



Western Australia

Teacher Registration Act 2012

Teacher Registration Regulations Amendment Regulations 2023

Teacher Registration Regulations Amendment Regulations 2023

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Teacher Registration Regulations Amendment Regulations 2023

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Teacher Registration Regulations Amendment Regulations 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on 19 December 2023.

**Part 2 — *Teacher Registration (Accreditation of Initial
Teacher Education Programmes) Regulations 2012*
amended**

3. Regulations amended

This Part amends the *Teacher Registration (Accreditation of Initial Teacher Education Programmes) Regulations 2012*.

4. Regulation 3 amended

In regulation 3 delete the definition of *accreditation standards*.

5. Part 2 Division 2 deleted

Delete Part 2 Division 2.

6. Regulation 12 deleted

Delete regulation 12.

7. Various references to “programme” amended

In the provisions listed in the Table:

- (a) delete “*Programmes*” and insert:

Programs)

- (b) delete “*programme*” and insert:

program

- (c) delete “programme” (each occurrence) and insert:

program

(d) delete “programmes” (each occurrence) and insert:

programs

(e) delete “**programmes**” and insert:

programs

(f) delete “**programmes**” and insert:

programs

(g) delete “programme’s” and insert:

program’s

Table

r. 1	r. 3 def. of <i>accredited initial teacher education programme</i>
r. 3 def. of <i>programme</i>	r. 4
Pt. 2 heading	r. 5(1) and (3)
r. 6(1) and (4)	r. 7(1)(c)
Pt. 2 Div. 3 heading	r. 10
r. 11	r. 14(1) and (2)(b)
r. 15(1), (2), (3), (4) and (6)	r. 16(1) and (2)
r. 17(1) and (2)	r. 18(1) and (2)

Teacher Registration Regulations Amendment Regulations 2023
Part 2 Teacher Registration (Accreditation of Initial Teacher
 Education Programmes) Regulations 2012 amended

r. 7

r. 19(b)	r. 24(6)(c)
Pt. 4 heading	r. 25(1) and (2)
r. 28(1), (2) and (3)	

Note: The headings to the amended regulations listed in the Table are to read as set out in the Table.

Table

Amended regulation	Regulation heading
r. 4	Accredited initial teacher education programs
r. 5	Application for accreditation of program
r. 6	Application for re-accreditation of program
r. 14	Notice of significant change to accredited program to be given to Board
r. 18	Cancellation of accreditation if program is no longer an accredited or authorised higher education course
r. 25	Register of accredited programs to be kept
r. 28	Programs taken to be accredited

**Part 3 — *Teacher Registration (General)*
Regulations 2012 amended**

8. Regulations amended

This Part amends the *Teacher Registration (General) Regulations 2012*.

9. Regulation 3 amended

- (1) In regulation 3 delete the definitions of:

ACARA

CrimTrac agency

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

Australian Crime Commission means the Australian Crime Commissioner established under the *Australian Crime Commission Act 2002* (Commonwealth) section 7;

Note for this definition:

The ACC or Australian Crime Commission established by the *Australian Crime Commission Act 2002* (Commonwealth) is, pursuant to the *Australian Crime Commission Regulations 2018* (Commonwealth) regulation 8, known as the Australian Criminal Intelligence Commission.

- (3) In regulation 3 in the definition of ***mutual recognition principle*** delete “2010;” and insert:

2020;

- (4) In regulation 3 in the definition of *professional learning activities* delete “Board’s policy about professional learning activities published under regulation 9;” and insert:

professional learning activities policy;

10. Regulations 4 and 5 replaced

Delete regulations 4 and 5 and insert:

4. Prescribed actionable offences (s. 3)

- (1) In this regulation —
- Class 1 offence* has the meaning given in the *Working with Children (Screening) Act 2004* section 7(1);
- Class 2 offence* has the meaning given in the *Working with Children (Screening) Act 2004* section 7(2).
- (2) For the purposes of paragraph (e) of the definition of *actionable offence* in section 3 of the Act, each of the following is prescribed —
- (a) a Class 1 offence;
 - (b) a Class 2 offence.

5. Prescribed bodies or agencies (s. 3)

For the purposes of the definition of *criminal history check* in section 3 of the Act, the Australian Crime Commission is prescribed.

11. Regulation 6 amended

In regulation 6:

- (a) delete “the definition of *teach* paragraph (a)” and insert:

paragraph (b) of the definition of *educational program*
- (b) delete paragraph (b);
- (c) delete paragraph (f) and insert:

(f) a course or part of a course recognised by the School Curriculum and Standards Authority under the *School Curriculum and Standards Authority Act 1997* section 9(1)(e);
- (d) delete paragraph (h).

