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Gazette**



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G. L. DUFFIELD, Director.

**AGRICULTURE****AG401**

**SOIL AND LAND CONSERVATION ACT 1945**  
**NULLARBOR-EYRE HIGHWAY LAND CONSERVATION DISTRICT**  
**(APPOINTMENT OF MEMBERS OF LAND CONSERVATION**  
**DISTRICT COMMITTEE) INSTRUMENT 1995**

Made by the Deputy Commissioner for Soil and Land Conservation.

**Citation**

1. This Instrument may be cited as the *Nullarbor-Eyre Highway Land Conservation District (Appointment of Members District Committee) Instrument 1995*.

**Interpretation**

2. In this Instrument—

“Constitution order” means the Soil and Land Conservation (Nullarbor-Eyre Highway Land Conservation District) Order 1988\*.

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

[\*Published in the Gazette of 6 May 1988 at pp. 1567-68 and amended in the Gazette of 26 June 1992 at pp. 2655-56.]

**Appointment of Members**

3. (1) Under Clause 5 (1) (b) of the Constitution Order Peter Brown of Arubiddy Station is appointed a member of the Committee on the Nomination of the Shire of Dundas.

(2) Under Clause 5 (1) (c) of the Constitution Order Donald John Hogg of Kinclaven Station is appointed a member of the Committee on the Nomination of the City of Kalgoorlie-Boulder.

(3) Under Clause 5 (1) (e) of the Constitution Order Russell Swan of Kanandah Station and Murray McQuie of Rawlinna Station are appointed members of the Committee to represent the Pastoralists and Graziers Association.

(4) Under Clause 5 (1) (f) of the Constitution Order—

- (a) Roderick Campbell of Kybo Station
- (b) John Crocker of Balladonia Station
- (c) Ross Wood of Madura Plains Station
- (d) Barbara Brown of Arubiddy Station
- (e) Jill Campbell of Kybo Station
- (f) Anthony Thomas of Balgair Station
- (g) Dennis Nash of Madura Station
- (h) John Campbell of Fraser Range Station
- (i) John Peckham of Nanambinia Station

(j) Regional Manager, Department of Conservation and Land Management, Kalgoorlie are appointed members of the Committee being persons actively engaged in or affected by, or associated with land use in the Nullarbor-Eyre Highway Land Conservation District.

**Term of Office**

4. The appointment which 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*.

JOIIN DUFF, Deputy Commissioner  
for Soil and Land Conservation.

**AG402**

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

Under Section 23 of the Soil and Land Conservation Act 1945, the following person is appointed a member of the District Committee for the Three Springs Land Conservation District, which Committee was established by an Order in Council, published in the *Government Gazette* of 22 August 1986 at pp. 3006-07 and 30 July 1993 at pp. 4121-22.

(1) pursuant to Section 23 (2b) (b) of the Act, Glynne Edwin Stokes of Three Springs is appointed a member of the Committee on the nomination of the Shire of Three Springs, the appointment being for a term ceasing on the 16 September 1996.

(2) delete Terence Langley Reading (retired) of Three Springs from representing the Shire of Three Springs.

JOHN DUFF, Deputy Commissioner  
for Soil and Land Conservation.

**AG403**

**SOIL AND LAND CONSERVATION ACT 1945**  
**LOWER BLACKWOOD LAND CONSERVATION DISTRICT**  
**(APPOINTMENT OF MEMBERS OF LAND CONSERVATION**  
**DISTRICT COMMITTEE) INSTRUMENT 1995**

Made by the Deputy Commissioner for Soil and Land Conservation.

**Citation**

1. This Instrument may be cited as the *Lower Blackwood Land Conservation District (Appointment of Members District Committee) Instrument 1995*.

**Interpretation**

2. In this Instrument—

“Constitution order” means the Soil and Land Conservation (Lower Blackwood Land Conservation District) Order 1992\*.

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

[\*Published in the Gazette of 26 June 1992 at pp. 2651-54.]

**Appointment of Members**

3. (1) Under Clause 5 (1) (b) of the Constitution Order Richard Valston Hancock is appointed a member of the Committee on the Nomination of the Shire of Augusta-Margaret River.

(2) Under Clause 5 (1) (c) of the Constitution Order John David Dunnett of Scott River and Peter Francis Hartridge of Scott River are appointed members of the Committee on the Nomination of the Shire of Nannup.

(3) Under Clause 5 (1) (d) of the Constitution Order Ian Alan Noakes of Witchcliffe is appointed a member of the Committee to represent the Western Australian Farmers Federation.

(4) Under Clause 5 (1) (e) of the Constitution Order

- (a) Peter Trayton Patmore of Alexandra Bridge
- (b) Peter Iley of Lake Jasper
- (c) May Rose of Witchcliffe
- (d) Maxine Patmore of Alexandra Bridge
- (e) Walter Christopher Avery of Alexandra Bridge
- (f) Rhonda Marion Norrish of South Perth
- (g) Deloraine Anderson of Augusta
- (h) Laurie Anderson of Augusta
- (i) District Manager, Department of Conservation and Land Management, Busselton

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

**Term of Office**

4. The appointment which is made under Clause 5 (2) shall be for a term of three years commencing on the day that this Instrument is published in the *Gazette*.

JOHN DUFF, Deputy Commissioner  
for Soil and Land Conservation.

**AG404**

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

Under Section 23 of the Soil and Land Conservation Act 1945, the following person is appointed a member of the District Committee for the North Kimberley Land Conservation District, which Committee was established by an Order in Council, published in the *Government Gazette* of 25 January 1991 at pp. 268-270 and amended in the *Gazette* of 12 June 1992 at pp. 2410-2411.

(1) pursuant to Section 23 (2b) (b) of the Act, Peter John McCumstic of Derby is appointed a member of the Committee on the nomination of the Shire of Derby/West Kimberley, the appointment being for a term ceasing on the 1st June 1997.

(2) delete Peter Lloyd Ring (replaced) of Derby from representing the Shire of Derby/West Kimberley.

JOHN DUFF, Deputy Commissioner  
for Soil and Land Conservation.

**AG405**

**SOIL AND LAND CONSERVATION ACT 1945**  
**BUNTINE-WEST WUBIN LAND CONSERVATION DISTRICT**  
**(APPOINTMENT OF MEMBERS OF LAND CONSERVATION**  
**DISTRICT COMMITTEE) INSTRUMENT 1995**

Made by the Deputy Commissioner for Soil and Land Conservation.

**Citation**

1. This Instrument may be cited as the *Buntine-West Wubin Land Conservation District (Appointment of Members District Committee) Instrument 1995*.

**Interpretation**

2. In this Instrument—

“Constitution order” means the Soil and Land Conservation (Buntine-West Wubin Land Conservation District) Order 1985\*].

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

[\*Published in the Gazette of 4 April 1985 at pp. 1271-72 and amended in the Gazettes of 28 October 1988 at p. 4316 and 26 June 1992 at pp. 2654-55.]

**Appointment of Members**

3. (1) Under Clause 6 (1) (b) of the Constitution Order William McLean Dinnie of Buntine is appointed a member of the Committee on the Nomination of the Shire of Dalwallinu.

(2) Under Clause 6 (1) (c) of the Constitution Order Bruce Robert McAlpine of Buntine is appointed a member of the Committee on the Nomination of the Shire of Perenjori.

(3) Under Clause 6 (1) (d) of the Constitution Order Peter David Syme of Buntine is appointed a member of the Committee to represent the Western Australian Farmers Federation.

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

- (a) Michael Jonathan Dodd of Buntine
- (b) Ross Thomas Fitzsimons of Buntine
- (c) Colin Pearse of Wubin
- (d) Graeme John Barnes of Wubin

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

**Term of Office**

4. The appointment which 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*.

JOHN DUFF, Deputy Commissioner  
for Soil and Land Conservation.

**AG406**

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

Under Section 23 of the Soil and Land Conservation Act 1945, the following person is appointed a member of the District Committee for the Hay River Land Conservation District, which Committee was established by an Order in Council, published in the *Government Gazette* of 22 May 1987 at pp. 2195-97 and amended in the *Gazette* of 16 August 1991 at pp. 4273-4275. The appointment being for a term ceasing on the 15 December 1997.

- (1) pursuant to Section 23 (2b) (c) of the Act, Jeanette Rowley of Narrikup is appointed a member of the Committee on the nomination of the Shire of Plantagenet.

- (2) delete Gray Roger Williamson (resigned) from representing the Shire of Plantagenet.

JOHN DUFF, Deputy Commissioner  
for Soil and Land Conservation.

**AG407**

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

Under Section 23 of the Soil and Land Conservation Act 1945, the following person is appointed a member of the District Committee for the West Arthur Land Conservation District, which Committee was established by an Order in Council, published in the *Government Gazette* of 21 December 1990 at pp. 6214-15 and amended in the *Gazette* of 30 December 1994 at p. 7224. The appointment being for a term ceasing on the 15 December 1997.

(1) pursuant to Section 23(2b)(b) of the Act, Kimberly Alan Bunce of Arthur River is appointed a member of the Committee on the nomination of the Shire of West Arthur.

(2) delete Arthur William Robinson (replaced) from representing the Shire of West Arthur.

JOHN DUFF, Deputy Commissioner  
for Soil and Land Conservation.

#### AG408

### SOIL AND LAND CONSERVATION ACT 1945

#### SOIL AND LAND CONSERVATION (BOYUP BROOK LAND CONSERVATION DISTRICT) AMENDMENT ORDER OF 1995

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

#### Citation

1. This order may be cited as the *Soil and Land Conservation Act (Boyup Brook Land Conservation District) Amendment Order 1995*.

#### Principal Order

2. In this order the *Soil and Land Conservation Act (Boyup Brook Land Conservation District) Order 1991\** is referred to as the principal order.

[\*Published in the Gazette of 3 August 1984 at pp. 2332-33 and amended in the Gazettes of July 25 1986 at pp. 2486-87 and 26 October 1990 at pp. 5359-61.]

#### Clause 2 amended

3. Clause 2 of the principal order is amended by inserting in the appropriate alphabetical position the following definition—

“Commissioner” means the person for the time being holding or acting in the office of the Commissioner of Soil and Land Conservation.

#### Clause 5 amended

4. Clause 5 of the principal order is amended—

(a) in subclause (1)—

(i) by deleting “9” and substituting the following “18”; and

(ii) in paragraph (b) by deleting “Minister and” substituting the following “Commissioner”; and

(iii) in paragraph (f) by deleting “5” and substituting the following “12” and deleting “Minister” and substituting the following “Commissioner”.

(b) in subclause (2) and (2a) by deleting “Minister” in both places where it occurs and substituting the following “Commissioner”.

By His Excellency’s command,

J. PRITCHARD, Clerk of the Council.

#### AG409

### SOIL AND LAND CONSERVATION ACT 1945

#### BOYUP BROOK LAND CONSERVATION DISTRICT (APPOINTMENT OF MEMBERS OF LAND CONSERVATION DISTRICT COMMITTEE) INSTRUMENT 1995

Made by the Deputy Commissioner for Soil and Land Conservation.

#### Citation

1. This Instrument may be cited as the *Boyup Brook Land Conservation District (Appointment of Members District Committee) Instrument 1995*.

