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***Government Gazettes* will not be published on Tuesday 29 December 1992  
or Tuesday 5 January 1993.**

## PROCLAMATION

AA101

### STOCK DISEASES (REGULATIONS) ACT 1968

#### PROCLAMATION

WESTERN AUSTRALIA FRANCIS BURT, Governor. [L.S.]	}	By His Excellency the Honourable Sir Francis Theodore Page Burt, Companion of the Order of Australia, Knight Commander of the Most Disting- uished Order of Saint Michael and Saint George, Queen's Counsel, Governor of the State of Western Australia.
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Under section 7 of the Stock Diseases (Regulations) Act 1968, I, the Governor, acting with the advice and consent of the Executive Council, declare Pearl Oysters (*Pinctada maxima*) to be stock for the purposes of the Stock Diseases (Regulations) Act 1968.

Given under my hand and the Public Seal of the State at Perth on 10 December 1992.

By His Excellency's Command,

ERNIE BRIDGE, Minister for Agriculture.

GOD SAVE THE QUEEN !

## AGRICULTURE

AG301

### SOIL AND LAND CONSERVATION ACT 1945

#### WYALKATCHEM LAND CONSERVATION DISTRICT (APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 1992

Made by the Minister for Agriculture.

#### Citation

1. This Instrument may be cited as the *Wyalkatchem Land Conservation District (Appointment of Members District Committee) Instrument 1992*.

#### Interpretation

2. In this Instrument—

“Constitution order” means the *Soil and Land Conservation (Wyalkatchem Land Conservation District) Order 1985*.

“Committee” means the District Committee established by Clause 5 of the Constitution Order.

[\*Published in the *Gazette* of 18 January 1985 at pp. 266 and amended in the *Gazettes* of 2 June 1989 at pp. 1633-64 and 13 November 1992 at p. 5533.]

#### Appointment of Members

3. (1) Under Clause 6 (1) (b) of the constitution order—

- (a) Howard Randell Reilly of Benjaberring
- (b) Janice Marilyn Trenorden of Wyalkatchem
- (c) Ivo Douglas Davies of Wyalkatchem

are appointed members of the Committee on the nomination of the Shire of Wyalkatchem.

(2) Under Clause 6 (1) (c) of the constitution order—

- (a) Douglas Charles Maitland of Wyalkatchem
- (b) Montague John Davies of Benjaberring
- (c) Kevin Wallace Jones of Cowcowing

are appointed members of the Committee to represent the Western Australian Farmers Federation.

(3) Under Clause 6 (1) (d) of the constitution order—

- (a) David Francis Gamble of Cowcowing
- (b) Douglas William Hutchinson of Wyalkatchem
- (c) Robert Brian Trenorden of Nembudding
- (d) Lyle Murray Metcalf of Wyalkatchem

are appointed members of the Committee being persons actively engaged in or affected by, or associated with land use in the Wyalkatchem Land Conservation District.

#### Term of Office

4. The appointment is made under Clause 6 (3) shall be for a term of three years commencing on the day that this instrument is published in the *Gazette*.

ERNIE BRIDGE, Minister for Agriculture.

AG302

## STOCK DISEASES (REGULATIONS) ACT 1968

## ENZOOTIC DISEASES AMENDMENT REGULATIONS (NO. 3) 1992

Made by His Excellency the Governor in Executive Council.

## Citation

1. These regulations may be cited as the *Enzootic Diseases Amendment Regulations (No. 3) 1992*.

## Second Schedule amended

2. The Second Schedule to the *Enzootic Diseases Regulations 1970\** is amended by inserting after item 34 the following heading and item —

“ PEARL OYSTERS

## Pearl oysters

35. Pearl oysters (*Pinctada maxima*) shall not be brought into the State. ”

[\* Reprinted in the *Gazette of 7 April 1989 at pp. 945-1012*.  
For amendments to 27 November 1992 see 1991 *Index to legislation of Western Australia at p. 501 and Gazette of 19 September 1992 at pp. 4665-6.*]

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

AG401

## SOIL AND LAND CONSERVATION ACT 1945

## NOTICE OF APPOINTMENT

Pursuant to section 23 (2b) (d) of the Soil and Land Conservation Act 1945, being persons actively engaged in, or affected by, or associated with land use in the District, the following persons are appointed members of the District Committee for the Kondinin Land Conservation District, which Committee was established by an Order in Council, published in the *Government Gazette* of 24 January 1986 and amended in the *Gazettes* of 25 May 1990 and 13 November 1992, the appointments being for a term ceasing on 15 June 1993.

Toni Lavinia Lee-Beaton of Kondinin

Stephen Craig Boxall of Kondinin

ERNIE BRIDGE, Minister for Agriculture.

AG402

## HORTICULTURAL PRODUCE COMMISSION ACT 1988

## APPOINTMENT OF COMMISSIONERS

Department of Agriculture,  
South Perth, 20 November 1992.

I, the undersigned Minister for Agriculture being the Minister charged with the Administration of the Horticultural Produce Commission Act 1988 appoint pursuant to section 5 of the said Act the following persons to the Horticultural Produce Commission for a term of office expiring on 31 August 1995.

Harry Morgan as Chairperson and member who is not an officer of the Public Service of the State

John Charles Nicholls of the Department of Agriculture as the member who is an officer of the State Public Service

Clive Philip Stevens as the member who has a knowledge and understanding of the Horticultural Industry.

ERNIE BRIDGE, Minister for Agriculture.

## AG403

**SOIL AND LAND CONSERVATION ACT 1945**  
**NOTICE OF APPOINTMENT**

Pursuant to section 23 (2b) (d) of the Soil and Land Conservation Act 1945, being persons actively engaged in, or affected by, or associated with land use in the District, Brian Lee Hawkins of Narrikup is appointed a member of the District Committee for the Hay River Land Conservation District, which Committee was established by an Order in Council, published in the *Government Gazette* of 22 May 1987 and amended in the *Gazette* of 16 August 1991, the appointment being for a term ceasing on 6 September 1994.

ERNIE BRIDGE, Minister for Agriculture.

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## AG404

**SOIL AND LAND CONSERVATION ACT 1945**  
**NOTICE OF APPOINTMENT**

Under section 23 of the Soil and Land Conservation Act 1945, the following persons are appointed members of the District Committee for the Beverley Land Conservation District, which Committee was established by an Order in Council, published in the *Government Gazette* of 6 April 1990 and amended in the *Government Gazette* of 21 December 1990, the appointments being for a term ceasing on 3 May 1993—

- (1) pursuant to Section 23 (2b) (b) of the Act, Frederick Ross Bremner of Beverley is appointed a member of the District Committee on the nomination of the Shire of Beverley.
- (2) pursuant to Section 23 (2b) (d) of the Act, being "persons actively engaged in, or affected by, or associated with land use in the District", Jean Margaret Blight of West Dale and Robin Mulder of Beverley are appointed members of the District Committee.

ERNIE BRIDGE, Minister for Agriculture.

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## AG405

**SOIL AND LAND CONSERVATION ACT 1945**  
**NOTICE OF APPOINTMENT**

Pursuant to section 23 (2b) (d) of the Soil and Land Conservation Act 1945, being persons actively engaged in, or affected by, or associated with land use in the District, Michael Alister Campbell of Gairdner River is appointed a member of the District Committee for the Jerramungup Land Conservation District, which Committee was established by an Order in Council, published in the *Government Gazette* of 30 December 1983 and amended in the *Gazettes* of 27 March 1986; 17 May 1991; and 3 January 1992, the appointments being for a term ceasing on 7 June 1994.

ERNIE BRIDGE, Minister for Agriculture.

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## AG406

**SOIL AND LAND CONSERVATION ACT 1945**  
**NOTICE OF APPOINTMENT**

Pursuant to section 23 (2b) (d) of the Soil and Land Conservation Act 1945, being persons actively engaged in, or affected by, or associated with land use in the District, the following persons are appointed members of the District Committee for the Cuballing Land Conservation District, which Committee was established by an Order in Council, published in the *Government Gazette* of 22 June 1990, the appointments being for a term ceasing on 13 July 1993.

Royston Charles Melling of Cuballing  
Steven John Lyneham of Cuballing  
John Raymond Gould of Cuballing

ERNIE BRIDGE, Minister for Agriculture.

AG407

**FRUIT GROWING INDUSTRY (TRUST FUND) ACT 1941**Department of Agriculture,  
South Perth, December 1992.

325/90

I, the undersigned Minister for Agriculture, being the Minister charged with the administration of the Fruit Growing Industry (Trust Fund) Act, do hereby declare that the following rates of contribution shall be paid by fruit growers to the Fruit Growing Industry Trust Fund, in accordance with section 17 (5) of the said Act.

The rates are effective from 1 January 1993.

Apples, Citrus and Stone fruit—12 cents per 36 litres

Pears—7 cents per 36 litres.

ERNIE BRIDGE, Minister for Agriculture.

**EMPLOYMENT AND TRAINING**

EM301

**EDUCATION ACT 1928****EDUCATION AMENDMENT REGULATIONS (NO. 5) 1992**

Made by the Minister for Education.

**Citation**

1. These regulations may be cited as the *Education Amendment Regulations (No. 5) 1992*.

**Principal regulations**

2. In these regulations the *Education Act Regulations 1960\** are referred to as the principal regulations.

[\* *Reprinted in the Gazette of 28 September 1989.*  
*For amendments to 15 July 1992 see 1991 Index to Legislation of Western Australia, p. 305 and Gazettes of 14 January and 27 March 1992.*]

**Regulation 214 amended**

3. Regulation 214 (2) of the principal regulations is amended —

- (a) by deleting the “and” after paragraph (a);
- (b) by deleting the full stop at the end of paragraph (b) and substituting the following —  
“ ; and ”; and
- (c) by inserting after paragraph (b) the following paragraph —  
“ (c) shall not be approved unless accompanied by the relevant fee or fees prescribed under regulation 222. ”.

**Regulation 222 amended**

4. Regulation 222 (1) (a) of the principal regulations is amended —

- (a) by deleting “in advance”; and
- (b) by inserting after “one payment” the following —  
“ at the time of making an application for admission, ”.

**Regulation 233 amended**

5. Regulation 233 (1) of the principal regulations is amended —

- (a) by deleting the “and” after paragraph (a);
- (b) by deleting the full stop at the end of paragraph (b) and substituting the following —  
“ ; and ”; and
- (c) by inserting after paragraph (b) the following paragraph —  
“ (c) has completed the process of applying for admission, including the payment of the prescribed fee or fees. ”.

**Schedule 2 amended**

6. Schedule 2 to the principal regulations is amended by deleting the heading “FEES — TECHNICAL EDUCATION DIVISION” and Part 1, and substituting the following heading and Parts —

“ FEES — TECHNICAL AND FURTHER EDUCATION

1 — COMMUNITY ADULT EDUCATION TUITION FEES

Fees to be charged to students in courses classified as community adult education courses —

- (a) class instruction —
  - (i) the fee for the course is the amount calculated on the basis of \$4.00 per hour, or part thereof, on instruction in the course;
  - (ii) a person who holds —
    - (I) a Health Care Card;
    - (II) a Health Benefit Card;
    - (III) a Pensioner Health Benefits Card/Travel Card; or
    - (IV) a Veterans Health Benefits Card, issued by the Department of Social Security or the Department of Veterans' Affairs of the Commonwealth; or
    - (V) a Rates Concession Card, issued by the Department for Community Services in this State; or
    - (VI) a Seniors Card, issued by the Office of Seniors' Interests in this State,

and a dependant of such a person, shall pay a fee for the course calculated on the basis of \$1.50 part hour, or part thereof, of instruction in the course, to a maximum of \$23.30 for each course;

- (iii) where a student is admitted to a course, after the commencement of the course, the fee is calculated by multiplying the number of hours of instruction remaining in the course by the amount prescribed in subparagraph (i) or subparagraph (ii) as the case may be;
- (b) correspondence instruction — the fee for the course is calculated, without regard to when the student is admitted to the course, on the basis of twice the hourly rate prescribed in paragraph (a) (i) or (ii) as the case may be per lesson; and where the calculation of fees does not result in whole dollars, the total shall be rounded to the nearest, highest whole dollar.

#### 1A — TECHNICAL AND FURTHER EDUCATION ADMINISTRATION FEES

Fees to be charged to students in courses classified as vocational courses (i.e. courses not classified as Community Adult Education, Equity and Access, Small Business Management, Customised Training, Contracted Higher Education, Traineeships, Tertiary Entrance Examination) —

- (a) class instruction —
  - (i) the fee for the course is the amount calculated on the basis of \$0.70 per hour, or part thereof, of instruction in the course;
- (b) fees exemptions —
  - (i) a person who holds —
    - (I) a Health Care Card;
    - (II) a Health Benefit Card;
    - (III) a Pensioner Health Benefits Card/Travel Card; or
    - (IV) a Veterans Health Benefits Card, issued by the Department of Social Security or the Department of Veterans' Affairs of the Commonwealth; or
    - (V) a Rates Concession Card, issued by the Department for Community Services in this State, and a dependant of such a person;
  - (ii) a person in receipt of a benefit under the AUSTUDY scheme or ABSTUDY scheme described in the *Students Assistance Act 1973* of the Commonwealth, as amended from time to time; or
  - (iii) a person who was enrolled in secondary school during 1991,  
is exempt from paying administration fees. ”.

KAY HALLAHAN, Minister for Education.

## FIRE BRIGADES

FB301

### FIRE BRIGADES SUPERANNUATION ACT 1985 FIRE BRIGADES (SUPERANNUATION FUND) AMENDMENT REGULATIONS 1992

Made by His Excellency the Governor in Executive Council.

#### Citation

1. These regulations may be cited as the *Fire Brigades (Superannuation Fund) Amendment Regulations 1992*.

#### Principal regulations

2. In these regulations the *Fire Brigades (Superannuation Fund) Regulations 1986\** are referred to as the principal regulations.

[\* *Published in the Gazette of 29 October 1986 at pp. 3991-4016. For amendments to 17 November 1992 see 1991 Index to Legislation of Western Australia, pp.323-324.*]

#### Regulation 3 amended

3. Regulation 3 of the principal regulations is amended in subregulation (2) by deleting "9A" and substituting the following —

" 9B "

#### Regulation 9B inserted

4. After regulation 9A of the principal regulations the following regulation is inserted —

" **Net fund earning rate**

**9B.** (1) Subject to this regulation the net fund earning rate is the rate of interest (which may be positive or negative) as determined by the Superannuation Board, after obtaining the advice of the actuary, in respect of any period, for the purposes of all or any of these regulations.

(2) Notwithstanding subsection (1), the Superannuation Board may —

- (a) prospectively determine a net fund earning rate on an interim basis ; and
- (b) subsequently and retrospectively determine a net fund earning rate on a final or declared basis,

in respect of a particular period and for a particular purpose.

(3) The rate of interest determined under subregulation (1) or (2) is calculated after, at the discretion of the Superannuation Board, allowing for the following matters —

- (a) administrative costs for which allowance has not otherwise been made;
- (b) averaging of the fund earnings to reduce the effect of actual or possible periodic fluctuations in those earnings;and
- (c) any other costs or losses incurred under the Act. "

**Regulation 14 repealed**

5. Regulation 14 of the principal regulations is repealed.

**Regulation 15 amended**

6. Regulation 15 of the principal regulations is amended in subregulations (5) (c) and (6) (b) by deleting "a rate determined from time to time by the Board (including negative rates if the Board so determines)" and in each place substituting the following —

" the net fund earning rate ".

**Regulation 16 amended**

7. Regulation 16 of the principal regulations is amended in subregulation (5) by deleting "payable" in the second place where it occurs and substituting the following —

" calculated ".

**Regulation 18 amended**

8. Regulation 18 of the principal regulations is amended —

- (a) in subregulation (1) —

- (i) by deleting "and these regulations," and substituting the following —

" , these regulations and subregulation (3), ";

and

- (ii) in paragraph (b) by deleting "of his retirement" and substituting the following —

" of payment of the lump sum retirement benefit ";

- (b) in subregulation (2) by deleting "such rates of interest as are determined from time to time by the Superannuation Board" and substituting the following —

" the net fund earning rate ";

and

- (c) after subregulation (2) by inserting the following subregulations —

" (3) Subject to subregulation (4) benefits payable under this regulation shall be paid by the Superannuation Board to the member where the member —

- (a) is employed for less than 10 hours per week; or

- (b) has attained the age of 70 years and is employed for at least 10 hours per week but less than 30 hours per week.

(4) Benefits under subregulation (3) may be paid to the member even though the member may still be retained in the employment of the employer. ".

**Regulation 23 amended****9. Regulation 23 of the principal regulations is amended —**

- (a) in subregulation (1) (a) by inserting before “ in” the following —  
 “ subject to subregulation (1a), ”; and
- (b) after subregulation (1) by inserting the following subregulation —  
 “ (1a) The benefit payable to a member under subregulation (1) (a) shall not exceed the amount that the member would have been entitled to if the benefit had been calculated in accordance with subregulation (1) (b) (i). ”.

**Regulation 23A amended****10. Regulation 23A of the principal regulations is amended —**

- (a) in subregulation (1) by deleting “23B” and substituting the following —  
 “ 38 (3) ”;
- (b) by repealing subregulation (2) and substituting the following subregulation —  
 “ (2) Where a preserved benefit account is established under subregulation (1) the balance of that account shall be the total of —  
 (a) the amount of the preserved benefit to which the member becomes entitled under regulation 23 (1); and  
 (b) interest upon the balance of the account credited at the end of each financial year or at such other times as determined by the Superannuation Board at the net fund earning rate. ”; and
- (c) in subregulation (3) —  
 (i) in paragraph (a) (iv) by deleting “Australia; or” and substituting the following —  
 “ Australia; ”;  
 (ii) in paragraph (b) by deleting “ dies.” and substituting the following —  
 “ dies; or ”; and  
 (iii) after paragraph (b) by inserting the following paragraph —  
 “ (c) to the member —  
 (i) in such other circumstances (if any ) as the Commissioner approves; or  
 (ii) if the amount of the preserved benefit is less than \$500 or any other amount prescribed for this purpose under the Commonwealth standards. ”.

**Regulation 23B repealed**

11. Regulation 23B of the principal regulations is repealed.

**Regulation 27 amended**

12. Regulation 27 of the principal regulations is amended in subregulation (2) by deleting "such rates as are determined from time to time by the Superannuation Board" and substituting the following —

" the net fund earning rate ".

**Regulation 31 amended**

13. Regulation 31 of the principal regulations is amended —

- (a) by repealing subregulation (1); and
- (b) in subregulation (3) by deleting "(1) or".

**Regulation 37 amended**

14. Regulation 37 of the principal regulations is amended in subregulation (3) (b) by deleting "such rates (including negative rates if the Superannuation Board so determines) as may from time to time be determined by the Superannuation Board" and substituting the following —

" the net fund earning rate ".

**Regulation 38 amended**

15. Regulation 38 of the principal regulations is amended by inserting after subregulation (2) the following regulations —

" (3) If all or any of the sum or assets transferred pursuant to subregulation (1) are required as a condition of the transfer to be preserved pursuant to subregulation (4), then that part of the additional benefit granted to the member pursuant to subregulation (2) which is attributable to the sum or assets required to be preserved shall, in the event of the member becoming entitled to a benefit under these regulations, be payable in the form of a preserved benefit in accordance with regulation 23A.

