to a person other than a dealer, give to the Commission a return in relation to that produce in the form approved by the Commission.

Penalty: a fine of \$2 000.

- (4) A return under subregulation (3) must show the following information —
- (a) the quantities of each type of horticultural produce;
 - (b) the types of horticultural produce.
- (5) A return may be given to the Commission in a hard copy or electronic form.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

HEALTH

HE301*

Poisons Act 1964

Poisons Amendment Regulations 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Poisons Amendment Regulations 2009*.

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. regulations amended

These regulations amend the *Poisons Regulations 1965*.

4. Regulation 41D inserted

After regulation 41C insert:

41D. Emergency supply of adrenaline in schools and child care centres

- (1) In this regulation —
auto-injector means a device containing one or 2 pre-measured doses of a poison, with a mechanism for administering the dose or doses by injection;
child care service has the meaning given in the Child Care Services Act 2007;
school means —
 - (a) a school within the meaning of the *School Education Act 1999* section 4; and
 - (b) a community kindergarten registered under Part 5 of that Act.
- (2) Sections 23(1), 31, 32(c) and (d), 34, 46 and 47 of the Act, and regulations 33 and 35A do not apply in relation to adrenaline which is supplied or sold —
 - (a) in the course of activity conducted by a school or child care service; and
 - (b) as emergency treatment for anaphylaxis; and
 - (a) by administering an auto-injector.
- (3) Section 50 of the Act, and regulations 16, 19, 19AA and 19A do not apply in relation to adrenaline in an auto-injector kept for the purpose of being supplied or sold in the course of activity conducted by a school or child care service as emergency treatment for anaphylaxis.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

HE302*

Poisons Act 1964

Poisons Amendment Regulations (No. 3) 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Poisons Amendment Regulations (No. 3) 2009*.

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. Regulations amended

These regulations amend the *Poisons Regulations 1965*.

4. Part 6 Division 2 Subdivision 3 heading amended

In the heading to Part 6 Division 2 Subdivision 3 delete “**certain substances**” and insert:

stimulants

5. Regulations 51G to 51GAI replaced

Delete regulations 51G to 51GAI and insert:

51FA. Terms used

In this Subdivision —

approved clinic means a clinic approved under regulation 51FJ;

co-prescriber, in relation to a patient, means —

- (a) a nominated co-prescriber for the patient; or
- (b) a medical practitioner who is a co-prescriber for the patient under regulation 51FH(5);

current clinic, in relation to a patient, means an approved clinic that is the current clinic for the patient under regulation 51FF;

current clinic prescriber, in relation to a patient who has a current clinic, means an SPN practitioner who practises at that clinic;

current prescriber, in relation to a patient, means the SPN practitioner who is the current prescriber for the patient under regulation 51FF;

manager, in relation to an approved clinic, means the person specified in the clinic's approval as the manager of the clinic;

nominated co-prescriber, in relation to a patient, means a medical practitioner who is a nominated co-prescriber for the patient under regulation 51FH;

SPN practitioner means a medical practitioner who is authorised under regulation 51FG(1) to supply and prescribe stimulants and has been assigned a stimulant prescriber number;

stimulant means dexamphetamine or methylphenidate, or any of the salts of either of them, or any preparation or admixture containing either of them or any of their salts;

Stimulant Prescribing Code means the "Clinical criteria for the prescribing of stimulant medicines in Western Australia" published by the CEO from time to time.

51FB. Who may supply or prescribe a stimulant

- (1) A person must not supply or prescribe a stimulant unless —
 - (a) the person —
 - (i) is a medical practitioner; and
 - (ii) one of subregulations (2) to (5) applies;or
 - (b) the person —
 - (i) is a pharmaceutical chemist, or an assistant under the direct personal supervision of a pharmaceutical chemist; and
 - (ii) dispenses the stimulant in accordance with regulation 52.
- (2) This subregulation applies if the medical practitioner —
 - (a) is authorised under regulation 51FG as an SPN practitioner; and

- (b) supplies or prescribes the stimulant in accordance with that authorisation.
- (3) This subregulation applies if the medical practitioner —
 - (a) is a co-prescriber for the patient; and
 - (b) supplies or prescribes the stimulant in the manner specified in the most recent notification about the patient given to the CEO under regulation 51FE.
- (4) This subregulation applies if the medical practitioner —
 - (a) is authorised under regulation 51FG(3) to supply or prescribe the stimulant to or for the patient; and
 - (b) supplies or prescribes the stimulant in accordance with that authorisation.
- (5) This subregulation applies if —
 - (a) the patient has a current prescriber or current clinic; and
 - (b) the patient —
 - (i) is an in-patient in a hospital as defined in the *Hospitals and Health Services Act 1927* section 2(1); or
 - (ii) is in custody in a prison as defined in the *Prisons Act 1981* section 3(1); or
 - (iii) is in custody in a detention centre as defined in the *Young Offenders Act 1994* section 3,and has been in the hospital, prison or detention centre for not more than 3 months; and
 - (c) the medical practitioner's practice is, or includes, treating persons at the hospital, prison or detention centre; and
 - (d) the current prescriber or a current clinic prescriber has agreed with the medical practitioner that the patient should continue to be supplied or prescribed the stimulant; and
 - (e) the medical practitioner supplies or prescribes the stimulant in the manner specified in the most recent notification about the patient given to the CEO under regulation 51FE.
- (6) Subregulation (5) ceases to apply in relation to a patient at the expiry of 3 months after the day on which the medical practitioner first supplies or prescribed stimulants to or for the patient.

51FC. Stimulant Prescribing Code

- (1) A medical practitioner must not supply or prescribe a stimulant unless he or she does so —
 - (a) in accordance with the Stimulant Prescribing Code; or
 - (b) in accordance with an authorisation granted under subregulation (2) or (4).
- (2) The CEO may authorise an SPN practitioner to supply or prescribe a stimulant to or for a particular patient other than in accordance with the Stimulant Prescribing Code.
- (3) An application for an authorisation under subregulation (2) must be made to the CEO in a form approved by the CEO.
- (4) The CEO may, when authorising a medical practitioner under regulation 51FG(3), also authorise that practitioner to supply or prescribe the stimulant other than in accordance with the Stimulant Prescribing Code.
- (5) The CEO must not grant an authorisation under subregulation (2) or (4) unless satisfied that there are good medical grounds for doing so.
- (6) Subject to subregulation (5), the CEO may grant, or refuse to grant, an authorisation under subregulation (2) or (4) as the CEO thinks fit.
- (7) The CEO may grant an authorisation under subregulation (2) or (4) on any terms and conditions the CEO thinks fit.
- (8) An authorisation granted under subregulation (2) extends to any co-prescriber for the patient who is named in the authorisation.
- (9) The CEO may vary or revoke an authorisation granted under subregulation (2) or (4) at any time by giving written notice to the medical practitioner.
- (10) An authorisation granted under subregulation (2) ceases if the SPN practitioner ceases to be the patient's current prescriber.

51FD. CEO may order treatment to be terminated or varied

- (1) If a stimulant is being supplied or prescribed to or for a patient the CEO may, by giving notice in accordance with subregulation (2), order that the supply or prescription be terminated or varied.

