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— PART 1 —

CONSUMER PROTECTION

CP301*

Retail Trading Hours Act 1987

Retail Trading Hours (City of Kalgoorlie-Boulder) Variation Order 2014

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

1. Citation

This order is the *Retail Trading Hours (City of Kalgoorlie-Boulder) Variation Order 2014*.

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* (*gazettal day*);
- (b) the rest of the order —
 - (i) if gazettal day is before 1 May 2014 — on 1 May 2014; or
 - (ii) if gazettal day is, or is after, 1 May 2014 — on the day after gazettal day.

3. Variation of retail trading hours

- (1) General retail shops, other than motor vehicle shops, in the Kalgoorlie-Boulder local government district are authorised to be open, at times when those shops would otherwise be required to be closed, in accordance with the Table.

Table

Days	Hours
Mondays, Tuesdays, Wednesdays and Fridays	from 7.00 a.m. until 8.00 a.m. and from 6.00 p.m. until 7.00 p.m.
Thursdays	from 7.00 a.m. until 8.00 a.m.
Saturdays	from 7.00 a.m. until 8.00 a.m. and from 5.00 p.m. until 6.00 p.m.

- (2) Despite subclause (1), general retail shops in the Kalgoorlie-Boulder local government district are required to be closed on public holidays.
- 4. Burt Street Precinct, Boulder**
- This order does not affect the operation of the *Retail Trading Hours (Burt Street Precinct, Boulder) Exemption Order 2001*.
- 5. Expiry of order**
- This order expires at the end of 30 April 2015.

M. MISCHIN, Minister for Commerce.

— PART 2 —

CONSUMER PROTECTION

CP401*

RETAIL TRADING HOURS ACT 1987

RETAIL TRADING HOURS (CITY OF ALBANY) VARIATION ORDER (NO. 3) 2014

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. 3) 2014*.

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 1 June 2014	From 11.00 am until 5.00 pm
Monday 2 June 2014	From 11.00 am until 5.00 pm

M. MISCHIN, Minister for Commerce.

INSURANCE COMMISSION

IX401

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT 1943

RATES

In accordance with the requirements of Section 3C and 3D of the *Motor Vehicle (Third Party Insurance) Act 1943*, I give notice that the following amounts will apply for the purposes of those Sections with effect from 1 July 2014—

Amount A	\$390,000
Amount B	\$19,500
Amount C	\$59,000
Amount D	\$6,500

Dr MIKE NAHAN, Treasurer.

Dated: 16 April 2014.

JUSTICE

JU401*

PROFESSIONAL STANDARDS ACT 1997

THE VICTORIAN BAR PROFESSIONAL STANDARDS SCHEME

I, Michael Mischin MLC, Attorney General, pursuant to section 26 of the *Professional Standards Act 1997* WA (the Act), authorise the publication of the Victorian Bar Professional Standards Scheme (the Scheme) submitted to me by the Professional Standards Council of Victoria, pursuant to the

mutual recognition provisions of the Victorian and Western Australian professional standards legislation. The Scheme is published with this authorisation and commences on 1 July 2014. The Scheme remains in force for a period of five years from its commencement unless the Scheme is revoked, extended, or its operation ceases as specified in the Act.

Hon MICHAEL MISCHIN MLC, Attorney General.

Dated: 9 April 2014.

