

# WESTERN AUSTRALIAN GOVERNMENT Gazette

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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 —

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## PROCLAMATIONS

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IX101\*

**ABORIGINAL AFFAIRS PLANNING AUTHORITY ACT 1972**

## 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 25 of the *Aboriginal Affairs Planning Authority Act 1972*, on the recommendation of the Minister for Indigenous Affairs and with the advice and consent of the Executive Council, declare that the boundaries of Reserve 23079 are altered as follows—

- (a) by excising from the reserve the part of Easton Location 14 on Deposited Plan 241697 shown as the shaded portion of the attached diagram; and
- (b) by including in the reserve Easton Location 12 on deposited Plan 167852.

Given under my hand and the Public Seal of the State on 28 October 2003.

By Command of the Governor,

J. KOBELKE, Minister for Indigenous Affairs.

GOD SAVE THE QUEEN !

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## AGRICULTURE

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AG301\*

Plant Diseases Act 1914

### **Plant Diseases Amendment Regulations (No. 3) 2003**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Plant Diseases Amendment Regulations (No. 3) 2003*.

**2. The regulations amended**

The amendments in these regulations are to the *Plant Diseases Regulations 1989\**.

[\* Reprinted as at 20 September 2002.  
For amendments to 30 September 2003 see *Western Australian Legislation Information Tables for 2002, Table 4, p. 282, and Gazette 17 June and 29 July 2003.*]

### 3. Schedule 1 amended

- (1) Schedule 1 Part A is amended as follows:
- (a) in column 2 of the item relating to “Hay” by deleting the dash and inserting instead —  
“ 27, 33 ”;
  - (b) in column 5 of the item relating to “Hay” by deleting “33” and inserting instead —  
“ - ”;
  - (c) in column 2 of the item relating to “Plants (not specified elsewhere)” by inserting after “17,” —  
“ 27, ”.
- (2) Schedule 1 Part A column 2 is amended in each item listed in the first column of the Table to this subregulation in the manner set out opposite that item in the second column of that Table.

**Table**

<b>Item in column 1 of Schedule 1 Part A</b>	<b>Amendment to column 2 of Schedule 1 Part A</b>
Abiu, Acerola, Annona spp. and Annona sp. hybrids, Artichoke, Asparagus, Avocado, Babaco, Babiana (baboon flower, baboon root), Beans, Beetroot, Berries, Black sapote, Brazil cherry, Breadfruit, Broccoli, Brussel sprouts, Bulbs, Cabbage, Caimito (Star apple), Capsicum, Capulin, Carambola, Carrots, Cashew apple, Casimiroa (White sapote), Cauliflower, Cherimoya, Chilli, Chinese cabbage, Chives, Choko, Chrysanthemums (for planting), Citrus (other than Mandarin), Coconut, Coffee berry, Corms, Cotoneaster spp., Cotton, Cowpea, Crataegus spp. (Hawthorn), Crocos, Crocosmia aurea (Planchon), Cucumber, Date, Douglas fir, Durian, Egg fruit, Elms, Eriobotrya spp. (Loquat), Eugenia, European larch, Feijoa, Fig, Fruit (not specified elsewhere), Garlic, Ginger, Gladiolus, Granadilla, Grumichama, Guava, Heliconia, Hibiscus, Honeydew, Jaboticaba, Jackfruit, Kiwifruit, Leek, Lettuce, Longan, Lychee, Malay apple, Mandarin, Mango, Mangostein, Melons (other than Honeydew and Rockmelon), Mespilus spp. (Medlar), Miracle fruit, Monstera, Mungbean, Nuts (not specified elsewhere), Okra, Olive,	

<b>Item in column 1 of Schedule 1 Part A</b>	<b>Amendment to column 2 of Schedule 1 Part A</b>
Onions (also see spring onion), Palms, Parsnips, Passionfruit, Pawpaw, Pea, Peanut, Pepino, Persimmon, Pineapple, Pinus, Pomegranate, Poplar, Potato (seed), Prickly Pear, Pumpkin, Pyracantha spp. (Firethorn), Pyrus spp. (Pear), Radish, Rambutan, Rhubarb, Rice, Rockmelon, Rollinia, Santol, Sapodilla, Shallots, Sorbus spp. (Mountain ash), Soursop, Spring onion, Squash, Stransvaesia spp., Strawberry, Sugar cane, Super sweet, Swedes, Sweet potatoes, Sweetsop (Sugar apple), Tahiti lime, Tamarillo, Tamaruis, Taros, Tomato, Tritonia, Turnips, Vegetables (not specified elsewhere), Walnut, Watercress, Watsonia, Wax jambu (Rose apple), Yams, Zucchini	After "17," insert "27,".
Almond, Cydonia spp. (Quince), Prunus salicina, Stonefruit	After "18," insert "27,".