- (2) Notice of an order must be given in writing —
 - (a) if the patient has a current prescriber — to that prescriber; or
 - (b) if the patient has a current clinic — to the manager of that clinic; or
 - (c) if the stimulant is being prescribed by a medical practitioner authorised under regulation 51FG(3) — to that practitioner.
- (3) A person who is given a notice under subregulation (2) must give a copy of it —
 - (a) to any nominated co-prescriber for the patient; and
 - (b) if the patient is being treated by a medical practitioner as permitted under regulation 51FB(5) — to that practitioner.
- (4) A medical practitioner must not supply or prescribe a stimulant in contravention of an order made under subregulation (1).

51FE. CEO to be notified of supply or prescription

- (1) If an SPN practitioner supplies or prescribes a stimulant to or for a patient the practitioner must give a notification about the patient to the CEO unless the practitioner is a current prescriber or current clinic prescriber for the patient.
- (2) A current prescriber or current clinic prescriber for a patient must give an updated notification about the patient to the CEO as soon as practicable after any of the following occurs —
 - (a) there is a change in the dose, type or form of stimulant being supplied or prescribed to or for the patient;
 - (b) there is a change in the patient's name or residential address;
 - (c) in the case of a current prescriber — the prescriber ceases supplying or prescribing the stimulant to or for the patient;
 - (d) in the case of a current clinic prescriber — all current clinic prescribers at the clinic cease supplying or prescribing the stimulant to or for the patient.
- (3) A current clinic prescriber is not required to give a notification under subregulation (2) as a result of the occurrence of a particular event if another prescriber at the clinic has given a notification as a result of that occurrence.

- (4) A person who gives a notification under subregulation (1) or (2) must give a copy of it —
 - (a) to any nominated co-prescriber for the patient; and
 - (b) if the patient is being treated by a medical practitioner as permitted under regulation 51FB(5) — to that practitioner.
- (5) A medical practitioner authorised under regulation 51FG(5) who supplies or prescribes a stimulant to or for a patient must —
 - (a) give a notification about the patient to the CEO; and
 - (b) give a copy of the notification to the patient's current prescriber or the manager of the patient's current clinic.
- (6) A notification for the purposes of this regulation must be in a form approved by the CEO.

51FF. Current prescriber and current clinic

- (1) When the CEO receives a notification about a patient under regulation 51FE(1) —
 - (a) unless paragraph (b) applies — the practitioner giving the notification becomes the patient's current prescriber; or
 - (b) if —
 - (i) the practitioner giving the notification practises at an approved clinic; and
 - (ii) the supply or prescription of the stimulant is in accordance with the Stimulant Prescribing Code,the clinic becomes the patient's current clinic.
- (2) If, when the CEO receives a notification under regulation 51FE(1), the patient already has a current prescriber or current clinic, the CEO is to give written notice of the new notification to the current prescriber or the manager of the current clinic.
- (3) A patient's current prescriber ceases to be his or her current prescriber if —
 - (a) the prescriber is given a notice under subregulation (2); or
 - (b) the practitioner gives an updated notification under regulation 51FE(2)(c); or
 - (c) the current prescriber is given a notice under regulation 51FD ordering that the supply or prescription of the stimulant to or for the patient be terminated.

- (4) A patient's current clinic ceases to be his or her current clinic if —
 - (a) the manager of the clinic is given a notice under subregulation (2); or
 - (b) a current clinic prescriber gives an updated notification under regulation 51FE(2)(d); or
 - (c) the manager of the clinic is given a notice under regulation 51FD ordering that the supply or prescription of the stimulant to or for the patient be terminated.
- (5) A person who is given a notice under subregulation (2) must give a copy of it —
 - (a) to any nominated co-prescriber for the patient; and
 - (b) if the patient is being treated by a medical practitioner as permitted under regulation 51FB(5) — to that practitioner.

51FG. Authorisation of practitioners

- (1) The CEO may authorise a medical practitioner to supply and prescribe stimulants to or for the practitioner's patients.
- (2) Each medical practitioner authorised under subregulation (1) is to be assigned a unique stimulant prescriber number.
- (3) The CEO may authorise a medical practitioner who is not an SPN practitioner to supply or prescribe a stimulant to or for a particular patient on a particular occasion or during a particular period.
- (4) An application for an authorisation under subregulation (1) or (3) must be made to the CEO in a form approved by the CEO.
- (5) The CEO may grant, or refuse to grant, an authorisation under subregulation (1) or (3) as the CEO thinks fit.
- (6) The CEO may grant an authorisation under subregulation (1) or (3) on any terms and conditions the CEO thinks fit.
- (7) The CEO may vary or revoke an authorisation under subregulation (1) or (3) at any time by giving written notice to the medical practitioner.

51FH. Co-prescribers

- (1) A current prescriber or current clinic prescriber for a patient may, by giving an updated notification under regulation 51FE to the CEO —
 - (a) nominate another medical practitioner to be a co-prescriber for the patient; and
 - (b) cancel any such nomination.
- (2) The nominating prescriber must give a copy of the updated notification given under subregulation (1) to the nominated co-prescriber.
- (3) A nominated co-prescriber who was nominated by a current prescriber ceases to be a nominated co-prescriber if —
 - (a) the current prescriber ceases to be the patient's current prescriber; or
 - (b) the current prescriber cancels the nomination under subregulation (1)(b); or
 - (c) the CEO cancels the co-prescriber's nomination under subregulation (7).
- (4) A nominated co-prescriber who was nominated by a current clinic prescriber, ceases to be a nominated co-prescriber if —
 - (a) the clinic ceases to be the patient's current clinic; or
 - (b) any of the patient's current clinic prescribers cancels the nomination under subregulation (1)(b); or
 - (c) the CEO cancels the co-prescriber's nomination under subregulation (7).
- (5) Subject to subregulation (6), if there is a nominated co-prescriber for a patient, any other medical practitioner who practises in the same medical practice as the nominated co-prescriber (a *colleague*) is also a co-prescriber for the patient.
- (6) Subregulation (5) does not apply in relation to a colleague of the nominated co-prescriber who is named or described in the nomination as being excluded from being a co-prescriber under subregulation (5).
- (7) The CEO may cancel the nomination of a co-prescriber by giving written notice to the co-prescriber.
- (8) The CEO must give a copy of a notice given under subregulation (7) to —
 - (a) if the co-prescriber was nominated by a current prescriber — that person; or

- (b) if the co-prescriber was nominated by a current clinic prescriber — the manager of the clinic.

