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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.

ENERGY

EC401**ELECTRICITY ACT 1945****ELECTRICITY ACT REGULATIONS 1947**

Code of Practice for Personnel Electricity for Vegetation Control Work Near Live Powerlines

It is hereby notified for public information that for the purposes of sub-paragraph (1) of regulation 316A (4) (b) of the *Electricity Act Regulations 1947*, page 7-4 of the Code of Practice for Personnel Electricity Safety for Vegetation Control Work Near Live Powerlines is amended by deleting Clause 7.8.1 (b) and inserting the following—

- “(b) Where control by hand is not possible, branches and limbs must be supported or controlled by ropes, or insulated tools (or both) so that during any cutting or removal, the branch or limb will move away from the power line;”

Dated this 5th day of May 1998.

ALBERT KOENIG, Director of Energy Safety, Office of Energy.

JUSTICE

JM301***SPENT CONVICTIONS ACT 1988****SPENT CONVICTIONS (ACT AMENDMENT) REGULATIONS (No. 2) 1998**

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Spent Convictions (Act Amendment) Regulations (No. 2) 1998*.

Schedule 3 to the Act amended

2. Schedule 3 of the *Spent Convictions Act 1988** is amended by inserting, in the appropriate alphabetical position, in the table to clause 3 (1) the following item —

- “ • Autism Association of Western Australia (Inc) ”.

[* Reprinted as at 19 November 1996.

For amendments to 20 March 1998 see 1997 Index to Legislation of Western Australia, Table 1, p. 217 and Gazette 27 February 1998, p. 1035.]

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

LOCAL GOVERNMENT

LG401**SHIRE OF MUKINBUDIN**

It is hereby notified for public information that David Graham Kerr has been appointed as authorised officer for the implementation and enforcement of the following—

Dog Act 1976
Bush Fires Act 1954
Litter Act 1979
Local Government Act 1995
Council Local Laws

A. J. BORRETT, Chief Executive Officer.

LG402

SHIRE OF WAROONA

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

Keith Khalil Annane
Kathleen Jean Johnston

have been appointed authorised officers under the following Acts, Regulations and Local Laws—

Local Government Act 1995
Local Government (Miscellaneous Provisions) Act 1960 Part XX
Bush Fires Act 1954 and Regulations
Dog Act 1976 and Regulations
Control of Vehicles (Off Road Areas) Act 1978 and Regulations
Litter Act 1979 and Regulations
Dog Local Laws
Local Laws Refuse and Litter
Local Laws Removal of refuse, rubbish and disused material
Local Laws Reserves and Foreshores

K. T. O'CONNOR, Chief Executive Officer.

MAIN ROADS

MA401*

File No MRWA 42-269-A
Ex Co No. 0153

LAND ACQUISITION AND PUBLIC WORKS ACT 1902

LAND RESUMPTION

WIDENING OF THE KAMBALDA ROAD (EASTERN BYPASS ROAD)

Notice is hereby given, and it is declared, that the several pieces or parcels of land described in the Schedule hereto, being all in the Kalgoorlie/Boulder District have, in pursuance of the written approval and consent of His Excellency the Governor, acting by and with the advice of the Executive Council, dated the 24th day of February 1998, been set apart, taken, or resumed for the purposes of the following public work, namely: Widening of the Kambalda Road (Eastern Bypass Road)—Shire of Kalgoorlie/Boulder.

And further notice is hereby given that the said pieces or parcels of land so set apart, taken, or resumed are marked off and more particularly described on the plans specified in the Schedule, which may be inspected at Main Roads Western Australia, Waterloo Crescent, East Perth. The additional information contained in the schedule after the land descriptions is to define locality only and in no way derogates from the Transfer of Land Act description.

And it is hereby directed that the said lands shall vest in Her Majesty for an estate in fee simple in possession for the public work herein expressed, freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way, or other easements whatsoever.

Schedule

Plan MR No.	Owner of Reputed Owner	Occupier or Reputed Occupier	Description	Area
97-62	Dewdrop Holdings Pty Ltd of one undivided half share and Frederick Robert Smith and Catherine Mary Smith, as joint tenants, of one undivided half share	Commissioner of Main Roads vide Caveat G267382	That portion of Lot 1 the subject of Diagram 85621 now contained in Diagram 90166 and being part of the land comprised in Certificate of Title Volume 2026 Folio 303.	428m ²

Certified correct this 28th day of January 1998.

ERIC CHARLTON, Minister for Transport.

Dated this 24th day of February 1998.

MICHAEL JEFFERY, Governor in Executive Council.

MEDICAL BOARD

MH401**MEDICAL ACT 1894**

In the matter of Dr William Peter Jones Medical Practitioner

The Medical Board of Western Australia having held an Inquiry on 27 March 1998 into allegations that Dr William Peter Jones was guilty of Infamous or Improper Conduct in a professional respect contrary to Section 13(1)(a) of the Medical Act 1894. The charges arose as a result of the prescription of drugs of addiction in contravention of the Poisons Act and Regulations.

