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GOVERNMENT**
Gazette



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JOHN A. STRIJK,
Government Printer.

ABORIGINAL AFFAIRS

AB301

ABORIGINAL COMMUNITIES ACT 1979

DJARINDJIN ABORIGINAL COMMUNITY BY-LAWS

Made by the Council of the Djarindjin Aboriginal Corporation Incorporated under section 7 of the Act and approved by the deputy of the Governor in Executive Council.

PART 1 — PRELIMINARY

Citation

1. These by-laws may be cited as the *Djarindjin Aboriginal Community By-laws*.

Definitions

2. In these by-laws —

“**Community**” means the Djarindjin Aboriginal Community;

“**Community land**” means the land declared by the Governor under section 6 of the Act to be the community lands of the Community;

“**Corporation**” means the Djarindjin Aboriginal Corporation Incorporated.

“**Council**” means the council of the Corporation;

“**member of the Community**” means a person who the Council accepts as a member of the Community for the time being;

“**vehicle**” means a vehicle as defined in the *Road Traffic Act 1974*.

Council permission

3. Where a by-law provides that the Council may grant permission to a person to do an act that would otherwise not be permitted, the Council —

- (a) may grant or refuse to grant that permission;
- (b) may grant permission subject to any conditions it thinks fit;
- (c) may, if it has granted permission, revoke that permission at any time;
- (d) need not give reasons for its decision; and
- (e) may notify the person concerned of the granting, refusal to grant or revocation of the permission either orally or in writing.

PART 2 — COMMUNITY LAND

Permission to enter Community land

4. (1) Subject to any other written law, a person who is not a member of the Community must not enter or remain on Community land without the prior permission of the Council.

(2) The Council may delegate its power to permit people to enter or remain on Community land to any member of the Council or employee of the Corporation.

Restricted access areas

5. (1) Subject to any other written law, the Council may declare any part of the Community land to be a restricted access area.

(2) For each restricted access area the Council must erect signs identifying the area and indicating who is permitted to enter that area and under what conditions they may do so.

(3) A person must not enter a restricted access area contrary to a sign erected under sub-bylaw (2).

Homes

6. A person —

(a) must not enter the home of another person without the prior permission of that other person; and

(b) if in another person's home, must leave promptly when asked to do so by that other person.

PART 3 — TRAFFIC**Restricted traffic areas**

7. (1) Subject to any other written law, the Council may declare any part of the Community land to be a restricted traffic area.

(2) For each restricted traffic area the Council must erect signs identifying the area and indicating who, if anyone, is permitted to drive a vehicle in that area and under what conditions they may do so.

(3) A person must not drive a vehicle in a restricted traffic area contrary to a sign erected under sub-bylaw (2).

Traffic signs

8. (1) The Council may erect signs for the purpose of regulating the use of vehicles on Community land.

(2) A person must not use a vehicle contrary to a sign erected under sub-bylaw (1)

Careless or dangerous driving and driving while intoxicated

9. (1) A person must not drive a vehicle on Community land without due care and attention.

(2) A person must not drive a vehicle on Community land in a manner that is, having regard to all the circumstances, dangerous to the public or to any person.

(3) A person must not drive or attempt to drive a vehicle on Community land while under the influence of alcohol or drugs to such an extent as to be incapable of having proper control of the vehicle.

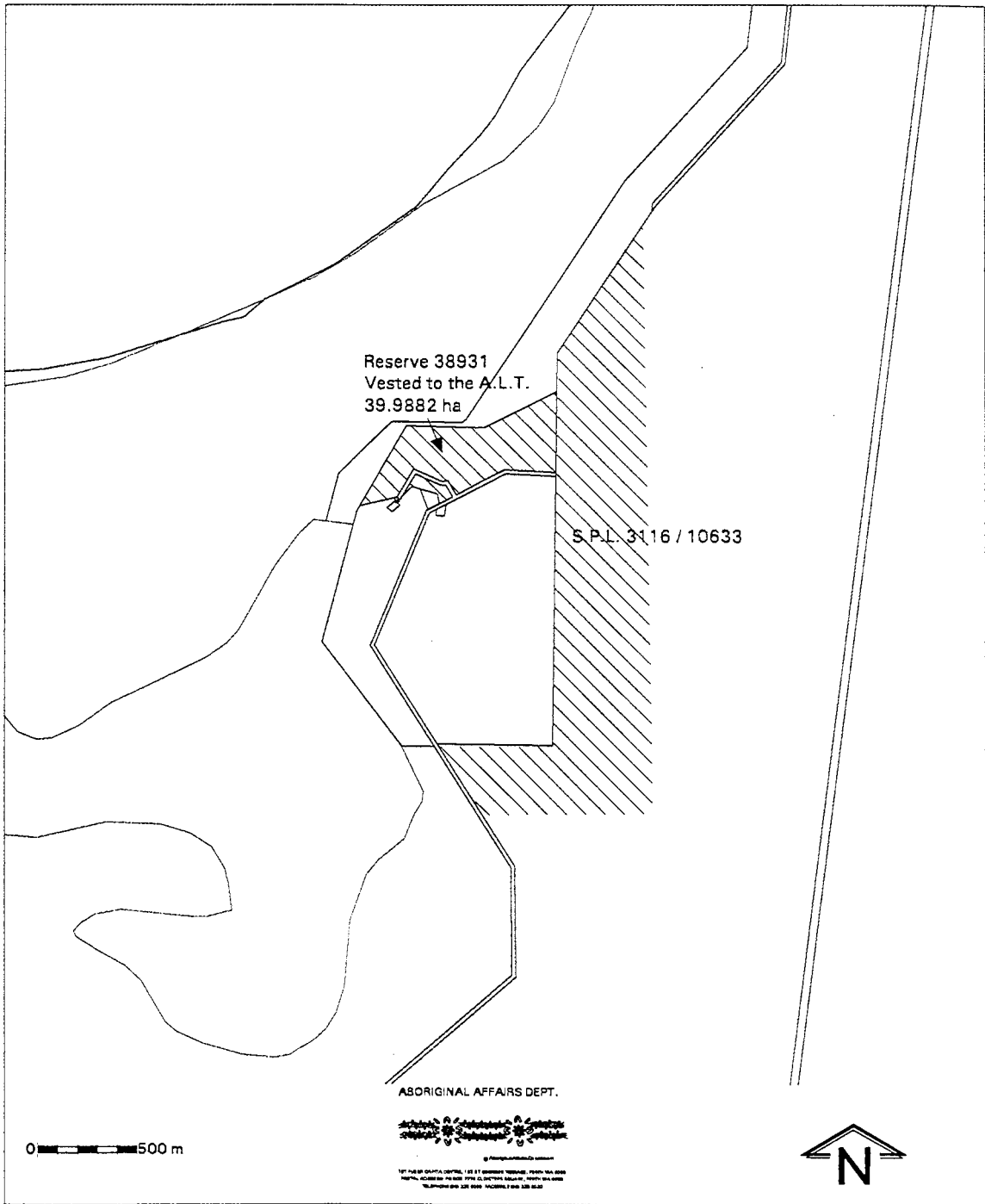
PART 4 — ALCOHOL**Regulation of alcohol**

10. (1) A person must not —

(a) bring alcohol on to Community land; or

(b) come onto Community land if the person is drunk,

without the prior permission of the Council.



