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Deceased Estate notices, (per estate)—\$21.80

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Per Column Centimetre—\$10.15

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Clients who have an account will be invoiced for advertising charges.

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PUBLISHING ALTERATIONS

Periodically the normal *Gazette* publishing times need to be altered to cater for disruption caused by public holidays.

- Easter and Christmas holidays cause disruption each year.
- Australia Day and Anzac Day cause disruption when they fall on a Tuesday or Friday.

In these instances, notices warning of the change are generally published on page 2 for approximately 4 weeks prior to the date.

Readers are urged to check *Gazettes* accordingly, prior to contacting State Law Publisher.

JOHN A. STRIJK, Government Printer.

— PART 1 —

ENVIRONMENT

EV301*

Environmental Protection Act 1986

Environmental Protection (Unauthorised Discharges) Regulations 2004

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Environmental Protection (Unauthorised Discharges) Regulations 2004*.

2. Interpretation

In these regulations unless the contrary intention appears —
“**dark smoke**” means smoke that, if compared with a chart known as the Australian Miniature Smoke Chart (AS 3543 1989), would appear darker than shade 1 on that chart.

3. Discharges of certain materials prohibited

- (1) A person who, in the course of or in connection with a business or a commercial activity, causes or allows a material listed in Schedule 1 to be discharged into the environment commits an offence.

Penalty: \$5 000.

- (2) Subregulation (1) does not apply if —

- (a) the material discharged into the environment is a detergent and the detergent —
(i) was used as a wetting agent on a lawn or in a garden; and

- (ii) was applied or used at a frequency or rate that was not in excess of that recommended by the manufacturer of the wetting agent;

or

- (b) the material discharged into the environment is a pesticide or horticultural product and the pesticide or horticultural product was applied or used at a frequency or rate that was not in excess of that recommended by its manufacturer.

4. Discharges of visible smoke from burning certain materials and dark smoke prohibited

- (1) A person who, in the course of or in connection with a business or a commercial activity, burns or allows a material listed in Schedule 2 to be burnt so as to cause or allow visible smoke to be discharged into the environment commits an offence.

Penalty: \$5 000.

- (2) A person who, in the course of or in connection with a business or a commercial activity, burns or allows any material to be burnt so as to cause or allow dark smoke to be discharged into the environment for more than 4 minutes in any hour commits an offence.

Penalty: \$5 000.

- (3) Subregulation (2) does not apply to a solid or liquid burnt in a vehicle's engine on a road, a locomotive's engine while the locomotive is operating on a railway line or an aircraft's engine while the aircraft is taking off, landing, taxiing or in flight.

5. Defences

In proceedings against a person for a breach of regulation 3(1) or 4(1) or (2), it is a defence to show that the discharge —

- (a) occurred in accordance with an authorisation given in the exercise of a power under another written law;
- (b) occurred as a result of an emergency or an accident or malfunction caused otherwise than by the negligence of that person; or
- (c) occurred for the purpose of preventing danger to human life or health or irreversible damage to a significant part of the environment.

6. *Environmental Protection Regulations 1987* amended

- (1) The amendment in this regulation is to the *Environmental Protection Regulations 1987**.

[* Reprinted as at 29 November 2002.

For amendments to 12 January 2004 see *Western Australian Legislation Information Tables for 2002, Table 4, p. 94, and Gazette 23 July and 9 September 2003.*]

- (2) Schedule 6 is amended by inserting after item 4 of the entry relating to the *Environmental Protection (NEPM - UPM) Regulations 2003* the following —

“

*Environmental Protection
(Unauthorised Discharges)
Regulations 2004*

1.	regulation 3(1)	250	500
2.	regulation 4(1)	250	500
3.	regulation 4(2)	250	500

”.

7. *Clean Air Regulations 1967* repealed

The *Clean Air Regulations 1967* are repealed.

**Schedule 1 — Materials that must not be discharged
into the environment**

[r. 3]

Acid with a pH less than 4

Alkali with a pH more than 10

Animal waste

Animal oil, fat or grease

Compounds or solutions of cyanide, chromium, cadmium, lead, arsenic, mercury, nickel, zinc or copper

Degreaser

Detergent

Dust produced by a mechanical process including cutting, grinding, sawing, sanding or polishing a material

Dye

Engine coolant or engine corrosion inhibitor

Food waste

Laundry waste

Mineral oil

Organic solvent

Paint

Petrol, diesel or other hydrocarbon

Pesticide

Sediment

Sewage

Vegetable oil, fat or grease

**Schedule 2 — Materials that must not be burnt so as to
discharge visible smoke into the environment**

[r. 4(1)]

Carpet
Electrical cables
Fabrics or textiles
Organic solvent
Paint
Plastic, including polystyrene and the like
Printed circuit boards
Printing waste
Rubber
Timber that has been treated with preservatives
Tyres
Vehicles or vessels and their parts
Waste oil, fats or grease

By Command of the Lieutenant-Governor and
deputy of the Governor,

ROD SPENCER, Clerk of the Executive Council.

JUSTICE

JU301*

Local Courts Act 1904

Local Court Amendment Rules 2004

Made by the Lieutenant-Governor and Administrator in Executive
Council.

1. Citation

These rules may be cited as the *Local Court Amendment
Rules 2004*.

2. Commencement

These rules come into operation on the day after the last day of the specified period, which is the period of one month after the day on which these rules are published in the *Gazette*.

3. The rules amended

The amendments in these rules are to the *Local Court Rules 1961**.

[* Reprinted as at 13 October 2000.

For amendments to 24 February 2004 see *Western Australian Legislation Information Tables for 2002, Table 4, p. 217, and Gazette 30 June and 30 December 2003.*]

4. Appendix amended

- (1) The Appendix Part II Table of court fees item 9 is amended by deleting “\$1 000.” and inserting instead —

“ \$1 300. ”

- (2) The Appendix Part II Table of Bailiff fees is deleted and the following Table inserted instead —

“

Table of Bailiff fees

Item	Service	Fee
1. (a)	<u>Service</u> of any process when non-personal service may be utilised	\$18.00
1. (b)	<u>Service</u> of any process requiring personal service	\$25.00
1. (c)	<u>Additional fee</u> where an attempt to effect any service is unsuccessful and the clerk is satisfied that the failure was not due to any fault of the bailiff and that a further attempt to effect the service is necessary one additional fee not exceeding 50% of fee prescribed by either item 1(a) or 1(b) is payable.	
2. (a)	<u>Warrant fee</u> which includes execution, (attempted execution), initial attendance, initial enquiry, seizure of goods, service of any notice and returns, investigation, appraisal of seizable goods, arrest and conveying a debtor to court when executing a bench warrant or chamber warrant, and eviction when executing a warrant of possession	\$48.00
2. (b)	<u>Enquires</u> or <u>attendances</u> prior to execution	\$25.00

Item	Service	Fee
2. (c)	<u>Inspection</u> of chattels under seizure NOTE: Where the bailiff has several warrants only one fee is chargeable to the first warrant in priority	\$25.00
3. (a)	<u>Kilometrage</u> For kilometres travelled on execution of a warrant or other process, or on service of a summons other process or document, or on making an arrest or for all other necessary attempts, attendances and inspections for each kilometre (one way) from the bailiff's office	\$0.90 for travel in the metropolitan area \$1.00 for travel outside the metropolitan area or such additional fee as the clerk may allow
	NOTE: Where more than one process or document is executed or served at the same time on the same person or on different persons at the same address, only one allowance for kilometres travelled shall be chargeable. NOTE: In addition to the above the bailiff may charge kilometrage to convey a debtor from a place of arrest to court or a lockup provided the clerk is satisfied those duties have been carried out and where a bailiff will be required to travel an excessive distance the clerk may require kilometrage to be prepaid into court. Prepaid fees shall be allowed or disallowed by the clerk upon completion of execution. NOTE: Outside the metropolitan region kilometrage is not claimable for the first 6 kilometres by bailiffs stationed at Albany, Bunbury, Geraldton or Kalgoorlie when serving or executing a process.	
3. (b)	<u>Special fee</u> to bailiff at Albany, Bunbury, Geraldton or Kalgoorlie (for each process or document for service or execution in any one action) —	
(i)	where there is one person named on the process or document	\$6.50
(ii)	where there is more than one person named on the process or document — (I) for the first named person at the same address (II) for each other person at the same address (III) for each person at a different address	\$6.50 \$2.20 \$6.50

Item	Service	Fee
4.	<p><u>Preparation for sale</u> Provided the clerk is satisfied duties have been carried out, the following fees are allowed —</p> <p>For each REVS or other official record search (personalty) \$6.00</p> <p>Bill of sale and encumbrance search (personalty) \$12.00</p> <p>Encumbrance investigation (realty) \$53.00</p> <p>Implementation of an advertising program (realty or personalty) \$65.00</p>	
5.	<p><u>Attendance at sale</u> (or to cancel same)</p>	\$55.00
6.	<p><u>Poundage</u></p> <p>(a) Poundage on executing a warrant of execution or other process under or by reason of which money is received by the bailiff or by the judgment creditor — after seizure 5% on the first \$13,500.00 and 2.5% on the balance above that amount</p>	
	<p>(b) Where the sale of land, interest in land, or goods or chattels is conducted by a licensed auctioneer instructed by the bailiff, poundage shall be charged at one-half the abovementioned rates</p>	
	<p><u>NOTE:</u> For the purpose of this item —</p> <p>(a) the service of a warrant of execution on the Registrar of Titles under section 133 of the <i>Transfer of Land Act 1893</i> (in the case of land or an interest in land); or</p> <p>(b) the seizure of chattels in the possession or apparent possession of the judgment debtor,</p> <p>is or is deemed to be “seizure”.</p> <p><u>NOTE:</u> Poundage is to be calculated on the amount realised at the sale but the maximum amount upon which poundage is to be calculated is the amount of the judgment debt notwithstanding sale proceeds may exceed the amount of the judgment debt.</p>	
7.	<p>Where the sale, whether by public auction or otherwise, is conducted by the bailiff or his officer without the intervention of an auctioneer or agent, poundage of 1% of the proceeds of sale (in addition to that prescribed by item 6(a)) shall be chargeable; but the amount chargeable under this item shall not exceed \$109.00</p>	

Item	Service	Fee
8. (a)	Poundage on executing a warrant of possession — 5% on the annual rental value of property as fixed by the clerk, but the amount chargeable under this item shall not exceed \$181.00	
8. (b)	Poundage on executing a warrant of delivery (Replevin) — 5% on the first \$13,500.00 and 2.5% on the balance of the value of the property delivered, as fixed by the clerk	
	<u>NOTE:</u> Poundage as assessed by the clerk must be prepaid and held by the court until execution is completed.	
9.	<u>Possession</u> <u>NOTE:</u> Claimable by bailiff when he enters into close possession of chattels and retains actual physical possession and control. <u>NOTE:</u> If this item is claimed an allowance under item 12(d) is not appropriate	\$4.15 per day for maximum of 10 days
10.	For auctioneer's or agent's commission, advertising and sundry expenses on account of sale by auction or otherwise of goods or chattels, or land or any interest in land, whether a sale does or does not take place	A fee fixed in accordance with the recognised scale of charges for auctioneers and agents in the State of Western Australia or such other fee as the clerk may allow
11.	Where a sale takes place by auction or private contract, or when no sale takes place — (a) for advertising and giving publicity to any sale, or intended sale, printing catalogues and bills and distributing and posting the same	
	(b) for labour (if any) employed in lotting and showing goods or chattels, preparing catalogues and where a sale takes place by auction attending the sale and superintending the removal of goods or chattels by purchaser (c) travelling expenses	The sums actually and reasonably paid
12. (a)	Assistants required to execute a warrant or order	
12. (b)	Man in possession	