#### Interpretation

2. In this Instrument—

“Constitution order” means the Soil and Land Conservation (Boyup Brook Land Conservation District) Order 1984\*.

“Committee” means the District Committee established by Clause 3 of the Constitution Order.

[\*Published in the Gazette of 3 August 1984 at pp. 2332-33 and amended in the Gazettes of July 25 1986 at pp. 2486-87 and 26 October 1990 at pp. 5359-61.]

**Appointment of Members**

3. (1) Under Clause 6 (1) (b) of the Constitution Order Ian A Purse of Boyup Brook and John Beatty of Boyup Brook are appointed members of the Committee on the Nomination of the Shire of Boyup Brook.

(2) Under Clause 6 (1) (c) of the Constitution Order Terrance Mondy of Boyup Brook and Grant William Robertson of Boyup Brook are appointed members of the Committee to represent the Western Australian Farmers Federation.

(3) Under Clause 6 (1) (d) of the Constitution Order Roland F Ritson of Boyup Brook is appointed a member of the Committee to represent the Pastoralists and Graziers Association.

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

- (a) Sally Roe of Boyup Brook
- (b) Greg John Banfield of Boyup Brook
- (c) Noreen June Tuckett of Boyup Brook
- (d) Ian Peter Monahan Wallace of Boyup Brook
- (e) Lady Julia Gresley of Boyup Brook
- (f) Kenneth Andrew Ritson of Boyup Brook
- (g) Mark Edward Samwell of Boyup Brook
- (h) Ean Frederick Marshall of Boyup Brook
- (i) Youle John Beatty of Boyup Brook
- (j) Peter John Shedden of Boyup Brook

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

**Term of Office**

4. The appointment which 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*.

JOHN DUFF, Deputy Commissioner  
for Soil and Land Conservation.

**AG410****DRIED FRUITS ACT 1947**

Department of Agriculture.

Agric. 880800.

His Excellency the Governor, in Executive Council, has been pleased to appoint pursuant to sections 5 (1) and 13A (2), Valentine Michael Pervan as Chairman of the Dried Fruits Board for a term of office expiring on 31 December 1996.

G. A. ROBERTSON, Director General of Agriculture.

**BUSH FIRES BOARD****BU401**

**BUSH FIRES ACT 1954**  
**APPOINTMENT OF BOARD MEMBERS**

Section 8

Correspondence No. A1

It is hereby notified that his Excellency the Governor in Executive Council pursuant to the powers contained in Section 8 of the Act has appointed the following Member and Deputy Member to the Bush Fires Board.

Mr Eugene Ferraro, as a representative for the Western Australian Planning Commission for the balance of Mr Gordon Smith's term to 10 May 1996.

Mr Vince McMullen, as a representative for the Western Australian Planning Commission for the balance of Mr Peter Driscoll's term to 10 May 1996.

**BU402**

**BUSH FIRES ACT 1954**  
**APPOINTMENT OF BOARD MEMBERS**  
 Section 8

Correspondence No. A1

It is hereby notified that his Excellency the Governor in Executive Council pursuant to the powers contained in Section 8 of the Act has appointed the following Deputy Member to the Bush Fires Board. Mr Drew Haswell, as a representative for the Department of Conservation and Land Management for the balance of Mr Chris Mullers term to 10 May 1996.

**CONSERVATION AND LAND MANAGEMENT**

**CM401**

**CONSERVATION AND LAND MANAGEMENT ACT 1984**  
**MANAGEMENT PLAN FOR YALGORUP NATIONAL PARK**

The National Parks and Nature Conservation Authority advises that the management plan for Yalgorup National Park is available.

The management plan was prepared in accordance with sections 53 to 61 of the Conservation and Land Management Act 1984 and was approved by the Minister for the Environment on 28 December 1994. No modifications were made to the management plan under section 60 (2) of the Act, and it comes into operation with this *Government Gazette* notice.

Copies of the plan can be inspected at the Department of Conservation and Land Management, Woodvale library, and the office and library of the Shires of Waroona, Harvey and the City of Mandurah. Copies of the plan can be inspected or purchased for \$10.00 and the Analysis of Public Submissions for \$3.00 from the following CALM offices—

State Operations Headquarters  
 Department of Conservation and  
 Land Management  
 50 Hayman Road  
 Como WA 6152

Dwellingup District Office  
 Department of Conservation and  
 Land Management  
 Marrinup Road  
 Dwellingup WA 6231

SYD SHEA, Executive Director,  
 Department of Conservation and Land Management.

**FISHERIES**

**FI401**

**FISHERIES ACT 1905**  
**YALLINGUP REEF PROTECTED AREA NOTICE 1995**  
 Notice No. 725

FD 700/93.

Made by the Minister under sections 9 and 10.

**Citation**

1. This notice may be cited as the *Yallingup Reef Protected Area Notice 1995*.

**Prohibition on taking fish or plants**

2. Subject to clause 3, a person shall not take, or attempt to take, any fish or aquatic organism as described in Schedule 1 from any waters or reef within the area described in Schedule 2.

**Exemption**

3. A person who is—

- (a) the holder of a professional fisherman's licence;
- (b) authorised to take abalone in the Abalone Limited Entry Fishery\*; and
- (c) operating in accordance with the notice declaring the Abalone Limited Entry Fishery\*,

may take abalone from the waters described in Schedule 2.

Schedule 1

(1) Any species of the phylum *Mollusca* excluding squid and cuttlefish (includes all bivalve and gastropod shells, sea slugs and octopus).

(2) Any species of the phylum *Echinodermata* (includes sea urchins, starfish, brittle stars, feather stars and sea cucumbers).



- (3) Any species of the phylum *Cnidaria* (includes all corals, sea anemone and jelly fish).
- (4) Any species of the families *Syngnathidae* or *Solenostomidae* (includes sea dragons, sea horses and pipe fish).
- (5) Any species of the subphylum *Crustacea* excluding rock lobster (*Panulirus spp.*) and blue manna crabs (*Portunus pelagicus*).
- (6) Any species of the kingdom *Plantae* (includes all algae and sea grasses).

## Schedule 2

All the waters of the Indian Ocean and reef within a 400 metre radius of the mouth of Yallingup Brook.

[\*Declared by the *Abalone Limited Entry Fishery Notice 1992*.]

Dated this 5th day of July 1995.

MONTY HOUSE, Minister for Fisheries.

## FAIR TRADING

FT301

### WEIGHTS AND MEASURES ACT 1915

#### WEIGHTS AND MEASURES AMENDMENT REGULATIONS 1995

Made by His Excellency the Governor in Executive Council.

#### Citation

1. These regulations may be cited as the *Weights and Measures Amendment Regulations 1995*.

#### Principal regulations

2. In these regulations the *Weights and Measures Regulations 1927\** are referred to as the principal regulations.

[\* *Published in Gazette of 3 June 1927 at pp. 1416-48.*  
*For amendments to 30 June 1995 see 1994 Index to Legislation of Western Australia, Table 4, pp. 321-6.*]

#### Table XIII amended

3. Table XIII to the principal regulations is amended —
- (a) by deleting item 1 (a) and substituting the following paragraph —
- “
- |  |   |
|--|---|
| (a) masses (each not exceeding 20kg) . . . . . | 14.00 for each group, or part of a group, of 5 masses |
|--|---|
- ”;
- (b) in item 1 (b) —
- (i) by deleting “each mass” and substituting the following —
- “ masses ”; and
- (ii) by deleting “\$24.00” and substituting the following —
- “ \$28.00 ”;

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

“

(a) lubricating oil measures, alcoholic liquor measures or beverage measures . . . . .	14.00 for each group, or part of a group, of 10 measures
--	---

”;

- (d) by deleting item 2 (b) and substituting the following paragraph —

“

(b) dispensing measures or graduated measuring cylinders . . . . .	14.00 for each group, or part of a group, of 5 measures or cylinders
--	--

”;

- (e) in item 2 (c), by deleting “\$24” and substituting the following —

“ \$28.00 ”;

- (f) by deleting item 3 (a) and substituting the following paragraph —

“

(a) on initial verification of measures, each not exceeding 1 metre . . . . .	14.00 for each group, or part of a group, of 5 measures
---	--

”;

- (g) in item 3 (b), by deleting “12.00” and substituting the following —

“ 14.00 ”;

- (h) in item 3 (c), by deleting “\$24.00” and substituting the following —

“ \$28.00 ”;

- (i) in item 4 (a), by deleting “48.00” and substituting the following —

“ 56.00 ”;

- (j) in item 4 (b) —

- (i) by deleting “48.00” and substituting the following —

“ 56.00 ”; and

- (ii) by deleting “\$24.00” and substituting the following —

“ \$28.00 ”;

- (k) in item 5, by deleting “\$24.00” and substituting the following —

“ \$28.00 ”;

- (l) in item 7 (a) —

- (i) by deleting “50” and substituting the following —

“ 200 ”; and

- (ii) by deleting "12.00" and substituting the following —  
" 14.00 ";
- (m) in item 7 (b) —
  - (i) by deleting "50" and substituting the following —  
" 200 ";
  - (ii) by deleting "300" and substituting the following —  
" 1 000 " ; and
  - (iii) by deleting "24.00" and substituting the following —  
" 28.00 " ;
- (n) in item 7 (c) —
  - (i) by deleting "300" and substituting the following —  
" 1 000 " ; and
  - (ii) by deleting "48.00" and substituting the following —  
" 56.00 " ;
- (o) in item 8 (a), by deleting "36.00" and substituting the following —  
" 42.00 " ;
- (p) in item 8 (b), by deleting "48.00" and substituting the following —  
" 56.00 " ;
- (q) in item 8 (c), by deleting "96.00" and substituting the following —  
" 112.00 " ;
- (r) in item 9, by deleting "48.00" and substituting the following —  
" 56.00 " ;
- (s) in item 10 (a), by deleting "24.00" and substituting the following —  
" 28.00 " ;
- (t) in item 10 (b), by deleting "\$24.00" and substituting the following —  
" \$28.00 " ;
- (u) in item 11, by deleting "12.00" and substituting the following —  
" 14.00 " ;
- (v) in item 12, by deleting "40.00" and substituting the following —  
" 46.00 " ;
- (w) in item 13, by deleting "\$24.00" and substituting the following —  
" \$28.00 " ; and
- (x) in item 14, by deleting "Where" and substituting the following —  
"  
Subject to a minimum amount of \$14.00 being payable in respect of any matter referred to in this Table, if  
".

