

# WESTERN AUSTRALIAN GOVERNMENT Gazette



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JOHN A. STRIJK, Government Printer.

# — PART 1 —

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## LOCAL GOVERNMENT

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LG301\*

### BUSH FIRES ACT 1954

*Shire of Dumbleyung*

Bushfire Brigade Local Law 2002

Under the powers conferred by the Bush Fire Act 1954 and under all other powers enabling it, the Council of the Shire of Dumbleyung resolved on 21 November 2002 to make the following Local Law.

The Shire of Capel Bush Fire Brigades Local Law as published in the *Government Gazette* of 23rd May 2001, is adopted as a Local Law of the Shire of Dumbleyung, with the modifications which follow—

1. Preliminary—1.1 Wherever the “Shire of Capel” is mentioned in the Local Law substitute “Shire of Dumbleyung”
2. Clause 1.2(2) subsection (h)—delete “or” and in subsection (i) insert after the comma “or” then add a new subsection (j) “any other position/s deemed necessary for the effective management of brigade activities,”
3. Clause 1.3—Delete clause 1.3 and re-number clause 1.4 “1.3”
4. Clause 2.2(1) subsection (viii)—Delete “or” and in subsection (ix) delete the full stop and insert a comma then add a new subsection (x) “any other position/s deemed necessary for the effective management of brigade activities,”
5. Clause 3.6 Delete the sentence and substitute the sentence ‘A combined bush fire brigade meeting of all brigades is to be held annually during the month of March each year.

Dated this 13th day of March 2003

The Common Seal of the Shire of Dumbleyung was affixed in the presence of—

G. J. DAVIDSON, President.  
I. V. CRAVEN, Chief Executive Officer.

LG302\*

### CEMETERIES ACT 1986

*Shire of Dumbleyung*

Cemeteries Local Law 2002

Under the powers conferred by the Cemeteries Act 1986, the Shire of Dumbleyung resolved on the 21 November 2002 to adopt the Model Local Law (Cemeteries) 1998 published in the *Government Gazette* on 12 May 1998 in relation to the Nippering and Kukerin Public Cemeteries.

#### 1. Preliminary

1.1 In construing the following modifications, where a modification requires the renumbering of a clause, subclause or paragraph, subsequent modifications have been drafted on the basis that the renumbering has been effected.

1.2 Wherever the name of the local government is to be inserted, insert ‘Shire of Dumbleyung’.

1.3 Wherever the name of the local law is to be inserted, insert ‘Cemeteries Law 2002’.

1.4 Wherever the address of the Local Government is to be inserted, insert ‘Harvey St (PO Box 99), Dumbleyung’.

#### 2. Clause 3.2 Application for Cremation

2.1 Delete the whole of this clause.

2.2 Renumber clauses 3.3 to 3.5 inclusive to ‘3.2’ to ‘3.4’ respectively.

2.3 In renumbered clause 3.2—

- (a) delete 'clauses 3.1 and 3.2' and substitute 'clause 3.1'; and
- (b) delete 'clause 3.4' and substitute 'clause 3.3'.

**3. Clause 3.4 Certificate of Identification**

In subclause (1) delete 'or cremation within the cemetery'.

**4. Clause 4.2 Single Funeral Permits**

Delete 'or crematorium'.

**5. Clause 4.3 Application refusal**

Delete 'or crematorium'.

**6. Clause 5.1 Requirements for Funerals or Coffins**

In paragraph (a) delete 'or cremation'.

**7. Clause 5.2 Funeral Processions**

Delete 'or cremation' and 'or clause 3.2'.

**8. Clause 5.6 Conduct of Funeral by Board**

Delete paragraph (d) and renumber e, f, g, d, e, f, respectively.

**9. Part 5, Division 2—Cremation**

In part 5, delete the whole of Division 2—Cremation.

**10. Part 5, Division 3—Placement of Ashes**

In part 5—

- (a) renumber Division 3 to 'Division 2';
- (b) renumber clause 5.12 to '5.7';
- (c) in subclause (1) of renumbered clause 5.7 delete—
  - 'Memorial Wall
  - Garden of Remembrance
  - Ground Niche
  - Memorial Rose, Tree or Shrub
  - Family Shrub
  - Memorial Desk
  - Granite Seat
  - Book of Remembrance
  - Memorial Gardens';
- (d) delete clauses 5.13 and 5.14.

**11. Clause 7.12 Placing of Glass Domes and Vases**

Delete all words after the heading and substitute—

'A person shall not place glass domes, vases or other grave ornaments outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40(2) of the Act.'

**12. Part 7, Division 2—Lawn Section**

In Part 7, delete the whole of Division 2—Lawn Section

**13. Part 7, Division 3—Memorial Plaque Section**

In Part 7, delete the whole of Division 3—Memorial Plaque Section

**14. Part 7, Division 4—Licensing of Monumental Masons**

In Part 7—

- (a) renumber Division 4 to 'Division 2';
- (b) renumber clauses 7.16 to 7.20 inclusive to '7.13' to '7.17' respectively;
- (c) in renumbered clause 7.14, paragraph (a), delete '7.20' and substitute '7.17';
- (d) in renumbered clause 7.15, paragraph (a), delete '7.16' and substitute '7.13'.

**15. Second Schedule**

In the Second Schedule, delete the prefix '19' where it is used as part of the date an alleged offence occurred and substitute '20'.

Dated this 13th day of March 2003.

The Common Seal of the Shire of Dumbleyung was affixed in the presence of—

G. J. DAVIDSON, President.  
I. V. CRAVEN, Chief Executive Officer.

LG303\*

**DOG ACT 1976***Shire of Dumbleyung*

Dogs Local Law 2002

Under the powers conferred by the Dog Act 1976 and under all other powers enabling it, the Council of the Shire of Dumbleyung resolved on 21 November 2002 to make the following local law—

The Shire of Moora Dogs Local Law as published in the Government Gazette of 29 November 1999, is adopted as a local law of the Shire of Dumbleyung, with the modifications which follow—

**1. Preliminary**

Wherever the “Shire of Moora” is mentioned in the local law substitute “Shire of Dumbleyung”. Clause 1.2 Repeal, Delete clause 1.2

**2. Clause 1.3 Definitions**

After the definition for authorised person insert a new definition “built-up area” means the territory contiguous to and including any road which is built up with structures devoted to business, industry or houses at intervals of less than 50m.

**4. Clause 1.4—Application**

In clause 1.4 delete “throughout the district” and substitute “within the Dumbleyung, Moulyinning and Kukerin townsite and re-number 1.3”.

**5. Clause 3.2—Limitation on the number of dogs**

Clause 3.2 (2) (b) Delete “4” and substitute “6” in line one.

**6. Clause 5.1 Places in which dogs are prohibited absolutely**

In clause 5.1(a) delete “where so indicated by a sign,” and insert after the word building”, unless authorised by the Local Government.”

**7. Clause 5.2—Places which are dog exercise areas**

In clause 5.2(1) delete paragraphs (a), (b) and (c) and substitute—

- (a) Reserve 26634, Bartram St, Dumbleyung
- (b) Reserve 15882, corner of McKenzie and Wallis Sts, Moulyinning
- (c) Reserves 15948 and 23372, corner of Collier and Scaddan Sts, Kukerin

**8. Clause 6.1—Offence to excrete**

In clause 6.1(1)(a) delete “or other public place” and substitute “within a built up area or Recreation Reserve”

Dated this 13th day of March 2003.

