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GOVERNMENT GAZETTE

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— PART 1 —

HEALTH

HE301

Health Act 1911

Health (Notification of Lead Poisoning) Amendment Regulations 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Health (Notification of Lead Poisoning) Amendment Regulations 2016*.

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 *Health (Notification of Lead Poisoning) Regulations 1985*.

4. Part 1 heading inserted

Before regulation 1 insert:

Part 1 — Preliminary

5. Regulation 3 replaced

Delete regulation 3 and insert:

3. Terms used

In these regulations —

corresponding officer means a person who, under the law of another State or a Territory, has functions that correspond or substantially correspond to the functions of the EDPH under these regulations;

EDPH means the Executive Director, Public Health;

identifying information means information from which the identity of the person to whom the information relates is apparent or can reasonably be ascertained;

lead poisoning means a concentration of lead in a person's whole blood at or above 5 micrograms per decilitre ($\mu\text{g}/\text{dL}$);

register means the register referred to in regulation 7(1);

required details, in relation to notification given to the EDPH of lead poisoning, means —

- (a) the name and contact details of the person giving the notification; and
- (b) the following information about the person who has lead poisoning, to the extent that the information is known by the person giving the notification —
 - (i) the full name, sex, date of birth, residential address and occupation of the person;
 - (ii) the full name and residential address of a parent or guardian of the person, if the person has not reached 18 years of age.

6. Part 2 heading inserted

After regulation 4 insert:

Part 2 — Notification of lead poisoning

7. Regulations 5 and 6 replaced

Delete regulations 5 and 6 and insert:

5. Notification by medical practitioner

(1) In this regulation —

approved form means the form approved by the EDPH, as specified on a website maintained by the Department, in which required information is to be provided to the EDPH;

medical practitioner means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

required information means —

- (a) the required details; and

- (b) any other information specified by the EDPH on a website maintained by the Department as information that is to be provided to the EDPH by a medical practitioner in relation to lead poisoning.
- (2) If a medical practitioner attends a person who has lead poisoning, the practitioner must notify the EDPH of the required information —
- (a) within 72 hours after becoming aware of the lead poisoning; and
 - (b) in the approved form.

Penalty for this subregulation: a fine of \$1 000, but the minimum penalty —

- (a) for a first offence, is a fine of \$100;
 - (b) for a second offence, is a fine of \$200;
 - (c) for a subsequent offence, is a fine of \$500.
- (3) Subregulation (2) does not apply if the medical practitioner knows that the EDPH has been notified by another person of the required information in relation to the lead poisoning.

6. Notification by responsible pathologist

- (1) In this regulation —
- required information* means —
- (a) the required details; and
 - (b) any other information specified by the EDPH on a website maintained by the Department as information that is to be provided to the EDPH by a responsible pathologist in relation to lead poisoning.
- (2) Subregulation (3) applies if —
- (a) a sample of a person's blood is analysed at a pathology laboratory; and
 - (b) the analysis indicates the person has lead poisoning.
- (3) The responsible pathologist must notify the EDPH in writing of the required information within 72 hours after becoming aware the analysis indicates the person has lead poisoning.

Penalty for this subregulation: a fine of \$1 000, but the minimum penalty —

- (a) for a first offence, is a fine of \$100;
- (b) for a second offence, is a fine of \$200;
- (c) for a subsequent offence, is a fine of \$500.

8. Part 3 inserted

At the end of the regulations insert:

Part 3 — Western Australian Lead Poisoning Register**7. Western Australia Lead Poisoning Register**

- (1) The EDPH must keep a register to be known as the Western Australian Lead Poisoning Register.
- (2) The register must contain all information notified to the EDPH under regulations 5 and 6.
- (3) The register may contain —
 - (a) information given to the EDPH by a corresponding officer; and
 - (b) any other information the EDPH considers appropriate, having regard to the purposes mentioned in subregulation (4).
- (4) The register must be kept for the following purposes —
 - (a) to monitor the number of cases of lead poisoning in Western Australia;
 - (b) to plan, monitor and evaluate services for the control of lead poisoning and the care of persons with lead poisoning in Western Australia;
 - (c) to compile and publish general or statistical information relating to lead poisoning;
 - (d) to carry out research into the causes, prevention, screening and treatment of lead poisoning.
- (5) The register must be kept in the manner and form determined by the EDPH.

8. Offence to disclose information without authority

A person who has access to the register in the course of the person's duty must not disclose information in the register unless the disclosure —

- (a) is made with the written consent of the person to whom the information relates; or
- (b) is authorised under regulation 9; or
- (c) is authorised or required under another written law.

Penalty: a fine of \$1 000, but the minimum penalty —

- (a) for a first offence, is a fine of \$100;

- (b) for a second offence, is a fine of \$200;
- (c) for a subsequent offence, is a fine of \$500.

9. EDPH may authorise disclosure of information

- (1) In this regulation —
Australian Institute of Health and Welfare means the Australian Institute of Health and Welfare established under the *Australian Institute of Health and Welfare Act 1987* (Commonwealth) section 4.
- (2) The EDPH may authorise the disclosure of information in the register —
 - (a) for the purposes of research approved in accordance with guidelines for the conduct of medical research involving humans issued in compliance with the *National Health and Medical Research Council Act 1992* (Commonwealth) section 10; or
 - (b) to the Australian Institute of Health and Welfare, if the EDPH is satisfied that the information is to be used solely for a purpose mentioned in regulation 7(4); or
 - (c) to a corresponding officer in another State or a Territory, if the EDPH is satisfied that the usual place of residence of the person to whom the information relates is, was or will be in that State or Territory.
- (3) The EDPH may authorise the disclosure of any information in the register, other than identifying information, for a purpose mentioned in regulation 7(4).
- (4) An authorisation under this regulation must be in writing and may apply generally or to a specific case or class of cases.

