

**WESTERN
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GOVERNMENT
Gazette**

4149



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- Easter and Christmas holidays cause disruption each year.
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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*

MOTOR VEHICLE DEALERS AMENDMENT ACT 2002

4 of 2002

PROCLAMATION

| | | |
|---|---|--|
| WESTERN AUSTRALIA John Sanderson, Governor. [L.S.] | } | By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia. |
|---|---|--|

I, the Governor, acting under section 2 of the *Motor Vehicle Dealers Amendment Act 2002*, and with the advice and consent of the Executive Council, fix 1 September 2002 as the day on which that Act comes into operation.

Given under my hand and the Public Seal of the State on 6 August 2002.

By Command of the Governor,

JOHN KOBELKE, Minister for Consumer and Employment Protection.

GOD SAVE THE QUEEN !

CONSUMER AND EMPLOYMENT PROTECTION

CE301*

Motor Vehicle Dealers Act 1973

Car Market Amendment Regulations 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Car Market Amendment Regulations 2002*.

2. Commencement

These regulations come into operation on the day on which the *Motor Vehicle Dealers Amendment Act 2002* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Car Market Regulations 1981**.

[* Reprinted as at 20 January 1997.]

4. Regulation 9 amended

Regulation 9 is amended by deleting “\$200” and inserting instead —

“ \$2 000 ”.

By Command of the Governor,

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

CE302*

Motor Vehicle Dealers Act 1973

Motor Vehicle Dealers (Infringements) Regulations 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Motor Vehicle Dealers (Infringements) Regulations 2002*.

2. Commencement

These regulations come into operation on the day on which the *Motor Vehicle Dealers Amendment Act 2002* comes into operation.

**3. Offences for which infringement notices may be given
(s. 55A(2))**

For the purposes of section 55A(2) of the Act, an offence set out in Schedule 1 Column 1 is prescribed to be an offence in respect of which an infringement notice may be given.

4. Modified penalties (s. 55A(4))

For the purposes of section 55A(4) of the Act, the modified penalty set out in Schedule 1 Column 2 opposite an offence referred to in Column 1 is the prescribed modified penalty for that offence.

5. Form of infringement notice (s. 55A(3))

For the purposes of section 55A(3) of the Act, Schedule 2 Form 1 is the prescribed form of an infringement notice.

6. Form of notice withdrawing infringement notice (s. 55A(7))

For the purposes of section 55A(7) of the Act, Schedule 2 Form 2 is the prescribed form of a notice stating that an infringement notice has been withdrawn.

Schedule 1 — Prescribed offences and modified penalties

[r. 3 and 4]

| Column 1 Prescribed offence | Column 2 Modified penalty |
|---|--|
| <i>Motor Vehicle Dealers Act 1973</i> | |
| s. 20G(3) | \$150 |
| s. 21 | \$150 |
| s. 21C(3) | \$150 |
| s. 21D | \$150 |
| s. 23(1) | \$200 |
| s. 23(2) | \$200 |
| s. 24(3) | \$150 |
| s. 25(2e) | \$100 |
| s. 25(3), relating to s. 25(1), (1a) and (2a) | \$500 |
| s. 26(1) | \$200 |
| s. 26(2) | \$200 |
| s. 27(3) | \$500 |
| s. 28(10) | \$200 |
| s. 28(11) | \$200 |
| s. 30(2) | \$500 |
| s. 31D(2) | \$500 |
| s. 33(1) | \$200 |
| s. 33(4) | \$500 |
| s. 33(7) | \$100 |
| s. 40B(1) | \$200 |
| s. 41(1) | \$200 |
| s. 43(1) | \$100 |
| <i>Motor Vehicle Dealers (Sales) Regulations 1974</i> | |
| r. 14, relating to r. 11(2) | \$200 |

Schedule 2 — Forms

[r. 5 and 6]

Form 1

| | | | |
|--|---------------------------------|------------|--------------|
| <i>Motor Vehicle Dealers Act 1973, s. 55A(3)</i> | | Notice No: | |
| Infringement Notice | | | |
| Alleged offender | Family name: | | |
| | Other names: | | |
| | Address | No.: | Street name: |
| | Suburb: | | Postcode: |
| Alleged offence | Section of the Act: Or | | |
| | Provision of the Regulations: | | |
| | Description of alleged offence: | | |
| | Where and when: | | |
| Amount of modified penalty | \$ | | |
| Authorised officer who issued this notice | Name: | | |
| | Signature: | | |
| | Date: | | |

Notes

| | |
|-------------------------|---|
| WHAT YOU MUST DO | <p>1. You may dispose of this matter within 28 days after the service of this notice by paying the modified penalty —</p> <p style="margin-left: 20px;">(a) BY POSTING a cheque or money order made payable to the Commissioner for Fair Trading Locked Bag 14 Cloisters Square Perth WA 6850; or</p> <p style="margin-left: 20px;">(b) IN PERSON to the Cashier at the Department of Consumer and Employment Protection 219 St George's Terrace Perth;</p> <p style="text-align: center;">OR</p> <p>2. Elect to have this matter dealt with before a COURT.</p> <p>Should you not pursue any of the above options within the time specified above, additional administrative charges may be incurred and action may be taken to suspend your Motor Driver's Licence until you have paid in full the modified penalty and any additional charges OR you have elected to have this matter dealt with before a Court.</p> |
|-------------------------|---|

Form 2

| | | | |
|---|--------------|------------|--------------|
| <i>Motor Vehicle Dealers Act 1973, s. 55A(7)</i> | | Notice No: | |
| Withdrawal of Infringement Notice | | | |
| To <small>[Details of alleged offender]</small> | Family name: | | |
| | Other names: | | |
| | Address | No.: | Street name: |
| | Suburb: | | Postcode: |
| <p>AN INFRINGEMENT NOTICE SERVED ON YOU HAS BEEN WITHDRAWN. ANY PAYMENT THAT HAS BEEN MADE WILL BE REFUNDED AND —</p> <ul style="list-style-type: none"> • NO FURTHER ACTION WILL BE TAKEN* • A SUMMONS WILL BE ISSUED* <p><small>[* delete whichever is not applicable]</small></p> | | | |

| | |
|---|--------------------|
| Details of withdrawn notice | Date notice given: |
| | Alleged notice: |
| Designated official who issued this notice | Name: |
| | Signature: |
| | Date: |

By Command of the Governor,

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

CE303*

Motor Vehicle Dealers Act 1973

Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 2) 2002*.

2. Commencement

These regulations come into operation on the day on which the *Motor Vehicle Dealers Amendment Act 2002* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Motor Vehicle Dealers (Licensing) Regulations 1974**.

[* Reprinted as at 28 May 1996.

For amendments to 26 July 2002 see 2001 Index to Legislation of Western Australia, Table 4, p. 229, and Gazette 28 June 2002.]

4. Regulation 2 amended

Regulation 2 is amended as follows:

- (a) by deleting the definitions of “Schedule” and “the Act”;
- (b) after the definition of “section” by deleting the semicolon and inserting instead a full stop.

5. Regulation 6 amended

Regulation 6 is amended by deleting “\$200” and inserting instead —

“ \$2 000 ”.

6. Regulation 8 inserted

After regulation 7 the following regulation is inserted —

“

8. Classes of business and categories of licence

(1) A business described in the Fourth Schedule Column 2 is prescribed for the purposes of section 5A.

(2) A category of dealer’s licence listed in the Fourth Schedule Column 1 is prescribed for the description of business opposite that category in Column 2.

”.

7. First Schedule amended

The First Schedule is amended as follows:

(a) by deleting “registered” and inserting instead —
“ authorised ”;

(b) by deleting “Salesmen” and inserting instead —
“ Salespersons ”.

8. Second Schedule amended

(1) The Second Schedule Form 14 is amended by deleting “Salesman” in both places where it occurs and inserting instead —

“ Salesperson ”.

(2) The Second Schedule Form 17 is amended by deleting “Certificate of Registered Premises issued for” and inserting instead —

“ Authorised ”.

(3) The Second Schedule Form 18 is amended by deleting “Registered” and inserting instead —

“ Authorised ”.

(4) The Second Schedule Form 19 is amended as follows:

(a) by deleting “SALESMEN” and inserting instead —
“ SALESPERSONS ”;

(b) by deleting “Salesman of Registered” and inserting instead —

“ Salesperson of Authorised ”.

9. Third Schedule amended

The Third Schedule is amended as follows:

- (a) in item 1(a) by deleting “registered in the dealer’s name under section 21” and inserting instead —

“ authorised under section 20E(5) ”;

- (b) in item 1(b) by deleting “registered in the dealer’s name” where it first occurs and inserting instead —

“ authorised under section 20E(5) ”;

- (c) in item 1(b) by deleting “registered in the dealer’s name under section 21” and inserting instead —

“ authorised under section 20E(5) ”;

- (d) after item 1 by inserting the following items —

“

1A. Application under section 20F in respect
of change of premises 76

1B. Application under section 20F in respect
of each added premises 453

1C. Application for a temporary permit under
section 20H 30

”;

- (e) in item 3 by deleting “salesman’s” in both places where it occurs and inserting instead —

“ salesperson’s ”;

- (f) in item 4 by deleting “licence” in each of the 3 places where it occurs and inserting instead —

“ registration ”;

- (g) in item 4(a) by deleting “registered” and inserting instead —

“ authorised under section 21A(5) ”;

- (h) in item 4(b) by deleting “registered in the operator’s name” and inserting instead —

“

authorised under section 21A(5) in relation to the
registration

”;

- (i) in item 4(b) by deleting “registered in relation to the licence,” and inserting instead —

“

authorised under section 21A(5) in relation to the
registration,

”;

- (j) after item 4 by inserting the following items —
- “
- | | | |
|-----|--|-----|
| 4A. | Application under section 21B in respect of alteration of premises | 76 |
| 4B. | Application under section 21B in respect of each added premises | 453 |
- ”.
- (k) in item 5 by deleting “section 30(2)” and inserting instead —
- “ section 31(1) ”;
- (l) in item 6 by deleting “permit under section 30(7)” and inserting instead —
- “ authorisation under section 16(2) or 17(2) ”.