Item	Service	Fee
12.	(c) Out-of-pocket expenses incurred by the bailiff or officer while serving or executing any process including postage, telegraphic and telephonic messages, and travelling expenses of himself and assistants	The sums actually and reasonably paid
12.	(d) Warehousing or storage of goods or vehicles which are being or about to be, or have been removed, and insurance thereof against fire, damage and in the case of motor vehicles, accident and third party risk	
12.	(e) Removal or cartage expenses	
12.	(f) Where animals or other livestock have been removed, for taking charge of same and for their keep while in custody of the bailiff whether before or after removal	
12.	(g) REVS searches, corporate searches and any other search allowed by the clerk	
13.	Where a bailiff is required to attend court in charge of any person including a prisoner ordered to attend for examination pursuant to an order of the court, or to lodge any person in a lock up, the reasonable travelling and other expenses of the officer and the person or prisoner, and in addition for each hour or part of an hour when the officer is necessarily engaged	\$34.75
14.	(a) <u>Attendance</u> on a judgment summons hearing or related matter	\$2.30
	Other situations	\$1.00
14.	(b) <u>Attendance</u> at trial	\$2.70
15.	Where a bailiff, or other person employed under a bailiff, shall be necessarily put to and incur extra trouble and expense in the discharge of any duty incidental to his office or employment or for any duty or service not herein provided, such sum or such additional sum, as the case may be, as the clerk may allow	

Item	Service	Fee
16.	If GST (within the meaning of section 195-1 of the <i>A New Tax System (Goods and Services Tax) Act 1999</i> of the Commonwealth) is payable on a service listed in this Table of bailiff fees, the fee for the service is the applicable fee in this Table, increased by 10%	

By Command of the Lieutenant-Governor and Administrator,

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

LOCAL GOVERNMENT

LG101

LOCAL GOVERNMENT ACT 1995

Shire of Northampton

A LOCAL LAW TO REPEAL DEFUNCT AND OBSOLETE LOCAL LAWS

A drafting error has occurred in the notice of the above local law that appeared in the *Government Gazette* 16 December 2003. Clause 2(p) stated the date 6 August 1985 whereas it should have read 16 August 1985.

GARRY L. KEEFFE, Chief Executive Officer.

LG301*

LOCAL GOVERNMENT ACT 1995

Shire of Nannup

LOCAL LAW

REPEAL OF OBSOLETE LOCAL LAWS

In pursuance of the powers conferred upon it by the above mentioned Act and of all other powers enabling it, the Council of the Shire of Nannup hereby records having resolved on 26 February 2004 to make the following local law—

1.1 Citation

This local law may be cited as the “Shire of Nannup (Repeal of Obsolete Local Laws)”.

1.2 Application

This local law shall apply to the whole of the district of the Shire of Nannup unless otherwise stated.

1.3 Enaction

The Shire of Nannup local laws as listed below are hereby repealed—

- Heavy Traffic By Law gazetted 7 May 1926.
- Control of Dogs gazetted 13 December 1929.
- By Law Appointment of Employees gazetted 12 December 1941.
- Long Service Leave By Law gazetted 2 November 1951.

- Hawkers By Law gazetted 30 March 1951 and Hawkers By Law amendment gazetted 15 February 1952.
- Long Service Leave By Law gazetted 30 May 1952.
- General By Law (Poundage Fees) gazetted 30 March 1951 and General By Law (Poundage Fees) amendment gazetted 20 April 1955.
- Traffic Act 1919-1954 By Law gazetted 16 December 1955
- Heavy Traffic By Law gazetted 19 July 1956
- Heavy Traffic By law gazetted 28 May 1957
- Long Service Leave By Law amendment gazetted 15 July 1959.
- Sick Leave By Law gazetted 22 March 1974.

Dated this 8th day of March 2004.

The common seal of the Shire of Nannup was hereunto affixed in the presence of—

Cr BARBARA DUNNET, Shire President.
Mr SHANE COLLIE, Chief Executive Officer.

— PART 2 —

COAL INDUSTRY SUPERANNUATION BOARD

CZ401

COAL INDUSTRY SUPERANNUATION ACT 1989

APPOINTMENT

Perth, December 2003.

Under the provisions of Section 8 of the *Coal Industry Superannuation Act 1989*, the following employer nominated member is appointed as constituted under the said Act, from the 1st day of January 2004.

Geoffrey Reid Alternate Member 6 months to 30 June 2004

G. R. GILLIES, Chairman.

CONSUMER AND EMPLOYMENT PROTECTION

CE401

COMPANIES (CO-OPERATIVE) ACT 1943

(Section 296(3))

COMPANIES TO BE STRUCK OFF REGISTER

Notice is hereby given that at the expiration of three months from the date hereof the name of the undermentioned Co-operative Company will, unless cause is shown to the contrary, be struck off the register and the company will be dissolved.

Western Australian Rangeland Meat Co-operative Limited

Dated this 5th day of March 2004.

PATRICK WALKER, Commissioner for Fair Trading.

EDUCATION

ED401

CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966

REPEAL OF STATUTE

It is hereby notified that the Lieutenant-Governor and Administrator in Executive Council, acting under the provisions of Section 35 of the *Curtin University of Technology Act 1966*, has approved the repeal of Statute 13—*Election of Staff and Student Representatives to the Board of a Branch of the University*, Statute 22—*The Kalgoorlie Council* and Statute 23—*Election of Staff and Student Representatives to the Council of the Kalgoorlie Campus of the University* as set out in the attached schedule.

ALAN CARPENTER, MLA, Minister for Education and Training.
M. C. WAUCHOPE, Clerk of the Executive Council.

CURTIN UNIVERSITY OF TECHNOLOGY
STATUTE

REPEAL OF STATUTE 13—ELECTION OF STAFF AND STUDENT REPRESENTATIVES TO THE BOARD OF A BRANCH OF THE UNIVERSITY; STATUTE 22—THE KALGOORLIE COUNCIL; and STATUTE 23—ELECTION OF STAFF AND STUDENT REPRESENTATIVES TO THE COUNCIL OF THE KALGOORLIE CAMPUS OF THE UNIVERSITY

Whereas

Statute 13—Election of Staff and Student Representatives to the Board of a Branch of the University was gazetted in the *Government Gazette* of Western Australia on 21 February 1983;

Statute 22—The Kalgoorlie Council was gazetted in the *Government Gazette* of Western Australia on 16 December 1997;

Statute 23—Election of Staff and Student Representatives to the Council of the Kalgoorlie Campus of the University was gazetted in the *Government Gazette* of Western Australia on 16 December 1997;

Now, this Statute repeals

Statute 13—Election of Staff and Student Representatives to the Board of a Branch of the University;

Statute 22—The Kalgoorlie Council

Statute 23—Election of Staff and Student Representatives to the Council of the Kalgoorlie Campus of the University

The Common Seal of Curtin University of Technology was hereto affixed on the 9th day of January 2004, by authority of the Council dated 26 November 2003.

LESLEY PARKER, A/Vice-Chancellor.
GEM CHEONG, Administrative Secretary.

By Command of the Lieutenant-Governor and Administrator

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

ED402

UNIVERSITY OF WESTERN AUSTRALIA ACT 1911

APPOINTMENT

It is hereby notified for general information that the Lieutenant-Governor and Administrator in Executive Council has, in accordance with Section 10(a) of the *University of Western Australia Act 1911*, approved the reappointment of Mr David Griffiths as a member of the University of Western Australia Senate for a term of office expiring on 31 March 2007.

ALAN CARPENTER, MLA, Minister for Education and Training.
M. C. WAUCHOPE, Clerk of the Executive Council.

FISHERIES

FI101*

CORRECTION

FISH RESOURCES MANAGEMENT ACT 1994

HOUTMAN ABROLHOS REEF OBSERVATION AREAS AMENDMENT ORDER 2003

Order No. 30 of 2003

FD 1620/98 [608]

An error occurred in clause 2 of the order published under the above heading on page 5234 of *Government Gazette* No. 202 dated 23 December 2003 and is corrected as follows.

Delete—

“Houtman Reef Observation Areas Notice 1994”*

and insert—

“ Houtman Abrolhos Reef Observation Areas Notice 1994 ”.*

FI401*

FISH RESOURCES MANAGEMENT ACT 1994
PROHIBITION ON RECREATIONAL FISHING (SHARK BAY MARINE PARK)
ORDER 2004

Order No. 5 of 2004

FD 1620/98 [280]

Made by the Minister under section 43.

Citation

1. This order may be cited as the *Prohibition on Recreational Fishing (Shark Bay Marine Park) Order 2004*.

Interpretation

2. In this order, unless the contrary intention appears—

“crab” means the fish of that common name described by the scientific classification opposite that name in column 2 of Schedule 7 of the regulations;

“Dolphin Interaction Area” means the area specified in Schedule 5;

“fishing net” has the same meaning as in regulation 3 of the regulations;

“General Use Areas” means all the areas specified in Schedule 1;

“pointed instrument” means a speargun, harpoon, gidgie, hawaiian sling or any other similar pointed device;

“Recreation Areas” means all the areas specified in Schedule 2;

“regulations” means the *Fish Resources Management Regulations 1995*;

“Sanctuary Areas” means all the areas specified in Schedule 4;

“set” has the same meaning as in regulation 3 of the regulations;

“Shark Bay Marine Park” means all WA waters reserved as Marine Reserve No. 7 under section 13 of the *Conservation and Land Management Act 1984* by an order in Council published in the *Gazette* on 30 November 1990 at p. 5898;

“Special Purpose Areas” means all the areas specified in Schedule 3.

Prohibition on recreational fishing in Sanctuary Areas

3. A person must not engage in recreational fishing in any of the waters of the Sanctuary Areas.

Prohibition on recreational line fishing in Dolphin Interaction Area

4. A person must not engage in recreational fishing by means of a line in any of the waters of the Dolphin Interaction Area.

Prohibition on recreational rock lobster fishing in Dolphin Interaction Area

5. A person must not engage in recreational rock lobster fishing in any of the waters of the Dolphin Interaction Area.

Prohibition on recreational spearfishing with the use of compressed air

6. A person must not engage in recreational fishing by means of a pointed instrument with the assistance of compressed air breathing apparatus in any of the waters of the—

- (a) General Use Areas;
- (b) Special Purpose Areas; or
- (c) Recreation Areas.

Prohibition on recreational spearfishing

7. A person must not engage in recreational fishing by means of a pointed instrument in any of the waters of—

- (a) the Recreation Areas; or
- (b) those areas specified in Schedule 3 (Special Purpose Areas) as the—
 - (i) Cape Peron Special Purpose Area;
 - (ii) Big Lagoon Special Purpose Area; or
 - (iii) Boorabuggatta Special Purpose Area.

Prohibition on recreational crab fishing in Recreation Areas

8. A person must not engage in recreational fishing for crabs by means of a drop net in any of the waters of the Recreation Areas.

Prohibition on recreational net fishing in Recreation Areas

9. A person must not engage in recreational fishing by means of a fishing net in any of the waters of the Recreation Areas.

