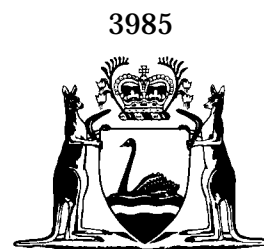




WESTERN AUSTRALIAN GOVERNMENT Gazette



3985

PERTH, FRIDAY, 28 JULY 2000 No. 148

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- Easter and Christmas holidays cause disruption each year.
- Australia Day and Anzac Day cause disruption when they fall on a Tuesday or Friday.

In these instances, notices warning of the change are generally published on page 2 for approximately 4 weeks prior to the date.

Readers are urged to check *Gazettes* accordingly, prior to contacting State Law Publisher.

JOHN A. STRIJK, Government Printer.

— PART 1 —

PROCLAMATIONS

AA101*

PROSTITUTION ACT 2000

No. 17 of 2000

PROCLAMATION

WESTERN AUSTRALIA G. A. Kennedy, Administrator. [L.S.]	}	By the Honourable Geoffrey Alexander Kennedy, Officer of the Order of Australia, Administrator of the State of Western Australia.
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I, the Administrator, acting under section 2 of the *Prostitution Act 2000* and with the advice and consent of the Executive Council fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which that Act comes into operation.

Given under my hand and the Public Seal of the State on 25 July 2000.

By Command of the Administrator,

CHERYL EDWARDES, A/Minister for Police.

GOD SAVE THE QUEEN !

AGRICULTURE

AG301*

Perth Market Act 1926

Perth Market Amendment By-laws 2000

Made by the Perth Market Authority and approved and confirmed by the Administrator in Executive Council.

1. Citation

These by-laws may be cited as the *Perth Market Amendment By-laws 2000*.

2. Commencement

These by-laws come into operation on 1 August 2000.

3. The by-laws amended

The amendments in these by-laws are to the *Perth Market By-laws 1990**.

[* *Published in Gazette 28 December 1990, pp. 6415-32.*
For amendments to 21 July 2000 see 1999 Index to Legislation of Western Australia, Table 4, p. 205.]

4. By-law 3 amended

By-law 3(1) is amended as follows:

- (a) by inserting after the definition of “central trading area” the following definition —

“

“**certificate of condemnation**” means a certificate that certifies that prescribed produce is unfit for sale;

”;

- (b) by deleting the definition of “principal”;

- (c) by deleting the full stop at the end of the definition of “the public market” and inserting a semicolon instead and inserting after that definition the following definition —

“

“**written agreement**” means a written agreement between a supplier of prescribed produce and an occupier that is signed or otherwise executed by both parties to the agreement.

”.

5. Division heading inserted

Before by-law 24 the following heading is inserted in Part 4 —

“ **Division 1 — General** ”.

6. By-laws 27 to 28 repealed

By-laws 27, 27A, and 28 are repealed.

7. Division 2 inserted

After by-law 32 in Part 4 the following Division is inserted —

“

Division 2 — Provisions applying to prescribed produce supplied otherwise than under exempt supply agreements

32A. Application of Division

- (1) This Division applies in relation to prescribed produce supplied otherwise than under an exempt supply agreement.

- (2) Except as provided for in a provision of this Division, this Division applies despite anything to the contrary in an agreement.
- (3) In sub-bylaw (1) —
“exempt supply agreement” means a written agreement for the supply of prescribed produce by a supplier to an occupier —
 - (a) that —
 - (i) is entered into by the supplier and the occupier before the produce leaves the premises of the supplier; and
 - (ii) except as provided for in paragraph (b), is not subsequently varied;
 - (b) that specifies the price for the produce, the circumstances in which the price may be varied and the terms of payment of the price; and
 - (c) under which the produce becomes the property of the occupier.

32B. Duties of occupier to provide certain documents relating to supply and sale of prescribed produce

- (1) Within 7 days (or another period agreed by the occupier and the supplier in a written agreement) after an occupier is supplied with prescribed produce for the purpose of sale by the occupier, the occupier is to give to the supplier a receipt that specifies —
 - (a) the type and quantity of produce supplied to the occupier;
 - (b) the date on which the produce was supplied to the occupier; and
 - (c) unless the occupier gives details of the produce to the supplier under by-law 32D(1) — details of any produce that the occupier considers unfit for sale and the reasons for that opinion.
- (2) Within 3 days after an occupier sells prescribed produce supplied to the occupier otherwise than under a written agreement, the occupier is to give to the supplier a notice that states —
 - (a) that the sale has taken place; and
 - (b) the quantity, grade, size and variety of any produce referred to in sub-bylaw(1)(a) that has not been sold.
- (3) A notice that is required to be given under sub-bylaw (2) is to be given in the manner agreed by the occupier and the supplier or, if there is no agreement, by letter sent by ordinary prepaid post

mailed on or before the expiry of the period referred to in that sub-bylaw.

- (4) Within 7 days (or another period agreed by the occupier and the supplier in a written agreement) after an occupier sells prescribed produce, the occupier is to give to the supplier a sale note that specifies —
 - (a) the date on which the produce was sold to the buyer; and
 - (b) the amount that is the difference between —
 - (i) the total amount paid or payable by the buyer to the occupier for the purchase of the produce; and
 - (ii) the total amount payable by the occupier to the supplier for the supply of that produce.
- (5) An occupier is to specify in a sale note given under sub-bylaw (4) details of each amount that makes up at least 10% of the difference referred to in paragraph (b) of that sub-bylaw.
- (6) Unless it is otherwise agreed by the occupier and the supplier in a written agreement, an occupier is to specify in a sale note given under sub-bylaw (4) —
 - (a) the quantity of, and the price paid or payable by the buyer to the occupier for, each separate grade, size and variety of produce sold to the buyer; and
 - (b) the price payable by the occupier to the supplier for each separate grade, size and variety of produce sold to the buyer.
- (7) Within 7 days after an occupier sells prescribed produce, the occupier is to give to the buyer an invoice that specifies —
 - (a) the date on which the produce was sold to the buyer;
 - (b) the quantity, grade, size and variety of the produce sold to the buyer; and
 - (c) the price for which the produce was sold to the buyer and the terms of payment of that price.

32C. Duty of occupier to pay supplier

- (1) Within 21 days (or another lesser period agreed by the occupier and the supplier in a written agreement) after an occupier sells an item of prescribed produce, the occupier is to pay the supplier for that produce.
- (2) If circumstances outside the occupier's control prevent the full amount to be paid to the supplier from being

determined within the period provided for under sub-by-law (1), the occupier is to make a reasonable estimate of that amount and is to pay the estimated amount within that period to the supplier.

- (3) If an occupier pays an estimated amount under sub-by-law (2), the occupier is as soon as is practicable to determine the full amount payable to the supplier and give the supplier details of that determination and, within 60 days after the sale of the prescribed produce —
- (a) the occupier is to pay to the supplier any amount by which the full amount exceeds the estimated amount; or
 - (b) the supplier is to repay to the occupier any amount by which the estimated amount exceeds the full amount,

as the case requires.

- (4) Unless it is otherwise agreed by the occupier and the supplier in a written agreement, an amount payable under sub-by-law (1) is to include any amount paid by the supplier as a deposit on a container hired by the supplier for the purpose of supplying the prescribed produce to the occupier.

32D. Prescribed produce unfit for sale

- (1) Unless it is otherwise agreed by the occupier and the supplier in a written agreement, as soon as is practicable after an occupier forms the opinion that prescribed produce supplied to the occupier is unfit for sale, the occupier is to make reasonable efforts to give the supplier details of that produce.
- (2) If an occupier gives a supplier details of prescribed produce that the occupier considers unfit for sale, the supplier may —
- (a) take possession of the produce;
 - (b) ask the occupier to send the produce to a specified person at a specified place; or
 - (c) ask the occupier to have the condition of the produce assessed by a person (an “**assessor**”) who the occupier and supplier agree —
 - (i) is independent of the occupier and the supplier; and
 - (ii) has experience or qualifications appropriate to the performance of the assessment.

- (3) If —
- (a) the condition of prescribed produce is to be assessed under paragraph (c) of sub-by-law (2); and
 - (b) the occupier and the supplier are unable to agree to an assessor for the purposes of that paragraph,

a person nominated by the Authority is to be the assessor for those purposes.

32E. Disposal of prescribed produce unfit for sale

- (1) If —
- (a) despite making reasonable efforts to do so, an occupier is unable to contact a supplier for the purposes of by-law 32D(1); or
 - (b) after an occupier has given a supplier details of prescribed produce that the occupier considers unfit for sale, the supplier does not —
 - (i) take possession of the produce; or
 - (ii) ask the occupier to send the produce to a specified person at a specified place or have the condition of the produce assessed under by-law 32D(2),

the occupier may, subject to sub-by-law (2), dispose of the produce as the occupier thinks fit.

- (2) An occupier may dispose of prescribed produce under sub-by-law (1) only if —
- (a) at least 24 hours have passed since the occupier first attempted to contact the supplier in relation to the produce or since the occupier gave the supplier details of the produce, as the case requires; and
 - (b) an assessment has been made of, and a certificate of condemnation obtained from the assessor in relation to, the produce.

32F. Liability for costs

- (1) A supplier who asks an occupier to send prescribed produce to a specified person at a specified place under by-law 32D(2)(b) is liable for any reasonable costs incurred by the occupier in complying with that request.

- (2) A supplier who supplies prescribed produce that an occupier disposes of under by-law 32E(1) is liable for any reasonable costs incurred by the occupier in —
 - (a) obtaining an assessment of, and a certificate of condemnation in relation to, the produce; and
 - (b) disposing of the produce.
- (3) If an occupier gives a supplier details of the costs incurred by the occupier for which the supplier is liable under sub-bylaw (1) or (2), the occupier may —
 - (a) deduct those costs from any amount payable by the occupier to the supplier in relation to the supply of prescribed produce; or
 - (b) to the extent that those costs are not deducted under paragraph (a), recover them in a court of competent jurisdiction as a debt due to the occupier.

32G. Restrictions on sale of prescribed produce

- (1) Unless authorised to do so by a document to which sub-bylaw (2) applies, an occupier who sells, or offers to sell, prescribed produce in the public market between 7.30 a.m. and 12 noon on a Saturday commits an offence.

Penalty: \$2 000.

- (2) This sub-bylaw applies to a document that is —
 - (a) a written agreement, under which the prescribed produce is supplied to the occupier, that includes provisions that enable the supplier, either in the agreement or in a separate written notice, to elect to authorise, or not to authorise, the occupier for the purposes of sub-bylaw (1); or
 - (b) a written notice, as provided for in the agreement referred to in paragraph (a), given by the supplier to the occupier.
- (3) A written agreement or written notice referred to in sub-bylaw (2) may give an authorisation that applies to —
 - (a) prescribed produce in general; or
 - (b) prescribed produce specified by reference to grade, size or variety.

32H. Occupiers to keep copies of documents and agreements

- (1) An occupier is to keep for 2 years after being supplied with prescribed produce for the purpose of sale by the occupier or after selling prescribed produce —
 - (a) a copy of any receipt, notice, sale note or invoice (in this by-law and by-law 32I referred to as a “**prescribed document**”) given by the occupier under by-law 32B in relation to the supply or sale of the prescribed produce; and
 - (b) any account, book, record or other document that relates to that supply or sale.
- (2) An occupier may comply with sub-by-law (1) —
 - (a) by keeping the prescribed document or other document itself; or
 - (b) by recording or storing the prescribed document or other document by means of an electronic process that —
 - (i) keeps the particulars recorded or stored in the form in which they were originally recorded or stored; and
 - (ii) enables those particulars to be reproduced in written form.
- (3) If an occupier enters into a written agreement, the occupier is to keep a copy of the agreement for 2 years after the day on which the agreement ceases to have effect.

32I. Occupier to produce documents and allow inspection

- (1) The manager or an authorised person may during normal business hours require an occupier —
 - (a) to produce; or
 - (b) to allow the manager or authorised person to inspect, or take extracts from or copies of, a prescribed document or other document or written agreement that the occupier is required to keep under by-law 32H.
- (2) An occupier who —
 - (a) fails to comply with a requirement under sub-by-law (1); or
 - (b) hinders or obstructs the manager or authorised person in the performance of a function under that sub-by-law,commits an offence.
Penalty: \$2 000.

