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G. L. DUFFIELD, Director.

PROCLAMATIONS

AA101

TRANSFER OF LAND ACT 1893
TRANSFER OF LAND (REVESTMENT)
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 Distinguished Order of Saint Michael and Saint George, Queen's Counsel, Governor of the State of Western Australia.
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DOLA File: 5735/950V11.

Under Section 243 of the Transfer of Land Act 1893, I, the Governor acting with the advice and consent of the Executive Council, do hereby revest in Her Majesty as of her former estate, the land described in the Schedules to this Proclamation.

Given under my hand and the Seal of the State on 14 September 1993.

By His Excellency's Command,

GEORGE CASH, Minister for Lands.

GOD SAVE THE QUEEN !

AA102

TRANSFER OF LAND ACT 1893
TRANSFER OF LAND (REVESTMENT)
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 Distinguished Order of Saint Michael and Saint George, Queen's Counsel, Governor of the State of Western Australia.
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DOLA File: 1169/963V2.

Under Section 243 of the Transfer of Land Act 1893, I, the Governor acting with the advice and consent of the Executive Council, do hereby revest in Her Majesty as of her former estate, the land the land described as Nelson Location 3773 and being the whole of the land comprised in Certificate of Title Volume 1738 Folio 334. (now Location 13449)

Given under my hand and the Seal of the State on 14 September 1993.

By His Excellency's Command,

GEORGE CASH, Minister for Lands.

GOD SAVE THE QUEEN !

AA103

TRANSFER OF LAND ACT 1893
TRANSFER OF LAND (REVESTMENT)
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 Distinguished Order of Saint Michael and Saint George, Queen's Counsel, Governor of the State of Western Australia.
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DOLA File: 1518/991.

Under Section 243 of the Transfer of Land Act 1893, I, the Governor acting with the advice and consent of the Executive Council, do hereby revest in Her Majesty as of her former estate, the land described as portion of Swan Location 1115 coloured brown and marked pedestrian Accessway containing an area of 220 square metres on Plan 7958(3) and being part of the land comprised in Certificate of Title Volume 1957 Folio 262.

Given under my hand and the Seal of the State on 14 September 1993.

By His Excellency's Command,

GEORGE CASH, Minister for Lands.

GOD SAVE THE QUEEN !

AA104

TRANSFER OF LAND ACT 1893
TRANSFER OF LAND (REVESTMENT)
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.

DOLA File: 65/936.

Under Section 243 of the Transfer of Land Act 1893, I, the Governor acting with the advice and consent of the Executive Council, do hereby revest in Her Majesty as of her former estate, the land described as Wyndham Lot 16 on Certificate of Title Volume 1070 Folio 381. (now Lot 1759)

Given under my hand and the Seal of the State on 14 September 1993.

By His Excellency's Command,

GEORGE CASH, Minister for Lands.

GOD SAVE THE QUEEN !

AGRICULTURE

AG301

SOIL AND LAND CONSERVATION ACT 1945

SOIL AND LAND CONSERVATION (PINGELLY LAND CONSERVATION DISTRICT)
AMENDMENT ORDER 1993

Made by His Excellency the Governor in Executive Council under section 23 (2d) of the *Soil and Land Conservation Act 1945* and on the recommendation of the Minister for Primary Industry.

Citation

1. This order may be cited as the *Soil and Land Conservation (Pingelly Land Conservation District) Amendment Order 1993*.

Principal Order

2. In this order the *Soil and Land Conservation (Pingelly Land Conservation District) Order 1990** is referred to as the principal order.

[*Published in the Gazette on 22 June 1990 at pp 3028-29.]

Clause 5 amended

3. Clause 4 of the principal order is amended in subclause (1)—

(a) by deleting "12" and substituting the following—

" 17 "; and

(b) by deleting "for Soil" and substituting the following—

" of Soil and Land "; and

(c) in paragraph (d) by deleting "7" and substituting the following—

" 12 "

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

AG302

ABATTOIRS ACT 1909

ABATTOIRS AMENDMENT REGULATIONS 1993

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Abattoirs Amendment Regulations 1993*.

Appendix C amended

2. The Schedule to the *Abattoirs Regulations 1980** is amended in Appendix C by deleting "0.23" and substituting the following —

" 0.25 ".

[* *Published in Gazette of 20 June 1980 at pp. 1851-8.*
For amendments to 27 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 2.]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

AG303

DRIED FRUITS ACT 1947**DRIED FRUITS AMENDMENT REGULATIONS 1993**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Dried Fruits Amendment Regulations 1993*.

Principal regulations

2. In these regulations the *Dried Fruits Regulations 1956** are referred to as the principal regulations.

[* *Reprinted in the Gazette of 27 January 1982 at pp. 269-87.*
For amendments to 31 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 60.]

Regulation 15 amended

3. Regulation 15 of the principal regulations is amended —

(a) in subregulation (1) by deleting "\$10" and substituting the following —

" \$50 "; and

(b) in subregulation (2) by deleting "\$10" and substituting the following —

" \$50 ".

Regulation 16 amended

4. Regulation 16 (2) of the principal regulations is amended by deleting "\$10" and substituting the following —

" \$200 ".

Regulation 17 amended

5. Regulation 17 (1) of the principal regulations is amended by deleting "\$5" and substituting the following —

" \$200 ".

Regulation 18 amended

6. Regulation 18 (1) of the principal regulations is amended by deleting "\$10" and substituting the following —

" \$200 ".

Regulation 19A amended

7. Regulation 19A of the principal regulations is amended by deleting "\$16" and substituting the following —

" \$32 ".

Second Schedule amended

8. The Second Schedule to the principal regulations is amended —

(a) in Form 6 by deleting "the registration fee of \$2." and substituting the following —

" the prescribed registration fee. ";

(b) in Form 8 by deleting "the renewal fee of \$2." and substituting the following —

" the prescribed renewal fee. "; and

(c) in Form 10 by deleting "the transfer fee of fifty cents." and substituting the following —

" the prescribed transfer fee. ".

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

AG304

PLANT DISEASES ACT 1914**PLANT DISEASES AMENDMENT REGULATIONS (NO. 5) 1993**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Plant Diseases Amendment Regulations (No. 5) 1993*.

Principal regulations

2. In these regulations the *Plant Diseases Regulations 1989** are referred to as the principal regulations.

[* *Published in Gazette of 30 June 1989 at pp.1980-1993.*
For amendments to 4 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 202 and Gazettes of 5 March, 4 June and 2 July 1993.]

Regulation 4 amended

3. Regulation 4 of the principal regulations is amended in subregulation (2) by deleting "A" and substituting the following —

" Subject to regulation 4A a ".

Regulation 4A inserted

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

“

Potential carriers — entry for experimental purposes

4A. Notwithstanding regulation 4 the Director General may approve the entry into the State of otherwise prohibited or restricted potential carriers for experimental purposes.

”

Regulation 17 amended

5. Regulation 17 of the principal regulations is amended in subregulation (1) by deleting “19” and substituting the following —

“ 21 ”.

Regulation 19DA inserted

6. Part 4 Division 3 of the principal regulations is amended by inserting after regulation 19D the following regulation —

“

Control of apple tissue culture

19DA. (1) In this regulation and in Schedule 1 —

“apple tissue culture” means pieces of tissue from apple plants growing in nutritive fluids.

(2) Immediately following arrival in the State, the containers of apple tissue culture shall be examined by a plant pathologist who shall ensure that the apple tissue culture is free from —

- (a) apple scab;
- (b) contaminant micro-organisms; and
- (c) discolouration or necrotic tissue.

(3) If apple scab is detected in a container the plant pathologist shall destroy the entire consignment.

(4) If any contamination, discolouration or necrotic tissue is discovered in a container that container shall be destroyed.

(5) Where no contamination is detected and there are no symptoms of disease the apple tissue culture may be moved, under quarantine, to an approved propagation house for deflasking, weaning and continued growth.

(6) The plantlets must be kept in the approved propagation house in humid conditions (95% humidity or more) for the first 10 days and inspected by a plant pathologist —

- (a) between 0 and 10 days; and
- (b) between 20 and 30 days,

after removal from the container.

(7) If following inspection under subregulation (6) (a) and (b) the plantlets are free of apple scab the consignment may be released from quarantine.

(8) If following inspection under subregulation (6) (a) and (b) apple scab is detected the plant pathologist shall destroy the entire consignment.

(9) The costs of inspection and testing under this regulation shall be the responsibility of the importer.

(10) For the purposes of subregulation (5) the Director General will approve a propagation house where he or she is satisfied that —

- (a) the premises have the facilities to —
 - (i) keep the imported material separate from other apple material; and
 - (ii) ensure limited access to other than nominated staff;and
- (b) the staff will —
 - (i) undertake not to apply any fungicide with activity against apple scab; and
 - (ii) keep records of names and addresses of the purchasers of imported material.

Schedule 1 amended

7. Schedule 1 to the principal regulations is amended —

- (a) in Part A by inserting, in columns 1 and 2 respectively, after the item commencing "Apple" the following item —

" Apple tissue culture. . . 49 ";

- (b) in Part B —

- (i) by deleting clause 27 and substituting the following clause —

"

27. Citrus, Fortunella and Poncirus plants, cuttings and budwood — Citrus Leaf Miner (*phyllocnistis citrella*) and Citrus Tristeza — Orange Stem Pitting Strain

(1) Subject to subclause (2) Citrus, Fortunella and Poncirus plants, cuttings and budwood may be imported from other States and Territories —

- (a) into that portion of the State north of 21°S latitude, without citrus leaf miner certification; and

- (b) into that portion of the State south of 21°S latitude if —

- (i) certified as grown in an area free from citrus leaf miner and a label is affixed bearing the address of the place where the plants were grown; or

- (ii) the budwood and cuttings are free from leaves.

(2) In addition to the conditions specified in subclause (1), Citrus, Fortunella and Poncirus plants, cuttings and budwood must be certified as being from a State or Territory where the Orange Stem Pitting Strain of the Citrus Tristeza virus has not been recorded.

”;

- (ii) in paragraph (b) of clauses 39 and 39A by deleting “one per cent” wherever it occurs and substituting in each place the following —

“ 0.1% ”;

and

- (iii) by inserting after clause 48. the following clause —

“

49. Apple tissue culture — Apple scab (*Venturia inaequalis*)

Entry into Western Australia of apple tissue culture is permitted where the exporting State or Territory complies with the following conditions.

(1) The tissue culture laboratory must be approved.

(2) The mother plants must be free from apple scab.

(3) The apple tissue culture must be packed in transparent sealed sterile containers.

(4) The growth media must be free from antibiotics and fungicides.

(5) Prior to dispatch to Western Australia the apple tissue culture must be kept for 6 weeks at 20°C.

(6) The apple tissue culture must be inspected by an appropriate officer from the Department of Agriculture of the exporting State or Territory prior to dispatch and certified free from —

(a) apple scab;

(b) contaminant micro-organisms; and

(c) discolouration or necrotic tissue.

Following entry into Western Australia apple tissue culture must be dealt with in accordance with regulation 19DA.

”.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

AG305

AERIAL SPRAYING CONTROL ACT 1966

AERIAL SPRAYING CONTROL AMENDMENT REGULATIONS 1993

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Aerial Spraying Control Amendment Regulations 1993*.

Regulation 4 amended

2. Regulation 4 of the *Aerial Spraying Control Regulations** is amended in subregulation (3) (b) by deleting "\$8.00" and substituting the following —

" \$8.50 "

[* Published in the Gazette of 11 October 1983 at pp.4137-46.
For amendments to 19 August 1993 see 1992 Index to Legislation
of Western Australia, Table 4, pp. 6-7.]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

AG306

ARTIFICIAL BREEDING OF STOCK ACT 1965

ARTIFICIAL BREEDING OF STOCK AMENDMENT
REGULATIONS 1993

Made by His Excellency the Governor in Executive Council.

PART 1 — PRELIMINARY**Citation**

1. These regulations may be cited as the *Artificial Breeding of Stock Amendment Regulations 1993*.

PART 2 — ARTIFICIAL BREEDING (CATTLE) REGULATIONS 1978**Regulation 5 amended**

2. Regulation 5 of the *Artificial Breeding (Cattle) Regulations 1978** is amended by deleting subregulation (2) and substituting the following subregulation —

"

(2) The following fees are payable in respect of the matters listed below —

- | | | |
|-----|--|----------|
| (a) | for the issue or renewal of a licence for the collection and processing of semen for general sale or use | \$209.00 |
| (b) | for the issue or renewal of a licence for storage and sale of semen | \$118.00 |
| (c) | for the issue or renewal of a licence for the transplanting of ova and processes of production, handling, fertilization, implantation and storage of ova for general sale or use | \$209.00 |

- (d) for the transfer or variation of a licence \$39.00
- (e) for an application for a certificate of competency —
 - (i) in respect of the class of herdsman —
inseminator \$25.00
 - (ii) in respect of any other class \$117.00

[* *Published in the Gazette of 26 January 1979 at pp. 240-258.*
For amendments to 19 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 18.]

PART 3 — ARTIFICIAL BREEDING (GOATS) REGULATIONS 1986

Schedule 2 amended

3. Schedule 2 to the *Artificial Breeding (Goats) Regulations 1986** is amended —
- (a) in item 1 by deleting “204” and substituting the following —
“ 209 ”;
 - (b) in item 2 by deleting “38.00” and substituting the following —
“ 39.00 ”; and
 - (c) in item 3 —
 - (i) in paragraph (a) by deleting “\$24.00” and substituting the following —
“ \$25.00 ”; and
 - (ii) in paragraph (b) by deleting “\$115.00” and substituting the following —
“ \$117.00 ”.

[* *Published in the Gazette of 14 March 1986 at pp. 755-56.*
For amendments to 19 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 18.]

PART 4 — ARTIFICIAL BREEDING (HORSES) REGULATIONS 1982

Schedule 1 amended

4. Schedule 1 to the *Artificial Breeding (Horses) Regulations 1982** is amended by deleting “204”, “38” and “115” and substituting the following respectively —
“ 209 ”, “ 39 ” and “ 117 ”.

[* *Published in the Gazette of 10 September 1982 at pp. 3669-3673.*
For amendments to 19 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 18.]

PART 5 — ARTIFICIAL BREEDING (PIG) REGULATIONS 1984

Regulation 4 amended

5. Regulation 4 of the *Artificial Breeding (Pig) Regulations 1984** is amended —
- (a) in paragraph (a) by deleting “204” and substituting the following —
“ 209 ”;
 - (b) in paragraph (b) by deleting “38.00” and substituting the following —
“ 39.00 ”; and

- (c) in paragraph (c) —
 - (i) in subparagraph (i) by deleting "\$24.00" and substituting the following —
" 25.00 "; and
 - (ii) in subparagraph (ii) by deleting "\$115" and substituting the following —
" 117 ".

[* *Published in the Gazette of 9 November 1984 at pp. 3616-18.*
For amendments to 19 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 18-19.]

PART 6 — ARTIFICIAL BREEDING (SHEEP) REGULATIONS 1983

Regulation 5 amended

6. Regulation 5 of the *Artificial Breeding (Sheep) Regulations 1983** is amended —
- (a) in paragraph (a) by deleting "204" and substituting the following —
" 209 ";
 - (b) in paragraph (b) by deleting "38" and substituting the following —
" 39 "; and
 - (c) in paragraph (c) —
 - (i) in subparagraph (i) by deleting "24.00" and substituting the following —
" 25 "; and
 - (ii) in subparagraph (ii) by deleting "115" and substituting the following —
" 117 ".

[* *Published in the Gazette of 29 April 1983 at pp. 1347-48.*
For amendments to 19 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 19.]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

AG307

BEEKEEPERS ACT 1963

BEEKEEPERS AMENDMENT REGULATIONS 1993

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Beekeepers Amendment Regulations 1993*.

Third Schedule amended

2. The Third Schedule to the *Beekeepers Regulations 1963** is amended by deleting item 1 and substituting the following item —

“

1. Application for the registration or renewal of the registration of a beekeeper —

	\$
for one to 10 hives	12.00
for 11 to 50 hives	29.00
for 51 or more hives	58.00

”.

[* *Published in the Gazette of 16 December 1963 at pp. 3897-3906.*
For amendments to 19 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 22.]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

AG308

BULK HANDLING ACT 1967**BULK HANDLING AMENDMENT REGULATIONS 1993**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Bulk Handling Amendment Regulations 1993*.

Regulation 28 amended

2. Regulation 28 of the *Bulk Handling Act Regulations 1967** is amended in paragraph (c) by deleting “\$82” and substituting the following —

“ \$84 ”.

[* *Published in the Gazette of 4 January 1968 at pp. 2-24.*
For amendments to 19 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, pp. 25-26.]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

AG309

FERTILIZERS ACT 1977**FERTILIZERS AMENDMENT REGULATIONS 1993**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Fertilizers Amendment Regulations 1993*.

First Schedule repealed and a schedule substituted

2. The First Schedule to the *Fertilizers Regulations 1978** is repealed and the following schedule is substituted —

“

FIRST SCHEDULE

Application for the registration of a fertilizer	\$ 93.00
Application for the renewal of the registration of a fertilizer	93.00
For a copy of the register for more than one fertilizer	21.00

”.

[* *Published in the Gazette of 15 September 1978 at pp.3436-42. For amendments to 19 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 73.*]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

AG310

PLANT DISEASES ACT 1914**PLANT DISEASES AMENDMENT REGULATIONS (NO. 6) 1993**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Plant Diseases Amendment Regulations (No. 6) 1993*.

Schedule 2 amended

2. Schedule 2 to the *Plant Diseases Regulations 1989** is amended —

- (a) in item 1 (c) by deleting “96.00” and substituting the following —
“ 98.00 ”; and
- (b) in item 2 (b) by deleting “0.25” and substituting the following —
“ 0.30 ”.

[* *Published in the Gazette of 30 June 1989 at pp. 1980-93. For amendments to 19 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 202 and Gazettes of 5 March, 4 June and 2 July 1993.*]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

AG311

SEEDS ACT 1981**SEEDS AMENDMENT REGULATIONS 1993**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Seeds Amendment Regulations 1993*.

Principal regulations

2. In these regulations the *Seeds Regulations 1982** are referred to as the principal regulations.

[* *Published in the Gazette of 12 March 1982 at pp. 828-43.*
For amendments to 19 August 1993 see 1992 Index to Legislation
of Western Australia, Table 4, p. 238.]

Regulation 15 amended

3. Regulation 15 of the principal regulations is amended —

- (a) in subregulation (2) by deleting "\$176" and substituting the following —
 " \$181 "; and
- (b) in subregulations (4), (6) and (7) by deleting "\$44" in the 3 places it occurs and substituting in each place the following —
 " \$45 ".

Seventh Schedule repealed and a schedule substituted

4. The Seventh Schedule to the principal regulations is repealed and the following schedule is substituted —

"

SEVENTH SCHEDULE

[reg. 13]

SEED ANALYSIS AND REPORT FEES

1. Fees for the analysis of a seed sample provided under section 25 of the Act and for a report of the result of the analysis —

	\$
Germination analysis, per crop seed	35.00
Pure seed content analysis of	
free flowing seed	20.00
Pure seed content analysis of chaffy seed	50.00
Cultivar determination by fluorescence test . .	26.00
Cultivar determination by grow-on test	28.00
Moisture content determination	22.00
Pest or disease test	20.00
Weed seed presence test	20.00
Caryopsis presence test	23.00
Pigmented seed content determination	20.00
Number of seeds per unit volume	21.00
Seed identification	6.00

2. Fee payable for an additional copy
 of an analysis report 6.00 "

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

AG312

STOCK (BRANDS AND MOVEMENT) ACT 1970

STOCK (BRANDS AND MOVEMENT) AMENDMENT
REGULATIONS (NO. 2) 1993

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Stock (Brands and Movement) Amendment Regulations (No. 2) 1993*.

Schedule 2 amended

2. Schedule 2 to the *Stock (Brands and Movement) Regulations 1972** is amended in item 1 by deleting subitems (b), (c) and (d) and substituting the following subitems —

“

- | | | |
|-----|------------------------------------|--------|
| (b) | 2 — 200 brands — | |
| | (i) first 10 pages | 10.00 |
| | (ii) more than 10 pages | 21.00 |
| (c) | 201 — 1 500 brands — | |
| | (i) first 200 pages | 21.00 |
| | (ii) more than 200 pages | 105.00 |
| (d) | more than 1 500 brands | 105.00 |

”

[* Published in the Gazette of 30 June 1972 at pp. 2205-12.
For amendments to 19 August 1993 see 1992 Index to Legislation
of Western Australia, Table 4, pp. 257-8 and Gazette of 23 April
1993.]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

AG313

STOCK DISEASES (REGULATIONS) ACT 1968

STOCK DISEASES AMENDMENT REGULATIONS 1993

Made by His Excellency the Governor in Executive Council.

PART 1 — PRELIMINARY

Citation

1. These regulations may be cited as the *Stock Diseases Amendment Regulations 1993*.

PART 2 — ENZOOTIC DISEASES REGULATIONS 1970**Fourth Schedule repealed and a Schedule substituted**

2. The Fourth Schedule to the *Enzootic Diseases Regulations 1970** is repealed and the following Schedule is substituted —

“

FOURTH SCHEDULE**Scale of Charges for —**

1. Inspection of Stock Being Imported or Exported
(regulations 28 and 31) —

\$

For up to 50 cattle —

For single animal or first animal in a consignment	27.00
For each additional animal	1.00

For 50 cattle or more —

Call out fee	40.00
For each 15 minutes or part thereof	8.00

Sheep and Goats —

For single animal or first animal in a consignment	24.00
For each additional animal	0.10

Buffalo, Deer, Llama, Alpaca and Vicuna —

For single animal or first animal in a consignment	26.00
For each additional animal	1.00

Pigs —

For single animal or first animal in a consignment	24.00
For each additional animal	0.50

Horses —

For single animal or first animal in a consignment	24.00
For each additional animal	1.00

Poultry —

Each consignment of 1-100	6.00
Each consignment of 101-1 000	8.50
Each consignment of more than 1 000	18.00

Medicine fee, per animal —

Cattle	6.00
Sheep, goats, deer, pigs	1.00
Minimum charge	6.00

2. Vaccinations and Biological Tests carried out on Properties (regulation 28) —
 - Vaccination —
 - For single animal or first animal in a consignment 14.00
 - For each additional animal 2.00
 - Tuberculin Test —
 - For each animal in a consignment 2.00
 - Minimum charge 26.00
 - Biological Tests (collection of specimens) —
 - For single animal or first animal in a consignment 14.00
 - For each additional animal 1.00
3. Kimberley Cattle Tick (Regulation 42) —
 - For dipping/spraying per animal 1.30
 - For supervision of dipping/spraying per animal 0.40
 - Minimum charge (dipping/spraying or supervision) 8.00
4. Pullorum Testing Charges (Regulation 110) —
 - For 1 000 birds or less per flock 281.00
5. Scale of Charges for Hatchery and Breeding Flock Licences (Regulations 106 and 108) —
 - For hatchery licence —
 - up to 20 000 egg capacity 26.00
 - over 20 000 and up to 30 000 egg capacity 32.00
 - over 30 000 and up to 40 000 egg capacity 39.00
 - over 40 000 egg capacity 46.00
 - For breeding flock licences 39.00 ”.

[* Reprinted in the Gazette of 7 April 1989 at pp. 945-1012. For amendments to 19 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 258.]

PART 3 — EXOTIC DISEASES (GENERAL) REGULATIONS

Regulation 13E amended

3. Regulation 13E of the *Exotic Diseases (General) Regulations** is amended —

- (a) in subregulation (4) by deleting “\$77” and substituting the following —
 - “ \$79 ”; and
- (b) in subregulation (7) by deleting “\$77” and substituting the following —
 - “ \$79 ”.

[* Published in the Gazette of 24 June 1970 at pp. 1824-29. For amendments to 19 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 259.]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

**AG314 VETERINARY PREPARATIONS AND ANIMAL FEEDING STUFFS
ACT 1976**

**VETERINARY PREPARATIONS AND ANIMAL
FEEDING STUFFS AMENDMENT REGULATIONS (NO. 2) 1993**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Veterinary Preparations and Animal Feeding Stuffs Amendment Regulations (No. 2) 1993*.

Regulation 5 amended

2. Regulation 5 of the *Veterinary Preparations and Animal Feeding Stuffs Regulations** is repealed and the following regulation substituted —

“ 5. The application fee for the renewal of registration of an animal feeding stuff or veterinary preparation, for a 3 year period, is \$24.00. ”

[* *Published in the Gazette of 15 July 1977 at pp. 2270-77.
For amendments to 19 August 1993 see 1992 Index to Legislation
of Western Australia, Table 4, p. 280-81 and Gazette of 7 May
1993.*]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

AG401

**SOIL AND LAND CONSERVATION ACT 1945
CUBALLING LAND CONSERVATION DISTRICT (APPOINTMENT OF
MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 1993**

MADE by the Minister for Primary Industry

Citation

1. This Instrument may be cited as the Cuballing Land Conservation District (Appointment of Members District Committee) Instrument 1993.

Interpretation

2. In this Instrument—

“Constitution Order” means the *Soil and Land Conservation (Cuballing Land Conservation District) Order 1990**.

“Committee” means the District Committee established by Clause 4 of the Constitution Order.

[**Published in the Gazette of 22 June 1990 at pp. 3030-31 and amended in the Gazette of 30 July 1993 at p. 4120.*]

Appointment of Members

3. (1) Under Clause 5(1)(b) of the constitution order Dawson Stanley Bradford of West Yornaning is appointed a member of the Committee on the nomination of the Shire of Cuballing.
- (2) Under Clause 5(1)(c) of the Constitution Order—
- (a) Kevin John Wiles of Popanyinning
 - (b) Michael Burges of Cuballing
- are appointed members of the Committee to represent the Western Australian Farmers Federation.
- (3) Under Clause 5(1)(d) of the Constitution Order—
- (a) Peter Alcock of West Yornaning
 - (b) Allan George Landsell of Popanyinning
 - (c) Michael Damian Hesford of Cuballing
 - (d) Brian Weatherhead of Cuballing

- (e) Royston Charles Melling of Cuballing
- (f) Steven John Lyneham of Popanyinning
- (g) Winifred Burges of Cuballing
- (h) Darryl Robert Penny of West Popanyinning
- (i) Robert John Harris of East Cuballing
- (j) Julie Helen Walsh of Cuballing
- (k) John Raymond Gould of Cuballing

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

Term of Office

4. The appointment is made under Clause 5(3) shall be for a term of three years commencing on the day that this instrument is published in the *Gazette*.

MONTY HOUSE, Minister for Primary Industry.

AG402

SOIL AND LAND CONSERVATION ACT 1945

NORTH STIRLINGS LAND CONSERVATION DISTRICT (APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 1993

MADE by the Minister for Primary Industry

Citation

1. This Instrument may be cited as the *North Stirlings Land Conservation District (Appointment of Members District Committee) Instrument 1993*.

Interpretation

2. In this Instrument—

“Constitution Order” means the *Soil and Land Conservation (North Stirlings Land Conservation District) Order 1986**.

“Committee” means the District Committee established by Clause 4 of the Constitution Order.

[*Published in the *Gazette* of 24 January 1986 at pp. 302-3 and amended in the *Gazettes* of 25 May 1990 at pp. 2390-91 and 30 July 1993 at p. 4122.]

Appointment of Members

3. (1) Under Clause 5(1)(b) of the Constitution Order William McLevie of Cranbrook is appointed a member of the Committee on the nomination of the Shire of Cranbrook.
- (2) Under Clause 5(1)(c) of the Constitution Order Trevor Walter Prout of Tambellup is appointed a member of the Committee on the nomination of the Shire of Tambellup.
- (3) Under Clause 5(1)(e) of the Constitution Order—
- (a) Ian Maurice Walsh of Cranbrook
 - (b) Norman Charles White of Tambellup
 - (c) Jon Frederick Bradshaw of Tambellup
 - (d) Bertram Alex Hams of Tambellup
 - (e) Raymond James Squibb of Tambellup
 - (f) Glen Oliver of Cranbrook
 - (g) Graeme Anthony Groves of Tambellup
 - (h) John William Smith of Cranbrook
 - (i) David James of Cranbrook
 - (j) Thomas Ward Irving of Cranbrook
 - (k) District Manager, Department of Conservation and Land Management, Katanning

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

Term of Office

4. The appointment is made under Clause 5(3) shall be for a term of three years commencing on the day that this instrument is published in the *Gazette*.

MONTY HOUSE, Minister for Primary Industry.

AG403

SOIL AND LAND CONSERVATION ACT 1945**THREE SPRINGS LAND CONSERVATION DISTRICT (APPOINTMENT OF MEMBERS OF DISTRICT COMMITTEE) INSTRUMENT 1993**

MADE by the Minister for Primary Industry

Citation

1. This Instrument may be cited as the *Three Springs Land Conservation District (Appointment of Members District Committee) Instrument 1993*.

Interpretation

2. In this Instrument—

“Constitution Order” means the *Soil and Land Conservation (Three Springs 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 p. 266 and amended in the Gazettes of 22 August 1986 at pp. 3006-07 and 30 July 1993 at pp. 4121-22.]

Appointment of Members

3. (1) Under Clause 6(1)(b) of the Constitution Order—

(a) Rex Arthur Heal of Three Springs

(b) Terence Langley Reading of Three Springs

are appointed members of the Committee on the nomination of the Shire of Three Springs.

(2) Under Clause 6(1)(d) of the Constitution Order David Hebiton of Three Springs is appointed a member of the Committee to represent the Pastoralists and Graziers Association.

(3) Under Clause 6(1)(e) of the Constitution Order—

(a) Hedley Natham Hunt of Three Springs

(b) William George Kenworthy of Arrino

(c) Adrian Roy Mutter of Three Springs

(d) Brian Kenneth Marsden Betts of Eneabba

(e) Kent Broad of Three Springs

(f) Mark Hebiton of Three Springs

(g) Barry Neil Reed of Three Springs

are appointed members of the Committee being persons actively engaged in or affected by, or associated with land use in the Three Springs 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*.

MONTY HOUSE, Minister for Primary Industries.

AG404

MARKETING OF MEAT ACT 1971**ACTS AMENDMENT (MEAT INDUSTRY) ACT 1985****ACTS AMENDMENT (MEAT INDUSTRY) ACT 1987****INTERPRETATION ACT 1984****THE WESTERN AUSTRALIAN MEAT MARKETING CORPORATION
(APPOINTMENT OF MEMBERS) INSTRUMENT No. 1 of 1993**

Made by His Excellency the Lieutenant Governor and Administrator in Executive Council.

Citation

1. This instrument may be cited as the *Western Australian Meat Marketing Corporation (Appointment of Members) Instrument No. 1 of 1993*.

Definitions

2. In this instrument—

“the Act” means the *Marketing of Meat Act 1971* as amended by the *Acts Amendment (Meat Industry) Act 1985*; and the *Acts Amendment (Meat Industry) Act 1987*;
and

“the Corporation” means the Western Australian Meat Marketing Corporation established under section 5 of the Act.

Appointment of Member and Term of Office

3. Under section 7 (1) (b) of the Act appoint Robert Vernon Hamersley as an elected lamb producer member of the Corporation for a term of office expiring on 30 June 1996.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

CONSUMER AFFAIRS

CN301

RETAIL TRADING HOURS ACT 1987

RETAIL TRADING HOURS EXEMPTION ORDER (No. 17) 1993

Made by the Minister for Consumer Affairs under section 5.

Citation

1. This Order may be cited as the *Retail Trading Hours Exemption Order (No. 17) 1993*.

Extended Trading Hours

2. Section 12 of the *Retail Trading Hours Act* does not apply to the general retail shops specified in Column 1 of the Schedule during the periods specified opposite and corresponding to those general retail shops in Column 2 of the Schedule.

Schedule

Column 1	Column 2
General Retail Shops	Periods
General retail shops in the town-site of York.	From 6.00 pm to 9.00 pm on Monday, Tuesday, Wednesday and Friday in each week; from 5.00 pm to 9.00 pm on Saturday in each week and from 8.00 am to 9.00 pm on Sunday in each week.

PETER FOSS, Minister for Health;
The Arts; Consumer Affairs.

CROWN LAW

CW301

SUPREME COURT ACT 1935

SUPREME COURT AMENDMENT RULES (NO. 4) 1993

Made by the Judges of the Supreme Court.

Citation

1. These rules may be cited as the *Supreme Court Amendment Rules (No. 4) 1993*.

Principal rules

2. In these rules the *Rules of the Supreme Court 1971** are referred to as the principal rules.

[* Reprinted in the Gazette of 18 March 1986 at pp. 779-1100.
For amendments to 2 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, pp.261-3 and Gazettes of 26 January, 26 March, 20 April and 29 June 1993.]

Order 37 amended

3. Order 37 of the principal rules is amended in Rule 1 by inserting after paragraph (3) the following paragraph —

“

(4) An affidavit may be sworn for use in proceedings which are yet to be commenced and must be entitled in the intended cause or matter.

”.

Order 75A inserted

4. After Order 75 of the principal rules the following Order is inserted —

“

ORDER 75A**ADMISSION OF PRACTITIONER UNDER SECTION 22 (2)
OF THE *LEGAL PRACTITIONERS ACT 1893*****Interpretation**

1. In this Order unless the contrary intention appears —

“**applicant**” means an interstate applicant who seeks to be admitted pursuant to section 22 (2) of the *Legal Practitioners Act 1893*;

“**supplementary roll of practitioners**” means the supplementary roll of practitioners held at the Central Office;

“**the Act**” means the *Legal Practitioners Act 1893*.

Application to the Full Court

2. (1) An application under this Order shall be made to the Full Court *ex parte* by motion supported by an affidavit —

- (a) which verifies the dates of publication of the notice of the intention of the applicant to apply for admission required under Rule 53 (c) of the *Barristers' Board Rules 1949*; and
- (b) to which the certificate of fitness of the applicant required under Rule 54 of the *Barristers' Board Rules 1949* shall be annexed.

(2) The motion and the supporting affidavit must be filed in the Central Office not less than 3 clear days before the proposed date of admission.

Applicant to attend office of superior court referred to in section 22 (2) of the Act

3. Within 21 days of admission the applicant shall attend the office of a superior court referred to in section 22 (2) of the Act —

- (a) take an oath or affirmation in accordance with the form set out in Rule 5; and
- (b) sign the supplementary roll of practitioners,

before the Principal Registrar, a Registrar, a Deputy Registrar or the Prothonotary of that court.

Entry on Roll of Practitioners

4. The name of an applicant admitted under section 22 (2) of the Act will be entered on the Roll of Practitioners in the usual order with the endorsement “see supplementary roll of practitioners” beside the name of the practitioner.

Oath or affirmation

5. The oath or affirmation referred to in Rule 3 may be taken in either of the following forms —

OATH

I, [name] of [address] do swear that I will truly and honestly demean myself in the practice of a barrister and solicitor of the Supreme Court of Western Australia according to the best of my knowledge and ability,

So help me God!

AFFIRMATION

I, [name] of [address] do solemnly and sincerely declare and affirm that I will truly and honestly demean myself in the practice of a barrister and solicitor of the Supreme Court of Western Australia according to the best of my knowledge and ability.

”

Order 81F inserted

5. After Order 81E of the principal rules the following Order is inserted —

“

ORDER 81F**CONFISCATION OF PROFITS OF CRIME****PART 1 — PRELIMINARY****Interpretation**

1. In this Order unless the contrary intention appears “the Act” means the *Crimes (Confiscation of Profits) Act 1988* and words defined in section 3 of the Act and used in this Order have the same respective meanings as in the Act.

Application of this Order

2. (1) An application under the Act shall be made under this Order, unless the application is made —

- (a) following the conviction of a person; and
- (b) to the Judge with the obligation to sentence the person for that conviction.

(2) Whenever this Order requires that an application, or a pending proceeding, under the Act shall be made by an originating summons, the method by which notice is given, for the purposes of the Act, is by service of the summons, together with a copy of the affidavit referred to in Rule 3, on the relevant person.

(3) This Order applies, with any necessary modification, to applications under the *Proceeds of Crime Act 1987* of the Commonwealth.

Affidavits in support

3. (1) Unless the Court otherwise orders, every application required under this Order for an order under the Act, which is to be made by originating summons or ordinary summons, shall be filed and served on the relevant person, together with an affidavit setting forth the facts and circumstances upon which the application is based.

(2) These provisions do not apply to applications made under section 20 of the Act.

Summons for directions

4. (1) Whenever an application is required by this Order to be commenced by originating summons in Form 74 the plaintiff must apply on summons to the Court for directions within 7 days after the time limited for appearance.

(2) Where the plaintiff fails to comply with paragraph (1) a defendant may apply.

Powers of the Court as to directions

5. On the hearing of any summons for directions, or upon any other application, or of its own motion at any time, the Court may —

- (a) inquire as to the persons who may be affected by the relief which the plaintiff seeks and for the purpose of that inquiry direct the plaintiff and defendant to supply any information which the Court may require;
- (b) give directions as to the persons to be added as parties as being interested in the relief claimed or to represent classes of persons so interested;
- (c) direct that notice of the application be served on any person;
- (d) give any other directions or make any other orders as may be necessary for the just and expeditious disposal of the application.

Representative defendant

6. Where a person has been added as a defendant and other persons have the same or a similar interest as that defendant, the court may order that —

- (a) that defendant be authorized to defend the proceedings on behalf of or for the benefit of all persons so interested (including an unborn person);
and
- (b) all persons so interested shall be bound by any order made in the proceedings.

**PART 2 — APPLICATIONS TO BE BROUGHT BY
ORIGINATING SUMMONS WITH APPEARANCE****Procedure for application for confiscation orders**

7. (1) An application for a confiscation order under the Act shall be commenced by originating summons in Form 74.

(2) The appropriate officer shall be the plaintiff and the person charged with or convicted of a serious offence and, in the case of an application for a forfeiture order, the other persons referred to in section 7 (1) (a) of the Act shall be the defendants.

Restraining Orders on notice

8. (1) An application for a restraining order under the Act (unless made in pending proceedings) shall be commenced by originating summons in Form 74.

(2) The appropriate officer shall be the plaintiff and the person convicted of or charged or about to be charged with a serious offence and the other persons referred to in section 20 (3) of the Act shall be the defendants.

(3) An application for a restraining order in pending proceedings shall be by summons.

(4) Where the applicant has reason to believe that a person may have an interest in the property in respect of which the applicant seeks a restraining order and that person is not a party to the pending proceedings, the applicant shall apply for directions with respect to —

- (a) giving notice to that person; or
- (b) adding that person as a defendant.

Restraining orders *ex parte*

9. (1) In an urgent case an application for a restraining order may be made upon notice of motion *ex parte*.

(2) If a restraining order is made *ex parte* in respect of the property of a person the applicant must forthwith serve notice in writing of the substance of the order upon the person and promptly thereafter serve upon the person a sealed copy of the order.

PART 3 — APPLICATIONS TO BE BROUGHT BY ORIGINATING SUMMONS WITHOUT APPEARANCE

Return of seized property

10. (1) An application for the return of or access to property under section 35 (5) of the Act shall be commenced by originating summons in Form 75.

(2) The applicant shall be the plaintiff and the Commissioner of Police shall be the defendant.

Variation of production order

11. (1) An application to vary a production order under section 38 of the Act shall be commenced by originating summons in Form 75.

(2) The applicant shall be the plaintiff and the police officer who obtained the order shall be the defendant.

Applications to cancel interstate registration

12. An application to cancel the registration of an interstate restraining order may be made —

- (a) upon the filing of a written consent to its cancellation signed by the person on whose application the order was made or by an appropriate officer; or
- (b) by originating summons in Form 75 in which the person seeking the cancellation shall be the plaintiff and the person on whose application the order was made shall be the defendant.

PART 4 — APPLICATIONS TO BE BROUGHT BY SUMMONS

Further orders in relation to restraining orders

13. (1) A person who could have applied for a restraining order, but did not, and who seeks further orders in relation to the restraining order under section 22 (1) or section 23 (3) of the Act may not apply for further orders until he or she has been joined as a party to the proceedings.

(2) An application under section 22 (1) or section 23 (3) of the Act shall be by summons.

(3) If any person referred to in section 22 (2) (b) to (d) or section 23 (5) of the Act is not a party to the proceedings, the applicant shall 7 days before the return day of the summons personally serve upon each person written notice that he or she has made the application, together with a copy of the summons.

(4) If the summons is brought pursuant to section 23 (3) of the Act the notice shall inform the person that he or she is entitled to appear and give evidence at the hearing of the summons.

Re-hearing

14. (1) A person may not apply to set aside a confiscation order under section 19 of the Act until he or she has been joined as a party to the proceedings in which the confiscation order was made.

(2) The application to set aside shall be made by the applicant by summons.

(3) Notice shall be given to the Attorney General by serving a copy of the summons in support upon the Crown Solicitor within 7 days of issue.

Applications to discharge forfeiture orders

15. (1) An application under section 12 (1) of the Act shall be made by summons in the proceedings which resulted in the making of the forfeiture order and the Attorney General shall be named as a defendant in the title of the summons and all other proceedings in or related to the application.

(2) Service is effected on the Attorney General by serving the summons on the Crown Solicitor.

Declarations of value

16. (1) An application under section 14 (1) (b) of the Act shall be made by summons in the proceedings which resulted in the making of the forfeiture order.

(2) Service is effected on the Attorney General by serving the summons on the Crown Solicitor.

Declaration of available property

17. (1) An application under section 17 (3) of the Act by the Attorney General shall —

- (a) be commenced by summons in the proceedings in which the pecuniary penalty order is sought; and
- (b) apply for leave to add as a defendant any person who he or she has reason to believe may have an interest in the property in respect of which a declaration is sought.

(2) If a person referred to in paragraph (1) is added as a defendant he or she shall be served personally with the amended originating summons and copies of all affidavits filed in respect of the summons including any affidavit in support of the summons referred to in paragraph (1).

(3) Within 7 days from the time limited for appearance by the added defendant the Attorney General shall apply for further directions under Rule 4.

PART 5 — MISCELLANEOUS**Register of interstate restraining orders**

18. (1) A register to be called "The Register of Interstate Restraining Orders" shall be kept in the Central Office.

(2) A person desiring to register an interstate restraining order shall file a copy thereof sealed by the seal of the court which made the order.

(3) Upon the filing of the sealed copy of the interstate restraining order the proper officer shall assign a number to it, enter the particulars in the register and endorse the order with the words "registered on the..... day of 19..".

(4) Upon the making of an order cancelling the registration of an interstate order under section 49 (1) of the Act the cancellation shall be entered in the Register.

Discharge of registered pecuniary penalty order

19. Upon the discharge of a pecuniary penalty order which has been registered under the *Service and Execution of Process Act 1901* of the Commonwealth, the party who caused the order to be registered shall forthwith —

(a) give written notice stating —

(i) that the order has been discharged; and

(ii) the date of the order of discharge;

and

(b) forward a sealed copy of the order of discharge,

to the Registrar or other proper officer of every court in which the order was registered.

Facsimile copies of interstate orders

20. For the purposes of section 52 of the Act a facsimile copy shall be certified by the Registrar or other proper officer of the court which made the order that it is a true copy of a sealed copy of that order.

Examination before Supreme Court

21. The officer of the Supreme Court for the purposes of section 22 (4) (c) of the Act is a Registrar.

”.

Fifth Schedule amended

6. The Fifth Schedule to the principal rules is amended in Part 1 —

(a) by deleting item 2 and substituting the following item —

“

2. Registering a certificate or judgment
in proceedings under the *Service and
Execution of Process Act 1992*
of the Commonwealth. 40.00

”.

- (b) in item 10 after paragraph (g) by inserting the following paragraph —

“

- (h) For a certificate under
the hand of a Registrar 20.00

”

Dated the 23rd day of August, 1993.

W. P. PIDGEON J.
B. ROWLAND J.
E. M. FRANKLYN J.
R. D. NICHOLSON J.
TERENCE A. WALSH J.
D. IPP J.
H. WALLWORK J.
M. J. MURRAY J.
K. WHITE J.
R. J. M. ANDERSON J.
GRAEME SCOTT J.
N. J. OWEN J.

I concur in the foregoing rules and order—

R. F. COURT, Treasurer.

CW401

JUSTICES ACT 1902

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the following appointments to the Office of Justice of the Peace for the State of Western Australia—

Wayde Shannon Smith of 15B Courageous Place, Ocean Reef and Suite 6/80 Grand Boulevard, Joondalup.

Edith Scott Williams of 8 Manning Street, Augusta and Augusta Primary School, Allnutt Terrace, Augusta.

W. ROWE, Executive Director,
Courts Development and Management.

CW402

CENSORSHIP OF FILMS ACT 1947 FORM 4B

Certificate of Ineffectual Classification

This is to certify that the Minister charged with the administration of the *Censorship of Films Act 1947*, acting pursuant to section 12B of that Act has directed that the classification for restricted exhibition assigned to the film *SALO O LE 120 GIORNATE DI SODOMA* pursuant to section 12 of that Act shall be ineffective in the State and that the Minister has refrained from assigning to the film any classification in lieu, the film thereby being deemed to be an unapproved film under that Act.

Dated 15th September 1993.

CHERYL EDWARDES, Minister.

FISHERIES**FI301****FISHERIES ACT 1905****ABALONE LIMITED ENTRY FISHERY AMENDMENT NOTICE 1993**

Notice No. 605

FD 149/75

Made by the Minister under Section 32.

Citation

1. This Notice may be cited as the *Abalone Limited Entry Fishery Amendment Notice 1993*.

Principal notice

2. In this notice the *Abalone Limited Entry Fishery Notice 1992 Notice No. 542** is referred to as the principal notice.

Clause 4 repealed and substituted

3. Clause 4 of the principal notice is repealed and the following clause substituted—
“4. A person, other than a person to whom section 32(5) of the Act applies, shall not take or attempt to take, abalone in the Fishery—
(a) other than in accordance with the provisions of this notice; and
(b) unless that person is authorised by a licence issued in accordance with this notice.”.

Clause 5 repealed and substituted

4. Clause 5 of the principal notice is repealed and the following clause substituted—
“5. (1) A person shall not sell or deal in, or attempt to sell or deal in, abalone taken from the Fishery in contravention of this notice.
(2) A person shall not sell or deal in, or attempt to sell or deal in, abalone unless those abalone were taken by the holder of a professional fisherman's licence while operating in accordance with the provisions of a licence issued under this notice.”.

Clause 10 repealed and substituted

5. Clause 10 of the principal notice is repealed and the following clause substituted—
“10. (1) A licensee may nominate an individual as the person authorised to operate the licence.
(2) A nomination under sub-clause (1) shall be made in accordance with clause 22.
(3) The approved nominated diver shall be endorsed on the licence.
(4) A nominated diver shall not be replaced by another individual unless authorised in writing by the Director.
(5) If the licensee is an individual and does not nominate another individual as the nominated diver then the licensee shall be deemed to be the nominated diver and the licence shall be endorsed accordingly.
(6) If the licensee is not an individual and a nomination is either—
(a) not made; or
(b) not made in accordance with clause 22,
then a nominated diver shall not be endorsed on the licence and the licence shall be invalid.
(7) Only the individual endorsed on the licence as the nominated diver may operate the licence.”.

Clause 12 repealed and substituted

6. Clause 12 of the principal notice is repealed and the following clause substituted—
“12. (1) A person authorised to operate in Zone 1 shall not take any species of abalone from any area of the Fishery other than Greenlip abalone, Brownlip abalone or Roe's abalone from the area described in Item 1 of Schedule 1.
(2) Subject to sub-clause 17 (4), a person authorised to operate in Zone 2 shall not take any species of abalone from any area of the Fishery other than—
(a) Greenlip abalone or Brownlip abalone from the area described in Item 2 of Schedule 1; or
(b) Roe's abalone from the area described in Item 4 of Schedule 1.
(3) Subject to clause 16, a person authorised to operate in Zone 3 may take Roe's abalone from all waters of the Fishery but shall not take any Greenlip abalone, Brownlip abalone or any other species of abalone.”.

Clause 14 amended

7. Clause 14 of the principal notice is amended in sub-clause (1) by—
- (a) deleting “(c)” and substituting “(d)”;
 - (b) deleting paragraph (b) and substituting the following—
 - “(c) a person authorised to operate in Zone 2 shall not take more than—
 - (i) a combined total of 5,000 kilograms meat weight of Greenlip and Brownlip abalone; and
 - (ii) 1,000 kilograms whole weight of Roe’s abalone, in any year; and”; and
 - (c) inserting in order the following paragraph—
 - “(b) a person authorised to operate in Zone 1, shall not, when operating in the waters described in Item 10 of Schedule 1, take more than—
 - (i) a combined total of 300 kilograms meat weight of Greenlip and Brownlip abalone; and
 - (ii) 1,000 kilograms whole weight of Roe’s abalone;”.

Clause 22 repealed and substituted

8. Clause 22 of the principal notice is repealed and the following clause substituted—
- “22. An application or nomination made under clauses 7, 10 or 20 shall be—
- (a) on the approved form;
 - (b) lodged in accordance with the instructions, if any; and
 - (c) accompanied by the fee, if any, prescribed by regulation.”.