Prohibition on recreational set net fishing in Special Purpose Areas

10. A person must not engage in recreational fishing by means of a set net in any of the waters of those areas specified in Schedule 3 (Special Purpose Areas) as the—

- (a) Cape Peron Special Purpose Area;
- (b) Big Lagoon Special Purpose Area; or
- (c) Boorabuggatta Special Purpose Area.

Schedule 1**General Use Areas**

All waters of the Shark Bay Marine Park other than the waters described in Schedule 2, Schedule 3 and Schedule 4.

Schedule 2**Recreation Areas**

Monkey Mia Recreation Area—All the waters of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25° 47.648' south latitude and 113° 42.725' east longitude; thence extending north along the meridian to the intersection of 25° 47.133' south latitude and 113° 42.725' east longitude; thence east along the parallel to the intersection of 25° 47.133' south latitude and 113° 43.673' east longitude; thence south along the meridian to the intersection of 25° 47.865' south latitude and 113° 43.673' east longitude; thence south west along the geodesic to the intersection of 25° 47.977' south latitude and 113° 43.345' east longitude; thence generally northerly and westerly along the high water mark to the commencement point.

Little Lagoon Recreation Area—All the waters of the Indian Ocean within Denham Sound and commonly know as Little Lagoon, bounded by a line commencing at the intersection of 25° 54.243' south latitude and 113° 31.400' east longitude; thence extending west along the parallel to the intersection of 25° 54.243' south latitude and 113° 31.251' east longitude; thence north along the meridian to the intersection of 25° 53.948' south latitude and 113° 31.251' east longitude; thence east along the parallel to the intersection of 25° 53.948' south latitude and 113° 31.416' east longitude; thence generally southerly, easterly, northerly, easterly, southerly, westerly, southerly, and westerly along the high water mark to the commencement point.

Dubaut Inlet Recreation Area—All the waters of the Indian Ocean within Shark Bay and commonly know as Dubaut Inlet, bounded by a line commencing at the intersection of 25° 51.842' south latitude and 113° 43.500' east longitude; thence extending south along the meridian to the intersection of 25° 51.902' south latitude and 113° 43.500' east longitude; thence generally north westerly, south westerly, south easterly, south westerly, westerly, north westerly, northerly, north westerly, north easterly and south easterly along the high water mark to the commencement point.

Schedule 3**Special Purpose Areas**

Cape Peron Special Purpose Area—All the waters of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25° 30.833' south latitude and 113° 29.983' east longitude; thence extending north along the meridian to the intersection of 25° 29.705' south latitude and 113° 29.983' east longitude; thence east along the parallel to the intersection of 25° 29.705' south latitude and 113° 31.633' east longitude; thence south along the meridian to the intersection of 25° 30.845' south latitude and 113° 31.633' east longitude; thence west along the parallel to the intersection of 25° 30.845' south latitude and 113° 31.011' east longitude; thence generally northerly, westerly, northerly, and south westerly along the high water mark to the commencement point.

Wooramel Special Purpose Area—All the waters of the Indian Ocean bounded by a line commencing at the intersection of 25° 37.924' south latitude and 114° 02.425' east longitude; thence extending west along the parallel to the intersection of 25° 37.924' south latitude and 113° 53.150' east longitude; thence north west by north along the geodesic to the intersection of 25° 27.585' south latitude and 113° 45.905' east longitude; thence north north west along the geodesic to the intersection of 25° 12.727' south latitude and 113° 39.668' east longitude; thence north west along the geodesic to the intersection of 25° 10.008' south latitude and 113° 37.238' east longitude; thence north west by north along the geodesic to the intersection of 25° 04.801' south latitude and 113° 33.940' east longitude; thence north by west to the intersection of 24° 56.060' south latitude and 113° 31.887' east longitude; thence east along the parallel to the intersection of 24° 56.060' south latitude and 113° 40.798' east longitude; thence generally south easterly, south westerly, and south south easterly along the high water mark to the commencement point.

Gladstone Special Purpose Area—All the waters of the Indian Ocean bounded by a line commencing at the intersection of 25° 58.924' south latitude and 114° 11.756' east longitude; thence extending west along the parallel to the intersection of 25° 58.924' south latitude and 114° 08.733' east longitude; thence north along the meridian to the intersection of 25° 50.544' south latitude and 114° 08.733' east longitude; thence east along the parallel to the intersection of 25° 50.544' south latitude and 114° 15.418' east longitude; thence generally southerly along the high water mark to the intersection of 25° 55.874' south latitude and 114° 14.990' east longitude; thence west along the parallel to the intersection of 25° 55.874' south latitude and 114° 14.713' east longitude; thence south by west along the geodesic to the intersection of 25° 57.157' south latitude and 114° 14.419' east longitude; thence east along the parallel to the intersection of 25° 57.157' south latitude and 114° 14.696' east longitude; thence generally south easterly, south, and westerly along the high water mark to the commencement point.

Big Lagoon Special Purpose Area—All the waters of the Indian Ocean within Denham Sound and Big Lagoon bounded by a line commencing at the intersection of 25° 48.545' south latitude and 113° 27.816' east longitude; thence extending west along the parallel to the intersection of 25° 48.545' south latitude and 113° 26.603' east longitude; thence north along the meridian to the intersection of 25° 46.725' south latitude and 113° 26.603' east longitude; thence east along the parallel to the intersection of 25° 46.725' south latitude and 113° 27.466' east longitude; thence generally south easterly, northerly, and north westerly along the high water mark to the intersection of 25° 45.925' south latitude and 113° 27.253' east longitude; thence east south east along the geodesic to the intersection of 25° 46.095' south latitude and 113° 28.083' east longitude; thence generally south easterly, southerly and south westerly along the high water mark to the commencement point.

Boorabuggatta Special Purpose Area—All the waters of the Indian Ocean within Henri Freycinet Harbour bounded by a line commencing at the intersection of 26° 29.325' south latitude and 113° 36.892' east longitude; thence extending east along the parallel to the intersection of 26° 29.325' south latitude and 113° 37.101' east longitude; thence generally southerly, westerly and northerly along the high water mark to the commencement point (commonly known as Boorabuggatta).

Freycinet Special Purpose Area—All the waters of the Indian Ocean within Henri Freycinet Harbour bounded by a line commencing at the intersection of 26° 27.792' south latitude and 113° 37.886' east longitude (north east corner of Giraud Point); thence extending east south east along the geodesic to the intersection of 26° 28.548' south latitude and 113° 40.544' east longitude; thence south along the meridian to the intersection of 26° 29.607' south latitude and 113° 40.544' east longitude; thence east along the parallel to the intersection of 26° 29.607' south latitude and 113° 41.647' east longitude; thence north along the meridian to the intersection of 26° 29.202' south latitude and 113° 41.647' east longitude; thence south east along the geodesic to the intersection of 26° 31.853' south latitude and 113° 46.344' east longitude (north east point of Salutation Island); thence east by south along the geodesic to the intersection of 26° 31.925' south latitude and 113° 50.848' east longitude; thence east along the parallel to the intersection of 26° 31.925' south latitude and 113° 51.979' east longitude; thence generally south westerly, westerly and northerly along the high water mark to the commencement point.

Schedule 4

Sanctuary Areas

Disappointment Reach Sanctuary Area—All the waters of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25° 37.924' south latitude and 114° 02.425' east longitude; thence extending west along the parallel to the intersection of 25° 37.924' south latitude and 113° 53.150' east longitude; thence south easterly along the geodesic to the intersection of 25° 45.924' south latitude and 113° 58.350' east longitude; thence east along the parallel to the intersection of 25° 45.924' south latitude and 114° 09.829' east longitude; thence generally north westerly along the high water mark to the commencement point.

Lharidon Bight Sanctuary Area—All the waters of the Indian Ocean within Lharidon Bight bounded by a line commencing at the intersection of 26° 09.920' south latitude and 113° 43.020' east longitude; thence extending north easterly along the geodesic to the intersection of 26° 08.298' south latitude and 113° 50.279' east longitude; thence generally south westerly, north westerly, southerly, westerly, and north westerly along the high water mark to the commencement point.

Gudrun Wreck Sanctuary Area—All the waters of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25° 24.855' south latitude and 113° 31.013' east longitude; thence extending east along the parallel to the intersection of 25° 24.855' south latitude and 113° 32.213' east longitude; thence south along the meridian to the intersection of 25° 25.955' south latitude and 113° 32.213' east longitude; thence west along the parallel to the intersection of 25° 25.955' south latitude and 113° 31.013' east longitude; thence north along the meridian to the commencement point.

Big Lagoon Sanctuary Area—All the waters of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25° 45.925' south latitude and 113° 27.253' east longitude; thence extending east south east along the geodesic to the intersection of 25° 46.095' south latitude and 113° 28.083' east longitude; thence generally northerly, north easterly, westerly and southerly along the high water mark to the commencement point (commonly known as Big Lagoon).

Eighteen Mile Sanctuary Area—All the waters of the Indian Ocean within Henri Freycinet Harbour bounded by a line commencing at the intersection of 26° 25.925' south latitude and 113° 53.057' east longitude; thence extending west along the parallel to the intersection of 26° 25.925' south latitude and 113° 51.864' east longitude; thence south by west along the geodesic to the intersection of 26° 31.925' south latitude and 113° 50.848' east longitude; thence east along the parallel to the intersection of 26° 31.925' south latitude and 113° 51.979' east longitude; thence generally northerly along the high water mark to the commencement point.

Mary Anne Island Sanctuary Area—All the waters of the Indian Ocean within Henri Freycinet Harbour bounded by a line commencing at the intersection of 26° 28.548' south latitude and 113° 40.544' east longitude; thence extending east along the parallel to the intersection of 26° 28.548' south latitude and 113° 41.647' east longitude; thence south along the meridian to the intersection of 26° 29.607' south latitude and 113° 41.647' east longitude; thence west along the parallel to the intersection of 26° 29.607' south latitude and 113° 40.544' east longitude; thence north along the meridian to the commencement point.

Sandy Point Sanctuary Area—All the waters of the Indian Ocean within Denham Sound bounded by a line commencing at the intersection of 25° 40.746' south latitude and 113° 03.658' east longitude; thence extending north by east along the geodesic to the intersection of 25° 40.596' south latitude and 113° 04.800' east longitude; thence south easterly along the geodesic to the intersection of 25° 41.328'

south latitude and 113° 06.297' east longitude; thence south south easterly along the geodesic to the intersection of 25° 42.536' south latitude and 113° 07.110' east longitude; thence southerly along the geodesic to the intersection of 25° 43.947' south latitude and 113° 07.050' east longitude; thence south westerly by south along the geodesic to the intersection of 25° 45.167' south latitude and 113° 06.297' east longitude; thence west south westerly along the geodesic to the intersection of 25° 45.653' south latitude and 113° 05.137' east longitude; thence north north westerly along the geodesic to the intersection of 25° 45.279' south latitude and 113° 04.968' east longitude; thence north north easterly along the geodesic to the intersection of 25° 44.717' south latitude and 113° 05.052' east longitude; thence north westerly along the geodesic to the intersection of 25° 44.366' south latitude and 113° 04.673' east longitude; thence north north westerly along the geodesic to the intersection of 25° 43.768' south latitude and 113° 04.455' east longitude; thence north easterly along the geodesic to the intersection of 25° 43.158' south latitude and 113° 04.842' east longitude; thence north westerly along the geodesic to the intersection of 25° 42.443' south latitude and 113° 04.256' east longitude; thence north north westerly along the geodesic to the intersection of 25° 41.832' south latitude and 113° 03.844' east longitude; thence north by west along the geodesic to the commencement point.

