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## PROCLAMATIONS

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AA101

**FIRE AND EMERGENCY SERVICES AUTHORITY OF WESTERN AUSTRALIA ACT 1998**

41 of 1998

## PROCLAMATION

WESTERN AUSTRALIA  
P. M. Jeffery,  
Governor.  
[L.S.]

} By His Excellency Major General Philip Michael  
Jeffery, Companion of the Order of Australia, Officer  
of the Order of Australia (Military Division), Military  
Cross, Governor of the State of Western Australia.

I, the Governor, acting under section 2 of the *Fire and Emergency Services Authority of Western Australia Act 1998* and with the advice and consent of the Executive Council, do hereby fix 1 January 1999 as the day on which the provisions of that Act come into operation.

Given under my hand and the Public Seal of the State on 15 December 1998.

By Command of the Governor,

KEVIN PRINCE, Minister for Emergency Services.

GOD SAVE THE QUEEN!

**Note for information:**

The commencement of the *Fire and Emergency Services Authority of Western Australia Act 1998*, as fixed by the above proclamation, also brings into operation the following—

the *Fire and Emergency Services Authority of Western Australia (Consequential Provisions) Act 1998*;  
the *Fire and Emergency Services Authority of Western Australia Regulations 1998*;  
the *Fire Brigades (Superannuation Fund) Amendment Regulations (No. 2) 1998*;  
the *Fire Brigades Amendment Regulations 1998*; and  
the *Bush Fires (Fire and Emergency Services Authority) Amendment Regulations 1998*,  
as published in this *Gazette*.

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## AGRICULTURE

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AG302\*

Marketing of Potatoes Act 1946

### Marketing of Potatoes Amendment Regulations 1998

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Marketing of Potatoes Amendment Regulations 1998*.

**2. Regulation 5 replaced**

Regulation 5 of the *Marketing of Potatoes Regulations 1987\** is repealed and the following regulation is inserted instead —

“

**5. Electoral Commissioner to hold and conduct elections of elective members**

(1) The Electoral Commissioner has the function of holding and conducting the elections of the elective

members of the Corporation in accordance with this Part.

(2) A person appointed by the Electoral Commissioner for the purposes of this Part is the returning officer for an election referred to in subregulation (1).

(3) In this regulation —

“**Electoral Commissioner**” means the Electoral Commissioner appointed under the *Electoral Act 1907*.

”.

[\* *Published in Gazette 18 September 1987, p. 3659-89.*  
*For amendments to 2 December 1998 see 1997 Index to Legislation of Western Australia, Table 4, p. 183.*]

By Command of the Governor,

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

**AG301\***

Carnarvon Banana Industry (Compensation Trust Fund) Act 1961

## **Carnarvon Banana Industry (Compensation Trust Fund) Amendment Regulations 1998**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations may be cited as the *Carnarvon Banana Industry (Compensation Trust Fund) Amendment Regulations 1998*.

### **2. Regulation 19C amended**

Regulation 19C of the *Carnarvon Banana Industry (Compensation Trust Fund) Regulations 1962\** is amended by deleting “\$2.60” and inserting instead —

“ \$4.00 ”.

[\* *Published in Gazette 18 April 1962, pp. 937-47.*  
*For amendments to 7 December 1998 see 1997 Index to Legislation of Western Australia, Table 4, p. 30.*]

By Command of the Governor,

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

**AG401\*****AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**

Agriculture Protection Board  
South Perth 14 December 1998.

Pursuant to Section 37 of the Agriculture and Related Resources Protection Act 1976, the Agriculture Protection Board hereby lists the classes of animals that are for the time being the subject of a declaration made under Section 35 of that Act, together with the matters specified pursuant to subsection (2) of that Section in relation to each class.

**ANIMALS****Table A**

(Managed Native Animals)

Table A: Native pest animals—Category A7. A management programme for each species outlines the area and conditions under which controls may be applied. Programmes are for the whole of the State or as indicated for each species.

**MAMMALS**

Agile Wallaby (*Macropus agilis*). Municipal districts of the Shires of Wyndham-East Kimberley, West Kimberley, Halls Creek and Broome.

Euro (*Macropus robustus*).

Long-haired Rat (*Rattus villosissimus*). Municipal district of the Shire of Wyndham-East Kimberley.

Red Kangaroo (*Macropus rufus*).

Western Grey Kangaroo (*Macropus fuliginosus*).

**BIRDS**

Australian Raven (*Corvus coronoides*). Eucla and South-west Divisions, excluding those municipal districts within the Perth Metropolitan Region.

Australian Shelduck or Mountain Duck (*Tadorna tadornoides*). South-west and Eucla Divisions, excluding those municipal districts within the Perth Metropolitan Region.

Baudin's or Long-billed White-tailed Black-Cockatoo (*Calyptorhynchus baudinii*). Zones 5,6, and 10, as constituted under Section 13 of the Act.

Emu (*Dromaius novaehollandiae*).

Galah (*Cacatua roseicapilla*)

Little Corella (Kimberley) (*Cacatua sanguinea sanguinea*). Shires of Wyndham-East Kimberley and Derby-West Kimberley.

Little Corella (Pilbara-Murchison & northern wheatbelt) (*Cacatua sanguinea westralensis*). Shires of Carnarvon, Greenough, Irwin, Mingenew, Perenjori and Three Springs.

Long-billed corella (northern & central wheatbelt) (*Cacatua pastinator butleri*). Shires of Irwin, Mingenew, Morawa, Mullewa, Perenjori and Three Springs.

Long-billed corella (Lake Muir) (*Cacatua pastinator pastinator*). Shires of Boyup Brook, Cranbrook and Manjimup.

Maned Goose or Wood Duck (*Chenonetta jubata*). South-west and Eucla Divisions, excluding those municipal districts within the Perth Metropolitan Region.

Port Lincoln Ringneck, or twenty-eight parrot (*Barnardius zonarius*). South-west Division, excluding those municipal districts within the Perth Metropolitan Region and the Cities of Albany, Bunbury and Mandurah.

Red-capped Parrot, or W.A. king parrot (*Purpureicephalus spurius*). Municipal districts of the Shires of Bridgetown-Greenbushes, Capel, Chittering, Donnybrook-Balingup, Harvey, Kalamunda, Manjimup, Mundaring, Murray, Plantagenet, Serpentine-Jarrahdale, Swan, and the City of Armadale.

Wedge-tailed Eagle (*Aquila audax*).

Western Silvereye (*Zosterops lateralis gouldii*). South-west Division.

**Table B**

(Animals subject to control and restricted introductions and keeping, generally categories A4, A5, A6 but also A4, A6 or A1, A5 or A5)

All animals listed in this table are declared A4, A5, A6 for the whole of the State unless otherwise indicated in the table. Conditions for introduction and keeping are specified in the Declared Animals regulations or by Board decision and leaflets are available showing requirements for each species.

**MAMMALS**

American Bison (*Bison bison*)

Banteng (*Bos javanicus*).

Blackbuck (*Antilope cervicapra*).

Deer (Family *Cervidae*) A5, A6.

Dingo (*Canis familiaris dingo*) and dingo x domestic dog hybrids (*Canis familiaris dingo x Canis familiaris familiaris*).

Domestic dog (*Canis familiaris familiaris*) run wild, feral or being at large, A5.

Domestic or pet rabbits (*Oryctolagus cuniculus*): (other than the common grey or wild rabbit) and commercial varieties of rabbits (e.g. "Commercial White"). A4, A6. All varieties of rabbits at large. A5.

Feral Buffalo (*Bubalus bubalis*).

Feral Camels (*Camelus spp.*).

Feral Donkey (*Equus asinus*).

Feral Goat (*Capra hircus*). A2, A4, A6 whole of the State

Feral Horse (*Equus caballus*). A5, whole of the State

Feral Pig (*Sus scrofa*).

Fox (*Vulpes vulpes*).

#### **BIRDS**

Chaffinch (*Fringilla coelebs*).

Ostrich (*Struthio camelus*) run wild, feral or at large A5.

Red Bishop, grenadier weaver (*Euplectes orix*).

Redpoll (*Acanthis flammea*).

Rhea (*Rhea americana*)

Sulphur-crested Cockatoo, white cockatoo (*Cacatua galerita*)—A4, A6—whole of the State; at large—A2—south of 20°S latitude.

White-winged Whydah (*Euplectes albonotatus*).

Yellow Hammer (*Emberiza citrinella*).

#### **INSECTS**

Angoumois Grain Moth (*Sitotroga cerealella*). A1, A5.

Argentine Ant (*Iridomyrmex humilis*). A1, A5.

Australian Plague Locust (*Chortoicetes terminifera*). A5.

Confused Flour Beetle (*Tribolium confusum*). A1, A5.

Flat Grain Beetle (*Cryptolestes spp.*). A1, A5.

Granary Weevil (*Sitophilus granarius*). A1, A5.

Indian Meal Moth (*Plodia interpunctella*). A1, A5.

Lesser Grain Borer (*Rhyzopertha dominica*). A1, A5.

Rice Weevil (*Sitophilus oryzae*). A1, A5.

Rust-red Flour Beetle (*Tribolium castaneum*). A1, A5.

Sawtooth Grain Beetle (*Oryzaephilus surinamensis*). A1, A5.

Small Plague Grasshopper (*Austroicetes cruciata*). A5.

Warehouse Moth (*Ephestia spp.*). A1, A5.

Giant Termite (*Mastoterms darwiniensis*). A1, A5.

#### **Table C**

(Prohibited animals)

Table C: Animals which may not be introduced into or kept in W.A. and which must be eradicated—Categories A1, A2, A3 or A1, A3, A5 as indicated, for the whole of the State.

#### **MAMMALS**

European Wild Rabbit (*Oryctolagus cuniculus*)—A1, A3, A5.

Indian Palm Squirrel (*Funambulus pennanti*)—A1, A3, A5.

Other non-native mammals not specifically listed in tables A, B or D are declared—A1, A2, A3.

#### **BIRDS**

Blackbird, English blackbird (*Turdus merula*).

Bobwhite Quail (*Colinus virginianus*).

Bullfinch (*Pyrrhula pyrrhula*).

California Quail (*Lophortyx californica*).

Common Myna, Indian myna(h), Indian house myna(h) (*Acridotheres tristis*).

Common Starling, starling (*Sturnus vulgaris*).

House Crow, Indian crow (*Corvus splendens*).

House Finch, Mexican rose finch, (*Carpodacus mexicanus*).

House Sparrow, sparrow (*Passer domesticus*).

Red-billed Quelea, red-billed weaver or dioch (*Quelea quelea*).

Red-vented Bulbul (*Pycnonotus cafer*).

Red-whiskered Bulbul (*Pycnonotus jocosus*).

Song Thrush, English song thrush (*Turdus philomelos*).

Tree Sparrow (*Passer montanus*).

In addition to the above, all other non-native birds not specifically listed in tables A, B, D or E to this notice are declared—A1, A2, A3—for the whole of the State.

**INSECTS**

Codling Moth (*Cydia pomonella*) A1, A2.  
 European Wasp (*Vespula germanica*) A1, A2, A3.  
 Khapra Beetle (*Trogoderma granarium*) A1, A5.  
 Mediterranean Fruit Fly (*Ceratitus capitata*) A1, A2.  
 Queensland Fruit Fly (*Bactrocera tryoni*) A1, A2.  
 Trogoderma (*Trogoderma spp.*) all exotic forms A1, A5.  
 Warehouse Beetle (*Trogoderma variabile*) A1, A5.

In addition to the above, all other non-native insects not specifically listed in tables A, B, D or E to this notice are declared—A1, A2, A3—for the whole of the State.

**AMPHIBIANS**

African Toad (*Xenopus laevis*) A1, A2, A3.  
 Giant Toad (*Bufo marinus*) A1, A2, A3.

In addition to the above, all other non-native amphibians not specifically listed in tables A, B, D or E to this notice are declared—A1, A2, A3—for the whole of the State.

**MOLLUSCS**

Green Snail (*Helix aperta*)—A1, A2, A3.  
 Liver-fluke Snails *Lymnaea* (*Pseudosuccinia*)—(*Lymnaea columella*, *Lymnaea viridis*, *Lymnaea auricularia rubiginosa*, *Lymnaea peregra*, *Lymnaea tomentosa*)—A1, A3, A5.

In addition to the above, all other non-native molluscs not specifically listed in tables A, B, D or E to this notice are declared—A1, A2, A3—for the whole of the State.

**REPTILES**

All non-native reptiles not specifically listed in tables A, B, D or E to this notice are declared—A1, A2, A3—for the whole of the State.

**Table D**

(Exempt Animals)

Indigenous animals not included in Tables A or B are exempt from declaration. The following species which are domestic pets, aviary birds or livestock are also exempt from declaration.

Of these species some (marked \*) occur in a commensal or feral state and advice may be obtained from the Agriculture Protection Board on control or management of problems which they may occasionally cause.

**MAMMALS**

Alpaca (*Lama pacos*)  
 Black Rat\* (*Rattus rattus*).  
 Brown Rat\* (*Rattus norvegicus*).  
 Camels (*Camelus spp.*).  
 Cat (*Felis catus*). (Feral cat\*)  
 Cattle (*Bos taurus* and *Bos indicus*).  
 Dog (*Canis familiaris familiaris*) (except as specified in table B).  
 Donkey (*Equus asinus*).  
 Ferret (*Mustela putorius furo*).  
 Goat (*Capra hircus*).  
 Guinea Pig (*Cavia porcellus*).  
 Horse (*Equus caballus*).  
 House Mouse\* (*Mus musculus*).  
 Llama (*Lama glama*)  
 Ostrich (*Struthio camelus*)  
 Pig (*Sus scrofa*).  
 Sheep (*Ovis aries*).

**BIRDS**

Blue-black Grassquit, jacarini finch (*Volatinia jacarina*).  
 Canary (*Serinus canaria*).  
 Chicken or domestic fowl, and all bantams (*Gallus gallus*).  
 Common Peafowl (*Pavo cristatus*).  
 Common Turkey (*Meleagris gallopavo*).  
 Copper Pheasant (*Syrnaticus soemmerringii*).  
 Cordon-bleu, blue-breasted waxbill (*Uraeginthus angolensis*).  
 Crimson-winged Pytilia, aurora finch (*Pytilia phoenicoptera*).  
 Cuban Grassquit, Cuban finch (*Tiaris canora*).

Duck, Domestic Breeds (*Anas spp.*).  
 Elliot's Pheasant (*Syrnaticus ellioti*).  
 Golden Pheasant (*Chrysolophus pictus*).  
 Goldfinch (*Carduelis carduelis*).  
 Goose, Domestic (*Anser anser*).  
 Green peafowl (*Pavo muticus*).  
 Green-winged Pytilia, Melba finch (*Pytilia melba*).  
 Helmeted Guineafowl (*Numida meleagris*).  
 Himalayan Monal Pheasant, Impeyan pheasant (*Lophophorus impeyanus*).  
 Kalij Pheasant (*Lophura leucomelana*).  
 Lady Amherst's Pheasant (*Chrysolophus amherstiae*).  
 Laughing Turtle-Dove\* (*Streptopelia senegalensis*).  
 Lavender Waxbill, lavender finch (*Estrilda caerulescens*).  
 Luzon Bleeding Heart, bleeding heart pigeon (*Gallicolumba luzonica*).  
 Mallard (*Anas platyrhynchos*).  
 Muscovy Duck (*Cairina moschata*).  
 Mute (or white) Swan (*Cygnus olor*).  
 Pigeon\* (*Columba livia*).  
 Red-billed Fire Finch, African fire finch (*Lagonosticta senegala*).  
 Red-crested Cardinal (*Paroaria coronata*).  
 Red-throated Parrot Finch, red-faced parrot finch (*Erythrura psittacea*).  
 Reeves' Pheasant (*Syrnaticus reevesii*).  
 Siamese Fireback Pheasant (*Lophura diardi*).  
 Spotted Turtle-Dove\* (*Streptopelia chinensis*).  
 Swinhoe's Pheasant (*Lophura swinhoii*).  
 White-breasted Ground Pigeon, Jobi Island dove (*Gallicolumba jobiensis*).  
 Yellow-faced Grassquit, olive finch (*Tiaris olivacea*).  
 Zebra Waxbill, golden-breasted waxbill (*Amandava subflava*).

#### Table E

(Schedule of animals which do not appear in tables A to D—Categories A2, A4, A6 unless otherwise listed.)

Agapornis spp. hybrids (*Agapornis spp.*).  
 Alexandrine Parakeet, large Indian parakeet (*Psittacula eupatria*).  
 Black-cheeked Lovebird (*Agapornis nigrigenis*).  
 Black-collared Lovebird (*Agapornis swinderniana*).  
 Black-winged Lovebird, Abyssinian lovebird (*Agapornis taranta*).  
 Blue and Yellow macaw (*Ara ararauna*).  
 Bronze Mannikin, bronze-winged mannikin, hooded weaver (*Lonchura cucullata*).  
 Chestnut Mannikin, black-headed munia, mannikin or nun, tri-coloured mannikin (*Lonchura malacca*) A1,A2,A6.  
 Chukar Partridge, chukar, chukor, chukka partridge (*Alectoris chukar*).  
 Collared Dove, collared turtle-dove, Indian ring dove, Barbary dove (fawn or white variations) (*Streptopelia decaocto*) A1,A2,A6.  
 Common Waxbill, St Helena waxbill, waxbill, red-eared waxbill (*Estrilda astrild*).  
 Cut-throat Weaver, cut-throat finch, ribbon finch (*Amandina fasciata*).  
 Derbyan Parakeet (*Psittacula derbiana*).  
 Egyptian geese (*Alopchen aegyptiacus*).  
 Fischer's Lovebird (*Agapornis fischeri*).  
 Golden-capped Conure (*Aratinga auricapilla*).  
 Greenfinch (*Carduelis chloris*) A1,A2,A6.  
 Green-winged macaw (*Ara chloroptera*).  
 Grey-headed Lovebird, Madagascar lovebird (*Agapornis cana*).  
 Hyacinth macaw (*Anodorhynchus hyacinthinus*).  
 Indian Silverbill, white-throated munia, common silverbill, African silverbill (*Lonchura malabarica*).  
 Jandaya Conure (*Aratinga jandaya*).  
 Japanese Quail (*Coturnix japonica*).  
 Java Sparrow, paddy finch (*Padda oryzivora*) A4, A5, A6 for that area South of the 26° South parallel of latitude only. A1, A2, A3 for the remainder of the State.  
 Madagascan Red Fody, Madagascar weaver, cardinal or fody (*Foudia madagascariensis*).

Magpie Mannikin (*Lonchura fringilloides*).  
 Malabar Parakeet (*Psittacula columboides*).  
 Mandarin Duck (*Aix galericulata*).  
 Masked Lovebird, yellow-collared or black masked lovebird (*Agapornis personata*).  
 Meyer's Parrot, brown parrot (*Poicephalus meyeri*).  
 Moustached Parakeet, red-breasted parakeet or parrot (*Psittacula alexandri*).  
 Namaqua Dove, Cape or masked dove (*Oena capensis*).  
 New Zealand scaup (*Aythya Novaeseelandiae*).  
 Nutmeg Mannikin, spicewinch, spotted munia, scaly-breasted munia (*Lonchura punctulata*). A1,A2,A6  
 Nyasa Lovebird, Lillian's or Nyasaland lovebird (*Agapornis lilianae*).  
 Orange-cheeked Waxbill, fawn breasted waxbill (*Estrilda melopoda*).  
 Pale-headed Mannikin, white-headed munia, white-headed mannikin, white-headed nun (*Lonchura maja*).  
 Paradise shelduck (*Tadorna tadorna*)  
 Paradise Sparrow, red-headed finch, Aberdeen finch, red-headed amadina (*Amadina erythrocephala*).  
 Peach-faced Lovebird, rosy-faced lovebird (*Agapornis roseicollis*).  
 Peach-fronted Conure (*Aratinga aurea*)  
 Plum-headed Parakeet, blossom-headed parakeet (*Psittacula cyanocephala*).  
 Red-faced Lovebird, red-headed lovebird (*Agapornis pullaria*).  
 Red-fronted Parakeet, red-fronted kakariki (*Cyanoramphus novaezealandiae*).  
 Red Munia, strawberry finch, red or Indian avadavat, tiger finch, red waxbill (*Amandava amandava*).  
 Red Siskin, hooded siskin, Venezuelan siskin (*Carduelis cuculata*).  
 Ring-necked Pheasant (*Phasianus colchicus*).  
 Rock Partridge (*Alectoris graeca*).  
 Rose-ringed Parakeet, Indian or African ringneck parrot or parakeet (*Psittacula krameri*).  
 Ruddy Ground Dove, Talpacoti (*Columbina talpacoti*).  
 Scarlet macaw (*Ara macao*).  
 Silver Pheasant (*Lophura nycthemera*).  
 Siskin, European siskin (*Carduelis spinus*).  
 Sun Conure (*Aratinga solstitialis*).  
 White-backed Munia, white-backed mannikin, sharp-tailed munia or finch, Bengalese mannikin (*Lonchura striata*).  
 Yellow-fronted Canary (*Serinus mozambicus*)  
 Yellow-fronted Parakeet (*Cyanoramphus auriceps*).

