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In all cases notices are published on page 2 and readers are urged to check accordingly prior to contacting State Law Publisher.

JOHN A. STRIJK,
Government Printer.

EDUCATION

ED401**CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966**

Office of the Minister for Education,
Perth, 1997.

It is hereby notified that the Governor in Executive Council acting under the provisions of Section 35 of the Curtin University of Technology Act 1966 has approved the amendment to Statute No. 10 as set out in the attached schedule.

COLIN J. BARNETT, Minister for Education.
M. C. WAUCHOPE, Clerk of the Executive Council.

CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966

Curtin University of Technology,
Bentley, 21 July 1997.

The Council of Curtin University of Technology has made the Statute set out in the Schedule hereunder by resolution dated C 39/9716 July 1997.

STATUTE

STUDENT DISCIPLINARY STATUTE—STATUTE 10

Curtin University of Technology—Statute No. 10

Student Disciplinary Statute

1. Definitions

In this Statute, unless the context otherwise requires—

“academic misconduct” means misconduct of the kind specified in section 2.1(a).

“Act” means the Curtin University of Technology Act 1966 as amended from time to time.

“Appeals Committee” or “Committee” means the Council Appeals Committee constituted in accordance with section 17.

“award” includes a degree, associate degree, diploma or certificate.

“Board of Discipline” or “Board” means a Board of Discipline constituted in accordance with section 14.

“discrimination” means discrimination within the meaning from time to time of any relevant State or Commonwealth Act.

“examination” means an examination conducted by the University, and includes—

- (a) an examination conducted by any other person or body authorised to conduct examinations for the University; and
- (b) an academic assessment of a student or the student’s work.

“member of the University” means a person who is a member of the Council, a member of the staff of the University or a student.

“misconduct” has the meaning given to it in section 2.

“senior officer of the University” means the Vice-Chancellor, a Deputy Vice-Chancellor, the Registrar, the Academic Registrar, a Dean, the Chief Executive Officer of Kalgoorlie Campus, a Director of a Branch of the University, College or a satellite campus, a Head of a School, and such other members of the staff of the University as the Vice-Chancellor may designate from time to time for the purposes of this Statute or under the University’s Land and Traffic By-Laws.

“Statutes” includes this Statute and any other relevant Statute of the University, or a Rule made under a Statute, or a By-law.

“student” means a person enrolled in the University as a student or a person registered in an extension unit or a short course.

“summary action” means action taken by the University officer at or about the time of the occurrence of the misconduct.

“University officer” means a senior officer of the University and any of the persons described in section 6(1).

“Vice-Chancellor” includes any senior officer of the University to whom the Vice-Chancellor has delegated any of the Vice-Chancellor’s powers and functions under section 3.

2. Misconduct

- (1) In this Statute, "misconduct" means conduct by a student—
- (a) which infringes the reasonable freedom of other persons to—
 - (i) pursue their studies, researches, duties or lawful activities in the University or upon University premises; or
 - (ii) participate in the life of the University; or
 - (b) which is otherwise detrimental to the proper conduct of the University.
- (2) In particular, without limiting the effect of the definition in subsection (1), each of the following is misconduct—
- (a) acting dishonestly or unfairly in connection with any examination or other academic work;
 - (b) obstructing or disrupting any teaching, study, research or examination;
 - (c) obstructing or deterring or attempting to obstruct or deter any member of the staff of the University in the performance of his or her duties;
 - (d) obstructing or disrupting any official meeting, proceeding or ceremony within the University or any University activity;
 - (e) interfering with the freedom of speech within the University of any authorised member of the University or of any person invited by any authorised member of the University to express his or her views;
 - (f) interfering with the freedom of movement within the University of any member of the University or any visitor;
 - (g) assaulting or attempting to assault any person within the University;
 - (h) discrimination against any student or member of the University, in or upon the premises of the University or elsewhere while engaged in any University activity;
 - (i) being in any University building or on any University premises (or part of any University building or University premises) which the student is forbidden to be in or on under the Statutes or by a senior officer of the University;
 - (j) damaging or wrongfully dealing with any University property or the property within the University premises of any person;
 - (k) misuse of University computing equipment and computer programs, including the introduction of a virus which has a deleterious effect on any computer system in the University;
 - (l) failing to comply with any provision of the Statutes, a resolution of the Council or any direction or order of a University officer;
 - (m) failing to comply with any penalty imposed under the Statutes.
- (3) An instance of misconduct is a disciplinary offence within the meaning of the Act.

3. Delegation by the Vice-Chancellor

Without prejudice to the generality of the Vice-Chancellor's powers of delegation under Section 14(3) or 34(1d) of the Act, the Vice-Chancellor may at any time and from time to time delegate all or any of the Vice-Chancellor's powers and functions under this Statute to any other senior officer of the University.

4. Penalties

The penalties that may be imposed upon a student, either separately or in any combination, for an instance of misconduct are—

- (a) a fine up to a maximum determined from time to time by the Council, as provided in the Act;
- (b) suspension of all or any of a student's rights and privileges within the University including—
 - (i) exclusion from lectures, seminars, tutorials and other classes;
 - (ii) exclusion from a laboratory or other University facility;
 - (iii) exclusion from an examination;
 - (iv) exclusion from the University or any part of the University for any specified period, not exceeding two semesters;
 - (v) refusal of re-enrolment as a student or registration in an extension unit;
 - (vi) withholding the student's results of an examination or other academic work, or a part of an examination or other academic work.
- (c) cancellation or deprivation of an award or credit for any or all examinations or other academic work;
- (d) subject to confirmation by the Council under section 5(5), expulsion from the University; or
- (e) restitution of or for any University property lost, damaged or destroyed by the student up to a maximum determined from time to time by the Council as provided in the Act.

5. Other provisions relating to penalties

(1) Any person or body authorised to impose any penalty under this Statute may caution or reprimand the student instead of or in addition to any other penalty that may be imposed.

(2) A penalty may be partly of one kind and partly of another.

(3) Where the penalty is of a financial nature, the financial circumstances of the student are to be considered in fixing the amount of the penalty.

(4) A penalty may be suspended by the person or body imposing it until the time for lodging an appeal has expired or generally on such terms and conditions, including, but not limited to, undertakings by the student, as the person or body suspending the penalty thinks fit.

(5) If the penalty is expulsion from the University, it shall not take effect until after the time for lodging an appeal has expired and it has been confirmed by the Council, but all the student's rights and privileges are suspended until the Council has decided whether or not to confirm the expulsion.

(6) A student expelled from the University is not to be re-enrolled except with the Council's authority, and a student excluded from a course or unit is not to be re-enrolled in any course or unit within the relevant school or department of the University except with the Vice-Chancellor's authority.

(7) An award shall not be conferred on a student charged with misconduct until—

(a) after the charge has been dealt with in accordance with this Statute;

(b) either any appeal by the student has been determined or the time for lodging an appeal has expired; and

(c) unless otherwise authorised by the Vice-Chancellor, any fine imposed has been paid or penalty requiring restitution has been satisfied.

(8) Subject to the rights of appeal specified in this Statute, any decision under this Statute that a student has been guilty of misconduct or imposing a penalty or both is final and conclusive.

6. Powers of members of the staff of the University

(1) All members of the academic staff, and members of the senior technical staff and senior administrative staff responsible for the operation or maintenance of any of the University's facilities or who may otherwise be designated by the Vice-Chancellor for the purposes of this section may, for any instance of misconduct by a student in—

(a) a lecture, seminar, tutorial or other class; or

(b) laboratory, hall of residence or other facility,

conducted or supervised by that person, immediately exclude the student from that class, place or facility for a period not exceeding the next 5 teaching days.

