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PUBLISHING DETAILS

The Western Australian *Government Gazette* is published by the Government Printer for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*—

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper.
- Copy must be lodged with the Publications Officer, Department of the Premier and Cabinet no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition)—

Email address:

gazette@dpc.wa.gov.au

- Inquiries regarding publication of notices can be directed to the Publications Officer on (08) 6552 6012.
- **Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.**

After lodging any notices, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*

GOVERNMENT GAZETTE

PUBLISHING DETAILS FOR EASTER AND ANZAC DAY 2022

A gazette will be published on **Thursday 14th April**
and closing time for copy is Wednesday 13th April at noon.

A gazette will be published on **Friday 22nd April**
and closing time for copy is Wednesday 20th April at noon.

**The Gazette will not be published on Tuesday 19th April or
on Tuesday 26th April**

— PART 1 —

ENERGY

EN301

Energy Safety Act 2006

Energy Safety Levy Notice 2022

Made by the Minister under the *Energy Safety Act 2006* section 14.

1. Citation

This notice is the *Energy Safety Levy Notice 2022*.

2. Commencement

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

3. Application

This notice applies in respect of the financial year commencing on 1 July 2022 and is made having regard to the business plan for that financial year.

4. Total amount to be raised by way of levy

- (1) The total amount to be raised by way of levy is \$7 586 000.
- (2) In accordance with the business plan and section 6(1)(d) and (2) of the Act —
 - (a) 67% of the total amount to be raised by way of levy is payable by those energy industry participants liable under clause 5(3); and
 - (b) 33% of the total amount to be raised by way of levy is payable by those energy industry participants liable under clause 6(4).

5. Electricity industry participants liable to pay levy

- (1) In this clause —

electrical installation has the meaning given in the *Electricity (Licensing) Regulations 1991* regulation 3(1);

network means —

- (a) a distribution system as defined in the *Electricity Industry Act 2004* section 3(1); or
 - (b) a transmission system as defined in the *Electricity Industry Act 2004* section 3(1).
- (2) For the purposes of this clause, a site containing multiple tenants (for example, a residential retirement complex, office building, shopping centre or apartment block) but with only 1 point of direct connection to a network is to be treated as 1 consumer site.
 - (3) An energy industry participant is liable to pay a levy if on 31 March 2022 —
 - (a) the participant operates 1 or more networks; and
 - (b) there are 500 or more consumer sites that have an electrical installation connected directly to a network operated by the participant.
 - (4) The amount of levy payable by an energy industry participant liable under subclause (3) is the proportion of the amount referred to in clause 4(2)(a) that is equal to the percentage calculated in accordance with subclause (5).
 - (5) The calculation must be made by applying the following formula (with the result expressed as a percentage) —

$$\frac{P}{T} \times 100$$

where —

P is the number of consumer sites that on 31 March 2022 have an electrical installation connected directly to a network operated by the participant;

T is the total number of consumer sites that on 31 March 2022 have an electrical installation connected directly to any of the networks operated by electricity industry participants liable under subclause (3) to pay a levy.

6. Gas industry participants liable to pay levy

- (1) In this clause —

distribution system has the meaning given in the *Energy Coordination Act 1994* section 3(1);

gas distributor means —

- (a) a holder of a distribution licence as defined in the *Energy Coordination Act 1994* section 3(1); or
- (b) a person exempted under the *Energy Coordination Act 1994* from the requirement to hold a licence referred to in paragraph (a); or

- (c) an entity, other than a primary producer or supplier of LP gas such as BP Refinery (Kwinana) Proprietary Limited or Wesfarmers LPG Pty Ltd, distributing (whether directly, through an agent or as described in subclause (3)) LP gas —
 - (i) to consumers with on-site fixed LP gas storage facilities (*bulk tanks*); or
 - (ii) to consumers in portable cylinders;

gas installation has the meaning given in the *Gas Standards Act 1972* section 4;

LP gas means liquefied petroleum gas;

portable cylinder means a portable cylinder, other than one fixed to a motor vehicle, designed to hold 45 kg of LP gas when full.

