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— PART 1 —

COMMERCE

CM301*

Building Services (Registration) Act 2011

Building Services (Registration) Amendment Regulations (No. 4) 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Building Services (Registration) Amendment Regulations (No. 4) 2013*.

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 *Building Services (Registration) Regulations 2011*.

4. Regulation 7 replaced

Delete regulation 7 and insert:

7. Registration and renewal of registration

- (1) An application for registration under section 13(1) or
- (2) must —
 - (a) if the application is for registration in the class of building surveying practitioner technician — state that the registration is sought for a period of 18 months; or
 - (b) otherwise — state that the registration is sought for a period of 3 years.

- (2) An application for renewal of registration under section 13(1) or (2) must —
- (a) if the application is for renewal of registration in the class of building surveying practitioner technician — state that the renewal is sought for a period of 18 months; or
 - (b) otherwise — state whether the renewal is sought for a period of 18 months or 3 years.
- (3) If under section 17(1) or 18(1) the Board registers, or renews the registration of, an applicant, the registration certificate given to the applicant under section 20(1) must —
- (a) in the case of an application seeking registration or renewal for a period of 18 months, specify an expiry day that is —
 - (i) no earlier than the last day of the period of 13 months beginning on the day on which the registration commences or is renewed; and
 - (ii) no later than the last day of the period of 18 months beginning on the day on which the registration commences or is renewed;
 - or
 - (b) in the case of an application seeking registration or renewal for a period of 3 years, specify an expiry day that is —
 - (i) no earlier than the last day of the period of 31 months beginning on the day on which the registration commences or is renewed; and
 - (ii) no later than the last day of the period of 3 years beginning on the day on which the registration commences or is renewed.
- (4) The Building Commissioner must refund a portion, calculated on a pro rata basis, of the registration fee that accompanied an application for registration or renewal in accordance with section 13(3)(c)(ii) if —
- (a) in the case of an application seeking registration or renewal for a period of 18 months — the registration certificate issued to the applicant specifies an expiry day that is earlier than the last day of the period of 18 months beginning on the day on which the registration commences or is renewed; or
 - (b) in the case of an application seeking registration or renewal for a period of

3 years — the registration certificate issued to the applicant specifies an expiry day that is earlier than the last day of the period of 3 years beginning on the day on which the registration commences or is renewed.

- (5) For the purposes of section 15(1), the period commencing 8 weeks before the registration of a person is due to expire and ending when the person's registration expires is the renewal period for the application for the renewal of the person's registration.

5. Schedule 1 amended

- (1) Delete Schedule 1 Division 2 and insert:

Division 2 — Builders

Item	Description of fee	Fee (\$)
1.	Application for registration as building practitioner	193.00
2.	Application for registration as building contractor (individual)	125.00
3.	Application for registration as building contractor (partnership)	250.00
4.	Application for registration as building contractor (company)	319.00
5.	Registration fee for building practitioner (18 months)	280.00
6.	Registration fee for building practitioner (3 years)	560.00
7.	Registration fee for building contractor (individual) (18 months)	183.00
8.	Registration fee for building contractor (individual) (3 years)	366.00
9.	Registration fee for building contractor (partnership) (18 months)	628.50
10.	Registration fee for building contractor (partnership) (3 years)	1 257.00
11.	Registration fee for building contractor (company) (18 months)	1 431.00
12.	Registration fee for building contractor (company) (3 years)	2 862.00
13.	Late fee for application for renewal made after the renewal period	52.00

Item	Description of fee	Fee (\$)
14.	Fee for sitting an examination — metropolitan area	125.00
15.	Fee for marking an examination sat outside metropolitan area	46.90

(2) Delete Schedule 1 Divisions 4A and 4 and insert:

Division 4A — Building surveyors

Item	Description of fee	Fee (\$)
1.	Application for registration as building surveying practitioner level 1 or level 2	102.00
2.	Application for registration as building surveying practitioner technician	51.00
3.	Application for registration as building surveying contractor level 1 or level 2 (individual)	66.30
4.	Application for registration as building surveying contractor level 1 or level 2 (partnership)	66.30
5.	Application for registration as building surveying contractor level 1 or level 2 (company)	66.30
6.	Registration fee for building surveying practitioner technician (18 months)	225.00
7.	Registration fee for building surveying practitioner level 1 or level 2 (18 months)	423.00
8.	Registration fee for building surveying practitioner level 1 or level 2 (3 years)	846.00
9.	Registration fee for building surveying contractor level 1 or level 2 (individual) (18 months)	295.50
10.	Registration fee for building surveying contractor level 1 or level 2 (individual) (3 years)	591.00
11.	Registration fee for building surveying contractor level 1 or level 2 (partnership) (18 months)	739.50
12.	Registration fee for building surveying contractor level 1 or level 2 (partnership) (3 years)	1 479.00
13.	Registration fee for building surveying contractor level 1 or level 2 (company) (18 months)	963.50
14.	Registration fee for building surveying contractor level 1 or level 2 (company) (3 years)	1 927.00
15.	Late fee for application for renewal made after the renewal period	51.00

Division 4 — Painters

Item	Description of fee	Fee (\$)
1.	Application for registration as painting practitioner	78.50
2.	Application for registration as painting contractor (individual)	52.00
3.	Application for registration as painting contractor (partnership)	98.90
4.	Application for registration as painting contractor (company)	130.00
5.	Registration fee for painting practitioner (18 months)	207.00
6.	Registration fee for painting practitioner (3 years)	414.00
7.	Registration fee for painting contractor (individual) (18 months)	138.50
8.	Registration fee for painting contractor (individual) (3 years)	277.00
9.	Registration fee for painting contractor (partnership) (18 months)	214.50
10.	Registration fee for painting contractor (partnership) (3 years)	429.00
11.	Registration fee for painting contractor (company) (18 months)	524.00
12.	Registration fee for painting contractor (company) (3 years)	1 048.00
13.	Late fee for application for renewal made after the renewal period	26.00
14.	Fee for sitting an examination — metropolitan area	67.30
15.	Fee for marking an examination sat outside metropolitan area	46.90

Note: The heading to regulation 10 is to read:

Refund of fees for certain cancelled or suspended registrations

G. MOORE, Clerk of the Executive Council.

COMMUNITY AND CHILD SERVICES

CN301*

Working with Children (Criminal Record Checking) Act 2004

Working with Children (Criminal Record Checking) Amendment Regulations (No. 3) 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Working with Children (Criminal Record Checking) Amendment Regulations (No. 3) 2013*.

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 *Working with Children (Criminal Record Checking) Regulations 2005*.