**THE VICTORIAN BAR
PROFESSIONAL STANDARDS SCHEME**

A Scheme under
the *Professional Standards Act 2003 (Vic)*

PREAMBLE

Occupational Association

- A. The Victorian Bar Inc (“the Victorian Bar”) is an incorporated association constituted under the *Associations Incorporation Act 1981*;
- B. The occupational group represented by the Victorian Bar consists of barristers practising in Victoria;
- C. With effect from 1 July 2008, the Victorian Bar has had in operation the Victorian Bar Professional Standards Scheme under the *Professional Standards Act 2003 (Vic)* (“the Act”). That Scheme expires on 30 June 2013, subject to any extension. The Victorian Bar has applied for an extension of 12 months of the period for which that Scheme is in force, that is to say, until 30 June 2014;
- D. By way of renewal, the Victorian Bar has applied for approval and gazettal of the Victorian Bar Professional Standards Scheme (“the Scheme”) as a scheme under the *Professional Standards Act 2003 (Vic)* (“the Act”). The Scheme has a specified commencement date of 1 July 2014;
- E. The Scheme applies to those persons referred to below in clause 3. The Scheme does not apply to all members of the Victorian Bar;
- F. The Scheme limits the occupational liability of Scheme members who provide services to the public;
- G. The approximate number of members eligible to apply to have the Scheme apply to them is 1,922;
- H. The objectives of the Victorian Bar are expressed in clause 3 of its Constitution and include—
 - (a) To maintain in the public interest a strong and independent Bar in the State of Victoria;
 - (b) To promote, foster and develop within the executive and legislative arms of the Government of Victoria and within the general community, an understanding and appreciation that a strong and independent Bar is indispensable to the rule of law and to the continuation of a democratic society;
 - (c) To improve the relationship between the Victorian Bar and the executive and legislative arms of the Government of Victoria without in any way diminishing the independence of the Victorian Bar and its members;
 - (d) To promote, maintain and improve the quality of the Victorian Bar;
 - (e) To seek to ensure that access to the courts is open to all members of the community;
 - (f) To arrange training for Bar Readers and regulate entry to membership of the Bar;
 - (g) To arrange and promote Continuing Professional Development;
 - (h) To promote the resolution of disputes by mediation, arbitration and other appropriate methods of alternative dispute resolution;
 - (i) To perform such functions as may be assigned, permitted, referred or delegated to the Victorian Bar by or under legislation regulating the legal profession or the practice of law;
 - (j) To seek to ensure that as far as practicable chambers are available for counsel;
 - (k) To seek to promote the welfare of members of the Victorian Bar;
 - (l) To promote the rule of law including the proper administration of justice; and
 - (m) Without limiting (l), to make recommendations with respect to legislation, law reform, rules of court and the business and procedure of courts.

Nature of the Scheme

- I. The Scheme operates for the purpose of improving the occupational standards of professionals and others, and to protect the consumers of their services. It also limits the civil liability of persons to whom the Scheme applies;
- J. The liability limited by the Scheme includes, to the extent permitted by the Act, civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by a member of the Victorian Bar or to any person to whom this Scheme applies in acting in the

performance of his or her occupation. However the Scheme does not apply to liability for damages arising from any matter to which the Act does not apply;

- K. The Scheme does not affect damages which are below the monetary ceiling specified in the Scheme for each member. The Scheme limits liability for damages to the monetary ceiling specified for that member provided that the person has insurance as required by s23 of the Act;

Risk Management

- L. The Victorian Bar has adopted strategies which cover requirements for professional entry to practice at the Bar and continuing professional development in the areas of ethics and regulation of the profession; management; substantive law, practice and procedure, and evidence, and advocacy, mediation and other barristers' skills;
- M. The complaints and disciplinary system operates pursuant to the requirements of the *Legal Profession Act 2004*;
- N. The Bar Association will report annually on the implementation and monitoring of its risk management strategies, the effect of those strategies and any changes made or proposed to be made to them;

Standards of Insurance

- O. Scheme members are required to maintain current professional indemnity insurance policies required of barristers with a Victorian practising certificate and otherwise to comply with any regulations relating to professional indemnity insurance from time to time of the Victorian Bar Council;
- P. The Legal Services Board determines the statutory minimum level of professional indemnity insurance required to be taken out by barristers and also approves the professional indemnity insurance policy on offer from the Legal Practitioners Liability Committee;

Claims Monitoring

- Q. The Victorian Bar has established a relationship with the Legal Practitioners Liability Committee who provides cover for Scheme members which will ensure the Victorian Bar will be able to obtain and monitor claims data. The Victorian Bar will report annually on claims monitoring, tactics, performance measures and monitoring systems;

Complaints and Discipline

- R. Scheme members are subject to a complaints and discipline system operating under the *Legal Profession Act 2004*. All scheme members must comply with the provisions of that Act, the Constitution and rules and regulations of the Victorian Bar;

Scheme Administration

- S. Responsibility for administration of the Scheme and ensuring that it complies with the requirements of the *Professional Standards Act 2003* (Vic) and of the Professional Standards Council rests with the Victorian Bar

THE VICTORIAN BAR PROFESSIONAL STANDARDS SCHEME

1. Occupational Association

(1) The Victorian Bar Professional Standards Scheme is a scheme under the *Professional Standards Act 2003* (Vic) ("the Act") of the Victorian Bar whose registered address is 205 William Street Melbourne, Victoria.

2. Definitions

- (1) Unless the context otherwise requires—
- “damages” has the meaning given it in section 4 of the Act;
- “Scheme register” means the register of members to whom the Scheme applies maintained by the Victorian Bar Council;
- “the Act” means the *Professional Standards Act 2003* (Vic) as amended from time to time.