Map Ident: plot960926_4

COMMUNITIES ACT BOUNDARIES

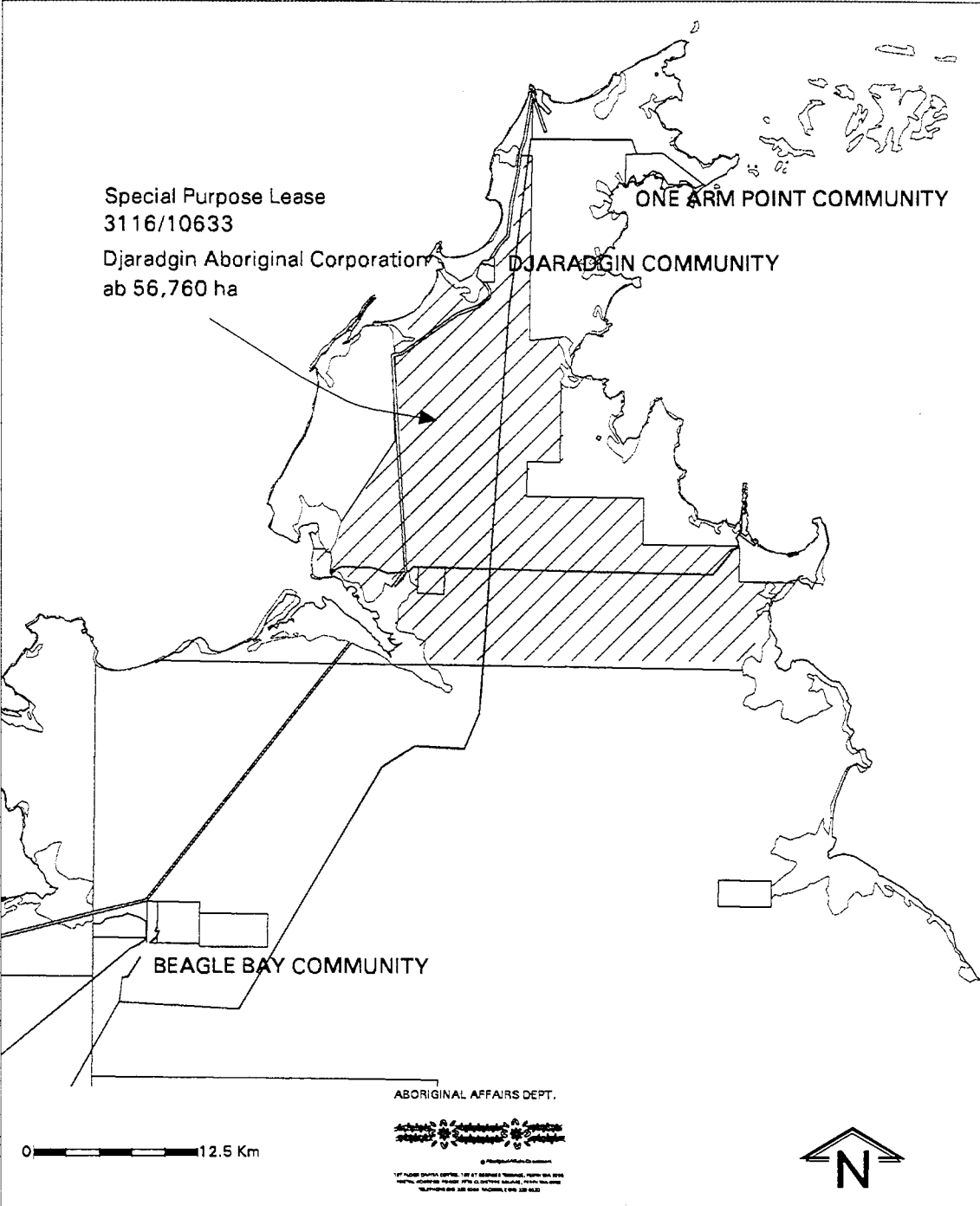



DJARADGIN COMMUNITY
PROPOSED COMMUNITY BY-LAW BOUNDARIES

Approved

Diagram No

Date: 26 Sep 96



Map Ident: plot960925_2		COMMUNITIES ACT BOUNDARIES	
	DJARADGIN COMMUNITY		Approved
	PROPOSED COMMUNITY BY-LAWS BOUNDARIES		Diagram No
Date: 02 May 97			

- (2) A person must not, while on Community land;
 - (a) drink alcohol;
 - (b) supply give alcohol to another person; or
 - (c) possess alcohol,

without the prior permission of the Council

(3) When deciding whether to grant permission under this by-law the Council must have regard to the welfare of the Community as the paramount consideration.

PART 5 — MISCELLANEOUS

Damage to property

11. A person must not maliciously damage any building, structure, vehicle, planted vegetation or other thing on Community land.

Rubbish

12. A person must not leave rubbish on Community land except in rubbish bins or places set aside by the Council for the dumping of rubbish.

Disorderly behaviour

13. (1) A person must not cause a disturbance to or annoy other people by —

- (a) using offensive or abusive language; or
- (b) fighting or behaving in an offensive or disorderly manner.

(2) A person must not disrupt a meeting —

- (a) of the Council, the Corporation or the Community; or
- (b) about community law.

(3) A person must not hinder or prevent the performance by the Council, the Corporation or any of their employees, of their duties.

PART 6 — ENFORCEMENT

Offences

14. A person commits an offence against these by-laws if the person —

- (a) fails to comply with a by-law; or
- (b) fails to comply with a condition imposed by the Council on a permission granted under these by-laws,

unless the person is a member of the Community and is acting in accordance with a custom of the Community.

Police powers

15. (1) A member of the Police Force may take proceedings against any person who commits an offence against these by-laws.

(2) A member of the Police Force may apprehend and remove a person from Community land if —

- (a) the person has committed, or is committing, an offence against these by-laws; and

- (b) it appears to the member of the Police Force likely that the person will cause injury to other people or damage to property.
- (3) A person removed from Community land under sub-by-law (2) must be released from police custody within 24 hours if not dealt with by a court before then.

Penalties

16. A person who is convicted of an offence against these by-laws —
- (a) is liable to a penalty of up to the maximum penalty permitted under the Act to be imposed for a breach of the by-laws; and
- (b) may be ordered by the court to pay up to \$250 in compensation to the owner of any property that has been damaged as a result of the commission of the offence.

The Common Seal of the Djarindjin Aboriginal Corporation Incorporated was hereunto affixed in accordance with a resolution and by authority of the Council in the presence of—

FRANK WILLIAMS,
BERNADETTE ANGUS JP,
DANIEL KYLE,
ANDREW SAMPI,
ELAINE JAMES,
MADELINE GREGORY.

Dated 14th November 1995.

Approved—

Hon. DAVID KINGSLEY MALCOLM,
Lieutenant-Governor in Executive Council.

FISHERIES

FI401

PEARLING ACT 1990
SECTION 23 (8)

The public is hereby notified that pursuant to section 23 of the Pearling Act 1990, I have granted an application for a pearl oyster farm lease to Exmouth Pearls Pty Ltd at Snapper Shoal, Exmouth Gulf. In accordance with section 33 (1) of the Pearling Act 1990 any person aggrieved by this decision may within 14 days after publication of this notice appeal against the decision by serving on the Minister for Fisheries a statement in writing of the grounds of that appeal.

P. P. ROGERS, Executive Director.

FI402

PEARLING ACT 1990
SECTION 23 (8)

The public is hereby notified that pursuant to section 23 of the Pearling Act 1990, I have granted an application for a pearl oyster farm lease to Paspaley Pearling Company Pty Ltd for an area of water approximately eight miles south east of Cape Bougainville, known as Freshwater Bay. In accordance with section 33 (1) of the Pearling Act 1990 any person aggrieved by this decision may within 14 days after publication of this notice appeal against the decision by serving on the Minister for Fisheries a statement in writing of the grounds of that appeal.

P. P. ROGERS, Executive Director.

LAND ADMINISTRATION

LB701*

LAND ACQUISITION AND PUBLIC WORKS ACT 1902 NATIVE TITLE ACT 1993 (COMMONWEALTH)

NOTICE OF INTENTION

To Take Land For A Public Work

The Minister for Works gives notice in accordance with section 17(2) of the *Land Acquisition and Public Works Act* that it is intended to compulsorily take under section 17(1) of that Act, the land described in the Schedule ("land") for the respective public work listed.

SCHEDULE

Locality/Local Government/Region	Description of land affected	Interest holder/Registered native title claimant	Public Work	Plan	Job Number/Reference
Ashburton (Shire)	1. Vacant Crown Land (311.2834 hectares). 2. Portion Gregory Location 99 and Windell Location 113, subject of Pastoral Lease 3114/1277 (Crown Lease 742/1993) Hamersley Station (371.3268 hectares).	1. Crown. 2. Crown—Hamersley Iron Pty Ltd as lessee. 3. MILLY MILLY Margaret Esme, MILLY MILLY Laurence Charles (WC96/97).	Dedication of Marandoo Access Road	Plans 18874 to 18878 inc.	940390 1982/1994
Ashburton(Shire)	1. Portion of Windell Location 116 subject of Pastoral Lease 3114/465 (Crown Lease 875/1965)—Mount Florence Station. (215.3707 hectares) 2. Portion of Reserve 5516 "Water" (about 34 hectares)	1. Crown 2. Bunjima, Niapaili, Innawonga peoples. (WC96/61) 3. Crown—RICHARDSON Tony Richard as lessee.	Dedication of road	LAWA 1221	961285 816/1996
Beverley (Shire)	Portion Avon Location 29120 being set aside as Reserve 43281 for the purpose "Conservation Park" (2.8812 hectares).	1. Crown—National Parks and Nature Conservation Authority as vestee. 2. BODNEY, Christopher Robert (WC95/86). 3. KICKETT, Allan Russell (WC96/90). 4. GARLETT, Gregory L. (WC96/103).	Dedication of Rigoll Road (No. 18832).	Diagram 92803	956812 3215/1995
Carnarvon (Shire)	1. Portion Gascoyne Location 437 subject of Pastoral Lease 3114/577 (Crown Lease 751/1966) Cooralya Station (122.9950 hectares). 2. Portion Gascoyne Location 417 subject of Pastoral Lease 3114/1217 (Crown Lease 37/1989) Boologooro Station (66.7771 hectares).	1. Crown—Maslen Holdings Pty Ltd as lessee. 2. Crown—Solander Nominees Pty Ltd as lessee. 3. CROWE R, EDNEY E, McINTOSH R, CROWE S, DALE S, FRANKLIN M, COOYOU L, COOYOU G, ROBERTS D, PECK S, SALMON P, DARBY F, (WC97/28).	Dedication and widening of North West Coastal Highway.	Plan 18004	950024 2490/1991
Coolgardie (Shire)	Vacant Crown land (3.7211 hectares).	1. Crown. 2. SLATER Judith Ann (WC96/81). 3. GRAHAM Dale Gary (WC96/44). 4. STRICKLAND Marjorie May, NUDDING ANNE Joyce (WC94/3). 5. CHAMPION Tim on behalf of the Champion, Sambo, Donaldson and Wilson (Gubrun) families (WC95/27). 6. DIMER Rollick, REID Edna (WC97/25).	Dedication of Sharpe Drive.	Diagram 91927	916598 2460/1992
Esperance (Shire)	Portion of Salmon Gums Lot 128—vacant Crown land (390 square metres)	1. Crown 2. HOLMES Teresa Boxer (WC95/84) 3. BULLEN Thomas William (WC96/64) 4. WILLIAMS Gerald Dean Jnr. (WC96/85) 5. DEMPSTER Rita & Others (WC96/109)	Widening of Hicks Street (Road No.16015)	Diagram 92194	917050 1572/1994