4. Regulation 3 amended

In regulation 3 insert in alphabetical order:

exempt work means work, described in Schedule 1, to which section 6(1) does not apply;

national event means an event taking place in Western Australia over a specific period of time —

- (a) that is organised at State, Territory or national level by a recognised body for sporting, educational, religious, cultural, recreational or skill development purposes; and
- (b) in which children from more than one State, Territory or country are participating;

national tour means a tour taking place over a specific period of time —

- (a) that is organised at State, Territory or national level by a recognised body for sporting, educational, religious, cultural, recreational or skill development purposes; and
- (b) in which children from more than one State, Territory or country are participating; and

- (c) that makes stops at several different venues and locations in Australia, including at least one stop in Western Australia;

Note: The heading to amended regulation 3 is to read:

Terms used

5. Schedule 1 amended

- (1) In Schedule 1 clause 12:

- (a) delete paragraph (a) and insert:

- (a) who —

- (i) is not ordinarily resident in the State; and

- (ii) has not carried out exempt work under item 17 within the period of 12 months before this work is, or is proposed to be, carried out;

and

- (b) in paragraph (c) delete “exceed” and insert:

exceed, in total,

- (2) In Schedule 1 clause 14 delete “students” and insert:

persons

- (3) After Schedule 1 clause 16 insert:

17. National events and national tours (Act s. 6(1)(a)(iii), (iv), (v), (x), (xi), (xii), (xiv), (xv), (xvi), (xvii) or (xviii))

Work referred to in section 6(1)(a)(iii), (iv), (v), (x), (xi), (xii), (xiv), (xv), (xvi), (xvii) or (xviii) carried out in connection with a national event or a national tour by a person —

- (a) who —

- (i) is not ordinarily resident in the State; and

- (ii) has not carried out exempt work under this clause or clause 12 within the period of 12 months before this work is, or is proposed to be, carried out;

and

- (b) during one period that does not exceed 30 days in any period of 12 months.

CONSUMER PROTECTION

CP301*

RETAIL TRADING HOURS ACT 1987
RETAIL TRADING HOURS (CITY OF ALBANY) VARIATION
ORDER (NO. 9) 2013

Made by the Minister for Commerce under section 12E of the Act.

1. Citation

This order is the *Retail Trading Hours (City of Albany) Variation Order (No. 9) 2013*.

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 the day after that day.

3. Variation of retail trading hours

General retail shops, other than motor vehicle shops, in the Albany local government district, are authorised to be open at times when the shops would otherwise be required to be closed—

- (a) on each day specified in the Table; and
- (b) during the hours specified for that day in the Table.

Table

Day	Hours
Sunday 26 January 2014	From 11.00am until 5.00pm
Monday 27 January 2014	From 11.00am until 5.00pm

M. MISCHIN, Minister for Commerce.

JUSTICE

JU301*

Magistrates Court (Civil Proceedings) Act 2004

Magistrates Court (Civil Proceedings)
Amendment Rules 2013

Made by the Magistrates Court.

1. Citation

These regulations are the *Magistrates Court (Civil Proceedings) Amendment Rules 2013*.

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 *Magistrates Court (Civil Proceedings) Rules 2005*.

4. Part 16A inserted

After Part 15 insert:

Part 16A — Inactive Cases List

95A. Term used: Inactive Cases List

In this Part —

Inactive Cases List means the list kept by the Principal Registrar under rule 95B(4).

95B. Case taken to be inactive

- (1) If no procedural step is taken in a case for 12 months by a party to a case, the case is taken to be inactive unless the Court orders otherwise.
- (2) A magistrate or registrar making an order or direction in exercise of a case management power may direct that, unless the order or direction in exercise of the case management power is complied with by a specified date, the case is to be taken to be inactive.
- (3) Unless countermanded by a magistrate or registrar before it has effect, a direction made under subrule (2) has effect according to its terms.
- (4) The Principal Registrar is to keep a list of cases taken to be inactive.

95C. Parties to be notified of case being on Inactive Cases List

- (1) When a case is taken to be inactive under rule 95B, the Principal Registrar is to —
 - (a) put the case on the Inactive Cases List; and
 - (b) give all parties to the case written notice of —
 - (i) the fact that the case is on the Inactive Cases List and why; and
 - (ii) the effect of rule 95D.
- (2) If a lawyer representing a party receives a notice under subrule (1), the lawyer is to notify the party as soon as practicable of —
 - (a) the fact that the case is on the Inactive Cases List and why; and
 - (b) the effect of rule 95D.

95D. Consequences of case being on Inactive Cases List

The only documents that may be lodged in the Court in relation to a case on the Inactive Cases List are —

- (a) an application for an order under rule 95E; or
- (b) a notice of discontinuance under rule 29; or
- (c) a memorandum of consent under rule 53 to an order or judgment that would finally dispose of the case.

95E. Removing cases from Inactive Cases List

- (1) A party to a case on the Inactive Cases List may apply to the Court for an order that the case be taken off the Inactive Cases List.
- (2) The Court may order that a case be taken off the Inactive Cases List —
 - (a) if it is satisfied that the case will be conducted in a timely way; or
 - (b) for any other good reason.
- (3) When the Court orders that a case be taken off the Inactive Cases List, it may make further orders for the conduct of the case in a timely way.

95F. Certain inactive cases taken to be dismissed

- (1) A case that is on the Inactive Cases List for 6 continuous months is taken to be dismissed.
- (2) If no procedural step is taken in the 6 months after the date on which a case is ordered to be taken off the Inactive Cases List, the case is taken to be dismissed.
- (3) If a case is taken to be dismissed under subrule (1) or (2), the Principal Registrar is to —
 - (a) give all parties to the case written notice of the dismissal; and
 - (b) take the case off the Inactive Cases List.
- (4) If a case is taken to have been dismissed under subrule (1) or (2) —
 - (a) a party to the case may apply for an order for costs; and
 - (b) the Court may make an order for costs.

Dated: 6 December 2013.

Magistrates' signatures:

S. A. HEATH, Chief Magistrate.
E. A. WOODS, Deputy Chief Magistrate.
M. D. WHEELER, Magistrate.
R. G. BAYLY, Magistrate.

JU302*

Magistrates Court (Civil Proceedings) Act 2004

Magistrates Court (Minor Cases Procedure) Amendment Rules 2013

Made by the Magistrates Court.

1. Citation

These rules are the *Magistrates Court (Minor Cases Procedure) Amendment Rules 2013*.

2. Commencement

These rules come into operation as follows —

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

3. Rules amended

These rules amend the *Magistrates Court (Minor Cases Procedure) Rules 2005*.

4. Part 10A inserted

After rule 44 insert:

Part 10A — Inactive Cases

45A. Term used: Inactive Cases List

In this Part —

Inactive Cases List means the list kept by the Principal Registrar under rule 45B(4).