(2) A person imposing a suspension under this section is to report the circumstances within 24 hours to the relevant Deputy Vice-Chancellor, Chief Executive Officer of Kalgoorlie Campus, Director, Dean, Head of School or the Academic Registrar, as the case requires, who may confirm, alter or annul the suspension and take such other action as he or she considers appropriate.

7. Powers of a Dean or Head of School

(1) The Dean of a Faculty or the Head of a School, for any instance of misconduct by a student within the Faculty or School for which he or she is responsible or during any activity conducted by that Faculty or School, may—

(a) suspend for a period not exceeding 14 days all or any of the student's rights or privileges within the Faculty or School;

(b) in an instance of academic misconduct, cancel the student's credit or deprive the student of credit for any examination or other academic work or any part of it within the faculty or school in any one semester; or

(c) impose both of these penalties.

(2) A person imposing a penalty under this section is to report the circumstances within 24 hours to the relevant Deputy Vice-Chancellor or the Director of the Branch or College.

8. Powers of a Deputy Vice-Chancellor, the Chief Executive Officer of Kalgoorlie Campus or Director of a Branch or College

A Deputy Vice-Chancellor or the Chief Executive Officer of Kalgoorlie Campus or a Director of a Branch or College of the University may, for any instance of misconduct by a student within the Division, Branch or College for which he or she is responsible—

(a) fine the student an amount not exceeding that referred to in section 4(a);

(b) suspend for a period not exceeding 15 teaching days all or any of the student's privileges within the Division, Branch or College;

(c) for an instance of academic misconduct, cancel the student's credit or deprive the student of credit for any examination or other academic work or any part of it within the Division, Branch or College in any one semester; or

(d) impose any one or more of these penalties.

9. Academic Registrar's powers

(1) The Academic Registrar may, for any instance of misconduct by a student—

(a) fine the student; or

(b) exclude the student from any examination or part of an examination; or

(c) impose both of these penalties.

(2) The Academic Registrar may suspend all or any of the student's rights and privileges within the University if the student does not pay—

(a) a fine imposed on the student under this Statute or under any other Statute, By-law or Rule within the time specified by the person or body imposing the fine, or if no time is specified, within 14 days after the date it was imposed or within such extended time as the Academic Registrar may allow; or

- (b) any fee or other debt payable by the student to the University within 14 days after it becomes payable.

10. Vice-Chancellor's powers

- (1) The Vice-Chancellor may, for any instance of misconduct by a student—
- (a) fine the student; or
 - (b) suspend for any period not exceeding 20 teaching days all or any of the student's rights and privileges within the University; or
 - (c) impose both of these penalties.
- (2) As an alternative to subsection (1), the Vice-Chancellor may, in the name of the University, charge a student with misconduct and refer the charge to be heard and determined by a Board of Discipline.
- (3) Pending the hearing of the case by a Board of Discipline, the Vice-Chancellor may suspend for a period not exceeding 20 teaching days, all or any of the student's rights and privileges within the University (other than under this Statute). The Board which hears the charge may at any time lift the suspension, but unless it does so, the suspension continues until the period for which it was imposed has elapsed or the Board gives its decision in the case, whichever first occurs.

11. General provisions with regard to the exercise of powers

- (1) Sections 11(2), (3), (4), (5) and (6) do not apply in any case where a University officer takes summary action.
- (2) A University officer proposing to impose a penalty on a student for alleged misconduct in accordance with any of sections 6, 7, 8 or 9 of this statute is to give the student 5 days written notice of the time and place of the officer's inquiry into the allegation of misconduct.
- (3) The University officer may make a finding of misconduct or that the student's conduct does not amount to misconduct.
- (4) During the inquiry into the allegation of misconduct, the University officer shall investigate the circumstances of the alleged misconduct, and can make a finding of misconduct only if, on the basis of those investigations, the officer is reasonably satisfied that the conduct of the student amounts to misconduct.
- (5) If a student fails to appear at the inquiry, and the University officer is satisfied that the student has been given notice in accordance with this section, he or she may proceed with the inquiry.
- (6) If the University officer makes a finding of misconduct and imposes a penalty with respect to that misconduct, both the finding of misconduct and the imposition of the penalty are to be confirmed to the student in writing within 7 days of the making of the finding and the imposition of the penalty.

12. Appeals from penalties

- (1) A student may appeal to the Registrar in writing against a penalty (but not against a finding of fact) within 7 days after the penalty is imposed under sections 6, 7, 8 or 9 of this Statute or under any other of the Statutes which prescribes that the conduct complained of is deemed to be 'misconduct' under this Statute
- (2) In the case of an appeal, the Registrar may suspend the penalty until he or she makes a decision on the appeal except where the penalty is a fine or is imposed for non-payment of a fine.
- (3) The Registrar may hear and determine the appeal.
- (4) The Registrar's decision is final and there is no further appeal from that decision.
- (5) The student may appear before the Registrar to present his or her case, together with a person chosen by the student to assist the student, acting other than in the capacity of a qualified legal practitioner.
- (6) The Registrar may arrange for the attendance of a member of the academic or general staff, who has no personal involvement with the case, to be present as a secretary at any hearing.
- (7) The Registrar may confirm, alter, annul or increase the penalty which is the subject of the appeal.
- (8) The Academic Registrar shall give written notice to the student of the Registrar's decision within 7 days of it being made.

13. Appeal to a Board of Discipline

- (1) Subject to section 12(3), a student may appeal to a Board of Discipline with the leave of the Registrar, but not otherwise, against—
- (a) any decision made against the student; or
 - (b) a penalty imposed on the student under section 10(1).
- (2) An application to the Registrar under subsection (1)—
- (a) must be in writing and briefly state the grounds of appeal; and
 - (b) must be lodged with the Registrar within 7 days from the date of the decision the subject of the application.
- (3) The Registrar prior to determining whether to grant leave to appeal under subsection 1 shall notify the President of the Student Guild in writing of the receipt of an appeal and shall seek and consider the President's view prior to granting or denying leave.

(4) The Registrar shall give written notice to the student of his or her decision on the application within 7 days of that decision being made.

(5) The decision of the Registrar on an application for leave to appeal is final and no appeal lies from that decision.

(6) If the Registrar grants leave to appeal, then the Registrar must notify the Vice-Chancellor and the Academic Registrar forthwith.

14. Board of Discipline

(1) Whenever a student is granted leave to appeal under section 13, or the Vice-Chancellor charges a student with misconduct under section 10(2), the Vice-Chancellor shall convene a Board of Discipline.

(2) A Board shall consist of—

- (a) a Chairperson appointed by the Vice-Chancellor, who must be a qualified legal practitioner;
- (b) two members of the full-time academic staff selected at random by the Vice-Chancellor from a panel of no fewer than six members, being 3 men and 3 women, of the academic staff nominated annually by the Academic Staff Association;
- (c) two students selected at random by the Vice-Chancellor from a panel of no fewer than six students, being 3 men and 3 women, nominated annually by the Student Guild.

The constitution of the Board is to comprise both men and women;

(3) The Vice-Chancellor shall select at random another member from the relevant panel, if—

- (a) any of the persons mentioned in subsections (2)(b) or (2)(c) is unable or unwilling to act as a member of the Board; or
- (b) a person is selected as a member of the Board and in the opinion of the Chairperson, that person should not act as a member of the Board due to personal involvement in the case.

In either case, the Vice-Chancellor may request the nominating bodies to nominate additional persons to the relevant panels or either of them.