32J. Occupier not to purchase prescribed produce or sell prescribed produce to associates unless authorised

- (1) Unless authorised to do so by a document to which sub-by-law (2) applies, an occupier who, having been supplied with prescribed produce for the purpose of sale by the occupier —
- (a) purchases the prescribed produce on the occupier's own account, whether solely or jointly with another person; or
 - (b) sells the prescribed produce to a person with whom the occupier is associated within the meaning of by-law 32K,

commits an offence.

Penalty: \$2 000.

- (2) This sub-by-law applies to a document that is —
- (a) a written agreement, under which the prescribed produce is supplied to the occupier, that includes provisions that enable the supplier, either in the agreement or in a separate written notice, to elect to authorise, or not to authorise, the occupier for the purposes of sub-by-law (1); or
 - (b) a written notice, as provided for in the agreement referred to in paragraph (a), given by the supplier to the occupier.
- (3) If an occupier is authorised to purchase prescribed produce on the occupier's own account, as referred to in sub-by-law (1)(a), the occupier is to give to the supplier within 7 days after the purchase written notice of having made the purchase.
- (4) If an occupier is authorised to sell prescribed produce to a person referred to in sub-by-law (1)(b), the occupier is to give to the supplier within 7 days after the purchase written notice of the name of the person to whom the produce was sold.

32K. Associated persons

- (1) For the purposes of by-law 32J, an occupier is associated with another person (the **“other person”**) if the occupier is —
- (a) the other person's spouse (including de facto spouse), brother or sister;
 - (b) the other person's —
 - (i) parent or remoter lineal ancestor; or
 - (ii) child or remoter issue;
 - (c) the other person's business partner;

- (d) a corporation of which the other person is an officer;
 - (e) if the other person is a corporation — an officer of that corporation;
 - (f) an officer of a corporation of which the other person is also an officer;
 - (g) an employee or employer of the other person;
 - (h) an employee of an individual of whom the other person is also an employee;
 - (i) a corporation whose directors are accustomed or under an obligation, whether informal or formal, to act in accordance with the directions, instructions or wishes —
 - (i) of the other person; or
 - (ii) if the other person is a corporation — of the directors or managers of the corporation;
 - (j) a corporation in accordance with the directions, instructions or wishes of which, or of the directors or managers of which, the other person is accustomed or under an obligation, whether informal or formal, to act;
 - (k) a corporation that the other person controls;
 - (l) if the other person is a corporation — a person who holds a substantial interest in that corporation; or
 - (m) a person who, within the meaning of this sub-bylaw, is associated with a person who is associated with the other person.
- (2) In sub-bylaw (1) —
“**controls**” has the same meaning as it has in the Corporations Law.

32L. Review

- (1) The Authority is to carry out a review of the operation and effectiveness of this Division as soon as is practicable after 1 August 2002.
- (2) The Authority is to prepare a report based on the review and, as soon as is practicable after the report is prepared, is to submit the report to the Minister.

”.

Made by the Perth Market Authority by resolution adopted on the 21st day of July 2000.

GRAEME ANDERSON, Chairman.
ROBERT HALLIDAY, Manager.

Approved and confirmed by the Administrator,

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

JUSTICE

JM301*

Court Security and Custodial Services Act 1999

Court Security and Custodial Services Amendment Regulations 2000

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Court Security and Custodial Services Amendment Regulations 2000*.

2. Commencement

These regulations come into operation on 31 July 2000.

3. The regulations amended

The amendments in these regulations are to the *Court Security and Custodial Services Regulations 1999**.

[* *Published in Gazette 17 December 1999, pp. 6226-8.*]

4. Heading inserted

Before regulation 1 the following heading is inserted —

“ **Part 1 — Preliminary** ”

5. Regulation 2A inserted

After regulation 2 the following regulation is inserted —

“

2A. Interpretation

A reference to a court custody centre in a regulation set out in the Table to this regulation does not include a reference to a court custody centre if the management, control and security of the court custody centre is provided by the Commissioner of Police under an arrangement under section 19 of the Act.

Table

r. 6	r. 10
r. 7	r. 13
r. 8	r. 14
r. 9	r. 15

”.

6. Heading inserted

Before regulation 3 the following heading is inserted —

“ **Part 2 — General** ”.

7. Regulations 5 to 27 inserted

After regulation 4 the following is inserted —

“

5. Prescribed lock-ups — s. 3

The building located at Lot 1328 Robinson Street Carnarvon in the State of Western Australia that is —

- (a) adjacent to the Carnarvon courthouse;
- (b) adjacent to the Carnarvon police station; and
- (c) used as a lock-up facility,

is a lock-up for the purposes of the Act.

6. Recording particulars of persons admitted to lock-ups and court custody centre

- (1) The person in charge of a lock-up or court custody centre is to ensure that the information referred to in subregulation (2) is recorded, in a manner approved by the CEO, in relation to each person in custody, intoxicated detainee and person apprehended under the Mental Health Act who is admitted to the lock-up or court custody centre.
- (2) The information to be recorded for the purposes of subregulation (1) is as follows —
 - (a) the person's name, address and date of birth;
 - (b) the form of legal custody in which the person is held;
 - (c) the state of the person's health and details of any medical condition which might place the person or any other person at the lock-up or court custody centre at risk;
 - (d) the time of the person's admission to, and discharge from, the lock-up or court custody centre;
 - (e) the authority for the person's placement in, and removal from, the lock-up or court custody centre.

7. Recording critical and reportable incidents at lock-ups and court custody centres

- (1) The person in charge of a lock-up or court custody centre is to ensure that the information referred to in subregulation (2) is recorded, in a manner approved by

the CEO, in relation to the following events that occur at or in the vicinity of or otherwise affect the lock-up or court custody centre —

- (a) any event, actual or imminent of a serious or critical nature —
 - (i) that has jeopardised or is likely to jeopardise the safety or security of any person;
 - (ii) that has adversely affected or is likely to adversely affect the security, good order or management of the lock-up or court custody centre; or
 - (iii) that has materially disrupted or is likely to materially disrupt the provision of a custodial service;
 - (b) any event, actual or imminent, other than an event of a serious or critical nature —
 - (i) that has jeopardised or is likely to jeopardise the safety or security of any person;
 - (ii) that has adversely affected or is likely to adversely affect the security, good order or management of the lock-up or court custody centre; or
 - (iii) that has materially disrupted or is likely to materially disrupt the provision of a custodial service.
- (2) The information to be recorded about an event referred to in subregulation (1) is as follows —
- (a) the date and time of the event;
 - (b) details of the place where the event occurred;
 - (c) the nature of the event;
 - (d) details of each person affected by the event;
 - (e) details of each person advised of the event and when the person was so advised.

8. Provision of information to persons admitted to lock-ups and court custody centres

- (1) The person in charge of a lock-up or court custody centre is to ensure that a person in custody, an intoxicated detainee or a person apprehended under the Mental Health Act who is admitted to the lock-up or court custody centre who so requests is, at a time convenient to the person in charge, informed of the following, as is relevant to the case —
- (a) the contents of the warrant or other instrument by which the person is held in custody and any

- other condition relevant to the person's custody;
 - (b) in the case of an intoxicated detainee, the reason for the person's detention;
 - (c) the anticipated date and time of the person's discharge from the lock-up or court custody centre;
 - (d) the details contained in the record referred to in regulation 9(2);
 - (e) in the case of an intoxicated detainee, the inventory kept under section 53C of the *Police Act 1892*.
- (2) The person in charge of a lock-up or court custody centre need not agree to a request made under subregulation (1) if the request appears to the person in charge to be vexatious.

9. Property of persons in custody and persons apprehended under the Mental Health Act

- (1) In this regulation —
“**person in custody**” includes a person apprehended under the Mental Health Act.
- (2) The person in charge of a lock-up or court custody centre is to record all the property in the possession of each person in custody at the lock-up or court custody centre as soon as practicable after the person's admission and that person is to be asked to sign the record as an acknowledgment that it is correct.
- (3) If a person in custody refuses to sign a record when asked to do so under subregulation (2), a person who has taken charge of the person in custody must inform the person in charge of the lock-up or court custody centre who is to endorse the record with a note of the refusal and any reason given by the person in custody for the refusal to sign.
- (4) Any property which, in the opinion of the person in charge of the lock-up or court custody centre, is of a perishable, dangerous or unhygienic nature may be destroyed or otherwise dealt with as ordered by the person in charge and a record of such order and action is to be noted on the record.

10. Visitors' property

- (1) The CEO is to ensure that procedures are in place for the provision of secure storage facilities —
- (a) at court premises for property deposited for safekeeping under clause 5(1) of Schedule 1 to the Act; and

- (b) at lock-ups and court custody centres for property deposited for safekeeping under clause 21 of Schedule 2 to the Act.
- (2) If property referred to in subregulation (1)(a) or (b) is not collected within 24 hours of its deposit for safekeeping, the property may be moved to a place for secure storage other than the court premises or the lock-up or court custody centre where it was deposited.
- (3) Property referred to in subregulation (1)(a) or (b) that is uncollected, abandoned or unclaimed for 6 months may by order of the CEO be —
 - (a) sold at public auction;
 - (b) given to an association incorporated under the *Associations Incorporation Act 1987*; or
 - (c) destroyed or otherwise disposed of.
- (4) The CEO must on at least one occasion before a public auction is conducted under subregulation (3)(a) cause a notice to be published in the *Gazette* describing the property to be offered for sale and giving the time, date and place of the auction.
- (5) The net proceeds of an auction sale conducted under this regulation must be credited to the Consolidated Fund.

11. First aid and emergency medical care

- (1) The CEO is to ensure that procedures are in place for the provision of first aid and emergency medical care to persons in custody, intoxicated persons and persons apprehended under the Mental Health Act who are in a lock-up or a court custody centre.
- (2) If force has been used on a person for whom the CEO is responsible under section 10, 13, 15 or 16 of the Act and —
 - (a) the person in charge of the lock-up or court custody centre, if relevant; or
 - (b) in any other case, a person who has taken charge of the person,

believes on reasonable grounds that the application of force may have caused injury, the person referred to in paragraph (a) or (b) must, as soon as practicable, arrange for the provision of such first aid or emergency medical care as he or she believes on reasonable grounds to be required.

- (3) A person who arranges for the provision of first aid or emergency medical care under subregulation (1) or (2) must record the date and time and other details required by the CEO in a manner approved by the CEO.

12. Reporting death of person for whom CEO is responsible

- (1) If a person for whom the CEO is responsible under section 10, 13, 15 or 16 of the Act dies —
- (a) at a custodial place;
 - (b) while being moved between custodial places; or
 - (c) while escaping (or otherwise being absent) from a custodial place or during movement between custodial places,

then the relevant person is to report the death to the CEO as soon as practicable after becoming aware of the death.

- (2) In subregulation (1) —
- “relevant person”** means —
- (a) if the death occurred in a lock-up or court custody centre, the person in charge of the lock-up or court custody centre; or
 - (b) if the death occurred in any other place, a person who had taken charge of the person for whom the CEO was responsible.

13. CEO to inform certain visitors about being searched

The CEO is to ensure that a sign is placed at the entrance of —

- (a) court premises informing persons of the effect of clauses 2(1) and (2) and 4(1) and (7) of Schedule 1 to the Act; and
- (b) each lock-up and court custody centre informing persons of the effect of clauses 18(1) and (2) and 20 of Schedule 2 to the Act.

14. Searches of persons in custody

A search under clause 8 of Schedule 2 to the Act of a person in custody —

- (a) may be conducted by one or more of the following means —
 - (i) by using an electronic or other device that is designed to locate property that is a subject of the search;
 - (ii) by visual inspection;
 - (iii) by frisk search;
 - (iv) by way of requiring the person to undress and searching the person visually and by hand;
 - (v) by way of a doctor or a nurse conducting an internal examination of

the person's body cavities but only if the person in charge of the lock-up or court custody centre has first obtained the approval of the CEO to proceed with the examination;

and

- (b) must be conducted expeditiously and with regard to decency and self-respect.

