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# — PART 1 —

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## COAL INDUSTRY SUPERANNUATION

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CZ301\*

Coal Industry Superannuation Act 1989

### Coal Industry Superannuation Amendment Regulations 2005

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Coal Industry Superannuation Amendment Regulations 2005*.

**2. The regulations amended**

The amendments in these regulations are to the *Coal Industry Superannuation Regulations 1990\**.

[\* Reprinted as at 5 July 2002.

For amendments to 6 April 2005 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 48.*]

**3. Regulation 9 amended**

Regulation 9(1) is amended by deleting the semicolon at the end of the subregulation and inserting a full stop instead.

**4. Regulation 22AC amended**

- (1) Regulation 22AC is amended by deleting “allocated” in each place where it occurs and inserting instead —

“ account based ”.

- (2) Regulation 22AC(4) is repealed and the following subregulations are inserted instead —

“

- (4) If a member to whom an account based pension is being paid dies while there is still an amount in the

account kept for the member under subregulation (3), the Board is to pay that amount in accordance with regulation 24 or as otherwise agreed under subregulation (1).

(5) In this regulation —

“**account based pension**” means a benefit that is taken to be a pension for the purposes of the SIS Act under regulation 1.06(4) or (8) of the *Superannuation Industry (Supervision) Regulations 1994* of the Commonwealth.

”.

By Command of the Governor,

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

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## LOCAL GOVERNMENT

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LG301\*

### LOCAL GOVERNMENT ACT 1995

*Town of Victoria Park*

#### LOCAL GOVERNMENT PROPERTY LOCAL LAW AMENDMENT

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it the Council of the Town of Victoria Park hereby records having resolved on 14 June 2005 to amend its *Local Government Property Local Law* published in the *Government Gazette* on 31 May 2000 as follows—

1. To the Table of Contents
  - (a) In **PART 5—MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY** in the sub-heading after the word “Division 1 —” delete “Swimming pool areas” and substitute “Community facilities”; and
  - (b) Clause 5.1
 

Delete “When entry must be refused” and substitute “Entry rules and behaviour on or in community facilities”.
2. To the Definitions clause 1.2
  - (a) In “authorised person” after the word “local law” insert “, and includes a current sworn officer of the Western Australian Police Service”; and
  - (b) The following definitions are inserted in the appropriate alphabetical position —
    - “**camera device**” means an apparatus for taking photographs or moving pictures, and includes a mobile phone when equipped for this purpose;”
    - “**carer**” has the meaning given to it in section 3A of the *Disability Services Act 1993*;
    - “**community facility**” means a facility owned or under the care, control or management of the local government for the benefit of the public;”
    - “**prohibited drug**” has the meaning given to it in section 3 of the *Misuse of Drugs Act 1981*;” and
    - “**thoroughfare**” has the meaning given to it in section 1.4 of the *Local Government Act 1995*;

## 3. Clause 4.1

- (a) in subclause (a) delete the word “or”;
- (b) in subclause (b) delete “.” and substitute “;”;
- (c) after subclause (b) the following subclauses are inserted —
  - “(c) may be considered disorderly or offensive or use indecent or improper language; or
  - (d) is likely to interfere with the amenity of occupants of adjoining and nearby properties.”

## 4. Part 5

To the heading; after the words “Division 1 —” delete “Swimming pool areas” and substitute “Community facilities”.

## 5. Clause 5.1

- (a) To the heading delete **“When entry must be refused”** and substitute **“Entry rules and behaviour on or in community facilities”**; and

- (b) Repeal clause 5.1 and the following clause is substituted —

“5.1 (1) A Manager or authorised person;

- (1a) may make rules and conditions for —

- (a) entry into;
  - (b) hire of;
  - (c) use of equipment and facilities; or
  - (d) the playing of or participation in organised sport and recreational activities;

in or on any community facility.

- (1b) shall refuse admission to, may direct to leave or shall remove or cause to be removed from a community facility any person who —

- (a) in her or his opinion is —

- (i) under the age of 13 years and who is unaccompanied by a responsible person over the age of 16 years;
    - (ii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
    - (iii) under the influence of liquor or a prohibited drug;

or

- (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.