- (2) For the purposes of this clause —
 - (a) a site containing multiple tenants (for example, a residential retirement complex, office building, shopping centre or apartment block) but with only 1 point of direct connection to a distribution system is to be treated as 1 consumer site; and
 - (b) a site containing multiple tenants (for example, a residential retirement complex, office building, shopping centre or apartment block) that all consume LP gas from a single source supplied by a bulk tank or multiple interconnected portable cylinders is to be treated as 1 consumer; and
 - (c) a consumer to whom an entity distributes LP gas, whether to the consumer's bulk tank or in portable cylinders, on more than 1 occasion is to be treated as 1 consumer.
- (3) For the purposes of this clause, an entity is taken to distribute LP gas to consumers if —
 - (a) the entity distributes LP gas in bulk, or in portable cylinders, to a dealer who is authorised or permitted by the entity to distribute the gas; and
 - (b) the dealer distributes the LP gas to the bulk tanks of, or in portable cylinders to, consumers.
- (4) An energy industry participant is liable to pay a levy if —
 - (a) on 31 March 2022 —
 - (i) the participant is a gas distributor; and
 - (ii) there are 500 or more consumer sites with a gas installation connected directly to a distribution system operated by the participant;
 - or
 - (b) in the financial year commencing on 1 July 2021 —
 - (i) the participant is or was a gas distributor; and

- (ii) the participant distributes (whether directly, through an agent, or as described in subclause (3)) LP gas to the bulk tanks of, or in portable cylinders to, more than 500 consumers.
- (5) The amount of levy payable by an energy industry participant liable under subclause (4) is the proportion of the amount referred to in clause 4(2)(b) that is equal to the percentage calculated in accordance with subclause (6).
- (6) The calculation must be made by applying the following formula (with the result expressed as a percentage) —

$$\frac{(P1 + P2)}{(T1 + T2)} \times 100$$

where —

- P1 is the number of consumer sites that on 31 March 2022 have a gas installation connected directly to a distribution system operated by the participant;
- P2 is the number of consumers to whom the participant distributes LP gas, either to their bulk tanks or in portable cylinders, in the financial year commencing on 1 July 2021;
- T1 is the total number of consumer sites that on 31 March 2022 have a gas installation connected directly to any of the distribution systems operated by energy industry participants liable under subclause (4)(a) to pay a levy;
- T2 is the total number of consumers to whom energy industry participants liable under subclause (4)(b) to pay a levy distribute LP gas, either to their bulk tanks or in portable cylinders, in the financial year commencing on 1 July 2021.

7. Time for payment of levy

- (1) The levy is payable in quarterly instalments.
- (2) The first quarterly instalment is payable within 28 days after the issue of the notice of assessment.
- (3) The further quarterly instalments are payable —
- (a) on or before 1 October, 1 January and 1 April respectively; or
- (b) if the notice of assessment provides for payment on a later date — on the later date.

R. COOK, Minister for Commerce.

— PART 2 —

CONSUMER PROTECTION

CP401

RETAIL TRADING HOURS ACT 1987

RETAIL TRADING HOURS (SHIRE OF ESPERANCE) VARIATION ORDER 2022

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

1. Citation

This order is the *Retail Trading Hours (Shire of Esperance) Variation Order 2022*.

2. Commencement

This order comes into operation as follows—

- (a) clauses 1 and 2—on the day on which this order is published in the *Gazette*;
- (b) the rest of the order—on the day after that day.

3. Variation of retail trading hours

General retail shops, other than motor vehicle shops, in the Esperance local government district are authorised to be open at times when those shops would otherwise be required to be closed—

- (a) on the day specified in the Table; and
- (b) during the hours specified for that day in the table.

Table

Day	Hours
Monday 18 April 2022	From 10.00 am until 4.00 pm

Hon. ROGER COOK, MLA, Minister for Commerce.

FIRE AND EMERGENCY SERVICES

FE401

EMERGENCY MANAGEMENT ACT 2005

EXTENSION OF STATE OF EMERGENCY DECLARATION

I, Stephen Noel Dawson, the Minister for Emergency Services, hereby extend the state of emergency declaration made on 15 March 2020 at 12:45 pm.