10. Right to know of information in register

On the written request of a person, the EDPH must —

- (a) search the register for information about the person; and
- (b) as soon as is reasonably practicable, either —
 - (i) tell the person that there is no information about the person in the register, if that is the case; or
 - (ii) give the person a copy of any information about the person in the register.

11. Request to delete identifying information

- (1) A person may request the EDPH in writing to cause any identifying information about the person to be deleted from the register.
- (2) If a person makes a request under subregulation (1) —
 - (a) the EDPH must ensure that the request is complied with as soon as is practicable; and
 - (b) any information about the person that is not identifying information may be retained in the register.

12. Persons under a legal disability

A parent or guardian of a person who is under a legal disability may on behalf of the person —

- (a) give written consent for the purposes of regulation 8(a); and
- (b) make a written request for the purposes of regulation 10 or 11(1).

N. HAGLEY, Clerk of the Executive Council.

TRANSPORT

TN301

Road Traffic Act 1974

**Road Traffic (Breath Analysis) Amendment
Regulations 2016**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Road Traffic (Breath Analysis) Amendment Regulations 2016*.

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 *Road Traffic (Breath Analysis) Regulations 1975*.

4. First Schedule Form 1 amended

In the First Schedule Form 1:

- (a) delete “chief executive officer of the Chemistry Centre (WA),” and insert:

Commissioner of Police,

- (b) delete “Perth” and insert:

.....

- (c) delete:

.....

chief executive officer
Chemistry Centre (WA)

and insert:

.....

Commissioner of Police

N. HAGLEY, Clerk of the Executive Council.

TN302

Road Traffic Act 1974

**Road Traffic Code Amendment
Regulations 2016**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Road Traffic Code Amendment Regulations 2016*.

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 28 November 2016.

3. Regulations amended

These regulations amend the *Road Traffic Code 2000*.

4. Regulation 3 amended

- (1) In regulation 3(1) delete the definition of *accredited pilot*.
- (2) In regulation 3(1) insert in alphabetical order:

licenced pilot vehicle driver means a person who holds a heavy vehicle pilot licence granted under the *Road Traffic (Vehicles) Regulations 2014* Part 13A;

5. Regulation 272 amended

In regulation 272(1)(d)(i) delete “an accredited pilot; and” and insert:

a licenced pilot vehicle driver; and

N. HAGLEY, Clerk of the Executive Council.

TN303

Road Traffic (Administration) Act 2008
Road Traffic (Vehicles) Act 2012

Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 28 November 2016.

Part 2 — Road Traffic (Vehicles) Regulations 2014 amended

3. Regulations amended

This Part amends the *Road Traffic (Vehicles) Regulations 2014*.

4. Regulation 3 amended

- (1) In regulation 3 insert in alphabetical order:

over-mass, in relation to a vehicle, means having a mass that exceeds an applicable mass requirement (whether or not the vehicle also has a dimension that exceeds an applicable dimension requirement);

- (2) In regulation 3 in the definition of *pilot vehicle* after “oversize” insert:

or over-mass

5. Part 13A inserted

After regulation 454 insert:

Part 13A — Pilot vehicles

Division 1 — Preliminary

454A. Terms used

In this Part —

approved means approved by the Commissioner of Main Roads;

driver’s licence does not include a provisional licence;

heavy vehicle pilot licence means a licence granted under Division 2;

medical practitioner means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

provisional licence has the meaning given in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1);

relevant offence means any of the following —

- (a) an offence against a road law;
- (b) an offence against a law of another place that substantially corresponds to an offence against a road law;

renewal application means an application made under regulation 454O for the renewal of a heavy vehicle pilot licence.

454B. Pilot vehicle must be driven by holder of heavy vehicle pilot licence or authorised person

- (1) A person must not use a pilot vehicle for the purpose of facilitating the movement of an oversize or over-mass vehicle unless —
 - (a) the person is the holder of a heavy vehicle pilot licence; or
 - (b) the person is authorised to use the pilot vehicle by a notice given under subregulation (2).

Penalty for this subregulation:

- (a) for a first offence, a fine of 24 PU;
- (b) for a subsequent offence, a fine of 32 PU.

Modified penalty: 4 PU.

- (2) The Commissioner of Main Roads may, by notice published in the *Gazette*, authorise a person or a class of person to use a pilot vehicle for the purpose of facilitating the movement of a class of oversize or over-mass vehicle specified in the notice in circumstances specified in the notice.
- (3) The Commissioner of Main Roads must not publish a notice under subregulation (2) unless the Commissioner is satisfied that —
 - (a) the use of the pilot vehicle will be for the purpose of facilitating the movement of the oversize or over-mass vehicle for an agricultural or primary production application; and
 - (b) use of the pilot vehicle in accordance with the notice would not result in an unreasonable danger to road users.

