

WESTERN AUSTRALIAN GOVERNMENT Gazette

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Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically. The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy must be lodged with the Sales and Editorial Section, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

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ADVERTISING RATES AND PAYMENTS

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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 —

ENERGY

EN301*

Electricity Industry Act 2004

Electricity Industry (Caravan Park Fees and Charges) Regulations 2004

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Electricity Industry (Caravan Park Fees and Charges) Regulations 2004*.

2. Commencement

These regulations come into operation on 1 November 2004.

3. Terms used in these regulations

In these regulations, unless the contrary intention appears —
“**caravan park**” has the meaning given to that term in the
Caravan Parks and Camping Grounds Act 1995
section 5(1);

“**concession card**” means —

- (a) a Health Care Card issued by the Department of Social Security of the Commonwealth;
- (b) a Commonwealth seniors health card issued by that department;
- (c) a Pensioner Concession Card issued by that department; or
- (d) a Repatriation Health Card, issued by the Department of Veterans’ Affairs of the Commonwealth, that indicates on it that the holder is totally and permanently incapacitated, a war widow or a dependant;

“**electricity services**” has the meaning given to that term in regulation 4;

“**network**” means any apparatus, plant or equipment in a caravan park used for, or in connection with, the supply of electricity to a site occupied by a permanent park resident;

“permanent park resident” means a person who occupies a site in a caravan park as the person’s principal place of residence;

“site” has the meaning given to that term in the *Caravan Parks and Camping Grounds Act 1995* section 5(1).

4. Electricity services

- (1) Electricity services are services for, or in connection with, the supply of electricity.
- (2) Without limiting subregulation (1), electricity services include —
 - (a) the provision and maintenance of a network;
 - (b) the connection of a site to a network;
 - (c) the provision and maintenance of a meter to measure and record the quantity of electricity supplied to a site;
 - (d) the reading of a meter referred to in paragraph (c);
 - (e) the preparation and issue of accounts in relation to the supply of electricity to a site; and
 - (f) anything incidental to or associated with a matter referred to in paragraph (a), (b), (c), (d) or (e).
- (3) A meter test carried out at the request of a permanent park resident is not an electricity service.

5. Electricity supply charge

Unless otherwise agreed, the charge payable by a permanent park resident for electricity supplied to the site occupied by the permanent park resident is to be determined in such a way that it does not exceed 13.94 cents per kilowatt hour.

6. Electricity services charge

Unless otherwise agreed, the charge payable by a permanent park resident for the provision of electricity services in relation to the site occupied by the permanent park resident is to be determined in such a way that it does not exceed 25.57 cents per day.

7. Meter testing fee

Unless otherwise agreed, the fee payable by a permanent park resident for a meter test carried out at the request of the permanent park resident is not to exceed —

- (a) \$139.80, if the permanent park resident holds a concession card; or
- (b) \$152.00, in any other case.

8. Calculation of charges

If the calculation of a charge referred to in regulation 5 or 6 results in an amount that is not a whole number multiple of 5 cents, the amount is to be rounded to the nearest whole number multiple of 5 cents.

By Command of the Governor,

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

LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995

Shire of Northampton

LOCAL LAW RELATING TO DOGS

Under the powers conferred by the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Northampton resolved on 16 July 2004 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the Shire of Northampton Dogs Local Law.

1.2 Repeal

The Shire of Northampton Dog Bylaws 1995 published in the *Government Gazette* on 24 December, 1996 and Bylaws published in the *Government Gazette* on 1 July 1977 are repealed.

1.3 Definitions

In this local law unless the context otherwise requires—

“**Act**” means the Dog Act 1976;

“**authorised person**” means a person authorized by the local government to perform all or any of the functions conferred on an authorized person under this local law;

“**CEO**” means the Chief Executive Officer of the local government;

“**local government**” means the Shire of Northampton;

“**pound keeper**” means a person authorized by the local government to perform all or any of the functions conferred on a “pound keeper” under this local law;

“**Regulations**” means the Dog Regulations 1976;

“**thoroughfare**” has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

“**town planning scheme**” means a town planning scheme made by the local government under the Town Planning and Development Act 1928 which applies throughout the whole or a part of the district.

1.4 Application

This local law applies throughout the district.

PART 2—IMPOUNDING OF DOGS

2.1 Charges and costs

The following are to be imposed and determined by the local government under sections 6.16—6.19 of the Local Government Act 1995—

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of pound keeper at pound

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the CEO.

2.3 Release of impounded dog

(1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the CEO or his delegate.

(2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence—

- (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
- (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

2.4 No breaking into or destruction of pound

A person who—

- (a) unless he or she is the pound keeper or a person authorized to do so, releases or attempts to release a dog from a pound; or
- (b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof—
 - (i) any pound; or
 - (ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog, commits an offence.

Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

(1) An occupier of premises on which a dog is kept must—

- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
- (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
- (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
- (d) maintain the fence and all gates and doors in the fence in good order and condition; and
- (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

Penalty: Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

3.2 Limitation on the number of dogs

(1) This clause does not apply to premises which have been—

- (a) licensed under Part 4 as an approved kennel establishment; or
- (b) granted an exemption under section 26(3) of the Act.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, is two (2) dogs over the age of 3 months and the young of those dogs under that age.

PART 4—APPROVED KENNEL ESTABLISHMENTS

4.1 Interpretation

In this Part and in Schedule 2—

“**licence**” means a licence to keep an approved kennel establishment on premises;

“**licensee**” means the holder of a licence;

“**premises**”, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

“**transferee**” means a person who applies for the transfer of a licence to her or him under clause 4.14.

4.2 Application for licence for approved kennel establishment

An application for a licence must be in the form determined by the local government, and must be lodged with the local government;

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, will reside sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (c) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (d) the fee for the application for a licence referred to in clause 4.8(1).

4.3 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant has lodged application for planning approval and such planning application has gone through such processes as prescribed by the Town Planning Scheme.

4.4 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 4.5;
- (b) any written submissions received as a result of a consultation process required under a Town Planning Scheme;

4.5 Where application cannot be approved

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a town planning scheme; or
- (b) a person who will have the charge of the dogs will not be resident on the premises, or, in the opinion of the local government, will not be resident sufficiently close by to the premises so as to enable control of the dogs and to ensure their health and welfare.

4.6 Conditions of approval

(1) The local government may approve an application for a licence subject to the conditions contained in Schedule 1 and to such other conditions as the local government considers appropriate.

(2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 1.

4.7 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

Penalty: Where a dog involved in the contravention is a dangerous dog, \$2,000 and a daily penalty of \$200; otherwise \$1,000 and a daily penalty of \$100.

4.8 Fees

(1) On lodging an application for a licence, the applicant is to pay such fee as is required under a Town Planning Scheme for a planning application.

(2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.

(3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.

(4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*.

4.9 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

4.10 Period of licence

(1) The period of effect of a licence is set out in section 27(5) of the Act.

(2) A licence is to be renewed if the fee referred to in clause 4.8(2) is paid to the local government prior to the expiry of the licence.

(3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.11 Variation or cancellation of licence

(1) The local government may vary the conditions of a licence.