51FJ. Approval of public sector clinics

- (1) The CEO may approve a clinic —
 - (a) that is, or is part of, a public hospital; and
 - (b) at which —
 - (i) treatment is provided for patients who may, in accordance with the Stimulant Prescribing Code, be treated with a stimulant; and
 - (ii) each patient is not treated exclusively by one SPN practitioner.
- (2) An approval must name an SPN practitioner practising at the clinic, or another senior member of the staff of the clinic, as the manager of the clinic.
- (3) The manager of an approved clinic must notify the CEO before, or as soon as practicable after, any of the following occurs —
 - (a) an SPN practitioner commences to practise at the clinic;
 - (b) an SPN practitioner ceases to practise at the clinic;
 - (c) there is a change in the name or address of the clinic.
- (4) An application for an approval under subregulation (1) must be made to the CEO in a form approved by the CEO.
- (5) The CEO may grant, or refuse to grant, an approval under subregulation (1) as the CEO thinks fit.
- (6) The CEO may grant an approval under subregulation (1) on any terms and conditions the CEO thinks fit.
- (7) The CEO may vary or revoke an approval under subregulation (1) at any time by giving written notice to the manager of the clinic.

51FK. Change of manager

- (1) If the person named in an approval as the manager of an approved clinic (the *former manager*) —
 - (a) ceases to be an SPN practitioner practising at the clinic or a senior member of the staff of the clinic; or
 - (b) for any other reason ceases to be the manager of the clinic,

notice of that event must be given to the CEO together with details of the SPN practitioner practising at the clinic or senior member of the staff of the clinic who is to become the manager of the clinic (the *new manager*).

- (2) The notice required by subregulation (1) —
 - (a) may be given by the former manager, the new manager or an SPN practitioner practising at the clinic; and
 - (b) must be given before, or within 14 days after, the current manager ceases to be manager.
- (3) On being notified of a change of manager the CEO must update the clinic's approval accordingly.
- (4) During any period after the former manager ceases to be manager but before the CEO is notified of the new manager, the most senior of the SPN practitioners practising at the clinic is to be taken to be the manager of the clinic.

6. Part 6 Division 2 Subdivision 4 heading inserted

Before regulation 51GA insert:

Subdivision 4 — Supply and prescription of other poisons

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

JUSTICE

JU301*

Guardianship and Administration Act 1990

**Guardianship and Administration Amendment
Regulations 2009**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Guardianship and Administration Amendment Regulations 2009*.

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 — when the *Acts Amendment (Consent to Medical Treatment) Act 2008* section 4 comes into operation.

3. Regulations amended

These regulations amend the *Guardianship and Administration Regulations 2005*.

4. Part 1 heading inserted

Before regulation 1 insert:

Part 1 — Preliminary matters**5. Part 2 heading inserted**

Before regulation 3 insert:

Part 2 — Estate administration

6. Regulation 6 deleted

Delete regulation 6.

7. Part 3 and Schedules 1 and 2 inserted

At the end of the regulations insert:

**Part 3 — Enduring powers of guardianship and
advance health directives**

6. Enduring power of guardianship (Schedule 1)

The form prescribed for an enduring power of guardianship is the form in Schedule 1.

7. Advance health directive (Schedule 2)

The form prescribed for an advance health directive is the form in Schedule 2.

8. Status of notes in forms

Notes in, and footnotes at the end of, a form in Schedule 1 or 2 are provided to assist in the completion of the form and are not part of the form.

**Schedule 1 — Enduring power of
guardianship form**

[r. 6]

Enduring Power of Guardianship

Notes:

- *To make an enduring power of guardianship, you must be 18 years of age or older and have full legal capacity.¹*
- *A person who makes an enduring power of guardianship is called “the appointor”.*

This enduring power of guardianship is made under the *Guardianship and Administration Act 1990* Part 9A on

the day of 20.....

by

(appointor’s full name)

of
(appointor's residential address)

born on
(appointor's date of birth)

This enduring power of guardianship has effect, subject to its terms, at any time I am unable to make reasonable judgments in respect of matters relating to my person.

1. Appointment of enduring guardian(s)

Notes for section 1:

- *You can only appoint a person to be your enduring guardian if that person is 18 years of age or older and has full legal capacity.²*
- *If you want to appoint only one person to be your enduring guardian, complete section 1A and cross out and initial section 1B.³*
- *If you want to appoint 2 people to be your joint enduring guardians, cross out and initial section 1A and complete section 1B.⁴*
- *If you want to appoint more than 2 people to be your joint enduring guardians, cross out and initial section 1A, complete section 1B for 2 of the people and include the details of the additional people in an attachment to this form.*
- *Joint enduring guardians must make unanimous decisions.⁵*

1A. Sole enduring guardian

I appoint
(appointee's full name)

of
(appointee's residential address)

to be my enduring guardian.

OR

1B. Joint enduring guardians

I appoint
(appointee's full name)

of
(appointee's residential address)

and
(appointee's full name)

of
(appointee's residential address)

to be my joint enduring guardians.

- *If you are appointing 2 or more people to be your joint enduring guardians but you do not want the surviving enduring guardian(s) to act if a joint enduring guardian dies, cross out and initial section 3A.*⁷

3A. Surviving joint enduring guardians to act

If one or more of my joint enduring guardians die, I want the surviving enduring guardian(s) to act.

OR

3B. Surviving joint enduring guardians not to act

If one or more of my joint enduring guardians die, I do not want the surviving enduring guardian(s) to act.

4. Functions of enduring guardian(s)

Notes for section 4:

- *If you do not want to limit the functions that your enduring guardian(s) can perform, cross out and initial section 4B.*⁸
- *If you want to limit the functions that your enduring guardian(s) can perform, cross out and initial section 4A and complete section 4B.*⁹
- *If you do not want your enduring guardian(s) to perform a function specified in paragraphs (a) to (i) of section 4B, cross out and initial the paragraph.*
- *If you want your enduring guardian(s) to perform a function that is not specified in paragraphs (a) to (i) of section 4B, specify the function in another paragraph.*
- *Your enduring guardian(s) cannot perform any of the following functions on your behalf —*¹⁰
 - (a) *make decisions about your property or estate;*
 - (b) *vote in an election;*
 - (c) *make or change your will without an order from the Supreme Court;*
 - (d) *consent to an adoption;*
 - (e) *consent to your sterilisation without the State Administrative Tribunal's consent;*
 - (f) *consent to the marriage of a person who is under 18 years of age.*
- *If you make an advance health directive that applies to any treatment, your enduring guardian(s) cannot consent or refuse consent on your behalf to that treatment.*¹¹

4A. All functions authorised

I authorise my enduring guardian(s) to perform in relation to me all of the functions of an enduring guardian, including making all decisions about my health care and lifestyle.

OR

4B. Only specified functions authorised

I authorise my enduring guardian(s) to perform in relation to me only the following functions —

- (a) decide where I am to live, whether permanently or temporarily;
- (b) decide with whom I am to live;
- (c) decide whether I should work and, if so, any matters related to my working;
- (d) consent, or refuse consent, on my behalf to any medical, surgical or dental treatment or other health care (including palliative care and life sustaining measures such as assisted ventilation and cardiopulmonary resuscitation);¹²
- (e) decide what education and training I am to receive;
- (f) decide with whom I am to associate;
- (g) commence, defend, conduct or settle on my behalf any legal proceedings except proceedings relating to my property or estate;
- (h) advocate for, and make decisions about, which support services I should have access to;
- (i) seek and receive information on my behalf from any person, body or organisation;
- (j)
- (k)

5. Circumstances in which enduring guardian(s) may act

Notes for section 5:

- *If you do not want to limit the circumstances in which your enduring guardian(s) may act, cross out and initial section 5.*
- *If you want to limit the circumstances in which your enduring guardian(s) may act, you must specify the circumstances.¹³ For example, for as long as my enduring guardian(s) live(s) in the same city or town as me.*

My enduring guardian(s) may act only in the following circumstances:

.....
.....
.....