Surf Point Sanctuary Area—All the waters of the Indian Ocean bounded by a line commencing at the intersection of 26° 07.352' south latitude and 113° 10.887' east longitude (Surf Point); thence extending south westerly along the geodesic to the intersection of 26° 07.800' south latitude and 113° 10.420' east longitude; thence due east along the parallel to the intersection of 26° 07.800' south latitude and 113° 12.180' east longitude; thence generally north westerly and southerly along the high water mark to the commencement point.

Schedule 5

Dolphin Interaction Area

All the waters of the Indian Ocean within the area specified in Schedule 2 as the Monkey Mia Recreation Area that are bounded by a line commencing at the high water mark at the intersection of 113° 43.120' east longitude; thence north east by north along the geodesic to the intersection of 25° 47.555' south latitude and 113° 43.142' east longitude; thence east by south along the geodesic to the intersection of 25° 47.569' south latitude and 113° 43.196' east longitude; thence south by west along the geodesic to the high water mark at the intersection of 113° 43.193' east longitude; thence generally westerly along the high water mark to the commencement point.

Dated this 4th day of March 2004.

KIM CHANCE, Minister for Agriculture, Forestry and Fisheries.

FI402*

FISH RESOURCES MANAGEMENT ACT 1994

PROHIBITION ON COMMERCIAL FISHING (SHARK BAY MARINE PARK) ORDER 2004

Order No. 7 of 2004

FD 1620/98 [280]

Made by the Minister under section 43.

Citation

1. This order may be cited as the *Prohibition on Commercial Fishing (Shark Bay Marine Park) Order 2004*.

Interpretation

2. (1) In this order, unless the contrary intention appears—

“General Use Areas” means all of the areas specified in Schedule 2;

“marine aquarium fish” has the same meaning as provided for in the *Marine Aquarium Fish Management Plan 1995*;

“Recreation Areas” means all of the areas specified in Schedule 3;

“regulations” means the *Fish Resources Management Regulations 1995*;

“Sanctuary Areas” means all of the areas specified in Schedule 5;

“Shark Bay Marine Park” means all WA waters reserved as Marine Reserve No. 7 under section 13 of the *Conservation and Land Management Act 1984* by an order in Council published in the *Gazette* on 30 November 1990 at p. 5898;

“Special Purpose Areas” means all of the areas specified in Schedule 4;

“specimen shell” has the same meaning as provided for in the *Specimen Shell Management Plan 1995*.

(2) In this order, unless the contrary intention appears the following expressions have the same meaning as provided for in regulation 3 of the regulations—

“fishing net”;

“oyster fishing licence”;

“rock lobster pot”.

(3) In this order, unless the contrary intention appears the following expressions have the same meaning as provided for in regulation 3(2) and Schedule 7 to the regulations—

- “Abalone (all species)”;
- “Crab”;
- “Oyster”;
- “Rock Lobster”;
- “Sea Cucumber”.

Prohibition on commercial fishing

3. A person must not engage in commercial fishing in the any of the waters of Shark Bay Marine Park.

Exceptions to the prohibition in clause 3

4. Clause 3 does not apply to a person—
- (a) who holds a commercial fishing licence; and
 - (b) engages in an activity specified in Schedule 1 for a commercial purpose.

Schedule 1

1. Netting

- (1) Fishing by net in the waters of the General Use Areas or Special Purpose Areas in accordance with the *Shark Bay Beach Seine and Mesh Net Management Plan 1992*.
- (2) Fishing by net in the waters of the General Use Areas or Special Purpose Areas from a licensed fishing boat in respect of which the relevant fishing boat licence specifies condition No. 44 or 45.
- (3) Fishing by net in the waters of the General Use Areas or Special Purpose Areas by a person who holds a commercial fishing licence which specifies condition No. 23.

2. Line Fishing

- (1) Fishing by line in the waters of the General Use Areas or Special Purpose Areas in accordance with the *Shark Bay Snapper Management Plan 1994*.
- (2) Fishing by line in the waters of the General Use Areas or Special Purpose Areas in accordance with the *West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan 1997*.
- (3) Fishing by line in the waters of the General Use Areas or Special Purpose Areas from a licensed fishing boat.

3. Trawling

- (1) Fishing by trawling in the waters of the General Use Areas or the waters of the Wooramel Special Purpose Trawling Area (as specified in Schedule 4) in accordance with the *Shark Bay Prawn Management Plan 1993*.
- (2) Fishing by trawling in the waters of the General Use Areas or the waters of the Wooramel Special Purpose Trawling Area (as specified in Schedule 4) in accordance with the *Shark Bay Scallop Management Plan 1994*.

4. Lobster Potting

Fishing by rock lobster pot in the waters of the General Use Areas or Special Purpose Areas in accordance with the *West Coast Rock Lobster Management Plan 1993*.

5. Crab Trapping

Fishing by crab trap in the waters of the General Use Areas or the waters of the Wooramel Special Purpose Area, Gladstone Special Purpose Area or Freycinet Special Purpose Area (as specified in Schedule 4) by a person who is the holder of a fishing boat licence which specifies condition No. 156.

6. Aquarium and Invertebrates

- (1) Fishing for specimen shell in the waters of the General Use Areas in accordance with the *Specimen Shell Management Plan 1995*.
- (2) Fishing for marine aquarium fish in the waters of the General Use Areas in accordance with the *Marine Aquarium Fish Management Plan 1995*.
- (3) Fishing for Sea Cucumber in the waters of the General Use Areas.
- (4) Fishing for Abalone (all species) in the waters of the General Use Areas.

7. Oyster

Fishing for Oyster in the waters of the General Use Areas in accordance with an oyster fishing licence granted under the regulations.

Schedule 2

General Use Areas

All waters of the Shark Bay Marine Park other than the waters described in Schedule 3, Schedule 4 and Schedule 5.

Schedule 3 Recreation Areas

Monkey Mia Recreation Area—All the waters of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25° 47.648' south latitude and 113° 42.725' east longitude; thence extending north along the meridian to the intersection of 25° 47.133' south latitude and 113° 42.725' east longitude; thence east along the parallel to the intersection of 25° 47.133' south latitude and 113° 43.673' east longitude; thence south along the meridian to the intersection of 25° 47.865' south latitude and 113° 43.673' east longitude; thence south west along the geodesic to the intersection of 25° 47.977' south latitude and 113° 43.345' east longitude; thence generally northerly and westerly along the high water mark to the commencement point.

Little Lagoon Recreation Area—All the waters of the Indian Ocean within Denham Sound and commonly known as Little Lagoon, bounded by a line commencing at the intersection of 25° 54.243' south latitude and 113° 31.400' east longitude; thence extending west along the parallel to the intersection of 25° 54.243' south latitude and 113° 31.251' east longitude; thence north along the meridian to the intersection of 25° 53.948' south latitude and 113° 31.251' east longitude; thence east along the parallel to the intersection of 25° 53.948' south latitude and 113° 31.416' east longitude; thence generally southerly, easterly, northerly, easterly, southerly, westerly, southerly, and westerly along the high water mark to the commencement point.

Dubaut Inlet Recreation Area—All the waters of the Indian Ocean within Shark Bay and commonly known as Dubaut Inlet, bounded by a line commencing at the intersection of 25° 51.842' south latitude and 113° 43.500' east longitude; thence extending south along the meridian to the intersection of 25° 51.902' south latitude and 113° 43.500' east longitude; thence generally north westerly, south westerly, south easterly, south westerly, westerly, north westerly, northerly, north westerly, north easterly and south easterly along the high water mark to the commencement point.

Schedule 4 Special Purpose Areas

Cape Peron Special Purpose Area—All the waters of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25° 30.833' south latitude and 113° 29.983' east longitude; thence extending north along the meridian to the intersection of 25° 29.705' south latitude and 113° 29.983' east longitude; thence east along the parallel to the intersection of 25° 29.705' south latitude and 113° 31.633' east longitude; thence south along the meridian to the intersection of 25° 30.845' south latitude and 113° 31.633' east longitude; thence west along the parallel to the intersection of 25° 30.845' south latitude and 113° 31.011' east longitude; thence generally northerly, westerly, northerly, and south westerly along the high water mark to the commencement point.

Wooramel Special Purpose Area—All the waters of the Indian Ocean bounded by a line commencing at the intersection of 25° 37.924' south latitude and 114° 02.425' east longitude; thence extending west along the parallel to the intersection of 25° 37.924' south latitude and 113° 53.150' east longitude; thence north west by north along the geodesic to the intersection of 25° 27.585' south latitude and 113° 45.905' east longitude; thence north north west along the geodesic to the intersection of 25° 12.727' south latitude and 113° 39.668' east longitude; thence north west along the geodesic to the intersection of 25° 10.008' south latitude and 113° 37.238' east longitude; thence north west by north along the geodesic to the intersection of 25° 04.801' south latitude and 113° 33.940' east longitude; thence north by west to the intersection of 24° 56.060' south latitude and 113° 31.887' east longitude; thence east along the parallel to the intersection of 24° 56.060' south latitude and 113° 40.798' east longitude; thence generally south easterly, south westerly, and south south easterly along the high water mark to the commencement point.

Wooramel Special Purpose Trawling Area—All the waters of the Indian Ocean bounded by a line commencing at the intersection of 25° 10.008' south latitude and 113° 37.238' east longitude; thence extending east along the parallel to the intersection of 25° 10.008' south latitude and 113° 39.300' east longitude; thence south south easterly along the geodesic to the intersection of 25° 26.000' south latitude and 113° 47.130' east longitude; thence west along the parallel to the intersection of 25° 26.000' south latitude and 113° 45.240' east longitude; thence north north westerly along the geodesic to the intersection of 25° 12.727' south latitude and 113° 39.668' east longitude; thence north westerly along the geodesic to the commencement point.

Gladstone Special Purpose Area—All the waters of the Indian Ocean bounded by a line commencing at the intersection of 25° 58.924' south latitude and 114° 11.756' east longitude; thence extending west along the parallel to the intersection of 25° 58.924' south latitude and 114° 08.733' east longitude; thence north along the meridian to the intersection of 25° 50.544' south latitude and 114° 08.733' east longitude; thence east along the parallel to the intersection of 25° 50.544' south latitude and 114° 15.418' east longitude; thence generally southerly along the high water mark to the intersection of 25° 55.874' south latitude and 114° 14.990' east longitude; thence west along the parallel to the intersection of 25° 55.874' south latitude and 114° 14.713' east longitude; thence south by west along the geodesic to the intersection of 25° 57.157' south latitude and 114° 14.419' east longitude; thence east along the parallel to the intersection of 25° 57.157' south latitude and 114° 14.696' east longitude; thence generally south easterly, south, and westerly along the high water mark to the commencement point.