- (2) The local government may cancel a licence—
- (a) on the request of the licensee;
 - (b) following a breach of the Act, the Regulations or this local law; or
 - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of—
- (a) paragraph (a) of subclause (2), the date requested by the licensee; or
 - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.12 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be—
- (a) made in the form determined by the local government;
 - (b) made by the transferee;
 - (c) made with the written consent of the licensee; and
 - (d) lodged with the local government together with—
 - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
 - (ii) the fee for the application for the transfer of a licence referred to in clause 4.8(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.13 Notification

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.11(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.11(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.11(2), which notice is to be given in accordance with section 27(6) of the Act.

4.14 Inspection of kennel

With the consent of the occupier, an authorized person may inspect an approved kennel establishment at any time.

PART 5—DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

- (1) Dogs are prohibited absolutely from entering or being in any of the places specified in Schedule 2.
- (2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

5.2 Places which are dog exercise areas within Townsites

- (1) Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act, dog exercise areas are those areas nominated as such in Schedule 3.
- (2) Subclause (1) does not apply to—
- (a) land which has been set apart as a children's playground;
 - (b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or
 - (c) a car park.

5.3 Additional places outside townsites where dogs are required to be kept on a leash

Section 31 (1) of the Act will also apply to those areas described in Schedule 4.

PART 6—MISCELLANEOUS

6.1 Offence to excrete

(1) A dog must not excrete on—

- (a) any thoroughfare or other public place; or
- (b) any land which is not a public place without the consent of the occupier.

(2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: \$200.

(3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

PART 7—ENFORCEMENT

7.1 Interpretation

In this Part—

“**infringement notice**” means the notice referred to in clause 7.3; and

“**notice of withdrawal**” means the notice referred to in clause 7.6(1).

7.2 Modified penalties

(1) The offences contained in Schedule 5 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the third column of Schedule 5 directly opposite an offence is the modified penalty payable in respect of that offence if—

- (a) the dog is not a dangerous dog; or
- (b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.

(3) The amount appearing in the fourth column of Schedule 5 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

7.3 Issue of infringement notice

Where an authorized person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 7 of the First Schedule of the Regulations.

7.4 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

7.5 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

7.6 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an authorized person may withdraw an infringement notice by sending a notice in the form of Form 8 of the First Schedule of the Regulations.

(2) A person authorized to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal.

7.7 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

SCHEDULE 1

(Clause 4.6(1))

Conditions of a licence for an approved kennel establishment

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;

- (b) each kennel and each yard must be at a distance of not less than—
 - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
 - (ii) 10m from any dwelling; and
 - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
 - (i) at least 100mm above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor—
 - (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
 - (ii) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—
 - (iii) 2m; or
 - (iv) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (i) the walls of each kennel must be constructed of concrete, brick, stone or framing sheathed internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (j) all external surfaces of each kennel must be kept in good condition;
- (k) the roof of each kennel must be constructed of impervious material;
- (l) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorized person;
- (m) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (n) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (o) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (p) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
 - (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

SCHEDULE 2

(Clause 5.1)

Places where dogs are absolutely prohibited**1. Restrictions applying throughout the district**

1.1 A public building.

1.2 A shop or other place of business, not being where dogs are sold or treated for illness or injury.

2. Kalbarri Beaches

2.1 Chinaman's Beach—that section of beach between the boat ramp and Chinaman's Point.

2.2 Blueholes Beach Area—that section of beach 100m South and 100m North of the Blueholes Carpark, except that it will be permitted to walk a dog on a leash on the rear most section of the beach to get to the area beyond these points where a dog can be exercised off the leash.

2.3 Red Bluff—that section of beach from the carpark to a point 200m North of the carpark.

2.4 Pelican Feeding Area—for the hours between 8:00am and 9:30am in that portion of reserve 25307 contained within the Westerly projection of the Northern Boundary of Woods Street and the Westerly projection of the Northern Boundary of Lot 53 Grey Street, but excluding the Public Footpath on the Western Boundary of the reserve with Grey Street.

3. Port Gregory Beach

3.1 That section of beach 200m South-East and 200m North-West of the Jetty, except that it will be permitted to walk a dog on a leash on the rear most section of the beach to get to the area beyond these points where a dog can be exercised off the leash.

4. Horrocks Beach

4.1 That section of beach between the boat ramp and a point 200m South of the boat ramp.

5. Northampton

5.1 Hampton Gardens—being Lot 27 Hampton Road.

5.2 Northampton Recreation Oval—being part of reserve 23432 Harvey Road.

5.3 Kings Park—being lots 8 & 9 of 198 Hampton Road.

SCHEDULE 3

(Clause 5.2)

Places which are dog exercise areas within Townsites**1. Kalbarri**

1.1 River Foreshore North—being that area of reserve 25307 that extends North from a line described by the Westerly Projection of the Southern boundary of Cole Street.

1.2 Coastal Reserves—being that part of reserve 25307 South of a line described by the Westerly projection of the Northern Boundary of Hackney Street and reserve 34550.

1.3 Kalbarri Town Oval—being reserve 25447.

2. Horrocks

2.1 That area of beach North of the boat ramp.

3. Port Gregory

3.1 That area of beach located beyond a point 200m South-East and a point 200m North-West of the Jetty.

4. Northampton

4.1 Old School Oval—lot 475 Robinson Street

SCHEDULE 4

(Clause 5.3)

Additional places outside townsites where dogs are required to be kept on a leash

1. That area of freehold located South of the Kalbarri Townsite that is encompassed by—

- (i) the Southern townsite boundary, and
- (ii) the National Park to the South and East, and
- (iii) Red Bluff Road and George Grey Drive to the West

SCHEDULE 5

(Clause 7.2)

Offences in respect of which modified penalty applies

Offence	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
2.4(a)	Attempting to or causing the unauthorized release of a dog from a pound	200	400
2.4(b)&(c)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	200	
3.1	Failing to provide means for effectively confining a dog	50	200
4.7	Failing to comply with the conditions of a licence	100	200
5.1(2)	Dog in place from which prohibited absolutely	200	400
6.1(2)	Dog excreting in prohibited place	40	

Dated this 26th day of October 2004.

The Common Seal of the Shire of Northampton was affixed by authority of a resolution of the Council in the presence of—

Cr GEORGE PARKER, Shire President
GARRY L. KEEFFE, Chief Executive Officer.

LG302***LOCAL GOVERNMENT ACT 1995***Shire of Northampton***LOCAL LAW TO REPEAL DEFUNCT AND OBSOLETE LOCAL LAWS**

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Northampton resolved 16 July 2004 to make the following local law.

Citation

1. This local law may be cited as the Shire of Northampton Local Law to Repeal Defunct and Obsolete Local Laws.

Repeal

2. The Local Laws relating to Motels, Establishment, Operation and Maintenance Of, published in the *Government Gazette* on 16 August 1985, are repealed.

Dated this 26th day of October 2004.

The Common Seal of the Shire of Northampton was affixed by authority of a resolution of the Council in the presence of—

Cr GEORGE PARKER, Shire President.
GARRY L. KEEFFE, Chief Executive Officer.