12. Regulation 7 replaced

Delete regulation 7 and insert:

7. When unpaid volunteers are teaching (s. 3)

For the purposes of paragraph (b)(iv) of the definition of *teach* in section 3 of the Act, the delivery and assessment referred to in paragraph (a)(i) of that definition for which the unpaid volunteer is solely or principally responsible is prescribed.

13. Regulation 8 amended

- (1) In regulation 8:
- (a) after “purposes” insert:

of paragraph (b)(v)
 - (b) delete “paragraph (f)”;
 - (c) delete paragraphs (b) to (d) and insert:
 - (b) assessors and trainers (as those terms are defined in the *Standards for Registered Training Organisations (RTOs) 2015* made under the *National Vocational Education and Training Regulator Act 2011* (Commonwealth) section 185) when delivering and assessing, or leading the delivery and assessment of, an educational program that is included in an approved VET course (as defined in the *Vocational Education and Training Act 1996* section 5(1)).

14. Regulation 9 deleted

Delete regulation 9.

15. Regulation 10 amended

- (1) In regulation 10(1) delete “15(d) and 16(d)” and insert:

15(d), 16(c) and 16A(d)

- (2) Delete regulation 10(2) and insert:
- (2) The applicant has, within the period of 2 years before applying for registration under section 10 of the Act, undertaken the International English Language Testing System (Academic) test and achieved —
- (a) an average of level 7.5 or more across the 4 components of listening, speaking, reading and writing; and
 - (b) no score below level 7 in any of those components; and
 - (c) a score of level 8 or more in the components of speaking and listening.
- (3) In regulation 10(3) delete “referred to in section 15(a) or 16(a) of the Act, as are relevant to the application,” and insert:

referred to in section 18A(1)(a)(i) or (ii) or (b) of the Act, as are relevant to the application,

Note: The heading to amended regulation 10 is to read:

**English language skills for full and provisional registration
(s. 15(d), 16(c) and 16A(d))**

16. Regulation 11 amended

- (1) Delete regulation 11(2) and insert:
- (2) The nominee has, within the period of 2 years before the application for registration under section 10 of the Act is made, undertaken the International English

Language Testing System (Academic) test and achieved —

- (a) an average of level 7.5 or more across the 4 components of listening, speaking, reading and writing; and
- (b) no score below level 7 in any of those components; and
- (c) a score of level 8 or more in the components of speaking and listening.

(2) In regulation 11(3) delete “12(2),” and insert:

12(2)(a), (b) or (e),

(3) In regulation 11(4):

(a) in paragraph (a) after “section 10” insert:

of the Act

(b) in paragraph (a) delete “a test referred to in subregulation (2)(a) or (b); and” and insert:

the test referred to in subregulation (2); and

(4) Delete regulation 11(8).

17. Regulation 12 amended

(1) Delete regulation 12(1) and insert:

(1) In this regulation —

higher education award has the meaning given in the *Tertiary Education Quality and Standards Agency Act 2011* (Commonwealth) section 5;

overseas higher education award has the meaning given in the *Tertiary Education Quality and Standards Agency Act 2011* (Commonwealth) section 5.

(2) In regulation 12(2):

(a) delete “is to” and insert:

must

(b) delete paragraph (a) and insert:

(a) the nominee holds a qualification that is, in the Board’s opinion, a teaching qualification;

(c) in paragraph (b) delete “qualification from an Australian university or an overseas university” and insert:

higher education award or an overseas higher education award

(d) in paragraph (d) delete “programme” and insert:

program

(e) in paragraph (e) delete “qualification from an accredited initial teacher education programme.” and insert:

qualification —

(i) from an accredited initial teacher education program; or

- (ii) that the Board recognises as equivalent to the qualification referred to in subparagraph (i).

18. Regulation 13 amended

- (1) In regulation 13(1):

- (a) delete “additional”;
- (b) delete “(3) and (4)” and insert:

(3), (4) and (4A)

- (2) After regulation 13(4) insert:

- (4A) For the renewal of provisional registration in the category of provisional (graduate teacher) registration, that the teacher was conferred a qualification referred to in section 18A(1)(a)(i) of the Act within the period of 5 years before the day on which the Board receives the application for renewal.

- (3) In regulation 13(5):

- (a) delete “(2)(b), (3)(b) or (4)(b)” and insert:

(2), (3), (4) or (4A)

- (b) delete “extenuating circumstances exist.” and insert:

there are sufficient reasons for those requirements not to apply.