(3) Schedule 1 Part AA is amended as follows:

- (a) by inserting the following items in the appropriate alphabetical positions —

“

Containers .....	27
Landscaping material .....	27
Machinery .....	27

”;

- (b) in column 2 of the item relating to “Agricultural machinery” by inserting before “42” —  
“ 27, ”;
- (c) in column 2 of the item relating to “Cargo containers.” delete the dash and insert instead —  
“ 27 ”;
- (d) in column 2 of the item relating to “Potato containers (used)” by inserting after “6A” —  
“ , 27 ”;
- (e) in column 2 of the item relating to “Potato machinery or equipment (used)” by inserting after “6” —  
“ , 27 ”;
- (f) in column 2 of the item relating to “Soil” by inserting after “2” —  
“ , 27 ”.

- (4) After Schedule 1 Part B item 26 the following item is inserted —

“

27. Red Imported Fire Ant (*Solenopsis invicta*)
- (1) In this item —
- “**landscaping materials**” includes a non-liquid mixture of organic or inorganic material in which plants may grow, soils, potting mixtures and mulches;
- “**RIFA**” means Red Imported Fire Ant (*Solenopsis invicta*).
- (2) For plants with soil or planting medium attached originating from a property that has never been infested with Red Imported Fire Ant but that is less than 5 km from a property infested with RIFA to be certified that the originating property has been inspected in the preceding 3 months and found to be free from RIFA.
- (3) For plants with soil or planting medium attached originating from a property that has been infested with RIFA to be certified that —
- (a) the infestation was destroyed by injecting or drenching all nests with a solution of 0.2 g/L chlorpyrifos;
- (b) the property has been treated at least 4 times with baits registered under the Agvet Code of the jurisdiction in which the property is situated for the treatment of RIFA according to the recommendations of the bait’s manufacturer with the period between each application of the bait being not less than 1 month and not more than 2 months; and
- (c) the property has been inspected at least monthly for the preceding 3 months and found to be free from RIFA.
- (4) For a plant with soil or planting medium attached originating from a property that has been infested or is less than 5 km from a property that has been infested with RIFA to be certified that —
- (a) if the plant with soil or planting medium attached is in a container with a capacity of 5 L or less, they have been —
- (i) treated by immersing all of the container and root ball in a solution containing at least 40 ml of a 500 g/L chlorpyrifos concentrate per 100 L of water and a commercial wetting agent used at the manufacturer’s recommended rate or drenched by saturating the medium to at least 20% of the volume in that solution;
- (ii) isolated in a secure area, kept not less than 5 m from plants not treated in accordance with this item and marked as treated against RIFA for export to Western Australia; and

- (iii) consigned to Western Australia within 48 hours of the treatment;
  - or
  - (b) the soil or planting medium —
    - (i) has been mixed with a registered granular insecticide before planting at a rate of 8.4 kg of granules per cubic metre of soil or planting medium;
    - (ii) the granules contain 2 g/kg of bifenthrin; and
    - (iii) the mixture of soil or planting medium and granules was made not more than 3 months before the plants were consigned to Western Australia.
- (5) For landscaping material originating from a property that has been infested or is less than 5 km from a property infested with RIFA to be certified —
- (a) that the originating property has been inspected in the preceding 3 months and found to be free from RIFA; and
  - (b) either —
    - (i) that —
      - (I) the material was fumigated with methyl bromide at the rate of 48 g/m<sup>3</sup> at 21°C for 24 hours;
      - (II) the material was not more than 300 mm deep during the fumigation;
      - (III) the fumigation was monitored and gas concentration at the end of the fumigation was not less than 15 g/m<sup>3</sup>;
      - (IV) the material was stored, handled and consigned after treatment in a manner so as to prevent infestation with RIFA; and
      - (V) the material was consigned to Western Australia within 48 hours of fumigation;
    - (ii) that —
      - (I) the material was heat treated to a core temperature of at least 70°C for at least 5 minutes;
      - (II) the material was stored, handled and consigned after treatment in a manner so as to prevent infestation with RIFA; and
      - (III) the material was consigned to Western Australia within 48 hours of treatment;