SCHEDULE—*continued*

Locality/Local Government/Region	Description of land affected	Interest holder/Registered native title claimant	Public Work	Plan	Job Number/Reference
Kalgoorlie/Boulder (City)	1. Vacant Crown land (363 square metres). 2. Portion Hampton Location 122 being Reserve 35662—“Parklands” (238 square metres).	1. Crown. 2. Crown—City of Kalgoorlie/Boulder as vestee. 3. STRICKLAND, Marjorie May, NUDDING, Anne Joyce (WC94/3). 4. CHAMPION, Brian & Dave, SAMBO, Cadley & Dennis, WILSON, George, DONALDSON, Clem (WC95/27). 5. FORREST, Merle, McKENZIE, Arthur William (WC96/19). 6. GRAHAM, Dale Gary (WC96/44). 7. SLATER, Judith Anne (WC96/81). 8. DIMMER, Rollick, REID, Edna (WC97/25).	Widening of Boorara Road (Road No. 18670) and intersection.	Diagram 92964	961812 1025/1996
Kalgoorlie/Boulder (City)	Portion of Kalgoorlie Lot 3425—Reserve 34534 “Park Museum and Kiosk” (800 square metres.)	1. Crown—City of Kalgoorlie/Boulder as vestee. 2. CHAMPION Tim on behalf of the Champion, Donaldson and Wilson (Gubrun) families (WC95/27). 3. STRICKLAND Marjorie May, NUDDING Anne Joyce (WC 94/3). 4. SLATER Judith Ann (WC96/81). 5. GRAHAM Dale Gary (WC96/44). 6. DIMER Rollick, REID Edna (WC97/25).	Widening of Hannan Street (Road no. 7177).	LAWA 1193	956192 2898/1995
Mandurah (City)	Portion A Class Reserve 2851 being set aside for the purpose of “Recreation and Foreshore Management” (3.3536 hectares).	1. Crown—City of Mandurah as vestee. 2. KICKETT, Allan Russell (WC96/90). 3. NANNUP, Frank, WALLEY, Joseph Terrence (WC96/100). 4. GARLETT, Gregory L (WC96/103).	Deviation of Old Coast Road (Road No. 12349).	Misc. Diagram 646	961358 834/1996
Port Hedland (Town)	1. Portion of Port Hedland Townsite—vacant Crown land (3.5904 hectares) 2. Portion of Port Hedland Lot 3083—Reserve 41675 “Recreation” (6281 square metres) 3. Portion of Port Hedland Lot 5528—Reserve 39660 “Recreation” (3728 square metres)	1. Crown 2. Crown—Town of Port Hedland as vestee	1. Dedication of Dale Street 2. Extension and dedication of Cottier Drive, Mauger Place, Traine Crescent, Brodie Crescent, and Weaver Place	Diagrams 92737, 92938, 19364, 16527	961101 744/1996
Ravensthorpe (Shire)	1. Portion Oldfield Location 1041 being vacant Crown land (46.1952 hectares). 2. Portion Oldfield Location 1491 Reserve 20510 “Stock and Water Tank” (13.5441 hectares).	1. Crown. 2. HOLMES, Teresa Boxer (WC95/84). 3. WILLIAMS, Gerald Dean Jnr. (WC96/85). 4. MORICH, Patricia M, MORICH, Noel, WOODS, Treasy M, WILLIAMS, Jack, WOODS, Lisa, WILLIAMS, Lancel (WC96/105). 5. DEMPSTER, Rita & OTHERS (WC96/109).	Dedication of John Forrest Road.	Plan 18461	954565 2208/1930
Serpentine/Jarrahdale (Shire)	1. Portion Cockburn Sound Location 411 being part of State Forrest 22 (2.1802 hectares). 2. Portion State Forrest 22 (3.8893 hectares). 3. Portion Reserve 16634 set aside for “Catchment Area” (about 8500 square metres). 4. Portion Railway Reserve (810 square metres).	1. Crown—Lands and Forrest Commission. 2. Crown—Westrail as vestee 3. BROPHO, Robert Charles (WC95/81). 4. BODNEY, Christopher Robert (WC95/86). 5. NANNUP, Frank, WALLEY, Joseph Terrence (WC96/100). 6. GARLETT, Gregory L (WC96/103). 7. SHEPPARD, Daphne Leonie (WC97/7).	Dedication of Buckland Road (Road No. 18830) and Lillie Road (Road No. 18829).	Plan 19183	907509 1342/1975

The plan(s) listed may be inspected at the office of the Department of Land Administration, Midland Square, Midland 6056, telephone (08) 9273 7089.

NATURE OF ACT: The compulsory taking of the land to undertake the public work specified in the Schedule.

COMMENCEMENT OF ACT: The taking of the land is subject to the procedural requirements of section 17(2) of the *Land Acquisition and Public Works Act* and section 23(6) of the *Native Title Act*.

The taking of the land will proceed if upon the completion of the procedures provided by section 17(2) of the *Land Acquisition and Public Works Act* the Minister for Works decides to proceed.

Persons having or claiming an interest in any of the land may under section 17(2) of the *Land Acquisition and Public Works Act* lodge an objection in writing to the proposed taking with the Department of Land Administration, PO Box 2222, Midland, no later than 18 September 1997. Objections must be in the Form of Objection, copies of which are available from the Department of Land Administration telephone (08) 9273 7089 or (08) 9273 7293.

TIME DURING WHICH THE ACT WILL CONTINUE TO BE DONE: Following the taking of the land it will be used for the public work specified in the Schedule including the construction of all appropriate improvements.

KIND OF DISTURBANCE TO LAND: Disturbance of the land may be caused by the use of and/or construction of improvements on the land for the purpose(s) of the public work specified in the Schedule.

Enquiries relating to the proposed taking of the land may be directed to the Native Title Unit, Department of Land Administration, PO Box 2222, Midland 6056 (telephone (08) 9273 7089 or (08) 9279 7217). Dated this 27th day of June 1997.

DOUG SHAVE, Minister for Lands.
P. A. ROB, Chief Executive Officer.

LOCAL GOVERNMENT

LG101

CORRECTION

CITY OF GERALDTON HEALTH LOCAL LAWS 1996

AND

CITY OF GERALDTON HEALTH AMENDMENT LAWS 1996

It is advised that the City of Geraldton Health Local Laws 1996 and the City of Geraldton Health Amendment Local Laws 1996 were gazetted on the 17 April and the 11 April 1997 respectively. Full compliance of the Local Government Act 1995—Section 3.12 (3)(a) was not adhered to whereby Statewide public notice was not given.

As a consequence, Statewide public notice was given on the following dates 17 May 1997, 22 May 1997 and 28 May 1997.

These local laws and amendments to existing local laws are enforceable from the date of this notice.