3. Persons to whom the Scheme applies (participating members and other persons)

- (1) The Scheme applies—
- (a) to the class of persons within the Victorian Bar more particularly specified in sub-clause 3(2) of this Scheme document; and
- (b) to persons to whom the Scheme applies by virtue of sections 20, 21 and 22 of the Act.
- (2) The class of Scheme members referred to in sub-clause 3(1)(a) comprises all members of the Victorian Bar—
- (a) who hold a current practising certificate issued by the Victorian Legal Services Board or the Victorian Bar;

- (b) who are admitted to membership of the Scheme by resolution of the Victorian Bar Council; and
 - (c) whose names remain on the Scheme register maintained by the Victorian Bar Council.
- (3) On application in writing by a member to whom the Scheme applies, the Victorian Bar may exempt the member from the Scheme.

4. Limitation of Liability

(1) If a person to whom the Scheme applies and against whom a cause of action relating to occupational liability is brought, is able to satisfy the court that the person has the benefit of an insurance policy or more than one insurance policy—

- (a) that insures the person against that occupational liability; and
- (b) under which the amount payable in respect of the occupational liability relating to that cause of action is not less than the maximum amount of liability specified in the Scheme in relation to the class of person and the kind of work to which the cause of action relates at the time at which the act or omission giving rise to the cause of action occurred

the person is not liable in damages in relation to that cause of action for anything done or omitted on or after the commencement of the Scheme for any amount above the monetary ceiling (a maximum amount of liability) subject to clause 4(2), of \$2 million.

(2) If on application from time to time or at any time by a person to whom the Scheme applies, in all cases or any specified case or class of case, the Victorian Bar has specified pursuant to the conferral of discretionary authority in clause 5 of this Scheme document a higher maximum amount of liability than would otherwise apply under the Scheme in relation to the person, the monetary ceiling (maximum amount of liability) in relation to that person either in all cases or in any specified case or class of case (as the case may be) is that higher maximum amount of liability.

(3) In this Scheme document—

- (a) “occupational liability” has the same meaning as it has in the Act and excludes any liability which may not from time to time be limited pursuant to the Act; and
- (b) a reference in clause 4(1) to the amount payable under an insurance policy in respect of occupational liability includes a reference to—
 - (i) defence costs payable in respect of a claim, or notification that may lead to a claim (other than reimbursement of the defendant for time spent in relation to the claim), but only if those costs are payable out of the one sum insured under the policy in respect of the occupational liability; and
 - (ii) the amount payable or in relation to the policy by way of excess.

(4) If the provisions of section 23 of the Act are amended by any subsequent Act or Acts, the provisions of clause 4(1) above shall be taken to have been amended correspondingly and shall operate as so amended.

5. Discretionary authority

(1) The Victorian Bar has a discretionary authority, on application from time to time or at any time by a person to whom the Scheme applies, to specify in relation to the person a higher maximum amount of liability than would otherwise apply under the scheme in relation to the person either in all cases or in any specified case or class of case.

6. Commencement of the Scheme

(1) The Scheme is intended to commence on 1 July 2014 in Victoria, New South Wales, Queensland, South Australia, Western Australia, the Australian Capital Territory and the Northern Territory.

(2) If the Scheme or a notice relating to the Scheme is published in the gazette of any jurisdiction after 1 July 2014, the Scheme will commence in that jurisdiction on the date which is 2 months after the date of its publication in the *Government Gazette* of that jurisdiction.

7. Duration

(1) It is intended for the Scheme to remain in force in Victoria for a period of 5 years from its commencement unless it is revoked, extended or otherwise ceases in accordance with section 34 of the Act.

(2) It is intended for the Scheme to remain in force in New South Wales, Queensland, South Australia, Western Australia, the Australian Capital Territory and the Northern Territory respectively until—

- (a) that period of 5 years from its commencement ends; or
- (b) the Scheme’s operation in relation to any of those respective jurisdictions is terminated; or
- (c) the Scheme ceases to have effect in Victoria; or
- (d) the Scheme is disallowed under legislation of any of those respective jurisdictions.

8. Territorial application of the Scheme

(1) The Scheme is intended to operate as a scheme of Victoria, New South Wales, Queensland, South Australia, Western Australia, the Australian Capital Territory and the Northern Territory.

MARINE/MARITIME

MA401*

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
 RESTRICTED SPEED AREAS—ALL VESSELS
 Swan River

Department of Transport,
 Fremantle WA, 29 April 2014.