Schedules amended

9. (1) Schedule 1 of the principal notice is amended—
- (a) in Item 9 by inserting after “coast” the following—
“of the State lying”.
 - (b) by inserting after Item 9 the following item—
“10. All waters on the south coast of the State lying between Point Culver and the Western Australian/South Australian border.”.
- (2) Schedule 2 of the principal notice is amended by deleting the following items—
- “Eleni Pty Ltd (Bassendean)” and;
 - “R & O Seafood Exporters Pty Ltd (Lancelin)”.

[*Declared by notice published in the Gazette of 14 August 1992.]

Dated this 9th day of September 1993.

M. G. HOUSE, Minister for Fisheries.

HEALTH**HE301****HEALTH ACT 1911****HEALTH (PESTICIDES) AMENDMENT REGULATIONS (NO. 2) 1993**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Health (Pesticides) Amendment Regulations (No. 2) 1993*.

Commencement

2. These regulations come into operation 12 months after the day of their publication in the *Gazette*.

Principal regulations

3. In these regulations the *Health (Pesticides) Regulations 1956** are referred to as the principal regulations.

[* Reprinted as at 3 April 1989.

For amendments to 20 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, pp. 124-6, and Gazette of 11 June 1993 pp. 2877-78.]

Regulation 32 amended

4. Regulation 32 (2) of the principal regulations is amended by deleting paragraph (c) and substituting the following paragraph —

- “
- (c) the use of a fumigant for the treatment of soil by a person approved by the Executive Director, Public Health.
- ”

Schedule B amended

5. Schedule B to the principal regulations is amended by deleting the item commencing “Methyl bromide” and substituting the following item —

- “ Methyl bromide ”.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

HE302**HEALTH ACT 1911***Shire of Busselton*

Pursuant to the provisions of the Health Act 1911 the Shire of Busselton being a local authority within the meaning of the Health Act 1911, having made the by-laws described as “The Shire of Busselton Stable and Keeping of Horses By-laws” under the Health Act 1911 and published in the *Government Gazette* on 17 August 1979, has resolved and determined that the by-laws shall be amended as follows:

1. delete by-law 13 and substitute with—
13. A person who is required by any provision of these by-laws to do anything or refrain from doing anything and who fails to comply with that provision commits an offence and is liable to—
 - (a) A penalty which is not more than \$1 000 and not less than—
 - (i) in the case of a first such offence, \$100;
 - (ii) in the case of a second such offence, \$200; and
 - (iii) in the case of a third or subsequent such offence, \$500;and
 - (b) if that offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.

Passed by resolution at a meeting of the Busselton Shire Council held on the 10th day of February 1993.

Dated this 13th day of July 1993.

R. T. TOGNELA, President.
I. W. STUBBS, Shire Clerk.

Confirmed—

P. PSAILA-SAVONA, Delegate of Executive Director,
Public Health.

Approved by His Excellency the Governor in Executive Council on this 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

HE303

POISONS ACT 1964

POISONS (SCHEDULED SUBSTANCES) AMENDMENT
ORDER (NO. 3) 1993

Made by His Excellency the Governor in Executive Council under section 21.

Citation

1. This order may be cited as the *Poisons (Scheduled Substances) Amendment Order (No. 3) 1993*.

Appendix A amended

2. Appendix A to the *Poisons Act 1964** is amended —

- (a) in the Second Schedule by deleting the item commencing “SILVER SALTS” and substituting the following item —

“

SILVER SALTS for therapeutic use except —

- (a) in chewing tablets each containing 5 mg or less of silver when labelled with the statement “Overuse may stain skin or mouth”;
- (b) in solutions for human oral use containing 0.3 per cent or less of silver when labelled with the statement “Overuse may stain skin or mouth”; or
- (c) in other preparations containing 1 per cent or less of silver.

”;

- (b) in the Third Schedule —

- (i) in the item commencing “QUININE” —

- (I) by deleting “liquids” and substituting the following —

“ preparations ”; and

- (II) by inserting after “40 mg/L” the following —

“ or 40 mg/kg ”;

and

- (ii) by deleting the item commencing “TRETINOIN”;

- (c) in the Fourth Schedule —

- (i) by inserting after the item “ALPROSTADIL.” the following item —

“ ALTRENOGEST. ”;

- (ii) by inserting after the item “FENPROSTALENE.” the following item —

“ FILGRASTIM. ”;

- (iii) in the item commencing “FLUORIDES” by deleting “or Third”;

- (iv) by deleting the item commencing “KAVA”;

- (v) by inserting after the item "SULTHIAME." the following item —

" SUMATRIPTAN. "; and

- (vi) by inserting after the item "TRETAMINE." the following item —

" TRETINOIN. ";

- (d) in the Fifth Schedule —

- (i) by inserting after the item commencing "CYFLUTHRIN" the following item —

" CYMIAZOLE. ";

- (ii) by deleting the item commencing "FLUORIDES" and substituting the following item —

"

FLUORIDES (including silicofluorides) in preparations containing 0.5 per cent or less of fluoride ion except —

- (a) when included in the Second, Third or Fourth Schedules;
- (b) barium silicofluoride when separately specified in this Schedule;
- (c) in dentrifices containing 1 000 mg/kg or less of fluoride ion; or
- (d) in preparations containing 15 mg/kg or less of fluoride ion.

";

- (iii) by inserting after the item "IMAZALIL." the following item —

"

IMAZAPYR except in preparations containing 25 per cent or less of imazapyr.

";

- (iv) in the item "IMAZETHAPYR" by inserting after "IMAZETHAPYR" the following —

"

except in preparations containing 25 per cent or less of imazethapyr.

";

- (v) by deleting the item "N-(3-METHYL-4-THIAZOLIN-2-YLIDENE)-2,4-XYLIDINE (Cymiazole).";

- (vi) by deleting the item "OFURACE.";

- (vii) by inserting after the item "PROPANIL." the following item —

" PROPAQUIZAFOP. "; and

- (viii) by inserting after the item "TERBUTRYN." the following item —

"

2-TERT-BUTYL-5-(4-TERT-
BUTYLBENZYLTHIO)-4-
(CHLOROPYRIDAZIN-3(2H))-ONE
(Pyridaben) in preparations
containing 25 per cent or less
of 2-tert-butyl-5-(4-tert-
butylbenzylthio)-4-chloropyridazin-
3(2H)-one.

";

- (e) in the Sixth Schedule —

- (i) by deleting the item commencing "CHOLECALCIFEROL";
(ii) by deleting the item "DINOCAP.";
(iii) by deleting the item commencing "IVERMECTIN" and
substituting the following item —

"

IVERMECTIN —

- (a) in preparations containing
0.2 per cent or less of ivermectin for
the treatment of sheep;
(b) in pre-loaded syringes containing
10 g or less of a paste containing
2 per cent or less of ivermectin for
the treatment of horses;
(c) in preparations containing 1 per
cent or less of ivermectin, for the
treatment of cattle, when supplied
in sealed containers for use in
automatic injection equipment; or
(d) in preparations containing
0.5 per cent or less of ivermectin for
dermal application to cattle.

";

- (iv) in the item commencing "LAMBDA-CYHALOTHRIN" by
inserting after "lambda-cyhalothrin" the following —

" except when included in the Fifth Schedule. ";

- (v) in the item commencing "POTASSIUM HYDROXIDE" by
deleting "or" where it first appears and substituting the
following —

" and ";

- (vi) by deleting the item commencing "PROMECARB";

- (vii) by deleting the item commencing "SILVER NITRATE" and
substituting the following item —

"

SILVER NITRATE except —

- (a) when included in or expressly
excluded from the Second Schedule;
or
(b) in preparations containing 1 per
cent or less of silver.

";

and

- (viii) by inserting after the item "TERPENES, CHLORINATED." the following item —

"

2-TERT-BUTYL-5-(4-TERT-
BUTYLBENZYLTHIO)-4-
CHLOROPYRIDAZIN-3 (2H)-ONE
(Pyridaben) except when
included in the Fifth Schedule.

";

and

- (f) in the Seventh Schedule —

- (i) by inserting after the item commencing "BRUCINE" the following item —

" CADUSAFOS. ";

- (ii) in the item commencing "CHOLECALCIFEROL" by deleting "except when included in the Sixth Schedule";

- (iii) by inserting after the item commencing "DINITROPHENOLS" the following item —

" DINOCAP. ";

- (iv) by deleting the item commencing "PROMECARB"; and

- (v) in the item "ortho-TOLIDINE." by inserting after "ortho-TOLIDINE" the following —

"

except in solid-state diagnostic therapeutic
reagents.

".

[* Reprinted as at 18 November 1986.

For amendments to 23 August 1993 see 1992 Index to Legislation of Western Australia, Table 1, pp. 163-64 and Gazettes of 28 May and 25 June 1993.]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

HE304

POISONS ACT 1964

POISONS (SCHEDULED SUBSTANCES) AMENDMENT ORDER (NO. 4) 1993

Made by His Excellency the Governor in Executive Council under section 21.

Citation

1. This order may be cited as the *Poisons (Scheduled Substances) Amendment Order (No. 4) 1993*.

Commencement

2. This order shall come into operation on 14 December 1993.

Appendix A amended

3. Appendix A to the *Poisons Act 1964** is amended in the Fourth Schedule by deleting the item commencing "VITAMIN A" and substituting the following item —

"

VITAMIN A for human internal therapeutic use except in preparations where the label specifies —

- (a) a recommended daily amount of 5 000 I.U. or less of Vitamin A; and
- (b) in letters of prescribed letter weight and not less than 1.5 mm high —
 - (i) with a statement to the following effect —

"

The recommended adult daily amount of vitamin A from all sources is 2 500 I.U.

",

and

- (ii) where the preparation is labelled for adult use, at the beginning of the directions for use, with the warning statement —

WARNING — Taking more than 2 500 I.U. a day during pregnancy may cause birth defects.

or

WARNING — taking more than (dose equivalent to 2 500 I.U.) (dose form) a day during pregnancy may cause birth defects.

"

[* Reprinted as at 18 November 1986.

For amendments to 23 August 1993 see 1992 Index to Legislation of Western Australia, Table 1, pp. 163-164 and Gazettes of 28 May and 25 June 1993.]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

HE402

HEALTH ACT 1911

Health Department of WA,
Perth, 31 August 1993.

The appointment of the following persons as Environmental Health Officers is approved.

Officer	Date Effective	Local Authority
Trevor Brandy	25 January 1993	Shire of Ashburton
David Coultas	5 July 1993	Shire of East Pilbara
Rodney George Bayliss	5 July 1993- 5 October 1993	Shire of Waroona
John Paxman	21 June 1993- 26 November 1993	City of Melville
Michael Stark	21 June 1993	City of Stirling
Gregory Robert Ducas	9 August 1993	Shire of Esperance
David McCann	12 August 1993	City of Rockingham
Linton Keith Thomas	19 July 1993- 30 July 1993	Eastern Districts Regional Health Scheme
Ray Nokes	4 October 1993- 29 October 1993	Town of East Fremantle

The appointment of the following person as an Environmental Health Officer (Meat) is approved.

Officer	Date Effective	Local Authority
Rolf Williald Nagel	3 August 1993	Shire of Greenough

The cancellation of the following people as Environmental Health Officers is hereby notified.

Officer	Date Effective	Local Authority
A. F. McDonnell	21 June 1993	Shire of Harvey
Neil Flood	15 June 1993	City of Rockingham

The cancellation of the following person as an Environmental Health Officer (Meat) is hereby notified.

Officer	Date Effective	Local Authority
P. H. Maiden	21 June 1993	Shire of Harvey

BRIAN DEVINE,
Delegate of Executive Director, Public Health.

HE401

HEALTH ACT 1911

Health Department of WA,
Perth, 9 September 1993.

Entry HE405 in the *Government Gazette* No. 114 dated 20 August 1993 should have read the Narrogin Regional Health Group will comprise Town of Narrogin and the Shires of Narrogin, Pingelly, Cuballing, Wickpin, West Arthur, Williams, Kondinin and Kulin.

BRIAN DEVINE,
Delegate of Executive Director, Public Health.

HOMESWEST

HM401

HOUSING ACT 1980

Determination of Standard Rates of Interest

Homeswest (State Housing Commission),
Perth, 14 September 1993.

Pursuant to sections 33 and 42 being for loans under section 36 of the Housing Act 1980, the State Housing Commission by this determination and approved by the Honourable Minister for Housing on 26 August, 1993 fixes the following standard rates of interest to apply in respect of the various classes of Contract of Sale entered into by it and the various classes of loans granted by it.

1. Home Purchase Assistance Schemes under section 33 and 36 to 7.75% per annum.
2. Income Based Loans, pre 1985 Variable Interest Schemes and WiseChoice under sections 33 and 36 to 8.75% per annum.

This is effective from 1 October, 1993.

GREG JOYCE, Executive Director.

HERITAGE COUNCIL

HR401

HERITAGE OF WESTERN AUSTRALIA ACT 1990

NOTICE OF INTENTION TO ENTER PLACES IN THE REGISTER OF HERITAGE PLACES

The Minister for Heritage, Richard Lewis has directed that the places described in Schedule 1 be entered in the Register of Heritage Places on a permanent basis pursuant to section 47 (1) of the Heritage of Western Australia Act 1990.

Schedule 1		
Place	Location	Land Description
Government Building	208-210 Hannan Street, Kalgoorlie	Reserve 3023 and Kalgoorlie Lots 62, 63, 64 and 65
Chamber of Mines Building and School of Mines	115 Egan Street, Kalgoorlie	Reserve 37851 and Reserve 6594

The Minister for Heritage, Richard Lewis, has directed that the place described in Schedule 2 be entered in the Register of Heritage Places as an interim registration pursuant to section 47 (1) of the Heritage of Western Australia Act 1990.

In accordance with the requirements of section 49 (1) of that Act, the Heritage Council of Western Australia hereby gives notice that it is proposed that the place be entered in the Register on a permanent basis.

Submissions on the proposed entries on a permanent basis are invited from interested persons. Submissions must be in writing and should be forwarded to the following address—

The Director
Office of the Heritage Council
292 Hay Street
East Perth WA 6004

Submissions concerning the entry of the places listed in Schedule 2 must be lodged by October 29 1993.

Schedule 2

Place	Location	Land Description
Cornwall Hotel	25 Hopkins Street, Boulder	Boulder Lot 370, C/T 1400/898
Peninsula Hotel	219-223 Railway Parade, Maylands	Lot 10 on D 57885
Boulder Town Hall	Burt Street, cnr Brookman Street, Boulder	Reserve 6917
Kalgoorlie Town Hall	316 Hannan Street, Kalgoorlie	Kalgoorlie Lot 152 on C/T 1704/883

Dated this 17th day of September 1993.

IAN BAXTER, Director,
Office of the Heritage Council.

LAND ADMINISTRATION

LA201

LAND ACT 1933

ORDERS IN COUNCIL

(Revocations of Vestings)

By the direction of His Excellency the Governor under Section 34B(1), the following Orders in Council and associated Vesting Orders are revoked.

DOLA File: 5173/952.

Order in Council gazetted on 16 November 1984 vesting Reserve No. 23664 (Point Samson Lot 186) in the Shire of Roebourne for the designated purpose of "Recreation".

DOLA File: 1998/979.

Order in Council gazetted on 2 December 1983 vesting Reserve No. 38571 (Port Hedland Lot 5434) in the Hedland College for the designated purpose of "Hedland College".

Local Authority—Town of Port Hedland.

DOLA File: 2796/977.

Order in Council gazetted on 18 August 1989 vesting Reserve No. 36025 (Port Hedland Lot 5435) in the Shire of Port Hedland for the designated purpose of "Drain".

DOLA File: 3709/966.

Order in Council gazetted on 15 December 1967 vesting Reserve No. 28870 in the Shire of Mandurah for the designated purpose of "Effluent Disposal".

DOLA File: 1089/960.

Order in Council gazetted on 29 July 1960 vesting Reserve No. 25710 (Cockburn Sound Location 1921) in the Mandurah Road Board for the designated purpose of "Parking Area".

DOLA File: 789/993.

Order in Council gazetted on 25 June 1993 vesting Reserve No. 42736 (Jandakot Agricultural Area Lot 642) in the City of Canning for the designated purpose of "Public Recreation".

DOLA File: 3398/945.

Order in Council gazetted on 13 November 1992 vesting Reserve No. 30384 (Boulder Lot 2292) in the Government Employees Housing Authority for the designated purpose of "Housing".

Local Authority—City of Kalgoorlie-Boulder.

DOLA File: 2284/988.

Portion of the Order in Council gazetted on 15 March 1963 vesting Reserve No. 26676 (at Cue) in the Minister for Native Welfare for the designated purpose of "Natives (Housing)".

Local Authority—Shire of Cue.

DOLA File: 2970/954.

Order in Council gazetted on 24 September 1954 vesting Reserve No. 24040 (Pingelly Lot 812) in the Pingelly Road Board for the designated purpose of "Junior Farmers' Club".

DOLA File: 2900/965.

Order in Council gazetted on 28 November 1980 vesting Reserve No. 36980 (Port Hedland Lot 424) in the Port Hedland Port Authority for the designated purpose of "Housing—Port Hedland Port Authority".

Local Authority—Town of Port Hedland.

DOLA File: 2126/958.

Order in Council gazetted on 6 July 1973 vesting Reserve No. 25154 in the Minister for Works for the designated purpose of "Quarters Site (Harbour and Light Department)".

Local Authority—Shire of Broome.

DOLA File: 1519/961.

Order in Council gazetted on 5 January 1990 vesting Reserve No. 27428 (Avon Location 28987) in the Shire of Merredin for the designated purpose of "Gravel".

DOLA File: 3637/930V3.

Order in Council gazetted on 15 February 1985 vesting Reserve No. 20561 (Swan District) in the Shire of Wanneroo for the designated purpose of "Recreation and purposes incidental thereto".

DOLA File: 10443/912.

Order in Council gazetted on 8 May 1970 vesting Reserve No. 14841 in the Shire of Waroona for the designated purpose of "Hallsite".

M. C. WAUCHOPE, Clerk of the Council.

LA202

LAND ACT 1933 ORDERS IN COUNCIL (Vesting of Reserves)

By the direction of His Excellency the Governor under section 33 (2), the following reserves have been vested.

DOLA File 5173/952.

Reserve No. 23664 (Point Samson Lot 276) vested in the Shire of Roebourne for the designated purpose of "Recreation".

DOLA File 1998/979.

Reserve No. 38571 (Port Hedland Lot 5838) vested in the Hedland College for the designated purpose of "Hedland College".

Local Authority—Town of Port Hedland.

DOLA File 2796/977.

Reserve No. 36025 (Port Hedland Lots 5435 and 5864) vested in the Town of Port Hedland for the designated purpose of "Drain".

DOLA File 2341/991.

Reserve No. 42453 (Ravenswood Lot 1) vested in the Shire of Murray for the designated purpose of "Pedestrian Accessway".

DOLA File 1630/993.

Reserve No. 42843 (Pingelly Lot 277) vested in the Shire of Pingelly for the designated purpose of "Drainage".

DOLA File 1089/960.

Reserve No. 25710 (Cockburn Sound Locations 1921 and 2088) vested in the City of Mandurah for the designated purpose of "Vehicle Parking" with power, subject to the approval in writing of the Minister for Lands to each and every lease or assignment of lease being first obtained, to lease the whole or any portion thereof for any term not exceeding thirty (30) years from the date of the lease.

DOLA File 2598/977.

Reserve No. 34748 (Highbury Lots 31 to 56 inclusive and 124) vested in the Shire of Narrogin for the designated purpose of "Gravel, Rubbish Disposal and Stopping Place".

DOLA File 543/941.

Reserve No. 22454 (Roe Location 2033) vested in the Shire of Kondinin for the designated purpose of "Quarry (Gravel)".

DOLA File 977/968.

Reserve No. 29157 (Roe Location 2937) vested in the Shire of Kondinin for the designated purpose of "Rubbish Disposal Site".

DOLA File 1617/993.

Reserve No. 21027 (Wellington Locations 4387 and 4412) vested in the Harvey District Hospital Board for the designated purpose of "Health (Hospital and Allied Purposes)" with power, to lease the whole or any portion thereof for any term.

Local Authority—Shire of Harvey.

DOLA File 2841/982.

Reserve No. 37988 (Guilderton Lot 397) vested in the Shire of Gingin for the designated purpose of "Drain".

DOLA File 2832/990.

Reserve No. 42840 (Kaluwiri Location 91) vested in the Australian and Overseas Telecommunications Corporation Limited for the designated purpose of "Repeater Station Site".

Local Authority—Shire of Leonora.

DOLA File 484/931.

Reserve No. 20668 (Fitzroy Locations 32, 40, 47 and 72) vested in the Shire of Derby/West Kimberley for the designated purpose of "Aerial Landing Ground" with power, subject to the approval in writing of the Minister for Lands to each and every lease or assignment of lease being first obtained, to lease the whole or any portion thereof for any term not exceeding twenty one (21) years from the date of the lease.

DOLA File 2970/954.

Reserve No. 24040 (Pingelly Lot 812) vested in the Shire of Pingelly for "Community Purposes".

DOLA File 652/985.

Reserve No. 42839 (Yurabi Location 34) vested in the Commissioner of Main Roads for the designated purpose of "Quarry".

Local Authority—Shire of Halls Creek.

DOLA File 1519/961.

Reserve No. 27428 (Avon Location 28987) vested in the Shire of Merredin for the designated purpose of "Gravel and Rubbish Disposal Site".

DOLA File 3567/970.

Reserve No. 31491 (King Location 331) vested in the Shire of Wyndham-East Kimberley for the designated purpose of "Gravel".

DOLA File 3637/930V3.

Reserve No. 20561 (Swan Locations 10520, 11918 and Marmion Lots 105 and 154) vested in the City of Wanneroo for the designated purpose of "Recreation and purposes incidental thereto" with power to lease the whole or any portion thereof for any term not exceeding twenty one (21) years from the date of the lease.

DOLA File 895/992.

Reserve No. 42836 (Nelson Location 13375) vested in the Chief Executive Officer of the Department of Agriculture for the designated purpose of "Agricultural Research Station".

Local Authority—Shire of Manjimup.

DOLA File 10443/912.

Reserve No. 14841 (Waroona Lot 73) vested in the Shire of Waroona for the designated purpose of "Hallsite" with power, subject to the approval in writing of the Minister for Lands to each and every lease or assignment of lease being first obtained, to lease the whole or any portion thereof for any term not exceeding twenty one (21) years from the date of the lease.

DOLA File 2382/910.

Reserve No. 13005 (Broome Lot 143) vested in the Government Employees Housing Authority for the designated purpose of "Housing".

Local Authority—Shire of Broome.

DOLA File 1275/991.

Reserve No. 42838 (Swan Location 11518) vested in the Shire of Swan for the designated purpose of "Drainage".

DOLA File 1181/992.

Reserve No. 42830 (Canning Location 3845) vested in the Water Authority of Western Australia for the designated purpose of "Drainage".

Local Authority—City of Gosnells.

DOLA File 3018/991.

Reserve No. 42833 (Swan Location 11776) vested in the City of Stirling for the designated purpose of "Recreation and Drainage".

DOLA File 1724/992.

Reserve No. 42803 (Swan Location 11827) vested in the Shire of Swan for the designated purpose of "Recreation".

DOLA File 1028/990.

Reserve No. 42784 (Plantagenet Location 7708) vested in the Water Authority of Western Australia for the designated purpose of "Drainage".

Local Authority—Shire of Albany.

DOLA File 1059/992.

Reserve No. 42785 (Plantagenet Location 7701) vested in the Water Authority of Western Australia for the designated purpose of "Drainage"

Local Authority—Shire of Albany.

M. C. WAUCHOPE, Clerk of the Council.

LA401

LAND ACT 1933

DEPARTMENT OF LAND ADMINISTRATION

It is hereby notified that it is intended to Grant a Special Lease over Numalgun Locations 5, 6 and 7 to Waralaei (Broome Hill) Pty Ltd and Alf Barrett Pty Ltd under section 116 of the Land Act 1933 for the purpose of "Cropping and Grazing" for a term of twenty-three (23) years and nine (9) months.

A. A. SKINNER, Chief Executive.

LA402

LAND ACT 1933
SPECIAL LEASE

Department of Land Administration.

It is hereby notified that it is intended to Grant a Special Lease over Easton Location 3 to Pearls Pty Ltd under section 116 of the Land Act 1933 for the purpose of "Accommodation and Other Buildings in Support of the Cultured Pearl Industry" for a term of fifty (50) years.

A. A. SKINNER, Chief Executive.

LA403

LOCAL GOVERNMENT ACT 1960
DECLARATION OF PUBLIC STREETS

Orders of the Minister for Lands
Made under Section 288

At the request of the local governments nominated, each piece of land specified in the Schedule is now declared to be absolutely dedicated as a public street.

Schedule

1. City of Armadale (DOLA File 2139/1988).
Road No. 2597 (Brookton Highway)(Widening). A strip of land delineated as road widening and indicated as 131 m² (Crown land) shown coloured green on Office of Titles Plan 19071.
Public Plan: BG34(10) 6.2.
2. City of Belmont (DOLA File 1666/1992).
Road No. 9753 (Orrong Road)(Widening). A strip of land marked road widening and coloured pink on Office of Titles Diagram 80756.
Public Plan: BG34(2) 17.22.
3. Shire of Albany (DOLA File 1093/1993).
Road No. 991 (Chester Pass Road). All those portions of land as delineated as road widenings and indicated as Crown land, shown bordered green on Office of Titles Plan 18425.
Public Plan: Porongurup NE and SE 1:25,000.

4. Shire of Esperance (DOLA File 1004/1968).

A) Road No. 18591. All that portion of the unnamed and surveyed road as delineated and coloured mid brown on Department of Land Administration Diagram 90347.

B) All that portion of road shown coloured blue and marked Closed by Deviation on Department of Land Administration Diagram 90347 is hereby closed.

Public Plan: Jenabillup 1:50,000.

5. Shire of Wyndham-East Kimberley (DOLA File 3337/1970). Road No. 18488 (Ningbing Road). The whole of Ningbing Road as delineated and coloured mid brown on DOLA Original Plan 18244.

Public Plan: Ivanhoe N.E. 1:25,000.

A. A. SKINNER, Chief Executive,
Department of Land Administration.

LA404

LOCAL GOVERNMENT ACT 1960
DECLARATION OF CLOSURE OF STREETS

Made by the Minister for Lands
Under Section 288A

At the request of the local government nominated, the street described in the Schedule are now declared to be closed.

Schedule

Shire of Roebourne (DOLA File 2584/1979, Closure No. R214).

All that portion of Roebourne-Point Samson Road as shown delineated black and coloured blue on Department of Land Administration Miscellaneous Diagram 378.

Public Plan: BJ65(2) 09.33 & 10.33.

A. A. SKINNER, Chief Executive,
Department of Land Administration.

LA405

LAND ACT 1933
WICKEPIN TOWNSITE
AMENDMENT OF BOUNDARIES

DOLA File: 3495/908.

His Excellency the Governor in Executive Council has been pleased to approve, under Section 10 of the Land Act 1933 of the amendment of the boundaries of Wickepin Townsite to include the area described in the Schedule hereunder.

Schedule

All that portion of land bounded by lines starting from the southwestern corner of Lot 1 of Williams Locations 7296 and 3864, as shown on Office of Titles Diagram 58577, a point on a present eastern boundary of Wickepin Townsite and extending easterly, northerly, westerly and again northerly along boundaries of that Lot to a southeastern boundary of Wickepin-Merredin Railway; thence generally southwesterly along that boundary to the northern side of Moss Parade, a point on a present northern boundary of Wickepin Townsite and thence easterly, southerly again easterly and again southerly along boundaries of that townsite to the starting point.

Public Plan: Toolibin NW (25).

A. A. SKINNER, Chief Executive.

LA406

LAND ACT 1933
ADDITIONAL SPECIAL LEASE PURPOSE

DOLA File: 1347/962V2.

His Excellency the Governor in Executive Council has been pleased to approve, under Section 116(14) of the Land Act 1933 of "Motel and Service Station" being an additional purpose for which a Special lease may be granted.

DOLA File: 2870/980.

His Excellency the Governor in Executive Council has been pleased to approve, under Section 116(14) of the Land Act 1933 of "Garden" being an additional purpose for which a Special lease may be granted.

DOLA File: 3465/981.

His Excellency the Governor in Executive Council has been pleased to approve, under Section 116(14) of the Land Act 1933 of "Accommodation" being an additional purpose for which a Special lease may be granted.

DOLA File: 2421/965.

His Excellency the Governor in Executive Council has been pleased to approve, under Section 116(14) of the Land Act 1933 of "Residence, Cropping and Grazing" being an additional purpose for which a Special lease may be granted.

A. A. SKINNER, Chief Executive.

LA701

**LAND ACT 1933
RESERVATION NOTICES**

Made by His Excellency the Governor under Section 29.

The Crown Lands described below have been set apart as public reserves.

DOLA File: 1059/992.

Reserve No. 42785 comprising Plantagenet Location 7701 with an area of 6241 square metres on Land Administration Diagram 90580 for the designated purpose of "Drainage".

Public Plan: Torbay NW and SW (25). Knapp Head Road.

Local Authority—Shire of Albany.

DOLA File: 1028/990.

Reserve No. 42784 comprising Plantagenet Location 7708 with an area of 9767 square metres on Land Administration Plan 18005 for the designated purpose of "Drainage".

Public Plan: Torbay NW and SW (25). Knapp Head Road.

Local Authority—Shire of Albany.

DOLA File: 1724/992.

Reserve No. 42803 comprising Swan Location 11827 (formerly portion of Swan Location H and being Lot 1059 the subject of Plan 15559) with an area of 3.4814 hectares for the designated purpose of "Recreation".

Public Plan: BG34 (2) 14.37. Lakeshore Close.

Local Authority—Shire of Swan.

DOLA File: 3018/991.

Reserve No. 42833 comprising Swan Location 11776 (formerly portion of each of Perthshire Locations Au and At and being Lot 10 the subject of Diagram 58572) with an area of 2728 square metres for the designated purpose of "Recreation and Drainage".

Public Plans: BG34 (2) 9.33 and 10.33. North Beach Road.

Local Authority—City of Stirling.

DOLA File: 1181/992.

Reserve No. 42830 comprising Canning Location 3845 (formerly portion of Canning Location 13 and being Lot 3 on Diagram 82549) with an area of 505 square metres for the designated purpose of "Drainage".

Public Plan: BG34 (2) 22.15.

Local Authority—City of Gosnells.

DOLA File: 1275/991.

Reserve No. 42838 comprising Swan Location 11518 with an area of 2990 square metres on Land Administration Diagram 89933 for the designated purpose of "Drainage".

Public Plans: BG35 (2) 21.16 and 22.16. Greenhead Street.

Local Authority—Shire of Swan.

DOLA File: 895/992.

Reserve No. 42836 comprising Nelson Location 13375 with an area of 2.6971 hectares on Land Administration Diagram 90530 for the designated purpose of "Agricultural Research Station".

Public Plan: Pemberton NW (25). South West Highway.

Local Authority—Shire of Manjimup.

DOLA File: 652/985.

Reserve No. 42839 comprising Yurabi Location 34 with an area of 46.4574 hectares on Land Administration Diagram 89699 for the designated purpose of "Quarry".

Public Plan: Mount Ramsay (250).

Local Authority—Shire of Halls Creek.

DOLA File: 2832/990.

Reserve No. 42840 comprising Kaluwiri Location 91 with an area of 3.2400 hectares on Land Administration Reserve Diagram 1030 for the designated purpose of "Repeater Station Site".

Public Plan: Leonora (250).

Local Authority—Shire of Leonora.

DOLA File: 2706/906.

Reserve No. 42841 comprising Popanyinning Lot 322 with an area of 825 square metres on Land Administration Diagram 91257 for the designated purpose of "Use and Requirements of the Minister for Works".

Public Plan: Popanyinning Townsite. Francis Street.

Local Authority—Shire of Cuballing.

DOLA File: 1630/993.

Reserve No. 42843 comprising Pingelly Lot 277 with an area of 1214 square metres on Land Administration Plan Pingelly 132 for the designated purpose of "Drainage".

Public Plan: BJ32 (2) 05.01. Realm Street.

Local Authority—Shire of Pingelly.

A. A. SKINNER, Chief Executive.

LA801

LAND ACT 1933 AMENDMENT OF RESERVES

Made by His Excellency the Governor under Section 37.

The following reserves have been amended.

DOLA File: 5173/952.

Reserve No. 23664 (at Point Samson) "Recreation" to comprise Lot 276 as surveyed and shown bordered red on Land Administration Reserve Plan 402 in lieu of Lot 186 and of its area being increased to about 13.2507 hectares accordingly.

Public Plans: BJ65 (2) 13.39 and Point Samson SE (25). Honeymoon Road and Meares Drive.

Local Authority—Shire of Roebourne.

DOLA File: 1998/979.

Reserve No. 38571 (at Port Hedland) "Hedland College" to comprise Lot 5838 as surveyed and shown bordered pink on Land Administration Plan 18335 in lieu of Lot 5434 and of its area being increased to 35.2531 hectares accordingly.

Public Plans: BL66 (2) 25.23 and (10) 5.5. Hamilton Road.

Local Authority—Town of Port Hedland.

DOLA File: 2796/977.

Reserve No. 36025 (Port Hedland Lot 5435) "Drain" to include Lot 5864 as surveyed and shown bordered pink on Land Administration Plan 18335 and of its area being increased to 7.6624 hectares accordingly.

Public Plans: BL66 (2) 25.23 and (10) 5.5. Forrest Circle.

Local Authority—Town of Port Hedland.

DOLA File: 2819/969.

Reserve No. 30169 (Pingelly Lots 277, 289, 321 and 331) "Native Housing" to exclude Lot 277 and of its area being reduced to 3650 square metres accordingly.

Public Plans: BJ32 (2) 05.01 and 06.01. Realm and Raglan Streets.

Local Authority—Shire of Pingelly.

DOLA File: 2706/906.

Reserve No. 10328 (Popanyinning Lots 95, 96 and 97) "Railway" to exclude that portion now comprised in Lot 322 as surveyed and shown bordered green on Land Administration Diagram 91257 and of its area being reduced to 18.1284 hectares accordingly.

Public Plan: Popanyinning Townsite. Francis Street.

Local Authority—Shire of Cuballing.

DOLA File: 65/936.

Reserve No. 22193 (at Wyndham) "Radio Station (Australian Aerial Medical Services)" to comprise Lot 1759 (formerly Lot 16) and of its area remaining unaltered accordingly.

Public Plans: DG80 (2) 20.10 and 20.11. O'Donnell Street.

Local Authority—Shire of Wyndham-East Kimberley.

DOLA File: 1089/960.

Reserve No. 25710 (Cockburn Sound Location 1921) "Parking Area" to include Location 2088 as surveyed and shown on Land Administration Diagram 72179 and of its area being increased to 6895 square metres accordingly.

Public Plan: BG33 (2) 05.01. Peninsular Entrance.

Local Authority—City of Mandurah.

DOLA File: 3637/930V3.

Reserve No. 20561 (Swan District) "Recreation and purposes incidental thereto" to comprise Locations 10520 and 11918 and Marmion Lots 105 and 154 as shown delineated and bordered red on Land Administration Reserve Plan 408 and of its area remaining unaltered.

Public Plans: Moore River SW, Yanchep NE & Pt NW (25), BF35 (10) 1.2-1.5, (2) 36.34-36.36, 37.34, 39.28, 39.29, BG35 (2) 03.14-03.16, 04.13, 05.01-05.09, 06.03, BG34 (2) 05.40, 06.37-06.40, 07.36 & 07.38.

Local Authority—City of Wanneroo.

DOLA File: 7088/911V3.

Reserve No. 13731 (Yilgarn District) "Common" to comprise Locations 1562 and 1576 as shown delineated and bordered red on Land Administration Reserve Plan 398 and of its area being reduced (recalculated) to 429.3091 hectares accordingly.

Public Plans: Bullfinch and Corinthia (50), BM37 (2) 06.10, 07.10 and 07.11. Koorda-Southern Cross Road.

Local Authority—Shire of Yilgarn.

DOLA File: 554/917.

Reserve No. 16732 (Nelson District) "Public Utility" to comprise Location 7389 as surveyed and shown bordered pink on Land Administration Diagram 90530 and of its area being reduced (recalculated) to 1.7142 hectares accordingly.

Public Plan: Pemberton NW (25). South West Highway.

Local Authority—Shire of Manjimup.

DOLA File: 2382/910.

Reserve No. 13005 (Broome Lots 143 and 453) "Prison Staff Quarters Site" to exclude Lot 453 and of its area being reduced to 2428 square metres accordingly.

Public Plan: CG73 (2) 30.15. Hamersley Street.

Local Authority—Shire of Broome.

A. A. SKINNER, Chief Executive.

LA901

LAND ACT 1933

Change of Purpose of Reserves

Made by His Excellency the Governor under Section 37.

The purpose of the following reserves have been changed.

DOLA File: 1089/960.

Reserve No. 25710 (Cockburn Sound Locations 1921 and 2088) being changed from "Parking Area" to "Vehicle Parking".

Public Plan: BG33 (2) 05.01. Peninsular Entrance.

Local Authority—City of Mandurah.

DOLA File: 65/936.

Reserve No. 22193 (Wyndham Lot 1759) being changed from "Radio Station (Australian Aerial Medical Services)" to "Use and Requirements of the Minister for Works".

Public Plans: DG80 (2) 20.10 and 20.11. O'Donnell Street.

Local Authority—Shire of Wyndham-East Kimberley.

DOLA File: 1617/993.

Reserve No. 21027 (Wellington Locations 4387 and 4412) being changed from "Public Hospital Site" to "Health (Hospital and Allied Purposes)".

Public Plan: BG31 (2) 16.20. Wright Street.

Local Authority—Shire of Harvey.

DOLA File: 977/968.

Reserve No. 29157 (Roe Location 2937) being changed from "Rubbish Depot" to "Rubbish Disposal Site".

Public Plan: Hyden (50).

Local Authority—Shire of Kondinin.

DOLA File: 3398/945.

Reserve No. 30384 (Boulder Lot 2292) being changed from "Housing" to "Use and Requirements of the Government Employees Housing Authority".

Public Plan: CF37 (2) 30.36. Ware Street.

Local Authority—City of Kalgoorlie-Boulder.

DOLA File: 2970/954.

Reserve No. 24040 (Pingelly Lot 812) being changed from "Junior Farmers' Club" to "Community Purposes".

Public Plan: Pingelly (2) 5.1 Queen Street.

Local Authority—Shire of Pingelly.

DOLA File: 2900/965.

Reserve No. 36980 (Port Hedland Lot 424) being changed from "Housing - Port Hedland Port Authority" to "Use and Requirements of the Port Hedland Port Authority".

Public Plan: BL66 (2) 25.34. Sutherland Street.

Local Authority—Town of Port Hedland.

DOLA File: 2126/958.

Reserve No. 25154 (Broome Lot 267) being changed from "Quarters Site (Harbour and Light Department)" to "Use and Requirements of the Minister for Works".

Public Plan: CG73 (2) 30.14. Robinson Street.

Local Authority—Shire of Broome.

DOLA File: 1519/961.

Reserve No. 27428 (Avon Location 28987) being changed from "Gravel" to "Gravel and Rubbish Disposal Site".

Public Plan: Nangeenan (50). Korbel West Road.

Local Authority—Shire of Merredin.

DOLA File: 2382/910.

Reserve No. 13005 (Broome Lot 143) being changed from "Prison Staff Quarters Site" to "Housing".

Public Plan: CG73 (2) 30.15. Hamersley Street.

Local Authority—Shire of Broome.

A. A. SKINNER, Chief Executive.

LB201

LAND ACT 1933

CANCELLATION OF RESERVES

Made by His Excellency the Governor under Section 37.

The following reserves have been cancelled.

DOLA File: 2421/965.

Reserve No. 27675 (Oldfield Location 1457) "Government Requirements".

Public Plan: CD30 (2) 30.01.

Local Authority—Shire of Ravensthorpe.

DOLA File: 3709/966.

Reserve No. 28870 (Cockburn Sound Location 2088) "Effluent Disposal".

Public Plan: BG33 (2) 05.01. Peninsular Entrance.

Local Authority—City of Mandurah.

DOLA File: 789/993.

Reserve No. 42736 (Jandakot Agricultural Area Lot 642) "Public Recreation".

Public Plan: BG34 (2) 16.11. Spyglass and Treetop Circles.

Local Authority—City of Canning.

DOLA File: 3579/989.

Reserve No. 4711 (Avon District) "Water".

Public Plan: Pantapin SW (25). (not plotted)

Local Authority—Shire of Quairading.

DOLA File: 2284/988.

Reserve No. 26676 (Cue Lot 402) "Natives (Housing)".

Public Plan: BK47 (2) 16.07. Patterson Street.

Local Authority—Shire of Cue.

A. A. SKINNER, Chief Executive.

LOCAL GOVERNMENT

LG101

CORRECTION

LOCAL GOVERNMENT ACT 1960

MUNICIPAL ELECTIONS

Shire of Gingin

It is hereby advised that the Advice of Elected Members for the Shire of Gingin, published in the *Government Gazette* Number 87, 22 June 1993, page 3045, should read—

1/5/93; Grant, Sally-Ann; Councillor; (a); Rule, I. M.; Annual.

1/5/93; Jarvis, Anita Joyce; Councillor; Upper Coastal; (a); Anderson, B. K.; Annual.

1/5/93; Fewster, Colin Wayne; Councillor; Town; (a); Brodie-Hall, R. M.; Annual.

A. W. HORTIN, Shire Clerk.

LG201

LOCAL GOVERNMENT ACT 1960

ORDER IN COUNCIL

Local Government (Buildings) Amendment Order 1993

Made by His Excellency the Governor in Executive Council.

Citation

1. This order may be cited as the *Local Government (Buildings) Amendment Order 1993*.

Principal order

2. In this order the *Local Government (Buildings) Order 1989** is referred to as the principal order.

[*Published in the *Gazette* of 28 July 1989 at pp. 2294-6. For amendments to 4 September 1992 see *Index to Legislation of Western Australia*, p. 4-164/5.]

Schedule 1 amended

3. Schedule 1 to the principal order is amended by deleting the item relating to the "Shire of Merredin".

Dated 14 September 1993.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

LG202

LOCAL GOVERNMENT ACT 1960**ORDER IN COUNCIL****Building Regulations Amendment Order 1993**

Made by His Excellency the Governor in Executive Council.

Citation

1. This order may be cited as the *Building Regulations Amendment Order 1993*.

Principal order

2. In this order the *Buildings Regulations Order 1989** is referred to as the principal order.

[*Published in the Gazette of 28 July 1989 at pp. 2294-6. For amendments to 4 September 1992 see Index to Legislation of Western Australia, p. 4-164/5.]

Schedule 1 amended

3. Schedule 1 to the principal order is amended by deleting the item relating to the "Shire of Goomalling" and substituting the following—

"Shire of Goomalling: those parts of the district that are zoned for rural purposes by zoning by-laws or a town planning scheme."

Schedule 2 amended

4. Schedule 2 to the principal order is amended by inserting in item 1(c) in appropriate alphabetical positions the following—

"Plantagenet".

Dated 14 September 1993.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

LG301

LOCAL GOVERNMENT ACT 1960*The Municipality of the Shire of Swan***BY-LAW RELATING TO THE CONDUCT OF PROCEEDINGS AND THE BUSINESS OF THE COUNCIL**

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 August 1992 to make and submit for confirmation by the Governor the following—

By-law Relating to the Conduct of Proceedings and the Business of the Council.

PART I—PRELIMINARY**THE STANDING ORDERS**

1. The proceedings and business of the Council shall be conducted according to this by-law, the clauses of which shall be referred to as "the Standing Orders".

ARRANGEMENT

2. The arrangement of this by-law is as follows—

PART I—Preliminary, clauses 1 to 4.

PART II—Meetings of the Council, clauses 5 to 25.

PART III—Business at Meeting

Division 1 Order of Business, clauses 26 to 29.

Division 2 Minutes, clauses 30 and 31.

Division 3 Questions, clauses 32 to 39.

Division 4 Reports of Committees, clauses 40 to 46.

Division 5 Rescission of Resolution, clauses 47 to 58.

Division 6 Notices, Clauses 59 to 64.

Division 7 Deputations and Petitions, clauses 65 to 69.

PART IV—Conduct of Meetings

- Division 1 Respect to the Chair, clauses 70 to 72.
- Division 2 Conduct of Debate, clauses 73 to 81.
- Division 3 Right of Reply, clauses 82 to 84.
- Division 4 Point of Order, clauses 85 to 87.
- Division 5 Personal Explanation, clauses 88 to 90.
- Division 6 Motions, clauses 91 to 101.
- Division 7 Amendments, clauses 102 to 107.
- Division 8 The Council Do Adjourn, clauses 108 to 116.
- Division 9 That the Debate Be Adjourned, clauses 117 to 122.
- Division 10 That the Question Be Now Put, clauses 123 to 128.
- Division 11 That Council Proceed to Next Business, clauses 129 to 133.
- Division 12 That Council Do Sit Behind Closed Doors, clauses 135 to 142.
- Division 13 Question May Be Referred Back to Committee, clause 143.
- Division 14 Voting, clauses 147 to 152.
- Division 15 Members & Officers Interests & Declarations, clauses 153 to 177.
- Division 16 General, clauses 178 to 186.
- Division 17 Disturbance and Breach of Order, clauses 185 to 200.

PART V—Committees

- Division 1 Standing Committees, clauses 201 to 212.
- Division 2 Occasional Committees, clauses 213 to 216.
- Division 3 General, clauses 217 to 226.

PART VI—Miscellaneous

- Division 1 Miscellaneous, clauses 227 to 231.

REPEAL

3. The By-law Relating to the Conduct of Proceedings and the Business of the Council made by the abovementioned municipality on the 12th day of February 1979 and published in the *Government Gazette* of Western Australia on 7 November 1980 and amended by notices published in the *Government Gazette* on 20 August 1982, 11 March 1983, 5 August 1983, 1 June 1984 and 17 August 1990 is hereby revoked.

DEFINITIONS

4. In this by-law, unless the context otherwise requires—

- “Act” means the Local Government Act 1960 and its amendments;
- “clause” means a clause of this by-law and the term “sub-clause” has a corresponding meaning;
- “Clerk” means the Shire Clerk or Acting Shire Clerk for the time being of the Municipality of the Shire of Swan;
- “Committee” means any Standing or Occasional Committee of the Council appointed in accordance with the provisions of Section 179 of the Act;
- “Council” means the Council of the Municipality of the Shire of Swan;
- “meeting” includes any Ordinary or Special Meeting of the Council or a Committee held in pursuance of the Act and convened as therein required;
- “Member” means a member of the Council (or Councillor);
- “notice paper” means a written notice convening a Council or Committee meeting and includes any accompanying reports or minutes or like documentation provided therewith for consideration at the meeting;
- “Officer” means an officer of the Council;
- “President” includes any member presiding at any meeting of the Council in the manner prescribed by the Act;
- “Shire” means the Municipality of the Shire of Swan.

Unless the context otherwise requires other terms and expressions herein shall have the same meaning as they have in the Act and the interpretations contained in Section 6 of the Act shall apply herein.

PART II—MEETINGS OF THE COUNCIL**KINDS OF MEETINGS**

5. Meetings of the Council shall be of two kinds, “Ordinary” and “Special”. Ordinary Meetings are those called at such place and at such times as the Council, from time to time, appoints for the transaction of the ordinary business of the Council. Special Meetings are those called to consider special business, the nature of which shall be specified in the notice convening the meeting. No business shall be transacted at a Special Meeting other than that for which the Special Meeting has been called.

ORDINARY MEETINGS

6. Ordinary Meetings of the Council shall be held at such times as the Council may from time to time determine.
7. The Council shall resolve the days and times when Council meetings shall be held at the first meeting held after the annual municipal election each year.
8. Notwithstanding the provisions of clause 7 hereof the President may convene a meeting of the Council as often as the President thinks fit.

NOTICE OF MEETINGS

9. Notice of all meetings of the Council shall be given to Members of the Council as follows—

- 9.1 *Council meetings other than those convened under section 172 (2) or section 172 (3) of the Act.*

The notice shall be in writing and shall be signed by or on behalf of the Clerk and shall state the place, date and hour of holding the meeting and shall state the business to be transacted. The notice shall be served on each of the Members of the Council at least twenty-four (24) hours before the time of the commencement of the meeting.

- 9.2 *Special Meeting convened under section 172 (2) of the Act.*

The provisions of the preceding sub-clause shall apply except that the notice shall be signed either by the President or the Clerk. At an Ordinary or Special Meeting of Council a notice convening a Special Meeting under section 172 (2) of the Act may be given for a meeting to be held later the same day after the conclusion or adjournment of the meeting at which the notice is given. If it is intended that the Special Meeting be held immediately after the conclusion or adjournment of another meeting the time of the Special Meeting shall be sufficiently specified for the purpose of section 178 (1) of the Act if words fairly expressing that intention are used in the notice.