6. Directions about how enduring guardian(s) to perform functions

Notes for section 6:

- *If you do not want to include any directions about how your enduring guardian(s) is (are) to perform his/her (their) functions, cross out and initial section 6.*

- *If you want to include any directions about how your enduring guardian(s) is (are) to perform his/her (their) functions, you must specify the directions.* ¹⁴ For example —
 - (a) *if I need to be moved into a residential care facility, do not move me into XYZ Nursing Home;*
 - (b) *I would prefer to continue seeing my current GP, Dr C.D., for my general medical needs because she has been my GP for many years;*
 - (c) *if possible, all of my children are to be consulted before any major decisions are made on my behalf.*

My enduring guardian(s) is (are) to perform his/her (their) functions in accordance with the following directions:

.....
.....
.....

- Notes for appointor about signing and witnessing:*
- *If you are physically incapable of signing this enduring power of guardianship, you can ask another person to sign for you. You must be present when the person signs for you.* ¹⁵
 - *Two (2) witnesses must be present when you sign this enduring power of guardianship or when another person signs for you.* ¹⁶
 - *Each of the witnesses must be 18 years of age or older and cannot be you, the person signing for you (if applicable) or an appointee.*
 - *At least one of the witnesses must be authorised to witness statutory declarations. For a list of people who are authorised to witness statutory declarations, see the Oaths, Affidavits and Statutory Declarations Act 2005.* ¹⁷
 - *The witnesses must also sign this enduring power of guardianship. Both witnesses must be present when each of them signs. You and the person signing for you (if applicable) must also be present when the witnesses sign.* ¹⁶

Signed by:

.....
(appointor's signature)

Witnessed by a person authorised to witness statutory declarations:

.....
(authorised witness's signature)

.....
(authorised witness's full name)

.....
(authorised witness's residential address)

.....
(occupation of authorised witness)

.....
(date)

and by another person:

.....
(other witness's signature)

.....
(other witness's full name)

.....
(other witness's residential address)

.....
(date)

Optional statement about advance health directive

Notes about statement:

- *If you wish to indicate that you have made an advance health directive, put a tick (✓) or cross (×) in the box next to the statement.*
- *You do not have to say anything in this enduring power of guardianship about whether or not you have made an advance health directive. You can leave the box next to the statement blank.*

I have made an advance health directive

Notes for appointee(s) about signing and witnessing:

- *Each appointee must sign an acceptance to indicate the appointee's acceptance of the appointment.¹⁸*
- *Two (2) witnesses must be present when an appointee signs the acceptance.¹⁹*
- *The appointor does not have to be present when an appointee signs the acceptance.*
- *Each of the witnesses must be 18 years of age or older and cannot be the appointor, the person signing for the appointor (if applicable) or an appointee.*
- *At least one of the witnesses must be authorised to witness statutory declarations. For a list of people who are authorised to witness statutory declarations, see the Oaths, Affidavits and Statutory Declarations Act 2005.¹⁷*
- *The witnesses must also sign the acceptance. Both witnesses must be present when each of them signs. The appointee must also be present when the witnesses sign.¹⁹*
- *The appointees can sign at the same time or at different times. Different witnesses can witness each appointee's signature.*

Acceptance of appointment as enduring guardian

I,
(name of appointee)

accept the appointment as an enduring guardian.

Signed by:

.....
(appointee's signature)

.....
(date)

Witnessed by a person authorised to witness statutory declarations:

.....
(authorised witness's signature)

.....
(authorised witness's full name)

.....
(authorised witness's residential address)

.....
(occupation of authorised witness)

.....
(date)

and by another person:

.....
(other witness's signature)

.....
(other witness's full name)

.....
(other witness's residential address)

.....
(date)

Acceptance of appointment as enduring guardian

I,
(name of appointee)

accept the appointment as an enduring guardian.

Signed by:

.....
(appointee's signature)

.....
(date)

Witnessed by a person authorised to witness statutory declarations:

.....
(authorised witness's signature)

.....
(authorised witness's full name)

.....
(authorised witness's residential address)

.....
(occupation of authorised witness)

.....
(date)

and by another person:

.....
(other witness's signature)

.....
(other witness's full name)

.....
(other witness's residential address)

.....
(date)

Acceptance of appointment as substitute enduring guardian

I,
(name of appointee)

accept the appointment as a substitute enduring guardian.

Signed by:

.....
(appointee's signature)

.....
(date)

Witnessed by a person authorised to witness statutory declarations:

.....
(authorised witness's signature)

.....
(authorised witness's full name)

.....
(authorised witness's residential address)

.....
(occupation of authorised witness)

.....
(date)

and by another person:

.....
(other witness's signature)

.....
(other witness's full name)

.....
(other witness's residential address)

.....
(date)

Acceptance of appointment as substitute enduring guardian

I,

(name of appointee)

accept the appointment as a substitute enduring guardian.

Signed by:

.....

(appointee's signature)

.....

(date)

Witnessed by a person authorised to witness statutory declarations:

.....

(authorised witness's signature)

.....

(authorised witness's full name)

.....

(authorised witness's residential address)

.....

(occupation of authorised witness)

.....

(date)

and by another person:

.....

(other witness's signature)

.....

(other witness's full name)

.....

(other witness's residential address)

.....

(date)

¹ *Guardianship and Administration Act 1990* (GAA Act) s. 110B

² GAA Act s. 110D

³ GAA Act s. 110B(a)

⁴ GAA Act s. 110B(b)

⁵ GAA Act s. 53(a) as applied by s. 110H(b)

⁶ GAA Act s. 110C

⁷ GAA Act s. 54 as applied by s. 110H(c)

⁸ GAA Act s. 110G(1)

⁹ GAA Act s. 110G(2)

¹⁰ GAA Act s. 110G(1)

¹¹ GAA Act s. 110ZJ

¹² GAA Act s. 3(1), definitions of *life sustaining measure*, *palliative care* and *treatment*

¹³ GAA Act s. 110G(3)

¹⁴ GAA Act s. 110G(4)

¹⁵ GAA Act s. 110E(1)(b)

¹⁶ GAA Act s. 110E(1)(c) and (d) and (2)

¹⁷ *Oaths, Affidavits and Statutory Declarations Act 2005* s. 12(6) and Sch. 2

¹⁸ GAA Act s. 110E(1)(e)

¹⁹ GAA Act s. 110E(1)(f) and (g) and (2)

Schedule 2 — Advance health directive form

[r. 7]

Advance Health Directive

Notes:

- *To make an advance health directive, you must be 18 years of age or older and have full legal capacity.¹*
- *A person who makes an advance health directive is called “the maker”.*

This advance health directive is made under the *Guardianship and Administration Act 1990* Part 9B on

the day of 20....

by
(maker’s full name)

of
(maker’s residential address)

born on
(maker’s date of birth)

This advance health directive contains treatment decisions in respect of my future treatment.