15. Searches of visitors to lock-ups and court custody centres

A search under clause 20 of Schedule 2 to the Act of a person in custody —

- (a) may be conducted by one or more of the following means —
- (i) by using an electronic or other device that is designed to locate property that is a subject of the search;
 - (ii) by visual inspection;
 - (iii) by frisk search;
 - (iv) by way of requiring the person to undress and searching the person visually and by hand;

and

- (b) must be conducted expeditiously and with regard to decency and self-respect.

Part 3 — Restraint of persons in custody

Division 1 — Preliminary

16. Definition

In this Division, unless the contrary intention appears —

“authorised person” means a person authorised to exercise a power set out in clause 12 of Schedule 2 to the Act;

“chemical agent” means a chemical agent of a kind referred to in regulation 19;

“holding restraint device” means a holding restraint device of a kind referred to in regulation 18;

“restraint device” means a holding restraint device or a temporary restraint device;

“temporary restraint device” means a temporary restraint device of a kind referred to in regulation 17.

Division 2 — Devices and substances**17. Temporary restraint devices**

- (1) The following kinds of temporary restraint devices can be used to establish control over any person in custody —
 - (a) handcuffs;
 - (b) velcro hobbles.
- (2) The following kinds of temporary restraint devices can be used to establish control over any adult person in custody except an adult who is a detainee —
 - (a) anklecuffs;
 - (b) body belts;
 - (c) rope hobbles;
 - (d) temporary plastic handcuffs (flexi-cuffs).

18. Holding restraint devices

- (1) The following kinds of holding restraint devices can be used to maintain control over any person in custody —
 - (a) handcuffs;
 - (b) body belts.
- (2) The following kinds of holding restraint devices can be used to maintain control over any adult person in custody except an adult who is a detainee —
 - (a) anklecuffs;
 - (b) security chain link (lockable by use of padlocks);
 - (c) mattresses (with restraining attachments).

19. Chemical agents

The following kinds of chemical agents can be used to establish control over any adult person in custody except an adult who is a detainee —

- (a) Oleoresin Capsicum (OC) commonly known as “pepper spray”;
- (b) Orthoclorobenzilemalonotrile (CS) commonly known as “tear gas”.

Division 3 — Manner in which devices and substances to be used or not to be used**20. All restraint devices and chemical agents**

A restraint device or a chemical agent —

- (a) must not be used on a person in custody by anyone other than an authorised person who has

successfully undergone a training programme approved by the CEO; and

- (b) must be used in accordance with the manufacturer's instructions and in accordance with the procedures set out in a training programme approved by the CEO.

21. All restraint devices

- (1) An authorised person must not use or improvise any device other than a restraint device to restrain a person in custody unless the authorised person believes on reasonable grounds that it is necessary to do so.
- (2) If a restraint device referred to in regulation 17(1) or 18(1) is used on a young person or on an adult who is a detainee the person must be kept under constant supervision during the period in which the device is used on the person.
- (3) If a restraint device has been used on a person in custody the person must be checked and monitored in accordance with the CEO's rules during the period in which the device is used on the person.
- (4) An authorised person must not restrain a person in custody by shackling or tying the person's hands and legs together behind the person's back.
- (5) An authorised person who is moving a person in custody between custodial places must not shackle or tie the person to a vehicle while the vehicle is in motion.
- (6) A person who checks or monitors a person in custody for the purposes of subregulation (3) must record information about the checks and monitoring as required by, and in a manner approved by, the CEO.

22. Temporary restraint devices

- (1) A temporary restraint device must not be used for any purpose other than to establish control over a person in custody.
- (2) If a temporary restraint device is used on a person in custody the person must be kept under constant supervision during the period in which the device is used on the person.
- (3) A person in custody on whom a temporary restraint device is used must not be placed in the prone position during the period in which the device is used on the person.

- (4) Temporary plastic handcuffs (flexi-cuffs) must not be used on a person in custody unless a cut-off tool is immediately available.
- (5) A temporary restraint device must not be used on a person in custody for longer than the time it takes to establish control over the person.

23. Chemical agents

- (1) A chemical agent must not be used for any purpose other than to establish control over a person in custody.
- (2) A chemical agent must not be used on a person in custody except by an authorised person who believes on reasonable grounds that no other means is immediately available to establish control over the person in custody.

Division 4 — Procedures

24. Use of restraints in lock-ups and court custody centres to be authorised or reported after emergencies

- (1) Subject to subregulation (2), an authorised person must not use a restraint device or a chemical agent on a person in custody at a lock-up or a court custody centre unless the person in charge of the lock-up or court custody centre has authorised the use of the restraint device or chemical agent.
- (2) An authorised person may, in the event of an emergency, use a restraint device or a chemical agent on a person in custody at a lock-up or a court custody centre without the prior approval of the person in charge of the lock-up or court custody centre.
- (3) If an authorised person uses a restraint device or a chemical agent on a person in custody in the circumstances referred to in subregulation (2) the authorised person must, as soon as practicable after the event, inform the person in charge of the lock-up or court custody centre of the use of the restraint device and the reasons for the use.
- (4) The authority to use, or the use of, a restraint device under this regulation must be in accordance with these regulations and any relevant CEO's rules.

25. Use of restraints in places other than lock-ups or court custody centres to be reported

- (1) An authorised person may use a restraint device or a chemical agent in accordance with these regulations and any relevant CEO's rules on a person in custody at

a custodial place other than a lock-up or a court custody centre or while the person in custody is being moved between custodial places.

- (2) If an authorised person uses a restraint device or a chemical agent on a person in custody in the circumstances referred to in subregulation (1) the authorised person must, as soon as practicable after the event, inform —
- (a) the superintendent of the prison or detention centre to which the person in custody is being returned or taken; or
 - (b) the person in charge of the lock-up or court custody centre to which the person in custody is being returned or taken,

of the use of the restraint device and the reasons for the use.

26. Review once control has been established by temporary restraint devices at lock-ups or court custody centres

- (1) If —
- (a) an authorised person uses a temporary restraint device on a person in custody at a lock-up or a court custody centre; and
 - (b) control over the person in custody has been established,

the person in charge of the lock-up or court custody centre is to review whether or not the use of a holding restraint device on the person in custody is required.

- (2) The person in charge of the lock-up or court custody centre is to record, in a manner approved by the CEO, the results of each review under subregulation (1).

27. Review once control has been established by temporary restraint devices at places other than lock-ups or court custody centres

- (1) If —
- (a) an authorised person uses a temporary restraint device on a person in custody at a custodial place other than a lock-up or a court custody centre or while the person in custody is being moved between custodial places; and
 - (b) control over the person in custody has been established,

the authorised person is to review whether or not the use of a holding restraint device on the person in custody is required.

- (2) An authorised person who conducts a review under subregulation (1) must, as soon as practicable after the review, inform —
- (a) the superintendent of the prison or detention centre to which the person in custody is being returned or taken; or
 - (b) the person in charge of the lock-up or court custody centre to which the person in custody is being returned or taken,
- of the results of the review.

”.

By Command of the Administrator,

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

JM302*

Criminal Law (Mentally Impaired Defendants) Act 1996

Criminal Law (Mentally Impaired Defendants) Amendment Regulations 2000

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Criminal Law (Mentally Impaired Defendants) Amendment Regulations 2000*.

2. The regulations amended

The amendments in these regulations are to the *Criminal Law (Mentally Impaired Defendants) Regulations 1997**.

3. Form 2 amended

Form 2 in Schedule 1 is amended as follows:

- (a) by inserting after “All police officers” —

“

All persons authorised to exercise a power set out in clause 5 of Schedule 2 to the *Court Security and Custodial Services Act 1999*

”;

- (b) by deleting “an authorized” and inserting instead —
“ authorised ”.

4. Form 3 amended

Form 3 in Schedule 1 is amended as follows:

- (a) by inserting after “All police officers” —

“

All persons authorised to exercise a power set out in
clause 5 of Schedule 2 to the *Court Security and
Custodial Services Act 1999*

”;

- (b) by deleting “an authorized” in the first place where it
occurs and inserting instead —

“ authorised ”;

- (c) by deleting “the authorized” and inserting instead —

“ the authorised ”;

- (d) by deleting “an authorized” in the second place where it
occurs and inserting instead —

“ an authorised ”.

[* *Published in Gazette 11 November 1997, pp. 6215-20.*]

By Command of the Administrator,

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

JM303*

Justices Act 1902

Justices (Forms) Amendment Regulations 2000

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Justices (Forms)
Amendment Regulations 2000*.

2. The regulations amended

The amendments in these regulations are to the *Justices
(Forms) Regulations 1982**.

[* *Published in Gazette 6 August 1982, pp. 3059-64.
For amendments to 22 June 2000 see 1999 Index to
Legislation of Western Australia, Table 4, pp. 153-4.*]

3. Form 6 amended

The Schedule is amended in Form 6 by inserting after “said State” where it first occurs —

“

and to all persons authorised to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the *Court Security and Custodial Services Act 1999*

”.

4. Form 13 amended

The Schedule is amended in Form 13 by inserting after “officers” —

“

and to all persons authorised to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the *Court Security and Custodial Services Act 1999*

”.

5. Form 14 amended

The Schedule is amended in Form 14 by inserting after “officers” —

“

and to all persons authorised to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the *Court Security and Custodial Services Act 1999*

”.

6. Form 18 amended

The Schedule is amended in Form 18 as follows:

- (a) by inserting after “Western Australia” —

“

and to all persons authorised to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the *Court Security and Custodial Services Act 1999*

”;

- (b) by inserting after “said police officers” —

“ or authorised persons ”.

7. Form 21 amended

The Schedule is amended in Form 21 as follows:

- (a) by inserting after “Western Australia” —

“

and to all persons authorised to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the *Court Security and Custodial Services Act 1999*

”;

- (b) by inserting after “said police officers” —
“ or authorised persons ”.

By Command of the Administrator,

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

JM304*

Sentence Administration Act 1995

Sentence Administration Amendment Regulations 2000

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Sentence Administration Amendment Regulations 2000*.

2. Schedule 1 amended

Form 1 in Schedule 1 to the *Sentence Administration Regulations 1996** is amended by inserting after “in Western Australia.” —

“

And to all persons authorised to exercise a power set out in clause 2 of Schedule 2 to the *Court Security and Custodial Services Act 1999*.

This warrant authorises and commands you to take the prisoner to the nearest prison in Western Australia.

”.

[* *Published in Gazette 4 October 1996, pp. 5263-77.*]

By Command of the Administrator,

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

JM305*

Sentencing Act 1995

Sentencing Amendment Regulations (No. 4) 2000

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Sentencing Amendment Regulations (No. 4) 2000*.

2. Schedule 1 amended

Schedule 1 to the *Sentencing Regulations 1996** is amended as follows:

- (a) in Form 1 after “officers” by inserting —

“

and to all persons authorised to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the *Court Security and Custodial Services Act 1999*

”;

- (b) in Form 2 after “officers” by inserting —

“

and to all persons authorised to exercise a power set out in clause 2 or 3, as the case requires, of Schedule 2 to the *Court Security and Custodial Services Act 1999*

”;

[* *Published in Gazette 4 October 1996, pp. 5281-96. For amendments to 22 June 2000 see 1999 Index to Legislation of Western Australia, Table 4, p. 269, and Gazette 3 March 2000.*]

By Command of the Administrator,

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

JM306*

Spent Convictions Act 1988

Spent Convictions (Act Amendment) Regulations (No. 2) 2000

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Spent Convictions (Act Amendment) Regulations (No. 2) 2000*.

2. Schedule 3 to the Act amended

Schedule 3 to the *Spent Convictions Act 1988** is amended by inserting after item 12 the following item —

“

13. A person authorised to exercise a Division 4
power set out in Division 1, 2 or 3 of
Schedule 2 to the *Court Security and
Custodial Services Act 1999* when (in
the course of the person's duties)
assessing, reporting about or
classifying persons charged with or
convicted of offences.

”

[* Reprinted as at 19 November 1996.