- 9.3 *Special Meetings convened under section 172 (3) of the Act.*

The notice shall be in writing and shall be signed by three or more Members calling the meeting and shall state the place, date and hour of holding the meeting and shall state the nature of the business to be transacted. The notice shall be served on each of the other Members at the times and in the manner specified in section 172 (3) of the Act.

10. A notice of a meeting shall be served on each Member—

- 10.1 by delivering it to the Member personally; or

- 10.2 by delivering it to the Member's usual place of abode or business; or

- 10.3 by sending it to the Member by post or electronic mail at the Member's usual place of abode or business and a notice sent by post shall be deemed to have been served forty eight hours after the date of posting.

11. Notwithstanding a requirement in any preceding clause that the notice convening a Special Meeting of Council be in writing, such notice may be given by telephone by either the President or Clerk in the following circumstances—

- 11.1 the notice under section 172 (2) of the Act convening a Special Meeting and specifying the time and the object of the meeting may be given in a person-to-person telephone call to each of the Members before holding the meeting.

- 11.2 the notice under section 172 (3) of the Act convening a Special Meeting and specifying the time of the meeting may be given in a person-to-person telephone call to the President if applicable and each of the other Members at least seven (7) days before the time appointed for the commencement of the meeting provided that a notice in writing in the form prescribed by section 172 (3) signed by at least three Members shall first have been delivered to the Clerk.

NOTICE OF ADJOURNED MEETING

12. When a meeting of the Council is adjourned to a day and hour other than the next Ordinary Meeting of the Council, notice of the adjourned meeting shall, if time permits, be sent in the manner prescribed by clause 10 to each Member of the Council specifying the nature of the business to be transacted.

BUSINESS OF ADJOURNED MEETING

13. At an adjourned meeting of the Council no business shall be transacted other than such as shall have been specified on the notice of the meeting of which it is an adjournment, and which remains undisposed of, save and except in the case of an adjournment to the next Ordinary Meeting of the Council when the business undisposed of at the adjourned meeting shall have precedence.

FAILURE TO RECEIVE NOTICE NOT TO INVALIDATE PROCEEDINGS

14. Subject to the quorum provisions of Section 173 of the Act and clause 16 failure to receive a notice on the part of any Member shall not affect the validity of any Ordinary or Special meeting of the Council so long as all reasonable steps have been taken to serve such notice.

PRESIDENT TO PRESIDE

15. The President, if present, shall preside at all meetings of the Council and in the President's absence, or if after being present the President retires, the Deputy President shall preside but if the Deputy President is also not present, or after being present retires, then one of the Members chosen by the majority of Members then present shall preside.

QUORUM

16. Except in cases where section 173 (4) of the Act applies the number of Members necessary to form a quorum is eight.

17. Subject to clause 12, every meeting shall proceed to business so soon after the time stated in the notice of meeting as a quorum is constituted.

QUORUM MUST BE PRESENT

18. The Council shall not transact business at a meeting unless a quorum is present.

ABSENCE OF QUORUM

19. If at the expiration of half an hour from the time fixed for the commencement of a meeting of the Council a quorum is not present, the President, or in the President's absence, the Deputy President, or in the Deputy President's absence the majority of Members present, or any Member present alone, or in the absence of the President and all Members, the Clerk may adjourn the meeting to any date not later than seven days from the date of the adjournment; and business which could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting.

MEETING COUNTED OUT

20. If at any time during any meeting of the Council a quorum is not present the President shall thereupon suspend the proceedings of the meeting for a period of five minutes or such greater period not exceeding sixty minutes as is reasonably appropriate in the circumstances and if a quorum is not present at the expiration of the period the meeting shall be declared to have been counted out, and the President shall adjourn the meeting to some future date.

DEBATE MAY BE RESUMED ON MOTION

21. Where the debate on any motion, moved and seconded, is interrupted by the Council being counted out, that debate may, on a motion without notice be resumed at the next meeting at the point where it was so interrupted.

NAMES RECORDED

22. At any meeting at which there is not a quorum of Members present, or at which the Council is counted out for want of a quorum, the names of the Members then present shall be recorded in the Minute Book.

DISTURBANCES BY STRANGERS

23. A person not being a Member shall not at any meeting of the Council interrupt the proceedings of the Council.

24. Any person interrupting the business of the Council shall, when so directed by the President, forthwith leave the Council Chamber.

25. Any person who being ordered to leave the Council Chamber fails to do so may, by order of the President, be removed from the Council Chamber.

PART III—BUSINESS AT MEETINGS**DIVISION I—ORDER OF BUSINESS**

26. No business shall be transacted at any meeting of the Council other than that specified in the notice relating thereto except—

26.1 Matters which the Act permits to be dealt with without notice.

26.2 Matters which this by-law permits to be dealt with without notice.

27. The Order of Business at an Ordinary Meeting of the Council shall, unless for the greater convenience of the Council altered by resolution to that effect, be as nearly as practicable as follows—

27.1 Attendances and Apologies.

27.2 Leave of Absence.

27.3 Confirmation of Minutes of the last ordinary meeting and all meetings of the Council held since that meeting.

27.4 Declarations of Interest.

27.5 Public Question Time.

- 27.6 Declarations by Members whether they have given due consideration to all matters contained in the Agenda presently before the meeting.
- 27.7 Announcements by the President without discussion.
- 27.8 Members' questions of which due notice has been given, without discussion.
- 27.9 Members' questions of which notice has not been given, without discussion.
- 27.10 Petitions.
- 27.11 Any Business left over from previous meeting.
- 27.12 Reports of Committees.
- 27.13 Report of Shire Clerk.
- 27.14 Motions of which previous notice has been given.
- 27.15 Notice of Motions for consideration at the following meeting if given during the meeting.
- 27.16 Confidential Items.

OBJECTIONABLE BUSINESS

28. If the President at any meeting of the Council shall be of the opinion that any motion or business proposed to be made or transacted thereat is of an objectionable character, it shall be competent for the President either before or after the same is brought forward to declare that the same shall not be entertained. Provided always that it shall be competent for any Member to move dissent from the declaration made from the Chair, whereupon the motion to dissent shall be forthwith put without debate, and in the event of the same being carried by a majority of the Members present the business referred to shall thereupon be entertained but not otherwise.

URGENT BUSINESS

29. If any Member has urgent business to place before the meeting, that Member may move the suspension of the Standing Orders and, if agreed to by the Council, such business shall take precedence over all other.

DIVISION 2—MINUTES

CONFIRMATION OF MINUTES

30. The minutes of any preceding meeting, whether Ordinary or Special, not previously confirmed shall be submitted and confirmed at all Ordinary Meetings of the Council and no discussion thereon shall be permitted except as to their accuracy as a record of the proceedings and the minutes shall then if found to be correct be signed by the President who shall sign and date each page or shall place a stamped impression of signature and date to each page.

READING OF MINUTES MAY BE DISPENSED WITH

31. The reading at the next Ordinary Meeting of the Council of the minutes of a previous meeting may be dispensed with when Members have been supplied with copies of the minutes at least three days before the holding of the next Ordinary Meeting of the Council.

DIVISION 3—QUESTIONS

DEFINITION "QUESTIONS"

32. In clauses 33—39 inclusive the expression "question" means a request for information or an enquiry.

PUBLIC QUESTION TIME

33. A period not exceeding 15 minutes shall be set aside at each Ordinary Meeting of the Council in which to receive questions from members of the public concerning the work or any activity of the Shire. Upon receipt of a question from a member of the public the President may either answer the question or direct the question to a Member or Officer then present to answer. The President or Member or Officer concerned shall be under no obligation to answer a question at any meeting. If the President or Member or Officer concerned as the case may be is willing to answer the question it may be taken on notice to be answered at a subsequent meeting.

34. Notwithstanding the time limit provided in clause 33, the Council may resolve to extend the period of question time, for such period or periods of time as it thinks fit.

MEMBERS' QUESTIONS WITH NOTICE

35. A Member wishing to ask a question about the work or procedure of the Council shall give notice thereof in writing to the Clerk at least eight ordinary office hours before the hour fixed for the commencement of the meeting. If such question is in order the answer shall, as far as practicable, be presented in written form to the next meeting of the Council.

MEMBERS' QUESTIONS WITHOUT NOTICE

36. A question by a Member requesting general information from an Officer present at the meeting may be asked without notice but the Officer concerned shall have the right to ask that—

36.1 the question be placed on notice for the next Ordinary Meeting of the Council or relevant Standing Committee; or

36.2 the answer to the question be given to the Member who asked it prior to the next Ordinary Meeting of the Council provided that if the answer to the question without notice cannot be given at the meeting at which it is asked the Member asking the question may request that the answer be given to the appropriate Committee and the President may if the President thinks fit so direct.

QUESTIONS AND ANSWERS TO BE BRIEF

37. Every question and answer shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

QUESTIONS NOT TO INVOLVE ARGUMENT OR OPINION

38. In submitting any question, no argument or expression of opinion shall be used or offered, nor any facts stated except so far as may be necessary to explain such question.

NO DISCUSSION ON QUESTIONS

39. No discussion or further questions shall be allowed on any question or the answer thereto, unless with the consent of the President.

DIVISION 4—REPORTS OF COMMITTEES**REPORTS TO COUNCIL**

40. Each Committee shall cause to be prepared—

40.1 a report of recommendations with suitable explanatory preamble for submission to the next Ordinary Meeting of the Council.

40.2 minutes of its proceedings and transactions which shall be entered in a Minute Book.

ITEMS TO BE NUMBERED

41. The reports of every Committee shall be divided into items which shall, as far as is practicable, be numbered consecutively.

REPORTS TO BE DISTRIBUTED

42. All reports of Committees to be presented at any meeting of the Council shall be sent or otherwise delivered to each Member of the Council at least 48 hours before the scheduled commencement time of the meeting at which they will be presented, unless the Council resolves otherwise.

RECOMMENDATIONS MAY BE QUESTIONED

43. During the consideration by the Council of a recommendation of a Committee a Member may through the President question the Chairperson of the Committee or responsible Officer upon any matter arising directly out of or having relevance to the recommendation.

AMENDMENT OF RECOMMENDATIONS

44. A recommendation made by or contained in a report of a Committee may be—

44.1 adopted by the Council without amendment or modification; or

44.2 rejected by the Council in its entirety; or

44.3 subject to clause 45 amended or modified and adopted with such amendments or modifications; or

44.4 referred back to the Committee for further consideration.

45. Where in the opinion of the President an amendment or modification of a recommendation alters the substance or effect of the recommendation the President shall require a new motion to be put forward prefaced by the words ... "I move that the Committee Recommendation be set aside and that ..." and such a motion may be carried by a majority of the Council.

RECOMMENDATIONS BECOME RESOLUTIONS

46. If the Council adopts a recommendation contained in the report of a Committee either with or without amendment or modification the recommendation so adopted shall be deemed to be a resolution of the Council.

DIVISION 5—RESCISSION OF RESOLUTIONS

“SUBSTANTIVE RESOLUTION” DEFINED

47. In this Division the term “substantive motion” refers to a resolution which is the subject of a motion of rescission or alteration.

RESCISSION AT SAME MEETING

48. The Council may at the same meeting at which it is passed, rescind a resolution if all Members who were present in the Council Chamber at the time the resolution was passed are also present in the Council Chamber at the time the rescission is proposed.

RESCISSION AT SUBSEQUENT MEETING

49. The Council may, at a meeting after that at which it was passed rescind a resolution—

49.1 where notice of motion to rescind is not given, if a motion to that effect is carried by an absolute majority of the Members; or,

49.2 where the Member intending to propose the rescission has, through the Clerk given written notice of his intention to each of the other Members at least 7 days before the meeting, if a motion to the effect is carried by the majority of the Members voting on the proposal at the meeting;

but not otherwise.

TERMS OF AND REASONS FOR RESCISSION TO BE STATED

50. When making a motion of rescission at the same meeting at which the substantive resolution was passed or at a subsequent meeting without notice, the Member moving the rescission shall state in clear terms—

50.1 the terms of the motion of rescission identifying the resolution proposed to be rescinded; and

50.2 the reason or reasons for seeking rescission,

and the President shall not accept a motion for rescission which does not comply with those requirements.

TERMS AND REASONS TO BE STATED IN NOTICE

51. When giving notice of motion of rescission the Member giving notice shall record in writing in clear terms—

51.1 the terms of the motion of rescission identifying the resolution proposed to be rescinded; and

51.2 the reason or reasons for seeking the rescission.

The Clerk shall not accept a notice of motion of rescission which does not comply with these requirements.

NOTICES RECEIVED DURING THE SAME MEETING

52. If the Clerk receives a notice of motion to rescind a substantive resolution before the close of the meeting at which the substantive resolution was passed, then the Clerk shall forthwith deliver the notice to the President who shall at the earliest opportunity notify the meeting of the notice, and thereafter at the first available opportunity the President shall bring on the rescission motion before the close of the meeting.

53. If the Clerk receives a notice of motion to rescind a substantive resolution after the closure of the meeting at which the substantive resolution was passed, the Clerk shall do all things necessary to ensure that the rescission motion is considered at a Special or Ordinary Meeting of the Council held at the earliest opportunity after the meeting at which the substantive resolution was passed.

DELAY IN IMPLEMENTING SUBSTANTIVE RESOLUTION

54. Neither the Clerk nor any other Member or Officer of the Council shall take any step to implement or give effect to a substantive resolution until one (1) Shire office working day has expired after the close of the meeting at which the substantive resolution was passed. If a notice of motion to rescind is received by the Clerk before any step has been taken thereafter to implement the substantive resolution, then no steps shall be taken to implement or give effect to the substantive resolution until the rescission motion has been dealt with.

RESTRAINTS ON NOTICE OF RESCISSION

55. The Clerk shall not receive a notice of motion to rescind a substantive resolution if any action has been taken in accordance with this by-law to implement or give effect to the substantive resolution.

RESTRAINTS ON MOTIONS FOR RESCISSION

56. Without affecting the generality of clause 55, the Council shall not entertain a motion for rescission of a substantive resolution whether the rescission motion is moved with or without notice if—

- 56.1 at the time the motion is moved any action has been taken in accordance with this by-law by the Clerk or any other Officer to implement the substantive resolution; or
- 56.2 the resolution concerns an application for planning consent or a building licence or for any consent, approval or licence of a similar nature, where a resolution to grant the consent, approval or licence has been sent to the applicant by the Council in writing, or has been communicated orally to the applicant or the applicant's representatives by an Officer authorised to do so.

NO RESCISSION OF PROCEDURAL RESOLUTION OR A RESOLUTION TO RESCIND

57. The Council shall not entertain a motion to rescind a substantive resolution which is merely procedural in its form and effect, or a resolution to rescind another resolution.

REPEATED RESCISSIONS BY THE SAME MEMBER PROHIBITED

58. If the Council on a motion moved by any Member resolves not to rescind a substantive resolution then the Council shall not subsequently entertain a motion moved by the same Member to rescind the same substantive resolution.

DIVISION 6—NOTICES OF MOTION

NOTICE OF MOTION TO BE IN WRITING

59. Unless the Act or this by-law otherwise provide, a Member may only bring forward business as referred to in clause 61 at an Ordinary Meeting in the form of a motion of which notice has been given in writing to the Clerk.

60. Notice of motion shall be given either—

- 60.1 at a Council meeting with the intention that it be brought forward at the next Ordinary Meeting; or
- 60.2 otherwise at least 4 clear days before the meeting at which it is to be brought forward.

SUBJECT OF NOTICE OF MOTION

61. A notice of motion shall relate only to some question or issue affecting the constitution, administration, interests or affairs of the Shire or the Council within the scope of its statutory functions and powers, and the President shall rule out of order any motion which does not comply with this clause.

MOTION TO LAPSE

62. Every motion of which due notice has been given shall lapse unless—

- 62.1 the Member who gave notice thereof, or some other Member authorised for that purpose by the Member in writing, is present to move the motion when called on; or
- 62.2 the Council on a motion agrees to defer consideration of the motion to a later stage of the meeting or date.

AMENDMENTS TO NOTICE OF MOTION

63. Where notice of an amendment to a notice of motion shall be received by the Clerk at least four days before the meeting at which such motion is to be brought forward, the notice of amendment shall be entered onto the notice paper immediately after such notice of motion.

EXCLUSION OR AMENDMENT OF NOTICES

64. The Clerk, with the concurrence of the President, may exclude from the notice paper any notice of motion which the Clerk considers to be out of order, or in the case of defects in form only, the Clerk may on the Clerk's own initiative make such alterations or amendments to the notice of motion as will bring it into due form.

DIVISION 7—DEPUTATIONS AND PETITIONS

RECEIVAL OF DEPUTATIONS

65. Any person or persons wishing to be received as a deputation by a Committee of the Council shall in the first instance make a request specifying the matter to be raised to the Clerk who shall advise the Chairperson of the Committee concerned. The Chairperson concerned shall have the sole discretion to decide whether or not the deputation shall be received.

RESTRICTIONS OF NUMBERS AND SPEAKERS

66. A deputation to a Committee of the Council shall not exceed five in number and only two members thereof shall be at liberty to address the Committee concerned except in reply to questions from members of the Committee.

PETITIONS

67. A petition to the Council shall be presented to the Council by a Member or the Clerk who shall acquaint himself or herself with the contents thereof and ascertain that it—

67.1 be temperate and respectful in its language and not contain any language which is disrespectful to the Council;

67.2 contain the full names and addresses of all the petitioners in legible print;

67.3 have the name of the person who lodged the petition with the Council shown at the top of each page thereof but need not otherwise be in any articular form;

67.4 be signed by each and every one of the petitioners in their own handwriting.

68. Upon presentation of a petition, the Member concerned or the Clerk shall be confined to reading the petition and the only motions that are in order are that the petition be received and if necessary referred to a Committee.

69. Upon receipt of a petition the Clerk shall as soon as practicable refer it to the appropriate Committee for consideration and report to the Council.

PART IV—CONDUCT OF MEETINGS**DIVISION 1—RESPECT TO THE CHAIR**

70. After a meeting of the Council has been formally constituted and the business thereof commenced, a Member shall not enter, leave or withdraw from such meeting, without first paying due respect to the Chair by deference to the President.

MEMBERS TO ADDRESS THE PRESIDENT

71. Any Member moving a motion or amendment, or taking part in the discussion thereon, shall address the President and may rise if the Member so desires, or shall do so when requested by the President except when prevented from doing so by sickness or physical disability.

PRESIDENT TO BE HEARD

72. Whenever the President wishes to speak during a debate any Member then speaking or offering to speak shall cease speaking and the Council shall be silent so that the President may be heard without interruption.

DIVISION 2—CONDUCT OF DEBATE**THE PRESIDENT TO TAKE PART IN DEBATES**

73. Subject to the provisions of this by-law it shall be competent for the President to take part in a discussion upon any question before the Council, provided that the President does so before the right of reply is exercised.

PRIORITY OF SPEAKERS

74. Where two or more Members wish to speak at the same time the President shall decide which of them is entitled to priority.

TITLES TO BE USED

75. A speaker in referring to any other member present shall designate the member by the title of President, Chairperson or Member, as the case may be.

SPEAKING TWICE

76. Except where the operation of this clause is suspended under clause 78, a Member shall not speak twice on the same question except—

76.1 in reply, upon an original motion of which the Member was the mover;

76.2 in reply, upon an amendment last debated of which the Member was the mover;
or

76.3 by way of personal explanation.

CALLING TO ORDER FOR SPEAKING TWICE

77. The President shall, without waiting for the intervention of the Council, call to order any Member proceeding to speak a second time on the same question.

SUSPENSION

78. The Council may by resolution moved without notice suspend the operation of clause 76 and thereupon such clause shall be suspended until such time as the Council shall, by resolution, otherwise decide.

MOVER AND SECONDER HAVE SPOKEN

79. A Member moving or seconding a motion or amendment having addressed the Council upon the motion or amendment shall be deemed for the purpose of clause 76 to have spoken on the question.

NO SPEECH AFTER CERTAIN EVENTS

80. No Member shall speak on any motion or amendments -

80.1 after the mover has replied; or

80.2 after the question has been put.

LIMIT OF SPEECHES

81. Subject always to particular provisions relating to procedural motions a Member shall not speak upon any motion or amendment or speak in reply for a longer period than ten (10) minutes without the consent of the Council to extend, which consent shall be signified without discussion.

DIVISION 3—RIGHT OF REPLY

82. The mover of an original motion shall have the right of reply and in exercising that right shall strictly confine any debate to answering previous speakers and not introduce any new matter.

RIGHT OF REPLY BY MOVER OF ORIGINAL MOTION

83. If no amendment shall be moved after the proposal of an original motion, the mover may reply at the conclusion of the discussion on the motion. The mover of the original motion shall have the right to enter into debate on any amendment which is moved to the original motion.

RIGHT OF REPLY BY MOVER OF AMENDMENT

84. If there be an amendment the mover of such amendment shall have the right of reply to any discussion on the amendment.

DIVISION 4—POINT OF ORDER**POINT OF ORDER TO BE HEARD**

85. A Member who is addressing the President shall not be interrupted except upon a Point of Order in which event the Member shall cease speaking until the Member raising the Point of Order has been heard thereon and the question of order has been disposed of, whereupon the Member so interrupted may, if permitted, proceed.

ACCEPTABLE POINTS

86. A Member expressing a difference of opinion or contradicting a speaker shall not be recognised as raising a Point of Order. The following shall be recognised as breaches of Order—

86.1 discussion of a question not before the Council;

86.2 the use of offensive or insulting language;

86.3 the violation of any by-law of the Council.

RULINGS OF PRESIDENT

87. The President when deciding a Point of Order or practice, shall give a decision, and argument or comment shall not be permitted thereon and the President's decision shall be final in that particular case unless a majority of the Members then present shall, upon a motion made forthwith, dissent therefrom.

DIVISION 5—PERSONAL EXPLANATION

88. A Member making a personal explanation shall confine it to a succinct explanation of a material part of the Member's former speech and shall not advert to matters not strictly necessary for that purpose or seek to strengthen a former argument by introducing new matters or by replying to other Members.

MEMBER TO BE HEARD

89. A Member desirous of making a personal explanation of matters referred to by any other Member then speaking shall be entitled to be heard forthwith if the Member then speaking consents but if the Member who is speaking declines to give way the explanation must be offered at the conclusion of the speech.

RULING ON QUESTIONS OF PERSONAL EXPLANATION

90. The ruling of the President on the admissibility of a personal explanation shall be final and conclusive and shall not be open to discussion or dissent.

DIVISION 6—MOTIONS

SUBSTANCE OF MOTION TO BE STATED

91. Any Member desirous of proposing an original motion or amendment shall state its substance before addressing the Council thereon, and if so required by the President shall put the motion or amendment in writing.

UNOPPOSED BUSINESS

92. Upon a motion being moved, the President may ask the meeting if any Member opposes it. If no one signifies opposition to the motion or opposition to the motion being treated as unopposed business, the President may declare the motion carried without debate and without taking a vote thereon. A motion declared carried under this clause shall for all purposes be deemed a resolution of the Council. If any Member signifies opposition to a motion or to a motion being treated as unopposed business, the motion shall be dealt with according to the following clauses in this Division.

MOTIONS AND AMENDMENTS TO BE SECONDED

93. Save for a motion dealt with as unopposed business under clause 92 a motion or amendment shall not be discussed or put to the vote of the Council unless seconded. A Point of Order is not required to be seconded.

CONSENT OF SECONDER REQUIRED TO ACCEPT AMENDMENT

94. It shall not be competent for the mover of an original motion to amend the same without the consent of the seconder to the motion.

MEMBER MAY REQUIRE QUESTIONS TO BE READ

95. Any Member may require the question or matter under discussion to be read for information or clarification at any time during a debate, but not so as to interrupt any other Member whilst speaking.

DIVISION OF MOTIONS

96. The President may require, or the Council may by motion without debate order, a complicated motion to be divided and put in the form of two or more motions.

NEGATIVED MOTIONS

97. A motion to the same effect as any motion which has been negatived by the Council shall not again be entertained within a period of three months except with the consent of the Council.

WITHDRAWAL OF MOTIONS

98. A motion or amendment may be withdrawn by the mover with the consent of the Council which shall be signified without debate.

NO DIGRESSION

99. A Member shall not speak otherwise than upon or digress from the question then before the Council except in order to make a personal explanation.

PROCEDURAL MOTIONS

100. Permissible motions during debate shall be known as procedural motions.

PERMISSIBLE MOTIONS DURING DEBATE

101. When a motion is under debate no further motion shall be moved except a motion—

- 101.1 that the motion be amended;
- 101.2 that the Council do adjourn;
- 101.3 that the debate be adjourned;
- 101.4 that the question be now put;
- 101.5 that the Council do proceed with the next business;
- 101.6 that the Council do sit behind closed doors;
- 101.7 that a Committee Recommendation be referred back to the originating Committee.

DIVISION 7—AMENDMENTS

AMENDMENTS TO A MOTION

102. An amendment to a motion shall take one or more of the following forms -

- 102.1 that certain words be omitted therefrom;
- 102.1 that certain words be omitted therefrom and others substituted;
- 102.3 that words be added.

103. An amendment to a motion shall not have the effect of negating the general intention of the original motion and the ruling of the President in this regard shall be final unless a majority of Members then present shall, upon a motion made forthwith, dissent therefrom.

AMENDMENT TO RELATE TO MOTION

104. Every amendment shall be relevant to the motion on which it is moved.

ONE AMENDMENT AT A TIME

105. Only one amendment shall be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the original motion is put to the vote except that where an amendment is carried, one further amendment to the original motion, as amended, and no more, may be moved.

NOTICE OF FURTHER AMENDMENTS

106. In speaking to an amendment a Member may give notice of an intention to move a further amendment.

AMENDED MOTION TREATED AS ORIGINAL MOTION

107. Where an amendment is carried, the original motion as amended shall for all purposes of subsequent debate be treated as an original motion.

DIVISION 8—THAT COUNCIL DO ADJOURN**ADJOURNMENT OF MEETING**

108. The President may at the conclusion of the speech of any other Member or on the conclusion of any business, decide that the Council adjourn and shall state the time and date to which the adjournment is to be made and argument or comment shall not be permitted in respect of such a decision which shall be final in the particular case unless a majority of the Members then present shall upon motion made forthwith dissent therefrom.

THAT COUNCIL ADJOURN

109. A Member, may at the conclusion of the speech of any other Member or on the conclusion of any business, move without notice that the Council do now adjourn and that motion shall state the time and date to which the adjournment is to be made.

110. On a motion to adjourn the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second and the mover of the motion (if any) which was then under debate may speak for not more than five minutes, but no other debate shall be allowed.

LIMIT TO FURTHER MOTION

111. Where a motion for the adjournment of the Council is negatived, no similar motion shall be moved until the question then under discussion or the next business of the order of business has been disposed of. If for the greater convenience of the Council it is resolved that some other business be given precedence over the business appearing on the Order of Business, then for the purpose of this clause that business shall stand in the place of the business next on the Order of Business.

WHO MAY MOVE A MOTION

112. A Member who has spoken on the question then before the Council shall not move the adjournment of the Council.

113. A Member shall not, at the same sitting of the Council, move or second more than one motion for the adjournment of the Council.

RESUMPTION OF ADJOURNED MEETING

114. On a motion for adjournment of the Council being carried, the debate on the question (if any) under debate when the motion was moved shall be continued immediately upon the Council resuming after the adjournment.

NAMES OF SPEAKERS TO BE RECORDED

115. Upon a motion for the adjournment of the Council being carried, a record shall be taken of all those who have spoken on the subject under consideration at the time of the adjournment and they shall not be permitted to speak on any subsequent consideration of the same subject, but this clause does not deprive the mover of the original motion of the right of reply.

116. Upon a motion to adjourn the Council being carried, the Clerk shall adjourn the meeting to such time and date as the motion specifies or where no time and date is specified to such time and date as the President shall then declare.

DIVISION 9—THAT THE DEBATE BE ADJOURNED**MOTION FOR ADJOURNMENT OF DEBATE**

117. A Member may at the conclusion of the speech of any other Member move, without notice, that the debate be adjourned to a later hour of the same meeting or to a subsequent meeting of the Council.

118. On a motion that the debate be adjourned, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second and no debate shall be allowed; but if the question then before the Council is a recommendation from a Committee, the Chairperson of the Committee concerned or, in the Chairperson's absence a Member thereof, may speak for not more than five minutes.

WHO MAY MOVE FOR ADJOURNMENT

119. A Member who has spoken on the question then under debate shall not move the adjournment of the debate.

120. A Member shall not, at the same sitting of the Council, move or second more than one motion for the adjournment of the same debate.

SPEAKER ON RESUMPTION OF ADJOURNED DEBATE

121. On resuming an adjourned debate the Member who moved its adjournment shall be entitled to speak first.

NAMES OF SPEAKERS RECORDED

122. On a motion for the adjournment of a debate being carried, a record shall be taken of all those who have spoken on the subject under debate and they shall not be permitted to speak on any resumption of the debate on that subject, but this clause does not deprive the mover of the original motion of the right of reply.

DIVISION 10—THAT THE QUESTION BE NOW PUT

123. A Member may at any time move without notice and without comment that the question be now put and that motion shall immediately be put, without debate.

124. A motion that the question be now put shall not be moved by the mover or seconder or a Member who has spoken on the substantive motion or any amendment of it.

RIGHT OF REPLY

125. When it is decided by the Council that the question under consideration be put the mover of the question under consideration shall, if debate has ensued and if otherwise entitled to do so, be permitted to speak in reply for not more than five minutes before the question is put but subject thereto the question shall be at once put.

MOTION AND AMENDMENT INCLUDED

126. A motion that the question be now put may be moved in regard to an amendment motion and if carried the amendment shall be put to the vote immediately without any further discussion but in that case the debate on the substantive motion shall not be affected.

127. When it is decided by the Council in regard to a substantive motion that the question be now put, the question to be so put includes the substantive motion as well as any amendment thereto already passed.

PRESIDENT MAY REFUSE MOTION

128. The President may refuse to accept the motion that the question be now put and shall so refuse if of the view that the closure will have the effect of unfairly limiting debate before the principal arguments for or against the question have been presented. The decision of the President shall be binding but shall not preclude the acceptance of a motion that the question be now put, at a later time.

DIVISION 11

THAT COUNCIL PROCEED TO NEXT BUSINESS

129. A Member may at any time move without notice and without comment that the Council proceed to the next business, and upon that motion being seconded it shall immediately be put without debate.

130. Neither the mover nor the seconder nor a Member who has spoken on the substantive motion shall move that the Council proceed to the next business.

QUESTION CONSIDERED DROPPED

131. Where the Council decides to proceed to the next business, the question which was then under discussion shall be considered as lapsed. The effect of a motion thus lapsing shall be the same as if it had been lost on a vote of the Council.

LIMITATION OF TIME BETWEEN MOTIONS

132. During the same debate on any question a motion that the Council do proceed with the next business shall not be moved within one hour after a similar motion has been negatived.

DIVISION 11—THAT COUNCIL DO SIT BEHIND CLOSED DOORS

COUNCIL MEETINGS NOT OPEN TO PUBLIC

133. Ordinary and Special Meetings of the Council shall be open to the public except on such occasions as the Council by resolution, which may be moved without notice, directs otherwise.

BUSINESS BEHIND CLOSED DOORS

134. After the carrying of a resolution under clause 135 the business at that meeting of the Council shall not be open to the public but shall proceed behind closed doors until the Council by resolution decides that the meeting shall be open to the public.

SPEECHES ON MOTIONS TO EXCLUDE PUBLIC

135. The Member moving a motion that the public be excluded from a meeting of the Council or part thereof, or that a meeting be re-opened to the public may speak in support thereof for not more than five minutes but the seconder shall not be permitted to speak beyond formally seconding the motion.

RIGHT OF REPLY

136. Upon a motion being moved that a meeting of the Council or part thereof be not open to the public the mover of the question then under debate, if any, may without prejudice to the right of reply be heard in reply on the motion (that the meeting or part thereof be not open to the public) for five minutes after which the question shall be at once put without debate.

UNQUALIFIED PERSONS TO LEAVE MEETING

137. Upon the carrying of such resolution under clause 133 the President shall direct all persons other than Members of the Council the Clerk and any other person nominated in the resolution to leave the meeting and all such persons shall forthwith comply with such direction.

PRESIDENT MAY ORDER REMOVAL

138. Any person failing to comply with such direction shall commit a breach of the Standing Orders and in addition to any penalty to which the person may be liable in respect of such breach may by order of the President be removed from the Council Chamber.

REMOVAL OF LIMIT TO SPEECHES

139. While a resolution under clause 133 is in force the operation of clause 76 shall be suspended unless the Council shall by resolution otherwise decide.

CONFIDENTIAL MATTERS

140. Except for matters deemed confidential by the Council by resolution or by Council policy administered by the Shire Clerk, all other matters shall be held open for public scrutiny and comment. The notice paper excepting confidential matters for Committee meetings and Council meetings shall be available to the public at the same time as they are made available to Members.

141. All matters and questions considered or discussed by the Council behind closed doors shall be treated as strictly confidential and shall not, without the authority of the Council, be disclosed to any person other than the President, Members or Officers of the Council prior to the discussion of that matter at a meeting of the Council held open to the public.

READING OF RESOLUTIONS PASSED

142. Upon the public again being admitted to the meeting in accordance with clause 133 the Clerk shall, unless the Council by resolution otherwise decides, read out the resolution or resolutions carried by the Council whilst it was proceeding behind closed doors and details of any divisions taken or pecuniary interests declared.

DIVISION 13—QUESTION MAY BE REFERRED BACK TO COMMITTEE

143. Where the question before the Council is a recommendation from a Committee of the Council a Member may at the conclusion of the speech of any other Member move without notice that the question be referred back to the Committee; and on any such motion the mover may speak for not more than five minutes, the seconder shall not speak other than to formally second, and the Chairperson of the Committee concerned or in the absence of the Chairperson, a Member thereof, may speak for not more than five minutes but no other debate shall be allowed.

DIVISION 14—VOTING

ALL MEMBERS TO VOTE

144. Other than at a Committee meeting the President, when present, shall exercise a deliberative vote, but not exercise a casting vote. At every meeting of the Council except where a Member is prohibited from voting by the Act, every Member present in the Council Chamber when the question is put shall vote and if any Member who is entitled to vote fails to vote the President shall call upon the Member to vote.

EQUALITY OF VOTES

145. Where there is any equal division of votes upon any question the question shall be resolved in the negative.

METHOD OF TAKING THE VOTE

146. Save as provided in clause 92, the President shall in taking the vote on any motion or amendment put the question first in the affirmative and then in the negative and may do so as often as is necessary to enable the President to form and declare an opinion as to whether the affirmative or the negative has the majority by a show of hands.

147. The result of voting openly is determined on the count of raised hands but it may be determined on the voices unless a Member calls for a show of hands.

148. Upon a vote on the voices or on a show of hands being taken a Member may call for a division.

DIVISION PROCEDURES

149. If required by a Member a division must be called for immediately following the taking of a vote on any motion or amendment and a Member shall not be permitted to enter or leave the Council Chamber until after the division has been taken.

DIVISION—HOW TAKEN

150. A division requires participation by all those voting on the motion and shall be taken by those voting in the affirmative passing to the right of the Chair and those voting in the negative to the left of the Chair. The Clerk shall record the names of those Members who voted on the question on which the division was called together with details of whether they voted in the affirmative or negative.

DIVISION 15—MEMBERS' AND OFFICERS' INTERESTS AND DECLARATIONS

OBLIGATION TO DECLARE AN INTEREST

151. Any Member who has an interest within the meaning of Sections 174 and 174A of the Act in a matter proposed to be dealt with at any meeting shall declare the interest at the time Declarations of Members Interests are called for in the order of business for that meeting.

152. Any Member who is not present at the time declarations are called for in the order of business shall declare an interest in the matter as soon as practicable but if this is not possible then at the time that the matter arises for consideration by the meeting, and before any discussion or voting on that matter takes place.

153. If a Member has an interest in a matter raised by way of amendment to a motion or an interest in a matter raised otherwise without notice, the Member shall declare that interest at the earliest possible time but in any event before discussion and voting on the matter takes place.

154. The obligation to declare an interest shall apply to all Members present at the meeting including a Member attending a Committee meeting in the capacity of an observer.

155. The obligation to declare an interest applies in regard to each meeting at which the matter the subject of the interest arises.

156. The obligation to declare an interest at a meeting does not apply to a Member who has disclosed the Member's interest by written notice given to the Clerk prior to the meeting. The Clerk shall bring the Member's interest to the attention to the meeting. If this does not occur then the Member shall comply with clause 152.

DETAILS OF INTEREST

157. At the time of declaring an interest, a Member is not required to give any details of the interest unless the Member wishes the meeting to consider and resolve upon the question whether the Member—

157.1 should be permitted to take part in the consideration or discussion of the matter; or

157.2 should be permitted to vote on the matter pursuant to subsection 174(5) of the Act,

in which case the Member shall comply with clause 165.

PERMISSION TO PARTICIPATE

158. A Member who has declared an interest or who is liable to declare an interest in the matter and who—

158.1 desires to take part in the consideration or discussion of the matter; or

158.2 desires to vote on the matter

shall not do either unless the meeting at which the matter arose determines by motion which may be moved without notice, that the Member should be allowed to speak or vote or both as the case may be.

159. A meeting when considering the question in sub-clause 158.2 shall have regard only to the considerations in paragraphs (a) and (b) of sub-section 174(5) of the Act but may consider those and other considerations of a like kind when considering the question in sub-clause 158.1.

OBLIGATION TO WITHDRAW

160. Notwithstanding that there is no statutory obligation to do so, it is considered that a Member who has declared an interest in a matter including a Member attending a Committee meeting should depart from and remain absent from the Chamber or room while the matter is under consideration and until a vote on the matter has been taken.

161. A Member who has declared an interest and who does not desire to take part in the consideration or discussion of the matter or to vote on the matter and who elects to depart in accordance with the recommendation in clause 160 should depart from the Chamber or room when the matter arises for consideration or when invited to do so.

162. A Member who has declared an interest in the matter ("the substantial matter") but who desires either to participate in the consideration or discussion of the matter or to vote on the matter should remain in the Chamber or room to give an explanation in support of a motion that the Member be permitted to speak and/or to vote on the matter (as the case may be) but thereafter should depart until the vote on that matter is known.

163. If it is resolved at a meeting that a Member who has an interest in a matter be permitted to participate in the consideration and discussion of the matter or to vote on the matter or both, then the Member may return and participate to the extent permitted.

EXCLUSION BY MOTION

164. Notwithstanding the provisions of clauses 160—163 (inclusive) if a Member has declared an interest in a matter or is liable to declare an interest, and has not elected to withdraw from the Council Chamber or the meeting room in accordance with the recommendation in clause 160, the Council or Committee may by motion, which may be moved without notice, exclude the Member from the Chamber or room in the circumstances referred to in sub-section 174(9) of the Act.

FULL DETAILS OF INTEREST TO BE GIVEN

165. If a Member declares an interest in a matter, the question whether the Member should be permitted to take part in the consideration or discussion of the matter and the question whether the member should be permitted to vote on the matter shall not be considered unless full details of the Member's interest have been given to the meeting, sufficient to enable other Members present at the meeting to make a fair and informed decision on such questions.

166. A Member who has declared an interest or who is liable to declare an interest in the matter shall not take part in the consideration and discussion or voting on the matter unless full details of the Member's interest have been given to the meeting, sufficient to enable other Members present at the meeting to make a fair and informed decision on the question whether the declaring Member should be permitted to do so.

167. The prohibition in clause 166 shall continue to apply whether or not the meeting has resolved to permit the Member to participate in the consideration and discussion or in the voting on the matter.

INVITATION TO RETURN TO PROVIDE INFORMATION

168. Where a Member has declared an interest in a matter and has departed from the Chamber or room in accordance with the recommendation in clause 160 the meeting may resolve to invite the Member to return to provide information in respect of the matter or in respect of the Member's interest in the matter but in such case the Member should withdraw after providing the information.

RECORDING DETAILS OF INTEREST IN MINUTES

169. The minutes of the meeting shall record in summary form the details of the interest disclosed by a Member in accordance with the provisions of this Division unless the meeting resolves that the details should be recorded in full.

DECLARING INTEREST IN URGENT BUSINESS

170. In the case of a matter which comes before the Council as urgent business, any member who has an interest in that matter within the meaning of Section 174 of the Act and who has not had an earlier opportunity to declare an interest in the matter, shall declare an interest when the matter comes forward for consideration by the meeting.

NOTIFICATION OF INTEREST AT MEETING

171. A Member who has an interest in a matter proposed to be dealt with at a meeting may give written notice of an interest in that matter at or prior to the meeting, but in any event the fact of the interest having been declared shall be notified to the meeting.

EXEMPTION BY MINISTER

172. Where the Minister grants an exemption under the provisions of sub-section 174(10) of the Act, in the case of an inconsistency between the provisions of this Division and the exemption the conditions of the exemption shall prevail.

173. The terms of any exemption granted by the Minister shall be recorded in the same manner of declaration of interest pursuant to sub-section 174(8) of the Act.

DECLARATION OF DUE CONSIDERATION

174. Any Member who is not familiar with the substance of any report or minutes or other information provided for consideration at a meeting shall declare that fact at the time declarations of due consideration are called for in the Order of Business of the meeting or otherwise before the meeting considers the matter and in the event that any Member makes such a declaration the relevant matter shall be stood down for later consideration at that meeting so as to allow an opportunity for any Member making a declaration to become familiar with the relevant report or minutes or other information. If the delay in consideration of the matter has not allowed sufficient time for the Member to give due consideration to the matter, the Member should leave the Council Chamber before any question concerning that matter is put to the vote.

DECLARATION OF OFFICERS' INTERESTS

175. An Officer who is liable to declare an interest under the provisions of Section 174A of the Act when giving advice or a report to the meeting shall disclose the fact of the interest in or at the time of giving such advice or report.

176. An Officer disclosing an interest in accordance with clause 175 shall provide sufficient details of the interest to enable the meeting to make a fair and informed evaluation of the extent and nature of the Officer's interest and any affect that interest might be thought to have upon the advice or report given.

177. The details of the interest of an Officer so disclosed shall be recorded in a book in accordance with sub-section 174A(4) of the Act, and the fact of the disclosure and the summary of the details thereof shall be recorded in the minutes of the meeting unless the meeting resolves to record the details of the interest in full.

DIVISION 16—GENERAL

SUSPENSION OF STANDING ORDERS

178. In cases of urgent necessity any clause may be suspended on motion duly made and seconded.

MOTION FOR SUSPENSION OF STANDING ORDERS

179. Any Member moving the suspension of the Standing Orders shall state the object of the motion, but discussion shall not otherwise take place thereon.

ONLY SPECIFIED CLAUSES SUSPENDED

180. A Member moving the suspension of the Standing Orders under this Division shall state the specific clause or clauses of the Standing Orders sought to be suspended. Only the clauses so nominated shall be affected by any resolution to suspend the Standing Orders under this Division.

PRODUCTION OF DOCUMENTS

181. Any Member may require the production of any of the documents of the Council relating to a question or matter relevant to the business to be considered by the Council at a meeting. Any Member who requests this, shall at any reasonable time during normal office hours, request of the Clerk or the Clerk's nominee, the subject document or documents and, upon production of the documents, the Member may peruse the same in the presence of the Clerk or the Clerk's nominee.

182. On giving to the Clerk not less than four hours notice, a Member shall be entitled to have laid on the Council table for the duration of a meeting any document or record of the Council relevant to the business to be considered by the Council at the meeting and the Clerk, on receiving that notice, shall lay the document or record on the Council table at least one hour before the commencement of the meeting.

183. Save as aforesaid no Member shall require an Officer or any other person to produce or make available to the Member or any other person nominated any document or record of the Council unless the Member has the approval of the Clerk for the same and the document or record at the same time is made available to all other Members provided always that the provisions of this clause do not apply to the Council Valuation Register or Books of Account.

TABLING OF DOCUMENTS

184. Where a Member during debate tables any document, details thereof shall be recorded in the minutes of the meeting provided always that such a document becomes part of the public record and a copy thereof shall be made available to any Member upon request.

DIVISION 17—DISTURBANCE AND BREACH OF ORDER

NO ADVERSE REFLECTION ON RESOLUTION OF COUNCIL

185. A Member shall not reflect adversely upon a resolution of the Council except on a motion that the resolution be rescinded or amended.

NO ADVERSE REFLECTION ON MEMBER

186. A Member shall not reflect adversely upon the character or actions of another Member or an Officer nor impute any motive to a Member or Officer unless the Council resolves without debate that the questions then before the Council cannot otherwise be adequately considered.

RECORD OF WORDS SPOKEN

187. Any Member may require the Clerk to take down any particular words used by a Member immediately upon their being used and to read such words back to the meeting for verification.

DEMANDS FOR WITHDRAWAL

188. If a Member commits a breach of either clause 185 or 186 the President may require the Member unreservedly to withdraw any offending comment and to make a satisfactory apology and if the Member declines or neglects to do so the President may direct such Member to cease speaking and may call on the next speaker.

RETRACTION OR APOLOGY ON ANY MATTER

189. Whenever the President has decided that any motion, amendment or other matter before the Council is out of order the President shall reject it; and whenever anything is said or done that Member may be called upon by the President to make such explanation, retraction or apology as the case may require.

190. Where a Member persists in any conduct which the President decides is out of order, or refuses to make a withdrawal or satisfactory apology required by the President under clause 188, or refuses to make an explanation, retraction or apology required by the President under clause 189, the President may direct the member to refrain from taking any further part in the meeting of the Council other than dealing with the Member's request under Section 174(5) of the Act or by recording the Member's vote.

191. Any Member failing to comply with such a direction shall commit a breach of the Standing Orders and shall be subject to the penalty prescribed by clause 229.

DISTURBANCE BY MEMBERS

192. A Member shall not make any noise or disturbance or converse aloud while any other person is addressing the Council, excepting—

192.1 to raise a Point of Order; or

192.2 to call attention to want of a quorum.

CONTINUED IRRELEVANCE ETC.

193. The President may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Member and may direct that Member, if speaking, to discontinue the Member's speech and thereupon the Member shall cease speaking.

RESPECT FOR SPEAKER

194. When the President is putting any question a Member shall not walk out of or across the Chamber and shall not, whilst any other Member is speaking, pass between the speaker and the Chair.

DEFINITION OF ORDER

195. Any Member who shall do anything or behave in a manner which is forbidden by any clause of the Standing Orders shall be deemed to be out of order.

196. The President shall preserve order and may call any Member to order whenever, in the President's opinion, there is cause for doing so.

MEMBERS MAY DIRECT ATTENTION TO BREACHES OF ORDER

197. Every Member shall be entitled to direct the attention of the President to any infraction of the Standing Orders by any other Member; or to draw the attention of the President to any matter of which notice may be taken under clause 186.

SERIOUS DISORDER

198. If at a meeting of the Council the President is of the opinion that by reason of disorder or otherwise the business of the Council cannot effectually be continued, the President may adjourn the meeting for a period of fifteen minutes, whereafter the Council shall re-assemble and decide whether business is to be proceeded with; and that question shall be decided forthwith and without debate.

199. When after any proceeding under clause 198 the President is again of the opinion that the business of the Council cannot effectually be continued, the President may adjourn the meeting and shall state a time and date to which the adjournment is to be made and argument or comment shall not be permitted in respect of such decision which shall be final and conclusive and not open to dissent.

200. Where after any proceeding under clause 199 the President is again of the opinion that business of the Council cannot effectually be continued, the President may close the meeting.

PART V—COMMITTEES**DIVISION 1—STANDING COMMITTEES****APPOINTMENT OF STANDING COMMITTEES**

201. In addition to such Occasional Committees as may from time to time be appointed, there shall be such Standing Committees of the Council as the Council shall resolve at the first meeting of the Council after the annual municipal election each year.

COMPOSITION OF STANDING COMMITTEES

202. The members of each Standing Committee shall comprise of Members. The number and appointment of members of a Standing Committee shall be decided upon by the Council at the first meeting of Council held after the annual election each year provided that the number of members of a Committee shall be less than one half of the total number of Members of Council.

APPOINTMENT OF COMMITTEES

203. The initial membership of a Standing Committee or an Occasional Committee shall be by appointment by the Council.

204. The Council may by resolution carried pursuant to a notice of motion by a majority, or on a motion moved without notice, by an absolute majority, change the membership of any Committee.

CHAIRPERSON OF STANDING COMMITTEES

205. Subject to the Act and this by-law, the President is ex officio a member of every Committee in respect of which the President indicates an intention to be a member thereof—

205.1 at the time of the appointment of the Committee; or

205.2 at the first meeting of the Committee held after any declaration of the annual election of Members of the Council that takes place after the appointment of the Committee; or

205.3 at any meeting of the Council at which the constitution of the Committee is altered.

206. Where the President is ex officio a member of a Committee the President may, but is not obliged to, preside as Chairperson of the meetings of the Committee and if in accordance with the Act the President intimates an intention not to do so, or does not intimate an intention at all, the members of the Committee may elect one of their number to preside in lieu of the President.