A treatment decision in this advance health directive operates in respect of the treatment to which it applies at any time I am unable to make reasonable judgments in respect of that treatment.

Notes about treatment decisions:

- *Treatment is any medical, surgical or dental treatment or other health care (including palliative care and life sustaining measures such as assisted ventilation and cardiopulmonary resuscitation).²*
- *A treatment decision is a decision to consent or refuse consent to the commencement or continuation of any treatment.³*
- *A treatment decision operates only in the circumstances that you specify.⁴*
- *Treatment to which you consent in this advance health directive can be provided to you.*
- *Treatment to which you refuse consent in this advance health directive cannot be provided to you.*
- *Your enduring guardian or guardian or another person cannot consent or refuse consent on your behalf to any treatment to which this advance health directive applies.⁵*

1. Treatment decision

In the following circumstances:

.....

.....

.....

.....

I consent / refuse consent (*cross out and initial one of these*)
to the following treatment:

.....
.....
.....
.....
.....
.....
.....
.....

2. Treatment decision

In the following circumstances:

.....
.....
.....
.....

I consent / refuse consent (*cross out and initial one of these*)
to the following treatment:

.....
.....
.....
.....
.....
.....
.....
.....

3. Treatment decision

In the following circumstances:

.....
.....
.....
.....

I consent / refuse consent (*cross out and initial one of these*)
to the following treatment:

.....
.....
.....
.....
.....
.....
.....
.....

Notes for maker about signing and witnessing:

- *If you are physically incapable of signing this advance health directive, you can ask another person to sign for you. You must be present when the person signs for you.*⁶
- *Two (2) witnesses must be present when you sign this advance health directive or when another person signs for you.*⁷
- *Each of the witnesses must be 18 years of age or older and cannot be you or the person signing for you (if applicable).*
- *At least one of the witnesses must be authorised to witness statutory declarations. For a list of people who are authorised to witness statutory declarations, see the Oaths, Affidavits and Statutory Declarations Act 2005.*⁸
- *The witnesses must also sign this advance health directive. Both witnesses must be present when each of them signs. You and the person signing for you (if applicable) must also be present when the witnesses sign.*⁷

Signed by:

.....
(maker's signature)

Witnessed by a person authorised to witness statutory declarations:

.....
(authorised witness's signature)

.....
(authorised witness's full name)

.....
(authorised witness's residential address)

.....
(occupation of authorised witness)

.....
(date)

and by another person:

.....
(other witness's signature)

.....
(other witness's full name)

.....
(other witness's residential address)

.....
(date)

Optional statement about legal or medical advice*Notes about statement:*

- *You are encouraged (but are not required) to seek legal or medical advice before making this advance health directive.*⁹
- *If you wish to indicate that you have obtained legal or medical advice and wish to identify the person who gave you the advice, complete the relevant part of the statement.*

- *If you wish to indicate that you have obtained legal or medical advice but do not wish to identify the person who gave you the advice, cross out and initial the relevant part of the statement.*
- *If you do not wish to indicate whether or not you have obtained legal or medical advice, you may (but do not have to) cross out and initial the statement.*
- *If you do not wish to obtain legal or medical advice, you may (but do not have to) cross out and initial the statement.*
- *You do not have to say anything in this advance health directive about whether or not you have sought or obtained legal or medical advice. You can leave the statement blank and do not have to cross out or initial any part of it.*

Before making this advance health directive, I obtained legal advice about making it.

I obtained that legal advice from

.....
(Details of person who provided legal advice)

Before making this advance health directive, I obtained medical advice about making it.

I obtained that medical advice from

.....
(Details of person who provided medical advice)

Optional statement about enduring power of guardianship

- Notes about statement:*
- *If you wish to indicate that you have made an enduring power of guardianship, put a tick (✓) or cross (✗) in the box next to the statement.*
 - *You do not have to say anything in this advance health directive about whether or not you have made an enduring power of guardianship. You can leave the box next to the statement blank.*

I have made an enduring power of guardianship.

¹ *Guardianship and Administration Act 1990* (GAA Act) s. 110P
² GAA Act s. 3(1), definitions of **life sustaining measure**, **palliative care** and **treatment**
³ GAA Act s. 3(1), definition of **treatment decision**
⁴ GAA Act s. 110S(2)
⁵ GAA Act s. 110ZJ
⁶ GAA Act s. 110Q(1)(c)
⁷ GAA Act s. 110Q(1)(d) and (e) and (3)
⁸ *Oaths, Affidavits and Statutory Declarations Act 2005* s. 12(6) and Sch. 2
⁹ GAA Act s. 110Q(1)(b) and (2) and 110QA

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

WATER/SEWERAGE

WA301*

Water Services Licensing Act 1995

**Licence Exemption (Shire of Northampton)
Order 2009**

Made by the Governor in Executive Council under section 19 of the Act.

1. Citation

This order is the *Licence Exemption (Shire of Northampton) Order 2009*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — on 15 November 2009.

3. Term used: Goldfields/South West Region Controlled Area

In this order —

Goldfields/South West Region Controlled Area means the Goldfields/South West Region Controlled Area (Water Supply and Sewerage Services) constituted by the *Goldfields/South West Region Controlled Area (Water Supply and Sewerage Services) Order 1999*.

4. Exemption

The Shire of Northampton is exempt from the requirement under section 18 of the Act to hold an operating licence (water supply services) in respect of the supply of non-potable water to the township of Port Gregory, which is in the Goldfields/South West Region Controlled Area.

5. Expiry

This order expires on 14 November 2012.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

WA302*

Rights in Water and Irrigation Act 1914

Rights in Water and Irrigation Amendment Regulations (No. 2) 2009

Made by the Governor in Executive Council under the *Water Agencies (Powers) Act 1984* section 37 and the *Rights in Water and Irrigation Act 1914*.

1. Citation

These regulations are the *Rights in Water and Irrigation Amendment Regulations (No. 2) 2009*.

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. Regulations amended

These regulations amend the *Rights in Water and Irrigation Regulations 2000*.