Note: References used were—

Australian birds—"The Atlas of Australian Birds" by M. Blakers et al. Exotic birds—"A Complete Checklist of the Birds of the World" by R. Howard and A. Moore.

K ENRIGHT, Chairman, Agriculture Protection Board.

#### AG402\*

#### AGRICULTURE AND RELATED RESOURCES PROTECTION ACT, 1976

Agriculture Protection Board,  
 South Perth 14 December 1998.

PURSUANT to section 37 of the Agriculture and Related Resources Protection Act, 1976, the Agriculture Protection Board hereby lists the classes of plants that are for the time being the subject of a declaration made under section 35 of that Act, together with the matters specified pursuant to subsection (2) of that Section in relation to each class—

#### Declared Plants

##### Aquarium Plants; P1; Whole of the State

Plants of any class used or grown in aquariums unless they are plants that are on premises for the time being accredited by the Chief Agriculture Protection officer as premises free from any snails capable of acting as intermediate hosts for the Fluke *Fasciola hepatica*, or are in the course of being moved from such premises.

##### Aquatic Weeds—

Alligator weed (*Alternanthera philoxeroides*); P1, P2; Whole of the State  
 Arrowhead (*Sagittaria montevidensis*); P1, P2; Whole of the State  
 Canadian Pond weed (*Elodea canadensis*); P1, P2; Whole of the State  
 Cabomba (*Cabomba caroliniana*); P1, P2, Whole of the State.

- Hydrocotyl (*Hydrocotyle ranunculoides*); P1,P2; Whole of the State  
Hydrocotyl (*Hydrocotyle verticillata*); P1,P2; Whole of the State  
Lagarosiphon (*Lagarosiphon spp.*); P1, P2; Whole of the State  
Leafy elodea (*Egeria densa*); P1, P2; Whole of the State  
Parrot's feather (*Myriophyllum aquaticum*); P1, P2; Whole of the State  
Sagittaria (*Sagittaria platyphylla*); P1, P2; Whole of the State  
Salvinia (*Salvinia molesta*); P1, P2; Whole of the State  
Shield Pennywort (*Hydrocotyle verticillata*); P1,P2; Whole of the State  
Water hyacinth (*Eichhornia crassipes*); P1, P2; Whole of the State  
Water lettuce (*Pistia stratiotes*); P1, P2; Whole of the State
- Apple of Sodom (*Solanum linnaeanum*), P1;P4; Those portions of the State constituted as the Busselton, Manjimup, Albany and Harvey regions under Section 13 of the Act.
- Artichoke thistle or Cardoon (*Cynara cardunculus*); P1, P2; Whole of the State
- Arum lily (*Zantedeschia aethiopica*), P1;P4; Those portions of the State constituted as the Busselton, Manjimup, Albany and Harvey regions under Section 13 of the Act.
- African rue (*Peganum harmala*); P1, P2; Whole of the State.
- African thistle (*Augusta thistle*) (*Berkheya rigida*) P1, P2; Whole of the State.
- Bathurst burr (*Xanthium spinosum*)  
P1; Whole of the State.  
P2; All Municipal districts except the Shire of Coolgardie and the City of Kalgoorlie/Boulder.  
P3; Municipal districts of Coolgardie and the City of Kalgoorlie/Boulder.
- Bellyache bush (*Jatropha gossypifolia*)  
P1, P3; Zone 1B as constituted under Section 13 of the Act.
- Blackberry (*Rubus fruticosus agg.*)  
P1;P2; The Municipal district of Boddington.  
P1;P4; Those portions of the State constituted as the Busselton, Manjimup, Albany and Harvey regions under Section 13 of the Act.
- Boneseed (*Chrysanthemoides monilifera*); P5; Lands in the control of the Government and local authorities in the Whole of the State.
- Calotropis (*Calotropis procera*);  
P1; All Municipal districts in that portion of the of the State North of the 26th parallel of latitude, except Zones 1 and 2 as defined under Section 13 of the Act  
P2; Zone 2 as defined under Section 13 of the Act.  
P4, Zone 1 as defined under Section 13 of the Act.
- Camelthorn (*Alhagi maurorum*); P1, P2; Whole of the State.
- Candle bush (*Cassia alata*); P1, P2 for the whole of State.
- Cape tulip (*Homeria flaccida*)(one leaf),(*Homeria miniata*) (two leaf),  
P1; Whole of the State.  
P3; That portion of the State constituted as the Esperance region under Section 13 of the Act.  
P4; Those portions of the State constituted as the Jerramungup, Katanning, Albany, Narrogin and Harvey regions under Section 13 of the Act.
- Chinee Apple (*Ziziphus mauritiana*)  
P1, P5; All municipal districts in that portion of the State, constituted as Zones 1A and 1B under section 13 of the Act.  
P1; for the remainder of the State.
- Cleavers (*Galium aparine*)  
P1, P2 for the whole of the State.
- Common Horsetail (*Equisetum arvense*);  
P1, P2 for the whole of the State.
- Cotton bush (*Gomphocarpus fruticosus*) (narrow leaf)  
P1; Whole of the State  
P3; That portion of the State constituted as the Esperance region under Section 13 of the Act.  
P4; Those portions of the State constituted as the Jerramungup, Katanning, Manjimup, Albany, Narrogin, Cunderdin, Northam and Lakes regions under Section 13 of the Act.
- Devil's claw (small fruit)(*Martynia annua*) and (purpleflower) (*Proboscidea louisianica*); P1, P2 for the whole of State.
- Double gee (*Emex australis*) and (*Emex spinosa*)  
P1; The Municipal districts of Dumbleyung, Katanning, Tambellup, Wagin and Woodanilling and those portions of the State constituted as the Busselton, Manjimup and Harvey regions under Section 13 of the Act.

- P1; P3; The Municipal districts of Broomehill, Kojonup and West Arthur.
- P1; P4; That portion of the State constituted as the Jerramungup region under Section 13 of the Act.
- P5; The Municipal district of Gnowangerup and those portions of the State constituted as the Esperance and Lakes regions under Section 13 of the Act.
- Field Bindweed (*Convolvulus arvensis*),  
P1; Whole of the State  
P3; That portion of the State constituted as the Esperance region under Section 13 of the Act.
- Geraldton carnation weed (*Euphorbia terracina*), P1;P4; That portion of the State constituted as the Esperance region under Section 13 of the Act.
- Glaucous star thistle (*Carthamus leucocaulos*), P1;P4; That portion of the State constituted as the Katanning region under Section 13 of the Act.
- Golden dodder (*Cuscuta campestris*),  
P1;P2; The Whole of State, except the Albany region.  
P1;P4; That portion of the State constituted as the Albany region under Section 13 of the Act.
- Gorse (*Ulex europaeus*)  
P1;P2; The Whole of State, except the Albany region.  
P1, P3; That portion of the State constituted as the Albany region under Section 13 of the Act.
- Harrisia cactus (*Eriocereus martinii*); P1, P2; Municipal districts of Port Hedland, East Pilbara, Roebourne and West Pilbara.
- Hoary cress (*Cardaria draba*); P1, P2; Whole of the State
- Horsetails (all plants within the genus *Equisetum*); P1, P2; Whole of the State
- Ivy gourd (*Coccinia grandis*); P1,P2, All Municipal districts in that portion of the State, constituted as Zones 1A and 1B under Section 13 of the Act.
- Jointed goatgrass (*Aegilops cylindrica*); P1, P2, Whole of the State
- Kochia (*Bassia scoparia*); P1, P2, Whole of the State
- Mesquite (*Prosopis* spp.);  
P1; Whole of the State  
P2; Whole of the State, except for the area on Mardie Station bordered by the coast, the boundary between Mardie and Karratha stations, the North West Coastal Highway, Peter's Creek and the boundary between Yarraloola and Mardie stations.  
P4; The area on Mardie Station bordered by the coast, the boundary between Mardie and Karratha stations, the North West Coastal Highway, Peter's Creek and the boundary between Yarraloola and Mardie stations.
- Mexican Poppy (*Argemone mexicana*) and (*Argemone ochroleuca*)  
P1; Whole of the State, except that portion of the State constituted as Zone 2 under Section 13 of the Act.  
P2; Those portions of the State constituted as Zones 1, 3, 4, 5, 6, 8, and 10 under section 13 of the Act, except the Municipal districts of Northam and Carnarvon.  
P3; That portion of the State constituted as Zone 7 under section 13 of the Act, and the Municipal district of Northam.  
P4; That portion of the State constituted as Zone 9 under section 13 of the Act, and the Municipal district of Carnarvon.
- Mintweed (*Salvia reflexa*); P1, P2; Municipal districts of Sandstone, Wiluna, Leonora, Laverton, Menzies, Coolgardie and the City of Kalgoorlie/Boulder and pastoral areas of the Shire of Dundas.
- Noogoora burr (*Xanthium occidentale*, *Xanthium cavanillesii*, *Xanthium italicum*, *Xanthium orientale*); P1, P2; Whole of the State
- Nodding thistle (*Carduus nutans*); P1, P2; Whole of the State
- Parkinsonia (*Parkinsonia aculeata*); P1, P2; All Municipal districts in that portion of the State, constituted as Zones, 2, 3 and 9 under Section 13 of the Act.  
P1, P4; Municipal Districts in that portion of the State, constituted as Zone 1 under Section 13 of the Act.
- Parthenium weed (*Parthenium hysterophorus*); P1; All that part of the State North of the 26th parallel of latitude.
- Paterson's Curse (*Echium plantagineum*),  
P1; The Whole of the State.  
P3; Those portions of the State constituted as the Moora and Esperance regions under Section 13 of the Act.  
P4; Those portions of the State constituted as the Jerramungup, Katanning, Busselton, Merredin, Manjimup, Albany, Narrogin, Harvey and Lakes regions under Section 13 of the Act.

- Penny Cress (*Thlaspi arvense*), P1, P2; Whole of the State
- Perennial thistle (Canada thistle) (*Cirsium arvense*); P1, P2; Whole of the State
- Physic nut (*Jatropha curcas*); P1 for the whole of State and P5 for the Zone 1.
- Prickly Acacia, Prickly Mimosa (*Acacia nilotica*); P1, P2; Whole of the State
- Prickly pear (*Opuntia* spp.);
- P1; All Municipal districts in that portion of the State North of the 26th parallel of latitude.
  - P2; All Municipal districts in that portion of the State North of the 26th parallel of latitude except that portion of the State constituted as the Carnarvon Region under Section 13 of the Act.
  - P4; That portion of the State constituted as the Carnarvon Region under Section 13 of the Act.
- Ragwort (*Senecio jacobaea*); P1, P2; Whole of the State.
- Rubber vine (*Cryptostegia grandiflora*); P1, P2; Whole of the State.  
(*Cryptostegia madagascariensis*); P1, P2; Whole of the State.
- Saffron thistle (*Carthamus lanatus*),
- P1; Whole of the State.
  - P3; Those regions of the State constituted as the Cunderdin and Esperance regions under Section 13 of the Act.
  - P4; Those regions of the State as constituted as the Jerramungup, Katanning, Moora, Merredin, Albany, Narrogin, Northam and Lakes regions, and Zones 1, 2, 3 and 9 under Section 13 of the Act.
- Sensitive plant, common (*Mimosa pudica*); P1, P2; Zone 1, 2, 3 and 9 constituted under Section 13 of the Act.
- Sensitive plant, Giant (*Mimosa invisa*); P1, P2; Whole of the State.
- Sensitive plant, giant (*Mimosa pigra*); P1; All that part of the State north of the 26th parallel of latitude.
- Siam weed (*Chromolaena odorata*); P1, P2; Whole of the State
- Sicklepod (*Senna tora*); P1, P2; Whole of the State.
- Sicklepod, Javabean (*Senna obtusifolia*); P1, P2; Whole of the State.
- Sida (*Sida acuta*, *Sida cordifolia*); P1; All that part of the State north of the 26th parallel of latitude.
- Skeleton weed (*Chondrilla juncea*); P1, P2; Whole of the State
- Stemless thistle (*Onopordum acaulon*),
- P1;P2; Those regions of the State constituted as the Merredin and Narrogin regions under Section 13 of the Act.
  - P1;P3; Those regions of the State as constituted as the Jerramungup, Katanning, Geraldton and Lakes regions under Section 13 of the Act.
  - P1;P4; That region of the State as constituted as the Esperance region under Section 13 of the Act.
- St. John's wort (*Hypericum perforatum*); P1, P2, Whole of the State except those portions constituted as Zones 6 and 8, and the Narrogin Region under Section 13 of the Act.
- Thornapple (*Datura stramonium* (common), *Datura ferox* (fierce), *Datura leichhardtii* (Leichhardt's or Mexican), *Datura wrightii* (hairy), *Datura innoxia* (downy) and *Datura metel*).
- P1; Whole of the State, except that portion of the State constituted as Zone 2 under Section 13 of the Act.
  - P3; That portion of the State constituted as the Geraldton region under Section 13 of the Act.
  - P4; Those portions of the State constituted as the Katanning, Moora, Busselton, Merredin, Manjimup, Narrogin, Harvey, Cunderdin and Esperance regions, and Zones 1,3 and 9 under Section 13 of the Act.
- Three-horned Bedstraw (*Galium tricornutum*); P1, P2; Whole of State
- Variegated thistle (*Silybum marianum*),
- P1; Whole of the State.
  - P2; Whole of the State, except those portions of the State constituted as the Geraldton and Harvey regions under Section 13 of the Act, and the Municipal districts of Busselton, Augusta, Capel, Boyup Brook, Nannup, Cranbrook, Shires Dardanup, Donnybrook—Balingup, Bridgetown, Manjimup, Albany, Denmark, Plantagenet and the Town of Albany.
  - P3; Those portions of the State constituted as the Geraldton and Harvey regions under Section 13 of the Act, and the Municipal districts of Busselton, Augusta, Capel, Boyup Brook, Nannup and Cranbrook Shires.
  - P4; The Municipal districts of Dardanup, Donnybrook—Balingup, Bridgetown, Manjimup, Albany, Denmark, Plantagenet and the Town of Albany.
- Yellow burr weed (*Amsinckia* spp.); P1, P2; Whole of the State

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**BUSH FIRES BOARD**

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**BU301\***

Fire and Emergency Services Authority of Western Australia Act 1998

**Fire and Emergency Services Authority of  
Western Australia Regulations 1998**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Fire and Emergency Services Authority of Western Australia Regulations 1998*.

**2. Commencement**

These regulations come into operation on the day on which the *Fire and Emergency Services Authority of Western Australia Act 1998* comes into operation.

**3. Definitions**

In these regulations —

“**nominating body**” means a body referred to in regulation 4(1) or (2);

“**Western Australian Municipal Association**” means the body corporate of that name constituted under section 9.58 of the *Local Government Act 1995*.

**4. Nominations for appointment by Minister of representative members of board of management (section 6(1)(c) and (d))**

- (1) For the purposes of making the appointments to the board of the members referred to in section 6(1)(c) of the Act, the Minister may invite 3 written nominations to be submitted to the Minister by each of the following bodies:
  - (a) the Association of Volunteer Bush Fire Brigades of WA Incorporated;
  - (b) the SES Volunteers Association of WA (Inc.);
  - (c) the WA Volunteer Fire Brigades Association (Inc.).
- (2) For the purposes of making the appointment to the board of the member referred to in section 6(1)(d) of the Act, the Minister may invite 3 written nominations to be submitted to the Minister by the Western Australian Municipal Association.
- (3) A nomination submitted under subregulation (1) or (2) is to be accompanied by a summary of the expertise or experience of the person nominated that the appropriate nominating body considers relevant to the functions of the Authority.

- (4) Nothing in this regulation limits sections 6(1)(c) and (d) and 7(2) of the Act.

By Command of the Governor,

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

**BU302\***

Fire Brigades Act 1942

## Fire Brigades Amendment Regulations 1998

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Fire Brigades Amendment Regulations 1998*.

**2. Commencement**

These regulations come into operation on the day on which the *Fire and Emergency Services Authority of Western Australia Act 1998* comes into operation.

**3. The regulations amended**

The amendments in these regulations are to the *Fire Brigades Regulations 1943\**.

[\* *Reprinted as at 15 January 1991.*

*For amendments to 2 December 1998 see 1997 Index to Legislation of Western Australia, Table 4, pp. 80-1.]*

**4. Part I heading inserted**

The following heading is inserted before regulation 1 —

“ **Part I — Preliminary** ”.

**5. Part I (Election of Members of the Board) repealed**

Part I (that comprises regulations 3 to 26) is repealed.

**6. Part IA repealed**

Part IA is repealed.

**7. Part II heading replaced**

The heading to Part II is deleted and the following heading is inserted instead —

“ **Part II — Financial Provisions** ”.

**8. Regulations 44 to 52 repealed**

Regulations 44, 45, 46, 47, 48, 49, 50, 51 and 52 are repealed.

**9. Regulation 56 amended**

Regulation 56 is amended as follows:

- (a) by inserting after “and over” —

“

made by the Authority for the purposes of the Act or these regulations

”;

- (b) by deleting “Board,” and inserting instead —

“ Authority, ”;

- (c) by deleting “Board for” and inserting instead —

“ board of management of the Authority for ”.

**10. Regulation 57 amended**

Regulation 57 is amended by inserting after “from a bank” —

“ under section 46 of the Act ”.

**11. Regulation 58 amended**

Regulation 58 is amended as follows:

- (a) by inserting after “from a lender” —

“ under section 46 of the Act ”;

- (b) by deleting “Governor” in the 2 places where it occurs and inserting in each place instead —

“ Treasurer ”.

**12. Regulation 59 amended**

Regulation 59 is amended by deleting “said board,” and inserting instead —

“ Authority, ”.

**13. Regulation 59A amended**

- (1) Regulation 59A(1) is amended by inserting after “shall be paid” —

“ for the purposes of the Act or these regulations ”.

- (2) Regulation 59A(2) is amended by inserting after “time to time” —

“ for the purposes of the Act or these regulations ”.

**14. Part VI heading amended**

The heading to Part VI is amended by deleting “BOARD” and inserting instead —

“ AUTHORITY ”.

**15. Regulation 123 amended**

Regulation 123 is amended by deleting “Board,” and inserting instead —

“ board of management of the Authority, ”.

**16. Regulation 128 amended**

Regulation 128 is amended by deleting “Board” and inserting instead —

“ board of management of the Authority ”.

**17. Regulation 132 amended**

Regulation 132(1), (3) and (4) are amended by deleting “*Workers’ Compensation Act 1912*” in each place where it occurs and inserting in each place instead —

“ *Workers’ Compensation and Rehabilitation Act 1981* ”.

**18. Regulation 139 amended**

Regulation 139(7) is repealed and the following subregulation is inserted instead —

“

(7) The finding of the Appeal Board shall be the finding of the majority of the persons constituting the Appeal Board.

”.

**19. Regulation 178 amended**

Regulation 178 is amended by deleting “Board at its next meeting” and inserting instead —

“ chief executive officer as soon as practicable ”.

**20. Regulation 183 amended**

Regulation 183 is amended before paragraph (m) by deleting “board” and inserting instead —

“ Authority ”.

**21. Regulation 190 amended**

Regulation 190 is amended as follows:

(a) by deleting “*Workers’ Compensation Act 1912-1941*” in the 2 places where it occurs and inserting in each place instead —

“

*Workers’ Compensation and Rehabilitation Act 1981*

”;

(b) in paragraph (a) of the proviso, by deleting “Board;” and inserting instead —

“ board of management of the Authority; ”.

**22. Regulation 192 amended**

Regulation 192(2) and (3) are amended by deleting “Board may by resolution” in the 2 places where it occurs and inserting in each place instead —

“ Authority may ”.

**23. Regulation 193 amended**

Regulation 193(5) is amended by deleting “W.A. Fire Brigades” and inserting instead —

“ Fire and Rescue Service of Western Australia ”.

**24. First Appendix amended**

The First Appendix is amended as follows:

- (a) in the heading to Part I, by deleting “WESTERN AUSTRALIAN FIRE BRIGADES BOARD” and inserting instead —

“

FIRE AND EMERGENCY SERVICES AUTHORITY OF  
WESTERN AUSTRALIA

”;

- (b) by deleting “Board” in each place where it occurs (except where it occurs in the expression “Western Australian Fire Brigades Board”) and inserting instead —

“ Authority ”;

- (c) by deleting “Western Australian Fire Brigades Board” in the 2 places where it occurs and inserting in each place instead —

“

Fire and Emergency Services Authority of  
Western Australia

”.

**25. Second Appendix repealed**

The Second Appendix is repealed.

**26. Various references to “Board” amended**

- (1) The regulations mentioned in the Table to this subregulation are amended by deleting “Board” in each place where it occurs and inserting in each place instead —

“ Authority ”.