G. K. SIMPSON, Chief Executive Officer.

LG301

LOCAL GOVERNMENT ACT 1995

Shire of Plantagenet

SHIRE OF PLANTAGENET (LOCAL GOVERNMENT ACT) LOCAL LAWS

In pursuance of the powers conferred upon it by the above mentioned Act and of all other powers enabling it, the Council of the Shire of Plantagenet hereby records having resolved on the 27th day of May, 1997, to make the following local laws—

Part 1—Revocation and Citation and Application of Local Laws

1.1 Revocation

The following local laws are hereby revoked—

- General by-laws, published in the *Government Gazette* on 13 July, 1917;
- Relating to Buildings, published in the *Government Gazette* on 4 May, 1923;
- Discount on Rates, published in the *Government Gazettes* of 8 August 1924, 18 December, 1931, and 24 December, 1942;
- Relating to Halls, published in the *Government Gazettes* on 11 May, 1928 and 6 July, 1945;

- Relating to Poundage Fees published in the *Government Gazette* on 30 April, 1937;
 - Relating to Appointment of Employees, published in the *Government Gazette* on 20 February, 1942;
 - Relating to Long Service Leave, published in the *Government Gazette* of 5 November 1957, as amended in *Government Gazettes* dated 3 August 1973, and 27 June, 1975;
 - Relating to Numbering of Houses, published in the *Government Gazette* on 27 November, 1959;
 - Local Government Model By-laws (Motels) No 3, published in the *Government Gazette* on 3 December, 1963;
 - Local Government Model By-laws (Removal and Disposal of Obstructing Animals or Vehicles) No 7, published in the *Government Gazette* on 3 December, 1963;
 - Local Government Model By-laws (Petrol Pumps) No 10, published in the *Government Gazette* on 30 September, 1966;
 - Relating to Control of Traffic on Reserve Land, published in the *Government Gazette* on 22 February, 1974;
 - Local Government Model By-laws (Caravan Parks and Camping Grounds) No 2, published in the *Government Gazette* on 24 December, 1975;
 - Local Government Model By-laws Relating to Holiday Accommodation No 18, published in the *Government Gazette* on 28 May, 1976;
 - Relating to the Management, Use and Letting of Council Halls and Buildings published in the *Government Gazette* on the 26 May, 1965, as amended by publication in the *Government Gazette* on 10 March, 1978;
 - Relating to the Management of the Mount Barker Memorial Swimming Pool, published in the *Government Gazette* on 20 August, 1976, as amended by publication in the *Government Gazette* on 10 March, 1978;
 - Local Government Model By-laws (Signs, Hoardings and Billposting) No 13, published in the *Government Gazette* on 24 April, 1980;
 - Local Government Model By-laws (Parking Facilities) No. 19, published in the *Government Gazette* on 26 September, 1980;
- Relating to the Control and Storage of Old and Disused Vehicles and Machinery and Depositing and Removal of Refuse, Rubbish and Disused Materials published in the *Government Gazette* on 8 February, 1985.

1.2 CITATION

These local laws may be cited as "Shire of Plantagenet (Local Government Act) Local Laws" or as "Shire of Plantagenet (LGA) Local Laws."

1.3 GENERAL APPLICATION

These local laws shall apply to the whole of the district of the Shire of Plantagenet, unless otherwise stated.

1.4 READ AS A WHOLE

These local laws shall be read as a whole and the treatment of a subject matter in one part does not exclude the treatment of the same subject matter in another part.

1.5 PARKING REGION

For the purposes of the provisions of Part VI of these local laws, the "parking region" means the whole of the district of the Shire of Plantagenet excluding the following portions of the district—

- (a) Albany Highway, Chester Pass Road and Muir's Highway; excepting Langton Road between Marmion Street and Lowood Road and Lowood Road between Langton Road and Mondurup Street;
- (b) The approach and departure areas of all traffic control signal installations;
- (c) Prohibition areas appropriate to all bridges and subways; and
- (d) Any road which comes under the control of the Commissioner of Main Roads.

Part II—General Definitions

2.1 In these local laws, unless the context otherwise requires—

2.1.1 "Act" means the Local Government Act 1995;

"Authorised Person" means in respect of a particular function to be performed under these local laws an employee of the Shire of Plantagenet authorised by the Council to perform that function;

"Camp" when used as a noun includes any portable shed or hut, tent, tent fly, awning, blind or other thing used as, or capable of being used as, a habitation or for dwelling or sleeping purposes; and the verb "to camp" shall be construed accordingly;

"Caravan" means a vehicle designed or fitted or being capable of use, as a habitation or for dwelling or sleeping purposes;

“CEO” means the Chief Executive Officer or Acting Chief Executive Officer for the time being, of the Shire of Plantagenet;

“Council” means the council of the Shire of Plantagenet;

“District” means the district of the Shire of Plantagenet;

“Licence” means a license issued pursuant to these local laws;

“Member of the police force” means a member of the police force of Western Australia;

“Person” and words applying to any person or individual include a body corporate and in the plural a group of persons and a club, association or other body of persons;

“Shire” means the Shire of Plantagenet;

“Vehicle” includes—

(a) every conveyance, not being a train, boat, aircraft or wheelchair and every object capable of being propelled or drawn on wheels or tracks by any means;

(b) where the context permits, an animal driven or ridden;

2.1.2 Unless otherwise defined herein the terms and expressions used in these local laws shall have the meaning given to them in the Act.

Part III—Swimming Pool (Management and Control)

Division 1—Preliminary

DEFINITIONS

3.1 In this part, unless the context otherwise requires—

“Pool Manager” means the Manager or other person appointed for the time being by the Council to have control and management of the Pool premises and such term shall include the Assistant Manager;

“Attendant” means an employee of the Council or a person authorised by Council performing any duties on or in connection with the Pool premises;

“Spectator” means any person admitted to the Pool premises for the sole purpose of viewing the swimming or other activities conducted therein;

“Swimming Coach” means any person licensed by the Council to enter the Pool premises for the purpose of teaching swimming;

“Pool Premises” means the Mount Barker Memorial Swimming Pool and includes all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of such swimming pool or used in connection therewith.

Division 2—Terms of Admission

3.2 The Pool premises shall be open for use of the public during such hours and periods as the Council may from time to time by resolution appoint; the Council reserving to itself the right to refuse admission to any person at any time. No person under the age of four years shall be permitted to enter or remain at the Pool premises unless that person is and continues to be under the care and control of a person over the age of fourteen years. No person shall leave a person under the age of four years at the Pool premises otherwise than under the care and control of a person over the age of fourteen years.

3.3 The Pool Manager may temporarily suspend admittance or clear the Pool premises or any part thereof of any person or persons if in his opinion such action is necessary or desirable.

3.4 Every person using the Pool premises shall obey all reasonable directions of the Pool Manager with regard to such use.

3.5 It shall be the duty of the Pool Manager (who is hereby so empowered and directed) to refuse admission to or remove or cause to be removed from the Pool premises any person who, in the opinion of the Pool Manager, is guilty of a breach of any of the provisions to these local laws who, by that person’s past or present conduct, is deemed undesirable and any such person shall, upon the request of the Pool Manager to withdraw from the Pool premises quietly and peaceably do so as soon as possible.

3.6 Any person who has been refused admission to the Pool premises or who feels aggrieved by action of the Pool Manager may object to the Council by letter addressed to the CEO against such action and the Council may give such direction in the matter as is thought fit provided that such right of objection shall not imply any right of action for damages or other remedy against the Pool Manager or Council arising out of such refusal of admission.

3.7 A person shall not except with the consent of the Pool Manager or the Attendant, enter any portion of the Pool premises set apart exclusively for the opposite sex except a person under the age of four years.

3.8 The Pool Manager may prohibit any person approaching or entering or remaining in a pool who in the Pool Manager’s opinion is dirty or unfit to use such pool and the Pool Manager may require such person to thoroughly cleanse and wash himself or herself in one of the showers.

Division 3—Carnivals

3.9 (a) No person, club or association or organisation shall conduct a carnival at the Pool Premises unless with the prior consent of the Council.

(b) The Council may grant such consent subject to such conditions it thinks fit and may at any time withdraw such consent.

(c) A person, club, association or organisation conducting any carnival held at the Pool premises shall be responsible for the conduct of the competitors and spectators during the carnival and shall prevent overcrowding and ensure that no damage is done to buildings or fencing or any other portion of the Pool premises and that these local laws are observed by all competitors, officials and spectators attending the carnival.

(d) The person, club, association or organisation conducting any carnival held at the Pool premises shall pay to the Council such charges as shall from time to time be determined by Council.

Division 4—Coaching

3.10 (a) No person shall for profit teach, coach or train any other person in the pool unless with the prior written permission of the Council.

(b) The Council may grant such permission subject to such conditions as it thinks fit and may at any time, in accordance with the Act, withdraw such permission without being liable to pay compensation.

Division 5—Lost Property

3.11 Any person who finds any article or money which has been left in the Pool premises and not the property of that person shall forthwith deliver it to the Pool Manager or an Attendant.

3.12 Neither the Council nor the Pool Manager or Attendant or Officer or Employee of the Council shall be in any way responsible for any article or money lost or stolen from any person whilst in the Pool premises or for any article damaged or destroyed whilst in or about the Pool premises.

Division 6—Admission Charges

3.13 Charges for admission to the Pool premises shall be determined by the Council from time to time.

3.14 Season tickets shall be offered for inspection to the attendant when used to obtain admission to the pool. Season tickets are not transferable and such tickets may be used only by the person in whose name the same is issued. The attendant shall refuse admission to a person seeking the same and using any such ticket if the attendant reasonably believes that the person so seeking admission is not the person to whom such ticket was issued.