45B. When your case becomes inactive

- (1) If neither you nor any other party to your case has taken any procedural step for 12 months your case becomes an inactive case, unless the Court orders otherwise.
- (2) A magistrate or registrar who makes an order or direction in relation to your case may direct that, unless the order or direction is complied with by a stated date, your case becomes an inactive case on that date.
- (3) Unless it is cancelled by a magistrate or registrar before it takes effect, a direction made under subrule (2) takes effect according to its terms.

- (4) The Principal Registrar is to keep a list of inactive cases.

45C. Notification of inactive cases

- (1) If your case becomes an inactive case, the Principal Registrar is —
 - (a) to put the case on the Inactive Cases List; and
 - (b) to give you and all other parties to the case written notice of —
 - (i) the fact that the case is on the Inactive Cases List and why; and
 - (ii) the effect of rule 45D.
- (2) If an agent representing a party to a case receives a notice under subrule (1), the agent is to notify the party as soon as practicable of —
 - (a) the fact that the case is on the Inactive Cases List and why; and
 - (b) the effect of rule 45D.

45D. Consequences of your case being on Inactive Cases List

So long as your case is on the Inactive Cases List, the only documents that you may lodge with the Court in relation to the case are —

- (a) an application for an order under rule 45E; or
- (b) a notice of discontinuance under rule 76; or
- (c) a memorandum of consent under rule 33 to an order or judgment that would settle or conclude the case.

45E. Removing your case from Inactive Cases List

- (1) If your case is on the Inactive Cases List, you may apply to the Court to order your case to be taken off the Inactive Cases List.
- (2) The Court may order your case to be taken off the Inactive Cases List —
 - (a) if it is satisfied that the case will be conducted in a timely way; or
 - (b) for any other good reason.
- (3) When the Court orders your case to be taken off the Inactive Cases List, it may make further orders for the conduct of the case in a timely way.

45F. Dismissal of inactive cases

- (1) If your case remains on the Inactive Cases List for 6 continuous months, it is taken to be dismissed.
- (2) If the Court orders your case to be taken off the Inactive Cases List and neither you nor any other party to the case takes any procedural step in the case in the 6 months after the date of the order, your case is taken to be dismissed.
- (3) If your case is taken to be dismissed under subrule (1) or (2), the Principal Registrar is to —
 - (a) give you and all other parties to the case written notice of the dismissal; and
 - (b) if it has not already been taken off — take the case off the Inactive Cases List.
- (4) If your case is taken to be dismissed under subrule (1) or (2) —
 - (a) you or any other party to the case may apply for an order for costs; and
 - (b) the Court may make an order for costs.

5. Rule 58 amended

- (1) In rule 58:
 - (a) in paragraph (a) delete “with his” and insert:

to his
 - (b) in paragraph (d) delete “person’s” and insert:

individual’s
 - (c) in paragraph (e) delete “person.” and insert:

individual.
 - (d) after each of paragraphs (a) to (c) insert:

or

Dated: 6 December 2013.

Magistrates’ signatures:

S. A. HEATH, Chief Magistrate.
E. A. WOODS, Deputy Chief Magistrate.
M. D. WHEELER, Magistrate.
R. G. BAYLY, Magistrate.

JU303*

Magistrates Court Act 2004

Magistrates Court (General) Amendment Rules 2013

Made by the Magistrates Court.

1. Citation

These rules are the *Magistrates Court (General) Amendment Rules 2013*.

2. Commencement

These rules come into operation as follows —

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

3. Rules amended

These rules amend the *Magistrates Court (General) Rules 2005*.

4. Rule 41A amended

In rule 41A(1) in the definition of *searchable information* paragraph (d) before “discontinued.” insert:

dismissed or

Dated: 6 December 2013.

Magistrates’ signatures:

S. A. HEATH, Chief Magistrate.

E. A. WOODS, Deputy Chief Magistrate.

M. D. WHEELER, Magistrate.

R. G. BAYLY, Magistrate.

JU304*

District Court of Western Australia Act 1969

District Court Amendment Rules (No. 2) 2013

Made by the Judges of the District Court.

1. Citation

These rules are the *District Court Amendment Rules (No. 2) 2013*.

2. Commencement

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on 20 January 2014.

3. Rules amended

These rules amend the *District Court Rules 2005*.

4. Rule 20 amended

- (1) In rule 20(6) delete “taken not to have been filed at the registry.” and insert:

taken —

- (a) not to have been filed at the registry; and
- (b) not to be part of the Court’s record.

- (2) After rule 20(6) insert:

- (7A) If a party files a document electronically at the registry but does so in error, the Court may, with the consent of the party, remove the document from the Court record.
- (7B) The RSC Order 67 applies, subject to subrule (7C).
- (7C) A reference in the RSC Order 67 rule 5(1) to a registrar refusing to file a document is to be taken as including a reference to the Court removing from the Court record a document filed electronically by means of the Court’s website.

5. Rule 21 amended

In rule 21(6) delete “This” and insert:

Subject to the RSC Order 9, this

6. Rule 22A replaced

Delete rule 22A and insert:

22A. RSC Order 9A rule 2 and Order 12 rule 2 modified: form of memorandum of appearance

- (1) The RSC Order 9A rule 2 and Order 12 rule 2 apply, subject to this rule.
- (2) A memorandum of appearance filed in the Court must be in the form of Form 1AA.
- (3) Notice of an interested non-party may be made on the same form.

7. Rule 22C amended

In rule 22C(1) after “to be” insert:

filed or

8. Rules 23B and 23C inserted

At the end of Part 3 Division 4 insert:

23B. RSC Order 58 rule 14 modified: form of originating summons

- (1) The RSC Order 58 rule 14 applies, subject to this rule.
- (2) An originating summons filed in the Court may be in the form of Form 1B.
- (3) The respondent to an originating summons must file a Form 1AA (Memorandum of appearance) in relation to the summons on or before the hearing date specified on the summons.
- (4) The respondent must serve the Form 1AA as soon as practicable after filing it.

23C. Enforcement of order under another Act giving jurisdiction

- (1) This rule applies to an order that may, under another written law —
 - (a) be filed with the Court; and
 - (b) be enforced as if it were an order of the Court.
- (2) A party filing the order must also file a Form 1C (Notification of contact and service information) together with the order.
- (3) If a party against whom the order is made makes an interlocutory application in relation to the order, that party must file a Form 1C (Notification of contact and service information) together with the application.
- (4) The party referred to in subrule (3) must serve the Form 1C as soon as practicable after filing it.

9. Rule 23 amended

In rule 23 in the definition of *mediator* delete “who is approved as a mediator by the Chief Judge.” and insert:

agreed by the parties and approved by the Court.