10. Fourth Schedule inserted

After the Third Schedule the following Schedule is inserted —

“

Fourth Schedule

[r. 8]

Classes and descriptions of business and categories of dealer’s licence

| Column 1 | Column 2 |
|---|---|
| Category of licence | Description of business |
| A | Buying, selling and auctioning vehicles other than motor cycles, caravans or campervans. |
| B | Buying, selling and auctioning motor cycles. |
| C | Buying, selling and auctioning caravans and campervans. |
| D | Buying any vehicles for the purpose of dismantling them and selling off the parts. |
| E | Acting as an agent to facilitate the selling or purchase of any vehicles on behalf of members of the public. |
| F | Hiring out vehicles, buying, vehicles for hiring out, and selling and auctioning any vehicles that have been hired out by the dealer. |
| Any combination of A, B, C, D, E and F, as nominated by the dealer. | The businesses subject of the nominated categories. |

”.

By Command of the Governor,

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

CE304*

Motor Vehicle Dealers Act 1973

Motor Vehicle Dealers (Sales) Amendment Regulations 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Motor Vehicle Dealers (Sales) Amendment Regulations 2002*.

2. Commencement

These regulations come into operation on the day on which the *Motor Vehicle Dealers Amendment Act 2002* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Motor Vehicle Dealers (Sales) Regulations 1974**.

[* Reprinted as at 2 July 1999.]

4. Part 1 heading inserted

Before regulation 1 the following Part heading is inserted —

“

Part 1 — Preliminary

”

5. Regulation 2 amended

Regulation 2 is amended as follows:

- (a) by deleting the definitions of “schedule” and “the Act”;
- (b) after the definition of “section” by deleting the semicolon and inserting instead a full stop.

6. Part 2 heading inserted

After regulation 2 the following Part heading is inserted —

“

Part 2 — Forms

”

7. Regulation 3 amended

Regulation 3 is amended by deleting “by a dealer”.

8. Regulation 5A repealed

Regulation 5A is repealed.

9. Part 3 and Part 4 heading inserted

After regulation 10 the following is inserted —

“

Part 3 — Trust Accounts

Division 1 — General

10A. Application

This Part applies to trust accounts required to be maintained by a dealer under section 32C.

10B. Prescribed financial institutions (section 32C)

For the purposes of section 32C all banks, building societies and credit societies are prescribed financial institutions.

Division 2 — Keeping and management of trust accounts

10C. Information to be given by the dealer to the Board

- (1) When a dealer opens a trust account the dealer must ensure that the name of the trust account includes —
 - (a) the full name of the dealer;
 - (b) the dealer's licence number;
 - (c) the trading name (if any); and
 - (d) the words “consignment trust account”.
- (2) When a dealer opens or closes a trust account the dealer must, as soon as is practicable, inform the Board in writing of the opening or closure of the trust account and, in doing so, must specify —
 - (a) the name and number of the trust account; and
 - (b) the name and address of the financial institution with which the trust account is or was maintained.

10D. Trust accounts records

- (1) A dealer must ensure that a record is kept relating to a trust account.
- (2) The record must be —
 - (a) kept in written form;
 - (b) kept for a period of not less than 6 years from the date on which the money was received; and
 - (c) readily accessible.

- (3) The record must contain the information contained on every receipt issued for money received, and may take the form of a duplicate copy of the receipt.

10E. Manner of accounting for moneys received

- (1) Where money has been received the dealer must ensure that a written receipt is issued to the person giving the money.
- (2) However the receipt may be in an electronic form where the money is received by electronic transfer.
- (3) The receipt must contain —
 - (a) the name of the dealer and the dealer's licence number;
 - (b) a number or letter, or a combination of both, in consecutive order that allows the receipt to be uniquely identified;
 - (c) the date on which the money is received;
 - (d) the name of the person paying the money;
 - (e) the amount of money received;
 - (f) a brief description of the purpose of the payment; and
 - (g) if the receipt is hand-written, the name of the person receiving the money evidenced by the signature of that person.

10F. Statutory declaration

Where in a calendar year a dealer has neither held nor received money in relation to a trust account, the dealer must, within 3 months of the end of that year, provide the Board with a statutory declaration to this effect.

Division 3 — Duties of financial institutions

10G. Reporting overdrawn accounts

If a dealer's trust account is overdrawn the relevant financial institution must, as soon as is practicable, inform the Board in writing of —

- (a) the name and number of the trust account; and
- (b) the amount by which the trust account is overdrawn.

Division 4 — Auditing of trust accounts

10H. Appointment of auditors

- (1) A dealer must appoint an auditor, approved by the Board, at the time of opening a trust account.

- (2) An auditor's appointment under this section is continuous unless the Board approves a subsequent change in the appointment.

10I. Production of records to auditors

The dealer and the relevant financial institution must, at the request of an auditor engaged in the audit of the dealer's trust account, produce to that auditor all such books, papers, accounts, documents and securities in their possession, custody, or power as may be reasonably necessary for the purposes of the audit.

10J. Conduct of audits

The auditor must conduct the audit in accordance with accepted auditing practice, including selective testing when the auditor considers it appropriate.

10K. Auditors' reports, contents of

An auditor's report must contain a statement as to the following matters —

- (a) whether the trust account has, in the opinion of the auditor, been kept regularly and properly written up;
- (b) whether the trust account has been ready for examination at the periods appointed by the auditor;
- (c) whether the dealer has complied with the auditor's requirements;
- (d) whether the trust account is, or has been during the period of the audit, overdrawn;
- (e) whether in the opinion of the auditor the trust account is, and has been during the period of the audit, in order or otherwise;
- (f) any matter or thing in relation to the trust account that should in the opinion of the auditor be communicated to the Board.

10L. Obligation of auditor to disclose certain information

An auditor must disclose to the Board —

- (a) any close relationship by blood or marriage that he or she has with a dealer whose trust accounts the auditor has been appointed to audit; or
- (b) any business dealings the auditor has with or through the dealer at any time during the auditor's appointment,

and the Board may, if it thinks fit, disqualify that auditor from acting in that particular case.

10M. Costs of auditing

The reasonable fees and expenses of an auditor for an audit under section 32I are payable by the dealer.

10N. When and to whom the auditor must report

- (1) The audit period is to be set by the Board in relation to each dealer.
- (2) The auditor must within 3 months after the end of that period —
 - (a) deliver to the Board a report of the result of the audit, verified by a statutory declaration of the auditor, in an approved form; and
 - (b) deliver a copy of the report so verified to the dealer.
- (3) The dealer must retain the copy of the report and produce it on demand to the auditor making the next succeeding audit of the dealer's trust account.

10O. Confidentiality of audit information

- (1) An auditor must not, directly or indirectly, record, disclose or make use of any information obtained in the course of conducting any audit except —
 - (a) for the purpose of performing functions under the Act;
 - (b) as required or allowed by the Act or under another law.
- (2) However the Board may divulge the information to an interested person or to an auditor making a succeeding audit of the dealer's trust account.

Part 4 — Miscellaneous**10. Regulation 13 amended**

Regulation 13 is amended by deleting “section 34(3)(d)” and inserting instead —

“ section 34B(1)(d) ”.

11. Regulations 13A and 13B inserted

After regulation 13 the following regulations are inserted —

“

13A. Prescribed requirements for vehicle consignment agreements (Fourth Schedule)

For the purposes of section 32B the prescribed particulars, terms and conditions are those set out in the Fourth Schedule.

”.

**13B. Prescribed requirements for vehicle sale agreements
(Fifth Schedule)**

For the purposes of section 42A the prescribed particulars, terms and conditions are those set out in the Fifth Schedule.

12. Regulation 14 amended

Regulation 14 is amended by deleting “\$200” and inserting instead —

“ \$2 000 ”.

13. First Schedule amended

(1) The First Schedule Form 4 is amended as follows:

- (a) by deleting “WESTERN AUSTRALIA”;
- (b) by deleting “Reg. 7” and inserting instead —
“ Reg. 5 ”;
- (c) by deleting “OF VEHICLE” and inserting instead —
“ (INC. GST) ”.
- (d) by deleting the headings “STATUTORY WARRANTY” and “MORE INFORMATION” and the text under those headings and inserting instead —

STATUTORY WARRANTY

A motor vehicle is covered by the terms of a statutory warranty under the *Motor Vehicle Dealers Act 1973* because the cash price (inc. GST) paid is \$4 000 or more and the vehicle is less than 12 years old and has travelled less than 180 000 km. The length of time the vehicle is covered under warranty is determined by the age of the vehicle and kilometres it has travelled at the time of sale. Where a vehicle is —

- less than 10 years old and has travelled less than 150 000 km at the time of sale — warranty is for 3 months or 5 000 km, whichever happens first; or
- between 10 and 12 years old or has travelled between 150 000 and 180 000 km at the time of sale — warranty is for 1 month or 1 500 km, whichever happens first.

A motorcycle is covered by the terms of a statutory warranty because the cash price (inc. GST) paid is \$3 500 or more and the motorcycle is less than 8 years old and has travelled less than 80 000 km. The warranty is for 3 months or 5 000 km, whichever happens first.

The warranty means that the selling dealer must repair or make good all defects which make or are likely to make the vehicle unroadworthy or unserviceable. The repair should make the vehicle roadworthy and in a reasonable condition having regard to its age.

MORE INFORMATION

If you have any questions or require further information about the statutory warranty contact the Consumer Protection Call Centre on 1300 30 40 54 (Mon to Fri). TTY (08) 9282 0800 (hearing impaired).

Internet: www.docep.wa.gov.au

(2) First Schedule Form 5 is amended as follows:

- (a) by inserting after “Estimated cost of repair” —
“ (inc. GST) ”.

- (b) by deleting from the heading “MORE INFORMATION” to the end of the Form and inserting instead —

“

MORE INFORMATION

If you have any questions or require further information about statutory warranties or this notice, contact the Consumer Protection Call Centre on 1300 30 40 54 (Mon to Fri). TTY (08) 9282 0800 (hearing impaired).