15. Powers of a Board

(1) A Board of Discipline shall hear and determine any appeal made under Section 13 or charge made under section 10(2),

(2) In the case of a reference by way of appeal under section 13, the Board—

- (a) shall hear the matter again from the beginning; and
- (b) may, in addition to other powers conferred by this Section, confirm or set aside the decision or penalty or both, or may reduce or increase the penalty or substitute for it any other penalty which may be imposed under this Statute.

(3) In the case of a reference by way of charge under section 10(2), the Board may find the student guilty of misconduct and impose any penalty which may be imposed under this Statute, or it may dismiss the charge.

(4) If a Board makes a finding of misconduct, it may decline to record that finding or to impose a penalty if—

- (a) in its opinion the misconduct was trivial; or
- (b) for any other reason, the Board is of the opinion that a finding of misconduct should not be recorded or a penalty should not be imposed.

(5) Subject to the confirmation by the Council of a penalty of expulsion, the decision of the Board on an appeal under section 13 is final and no appeal lies from that decision.

(6) A Board is not bound by rules of evidence and may act without regard to technicalities and legal forms and, subject to ensuring procedural fairness, may inform itself of any matter in such manner as it thinks fit.

(7) In the case of reference by way of charge under section 10(2) the University bears the burden of proof, and a Board is only to regard a charge as proven if the majority of the members of the Board are reasonably satisfied that the student is guilty of the misconduct with which he or she is charged.

16. Procedure of a Board

(1) The quorum of a Board of Discipline is 3 members, of whom one is to be the Chairperson. A Board may act and continue to act notwithstanding the absence of any member or members but a decision can only be given by no fewer than 3 members, including the Chairperson, all of whom have been present throughout the hearing.

(2) If, for any reason, a Board is unable to obtain a quorum or is unable to reach a decision on any matter, the Chairperson is to report to the Council accordingly, which is then to—

- (a) appoint a substitute Board, in which event the provisions of Section 14(2) will not apply, comprising any five members of the Council appointed by the Council; or
- (b) with the exception of members appointed to the Appeals Committee, constitute itself as a Board of Discipline.

(3) The Chairperson of a Board has a deliberative vote and on questions of procedure only, a casting vote.

(4) Any point of law is to be decided by the Chairperson alone.

(5) On an appeal under section 13, if the members votes are equally divided as to whether the appeal should be allowed, then the appeal is to be allowed.

(6) A Board of Discipline may continue to act in the matter notwithstanding any change in the membership or constitution of the Council.

(7) A Board of Discipline constituted to hear and determine a charge of misconduct made against a student or an appeal made to it, may have referred to it a charge or charges of misconduct made against another student or other students or another charge or other charges against the first mentioned student or any other appeal or appeals and the Board may deal with all the charges and appeals referred to it, except that—

- (a) the Board is not to deal with more than one charge or appeal at the same hearing unless, in its opinion, the charges arise out of instances of misconduct which—
 - (i) comprise a series of instances of the same or a similar character;
 - (ii) are committed in the furtherance of a common objective; or
 - (iii) occur during group activity by the students charged or on whom penalties have been imposed, whether or not with other students.
- (b) if the Board forms the opinion at any stage before making known its decision that it should in the interests of justice refrain from hearing or cease proceeding further with any of the charges or appeals, it is to so refrain or cease and another Board is to be constituted to deal with that charge or appeal.

17. Constitution of an Appeals Committee

(1) The Council shall appoint, at its regular March meeting each year, an Appeals Committee which is to consist of—

- (a) a Chairperson, who must be a qualified legal practitioner;
- (b) two members of the Council one of whom is to be a student;
- (c) both men and women.

(2) If a member of the Appeals Committee is personally involved in any matter the subject of an appeal to the Appeals Committee or was a member of the Board of Discipline from which an appeal is being made, that member is not to participate in the appeal as a member of the Appeals Committee.

(3) The Council may appoint a substitute member to take the place of any member excluded from participation under subsection (2) or to fill a casual vacancy.

(4) The Chairperson and members of the Committee are to continue in office until the appointment of the next Appeals Committee, except that an Appeals Committee shall continue in office to conclude the hearing of any appeal and to give its decision notwithstanding the appointment of a new Appeals Committee or any member ceasing to be a member of the Council.

18. Procedure of a Committee

(1) All members of an Appeals Committee are to be present throughout the hearing of an appeal.

(2) The Chairperson of an Appeals Committee has a deliberative but not a casting vote.

(3) On any question whether an appeal should be allowed, if the votes are equally divided, the appeal is to be allowed.

19. Appeal to the Appeals Committee

(1) A student may appeal to the Appeals Committee against any decision of a Board of Discipline, whether relating to a finding of misconduct or the imposition of a penalty, in any case which was not itself an appeal to the Board.

(2) The University may appeal to an Appeals Committee against any decision of a Board of Discipline, whether relating to a finding of misconduct or the imposition of a penalty, in any case which was not itself an appeal to the Board.

20. Powers of the Committee

(1) An Appeals Committee to which an appeal is made may confirm or set aside the decision or penalty or both, or reduce or increase the penalty, or impose in its place any other penalty which may be imposed under this Statute.

(2)(a) On any appeal against the imposition of a penalty, only matters relevant to the penalty shall be dealt with.

(b) On any appeal, an Appeals Committee may hear the case from the beginning, hear additional evidence or rely on the record of the Board of Discipline, as it shall think fit.

(c) On any appeal, any point of law is to be decided by the Chairperson alone.

(3) The decision of an Appeals Committee shall be final and conclusive, provided that if the penalty is expulsion from the University the provisions of subsection 5(5) shall apply.

21. Secretary of Board or Committee

The Academic Registrar or a member of the general staff appointed by the Academic Registrar is to act as Secretary of all Boards of Discipline and Appeals Committees.

22. Lodgement of Appeal

A reference to a Board of Discipline by way of appeal or an appeal to an Appeals Committee must be lodged with the Academic Registrar within 7 days after the decision appealed against has been notified to the student, unless the Board or Committee to whom the appeal is made allows an extension of time. No extension of time is to be allowed unless the Board or Committee is satisfied that there was good reason for failure to lodge the reference or appeal within the time allowed.

23. Notice of Hearing

(1) The Academic Registrar is to give to a student charged with misconduct before a Board of Discipline or who is a party to an appeal not less than 10 days written notice of the hearing by the Board of Discipline or an Appeals Committee.

(2) The notice of hearing is to contain particulars of—

- (a) the charge in the case of a charge referred to a Board of Discipline;
- (b) the time and place of the hearing; and
- (c) the student's rights under section 25(1).

(3) If the student fails to appear at the hearing and the Board or Committee is satisfied that the student has been given notice in accordance with this section, it may proceed with the hearing in the student's absence, or adjourn the hearing to a date to be notified to the student.

24. General Discretion as to Procedure

The procedure of a Board of Discipline or Appeals Committee including the order in which witnesses may be called and addresses heard is to be at the discretion of the Chairperson of the Board or Committee.

25. Hearings

(1) During any hearing, before a Board of Discipline or an Appeals Committee the student is entitled—

- (a) to be represented by a legal practitioner or any other person of the student's choice;
- (b) to be present with his or her representative throughout the hearing except when the Chairperson and members of the Board of Discipline or Appeals Committee wish to confer privately among themselves or to consider their decision, or when the student's or representative's conduct is considered unruly by the Chairperson;
- (c) to call and examine witnesses, cross-examine witnesses other than any witness he or she has called, and to address the Board or Committee.

(2) A Board may require—

- (a) a student charged with misconduct or an appellant to answer such questions asked by the Chairperson or other members of the Board as the Board reasonably requires. If a student elects not to answer, the Board may determine the matter on the available evidence; and
- (b) the University to inform the Board of any earlier inquiries, proceedings or decisions by any University officer or committee in relation to the alleged misconduct the subject of the charge being heard by the Board and the Board may give such weight as it considers appropriate to the relevant information.