207. The President may indicate an intention to preside as Chairperson of the meeting of a Committee by declaring it at the first meeting of the Committee held after the declaration of the annual election of Members, or by giving each of the members of that Committee, at or before that meeting, written notice of an intention not to preside, but if at or before that meeting the President does not so give notice, the President is regarded as having intimated an intention not to preside.

208. If the President intimates or is regarded as having intimated an intention not to preside at a Committee meeting the President shall not, unless under s.182(6) of the Act the President is authorised to do so, preside until the corresponding first meeting of the Committee in the following year.

DEPUTY MEMBERS

209. The Council may appoint one of its Members to be a deputy to act on behalf of a Member of an Occasional or Standing Committee whenever that Member is unable to be present at a meeting thereof, and if the deputy attends any such meeting in place of the member—

209.1 the deputy Member is entitled to so attend and act for the Member thereat; and

209.2 while so acting, has all the powers of that Member.

TERM OF OFFICE

210. A member of any Committee shall hold office until the annual election in the following year.

COUNCIL MAY CHANGE MEMBERSHIP

211. The Council may by resolution change the membership of any Committee.

DUTIES OF COMMITTEES

212. The powers and duties of Standing Committees shall be such as the Council from time to time determines.

DIVISION 2—OCCASIONAL COMMITTEES

APPOINTMENT OF OCCASIONAL COMMITTEES

213. The Council may appoint Occasional Committees to perform any duties and responsibilities which may be lawfully entrusted by it to a Committee.

NUMBER OF MEMBERS

214. An Occasional Committee may comprise any number of Members provided that the number of Committee members shall be less than one-half of the total number of Members of Council.

STANDING COMMITTEES NOT TO INTERFERE

215. A Standing Committee shall not interfere in any matter which has for the time being been entrusted to an Occasional Committee.

DETAILS OF APPOINTMENTS

216. An Occasional Committee shall not be appointed except on a motion setting out—

216.1 the duties and responsibilities proposed to be entrusted to such Committee; and

216.2 either;

216.2.1 the names of the Members of whom it is intended to constitute the Committee; or

216.2.2 the number of Members intended to constitute the Committee and a provision that they be elected by a separate motion.

DIVISION 3—GENERAL

ADVISORY AND MANAGEMENT COMMITTEES

217. Whenever the Council thinks fit it may appoint persons, whether Members or not, as an Advisory Committee, or as a Management Committee, in accordance with and for any of the purposes set out in Sections 180 and 181 of the Act, respectively.

CALLING OF MEETINGS

218. The Clerk shall cause a meeting of any Committee to be called when requested so to do by the President or the Chairperson or any two members of that Committee.

STANDING ORDERS TO APPLY MUTATIS MUTANDIS

219. Except insofar as they limit the number of times a member may speak or require meetings to be conducted with open doors, the Standing Orders shall be observed at meetings of Committees; but the Chairperson of a Committee may have and exercise both a deliberative and in the case of an equality of votes a casting vote. For the purpose of this clause, reference to the President in Parts II to IV inclusive and Part VI, where the context permits, should be read as a reference to the Chairperson of a Committee.

QUORUM OF COMMITTEE

220. At any meeting of a Committee the number of members necessary to form a quorum—

220.1 where the total number of the members of the Committee is an even number, is one-half of that total, plus one; or

220.2 where the total number of the members of the Committee is an odd number, is the integer nearest to but greater than one-half of that total.

OBSERVER

221. Any Member may attend a meeting of a Committee of which the Member is not a member but the Member shall not take part in any of the proceedings of the Committee unless called upon by the Chairperson.

SUB-COMMITTEES

222. A Committee may appoint a Sub-Committee of its members and delegate to the Sub-Committee the exercise of such of the powers and the performance of such of the duties of the Committee as the Committee thinks fit; but the Sub-Committee shall not exercise a power or perform a duty without the approval of the Committee by which the Sub-Committee is appointed.

MINUTES OF COMMITTEES

223. Each Committee shall cause to be kept a Minute Book in which shall be entered minutes of all its proceedings and transactions.

224. The minutes of each meeting shall be confirmed at the next meeting of the Committee and shall be signed and dated by the Chairperson thereof.

COMMITTEES TO REPORT

225. Committees shall report after each meeting to the Council and shall report after each meeting to Ordinary Meetings of the Council and in addition shall report to the Council fully on its activities.

VACANCY ON THE COMMITTEE

226. Any member of a Committee may resign from the Committee by a notice in writing signed by the member and addressed to the Clerk and when delivered to the Clerk, the member's seat on the Committee shall become vacant. Council may from time to time fill a vacancy in a Committee in the manner provided for appointment of the members thereof.

PART VI—MISCELLANEOUS**RECORDING OF PROCEEDINGS**

227. A person shall not use any photographic, electronic, visual or vocal recording device or instrument to record the proceedings of the Council or any Committee thereof unless the person has been given permission by the Council to do so.

CASES NOT PROVIDED FOR IN STANDING ORDERS

228. The President shall decide all questions of order, procedure, debate or otherwise in respect of which no provisions or insufficient provision is made in this by-law. The decision of the President in all such cases shall be final in that particular case unless a majority of the Members then present shall, on motion made forthwith and without discussion, dissent therefrom.

PENALTY

229. Any person committing a breach of these Standing Orders is liable to a penalty upon conviction not exceeding five hundred dollars (\$500).

PRESIDENT TO ENSURE COMPLIANCE

230. The President is authorised and empowered to ensure that meetings are conducted in accordance with these Standing Orders.

COUNCIL MAY TAKE ACTION

231. The Council may take proceedings under Section 646 of the Act against any persons committing a breach of these Standing Orders.

Dated this 25th day of August 1993.

The COMMON SEAL of the SHIRE of SWAN was hereunto affixed by authority of a resolution of the COUNCIL in the presence of:

M. C. KIDSON, President.

E. W. T. LUMSDEN, Chief Executive Officer/Shire Clerk.

Recommended—

P. D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG302

LOCAL GOVERNMENT ACT 1960

Shire of Carnarvon

MUNICIPAL BY-LAWS

In pursuance of the powers conferred upon it by the abovementioned Act and all of the powers enabling it, the Council of the Municipality of the Shire of Carnarvon hereby records having resolved on the 27th June, 1990 to make and submit for confirmation by the Governor the following By-laws—Shire of Carnarvon Municipal By-laws.

- A. Repealing By-law 55c relating to Trees as published in the *Government Gazette* of 1st April, 1927;
- B. Repealing By-law 110 relating to Removal of Refuse, etc. As published in the *Government Gazette* on 9th February, 1961;
- C. Repealing the By-laws relating to (Prevention of Damage to Streets) No. 15 as published in the *Government Gazette* of 21st November, 1967;
- D. Repealing the By-laws relating to the Prevention of Damage to Footpaths as published in the *Government Gazette* of 21st November, 1967 and as amended in the *Government Gazette* of 20th February, 1976, 1st April 1977 and 1st March, 1985;
- E. Repealing of Model By-laws Relating to (Renewal and Disposal of Obstructing Animals and Vehicles) No. 7 and amended in the *Government Gazette* of 31st October, 1986;
- F. Repealing the Swimming Pool By-laws as published in the *Government Gazette* of 22nd October, 1970 and amended in the *Government Gazette* of 25th January, 1972, 11th May, 1973, 7th October, 1983 and 22nd July, 1988;
- G. Repealing the By-laws Relating to Building Line as published in the *Government Gazette* of 20th April, 1971;
- H. Repealing the By-laws Relating to Street Lawns and Gardens, No. 11 as published in the *Government Gazette* on 14th December, 1973;
- I. Repealing the By-laws Relating to Stalls and Stallholders as published in the *Government Gazette* of 29th April, 1988.
- J. Repealing the By-laws Relating to Horses as published in the *Government Gazette* of 22nd July, 1988;
- K. Repealing the By-laws Relating to the Storage of Inflammable Liquid Offensive and Dangerous Things as published in the *Government Gazette* of 14th January, 1969;
- L. Repealing of By-laws Governing Long Service Leave to be Granted to Employees of the Carnarvon Municipal Council as published in the *Government Gazette* of 12th September, 1956;
- M. Repealing of By-laws of the Carnarvon Municipal Council as published in the *Government Gazette* of 25th April, 1913;
- N. Repealing of By-laws Relating to Hawkers as published in the *Government Gazette* of 29th November, 1985;
- O. Repealing of By-laws Relating to Street Trading as published in the *Government Gazette* of 29th April, 1988;
- P. Repealing of By-laws Relating to the Keeping of Goats as published in the *Government Gazette* of 17th March, 1989;
- Q. Repealing of By-laws Relating to Extractive Industries as published in the *Government Gazette* of 14th January, 1969.

To make and submit for confirmation by the Governor the following By-laws.

Citation

These By-laws may be cited as the Shire of Carnarvon Municipal By-laws.

2. INTERPRETATION AND DEFINITION

2.1 In these By-laws unless the context otherwise requires—

“ACT” means the Local Government Act 1960 (as amended)

“ANIMAL” means any animal other than a dog;

“APPOINTED PLACE” means a yard or other piece of land set aside as a place to which obstructing vehicles may be removed, pursuant to these by-laws;

“AUTHORISED OFFICER” means an officer of the Council authorised by the Council to perform duties in accordance with these by-laws;

“CYCLE” means any one wheeled, two wheeled or three wheeled vehicle that is designed to be propelled solely by human power;

“CYCLE TRAFFIC CONTROL DEVICE” includes any sign, signal or pavement marking which is placed or erected for the purpose of regulating, warning or guiding dual use path users;

"BUILDING LINE" shall have the meaning as given in the Act;

"CARRIAGEWAY" means a portion of a street 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 a street has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

"CLERK" means the Shire Clerk of the Shire of Carnarvon;

"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;

"COMMERCIAL AREA" means an area which is within a Commercial Zone under the provisions of a Shire of Carnarvon Town Planning Scheme;

"COUNCIL" means the Council of the Shire of Carnarvon;

"DISTRICT" means the Municipal District of the Shire of Carnarvon;

"DUAL USE PATH" means a footway or other pathway for shared use by both cyclists and pedestrians;

"FENCE" means a fence, wall or screen wall including a dividing fence as defined by the Dividing Fence Act, 1961-1969 (as amended) erected along the perimeter or any part thereof of the setback area or erected within the setback area;

"FOOTWAY" includes every footpath, lane or other place—

1. intended for the use of pedestrians only or, in the case of a dual use path, for the use of pedestrians and bicyclists only; or
2. habitually used by pedestrians and not by vehicle or, in the case of a dual use path, by pedestrians and bicyclists and not by vehicles other than bicycles;

"FORM" means a form in the Schedules to these by-laws;

"FRONTAGE" means the boundary line between a lot and the street upon which that lot abuts;

"HAWKER" shall have the same meaning assigned to it as is contained in Section 217(1) of the Act;

"INDUSTRIAL AREA" means an area which is within a Industrial Zone under the provisions of a Shire of Carnarvon Town Planning Scheme;

"INTENSIVE HORTICULTURE AREA" means an area which is within an intensive horticulture zone under the provisions of a Carnarvon Town Planning Scheme. Such area shall be treated as a Rural Area;

"INTERSECTION" includes the area comprised within imaginary straight lines joining in succession the points of transection of the property lines of two or more roads that meet each other; except that where the property lines are curved at any corner, the point of transection of the property lines shall be regarded as the point on the curve nearest to the point at which those property lines, if extended in straight lines from each end of the curve, would meet;

"JUNCTION" includes that part of a road lying between imaginary straight lines at right angles to the road commencing from the points of transection formed by its own property lines with the property lines of a road which abuts thereon; except that where the property lines are curved at any corner, the point of transection formed by the property lines shall be determined in the same manner as is provided in the definition of "intersection";

"LICENCE" means a licence issued pursuant to these by-laws;

"LICENSEE" means a person to whom a licence is granted under these by-laws;

"MANAGER" in relation to the Swimming Pool means the contractor or other suitably qualified person employed by the contractor to undertake the day to day management of the Swimming Pool;

"MEMBER OF THE POLICE FORCE" means a member of the Police Force of Western Australia;

"MUNICIPALITY" means the Municipality of the Shire of Carnarvon;

"OBSTRUCT" means impede or hinder in passing;

"PRESIDENT" shall mean a member of the Council appointed at the time being to that position in accordance with the Act;

"PROPERTY LINE" means the boundary between the land comprising a street and the land that abuts thereon;

"PUBLIC PLACE" shall have the meaning as given to it in the Act.

"RESERVE" means Public Reserve as defined in the Act;

"RESIDENTIAL AREA" means an area of the district that is zoned Residential or which is zoned principally for a residential purpose by a Town Planning Scheme or by-law for the time being in force;

"RIGHT-OF-WAY" means a right-of-way described in Part VIII Section 167A of the Transfer of Land Act, 1893-1972;

"ROAD TRAFFIC ACT" means the Road Traffic Act 1974 as amended;

"ROAD TRAFFIC CODE" means the Road Traffic Code 1975;

"RUBBISH" means all house, commercial and industrial refuse, garbage and all wastes (except sewerage and liquid waste) produced or accumulated in or about any premises or land within the Shire and includes stones, bricks, lime, timber, iron, tiles, bags, plastics, and any broken, used or discarded matter whatsoever whether of the same kind or type or otherwise;

"RURAL AREA" means an area of the district that is classified or zoned as a Rural Zone or which is zoned principally for rural purposes by a Town Planning Scheme or by-law for the time being in force and includes any land within the Shire used solely or predominantly for rural purposes;

"SCHEDULE" means a schedule to these by-laws;

"SEASON" in relation to the swimming pool means the period of consecutive months in which the swimming pool is open to the public and as agreed upon from time to time by Council;

"SHOPPING TROLLEY" means a vehicle used or designed for use by customers of shops for the purpose of transporting goods and merchandise;

"SPECIAL USE ZONE" shall be as defined in a Shire of Carnarvon Town Planning Scheme. The principal use of the area shall be determined as one of Residential, Commercial, Industrial or Rural for the purpose of these by-laws;

"STALL" means a movable or temporarily fixed structure, stand or table in, on or from which goods, wares, merchandise or services are sold or offered for sale;

"STALLHOLDER" shall have the meaning as given to it in the Act.

"STREET" shall have the meaning as given to it in the Act.

"STREET ALIGNMENT" means the boundary between the land comprising the street and a lot that abuts thereon, but where a new street alignment is prescribed means the new street alignment so prescribed;

"STREET VERGE" means that portion of a street which lies between the edge of the portion of a street that is improved, paved, designed or ordinarily used for vehicular traffic and the nearest property line and includes any park or reserve or any other land proclaimed by the Council for any purpose whatsoever and which lies adjacent to the boundaries of any carriageway;

"TOWN PLANNING SCHEME" means a Shire of Carnarvon Town Planning Scheme or Interim Development Orders for the time being in force under the provisions of the Town Planning and Development Act, 1928 (as amended) and relating to all or part of the municipality of the Shire of Carnarvon;

"TRADING" has the meaning ascribed in Section 244 of the Act;

"VEHICLE" includes:

- a. every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means;
- b. where the context permits, an animal being drawn or ridden, and;
- c. in relation to the vehicle wrecking by-laws, an old, second hand or disused motor vehicle or any old, second hand or disused machinery, whether part of a motor vehicle or not;
- d. a shopping trolley as defined in these by-laws;

"VERANDAH" for the purpose of these By-laws, includes cantilever awnings, cantilever verandahs and balconies whether over public streets and ways or over private land;

"WRECK" includes the dismantling, breaking up, storage and disposal of vehicles and inflexions and derivatives of the verb have a corresponding meaning;

1. BLOWING OF MATERIALS

1.1 No person shall permit paper, sand or other materials used during the progress of works or during the loading or unloading of goods to be blown upon any street, way, footpath or public place.

2. EXPECTORATION

2.1 No person shall expectorate on any portion of a paved street, way, footpath or public place.

3. UNREASONABLE DISTURBANCE

3.1 No person shall—

- 3.1.1 sound or make any noise by use of a gramophone, amplifier, wireless appliance, bell or other instrument or appliance in or upon any street, way, footpath or public place which unreasonably disturbs or causes annoyance to, occupiers of properties in the vicinity;
- 3.1.2 play any musical instrument or sing in any street, way, footpath or public place so as to unreasonably, disturb or cause annoyance to occupiers of property in the vicinity.

4. DAMAGE TO COUNCIL SIGNS AND STRUCTURES

4.1 No person shall damage, deface, remove or otherwise interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected by the Council in or over any street, way, footpath or public place.

5. RUBBISH

5.1 No person shall—

- 5.1.1 deposit any rubbish, bottles, glass or litter in any street, way, footpath or public place except in a receptacle provided for that purpose by the Council;
- 5.1.2 throw, place or leave or cause to be thrown, placed or left, fruit or fruit skins or peel or other vegetable substances in any street, way, footpath or public place except in a receptacle provided for that purpose by Council;
- 5.1.3 light a fire or burn rubbish or other material in a street, way, footpath or public place.

6. TRAINING AND RACING OF ANIMALS

6.1 No person shall train or race an animal in any street, way or footpath.

7. HOIST, ETC. OVER STREETS

7.1 No person shall, without the written authority of Council—

- 7.1.1 provide, erect, install or use in or on any building, structure, or land abutting on any street, way, footpath or other public place any hoist or other thing for use above the level of such street, way, footpath or other public place;
- 7.1.2 permit goods or merchandise, including firewood, soil, fertilisers and building material from remaining in a street, way, footpath or other public place for longer period than is necessary for delivering the goods, merchandise or wares into the place of delivery;
- 7.1.3 fell a tree on or across a street, way or footpath so as to prevent vehicles or persons having the free or unhindered use of the street, way or footpath.

8. PROTRUSIONS OVER A STREET

8.1 If any verandah or part of a building or structure protrudes into or above a street, way, footpath or other public place as to constitute in the opinion of the Council or its authorised officer an obstruction of the street, way, footpath or public place or a danger to the users of the street, way, footpath or public place the Council or its authorised officer may by notice in writing to the occupier or owner of the land from which such building, structure protrudes require such person to remove that part so protruding.

9. OBSTRUCTIONS TO VIEW

9.1 If on land which is bounded in part by section of a street at or nearby the intersection of that street with another street, there is standing a fence, wall, tree, ledge or other like structures or thing that is in the opinion of the Council so situated as to constitute an obstruction or interference with the vision of persons driving vehicles approaching, entering or passing through the intersection, the Council may give notice in writing to the owner or occupier of that land calling upon him to alter, trim, take down or remove the fence, wall, tree or ledge or other like structure or thing within the time and manner specified in the notice, and in the manner specified in the notice.

10. POWERS OF COUNCIL

10.1 The Council may, by its employees, agents or contractors where a person to whom notice has been given pursuant to By-laws 8 and 9 of these by-laws hereof fails to comply with the requirements of the notice—

- 10.1.1 carry out the requirements of the notice at the expense of the person to whom the notice was given; or
- 10.1.2 take possession of and remove to a place appointed by the Council and without being liable in damages or otherwise dispose of anything deposited upon a street, way, footpath or public place at the expense of the person responsible for the deposit, excavation or injury to the street, way, footpath or other public place;

10.1.3 remove any tree lying upon or any obstruction to any street, way, footpath, ridge, gutter, drain or culvert; and

10.1.4 recover in a Court of competent jurisdiction, the expense thus incurred.

11. POUNDS

11.1 In accordance with Section 449 of the Act, whereby a Council may establish and maintain a pound, Reserve No. 18999 being the Council Depot, Robinson Street, Carnarvon is nominated as the public pound;

11.2 Fees and charges for the period of which cattle are impounded shall be in accordance with the Fifteenth Schedule to the Act.

12. REFUSE, RUBBISH OR DISUSED MATERIAL

12.1 If there is—

12.1.1 on any vacant land within the district any trees, scrub, undergrowth or rubbish; or

12.1.2 on any land within the district any refuse, rubbish or disused material, whether of the same kind or a different kind from that here specified; and which in the opinion of the Council is likely to affect adversely the value of adjoining property or the health, comfort or convenience of the inhabitants thereof, the Council may cause a notice under the hand of the Clerk to be served on the owner or occupier of such land requiring him, within the time specified in such Notice to clear the land of such trees, scrub or undergrowth or remove such refuse, rubbish or disused material from such land.

12.2 The notice referred to in By-law 12.1 shall be in writing and signed by the Clerk and may be served on an owner or occupier in person or by registered post addressed to the owner's or occupier's last known place of abode.

12.3 Any notice served under these by-laws shall give any owner or occupier at least 7 days to remove the refuse or rubbish or disused material as may be specified in the notice.

12.4 Every owner or occupier of land upon whom a notice is served under by-law 12 of these By-laws shall comply with such notice within the time therein specified or in that time give a satisfactory reason why the materials should be retained or be given extra time in which to comply.

12.5 Where the owner or occupier does not comply with the notice given under By-law 12 the Council, without payment of any compensation in respect thereof, may clear the land or remove the refuse, rubbish or disused material at the expense of, and may recover in a Court of competent jurisdiction the amount of the expense from, the owner or occupier to whom the notice was given.

13. DANGEROUS OR OFFENSIVE THINGS

13.1 No person shall except under authority of a licence issued by the Council and upon such conditions as the Council shall see fit to impose keep within the district any animal or bird or any other thing whether animate or inanimate which, in the opinion of the Council, is offensive or dangerous.

13.2 No person shall carry out any activity, conduct any business or engage in any undertaking on any land or premises in such a manner as to permit the escape therefrom of noise, smoke, dust, sawdust, fumes or waste in such a quantity or to such an extent or in such a manner as to create a nuisance to any other person.

14. OLD REFRIGERATORS AND CABINETS

14.1 No person shall place in, or about any rubbish depot, tip or dump, sanitary depot, public reserve, public place or unfenced vacant land, any refrigerator, ice chest, ice box, furniture, trunk or other thing, whether of the same kind as, or of a different kind from, those in this By-law specified, that has in it a compartment of a capacity of 0.04 cubic metres or more, unless before so placing it, there has been removed from the compartment every door, lid, lock and hinge thereof or otherwise has rendered every such door or lid incapable of being fastened.

15. HORSES

15.1 Excepting where otherwise permitted no person shall ride, tether or otherwise permit a horse to be on any portion of the sea-shore as prescribed in the First Schedule to these By-laws.

16. KEEPING OF GOATS

16.1 No person shall, except in a Special Residential Zone, a Rural Zone, an Intensive Horticultural Zone or a Special Rural Zone as defined in the Shire of Carnarvon Town Planning Scheme keep goats unless that person is authorised by and is the holder of a Certificate of Registration issued pursuant to these By-laws.

16.2 Any person who desires to keep goats unless within a Special Residential Zone, a Rural Zone, an Intensive Horticultural Zone or a Special Rural Zone shall make application in writing to the Council.

16.3 The Council, subject to the area of land being not less than 2,000 square metres, may grant a Certificate of Registration to the applicant in respect to the keeping of goats and may determine the number of goats that may be kept.

16.4 An application for registration to keep goats shall be made in the form of Form 1 of the Second Schedule and in addition shall include—

16.4.1 in respect to all areas, details of the purpose for which it is intended to keep the goats;

16.4.2 in respect to areas zoned for residential development, a medical certificate stating that, due to medical reasons, goats milk is required for a resident of the premises where it is intended to keep goats; and,

16.4.3 plans and specifications of any structures, yards, pens and enclosures for housing of the goats complying with the terms of these By-laws and showing the site of the proposed structure, yards, pens and enclosures.

16.5 A certificate of registration—

16.5.1 shall be issued by the Council substantially in the form of Form 2 of the Second Schedule, setting out a copy of the particulars therein furnished;

16.5.2 is not transferable without the written consent of the Council.

16.6 The person to whom a Certificate of Registration has been issued shall—

16.6.1 prevent the goats from being at large in any yard, pen, enclosure or place unless provision is made to prevent such animals from approaching within 18 metres of any house, shop, or place where food is manufactured, stored or exposed for sale;

16.6.2 where such goats are kept in other than a Rural, Special Rural or Intensive Horticultural Zone, provide at the place where the goats are kept a structure for the housing of the goats and such structure shall comply with the following—

16.6.2.1 it shall not be at any less distance than 18 metres from any house, shop, or place where food is manufactured, stored or exposed for sale;

16.6.2.2 it shall have walls constructed of concrete, masonry, stone, timber, galvanised iron or other approved material;

16.6.2.3 it shall have a roof constructed of approved impervious material;

16.6.2.4 there shall be on all sides of the structure between the wall and the roof a continuous clear space of at least 150mms in height;

16.6.2.5 the surface of the floor shall be raised at least 75mms above the surface of the surrounding ground, and shall be constructed of some impervious material and the floor shall have a fall of one in one hundred to a drain, and;

16.6.3 where such goats are kept in a Rural, Special Rural or Intensive Horticultural Zone, provide at the place where goats are kept a structure for the housing of goats as determined by the Council;

16.6.4 provide an approved flyproof receptacle for manure;

16.6.5 collect and place all manure produced on the premises in the receptacle for manure at least once daily;

16.6.6 empty the receptacle for manure at least once weekly and dispose of the manure in a manner and at such place as approved by the local authority;

16.6.7 maintain all structures for housing of the goats and all yards, pens and enclosures appurtenant thereto in a clean condition and such structures, yards, pens and enclosures shall be cleansed and disinfected when so ordered by an Environmental Health Officer and;

16.6.8 keep the goats in a manner so as not to create a nuisance.

16.7 A person shall not keep any goat at a place other than that specified in the Certificate of Registration.

16.8 A Certificate of Registration issued pursuant to these By-laws, shall, unless sooner cancelled, remain in force from the date specified on the Certificate of Registration until the thirty first day of December of that year.

16.9 Every such person who has been granted Certificate of Registration for the keeping of goats shall annually, and in the first week of January make application for the renewal of registration of such goats, and with such application shall pay a fee in accordance with these By-laws.

16.10 The fee payable to the Council in respect of each registration shall be as prescribed in the Sixth Schedule to these By-laws.

16.11 The Council may cancel a Certificate of Registration issued pursuant to these By-laws where a person commits an offence and is liable on conviction to a penalty as prescribed under Section 190 (7) (d) (i) and (ii) of the Act.

16.12 Where a person keeps goats in a manner contrary to the requirements of these By-laws, an authorised officer of the Council—

- 16.12.1 may require that the goats be removed from the property within seven days;
- 16.12.2 may seize goats found at large in any street and other public place;
- 16.12.3 may impound goats found wandering at large in any streets and other public places, at the place prescribed in and as per the requirements of By-law 11 to these By-laws;
- 16.12.4 shall, when the goat is impounded, deal with it as though that animal had been impounded in accordance with the requirements of By-law 17 to these By-laws;

17. REMOVAL AND DISPOSAL OF OBSTRUCTING ANIMALS AND VEHICLES

17.1 For the purpose of these By-laws—

- 17.1.1 an animal that is secured in any portion of a public place wherein animals may lawfully be secured is not obstructing unless it is so secured for a period exceeding eight hours without the consent, in writing, of the Clerk;
- 17.1.2 a vehicle that is parked or otherwise left in any portion of a public place wherein vehicles may lawfully be parked is not obstructing, unless—
 - 17.1.2.1 the vehicle is so parked for any period exceeding twenty four hours, without the consent in writing of the clerk;
 - 17.1.2.2 the vehicle is so parked or otherwise left during any prohibited or restricted periods, if by any sign, the parking of vehicles is prohibited or restricted.
- 17.1.3 a vehicle which is parked in or otherwise left in or an animal which is secured in or otherwise left in any portion of a public place wherein vehicles may not lawfully be parked is deemed to be causing an obstruction.
- 17.1.4 a shopping trolley left in a public place is not obstructing for the purposes of these by-laws, unless it is so left for any period exceeding three hours without the consent in writing of the Clerk of the Council.

17.2 A person shall not secure or otherwise leave any animal or park or otherwise leave any vehicle in a public place so as to obstruct any portion of that place.

17.3 A person who leaves an animal or vehicle in a public place, contrary to the provisions of by-law 17.1 of these by-laws commits an offence.

17.4 The Council may—

- 17.4.1 appoint a person as an authorised person for the purposes of these by-laws;
- 17.4.2 in accordance with By-law 11 to these By-laws appoint a yard or other piece of land as a place to which animals or vehicles may be removed pursuant to these by-laws and shall give notice in the Gazette and in a newspaper circulating within its district of the situation of any appointed place.

17.5 Where an authorised person or a member of the Police Force finds an animal or vehicle left in a public place, contrary to the provisions of these by-laws, he may remove the animal or vehicle therefrom and shall, thereupon—

- 17.5.1 in the case of an animal, place it in the public pound as prescribed in By-law 11 to these By-laws;
- 17.5.2 in the case of a vehicle, place it in an appointed place.

17.6 Where an authorised person places an animal in a public pound, pursuant to these by-laws, the animal shall thereafter be dealt with according to law.

17.7 Where an authorised person places an animal or vehicle in an appointed place or public pound, 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.

17.8 The Clerk shall exhibit on the Notice Board of the Council a notification that an animal or vehicle therein described has been placed in the appointed place or public pound and shall, unless the vehicle is sooner recovered, keep that notification exhibited for a period of not less than seven days.

17.9 A person wishing to recover a seized animal from an appointed place or public pound shall pay fees and charges as prescribed in the Fifteenth Schedule to the Act and for the recovery of a vehicle from an appointed place shall pay to the Clerk—

- 17.9.1 a removal fee as shown in the Sixth Schedule;
- 17.9.2 impounding fee as shown in the Sixth Schedule, and;
- 17.9.3 a custody fee, if applicable, as shown in the Sixth Schedule, and claim possession of the seized animal or vehicle and upon payment of such fees, if the Clerk is satisfied that the person claiming possession of the seized animal or vehicle is the owner of the seized animal or vehicle or is a person entitled to possession of the animal or vehicle, he shall permit such person to remove such seized animal or vehicle from such appointed place.

17.10 For the purpose of determining whether a person claiming possession of a seized animal or vehicle under By-law 17.9 is the owner of such animal or vehicle the Clerk may demand reasonable proof.

17.11 Every person who removes an animal or vehicle from an appointed place or public pound without the authority of the Clerk commits an offence.

17.12 Where an animal or vehicle, placed in an appointed place or public pound in accordance with the provisions of these by-laws has not been recovered by the owner or persons entitled thereto within seven days where it is an animal or one month where it is a vehicle from the day upon which a notice was first exhibited in respect of that animal or vehicle in terms of by-law 17.8 of these by-laws the Council may cause the animal or vehicle to be offered for sale by public auction or by public tender and thereupon accept the best offer made, and where no offer is made for the purchase of the animal or vehicle, the Council may cause it to be destroyed or otherwise disposed of.

17.13 A person is not entitled by way of damages or otherwise, against the authorised person, member of the Police Force, or the Council in respect of any animal or vehicle seized and dealt with under the provisions of these by-laws or against any person who purchases an animal or vehicle sold by Council under the provisions of By-law 17.12 of these by-laws.

17.14 The proceeds of the sale of an animal or vehicle under the provisions of By-law 17.12 of these by-laws shall be applied by the Council—

17.14.1 firstly to meeting the costs of the sale;

17.14.2 secondly to meeting the cost of removal of the animal or vehicle to the appointed place and fees under the provisions of By-law 17.9, and those sums shall be paid into the Municipal Funds.

17.15 Any surplus of the proceeds of a sale after application of such proceeds in terms of By-law 17.14 of these by-laws—

17.15.1 shall be paid by the Council into its Trust Fund and may be paid within ten years to any person who satisfies the Council that the person was the owner of the animal or vehicle at the time of its sale by the Council, and;

17.15.2 may if not paid to the owner within ten years be paid into the Municipal Fund on condition that the Council shall repay it from the Fund to a person claiming and establishing his right to the repayment.

17.16 Where the surplus of proceeds of a sale of an animal or vehicle after application of such proceeds in terms of By-law 17.15 of these by-laws does not cover the cost of removal, custody and disposal of that animal or vehicle, the Council may recover the balance of these costs from the owner of that animal or vehicle in a court of competent jurisdiction.

18. VEHICLE WRECKING AND STORAGE

18.1 No person shall—

18.1.1 store a disused motor vehicle, an old motor vehicle body or any old machinery;

18.1.2 dismantle or break up a disused motor vehicle, an old motor vehicle or any old machinery;

on any land, other than such as is zoned for industrial purposes, or an appropriate special industrial purpose or for noxious trade purposes, under a town planning scheme made pursuant to the Town Planning and Development Act, 1928, or under a Zoning By-law made pursuant to the Act, 1960.

18.2 Where any person has stored or caused to be stored or permitted to be stored any old or disused vehicle or machinery or part thereof and in the opinion of the Council, it is causing an unsightly condition that person shall be given written notice requiring the abatement of the unsightly condition.

18.3 A person wrecking vehicles under the provisions of this by-law shall not—

18.3.1 engage in the activity on a Sunday without the written authority of Council;

18.3.2 engage in the activity on any other day between the hours of 7.00pm on one day and 7.00am on the following day.

18.3.3 do so unless—

18.3.3.1 inside a building; or

18.3.3.2 within an area enclosed by a fence or wall not less than two metres in height and of such nature as to screen the vehicles being wrecked from the street and from the adjoining properties. Such fence shall comply with the requirements of the Shire of Carnarvon Fencing By-laws in all other respects.

18.4 Every person wrecking or storing a vehicle shall—

18.4.1 comply with all By-laws relating to nuisances;

18.4.2 maintain those vehicles that are not immediately required to be dismantled or broken up or that have been dismantled and broken up and are not immediately disposed of or are otherwise to be stored on the land, in neat rows not exceeding 2 metres in height, and;

18.4.3 provide a screen of trees or shrubs or a fence between the building line and the street alignment to the satisfaction of the Council, but not as to restrict visibility at an intersection.

18.5 A person wrecking or storing vehicles shall not—

18.5.1 store any vehicles—

18.5.1.1 over any area of land exceeding one hectare;

18.5.1.2 in any number exceeding 1000 per hectare, where the vehicles have been reduced, by pressure or other process, to a mass of 1.75 cubic metres or less, or exceeding 250 per hectare, where they have not been so reduced; or

18.5.1.3 except within a building, between a building line and a street alignment within 9 metres of a street alignment or within 3 metres of land not in the same occupancy.

18.5.2 destroy any portion of a vehicle by fire, so that annoyance is occasioned to occupiers of adjoining land by smoke or odour.

19. TREES

19.1 It shall be lawful for the Council to—

19.1.1 plant, or cause to be planted, such trees, shrubs or plants as shall be considered necessary and desirable at any place in any road, street, highway, footpath, reserve or other land or place within the boundaries and under the control or management, of the Council;

19.1.2 erect or cause to be erected, such fences, guards, or protections as shall be considered necessary or desirable for the maintenance and protection of such trees, shrubs and plants.

20. PLANTING OF LAWNS AND GARDENS

20.1 A person—

20.1.1 shall not plant a garden in a street, except pursuant to approval issued by the Council and then only in conformity with these By-laws;

20.1.2 shall, where being the owner or occupier of the land which abuts on that portion of a street, apply to Council and Council shall not issue approval for planting of a garden in that portion of a street to any other person;

20.1.3 shall, where requiring approval to plant a garden in a street, submit to Council a sketch plan setting out details of the proposed garden and proposed garden beds, in relation to the frontage of their property and the carriageway;

20.1.4 shall not plant a lawn or garden, in a street—

20.1.4.1 so that it extends beyond the frontage in respect to which the permit is issued;

20.1.4.2 so that it encroaches on the pavement of a carriageway, or on a made footpath;

20.1.4.3 that is not graded evenly from the frontage of the land abutting on that portion of the street to the kerb of the carriageway.

20.1.5 shall not water a street lawn, or garden in such a manner as will, or may, occasion inconvenience to persons using the adjoining carriageway or footpath;

20.1.6 shall not plant any tree or shrub that is grown, or is of a variety likely to grow so as to cause an obstruction or interference with vision in accordance with By-law 9.1 to these By-laws;

20.2 Notwithstanding the requirements of By-law 20.1 to these By-laws—

20.2.1 where a lawn or garden has been planted in a street before the coming into operation of these By-laws, the Council may require that lawn or garden be brought into conformity with these by-laws.

20.2.2 the Council may at any time, by notice in writing to the owner or occupier of land that abuts upon that part of a street wherein a lawn or garden is planted, require that owner or occupier to remove any tree, shrub or water piping or fitting and may, where the owner or occupier does not comply with the notice, remove the tree, shrub, piping or fitting at the expense of the owner or occupier, and any expense incurred by the Council pursuant to this By-law may be recovered in a court of competent jurisdiction.

21. MAINTENANCE OF LAWN AND GARDEN

21.1 A person planting a lawn or garden in a street shall—

21.1.1 do all things reasonably necessary to maintain that lawn or garden;

21.1.2 keep the lawn mowed to a reasonable height, and;

21.1.3 make good any damage occasioned in the street during, or due to, the undertaking of such maintenance or mowing of lawns.

21.2 Where, as part of the planting of a lawn or garden a person installs or lays water pipes or any other form of reticulation requiring the crossing of a footpath, or road they shall—

21.2.1 be installed or laid beneath the surface of the street at a depth of not more than 300 millimetres, not less than 150 millimetres and so that any fixture or fitting connected to them does not project above the surface of the lawn or garden bed or otherwise constitute a hazard to the public;

21.2.2 if connected to a public water supply, be installed or laid so as to comply with the requirements of the body constructed for, and having the control of, that supply under the Act or any other Act, Regulations or By-laws;

21.2.3 if connected to a private supply, where passing under road pavement, made footpaths or crossings, be of approved materials; and,

21.2.4 have approved valves, located within the property where they are to be connected to the supply and fitted so as to give complete control of the flow of water from the supply.

21.3 Where a person, in the course of installing or laying pipes pursuant to this by-law, causes damage to any road pavement, footpath, or crossing or to any water, gas or sewerage pipes, or to any power or telephone cables or to a fire hydrant, that damage may be made good, by the authority having the control of the thing damaged, at the expense of that person or of the person on whose behalf the pipes were installed or laid, and the amount of that expense may be recovered in any court of competent jurisdiction.

22. REQUIREMENTS OF COUNCILS OR AUTHORISED PERSONS IN RELATION TO STREET LAWNS AND GARDENS

22.1 The Council or its authorised officer or any person empowered or authorised to dig up a street may—

22.1.1 without being liable to compensate any person therefore, dig up all or part of a lawn or garden in a street for the purpose of carrying out any authorised works;

22.1.2 where it is of the opinion, that the carrying out of authorised works may impede the existence of piping, or any fixtures or fittings under a lawn or garden in a street, may give notice to the owner or occupier of the land abutting on the lawn or garden to remove the piping, fixtures or fittings until the completion of the works, and may, where the owner or occupier does not comply with the notice, remove the piping, fixtures or fittings at the expense of the owner or occupier, and any expense incurred by the Council, its authorised officer, or authority pursuant to this By-law may be recovered in a court of competent jurisdiction.

22.2 A person employed by the Council or other authority acting pursuant to sub-by-law 22.1.2

22.2.1 shall not disturb a lawn or garden or damage any pipes laid under it or them to any greater extent than is reasonably necessary for the purpose of carrying out any authorised works and shall, upon the completion of the works, reinstate the lawn or garden, as far as is reasonably practicable.

23. STANDING OF VEHICLES OR ANIMALS ON LAWNS OR GARDENS

23.1 A person, not being the occupier of the land abutting on that lawn or garden, shall not, without the consent of that occupier, drive or stand a vehicle or animal upon a lawn or garden planted in a street pursuant to these By-laws.

23.2 Where a complaint brought under this By-law is in respect of the driving of a vehicle upon a lawn or garden, if the pavement of the carriageway adjoining the lawn or garden does not exceed 5 metres in width, it is a sufficient defence to the complaint to show that—

23.2.1 the wheels of one side only of the vehicle passed over the lawn or garden; and

23.2.2 it was necessary to drive upon the lawn or garden, in order to pass another vehicle then being driven or standing on the pavement of the carriageway.

24. LIABILITIES FOR DAMAGE TO STREET LAWNS AND GARDENS

24.1 The Council or other authorised person shall not be liable for damage to any fixture or fitting under a lawn or garden in a street, occasioned either in the course of the removal of the piping under the provisions of sub-by-law 22.1.2 of the By-laws or of carrying out authorised works.

24.2 The Council is not liable for any damage or injury sustained by a person by reason of, or arising out of, the planting, or existence, of a lawn or garden in a street.

25. WILFUL DAMAGE TO A LAWN OR GARDEN

25.1 Notwithstanding the above, except as provided by these By-laws, every person who wilfully damages a lawn or garden in a street or who removes from any such garden any flower, plant or shrub commits an offence.

26. PREVENTION OF DAMAGE TO FOOTPATHS

26.1 Excepting in the instance of a person using a wheel chair no person shall—

- 26.1.1 drive any vehicle over or across a footpath except at a specially constructed crossing place, unless with the permission of the Council or its authorised officer and in accordance with these By-laws;
- 26.1.2 drive a vehicle or permit a vehicle to be drive across a footpath if such vehicle is so heavy or is of such a nature that it causes or is likely to cause damage to the paving of the footpath unless with the permission of the Council, and in accordance with these By-laws;
- 26.1.3 ride a cycle on any footpath other than where such footpath is constructed and designated (by way of traffic control devices) for use as a dual use path and where so used cyclists shall keep to the left hand side of the footpath, travel at a speed not exceeding 15 kilometres per hour and at all times give right of way to pedestrian traffic;
- 26.1.4 engage in building operations on any land or contract or arrange with any person to carry out any works or to deliver materials on to any land if by so doing a vehicle will cross a footpath even at a specifically constructed crossing place and it is likely that damage to the footpath will be caused thereby unless written permission is given by an authorised officer and in accordance with these By-laws;
- 26.1.5 trench through or under a footpath without first obtaining the written consent of the authorised officer or otherwise than in accordance with the terms of the written consent of the authorised officer.

27. APPLICATIONS AND CONDITIONS

27.1 Excepting in the instance of a person using a wheel chair any person who—

- 27.1.1 desires to cross a street verge with a vehicle at a place not a specifically constructed crossing place; or
- 27.1.2 proposes to carry out building or other operations or work necessitating the crossing of a footpath, street verge or right of way with vehicles whether at a specifically constructed crossover or not; shall make application in writing to the Council for its permission so to do specifying the place or places at which such crossing is to be made and on application pay to the Council a deposit commensurate with the potential damage as estimated by Council or its authorised officer.

27.2 prior to issue of written permission to proceed the Council shall cause an inspection of the site to be carried out by its authorised officer and any existing damage to be recorded.

27.3 upon completion of all works appropriate to the application the applicant shall notify the Council who shall cause an inspection for damage to be carried out by its authorised officer prior to the return of any deposit.

27.4 A person who carries out any building or other operations or work necessitating the crossing of a footpath with vehicles which cause or are likely to cause damage to the footpath shall comply with the following conditions—

- 27.4.1 if the paved portion of the footpath shall be constructed of concrete slabs—
 - 27.4.1.1 carefully remove them from the footpath for a width as determined by the authorised officer;
 - 27.4.1.2 place in the position from which the slabs have been removed a temporary crossing in accordance with the requirements of the authorised officer. The said temporary crossing shall be firmly bedded and laid true to the line and level of the original footpath;
 - 27.4.1.3 when the necessity no longer exists for such temporary crossing or when called on to do so by notice in writing from the Council or its authorised officer, shall remove the temporary crossover, replace the slabs in a proper workmanlike manner to the original line and level, and shall replace with new slabs of equal quality and size any slabs which have been lost, damaged or broken;
- 27.4.2 in the case of a footpath constructed in total or in part of bitumen surfaced gravel, concrete, gravel, limestone or crushed metal or materials other than concrete slabs—
 - 27.4.2.1 shall, unless directed to do otherwise by an authorised officer position where the crossing is to be made a temporary crossing in accordance with the requirements of the authorised officer and the said temporary crossing shall be firmly bedded and laid true to a line and level as determined by the authorised officer;
 - 27.4.1.2 when the necessity no longer exists for such a temporary crossing, or when called upon to do so by notice in writing from the Council or its authorised officer, shall remove the temporary crossing clean off the footpath;

27.4.1.3 shall, until it shall have been removed keep the temporary crossing in good repair and in such a condition as not to create any danger or obstruction to pedestrians.

27.5 Any person who desires to trench through or under a constructed footpath or road or kerb shall apply in writing to the Council and lodge with the Council a deposit commensurate with the potential damage as estimated by an authorised officer.

27.6 In accordance with By-laws 27.1, 27.4 and 27.5 hereof—

27.6.1 a person shall upon completion of any works or other operations make good all damage caused to the footpath and the road kerbing, guttering and paved road during the whole of the time the works are in progress.

27.6.2 if any damage shall have occurred and shall not have been made good the Council is authorised to make good such damage and deduct the cost from the money paid to the Council in accordance with this By-law.

27.6.3 if the cost exceeds the amount paid the applicant or other persons aforesaid shall pay to the Council on demand the amount by which the costs exceed that amount paid and the Council may recover such amount by action in a court of competent jurisdiction.

27.6.4 if no damage has been caused or if the damage has been made good the Council shall repay the amount paid or the portion remaining after the costs incurred by the Council have been paid.

28. PREVENTION OF DAMAGE TO ROADS

28.1 Where the President and the Clerk are of opinion that, by reason of heavy rain, a street or portion of a street, would be, or is likely to be, damaged by the passage of traffic generally or traffic of any particular class, they may, subject to this by-law authorise the closure of that street or portion of that street to—

28.1.1 traffic generally, or

28.1.2 traffic of any particular class, and may from time to time authorise the re-opening of that street or portion of street, to traffic generally or to traffic of any particular class.

28.2 The President and the Clerk shall not, without the consent of the Minister, authorise a street or portion of a street to be closed to traffic, under this by-law, for any continuous period of more than 28 days or for periods aggregating more than 28 days in the space of one year, but may, with that consent, authorise the closure for any greater period or periods.

28.3 Where, pursuant to this by-law the President and Clerk authorise the closing of any street or portion of a street, the Shire Clerk shall—

28.3.1 notify the public of that event—

28.3.1.1 by causing a copy of the authority to be affixed to the ordinary or usual notice board of the Council;

28.3.1.2 by broadcasting from a radio broadcasting station which gives radio broadcasting coverage to the Shire of the Council, a summary of the authority; and

28.3.1.3 by placing or erecting in conspicuous positions in or near the street or portion of street to be closed, such notices or signs as may be reasonable necessary in the circumstances,

28.3.2 wherever reasonably practicable cause fences or barriers to be placed across either end of the street or portion of street to be closed; and

28.3.3 where fences or barriers are placed across a street or portion of street closed, cause such lights, reflectors or reflectorised notices to be affixed to those fences or barriers, during the hours of darkness, as shall be reasonably sufficient warning to users of the road of the existence and the position of the fences or barriers.

28.4 Every closure of a street or portion of a street, pursuant to this by-law ceases to have effect—

28.4.1 when the President and Clerk re-open the street or portion of street;

28.4.2 on the date, if any, stated in the notice of closure;

28.4.3 where no date is stated in the notice of closure, after 28 days from the date on which it was given; or

28.4.4 where the consent of the Minister has been given to extend the period of the closure at the termination of the period so extended; but notwithstanding that the street has been closed to traffic generally, the President and Clerk may open the street to any specified class of traffic.

28.5 Every person who drives a vehicle or animal or causes a vehicle or animal to be driven on a street or portion of a street that is closed to traffic, generally, or who drives a vehicle or animal of any class, or causes a vehicle or animal of any class to be driven, on a street or portion of a street that is closed to that class of vehicle or animal, commits an offence.

29. HAWKERS, TRADERS AND STALL HOLDERS

29.1 These by-laws shall not apply to the selling or offering for sale newspapers or magazines unless they are sold or offered for sale from a stall.

29.2 No person shall hawk any goods, works, merchandise or wares or carry on trading or set up a stall in any street way or public place unless that person—

29.2.1 is acting in compliance with the requirements, terms and conditions of a current licence issued under these By-laws and for which all fees and charges have been paid; and

29.2.2 is the holder of, or assistant specified in a valid licence.

29.3 An application or renewal of an application for a licence shall be in the form of the Fourth Schedule of these By-laws; and

29.3.1 in the instance of a hawker shall—

29.3.1.1 specify the kind of goods, wares or merchandise which the applicant requires to hawk;

29.3.1.2 specify where a vehicle is used, the type of vehicle, conveyance or means of carriage to be employed in hawking;

29.3.1.3 specify the period for which the licence is required;

29.3.1.4 specify where the licence is required to be limited to a part of the District, the part of the District to which it is so to be limited;

29.3.1.5 specify where it is proposed to hawk in any public place or public building the location and name of the public place or building together with the name and address of the owner of that public place or building;

29.3.1.6 specify the full name and address of the applicant together with those of any assistants to be engaged by the applicant for hawking of his goods, works, wares or merchandise; and

29.3.1.7 be accompanied by a certificate signed by two Justices of the Peace certifying that the applicant is of good character and reputation and is a fit person to exercise the trade of a hawker.