	Table
regulation 57	regulation 168(3)
regulation 58 (in 4 places)	regulation 169
regulation 59 (in 2 places)	regulation 170
regulation 59A(1) (in 3 places)	regulation 171
regulation 59A(2)	regulation 172(f)

regulation 94	regulation 179 (in 2 places)
regulation 95 (in 2 places)	regulation 180(a), (b), (f) and (j)
regulation 98 (in 2 places)	regulation 183 (in 16 places)
regulation 103	regulation 186(c)
regulation 122(2)	regulation 189
regulation 124	regulation 191(1)
regulation 126	regulation 192(1)
regulation 127 (in 2 places)	regulation 192(4) (in 3 places)
regulation 132C	regulation 192A
regulation 133(b)	regulation 193 (in 4 places)
regulation 137(2)(a)	regulation 194 (in 2 places)
regulation 137(3) (in the 1st place)	regulation 195(1)
regulation 139(8)	regulation 201
regulation 143 (in 2 places)	regulation 202
regulation 146	regulation 206(1)
regulation 158(2)	regulation 208 (in 2 places)
regulation 158(3) (in 2 places)	regulation 209(d)
regulation 158(5) (in 2 places)	regulation 210 (in 3 places)
regulation 159 (in 8 places)	regulation 211 (in 7 places)
regulation 161	regulation 214 (in 3 places)
regulation 162 (in 2 places)	regulation 215 (in 5 places)
regulation 163(2)(c)	regulation 216
regulation 164 (in 2 places)	regulation 217
regulation 166 (in 7 places)	regulation 218
regulation 167(1) (in 2 places)	regulation 220 (in 2 places)
regulation 167(2)	regulation 226 (in 5 places)
regulation 167(3) (in 2 places)	regulation 227
regulation 167(4)	regulation 227A(1)

- (2) The regulations mentioned in the Table to this subregulation are amended by deleting “Board” in each place where it occurs and inserting in each place instead —

“ Chief Executive Officer ”.

#### Table

regulation 100	regulation 134(g) (in 3 places)
regulation 114(3)	regulation 135(4) (in 2 places)
regulation 114(4)	regulation 135(7)
regulation 123A	regulation 135(9)
regulation 129	regulation 136 (in 2 places)
regulation 131	regulation 137(1) (in the 1st and 2nd places)
regulation 132(3)	regulation 138(a) (in the 1st place)
regulation 132A(1) (in 3 places)	regulation 138(b)
regulation 132B(1)	regulation 138(d) (in the 1st place)
regulation 132B(2) (in 2 places)	regulation 138(e) (in the 1st place)
regulation 132B(3)(a)	regulation 139(2)
regulation 132B(4)	regulation 139(4)(a)(i) and (b)(i)
regulation 132B(5)	regulation 186 (in the 1st, 3rd and 4th places)
regulation 134	

**27. Various references to “Board’s” amended**

The regulations mentioned in the Table to this regulation are amended by deleting “Board’s” in each place where it occurs and inserting in each place instead —

“ Authority’s ”.

	Table
regulation 97	regulation 213
regulation 127	regulation 215(ii)
regulation 190 (in 2 places)	First Appendix, Part 1, clause 1

By Command of the Governor,

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

**BU303\***

Fire Brigades Superannuation Act 1985

## **Fire Brigades (Superannuation Fund) Amendment Regulations (No. 2) 1998**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Fire Brigades (Superannuation Fund) Amendment Regulations (No. 2) 1998*.

**2. Commencement**

These regulations come into operation on the day on which the *Fire and Emergency Services Authority of Western Australia Act 1998* comes into operation.

**3. The regulations amended**

The amendments in these regulations are to the *Fire Brigades (Superannuation Fund) Regulations 1986\**.

[\* Reprinted as at 11 October 1994.

*For amendments to 2 December 1998 see 1997 Index to Legislation of Western Australia, Table 4, p. 82, and Gazette 17 April 1998 (with correction 28 April 1998).]*

**4. Regulation 3 amended**

Regulation 3(1) is amended by inserting before the definition of “instalment benefit” the following definition —

“

“**FESA Act**” means the *Fire and Emergency Services Authority of Western Australia Act 1998*;

”.

**5. Regulation 3A inserted**

After regulation 3 the following regulation is inserted —

“

**3A. Eligible Authority employees**

For the purposes of the definition of “eligible Authority employee” in section 3(1) of the Act —

- (a) a person holds a prescribed office if the person holds office as the chief executive officer of the Authority under section 19 of the FESA Act (including a person who is taken to hold that office by the operation of clause 8(1) of Schedule 2 to that Act); and
- (b) a person is of a prescribed class if the person is appointed or engaged under section 20 of the FESA Act (including a person who is taken to be appointed or engaged under that section by the operation of clause 8(2), (3) or (4) of Schedule 2 to that Act).

”.

**6. Regulation 6 amended**

Regulation 6 is amended as follows:

- (a) by deleting paragraph (a) and “or” after it and inserting instead —

“

- (a) in the case of an eligible Authority employee to whom regulation 132B of the *Fire Brigades Regulations 1943* applies, if his employment is terminated on medical grounds by the chief executive officer on the basis of the report of a medical panel under that regulation; or

”;

- (b) in paragraph (b), by inserting after “in the case of” —

“

an eligible Authority employee to whom regulation 132B of the *Fire Brigades Regulations 1943* does not apply or

”.

7. **Regulation 7 amended**

Regulation 7(1)(a) is amended by deleting “a Fire Brigades employee” and inserting instead —

“ an eligible Authority employee ”.

8. **Regulation 10 amended**

Regulation 10 is amended as follows:

- (a) by deleting “A Fire Brigades Board employee who is” and inserting instead —

“

- (1) An eligible Authority employee who was a Fire Brigades Board employee and

”;

- (b) by inserting at the end of the regulation the following subregulation —

“

- (2) In subregulation (1) —

“**Fire Brigades Board employee**” means a person in the employment of the Western Australian Fire Brigades Board constituted under the *Fire Brigades Act 1942* immediately before the commencement of the FESA Act.

”.

9. **Regulation 11 amended**

Regulation 11(2) is amended as follows:

- (a) by inserting before the definition of “employment” the following definition —

“

“**eligible Authority employee**” does not include a temporary or casual employee or a person to whom regulation 12B applies;

”;

- (b) by deleting the definition of “Fire Brigades Board employee”.

10. **Regulation 12B amended**

Regulation 12B(1) is amended as follows:

- (a) in paragraph (a), by deleting “Fire Brigades Board” and inserting instead —

“ board of management of the Authority ”;

- (b) in paragraph (b), by deleting “Fire Brigades Board” and inserting instead —

“ Authority ”.

**11. Regulation 13 amended**

- (1) Regulation 13(1) is amended by deleting “Subject to regulation 34A(3), if” and inserting instead —  
 “ If ”.
- (2) Regulation 13(2) is amended by deleting “Subject to regulation 34A(3), the” and inserting instead —  
 “ The ”.

**12. Regulation 34A amended**

- (1) Regulation 34A(1) is amended by deleting “Subject to subregulation (3), the Fire Brigades Board,” and inserting instead —  
 “ The chief executive officer, ”.
- (2) Regulation 34A(3) and (4) are repealed.

**13. Regulation 48 amended**

- (1) Regulation 48(1) is amended as follows:
- (a) by deleting “Fire Brigades Board” in the first place where it occurs and inserting instead —  
 “ chief executive officer ”;
- (b) by deleting “Fire Brigades Board has given its consent” and inserting instead —  
 “ chief executive officer has consented ”.
- (2) Regulation 48(2)(b) is amended by deleting “Fire Brigades Board has given its consent” and inserting instead —  
 “ chief executive officer has consented ”.

**14. Various references to “Fire Brigades Board” amended**

- (1) The regulations mentioned in the Table to this subregulation are amended by deleting “the Fire Brigades Board” in each place where it occurs and inserting instead —  
 “ the chief executive officer ”.

## Table

regulation 3(1) (in paragraph (a) of the definition of “the employer”)  
 regulation 7(1)(c)(vi)  
 regulation 10  
 regulation 11(1)  
 regulation 11(1b)(b)  
 regulation 12(1)

regulation 12(3)  
 regulation 12A(1)  
 regulation 12A(3)(a)  
 regulation 13(1)(a)  
 regulation 13(1)(c)  
 regulation 13(2)(a)  
 regulation 13(2)(b)  
 regulation 16(1) (in paragraph (b) of the definition of “actuarial amount”)  
 regulation 16(1) (in the definition of “employer”)  
 regulation 16(2)  
 regulation 16(6) (in 2 places)  
 regulation 16(7) (in 2 places)  
 regulation 23B(10)  
 regulation 35(1)  
 regulation 36(4)  
 regulation 42(3)(a)  
 regulation 48(2)(a)

- (2) The regulations mentioned in the Table to this subregulation are amended by deleting “the Fire Brigades Board” and inserting instead —

“ the Authority ”.

Table

regulation 47(1) regulation 47A(2)

**15. Various references to “Fire Brigades Board employee” amended**

The regulations mentioned in the Table to this regulation are amended by deleting “a Fire Brigades Board employee” in each place where it occurs and inserting instead —

“ an eligible Authority employee ”.

Table

regulation 3(1) (in the definitions of “member”, “temporary or casual employee” and “the employer”)  
 regulation 11(1) (in 2 places)  
 regulation 11(1b)  
 regulation 11(1c) (in 2 places)  
 regulation 11(2) (in the definition of “listed employee”)

By Command of the Governor,

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

BU304\*

Bush Fires Act 1954

## **Bush Fires (Fire and Emergency Services Authority) Amendment Regulations 1998**

Made by the Governor in Executive Council.

### **Part 1 — Preliminary**

**1. Citation**

These regulations may be cited as the *Bush Fires (Fire and Emergency Services Authority) Amendment Regulations 1998*.

**2. Commencement**

These regulations come into operation on the day on which the *Fire and Emergency Services Authority of Western Australia Act 1998* comes into operation.

### **Part 2 — *Bush Fires Regulations 1954***

**3. The regulations amended**

This Part amends the *Bush Fires Regulations 1954*\*.

[\* *Reprinted as authorised 23 August 1978.*

*For amendments to 2 December 1998 see 1997 Index to Legislation of Western Australia, Table 4, p. 27.]*

**4. Regulation 3 amended**

Regulation 3 is amended by deleting the definition of “executive officer”.

**5. Part II repealed**

Part II is repealed.

**6. Various amendments relating to the Fire and Emergency Services Authority of Western Australia**

- (1) The regulations mentioned in the Table to this subregulation are amended by deleting “Board” and inserting instead —

“ Authority ”.

Table

regulation 19(4)	regulation 43(2)
regulation 33(12)	regulation 43(3)
regulation 38C(2)	

- (2) The Appendix is amended in the forms mentioned in the Table to this subregulation by deleting “Bush Fires Board” and inserting instead —

“

Fire and Emergency Services Authority of Western  
Australia

”.

Table

Form 4	Form 8
Form 5	Form 9
Form 6	Form 10
Form 7	Form 11

**7. Miscellaneous amendments**

- (1) Regulation 15(2) is amended by deleting “chief fire control officer” in the 2 places where it occurs and inserting in each place instead —
- “ chief bush fire control officer ”.
- (2) Regulation 23(3) is amended by deleting “forestry” in the 2 places where it occurs and inserting in each place instead —
- “ forest ”.
- (3) Regulation 39(2) is amended by deleting “forestry” and inserting instead —
- “ forest ”.
- (4) The Appendix is amended in Form 12 by deleting “Shire/Town” in the first place where it occurs and inserting instead —
- “ Shire/Town/City ”.

**Part 3 — *Bush Fires (Infringements) Regulations 1978***

**8. The regulations amended**

This Part amends the *Bush Fires (Infringements) Regulations 1978\**.

[\* *Published in Gazette 10 March 1978, pp. 702-4.*

*For amendments to 2 December 1998 see 1997*

*Index to Legislation of Western Australia, Table 4, p. 27.]*

**9. Regulation 4 amended**

Regulation 4(b) is deleted and the following paragraph is inserted instead —

“

- (b) in the case of an infringement notice issued by a person authorized by the Minister or the chief executive officer or board of management of the Authority — the chief executive officer of the Authority or an officer of the Authority authorized by the chief executive officer of the Authority;

”.

**10. Miscellaneous amendment**

The First Schedule is amended in item 22 by deleting “forrest” and inserting instead —

“ forest ”.

By Command of the Governor,

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

**BU305\***

## BUSH FIRES ACT 1954

**BUSH FIRES AMENDMENT REGULATIONS 1998**

Made by the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Bush Fires Amendment Regulations 1998*.

**Principal regulations**

2. In these regulations the *Bush Fires Regulations 1954\** are referred to as the principal regulations.

[\* *Reprinted as authorized 23 August 1978.*

*For amendments to 19 February 1998 see 1996 Index to Legislation of Western Australia, Table 4, p. 28.]*

**Regulation 3 amended**

3. Regulation 3 of the principal regulations is amended—
- by deleting the definitions of “Act”, “Appendix” and “clerk”;
  - by deleting the semicolon after the definition of “notifiable authority” and substituting a full stop; and
  - by deleting “expressions used in these regulations have the same respective meanings as in the Act.”.

**Regulation 15B amended**

4. Regulation 15B (7) of the principal regulations is amended—
- by inserting after “any day” the following—  
“ , or any period of a day, ”;
  - by inserting after “that day” in the first place where it occurs the following—  
“ or during that period ”; and
  - by inserting after “that day” in the second place where it occurs the following—  
“ or that period ”.

**Regulation 21B amended**

5. Regulation 21B (1) of the principal regulations is amended—
- by deleting “of extreme fire danger,” and substituting the following—  
“  
 , or during any period of a day, for which the fire danger forecast issued by the Bureau of Meteorology in Perth in respect of the locality where the clover proposed to be burnt is situated is “extreme”,  
”;
- and
- by inserting after “on that day” the following—  
“ or during that period ”.

**Regulation 33 amended**

6. Regulation 33 (13) of the principal regulations is amended—
- by deleting “regulation if” and substituting the following—  
“  
 regulation on a day, or during any period of a day, if for that day or that period  
”;

- (b) by inserting after “on that day” the following—  
“ or during that period ”; and
- (c) by inserting after “the day” the following—  
“ or period of a day ”.

**Part VIIB heading deleted and a heading substituted**

7. The heading to Part VIIB of the principal regulations is deleted and the following heading is substituted—

“

**Part VIIA—Control of Operations Likely to Create  
Bush Fire Danger**

”.

**Regulation 39C amended**

8. (1) Regulation 39C (1) and (2) of the principal regulations are repealed and the following subregulation is substituted—

“

- (1) A person shall not operate—
  - (a) welding apparatus of any kind; or
  - (b) power operated abrasive cutting discs of any kind,  
in the open air, unless—
  - (c) at least one fire extinguisher is provided at the place where the welding or cutting operation is carried out; and
  - (d) the place referred to in paragraph (c) is surrounded by a firebreak which is at least 5 metres wide.

”.

(2) Regulation 39C (3) of the principal regulations is amended—

- (a) in paragraph (a) by deleting “of this regulation” and substituting the following—  
“ (a) ”;
- (b) by inserting after paragraph (a) the following—  
“ or ”; and
- (c) in paragraph (b) by deleting “(2) of this regulation” and substituting the following—  
“ (1) (b) ”.

**Regulation 39CA inserted**

9. After regulation 39C of the principal regulations the following regulation is inserted—

“

**Operation of bee smoker devices**

**39CA.** (1) In this regulation—

“**bee smoker device**” means a device used to generate smoke for the purposes of beekeeping;

“**prescribed period**” means—

- (a) the prohibited burning times;
- (b) the restricted burning times; or
- (c) a day or any period of a day for which the fire danger forecast issued by the Bureau of Meteorology in Perth in respect of the locality where it is proposed to operate the bee smoker device is “extreme” or “very high”.

(2) For the purposes of section 27A (1) (a) (ii) of the Act, the operation of a bee smoker device in the open air is an operation likely to create a bush fire danger.

(3) A person shall not operate a bee smoker device in the open air during a prescribed period unless—

- (a) at least one fire extinguisher is provided at the place where the device is operated; and
- (b) the ground within a distance of 3 metres from the place referred to in paragraph (a) has been—
  - (i) sufficiently cleared of inflammable material; or
  - (ii) sufficiently damped down with water,  
to prevent the escape of fire.

(4) A person who operates a bee smoker device in the open air during a prescribed period shall—

- (a) ensure that neither the lighting nor the operation of the device results in the ignition of inflammable material outside the device;

- (b) place the device in a fire resistant container when it is alight but not being held by the person; and
  - (c) extinguish the fire in the device on completion of its operation.
- (5) A bush fire control officer may, subject to the directions, if any, of the local government by which the officer was appointed, issue—
- (a) to a person operating a bee smoker device during a prescribed period; or
  - (b) to the owner or occupier of the land on which that operation is carried out,
- such directions as the officer considers necessary for the prevention of fire on that land and the person, owner or occupier, as the case may be, shall comply with those directions.

#### Appendix amended

**10.** The Appendix to the principal regulations is amended in Form 9 in the extract of regulation 33 (13)—

- (a) by deleting “regulation if” and substituting the following—

“ regulation on a day, or during any period of a day, if for that day or that period

- (b) by inserting after “on that day” the following—

“ or during that period ”; and

- (c) by inserting after “the day” the following—

“ or period of a day ”.

#### Minor amendments as a consequence of the enactment of the *Local Government Act 1995*

**11.** (1) Regulation 22A (1) of the principal regulations is amended by deleting “authorities” and substituting the following—

“ governments ”.

(2) Regulation 38C (1) of the principal regulations is amended by deleting “municipal”.

(3) Regulation 21A of the principal regulations is amended by deleting “authority” in the second place where it occurs and substituting the following—

“ local government ”.

(4) Regulation 39A (2) of the principal regulations is amended by deleting “authority” in the second and third places where it occurs and substituting in each place the following—

“ local government ”.

(5) The provisions of the principal regulations specified in the Table to this subregulation are amended by deleting “local authority” wherever it occurs and substituting the following—

“ local government ”.

Table

reg. 3 (definition of “notifiable authority”) (twice)	reg. 21A	reg. 38B (1)
reg. 15 (1)	reg. 21B (1)	reg. 38C (1)
reg. 15 (2) (twice)	reg. 23 (1)	(3 times)
reg. 15A	reg. 23 (3)	reg. 38C (2)
reg. 15B (2) (a)	reg. 24 (twice)	reg. 39A (2)
reg. 15C (1)	reg. 27 (3) (twice)	reg. 39B (2)
reg. 15C (2)	reg. 31 (a) (ii)	reg. 39B (3)
reg. 16 (twice)	reg. 33 (5) (twice)	reg. 39C (3)
reg. 19 (1)	reg. 33 (7) (b)	reg. 39D (2)
reg. 19 (3)	reg. 33 (8)	reg. 41
reg. 19 (4)	reg. 33 (12)	reg. 43 (1) (twice)
reg. 20 (4 times)	reg. 34 (4 times)	reg. 43 (2)
	reg. 36A (5) (twice)	reg. 43 (3) (twice)
	reg. 38A (1)	
	reg. 38A (4)	

(6) The provisions of the principal regulations specified in the Table to this subregulation are amended by deleting “clerk” wherever it occurs and substituting the following—

“ chief executive officer ”.

Table

reg. 15B (2) (a)	reg. 31 (a) (ii)
reg. 16	reg. 33 (7) (b)
reg. 24	

- (7) The Appendix to the principal regulations is amended—
- (a) in Form 4, in the note at the foot of the form, by deleting “Town Clerk, Shire Clerk” and substituting the following—  
“ Chief Executive Officer of a local government ”;
  - (b) in Form 5 by deleting all of the form after “(e) name of location.”;
  - (c) in Form 6—
    - (i) by deleting “clerk of the local authority” and substituting the following—  
“ chief executive officer of the local government ”; and
    - (ii) in the note at the foot of the form, by deleting “Town Clerk, Shire Clerk” and substituting the following—  
“ Chief Executive Officer of a local government ”;
  - (d) in Form 7—
    - (i) by deleting “Town/Shire Clerk” in the first and third places where it occurs and substituting in each place the following—  
“ chief executive officer ”;
    - (ii) by deleting “Town/Shire Clerk” in the second place where it occurs and substituting the following—  
“ Chief executive officer ”;
    - (iii) in the extract from regulation 31 of the principal regulations, by deleting “clerk” and substituting the following—  
“ chief executive officer ”; and
    - (iv) in the extract from regulation 31 of the principal regulations, by deleting “local authority” and substituting the following—  
“ local government ”;
  - (e) in Form 8, in the note at the foot of the form, by deleting “Town Clerk, Shire Clerk” and substituting the following—  
“ Chief Executive Officer of a local government ”;
  - (f) in Form 9—
    - (i) by deleting “Town/Shire Clerk” in the first and third places where it occurs and substituting in each place the following—  
“ chief executive officer ”;
    - (ii) by deleting “Town/Shire Clerk” in the second place where it occurs and substituting the following—  
“ Chief executive officer ”;
    - (iii) in the extract from regulation 33 of the principal regulations, by deleting “clerk” and substituting the following—  
“ chief executive officer ”; and
    - (iv) in the extract from regulation 33 of the principal regulations, by deleting “local authority” in both places where it occurs and substituting in each place the following—  
“ local government ”;
  - (g) in Form 10 by deleting “clerk of the local authority” and substituting the following—  
“ chief executive officer of the local government ”;
  - (h) in Form 11—
    - (i) by deleting “Town/Shire Clerk” in the first and third places where it occurs and substituting in each place the following—  
“ chief executive officer ”; and
    - (ii) by deleting “Town/Shire Clerk” in the second place where it occurs and substituting the following—  
“ Chief executive officer ”;and
  - (i) in Form 12 by deleting “Shire/Town Clerk.” and substituting the following—  
“ Chief executive officer. ”.