4. Schedule 3 amended

Delete Schedule 3 Form 2 and insert:

Form 2

[r. 39]

Rights in Water and Irrigation Act 1914
Water Agencies (Powers) Act 1984

**Information to be provided under the
Rights in Water and Irrigation Act 1914 s. 26E after constructing
or deepening a non-artesian well**

Part 1: Details of any licence granted for the work under the <i>Rights in Water and Irrigation Act 1914</i> section 26D	
Licence No:	
Licencee's full name	

Part 2: Details of the person who carried out the work	
Company, corporate, trading or business name of person who carried out the work (Full name)	
Driller's name (Full name)
Postal Address:
Business Phone:
Business Fax:
Mobile Phone:
Email:

Part 3: Location of well
Property address of well

Well coordinates: GPS reading Estimate

Zone	<input type="text"/>	Easting/ Latitude	<input type="text"/>	Northing/ Longitude	<input type="text"/>
		Datum	<input type="text"/>	GPS reliability	<input type="text"/>

Location plan: please sketch below a plan showing the position of the well in relation to buildings, boundaries, roads, nearest cross roads and any other features or information to assist in locating the well.*

Part 4: Construction details
Note: <i>All measurements to be taken from ground level.</i>
Well construction diagram: please sketch below a diagram showing the construction of the well.*

Production casing details					
Material	Nominal bore	Diameter O.D (mm)	Wall thickness (mm)	Depth	
				From (m)	To (m)

Screens/slots				
Screens/slot (Type)	Diameter O.D (mm)	Aperture (mm)	Top of screen (m)	Bottom of screen (m)

Gravel pack details		
Gravel size (mm)	From (m)	To (m)

Annular fill		
Material Type	From (m)	To (m)

Cementing detail

Pressure cement grouted Tremmie

Casing diameter (mm O.D)	Depth	
	From (m)	To (m)

Total depth drilled (from ground level)

Geophysical log required as condition of licence?

Yes
 No

Geophysical log taken? (If so, attach log and contractor details)

Yes
 No

From (m)	To (m)	Strata description.*

Part 5: Particulars of well			
Well name / number			
Drilling start ¹		Drilling completion ²	

1. Drilling start date refers to the date drilling begins. Do not include set up date. 2. Drilling completion date includes well development and testing.

Drilling method used	<input type="checkbox"/> Rotary air <input type="checkbox"/> Cable tool <input type="checkbox"/> Auger <input type="checkbox"/> Rotary mud <input type="checkbox"/> Sludge <input type="checkbox"/> Other (specify) _____		
Final status of well	<input type="checkbox"/> Ready to operate <input type="checkbox"/> Decommissioned <input type="checkbox"/> Other (specify) _____		
Purpose (use) of well	<input type="checkbox"/> Production <input type="checkbox"/> Investigation <input type="checkbox"/> Monitoring <input type="checkbox"/> Other (specify) _____		

Part 6: Well development			
Date (dd/mm/yy)		Duration of development hours
Method	<input type="checkbox"/> Airlift <input type="checkbox"/> Pump <input type="checkbox"/> Jetting <input type="checkbox"/> Surging		
Development pump rate (e.g. L/s, m ³ /day)			

Part 7: Pump testing (If applicable)					
Date start (dd/mm/yy)		Date end (dd/mm/yy)		Duration of test hours
<input type="checkbox"/> Step test <input type="checkbox"/> Constant rate <input type="checkbox"/> Other					
Constant rate - Pump rate (e.g. m ³ /day)		Pump type (e.g. submersible)			
		Water rest level prior to test (m)			
Measurements taken from <input type="checkbox"/> Top of casing (TOC) <input type="checkbox"/> Ground level (GL) <input type="checkbox"/> Other (specify) _____					
Elevation of measurement reference point if known (metres AHD)		<input type="checkbox"/> GPS <input type="checkbox"/> Estimate <input type="checkbox"/> Other (specify) _____			
Final drawdown	m	Recommended supply (e.g. m ³ /day)			
Final drawdown is the distance between the static water level measured prior to the test and the water level measured at the end of the pumping test.					

Comments

Part 8: Field samples			
Collection method (e.g. pump test, airlift)			
Conductivity (e.g. mS/m)		<input type="checkbox"/> Temperature compensated <input type="checkbox"/> Temperature uncompensated	pH
Water temperature at test			

Comments

Part 9: Lab samples			
Lab samples taken (Please attach)	<input type="checkbox"/> Yes <input type="checkbox"/> No	TDS (e.g. mg/l)	Please submit samples separately to form if not received before the one month submission deadline.

Part 10: Water levels			
SWL (Static water level)	m	Water cut at	m
Measurements taken from	<input type="checkbox"/> Top of casing (TOC) <input type="checkbox"/> Ground level (GL) <input type="checkbox"/> Other (specify)		
Date of reading (dd/mm/yy)			

Comments

Part 11: Declaration and signature	
Capacity of person making declaration [tick one box]	<input type="checkbox"/> An individual who carried out the work. <input type="checkbox"/> An officer who is a director or secretary of a corporation that carried out the work. <input type="checkbox"/> other [describe]

I, _____ (name of person making declaration) declare that the information provided on this form is true and correct.

Signature of person making declaration

Date

* If there is insufficient space, please use, and attach, a separate page.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

— PART 2 —

AGRICULTURE AND FOOD

AG401*

STOCK DISEASES (REGULATIONS) ACT 1968
STOCK (IDENTIFICATION AND MOVEMENT) ACT 1970
APPOINTMENT

Department of Agriculture and Food,
South Perth WA 6151.

The Governor is pleased to appoint the following as an Inspector pursuant to Section 8 (1) of the *Stock Diseases (Regulations) Act 1968* and Section 37 of the *Stock (Identification and Movement) Act 1970*—

Michael William Elliott

TERRY REDMAN MLA, Minister for Agriculture and Food.

AG402*

STOCK DISEASES (REGULATIONS) ACT 1968
APPOINTMENT

Department of Agriculture and Food,
South Perth WA 6151.

The Governor is pleased to appoint pursuant to section 8 (1) of the *Stock Diseases (Regulations) Act 1968*, Dr Antony Reginald Beresford Higgs as the Chief Inspector of Stock and has terminated the appointment of Dr Peter Buckman as the Chief Inspector of Stock under the *Stock Diseases (Regulations) Act 1968*.

TERRY REDMAN MLA, Minister for Agriculture and Food.

ENVIRONMENT AND CONSERVATION

EV401*

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
DRAFT WASTE STRATEGY
Call for Public Submissions

The Waste Authority has developed a draft Waste Strategy for Western Australia and is seeking public comment.

The strategy aims to create an environment which encourages waste avoidance, resource recovery and responsible disposal of that portion of the waste stream for which it is currently unsustainable to achieve effective recovery.

The draft waste strategy will be available for public inspection from Wednesday 16 September 2009 to Thursday 10 December 2009 at each of the following places—

All Public Libraries throughout Western Australia.

It is also available on the Waste Authority's internet site www.zerowastewa.com.au and from October 1st 2009 on www.yoursaywastewa.com.au.

Submissions

Any person who desires to make a submission to support, object or provide comment on any part of the draft waste strategy is encouraged to do so.

Written submissions should be lodged at—

Your Say Waste WA
Locked Bag 43
Cloisters Square
Perth WA 6850

Emailed submissions should be lodged after 1 October 2009 at—

HaveYourSay@yoursaywastewa.com.au

All submissions must be received on or before **5:00pm Thursday, 10 December 2009**.

BARRY CARBON, Chairman,
Waste Authority of Western Australia.

FISHERIES

FI401*

FISH RESOURCES MANAGEMENT ACT 1994
WEST COAST DEMERSAL SCALEFISH FISHERY
(INTERIM) MANAGEMENT PLAN AMENDMENT 2009

FD 297/07 [913]

Made by the Minister under section 54.

1. Citation

This instrument is the *West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment 2009*.