10. Rule 35AA inserted

After rule 35 insert:

35AA. Settlement at mediations

- (1) At the conference the parties must, in good faith, attempt to settle the case or, failing settlement, resolve as many of the issues between them as possible and identify the issues to be tried.
- (2) Evidence of anything said or any admission made in the course of the conference is not admissible at the trial of the case.
- (3) Subrule (2) does not apply —
 - (a) to the hearing of an application for costs arising out of the conference; or
 - (b) to anything said or any admission made that all parties at the conference, in an agreement recorded in writing by the mediator, agree is admissible at the trial of the case.

11. Rule 37 amended

After rule 37(4) insert:

- (5) The Court may, in a particular case, direct that a form other than Form 1 be used to enter the case for trial.

12. Rule 41 amended

In rule 41(3)(a) after “lawyer” insert:

on the record

13. Part 4 Division 3 Subdivision 5A inserted

After rule 41 insert:

Subdivision 5A — Settlement of cases**42A. Offers of compromise**

- (1) The RSC Order 24A applies, subject to subrule (2).
- (2) The RSC Order 24A rule 10(4) does not apply to a case.
- (3) Subrule (4) applies if —
 - (a) an offer is made by a plaintiff; and
 - (b) the offer is not accepted by the defendant; and
 - (c) the plaintiff obtains judgment on the claim to which the offer relates; and
 - (d) the judgment is no less favourable to the plaintiff than the terms of the offer.
- (4) Unless the Court otherwise orders, the plaintiff is entitled to an order against the defendant for —
 - (a) the plaintiff’s costs in respect of the claim from the date on which the offer was made, taxed as between a law practice and its client; and
 - (b) the plaintiff’s costs incurred before that date, taxed on a party and party basis.

14. Rule 44G amended

After rule 44G(4) insert:

- (5) The Court may, in exceptional circumstances and on such terms as it thinks just, set aside the dismissal of a case under subrule (1).

- (6) For the purposes of subrule (5) it does not matter that the case was dismissed before the commencement of that subrule.

15. Rule 45H amended

In rule 45H(3)(c) delete “contention; and” and insert:

contention, and each relevant page or paragraph in that authority; and

16. Part 5 Division 3 inserted

At the end of Part 5 insert:

Division 3 — Medical examination

47A. RSC Order 28 modified

- (1) The RSC Order 28 applies, subject to this rule.
- (2) For the purposes of subrule (1), a reference in the RSC Order 28 rule 1 to a “medical practitioner” or a “medical adviser” is to be taken as being a reference to a person registered under the *Health Practitioner Regulation National Law (Western Australia)*, or a substantially similar law of another jurisdiction, in any of the following health professions —
- (a) dental;
 - (b) medical;
 - (c) occupational therapy;
 - (d) optometry;
 - (e) physiotherapy;
 - (f) psychology.

17. Rule 47B inserted

At the beginning of Part 5A insert:

47B. RSC Order 36A modified

- (1) The RSC Order 36A applies, subject to this rule.
- (2) For the purposes of subrule (1), a reference in the definition of *medical evidence* in the RSC Order 36A rule 1 to “expert evidence on medical matters” is to be taken as being a reference to the evidence of a person registered under the *Health Practitioner Regulation National Law (Western Australia)*, or a substantially

similar law of another jurisdiction, in any of the following health professions —

- (a) dental;
- (b) medical;
- (c) occupational therapy;
- (d) optometry;
- (e) physiotherapy;
- (f) psychology.

18. Rule 58 amended

In rule 58(7) after “subrule (3)” insert:

or rule 61A

19. Rule 61A inserted

At the end of Part 6 insert:

61A. Return of security for costs deposit

If —

- (a) the Court has made an order for the payment of money by a party to the Court as security for the costs of an appeal (the *security for costs deposit*); and
- (b) under that order, the party has paid the security for costs deposit; and
- (c) no action has been taken on the appeal for 12 months; and
- (d) no claim has been made on the security for costs deposit,

the Court may return the security for costs deposit to the party.

20. Rule 71F inserted

At the beginning of Part 10 insert:

71F. Term used: court record

In this Part —

court record in respect of a case, means —

- (a) any record or thing held by the Court in respect of the case; and

- (b) the transcript of proceedings in the case before the Court.

21. Rule 71 amended

- (1) Delete rule 71(1) and (1A) and insert:

- (1) This rule does not apply to searches for, and inspections of, Court documents and information using the Court's website.
- (1A) Any person is entitled, on payment of the prescribed fee, to search for, inspect and receive a copy of any of the following Court documents or information in a case —
 - (a) the identity of the parties to a case;
 - (b) the identity of the parties' lawyers;
 - (c) the date on which the case commenced;
 - (d) the date and time of a hearing in the case;
 - (e) a writ and the statement of claim (if any) endorsed on it under the RSC Order 6 rule 3;
 - (f) an index of documents filed in a registry;
 - (g) a judgment or order of the Court.

- (2) In rule 71(10):

- (a) after "obtain" insert:

information, including

- (b) delete "information that" and insert:

information, that

Note: The heading to amended rule 71 is to read:

Access to records and things (registry)

22. Rule 72 replaced

Delete rule 72 and insert:

72. Access to records and things (Court's website)

- (1) In this rule —

registered user means a person who is authorised to file documents electronically by filing an electronic version of them by means of the Court's website under rule 20.

- (2) A registered user is entitled to search for, and inspect electronic copies of, any of the following Court documents or information in a case, whether or not the registered user is a party to the case —
- (a) the identity of the parties to a case;
 - (b) the identity of the parties' lawyers;
 - (c) the date on which the case commenced;
 - (d) the date and time of a hearing in the case;
 - (e) an index of documents filed in a registry.
- (3) A registered user who is a party to the case is entitled to search for, and inspect electronic copies of, any of the following Court documents or information in that case —
- (a) documents filed electronically in a registry;
 - (b) judgments or orders made by the Court.
- (4) This rule does not entitle a person to search, inspect or obtain information, including a copy of any part of a document that contains information, that the person is prevented by a written law, an order made under a written law or an order of a court from possessing.