- (1c) may refuse admission to, suspend admission for a specified time period to, direct to leave or shall remove or cause to be removed from a community facility any person who in her or his opinion is —

- (a) in contravention of the, rules and conditions of use referred to in sub-clause (1a);
  - (b) in contravention of any provision of this local law, or any other written law; or
  - (c) by the person’s past or present conduct within or about the community facility, undesirable.

- (2) A person shall, on being directed by the Manager or an authorised person to leave the community facility or pool area, do so immediately, quietly and peaceably.

- (3) At the discretion of the Manager, the community facility or pool area, or any part thereof, may at any time be set aside for the use of certain persons to the exclusion of others.”

## 6. Clause 5.3

- (a) After the clause designation “5.3” the subclause designation “(1)” is inserted; and

- (b) After subclause 5.3(1) the following subclauses are inserted —

“(2) A person over the age of 10 years shall not on any local government property, local government building, reserve or other public place —

- (a) loiter outside of, or act in an unacceptable manner in any portion of, a toilet block or change room; or

(b) enter, attempt to enter, or occupy a cubicle or compartment of a toilet block or change room which is already occupied or in use, unless providing assistance as a carer.

(3) A person shall not operate a camera device in any portion of a toilet block or change room.”

7. Delete Schedule 1 and replace it with the following;

*Schedule 1*

**PRESCRIBED OFFENCES**

<b>Clause</b>	<b>Description</b>	<b>Modified Penalty \$</b>
2.4	Failure to comply with determination	100
3.6	Failure to comply with conditions of permit	100
3.13(1)	Failure to obtain a permit	100
3.14(3)	Failure to obtain permit to camp outside a facility	100
3.15(1)	Failure to obtain permit for liquor	100
3.16	Failure of permit holder to comply with responsibilities	100
4.2(1)	Behaviour detrimental to property	100
4.4	Under influence of liquor or prohibited drug	100
4.6(2)	Failure to comply with sign on local government property	100
5.1(2)	Failure to leave a community facility when directed	100
5.2	Unauthorised entry to fenced or closed local government property	100
5.3(1)	Gender not specified using entry of toilet block or change room	100
5.3(2)(a)	Loiter outside or act in an unacceptable manner in a toilet block or change room	100
5.3(2)(b)	Enter, attempt to enter, or occupy an already occupied cubicle or compartment	100
5.3(3)	Operate a camera device in any toilet block or change room	100
6.1(1)	Unauthorised entry to function on local government property	100
9.1	Failure to comply with notice	200

8. In Schedule 2—Determinations

After clause “1.2 Interpretation” insert the following;

**“PART 2—DETERMINATIONS**

**Vehicles restricted on local government property**

2. A person shall not operate any motorised vehicle, excluding power assisted pedal cycles and vehicles otherwise authorised by the local government, on McCallum Park and Taylor Street Reserve Victoria Park.”

Dated: 15 June 2005.

The common Seal of the Town of Victoria Park was affixed in the presence of—

J. A. MICK. LEE, OAM, JP Mayor.  
JOHN BONKER, Chief Executive Officer.

## — PART 2 —

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### CONSERVATION

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CO401\*

#### CONSERVATION AND LAND MANAGEMENT ACT 1984

#### CONSERVATION AND LAND MANAGEMENT (REVOCATION OF STATE FOREST) ORDER (No. 3) 2005

Made by the Governor in Executive Council under section 9(2) of the *Conservation and Land Management Act 1984*.

##### 1. Citation

This order may be cited as the *Conservation and Land Management (Revocation of State Forest) Order (No. 3) 2005*.

##### 2. Background to this order

(1) Under section 9(2) of the Act a proposal dated 17 October 2000 that, among other things, an area of about 2380 square metres be revoked from State Forest No. 22 was laid before both Houses of Parliament.

(2) Resolutions that the proposal referred to in subclause (1) be carried out were passed by the Legislative Assembly on 22 November 2000 and by the Legislative Council on 23 November 2000.

(3) The land referred to in subclause (1) has recently been surveyed and is now described in Schedule 1.

##### 3. Portion of State Forest No. 22 revoked

The land described in Schedule 1 is declared to be no longer State forest.

#### Schedule 1—Land no longer State Forest No. 22

All that portion of land situated about 4 kilometres south-east of Byford and being the whole of Lot 302 as surveyed and shown on Deposited Plan 44583.

Area: 2386 square metres.