Big Lagoon Special Purpose Area—All the waters of the Indian Ocean within Denham Sound and Big Lagoon bounded by a line commencing at the intersection of 25° 48.545' south latitude and 113° 27.816' east longitude; thence extending west along the parallel to the intersection of 25° 48.545' south latitude and 113° 26.603' east longitude; thence north along the meridian to the intersection of 25° 46.725' south latitude and 113° 26.603' east longitude; thence east along the parallel to the

intersection of 25° 46.725' south latitude and 113° 27.466' east longitude; thence generally south easterly, northerly, and north westerly along the high water mark to the intersection of 25° 45.925' south latitude and 113° 27.253' east longitude; thence east south east along the geodesic to the intersection of 25° 46.095' south latitude and 113° 28.083' east longitude; thence generally south easterly, southerly and south westerly along the high water mark to the commencement point.

Boorabuggatta Special Purpose Area—All the waters of the Indian Ocean within Henri Freycinet Harbour bounded by a line commencing at the intersection of 26° 29.325' south latitude and 113° 36.892' east longitude; thence extending east along the parallel to the intersection of 26° 29.325' south latitude and 113° 37.101' east longitude; thence generally southerly, westerly and northerly along the high water mark to the commencement point (commonly known as Boorabuggatta).

Freycinet Special Purpose Area—All the waters of the Indian Ocean within Henri Freycinet Harbour bounded by a line commencing at the intersection of 26° 27.792' south latitude and 113° 37.886' east longitude (north east corner of Giraud Point); thence extending east south east along the geodesic to the intersection of 26° 28.548' south latitude and 113° 40.544' east longitude; thence south along the meridian to the intersection of 26° 29.607' south latitude and 113° 40.544' east longitude; thence east along the parallel to the intersection of 26° 29.607' south latitude and 113° 41.647' east longitude; thence north along the meridian to the intersection of 26° 29.202' south latitude and 113° 41.647' east longitude; thence south east along the geodesic to the intersection of 26° 31.853' south latitude and 113° 46.344' east longitude (north east point of Salutation Island); thence east by south along the geodesic to the intersection of 26° 31.925' south latitude and 113° 50.848' east longitude; thence east along the parallel to the intersection of 26° 31.925' south latitude and 113° 51.979' east longitude; thence generally south westerly, westerly and northerly along the high water mark to the commencement point.

Schedule 5

Sanctuary Areas

Disappointment Reach Sanctuary Area—All the waters of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25° 37.924' south latitude and 114° 02.425' east longitude; thence extending west along the parallel to the intersection of 25° 37.924' south latitude and 113° 53.150' east longitude; thence south easterly along the geodesic to the intersection of 25° 45.924' south latitude and 113° 58.350' east longitude; thence east along the parallel to the intersection of 25° 45.924' south latitude and 114° 09.829' east longitude; thence generally north westerly along the high water mark to the commencement point.

Lharidon Bight Sanctuary Area—All the waters of the Indian Ocean within Lharidon Bight bounded by a line commencing at the intersection of 26° 09.920' south latitude and 113° 43.020' east longitude; thence extending north easterly along the geodesic to the intersection of 26° 08.298' south latitude and 113° 50.279' east longitude; thence generally south westerly, north westerly, southerly, westerly, and north westerly along the high water mark to the commencement point.

Gudrun Wreck Sanctuary Area—All the waters of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25° 24.855' south latitude and 113° 31.013' east longitude; thence extending east along the parallel to the intersection of 25° 24.855' south latitude and 113° 32.213' east longitude; thence south along the meridian to the intersection of 25° 25.955' south latitude and 113° 32.213' east longitude; thence west along the parallel to the intersection of 25° 25.955' south latitude and 113° 31.013' east longitude; thence north along the meridian to the commencement point.

Big Lagoon Sanctuary Area—All the waters of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25° 45.925' south latitude and 113° 27.253' east longitude; thence extending east south east along the geodesic to the intersection of 25° 46.095' south latitude and 113° 28.083' east longitude; thence generally northerly, north easterly, westerly and southerly along the high water mark to the commencement point (commonly known as Big Lagoon).

Eighteen Mile Sanctuary Area—All the waters of the Indian Ocean within Henri Freycinet Harbour bounded by a line commencing at the intersection of 26° 25.925' south latitude and 113° 53.057' east longitude; thence extending west along the parallel to the intersection of 26° 25.925' south latitude and 113° 51.864' east longitude; thence south by west along the geodesic to the intersection of 26° 31.925' south latitude and 113° 50.848' east longitude; thence east along the parallel to the intersection of 26° 31.925' south latitude and 113° 51.979' east longitude; thence generally northerly along the high water mark to the commencement point.

Mary Anne Island Sanctuary Area—All the waters of the Indian Ocean within Henri Freycinet bounded by a line commencing at the intersection of 26° 28.548' south latitude and 113° 40.544' east longitude; thence extending east along the parallel to the intersection of 26° 28.548' south latitude and 113° 41.647' east longitude; thence south along the meridian to the intersection of 26° 29.607' south latitude and 113° 41.647' east longitude; thence west along the parallel to the intersection of 26° 29.607' south latitude and 113° 40.544' east longitude; thence north along the meridian to the commencement point.

Sandy Point Sanctuary Area—All the waters of the Indian Ocean within Denham Sound bounded by a line commencing at the intersection of 25° 40.746' south latitude and 113° 03.658' east longitude; thence extending north by east along the geodesic to the intersection of 25° 40.596' south latitude and 113° 04.800' east longitude; thence south easterly along the geodesic to the intersection of 25° 41.328' south latitude and 113° 06.297' east longitude; thence south south easterly along the geodesic to the intersection of 25° 42.536' south latitude and 113° 07.110' east longitude; thence southerly along the geodesic to the intersection of 25° 43.947' south latitude and 113° 07.050' east longitude; thence south westerly by south along the geodesic to the intersection of 25° 45.167' south latitude and 113° 06.297'

east longitude; thence west south westerly along the geodesic to the intersection of 25° 45.653' south latitude and 113° 05.137' east longitude; thence north north westerly along the geodesic to the intersection of 25° 45.279' south latitude and 113° 04.968' east longitude; thence north north easterly along the geodesic to the intersection of 25° 44.717' south latitude and 113° 05.052' east longitude; thence north westerly along the geodesic to the intersection of 25° 44.366' south latitude and 113° 04.673' east longitude; thence north north westerly along the geodesic to the intersection of 25° 43.768' south latitude and 113° 04.455' east longitude; thence north easterly along the geodesic to the intersection of 25° 43.158' south latitude and 113° 04.842' east longitude; thence north westerly along the geodesic to the intersection of 25° 42.443' south latitude and 113° 04.256' east longitude; thence north north westerly along the geodesic to the intersection of 25° 41.832' south latitude and 113° 03.844' east longitude; thence north by west along the geodesic to the commencement point.

Surf Point Sanctuary Area—All the waters of the Indian Ocean bounded by a line commencing at the intersection of 26° 07.352' south latitude and 113° 10.887' east longitude (Surf Point); thence extending south westerly along the geodesic to the intersection of 26° 07.800' south latitude and 113° 10.420' east longitude; thence due east along the parallel to the intersection of 26° 07.800' south latitude and 113° 12.180' east longitude; thence generally north westerly and southerly along the high water mark to the commencement point.

Dated this 4th day of March 2004.

KIM CHANCE, Minister for Agriculture, Forestry and Fisheries.

FI403*

FISH RESOURCES MANAGEMENT ACT 1994

PROHIBITION ON FISHING (“GUDRUN” WRECK SITE) REVOCATION ORDER 2004

Order No. 2 of 2004

FD 1620/98 [280]

Made by the Minister under section 43.

Citation

1. This order may be cited as the *Prohibition on Fishing (“Gudrun” Wreck Site) Revocation Order 2004*.

Revocation

2. The *Prohibition on Fishing (“Gudrun” Wreck Site) Notice 1993*, published in the *Government Gazette* of 5 February 1993 and which continued in force under regulation 186 of the *Fish Resources Management Regulations 1995* as if it was an order made under section 43, is revoked.

Dated this 4th day of March 2004.

KIM CHANCE, Minister for Agriculture, Forestry and Fisheries.

FI404*

FISH RESOURCES MANAGEMENT ACT 1994

PROHIBITION ON FISHING (HAMELIN POOL MARINE NATURE RESERVE) ORDER 2004

Order No. 6 of 2004

FD 1620/98 [621]

Made by the Minister under section 43.

Citation

1. This order may be cited as the *Prohibition on Fishing (Hamelin Pool Marine Nature Reserve) Order 2004*.

Prohibition on fishing

2 A person must not engage in fishing in any of the waters described in the Schedule.

Schedule

All the water of the Indian Ocean within Shark Bay bounded by a line commencing at the intersection of 25° 58.924' south latitude and 114° 11.756' east longitude; thence extending west along the parallel to the intersection of 25° 58.924' south latitude and 113° 54.441' east longitude; thence generally south, east and north along the high water mark to the commencement point (commonly known as Hamelin Pool Marine Nature Reserve).

Dated this 4th day of March 2004.

KIM CHANCE, Minister for Agriculture, Forestry and Fisheries.

FI405*

PEARLING ACT 1990

Section 23(8)

GRANT OF A PEARL OYSTER FARM LEASE—QUONDONG POINT

FD 08/00

I, Peter Rogers, the Executive Director of the Department of Fisheries, Western Australia, pursuant to Section 23 of the *Pearling Act 1990* ("the *Pearling Act*") have granted an application by Clipper Holdings Pty Ltd, for a pearl oyster farm lease, in respect of an area of water located near Quondong Point, north of Broome.

Under section 33(1) of the *Pearling Act* a person aggrieved by my decision may, within 14 days after publication of this notice in the *Gazette* appeal against this decision by serving on the Minister for Agriculture, Forestry and Fisheries a statement in writing of the grounds of that appeal.

The statement of the grounds of appeal may be served on the Minister care of the following address—

The Executive Director, Department of Fisheries
Third Floor, SGIO Atrium
168-170 St Georges Terrace
PERTH WA 6000.

Dated this 8th day of March 2004.

P. P. ROGERS, Executive Director,
Department of Fisheries.

FI406

FISH RESOURCES MANAGEMENT ACT 1994**ISSUE OF MINISTERIAL POLICY GUIDELINES**

FD [2598/00]

I, Peter Rogers, Executive Director of the Department of Fisheries, hereby give notice under regulation 164 of the *Fish Resources Management Regulations 1995* that guidelines in respect of 'Matters of importance in respect of the "fit and proper person" criterion for authorizations under the *Fish Resources Management Act 1994*' have been—

- (a) issued by the Minister on 16 February 2004; and
- (b) published by the Department as Ministerial Policy Guidelines No. 19.

Copies of the guidelines are available free of charge at the offices of the Department.

Dated this 9th day of March 2004.

P. P. ROGERS, Executive Director.

HEALTH

HE401

MEDICAL ACT 1894**MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 24) 2003**

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

Citation

1. This determination may be cited as the Medical (Unmet Area of Need) Determination (No. 24) 2003.

Commencement

2. This determination comes into operation on the day on which it is published in the *Government Gazette*.

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

Expiry of determination

4. This determination expires 5 years after its commencement.

Schedule

- General Medical Services in the Shire of Dandaragan.

Dated this 6th day of March 2004.

JIM MCGINTY, MLA, Minister for Health.

HE402**MEDICAL ACT 1894****MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 25) 2003**

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.

Citation

1. This determination may be cited as the Medical (Unmet Area of Need) Determination (No. 25) 2003.

Commencement

2. This determination comes into operation on the day on which it is published in the *Government Gazette*.

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

Expiry of determination

4. This determination expires 5 years after its commencement.

Schedule

- General Medical Services in the Shire of Coorow.