(4) The amount required to be preserved under subregulation (3) is the amount which is subject to preservation within the meaning prescribed under the Commonwealth standards. "

**Regulation 40 amended**

16. Regulation 40 of the principal regulations is amended in subregulation (4) —

- (a) by deleting subparagraph (b) (ii) and substituting the following subparagraph —

" (ii) in the opinion of the Superannuation Board been absent from the employment of the employer on leave without pay for any reason other than medical grounds, ";

and

(b) after paragraph (b) by inserting the following paragraph —

“ (ba) for the purposes of calculating any benefit that may become payable under these regulations to or in respect of a member who has during any period, in the opinion of the Superannuation Board, been absent from the employment of the employer on leave without pay on medical grounds, then the superannuation salary of the member during any such period of absence shall be the superannuation salary applicable to an equivalent position, as determined by the Superannuation Board, to that position in which the member was employed immediately before the commencement of that period; and ”.

#### **Regulation 41 amended**

17. Regulation 41 of the principal regulations is amended —

(a) in subregulation (7) by inserting after “Schedule 1” the following —

“ or Schedule 4 ”; and

(b) in subregulation (8) by deleting “ 19 (1) ” and substituting the following—

“ 19 (1) (a) (iii) ”.

#### **Regulation 46 repealed and a regulation substituted**

18. Regulation 46 of the principal regulations is repealed and the following regulation is substituted —

##### **“ Provision of information to members**

46. (1) As soon as practicable after the Superannuation Board submits its annual report under section 66 of the *Financial Administration and Audit Act 1985*, and not later than 14 days before the next annual general meeting of members is held under clause 5 (1) of Schedule 3, the Superannuation Board shall provide each member with a copy of a summary of —

(a) the annual report; and

(b) any actuarial report received by the Superannuation Board under section 17 (3) of the Act since the previous annual general meeting of members.

(2) The Superannuation Board shall ensure that copies of the full reports of the summaries referred to in subregulation (1) are made available to members on request.

(3) The Superannuation Board will provide or make available to each member within the time required by the Commonwealth standards any information required by the Commonwealth standards in relation to the following matters —

(a) information to members on an annual basis regarding their benefits in the Superannuation Fund;

(b) information to members on a regular basis regarding the operation of the Superannuation Fund;

(c) information to employees becoming members;

- (d) information to members ceasing in the employment of the employer;
- (e) information relating to any amendment to these regulations;
- (f) any returns and certificates which the Superannuation Board is required by law to provide to the Commissioner and any notices which the Commissioner may provide to the Superannuation Board in relation to those returns and certificates;
- (g) information relating to actuarial reports, audited accounts and audit reports in respect of the Superannuation Fund; and
- (h) any other information specified in the Commonwealth standards.

(4) Notwithstanding subregulation (3) the Superannuation Board shall give written notice to each person who becomes a member informing the member of his or her rights and those of his or her dependants and legal personal representatives in respect of benefits from the Superannuation Fund.

#### **Schedule 1 amended**

19. Schedule 1 to the principal regulations is amended by deleting "0.20" and substituting the following —

" 0.21 "

#### **Schedule 1A amended**

20. Schedule 1A to the principal regulations is amended —

- (a) by deleting "(Regulation 19 (1))" and substituting the following —  
" (Regulation 19 (1) (a) (ii) and (b) (ii)) "; and
- (b) by deleting "regulation 19(1) " and substituting the following —  
" regulation 19 (1) (a) (ii) and (b) (ii) ".

#### **Schedule 2 amended**

21. Schedule 2 to the principal regulations is amended —

- (a) by deleting "(Regulation 19 (1) (a))" and substituting the following —  
" (Regulation 19 (1) (a) (iii)) "; and
- (b) by deleting "regulation 19 (1) (a)" and substituting the following —  
" regulation 19 (1) (a) (iii) ".

#### **Schedule 3 amended**

22. Schedule 3 to the principal regulations is amended in item 5 (1) by deleting "60" and substituting the following —

" 90 "

**Schedule 4 amended**

23. Schedule 4 to the principal regulations is amended —

- (a) by deleting “(Regs. 23 and 23B)” and substituting the following —  
“ (Regulation 23) ”;
- (b) in the definition of “R” by deleting paragraphs (a) and (b) and substituting the following paragraphs —  
“ (a) 0.21 where regulation 23 (1) (b) (i) applies; or  
(b) 0.1 where regulation 23 (1) (a) (ii) applies. ”;
- and
- (c) by deleting the definition of “M” and substituting the following definition —  
“ M is the membership of the member expressed in days. ”.

**Transitional**

24. Where a member became entitled to a benefit under —

- (a) regulation 17 or 19 on or after 1 October 1992; or  
(b) regulation 23 (1) on or after 1 July 1992,

and before the commencement of these regulations, the benefit payable to the member shall be the amount equal to the greater of —

- (c) the benefit the member was entitled to under the principal regulations as in force at the time the entitlement arose; or  
(d) the benefit the member would have been entitled to, if at the time the entitlement arose, these regulations had been in force.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

**HEALTH****HE301****HEALTH ACT 1911***Town of Port Hedland*

Pursuant to the provision of the Health Act 1911, the Town of Port Hedland, being a local authority within the meaning of the Health Act 1911, having adopted the Model By-law described as Series “A” made under the Health Act 1911, and reprinted pursuant to the Reprinting of Regulations Act 1954, in the *Government Gazette* on 17 July 1963, and as amended from time to time, has resolved and determined that the adopted By-laws shall be amended as follows:

**Part 1—General Sanitary Provisions**

After By-law 18 insert the following:

- “ 18A (1) A person shall not unless he is authorised by the local authority to do so, remove any commercial or domestic waste or other rubbish from any premises in the district.

- (2) Where Council provides approval pursuant to By-law 18A (1) hereof, such rubbish or refuse shall be disposed of at a refuse disposal site approved by the Executive Director of Public Health pursuant to the provisions of the Health Act 1911 ”.

Passed by resolution at a meeting of the Port Hedland Town Council held on the 27th day of August 1992.

Dated this 28th day of August 1992.

\_\_\_\_\_

The Common Seal of the Town of Port Hedland was hereunto affixed in the presence of—

K. MERRIN, Mayor.  
G. P. BRENNAN, Town Clerk.

Confirmed—

\_\_\_\_\_

R. S. W. LUGG, delegate of  
Executive Director, Public Health.

Approved by His Excellency the Governor in Executive Council.

\_\_\_\_\_

D. G. BLIGHT, Clerk of the Council.

## HE302

### QUEEN ELIZABETH MEDICAL CENTRE ACT 1966

#### QUEEN ELIZABETH II MEDICAL CENTRE (DELEGATED SITE) AMENDMENT BY-LAWS (No. 2) 1992

Made by the Board of the Sir Charles Gairdner Hospital under section 13 (2e) in its capacity as a delegate under section 13 with the approval of His Excellency the Governor in Executive Council given on the recommendation of the Queen Elizabeth II Medical Centre Trust.

#### Citation

1. These by-laws may be cited as the *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 1992*.

#### Commencement

2. These by-laws shall come into operation on 1 January 1993.

#### By-law 26 amended

3. By-law 26 of the *Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986\** is amended —

- (a) in sub-by-law (2) by deleting “\$208” and substituting the following —

“ \$239.20 ”; and

(b) in sub-bylaw (3) by deleting "\$4" and substituting the following —

" \$4.60 "

[\* *Published in the Gazette of 24 October 1986 at pp.3947-3954.  
For amendments to 22 September 1992 see 1991 Index to  
Legislation of Western Australia, p.459 and Gazette of 26 June  
1992.*]

The Common Seal of the Board of Sir Charles Gairdner Hospital was affixed in the presence of—

J. BARKER, Chairperson.  
J. MULLIGAN, Chief Executive Officer.

Recommended by the Queen Elizabeth II Medical Centre Trust—

G. A. KENNEDY.  
J. DOUGLAS.

Approved by His Excellency the Governor in Executive Council.

D. G. BLIGHT, Clerk of the Council.

#### HE401

#### HEALTH ACT 1911

Health Department of WA,  
Perth, 10 December 1992.

8720/90, Ex Co No. 2302.

His Excellency the Governor in Executive Council under section 119 of the Health Act 1911, has approved for the use of the Council of the Shire of Greenough, Lot 2, Victoria Location 1792, Moonyoonooka, as a rubbish disposal site.

PETER J. BRENNAN, Commissioner of Health.

#### HE402

#### HEALTH ACT 1911

Health Department of WA,  
Perth, 10 December 1992.

8319/92, Ex Co No. 2301.

His Excellency the Governor in Executive Council under the provisions of section 119 of the Health Act 1911, has approved for the use of the Council of the Shire of Dardanup, Lot 1, Wellington Location 3003, Dardanup as a rubbish disposal site.

PETER J. BRENNAN, Commissioner of Health.

### LAND ADMINISTRATION

#### LA101

#### ERRATUM LAND ACT 1933 ORDERS IN COUNCIL (Vesting of Reserves)

Whereas an error occurred in the notice published under the above heading on page 5314 of *Government Gazette* No. 154 dated 30 October it is corrected as follows.

Under the heading "DOLA File: 1189/955" delete "Reserve No. 24120 (Swan Location 11177)" and insert " Reserve No. 24210 (Swan Location 11177) "

## LOCAL GOVERNMENT

### LG301

#### LOCAL GOVERNMENT ACT 1960

#### CITY OF COCKBURN AND CITY OF ARMADALE (WARD AND DISTRICT BOUNDARIES) ORDER No. 1, 1992

Made by His Excellency the Governor under the provisions of section 12 of the *Local Government Act 1960*.

#### Citation

1. This Order may be cited as the *City of Cockburn and City of Armadale (Ward and District Boundaries) Order No. 1, 1992*.

#### Alteration of District Boundaries

2. The boundaries of the districts of the City of Cockburn and City of Armadale are hereby altered by severing from the district of the City of Armadale the land described in the Schedule to the Order and annexing that land to the City of Gosnells.

#### Alteration of Ward Boundaries

3. The boundaries of the East Ward of the City of Cockburn and the West Armadale Ward of the City of Armadale are hereby altered by severing the land described in the Schedule to the Order from the West Armadale Ward of the City of Armadale and annexing that land to the East Ward of the City of Cockburn.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

#### Schedule

All that portion of land bounded by lines starting from the northern corner of Jandakot Agricultural Area Lot 143, a point on a present northwestern boundary of the City of Armadale and extending generally southwesterly along southeastern sides of Warton Road to the prolongation southerly of the western boundary of the western severance of Lot 143, a point on a present western boundary of the City of Armadale and thence northerly and northeasterly along boundaries of that City to the starting point.

Department of Land Administration Public Plan: Perth B.G. 34/10/4.1.

### LG302

#### DOG ACT 1976

#### *The Municipality of the Shire of Broome*

#### By-laws Relating to Dogs

In pursuance of the power conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on 17th December 1991 to make and submit for confirmation by the Governor the following by-laws and revoke the Dog By-laws as published in *Government Gazette* on 2nd July 1982.

#### Citation

1. These By-laws may be cited as the Shire of Broome By-laws relating to Dogs.

2. In these By-laws, unless the context requires otherwise:

“Act” means the Dog Act 1976.

“Authorised Person” means a person who is authorised by or under section 29 of the Dog Act.

“Beach Foreshore” means all the land in the Shire of Broome which lies between high water mark and low water mark of the Indian Ocean.

“Council” means the Council of the municipality of the Shire of Broome.

“District” means the district of the municipality of the Shire of Broome.

“Public Building” means a public building defined in section 173 of the Health Act 1911.

“Regulations” means the Dog Act Regulations 1976.

All other words and expressions have the same meaning as they have in the Act.

**Pound**

3. The Council may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provision of the Act or these By-laws.

4. The pound used by the Council is established on Lot 1642 Port Drive, Broome.

**Fees**

5. The fees and charges in relation to the seizure and impounding of a dog and maintenance thereof in a pound payable under section 29 (4) of the Act are those specified in the First Schedule.

6. The fee payable by the owner of a dog which has been destroyed pursuant to the provisions of the Act is that prescribed in the First Schedule.

**Prohibited Places**

7. Except in the case of a *bona fide* guide dog, or hearing dog a person liable for the control of a dog shall prevent that dog from entering or being in any of the following places:

- (a) a public building;
- (b) a theatre or picture garden;
- (c) a place of worship;
- (d) any shop, not being a pet shop or premise used for the purpose of the practice of a registered veterinary surgeon;
- (e) a public swimming pool, including all the area enclosed within the fencing of the pool grounds;
- (f) any of the beach foreshore areas, bounded by the high water and low water marks, specified hereunder—
  - (i) Reserve No 36477, known as Cable Beach from a line created by prolongation westerly of the northern boundary of Lot 981 as it intersects the high and low water marks of the Indian Ocean to a parallel line 2000 metres south of that same line.
  - (ii) Reserve No 36477, known as Cable Beach Reserve, commencing from a line created by the prolongation westerly of the northern boundary of Lot 981 as it intersects the high and low water marks of the Indian Ocean to a parallel line 1000 metres north of that same line.
  - (iii) Reserve Nos 17132, 1643-1327, 313480-848 and Lot 1328 Robinson Street, collectively known as Town Beach.

**Dog Exercise Areas**

8. The lands specified in the Second Schedule to these by-laws are designated Dog Exercise Areas for the purpose of the Act. The exercising of dogs in the dog exercise areas are subject to the provisions of the Act.

**Fencing**

9. (1) The owner or occupier of premises within the district in which dog is kept shall cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion and in accordance with the provision of this by-law.

(2) The fence used to confine a dog and every part of the fence shall be of a type, height and construction which, having regard to the species, age, size and physical condition of the dog, prevents the dog from passing over, under or through the fence.

(3) If there is a gate in the fence the gate shall—

- (a) be kept closed at all times except when the dog is not kept on the premises; and
- (b) be fitted with—
  - (i) an efficient self-closing mechanism;
  - (ii) an efficient self-latching mechanism attached to the inside of the gate; and
  - (iii) a mechanism which enables the gate to be permanently locked.

(4) In this by-law the term 'fence' includes a wall.

**Fouling of Streets and Public Places**

10. Any person liable for the control of a dog who permits the dog to excrete on any street or public place or on any land within the district without the consent of the occupier commits an offence unless the excreta are removed forthwith and disposed of either on private land with the consent of the occupier or in such other manner as the Council may approve.

**Keeping of Dogs**

11. The occupier of premises shall not unless the premises are licenced as an approved kennel establishment or have been granted exemption pursuant to section 26 of the Act keep or permit to be kept on those premises more than two dogs over the age of three months and the young of those dogs under that age if the premises are situated within the district.

12. (1) An application for a licence to keep an approved kennel establishment shall be in writing and shall be in or substantially in the form contained in the Fourth Schedule and shall be accompanied by evidence that due notice of the proposed use of the land has been given to persons in the locality.

(2) Unless the Council shall otherwise decide, an applicant for a licence shall give notice of the proposed use of the land by—

- (a) not less than one advertisement in a newspaper circulating in the district; and
- (b) giving written notice to the owners and occupiers of all adjoining properties at least 30 days before the application is made to the Council.

13. The fee payable for the issue of a licence to keep an approved kennel establishment is that specified in the First Schedule.

14. A licence to keep an approved kennel establishment shall be in or substantially in the form contained in the Fifth Schedule.

15. The fee payable for the renewal of a licence to keep an approved kennel establishment is that specified in the First Schedule.

16. A person shall not erect an approved kennel establishment unless it complies with the provisions of these by-laws and until plans and specifications and a location plan showing the proposed site for the kennel of the yard appurtenant thereto have been approved by the Council and the fee for the licence prescribed in the First Schedule has been paid.

17. The owner or occupier of premises which have been licenced as an approved kennel establishment shall provide a kennel or kennels which comply with the following specifications—

- (a) Each kennel shall have a yard appurtenance thereto;
- (b) Each kennel and each yard and every part thereto shall not be any less distance than 30 metres from the boundaries of the land in occupation of the occupier;
- (c) Each kennel and each yard and every part thereto shall not be any less distance than 30 metres from any road or street;
- (d) Each kennel and each yard and every part thereto shall not be any less distance than 20 metres from any dwelling house, or factory;
- (e) The wall shall be rigid, impervious and structurally sound;
- (f) The roof shall be constructed of impervious material or other material approved by Council;
- (g) All untreated external surfaces of kennels shall be painted and kept painted with good quality paint;
- (h) The lowest internal height shall be at least two metres from the floor;
- (i) Each yard shall be securely fenced with a fence not less than two metres in height constructed of galvanised iron, wood, galvanised link mesh or netting; iron, link mesh or other materials approved by Council;
- (j) All gates shall be provided with proper catches or means of fastening;
- (k) The upper surface of the floor of each kennel shall be set at least 100mm above the surface of the surrounding kennel ground and shall be constructed of granolithic cement finished to a smooth surface and shall be drained in accordance with the health requirements of the Council;
- (l) The floor of a yard shall be constructed in the same manner as the floor of a kennel;
- (m) For each dog kept therein every kennel shall not have less than two square metres of floor space and the floor of every yard not less than 2.5 square metres.

18. A person who pursuant to a kennel establishment licence issued under these by-laws keeps or permits dogs to be kept in an approved kennel establishment shall—

- (a) keep dogs in kennels and yards appropriate to the breed or kind in question, sited and maintained in accordance with the requirements of Health Act 1911 (as amended) and these by-laws, secured;
- (b) not permit any dog to escape from the kennel or yard in which it is kept or wander at large except for the purpose of reasonable exercise whilst under effective control; and
- (c) maintain all kennels and yards and all feeding and drinking vessels used by dogs therein in a clean condition and cleanse and disinfect them when required to do so by an authorised person.

19. A right of appeal to a local court is conferred by section 27 of the Act where the Council refuses the grant of a licence for a kennel establishment or gives notice of intention to cancel the licence of an approved kennel establishment.

#### **General**

20. Any person who contravenes or fails to comply with any provision of these by-laws commits an offence and shall upon conviction be liable to a penalty not exceeding \$200.

21. The offences prescribed in the Third Schedule are prescribed pursuant to section 45A(2) of the Act as offences in relation to which a modified penalty applies and the amount appearing directly opposite each such offence is the prescribed modified penalty payable in respect of that offence.

22. (1) Where an authorised person has reason to believe that a person who has committed an offence against these by-laws as prescribed in By-law 20 he may serve on that person an infringement notice and the infringement notices issued under these by-laws shall be in the form depicted in Form 7 of the First Schedule of the Regulations.

(2) An infringement notice may be served on an alleged offender personally or by posting to his address as ascertained from him, at the time of or immediately following the occurrence giving rise to the allegation of the offence, or as recorded by Council pursuant to the Act.

(3) Where a person who received an infringement notice fails to pay the prescribed penalty within the time specified in the notice, or within such time as may be in any particular case be allowed, he is deemed to have declined to have the allegation dealt with by way of a modified penalty.

(4) An alleged offender on whom an infringement notice has been served may, within the time specified in that notice or such further time as may in any particular case be allowed, send or deliver to the Council the amount of the prescribed penalty, with or without a reply as to the circumstances giving rise to the allegation, and the Council may thereupon—

(a) appropriate that amount in satisfaction of the penalty and issues an acknowledgement; or

(b) withdraw the infringement notice and refund the amount so paid.

(5) An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn by the Council by sending a notice in the prescribed form to the alleged offender at the address specified in the notice or his last known place of residence or business.

(6) The prescribed form of Withdrawal of Infringement Notice issued under these by-laws shall be in the form depicted in Form 8 of the First Schedule of the Regulations.

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#### First Schedule

##### Fees and Charges

For seizure and return of dog without impounding it. ....	\$20
For seizure and impounding of dog. ....	\$30
For sustenance and maintenance of a dog in a pound per day or part of a day. ..	\$10
For destruction of a dog. ....	\$25
Licence to keep approved kennel establishment. ....	\$50
Renewal of licence to keep an approved kennel establishment. ....	\$30

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#### Second Schedule

##### Dog Exercise Areas

The beach foreshore within the district with the exception of those specified in By-law 7(f) (i), (ii) and (iii).