For subsequent amendments see 1999 Index to Legislation of
Western Australia, Table 1, p. 233, and Gazette 2 June 2000.]

By Command of the Administrator,

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

LOCAL GOVERNMENT

LG301*

Local Government (Miscellaneous Provisions) Act 1960

Building Amendment Regulations 2000

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Building Amendment Regulations 2000*.

2. The regulations amended

The amendments in these regulations are to the *Building Regulations 1989**.

[* Reprinted as at 18 July 1997.

For amendments to 11 July 2000 see 1999 Index to Legislation of Western Australia, Table 4, p. 172.]

3. Regulation 24 amended

The Table to regulation 24(2) is amended as follows —

(a) in item 1(a), by inserting after “0.35% of” —

“ $\frac{10}{11}$ of ”

(b) in item 1(b), by inserting after “0.2% of” —

“ $\frac{10}{11}$ of ”.

4. Regulation 36 amended

Regulation 36 is amended by inserting after “gate,” in the second place where it appears —

“ door, ”.

5. Regulation 38F amended

Regulation 38F is amended by deleting “\$50” and inserting instead —

“ \$55 ”.

6. Schedule 1 amended

Form 2 in Schedule 1 is amended in the box headed “Details of work” by deleting “Estimated value of building work: \$” and inserting instead —

“ Estimated value of construction work (including the GST): \$ ”.

7. Schedule 2 amended

Schedule 2 is amended by deleting the items for Beverley, Brookton and Quairading and inserting the following items instead —

“

Beverley	Whole district	Whole district	Whole district
Brookton	Whole district	Whole district	Whole district
Quairading	All townsites	Whole district	Whole district

”.

By Command of the Administrator,

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

POLICE

PE301*

Firearms Act 1973

Firearms Amendment Regulations (No. 2) 2000

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Firearms Amendment Regulations (No. 2) 2000*.

2. The regulations amended

The amendments in these regulations are to the *Firearms Regulations 1974**.

[* Reprinted as at 28 January 1997.
For amendments to 12 June 2000 see 1999 Index to
Legislation of Western Australia, Table 4, p. 83.]

3. Regulation 22 replaced

Regulation 22 is repealed and the following regulation is inserted instead —

“

22. Search warrants

- (1) A complaint to ground a search warrant under section 26(1) of the Act is to be made in the form of Form 24 in Schedule 1 and the search warrant is to be in the form of Form 24A in Schedule 1.
- (2) A complaint to ground a search warrant under section 26(2) of the Act is to be made in the form of Form 25 in Schedule 1 and the search warrant is to be in the form of Form 25A in Schedule 1.

”.

4. Schedule 1 amended

Schedule 1 is amended by deleting Forms 24 and 25 and inserting instead —

“

Form 24

[s. 26(1); r. 22(1)]

WESTERN AUSTRALIA

Firearms Act 1973

COMPLAINT TO GROUND SEARCH WARRANT

[Section 26(1)]

I,
(name of police officer)

of
(station/section/branch/unit)

in the State of Western Australia

make oath and say as follows:

I believe that there is
(list the types of items)

at
(address to be searched)

.....
(describe the circumstances relied on under section 26(1))

Accordingly I ask that a warrant be issued under section 26(1) of the *Firearms Act 1973*, to enter there and search for anything described in this complaint.

Sworn at this day of
before me

.....
Justice of the Peace

Form 24A

[s. 26(1); r. 22(1)]

WESTERN AUSTRALIA

Firearms Act 1973

WARRANT TO ENTER AND SEARCH

[Section 26(1)]

To the Commissioner of Police of Western Australia and to all other members of the Police Force in the State.

.....
(name of police officer)

of
(station/section/branch/unit)

in the State of Western Australia has today made complaint upon oath before me, one of Her Majesty’s Justices of the Peace for the State, and has satisfied me that there are reasonable grounds for suspecting that there is

.....
(describe the items)

at
(address to be searched)

.....
(describe the circumstances relied on under section 26(1))

This warrant commands you in Her Majesty’s name to enter that place and there diligently search for anything described in this warrant and to seize and take any such thing you may find there, and to bring it before me or another of Her Majesty’s Justices of the Peace, to be further dealt with according to law.

GIVEN under my hand at this day of

.....
Justice of the Peace

Form 25

[s. 26(2); r. 22(2)]

WESTERN AUSTRALIA

Firearms Act 1973

COMPLAINT TO GROUND SEARCH WARRANT

[Section 26(2)]

I,
(name of police officer)

of
(station/section/branch/unit)

in the State of Western Australia

make oath and say as follows:

I believe that there is
(list the types of items)

at
(address to be searched)

.....
(describe the circumstances relied on under section 24(2) and 26(2))

Accordingly I ask that a warrant be issued under section 26(2) of the *Firearms Act 1973*, to enter there and search for anything described in this complaint.

Sworn at this day of
before me

.....
Justice of the Peace

Form 25A

[s. 26(2); r. 22(2)]

WESTERN AUSTRALIA

Firearms Act 1973

WARRANT TO ENTER AND SEARCH

[Section 26(2)]

To the Commissioner of Police of Western Australia and to all other members of the Police Force in the State.

.....
(name of police officer)

of
(station/section/branch/unit)

in the State of Western Australia has today made complaint upon oath before me, one of Her Majesty’s Justices of the Peace for the State, and has satisfied me that there are reasonable grounds for suspecting that there is firearms and/or ammunition, namely —

.....
(describe the items)

at.....
(address to be searched)

.....
(describe the circumstances relied on under section 24(2) and 26(2))
This warrant commands you in Her Majesty’s name to enter that place and there diligently search for anything described in this warrant and to seize and take any such thing you may find there for the purpose of exercising the powers given by section 24(2) of the *Firearms Act 1973*.

GIVEN under my hand at this day of

.....
Justice of the Peace

”.

By Command of the Administrator,

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

PE302*

Pawnbrokers and Second-hand Dealers Act 1994

Pawnbrokers and Second-hand Dealers Amendment Regulations 2000

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Pawnbrokers and Second-hand Dealers Amendment Regulations 2000*.

2. The regulations amended

The amendments in these regulations are to the *Pawnbrokers and Second-hand Dealers Regulations 1996**.

[* *Published in Gazette 29 March 1996, pp. 1557-75.*
For amendments to 29 May 2000 see 1999 Index to Legislation of Western Australia, Table 4, p. 201.]

3. Regulation 3 amended

Regulation 3 is amended as follows:

- (a) after the definition of “financial body” by inserting the following definition —

“

“**public authority**” has the same meaning as it has in the *State Supply Commission Act 1991*;

”;

- (b) by deleting the full stop at the end of the definition of “section” and inserting a semicolon instead;

- (c) after the definition of “section” by inserting the following definition —

“

“**telephone utility**” means a body that has as its primary purpose the provision of telephone services to the public in any State or Territory.

”.

4. Regulation 5 amended

- (1) Regulation 5 is amended as follows:

- (a) before “For” by inserting the subregulation designation “(1)”;
(b) by deleting “regulation” and inserting instead —

“

subregulation, or goods to which subregulation (2) applies,

”.

- (2) At the end of regulation 5 the following subregulations are inserted —

“

- (2) This subregulation applies to goods (“**traded goods**”) that are accepted by a retailer as part of the purchase price of new goods sold by the retailer to a person (“**the new sale**”) if —

- (a) the traded goods were purchased by the person from a retailer as new goods; and
(b) the person produces proof of that purchase at the time the new sale takes place.

- (3) In subregulation (2) —

“**retailer**” means a person who operates a retail shop but does not include a pawnbroker or second-hand dealer;

“**retail shop**” has the same meaning as it has in the *Retail Trading Hours Act 1987*.

”.

5. Regulation 7 amended

Regulation 7(1) is amended as follows:

- (a) after paragraph (a) by deleting “or”;
- (b) by deleting the full stop at the end of paragraph (b) and inserting a semicolon instead;
- (c) after paragraph (b) by inserting the following —
 - “
 - (c) from a licensee; or
 - (d) from a public authority.
 - ”.

6. Regulation 9 amended

Regulation 9 is amended as follows:

- (a) after paragraph (a) by deleting “or”;
- (b) by deleting the full stop at the end of paragraph (b) and inserting a semicolon instead;
- (c) after paragraph (b) by inserting the following —
 - “
 - (c) from a licensee; or
 - (d) from a public authority.
 - ”.

7. Regulation 13 amended

- (1) Regulation 13(1) is amended by deleting “subregulation (2),” and inserting instead —

“ subregulations (2) and (3), ”.

- (2) The Table to regulation 13(1) is deleted and the following Table is inserted instead —

“

Table

Item	Check	Points with photo	Points without photo
1.	The person’s name is stated on a transaction card held by the person that has been issued in accordance with regulation 13A(1) by the pawnbroker or second-hand dealer who is verifying the person’s identity.	100	-
2.	The person’s photograph has been taken and retained in accordance with regulation 13A(1) within the last 12 months by the pawnbroker or second-hand dealer who is verifying the person’s identity.	75	-

Item	Check	Points with photo	Points without photo
3.	The person's name is stated on a current licence (other than a motor driver's licence) or current permit held by the person that has been issued under a law of the Commonwealth or a State or Territory.	40	25
4.	The person's name is stated on a current identity card or current licence held by the person that has been issued by a government agency outside Australia.	40	25
5.	The person's name is stated on an identification card (other than a card referred to in section 39(b)(iii)) held by the person that has been issued by a government agency to provide evidence of the person's name and age.	40	25
6.	The person's name is stated on an identification card held by the person that has been issued by a government agency to provide evidence of the person's entitlement to a health benefit or pensioner concession.	40	25
7.	The person's name is stated on an identification card held by the person that has been issued within the last 5 years by an educational institution.	40	25
8.	An educational institution has a record of the person's name and address made within the last 5 years.	40	25
9.	The person's name is stated on an identification card held by the person that has been issued by the person's employer.	40	25
10.	The person's employer has a record of the person's name and address.	40	25
11.	The person's name is stated on an identification card held by the person that has been issued by a professional or trade association.	40	25

Item	Check	Points with photo	Points without photo
12.	A professional or trade association has a record of the person's name and address.	40	25
13.	The person's name is stated on a current motor driver's licence (not bearing the person's photograph) held by the person that has been issued in Australia.	-	25
14.	A public authority or local government has a record of the person's name and address.	-	25
15.	The person's name and address appear in an Australian electoral roll.	-	25
16.	A public utility has a record of the person's name and address.	-	25
17.	A telephone utility has a record of the person's name and address.	-	25
18.	If the person lives in or conducts business from rented premises – the owner of the premises or the managing agent for the premises has a record of the person's name and address.	-	25
19.	An insurance company has a record of the person's name and address.	-	25
20.	The person's name is stated in a certified copy of or extract from a birth certificate, a marriage certificate or a citizenship certificate.	-	25
21.	A financial body has a record of the person's name and address.	-	25

”.

(3) After regulation 13(2) the following subregulation is inserted —

“

- (3) At least one of the documents used to verify a person's identity under subregulation (1) —
- (a) must bear the current residential address of the person; and
 - (b) must have been issued within 3 months before the verification of the person's identity.

”.

8. Regulation 13A inserted

After regulation 13 the following regulation is inserted —

“

13A. Transaction cards

- (1) When a pawnbroker or second-hand dealer has verified a person's identity for the purposes of section 39(b), the pawnbroker or second-hand dealer —
 - (a) if the person agrees, may take and retain a photograph of the person; and
 - (b) if a photograph of the person is taken, may issue to the person a card (a **“transaction card”**) that complies with subregulations (2) and (3).
- (2) A transaction card complies with this subregulation if it —
 - (a) bears the person's photograph, full name, signature, date and place of issue, date of expiry and an identifying number; and
 - (b) is in a form and of a standard approved by the Commissioner.
- (3) A transaction card complies with this subregulation if it is issued for a period not greater than 12 months.

”.