Division 2 — Licensing of pilots

Subdivision 1 — General matters

454C. Applying for a heavy vehicle pilot licence

- (1) A person may apply to the Commissioner of Main Roads for a heavy vehicle pilot licence.
- (2) An application for a heavy vehicle pilot licence must be —
 - (a) in an approved form; and
 - (b) accompanied by any document that is required by the approved form; and
 - (c) accompanied by the medical evidence required by regulation 454D; and
 - (d) accompanied by the competency evidence required by regulation 454E(2); and
 - (e) accompanied by a copy of the applicant's driver's licence; and
 - (f) accompanied by a fee of \$205.

454D. Medical evidence

The medical evidence for the purposes of an application for a heavy vehicle pilot licence, or a renewal application, is a report made by a medical practitioner certifying that the medical practitioner —

- (a) examined the applicant on a day specified in the report, which is a day within 6 months, or within a longer approved period, before the day the application is made; and
- (b) on that examination, passed the applicant in accordance with the set of medical standards described as the commercial standards in *Assessing Fitness to Drive for commercial and private vehicle drivers*, Fifth Edition 2016, published by Austroads Ltd (ISBN 978-1-925451-10-8).

454E. Competency evidence

- (1) In this regulation —

Certificate of Attendance means a certificate issued by a registered training provider stating that a person has attended a training course provided by the registered training provider;

registered training provider means —

- (a) a training organisation registered by the Training Accreditation Council as a training provider under the *Vocational Education and Training Act 1996* section 58B(a); or
- (b) a training organisation registered by the National VET Regulator as a registered training organisation under the *National Vocational Education and Training Regulator Act 2011* (Commonwealth);

Statement of Attainment means a statement issued by a registered training provider stating that a person has successfully completed training provided by the registered training provider.

- (2) The competency evidence for the purposes of an application for a heavy vehicle pilot licence is a Statement of Attainment issued by a registered training provider to a person stating that the person has, within the period of 12 months before making the application, successfully completed training that includes —
 - (a) a training course in the pilotage of oversize and over-mass vehicles accredited by —
 - (i) the Training Accreditation Council under the *Vocational Education and Training Act 1996* section 58C(a); or
 - (ii) the National VET Regulator under the *National Vocational Education and Training Regulator Act 2011* (Commonwealth);and
 - (b) an approved training course on bridge supervision.

- (3) The competency evidence for the purposes of a renewal application is a Certificate of Attendance issued by a registered training provider to a person stating that the person has, within the period of 12 months before making the application, attended a refresher training course in the pilotage of oversize and over-mass vehicles that is an approved training course.

454F. Powers for dealing with applications for heavy vehicle pilot licence

- (1) For the purposes of deciding an application for a heavy vehicle pilot licence, the Commissioner of Main Roads may request the applicant to give the Commissioner any of the following —
 - (a) any information that is reasonably necessary in order to decide the application;

- (b) a report by either or both of the following —
 - (i) a medical practitioner about the person's physical health and fitness to engage safely in the activities that would be authorised by the licence;
 - (ii) a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the psychology profession about the person's mental health and fitness to engage safely in the activities that would be authorised by the licence.
- (2) On an application for a heavy vehicle pilot licence, the Commissioner of Main Roads may request the applicant to demonstrate that the applicant is competent to engage safely in the activities that would be authorised by the licence.
- (3) An applicant who does not comply with a request made under subregulation (1) or (2) within 21 days after the date on which the request is made, or any longer period permitted by the Commissioner of Main Roads, is to be taken to have withdrawn the application.
- (4) The Commissioner of Main Roads may require an applicant to verify by means of statutory declaration any information provided in response to a request made under subregulation (1) or (2).

454G. Deciding applications for heavy vehicle pilot licence

- (1) On an application for a heavy vehicle pilot licence, the Commissioner of Main Roads may refuse the application or grant the heavy vehicle pilot licence.
- (2) However, the Commissioner of Main Roads must not grant a heavy vehicle pilot licence unless satisfied as to each of these matters —
 - (a) that the application complies with regulation 454C(2);
 - (b) that the applicant is physically and mentally fit to engage safely in the activities that would be authorised by the licence;
 - (c) that the applicant is competent to engage safely in the activities that would be authorised by the licence;
 - (d) that the applicant holds a driver's licence;
 - (e) that, on the grant of the heavy vehicle pilot licence, the applicant would be a person, or in a class of persons, declared by the Commissioner of Police under the *Road Traffic Code 2000*

regulation 271 to be an authorised person for the purpose of facilitating the movement of an oversize or over-mass vehicle.

454H. Conditions of heavy vehicle pilot licence

- (1) A heavy vehicle pilot licence is subject to the following conditions —
 - (a) the holder must not use a pilot vehicle for the purpose of facilitating the movement of an oversize or over-mass vehicle during any period when the holder is not —
 - (i) the holder of a driver's licence; or
 - (ii) an authorised person of a kind mentioned in regulation 454G(2)(e);
 - (b) that the holder of the licence must, while using a pilot vehicle for the purpose of facilitating the movement of an oversize or over-mass vehicle, carry their driver's licence;
 - (c) that the holder of the licence must operate in accordance with the "Heavy Vehicle Pilot Licence Code of Conduct" prepared by, and published on the website of, Main Roads Western Australia, as amended from time to time.

Note for this subregulation:

The website address of Main Roads Western Australia is
<<http://www.mainroads.wa.gov.au>>

- (2) A heavy vehicle pilot licence may be subject to any other conditions decided by the Commissioner of Main Roads and specified in the licence.
- (3) Conditions that may be imposed include —
 - (a) a condition that limits the time, place or circumstances in which an activity authorised by the licence may be conducted;
 - (b) any condition that is reasonably necessary to ensure, so far as is practicable, that any activity that is authorised by the licence is conducted safely.