2. Plan amended

The amendment in this instrument is to the *West Coast Demersal Scalefish (Interim) Management Plan 2007* *.

3. Clause 23 replaced

Clause 23 is repealed and the following clause inserted instead—

“ Prohibition on selling, purchasing or dealing in demersal scalefish

23. Subject to clause 24, a person must not—

- (a) sell, purchase, or deal in, or attempt to sell, purchase, or deal in, any demersal scalefish taken from the Fishery in contravention of this Plan; or
- (b) sell, purchase, or deal in, or attempt to sell, purchase, or deal in, any demersal scalefish taken from the Fishery, unless the demersal scalefish were taken by a person who holds a commercial fishing licence, and the fish were taken under the authority of a permit issued in accordance with this Plan. “

4. Clause 24 amended

Clause 24 is amended by deleting subclause (3) and inserting instead—

“ (3) Clause 23 does not apply to persons selling, purchasing, or dealing in, or attempting to sell, purchase, or deal in, demersal scalefish under the authority of an authorisation issued under a management plan for a fishery specified in Schedule 4. ”.

5. Clause 24C amended

Subclause 24C(3) is amended in paragraph (a) by deleting “ less “ and inserting instead—

“ more ”.

6. Schedule 7 amended

Schedule 7 is amended by deleting the following port areas—

“Kalbarri”
“Dunsborough”
“Canal Rocks”; and
“Augusta”,

and inserting in the same respective places the following port areas—

“ Kalbarri

All the waters of the Fishery within 3 nautical miles of the intersection of 27° 42.49' South latitude and 114° 09.29' East longitude.

Quindalup

All the waters of the Fishery within 2 nautical miles of the intersection of 33° 37.70' South latitude and 115° 08.24' East longitude.

Canal Rocks

All the waters of the Fishery within 2 nautical miles of the intersection of 33° 40.13' South latitude and 114° 59.28' East longitude.

Augusta

All the waters of the Fishery within 2 nautical miles of the intersection of 34° 20.62' South latitude and 115° 10.14' East longitude. ”.

[* Published in the Gazette of 9 November 2007.]

Dated this 31st day of August 2009.

NORMAN MOORE, Minister for Fisheries.

HEALTH

HE401*

MEDICAL PRACTITIONERS ACT 2008**MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 22) 2009**

Made by the Minister for Health pursuant to section 34(1) of the *Medical Practitioners Act 2008*.

Citation

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 22) 2009*.

Commencement

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

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 34(2)(b)(iv) of the Act.

Expiry of determination

4. This determination expires five years after its commencement.

Schedule**CONSULTANT RADIOLOGY SERVICES AT THE FOLLOWING LOCATIONS—**

- SUBURB OF MORLEY IN THE CITY OF BAYSWATER
- SUBURB OF DUNCRAIG IN THE CITY OF JOONDALUP
- SUBURB OF WOODVALE IN THE CITY OF JOONDALUP
- SUBURB OF MOUNT LAWLEY IN THE CITY OF STIRLING

Dated this 8th day of September 2009.

Dr KIM HAMES MLA, Deputy Premier;
Minister for Health.

MINERALS AND PETROLEUM

MP401*

Commonwealth of Australia

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE ACT 2006**RENEWAL OF EXPLORATION PERMIT WA-275-P (R2)**

Renewal of Exploration Permit WA-275-P (R2) has been granted to Woodside Energy Ltd, BP Developments Australia Pty Ltd, Chevron Australia Pty Ltd, Shell Development (Australia) Proprietary Limited and BHP Billiton Petroleum (North West Shelf) Pty Ltd to have effect from and including 8 September 2009 for a period of five years.

W. L. TINAPPLE, Executive Director Petroleum and Environment Division.

MP402*

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967

SECTION 30(1)

Third Geothermal Release of 2009

Northeast Region

Invitation for Applications for the Grant of Geothermal Exploration Permits

Release Date: 15 September 2009

Closing Date: 28 January 2010

Applications are invited for the grant of geothermal exploration permits for available mainland predetermined areas, **within Petroleum 1:1 000 000 map sheets Brunswick SD51, Darwin SD52, Broome SE51, Halls Creek SE52, Oakover River SF51, Lake MacKay SF52, Wiluna SG51 and Petermann Ranges SG52 under the jurisdiction of the *Petroleum and Geothermal Energy Resources Act 1967* as identified on the attached plan.**

Applications will be received up until 4.00 pm on Thursday, 28 January 2010. Applicants need to observe the closing time and date. Any applications received after the closing time and date will not be considered.

APPLICATION DETAILS

This release is limited to blocks and part blocks landward of the mean high water mark (mainland coastline only) and does not include any coastal waters or islands.

For geothermal exploration permits, each application must identify one of the predetermined areas of approximately 100 contiguous 5' x 5' graticular blocks (as outlined on the release map). A single application may not include blocks from outside the predetermined area, however, applications for multiple areas are allowed.

Applicants will need to specify the area number reference identifying the area pertaining to their application (as outlined on the release map). Details of the area reference numbers and graticular block numbers making up each of the areas are available on the Release Area CD and from the Department's website www.dmp.wa.gov.au/6060.aspx.

Geothermal exploration permit applications shall specify a clear and concise work program and rationale (minimum number of wells to be drilled and their depth, line kilometres of seismic, geophysical surveys, etc.) to be carried out and estimated expenditures for **each of the six permit years**. To avoid any ambiguity, the work program proposed should be the minimum work to be carried out and not include any contingency work.

This release requires that a minimum of one shallow well (i.e. approximately 400 metres) will need to be drilled during the first two years of the geothermal exploration permit.

Critical to any application made is the program of work proposed for each of the years of the six year term. Applications are to be made in accordance with Section 30(1) of the *Petroleum and Geothermal Energy Resources Act 1967*. Consideration of an application for the grant of a geothermal exploration permit shall take into account work programs relative to the whole of the area applied for, the adequacy of the work program, the applicant's technical and financial ability to undertake the work, and will need to specify the depth of any well and provide geological rationale. Permits are awarded on the understanding that the first two years work commitment will be fulfilled without variation.

Where there is more than one applicant to the application, the percentage participating interests of each party to the application is to be supplied including evidence that a satisfactory settlement has been, or can be, reached on a Joint Operating Agreement (a copy of a Heads of Agreement dealing will generally suffice). All applicant parties must provide supportable evidence of adequate financial capabilities to undertake the work bid and/or proven ability to raise funds for exploration purposes.

Applicants should also make themselves aware of the existence of any areas of which have the potential to restrict exploration activities, e.g., National Parks, Nature Reserves, Petroleum Titles, Mining Titles, World Heritage Areas, and Conservation Reserves.

Applicants will also need to be aware of the requirements of the *Rights in Water and Irrigation Act 1914*.

Insofar as reserved land is concerned, entry for exploration purposes is subject to approval by the Minister.

Any applications over the Release Area may be the subject of the future act, right to negotiate provisions of the Commonwealth *Native Title Act, 1993* (NTA). If the NTA applies, then the application will be managed in accordance with the State Negotiation Protocol, and the Negotiation in Good Faith Requirements.