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#### Third Schedule

Item	By-law	Nature of Offence	Modified Penalty
1	7(a)&(d)	Permit a dog to enter or be in or on a public building, shop or business premises .....	\$40
2	7(b)	Permit a dog to enter or be in a theatre or picture garden .....	\$40
3	7(c)	Permit a dog to enter or be in a house of worship ...	\$40
4	7(e)	Permit a dog to enter a public swimming pool grounds	\$40
6	7(f)	Permit a dog to enter or be on any prohibited beach foreshore .....	\$40
7	9(1)	Failure to keep premises fenced as required .....	\$40
8	10	Permit a dog to excrete on a street or public place and failure to dispose of excreta in an approved manner .	\$20
9	18(c)	Failure to maintain a kennel establishment in a clean, sanitary and tidy condition .....	\$20

Fourth Schedule  
Shire of Broome  
DOG ACT 1976

Application for Licence or Renewal of Licence to Keep Approved Kennel Establishment  
I/We ..... of .....

(full names) ..... (address) .....  
hereby apply for a licence/renewal of a licence to keep an approved kennel establishment  
situated at .....

Enclosed herewith are:—

- (a) a plan of premises showing kennel location and yards and all other buildings, structures and fences,
- (b) plans and specifications of the kennels,
- (c) evidence that notice of this application has been given to persons in the locality,
- (d) the fee of \$.....

Type of dogs to be kept: .....

Maximum number of dogs to be kept: .....

Dated the ..... day of ..... 19.....

.....  
(Signature of Applicant)

NOTE: Items (a) (b) and (c) may be struck out if the application is for a renewal of licence and no change of circumstances has occurred since the previous application.

Fifth Schedule  
Shire of Broome  
DOG ACT 1976  
Kennel Establishment Licence

.....  
(Full name and residential address)

is/are the holder(s) of a licence to keep an approved kennel establishment at premises  
situated at .....

This licence is effective for a period of twelve (12) months from the date thereof.

Dated this ..... day of ..... 19.....

.....  
(Shire Clerk)

The Common Seal of the Shire of Broome was hereunto affixed by authority of a  
Resolution of the Council in the presence of—

R. J. JOHNSTON, President.

W. LENYSZYN, Chief Executive Officer/Shire Clerk.

Recommended—

.....  
DAVID SMITH, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 10th day of  
December 1992.

.....  
D. G. BLIGHT, Clerk of the Council.

LG303

LOCAL GOVERNMENT ACT 1960

Municipality of the Shire of Collie

By-law Relating to Trading in Public Places

Pursuant to the powers conferred upon it by the Local Government Act 1960, the Council of the Shire of Collie resolved on the 26th May 1992, to make and submit for confirmation of the Governor the following By-law.

1. This By-law may be cited as the Shire of Collie By-law Relating to Trading in Public Places.

2. In this By-law unless the context otherwise requires—

“Authorised Officer” includes any Ranger or Health Surveyor employed by the Council and the Shire Clerk or any person appointed by the Council as an authorised officer for the purposes of this By-law;

“Community Association” means an institution, association, club, society, or body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled or permitted to receive any pecuniary profit from the transactions thereof;

“Council” means Collie Shire Council;

“Municipal District” means the district of the municipality of the Shire of Collie;

“Public Place” includes a street, footpath, way or place which the public are allowed to use, whether the street, footpath, way or place is or is not on private property;

“Trading” means selling or hiring of goods, wares, merchandise or services, or offering of goods, wares, merchandise or services for sale or hire in a public place and includes displaying goods, wares or merchandise for the purpose of offering them for sale or hire, inviting offers for sale or hire, soliciting orders or carrying out any other transactions therein, it includes the setting up of a stall, or the conducting of business at a stall;

“Stall” means a moveable or temporarily fixed structure, stand or table in, on or from which goods, wares, merchandise, produce or services are sold or offered for sale and shall include a vehicle as defined by the Road Traffic Act 1974.

3. This By-law shall not apply to the selling or offering of sale of newspapers or magazines unless they are sold or offered for sale from a stall.

4. No person shall carry on trading in any public place unless that person is acting in accordance with the specifications of a current licence including the conditions thereof issued under this By-law and for which all fees and charges are paid for.

5. An application for a licence or renewal of a licence shall be in writing in the form set out in the First Schedule hereto and be accompanied by the application fee as prescribed in the Third Schedule.

6. In considering an application for a licence or renewal of a licence the Council shall have regard to—

- (a) any relevant policy statements of Council;
- (b) the desirability of the proposed activity;
- (c) the location of the proposed activity;
- (d) the circumstances of the case.

7. The Council may grant the licence or renewal, or may refuse to grant licence or renewal and it may so be refused on any of the following grounds—

- (a) the applicant is not a desirable or suitable person to hold the licence;
- (b) the applicant has committed a breach of any provisions of this By-law;
- (c) the needs of the Municipal District or a portion thereof for which the licence is sought is adequately catered for by established shops or by persons to whom licences have been issued;
- (d) there is inadequate means of access to or from, or inadequate parking space for a person(s) trading in a public place; or
- (e) such other grounds as may be relevant in the circumstances.

8. The Council may issue a licence specifying such requirements, terms and conditions as in the opinion of Council are appropriate, including—

- (a) the place to which the licence applies; which in the event of mobile traders may include a predetermined approved route or area;
- (b) the days and hours when trading may be carried on;
- (c) the number, type, form and construction as the case may be of any stand, table, structure or vehicle which may be used for trading;
- (d) the particulars of the goods, wares, merchandise, produce, services or transactions which trading may be carried on;
- (e) the number of persons and the name of persons permitted to carry on trading, and any requirements concerning personal attendance at the place of trading and the nomination of assistants, nominees or substitutes;
- (f) whether and under what terms the licence is transferrable;
- (g) any prohibitions or restrictions concerning the cause of any nuisance (as defined in the Health Act Section 182), the use of signs, the making of noise and the use of amplifiers, sound equipment, sound instruments and lighting apparatus;
- (h) any requirements on display of the licence holder's name and other details of the licence;

- (i) the care, maintenance and cleansing of the place of trading, and requirements for preparation of food;
- (j) the vacating of the place of trading when trading not taking place;
- (k) any requirements concerning the acquisition by the licence holder of public risk insurance;
- (l) the period, not exceeding 12 months, during which the licence is valid;
- (m) designation of any place or places wherein trading is totally or from time to time prohibited by Council.

9. A licence shall be in or substantially in the form set out in the Second Schedule.

10. Charges and fees shall be calculated and payable in accordance with the Third and Fourth Schedules hereto and notwithstanding Council's approval of issue of a licence such licence shall not be valid until the appropriate fees have been paid.

11. The Council may revoke a licence in the event that the licence holder breaches any provisions of this By-law or fails to comply with any requirements, terms or conditions of the licence.

12. Where a licence is revoked the Council shall, if requested, provide the licence holder with reasons in writing and shall refund the charge having first deducted the charge applicable to the period from issuing of the licence to its revocation.

13. Any person who contravenes or fails to comply with any provision of this By-law commits an offence and is liable on conviction to—

- (a) a maximum penalty of not more than \$1 000 or imprisonment for 6 months;
- (b) a daily penalty during the breach of \$100 per day.

14. Notwithstanding the provisions of clauses 4 and 10 a licence may be validly issued to a community association notwithstanding that it is exempt from the payment of appropriate fees and charges and a community association may validly carry on trading under a valid licence issued under this By-law without having paid all fees and charges for that licence provided that the trading carried on by that community association is for the purpose of that community association and for no other purpose and in the event that the trading is not for those purposes, then the community association shall be liable to pay all charges and fees which it would have, otherwise been liable to pay under this By-law.

15. A person or community association who desires to be exempt from this By-law shall apply to the Council in writing and advise of reasons why together with all relevant information on the application for a licence or renewal of a licence in the form set out in the First Schedule.

16. The Council may grant an application made under clause 14 or 15 hereof either in full or part or on such conditions as Council thinks fit and may refuse such an application without subscribing any reason thereof.

17. The By-law relating to Hawkers and Stallholders made by the Shire of Collie and published in the *Government Gazette* of 6th June 1986 is revoked.

#### First Schedule

Local Government Act 1960

*Shire of Collie*

By-law Relating to Trading in Public Places

#### APPLICATION FOR LICENCE

1. Name of Applicant .....
2. Address ..... Telephone No. ....
3. Location of Proposed Trading Activity .....  
(Plan should also be submitted showing precise location)
4. Nature of Proposed Trading Activity (Including details of goods to be sold or services offered)  
.....
5. Number of Assistants/Persons other than Applicant/s Expected to be Employed or Otherwise Engaged in Trading  
.....
6. Details of Proposed Stall (size, materials etc)  
.....



Fourth Schedule  
Local Government Act 1960  
*Shire of Collie*  
By-law Relating to Trading in Public Places

CHARGES

Charges will be assessed in accordance with the table below—

Daily/Weekly Charge (1 to 7 days) .....	\$50
Monthly Charge .....	\$100
Annual Charge .....	\$500

Dated this 30th day of July 1992.

The Common Seal of the Shire of Collie was hereto affixed in the presence of—

R. B. PIMM, President.  
I. H. MIFFLING, Shire Clerk.

Recommended—

DAVID SMITH, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 10th day of December 1992.

D. G. BLIGHT, Clerk of the Council.

**LG304**

**LOCAL GOVERNMENT ACT 1960**

*Municipality of the Shire of Cranbrook*

By-law Relating to the Clearing of Land and Removal of Refuse, Rubbish and Disused Materials

Pursuant to the powers conferred upon it by the Local Government Act 1960, the Council of the Municipality of the Shire of Cranbrook resolved on the 16 July 1992, to make and submit for confirmation by the Governor the following By-law.

**Citation**

1. This By-law may be cited as the Shire of Cranbrook By-law Relating to the Clearing of Land and Removal of Refuse, Rubbish and Disused Material.

**Definitions**

2. In this By-law unless the context otherwise requires—

- “Clerk” means Shire Clerk of the Council;
- “Council” means Cranbrook Shire Council;
- “District” means the district of the municipality of the Shire of Cranbrook; and
- “Disused Material” means any refuse, rubbish, old motor vehicle body, old machinery or old material of any kind.

**Notice to Clear Land or Remove Disused Material**

3. If there is on any—

- (a) vacant land within the district any trees, scrub, or undergrowth; or on any
- (b) land within the district any disused material

which in the opinion of the Council is likely to affect adversely—

- (c) the value of adjoining property within the neighbourhood; or
- (d) the health, comfort or convenience of the inhabitants of the neighbourhood,

the Council may cause a notice in the form of Schedule A signed by the clerk to be served on the owner or occupier of the land requiring the owner or occupier, within the time specified in the notice and to the satisfaction of the Council, to clear the land of any trees, scrub or undergrowth, or to re-site or screen, or to remove from the land, and dispose of, any disused material.

**Deposit of Disused Material**

4. (1) A person shall not deposit or cause or permit to be deposited, other than in a receptacle provided for that purpose, any disused material in or on any street or other land or place under the control of the Council.

(2) The Council, by notice in the form of Schedule B signed by the clerk, may require a person who is in breach of this clause to remove and dispose of the disused material to the satisfaction of the Council.

**Compliance with Notice**

5. A person upon whom a notice has been served under clause 3 or clause 4 shall, within the time specified in the notice or within such additional time as may be granted by the Council—

- (a) comply with the notice; or
- (b) provide to the Council written reason why—
  - (i) the land should not be cleared;
  - (ii) the disused material should not be removed, re-sited or screened;
  - or
  - (iii) the notice should not have been issued.

**Withdrawal of Notice**

6. The Council having regard to the reasons provided under clause 5(b), may withdraw the notice by providing to the person to whom the notice was served written advice signed by the Clerk.

**Council may Clear Land or Remove Material**

7. (1) Where a person does not comply with a notice given by the Council under this By-law, the Council may clear the land or remove and dispose of the disused material.

(2) The expenses incurred by the Council in the execution of a power conferred upon it under this clause may be recovered in a court of competent jurisdiction from the person upon whom the notice was served.

(3) The Council shall not be liable to pay compensation or damages of any nature to the person upon whom the notice was served in relation to any action taken under this clause.

**Penalty**

8. A person who commits a breach of any provision of this By-law shall, on conviction, be liable to a penalty of not more than \$500 and to a daily penalty of not more than \$50 in respect of a continuing breach.

**Repeal**

9. The By-laws Relating to the Clearing of Land and Removal of Refuse, Rubbish and Disused Material made by the Shire of Cranbrook and published in the *Government Gazette* of 16th June 1966 are revoked.

Schedule A

*Shire of Cranbrook*

By-law Relating to the Clearing of Land and Removal of Refuse, Rubbish and Disused Materials

NOTICE TO OWNER OR OCCUPIER TO CLEAR LAND OR REMOVE DISUSED MATERIALS

To: .....

Pursuant to the provisions of the Shire of Cranbrook By-law Relating to the Clearing of Land and Removal of Refuse, Rubbish and Disused Material, the Council, on

.....  
(date)

resolved that—

- 1. There is, on .....  
(description of land)  
of which you are the owner or occupier, .....  
.....  
(particulars of trees, scrubs or undergrowth and/or disused materials)  
which is likely to affect adversely the value of adjoining property within the neighbourhood or the health, comfort or convenience of the inhabitants of the neighbourhood: and

2. You are required, within ..... days from the date of this Notice, to:—

.....  
.....

(action to be taken to clear the land of trees, scrub or undergrowth, and/or remove from the land or re-site or screen the disused material.)

to the satisfaction of the Council.

Signed ..... Dated .....  
Shire Clerk

Schedule B.

Shire of Cranbrook

By-law Relating to the Clearing of Land and Removal of Refuse, Rubbish and Disused Materials

NOTICE TO REMOVE DISUSED MATERIALS

To: .....  
.....  
.....

Pursuant to the provisions of the Shire of Cranbrook By-law Relating to the Clearing of Land and Removal of Refuse, Rubbish and Disused Material, the Council, on

(date)

resolved that—

1. You appear to have deposited or caused or permitted to be deposited disused material, namely

(description of material)

on .....  
(description and location of site)

2. You are required, within ..... days from the date of this Notice, to remove and dispose of the disused material to the satisfaction of Council.

Signed ..... Date .....  
Shire Clerk

Dated this 21st day of August 1992.

The Common Seal of the Shire of Cranbrook was hereto affixed in the presence of—

A. D. HUNT, President.

P. F. SHEEDY, Shire Clerk.

Recommended—

DAVID SMITH, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 10th day of December 1992.

D. G. BLIGHT, Clerk of the Council.

LG305

**LOCAL GOVERNMENT ACT 1960***The Municipality of the Shire of Kojonup*

## By-law to Repeal By-laws Relating to Verandahs and Balconies

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 24th August, 1992, to make and submit for confirmation by the Governor the repeal of By-laws relating to Verandahs and Balconies published in the *Government Gazette* on 12 May, 1965.

\_\_\_\_\_

Dated this 8th day of October, 1992.

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

A. BILNEY, President.

N. P. HARTLEY, Shire Clerk.

\_\_\_\_\_

Recommended—

DAVID SMITH, Minister for Local Government.

\_\_\_\_\_

Approved by His Excellency the Governor in Executive Council this 10th day of December 1992.

D. G. BLIGHT, Clerk of the Council.

LG306

**LOCAL GOVERNMENT ACT 1960***The Municipality of the Shire of Wyndham-East Kimberley*

## By-laws Relating to Signs, Hoardings and Bill Postings

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 17th day of September 1992, to make and submit for confirmation by the Governor the following amendments to the abovementioned By-laws as published in the *Government Gazette* on 29th November 1991—

Item 1 By-law 7.10.6 be deleted in its entirety.

Item 2 By-law 7.10.7 be deleted in its entirety.

\_\_\_\_\_

Dated the 17th day of September 1992.

The Common Seal of the Shire of Wyndham-East Kimberley was hereto affixed by authority of a resolution of the Council in the presence of—

D. CHAPMAN, President.

M. CHEVERTON, Shire Clerk.

\_\_\_\_\_

Recommended—

DAVID SMITH, Minister for Local Government.

\_\_\_\_\_

Approved by His Excellency the Governor in Executive Council this 10th day of December 1992.

D. G. BLIGHT, Clerk of the Council.

## LG307

**LOCAL GOVERNMENT ACT 1960**

## By-law Relating to Signs

In pursuance of the powers conferred upon it by the abovementioned Act, and all other powers enabling it, the Municipality of the Town of Claremont hereby records having resolved on the 22 June 1992, to make and submit for confirmation by the Governor the following amendments to its By-law Relating to Signs, which was published in the *Government Gazette* on 7 October 1983 and amended on 6 April 1984, 25 January 1985, 20 December 1985, 11 November 1988 and 12 June 1992.

1. Clause 1 is amended by—
  - (a) inserting immediately before "Council" the following definition—
    - " "advertisement" includes any material which is designed, calculated or likely to draw public attention to a product or business or to promote its use; " and
    - (b) deleting in the definition of "sign", the expression "signboard;" and substituting the following—
      - " signboard and an advertisement; "
2. Clause 22 is amended by deleting sub-clause (1) and substituting the following—
  - " (1) In this clause "affix" includes paint, stencil, paste, attach or post.
  - (1A) Subject to sub-clause (2)—
    - (a) a person shall not affix any advertisement, bill or placard on any street, hoarding, wall, building, fence or structure whether erected on private property or on a public place; and
    - (b) the owner or occupier of premises on which such an advertisement, bill or placard is affixed shall not permit the advertisement, bill or placard to remain on those premises. "
3. Clause 24 is deleted and substituted by the following—
  - " 24. Notwithstanding that a sign or hoarding would otherwise comply with the provisions of this By-law, the Council may refuse to issue a licence if such a sign or hoarding, in the opinion of the Council, would be—
    - (a) unsafe;
    - (b) likely to interfere with the free passage of traffic;
    - (c) likely to interfere with the carrying out of authorised works within the municipality of the Town of Claremont; or
    - (d) injurious to the amenity or natural beauty of the area. "

Dated this 25th day of June, 1992.

The Common Seal of the Town of Claremont was hereunto affixed in the presence of—

P. H. WEYGERS, Mayor.

D. H. TINDALE, Town Clerk.

Recommended—

DAVID SMITH, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 10th day of December 1992.

D. G. BLIGHT, Clerk of the Council.

## LG308

**LOCAL GOVERNMENT ACT 1960***Town of Claremont*

## By-law Relating to Eating Areas in Streets and Other Public Places

Under the powers conferred upon it by the *Local Government Act 1960*, the Council of the Town of Claremont resolved on the 29th day of September 1992 to make and submit for confirmation by the Governor the following By-laws.

**Citation**

1. This By-law may be cited as the *Town of Claremont By-law Relating to Eating Areas in Streets and Other Public Places*.

**Interpretation**

2. (1) In this By-law, unless the context otherwise requires:

“Act” means the *Local Government Act 1960* as amended;

“Council” means the Council of the Town of Claremont;

“district” means the municipal district of the Town of Claremont;

“eating area” means an area in which tables, chairs and other structures are provided for the purpose of the supply of food or drink to the public or the consumption of food or drink by the public;

“eating house” means any, or any part of any, land, premises or place on or in which meals are prepared for service, or are served, to the public for gain or reward but does not include—

(a) a boarding house or lodging house; or

(b) a building or other structure used temporarily for the preparation for service or service of meals to the public, at any fair, show, military encampment, races or other public sports, games or amusements;

“Health Act” means the *Health Act 1911* as amended and includes the *Food Hygiene Regulations 1973* as amended made pursuant to the provisions of the Health Act;

“licence” means a licence issued by the Council under these By-law to set up and conduct an eating area;

“licensee” means the holder of a licence issued under this By-law;

“proprietor” includes the owner, the occupier, and any person having the management or control of any eating house;

“public facility” means any structure, item or fitting whether in a street or public place that is the property of or has been provided by a Government Department, instrumentality of the Crown or the Council;

“Town Clerk” means the Town Clerk of the Town of Claremont and includes an Acting Town Clerk.