Note: The heading to amended regulation 13 is to read:

Renewal of registration — other requirements (s. 22(2)(c))

19. Regulations 14 to 16 deleted

Delete regulations 14 to 16.

20. Regulation 19 amended

Delete regulation 19(5) and (6) and insert:

- (5) For the purposes of section 24(2)(a) of the Act, the requirements are that —
- (a) the Board has provided advice under subregulation (2)(b) to the person that, taking into account the relevant information provided to the Board, the person would be a fit and proper person to be registered; and
 - (b) the advice was provided to the person within 5 years before the day on which the Board receives the registration application.

21. Regulation 21A amended

In regulation 21A(2):

- (a) in paragraph (e) delete “venue” and insert

institution
- (b) delete paragraph (g);
- (c) in paragraph (h) delete “venue” and insert:

institution

22. Regulation 21B deleted

Delete regulation 21B.

23. Regulation 21 amended

In regulation 21 delete “complaint made in writing to the Board about the conduct of a registered teacher is to” and insert:

public complaint must

Note: The heading to amended regulation 21 is to read:

Public complaints

24. Regulation 22 deleted

Delete regulation 22.

25. Regulation 24 replaced

Delete regulation 24 and insert:

24. Retention of criminal history checks

A criminal history check obtained by the Board from the Australian Crime Commission in respect of a person under the Act, and any document or record embodying the criminal history check, must be retained by the Board for a period of 7 years from the day on which the Board last communicated with, or received communication from, the person.

26. Regulation 25 amended

In regulation 25(1):

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

institution
- (b) in paragraph (b) delete “venue —” and insert

institution —
- (c) in paragraph (b)(ii) delete “venue.” and insert:

institution.

27. Regulation 26 replaced

Delete regulation 26 and insert:

26. Information to be given with notice when teacher ceases teaching in cases of serious incompetence or misconduct (s. 42(2))

- (1) A notice under section 42(2) of the Act must set out the following information —
 - (a) the full name, category of registration and registration number of the teacher to whom the notice relates;
 - (b) the date or dates on which the teacher is suspected to have engaged in the serious misconduct, or taught with the serious incompetence, (the *suspected misconduct or incompetence*) to which the notice relates;

- (c) the location at which the suspected misconduct or incompetence is suspected to have occurred;
 - (d) the educational institution at which the teacher was appointed, employed or engaged at the time of the suspected misconduct or incompetence;
 - (e) the date on which the employer first considered that it had reasonable grounds to suspect that the teacher may have engaged in the suspected misconduct or incompetence;
 - (f) the date on which any investigation by or on behalf of the employer into the suspected misconduct or incompetence was commenced;
 - (g) the date on which the teacher was dismissed or suspended from teaching by the employer, or resigned or ceased teaching;
 - (h) any relevant public authority that has been notified regarding the suspected misconduct or incompetence;
 - (i) whether, to the employer's knowledge, the teacher is currently teaching at an educational institution;
 - (j) the full name and contact details of —
 - (i) the employer; or
 - (ii) a person who can be contacted on behalf of the employer in relation to the notice.
- (2) In subregulation (1)(h), ***relevant public authority*** includes the following —
- (a) the Commissioner of Police;
 - (b) the Corruption and Crime Commission established under the *Corruption, Crime and Misconduct Act 2003*;

- (c) the Parliamentary Commissioner for Administrative Investigations appointed under the *Parliamentary Commissioner Act 1971*;
- (d) the Public Sector Commissioner;
- (e) the department of the Public Service principally assisting in the administration of the *Children and Community Services Act 2004*;
- (f) the Department.

28. Regulation 27A amended

In regulation 27A(2):

- (a) in paragraph (c) delete “Board.” and insert:

Board;

- (b) after paragraph (c) insert:

- (d) the teacher’s telephone number as last provided to the Board.

29. Regulations 27AA and 27AB inserted

After regulation 27 insert:

27AA. Notices from Commissioner of Police (s. 41(2) and 41A(3))

- (1) For the purposes of section 41(2) of the Act, the prescribed form is Form 1 in Schedule 2.
- (2) For the purposes of section 41A(3) of the Act, the prescribed form is Form 2 in Schedule 2.

27AB. Notice from the Director of Public Prosecutions

For the purposes of section 41B(2) of the Act, the prescribed form is Form 3 in Schedule 2.

30. Regulation 28 amended

In regulation 28(2) delete “5” and insert:

5B

31. Part 6 deleted

Delete Part 6.