Internet: www.docep.wa.gov.au

”

- (3) The First Schedule Form 6 is amended as follows:

- (a) by deleting “WESTERN AUSTRALIA”;
- (b) by deleting “OF VEHICLE” and inserting instead —
“ (INC. GST) ”.
- (c) by deleting from the heading “STATUTORY WARRANTY” to the end of the Form and inserting instead —

“

STATUTORY WARRANTY

This vehicle is not covered by the terms of the statutory warranty under Part III Division 4 of the *Motor Vehicle Dealers Act 1973*. This is because —

- the cash price (inc. GST) paid in the case of a motor cycle is less than \$3 500 or in the case of any other vehicle is less than \$4 000; or
- in the case of a motor cycle it is more than 8 years old or has been driven more than 80 000 km or in the case of any other vehicle it is more than 12 years old or has been driven more than 180 000 km; or
- the vehicle was sold at auction on behalf of a member of the public; or
- the vehicle is excluded from the statutory warranty under the *Motor Vehicle Dealers Act 1973*.

The following vehicles are excluded —

1. A caravan built to be towed by a motor vehicle.
2. A motor cycle —
 - (a) built for off-road use; and
 - (b) not built to carry any passengers.
3. A motor vehicle —
 - (a) built to be used primarily to carry goods or materials used in any trade, business or industry; and
 - (b) having only one row of seats.
4. A multi-wheeled open motor vehicle the driver of which sits astride the vehicle or part of the vehicle in a manner similar to that customary for the driver of a motor cycle.

WARRANTIES IMPLIED UNDER FAIR TRADING AND TRADE**PRACTICES LAWS**

The *Fair Trading Act 1987* and *Trade Practices Act 1974* (C'th) require the dealer selling this vehicle to ensure that the vehicle matches any description given and that it is of “merchantable quality.” This means that it must be fit for the purpose for which a vehicle of that nature is normally used. The amount of money you have paid for the vehicle is taken into account when determining merchantable quality.

For example, even though a vehicle is not covered by the statutory warranty under the *Motor Vehicle Dealers Act 1973*, you are entitled to expect the dealer to repair any major defects that were present at the time of sale which prevent the vehicle from being used in the normal way. This also applies to anything that makes the vehicle unsafe to drive (eg. faulty brakes, faulty steering or major structural rust).

The requirement of merchantable quality does not apply —

- to defects specifically drawn to your attention before the contract of sale is made; or
- if you examine the vehicle for defects before the contract is made, to defects that examination should have revealed.

VEHICLES BOUGHT AT AUCTION

Vehicles purchased at auction do not carry a “statutory warranty” if they are being auctioned on behalf of a member of the public.

MORE INFORMATION

If you have any questions or require further information about statutory warranties or this notice, contact the Consumer Protection Call Centre on 1300 30 40 54 (Mon to Fri). TTY (08) 9282 0800 (hearing impaired).

Internet: www.docep.wa.gov.au

”

(4) The First Schedule Form 9 is deleted and the following Form is inserted instead —

“

Form 9.

WESTERN AUSTRALIA

Motor Vehicle Dealers Act 1973

(Section 28)

Motor Vehicle Dealers (Sales) Regulations 1974, Reg. 10

NOTICE PROHIBITING SALE OF SECOND-HAND VEHICLE

At the time of inspection by a member of the Police Force or an authorised officer (“**inspecting officer**”), this vehicle or its equipment was, in the opinion of the inspecting officer, defective and an order was issued specifying each defect.

The sale of this vehicle is prohibited, except for the purposes of breaking up, unless and until an inspecting officer is satisfied that —

- each defect specified in the order has been remedied; or
- the vehicle’s number plates have been returned to the nearest licensing or registering authority,
and the inspecting officer accordingly cancels the order and removes this notice.

Reverse Side (Form 9)

The sale of this vehicle is prohibited, except for the purposes of breaking up, unless and until an inspecting officer is satisfied that —

- each defect specified in the order has been remedied; or
- the vehicle’s number plates have been returned to the nearest licensing or registering authority,
and the inspecting officer accordingly cancels the order and removes this notice.

No. of Notice Issued

Make of Vehicle

Reg. No. of Vehicle

Engine No. of Vehicle

Vehicle Identification No

Signature

Rank

Number (if applicable)

State (or Licensing Authority)

Date of Issue/...../.....

WARNING

This notice must NOT be removed EXCEPT by a member of the Police Force or an authorised officer acting in accordance with the *Motor Vehicle Dealers Act 1973*.

”

14. Second Schedule amended

The Second Schedule item 1 is amended by deleting “2 days” and inserting instead —

“ 5 days ”.

15. Fourth and Fifth Schedule inserted

After the Third Schedule the following Schedule is inserted —

“

Fourth Schedule

[r. 13A]

VEHICLE CONSIGNMENT CONTRACT
TERMS AND CONDITIONS
(PLEASE READ CAREFULLY)**1. FORMATION**

- 1.1 The signing of this Contract by the Owner and the Dealer or a person authorised by the Dealer means an agreement has been made between the Owner and the Dealer for the Vehicle to be sold on the terms and conditions stated in this Contract.
- 1.2 No agreement is made unless the Owner is provided with a copy of this Contract at the time it is signed by the Owner and Dealer or a person authorised by the Dealer.
- 1.3 The Owner grants the Dealer exclusive right to sell the Vehicle for the period stated on the Contract.

2. SALE PRICE

- 2.1 The Dealer may sell the Vehicle for more than the amount agreed to as the Minimum Sale Price for the Vehicle. The Dealer will be entitled to retain any amount in excess of the Minimum Sale Price as Commission.

3. SETTLEMENT

- 3.1 If the Dealer sells the Vehicle, the Dealer will pay any Total Net Proceeds to the Owner within two business days of receiving payment.
- 3.2 If the payment for all or part of the Sale Price of the Vehicle has been made by cheque, the payment will not be considered to have been received by the Dealer until the cheque has been honoured.
- 3.3 The Dealer will not release the Vehicle to the Purchaser until the Purchase Price has been paid in full to the Dealer.

4. OWNERSHIP

- 4.1 The Owner will retain ownership and property in the Vehicle until such time as the Purchase Price has been paid in full to the Dealer.

5. RESPONSIBILITY FOR REPAIRS

- 5.1 Subject to Clause 8.1, the Owner will be responsible for the cost of repairing any defects or faults identified prior to the Sale of the Vehicle.

6. VEHICLE DECLARED UNFIT FOR SALE

- 6.1 The Dealer will give Notice to the Owner if the Vehicle is declared unfit for Sale by any Government Authority.
- 6.2 The Owner will be responsible for any costs or actions necessary to have the Vehicle declared fit for sale or to remove the Vehicle from the Dealer's premises.

7. PAYMENT FOR REPAIRS

- 7.1 The Dealer will not carry out any work on the Vehicle without the prior written consent of the Owner. The Owner may authorise the Dealer to deduct the cost of repairs from the Proceeds Payable after the Sale of the Vehicle.

8. DEALER'S RESPONSIBILITY

- 8.1 The Dealer will not be liable for any loss or damage which may occur to the Vehicle while on Consignment except for:
- (a) any theft, loss or damage which may arise out of any negligent act or omission on the part of the Dealer or any person acting on behalf of the Dealer; or
 - (b) any breach of the *Fair Trading Act 1987* or *Trade Practices Act 1974*, the liability and remedies for which cannot be excluded by agreement.

9. WARRANTY CLAIMS

- 9.1 The Dealer will be responsible to pay for warranty claims which arise about the quality or fitness of the Vehicle in accordance with the Dealer's statutory responsibility under the *Motor Vehicle Dealers Act 1973*, *Fair Trading Act 1987* or the *Trade Practices Act 1974*.
- 9.2 The Dealer can not claim from the Owner any costs arising for such repairs, either directly, or by way of deduction from the Total Net Proceeds retained in a Trust Account.

10. OWNERSHIP AND ENCUMBERANCES

- 10.1 The Owner declares that the Owner has the right to sell the Vehicle. The Owner will provide the Dealer with a certificate from the Register of Encumbered Vehicles within two (2) business days after signing this Contract.
- 10.2 If a registered security interest is recorded pursuant to the *Chattels Security Act 1987* on the Vehicle, the interest must be discharged prior to the Sale of the Vehicle.
- 10.3 The Owner will give the Dealer all licence and registration documents, owner's manual and service records (if any) relating to the Vehicle within two (2) days after signing this Contract.

11. ENDING THE AGREEMENT

- 11.1 This Contract can be terminated by either the Dealer or the Owner by giving twenty-four (24) hours Written Notice to the other at any time prior to the sale of the Vehicle.
- 11.2 The Owner will remove the Vehicle from the Dealer's premises within seven (7) days after termination of the Contract.

- 11.3 The Owner will pay any monies owed to the Dealer before removing the Vehicle.
- 11.4 If the Vehicle is not removed, or monies owed are not paid within seven (7) days, the Dealer may return the Vehicle to the Owner's address and recover any expenses incurred during the Consignment.
- 12. CHANGING THE AGREEMENT**
- 12.1 Any variation of this Contract must be in writing and signed by both the Owner and Dealer or a person authorised by the Dealer.
- 13. NOTICE**
- 13.1 Any Notice required by this Contract may be given by direct communication, telephone, electronically, fax or post to the addresses and numbers included in this Contract.
- 13.2 If sent by post, a Notice will be considered to have been received, unless the contrary is shown, at the time when the Notice would have been delivered in the ordinary course of the post.