(2) Except where—

(a) express provision is made to the contrary; or

(b) the context requires otherwise,

words and expressions used in this By-law have the same meaning as are given to them in the Act and the Health Act.

**Application**

3. This By-law—

(a) applies and has force and effect throughout the whole of the district; but

(b) does not apply to any eating area set up or conducted in or on a place which is on private property notwithstanding that the public are allowed to use that place.

**Prohibition**

4. A person shall not set up or conduct an eating area in a street or public place—

(a) other than in a portion of a street or public place adjoining an eating house;

(b) unless the person is the proprietor of the eating house referred to in paragraph (a);

(c) unless the person is the holder of a valid and current licence issued under this By-law; and

(d) otherwise than in accordance with the licence plan and any terms and conditions set out in, or applying in respect of, the licence.

**Application for Licence**

5. The proprietor of an eating house seeking the issue of a licence to set up and conduct an eating area in a street or public place shall make application in the form prescribed in Schedule 1 and forward the application to the Town Clerk together with—

(a) the fee and the charge prescribed in Schedule 3;

(b) two copies of a plan and specifications of the proposed eating area on a scale of 1:50 showing—

(i) the location and dimensions of the proposed eating area and the means by which the eating areas are to be separated from the balance of the street or public place; and

(ii) the position of all tables, chairs and other structures proposed to be provided in the eating area and which of such items, if any, are to be retained within the eating area at all times;

- (c) two copies of both a plan and specifications on a scale of 1:200 showing the eating area and all land, together with any improvements, public facilities and parking restrictions, within 30 metres of the boundaries of the eating area;
- (d) a colour photograph or photographs of the tables, chairs and other structures to be set up in the eating area;
- (e) a written statement of the manner in which foodstuffs and other dining accessories are to be conveyed to, and protected from contamination within, the eating area;
- (f) written particulars of arrangements made in respect of public liability insurance of not less than (\$1,000,000.00); and
- (g) any other information that the Council considers necessary in the circumstances of the case.

#### **Council Consideration of an Application**

6. (1) The Council may refuse to consider an application for a licence which does not comply with the requirements of clause 5.

(2) The Council may in respect of an application for a licence—

- (a) refuse the application; or
- (b) approve the application on such terms and conditions, if any, as it sees fit.

(3) Where the Council approves of an application for a licence, it shall—

- (a) issue a licence in the form of Schedule 2; and
- (b) cause to be attached to the licence a licence plan showing the area of a street or public place within which the eating area may be set up and conducted.

(4) For the purposes of this By-law, a licence plan attached to a licence shall be deemed to form part of that licence.

(5) A licence issued by the Council under this clause is valid from the date of issue until 31 December of the year of issue unless it is sooner cancelled under this By-law.

#### **Variation of Licence Conditions**

7. (1) A licensee may apply in writing to the Council to vary or remove any of the terms and conditions of the licence.

(2) Without limiting the generality of subclause (1), a licensee who, for the purposes of a function or event, wishes to set up or conduct an eating area on a day or hour not permitted by the licence, shall—

- (a) apply in writing to the Council, at least 14 days before the day or time for which approval is sought;
- (b) state in the application the nature of the function or event concerned and the day or time for which approval is sought; and
- (c) forward with the application the fee prescribed in Schedule 3.

(3) The Council may, in respect of an application made under this clause—

- (a) refuse the application; or
- (b) approve, in whole or in part, the application on such terms and conditions, if any, as it sees fit.

(4) Where the Council approves an application under this clause, it shall advise the licensee in writing of the variation and the terms and conditions applying in respect of the licence shall be varied accordingly.

#### **Renewal of Licence**

8. (1) A licensee may apply in writing to the Council by 1 December in each year for the renewal of the licence and shall submit with the application for renewal—

- (a) the fee and the charge prescribed in Schedule 3; and
- (b) written confirmation that the public liability insurance required under clause 5 (f) has been or will be effected for the renewal period.

(2) Upon receipt of an application for the renewal of a licence, the Council, subject to subclause (3), may—

- (a) refuse the application; or
- (b) approve the application on such terms and conditions, if any, as it sees fit.

(3) If an application for the renewal of a licence is not received by the Council by 1 December in the year prior to which the licence has been sought, the Council may refuse to consider the application.

#### **Transfer of Licence**

9. (1) An application for the transfer of a licence shall—

- (a) be made in writing;

- (b) be signed by the Licensee and the proposed transferee of the licence;
  - (c) include any information that the Council may require to enable the application to be determined; and
  - (d) be forwarded to the Town Clerk together with the fee prescribed in Schedule 3.
- (2) Upon receipt of an application for the transfer of a licence, the Council may—
- (a) refuse the application; or
  - (b) approve the application on such terms and conditions, if any, as it sees fit.
- (3) Where the Council approves the application for transfer of a licence, the Council shall transfer the licence by—
- (a) an endorsement on the licence to that effect signed by the Town Clerk; and
  - (b) the issue of its consent in the form of Schedule 4.
- (4) Where the Council approves the transfer of a licence it shall not be required to refund any part of the fee or charge paid by the former licensee.

#### **Cancellation of Licence**

10. (1) The Council may cancel a licence where the licensee has—
- (a) been convicted of an offence against—
    - (i) this By-law;
    - (ii) the Health Act; or
    - (iii) any other law relating to the setting up or conducting of eating areas; or
  - (b) transferred or assigned or attempted to transfer or assigned or attempted to transfer or assign the licence without the consent of the Council.
- (2) Where the Council cancels a licence under this clause—
- (a) the Council shall advise the licensee in writing of the cancellation;
  - (b) the cancellation takes effect on and from the day on which the licensee is served with the cancellation advice; and
  - (c) the Council shall not be required to refund any part of the fee or charge paid by the licensee in respect of the cancelled licence.

#### **Obligations of the Licensee**

11. (1) A licensee shall—
- (a) ensure that the eating area is conducted at all times in accordance with the provisions of this By-law;
  - (b) ensure that the eating area is kept in a clean and tidy condition at all times;
  - (c) maintain the chairs, tables and other structure set up in the eating area in good and serviceable condition at all times;
  - (d) be solely responsible for all rates and taxes levied upon the land occupied by the eating area; and
  - (e) display the licence in a conspicuous place in the adjoining eating house and whenever requested by an Environmental Health Officer to do so shall produce to him the licence.
- (2) Whenever, in the opinion of the Council, any work is required to be carried out as a result of the setting or conduct of an eating area, the Council may give notice to the licensee of that eating area to carry out that work within the time limited by the notice.
- (3) A licensee who neglects or refuses to comply with a notice given under subclause (2) commits an offence.
- (4) Where a licensee neglects or refuses to comply with a notice given under subclause (2), the Council may do the work required by that notice to be done and recover from the licensee, in a court of competent jurisdiction, the expense incurred by it in so doing.
- (5) In this clause, "work" includes the removal, alteration, repair, reinstatement or reconstruction of a street or footpath or any part of a street or footpath arising from or in connection with the setting up or conduct of an eating area.

#### **Offences and Penalties**

12. A person who commits a breach of this By-law commits an offence and is liable on conviction to a maximum penalty of—
- (a) \$1 000 in the case of clause 4 (c); or
  - (b) \$500, in the case of a breach of any other clause; and,
- In addition in either case to a maximum daily penalty during the breach of \$50.00.

SCHEDULE 1
TOWN OF CLAREMONT
APPLICATION FOR LICENCE

Clause 5

To the Town Clerk
Town of Claremont I, .....(Full Name)
of .....(Residential Address)
..... (Postal Address)
.....(Occupation)

apply for a licence to set up and conduct an eating area under the Town of Claremont
By-law Relating to Eating Areas in Streets and Other Public Areas.

I declare that the following details are true and correct—

Details of Proposed Eating Areas in Streets
and Other Public Areas

- 1. Location of proposed eating area .....
2. Description of eating house adjacent to proposed eating area .....
3. Proposed days of operation .....
4. Proposed hours of operation.....
5. Proposed number of tables.....
6. Proposed number of other structures.....
7. Description of tables and chairs including materials and dimensions.....
8. Description of other structures including materials and dimensions.....

I declare that—

- (a) the eating house referred to in Item 2 above is registered as required by Division
3 of Part V of the Health Act; and
(b) I am the proprietor of the eating house and am licensed in respect of that eating
house in accordance with Division 3 of Part V of the Health Act.

The following are attached—

- (a) Two copies of a plan and specifications of the proposed eating area on a scale
of 1:50 showing—
(i) the location and dimensions of the proposed eating area and the means by
which the eating areas are to be separated from the balance of the street
or public place; and
(ii) the position of all tables, chairs and other structures proposed to be
provided in the eating area and which of such items, if any, are to be
retained within the eating area at all times;
(b) two copies of both a plan and specifications on a scale of 1:200 showing the
eating area and all land together with any improvements, public facilities and
parking restrictions, within 30 metres of the boundaries of the eating area;
(c) a colour photograph or photographs of the tables, chairs and other structures
to be set up in the eating area;
(d) a written statement of the manner in which foodstuffs and other dining
accessories are to be conveyed to, and protected from contamination within the
eating area; and
(e) written particulars of arrangements made in respect of public liability insurance
of not less than (\$1,000,000.00).

I enclose—

- (a) the prescribed fee of \$.....; and
(b) the prescribed charge of \$.....

Dated this .....day of .....1992.

(Signature of Applicant)

SCHEDULE 2  
TOWN OF CLAREMONT  
LICENCE TO SET UP AND CONDUCT EATING AREA  
IN STREETS AND OTHER PUBLIC AREAS

Clause 6 (2)

This licence is issued to—

..... (Full Name)  
of .....(Address)  
("the licensee")

This licence authorises the person named above to set up and conduct an eating area—

- (a) on those portions of the street or public place shaded in on the licence plan attached to and forming part of this licence; and
- (b) in compliance with the conditions specified hereunder—  
(insert conditions)

This licence is valid from the .....day of .....199...  
and expires at 12.00 o'clock midnight on 31st December .....  
or on the sooner cancellation of this licence.

In accepting this licence, the licensee agrees—

- (a) to indemnify and hold indemnified the Crown and the Council against any claims for compensation however arising from the operation of the eating area; and
- (b) not to seek from the Crown or the Council or any person acting on their behalf, compensation by way of damages or loss or income arising from any public work within the street.

Issued this .....day of .....199...  
.....  
Town Clerk

SCHEDULE 3  
TOWN OF CLAREMONT  
FEEES AND CHARGES PAYABLE

Clauses 5(a), 7(2)(c), 8(a), 9(1)(d)

- 1. Licence application fee .....\$50.00
- 2. Licence renewal fee .....\$50.00
- 3. Licence transfer fee .....\$50.00
- 4. Fee for variation of licence .....\$20.00
- 5. Charge to be paid in addition to the fee—\$1 000.00 for each table and \$50.00 for each chair for which the eating area has been licensed under this By-law.

SCHEDULE 4  
TOWN OF CLAREMONT  
TRANSFER OF LICENCE

Clause 9

The Council of the Town of Claremont transfers the licence to set up and conduct an eating area situated at .....  
.....  
from the present holder .....  
to.....  
of.....(the "transferee")  
for the period from the date of this transfer until the 31st December next.

In accepting this Transfer of Licence, the person so named above hereby agrees—

- (a) to indemnity and hold indemnified the Crown and the Council against any claims for compensation however arising from the operation of the eating area; and

- (b) not to seek from the Crown or the Council or any person acting on their behalf, compensation by way of damages or loss or income arising from any public work within the street.

.....  
Town Clerk

—————  
**TOWN OF CLAREMONT**

The Common Seal of the Town of Claremont was hereto affixed this first day of October in the presence of—

P. H. WEYGERS, Mayor.  
D. H. TINDALE, Town Clerk.

Recommended—

—————  
D. SMITH, Minister for Local Government.

Approved by the Governor in Executive Council on this 10th day December 1992.

—————  
G. PEARCE, Clerk of the Council.

**LG309**

**LOCAL GOVERNMENT ACT 1960**

*The Municipality of the City of Armadale*

By-laws Relating to Parking Facilities

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the City of Armadale hereby records having resolved on the 7th day of September 1992, to make and submit for confirmation by His Excellency the Governor the following By-laws.

Part 1—Definition and Operation

1. These By-laws may be cited as City of Armadale Parking Facilities By-laws.
2. Repeal—the following By-laws are hereby revoked:
  - (a) By-laws Relating to Parking, published in the *Government Gazette* on 6 February 1987 and amended in the *Government Gazette* on 17 March 1989.
  - (b) By-laws Relating to Parking Region, published in the *Government Gazette* of 30 March 1990.
  - (c) By-laws Relating to the Prohibition of Vehicles on Reserves, published in the *Government Gazette* of 3 August 1973 and amended in the *Government Gazette* dated 4 May 1990.
3. Interpretation
  - (1) In these By-laws unless the context otherwise requires:
    - “Act” means the Local Government Act 1960;
    - “authorised officer” means an Officer of the Council authorised by the Council to perform duties in accordance with these By-laws;
    - “authorised person” means a person authorised by the Council to remove vehicles pursuant to these By-laws;
    - “authorised vehicle” means a vehicle authorised by the Council, Town Clerk, Authorised Officer, Inspector or by any Act to stand on a road;
    - “bus” means an omnibus within the meaning of the Road Traffic Act;
    - “by-law” means one of these by-laws;
    - “caravan” means a vehicle that is fitted or designed to allow human occupation and includes a vehicle to be drawn by another vehicle and vehicles capable of self-propulsion.
    - “Carriageway” means a portion of road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders and areas, including embayments, at the side or centre of the carriageway, used for the standing or parking of vehicles; and, where the road has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

"Commercial Vehicle" has the same meaning as the term "Motor Wagon" in the First Schedule of the Road Traffic Act 1974;

"Council" means the Council of the Municipality of the City of Armadale;

"district" means the district of the Municipality;

"driver" means any person driving or in control of a vehicle;

"footway" includes every footpath, lane or other place intended for use by pedestrians or cyclists or habitually used by pedestrians or cyclists and not by vehicles other than bicycles;

"Median Strip" means any physical provision dividing a road to separate vehicular traffic;

"motorcycle" means a motor vehicle that has two wheels or, where a sidecar is attached thereto, has three wheels;

"Municipality" means the Municipality of the City of Armadale;

"no parking area" means a portion of a road that lies:

- (a) between two consecutive white signs inscribed with the words "No Parking", in red lettering, and each with an arrow pointing generally towards the other of them; or
- (b) between a white sign inscribed with the words "No Parking" in red lettering, and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

"no standing area" means a portion of a road that lies:

- (a) between two consecutive signs inscribed with the words "No Standing", in red lettering on a white background or with the words "No Standing" in white lettering on a red background, and each with an arrow pointing generally towards the other of them; or
- (b) between a sign inscribed with the words "No Standing" and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

"notice" means a notice in the form of Forms 1, 2, 3 and 4 of the Second Schedule issued pursuant to By-law 39 of these By-laws;

"occupier" has the meaning given to it by the Act;

"owner" where used in relation to a vehicle has the meaning given to the term in the Road Traffic Act 1974 and where used in relation to land has the meaning given to the term in the Act;

"park" means to permit a vehicle, whether attended to not, to remain stationary, except for the purpose of avoiding conflict with other traffic, of complying with the provisions of any law or of immediately taking up or setting down persons or goods; and "parking" has a correlative meaning;

"parking area" means a portion of a carriageway:

- (a) between two consecutive white signs, inscribed with the words "Parking" in green lettering, each with an arrow pointing generally towards the other of them; or
- (b) extending from a white sign inscribed with the word "Parking" in green lettering in the general direction indicated by the arrow inscribed on the sign, to any other sign inscribed with the words "No Parking" or "No Standing", in red lettering, or to a dead end or an area in which the parking or standing of vehicles is prohibited and is that half of the carriageway of the road nearest to the sign;

"parking facilities" includes land, buildings, shelters, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection therewith;

"parking region" means that portion of the district of the Municipality that is constituted a parking region pursuant to the First Schedule to these By-laws;

"parking stall" means a section or part of a street which is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may stand or be parked; whether on payment of a fee or charge or otherwise;

"parking station" means any land, building or other structure provided for the purpose of accommodating vehicles with or without charge, but does not include a private garage;

"property line" means the lateral boundary of a road;

"public place" has the meaning given to it by the Act;

- “Ranger” means a Senior Ranger, Ranger, Inspector or Authorised Officer appointed by the Council to enforce these By-laws;
- “reserve” means public reserve as defined in the Act;
- “road” means a highway, road, street, lane, thoroughfare or similar place which the public are allowed to use, and includes all of the land lying between the property lines including the street verge and footpath appurtenant thereto and which is within the parking region;
- “Road Traffic Act” means the Road Traffic Act 1974 amended from time to time;
- “sign” means a traffic sign, mark, structure or device under the care control or management of the Council placed or erected on or near a street or within a parking station or reserve for the purpose of prohibiting, regulating, guiding or directing the standing or parking of vehicles;
- “specified place” means a yard or other piece of land set aside by the Council as a place to which obstructing or trespassing vehicles may be removed;
- “stand” in relation to a vehicle, means to stop a vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law; and “standing” and “stood” have correlative meanings;
- “street” has the same meaning as “road”;
- “street verge” means the portion of a road which lies between the boundary of a carriageway and the property line adjacent thereto;
- “taxi” has the same meaning as taxi-car in the Road Traffic Act;
- “trailer” means a vehicle (not including a semi-trailer) drawn by another vehicle but not including a sidecar attachment to a motorcycle or any vehicle that comes within the description of a caravan;
- “vehicle” includes a vehicle which comes within the interpretation of that expression in the Road Traffic Act which includes commercial vehicles which comes within the description of a motor wagon in the First Schedule to the Road Traffic Act.
- (2) For the purposes of the application of the definitions “no parking area”, “no standing area” and “parking area”, an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees, until parallel with the boundary.
4. (1) These By-laws apply to the parking region, all parking stations and parking facilities in the parking region other than a parking facility or parking station that:
- (a) is not owned, controlled or occupied by the Municipality, or
  - (b) is owned by the Municipality but is leased to another person.
- (2) A sign that:
- (a) was erected by the Commissioner of Main Roads prior to the coming into operation of these By-laws within the district; and
  - (b) relates to the parking or standing of vehicles within the parking region, shall be deemed for the purposes of these By-laws, to have been erected by the Council under the authority of these By-laws.
5. For the purpose of these By-laws, vehicles are divided into classes as follows:
- (a) buses;
  - (b) commercial vehicles including any other vehicle (not being a trailer or a vehicle to which a trailer is attached) constructed primarily for conveyance therein or thereon of goods;
  - (c) motorcycles and bicycles;
  - (d) taxis;
  - (e) all other vehicles not otherwise classified.
6. Where under these By-laws the standing or parking of vehicles in a street is controlled by a sign, the sign shall be read as applying to that part of the street which:
- (a) lies beyond the sign; and
  - (b) lies between the sign and the next sign beyond that sign; and
  - (c) is that side of the carriageway of the street nearest to the sign.
7. The portion of the district of the Municipality that is defined in the First Schedule is hereby constituted as a parking region to which these By-laws apply.