The Board found as follows—

- (i) That the charge of infamous or improper conduct in a professional respect had been established;
- (ii) That Dr William Peter Jones be reprimanded;
- (iii) That a fine of \$1,000.00 be imposed.
- (iv) That Dr William Peter Jones's registration is subject to the condition that he does not prescribe Schedule 8 drugs without first obtaining authority from The Board to do so;
- (v) That the costs of the Inquiry be awarded against Dr William Peter Jones.

By order of the Medical Board of Western Australia.

(Sgd) Registrar.

PLANNING

PD401**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

SHIRE OF BRIDGETOWN-GREENBUSHES

TOWN PLANNING SCHEME NO 3—AMENDMENT NO 35

Ref: 853/6/5/3 Pt 35

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 Bridgetown-Greenbushes Town Planning Scheme Amendment on April 23, 1998 for the purpose of:

1. Rezoning Bridgetown Suburban Lots 32, 33 and 34 Tweed Road, Bridgetown from 'Rural' to 'Special Residential'
2. Adding to Schedule 3—Special Residential Zones the following:

Site Descriptions	Special Provisions
Bridgetown Suburban Lots 32, 33 & 34 Tweed Road, Bridgetown	<ol style="list-style-type: none"> 1. As a condition of development approval Council shall require the planting and maintenance of 30 trees, of approved species, capable of growing to 3 metres in height. The trees shall be concentrated around buildings and between building setbacks and the road alignment. 2. With the intention of minimising the potential for land degradation and erosion, Council may require land owners to utilise alternative housing styles and techniques which are in harmony with the character of the land, sympathetic to topography and minimise the potential for erosion through excavation. 3. With the intention of preventing land degradation, Council may, with the advice of the Agriculture Western Australia, require removal of, or reduction in, the number of stock on any lot within the zone. 4. No trees or other substantial vegetation shall be felled or removed from the site except where: <ol style="list-style-type: none"> (a) required for approved development works; (b) required for the establishment of a fire break as required by regulation or By-law; (c) as otherwise approved by Council. 5. Council shall request at subdivision that prospective purchasers be made aware of those special provisions relating to the land.

B. C. KAVANAGH, President.
R. I. STEWART, A/Chief Executive Officer.

PD402*

TOWN PLANNING AND DEVELOPMENT ACT 1928
TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION
SHIRE OF ESPERANCE

TOWN PLANNING SCHEME NO 22—AMENDMENT NO 23

Ref: 853/11/6/21 Pt 23

Notice is hereby given that the local government of the Shire of Esperance has prepared the abovementioned scheme amendment for the purpose of amending Appendix 5 of the Scheme Text to allow an additional use over Lots 247 and 248 Daphne Street and Lot 336 Nugent Street to enable the establishment of a boarding house.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Windich Street, Esperance 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 June 16, 1998.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before June 16, 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.

J. D. BURROWS, Chief Executive Officer.

PD403

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
SHIRE OF SERPENTINE-JARRAHDAL

TOWN PLANNING SCHEME NO 2—AMENDMENT NO 80

Ref: 853/2/29/3 Pt 80

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 Serpentine-Jarrahdale Town Planning Scheme Amendment on April 25, 1998 for the purpose of:

- (1) Rezoning Location 783 Hall Road, Serpentine from "Rural" to "Rural Living 'A'".
- (2) Inserting in Appendix 4A of the Scheme Text the following:

“(a)” SPECIFIED AREA OF LOCALITY

Location 783 Hall Road, Serpentine
C/T 1367/288

“(b)” SPECIAL PROVISIONS TO REFER TO “(a)”

1. Within the Rural Living zone the following landuses are permitted or are permitted at the discretion of the Council.

Use classes permitted (P):

Single Residence and Granny Flat
Public Recreation

Discretionary Uses (AA)

Rural Use/Intensive Agriculture
Community Facilities (e.g. Child Care, Playgroup, Community House)
Home Occupation/Cottage Industry
Market
School
Tourism (e.g. Farm Stays)

In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with Government Agencies that the land use does not involve excessive nutrient application or the clearing of the land.

2. No dwelling shall be approved by the Council unless it is connected to an alternative domestic wastewater treatment system as approved by the Health Department of WA with an adequate phosphorus retention capacity, as determined by the Department of Environmental Protection, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.
3. The subdivider shall plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the Transfer of the lot(s) to a new owner.
4. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.