**Table XIIB amended****4. Table XIIB to the principal regulations is amended —**

- (a) in item 1, by deleting “48.00” and substituting the following —  
 “ 56.00 ”;
- (b) in items 2, 3, 4, and 5, by deleting “12.00” in each place where it occurs and substituting in each case the following —  
 “ 14.00 ”;
- (c) by inserting after item 5 the following item —  
 “  
     5A. Charge for examination of applicant  
         for weighman’s licence or scale  
         repairer’s licence . . . . . 56.00 ”;
- (d) in item 6 (a) and (b), by deleting “24.00” in both places where it occurs and substituting in each case the following —  
 “ 28.00 ”;
- (e) in item 6 (c) —  
 (i) in subparagraph (i), by deleting “12.00” and substituting the following —  
 “ 14.00 ”;
- (ii) in subparagraph (ii), by deleting “\$24.00” and substituting the following —  
 “ \$28.00 ”; and
- (iii) in subparagraph (iii), by deleting “12.00” and substituting the following —  
 “ 14.00 ”;
- (f) by deleting item 6 (d) and substituting the following paragraph —  
 “  
     (d) any distance necessarily travelled by  
         an inspector —  
         (i) for each kilometre not  
             exceeding 100 kilometres (subject  
             to a minimum charge of \$9.00) . . . . 0.60  
         (ii) for each kilometre over  
             100 kilometres . . . . . 0.30 ”;
- (g) in item 6 (e), by deleting “24.00” and substituting the following —  
 “ 28.00 ”;
- (h) in item 7 —  
 (i) by deleting “equipment” and substituting the following —  
 “ masses ”; and
- (ii) by deleting paragraphs (a) and (b) and substituting the following paragraphs —  
 “  
     (a) booking of masses of 1 tonne  
         or more . . . . . 10.00

- (b) hire of masses for each day  
or part of a day . . . . . 14.00 per  
tonne
- (c) testing by inspector of  
equipment where masses  
are used . . . . . 14.00 per  
tonne
- ”;
- (i) in item 8 —
- (i) by deleting “reverifaction” and substituting the  
following —  
“ reverifaction ”; and
- (ii) by deleting “\$12” and substituting the following —  
“ \$14.00 ”;
- and
- (j) by deleting item 9.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

## JUSTICE

### JM401

#### CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of the following person as a Member of the Children's Court of Western Australia—

Stephen Victor of Beagle Bay Aboriginal Community, Beagle Bay

John Hugh McArthur of Oldfield, Location 919, South Coast Highway, Jerdacuttup

RICHARD FOSTER, Executive Director,  
Courts Development and Management.

### JM402

#### 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—

Stephen Victor of Beagle Bay Aboriginal Community, Beagle Bay

John Hugh McArthur of Oldfield, Location 919, South Coast Highway, Jerdacuttup

Jodie Patricia Harrison of “J.D's Cottage, Rottnest Island and c/- Rottnest Island Authority,  
Rottnest Island

Michelle Bertha Rose of RMB 9023 South Coast Highway, Albany and Albany Regional Hospital,  
Hardie Road, Albany

Trevor David Ridgway of 8 Bell Street, Dalwallinu and Dalwallinu Pharmacy, 35 Johnston Street,  
Dalwallinu

RICHARD FOSTER, Executive Director,  
Courts Development and Management.

JM403

**SUPREME COURT ACT 1935**  
**RULE OF COURT**

(Sittings and Winter Vacation for 1996)

Pursuant to the powers conferred by the Supreme Court Act 1935, and all other powers hereunto enabling, the Judges of the Supreme Court hereby order as follows.

**FULL COURT SITTINGS**

1. (1) Sittings of the Full Court for the year 1996 shall be ten in number, and shall commence on the following days—

Thursday 1 February  
Friday 1 March  
Monday 1 April  
Wednesday 1 May  
Tuesday 4 June  
Tuesday 9 July  
Thursday 1 August  
Monday 2 September  
Tuesday 1 October  
Friday 1 November

(2) The Full Court may sit on such other days as it shall think fit.

(3) Unless otherwise directed by the Chief Justice, criminal appeals and applications only shall be listed for hearing at the July sittings.

**PERTH CIVIL SITTINGS**

2. Civil sittings of the Supreme Court at Perth for the trial of causes and issues of fact during the year 1996 shall commence on Tuesday, 9 January and shall continue, except for the Easter and Winter vacations and for Public Service holidays, until Friday 20 December.

**PERTH CRIMINAL SITTINGS**

3. Criminal sittings of the Supreme Court to be held at Perth during the year 1996 shall commence on the following days—

Tuesday 9 January  
Monday 5 February  
Tuesday 5 March  
Monday 1 April  
Wednesday 1 May  
Tuesday 4 June  
Monday 8 July  
Monday 5 August  
Monday 2 September  
Tuesday 1 October  
Monday 4 November  
Monday 2 December

**WINTER VACATION**

4. The Winter vacation for 1996 shall commence on Monday 24 June and shall terminate on Sunday 7 July.

Dated the 2nd day of August 1995.

DAVID K. MALCOLM C. J.  
G. A. KENNEDY J.  
W. P. PIDGEON J.  
B. W. ROWLAND J.  
E. M. FRANKLYN J.  
TERENCE A. WALSH J.  
D. A. IPP J.  
M. J. MURRAY J.  
R. J. ANDERSON J.  
N. J. OWEN J.  
K. WHITE J.  
G. F. SCOTT J.  
C. D. STEYTLER J.  
K. H. PARKER J.  
DESMOND HEENAN J.

**CIRCUIT SITTINGS FOR 1996**

Pursuant to section 46 of the Supreme Court Act 1935, I hereby appoint the following sittings of the Supreme Court at circuit towns for the year 1996.

Circuit Town	Date of Commencement
Albany	18 March 15 July 9 September 18 November

Circuit Town	Date of Commencement
Bunbury	19 February 6 May 5 August 4 November
Esperance	12 February 20 May 16 September 18 November
Kalgoorlie	11 March 13 May 12 August 11 November
Geraldton	} 5 February 9 April 4 June 5 August 7 October 2 December
Carnarvon	
Karratha	
Port Hedland	
Broome	
Derby Kununurra	

Dated the 2nd day of August 1995.

DAVID K. MALCOLM, AC, Chief Justice of Western Australia.

## LOCAL GOVERNMENT

### LG401

#### DOG ACT 1976

##### *Shire of Menzies*

It is hereby notified for public information that the following person has been appointed as an authorised person pursuant to the Dog Act 1976—

Harvey, Wayne Kevin

G. R. CARTER, Shire Clerk.

### LG402

#### LOCAL GOVERNMENT ACT 1960

##### *Town of Port Hedland*

##### Appointment of Chief Executive Officer/Town Clerk

It is hereby notified for public information that Ms Joan Roberts has been appointed Chief Executive Officer/Town Clerk for the municipality of Port Hedland effective 1 July 1995.

The previous appointment of Mr Gary Fitzgerald is hereby cancelled.

ALAN EGGLESTON, Mayor.

### LG403

#### SHIRE OF SHARK BAY

It is hereby notified for public information that the following persons have been appointed as Registration Officers under the provisions of the Dog Act—

Kaye Margaret Lane	Rhonda Joy Mettam
John Lonsdale Newton	Terence Pearson
Michelle Isla Plume	Ashby John Dirk Sellenger.

It is hereby notified for public information that the following persons—

George William Christie	Gordon Laurance Gosper
Ronald Sydney Kidd	John Lonsdale Newton
Terence Pearson	

have been appointed as Authorised Persons under the provisions of the following Acts, Regulations and By-laws—

Local Government Act  
Dog Act  
Litter Act  
Bush Fires Act  
Control of Vehicles Act  
Caravan Park and Camping Grounds No. 2 By-laws and Regulations  
Removal and Disposal of Obstructing Animals or Vehicles By-laws.

All previous appointments are hereby cancelled.

T. PEARSON, CEO/Shire Clerk.

## LG501

### LOCAL GOVERNMENT ACT 1960

*Cunderdin Shire Council*

Memorandum of Imposing Rates for Financial Year 1995/96

At a meeting of the Cunderdin Shire Council held on July 14th, 1995 it was resolved that the various rates should be levied on the rateable value of all property within the Shire of Cunderdin, in accordance with the provisions of the Local Government Act 1960.

J. S. ROGERS, President.  
N. J. ALCOCK, Shire Clerk.

General Rate—

West Ward and Central Ward:

1.70c in the dollar on Unimproved Values.

5.68c in the dollar on Gross Rental Values.

Minimum Rate—A minimum rate of \$80.00 shall apply in respect to each original location or town lot or the residue thereof, and in respect to each and every sub lot alienated therefrom within the boundaries of the townsites of Cunderdin and Meckering.

Discount on Rates—Council shall allow, to any person liable to pay rates, who pays such rates prior to 4pm on September 30th, 1995 a discount of 5% on the amount of the current rate.

Penalty—Council will impose a penalty of 10% on rates remaining unpaid after January 31st, 1996.

Rubbish Charges—\$75.00 per annum per service.

J. S. ROGERS, President.  
N. J. ALCOCK, Shire Clerk.

## LG502

### LOCAL GOVERNMENT ACT 1960

**HEALTH ACT 1911**

**COUNTRY TOWNS SEWERAGE ACT 1948**

*Shire of Koorda*

Memorandum of Imposing Rates

To whom it may concern.

At a meeting of the Koorda Shire Council held on 17 July 1995, it was resolved that the rates specified hereunder should be imposed on all rateable properties within the Shire in accordance with the provisions of the Local Government Act 1960, the Health Act 1911 and the Country Towns Sewerage Act 1948.

Dated this 17th day of July 1995.

V. F. ORCHARD, President.  
A. J. BORRETT, Shire Clerk.

#### Schedule of Rates and Charges

General Rate—

Rural land 8.00c in the dollar on the unimproved value of properties. Kulja, Dukin and Mollerin Town sites 9.92c in the dollar on the unimproved value of properties.

Koorda Town site 9.92c in the dollar on the gross rental valuation.



Minimum Rate—Land—One hundred and thirty dollars (\$130.00) per assessment throughout the Shire.

Rubbish Charge—Rubbish removal charge \$82.00 per annum per standard bin per week for domestic and commercial premises.

Sewerage rate—

10.70c in the dollar on gross rental values for residential and commercial properties. \$619.00 per connection for Government properties of a commercial nature.

First Major Fixture—\$111.35 per annum.

Each Additional Major Fixture—\$48.95 per annum.

Minimum Rate—Sewerage—

Vacant Land—\$92.50 per annum

Residential Properties—\$123.00 per annum

Commercial Properties—\$350.00 per annum.

Penalty—A penalty of 10% will be added to all Municipal rates outstanding as at the 31st January 1996 (excluding eligible pensioners).

Discount—A discount of 10% will be allowed on current Municipal Fund Rates only, if full payment is received within 35 days of the date of service on the assessment notice.

#### LG504

### LOCAL GOVERNMENT ACT 1960

#### HEALTH ACT 1911

##### *City of Mandurah*

#### Memorandum of Imposing Rates and Charges 1995/96

To whom it may concern.

At a meeting of the Mandurah City Council held on 25 July 1995, it was resolved that the Rates and Charges specified hereunder should be imposed on all rateable properties within the district of the City of Mandurah for the year ended 30 June 1996 in accordance with the provisions of the Local Government Act 1960 and the Health Act 1911.

Dated this 3rd day of August 1995.