By Command of the Governor,

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

BU306\*

BUSH FIRES ACT 1954  
**BUSH FIRES (INFRINGEMENTS) AMENDMENT REGULATIONS 1998**

Made by the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Bush Fires (Infringements) Amendment Regulations 1998*.

**Commencement**

2. These regulations come into operation on the day on which the *Bush Fires Amendment Regulations 1998* come into operation.

**Principal regulations**

3. In these regulations the *Bush Fires (Infringements) Regulations\** are referred to as the principal regulations.

[\* *Published in Gazette 10 March 1978, pp. 702-4.*

*For amendments to 19 February 1998 see 1996 Index to Legislation of Western Australia, Table 4, p. 28.]*

**Regulation 1 repealed and a regulation substituted**

4. Regulation 1 of the principal regulations is repealed and the following regulation is substituted—

“

**Citation**

1. These regulations may be cited as the *Bush Fires (Infringements) Regulations 1978*.

”

**Regulation 4 amended**

5. Regulation 4 of the principal regulations is amended—

(a) in paragraph (a)—

(i) by deleting “authority” in the 4 places where it occurs and substituting in each place the following—

“ government ”; and

(ii) by deleting “clerk” and substituting the following—

“ chief executive officer ”;

(b) in paragraph (b) by deleting “Superintendent, Assistant Superintendent or a Chief Liaison Officer” and substituting the following—

“ Chief Executive Officer or Chief Operations Officer ”; and

(c) in paragraph (d) by deleting “Conservator of Forests, Deputy Conservator of Forests or Assistant Conservator of Forests.” and substituting the following—

“

Executive Director of the Department of Conservation and Land Management.

”

**First Schedule amended**

6. (1) The First Schedule to the principal regulations is amended in items 3, 9, 14, 22, 40 and 50 by deleting “authority” and substituting the following—

“ government ”.

(2) The First Schedule to the principal regulations is amended by inserting after item 47 the following items—

“

47A	Regulation 39CA (3) and (4)	Offences relating to operation of bee smoker devices	60
47B	Regulation 39CA (5)	Failure to comply with directions of bush fire control officer	60

”

By Command of the Governor,

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

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**CENSORSHIP**


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**CS401\*****CENSORSHIP ACT 1996**

I, CHERYL LYNN EDWARDES, being the Minister administering the Censorship Act 1996, acting in the exercise of the powers conferred by Section 15 of that Act, do hereby determine that the publications specified in the schedule below shall be classified as unrestricted publications for the purposes of that Act.

Dated this 16th day of December 1998.

CHERYL LYNN EDWARDES, Minister for Labour Relations.

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Schedule

8 December 1998

Unrestricted Classification

Title or Description	Publisher
Amazons In Action No 85	Swish Publications
Australian Naturalist, The Summer 1998 No 1	Les Rootsey
Australian Penthouse (State) Jan 1999 Vol 20 No 1	Gemkilt Publishing Pty Ltd
Fighting Gals No 157	Swish Publications Ltd
Fighting Gals No 158	Swish Publications Ltd
Fighting Gals No 159	Swish Publications Ltd
H & E Nov 1998	New Freedom Publications Ltd
Hustler's Body Bonanza! 1998	JT Publishing Pty Ltd
Outrage Feb 1996 No 153	Designer Publications P/L
Playboy (Collector's Edition—45th Anniversary Special) Jan 1999 Vol 46 No 1	Playboy
Playboy's Nudes Dec 1998	Playboy Press
Playboy's Voluptuous Vixens Nov 1998 No 2	Playboy Press
Ultimate Kama Sutra Calendar 1999	The Ink Group
Very Best of High Society, The #101 Vol 15 No 9	The Crescent Publishing Group

**CS402\*****CENSORSHIP ACT 1996**

I, CHERYL LYNN EDWARDES, being the Minister administering the Censorship Act 1996, acting in the exercise of the powers conferred by Section 15 of that Act, do hereby determine that the publications specified in the schedule below shall be classified as restricted publications for the purposes of that Act.

Dated this 16th day of December 1998.

CHERYL LYNN EDWARDES, Minister for Labour Relations.

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Schedule

8 December 1998

Restricted Classification

Title or Description	Publisher
40 Plus Vol 8 No 2	Fantasy Publications Ltd
Asian Beauties Vol 6 No 8	WBC Publishing
Asian Beauties Presents: Shaved Orientails Vol 5 No 6	WBC Publishing
Australian Hot Talk No 69	Gemkilt Publishing Pty Ltd
Australian Penthouse (Limited Edition) Jan 1999 Vol 20 No 1	Gemkilt Publishing Pty Ltd
Australian Penthouse (National) Jan 1999 Vol 20 No 1	Gemkilt Publishing Pty Ltd
Australian Penthouse (Plus) Jan 1999 Vol 20 No 1	Gemkilt Publishing Pty Ltd
Australian Penthouse Letters 1997 No 80	Gemkilt Publishing Pty Ltd
Baby Face Dec 1998 Vol 1 No 3	The Score Group
Best of Big Ones, The Vol 1 Iss 6	Fantasy Publications Ltd

Restricted Classification—*continued*

Title or Description	Publisher
Best of Cheri, The (Special Edition #110) Vol 21 No 3	Cheri Magazine Inc
Best of Electric Blue, The (60 Plus) Vol 1 No 5	Fantasy Publications Ltd
Best of Genesis (Ripe) 1998 No 11	Genesis Publications Inc
Best Of Knave No 10	Galaxy Publications Ltd
Cheri (Holiday) 1998 Vol 23 No 6	Cheri Magazine Inc
Club Nov 1998 Vol 24 No 10	Paragon Publishing Inc
Club International Vol 27 No 11	Paul Raymond Publications Ltd
Contact Girls Vol 2 No 8	Fantasy Publications Ltd
Dressing For Pleasure Iss 35	G & M Fashions (Leisure) Limited
Fetish Times (European) No 16	JMW Publishing
For Women Vol 6 No 7	Fantasy Publications Ltd
Girls/Girls (Plump & Pink) 1998 No 11	Genesis Publications Inc
Goddess No 16	Not Known
Hawk Dec 1998 Vol 7 No 12	Killer Joe Productions
High Society (Holiday) 1998 Vol 23 No 13	The Crescent Publishing Group Inc
Hustler (Gold Label Edition—Cat 2) Vol 3 No 11	JT Publishing Pty Ltd
Inside Foxy Lady No 71	VTO-Video Verlag
Jock Collectors Dec 1998 Vol 7 No 12	Princeton Publishing Inc
Just 18 Special No 2	Galaxy Publications Ltd
Knave (Penpower Plus Special) No 17	Galaxy Publications Ltd
Knave Vol 30 Iss 10	Galaxy Publications Ltd
Knave Vol 30 Iss 11	Galaxy Publications Ltd
Knave Penpower No 18	Galaxy Publications Ltd
Leg Sex Dec 1998 Vol 2 No 12	The Score Group
Link 1998 Iss 12	In Touch Publications
Madame in a World of Fantasy Vol 25 No 7	Swish Publications Ltd
Madame in a World of Fantasy Vol 25 No 8	Swish Publications Ltd
Madame in a World of Fantasy Vol 25 No 9	Swish Publications Ltd
Marquis No 13	Marquis Publications Ltd
Mega Climax No 76	Color-Climax Corporation
Mens World Vol 10 No 12	Paul Raymond Publications Ltd
Naughty Neighbors (Holiday) 1998 Vol 4 No 13	The Score Group
Naughty Neighbors Dec 1998 Vol 4 No 12	The Score Group
New Talent Vol 5 No 11	Fantasy Publications Ltd
Nude Readers' Wives No 136	Fantasy Publications Ltd
Oriental Women Dec 1998 Vol 14 No 10	Princeton Publishing Inc
Penthouse Couples (Black Label Collection) No 51	Gemkilt Publishing Pty Ltd
Penthouse Forum Nov 1998 Vol 28 No 11	General Media Communications Inc
Posh Wives! Vol 1 No 7	Fantasy Publications Ltd
Ravers (Readers' Wives Special) No 2	Galaxy Publications Ltd
Ravers (Christmas Special) Iss 3	Galaxy Publications Ltd
Ravers Vol 4 Iss 9	Galaxy Publications Ltd
Ravers Vol 4 Iss 10	Galaxy Publications Ltd
Ravers Vol 4 Iss 11	Galaxy Publications Ltd
Readers' Wives Vol 6 No 8	Fantasy Publications Ltd
Sista! Vol 4 No 6	Onyx Publishing
Skin Two Autumn 1998 Iss 27	Tim Woodward Publishing
Sugah Dec 1998	Portfolio Magazine Inc
Teazer (Reader's Wives Special) No 1	Galaxy Publications Ltd
Teazer Vol 3 Iss 10	Galaxy Publications Ltd
Two Blue (Couples) Vol 2 Iss 3	Galaxy Publications Ltd
Very Best of Readers' Wives, The Vol 1 Iss 5	Fantasy Publications Ltd
Victoria No 4	R-H Fashions
Voluptuous (Holiday) 1998 Vol 5 No 13	The Score Group
World of Transvestism, The Vol 18 No 11	Swish Publications Ltd
World of Transvestism, The Vol 18 No 11	Swish Publications Ltd

**CS403\*****CENSORSHIP ACT 1996**

I, CHERYL LYNN EDWARDES, being the Minister administering the Censorship Act 1996, acting in the exercise of the powers conferred by Section 15 of that Act, do hereby determine that the publications specified in the schedule below shall be classified as refused publications for the purposes of that Act.

Dated this 16th day of December 1998.

CHERYL LYNN EDWARDES, Minister for Labour Relation.

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Schedule

8 December 1998

Refused Classification

Title or Description	Publisher
Februs No 27	Pale Horse Ltd
Hustler Nov 1998 Vol 25 No 5	LFP Inc
Janus No 127	Pale Horse Ltd
Kane No 75	Harrison Marks
Lady Anita F. Vol 5 No 10	Dino
Live Young Girls Dec 1998 Vol 18 No 11	Live Periodicals Inc
New Blushes No 23	7 Oaks Euro
New Blushes (Uniform Girls) Vol 2 No 22	7 Oaks Euro
Nugget Dec 1998 Vol 42 No 12	Firestone Publishing Inc
Privilege Plus Iss 12	Pale Horse Limited
Spankers World No 3	7 Oaks Euro
Uniform International Iss 2	Imprints

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## ENVIRONMENTAL PROTECTION

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**EP401****ENVIRONMENTAL PROTECTION ACT 1986**

ENVIRONMENTAL PROTECTION AUTHORITY (APPOINTMENT OF CHAIRMAN TO THE ENVIRONMENTAL PROTECTION AUTHORITY) INSTRUMENT

Made by His Excellency the Governor in Executive Council.

PART 1—Preliminary

**Citation**

1. This instrument may be cited as the Environmental Protection Authority (appointment of Chairman to the Environmental Protection Authority) Instrument.

**Definitions**

2. In this Instrument—

“the Act” means the Environmental Protection Act 1986;

“the Authority” means the Environmental Protection Authority.

PART 11—Environmental Protection Authority

**Appointment of Chairman to the Authority**

3. The following person is reappointed on the nomination of the Minister, to be Chairman of the Authority—

(a) Under section 7 of the Act—Mr Bernard Bowen c/- 16 Thomas Street, Nedlands.

**Terms of Office**

4. The Chairman of the Authority, appointed under Clause 3 of this instrument, shall hold office for a period as follows—

Mr Bernard Bowan for the period ending on and including 31 December 1999.

By order of His Excellency the Governor,

M. C. WAUCHOPE, Clerk of the Council.

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**FISHERIES**

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**FI401****PEARLING ACT 1990****PEARLING (ANNUAL FEES) NOTICE 1998**

FD 1/91[248]

Made by the Minister for Fisheries under section 27 (1)(a).

**Citation**1. This notice may be cited as the *Pearling (Annual Fees) Notice 1998*.**Interpretation**

2. In this notice, unless the contrary intention appears—

“hatchery options” means the number of juvenile pearl oysters that a person is authorised under a pearling licence to take or obtain for the purposes of grow out to a size suitable for seeding for the culture of pearl oysters;

“juvenile pearl oyster” means any pearl oyster less than the legal minimum size as declared by the Minister in a notice made under section 21;

“pearl shell unit” means 1000 pearl oysters that may be taken under a pearling licence;

“regulations” means the *Pearling (General Regulations) 1990*.

**Commencement**

3. This notice shall commence operation on 1 January 1999.

**Annual fees for farm leases, pearling licences, hatchery licences and permits**

4. For the purposes of section 27 (1) (a) of the Act, the annual fee declared for the year ending 31 December 1999 in respect of—

- (a) a farm lease is \$155.00 per square nautical mile or part thereof of the area of the relevant pearl oyster farm and, in the case of an initial farm lease, the costs of preparing diagrams for the purposes of that farm lease;
- (b) a pearling licence is \$4863 per pearl shell unit or part thereof;
- (c) a pearling licence, in addition to the fee specified in paragraph (b) of this clause, shall be \$0.60 per pearl oyster of hatchery options;
- (d) a hatchery licence is \$125.00;
- (e) a pearling permit is \$55.00;
- (f) a hatchery permit is \$55.00.

**Payment by instalment**

5. (1) For the purposes of regulation 9A of the regulations, the total fee for a pearling licence may be paid by instalments as specified in the Schedule to this notice if—

- (a) an election to pay by instalments is made by the holder of the licence in accordance with subclause (2); and
- (b) there is no other fee, charge or levy in respect of the licence which has not been paid at the time the election is received at the head office of the Department.

(2) An election made for the purposes of subclause (1) must be—

- (a) made in writing;
- (b) received at the head office of the Department prior to the commencement of the licensing period to which the election relates;
- (c) accompanied by the first instalment plus the surcharge.

(3) For the purposes of regulation 9A(2) of the regulations, the surcharge shall be 3.13% of the total fee.

(4) The holder of a licence, or a person acting on that person's behalf, must not engage in any pearling activity at any time when the fee or surcharge payable in respect of the licence is outstanding.

**Schedule**

Pearling licence fee—payment by instalments—

- (a) The first instalment is 25% of the total fee and is due for payment on or before 1 January of the year for which the licence is granted or renewed.
- (b) The second instalment is 25% of the total fee and is due for payment on or before 1 April immediately following the period specified in paragraph (a).
- (c) The third instalment is the total fee less the instalments provided for in paragraphs (a) and (b) and is due for payment on or before 1 July immediately following the period specified in paragraph (a).

Dated this 17th day of December 1998.

MONTY HOUSE, Minister for Fisheries.

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**FAIR TRADING**

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FT301\*

Retail Trading Hours Act 1987

**Retail Trading Hours (Summer Holiday Period)  
Exemption Order 1998**

Made by the Minister for Fair Trading under section 5 of the *Retail Trading Hours Act 1987*.

**1. Citation**

This order may be cited as the *Retail Trading Hours (Summer Holiday Period) Exemption Order 1998*.

**2. Commencement**

This order comes into operation on the day on which it is published in the *Gazette*.

**3. Trading hours outside Perth in the summer holiday period**

- (1) A general retail shop, other than a motor shop, in an area or district described in Schedule 1 is exempted from section 12(1) of the Act on the days referred to in that Schedule to the extent that the permitted trading hours referred to in that Schedule allow the shop to be open outside the hours when the shop shall be closed under section 12(1) of the Act, provided that the shop is closed outside those permitted trading hours on each of those days.
- (2) This order does not affect the operation of the *Retail Trading Hours Exemption Order (No. 12) 1994*.
- (3) In this clause —

“**district**” means a district under the *Local Government Act 1995*;

“**motor shop**” means a general retail shop or portion of a general retail shop, as the case requires —

- (a) in, on or from which motor vehicles are sold by way of retail sale; or
- (b) in, on or from which spare parts for motor vehicles are sold by way of retail sale in conjunction with the sale of motor vehicles.

**Schedule 1 — Permitted trading hours**

[r. (1)]

**1. District of Albany**

Day	Permitted trading hours
Wednesday 23 December 1998	8.00 a.m. to 9.00 p.m.
Thursday 24 December 1998	8.00 a.m. to 6.00 p.m.
Sunday 27 December 1998	Noon to 6.00 p.m.
Wednesday 30 December 1998	8.00 a.m. to 9.00 p.m.
Thursday 31 December 1998	8.00 a.m. to 6.00 p.m.

**2. District of Bunbury**

Day	Permitted trading hours
Tuesday 22 December 1998	8.00 a.m. to 9.00 p.m.
Wednesday 23 December 1998	8.00 a.m. to 9.00 p.m.
Thursday 24 December 1998	8.00 a.m. to 6.00 p.m.
Monday 28 December 1998	8.00 a.m. to 6.00 p.m.
Wednesday 30 December 1998	8.00 a.m. to 9.00 p.m.
Thursday 31 December 1998	8.00 a.m. to 6.00 p.m.

**3. District of Busselton**

Day	Permitted trading hours
Tuesday 22 December 1998	8.00 a.m. to 9.00 p.m.
Wednesday 23 December 1998	8.00 a.m. to 9.00 p.m.
Thursday 24 December 1998	8.00 a.m. to 6.00 p.m.
Sunday 27 December 1998	10.00 a.m. to 4.00 p.m.
Sunday 3 January 1999	10.00 a.m. to 4.00 p.m.
Sunday 10 January 1999	10.00 a.m. to 4.00 p.m.
Sunday 17 January 1999	10.00 a.m. to 4.00 p.m.
Sunday 24 January 1999	10.00 a.m. to 4.00 p.m.
Sunday 31 January 1999	10.00 a.m. to 4.00 p.m.

**4. District of Geraldton**

Day	Permitted trading hours
Tuesday 22 December 1998	8.00 a.m. to 9.00 p.m.
Wednesday 23 December 1998	8.00 a.m. to 9.00 p.m.
Monday 28 December 1998	8.00 a.m. to 6.00 p.m.
Wednesday 30 December 1998	8.00 a.m. to 9.00 p.m.
Thursday 31 December 1998	8.00 a.m. to 6.00 p.m.

**5. That area of the district of Harvey bounded by Paris Road, Mulgara Street, Mardoo Street and Old Coast Road in the locality of Australind**

Day	Permitted trading hours
Tuesday 22 December 1998	8.00 a.m. to 9.00 p.m.
Wednesday 23 December 1998	8.00 a.m. to 9.00 p.m.
Thursday 24 December 1998	8.00 a.m. to 6.00 p.m.
Sunday 27 December 1998	10.00 a.m. to 4.00 p.m.
Monday 28 December 1998	8.00 a.m. to 6.00 p.m.
Wednesday 30 December 1998	8.00 a.m. to 9.00 p.m.
Thursday 31 December 1998	8.00 a.m. to 6.00 p.m.

**6. District of Kalgoorlie-Boulder**

Day	Permitted trading hours
Tuesday 22 December 1998	8.00 a.m. to 9.00 p.m.
Wednesday 23 December 1998	8.00 a.m. to 9.00 p.m.
Thursday 24 December 1998	8.00 a.m. to 6.00 p.m.
Sunday 27 December 1998	10.00 p.m. to 4.00 p.m.

**7. District of Mandurah**

Day	Permitted trading hours
Tuesday 22 December 1998	8.00 a.m. to 9.00 p.m.
Thursday 24 December 1998	8.00 a.m. to 6.00 p.m.
Thursday 31 December 1998	8.00 a.m. to 6.00 p.m.

**8. District of Northam (Town)**

Day	Permitted trading hours
Tuesday 22 December 1998	8.00 a.m. to 9.00 p.m.
Wednesday 23 December 1998	8.00 a.m. to 9.00 p.m.
Thursday 24 December 1998	8.00 a.m. to 6.00 p.m.
Sunday 27 December 1998	Noon to 6.00 p.m.

Dated: 18th December 1998.

D. J. SHAVE, Minister for Fair Trading.

**FT401****RETAIL TRADING HOURS (NEW YEAR) EXEMPTION ORDER 1998**

Made by the Minister for Fair Trading.

**1. Citation**

This order may be cited as the *Retail Trading Hours (New Year) Exemption Order 1998*.

**2. Commencement**

This order comes into operation on the day on which it is published in the *Gazette*.