The state of emergency declaration is extended for a period of fourteen (14) days.

The powers that may be exercised during the period by which the state of emergency declaration is extended are limited as follows: Nil limitations.

Time when declaration made: 11:55 am.

Date on which declaration made: 5 April 2022.

This declaration has effect from 12 am on 8 April 2022 and remains in force until—

- (a) 12 am on 22 April 2022; or
- (b) It is revoked under section 59 of the *Emergency Management Act 2005*.

This declaration of an extension of a state of emergency declaration is made under section 58 of the *Emergency Management Act 2005*.

STEPHEN NOEL DAWSON, Minister for Emergency Services.

HEALTH

HE401

PUBLIC HEALTH ACT 2016

EXTENSION OF DECLARATION (NO.3) OF PUBLIC HEALTH STATE OF EMERGENCY

Pursuant to section 170 of the *Public Health Act 2016* (WA) I, Amber-Jade Sanderson, the Minister for Health, hereby extend the public health state of emergency declaration, which came into effect on 22 September 2021 at 16:25 hours.

The duration of the public health state of emergency declaration is extended for a period of **14 days** (the extension).

Time of this extension: 12:40 pm.

Date of this extension: 4 April 2022

Hon. AMBER-JADE SANDERSON, MLA, Minister for Health.

HE402

HUMAN REPRODUCTIVE TECHNOLOGY ACT 1991

SURROGACY DIRECTIONS 2022

INTRODUCTION

These directions are given by the CEO of the Department of Health in accordance with section 31 of the *Human Reproductive Technology Act 1991* (the Act).

1. Citation

These directions are the Surrogacy Directions 2022.

2. Commencement

These directions come into operation on the day on which these directions are published in the *Gazette*.

3. Revocation

The Surrogacy Directions 2009 given by the CEO of the Department of Health under section 31 of the Act and published in the Western Australian *Government Gazette* on 27 February 2009 are revoked.

4. Terms used in these directions

In these directions—

“**Arranged parents**” has the meaning given in the *Surrogacy Act 2008* section 14;

“**Birth parents**” has the meaning given in the *Surrogacy Act 2008* section 14;

“**Council**” means the Reproductive Technology Council;

“**Donor**” has the meaning given in the *Surrogacy Act 2008* section 17(b)(iii);

“**Exempt practitioner**” has the meaning given in the HRT Directions;

“**HRT Directions**” means the directions given by the CEO of the Department of Health and published in the *Gazette* on 23 June 2021;

“**Parties**” has the meaning given in the *Surrogacy Act 2008* section 17(c);

“**Surrogacy arrangement**” has the meaning given in the *Surrogacy Act 2008* section 3.

5. Purpose

These directions are given to set the standards for the use of artificial fertilisation procedures in connection with surrogacy arrangements.

6. Welfare of child paramount

When a person to whom a licence applies or an exempt practitioner is considering whether to provide an artificial fertilisation procedure in connection with a surrogacy arrangement—

(a) the welfare of any child that may be born as a result of the procedure is to be the paramount consideration; and

(b) the welfare of any existing child of the birth mother, a donor or the arranged parents is to be taken into account.

7. Harm minimisation

When providing an artificial fertilisation procedure in connection with a surrogacy arrangement a person to whom a licence applies or an exempt practitioner is to ensure that the risk of physical, social and psychological harm to the birth parents, the arranged parents and any donor is minimised.

8. Clinic surrogacy coordinator

(1) Each licensee who offers, whether by advertising or any other means, to provide reproductive technology treatment in connection with a surrogacy arrangement is to nominate a person to carry out the role of clinic surrogacy coordinator.

(2) The role of the clinic surrogacy coordinator is to—

- (a) be the primary contact point for persons who have inquiries about surrogacy arrangements; and
- (b) ensure that prospective parties to a surrogacy arrangement are given information referred to in direction 10; and
- (c) coordinate the assessment processes and counselling in connection with a surrogacy arrangement; and
- (d) assist parties in making an application to the Council for the approval of a surrogacy arrangement; and
- (e) coordinate the provision of ongoing counselling and support referred to in direction 12; and
- (f) facilitate counselling referred to in direction 13.