K. A. HOLMES, Mayor.  
S. K. GOODE, Chief Executive Officer/Town Clerk.

Rate Code	Description	Rate in \$	Minimum Rate
1	Residential .....	7.2795	\$336
2	Residential Vacant.....	8.9005	\$364
3	Future Urban .....	7.2795	\$336
4	Future Urban Vacant .....	8.9005	\$392
5	Rural/Special Rural .....	7.2795	\$392
6	Rural/Special Rural Vacant .....	8.9005	\$448
7	Business .....	5.8235	\$392
8	Business Vacant .....	8.9005	\$448
9	Caravan Parks and Chalets (Land Use) .....	5.8235	\$336
10	Caravan Parks and Chalets Vacant (Land Use) ....	8.9005	\$364

Specified Area Rate—2.18 cents in the dollar for Schedule A known as “Port Mandurah Canals” and 1.66 cents in the dollar for Schedule B known as “Waterside Canals” and applied in accordance with the City of Mandurah (Specified Area) Order No. 1, 1995 published in the *Government Gazette* on 23 June 1995.

Household Refuse—\$130 per annum for one service per week inclusive of a Recycling Service.

Bulk Bin Service—\$572 per annum for one service per week.

Septage Disposal—Charge to be applied for septage disposal at Caddadup \$100 per 9000 litre tanker load or part thereof for City of Mandurah residents and \$125 per 9000 litre tanker load or part thereof for septage from outside the City of Mandurah.

Penalty—A penalty of ten per cent will be applied to outstanding rates as at January 31, 1996 except for accounts owed by eligible pensioners.

Swimming Pool Inspection Fee—A charge of \$20.00 per annum for every property on which there is a swimming pool.

**LG505****LOCAL GOVERNMENT ACT 1960****HEALTH ACT 1911***Shire of Wickepin*

## Memorandum of Imposing Rates and Charges

At a meeting of the Wickepin Shire Council held on the 21st July, 1995, it was resolved that the Rates and Charges specified hereunder should be imposed on all rateable property with the Shire of Wickepin in accordance with the provisions of the Local Government Act 1960 and the Health Act 1911 for the year ending 30th June 1996.

H. M. LANG, President.  
B. W. MEAD, Shire Clerk.

## Schedule of Rates and Charges Levied

## General Rates—

North, South, East and Central Wards—3.164 cents in the dollar on Unimproved Values subject to a minimum rate of \$100.00 per holding.

Townsites of Harrismith, Tincurrin, Toolibin, Yealering and Wickepin—7.15 cents in the dollar on Gross Rental Value subject to a minimum rate of \$60.00 per lot.

## Sewerage Scheme—

Wickepin Townsite—5.01 cents in the dollar on Gross Rental Value subject to a minimum rate of \$60.00 per lot.

## Service Charges—Rubbish Removals—

Wickepin and Yealering— \$70.00 per annum Domestic  
\$130.00 per annum Commercial

Discount—A discount of 10% per annum will be paid on all current rates paid by the close of business on the 31st August, 1995.

Penalty—Rates outstanding on 31st January, 1996 will be subject to a penalty of 10% as provided by subsection 550A of the Local Government Act 1960.

**LG506****LOCAL GOVERNMENT ACT 1960****HEALTH ACT 1911***Shire of Wyalkatchem*

## Memorandum of Imposing Rates

At a meeting of Wyalkatchem Shire Council held on the 28th July, 1995 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 above Acts.

Dated 28 July 1995.

I. D. DAVIES, President.  
B. E. TAYLOR, Shire Clerk.

## Schedule of Rates and Charges

## General Rates—

Gross Rental Values 0.087580 cents in the dollar.

Unimproved Values 0.036589 cents in the dollar.

## Minimum Rates—

Wyalkatchem Townsite	\$88.00
Korrollocking Townsite	\$29.00
Rural	\$36.00

Discount—Ten per cent discount will be allowed on all current rates paid in full within 35 days of the date of issue of the Notice of Valuation and Rate.

Penalty—Ten per cent penalty will be applied to all rates outstanding at 31st January, 1996 except as otherwise provided for in the Local Government Act.

## Rubbish Removal Charges—

Residential \$84.00 per annum for one weekly service.  
Commercial \$99.00 per annum for one weekly service.  
Pensioner \$42.00 per annum for one weekly service.

**LG507****LOCAL GOVERNMENT ACT 1960****HEALTH ACT 1911***Town of Cottesloe*

## Memorandum of Rates and Charges for the Year Ending 30th June 1996

To whom it may concern.

At a meeting of Cottesloe Town Council held on 31st July, 1995, it was resolved that the rates and charges specified hereunder should be imposed on all rateable property within the Town of Cottesloe in accordance with the provisions of the Local Government Act 1960 and the Health Act 1911.

Dated this 3rd day of August, 1995.

JULIAN F. DONALDSON, Mayor.  
JAN GRIMOLDBY, Chief Executive Officer.

## Schedule of Rates and Charges

General Rate—7.08 cents in the dollar on Gross Rental Values.

Minimum Rate Charge—\$440.00 per assessment.

Discount—Three per cent (3%) on all current rates where the rates outstanding are paid in full and physically received at the Council office by 4.00 pm on Wednesday, 6th September, 1995.

Penalty—Ten per cent (10%) on all rates remaining unpaid after 31st January, 1996. Eligible pensioners exempt.

Rubbish Service Charge—

\$140.00 per annum for each weekly mobile garbage bin service.

\$70.00 per annum for each weekly mobile garbage bin service provided to pensioners eligible for a State Government Rebate under the Rates and Charges (Rebates and Deferrals) Act 1992.

Swimming Pool Inspection Fee—\$10.00 per annum levy against all property owners with swimming pools to cover the swimming pool inspection requirements of an inspection each four year period.

**LG508****LOCAL GOVERNMENT ACT 1960****HEALTH ACT 1911***Shire of Waroona*

## Memorandum of Imposing Rates

To whom it may concern.

At a meeting of the Waroona Shire Council held on 10th August 1995, it was resolved that the rates and charges specified hereunder should be imposed on all rateable property within the district of the Shire of Waroona in accordance with the provisions of the Local Government Act 1960 and the Health Act 1911.

Dated 10th August 1995.

G. R. STYLES, President.  
R. T. GOLDING, Shire President.

## Schedule of Rates and Charges

General Rate—

5.4601 cents in the dollar on the Gross Rental Values.

0.5392 cents in the dollar on Unimproved Values.

Minimum Rate—

\$190.00 Gross Rental Values.

\$240.00 Unimproved Values.

Rubbish Charge—

\$74.00 per annum per 240 litre bin service.

\$80.00 per annum per 240 litre bin service and recycling service.

**LG509**

**LOCAL GOVERNMENT ACT 1960  
HEALTH ACT 1911  
COUNTRY TOWNS SEWERAGE ACT 1948**

*Shire of Moora*

Memorandum of Imposing Rates

To whom it may concern.

At a Meeting of the Moora Shire Council held on August 4th, 1995, it was resolved that the rates specified hereunder should be imposed on all rateable property within the following Wards and special areas within the district in accordance with the provisions of the Local Government Act 1960 and the Health Act 1911, for the period July 1st, 1995 to June 30th, 1996.

Dated this 10th day of August, 1995.

G. L. KEAMY, President.  
J. N. WARNE, Shire Clerk.

Schedule of Rates and Charges Levied

General Rates—

Moora Central Ward:

Moora Townsite (prescribed area) 8.57 cents in the dollar on gross rental values.

Rural Areas 3.3057 cents in the dollar on unimproved values.

Urban Farmland 2.5826 cents in the dollar on unimproved values.

Watheroo Ward:

Watheroo Townsite 8.57 cents in the dollar on gross rental values.

Rural Areas 3.3057 cents in the dollar on unimproved values.

Miling Ward:

Miling Townsite 8.57 cents in the dollar on gross rental values.

Rural Areas 3.3057 cents in the dollar on unimproved values.

Koojan Ward:

Rural Areas 3.3057 cents in the dollar on unimproved values.

Bindi Bindi Ward:

Bindi Bindi Townsite 8.57 cents in the dollar on gross rental values.

Rural Areas 3.3057 cents in the dollar on unimproved values.

Coomberdale Ward:

Coomberdale Townsite 8.57 cents in the dollar on gross rental values.

Rural Area 3.3057 cents in the dollar on unimproved values.

Minimum Rates—\$200 for any location, lot or other piece of land in the Moora Townsite (prescribed area) and \$100 all other areas including all other Townsites GRV blocks, rural areas blocks and Moora Townsite unimproved value blocks.

Rates Penalty—A penalty of 10 per cent (10%) will be incurred on Municipal Rates unpaid as at the close of business 30th January, 1996, pursuant to section 550A of the Local Government Act.

Sewerage Rates—Moora Townsite (prescribed area) 7.74 cents in the dollar on gross rental values.

Minimum Sewerage Rates—\$82.50 per lot for vacant land, \$120 for residential properties, \$300 for industrial/commercial properties. Other charges on non-rateable properties as per Country Sewerage Act Regulations Schedule of Charges.

Garbage Charge—

Throughout the Shire—For one 240 litre MGB serviced weekly \$96.00. Pensioners registered with the Council—For one 240 litre MGB serviced weekly \$86.00

Business Houses dumping rubbish at tip—Minimum \$96.00.

Business Houses collection—multiples of standard rate depending on usage.

Septic Tank Services—

Waste Water Removals—\$9.00 per 1000 litres plus service fee charge of \$16.50.

Septic Tank Clean Out—\$105.00 per septic tank service charge \$16.50.

Pensioners (Moora Shire) \$82.50 per septic tank plus charge of \$16.50.

Travelling time and vehicle charge to apply to out of the Moora Townsite services.

Additional charge of \$50.00 to apply to services out of the Shire.

Minimum all up charge for waste water removal—\$40.00.

Note: Prizes for Early Payment of Rates.

Ratepayers who finalise their assessment within 35 days of date of assessment will be eligible to enter a draw for twenty \$100 Vouchers for any retail outlets within the Shire. Particulars will be distributed with rate assessments.

**LG510**

**LOCAL GOVERNMENT ACT 1960**  
**HEALTH ACT 1911**  
**COUNTRY TOWNS SEWERAGE ACT 1948**

*Shire of Morawa*

Memorandum of Imposing Rates 1995/96

At a Special Meeting of the Morawa Shire Council held on 3 August 1995, it was resolved that the rates and charges specified hereunder be imposed on all rateable property within the Municipality of the Morawa Shire.

Dated this 3rd day of August, 1995.

J. F. COOK, President.  
P. J. VARRIS, Shire Clerk.

Schedule of Rates and Charges Levied

General Rates—

Rural Areas—6.3408c in the dollar on Unimproved Values.  
 Townsite—8.8481c in the dollar on Gross Rental Values.  
 Mining—6.3408c in the dollar on Unimproved Values.

Minimum Rates—\$110 on any location or other piece of land within the Municipality excluding the townsites of Canna, Gutha and Koolanooka where the minimum will be \$20 on any location, lot, or other piece of land.

Rubbish Charges—

Domestic Rubbish Removal	\$ 64.00
Commercial Rubbish Removal	\$128.00
Pensioners Rubbish Removal	\$ 32.00

Discount—7.5% on all current rates paid within 35 days of date of notice. (Sewerage Rates and Rubbish Charges Excluded).

Penalty—10% on all rates unpaid as at January 31st 1996. (Sewerage Rates, Rubbish Charges and Deferred Pensioners excluded).