9. Regulation 15 amended

- (1) Regulation 15(1) is amended by deleting “section 41(a) to (e)” and inserting instead —

“ section 41(a) to (f) ”.
- (2) Regulation 15(2) is amended by deleting “section 43(a) to (e)” and inserting instead —

“ section 43(a) to (f) ”.
- (3) Regulation 15(3) is amended as follows:
 - (a) after paragraph (a) by deleting “or”;
 - (b) by deleting the full stop at the end of paragraph (b) and inserting a semicolon instead;
 - (c) after paragraph (b) by inserting the following —

“

 - (c) from a licensee; or
 - (d) from a public authority.

”.
- (4) Regulation 15(4) is amended as follows:
 - (a) in paragraph (a) after “(free of charge)”, by inserting —

“ , or is approved by the Commissioner, ”;

- (b) by deleting paragraph (b) and inserting the following paragraph instead —

“

- (b) is operated by means of an IBM compatible computer with a dial-up modem, the type and specifications of both of which are approved by the Commissioner.

”.

- (5) Regulation 15(5) is amended before “the person may” by inserting —

“ , subject to subregulations (5a) and (5b), ”.

- (6) After regulation 15(5) the following subregulations are inserted —

“

- (5a) An election referred to in subregulation (5) must be made when a second-hand dealer applies for the issue of a licence under section 13 or the renewal of a licence under section 15, or in accordance with subregulations (5b) and (5c).
- (5b) When an election referred to in subregulation (5) has been made by a second-hand dealer, another election cannot be made by the dealer during the licence period unless —
- (a) the election is approved by a licensing officer; and
- (b) the second-hand dealer pays —
- (i) an administration fee of \$25.00; or
- (ii) if the election would result in the second-hand dealer using the means referred to in subregulation (5)(b) — the fee to which subregulation (5c) applies.
- (5c) This subregulation applies to the fee that is the greater of —
- (a) \$25.00; or
- (b) an amount equal to the difference between the appropriate fees in items 2 and 3 of the Table to regulation 28 or 29, as the case requires, reduced proportionately according to the number of whole months of the licence period remaining at the time the election is made.

”.

10. Part 7 inserted

After regulation 31 the following Part is inserted —

“

Part 7 — Prescribed offences and modified penalties

32. Prescribed offences and modified penalties — s. 90

- (1) The offences created by the sections mentioned in column 2 of the Table to this regulation are prescribed for the purposes of section 90(2).
- (2) The amount mentioned in column 4 of the Table to this regulation that corresponds to an offence mentioned in column 2 is the modified penalty for that offence for the purposes of section 90(4).

Table

Item	Section	Description of offence	Modified penalty \$
1.	27(4)	Failing to comply with licensing officer's directions.	200
2.	36	Failing to display a sign at business premises.	100
3.	37(3)	Refusing or failing to comply with a request from a member of the police force to inspect employee records.	200
4.	38	Entering into a contract with a person under 18 years of age or a person apparently affected by alcohol or any drug.	200
5.	39	Failing to ascertain a person's name and address and verify his or her identity.	200
6.	41	Failing to ensure that pawnbroker contract details are recorded.	300
7.	42	Failing to ensure that written statement is signed and given.	100
8.	43	Failing to ensure that second-hand dealer contract details are recorded.	300

Item	Section	Description of offence	Modified penalty \$
9.	44	Failing to ensure that a receipt and copy are signed and receipt given.	100
10.	47	Failing to ensure that pawned goods are marked or labelled with distinguishing number of contract.	200
11.	48(1)	Unlawfully replacing a lost or stolen pawn ticket.	200
12.	48(2)	Charging a fee for a replacement pawn ticket.	200
13.	51	Failing to ensure that pawned goods are kept at business or storage premises.	200
14.	58(1)	Failing to calculate and record charges and any surplus.	100
15.	58(2)	Failing to allow record to be inspected.	100
16.	59	Failing to notify other party of any surplus due and entitlement to surplus.	100
17.	62	Failing to ensure second-hand goods are kept at business or storage premises.	200
18.	63(1)	Requiring or receiving a fee for application to enter into contract.	100
19.	74(3)	Refusing or failing to comply with requirement of police to open storage premises.	200
20.	79	Failing to give prescribed information to Commissioner.	300

”.

By Command of the Administrator,

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

PE303*

Weapons Act 1999

Weapons Amendment Regulations (No. 4) 2000

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Weapons Amendment Regulations (No. 4) 2000*.

2. Regulation 10 inserted

After regulation 9 of the *Weapons Regulations 1999** the following regulation is inserted —

“

10. Exception for prison officers and certain contract workers

A person does not commit an offence under section 6, 7 or 8 of the Act only because of something done by the person in the performance of the person's functions as —

- (a) a prison officer as defined in the *Prisons Act 1981*; or
- (b) a person authorised to exercise a power set out in Division 1, 2 or 3 of Schedule 2 to the *Court Security and Custodial Services Act 1999* or a power set out in Schedule 3 to that Act.

”.

[* *Published in Gazette 31 August 1999, pp. 4225-32.*
For amendments to 26 June 2000 see Gazette 29 February, 10 March and 9 June 2000.]

By Command of the Administrator,

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

PE304*

Security and Related Activities (Control) Act 1996

Security and Related Activities (Control) Amendment Regulations (No. 3) 2000

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Security and Related Activities (Control) Amendment Regulations (No. 3) 2000*.

2. Regulation 5A inserted

After regulation 5 of the *Security and Related Activities (Control) Regulations 1997** the following regulation is inserted in Part 2 of those regulations —

“

5A. Exemptions in relation to *Court Security and Custodial Services Act 1999*

- (1) In this regulation the words set out in the Table to this subregulation have the respective meanings that they have in the *Court Security and Custodial Services Act 1999*.

Table

contract	court security service
contractor	custodial service
contract worker	subcontractor

- (2) A person who is a contractor, a subcontractor or a contract worker is exempt from all the provisions of the Act while the person is conducting an activity for the purposes of providing a court security service or a custodial service under a contract.
- (3) A person is exempt from sections 21, 33 and 40 if the sole purpose of the advertisement or the holding out that he or she is willing to supply services referred to in the respective sections is to become a contractor or subcontractor and supply the services for the purposes of a contract.

”

[* *Published in Gazette 27 March 1997, pp. 1651-90. For amendments to 14 July see 1999 Index to Legislation of Western Australia, Table 4, p. 268, and Gazette 10 March and 30 June 2000.*]

By Command of the Administrator,

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

RACING, GAMING AND LIQUOR

RA301*

Liquor Licensing Act 1988

**Liquor Licensing Amendment Regulations
(No. 2) 2000**

Made by the Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Liquor Licensing Amendment Regulations (No. 2) 2000*.

2. The regulations amended

The amendments in these regulations are to the *Liquor Licensing Regulations 1989*.*

[* Reprinted as at 7 January 2000.

For amendments to 13 July 2000 see *Gazette 12 May 2000*.]

3. Regulation 3A amended

Regulation 3A is amended by deleting the definition of “WST” and inserting in the appropriate alphabetical positions —

“

“**low alcohol**” in relation to beer or wine, means beer or wine that is low alcohol liquor;

“**notional wholesale selling price**”, in relation to low alcohol beer or wine sold by a wholesaler or producer, means the price for which the wholesaler or producer could reasonably have been expected to sell the beer or wine by wholesale under an arm’s length transaction and without the benefit of a subsidy under section 130 of the Act;

“**tax period**” has the meaning given by section 195-1 of the Commonwealth *A New Tax System (Goods and Services Tax) Act 1999*;

“**wine tax**” has the meaning given by section 33-1 of the Commonwealth *A New Tax System (Wine Equalisation Tax) Act 1999*.

”.

4. Regulation 4 amended

Regulation 4 is amended by inserting after “3.5%” the following —

“ at 20°C ”.

5. Regulations 21, 21A and 21AB replaced

Regulations 21, 21A and 21AB are repealed and the following regulations are inserted instead —

“

21. Subsidy for wholesalers

- (1) For the purposes of section 130(3) of the Act, the subsidy for a wholesaler in respect of sales of beer and wine in a tax period is to be calculated as follows:

$$S = 5.20\% B + (6.18 \div 29) W$$

where —

S = the wholesaler's subsidy payment;

B = the total sales of low alcohol beer by the wholesaler in the tax period, in respect of which the wholesaler is eligible for a subsidy under subregulation (2);

W = the total wine tax paid by the wholesaler on sales of low alcohol wine in the tax period, in respect of which the wholesaler is eligible for a subsidy under subregulation (2).

- (2) For the purposes of section 130(1) of the Act, subsidies are payable to a liquor merchant prescribed as a wholesaler by regulation 20 only in respect of low alcohol beer or wine —

(a) sold to —

- (i) unlicensed individuals in this State for their personal consumption; or
- (ii) persons licensed under the Act, otherwise than by an occasional licence only, to sell liquor; and

(b) sold at a price that —

- (i) for beer, is at least 5.20% less than the notional wholesale selling price of that beer; or
- (ii) for wine, is at least 6.18% less than the notional wholesale selling price of that wine.

21A. Subsidy for producers of wine

- (1) For the purposes of section 130(3) of the Act, the subsidy for a producer of wine in respect of sales of wine in a tax period is to be calculated as follows —

$$S = (15 \div 29) W$$

where —

S = the producer's subsidy payment;

W = the total wine tax paid —

- (a) by the producer on sales of wine in the tax period, in respect of which the producer is eligible for a subsidy under subregulation (2); or
- (b) by a wine maker on wine sold to the producer in the tax period, being wine fermented using produce of the producer, in respect of which the producer is eligible for a subsidy under subregulation (2).

- (2) For the purposes of section 130(1) of the Act, subsidies are payable to a producer only in respect of —
- (a) wine produced by the producer in this State and sold by the producer from licensed premises (including by mail order) to unlicensed individuals for their personal consumption, on which sale wine tax has been paid by the producer; or
 - (b) wine fermented by a wine maker from the produce of the producer in this State and sold by the wine maker to the producer, on which sale wine tax has been paid by the wine maker.
- (3) In subregulation (2) —
- “wine produced by a producer”** does not include wine that is deemed to have been produced by the producer under section 55(3) of the Act.

21AB. Subsidy for producers of beer

- (1) For the purposes of section 130(3) of the Act, the subsidy for a producer of beer in respect of sales of beer in a tax period is to be calculated as follows:

$$S = 5.20\% B$$

where —

S = the producer's subsidy payment;

B = the total sales of low alcohol beer by the wholesaler in the tax period, in respect of which the wholesaler is eligible for a subsidy under subregulation (2).

- (2) For the purposes of section 130(1) of the Act, subsidies are payable to a producer only in respect of low alcohol beer —
- (a) produced by the producer; and
 - (b) sold to persons in this State at a price that is at least 5.20% less than the notional wholesale selling price of that beer.

6. Regulation 26 amended

- (1) Regulation 26(3)(b)(i) is amended by inserting after “prescribed” —
“ , or the amount of \$115, whichever is the lesser ”.
- (2) Regulation 26(4) is amended as follows:
 - (a) after “attending”, by inserting —
“ the area that is the subject of the application ”;
 - (b) after “attend”, by inserting —
“ the area ”.

7. Schedule 3 amended

- (1) Schedule 3 item 4(a) is amended by deleting “100” and inserting instead —
“ 250 ”.
- (2) Schedule 3 item 4(b) is amended by deleting “101” and inserting instead —
“ 251 ”.
- (3) Schedule 3 item 16 is amended by deleting “50.00” and inserting instead —
“ 55.00 ”.

By Command of the Administrator,

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

— PART 2 —

AGRICULTURE

AG401**EXOTIC DISEASES OF ANIMALS ACT 1993**

EXOTIC DISEASES OF ANIMALS IMPORTATION RESTRICTION ORDER 2000

Number 5

Made by the Minister under Section 24.

1. Citation

This order may be cited as the Exotic Diseases of Animals (Importation Restriction Order) 2000—Number 5.

2. Duration

This order comes into operation on the day on which it is published in the Gazette and, unless revoked, has effect for a period of 30 days.

3. Certain entry or importation of birds or bird products prohibited unless approved

(1) The entry or importation into Western Australia of any animal or animal product that is, or is of, a bird that has come from any State or Territory of Australia in which the presence of virulent Newcastle disease has been confirmed is prohibited unless such entry or importation meets conditions specified by the Chief Veterinary Officer.