Dated this 6th day of March 2004.

JIM MCGINTY, MLA, Minister for Health.

JUSTICE**JU401*****COURT SECURITY AND CUSTODIAL SERVICES ACT 1999**

PERMIT DETAILS

Pursuant to the provisions of section 51 of the *Court Security and Custodial Services Act 1999*, the Director General of the Ministry of Justice has issued the following persons with Permits to do High-Level Security Work—

Surname	First Name(s)	Permit Number	Date Permit Issued	Permit Commence Date	Permit Expiry Date
Cooper	Neale	CS4-061	07/03/2004	05/03/2004	30/07/2005
Lorraine	Robert Sidney	CS4-062	07/03/2004	02/03/2004	30/07/2005
Threlfall	Rebekah Mary	CS4-063	07/03/2004	05/03/2004	30/07/2005

This notice is published under section 57(1) of the *Court Security and Custodial Services Act 1999*.

BRIAN YEARWOOD, Director,
Custodial Contracts.

LAND ADMINISTRATION

LA401

STATE HOUSING ACT 1946 VESTING IN FEE SIMPLE

Department for Planning and Infrastructure
Midland.

Correspondence No: 01497-2002-01RO

It is hereby notified that His Excellency the Governor in Executive Council has been pleased to vest the fee simple of the land described in the Schedule in the State Housing Commission under section 18(1)(a) of the *State Housing Act 1946* as continued by section 78 of the *Housing Act 1980*.

Schedule

Lot/Location	Correspondence No.
Boulder Lots 549 and 550	01497-2001-02RO

(Signed) Director General,
Department for Planning and Infrastructure.

LA402*

LAND ADMINISTRATION ACT 1997 LAND ADMINISTRATION REGULATIONS 1998 INSTRUMENT OF DELEGATION

I, Alannah MacTiernan, MLA, the Minister for Lands—

- (a) in pursuance of section 59 of the *Interpretation Act 1984* and with reference to section 9 of the *Land Administration Act 1997*, revoke all existing delegations made under the *Land Administration Act 1997* and the *Land Administration Regulations 1998* in favour of offices within the Department of Land Administration and published in the Gazette on 1 July 2003; and
- (b) in pursuance of section 9 of the *Land Administration Act 1997* and Regulation 3B of the *Land Administration Regulations 1998*, delegate to each person for the time being holding, acting in or performing the duties of the offices in the Department of Land Information specified in Column 1 of the attached Schedules, the powers and duties conferred or imposed on me by the provisions of the *Land Administration Act 1997* and the *Land Administration Regulations 1998* specified opposite in Column 2 of the attached Schedules, subject to the conditions (if any) specified opposite in Column 3 of the attached Schedules.

This instrument has effect on and from the date on which it is published in the Gazette.

Dated this 3rd day of March 2004.

ALANNAH MacTIERNAN, MLA, Minister for Lands.

SCHEDULE 1 TO INSTRUMENT OF DELEGATION LAND ADMINISTRATION ACT 1997 (LAA) MINISTERIAL POWERS TO BE DELEGATED—BY SECTION ORDER

COLUMN 1 OFFICE	COLUMN 2 SECTIONS OF LAA	COLUMN 3 CONDITIONS
Chief Executive Officer	18, 21, 23, 26(2), 27, 29, 30, 34, 281(2) schedule 2, clause 45	27—With interest holder's consent only
Director Land Information and Administration Services	18, 21, 23, 26(2), 27, 29, 34, 281(2) schedule 2, clause 45	27—With interest holder's consent only
Chairman Geographic Names Committee	26(2)	
Manager Geographic Services	26(2), 34	
Manager Geographic Information	26(2)	
Supervisor Geographic Information	26(2)	

COLUMN 1 OFFICE	COLUMN 2 SECTIONS OF LAA	COLUMN 3 CONDITIONS
Cartographic Officer Geographic Information Section	26(2)	
Manager, Registration Services	21, 23, 26(2), 27, 281(2) schedule 2, clause 45	23—With interest holder's consent only 27—With interest holder's consent only
Manager, Registration of Interests	18, 21, 29, 281(2) schedule 2, clause 45	
Senior Examiners, Registration of Interests	29	
Manager, Land Boundary Services	23, 26(2), 27, 34	23—With interest holder's consent only 27—With interest holder's consent only
Manager, Statutory Services, Land Boundary Services	23, 26(2), 27,	23—With interest holder's consent only 27—With interest holder's consent only
Manager, Crown Plan Registration, Land Boundary Services	23, 26(2), 27	23—With interest holder's consent only 27—With interest holder's consent only
Manager, Crown Title Creation	18, 21, 29, 281(2) schedule 2, clause 45	
Supervisors, Crown Title Creation	18, 21, 29, 281(2) schedule 2, clause 45	
Senior Examiners Crown Title Creation	18, 21, 29	
Checkers/ Signers, Crown Title Creation	29	
Title Production Officer, Crown Title Creation	29	
Project and Liaison Officer, Crown Title Creation	29	

SCHEDULE 2 TO INSTRUMENT OF DELEGATION
LAND ADMINISTRATION REGULATIONS 1998 (LAA REGS)
MINISTERIAL POWERS TO BE DELEGATED—BY SECTION ORDER

COLUMN 1 OFFICE	COLUMN 2 SECTIONS OF LAA REGS	COLUMN 3 CONDITIONS
Chief Executive Officer	17, Schedule 1, Item 8	
Director Land Information and Administration Services	17, Schedule 1, Item 8	
Manager, Registration Services	17, Schedule 1, Item 8	
Manager, Land Boundary Services	17, Schedule 1, Item 8	
Manager, Statutory Services, Land Boundary Services	17, Schedule 1, Item 8	
Manager, Freehold Plan Registration, Land Boundary Services	17, Schedule 1, Item 8	
Manager, Crown Plan Registration, Land Boundary Services	17, Schedule 1, Item 8	
Manager, Customer Services, Land Boundary Services	17, Schedule 1, Item 8	

MINERALS AND PETROLEUM

MP401

MINING ACT 1978
FORFEITURES

Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 96A(1) of the "Mining Act 1978" that the undermentioned Exploration Licence is forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Mineral Field
39/743	Gutnick Resources NL	Mt Margaret

MP402

MINING ACT 1978
FORFEITURES

Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 96A(1) and 97(1) of the "Mining Act 1978" that the undermentioned mining tenements are forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Exploration Licence	Mineral Field
16/216	OMG Cawse Pty Ltd		Coolgardie
26/429	Nielsen, Ian Charles	Mining Lease	East Coolgardie

MP403

MINING ACT 1978
FORFEITURES

Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 97(1) of the "Mining Act 1978" that the undermentioned mining lease is forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Mineral Field
24/605	OMG Cawse Pty Ltd	Broad Arrow

MP404**MINING ACT 1978****FORFEITURES**

Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 96A(1) of the "Mining Act 1978" that the undermentioned exploration licence is forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Mineral Field
29/152	Julia Gold Pty Ltd	North Coolgardie

MP405**MINING ACT 1978****FORFEITURES**

Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 97(1) of the "Mining Act 1978" that the undermentioned mining lease is forfeited for breach of covenant viz; failure to comply with the prescribed expenditure conditions.

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Mineral Field
51/396	St Barbara Mines Ltd	Murchison

MP406**MINING ACT 1978****FORFEITURES**

Department of Industry and Resources,
Perth WA 6000.

I hereby declare in accordance with the provisions of Section 96A(1) and 97(1) of the "Mining Act 1978" that the undermentioned mining tenements are forfeited for breach of covenant viz; non payment of rent.

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Mineral Field
Exploration Licences		
04/1214	Chilam, Geoffrey Robert; Deng, Frank	West Kimberley
69/1710	Aunone Pty Ltd	Warburton
69/1711	Aunone Pty Ltd	Warburton
69/1712	Aunone Pty Ltd	Warburton
Mining Lease		
77/1024	Wilson, Geoffrey John; Wilson, Wendy June	Yilgarn

MP407**MINING ACT 1978
FORFEITURES**

Department of Industry and Resources,
Perth WA 6000.

In accordance with Section 97A(8) of the Mining Act 1978, I hereby cancel the forfeiture on the undermentioned mining lease previously declared forfeited for breach of covenant viz; failure to comply with the prescribed expenditure condition under Section 97(1) and restore the lessee to its former estate.

CLIVE BROWN, MLA, Minister for State Development.

Number	Holder	Mining Lease	Mineral Field
59/299	Fremantle Park Homes Pty Ltd		Yalgoo

MP408**MINING ACT 1978
SECTION 96(1)(A)****Notice of Intended Hearing of Application for Forfeiture of Mining Tenements**

In accordance with Regulation 49(2)(c) of the Mining Regulations 1981, notice is hereby given that application for the forfeiture of the following mining tenements pursuant to provisions of Section 96(1)(a) of the Mining Act, 1978, for non-payment of rent in advance for the years set out below are to be heard before the Warden in Open Court, Court Room 36, Level 3, Central Law Courts, 30 St George's Terrace, Perth at 9.30am on 1st April 2004.

Tenement Type	Number	Holder	Mineral Field	Year Ending
Prospecting Licence	70/1425	Rogers, Shane Thomas	South West	31/1/04 and 31/1/05
Miscellaneous Licence	70/29	Australian Mineral Products Pty Ltd	South West	28/6/04

Objections (Form 16) against the forfeiture of the mining tenement by the Warden may be lodged at the office of the Mining Register, Level 3, 100 Plain Street, East Perth at any time prior to 1st April 2004.

G. CALDER, SM, Warden.

PLANNING AND INFRASTRUCTURE

PI401***METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959****METROPOLITAN REGION SCHEME AMENDMENT NO. 1086/33A****CURTIN AVENUE EXTENSION RATIONALISATION****Call for Public Submissions**

The Western Australian Planning Commission intends to amend the Metropolitan Region Scheme (MRS) for land in the City of Fremantle and is seeking public comment.

Purpose

This amendment proposes to modify a section of Curtin Avenue adjoining the proposed Leighton Urban Village site by transferring land from the Primary Regional Roads reservation to the Urban zone.

Procedure

The procedure for amending the Scheme, as set out in section 33A of the *Metropolitan Region Town Planning Scheme Act*, is to be used to advertise this proposal. Public submissions are invited.

Copies of the amending plan and detail plans showing the proposed changes to the zones and reservations of the Scheme, and the Commission's *Amendment Report* which explains the proposal, will be available for public inspection from Friday 12 March 2004 to Friday 14 May 2004 at each of the following places—

- Department for Planning and Infrastructure, Wellington Street, Perth;
- JS Battye Library, Francis Street, Northbridge;
- City of Fremantle, William Street, Fremantle.
- Town of Cottesloe, Broome Street, Cottesloe
- Town of Mosman Park, Bay View Terrace, Mosman Park

Documents are also available from the Commission's internet site *www.wapc.wa.gov.au*.

Submissions

Any person who desires to make a submission either supporting, objecting or providing comment on any provisions of the proposed Amendment should do so on a Form 33A. This submission form is available from the display locations, the Amendment Report and the Internet.

Submissions must be lodged with the—

Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH WA 6000

on or before 5.00pm Friday, 14 May 2004. Late submissions will not be considered.