(3) The Vice-Chancellor may appoint a legal practitioner or a member of the academic or general staff of the University to present the case on behalf of the University, but that person may not give evidence in the case. The person appointed may call and examine witnesses, cross-examine witnesses other than any witness he or she has called, and address the Board or Committee.

(4) A hearing of a Board or Committee is to be in private unless the student charged or appellant elects otherwise, in which event, the hearing is to be open to other members of the University but—

- (a) if charges against two or more students are being dealt with together before the Board or Committee and any one of them elects to have a private hearing, the hearing is to be private; and
- (b) the Board or Committee may order that an open hearing be continued in private if in its opinion order cannot otherwise be maintained.

(5) During any hearing, the Chairperson of the Board or Committee has complete authority to keep order and may order the removal of any person for unruly conduct, including a student in respect of whom the hearing is taking place, or the representative of such a student.

(6) The Academic Registrar is to forthwith confirm by written notice to the student any penalty imposed on the student by a Board or Committee.

26. Costs

(1) A Board of Discipline which has heard a charge of misconduct against a student or an appeal by a student may, in its discretion, award the student the whole or part of the student's costs of the hearing.

(2) An Appeals Committee may, in its discretion, award the student appellant the whole or part of the student's costs including the costs of the appeal to the Committee and the costs of the hearing before the Board of Discipline.

(3) If an award of costs is made under subsections (1) or (2), the Chairperson of the Board or Committee is to fix the amount payable and that amount is to be paid to the student out of University funds.

27. Decisions

Every decision of a Board of Discipline and an Appeals Committee together with reasons for it are to be confirmed in writing and the Secretary of the Board or Committee is to give a copy of the decision to the student.

28. Notices

(1) Any notice or copy of decision required to be given to a student under this Statute is deemed to be duly given if delivered personally or sent by security post addressed to the last address known to the University as the student's place of residence.

(2) Any notice or copy of decision given by post is deemed to have been given when the letter would have been received at the address in the normal course of post.

29. Repeal

The Student Disciplinary Statute published in the *Government Gazette* on 30th April 1982, as amended on 19th December 1986, is repealed.

The Common Seal of Curtin University of Technology was hereto affixed on the 22nd day of July 1997 by the authority of Council.

LANCE TWOMEY, Vice-Chancellor.
PAMELA HASS, Administrative Secretary.

LAND ADMINISTRATION

LB701*

**WATER AGENCIES (POWERS) ACT 1984
LAND ACQUISITION AND PUBLIC WORKS ACT 1902
NATIVE TITLE ACT 1993 (COMMONWEALTH)**

NOTICE OF INTENTION

To Take Land For A Public Work

The Water Corporation (established under the Water Corporation Act 1995) under the provisions of the *Water Agencies (Powers) Act 1984* gives notice in accordance with section 17(2) of the *Land Acquisition and Public Works Act 1902* and section 23 of the *Native Title Act 1993 (Cth)* that it is intended to compulsorily to take under section 17(1) of *Land Acquisition and Public Works Act 1902*, the land described under "Description of land affected", for the purposes specified in this notice.

The plan(s) listed may be inspected at the offices of the Water Corporation, 629 Newcastle Street, Leederville 6007 telephone (08) 9420 2735 or the Department of Land Administration, Midland Square, Midland 6056, telephone (08) 9273 7089.

DESCRIPTION OF LAND AFFECTED—

- (1) Vacant Crown land—about 2870 hectares.
- (2) Portion of King Location 711 subject of Pastoral Lease 3114/640 (Crown Lease 222/1974), Ivanhoe Station in the name of Crosswalk Pty Ltd care of PO Box 616 Kununurra WA 6743—About 6185 hectares.

The notice of intention also covers portions of the following Mining Act tenements—

- (a) M80/196 and 197, M80/285 to M80/287 (inclusive), M80/1187 and M80/1578 in the name of Triex Minerals Limited care of PO Box 1048 North Sydney NSW and Western Metals NL care of 263 Adelaide Terrace Perth WA 6000.
- (b) E80/1686 and E80/2169 in the name of Delta Gold NL care of 46-50 Kings Park Road West Perth WA 6000.
- (c) E80/1686 in the name of Ida Gold Pty Ltd care of Scott House 48-50 Kings Park Road.
- (d) E80/2169 in the name of Carnegie Minerals NL care of Mining Title Administration PO Box 1035 Rockingham WA 6968.
- (e) E80/1964 in the name of Zephr Minerals NL care of Hetherington Exploration & Mining Title Services Pty Ltd PO 6619 East Perth WA 6892.
- (f) E80/2160 in the name of Audax Resources NL care of 125-127 Edward Street east Perth WA 6004.

PLANS—DOLA Miscellaneous Plan 1988 Sheets 1 to 12 (inclusive)

REGISTERED NATIVE TITLE PARTY—Native title determination applications WC94/2 (Ben Ward, John Toby and others) and WC94/6 (B Ward, J Toby, J Ward, R Gerrard).

PURPOSE—It is intended within the area the subject of the notice to undertake and provide works associated with the Ord Stage 2 project. These works will include the construction of water channels, drainage, levee banks, holding basins and other infrastructure incidental and ancillary to the channels and the operation of the project.

NATURE OF ACT—The compulsory taking of the land to undertake the public works specified under PURPOSE. The taking of the land will be subject to the requirements stipulated under COMMENCEMENT OF ACT.

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 1902*, section 23(6) of the *Native Title Act 1993 (Cth)* and section 81(11) of the *Water Agencies (Powers) Act 1984*.

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 1902* the Water Corporation 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 1902* lodge an objection in writing to the proposed taking with the Water Corporation PO Box 100 Leederville 6902 no later than 1 April 1998.

Objections must be in the Form of Objection, copies of which are available from The Water Corporation 629 Newcastle Street Leederville (Telephone (08) 9402 2735) or the Department of Land Administration (Telephone (08) 9273 7089 or (08) 9273 7279).

TIME DURING WHICH THE ACT WILL CONTINUE TO BE DONE—Following the taking of the land it will be used for the public works specified under PURPOSE including required excavation and the construction of all appropriate improvements.

KIND OF DISTURBANCE TO LAND—Disturbance of the land will be caused by the use of and the construction of improvements on the land for the public works specified under PURPOSE.

INTEREST TO BE TAKEN—A freehold estate in the land described under DESCRIPTION OF LAND AFFECTED will be taken by the Water Corporation.

Enquiries relating to the proposed taking of the land may be directed to the Water Corporation, 629 Newcastle Street Leederville telephone (08) 9420 2735 or the Department of Land Administration, Midland Square, Midland 6056 telephone (08) 9273 7089 or (08) 9279 7279.

Dated this 21st day of January 1998.

The Common Seal of Water Corporation was affixed hereto in the presence of—

Dr J. I. GILL, Managing Director.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995

Appointment of Authorised Persons

Notice is hereby given that pursuant to the abovementioned Act the Shire of Ashburton has appointed Mrs Rona Louise Rastinger as an Authorised Person to enforce the following Acts, Regulations and Local Laws—

- Local Government Act 1995 and regulations
- Control of Vehicles (Off-road Vehicles) Act 1978 and regulations
- Dog Act 1976 and regulations
- Bush Fires Act 1954 and regulations
- Litter Act 1979 and regulations
- All Shire of Ashburton Local Laws.

The appointment of Mrs Kathryn Ann Hayes is hereby revoked.