29.3.2 in the instance of a trader or stall holder shall—

29.3.2.1 include the full name and address of the applicant;

29.3.2.2 specify the proposed number and the names and addresses of assistants to be engaged by the applicant in trading pursuant to the licence;

29.3.2.3 specify the location for which the licence is sought and detail the area required;

29.3.2.4 be accompanied by an accurate plan and description of any proposed stand, table, structure or vehicle which may be used for trading;

29.3.2.5 specify the proposed days and hours of trading; and

29.3.2.6 specify the proposed goods, wares, merchandise or services in respect of which trading will be carried on.

29.3.3 be accompanied by the application fee as prescribed in the Sixth Schedule hereto.

29.3.4 where a proposed stall is to be conducted on private property, include—

29.3.4.1 a written authority from the owners of the property for the applicant to conduct the stall, and;

29.3.4.2 any other information as may be requested by or on behalf of Council.

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

29.4.1 any relevant policy statements;

29.4.2 the desirability of the proposed activity;

29.4.3 the location of the proposed activity; and

29.4.4 the circumstances in the case.

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

29.5.1 the applicant has committed a breach of any of these by-laws;

29.5.2 the applicant is not a desirable or suitable person to hold a licence;

29.5.3 the needs of the Municipal District of the Council or the portion thereof for which the licence is sought are adequately catered for by established shops or by persons to whom licences have been previously issued;

- 29.5.4 the proposed activity or place of trading is in the opinion of Council undesirable;
 - 29.5.5 the proposed shed, table or structure or vehicle is in the opinion of Council unsuitable in respect to the location for which the licence is sought; or
 - 29.5.6 such other grounds as may be relevant in the circumstances.
- 29.6 The Council may issue a licence specifying such requirements, terms and conditions as in the opinion of the Council are appropriate including—
- 29.6.1 the place to which the licence applies, which in the event of a trader may include a pre-determined approved route or area and whether or not the trader may remain stationary in any street or way or public place where using a vehicle for any period longer than shall be necessary for the purpose of serving or trading with any customer or intended customer then offering to buy or treat.
 - 29.6.2 the days and hours when trading or hawking may be carried on;
 - 29.6.3 the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used by a stallholder or for trading or hawking;
 - 29.6.4 the particulars of the goods or services or transactions in respect of which a stall may be conducted or trading or hawking may be carried on;
 - 29.6.5 the number of persons and the names of persons permitted to act as a stallholder or carry on trading or hawking and any requirements concerning personal attendance at the place a stall is to be established or of trading or hawking and the nomination of assistants, nominees or substitutes;
 - 29.6.6 whether and under what terms the licence is transferable;
 - 29.6.7 any prohibitions or restrictions concerning the cause of any nuisance, the use of advertising devices, the making of noise and the use of amplifiers, sound equipment, sound instruments and lighting apparatus, or distance of operation from a permanent place of business that has for sale any goods, works, merchandise or wares of the kind being hawked or traded;
 - 29.6.8 any requirements concerning the display of the licence holder's name and other details of the licence;
 - 29.6.9 the care, maintenance and cleaning of the place of trading and any associated vehicles;
 - 29.6.10 the vacating of the place of trading when trading is not taking place;
 - 29.6.11 any requirements regarding the acquisition by the licence holder of public risk insurance;
 - 29.6.12 the period not exceeding 12 months during which the licence is valid; and
 - 29.6.13 designation of any place or places where establishment of a stall is or wherein trading or hawking is totally or from time to time prohibited by Council.
- 29.7 A licence shall be in the form of the Fifth Schedule hereto and shall specify—
- 29.7.1 the full name and address of the licensee;
 - 29.7.2 terms, conditions and requirements in accordance with by-law 29.6 to the by-laws; and
 - 29.7.3 the dates of issue and expiration of the licence;
- 29.8 Charges and fees shall be calculated and payable in accordance with the Sixth Schedule to these By-laws and notwithstanding Council's approval of the issue of a licence such licence shall not be valid until the appropriate charges and fees have been paid.
- 29.9 No licensee or assistant specified in a licence shall—
- 29.9.1 engage in or permit any trading in any goods, wares, merchandise or services other than those specified in the licence;
 - 29.9.2 cause or permit or suffer any nuisance to exist, arise or continue on or from the permitted place specified in the licence;
 - 29.9.3 deposit, place or store any goods, wares or merchandise on any street or other public place other than on the place to which the licence applies;
 - 29.9.4 create any noise or disturbance to the annoyance of nearby occupants or passers-by; or
 - 29.9.5 obstruct the free passage of pedestrians on any footpath or roadway;
- 29.10 A licensee shall not—
- 29.10.1 in trading use or employ or permit to be used or employed at any one time more than the maximum number of assistants specified in the licence;
 - 29.10.2 transfer, assign or otherwise dispose of his licence without the authority of Council;
 - 29.10.3 sell or offer for sale any foodstuffs unless the holder of a licence issued in accordance with Council's Consolidated Health By-laws as made under the Health Act, 1911, and;

- 29.10.4 use any weighing machines, weights, scales or measures which are defective, or falsely indicate the weight or measurement of the goods, wares or merchandise offered for sale.
- 29.11 A licensee shall—
- 29.11.1 personally attend at the place specified in his licence at all times when trading is conducted on or from that place;
 - 29.11.2 keep the place and any stand, table, structure or vehicle specified in his licence in a clean and safe condition and in good repair;
 - 29.11.3 keep the place and any stand, table, structure or vehicle specified in his licence free from trade refuse and other refuse and rubbish;
 - 29.11.4 legibly and conspicuously display his name on his stall;
 - 29.11.5 when offering for sale any goods, wares or merchandise by weight use for that purpose scales tested and certified in accordance with the Weights and Measures Act, 1915;
 - 29.11.6 on demand produce his licence to any authorised officer of the Council or any police officer; and
 - 29.11.7 unless with the written approval of the Council to the contrary, remove his stand, table, structure or vehicle and all of his goods, wares, merchandise and signs from the place to which the licence applies and leave that place clean and vacant in all respects—
 - 29.11.7.1 at the conclusion of the permitted hours of operation specified in his licence, or;
 - 29.11.7.2 whenever not trading or hawking on the place to which the licence applies.
- 29.12 Council may revoke any licence issued by it on the grounds—
- 29.12.1 that the licensee has committed a breach of the terms and conditions of the licence;
 - 29.12.2 that the licensee is not conducting his business in a respectable or sober manner;
 - 29.12.3 that the licensee has assigned his licence or does not himself carry on the business;
 - 29.12.4 that the licensee is not regularly carrying on the business for which the licence was granted, or;
 - 29.12.5 that the licensee or his assistants have breached any of the provisions of the By-laws.
- 29.13 Where a licence is revoked the Council shall—
- 29.13.1 if requested provide the licence holder with reasons in writing, and;
 - 29.13.2 shall refund the charge having first deducted the charge applicable to the period from the issuing of the licence to its revocation.
- 29.14 Where a stall is set up or trading is undertaken for or on behalf of a community association and the business is conducted for the purpose of that community association—
- 29.14.1 fees or charges prescribed under these By-laws shall not be payable in respect of that stall or trading or the licence under which it is set up, and;
 - 29.14.2 the operations of the stall or stalls or trading for which such exemption applies shall be bound in all other respects to these By-laws.
- 29.15 A licence issued for hawking, trading or to a stallholder is not transferable without the written consent of the Council.

30. CARNARVON SWIMMING POOL

30.1 These By-laws shall apply specifically to the Carnarvon Swimming Pool, Lot 103 and 104 Babbage Island Road, Carnarvon.

31. ADMISSION

31.1 The pool premises shall be open for admission to the public during the hours and days the Council from time to time determines and such hours and such days shall be clearly indicated upon a notice board at the entrance to the pool.

31.2 Admission charges to the pool shall be clearly indicated upon a notice board at the entrance to the pool. Such admission charges shall be reviewed annually by Council and shall stipulate cost of entry for adults, children, pensioners and family groups (consisting of two adults and two children) and may stipulate such charges to apply for daily entry, seasonal entry or portion of a season entry.

31.3 With regard to season or portion of season entry tickets or tokens—

- 31.3.1 the Council shall prepare such tickets or tokens prior to the commencement of the stipulated season and make them available to the public at the pool during those determined hours and upon those determined days that admission to the pool is provided;

- 31.3.2 the Manager shall, upon sale of such a ticket or token record in a bound book the name of the person or persons to whom the ticket or token is sold together with the date of sale;
- 31.3.3 a person or persons being the holder or holders of such tickets or tokens shall offer such tickets or tokens to the Manager prior to obtaining entry to the pool;
- 31.3.4 such tickets or tokens are not transferable nor shall the Council be required to make a refund on any unused portion of the period for which a ticket or token has been issued;
- 31.3.5 such tickets or tokens may only be used by the person or persons to whom they have been issued and the Manager shall refuse admission to any person seeking entry to the pool by the use of such a ticket or token if it is reasonably believed that the person seeking the permission is not the person or one of the persons to whom such ticket or token was issued;
- 31.3.6 where any such ticket or token is lost, stolen or otherwise mislaid it shall be the responsibility of the person being the holder of such ticket or token to report to the Manager or Clerk within seven (7) days of becoming aware of such an occurrence.

32. STANDARDS OF BEHAVIOUR OF USERS

32.1 No person shall—

- 32.1.1 enter the pool without first using the cleansing shower-baths provided on the premises, in which shower-baths the use of soap is permitted; or
- 32.1.2 in any way interfere with any other person in or upon the pool premises or with any other person's use thereof, not throw or push, or attempt to throw stones, rocks, or any other matter or thing to the annoyance of any person using the pool premises; or
- 32.1.3 play any ball games or take any action whatsoever which shall in any way limit the enjoyment of the users of the pool premises, provided that nothing therein contained shall apply to the playing of any games or aquatic sports organised and conducted on the pool centre premises by any club, organisation or association or other person at such time and in such manner as shall be approved by the Manager; or
- 32.1.4 permit an animal or dog of which he is liable for the control to enter or remain in or about the pool premises with the exception of a registered guide dog; or
- 32.1.5 enter the pool premises without having first paid to the Manager the proper charge for admission unless that person is an invitee, officer or employee of the Council in the course of his duties or person otherwise exempted from the payment of fees by Council; or
- 32.1.6 obstruct the Manager or any other authorised person in the course of his duties; or
- 32.1.7 enter or exit from any part of the pool premises except by means of the entrances or exists set apart for that purpose; or
- 32.1.8 undress or remove any part of his bathing costume except in a dressing room enclosure provided for that purpose; or
- 32.1.9 appear in public unless properly attired in a costume of such nature as to preserve public decency and to cover the body as to prevent indecent exposure of the person; or
- 32.1.10 enter or be in the pool premises while in the intoxicated condition induced by alcohol or drugs; or
- 32.1.11 take into the pool premises, or have in his possession therein, any intoxicating liquor without the prior approval of the Clerk; or
- 32.1.12 take into the pool premises or have in his possession therein any prohibited drugs; or
- 32.1.13 use any soap or shampoo in any part of the pool premises other than in the dressing room or shower recess; or
- 32.1.14 climb up or upon any roof, fence, wall partition or structure other than a diving board on the pool premises; or
- 32.1.15 in any part of the pool premises behave in an unseemly, improper, disorderly, or riotous manner or use indecent obscene, offensive or abusive language or gamble illegally or misconduct himself; or
- 32.1.16 deposit in any part of the pool premises any filth or rubbish except in receptacles set aside for that purpose; or
- 32.1.17 smoke, consume foodstuffs, or drinks in other than those areas specifically set aside for the purpose; or
- 32.1.18 wastefully use the water or leave any taps flowing in the dressing rooms or elsewhere in the pool premises; or
- 32.1.19 expectorate in the pool or on any part of the pool premises or in any way commit any nuisance on or in any part of such premises; or

- 32.1.20 use any substance or preparation whereby the water of the swimming pool becomes discoloured or rendered turbid or otherwise unfit for the proper use of bathers; or
- 32.1.21 foul or pollute water in any shower, or in the swimming pools or soil, damage, injure, destroy, use improperly, disfigure or write in or upon any dressing room, cubicle or compartment or any part of the pool premises or any furniture or other article or equipment therein; or
- 32.1.22 damage, break, injure, improperly use, interfere with or destroy any fitting, appliance, equipment or any other property of the Council in or about the pool premises; or
- 32.1.23 whilst suffering from a contagious, infectious or cutaneous disease or whilst in an unclean condition enter or use or attempt to enter or use the swimming pool or pool premises; or
- 32.1.24 soil, defile or damage any towel or bathing costume belonging to another person.

33. SUSPENSION, REMOVAL AND REFUSAL OF ENTRY

33.1 The manager may, and when instructed to do so by Council, or its authorised officer shall, temporarily suspend admission to, or remove from the pool premises or any part thereof, any person or persons, if in the Manager's, Council's or its authorised officer's opinion such action is necessary or desirable;

33.2 The Manager is hereby so empowered by Council to refuse admission to or remove, or cause to be removed from the pool any person who, in the opinion of the Manager—

33.2.1 is committing a breach of any of the provisions of these By-laws; or

33.2.2 is by his past, or present conduct within or about the pool premises undesirable; or

33.2.3 is under, or apparently under the influence of intoxicating liquor or drugs; or

33.2.4 is apparently suffering from a contagious, infectious or cutaneous disease or skin complaint.

33.3 A person temporarily suspended or otherwise requested to withdraw or refused entry to the pool premises shall leave these premises quietly, peaceably and immediately.

33.4 Where a person has been suspended, removed from or refused admission to the pool premises, or directed to leave the pool premises and feels aggrieved by the action of the Manager or Council or its authorised officer such person may appeal, in writing to the Council by letter addressed to the Clerk.

33.5 The Council shall consider any objection placed before it in accordance with By-law 33.4 and give such direction and take such action in the matter as it thinks fit.

33.6 The Council may refuse to admit to the pool premises any person who shall have been convicted of wilfully disobeying or infringing or breaching any of the provisions of these By-laws until such time as the Council may decide that such person shall be admitted.

33.7 The Council may issue a written direction to the Manager that any person named in such direction shall not be admitted to the pool or pool premises and whilst such direction remains in force the manager shall not admit such person to the pool premises or suffer him or her to be therein and such person shall not with knowledge that such direction is in force enter or attempt to enter the pool.

33.8 The right of appeal given by this By-law shall not imply any right of action for damages or other remedy against the Council, Pool Manager or its authorised officer arising out of refusal of admission or direction to leave the pool premises.

34. ORGANISED GROUPS

34.1 A person, club, organisation or association shall not conduct controlled swimming or diving events, carnivals or competitions without the prior consent of the Council;

34.2 The Council may grant its consent in accordance with the requirements of By-law 34.1 subject to any conditions it thinks fit and may, at any time withdraw that consent.

34.3 In addition to the above the Manager may, at his discretion and upon endorsement of the Clerk, set aside the pool premises or any part thereof for the use of certain persons or clubs, associations or organisations at the exclusion of others subject to the conditions of By-law 34.2, and provided that the use is outside normal hours of admission.

34.4 Every person, club, organisation or association to whom the pool is let on hire for the purpose of holding a swimming carnival or other organised swimming event shall, at least two weeks before the proposed date of such carnival or other swimming event, forward to the Clerk a copy of such programme of events as it is desired shall be competed for thereat and of any games or sports or other activities proposed to be then conducted. Any item on such programme of which the Council does not approve shall be struck out or altered in such manner as the Council may in its absolute discretion see fit.

34.5 Every club, person, association or organisation conducting any carnival shall pay to the Council in respect to such carnival a sum equal to 50 per cent of the admission proceeds, with a minimum of \$60.00 for each five hours during which the pool is used, provided, however, that if any club, person, association or organisation conducts carnivals upon a regular basis the Council may reduce the fee to an amount not exceeding \$40.00 for each five hours during which the pool is used.

34.6 Every club, person, association or organisation wishing to conduct any function apart from that mentioned in by-law 34.1 shall submit written application to the Council and the Council may either approve or reject the application any may set conditions for the use.

34.7 A person, club, organisation or association conducting a carnival or event at the pool premises shall be responsible for the conduct of the competitors and spectators during the carnival or event and shall prevent overcrowding and ensure that no damage is done to the buildings or fencing or any other portion of the pool premises and that these By-laws are observed by all competitors, officials and spectators or other persons attending the carnival or event.

35. INDECENT ATTIRE

35.1 If a person shall appear in public and in the opinion of the Manager, be indecently or insufficiently clad, the Manager shall direct that person forthwith to resume adequate bathing attire and such person shall forthwith comply with that direction.

36. LOST OR LEFT PROPERTY

36.1 Every person finding in the pool any article which may have been left or lost therein shall immediately deliver the same to the Manager or the person for the time being in charge of the pool premises, who shall thereupon register a description of such article and all particulars relating thereto in a book which shall be kept for that purpose, and any persons claiming any such article and who satisfies the Manager or such other person that he or she is the lawful owner of the same shall have such article returned to them upon signing for the same in the book abovementioned.

36.2 The Manager or other person for the time being in charge of the pool premises shall report to the Clerk (at least once every week) regarding lost property and produce the said book for inspection by the Shire Clerk.

36.3 The Council shall not under any circumstances incur any liability in respect of articles lost or left in the pool premises or stolen from any person whilst on the pool premises.

36.4 All articles left at the pool and not claimed within a period of fourteen (14) Days shall be disposed of in accordance with the law relating to found or abandoned property.

37. COACHING OR TRAINING

37.1 No person shall for reward or profit teach, coach or train any person in the pool premises except with the consent in writing of the Council first being obtained.

37.2 The Council may in its absolute discretion give such consent absolutely or subject to such conditions as it deems fit and the Council may in its absolute discretion at any time withdraw such consent.

38. RISKS

38.1 Every person using the pool premises does so at their own risk.

38.2 Neither the Council nor the Manager or Officer, Contractor or employee of the Council shall in any way be responsible for any articles or money lost by or stolen from any person whilst in the pool premises or for any articles damaged or destroyed whilst in or about the pool premises.

39. SERVICE OF NOTICE

39.1 Where the Council or an employee or contractor of the Council is authorised by these By-laws to give any person any notice, demand, direction or order—

39.1.1 the notice, demand, direction or order shall where issued in writing be signed by the Clerk of the Council or the authorised officer;

39.1.2 service of the notice, demand, direction or order may be effected in accordance with the provisions of the Act, and;

39.1.3 the Council or its authorised officer may effect such work as is necessary to comply with the requirements of the notice, demand, direction or order, and recover any costs incurred from the person upon whom such notice, demand, direction or order has been served.

40. MUNICIPAL BY-LAWS OFFENCES AND PENALTIES

40.1 Where, by these By-laws, anything is directed, or forbidden to be done, or authority is given to any person to direct, or forbid, anything to be done and that authority is exercised, any person failing or neglecting to do anything so directed, or doing anything so forbidden, or any person who compromises a provision of these By-laws commits an offence.

40.2 A person guilty of an offence against these By-laws is liable to the penalty expressly mentioned in relation to the offence under the Act or in the Sixth Schedule to these By-laws.

40.3 A notice served under subsection (2) of Section 669c of the Act in respect of an offence against these By-laws shall be in or to the effect of Form 1 in the Third Schedule to these By-laws.

40.4 Subject to sub-by-law 40.5 of this by-law an infringement notice served under section 669D of the Act in respect of an offence against these by-laws shall be in or to the effect of Form 2 in the Third Schedule to these by-laws.

40.5 An infringement notice served under subsection (2) of section 669D of the Act in respect of an offence against these by-laws shall be in or to the effect of Form 3 of the Third Schedule of these by-laws.

40.6 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 against these by-laws shall be in or to the effect of Form 4 in the Third Schedule to these by-laws.

40.7 Excepting where a modified penalty applies, every person who commits an offence against these by-laws is liable to a penalty or penalties as prescribed under the Act.

40.8 The modified penalty for an offence against by-law 23 of these by-laws, if dealt with under section 669D of the Act is fifty dollars.

40.9 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.

40.10 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 By-law 23, 25 and 26 of these by-laws.

LOCAL GOVERNMENT ACT 1960

SHIRE OF CARNARVON

MUNICIPAL BY-LAWS

FIRST SCHEDULE

PRESCRIBED SEA-SHORE AREAS (BY-LAW 15)

1. Commencing from the south western corner of Lot 1048, Reserve 28553 thence from that corner north westerly on a bearing of 327 degrees 56 minutes 225.3 metres along the boundary of lot 1048 thence northerly on a bearing of 354 degrees 47 minutes along the boundary 372 metres thence due west to low water mark of the Indian Ocean thence generally southerly, easterly and northerly at low water mark along the beach area returning to a point on the boundary of lot 1048 Reserve 28553, thence north westerly 15 metres to the commencement,

2. Notwithstanding the above a person may permit a horse between the hours of 6am to 8am, to be on that portion of the foreshore, commencing from a point due west of the south western corner of lot 1048 to low water mark of the Indian Ocean, thence generally northerly 570 metres along the beach area.

LOCAL GOVERNMENT ACT 1960

SHIRE OF CARNARVON

MUNICIPAL BY-LAWS

SECOND SCHEDULE

FORM 1—APPLICATION FOR CERTIFICATE OF REGISTRATION TO KEEP GOATS (BY-LAW 16)

Ibeing the occupier
of
hereby make application to keep goat/s (specify number) at Lot No
a property at which I am resident and which is located within zone
under the Shire of Carnarvon Town Planning Scheme. Owner (where other than
occupier)
I/We
of
being the owner/s of Lot hereby approve (occupier)
of
to keep goat/s (specify number).

In accordance with the By-laws I attach hereto—

Details of the purpose for which it is intended to keep the goats;

- b. A medical certificate stating that, due to medical reasons, goats milk is required for a resident of the premises;
- c. Plans and specifications of a structure, yards, pens and enclosures as required by the By-laws.

Signed

Dated this the day of 19.....

LOCAL GOVERNMENT ACT 1960

SHIRE OF CARNARVON

MUNICIPAL BY-LAWS

SECOND SCHEDULE

FORM 2—CERTIFICATE OF REGISTRATION FOR THE KEEPING OF GOATS
(BY-LAW 16)

This is to certify that
of
is authorised to keep goat/s for the purpose of as specified
under the By-laws at Lot (specify location).

Signed

SHIRE CLERK

NOTES

1. This registration is invalid unless it is accompanied by a receipt bearing the imprint of the cash register of the Shire of Carnarvon.
2. This registration is not transferable without the written consent of the Council.

LOCAL GOVERNMENT ACT 1960

SHIRE OF CARNARVON

MUNICIPAL BY-LAWS

THIRD SCHEDULE

(MUNICIPAL OFFICES

SHIRE OF CARNARVON

P.O. BOX 459

CARNARVON)

FORM 1—NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER
(BY-LAW 23)

To Serial No.
..... Date
the owner of vehicle make Type
Plate No.

You are hereby notified that it is alleged that on the day of 19 at
about the driver or person in charge of the above vehicle did
.....

in contravention of the provisions of By-law No. 23 of the Shire of Carnarvon Municipal
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 days after the date of the service of this notice
you—

- a. inform the Clerk of the Shire of Carnarvon or
designation (s) of authorised officer(s)) 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 above offence, or;
- b. satisfy the Clerk of the Shire of Carnarvon that the above vehicle has been
stolen or unlawfully taken 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.

.....
SHIRE CLERK

LOCAL GOVERNMENT ACT 1960
SHIRE OF CARNARVON
MUNICIPAL BY-LAWS
THIRD SCHEDULE

FORM 2—INFRINGEMENT NOTICE (BY-LAW 23)

To Serial No.

..... Date

You are hereby notified that it is alleged that on the day of 19 at about you did

.....
in contravention of the provisions of by-law 23 of the Shire of Carnarvon Municipal By-laws.

The modified penalty 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 after the date 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 \$..... mentioned above, to the Shire Clerk of the Shire of Carnarvon, P.O. Box 459, Carnarvon or by delivering this form and paying that amount at the Shire Offices, Francis Street, Carnarvon between the hours of 9.00am and 4.30pm on Mondays to Fridays.

.....
SHIRE CLERK

LOCAL GOVERNMENT ACT 1960
SHIRE OF CARNARVON
MUNICIPAL BY-LAWS
THIRD SCHEDULE

FORM 3—INFRINGEMENT NOTICE (BY-LAW 23)

*To Serial No.

..... Date

the owner of vehicle make Type

Plate No.

You are hereby notified that it is alleged that on the day of 19 at about you did

.....
in contravention of the provisions of By-law No. 23 of the Shire of Carnarvon Municipal 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 after the date of the service of this notice. Unless within twenty-one days after the date of the service of this notice—

(a) the modified penalty is paid; or

(b) you—

(i) inform the Shire Clerk of the Shire of Carnarvon or
(designation(s) of authorised officer (s) 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 above offence; or

(ii) satisfy the Shire Clerk of the Shire of Carnarvon 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 of 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 of \$..... mentioned above, to the Shire Clerk of the Shire of Carnarvon, P.O. Box 459, Carnarvon or by delivering this form and paying that amount at the Shire Offices, Francis Street, Carnarvon between the hours of 9.00am and 4.30pm on Mondays to Fridays.

.....
SHIRE CLERK

Name:

Address: Post Code

If your name and address do not appear in this notice complete the above to enable a receipt to be forwarded.

*Not to be completed where notice is attached to or left in or on a vehicle.

LOCAL GOVERNMENT ACT 1960
SHIRE OF CARNARVON
MUNICIPAL BY-LAWS
THIRD SCHEDULE

FORM 4—WITHDRAWAL OF INFRINGEMENT NOTICE (BY-LAW 23)

To Date
.....
.....
Infringement Notice No. Date
for the alleged offence of
.....
Modified Penalty is
hereby withdrawn.

.....
SHIRE CLERK

LOCAL GOVERNMENT ACT 1960
SHIRE OF CARNARVON
MUNICIPAL BY-LAWS
FOURTH SCHEDULE

APPLICATION FOR HAWKERS, TRADERS, STALLHOLDERS LICENCE
(BY-LAW 29)

To: The Shire Clerk,
Shire of Carnarvon
P.O. Box 459,
CARNARVON WA 6701

I,
of
apply for permission to hawk/carry on trading/conduct a stall
at
..... in the district of the Shire of Carnarvon.
Description of stand, structure or vehicle to be used by licensee (e.g. trestle)
.....
Types of goods, wares, merchandise or services to be sold/traded (where space is
insufficient please attach list).
.....
.....
.....

Dates and times hawking/trading/stall is to be conducted
Place/s and details of areas to which licence is to apply
.....
Full names and addresses of assistants who may be engaged at any one time in
trading—
.....
.....
.....

If stall is to be conducted on behalf of a Community Association.
Name, address and contact person of association—
.....
.....
.....

Signed Date

FOR OFFICE USE ONLY—

Fee paid \$
Date
Receipt No.

*DELETE WHICH DOES NOT APPLY

LOCAL GOVERNMENT ACT 1960
SHIRE OF CARNARVON
MUNICIPAL BY-LAWS
FIFTH SCHEDULE

* HAWKERS/TRADING/STALL HOLDERS LICENCE (BY-LAW 29)

1. Full name and address of licensee
2. Date of issue of licence
3. Date of expiration of licence
4. Requirements, Terms and Conditions—
 - (a) Place to which licence applies
 - (b) Description of stand structure or vehicle to be used by the licensee
 - (c) Particulars of the goods, wares, merchandise or service in respect of which trading may be carried on
 - (d) Full name and address of assistants who may be engaged at any one time in trading
 - (e) The permitted days and hours when trading may be carried on
 - (f) Other requirements, terms or conditions applicable to this licence

SHIRE CLERK

* Delete Which Does Not Apply

NOTES

1. This licence is issued subject to the By-laws of the Shire of Carnarvon.
2. This licence is invalid unless accompanied by a receipt bearing the imprint of the cash register of the Shire of Carnarvon.
3. This licence is not transferable without the written consent of the Council.

LOCAL GOVERNMENT ACT 1960
SHIRE OF CARNARVON
MUNICIPAL BY-LAWS
SIXTH SCHEDULE
FEES AND CHARGES

POUNDAGE FEES—ANIMALS/VEHICLES

By-law No. 17	Removal Fee (vehicle)	Total Towage Rates (\$50.00 minimum)
By-law No. 17	Impounding Fee	\$10.00
By-law No. 17	Custody Fee	\$2.00/day

LAWNS AND GARDENS (MODIFIED PENALTIES)

By-law No. 23	Standing a vehicle or animal on a lawn or garden without the consent of the owner	\$50.00
By-law No. 23	Driving a vehicle or animal on or across a lawn or garden without the consent of the owner	\$50.00
By-law No. 25	Removal of any flower, plant, or shrub from a garden	\$40.00
By-law No. 25	Wilful damage of a lawn or garden	\$100.00
By-law No. 26	Riding a bicycle on other than a dual use footpath	\$25.00
By-law No. 26	Riding a bicycle on other than a left hand side of a footpath	\$25.00
By-law No. 26	Riding a bicycle on a footpath at a speed in excess of 15km/h	\$25.00

LICENSING FEES

By-law No. 16	Keeping of Goats (per goat)	\$1.00
By-law No. 29	Hawkers Licence	\$40.00 for issue of licence or renewal thereof
By-law No. 29	Street Traders	\$40.00 for issue of licence or renewal thereof
By-law No. 29	Stall Holders	\$20.00 for issue of licence or renewal thereof
By-law No. 29.15	Transfer of Licence	\$20.00

CHARGES

By-law No. 29	Street Traders and Stall Holders	\$10.00 per week or part thereof where issued less than annually \$120.00 per annum where issued on an annual basis
---------------	----------------------------------	---

Dated this 23rd day of June 1993.

The Common Seal of the Shire of Carnarvon was hereunto affixed in the presence of:

T. A. DAY, President.

B. G. WALKER, Shire Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG303

LOCAL GOVERNMENT ACT 1960

City of Armadale

By-laws for the Control and Management of Halls, Equipment and Property under the Control of Council

In pursuance of the powers conferred by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on 8 June 1993 to make and submit for confirmation by the Governor, the following amendments to the By-laws for the Control and Management of Halls, Equipment and Property under the Control of Council as published in the *Government Gazette* of 29 October 1982.

By-law 1 be amended by—

- a deleting "Town" and inserting "City" in the definition of "Council".
- b deleting "." and inserting ", or an officer of Council." after the word "property" in the definition of "Caretaker".
- c adding after the definition "Hirer" the new definition:

" 'Regular Hirer' means any person who hires any facility at least once per fortnight for a period of at least five months. "

By-law 3 be amended by deleting all existing words and inserting the words:—

"For the purpose of these By-laws hiring shall be in increments of whole hours. Exclusive use of a facility or part thereof for a full day shall be charged at 12 hours hire."

By-law 5 be amended by, in the third paragraph, second line deleting the word "first" and deleting all words after the word "unless" in the fourth line and inserting "all payments have been made at least 2 months prior to the day of hiring."

Dated this 6th day of August 1993.

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

Recommended—

PAUL D. OMEDEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG304

LOCAL GOVERNMENT ACT 1960

Municipality of the Shire of East Pilbara

By-laws Relating to Control and Management of the Newman 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 25th June, 1993 to submit for confirmation by the Governor the following amendments to the By-laws published in the *Government Gazette* on 4th January, 1985 as amended.

1. Delete all of By-law 15 and replace it with the following:—

15. No person shall take into the Pool premises or have in his possession therein any intoxicating liquor without the written permission of the Shire Clerk.

Dated this 25th day of June, 1993.

The Common Seal of the Shire of East Pilbara was hereunto affixed in the presence of:—

D. W. HODGE, Shire President.
C. McCREED, Acting Shire Clerk.

Recommended:—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 14th day of September, 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG305

LOCAL GOVERNMENT ACT, 1960

Municipality of the City of Kalgoorlie-Boulder

BY-LAWS RELATING TO THE PUBLIC SWIMMING POOL

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 22 day of March, 1993, 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 the Public Swimming Pool.

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 constituting the district of the Municipality of the City of Kalgoorlie-Boulder including the Municipality of Kalgoorlie

By-law numbered 134 for the General Management of Public Baths published in the *Government Gazette* of the 6th December, 1940, are hereby revoked.

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

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

“Assistant Manager” means the person who, in the absence of the Manager, is employed by Council to control and manage the Pool Premises and shall include the classification of Deputy Manager.

“Council” means Kalgoorlie-Boulder City Council;

“Manager” means the person for the time being employed by the Council to manage the pool premises and includes his Deputy;

“Pool Premises” means the Lord Forrest Olympic Pool and includes all buildings, fences, gardens, car parks, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of that pool facility or used in connection therewith;

“Town Clerk” means Town Clerk of the Council.

4. The pool premises shall be open for admission to the public during the hours and days the Council from time to time determines.

5. The Council may from time to time determine charges for admission to the pool premises and for use of facilities provided in the pool premises.

6. The pool premises or any part thereof may at any time at the discretion of the Manager, Assistant Manager or Attendant be set aside for the use of certain persons to the exclusion of others.

7. The Manager, Assistant Manager or Attendant may refuse any person admission to the pool premises or part thereof at any time and children under the age of 6 years shall be refused admission unless accompanied by a responsible person over the age of 14 years.

8. Every person using the pool premises shall obey all reasonable directions of the Manager, Assistant Manager or Attendant with regard to such use.

9. The Manager, or Assistant Manager may temporarily suspend admission to, or remove from the pool premises or any part thereof, all or any person or persons, if in their opinion, such action is necessary or desirable.

10. If a person appears in public who in the opinion of the Manager, Assistant Manager or Attendant, be indecently or insufficiently clad, the Manager, Assistant Manager or Attendant shall direct that person forthwith to resume adequate bathing attire and such person shall forthwith comply with that direction.

11. (a) It shall be the duty of the Manager, Assistant Manager or Attendant, who is hereby so empowered to refuse admission to or remove, or cause to be removed from the pool premises any person who, in the opinion of the Manager or Assistant Manager—

(i) is a child under the age of 6 years and is unaccompanied by a responsible person over the age of 14 years;

(ii) is committing a breach of any of the provisions of these By-laws;

(iii) is by their past, or present conduct within or about the pool premises undesirable;

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

(v) is apparently suffering from a contagious, infectious or cutaneous disease or skin complaint.

(b) Any such person shall upon the request of the Manager, Assistant Manager, or Attendant to withdraw from the pool premises, quietly and peaceably, do so immediately.

12. (a) Any person who has been refused admission to the pool premises or has been directed to leave the pool premises and who feels aggrieved by the action of the Manager or Assistant Manager, may appeal against such action to the Council by letter addressed to the Town Clerk.

(b) The Council shall consider the objection and give such direction in the matter as it thinks fit.

(c) The right of appeal given by this By-law shall not imply any right of action for damages or other remedy against the Council, Manager, Assistant Manager or Attendant arising out of such refusal of admission or direction to leave the pool premises.

13. A person shall not for profit teach, coach or train any person in the pool premises unless with the prior written consent of the Council, subject to such conditions as it thinks fit and may at any time withdraw such consent.

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

(b) The Manager may grant such consent subject to any conditions thought fit and may, at any time, withdraw that consent.

(c) A person, club, organisation or association conducting a carnival or event at the pool premises shall be responsible for the conduct of the competitors and spectators during the carnival or event and shall prevent overcrowding and ensure that no damage is done to the buildings or fencing or any other portion of the pool premises and that these By-laws are observed by all competitors, officials and spectators attending the carnival or event.

(d) The Council may from time to time and for such periods and reasons as it determines close the pool premises provided a minimum of 28 days notice is given except that for health reasons the pool may be closed without notice.

15. (a) Every person finding within the pool premises an article which may have been left or lost therein shall immediately deliver it to the Manager, Assistant Manager 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, Assistant Manager or Attendant that they are the lawful owner of the article shall, on return of the article, by way of acknowledging its receipt, write their name and address and provide their signature in the lost property register.

(c) In the interpretation of this by-Law the word "article" shall include money.

(d) All articles left in the pool premises and not claimed within a period of 3 calendar months shall be disposed of by the Council in any manner acceptable at common law.

16. Neither the Council nor the Manager, Assistant Manager or Attendant or other officer or employee of the Council shall in any way be responsible for any articles or money lost by or stolen from any person whilst in the pool premises or for any articles damaged or destroyed whilst in or about the pool premises.

17. No person shall—

- (a) enter any portion of the pool premises set apart exclusively for the opposite sex except a person under the age of 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 or upon the pool premises or with any other person's use thereof, nor throw or push, or attempt to throw any stones, sticks or any other matter or thing to the annoyance of any person using the pool premises.
- (d) play any ball games or take any action whatsoever which shall in any way limit the enjoyment of the users of the pool premises, provided that nothing herein contained shall apply to the playing of any games or aquatic sports organised and conducted on the pool premises by any club, organisation or association or other person at such time and in such manner as shall be approved by the Manager.
- (e) permit an animal for which they are liable for the control to enter or remain in or about the pool premises with the exception of a registered guide dog.
- (f) enter the pool premises without having first paid to the Manager, Assistant Manager or Attendant, the proper charge for admission unless that person is an invitee, officer or employee of the Council in the course of their duties.
- (g) obstruct the Manager, Assistant Manager or Attendant or any other authorised person in the course of their duties.
- (h) enter or exit from any part of the pool premises except by means of the entrances or exits set apart for that purpose.
- (i) undress or remove any part of their bathing costume except in a dressing room enclosure provided for that purpose.
- (j) appear in public unless properly attired in a costume of such nature as to preserve public decency and to cover the body so as to prevent indecent exposure of the person.
- (k) enter or be in the pool premises while in the intoxicated condition induced by alcohol or drugs.
- (l) take into the pool premises, or have in their possession therein, any intoxicating liquor without the prior approval of the Town Clerk.
- (m) take into the pool premises or have in their possession therein any prohibited drugs.
- (n) use any soap or shampoo in any part of the pool premises other than in the dressing room or shower recess.
- (o) climb up or upon any roof, fence, wall or partition on the pool premises.
- (p) in any part of the pool premises behave in an unseemly, improper disorderly, riotous manner or use indecent, obscene, offensive or abusive language or gamble illegally or misconduct themselves.
- (q) bring onto or deposit in any part of the pool premises any filth or rubbish except in receptacles set aside for that purpose.

- (r) smoke, consume foodstuffs or drinks in any specific area in which smoking or consumption is prohibited.
- (s) wastefully use the water or leave any taps flowing in the dressing rooms or elsewhere in the pool premises.
- (t) expectorate or spit in the pool or on any part of the pool premises or in any way commit any nuisance on or in any part of such premises.
- (u) use any substance or preparation whereby the water of the swimming pool becomes discoloured or rendered turbid or otherwise unfit for the proper use of swimmers.
- (v) foul or pollute water in a shower, the swimming pool, or soil, damage, injure, destroy, use improperly, disfigure or write in or upon any dressing room, cubicle or compartment, or any part of the pool premises or any furniture or other article or equipment therein.
- (w) damage, break, injure, improperly use, interfere with or destroy any fitting, appliance, equipment or any other property of the Council in or about the pool premises.
- (x) whilst suffering from a contagious, infectious or cutaneous disease or whilst in an unclean condition enter or use or attempt to enter or use the swimming pool or pool premises.
- (y) soil or defile or damage any towel or bathing costume belonging to another person.

18. Every person shall when entering the pool premises, if requested to do so, produce their bathing costume or towel for inspection by the Manager, Assistant Manager or Attendant.

19. No ticket, token, licence, membership card or receipt issued by or under authority of the Council in respect of use of or admission to the pool premises 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.

20. Any person who commits a breach of these By-laws is liable on conviction to a penalty of \$500.00.

Dated 10th August 1993.

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—

PAUL OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG306

LOCAL GOVERNMENT ACT 1960

The Municipality of the City Of Mandurah

By-law Relating To Standing Orders

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 27th day of July 1993 to make and submit for confirmation by the Governor the following By-law.

PART 1—PRELIMINARY

1.1 STANDING ORDERS

The proceedings and business of the Council shall be conducted according to this By-law, the clauses of which shall be referred to as "The Standing Orders".

1.2 REPEAL

The By-laws Relating to Standing Orders which were adopted by the Council on 18 June 1968 and published in the *Government Gazette* on 4th October 1968 and which were amended pursuant to a resolution of 27 July 1983, published in the *Government Gazette* of 27th January 1984 are hereby repealed.

1.3 ARRANGEMENT

The arrangement of this By-law is as follows—

PART 1—PRELIMINARY

- Clause 1.1 Standing Orders
- Clause 1.2 Repeal
- Clause 1.3 Arrangement
- Clause 1.4 Interpretation

PART II—MEETINGS OF COUNCIL

- Clause 2.1 Mayor to Preside
- Clause 2.2 Notice of Ordinary Meeting
- Clause 2.3 Notice of Adjourned Meeting
- Clause 2.4 Quorum
- Clause 2.5 Quorum must be Present
- Clause 2.6 Quorum not Present
- Clause 2.7 Count Out
- Clause 2.8 Debate on Motion to be Resumed
- Clause 2.9 Names to be Recorded
- Clause 2.10 Kind of Meeting
- Clause 2.11 Calling of Special Meeting
- Clause 2.12 Business at Ordinary Meeting
- Clause 2.13 Order of Business
- Clause 2.14 Urgent Business
- Clause 2.15 Order of Business at Special Meeting
- Clause 2.16 Business at Adjourned Meeting
- Clause 2.17 Open Doors—Except as Provided
- Clause 2.18 Distinguished Visitors
- Clause 2.19 Reporters
- Clause 2.20 Recording of Proceedings Prohibited
- Clause 2.21 Prevention of Disturbance
- Clause 2.22 Objectionable Business
- Clause 2.23 Declaration of Councillors Interests
- Clause 2.24 Declaration of Officers' Interests
- Clause 2.25 Declaration of Due Consideration
- Clause 2.26 Minutes
- Clause 2.27 Questions and Public Open Session
- Clause 2.28 Reports by the Clerk
- Clause 2.29 Distribution to the Councillors
- Clause 2.30 Late Report
- Clause 2.31 Executive Officer Report
- Clause 2.32 Council Delegates' Reports
- Clause 2.33 Deputations
- Clause 2.34 Petitions
- Clause 2.35 Reports of Committees
- Clause 2.36 Notices of Motion
- Clause 2.37 Production of Documents

PART III MEETINGS—PROCEDURE AND CONDUCT

- Clause 3.1 General Procedure
- Clause 3.2 Preserving Order
- Clause 3.3 Rules of Debate
- Clause 3.4 Conduct of Councillors
- Clause 3.5 Voting
- Clause 3.6 Motions
- Clause 3.7 Amendments
- Clause 3.8 Adjournment
- Clause 3.9 Resumption after Counting Out
- Clause 3.10 Motion that the Question be Now Put
- Clause 3.11 Motion that Council do Proceed to the Next Business
- Clause 3.12 Motion that the Meeting be Now Closed
- Clause 3.13 Motions Affecting Expenditure
- Clause 3.14 Motion for Rescission
- Clause 3.15 Motion to Alter Resolution
- Clause 3.16 Negatived Motion Not to be Entertained Within Three Months
- Clause 3.17 Suspension of Standing Orders
- Clause 3.18 Voting

PART IV—COMMITTEES

- Clause 4.1 Standing Orders Apply to Committees
- Clause 4.2 Standing Committees
- Clause 4.3 Councillor Attending Committee as Observer
- Clause 4.4 Term of Appointment
- Clause 4.5 Committee Members May be Changed
- Clause 4.6 Appointment of Committees
- Clause 4.7 Powers and Duties of Standing Committees
- Clause 4.8 Constitution of Occasional Committees
- Clause 4.9 Meetings of Committees
- Clause 4.10 Delegation of Powers to Committees
- Clause 4.11 Chairman of Committee
- Clause 4.12 Calling Meeting of Committee
- Clause 4.13 Order of Business of Standing Committee Meeting
- Clause 4.14 Quorum of Standing Committees
- Clause 4.15 Unfinished Business of Former Committees
- Clause 4.16 Voting by Committees
- Clause 4.17 Conference of Committees
- Clause 4.18 Minutes of Committees
- Clause 4.19 Committees to Report
- Clause 4.20 Resignation of Seat on Committee

PART V—GENERAL

- Clause 5.1 Representation on Public Bodies
- Clause 5.2 Confidential Business
- Clause 5.3 Electors' Meetings

PART VI—MISCELLANEOUS

- Clause 6.1 Breach of Standing Orders
- Clause 6.2 Mayor to Ensure Compliance
- Clause 6.3 Council May Take Action
- Clause 6.4 Notices

1.4 INTERPRETATION

In this By-law, unless the context otherwise requires—

“Act” means the Local Government Act 1960.

“Agenda Paper” in relation to any proposed meeting means a paper setting out the terms of business to be transacted at the meeting and the order of that business. The notice calling a Special Meeting may stand as the Agenda Paper for that meeting.

“Business Papers” in relation to any proposed meeting means the Agenda Paper for that meeting and any minute of any previous meeting required to be considered at the proposed meeting and details relating to any Order of the Day for the proposed meeting.

“Chairman’s Minutes” has the same meaning in relation to meetings of committees as the term “Mayoral Minutes” has in relation to meetings of the Council.

“City” means the municipality of the City of Mandurah.

“Clause” means a clause of this By-law.

“Clerk” means the Town Clerk or Acting Town Clerk.

“Committee” means any Standing or Occasional Committee appointed in accordance with the provisions of Section 179 of the Act.

“Council” means the council for the time being of the municipality of the City of Mandurah.

“Council Delegate” means a Councillor or officer of the Council appointed as a delegate or representative of the Council on or to any external body, conference or meeting.

“Councillor” means a Councillor of the Council including the Mayor.

“Councillor’s Minutes” means a written record of municipal civic or other business in which a Councillor has participated since the last relevant meeting, and which the Councillor wishes to table for the information of Councillors and which the Councillor desires to include in the Minutes of the meeting at which they are tabled.

“Director” means an Officer who has been appointed by the Council to take responsibility for the management or supervision of any one or more divisions, situations or departments of the Council’s administration and who is responsible in that administration directly to the Clerk.

“Mayor” unless the context otherwise requires, includes in the absence of the Mayor the Deputy Mayor or the Councillor chosen by the Council to preside at a meeting of the Council.

“Mayoral Minutes” means a written record of municipal civic or other business in which the Mayor has participated since the last Ordinary Meeting of the Council and which the Mayor wishes to table for the information of Councillors and which the Mayor desires to include in the Minutes of the meeting at which they are tabled.

"Meeting" includes any Ordinary or Special meeting of the Council or of a Committee held pursuant to the Act.

"Member" means the Mayor or any other Councillor.

"Minor amendment" in relation to a motion to amend another motion ("the primary motion") shall be one which does not alter the primary or basic intent of the primary motion as determined by the person presiding at the meeting.

"Order of the Day" means any business left over from the previous meeting and any other business the person presiding at the meeting thinks desirable to bring to the notice of the meeting and has directed to be entered in the Business Papers as an Order of the Day. In the case of unfinished business at Ordinary Meetings, the provisions of clause 2.16 shall prevail.

"Representative's Minutes" means a written record of any municipal civic or other official conference, seminar or meeting in which a Council Representative has participated since the last relevant meeting, and which the representative wishes to table for the information of Councillors and which the representative desires to include in the Minutes of the meeting at which they are tabled.

"Urgent Business" means business dealt with in accordance with the provisions of clause 2.14.

"Without discussion" means without debate but does not preclude a Councillor from asking such questions as the person presiding at the meeting permits, there being no discussion debate or challenge on the ruling of the person presiding.

PART II—MEETINGS OF COUNCIL

2.1 MAYOR TO PRESIDE

Subject to the Act the Mayor, or in his absence the Deputy Mayor, or in his absence a Councillor chosen by the Councillors present shall preside at any meeting of the Council (section 173(7)).

2.2 NOTICE OF ORDINARY MEETING

2.2.1 Notice of all meetings of the Council other than those convened under section 172(2) or section 172(3) of the Act shall be given to Councillors in writing and shall be signed by the Clerk, and shall state the place, date and hour of holding the meeting, and unless a separate Agenda Paper is incorporated in the Business Papers served with the notice, shall state the business to be transacted. The notice shall be served on each of the Councillors together with a copy of the Business Papers (if any) at least three (3) clear days before the time of the commencement of the meeting.

2.2.2 The Business Paper for an Ordinary Meeting of the Council shall be made available for inspection by a ratepayer or elector of the City during office hours at the office of the Council and at such other place and times as the Council from time to time sees fit. The inspection may take place for such period before the meeting as the Council from time to time sees fit being not earlier than the time of service of the Business Papers on Councillors.

2.2.3 Unless Council resolves otherwise the Clerk may provide to the press and other media, copies of notices sent pursuant to subclause 2.2.1 and clause 2.3 on the day preceding the day of the meeting.

2.3 NOTICE OF ADJOURNED MEETING

When a meeting of the Council is adjourned to a day and hour other than the next Ordinary Meeting of the Council, notice of the adjourned meeting shall, if time permits, be sent in the manner provided by subclause 2.2.1 of this By-law, to each Councillor, specifying the nature of the business to be transacted.