P. M. MELBIN, Secretary,
Western Australian Planning Commission.

PI402*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

METROPOLITAN REGION SCHEME AMENDMENT NO.1085/33A

LOTS 106 & 107 WRIGHT ROAD, FORRESTDALÉ

Call for Public Submissions

The Western Australian Planning Commission intends to amend the Metropolitan Region Scheme for land in the City of Armadale and is seeking public comment.

Purpose

The amendment proposes to rezone Lots 106 and 107 Wright Road, Forrestdale from the Rural zone to the Urban zone in the Metropolitan Region Scheme. It is a rounding off of the Urban zone in the area and is consistent with all planning for the locality. It will enable future development for retail/commercial purposes.

Procedure

Copies of the amending plan and detail plan showing the proposed changes to the zones of the Scheme, and the Commission's *Amendment Report* which explains the proposal, will be available for public inspection from Friday 12 March 2004 to Friday 14 May 2004 at each of the following places—

- Department for Planning and Infrastructure, Wellington Street, Perth
- JS Battye Library, Francis Street, Northbridge
- City of Armadale, 7 Orchard Avenue, Armadale
- City of Gosnells, 2120 Albany Highway, Gosnells

Documents are also available from the Commission's internet site *www.wapc.wa.gov.au*.

Submissions

Any person who desires to make a submission either supporting, objecting or providing comment on any provisions of the proposed Amendment should do so on a Form 33A. This submission form is available from the display locations, the Amendment Report and the Internet.

Submissions must be lodged with the: Secretary, Western Australian Planning Commission, 469 Wellington Street, Perth WA 6000, on or before 5.00pm FRIDAY, 14 MAY 2004. Late submissions will not be considered.

P. M. MELBIN, Secretary,
Western Australian Planning Commission.

PI403*

TOWN PLANNING AND DEVELOPMENT ACT 1928
 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Armadale

Town Planning Scheme No. 2—Amendment No. 180

Ref: 853/2/22/4 Pt 180

It is hereby notified for public information, in accordance with Section 7 of the *Town Planning and Development Act 1928* that the Hon Minister for Planning and Infrastructure approved the City of Armadale Town Planning Scheme Amendment on 7 March 2004 for the purpose of—

1. Rezoning Part Lots 102 and 103 Brookton Highway, Karragullen from “General Rural” to “Special Use—Rural Residential”.
2. Amending the Scheme Maps accordingly.
3. Amending the Scheme Text by inserting in appropriate numerical order, a new entry into the Special Use Development Table as follows—

Prescribed Special Use	Requirements	Particulars of Land
<p>Rural/Residential</p> <ul style="list-style-type: none"> - Public Utility - Dwelling House - Associated car parking in relation to these uses <p>The Council may at its discretion, permit the following uses:</p> <ul style="list-style-type: none"> - Home Occupation - Arts, Crafts and Handicrafts 	<ol style="list-style-type: none"> 1. Subdivision and development shall be generally in accordance with the Subdivision Guide Plan prepared in accordance with Clause 5.2.1 of the Scheme and shall observe the following standards— <ul style="list-style-type: none"> • overall maximum no of lots—6 • minimum lot size—2.0 hectares 2. All lots to be provided with underground power. 3. The following Clauses of the Scheme are applicable to the land, with the exception of the areas nominated on the Subdivision Guide Plan for roadways and public utilities— <ul style="list-style-type: none"> • Clause 5.2.1(j) • Clause 5.2.2(b) • Clause 5.2.3 • Clause 5.9.8 • Clause 5.9.9 • Clause 5.9.10 4. All lots to be provided with development envelopes to the satisfaction of Council, which are to maintain a minimum setback of 150 metres from any lots containing orcharding activities, or such lesser distance approved by Council where the lot dimensions do not permit the prescribed separation to be achieved. 5. Vegetation on the site is to be installed and maintained to attenuate spray drift in accordance with a Vegetation Plan approved by Council. 6. The clearing of vegetation on the lots outside the designated development envelopes shall not be permitted without the approval of Council. 7. Only one dwelling shall be permitted on a lot. 8. The keeping of poultry, livestock and horses on the lots is prohibited. 9. All lots shall comply with Rural Zone Development Standards of the Scheme. 10. Fencing shall be constructed of post and rail or post and wire construction in accordance with the Council’s Local Laws relating to Fencing, unless otherwise approved by Council. 11. All other uses mentioned in the Scheme are not permitted. 	<p>Pt Lots 102 & 103 Brookton Hwy, Karragullen</p>

L. REYNOLDS, Mayor.
 R. S. TAME, Chief Executive Officer.

PI404*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Capel

Town Planning Scheme No. 7—Amendment No. 18

Ref: 853/6/7/7 Pt 18

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the Shire of Capel Town Planning Scheme Amendment on 7 March 2004 for the purpose of:

1. Rezoning north-eastern portion of Lot 1 of Part Location 174 Capel Drive, Capel from “Rural” to “Special Use” by modifying the Scheme Map accordingly.
2. Modifying Appendix 4, Special Use Zone (Clause 3.4) of the Scheme Text by including the following—

Land Particulars	Permitted Uses	Development Standards/Conditions
<p>Portion of Lot 1 of Pt Location 174 Capel Drive, Capel</p>	<p>The objective of this zone is to allow for the development of a Wine Tourism Centre wherein information, produce and services related to the Region’s wine and agricultural industries will be made available to tourists and local residents.</p> <p>The following uses are classified as permitted (‘P’) uses—</p> <ul style="list-style-type: none"> • Interpretive Centre • Visitor Centre • Restaurant • Reception Centre • Art & Craft Studio & Sales <p>“Interpretive Centre” means the use of land or premises for the display of information relating to wine and agricultural industries, arts, cuisine, environment and ecology.</p> <p>“Visitor Centre” means the use of land or premises for the sale of wine, food, produce, associated promotional material and restricted to that which is consistent with the objective of the zone.</p> <p>Council may determine at its discretion that other uses are ancillary and incidental to the objective of this zone, subject to that Council may resolve to invite public comment in accordance with Clause 8.2 prior to determining whether or not to approve the uses. Such uses are classified as “A” uses.</p>	<ol style="list-style-type: none"> 1. Development is to be generally in accordance with the Development Guide Plan for the site adopted by Council as part of the Scheme Amendment report (Amendment No. 18). 2. Modification(s) to the adopted Development Guide Plan may be approved by Council subject to such modification(s) being consistent with the objective of the zone and advertised for public comment. 3. Access / egress to the site for customers and service vehicles shall be confined to Capel Drive. 4. Prior to the issue of the first development approval details of the following shall be provided to the Council: <ul style="list-style-type: none"> • A geo-technical investigation and report for the site shall be prepared to the satisfaction of Council. The report should include an assessment of the site in relation to stability, soil qualities in relation to containment and management of stormwater and its suitability for on-site effluent disposal. • Design guidelines for buildings, landscaping and advertisements/signage shall be prepared for the site by the applicant and submitted to Council for adoption. The guidelines should refer to the materials, colours and essential elements of the proposed buildings and require the integration of advertisements / signage into the design theme of the development. The style of landscape treatment, earthworks and plant species should be specified. Attenuation of potential noise, lighting and traffic impacts should be addressed. • Architectural perspective drawings of the development with specifications for materials, finishes and colours in accordance with the adopted design guidelines. • The method of service provision which is consistent with the development of the land in terms of water supply, effluent and stormwater disposal. • A Traffic Management Plan prepared for the site addressing the issues of access, safety and traffic movement based on the major access point to the site from Capel Drive being between the Bussell Highway and Reid Avenue intersections to the satisfaction of Council and Main Roads WA.

Land Particulars	Permitted Uses	Development Standards/Conditions
		<ul style="list-style-type: none"> • The expected numbers of persons to be catered for and method of providing for on-site car parking. • Such other matters that may arise from the consideration of the proper integration of the development into the urban area of the town of Capel as may be determined by Council.

M. T. SCOTT, President.
P. F. SHEEDY, Chief Executive Officer.

PI405*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Murray

Town Planning Scheme No. 4—Amendment No. 157

Ref: 853/6/16/7 Pt 157

It is hereby notified for public information, in accordance with Section 7 of the that the Hon Minister for Planning and Infrastructure approved the Shire of Murray Town Planning Scheme Amendment on 7 March 2004 for the purpose of amending the Scheme Text by inserting in Schedule 4, the following—

SCHEDULE 4
SPECIAL RURAL ZONE

(A) Specified Land	(B) Special Provisions Relating to (A)
Lot 3 Caponi Road, Barragup	<p>(A) the following additional “AA” uses may be permitted at the discretion of Council with or without conditions—</p> <p style="padding-left: 20px;">Arts and Crafts Display and Sale Bed and Breakfast Accommodation Botanic Gardens Garden Functions Snack Bar Home Occupation Single Residential</p> <p>For the purpose of this part—</p> <p style="padding-left: 20px;">Garden Function—means public or private functions conducted in the Botanic Gardens on the site and includes wedding services and celebrations, picnics, exhibitions, recitals, and similar functions, and at which food and drink may be served.</p> <p style="padding-left: 20px;">Snack Bar—means a retail outlet that is distinguished from a restaurant or a café as it does not include full meals or have a kitchen, capable of serving meals but instead serves snacks, Devonshire teas and non-alcoholic beverages for consumption on the premises.</p> <p style="padding-left: 20px;">Specifically, items such as cakes, pies, pastries, sandwiches, rolls, ice cream, sweets, coffee, tea and juices are considered snacks.</p> <p>(B) All other uses are not permitted (X).</p>

N. H. NANCARROW, President.
N. LEACH, Chief Executive Officer.

PI406*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Murray

Town Planning Scheme No. 4—Amendment No. 167

Ref: 853/6/16/7 Pt 167

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the Shire of Murray Town Planning Scheme Amendment on 7 March 2004 for the purpose of—

1. Amending the Scheme Map by rezoning portion of Lot 10 Delta Drive, South Yunderup, from 'Rural' to 'Special Residential'.
2. Adding to Schedule 10 of the Scheme Text, special provisions to control subdivision and development of portion of Lot 10 Delta Drive, South Yunderup:

(A) Specified Land	(B) Special Provisions Relating to (A)
1. Portion of Lot 10 Plan 16444 Delta Drive, South Yunderup	<ol style="list-style-type: none"> 1. The minimum lots size shall be 2000m² and the subdivision shall generally be in accordance with the approved subdivision guide plan. 2. (a) The only permitted (P) uses are— <ul style="list-style-type: none"> Single Residential. Outbuildings. Home Occupation. Ancillary Accommodation. Bed and Breakfast Accommodation. Family Day Care Services. (b) All other uses are prohibited. 3. The subdivider shall undertake landscaping in accordance with a landscape plan approved by Council. 4. All buildings shall be contained within a Building Envelope having an area of approximately 1,00m² which shall be located not closer than 10 metres to the lot frontage and 5 metres from the other boundaries. 5. Dwellings on the subdivided lots shall have a floor area of not less than 180m² and the use of framed construction for dwellings will not be permitted. 6. Outbuildings, Ancillary Accommodation and other development incidental to a dwelling shall be located behind the dwelling on site. 7. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement of those trees and shrubs planted by subdivider to the satisfaction of Council. 8. All fencing within the front setback area for each dwelling, but no further than 30 metres unless specifically required by the owner, to be of masonry construction or such other materials considered suitable by Council. 9. All resultant lots will be connected to the reticulated sewerage service. 10. Parking and/or storage of commercial vehicles of over two tonnes in tare weight or exceeding two metres in height on the resultant lots, is prohibited. 11. A Drainage Management Plan must be prepared and implemented prior to subdivision of the land. This plan shall be to the satisfaction of Council and the Water and Rivers Commission.