MINERALS AND PETROLEUM

PA101**Correction to Reprint***MINING ON PRIVATE PROPERTY ACT 1898**

The reprint, as at 9 June 2004, of the *Mining on Private Property Act 1898* is corrected as follows—

On page 5, in the Compilation table, the fourth and fifth rows should be deleted and the following inserted instead—

Reprint of the *Mining on Private Property Act 1898* authorised 2 April 1954 in Volume 6 of Reprinted Acts (includes amendments listed above)

Reprint of the *Mining on Private Property Act 1898* approved 22 May 1958 in Volume 12 of Reprinted Acts (includes amendments listed above)

WORKCOVER

WC302*

Workers' Compensation and Rehabilitation Act 1981

**Workers' Compensation and Rehabilitation
Amendment Regulations (No. 3) 2004**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Workers' Compensation and Rehabilitation Amendment Regulations (No. 3) 2004*.

2. The regulations amended

The amendments in these regulations are to the *Workers' Compensation and Rehabilitation Regulations 1982*.*

[* Reprint 4 as at 17 April 2003.

For amendments to 17 September 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 450, and Gazette 8 April 2004.*]

3. Regulation 17AA replaced

Regulation 17AA is repealed and the following regulation is inserted instead —

“

17AA. Prescribed rate for vehicle running expenses (Sch. 1 cl. 19 of the Act)

- (1) For the purposes of Schedule 1 clause 19(1) of the Act, the prescribed rate for vehicle running expenses (irrespective of engine capacity) is —
 - (a) for the period up to and including 30 June 2005, 34 cents per kilometre; and
 - (b) for a financial year commencing on or after 1 July 2005, the amount per kilometre obtained by —
 - (i) varying the amount applying at the end of the preceding financial year by the percentage by which the March CPI varies from the previous March CPI; and

- (ii) rounding the amount to the nearest whole number of cents (with an amount that is .5 of a cent being rounded off to the next highest whole number of cents).
- (2) In this regulation —
- “**March CPI**”, for a financial year, means the index number for the quarter ending on the last 31 March before the financial year commences, as shown in the Consumer Price Index Numbers (All Groups Index) for Perth published by the Commonwealth Statistician under the *Census and Statistics Act 1905* of the Commonwealth.

By Command of the Governor,

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

WC301*

Workers' Compensation and Rehabilitation Act 1981

Workers' Compensation and Rehabilitation (Scales of Fees) Amendment Regulations (No. 2) 2004

Made by the Governor in Executive Council, on the recommendation of the Commission, under section 176(1a).

1. Citation

These regulations are the *Workers' Compensation and Rehabilitation (Scales of Fees) Amendment Regulations (No. 2) 2004*.

2. The regulations amended

The amendments in these regulations are to the *Workers' Compensation and Rehabilitation (Scales of Fees) Regulations 1998**.

[* Reprinted as at 24 May 2002.

For amendments to 15 October 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 451, and Gazette 9 January and 19 March 2004.*]

3. Schedule 1 amended

Schedule 1 Part 1 is amended by deleting the heading “GENERAL PRACTITIONER” and everything following that heading down to, but not including, the heading “PHYSICIANS, OCCUPATIONAL & REHABILITATION PHYSICIANS” and inserting instead —

“

GENERAL PRACTITIONER

CONSULTATIONS

Surgery Consultation

in hours

Content based	\$
Minor or Specific Service (Level A or B)	48.00
Extended Service (Level C)	87.70
Comprehensive Service (Level D)	134.75
Time based	\$
up to 5 mins	28.60
more than 5 mins to 15 mins	37.40
more than 15 mins to 30 mins	72.00
more than 30 mins to 45 mins	108.90
more than 45 mins to 60 mins	147.70

Surgery Consultations

out of hours

For attendances between the hours of 6 p.m. and 8 a.m. on a weekday or between 12 noon on Saturday and 8 a.m. on the following Monday, and Public Holiday.

Content based	\$
Minor Service (Level A)	36.00
Specific Service (Level B)	72.00
Extended Service (Level C)	131.10
Comprehensive Service (Level D)	203.10
Time based	\$
up to 5 mins	57.00
more than 5 mins to 15 mins	61.85
more than 15 mins to 30 mins	96.00
more than 30 mins to 45 mins	131.10

VISITS

Consultations at a place other than the Consulting Rooms

in hours	\$
Minor Service (Level A)	60.00
Specific Service (Level B)	82.15
Extended Service (Level C)	121.85
Comprehensive Service (Level D)	169.85

out of hours	\$
Minor Service (Level A)	72.00
Specific Service (Level B)	107.10
Extended Service (Level C)	164.30
Comprehensive Service (Level D)	240.00

TELEPHONE CONSULTATIONS

Time based	\$
up to 5 mins	16.05
more than 5 mins to 15 mins	20.05
more than 15 mins to 30 mins	41.95
more than 30 mins	62.90

CASE CONFERENCES, discussions with employers/insurers, rehabilitation providers, workplace assessments etc.

per hour	\$180.55
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TRAVELLING FEES

Outside the metropolitan area

Rate per kilometre	\$3.20
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4. Schedule 2 amended

Schedule 2 Part 1 is amended by deleting the figure set out in column 1 of, and in the order in which it appears in, the Table to this regulation and inserting instead the figure set out in column 2 opposite that figure.

Table

Column 1 Delete	Column 2 Insert Instead
51.70	53.50
41.50	42.95
52.50	54.30
69.90	72.30
12.80	13.25
117.50	121.55
51.70	53.50
0.60	0.62

Recommended by the Workers' Compensation and Rehabilitation Commission on the 21st day of September 2004.

The common seal of the)
Workers' Compensation and) L.S.
Rehabilitation Commission)

B. BRADLEY

By Command of the Governor,

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

— PART 2 —

AGRICULTURE

AG401*

SOIL AND LAND CONSERVATION ACT 1945

SOIL AND LAND CONSERVATION (URBAN HILLS LAND CONSERVATION DISTRICT) ORDER 2004
Made by the Governor in Executive Council under sections 22 and 23 of the *Soil and Land Conservation Act 1945* on the recommendation of the Minister for Agriculture.

1. Citation

This order may be cited as the *Soil and Land Conservation (Urban Hills Land Conservation District) Order 2004*.

2. Urban Hills Land Conservation District

The area of land described in Schedule 1 is constituted the Urban Hills Land Conservation District.

3. Establishment of the district committee

A District Committee is established for the Urban Hills Land Conservation District.

4. Constitution of the district committee

(1) It is determined, on the recommendation of the Minister, after consultation with the Shires of Mundaring and Kalamunda and the City of Swan, that the district committee is to comprise 13 members, of whom—

- (a) one is to be the Commissioner of Soil and Land Conservation or a nominee of the Commissioner; and
- (b) the others are to be appointed by the Commissioner.

(2) Of the members appointed under subclause (1)(b)—

- (a) one is to be appointed on the nomination of the Shire of Mundaring;
- (b) one is to be appointed on the nomination of the Shire of Kalamunda;
- (c) one is to be appointed on the nomination of the City of Swan;

(d) nine are to be persons actively engaged in, affected by or associated with, land use in the district.

(3) The Commissioner may terminate the appointment of a member appointed under subclause (1)(b).

(4) A member appointed under subclause (1)(b) may resign his or her office by written notice addressed to the Commissioner.