Acting pursuant to the powers conferred by Regulation 48A of the *Navigable Waters Regulations 1958* the department by this notice revokes the 8-knot speed restrictions currently in force under the Narrows Bridge, and the southern arch of the Causeway Bridges and;

Under Section 67 of the *Western Australian Marine Act 1982*, the department also revokes the 8-knot speed limit in the area of Perth Waters, as published in Notice MX401 of the *Government Gazette* dated 15 January 2010.

Providing that these revocations shall apply only between 0900 hrs and 1200 hrs on Sunday 4th May 2014, to official bona fide vessels competing in the “Swan Marathon Event” held by the Power Dinghy Racing Club.

On completion of the event all existing speed limits will be re-established.

SUE MATTHEWS, Marine Safety,
 Acting Director Waterways Management,
 Department of Transport.

PLANNING

PL401*

PLANNING AND DEVELOPMENT ACT 2005
 APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Donnybrook-Balingup
 Town Planning Scheme No. 4—Amendment No. 96

Ref: TPS/0799

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 Donnybrook-Balingup local planning scheme amendment on 7 April 2014 for the purpose of—

1. Rezoning Lot 3381 Yabberup Road, Preston from “General Farming—Scenic” zone to “Special Use—Tourist Development” zone and amending the Scheme Map.
2. Amending the Scheme Text by inserting the following provisions in Schedule No. 4—Special Use Sites—

Area Street	Particulars of Land	Special Use Permitted and Any Specific Conditions or Operations
193 Yabberup Road, Yabberup	Lot 3381	<p>1. Land Use</p> <p>Land uses already permitted under the existing “General Farming—Scenic” zone will be permitted to continue in that part of the land which is unaffected by the proposed development, as a secondary activity.</p> <p>The following additional land uses will be permitted (P)—</p> <ul style="list-style-type: none"> • Licensed Restaurant • Eating House • Shop • Art Gallery • Chalets (6) <p>The following use is permitted at the discretion of Council (AA)—</p> <ul style="list-style-type: none"> • Rural Pursuit <p>Notwithstanding the above, a Development Application shall be submitted at the Shire of Donnybrook-Balingup for each individual Chalet and ancillary development/uses.</p>

Area Street	Particulars of Land	Special Use Permitted and Any Specific Conditions or Operations
		<p>2. Outline Development Plan</p> <p>Development of the site shall be generally in accordance with the Outline Development Plan adopted by the Council and the Western Australian Planning Commission for this site.</p> <p>The Council may with the approval of the Commission, approve a minor change to or departure from the Outline Development Plan, if in the opinion of Council, the change or departure does not materially alter the intent of the Outline Development Plan.</p> <p>3. Specific Provisions</p> <p><i>Licensed Restaurant, Eating House, Shop and Art Gallery</i></p> <p>A restaurant/eating house, shop and art gallery will be permitted, co-located in a building of up to a gross floor area of 300m². This building will include a dining area, art gallery and shop indoors, and if necessary, an outdoor deck and an undercroft style alfresco dining area.</p> <p>Landscaping of this area will be to the requirements of the Shire of Donnybrook-Balingup.</p> <p>Car parking will be provided on-site at a ratio of 1 bay per staff member plus 1 bay per 4 patrons excluding those resident on-site. Adequate space is to be provided for coach and caravan turning.</p> <p><i>Chalet Development</i></p> <p>A maximum of six chalets will be permitted with each chalet up to a maximum gross floor area of 100m².</p> <p>Chalets will be sufficiently remote from the main building housing the licensed restaurant, eating house, shop and art gallery for noise amelioration purposes.</p> <p>A minimum of one car bar per chalet shall be provided on-site adjacent to the chalets.</p> <p>Chalets shall not be occupied by any person more than a total of 3 months in any one 12 month period.</p> <p>4. Fire Management Plan</p> <p>The landowner is to prepare and implement a fire management plan to the satisfaction of the Department of Parks and Wildlife and the Department of Fire and Emergency Services.</p> <p>Details to be submitted to and approved by the Shire of Donnybrook-Balingup prior to the issue of Planning Consent for any development.</p> <p>5. Services, Roads and Drainage Management</p> <p>The disposal of on-site effluent is to be provided to the requirements of and satisfaction of the Shire of Donnybrook-Balingup and Department of Health prior to commencement of operations.</p> <p>The development is to be supplied with an adequate potable water supply sufficient to supply the development continuously without failure to the satisfaction of the local government and the Department of Health prior to commencement of operations.</p> <p>Upgrading of connections to the external road network and internal access shall be to the satisfaction of the Shire of Donnybrook-Balingup. Details to be submitted to the Shire of Donnybrook-Balingup prior to the commencement of works.</p> <p>A Drainage Management Plan shall be submitted to the Shire of Donnybrook-Balingup for approval prior to the commencement of works.</p>

