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— PART 1 —

EDUCATION

ED301*

Vocational Education and Training Act 1996

Vocational Education and Training Amendment Regulations (No. 2) 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Vocational Education and Training Amendment Regulations (No. 2) 2009*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Vocational Education and Training Regulations 1996*.

4. Regulation 1 amended

In regulation 1 after “*Training*” insert:

(Colleges)

5. Regulation 3 amended

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

Act means the *Vocational Education and Training Act 1996*;

course means a VET course, whether an approved VET course or not;

hours for a course, or for a unit that is a component of a course, means the nominal duration of the course or unit (in hours) set by the chief executive;

(2) Delete regulation 3(2).

6. Part 2A inserted

After Part 1 insert:

Part 2A — Management of colleges

3A. Strategic plan (Act s. 43)

For the purposes of section 43(1) of the Act, a college's draft strategic plan must be for a period of 3 years.

7. Regulation 4B inserted

After regulation 4A insert:

4B. Nominal duration of courses and units

The chief executive must give public notice of the nominal duration (in hours) of each course, and of each unit that is a component of a course, in such manner and at such times as the chief executive decides.

8. Regulations 16A and 16B deleted

Delete regulations 16A and 16B.

9. Part 7 deleted

Delete Part 7.

10. Schedule 1 amended

In Schedule 1 delete item 6.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

HEALTH

HE301*

Hospitals and Health Services Act 1927

**Women's and Children's Hospitals Amendment
By-laws 2009**

Made by the Minister under section 22 of the Act in his capacity as the board of the Hospitals.

1. Citation

These by-laws are the *Women's and Children's Hospitals Amendment By-laws 2009*.

2. Commencement

These by-laws come into operation as follows —

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

3. By-laws amended

These by-laws amend the *Women's and Children's Hospitals By-laws 2005*.

4. By-law 2 amended

In by-law 2(1):

- (a) delete the definition of *permit*;
- (b) insert in alphabetical order:

parking permit means a permit granted under
by-law 16;

- (c) in the definition of *parking space* before “permit” insert:

parking

5. By-law 15 amended

- (1) In by-law 15(1)(e) delete “or a specified permit”.

(2) In by-law 15(4):

- (a) delete “either a visitor’s ticket or a specified permit unless the person is the holder of the specified permit that is current or” and insert:

a visitor’s ticket unless

- (b) at the end of the sub-by-law insert:

Penalty: a fine of \$50.

6. By-laws 16 and 16A replaced

Delete by-laws 16 and 16A and insert:

16. Parking in permit parking areas

A person must not park a vehicle in an area of the site set aside for parking by permit holders unless —

- (a) the person holds a parking permit of the class (if any) for which the area is set aside; and
- (b) the person parks in accordance with that permit; and
- (c) the permit is displayed in or on the vehicle in the manner specified in the permit.

Penalty: a fine of \$50.

17A. Parking permits

- (1) The chief executive officer may determine classes of parking permits and the eligibility criteria for each class of parking permit.
- (2) An authorised person may grant parking permits of such classes and subject to any conditions the authorised person thinks fit.
- (3) Without limiting sub-by-law (2) a parking permit may be subject to conditions relating to all or any of the following —
 - (a) the vehicle, vehicles, or kind of vehicles, to which it relates;
 - (b) the areas in which the permit holder is permitted to park;
 - (c) the times during which, or period of time for which, the permit holder is permitted to park;
 - (d) the number of persons who must be in the vehicle at the time it arrives at, or departs from, the site.

- (4) A parking permit —
 - (a) takes effect on the day specified in it; and
 - (b) remains in effect for the period specified in it, unless it is cancelled before the end of that period.
- (5) If the holder of a parking permit of a particular class ceases to satisfy any of the eligibility criteria for that class of permit, the permit holder must notify an authorised person.
Penalty: a fine of \$50.

17B. Application for parking permit

- (1) A person may apply to an authorised person for the grant of a parking permit.
- (2) An application must be made in writing in a form approved by the chief executive officer.
- (3) An applicant must provide the authorised person with any additional information or document that the authorised person asks for.
- (4) If an applicant does not comply with the requirements of this by-law the authorised person may decline to deal with the application and is to advise the applicant accordingly.
- (5) An applicant or other person must not give information in relation to an application that the person knows to be —
 - (a) false or misleading in a material particular; or
 - (b) likely to deceive in a material way.

Penalty: a fine of \$50.

17C. Fees for parking permits

- (1) The fees for a parking permit are —
 - (a) \$7.20 per week for a permit holder whose normal working hours exceed 3 days a week; or
 - (b) \$4.80 per week for a permit holder whose normal working hours are 3 days a week or less.
- (2) The fees for a parking permit must be paid —
 - (a) in full for the whole of the period for which the permit is to be in force at the time the permit is issued; or
 - (b) in fortnightly payments made by way of payroll deduction.

- (3) An authorised person must not grant a parking permit unless at the time it is granted —
 - (a) the applicant pays the fee for the permit in accordance with sub-bylaw (2)(a); or
 - (b) the authorised person is satisfied that arrangements are in place for the fees for the permit to be paid in accordance with sub-bylaw (2)(b).

17D. Cancellation of parking permit

- (1) There are grounds for cancelling a parking permit if —
 - (a) in the case of a permit holder who pays the fees for the permit fortnightly, the permit holder fails to make any fortnightly payment; or
 - (b) the permit holder fails to comply with a condition on the permit; or
 - (c) the permit holder breaches any of the by-laws in this Part; or
 - (d) the permit was granted in error in consequence of information provided in breach of by-law 17B(5); or
 - (e) the permit holder ceases to satisfy any of the eligibility criteria for the relevant class of permit; or
 - (f) the chief executive officer has determined that it is not practicable, for reasons relating to the operation or development of the site, for some or all of the permits of a class to which the permit belongs to remain in force; or
 - (g) the permit holder requests that the permit be cancelled.
- (2) If an authorised person considers that there are grounds for cancelling a parking permit under sub-bylaw (1)(a) to (e), the authorised person may cancel the permit by giving the permit holder 14 days written notice.
- (3) If the chief executive officer has made a determination under sub-bylaw (1)(f) in relation to a class of parking permits, an authorised person may cancel a parking permit in that class by giving the permit holder 90 days written notice.
- (4) If the permit holder requests an authorised person to do so, the authorised person may cancel the permit by giving the permit holder written notice.
- (5) The notice given under this by-law must set out the grounds on which the permit is cancelled.

17E. Refund of parking permit fees

- (1) If a parking permit is cancelled on a ground referred to in by-law 17D(1)(f) or (g) the chief executive officer must cause any permit fees paid for any weeks commencing on or after the day on which the permit is cancelled to be refunded to the permit holder.
- (2) If a parking permit is cancelled on the ground referred to in by-law 17D(1)(e) the chief executive officer may cause any permit fees paid for any weeks commencing on or after the day on which the permit is cancelled to be refunded to the permit holder.
- (3) If an authorised person is satisfied that a permit holder will not park, or has not parked, on the site for a continuous period exceeding 4 weeks, the authorised person may waive the fees payable for the permit for that period.

7. By-law 18 amended

In by-law 18(3)(b) delete “a complaint of”.

8. Schedule 1 amended

- (1) In Schedule 1 under the heading “**King Edward Memorial Hospital for Women**” after item 13 insert:

- 14 Unnumbered Rail Reserve shown on Public Transport Authority Plan 2106 (Railway Road Reserve, Daglish)

So much of the Reserve as is leased from the Public Transport Authority for the purposes of the Hospital while it is leased for that purpose.