Fifth Schedule

[r. 13B]

VEHICLE SALE CONTRACT TERMS AND CONDITIONS (PLEASE READ CAREFULLY)

- 1. FORMATION**
- 1.1 The signing of this Contract by the Purchaser means an offer has been made to purchase the Vehicle on the terms and conditions stated in this Contract. No offer is made unless the Purchaser is provided with a copy of this Contract at the time it is signed by the Purchaser.
- 1.2 The offer of the Purchaser is accepted by the Dealer when:
- (a) this Contract is signed by the Dealer or a person authorised by the Dealer; and
 - (b) notice of the acceptance is given to the Purchaser. This Contract will then be binding on both parties.
- 1.3 The offer of the Purchaser may be withdrawn by the Purchaser any time before it is accepted by the Dealer. It will automatically lapse at the close of business on the next normal business day for motor vehicle dealers.
- 2. FINANCE**
- 2.1 Where this Contract is subject to the Purchaser obtaining finance, the Contract is conditional upon the Purchaser obtaining approval for the granting of a loan:
- (a) before the Latest Time stated in the Contract;
 - (b) for the amount stated in the Contract;
 - (c) from the Lender named in the Contract (or a lender acceptable to the Purchaser); and
 - (d) upon reasonable terms and conditions in the circumstances.

- 2.2 The Purchaser agrees to take all reasonable steps toward obtaining loan approval.
- 2.3 If the Purchaser has taken all reasonable steps towards obtaining loan approval, but does not obtain approval, then either the Purchaser or the Dealer may terminate this Contract by giving Notice to the other party. The Dealer must immediately refund any deposit paid and return any trade-in vehicle to the Purchaser.

3. THE PURCHASE PRICE

- 3.1 Upon delivery of the Vehicle, the Purchaser will pay to the Dealer all of the Total Purchase Price, less any deposit paid and any value given to the Trade-In Vehicle.
- 3.2 In the case of a new Vehicle, if at any time after this Contract becomes binding on both parties but before delivery of the Vehicle to the Purchaser, the cost of the Vehicle to the Dealer changes because the manufacturer changes its price, or there is a change in statutory charges which apply to the Vehicle, the Total Purchase Price will be adjusted by the corresponding amount.
- 3.3 If the manufacturer increases the cost of a new Vehicle to the Dealer, the Dealer is only entitled to pass on to the Purchaser, an increase of up to and including 5% of the Total Factory Price of the Vehicle.
- 3.4 Payment by cheque for all or part of the Total Purchase Price will not be considered to have been received by the Dealer until the cheque has been honoured.

4. DELIVERY OF THE VEHICLE

- 4.1 The Dealer will deliver the Vehicle to the Purchaser on or before the delivery date stated in this Contract.
- 4.2 In the case of a new Vehicle, if a Delivery Date is not stated in this Contract, the Dealer will deliver the Vehicle within three (3) months of this Contract becoming binding on the parties.
- 4.3 In the case of a used Vehicle, if a Delivery Date is not stated in this Contract, the Dealer will deliver the Vehicle within one (1) month of this Contract becoming binding on the parties.
- 4.4 Delivery of the Vehicle to the Purchaser will take place at the Dealer's Premises, unless other arrangements are agreed to between the Purchaser and the Dealer.
- 4.5 The Purchaser will deliver any Trade-In Vehicle to the Dealer, and take delivery of the Vehicle, within seven (7) days of being notified by the Dealer that the Vehicle is ready for collection.

5. PASSING OF PROPERTY AND RISK IN THE VEHICLE

- 5.1 The Dealer remains the owner of the Vehicle until the Total Purchase Price has been received in full by the Dealer.
- 5.2 Risk in the Vehicle and the responsibility to insure the Vehicle will pass from the Dealer to the Purchaser when the Vehicle is delivered by the Dealer to the Purchaser, unless

the Purchaser and the Dealer agree to some other arrangement and include it as a Special Condition of this Contract. This applies whether delivery occurs at the Dealer's Premises or any other location.

6. TRADE-IN VEHICLE

- 6.1 The Purchaser will deliver the Trade-In Vehicle with Accessories to the Dealer in the same condition the Trade-In Vehicle was in at the time it was valued by the Dealer for the purpose of this Contract, except for normal wear and tear.

7. PURCHASER'S RIGHT TO TERMINATE THIS CONTRACT

- 7.1 The Purchaser may terminate this Contract if the Dealer has breached any of the obligations imposed on the Dealer by this Contract.
- 7.2 If this Contract is validly terminated by the Purchaser, the Dealer must immediately refund any deposit paid and return any Trade-In Vehicle to the Purchaser. If, in the event the Trade-In Vehicle has been sold, the cash equivalent of the Trade-In Vehicle value determined at the commencement of the Contract shall be refunded to the Purchaser.

8. DEALER'S RIGHT TO TERMINATE THIS CONTRACT

- 8.1 The Dealer may terminate this Contract if the Purchaser has breached any of the obligations imposed on the Purchaser by this Contract.
- 8.2 If this Contract is validly terminated by the Dealer, the Dealer may seek an amount up to, but not exceeding, 15% of the Total Purchase Price of the Vehicle as pre-estimated liquidated damages.
- 8.3 Any deposit paid by the Purchaser may be used by the Dealer to meet the pre-estimated liquidated damages payable by the Purchaser. Any surplus will be refunded to the Purchaser.

9. NOTICES

- 9.1 All Notices required by this Contract may be given by direct communication, telephone, electronically, fax or post to the addresses and numbers included in this Contract.
- 9.2 If sent by post, a Notice will be considered to have been received, unless the contrary is shown, at the time when the Notice would have been delivered in the ordinary course of the post.

”.

By Command of the Governor,

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

HEALTH

HE301*

Health Act 1911

Health (Infectious Diseases (Inspection of Persons)) Repeal Regulations 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Health (Infectious Diseases (Inspection of Persons)) Repeal Regulations 2002*.

2. Regulations repealed

The *Infectious Diseases (Inspection of Persons) Regulations* are repealed.

By Command of the Governor,

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

HE302*

Health Act 1911

Health Local Laws 2002

Made under section 343B by the Governor in Executive Council.

1. Citation

These local laws may be cited as the *Health Local Laws 2002*.

2. Commencement

These local laws come into operation on the day on which the *Health (Infectious Diseases (Inspection of Persons)) Repeal Regulations 2002* come into operation.

3. **Meanings of terms used in these local laws**

In these local laws —

“adopt” means to adopt with or without modification;

“health local laws” means local laws of the local government concerned that deal with the same subject matter as is dealt with by any of the provisions of the Model By-laws Series “A” that are referred to in clause 4;

“Model By-laws Series “A”” means the Model By-laws Series “A” prepared under section 343 of the *Health Act 1911* and published in the *Gazette* on 17 July 1963 p. 1967-2042;

“Series “A” adoption local laws” means the local laws of the local government concerned that adopt —

- (a) the Model By-laws Series “A”; or
- (b) any amendment to those model by-laws, and includes any amendment to those local laws.

4. **Series “A” adoption local laws amended**

- (1) A provision of this clause applies only if clause 6 makes it apply.
- (2) To the extent that they adopt Part II by-law 11 of the Model By-laws Series “A” and its heading, the Series “A” adoption local laws do not apply.
- (3) Part V by-law 15(2) that was inserted into the Model By-laws Series “A”, as adopted by the Series “A” adoption local laws, applies as if “as advised by the Western Australian Fire Brigades Board and approved by the local authority” had been deleted and the following had been inserted instead —
“ in accordance with the Building Code of Australia ”.
- (4) For the purposes of the modification made by subclause (3) —
“Building Code of Australia” means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code.
- (5) Part V by-law 23(b) that was inserted into the Model By-laws Series “A”, as adopted by the Series “A” adoption local laws, applies as if “for more than 48 consecutive hours” had been deleted.

5. **Other health local laws amended**

- (1) A provision of this clause applies only if clause 6 makes it apply.
- (2) A provision of the health local laws that is expressed in substantially the same terms as the Model By-laws Series “A” Part II by-law 11 is of no effect.

- (3) A provision of the health local laws that is expressed in substantially the same terms as Part V by-law 15(2) that was inserted into the Model By-laws Series "A" is to have effect as if a reference in it to being fitted with fire protection equipment as advised by a fire authority and approved by the local government were a reference to being fitted with fire protection equipment in accordance with the Building Code of Australia.
- (4) In subclause (3) —
"Building Code of Australia" means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;
"fire authority" means the Fire and Emergency Services Authority of Western Australian, Fire and Emergency Services of WA, or the Western Australian Fire Brigades Board;
"local government" includes the council of a local government.
- (5) A provision of the health local laws that is expressed in substantially the same terms as Part V by-law 23 that was inserted into the Model By-laws Series "A" is to have effect as if the requirement that a person not be absent from the lodging house for more than 48 consecutive hours unless he or she arranges for a reputable person to have the care and management of the lodging house were a requirement that the person not be absent from the lodging house at all unless he or she arranges for a reputable person to have the care and management of the lodging house.

6. Local laws of certain local governments amended by clause 4 or 5

- (1) Clause 5(3), (4), and (5) apply for the Shire of Ashburton.
- (2) Clause 5(2), (3), (4), and (5) apply for the Shire of Augusta-Margaret River.
- (3) Clause 5(3), (4), and (5) apply for the Town of Bassendean.
- (4) Clause 5(2), (3), and (4) apply for the Shire of Beverley.
- (5) Clause 4(2) applies for the Shire of Boddington.
- (6) Clause 4(2) applies for the Shire of Boyup Brook.
- (7) Clause 5(2), (3), (4), and (5) apply for the Shire of Bridgetown-Greenbushes.
- (8) Clause 5(2), (3), and (4) apply for the Shire of Brookton.
- (9) Clause 5(3), (4), and (5) apply for the Shire of Broome.
- (10) Clause 5(2), (3), and (4) apply for the Shire of Broomehill.
- (11) Clause 4(2) applies for the Shire of Bruce Rock.