(3) A clinic surrogacy coordinator is to be available at the licensed premises during normal business hours.

9. Role of clinic in introducing parties to surrogacy arrangement

(1) A licensee is not to actively recruit a woman to be a birth mother.

(2) A licensee may arrange for a woman who has approached the licensee offering to be a birth mother to be introduced to prospective arranged parents.

10. Information to be provided

(1) Before arranging for any assessment process in connection with a surrogacy arrangement to commence, a person to whom a licence applies or an exempt practitioner is to give each proposed party to the surrogacy arrangement information about—

- (a) the assessment process to be undertaken in connection with the surrogacy arrangement; and
- (b) the *Artificial Conception Act 1985*; and
- (c) the *Surrogacy Act 2008*; and
- (d) the rights of donors, participants and children born as a result of the surrogacy arrangement to access identifying and non-identifying information in accordance with the Act and the *Surrogacy Act 2008*; and
- (e) the medical and social implications in relation to surrogacy and for children born as a result of a surrogacy arrangement.

(2) The information referred to in subdirection (1) is to be provided by giving an oral explanation and also giving written material that has been approved by the Council.

11. Consent of arranged parents

(1) A person to whom a licence applies or an exempt practitioner is not to carry out an artificial fertilisation procedure in connection with a surrogacy arrangement unless at the time of, or immediately prior to, the carrying out of the procedure effective consent is given by the arranged parents.

(2) The consent referred to in subdirection (1) is additional to consent referred to in the HRT Directions Part 3.

12. Ongoing counselling and support

A licensee is to ensure that each party to a surrogacy arrangement for which the licensee is providing reproductive technology treatment is to have access to counselling and support services in connection with the arrangement at each of the following times—

- (a) following a decision by the Council in relation to an application for the approval of a surrogacy arrangement;
- (b) during treatment in connection with a surrogacy arrangement;
- (c) following a decision to discontinue treatment;
- (d) during any pregnancy that results from treatment;
- (e) following the miscarriage or birth of any child born in connection with a surrogacy arrangement.

13. Counselling requirements during any pregnancy

If a pregnancy in connection with a surrogacy arrangement results from the use of an artificial fertilisation procedure provided by a licensee, the licensee is to make all reasonable efforts to facilitate joint counselling for the birth mother and the arranged parents at each of the following times—

- (a) 20 weeks after the beginning of a pregnancy;
- (b) 34 weeks after the beginning of a pregnancy;
- (c) within 14 days after a miscarriage or the birth of a child.

14. Information to be provided by licensee

A licensee who provides an artificial fertilisation procedure in connection with a surrogacy arrangement is to include with information required under the HRT Directions direction 2.5 any additional information requested by the Executive Officer of the Council about the arranged parents, the birth parents and any donor.

15. Annual reporting

A licensee who provides an artificial fertilisation procedure in connection with a surrogacy arrangement is to include in the annual report required under the HRT Directions direction 2.11 the information set out in Schedule 1 of these directions.

Schedule 1—Annual reporting requirements

1. Unit ID.
2. Number of clients who commenced treatment with the intention of becoming arranged parents in a surrogacy arrangement.
3. Number of arranged parents who sought Council approval for a surrogacy arrangement.
4. Number of surrogacy arrangements approved by the Council.
5. Number of surrogacy arrangements involving treatment using egg or sperm provided by a donor.
6. Number of surrogacy arrangements involving treatment using embryos created from egg and sperm provided by donors.
7. Number of surrogacy arrangements where a party has withdrawn from a surrogacy arrangement and the reason for that withdrawal.
8. Number of pregnancies in connection with surrogacy arrangements.
9. Number of live births in connection with surrogacy arrangements.

Dr D. RUSSELL-WEISZ, Chief Executive Officer.

INDUSTRIAL RELATIONS

IR401**WORK HEALTH AND SAFETY ACT 2020****WORK HEALTH AND SAFETY (CODE OF PRACTICE) NOTICE**

Published under section 274(5) of the *Work Health and Safety Act 2020*.