DAVID G. CAREY, Chief Executive Officer.

LG402

DOG ACT 1976

City of Melville

RANGERS

It is hereby noted for public information that Kelly Ann Harris and Andrew James Norris have been appointed as Authorised Persons of the City of Melville pursuant to the following—

Dog Act 1976 for the purposes of registering, seizing, impounding, detaining and destroying of dogs.

NEIL BOLTON, Acting Chief Executive Officer.

LG403**DOG ACT 1976***City of Melville*

APPOINTMENT OF REGISTRATION OFFICER

It is hereby noted for public information that the following person has been appointed under the provisions of the Dog Act 1976 for the City of Melville.

Registration Officer—

Damian George Cox

NEIL BOLTON, Acting Chief Executive Officer.

LG404**DOG ACT 1976***Shire of Gnowangerup*

It is hereby notified for public information that Jason Rutter has been appointed to act as Ranger throughout the whole of the Shire of Gnowangerup and is duly appointed as Authorised Officer for the following purposes—

Local Government (Miscellaneous Provisions) Act 1960;

Dog Act 1976, the Dog Act Regulations, Councils Local Laws relating to Dogs and any amendment that may occur from time to time;

Section 449 of the Local Government (Miscellaneous Provisions) Act 1960 relating to Pound Keepers/Rangers;

Litter Act 1979 and Regulations and any amendments;

Control of Vehicles (Off Road Areas) Act 1978 and any amendments;

Council Local Laws relating to Parking and to Local Laws relating to Removal of Obstructing Vehicles; and

Councils Local Laws relating to the Removal and Disposal of Animals.

F. B. LUDOVICO, Chief Executive Officer.

LG405

CITY OF ARMADALE

Authorised Officer

It is hereby notified that Stephen John Arrowsmith has been appointed as an Authorised Officer to make, lay and swear complaints under the Justices Act on behalf of the City of Armadale pursuant to actioning complaints resolved by the Council under the following Acts, Regulations and Local Law—

- Town Planning and Development Act 1928;
- Town Planning Regulations 1967;
- Metropolitan Region Town Planning Scheme Act 1959;
- Local Government Act 1995;
- Local Government (Miscellaneous Provisions) Act 1960;
- All Regulations under the Local Government Act 1995;
- City of Armadale Town Planning Schemes 2 and 3 and any other City of Armadale gazetted Town Planning Schemes; and
- Local Law relating to the Removal of Refuse, Rubbish and Disused Materials.

Council has also authorised Stephen John Arrowsmith to appear in Council on Council's behalf on matters relevant to the Acts, Regulations and Local Law mentioned above.

MINERALS AND ENERGY

MN401*

State of Western Australia

PETROLEUM ACT 1967

Section 112—Release of Information

I, Ian Fraser, Director of the Petroleum Operations Division of the Department of Minerals and Energy by virtue of the provisions of the Act by instrument of delegation dated 12 August 1997 and published in the *Government Gazette* of Western Australia on 22 August 1997, do hereby advise that in accordance with Section 112.

- (i) As of 1 April, 1998, it is my intention to make available all interpreted data submitted prior to 31 December 1992 in accordance with the Petroleum Act, 1967;
- (ii) therefore invite interested persons to advise of any objection to this release of information within 45 days of publication of this notice

A person is not entitled to make an objection to information being made available or publicly known except on ground that to do so would disclose—

- (a) any trade secret, or
- (b) any other information the disclosure of which would, or could reasonably be expected to adversely affect the person in respect of the lawful business, commercial or financial affairs of the person.

If no objections are received in accordance with this notice, it shall be deemed that the person who furnished the document containing the information has consented to the information being made available or publicly known.

Any objections to the release of information should be addressed to—

Director Petroleum Operations Division
Department of Minerals and Energy
Level 11, Mineral House
100 Plain Street
EAST PERTH WA 6004
Tel: (08) 9222 3291
Fax: (08) 9222 3515

IAN FRASER, Director Petroleum Operations.

MN402*

State of Western Australia

PETROLEUM (SUBMERGED LANDS) ACT 1982

Section 118—Release of Information

I, Ian Fraser, Director of the Petroleum Operations Division of the Department of Minerals and Energy by virtue of the provisions of the Act by instrument of delegation dated 12 August 1997 and published in the *Government Gazette* of Western Australia on 22 August 1997, do hereby advise that in accordance with Section 118.

- (i) As of 1 April, 1998, it is my intention to make available all interpreted data submitted prior to 31 December 1992 in accordance with the Petroleum (Submerged Lands) Act, 1982;
- (ii) therefore invite interested persons to advise of any objection to this release of information within 45 days of publication of this notice

A person is not entitled to make an objection to information being made available or publicly known except on ground that to do so would disclose—

- (a) any trade secret, or
- (b) any other information the disclosure of which would, or could reasonably be expected to adversely affect the person in respect of the lawful business, commercial or financial affairs of the person.

If no objections are received in accordance with this notice, it shall be deemed that the person who furnished the document containing the information has consented to the information being made available or publicly known.

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Director Petroleum Operations Division
Department of Minerals and Energy
Level 11, Mineral House
100 Plain Street
EAST PERTH WA 6004
Tel: (08) 9222 3291
Fax: (08) 9222 3515

IAN FRASER, Director Petroleum Operations.

MN403*

Commonwealth of Western Australia

PETROLEUM (SUBMERGED LANDS) ACT 1967

Section 118—Release of Information

I, Ian Fraser, Director of the Petroleum Operations Division of the Department of Minerals and Energy by virtue of the provisions of the Act by instrument of delegation dated 12 August 1997 and published in the *Government Gazette* of Western Australia on 22 August 1997, do hereby advise that in accordance with Section 118.

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- (ii) therefore invite interested persons to advise of any objection to this release of information within 45 days of publication of this notice

A person is not entitled to make an objection to information being made available or publicly known except on ground that to do so would disclose—

- (a) any trade secret, or
- (b) any other information the disclosure of which would, or could reasonably be expected to adversely affect the person in respect of the lawful business, commercial or financial affairs of the person.

If no objections are received in accordance with this notice, it shall be deemed that the person who furnished the document containing the information has consented to the information being made available or publicly known.

Any objections to the release of information should be addressed to—

Director Petroleum Operations Division
 Department of Minerals and Energy
 Level 11, Mineral House
 100 Plain Street
 EAST PERTH WA 6004
 Tel: (08) 9222 3291
 Fax: (08) 9222 3515

IAN FRASER, Director Petroleum Operations.

PLANNING

PD401**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF DANDARAGAN

TOWN PLANNING SCHEME No. 6—AMENDMENT No. 13

Ref: 853/3/6/7, Pt 13.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Acting Hon Minister for Planning approved the Shire of Dandaragan Town Planning Scheme Amendment on January 15, 1998 for the purpose of—

1. Adding a new zone to the list of zones at Sub-clause 2.1.1 of the Scheme Text as follows “Special Development Zone”.
2. (a) Adding a new sheet to the Scheme Map to provide an enlargement of the area from Jurien to Cervantes town sites;
- (b) Adding a new zone “Special Development Zone” to the Scheme Map Legend, and;
- (c) Rezoning Portions of Victoria Locations 8837, 9302 and 7950 and Victoria Locations 1556 and 7377 from “Rural” to “Special Development” Zone as depicted on the Scheme Amendment Map.

3. Deleting Sub-clause 2.2.1 of the Scheme Text and replacing it with the following—

“The Zoning and Development Table indicates, subject to the provisions of the Scheme, the uses permitted within the various zones and the development standards that apply to various uses specified in the Table for each zone with the exception of the Special Development Zone. The permissibility of uses and special conditions applying to development within the Special Development Zone are prescribed at Appendix 7 of the Scheme.