454I. Duration of heavy vehicle pilot licence

- (1) A heavy vehicle pilot licence has effect on and from the date it is granted for the period specified in it, being 3 years or less.
- (2) Subregulation (1) applies unless the licence is cancelled in that period.

454J. Form of heavy vehicle pilot licence

- (1) The Commissioner of Main Roads must issue a licence document to the holder of a heavy vehicle pilot licence.
- (2) The document must be in writing in an approved form.

454K. Heavy vehicle pilot licence not transferable

A heavy vehicle pilot licence is not transferable.

454L. Heavy vehicle pilot licence may be surrendered

- (1) A heavy vehicle pilot licence holder may surrender the licence by giving it to the Commissioner of Main Roads with written notice that it is being surrendered.
- (2) On receipt of the written notice, the Commissioner of Main Roads must cancel the licence.

454M. Lost heavy vehicle pilot licence may be replaced

- (1) If the Commissioner of Main Roads is satisfied that a heavy vehicle pilot licence has been destroyed, lost or stolen, the Commissioner may issue a replacement.
- (2) A fee of \$14.90 is payable for issuing a replacement under subregulation (1).

454N. Amending heavy vehicle pilot licence

- (1) In this regulation —
amend, a heavy vehicle pilot licence, includes to amend, impose and remove a condition of the licence.
- (2) A heavy vehicle pilot licence holder may apply to the Commissioner of Main Roads to amend the licence.
- (3) The application must be —
 - (a) in an approved form; and
 - (b) accompanied by any document that is required by the approved form; and
 - (c) accompanied by a fee of \$14.90.
- (4) The Commissioner of Main Roads may refuse the application, or grant it and amend the licence.
- (5) If, while a heavy vehicle pilot licence has effect, the Commissioner of Main Roads wants to amend it in any material way, the Commissioner must —
 - (a) give the holder written notice of the proposal and reasons for it; and
 - (b) except where the removal of a condition is proposed, give the holder a reasonable opportunity to make submissions about the proposal; and

- (c) consider any submissions and then decide whether to amend the licence; and
 - (d) give the holder written notice of the decision.
- (6) Subregulation (5) does not apply to an amendment to a licence that is in accordance with an application by the licence holder.
 - (7) Regulations 454F and 454G, with any necessary changes, apply in relation to dealing with an application to amend a heavy vehicle pilot licence as if it were an application for a heavy vehicle pilot licence.
 - (8) Regulations 454H and 454I, with any necessary changes, apply in relation to amending a heavy vehicle pilot licence in the same way as they apply to the granting of a heavy vehicle pilot licence.
 - (9) A decision by the Commissioner of Main Roads to amend a heavy vehicle pilot licence has effect on the date specified in the notice.

4540. Renewing heavy vehicle pilot licence

- (1) In this regulation —
expiry day, in relation to a heavy vehicle pilot licence means the last day of the period for which the licence is in effect.
- (2) The holder of a heavy vehicle pilot licence may, within 6 months before the expiry day, apply to the Commissioner of Main Roads for a renewal of the licence.
- (3) The application must be —
 - (a) in an approved form; and
 - (b) accompanied by any document that is required by the approved form; and
 - (c) accompanied by the medical evidence referred to in regulation 454D; and
 - (d) accompanied by the competency evidence referred to in regulation 454E(3); and
 - (e) accompanied by a copy of the applicant's driver's licence; and
 - (f) accompanied by a fee of \$205.
- (4) Regulations 454F and 454G, with any necessary changes, apply in relation to dealing with a renewal application as if it were an application for a heavy vehicle pilot licence.

- (5) Regulations 454H and 454I, with any necessary changes, apply in relation to renewing a heavy vehicle pilot licence in the same way as they apply to granting a heavy vehicle pilot licence.

Subdivision 2 — Suspending and cancelling heavy vehicle pilot licence

454P. Grounds for suspending or cancelling

For the purposes of this Subdivision, the following are grounds to suspend or cancel a heavy vehicle pilot licence —

- (a) the holder is charged in this State or elsewhere with a relevant offence;
- (b) the holder —
 - (i) has not complied with the licence; or
 - (ii) has not complied with a road law; or
 - (iii) has obtained the licence because of false or misleading information; or
 - (iv) is not physically or mentally fit to engage safely in the activities that are authorised by the licence; or
 - (v) is not competent to engage safely in the activities that are authorised by the licence; or
 - (vi) is not qualified under these regulations to hold the licence;
- (c) the holder is convicted in this State or elsewhere of a relevant offence.

454Q. Procedure for suspending or cancelling heavy vehicle pilot licence

- (1) This regulation applies if the Commissioner of Main Roads is satisfied that there are grounds to suspend or cancel a heavy vehicle pilot licence and proposes to suspend or cancel it (the *proposed action*).
- (2) The Commissioner of Main Roads must give the heavy vehicle pilot licence holder a written notice that states —
 - (a) the proposed action; and
 - (b) any period of suspension proposed by the Commissioner (either as a period of time or by reference to a future event); and
 - (c) the grounds and the evidence in support of the grounds; and

- (d) that the holder is entitled to give the Commissioner written submissions about the proposed action; and
 - (e) the date (the *submission date*), being at least 28 days after the date on which the notice is given to the holder, by which any submission must be received.
- (3) Having considered any submissions received from the holder before the submission date, the Commissioner may, if the Commissioner considers there are grounds to do so —
- (a) suspend the heavy vehicle pilot licence for a period that is no longer than the period of suspension specified in the notice; or
 - (b) cancel the heavy vehicle pilot licence in accordance with the proposed action specified in the notice.
- (4) The suspension or cancellation of the heavy vehicle pilot licence has effect when the holder is given notice of the suspension or cancellation under subregulation (3) or on a later date specified in the notice.