Area Street	Particulars of Land	Special Use Permitted and Any Specific Conditions or Operations
		<p>6. Landscape Management Plan The landowner is to prepare and implement a landscape management plan showing proposed landscaping of chalets and co-located licensed restaurant, eating house, shop and art gallery, common property, rehabilitation of watercourses and buffers to adjoining lots to the satisfaction of the Shire of Donnybrook-Balingup.</p> <p>7. Building and Design Particulars The design, colour, materials and scale of all buildings related to tourism shall be consistent and reflect the character of the area, to the satisfaction of the Shire of Donnybrook-Balingup.</p> <p>8. Buffer Requirements A 40 metre vegetated buffer is to be created between the tourist developments and the boundary with adjoining land. This buffer is to be established to the satisfaction of the Shire.</p>

S. B. DILLEY, President.
J. R. ATTWOOD, Chief Executive Officer.

PL402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Lake Grace
Local Planning Scheme No. 4—Amendment No. 2

Ref: TPS/1286

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 Lake Grace local planning scheme amendment on 7 April 2014 for the purpose of—

1. Reclassifying the western 2,348m² portion of Reserve 27740 being Lot 501 Stubbs Street, Lake Grace from 'Special Use' zone to 'Local Scheme Reserve—Public Purposes' with the designated purpose 'Emergency Services'.
2. Amending the Scheme Map accordingly.

A. J. WALKER, President.
N. HALE, Chief Executive Officer.

WORKCOVER

WC401*

WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981
CRITERIA FOR DESIGNATION AS AN APPROVED MEDICAL SPECIALIST

The following criteria are applied by WorkCover WA when deciding whether a medical practitioner is suitable for designation as an approved medical specialist—

To be designated as an approved medical specialist, under section 146F(1) of the *Workers' Compensation and Injury Management Act 1981*, a person must—

1. Be registered as a medical practitioner with no current notations, conditions or reprimands for disciplinary purposes recorded against their registration for medical practice; and
2. Provide evidence of current clinical practice and/or expertise in assessment; and
3. Have undertaken training in the WorkCover WA Education Module, which includes training in the WorkCover WA Guides; and

4. (i) Undertaken training in the use of the edition of the American Medical Association Guides to the Evaluation of Permanent Impairment upon which the current edition of the WorkCover WA Guides are based; or
- (ii) Have current accreditation as a "Certified Independent Medical Examiner" with the American Board of Independent Medical Examiners (ABIME); or
- (iii) Undertaken other training in impairment assessment approved by WorkCover WA; and
5. (i) Have qualifications as a specialist; or
- (ii) Be able to demonstrate competency levels acceptable to WorkCover WA.

Other (non-specialist) medical practitioners should note that in order to demonstrate the competency required, WorkCover WA will take into consideration the applicant's relevant skills, experience and qualifications. As a guide, WorkCover WA will review the extent to which a medical practitioner has—

- Significant work in a medical practice with consistent management and assessment of injured workers;
- Experience in undertaking medical assessments of injured workers;
- Relevant qualifications, for example ABIME exam certification or other similar qualifications related to medico-legal assessments or disability assessments.

Applications in this category will be considered on a case-by-case basis.

CHRIS WHITE, A/Chief Executive Officer.
WorkCover WA.

PUBLIC NOTICES

ZZ401*

ANGLICAN CHURCH OF AUSTRALIA

Alteration of the Constitution

Notice is hereby given under section 67(2) of the Constitution of the Anglican Church of Australia that

WHEREAS on 22 September 2010 the General Synod of the Anglican Church of Australia duly made Canon No. 12 of 2010 being the Constitution Amendment (Chapter V) Canon 2010 to alter the Constitution of the Anglican Church of Australia by inserting section 28A therein

AND WHEREAS on 18 March 2014 the President of the General Synod, the Most Rev'd Dr Philip Aspinall, Archbishop of Brisbane and Metropolitan of the Province of Queensland, determined that there is no condition and that no condition remains to which the coming into effect of the said Canon is subject

THE SAID PRESIDENT determined that the said Canon shall come into effect on 1 July 2014.

Dated: 24 April 2014.

MARTIN DREVIKOVSKY, General Secretary,
General Synod,
Anglican Church of Australia.

WESTERN AUSTRALIA

FAIR TRADING (RETIREMENT VILLAGES INTERIM CODE) REGULATIONS 2014

***Price: \$11.20 plus postage**

* Prices subject to change on addition of amendments.