The Common Seal of the Shire of Dumbleyung was affixed in the presence of—

G. J. DAVIDSON, President.  
I. V. CRAVEN, Chief Executive Officer.

LG304\*

**LOCAL GOVERNMENT ACT 1995***Shire of Dumbleyung*

Extractive Industries Local Law 2002

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Dumbleyung resolved on 21 November 2002 to make the following local law—

The City of Rockingham Extractive Industries Local Law as published in the *Government Gazette* of 21 March 2001, is adopted as a Local Law of the Shire of Dumbleyung with the modifications which follow—

**1. Preliminary**

Wherever the “City of Rockingham” is mentioned in the local law substitute “Shire of Dumbleyung”.

**2. Clause 1.2 Application**

Delete subclause (d) and substitute ‘do not apply to the extraction of less than 2000 cubic metres of stone, gravel, sand or other material’.

**3. Clause 1.3 Repeal**

Delete

Dated this 13th day of March 2003.

The Common Seal of the Shire of Dumbleyung was affixed in the presence of—

G. J. DAVIDSON, President.  
I. V. CRAVEN, Chief Executive Officer.

## LG305\*

**LOCAL GOVERNMENT ACT 1995***Shire of Dumbleyung*

## Local Laws Relating to Fencing 2002

Under the powers conferred by the Local Government Act 1995 and by all other powers the Council of the Shire of Dumbleyung resolved to make the following local laws on the 21 November 2002.

The Shire of Toodyay Local Law Relating to Fencing as published in the *Government Gazette* on 1 November 1999 are adopted as local laws of the Shire of Dumbleyung, with the modifications which follow—

**1. Preliminary**

1.1 In construing the following modifications, where a modification requires the renumbering of clause, subclause or paragraph, subsequent modifications have been drafted on the basis that the renumbering has been effected.

1.2 Wherever “Shire of Toodyay” is mentioned in the local laws substitute “Shire of Dumbleyung”.

**2. Clause 2—Repeal**

Deleted

**3. Clauses renumbered**

|                  |        |
|------------------|--------|
| Renumber clauses | 3 to 4 |
|                  | 4 to 6 |
|                  | 5 to 7 |
|                  | 6 to 8 |

and

in the first, second and third schedules delete the reference to ‘clause 4(2)(a)’, clause 4(2)(b)’ and ‘clause 4(2)(c)’ and substitute ‘clause 6(2)(a)’, and ‘clause 6(2)(c)’ respectively.

**4. Clause 3—Inserted**

Insert the following clause—

“Application of Local Laws

3. These local laws apply throughout the district.”

**5. Clause 4—Interpretation**

5.1 Insert the following definition in the appropriate alphabetical position—

“local government” means the Shire of Dumbleyung.

5.2 In the definition of “sufficient fence” delete “4” and substitute “6”

**6. Clause 5 Inserted**

Insert the following clause—

“Licence fees and Charges

5. All licence fees and charges applicable under these Local Laws shall be as determined by the local government from time to time in accordance with section 6.16 of the Local Government Act 1995”

**7. Clause 6—Sufficient Fences**

Delete “A” at the beginning of subclause 6(1) and substitute “Unless by agreement between the owners of adjoining properties, a”.

**8. Fences within Front Setback Areas**

Delete clause 7 and 8 and substitute the following—

“Fencing Within Front Setback Areas

7 (1) A person shall not, without the written consent of the Building Surveyor, erect a freestanding fence greater than 1200mm in height within the front setback area of a Residential lot within the district

(2) The Building Surveyor may approve the erection of a fence of a fence of a height greater than 1200mm in the front set-back area of a residential lot only if the fence on each side of the driveway into the lot across the front boundary is to be angled into the lot for a distance of not less than 1500mm along the frontage to a distance of not less than 1500mm from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.

(3) The provision of sub-clause (2) shall not apply to a fence—

- (a) of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare; or
- (b) That does not adjoin a footpath.”

**9. Clauses renumbered**

Renumber clause: the original clause 7 (Fences on a Rural Lot) to 8

- 8 to 9
- 9 to 10
- 10 to 11
- 11 to 12
- 12 to 13
- 13 to 14
- 14 to 15
- 15 to 16
- 16 to 17
- 17 to 18
- 18 to 19.

**10. Clause 10—General Discretion of the Local Government**

In subclause (1) delete “colour bonded metal” and substitute “Notwithstanding clause 6, the”.

**11. Clause**

In subclause (1) delete “colour bonded metal” and substitute “prepainted steel sheeting”.

**12. Clause 12—Barbed wire and Broken Glass Fences**

12.2 In subclause (2) delete “or allow to remain on or as part of”.

12.3 In subclause (3)—

- (a) delete “or allow to remain as part of” and substitute “on”; and
- (b) delete “bent back into the lot from the boundary”

12.4 Renumber subclause ‘(4)’ and ‘(5)’ to ‘(5)’ and ‘(6)’ respectively.

12.5 Insert a new subclause (4) as follows—

“(4) If the posts which carry the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining land.”

**13. Clause 13—Requirements for a Licence**

In clause 13(1)(b) delete “have a fence constructed” and substitute “construct a fence”

**14. Clause 14—Transfer of a Licence**

Delete clause 14 and substitute the following—

“A licence referred to in clause 13 shall transfer with the land to any new occupier or owner of the lot”

**15. “Local Laws” substitute for “local laws”**

In clause 18(1) and (2) and 19 delete “local laws” in the three places that it appears and substitute “Local Laws”

**16. First Schedule—Specifications for a Sufficient Fence on a Residential Lot**

16.1 In item A paragraph (g)—

- (a) delete “a minimum of” and substitute “be”; and
- (b) after “1800mm” insert “except with respect to the front set back area for which there is no minimum height but which is subject to clause 7”;

16.2 In item B—

- (a) insert “or steel” after “cement”, after “sheeting” insert “erected to manufacturer’s specifications or” and after “which” insert “otherwise”
- (b) in paragraph (b) insert “or steel” after “cement”;
- (c) in paragraph (d) delete “a minimum of”; and
- (d) in paragraph (d) after “1800mm” insert “except with respect to the front set back area for which there is no minimum height but which is subject to clause 7”

16.3 In item C paragraph (d)—

- (a) delete “a minimum of”; and
- (b) after “1800mm” insert “except with respect to the front set back area for which there is no minimum height but which is subject to clause 7”; and

16.4 In item D after “composite fence” insert “having a minimum overall height of 1800mm except with respect to the front set back area for which there is no minimum height but which is subject to clause 7”.

**17. Second Schedule—Specifications for a Sufficient Fence on a Commercial Lot and an Industrial Lot**

17.1 In item A(e) delete “in accordance with Part 4, Section 11(3) of the local law” and substitute “in accordance with clause 12 (3) of these Local Laws”

17.2 In item B insert “or steel sheeting” after “cement sheet”.

17.3 Delete item C and insert the following—

“C. a fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1800mm but no greater than 2400mm”

**18. Third Schedule—Clause 5(2)(c)**

**Specifications for a Sufficient Fence on a Rural Lot**

(1) Standard star pickets, minimum length of 1500 mm

(2) Concrete posts

(3) Timber posts that are—

- (a) sawn, split or round;
- (b) treated effectively against termites and with an adequate fungicide; and
- (c) cut not less than 1600 mm long x 100 mm diameter at the small end if round or 125 mm x 75 mm if split or sawn;
- (d) set 400 mm in the ground and 1000 mm out of the ground;
- (e) spaced a maximum of 20 metres apart with a dropper midway between the posts; and
- (f) bored with 6 suitably spaced holes of 5mm diameter to be threaded with 6 plain high tensile steel galvanised wires each of which is to be 2.5 mm in diameter;

(4) The strainer posts are to be—

- (a) either (i) cut from timber being not less than 150 mm in diameter at the small end; or
  - (ii) tubular steel having a nominal bore of 32 mm and an outside diameter of 50 mm;
- (b) 1800 mm long;
- (c) sunk in the ground a minimum of 750 mm and, where the strainer posts are of tubular steel, encased in concrete having a minimum diameter of 300 mm;
- (d) strutted or braced;
- (e) wrapped with plain high tensile steel galvanised wire and strained tightly; and
- (g) set at all corners, gateways and fence line angles but not exceeding 1000 m apart.