- (12) Clause 5(2), (3), (4), and (5) apply for the City of Bunbury.
- (13) Clause 5(3), (4), and (5) apply for the Shire of Busselton.
- (14) Clause 5(3) and (4) apply for the Town of Cambridge.
- (15) Clause 5(2), (3), and (4) apply for the Shire of Capel.
- (16) Clause 5(2), (3), and (4) apply for the Shire of Carnamah.
- (17) Clause 5(3), (4), and (5) apply for the Shire of Carnarvon.
- (18) Clause 4(2) applies for the Shire of Chapman Valley.
- (19) Clause 5(3), (4), and (5) apply for the Shire of Chittering.
- (20) Clause 5(2), (3), and (4) apply for the Town of Claremont.
- (21) Clause 5(3), (4), and (5) apply for the City of Cockburn.
- (22) Clause 5(2), (3), and (4) apply for the Shire of Collie.
- (23) Clause 5(2), (3), and (4) apply for the Shire of Coorow.
- (24) Clause 5(2), (3), and (4) apply for the Shire of Corrigin.
- (25) Clause 5(2), (3), and (4) apply for the Town of Cottesloe.
- (26) Clause 5(2), (3), and (4) apply for the Shire of Cranbrook.
- (27) Clause 4(2) applies for the Shire of Cuballing.
- (28) Clause 5(3), (4), and (5) apply for the Shire of Cue.
- (29) Clause 5(2), (3), and (4) apply for the Shire of Cunderdin.
- (30) Clause 5(3), (4), and (5) apply for the Shire of Dalwallinu.
- (31) Clause 4(2) applies for the Shire of Dandaragan.
- (32) Clause 5(2), (3), and (4) apply for the Shire of Dardanup.
- (33) Clause 5(2), (3), and (4) apply for the Shire of Denmark.
- (34) Clause 5(3), (4), and (5) apply for the Shire of Derby-West Kimberley.
- (35) Clause 5(2), (3), and (4) apply for the Shire of Donnybrook-Balingup.
- (36) Clause 5(2), (3), and (4) apply for the Shire of Dowerin.
- (37) Clause 4(2) applies for the Shire of Dumbleyung.
- (38) Clause 4(2) applies for the Shire of Dundas.
- (39) Clause 4(2) applies for the Town of East Fremantle.
- (40) Clause 5(2), (3), and (4) apply for the Shire of East Pilbara.
- (41) Clause 4(2), (3), (4), and (5) apply for the Shire of Esperance.
- (42) Clause 5(3), (4), and (5) apply for the Shire of Exmouth.
- (43) Clause 5(2), (3), and (4) apply for the City of Fremantle.

- (44) Clause 5(3), (4), and (5) apply for the City of Geraldton.
- (45) Clause 4(2) applies for the Shire of Gingin.
- (46) Clause 4(2) applies for the Shire of Goomalling.
- (47) Clause 4(2), (3), (4), and (5) apply for the Shire of Greenough.
- (48) Clause 4(2) applies for the Shire of Halls Creek.
- (49) Clause 5(2), (3), and (4) apply for the Shire of Harvey.
- (50) Clause 4(2), (3), (4), and (5) apply for the Shire of Irwin.
- (51) Clause 4(2) applies for the Shire of Jerramungup.
- (52) Clause 5(3) and (4) apply for the City of Joondalup.
- (53) Clause 5(3), (4), and (5) apply for the Shire of Kalamunda.
- (54) Clause 5(2), (3), and (4) apply for the City of Kalgoorlie-Boulder.
- (55) Clause 5(2), (3), and (4) apply for the Shire of Katanning.
- (56) Clause 5(2), (3), and (4) apply for the Shire of Kellerberrin.
- (57) Clause 4(2) applies for the Shire of Kent.
- (58) Clause 5(2), (3), and (4) apply for the Shire of Kojonup.
- (59) Clause 5(2), (3), and (4) apply for the Shire of Kondinin.
- (60) Clause 5(2), (3), and (4) apply for the Shire of Kulin.
- (61) Clause 4(2) applies for the Town of Kwinana.
- (62) Clause 5(2), (3), and (4) apply for the Shire of Lake Grace.
- (63) Clause 5(2), (3), and (4) apply for the Shire of Laverton.
- (64) Clause 5(2), (3), and (4) apply for the Shire of Leonora.
- (65) Clause 5(3), (4), and (5) apply for the City of Mandurah.
- (66) Clause 5(3), (4), and (5) apply for the Shire of Manjimup.
- (67) Clause 5(3), (4), and (5) apply for the Shire of Meekatharra.
- (68) Clause 5(3), (4), and (5) apply for the City of Melville.
- (69) Clause 4(2) applies for the Shire of Menzies.
- (70) Clause 5(2), (3), and (4) apply for the Shire of Merredin.
- (71) Clause 4(2) applies for the Shire of Mingenew.
- (72) Clause 4(2) applies for the Shire of Moora.
- (73) Clause 4(2) applies for the Shire of Morawa.
- (74) Clause 5(2), (3), and (4) apply for the Town of Mosman Park.
- (75) Clause 5(3), (4), and (5) apply for the Shire of Mount Magnet.
- (76) Clause 4(2) applies for the Shire of Mt Marshall.

- (77) Clause 4(2) applies for the Shire of Mukinbudin.
- (78) Clause 4(2), (3), (4), and (5) apply for the Shire of Mullewa.
- (79) Clause 4(2) applies for the Shire of Mundaring.
- (80) Clause 5(2), (3), and (4) apply for the Shire of Murray.
- (81) Clause 4(2) applies for the Town of Narrogin.
- (82) Clause 4(2) applies for the Shire of Northam.
- (83) Clause 4(2) applies for the Town of Northam.
- (84) Clause 4(2), (3), (4), and (5) apply for the Shire of Northampton.
- (85) Clause 4(2) applies for the Shire of Nannup.
- (86) Clause 4(2) applies for the Shire of Narembeen.
- (87) Clause 4(2) applies for the Shire of Narrogin.
- (88) Clause 5(2), (3), and (4) apply for the City of Nedlands.
- (89) Clause 4(2) applies for the Shire of Nungarin.
- (90) Clause 4(2) applies for the Shire of Peppermint Grove.
- (91) Clause 5(2), (3), and (4) apply for the Shire of Perenjori.
- (92) Clause 5(3), (4), and (5) apply for the City of Perth.
- (93) Clause 4(2) applies for the Shire of Pingelly.
- (94) Clause 5(2), (3), and (4) apply for the Shire of Plantagenet.
- (95) Clause 5(2), (3), and (4) apply for the Town of Port Hedland.
- (96) Clause 5(2), (3), and (4) apply for the Shire of Quairading.
- (97) Clause 4(2) applies for the Shire of Ravensthorpe.
- (98) Clause 5(3) and (4) apply for the City of Rockingham.
- (99) Clause 5(3), (4), and (5) apply for the Shire of Roebourne.
- (100) Clause 5(3), (4), and (5) apply for the Shire of Sandstone.
- (101) Clause 5(2), (3), and (4) apply for the Shire of Serpentine-Jarrahdale.
- (102) Clause 5(3), (4), and (5) apply for the Shire of Shark Bay.
- (103) Clause 4(2) applies for the City of South Perth.
- (104) Clause 4(2) applies for the City of Stirling.
- (105) Clause 5(2), (3), and (4) apply for the City of Subiaco.
- (106) Clause 5(2), (3), and (4) apply for the Shire of Tambellup.
- (107) Clause 5(2), (3), and (4) apply for the Shire of Tammin.

- (108) Clause 5(2), (3), and (4) apply for the Shire of Three Springs.
- (109) Clause 4(2) applies for the Shire of Toodyay.
- (110) Clause 4(2) applies for the Shire of Trayning.
- (111) Clause 4(2) applies for the Shire of Upper Gascoyne.
- (112) Clause 5(3), (4), and (5) apply for the Town of Victoria Park.
- (113) Clause 4(2) applies for the Shire of Victoria Plains.
- (114) Clause 5(3), (4), and (5) apply for the Town of Vincent.
- (115) Clause 5(5) applies for the Shire of Wagin.
- (116) Clause 5(2), (3), and (4) apply for the Shire of Wandering.
- (117) Clause 5(3) and (4) apply for the City of Wanneroo.
- (118) Clause 4(2) applies for the Shire of Westonia.
- (119) Clause 4(2) applies for the Shire of West Arthur.
- (120) Clause 5(2), (3), and (4) apply for the Shire of Wickepin.
- (121) Clause 5(3), (4), and (5) apply for the Shire of Wiluna.
- (122) Clause 4(2) applies for the Shire of Wongan-Ballidu.
- (123) Clause 4(2) applies for the Shire of Woodanilling.
- (124) Clause 4(2) applies for the Shire of Wyalkatchem.
- (125) Clause 5(3), (4), and (5) apply for the Shire of Wyndham-East Kimberley.
- (126) Clause 4(2) applies for the Shire of Yalgoo.
- (127) Clause 5(3), (4), and (5) apply for the Shire of Yilgarn.
- (128) Clause 5(2), (3), and (4) apply for the Shire of York.

[Note that these local laws do not amend local laws of:

City of Albany
City of Armadale
City of Bayswater
City of Belmont
City of Canning
Shire of Coolgardie
Shire of Gnowangerup
City of Gosnells
Shire of Koorda
Shire of Murchison
Shire of Ngaanyatjaraku
City of Swan
Shire of Waroona
Shire of Williams

]

By Command of the Governor,

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

HE303*

Health Act 1911

Health (Asbestos) Amendment Regulations 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Health (Asbestos) Amendment Regulations 2002*.

2. The regulations amended

The amendments in these regulations are to the *Health (Asbestos) Regulations 1992**.

[* *Published in Gazette 22 May 1992, p. 2129-34.*
For amendments to 22 July 2002 see 2001 Index to Legislation of Western Australia, Table 4, p. 151.]

3. Regulation 8A inserted

After regulation 8 the following regulation is inserted —

“

8A. Payment for work done in default

- (1) If a person fails to comply with a direction under regulation 8(1) (to maintain, repair, remove, move, dispose of, or handle material containing asbestos) in the manner, or within the time, specified in the direction, a local government may carry out, or make alternative arrangements to carry out, the work required to be done under that direction.
- (2) The expenses incurred by the local government in ensuring that the required work is carried out shall be paid by the person whose failure to comply with a direction gave rise to the need for the local government to carry out, or make alternative arrangements to carry out, the work described in subregulation (1).