5. Proceedings of the committee

To the extent that they are not provided for under the *Soil and Land Conservation Act 1945* or Part VII of the *Interpretation Act 1984*, the committee may determine its own procedures.

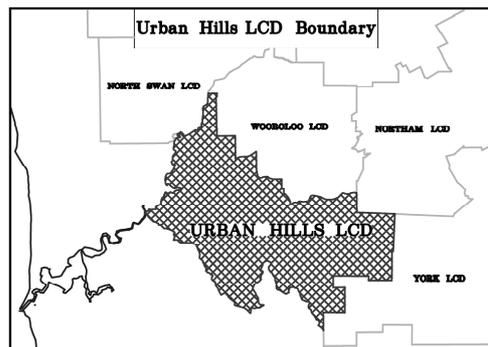
6. Repeal of Order

The *Soil and Land Conservation (Urban Hills Land Conservation District) Order 1999** is repealed.

(*Approved by Executive Council on 13 July 1999 {refer to Department of Agriculture reference: 990024V01POP}).

Schedule 1—Urban Hills Land Conservation District

[cl. 3]



By his Excellency's Command,

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

AG402*

SOIL AND LAND CONSERVATION ACT 1945
CALINGIRI-NEW NORCIA LAND CONSERVATION DISTRICT
(APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2004

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Calingiri-New Norcia Land Conservation District (Appointment of Members) Instrument 2004*.

2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Calingiri-New Norcia Land Conservation District) Order 1994**, the following members are appointed to the land conservation district committee for the Calingiri-New Norcia Land Conservation District—

- (a) on the nomination of the Shire of Victoria Plains: Stephen Woods of Calingiri;
- (b) to represent the Pastoralists and Graziers Association of Western Australia: David Stanley Lovelock of New Norcia and Donald Frederick Nixon of New Norcia; and
- (c) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Aaron Charles Edmonds of Calingiri
 - (ii) Stuart King of Calingiri
 - (iii) Petrina King of Calingiri
 - (iv) Steve Young of Calingiri
 - (v) Samantha Young of Calingiri
 - (vi) Cherie Westlake of Calingiri
 - (vii) Shaun Westlake of Calingiri
 - (viii) Raymond John Edmonds of Calingiri
 - (ix) Russell King of Calingiri
 - (x) Sarah Philippa Mason of Calingiri

(*Published in the Gazette of 30 December 1994 at pp. 7221-7223 and an Amendment Order approved by Executive Council on 29 December 1998 {Department of Agriculture reference: 881853V01P04}).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 September 2007.

Dated this day 15th of October 2004.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

AG403*

SOIL AND LAND CONSERVATION ACT 1945
PIAWANING-YERECOIN LAND CONSERVATION DISTRICT (APPOINTMENT OF MEMBERS OF
DISTRICT COMMITTEE) INSTRUMENT 2004

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Piawaning-Yerecoin Land Conservation District (Appointment of Members) Instrument 2004*.

2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Piawaning-Yerecoin Land Conservation District) Order 1991**, the following members are appointed to the land conservation district committee for the Piawaning-Yerecoin Land Conservation District—

- (a) on the nomination of the Shire of Victoria Plains: Neil Smith of Piawaning;
- (b) to represent the Western Australian Farmers Federation (Inc): Barry Leslie Johnson of Piawaning;
- (c) to represent the Pastoralists and Graziers Association of Western Australia: Barry Campbell McDonald of Yerecoin; and
- (d) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Benjamin Eoin Neil Hall of Piawaning
 - (ii) David Edward Hall of Piawaning
 - (iii) Richard Pearson of Waddington
 - (iv) Jacqueline Pearson of Waddington
 - (v) Nick Scotney of Piawaning

- (vi) Graham Douglas Johnson of Piawaning
- (vii) Barry Leslie Johnson of Yerecoin
- (viii) Alison Doreen Fraser of Yerecoin
- (ix) John Woods of Yerecoin

(*Published in the Gazette of 26 July 1991 at pp. 3834-3837 and amended in the Gazettes of 30 September 1994 at pp. 4961-4962 and Amendment Orders approved by Executive Council on 7 October 1997 and 2 December 1997 {refer to Department of Agriculture reference: 881833V02P06}.

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 September 2007.

Dated this day 15th of October 2004.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

AG404*

SOIL AND LAND CONSERVATION ACT 1945

TUNNEY LAND CONSERVATION DISTRICT (APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2004

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Tunney Land Conservation District (Appointment of Members) Instrument 2004*.

2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Tunney Land Conservation District) Order 1990**, the following members are appointed to the land conservation district committee for the Tunney Land Conservation District—

- (a) on the nomination of the Shire of Cranbrook: Nicholas Arthur Burges of Cranbrook;
- (b) to represent the Western Australian Farmers Federation (Inc): David John Adams of Tunney and Kajsa Adams of Tunney;
- (c) to represent the Pastoralists and Graziers Association of Western Australia: James Twynam Cunningham of Tunney; and
- (d) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Kimberly Peter Fimister of Tunney
 - (ii) Christopher Brian Anderson of Tunney
 - (iii) Pamela Valton of Tunney
 - (iv) Christian Charles Emile Valton of Tunney
 - (v) William James Waldron of Tunney
 - (vi) Graham David Lawrence of Cranbrook
 - (vii) John Helton Tuckett of Tunney
 - (viii) John Andrew Sprigg of Cranbrook

(*Published in the Gazette of 21 December 1990 at pp. 6216-6217 and an Amendment Order approved by Executive Council on 29 June 1999 {refer to Department of Agriculture reference: 881838V01P0D}.

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 September 2007.

Dated this day 15th of October 2004.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

AG405*

SOIL AND LAND CONSERVATION ACT 1945

WAGIN LAND CONSERVATION DISTRICT (APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2004

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Wagin Land Conservation District (Appointment of Members) Instrument 2004*.

2. Appointment of members

Under section 23(2b) of the Act and clause 5(1) of the *Soil and Land Conservation (Wagin Land Conservation District) Order 1990**, the following members are appointed to the land conservation district committee for the Wagin Land Conservation District—

- (a) on the nomination of the Shire of Wagin: Phillip Blight of Wagin;
- (b) to represent the Western Australian Farmers Federation (Inc): John Farrow of Wagin, Greg Brockway of Wagin and Ian McDougall of West Wagin; and
- (c) as persons actively engaged in, or affected by or associated with, land use in the district—
 - (i) Kevin William Ball of Wagin
 - (ii) Arnold Stuart Bosenberg of Wagin
 - (iii) Raymond Leslie Edward of Wagin
 - (iv) Malcolm Leslie Edward of Wagin
 - (v) William Ernest White of Ballaying
 - (vi) Kim Piesse of Wagin
 - (vii) Bernie Evans of Wagin
 - (viii) Jenni Moffatt of Wagin

(*Published in the Gazette of 4 May 1990 at pp. 2127-28 and amended in the Gazette of 11 September 1992 at p. 4599 and an Amendment Order approved by Executive Council on 4 November 1997 (Department of Agriculture reference: 881812V02P0P) and amended in the Gazette of 8 October 2004 at p. 4731).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 September 2007.