(2) In the absence of any other conditions specified by the Chief Veterinary Officer, the conditions to apply to the movement of any animal or animal product referred to in subclause (1) are the conditions agreed by the National Consultative Committee on Exotic Animals Diseases.

(3) Copies of, and information relating to the conditions referred to in subclause (1) and (2) are available from The Inspector In Charge (Stock) at Agriculture Western Australia, 3 Baron-Hay Court, South Perth, Western Australia.

MONTY HOUSE, MLA, Minister for Primary Industry; Fisheries.

CENSORSHIP

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 refused publications for the purposes of that Act.

Dated this 23rd day of July 2000.

CHERYL LYNN EDWARDES, Minister for Labour Relations.

Schedule

18 July 2000

Refused Classification

Title or Description	Publisher
Advanced Techniques of Clandestine Psychedelic Amphetamine Manufacture (by Uncle Fester)	Loompanics Unlimited
Best of Teen Test, The Vol 2	Bookpress BV
Bondage Fantasies May 1997 No 24	Harmony Concepts
Camera Art (The Art of Spanking) Mar 1997 No 5	Harmony Concepts
Camp of Correction Aug 1997 Vol 1 No 1	Hom Inc
Don't Mess With The Mistress Jul 1997 Vol 1 No 1	Hom Inc
Dream Mistress May 1997 Vol 1 No 1	Hom Inc
Love Bondage Gallery Sep 1997 No 37	Harmony Concepts

Refused Classification—*continued*

Title or Description	Publisher
Penthouse Forum Jun 2000 Vol 30 No 6	General Media Communications Inc
Pihkal (A Chemical Love Story) (by Alexander & Ann Shulgin)	Transform Press
Practical LSD Manufacture (by Uncle Fester)	Loompanics Unlimited
Private Life Vol 1 Iss 4	K-os Publications Limited
Punished Aug 1997 Vol 4 No 8	Hom Inc
Seventeen (E.K. Special - Collectors Item) No 87	Bookpress BV
Shackled Sep 1997 No 14	London Enterprises Limited
Submission Mar 1997 Vol 1 No 3	Hom Inc
Tied & Tickled Oct 1996 Vol 2 No 12	Hom Inc
Tied Maidens May 1997 No 3	London Enterprises Limited
Tight Ropes Apr 1997 Vol 3 No 7	Hom Inc
Tihkal (The Continuation) (by Alexander & Ann Shulgin)	Transform Press

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 23rd day of July 2000.

CHERYL LYNN EDWARDES, Minister for Labour Relations.

Schedule

18 July 2000

Restricted Classification

Title or Description	Publisher
40 Plus Vol 9 No 9	Fantasy Publications Ltd
Asian Babes Vol 8 No 10	Fantasy Publications Ltd
Australasian Sex Paper Aug 2000 Vol 11 No 106	ASP Productions Pty Ltd
Australian Flesh Iss 90	Adult Media Group Pty Ltd
Australian Penthouse (Limited Edition) Jul 2000 Vol 21 No 7	Gemkilt Publishing Pty Ltd
Australian Penthouse (Plus Edition) Jul 2000 Vol 21 No 7	Gemkilt Publishing Pty Ltd
Australian Rosie, The Jul 2000 No 131	Clean Culture Int Pty Ltd
Best of 40 Plus, The Vol 2 Iss 2	Fantasy Publications Ltd
Best of Big & Black, The Vol 1 Iss 11	Fantasy Publications Ltd
Best of Big Ones, The Vol 2 Iss 3	Fantasy Publications Ltd
Best of Electric Blue, The (60 Plus) Vol 1 No 10	Fantasy Publications Ltd
Best of Mayfair, The (Summer Special) No 3	Paul Raymond Publications Ltd
Big Ones (International) Vol 11 No 4	Fantasy Publications Ltd
Black Label Vol 1 Iss 3	Galaxy Publications Ltd
Bondage Parade Feb 1997 No 52	Harmony Concepts
Bondage Parade Aug 1997 No 53	Harmony Concepts
Colossal Combo (Super Cum Special) No 12	Gourmet Editions
Depraved Fantasies (Premier Edition) Vol 1 No 1	International Publishing Center
Eros Vol 2 No 4	Fantasy Publications Ltd
Escort (Readers' Wives) No 24	Paul Raymond Publications Ltd
Escort Vol 20 No 6	Paul Raymond Publications Ltd
Eva's Extra No 3	Staviss GMBH
Fiesta (Shaven Havens) No 12	Galaxy Publications Ltd
Fiesta Vol 34 Iss 6	Galaxy Publications Ltd
Fiesta Digest Vol 1 Iss 5	Galaxy Publications Ltd
For Men Iss 121	Fantasy Publications Ltd
For Men (Special) Vol 1 No 6	Fantasy Publications Ltd
For Women Vol 7 No 7	Fantasy Publications Ltd
Freeway Iss 191	Not Known
Hustler (Australia - Gold Edition) Vol 5 No 8	JT Publishing Pty Ltd
Hustler's Asian Fever Apr 1999 Vol 1 No 2	LFP Inc
Knave (Fetish Special) No 5	Galaxy Publications Ltd
Knave Vol 32 Iss 5	Galaxy Publications Ltd
Leg Sex Mar 1998 Vol 2 No 3	The Score Group
Leg Sex Jun 1998 Vol 2 No 6	The Score Group
Love Bondage Scenes Jun 1997 No 30	Harmony Concepts
Love Bondage Treasures Apr 1997 No 48	Harmony Concepts
Mega Climax No 78	Color-Climax Corporation

Restricted Classification—*continued*

Title or Description	Publisher
Men Only Vol 65 No 6	Paul Raymond Publications Ltd
Mens World Vol 12 No 6	Paul Raymond Publications Ltd
New Heels & Hose, The Vol 2 No 2	Denmart UK Limited
New Talent Vol 7 No 4	Fantasy Publications Ltd
New Talent Vol 7 No 5	Fantasy Publications Ltd
Nude Readers' Wives No 156	Fantasy Publications Ltd
Only 18 Vol 3 No 2	Fantasy Publications Ltd
Oral Lust No 2	Gourmet Editions
Penthouse Jun 2000 Vol 31 No 10	General Media Communications Inc
Penthouse Hot Talk Nov-Dec 1998 Vol 11 No 12	General Media Communications Inc
Pirate No 62	Private Media Group
Playboy's Girlfriends Jul 2000	Special Editions
Posh Wives! Vol 2 No 8	Fantasy Publications Ltd
Private Life Vol 1 Iss 5	K-os Publications Limited
Ravers (Bra Busters Special) No 4	Galaxy Publications Ltd
Ravers Vol 6 Iss 5	Galaxy Publications Ltd
Razzle Vol 18 No 5	Paul Raymond Publications Ltd
Readers' Wives Guide to Asian Babes, The Vol 2 No 6	Fantasy Publications Ltd
Sex Next Door No 4	Genre Publications Ltd
Super Sluts No 2	Gourmet Editions
Swank Confidential (Succulent) Jun 1999 No 20	Swank Publications Ltd
Teazer (Just 18 Readers' Wives Special) No 2	Galaxy Publications Ltd
Teazer (Just 18) Vol 2 Iss 5	Galaxy Publications Ltd
Teenage Dream Girls No 26	Color-Climax Corporation
Triple X No 36	Private Media
Two Blue Couples Vol 4 Iss 5	Galaxy Publications Ltd
Weird Sex (Special) Vol 1 No 7	Fantasy Publications Ltd
Wet Lips No 18	Silwa Film
Wild Woman No 15	Silwa Film
Young & Old Vol 1 No 2	Fantasy 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 unrestricted publications for the purposes of that Act.

Dated this 23rd day of July 2000.

CHERYL LYNN EDWARDES, Minister for Labour Relations.

Schedule

18 July 2000

Unrestricted Classification

Title or Description	Publisher
Australian Penthouse (National) Aug 2000 Vol 21 No 8	Gemkilt Publishing Pty Ltd
Girls of Australian Penthouse, The No 124	Gemkilt Publishing Pty Ltd
Heavy Metal Summer 2000 Vol 14 No 2	Heavy Metal Magazine
Hustler (Australia) Vol 5 No 8	JT Publishing Pty Ltd
Perfect 10 Jun-Jul 2000 Vol 3 No 2	Perfect 10 Inc

FAIR TRADING**FT401****CHARITABLE COLLECTIONS ACT 1946**

I, Doug Shave, being the Minister administering the Charitable Collections Act 1946, acting in the exercise of the powers conferred by subsection (3) of section 12 of that Act, hereby give notice that I have revoked the licence of the organisations listed below—

- Ben Gauntlett Appeal Fund
- Emmaus Women's Refuge Inc

Dated this 24th day of July 2000.

DOUG SHAVE, MLA, Minister for Fair Trading.

JUSTICE

JM401**CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988**

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

Mrs Carol Anne Baker of Charthouse Road, Waikiki
Mr Martin Lancaster of 61 Milina Street, Hillman.

RAY WARNES, A/Executive Director, Court Services.

JM402**DECLARATIONS AND ATTESTATIONS ACT 1913**

It is hereby notified for public information that the Attorney General has approved of the appointment of the following persons as Commissioners for Declarations under the Declarations and Attestations Act 1913—

Mrs Sandra Kay Beadle of 6 Elstead Way, Morley
Mr Nicholas Andrew Lee of 231 Hamilton Road, Coogee
Mr Michael White of 14 Salvator Street, Noranda.

RAY WARNES, A/Executive Director, Court Services.

JM403**JUSTICES ACT 1902**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of—

Mr Donald Russell Atkinson of 66 Railway Road, Mullalyup.

to the office of Justice of the Peace for the State of Western Australia.

RAY WARNES, A/Executive Director, Court Services.

LOCAL GOVERNMENT

LG402**HEALTH ACT 1911***Shire of Mount Magnet***NOTICE PREMISES UNFIT FOR HUMAN HABITATION**

Take notice that by virtue of the powers conferred under the provisions of the Health Act 1911, the Council of the Shire of Mount Magnet, being the Local Authority in and for the health district of Mount Magnet, declares that, pursuant to Section 135, the dwelling described in the First Schedule hereto, of which you are the owner, is unfit for human habitation and shall not be occupied after the 6th day of July 2000, and that the works detailed in the Second Schedule hereto have been satisfactorily completed by the date stated.

Further take notice that the dwelling shall not be inhabited or occupied by any person from the date stated above. Any person who permits any person to occupy the above dwelling, or any person who occupies the dwelling, is in breach of the provisions of the said Act. Any breach of this Notice constitutes an offence, and may result in the matter being placed in the hands of Council's solicitors for prosecution.

First Schedule

Premises Timber framed dwelling with fibre cladding and steel roofing.
Location Lot 125 Attwood Street, Mount Magnet WA 6638.
Owner Owner (unknown), Address (unknown).

Second Schedule

Pursuant to Section 137(i) of the Health Act 1911, the owner will, on or before the 22nd day of August 2000, completely takedown the dwelling with all its associated buildings, fixtures, fittings, and equipment, and remove them to the Shire of Mount Magnet landfill site. Furthermore, the complete allotment is to be cleared of all rubbish, which shall be removed to the landfill of the Shire of Mount Magnet.

It must be noted that any person aggrieved by this order of Council has the right to appeal this decision pursuant to Section 36 of the Health Act 1911.

Dated this 5th day of July 2000.

Issued by and under the direction of Council.

W. V. ATYEO, Principal Environmental Health Officer, Building
Surveyor, Murchison Regional Health Service.

LG402**LOCAL GOVERNMENT ACT 1995****HEALTH ACT 1911***Shire of Harvey*

MEMORANDUM OF IMPOSING RATES AND CHARGES

To whom it may concern

At a meeting of the Council of the Shire of Harvey, held on the 13th July 2000, it was resolved that the rates and charges specified hereunder be imposed on rateable and non-rateable land within the district of the Shire of Harvey in accordance with the provisions of the abovementioned Acts for the financial year 1st July 2000 to the 30th June 2001.