23. Schedule 1 Form 1AA amended

In Schedule 1 Form 1AA after the row beginning "Date of filing" insert:

Disclosure pursuant to RSC Order 9A	
Identity of any person who is an interested non-party (If applicable: see <i>Rules of the Supreme Court 1971</i> Order 9A rule 2 and <i>District Court Rules 2005</i> rule 22A(3))	

24. Schedule 1 Forms 1B and 1C inserted

After Schedule 1 Form 1A insert:

1B. Originating summons (r. 23B)

District Court of Western Australia Held at Perth ¹		Application No:
		Originating summons
Parties	Applicant Respondent	
Date of filing		
Act or rule that allows the application ²		
Summons		
<p>You, [<i>respondent</i>] of [<i>respondent's address</i>], are required to attend before the Court on the date set out in this summons for the hearing of an application that:</p> <ol style="list-style-type: none"> 1. 2. 3. 4. 5. 		
Hearing date ³	Date: Time: Place: District Court Building, 500 Hay Street, Perth ¹	
Notice to the respondent	<p>If you do not attend before the Court on the date set out in this summons, the Court may make such orders as it considers just and expedient in your absence.</p> <p>If you wish to be heard on this application, you must file a Form 1AA (Memorandum of appearance) under the <i>District Court Rules 2005</i> before, or on, the date set out in this summons.</p>	

Applicant's contact and service details		
Geographical address of applicant (Must be provided unless otherwise ordered by the Court: see <i>Rules of the Supreme Court 1971</i> Order 71A rule 2 and <i>District Court Rules 2005</i> rule 22C)		
Name of lawyer (If one has been appointed)		
Postal address for service of documents (Must be provided)		
Email address (Optional — if provided, may be used for service of documents)		
Fax number (Optional — if provided, may be used for service of documents)		
Telephone number		
Reference		
Signature of applicant or lawyer	Applicant/lawyer	Date of signing:

Notes to Form 1B —

1. If not held at Perth, state the location of the relevant registry.
2. State the name of the Act or rules and section or rule number under which the application is being made.
3. The Court will complete this row when the originating summons is filed.

1C. Notification of contact and service information (r. 23C)

District Court of Western Australia Held at Perth ¹	Application No:
	Notification of contact and service information

Parties	Applicant	
	Respondent	
Date of filing		
Service and contact details		
Geographical address of applicant (Must be provided unless otherwise ordered by the Court: see <i>Rules of the Supreme Court 1971 Order 71A rule 2</i> and <i>District Court Rules 2005 rule 22C</i>)		
Name of lawyer (If one has been appointed)		
Postal address for service of documents (Must be provided)		
Email address (Optional — if provided, may be used for service of documents)		
Fax number (Optional — if provided, may be used for service of documents)		
Telephone number		
Reference		
Signature of applicant or lawyer	Party/lawyer	Date of signing:

Note to Form 1C —

1. If not held at Perth, state the location of the relevant registry.

25. Schedule 1 Form 1 replaced

Delete Schedule 1 Form 1 and insert:

1. Entry for trial (r. 37)

District Court of Western Australia Held at Perth ¹		Action No: Entry for trial
Matter	[Names of all parties]	
Date of filing		
Certificate	<p>The [party] certifies that —</p> <ul style="list-style-type: none"> • each party has given discovery to, and permitted inspection by, each other party; • all requests for answers to interrogatories have been answered or validly objected to (delete if inapplicable); • each party has complied with all case management directions and orders made by the Court; • the [party] does not require any other interlocutory orders to be made; • the [party] has complied with the <i>Rules of the Supreme Court 1971</i> Order 36A; • the [party] has complied with the <i>District Court Rules 2005</i> rule 36(1); • the [party] has complied with the <i>District Court Rules 2005</i> rule 45C; • the [party] has complied with the <i>District Court Rules 2005</i> rule 45D (delete if inapplicable). 	
Entry for trial	The [party] enters this matter for trial.	
Has the requirement to attend a pre-trial conference been dispensed with? ²		
Unavailable dates	The parties are not available for a pre-trial conference on these dates:	

Date of pre-trial conference / directions hearing / listing conference ³	Date: Time: Place: District Court Building, 500 Hay Street, Perth ¹			
Information about the pre-trial conference	All parties are required to attend the pre-trial conference in person accompanied by their respective lawyers. Where a party is a body corporate it must attend by an agent who is authorised by the body corporate to conduct settlement negotiations and settle the case. At the pre-trial conference, the parties must, in good faith, attempt to settle the case or, failing settlement, to resolve as many of the issues between them as possible and to identify the issues to be tried. If the action is settled before the pre-trial conference please immediately notify the Court that this has occurred.			
Contact details of party or lawyer	Name			
	Firm			
	Address			
	Phone		Fax	
	Email			
	Reference			
Signature of person making this certification	Name of person making this certification	Date of signing:		

Notes to Form 1 —

1. If not held at Perth, state the location of the relevant registry.
2. If it has, specify the date of the order.
3. The Court will complete this row when the entry for trial notice is filed. If a listing conference or directions hearing has already been allocated, insert this information into the hearing details.

Dated: 19th December 2013.

Judges signatures:

His Honour Chief Judge P. D. MARTINO.

Her Honour Judge S. M. DEANE.

His Honour Judge P. R. EATON.

His Honour Judge K. F. SLEIGHT.

His Honour Judge P. P. McCANN.
Her Honour Judge J. A. WAGER.
His Honour Judge A. S. STAVRIANOU.
Her Honour Judge T. D. SWEENEY.
His Honour Judge B. J. H. GOETZE.
His Honour Judge R. E. KEEN.
His Honour Judge M. J. BOWDEN.
Her Honour Judge A. M. I. SCHOOMBEE.
His Honour Judge C. P. STEVENSON.
His Honour Judge S. G. SCOTT.
Her Honour Judge F. C. E. DAVIS.
His Honour Judge P. B. O'NEIL.
His Honour Judge S. E. STONE.
His Honour Judge J. G. STAUDE.
His Honour Judge R. E. BIRMINGHAM.
His Honour Judge A. S. DERRICK.
Her Honour Judge A. G. BRADDOCK.
His Honour Judge D. R. PARRY.
His Honour Judge M. E. HERRON.

TRANSPORT

TN301*

Road Traffic Act 1974

Road Traffic Code Amendment Regulations (No. 2) 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Road Traffic Code Amendment Regulations (No. 2) 2013*.

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 that is 3 months after that day.

3. Regulations amended

These regulations amend the *Road Traffic Code 2000*.

4. Regulation 3 amended

- (1) In regulation 3(1) in the definition of *accredited pilot* after “means a person” insert:

who has a driver’s licence that is not endorsed as a provisional licence under the *Road Traffic (Authorisation to Drive) Regulations 2008* and

- (2) In regulation 3(1) in the definition of *level crossing* delete “whether or not there is a “level crossing” sign on the road at all or any of the entrances to the area;” and insert:

together with the road area between the “level crossing” signs on the approaches to the railway and any adjacent area that is denoted by painted, crosshatched road markings;

- (3) In regulation 3(1) in the definition of *speed limit sign* delete paragraph (a) and insert:

- (a) is displayed or erected on or near a carriageway; and

- (4) Delete regulation 3(2)(da).