Division 7—Prohibitions

3.15 No person shall—

- (a) not being an officer, attendant or employee of the Council in the course of his or her duties enter the Pool premises without having first paid to the Pool Manager or an Attendant the proper charge for admission;
- (b) obstruct the Pool Manager or an Attendant in the carrying out of his or her duties;
- (c) enter or depart from any part of the Pool premises except by means of the respective entrances or exits set apart for that purpose;
- (d) enter or attempt to enter any bathroom or dressing enclosure that is already occupied without the consent of the occupier;
- (e) dress or undress or remove any part of his or her costume or bathing costume except in a dressing enclosure provided for the purpose;
- (f) appear in public unless properly attired in a costume of such nature as to preserve public decency and to cover the body so as to prevent indecent exposure of the person;
- (g) enter or be in the Pool premises whilst in an intoxicated condition;
- (h) take into the Pool premises or have in his or her possession therein any intoxicating liquor or drugs;
- (i) enter or remain in the Pool premises if he or she is affected by or suffering from any infectious or offensive disease or skin complaint;
- (j) deposit any filth or rubbish in any part of the Pool premises except in places set aside for that purpose;
- (k) eat in or take into any part of the Pool premises other than areas set aside for the purpose, any food, drinks or confectionery of any kind whatsoever;
- (l) smoke any tobacco or other substance in any portion of the Pool premises where smoking is prohibited by Notices displayed therein;
- (m) damage or disfigure or write upon any part of the Pool premises;
- (n) interfere with or improperly use any portion of the Pool premises;
- (o) break, injure, damage or destroy any life saving equipment or any property of Council;

- (p) behave in an unseemly, improper, disorderly or riotous manner or push or throw any person into the pool or run around the concourse or surrounds of the pool;
- (q) swear or use any indecent, obscene or abusive language on any part of the Pool premises;
- (r) gamble on the Pool premises;
- (s) climb upon any fence, wall, partition or roof of the Pool premises;
- (t) waste or wastefully use water or leave any water tap dripping or running;
- (u) expectorate or commit a nuisance in any part of the Pool premises;
- (v) annoy or interfere with any person in the Pool premises;
- (w) bring any animal into the Pool premises or being the person in control of such animal permit such animal to remain in any part of the Pool premises;
- (x) approach or enter any swimming pool until he or she has thoroughly cleansed and washed himself or herself in one of the showers provided in the Pool premises;
- (y) use any soap in any part of the Pool premises other than in the showerbaths or toilet facilities;
- (z) use any oil, detergent or any substance or preparation whereby the water in the pool may be or become discoloured, contaminated or rendered turbid;
- (za) foul or pollute water in the pool or shower;
- (zb) throw any sticks or stones or other objects in the pool or anywhere in the Pool premises;
- (zc) soil or defile or damage any towel or bathing costume.

Part IV—Halls, Equipment and Property (Management and Control)

Division 1—Preliminary

DEFINITION

4.1 In this Part, unless the context otherwise requires—

“building” includes any hall, room or corridor, or stairway, or annexe of any such hall or room under the care, control or management of the Council.

Division 2—Permissions

4.2 A person shall not, without permission to hire granted by Council, use any building or use or borrow the furniture, plant, fittings, effects, cutlery, crockery, glassware or other utensils or property of any kind within or on any building.

4.3 Every application for permission to hire under clause 4.2 shall be made to the CEO in writing at least 24 hours before the time that such building, furniture or other property are required and shall specify—

- (a) the name and place of abode of the applicant who seeks to hire a building, furniture or other property specified in clause 4.2;
- (b) the purpose for which the building, furniture, or other property is required.

4.4 The fees to be charged for an application for permission to hire, for the hiring of any building, furniture or other property shall be those set by the Council from time to time under section 6.16 of the Act. No permission to hire is valid until the fees have been paid.

4.5 The holder of permission to hire any building, furniture or other property shall—

- (a) maintain and keep such building, furniture or other property in good order;
- (b) be solely and entirely responsible for the carrying out of the provisions of this Part;
- (c) be solely responsible for any damage done to the building, furniture or other property;
- (d) pay such damages as shall be assessed by the Council, and furniture or other property damaged or not accounted for shall be paid for at current replacement cost or the actual cost of repair as the case may be;
- (e) leave the building, furniture or other property in a clean and tidy condition and remove decorations by 10am on the day following the hire;
- (f) pay such cleaning costs and costs of removing decorations as shall be assessed by the Council where the CEO is of the opinion that the building, furniture or other property have not been left in a satisfactory condition under paragraph (e) above in addition to any penalty which may be imposed under clause 10.10 of these local laws.

4.6 The Council may at any time demand that the hirer shall prior to the term of engagement deposit an amount estimated to cover—

- (a) any damage that might occur during the term of engagement; and/or
- (b) the costs of cleaning and removal of decorations after the engagement.

4.7 Any deposit demanded under clause 4.6 shall be repaid to the hirer after the term of engagement to the extent that damage or costs were not incurred.

Division 3—Conduct in Hired Building

4.8 No person shall smoke in any area where signs indicate that smoking is not permitted.

Part V—Camping on Any Land

5.1 Subject to this local law a person shall not park a caravan or erect a camp on any land that is not a caravan park except—

- (a) during the hours of daylight;
- (b) where the caravan is not used as a dwelling or for sleeping purposes; or
- (c) on land outside a townsite where it is not specifically forbidden to camp by any Act, local law or regulation, and on land within townsites as may be designated by the Council for use for that purpose.

5.2 With the consent of the Council a person may use a caravan—

- (a) as a temporary dwelling, during the period of construction of a dwelling on the same land; or
- (b) where it is parked on the same land as a dwelling occupied by the owner of the caravan in conjunction with the dwelling itself for residence by one or more members of the family of the occupier of that dwelling.

5.3 The Council shall not consent to the use of a caravan under this local law as a temporary dwelling or in conjunction with a dwelling for a period of more than six months at any one time but the Council may give its consent more than once, and may permit more than one caravan to be so used by an owner if that permission is authorised by an absolute majority of the Council.

Part VI—Parking

6.1 DEFINITIONS

In this Part, unless the context otherwise requires—

“carriageway” means every part of a thoroughfare used or intended for use by vehicles and includes footpath or kerb;

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

“footpath” mean a path used by, or set aside or intended for use by both pedestrians and cyclists, but not vehicles of any other kind;

“no parking area” means a portion of a carriageway that lies—

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

“no standing area” means a portion of a carriageway—

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

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

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

“parking area” means a portion of a carriageway—

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

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

“sign” means a traffic sign, mark, marking, symbol, structure or device on or over any thoroughfare for the purpose of regulating, guiding, or directing traffic;

“symbol” means a letter, figure, or other character or mark, or a combination of letters or the like, used to represent something, and without limiting the generality of the foregoing includes any symbol issued or specified by Australian Standard 1742.11—1989 for use in the regulation of parking and any reference to the wording of any sign in these local laws shall be also deemed to include a reference to the corresponding symbol;

“stand” in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law; and “standing” has a correlative meaning;

“thoroughfare” means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end.

Application of this Part

6.2 (1) The provisions of this Part of these local laws apply to the parking region;

(2) In this Part a reference to a word or words in a sign shall be taken to include a reference to a symbol or symbols to the same effect and a reference to a symbol shall be taken to include a reference to a word or words to the same effect.

Division 2—Standing and Parking Generally

6.3 Erection of Signs To Regulate Parking

A discretionary authority is conferred on the Council by resolution to constitute, determine and vary, and also indicate by signs, from time to time—

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

6.4 Parking Conduct

- (a) A person shall not stand or park a vehicle in a thoroughfare or part of a thoroughfare—
 - (i) which is by a sign thereon or adjacent or referable thereto set apart for the standing or parking of vehicles of a different class; or
 - (ii) if by such a sign the standing or parking of vehicles is prohibited or restricted during a period or periods, during that period or periods; or
 - (iii) if by such a sign the standing of vehicles is permitted for a specified time, for longer than that time.
- (b) A person shall not stand a vehicle—
 - (i) in a no standing area;
 - (ii) in a parking area, except in a manner indicated by the inscription on the sign or signs associated with the parking area and parking stalls except as provided in these local laws with reference to the parking stalls;
 - (iii) in a parking area contrary to any limitation in respect of days, periods of the day, classes of persons or classes of vehicles indicated by the inscription on the sign or signs associated with the area.
- (c) A person shall not park a vehicle in a no parking area.

6.5 Subject to the provisions of clause 6.6 a person shall not stand or park a vehicle or permit a vehicle to stand or park on a carriageway otherwise than—

- (a) on a two-way carriageway, so that it is as near as practicable to land parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is standing;
- (b) so that it is entirely within the confines of any parking stall marked on the carriageway.

6.6 A person shall not stand or park a vehicle partly within and partly outside a parking area.

Division 3—Miscellaneous

6.7 An infringement notice may be given in accordance with the provisions of Division 3 of Part X in respect of an offence under this Part in respect of which the use, driving, parking, standing or leaving of a vehicle is an element.

6.8 A person, other than the driver of the vehicle, shall not remove from the vehicle any notice affixed thereto or left therein or thereon by an Authorised Person or a member of the police force.

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

Further Provisions in Relation to Signs.

6.10 (1) A sign marked, erected, established or displayed on or near a road or purporting to be a parking control sign is, in the absence of evidence to the contrary presumed to be a sign marked, erected, established or displayed under the authority of these local laws.

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

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

Part VII—Control of Traffic on Reserve Land

Application of this Part.

7.1 The provisions of this Part of these local laws apply to reserves within the townsites of the Shire of Plantagenet, which are vested in the care, control and management of the Council of the Shire of Plantagenet.