or

- (iii) that —
- (I) the material has been mixed with a registered granular insecticide at a rate of 8.4 kg of granules per cubic metre of landscaping material;
  - (II) the granules contain 2 g/kg of bifenthrin; and
  - (III) the mixture of landscaping material and granules was made not more than 3 months before the landscaping material was consigned to Western Australia.
- (6) For hay or straw originating from a property that has been infested or is less than 5 km from a property infested with RIFA to be certified that —
- (a) the originating property has been inspected in the preceding 3 months and found to be free from RIFA;
  - (b) the hay or straw was fumigated with methyl bromide at the rate of 48 g/m<sup>3</sup> at 21°C for 24 hours;
  - (c) the fumigation was monitored and gas concentration at the end of the fumigation was not less than 15 g/m<sup>3</sup>;
  - (d) the hay or straw was stored, handled and consigned after treatment in a manner so as to prevent infestation with RIFA; and
  - (e) the hay or straw was consigned within 48 hours of fumigation.
- (7) For machinery or containers from a place less than 5 km from a property infested with RIFA to be certified by the Department of Agriculture in the State or Territory in which the machinery or containers originated as having been inspected and found to be free from RIFA.
- (8) For plants with soil or planting medium attached, landscaping material or hay or straw originating from a property 5 km or more from a property infested with RIFA —
- (a) to be certified by the Department of Agriculture in the State or Territory in which the plants, landscaping material or hay or straw originated as originating from a property that is more than 5 km from any known infestation of RIFA; or
  - (b) to be accompanied by a declaration by the person exporting the plants, landscaping material or hay or straw to Western Australia that it originates from a property that has been accredited by an authorised officer of the Department of Agriculture of the State or Territory in which it originates as being more than 5 km from any known infestation of RIFA.



- (9) For plants, landscaping material or hay or straw, machinery or containers to be certified or verified in writing as having been produced, treated, stored, handled, consigned or inspected and found to be free from RIFA in accordance with a protocol approved by the Director General.
- (10) Subitems (3), (4), (5) and (6) do not apply if subitem (9) applies.
- (11) On arrival in Western Australia plants with soil or planting medium attached originating from a property less than 5 km from a property infested with RIFA to be inspected by an inspector for RIFA and found to be free from RIFA after each container is tapped sharply at least 3 times.

”.

#### 4. Schedule 7 amended

Schedule 7 is amended by inserting the following in the appropriate alphabetical position —

“ Red imported fire ant (*Solenopsis invicta*) ”.

By Command of the Governor,

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

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## CONSERVATION

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CO302\*

### CONSERVATION AND LAND MANAGEMENT ACT 1984

#### CONSERVATION AND LAND MANAGEMENT (ABOLITION OF STATE FOREST) ORDER (NO. 3) 2003

Made by the Governor in Executive Council under section 9(2) of the *Conservation and Land Management Act 1984*.

#### 1. Citation

This order may be cited as the *Conservation and Land Management (Abolition of State Forest) Order (No. 3) 2003*.

#### 2. Background to this order

(1) In accordance with section 9(2) of the Act, a proposal dated 14 November 2000 that, among other things, an area of about 12.3286 hectares be revoked from State forest No. 16 was laid before both Houses of Parliament.

(2) Resolutions that the proposal referred to in subclause (1) be carried out were passed by the Legislative Assembly on 22 November 2000 and by the Legislative Council on 23 November 2000.

(3) The land referred to in subclause (1) has been surveyed and is now described in Schedule 1. This land is situated about 21 kilometres south west of Waroona and is required to widen a section of the Perth-Bunbury Highway.

#### 3. Portion of State forest No. 16 abolished

The land described in Schedule 1 is declared to be no longer State forest.