**3. Application**

(1) This Order applies to all general retail shops, other than motor shops, in the metropolitan area, including general retail shops in the Perth area and the Fremantle area as defined in the *Retail Trading Hours (Tourism Precincts) Order 1996*, despite that order.

(2) This order does not affect the operation of the *Retail Trading Hours Exemption Order (No. 12) 1994*.

(3) In this clause—

“**motor shop**” means a general retail shop or portion of a general retail shop, as the case requires—

(a) in, on or from which motor vehicles are sold by way of retail sale; or

(b) in, on or from which spare parts for motor vehicles are sold by way of retail sale in conjunction with the sale of motor vehicles.

**4. Tuesday, 29 December 1998**

Each general retail shop to which this Order applies is exempted from section 12(1)(a) of the Act on 29 December 1998 provided that the shop is closed—

(a) on that day until 8 a.m. and from and after 9 p.m.; and

(b) on 31 December 1998 until 8 a.m. and from and after 6 p.m.

DOUG SHAVE, Minister for Lands; Fair Trading;  
Parliamentary and Electoral Affairs.

**FT402****RETAIL TRADING HOURS (CHRISTMAS) EXEMPTION AMENDMENT  
ORDER 1998**

Made by the Minister for Fair Trading under section 5 of the Act.

**1. Citation**

This order may be cited as the *Retail Trading Hours (Christmas) Exemption Amendment Order 1998*.

**2. Commencement**

This order comes into operation on the day on which it is published in the *Gazette*.

**3. Order Amended**

The amendments in this Order are to the *Retail Trading Hours (Christmas) Exemption Order 1998*.

[\*Published in *Gazette* 30 October 1998, pp. 5999-6000.]

**4. Clause 3 repealed**

Clause 3 is repealed.

**5. Clause 8 repealed**

Clause 8 is repealed.

DOUG SHAVE, Minister for Lands; Fair Trading;  
Parliamentary and Electoral Affairs.

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**LOCAL GOVERNMENT**

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**LG301****LOCAL GOVERNMENT ACT 1995***Shire of Esperance***Amendment to Local Law Relating to Pest Plants**

In pursuance of the powers conferred upon it by the abovementioned Act and the Agriculture and Related Resources Protection Act enabling it, the Council of the Shire of Esperance, hereby records having resolved on 15th December 1998 to make the following amendment to its Local Law Relating to Pest Plants as published in the *Government Gazette* on 18th July 1980.

Insert under First Schedule

Prickly Pear *Opuntia* Sp.

Dated this 16th day of December, 1998.

The Common Seal of the Shire of Esperance was hereunto affixed by authority of the Council in the presence of—

I. S. MICKEL, JP, President.  
B. D. SPENCER, A/Chief Executive Officer.

**LG302\***

Local Government Act 1995

**Local Government (Elections) Amendment  
Regulations (No. 2) 1998**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Local Government (Elections) Amendment Regulations (No. 2) 1998*.

**2. The regulations amended**

The amendments in these regulations are to the *Local Government (Elections) Regulations 1997\**.

[\* *Published in Gazette 14 February 1997, pp. 905-1008.*  
*For amendments to 8 December 1998 see Gazette 20 November 1998, pp. 6275-7.*]

**3. Regulation 18 amended**

- (1) After regulation 18(1) the following subregulation is inserted —

“

- (1a) If the CEO is not the RO, the RO may direct the CEO to consolidate the residents roll with the owners and occupiers roll for the purposes of the election.

”.

- (2) Regulation 18(2) is amended by deleting “consolidation roll under subregulation (1)” and inserting instead —

“ consolidated roll under subregulation (1) or (1a) ”.

**4. Regulation 26 amended**

- (1) Regulation 26(2) is amended by deleting “cheque,”.
- (2) Regulation 26(3) is amended by inserting after “deposit by” —  
“ cheque, ”.

**5. Regulations 30H, 30I and 30J renumbered**

Regulations 30H, 30I and 30J are redesignated, respectively, as regulations 30G, 30H and 30I.

**6. Regulation 43 amended**

After regulation 43(1) the following subregulation is inserted —

“

- (1a) A reference in —  
(a) regulation 50 to a postage pre-paid envelope; or  
(b) regulation 52, 52A, 58(3) or 61(3) to a ballot paper envelope,

includes a reference to an envelope that combines a ballot paper envelope referred to in subregulation (1)(d) with a postage pre-paid envelope referred to in subregulation (1)(f).

”.

**7. Regulation 45 amended**

Regulation 45(7) is amended by inserting after “or (f)” —

“

or, (other than in subregulation (6)), a combination of those kinds of voting papers as described in regulation 43(1a)

”.

**8. Regulation 52 amended**

After regulation 52(2) the following subregulation is inserted —

“

- (3) If the postage pre-paid envelope and the ballot paper are combined, subregulation (1)(d) does not apply.

”.

**9. Regulation 52A inserted**

After regulation 52 the following regulation is inserted —

“

**52A. Preparation of postal ballot papers for count**

- (1) Postal voting papers for a postal election that have been —
- (a) received by the RO before 6 p.m. on election day;
  - (b) checked in accordance with this Division; and
  - (c) accepted for further scrutiny in accordance with regulation 52,

may be prepared for counting by the RO.

- (2) To prepare postal voting papers under subregulation (1), the RO may, before 6 p.m. on election day —
- (a) remove the ballot paper envelopes from the ballot box in which they were placed under regulation 52(1)(d);
  - (b) open each ballot paper envelope; and
  - (c) without —
    - (i) examining the ballot paper personally; or
    - (ii) allowing the examination of the ballot paper by any scrutineers present,

remove the ballot paper from the envelope and place the ballot paper into a sealed ballot box, which must remain sealed until 6 p.m. on election day.

”.

**10. Regulation 62 amended**

Regulation 62(3)(b) is amended by inserting after “the *Electoral Act 1907*” —

“ or under the *Commonwealth Electoral Act 1918* ”.

**11. Regulation 69 amended**

- (1) Regulation 69(3) is amended by deleting “at a polling place for the election during the hours of polling on election day, and during those hours” and inserting instead —

“

at any stage in that election process, and during the election

”.

- (2) Regulation 69(4) and (5) are repealed and the following subregulations are inserted instead —

“

- (4) A person to be appointed as a scrutineer is to make a declaration on the duplicate notice of appointment described in subregulation (1) before —

- (a) a justice;
- (b) a person who has authority under the *Declarations and Attestations Act 1913* to take statutory declarations; or
- (c) the RO, a deputy returning officer or a presiding officer.

- (5) On receipt of a completed notice and duplicate notice (Form 18) the RO or presiding officer is to endorse an acknowledgement of the appointment of a scrutineer on the duplicate notice and give it back to the candidate who is to give it to the person appointed.

”.

**12. Regulation 70 amended**

Regulation 70(1) is amended by deleting “69(4).” and inserting instead —

“ 69(5). ”.

**13. Regulation 71 amended**

Regulation 71 is amended by inserting after paragraph (d) the following paragraph —

“

- (da) to be present at the preparation of postal voting papers for counting under regulation 52A, but only at a sufficient distance from the preparation process that the markings on the ballot papers cannot be ascertained by the scrutineers;

”.

**14. Regulation 72 amended**

Regulation 72(e) is amended after “71 (d)” by inserting —

“ , (da) ”.

**15. Regulation 73 amended**

- (1) Regulation 73(1) is amended by deleting “a later day.” and inserting instead —  
“ as soon as is practicable thereafter. ”.
- (2) Regulation 73(3) is amended by deleting “a later day.” and inserting instead —  
“ as soon as is practicable thereafter. ”.
- (3) Regulation 73(4) is repealed.

**16. Regulation 76 amended**

Regulation 76(2) is repealed.

**17. Regulation 77 amended**

Regulation 77(1) is amended by deleting “to take votes cast in person”.

**18. Regulation 85 amended**

- (1) Regulation 85 is amended by inserting before “In adjudicating” the subregulation designation “(1)”.
- (2) At the end of regulation 85 the following subregulation is inserted —  
“  
  - (2) If the investigation of the invalidity complaint leads to a finding by the Court that 2 or more candidates received the same number of votes, the Court may order the RO to draw lots in accordance with Schedule 4.1 of the Act, and to inform the Court of the result to enable the Court to make a determination under subregulation (1).”.

**19. Regulation 89 amended**

- (1) Regulation 89 is amended by inserting before “A local” the subregulation designation “(1)”.
- (2) At the end of regulation 89 the following subregulations are inserted —  
“  
  - (2) Where a poll is required by the Minister under Schedule 2.1, clause 7 or 8 of the Act, the Minister may, by notice in writing to the relevant local government or local governments, fix the day on which the poll is to be held.
  - (3) Where —
    - (a) a poll is required by the Minister under Schedule 2.1, clause 7 or 8 of the Act; and”.

- (b) the Electoral Commissioner is to be responsible for the conduct of that poll, due to a declaration made under section 4.20(4) of the Act,

the local governments involved in that poll may, with the agreement of the Electoral Commissioner, abridge the time periods set out in sections 4.20(5) and (6), 4.39(1) and (2), 4.40(1) and (2), 4.41(1), and 4.61(3) and (5), to take account of periods in Part 4 of the Act that only apply to electoral polling.

”.

## 20. Schedule 1 amended

- (1) Form 5 in Schedule 1 is amended by deleting the heading “Back of Form 5” and the “Information to support your appeal” box and inserting instead —

“

<b>Information to support your appeal</b>	<p>You should include with this form details of any information which supports your appeal. You may wish to include:</p> <ul style="list-style-type: none"> <li>❶ your enrolment eligibility claim form;</li> <li>❷ the notice of rejection from the local government; and</li> <li>❸ if you are a nominee, a copy of the nomination.</li> </ul> <p><b>Note:</b> The Electoral Commissioner will not be able to process your appeal unless all necessary documentation is provided.</p>
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### Back of Form 5

”.

- (2) Form 7 in Schedule 1 is amended by deleting the heading “Back of Form 7” and the “Information to support your appeal” box and inserting instead —

“

<b>Information to support your appeal</b>	<p>You should include with this form details of any information which supports your appeal. You may wish to include:</p> <ul style="list-style-type: none"> <li>❶ the notice of acceptance you received when your enrolment eligibility claim was accepted;</li> <li>❷ the notice of cancellation of eligibility; and</li> <li>❸ any other documents that support your appeal.</li> </ul> <p><b>Note:</b> The Electoral Commissioner will not be able to process your appeal unless all necessary documentation is provided.</p>
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### Back of Form 7

”.

- (3) Form 13 (a) in Schedule 1 is amended by deleting the “Election package” box and inserting instead —

“

<b>Election package</b>	<p>This is your Postal Voting Election Package. It contains:</p> <ul style="list-style-type: none"> <li>• profiles of each of the candidates in your electorate;</li> <li>• a ballot paper;</li> <li>• an elector’s certificate<sup>1,1a</sup>;</li> <li>• a ballot paper envelope<sup>1a</sup>;</li> <li>• a postage pre-paid envelope addressed to the Returning Officer<sup>1a</sup>.</li> </ul> <p>If any of these papers are missing from your package please contact the Returning Officer for your district.</p>
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”.

- (4) Form 13 (a) in Schedule 1 is amended in the “How to vote” box by deleting “**vote**” and inserting instead —

“ **vote**<sup>1b</sup> ”.

- (5) Form 13 (b) in Schedule 1 is amended by deleting the “Election package” box and inserting instead —

“

<b>Election package</b>	<p>This is your Postal Voting Election Package. It contains:</p> <ul style="list-style-type: none"> <li>• for the election of mayor<sup>4</sup>: <ul style="list-style-type: none"> <li>• profiles of each of the candidates; and</li> <li>• a mayoral<sup>4</sup> ballot paper;</li> </ul> </li> <li>• for the election of councillors: <ul style="list-style-type: none"> <li>• profiles of each of the candidates; and</li> <li>• a councillors ballot paper;</li> </ul> </li> <li>• an elector’s certificate<sup>1,1a</sup>;</li> <li>• a ballot paper envelope<sup>1</sup>;</li> <li>• a postage pre-paid envelope addressed to the Returning Officer<sup>1a</sup>.</li> </ul> <p>If any of these papers are missing from your package please contact the Returning Officer for your district.</p>
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”.

- (6) Form 13 (b) in Schedule 1 is amended in the “How to vote” box by deleting “**vote**” and inserting instead —

“ **vote**<sup>3a</sup> ”.

(7) The notes to Form 13 in Schedule 1 are amended as follows:

(a) after note 1 by inserting —

“

**1a Ballot paper envelopes and prepaid envelopes**

*If the ballot paper envelope is also the postage pre-paid envelope addressed to the Returning Officer and incorporates the elector’s certificate, delete these 3 items and insert instead —*

“• a combined ballot paper envelope and postage pre-paid envelope addressed to the Returning Officer with an elector’s certificate attached.”.

**1b How to vote (Form 13 (a))**

*If the ballot paper envelope is also the postage pre-paid envelope addressed to the Returning Officer and incorporates the elector’s certificate, delete these “How to vote” instructions and insert instead —*

<b>How to vote</b>	<p>❶ Decide which candidate(s) you want to elect and mark your choice on the ballot paper. The instructions with the ballot paper tell you how to do this.</p> <p>❷ Put your completed ballot paper into the envelope provided and seal the envelope.</p> <p>❸ Fill in and sign the elector’s certificate.</p> <p>❹ Post the envelope to the Returning Officer, or deliver it to an electoral officer at:</p> <ul style="list-style-type: none"> <li>• the offices of the local government during office hours before election day; or</li> <li>• a polling place between 8 a.m. and 6 p.m. on election day.</li> </ul> <p>If you post your vote the Returning Officer must receive it before 6 p.m. on election day. Make sure you post it in plenty of time.</p>
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”;

(b) after note 3 by inserting —

“

**3a How to vote (Form 13 (b))**

*If the ballot paper envelope is also the postage pre-paid envelope addressed to the Returning Officer and*

*incorporates the elector's certificate, delete these "How to vote" instructions and insert instead —*

<b>How to vote</b>	<p>❶ Decide which candidate you want to elect as mayor<sup>4</sup> and mark your choice on the mayoral<sup>4</sup> ballot paper. The instructions with the ballot paper tell you how to do this.</p> <p>❷ Decide which candidate(s) you want to elect as councillors and mark your choice on the councillors ballot paper. The instructions with the ballot paper tell you how to do this.</p> <p>❸ Put your completed ballot papers into the envelope provided and seal the envelope.</p> <p>❹ Fill in and sign the elector's certificate.</p> <p>❺ Post that envelope to the Returning Officer, or deliver it to an electoral officer at:</p> <ul style="list-style-type: none"> <li>• the offices of the local government during office hours before election day; or</li> <li>• a polling place between 8 a.m. and 6 p.m. on election day.</li> </ul> <p>If you post your vote the Returning Officer must receive it before 6 p.m. on election day. Make sure you post it in plenty of time.</p>
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”.

- (8) Form 15 in Schedule 1 is amended by deleting the “Applicant” box and inserting instead —

“

<b>Applicant</b>	Full name:
	Home Address:
	Postal Address: <i>(if different to Home Address)</i>
	Phone numbers (H): _____ (W): _____
	Fax number: _____ Email: _____

”.

- (9) Form 16 in Schedule 1 is deleted and the following form is inserted instead —

“

**Form 16. Provisional Voter's Declaration**

*Local Government (Elections) Regulations 1997, regs. 46 and 62*

**PROVISIONAL VOTER'S  
DECLARATION**

<b>Elector</b>	Full name:	
	Home Address:	
	Postal Address: <i>(if different to Home Address)</i>	
	Phone numbers (H):	(W):
	Fax number:	Email:

<b>Electorate</b>	Local government district:
	Ward:

<b>Reason for application</b>	I apply for provisional voting papers because:
	<input type="checkbox"/> a mark has been made against my name on the electoral roll showing that I have voted although I have not voted; or <input type="checkbox"/> my name has been omitted from the electoral roll in error.

[Tick one box]

I am eligible to be included on the owners and occupiers roll for the electorate and I have submitted an enrolment eligibility claim form in accordance with the requirements of the Act. The address of the property of which I am an owner or occupier is:

<b>Type of vote</b>	I wish to vote:
	<input type="checkbox"/> in person; or <input type="checkbox"/> by lodging a postal vote.

[Tick one box]

<b>Declaration</b> [Making a false declaration is an offence]	I declare that all of the details set out above are true and correct.
	Signature: _____ Date: _____

<b>Electoral officer</b>	Full name:	
[Tick appropriate boxes]	In considering this claim, I have had regard to:	
	<input type="checkbox"/>	a previously compiled electoral roll of the local government;
	<input type="checkbox"/>	an electoral roll or other document prepared under the <i>Electoral Act 1907</i> or the <i>Commonwealth Electoral Act 1918</i> ;
	<input type="checkbox"/>	the owners and occupiers register;
	<input type="checkbox"/>	advice sent by the CEO as to whether or not the person is an elector;
	<input type="checkbox"/>	other relevant documents and materials – (describe briefly)
	This application is <input type="checkbox"/> accepted <input type="checkbox"/> rejected	
	Signature:	Date:

- (10) The back of Form 17 in Schedule 1 is amended in the “Property” box by deleting “must give the address of each property.” and inserting instead —

“

need only give the address of one property, but the application process will be facilitated if you list all the properties.

”.

- (11) The back of the original copy of Form 18 in Schedule 1 is amended in the “Where to send this form” box before “, send both” by inserting —

“ and the declaration by the scrutineer has been completed ”.

- (12) The duplicate copy of Form 18 in Schedule 1 is amended in the “DECLARATION BY SCRUTINEER” box by deleting “after” and inserting instead —

“ before ”.

By Command of the Governor,

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

**LG303\***

**LOCAL GOVERNMENT ACT 1995**

*Shire of Mt Marshall*

**LOCAL LAW RELATING TO DOGS**

In pursuance of the powers conferred upon it by the above mentioned Act and of all other powers enabling it the Council of the Shire of Mt Marshall hereby records having resolved on the 20th October, 1998 to make the following local law.

**PART 1—PRELIMINARY**

**1. Citation**

This local law may be cited as the Shire of Mt Marshall “Local Law Relating to Dogs”.

## 2. Commencement

This local law comes into effect thirty (30) days after the date of its publication in the *Government Gazette*.

## 3. Content and Intent

This local law provides for rules and guidelines for the proper management and control of dogs and for the management and control of kennel establishments and shall apply throughout the whole of the district.

## 4. Interpretation

(1) In this local law unless the context otherwise requires—

“Act” means the Dog Act, 1976.

“authorised person” means the Chief Executive Officer, Deputy Chief Executive Officer, Ranger or any other person employed by the local government as an authorised person for the purpose of this local law.

“clause” means a clause of this local law.

“district” means the local government district of the Shire of Mt Marshall.

“dog exercise area” means those areas designated by this local law pursuant to section 31 of the Act.

“fence” includes a wall and retaining wall.

“food premises” has the meaning given to it in the Health Act 1911.

“local government” means the local government of the Shire of Mt Marshall.

“person liable for the control of the dog” has the meaning given to it in the Act.

“premises” has the meaning given to it in the Act.

“public buildings” includes each of the following:

- (a) Churches;
- (b) Community, sporting and recreation centres and public swimming pools;
- (c) Premises licensed under the Liquor Licensing Act 1988; and
- (d) Public and private places of education.

“rural area” means an area classified as rural or special rural zone by Shire of Mt Marshall Town Planning Scheme No 2 published in the *Government Gazette* of the 14th June 1996 and amended from time to time.

“Schedule” means a schedule to these local laws.

(2) Unless otherwise defined herein, the terms and expressions used in this local law shall have the same meaning given to them in the Act.

## PART 2—IMPOUNDING AND RELEASING OF DOGS

### 5. Owner to Provide Evidence

A person applying for the release of a dog lawfully impounded shall first provide to the Authorised Person evidence, satisfactory to the Authorised Person, that he or she is the owner of that dog.

### 6. Fees and Charges to be Paid Prior to Release

The charges in relation to the seizure and impounding of a dog and maintenance thereof in a pound payable under Section 29(4) of the Act are as determined by the local government from time to time.

- (a) The release of dogs shall be at the time and on the days of the week as an authorised person determines from time to time.
- (b) In the absence of a pound keeper a claim for a dog seized or impounded may be made to an authorised person .
- (c) An additional fee determined by the local government from time to time is payable where arrangements are made for the release of a dog at a time or on a day other than those determined by an authorised person.

### 7. Owners to be Notified

If a dog is impounded having around its neck a collar with a current registration tag affixed thereto then an Authorised Person shall notify the registered owner of that dog.

### 8. Dogs May Be Destroyed

(1) If a dog with or without a registration tag is not claimed, and all fees paid, within 72 hours of the dog being received into the pound, then an Authorised Person may sell or destroy the dog.

(2) Notwithstanding anything herein contained, subject to the provisions of Section 29 (12) of the Act, a dog seized or impounded may at any time be destroyed upon the written authority of a registered veterinary surgeon, medical practitioner, or environmental health officer.