”

By Command of the Governor,

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

HE304*

Health Act 1911

Health (Meat Hygiene) Amendment Regulations (No. 2) 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Health (Meat Hygiene) Amendment Regulations (No. 2) 2002*.

2. The regulations amended

The amendments in these regulations are to the *Health (Meat Hygiene) Regulations 2001**.

[* *Published in Gazette 1 June 2001, p. 2749-64.*
For amendments to 19 July 2002 see 2001 Index to
Legislation of Western Australia, Table 4, p. 154, and Gazette
12 March 2002.]

3. Schedule 2 amended

Schedule 2 Part 1 item 2 is amended by deleting

“

- (Dardanup Butchering
Company, Wimbridge Road,
Picton) 2.60 0.60 4.20

”

and inserting instead —

“

- (Dardanup Butchering
Company, Wimbridge Road,
Picton) 1.85 0.45 2.70

”

By Command of the Governor,

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

HE305*

Poisons Act 1964

Poisons Amendment Regulations 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Poisons Amendment Regulations 2002*.

2. The regulations amended

The amendments in these regulations are to the *Poisons Regulations 1965**

[* Reprinted as at 12 May 2000.

For amendments to 10 July 2002 see 2001 Index to Legislation of Western Australia, Table 4, p. 258.]

3. Regulation 53A amended

Regulation 53A(1) is amended by inserting after “Morphine” —
“ Oxycodone ”.

4. Regulation 56A amended

Regulation 56A(2) is repealed and the following subregulation is inserted instead —

“

(2) A poison included in Schedule 8 in the form of a suppository shall not be included in the assessment of the amount under subregulation (1).

”.

By Command of the Governor,

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

HE306*

Poisons Act 1964

Poisons (Specified Drugs) Amendment Order 2002

Made by the Governor in Executive Council under section 22A of the Act.

1. Citation

This order may be cited as the *Poisons (Specified Drugs) Amendment Order 2002*.

2. The order amended

The amendments in this order are to the *Poisons (Specified Drugs) Order 2001**.

[* *Published in Gazette 14 September 2001, pp. 5078-9.*]

3. Schedule 1 amended

Schedule 1 Division 1 is amended as follows:

- (a) by inserting after “Barbitone” —
“ Darbepoetin alpha ”;
- (b) by inserting after “Erythropoietin” —
“ Erythropoietins ”.

By Command of the Governor,

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

JUSTICE

JU301*

Co-operative and Provident Societies Act 1903

**Co-operative and Provident Societies
(Appointment of Public Auditors) Order 2002**

Made by the Governor in Executive Council under section 61.

1. Citation

This order may be cited as the *Co-operative and Provident Societies (Appointment of Public Auditors) Order 2002*.

2. Public auditors appointed

The following people are appointed as public auditors for the purposes of the *Co-operative and Provident Societies Act 1903* —

Sean Patrick McGurk

Lucio di Giallonardo.

By Command of the Governor,

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

— PART 2 —

CONSUMER AND EMPLOYMENT PROTECTION

CE401

OCCUPATIONAL SAFETY AND HEALTH ACT 1984
OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996
EXEMPTION CERTIFICATE PURSUANT TO REGULATION 2.13
(No. 10 of 2002)

I, Brian Thomas Bradley, WorkSafe Western Australia Commissioner, hereby grant an exemption to MLA Holdings Pty Ltd from the requirements of Regulation 4.14 of the Occupational Safety and Health Regulations 1996 in relation to registration of a Kalmar DC45000RC4 Container Crane. This exemption is subject to the following conditions—

- (i) before the crane commences operations, a statement is provided by a competent person that the crane has been inspected by that person and the plant is safe to operate; and
- (ii) this exemption is valid until 30 September 2002.

Dated this 1st day of August 2002.

BRIAN THOMAS BRADLEY, WorkSafe Western Australia Commissioner.

EDUCATION

ED401*

UNIVERSITY OF WESTERN AUSTRALIA ACT 1911

It is hereby notified that the Governor in Executive Council, acting under the provisions of Section 33 of the University of Western Australia Act 1911, has approved Amending Statute No. 1 of 2002 as set out in the attached schedule.

ALAN CARPENTER MLA, Minister for Education.

UNIVERSITY OF WESTERN AUSTRALIA ACT 1911

Office of the Minister For Education,
Perth, 2002.

His Excellency the Governor in Executive Council, acting pursuant to the provisions of Section 33 of the University of Western Australia Act 1911, has been pleased to approve the Statute made by the Senate of The University of Western Australia which is set out in the schedule hereunder.

ALAN CARPENTER MLA, Minister for Education.

Schedule

AMENDING STATUTE No.1 of 2002

1. STATUTE No. 5—ADMISSION TO STATUS WITHIN THE UNIVERSITY

The Statute is repealed.

2. STATUTE No. 8—THE FACULTIES

Existing Clauses 1 to 12 inclusive are deleted and replace by the following—

1. In this Statute, unless the context otherwise requires—
‘academic staff’ means those staff members holding academic appointments on a full-time or 50 per cent or greater fractional basis other than those holding emeritus, visiting, adjunct, clinical or honorary appointments;

‘centre’ means a unit so designated by the Senate;

‘course’ means a plan of study necessary to qualify for a degree, diploma, certificate or other qualification approved by the Senate;

‘faculty’ means a faculty approved in accordance with Clause 2, and defined in Clause 4;

‘institute’ means a unit so designated by the Senate;

‘school’ means an academic organisational unit approved by the Senate.

2. There are such faculties as are approved by the Senate.
3. Each faculty offers courses approved by the Senate
4. (1) Each faculty comprises—
 - (a) the academic staff in all schools, centres and institutes funded by the faculty; and
 - (b) as many academic staff from other schools, centres, and institutes which teach in the faculty’s courses as the Academic Board determines;
 - (c) members in any other categories which the Academic Board approves; and
 - (d) any other persons which the members in paragraphs (a) to (c) appoint for specified periods.
- (2) The Chancellor, Pro-Chancellor, Vice-Chancellor, Deputy Vice-Chancellor, Pro Vice-Chancellors, Chair of the Academic Board, Registrar and any other officers of the University which the Academic Board declares, are ex officio members of all faculties but are not counted for the purpose of determining whether a quorum is present at a meeting.
- (3) A faculty is properly constituted even if any of the members required by its constitution to be elected or nominated have not as yet been elected or nominated.
5. (1) Each faculty must have a governance document which sets out the constitution and membership of the faculty and its committees and boards.
- (2) A faculty must submit its governance document to the Academic Board for approval.
6. (1) A faculty, subject to the Statutes and regulations and to resolutions of the Senate, and within the constraints of University policies, has power to determine the administration of courses under its governance.
- (2) A faculty may—
 - (a) provide advice to its dean on all policy issues relating to the faculty’s resources; and
 - (b) make recommendations to the Academic Board, through its dean, on any matter related to research or the teaching of its courses; and
 - (c) provide to the Academic Board, through its dean, advice concerning the creation of professorships in its schools; and
 - (d) provide to other University bodies or officers, through its dean, advice on any matter referred to it for consideration.
7. (1) Meetings of a faculty are held—
 - (a) at least once in each academic year; and
 - (b) within ten working days of the service on its dean of a requisition signed by at least six members of the faculty and containing a statement of the matters to be discussed; and
 - (c) whenever its dean sees fit.
- (2) The dean must ensure that, as far as is practicable, all members receive the agenda for a meeting of the faculty at least three working days before the meeting.
- (3) Meetings of a faculty are chaired by the dean but, in the absence of the dean, the members present determine which one of them will take the chair.
- (4) All questions which are before a faculty are decided by a majority of the members present and voting unless the faculty determines otherwise in its governance document.
- (5) The chair of the meeting has an ordinary vote and a casting vote.
- (6) Subject to the Statutes and regulations and to resolutions of the Senate, a faculty has the power to regulate its own procedures, but if a dispute arises, the standing rules and orders of the Senate apply.
8. With the approval of the Academic Board, a faculty may establish advisory boards which may include representation from professional bodies.
9. With the approval of the Academic Board, a faculty may delegate any of its powers to its dean, its heads of school or committees of the faculty.
10. The Senate appoints a dean of each faculty and determines in each case—
 - (a) the selection process and terms and conditions of appointment; and
 - (b) the duties and responsibilities of the position.
11. The Vice-Chancellor, after taking appropriate advice, appoints for a specified period a deputy for each dean who performs the duties of the dean during the dean’s absence.
12. With the approval of the Academic Board, through its chair, a dean of a faculty may delegate any of the duties and responsibilities of the office to other officers or members of the faculty for a specified period.

3. STATUTE No. 19—ACADEMIC BOARD

Clauses 1 to 10 inclusive are deleted and replaced by the following—

1. There shall be an Academic Board the constitution and membership of which are prescribed in the regulations made under this Statute.
2. (1) The Board elects its Chair and Deputy Chair from amongst its members.
 (2) The term of office of the Chair and Deputy Chair is normally two years but in exceptional circumstances the Board may approve a different term.
 (3) During the term of office of the Chair and Deputy Chair the Board must elect its next Chair and Deputy Chair.
 (4) In the absence of the Chair, the duties of the position are undertaken by one of the following in the order shown—
 (i) the Deputy Chair
 (ii) the Chair Elect
 (iii) a member elected by the Board for a specified period but, for limited periods only between Board meetings, the Chair may appoint a Board member to undertake the duties of the position if neither the Deputy Chair nor a Chair Elect is available.
3. The Board, after receiving reports from a faculty or other body as appropriate, recommends to the Senate the making, amending and repealing of regulations relating to courses, scholarships, prizes and other awards and to all other academic-related matters.
4. (1) The Board advises the Senate on all proposals for—
 (a) the creation of professorships;
 (b) the creation or disestablishment of faculties and schools; and
 (c) the transfer from one faculty to another of responsibility for funding a school; and
 (d) the establishment and abolition of scholarships, prizes and other awards, unless otherwise provided in other Statutes.
 (2) The Board, through its Chair, advises the Vice-Chancellor on all appointments to which full academic conditions apply.
 (3) The Board receives and considers correspondence from the Guild of Undergraduates and forwards, with or without comment, any intended for communication to the Senate.
 (4) Subject to the provisions of the Statutes and to the regulations made by the Senate, the Board has the power to do anything authorised or prescribed by the Senate and may advise the Senate or the Vice-Chancellor, as appropriate, on any matter.
 (5) The Board may delegate any of its powers and responsibilities to its Chair, to its committees or to faculties.
5. (1) All questions which come before the Board are decided as prescribed in the regulations made under this Statute.
 (2) In the case of an equality of votes on any matter the Chair has a casting vote.
6. After each meeting, the Board must forward to the Senate a report containing any items for the Senate's consideration.