#### Schedule 1 – Land no longer part of State forest No. 16

Wellington Location 6046 (road and road widening) as shown on Deposited Plan 221174

Area: 12.3275 hectares

On Department of Land Information Map: Lake Clifton SE (2032-III SE)

By Command of the Governor,

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

**CO301\*****CONSERVATION AND LAND MANAGEMENT ACT 1984****CONSERVATION AND LAND MANAGEMENT (ABOLITION OF STATE FOREST)  
ORDER (NO. 2) 2003**

Made by the Governor in Executive Council under section 9(2) of the *Conservation and Land Management Act 1984*.

**1. Citation**

This order may be cited as the *Conservation and Land Management (Abolition of State Forest) Order (No. 2) 2003*.

**2. Background to this order**

(1) In accordance with section 9(2) of the Act, a proposal dated 14 November 2000 that, among other things, a total area of 266.7740 hectares be revoked from State forest Nos. 32,33,35,58 and 63 was laid before both Houses of Parliament.

(2) Resolutions that the proposal referred to in subclause (1) be carried out were passed by the Legislative Assembly on 22 November 2000 and by the Legislative Council on 23 November 2000.

(3) The lands referred to in subclause (1) have been surveyed and are now described in Schedules 1 - 5. These lands fall within the Shires of Augusta-Margaret River, Busselton and Nannup and are required to formally realign and dedicate portions of Brockman Highway, Stewart Road, Sues Road and Jalbarragup Roads.

**3. Portions of State forest Nos. 32,33,35,58 and 63 abolished**

The lands described in Schedules 1 - 5 are declared to be no longer State forest.

**Schedule 1 - Land no longer part of State forest No. 32****SUES ROAD**

Sussex Location 5291 as shown on Deposited Plan 220566	13.6203 hectares
Sussex Location 5292 as shown on Deposited Plan 220567	13.5165 hectares
Sussex Location 5293 as shown on Deposited Plan 220568	17.7477 hectares
Sussex Location 5294 as shown on Deposited Plan 220569	20.2213 hectares
Sussex Location 5295 as shown on Deposited Plan 220570	20.8506 hectares
Sussex Location 5296 as shown on Deposited Plan 220571	7.5107 hectares

**JALBARRAGUP ROAD**

Sussex Location 5299 as shown on Deposited Plan 220573	1.3419 hectares
<b>TOTAL</b>	<b><u>94.8090 hectares</u></b>

On Department of Land Information Maps: Rosa NE (1929-I NE) and  
Whicher NE and SE (1930-II NE and SE)

**Schedule 2 - land no longer part of State forest No. 33****SUES ROAD**

Sussex Location 5297 as shown on Deposited Plan 220571	6.3211 hectares
Sussex Location 5298 as shown on Deposited Plan 220572	21.5854 hectares

**JALBARRAGUP ROAD**

Sussex Location 5300 as shown on Deposited Plan 220573	0.4490 hectares
<b>TOTAL</b>	<b><u>28.3555 hectares</u></b>

On Department of Land Information Map: Whicher NE (1930-II NE)

**Schedule 3 - Land no longer part of State forest No. 35****STEWART ROAD**

Nelson Location 13576 as shown on Deposited Plan 220533	19.0177 hectares
<b>TOTAL</b>	<b><u>19.0177 hectares</u></b>

On Department of Land Information Maps: Charnwood NW (2029-II NW) and  
Lake Jasper NE (2029-III NE)

**Schedule 4 - Land no longer part of State forest No. 58****BROCKMAN HIGHWAY**

Sussex Location 5278 on Deposited Plan 220526	5.5705 hectares
Sussex Location 5280 on Deposited Plan 220527	2.9736 hectares

**STEWART ROAD**

Sussex Location 5282 on Deposited Plan 220528	2.0966 hectares
Nelson Location 13571 on Deposited Plan 220528	11.7222 hectares
Nelson Location 13572 on Deposited Plan 220529	15.8514 hectares
Nelson Location 13573 on Deposited Plan 220530	18.4131 hectares
Nelson Location 13574 on Deposited Plan 220531	19.5494 hectares
Nelson Location 13575 on Deposited Plan 220532	19.6097 hectares
<b>TOTAL</b>	<b><u>95.7865 hectares</u></b>