1. Citation

This notice may be cited as the *Work Health and Safety (Code of Practice) Notice (No. 1) 2022*.

2. Revocation of code of practice

Notice is hereby given that I, the undersigned Minister for Industrial Relations, being the Minister charged with administration of the *Work Health and Safety Act 2020*, acting in exercise of the power conferred upon me by section 274(1) of the said Act, do hereby revoke the approval of the following code of practice—

- (i) *Code of Practice: Psychosocial Hazards in the Workplace, 2022* published in the *Government Gazette* on 11 February 2022.

3. Approval of code of practice

Notice is hereby given that I, the undersigned Minister for Industrial Relations, being the Minister charged with administration of the *Work Health and Safety Act 2020*, acting in exercise of the power conferred upon me by section 274(1) of the said Act, do hereby approve the following code of practice—

- (ii) *Code of Practice: Psychosocial Hazards in the Workplace, 2022*.

4. Commencement

This revocation and approval comes into force from the date of publication in the *Western Australian Government Gazette*.

Note: A copy of the approved code of practice referred to in this notice is available on the Department of Mines, Industry Regulation and Safety website www.dmirns.wa.gov.au. The code of practice can also be made available in alternative formats, upon request.

A copy of the revoked code of practice referred to in this notice is available for inspection (without charge) at the Department of Mines, Industry Regulation and Safety, WorkSafe Library, 1st floor, 303 Sevenoaks Street, Cannington, Western Australia.

Hon. BILL JOHNSTON, MLA, Minister for Industrial Relations.

IR402**WORK HEALTH AND SAFETY ACT 2020****WORK HEALTH AND SAFETY (CODE OF PRACTICE) NOTICE**

Published under section 274(5) of the *Work Health and Safety Act 2020*.

1. Citation

This notice may be cited as the *Work Health and Safety (Code of Practice) Notice (No. 2) 2022*.

2. Revocation of codes of practice

Notice is hereby given that I, the undersigned Minister for Industrial Relations, being the Minister charged with administration of the *Work Health and Safety Act 2020*, acting in exercise of the power conferred upon me by section 274(1) of the said Act, do hereby revoke the approval of the following codes of practice—

- (i) *Code of Practice: Violence and Aggression at Work, 2022* published in the *Government Gazette* on 11 February 2022; and
- (ii) *Code of Practice: Workplace Behaviour, 2022* published in the *Government Gazette* on 11 February 2022.

3. Approval of codes of practice

Notice is hereby given that I, the undersigned Minister for Industrial Relations, being the Minister charged with administration of the *Work Health and Safety Act 2020*, acting in exercise of the power conferred upon me by section 274(1) of the said Act, do hereby approve the following codes of practice—

- (i) *Code of Practice: Violence and Aggression at Work, 2022*; and
- (ii) *Code of Practice: Workplace Behaviour, 2022*.

4. Commencement

These revocations and approvals come into force from the date of publication in the *Western Australian Government Gazette*.

Note: Copies of the approved codes of practice referred to in this notice are available on the Department of Mines, Industry Regulation and Safety website www.dmir.wa.gov.au. The codes of practice can also be made available in alternative formats, upon request.

Copies of the revoked codes of practice referred to in this notice are available for inspection (without charge) at the Department of Mines, Industry Regulation and Safety, WorkSafe Library, 1st floor, 303 Sevenoaks Street, Cannington, Western Australia.

Hon. BILL JOHNSTON, MLA, Minister for Industrial Relations.

IR403**WORK HEALTH AND SAFETY ACT 2020****WORK HEALTH AND SAFETY (CODE OF PRACTICE) NOTICE**

Published under section 274(5) of the *Work Health and Safety Act 2020*.

1. Citation

This notice may be cited as the *Work Health and Safety (Code of Practice) Notice (No. 3) 2022*.