Sewerage Scheme Rates and Charges—

General Rate—9.46c in the dollar on Gross Rental Values.

Minimum Rate—

Residential	\$123.00
Commercial	\$350.00
Vacant Land	\$ 92.50
Major Fixed Charge	\$619.00
Minor Fixed Charge	\$111.35
Extra Service Charge	\$ 48.95

All other unrated properties are as per the Country Towns Sewerage Act 1948 By-laws as amended.

**LG601**

**BUSH FIRES ACT 1954**  
**METROPOLITAN FIRE DISTRICT**

Notice to All Owners and/or Occupiers of Land in the following Local Authorities:  
 Melville, East Fremantle and Fremantle

Pursuant to the powers contained in section 33 of the above Act, you are hereby required on or before the 30th day of November 1995 or within fourteen days of the date of you becoming owner or occupier should this be after the 30th day of November 1995 and thereafter up to and including the 31st day of March 1996, to have a firebreak clear of all flammable materials, at least three metres wide immediately inside all external boundaries of the land and also immediately surrounding all buildings situated on the land.

If it is considered to be impractical for any reason to clear firebreaks as required by this notice, you may apply to the Council or its duly authorised officer not later than the 15th day of November 1995 for permission to provide firebreaks in alternative positions on the land. If permission is not granted by the council or its duly authorised officer, you shall comply with the requirements of this notice.

The penalty for failing to comply with this notice is a fine of not more than \$1 000 and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.

If the requirements in this notice are carried out by burning, such burning must be in accordance with the relevant provisions of the Bush Fires Act.

By Order of City of Melville—

J. J. McNALLY, Chief Executive Officer/Town Clerk.

By Order of Town of East Fremantle—

G. SINCLAIR, Chief Bush Fire Control Officer.

By Order of City of Fremantle—

D. AVERY, Chief Bush Fire Control Officer.

## LG602

### BUSH FIRES ACT 1954

(Section 33)

*Shire of Moora*

Notice to Owners and/or Occupiers of Land in the Shire of Moora

#### 1. Fire Breaks

Pursuant to the powers contained in Section 33 of the above Act, you are hereby required, on or before the 23rd day of October, 1995 to plough, scarify, cultivate or otherwise clear and thereafter maintain free of all inflammable material until the 23rd day of March, 1996 in the following positions and of the following dimensions on the land owner or occupied by you.

#### 2. Rural Land

Firebreaks must be provided not less than two metres in width inside and along the whole of the external boundaries of the properties owned or occupied by you, where this is not practicable the firebreaks must be provided as near as possible to, and within, such boundaries with the exception that firebreaks can be modified or not required if after consultation with the Brigade Captain and neighbours it is decided that a natural barrier or man made structure will act as a firebreak.

#### 3. Farm Buildings and Unattended Electric Motors and Haystacks

Firebreaks at least three metres in width completely surrounding and not more than twenty metres from the perimeter of any building, group of buildings or haystacks. All inflammable material must be removed from an area two metres in width immediately surrounding the building. All inflammable material must be removed from an area three metres in width immediately surrounding an unattended electric motor site.

#### 4. Unattended Fuel Operated Motors

All inflammable material must be removed from an area three metres in width immediately surrounding an unattended fuel operated motor whether the motor is intended to be used or not.

#### 5. Townsites

On or before the 23rd October, 1995 all town lots within the townsites of Moora, Miling, Watheroo, Bindi Bindi, and Coomberdale are required to be treated as follows—

- (a) Where the area of land is less than 3 000 square metres remove all inflammable material from the whole of the land.
- (b) Where the area of land is 3 000 square metres or more a firebreak must be provided not less than two metres in width inside and along the whole of the external boundaries of the properties owned or occupied by you and all inflammable material must be cleared two metres distance from all buildings and/or haystacks situated on the land and maintained free of such material until 23 March 1996.

#### 6. Fuel Pumps (Fuel Depots)

On or before the 23rd day of October 1995 all grass and similar material is to be cleared from such areas where drum ramps are located and where drums, full or empty, are stored and such areas are to be maintained cleared of grass and similar inflammable material until the 23rd day of March 1996.

#### 7. Incinerators

Residents of townsites throughout the Shire are reminded that incinerators for the burning of waste material should be of an approved type and be in good condition. Open drums etc. are not acceptable.

#### 8. Penalty

The penalty for failing to comply with this notice is a fine of up to \$1 000.00 and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work in this notice, if it is not carried out by the Owner or Occupier by the date required by this notice.

NOTE: Attention of landowners is drawn to the fact that this order allows for provision of firebreaks in situations other than immediately within property boundaries subject to approval. The Appointed Fire Control Officers have been authorised to act for Council in this matter.

Infringement notices will be issued to owners or occupiers where no or insufficient firebreaks are provided.

J. N. WARNE, Shire Clerk.

LG901

**LOCAL GOVERNMENT ACT 1960**  
*Shire of Wyndham East Kimberley*  
**NOTICE OF INTENTION TO BORROW**  
 Proposed Loan No. 103—\$130 000

Pursuant to section 609 and 610 of the Local Government Act 1960, the Council of the Municipality of the Shire of Wyndham East Kimberley hereby gives notice that it proposes to borrow money by the sale of a debenture on the following terms and for the following purpose—

Amount: \$130 000.

Repayment: For the period of 15 years at the current rate of interest, at a fixed interest rate, repayable at the office of the Council, by 30 half-yearly instalments of principal and interest.

Purpose: Construction of staff housing.

Estimates and statements as required by Section 609 are open for inspection by ratepayers at the Kununurra office of the Council during office hours for a period of thirty five (35) days after 7 August 1995.

Dated this 3rd day of August 1995.

COLIN WOOTTON, President.  
 ANDREW HAMMOND, Shire Clerk.

## MAIN ROADS

MA401

MRWA 42-161-L

**MAIN ROADS ACT 1930**  
**PUBLIC WORKS ACT 1902**

**NOTICE OF INTENTION TO TAKE OR RESUME LAND**

The Minister for Works hereby gives notice, in accordance with the provisions of section 17 (2) of the Public Works Act 1902, that it is intended to take or resume under section 17 (1) of that Act the pieces or parcels of land described in the Schedule hereto and being all in the Chittering District, for the purpose of the following public works namely, widening of the Great Northern Highway and that the said pieces or parcels of land are marked off on MRWA Drawing 9510-048 which may be inspected at the office of the Commissioner of Main Roads, Waterloo Crescent, East Perth.

Schedule

No.	Owner or Reputed Owner	Occupier or Reputed Occupier	Description	Area (Approx.)
1.	Raymond Thomas Francis Haydon	R. T. F. Haydon	Portion of each of Swan Locations 987 and 1130 and being Lot 1 on Diagram 18661 and being part of the land comprised in Certificate of Title Volume 1173 Folio 563.	48 m <sup>2</sup>
2.	Harris Seeds Pty Ltd and Riana Pty Ltd	Harris Seeds Pty Ltd and Riana Pty Ltd	Portion of Swan Location 1130 and being Lot 9 on Plan 12316 and being part of the land comprised in Certificate of Title Volume 1643 Folio 689.	2 144 m <sup>2</sup>
3.	Harris Seeds Pty Ltd and Riana Pty Ltd	Harris Seeds Pty Ltd and Riana Pty Ltd	Portion of Swan Location 1130 and being whole of the land comprised in Certificate of Title Volume 1643 Folio 691.	3 801 m <sup>2</sup>

Dated this 10th day of August 1995.

D. R. WARNER, Director Corporate Services.

**PLANNING**

**PD401**

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

*City of Mandurah*

Town Planning Scheme No. 1A—Amendment No. 254

Ref: 853/6/13/9, Pt 254.

Notice is hereby given that the City of Mandurah has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 11 Mandurah Terrace, Mandurah from Service Station to Commercial.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Mandurah Terrace, Mandurah and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including September 26, 1995.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before September 26, 1995.

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, Chief Executive Officer/Town Clerk.

**PD704**

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

*City of Mandurah*

Town Planning Scheme No. 6—Mandurah Marina Waterway Management Scheme

Ref: 853/6/13/14, Vol 2.

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 City of Mandurah Town Planning Scheme No. 6—Mandurah Marina Waterway Management Scheme on 29 July 1995—the Scheme Text of which is published as a Schedule annexed hereto.

K. A. HOLMES, Mayor.  
 S. K. GOODE, Town Clerk.

Schedule

City of Mandurah

TOWN PLANNING SCHEME No. 6

MANDURAH MARINA WATERWAY MANAGEMENT SCHEME

SCHEME TEXT

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**TOWN PLANNING AND DEVELOPMENT ACT 1928**

Approved Town Planning Scheme

CITY OF MANDURAH TOWN PLANNING SCHEME No. 6

MANDURAH MARINA WATERWAY MANAGEMENT SCHEME

The City of Mandurah, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act 1928 (as amended), and all other powers enabling it, hereby makes the following Town Planning Scheme.

Scheme Text

## PART I—PRELIMINARY

## 1.1 Citation

This Town Planning Scheme may be cited as City of Mandurah Town Planning Scheme No. 6, Mandurah Marina Waterway Management Scheme (hereinafter referred to as “the Scheme”).

## 1.2 Arrangement of Scheme Text

The Scheme Text is divided into Parts as follows:

- Part I—Preliminary
- Part II—Subdivision
- Part III—Development
- Part IV—Initial Management by Developer
- Part V—Community Association
- Part VI—Maintenance Fund
- Part VII—General

## 1.3 Responsible Authority

The authority responsible for enforcing the observance of the Scheme is the City of Mandurah (hereinafter referred to as “the Council”).

## 1.4 Map

The following map is attached to and forms part of the Scheme:

- (a) Scheme Map;

## 1.5 Scheme Area

The Scheme shall apply to the whole of the land contained within the inner edge of the broken black line on the Scheme Map (hereinafter referred to as “the Scheme Area”).

## 1.6 Object

The object of the Scheme is to provide for the short and long term management of the Waterways contained within the Mandurah Marina Estate.