Dated this day 15th of October 2004.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

AG406*

SOIL AND LAND CONSERVATION ACT 1945

WYALKATCHEM LAND CONSERVATION DISTRICT (APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 2004

Made by the Commissioner of Soil and Land Conservation.

1. Citation

This Instrument may be cited as the *Wyalkatchem Land Conservation District (Appointment of Members) Instrument 2004*.

2. Appointment of members

Under section 23(2b) of the Act and clause 6(1) of the *Soil and Land Conservation (Wyalkatchem Land Conservation District) Order 1985**, the following members are appointed to the land conservation district committee for the Wyalkatchem Land Conservation District—

- (a) on the nomination of the Shire of Wyalkatchem: Kevin Wallace Jones of Wyalkatchem, Teagan Reneé Smith of Wyalkatchem and William Edwin Garner of Wyalkatchem;
- (a) to represent the Western Australian Farmers Federation (Inc): William (Bill) Dickson of Wyalkatchem, Stephen Michael Crute of Wyalkatchem and Marcus Reilly of Wyalkatchem; and
- (c) as persons actively engaged in, or affected by or associated with, land use in the district:
 - (i) Leonie Dawn Stratford of Wyalkatchem
 - (ii) Justin Leslie Collins of Wyalkatchem
 - (iii) Lisa Leaver of Wyalkatchem
 - (iv) Dennis Pease of South Wyalkatchem
 - (v) Owen John Edwin Garner of Nembudding
 - (vi) Jule Austin-Jugen of Korrelocking
 - (vii) Malcolm Rudland of Wyalkatchem

(*Published in the Gazette of 18 January 1985 at p. 266 and amended in the Gazettes of 2 June 1989 at pp. 1633-1634, 13 November 1992 at p. 5533, 7 May 1993 at p. 2340 and an Amendment Order approved by Executive Council on 27 January 1999 (Department of Agriculture reference: 881734V03P0Q)).

3. Term of office

Members appointed to the committee under this instrument will hold office for a term expiring on 30 September 2007.

Dated this day 15th of October 2004.

DAVID HARTLEY, Commissioner of Soil and Land Conservation.

ELECTORAL COMMISSION

EC401*

ELECTORAL ACT 1907

REGISTRATION OF POLITICAL PARTIES

Notice of Application (Section 62G)

Fremantle Hospital Support Group

An application has been made for the registration of the Fremantle Hospital Support Group as a political party in Western Australia.

The following information was included in the application—

- | | |
|--|---|
| (a) Name for political party: | Fremantle Hospital Support Group |
| (b) Abbreviation of name for use on ballot papers: | Fremantle Hospital Support Group |
| (c) Name and address of Secretary of Party: | Keith Woollard
34/100 Murdoch Drive, MURDOCH WA 6150 |

Any elector who believes that the application—

- (i) is not in accordance with Section 62E of the Electoral Act 1907; or
- (ii) should be refused under Section 62J of the Electoral Act 1907

is invited to submit to the Electoral Commissioner by 29 November 2004, a statement which—

- (a) sets out in detail the grounds for the elector's belief in respect to (i) and (ii) above;
- (b) sets out the elector's residential address and postal address; and
- (c) is signed by the elector.

Any statement submitted will be available for public inspection without fee at the Western Australian Electoral Commission, Level 2, 111 St George's Terrace, Perth WA 6000.

WARWICK GATELY, AM, Acting Electoral Commissioner.

ENVIRONMENT

EV401

BOTANIC GARDENS AND PARKS AUTHORITY ACT 1998

NOTICE OF APPROVAL FOR THE KINGS PARK AND BOTANIC GARDEN MANAGEMENT PLAN 2004-2009

The Minister for the Environment, the Hon. Dr Judy Edwards MLA gives notice pursuant to Section 22 of the Botanic Gardens and Parks Authority Act of approval for a revised management plan for Kings Park and Botanic Garden for 2004-2009.

As a result of public consultation some amendments were made to the draft management plan and these have been approved by the Minister for the Environment under section 21 of the Act. A copy of the management plan and the Audit of Public Submissions on the Kings Park and Botanic Garden Draft Management Plan 2003-2008, which details amendments made to the management plan, may be inspected or obtained from the Botanic Gardens and Parks Authority, Administration Building, Fraser Avenue, Kings Park and Botanic Garden, or by writing to the Botanic Gardens and Parks Authority, Fraser Avenue, West Perth 6005.

Dr JUDY EDWARDS, Minister for the Environment.

HEALTH

HE401*

HEALTH ACT 1911

ENVIRONMENTAL HEALTH OFFICERS

Appointments

In accordance with the provisions of section 28 of the *Health Act 1911*, the appointment of the following persons as Environmental Health Officers is approved.

Environmental Health Officer	Date Effective	Local Government
Marius Olsen	6 October 2004	Shire of Laverton
Marius Olsen	6 October 2004	Shire of Leonora

Environmental Health Officer	Date Effective	Local Government
Marius Olsen	6 October 2004	Shire of Menzies
Scott Reitsema	7 October 2004	Shire of Broomehill
David Williams	25 October 2004	Morawa Shire Council
Rebecca Davidson	19 October 2004	City of Melville
Ross Buchanan	13 October 2004	City of Mandurah
John McCleary	14 October 2004	Shire of Wyndam East Kimberley
Stephen Goodridge	14 October 2004	City of Fremantle
Max Thurley	22 October 2004	Shire of Tammin

Dr. M. STEVENS, Executive Director, Public Health.

LAND ADMINISTRATION

LA401

LICENSED SURVEYORS ACT 1909

LAND SURVEYORS LICENSING BOARD

Registrations

It is hereby notified for general information that the undermentioned persons have all been registered as Licensed Surveyors under the provisions of the abovementioned Act, on the dates specified.

- No 999 Fisher, Heath Nayton; 4/257 Cambridge Street, Wembley, Western Australia; 16 September 2004
- No 1000 Kealley, Clinton James; 116 Serpentine Road, Albany, Western Australia; 16 September 2004
- No 1001 Oliver, Casey Peter; PO Box 117, South Perth, Western Australia; 16 September 2004
- No 1002 Herrington, Joanne Marie; PO Box 7100, Shenton Park, Western Australia; 21 October 2004

K. ALEXANDER, Chairman.
G. E. MARION, Secretary.
Land Surveyors Licensing Board
Midland Square
Midland WA 6056.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995

Shire of Wyalkatchem

DISCONTINUANCE OF WARD SYSTEM AND CHANGE OF REPRESENTATION ORDER 2004

Made by the Governor in Executive Council on the recommendation of the Minister for Local Government and Regional Development.

1. Citation

This order may be cited as the District of the Shire of Wyalkatchem (Discontinuance of Ward System and Change of Representation) Order 2004.

2. Discontinuation of ward system for the Shire of Wyalkatchem (s.2.2(1)(d) of the Act)

All wards in the Shire of Wyalkatchem are abolished immediately before the first ordinary elections day of the Shire after the commencement of this order.

3. Declaration of vacant offices (s.2.35 and 9.62 of the Act)

All the offices of member of the Shire of Wyalkatchem become vacant immediately before the first ordinary elections day after the commencement of this order.