7.2 A person except an employee of the Council in the course of that person's duties shall not drive a vehicle upon or over any portion of a reserve other than a paved area specifically set aside for that purpose, and then only at a speed not exceeding 16 kilometers per hour. Notwithstanding that, this local law shall not apply to persons using wheelchairs or motorised wheelchairs.

Part VIII—Removal and Disposal of Obstructing Vehicles or Animals

Division 1—Preliminary

8.1 DEFINITIONS

In this Part, unless the context otherwise requires—

“public place” includes a thoroughfare and place which the public are allowed to use, whether the thoroughfare or place is or is not on private property;

An animal that is secured in any portion of a public place wherein animals may lawfully be secured and a vehicle that is parked in any portion of a public place wherein vehicles may lawfully be parked is not obstructing, for the purposes of these local laws unless, in the case of an animal, it is so secured for any period exceeding eight hours and, in the case of a vehicle, it is so parked for any period exceeding twenty four hours, without the consent in writing of the CEO.

Division 2—Removal of Vehicles or Animals

8.2 A person shall not leave a vehicle or animal in a public place so as to obstruct any portion of that place.

8.3 A person who leaves a vehicle or animal in a public place, contrary to the provisions of clause 8.2 of these local laws commits an offence.

8.4 Where an Authorised Person or a member of the police force finds a vehicle or animal left in a public place, contrary to the provisions of clause 8.2 of these local laws, that person may remove the vehicle or animal therefrom and shall thereupon—

- (a) in the case of a vehicle, place it in a place appointed by the CEO for that purpose;
- (b) in the case of an animal, place it in a public pound and deal with it according to law.

Part IX—Objections & Appeals

9.1 When the Council makes a decision under these local laws as to whether it will—

- (a) grant a person an authorisation; or
- (b) renew, vary, or cancel an authorisation that a person has under these local laws;

the provisions of Part 9 Division 1 of the Act shall apply.

Part X—Enforcement of Local Laws

Division 1—Authorised Persons

10.1 The Council may appoint a person as an Authorised Person for the purposes of performing particular functions under these local laws and a person shall not hinder or interfere with an Authorised Person in the course of that person's duties.

10.2 An Authorised Person shall on demand show an identification of that person as such.

Division 2—Impounding

10.3 Where an Authorised Person places a vehicle or animal in a municipal depot, public pound or other place set aside for that purpose, details of the time and date, a description of the vehicle or animal, and of the place from which it was removed, shall be entered in a register provided by the Council for that purpose, and the CEO shall be notified.

10.4 The procedural provisions of Part 3, Division 3, Subdivision 4 of the Act shall apply generally when a vehicle or animal is impounded.

10.5 The CEO shall exhibit on the notice board of the Council notification that a vehicle or animal therein described has been taken into custody and shall, unless the vehicle or animal is sooner recovered, keep that notification exhibited for a period of not less than 7 days.

10.6 Every person who removes a vehicle or animal from an appointed place without the authority of the CEO commits an offence.

Division 3—Infringement Notices

10.7 An infringement notice in respect of an offence prescribed in these local laws—

- (a) may be given under section 9.13 of the Act and shall be in or to the effect of Form 1 of Schedule 1;
- (b) may be given under section 9.16 of the Act and shall be in or to the effect of Form 2 of Schedule 1.

10.8 A notice sent under section 9.20 withdrawing an infringement notice shall be in or to the effect of Form 3 of Schedule 1.

Division 4—General Offence and Penalty Provisions

10.9 Any person failing to do any act directed to be done, or doing any act forbidden to be done by these local laws, or any notice or order under these local laws commits an offence.

10.10 Any person who commits an offence against these local laws shall be liable to a penalty not exceeding a fine of \$5,000.00, and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

10.11 The offences and modified penalties prescribed, with respect to offences against these local laws, shall be as specified in Schedule 2.

Schedule 1—Forms

Form 1

Local Government Act 1995

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date ____/____/____

Shire of Plantagenet

To: (1)

of (2)

It is alleged that on ____/____/____ at (3)

at (4) _____ your vehicle (5)

was involved in the commission of the following offence—

contrary to local law _____ of the (6)

You are required under section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless—

- (a) within 28 days after being served with this notice
 - (i) you inform the Chief Executive Officer, or another authorised officer, of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

or

- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

Name and title of authorised person giving the notice

Signature _____

- (1) Name of owner or “owner of (vehicle identification)”
- (2) Address of owner (not required if owner not named)
- (3) Time at which offence allegedly committed
- (4) Place at which offence allegedly committed
- (5) Vehicle identification
- (6) Name of the regulations

Form 2
Local Government Act 1995
INFRINGEMENT NOTICE

Serial No. _____
Date ____/____/____

Shire of Plantagenet

To: (1)
of: (2)

It is alleged that on ____/____/____ at (3)
at (4)

You committed the following offence—

contrary to local law _____ of the (5)
The modified penalty for the offence is \$ _____

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty must be paid to an authorised person at (6) _____ within a period of 28 days after the giving of this notice.

Signature _____

- (1) Name of alleged offender [“owner of (*vehicle identification*)” suffices if notice given with a notice under section 9.13 of the Act]
- (2) Address of alleged offender (not required if notice given with a notice under section 9.13 of the Act)
- (3) Time at which offence allegedly committed
- (4) Place at which offence allegedly committed
- (5) Name of the regulations
- (6) Place where modified penalty may be paid

Form 3
Local Government Act 1995
NOTICE OF WITHDRAWAL
OF INFRINGEMENT NOTICE

Serial No _____
Date _____

Shire of Plantagenet

To: (1)
of: (2)

Infringement Notice No _____ dated ____/____/____ for the alleged offence of

has been withdrawn.

The modified penalty of \$ _____

- has been paid and a refund is enclosed.
- has not been paid and should not be paid.
- *delete as appropriate*

Name and title of authorised person giving this notice

Signature _____

- (1) Name of alleged offender to whom infringement notice was given.
- (2) Address of alleged offender.

Schedule 2

ITEM NO.	LOCAL LAW PENALTY \$		MODIFIED OFFENCE
1	3.15 (j)	Deposit filth or rubbish	20.00
2	3.15 (p)	Unseemly behaviour, pushing, throwing, running	20.00
3	3.15 (v)	Annoy or interfere with any person	50.00
4	5 (1)	Unauthorised parking of a caravan or erection of a camp	100.00
5	6.4(a)(i)	Parked in an area reserved for vehicles of a different class	50.00
6	6.4(a)(ii)	Restricted parking	50.00
7	6.4(a)(iii)	Parked longer than permitted	50.00
8	6.4(b)(i)	No standing area	75.00
9	6.4(c)	No parking area	75.00
10	6.5(a)	Not close and parallel facing wrong way two-way carriageway	50.00
11	8.2	Obstruction of a public place	75.00
12		All other offences not specified	50.00

Dated this 27th day of May, 1997

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

K. M. FORBES, President.
C. E. NICHOLLS, Chief Executive Officer.

LG302

LOCAL GOVERNMENT ACT 1995

Shire of Plantagenet

Local Laws Relating to Standing Orders

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Plantagenet hereby records having resolved on the 27th day of May 1997, to make the following local laws—

1. The Shire of Denmark Local Laws Relating to Standing Orders published in the Government Gazette on 25 June, 1997, are adopted as local laws of the Shire of Plantagenet, with such alterations as are here set out—

1. Delete "Shire of Denmark" wherever it occurs and substitute "Shire of Plantagenet";
2. Clause 7.3
Delete "speaks" and substitute "rises";
3. Renumber clauses 8.1 to 8.3 as follows—
Delete "8.1" and substitute "8.2";
Delete "8.2" and substitute "8.3";
Delete "8.3" and substitute "8.4";
4. Insert a new clause—
"8.1 Members to Address The President
Any member moving a motion or amendment or taking part in the discussion thereof shall, except when prevented by sickness or physical disability, rise and address the President.";
5. Clause 8.4
Delete "8.2" and substitute "8.3";
6. Clause 17.8
Delete "debate" and substitute "argument";
7. Clause 17.11
Delete "which" in the first line and substitute "and that";
8. Subclause 17.14.1
Between "7.2," and "9.2," insert "8.1,".

2. The local laws of the Shire of Plantagenet referred to as the "the Standing Orders" published in the Government Gazette on 27 May, 1964, are hereby revoked.

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

Dated this 27th day of May 1997

K. M. FORBES, President.
C. E. NICHOLLS, Chief Executive Officer.

LG303**CEMETERIES ACT 1986***Shire of Plantagenet*

Local Laws relating to Mt Barker, Kendenup and Rocky Gully Cemeteries.

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Plantagenet hereby records having resolved on the 27th day of May, 1997, to make the following local laws—

- (1) The following laws are hereby revoked—

The Mount Barker Cemetery By-laws published in the *Government Gazette* on 4 September, 1914, as amended.