32. Schedules 1 and 2 replaced

Delete Schedules 1 and 2 and insert:

Schedule 1 — Fees

[r. 28]

	Type of fee	Provision of Act or regulations	Fee
1.	Fee payable by a person who applies for provisional registration —	s. 10(2)(e)	
	(a) if the applicant has a teaching qualification from an accredited initial teacher education program		\$140

Type of fee	Provision of Act or regulations	Fee
(b) if the applicant has a teaching qualification conferred in Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to a teaching qualification from an accredited initial teacher education program		\$140
(c) if the applicant has a teaching qualification conferred in a country other than Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to a teaching qualification from an accredited initial teacher education program		\$473
(d) if the applicant has a teaching qualification conferred in a country other than Australia or New Zealand and is a registered teacher, formerly registered teacher or WACOT teacher (as that term is defined in section 149A of the Act)		\$140
(e) if the application is in accordance with the mutual recognition principle or the Trans-Tasman mutual recognition principle		\$140
(f) if the applicant holds full or provisional or non-practising registration		\$56
2. Fee payable by a person who applies for full registration —	s. 10(2)(e)	

r. 32

	Type of fee	Provision of Act or regulations	Fee
(a)	if the applicant has a teaching qualification from an accredited initial teacher education program		\$178
(b)	if the applicant has a teaching qualification conferred in Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to a teaching qualification from an accredited initial teacher education program		\$178
(c)	if the applicant has a teaching qualification conferred in a country other than Australia or New Zealand that the applicant wishes the Board to recognise as equivalent to a teaching qualification from an accredited initial teacher education program		\$508
(d)	if the applicant has a teaching qualification conferred in a country other than Australia or New Zealand and is a registered teacher, formerly registered teacher or WACOT teacher (as that term is defined in section 149A of the Act)		\$178
(e)	if the application is in accordance with the mutual recognition principle or the Trans-Tasman mutual recognition principle		\$140
(f)	if the applicant holds provisional or non-practising registration		\$56

Type of fee	Provision of Act or regulations	Fee
3. Fee payable by a person who applies for limited registration —	s. 10(2)(e)	
(a) if the application (<i>current application</i>) involves a nominee who was granted limited registration, or for whom an application for limited registration was made, during the period of 12 months immediately before the day on which the current application is made		no fee
(b) if the application involves a nominee participating in a teacher exchange program approved by the Board for the purpose of this item		no fee
(c) otherwise		\$235
5. Fee payable by a person who applies for the renewal of registration	s. 11(2)(d)	\$56
5A. Fee payable by a person who applies to change a registered teacher’s category of registration —	s. 12A(2)(e)	
(a) if the application is to change from full registration to non-practising registration		no fee
(b) if the application is to change from provisional registration to full registration		\$56
(c) if the application is to change from provisional registration to non-practising registration		no fee

Teacher Registration Regulations Amendment Regulations 2023

Part 3 Teacher Registration (General) Regulations 2012 amended

r. 32

	Type of fee	Provision of Act or regulations	Fee
	(d) if the application is to change from non-practising registration to full registration		\$56
	(e) if the application is to change from non-practising registration to provisional registration		\$56
5B.	Fee payable by a person who applies under section 26(2) of the Act to modify or cancel a condition on a teacher's registration —	s. 128(2)(i)	
	(a) if the application is to modify a condition on limited registration		\$56
	(b) otherwise		no fee
6.	Annual fee —	s. 35	
	(a) for the first year after registration is granted if it is granted in January, February, March, October, November or December		\$47
	(b) otherwise		\$95
7.	Fee payable by a person for a criminal history check, obtained by the Board with consent of the person under section 44 of the Act	s. 128(2)(i)	\$59
8.	Fee payable by a person who applies for a certified copy of the register or an entry in the register for the copy	s. 37(5)	\$59 per entry up to a maximum fee of \$170

	Type of fee	Provision of Act or regulations	Fee
9.	Late payment processing fee	r. 28(5)	\$59
10.	Fee payable for a replacement registration card	r. 20(4)	\$59
11.	Fee payable by a person seeking advice about additional qualifications required for registration	r. 19(2)(a)(i) or (ii)	\$330
12.	Fee payable by a person seeking advice about being a fit and proper person to be registered	r. 19(2)(b)	\$59

Schedule 2 — Forms

[r. 27AA and 27AB]

Form 1 — Notice from Commissioner of Police under s. 41

 GOVERNMENT OF WESTERN AUSTRALIA	<p>Notice from Commissioner of Police about prosecution of registered teacher</p> <p>Section 41</p> <p><i>Teacher Registration Act 2012</i></p>	<p>Teacher Registration Board of Western Australia</p>
To	Teacher Registration Board of Western Australia	
	<p>By post Teacher Registration Board of WA Investigations & Compliance Branch P.O. Box 3019 EAST PERTH WA 6892</p>	<p>By email icb@trb.education.wa.edu.au</p>
From	Commissioner of Police	