4. Adding Appendix 7—Special Development Zone Permissibility of Uses and Special Conditions as follows—
“Appendix 7—Special Development Zone.

Locality	Land Particulars
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PERMISSIBILITY OF USES AND SPECIAL CONDITIONS

5. Amending Appendix 7 of the Scheme Text relating to the “Special Development” zone to include the following details—

Locality	Land Particulars
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Jurien	Portions of Victoria Locations 8837, 9302 and 7950 and Victoria Locations 1556 and 7377
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PERMISSIBILITY OF USES AND SPECIAL CONDITIONS

1. Interpretation

For the purpose of this Zone: “estate” means the land referred to in the Land Particulars for this Zone, “proponent” means an owner of land within the estate who submits a plan to the Council for approval pursuant to the provisions hereof and the term shall include the Council where the Council proposes a plan.

2. Objectives of the Estate

The purpose and intent of the estate is expressed in the following objectives to which the Council shall have regard when dealing with any proposed Structure Plan for and any proposed development within the Estate.

- (a) To provide for the long term expansion of Jurien as the major service centre of the central coast.
- (b) To expand the economic base of Jurien by providing for the development of the tourism industry, mariculture and appropriate light and service industries.
- (c) In providing for the development of the tourism industry, to make land available for resort development and facilities including inland waterways and recreational activities for tourists.
- (d) To make provision for cohesive development including transport systems and the provision of services infrastructure.
- (e) To make provision for school sites, commercial development and community facilities.
- (f) To provide open space and recreation areas for future residents.

3. Development Hierarchy

Future development and subdivision within the Estate shall be carried out in accordance with a staged approval process as follows—

- (a) Structure Plan;
- (b) Development Plan; and
- (c) Detailed Site Plan.

4. Structure Plan

(1) The Council shall not consider a Development Plan submitted to it for approval by a proponent until the Council has considered and the Western Australian Planning Commission has approved a Structure Plan in accordance with the following provisions of this paragraph.

(2) No new development or use of land within the Estate shall be commenced or carried out until a Structure Plan has been approved in accordance with these provisions.

(3) Unless otherwise agreed by the Council any proposed Structure Plan presented to the Council for approval shall be prepared to a scale not greater than 1:5000 nor less than 1:10000.

(4) A proposed Structure Plan shall include such land as is necessary to satisfy the Council as to the orderly and proper planning of the locality generally and to that end shall not necessarily be limited to the land within the Estate.

(5) A proposed Structure Plan should generally accord with any approved regional structure plan for the area and shall be sufficient in its detail to establish the urban form, and the proposals in general terms for land use dispositions and densities, movement systems, and services, and other matters which in the opinion of the Council are relevant to the orderly and proper planning of the Estate, and where appropriate the Structure Plan should contain policy statements on the general aims and objectives to be achieved in the various components of the Estate.

(6) A proposed Structure Plan shall show such detail as the Council requires to establish the orderly and proper planning and amenity of the Estate, and without limiting the generality of the foregoing, shall include detailed information dealing with the following—

- (a) Major transportation and movement systems;
- (b) Hierarchy of Centres;
- (c) Service commercial areas;
- (d) Landscape protection areas;
- (e) Major conservation and recreation areas;
- (f) Proposals for sewerage, drainage and other physical infrastructure services;
- (g) Details derived from any ethnographic, heritage or cultural study conducted in relation to the Estate.

(7) A proposed Structure Plan should include information sufficient to demonstrate the contemplated method of implementation of its proposals.

(8) The proposed Structure Plan when presented to the Council shall be accompanied by or shall include a Report or information in the nature of a Report which should so far as possible contain the information provided in a Scheme Report pursuant to clause 12 of the Town Planning Regulations 1967, but in any event describing and explaining existing site conditions, the objectives of the Plan, policies, guidelines and development standards, and such other explanatory material as is necessary to provide the Council with a full understanding of the scope, purpose and intent of the Plan.

(9) Where a proposed Structure Plan is, in the opinion of Council, lacking in detail on some aspect or component, Council shall, as soon as is practicable, notify the proponent of the deficiencies in the Plan.

(10) The Council shall not approve a Structure Plan unless and until—

- (a) The proposed Structure Plan has first been advertised for public inspection by one or more of the methods of advertising proposals for development involving an “AP” use as set out in Sub-clause 6.2.2 of the Scheme except that the period of advertising shall be 42 days;
- (b) The proponent of the Structure Plan shall convene a public meeting at the direction of Council to explain the intent of the plan to the public;
- (c) Such notification and information as the Council considers appropriate has been given by the Council or by the proponent at the direction of the Council to the Commission and to all public authorities or other bodies providing or likely to provide services to the area when developed and to such other authorities or persons as the Council nominates; and
- (d) The Council has considered all of the submissions received as a result of the advertising.

(11) A proposed Structure Plan shall be deemed to be refused by the Council where a decision on the proposal has not been made by the Council within 5 months of the Council's receipt of the proposal or within such further time as may be agreed in writing between the applicant and the Council.

Where the Council in its opinion is not able to approve a proposed Structure Plan due to the requirements of some other written law, and subject to the consent of the proponent, the 5 month period shall not begin to run until such impediment has been removed or rectified.

(12) The Council after considering all submissions and comments received by it in accordance with the preceding provisions of this clause may recommend refusal of the proposed Structure Plan, or may recommend approval of the Structure Plan with or without modifications.

(13) The Council shall not make a final recommendation to refuse approval of a proposed Structure Plan until the proponent (if any) has been allowed an opportunity to provide a further submission to the Council. Any such further submission shall be lodged within 14 days of notification of Council's intention to recommend refusal of approval. The Council shall proceed without delay to its determination if the proponent waives the right to make a further submission.

(14) A summary of the submissions and Council's recommendations in relation to those submissions together with a copy of Council's recommendation to approve the Structure Plan with or without modification or to refuse approval shall be forwarded to the Western Australian Planning Commission as soon as practicable.

(15) The Commission shall consider the submissions received and Council's recommendations and decide to approve the Structure Plan with or without modification or refuse approval of the Structure Plan and convey its decision to the Council.

(16) The Council shall give notice of approval or refusal to approve a proposed Structure Plan by such means as to the Council seems proper, but in any event shall publish notice of an approval in a newspaper circulating in the District and shall give notice in writing of the decision to the proponent as soon as practicable after the decision is made.

(17) An approved Structure Plan shall be kept at the Council's administrative offices and shall be made available for inspection by any member of the public during office hours.

(18) The Council may approve or permit any change or departure from an approved Structure Plan which in the opinion of the Council—

- (a) is minor
- (b) does not affect any State interest;
- (c) has minimal impact upon any person other than the proponent;
- (d) does not affect the interest of any authority or body providing or likely to provide services within the area of the Structure Plan;

but any other proposed change or departure shall be advertised and notified in accordance with sub-paragraph (10) and considered in accordance with the procedures outlined in sub paragraphs (11) to (17).

5. Development Plan

(1) The Council shall not approve any application for Development Approval and shall not support any application for subdivision of land within the Estate until a Structure Plan has been approved in accordance with the preceding paragraph and until a Development Plan relating to the land has been approved in accordance with the provisions of this paragraph.

(2) Any owner of land within the Estate may submit to the Council for approval a Development Plan for that land, though the Council may require that the area dealt with by the Development Plan be reduced or expanded to reflect what the Council considers to be the relevant planning precinct.