- (2) The Shire of Denmark Local Laws Relating to Denmark Cemetery (Reserve 11655) published in the *Government Gazette* on 25 June, 1997, are adopted as local laws of the Shire of Plantagenet with such alterations as are here set out—

1. Delete "Shire of Denmark" wherever it occurs and substitute "Shire of Plantagenet";
2. Delete clause 2 and substitute "Each of the Mount Barker, Kendenup, and Rocky Gully Cemeteries will be subject to the following local laws";
3. Delete clause 10;
4. After the heading "Part X—Memorials and Other Work", delete the heading "Division 1—General" and the words immediately thereunder "With the exception of sites reserved prior to 23 December, 1982, memorials permitted will be headstones only";
5. Clause 37
Delete "clause 38" and substitute "clause 40";
6. Delete clause 38;
7. Clause 46
Delete "between" and substitute "during";
8. In part X, delete the heading "Division 2—Lawn Cemetery Headstones" and clauses 51, 52 and 53;
9. Delete "Local Laws relating to the Denmark Cemetery" and substitute "Local Laws relating to the Mount Barker, Kendenup and Rocky Gully Cemeteries" in each of the First Schedule, the Second Schedule, and the Third Schedule;
10. Second Schedule
After "You may dispose of this matter" delete "Strickland Street, Denmark," and substitute "Lowood Road, Mt Barker,"; and delete "PO Box 183 Denmark WA 6333" and substitute "PO Box 48 Mt Barker WA 6324"
11. Delete everything after the Third Schedule.

Dated this 27th day of May 1997

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

K. M. FORBES, President.
C. E. NICHOLLS, Chief Executive Officer.

LG304**DOG ACT 1976***Shire of Plantagenet*

Local Laws Relating to Dogs

In pursuance of the powers conferred upon it by the above mentioned Act and of all other powers enabling it, the Council of the Shire of Plantagenet hereby records having resolved on the 27th day of May 1997, to make the following local laws—

The by-laws relating to the Manner and Mode of Keeping Dogs in the Shire of Plantagenet, and published in the *Government Gazette* on 3 May 1985, are hereby revoked.

Dated this 27th day of May, 1997.

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

K. M. FORBES, President.
C. E. NICHOLLS, Chief Executive Officer.

LG401**HEALTH ACT 1911***Town of Albany*

In pursuance of the powers conferred upon it by the abovementioned Act, the Council of the Town of Albany resolved to make on the 8th July 1997 the following Tip Fees Amendments for 1997/98—

Type of Refuse	Fee per cubic metre \$
Household	8.00
Building Materials	8.00
Industrial	8.00
Compacted	10.00
Green Waste	3.00
Clean Fill	3.00
Medical Waste	12.00
Asbestos	30.00
Algae Handling Fee	1.00
Contaminated EPA Approved Waste	15.00

MURRAY JORGENSEN, Chief Executive Officer.

LG402**LOCAL GOVERNMENT ACT 1995***Shire of Dalwallinu*

ANNUAL FEE REVIEW

1997/98 Fees and Charges

At its May and June 1997, meetings, Council reviewed and set its fees and charges for the 1997/98 year in accordance with section 6.19 of the Local Government Act 1995.

The fees and charges relate to—

- Cemetery fees and charges;
- Council building and equipment hire, fees, bonds;
- Photocopying, duplicating and facsimile charges;
- Newsletter advertising rates;
- Swimming Pool inspection fees;
- Private Works charges;
- By-law/Agreement charges;

and are available for public inspection at the Shire Office during normal office hours.

W. T. ATKINSON, Chief Executive Officer.

LG403**LOCAL GOVERNMENT ACT 1995***Town of Port Hedland*

It is hereby notified for public information that Mr Peter Wayne Ward has been appointed Town Ranger for the Town of Port Hedland and Authorised Person for the enforcement of the following legislation in the District—

- Local Government Act 1995
- Dog Act 1976
- Litter Act 1979
- Bush Fires Act 1954
- Control of Vehicles (Off Road Areas) Act 1979
- Local Laws of the District

JOAN ROBERTS, Chief Executive Officer.

LG404**SHIRE OF SHARK BAY**

It is notified for public information that Mr Cecil Paul Dickenson has been appointed as an Honorary Litter Inspector for the Shire of Shark Bay.

A. R. BIGGS, Chief Executive Officer.

LG405**TOWN OF CLAREMONT**

It is advised for public information that Jacqueline Thelma Bastian, being a Ranger for the Town of Claremont, will be responsible for the administration for the following, within the Town of Claremont—

- A. Parking By-laws.
- B. Local Government Act and By-laws 1960-1992.
- C. Litter Act 1969.
- D. Dog Act 1976 and Regulations.

The previous appointment of Michael Ross Thomas and Jeffrey Long are hereby cancelled.

R. J. STEWART, Chief Executive Officer.

LG406**DOG ACT 1976****APPOINTMENT OF AUTHORISED PERSONS AND REGISTRATION OFFICERS***Town of Claremont*

It is hereby notified for public information that the following persons have been appointed as authorised officers pursuant to the Dog Act 1976—

Authorised Person—
Anthony Stanley
Jacqueline Bastian

Registration Officers—
Fiona Squiers
Ken Scott
Richard Olson

All previous appointments are hereby cancelled.

R. J. STEWART, Chief Executive Officer.

LG407**CITY OF KALGOORLIE-BOULDER****Appointments**

It is hereby notified for public information that Mr Conrad Vince Francek has been appointed as an officer to the following positions with the City of Kalgoorlie-Boulder—

- (1) Ranger authorised to exercise powers in accordance with the Local Government Act 1995.
- (2) Dog control officer in accordance with the provisions of the Dog Act 1976—Regulations and Amendments.
- (3) Litter control in accordance with the provisions of the Litter Act 1979 and under the Local Government Act 1995 Regulations and Amendments.
- (4) Exercise control under Part XX of the Local Government (Miscellaneous Provisions) Act.
- (5) Control and supervision of Council's Parking Facilities Local Laws 1992.
- (6) Control of off-road vehicles under section 39 (3) of the Control of Vehicles (Off-road) Act 1978.
- (7) Registration Officer under the provisions of the Dog Act 1976.

P. A. ROB, Chief Executive Officer.

PARLIAMENT

PA401

PARLIAMENT OF WESTERN AUSTRALIA

Bills Assented To

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

Short Title of Bill	Date of Assent	Act No.
Iron and Steel (Mid West) Agreement Bill 1997	27 June 1997	10 of 1997
Regional Development Commissions Amendment Bill 1997	8 July 1997	16 of 1997
Curriculum Council Bill 1997	8 July 1997	17 of 1997
State Trading Concerns Amendment Bill 1997	8 July 1997	18 of 1997

L. B. MARQUET, Clerk of the Parliaments.

PLANNING

PD401***TOWN PLANNING AND DEVELOPMENT ACT 1928**

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

CITY OF CANNING

TOWN PLANNING SCHEME NO 40—AMENDMENT NO 66

Ref: 853/3/8/10 Pt 66

Notice is hereby given that the local government of the City of Canning has prepared the abovementioned scheme amendment for the purpose of rezoning 2-4 Lynwood Avenue (Lot 213), Lynwood, by amending Appendix 5—Schedule of Additional Uses—to provide for a further 50m² NLA Shop.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Albany Highway, Cannington 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 August 26, 1997.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before August 26, 1997.

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

I. F. KINNER, Chief Executive Officer.

PD402**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

CITY OF GOSNELLS

TOWN PLANNING SCHEME NO 17—AMENDMENT NO 1

Ref: 853/2/25/18 Pt 1

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Gosnells Town Planning Scheme Amendment on July 4, 1997 for the purpose of:

(a) Amending clause 13.1 IV as follows—

“IV “Drainage Headworks” as described in clauses 13.4, 13.5 and 13.6.”

(b) All the following clause—

“13.6 The owners of properties contained within the catchment area for the drainage pipes marked A and B as shown on “Town Planning Scheme 17 Scheme Map Amendment No. 1” and signed by the Chief Executive Officer shall pay to Council prior to clearance of the Plan or Diagram of Survey by Council the sum of the amount(s) applicable to their lot(s) as shown in the table titled “TOWN PLANNING SCHEME No. 17 DRAINAGE COSTS—1”. These costs shall be subject to the provisions of Clause 13.3.”

- (c) Adding to Clause 3.0—
“IV Town Planning Scheme No. 17 Scheme Map Amendment No. 1.”
- (d) Add the following clause—
“3.1 DRAINAGE TABLE. The following table is attached to this text and forms part of the Scheme.
i TOWN PLANNING SCHEME No. 17 DRAINAGE COSTS—1.
- (e) All the following clause—
“14.1 Subject to the provisions of this Scheme the owner of each lot listed in table “TOWN PLANNING SCHEME No. 17—DRAINAGE COSTS 1” shall, in addition to the costs required in clause 14.1, pay to Council or prior to clearance of the Plan or Diagram of Survey of the subdivision by Council the sum of the amount(s) applicable to his lot(s) as shown in the table.”
- (f) Amending clause 17.0 as follows—
“17.0 ARBITRATION
Any dispute or difference between the owners or an owner or owners and Council (except where there is a right of appeal to the Hon Minister for Town Planning) as to their respective rights under the Scheme including clauses added by amendment and the calculations contained within the table “TOWN PLANNING SCHEME No. 17—DRAINAGE COSTS—1” any other matter which by the terms of this Scheme may be determined by Arbitration may be referred to the arbitration of a single arbitrator in the manner provided by the Arbitration Act 1895, or any statutory modification thereof for the time being in force and if the parties fail to agree upon any single arbitrator he will be nominated by the President of the Australian Institute of Valuers (Inc)—WA Division. The Arbitrator shall allocate costs in the dispute.”
- (g) Amending the Scheme Map by redesigning Swift Close and Limbee Glade as shown on the Scheme Amendment Map.