5. The subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specifications and satisfaction of the Council and the Bush Fires Board of WA.
6. The subdivider shall install fencing to the satisfaction of Council along all boundaries of the properties including P.A.W/P.O.S reserves, emergency access ways and road reserves.
7. Notwithstanding the obligations of the subdivider under clause 5.12.9e of the Scheme, the subdivider shall drain the land and provide detention areas in accordance with a 'Drainage Concept Plan' provided prior to the commencement of on-the-ground works. Those easements and reserves required by Council or the Water Corporation shall be provided to the Council or Water Corporation free of cost at the time of subdivision to provide for ongoing maintenance of the drainage system components.
8. All lots fronting the golf course to have houses facing the golf course with suitable caveats on title.
9. Notwithstanding the controls specified by provision 1, development and use of the land is subject to the provisions of the Water Authority of Western Australia By-laws applying to underground water supply and pollution control.
10. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the discretionary uses identified under provision 1.
11. At the time of the building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retaining and proposals for tree planting and maintenance.
12. The land is situated within the catchment of the Peel-Harvey system where nutrient control through fertiliser application is to be promoted. Therefore, the application, type and distribution of fertiliser to the land shall be subject to the prior approval of the Council who shall consult the Department of Environmental Protection before approval is granted.

C. H. RANKIN, President.
I. BODILL, Chief Executive Officer.

RACING, GAMING AND LIQUOR

RA301

RULES 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 14th day of April 1998, it was resolved by an absolute majority of the members of the Committee that the Rules of Trotting be amended as follows—

Part 2 of the Rules is amended by the deletion of Rule 4 and the insertion in its place of Rule 4(1) & (2).

PART 2

APPLICATION OF RULES

Persons and Bodies Bound by these Rules

4. (1) These Rules shall apply to all races and race meetings as defined by these Rules and shall also apply to and be binding on—

- (a) the Controlling Body, its members, officers and servants;
- (b) all Clubs, its committee, members, officers, Stewards and servants;
- (c) every Club and other Body having harness racing events on its programme or any one of its programmes and the committee, members, officers, officials and servants of such Club or Body;
- (d) all licensed and other persons suffered or permitted in or about a harness racing stable, training complex or in connection with the, management, care, control or superintendence of race horses and their training or driving or breeding stock;
- (e) all registered persons whether domiciled in Australia or otherwise;

- (f) all persons who shall enter, nominate, accept or withdraw or start any horse for any race;
 - (g) all persons who shall import a foreign horse into Australia;
 - (h) all persons who shall apply for any licence, permit or certificate for the issue of which provision is made under these Rules;
 - (i) all persons who shall apply for any totalisator ticket at any meeting, or bet with a registered bookmaker;
 - (j) all persons who shall apply for admission to or attend any course on which any race meeting is held or official trial or any training complex;
 - (k) every person who in any manner directly or indirectly by himself or by any other person, on his own behalf or on behalf of any other person, does or attempts to do any act or thing for the purpose of securing any right, benefit or privilege which he or any such other person is not entitled to receive under these Rules, or to evade any disability or penalty of any kind which has been imposed on him or any such other person or to which they may respectively become liable by or under these Rules; and
 - (l) any person who in the opinion of the Controlling Body or any Steward may have knowledge of any matter which is relevant to an inquiry by the Controlling Body or any Steward.
- (2) In this Rule, "person" includes "Body or Association".

Part 6 of the Rules is amended by the insertion of Rule 38(f) and 38A.

PART 6 INQUIRIES

38.

Legal Representation at Inquiry

- (f) At any inquiry convened under this Rule, a person is not entitled to be represented by another person, whether or not legally qualified, unless approval is given by the Controlling Body or the Chairman Of Stewards or any Steward who considers that it is necessary or appropriate that representation should be permitted.

Attendance and Evidence at Inquiry

38A. (1) At an inquiry convened under Rule 38 by the Controlling Body or the Chairman Of Stewards or any Steward, no person shall—

- (a) when required to do so—
 - (i) refuse or fail without good reason to attend; or
 - (ii) refuse to give evidence or produce any document required; or
- (b) give false or misleading evidence.

(2) A person is not excused from giving evidence or producing a document on the ground that the giving of the evidence or the production of the document might incriminate or tend to incriminate the person or render the person liable to a penalty.

Part 42 of the Rules is amended by the insertion of Rule 494A.

PART 42 ADMINISTRATION AND DETECTION OF DRUGS

Control Sample Analysis

494A. (1) Samples taken from horses in accordance with Rule 11 and Rule 493 shall be analysed by only an Official Racing Laboratory.

(2) Upon the detection by an Official Racing Laboratory of a drug in a sample taken from a horse the laboratory shall—

- (a) notify its finding to the Stewards, who must immediately notify the trainer of the horse of the finding; and
- (b) nominate another Official Racing Laboratory and refer to it the Control Sample of the same sample and, except in the case of a blood sample, the Control Rinse of the sample, together with advice as to the nature of the drug detected.