2.4 QUORUM

Except in cases where section 173(4) of the Act applies, the number of Councillors necessary to form a quorum shall be—

- (a) where the total number of Councillors is an even number, one half of that number;
- (b) where the total number of Councillors is an odd number, the integer nearest to, but greater than one half of the total (section 173(3)).

2.5 QUORUM MUST BE PRESENT

2.5.1 The Council shall not transact business at a meeting unless a quorum is present (section 173(2)).

2.5.2 Subject to the provisions of clause 2.6 and subject to a quorum being present every meeting shall proceed to business at the time appointed in the notice of meeting.

2.6. QUORUM NOT PRESENT

If at the expiration of half an hour from the time fixed for the commencement of a meeting of the Council a quorum is not present, the Mayor or in his absence, the Deputy Mayor, or in his absence, the majority of Councillors present, or any Councillor present alone, or in the absence of the Mayor and all the Councillors, the Clerk, may adjourn

the meeting; and business which could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting (section 173(5)).

2.7 COUNT OUT

If at any time during a meeting of the Council a quorum is not present, the Mayor upon becoming aware of that fact shall thereupon suspend the proceedings of the meeting for a period of five minutes and if a quorum is not present at the expiration of that period, the meeting shall be deemed to have been counted out, and the Mayor shall adjourn it to some future time or date.

2.8 DEBATE ON MOTION TO BE RESUMED

Where the debate on any motion, is interrupted by the Council being counted out, that debate shall be resumed at the next meeting at the point where it was so interrupted. Where the interruption occurs at an Ordinary Meeting the resumption shall be at the next Ordinary Meeting unless a Special Meeting is called earlier for the purpose. Where the interruption is at a Special Meeting, the resumption shall be at the next Special Meeting called to consider the same business or at the next Ordinary Meeting if it occurs before a Special Meeting can be called.

2.9 NAMES TO BE RECORDED

At any meeting at which there is not a quorum of Councillors present, or at which the Council is counted out for want of a quorum, the names of the Councillors then present shall be recorded in the Minute Book.

2.10 KIND OF MEETING

Meetings of the Council and Committees shall be of two kinds, "Ordinary" and "Special". Ordinary Meetings are those called at such place and at such times as the Council, from time to time, appoints for the transaction of the ordinary business of the Council, and its Standing and Occasional Committees. Special Meetings are those called to consider special business, the nature of which shall be specified in the notice convening the meeting. Subject to the provisions of the Act and these Standing Orders relating to the rescission or alteration of a resolution, no business shall be transacted at a Special Meeting other than that for which the Special Meeting has been called.

2.11 CALLING OF SPECIAL MEETING

2.11.1 Mayor May Convene

The Mayor may convene a Special Meeting of the Council as often as the Mayor thinks fit by notice in writing signed by the Mayor or the Clerk sent to each Councillor before the meeting (section 172(2)).

2.11.2 Councillors May Convene

If the Mayor refuses or neglects to call a meeting of the Council after receiving a request for that purpose signed by at least three Councillors, those Councillors may call a meeting of the Council by serving a notice in writing signed by them stating the business to be transacted, on each of the other Councillors of the Council at least 24 hours before the time of the commencement of the meeting (section 172(3)).

2.12 BUSINESS AT ORDINARY MEETING

No business shall be transacted at any meeting of the Council other than specified in the notice relating thereto, except—

- (a) matters which the Act permits to be dealt with without notice; and
- (b) matters which this By-law expressly permits to be dealt with without notice.

2.13 ORDER OF BUSINESS

The order of business at any Ordinary Meeting shall be as follows, or as near thereto as shall be practicable, but for the greater convenience of the Council at any particular meeting, it may be altered by resolution to that effect—

- (i) Present
- (ii) Apologies
- (iii) Leave of Absence
- (iv) Declaration of Councillors' and Officers' interests
- (v) Declaration by Councillors whether they have given due consideration to all matters contained in the Business Paper presently before the meeting.
- (vi) Confirmation of Minutes
- (vii) Question time
- (viii) Orders of the Day
- (ix) Public Open Session
- (x) Tabling of Mayoral Minutes without discussion
- (xi) Tabling of Councillor's Minutes without discussion
- (xii) Tabling of Representative's Minutes without discussion

- (xiii) Motions of which previous notice has been given
- (xiv) Petitions and Memorials
- (xv) Reports by the Clerk
- (xvi) Reports of Officers
- (xvii) Reports of Committees
- (xviii) Notices of Motion given at the meeting for consideration during the following meeting
- (xix) Confidential Business
- (xx) Items Withdrawn

2.14 URGENT BUSINESS

2.14.1 When Introduced

A Councillor may move a motion involving urgent business that is not included in the Agenda Paper for that meeting provided that—

- (a) the person presiding at the meeting has requested the Councillor to move the motion or has first consented to the business being raised;
- (b) the urgency of the business is such that the business cannot await inclusion in the Agenda Paper for the next meeting of the Committee that has the oversight of the subject matter of the business; and
- (c) if the business was to be deferred to the next meeting of the appropriate Committee, such delay could result in legal or financial implications to the City.

2.14.2 When Absolute Majority Required

If at an Ordinary Meeting a Councillor objects that a motion introduced as urgent business and moved without notice does not deal with ordinary business within the meaning of that term in subsection 175(2) of the Act, the motion shall be of no effect unless it is agreed to at the meeting by an absolute majority of the Councillors of the Council. (Section 175(3)).

2.15 ORDER OF BUSINESS AT SPECIAL MEETING

The order of business at any Special Meeting of the Council shall be the order in which that business stands in the notice of the meeting.

2.16 BUSINESS AT ADJOURNED MEETING

At an adjourned meeting of the Council no business shall be transacted other than that specified in the notice of the meeting of which it is an adjournment, and which remains undisposed of, save and except in the case of an adjournment to the next Ordinary Meeting of the Council, when the business undisposed of at the adjourned meeting shall have the precedence at such Ordinary Meeting.

2.17 OPEN DOORS—EXCEPT AS PROVIDED

2.17.1 General Obligation

Subject to the provisions of subclauses 2.17.2 and 2.17.7 the business of the Council shall be conducted with open doors.

2.17.2 Resolution to Close Doors

The Council may by resolution decide to conduct its business or any specified business behind closed doors.

2.17.3 Persons to Leave Chamber

Upon the carrying of a resolution referred to in subclause 2.17.2 the Mayor shall direct all persons other than Councillors, the Clerk and any other person nominated in the resolution, to leave the Council Chamber and every such person shall forthwith comply with the direction.

2.17.4 Removal of Person by Order

Any person who fails to comply with the direction made pursuant to subclause 2.17.3 may, by order of the Mayor be removed from the Council Chamber.

2.17.5 Duration of Closure

(1) After the carrying of a resolution referred to in subclause 2.17.2 at a meeting, the business of that meeting of the Council shall proceed behind closed doors, until the Council, by resolution, decides to proceed with open doors.

(2) If the resolution was to conduct specified business behind closed doors the meeting shall revert to open doors upon the completion of the specified business unless the Council resolves to do so earlier.

2.17.6 Notice of Motion Not Required

Any resolution mentioned in this clause may be moved without notice.

2.17.7 Conduct of Business Behind Closed Doors

(1) Except in the case of an Ordinary Meeting of the Council, the following business shall be conducted behind closed doors—

- (a) matters of a personal nature touching the conduct in employment of an officer or employee of the Council or the relationship or contract with the Council of an officer or employee;
- (b) consideration of legal advice;
- (c) any matter which in the opinion of the person presiding at the meeting requires consideration of the personal private affairs of a person in circumstances likely to cause unreasonable embarrassment to that person if the consideration did not occur behind closed doors; and
- (d) any other business which in the opinion of the majority of Councillors present and entitled to vote at the meeting ought to be conducted behind closed doors.

(2) At an Ordinary Meeting the matters referred to in paragraph (1) shall only be conducted behind closed doors if the Council so resolves.

2.18 SEATING AT COUNCIL MEETINGS

2.18.1 Distinguished Visitors

If a distinguished visitor is present at a meeting of the Council the Mayor may invite the person to sit beside the Mayor, or at the Council table.

2.18.2 Seating of Councillors

Seating of Councillors at the Council table in the Council Chamber shall be in accordance with the policy of Council as adopted from time to time.

2.19 REPORTERS

Accredited reporters of the press and other media shall be permitted to attend at meetings of the Council, in such part of the Council Chambers as may be appropriated for their accommodation, but they shall withdraw during any period when the Council is sitting behind closed doors.

2.20 RECORDING OF PROCEEDINGS PROHIBITED

A person shall not use any electronic visual or vocal recording device or instrument to record the proceedings of the Council unless the person has been given permission by the Council to do so.

2.21 PREVENTION OF DISTURBANCE

2.21.1 No Interruption

A person, not being a Councillor, shall not at any meeting of the Council interrupt the proceedings of the Council.

2.21.2 Person Not a Councillor Interrupting

Any person not being a Councillor interrupting the proceedings of the Council shall when so directed by the Mayor, forthwith leave the Council Chamber.

2.21.3 Councillor Interrupting

If a Councillor interrupts the proceedings of the Council that Councillor may be named by the Mayor. If the Councillor thereafter continues to interrupt proceedings, the Council may by motion which may be moved without notice exclude that Councillor from the Council Chamber for a period of time stipulated but not exceeding the duration of the meeting.

2.21.4 Removal by Order

Any person who, being ordered to leave the Council Chamber fails to do so may, by order of the Mayor, be removed from the Council Chamber but not exceeding the duration of the meeting.

2.21.5 Enforced Removal

If a person ordered by the Mayor to be removed from the Council Chamber cannot be removed without the application of physical force then a member or members of the Police Force shall be called to the Council Chamber to effect the removal of the person and the meeting may be adjourned until the person has been removed, and unless otherwise resolved by the Council the person so removed shall not return to the Council Chambers during that meeting.

2.22 OBJECTIONABLE BUSINESS

If the Mayor at any meeting of the Council is of the opinion that any motion or business proposed to be made or transacted thereat is of an objectionable character, the Mayor either before or after the same is brought forward may declare that the same shall not be entertained provided always that any Member of the Council may move dissent from the declaration made from the Chair, whereupon the motion to dissent shall forthwith be put without debate, and in the event of the same being carried by a majority of the Councillors present the business referred to shall thereupon be entertained but not otherwise.

2.23 DECLARATION OF COUNCILLORS' INTERESTS

2.23.1 Obligation to Declare an Interest

(1) Any Councillor who has an interest within the meaning of sections 174 and 174A of the Act in a matter proposed to be dealt with at any meeting shall declare the interest at the time Declarations of Councillors Interests are called for in the Order of Business for that meeting.

(2) Any Councillor who is not present at the time declarations are called for in the Order of Business shall declare an interest in a matter at the time that matter arises for consideration by the meeting, and before any discussion or voting on that matter takes place.

(3) If a Councillor has an interest in a matter raised by way of amendment to a motion or an interest in a matter raised otherwise without notice, the Councillor shall declare that interest at the earliest possible time but in any event before discussion and voting on the matter takes place.

(4) The obligation to declare an interest shall apply to all Members present at the meeting including a Councillor attending a Committee meeting in the capacity of an observer.

(5) The obligation to declare an interest applies in regard to each meeting at which the matter the subject of the interest arises.

(6) The obligation to declare an interest at a meeting does not apply to a Councillor who has disclosed the Councillor's interest by written notice given to the Clerk prior to the meeting.

2.23.2 Details of Interest

At the time of declaring an interest, a Councillor is not required to give any details of the interest unless the Councillor wishes the meeting to consider and resolve upon the question whether the Councillor—

(a) should be permitted to take part in the consideration or discussion of the matter; or

(b) should be permitted to vote on the matter pursuant to subsection 174(5) of the Act,

in which case the Councillor shall comply with subclause 2.23.6.

2.23.3 Permission to Participate

(1) A Councillor who has declared an interest or who is liable to declare an interest in a matter and who—

(a) desires to take part in the consideration or discussion of the matter; or

(b) desires to vote on the matter

shall not do either unless the meeting at which the matter arose determines by motion which may be moved without notice, that the Councillor should be allowed to speak or vote or both as the case may be.

(2) A meeting when considering the question in item (b) of paragraph (1) of this subclause shall have regard only to the considerations in paragraphs (a) and (b) of subsection 174(5) of the Act, but may consider those and other considerations of a like kind when considering the question in item (a).

2.23.4 Obligation to Withdraw

(1) Notwithstanding that there is no obligation to do so, it is considered desirable that a Councillor who has declared an interest in a matter including a Councillor attending a Committee should depart from and remain absent from the Chamber or room while the matter is under consideration and until a vote on the matter has been taken.

(2) A Councillor who has declared an interest and who does not desire to take part in the consideration or discussion of the matter or to vote on the matter and who elects to depart in accordance with the recommendation in paragraph (1) should depart from the Chamber or room when the matter arises for consideration or when invited to do so.

(3) A Councillor who has declared an interest in a matter ("the substantial matter") but who desires either to participate in the consideration or discussion of the matter or to vote on the matter should remain in the Chamber or room to give an explanation in support of a motion that the Councillor be permitted to speak and/or to vote on the matter (as the case may be) but thereafter should depart until the vote on that matter is known.

(4) If it is resolved at a meeting that a Councillor who has declared an interest in a matter be permitted to participate in the consideration and discussion of the matter or to vote on the matter or both, then the Councillor may return and participate to the extent permitted.

2.23.5 Exclusion by Motion

Notwithstanding the provisions of subclause 2.23.4 if a Councillor has declared an interest in a matter or is liable to declare an interest, and has not elected to withdraw from the Council Chamber or the meeting room in accordance with the recommendation

in subclause 2.23.4, the Council or Committee may by motion, which may be moved without notice, exclude the Councillor from the Chamber or room in the circumstances referred to in subsection 174(9) of the Act.

2.23.6 Full Details of Interest to be Given

(1) If a Councillor declares an interest in a matter, the question whether the Councillor should be permitted to take part in the consideration or discussion of the matter and the question whether the Councillor should be permitted to vote on the matter shall not be considered unless full details of the Councillor's interest have been given to the meeting, sufficient to enable other Councillors present at the meeting to make a fair and informed decision on such questions.

(2) A Councillor who has declared an interest or who is liable to declare an interest in a matter shall not take part in the consideration and discussion or voting on the matter unless full details of the Councillor's interest have been given to the meeting, sufficient to enable other Councillors present at the meeting to make a fair and informed decision on the question whether the declaring Councillor should be permitted to do so.

(3) The prohibition in the preceding paragraph shall continue to apply whether or not the meeting has resolved to permit the Councillor to participate in the consideration and discussion or in the voting on the matter.

2.23.7 Invitation to Return to Provide Information

Where a Councillor has declared an interest in a matter, and has departed from the Chamber or room in accordance with the recommendation in subclause 2.23.4, the meeting may resolve to invite the Councillor to return to provide information in respect of the matter or in respect of the Councillor's interest in the matter but in such case the Councillor should withdraw after providing the information.

2.23.8 Substitution of Deputy at Committee

Where a Councillor withdraws from a meeting of a Committee during the consideration of a matter in accordance with the recommendation in subclause 2.23.4, the meeting may resolve to invite another Councillor present at the meeting who is a deputy of the excluded Councillor for that Committee to participate as a Councillor of the Committee in place of the excluded Councillor during the consideration of that matter only.

2.23.9 Recording Details of Interest in Minutes

The Minutes of the meeting shall record in summary form the details of the interest disclosed by a Councillor in accordance with the provisions of this clause unless the meeting resolves that the details should be recorded in full.

2.23.10 Declaring Interest in Urgent Business

In the case of a matter which comes before the Council as urgent business, any Councillor who has an interest in that matter within the meaning of s.174 of the Act and who has not had an earlier opportunity to declare an interest in the matter, shall declare an interest when the matter comes forward for consideration by the meeting.

2.23.11 Notification of Interest at Meeting

A Councillor who has an interest in a matter proposed to be dealt with at a meeting may give written notice of an interest in that matter at or prior to the meeting, but in any event the fact of the interest having been declared shall be notified to the meeting.

2.23.12 Recording of Declaration

Further to subclause 2.23.9 any declaration of interest shall be recorded in accordance with the provisions of subsection 174(8) of the Act.

2.23.13 Exemption by Minister

(1) Where the Minister grants an exemption under the provisions of subsection 174(10) of the Act, in the case of any inconsistency between the provisions of this clause and the exemption the provisions of the exemption shall prevail.

(2) The terms of any exemption granted by the Minister shall be recorded in the same manner of declaration of interest pursuant to subsection 174(8) of the Act.

2.24 DECLARATION OF OFFICERS' INTERESTS

2.24.1 An Officer of the Council who is liable to declare an interest in a matter under the provisions of s.174A of the Act when giving advice or a report to the meeting shall disclose the fact of the interest in or at the time of giving such advice or report.

2.24.2 An Officer disclosing an interest in accordance with the preceding subclause shall provide sufficient details of the interest to enable the meeting to make a fair and informed evaluation of the extent and nature of the Officer's interest and any effect that interest might be thought to have upon the advice or report given.

2.24.3 The details of the interest of an Officer so disclosed shall be recorded in a book in accordance with subsection 174A(4) of the Act, and the fact of the disclosure and a summary of the details thereof shall be recorded in the Minutes of the meeting unless the meeting resolves to record the details of the interest in full.

2.25 DECLARATION OF DUE CONSIDERATION

Any Councillor who is not familiar with the substance of any report or Minutes or other information provided for consideration at a meeting shall declare that fact at the time declarations of due consideration are called for in the Order of Business of the meeting or otherwise before the meeting considers the matter and in the event that any Councillor makes such a declaration the relevant matter shall be stood down for later consideration at that meeting as to allow an opportunity for any Councillor making the declaration to become familiar with the relevant report or Minutes or other information. If the delay in consideration of the matter has not allowed sufficient time for the Councillor to give due consideration to the matter, the Councillor should leave the Council Chamber before any question concerning that matter is put to the vote.

2.26 MINUTES

2.26.1 Confirmation of Minutes

The Minutes of the preceding meeting, whether of an Ordinary or a Special meeting, not previously confirmed, shall be submitted at a meeting of the Council in order to proceed to their confirmation. Discussion of any Minutes, other than discussion as to their accuracy as a record of the proceedings shall not be permitted and when confirmed, the Minutes shall thereupon be signed by the Mayor who shall sign and date each page.

2.26.2 Minute Book

The pasting or otherwise permanently affixing of the Minutes to or as the leaves of a book shall be sufficient recording of the Minutes in the Minute Book (section 188(2)).

2.26.3 Reading of Minutes May be Dispensed with

The reading at the next Ordinary Meeting of the Council of the Minutes of a previous meeting may be dispensed with when Councillors have been supplied with copies of the Minutes at least three days before the holding of the next Ordinary Meeting (section 188(2)).

2.26.4 Tape Recording of Meetings

Meetings of Council shall be recorded on magnetic tape to assist with the preparation of Minutes. Tapes shall remain in the custody of the Clerk, who may make them available to staff of the Council to assist in the preparation of Minutes. Tapes shall be erased once Minutes have been confirmed pursuant to clause 2.26.1 or three (3) months (or such other time as Council may from time to time resolve) after the date of the meeting which ever is the earlier. The property in the tapes remains in the Council and no person shall copy a tape or remove a tape from the offices of Council.

2.27 QUESTIONS AND PUBLIC OPEN SESSION

2.27.1 Notices of Questions to be Given

(1) Councillors' Questions

A Councillor desirous of receiving an answer to a question as to the work or procedure of the Council shall give notice thereof in writing to the Clerk at least eight hours before the hour fixed for the commencement of an Ordinary Meeting. If such question is in order in the opinion of the Mayor, the answer shall, as far as practicable be read at the Ordinary Meeting of the Council occurring next after the notice was given. If in the opinion of the Mayor the question is not in order, the Mayor shall give reasons for that opinion and as far as practicable the question, the Mayor's ruling and those reasons shall be read at the Ordinary Meeting of the Council occurring next after the notice was given. If the Mayor rules that a question is not in order the provisions of subclause 3.2.6 apply.

(2) Public Open Session

Any person wishing to address Council at the Public Open Session shall—

- (a) Register an interest in addressing Council or asking a question by notifying the Clerk by no later than the commencement of the meeting; and
- (b) A person so registering an interest shall at the same time be given a set of guidelines indicating the following—
 - (i) That no person may speak on the same subject within a period of 2 months;
 - (ii) This is an opportunity for an interested person to put forward a point of view and persons are not permitted to ask questions of Councillors or Council staff;
 - (iii) Maximum time for any one person to speak is 5 minutes;
 - (iv) Bad language and adverse reflection on the integrity of Councillors or Council staff will not be tolerated and action will be taken under the Standing Orders should any person persist in such a manner;
 - (v) Council shall not discuss any matter raised at a Public Open Session for a period of 14 days unless such matter is listed on the Business Paper for the current meeting; and
 - (vi) If, in the opinion of a Councillor, there is false information being provided by a person addressing Council, then through the Mayor, the Councillor may offer comment to correct the information.

- (c) A question with sufficient notice may be answered at the meeting. Where an answer is not immediately available the Clerk shall forward a written answer to the person raising the question.

2.27.2 Questions and Answers to be Brief

All questions and answers shall be given as briefly and concisely as possible, and no discussion shall be allowed thereon.

2.27.3 Questions Not to Involve Argument or Opinion

In submitting any questions, no argument or expression of opinion shall be used or offered, nor any facts stated except so far as may be necessary to explain such question.

2.27.4 No Discussion on Questions

No discussion or further questions shall be allowed on any question or the answer thereto.

2.28 REPORTS BY THE CLERK

The Clerk may prepare for presentation to any meeting a report dealing with any matter which in the opinion of the Clerk should be drawn to the attention of the meeting.

2.29 DISTRIBUTION TO THE COUNCILLORS

Subject to the next clause, the Clerk shall send to each Councillor a copy of any report which he proposes to present to a meeting. The report shall be sent to each Councillor not less than 24 hours before the commencement of the meeting.

2.30 LATE REPORT

In cases of urgency or other special circumstances a report by the Clerk may, with the consent of the Mayor, be read or otherwise given to Councillors at the meeting notwithstanding that it has not been sent to Councillors in accordance with the preceding clause.

2.31 DIRECTORS' REPORTS

2.31.1 A Director may present to a Committee for which that Director is responsible a report dealing with any matter which in the opinion of the Director ought to be drawn to the attention of that Committee.

2.31.2 The Clerk may direct or authorise a Director to report directly to the Council on any matter for which that Director has responsibility under the Clerk, but Directors shall not report directly to the Council unless so directed or authorised.

2.31.3 Where a Director reports to a Committee or the Council in accordance with the provisions of this clause, the provisions of clauses 2.28, 2.29 and 2.30 shall apply mutatis mutandis to the extent to which they are applicable.

2.32 COUNCIL DELEGATES' REPORTS

A report by any Council Delegate shall be delivered to the Clerk who shall determine to which Director it should be notified and a Director receiving a Council Delegate's Report from the Clerk shall include it in the next appropriate Director's Report, unless the Clerk in the case of a late report by a Delegate incorporates the Delegate's Report in the report by the Clerk for the next Council meeting.

2.33 DEPUTATIONS

2.33.1 Any person or persons wishing to be received as a deputation by the Council or by a committee of the Council shall, in the first instance, send to the Clerk a memorial, setting out in concise terms the subject matter to be raised by the deputation.

2.33.2 Where the Clerk receives a memorial in terms of the preceding subclause but not otherwise, he shall refer it to either the Mayor or the relevant committee chairman, whichever he considers appropriate, and—

- (a) give a precis of the memorial to that person;
- (b) where the request is to a committee advise whether or not the committee has the power to decide on the matter or whether the committee may only make a recommendation on the matter to Council;
- (c) recommend, with an explanation, whether or not the deputation should be received; and
- (d) request advice from the Mayor or the Chairman within a stated time whether or not he or she consider the deputation should be received.

2.33.3 In the event that the Mayor, or Chairman of the relevant committee, indicates agreement, the person or persons wishing to be received as a deputation shall be invited to meet the Council or the Committee at its next meeting.

2.33.4 A deputation shall not exceed five in number and only two thereof shall be at liberty to address the Council or the Committee except in reply to questions from Councillors and the matter shall not be further considered by the Council or the Committee, until all other business of the meeting has been finalised.

2.34 PETITIONS

2.34.1 Every petition shall be respectful and temperate in its language and shall be presented to the Council by a Councillor only who shall acquaint himself or herself with the contents thereof and ascertain that it does not contain language disrespectful to the Council.

2.34.2 A petition must—

- (a) contain the name, address and signature of each petitioner; and
- (b) have the name of the person who lodged the petition with the Council shown at the top of each page thereof but need not otherwise be in any particular form.

2.34.3 On the presentation of a petition, the Councillor presenting it shall be confined to reading the petition, and the only motions that are in order are that the petition be received and if necessary that it be referred to a Committee or for officer report.

2.35 REPORTS OF COMMITTEES

2.35.1 Minutes to be Report

Subject to clause 2.26 the Clerk shall keep a Minute Book, in which shall be entered the minutes of all committees and Council meetings. The minutes of each committee shall be deemed to be the report of the Committee to Council.

2.35.2 Committee Minutes to be Sent to Councillors

All minutes of Committee meetings to be presented at any meeting of the Council shall be sent to each Councillor at least 24 hours before the commencement of the meeting at which they are to be presented.

2.35.3 Presentation of Reports

(1) Minutes of a Committee shall be presented to the Council by the Chairman of each Committee concerned, or in his absence, a Councillor of the Committee in the form of a motion "That the report be received and the recommendations therein be adopted".

(2) No objection to the reception of a report of any Committee, or any part thereof, shall be raised when such reports are presented to the Council, except for reasons arising out of such reports.

(3) The Mayor shall—

- (a) put the question that the report be received;
- (b) call for any motions moved by any Councillor pursuant to subclause 3.6.2 with the exception of item (a) of that paragraph with respect to any recommendation contained in the report;
- (c) as to the recommendation contained in the report, apart from a recommendation or recommendations the subject of a motion by a Councillor pursuant to the preceding item of this paragraph, put the question that the recommendations be adopted;
- (d) in relation to a recommendation or those recommendations in the report which are the subject of a motion or motions by a Councillor or Councillors pursuant to subclause 3.6.2, the motion or motions shall be debated and dealt with in accordance with this by-law.

2.35.4 Withdrawal or Amendment of Reports

The Chairman or other Councillor of a Committee presenting a report, may with the consent of the Council, withdraw the report or any recommendation thereof or carry out an amendment of a minor or formal nature which does not affect the substance of the report or recommendation and which does not appear to change the will or intent of the Committee.

2.36 NOTICES OF MOTION

2.36.1 Giving Notice of Motion

(1) Unless the Act or this by-law otherwise provides, a Councillor may only bring forward at a meeting such business as he considers advisable in the form of a motion of which notice has been given in writing to the Clerk.

(2) Except in the case of a Special Meeting of the Council, notice of motion shall be given either—

- (a) at the last previous Council meeting; or
- (b) at least four (4) clear days before the meeting at which it is brought forward.

(3) Every notice of motion shall relate to some question affecting the constitution, administration or condition of the Municipality or the Council, or as otherwise authorised by a written law.

2.36.2 Exclusion or Amendment of Notices

(1) The Clerk, with the concurrence of the Mayor, may exclude from the Agenda Paper of the Council any notice of motion which is out of order, or he may on his own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form.

(2) No notice of motion shall be deemed informal by reason of the policy involved being considered objectionable, or by reason of its having relation to a matter not within the scope of the ordinary work of the Council, so long as in the opinion of the Mayor such matter is one of public interest, utility or importance.

(3) Nothing in this subclause shall limit or affect the power of a Councillor at an ordinary meeting of the Council to object to a motion pursuant to subsection 175(3) of the Act.

2.36.3 Motion to Lapse

Subject to the provisions of subclause 3.14.11 any motion of which notice has been given shall lapse unless—

- (a) the Councillor who gave notice thereof, or some other Councillor authorised by him in writing, is present to move the motion when called on; or
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

2.36.4 Dealing with Lapsed Motion

(1) If a notice of motion is given and lapses in the circumstances referred to in the preceding subclause, notice of motion in the same terms or to the same effect may be given for consideration at a subsequent meeting of the Council.

(2) If a motion lapses and is in the same terms or to the same effect as a motion which lapsed at a previous meeting of the Council, the Council shall not entertain a motion in the same terms or to the same effect at a subsequent meeting until at least three months have elapsed from the date of the meeting at which the motion last lapsed. This provision shall not apply to motions to rescind or alter a resolution and to which subclauses 3.14.11 and 3.15.1 apply.

2.36.5 Amendments to Notice of Motion

(1) An amendment other than a minor amendment to a motion of which Notice of Motion has been given in accordance with subclause 2.36.1 shall not be considered at a meeting unless notice in writing of the amendment is received by the Clerk no later than 12.00 noon on the last day preceding the day of the meeting at which the relevant motion is to be considered, excluding any day on which the Council's Administrative Office is not open for business, in which instance notice may be given no later than 12.00 noon on the day of the relevant meeting.

(2) A Notice of Amendment of Motion received by the Clerk not less than two clear days before the meeting at which the relevant motion is to be considered shall be properly entered on the Business Paper immediately after the notice of the relevant motion.

(3) The Mayor shall decide whether any amendment moved without notice given in accordance with the preceding paragraphs of this subclause is a minor amendment but the Council may dissent from the Mayor's ruling in accordance with the provisions of subclause 3.2.6.

2.37 PRODUCTION OF DOCUMENT

2.37.1 Interpretations

In this clause—

- (a) the term "document" means a deed, book, report, paper or any other written material whatsoever or any other recorded or stored information;
- (b) the term "other thing" means any thing whatsoever other than a document as hereinbefore defined, which relates to a matter or question under consideration or discussion by the Council or, by virtue of a notice of meeting given, to be considered or discussed by the Council; and
- (c) the term "laid on the table" means laid or deposited at a place within the Council's Administrative Building designated from time to time for that purpose by the Clerk and at which place a tabled document or other thing may be perused or inspected by a Councillor during Council office hours or at other times on application to the Clerk and inflections of that term shall have a like meaning.

2.37.2 Councillor May Require Production

On giving to the Clerk not less than four (4) hours notice, a Councillor is entitled to have laid on the table a document or other thing which is under consideration by Council and the Clerk on receiving that notice shall lay the document on the table for a period of twenty-four (24) hours commencing as soon as practicable after the receipt by the Clerk of the notice.

2.37.3 Circumstances in which Clerk to Comply

The Clerk shall comply with a request made pursuant to subclause 2.37.2 unless the Clerk is of the opinion that under any written law or otherwise it would not be in order to do so in which case the Clerk shall refer the request to the Mayor for determination.

2.37.4 Mayor's Ruling

On the reference to the Mayor of a request made pursuant to subclause 2.37.2 or 2.37.3 the Mayor shall rule whether it is in order and accordingly whether it should be granted or refused and the ruling is final but where the request is refused the Clerk shall report

the fact to the appropriate Committee, as directed by the Council, at the next meeting of that Committee. In the absence of a direction by the Council the Clerk shall report the fact to the Committee which in his opinion is appropriate to deal with the matter.

2.37.5 Production of Relevant Document for Committee

Any document or other thing relevant to the business to be considered at a meeting of a Standing or other Committee shall be laid on the table by the Clerk at least 72 hours prior to an ordinary meeting of the Committee and 24 hours prior to a special meeting of such Committee or as soon as received by the Clerk where it is received less than 72 hours or 24 hours respectively before the meeting.

2.37.6 Access by Councillor to Tabled Documents

When a document or other thing is laid on the table in accordance with this clause then that document or other thing may be perused or inspected by a Councillor in the place designated at any time during Council's office hours or at any other reasonable time on application to the Clerk but the document or other thing shall not be copied or removed.

PART III—MEETINGS—PROCEDURE AND CONDUCT

3.1 GENERAL PROCEDURE

3.1.1 Councillors to Occupy Own Seats

At meetings of the Council each Councillor shall occupy the place assigned to that Councillor within the Council Chamber.

3.1.2 Respect to the Chair

After a meeting of the Council has been formally constituted and the business thereof commenced, a Councillor shall not enter, leave or withdraw from the meeting, without first paying due respect to the Chair by deferring to the Mayor.

3.1.3 Substance of Motion to be Stated

Any Councillor desirous of proposing an original motion or amendment shall state its substance before he addresses the Council thereon and, if so required by the Mayor, shall put the motion or amendment in writing.

3.1.4 Unopposed Business

Upon a motion being moved and seconded, the Mayor may ask the meeting if any Councillor opposes it. If no one signifies opposition to the motion or opposition to the motion being treated as unopposed business, the Mayor may declare the motion carried without debate and without taking a vote thereon. A motion declared carried under this clause shall for all purposes be deemed a resolution of the Council. If any Councillor signifies opposition to a motion or to a motion being treated as unopposed business, the motion shall be dealt with according to the ensuing provisions of this Part.

3.1.5 Motion and Amendments to be Seconded

(1) A motion or amendment shall not be discussed or put to the vote of the Council unless seconded.

(2) A motion or amendment shall not be altered by the mover without the consent of the seconder.

3.1.6 Titles to be Used

A speaker, in referring to any other person present in the capacity of a Councillor or officer of the Council, shall designate that other person by the title of Mayor or Councillor, or by the title of the particular officer, as the case may be.

3.1.7 Councillors to Address Mayor

(1) Any Councillor moving a motion or amendment, or taking part in the discussion thereon, shall rise except when prevented from doing so by physical impairment or illness and address the Mayor and shall remain standing for as long as he continues to speak unless a Councillor raises a point of order pursuant to clause 3.2.4.

(2) The Mayor at his absolute discretion may suspend the operation of clause 3.1.7(1)

3.2 PRESERVING ORDER

3.2.1 Mayor to Preserve Order

The Mayor shall preserve order, and may call any Councillor to order, whenever, in his opinion, there is cause for so doing.

3.2.2 Definition of Order

Any Councillor who does anything or behaves in a manner which is forbidden by any of these Standing Orders shall be deemed to be out of order.

3.2.3 Breaches of Order

The following shall be recognised as breaches of order—

- (a) discussion of a question not before the Council;
- (b) the use of offensive or insulting language;
- (c) the violation of any By-law or standing order of the Council; and
- (d) insinuations as to the character, morality, honesty or motives of a Councillor or officer.

3.2.4 Raising Point of Order

(1) Any Councillor may direct the attention of the Mayor to any infraction of the Standing Orders by any other Councillor or draw the attention of the Mayor to any matter of a kind mentioned in subclause 3.2.3.

(2) A Councillor raising a point of order shall specify one of the grounds mentioned in subclause 3.2.3 before speaking further on the matter.

(3) Rising to express a difference of opinion or to contradict a speaker shall not be recognised as rising to order.

3.2.5 Precedence of Questions of Order

Notwithstanding anything contained in this By-law to the contrary, all questions of order at any time arising shall, until decided, suspend the consideration of and decision on every other person.

3.2.6 Rulings by Mayor

(1) The Mayor, when deciding a point of order or practice, shall give his decision, and argument or comment shall not be permitted thereon, and his decision is final in that particular case, unless a majority of the Councillors then present upon motion made forthwith, without discussion, dissent therefrom.

(2) Notwithstanding the generality of paragraph (1) there shall be no dissent from a ruling of the Mayor allowing or disallowing a question on a matter required to be dealt with without discussion.

3.2.7 Ruling Out of Order

Whenever the Mayor has decided that any motion, amendment or other matter before the Council is out of order, it shall be rejected and whenever anything said or done by any Councillor is similarly decided to be out of order that Councillor shall be called upon by the Mayor to make such explanation, retraction or apology, as the case may require.

3.2.8 Continued Breach of Order

Where a Councillor persists in any conduct which the Mayor decides is out of order, or refuses to make any explanation, retraction or apology required by the Mayor under subclause 3.2.7 or 3.4.5, the Mayor may direct that Councillor to refrain from taking any further part in the meeting of the Council, other than by recording his vote and the Councillor shall comply with such direction.

3.2.9 Serious Disorder

(1) If at a meeting of the Council the Mayor is of opinion that by reason of disorder or otherwise the business of the Council cannot effectively be continued, he may adjourn the meeting for a period of no more than fifteen (15) minutes, whereafter the Council shall re-assemble and decide whether business is to be proceeded with; and that question shall be decided forthwith and without debate.

(2) Where after any proceedings under paragraph (1), the Mayor is again of the opinion that the business of the Council cannot effectively be continued, he may close or adjourn the meeting.

3.2.10 Mayor may be Heard

Whenever the Mayor in the capacity of Chairperson rises during debate to raise or rule on a point of order, any Councillor then speaking or offering to speak shall be silent so that the Mayor may then be heard without interruption.

3.3 RULES OF DEBATE

3.3.1 Mayor to Take Part in Debate

Subject to the provisions of this By-law it shall be competent for the Mayor to take part in the discussion upon any question before the Council.

3.3.2 Priority of Speaking

Where two or more Councillors rise to speak at the same time, the Mayor shall decide which of them is entitled to priority.

3.3.3 Speaking Without Interruption

A Councillor who is addressing the Mayor, and the Mayor if participating in the discussion on any question, shall not be interrupted except on a point of order, in which event the Councillor shall be seated until the Councillor raising the point of order has been heard thereon and the question of order has been disposed of, whereupon the Councillor so interrupted may, if permitted, proceed.

3.3.4 Speaking Twice

(1) Subject to subclause 3.3.7 no Councillor shall speak twice on the same question, except in reply upon an original motion of which he was the mover or as the mover of an amendment last moved.

(2) The mover of any original motion may exercise his right of reply after any amendments thereto have been moved and disposed of.

3.3.5 Calling to Order for Speaking Twice

Subject to subclause 3.3.7, the Mayor shall, without waiting for the intervention of the Council, call to order any Councillor proceeding to speak a second time on the same question.

3.3.6 Mover or Seconder to be Held to have Spoken

(1) A Councillor moving a motion of amendment shall be held to have spoken thereon.

(2) A Councillor seconding a motion of amendment shall be held to have spoken thereon unless at the time of seconding the motion or amendment the Councillor reserves the right to speak, on the motion or amendment immediately after the first speaker against it, but not otherwise.

3.3.7 Resolution to Allow Speaking Twice

The Council may, by resolution moved without notice, suspend the operation of subclause 3.3.4 hereof in the following circumstances—

- (a) There may be a general suspension in which case subclause 3.3.4 shall be suspended until such time as the Council by resolution resolves to lift the suspension; and
- (b) There may be a specific suspension giving the right to speak twice to specified Councillors and that suspension shall be automatically lifted when all Councillors specified have spoken twice or waived the right to do so.

3.3.8 Questions During Debate

A Councillor may ask a question at any time during the debate on a motion before the motion is put, but no discussion thereon is permitted.

3.3.9 Foreshadowed Motion

(1) A Councillor in speaking upon a motion may give notice to the meeting of the Councillor's intention to move a different motion on the same subject matter, being a motion which cannot practically be moved by an amendment to the motion under consideration and shall provide to the Mayor the terms of the foreshadowed motion.

(2) If two or more Councillors pursuant to subclause (1) foreshadow motions on the same subject, the Mayor shall take note of the order in which the foreshadowed motions are raised and the terms of each foreshadowed motion.

(3) If the motion under consideration is lost, the Council may determine on a motion without notice that the foreshadowed motions be brought forward forthwith. If that motion is passed the foreshadowed motions shall be considered by the Council in succession until one of the motions is passed, whereupon there shall be no further consideration of any other foreshadowed motion on that subject.

3.3.10 No Speaking After Motion Put

No Councillor shall speak on any motion or amendment—

- (a) after the mover has replied; or
- (b) after the question has been put.

3.3.11 Limit of Speeches

(1) A Councillor shall not speak upon any motion or amendment or in answer to any question with or without notice for a longer period than five (5) minutes or speak in reply for a longer period than three (3) minutes without the consent of the Council to extend, which shall be signified without discussion.

(2) Under this clause the Council shall not consent to the extension of a Councillor's time for speaking beyond ten (10) minutes of total extensions.

3.3.12 Speaking in Reply

A Councillor speaking in reply shall not introduce any new matter, but the Councillor shall be strictly confined to answering previous speakers.

3.3.13 Division of Motions

The Mayor or the Council by resolution passed without debate may order a motion to be divided and put in the form of two or more motions.

3.3.14 Withdrawal of Motions

A motion or amendment may be withdrawn by the mover, with the consent of the Council which shall be signified without debate, and it shall not be competent for any Councillor to speak upon the motion or amendment after consent to withdrawal has been granted.

3.4 CONDUCT OF COUNCILLORS

3.4.1 No Digression

A Councillor shall not speak otherwise than upon, or digress from, the question then before the Council.

3.4.2 No Adverse Reflection on Council Resolution

A Councillor shall not reflect adversely upon a resolution of the Council except on a motion that the resolution be rescinded.

3.4.3 No Adverse Reflection on Councillor

A Councillor shall not reflect adversely upon the character or actions of another Councillor nor impute any motive to a Councillor, unless the Council resolves, without debate that the question then before the Council cannot otherwise be adequately considered.

3.4.4 Recording of Statements

Any Councillor may require the Clerk to take down any particular words used by a Councillor immediately upon their being used and to read such words back to the meeting for verification.

3.4.5 Withdrawal of Offensive Language

Any Councillor who uses an expression which in the opinion of the Mayor reflects offensively on any Councillor or officer of the Council, shall when required by the Mayor, unreservedly withdraw the expression and make a satisfactory apology to the Chair, and if he declines, or neglects to do so, the Mayor may refuse to hear the Councillor further upon the matter then under discussion and may call upon the next speaker.

3.4.6 Disturbance by Councillor

A Councillor shall not make any noise or disturbance or, except to raise a point of order, speak aloud, while any other person is addressing the Council.

3.4.7 Continued Irrelevance, Etc.

The Mayor may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Councillor and may direct that Councillor, if speaking, to discontinue his speech, and thereupon the Councillor shall cease speaking and shall resume his seat.

3.4.8 Crossing Council Chambers

When the Mayor is putting any question, a Councillor shall not leave or cross the Chamber; and a Councillor shall not, whilst any other Councillor is speaking, pass between the speaker and the Chair.

3.5 VOTING

3.5.1 The Mayor shall cast a deliberative vote on any question in respect of which he is not precluded by the Act or this by-law from voting, and shall not be entitled additionally to exercise a casting vote except where specifically authorised to do so by the Act

3.5.2 At meetings of the Council except where he is prohibited from voting by the Act or this By-law, a Councillor present in the Council Chamber or Committee Room when a question is put shall vote on the question and, except where the Act provides otherwise, shall vote openly and not by secret ballot (section 173(9)).

3.6 MOTIONS

3.6.1 Permissible Motions During Debate

Subject to subclause 3.6.2, when a motion is under debate, no further motion shall be moved except a motion—

- (a) that the motion be amended;
- (b) that the Council do adjourn;
- (c) that the debate be adjourned;
- (d) that the question be now put;
- (e) that the Council do proceed with the next business;
- (f) that the Council do sit behind closed doors; or
- (g) that the meeting be now closed.

3.6.2 Permissible Motions on Recommendation from Committee

Whenever a recommendation is presented by a Committee to the Council, whether the recommendation is a new matter or pursuant to a previous reference from the Council, the only motion which shall be entertained by the Council thereon shall be—

- (a) that the recommendation be adopted;
- (b) that the recommendation be not adopted and no further action be taken;
- (c) subject to subclause 3.6.3 hereof, that the recommendation be amended or modified and adopted with such amendment or modification;
- (d) should there be any reason for referral back to Committee, that the recommendation or any part thereof be referred back to the responsible Committee for further consideration provided that a motion to refer a recommendation back to a Committee shall not be entertained unless the Councillor moving the motion states the reason for the recommendation being referred back;
- (e) where part of the recommendation is referred back to the Committee, that the balance of the recommendation be dealt with otherwise in accordance with this subclause; or

- (f) that the recommendation be amended provided that a proposed amendment shall not in any way alter the intent of the recommendation on its first consideration by the Council though it may do so on the second or subsequent consideration.

3.6.3 Where Substance Altered

Where in the opinion of the Mayor an amendment or modification of a recommendation alters the substance or effect of the recommendation the Mayor shall require a new motion to be put but only after the Council has passed a motion that the recommendation not be adopted.

3.7 AMENDMENTS

3.7.1 Relevancy of Amendment

Every amendment shall be relevant to the motion on which it is moved and shall not have the effect of negating the motion.

3.7.2 To be Read or Stated

Every amendment shall be read or stated before being moved.

3.7.3 One Amendment at a Time

(1) Only one amendment shall be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the original motion is put to the vote, except that where an amendment is carried, one further amendment to the original motion as amended, and no more, may be moved.

(2) In speaking to an amendment a Councillor may give notice of his intention to move a further amendment.

3.7.4 (1) Where an amendment is carried, the original motion as amended shall, for all purposes of subsequent debate be treated as if it was the original motion.

(2) Only the mover of the original motion shall have a right of reply in respect of the original motion as amended.

3.8 ADJOURNMENT

3.8.1 Motion That Council Adjourn

A Councillor may, at the conclusion of the speech of any other Councillor or on the conclusion of any business, move without notice that the Council do now adjourn and that motion shall state the time and date to which the adjournment is to be made.

3.8.2 Times for Speaking on Motion to Adjourn

On a motion to adjourn, the mover may speak for not more than five (5) minutes, the seconder shall not speak other than formally to second and the mover of the motion (if any) which was then under debate may speak for not more than three (3) minutes, but no other debate shall be allowed. The mover of a motion under debate speaking in opposition of an adjournment shall not lose the right of reply.

3.8.3 Subsequent Motion to Adjourn

If a motion for the adjournment of the Council is negatived no similar motion shall be moved until—

- (a) after the conclusion of the business under discussion at the time the adjournment was moved; or
- (b) if the adjournment was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
- (c) after the conclusion of any other business allowed precedence by the Council.

3.8.4 Restraint on Councillor's Right to Move Adjournment

(1) A Councillor who has spoken on the question then before the Council shall not move the adjournment of the Council.

(2) A Councillor shall not, at the same sitting of the Council move or second more than one motion for the adjournment of the Council.

3.8.5 Resumption of Debate after Adjournment of Meeting

On a motion for the adjournment of the Council being carried, the debate on the question (if any) under debate when the motion was moved shall be continued immediately upon the Council resuming after the adjournment.

3.8.6 Recording Speakers before Adjournment of Meeting

On a motion for the adjournment of the Council being carried, a record shall be taken of all those who have spoken on the subject under consideration at the time of the adjournment and they shall not be permitted to speak on any subsequent consideration of the same subject, but this clause does not deprive a mover of the right of reply.

3.8.7 Adjournment of Council

On the motion for the adjournment of Council being carried the Mayor shall adjourn Council to such time and date as the motion specifies, or where no time and date is specified to such time and date as he shall then declare.

3.8.8 Motion that Debate be Adjourned

A Councillor may at the conclusion of the speech of any other Councillor move, without notice, that the debate be adjourned to a later hour of the same meeting or to a subsequent meeting of the Council.

3.8.9 Times for Speaking on Adjournment of Debate

On a motion that the debate be adjourned, the mover may speak for not more than five (5) minutes, the seconder shall not speak other than formally to second, the mover of the motion then under debate may speak for not more than three (3) minutes, and if the question then before the Council is a recommendation from a Committee, the Chairman of the Committee concerned, or, in his absence a Councillor thereof may speak for not more than five (5) minutes, but no other debate shall be allowed. The mover of a motion under debate speaking in opposition to an adjournment shall not thereby lose the right of reply.

3.8.10 Restraint on Councillors' Right to Move Adjournment of Debate

(1) A Councillor who has spoken on the question then under debate shall not move the adjournment of the debate.

(2) A Councillor shall not, at the same sitting of the Council move or second more than one motion for the adjournment of the same debate.

3.8.11 Resumption after Adjournment of Debate

On resuming an adjourned debate the Councillor who moved its adjournment is entitled to speak first.

3.8.12 Recording Speakers Before Adjournment of Debate

On a motion for the adjournment of a debate being carried, a record shall be taken of all those who have spoken on the subject under debate and they shall not be permitted to speak on any resumption of the debate on that subject, but this clause does not deprive a mover of the right of reply.

3.9 RESUMPTION AFTER COUNTING OUT

Where the debate on any motion moved and seconded is interrupted by the Council being counted out, the procedure on resumption shall be in accordance with clause 2.8.

3.10 MOTION THAT THE QUESTION BE NOW PUT

3.10.1 Moving Closure

A Councillor may, at the conclusion of the speech of any other Councillor move, without notice and without comment, that the question under consideration be now put, and upon the motion being formally seconded the same shall immediately be put, without debate.

3.10.2 Restraint on Councillor's Right to Move Closure

A motion that the question under consideration be put shall not be moved by a Councillor who has already spoken on the question, and at an Ordinary Meeting, if any Councillor objects pursuant to s.175(3) of the Act, the motion shall not be carried except by an absolute majority of the Councillors of the Council.

3.10.3 Times for Speaking on Closure Motion

When it is decided by the Council that the question under consideration be put, the mover of the question under consideration shall, if debate has occurred, and if otherwise entitled to do so, be permitted to speak in reply for not more than three (3) minutes before the question is put, but subject thereto, the question shall at once be put.