- (2) In Schedule 1 under the heading “**Princess Margaret Hospital for Children**” delete item 15.

9. Schedule 2 amended

In Schedule 2:

- (a) in the first item for by-law 15(1)(e) and (3) delete “permit” and insert:

visitor’s ticket

- (b) in the second item for by-law 15(1)(e) and (3) delete “permit,” and insert:

visitor’s ticket,

(c) delete the item for by-law 16(8) and insert:

16	Unlawfully parking in a permit parking area	30
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Dr. KIM HAMES

The Minister in his capacity as the board of the Hospitals.

LAND ADMINISTRATION

LA301*

Transfer of Land Act 1893

Transfer of Land Amendment Regulations 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Transfer of Land Amendment Regulations 2009*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Transfer of Land Regulations 2004*.

4. Part 1 heading inserted

Before regulation 1 insert:

Part 1 — Preliminary

5. Part 2 heading inserted

After regulation 2 insert:

Part 2 — General

6. Regulations 6 and 7 deleted

Delete regulations 6 and 7.

7. Part 3 heading inserted

After regulation 8 insert:

Part 3 — Fees and forms

8. Regulation 9A inserted

Before regulation 9 insert:

9A. Fees

- (1) The fee for the registration or recording of an instrument, order or other document of a kind mentioned in an item of Schedule 1 Division 1 is the fee specified in that item in relation to that instrument, order or other document.
- (2) The fee for the lodgment of a duplicate certificate of title, instrument, plan or other document of a kind mentioned in an item of Schedule 1 Division 2 is the fee specified in that item in relation to that duplicate certificate of title, instrument, plan or other document.
- (3) The fee for the withdrawal of a document —
 - (a) of a kind mentioned in Schedule 1 Division 3 item 1 is the fee specified in that item;
 - (b) from registration or recording is the fee specified in Schedule 1 Division 3 item 2.
- (4) The fee for an application of a kind mentioned in an item of Schedule 1 Division 4 is the fee specified in that item in relation to that application.
- (5) The fee for —
 - (a) the issue of a certificate of title under Schedule 1 Division 5 item 1 is the fee specified in that item;
 - (b) a certificate of a kind mentioned in Schedule 1 Division 5 item 2 is the fee specified in that item;

- (c) a certification under Schedule 1 Division 5 item 3 is the fee specified in that item;
 - (d) the issue of a certified and sealed document under Schedule 1 Division 5 item 4 is the fee specified in that item.
- (6) The fee for providing a service relating to a search, an inspection or the provision of a copy mentioned in an item of Schedule 1 Division 6 (including arranging postal delivery of material) is the fee specified in that item in relation to that search, inspection or provision.
- (7) The fee for providing a service or performing a function mentioned in an item of Schedule 1 Division 7 is the fee specified in that item.
- (8) Despite subregulations (1) to (7), fees are not to be charged for the provision of a service, performance of a function or other matter specified in Schedule 2.
- (9) If the Registrar is satisfied in a particular case that it is appropriate to do so, the Registrar may waive or refund a fee payable under —
 - (a) Schedule 1 Division 2 item 2; or
 - (b) Schedule 1 Division 4 item 7 if the matter relates to an application to bring land under the Act; or
 - (c) Schedule 1 Division 4 item 7A; or
 - (d) Schedule 1 Division 7 item 1 if the matter relates to an application to bring land under the Act; or
 - (e) Schedule 1 Division 7 item 6.

9. Part 4 inserted

After regulation 9 insert:

Part 4 — Inspection of Register

Division 1 — Times for inspection of Register and related documents

10. Times for inspection of the Register and related documents

- (1) The inspection times prescribed for the purposes of section 239(1) of the Act are Mondays to Fridays (other than bank holidays or public service holidays) 8.00 a.m. to 5.00 p.m.

- (2) Subregulation (1) does not prevent any of the information referred to in section 239(1) of the Act that can be inspected by means of a computer from outside the business premises of the Registrar from being inspected by those means at any time.

Division 2 — Names index

11. Terms used

In this Division —

department has the meaning given in the *Public Sector Management Act 1994* section 3(1);

names index means information derived from —

- (a) the Register as to —
 - (i) the name of each person who is a proprietor; and
 - (ii) each interest that a proprietor has;
- and
- (b) the book referred to in section 143(1) of the Act as to —
 - (i) the name of each person who is a proprietor; and
 - (ii) each interest a proprietor has; and
 - (iii) the name and address of each person appointed to act for a proprietor,

but does not include suppressed information;

organisation has the meaning given in the *Public Sector Management Act 1994* section 3(1);

suppressed information means information that is not to be inspected as part of the names index by operation of regulation 13.

12. Inspection of information derived from Register

The names index is prescribed for the purposes of section 239(1)(k) of the Act.

13. Application for information not to be included in names index

- (1) A person may apply, in an approved form, for information not to be inspected as part of the names index.
- (2) An application is to be accompanied by —
 - (a) particulars of the information in respect of which the application is made; and

- (b) evidence, in a statutory declaration or other manner approved by the Registrar, to the effect that inspection of the information is likely to place at risk the personal safety of a proprietor or a member of the family of a proprietor; and
 - (c) the fee payable under regulation 9A(4).
- (3) From the time when the Registrar receives an application made under subregulation (1), the information in respect of which the application is made is not to be inspected as part of the names index.
- (4) The Registrar may direct that all or part of the information in respect of which an application under subregulation (1) is made may be inspected as part of the names register if the Registrar is not satisfied that inspection of the information is likely to place at risk the personal safety of a proprietor or a member of the family of a proprietor.
- (5) The Registrar is to notify the applicant of a decision to make a direction under subregulation (4).
- (6) A person who is not satisfied with a decision of the Registrar may apply to the State Administrative Tribunal for a review of the decision.
- (7) The Registrar is to direct that all or part of the information in respect of which an application under subregulation (1) is made may be inspected as part of the names index —
 - (a) on the written request of a person to whom the information relates; and
 - (b) immediately or at such later time as requested by the person.

14. Provision of suppressed information to government organisations

- (1) The Registrar may provide suppressed information to a department or organisation by arrangement with its chief executive officer or chief employee.
- (2) A person who is provided with suppressed information under subregulation (1) must not use or disclose the information except for a purpose relevant to the functions of the department or organisation.

15. Provision of suppressed information to others

- (1) The Registrar may, on the request of a person, provide suppressed information to the person for a purpose approved by the Registrar.

- (2) The Registrar is not to provide suppressed information to a person unless —
- (a) the Registrar is satisfied that the provision of the information is not likely to place at risk the personal safety of a proprietor or a member of the family of a proprietor; and
 - (b) the person gives an undertaking that the person —
 - (i) will use the information only for the purpose approved by the Registrar; and
 - (ii) will not copy the information or give it to any other person; and
 - (iii) will return the information to the Registrar or destroy the information after using it for the approved purpose.

10. Schedule 1 amended

- (1) In Schedule 1 delete “[r. 6(1), (1a), (1b), (1c), (2), (2a), (2b)]” and insert:

[r. 9A(1), (2), (3), (4), (5), (6), (7)]

- (2) In Schedule 1 Division 4 after item 6 insert:

7A. For information not to be inspected as part of the
names index \$105.00

11. Schedule 2 amended

In Schedule 2 delete “[r. 6(3)]” and insert:

[r. 9A(8)]

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

TRANSPORT

TR301*

Road Traffic Act 1974

**Road Traffic (Charges and Fees) Amendment
Regulations (No. 2) 2009**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2009*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2009.