(5) The wire is to be—

- (a) any combination of fabricated wire provided the fence has a minimum height of 1000 mm and minimum of 6 horizontal wires;
- (b) in watercourses—6 plain high tensile steel galvanised wires each of which is to be 2.5 mm in diameter.

(6) An electrified fence having four wires only is a sufficient fence if constructed generally in accordance with 1) of the Third Schedule.

Dated this 13th day of March 2003.

The Common Seal of the Shire of Dumbleyung was affixed in the presence of—

G. J. DAVIDSON, President.  
I. V. CRAVEN, Chief Executive Officer.

LG306\*

**LOCAL GOVERNMENT ACT 1995**

*Shire of Dumbleyung*

Parking and Parking Facilities Local Law 2002

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Dumbleyung resolved on 21 November 2002 to make the following Local Law—

The Shire of Coorow Parking and Parking Facilities Local Law published in the *Government Gazette* of 4 October 1999, is adopted as a local law of the Shire of Dumbleyung with the modifications which follow—

**1. Preliminary**

Wherever the “Shire of Coorow” is mentioned in the local law substitute “Shire of Dumbleyung”.



**2. Clause 1.2—Repeal**

Delete clause 1.2 and substitute 'The Shire of Dumbleyung Parking Facilities Local Law published in the *Government Gazette* on 31 December 1992 is repealed'.

**3. Clause**

Clause 3.7 (2)(e) Delete '9' and substitute '4'

**4. Second Schedule, Prescribed Offences**

Item 20, clause 3.7 (2)(e) delete '9' and substitute '4'.

Item 28, delete "3.8 (2)(a)" and substitute "3.8 (1)(a) or (b)" and after "Parking" delete "commercial vehicle, bus" and substitute "vehicle or unattached trailer".

Item 29, delete "3.8 (2)(b)" and substitute "3.8 (1)(c)".

Dated this 13th day of March 2003.

The Common Seal of the Shire of Dumbleyung was affixed in the presence of—

G. J. DAVIDSON, President.  
I. V. CRAVEN, Chief Executive Officer.

LG307\*

**LOCAL GOVERNMENT ACT 1995**  
**AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**  
*Shire of Dumbleyung*

Local Law Relating to Pest Plants 2002

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 Dumbleyung hereby records having resolved on the 21 November 2002 to make the following local law.

**Citation**

1. This local law may be cited as the Shire of Dumbleyung Local Law Relating to Pest Plants 2002.
2. Repeal: By-Laws Relating to Pest Plants adopted by the Shire of Dumbleyung on the 3rd January 1985 and published in the *Government Gazette* on the 5th July 1985.

**Interpretation**

3. In these local laws, unless the context otherwise requires—
  - “Council” means the Council of the Shire of Dumbleyung
  - “district” means the district of the Shire of Dumbleyung
  - “pest plant” means a plant described as a pest plant by local law (5) of these local laws.
4. These local laws apply in respect of the district.
5. Every plant described in the First Schedule of these local laws is a pest plant.
6. The Council may serve on the owner or occupier of private land within the district a duly completed notice in the form of the Second Schedule to these local laws requiring him/her to destroy, eradicate or otherwise control any pest plant on that land and any person so served shall comply with that notice within the time and in the manner specified therein.
7. Where a person fails to comply with a notice under local law (6) of these local laws served upon him/her, the Council may—
  - (a) without payment of any compensation in respect thereof, destroy, eradicate or control, as the case may be, any pest plant the destruction, eradication and control of which was required by the notice; and
  - (b) recover in a court of competent jurisdiction from the person to whom the notice is directed, the amount of the expense of such destruction, eradication or control.

First Schedule  
Pest Plants

COMMON NAME  
Caltrop

SCIENTIFIC NAME  
Tribulus Terrestris L

Second Schedule
Agriculture and Related Resources Protection Act 1976.
Shire of Dumbleyung Local Law relating to Pest Plants 2002.

No.....

To .....
(full names)

of .....
(address)

You are hereby given notice under the above local laws that you are required to
(specify whether required to destroy, eradicate, or otherwise control) the pest plant—

.....
(Common Name) (Scientific Name)

on .....
(Specify the land)

of which you are the .....
(Owner or occupier)

This notice may be complied with by .....

.....
(Specify manner of achieving destruction, eradication or control)

Such measures shall be commenced not later than .....
(Date)

and shall be completed by.....
(Date)

Upon failure to comply with this notice within the times specified, the Council may
destroy, eradicate or control, as the case may be, any specified pest plant at your
expense.

Date of service of notice .....

.....
Signature of Authorised Person

Dated this 13th day of March 2003.

The Common Seal of the Shire of Dumbleyung was affixed in the presence of—

G. J. DAVIDSON, President.
I. V. CRAVEN, Chief Executive Officer.

LG309\*

LOCAL GOVERNMENT ACT 1995

Shire of Dumbleyung

Control of Refuse on Building Sites Local Law 2002

Under the powers conferred by the Local Government Act 1995 and all other powers
enabling it, the Council of the Shire of Dumbleyung resolved on 21 November 2002
to make the following local law.

The City of Armadale Control of Refuse on Building Sites Local Law 2001 as
published in the Government Gazette of 3rd July 2001, is adopted as a local law of
the Shire of Dumbleyung, with the modifications which follows—

- 1. Preliminary:- Wherever the "City of Armadale" is mentioned in the local law
substitute "Shire of Dumbleyung"
2. Clause 1 Delete "district" in line two and insert "throughout the townsites of
Dumbleyung, Moulyinning and Kukerin"
3. Clause 2 Delete the definition of "building site" and insert "building site"
means any lot of land for which a building licence is current, but does not
include a lot for which the current building licence is issued in respect only
for a pergola, patio, shed or other class 10 building as classified by the
Building Code.
4. Clause 2 after "building site" insert the definition "collection" means the
collection and removal of rubbish satisfactory to the Council.

Dated this 13th day of March 2003.

The Common Seal of the Shire of Dumbleyung was affixed in the presence of—

G. J. DAVIDSON, President.
I. V. CRAVEN, Chief Executive Officer.

LG308\*

**LOCAL GOVERNMENT ACT 1995***Shire of Dumbleyung*

## Local Government Property Local Law 2002

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Dumbleyung resolved on 21 November 2002 to make the following local law.

The Shire of Moora Local Government Property Local Law as published in the *Government Gazette* of 29th November 1999, is adopted as a local law of the Shire of Dumbleyung with the modifications which follow—

**1. Preliminary**

Wherever the “Shire of Moora” is mentioned in the local law substitute “Shire of Dumbleyung”

**2. Clause 1.2—Definitions**

In the appropriate alphabetical position insert—

““Boat” means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski.”.

In the definition of “vehicle”, add a new paragraph—

“(e) a boat”.

**3. Clause 1.5**

Delete clause 1.5

**4. Clause 2.7—Activities which may be pursued on specified local government property**

In clause 2.7 (1) renumber paragraphs (e) to (h) inclusive to (g) to (j) respectively and insert the following two paragraphs—

“(e) launch, beach or leave a boat;

(f) take or use a boat, or a particular class of boat;”.

In clause 2.7(2)(d), insert “boats,” after “Vehicles”, in both places where this occurs.