## Part 2—Parking Stalls and Parking Stations

8. Subject to Section 231 (3) of the Act, a discretionary authority is conferred on the Council by resolution to constitute, determine and vary, and also indicate by signs from time to time:

- (a) parking stalls;
- (b) parking stations;
- (c) permitted time and conditions of parking in parking stalls and parking stations depending on and varying with locality;
- (d) permitted classes of vehicles to park in parking stalls and parking stations;
- (e) the manner of parking in parking stalls and parking stations, but that discretionary authority shall not be exercised in a manner inconsistent with the provision of these By-laws.

9. A person shall not stand a vehicle in a parking stall in a street otherwise than:

- (a) parallel to the kerb and as close thereto as practicable;
- (b) wholly within the stall; and
- (c) headed in the direction of the movement of traffic on the side of the street on which the stall is situated, but where a parking stall is set out otherwise than parallel to the kerb the provisions of this sub-by-law, other than paragraph (b), do not apply.

10. Unless otherwise directed by a Ranger a person shall not park a vehicle in a parking station otherwise than wholly within a parking stall.

11. (1) A person shall not:

- (a) stand a vehicle so as to obstruct an entrance to, an exit from, or a roadway within, a parking station or beyond the limits of any defined row within a parking station;
- (b) stand a vehicle except with the permission of the Council or a Ranger on any part of a parking station, whether or not that part is marked as a parking stall, if a sign is exhibited prohibiting the standing of vehicles thereon;
- (c) permit a vehicle to stand on any part of a parking station, whether or not that part is marked as a parking stall, if a Ranger directs the driver of such vehicle to move the vehicle;
- (d) stand or attempt to stand a vehicle in a parking stall in which another vehicle is standing but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked "M/C";
- (e) permit a vehicle to stand in a parking stall which is at the time set aside for use by commercial vehicles unless the vehicle is a commercial vehicle and a person is actively engaged in loading or unloading goods to or from that vehicle;
- (f) permit a vehicle to stand in a parking stall which is set aside for use by buses except for the purpose of taking up or setting down passengers to or from the vehicle.

(2) In paragraph (e) of the sub-by-law (1), "goods" means an article, or collection of articles, weighing at least 13.6kg of which the content is at least 0.17m<sup>3</sup>.

(3) A parking stall is set aside for use by commercial vehicles if there is a sign thereon or adjacent thereto marked "Loading Zone".

## Part 3—Standing and Parking Generally

12. Subject to Section 231 (3) of the Act, a discretionary authority is conferred on the Council by resolution to constitute, determine and vary, and also indicate by signs from time to time:

- (a) prohibitions;
- (b) regulations and restrictions of parking and standing of vehicles of a specified class or of specified classes in all streets or specified streets or in specified parts or reserves at all times or specified times, but that discretionary authority shall not be exercised in a manner inconsistent with the provisions of these By-laws.

13. (1) A person shall not stand a vehicle in a street or part of a street, or part of a parking station:

- (a) which is by a sign thereon or adjacent or referable thereto set apart for the standing of vehicles of a different class; or
- (b) if by such a sign the standing of vehicles is prohibited or restricted during a period or periods, during that period or periods; or
- (c) if by such a sign the standing of vehicles is permitted for a specified time, for longer than that time.

(2) A person shall not stand a vehicle:

- (a) in a no standing area;

- (b) in a parking area, except in a manner indicated by the inscription on the sign or signs associated with the parking area and parking stalls except as provided in these by-laws with reference to the parking stalls;
  - (c) in a parking area contrary to any limitation in respect of days, period of the day, classes of persons or classes of vehicles indicated by the instruction on the sign or signs associated with the area; or
  - (d) in a defined area marked "M/C", unless it is a motorcycle without a sidecar or bicycle.
- (3) A person shall not park a vehicle in a no parking area.
- (4) A person shall not park a vehicle in any portion of a street for the purposes of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a road.
- (5) A person shall not stand a motorcycle without a sidecar or a bicycle in a parking stall unless the traffic sign "M/C" is marked on that stall.
- (6) A person shall not, without the permission of the Council, Town Clerk, Authorised Officer or a Ranger, stand a vehicle in an area designated by signs "Authorised Vehicles Only".
14. Subject to the provisions of By-law 15 a person standing a vehicle on a carriageway shall stand it:
- (a) on a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is standing;
  - (b) on a one-way carriageway, headed in the direction of the movement of traffic;
  - (c) so that at least three metres of the width of the carriageway between the vehicle and the farther boundary of the carriageway or between it and a vehicle standing on the far side of the carriageway, is available for the passage of other vehicles;
  - (d) so that it is not less than 1.2 metres from any other vehicle, except a motorcycle or a bicycle parked in accordance with these by-laws;
  - (e) so that it does not cause obstruction on the carriageway;
  - (f) so that it is entirely within the confines of any parking stall marked on the carriageway.
15. (1) A person shall not stand a vehicle partly within and partly outside a parking area.
- (2) Where the traffic sign or signs associated with a parking area are not inscribed with "Angle Parking", then:
- (a) where the parking area is adjacent to the boundary of a carriageway a person standing a vehicle in the parking area shall stand it as near as practicable to and parallel with, that boundary; and
  - (b) where the parking area is at or near the centre of the carriageway, a person standing a vehicle in that parking area shall stand it approximately at right angles to the centre of the carriageway, unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles are to stand in a different position.
- (3) Where a traffic sign associated with a parking area is inscribed with the words "Angle Parking" a person standing a vehicle in the parking area shall stand the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway surface.
- (4) In sub-by-law (3) of this By-law "vehicle" means a car or motor wagon (utility type up to 3 tonne gross).
- (5) Sub-by-law (3) of this By-law does not apply to a person standing a motorcycle or bicycle in a parking area.
16. (1) A person shall not stand a vehicle so that any portion of the vehicle is:
- (a) between any other standing vehicles and the centre of the carriageway;
  - (b) adjacent to a median strip;
  - (c) obstructing a right-of-way, passage or private drive or carriageway or so close thereto as to deny vehicles reasonable access to or egress from the right-of-way, passage or private drive or carriageway;
  - (d) in front of a footway constructed across a reserve;
  - (e) alongside, or opposite, any excavation in, or obstruction on, the carriageway, if the vehicle would thereby obstruct traffic;
  - (f) on, or within 9 metres of, any portion of a carriageway bounded on one or both sides by a traffic-island;
  - (g) on any footway; pedestrian crossing or cycleway;

- (h) on a bridge or other elevated structure or within a tunnel or underpass;
  - (i) between the boundaries of a carriageway, and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of the carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
  - (j) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway.
- (2) A person shall not stand a vehicle so that any portion of the vehicle is:
- (a) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug; or
  - (b) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box.
- (3) A person shall not stand a vehicle so that any portion of the vehicle is within 6 metres of the nearer property line of any road intersecting the road on the side which the vehicle is standing.
- (4) A person shall not stand a vehicle so that any portion of the vehicle is within 9 metres of the departure side of:
- (a) a sign inscribed with the words "Bus Stop" or "Hail Bus Here", unless the vehicle is a bus stopped to take up or set down passengers; or
  - (b) a children's crossing established on a two-way carriageway.
- (5) A person shall not stand a vehicle so that any portion of the vehicle is within 18 metres of:
- (a) the approach side of a sign inscribed with the words "Bus Stop" or "Hail Bus Here", unless the vehicle is a bus stopped to take up or set down passengers;
  - (b) the approach side of a pedestrian crossing or children's crossing; or
  - (c) the nearest rail or a railway level crossing.
- (6) A person shall not stand a vehicle so that any portion of that vehicle is on a street verge where by a sign on, adjacent or referable thereto, indicates the standing of vehicles is prohibited.
- (7) A person shall not stand a vehicle so that any portion of the vehicle is on a street verge unless he is the occupier of the premises adjacent to the street verge or is a person authorised by the occupier of those premises.
- (8) A person shall not stand or drive a vehicle so that any portion of the vehicle obstructs the use of an Emergency Exit Ramp set aside for the stopping of vehicles/commercial vehicles during an emergency.
17. A person shall not permit a vehicle to stand in any part of a street if a Ranger or member of the Police Force directs the driver of the vehicle to move it.
18. (1) A Ranger may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for a purpose connected with or arising out of his duties and powers.
- (2) A person shall not remove a mark made by a Ranger so that the purpose of the affixing of such a mark is defeated or likely to be defeated.
19. (1) A vehicle having been parked in an area where by a sign the standing or parking of vehicles is permitted for a limited time a person shall not move it to any position within the same parking area so that the total time of parking exceeds the maximum time allowed for parking in the space first occupied by the vehicle.
- (2) A vehicle having been parked in a street where parking is restricted as to time a person shall not park the vehicle again in the street on that day unless it has first been removed from the street for at least two hours.
20. (1) A person shall not park a vehicle or any combination of vehicles that together with any projection on, or load carried by the vehicle or combination of vehicles is more than 8 metres in length, on a carriageway for a period exceeding one hour.
- (2) Nothing in this by-law mitigates the limitations or conditions imposed by any other by-law or by any traffic sign relating to the parking or standing of vehicles.
21. A person shall not:
- (a) allow a commercial vehicle to remain stationary on a street verge for more than one hour in a day unless in between each period that the commercial vehicle is parked or allowed to remain stationary in the street, it has been removed from the street for at least two hours; or
  - (b) on a street verge repair, service or clean a vehicle other than in accordance with 13(4);

- (c) park a vehicle on any portion of a street:
- (i) if that vehicle is not licensed under the Road Traffic Act;
  - (ii) if that vehicle is a trailer or caravan;
  - (iii) if that vehicle is exposed for sale.
22. (1) A person shall not park or stand a vehicle within the parking region on land that is not a street or a parking facility without the consent of the owner or occupier of the land.
- (2) For the purposes of this by-law where signs are erected on portion of the land set aside for the parking of vehicles displaying restrictions concerning the classes of person who may stand or park vehicles or the time within which vehicles may be stood or parked on that portion of land a person who stands or parks a vehicle otherwise than in compliance with the sign shall be deemed not to have the consent of the owner or occupier of the land so to stand or park the vehicle.
23. The Council, Town Clerk, Authorised Officer or a Ranger may permit a person who requires a space in an area where by a sign the standing of vehicles is permitted for a limited time, in order to carry out urgent, essential or official duties to occupy such space with a vehicle for a longer time than the maximum period prescribed by the sign or from time to time provided such permission does not contravene the Road Traffic Code and may prohibit the use of such space by any other vehicle during such time.
24. It shall be an offence for a person to drive a vehicle over barrier kerbing, semi-mountable kerbing or a footpath or cycleway other than where there is a properly constructed vehicular crossover.

#### Part 4—Removal of Vehicles

25. (1) For the purposes of this By-law a vehicle which is parked in any portion of a street public place wherein vehicles may not lawfully be parked, is deemed to be causing an obstruction to traffic in that street or public place;
- (2) A person shall not stand or park a vehicle so as to cause obstruction to traffic in a street or public place.
26. For the purposes of these by-laws a vehicle is not causing obstruction to traffic in a street or public place if it is so stood or parked in contravention of the limits as to time imposed by the Municipality with respect to that portion of the street or public place.
27. Where a Ranger, a member of the Police Force or an authorised person finds a vehicle stood or parked contrary to the provision of By-laws 22 or 25 of these By-laws he may remove the vehicle to a specified place and may use such force as is necessary to enter the vehicle for the purpose of removing it.
28. The Council may appoint a person as an authorised person for the purposes of these By-laws.
29. Where an authorised person removes a vehicle to a specified place pursuant to these By-laws, he shall enter in a register to be provided by the Council for that purpose, details of the time and date, a description of the vehicle, and of the place from which it was removed and shall notify the Clerk of the Council.
30. The Town Clerk shall exhibit on the noticeboard of the Council a notification that a vehicle therein described has been placed in the specified place and shall, unless the vehicle is sooner recovered, keep that notification exhibited for a period not less than 7 days.
31. A person may recover a seized vehicle from the specified place by paying to the Town Clerk:
- (a) the cost incurred by the Council in removing the vehicle thereto; and
  - (b) the charge appearing in the Fourth Schedule for each day or part of the day that the vehicle has remained in the specified place, and upon payment of that cost and charge the Clerk, if satisfied that the person is the owner of the vehicle or is a person entitled to possession of the vehicle, shall permit him to remove it.
32. Where a vehicle, placed in a specified place in accordance with the provisions of these By-laws, has not been recovered by the owner or a person entitled thereto within one month from the day upon which it was placed there, the Council may cause the vehicle to be offered for sale by public auction or by public tender and accept the best offer made; but where no offer is made for the purchase of the vehicle, the Council may cause it to be disposed of.
33. A person is not entitled to make any claim, by way of damages or otherwise, against a Ranger, Authorised Person, member of the Police Force or the Municipality in respect of a vehicle removed and dealt with under the provisions of these By-laws or against any person who purchases a vehicle sold by the Council under the provisions of By-law 32 of these By-laws.

34. (1) The proceeds of the sale of a vehicle under the provisions of By-law 32 of these By-laws shall be applied by the Council:

- (a) first, in the meeting of the costs of the sale; and
- (b) second, in meeting the costs of removal of the vehicle to the specified place, and the charge appearing in the Fourth Schedule for each day or part of a day that the vehicle remained in that place;

and those sums shall be paid into the Municipal Fund.

(2) Any surplus of the proceeds of the sale shall be paid by the Council into its trust fund, and may be paid to any person who satisfies the Council that he was the owner of the vehicle at the time of its sale by Council.

(3) Any surplus of the proceeds of the sale may, if not paid to the owner within 10 years, be paid into the Municipal Fund, subject to the condition that the Council shall repay it from that fund to a person claiming and establishing his right to the repayment.

(4) Should the cost of impounding and disposing of the vehicle to a specified place and the charges applicable exceed the proceeds from the sale of the vehicle, the deficit may be recouped by Council from the owner of the vehicle in a Court of competent jurisdiction.

#### Part 5—Miscellaneous

35. A Ranger shall be furnished with a certificate of his appointment in a form determined by the Council from time to time.

36. A person who is not a Ranger shall not in any way assume the duties of a Ranger.

37. A person shall not in any way obstruct or hinder a Ranger in the execution of his duty.

38. (1) A Ranger or member of the Police Force who finds a person committing or who on reasonable grounds suspects a person of having committed a breach of the provisions of these By-laws, may demand from the person his name and place of abode.

(2) A person who refuses to state his name and place of abode, or who states a false name or place of abode, on demand being so made, commits an offence against these By-laws.

39. (1) A notice served under subsection (2) of Section 669C of the Act in respect of an offence alleged to have been committed against one of these By-laws shall be in or to the effect of Form 2.

(2) Subject to sub-by-law (3) of this By-law an infringement notice served under Section 669D of the Act in respect of an offence alleged to have been committed against one of these By-laws shall be in or to the effect of Form 3.

(3) An infringement notice served under subsection (2) of Section 669D of the Act in respect of an offence against one of these By-laws shall be in or to the effect of Form 1.

(4) A notice sent under subsection (5) of Section 669D of the Act withdrawing an infringement notice served under that section in respect of an offence alleged to have been committed against one of these By-laws shall be in or to the effect of Form 4.

40. A person, other than the driver of the vehicle, shall not remove from the vehicle any notice attached thereto or left therein or left thereon by a Ranger or a member of the Police Force.

41. A person shall not without the authority of Council:

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the Council under the authority of these By-laws;
- (b) remove, deface or misuse a sign or property or any part thereof, set up by Council under authority of these by-laws or attempt to do any such acts;
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign, set up by Council under authority of these by-laws.

42. An inscription of a sign operates and has effect according to its tenor and a person contravening the direction of a sign commits an offence under these By-laws.

43. (1) A sign marked, erected, established or displayed on or near a road is, in the absence of evidence to the contrary presumed to be a sign marked, erected, established or displayed under the authority of these By-laws.

(2) The first three letters of any day of the week when used on a sign indicate that day of the week.

(3) A sign associated with a no parking area, no standing area or parking area or a sign of a kind referred to in these By-laws is limited in its operation and effect in respect of days, periods of the day, classes of persons, classes of vehicle, or circumstances to the extent, if any, shown on the sign.

44. Authorised Officers or Rangers appointed by the Municipality from time to time are hereby authorised by the Municipality to:

- (a) carry into effect the provisions of these By-laws;

- (b) report to the Council on the working effectiveness and functioning of these By-laws;
- (c) recommend to the Council the institution of prosecutions; and
- (d) institute and conduct prosecutions as directed by the Council or the Town Clerk from time to time.

Part 6—Penalties

45. (1) Any person failing to do any act directed to be done, or doing any act forbidden to be done by these By-laws, or any notice or order under these By-laws commits an offence.

(2) Any person who commits an offence under this by-law shall be liable, if no other penalty is imposed, to:

- (a) in relation to offences involving the use of a parking station or parking facility or parking at a parking meter or on private property, a maximum penalty of \$80;
- (b) in relation to any offence not dealt with in (a) a maximum penalty of \$500; and
- (c) in relation to any offence dealt with under paragraph (b), in addition, if the Court thinks fit, a maximum daily penalty of \$50 per day.

46. The amount appearing in the final column of the Third Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence if dealt with under Section 669D of the Act.

47. A penalty for an offence against these By-laws (not being a modified penalty) may be recovered by the Council by taking proceedings against the alleged offender in a Court of Petty Sessions.

48. The Council shall cause adequate records to be kept of all infringement notices served and modified penalties received under Section 669D of the Act in respect of offences against these By-laws.

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First Schedule  
Parking Region

The whole of the district of the City of Armadale as constituted at the date of the coming into operation of this By-law and as altered from time to time pursuant to the provisions in that behalf contained in the Local Government Act 1960, and its amendments, excluding the following portions of the District:

- (a) Any road which may, from time to time, come under the control of the Commissioner of Main Roads and the Commissioner of Police;
- (b) The approach and departure prohibition areas of all existing and future traffic control signal installations; and
- (c) Prohibition areas applicable to all existing and future bridges and subways.

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Second Schedule  
Form 1

*City of Armadale*  
By-laws Relating to Parking Facilities  
INFRINGEMENT NOTICE

TO:

Ranger No.  
Notice  
Date of Service

You are hereby notified it is alleged that on the \_\_\_\_\_ day of \_\_\_\_\_ at about \_\_\_\_\_ you did \_\_\_\_\_ in contravention of the provisions of By-law No. \_\_\_\_\_ of the City of Armadale Parking Facilities By-laws.

The modified penalty prescribed for this offence is \$ \_\_\_\_\_

If you do not wish to have a complaint of the above offence heard and determined by a Court you may pay the modified penalty within twenty-one days of the service of this notice.

Unless payment is made within twenty-one days of the date of the service of this notice Court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount of \$ \_\_\_\_\_ to the Town Clerk, City of Armadale, or by delivering this form and paying the amount at the..... If payment is not received within twenty one (21) days of the date of this notice, it will be assumed that you wish to insist on your right to a Court Hearing, and Court proceedings will be issued against you in due course.

Second Schedule

Form 2

City of Armadale

By-laws Relating to Parking Facilities

NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER

TO:

Date  
Notice No.  
Ranger No.  
Registration No.  
Amount Due \$

It is alleged the above vehicle did in contravention of the provisions of By-law No. of the City of Armadale Parking Facilities By-laws.

You are hereby required to identify the person who was the driver or person in charge of the above vehicle at the time when the above offence is alleged to have been committed.

Unless within twenty one (21) days after the date of the service of this notice you:

- (a) inform the Town Clerk of the City of Armadale in writing as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the offence; or
- (b) satisfy the Town Clerk of the City of Armadale that the above vehicle had been stolen or was being unlawfully used at the time of the above offence.