3. Regulations amended

These regulations amend the *Road Traffic (Charges and Fees) Regulations 2006*.

4. Regulation 56 amended

In regulation 56(1) delete the Table and insert:

Table	
	\$
category 1 event	155.00
category 2 event	93.00
category 3 event	63.00
category 4 event	63.00

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

TR302*

Road Traffic Act 1974

Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2009

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2009*.

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) Part 2 — on 31 May 2009;
- (c) the rest of the regulations — on 1 July 2009.

3. Regulations amended

These regulations amend the *Road Traffic (Charges and Fees) Regulations 2006*.

4. Specified day

For the purposes of section 28A of the Act, the specified day for Part 2 of these regulations is 1 July 2009.

Part 2 — Charges relating to the granting or renewal of vehicle licences

5. Schedule 1 Division 1 Subdivision 2 amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
Sch. 1 Div. 1 cl. 3	\$16.00	\$16.67
Sch. 1 Div. 1 cl. 3	\$380.00.	\$392.00.
Sch. 1 Div. 1 cl. 4	\$16.00	\$16.67
Sch. 1 Div. 1 cl. 4	\$1 000.00.	\$1 032.00.

Provision	Delete	Insert
Sch. 1 Div. 1 cl. 5	\$8.00	\$8.34
Sch. 1 Div. 1 cl. 6(1)	\$32.00.	\$33.34.
Sch. 1 Div. 1 cl. 6(2)	\$48.00.	\$50.02.
Sch. 1 Div. 1 cl. 7	\$4.00	\$4.17
Sch. 1 Div. 1 cl. 7	\$93.00.	\$97.00.

6. Schedule 1 Division 1 Subdivision 3 amended

- (1) Delete Schedule 1 Division 1 clauses 8, 9 and 10 and insert:

8. Car or bus

For a car or bus the charge is an amount corresponding to the licence class in the Table to this clause.

Table

Licence Class	Charge \$
1B2	392
2B2	392
2B3	2 154
AB3	392

9. Goods vehicle and motor home

For a goods vehicle or motor home the charge is an amount corresponding to the licence class in the Table to this clause.

Table

Licence Class	Charge \$
1R2	392
2R2	673
1R3	673
2R3	886
1R4	673
2R4	886
1R5	673
2R5	886
SR2	673
SR3	886
SR4	1 644

Licence Class	Charge \$
SR5	1 644
MR2	6 014
MR3	6 014
MR4	6 496
MR5	6 496
LR2	8 293
LR3	8 293
LR4	8 293
LR5	8 293

10. Prime mover

For a prime mover the charge is an amount corresponding to the licence class in the Table to this clause.

Table

Licence Class	Charge \$
SP2	1 032
SP3	4 056
SP4	4 460
SP5	4 460
MC2	7 276
MC3	7 276
MC4	8 003
MC5	8 003

- (2) In Schedule 1 Division 1 clause 11 delete “\$380.00” and insert:

\$392.00

- (3) Delete Schedule 1 Division 1 clause 12 and insert:

12. Special purpose vehicle

For a special purpose vehicle the charge is an amount corresponding to the licence class in the Table to this clause.

Table

Licence Class	Charge \$
PSV	97
TSV	97

Licence Class	Charge \$
OSV2	320
OSV3	640
OSV4	960
OSV5	1 280
OSV6	1 600
OSV7	1 920
OSV8	2 240
OSV9	2 560

Part 3 — Other provisions

7. Regulation 20 amended

In regulation 20(1) delete “\$60” (each occurrence) and insert:

\$63

8. Regulation 39 amended

In regulation 39(1) delete “\$25.80” and insert:

\$30.40

9. Regulation 54 amended

In regulation 54 delete “\$17.10.” and insert:

\$19.10.

10. Schedule 1 Division 2 replaced

Delete Schedule 1 Division 2 and insert:

Division 2 — Fees relating to vehicle licensing			
Item	Regulation No.	Service	Fee \$
1.	22	Upon establishment of premises as an authorised inspection station	210.00
		Each year for the renewal of authorisation	105.00
2.	23(1)	An initial examination of a mobile home or trailer without brakes, motor cycle, motor carrier, engine change	59.70

Item	Regulation No.	Service	Fee \$
3.	23(1)	Subject to items 5, 7 and 8, an examination of a vehicle that is not set out in item 2	85.60
4.	23(1)	A second or subsequent examination of a vehicle referred to in item 2	46.70
5.	23(1)	A second or subsequent examination of a vehicle referred to in item 3	59.70
6.	23(3)	An examination of a licensed vehicle for the purpose of verifying the vehicle's identity and/or specifications	59.70
7.	23(4)(a)	An initial examination by the Director General of a heavy vehicle (i.e. a vehicle with an MRC exceeding 4 500 kg)	137.50
8.	23(4)(b)	A re-examination by the Director General of a heavy vehicle (i.e. a vehicle with an MRC exceeding 4 500 kg)	93.40
8A.	23A	Fee payable by a motor vehicle dealer or vehicle manufacturer for each vehicle the dealer or manufacturer wishes to licence	10.60
9.	24	For —	
		(a) searching records —	
		(i) manually, per vehicle	14.50
		(ii) by computer where a list of vehicles to be searched is supplied to the Director General on magnetic tape, per vehicle	2.90
		(b) production of an extract describing the current status of ownership of a vehicle, according to the Director General's records	15.80
		(c) detailed searching of current and previous owner's records and production of supporting documentation	19.40
10.	25(1)	Recording fee for grant or renewal of vehicle licence (not heavy vehicle)	13.05
11.	25(2)	Recording fee for grant or renewal of heavy vehicle licence	13.05
12.	26	Fee for transfer of a vehicle licence	14.70
13.	27(a)	Fee for grant of permit for unlicensed vehicle	8.70
14.	27(b)(ii)	Minimum permit fee	24.00

Item	Regulation No.	Service	Fee \$
15.	28	Fee for issue of duplicate or certified copy of a vehicle licence document	8.70
16.	29(1)	Fee for authorisation under regulation 14(3)	11.50
17.	30(1)	Fee —	
		(a) for the issue of plates (other than personalised plates, plates bearing the same characters as previous plates, or dealers plates) except where paragraph (b) applies	17.90
		(b) for the re-issue of plates which have been returned under the <i>Road Traffic (Licensing) Regulations 1975</i> regulation 22(3), (3a) or (4) (other than personalised plates, plates to replace existing plates bearing the same characters, or dealers plates)	17.90
		(c) upon application for the issue of personalised plates	104.60
		(d) upon application for the issue of plates to replace ordinary plates bearing the same characters	21.00
		(e) upon application for the issue of plates to replace personalised plates bearing the same characters without the letter “P” previously required by the <i>Road Traffic (Licensing) Regulations 1975</i>	80.50
18.	30(2)	Fee upon application for issue of name plates	831.50
19.	30(3)	Fee for transfer of right to display special plates —	
		(a) single digit numeral special plates	8 340.70
		(b) 2 digit numeral special plates	1 668.70
		(c) 3 digit numeral special plates	830.70
		(d) any other number of digit special plates	165.90
		(e) unique series special plates referred to in the <i>Road Traffic (Licensing) Regulations 1975</i> regulation 24(4a)(b)	1 668.70