On Department of Land Information Maps: Rosa SE (1929-I SE), Jalbarragup SW and SE (2029-IV SW and SE) and Lake Jasper NE (2029-III NE)

**Schedule 5 – Land no longer part of State forest No. 63**

**SUES ROAD**

Sussex Location 5283 on Deposited Plan 220562	5.2446 hectares
Sussex Location 5286 on Deposited Plan 220565	0.7503 hectares
Sussex Location 5290 on Deposited Plan 220563	10.9175 hectares

**BROCKMAN HIGHWAY**

Sussex Location 5272 on Deposited Plan 220523	5.4173 hectares
Sussex Location 5274 on Deposited Plan 220524	2.8566 hectares
Sussex Location 5276 on Deposited Plan 220525	3.6190 hectares

<b>TOTAL</b>	<b><u>28.8053 hectares</u></b>
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On Department of Land Information Maps: Rosa NE, SW and SE (1929-I NE, SW and SE)

By Command of the Governor,

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

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## **FISHERIES**

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FI301\*

Fish Resources Management Act 1994

# **Fish Resources Management Amendment Regulations (No. 9) 2003**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Fish Resources Management Amendment Regulations (No. 9) 2003*.

**2. Commencement**

These regulations come into operation on 8 November 2003.

**3. The regulations amended**

The amendments in these regulations are to the *Fish Resources Management Regulations 1995\**.

[\* Reprinted as at 17 May 2002.

*For amendments to 3 October 2003 see Western Australian Legislation Information Tables for 2002, Table 4, p. 122-3, and Gazette 3 June, 27 June, 30 June, 19 September and 1 October 2003.]*

**4. Regulation 64R repealed**

Regulation 64R is repealed.

**5. Regulation 158 amended**

Regulation 158 is amended in the Table under the heading “Provisions of these regulations” by deleting “ 64R.”.

By Command of the Governor,

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

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FI302\*

Fish Resources Management Act 1994

## **Fish Resources Management Amendment Regulations (No. 15) 2003**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Fish Resources Management Amendment Regulations (No. 15) 2003*.

**2. Commencement**

These regulations come into operation on 8 November 2003.

**3. The regulations amended**

The amendments in these regulations are to the *Fish Resources Management Regulations 1995\**.

[\* Reprinted as at 17 May 2002.

For amendments to 15 October 2003 see *Western Australian Legislation Information Tables for 2002, Table 4, p. 122-3, and Gazette 3, 27 and 30 June, 19 September and 1 October 2003.*]

**4. Regulation 38 amended**

Regulation 38(b) is amended by deleting “115° 08’ ” and inserting instead —

“ 115° 08.091’ ”.

**5. Regulation 64ZJ amended**

Regulation 64ZJ is amended in the definition of “Broome area” by deleting “123 8.033’ ” and inserting instead —

“ 123° 08.23’ ”.

**6. Schedule 2 amended**

Schedule 2 Part 2 Division 5 is amended as follows:

- (a) in paragraph (a) of the item relating to “Crab, Blue Manna” —
  - (i) by deleting “33° 31.9’ ” and inserting instead —  
“ 33° 31.8’ ”;
  - (ii) by deleting “115° 0.2’ ” and inserting instead —  
“ 115° 0.26’ ”;
  - (iii) by deleting “33° 18.15’ ” and inserting instead —  
“ 33° 18.074’ ”; and
  - (iv) by deleting “115° 38.65’ ” and inserting instead —  
“ 115° 38.765’ ”;
- (b) in the first item relating to “Rock Lobster, Western, female” by deleting “115° 08’ ” and inserting instead —  
“ 115° 08.091’ ”.

By Command of the Governor,

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

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**JUSTICE**

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JU301\*

The Criminal Code  
Sentencing Act 1995

## **Criminal Procedure Amendment Rules 2003**

Made by the Judges of the Supreme Court.

**1. Citation**

These rules may be cited as the *Criminal Procedure Amendment Rules 2003*.

**2. The rules amended**

The amendments in these rules are to the *Criminal Procedure Rules 2000*\*.