YOU WILL IN THE ABSENCE OF PROOF TO THE CONTRARY, BE DEEMED TO HAVE COMMITTED THAT ABOVE OFFENCE AND COURT PROCEEDINGS MAY BE INSTITUTED AGAINST YOU.

Second Schedule

Form 3

City of Armadale

City of Armadale

Form 3

Second Schedule

Local Government Act 1960

INFRINGEMENT NOTICE No.

The owner of the vehicle No.	Make	
Type	Place	
Date	Time	am/pm

You are hereby notified that it is alleged that you have committed a Breach of By-law No. .... City of Armadale Parking Facilities By-laws as indicated below by a cross (X).

Signature of Authorised Person .....

If you do not wish to have a complaint of the above offence heard and determined by a Court you may pay the modified penalty within twenty-one (21) days after the date of the service of the notice.

Unless within twenty-one (21) days after the date of the service of this notice:

- (a) inform the Town Clerk, City of Armadale, in writing as to the identity and address of the person in charge of the above vehicle at the time of the offence; or
- (b) satisfy the Town Clerk, City of Armadale, that the above vehicle had been stolen or was being unlawfully used at the time of the above offence.

YOU WILL IN THE ABSENCE OF PROOF TO THE CONTRARY, BE DEEMED TO HAVE COMMITTED THE ABOVE OFFENCE AND COURT PROCEEDINGS MAY BE INSTITUTED AGAINST YOU.

Payment may be made either by posting this form together with the amount mentioned above, to the Town Clerk, City of Armadale, or by delivering this form and paying the amount at the .....

Second Schedule  
Form 4  
*City of Armadale*  
By-laws Relating to Parking Facilities  
WITHDRAWAL OF INFRINGEMENT NOTICE

To: \_\_\_\_\_ Date \_\_\_\_\_  
Infringement Notice \_\_\_\_\_ Date \_\_\_\_\_  
Modified Penalty \_\_\_\_\_ is hereby withdrawn  
Signature of Authorised Officer .....

Third Schedule

Item No.	By-law	Nature of Offence	Modified Penalty \$
1.	25(2)	Obstruction of street or public place .....	35
2.	13(2)(a)	No Standing Area .....	35
3.	16(1)(j)	Parked on an intersection .....	35
4.	16(3)	Within 6m of property line at an intersection .	35
5.	16(1)(a)	Double parked .....	35
6.	38(2)	Refusal of name and address .....	40
7.	22(1)	Parked on Private Property .....	30
8.	11(1)(a)	Obstruction of parking station .....	30
9.	13(1)(a)	Parked in an area reserved for vehicles of a different class .....	30
10.	13(1)(b)	Restricted Parking .....	30
11.	13(2)(d)	Vehicle other than a motorcycle parking in an area marked for motorcycles .....	30
12.	13(3)	No Parking Area .....	35
13.	14(a)	Not close and parallel, facing wrong way, two-way carriageway .....	30
14.	14(b)	Not close and parallel, facing wrong way, one-way carriageway .....	30
15.	14(e)	Obstruction of carriageway .....	35
16.	16(1)(c)	Obstruction of entry .....	30
17.	16(1)(g)	Parked on footpath .....	30
18.	16(6)	Verge parking in a prohibited area .....	30
19.	16(4) & (5)	Standing in a bus stand .....	30
20.	13(1)(c)	Parking longer than permitted .....	20
21.	16(7)	Verge Parking without permission .....	30
22.	24	Driving a vehicle across a footpath or kerbing .	20
23.	21(a)	Parking a commercial vehicle .....	30
24.	21(c)	Parking a Trailer/Caravan on a street .....	30
25.	17	Refusal to move vehicle .....	35
26.	37	Hindering a Ranger .....	40
27.	16(8)	Standing in an Emergency Exit Ramp .....	80
28.		All other offences not specified .....	25

Fourth Schedule  
Seizure/Impounding Fees

For the seizure and impounding of a vehicle (towing fees) \$50.00  
For the recovery of a seized/impounded vehicle from an appointed place \$5.00 per day for each day or part of each day

Dated 15th day of September 1992.

The Common Seal of the City of Armadale was hereunto affixed in the presence of—  
R. C. STUBBS, Mayor.  
J. W. FLATOW, City Manager/Town Clerk.

Recommended—

DAVID SMITH, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 10th day of December 1992.

D. G. BLIGHT, Clerk of the Council.

LG310

**LOCAL GOVERNMENT ACT 1960***The Municipality of the City of Bunbury*

## By-laws Relating to the Bunbury Recreation and Aquatic Centre

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 8th day of June 1992 to repeal the By-laws relating to Swimming Pools published in the *Government Gazette* on the 29th day of December 1972 and to make and submit for the confirmation by the Governor the following By-laws.

1. In these By-laws, unless the context otherwise implies, the following terms shall apply—

“Council” means the Council of the City of Bunbury;

“Recreation Centre” shall include each of the swimming pools and recreation facilities for the time under the care, control and management of Council and all buildings, fences, gardens, car parks, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of the swimming pools and recreation facilities or used in connection herewith;

“City Manager” means the City Manager/Town Clerk for the time being of the City of Bunbury and includes, in the absence of the City Manager/Town Clerk, the Deputy City Manager/Town Clerk or Acting City Manager/Town Clerk;

“Manager” means the person for the time being employed by Council to control and manage the Recreation Centre;

“Deputy” means the person who, in the absence of the Manager, is employed by Council to control and manage the Recreation Centre and shall include the classification of Deputy Manager;

“Attendant” means an officer or employee of the Council duly authorised to perform duties in connection with the Recreation Centre;

“Article” means any item and shall include money.

Words importing the masculine gender shall include the feminine gender and vice versa.

2. It shall be the duty of the Manager or Deputy, who is hereby so empowered and directed to refuse admission to or remove or cause to be removed from the Recreation Centre a person who in the opinion of the Manager or Deputy is guilty of a breach of any of the provisions of these By-Laws.

**USE CONTROL AND MANAGEMENT OF PREMISES**

3. The Recreation Centre shall be open to the public during such hours and periods as determined from time to time by Council.

4. The Recreation Centre or any part thereof may at any time at the discretion of the Manager or Deputy be set aside for the use of certain persons to the exclusion of others.

5. Every person using the Recreation Centre shall obey all reasonable directions of the Manager or Deputy or an Attendant with regard to such use.

6. The Manager or Deputy may refuse or temporarily suspend admission to or remove from the Recreation Centre or any part thereof all or any person if, in his opinion such action is necessary or desirable.

7. (1) The Manager or Deputy, is empowered under by-law 2, to refuse admission to or remove or cause to be removed from the Recreation Centre a person who—

(a) is a child under the age of six (6) years and is not accompanied by a person, over the age of fourteen (14) years;

(b) is by his past or present conduct within or about the Recreation Centre, undesirable;

(c) is under or apparently under the influence of intoxicating liquor or drugs;

(d) is apparently suffering from a contagious, infectious or offensive disease, skin complaint or wound.

(2) Any person under sub by-law (a), (b), (c) or (d) shall, when requested by the Manager or Deputy to withdraw from the Recreation Centre, immediately do so quietly and peaceably.

8. Neither the Council nor the Manager or Deputy or Attendant or other officer or employee of the Council is in any way responsible for any article lost or stolen from a person whilst in or about the Recreation Centre or for any article damaged or destroyed whilst in or about the Recreation Centre.

9. The Manager or Deputy, accompanied by an appropriate third party, shall be empowered to inspect any bag, container or any personal item that he thinks fit.

10. The Manager or Deputy or Attendant or any other officer or employee of the Council shall not receive any payment for admission to or use of any facility in the Recreation Centre except the nominated fee that is determined from time to time by Council, with the exception that the Manager or Deputy reserves the right to grant a remission of all or any part of the hire/admission charge for the purpose of promoting the Recreation Centre, provided that such concession does not act to the detriment of users willing to pay the full hire/admission charge.

11. If a person appears in public who in the opinion of the Manager or Deputy or Attendant is indecently or insufficiently clad, the Manager or Deputy or Attendant may direct that person forthwith to resume adequate attire and such person shall forthwith comply with that direction.

#### PUBLIC STANDARDS

12. No person shall enter the Recreation Centre without first having paid an Attendant, the proper charge for admission unless that person is an invitee or an officer or employee of the Council in the course of his duties.

13. (a) A person shall not profit, teach, coach or train another person in the Recreation Centre unless with prior written consent of the Manager or Deputy which may be given subject to any conditions he thinks fit;

(b) Consent under sub by-law (a) may be withdrawn at any time.

14. (a) A person, club, organiser or association shall not conduct controlled swimming or diving events, carnivals, competitions or activities without the prior written consent of the Manager or Deputy;

(b) The Manager or Deputy may grant his consent subject to any conditions he thinks fit and may, at any time withdraw that consent;

(c) A person, club, association or organisation conducting any events, carnivals, competitions or activities is responsible for the conduct of competitors, officials, coaches, spectators, trainers, volunteers and assistants during the events, carnivals, competitions or activities and shall ensure that no damage is done to any portion of the Recreation Centre and that these By-laws are observed by all competitors, officials, coaches, trainers, spectators, volunteers and assistants.

15. A person shall not—

(a) enter any portion of the Recreation Centre set apart exclusively for the opposite sex except a person under the age of six (6) years;

(b) enter or attempt to enter any cubicle, shower dressing area or other compartment which is already occupied;

(c) in any way interfere with any other person in the Recreation Centre or with another persons use thereof nor throw or push, or attempt to throw or push another person in the Recreation Centre or throw any stones, sticks or any other matter or thing to the annoyance of another person using the Recreation Centre;

(d) play a ball game except with the consent of the Manager or Deputy or Attendant or do anything which in any way limits the enjoyment of the users of the Recreation Centre, but nothing herein contained applies to the playing of any games or aquatic sports organised and conducted in the Recreation Centre by a club, association, organisation or other person at times and in a manner approved by the Manager or Deputy;

(e) permit an animal of which he is liable for the control of to enter or remain in or about the Recreation Centre with the exception of a registered guide dog;

(f) obstruct the Manager or Deputy or Attendant in carrying out his duties;

(g) enter or depart from any part of the Recreation Centre except by means of the respective entrances or exits set apart for that purpose;

(h) appear in public unless properly attired in clothing or a costume of such nature as to preserve public decency and to cover the body so as to prevent indecent exposure of the person;

(i) enter or be in the Recreation Centre whilst in an intoxicated condition induced by alcohol or substance;

(j) take into the Recreation Centre or have in his possession intoxicating liquor or any illegal substance;

(k) take into the Recreation Centre, or have in his possession any glass or metal container, unless with prior written consent of the Manager or Deputy;

(l) use soap or shampoo or detergent in any part of the Recreation Centre other than in a dressing room or shower recess;

(m) climb up or upon a roof, fence, wall, partition of the Recreation Centre;

(n) in any part of the Recreation Centre behave in an unseemly, improper, disorderly, riotous or indecent manner or swear or use indecent, obscene, offensive or abusive language or gamble or act in a manner which is offensive;

(o) bring onto or deposit in any part of the Recreation Centre any refuse or rubbish except in receptacles set aside for that purpose;

- (p) consume food stuffs or drinks in any specific area in which consumption is prohibited;
- (q) smoke tobacco or any other substance within the Recreation Centre unless with prior written consent of the Manager or Deputy in an area set aside for a private function;
- (r) wastefully use the water or leave any taps flowing in the dressing rooms or elsewhere in the Recreation Centre;
- (s) expectorate or spit in or on any part of the Recreation Centre or in any way commit any nuisance on or in any part of the Recreation Centre;
- (t) use a substance or preparation whereby the water of any swimming pool may become discoloured or rendered turbid or otherwise unfit for the proper use of bathers;
- (u) foul or pollute the water in a shower, bath or any swimming pool or soil, damage, injure, destroy, use improperly, disfigure or write in or upon a dressing room closet, compartment or any other part of the Recreation Centre or any furniture or other article of equipment therein;
- (v) damage, break, injure, improperly use, interfere with or destroy any fitting, appliance, equipment or any other property of the Council in or about the Recreation Centre;
- (w) whilst suffering from any contagious, infectious or cutaneous disease, or whilst in an unclean condition, enter or attempt to enter or use any swimming pool or the Recreation Centre or any part thereof.

16. No ticket, token, licence, membership card or receipt issued as provided by these By-laws shall be transferable and a person other than the person to whom it was originally issued shall not enjoy the benefit therefrom or any privileges thereunder.

17. Pre-purchased tickets and membership cards shall be presented to the Manager or Deputy or Attendant at the time of entry to the Recreation Centre and provided that the purchaser adheres to all provisions of these By-Laws shall be permitted entry.

#### DEPOSITING OF ARTICLES AND LOST PROPERTY

18. Any person may deposit with the Manager or Deputy or Attendant any article for safe keeping subject to the following terms and conditions and any person making any deposit shall be deemed to agree that such conditions shall be applicable thereto—

- (a) if any article deposited be damaged, destroyed, lost or stolen neither the Council nor the Manager or Deputy or Attendant or officer or employee of the Council shall in any way be responsible for any such damage, destruction, loss or theft, howsoever occurring;
- (b) the Manager or Deputy or Attendant is obliged to return the deposited article, upon the person producing a corresponding signature to that so requested and supplied on depositing the article;
- (c) all articles deposited and not reclaimed within three (3) calendar months from the date deposited the Manager or Deputy or some person duly authorised in that behalf by the Council may sell or otherwise dispose of the same and shall be under no liability either to the owner or depositor thereof by reason of such sale or disposal and may apply the proceeds of sale as the Council sees fit.

19. (a) A person who finds within or about the Recreation Centre an article which may have been left or lost within or about the Recreation Centre shall immediately deliver it to the Manager or Deputy or Attendant who shall thereupon register a description of the article and all particulars relating thereto in a book to be kept for that purpose;

(b) A person claiming the article who satisfies the Manager or Deputy or Attendant that he is the lawful owner of the article shall upon payment of a fee, determined by Council from time to time and upon signing a receipt for it have the article returned to him.

#### GRIEVANCES AND APPEALS

20. (a) A person who has been refused admission to the Recreation Centre or has been requested to leave the Recreation Centre or who feels aggrieved by the actions of the Manager or Deputy or Attendant may appeal to the Council by letter addressed to the City Manager/Town Clerk against the action;

(b) The Council shall consider the appeal and give such direction in matters as it thinks fit;

(c) The right of appeal given by this by-law does not imply any right of action for damages, or other remedy against the Council or Manager or Deputy or Attendant arising out of any refusal of admission, direction to leave the Recreation Centre or any action.

#### HIRING OF FACILITIES

21. Any person, group, organisation or association who wishes to hire any portion of the Recreation Centre or any property or equipment for use in association therewith shall make written application to the Manager or Deputy and shall state the purpose for which the facility, property or equipment is required.

22. (a) As a condition of hiring, the hirer may be required to deposit an amount nominated by the Manager or Deputy, to cover any damage to the Recreation Centre or property or equipment during the term of the hiring.

(b) Bonding terms and conditions may be set by the Manager.

(c) The Manager or Deputy may expend the sum so deposited in making good any damages caused during the hiring and shall return the balance if any to the hirer. The deposit of money pursuant to this by-law shall not release a hirer from liability for any damage in excess of the deposited amount.

23. The hirer of the Recreation Centre or any part thereof or any equipment or chattel, vested in or under the control of the Council—

(a) shall maintain and keep good order and decent behaviour therein;

(b) shall make good any damage to the Recreation Centre and any loss or damage to the property and equipment hired therewith or situated therein caused during the term of hiring or at the option of the Manager or Deputy, pay the cost thereof;

(c) shall be responsible for the carrying out of the terms of and the compliance with all Council By-laws;

(d) shall permit the City Manager/Town Clerk or Manager or Deputy or any person authorised by the Council to have free ingress to the premises for the purpose of making an inspection or enforcing these By-laws;

(e) shall leave the premises and equipment in a clean and tidy condition after the term of the hiring;

(f) shall report any damage or defacement to the Manager or Deputy.

24. The Manager or Deputy may refuse to let the Recreation Centre or any part thereof or any equipment to an applicant without assigning any reason for such refusal.

25. The Manager or Deputy may impose any terms or conditions on the hiring as is considered reasonable, generally or in any particular case.

26. Charges for the hire of all areas within the Recreation Centre or any property or equipment shall be determined from time to time by Council.

27. In the event of two or more applications being made for the hire of the Recreation Centre or any part thereof or any equipment for the same date and hour, the Manager or Deputy may after considering priority of application, determine to which applicant the hire of such shall be granted.

28. If the booking is cancelled the deposit paid by the hirer may be forfeited.

29. The hirer of the Recreation Centre or any portion thereof or any equipment shall comply with the provisions of the Health Act, Liquor Licensing Act 1988, Police Act and the Criminal Code Act and other relevant Acts in force for the time being, applicable to such hiring. If in the opinion of the Manager or Deputy all necessary actions have not been taken to comply with requirements of the abovementioned Acts, and all other relevant Acts, the Manager or Deputy may, prior to or during the terms of engagement, forbid and prevent the use of the Recreation Centre.

30. Acceptance of the provisions of these By-laws shall be deemed to be conditions of the hiring.

\_\_\_\_\_

Dated this 10th day of June 1992.

The common seal of the City of Bunbury was hereunto affixed in the presence of—

E. C. MANEA, Mayor.

V. S. SPALDING, Town Clerk.

\_\_\_\_\_

Recommended—

DAVID SMITH, Minister for Local Government.

\_\_\_\_\_

Approved by His Excellency the Governor in Executive Council this 10th day of December 1992.

D. G. BLIGHT, Clerk of the Council.

LG311

**LOCAL GOVERNMENT ACT 1960**  
**MUNICIPALITY OF FREMANTLE ACT 1925**

*Municipality of the City of Fremantle*

By-law No. 213 Relating to Building Lines

In pursuance of the powers conferred upon it by the abovementioned Acts and of all other powers enabling it the Council of the abovementioned Municipality hereby records having resolved on the twentieth day of July 1992 to make and submit for the confirmation by the Governor the following amendment to the abovementioned By-law:

1. Amending the First Schedule of By-law No. 213 by deleting the plan as published in the *Government Gazette*, 1 September 1989, Page 3070 which specifies a building line for Ord Street between Knutsford and High Streets so as to delete all building lines in Ord Street between Knutsford and High Streets.
2. Amending the Second Schedule of By-law No. 213 by deleting the following truncation:

Corner No.	Truncation (Links)
43	57.84 (11.64 metres)

The Common Seal of the City of Fremantle was hereto affixed this 19th day of August 1992, pursuant to a resolution passed on the 20th day of July 1992, in the presence of—

J. A. CATTALINI, Mayor.

M. J. CAROSELLA, Town Clerk.

Recommended—

DAVID SMITH, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 10th day of December 1992.

D. G. BLIGHT, Clerk of the Council.

LG312

**LOCAL GOVERNMENT ACT 1960**

*Municipality of the City of Kalgoorlie-Boulder*

By-laws Relating to Use of and Activities in Streets

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 30th day of September, 1992, to make and submit for confirmation by the Governor the following By-laws.