Item	Regulation No.	Service	Fee \$
		(f) unique series special plates referred to in the <i>Road Traffic (Licensing) Regulations 1975</i> regulation 24(4a)(c)	72.60
20.	30(4)	Fee for transfer of right to display name plates	416.50
21.	30(5)	Fee for transfer of right to display special plates or name plates —	
		(a) pursuant to an agreement or order under the <i>Family Law Act 1975</i> (Commonwealth)	17.20
		(b) to a beneficiary by a trustee or other person in a fiduciary capacity under a trust whether express or implied	17.20
22.	30(7)	Fee upon application for the issue of special plates or name plates to replace special plates or name plates bearing the same characters —	
		(a) for premium material plates	189.00
		(b) for standard metal plates	91.60
23.	30(8)	Fee for transfer of —	
		(a) special plates or name plates by a person to another vehicle owned by that person	17.20
		(b) personalised plates by a person to another vehicle owned by that person or by a member of his or her immediate family	17.20
24.	31	Fee for storage of special plate by Director General (per year or part of a year)	17.20
25.	32(1)	Fee for assignment and issue of dealers plates —	
		(a) where the plate is issued in substitution for a plate bearing the same characters, per plate	34.00
		(b) in any other case, per set of plates	22.70
26.	32(2)	Deposit for each set of plates issued	20.00
27.	33	Annual fee for the use and possession of dealers plates	91.70
28.	34	Fee for duplicate of registration label	0.50
29.	35	Fee for duplicate tax invoice	8.70

11. Schedule 2 amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
Sch. 2 it. 3	7.80	8.70
Sch. 2 it. 6	19.30	19.60
Sch. 2 it. 7	19.30	19.60
Sch. 2 it. 9	18.20	19.20

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

— PART 2 —

AGRICULTURE AND FOOD

AG401*

SOIL AND LAND CONSERVATION ACT 1945

LAKE GRACE LAND CONSERVATION DISTRICT

(APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2009

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Lake Grace Land Conservation District (Appointment of Members) Instrument 2009*

2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Lake Grace Land Conservation District) Order 1996**, the following members are appointed to the land conservation district committee for the Lake Grace Land Conservation District—

- (a) on the nomination of the Shire of Lake Grace: Royce Peter Taylor of South Lake Grace;
- (b) to represent the Western Australian Farmers Federation (Inc): Mary Naisbitt of Lake Grace and Lindsay Allen Slarke of Lake Grace; and
- (c) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Bill Willcocks of South Lake Grace
 - (ii) Ian Geoffrey Duckworth of Lake Grace
 - (iii) Ollie Farrelly of Lake Grace
 - (iv) Paula Marie Carruthers of Lake Grace
 - (v) Ron Lay of Lake Grace

(*Published in the *Gazette* of 2 February 1996 at pp. 407-408 and amended in the *Gazettes* of 29 March 1996 at p. 1496 and 27 February 2001 at pp. 1211-1213).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 April 2012.

ANDREW WATSON, Commissioner of Soil and Land Conservation.

Dated this 15th day of May 2009.

AG402*

SOIL AND LAND CONSERVATION ACT 1945

APPOINTMENTS

Pursuant to section 23 (2b)(d) of the *Soil and Land Conservation Act 1945*, being persons actively engaged in, or affected by, or associated with land use in the District, Joanna Wren of Karridale and Miranda Hirsch of Nillup are appointed members of the Lower Blackwood Land Conservation District (the Committee was established by an Order in Council published in the *Gazette* of 26 June 1992 at pp. 2651-2654 and Amendment Orders approved by Executive Council on 17 June 1997 and 6 October 1998 {refer to Department of Agriculture reference: 881844V02P0P}). The appointment is for a term ending on 31 March 2011.

ANDREW WATSON, Commissioner of Soil and Land Conservation.

Dated this 15th day of May 2009.

FISHERIES

FI401***FISH RESOURCES MANAGEMENT ACT 1994****WEST COAST DEMERSAL GILLNET AND DEMERSAL LONGLINE****Interim Managed Fishery Management Plan Amendment 2009**

FD 435/02 [832]

Made by the Minister under section 54.

1. Citation

This instrument is the *West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 2009*.

2. Plan amended

The amendments in this instrument are to the *West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan 1997*. *

3. Commencement

This instrument comes into operation on 1 June 2009.

4. Clause 3 amended

Clause 3 is amended by deleting "2009." and inserting instead—
"2011. ".

5. Clause 4 amended

Clause 4 is amended—

(a) in the definition of "demersal gillnet" by deleting subparagraph (a) and inserting instead—
" (a) has a mesh size greater than 48 millimetres when measured in accordance with regulation 64D; and "; and

(b) by deleting the definition of "statutory return"; and

(c) by inserting in the correct alphabetical position the following definitions—

"

"approved ALC" means an "approved automatic location communicator" as defined in regulation 55A;

"approved directions" has the same meaning as in regulation 55A;

"closed waters" means waters—

(a) that are not within an area of the Fishery in which fishing may be carried out under the relevant permit; or

(b) in which fishing is prohibited under clause 26.

"fishing session" means a period of time during a fishing trip when gear is being used in the waters of the Fishery, including any times when gear is being pulled from the water and any part of that gear remains in the water;

"fishing year" means the year for which a permit is valid;

"nomination" means a nomination sent to the Department by means of an approved ALC;

"port area" means an area described in Schedule 8. ".

6. Clause 10A inserted

After clause 10 the following clause is inserted—

" Requirement to lock or seal a powered hauling device and to stow gear

10A. (1) The master of an authorised boat must not fish, or permit a person to fish, from an authorised boat by means of any powered hauling device, unless the powered hauling device on the boat has a locking bar that can be locked and sealed to prevent the use of the device.

(2) The master of an authorised boat must ensure that the locking bar on any powered hauling device on the boat is locked and sealed at all times other than when the boat may be used for fishing with the use of a powered hauling device under the relevant permit.

(3) The master of an authorised boat must not remove, or permit another person to remove any lock or seal fitted to any powered hauling device on the boat at any time other than when the boat may be used for fishing with the use of a powered hauling device under the relevant permit.

(4) For the purposes of subclause (2) the CEO may give written directions to a master in regard to locking or sealing a powered hauling device.

(5) The master of an authorised boat—

(a) that is not being used in the Fishery; or

(b) that is transiting closed waters under a nomination made in accordance with subclause 25C(1),

must—

- (i) comply with any directions issued under subclause (4); and
- (ii) ensure that all gear on that boat is securely stowed. ”.

7. Clause 11 replaced

Clause 11 is repealed and the following clause is inserted instead—

“ Prohibition on selling, dealing in or purchasing fish

11. A person must not—

- (a) sell, deal in, or purchase; or
- (b) attempt to sell, deal in, or purchase,

any fish taken from the Fishery, unless the fish were taken by a person who holds a commercial fishing licence issued under the regulations and the fish were taken under the authority of a permit issued in accordance with this Plan. ”.

8. Clause 12 amended

Clause 12 is amended—

- (a) following subclause (5) by inserting subclause (6)—

“(6) A person must not fish in the Fishery under the authority of a permit at any time when there is more than one type of gear nominated to be used in accordance with that permit in the water. ”; and

- (b) by deleting “shall” in each place where it occurs and inserting instead—
“ must ”.