(3) In the event of the other Official Racing Laboratory detecting the same drug in the referred Control Sample portion of the sample and not in the referred portion of the Control Rinse, the certified findings of both Official Racing Laboratories shall be prima facie evidence upon which the Stewards may find that the drug so detected has been administered to the horse from which the sample was taken.

(4) In this Rule—

- (a) "Official Racing Laboratory" means an analytical racing laboratory that is accredited by the National Association of Testing Authorities or by a similar Authority in another country, and is approved by the Controlling Body and published in the Official Calendar;

- (b) "Control Sample" means a portion of a urine and/or blood sample taken from a horse and, when a urine sample is obtained, may also include the Control Rinse; and
- (c) "Control Rinse" means a portion of the solution used to rinse the utensil which is used to collect a urine sample from a horse.

G. PAPADOPOULOS, President.

WESTRAIL

WX401

WESTERN AUSTRALIAN GOVERNMENT RAILWAYS

Railways Working Account for quarter ended 4 April 1998 (as required by section 59 of the Government Railways Act).

1. Revenue and Expenditure	\$'000
Revenue	92 674
Expenditure	87 424
Surplus	5 250
2. Fixed Assets	\$'000
At cost less depreciation (as at 4 April 1998)	1 108 342

G. WAYNE JAMES, Acting Commissioner of Railways.

PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962

NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims to which section 63 of the Trustees Act 1962 as amended relates in respect of the Estate of Willem Jan Van Der Kooi, late of 53 Darley Circle, Bull Creek, Western Australia and formerly of 23 Burcham Drive, Binningup, Western Australia, who died on 23 July 1996, are required by the personal representatives to send particulars of their claims addressed to the Executors of the Estate of Willem Jan Van Der Kooi, deceased, care of Edwin Abdo & Associates, Barristers, Solicitors & Notaries of 26 Stirling Street, Bunbury, Western Australia 6230, by the 4th day of June 1998, after which date the personal representatives may convey or distribute the assets having regard only to the claims of which the personal representatives then have notice.

ZZ202

TRUSTEES ACT 1962

NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims to which section 63 of the Trustees Act 1962 as amended relates in respect of the Estate of Jacoba Elise Wilhelmine Van Der Kooi (also known as Jacoba Elise Wilhelmine Van Der Koori Van Asten and Jacoba Elise Wilhelmine Van Asten), late of 53 Darley Circle, Bull Creek, Western Australia, who died on 19 August 1996, are required by the personal representatives to send particulars of their claims addressed to the Executors of the Estate of Jacoba Elise Wilhelmine Van Der Kooi (also known as Jacoba Elise Wilhelmine Van Der Koori Van Asten and Jacoba Elise Wilhelmine Van Asten), deceased, care of Edwin Abdo & Associates, Barristers, Solicitors & Notaries of 26 Stirling Street, Bunbury, Western Australia 6230, by the 4th day of June 1998, after which date the personal representatives may convey or distribute the assets having regard only to the claims of which the personal representatives then have notice.

ZZ203

TRUSTEES ACT 1962

NOTICE TO CREDITORS

Gladys Margaret Earl, late of 30 Park Street, Como, Western Australia, Retired Nurse, 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 the 23rd July 1997, are required by the trustee Jeremy Robert Birman of c/- Birman & Ride, PO Box Y3089, East St George's Terrace, Perth WA 6832 to send particulars of their claims to him by the date being one month from the publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

Reprinted Statutes

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Bush Fires Act 1954

Financial Administration and Audit Act 1985

Constitution Acts Amendment Act 1899

Police Act 1892

Dairy Industry Act 1973

Spear-Guns Control Act 1955

Conservation and Land Management Act 1984

Criminal Injuries Compensation Act 1985

Betting Control Act 1954

Electricity Act 1945

Bail Act 1982

Fines, Penalties and Infringement Notices Enforcement Act 1994

Health Act 1911

Road Traffic Act 1974

Travel Agents Act 1985

Builders Registration Act 1939

Criminal Code Act Compilation Act 1913

Electoral Act 1907

Guardianship and Administration Act 1990

Gaming Commission Act 1987

Transfer of Land Act 1893

Minimum Conditions of Employment Act 1993

Justices Act 1902

Land Acquisition and Public Works Act 1902

Freedom of Information Act 1992

Industrial Relations Act 1979

Soil and Land Conservation Act 1945

State Trading Concerns Act 1916

Workplace Agreements Act 1997

Public Sector Management Act 1994

Transport Co-ordination Act 1966

1997 Acts

These Acts were passed by Parliament during 1997.

1. Trustees Amendment Act
2. Metropolitan (Perth) Passenger Transport Trust Amendment Act
3. Labour Relations Legislation Amendment Act
4. Western Australian Sport Centre Trust Amendment Act
5. Acts Amendment (Marine Reserves) Act
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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