2. Revocation of codes of practice

Notice is hereby given that I, the undersigned Minister for Industrial Relations, being the Minister charged with administration of the *Work Health and Safety Act 2020*, acting in exercise of the power conferred upon me by section 274(1) of the said Act, do hereby revoke the approval of the following Codes of Practice—

- (i) *National Code of practice for the control of work-related exposure to hepatitis and HIV (blood-borne) viruses—2nd edition [NOHSC:2010—December 2003]*, published in the *Government Gazette* on 13 January 2009;
- (ii) *National Code of Practice for the Control and Safe Use of Inorganic Lead at Work—[NOHSC:2015—1994]*, published in the *Government Gazette* on 13 November 1996;
- (iii) *National Code of Practice for the Safe Use of Synthetic Mineral Fibres [NOHSC:2006—May 1990]*, published in the *Government Gazette* on 7 June 1991;
- (iv) *National Code of Practice for the Safe Use of Ethylene Oxide in Sterilisation/Fumigation Processes [NOHSC:2008—April 1992]*, published in the *Government Gazette* on 18 February 1994;
- (v) *National Code of Practice for the Safe Use of Vinyl Chloride—[NOHSC—February 1990]*, published in the *Government Gazette* on 7 June 1991; and
- (vi) *Code of Practice for the Safe Use and Application of High Pressure Water Jetting Equipment—Australian High Pressure Water Jetting Association—Ausjet—1 October 2001*, published in the *Government Gazette* on 12 October 2001.

3. Commencement

This revocation comes into force from the date of publication in the *Western Australian Government Gazette*.

Note: A copy of the codes of practice referred to in this notice are available for inspection (without charge) at the Department of Mines, Industry Regulation and Safety, WorkSafe Library, 1st floor, 303 Sevenoaks Street, Cannington, Western Australia.

Hon. BILL JOHNSTON, MLA, Minister for Industrial Relations.

LOTTERIES

LO401

LOTTERIES COMMISSION ACT 1990

LOTTERIES COMMISSION (SUPER66 AND REMOVAL OF SELF-SERVE KIOSKS) AMENDMENT RULES 2022

Made by the Lotteries Commission under section 28(1) of the Act.

1. Citation

These rules are the *Lotteries Commission (Super66 and Removal of Self-Serve Kiosks) Amendment Rules 2022*.

2. Commencement

These rules come into operation as follows—

- (a) rules 1 and 2—on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules—immediately after the Super66 draw on 14 May 2022.

3. Rules amended

These rules amend the *Lotteries Commission (Authorised Lotteries) Rules 2016*.

4. Rule 3 amended

In rule 3—

- (1) In the definition of **advance play option**, delete “Play Online, the Lotterywest App or a self-serve kiosk,” and insert—
Play Online or the Lotterywest App,
- (2) In the definition of **digital entry**
 - (a) delete “(b) the Lotterywest App; or” and insert—
(b) the Lotterywest App;
 - (b) delete “(c) a self-serve kiosk;”
- (3) Delete the definition **self-serve kiosk**

5. Rule 9 amended

In rule 9(3) delete “, a self-serve kiosk”

6. Rule 37 amended

In the definition of **entry** delete “a self-serve kiosk,”

7. Rule 39A amended

Delete rule 39A in its entirety

8. Rule 41 amended—

- (1) In rule 41(1) delete “, a self-serve kiosk”
- (2) In rule 41(3) delete “, a self-serve kiosk”

9. Rule 45 amended—

In rule 45(1) delete “, a self-serve kiosk,”

10. Rule 50 amended—

In rule 50 delete “Play Online, the Lotterywest App or a self-serve kiosk” and insert—
Play Online or the Lotterywest App

Note: The heading to amended rule 50 is to read—

Play Online and the Lotterywest App information and format

11. Rule 51 amended—

In rule 51—

- (1) After “Play Online” delete “,” and insert—
or
- (2) After “a Lotterywest app entry” delete “or an entry via a self-serve kiosk”

12. Rule 139 amended—

In rule 139(5)(a)

- (1) After “Play Online” delete “,” and insert—
or
- (2) After “the Lotterywest App” delete “or a self-serve kiosk”

13. Rule 143 amended—

In rule 143(1)(a)(ii) delete “\$16 666” and insert—

such amount as is agreed by the members of the Lotto Bloc from time to time

The Common Seal of the Lotteries Commission was affixed on the 17th day of February 2022, by order and in the presence of—

SVEND PETER KLINKEN, Chairperson.
STEPHEN CARRE, Board Member.
RUBINI VENTOURAS, Board Member.