**Citation**

1. These By-Laws may be cited as the *City of Kalgoorlie-Boulder By-Laws Relating to Use of and Activities in Streets*.

**Revocation**

2. From the date of coming into operation of these By-Laws, all previous By-Laws relating to this subject matter made and in force in the area now comprising the district of the Municipality of the City of Kalgoorlie-Boulder including—

- (a) *Town of Kalgoorlie By-Laws Relating to the Prohibition of Obstructions of Streets, Ways, Footpaths* published in the *Government Gazette* of the 9th February, 1970;
- (b) *Shire of Boulder By-Laws Relating to Crossing Places* published in the *Government Gazette* of the 9th August, 1972;
- (c) By-Laws made by virtue of resolutions of the Councils of the Municipalities of the Shire of Boulder and the Town of Kalgoorlie adopting *Draft Model By-Laws (Street Lawns and Gardens) Number 11*, notice of which appeared in the *Government Gazette* of the 9th August, 1972, and the 31st October, 1975;

- (d) By-Laws made by virtue of resolutions of the Councils of the Municipalities of the Shire of Boulder and the Town of Kalgoorlie adopting *Draft Model By-Laws (Removal and Disposal of Obstructing Animals or Vehicles) Number 7*, notice of which appeared in the *Government Gazette* of the 6th October, 1970, and the 6th November, 1981;
- (e) By-Laws made by virtue of the resolution of the Council of the Municipality of the Town of Kalgoorlie adopting *Draft Model By-Laws (Control of Hawkers) Number 6*, notice of which appeared in the *Government Gazette* of the 19th June, 1963;

are hereby revoked.

#### **Interpretation**

3. In these By-Laws, unless the context requires otherwise—

“Bicycle” means—

- (a) any 2 or 3 wheeled vehicle that is designed to be propelled solely by human power, or
- (b) a power assisted pedal cycle;

“Carriageway” means the paved or made portion of a street used or intended for use by vehicles;

“Clerk” means Town Clerk of the Council;

“Community Association” means an institution, association, club, society or body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled or permitted to receive any pecuniary profit from the transactions thereof;

“Council” means Kalgoorlie-Boulder City Council;

“Crossover” means a pavement to the specification fixed by the Council for use by vehicles over the unmade portion of a street from the paved or made portion of the street to the common boundary of the street and land abutting thereon;

“Eating area” means an eating area as defined by Section 244AA of the Act.

“Footpath Dual Use” means a path used by, or set aside or intended for use by both pedestrians and bicycles, but not vehicles of any other kind;

“Garden” means any portion of a street planted, developed or treated, otherwise than as a lawn, with any tree, plant or shrub;

“Intersection” means that portion of a street comprised within imaginary straight lines joining the points of transection of the street alignments of two or more streets that meet each other. If the street alignments are curved where the streets meet then the point of transection is the point on the curve nearest to the point at which those street alignments would meet if straight;

“Junction” means that portion of a street comprised within imaginary straight lines at right angles to the street commencing from the points of transection of the street alignments of the street with the street alignments of the land which abuts thereon. If the street alignments are curved at any corner then the point of transection is the point at which those street alignments would meet if straight;

“Kerb” means and includes the kerb or edge of the portion of a street paved or made for use of vehicular traffic where any kerb exists at the edge of the paved or made carriageway whether any footpath has been constructed or not;

“Lawn” means any portion of a street which is planted only with grass and with any tree or shrub planted by the Council;

“Public Place” includes a street, way, park, reserve and place which the public are allowed to use, whether or not it is on private property;

“Reserves” includes park lands, square, reserves and other lands, included in or adjoining a district, and set apart for the use and enjoyment of the inhabitants of the district and includes parks and other lands acquired for public purposes, and vested in or under the care, control, or management of the municipality of the district

“Street” has the meaning given to it by the Act;

“Street Alignment” has the meaning given to it by the Act;

“Trading” means selling or hiring goods other than newspapers or magazines, wares, merchandise or services, or offering same for sale or hire, in a street or other public place and includes displaying goods, wares or merchandise for the purpose of offering them for sale or hire, inviting offers for sale or hire, soliciting orders or carrying out any other transaction therein;

“Vehicle” includes any vehicle (excluding wheelchairs) which comes within the interpretation of that expression in the Road Traffic Act;

“Verge” means that portion of a street other than the carriageway, kerb, crossover or footpath.

4. Nothing in these By-Laws shall be construed to inhibit or preclude employees, contractors or agents of the Council carrying out their normal and lawful duties.

5. In these By-Laws a reference to the Council having the power to do something in its discretion or a reference to the Council forming an opinion prior to the doing of anything or a reference to some action being taken to the satisfaction of the Council shall be deemed to include a reference to any Officer of Council, or Committee to whom the Council has delegated the power or the doing of the thing or the supervision of the action exercising such discretion, or forming such opinion, or being satisfied with the action taken.

#### **Use of and Activities in Streets Generally**

6. Subject to these By-Laws, a person shall not in a street—

- (a) load or unload any goods, wares, merchandise or any other articles for a longer period than is necessary for delivering or removing such articles to or from a property adjoining the street;
- (b) allow any goods, wares merchandise or any other articles including firewood, soil, fertilisers and building materials to remain in the street for a longer period than is necessary to transport such articles to a property adjoining the street;
- (c) use any form of noisy instrument or appliance or for advertising purposes sing, shout or call aloud or in any other way create a nuisance;
- (d) plant a lawn or garden or permit a lawn or garden to grow on or over any footpath or carriageway;
- (e) grow or maintain any tree, shrub or plant which is thorny or which is or may be injurious to health;
- (f) plant any tree, shrub or plant exceeding 0.75 of a metre in height or of a variety likely to exceed that height in any portion of the street situated within 6 metres of a junction or intersection;
- (g) deposit, place or install any thing whatsoever or plant anything other than grass on any portion of the street within 2 metres of the carriageway;
- (h) cause or permit water from a hose, sprinkler or other implement to restrict or interfere with the movement of pedestrians or traffic along a footpath or carriageway;
- (i) damage a lawn or garden or any part thereof, or, if other than the owner or occupier or a person authorised by the owner or occupier of land abutting on part of a street in which a garden is planted, remove any flower, plant or shrub from that garden;
- (j) carry any article so as to cause danger or obstruction to another person using the street;
- (k) light a fire or burn rubbish;
- (l) spit or expectorate on any paved portion of the street;
- (m) lay or participate in any game or sport;
- (n) train or break in a horse.

7. A person shall not leave an animal so as to obstruct any portion of a street except an animal secured in any street wherein animals may be lawfully secured is not obstructing for the purposes of this by-law unless it is secured for any period exceeding 8 hours.

8. Where an animal is left in a street contrary to by-law 7 a person authorised by the Council or a member of the Police Force may remove the animal from the street and place it in a public pound and deal with it according to law.

9. Without the written permission of the Council and subject to any conditions which it may impose thereon, a person shall not—

- (a) construct a crossover in a street;
- (b) provide, erect, install or use in or on any building, structure or land abutting on any street any hoist or other thing for use above the level of such street;
- (c) plant or maintain a lawn or garden or plant a tree in a street except that the owner or occupier of land abutting any portion of a street may plant a lawn in that portion of the street if such lawn does not form part of a garden;
- (d) lay pipes under or provide taps in a street for watering a lawn or garden;
- (e) deposit, place or install in a street any rocks, stones or pebbles, any masonry or concrete blocks, bricks, slabs or kerbing, any wood chips, bark or sawdust, plastic sheeting or any other thing, whether of the same kind as, or, a different kind from those here specified;
- (f) damage or remove or trench through or under any portion of a street including the carriageway, kerb, verge, footpath or crossover.

10. An application for permission for an activity which would otherwise contravene by-law 9 shall be in writing to the Clerk by the owner or occupier of the property which abuts that portion of the street in which the activity is proposed to be undertaken and shall—

- (a) state the name and address of the person seeking the permission;
- (b) state the precise nature of the permission which is sought to be granted;
- (c) state, or show by sketch plan, the precise location in which the permit is sought to be applicable;
- (d) provide any additional information requested by the Council;
- (e) where required by the Council, be accompanied by any relevant fees and charges;
- (f) where the proposed activity relates to damage to property in a street, state the extent to which damage is likely to occur or reinstatement will be required and be accompanied by a deposit set by the Council as a bond against such damage, as authorised by Section 510 of the Act.

11. The Council may in its discretion give or refuse to give any permission or give any permission subject to such conditions as it thinks fit and the applicant for any such permission shall be responsible for the undertaking of the activity and compliance with any condition which may be attached to the permit.

12. A permit may be granted for a specified period or if no period is specified for a period of 12 months from the date of its issue provided that by notice in writing to the permit holder the Council may, in its discretion, revoke a permit whether for breach of any condition imposed or for any other reason whatsoever.

13. Where any portion of a street has been damaged or removed pursuant to a permit of the Council or such permit has been revoked or has expired (whichever is the sooner) such portion of the street which has been damaged or removed shall be repaired or replaced by the permit holder or former permit holder, to the satisfaction of the Council.

14. In the event of the permit holder, or former permit holder, failing within the time specified in the permit of completion of the activities damaging or removing portion of the street or the revocation or expiration of the permit (whichever is the sooner) to effect such repair or replacement as required under by-law 13 the Council may by its employees, contractors or agents effect such repair or replacement and recover the costs thereof from the deposit, and—

- (a) if the costs exceed the deposit the Council may recover the difference from the permit holder, or former permit holder in a Court of competent jurisdiction; or
- (b) if the costs are less than the deposit the difference shall be refunded to the permit holder, or former permit holder.

15. Where any portion of a street has been damaged or removed without permission granted under these By-Laws the Council may by written notice to the person alleged to have caused the damage or removal to repair or replace that portion of the street to the satisfaction of the Council.

16. In the event of the person failing within the time specified in the notice issued under by-law 15 to effect such repair or replacement or immediately make safe the Council may by its employees, contractors or agents effect such repair or replacement or immediately make safe and may recover from that person the costs of such works in a Court of competent jurisdiction.

17. Where any article, plant or other thing whatsoever is deposited or otherwise is placed in a street in contravention of these By-Laws the Council may by notice in writing to the owner or occupier of the property which abuts upon that portion of the street wherein such item is so in place or such other person responsible for such item being so in place require the relevant person to remove the offending article, plant or other thing.

18. In the event of the person failing within the time specified in the notice issued under by-law 17 to remove the offending article, plant or other thing the Council may by its employees, contractors or agents and without being liable in damages take possession of and remove such item to a place appointed by the Council or otherwise dispose of such item and may recover from that person the costs of taking possession, removal or disposal of the item in a Court of competent jurisdiction.

#### **Trading in the Streets**

19. No person shall carry on trading or conducting an eating area in a street or other public place unless that person is acting within the specifications of a current licence issued under these By-Laws and, subject to by-law 24, for which all fees and charges prescribed under by-law 23 have been paid.

20. An application for a licence shall be in writing to the Clerk and shall contain such information as the Council may require.

21. In considering an application for a licence the Council shall have regard for any relevant policy statements of the Council and for the desirability of the proposed trading activity and its proposed location and for the circumstances of the case.

22. The Council may in its discretion grant the issue of a licence or refuse to grant the issue of a licence in which case it shall provide written reasons for refusal to the applicant or grant the issue of a licence subject to such conditions as it thinks fit which may include—

- (a) the place to which the licence applies;
- (b) the days and hours when trading or operating an eating area, may be carried on;
- (c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used for trading, or operating an eating area
- (d) the particulars of the goods or services or transactions in respect of which trading or operating an eating area may be carried on;
- (e) the number of persons and the names of persons permitted to carry on trading or operate an eating area and any requirements concerning personal attendance at the place of trading and the nomination of assistants, nominees or substitutes;
- (f) whether and under what terms the licence is transferable;
- (g) any prohibitions or restrictions concerning the causing of nuisance, the use of signs, the making of noise and the use of amplifiers, sound equipment, sound instruments and lighting apparatus;
- (h) any requirements concerning the display of the licence holder's name and other details of the licence, the care, maintenance and cleansing of the place of trading and eating area and the vacating of the place when trading and eating is not taking place;
- (i) any requirements regarding the acquisition by the licence holder of public risk insurance;
- (j) the period, not exceeding twelve months, for which the licence is valid.

23. The fees and charges as set out in the 1st schedule relating to a licence issued under by-law 22 shall apply to the areas specified in schedule 2.

24. Where trading is carried on by a Community Association for the purposes of the Community Association, fees and charges prescribed under by-law 23, shall not be payable in respect of that trading or the licence under which it is carried on.

25. The Council may at any time revoke a trading and eating area licence.

26. Where a licence is revoked the Council shall, if requested, provide the licence holder with reasons in writing and shall refund that proportion of the licence charges applicable to the period from the date of revocation to the expiration of the licence.

#### Penalties

27. Subject to by-law 28, any person who contravenes or fails to comply with any provision of these By-Laws commits an offence and is liable on conviction to a penalty not exceeding \$500 for each offence.

28. Any person who contravenes or fails to comply with the provisions of by-laws 20 and 23 of these By-Laws relating to trading without a licence or trading contrary to the conditions of a licence issued by the Council commits an offence and is liable on conviction to a penalty of not less than \$100 and not exceeding \$1000 for each offence, or six months imprisonment.

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#### The First Schedule

##### General Trading

Licence Fee (to be paid at the time of submitting the application)—\$50

Renewal Fee—\$50

Additional Charge

Charges shall be assessed in accordance with the zones defined in Schedule two and the table below.

Primary zone—

Per day—\$8; Per week—\$30; Per month—\$100; Per annum—\$1 000.

Rest of Municipality—

Per day—\$4; Per week—\$15; Per month—\$50; Per annum—\$500.

Outdoor Dining Fees

Licence Fee (to be paid at the time of submitting the application)—\$150

Renewal Fee—\$75

Additional Charge

Charges shall be assessed in accordance with the zones defined in Schedule two and the table below—

Primary Zone

Charge per table—\$75 per annum

Rest of Municipality

Charge per table—\$50 per annum

The Second Schedule

Primary Zone

Hannan Street from its intersection with Throssell Street to its intersection with Outridge Terrace, encompassing all areas between the carriageway and the property line, and including Reserve Number 41649 commonly known as St Barbara Square.

Maritana Street from its intersection with Piccadilly Street to and including Boulder Road, Federal Road and Lane Street to its intersection with Forest Street, Boulder, encompassing all areas between the carriageway and the property line.

Burt Street from its intersection with Lionel Street to its intersection with Hamilton Street, encompassing all areas between the carriageway and the property line.

Rest of Municipality

The rest of the Municipality includes all the areas and Reserves within the area covered by the Kalgoorlie and Boulder Joint Town Planning Scheme, as amended from time to time. With the exception of those areas contained within the Primary Zone as defined in this Schedule.

Dated 4th November 1992.

The Common Seal of the City of Kalgoorlie-Boulder was hereunto affixed by authority of a resolution of the Council in the presence of—

R. S. YURYEVICH, Mayor.  
L. P. STRUGNELL, Town Clerk.

Recommended—

DAVID SMITH, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 10th day of December 1992.

D. G. BLIGHT, Clerk of the Council.

**LG313**

**LOCAL GOVERNMENT ACT 1960**

SHIRE OF CAPEL (TEMPORARY CLOSURE OF STREET) ORDER No. 1, 1992

Made by His Excellency the Governor under the provisions of section 334 of the *Local Government Act 1960*.

**Citation**

1. This Order may be cited as the *Shire of Capel (Temporary Closure of Street) Order No. 1, 1992*.

**Temporary Closure of Street**

2. The portion of Collins Road, Boyanup, as described in the Schedule to this Order, is hereby closed until 1 September 1996.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

## Schedule

All that portion of Collins Road, Shire of Capel extending easterly from the prolongation southerly of the western boundary of Boyanup Agricultural Area Lot 24 to the prolongation southerly of the western side of Twomey Road.

Department of Land Administration Public Plan: Burekup 1:25 000 S.W.

LG314

**CEMETERIES ACT 1986**

*Shire of Lake Grace*

By-laws relating to Lake Grace, Newdegate and Lake King Public Cemeteries

In the pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 26th day of June 1991, to make and submit for confirmation by the Governor the following amendments to the By-laws published in the *Government Gazette* on the 27/11/59, and amended on the 2/2/73, 14/10/83 and 20/4/90.

(1) Insert after By-law 28 the following By-laws:

28A Monuments to be erected in the cemeteries must be of stone or concrete and must conform with the following specifications—

- (1) Overall height of base and headstone above original surface of grave to be not more than 1.50 metres.
- (2) Height of base above original surface of grave to be not less than 150 mm nor more than 450 mm.
- (3) Length of the base to be not more than 1.2 metres.
- (4) Width of the base to be not more than 300 mm.

28B A memorial plaque of stainless steel, natural stone or bronze may be attached to a headstone in the cemetery in conformity with the provisions of By-laws 28A and which is not more than 380 mm in length and 280 mm in width.

28C The number of each grave shall be indelibly and legibly inscribed on the base of all monuments erected upon it.

28D Trade names or makes may be displayed on any monumental works with the permission of the board.

28E No portion of a headstone shall protrude outside the area of the perimeter of the base.

(2) Insert after By-law 29 the following By-law:

29A No person shall erect wooden fences, railings, crosses or other wooden erections on any grave within the cemetery.

The Common Seal of the Municipality of the Shire of Lake Grace affixed hereto in the presence of—

S. J. BRANDENBURG, President.  
J. K. McENCROE, Shire Clerk.

Recommended—

DAVID SMITH, Minister for Local Government.

Confirmed by His Excellency the Governor in Executive Council this 10th day of December 1992.

D. G. BLIGHT, Clerk of the Council.

LG315

**CEMETERIES ACT 1986***Shire of Lake Grace*

By-laws relating to Lake Grace, Newdegate and Lake King Public Cemeteries

In the pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 28th May 1992, to make and submit for confirmation by the Governor the following amendments to the By-laws published in the *Government Gazette* on 27/11/1959 and amended on 2/2/73, 14/10/83 and 20/4/90.

Insert in the schedule title after the word "King" and before the word "Public" the words "and Varley".

The Common Seal of the Municipality of the Shire of Lake Grace affixed hereto in the presence of—

S. J. BRANDENBURG, President.

J. K. McENCROE, Shire Clerk.

Recommended—

DAVID SMITH, Minister for Local Government.

Confirmed by His Excellency the Governor in Executive Council this 10th day of December 1992.

D. G. BLIGHT, Clerk of the Council.

LG316

**CEMETERIES ACT 1986**

## Geraldton Public Cemetery By-laws

In pursuance of the powers conferred upon it by the abovementioned Act, and of every other power enabling it the Geraldton Public Cemetery Board hereby records having resolved on the 12th day of August 1992 to make and submit for confirmation by the Governor the following amendment to the By-laws published in the *Government Gazette* of 23rd October 1969 and amended in the *Government Gazettes* of 24th February, 1970, 19th August 1971, 22nd March 1974, 11th October 1974, 31st October 1975, 25th June 1976, 1st July 1977, 2nd February 1979, 13th September 1985 and 20th April 1990.

1. By-law 20 is deleted and the following substituted—

" 20 (1) A person shall not open a coffin in a Cemetery unless—

- (a) the coffin is opened for the purposes of the exhumation of a dead body;
- (b) that person has produced to the Board an order signed by the Commissioner of Police and the Board has approved the opening of that coffin; or
- (c) The Board has approved the opening of the coffin by that person as part of a religious ceremony.

(2) In this By-law "Commissioner of Police" means the Commissioner of Police for the time being appointed under the Police Act 1892 and includes any person for the time being acting in that capacity in the absence of the Commissioner of Police. "

2. By-law 20A is inserted immediately after by-law 20—

" 20A. No adornment shall be recovered from any burial casket after it has entered the Cemetery except with the approval and in the presence of the next of kin. "

Dated this second day of November 1992.

MAXWELL A. CORREY, Chairperson.

DAVID R. MOUSTAKA, Secretary.

Recommended—

DAVID SMITH, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 10th day of December 1992.

D. G. BLIGHT, Clerk of the Council.

LG401

**LOCAL GOVERNMENT ACT 1960**  
*Shire of Coolgardie*  
RATING EXEMPTION

Department of Local Government,  
Perth, 10 December 1992.