N. J. SMITH, Mayor.
S. HOLTBY, Chief Executive Officer.

PD403

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF CHAPMAN VALLEY

TOWN PLANNING SCHEME NO 1—AMENDMENT NO 14

Ref: 853/3/17/1 Pt 14

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Chapman Valley Town Planning Scheme Amendment on July 7, 1997 for the purpose of:

- (i) rezoning Victoria Location 3859 Howatharra-Nanson Road, Howatharra from the General Farming Zone to the Special Rural Zone No....; and
- (ii) adding to Appendix 6 Additional Requirements and Modifications applicable to Special Rural Zones, the following—

AREA No..... —VICTORIA LOCATION 3859

1. Subdivision Guide Plan

When considering an application for subdivision the local government authority will require that—

- (A) the subdivision of the land shall generally accord with the Subdivision Guide Plan adopted by the Shire of Chapman Valley Council for this location;
- (B) the minimum lot size should be 40 hectares.

2. Applications for Planning Consent

In addition to the requirements of Clause 5.1.2 of the Scheme all applications for planning consent are required to be accompanied by relevant plans and information that—

- (A) propose appropriate land management techniques to the satisfaction of the responsible authority to make good areas of degradation identified as such;
- (B) delineate areas of significant remnant vegetation, surface water and other waterbodies and significant topographical features;
- (C) where stocking of the land is proposed, delineation of areas of proposed stock grazing and stock numbers;
- (D) delineate the proposed location of building envelopes;
- (E) delineate the location of existing and proposed effluent disposal systems;
- (F) delineate location of existing tracks and fences and proposed location of fences and driveways;
- (G) describe the materials and colour of external cladding of all proposed buildings.

3. Land use

- (A) When considering applications for development approval (planning consent), the Shire of Chapman Valley may refer the application to the Water Corporation (WC), the Environmental Protection Authority (EPA), Agriculture Western Australia and any relevant other responsible authority and relevant Government agency for comment and approval where appropriate;
- (B) Piggeries, feedlots and extractive industry are prohibited;
- (C) The subdividing owner of the land should make arrangements satisfactory to the Shire of Chapman Valley to ensure that prospective purchasers are advised that preliminary advice should be sought from Agriculture Western Australia regarding the establishment within the subject land any proposed use that falls under the use class 'intensive agriculture' as defined in Clause 1.7.

4. Stocking Rates

- (A) The keeping of animals (other than domestic pets) shall accord with the stocking rates as prescribed by Agriculture Western Australia;
- (B) Application for approval for an increased stocking rate above the minimum prescribed is to be submitted to and determined by the Shire of Chapman Valley. The Shire in determining an application for an increase in the stocking rate may consult with Agriculture Western Australia and affected surrounding land owners on desirable rates and applicable pasture type;
- (C) Where the keeping of animals (other than domestic pets) results in problems due to land degradation, nutrient enrichment/leaching, animal welfare or public nuisance, the Shire of Chapman Valley may require approved stocking rates to be suitably reduced to a level that minimises such problems.

5. Water Resources

- (A) Where scheme water supply is unavailable a minimum 92,000 litre rainwater storage facility (or equivalent) for each residence or evidence from the proponent which is satisfactory to the Shire of Chapman Valley that an adequate on-site potable water source exists shall be provided;
- (B) A licence from the Water and Rivers Commission is required to draw groundwater from a well, bore, dam or any naturally occurring surface water body or watercourse;
- (C) As the area has only had a preliminary assessment for hydrological resources, the prior advice of the Water Corporation should be sought regarding the provision of a water supply for any proposed 'intensive agriculture' use and development;
- (D) All stormwater from structures or paved surfaces is to be contained within each lot;
- (E) No development or land use activity shall impede in any way the natural water flow along any creek line or water course.

6. Clearing of Land

- (A) The clearing of land of a Western Australian area greater than one hectare requires the prior approval of the Soil Commissioner;
- (B) No removal of any remnant native vegetation (including any tree) is permitted without the prior approval of the Shire of Chapman Valley.

7. Location, siting and appearance of buildings

- (A) All residential and ancillary buildings shall be located and constructed within an approved building envelope for each proposed lot;
- (B) Notwithstanding (A) above, where by reason of the nature of material to be stored in a building it is considered that it would be undesirable that the buildings be clustered, the buildings may be separated by such distance as determined by the Shire of Chapman Valley;
- (C) No building shall be constructed in such a manner or of such materials that it would in the opinion of the Shire of Chapman Valley, have a detrimental impact on the local amenity.

8. Effluent Disposal

- (A) Septic tanks shall be located at a minimum distance of 100 metres from drainage lines and any naturally occurring surface water body or watercourse and a minimum distance of 30 metres from any bore, well or dam.

A minimum 2 metres vertical separation is required between the base of the leach drain or soakwell and the highest known water table or bedrock.

9. Fencing

Prior to any stocking of land, all areas of remnant native vegetation, including vegetation along streamlines, shall be fenced with stock proof fencing to the specification and satisfaction of the Shire of Chapman Valley. All fences are to be maintained in a stock proof condition by the landowner to the satisfaction of the local authority.

10. Landscaping

- (A) All buildings and structures within any lot shall be suitably screened to the satisfaction of the Shire of Chapman Valley;
- (B) Prior to the commencement of any development on any lot, the local authority will require the preparation of a tree planting and maintenance program with the intent of rehabilitating and revegetating any areas of degraded land so identified but without restricting the operation of approved rural activities.

11. Fire Management

At the time of subdivision Council will recommend the following fire management controls be imposed—

- (A) a strategic fire break for each lot will be installed in a manner acceptable to the Shire of Chapman Valley in consultation with the Bush Fires Board of WA;
- (B) Provision of a suitable permanent water supply for fire-fighting purposes to be established in consultation with the Shire of Chapman Valley and the Bushfires Board of WA.

12. Advice to purchasers of lots

As a condition of any subdivision approval granted, the subdividing owner of the land is to advise prospective purchasers of any lot created within this location of all of the provisions contained herein.

N. P. J. EXTEN, President.
G. EDWARDS, Chief Executive Officer.

PD404

TOWN PLANNING AND DEVELOPMENT ACT 1928

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

SHIRE OF GINGIN

TOWN PLANNING SCHEME NO 8—AMENDMENT NO 56

Ref: 853/3/8/10 Pt 56

Notice is hereby given that the local government of the Shire of Gingin has prepared the abovementioned scheme amendment for the purpose of:

1. Rezone Lot 1 Gingin Brook Road and Location 3473 Muckenburra Road, Muckenburra, from "Rural" to "Rural Living" zone as depicted on the attached amending map, and amending with the Scheme Map accordingly.
2. Inserting Lot 1 Gingin Brook Road and Location 3473 Muckenburra Road within Appendix 7—Rural Living Zone Provisions Relating to Specific Areas as follows—

Appendix 7—Rural Living Zone
Provisions Relating to Specific Areas

- (a) Particulars of Land
- (b) Proposed Uses
- (c) Special Provisions

3. (a) Lot 1 Gingin Brook Road and Location 3473 Muckenburra Road, Muckenburra;
- (b) In accordance with Table 1 Zoning Table;
- (c) No dwelling shall be approved for occupation unless it is connected to a mechanical aerobic treatment plant or other such approved apparatus for the disposal of waste water.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Brockman Street, Gingin 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 August 26, 1997.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before August 26, 1997.

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. FRASER, Chief Executive Officer.

RACING, GAMING AND LIQUOR

RA401

WESTERN AUSTRALIAN TROTTING ASSOCIATION

By-laws of Trotting

NOTICE OF AMENDMENT

Notice is hereby given that at a meeting of the Committee of the Western Australian Trotting Association held at Gloucester Park, East Perth, on the 8th day of July 1997, it was resolved by an absolute majority of the Committee of the Association that the By-laws of Trotting made under the Western Australian Trotting Association Act 1946 ("the Act") be amended as follows—

Amend By-law 46, paragraph 1—

Present wording—

"46. The Association shall be managed and controlled by the Committee which shall meet as often as necessary for transaction of business. Six members shall form a quorum. Minutes of all resolutions and proceedings of the Committee shall be entered in a book provided for the purpose."

Amended wording—

"46. The Association shall be managed and controlled by the Committee which shall meet as often as necessary for transaction of business. Five members shall form a quorum. Minutes of all resolutions and proceedings of the Committee shall be entered in a book provided for the purpose."

Dated: 8th July 1997.

G. PAPADOPOULOS, President.

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