5. Regulation 39 amended

In regulation 39(1):

- (a) in paragraph (b)(ii) delete “intersection; and” and insert:

intersection;

- (b) delete paragraph (b)(iii);

- (c) after paragraph (b) insert:

or

- (c) turn right if the driver gives way to any vehicle that has entered or is approaching the intersection from the opposite direction.

6. Regulation 62 amended

In regulation 62(4) after the Examples insert:

- (5) Despite subregulation (4), a driver may enter upon or attempt to cross a pedestrian crossing if —
 - (a) the pedestrian crossing is immediately before an intersection that is not controlled by traffic lights; and
 - (b) the pedestrian crossing is not blocked; and
 - (c) the driver gives way to any pedestrian on the pedestrian crossing at the time the driver enters upon or attempts to cross the pedestrian crossing.
- (6) If entering a pedestrian crossing under subregulation (5), a driver may remain on that crossing until the intersection immediately after the crossing is safe to enter or cross.

7. Regulation 110 replaced

Delete regulation 110 and insert:

110. Keeping a minimum distance between long vehicles

- (1) In this regulation —

B-double has the meaning given in the *Road Traffic (Vehicle Standards) Regulations 2002* Glossary;

long vehicle means a vehicle or combination 7.5 m or more in length, inclusive of any projection and of its load, other than a B-double or a road train;

road train has the meaning given in the *Road Traffic (Vehicle Standards) Regulations 2002* Glossary.
- (2) The driver of a long vehicle (the ***vehicle***) when following another long vehicle, a B-double or a road train outside a built-up area shall, wherever conditions permit, keep the vehicle not less than 60 metres behind the other vehicle unless the vehicle is —
 - (a) on a carriageway with 2 or more marked lanes available exclusively for vehicles travelling in the same direction as that in which the vehicle is travelling; or
 - (b) overtaking or passing.

Points: 1

Modified penalty: 2 PU

- (3) The driver of a B-double or a road train (the ***vehicle***) when following a long vehicle, a B-double or a road train outside a built-up area shall, wherever conditions

permit, keep the vehicle not less than 200 metres behind the other vehicle unless the vehicle is —

- (a) on a carriageway with 2 or more marked lanes available exclusively for vehicles travelling in the same direction as that in which the B-double or road train is travelling; or
- (b) overtaking or passing.

Points: 1

Modified penalty: 2 PU

8. Regulation 119 amended

In regulation 119(2) in the Penalty delete “Points: 3” and insert:

Points: 1

9. Regulation 144 amended

After regulation 144(1) insert:

- (2A) This regulation does not apply if regulation 62(5) applies.

10. Regulation 173 amended

In regulation 173(b) delete “twice the period (as allowed under that regulation).” and insert:

the period allowed under that regulation.

11. Regulation 174 amended

- (1) In regulation 174(2) delete “(disabilities) for twice the period indicated on the sign.” and insert:

(disabilities) —

- (a) if the time limit indicated on or with the sign is under 30 minutes — for 30 minutes;
- (b) if the time limit indicated on or with the sign is between 30 and 60 minutes — for 2 hours;
- (c) if the time limit indicated on or with the sign is over 60 minutes — for twice the period indicated on the sign.

- (2) After regulation 174(2) insert:
 - (3) Despite subregulation (2), if another law of the State permits the driver to park for a longer period than that allowed by subregulation (2), or for an unlimited period, the driver may park for that longer period of time.

12. Regulation 178 amended

At the end of regulation 178(5) insert:

Modified penalty: 1 PU

13. Regulation 191 amended

- (1) In regulation 191(4) delete “subregulation (5)” and insert:

subregulation (5) or (6A) as the case requires,

- (2) In regulation 191(5) delete “The” and insert:

Where the speed limit on a carriageway is lower than 80 km/h, the

- (3) After regulation 191(5) insert:

- (6A) Where the speed limit on a carriageway is 80 km/h or higher, the signs placed in advance and to the rear of the vehicle, in compliance with subregulation (3), are to be placed at a distance of between 200 m and 250 m from the vehicle, and the third sign is to be placed at the side of the vehicle in such a position as to give reasonable warning to drivers approaching from either direction.

14. Regulation 192 amended

- (1) In regulation 192(2) delete “subregulation (3),” and insert:

subregulation (3) or (4A) as the case requires,

- (2) In regulation 192(3) delete “The” and insert:

Where the speed limit on a carriageway is lower than 80 km/h,
the

- (3) After regulation 192(3) insert:

- (4A) Where the speed limit on a carriageway is 80 km/h or higher, the signs placed in advance and to the rear of the fallen load, in compliance with subregulation (2), are to be placed at a distance of between 200 m and 250 m from the edge of the fallen load, and the third sign is to be placed at the side of the fallen load in such a position as to give reasonable warning to drivers approaching from either direction.

15. Regulation 197 amended

In regulation 197(3)(b) delete “nearest” and insert:

far

16. Regulation 211 amended

In regulation 211:

- (a) in paragraph (a) delete “sit” and insert:

if seated, sit

- (b) in paragraph (b) delete “handlebars; and” and insert:

handlebars.

- (c) delete paragraph (c).

17. Regulation 227 amended

- (1) In regulation 227(3):

- (a) after “strip” insert:

in the direction of travel of the rider

- (b) after “continue” insert:

crossing the intersection

- (2) In regulation 227(4):
- (a) after “strip” insert:
- in the direction of travel of the rider
- (b) after “continue” insert:
- crossing the carriageway

18. Regulation 230 amended

- (1) In regulation 230 in the definition of *AS/NZS:1754-1991*:
- (a) delete “*AS/NZS:1754-1991* means” and insert:
- AS/NZS:1754-1995* means
- (b) delete “AS/NZS:1754-1991” and insert:
- AS/NZS:1754-1995
- (2) In regulation 230 in the definition of *booster seat* paragraph (a) delete “AS/NZS:1754-1991; or” and insert:
- AS/NZS:1754-1995; or
- (3) In regulation 230 in the definition of *child restraint*:
- (a) delete “AS/NZS:1754-1991,” (each occurrence) and insert:
- AS/NZS:1754-1995,
- (b) in paragraph (a) delete “AS/NZS:1754-1991” and insert:
- AS/NZS:1754-1995
- (4) In regulation 230 in the definition of *child safety harness* paragraph (a) delete “AS/NZS:1754-1991; or” and insert:
- AS/NZS:1754-1995; or
- (5) In regulation 230 in the definition of *suitable child restraint*:
- (a) delete “size” and insert:
- height

(b) delete “AS/NZS:1754-1991,” and insert:

AS/NZS:1754-1995,

(6) In regulation 230 in the definition of *suitable child safety harness*:

(a) delete “size” and insert:

height

(b) delete “AS/NZS:1754-1991,” and insert:

AS/NZS:1754-1995,

19. Regulation 234 amended

In regulation 234(6) after “other seats” insert:

or unobstructed seating positions

20. Regulation 235 amended

In regulation 235(1)(a) delete “size” and insert:

height

21. Regulation 264 amended

In regulation 264(2):

(a) after paragraph (a) insert:

(ba) the driver is the rider of a motorcycle and the visual display unit is, or is part of, a driver’s aid and is attached to the rider’s arm (but not hand-held); or

(b) in paragraph (d) before “a mobile” insert:

the display unit of a video recording device or

22. Regulation 288A amended

In regulation 288A(2)(a) delete “vehicle; and” and insert:

vehicle or is assisting a person to gain access to a vehicle in which the person has locked the vehicle access key; and

G. MOORE, Clerk of the Executive Council.

— PART 2 —

FIRE AND EMERGENCY SERVICES

FE401*

BUSH FIRES ACT 1954

TOTAL FIRE BAN DECLARATION

Correspondence No. 12080

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 24th December 2013 for the local government districts of—

City of Albany, Shire of Denmark, Shire of Jerramungup, Shire of Gnowangerup, Shire of Jerramungup, Shire of Plantagenet, Shire of Boddington, Shire of Brookton, Shire of Cuballing, Shire of Narrogin, Town of Narrogin, Shire of Pingelly, Shire of Wandering, Shire of Wickepin, Shire of Williams, Shire of Dumbleyung, Shire of Kent, Shire of Lake Grace, Shire of Ravensthorpe, Shire of Corrigin, Shire of Kondinin, Shire of Kulin, Shire of Beverley, Shire of Cunderdin, Shire of Dowerin, Shire of Goomalling, Shire of Northam, Shire of Quairading, Shire of Tammin, Shire of Wyalkatchem, Shire of York, Shire of Bruce Rock, Shire of Kellerberrin, Shire of Merredin, Shire of Narembeen, Shire of Nungarin, Shire of Trayning, Shire of Westonia, Shire of Yilgarn, Shire of Toodyay, Shire of Dalwallinu, Shire of Koorda, Shire of Wongan-Ballidu

CHRIS ARNOL, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

FE402*

BUSH FIRES ACT 1954

TOTAL FIRE BAN REVOCATION

Correspondence No. 12080

Pursuant to powers delegated under the *Bush Fires Act 1954*, the total fire ban for 24th December 2013 is revoked from 1200 hrs for the local government districts of—

City of Albany, Shire of Denmark, Shire of Plantagenet

CHRIS ARNOL, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

FE403*

BUSH FIRES ACT 1954

Shire of Jerramungup

TOTAL FIRE BAN REVOCATION

Correspondence No. 12080

Pursuant to powers delegated under the *Bush Fires Act 1954*, the total fire ban for 24th December 2013 is revoked from 1800 hrs for the local government districts of—

Shire of Jerramungup

CHRIS ARNOL, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

FE404*

BUSH FIRES ACT 1954
TOTAL FIRE BAN DECLARATION

Correspondence No. 12080

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 27th December 2013 for the local government districts of—

Shire of Dundas, City of Kalgoorlie-Boulder

DARREN KLEMM, Assistant Commissioner of the
Department of Fire and Emergency Services, as
a sub-delegate of the Minister under section 16
of the *Fire and Emergency Services Act 1998*.

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960

City of Mandurah

APPOINTMENTS

It is hereby notified for public information that Sarah Wilson and Jens Michael Koller have been appointed as Rangers and Pound Keepers pursuant to Part XX, Section 449 of the *Local Government (Miscellaneous Provisions) Act 1960*.

It is also hereby notified for public information that appointments for Darren Guy and Myra Giardini as Rangers and Pound Keepers pursuant to Part XX, Section 449 of the *Local Government (Miscellaneous Provisions) Act 1960* have been cancelled.

MARK R. NEWMAN, Chief Executive Officer.

MARINE/MARITIME

MA401*

WESTERN AUSTRALIAN MARINE ACT 1982

CLOSURE OF NAVIGABLE WATERS

All Vessels

Old Dunsborough

City of Busselton

Department of Transport,
Fremantle WA, 31 December 2013.

Acting pursuant to the powers conferred by Section 66 of the *Western Australian Marine Act 1982*, I hereby close the following area of navigable water to all vessels until further notice—

Dunsborough—All the waters of the Geographe Bay at Old Dunsborough enclosed by a Shark Net and extending out from the perimeter of the Shark Net within 10 metres of the Shark Net (corresponding approximately to an area south of 33°36.103'S and north of 33°36.278'S). All coordinates based on GDA 94.

RAY BUCHHOLZ, General Manager Marine Safety,
Department of Transport.

MA402*

WESTERN AUSTRALIAN MARINE ACT 1982
CLOSURE OF NAVIGABLE WATERS

All Vessels
Coogee Beach
City of Cockburn

Department of Transport,
Fremantle WA, 31 December 2013.

Acting pursuant to the powers conferred by Section 66 of the *Western Australian Marine Act 1982*, I hereby close the following area of navigable water to all vessels until further notice—

Coogee Beach—All those waters of the Indian Ocean at Coogee Beach enclosed by a Shark Net and extending out from the perimeter of the Shark Net within 10 metres of Shark Net (corresponding approximately to an area south of 32°6.488'S, north of 32°6.668'S, and within 100 or the shore). All coordinates based on GDA 94.

RAY BUCHHOLZ, General Manager Marine Safety,
Department of Transport.

MA403*

NAVIGABLE WATERS REGULATIONS 1958
CLOSURE OF NAVIGABLE WATERS

Swimming Prohibited
Old Dunsborough
City of Busselton

Department of Transport,
Fremantle WA, 31 December 2013.

Acting pursuant to the powers conferred by Regulation 10A of the *Navigable Waters Regulations 1958*, I hereby prohibit swimming within the following areas—

Dunsborough—All the waters of the Geographe Bay at Old Dunsborough within 1 metre either side of the fixed shark net.

RAY BUCHHOLZ, General Manager Marine Safety,
Department of Transport.

MA404*

NAVIGABLE WATERS REGULATIONS 1958
CLOSURE OF NAVIGABLE WATERS

Swimming Prohibited
Coogee Beach
City of Cockburn

Department of Transport,
Fremantle WA, 31 December 2013.

Acting pursuant to the powers conferred by Regulation 10A of the *Navigable Waters Regulations 1958*, I hereby prohibit swimming within the following area—

Coogee Beach—Those waters of the Indian Ocean at Coogee Beach within 1 metre either side of the fixed Shark Net.