## 1.7 Interpretations

In the Scheme, unless the context otherwise requires the terms and expressions used shall have the meanings assigned to them in and for the purpose of the City of Mandurah Town Planning Scheme No. 1A and additionally the following terms shall have the meanings assigned to them hereunder:

- (a) “Act” means the Town Planning and Development Act 1928 (as amended);

- (b) "Commission" means the Western Australian Planning Commission or such other body as from time to time is responsible under the Act for approving the subdivision of land within the district of the Council;
- (c) "Construction Standards" means the specifications and standards referred to in paragraph 3.3.1;
- (d) "Community Association" means the Mandurah Marina Waterway Management Association (Inc), or an Association under a different name but having the responsibilities of the Community Association provided for in this Scheme;
- (e) "Council" means the City of Mandurah as provided in clause 1.3 but where the context requires or permits also means the Council as the executive body of the City of Mandurah;
- (f) "Department" means the Department of Transport or such other department instrumentality or authority of the State of Western Australia from time to time having responsibility for the approval of the design of artificial Waterways, placement and maintenance of navigational aids and policy of Waterways.
- (g) "Design Guidelines" means a set of provisions or code prescribing standards and requirements for development within the Scheme Area other than the standards and requirements contained in the Construction Standards and the Monitoring and Management Plan;
- (h) "Developer" means Hudson Court Nominees Pty Ltd or the transferee, assignee or successor of that company which has undertaken the responsibility of developing the Mandurah Marina Estate;
- (i) "development" has the same meaning as is given to the term in Section 2 of the Act;
- (j) "district zoning scheme" means the City's Town Planning Scheme No. 1A or such other scheme as from time to time in place of that scheme zones the land within the district of the City;
- (k) "Lot" means a lot within the meaning of that term in section 2 of the Act and includes an individual strata lot;
- (l) "Maintenance Fund" means the fund established by the Developer and referred to in Part VI hereof;
- (m) "Monitoring and Management Plan" means the Technical Specification Monitoring and Management Plan approved by the Council and the Department;
- (n) "mooring" means any jetty, pontoon, anchor or other method of tying up or restraining a vessel within the water or against or near any wall or bank of the Waterway;
- (o) "mooring envelope" means an area within a Waterway within the Scheme Area where, subject to the approval of the Minister for Transport, a jetty or pen may be constructed or a mooring may be laid;
- (p) "Owner" means an owner of an estate in fee simple in possession in any land or of a strata lot within the Scheme Area;
- (q) "Trust Account" means the Trust account in the name of the Mandurah Marina Community Association referred to in subclause 5.1.1;
- (r) "Waterway" means any artificial channel, lake, harbour, or embayment within the Scheme Area which is used or intended for use for navigational, ornamental and recreation purposes, or for any of those purposes. The term includes any access channel or connecting channel or sea wall and any addition to or alteration of a Waterway within the meaning of this definition and any system of Waterways within the meaning of this definition in any development of the Scheme Area. The term also includes any other waterway designed for other purposes such as drainage but which is capable of use as a canal as herein defined. The term more specifically includes the areas depicted in the Scheme Map as the Mandurah Marina Canal;
- (s) "Waterways Commission" means the Waterways Commission as established pursuant to the Waterways Conservation Act 1976;
- (t) "Waterway Development" means all of the work required to produce subdivisional lots fronting any Waterway or directly related to the Waterway and depicted on the Scheme Map.

#### 1.8 Relationship of Scheme to By-laws

The provisions of the Scheme shall have effect notwithstanding any by-law or regulation for the time being in force in the district of the City of Mandurah; where the provisions of the Scheme are inconsistent with the provisions of any by-law or regulation, the provisions of the Scheme shall prevail.

### PART II—SUBDIVISION

#### 2.1 Developer's Responsibility

The subdivision of the Scheme Area will be carried out by the Developer and shall in the ordinary way be subject to the approval of the Commission.

#### 2.2 Layout of Subdivision

The subdivision pattern shown on the Scheme Map is indicative of the form of subdivisional development proposed.

#### 2.3 Variations

Variations to the subdivision pattern may be made at the request of the Developer subject to the approval of the Commission on the recommendation of the Council.

#### 2.4 Subdivision Prior to Scheme

It is consistent with the Scheme that the subdivision of the Scheme Area in accordance with the Scheme Map, or the map as varied, may be undertaken prior to the gazettal of the Scheme, subject only to the Developer obtaining the approval of the Commission.

## PART III—DEVELOPMENT

## 3.1 Development by Developer

## 3.1.1 Developer Responsible

All development work within the Scheme Area shall be carried out by and at the expense of the Developer who shall be solely responsible for making application for and securing any approval, licence or consent required under any written law in respect thereof.

## 3.1.2 Indemnity to Council

The Council shall not be responsible in any way for the carrying out or cost of the development work in any part of the Scheme Area and the Council shall be indemnified by the Developer against any cost or liability it may incur in connection with the development work and in connection with the implementation of the Scheme generally or in respect of the making of the Scheme including any claim for compensation for injurious affection. Notwithstanding the generality of the foregoing the Developer shall not be liable to indemnify the Council for normal administrative costs it would have incurred in connection with the subdivision of land within the Scheme Area, and the carrying out of the development had this Scheme not been adopted.

## 3.1.3 Staging

The Developer may construct the Waterways in stages subject to the agreement of the Department, Peel Inlet Management Authority, and the Council.

## 3.2 Development Prior to Scheme

## 3.2.1 Planning Consent

To the extent that it is necessary to obtain planning consent for any development within the Scheme Area, it is not contemplated that the gazettal of the Scheme must precede the granting of planning consent.

## 3.2.2 Carrying out of Work

It is consistent with the Scheme that the carrying out of work in respect of any part of the Waterway Development may be undertaken prior to the gazettal of the Scheme, subject only to the Developer obtaining any planning consent required under the Council's district zoning scheme and any other licence approval or consent required under any written law.

## 3.3 Developer's Responsibilities

## 3.3.1 Construction Standards

The Waterways shall be constructed in accordance with the specifications and standards in the Waterway Construction Plans and Specifications approved by the Council and the Department and amendments as approved from time to time.

## PART IV—INITIAL MANAGEMENT BY DEVELOPER

## 4.1 Management by Developer

## 4.1.1 First Five Years

Subject to the provisions of subclause 4.1.3, for a period of 5 years from the date of practical completion of the construction of the Waterways the Developer shall be and remain responsible for the monitoring, maintenance and repair of:

- (a) the bed and walls and any other structure or work of or associated with the Waterways;
- (b) the water quality within the Waterways;
- (c) sedimentation control within the Waterways;
- (d) removal of rubbish and algal wrack; and
- (e) storm and flood damage.

## 4.1.2 Development in Stages

If a Waterway is developed in stages the Developer's responsibility for maintenance:

- (a) of the bed and of the water quality and prevention of siltation in that Waterway shall continue until 5 years have expired after the date of practical completion of the construction of the most recent stage of the Waterways; and
- (b) of the walls of that Waterway shall continue for 5 years after the date of practical completion of that stage.

## 4.1.3 Management After First Five Years

After the expiration of the 5 years period or periods of the Developer's responsibility for monitoring, maintenance, and repair in accordance with provisions of this subclause the Developer's liability for maintenance shall continue until:

- (a) 25 per cent of lots within the Scheme Area have been sold by the Developer;
- (b) the construction of residences has been commenced on 10 per cent of the lots within the Scheme Area; and
- (c) the Association has been formed and incorporated and the levy funds have been placed in the control of the Association.

## 4.1.4 Environmental Management Programme

The obligations in regard to the maintenance of water quality and in regard to the prevention and control of siltation require compliance with the standards in the Environmental Management Programme required pursuant to the approval granted under the Environmental Protection Act 1986.

#### 4.1.5 Developer's Liability for Cost of Maintenance Work

The Developer shall not use or call upon the Community Association to use the Maintenance Fund or moneys in the Trust Account or any funds of the Association to pay for any of the maintenance work referred to in subclause 4.1.1 until after the expiration of the period of the Developer's liability as referred to in subclause 4.1.3.

#### 4.1.6 Environmental and Waterways (Ongoing) Management Programme

The Developer shall prepare an Environmental and Waterways (Ongoing) Management Programme to the satisfaction of the Environmental Protection Authority, the Peel Inlet Management Authority and the Department before the expiration of the Developer's responsibilities and notwithstanding the provisions of subclauses 4.1.1 to 4.1.3 inclusive, the Developer shall continue to be responsible for management of the Waterways until the Environmental and Waterways (Ongoing) Management Programme is completed to the satisfaction of those public authorities.

#### 4.2 Design Guidelines

##### 4.2.1 Developer to Prepare Design Guidelines

The Developer shall prepare and within 60 days from the gazettal of this Scheme shall submit for the approval of the Council and the Peel Inlet Management Authority, design guidelines to guide development on lots within the Scheme Area in regard to the following matters:

- (a) the placement of buildings, outbuildings, retaining walls, fences, other structures, and excavations on any lot within the Scheme Area;
- (b) the construction of any jetty, mooring or other structure projecting from a lot into the Waterway;
- (c) materials and finishes of buildings;
- (d) the structure and placement of driveways, carports and garages;
- (e) plantings on any lots;
- (f) onsite stormwater disposal;
- (g) the heights of buildings and other structures on lots; and
- (h) any other matter pertaining to development on lots as the Developer considers appropriate.

##### 4.2.2 Developer to Ensure Compliance in Design

The Developer shall be responsible to ensure that any dwelling or other development proposed to be carried out on any lot within the Scheme Area is designed in accordance with the design guidelines before any application for planning approval (if applicable) or a building licence is submitted to the Council. The Council shall not be required to issue any planning approval (if applicable) or any building licence for a dwelling or any other building or development proposed within the Scheme Area unless the application for the approval or licence is accompanied by a letter or certificate from the Developer or the Association in accordance with the provisions of this subclause confirming that the Developer or the Association as the case may be is satisfied that the proposal is in accordance with the design guidelines. Provided that the Council receives such a certificate or letter the Council shall not be required to make any further enquiry to ascertain whether the proposal is in accordance with the design guidelines.

##### 4.2.3 Duration of Developer's Responsibility for Design

The Developer shall remain responsible for the implementation of the design guidelines until:

- (a) 25 per cent of the lots within the Scheme Area have been sold;
- (b) construction of a residence has been commenced on 10 per cent of the lots within the Scheme Area; and
- (c) the Association has been formed and incorporated.

##### 4.2.4 Responsibility Passing to Association

After the termination of the Developer's liability for the implementation of the design guidelines in accordance with the preceding paragraph the responsibility for the implementation of the design guidelines shall be undertaken by the Association.

### PART V—COMMUNITY ASSOCIATION

#### 5.1 Establishment of Community Association

##### 5.1.1 Time Limited for Formation

The Developer shall not develop more than 50 per centum in number of the lots proposed to be created in the Scheme Area until the Community Association has been formed and is able to take and hold a lease of the bed of the Waterways.

##### 5.1.2 Incorporation

The Community Association is to be incorporated under the Association's Incorporation Act 1987 with a Constitution satisfactory to the Council.

##### 5.2 Objects of the Community Association

In addition to any other objects considered appropriate by the members of the Community Association and acceptable to the Council, the objects of the Community Association shall include the following:

- (a) maintaining the structures of the Waterways in accordance with the Construction Standards;
- (b) maintaining the water depth in the Waterways against the effects of siltation in accordance with the Construction Standards;
- (c) maintaining water quality within the Waterways;

- (d) application of the Design Guidelines;
- (e) administering the Maintenance Fund;
- (f) collecting contributions to the Maintenance Fund from Owners; and
- (g) removal of algal wrack from the Waterways.

### 5.3 Responsibilities of the Community Association

#### 5.3.1 Passing of Responsibility for Management

Upon completion of the Developer's responsibilities set out in the Scheme regarding construction, maintenance and preparation of the Environmental and Waterways (Ongoing) Management Programme and the provision of written evidence to the Council that these responsibilities have been discharged to the satisfaction of the Department, the Department of Environmental Protection and the Peel Inlet Management Authority, the Community Association shall become and shall remain responsible for the ongoing management of the Waterways in accordance with the Environmental and Waterways (Ongoing) Management Programme.