LG: CG 5-6

It is hereby notified for public information that His Excellency the Governor acting pursuant to subsection 10 of section 532 of the Local Government Act 1960, has declared exempt from municipal rates the land described as Lot 2050 Bayley Street, Coolgardie.

JOHN LYNCH, Executive Director.

LG402

**LOCAL GOVERNMENT ACT 1960**  
*Shire of Morawa*  
RATING EXEMPTION

Department of Local Government,  
Perth, 10 December 1992.

LG: MO 5-1

It is hereby notified for public information that His Excellency the Governor acting pursuant to subsection 10 of section 532 of the Local Government Act 1960, has declared exempt from municipal rates, Lot 213 Valentine Street, Morawa, which is owned by the Morawa Neighbourhood Learning Centre.

JOHN LYNCH, Executive Director.

LG403

**LOCAL GOVERNMENT ACT 1960**  
*Cities of Fremantle and Cockburn*  
COMMUNITY TRANSPORT SERVICE

Department of Local Government,  
Perth, 10 December 1992.

LG: F 3-1

It is hereby notified for public information that His Excellency the Governor has approved, under the provisions of section 512 (b) of the Local Government Act 1960, of the Cities of Fremantle and Cockburn establishing and carrying on a community transport service within their districts.

JOHN LYNCH, Executive Director.

**MAIN ROADS**

MA101

*CORRIGENDUM*  
**PUBLIC WORKS ACT 1902**  
LAND RESUMPTION

File No. 42-52-I

An error has been noted in the notice published in the *Government Gazette* of December 8 1992, on page 5941, under the heading "Area (Approx)".

The error should be corrected as follows—

Under the heading "Area (Approx)" delete "1.135 ha" and insert " 11.135 ha".

Dated this 11th day of December 1992.

D. R. WARNER, Director Corporate Services.

**PLANNING AND URBAN DEVELOPMENT****PD401****TOWN PLANNING AND DEVELOPMENT ACT 1928  
SCHEME AMENDMENT AVAILABLE FOR INSPECTION***City of Cockburn*

District Zoning Scheme No. 2—Amendment No. 62

Ref: 853-2-23-19, Pt. 62.

Notice is hereby given that the City of Cockburn has prepared the abovementioned scheme amendment for the purpose of excising Reserve 29383 on the corner of Prinsep and Cutler Roads, Jandakot from the "Parks and Recreation" (Local Reserve) and including it in the "General Industry" zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 9 Coleville Crescent, Spearwood and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 26 January 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 26 January 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

A. J. ARMAREGO, Town Clerk.

**PD402****TOWN PLANNING AND DEVELOPMENT ACT 1928  
SCHEME AMENDMENT AVAILABLE FOR INSPECTION***City of Cockburn*

District Zoning Scheme No. 2—Amendment No. 6

Ref: 853-2-23-19, Pt. 6.

Notice is hereby given that the City of Cockburn has prepared the abovementioned scheme amendment for the purpose of rezoning CSL 10 Lot 2 number 43 Stratton Street, Hamilton Hill from "Residential R15" to "Residential R20".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 9 Coleville Crescent, Spearwood and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 26 January 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 26 January 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

R. W. BROWN, Town Clerk.

**PD403****TOWN PLANNING AND DEVELOPMENT ACT 1928  
SCHEME AMENDMENT AVAILABLE FOR INSPECTION***City of Mandurah*

District Zoning Scheme No. 1A—Amendment No. 183

Ref: 853-6-13-9, Pt. 183.

Notice is hereby given that the City of Mandurah has prepared the abovementioned scheme amendment for the purpose of—

- (a) Rezoning and reserving portion of Cockburn Sound Location 16 depicted on Plan 2413 Volume 1682 Folio 35 and bounded by Wanjeep Road, Mandurah By-pass Road, the "Dudley Park" residential estate to the east and the Mandurah Estuary from "Rural" to "Canal Zone", "Residential 2 (R20)" and "Conservation and Foreshore Reserve" as shown on the amending plan.
- (b) Modifying the Scheme Maps and legend to reflect the zoning and reservation changes detailed in (a) above.

- (c) Adding a new Schedule of development conditions and permitted uses titled "Canal Zone Area 3: Harbour City" to Appendix 10 of the existing Scheme.
- (d) Incorporating provisions in Appendix 10 for the creation of a Management Entity which will manage and maintain the artificial waterways and other aspects of the development under the guidance of the Council along with environmental commitments and conditions agreed to by the Hon Minister for the Environment.
- (e) Amendment Clause 2.5—Classification into Reserves to create the "Conservation and Foreshore Reserve."

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mandurah Terrace, Mandurah and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 26 January 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 26 January 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

K. W. DONOHOE, Town Clerk.

**PD404**

**TOWN PLANNING AND DEVELOPMENT ACT 1928  
SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*City of Wanneroo*

Town Planning Scheme No. 1—Amendment No. 605

Ref: 853-2-30-1, Pt. 605.

Notice is hereby given that the City of Wanneroo has prepared the abovementioned scheme amendment for the purpose of rezoning a portion of Swan Location 2579 corner Wanneroo Road and Clarkson Avenue, Neerabup from "Rural" to "Public Use Reserve SECWA".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Administration Centre, Boas Avenue, Joondalup and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 26 January 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 26 January 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

R. F. COFFEY, Town Clerk.

**PD405**

**TOWN PLANNING AND DEVELOPMENT ACT 1928  
SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*Shire of Augusta-Margaret River*

Town Planning Scheme No. 11—Amendment No. 59

Ref: 853-6-3-8, Pt. 59.

Notice is hereby given that the Shire of Augusta-Margaret River has prepared the abovementioned scheme amendment for the purpose of—

1. Amending the Use/Class Table to refer to "Extractive Industry" as an "AA" use within the Rural Zone.
2. Amending the Scheme to replace references to the Residential Planning Codes: Country Towns (as gazetted in 1982) with references to the 1991 revised codes.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Town View Terrace, Margaret River and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 26 January 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 26 January 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

A. G. BROWN, Acting Shire Clerk.

PD406

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*Shire of Busselton*

Town Planning Scheme No. 5—Amendment No. 236

Ref: 853-6-6-6, Pt. 236.

Notice is hereby given that the Shire of Busselton has prepared the abovementioned scheme amendment for the purpose of—

1. Rezoning portions of Pt Lot 161 and portion of Pt Lot 163, both being within portion of Sussex Location 5, from "General Farming" and partly located within a "Landscape Value Area" and partly within a "Residential Development Area" to "School" and "Additional Use";
2. Modifying Appendix IV of the Scheme text.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Southern Drive, Busselton and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 12 January 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 12 January 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

I. W. STUBBS, Shire Clerk.

PD407

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*Shire of Dardanup*

Town Planning Scheme No. 3—Amendment No. 47

Ref: 853-6-9-6, Pt. 47.

Notice is hereby given that the Shire of Dardanup has prepared the abovementioned scheme amendment for the purpose of rezoning Leschenault Location 19 Eaton from "General Farming" to "Residential", "Residential Development Area" and "Recreation".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Little Street, Dardanup and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 26 January 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 26 January 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

C. J. SPRAGG, Shire Clerk.

PD408

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**SCHEME AMENDMENT AVAILABLE FOR INSPECTION**

*Shire of Shark Bay*

Town Planning Scheme No. 2—Amendment No. 35

Ref: 853/10/5/3, Pt. 35.

Notice is hereby given that the Shire of Shark Bay has prepared the abovementioned scheme amendment for the purpose of rezoning portion of North Location 59, Mainland Street, Denham, from Special Use Zone (Tourist Accommodation) to Residential Zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Hughes Street, Denham and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 26 January 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 26 January 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

M. G. OLIVER, Shire Clerk.

## PD501

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**

*Shire of Esperance*

Town Planning Scheme No. 22—Amendment No. 5

Ref: 853-11-6-21, Pt. 5.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Esperance Town Planning Scheme Amendments on 8 December 1992 for the purpose of amending the Scheme map to alter the zoning of loc 67 from "Special Residential R5" to "Additional Use" and including the following in Appendix 5—

Location	Base Zone	Additional Use	Development Standards/ Conditions
Loc 67, Thompson Street	Special Residential R5	Place of Public Assembly	(i) AA use (ii) All waste water generated by the development of the site is to be disposed of to the satisfaction of the Health Department of WA and WAWA.

D. A. PATERSON, President.  
M. T. DUCKETT, Acting Shire Clerk.

## PD502

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**

*Shire of Roebourne*

Town Planning Scheme No. 6—Amendment No. 21

Ref: 853-8-5-4, Pt. 21.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Shire of Roebourne Town Planning Scheme Amendment on 8 December 1992 for the purpose of—

1. Modifying Schedule 2—"Designated Uses of Special Use Zone Sites" to include "Medical Centre" as an additional designated use on Lot 2609 Sharpe Avenue, Karratha.
2. Amending the Scheme Map accordingly.

B. HYLAND, President.  
F. GOW, Shire Clerk.

## PD503

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
**APPROVED TOWN PLANNING SCHEME AMENDMENTS**

*Town of Narrogin*

District Planning Scheme No. 1A—Amendment Nos. 27 and 28

Ref: 853-4-2-9, Pts. 27 and 28.

It is hereby notified for public information, in accordance with section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the Town of Narrogin District Planning Scheme Amendments on 8 December 1992 for the purpose of—

Amendment No. 27

1. adding the designated zone "Special" to Narrogin Town Lot 1548 Reserve 25301, Great Southern Highway; and

2. amending the Special Use Table by the addition of a new special listing classification as follows—

Code No.	Particulars of Land (As shown on Scheme Map)	Base Zone Area	Special Use	Conditions
15	Narrogin Town Lot 1548 Reserve 25301	Recreation	Aboriginal Arts/Crafts	No extension of use without special approval of the Council. Compliance with the Development Standards of Community zone

Amendment No. 28  
amending the Special Zone Table to read as follows—

Code No.	Particulars of Land (As shown on Scheme Map)	Base Zone Area	Special Use	Conditions
6	Lot 30 Cnr Egerton, Earl and Smith Streets	Shops Zone and Town Centre Area	Petrol Filling Station	None

J. W. PARRY, Mayor.  
P. J. WALKER, Town Clerk.

## POLICE

### PE401

#### POLICE AUCTION

The following items of property will be offered for sale by public auction on behalf of the Commissioner of Police at the Broome Auction Centre, Clementson Street, Broome on Saturday, 12 December 1992 at 9.00 am.

- 2 x Cane chairs
- 1 x Bank of Scotland ten pound bank note
- 5 x Gents bikes of assorted makes and sizes
- 3 x Ladies bikes of assorted makes and sizes
- 1 x Y/M (gold) ladies dress ring amethyst and diamond setting
- 1 x Sharp portable stereo system assorted CD's audio equipment and carry cases.

Inspection of the abovementioned property can be made at the Broome Auction Centre lot 2096 Clementson Street, Broome.

### PE402

#### POLICE AUCTION

Under the provisions of the Police Act, Unclaimed and Stolen Property will be sold by Public Auction at the premises of Ronald Scott, trading as Snowball Auctions, Auctioneer, of 89 Frederick Street, Albany, at approximately 9.15 am on Friday March 26th, 1993.

Auction will be conducted by Ronald Scott, Auctioneer.

B. BULL, Commissioner of Police.

**PREMIER AND CABINET****PR401****MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that His Excellency the Governor has—

- (a) cancelled the previous arrangement, as published, appointing the Hon G. L. Hill, MLA to act as Minister for State Development; Goldfields; Mid-West for the period 29 December 1992-10 January 1993 inclusive;

and

- (b) approved the appointment of the Hon G. L. Hill, MLA to act as Minister for Health; State Development; Goldfields during the absence of the Hon I. F. Taylor MLA for the period 29 December 1992-10 January 1993 inclusive.

M. C. WAUCHOPE, Acting Chief Executive,  
Department of the Premier.

**PR402****MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that His Excellency the Governor approved the following temporary allocation of portfolios during the absence of the Hon E. S. Ripper, MLA for the period Tuesday, 8 December-Friday, 18 December 1992 inclusive—

Acting Minister for the Family; Community Development; Youth Justice; Disability Services; Hon P. A. Beggs, MLA

M. C. WAUCHOPE, Acting Chief Executive,  
Department of the Premier.

**PUBLIC NOTICE****ZZ401****NOTICE TO THE PUBLIC**

Manjimup Classique Jewellers

(Previously Manjimup Jewellery and Gifts)

Please be advised that with effect from 30 November 1992 Cynthia Mary Jenkins and Brian Paul Jenkins have withdrawn from the abovenamed business.

CYNTHIA JENKINS,  
PO Box 492, Manjimup 6258.

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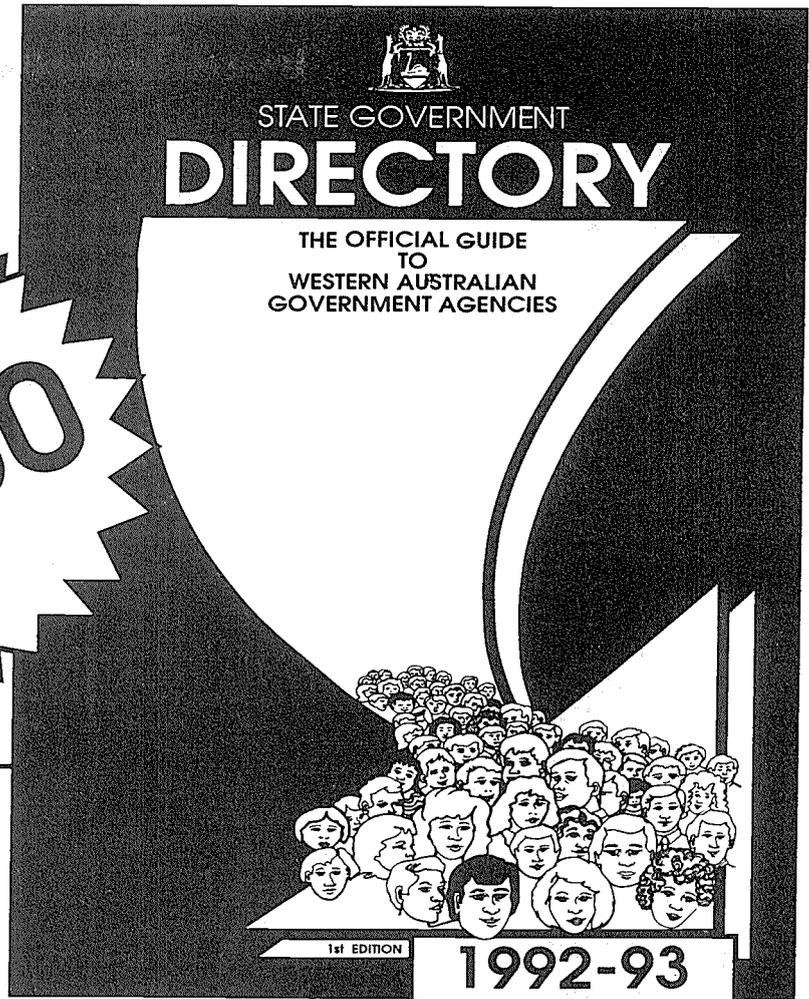
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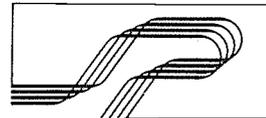
Departments and agencies do not operate behind closed doors. These organisations are making every effort to be increasingly responsive to the needs of customers and citizens.

This publication consolidates valuable information about agencies of the Western Australian Government. Simple contact details are accompanied by concise descriptions of the role of agencies and the legislation they administer. Future editions will be improved and expanded taking into account the needs of users.

This directory will have many uses and individuals and organisations should find this volume most helpful.

Carmen Lawrence  
PREMIER.

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These Statutes are in the process of being reprinted and will be available during this year.

Government Employees Superannuation Act 1987 (available — \$8.10)  
Beekeepers Act 1963 (available — \$2.30)  
Perth Market Act 1926 (available — \$2.30)  
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Prisons Act 1981 (available \$8.10)  
Petroleum Act 1967  
Betting Control Act 1954 (available \$4.40)  
Parliamentary Commissioner Act 1971 (available \$3.50)  
Declarations and Attestations Act 1913 (available \$1.80)  
Pay-roll Tax Act 1971 (available \$2.30)  
Interpretation Act 1984  
Spent Convictions Act 1988  
Financial Institutions Duty Act 1983  
Metropolitan Region Town Planning Scheme Act 1959

### Regulations Reprinted in 1992

These Regulations are in the process of being reprinted and will be available during the year.

Betting Control Regulations 1978 (available \$3.00)  
Bunbury Port Authority Regulations 1962 (available \$7.00)  
Health (Meat Inspection and Branding) Regulations 1950 (available \$3.00)  
Wildlife Conservation Regulations 1970 (available \$3.50)  
Workers Compensation and Rehabilitation Regulations 1982 (available \$3.00)  
Workers Compensation Board Rules 1982 (available \$3.50)  
Real Estate and Business Agents Regulations 1979 (available \$1.80)  
Poisons Regulations 1965  
Totalisator Agency Board Rules 1961  
Valuation of Land Regulations 1979  
Totalisator Agency Board (Betting) Regulations 1988  
Land Regulations 1968

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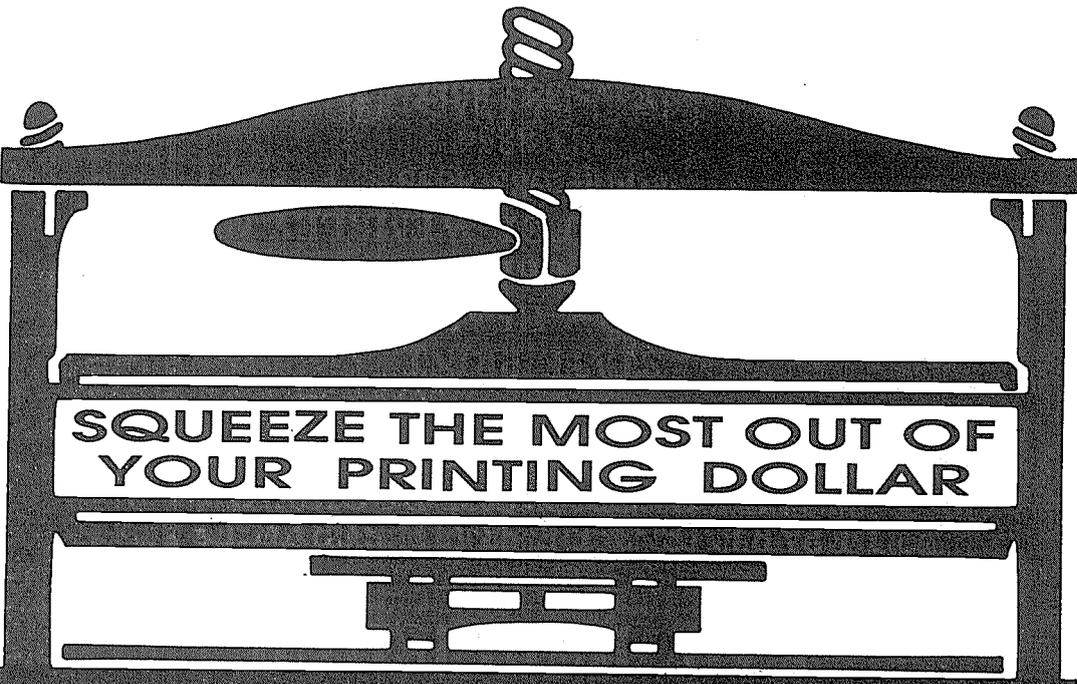
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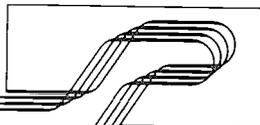
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