4. Number of Councillors changed (s.2.18(3) of the Act)

On and after the first ordinary elections day after the commencement of this order, the number of councillors for the district of the Shire of Wyalkatchem is seven instead of nine.

5. Election to fill vacancies (s.4.11 and 9.62 of the Act)

- (1) An election is to be held to fill the offices that become vacant under clause 3.
 (2) Any poll needed for an election to fill the offices is to be held on the first ordinary elections day after the commencement of this order.

6. Consequential directions (s.9.62 of the Act)

In order to give effect to clauses 2, 3, 4 and 5, Part 4 of the Act, with any necessary changes, applies to preparing for and conducting the next ordinary elections of the Shire of Wyalkatchem as if the changes effected by clause 2, 3 and 4 had taken effect on the day this order commenced.

The Local Government Advisory Board, having recommended that the order in clauses 2, 3 and 4 be made, I recommend that it be made.

L. RAVLICH, Minister for Local Government
and Regional Development.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Council.

LG402

BUSH FIRES ACT 1954**FIRE CONTROL OFFICERS***Shire of Cuballing*

The following have been appointed as Bush Fire Control Officers for the Shire of Cuballing in accordance with the Bush Fires Act 1954—

All Previous appointments are hereby cancelled.

Mike Burges	(Chief Bush Fire Control Officer)
Dean Watts	(Deputy Chief Bush Fire Control Officer)
Graeme Dent	
Duncan Patten	
Don Bird	
Steve Cunningham	
Darryl Penny	
Rob Harris	
Don Alexander	
Graham Dean	
Bruce Brennan	
Ken Ashworth	
Peter Naylor	
Natasha Hobbs	

The following have been appointed as Fire Weather Officers—

Rob Harris and Dean Watts

The following have been appointed as dual Fire Control Officers—

Shire of Cuballing and Narrogin: Ken Ashworth and Don Alexander
 Shire of Cuballing and Wickepin: Mike Burges
 Shire of Cuballing and Pingelly: Dean Watts and Duncan Patten
 Shire of Cuballing and Wandering: Dean Watts
 Shire of Cuballing and Williams: Ken Ashworth

P. T. NAYLOR, Chief Executive Officer.

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA**ROYAL ASSENT TO BILL**

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

Short Title of Bill	Date of Assent	Act No.
Workers' Compensation (Common Law Proceedings) Bill 2004	October 25 2004	35 of 2004

Dated October 26 2004.

L B MARQUET, Clerk of the Parliaments.

PLANNING AND INFRASTRUCTURE

PI401*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Busselton

Town Planning Scheme No. 20—Amendment No. 74

Ref: 853/6/6/21 Pt 74

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Busselton Town Planning Scheme Amendment on 19 October 2004 for the purpose of—

1. Amending the Scheme Maps by rezoning a portion of Lot 1 Dunn Bay Road, Dunsborough from “Tourist” to “Business”.
2. Including the whole of Lot 1 Dunn Bay Road, Dunsborough, in a ‘Special Provision Area’.
3. Including the particulars in schedule 7—

Particulars of Land	Zone	Special Provisions
Lot 1 Dunn Bay Road, Dunsborough	Business	<ol style="list-style-type: none"> 1. WA Peppermint (<i>Agonis flexuosa</i>) trees must be retained where possible as part of any development of the land. 2. Prior to development commencing, Western Ringtail Possums must be relocated from any trees required to be removed to the satisfaction of the Shire of Busselton and the Department of Conservation and Land Management.

T. BUSWELL, President.
A. MacNISH, Chief Executive Officer.

PI402*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Collie

Town Planning Scheme No. 1—Amendment No. 100

Ref: 853/6/8/1 Pt 100

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Collie Town Planning Scheme Amendment on 19 October 2004 for the purpose of—

1. Rezoning No 51 (Lot 1319) Venn Street, Collie, from a ‘Civic and Community Uses’ reserve to ‘Residential R30’.
2. Amending the Scheme Map accordingly.

B. H. ROBERTS, President.
I. H. MIFFLING, Chief Executive Officer.

PI404*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

Shire of Harvey

District Planning Scheme No. 1—Amendment No. 54

Ref: 853/6/12/18 Pt 54

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Harvey District Planning Scheme Amendment on 19 October 2004 for the purpose of—

1. Rezoning portion of Wellington Location 1 part Lot 1000 Barnes Avenue, Australind from the ‘Residential’ zone to the ‘Residential Development’ zone as depicted on the Scheme Amendment Map.

2. Adding to Schedule 19—'Additional Requirements—Residential Development Zone' of the Scheme the following—

AREA 3: PART LOT 1000 BARNES AVENUE, AUSTRALIND

SUBDIVISION

- (a) Subdivision and development shall generally be in accordance with the approved Outline Development Plan for the site.
- (b) No further subdivision of the lots is permitted.

LAND USE

- (c) All uses specified in Tables 4, 5 and 6 (Residential Development Zone) of District Planning Scheme No 1 are Not Permitted with the exception of—
 - Dwelling with Reticulated Sewer—P
 - Home Occupation—IP
 - Outbuilding—P

DEVELOPMENT—GENERAL

- (d) All development within the structure plan area requires planning approval from Council.
- (e) Kit homes and transportables shall not be permitted.
- (f) The maximum height of any building on any lot shall not exceed 3 storeys.
- (g) Vehicle access ways of Lots 126 and 131 (lots west of the access road) shall be located adjacent to lot boundaries to minimise disturbance to vegetation and coincide with fire breaks.

BUILDING ENVELOPES

- (h) Dwellings and outbuildings must be located within building envelopes as approved by Council.
- (i) With the exception of lot 122, no building envelopes are to be located east of the sewer line that transverses the site.
- (j) Location of building envelopes is to wherever possible take into consideration the location of identified pockets of rare and endangered species of vegetation.
- (k) No clearing of vegetation is permitted outside of the approved building envelope except to provide site access, fulfil bushfire compliance requirements or remove trees which are dead, diseased or dangerous.

SITE WORKS

- (l) Excavation and site works shall be minimised wherever possible.
- (m) Excavation and site works shall be contained within designated building envelope with the exception of works to accommodate an access driveway.
- (n) On lots with building envelopes with a slope greater than 10%, namely Lots 128, 129 and 130 the earthworks are not to exceed 1.5 metres from the existing contour levels on site.

LANDSCAPING

- (o) Additional planting of native trees and vegetation is encouraged, especially within front setback areas and the area adjacent to Barnes Avenue; This may be included as a condition of planning approval issued for the subject lots.

ACCESS

- (p) No direct vehicular access is permitted to Barnes Avenue.

BUILDING STYLE & FENCING

- (q) Building materials that compliment the natural vegetation are encouraged.
- (r) Flexible framed/composite construction methods designed to address the existing ground contours is encouraged.
- (s) All boundary fencing shall be constructed in a rural style using timber post and rail or timber post, star picket and wire.
- (t) Solid fencing such as masonry, timber and fibre cement shall not be permitted except for the purposes of privacy, security and child safety within the nominated building envelope.

BUSHFIRE PROTECTION

- (u) Development on the site shall comply with a bushfire management plan that has been endorsed by Council and FESA.

OTHER CONSIDERATIONS

- (v) General materials and goods are not to be stored in front setback areas or where they are noticeably visible to the access street or Barnes Avenue.