[\* *Published in Gazette 2 January 2001, p. 1-75.*  
*For amendments to 12 June 2003 see Western Australian Legislation Information Tables for 2002, Table 4, p. 72.*]

**3. Rule 17 amended**

Rule 17(3) is amended by deleting “section” and inserting instead —

“ Part ”.

**4. Rules 37 to 39 repealed**

Rules 37, 38 and 39 are repealed.

**5. Rule 40 amended**

- (1) Rule 40(5)(a) is amended by deleting “rules 37 and 38” and inserting instead —

“  
all requirements imposed by or under the Code  
or the *Justices Act 1902* to file and serve a  
document  
”.

- (2) Rule 40(6)(b) is deleted and the following paragraph is inserted instead —

“  
(b) make an order under section 611B(6) or  
611C(3) of the Code;  
”.

**6. Rule 41 amended**

Rule 41(3)(a) is deleted and the following paragraph is inserted instead —

“  
(a) make an order under section 611B(6) or  
611C(3) of the Code;  
”.

**7. Rule 68 amended**

Rule 68(4)(b) is amended by deleting “*Sentence Administration Act 1999*” and inserting instead —

“ *Sentence Administration Act 2003* ”.

**8. Rule 74 amended**

Rule 74(2) is repealed.

**9. Rule 78 amended**

Rule 78(5)(b) is amended by deleting “*Sentence Administration Act 1999*” and inserting instead —

“ *Sentence Administration Act 2003* ”.

Dated: 17 October 2003.

Judges' signatures:

DAVID K. MALCOLM	GEOFFREY MILLER
M. J. MURRAY	N. JOHNSTON
R. ANDERSON	JOHN McKECHNIE
N. J. OWEN	L. ROBERTS-SMITH
C. D. STEYTLER	C. J. McLURE
K. H. PARKER	C. PULLIN
N. P. HASLUCK	ERIC M. HEENAN
C. WHEELER	MICHAEL BARKER

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## LOCAL GOVERNMENT

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LG301

### LOCAL GOVERNMENT ACT 1995

*City of Perth*

Repeal of Local Law Relating to King and Murray Streets Egress

1. Under the power conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Perth resolved on 14 October 2003 to repeal the Local Law Relating To King and Murray Streets Egress published in the *Government Gazette* on 29 June 1984 (Pages 1816-1817).

2. This local law comes into operation 14 days after the date of publication in the *Government Gazette*.

Dated this 20th day of October 2003.

The common seal of the City of Perth was hereunto affixed in the presence of—

Dr. PETER NATTRASS, The Rt Hon. Lord Mayor.  
GARRY DUNNE, Acting Chief Executive Officer.

LG302

### LOCAL GOVERNMENT ACT 1995

*City of Perth*

Standing Orders Amendment Local Law 2003

1 Under the power conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the City of Perth resolved on 14 October 2003 to make the following amendments to the Standing Orders Local Law published in the *Government Gazette* on 16 November 1999 and amendments—

1.1 AMEND CLAUSE 3.5(2)(d) BY—

replacing the words “answered only in writing” with “taken on notice”.

1.2 INSERT THE FOLLOWING NEW SUB CLAUSE 3.5(2)(f)—

“(f) when a question is taken on notice under subclause (d) a response is to be given to the member of the public in writing by the CEO, and a copy is to be included in the agenda of the next meeting of the Council or Committee as the case requires.”

1.3 DELETE SUB CLAUSE 10.11(2) AND INSERT THE FOLLOWING CLAUSE 10.11(2)—

“(2) Upon the public again being admitted to the meeting the presiding person, unless the Council or Committee decides otherwise, is to cause the motions passed by the Council or Committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under Section 5.21 of the Act.”

## 1.4 INSERT CLAUSE 13.18 AS FOLLOWS—

## “13.18 Absence from Committee Meetings

If any member of a Committee, other than the Lord Mayor, Chief Executive Officer or Chief Executive Officer’s representative, is absent from three consecutive meetings without having submitted an apology or obtained a leave of absence from the Council or Committee, that member’s seat on the Committee shall become vacant.”

## 1.5 DELETE CLAUSE 3.4 (2).

## 2 COMMENCEMENT

The above amendments come into operation 14 days after the date of publication in the *Government Gazette*.

Dated this 20th day of October 2003.