9. Clause 19A amended

Clause 19A is amended by deleting “12 days” and inserting instead—

“ 288 hours ”.

10. Clause 25 replaced

Clause 25 is repealed and the following clause is inserted instead—

“ Requirements as to records and returns

25. (1) The master of an authorised boat must make an accurate record of all fishing activity in the Fishery carried out under the relevant authorisation, specifying—

- (a) the persons fishing under the authority of the relevant permit;
- (b) the relevant authorisations under which fishing was carried out;
- (c) the nature, and total quantity of, fishing gear used (whether in terms of metres of gillnet, or the number of hooks on a longline);
- (d) the extent and location of the fishing that was carried out; and
- (e) the fish taken.

(2) A person who—

- (a) makes a record under subclause (1); or
- (b) has made a record under this Plan prior to 31 May 2009,

must keep records made under this clause in a safe place for a period of not less than 5 years.

(3) The master of an authorised boat must provide to the CEO returns of all fishing activity, specifying—

- (a) the persons fishing under the authority of the relevant permit;
- (b) the relevant authorisations under which fishing was carried out;
- (c) the nature, and total quantity of, fishing gear used (whether in terms of metres of gillnet, or the number of hooks on a longline);
- (d) the extent and location of the fishing that was carried out; and
- (e) the fish taken.

(4) A copy of a return required to be provided to the CEO under subclause (3) must be delivered—

- (a) to the address specified on the approved form; and
- (b) not later than the 15th day of the calendar month following the calendar month to which the information in the copy of the return relates.

(5) The master of an authorised boat must not use the authorised boat for fishing in the Fishery unless—

- (a) all records required to be made under this clause have been made; and
- (b) all returns required to have been provided to the CEO have been delivered to the CEO. ”.

11. Clauses 25A, 25B and 25C inserted

After clause 25 the following clauses are inserted—

“ Requirement for an ALC to be installed in an authorised boat

25A. (1) A person must not use an authorised boat in the Fishery unless an approved ALC has been installed in that boat in accordance with the approved directions.

(2) A person must not use an authorised boat in the Fishery unless—

- (a) the approved ALC installed in that boat has been tested, and is being used, in accordance with the approved directions; and
- (b) the person has and maintains at all times on board the authorised boat a legible copy of the approved directions.

(3) It is a condition of a permit that an authorised boat referred to in subclause (2) must not be used in the Fishery unless an ALC is fitted to the boat and the ALC is being used in the manner specified in the approved directions.

(4) It is a condition of a permit that regulations 55C and 55D are complied with at all times.

Nominations by approved ALC

25B. (1) The master of an authorised boat who uses that boat in the Fishery must not—

- (a) allow a person to fish in the Fishery from that boat; or
- (b) allow any fish to be on that boat in the waters of the Fishery,

unless a nomination to enter the waters of the Fishery—

- (i) has been made by the master in respect of that boat by the use of an approved ALC in accordance with the approved directions; and
- (ii) has been received by the Department; and
- (iii) is in effect in accordance with this clause.

(2) A nomination made in accordance with subclause (1) ceases to have effect—

- (a) when the relevant permit expires; or
- (b) at the time the relevant authorised boat leaves the waters of the Fishery; or
- (c) upon the transfer of the relevant permit under section 140 of the Act; or
- (d) when cancelled by the use of the relevant approved ALC in accordance with the approved directions; or
- (e) where the permit is cancelled under section 143 of the Act.

(3) A nomination to fish made in accordance with subclause (1) must—

- (a) prior to the boat entering the Fishery for the first time in any fishing year; and
- (b) at any subsequent time during a fishing year that a different person becomes the master of the boat,

specify the full name and contact details of the master of the boat.

(4) A nomination made in accordance with subclause (3), if received by the Department, revokes any previous nomination.

(5) Where a nomination has been made in accordance with subclause (3), the master must, not more than two hours before the commencement of each fishing trip—

- (a) nominate an intention to—
 - (i) enter the waters of the Fishery; and
 - (ii) commence a fishing trip and to use gear in the Fishery, and
- (b) specify accurate details of—
 - (i) the relevant authorisation under which fishing may be carried out; and
 - (ii) the amount of fishing gear to be used, either in metres of gillnet, or the number of hooks on a longline.

(6) Notwithstanding any subsequent nomination made in accordance with this clause, the amount of gear nominated under subclause (5)(b)(ii) in respect of the first fishing trip undertaken in any month—

- (a) is the maximum amount of gear that may be used in that month, and
- (b) may be converted to an equivalent amount of the type of gear not nominated; and
- (c) subject to subclause (11), determines the rate at which fishing effort converts to units of entitlement for that month, in accordance with Schedule 7.

(7) Where fishing is undertaken in accordance with a nomination made under subclauses (3) and (5), the master must nominate—

- (a) the time when any fishing gear is being placed in the water for the purpose of a fishing session, and the location of all fishing that is to be carried out; and
- (b) the time when all fishing gear has been fully removed from the water at the completion of the fishing session, and the location of the authorised boat at the time that all gear is removed; and

- (c) the time at which the boat exits the waters of the Fishery; and
 - (d) the time immediately prior to which the ALC is switched to sleep mode in a port area.
- (8) A nomination made contrary to the provisions of subclauses (3) or (5) is of no effect.
- (9) The master of an authorised boat must not allow that boat to be used in contravention of a nomination made under this clause.
- (10) The master of an authorised boat must not—
- (a) fish in any waters of the Fishery with gear in excess of the amount nominated under subclause (5)(b)(ii); or
 - (b) fish in any waters of the Fishery at any time when the sleep mode facility of the relevant approved ALC is in operation; or
 - (c) switch an ALC to sleep mode outside a port area.
- (11) Subject to subclause (12), where the master of an authorised boat fishes with gear in excess of the amount nominated under subclause (5)(b)(ii) in respect of the first fishing trip in any month, the amount of gear used to fish determines the rate at which fishing effort converts to units of entitlement for the relevant month, in accordance with Schedule 7.
- (12) Where the master of an authorised boat proves that fishing with gear in excess of the amount nominated under subclause (5)(b)(ii) in respect of the first fishing trip in any month occurred only at certain times during the relevant month, the amount of gear used at those times determines the rate at which fishing effort converts to units of entitlement for those times.

Nomination in regard to entering closed waters

25C. (1) The master of an authorised boat must not allow that boat to enter closed waters unless a nomination to enter closed waters has been made—

- (a) not more than one hour before the boat enters those waters; and
 - (b) by the use of an approved ALC in accordance with the approved directions.
- (2) A nomination made contrary to this clause is of no effect. ”.

12. Clause 27 replaced

Clause 27 is repealed and the following clause is inserted instead—

“ Offences and major provisions

27. A person who contravenes a provision of—

- (a) clause 9, 10, 10A, 11, 12, 12A, 13, 17(4), 25A(1), 25B(1), 25B(5), 25B(7), 25B(9), 25B(10), 25C, or 26; or
- (b) clause 25, 25A(2), or 25B(3),

commits an offence, and for the purposes of section 75 of the Act the offences specified in paragraph (a) are major provisions.”.

13. Schedule 4 amended

Schedule 4(1) is amended by deleting “and published in the Commonwealth of Australia Gazette No. S29 on 9 February 1983.” and inserting instead—

“ and registered in the Federal Register of Legislative Instruments on 16 February 2006 (Legislative Instrument F2006L00525). ”.