454R. Suspension in urgent circumstances

- (1) Despite regulation 454Q, the Commissioner of Main Roads may suspend a heavy vehicle pilot licence for a period of up to 28 days by giving the holder of the licence a written notice of the suspension and the suspension period (stated either as a period of time or by reference to a future event).
- (2) The Commissioner may take action under subregulation (1) only if the Commissioner is satisfied that —
- (a) there are grounds to suspend or cancel the licence; and
 - (b) if the procedure in regulation 454Q were followed, an unacceptable risk in relation to people or property would exist during the time it is followed.
- (3) The notice must be accompanied by written reasons for the decision to suspend the licence.
- (4) The suspension of the heavy vehicle pilot licence has effect when the holder is given the notice or on any later date specified in the notice.
- (5) This regulation does not prevent the Commissioner of Main Roads from also taking action under regulation 454Q to suspend or cancel a heavy vehicle pilot licence.

454S. Heavy vehicle pilot licence to be returned if cancelled or suspended

If the Commissioner of Main Roads suspends or cancels a heavy vehicle pilot licence, the holder must return the licence document to the Commissioner within 14 days after the date of receiving notice of the suspension or cancellation.

Penalty:

- (a) for a first offence, a fine of 4 PU;
- (b) for a subsequent offence, a fine of 8 PU.

Modified penalty: 2 PU.

454T. Suspension may be lifted

The Commissioner of Main Roads may lift the suspension of a heavy vehicle pilot licence at any time by written notice given to the holder.

Subdivision 3 — Duties of heavy vehicle pilot licence holder

454U. Duty to correct wrong information

- (1) This regulation applies if the holder of a heavy vehicle pilot licence becomes aware that information given by the holder to the Commissioner of Main Roads in, or in relation to, an application made under regulation 454C, 454N or 454O is, or has become, incorrect in a material respect.
- (2) Within 14 days after becoming aware of the matter, the holder must inform the Commissioner of Main Roads about the matter and give the correct information to the Commissioner.

Penalty for this subregulation:

- (a) for a first offence, a fine of 4 PU;
- (b) for a subsequent offence, a fine of 8 PU.

Modified penalty: 2 PU.

454V. Duty to notify Commissioner of Main Roads if no longer authorised to drive

If a person who is the holder of a heavy vehicle pilot licence ceases to be authorised to drive a motor vehicle on roads, the person must give the Commissioner of Main Roads written notice of the fact as soon as practicable.

Penalty:

- (a) for a first offence, a fine of 4 PU;
- (b) for a subsequent offence, a fine of 8 PU.

Modified penalty: 2 PU.

454W. Duty to notify Commissioner of Main Roads of medical impairment

- (1) In this regulation —
medical impairment, in relation to a person who is the holder of a heavy vehicle pilot licence, means any permanent or long-term mental or physical condition (which may include a dependence on drugs or alcohol) if —
- (a) the condition is likely to impair the ability of the person to safely engage in activities authorised by the licence; or
 - (b) the treatment for the condition is likely to impair the ability of the person to safely engage in activities authorised by the licence.
- (2) If a person who is the holder of a heavy vehicle pilot licence becomes medically impaired, the person must give the Commissioner of Main Roads written notice of the fact as soon as practicable.

Penalty for this subregulation:

- (a) for a first offence, a fine of 4 PU;
- (b) for a subsequent offence, a fine of 8 PU.

Modified penalty: 2 PU.

454X. Licence to be carried and produced on request

The holder of a heavy vehicle pilot licence must —

- (a) while driving a pilot vehicle on a road, carry the licence document; and
- (b) produce that document if directed to do so by a police officer.

Penalty:

- (a) for a first offence, a fine of 24 PU;
- (b) for a subsequent offence, a fine of 32 PU.

Modified penalty: 4 PU.

454Y. Facilitating movement of oversize or over-mass vehicle in accordance with order or permit

The holder of a heavy vehicle pilot licence must not use a pilot vehicle to facilitate the movement of an oversize or over-mass vehicle unless a mass or dimension requirement that applies to the vehicle or its load has been modified by —

- (a) an order as defined in section 32 of the Act; or
- (b) a permit as defined in section 32 of the Act.

Penalty:

- (a) for a first offence, a fine of 24 PU;
- (b) for a subsequent offence, a fine of 32 PU.

Modified penalty: 4 PU.

454Z. Contravening condition of heavy vehicle pilot licence

The holder of a heavy vehicle pilot licence must not contravene a condition of the licence.

Penalty:

- (a) for a first offence, a fine of 24 PU;
- (b) for a subsequent offence, a fine of 32 PU.

Modified penalty: 4 PU.