PLANNING

PL401**PLANNING AND DEVELOPMENT ACT 2005****BOARD OF VALUERS**

Appointment of Chairperson and Members

Notice is given that His Excellency the Governor has been pleased to appoint in accordance with the provisions of section 182 of the *Planning and Development Act 2005*—

1. Mr Ross Allen Hughes, as Chairperson of the Board of Valuers;
2. Ms Kirsty Anne Lane, as a Member of the Board of Valuers; and
3. Mr Matthew Garmony, as a Member of the Board of Valuers,

each for a term of two years expiring on 21 March 2024.

Dated 1 April 2022.

SAM FAGAN, Secretary, Western Australian Planning Commission.

POLICE

PO401

MISUSE OF DRUGS ACT 1981
MISUSE OF DRUGS REGULATIONS 1982

APPROVED ANALYST

I, Christopher Dawson, Commissioner of Police in the State of Western Australia, under section 3A of the *Misuse of Drugs Act 1981* approve the following analyst, employed by ChemCentre, to be an approved analyst for the purposes of the Act.

Title	Given Names	Surname	DOB	Qualifications
Dr	Jason	Wells	19/03/1988	Doctorate in Chemistry

Dated 1 April 2022.

CHRIS DAWSON, Commissioner of Police.

SALARIES AND ALLOWANCES TRIBUNAL

SA401

SALARIES AND ALLOWANCES ACT 1975 DETERMINATION VARIATION

PREAMBLE

1. The Salaries and Allowances Tribunal has issued a determination in response to a request from the President of the Legislative Council due to the impending vacancy for the position of Clerk of the Legislative Council.
2. This determination is issued in accordance with the *Salaries and Allowances Act 1975* (‘the Act’) under section 6(1)(c).
3. The Tribunal’s review noted that the new appointee to the position of Clerk of the Legislative Council would be employed on a contract term of 7 years, rather than a permanent appointment. This change will also incorporate increased accountability standards and performance measures.
4. While the Clerk of the Legislative Council is the first position in this determination to move towards a fixed term contract, it is the Tribunal’s understanding the remaining positions will become fixed term appointments when vacated.
5. It is the Tribunal’s expectation that the increase in accountability standards and performance measures would apply to current office holders, regardless of their employment status.
6. In 2011, the Tribunal incorporated an increased salary component for Special Division office holders under section 6(1)(d-e) of the Act. This was in recognition of the altered job security in moving to fixed term contracts and changes in accountability and performance measures, regardless of an office holders’ employment status. This determination adopts those same standards.
7. The Tribunal has determined to maintain the long-standing salary parity between the office holders across both Houses of Parliament. This parity is based upon section 35 of the *Constitution Act 1889* which states “... the salaries and allowances of the various officers of the Legislative Council shall be the same as those of the corresponding officers of the Legislative Assembly” and on legal advice relating to this section.
8. The request from the President outlined significant attraction issues with the current remuneration package and the integral role the Clerk plays in the effective functioning of the Parliament.
9. The submission from the Clerks of the Parliament demonstrated the role of a Clerk is a specialised field with a unique knowledge base that draws from a very limited recruitment pool. The remuneration needs to be of sufficient level to attract and retain qualified applicants in a competitive national environment.
10. The Clerks’ submission provided evidence that the remuneration of Western Australian Clerks was significantly below the nation’s average in 2016. This has continued with the current remuneration being the second lowest in the country.
11. The submission from the Clerks also illustrated considerations such as conditions of employment where subordinate positions, being eligible for overtime payments, can receive remuneration close to the current rates of Clerks and their Deputies, who are unable to access overtime payments.
12. After taking due consideration of the present economic outlook and submissions received, this determination reflects the increase in the accountability standards and performance measures, the altered job security in implementation of fixed term contracts, attraction and retention issues, and ensures the positions are fairly remunerated for the level of expertise and management required.
13. The Tribunal emphasises that when the other office holders move to a fixed term contract, there will be no further compensation for the change in employment status, as this has already been incorporated into the salaries in this determination.
14. The increase provided for in this determination is inclusive of any general increase that will be awarded to the wider Special Division and Prescribed Office holders by the Tribunal in 2022.