3.10.4 The Question to be Put on a Closure

(1) Whenever it is decided by the Council that the question be put, the question to be put includes the original motion as well as any amendment thereto adopted by the Council.

(2) If the closure is moved during debate on an amendment, it is the amendment which is put to the vote and not the original motion.

3.11 MOTION THAT COUNCIL DO PROCEED TO THE NEXT BUSINESS

3.11.1 Moving the "Next Business"

A Councillor may at the conclusion of the speech of any other Councillor move, without notice and without comment, that the Council do proceed to the next business and, upon that motion being formally seconded, it shall be immediately put, without debate.

3.11.2 Effect of a "Next Business" Resolution

Where the Council decides to proceed to the next business, the question which was then under discussion shall be considered as lapsed. The effect of a motion thus lapsing shall be the same as if it had been lost on a vote of the Council.

3.11.3 Subsequent "Next Business" Motion

During the same debate on any question, a "Next Business" motion shall not be moved within one hour after a similar motion has been negatived.

3.12 MOTION THAT THE MEETING BE NOW CLOSED

3.12.1 Moving the Closure of the Meeting

A Councillor may, at the conclusion of the speech of any other Councillor or on the conclusion of any business, move, without notice, that the meeting of the Council be now closed.

3.12.2 Times for Speaking on Closure of Meeting

On a motion that the meeting of the Council be closed, the mover may speak for not more than five (5) minutes, the seconder shall not speak other than formally to second and the mover of the motion (if any) then under debate may speak for not more than three (3) minutes; but no other debate shall be allowed. The mover of a motion under debate speaking in opposition to the Closure of the meeting shall not thereby lose the right of reply.

3.12.3 Subsequent Motion to Close Meeting

If a motion that the meeting of the Council be closed is negatived, no similar motion shall be moved until—

- (a) after the conclusion of the question under discussion at the time the closure was moved; or
- (b) if the closure was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
- (c) after the conclusion of any other business allowed precedence by the Council.

3.12.4 Restraint on Councillor's Right to Move Closure of Meeting (1) A Councillor who has spoken on the question then before the Council shall not move that the meeting be closed.

(2) A Councillor shall not at the same meeting of the Council, move or second more than one motion that the meeting be closed.

3.12.5 Effect of Closure of Meeting

On a motion that the meeting be closed being carried, the debate on the question (if any) under debate when that motion was moved shall stand adjourned to its place on the notice paper for the next meeting of the Council.

3.12.6 Recording Speakers Before Closure of Meeting

On a motion that the meeting be closed being carried, a record shall be taken of all those who have spoken on the subject under consideration up to the closing of the meeting and they shall not be permitted to speak on any subsequent consideration of the same subject; but this clause does not deprive a mover of the right of reply.

3.13 MOTIONS AFFECTING EXPENDITURE

3.13.1 Reference to Standing Committee

At a meeting of the Council where a motion or amendment would have the effect of incurring expenditure not provided for in the budget, that motion or amendment shall not be moved other than in the form of a reference of the question to the Standing Committee having oversight over the expenditure referred to in the motion or amendment, unless the Council in any particular case otherwise resolves.

3.13.2 Effect of Reference

In the case of an amendment having the effect of incurring expenditure, if the Council resolves to refer the question to the responsible Standing Committee, the original motion shall not be further considered by the Council—

- (a) until the responsible Standing Committee has considered the amendment and reported back to a subsequent meeting of the Council; or
- (b) unless the Council at the time of a subsequent meeting resolves to proceed with the consideration of the original motion and the amendment without waiting for the report of the responsible Standing Committee.

3.13.3 When a Committee has before it for consideration a motion or amendment referred to it pursuant to clause 3.13.1 it may—

- (a) either, recommend to Council an amendment to the Committee budget in a manner which does not increase the total expenditure provided for in the Committee's budget; or
- (b) recommend to the Council that the matter be referred to the Committee having specific responsibility for the presentation of the Budget to the Council to ascertain if funds can be provided to meet the proposed expenditure.

3.14 MOTION FOR RESCISSION

3.14.1 "Substantive Resolution" Defined

In the provisions of this Part dealing with a rescission resolution the term "substantive motion" refers to a resolution which is the subject of a motion of rescission or alteration.

3.14.2 Rescission at Same Meeting

The Council may at the same meeting at which it is passed, rescind a resolution if all Councillors who were present in the Council Chamber at the time the resolution was passed are also present in the Council Chamber at the time the rescission is proposed (section 177(1)).

3.14.3 Rescission at Subsequent Meeting

The Council may, at a meeting after that at which it was passed, rescind a resolution—

- (a) where notice of motion to rescind is not given, if a motion to that effect is carried by an absolute majority of the Councillors; or
- (b) where the Councillor intending to propose the rescission has, through the Clerk given written notice of his intention to each of the other Councillors at least 7 days before the meeting, if a motion to that effect is carried by the majority of the Councillors voting on the proposal at the meeting;

but not otherwise (section 177(2)).

3.14.4 Terms of and Reasons for Rescission to be Stated

When making a motion of rescission at the same meeting at which the substantive resolution was passed or at a subsequent meeting without notice, the Councillor moving the rescission shall state in clear terms—

- (a) the terms of the motion of rescission identifying the resolution proposed to be rescinded; and
- (b) the reason or reasons for seeking rescission,

and the Mayor shall not accept a motion for rescission which does not comply with those requirements.

3.14.5 Terms and Reasons to be Stated in Notice When giving notice of motion of rescission the Councillor giving notice shall record in writing in clear terms—

- (a) the terms of the motion of rescission identifying the resolution proposed to be rescinded; and
- (b) the reason or reasons for seeking the rescission.

The Clerk shall not accept a notice of motion of rescission which does not comply with those requirements.

3.14.6 Notices Received During Same Meeting

(1) If the Clerk receives a notice of motion to rescind a substantive resolution before the close of the meeting at which the substantive resolution was passed, then the Clerk shall forthwith deliver the notice to the Mayor who shall at the earliest opportunity notify the meeting of the notice, and thereafter at the first available opportunity the Mayor shall bring on the rescission motion before the close of the meeting.

(2) If the Clerk receives a notice of motion to rescind a substantive resolution after the closure of the meeting at which the substantive resolution was passed, the Clerk shall do all things necessary to ensure that the rescission motion is considered at a Special or Ordinary Meeting of the Council held at the earliest opportunity after the meeting at which the substantive resolution was passed.

3.14.7 Delay in Implementing Substantive Resolution

Neither the Clerk nor any other Councillor or officer of the Council shall take any step to implement or give effect to a substantive resolution until two (2) Council office working hours have expired after the close of the meeting at which the substantive resolution was passed. If a notice of motion to rescind is received by the Clerk before any step has been taken thereafter to implement the substantive resolution, then no step shall be taken to implement or give effect to the substantive resolution until the rescission motion has been dealt with.

3.14.8 Restraints on Notices of Rescission

The Clerk shall not receive a notice of motion to rescind a substantive resolution if any step has been taken in accordance with this By-law to implement or give effect to the substantive resolution.

3.14.9 Restraints on Motions for Rescission

Without affecting the generality of the preceding clause, the Council shall not entertain a motion for rescission of a substantive resolution whether the rescission motion is moved with or without notice if—

- (a) at the time the motion is moved any step has been taken in accordance with this By-law by the Clerk or any other officer of the Council to implement the substantive resolution; or
- (b) the resolution concerns an application for planning consent or a building licence or for any consent approval or licence of a similar nature, where a resolution to grant the consent approval or licence has been sent to the applicant by the Council in writing, or has been communicated orally to the applicant or the applicant's representatives by an officer of the Council authorised to do so.

3.14.10 Multiple Rescission Notices

The Clerk may receive more than one notice of motion to rescind the same substantive resolution.

3.14.11 Absence of Mover or Seconder

If a motion to rescind a resolution fails to be considered by the Council by reason that at the time the motion is called on—

(a) the Councillor who gave notice of the motion is not present or is not willing to move the motion; and

(b) there is no other Councillor present willing to move the motion,

then the motion shall lapse and a motion to the same effect shall not thereafter be entertained by the Council.

3.14.12 No Rescission of Procedural Resolution or a Resolution to Rescind The Council shall not entertain a motion to rescind a substantive resolution which is merely procedural in its form and effect, or a resolution to rescind another resolution.

3.14.13 Repeated Rescissions by the Same Councillor Prohibited If the Council on a motion moved by any Councillor resolves not to rescind a substantive resolution then the Council shall not subsequently entertain a motion moved by the same Councillor to rescind the same substantive resolution.

3.15 MOTION TO ALTER RESOLUTION

3.15.1 Rescission Provisions Apply to Alteration

The provisions of this By-law relating to rescission shall apply so far as the context permits to any motion to alter a substantive resolution.

3.15.2 Motion to Alter Having Effect of Rescission

If a motion to alter a substantive resolution in its form or effect would amount to a motion to rescind the substantive resolution then it shall be treated as if it was a motion to rescind the substantive resolution.

3.16 NEGATIVED MOTION NOT TO BE ENTERTAINED WITHIN THREE MONTHS

Subject to clause 4.5 a motion to the same effect as any motion, other than a motion moved in pursuance of a report of a committee of the Council which has been decided in the negative by the Council shall not again be entertained within a period of three (3) months unless a majority of the Councillors signify to the Clerk in writing before a meeting their consent to the motion being entertained at that meeting.

3.17 SUSPENSION OF STANDING ORDERS

3.17.1 Motion to Suspend

In cases of urgent necessity or whilst the Council is sitting behind closed doors, any Standing Order of the Council may be suspended on a motion duly made. If at an Ordinary Meeting a Councillor makes an objection to such a motion pursuant to s.175(3) of the Act, the motion shall not be declared carried unless it is agreed to by an absolute majority of the Councillors of the Council.

3.17.2 No Discussion on Motion to Suspend

A Councillor moving the suspension of Standing Orders shall state the object of the motion, but discussion shall not otherwise take place thereon.

3.17.3 Only Specified Clauses Suspended

A Councillor moving the suspension of Standing Orders under this clause shall state the specific clause or clauses of the Standing Orders sought to be suspended. Only the clauses so nominated shall be affected by any resolution to suspend Standing Orders under this clause.

3.18 VOTING

3.18.1 Method of Taking Vote

(1) The Mayor shall, in taking the vote on any motion or amendment, put the question, first in the affirmative, and then in the negative, and he may do so as often as is necessary to enable him to form and declare his opinion as to whether the affirmative or the negative has the majority on the voices, or by a show of hands.

(2) The result of voting openly is determined on the count of raised hands, but it may be determined on the voices unless a Councillor calls for a show of hands. (section 173(10)).

(3) Upon a vote on the voices or on a show of hands being taken, a Councillor may call for a division. (section 173(10)).

3.18.2 Procedure on Division

(1) The division shall thereupon be taken by those voting in the affirmative passing to the right of the Chair and those voting in the negative to the left of the Chair. (section 173(11)).

(2) Upon a division being called for, the Mayor may if he thinks fit order that the division bell be rung, and after the lapse of one half of a minute from the bell ceasing to ring

a Councillor shall not be permitted to enter or leave the Council Chamber until after the division has been taken.

(3) The names of the Councillors who voted on the question on which there was the division shall be recorded by the Clerk in respect of every division together with details of whether they voted in affirmative or negative together with names of those Councillors who abstained from voting by reason of a pecuniary interest in the question or otherwise (section 173(12)).

PART IV—COMMITTEES

4.1 STANDING ORDERS APPLY TO COMMITTEES

Except in so far as they limit the number of times a Councillor may speak, these Standing Orders shall be observed at meetings of Committees.

4.2 COMMITTEES

4.2.1 In addition to such Committees as may from time to time be appointed there shall be Standing Committees of the Council, namely—

- (a) Finance, Engineering and Technical Services Committee; and
- (b) Planning, Administration and Community Services Committee.

4.2.2 Subject to the Act a Standing Committee shall comprise of five Councillors with at least one Councillor from each ward.

4.2.3 The Council may appoint a Councillor or Councillors thereof to be the deputy or deputies, as the case may be, to act on behalf of a Member of any Committee of Council whenever that Member is unable to be present at a meeting thereof and where two or more deputies are so appointed they shall have seniority in the order determined by the Council (section 179(1a)).

4.2.4 Where a Member of a Committee does not attend a meeting thereof any deputy of that Member is subject to subclause 4.2.5 hereof entitled to attend that meeting in place of the Member and act for the Member thereat, and while so acting has all the powers of that Member (section 179(1aa)).

4.2.5 A deputy who is one of two or more deputies of a Member of a Committee is not entitled to attend a meeting of the Committee in place of that Member if the meeting is attended by another deputy of that Member who has precedence over that deputy in the order of seniority determined under subclause 4.2.3 (section 179(1ab)).

4.2.6 A person who is a Member of a Committee is not eligible to be appointed a deputy for a Member of that Committee (section 179(1b)).

4.3 COUNCILLOR ATTENDING COMMITTEE AS OBSERVER

4.3.1 A Councillor may attend as an observer at meetings of any Committee notwithstanding that the Councillor is not a Member of that Committee. A Councillor attending a Committee meeting as an observer may speak with the leave of the Committee, but shall not vote on any question before the Committee unless the Councillor is a deputy of a Member excluded from a meeting pursuant to clause 2.23 and he is invited by the Committee to participate pursuant to subclause 2.23.8.

4.3.2 Subject to the preceding subclause a Councillor attending a Committee as an observer shall sit in an area set aside for observers separated from the Committee Members.

4.4 TERM OF APPOINTMENT

Subject to the provisions of clause 4.5 the Members of each Committee shall be appointed for each year at the first meeting of the Council held after the Annual election and shall hold office until the commencement of the first meeting after the Annual Election then next ensuing or until the expiration of their terms of office as Councillor whichever first occurs.

4.5 COMMITTEE COUNCILLORS MAY BE CHANGED

The Council may by resolution carried pursuant to a notice of motion by a simple majority, or on a motion moved without notice, by an absolute majority, change the membership of any Committee.

4.6 APPOINTMENT OF COMMITTEES

The initial membership of a Standing Committee or an Occasional Committee shall be determined by a resolution of Council.

4.7 POWERS AND DUTIES OF STANDING COMMITTEES

4.7.1 Subject to any resolution of the Council passed after the coming into operation of these Standing Orders, the Standing Committees shall have the power and duty to make recommendations to the Council in respect of such matters as shall be determined by the Council at the first Meeting of the Council convened after the Annual Elections held pursuant to the provisions of section 73 of the Local Government Act.

4.7.2 Delegated Powers and Functions [S.179(1)(c)]

A Standing Committee may discharge any delegated power granted by the Council pursuant to Section 179(1)(c).

4.8 CONSTITUTION OF OCCASIONAL COMMITTEES

The Council may by resolution appoint such number of Members of the Council being less, (inclusive of the ex-officio Member under section 182 if there is such a Member), than one half of the total number of Members of the Council as an Occasional Committee with powers and duties as may be determined by the Council.

4.9 MEETINGS OF COMMITTEES

4.9.1 Quorum

The Council shall fix the quorum for the transaction of business at meetings of a Committee and may determine the duties of the Committee under terms of reference and the Committee shall confine the business transacted by it to such duties and terms.

4.9.2 Meetings

A meeting of a Committee shall be held when called by the Mayor or the Chairman or as determined by the Committee (section 179(1)).

4.9.3 Meetings of a Standing Committee shall be open to the public except where that Committee decides by resolution to conduct its business or any specified part thereof behind closed doors in which case the provisions of clauses 2.17.2 to 2.17.7 inclusive apply so far as is practicable.

4.10 DELEGATION OF POWERS TO COMMITTEES

The Council may delegate to a Standing or Occasional Committee such of its powers and duties, except power to borrow money and power to impose rates, as the Council thinks fit.

4.11 CHAIRMAN OF COMMITTEE

4.11.1 Mayor May be Ex Officio Member

Subject to the Act and these Standing Orders, the Mayor is ex officio a Member of every Occasional Committee and Standing Committee of which he indicates his intention to be such a Member—

- (a) at the time of the appointment of the Committee; or
- (b) at the first meeting of the Committee held after any declaration of the annual election of Members of the Council that takes place after the appointment of the Committee; or
- (c) at any meeting of the Council at which the constitution of the Committee is altered (s.182).

The Council may request that the Mayor not indicate his intention to be ex officio a Member of a Standing Committee, or in the event that the Mayor does indicate such an intention, the Members of that Committee may request that the Mayor not indicate an intention to act as Chairman of that Standing Committee in the manner provided for in the Act.

4.11.2 Mayor May be Chairman

Where the Mayor is ex officio a Member of a Committee he may but is not obliged to preside as Chairman of the meetings of a Committee, and if in accordance with the Act he intimates his intention is not to do so or does not indicate his intention at all, Members of the Committee may elect one of their number to preside in his stead (section 182(3)).

4.11.3 Method of Indicating Intention

The Mayor may so indicate his intention by declaring it at the first meeting of the Committee held after the declaration of the annual election of members of the Council, or by giving each of the Members of that Committee at or before that meeting, written notice of his intention not to preside, but if at or before that meeting he does not so give notice, he is regarded as having intimated that his intention is not to preside (section 182(4)).

4.11.4 Indication of Intention Binding on Mayor

If the Mayor intimates or is regarded as having intimated that his intention is not to preside he shall not, unless under s.182(6) of the Act he is authorised to do so, preside until the corresponding first meeting of the Committee in the following year. (s.182(5)).

4.12 CALLING MEETING OF COMMITTEE

4.12.1 Clerk to Call Meeting

The Clerk shall call a meeting of any Committee when requested so to do by the Mayor or by the Chairman of the Committee if the Mayor is not Chairman, or by any two Members of that Committee. The Clerk shall give Notice of the meeting to every Councillor of the Council.

4.12.2 Papers for Committee Meeting to be put to all Members of Council

When a meeting of any Committee is called the Business Paper for the meeting together with copies of all officers reports relating to matters on the Agenda for that meeting shall be forwarded to all Councillors and not just to the Members of the Committee.

4.13 ORDER OF BUSINESS OF STANDING COMMITTEE MEETING

The order of business at an Ordinary Standing Committee meeting shall be as follows, or as near thereto as shall be practicable, but for the greater convenience of the Committee at any particular meeting thereof, it may be altered by resolution to that effect—

- (i) Present
- (ii) Apologies
- (iii) Leave of Absence
- (iv) Declaration of Members' and Officers' interests
- (v) Declaration by members whether they have given due consideration to all matters contained in the Business Paper presently before the meeting
- (vi) Confirmation of Minutes
- (vii) Question time
- (viii) Tabling of Chairman's Minutes, without discussion
- (ix) Petitions, Memorials and Deputations
- (x) Consideration of Business of Committee referred to the Committee by Council
- (xi) Reports of Managing and Advisory Committees
- (xii) Reports of Regional and District Organisations upon which Council is represented
- (xiii) Reports by the Clerk
- (xiv) Reports by Directors
- (xv) Orders of the Day
- (xvi) Motions of which Previous Notice has been given
- (xvii) Notices of Motion given at the meeting for Consideration during the following meeting
- (xviii) Question time
- (xix) Confidential Business
- (xx) Items Withdrawn

4.14 QUORUM OF COMMITTEES

4.14.1 Quorum Required

No meeting of a Committee may proceed to business unless sufficient members are present to establish a quorum pursuant to the provision of 4.9.1.

4.14.2 Failure of Quorum

Every meeting shall proceed to business as soon after the time stated in the summons as a quorum is constituted; but if a quorum is lacking 30 minutes after the hour at which a meeting of any Committee is appointed to be held, no meeting shall take place, and the meeting shall stand adjourned until the day and time fixed for the next ordinary meeting of the Committee, unless the Chairman convenes a special meeting of the Committee for the transaction of the Business standing adjourned.

4.15 UNFINISHED BUSINESS OF FORMER COMMITTEES

It shall be competent for every Committee of the Council to take up matters referred by the Council to the preceding Committee which may not have been entered upon or fully discharged at the time such Committee went out of office by effluxion of time.

4.16 VOTING BY COMMITTEES

The decision of a Committee on a question is that decided by a majority of the Members present, including the Chairman who has deliberative vote, and who in the case of an equal division of votes has a casting vote (section 182(9)).

4.17 CONFERENCE OF COMMITTEES

Any two or more Committees may confer together by mutual agreement on any matter of joint interest.

4.18 MINUTES OF COMMITTEES

The Chairman of a Committee shall cause minutes of the proceedings of the Committee to be recorded and kept in a minute book (section 182(8)).

4.19 COMMITTEES TO REPORT

4.19.1 Obligation to Report

A Committee so appointed is answerable to the Council and shall, as and when required by the Council to do so, report fully on its activities to the Council (section 179(4)).

4.19.2 Preparation of Report

When it has reached a decision on each matter referred to it by the Council the committee shall as soon as possible prepare a report containing recommendations and submit it to the Council.

4.19.3 Recording Business in Minutes

Pending a decision being reached on any matter referred to it by the Council, the Committee shall list such item of business in the minutes of its meeting under the heading of "Outstanding Business" and against each such item of business briefly indicate when the Committee expects to submit its recommendations to the Council.

4.20 RESIGNATION OF SEAT ON COMMITTEE

A Councillor of a Committee may resign from the Committee by delivering or causing to be delivered to the Clerk written notice of his resignation signed by him, and when delivered to the Clerk or upon any later date specified in the notice his seat on the Committee becomes vacant (section 179(2)).

PART V—GENERAL

5.1 REPRESENTATION ON PUBLIC BODIES

5.1.1 Clerk to Refer Invitation

Correspondence inviting Council to submit nominations for appointment to a Board or committee appointed by the Government, a Minister of the Crown or Government Department and correspondence inviting Council to nominate a Councillor to be its delegate on the Local Government Association or the Country Shire Councils Association or other Association of Local Governments or a Committee comprising a number of municipalities shall be referred by the Clerk to such Standing Committee as he considers appropriate.

5.1.2 Committee to Make Recommendation

The Standing Committee shall consider the matter and by resolution refer the business with its recommendations to the Council to be dealt with under the Notice Paper as an Order of the Day.

5.1.3 Obligations of Delegate

A Councillor appointed by Council to be its delegate to an Association of Local Government or a Committee comprising a number of municipalities shall when required to express an opinion or vote on any item of business, have regard to the resolutions, policies and practices of the Council.

5.2 CONFIDENTIAL BUSINESS

5.2.1 Obligation of Confidentiality

Every matter dealt with by, or brought before the Council or a Committee sitting otherwise than with open doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the Mayor, Councillors, or servants of the Council (and in the case of servants, only so far as may be necessary for the performance of their duties) prior to the discussion of that matter at a meeting of the Council held with open doors.

5.2.2 Clerk Restricting Documents

Any report, document or correspondence which is to be placed before the Council or any Committee and which is in the opinion of the Clerk of a confidential nature may at his discretion be marked as such and shall then be treated as strictly confidential and as obtained in confidence and shall not without the authority of the Council be disclosed to any person other than the Mayor, Councillors or officers of the Council.

5.3 ELECTORS' MEETINGS

5.3.1 Standing Orders Apply

The Standing Orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this By-law and the provisions of section 171 of the Act, the latter prevail.

5.3.2 Restriction on Voting and Speaking

A person who is not an elector is not entitled to vote at a meeting of electors, and he may not take any part in any discussion at that meeting, unless the meeting, by a motion, requests him to do so.

PART VI—MISCELLANEOUS

6.1 BREACH OF STANDING ORDERS

Any person committing a breach of these Standing Orders is liable to a penalty not exceeding \$500.

6.2 MAYOR TO ENSURE COMPLIANCE

The Mayor is authorised and empowered to ensure that meetings are conducted in accordance with these Standing Orders.

6.3 COUNCIL MAY TAKE ACTION

The Council may take proceedings under section 646 of the Act against any person committing a breach of these Standing Orders.

6.4 NOTICES

Where the Standing Orders provide for a notice or any other paper or thing to be given or delivered to or served upon a Councillor, unless the context or the Act otherwise require, the notice, paper or thing may be delivered to the Councillor personally or to the Councillor's ordinary residence in Western Australia within the minimum time stipulated or be posted to the ordinary residence or the usual place of business (if any) of the Councillor within the municipal district. Where the notice, paper or thing is sent by post, it shall be considered to have been given delivered or served within the time stipulated if it is posted by prepaid post to the Councillor's ordinary residence in Western Australia not less than two (2) Council working days before expiration of the minimum time stipulated.

Dated this 30th day of July 1993.

The Common Seal of the City of Mandurah was hereunto affixed in the presence of—

G.N. SALAMON, Mayor

S.K. GOODE, Town Clerk.

Recommended—

HON. P. D. OMODEI MLA, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG307

LOCAL GOVERNMENT ACT 1960***Shire of Esperance*****By-laws Relating to Extractive Industries**

In pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 30th March 1993 to make and submit for confirmation by the Governor the following amendment to its By-laws Relating to Extractive Industries.

By-law 9 is amended by deleting "ten pounds" and substituting "fifty dollars".

Dated this 6th day of August 1993.

The Common Seal of the Shire of Esperance was hereunder affixed in the presence of:—

D. A. PATERSON, Shire President.

R. T. SCOBLE, Shire Clerk.

Recommended:—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council the 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG308

DOG ACT 1976*Municipality of the Shire of Esperance***By-law Relating to Dogs**

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Shire of Esperance, hereby records having resolved on 30th March 1993 to make and submit for confirmation by the Governor the following By-law.

The By-law of the Shire of Esperance published in the *Government Gazette* on 4 October 1962, as amended from time to time, is further amended as follows—

In Schedule 1 delete "\$2.00" and substitute with " \$5.00 " for the sustenance and maintenance of an impounded dog.

Dated this sixth day of August 1993.

The Common Seal of the Shire of Esperance was hereunto affixed in the presence of—

D. A. PATERSON, President.

R. T. SCOBLE, Shire Clerk.

Recommended—

P. D. OMODEI, Minister for Local Government.

Approved by His Excellency in Executive Council this 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG309

LOCAL GOVERNMENT ACT 1960*Municipality of the Shire of Morawa***By-law Relating to the Control and Storage of Old and Disused Motor Vehicles and Machinery**

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 20th day of May 1993 to make and submit for confirmation by the Governor the following amendments to the abovementioned By-law published in the *Government Gazette* on the 7th April 1978.

1. In line 21 of the By-law delete the word "two" and substitute the word " five ".
2. In line 22 of the By-law delete the word "twenty" and substitute the word " fifty ".
3. In line 23 of the By-law delete the word "twenty" and substitute the words " one hundred ".
4. In line 24 of the By-law delete the word "two" and substitute the word " twenty ".

Dated the 20th day of May 1993.

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

J. F. COOK, President.

P. J. VARRIS, Shire Clerk.

Recommended—

P. D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG310

DOG ACT 1976*Municipality of the Shire of Morawa*

By-laws Relating to Dogs

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, Council of the abovementioned Municipality hereby records having resolved on 20th day of May 1993 to make and submit for confirmation by the Governor, the following amendments to the abovementioned By-laws published in the *Government Gazette* on the 28th day of September 1979.

1. In By-law 29, delete the words "one hundred dollars (\$100)" and replace with the words " five hundred dollars (\$500) ".
2. After By-law 31 add the following By-law—
 " 32. Reserve Nos 31414, 31415 and 31416 are nominated as dog exercise areas in accordance with sections 31, 32 and 51 (bb) of the *Dog Act 1976*. "
3. In the Schedule, delete "15.00" and replace with " 30.00 ", delete "2.00" and replace with " 10.00 ", delete "4.00" and replace with " 20.00 " and delete "20.00" and replace with " 50.00 ".

Dated this 20th day of May 1993.

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

J. F. COOK, President.

P. J. VARRIS, Shire Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council the 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG311

CEMETERIES ACT*The Municipality of the City of Mandurah*

By-laws Relating to the Lakes Memorial Park Public Cemetery

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Board of the Lakes Memorial Park Public Cemetery hereby records having resolved on the 26th day of January 1993, to submit for confirmation by the Governor the following Amendments—

- (i) Insert the following forms in the Second Schedule—

"Form 8

Lakes Memorial Park Public Cemetery

Form of Order of Burial

Date of Application:

No. of Application:

The remains of

late of.....

deceased, may be interred in Grave No. of the Lakes Memorial Park Public Cemetery.

The time fixed for the burial is o'clock in the noon on the day of 19.....

I, the undersigned certify that a coffin, purporting to contain the above remains was interred in the above ground on the day of 19.....

.....
Officer Authorised to Sign on Behalf of the
Cemetery Board.

Size
Length
Width
Depth
Undertaker

Form 9

Lakes Memorial Park Public Cemetery Form of Order of Burial—(Ground Niches)

Date of Application:
No. of Application:
The remains of
late of.....
deceased, may be interred in Ground Niche No. of Grevillea Court,
Lakes Memorial Park Public Cemetery.
Died: Aged:
Ashes being held by:

Please tick: Council to Collect: ☐
Applicant to Deliver: ☐

.....
Applicant's Signature Officer Authorised to Sign on Behalf of the
Cemetery Board."

I the undersigned certify that ashes of the late
were interred in the above ground on the day of 19.....

.....
Officer Authorised to Sign on Behalf of the
Cemetery Board.

Dated this 8th day of August 1993.
[L.S.]

G. N. SALAMON, Mayor.
S. K. GOODE, Town Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council the 14th day of
September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG312

LOCAL GOVERNMENT ACT 1960

The Municipality of the City of Melville

By-laws Relating to Parks, Recreation Grounds and Public Reserves

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 17 August 1993 to make and submit for confirmation by the Governor, the following amendments to the By-laws relating to Parks, Recreation Grounds and Public Reserves, as published in the *Government Gazette* on the twenty first day of May 1982 and amended from time to time thereafter.

1. Delete By-law 21(a) and substitute the following—

- “ (a) play at or practice golf on any reserve or part of a reserve except on a reserve or part of a reserve set aside for that purpose and any person playing at or practicing golf on any reserve or part of that reserve set aside for that purpose shall comply with all directions or instructions relating to the playing of or practising of golf on that reserve or part of that reserve, ”

2. Following By-law 48 insert the following—

- “ 49 The Council may erect signs on or about any reserve setting out conditions of use of that reserve or any part thereof, and setting out any other matter relating to the reserve that is contemplated by these By-laws or the Act. ”

Dated this 17th day of August 1993.

The Common Seal of the City of Melville was hereto affixed in the presence of—

M. J. BARTON, Mayor.

GARRY G. HUNT, City Manager/Town Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG313

LOCAL GOVERNMENT ACT 1960

Municipality of the City of Perth

By-law No. 6—Relating to Noise

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Municipality of the City of Perth hereby records having resolved on 15 March 1993 to make and submit for approval by the Minister and subsequent confirmation by the Governor the following amendment to the City of Perth By-law No. 6—

That clause 9 be amended by deleting the words “penalty of \$200” and substituting the words “maximum penalty of \$500 and a minimum penalty of \$50”.

Dated this third day of June 1993.

The Common Seal of the City of Perth was hereunto affixed in the presence of—

R. G. WITHERS, Mayor.

R. F. DAWSON, Chief Executive/Town Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG314

LOCAL GOVERNMENT ACT 1960*Municipality of the City of Subiaco***By-law 29—Relating to Parking Facilities**

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 23 March 1993, to make and submit for confirmation by the Governor the following By-law—

1. In this by-law, the By-law published in the *Government Gazette* of 23 December 1971, and amended by the notices published in the *Government Gazette* from time to time thereafter is referred to as the principal By-law.
2. The Fifth Schedule of the principal By-law is amended as follows—

- (1) By deleting the paragraph which reads—

The fee referred to in Clause 20 (a) (iii) of Parking Facilities By-law 29 in the case of Parking Stations numbered 1, 2, 3, 4, 7, 9, 10, 14, 19, 20, 21, 23, 24, 25, 26, 27 and 28 is thirty (30) cents per one (1) hour period or part thereof.

- (2) By inserting the following—

“The fee referred to in sub-bylaw 20 (a) (iii) of the principal By-law in the case of Parking Stations numbered 1, 2, 3, 4, 7, 9, 10, 14, 19, 20, 21, 23, 24, 25, 26, 27, 28 and 33 is thirty (30) cents per one (1) hour period or part thereof.”

Dated this fifth day of May 1993.

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

HELEN PASSMORE, Mayor.
PETER D. CHAPMAN, Acting Town Clerk/City Manager.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG315

LOCAL GOVERNMENT ACT 1960*The Municipality of the City of Wanneroo***Amendments to By-law Relating to Trading in Public Places**

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 26th day of May 1993 to make and submit for confirmation by the Governor the following amendments to its By-laws Relating to Trading in Public Places as published in the *Government Gazette* on 16 March 1990 and amended on 7 December 1990 and 26 July 1991.

After clause 10 of the By-law, the following clauses are inserted—

- “ 10A Where the Council has reason to believe a licence holder has failed to trade pursuant to a licence for a continuous period of six calendar months the Council may serve notice upon the licence holder requiring the licence holder within a period of 14 days to provide to the Council satisfactory evidence that the licence holder has traded pursuant to the licence during the said period of six months.
- 10B Where a licence holder does not provide satisfactory evidence in accordance with clause 10A above the Council may revoke the licence holder's licence. ”

Dated this 2nd day of July 1993.

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

G. A. MAJOR, Mayor.
R. F. COFFEY, Town Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG316

LOCAL GOVERNMENT ACT 1960

The Municipality of the City of Wanneroo

Amendments to By-laws Relating to Parking of Vehicles on Street Verges

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 28th day of July 1993, to make and submit for confirmation by the Governor the following amendments to its By-laws Relating to Parking of Vehicles on Street Verges as published in the *Government Gazette* on 3 August 1979, including subsequent amendments.

1. By-law 2 is amended by—

- (a) deleting "Ranger and Chief Ranger" from the definition "Authorised Officer" and inserting the following—

" Patrol Officer ";

- (b) deleting the definition of "commercial vehicle" and substituting the following—

" "Commercial Vehicle" means a vehicle defined in the First Schedule to the Road Traffic Act 1974 as a Motor Wagon, Semi-trailer, Tractor (prime mover type) or Tow Truck. ";

- (c) deleting "-1976" from the definition "Motor Vehicle";

- (d) inserting, in its appropriate alphabetical position, the following definition—

" "Omnibus" means a vehicle defined as such in the First Schedule to the Road Traffic Act 1974. "

2. By-law 3 is amended by inserting after "commercial vehicle", the following—

" , omnibus. "

3. By-law 4(a) is amended by deleting " -1976".

Dated this 24th day of August 1993.

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

G. A. MAJOR, Mayor.
R. F. COFFEY, Town Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG317

CEMETERIES ACT 1986**METROPOLITAN CEMETERIES BOARD BY-LAW**

In pursuance of the powers conferred upon it by the abovementioned Act, and of every other power enabling it, the Metropolitan Cemeteries Board hereby records having resolved on the 24th day of June 1993 to make and submit for confirmation by the Governor the following amendments to the abovementioned By-law published in the *Government Gazette* on the 3rd day of April 1992.

1. Clause 21 (1)
Delete "upon the issue of that licence or in this By-law" and substitute "and in compliance with the provisions of this By-law".
2. Clause 22
Delete the number "(1)".
Delete all of sub-clause (2).
3. Clause 39
Delete clause 39 and substitute the following—
" 39. (1) A person shall not bury a coffin within a cemetery so that the distance from the top of the coffin to the original surface of the ground is—
(a) subject to sub-clause (b), less than 750 mm, unless that person has the permission of an Authorised Officer; or
(b) in any circumstances less than 600 mm.
(2) The permission of the Authorised Officer in sub-clause (1) (a) will only be granted where in the opinion of the Authorised Officer exceptional circumstances require granting of that permission. "
4. Clause 44
(a) Delete sub-clause (2).
(b) Delete the number "(3)" and substitute "(2)".
(c) Delete the number "(4)" and substitute "(3)" and delete "of that monument" and substitute "of the headstone, or if this is not practical, on the kerbing at the foot of the grave".
5. Clause 57
Delete the reference "46(d)" and insert "46 (1)(d)".

The By-law was amended by the Metropolitan Cemeteries Board at a duly convened meeting of the Board held on 24th June 1993.

Given under the Common Seal of the Metropolitan Cemeteries Board by authority of the Board.

J. MOILER, Chairman.

P. D. MACLEAN, General Manager.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 14th day of September 1993.

M. C. WAUCHOPE, Clerk of the Council.

LG318

LOCAL GOVERNMENT ACT 1960**LOCAL GOVERNMENT (SHIRE OF CARNAMAH) SHIRE ELECTIONS ORDER 1993**

Whereas an accidental omission occurred in that the term of office of each of the 2 persons elected to the office of councillor at the elections of 2 May 1992 in the Shire of Carnamah to represent the ward of Carnamah was determined to be 3 years and the term of office under section 139 of the *Local Government Act 1960* should have been 3 years in respect of one councillor and 2 years in respect of the other councillor, the following order is now made by His Excellency the Governor in Executive Council under section 688 of that Act.

Citation

1. This order may be cited as the *Local Government (Shire of Carnamah) Shire Elections Order 1993*.

Term of office of Councillors

2. The term of office of the 2 persons elected to the office of councillor at the elections of 2 May 1992 in the Shire of Carnamah to represent the ward of Carnamah shall be for—

- (a) 3 years in respect of one councillor; and
- (b) 2 years in respect of the other councillor.

Determination of retirement of councillors

3. The returning officer of the Shire of Carnamah shall draw lots to determine the order of the retirement of the councillors referred to in clause 2.

Dated 14 September 1993.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

LG319

LOCAL GOVERNMENT ACT 1960

**LOCAL GOVERNMENT (SALE OF COUNCIL ASSETS) AMENDMENT
REGULATIONS 1993**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Local Government (Sale of Council Assets) Amendment Regulations 1993*.

Regulation 2 amended

2. Regulation 2 of the *Local Government (Sale of Council Assets) Regulations 1983** is amended by deleting "\$2 000" and substituting the following —

" \$10 000 ".

[* Published in Gazette of 7 January 1983. at p. 30.
For amendments to 11 August 1993 see 1992 Index to Legislation
of Western Australia, Table 4, p. 164.]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

LG320

CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978

**CONTROL OF VEHICLES (OFF-ROAD AREAS) AMENDMENT
REGULATIONS 1993**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Control of Vehicles (Off-Road Areas) Amendment Regulations 1993*.

Fifth Schedule repealed and a Schedule substituted

2. The Fifth Schedule to the *Control of Vehicles (Off-road Areas) Regulations 1979** is repealed and the following Schedule is substituted —

“

FIFTH SCHEDULE

[Regulation 35]

MODIFIED PENALTIES

Item	Section or Regulation	Nature of Offence	Modified Penalty \$
1	Section 6 (1)	Driving or use of off-road vehicle in area other than private land by consent or permitted area.	50
2	Section 6 (2)	Driving or use of vehicle in prohibited area.	50
3	Section 6 (4) (a)	Using or driving an off-road vehicle in a manner which creates or causes undue or excessive noise.	50
4	Section 6 (4) (b)	Using or driving off-road vehicle not fitted with an efficient silencing device.	50
5	Section 7 (2)	Failure to register vehicle or driving or use of unregistered vehicle.	50
6	Regulation 7	Failure to carry registration certificate on vehicle.	20
7	Regulation 11	Failure of holder of registration certificate to notify change of address.	20
8	Section 9	Driving or using vehicle which is in dangerous condition.	50
9	Section 9	Driving or using vehicle contravening prescribed safety requirement.	50
10	Section 10	Knowingly permitting under-age person to be in charge of vehicle.	50
11	Section 19 (3)	Destroying, etc., notice or mark identifying permitted or prohibited area.	50
12	Section 29 (7)	Failure to notify cessation of ownership.	20

Item	Section or Regulation	Nature of Offence	Modified Penalty \$
13	Section 29 (7)	Failure to return registration certificate and number plate.	20
14	Section 34	Failure to affix number plate.	50
15	Section 34	Failure to affix number plate in proper manner.	20
16	Section 35 (a)	Altering or defacing number plate.	50
17	Section 35 (b)	Affixing number plate to wrong vehicle.	50
18	Section 35 (c)	Failure to deliver up number plate of vehicle within 15 days of expiry of registration of vehicle.	20
19	Section 35 (d)	Using wrong or counterfeit number plate.	50
20	Regulation 12	Failure to inform Traffic Board of lost number plate and to return registration certificate or to return damaged or dilapidated number plate and registration certificate to Traffic Board.	20
21	Regulation 13 (a)	Number plate not clearly visible and legible.	50
22	Regulation 16	Failure to inform Traffic Board of change in engine identification mark.	50
23	Regulation 17 (1)	Using registered vehicle not having legible engine identification mark.	20
24	Regulation 17 (2)	Altering or putting on engine identification mark without Traffic Board approval.	50
25	Section 37 (8)	Illegal removal of infringement notice from vehicle.	50
26	Section 38 (10)	Use of vehicle contrary to prohibition of use notice.	50

Item	Section or Regulation	Nature of Offence	Modified Penalty \$
27	Section 38 (10)	Removal, damage or obliteration of or to prohibition of use notice attached to vehicle.	50
28	Section 9B (1)	Failure to wear seat belt as required in this section.	50
29	Section 9B (2)	Failure to travel as a passenger in a seat for which a seat belt has been fitted.	50
30	Section 9C	Failure to wear protective helmet.	50

[* Published in Gazette of 5 October 1979 at pp. 3127-41.
For amendments to 31 August 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 47.]

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

LG321

CITY OF PERTH PARKING FACILITIES ACT 1956 CITY OF PERTH PARKING FACILITIES BY-LAW Amendment

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Municipality of the City of Perth hereby records having resolved on 21 June 1993 to make and submit for approval by the Minister and subsequent confirmation by the Governor that the City of Perth Parking Facilities By-law be amended as follows—

1. That Clause 21 be amended by deleting the words "Subject to sub-clause (2)," and, deleting sub-clause (2);
2. That Clause 22 be amended by deleting the words "Subject to sub-clause (2)," and, deleting sub-clause (2);
3. That the Sixth Schedule be amended by deleting in Item 1 "17(4), 21(1) and 22(1)," and inserting in Item 3 after the figures "15(1)," the figures " 17(4), 21, 22, ".

Dated this 1st day of July 1993.

The Common Seal of the City of Perth was hereunto affixed in the presence of—

A. J. MARKS, Deputy Lord Mayor.

L. O. DELAHAUNTY, Acting Chief Executive/Town Clerk.

Recommended—

ERIC CHARLTON, Minister for Transport.

Approved by His Excellency the Governor in Executive Council this 17th day of August 1993.

D. G. BLIGHT, Clerk of the Council.

LG401

TOWN OF NARROGIN
Schedule of Charges
Narrogin Caravan Park

The under listed charges will apply to the Narrogin Caravan Park as from July 1 1993.

Daily—

Daily up to 4 persons—\$10.50 plus power

Extra person—\$3.00

Weekly—

Weekly up to 4 persons—\$57.00 plus power

Extra person—\$8.00

Camping and Tents—

Daily per person—\$4.00

Off-Site Parking of Vans—

Weekly—\$3.50

Power Tariff at the rate currently charged by the SEC.

STEPHEN TINDALE, Town Clerk/Chief Executive.

LG402

City of Kalgoorlie-Boulder
Acting Town Clerk

It is hereby notified for public information that Phillip Alexander Rob has been appointed Acting Town Clerk during the absence of Mr L. P. Strugnell for the periods 20-24 September and 4-8 October 1993 inclusive.

R. S. YURYEVICH, Mayor.

LG403

DOG ACT 1976
Shire of Dandaragan

It is hereby notified for public information that the following persons have been appointed Registered Officers under the provisions of the Dog Act 1976 for the Shire of Dandaragan—

Barry Golding
Ian Rennie
Terry Meek
Donald McDonald
Alan Leeson
Carolyn King
Peta McCallum
Wyn Creagh
Naida Atkinson.

All previous appointments for the Shire of Dandaragan are hereby cancelled.

B. J. GOLDING, Shire Clerk.

LG404

Shire of Dandaragan

It is hereby notified for public information that Mr William Donald McDonald has been appointed as Ranger, as from 19 July 1993. The appointment of Mr Ronald Frederick Sewell has been revoked.

B. J. GOLDING, Shire Clerk.

LG501

LOCAL GOVERNMENT ACT 1960**HEALTH ACT 1911***Shire of Exmouth***Memorandum of Imposing Rates****To Whom It May Concern:**

At a meeting of the Exmouth Shire Council held on 30 August 1993, it was resolved that the rates and charges specified hereunder be imposed on all rateable property within the district of the Shire of Exmouth in accordance with the Local Government Act 1960 and the Health Act 1911 for the period 1 July 1993 to 30 June 1994.

Dated 30 August 1993.

F. E. KEENAN, Deputy President.
K. J. GRAHAM, Shire Clerk.

Schedule of Rates and Charges**General Rate—**

- (a) 9.57 cents in the dollar on unimproved values.
- (b) 9.85 cents in the dollar on gross rental values.
- (c) 9.57 cents in the dollar on mining rates.

Minimum Rate—

- (a) \$150.00 per lot or location on unimproved values.
- (b) \$220.00 per lot on gross rental values.

Rubbish Charge—

\$160.00 per annum for a twice weekly removal of one standard 240 litre bin.

Penalty—

A penalty of 10 per cent will be applied to all rates remaining unpaid after 31 January 1994 except those owed by eligible pensioners, or as Council otherwise directs.

LG502

LOCAL GOVERNMENT ACT 1960**HEALTH ACT 1911***Shire of Murchison***Memorandum of Imposing Rates****To Whom It May Concern:**

At a meeting of the Murchison Shire Council held on 27 August 1993, it was resolved that the rates and charges specified hereunder should be imposed on all rateable property within the district of the Municipality in accordance with the provisions of the Local Government Act 1960 and the Health Act 1911.

Dated 27 August 1993.

Schedule of Rates and Charges**General Rate—**

Unimproved Values—11.74 cents in the dollar.

Minimum Rate—

\$150.00 per lot, location or lease.

Rates Discount and Penalty—

Section 550 and 550A (2) of the Local Government Act.

It was resolved that Council allow a discount of ten per centum on all rates paid in full within thirty five days from the date of service, and levies a penalty of ten per centum on rates unpaid after 31 January 1994.

MINERALS AND ENERGY

MN101

CORRECTION

Commonwealth of Australia

PETROLEUM (SUBMERGED LANDS) ACT 1967

In the Notice at page 4158 of the *Government Gazette* dated 30 July 1993, after the words "at a point of latitude", change "19°31' 12.723" South" to "19°39' 12.723" South".

KEITH GAMMIE,
Acting Director Petroleum Division.

MN301

MINES REGULATION ACT 1946**MINES REGULATION (EXEMPTION) ORDER (NO. 22) 1993**

Made by His Excellency the Governor in Executive Council under section 5 (2).

Citation

1. This order may be cited as the *Mines Regulation (Exemption) Order (No. 22) 1993*.

Exemption

2. The Plutonic Gold Mine, located approximately 180 kilometres north of Meekatharra and operated by Plutonic Operations Ltd, is exempted from the provisions of section 38 (1) (c) of the *Mines Regulation Act 1946* for a period ending on 30 September 1996 on condition that —

- (a) a person shall not be employed to work in or about the mine for more than 14 consecutive days;
- (b) where a person is employed to work in or about the mine for a period of 14 consecutive days, that person shall not be employed to work in or about the mine until that person has taken a break of not less than 7 consecutive days; and
- (c) a person shall not be employed to work in or about the mine for more than 12 hours in any day other than to deal with an emergency causing, or threatening to cause, a hazard or danger to the health or safety of any person in or about the mine.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

MN401

PETROLEUM PIPELINES ACT 1969**NOTICE OF RENEWAL OF PIPELINE LICENCES**

Pipeline Licence Nos. PL1, PL2, PL3 and PL5 held by Chevron Asiatic Limited, Shell Development (Australia) Pty. Limited, Texaco Oil Development Company and Ampolex (A.O.E.) Limited have been renewed in accordance with the provisions of the above Act for a period of twenty-one (21) years from the 2nd day of December 1991.

KEITH GAMMIE,
Acting Director Petroleum Division.

MN402

MINING ACT 1978**Notice of Application for an Order for Forfeiture**

Department of Minerals and Energy.

In accordance with Regulation 49 (2) (c) of the Mining Act 1978, notice is hereby given that the licences are liable to forfeiture under the provisions of section 96 (1) (a) for breach of covenant, *viz.* non payment of rent.

C. D. ROBERTS, Warden.

To be heard in the Warden's Court Kununurra on the 22nd October 1993.

KIMBERLEY MINERAL FIELD

P80/1207—Glasfurd, Jamie Eric; Schulda, Harry George.

P80/1208—Glasfurd, Jamie Eric; Schulda, Harry George.

P80/1211—Anglo Australian Resources NL.

MN403

MINING ACT 1978**Notice of Application for an Order for Forfeiture**Department of Minerals and Energy,
Coolgardie 6429, 7 September 1993.