The common seal of the City of Perth was hereunto affixed in the presence of—

Dr. PETER NATTRASS, The Rt Hon. Lord Mayor.  
GARRY DUNNE, Acting Chief Executive Officer.

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**TRANSPORT**

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TR301\*

Road Traffic Act 1974

## Road Traffic (Licensing) Amendment Regulations (No. 4) 2003

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Road Traffic (Licensing) Amendment Regulations (No. 4) 2003*.

**2. The regulations amended**

The amendments in these regulations are to the *Road Traffic (Licensing) Regulations 1975\**.

[\* Reprinted as at 20 September 2002.

For amendments to 3 September 2003 see *Western Australian Legislation Information Tables for 2002, Table 4, p. 334, and Gazette 20 May 2003.*]

**3. Regulation 3 amended**

Regulation 3(1) is amended as follows:

- (a) by inserting the following definitions in their appropriate alphabetical positions —

“

“**identifier**”, in relation to a vehicle, has the same meaning as in regulation 2 of the *Road Traffic (Written-Off Vehicle Register) Regulations 2003*;



“**repairable write-off**” has the same meaning as in regulation 7 of the *Road Traffic (Written-Off Vehicle Register) Regulations 2003*;

“**statutory write-off**” has the same meaning as in regulation 7 of the *Road Traffic (Written-Off Vehicle Register) Regulations 2003*;

“**Written-Off Vehicle Register**” means the register maintained under regulation 12 of the *Road Traffic (Written-Off Vehicle Register) Regulations 2003*.

- (b) in the definition of “Vehicle Standards” by deleting the full stop and inserting instead a semicolon.

”.

**4. Regulation 3B amended**

Regulation 3B(2a) is amended as follows:

- (a) by deleting the paragraph designation “(a)” from the second place in which it occurs and inserting instead the paragraph designation “(e)”;
- (b) by deleting the paragraph designation “(b)” from the second place in which it occurs and inserting instead the paragraph designation “(f)”.

**5. Regulation 3F inserted**

After regulation 3E the following regulation is inserted —

“

**3F. Registered write-offs**

For the purposes of these regulations and the Act sections 23, 23A and 24(5), a vehicle is taken not to comply with the Vehicle Standards if —

- (a) the vehicle is registered as a statutory write-off or a repairable write-off in the Written-Off Vehicle Register, and the registration has not been cancelled; or
- (b) the vehicle carries as an identifier a number that is registered in the Written-Off Vehicle Register as the identifier of a vehicle that is a statutory write-off or a repairable write-off, and the registration has not been cancelled.

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By Command of the Governor,

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

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TR302\*

Road Traffic Act 1974

## Road Traffic (Vehicle Standards) Amendment Regulations (No. 3) 2003

Made by the Governor in Executive Council.

### 1. Citation

These regulations may be cited as the *Road Traffic (Vehicle Standards) Amendment Regulations (No. 3) 2003*.

### 2. The regulations amended

The amendments in these regulations are to the *Road Traffic (Vehicle Standards) Regulations 2002\**.

[\* *Published in Gazette 9 August 2002, p. 3902-4020.*

*For amendments to 3 September 2003 see Western Australian Legislation Information Tables for 2002, Table 4, p. 336, and Gazette 20 May 2003.]*

### 3. Regulation 10B inserted

After regulation 10A the following regulation is inserted in Part 2 —

“

#### 10B. Registered write-offs

For the purposes of these regulations, a vehicle is taken not to comply with the Vehicle Standards if —

- (a) the vehicle is registered as a statutory write-off or a repairable write-off in the Written-Off Vehicle Register, and the registration has not been cancelled; or
- (b) the vehicle's identifier is the same number as a number that is registered in the Written-Off Vehicle Register as the identifier of a vehicle that is a statutory write-off or a repairable write-off, and the registration has not been cancelled.