(3) If any dog is destroyed by an Authorised Person, whether at the request of the owner or not and whether the dog shall have been seized or impounded or not, the owner shall when so required, pay to the local government any fees prescribed by the local government.

**9. Local Government Property not to be Interfered With**

No person shall—

- (a) unless an Authorised Person, attempt to release a dog from a pound.
- (b) destroy, break into, damage, or in any way interfere with a pound.
- (c) destroy, break into, or in any way interfere with any vehicle, trailer, cage, or any container used for the purpose of catching, holding, or conveying dogs which have been seized.

**10. Payment of Fees Does Not Reduce Liability of Owner**

The payment of fees or charges in respect of the seizure, care detention or destruction of a dog does not relieve the owner of the dog of liability to a penalty under any of the provisions of the Act, the Dog Act Regulations 1976, or these local laws.

**PART 3—KEEPING OF DOGS****11. Maximum Number of Dogs to be Kept**

The occupier of premises shall not unless the premises are licensed as an approved kennel establishment or have been granted exemption pursuant to Section 26(3) of the Act keep or permit to be kept on those premises more than—

- (a) two dogs over the age of three months and the young of those dogs under that age if the premises are situated elsewhere than in a rural area;
- (b) six dogs over the age of three months and the young of those dogs under that age if the premises are situated within a rural area.

**12. Condition of Keeping Dogs**

The occupier of premises on which a dog is kept shall:

- (a) cause the premises or portion thereof on which the dog is kept to be fenced in a manner capable of confining the dog;
- (b) ensure the fence used to confine a dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog shall be capable of preventing the dog at all times from passing over, under or through it;
- (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
- (d) maintain the fence and all gates and doors in good order and condition;
- (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises for effectively confining the dog within the building on the premises. This does not include tethering the dog within the premises.

**13. Dog Kennels**

(1) An application for a licence to keep an approved kennel establishment shall be in writing and shall be in or substantially in the form contained in the First Schedule and shall be supported by evidence that due notice of the proposed use of the land has been given to persons in the locality.

(2) Unless the local government otherwise decides an applicant for a licence shall give notice of the proposed use of the land by—

- (a) Not less than one advertisement in a newspaper circulating in the district; and
- (b) Giving written notice to the owners and occupiers of all adjoining premises at least thirty days before the application is made to the local government.

(3) The Local Government may specify the maximum number of dogs permitted to be kept in a kennel.

(4) The fee payable for the issue of a licence to keep an approved kennel establishment is that determined by the local government from time to time and may be varied according to the number of dogs kept at a premise.

(5) A licence to keep an approved kennel establishment shall be in or substantially in the form contained in the Second Schedule.

(6) The fee payable for the renewal of a licence to keep an approved kennel establishment is that determined by the local government from time to time.

(7) A person shall not erect a kennel unless it complies with the provisions of these local laws and until plans and specifications and a location plan showing the proposed site for the kennel and of the yard appurtenant thereto have been approved by the local government and the fee for a licence as determined by the local government has been paid.

(8) A kennel for which an approved kennel establishment licence has been granted and which is to be constructed pursuant to these local laws shall comply with the following specifications—

- (a) each kennel shall have a yard appurtenant thereto;
- (b) each kennel and each yard and every part thereof shall not be at any less distance than 30 metres from the boundaries of the land in occupation of the owner;

- (c) each kennel and each yard and every part thereof shall not be at any less distance than 30 metres from any road or street;
  - (d) each kennel and each yard and every part thereof shall not be any less distance than 20 metres from any dwelling house, church, schoolroom, hall or factory;
  - (e) the walls shall be rigid, impervious and structurally sound;
  - (f) the roof shall be constructed of impervious material approved by the local government;
  - (g) the lowest internal height shall be at least 2 metres from the floor;
  - (h) each yard shall be securely fenced and kept securely fenced with a fence not less than 2 metres in height constructed of galvanised iron, wood, galvanised link mesh or netting;
  - (i) all gates shall be provided with proper catches or means of fastening;
  - (j) the upper surface of the floor of each kennel shall be set at least 100mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface, and shall have a fall of not less than 1 in 100; the entire yard shall be surrounded by a drain which shall be properly laid, ventilated and trapped; all floor washings shall pass through this drain and shall be disposed of in accordance with health requirements of the local government;
  - (k) the floor of a yard shall be constructed in the same manner as the floor of a kennel unless such kennel is on a rural property more than two kilometres from any town boundary.
  - (l) for each dog kept therein, every kennel shall have not less than 2m<sup>2</sup> of floor space and every yard not less than 2.5m<sup>2</sup>;
- (9) A person who keeps or permits dogs to be kept in an approved kennel establishment shall—
- (a) keep dogs in kennels and yards appropriate to the breed or kind in question, sited and maintained in accordance with the requirements of public health and sufficiently secured;
  - (b) not permit any dog to escape from the kennel or yard in which it is kept nor wander at large except for the purpose of reasonable exercise whilst under the control of a person who has attained the age of eighteen years; and
  - (c) maintain all kennels and yards and all feeding and drinking vessels used by dogs therein in a clean condition and cleanse and disinfect them when required so to do by an authorised person.

#### **14. Right of Appeal**

A right of appeal to a local court is conferred by Section 27 of the Act where the local government refuses the grant of a licence or gives notice of intention to cancel a licence.

#### **PART 4—GENERAL**

#### **15. Person to Control Dog**

(1) When in a public place, not gazetted as a dog exercise area, pursuant to this local law, a person liable for the control of the dog shall ensure that the dog is kept—

- (a) on a leash, chain, cord or harness by a person physically able to control the dog; and
- (b) under continuous supervision, by a person physically able to control the dog.

(2) A person liable for the control of a dog, as defined in section 3(1) of the Act, shall prevent that dog from entering or being in any of the following places unless that person is blind or partially blind and is accompanied by a bona fide guide dog or is a guide dog trainer;

- (a) a public building;
- (b) food premises;
- (c) Beacon Public Cemetery (Reserve No 21724);
- (d) Bencubbin Public Cemetery (Reserve No 18428);
- (e) Beacon Recreation Reserve No 36172;
- (f) Bencubbin Recreation Reserve No 21535;
- (g) A place in which dogs are prohibited by any other written law operating within the district.

#### **16. Dog Exercise Areas**

(1) The public places or classes of public places referred to in subclause (2) are specified as dog exercise areas for the purpose of sections 31 and 32 of the Act and the public places or classes of public places referred to in subclause (3) are specifically excluded.

(2) Subject to clause 15 and subclause (3) the following are designated as the dog exercise areas within the district—

- (a) All freehold land owned by the Shire of Mt Marshall;
- (b) All reserves owned by the Shire of Mt Marshall or under the care, control and management of the Shire.

(3) The following reserves and other places are specifically excluded from the dog exercise areas within the district—

- (a) any public street or road reserve;
- (b) the Shire of Mt Marshall Administration Centre grounds.

**17. Penalties**

(1) A person who fails to comply with or contravenes any of the provisions of these local laws commits an offence and is liable to a maximum penalty of \$2000.

(2) Where an offence is a continuing offence, whether of commission or omission, a person convicted of the continuing offence is liable to a maximum daily penalty of \$100 for every day that the offence continues after his initial conviction for the offence.

**18. Exemption**

The requirements of clause 13 (7) shall not apply to any public pound facility constructed by the local government.

FIRST SCHEDULE

*Shire of Mt Marshall*

APPLICATION FOR LICENCE OR RENEWAL OF LICENCE TO  
KEEP APPROVED KENNEL ESTABLISHMENT

Pursuant to the Dog Act, 1976, and the local laws of the Shire of Mt Marshall made thereunder

I/We (full name) .....  
of .....  
hereby apply for a licence/the renewal of a licence (strike out whichever is not applicable)  
to keep an approved kennel establishment at Lot ..... Street .....  
Locality .....

Attached hereto are:

- (a) A plan of the premises showing the location of the kennels and yards and all other building, structures and fences;
- (b) plans and specifications of the kennels;
- (c) evidence that due notice of the proposed use of the premises has been given to persons in the locality;
- (d) a remittance for the fee of \$ ..... :

The kennel establishment will be used for breeding/boarding domestic pets (strike out whichever is not applicable).

The maximum number of dogs over the age of three months that will be kept there at any one time will be .....

Where to be used for breeding, the breed of dogs will be ..... and the maximum number of pups that will be kept on the premises at any one time will be .....

Dated the ..... day of ..... 19.....

.....  
Signature of Applicant

Note: Items (a), (b) and (c) may be struck out if the application is for the renewal of a licence and if no change has been made since the previous application.

SECOND SCHEDULE

*Shire of Mt Marshall*

LICENCE TO KEEP AN APPROVED KENNEL ESTABLISHMENT

..... is/are the holder(s) of a licence to keep an approved kennel establishment at .....

The maximum number of dogs over the age of 3 months permitted under this licence is .....

This licence has effect for a period of 12 months from the date hereof.

Dated the ..... day of ..... 19.....

.....  
CHIEF EXECUTIVE OFFICER

The Common Seal of the Shire of Mt Marshall was hereunto affixed by authority of a resolution of the Council in the presence of:

L. W. O'NEIL, President.  
P. R. BRADBROOK, Chief Executive Officer.

**LG304\*****DOG ACT 1976**

## Shire of Broomehill Local Laws Relating to Dogs

## PART 1—Preliminary

- (1) In these local laws unless the context otherwise requires—
- “Council” means the Council of the Shire of Broomehill.
  - “Schedule” means a schedule to these local laws.
  - “Approved” means approved by Council in the form of a building licence.
- (2) The local laws relating to Dogs as adopted by the Shire of Broomehill and published in the Government Gazette on 21 December 1979 are hereby revoked.

## PART II—Impounding of Dogs

- (3) The Council may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Dog Act 1976.
- (4) A dog seized by the Police or by an officer authorised by the Council may be either returned to the owner or detained in the pound.
- (5) Where a dog has been seized and placed in a pound the keeper of the pound or other officer authorised by the Council shall, if the dog is wearing a registration disc, or the owner or person usually in charge of the dog is otherwise readily identifiable, forthwith notify such person that the dog has been impounded.
- (6) If the owner or persons apparently acting on behalf of the owner of the dog seized or impounded shall claim such dog then upon payment of the fees determined by the Council from time to time, the dog shall be released to such person.
- (7) The pound keeper shall be in attendance at the pound for the release of dogs at such time and on such days of the week as shall from time to time be determined by the Council.
- (8) Any person applying for the release of a dog seized or impounded shall prove to the satisfaction of the pound keeper or other officer authorised by the Council the ownership of the dog and his authority to take delivery of it. The pound keeper or officer may accept such proof as he considers satisfactory and no person shall have any right of action against him or the Council in respect of the delivery of a dog in good faith.
- (9) If a dog is not claimed and the said fees paid within 72 hours of its being detained or if a dog having a collar around its neck with a registration disk affixed thereto shall not be claimed and the said fees paid within 72 hours of the service of a notice upon the registered owner, the pound keeper or other officer authorised by the Council may sell or otherwise dispose of such dog.
- (10) Upon the sale of a dog, the proceeds of sale shall be the property of the Council and may be disposed of in such manner as the Council thinks fit. The owner of a dog sold in pursuance of these local laws shall have no claim against the Council in respect of the process thereof.
- (11) If within the time mentioned in local law 9 hereof or at any time before the disposal of a dog the dog has not been claimed as aforesaid and the said fees paid and if no offer has been received for its purchase the dog may be destroyed.
- (12) Notwithstanding anything herein contained but subject to the provisions of subsection (12) of section 29 of the Dog Act 1976 any dog seized or impounded may at any time be destroyed upon the written authority of a registered Veterinary Surgeon, Medical Practitioner or Health Surveyor.
- (13) If the Council shall destroy a dog at the request of its owner whether such dog shall have been seized or impounded or not the owner shall pay to the Council the fees determined by the Council from time to time.
- (14) No person shall—
- unless a pound keeper or other officer of the council duly authorised in that regard, release or attempt to release a dog from the pound.
  - destroy, break into, damage or in any other way interfere with or render not dog proof any pound.
  - destroy, break into, damage, or in any way interfere with any dogcart vehicle or container used for the purpose of catching, holding or conveying dogs which have been seized.
- (15) No person shall obstruct or hinder an employee of the Council or member of the Police Force in the performance of anything authorised by the provisions of the Dog Act 1976, Dog Act Regulations or these local laws.
- (16) The payment of fees in respect of the seizure, care, detention or destruction of a dog shall not relieve the owner of liability to a penalty under any of the provisions of the Dog Act 1976, Dog Act Regulations 1976—1996 or these local laws.
- (17) Any member of the Police Force and only persons authorised by the Broomehill Shire Council shall be authorised persons for the purpose of section 29 of the Dog Act 1976.
- (18) The owner of a dog shall prevent that dog from entering or being in any of the following places—
- Broomehill Hall—Lot 4 Jasper Street Broomehill

- Imperial Hotel—Lot 1 & 2 Jasper/Journal Street Broomehill
- Broomehill General Store—Lot 5 India Street Broomehill
- Recreational Complex—Reserve No 22820 Broomehill
- Playgroup Centre—Lot 4 India/Journal Street Broomehill

(19) The owner of a dog shall prevent that dog from entering or being in a public place other than in accordance with section 31 of the Dog Act 1976.

(20) Guide dogs are exempt from clauses 18 and 19.

- (a) The lands specified in the Third Schedule to these local laws are designated as dog exercise areas for the purpose of the Dog Act 1976. The exercising of dogs in dog exercise areas shall be subject to the provisions of the Dog Act 1976.

#### PART III—Keeping of Dogs

(21) (a) The owner or occupier of any premises within a townsite shall not keep or permit to be kept thereon more than two dogs over the age of three months and the young of those dogs under that age unless such premises are licensed as an approved kennel establishment or have been exempted under section 26 (3) of the Dog Act.

(b) Notwithstanding local law 21 (a) the owner or occupier of any premises situated outside a townsite may keep up to six dogs as is reasonably required for the purposes of tendering, mustering and controlling livestock on the property on which such dogs are kept without such premises being licensed as an approved kennel establishment.

(22) The establishment alteration, addition or demolition of a Kennel in accordance with the Town Planning Scheme as amended shall not be permitted without prior approval of Council.

#### PART IV—Kennel Licenses

(23) (a) An application for a licence to keep an approved Kennel establishment shall be in writing and shall be in or substantially in the form contained in the First Schedule and shall be supported by evidence that due notice of the proposed use of land has been given to persons in the locality.

(b) Unless the Council otherwise decides an application for a licence shall give notice of the proposed use of the land by—

- not less than one advertisement in newspaper circulating in the district; and
- giving written notice to the owners and occupiers of all adjoining properties, at least thirty days before the application is made to the Council.

(24) The fee payable for the issue or renewal of a licence to keep an approved kennel establishment is that determined by the Council from time to time.

(25) A person shall not erect an approved kennel establishment unless it complies with the provisions of these local laws and until plans and specifications and a location plan showing the proposed site for the kennel and of the yard appurtenant thereto have been approved by the Council and the fee for a licence determined by the Council from time to time has been paid.

(26) The owner or occupier of premises for which an approved kennel establishment licence has been granted shall provide and maintain kennels and yards in accordance with the following specifications—

- each kennel shall have a yard appurtenant thereto;
- each kennel and each yard and every part thereof shall not be at any less distance than 5 metres from the boundaries of the land in the occupation of the occupier;
- each kennel and each yard and every part thereof shall not be at any less distance than 25 metres from any thoroughfare but where this is impracticable a lesser distance may be approved by Council;
- each kennel and each yard and every part thereof shall not be at any less distance than 10 metres from any dwelling house, church, schoolroom, hall or factory;
- the walls shall be rigid, impervious and structurally sound;
- the roof shall be constructed of impervious material or that approved by the Council;
- all untreated external surface of materials shall be painted with good quality paint,
- the lowest internal height shall be at least two metres from the floor;
- each yard shall be securely fenced and kept securely fenced with a fence not less than two metres in height constructed of galvanised steel, timber, galvanised link steel mesh, or other material as approved by the Council;
- all gates shall be provided with proper catches or means of fastening;
- the upper surface of the floor of each kennel shall be set at least 100 mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface, and shall have a fall of no less than 1 in 100; the entire yard shall be surrounded by a drain which shall be properly laid, ventilated and trapped; all floor washing shall pass through this drain and shall be disposed of in accordance with the reasonable requirements of the Council;
- the floor of a yard shall be constructed in the same manner as the floor of a kennel;

- for each dog kept therein, every kennel shall have no less than 2m<sup>2</sup>.

(27) A person who keeps or permits dogs to be kept in an approved kennel establishment shall—

- keep dogs in kennels and yards appropriate to the breed or kind in question, sited and maintained in accordance with the requirements of public health and sufficiently secured.
- not permit any dog to escape from the kennel or yard in which it is kept;
- maintain all kennels and yards and all feeding and drinking vessels used by dogs therein in a clean condition and cleanse and disinfect them when required so to do by an authorised person.

(28) A licence to keep an approved kennel establishment shall be in the form contained in the second schedule and fees payable to the Council on the issue and renewal of such licences shall be as determined by the Council from time to time.

(29) A right of appeal to a local court is conferred by section 27 of the Act where the Council refuses to grant or gives notice of intention to cancel a licence of an approved kennel establishment.

PART V—Penalty

(30) A person who shall commit a breach of any of these local laws shall upon conviction be liable to a penalty not exceeding two thousand dollars (\$2,000).

First Schedule

*Shire of Broomehill*

Application for Licence or Renewal of Licence  
To Keep Approved Kennel Establishment

Pursuant to the Dog Act 1976, and the local laws of the Shire of Broomehill made thereunder—

I/We (Full Name) .....  
of .....  
hereby apply for a licence/renewal of licence (strike out whichever is not applicable) to keep an approved kennel establishment at Lot.....Street .....  
Locality .....

Attached hereto are—

- a plan of the premises showing the location of the kennels and yards and all other buildings, structures and fences;
- plans and specifications of the kennels,
- evidence that due notice of the proposed use of the premises has been given to persons in the locality;
- a remittance for the fee of \$.....

The Kennel Establishment will be used for breeding/boarded domestic dogs (strike out whichever is not applicable).

The maximum number of dogs over the age of three months that will be kept there at any one time will be .....

Where to be used for breeding the breed of dog will be .....  
and the maximum number that will kept on the premises at any one time will be .....

Dated the.....day of.....19.....

Signature of Applicant .....

Note: Items (a) (b) and (c) may be struck out if the application is for renewal of a licence and if no change has been made since the previous application.

Second Schedule

*Shire of Broomehill*

Licence to Keep an Approved Kennel Establishment

.....  
is/are the holder(s) of a licence to keep an approved Kennel establishment at .....

This licence has effect for a period of 12 months from the date hereof.

Dated the.....day of.....19.....

.....  
Chief Executive Officer

Third Schedule  
*Shire of Broomehill*  
 Dog Exercise Areas

Reserve 634, Reserve 1698 and Lot 24 Broomehill Kojonup Road.

Dated the.....day of.....

The Common Seal of the Shire of Broomehill was hereto affixed in the presence of—

GREG HOLLY, President.  
 PETER FITZGERALD, Chief Executive Officer.

**LG401**

**LITTER ACT 1979**  
 APPOINTMENT OF MEMBERS AND DEPUTIES

Keep Australia Beautiful Council (WA),  
 Mount Lawley, 17 December 1998.

KABC: 96BM02

It is hereby notified for public information that the Minister for Local Government, acting pursuant to the provisions of section 9 of the Litter Act 1979 and clause 2 of the First Schedule to the Act, has been pleased to appoint the following persons as members and deputies to the Keep Australia Beautiful Council (WA), each for a period expiring on 8 November 1999—

1. Mr Richard Marsh as member representing the Manufacturers of Cans;
2. Mr Mark Andrew Fogarty as deputy member representing the Manufacturers of Cans;
3. Mr Michael Roddy as member representing the Manufacturers of Glass;
4. Mr George Nigel Dart as deputy member representing the Manufacturers of Glass;
5. Mr Robert Barry McClure as member representing the Manufacturers of Paper Products; and
6. Mr Glen Carter as deputy member representing the Manufacturers of Paper Products.

PETA MONLEY, Executive Director,  
 Keep Australia Beautiful Council (WA).

**LG402**

**CEMETERIES ACT 1986**

CLOSURE AND VESTING OF THE MAINLAND PUBLIC CEMETERY (RESERVE NO. 5222)  
 ORDER 1998

Made by His Excellency the Governor under the provisions of sections 4 and 43 of the *Cemeteries Act 1986*.

**Citation**

1. This Order may be cited as the *Closure and Vesting of the Mainland Public Cemetery (Reserve No. 5222) Order 1998*.

**Commencement**

2. This Order shall take effect from the date of publication in the *Government Gazette*.

**Closure of Cemetery for Burials**

3. The Mainland Public Cemetery (Reserve No. 5222) is hereby closed for burials.

**Vesting of Closed Cemetery**

4. The care, control and management of the Mainland Public Cemetery (Reserve No. 5222) is hereby vested in the Shire of Cue.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Council.