P. R. MONAGLE, President.
M. A. PARKER, Chief Executive Officer.

POLICE

PO401*

ROAD TRAFFIC ACT 1974
ROAD TRAFFIC CODE 2000
AUTHORISED PERSONS

Appointment of Accredited Pilots as Authorised Persons

I hereby declare that each person who is an accredited pilot pursuant to Regulation 3 of the *Road Traffic Code 2000* named in the attached lists are 'authorised persons' within the meaning of and in accordance with Regulation 271 of the *Road Traffic Code 2000* for the purposes of regulations 272(1)(a), 272(1)(d), 282(2) and 286 of the *Road Traffic Code 2000*— whilst performing their functions in facilitating the safe movement of an oversize vehicle escorted by an accredited pilot.

Dated this 8th day of October 2004.

KARL J. O'CALLAGHAN, Commissioner of Police.

Authorised Persons/Accredited Pilot Escorts

SURNAME	FIRST NAME	STREET	SUBURB	STATE	P/C	Accredited Pilot No.
Ashlin	Dion	PO Box 5342	Rockingham	WA	6969	WA-1-50724
Bowman	Joshua	4 Mona Avenue	Beckenham	WA	6107	WA-1-51116
Boyce	Rod	5 Memorial Avenue	Mukinbudin	WA	6479	KB 0233
Buckingham	Leon	15 Nambung Crescent	Bibra Lake	WA	6163	KB 0236
Campbell	David	Yendinnup Gairdner South Road	Jerramungup	6337	WA	WA-1-45631
Edwards	Chris	117 Joseph Street	Kingswood	NSW	2747	KB 0215
Eldridge	Darrell	259 Piccadilly Street	Kalgoorlie	WA	6430	WA-1-50683
Evans	Ellie	PO Box 2083	Boulder	WA	6432	WA-1-51167
Forbes	Wayne	126 Medina Avenue	Medina	WA	6167	KB 0232
Goodwin	Daniel	Mt Rennie c/- Moonyoonooka Post Office	Moonyoonooka	WA	6532	KB 0231
Harrington	Marion	PO Box 2699	Geraldton	WA	6531	WA-1-50876
Harrington	Anthony	PO Box 2699	Geraldton	WA	6531	WA-1-50875
Holly	John	71 Belvedere Road	Hamersley	WA	6022	KB 0190
Ibbotson	Robert	9 Emu Court	High Wycombe	WA	6057	WA-1-50900
Killmore	Chad	Unit 4 2 Sun Court	Karratha	WA	6714	WA-1-50562
Lang	Michael	43 Kangaroo Entrance	Stratton	WA	6056	WA-1-51343
Lucas	Noel	11 Kurara Way	Murchison	WA	6630	KB 0234
McLeod	Wayne	7 Forest Court	Armadale	WA	6112	WA-1-51074
Mitchell	John	7 Aldridge Street	Endeavour Hills	VIC	3802	KB 0238
Muldrew	Kiley	PO Box 4230	Kalgoorlie	WA	6430	WA-1-51362
Perawiti	Timothy	8 Kurara Way	Murchison	WA	6630	KB 0235
Pettett	Greg	73 Warner Street	Warwick	QLD	4370	KB 0227
Richichi	Luigi	48 Heppingstone Road	Brunswick Junction	WA	6224	WA-1-40288
Robertson	Valda	73 Mateo Ave	Mildura	VIC	3500	KB 0229
Robertson	Kevin	PO Box 8023	Kalgoorlie	WA	6430	WA-1-51294
Schwarze	John	PO Box 61 Murchison Settlement	Murchison	WA	6630	KB 0230
Sloan	Deslea	13 Rosetta Street	Bassendean	WA	6054	WA-1-50984
Taylor	Glenn	35 Horseshoe Circuit	Henley Brook	WA	6055	WA-1-50982
Tunstead	Shannon	36c Shadwick Drive	Karratha	WA	6714	WA-1-48718
Vitetta	Santo	PO Box 2569	Boulder	WA	6432	WA-1-50581
Walker	Samantha	8 Larch Place	Forrestfield	WA	6058	WA-1-41808
Woodbrook	Yvonne	PO Box 100	Newman	WA	6753	WA-1-51175

REGIONAL DEVELOPMENT

RD401

REGIONAL DEVELOPMENT COMMISSIONS ACT 1993

APPOINTMENTS

It is hereby notified for general information that the Minister for Peel and the South West has approved the appointment of the following as board members in accordance with Part 3 of the *Regional Development Commissions Act 1993*.

Peel Development Commission

Board of Management

- Ms Kateryna Longley appointed as a Ministerial Member for a term expiring on 31 October 2007;
- Mr David Waddell appointed as a Community Member for a term expiring on 31 October 2007
- Councillor John Price, appointed as a Local Government Member for a term expiring on 31 October 2007.

BOB KUCERA, APM, JP, MLA, Minister for Peel and the South West.

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			
10491	Braves Baseball Club of Melville City (Inc)	Application for the grant of a Club Restricted licence in respect of premises situated in Willagee and known as Braves Baseball Club of Melville City (Inc)	09/11/2004
10493	Hermann and Regula Irma Fehr	Application for the grant of a Producer's licence in respect of premises situated in Denmark and known as Monkey Rock Winery	14/11/2004
10495	Stonebay Holdings Pty Ltd	Application for the grant of a Special Facility—Tourism licence in respect of premises situated in Cowaramup and known as Cowaramup Brewing Company	22/11/2004
10489	Manelydale Pty Ltd	Application for the grant of a Producer's licence in respect of premises situated in Denmark and known as Manelydale Pty Ltd	03/11/2004
APPLICATION TO ADD, VARY OR CANCEL A CONDITION OF LICENCE			
207423	Seascape Holdings Pty Ltd	Application to add, vary or cancel a condition of the Tavern licence in respect of premises situated in West Perth and known as Black Tom's Oyster Bar	15/11/2004

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

Dated: 27 October 2004.

H. R. HIGHMAN, Director of Liquor Licensing.

WORKSAFE

WS401*

OCCUPATIONAL SAFETY AND HEALTH ACT 1984
OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996
EXEMPTION CERTIFICATE PURSUANT TO REGULATION 2.13
(No. 35 of 2004)

I, Nina Lyhne, WorkSafe Western Australia Commissioner, hereby grant an exemption to Barclay Mowlem from Regulation 3.117(1) of the Occupational Safety and Health Regulations 1996 in relation to the requirement to hold a Class 1 demolition licence to remove mast structures at the Clarkson Rail Extension.

This exemption is granted subject to the following conditions—

- Demolition work is to be done in accordance with the documented JSA and all personnel involved in the work are to sign off on the JSA. Should there be a need to amend the JSA then all personnel are to sign off on the amended procedures;
- the dismantling of the masts is to be directly supervised by a competent person at all times; and
- all personnel involved with prescribed work are to hold the appropriate certificates of competency.

Dated this 26th day of October 2004.

NINA LYHNE, WorkSafe Western Australia Commissioner.

PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Estate of the late Mavis Orton Henderson late of 39 Point Walter Road, Bicton, Western Australia, Widow, deceased.