14. Schedule 7 replaced

Schedule 7 is repealed and the following Schedule is inserted instead—

“

Schedule 7

Conversion of fishing effort into units of entitlement

For the purposes of clause 19B the extent of fishing that has been carried out is determined by converting the amount of gear nominated under clause 25B(5), and the time fished, into an equivalent number of units (for example, the use of 540 metres of gillnet or 180 hooks on a longline for 72 hours is equivalent to the use of 27 metres of gillnet or 9 hooks on a longline for 1440 hours, which is equivalent to 5 units, where 1 unit would comprise the use of 27 metres of gillnet or 9 hooks on a longline for 288 hours). ”.

15. Schedule 8 inserted

After Schedule 7 the following Schedule is inserted—

“

Schedule 8

Port areas

Kalbarri

All the waters of the Fishery within a radius of 3 nautical miles of the intersection of 27° 42.49' south latitude and 114° 09.29' east longitude.

Port Gregory

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 28° 11.45' south latitude and 114° 14.95' east longitude.

Geraldton

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 28° 46.46' south latitude and 114° 35.29' east longitude.

Dongara

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 29° 16.41' south latitude and 114° 54.44' east longitude.

Leeman

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 29° 56.59' south latitude and 114° 57.97' east longitude.

Jurien Bay

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 30° 17.30' south latitude and 115° 02.52' east longitude.

Cervantes

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 30° 28.61' south latitude and 115° 03.82' east longitude.

Lancelin

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 31° 00.89' south latitude and 115° 19.67' east longitude.

Ledge Point

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 31° 06.83' south latitude and 115° 22.29' east longitude.

Two Rocks

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 31° 29.77' south latitude and 115° 34.98' east longitude.

Mindarie

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 31° 41.30' south latitude and 115° 41.94' east longitude.

Hillarys

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 31° 49.38' south latitude and 115° 44.36' east longitude.

Fremantle

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 32° 03.73' south latitude and 115° 44.56' east longitude.

Safety Bay

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 32° 18.33' south latitude and 115° 42.42' east longitude.

Mandurah

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 32° 31.27' south latitude and 115° 42.13' east longitude.

Bunbury

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 33° 18.25' south latitude and 115° 38.83' east longitude.

Busselton

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 33° 37.74' south latitude and 115° 23.49' east longitude.

Dunsborough

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 33° 37.70' south latitude and 115° 08.24' east longitude.

Canal Rocks

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 33° 40.13' south latitude and 114° 59.82' east longitude.

Cowaramup

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 33° 51.76' south latitude and 114° 59.28' east longitude.

Hamelin Bay

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 34° 13.10' south latitude and 115° 01.70' east longitude.

Augusta

All the waters of the Fishery within a radius of 2 nautical miles of the intersection of 34° 20.62' south latitude and 115° 10.14' east longitude. ”.

Dated this 18th day of May 2009.

N. MOORE, Minister for Fisheries.

HEALTH

HE401***HUMAN REPRODUCTIVE TECHNOLOGY ACT 1991****WESTERN AUSTRALIAN REPRODUCTIVE TECHNOLOGY COUNCIL (APPOINTMENT OF MEMBER AND DEPUTIES) INSTRUMENT (NO. 5) 2008**

Made by the Governor pursuant to Clause 2(1) of the Schedule to the *Human Reproductive Technology Act 1991*.

1. Citation

This instrument may be cited as the *Western Australian Reproductive Technology Council (Appointment of Member and Deputies) Instrument (No. 5) 2008*.

2. Interpretation

In this instrument—

“the Act” means the *Human Reproductive Technology Act 1991 (WA)*; and

“the Council” means the Western Australian Reproductive Technology Council established under section 8(1) of the Act.

3. Appointment of Member

Approval is given to the appointment of Associate Professor Roger Hart as a Member to the Council pursuant to section 8(2)(a)(i)(D) of the Act for a period ending three years from the date of appointment.

4. Appointment of Deputies

Approval is given to the appointment of—

- Dr Peter Burton as Deputy to Associate Professor Roger Hart, Member of the Council, pursuant to clause 2(1) of the Schedule to the Act for a period ending three years from the date of appointment.
- Mr Neville Wylie Bruce as Deputy to Dr Beverley Petterson, Member of the Council, pursuant to clause 2(1) of the Schedule to the Act for a period ending 1 May 2009.
- Dr Phillip Leslie Matson as Deputy to Associate Professor James Cummins, Member of the Council, pursuant to clause 2(1) of the Schedule to the Act for a period ending 1 May 2009.
- Ms Anne-Marie Loney as Deputy to Ms Leah Jennifer Bonson, Member of the Council, pursuant to clause 2(1) of the Schedule to the Act for a period ending 5 May 2011.

By Command of the Governor

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

JUSTICE

JU401***JUSTICES OF THE PEACE ACT 2004****RESIGNATION**

It is hereby notified for public information that the Minister has accepted the resignation of—

Keith Ronald Boxshall of 4 Foxglove Gardens, Mirrabooka

from the Office of Justice of the Peace for the State of Western Australia.

RAY WARNES, Executive Director,
Court and Tribunal Services.

LANDS

LA401***TRANSFER OF LAND ACT 1893****APPLICATION K709884**

Take notice that Peter John Batt has made Application to be registered under the *Transfer of Land Act 1893* (the Act) as proprietor of an estate in fee simple in possession in the land situated at Pinjarra-Williams Road, Boddington and being Parts Lot 17 (Williams Location) on D.P.233092 (C.S. Plan Williams 35) containing 10.7602 ha and 2020 square metres and being as comprised in Memorial Book XXX Vol. No. 153 as Part 1 and 2 in the SCHEDULE respectively.

Persons other than the Applicant claiming any estate right title or interest in the above and desiring to object to the application are required to lodge in this office on or before 17 June 2009 a caveat forbidding the land being brought under the operation of the Act.

BRUCE ROBERTS, Registrar of Titles.

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA

Royal Assent to Bills

It is hereby notified for public information that the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the dates shown, to the undermentioned Acts passed by the Legislative Council and the Legislative Assembly during the First Session of the Thirty-Eighth Parliament.

Title of Act	Date of Assent	Act No.
Revenue Laws Amendment Act 2009	15 May 2009	3 of 2009
Fines, Penalties and Infringement Notices Enforcement Amendment (Compensation) Act 2009	15 May 2009	4 of 2009
Sentence Administration (Interstate Transfer of Community Based Sentences) Act 2009	15 May 2009	5 of 2009

Dated: 15 May 2009.

MALCOLM PEACOCK, Clerk of the Parliaments.

PA402*

PARLIAMENT OF WESTERN AUSTRALIA

Royal Assent to Bills

It is hereby notified for public information that the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the dates shown, to the undermentioned Acts passed by the Legislative Council and the Legislative Assembly during the First Session of the Thirty-Eighth Parliament.

Title of Act	Date of Assent	Act No.
Building and Construction Industry Training Fund and Levy Collection Amendment Act 2009	19 May 2009	6 of 2009

Dated: 20 May 2009.

MALCOLM PEACOCK, Clerk of the Parliaments.

PLANNING AND INFRASTRUCTURE

PI401*

PLANNING AND DEVELOPMENT ACT 2005

METROPOLITAN REGION SCHEME

Notice of Resolution—Clause 27

Lot 1000 Wright Road, Harrisdale

City of Armadale

Amendment 1174/27

File No.: 812-2-22-13

Notice is hereby given that in accordance with Clause 27 of the Metropolitan Region Scheme, the Western Australian Planning Commission resolved on 12 May 2009 to transfer land from the urban deferred zone to the urban zone, as shown on plan number 4.1537.