Subdivision 4 — Miscellaneous matters

454ZA. Register of heavy vehicle pilot licences

- (1) The Commissioner of Main Roads must keep a register in an approved form of all heavy vehicle pilot licences.
- (2) The register must record, in relation to each heavy vehicle pilot licence, the following information —
 - (a) the name of the holder of the licence;
 - (b) the date on which the licence was granted;
 - (c) if the licence was renewed — the date of the renewal;
 - (d) if the licence was suspended — the date of the suspension;
 - (e) if the licence was cancelled — the date of the cancellation.
- (3) The register may record any other information relevant to a heavy vehicle pilot licence holder or to the grant, amendment, renewal, suspension or cancellation of a heavy vehicle pilot licence that the Commissioner of Main Roads thinks fit.
- (4) The Commissioner of Main Roads must ensure the information in the register is up-to-date.

454ZB. Notification and reconsideration of decisions under this Part

Part 15 provides for the notification and reconsideration of certain decisions made under this Part.

454ZC. Transitional arrangements for accredited pilots

- (1) In this regulation —
commencement day means the day on which the *Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016* regulation 5 comes into operation;
transitional pilot means a person who, immediately before commencement day, was an accredited pilot as defined in the *Road Traffic Code 2000* regulation 3(1).
- (2) Unless subregulation (3) applies, a person who is a transitional pilot does not commit an offence under regulation 454B(1) if the person uses a pilot vehicle for the purpose of facilitating the movement of an oversize or over-mass vehicle in the period starting on commencement day and ending on the day that is 12 months after that day.
- (3) For the purposes of an application for a heavy vehicle pilot licence made by a transitional pilot in the period starting on commencement day and ending on the day that is 3 years after that day, the requirement referred to in regulation 454C(2)(d) is satisfied if the application is accompanied by —
 - (a) evidence that the applicant is a transitional pilot; and
 - (b) evidence of the applicant's experience in piloting oversize or over-mass vehicles in the period of 3 years before the application is made.

6. Regulation 478 amended

In regulation 478 in the definition of *MDL reviewable decision* after paragraph (h) insert:

- (i) under regulation 454G to refuse an application for a heavy vehicle pilot licence; or
- (j) under regulation 454H(2) to impose a condition on a heavy vehicle pilot licence; or
- (k) under regulation 454N to amend a heavy vehicle pilot licence other than an amendment to remove a condition of the licence; or
- (l) under regulation 454Q or 454R to suspend or cancel a heavy vehicle pilot licence;

**Part 3 — Road Traffic (Administration)
Regulations 2014 amended**

7. Regulations amended

This Part amend the *Road Traffic (Administration) Regulations 2014*.

8. Regulation 13 amended

In regulation 13(1) in the Table after the item for “*Road Traffic (Vehicles) Regulations 2014* r. 140” insert:

<i>Road Traffic (Vehicles) Regulations 2014</i> r. 454X	Direct production of heavy vehicle pilot licence
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9. Regulation 14 amended

In regulation 14(1) in the Table after the item for “*Road Traffic (Vehicles) Regulations 2014* r. 140” insert:

<i>Road Traffic (Vehicles) Regulations 2014</i> r. 454X	Direct production of heavy vehicle pilot licence
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10. Regulation 17 amended

- (1) In regulation 17(2) at the end of the Table insert:

<i>Road Traffic (Vehicles) Regulations 2014</i> r. 454X	Direct production of heavy vehicle pilot licence
---	--

- (2) In regulation 17(3)(d) delete “regulation 452(2).” and insert:
regulation 452(2) or 454X.

11. Regulation 24 amended

In regulation 24(1) in the definition of *road law regulation offence* in the last item in the Table after “12,” insert:

13A,

12. Regulation 26 amended

In regulation 26 in the last item in the Table after “12,” insert:

13A,

— PART 2 —

CEMETERIES

CE401

CEMETERIES ACT 1986

Shire of Chittering

FEES AND CHARGES

In pursuance of the powers conferred upon it by Section 53 of the *Cemeteries Act 1986* the Shire of Chittering hereby records having resolved on the 15 June 2016 to set out the following fees and charges effective from the 1st July 2016. The fees and charges shall be payable upon application for services detailed hereunder—

Schedule of Fees and Charges

All Fees and Charges are inclusive of 10% GST (except where shown exempt)

CEMETERY FEES

On application to hold a funeral, the following fees shall be payable in advance.

Grant of Right of Burial

Right of Burial—25 years	\$55.00
Right of Burial—Renewal	\$55.00
Right of Burial—Pre-need purchase of grave	\$27.50
Right of Burial—Copy	\$12.00
Right of Burial—Transfer	\$12.00

Land for Graves

Land for Grave—2.4 x 1.2m	\$55.00
Land for Grave—2.4 x 2.4m	\$110.00

Opening and Exhumation Fees

Exhumation after re-opening	AT COST
Re-interment after exhumation	AT COST
Re-open any grave	AT COST

Sinking Fees (Interment)

Adult (2.4 x 1.2m)	\$550.00
Child (under 13)	\$110.00
Stillborn burial (without memorial service)	FREE OF CHARGE

Service Fees

Interment not in usual working hours (Mon-Fri)	\$550.00
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Internment of Ashes

Attendance of placement of ashes	\$80.00
Double niche	\$340.00
Double niche—pre-need purchase	\$170.00
Double niche—re-open	\$114.00
Ground niche—ground niche	\$114.00
Placement of ashes in family grave (300mm depth)	\$136.00
Single niche	\$227.00
Single niche—pre-need purchase	\$114.00

Funeral Directors

Licence—annual	\$227.00
Single funeral permit	\$57.00

Monumental Works

Monument/Stone masons annual licence	\$57.00
Removal and major addition to any monument	\$102.00
Monument application	\$45.00

Administration Fees

Plaques—at cost (plus staff time to erect)	AT COST
Search fee—up to two internments or memorial locations	FREE OF CHARGE
Search fee—each additional location enquiry or for each search requiring information additional to location (per registration)	\$6.00

The Internment fee (Burial or Ashes) will be waived where the deceased has been a resident ratepayer in the Shire of Chittering for a minimum of ten years.