(3) The general purpose of a Development Plan is to refine the proposals in a Structure Plan affecting the same land to guide development of land to which the plan relates. Any such plan shall conform with the zoning and land use policies, guidelines, development standards and objectives contained in an approved Structure Plan.

(4) Any proposed Development Plan presented to the Council for approval shall be prepared to a scale not greater than 1:5000 and not less than 1:2000.

(5) A proposed Development Plan shall show such detail as the Council requires to ensure that the development of the land within the plan would be consistent with orderly and proper planning and the achievement of the highest appropriate level of amenity and without limiting the generality of the foregoing, shall include information or detail dealing with the following—

- (a) the definition zones in accordance with the range of zones set out in clause 2.1 respectively of the Scheme;
- (b) proposed residential densities within zones where residential use is permissible;
- (c) proposed transportation systems; road layouts and vehicular traffic, cycle, and pedestrian networks; underpass locations; and public transport routes;
- (d) provision for major land uses including residential, shopping, resorts, commercial, office, educational, civic, employment centre, open space, recreational, waterways and community facilities;
- (e) indicative lot pattern and general location of any major buildings; and
- (f) the integration of land use and development.

(6) A proposed Development Plan should include information sufficient to demonstrate the contemplated method of implementation of its proposals.

(7) A proposed Development Plan when presented to the Council shall be accompanied by or shall include a Report or information in the nature of a Report which should so far as possible contain the information provided in a Scheme Report pursuant to clause 12 of the Town Planning Regulations 1967, but in any event describing and explaining existing site conditions; the objectives of the plan, policies, guidelines, and development standards and such other explanatory material and details as is necessary to provide the Council with a full understanding of the scope, purpose and intent of the plan.

(8) Where a proposed Development Plan is, in the opinion of Council, lacking in detail on some aspect or component Council shall, as soon as is practicable, notify the proponent of the deficiencies in the Plan.

(9) The Council shall not approve a Development Plan unless and until—

- (a) The proposed Development Plan has first been advertised for public inspection by one or more of the methods of advertising proposals for development involving an "AP" use as set out in Sub-clause 6.2.2 of the Scheme except that the period of advertising shall be 42 days;
- (b) The proponent of the Development Plan shall convene a public meeting at the directions of Council to explain the intent of the Development Plan;
- (c) Such notification and information as the Council considers appropriate has been given by the Council or by the proponent at the direction of the Council to the Commission and to all public authorities or other bodies providing or likely to provide services to the area when developed and to such other authorities or persons as the Council nominates; and

(d) The Council has considered all of the submissions received as a result of the advertising.

(10) A proposed Development Plan shall be deemed to be refused by Council where a decision on the proposal has not been determined by the Council within 5 months of Council's receipt of the proposal or within such further time as may be agreed in writing between the applicant and the Council.

Where the Council, in its opinion, is not able to determine a proposed Development Plan due to the requirements of some other written law, and subject to the consent of the proponent, the 5 month period shall not begin to run until such impediment has been removed or rectified to the satisfaction of the Council.

(11) The Council after considering all submissions and comments received by it in accordance with the preceding provisions of this clause may recommend refusal of the proposed Development Plan, or may recommend approval of the Development Plan with or without modifications.

(12) The Council shall not make a final recommendation to refuse approval of a proposed Development Plan until the proponent (if any) has been allowed an opportunity to provide a further submission to the Council. Any such further submission shall be lodged within 14 days of notification of Council's intention to recommend refusal of approval. The Council shall proceed without delay to its determination if the proponent waives the right to make a further submission.

(13) A summary of the submissions and Council's recommendations in relation to those submissions together with a copy of Council's recommendation to approve the Development Plan with or without modification or to refuse approval shall be forwarded to the Western Australian Planning Commission as soon as practicable.

(14) The Commission shall consider the submissions received and Council's recommendations and decide to approve the Development Plan with or without modification or refuse approval of the Development Plan and convey its decision to the Council.

(15) The Council shall give notice of its approval or its refusal to approve a proposed Development Plan by such means as to the Council seems proper, but in any event shall publish notice of an approval in a newspaper circulating in the District and shall give notice in writing of its decision to the Commission and the proponent as soon as practicable after the decision is made. If the Council approves the Development Plan it shall request the Commission to adopt the Plan as a basis for its decision making.

(16) An approved Development Plan shall be kept at the Council's administrative offices and shall be made available for inspection of any member of the public during office hours.

(17) The Council may approve any change or departure from an approved Development Plan which in the opinion of the Council—

- (a) is minor;
- (b) does not affect any State interest;
- (c) has minimal impact upon any persons other than the proponent;
- (d) does not affect the interest of any authority or body providing or likely to provide services within the area of the Development Plan; and
- (e) is consistent with the Structure Plan for the area,

but any other proposed change or departure shall be advertised and notified in accordance with sub-paragraph (9) and considered in accordance with the procedures outlined in sub paragraphs (10) to (16).

(18) The Council when exercising its discretion in regard to the approval to a Development Plan shall have regard to the matters listed in Sub-clause 6.3.1 of the Scheme.

(19) An approved Development Plan together with all approved amendments shall apply in relation to the land within the area of the Development Plan as if it was an Amendment of the Scheme and the Scheme provisions shall be given full effect within the area accordingly. Without limiting the generality of the foregoing, within the zones designated in the Development Plan the use classes referred to in the Zoning and Development Table shall have the same permissibility spread as set out in those Tables.

(20) The Council and the Commission may deal simultaneously with a Structure Plan and a Development Plan but a Development Plan may not be approved without a Structure Plan first having been approved.

6. Detailed Site Plan

(1)(a) Where in the opinion of the proponent or the Council it is desirable to enhance, elaborate and expand the planning proposals or the provisions contained within a Structure Plan or Development Plan on a lot by lot basis, such proposal shall be depicted in such detail as is necessary within a Detailed Site Plan.

(b) Once approved by Council a Detailed Site Plan shall be used as the basis for applications to the Commission to subdivide land within the Estate.

(c) In addition to the details required by the Commission with respect to subdivision applications, a Detailed Site Plan may, without limiting the generality of this paragraph, include—

- (i) building envelopes either two or three dimensional;
- (ii) non access areas;