Details of accused/offender	
Full name	D.O.B.
Residential address	
Employer	
Details of notification	
Circumstance that has occurred	<input type="checkbox"/> A registered teacher was charged with an actionable offence. <input type="checkbox"/> A registered teacher was convicted or found guilty of an indictable offence dealt with summarily. <input type="checkbox"/> Charges were discontinued or there was a mistrial or acquittal in relation to an actionable offence.
	<p><i>actionable offence</i> is defined in the <i>Teacher Registration Act 2012</i> section 3 to mean —</p> <p>(a) an offence that, on conviction, would result in the person charged being a child sex offender; or</p> <p>(b) a sexual offence committed against or in respect of a child; or</p> <p>(c) a sexual offence committed when a child was present, or within sight of a child; or</p> <p>(d) an offence the commission of which used or involved material the production of which involved a sexual offence against or in respect of a child; or</p> <p>(e) an offence prescribed for the purposes of this definition.</p>
Details of charges / convictions	
Date of alleged conduct	<i>Include range of dates (if applicable)</i>
Incident report no.	
Charges / convictions <i>Include Act and section</i>	
Court	
Convicted / found guilty Date Sentence	<i>Provide the sentence for each charge and the aggregate sentence (if applicable)</i>

Particulars of offence/s
<i>Insert here or attach the Statement of Material Facts (if available)</i>

The matter has been reported to the Working with Children Screening Unit Yes No

Full name of notifier			
Position/rank			
Station/squad/location			
Contact number		Email	
Date			

Form 2 — Notice from Commissioner of Police under s. 41A


 GOVERNMENT OF WESTERN AUSTRALIA	<p>Notice from Commissioner of Police of identifying information</p> <p>Section 41A</p> <p><i>Teacher Registration Act 2012</i></p>	<p>Teacher Registration Board of Western Australia</p>
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To	Teacher Registration Board of Western Australia	
	By post Teacher Registration Board of WA Investigations & Compliance Branch P.O. Box 3019 EAST PERTH WA 6892	By email icb@trb.education.wa.edu.au
From	Commissioner of Police	

r. 32

Details of registered teacher the subject of prosecution				
Full name:				
Date of birth:				
<u>Identifying information</u>				
Name	Date of birth	Address	Phone no.	Email
Full name of notifier				
Position/rank				
Station/squad/location				
Contact number		Email		
Date				

**Form 3 — Notice from Director of Public Prosecutions
under s. 41B**

 GOVERNMENT OF WESTERN AUSTRALIA	Notice from Director of Public Prosecutions Section 41B <i>Teacher Registration Act 2012</i>		Teacher Registration Board of Western Australia
	Information below is subject to the <i>Evidence Act 1996</i> section 36C and is not for publication.		
To	Teacher Registration Board of Western Australia		
	By post Teacher Registration Board of WA Investigations & Compliance Branch PO Box 3019	By email icb@trb.education.wa.edu.au	

	EAST PERTH WA 6892		
From	Director of Public Prosecutions	ODPP reference	
Details of accused/offender			
Full name		D.O.B.	
Residential address			
Details of notification			
Circumstance that has occurred	<input type="checkbox"/> A registered teacher was convicted or found guilty of an actionable offence. <input type="checkbox"/> All charges of actionable offences against a registered teacher were discontinued. <input type="checkbox"/> A registered teacher was acquitted, or there was a mistrial, in relation to an actionable offence.		
	<p><i>actionable offence</i> is defined in the <i>Teacher Registration Act 2012</i> section 3 to mean —</p> <ul style="list-style-type: none"> (a) an offence that, on conviction, would result in the person charged being a child sex offender; or (b) a sexual offence committed against or in respect of a child; or (c) a sexual offence committed when a child was present, or within sight of a child; or (d) an offence the commission of which used or involved material the production of which involved a sexual offence against or in respect of a child; or (e) an offence prescribed for the purposes of [the] definition. 		
Details of charges/convictions			
Date of alleged conduct	<i>Include range of dates (if applicable)</i>		
Police brief no.			
Charges / convictions <i>Include Act and section</i>			
Court			
Date of finding			
Details of sentence	<i>Provide the sentence for each charge and the aggregate sentence (if applicable). Continue over page if required.</i>		

r. 32

Further information if required

Full name of notifier			
Position			
Office/Location			
Contact number		Email	
Date			

V. MOLAN, Clerk of the Executive Council

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