The Common Seal of The University of Western Australia was hereto affixed by authority of the Senate.

Attested by—

A. ROBSON, Acting Vice-Chancellor.

LOCAL GOVERNMENT

LG501*

BUSH FIRES ACT 1954

Shire of Donnybrook/Balingup

FIRE BREAK ORDER

Important information relating to your responsibility as a Landholder in the Donnybrook-Balingup Shire

With reference to Section 33 of the Bush Fire Act, 1954, you are required to carry out fire prevention work on land owned or occupied by you in accordance with the provisions of this order.

This work **MUST** be carried out by 1st December 2002 and kept maintained throughout the summer months until 31st March 2003.

An inspection of firebreaks and hazard removal will be carried out in all areas of the Shire by an authorised officer.

Persons who fail to comply with the requirements of this order may be issued with an infringement notice (penalty \$100) or prosecuted with an increased penalty, and additionally, council may carry out the required work at the cost to owner or occupier.

If it is considered for any reason to be impractical to clear firebreaks or remove flammable materials as required by this notice or if natural features render firebreaks unnecessary you may apply to the council or its duly authorised officer not later than the 15th day of November 2002 for permission to provide firebreaks in alternative positions or to take alternative action to abate fire hazards on the land.

If permission is not granted by the council or its duly authorised officer, you shall comply with the requirements of this notice. If the requirements of this notice are carried out by burning, such burning must be in accordance with the relevant provisions of the Bush Fires Act.

1. Rural Land

- (a) On land which is divided by or abuts a formed or partly formed road or railway reserve, a firebreak not less than two metres wide shall be provided within 60 metres of the boundary of the road or railway reserve. Breaks ARE NOT permitted on road reserves without Council approval.
- (b) A firebreak two metres wide shall be provided immediately surrounding and within twenty metres of the perimeter of all buildings, hay sheds and fuel storage areas situated on the land.
- (c) A cleared area of at least a six metre radius shall be provided around all combustion pumping engines.

2. Eucalyptus and Pine Plantations

- (a) Firebreaks not less than ten metres in width around the perimeter of land on which trees are planted.
- (b) Not less than ten metres in width along those portions of plantations which enjoy a common boundary with a road reserve.
- (c) Not less than six metres in width in such positions that no part or compartment of a plantation shall exceed 28ha in area.
- (d) Where ten metre breaks are required in accordance with this Section of Council's Fire Break Order, pruning of overhang shall be carried out up to a height of five (5) metres above the firebreak (Ground level).
- (e) In addition to the breaks specified, plantations traversed by SEC power transmission lines have additional obligations under the Electricity Act.

3. Townsites Land: (includes Residential, Commercial and Industrial Land)

Townsites: Donnybrook, Balingup, Kirup, Mullalyup, Newlands, Preston and Noggerup.

- (a) Where the area of land is 2024m² (approx. ½ acre) or less, remove all flammable material on the land except living trees, shrubs and plants from the whole land, and;
- (b) Where the land exceeds 2024m² (approx ½ acre) clear firebreaks at least two metres wide, immediately inside all external boundaries of the land, and also immediately surrounding all buildings situated on the land. Grass on the remaining area of the land must be either grazed, cut for fodder, or totally removed from the land.
- (c) Council, on the recommendation of a Bush Fire Control Officer, may vary these conditions in certain circumstances.

4. Rural Residential and Special Residential Land

The owners of all land zoned as "Rural Residential" or "Special Residential" under Town Planning Scheme No. 4, shall maintain a firebreak not less than two metres wide, immediately inside all external boundaries of the land. A low fuel zone of twenty metres wide shall be provided immediately surrounding all buildings situated on the land. Grass on the remaining area of the land must be either grazed (within conventional practice), cut for fodder or completely removed from the land.

5. Fuel and/or Gas Depot

In respect of land owned by you on which is situated any container normally used to contain liquids or gas fuel, including the land on which any ramp or support is constructed, you shall have the land clear of all flammable materials.

6. Welding, Cutting, and Grinding Equipment

Persons shall not operate welding, cutting or grinding apparatus of any kind during the Prohibited Burning Times on land which is under crop, pasture or stubble unless at least one fire extinguisher is provided and there is compliance with any other fire controls required by the Fire Control Officer.

7. Roadside Verges

Council policy is that no vegetation is to be removed from road verges and no verge is to be burnt without a permit for that specific purposes.

J. R. ATTWOOD, Chief Executive Officer.

LG502

CITY OF KALGOORLIE-BOULDER

Appointments

It is hereby notified for public information that Mr Thomas Keefe and Mr Edward O'Brien have been appointed as honorary inspectors to the following position with the City of Kalgoorlie-Boulder—

- (1) Litter control in accordance with the provisions of the Litter Act 1979 and under the Local Government Act 1995 Regulations and Amendments.

IAN FLETCHER, Chief Executive Officer.

PLANNING AND INFRASTRUCTURE

PI401

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

City of South Perth

Town Planning Scheme No. 5—Amendment No. 118

Ref: 853/2/11/7 Pt 118

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the City of South Perth Town Planning Scheme Amendment on 5 August 2002 for the purpose of—

- (a) Rezoning—
- (i) Lot 409 (No. 56) Ley Street, Como;
 - (ii) Lot 408 (No. 2) Downey Drive, corner Ley Street, Como; and
 - (iii) Lot 407 (No. 4) Downey Drive, Manning;
- from “Residential—R” zone with density coding of R20, to “Commercial C2” zone.
- (b) Amending Schedule C by—
- (i) adding immediately after Item No. 104 a new Item No. 105 and by inserting in the respective columns specified below, immediately opposite that Item the following words and figures—

| ITEM NO. | PARTICULARS OF LAND | | | | ADDED USE CLASS PERMITTED | MAXIMUM PLOT RATIO | DEVELOPMENT REQUIREMENTS REQUIREMENTS OTHER THAN PLOT RATIO |
|----------|---------------------------------|------------|---------|--------------|--------------------------------|---|--|
| | STREET NAME | STREET NO. | LOT NO. | LOCATION NO. | | | |
| 105 | Ley Street | 56 | 409 | Canning 37 | 1. Shops ⁽¹⁾ | 0.12 (if development comprises Lots 407, 408 and 409) OR 0.165 (if development comprises Lots 408 and 409) OR 0.35 (if development comprises Lot 409 only) | Residential density coding: Refer to Clause 56. No residential density coding is assigned to the Land where Mixed Development is proposed. Where such development is proposed, the number of residential dwellings shall be determined by maximum plot ratio. Minimum Grouped Dwelling or Multiple Dwelling size: 90 square metres. Minimum number of car parking spaces: Refer to Table No. 5. In the case of either a Grouped Dwelling or a Multiple Dwelling: • A private balcony area, opening directly from a living room, with a minimum area of 10 square metres, is to be provided for each unit; • An enclosed storage area of a minimum area of 1.5 square metres, is to be provided for each unit; • The requirements of the Codes for private courtyard area is deleted. Other Requirements: As prescribed for Commercial C2 zone. |
| | Downey Drive, corner Ley Street | 2 | 408 | | | | |
| | Downey Drive | 4 | 407 | | | | |
| | | | | | 2. Eating House ⁽¹⁾ | Not Applicable | |

(1) FOOTNOTE TO ITEM 105: Refer to Clause 58C for specific requirements.

- (ii) deleting Item 99.
- (c) Inserting the following new clause immediately after Clause 58B—
- “58C. DEVELOPMENT REQUIREMENTS FOR CERTAIN LOTS—LEY STREET
- (1) In this Clause, “Land” means all the land comprised in Lot 409 (No. 56) Ley Street, Como (‘Lot 409’), Lot 408 (No. 2) Downey Drive, cnr Ley Street, Como (‘Lot 408’) and Lot 407 (No. 4) Downey Drive, Manning (‘Lot 407’)
 - (2) None of the land comprised in Lot 407 may be used for the purposes of—
 - (a) non-residential development;
 - (b) mixed development;
 - (c) Grouped Dwelling development; or
 - (d) Multiple Dwelling development,
unless such use is part of an integrated development encompassing all of the lots comprised in the Land.

- (3) None of the land comprised in Lot 408 may be used for the purposes referred to in subclause (2) unless such use is part of an integrated development encompassing—
- (a) both Lot 408 and Lot 409; or
 - (b) all of the lots comprised in the Land,
- (4) In considering any proposed use of the Land, or any Lot comprised within the Land, for any of the purposes referred to in subclause (2), the Council shall have regard to the following design objectives—
- (a) the development should be designed so that the front of the building or buildings face Ley Street, Downey Drive and the junction of these two streets;
 - (b) the building setback from the northern boundary should be confined to the minimum necessary for functional driveway access and associated landscaping;
 - (c) the ground floor portion of the building fronting Ley Street should be developed for non-residential purposes only;
 - (d) residential development should preferably be situated on the Downey Drive frontage of the building and the upper floor of the Ley Street frontage of the building (in the case of a two-storey development);
 - (e) car parking should not be located between the building and the street alignment;
 - (f) a landscaping strip of at least 2 metres in width should be provided along the eastern and northern boundaries of the development site and between the street alignment and any parking area; and
 - (g) a brick screen fence of 1.8 metres in height should be constructed along the eastern boundary of the development site.”
- (d) Amending the Scheme Map accordingly.