**5. Clause 2.8—Activities which may be prohibited on specified local government property.**

In clause 2.8(1)—

(a) delete paragraph (g);

(b) renumber paragraphs (e) and (f) to (f) and (g) respectively; and

(c) insert the following paragraph—

“(e) taking or using a boat, or a particular class of boat;”.

In clause 2.8(2)(c), insert “boats,” after “vehicles,” in both places where this occurs.

**6. Clause 4.6 Signs**

Add subclause (4) “The provisions of this clause do not apply to persons engaged by the Local Government to perform duties on behalf of the Local Government

**7. Clause 5.1 When entry must be refused**

In subclause 1(a)(i) “5 years and who is unaccompanied” and insert “9 years, unless they have achieved level 5 of the Education Department of Western Australia swimming and Water Safety Section, or equivalent, and is “

**8. Clause 5.3**

Add new subclause (c) “The provisions of this clause do not apply to persons engaged by the Local Government to perform duties on behalf of the Local Government”

**9. Schedule 2 insert the following**Speed of Vehicles on Local Government Property

2.1 (1) A person shall not drive a vehicle or allow a vehicle to be driven upon a sporting or recreational reserve, which is local government property at a speed exceeding 15 km an hour.

(2) Provisions of subclause (1) do not apply to activities conducted by a legitimate sporting associations or body conducting an approved event.

(3) Provisions of subclause (1) do not apply to the conducting of gymkhana events on—

Stubbs Park, Lot 1 Bahrs Road, Dumbleyung or Nenke Park, Reserve 15526, Bath Street, Kukerin.

Prohibitions of Activities on Reserves

2.2 (1) A circus is not to be located on the main grassed oval on Lot 1 Bahrs Road Dumbleyung, or the main grassed oval on Reserve 15526, Bath Street, Kukerin.

(2) Golf or the practise of golf is not to be conducted on Lot 1 Bahrs Road Dumbleyung, or the main grassed oval on Reserve 15526, Bath Street, Kukerin, unless there is no other activity being conducted there.

(3) Archery or the practise of archery is not to be conducted on Lot 1 Bahrs Road Dumbleyung, or the main grassed oval on Reserve 15526, Bath Street, Kukerin.

(4) Council may grant approval to conduct a prohibited activity subject to obtaining a permit which may contain conditions considered appropriate by the local government.

Dated this 13th day of March 2003.

The Common Seal of the Shire of Dumbleyung was affixed in the presence of—

G. J. DAVIDSON, President.  
I. V. CRAVEN, Chief Executive Officer.

**LG310\***

**LOCAL GOVERNMENT ACT 1995**

*Shire of Dumbleyung*

Activities on Thoroughfares and Trading in Thoroughfares and Public Places  
Local Law 2002

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Dumbleyung resolved on 21 November 2002 to make the following local law.

The Shire of Kojonup Activities On Thoroughfares And Trading In Thoroughfares and Public Places Local Law as published in the *Government Gazette* of 16 May 2000, is adopted as a local law of the Shire of Wagin, with the modifications which follow—

**1. Preliminary**

Wherever the “Shire of Kojonup” is mentioned in the local law substitute “Shire of Dumbleyung”.

**2. Clause 1.2**

Delete “1975” in the definition “built up area” and substitute “2000”

**3. Clause 1.2**

Delete “1975” in the definition “intersection” and substitute “2000”

**4. Clause 1.2**

Delete “Kojonup” and “Muradup” in the definition “townsite” and substitute “Dumbleyung”, “Moulyinning” and “Kukerin”.

**5. Clause 3.4 Conditions on portable sign—**

3.4(a) (iv) delete subclause (iv) and renumber subclauses (v), (vi), (vii) and (ix) (iv), (v), (vi), (vii), (viii) respectfully.

**6. Clause 4.2 Prohibitions relating to animals—**

4.2 (3) Delete subclause (3)

**7. Clause 5.11 Permit to clear—**

Delete “and maintain in a cleared state” and “within 1m of that persons land” in line one and two, delete the full stop and add the words “or Local Government policy”.

**8. Clause 5.16 Prohibitions on Burning**

Delete

**9. Clause 6.2 Stallholders permit—**

6.2 (1)(b) delete “specified” and insert “with”

10. 6.2 (2)(b) delete subclause (b) and add a new subclause (b) “specify if an assistant will conduct the stall”

11. 6.2 (2)(c) after the word location insert “and size”

12. 6.2 (2)(f) delete subclause (f)

**13. 6.3 Traders permit—**

6.3 (2)(b) delete subclause (b) and add a new subclause (b) “specify if an assistant will be trading”

14. 6.3 (2)(c) before the word location insert “size and”

15. 6.3 (2)(f) delete subclause (f)

**16. Part 6—Division 2**

Delete the whole of Part 6, Division 2, “Street Entertainers”

**17. Part 6—Division 3**

In the heading delete ‘3’ and substitute ‘2’ and renumber clauses 6.15, 6.16, 6.17, 6.18, 6.19, 6.20 and 6.21 to 6.9, 6.10, 6.11, 6.12, 6.13, 6.14 and 6.15 respectively.

**18. Part 9—Clause 9.3**

In line one after the word ‘may’ insert ‘repair the damage or’ and in line two after the word ‘damage’ insert ‘recover expenses incurred in repairing that damage or’.

**19. Schedule 1**

Delete prescribed offences in respect of deleted clauses 4.2(3), 6.10, 6.11(2) and 6.14 and renumber clauses 6.16, 6.20(1) and 6.20(2) to 6.10, 6.12, 6.14(1) and 6.14(2).

**20. Forms**

Delete Forms 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.

Dated this 13th day of March 2003.

The Common Seal of the Shire of Dumbleyung was affixed in the presence of—

G. J. DAVIDSON, President.  
I. V. CRAVEN, Chief Executive Officer.

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## **SUPERANNUATION BOARD**

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SZ301\*

Parliamentary Superannuation Act 1970

# **Parliamentary Superannuation Repeal Regulations 2003**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Parliamentary Superannuation Repeal Regulations 2003*.

**2. Regulations repealed**

The *Parliamentary Superannuation Act Regulations 1949* are repealed.

By Command of the Governor,

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

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## — PART 2 —

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### AGRICULTURE

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AG101

*PRINTERS CORRECTION*

**AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**

DECLARED ANIMALS

An error occurred in the notice published under the above heading on page 810 of *Government Gazette* No. 40 dated 18 March 2003 and is corrected as follows.

In the notice numbered AG404\* delete “Declared Animals” in the heading and insert “ Declared Plants ”.

AG401\*

**PLANT DISEASES ACT 1914**

APPOINTMENTS

Department of Agriculture,  
South Perth WA 6151.

I, the undersigned Minister for Agriculture, Forestry and Fisheries, being the Minister responsible for the administration of the *Plant Diseases Act 1914*, hereby appoint the following Department of Agriculture officers as Authorised Inspectors pursuant to Section 7A of the said Act to carry out all the functions authorized to be performed by an Inspector under the said Act and its Regulations.

Sonia Esquibel  
David Fleming  
Krishna Mann  
Eleanor Rigby  
Tim Thompson  
Joanne Treacy  
Nadine Wirth

KIM CHANCE MLC, Minister for Agriculture,  
Forestry and Fisheries.

AG402\*

**VETERINARY PREPARATIONS AND ANIMAL FEEDING STUFFS ACT 1976**

APPOINTMENTS

Department of Agriculture,  
South Perth WA 6151.

I, the undersigned Minister for Agriculture, Forestry and Fisheries, being the Minister responsible for the administration of the *Veterinary Preparations and Animal Feeding Stuffs Act 1976*, hereby appoint the following as an Inspector pursuant to Section 37 of the said Act.