- (iii) natural vegetation preservation areas;
 - (iv) nil setback areas; and
 - (v) special development controls and policies.
 - (vi) other matters considered relevant by Council.
- (d) With the approval of the Council an approved Detailed Site Plan may be modified or varied provided such a modification or variation is in conformity with the Development Plan.
- (2) The proponent shall prior to seeking approval of the Commission to any diagram or plan of survey, provide to the Council a consolidated Detailed Site Plan at such a scale and format as the Council prescribes. A consolidated Detailed Site Plan shall supersede those Detailed Site Plans or parts of plans contained within any Detailed Site Plan for previously Consolidated Detailed Site Plan dealing with the same land.
7. Development and Subdivision
- (1) Development and subdivision of land within the Estate shall be in accordance with the approved Development Plan and any approved Detailed Site Plan for the particular area and in particular shall comply with the permissibility of land uses under the Scheme, the permissible residential densities and any policy guidelines, development standards and conditions included within an approved Development and Detailed Site Plan.
8. Advertising
- Where a Structure Plan or Development Plan has been advertised before the gazettal of Amendment in a manner which would have complied with the provisions of sub-paragraph 4(10) or 5(9) respectively had those provisions been in operation at the time of the advertising, such advertising shall be deemed to satisfy the requirements hereof as if the gazettal had occurred before the advertising.
9. Appeal
- (1) If a proponent is dissatisfied by a requirement of the Council for detail under any of sub-paragraphs 4(6), 5(5) or 6(1)(a), the proponent within 14 days of being notified of the requirement may request the Council in writing for a reconsideration of the requirement. A proponent who requests the Council to reconsider a requirement under this sub-paragraph shall not exercise the right of appeal hereinafter referred to before the expiration of thirty five (35) days from the date of delivery to the Council of the request for reconsideration so as to allow an opportunity to the Council to consider the request at its next meeting.
- (2) A proponent who is dissatisfied with a requirement whether it be the Council's original decision or the decision of the Council following a request for reconsideration under the preceding sub-paragraph, may appeal against the decision imposing the requirement in accordance with Part V of the Act and the Rules and Regulations made pursuant to the Act.
- (3) Without affecting the generality of Sub-clause 6.10 of the Scheme Text, it is the intent of this sub-paragraph that a right of appeal may be precipitated by a proponent in the following circumstances—
- (a) where in respect of a Structure Plan or a Development Plan—
 - (i) a proposed Plan has been presented to the Council;
 - (ii) all required details have been supplied by the proponent and the Council is not precluded from approving by some written law;
 - (iii) the proposed Plan has been advertised and submitted to the Commission;
 - (iv) the Council is not waiting for the proponent to make a further submission under sub-paragraph 4(13) or sub-paragraph 5(12);
 - (v) the five (5) months deemed refusal period referred to in sub-paragraph 4(11) or 5(10) (as the case may be) or any extension of that period agreed by the proponent under those sub-paragraphs, has not expired; and
 - (vi) the Council has not decided to approve or refuse approval of the proposed Plan;
 - or
 - (b) where in respect of a proposed Detailed Site Plan the Council or the Principal Planner of the Shire (under delegated authority) has not made a decision to approve or refuse approval of the proposed Plan within sixty (60) days of the Council's receipt or the proposed Plan;
 - or
 - (c) the Council within sixty (60) days of receiving a request by the proponent for approval of any change or departure from an approved Structure Plan or an approved Development Plan which change or departure the Council is able to approve under sub-paragraph 4(18) or 5(17) (as the case may be) has not approved or refused the request;
 - or
 - (d) the Council has failed to make a decision within sixty (60) days after receiving a request by the proponent for the modification or variation of an approved Detailed Site Plan, being a modification or variation referred to in sub-paragraph 6(1)(d),

THEN in any of those circumstances the proponent may serve notice on the Council that within a specified period being not less than sixty (60) days, the Council is required to make a decision on the matter, and thereafter if the Council—

- (i) refuses to approve the Structure Plan, Development Plan or Detailed Site Plan, or the requested change or departure or the requested modification or variation; or
- (ii) approves the Structure Plan, Development Plan or Detailed Site Plan or the change or departure or the modification or variation thereto subject to any condition that is unacceptable to the proponent; or
- (iii) fails to make a decision within the period specified in the notice given by the proponent as provided in this sub-paragraph,

The proponent may in any of those circumstances appeal as provided in Sub-clause 6.10 of the Scheme text.

In the case of the failure to make a decision, the decision or determination for the purpose of appealing is deemed to be a refusal on the expiration of the notice period.

G. SNOOK, President.
B. J. GOLDING, Chief Executive Officer.

PD402*

TOWN PLANNING AND DEVELOPMENT ACT 1928

TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

SHIRE OF DARDANUP

TOWN PLANNING SCHEME No. 3—AMENDMENT No. 73

Ref: 853/6/9/6 Pt 73

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

- 1 Rezoning portion of Boyanup AA Lot 305 Padbury Road, Dardanup from 'General Farming' to the 'Small Holding' zone.
- 2 Including the subject land in Appendix VIII of the Scheme Text—Additional Requirements—Small Holding Zones, along with appropriate subdivision, landuse and development controls.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Little Street, Dardanup 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 March 10, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before March 10, 1998.

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

M. L. CHESTER, Chief Executive Officer.

STATE SUPPLY COMMISSION

SD401

STATE SUPPLY COMMISSION ACT 1991

It is hereby notified for general information that, pursuant to section 28 (3) of the State Supply Commission Act 1991, the State Supply Commission has revoked the following supply policy—

- 3.7 Regional Purchasing Policy

Dated 27 January 1998.

CRAIG LAWRENCE, Chairman,
State Supply Commission of Western Australia.

SD402**STATE SUPPLY COMMISSION ACT 1991**

It is hereby notified for general information that, pursuant to section 28 (3) of the State Supply Commission Act 1991, the State Supply Commission has issued the following supply policy, which is applicable to all public authorities—

Partnering

Dated 27 January 1998.

CRAIG LAWRENCE, Chairman,
State Supply Commission of Western Australia.

PUBLIC NOTICES

ZZ201**TRUSTEES ACT 1962**

SECTION 63

Julie Pearson, late of Unit 8, Byron Villas, 41 Lensham Place, Armadale in the State of Western Australia, Widow, deceased.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased who died on 12th of December 1997 are required by the personal representative Elizabeth Janet Vernon Horwood to send particulars of their claims to her care of Talbot & Olivier Barristers & Solicitors, Level 10, 55 St George's Terrace, Perth by the 10th day of March, 1998 after which date the personal representative may convey or distribute the assets having regard to the claims of which she then has notice.

TALBOT & OLIVIER as solicitors for the personal representative.

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6. Sea-Carriage Documents Act
7. Limitation Amendment Act
8. Bank Mergers Act
9. Bank Mergers (Taxing) Act
10. Iron and Steel (Mid West) Agreement Act
11. Treasurer's Advance Authorization Act
12. Revenue Laws Amendment (Taxation) Act
13. Revenue Laws Amendment (Assessment) Act
14. Appropriation (Consolidated Fund) Act (No. 1)
15. Appropriation (Consolidated Fund) Act (No. 2)
16. Regional Development Commissions Amendment Act
17. Curriculum Council Act
18. State Trading Concerns Amendment Act
19. Restraining Orders Act
20. Casino (Burswood Island) Agreement Amendment Act
21. Family Court (Orders of Registrars) Act
22. Professional Standards Act
23. Acts Amendment (Auxiliary Judges) Act
24. Turf Club Legislation Amendment Act
25. Human Tissue and Transplant Amendment Act
26. Appropriation (Consolidated Fund) Act (No. 4)
27. Cement Works (Cockburn Cement Ltd) Agreement Amendment Act
28. W.A. Land Authority Amendment Act
29. Acts Amendment (Legal Costs) Act
30. Land Administration Act
31. Acts Amendment (Land Administration) Act
32. Water Legislation Amendment Act
33. Water Services Coordination Amendment Act
34. Juries Amendment Act
35. W.A. Coastal Shipping Commission Amendment Act
36. Loan Act
37. Grain Marketing Amendment Act
38. Reserves Act
39. Fishing & Related Industries Compensation (Marine Reserves) Act
40. Family Court Act
41. Acts Amendment & Repeal (Family Court) Act
42. Equal Opportunity Amendment Act (No. 3)
43. Commercial Arbitration Amendment Act
44. Maritime Archaeology Amendment Act
45. Pay-Roll Tax Amendment Act
46. Public Notaries Amendment Act
47. Wills Amendment Act
48. Mutual Recognition (W.A.) Amendment Act
49. Sunday Observance Laws Amendment & Repeal Act
50. Road Traffic Amendment Act
51. Revenue Laws Amendment (Assessment) Act (No. 2)
52. Appropriation (Consolidation Fund) Act (No. 3)
53. Dampier to Bunbury Pipeline Act
54. Interpretation Amendment Act
55. Fuel Suppliers Licensing & Diesel Subsidies Act
56. Acts Amendment (Franchise Fees) Act
57. Statute Repeals and Minor Amendments Act
58. Osteopaths Act

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