RAY BUCHHOLZ, General Manager Marine Safety,
Department of Transport.

MINERALS AND PETROLEUM

MP401***MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,
Marble Bar WA 6760.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

DEEN POTTER, Warden.

To be heard by the Warden at Marble Bar on 31 January 2014.

PILBARA MINERAL FIELD

Prospecting Licences

P 46/1619 Missler, Wolfgang Gustav Ernst
P 46/1762 Moltoni, Mario

MP402***MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,
Marble Bar WA 6760.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

DEEN POTTER, Warden.

To be heard by the Warden at Marble Bar on 31 January 2014.

PILBARA MINERAL FIELD

Prospecting Licences

P 46/1577 Creasy, Mark Gareth

MP403***MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,
Southern Cross WA 6426.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

PAUL ROTH, Warden.

To be heard by the Warden at Southern Cross on 21 January 2014.

YILGARN MINERAL FIELD

Prospecting Licences

P 77/3530 Forresteria Mining Corporation Pty Ltd
P 77/3598 Temby Minerals Pty Ltd
P 77/4072 Golden Mining Australia Pty Ltd

P 77/4073	Golden Mining Australia Pty Ltd
P 77/4074	Golden Mining Australia Pty Ltd
P 77/4088	Golden Mining Australia Pty Ltd
P 77/4089	Golden Mining Australia Pty Ltd
P 77/4091	Golden Mining Australia Pty Ltd
P 77/4092	Golden Mining Australia Pty Ltd
P 77/4093	Golden Mining Australia Pty Ltd
P 77/4094	Golden Mining Australia Pty Ltd
P 77/4097	Golden Mining Australia Pty Ltd
P 77/4123	Highscore Pty Ltd Richard Read and Associates Pty Ltd

MP404***MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,
Southern Cross WA 6426.

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

PAUL ROTH, Warden.

To be heard by the Warden at Southern Cross on 21 January 2014.

YILGARN MINERAL FIELD

Prospecting Licences

P 77/3530	Forrestonia Mining Corporation Pty Ltd
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PLANNING**PL401*****PLANNING AND DEVELOPMENT ACT 2005**

APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Plantagenet

Town Planning Scheme No. 3—Amendment No. 58

Ref: TPS/0949

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 Plantagenet local planning scheme amendment on 11 December 2013 for the purpose of—

1. Rezoning the northern portion of Lot 4853 Porongurup Road, Porongurup from Rural, Special Site 18 and Rural Residential Area 10 to Rural Residential Area 9 and Special Site 18.
2. In column (a) of Schedule 5 of the Scheme Text 'Rural Residential zones—Provisions Relating to Specified Areas' within the Locality, delete 4853 from RRes 10 and insert 4853 under RRes. 9.
3. In Schedule 5 of the Scheme Text 'Rural Residential zones—Provisions Relating to Specified Areas' within RRes 9, in Column (b), Special Provision 5 add two new points as follows—
 - 5.4 The Vineyard Vegetated Buffer is to be established and maintained in accordance with the Department of Health: Guidelines for Separation of Agricultural and Residential Land Uses (August 2012).
 - 5.5 Council may request the WAPC to impose a condition at the time of subdivision requiring placement of a s70A notification on the titles of all lots zoned residential. The notification is to advise that amenity of the lots may be affected by legitimate ongoing agricultural uses on surrounding land.

4. In Schedule 5 of the Scheme Text 'Rural Residential zones—Provisions Relating to Specified Areas' within RRes 9, in Column (b), Special Provision 7 add a new point as follows—
 - 7.4 Council shall request the WAPC to impose conditions at the subdivision stage, requiring the preparation of an Ecological Corridor Management Plan and the implementation of specific fire protection and environmental management measures as set out in such a plan.
5. In Schedule 5 of the Scheme Text 'Rural Residential zones—Provisions Relating to Specified Areas' within RRes 9, in Column (b), Special Provision 10 add a new point as follows—
 - 10.8 Council shall request the WAPC to impose conditions at the subdivision stage, requiring the updating of the Fire Management Plan to reflect the current subdivision pattern and the implementation of specific fire protection management measures as set out in such a plan.
6. Amending the Scheme Maps accordingly.

K. A. CLEMENTS, Shire President.
R. J. STEWART, Chief Executive Officer.

PREMIER AND CABINET

PR401*

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 Health; Training and Workforce Development in the absence of the Hon Dr K. D. Hames MLA for the period 18 to 26 January 2014 (both dates inclusive).

This notice supersedes acting arrangements relating to the above office that were published in *Government Gazette* No. 192 dated 29 October 2013.

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

PR402*

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 D. T. Redman MLA to act temporarily in the office of Minister for Sport and Recreation; Racing and Gaming in the absence of the T. K. Waldron MLA for the period 26 February to 3 March 2014 (both dates inclusive).

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

PR403*

DEPARTMENT OF THE PREMIER AND CABINET
RETENTION OF THE TITLE HONOURABLE

It is hereby notified for public information that the Governor, on behalf of Her Majesty the Queen, has approved the retention of the title "Honourable" by Mr Brendon John Grylls MLA who served as a Minister for a continuous period in excess of three years.

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

WORKCOVER

WC401*

WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981

WORKCOVER WA GOVERNING BODY APPOINTMENT INSTRUMENT (NO. 2) 2013

Made by the Governor in Executive Council on the recommendation of the Minister.

1. CitationThis instrument may be cited as the *WorkCover WA Governing Body Appointment Instrument (No. 2) 2013*.**2. Nominee member of WorkCover WA's governing body appointed**Under section 95(1)(a) of the *Workers' Compensation and Injury Management Act 1981*, Mr Greg Louis Joyce is reappointed as Chairman of the WorkCover WA Board for a period commencing on 4 January 2014 and expiring on 3 January 2017.Under section 95(1)(c)(i) of the *Workers' Compensation and Injury Management Act 1981*, Ms Karin Janna Karina Lee is reappointed as a nominee member of the WorkCover WA Board for a period commencing on 4 January 2014 and expiring on 3 January 2017.Under section 95(1)(c)(ii) of the *Workers' Compensation and Injury Management Act 1981*, Mr Owen Douglas Whittle is appointed as a nominee member of the WorkCover WA Board commencing on 4 January 2014 and expiring on 29 December 2014.Under section 95(1)(c)(iv) of the *Workers' Compensation and Injury Management Act 1981*, Mrs Victoria Rosalind Wilmot is reappointed as nominee member of the WorkCover WA Board for a period commencing on 4 January 2014 and expiring on 3 January 2017.

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

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