Dated: 26th July 2000.

J. W. OFFER, President.
K. J. LEECE, Chief Executive Officer.

Schedule of Rates, Charges, Fees, Penalties and Discounts**General Rate**

7.7832 cents in the dollar of Gross Rental Valuations

0.4466 cents in the dollar of Unimproved Valuations

Minimum General Rate

\$352.00 on both Gross Rental Valuations and Unimproved Valuations

Specified Area Rate—Kingston Estate Landscaping Maintenance

0.737 cents in the dollar of Gross Rental Valuation

Specified Area Rate—Australind Ward—Aquatic Centre Loan

0.315 cents in the dollar of Gross Rental Valuations

0.010 cents in the dollar of Unimproved Valuations

Rubbish Charge—240 Litre Mobile Bins

\$133.00 per annum for the weekly removal of one 240 Litre Mobile Garbage Bin.

Rubbish Charge—Unimproved Valuation Area

\$52.00 per annum for Rural residences not serviced with a 240 Litre Mobile Garbage Bin.

Swimming Pool Inspection Fee

\$13.75 per annum. (including GST)

Rates, Charges and Fees Due and Payable

The Rates and Rubbish Charge is due and payable by the 4th September 2000.

Interim Rates and Interim Rubbish Charges will be due and payable by the 35th day after the date of service of the interim notice.

Discounts

A discount of 8% on all current general rates issued and received in full at the Shire Office up to 4.00pm on the 4th September 2000.

A discount of 8% on all interim general rates issued and received in full at the Shire Office up to 4.00pm on the 35th day after the date of service of the rate notice.

Options for Payment of Rates, Rubbish Charges and Fees**Option 1 Prompt Payment**

Due no later than 4.00pm on the 4th September 2000, and subject to an 8% discount on the current general rates.

Option 2 Two Equal Instalments

1. First Instalment due no later than 4.00pm on the 4th September 2000.

2. Second Instalment due no later than 4.00pm on the 6th November 2000.

Administration Charge for Payment by Option 2—\$3.00 (Entitled Pensioners Exempt).

NOTE: NO DISCOUNT APPLICABLE TO OPTION 2

Option 3 Four Equal Instalments

1. First Instalment due no later than 4.00pm on the 4th September 2000.

2. Second Instalment due no later than 4.00pm on the 6th November 2000.

3. Third Instalment due no later than 4.00pm on the 4th January 2001.

4. Final Instalment due no later than 4.00pm on the 6th March 2001.

Administration Charge for Payment by Option 3—\$9.00 (Entitled Pensioners Exempt).

NOTE: NO DISCOUNT APPLICABLE TO OPTION 3

Interest Charged on Overdue Rates, Rubbish and Other Charges

Rate of Interest—10% calculated on a daily basis.

Interest will be charged on all General Rates, Interest Accrued, Rubbish Charges and Instalment Administration Charges outstanding as at the 30th June 2000, from the 1st July 2000, for the number of days until the day before the day on which a payment is received, calculated on a simple interest basis at the rate of 10% per annum.

Where no election has been made to pay the rate notice by instalments, interest will be charged on Rates and/or Rubbish Charges raised for the 2000/2001 financial year, that remain outstanding forty two (42) days after the date of issue of the rate notice, for the number of days until the day before the day on which a payment is received, calculated on a simple interest basis at the rate of 10% per annum.

Where an election has been made to pay the rate notice by instalments and an instalment remains unpaid, interest will be charged for the number of days until the day before the day on which a payment is received, calculated on a simple interest basis at the rate of 10% per annum.

Entitled Pensioners will be exempt from being charged the interest charge on Deferred Rates, Current Rates and Current Rubbish Charges.

MINERALS AND ENERGY

MN401**MINING ACT 1978****NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE**

Department of Minerals and Energy,
Kalgoorlie WA 6430.

In accordance with Regulation 49(2)(c) of the Mining Act 1978, notice is hereby given that the Prospecting Licences are liable to forfeiture under the provisions of Section 50 for breach of covenant, viz. non compliance with the expenditure conditions.

E. WOODS (SM), Warden.

To be heard in the Warden's Court, Kalgoorlie on the 22nd day of August 2000.

BROAD ARROW MINERAL FIELD

P24/2525—Gold Dust Holdings Pty Ltd
Wattle Gully Gold Mines NL

NORTH COOLGARDIE MINERAL FIELD

P29/1434—Julia Gold Pty Ltd

MN402**MINING ACT 1978**

NOTICE OF APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals and Energy,
Mt Magnet, 18 July 2000.

In accordance with Regulation 49(2)(c) of the Mining Act 1978, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) for breach of covenant, viz. non payment of rent.

S. WILSON, Warden.

To be heard in the Warden's Court, Mt Magnet on the 19th September 2000.

MURCHISON MINERAL FIELD

Day Dawn District

P21/536—Normandy Pipelines Finance Pty Ltd

P21/537—Normandy Pipelines Finance Pty Ltd

P21/538—Normandy Pipelines Finance Pty Ltd

P21/564—Normandy Pipelines Finance Pty Ltd

P21/565—Normandy Pipelines Finance Pty Ltd

EAST MURCHISON MINERAL FIELD

Black Range District

P57/743—Meekal Pty Ltd

PLANNING

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

TOWN PLANNING SCHEME AVAILABLE FOR INSPECTION

SHIRE OF ASHBURTON

TOWN PLANNING SCHEME No. 7

Ref: 853/10/3/7

Notice is hereby given that the local government of the Shire of Ashburton has prepared the abovementioned Town Planning Scheme for the purpose of—

- (a) Facilitating community input into planning for the appropriate balance between economic and social development, conservation of the natural environment, heritage structures and places, and improvements in lifestyle and amenity.
- (b) Responding to strategic planning directions for the Shire by facilitating development in accordance with the Scheme objectives, strategic statements in the Scheme Report and any other strategic and policy statement adopted by Council.
- (c) Reserving certain portions of land required for public and other purposes.
- (d) Zoning the balance of the land within the Scheme Area for purposes described in the Scheme and defining the uses and types of development to be permitted on land within the Scheme Area.
- (e) Controlling and regulating the development of land, the erection and demolition of buildings and the carrying out of works.
- (f) Making provision for the conservation of areas and places of heritage interest.
- (g) Making provision for the administration and enforcement of the Scheme.
- (h) Addressing other matters contained in Schedule 1 of the Act.

Plans and documents setting out and explaining the Town Planning Scheme have been deposited at Council Offices, Poinciana Street, Tom Price 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 30 October 2000.

Submissions on the Town Planning Scheme may be made in writing on Form No. 4 and lodged with the undersigned on or before 30 October 2000.

D. G. CAREY, Chief Executive Officer.

POLICE

PE501**POLICE ACT 1892****POLICE AUCTION**

Under the provisions of the Police Act 1892, unclaimed and stolen property will be sold by public auction at the premises of Ronald Scott, trading as Snowball Auctions, Auctioneer, of 89 Frederick Street, Albany at approximately 9.00 am on Friday, 4 August 2000.

Auction will be conducted by Ronald Scott, Auctioneer.

B. E. MATTHEWS, Commissioner of Police.

PREMIER AND CABINET

PR401**MINISTERIAL ACTING ARRANGEMENTS**

It is hereby notified for public information that the Administrator in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon J. H. D. Day MLA in the period 23 to 29 July 2000 inclusive—

Minister for Health—Hon M. F. Board 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 Administrator in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon J. D. van de Klashorst MLA—

Minister for Family and Children's Services; Seniors; Women's Interests—

25 to 28 July 2000—Hon M. J. Criddle MLC

31 July to 5 August 2000—Hon P. D. Omodei MLA

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

This notice supersedes information published in the *Government Gazette*, PR401, dated 23 June 2000.

RACING, GAMING AND LIQUOR

RA401**LIQUOR LICENSING ACT 1988****SUMMARY OF LIQUOR LICENSING APPLICATIONS**

The following is a summary of applications received under the Liquor Licensing Act 1988 and required to be advertised. Any person wishing to obtain more details about any application, or about the objection process, should contact the Liquor Licensing Division, 1st Floor, Hyatt Centre, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
7870	Selmech Pty Ltd	Application for the grant of a Special Facility Licence in respect of premises situated in Albany and known as "Silver Star 2".	24/8/2000
7871	Austin David Mayer	Application for the grant of a Tavern Licence in respect of premises situated in Munglinup and known as Murison's Tavern.	24/8/2000

App. No.	Applicant	Nature of Application	Last Date for Objections
7873	Eyre Travelstops Pty Ltd	Applicaton for the grant of a Special Facility—Other Licence in respect of premises situated in Perth and known as Sandalford Cruises.	20/8/2000
7874	Dundedin Holdings Pty Ltd	Application for the grant of a Special Facility Licence in respect of premises situated in Mandurah and known as To Be Advised.	20/8/2000
7875	Bruce Reid, Sandra Reid, Rodney Chilcott & Biljana Peroska	Application for the grant of a Special Facility—Sports Promotion Licence in Malaga and known as Ballajura Indoor Sports Centre.	22/8/2000
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
4825	Judina Pty Ltd	Application for the grant of an Extended Trading Permit—Ongoing Extended Hours, in respect of premises situated in Perth and known as City Hotel.	14/8/2000
4826	Harem Pty Ltd	Application for the grant of an Extended Trading Permit—Ongoing Extended Hours, in respect of premises situated in Mount Barker and known as Plantagenet Hotel.	14/8/2000

This notice is published under section 67(5) of the Liquor Licensing Act 1988.

HUGH HIGHMAN, A/g Director of Liquor Licensing.

SALARIES AND ALLOWANCES TRIBUNAL

SA401*

SALARIES AND ALLOWANCES TRIBUNAL
VARIATION OF A DETERMINATION
Dated 15 December 1999
SECOND SCHEDULE

Public Sector Standards Commissioner—Office of Commissioner

Group 4

Minimum

Add: plus a Personal Merit Allowance to Group 4 Maximum for 12 months from 1 June 2000 to Mr D Saunders.

Dated at Perth this 7th day of July 2000.

D. G. BLIGHT AO, Chairman.
R. H. C. TURNER AM, Member.
J. A. S. MEWS, Member.
Salaries and Allowances Tribunal.

WATER

WA401*

COUNTRY TOWNS SEWERAGE ACT 1948
COUNTRY SEWERAGE AREAS ORDER NUMBER 5 2000

Made by the Administrator in Executive Council under section 4.

Citation

1. This order may be cited as the *Country Sewerage Areas Order Number 5 2000* (Donnybrook Sewerage Area).
2. The land described in the Schedule to this order is hereby constituted as the Donnybrook Sewerage Area.