#### 5.3.2 Financial Responsibility

Upon the Community Association becoming responsible for the maintenance of the Waterways, the Community Association shall have the full financial responsibility to maintain the Waterways and after taking account of contributions which the Developer is required by this Scheme to make to the Maintenance Fund, shall fulfil its financial responsibilities by imposing levies upon its members and by such other means as the Association from time to time considers proper but without recourse to the City's funds.

The financial responsibility of the Community Association to maintain the Waterways shall continue until:

- (a) the Community Association is dissolved; or
- (b) the Council undertakes the management of the Waterways as provided for in Clause 5.7.

### 5.4 Membership of Association

#### 5.4.1 Eligibility

The Constitution and/or Rules of the Community Association shall provide inter alia that the membership of the Community Association shall be open to every person who is an Owner of a Lot within the Scheme Area, and shall provide that a person who has contracted to purchase a Lot shall be entitled to membership of the Community Association either of the same class, grade or status as an Owner or otherwise.

#### 5.4.2 Rights

The Constitution and/or Rules of the Community Association shall subject to any necessary approval of the Department ensure that any financial member and that the members of the family and any servant or agent or invitee or licensee of a financial member enjoys the following rights amongst any others which the Community Association is able and considers proper to confer:

- (a) the right to use any mooring as specified by the Community Association;
- (b) the exclusive right to the use of any mooring within the mooring envelope of that member's Lot; and
- (c) the right of access to and use of any part of the Waterways subject to any by-law or direction of the Community Association.

#### 5.4.3 Establishment of Moorings

The Community Association shall subject to any necessary approval of the Department have the right and may by its Constitution and/or Rules or by a by-law or otherwise provide for the establishment of a mooring adjacent to or within the mooring envelope of any Waterway fronting a Lot the Owner of which is not a financial member of the Association.

#### 5.4.4 Persons not Financial Members

Any Owner who is not a financial member of the Community Association shall in that part of any Waterway adjacent to any part of the Owner's Lot:

- (a) maintain the structure of the bed of the Waterway in accordance with the Construction Standards;
- (b) monitor and maintain water quality in accordance with the Construction Standards;
- (c) maintain the water depth of the Waterway against the effects of siltation; and
- (d) establish and maintain a liaison with the Waterways Commission and the Department in relation to the aforesaid and any other matters touching upon the water quality and the structure of the Waterway adjacent to the Owner's Lot,

PROVIDED THAT the Owner may make such financial or other arrangements acceptable to the Community Association for the Community Association to carry out all or any of those obligations on behalf of the Owner.

#### 5.4.5 Responsibility for Cost of Maintenance

Without affecting the generality of any of the preceding provisions of this clause every Owner of a Lot within the Scheme Area has a responsibility to contribute to the cost of maintaining the Waterways and the water quality and depth of the Waterways.

#### 5.4.6 Obligations on Becoming Registered Proprietor

Any Owner who is not a member of the Community Association shall within 60 days of becoming the registered proprietor or one of two or more joint tenants or tenants in common of any Lot, apply to the Community Association either:

- (a) to become a member of the Community Association; or
- (b) for the Community Association to fix the contribution of that Owner to the cost of maintaining the Waterways and the water quality and depth of the water in the Waterways, or to advise as an alternative the basis upon which an annual contribution to the cost of that maintenance shall be assessed for payment by the Owner.

#### 5.4.7 Time for Payment of Contributions

Any contribution to the cost of maintaining the Waterways or the quality and depth of the water within the Waterways or any membership fee or levy on members imposed for the purpose of paying the costs of maintaining Waterways and the quality and depth of water within the Waterways shall be paid within 60 days of the Community Association making demand for the same by posting a demand to the address of the Owner's Lot in the Scheme Area, or to the Owner's last known place of residence. Interest at the rate applied from time to time by the Commonwealth Trading Bank on overdrafts of a comparable amount shall be payable by any Owner whose contribution is not paid within the 60 days notice period and such interest may be claimed and recovered by the Community Association from the date the 60 days notice expires.

#### 5.4.8 Recovery of Contributions

The Community Association may take action in a civil court of competent jurisdiction to recover from any Owner within the Scheme Area:

- (a) any membership fee or levy on members imposed for the purpose of paying the cost of maintaining the Waterways and the quality and depth within the Waterways within the Scheme Area; or
- (b) any contribution to the cost of maintaining the Waterways which the Community Association has demanded of an Owner who is not a member of the Community Association;
- (c) any interest payable on any overdue contribution; and
- (d) the cost of recovering the funds referred to in this subclause.

#### 5.4.9 Advice to Prospective Owners

The Developer and/or the Community Association shall make arrangements satisfactory to the Council to ensure that all prospective Owners in the Scheme Area are advised of their rights and responsibilities under the Scheme and the Constitution and Rules of the Community Association.

#### 5.4.10 Council Representatives on Association Committee

5.4.10.1 The Council may from time to time nominate a member of the Council to be an ex officio member of the Committee of the Community Association and that representative shall in all ways be and be treated by the Community Association as a member of its Committee.

5.4.10.2 The Constitution and/or Rules of the Community Association shall provide that a representative of the Council appointed in accordance with the provisions of this subclause shall be ex officio a member of the Committee of the Association and shall make such provisions as are necessary to reflect the provisions and requirements of this subclause.

5.4.10.3 The Council representative on the Committee of the Community Association shall have the power to require the delay or suspension of the implementation of any resolution of the Community Association for the expenditure of any funds received, collected or held for the purpose of management of the Waterways pending the referral of the item to the Council for consideration. Where the Council representative makes such a requirement the Community Association shall not act upon the resolution nor expend funds as proposed in the resolution until the matter has been considered by the Council and the Council has approved the expenditure.

5.4.10.4 If a resolution of the Committee of the Community Association or any other proposal to expend funds of the Community Association is referred to the Council pursuant to the provisions of this subclause, and if the Council resolves that the expenditure should not be made then the Community Association shall not expend the funds as resolved or as proposed and shall only expend funds in connection with that proposal to the extent and in the manner directed by the Council.

#### 5.5 Use of Waterways

##### 5.5.1 Use of Waterways by Contributors

The Waterways shall be maintained for use only by those persons who are paid up financial members of the Community Association or by persons who, not being members, have made the contribution required by the Community Association or have made up to date the annual contributions towards the cost of maintaining the Waterways.

##### 5.5.2 Use by Invitees and Licensees of Contributors

Any member of the family, or any tenant or member of the family of any tenant, and any other invitee or licensee of a member of the Community Association, or other Owner within the Scheme Area who is an up to date contributor to the cost of maintaining the Waterways may use the Waterways in common with all other persons so entitled in a manner consistent with the Constitution and rules and any by-laws from time to time of the Community Association, and any relevant regulations or by-laws administered by the Council.

### 5.5.3 Use by Officials and Persons Authorized by Council

No person may use the Waterways or any part thereof other than:

- (a) persons permitted under subclauses 5.5.1 and 5.5.2;
- (b) any person or class of persons expressly authorized in writing by the Council; or
- (c) any person performing an official function under this or any other written law applying within the Scheme Area,

and use of the Waterways by any other person shall be a contravention of this Scheme.

The Council may withdraw its authorization under item (b) for any person or class of person to use the Waterways or any part thereof.

### 5.6 Costs of Enforcement

#### 5.6.1 Reimbursement and Indemnity by Community Association

The Community Association as from the date of the transfer of the Trust Account to its control shall reimburse the Council from the Trust Account and shall further indemnify the Council to the extent of its separate funds, in respect of any cost or liability the Council might incur in enforcing or attempting to enforce any obligation of the Community Association or any Owner in regard to the maintenance of the bed of the Waterways, or the walls, or the water quality or depth of water in the Waterways.

#### 5.6.2 Reimbursement to Council of Costs and Liabilities

If the Council incurs any cost or liability in connection with the maintenance of the beds of the Waterways or the water quality or the depth of the Waterways which the Community Association on reasonable notice fails to make good from the moneys in the Trust Account or from its own funds, the Council may draw upon the moneys in the Trust Account or from its own funds and additionally or alternatively may take action in a competent Court of civil jurisdiction to recover the moneys as a debt due by the Community Association and may likewise take action against the Community Association or any responsible Owner to recover any cost or liability incurred in respect of the maintenance of the walls of the Waterways.

### 5.7 Council Control of Waterways

#### 5.7.1 Dissolution of Community Association

In the event that the Community Association fails to discharge its responsibilities to manage the Waterways in accordance with the Environmental and Waterways (Ongoing) Management Programme to the satisfaction of the Peel Inlet Management Authority, Minister for the Environment or the Minister for Transport, or in the event that the Community Association is dissolved, the Council shall undertake the responsibility for the care, control and management of the Waterways under this Scheme and enforce the provisions of this Scheme in relation to the Waterways and the maintenance and use of the Waterways as if it was the Community Association and to the extent that they are applicable, all other provisions of this Scheme relating to the Community Association management of the Waterways shall apply mutatis mutandis as if the Council was the Community Association, but without in any way limiting the power of the Council under any other written law to manage and control the Waterways and to secure contributions to the cost of maintaining the Waterways from Owners.

#### 5.7.2 Council Approval

The Community Association shall make provision in its Constitution and Rules that before a resolution can be passed to dissolve the Community Association the approval of the Council must first be obtained. The outstanding term of any lease of the Waterways shall be vested in or transferred or assigned to the Council upon the dissolution of the Community Association, or may at the direction of the Council be transferred or assigned to a body or person responsible for the carrying out of the duties and function of the Community Association under the Scheme.

#### 5.7.3 Funds in Trust Account

The funds in the Trust Account shall be held and maintained by the Community Association to the use of the Council, but exclusively for the purpose of funding the maintenance of the Waterways. Upon the dissolution of the Community Association, or upon the Council resolving to undertake direct responsibility for the maintenance of the Waterways, the Council shall take direct control of the funds in the Trust Account and shall use the same for the exclusive purpose of funding the maintenance of the Waterways. While the Community Association retains the responsibility for maintenance of the Waterways, the Council shall provide all necessary authorities to ensure that the Community Association is able to draw upon the funds in the Trust Account but the Community Association shall provide a full accounting to the Council as to the funds expended from the Trust Account within 28 days of receiving written notification from the Council to do so.

## PART VI—MAINTENANCE FUND

### 6.1 Developer Contributions

#### 6.1.1 Developer's Payments to Trust Account

The Developer shall pay a sum of \$300.00 upon the completion of the first sale of each Lot within the Scheme Area and shall pay that sum within 14 days of the settlement of that sale into an interest bearing account, designated as a "Trust Account" in the name of the Mandurah Marina Community Association, in a branch of the National Australia Bank within the district of the City. On June 30 of each year until all lots within the Scheme Area have been sold, the Council may review the sum required and may increase the sum required by not more than the Consumer Price Index for the financial year which expires on that date.

### 6.1.2 Developer as Trustee

The Developer shall maintain the funds in the Trust Account as a trustee for the benefit of the Council and upon the formation and incorporation of the Community Association to be administered by the Community Association.