Tim Thompson

KIM CHANCE MLC, Minister for Agriculture,  
Forestry and Fisheries.

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## CONSUMER AND EMPLOYMENT PROTECTION

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CE401\*

**FINANCE BROKERS CONTROL ACT 1975**

## SECTION 44(1) AND (2)

## Finance Brokers Remuneration

The Finance Brokers Supervisory Board has fixed the following schedule to be the maximum amounts of remuneration for services rendered by persons carrying on the business of a finance broker. The Schedule shall apply in the case of contracts made on or after the date of publication of this notice and replaces the schedule published in the *Government Gazette* on 18 November 1997 and amendments published on 4 December 2001.

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### *Schedule*

In this Schedule:

- “**borrower brokerage**” means any brokerage payable, by a person other than a lender, to a broker in relation to a loan;
- “**broker**” means a finance broker as that term is defined in the *Finance Brokers Control Act 1975*;
- “**brokerage**” means any remuneration receivable, from any source, by a broker for services rendered in connection with arranging or negotiating a loan but does not include:
- (a) inspection fees within paragraph 2 of this schedule;
  - (b) finalisation fees within paragraph 6 of this schedule;
  - (c) commission on interest collections within paragraph 7 of this schedule; or
  - (d) miscellaneous charges within paragraph 8 of this schedule;
- “**commission**” means any brokerage payable by a lender to a broker in relation to a loan but does not include fees payable by lenders for genuine loan management services provided by brokers during the term of that loan;
- “**private loan**” means a loan other than a Credit Provider loan;
- “**Credit Provider loan**” means any loan where the lender is either licensed as a *Credit Provider under the Credit (Administration) Act 1984* or a body mentioned in Section 7(1) of the *Credit (Administration) Act 1984*;
- “**lender initial commission**” means any commission payable by a lender to a broker in relation to a loan at the commencement of that loan;
- “**lender trailer commission**” means any commission, other than the lender initial commission, payable by a lender to a broker in relation to a loan, during the term of that loan;
- “**equipment or personal finance**” means any Credit Provider loan where:
- (a) the loan is either unsecured or secured solely by security other than security over real estate; or
  - (b) the predominant purpose of the loan is to fund the purchase of chattels.
1. Application Fee —  
Up to \$250 non-refundable for each loan. The application fee is payment against the eventual brokerage charge.
  2. Inspection Fees —
    - (i) Initial Inspection:  
Up to 30 kilometres — \$125 with a maximum \$250 per half day or part thereof;  
Over 30 kilometres — \$250 with a maximum of \$250 per half day or part thereof or \$500 per day.
    - (ii) Subsequent Inspections:
      - (a) For progress advances for properties within 30 kilometres radius — \$125 per inspection with a maximum of \$250 per property;
      - (b) For progress advances for properties beyond 30 kilometres radius and properties in the course of erection, by negotiation with the client.
  3. Brokerage Fees —  
Important Note: Conditions of Brokerage Charges:
    - (a) Brokerage should NOT be charged by a selling agent where a Contract of Sale or Mortgage to Vendor is arranged. The agent broker may, however, charge on a time basis for consultations and work done (see miscellaneous charges);
    - (b) Where the selling agent is also the broker a separate written Loan Application is also required before a charge may be made;
    - (c) No borrower brokerage shall be charged by a broker in respect of a government sponsored loan expressly for the purpose of financing the purchase of the borrower’s principal place of residence;

- (d) Private loans (subject always to the Code of Conduct) —  
Borrower brokerage for loans of \$25,000 or less — up to \$500;  
Borrower brokerage for loans over \$25,000 — up to 2% of the loan amount;  
Lender initial commission — up to 1.5% of the loan amount;  
Lender trailer commission — up to 0.5% per annum of average outstanding loan balance from time to time;
- (e) Credit Provider loans other than equipment or personal finance (subject always to the Code of Conduct) —  
Brokerage excluding lender trailer commission — up to 2% of the loan amount;  
Lender trailer commission — up to 0.5% per annum of average outstanding loan balance from time to time;
- (f) Equipment or personal finance (subject always to the Code of Conduct) — brokerage of up to 5% of the loan amount.
4. Transfer of Mortgage Between Investor Clients —  
Brokerage fees as per item 3 plus out of pocket expenses, payable by the transferee.
5. Extension of Mortgages —  
50% of brokerage fees as per item 3 inclusive of any reinspection, but revaluations, solicitors costs, stamp duty and registration should be in addition.
6. Finalisation Fee (discharges) —  
Flat fee of \$110 to include all services required of a broker, in addition to legal costs, out of pocket expenses and settlement fees.
7. Commission on Interest Collections —
- (a) Interest Collections only —  
6% of interest collections inclusive of postage, cheque duty and bank charges.
- (b) Total Mortgage Management, including interest collections and supervision of mortgagor's compliance with all mortgage clauses —  
8% of interest collections, inclusive of postage, cheque duty and bank charges except where the broker is acting as an agent for an insurance company in which case fee of 5% applies.
8. Miscellaneous Charges —
- (a) Production of Title — \$110;
- (b) Titles Office Searches — \$35 plus Titles Office fees;
- (c) Additional Interest Statements as provided in the Finance Brokers Code of Conduct — \$25 for each statement issued;
- (d) Bank cheques — \$15 including costs;
- (e) Where no brokerage fees are payable, consultations, advice, investigations and negotiations on finance — \$125 per hour based on the actual time spent;
- (f) Disbursements directly and reasonably incurred by the broker in the negotiations relating to a loan or a proposed loan and without limiting the generality of the foregoing would include search fees, production fees, telephone calls, facsimile fees, accommodation expenses, postages and courier service and relevant Government charges. The broker shall at the request of the client produce to the client such evidence of disbursement that the client should reasonably require;
- (g) Where a broker is appointed as an agent for the mortgagee under the terms of the mortgage — charge to be negotiated with the mortgagee but not to exceed \$125 per hour.

Dated this 17th day of March 2003.

P. JOOSTE QC, Chairman,  
Finance Brokers Supervisory Board.

CE402\*

**SUNDAY ENTERTAINMENTS ACT 1979**

NOTICE

Good Friday 2003

I, John Charles Kobelke, Minister for Consumer and Employment Protection, acting pursuant to Section 3(2) of the *Sunday Entertainments Act 1979* do hereby declare that the provisions of Section 3(1) of the Act shall not apply to, or in relation to, any person involved in operating the Rockingham Easter Festival situated at the Rockingham Oval, Flinders Lane, Rockingham from 12.00 noon to 10.00pm on Good Friday, 18 April 2003.

JOHN KOBELKE MLA, Minister for Consumer  
and Employment Protection.



**CE403\*****SUNDAY ENTERTAINMENTS ACT 1979**

## NOTICE

Good Friday 2003

I, John Charles Kobelke, Minister for Consumer and Employment Protection, acting pursuant to Section 3(2) of the *Sunday Entertainments Act 1979* do hereby declare that the provisions of Section 3(1) of the Act shall not apply to, or in relation to, any person involved in operating Orbit Amusements, situated at 111 Barrack Street, Perth from 12.00 noon to 12 midnight on Good Friday, 18 April 2003.

JOHN KOBELKE MLA, Minister for Consumer  
and Employment Protection.

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**CE404\*****SUNDAY ENTERTAINMENTS ACT 1979**

## NOTICE

Good Friday 2003

I, John Charles Kobelke, Minister for Consumer and Employment Protection, acting pursuant to Section 3(2) of the *Sunday Entertainments Act 1979* do hereby declare that the provisions of Section 3(1) of the Act shall not apply to, or in relation to, any person involved in operating the Pot Black Family Pool and Snooker Centres listed in the Schedule below from 12.00 noon to 12.00 midnight on Good Friday, 18 April 2003.