This amendment is effective from the date of publication of this notice in the *Government Gazette*.

The plan may be viewed at the offices of—

- Western Australian Planning Commission, Wellington Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- Municipal office of the City of Armadale

TONY EVANS, Secretary, Western Australian Planning Commission.

PI402*

PLANNING AND DEVELOPMENT ACT 2005*Shire of Murray*

Town Planning Scheme No. 4—Amendment No. 205

That the Council under and by virtue of the powers conferred upon it in that behalf of the *Planning and Development Act 2005*, hereby amends the above Town Planning Scheme by—

(a) replacing existing Clause 2.3 with the following—

2.3 Local Planning Policies

The local government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply—

- (a) generally or for a particular class or classes of matters; and
 - (b) throughout the Scheme area or in one or more parts of the Scheme area,
- and may amend or add to or rescind the Policy.

2.4 Relationship of Local Planning Policies to Scheme

2.4.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.4.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

2.5 Procedure for making or amending a Local Planning Policy

2.5.1 If a local government resolves to prepare a Local Planning Policy, the local government—

- (a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of—
 - (i) where the draft Policy may be inspected;
 - (ii) the subject and nature of the draft Policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the proposed Policy in such other manner and carry out such other consultation as the local government considers appropriate.

2.5.2 After the expiry of the period within which submissions may be made, the local government is to—

- (a) review the proposed Policy in the light of any submissions made; and
- (b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.

2.5.3 If the local government resolves to adopt the Policy, the local government is to—

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.

2.5.4 A Policy has effect on publication of a notice under clause 2.5.3(a).

2.5.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept and made available for public inspection during business hours at the offices of the local government.

2.5.6 Clauses 2.5.1 to 2.5.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.6 Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

- (a) the adoption by a local government of a new Policy under clause 2.5 that is expressed to supercede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

(b) replacing Clause 3.3.2(x) with the following—

‘any policy adopted by Council pursuant to Clause 2.5’.

(c) modifying Schedule 1—Form 1 to reflect Schedule 6 of the Model Scheme Text.

(d) inserting the words “..., the provisions of any policy prepared and adopted under the provisions of clause 2.5 of the Scheme or the provisions of any outline development plan, structure plan or detailed area plan adopted under Part VI of the Scheme...” after the word “Codes” in clause 3.5 (c) (ii).

- (e) replacing the existing sub-clause 5.2.3 with the following—
 - “5.2.3 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the Council may—
 - (i) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - (ii) determine that the use may be consistent with the objectives of the particular zone and thereafter follow one or more of the advertising procedures of sub-clause 5.2.2 in considering an application for approval to commence development; or
 - (iii) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”
- (f) replacing Clause 13.2.1 with the following—
 - 13.2 Powers of the local government
 - 13.2.1 The local government in implementing the Scheme has the power to—
 - (a) enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
 - (b) acquire any land or buildings within the Scheme area under the provisions of the Scheme or the Act; and
 - (c) deal with or dispose of any land which it has acquired under the provisions of the Scheme or the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.
 - 13.2.2 An employee of the local government authorised by the local government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.
- (g) deleting existing Clause 13.2.2; and
- (h) replacing the existing clauses 13.2.3-13.2.6 inclusive, with the following—
 - “13.2.3 Delegation of functions
 - 13.2.3.1 The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the Chief Executive Officer, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.
 - 13.2.3.2 The Chief Executive Officer may delegate to any employee of the Council the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer's duties under clause 13.2.3.1.
 - 13.2.3.3 The exercise of the power of delegation under clause 13.2.3.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.
 - 13.2.3.4 Sections 5.45 and 5.46 of the Local Government Act 1995 and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.”
- (i) replacing the existing clause 13.3 with the following—
 - “13.3 Variations to site and development standards and requirements
 - 13.3.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for approval to commence development and does not comply with a standard or requirement prescribed under the Scheme, the Council may, despite the non-compliance, approve the application unconditionally or subject to such conditions as it thinks fit.
 - 13.3.2 In considering an application for approval to commence development under this clause, where, in the opinion of the Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Council is to—
 - (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 5.2.2; and
 - (b) have regard to any expressed views prior to making its determination to grant the variation.
 - 13.3.3 The power conferred by this clause may only be exercised if the Council is satisfied that—
 - (a) approval of the proposed development would be appropriate having regard to the criteria set out in sub-clause 3.3.2; and
 - (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.”

(j) modifying the Zoning Table to—

- “(i) list grouped dwellings, aged or dependent persons dwelling and multiple dwellings from ‘X’ and ‘not specified’ to ‘AA’ in the ‘Residential Development’ zone;
- (ii) list multiple dwellings from ‘not specified’ to ‘AA’ in the ‘Residential’, ‘Residential Development’ and ‘Special Development’ zones.”

PREMIER AND CABINET

PC401*

INTERPRETATION ACT 1984

MINISTERIAL ACTING ARRANGEMENTS

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

Hon T. R. Buswell MLA to act temporarily in the office of Minister for Energy; Training in the absence of the Hon P. C. Collier MLC for the period 3 to 5 July 2009 (both dates inclusive).

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

PC402*

APPOINTMENT OF DEPUTY OF THE GOVERNOR

It is hereby notified for public information that the Governor, under clause XVI of the *Letters Patent relating to the Office of Governor of the State of Western Australia*, dated 14 February 1986, has appointed the Lieutenant-Governor the Honourable David Kingsley Malcolm AC QC, to be deputy of the Governor and in that capacity to perform and exercise all the powers and functions of the Governor for the period 1 to 8 June 2009, inclusive.

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

RACING, GAMING AND LIQUOR

RG401*

LIQUOR CONTROL ACT 1988

LIQUOR APPLICATIONS

The following is a summary of applications received under the *Liquor Control Act 1988 (the Act)* and required to be advertised.

Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming & Liquor, 1st Floor, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
12871	Alec Thompson	Application for the grant of a Restaurant Licence in respect of premises situated at Lot 47, 41 McLarty Street, Dwellingup and known as Dwellingup Millhouse Restaurant	23/06/2009
12870	Rivenleigh Pty Ltd	Application for the grant of a Producer's licence in respect of premises situated at 564 North Jindong Road, North Jindong	18/06/2009

This notice is published under section 67(5) of the Act.

Dated: 20 May 2009.

B. A. SARGEANT, Director of Liquor Licensing.

SALARIES AND ALLOWANCES TRIBUNAL

SX401*

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION VARIATION

The Salaries and Allowances Tribunal has been requested to make determinations in respect of the remuneration of several positions in the Office of the Director of Public Prosecutions following a restructure of that office.

The determination of the Salaries and Allowances Tribunal made on the 3rd of April 2009 under sections 6(1)(c), (d) and (e) of the *Salaries and Allowances Act 1975*, as amended from time to time, is hereby varied by a further determination, set out below—

Amend and include in Part 1 of the First Schedule the following—

AGENCY	OFFICE	REMUNERATION
Office of the Director of Public Prosecutions	Deputy Director of Public Prosecutions	\$307,175
Office of the Director of Public Prosecutions	Consultant State Prosecutor (QC/SC)	\$242,449 (but \$291,814 while occupied by the present incumbent)
Office of the Director of Public Prosecutions	Director Legal Services	\$230,904 (but \$276,457 during the term of the current contract of the present incumbent)

Dated at Perth this 14th day of May 2009.