### 6.1.3 Transfer to Control of Community Association

As soon as possible after the incorporation of the Community Association the Developer shall do all things within the power of the Developer to transfer the funds in the Trust Account to the control of the Community Association as trustee for the Council, and the Community Association shall thereafter hold the funds in the Trust Account and all further funds deposited in the account by the Developer in accordance with the preceding provisions of this clause to the use of the Council but with power and authority to apply the funds for the purpose of discharging the obligations of the Community Association in regard to the maintenance of the Waterways and the quality and depth of the waters within the Waterways.

### 6.1.4 Moneys to be Added by Community Association

The Community Association shall add to the Maintenance Fund such moneys as it recovers by way of levies upon or other contributions from its members and other Owners within the Scheme Area, where those levies or contributions are imposed in relation to the maintenance of the Waterways and the quality and depth of the waters within the Waterways. The funds so raised shall be merged with the funds paid by the Developer as herein provided, and shall be held by the Community Association as trustee to the use of the Council.

### 6.1.5 Level of Contributions by Non-Members

The Community Association shall ensure that the levies upon members and other contributions payable by Owners within the Scheme Area who are not members of the Community Association are imposed at a level sufficient to ensure that the Maintenance Fund is adequate from year to year to meet all likely expenditure associated with the maintenance of the Waterways and meeting its other lawful commitments.

### 6.1.6 Payment of Administrative Expenses

The Community Association may apply the Maintenance Fund to pay for any administrative expenses incurred by the Community Association provided that before any administrative expenses are paid the Community Association shall ensure that there are adequate moneys in the Maintenance Fund to pay for all liabilities associated with the maintenance of the Waterways likely to arise before the Community Association is able to impose and recover further levies from its members or contributions from other Owners.

### 6.2 Contribution by Subsequent Developer

Where any Lot developed and sold by the Developer is capable of further subdivision or development so as to produce a further Lot or Lots, any person subdividing or otherwise developing the original Lot shall pay to the Maintenance Fund a sum of \$150.00 for each additional Lot produced. The contribution of \$150.00 shall be paid within 14 days of the settlement of the sale of each additional Lot produced or upon the issuing of a building licence in respect of the Lot, whichever is the earlier.

A like contribution shall be paid by the Developer if the Developer carries out further development of any subdivisional Lot resulting in the creation of any extra Lot.

### 6.3 conditions on development approval

The Council or the Commission may impose as a condition of development or subdivision approval respectively a requirement that the Developer or a subsequent Developer producing a Lot by the subdivision or other development of land within the Scheme Area shall make the contributions hereinbefore referred to in the manner hereinbefore provided.

## PART VII—GENERAL

### 7.1 Staging

Without affecting the generality of any previous provision dealing with staging, the Developer may carry out the development of the Waterways by stages and may transfer or assign the lease to the bed of the Waterways to the Community Association by stages.

### 7.2 Claims for Compensation

The time limit for the making of any claim for compensation pursuant to section 11 of the Act is 6 months after the date when notice of the approval of the Scheme is published in the manner prescribed by the Regulations made under the Act but the Developer having requested the Council to adopt the Scheme shall not be entitled to claim compensation arising out of the making of the Scheme or otherwise.

### 7.3 Powers

The Council in implementing the Scheme has, in addition to all other powers vested in it the following powers;

- (a) the power to enter into an agreement with the Developer or any Owner or any other person having an interest in land within the Scheme Area affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme but only consistently with the provisions of the Scheme;
- (b) an officer of the Council authorised by the Council or by the Chief Executive Officer of the Council for the purpose, may at all reasonable times enter any part of the land in the Scheme Area for the purpose of ascertaining whether the provisions of the Scheme are being observed.



#### 7.4 Offences

##### 7.4.1 Prohibition

A person shall not erect, alter or add to or commence to erect, alter or add to a building or part of a building and shall not except for the purpose of repairing to its former condition damage alter or remove any part of the wall or the bed of the Waterways and shall not interfere with any mooring established or approved by the Community Association:

- (a) otherwise than in accordance with the provisions of the Scheme;
- (b) unless all consents required by the Scheme and the district zoning scheme including any necessary approval of the Developer, the Community Association or the Council have been granted and issued;
- (c) unless any conditions imposed upon the grant or issue of any consent has been and continues to be complied with; and
- (d) unless all standards and provisions of the Construction Standards and the Design Guidelines and any other standard or requirement imposed by the Council pursuant to the Scheme in respect of any building development or other work carried out in the Scheme Area has been and continues to be complied with.

##### 7.4.2 Penalty Under Act for Breach

A person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the Act.

##### 7.5 District Zoning Scheme

The obligations contained in this Scheme are additional to and do not detract from or derogate from the provisions relating to development control and the obligations, requirements and standards contained in the district zoning scheme.

##### 7.6 Licensing or Approval of Moorings

The requirement of the Community Association to approve of the establishment of any mooring in the Waterways is additional to any other obligation arising under any other written law in relation to the licensing or approval of any jetty or other structure in, over or adjacent to the Waterways.

##### 7.7 Section 10 Notice

Twenty eight (28) days written notice is hereby prescribed as the period of notice to be given pursuant to section 10 of the Act. Any expenses incurred by the Council under the said section may be recovered from the person in default as a simple contract debt in such court of civil jurisdiction as is competent to deal with the amount of the claim.

Any materials or works removed by the Council from land may be stored by the Council and disposed of by the most convenient and inexpensive means available to the Council and all expenses of doing so may be recovered from the person or persons in default as a simple contract debt in a civil court of competent jurisdiction.

##### 7.8 Arbitration

In the event that any difference arises to any person and the Council under this Scheme, or between the Developer and any other Owner within the Scheme Area, or between an Owner and the Community Association, out of the provisions or the implementation of this Scheme, if no other provision has been made by the Scheme for the resolution of the difference, and if the difference is not a matter which is capable of being dealt with by appeal to the Minister or to the Town Planning Appeal Tribunal upon notice being given within the specified period, then the difference may be determined by Arbitration in the manner provided by the Commercial Arbitration Act 1985, or by such other means as the parties agree upon.

##### 7.9 Appeals

Any Owner aggrieved by a decision of the Council exercising a discretionary power under this Scheme may appeal against the determination of the Council to the Minister or Town Planning Appeal Tribunal in accordance with the provisions of Part V of the Act.

#### ADOPTION

Adopted by resolution of the Council of the City of Mandurah at the Ordinary meeting of Council held on the 23rd day of November 1993.

K. A. HOLMES, Mayor.  
S. K. GOODE, Town Clerk.

#### FINAL APPROVAL

Adopted for final approval by resolution of the City of Mandurah at the Ordinary Meeting of Council held on the 20th day of September 1994, and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

K. A. HOLMES, Mayor.  
S. K. GOODE, Town Clerk.

Recommended/Submitted for final approval

EVAN JONES, for Chairperson,  
Western Australian Planning Commission.

Date 13/7/95.

Final approval granted

RICHARD LEWIS, Minister for Planning.

Date 29/7/95.

## POLICE

### PE401

#### POLICE AUCTION

Under the provisions of the Police Act 1892-1992, unclaimed found and stolen property will be sold by public auction at the Department of State Services, State Supply Disposal Centre, 21 Pilbara Street, Welshpool on Tuesday, 19 September 1995 at 9.00 am.

Auction to be conducted by Mr K. Treloar, Government Auctioneer.

R. FALCONER, Commissioner of Police.

## TRANSPORT

### TR401

#### WESTERN AUSTRALIAN MARINE ACT 1982 CLOSURE OF NAVIGABLE WATERS BURNS BEACH

Department of Transport,  
Fremantle, 15 August 1995.

Acting pursuant to the powers conferred by section 66 paragraph (d) of the Western Australian Marine Act 1982, the Department of Transport by this notice revokes paragraph 31 (1) of the notice published in the *Government Gazette* of 27 January 1995, relating to the boating prohibited area at Burns Beach.

STUART HICKS, Director General of Transport.

### TR402

#### WESTERN AUSTRALIAN MARINE ACT 1982 CLOSURE OF NAVIGABLE WATERS MANDURAH

Department of Transport,  
Fremantle, 15 August 1995.

Acting pursuant to the powers conferred by section 66 paragraph (d) of the Western Australian Marine Act 1982, the Department of Transport by this notice revokes paragraph 22 (1) of the notice published in the *Government Gazette* of 27 January 1995, relating to the boating prohibited area known as Robert Day Memorial Pool in the City of Mandurah.

STUART HICKS, Director General of Transport.

## PUBLIC NOTICES

### ZZ201

#### TRUSTEES ACT 1962

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 and amendments thereto relate) in respect of the Estates of the undermentioned deceased persons are required by the personal representatives of care of Messrs. Corsor & Corsor, 1st Floor, 256 Adelaide Terrace, Perth to send particulars of their claims to them within one month from the date of publication of this notice at the expiration of which time the personal representatives may convey or distribute the assets having regard only to the claims of which they have then had notice—

Ashton, Albert John, late of 9 Canterbury Terrace, East Victoria Park, Master Builder, died on 19 January 1982.

Davison, Michael Bailey, late of 52 Conigrave Road, Yangebup, Truck Driver, died on 12 November 1994.

Ashton, Anne, late of Cottage Horpice Bedbrook Place, Shenton Park, Widow, died on 20 April 1992.

Giles, John Thomas, late of 204 Anderson Street, Geraldton, Contractor, died on 14 June 1995.

Moyle, Ada Dorothy, late of 31 Summerhayes Drive, Karrinyup, Widow, died on 29 August 1994.

Musca, Angela, late of St David's Nursing Home, Mt Lawley, Widow, died on 8 July 1995.

Dated this 8th day of August 1995.

CORSER & CORSER.

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**ZZ202**

**TRUSTEES ACT 1962**

Notice to Creditors and Claimants

Creditors and other persons having claims to the Estate of Rachel Mavis Muir-Dick, late of 3/114 Albert Street, Osborne Park are required to send particulars of their claims to S. V. Phillips & Co. 8 Victoria Ave, Perth 6000, as Solicitor to the Executor, on or before 15th September 1995, after which date I may convey or distribute the assets having regard only to the claims of which I then have notice.

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**ZZ301**

**INQUIRY AGENTS LICENSING ACT 1954**

APPLICATION FOR LICENSE IN THE FIRST INSTANCE

To the Court of Petty Sessions at Perth.

I, John Raymond Wadeisha of 33B Kintail Road, Applecross 6153, Business Proprietor, having attained the age of twenty-one years, hereby apply on my own behalf for a license under the abovementioned Act. The principal place of business will be at 33B Kintail Road, Applecross 6153.

Dated the 10th day of August 1995.

J. R. WADEISHA, Signature of Applicant.

---

Appointment of Hearing

I hereby appoint the 19th day of September 1995 at 2.15 o'clock in the afternoon as the time for the hearing of the foregoing application at the Court of Petty Sessions at Perth.

Dated the 10th day of August 1995.

M. MEE, Clerk of Petty Sessions.

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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**

**DISSOLUTION OF PARTNERSHIP**

Notice is hereby given that the partnership subsisting between Rosemary Aldridge and Clive Phillip Aldridge carrying on business as Pig Farming and Breeding at Rainoldi Road, Boyup Brook, under the style or firm name of C P & R Aldridge trading as Milawa Grazing Company has been dissolved as from 4 August 1995, and thereafter will not carry on business.

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