**LG403****LOCAL GOVERNMENT ACT 1995****DISTRICTS OF KWINANA AND COCKBURN (CHANGE OF BOUNDARIES) ORDER 1998**

Made by His Excellency the Governor under the provisions of sections 2.1 and 2.2 of the *Local Government Act 1995*.

**Citation**

1. This Order may be cited as the *Districts of Kwinana and Cockburn (Change of Boundaries) Order 1998*.

**Commencement**

2. This Order shall take effect from the date of publication in the *Government Gazette*.

**Change of District Boundaries**

3. The boundaries of the districts of Kwinana and Cockburn are changed so that the land described in the Schedule to this Order ceases to be in the district of Kwinana and is instead in the district of Cockburn.

**Change of Ward Boundaries**

4. The boundaries of the West Ward of the district of Kwinana and the Coastal Ward of the district of Cockburn are changed so that the land described in the Schedule to this Order ceases to be in the West Ward of the district of Kwinana and is instead in the Coastal Ward of the district of Cockburn.

By Command of the Governor,

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

**SCHEDULE**

All that portion of land bounded by lines starting from the easternmost southeastern corner of Kwinana Lot 373, as shown on Department of Land Administration Plan 19595, a point on a present northeastern boundary of the Town of Kwinana and extending generally southwesterly along boundaries of that lot and onwards to the Low Water Mark of Cockburn Sound, a point on a present western boundary of the Town of Kwinana and thence generally northerly, easterly and southeasterly along boundaries of that town to the starting point.

Area: About 1700 square metres

Department of Land Administration Public Plan: BG33(2)08.39

**LG404****CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT**

*Shire of Capel*

**NOTICE ESTABLISHING PROHIBITED AREAS**

Pursuant to the powers conferred on me by section 16 of the *Control of Vehicles (Off-road Areas) Act*, and after seeking the advice of the Advisory Committee pursuant to section 18(1) of that Act, and with the consent of the Governor, I, Paul Dominic Omodei MLA, being the Minister as defined by section 3 of that Act, hereby establish the land specified in the first column of the Schedule to this notice, as a prohibited area for the purposes of that Act, in relation to the vehicles and the classes or kinds specified opposite to that area in the second column of the Schedule.

PAUL D. OMODEI, MLA, Minister for Local Government.

**SCHEDULE****Prohibited Areas**

Specification of Prohibited Areas	Class or Kind of Vehicles Prohibited
All those portions of land comprising Wellington Location 5262 (Reserve 37116), Lot 2 (Office of Titles Diagram 89772), Part Lot 1 (Office of Titles Plan 17972), Wellington Locations 5697 and 5577 (Reserve 41219), Part Wellington Location 4938 (Part Reserve 26842), Wellington Location 5696 (Reserve 43604), Part Wellington Location 5739 (Part Reserve 44233) and Vacant Crown Land as shown coloured red on Department of Land Administration Statutory Services Plan No. 20068.	Vehicles Generally

In this Schedule "Vehicle" has the same meaning as prescribed by section 3 of the *Control of Vehicles (Off-road Areas) Act*.

**LG405****LOCAL GOVERNMENT ACT 1995****DISTRICT OF MURRAY (WARD REPRESENTATION) ORDER 1998**

Made by His Excellency the Governor under the provisions of sections 2.18 and 9.62 of the *Local Government Act 1995*.

**Citation**

1. This Order may be cited as the *District of Murray (Ward Representation) Order 1998*.

**Increase in the Number of Offices of Councillor**

2. On and from 1 May 1999 the number of offices of Councillor for the District of Murray shall be increased from 11 to 12.

**Increase in the Number of Offices of Councillor for the West Ward**

3. On and from 1 May 1999 the number of offices of Councillor for the West Ward shall be increased from 1 to 2.

**Elections to be Held**

4. Elections to fill the additional office of Councillor for the West Ward shall be held on 1 May 1999.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Council.

**LG406****LOCAL GOVERNMENT ACT 1995****DISTRICT OF SOUTH PERTH (WARD BOUNDARIES AND REPRESENTATION) ORDER 1998**

Made by His Excellency the Governor under the provisions of sections 2.2, 2.3, 2.18 and 9.62 of the *Local Government Act 1995*.

**Citation**

1. This Order may be cited as the *District of South Perth (Ward Boundaries and Representation) Order 1998*.

**Abolition of Existing Wards**

2. Immediately prior to 1 May 1999 the existing Mill Point, Kensington, Civic, Como and Manning Wards shall be abolished.

**Councillors to Go Out of Office**

3. Immediately before 1 May 1999 all Councillors holding office for the Mill Point, Kensington, Como, Civic and Manning Wards shall go out of office.

**Reduction in the Number of Councillors**

4. On and from 1 May 1999 the number of offices of Councillor for the District of South Perth shall be reduced from 15 to 12.

**Creation of New Wards**

5. On and from 1 May 1999 there shall be created six new wards as designated and described in the Schedule to this Order.

**Number of Offices of Councillor**

6. On and from 1 May 1999 the number of offices of Councillor for each of the Mill Point, Civic, Moresby, Como Beach, McDougall and Manning Wards shall be 2.

**Elections to be Held**

7. Elections to fill all the offices of Councillor shall be held on 1 May 1999.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Council.

**SCHEDULE****MILL POINT WARD**

All that portion of land bounded by lines starting from the intersection of the left bank of the Swan River with the prolongation northerly of the centreline of Coode Street, a point on a present northern boundary of the City of South Perth and extending southerly to and along that centreline to the centreline of South Terrace; thence westerly along that centreline and onwards to the left bank of the Swan River, a point on a present western boundary of the City of South Perth and thence generally northwesterly and generally southeasterly along boundaries of that city to the starting point.

**CIVIC WARD**

All that portion of land bounded by lines starting from the intersection of the left bank of the Swan River with the prolongation northerly of the centreline of Coode Street, a point on a present northern boundary of the City of South Perth and extending southerly to and along that centreline to the centreline of South Terrace; thence generally easterly along that centreline to the centreline of Canning Highway; thence generally northeasterly along that centreline to the prolongation southeasterly of the centreline of Ellam Street, a point on a present northeastern boundary of the City of South Perth and thence northwesterly and generally westerly along boundaries of that city to the starting point.

**MORESBY WARD**

All that portion of land bounded by lines starting from the intersection of the centreline of Kent Street with the centreline of Hayman Road, a point on a present eastern boundary of the City of South Perth and extending generally northwesterly along the lastmentioned centreline to the prolongation easterly of the centreline of Thelma Street; thence westerly to and generally westerly along that centreline to the centreline of Canning Highway; thence generally northeasterly along that centreline to the prolongation southeasterly of the centreline of Ellam Street, a point on a present northeastern boundary of the City of South Perth and thence southeasterly and generally southwesterly along boundaries of that city to the starting point.

**COMO BEACH WARD**

All that portion of land bounded by lines starting from the intersection of the left bank of the Swan River with the prolongation westerly of the centreline of South Terrace, a point on a present western boundary of the City of South Perth and extending easterly to and generally easterly along that centreline to the centreline of Canning Highway; thence generally southwesterly along that centreline to the right bank of the Canning River, a point on a present western boundary of the City of South Perth and thence generally northerly along boundaries of that city to the starting point.

**McDOUGALL WARD**

All that portion of land bounded by lines starting from the intersection of the centreline of Kent Street with the centreline of Hayman Road, a point on a present eastern boundary of the City of South Perth and extending generally northwesterly along the lastmentioned centreline to the prolongation easterly of the centreline of Thelma Street; thence westerly to and generally westerly along that centreline to the centreline of Canning Highway; thence generally southwesterly along that centreline to the right bank of the Canning River, a point on a present western boundary of the city of South Perth; thence generally southeasterly along that boundary to the prolongation westerly of the southern boundary of Lot 1 as shown on Office of Titles Diagram 23957; thence easterly along that prolongation to a northeastern side of Manning Road; thence generally southeasterly, generally northeasterly and generally easterly along sides of that road to the centreline of Kent Street, a point on a present eastern boundary of the City of South Perth and thence generally northerly along boundaries of that city to the starting point.

**MANNING WARD**

All that portion of land bounded by lines starting from the intersection of the right bank of the Canning River with the prolongation westerly of the southern boundary of Lot 1 as shown on office of Titles Diagram 23957, a point on a present western boundary of the City of South Perth and extending easterly along that prolongation to a northeastern side of Manning Road; thence generally southeasterly, generally northeasterly and generally easterly along sides of that road to the centreline of Kent Street, a point on a present eastern boundary of the City of South Perth and thence generally easterly, generally southerly, generally southwesterly and generally northerly along boundaries of that city to the starting point.

**LG407****LOCAL GOVERNMENT ACT 1995**

DISTRICT OF BODDINGTON (WARD BOUNDARIES AND REPRESENTATION) ORDER 1998

Made by His Excellency the Governor under the provisions of sections 2.2, 2.3, 2.18 and 9.62 of the *Local Government Act 1995*.

**Citation**

1. This Order may be cited as the *District of Boddington (Ward Boundaries and Representation) Order 1998*.

**Abolition of Existing Wards**

2. Immediately prior to 1 May 1999 the existing Central, North and South Wards shall be abolished.

**Sitting Members to Go Out of Office**

3. Immediately prior to 1 May 1999 all Councillors holding offices for the Central, North and South Wards shall go out of office.

**Creation of New Wards**

4. On and from 1 May 1999 there shall be created two new wards as designated and described in the Schedule to this Order.

**Number of Offices of Councillor**

5. On and from 1 May 1999 the number of offices of Councillor for the Town and Rural Wards shall be 4 and 3, respectively.

**Elections to be Held**

6. Elections to fill all the offices of Councillor shall be held on 1 May 1999.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Council.

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**SCHEDULE****TOWN WARD**

The whole of Boddington Townsite as promulgated in *Government Gazette* dated 9 December, 1988 page 4830.

**RURAL WARD**

The whole of the Shire of Boddington, excluding Boddington Townsite as promulgated in *Government Gazette* dated 9 December, 1988 page 4830.

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**LG408****LOCAL GOVERNMENT ACT 1995****DISTRICT OF COLLIE (WARD BOUNDARIES AND REPRESENTATION) ORDER 1998**

Made by His Excellency the Governor under the provisions of sections 2.2 and 9.62 of the *Local Government Act 1995*.

**Citation**

1. This Order may be cited as the *District of Collie (Ward Boundaries and Representation Order) 1998*.

**Abolition of Existing Wards**

2. Immediately prior to 1 May 1999 the existing North Town, South Town, West and East Wards shall be abolished.

**Councillors to Go Out of Office**

3. Immediately before 1 May 1999 all Councillors holding office for the North Town, South Town, West and East Wards shall go out of office.

**Elections to be Held**

4. Elections to fill all the offices of Councillor for the District of Collie shall be held on 1 May 1999.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Council.

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**LG409****LOCAL GOVERNMENT ACT 1995****DISTRICT OF WAROONA (WARD BOUNDARIES AND REPRESENTATION) ORDER 1998**

Made by His Excellency the Governor under the provisions of sections 2.2, 2.3, 2.18 and 9.62 of the *Local Government Act 1995*.

**Citation**

1. This Order may be cited as the *District of Waroona (Ward Boundaries and Representation Order) 1998*.

**Abolition of Existing Wards**

2. Immediately prior to 1 May 1999 the existing West, East, North and South East Wards shall be abolished.

**Councillors to Go Out of Office**

3. Immediately before 1 May 1999 all Councillors holding office for the West, East, North and South East Wards shall go out of office.

**Reduction in the Number of Offices of Councillor**

4. On and from 1 May 1999 the number of offices of councillor for the District of Waroona shall be reduced from 9 to 8.

**Redescription of Ward**

5. The Town Ward shall be as designated and redescribed in the Schedule to this order.

**Creation of New Wards**

6. On and from 1 May 1999 there shall be created three new wards as designated and described in the Schedule to this Order.

**Number of Offices of Councillor**

7. On and from 1 May 1999 the number of Councillors for the—

- (i) Town Ward shall be 4;
- (ii) East Ward shall be 1;
- (iii) West Ward shall be 1; and
- (iv) Coastal Ward shall be 2.

**Elections to be Held**

8. Elections to fill the offices of Councillor for the East, West and Coastal Wards shall be held on 1 May 1999.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Council.

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**SCHEDULE****TOWN WARD**

All that portion of land bounded by lines starting from the intersection of the northern side of the western section of Peel Road with the western side of Fawcett Road and extending southerly along the lastmentioned side to the prolongation westerly of the northern boundary of the western severance of Murray Location 26; thence easterly to and along that boundary and onwards to and along the southern side of McLarty Street and the southern side of Weir Road and again onwards to and along the southern side of Lyons Road (Road Number 16348) to the southwestern corner of Location 184; thence easterly and northerly along boundaries of that location and northerly along the western boundary of Location 195 to the southeastern corner of Location 544; thence westerly and northerly along boundaries of that location to a southeastern side of Elliott Street; thence southwesterly and northwesterly along sides of that road to the eastern side of Hill Street; thence northerly along that side to the northern side of the eastern section of Peel Road and thence westerly along that side and onwards to and along the northern side of the western section of Peel Road to the starting point.

**EAST WARD**

All that portion of land bounded by lines starting from the intersection of the prolongation westerly of the northern side of Wickham Street with the centreline of the South Western Railway Reserve, a point on a present southern boundary of the Shire of Waroona and extending generally northerly and generally northeasterly along that centreline to the prolongation westerly of the southern side of McLarty Street; thence easterly to and along that side and easterly along the southern side of Weir Road and onwards to and along the southern side of Lyons Road (Road Number 16348) to the southwestern corner of Murray Location 184; thence easterly and northerly along boundaries of that location and northerly along the western boundary of Location 195 to the southeastern corner of Location 544; thence westerly and northerly along boundaries of that location to a southeastern side of Elliott Street; thence southwesterly and northwesterly along sides of that road to the eastern side of Hill Street; thence northerly along that side to the northern side of the eastern section of Peel Road; thence westerly along that side and onwards to the centreline of the South Western Railway Reserve; thence northwesterly along that centreline to the prolongation easterly of the northern boundary of Location 296, a point on a present northern boundary of the Shire of Waroona and thence generally easterly, generally southerly and generally westerly along boundaries of that shire to the starting point.

**WEST WARD**

All that portion of land bounded by lines starting from the intersection of the prolongation easterly of the northern boundary of Murray Location 296 with the centreline of the South Western Railway Reserve, a point on a present northern boundary of the Shire of Waroona and extending southeasterly along that centreline to the prolongation easterly of the northern side of the western section of Peel Road; thence westerly to and along that side to the western side of Fawcett Road; thence southerly along that side to the prolongation westerly of the northern boundary of the western severance of Location 26; thence easterly to and along that boundary and onwards to the centreline of the South Western Railway Reserve; thence generally southwesterly and generally southerly along that centreline to the prolongation westerly of the northern side of Wickham Street, a point on a present southern boundary of the Shire of Waroona; thence generally westerly along boundaries of that shire to the southeastern corner of Wellington Location 4471 (Class A Reserve 11710); thence generally northerly along western sides of Old Coast Road to the prolongation southwesterly of the southeastern side of Peppermint Grove Road; thence northeasterly to and generally northeasterly along sides of that road to a southeastern side of Coronation Road; thence generally northeasterly along sides of that road to the centreline of the Harvey River; thence generally northwesterly downwards along that centreline to the prolongation westerly of the westernmost northern boundary of Location 733 (Class A Reserve 23756), a point on a present northern boundary of the Shire of Waroona and thence generally easterly along boundaries of that shire to the starting point.

**COASTAL WARD**

All that portion of land bounded by lines starting from the southeastern corner of Wellington Location 4471 (Class A Reserve 11710), a point on a present southern boundary of the Shire of Waroona and extending generally northerly along western sides of Old Coast Road to the prolongation southwesterly of the southeastern side of Peppermint Grove Road; thence northeasterly to and generally northeasterly along sides of that road to a southeastern side of Coronation Road; thence generally northeasterly along sides of that road to the centreline of the Harvey River; thence generally northwesterly downwards along that centreline to the prolongation westerly of the westernmost northern boundary of Location 733 (Class A Reserve 23756), a point on a present northern boundary of the Shire of Waroona and thence generally westerly, generally southerly and generally easterly along boundaries of that shire to the starting point.

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**MINERALS AND ENERGY**


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**MN401\***

**NOTICE OF APPLICATION FOR A PIPELINE LICENCE UNDER THE PETROLEUM  
PIPELINES ACT, 1969**

I, WILLIAM LEE TINAPPLE, Director of the Petroleum Operations Division in the Department of Minerals and Energy for the State of Western Australia being the Officer for the time being holding certain powers and functions of the Minister in respect of the area specified in the State of Western Australia by virtue of an instrument of delegation dated 4 June 1998 and published in the Government Gazette of Western Australia on 16 June 1998, GIVE NOTICE pursuant to Section (8)4 of the Petroleum Pipelines Act, 1969 that an application recorded as 3P/98-9 has been received from—

**CMS GAS TRANSMISSION OF AUSTRALIA**

8 Marchesi Street, Kewdale WA 6105

for a licence to construct and operate a pipeline to supply natural gas from Main Line Valve 15 (Baile Road, Canning Vale ) on the Parmelia Gas Transmission Pipeline to Tip Top Bakeries and Canning Vale Weaving Mills in the Canning Vale Gardens Industrial Estate. A map showing the proposed route of the pipeline may be examined during public office hours until 6 January 1999 at the Petroleum Operations Division, Department of Minerals and Energy, 11th Floor, Mineral House, 100 Plain Street, East Perth.

Dated this 17th day of December 1998

W. L. TINAPPLE, Director Petroleum Operations Division.

**MN402\***

**PETROLEUM (SUBMERGED LANDS) ACT 1967**

Surrender of Exploration Permit WA-199-P

The Surrender of Exploration Permit WA-199-P has been registered and will take effect on the date this notice appears in the West Australian *Government Gazette*.

W. L. TINAPPLE, Director Petroleum Operation Division.

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**PARLIAMENT**


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**PA401**

PARLIAMENT OF WESTERN AUSTRALIA

Bill Assented To

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

Short Title of Bill	Date of Assent	Act No
Pearling Amendment Bill 1998	14 December 1998	5 of 1998

December 16, 1998

L. B. MARQUET, Clerk of the Parliaments.

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**PLANNING**

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

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*CITY OF ALBANY*

## TOWN PLANNING SCHEME No. 1A—AMENDMENT No. 114

Ref: 853/5/2/15, Pt 114.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Albany Town Planning Scheme Amendment on 14 December, 1998 for the purpose of:

1. Rezoning Lots 10, 11 and Pt 151 from "Residential" and "Industry" to "Tourist—Residential".
2. Amending the Scheme Map accordingly.

K. MICHAEL, Chairman of Commissioners.  
W. P. MADIGAN, Chief Executive Officer.

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**PD402\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

*CITY OF BELMONT*

## TOWN PLANNING SCHEME No. 11—AMENDMENT No. 126

Ref: 853/2/15/10, Pt 126.

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

rezoning:

1. the linear portion of Crown Reserve 42189 linking Esther Street to the bulk of Crown Reserve 42189; and
2. the pedestrian accessway connecting Lanea Court with Crown Reserve 42189 from "Parks and Recreation" to "Residential A" (R20/R40).

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 215 Wright Street, Cloverdale 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 2 February, 1999.

Submissions on the scheme amendment may be made in writing on Form No 4 and lodged with the undersigned on or before 2 February, 1999.

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.

B. R. GENONI, Chief Executive Officer.

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**PD403\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*CITY OF ROCKINGHAM*

## TOWN PLANNING SCHEME No. 1—AMENDMENT No. 307

Ref: 853/2/28/1, Pt 307.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Rockingham Town Planning Scheme Amendment on 15 December, 1998 for the purpose of:

1. Rezoning Lots 326 and 330 Eighty Road, Baldivis from "Rural" to "Special Residential".
2. Incorporating Lots 326 and 330 Eighty Road, within Column (a) Locality of Table VIII—Special Residential Zones—Amendment No 284 to Town Planning Scheme No 1.
3. Amending the first three lines of Provision 8 of Table VIII—Special Residential Zones—Amendment No 284 to Town Planning Scheme No 1 to read:
  - "8. For the purpose of maintaining Baldivis Swamp and Hollow Swamp the following Wetland Management Provisions shall apply:"

C. S. ELLIOTT, Mayor.  
G. G. HOLLAND, Chief Executive Officer.

**PD404\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*CITY OF STIRLING*

## DISTRICT PLANNING SCHEME No. 2—AMENDMENT No. 317

Ref: 853/2/20/34, Pt 317.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the City of Stirling Town Planning Scheme Amendment on 15 December, 1998 for the purpose of rezoning Lot 510 (HN 34) Lawley Crescent, Lot 2 (HN 38) Queens Crescent, Lot 2 (HN 699) Beaufort Street and Lot 1 (HN 701) Beaufort Street, Mount Lawley from "Residential R40" to "Private Institutions".