N. H. NANCARROW, President.
 N. LEACH, Chief Executive Officer.

Description of Site	Permitted Uses and Provisions
	<p>(c) Development on all lots is to be subject to the use of Alternative Treatment Units (ATU) for the onsite disposal of effluent.</p> <p>(d) A Drainage Management Plan is to be prepared and implemented to the specification and satisfaction of the Environmental Protection Authority/Water and Rivers Commission to obtain clearance for subdivision.</p> <p>(e) In order to conserve the landscape of the locality, all existing groups of trees shall be retained unless removal is authorised by Council.</p> <p>(f) No building shall be constructed within 50 metres of Northam-Toodyay Road and the Foreshore Reserve.</p> <p>(g) All buildings shall be located within the building envelopes nominated on the Subdivision Guide Plan. Council may approve the relocation of a building envelope provided it is satisfied that the modified building envelope does not compromise the amenity and environmental qualities of the locality.</p> <p>(h) No building shall be constructed of such design or materials as would, in the opinion of Council, prejudice the semi rural landscape character of the area.</p> <p>(i) Not more than one single dwelling house shall be constructed on a lot.</p> <p>(j) In order to prevent practices detrimental to the amenity of the zone, intensive agricultural pursuits are not permitted unless with the prior written approval of the Council, and in granting approval under this paragraph, the Council may impose limits to animal stocking rates and any other conditions it thinks fit.</p> <p>(k) The rearing, agistment and grazing of horses will not be permitted.</p> <p>(l) The new lots shall be connected to a reticulated water supply.</p> <p>(m) The Council and Western Australian Planning Commission may approve a minor variation to the Subdivision Guide Plan, but further breakdown of lots shall be deemed contrary to the provisions of the Scheme.</p>

A. HENSHAW, President.
I. STUBBS, Chief Executive Officer.

PI409*

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Derby-West Kimberley
 Town Planning Scheme No. 5—Amendment No. 1

Ref: 853/7/4/7 Pt 1

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the Shire of Derby-West Kimberley Town Planning Scheme Amendment on 7 March 2004 for the purpose of—

1. Including "Bus Depot" as an Additional Use for Part of Derby Lot 24 Fitzroy Street in Appendix 2—Schedule of Additional Uses (Clause 3.4).
2. Amending the Scheme Map accordingly.

E. M. ARCHER, President.
J. THROSSELL, Chief Executive Officer.

PREMIER AND CABINET

PC401*

INTERPRETATION ACT 1984**MINISTERIAL ACTING ARRANGEMENTS**

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

Hon J. C. Kobelke MLA to act temporarily in the office of Minister for State Development in the absence of the Hon C. M. Brown MLA for the period 14 to 25 March (both dates inclusive).

M. C. WAUCHOPE, Director General,
Department of the Premier and Cabinet.

RACING, GAMING AND LIQUOR

RG401

LIQUOR LICENSING ACT 1988**SUMMARY OF LIQUOR LICENSING APPLICATIONS**

The following is a summary of applications received under the Liquor Licensing Act 1988 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 and Liquor, 1st Floor, Hyatt Centre, 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			
10183	Moondance Lodge Pty Ltd	Application for the grant of a Special Facility—Tourism licence in respect of premises situated in Yallingup and known as Moondance Lodge Margaret River	8/4/04
10185	Subiaco Football Club Inc	Application for the grant of a Club licence in respect of premises situated in Leederville and known as Subiaco Football Club Inc	18/3/04
APPLICATION FOR THE REMOVAL OF A LICENCE			
191061	Evans & Tate Ltd	Application for the removal of a Wholesaler's licence from premises situated in West Perth suburb to a new site in Wembley and known as Evans & Tate	25/3/04
APPLICATION FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
19742	Enza Holdings Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Northbridge and known as Novaks Tavern.	29/3/04

This notice is published under section 67(5) of the Liquor Licensing Act 1988.

H. R. HIGHMAN, Director of Liquor Licensing.

SALARIES AND ALLOWANCES TRIBUNAL

SX401*

SALARIES AND ALLOWANCES ACT 1975**SALARIES AND ALLOWANCES TRIBUNAL**

Determination Variation

The determination of the Salaries and Allowances Tribunal made on 20 August 2003 under section 6(1)(a), (ab) and (b) of the *Salaries and Allowances Act 1975* is hereby varied by a further determination, to make the amendment set out below—

ADD

PART 9: REGIONAL SITTINGS OF THE PARLIAMENT

SECTION 1: GENERAL

1.1 Claims for reimbursement under this Part shall be subject generally to the conditions set out in Section 1 of Part 6.

1.2 For the purposes of this Part the rates contained in Section 7 of Part 6 should be deemed to be indicative of the reasonable accommodation costs that can be claimed. Where the costs reasonably and properly exceed the indicative rates, the actual costs shall be met.

SECTION 2: SITTINGS OF THE PARLIAMENT OTHER THAN IN PERTH

2.1 Subject to paragraph 2.2 of this section, where a sitting of either House of the Parliament is held at a location other than Parliament House in Perth, Members are entitled to reimbursement of all costs or expenses incurred for the purposes of—

2.1.1 Travel to and from the location of the sitting. Use of charter aircraft (other than through the Government's air charter arrangements) is not permitted unless the location of the sitting is not serviced by regular air services.

2.1.2 Travel, accommodation and meals at the location of the sitting for the following periods—

- (a) the duration of the sitting
- (b) up to two nights prior to the commencement of the sitting
- (c) up to two nights after the sitting ceases.

2.2 The reimbursement provided by this determination shall be reduced to the extent that the expenses of Members are entitled to be reimbursed or paid from any other source, including any provision or arrangement of the Parliament or Executive Government, or any determination dealing with fares made by the Treasurer under section 11A of the *Salaries and Allowances Act 1975*.

Signed this 9th day of March 2004.

Professor M. C. WOOD, Chairman.
J. A. S. MEWS, Member.
M. L. NADEBAUM, Member.

TRANSPORT

TR401*

WESTERN AUSTRALIAN MARINE ACT 1982**NAVIGABLE WATERS REGULATIONS****AQUATIC EVENTS AND WATER SKI AREA**

Mandurah Crab-Fest 2004

Department for Planning and Infrastructure,
Fremantle WA, 12 March 2004

Acting pursuant to the powers conferred by Regulation 48A of the *Navigable Waters Regulations*, the department by this notice defines and sets aside the following area of Navigable Waters for the purpose of Aquatic Events and Water Skiing. Providing that this area is confined to authorised bona fide vessels approved by the committee of the Mandurah Crab-Fest 2004 and will only apply between

the hours of 12.30 pm and 6.00 pm on Saturday 13 March 2004 and 09.00 am and 5.00 pm on Sunday 14 March 2004, within the following area:—

MANDURAH ESTUARY

All the waters between the Old Mandurah Traffic Bridge and an imaginary line drawn between the downstream end of the Government Fishermen's Service Jetty and the North Eastern corner of Henry Sutton Grove, Halls Head.

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

TR402*

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS

Shire of Donnybrook/Balingup

WATER SKI AREA

Glen Mervyn Dam

Department for Planning and Infrastructure,
Fremantle WA, 12 March 2004.

Acting pursuant to the powers conferred by Section 48A of the Navigable Waters Regulations the department by this notice revokes Notice WA401 as published in the *Government Gazette* on 16 September 2003 and hereby sets aside the following area of Navigable Water for the purpose of Water Skiing:—

GLEN MERVYN DAM: All the waters of Glen Mervyn Dam bounded by lines commencing at a point on the western foreshore 250 metres north of the dam head, extending across the dam to the eastern foreshore at a point 300 metres north of the dam head; thence extending in a northerly direction across the eastern arm of the dam to a point on the foreshore thence following along the foreshore to the start point.

All water skiing within this area shall be in an anti-clockwise direction and no person shall engage in water skiing except between the hours of Sunrise and Sunset. Bathing shall be prohibited therein.

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

WORKSAFE

WS401

OCCUPATIONAL SAFETY AND HEALTH ACT 1984

OCCUPATIONAL SAFETY AND HEALTH (CODE OF PRACTICE) NOTICE

Published under section 57(4) of the *Occupational Safety and Health Act 1984*.

Citation

1. This notice may be cited as the *Occupational Safety and Health (Code of Practice) Notice (No. 1) 2004*.

2. Approval of code of practice

Notice is hereby given that I, the undersigned Minister for Consumer and Employment Protection, being the Minister charged with administration of the *Occupational Safety and Health Act 1984*, acting in exercise of the power conferred upon me by section 57(1) of the said Act, on the 28 January 2004 approved the code of practice *Concrete and Masonry Cutting and Drilling* as a code of practice in accordance with section 57 of the *Occupational Safety and Health Act 1984*.

Note: A copy of the code of practice referred to in this notice is available for inspection (without charge) at the WorkSafe Library, 5th Floor, 1260 Hay Street, West Perth or SafetyLine on the Internet information service [<http://www.safetyline.wa.gov.au>]. The Code of Practice can be purchased from WorkSafe Division of the Department of Consumer and Employment Protection 1260 Hay Street, West Perth [Tel: (08) 9327 8775].

JOHN KOBELKE MLA, Minister for Consumer and
Employment Protection.

PUBLIC NOTICES

ZZ201**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 12th April 2004, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bailey, Edward, late of 82 Oakmont Avenue, Meadow Springs, died 9/2/04, (DE19942345EM27)

Bell, Henry William, late of Agmaroy Nursing Home, 115 Leach Highway, Wilson, died 29/11/03, (DE33029196EM17)

Christian, Emanuel, late of Unit 1/8 Walga Court, Yokine, died 19/2/04, (DE19734550EM17)

Down, Terence Edward, late of 114 Subiaco Road, Subiaco, died 1/9/03, (DE30232752EM37)

Hamilton, Ian Malcolm, late of 234 Nicholson Road, Subiaco, died 17/2/04, (DE19862573EM13)

Ibbotson, Victor Alexander, late of Dale Cottages, 32A John Street, Armadale, died 23/2/04, (DE19923742EM34)

Ploog, Walter Richard, late of 4 Glenfinnan Court, Hamersley, died 8/2/04, (DE19943472EM26)

Rothnie, Doris Normand, late of Bedingfield Park, 4 Bedingfield Road, Pinjarra, died 10/9/02, (DE19861932EM12)

Weston, Norma Joy, late of 136 Leake Street, Bayswater, died 29/11/03, (DE33029796EM27)

ANTONINA ROSE McLAREN, Public Trustee,
Public Trust Office, 565 Hay Street, Perth WA 6000.
Telephone 9222 6777.

ZZ202**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Henry Edward Meyer, late of St George's Anglican Home, 2 Essex Street, Bayswater, in the State of Western Australia, formerly of 7 Courthope Street, Kensington, in the State of Western Australia, Retired Meat Inspector, 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 day of March 2002, are required by the Trustees, Klaus Johannes Dietrich Meyer of 61 Duke Street, Northam in the State of Western Australia and Carole Else Lee of 52 Old York Road, Greenmount in the State of Western Australia to send particulars of their claims to them by the 13th day of April 2004, after which date the Trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

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