W. S. COLEMAN, AM,
Chairman.

C. A. BROADBENT,
Member.

B. J. MOORE,
Member.

Salaries and Allowances Tribunal.

SX402*

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION VARIATION

The Salaries and Allowances Tribunal has been requested to make determinations in respect of the positions of Director General, Department of Local Government, and Director General, Department of Regional Development and Lands, which have been renamed or included in the Special Division of the Public Service with effect on and from 1 July 2009.

The determination of the Salaries and Allowances Tribunal made on 3 April 2009 under sections 6(1)(c), (d) and (e) of the *Salaries and Allowances Act 1975*, as amended from time to time, is hereby varied by a further determination, set out below with effect on and from 1 July 2009—

Amend and exclude from Part 1 of the First Schedule the following—

AGENCY	OFFICE	CLASSIFICATION
Department of Local Government and Regional Development	Director General	Group 2 Maximum

Amend and include in Part 1 of the First Schedule the following—

AGENCY	OFFICE	CLASSIFICATION
Department of Local Government	Director General	Group 2 Maximum
Department of Regional Development and Lands	Director General	Group 2 Maximum

Dated at Perth this 28th day of April 2009.

W. S. COLEMAN, AM,
Chairman.

C. A. BROADBENT,
Member.

B. J. MOORE,
Member.

Salaries and Allowances Tribunal.

TREASURY AND FINANCE

TF401*

TAXATION ADMINISTRATION ACT 2003 COMMISSIONER'S PRACTICE

Under the provisions of section 127 of the *Taxation Administration Act 2003*, the following Commissioner's Practice is hereby published for public information—

DA 22.0 DUTIES—EASEMENTS

Full details of the Commissioner's Practice can be obtained from the Office of State Revenue website at www.osr.wa.gov.au.

B. SULLIVAN, Commissioner of State Revenue,
Department of Treasury and Finance.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962 DECEASED ESTATES

Notice to Creditors and Claimants

Lindsay Ian Etherington, late of 43 Fortview Road, Mt Claremont, Western Australia, Director, deceased.

Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on the 8th April 2009, are required by the Executrix Catherine Jane Etherington care of P. A. Martino PO Box 564 West Perth, WA 6872 to send particulars of their claim to her by the 30th June 2009, after which date the Executrix may convey or distribute the assets, having regard only to the claims of which she then has notice.

ZX402

TRUSTEES ACT 1962 DECEASED ESTATES

Notice to Creditors and Claimants

In the estate of Laurence Stanley Winfield, late of 61c Raleigh Street, Carlisle, Western Australia, deceased.

Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962*, relates) in respect to the estate of the above named deceased who died on the 21st November 2008 are required by the executor Bryan Robert Winfield, 23 Halliday Street, Bayswater to send particulars of their claim to me on or before one month, following publication of this notice after which date I may convey or distribute the assets, having regards only to the claims of which I then have notice.

ZX403*

TRUSTEES ACT 1962 DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act*, relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 22/6/2009 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Blackwood, Robert William, late of RSL War Veterans Home, 16 Freedman Road, Menora, died 25.03.2009 (DE19872258EM37)

Boborci, Barbara, late of 51 Alexander Drive, Menora, died 19.11.2008 (DE33072377EM16)

Davey, Margaret Ann, late of Regis Park Lodge, 118-120 Monash Avenue, Nedlands, died 17.04.2009 (DE19681662EM12)

Dowling, John William, late of St Rita's Nursing Home, 25 View Street, North Perth, died 17.01.2009 (DE33060618EM35)
Ebert, Rodney William, late of Crowtherton Street, Bluff Point, died 16.03.2009 (DE33042832EM37)
Ferguson, Archibald John, late of 20 Phillips Close, Bentley Park, 73 Jarrah Road, Bentley, died 20.04.2009 (DE19842317EM110)
Graham, Ian, late of 113 Stokes Lane, Riddells Creek, formerly of 48C Teague Street, Victoria Park, died 26.03.2009 (DE33070615EM13)
Gregg, Gwendoline May, late of 7 Hopgood Street, Melville, died 17.04.2009 (DE20000481EM23)
Haughie, Coral Phyllis, late of Unit 4, 10 Binnar Court, Erskine, died 29.12.2008 (DE33071677EM32)
James, Catherine, late of 9/7 Renegade Way, Kingsley, died 22.04.2009 (DE19840731EM17)
Mahonen, Eileen Gladys, late of Nazareth House, Crowtherton Street, Bluff Point, died 15.02.2005 (DE33038993EM15)
Marston, William, late of 74 Eudoria Street, Gosnells, died 1.03.2009 (DE33071210EM15)
Nicholls, Francis Herbert, late of St George Nursing Home, 2 Essex Street, Bayswater, died 28.04.2009 (DE19910802EM37)
Petersen, Jean, late of 14 Alison Road, Attadale, died 23.02.2009 (DE19611337EM35)
Tan, Maria, late of Unit 39 322 Grand Promenade, Dianella, died 5.02.2007 (DE19983041EM27)
Thomas, Kevin John, late of 16-18 Deerness Way, Armadale, formerly of 13/63 Ypres Road, Kelmscott, died 12.04.2009 (DE32003953EM16)

JOHN SKINNER, Public Trustee,
Public Trust Office,
565 Hay Street,
Perth WA 6000.
Telephone: 9222 6777

ZX404***PUBLIC TRUSTEE ACT 1941****ADMINISTERING OF ESTATES**

Notice is hereby given that pursuant to Section 14 of the *Public Trustee Act 1941* and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth the 22nd day of May 2009.

JOHN SKINNER, Public Trustee,
565 Hay Street, Perth WA 6000.

Name of Deceased	Address	Date of Death	Date Election Filed
James Christopher Atkinson DE33019891EM16	12/99 Seventh Road Armadale	27 March 2009	12/05/2009
Alice Slator DE20001090EM 26	6 Hargreaves Road Coolbellup	30 January 2009	12/05/2009
Mita Tawhai DE33069987EM 37	83 Woodward Circle Marangaroo	22 March 2009	12/05/2009

WESTERN AUSTRALIA

RETIREMENT VILLAGES ACT 1992

Price: \$9.80
(Plus Postage)

RETIREMENT VILLAGES REGULATIONS 1992

***Price: \$5.70**
(Plus Postage)

* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

FREEDOM OF INFORMATION ACT 1992

***Price: \$15.85**
(Plus Postage)

* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

YOUNG OFFENDERS ACT 1994

***Price: \$61.10**
(Plus Postage)

YOUNG OFFENDERS REGULATIONS 1995

***Price \$11.80**
(Plus Postage)

*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

THE CRIMINAL CODE

(Reprinted as at 3 October 2008)

***Price: \$36.80**
(Plus Postage)

* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

SENTENCE ADMINISTRATION ACT 2003

***Price: \$28.70
(Plus Postage)**

*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

MINES SAFETY AND INSPECTION ACT 1994

***Price: \$31.40
(Plus Postage)**

*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

SURVEILLANCE DEVICES ACT 1998

***Price: \$9.80
(Plus Postage)**

*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

PAWNBROKERS AND SECONDHAND DEALERS ACT 1994

***Price: \$20.60
(Plus Postage)**

*Prices subject to change on addition of amendments.