*Schedule*

- 106 James Street, Northbridge
- 5 Mallard Way, Cannington
- 1st Floor, Hillarys Boat Harbour, West Coast Highway, Sorrento
- 464 Fitzgerald Street, North Perth
- 8/2209 Albany Highway, Gosnells
- 205 Stirling Terrace, Albany

JOHN KOBELKE MLA, Minister for Consumer  
and Employment Protection.

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**CE406\*****SUNDAY ENTERTAINMENTS ACT 1979**

## NOTICE

Good Friday 2003

I, John Charles Kobelke, Minister for Consumer and Employment Protection, acting pursuant to Section 3(2) of the *Sunday Entertainments Act 1979*, do hereby declare that the provisions of Section 3(1) of the Act shall not apply to, or in relation to, any person who uses any place between 12.00 noon and 12.00 midnight on Good Friday, 18 April 2003, for the screening or viewing of any motion picture considered appropriate for public exhibition under the *Censorship Act 1996*.

JOHN KOBELKE MLA, Minister for Consumer  
and Employment Protection.

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**CE407\*****COMPANIES (CO-OPERATIVE) ACT 1943**

## SECTION 403

## Registration of Liquidators

Notice is hereby given that the following person is registered as qualified to act as a liquidator pursuant to s402 of the Act with effect from 18<sup>th</sup> March 2003.

Evan Robert Verge

DENIS M. BLAKEWAY, Delegate of the Registrar.  
(the Commissioner for Corporate Affairs)

CE405\*

**SUNDAY ENTERTAINMENTS ACT 1979**

## NOTICE

Good Friday 2003

I, John Charles Kobelke, Minister for Consumer and Employment Protection, acting pursuant to Section 3(2) of the *Sunday Entertainments Act 1979* do hereby declare that the provisions of Section 3(1) of the Act shall not apply to, or in relation to, any person involved in operating the Timezone outlets listed in the Schedule below from 12.00 noon to 9.00pm on Good Friday, 18 April 2003.

**Schedule**

- Greater Union Cinema Complex, Joondalup Drive, Joondalup
- Shop 2, Warwick Entertainment Centre, Beach Road, Warwick
- Greater Union Cinema Complex, Liege Street, Innaloo
- 31 Lake Street, Northbridge
- Southlands Boulevard Shopping Centre, Burrendah Boulevard, Willetton
- 32-33 South Terrace Plaza, Fremantle

JOHN KOBELKE MLA, Minister for Consumer  
and Employment Protection.

CE408\*

**ASSOCIATIONS INCORPORATION ACT 1987**

## CANCELLED ASSOCIATION

## SECTION 35

Shalam Christian Centre Incorporated

Notice is hereby given that the incorporation of the above-named association has been cancelled as from the date of this notice.

Dated the 18<sup>th</sup> day of March 2003.

PATRICK WALKER, Commissioner for Fair Trading.

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**HEALTH**

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HE401

**MEDICAL ACT 1894**

## MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 3) 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. 3) 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 five years after its commencement.

**Schedule**

- General medical services in the Shire of Gingin

Dated this 11<sup>th</sup> day of March 2003.

R. C. KUCERA APM MLA, Minister for Health.

**HE402****MEDICAL ACT 1894****MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 4) 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. 4) 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 2 years after its commencement.

**Schedule**

- Histopathology Services at Fremantle Hospital

Dated this 10<sup>th</sup> day of March 2003.

R. C. KUCERA APM MLA, Minister for Health.

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**JUSTICE**


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**JU401****CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988****APPOINTMENTS**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of—

Mr Anthony David Allen of 3 Mikado Way, Laverton  
as Members of the Children's Court of Western Australia.

GARY THOMPSON, Executive Director, Court Services.

**JU403\*****COURT SECURITY AND CUSTODIAL SERVICES ACT 1999****REVOCATIONS**

Pursuant to the provisions of section 56 of the *Court Security and Custodial Services Act 1999*, the Director General of the Ministry of Justice has revoked the following Permit to do High-Level Security Work:

| Surname | First Name(s)  | Permit Number | Date Permit Revoked |
|---------|----------------|---------------|---------------------|
| Albert  | Robert Anthony | CS2-002       | 11/03/2003          |
| Clarke  | Donna Anne     | CS2-022       | 11/03/2003          |
| Bye     | Yvonne Maria   | CS2-353       | 11/03/2003          |
| Saylor  | Semmima Mable  | CS2-353       | 11/03/2003          |

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

BRIAN YEARWOOD, A/Director,  
Custodial Contracts.

JU402\*

**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 |
|------------|---------------|---------------|--------------------|----------------------|--------------------|
| Boddington | Nola Rose     | CS3-041       | 11/03/2003         | 11/03/2003           | 30/07/3005         |
| Cross      | Yvonne Maria  | CS3-042       | 11/03/2003         | 11/03/2003           | 30/07/2005         |

BRIAN YEARWOOD, A/Director,  
Custodial Contracts.

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## LOCAL GOVERNMENT

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LG401

**REGIONAL DEVELOPMENT COMMISSIONS ACT 1993****APPOINTMENT OF MEMBERS**

Department of Local Government  
and Regional Development  
Perth, 21 March 2003.

The following have been appointed as board members to the Pilbara Development Commission in Western Australia, in accordance with the *Regional Development Commissions Act 1993*.

**PILBARA DEVELOPMENT COMMISSION****Board of Management**

|                    |                            |                   |
|--------------------|----------------------------|-------------------|
| Community          | Office                     | Term              |
| Mr Dean Dalla Vale |                            | 3 years           |
| Local Government   |                            |                   |
| Cr Brent Rudler    | Member<br>and Deputy Chair | 3 years<br>1 year |
| Ministerial        |                            |                   |
| Mr Charles Smith   |                            | 3 years           |
| Ms Erica Smyth     | Chair                      | 1 year            |

CHERYL GWILLIAM, Director General.

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## MINERALS AND PETROLEUM

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MP101\*

*CORRECTION***PETROLEUM (SUBMERGED LANDS) ACT 1967****AMENDMENT OF RENEWAL OF EXPLORATION PERMIT**

Notice 402\* published in the *Government Gazette*, WA, 14 March 2003, is corrected as follows—

Northwest Energy NL is corrected to Norwest Energy NL.

W. L. TINAPPLE, Director Petroleum Division.

**MP102\****CORRECTION***PETROLEUM (SUBMERGED LANDS) ACT 1967**

## AMENDMENT OF GRANT OF EXPLORATION PERMIT

Notice 404\* published in the *Government Gazette*, WA, 14 March 2003, is corrected as follows—

Notice of Renewal of Exploration Permit is corrected to Notice of Grant of Exploration Permit

W. L. TINAPPLE, Director Petroleum Division.

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**MP401\*****PETROLEUM PIPELINES ACT 1969**

## VARIATION OF PIPELINE LICENCE PL 1

Pipeline Licence PL 1 held by CMS Gas Transmission of Australia has been varied by instrument of Variation 2P/02-3, to enable the relocation of a section of the Perth Gas Lateral in Bayswater for the purpose of facilitating the construction of a Dual Use Path tunnel under the Hotham Street bridge, with effect from 13 March 2003.