On Department of Land Information Plan: BG33 (10) 05.07.

By Command of the Governor,

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

CO402\*

#### CONSERVATION AND LAND MANAGEMENT ACT 1984

#### CONSERVATION AND LAND MANAGEMENT (REVOCATION OF TIMBER RESERVE) ORDER (No. 1) 2005

Made by the Governor in Executive Council under section 17 of the *Conservation and Land Management Act 1984*.

##### 1. Citation

This order may be cited as the *Conservation and Land Management (Revocation of Timber Reserve) Order (No. 1) 2005*.

##### 2. Background to this order

(1) Main Roads WA has requested the excision of an aggregate area of 4.3576 hectares from Timber Reserve Nos. 102/25, 109/25, 110/25 and 209/25 in order to formally widen/realign some sections of Vasse Highway south of Nannup.

(2) In accordance with section 17 of the *Act*, the Minister for the Environment, with the concurrence of the Minister for Agriculture and Forestry, recommends that the proposed excisions be put into effect.

(3) The lands referred to in subclause (1) have been surveyed and are now described in Schedules 1-4.

**3. Portions of Timber Reserve Nos. 102/25, 109/25, 110/25 and 209/25 excised**

The lands described in Schedule 1-4 are declared to be no longer Timber Reserve.

**Schedule 1—Land no longer part of Timber Reserve No. 102/25**

Lot 13630 on Deposited Plan 192554 0.0276 hectares.

**Schedule 2—Land no longer part of Timber Reserve No. 109/25**

Lot 13648 on Deposited Plan 219109 0.5914 hectares.

**Schedule 3—Land no longer part of Timber Reserve No. 110/25**

Lot 13647 on Deposited Plan 219110 1.3454 hectares.

**Schedule 4—Land no longer part of Timber Reserve No. 209/25**

Lot 13650 on Deposited Plan 219108 2.0311 hectares

Lot 13652 on Deposited Plan 219107 0.3621 hectares

Total 2.3932 hectares

On Department of Land Information Plans: Carlotta Brook NW, SW (2029-I-NW, SW).

By Command of the Governor,

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

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## HEALTH

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**HE401\*****MENTAL HEALTH ACT 1996****FUNCTIONS OF THE COUNCIL OF OFFICIAL VISITORS DIRECTION 2005**

Made by the Minister under section 186 of the Act.

**1. Citation**

This direction may be cited as the *Functions of the Council of Official Visitors Direction 2005*.

**2. Commencement**

This direction comes into operation on the day on which it is published in the *Gazette*.

**3. Revocation**

The *Functions of the Council of Official Visitors Direction 2003\**, is revoked.

[\*Published in *Gazette* 6 May 2003, pp. 1574.]

**4. Visits to private psychiatric hostels**

The Council of Official Visitors is to ensure that an official visitor or panel visits each place listed in the Table to this clause at least once every 2 months.

**Table**

56 GLYDE ST, 56 Glyde St, East Fremantle  
 58 GLYDE ST, 58 Glyde St, East Fremantle  
 AITKEN HOUSE, 55 View St, North Perth  
 CASSON HOUSE, 2-10 Woodville St, North Perth  
 DEVENISH LODGE, 54 Devenish St, East Vic Park  
 DUDLEY HOUSE, 24 Dudley St, Midland  
 FRANCISCAN HOUSE, 16 Hampton Rd, Victoria Park  
 GLYDE ST HOSTEL, 48 Glyde St, Mosman Park  
 HONEYBROOK LODGE, 42 John St, Midland  
 JOHN WILSON LODGE, 38 Hamilton St, East Fremantle  
 MANN WAY, 4-6 Mann Way, Bassendean  
 MAUDIE ARMSTRONG, 16 Davies Rd, Claremont  
 QUEENS PARK, 21-23 Walton Street, Queens Park  
 ROMILY HOUSE, 19 Shenton Road, Claremont  
 ROSEDALE LODGE, 22 East St, Guildford  
 ST. JUDE'S HOSTEL, 26 & 30-34 Swan Street, Guildford  
 SALISBURY HOME, 19-21 James St, Guildford  
 SHANNON HOUSE, 23 Coolgardie St, Subiaco  
 VINCENTCARE BASSENDEAN HOUSE, 1 North Street, Bassendean  
 VINCENTCARE BAYSWATER HOUSE, 65 Whatley Crescent, Bayswater  
 VINCENTCARE COOLBELLUP HOUSE, 66 Waverley Road, Coolbellup  
 VINCENTCARE DUNCRAIG HOUSE, 270 Warwick Road, Duncraig  
 VINCENTCARE SOUTH LAKES HOUSE, 9 Plumridge Way, South Lake