Creditors and other persons having claims in respect of the estate mentioned below to which Section 63 of the Trustees Act 1962 as amended relates in respect of the estate of the deceased, who died on the 27 day of July 2004 are required by the personal representative Ross Edmund Bradshaw to send particulars of claims to the personal representative c/- McCallum Donovan Sweeney, Solicitors of 2nd Floor, 16 Irwin Street, Perth within one (1) month of the date of publication of this notice, after which date the personal representative may convey or distribute the assets having regard only to the claims of which they have notice and the personal representative shall not be liable to any person of whose claim they have had no notice at the time of distribution.

Dated this 21st day of October 2004.

McCALLUM DONOVAN SWEENEY, for the Personal Representative.

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 29th November 2004, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bosworth, Edith May, late of 34 Leslie Street Mandurah, died 28/9/04, (DE19853520EM313)

Brown, Doris Jean also known as Jean Brown, late of 65 Ellersdale Avenue Warwick, died 12/9/04, (DE19621637EM37)

Camp, Frederick John, late of 111 Morrison Road Midland, died 30/8/04, (DE19961085EM110)

Den-Biesen, Catherine Hanah, late of 4/19 Brighton Street Leederville, died 4/10/04, (DE19883079EM27)

- Eastwood, Stuart Bailey, late of Lathlain Care Facility 63 Archer Street Carlisle formerly of 6 Marchamley Street Carlisle, died 29/9/04, (DE19671766EM38)
- Henderson, Clarice Mary, late of Unit 373 118-120 Monash Avenue Nedlands, died 28/7/04, (DE30331693EM16)
- Hodgson, Ivy May, late of 397 Daly Street Cloverdale, died 17/10/04, (DE20010472EM34)
- Holmes, Merle Lucy, late of A6 David Buttfield Centre 649 North Beach Road Gwelup formerly of 50/49 Arnisdale Road Duncraig previously 37 Tetworth Crescent Nollamara, died 24/9/04, (DE19780429EM13)
- Hunter, Alice, late of Numbala Nunga Nursing Home 1 Sutherland Street Derby, died 8/9/01, (DE33027923EM27)
- Jones, Winifred Amelia, late of Dorothy Genders Village Unit 66/99 McCabest Street Mosman Park, died 21/9/04, (DE19802803EM12)
- King, Godfrey Gilbert, late of 51 Alexander Drive Mount Lawley, died 16/9/04, (DE19770507EM27)
- Moar, Betty Ellen, late of 7 Anstey Road Bassendean, died 7/10/04, (DE19830695EM16)
- Nelson, Ida Evelyn Mary, late of Stan Reilly Lodge 94 South Terrace Fremantle formerly of 30 Joslin Street Hilton, died 5/9/04, (DE19691221EM13)
- Nicholls, Vera May, late of Hamersley Nursing Home 441 Rokeby Road Subiaco formerly of 3 King Street Claremont, died 5/10/04, (DE19580804EM113)
- O'Connor, Augusta May, late of 23 Averil Street Busselton, died 21/9/04, (DE19782061EM110)
- Paton, Hector Thomas, late of Mosman Park Nursing Home 57 Palmerston Street Mosman Park formerly of 18 Britannia Way Craigie, died 18/8/04, (DE19972438EM37)
- Shaw, George, late of 62 Weston Street Maddington, died 13/9/04, (DE33034678EM32)
- Smart, Rosemary Slater also known as Rosemary Nicholson Smart, late of 5 Parakeela Grove Maddington, died 7/7/04, (DE19782050EM36)
- Townsend, Laurence Henry, late of Unit 158 Sunderland House Royal Australian Air Force Estate Bull Creek Drive Bull Creek, died 12/9/04, (DE19753840EM26)
- Walker, Brian Francis, late of 93 The Esplanade Esperance, died 3/9/03, (DE33030606EM110)
- Wheeler, Edward Charles, late of Hillview Residence Collie Hospital Deakin Street Collie, died 21/8/04, (DE33026560EM23)

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

ZZ203

PUBLIC TRUSTEE ACT 1941
ADMINISTERING OF ESTATES

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

Dated at Perth the 27th day of October 2004.

A. R. McLAREN, Public Trustee,
565 Hay Street, Perth WA 6000.

Name of Deceased; Address; Date of Death; Date Election Filed.

- Marcar Brian Anthony, (DE19953439EM17); Currambine; 11/7/04; 8/10/04.
Gillespie, Kevin Maxwell, (DE19940557EM26); Ocean Reef; 1/1/04; 20/10/04.
Laing, Joan Rea, (DE19941038EM36); Midland; 13/9/04; 25/10/04.

ZZ402

PUBLIC TRUSTEE ACT 1941
RATES OF INTEREST

Notice is hereby given that the rates of interest payable to the respective estates and trusts, the monies of which are held in the Common Fund, as from 1 November 2004, have been fixed as follows.

Deceased Estates and Uncared for Property matters (in the course of administration or whilst under investigation) at the rate of 3.00% where the balance is up to \$35,600; 3.25% where the balance is \$35,601 and over but under \$500,000; 3.50% where the balance is \$500,001.

Court Awards at the rate of 4.30% where the balance is up to \$35,600, 5.00% where the balance is \$35,601 and over but under \$500,000, 5.50% where the balance is \$500,001 and over.

Dated at Perth the 26th day of October 2004.

A. R. McLAREN, Public Trustee,
565 Hay Street, Perth WA 6000.

ZZ401

DISPOSAL OF UNCOLLECTED GOODS ACT 1970
NEDLANDS YACHT CLUB (INC)

The Esplanade, Nedlands Yacht Club.

The boats listed hereunder have remained unattended on our premises for two years or longer prior to 1 May 2004. The owners of the boats listed in our boat register have failed to make payment of the relevant fees and dues specified in our Constitution and Bylaws.

Notice is hereby given to any person claiming an interest in either of these boats that unless all outstanding fees and dues are paid by 1 December 2004 Nedlands Yacht Club (Inc) intends to apply to the court under Part VI of the Act, for an order to sell or otherwise dispose of each boat listed and to apply the proceeds towards payment of all costs associated with sale together with payment of all the outstanding fees and dues.

LIST OF BOATS

Boat Name	Type	Size	Sail No.	Trailer Reg.
"Gypsy II"	Hood	23ft	Not known	Not known
"Bandit"	Hobie 16	16ft	998579	RJ954

WESTERN AUSTRALIA

RETIREMENT VILLAGES ACT 1992

Price: \$18.50 counter sales
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RETIREMENT VILLAGES REGULATIONS 1992

***Price: \$5.15 counter sales**
Plus postage on 40 grams

* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

FREEDOM OF INFORMATION ACT 1992

***Price: \$14.20 counter sales**
Plus postage on 188 grams

* Prices subject to change on addition of amendments.

PERTH OBSERVATORY



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(SUBSCRIPTION ITEMS)

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this date will attract payment in full.

STATE LAW PUBLISHER

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All subscriptions are for the period from 1 January to 31 December 2005. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include GST where applicable and postage by surface mail unless stated otherwise.

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General *Government Gazettes* are published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.

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All Gazettes	\$
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	\$
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Bills are posted weekly as they become available.

	\$
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Overseas (airmail)	587.00

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