In accordance with Regulation 49 (2) (c) of the Mining Act 1978, notice is hereby given that the licences are liable to forfeiture under the provisions of section 96 (1) (a) for breach of covenant, *viz.* non payment of rent.

K. BOOTHMAN, Warden.

To be heard in the Warden's Court Coolgardie on the 9th day of November, 1993.

COOLGARDIE MINERAL FIELD*Coolgardie District***Miscellaneous Licences**

15/5—Eltin Minerals Pty Ltd.

15/6—Eltin Minerals Pty Ltd.

15/7—Eltin Minerals Pty Ltd.

15/8—Eltin Minerals Pty Ltd.

15/9—Eltin Minerals Pty Ltd.

15/156—Martin, Lyn Duncan; Schulbergs, John.

15/157—Martin, Lyn Duncan; Schulbergs, John.

15/158—Martin, Lyn Duncan; Schulbergs, John.

Prospecting Licences

15/2598—Ashton Gold (WA) Ltd.

15/2599—Ashton Gold (WA) Ltd.

15/2600—Ashton Gold (WA) Ltd.

15/3158—Williams, Ross John; Nunyea, Audrey Dorothy.

MN404

MINING ACT 1978**Notice of Intention to Forfeit**Department of Minerals and Energy,
Perth WA 6000.

In accordance with Regulation 50(b) of the Mining Act 1978, notice is hereby given that unless the rent due on the undermentioned licences and leases is paid on or before 8 October 1993 it is the intention of the Hon Minister for Mines under the provisions of sections 96A(1) and 97(1) of the Mining Act 1978 to forfeit such for breach of covenant, *viz.*, non-payment of rent.

L. RANFORD, Acting Director General.

Number	Holder	Mineral Field
<i>Exploration Licences</i>		
04/593	Black Swan Quarries Pty Ltd	West Kimberley
04/678	Zenith NL	West Kimberley
04/729	Higgins; Desmond Roy	West Kimberley
08/591	Blue Sky Mining Pty Ltd	Ashburton
	Entrepreneurs Club International Consolidated Pty Ltd	
09/520	Kunievski; Angelo	Gascoyne
	Morgan; Alfred Douglas	
	Shemmessian; Dikrun	
09/540	Philo Pty Ltd	Gascoyne
	Seneca Pty Ltd	
31/90	Striker Holdings Pty Ltd	North Coolgardie
31/97	Striker Holdings Pty Ltd	North Coolgardie
45/830	Newcrest Mining Ltd	Pilbara
45/837	Newcrest Mining Ltd	Pilbara
45/1231	STT Pty Ltd	Pilbara
47/562	Kunievski; Angelo	West Pilbara
	Shemmessian; Dikrun	
47/575	Precious Gems of Western Australia Pty Ltd	West Pilbara
47/587	Blue Sky Mining Pty Ltd	West Pilbara
51/334	Bell; Louis Alexander	Murchison
	Treacy; Joseph Allen	
53/241	Eagle Mining Corporation NL	East Murchison
	Hunter Resources Ltd	
53/242	Eagle Mining Corporation NL	East Murchison
	Hunter Resources Ltd	
59/350	Gold Partners NL	Yalgoo
	Samantha Gold NL	
70/1047	Eldorado Resources NL	South West
	Peko Exploration Ltd	
70/1048	Fraser Range Granite NL	South West
77/371	Guerini; Cleto Mauro	Yilgarn
	Guerini; Robert	
	Guerini; Sergio Cesare	
	Marchesi; Lloyd Cesari	
	Seabrooke; Gary Denham	
77/424	Mount Manning Resources Ltd	Yilgarn
Number	Holder	Mineral Field
<i>Mining Leases</i>		
08/11	Warne; Samuel Brian	Ashburton
08/12	Nelson; Vernom Trevor	Ashburton
15/170	Stillman; William James	Coolgardie
15/243	Molloy; Laurence John	Coolgardie
	Andrew; Boyd	
15/393	Centaur Mining & Exploration Ltd	Coolgardie
15/394	Centaur Mining & Exploration Ltd	Coolgardie
15/396	Centaur Mining & Exploration Ltd	Coolgardie
15/580	Samantha Gold NL	Coolgardie
15/581	Samantha Gold NL	Coolgardie
16/43	Gilbert; Barry Lockyer	Coolgardie
	Gilbert; Robert Edward	
	Hewitt; Gregory Philip	
	Worthington-Eyre; Bryan Eric	
21/23	Dorsett; Jon	Murchison
	Tuckanarra Minerals NL	
26/150	Mannkal Mining Pty Ltd	East Coolgardie
	Mazza; James Antonio	
27/157	Delta Gold NL	North East Coolgardie
	Peko Gold Ltd	
29/27	Cock; Frederick John	North Coolgardie
29/113	Golden Deeps Ltd	North Coolgardie
37/30	Goode; William Donald	Mt Margaret
	Gould; Robert John	
	Kamin Pty Ltd	
37/323	Dixon; Trevor John	Mt Margaret
38/241	Dixon; Trevor John	Mt Margaret
45/93	The Readymix Group (Australia) Ltd	Pilbara
45/300	Jays Exploration Pty Ltd	Pilbara
46/34	Imdex NL	Pilbara
46/35	Imdex NL	Pilbara

Number	Holder	Mineral Field
<i>Mining Leases</i>		
47/62	Quarry Industries Ltd	West Pilbara
47/222	Dumpna Pty Ltd	West Pilbara
47/226	Rocca; Guiseppe	West Pilbara
	Rocca; Pamela Margaret	
	Rocca; Stephen Joseph	
47/246	Dumpna Pty Ltd	West Pilbara
47/293	Rocca; Guiseppe	West Pilbara
	Rocca; Pamela Margaret	
	Rocca; Stephen Joseph	
52/60	Horseshoe Gold Mines Pty Ltd	Peak Hill
52/70	Quarry Industries Ltd	Peak Hill
63/85	Whitfield Minerals Pty Ltd	Dundas
63/87	Whitfield Minerals Pty Ltd	Dundas
70/619	Framil Pty Ltd	South West
70/631	Haggarty; Arnold Dickenson	South West
77/358	Holland; Craig Anthony	Yilgarn
77/449	Locsei; Janos	Yilgarn
	Wanless; Robert James	

MN405

MINING ACT 1978**Notice of Application for an Order for Forfeiture**

Department of Minerals and Energy.

In accordance with Regulation 49 (2) (c) of the Mining Act 1978, notice is hereby given that the licences are liable to forfeiture under the provisions of section 96 (1) (a) for breach of covenant, *viz.* non-payment of rent.

V. FRENCH, Warden.

To be heard in the Warden's Court Perth on the 22nd day of October 1993.

SOUTH WEST MINERAL FIELD*Prospecting Licences*

70/969—McNab, Ralph Alexander.

70/1064—Nickelseekers Ltd.

70/1078—Martinick Holdings Pty Ltd.

70/1080—Crook, Thomas Ambler; Jones, Robert Joseph.

OCCUPATIONAL HEALTH SAFETY AND WELFARE

OA401

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT 1984**OCCUPATIONAL HEALTH, SAFETY AND WELFARE REGULATIONS 1988****Exemption Certificate Under Regulation 213**

(No. 21 of 1993)

I, Neil Bartholomaeus Commissioner for Occupational Health, Safety and Welfare, hereby grant an exemption to Desmond Howson from the Requirements of Regulation 1003 (1) (b) (iii) of the Occupational Health, Safety and Welfare Regulations 1988 in relation to operation of the boiler at Karratha Laundry and Drycleaners on 10 September 1993.

Dated this 8th day of September 1993.

NEIL BARTHOLOMAEUS,
Commissioner for Occupational Health, Safety and Welfare.

PLANNING AND URBAN DEVELOPMENT

PD401

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

METROPOLITAN REGION SCHEME

Notice of Major Amendment

The North-West Corridor

(Alkimos-Eglinton)

File No: 809-2-30-6, PV2.

Amendment No: 932/33.

1. It is hereby notified for public information that the Metropolitan Planning Council at its meeting held on August 4, 1993, resolved in accordance with the provisions of section 33 of the Metropolitan Region Town Planning Scheme Act 1959 to propose an amendment to the Metropolitan Region Scheme and the Hon Minister for Planning has consented to public submissions being sought in respect of the proposed amendment outlined in the First Schedule hereunder.

2. Copies of the maps that form part of the Metropolitan Region Scheme that are proposed to be amended will be available from Monday September 6, 1993 to Friday December 10, 1993 for public inspection free of charge during normal office hours, at each of the places mentioned in the Second Schedule hereunder.

3. Any person who desires to make a submission either supporting or objecting to any provisions of the proposed amendment may do so on the prescribed Form 6A. Submission forms are available on request from the display locations and must be lodged with the Secretary, State Planning Commission, c/- Department of Planning and Urban Development, 469-489 Wellington Street, Perth WA 6000, on or before 4.30 pm Friday December 10, 1993.

GORDON G. SMITH, Secretary.

First Schedule

The Metropolitan Region Scheme is proposed to be amended by substituting the Zones and Reservations shown on Amending Map Sheet Number 3/12m for those parts of Map Sheet Numbers 3.

The effect of the proposed amendment is to rezone land in the Alkimos-Eglinton area, City of Wanneroo from the Rural Zone and Other Major Highways Reservation to the Urban Zone, Urban Deferred Zone, Controlled Access Highway Reservation, Important Regional Roads Reservation, Parks and Recreation Reservation, Public Purposes Reservation, Other Major Highways Reservation and Railways Reservation.

The purpose of the amendment is to give statutory effect to planning proposals for the Alkimos-Eglinton area of the North-West Corridor.

The proposed amendment is depicted on State Planning Commission Plan Number 1.2845 and in more detail on Plan Numbers 1.2846-51, 1.2853-59, 1.2862-70 and 3.0688-89.

Second Schedule

Public Inspection (during normal office hours)

The Amendment Plan No. 1.2845 and detail Plan Numbers 1.2846-51, 1.2853-59, 1.2862-70 and 3.0688-89 will be available for inspection from Monday September 6, 1993 to Friday December 10, 1993 at each of the following places:

(a) Department of Planning and Urban Development

1st Floor Albert Facey House
469-489 Wellington Street
Perth WA 6000

(b) Council Offices of the municipalities of:

(i) City of Perth

27 St George's Terrace
Perth WA 6000

(ii) City of Fremantle

Corner Newman and William Streets
Fremantle WA 6160

(iii) City of Wanneroo

Administration Centre
Boas Avenue
Joondalup WA 6027

(c) J. S. Battye Library

Alexander Library Building
Cultural Centre
Francis Street
Northbridge WA 6163

PD403**TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT***Shire of Denmark*

Town Planning Scheme No. 2—Amendment No. 49

Ref: 853/5/7/2, Pt. 49.

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 Denmark Town Planning Scheme Amendment on September 2, 1993, for the purpose of—

1. Rezoning Lot 368 Kearsley Road, Denmark, from "Rural" zone to "Residential 1" zone and "Parks and Recreation (Non Restricted)" Reserve.
2. Rezoning Pt Lot 357 Mt Shadforth Road, Denmark, from "Holiday Accommodation" zone to "Residential 1" zone, "Residential 2" zone and "Parks and Recreation (Non Restricted)" Reserve.
3. Amending the face of the Scheme Map accordingly.

D. MORRELL, President.
P. DURTANOVICH, Shire Clerk.

PD404**TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT***Shire of Manjimup*

Town Planning Scheme No. 2—Amendment No. 36

Ref: 853/6/14/20, Pt. 36.

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 has approved the Shire of Manjimup Town Planning Scheme Amendment on September 2, 1993, for the purpose of rezoning Part Nelson Location 6785 Vasse Highway from Rural to Short Stay Residential.

G. W. A. WALTER, President.
M. D. RIGOLL, Shire Clerk.

PD405**TOWN PLANNING AND DEVELOPMENT ACT 1928
APPROVED TOWN PLANNING SCHEME AMENDMENT***Shire of Manjimup*

Town Planning Scheme No. 2—Amendment No. 40

Ref: 853/6/14/20, Pt. 40.

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 Manjimup, Town Planning Scheme Amendment on 2 September 1993 for the purpose of—

1. Rezoning Pt Lot 5 of Nelson Location 3922 Quininup from "Rural" zone to "Short Stay Residential" zone; and
2. Adding to Appendix 2 of the Scheme the following—
"Area No. 4—Lot 5 of Nelson Location 3922, Quininup."

Special provisions—

- (i) Council will require the developer of the land to prepare a development plan in sufficient detail so that Council may determine the possible impact of the development on the environment of the area in which the development is proposed. The development plan shall include the following detail—
 - The location of the proposed buildings and other development on the site.
 - Information regarding the method by which the development will be provided with services.
 - The proposed staging (if any) of the development.
 - Existing and proposed means of access for vehicles and pedestrians to and from the site.
 - Contours and physical features including streams, stands of trees and

other amenities either natural or artificial.

- Location of vegetation to be cleared and retained, landscape protection area and stream protection area.
 - Any other information that Council considers pertinent having regard to the development proposal.
- (ii) The texture, colour and architectural style of building shall be in harmony with the character and image of the locality. Council shall encourage the use of local building materials in the construction of buildings.
- (iii) Development on the site is to be connected to a reticulated water supply to the satisfaction of the Water Authority of Western Australia.
- (iv) The provision of a reticulated sewerage effluent disposal system to the specification and satisfaction of the Water Authority of Western Australia, Health Department and Local Authority.

G. W. A. WALTER, President.
M. D. RIGOLL, Shire Clerk.

PD501

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

Town Planning Scheme No. 1A—Amendment No. 192

Ref: 853/6/13/9, Pt. 192.

Notice is hereby given that the City of Mandurah has prepared the abovementioned scheme amendment for the purpose of rezoning Pt Murray Location 1036, Florida from "Rural" and "Future Urban" to "Residential 2", "Commercial", "Community Purpose" and "District Recreation".

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 October 29, 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before October 29, 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.

S. K. GOODE, Town Clerk.

PD502

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

Town Planning Scheme No. 1A—Amendment No. 196

Ref: 853/6/13/9, Pt. 196.

Notice is hereby given that the City of Mandurah has prepared the abovementioned scheme amendment for the purpose of transferring approximately 0.8ha of Lot 1002, Seawind Drive, Mandurah from the Local Recreation Reserve to the Residential 1 Zone (Single Residential) and including it within the Residential Planning Code R12.5.

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 October 29, 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before October 29, 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.

S. K. GOODE, Town Clerk.

PD503

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

Town Planning Scheme No. 1A—Amendment No. 199

Ref: 853/6/13/9, Pt. 199.

Notice is hereby given that the City of Mandurah has prepared the abovementioned scheme amendment for the purpose of rezoning Lots 1, 12, 15, 16, 100, 101, 102 and 103 Buckingham Drive, Wannanup from "Special Rural" and "Landscape Protection Area" to "Residential 2 (R20)" and "Local Recreation 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 October 29, 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before October 29, 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.

S. K. GOODE, Town Clerk.

PD504

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION
City of Rockingham

Town Planning Scheme No. 1—Amendment No. 237

Ref: 853/2/28/1, Pt. 237.

Notice is hereby given that the City of Rockingham has prepared the abovementioned scheme amendment for the purpose of adding to the Scheme Text after Clause 5.20 (xxxii), the following—

"5.20 (xxxii) Lots 1 and 175 Livingstone Road, Leach Crescent and Leghorn Street, Rockingham, for no other purpose than a 'Restaurant' or for uses permitted in the Service Commercial Zone under the Scheme."

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Council Avenue, Rockingham, 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 October 29, 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before October 29, 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.

G. G. HOLLAND, Town Clerk.

PD505

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENTS AVAILABLE FOR INSPECTION
Shire of Brookton

Town Planning Scheme No. 2—Amendment Nos. 5 and 6

Ref: 853/4/6/2, Pts. 5 and 6.

Notice is hereby given that the Shire of Brookton has prepared the abovementioned scheme amendments for the purpose of—

Amendment No. 5: rezoning Lot 14 Robinson Road, Brookton from "Residential" to "Commercial".

Amendment No. 6: rezoning Lot 6 Great Southern Highway, Brookton from "Rural" to "Commercial".

Plans and documents setting out and explaining the scheme amendments have been deposited at Council Offices, 14 White Street, Brookton, 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 October 29, 1993.

Submissions on the scheme amendments should be made in writing on Form No. 4 and lodged with the undersigned on or before October 22, 1993.

These amendments are 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. N. CURLEY, Shire Clerk.

PD506

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Roebourne

Town Planning Scheme No. 6—Amendment No. 30

Ref: 853/8/5/4, Pt. 30.

Notice is hereby given that the Shire of Roebourne has prepared the abovementioned scheme amendment for the purpose of:

- (1) Modifying the current zoning of Lot 2364 Dwyer Place, Karratha, to "Special Uses—Church and Community Purposes".
- (2) Amending Schedule 2 to the Scheme Text "Designated Uses of Special Use Zone Sites" relating to Lot 2364 to read as follows:

Lot No.	Street or Road	Owner	Designated Uses
2364	Dwyer Place	Karratha Apostolic Church	Church & Community Purposes

- (3) Amending the Scheme Map accordingly.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Office, Welcome Road, Karratha, 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 October 29, 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before October 29, 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.

F. GOW, Shire Clerk.

PD507

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Wyndham-East Kimberley

Town Planning Scheme No. 4—Amendment No. 28

Ref: 853/7/5/6, Pt. 28.

Notice is hereby given that the Shire of Wyndham-East Kimberley has prepared the abovementioned scheme amendment for the purpose of rezoning Lots 11, 12, 13 and 14 Weaber Plain Road, Kununurra from Rural A to Rural B.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Coolibah Drive, Kununurra, 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 29 October 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 29 October 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. CHEVERTON, Shire Clerk.

PD508

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Wyndham-East Kimberley

Town Planning Scheme No. 4—Amendment No. 29

Ref: 853/7/5/6, Pt. 29.

Notice is hereby given that the Shire of Wyndham-East Kimberley has prepared the abovementioned scheme amendment for the purpose of—

1. Amending the Scheme Maps to rezone that portion of Kununurra Lot 2257 that is currently zoned "Rural" to "Special Site" (Truck Depot/Roadhouse).
2. Amending Appendix 4—Special Sites Schedule of the accompanying text to incorporate additional land acquired as Kununurra Lot 2257.

3. To extend previous Lot 2256 to lengthen the buffer strip as frontage to the extension of Kununurra Lot 2257. Note that Kununurra Lot 2256 is deleted and now re-numbered to 2425.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Coolibah Drive, Kununurra, 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 15 October 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 15 October 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. CHEVERTON, Shire Clerk.

PORT AUTHORITIES

PH401

ALBANY PORT AUTHORITY ACT 1926

NOTICE

Application to Lease

In accordance with the provision of section 25 of the Albany Port Authority Act 1926, it is hereby advertised that an application has been received from the Albany Waterways Management Authority for the lease of Lot 13 of Port land vested in the Albany Port Authority for a period exceeding three years for the purpose of storage and repair of plant and equipment.

Dated this 26th day of August 1993.

C. R. BERRY, Acting General Manager.

PH402

FREMANTLE PORT AUTHORITY ACT 1902

APPLICATION FOR LEASE

In accordance with the provisions of section 27 (4) of the Fremantle Port Authority Act 1902, Fremantle Port Authority of 1 Cliff Street, Fremantle advertises that application has been received from Optus Communications Pty Ltd for the lease of an area located on the Fremantle Port Authority Administration Building, 1 Cliff Street, Fremantle, which is situated on land vested in the Fremantle Port Authority for a term exceeding three years for the purpose of instalment of communication equipment.

Dated 8 September 1993.

C. LEATT-HAYTER, Planning and Development Manager.

RACING AND GAMING

RA401

SUMMARY OF LIQUOR LICENSING APPLICATIONS

The following is a summary of applications received under the Liquor Licensing Act 1988 and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Liquor Licensing Division, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth (telephone: 425 1888), or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Day for Objections
GRANT OF LICENCE			
248	Rayson Management Pty. Ltd.	Application for the grant of a restaurant licence in respect of premises situated at 9 George Road, Geraldton and known as the Skeeta's Garden Restaurant	13/10/93
249	Helen R. Soter	Application for the grant of a liquor store licence in respect of premises situated at Lot 100 Third Avenue, Wittenoom and known as Wittenoom Traders	10/10/93

App. No.	Applicant	Nature of Application	Last Day for Objections
250	Wattle Garden Pty. Ltd.	Application for the grant of a cabaret licence in respect of premises situated at 135A James Street, Northbridge and known as the L'Aurora Nightclub	11/10/93
TRANSFER OF LICENCE			
403	G. L. McQuat and K. J. & S. Watkins	Application for the transfer of a hotel licence in respect of premises situated at Great Northern Highway, Bullsbrook, and known as the Chequers Hotel, from ACN 050921723 Pty. Ltd.	21/9/93
404	Sari Pty. Ltd.	Application for the transfer of a restaurant licence in respect of premises situated at 3 Troode Street, Munster and known as Cables Bar and Grill, from Cable Water Skiing (Aust) Pty. Ltd.	21/9/93
405	Cascon (WA) Pty. Ltd.	Application for the transfer of a hotel licence in respect of premises situated at Narembeen and known as the Narembeen Hotel, from Tacea Pty. Ltd. (s87)	29/9/93
406	Purdatt Pty. Ltd.	Application for the transfer of a tavern licence in respect of premises situated at 41 Pearson Street, Ashfield and known as the Ashfield Tavern, from Purdatt Pty. Ltd. (s87)	23/9/93
407	IRP Pty. Ltd. and KCD Enterprises Pty. Ltd.	Application for the transfer of a liquor store licence in respect of premises situated at 1288 Hay Street, Perth and known as Gangemis Food and Liquor Store from Skipworth Nominees Pty. Ltd.	24/9/93
408	Gardeb Pty. Ltd.	Application for the transfer of a hotel licence in respect of premises situated at Cnr Beach Road and Dorchester Avenue, Warwick and known as the Warwick Hotel, from Ericy Pty. Ltd.	24/9/93
409	Admetus Nominees Pty. Ltd.	Application for the transfer of a hotel licence in respect of premises situated at Cnr of Quinns Road and Tapping Way, Quinns Rock and known as the Quinns Rock Liquor Store from Eldorado Pty. Ltd.	23/9/93

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

G. B. AVES, Director of Liquor Licensing.

TRANSPORT

TR401

ESPERANCE PORT AUTHORITY ACT 1968

Office of the Minister for Transport,
Perth.

It is hereby notified for your general information that His Excellency the Governor in Executive Council has approved the re-appointment of Mr Ugo Capelli as Member of the Esperance Port Authority for a one-year period expiring on 31 August 1994.

This appointment is in accordance with sections 7 and 8 of the Esperance Port Authority Act.

E. CHARLTON, Minister for Transport.

WATER AUTHORITY

WA301

WATER AUTHORITY ACT 1984

WATER AUTHORITY VESTING ORDER (No. 3) OF 1993

Made by His Excellency the Governor in Executive Council under Section 8 (3).

Citation

1. This order may be cited as the Water Authority Vesting Order (No. 3) of 1993.

Vesting of Schedule 1 Interest in Land

2. The interest of Her Majesty Queen Elizabeth the Second as Registered Proprietor of an estate in fee simple of all those resumed land specified in Schedule 1 shall be vested in Water Authority of Western Australia of 629 Newcastle Street Leederville.

Vesting of Schedule 2 Interest in Land

3. The interest of Minister of Water Supply Sewerage and Drainage of Saint Georges Terrace Perth as Registered Proprietor of an estate in fee simple of all those land specified in Schedule 2 shall be vested in Water Authority of Western Australia of 629 Newcastle Street Leederville.

Vesting of Schedule 3 Interest in Land

4. The interest of Metropolitan Water Supply Sewerage and Drainage Board of 2 Havelock Street West Perth as Registered Proprietor of an estate in fee simple of all those land specified in Schedule 3 shall be vested in Water Authority of Western Australia of 629 Newcastle Street Leederville.

Vesting of Schedule 4 Interest in Land

5. The interest of the Metropolitan Water Authority of 629 Newcastle Street Leederville as Registered Proprietor of an estate in fee simple of those land specified in Schedule 4 shall be vested in Water Authority of Western Australia of 629 Newcastle Street Leederville.

Vesting of Schedule 5 Interest in Land

6. The interest of the Minister of Water Supply Sewerage and Drainage as Grantee of an easement over that part of the land specified in Schedule 5 shall be vested in Water Authority of Western Australia of 629 Newcastle Street Leederville.

Vesting of Schedule 6 Interest in Land

7. The interest of Minister for Works as purchaser of an estate in fee simple of all those land specified in Schedule 6 shall be vested in the Water Authority of Western Australia of 629 Newcastle Street Leederville.

Vesting of Schedule 7 Interest in Land

8. The interest of Metropolitan Water Supply Sewerage and Drainage Board as Grantee of an easement over those part of the land specified in Schedule 7 shall be vested in the Water Authority of Western Australia of 629 Newcastle Street Leederville.

Vesting of Schedule 8 Interest in Land

9. The interest of Minister for Water Resources of 2 Havelock Street West Perth as Registered Proprietor of an estate in fee simple of all those land specified in Schedule 8 shall be vested in Water Authority of Western Australia of 629 Newcastle Street Leederville.

Schedule 1

1. Murray Location 1218 and being the whole of the land comprised in Certificate of Title Volume 848 Folio 91.
2. Murray Locations 594 and 645 and being the whole of the land comprised in Certificate of Title Volume 937 Folio 127.
3. Murray Location 508 and being the whole of the land comprised in Certificate of Title Volume 1010 Folio 366.
4. Portion of Murray Location 542 and being the whole of the land comprised in Certificate of Title Volume 1105 Folio 824.
5. Portion of Esperance Location 19 and being Lot 28 on Plan 2260 and being the whole of the land comprised in Certificate of Title Volume 1214 Folio 729.
6. Portion of King Location 255 and being the whole of the land comprised in Certificate of Title Volume 1594 Folio 620.

Schedule 2

1. Portion of Canning Location 2 and being Lot 797 on Plan 1734 and being the whole of the land comprised in Certificate of Title Volume 1048 Folio 75.
2. Portion of Canning Location 2 and being Lot 796 on Plan 1734 and being the whole of the land comprised in Certificate of Title Volume 1030 Folio 942.
3. Portion of Canning Location 2 and being Lot 799 on Plan 1734 and being the whole of the land comprised in Certificate of Title Volume 1204 Folio 575.

4. Portion of Canning Location 2 and being Lot 798 on Plan 1734 and being the whole of the land comprised in Certificate of Title Volume 1204 Folio 574.
5. Portion of Canning Location 25 and being part of the land on Plan 7865 and being the whole of the land comprised in Certificate of Title Volume 1276 Folio 435.

Schedule 3

1. Portion of each of Swan Locations 34 and 8491 and being Lot 309 on Plan 9499 and being the whole of the land comprised in Certificate of Title Volume 1363 Folio 279.
2. Canning Location 295 and being the whole of the land comprised in Certificate of Title Volume 1305 Folio 864.
3. Portion of Canning Location 12 and being that part of the land comprised in Plan 12285 and being the resumed land remaining in Certificate of Title Volume 1324 Folio 579.

Schedule 4

1. Portion of Canning Location 631 and being Lot 59 the subject of Diagram 65492 and being the whole of the land comprised in Certificate of Title Volume 1664 Folio 401.
2. Portion of Canning Location 16 and being part of Lot 135 on Plan 11606 and being the whole of the land comprised in Certificate of Title Volume 1629 Folio 842.

Schedule 5

1. Portion of Cockburn Sound Location 16 and being part of Lot 6 on Plan 4496 (Sheet 2) and being that part of the land in Transfer B436687 coloured blue on the map to the margin in the Second Schedule to the Certificate of Title Volume 1562 Folio 3.

Schedule 6

1. Portions of Avon Location 13086 delineated and coloured green on the plans attached to Caveat No's 2029/1960 and B840335 and being part of the land in Certificate of Title Volume 1091 Folio 956.
2. Portion of Avon Location 13086 the subject of Diagram 36938 delineated and coloured green on the plan attached to Caveat No. 2029/1960 and being part of the land in Certificate of Title Volume 214 Folio 147A.
3. Portion of King Location 257 delineated and coloured green on the plan attached to Caveat No. C272227 and being part of the land in Certificate of Title Volume 1959 Folio 953.

Schedule 7

1. Portion of Swan Location 7 and being Lot 100 the subject of Plan 13749 and being that part of the land in Transfers C272365 and C272366 coloured blue and brown on the map to the margin in the Second Schedule to the Certificate of Title Volume 1609 Folio 117.
2. Portion of Swan Location 7 and being Lot 39 on Diagram 67015 and being that part of the land in Transfer B910769 marked "A" on the map to the margin in the Second Schedule to the Certificate of Title Volume 1789 Folio 491.
3. Portion of Swan Location 7 and being part of Lot 32 on Plan 13224 and being that part of the land in Transfer B910769 marked "C" on the map to the margin in the second Schedule to the Certificate of Title Volume 1789 Folio 489.

Schedule 8

1. Wellington Location 776 and being the whole of the land comprised in Certificate of Title Volume 1541 Folio 142.
2. Wellington Location 778 and being the whole of the land comprised in Certificate of Title Volume 1541 Folio 144.
3. Wellington Location 779 and being the whole of the land comprised in Certificate of Title volume 1541 Folio 145.
4. Wellington Location 783 and being the whole of the land comprised in Certificate of title Volume 1541 Folio 146.
5. Wellington Location 1174 and being the whole of the land comprised in Certificate of Title Volume 1541 Folio 147.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

WORKERS' COMPENSATION AND REHABILITATION

WC301 WORKERS' COMPENSATION AND REHABILITATION ACT 1981

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT REGULATIONS (NO. 3) 1993

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Workers' Compensation and Rehabilitation Amendment Regulations (No. 3) 1993*.

Regulation 17A amended

2. Regulation 17A of the *Workers' Compensation and Rehabilitation Regulations 1982** is amended in paragraph (b) by deleting "\$43" and substituting the following —

" \$44 ".

[* Reprinted as at 30 April 1992.

For amendments to 14 June 1993 see 1992 Index to Legislation of Western Australia, Table 4, p. 324, and Gazette of 5 February 1993.]

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

TENDERS

ZT201

MAIN ROADS

Tenders

Tenders are invited for the following projects.

Tender documents are available from the Contracts Clerk, Supply Branch, Ground Floor, Waterloo Crescent, East Perth.

Tender No.	Description	Closing Date
		1993
63/93	Supply and delivery of crushed aggregate, Kalgoorlie Division.	28 Sept.
74/93	Supply and delivery of coldmix, Bunbury Division.	24 Sept.
77/93	Supply and delivery of coldmix, Narrogin Division.	24 Sept.
79/93	Catering and janitorial services MRWA camp—Nannup.	21 Sept.
82/93	Provision of routine testing for Northam Division.	24 Sept.

ZT202

Acceptance of Tenders

Contract No.	Description	Successful Tenderer	Amount
			\$
270/92	Supply and delivery of one (1) to two (2) 4 wheel Drive Loaders in accordance with Specification P614.	CJD Equipment P/L .	100 000.00
277/92	Supply and delivery of one (1) Skid Mounted Transportable Office for the Northam Division.	Ausco Structures	31 830.00

Acceptance of Tenders—continued

Contract No.	Description	Successful Tenderer	Amount
			\$
38/93	Supply and delivery of one (1) only 4m ³ refuse compactor body in accordance with Specification P623.	Waste Master	34 050.00
70/93	Purchase, demolition and removal of improvements at Lots 1-3 and 7 Scarborough Beach Road, Stirling.	Statewide Demolition .	3 700.00
93Q10	Supply and delivery of lighting reflectors and tubes.	Maxilight Industries WA	44 911.00

D. R. WARNER, Director, Corporate Services.

ZT301**STATE SUPPLY COMMISSION***Tenders Invited*

Tender forms and full particulars of the Schedule hereunder may be obtained on application at the State Supply Commission, 815 Hay Street, Perth, 6000.

TELEPHONE No. 222 8491 or 222 8241

FACSIMILE No. 321 7918

Date of Advertising	Schedule No.	Description	Date of Closing
1993			1993
August 13	027A1993	Hardware Products and Building Supplies for a one (1) year period with an option exercisable by the Commission to extend for a further two (2) twelve (12) month periods	Sept. 23
Sept. 3	017A1993	Pipes, Bars, Angles and Assorted Metal Products to various Government Departments	Sept. 23
Sept. 3	118B1993	Envelopes (Plain and OHMS) to Supply West	Sept. 23
Sept. 3	422A1993	Installation and Commissioning of two (2) only Daylight X-ray Film Processing Equipment for the Radiology Department of Emergency Medicine, Royal Perth Hospital	Sept. 23
Sept. 3	427A1993	Desktop and Laptop Computers and Related Equipment for the Department of Minerals and Energy	Sept. 23
Sept. 10	424A1993	One (1) Flexible Endoscopic Cleaner for the Health Department (Diagnostics Section)	Sept. 23
Sept. 10	426A1993	Catering Goods on a "Just in Time" basis for Fremantle Hospital for a twelve (12) month period	Sept. 30
Sept. 10	436A1993	One (1) Tip Truck as per Specification for Swan River Trust	Sept. 30
Sept. 17	057A1993	Leather Jackets in accordance with Specification 6/92 AMDT No. 04 (April 1992) for the West Australian Police Dept.	October 7
Sept. 17	135B1993	Furniture Groups 3 and 6 (Wood Furniture for Office and Library Use) for a twelve (12) month period with an option to extend for two (2) further twelve (12) months to various Govt Depts	October 7
Sept. 17	296A1993	Mid Band and High Band VHF Mobile Radio Equipment for various Fire Services and Government Agencies for a three (3) year period	October 14
Sept. 17	439A1993	Installation and maintenance of Computing Equipment and Associated Software for the Public Trust Office .	October 14
<i>For Service</i>			
Sept. 3	216A1993	Cleaning of North Metropolitan College of TAFE—Carine Campus for Classification "B" Cleaners—Inspection: Tuesday, 14 September 1993 at 3.00 pm	Sept. 23
August 27	257A1993	Travel Reservation Service for Various Government Departments, period 2 years + 1 year option	Sept. 30

Date of Advertising	Schedule No.	Description	Date of Closing
1993			1993
		<i>Pre-Tender Briefing</i>	
		The State Supply Commission conducted a briefing session for potential tenderers on 1 September 1993. Details are available by telephoning (09) 222 8387 or by facsimile to (09) 321 7918.	
Sept. 3	290A1993	Security Service—Please note this tender has been withdrawn.	
Sept. 10	214A1993	Cleaning of South Metropolitan College of TAFE—Rockingham Campus for Classification "A" Cleaners—Inspection: Wednesday, 22 September 1993 at 3.00 pm	Sept. 30
Sept. 10	219A1993	The provision of a Fully Comprehensive Maintenance Service Agreement for Air Conditioning Services at Fremantle Hospital for a one (1) year period with an option exercisable by the Commission to extend for five (5) further one (1) year periods	Sept. 30
Sept. 10	249A1993	Lawnmowing Service for the Ministry of Sport and Recreation at various locations within the metropolitan area for a twelve (12) month period with an option to extend for an additional (12) months	Sept. 30
Sept. 10	284A1993	Printing and Mailing of the Monthly Publication, "Education Circular" for the Ministry of Education, Communications and Public Relations	Sept. 30
Sept. 17	217A1993	Cleaning, TAFE External Studies for Classification "B" Cleaners—Inspection: Wednesday, 29 September 1993 at 10.00 am	October 7
		<i>Invitation to Register Interest</i>	
Sept. 3	ITRI 10/93	Financial Software Products for Department for Community Development	Sept. 23
		A Briefing Session for the above contract will be held at: The Department for Community Development on Friday, 10 September 1993 at 9.30 am on the 1st Floor, Rooms 108/109, 189 Royal Street, East Perth.	
		<i>For Sale</i>	
Sept. 3	428A1993	Massey Ferguson 4WD Rubber Tyred Tractor (MR 6757) (XQY 405) for Main Roads, Welshpool	Sept. 23
Sept. 3	429A1993	Fabco 5 Berth Skid Sleeper Unit (MR 1012) for Main Roads, Derby	Sept. 23
Sept. 3	430A1993	Fabco Skid Recreation Unit (MR 0922) for Main Roads, Derby	Sept. 23
Sept. 3	431A1993	18000L Bitumen Tanker Trailer (MR 1636) (UQV 703) for Main Roads, Derby	Sept. 23
Sept. 3	432A1993	Massey Ferguson Rubber Tyred Tractor (MR 6667) (XQX 509) for Main Roads, Welshpool	Sept. 23
Sept. 10	433A1993	Chamberlain Rubber Tyred Tractor (MR 6661) (XQX 484) for Main Roads, Welshpool	Sept. 30
Sept. 10	434A1993	Caterpillar Crawler Tractor (MR 3047) (XQF 651) for Main Roads, Welshpool	Sept. 30
Sept. 10	435A1993	Ingersoll Rand Vibrating Tandem Roller (MR 7805) (6QC 594) for Main Roads, Welshpool	Sept. 30
Sept. 17	440A1993	1989 Toyota Hilux (6QU 450) and 1989 Toyota HZ175 Personnel Carrier (6QY 167) for the Agriculture Protection Board, Derby	October 7
Sept. 17	441A1993	1978 Skid Mounted Recreation Unit (MR 3409) for Main Roads, South Hedland	October 7
Sept. 17	442A1993	1991 Toyota Landcruiser Stn Sdn 4x4 (7QF 127) for the Building Management Authority, Broome	October 7
Sept. 17	443A1993	1978 M.A.N. Omnibus 168R (TC 813) for the Eastern Goldfields Transport Board, Kalgoorlie	October 7

Tenders addressed to the Chairman, State Supply Commission, 815 Hay Street, Perth 6000 will be received for the abovementioned tenders until 10.00 am on the date of closing.

Tenders must be properly endorsed on envelopes otherwise they are liable to rejection. No tender necessarily accepted.

L. W. GRAHAM, Chairman, State Supply Commission.

ZT302

Accepted Tenders

Schedule No.	Particulars	Contractor	Rate
<i>Supply and Delivery</i>			
113A1993	Petroleum Lubricants	Caltex Oil (Aust) P/L	Details on Request
171A1993	Lithographic Plates and associated chemicals for State Print	West Graphic Supplies ..	Details on Request
410A1993	Free on transport at Kwinana, Bunbury or Albany Ports of bulk fertiliser for the Dept of Conservation and Land Management	Various	Details on Request
4581993	Wheel Skid and Brake System for the WA Govt Railway Commission, Westrail	Various	Details on Request
<i>Provision of Services</i>			
413A1993	Consultancy Service for "Jervoise Bay" and Henderson Industrial Estate Planning Study for the Dept of Commerce and Trade	Halpern Glick Maunsell P/L	\$75 940.00 total
<i>Purchase and Removal</i>			
421A1993	Five (5)-six (6) tonnes (approx.) of Scrap Aluminium Plates at State Print	Nonferral (WA) P/L	\$1.16 per kg

ZT401

WATER AUTHORITY OF WESTERN AUSTRALIA

Tenders

Tenders are invited for the projects listed below and will be accepted up to 2.30 pm on the closing date specified.

Tender documents are available from the Supply Services Branch, Level 1, Entry 4, John Tonkin Water Centre, 629 Newcastle Street, Leederville, WA 6007.

Tender documents must be completed in full, sealed in the envelope provided and placed in the Tender Box located at the above Leederville address.

The lowest or any tender may not necessarily be accepted.

Contract No.	Description	Closing Date
1993		
AM 30624	Supply, erection and commissioning of a Pilot Secondary Treatment Plant at Woodman Point Waste Water Treatment Plant.	28 September
UM 30628	Woodbridge Creek Branch Drain Compensating Basin	28 September
NM 30629	Dismantling and re-erection of a 200m ³ roofed water storage on 12m stand and pipework at Tjirrkarli.	28 September
KM 30630	Construction of a 330 sq m office building extension to the Regional Office at Northam.	5 October
AM 31033	Supply of one centrifugal pump for Yerbillon Pump Station	21 September
AP 32021	Supply of 1.25 MPa polyethylene pressure pipe for a 12 month period.	21 September
AV 33316	Supply of two skid steer loaders in accordance with Specification 93P/06.	28 September
AV 33317	Supply of one only 12 500 kg 4WD GVM Tray Top Truck in accordance with Specification 93V/12.	28 September
AV 33318	Supply of one only 12 500 kg 4WD GVM Cab Chassis in accordance with Specification 93V/13.	28 September

ZT402

Accepted Tenders

Contract	Particulars	Contractor	Price
OM 30216	Design and construction of a 100m ³ FRP tank on 12m stand for Joy Springs Aboriginal Community.	Atkinson Steel Products	\$93 115.00
OM 30217	Design and construction of a 100m ³ tank on 12m stand for Ngallungunda Aboriginal Community.	Southern Cross Machinery	\$127 051.00
AM 30219	The Thrust Boring of a steel sleeve beneath Leach Highway near Tribute Street, West Shelley.	Horizontal Under Road Boring	\$64 840.00
OM 30621	Design and construction of a 100m ³ tank on 12m stand for Ngalingkadij Aboriginal Community.	Southern Cross Machinery	\$123 144.00
OM 30622	Design and Construction of a 200m ³ tank on 12m stand for Lamboo Gunian Aboriginal Community.	Southern Cross Machinery	\$168 955.00

W. COX, Managing Director.

PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 11th October 1993, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Ackroyd, Joseph, late of Mt St Camillus Nursing Home, Lewis Road, Forrestfield, died 09/08/93.

Anderson, Hazel Alice, also known as Anderson, Thelma Hazel Alice, late of Waminda Hostel, Adie Court, Bentley, died 30/08/93.

Angel, Percy James, late of Howard Solomon Nursing Home, Hybanthus Road, Ferndale, died 08/08/93.

Bartholomeusz, Rex Arthur Drummond, late of I Kalara Road, Koongamia, died 20/08/93.

Broad, Albert James, late of Rockingham Private Hospital, 14 Langley Street, Rockingham, died 13/06/93.

Canal, Antonio, late of 243 Holbeck Street, Doubleview, died 21/08/93.

Chase-Dunlop, Colin, late of Home of Peace, Walter Road, Inglewood, died 22/08/93.

Cheesman, George Charles, late of 65 Etchingham Road, Balga, died 15/08/93.

Dorrington, Henry James, late of 2/23 Helmsley Street, Scarborough, died 11/08/93.

Evans, Grace Muriel, late of Mandurah Hospital, Lakes Road, Mandurah, died 27/08/93.

Evenson, Olga, late of 59 Ord Street, Nedlands, died 22/08/93.

Frazer, Lily Tjimunjjer, late of Little Sisters of the Poor, Croesus Street, Kalgoorlie, died 31/07/93.

Gregson, Jean Jackson, late of 5/70 Matheson Road, Applecross, died 27/07/93.

Hannaby, Robert John, late of Kambalda Caravan Park, Kambalda, died 27/06/93.

Hernandez, Pablo Leal, late of 6 Bridge Street, Donnybrook, died 23/04/93.

Hesse, Edna May, late of Hollywood Village Nursing Home, 31 Williams Road, Nedlands, died 23/08/93.

Hitches, Harry Edward, late of Craigmont Hospital, Third Avenue, Maylands, died 13/08/93.

Hodgetts, Dennis Roland, late of 90 Ladywell Street, Beckenham, died 13/07/93.

Hopkins, Kate Cecilia, late of Unit 27/44 Seventh Avenue, Maylands, died 11/08/93.

Jones, Muriel Grace, late of 80 Coolgardie Avenue, Redcliffe, died 16/08/93.

Kaps, Eriks, late of Lot 68 Davis Road, Barragup, died 05/11/92.

Leahy, Doreen, late of 3/144 Salvado Road, Wembley, died 22/08/93.

Retell, Millicent Jessie, late of Howard Solomon Nursing Home, 91 Hybanthus Road, Ferndale, died 21/08/93.

Sanderson, Yvonne Theresa, late of 75 Camillo Road, Kelmscott, died 18/07/93.
Stacey, Adrian Fitzgerald, late of Lot 191 Lewis Road, Wattle Grove, died 21/07/93.
Thick, Ethel Irene, late of 37 Harris Street, Beckenham, died 22/08/93.
Winter, Jessie Amelia, late of 7/69 Elsegood Street, Dianella, died 06/09/92.
Zanni, James Victor, late of Unit 4/Lot 29 Millar Street, Waroona, died 13/05/93.
Dated this 17th day of September 1993.

K. E. BRADLEY, Public Trustee,
Public Trust Office, 565 Hay Street, Perth WA 6000.

ZZ202

TRUSTEES ACT 1962

Notice to Creditors

Dyson, Neil Peter, late of 523 Lake Road, Kelmscott, WA, Insulation Fitter, deceased.
Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in the estate of the deceased who died on 1 March 1993 at Kelmscott, WA are required by the trustee Gayle Peta Dyson to send particulars of their claims to her at care of Birman & Ride, GPO Box W2103, Perth WA 6001 by 22 October 1993, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

BIRMAN & RIDE, Barristers & Solicitors.

ZZ203

TRUSTEES ACT 1962

Notice to Creditors

Nolan, Charles Allen, late of 6 Tuam Street, Victoria Park, WA, Timber Worker, deceased.
Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in the estate of the deceased who died on 21 January 1993 at Victoria Park, WA are required by the trustee Catherine Annie Hockey to send particulars of their claims to her at care of Birman & Ride, GPO Box W2103, Perth WA 6001 by 22 October 1993, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

BIRMAN & RIDE, Barristers & Solicitors.

ZZ204

TRUSTEES ACT 1962

Creditors and other persons having claims (to which section 63 of the Trustees Act relates) in respect of the estate of the undermentioned person are required to send particulars of their claims to Mallesons Stephen Jaques, 225 St George's Terrace Perth (G.P.O. Box B75 Perth 6001) by the 17th day of October 1993 after which date the executor or administrator, as the case may be, may convey or distribute the assets having regard only to the claims of which he then has notice.

Niven, Anges Joan, late of Tandara Nursing Home, Jarrah Road, Bentley, Home Duties, who died on 12 March 1993 at Bentley.

Dated this 17th day of September 1993.

ZZ205

TRUSTEES ACT 1962

NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims in respect of the Estate of the late Grace Marion O'Brien who died on 2nd day of May 1993 at Wyalkatchem are requested to send particulars of their claims to the Executor Robert Sydney Jenzen c/- Michael Whyte & Co., Barristers & Solicitors, Level 1, 41-43 Ord Street, West Perth 6005 within one (1) month from the date of publication of this notice after which date the Executor may distribute the assets having regard only to the claims of which he has then had notice and the said Executor shall not be liable to any person of whose claim he has had no notice at any time of administration or distribution.

ZZ301

INQUIRY AGENTS LICENSING ACT 1954
APPLICATION FOR LICENCE IN THE FIRST INSTANCE

To the Court of Petty Sessions at Fremantle.

I, Linda Isobel Guthrie, of 1 Dover Court, Cape Burney, Greenough 6530, (P.O. Box 94 Geraldton 6530), occupation, Manageress, having attained the age of twenty-one years, hereby apply on my own behalf for a licence under the abovementioned Act. The principal place of business will be at Suite 10/35 High Street, Fremantle.

Dated the 18th day of August 1993.

LINDA GUTHRIE, Signature of Applicant.

Appointment of Hearing

I hereby appoint the 19th day of October 1993, at 10 o'clock in the forenoon as the time for the hearing of the foregoing application at the Court of Petty Sessions at Geraldton.

Dated the 18th day of August 1993.

A. W. COUSINS, Clerk of Petty Sessions.

Objection to the granting of the application may be served on the applicant and the Clerk of Petty Sessions at any time prior to seven days before the date appointed for the hearing.

ZZ401

NOTICE OF RETIREMENT FROM PARTNERSHIP

Notice is hereby given that Jennings Group Limited ACN 004 283 523 retired from the partnership previously subsisting between it, Centro Properties Limited ACN 006 378 365 and Pleach Pty Ltd ACN 008 588 403 carrying on business under the firm-name "The Karratha Partnership" on 10 September 1993. Thereafter a new partnership will be carried on by Centro Properties Limited and Pleach Pty Ltd under the firm-name "The Karratha Partnership".

Dated 10 September 1993.

JENNINGS GROUP LIMITED.

ZZ402

NOTICE OF RETIREMENT FROM PARTNERSHIP

R. A. Iffla & Partners of Lake Camm, W.A.

Notice is hereby given that the partnership previously subsisting between Robin Atholstan Iffla, Eileen Cecilia Iffla and Iffla Nominees Pty Ltd (ACN 008 908 807) as trustee for the Iffla Family Trust and John Murray Iffla carrying on business as farmers and contractors at Lake Camm under the style or firm of R. A. Iffla & Partners has dissolved by mutual consent as from the 1st day of February 1993 so far as concerns the said John Murray Iffla who retired from the firm with effect from that date.

Dated: 10 September 1993.

MALLESONS STEPHEN JAQUES,
Solicitors for and on behalf of the
Partnership and John Murray Iffla.

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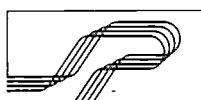
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