W. L. TINAPPLE, Director Petroleum Division.

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**MP402\*****PETROLEUM (SUBMERGED LANDS) ACT 1982**

## PARTIAL SURRENDER OF EXPLORATION PERMIT TP/3

The surrender of Parts 1 and 3 of Exploration Permit No. TP/3, in respect to the following graticular blocks:

| Hamersley Range Map Sheet |              |              |              |
|---------------------------|--------------|--------------|--------------|
| 6091T                     | 6092 & 6092T | 6093 & 6093T | 6164 & 6164T |
| Cloates Map Sheet         |              |              |              |
| 7014T                     | 7085T        | 7086T        | 7157T        |

has been registered and will take effect on the date this Notice appears in the *Government Gazette*.

W. L. TINAPPLE, Director Petroleum Division.

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## **PREMIER AND CABINET**

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**PC401\***

## APPOINTMENT OF DEPUTY OF THE GOVERNOR

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

17 to 24 April 2003 (both dates inclusive).

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

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## PLANNING AND INFRASTRUCTURE

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PI401\*

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**

## NOTICE OF AMENDMENT OF PLANNING CONTROL AREA NO. 52

Bush Forever Site No. 125, Lot 1603 Barrett Street, Southern River

**General Description**

The Minister for Planning and Infrastructure has granted approval to amend Planning Control Area No. 52. The Planning Control Area has previously been declared and amended for Bush Forever Site Nos. 125, 254, 295, 340, 413 and 465.

This amendment includes the whole of Lot 1603 Barrett Street, Southern River (Bush Forever Site No. 125), as shown on Western Australian Planning Commission Plan Number 3.1691.

**Purpose of The Planning Control Area**

The purpose of this amended Planning Control Area is to protect land identified in Bush Forever for its considerable conservation value. The Commission considers that the amended Planning Control Area is required to ensure that no further development occurs on this land which might prejudice this purpose until it may be reserved for the purpose of Parks and Recreation in the Metropolitan Region Scheme.

**Duration and Effects**

The amended Planning Control Area has effect from the date of publication of this notice in the *Government Gazette* to 19 July 2006, or until revoked by the Western Australian Planning Commission with the approval of the Minister.

A person shall not commence and carry out development in a Planning Control Area without the prior approval of the Western Australian Planning Commission. The penalty for failure to comply with this requirement is \$2,000, and in the case of a continuing offence, a further fine of \$200 for each day during which the offence continues.

Compensation is payable in respect of land injuriously affected by this declaration, and land so affected may be acquired by the Western Australian Planning Commission in the same circumstances and in the same manner as if the land had been reserved in the Metropolitan Region Scheme for a public purpose.

Where the Amended Planning Control Area is available for public inspection

- Department for Planning and Infrastructure  
1st floor, Albert Facey House  
469-489 Wellington Street  
PERTH WA
- Municipal office of the City of Gosnells  
2120 Albany Highway  
GOSNELLS WA
- JS Battye Library  
Alexander Library Building  
NORTHBRIDGE WA

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

PI402\*

**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. 4

Ref: 853/7/4/7 Pt 4

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 5 March 2003 for the purpose of amending Table 2: Zoning Table—Rural Zone by changing the Landuse category “Community Service Depot” from “X” to “AA”.

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

PI404\*

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

*Town of Bassendean*

Town Planning Scheme No. 3—Amendment No. 65

Ref: 853/2/13/3 Pt 65

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 Town of Bassendean Town Planning Scheme Amendment on 18 March 2003 for the purpose of zoning the presently unzoned portions of Lot 5, 94 Kathleen Street, Bassendean, "Residential with a density code of R20".

G. K. PETERSON, Mayor.  
G. EVERSLED, Chief Executive Officer.

PI403\*

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

*Shire of York*

Town Planning Scheme No. 2—Amendment No. 8

Ref: 853/4/34/2 Pt 8

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 York Town Planning Scheme Amendment on 5 March 2003 for the purpose of—

1. In the section of the Scheme Text titled "Arrangement" deleting "4.5 Home Occupation" and inserting therein "4.5 Home Business or Home Occupation".
2. Amending Table 1 Zoning Table by inserting row 11 as follows, and renumbering existing row 11 and all subsequent rows accordingly—

|     |               |    |   |    |    |   |    |    |
|-----|---------------|----|---|----|----|---|----|----|
| 11. | home business | AA | X | SA | AA | X | AA | AA |
|-----|---------------|----|---|----|----|---|----|----|

3. Inserting the following after Clause 4.1.2(g)—  
(h) home office.
4. Deleting Clause 4.5 and inserting the following—  
 4.5 Home Occupation or Home Business  
 An approval to conduct a home business or home occupation  
 (a) is issued to a specific occupier of a particular parcel of land and—  
 (i) it shall not be transferred or assigned to any other person and shall not be transferred from the land in respect of which it was granted; and  
 (ii) should there be a change of the occupier of the land in respect of which it was granted the approval is cancelled.  
 (b) is valid for a period of 12 months after the issue of planning consent but may be renewed upon application to the Council for planning consent.
5. Amending Schedule 1 by inserting the following in alphabetic order—  
**home business** means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—  
 (a) does not employ more than 2 people not members of the occupier's household;  
 (b) will not cause injury to or adversely affect the amenity of the neighbourhood;  
 (c) does not occupy an area greater than 50 square metres, except that for land in the Farming zone under the Scheme the Council may permit an area up to 200 square metres;  
 (d) does not involve the retail sale, display or hire of goods of any nature;  
 (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight, except that for land in the Farming zone under the Scheme the Council may permit the presence and use of up to 3 vehicles of more than 3.5 tonnes tare weight; and  
 (f) does not involve the use of an essential service of greater capacity than normally required in the zone.  
**home office** means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—  
 (a) entail clients or customers travelling to and from the dwelling;

- (b) involve any advertising signs on the land or buildings; or
  - (c) require any external change to the appearance of the dwelling.
6. In the column headed "Landuse and/or Development Requiring Advertisement" in Schedule 7, deleting "Home Occupation" and inserting therein "Home Business or Home Occupation".

J. D. GREGORY, PRESIDENT.  
P. W. MARSHALL, Chief Executive Officer.

**PI405\***

**TOWN PLANNING AND DEVELOPMENT ACT, 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*Shire of Dardanup*  
Town Planning Scheme No. 3—Amendment No. 112

Ref: 853/6/9/6 Pt 112

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 Dardanup Town Planning Scheme Amendment on 17 March 2003 for the purpose of—

1. Inserting the following definition into Clause 1.8.1 of the Scheme Text—  
"Petrol Filling Station" means premises used for the retail sale of petroleum products, motor vehicle fuel and accessories and goods of an incidental/convenience retail nature.
2. Rezoning portion of Lot 7 Eaton Drive, Eaton from 'Car Park' to 'Car Park/Additional Use—Petrol Filling Station'.
3. Modifying Appendix IV—Additional Use Zones of the Scheme to include reference to portion of Lot 7 Eaton Drive, Eaton as follows—

| No. | Street                              | Additional Uses Permitted | Development Conditions   |
|-----|-------------------------------------|---------------------------|--|
| 16  | Portion of Lot 7 Eaton Drive, Eaton | Petrol Filling Station    | Development shall comply with the provisions of Town Planning Scheme No. 3 and conditions imposed by Council at the time of development approval.<br>Development to be generally in accordance with the Development Guide Plan, which forms part of the Amendment No. 112 (Plan Ref: DGP A16). |

4. Amending the Scheme Map accordingly.

M. T. BENNETT, President.  
M. L. CHESTER, Chief Executive Officer.

**PI406\***

**TOWN PLANNING AND DEVELOPMENT ACT, 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*City of Stirling*  
District Planning Scheme No. 2—Amendment No. 414

Ref: 853/2/20/34 Pt 414

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 City of Stirling Town Planning Scheme Amendment on 18 March 2003 for the purpose of rezoning Lot 1140, H.N. 100 Hillsborough Drive, Nollamara, from "Hotel" to "Residential R50".