DETERMINATION

VARIATION 1 (effective on and from 1 April 2022)

The determination of the Salaries and Allowances Tribunal made on 24 June 2021 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 determination set out below, with effect on and from 1 April 2022.

- Delete the reference to the offices below, as it appears in ‘Table 17: Annual salary for the Clerks and Deputy Clerks of the Parliament’ within Part 1 of the Fifth Schedule, and insert the following—

Office	Salary
Clerk of the Legislative Council	\$264,456
Deputy Clerk of the Legislative Council	\$203,651

Office	Salary
Clerk of the Legislative Assembly	\$264,456
Deputy Clerk of the Legislative Assembly	\$203,651

Signed on 30 March 2022.

M SEARES AO
Chair

B A SARGEANT PSM
Member
Salaries and Allowances Tribunal

HON. J DAY
Member

SA402

SALARIES AND ALLOWANCES ACT 1975
DETERMINATION VARIATION

PREAMBLE

The Salaries and Allowances Tribunal has issued a determination to reflect changes in relation to the following offices in the Special Division of the WA Public Service—

- Chief Executive Officer, Western Australian Tourism Commission;
- Director General, Department of Local Government, Sport and Cultural Industries; and
- Senior Consultant State Prosecutor, Office of the Director of Public Prosecutions.

DETERMINATION

VARIATION 1 (effective on and from 03 September 2018)

The determinations of the Salaries and Allowances Tribunal made on 25 June 2019, 02 July 2019, 29 September 2020 and 24 June 2021 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 determination set out below, with effect on and from 03 September 2018.

- Delete the reference to the office below, as it appears in ‘Table 2: Prescribed Office Holders within Part 1 of the First Schedule, and insert the following—

Office	Department or Agency	Office Holder	Salary
Chief Executive Officer	Western Australian Tourism Commission	R Brown	See Director General, Jobs, Tourism, Science and Innovation

VARIATION 2 (effective on and from 09 March 2022)

The determination of the Salaries and Allowances Tribunal made on 24 June 2021 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 determination set out below, with effect on and from 09 March 2022.

- Delete the reference to the office below, as it appears in ‘Table 1: Special Division CEOs within Part 1 of the First Schedule, and insert the following—

Office	Department or Agency	Band	Office Holder	Salary
Director General	Local Government, Sport and Cultural Industries	2	L Chopping	\$320,881

VARIATION 3 (effective on and from 31 July 2021)

The determination of the Salaries and Allowances Tribunal made on 24 June 2021 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 determination set out below, with effect on and from 31 July 2021.

- Delete the reference to the office below, as it appears in ‘Table 14: Remuneration and Offices within Part 1 of the Second Schedule, and insert the following—

Office	Department or Agency	Band	Office Holder	Salary
Senior Consultant State Prosecutor	Office of the Director of Public Prosecutions	3	Vacant	\$-

Signed on 28 March 2022.

M SEARES AO
Chair

B A SARGEANT PSM
Member
Salaries and Allowances Tribunal

HON. J DAY
Member

SA403

SALARIES AND ALLOWANCES ACT 1975
DETERMINATION VARIATION

PREAMBLE

The Salaries and Allowances Tribunal has issued a determination to reflect a change in relation to the Managing Director, Westport, Department of Transport.

DETERMINATION**VARIATION 1 (effective on and from 22 October 2021)**

The determination of the Salaries and Allowances Tribunal made on 24 June 2021 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 determination set out below, with effect on and from 22 October 2021.

- Delete the reference to the office below, as it appears in "Table 3: Special Division Non-CEOs within Part 1 of the First Schedule, and insert the following—

Office	Department or Agency	Band	Office Holder	Salary
Managing Director, Westport	Transport	3	P Seares	\$254,480

Signed on 28 March 2022.

B A SARGEANT PSM
 Member

Salaries and Allowances Tribunal

HON. J DAY
 Member