J. F. DONALDSON, Chairman of Commissioners.
A. C. FREWING, Acting Chief Executive Officer.

POLICE

PO502*

POLICE ACT 1892

POLICE AUCTION

Under the provisions of the Police Act 1892, unclaimed, found and stolen property and bicycles will be sold by public auction at Smith Broughton & Sons, 1 Clayton Street, Midland on Saturday, 17th August 2002 at 10.00 am.

The auction is to be conducted by Mr Gary Silcock.

B. MATTHEWS, Commissioner of Police,
West Australian Police Service.

TRANSPORT

TR401*

ROAD TRAFFIC ACT 1974

TEMPORARY SUSPENSION OF REGULATIONS

I, Robin Michael Langford, Superintendent (Traffic Support) being the delegated officer of the Minister for Transport under Section 83(6) of the Road Traffic Act 1974, pursuant to the powers conferred by section 83(1) of that Act and the consent of the Local Authorities having been obtained and nominated for the purpose of:

R. M. LANGFORD, Superintendent (Traffic Support).

A Half and Quarter Marathon by members/entrants of the Karratha Dampier Running Club on 14th July 2002 between the hours of 07:30 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to Church Road, Central Avenue, Dampier Road, Burrup Road and return.

A Cycle Time Trial Race (16km) by members/entrants of the Australian Time Trials Association on 28th July 2002 between the hours of 07:30 Hrs and 10:00 Hrs and 20th October 2002 between the hours of 07:30 Hrs and 11:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Kargotich Road, Leipold Road, King Road and Mundijong Road in Oldbury/Mundijong.

All participants to wear approved head protection at all times.

A Fun Run by members/entrants of the Kelmscott Senior High School on 31st July 2002 between the hours of 13:15 Hrs and 15:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the roads mentioned hereunder.

Racing to be confined to the verge and/or footpaths/dual use paths on Cammillo Road, Third Avenue, Bruns Road, Gillam Drive, Railway Avenue, Third Avenue and Slee Avenue.

A Road Cycle Race by members/entrants of the Bunbury Cycle Club Inc on 4th August 2002 between the hours of 08:30 Hrs and 15:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Ferguson Road, Upper Ferguson Road, Recreation Road, Waterloo/Dardanup Road, Italiano Road in Shire of Dardanup

All participants to wear approved head protection at all times.

A Multi Club, Single Vehicle Hillclimb by members/entrants of the South West Touring Car Club on 4th August 2002 between the hours of 07:30 Hrs and 17:30 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to Meelup Beach Road in Dunsborough.

All participants to wear approved head protection at all times.

A Cycle Time Trial Race by members/entrants of the Australian Time Trials Association on 4th August and 6th October 2002 between the hours of 07:30 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Lemnos Street (between entry and exit to Rubbish Transfer Station), Brockway Road, Quintilian Road, Stubbs Terrace, Selby Street.

All participants to wear approved head protection at all times.

A Duathlon by members/entrants of the School Sport Western Australia on 11th August, 1st September, 15th September 2002 between the hours of 07:00 Hrs and 09:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to Riverside Road and Beach Street, East Fremantle.

All participants to wear approved head protection at all times for the cycle event.

A Road Race by members/entrants of the Collie Cycle Club inc on 17th August 2002 between the hours of 10:00 Hrs and 17:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Throssell Street, Patterson Street, Collie Preston Road, Donnybrook Boyup Brook Road, South West Highway and return in the Collie Area.

All participants to wear approved head protection at all times.

A Northam to Perth Cycle Race by members/entrants of the Northern Districts Cycle Club of WA Inc on 25th August 2002 between the hours of 09:00 Hrs and 16:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the left hand side of the carriageway on Grey Street, Ftizgerald Street, Taylor Street, Buckland Street, Goomalling Road, Northam to Pithara Road, Jennapullin Road, Muluckine Road, Northam York Road, Burgess Crossing, Spencers Brook York Road, Avon Terrace, Henrietta Street, Great Southern Highway, Great Eastern Highway, Hodgeson Street and Jacoby Street in the Northam/York/Mundaring area.

All participants to wear approved head protection at all times.

A Foot Race—Perth Half Marathon by members/entrants of the West Australian Marathon Club on 8th September 2002 between the hours of 07:30 Hrs and 10:00 Hrs do hereby approve the temporary suspension of the Regulations made under such act on the carriageway/s mentioned hereunder.

Racing to be confined to the right hand side of the carriageway on Dual Use Path—Burswood, Victoria Park, South Perth, Narrows Bridge, Dual Use Path alongside Mounts Bay Road, Perth to Crawley and return.

WATER

WA401*

SAMSON BROOK PIPEHEAD DAM, CHEMICAL DOSING AND WATER TREATMENT PLANT *Shire of Waroona*

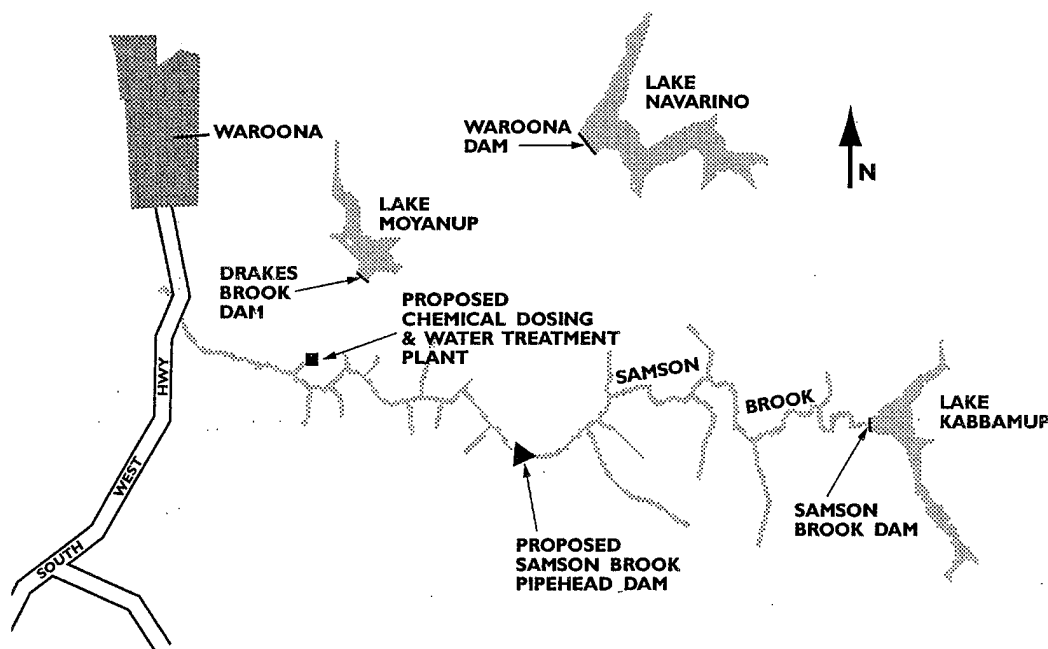
Notice of Proposal to Construct a 22m High Concrete Gravity Dam and a 125 Megalitre per Day Chemical Dosing Plant

The Water Corporation proposes to develop Samson Brook as a new source to improve the water supply for the Integrated Water Supply Scheme serving Perth, Mandurah and the Goldfields. The Samson Brook Redevelopment Scheme is based on the construction of Samson Brook Pipehead Dam on Samson Brook with a connecting pipeline (Samson Trunk Main) to the Stirling Trunk Main. A chemical dosing plant which will dose chlorine, flouride, lime and carbon dioxide into the water supply will also be constructed approximately 3.5km downstream from the dam site. A concrete gravity dam will also be constructed.

The proposed works are scheduled to commence in September 2002 and be completed by May 2003.

For further information on this essential water supply project, please contact our Project Manager, Lloyd Leith, on (08) 9420 3641.

If you wish to object to the proposed works, please write to Lloyd Leith, Project Management Branch, Water Corporation, 629 Newcastle St, Leederville, 6007, before the close of business on 30 August 2002.



PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962

DECEASED ESTATE

Notice to Creditors and Claimants

In the matter of the Edith Mary Ward, late of Unit 2, 36 Owtram. Road, Armadale in the State of Western Australia, Retired Pensioner, deceased.

Notice is hereby given that all persons having claims or demands against or in respect of the estate of the deceased Edith Mary Ward, who died on the 30th June 2002, are required to send particulars of their claims in writing to the joint Executors Simon Neaves and Pauline Ann Neaves both of 288 Hopkins Road, Darling Downs in the State of Western Australia within one month from the date of this publication after which date the said Executors will proceed to distribute the assets of the deceased among the persons entitled thereto having regard only to the claims and demands of which they shall then have notice.

ZZ202

TRUSTEES ACT 1962
DECEASED ESTATE

Notice to Creditors and Claimants

In the matter of Pamela Somerville Hogarth, late of Midland Nursing Home, John Street, Midland in the State of Western Australia, Widow, deceased.

Creditors and other persons who have claims (to which section 63 of the Trustees Act 1962 (as amended) relates) in respect of the estate of the above mentioned deceased who died on the 27th day of February 2002, at Midland Nursing Home, John Street, Midland in the State of Western Australia are required by the Executor of her estate, Thomas Wilson Scott Hogarth, of 72 Lionel Road, Darlington in the State of Western Australia, to send particulars of their claims to him at the address hereunder by the 13th September 2002 after which date the Executor may convey or distribute the assets, having regard only to the claims of which he has notice.

Dated the 9th day of August 2002.

BOSTOCK & RYAN, Solicitors for the Executor,
4th Floor, 172 St George's Terrace, Perth WA 6000.

WESTERN AUSTRALIA

**CRIMINAL INVESTIGATION
(EXCEPTIONAL POWERS) AND
FORTIFICATION REMOVAL ACT 2002**

**Price: \$8.20 counter sales
Plus postage on 95 grams**

*Prices subject to change on addition of amendments.

WESTERN AUSTRALIA

ROAD SAFETY COUNCIL ACT 2002

**Price: \$3.10 counter sales
Plus postage on 30 grams**

*Prices subject to change on addition of amendments.



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