D. C. VALLELONGA, Mayor.  
L. DELAHAUNTY, Chief Executive Officer.



PI407\*

**TOWN PLANNING AND DEVELOPMENT ACT, 1928**  
**ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*City of Wanneroo*

District Planning Scheme No. 2—Amendment No. 16

Ref: 853/2/30/19 Pt 16

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 City of Wanneroo Town Planning Scheme Amendment on 18 March 2003 for the purpose of—

1. Recoding Lot 645 (40) Greville Way, Girrawheen from R20 to R30.
2. Amending the Residential Density Code map accordingly.

J. KELLY, Mayor.  
 C. JOHNSON, Chief Executive Officer.

PI408\*

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**  
**METROPOLITAN REGION SCHEME (SECTION 33) AMENDMENT NO. 1054/33**  
**WESTERN POWER DEPOT, BELGRAVIA STREET, BELMONT**

Outcome of Submissions

The Western Australian Planning Commission has considered all the submissions received in respect of the amendment proposals for the Western Power Depot, Belgravia Street, Belmont amendment No. 1054/33. This proposal was first published in the Government Gazette on 9 April 2002. The amendment is shown on Western Australian Planning Commission plan 3.1555.

The amendment has been presented to and approved by the Governor in accordance with the requirements of the Metropolitan Region Town Planning Scheme Act. It will now be tabled in both Houses of Parliament, where it must remain for 12 sitting days. During this time either House may, by resolution, disallow the amendment. As soon as the amendment is no longer subject to disallowance it becomes legally effective in the Metropolitan Region Scheme.

Copies of the amendment and the accompanying Report on Submissions are available for public inspection from Tuesday 1 April 2003 to Friday 23 May 2003 at the following locations—

- Department for Planning and Infrastructure  
1st floor, Albert Facey House  
469 Wellington Street  
PERTH
- City of Perth
- City of Fremantle
- City of Belmont
- City of Swan
- JS Battye Library  
Alexander Library Building  
Francis Street  
NORTHBRIDGE

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

## 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 & 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 |
|--|-------------------------------------|---|--------------------------|
| <b>APPLICATIONS FOR THE GRANT OF A LICENCE</b> |                                     |   |                          |
| 9663   | Chan Cuong Tang and<br>Loc Mui Cong | Application for the grant of a Restaurant licence in respect of premises situated in Wanneroo and known as Lotus Thai | 20/4/03                  |

| App. No.  | Applicant                                 | Nature of Application  | Last Date for Objections |
|---|---|--|--------------------------|
| <b>APPLICATIONS FOR THE GRANT OF A LICENCE—<i>continued</i></b>         |   |  |                          |
| 9665  | Whitford City Soccer Club                 | Application for the grant of a Club Restricted licence in respect of premises situated in Craigie and known as Whitford City Soccer Club                     | 17/4/03                  |
| 9671  | Valley (WA) Pty Ltd                       | Application for the grant of a Special Facility—Tourism licence in respect of premises situated in Henley Brook and known as Elmar's In The Valley           | 7/4/03                   |
| 9673  | Bluewater (WA) Pty Ltd                    | Application for the grant of a Special Facility—Reception Centre licence in respect of premises situated in Applecross and known as Bluewater Grill          | 15/4/03                  |
| 9467  | Albany Speedway Club Inc                  | Application for the grant of a Special Facility—Sports Promotion licence in respect of premises situated in Albany and known as Albany Speedway Club Inc     | 25/3/03                  |
| <b>APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS</b> |   |  |                          |
| 15502   | Combined Entertainment Strategies Pty Ltd | Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Northbridge and known as Office Nightclub | 3/4/03                   |
| 15522   | R. D. Miles & Co Pty Ltd                  | Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Dumbleyung and known as Dumbleyung Tavern | 7/4/03                   |
| 15422   | Higgins 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 Hyde Park Hotel. | 2/4/03                   |

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

H. R. HIGHMAN, Director of Liquor Licensing.

## PUBLIC NOTICES

**ZZ202**

### 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 21st April 2003, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bennett, Mary Jean, late of Elloura Hostel Hollywood Village 118-120 Monash Avenue Nedlands formerly of Flat 195 Hollywood Village 31 Williams Road Nedlands, died 16/2/03, (DE19752500EM36)

Boumeester, Andreas Ewe Tenoever, care of 54 Mirrabooka Avenue Koondoola, died 25/11/02, (DE33020031EM34)

Brewin, Jack, late of Agmaroy Nursing Home 115 Leach Highway Wilson, died 1/3/03, (DE30274040EM27)

Carlisle, Percival Thomas, late of 12 Sutherland Street Derby, died 9/7/96, (DE33020604EM34)

Craig, Frank, late of 18 The Arcade Doubleview, died 26/1/03 (DE19712244EM23)

Ellery, Murray Wayne, late of 2 Shorebird Parade Woodvale, died 6/1/03, (DE33019767EM26)

Gedling, Juanita Agnes, late of 48 Durban Street Belmont, died 28/10/02, (DE33020314EM32)

Hauks, Hilda Lina, late of 60 Second Avenue Bassendean, died 11/2/03, (DE19782467EM13)

Hyles, Ida Florence, late of Carinya Village Lodge 2 Plantation Street Mount Lawley, died 14/2/03, (DE19912726EM15)

Lee, Margaret Lilla, late of Craigville Gardens 1 French Road Melville, died 13/12/02, (DE19780607EM26)

O'Neill, Timothy Conrad, late of Hollywood Village 31 Williams Road Nedlands, died 1/3/03, (DE19873224EM27)  
 Raffaele, Phoebe Valerie, care of Mrs D B E Knight 7 Beadman Court Medina formerly of Unit 179 Plantation Street Mount Lawley, died 7/1/03, (DE30304158EM36)  
 Reichard, Jamie Gilbert, late of 68 Guildford Road Mount Lawley, died 9/11/02, (DE30310960EM36)  
 Slater, Albert Edward, late of 36 Talbot Avenue Como, died 24/2/03, (DE19763815EM17)  
 Steinhauser, Bessie Clarke, late of St Ives Retirement Village Unit 12/177 Dampier Avenue Kallaroo, died 11/2/03, (DE19891678EM36)  
 Sullivan, Kathleen Sarah, late of Goldfields Homes 173 Wilson Street Kalgoorlie, died 20/12/02, (DE19971680EM26)  
 Utley, Jennie, late of 293 Marmion Street Cottesloe, died 06/3/03, (DE19902157EM34)  
 Weston, Bert Charles, late of 11 Sharman Street Medina, died 3/3/03, (DE19821293EM32)  
 Wiese, Annie Elizabeth, late of Forrest Gardens Nursing Centre 926 Woodrow Street Bunbury, died 5/2/03, (DE30265181EM35)  
 Wilson, Charles Frederick, late of Craigmont Nursing Home Third Avenue Maylands, died 11/3/02, (DE33012513EM36)

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

ZZ201

**TRUSTEES ACT 1962**

DECEASED ESTATES

Notice to Creditors and Claimants

In the estate of Raymond Alexander Duggan late of Yerecoin, Western Australia, Farmer deceased. Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the estate of the abovenamed deceased who died on the 12th day of November, 2001 are required by the personal representative Peter Frederick Duggan care of Franklyn Simon Wheatley, Solicitors, PO Box 1363, West Perth, Western Australia to send particulars of their claims to him by the 23rd day of April 2003 after which date the personal representative may convey or distribute the assets having regard only to the claims of which he then has notice.

WESTERN AUSTRALIA

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