ALAN SHERIDAN, Chief Executive Officer.

LOCAL GOVERNMENT

LG401**BUSH FIRES ACT 1954**

Shire of Wyndham East Kimberley

APPOINTMENTS

The Shire of Wyndham East Kimberley pursuant S38(2A) *Bush Fires Act 1954* hereby notify of the appointed Bushfire Control Officers for the gazetted fire district—

Simon Hawes—Deputy Chief Bushfire Control Officer (Entire Shire)
 Rob Dario—Bushfire Control Officer (Entire Shire)
 Trent Mettam—Bushfire Control Officer (Entire Shire)
 Charlie Buckley—Bushfire Control Officer (Crossing Falls)
 David Hasted—Bushfire Control Officer (Ivanhoe)
 Dennis Prior—Bushfire Control Officer (Packsaddle)
 Gary King—Bushfire Control Officer (Packsaddle)
 Charlie Sharp—Bushfire Control Officer (Argyle)
 Gavin Scott—Bushfire Control Officer (East Gibb River)

LG402*CITY OF ALBANY*

APPOINTMENTS

The following persons are appointed as Authorised Officer's for the City of Albany, effective immediately to administer the provisions of the following Acts, Regulations and Local Laws—

- *Local Government Act 1995* [s3.39—Power to remove and impound, s9.10—Appointment of authorised persons and s9.16—Notice, giving of to alleged offender];
- *Local Government Act (Miscellaneous Provisions) 1960* [Part XX: impound stock, dispose sick or injured impounded animals];
- *Cat Act 2011* and Regulations [s.48—authorised persons, Part 4—Administration and enforcement, Division 3—Authorised persons];
- *Dog Act 1976* and Regulations [Part VI—Control Dogs, Division 1—Dogs generally, s.29—impound dogs, seize dogs, detain dogs, dispose dogs];
- *Bush Fires Act 1954* and Regulations [s.59—Prosecution of offences, s.59A—Alternative procedure—infringement notices];
- *Control of Vehicles (Off-road Areas) Act 1978* and Regulations [s.38—Authorised Officer];
- *Litter Act 1979* and Regulations [Authority to enforce: cigarette butt, litter, breaking glass, metal or earthenware, bill posting, bill posting on a vehicle, domestic waste in public litter receptacle, insecure load];
- City of Albany Local Laws and Regulations;
- *Local Government (Parking for People With Disabilities) Regulations 2014*

Ranger—Clifford McLaughlin

Ranger—Michael McCaffery

Persons employed as a City of Albany Ranger.

Previous appointed Authorised Officers are hereby cancelled immediately—

Ranger—Matthew Musgrave

Ranger—Charl Botha

PLANNING

PL401

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

Local Planning Scheme No. 8—Amendment No. 38

Ref: TPS/1444

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 Karratha Local Planning Scheme amendment on 1 September 2016 for the purpose of—

- (a) Rezoning part Lot 550 (P60246), part Lot 552 (P60246), part Lot 561 (P74721) and Lots 4540 and 4542 (P189072) from 'Parks, Recreation and Drainage', 'District Roads' and 'City Centre: Precinct 2—Commercial' to 'Public Purpose—Health';
- (b) Rezoning part Lot 550 (P60246), part Lot 593 (P71801), Unallocated Crown Land (UCL) and part of Balmoral Road reserve from 'Parks, Recreation and Drainage' and 'District Roads' to 'Public Purpose—Community';
- (c) Rezoning part Lot 550 (P60246), part Lot 557 (P67222), part Lot 560 (P74721) and Lot 4536 (P217474) from 'Parks, Recreation and Drainage', 'District Roads' and 'Public Purpose: Waste Disposal and Treatment' to 'City Centre: Precinct 2—Commercial' and 'City Centre Precinct 4—Accommodation';
- (d) Realigning the boundary of 'City Centre: Precinct 2—Commercial' and 'City Centre: Precinct 4—Accommodation' to generally follow the current and future cadastre of this portion of the City Centre as shown on the Scheme Amendment Map;
- (e) Rezoning part Lot 550 (P60246), part Lot 554 (P60246), part Lots 560 and 561 (P74721) and UCL from 'Parks, Recreation and Drainage' to 'District Roads' and 'Public Purpose: Waste Disposal and Treatment';
- (f) Rezoning part Lot 550 (P64459), part Lot 550 (P60246) and part Lot 561 (P74721) from 'District Roads' and 'City Centre: Precinct 2—Commercial' to 'Parks, Recreation and Drainage'; and
- (g) Amending the Scheme Map, accordingly.