Applicants should also be aware that the area available to application is subject to Registered Native Title claims and Determined Native Title Lands. Plans showing the claim and determined land boundaries are available as part of the release package.

An information package on the release area detailing the criteria for assessment of applications and the conditions to apply following the award of a geothermal exploration permit, and including a plan of the release area and an application proforma, is available on CD. Copies of the CD can be obtained from the Petroleum and Environment Division, Department of Mines and Petroleum by contacting the Titles Officer (Releases) on (08) 9222 3106.

LODGEMENT OF APPLICATIONS

Applications, together with supporting data, should be submitted in the following manner and accompanied by fee of \$4,064.00 per application area (non-refundable) payable to the Department of Mines and Petroleum through an Australian bank or by Australian bank cheque.

The following special instructions should be observed—

- The application should be sealed and clearly marked “**Application for Geothermal Exploration Permit—Commercial-in-Confidence**”.
- Unless delivered by hand to the Geothermal Applications Receiving Officer, the sealed application (as described above) should be enclosed in a plain covering envelope or package and forwarded to the above address.

Executive Director, Petroleum and Environment Division
Department of Mines and Petroleum
11th Floor Mineral House
100 Plain Street
East Perth WA 6004

Attention: Geothermal Applications Receiving Officer

Confirmation of receipt of applications (received and delivered by hand) will be issued by the Geothermal Applications Receiving Officer.

MP403***PETROLEUM (SUBMERGED LANDS) ACT 1982****RENEWAL OF EXPLORATION PERMIT EP 391(R2)**

Renewal of Exploration Permit EP 391 (R2) has been granted to Buru Energy Limited for a period of 5 years to have effect from and including 7 September 2009.

W. L. TINAPPLE, Executive Director,
Petroleum and Environment Division.

MP404*

Commonwealth of Australia

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE ACT 2006**RENEWAL OF RETENTION LEASE WA-27-R (R1)**

Renewal of Retention Lease WA-27-R (R1) has been granted to Santos Limited, Bonaparte Gas & Oil Pty Limited and Santos Offshore Pty Ltd to have effect from and including 7 September 2009 for a period of five years.

W. L. TINAPPLE, Executive Director,
Petroleum and Environment Division.

MP405***PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967****GRANT OF EXPLORATION PERMIT EP 466**

Exploration Permit No. EP 466 has been granted to Rough Range Oil Pty Ltd to have effect for a period of six (6) years from 9th September 2009.

W. L. TINAPPLE, Executive Director,
Petroleum and Environment Division.

PLANNING

PI401*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT*Shire of Kondinin*

Town Planning Scheme No. 1—Amendment No. 3

Ref: 853/4/14/3 Pt 3

It is hereby notified for public information, in accordance with Section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Kondinin local planning scheme amendment on 2 September 2009 for the purposes of—

1. Deleting the notes located under Table 1—Zoning Table in Part 4, which currently read—
 1. Feedlots are not permitted in the Rural zone where such use is proposed to be located within a **three (3) kilometre** radius of an established townsite.
 2. Feedlots are not permitted in the Rural zone unless such use is proposed to be located more than **three (3) kilometres** from an established townsite and more than **two (2) kilometres** from an existing neighbouring residential dwelling.
 3. Feedlots are not permitted within **two (2) kilometres** of an existing neighbouring residential dwelling unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the Scheme and specifically clause 9.4.3(a);

and

Replacing them with the following notes—

1. Feedlots are not permitted in the Rural zone where such use is proposed to be located within a **five (5) kilometre** radius of an established townsite.
2. Feedlots are not permitted in the Rural zone unless such use is proposed to be located more than **five (5) kilometres** from an established townsite and more than **two (2) kilometres** from an existing neighbouring residential dwelling.
3. Feedlots are not permitted within **two (2) kilometres** of an existing neighbouring residential dwelling unless the local government has exercised its discretion by granting planning approval after considering a site specific study provided by the applicant addressing the proximity of sensitive land uses and potential impacts, and giving special notice in accordance with clause 9.4 of the Scheme and specifically clause 9.4.3(a).1.

B. W. YOUNG, Shire President.
P. R. WEBSTER, Chief Executive Officer.

PI402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT*City of Mandurah*

Town Planning Scheme No. 3—Amendment No. 94

Ref: 853/6/13/12 Pt 94

It is hereby notified for public information, in accordance with Section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Mandurah local planning scheme amendment on 2 September 2009 for the purpose of adding a new clause to Part 9 (Administration and Enforcement) as follows—

9.8 Extinguishment or Variation of Restrictive Covenants

- 9.8.1 Subject to clause 9.8.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Planning Codes which apply under the Scheme.
- 9.8.2 Where clause 9.8.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 9.8.1, have been prohibited unless the application has been dealt with as an 'SA' use and has complied with all of the advertising requirements of clause 7.3.

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

PREMIER AND CABINET

PC401*

INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

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

Hon J. H. D. Day MLA to act temporarily in the office of Minister for Environment; Youth in the absence of the Hon D. E. M. Faragher MLC for the period 23 December 2009 to 4 January 2010 (both dates inclusive).

PETER CONRAN, Director General,
Department of the Premier and Cabinet.

PC402*

INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

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

Hon D. T. Redman MLA to act temporarily in the office of Minister for Sport and Recreation; Racing and Gaming; Minister Assisting the Minister for Health in the absence of the Hon T. K. Waldron MLA for the period 28 December 2009 to 8 January 2010 (both dates inclusive); and

Hon B. J. Grylls MLA to act temporarily in the office of Minister for Sport and Recreation; Racing and Gaming; Minister Assisting the Minister for Health in the absence of the Hon T. K. Waldron MLA for the period 9 to 15 January 2010 (both dates inclusive).

PETER CONRAN, Director General,
Department of the Premier and Cabinet.

PC403*

INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

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

Hon B. J. Grylls MLA to act temporarily in the office of Minister for Agriculture and Food; Forestry; Minister Assisting the Minister for Education in the absence of the Hon D. T. Redman MLA for the period 9 to 24 January 2010 (both dates inclusive).

PETER CONRAN, Director General,
Department of the Premier and Cabinet.

DECEASED ESTATES

ZX401*

TRUSTEES ACT 1962 DECEASED ESTATES

Notice to Creditors and Claimants

Phillip Harpley Henderson, late of 15 Electra Road, Yallingup Siding in the State of Western Australia and formerly of 17 Contour Road, Mullaloo in the State of Western Australia.

Creditors and other persons having claims (to which Section 63 of the *Trustee's Act 1962*, relates) in respect of the Estate of the Deceased, who died on 1 June 2007 on Sarkuclementine Vessel, MLNG Pipeline Region, Bintulu Waters, Bintulu, Sarawak, aged 60 years are required by the Executor of his Estate, Deborah Susan Beckett Henderson of care of Shaddicks Lawyers, PO Box 515, Busselton in the State of Western Australia 6280 to send particulars of their claims to her by the 16th day of October 2009 after which date the Executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

STATE LAW PUBLISHER

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