D. C. VALLELONGA, Mayor.  
M J WADSWORTH, Chief Executive Officer.

**PD405\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF AUGUSTA-MARGARET RIVER*

## TOWN PLANNING SCHEME No. 11—AMENDMENT No. 92

Ref: 853/6/3/8, Pt 92.

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 Augusta-Margaret River Town Planning Scheme Amendment on 11 December, 1998 for the purpose of:

1. deleting the whole of Rt Sussex Location 3177 and portion of Sussex Location 1723 Bottrill Street, Cowaramup, from the Rural Zone and including the land in the Residential Zone and Special Use Zone as depicted on the Scheme (Amendment) Map;
2. including portion of Locations 3177 and 1723 within Schedule 3: Special Use Sites of the Scheme;
3. amending Schedule 3 to the Scheme as follows:

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**SCHEDULE 3: SPECIAL USE SITES**


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<i>Lot and Location</i>	<i>Permitted Uses (see Clause 4.8)</i>
Portion of Locations 3177 and 1723 (Lots 113 & 114) Bottrill Street, Cowaramup	The following uses may be approved by Council at its discretion: <ul style="list-style-type: none"> <li>—Shop</li> <li>—Warehouse, including but not limited to wine storage and self storage</li> <li>—Cottage Industry</li> <li>—Arts and Craft Studio and Sales</li> <li>—Plant Nursery, including but not limited to plant tissue culture laboratory and cold store</li> <li>—Showroom (if incidental)</li> <li>—Office (if incidental)</li> </ul> The development standards and minimum site requirements applicable to these uses shall be consistent with the standards and requirements for each use as outlined in Table 1 of the Scheme, as applied by Council

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4. applying Residential Planning Codes to the Residential zoned land of R5 and R10 as depicted on the Scheme (Amendment) Map. Development of the land shall be subject to the following conditions:—
  - a) Subdivision shall be generally in accordance with the Subdivision Guide Plan.
  - b) All dwellings and ancillary buildings shall be constructed within the building envelopes as shown on the Subdivision Guide Plan.
  - c) Clearing of remnant vegetation can only take place within the designated building envelopes as shown on the Subdivision Guide Plan, with the following exceptions:
    - clearing to gain vehicular access to dwellings or ancillary buildings,

- clearing to comply with the Bush Fires Act 1954 (as amended),
  - as approved by Council, upon formal application by the landowner.
- d) Revegetation is to be undertaken by the subdivider to the satisfaction of the Council in the 'Revegetation Areas' as shown on the Subdivision Guide Plan. Species to be used in the revegetation works are those nominated in the schedule of species in Scheme Amendment No. 92.
5. amending the Scheme Map accordingly.
6. amending Appendix No. 3, Interpretations by inserting the following land use definitions into the Appendix as follows:—
- “Arts and Craft Studio and Sales”
- Means an enterprise which produces, and/or offers for sale by retail, arts and crafts goods which cannot by virtue of the nature of the business be determined to fall within the definitions relating to a “home occupation” or “cottage industry” and that—
- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid waste or waste products.
  - (b) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located.
  - (c) may also entail the display and offer for sale by retail, arts and craft goods which were not produced on the site.
- “Plant Nursery”
- Means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden decor;
7. delete Clause 4.5.1 of the Scheme and insert a revised clause 4.5.1 as follows:
- “4.5.1 Compliance with Development Standards and Requirements
- Subject to the provisions of clause 4.5.2, except for Molloy Island (see schedule iv) and for those specific residential zoned areas with special provisions (see schedule v), development within the scheme area shall conform to the standards set out in:
- (a) the Zoning and Development Standards Table (Table 1),
  - (b) the Residential Planning Codes: and
  - (c) this part,
- and where no standard is prescribed, shall be carried out in accordance with the requirements which Council may specify in each particular case.”
8. renaming “Schedule V—Special Provisions relating to Part Lot 16 and Part Lot 14 of Sussex Location 1585, Cowaramup” to “Schedule V—Special Provision relating to Residential Areas”:
9. inserting the following into Column A of “Schedule 5—Special Provisions Relating to Residential Areas”:
- “Part Location 3177 and Part Location 1723 Bottrill Street, Cowaramup.”;
10. inserting the following into Column B of “Schedule 5—Special Provisions Relating to Residential Areas”:
- i) Subdivision shall be generally in accordance with the Subdivision Guide Plan dated March 1997 as contained within Scheme Amendment No. 92.
  - ii) All dwellings and ancillary buildings shall be constructed within the building envelopes as shown on the Subdivision Guide Plan.
  - iii) Clearing of remnant vegetation can only take place within the designated building envelopes as shown on the Subdivision Guide Plan with the following exceptions:
    - clearing to gain vehicular access to dwellings or ancillary buildings;
    - clearing to comply with the Bush Fires Act 1954 (as amended); and
    - as approved by Council, upon formal application by the landowner.
  - iv) Revegetation is to be undertaken by the subdivider to the satisfaction of Council in the 'revegetation areas' as shown on the Subdivision Guide Plan. Species to be used in the revegetation works are those nominated in the Schedule of Species in Scheme Amendment No. 92”.

**PD406****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF CHITTERING*

## TOWN PLANNING SCHEME No. 5—AMENDMENT No. 63

Ref: 853/3/4/5, Pt 63.

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 Chittering Town Planning Scheme Amendment on 14 December, 1998 for the purpose of:

Rezoning Lot 1, Great Northern Highway, Chittering, from Rural 1 Zone to Rural Living A Zone.

Adding to Schedule 5—Special Rural and Rural Living Zones Provisions for Lot 1 Great Northern Highway, Chittering,

Adding to Schedule 5 the following:—

(a)	(b)
<i>Specified Areas or Localities</i>	<i>Special Provisions to refer to Special Rural— Rural Living Zones</i>
Lot 1—Great Northern Highway, Chittering	<p>(1) Lot Sizes In considering development and subdivision, the Scheme requirements for the 'Rural Living provisions of the Rural Living A zone (Categories A2, A3 and A4) shall apply and should be generally in accordance with the Development Plan.</p> <p>(2) Tree Preservation Areas No clearing shall be permitted outside the designated building envelopes as depicted on the Development Plan, unless those trees are dead, diseased or present a danger to property.</p> <p>(3) Dieback Management In preparing the Development Plan the proponent shall examine the issue of "Dieback" in consultation with Council and CALM. The examination should include among other things, an assessment of the presence and impacts of Dieback and the ability of the subdivision design and works to mitigate against the spread and effect of "Dieback".</p> <p>(4) Building Envelopes Building envelope shall be defined on the Development Plan and shall not exceed 1000m<sup>2</sup> without prior approval of the Council and on the advice of the Bush Fires Services WA;</p> <p>(5) Crossovers Council may request, as a condition of subdivision the construction of crossovers to each lot on accordance with Council's specifications;</p> <p>(6) Land Management Any remedial or new works depicted on the Development Plan for the purpose of water catchment and management shall be implemented prior to subdivision. The maintenance of any swales and associated tree planting shall be the responsibility of the owner/occupier.</p> <p>(7) Dams and Bores The Construction of dams and the extraction of ground water is not permitted. Bores are only permitted with the approval of the Council, Waters and Rivers Commission and Agriculture WA.</p> <p>(8) Fire Control Strategic Fire Breaks as shown on the Development Plan shall be constructed by the developer and maintained to the satisfaction of the Council and the Bush Fires Services WA.  A Bush Fire Management Plan shall be prepared by the developer/subdivider to the satisfaction of the Bush Fire Services WA and the Council.</p>

(a) <i>Specified Areas or Localities</i>	(b) <i>Special Provisions to refer to Special Rural— Rural Living Zones</i>
	(9) Effluent Disposal The Development Plan shall depict areas where conventional septic tanks may not be suitable. In these areas, Alternative On-Site effluent Disposal Systems areas shall be limited to high performance environmental systems acceptable to the Council and the Health Dept.;
	(10) Permitted Uses: The following uses are permitted by Council: Single Dwelling Recreation Public Utility Not more than one single dwelling per lot shall be permitted. The following uses may be permitted by Council subject to Planning Consent: Home Occupation
	(11) Drainage Easements Where an easement for land drainage traverses any lot, the owner/occupier of that lot shall maintain that drainage line in accordance with the requirements of the Council.
	(12) Stocking Restrictions The keeping of any grazing stock shall not be permitted.
	(13) Roofing Materials Roofing on all buildings shall be constructed of a non-reflecting material.
	(14) Vendor Responsibility The developer/vendor shall inform prospective purchasers of the lots, in writing, of the provisions of Council's Town Planning Scheme relating to the use and management of land.

S. M. METCALF, President.  
R. P. HOOPER, Chief Executive Officer.

**PD407\***

**TOWN PLANNING AND DEVELOPMENT ACT, 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF WANNEROO*

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 738

Ref: 853/2/30/1 Pt 738

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 Wanneroo Town Planning Scheme Amendment on 14 December, 1998 for the purpose of rezoning a portion of Swan Locations 1914 and 1803 Landsdale from Special Zone (Restricted Use), Fast Food Outlet, Special Zone (Restricted Use) Day Care Centre, Service Station, Tavern, Civic and Commercial to Centre Zone and Uncoded.

C. ANSELL, Chairman of Commissioners.  
K. WHITE, Chief Executive Officer.

**PD408\***

**TOWN PLANNING AND DEVELOPMENT ACT, 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*TOWN OF NORTHAM*  
TOWN PLANNING SCHEME No. 4—AMENDMENT No. 17

Ref: 853/4/3/4 Pt 17

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 Town of Northam Town Planning Scheme Amendment on 14 December, 1998 for the purpose of rezoning Lot 1 (79) Newcastle Road, Northam from "Residential R12.5" to "Community".

J. E. SMITH, Mayor.  
D. S. BURNETT, Chief Executive Officer.

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**PORT AUTHORITIES**

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**PH301\***

Port Hedland Port Authority Act 1970

**Port Hedland Port Authority Amendment  
Regulations (No. 2) 1998**

Made by the Port Hedland Port Authority and approved by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Port Hedland Port Authority Amendment Regulations (No. 2) 1998*.

**2. The regulations amended**

The amendments in these regulations are to the *Port Hedland Port Authority Regulations\**.

[\* *Reprinted as authorized 12 September 1975.*

*For amendments to 24 September 1998 see 1997 Index to Legislation of Western Australia, Table 4, pp. 212-4 and Gazette 27 February 1998.]*

**3. Regulation 74 replaced**

Regulation 74 is repealed and the following regulation inserted instead —

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**74. Exemptions**

- (1) The following vessels are not required to use the services of a pilot when entering the port, moving within the port or leaving the port:
  - (a) vessels of war;
  - (b) any vessel that does not exceed 35 metres in length overall;
  - (c) any coasting or interstate vessel that exceeds 35 metres but does not exceed 65 metres in length

overall, the master of which holds a current Pilotage Exemption Certificate valid with respect to the port.

- (2) The following vessels are not required to use the services of a pilot when entering the port, moving within the port or leaving the port, if the consent (in writing) of the Harbour Master has first been obtained:
- (a) any coasting or interstate vessel that exceeds 65 metres but does not exceed 135 metres in length overall, the master of which holds a current Pilotage Exemption Certificate valid with respect to the port;
  - (b) any vessel that —
    - (i) is not registered in the Commonwealth of Australia; and
    - (ii) exceeds 35 metres but does not exceed 135 metres in length overall,
 the master of which holds a current Pilotage Exemption Certificate valid with respect to the port.

”.

Passed by a resolution of the Port Hedland Port Authority at a meeting of the Authority.

The Common Seal of the Authority )  
 was, at the time of the above- )  
 mentioned resolution, affixed )  
 by order and in the presence of )

[LS]

PETER HARDIE.  
 JACK HAUNOLD.  
 I. HUTTON.

Approved by the Governor in Executive Council,

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

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## PREMIER AND CABINET

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### PR401

#### MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor in accordance with section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon C. L. Edwardes MLA in the period 18 to 24 January 1999 inclusive—

Minister for the Environment; Labour Relations—Hon A. K. R. Prince MLA

M. C. WAUCHOPE, Director General,  
 Ministry of the Premier and Cabinet.

**PR402****MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that the Governor in accordance with section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon P. D. Omodei MLA in the period 11 to 31 January 1999 inclusive—

Minister for Local Government; Disability Services—Hon K. D. Hames MLA

M. C. WAUCHOPE, Director General,  
Ministry of the Premier and Cabinet.

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**PR403****MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that the Governor in accordance with section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon R. K. Parker MLA in the period 4 to 24 January 1999 inclusive—

Minister for Family and Children's Services; Seniors; Women's Interests—Hon M. J. Criddle MLC

M. C. WAUCHOPE, Director General,  
Ministry of the Premier and Cabinet.

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**PR404****MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that the Governor in accordance with section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon P. G. Foss MLC in the period 25 December 1998 to 10 January 1999 inclusive—

Minister for Justice; the Arts—Hon A. K. R. Prince MLA

M. C. WAUCHOPE, Director General,  
Ministry of the Premier and Cabinet.

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**PR405****SUPREME COURT ACT 1935****DESIGNATION OF ACTING ATTORNEY GENERAL ORDER (No. 5) 1998**

Made by His Excellency the Governor in Executive Council under section 154(3) and (4).

The Honourable Antony Kevin Royston Prince is designated for the purposes of section 154 of the Supreme Court Act 1935 as the Minister of the Crown—

(a) who may exercise the powers referred to in subsection (3) of that section; and

(b) by, to or with reference to whom acts may be done under subsection (4) of that section,

during the period from 25 December 1998 to 10 January 1999 (both dates inclusive).

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

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**SUBIACO REDEVELOPMENT AUTHORITY**

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**SD401****SUBIACO REDEVELOPMENT ACT 1994****SUBIACO REDEVELOPMENT SCHEME AMENDMENT No. 1**

In accordance with Clause 38(3)(a) of the Subiaco Redevelopment Act 1994, the Minister for Planning has consented to the advertising of the proposed Scheme Amendment No. 1 of the Subiaco Redevelopment Scheme.

The amendment may be inspected at the offices of the Authority during business hours (8.30 am-5.00 pm Monday to Friday) at 17 Hood Street, Subiaco. All submissions must be received by the SRA by close of business on Monday 25 January 1999.

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## TOURISM COMMISSION

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### TB401

#### WESTERN AUSTRALIAN TOURISM COMMISSION

It is hereby notified that His Excellency the Governor, in Executive Council, has in accordance with section 5 (1) of the Western Australian Tourism Commission Amendment Act 1994 approved of the following—

1. The appointment for a term expiring on 22 April 2001 of—  
Ms Ruth Harrison as a Commissioner

N. F. MOORE, Minister for Mines; Tourism;  
Sport and Recreation.

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

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## WATER

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### WA401\*

#### RIGHTS IN WATER AND IRRIGATION ACT 1914

Notice under Section 13 of the Act

[Regulation 14(1)]

The Water and Rivers Commission has received the applications listed below to take and use surface water.

Any owner or occupier of land within 4.8 kilometres of the applicants land and contiguous to the watercourse may object to that application.

Objections should be sent to reach myself at the—Water & Rivers Commission, PO Box 261, Bunbury WA 6231 prior to 12 January 1999 by certified mail.

W. F. TINGEY, Regional Manager,  
South West Region.

- 1) Applicant: A. G. Ayres  
Property: Lot 10 Wellington Location 3356 Morrissey Road Lowden  
Watercourse: Tributary of Preston River

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## PUBLIC NOTICES

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### ZZ201

#### TRUSTEES ACT 1962

##### NOTICE TO CREDITORS AND CLAIMANTS

In the matter of the Estate of Irene Koser, late of 27 Pimlott Street, Dianella in the State of Western Australia, Widow, deceased.

Creditors and other persons having claims to which section 63 of the Trustees Act 1962 relate in respect of the Estate of the deceased, who died on the 21st day of July 1998, are required by the Executrix, Faye Merelyn Koser, to send the particulars of their claim to Messrs Taylor Smart of Level 28, 44 St George's Terrace, Perth in the State of Western Australia, by the 23rd day of January 1999, after which date the said Executrix may convey or distribute the assets, having regard only to the claims of which she then has had notice.

Dated the 17th day of December 1998.

GARRY E. SAME.  
TAYLOR SMART.

**ZZ202****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Dennis Alfred Foster, late of 7 Longbeach Promenade, Mindarie, Western Australia.

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 12 September 1998 are required by the executor, Brendan Warren Ashdown of care of IlberyBarblett, Level 9, 30 The Esplanade, Perth Western Australia to send particulars of their claims to him by 23 January 1999 after which date the executor may convey or distribute the assets, having regard only to the claims of which he has notice.

**ZZ203****TRUSTEES ACT 1962****NOTICE TO CREDITORS AND CLAIMANTS**

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the Estate of the undermentioned deceased persons, are required by Perpetual Trustees W.A. Ltd of 89 St George's Terrace, Perth, to send particulars of their claims to the Company, by the undermentioned date, after which date the said Company may convey or distribute the assets, having regard only to the claims of which the Company then has notice.

Claims for the following expire one month after the date of publication hereof.

Drage, Albert Roy, late of Banksia Lodge, Mount Barker Hospital, Langton Road, Mount Barker WA 6324, Retired Farmer, died 2 November 1998.

Fraser, Susan Hazel Maria, late of Unit 13/17 Friar John Way, Coolbellup WA 6163, Divorcee, died 2 December 1998.

Mount, Joan Mary, late of 11 Lowanna Way, City Beach WA 6015, Widow, died 25 November 1998.

North, Raymond Lewis, late of 33 Henry Street, East Cannington WA 6107, Retired Labourer, died 16 November 1998.

Reynolds, Albert William, late of Unit 3/19 Bartlett Street, Willagee WA 6156, Retired Farmer, died 9 November 1998.

Starr, Millicent Rose, late of 2/109 Powell Street, Joondanna WA 6060, Widow, died 17 November 1998.

Dated this 18th day of December 1998.

P. M. PRINDABLE, Senior Manager, Private Clients.

**WESTERN AUSTRALIA****YOUNG OFFENDERS ACT 1994**

**\*Price: \$15.50 Counter Sales**

**Plus Postage on 300 grams**

**YOUNG OFFENDERS REGULATIONS 1995**

**\*Price \$3.90 Counter Sales**

**Plus Postage on 65 grams**

\*Prices subject to change on addition of amendments.

**WESTERN AUSTRALIA****THE CRIMINAL CODE**

(Reprinted as at 17 December 1993)

**\*Price: \$45.90 Counter Sales**

**Plus Postage on 900 grams**

\* Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**PUBLIC SECTOR MANAGEMENT  
ACT 1994**

**Price: \$26.70 Counter Sales  
Plus Postage on 1.2 kilograms**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**FISH RESOURCES MANAGEMENT  
ACT 1994**

**Price: \$21.90 Counter Sales  
Plus Postage on 360 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**ADOPTION ACT 1994**

**Price: \$20.30 Counter Sales  
Plus Postage on 215 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

**FINES, PENALTIES AND INFRINGEMENT  
NOTICES ENFORCEMENT ACT 1994**

**\*Price: \$9.50 Counter Sales  
Plus Postage on 175 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

## **VICTIMS OF CRIME ACT 1994**

**Price: \$2.50 Counter Sales  
Plus Postage on 30 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

## **MINES SAFETY AND INSPECTION ACT 1994**

**Price: \$23.50 Counter Sales  
Plus Postage on 350 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

## **TAXI ACT 1994**

**Price: \$8.10 Counter Sales  
Plus Postage on 470 grams**

\*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

## **PAWNBROKERS AND SECONDHAND DEALERS ACT 1994**

**Price: \$9.50 Counter Sales  
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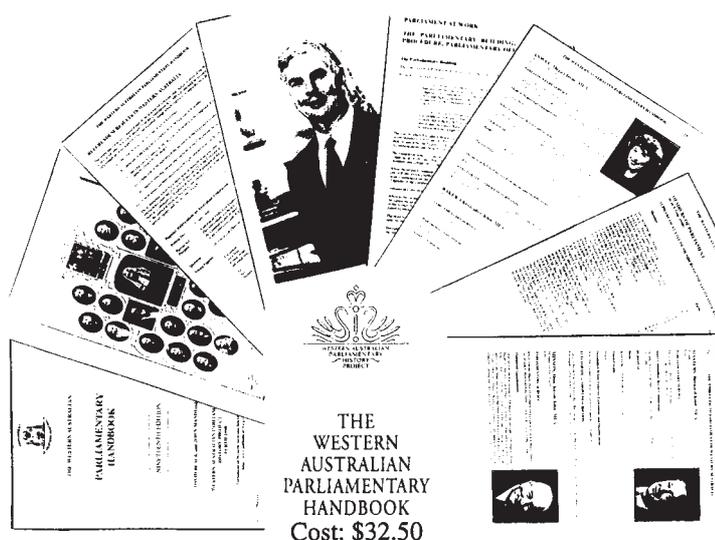
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