P. LONG, Mayor.
C. ADAMS, Chief Executive Officer.

PL403

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

Local Planning Scheme No. 4—Amendment No. 1

Ref: TPS/1809

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 Mukinbudin Local Planning Scheme amendment on 27 September 2016 for the purpose of—

1. Deleting the following clauses from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2—
 - Parts 2, 7, 8, 9, 10 and 11 in their entirety
 - Schedules 6, 7, 8 and 9
2. Inserting the following provisions into Schedule A—Supplemental Provisions—
Clause 61 (1)
 - (k) the erection or extension of a single house on a lot if a single house is a permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or

- (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
 - (vi) located on a lot abutting an unconstructed road or a lot which does not have frontage to a constructed road.
- (l) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted (“P”) use in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29.
- (m) the demolition of any building or structure except where the building or structure is—
- (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*; or
 - (iii) included on the Heritage List under clause 8 of the deemed provisions; or
 - (iv) located in a heritage area designated under the Scheme.
- (n) the erection or installation of a sign or advertisement of a class specified in Schedule 5 of this Scheme that applies in respect of the sign unless the sign is to be erected or installed—
- (i) on a place included on a heritage list prepared in accordance with clause 8 of the deemed provisions; or
 - (ii) located in a heritage area designated under this Scheme.
3. Delete the following definitions from Schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2—
- Advertisement
 - Amenity
 - Cultural heritage significance
 - Local government
 - Local Planning Strategy
 - Owner
 - Premises
 - Residential Planning Codes
 - Zone
 - Substantially commenced
 - Place
 - Region Scheme
4. Inserting reference to the deemed provisions in the Preamble by—
- Including in the first paragraph after *consists of this Scheme Text* “, the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2”;
 - Deleting in the second paragraph “Scheme text” and replacing with “deemed provisions set”.
5. Update the following clauses and definitions as detailed below (including renumbering as required)—
- Add to Clause 1.4 the following—
 - (b) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2;
 - (c) the supplemental provisions contained in Schedule A; and
 - Clause 5.7—delete the words ‘Despite anything elsewhere appearing in the Scheme’;
 - Clause 5.17(b)—replace the words ‘plan of subdivision for’ with ‘structure plan for’, delete the words ‘certified by the Chief Executive officers and’;
 - Schedule 1 General Definitions: Gazettal date—replace section 7(3) with section 54’, and replace ‘Town Planning Act’ with ‘*Planning and Development Act 2005*’

- Schedule 1 General Definitions: Non-conforming use—deleted section 12(2)(a) and replace with ‘section 172’, and replace ‘Town Planning and Development Act’ with *Planning and Development Act 2005*.
6. Amending the following clauses by removing cross reference to the clause deleted by the amendment and replacing them with cross reference to the deemed provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2—
 - ClauseS: 3.4.1: Part 7
 - Clause 3.4.2(a): clause 67
 - Clause 4.3.2 ‘A’: clause 64
 - Clause 4.4.2(b): clause 64
 - Clause 4.8(c): clause 80(1)
 - Clause 4.9.2: clause 64
 - Clause 5.3(c), Clause 5.4.2 and Clause 5.5.2(a): Clause 64
 - Clause 5.5.3(a): Clause 67
 - Clause 5.9.1: Clause 9
 7. Delete reference to the following terms and replace them with the corresponding term throughout the scheme—
 - ‘criteria’ replaced by ‘matter’ in clause 5.5.3
 - ‘by the Minister for Environment’ replaced with ‘under the *Environmental Protection Act 1986*’
 - ‘Council’ replaced with ‘local government’
 - ‘planning’ approval replaced with ‘development’ approval
 - *Town Planning Act 1928* replaced with *Planning and Development Act 2005*
 - *Western Australian Planning Commission Act 1985* with *Planning and Development Act 2005*
 - *Community Services (Child Care) Regulations ‘1988’* replaced with ‘2007’
 - ‘Crown’ replaced with ‘State’
 - Residential ‘Planning’ Codes replaced with ‘Design’ Codes
 - Section 13 of the *Planning and Development Act 2005* replaced by Sections 190 and 191
 8. Remove the definition of ‘betting agency’ from Schedule 1 and replace with the land use term in the Model provisions.
 9. Modify the zoning table to make Ancillary Accommodation a ‘P’ use in the Residential zone.
 10. Modify the zoning table to include ‘Transported Building’ and include in the zoning table as a ‘D’ use in all zones.
 11. Renumber the remaining scheme provisions and schedules sequentially and update any cross referencing to the new clause numbers and deemed provisions as required.

G. SHADBOLT, President/Mayor.
S. BILLINGHAM, Chief Executive Officer.

PL402

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Karratha
Local Planning Scheme No. 8—Amendment No. 41

Ref: TPS/1721

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 Karratha Local Planning Scheme amendment on 12 September 2016 for the purpose of—

1. Reclassification of Lot 362 (Reserve 46194) Wickham Drive, Wickham from ‘Public Purposes—Health’ and ‘Parks, Recreation and Drainage’ to ‘Town Centre’ and amending the Scheme Map accordingly.

P. LONG, Mayor.
C. ADAMS, Chief Executive Officer.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Elizabeth Mary Anne Parker, late of 43B Belfast Street, Morley, Western Australia, Industrial Relations Advocate.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the Estate of Elizabeth Mary Anne Parker, who was found dead on 22 September 2016, are required by the Trustee, David Charles Parker to send particulars of their claim to his lawyers, Paynes Lawyers of PO Box 828, West Perth 6872 in the State of Western Australia, by 16 December 2016, after which date the Trustee may convey and distribute the assets, having regard only to the claims of which he then has notice.

PAYNES LAWYERS.
Tel: 9221 1771; Fax: 9221 3858
legal@paynes.com.au