VINCENTCARE SWAN VIEW HOUSE, 8 Wilgee Gardens, Swan View  
VINCENTCARE WARWICK HOUSE, 39 Glenmere Road, Warwick  
VIOLET MAJOR HOUSE, 47 View St, North Perth  
WOODVILLE HOUSE, 425 Clayton Rd, Helena Valley

JIM MCGINTY MLA, Minister for Health.

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## HERITAGE

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HR401\*

### HERITAGE OF WESTERN AUSTRALIA ACT 1990

#### INTENTION TO REMOVE AN ENTRY IN THE REGISTER OF HERITAGE PLACES

In accordance with the requirements of Section 54(1) (b) of the Heritage of Western Australia Act 1990, the Heritage Council gives notice that the entry in the Register on a permanent basis in relation to the Place being "Midland Inn" at No. 408 Great Eastern Highway, Midland is to be removed from the Register.

The reason for the removal is that the Place has been demolished and that no physical evidence remains. The entry in the Register is to be removed in relation to that parcel of land comprising Lot 102 and part of Lot 104 on Plan 3052 (sheet 1) being part of the land comprised in Certificate of Title Volume 1559 Folio 844.

The Heritage Council invites submissions on the proposal. Submissions must be in writing and should be forwarded to the following address not later than 5pm on 2 August 2005.

IAN BAXTER, The Director,  
Office of the Heritage Council of WA,  
108 Adelaide Terrace, East Perth WA 6004.

Dated this 21st day of June 2005.

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## MARINE/MARITIME

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MX401\*

### WESTERN AUSTRALIAN MARINE ACT 1982

#### RESTRICTED SPEED AREAS—ALL VESSELS

Mandurah Bypass Road Traffic Bridge  
Mandurah Estuary Channel

Department for Planning and Infrastructure,  
Fremantle WA, 21 June 2005.

Acting pursuant to the powers conferred by Section 67 of the Western Australian Marine Act 1982, due to maintenance work, the department by this notice limits the speed of motor vessels to 5 knots within 100 metres upstream and 100 metres downstream of the Mandurah Bypass Road Traffic Bridge, until further notice.

GREG MARTIN, Chief Executive Officer,  
Department for Planning and Infrastructure.

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## MINERALS AND PETROLEUM

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MP401\*

### PETROLEUM PIPELINES ACT 1969

#### VARIATION OF PIPELINE LICENCE

Pipeline Licence PL22 held by Epic Energy (Pilbara Pipeline) Pty Ltd, has been varied by instrument of Variation 11P/04-54, to authorise the Licensee to construct and operate a Metering and Pressure Reduction facility to provide gas to the Whim Creek Copper Mine Project power plant.

W. L. TINAPPLE, Director Petroleum and Royalties Division.

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**WORKSAFE**

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WS401\*

**OCCUPATIONAL SAFETY AND HEALTH ACT 1984**  
**OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996**  
**EXEMPTION CERTIFICATE PURSUANT TO REGULATION 2.13**  
(No. 10 of 2005)

I, Nina Lyhne, WorkSafe Western Australia Commissioner, hereby grant an exemption to Siemens Limited from the requirements of Regulations 4.2(1)(b) and 4.2(1)(c) of the Occupational Safety and Health Regulations 1996 in relation to the 34 carbon dioxide (CO<sub>2</sub>) gas cylinders to be used at the Kemerton Power Station and the requirement that these have a current design registration and are manufactured in accordance with the current design registration.

This exemption specifically applies to the 34 CO<sub>2</sub> gas cylinders, serial numbers 6756554-6756587 for use at the Kemerton Power Station and is made on the condition that the gas cylinders are designed, manufactured and tested to WorkCover, New South Wales approval number 4023P95, which is to British Standard BS 5045 Part 1.

Dated this 17th day of June 2005.

NINA LYHNE, WorkSafe Western Australia Commissioner.

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