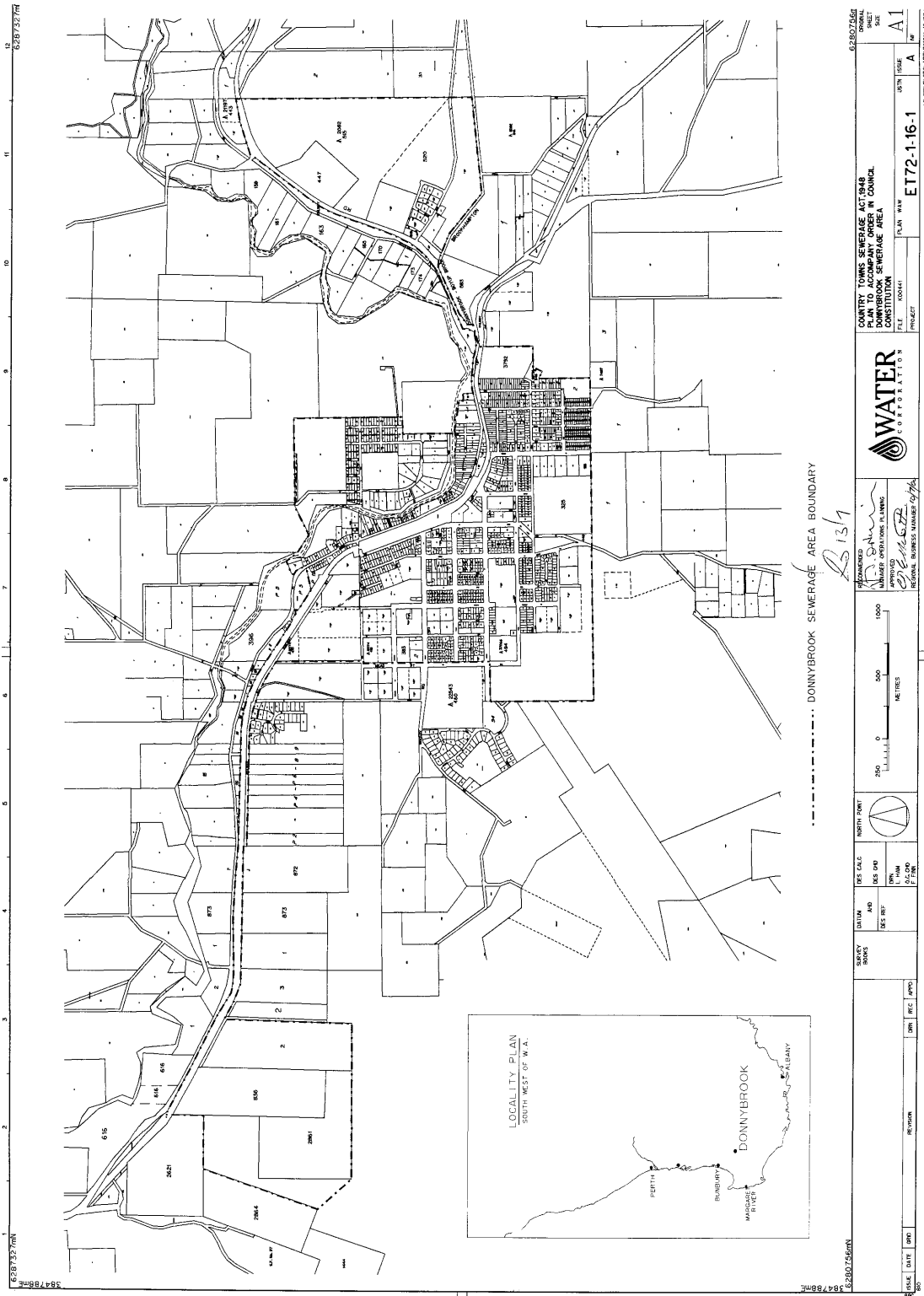
Schedule

(clause 2)

The area to be constituted is delineated by symbolised boundary _____
Donnybrook Sewerage Area:

The area of land, as depicted on Water Corporation plan ET72-1-16-1
By Command of the Administrator,

M. C. WAUCHOPE, Clerk of the Council.



WA402*

COUNTRY AREAS WATER SUPPLY ACT 1947

COUNTRY WATER AREAS AMENDMENT ORDER NUMBER 5 2000

Made by the Administrator in Executive Council under section 8.

Citation

1. This order may be cited as the *Country Water Areas Amendment Order Number 5 2000* (Dathagnoorara Country Water Area).

2. The land described in the Schedule to this order is hereby amended.

Schedule

(clause 2)

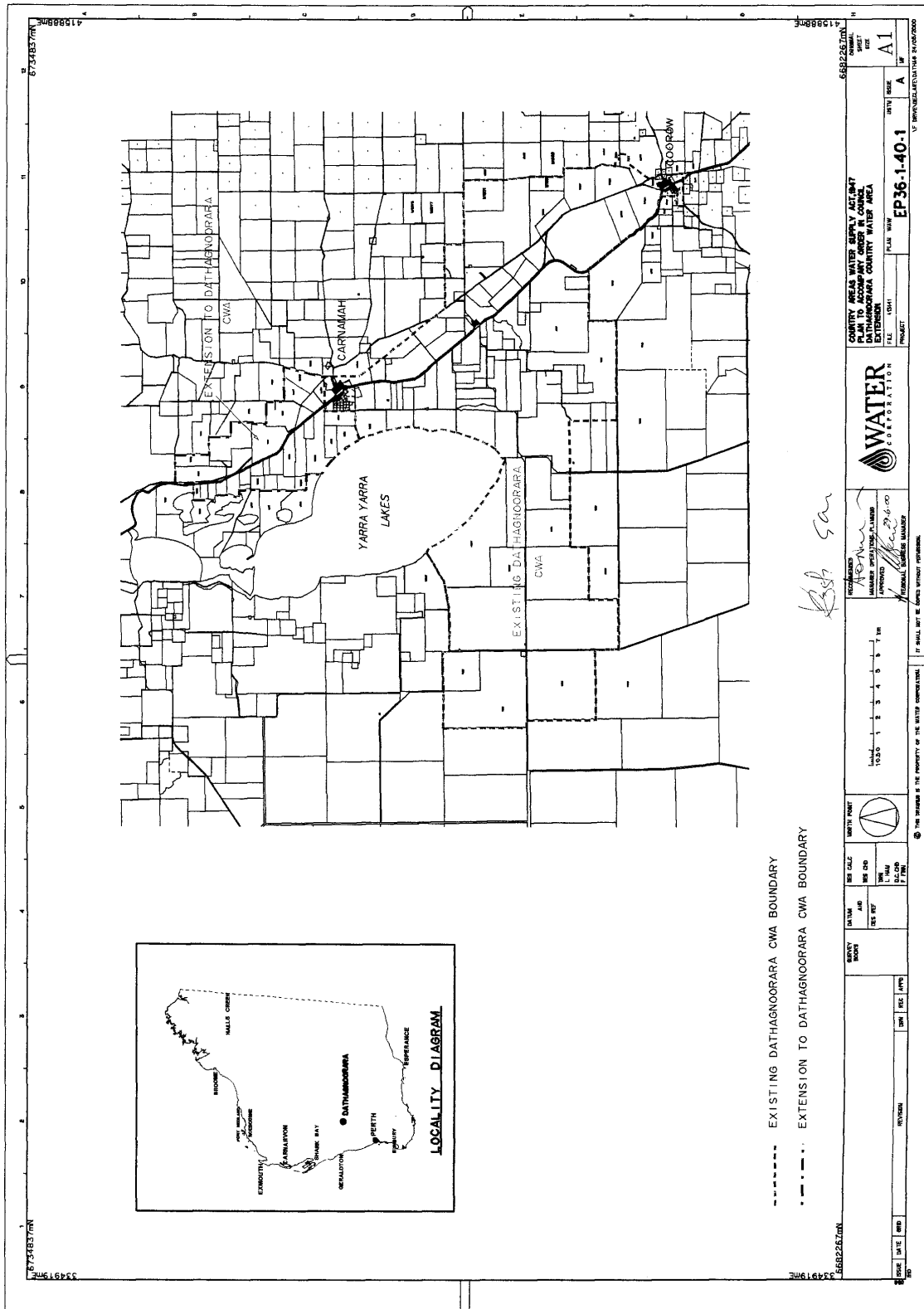
The following area of land is hereby amended as indicated:

All area to be amended is delineated by symbolised boundary _____

Dathagnoorara Country Water Area: as per Water Corporation plan EP36-1-40-1.

By Command of the Administrator,

M. C. WAUCHOPE, Clerk of the Council.



PUBLIC NOTICES

ZZ101**TRUSTEES ACT 1962**

NOTICE TO CREDITORS AND CLAIMANTS

Creditors and other persons having claims (to which Section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 28th August 2000 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Ball, Sidney, Late of Mandurah Nursing Home, 1 Hungerford Avenue, Mandurah, formerly of Unit 167/601 Pinjarra Road, Mandurah, died 21/6/00. (DEC 328274 DS2)

Black, Beatrice Norma, late of 26/52 Liege St. Woodlands, formerly of 7 Hazel Avenue, Woodlands, died 30/6/00. (DEC 328234 DP1)

Bordas, Elsie, late of Unit 11/163 Scarborough Beach Road, Scarborough, died 14/7/00. (DEC 328282 DC3)

Bryan, Peggy Iris June, Unit 6/9 Elvira Street, Palmyra, died 23/6/00. (DEC 328263 DC4)

Creighton, Annie Shiela, late of 19 Ferguson Street, Midvale, died 5/12/93. (DEC 320172 DP3)

Gaynor, Lynette, late of 23 Matthew Avenue, Leeming, died 20/6/00. (DEC 328150 DP3)

Hall, Vera, late of Trinity Village, House 35, 7 Beddi Road, Duncraig, died 9/7/00. (DEC 328233 DC2)

Harvey, Thomas John, late of Skye Nursing Home, Stevens Street, Fremantle, died 24/2/00. (DEC 326252 DC3)

Hewitt, Harold Frederick, late of Kalgoorlie Nursing Home, 8-10 Dugan Street, Kalgoorlie, died 18/5/00. (DEC 327300 DG4)

Hill, Eric Frank, late of 2 Barnsley Street, Queens Park, died 4/7/00. (DEC 328241 DS4)

Jennings, Mary Ellen, late of 23 Market Street, Kensington, died 12/7/00. (DEC 328303 DS4)

Leckie, Isabella Ann, late of Swan Cottage Homes, 2 Allen Court, Bentley, formerly of 63 Clayton Street, East Fremantle, died 14/6/00. (DEC 328275 DG4)

Matthews, Elizabeth Helena, late of Unit 9 Bollig Gardens, Swan Cottage Homes, Bentley, died 20/8/99. (DEC 327359 DS3)

Myatt, Lilian Maud, late of St. Vincent's Nursing Home, Swan Street, Guildford, died 1/2/00. (DEC 326127 DC3)

Oats, Joseph Leslie, late of Shoalwater Nursing Home, 72-74 Fourth Avenue, Shoalwater, formerly of 17 South Road, Safety Bay, died 20/5/00. (DEC 327872 DS2)

O'Mara, Victoria Alexandra, late of RSL War Veteran's Home, 51 Alexander Drive, Mt. Lawley, died 3/7/00. (DEC 328327 DS3)

Parker, Lionel William, late of 10 Darby Street, Maylands, died 8/8/00. (DEC 328206 DP4)

Scott, Walter Robert, late of 60 Albany Highway, Mt Barker, died 20/6/00. (DEC 328288 DG2)

Spark, John Onley, late of 29 Allamanda Drive, South Lake, died 2/5/00 (DEC 328267 DA3)

Whitford, Joseph Ernest Desmond, late of Brightwater Nursing Home, Walter Road, Inglewood, formerly of 21/118 Monash Avenue, Nedlands, died 14/5/00. (DEC 327779 DL2)

ANTONINA ROSE McLAREN, Public Trustee,
Public Trust Office, 565 Hay Street, Perth WA 6000.
Telephone: 9222 6777

ZZ201**TRUSTEES ACT 1962**

DECEASED ESTATE

Richardson, Alexander Oliphant late of 9 Park Road, Gnowangerup, died on 26 September 1999, deceased.

Creditors and other persons having claims in respect of the estate of the abovenamed deceased are required by the Executor of care of Edwards Karwacki Smith Pty Ltd, 10 Canning Highway, South Perth WA 6151 to send particulars of their claims to them within one (1) month of the date of this publication of this notice, after which date the Executor may convey or distribute the assets, having regard only to the claims of which they then have notice and the Administrators will not be liable to any person of whose claim they have no notice at the time of distribution.

ZZ401

TITAN HOLDINGS PTY LTD

A.C.N. 009 165 995

In the matter of the Australian Corporations & Securities legislation and in the matter of Titan Holding Pty Ltd A.C.N. 009 165 995, notice is hereby given that an Annual General Meeting of the abovementioned company, duly convened and held at 5.30pm on the 17th day of July 2000, the following resolution was duly passed—

“that the company be wound up voluntarily”.

Mr Benedetto D'Acunto of 1 Keys Close, Mindarie Keys was appointed liquidator of the company. Dated this 17th day of July 2000.

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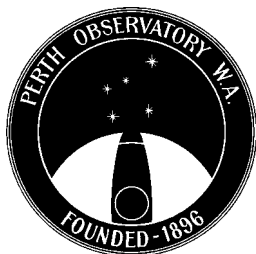
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