”

### 4. The Glossary amended

Clause 1 of the Glossary is amended by inserting the following definitions in their appropriate alphabetical positions —

“

“**identifier**”, in relation to a vehicle, has the same meaning as in regulation 2 of the *Road Traffic (Written-Off Vehicle Register) Regulations 2003*;

**“repairable write-off”** has the same meaning as in regulation 7 of the *Road Traffic (Written-Off Vehicle Register) Regulations 2003*;

**“statutory write-off”** has the same meaning as in regulation 7 of the *Road Traffic (Written-Off Vehicle Register) Regulations 2003*;

**“Written-Off Vehicle Register”** means the register maintained under regulation 12 of the *Road Traffic (Written-Off Vehicle Register) Regulations 2003*;

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By Command of the Governor,

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

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## — PART 2 —

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### CONSUMER AND EMPLOYMENT PROTECTION

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CE401\*

**OCCUPATIONAL SAFETY AND HEALTH ACT 1984**  
**OCCUPATIONAL SAFETY AND HEALTH REGULATIONS 1996**  
EXEMPTION CERTIFICATE PURSUANT TO REGULATION 2.13

(No. 27 of 2003)

I, Brian Thomas Bradley, WorkSafe Western Australia Commissioner, hereby grant an exemption to Australian Maritime Systems from the requirements of Regulation 3.117(1) of the *Occupational Safety and Health Regulations 1996* in relation to the requirement to hold a Class 1 demolition licence to dismantle a 30 metre steel lattice tower at Browse Island. I further grant an exemption from the requirements of Regulation 3.118(a) of the *Occupational Safety and Health Regulations 1996* in relation to the requirement to ensure that any Class 1 demolition work is done by a holder of a Class 1 demolition licence during the removal of the tower at the aforementioned address.

This exemption is subject to the following conditions:

- The demolition work to be directly supervised by a competent person at all times during the dismantling of the tower.
- Personnel involved with prescribed work must hold an appropriate certificate of competency.
- All personnel involved with working at heights will have completed the appropriate training for this work and be competent in the use of fall injury prevention systems in use.
- Adequate public protection will be provided and maintained during the tower dismantling process.
- The 12 tonne amphibian vehicle to be at least 1.5 times the height of the structure (45m) away from the structure when inducing the collapse.
- All personnel required to work on the tower will be trained in identifying, monitoring and controlling Radio Frequency Electro-magnetic Emissions.

Dated this 24th day of October 2003.

BRIAN THOMAS BRADLEY, WorkSafe Western Australia Commissioner.

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### FISHERIES

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FI401\*

**FISH RESOURCES MANAGEMENT ACT 1994**

PROHIBITION ON COMMERCIAL FISHING ACTIVITY (NETTING IN RIVERS, ESTUARIES, INLETS  
AND LAKES SOUTH OF 23° SOUTH LATITUDE) AMENDMENT ORDER 2003

Order No. 8 of 2003

FD 1620/98 [560]

Made by the Minister under section 43.

**Citation**

1. This order may be cited as the *Prohibition on Commercial Fishing Activity (Netting in Rivers, Estuaries, Inlets and Lakes South of 23° South Latitude) Amendment Order 2003*.

**Commencement**

2. This order commences operation on 8 November 2003.

**Order amended**

3. The amendments in this order are to the *Closed Waters Professional Netting (Rivers, Estuaries, Inlets and Lakes) Notice 1992\**.

**Schedule 1 amended**

4. Schedule 1 is amended by deleting items 2 and 3.

*[\*Published in the Gazette of 26 June 1992. For amendments to 10 October 2003 see the Closed Waters Professional Netting (Rivers, Estuaries, Inlets and Lakes South of 23° South Latitude) Amendment*

*Notice 1992 published in the Gazette of 14 August 1992, the Closed Waters Professional Netting (Rivers, Estuaries, Inlets and Lakes South of 23° South Latitude) Amendment Notice 1994 published in the Gazette of 29 July 1994 and the Prohibition on Commercial Fishing Activity (Netting in Rivers, Estuaries, Inlets and Lakes South of 23° South Latitude) Amendment Order 2002 published in the Gazette of 28 June 2002.*

*See regulation 186 of the Fish Resources Management Regulations concerning the continuation of notices made under section 9, 10, 11 or 38 of the Fisheries Act 1905 and that were in force immediately before the commencement of those regulations.]*

Dated this 20th day of October 2003.

K. M. CHANCE, Minister for Agriculture, Forestry and Fisheries.

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**FI402\***

**FISH RESOURCES MANAGEMENT ACT 1994**

**SWAN/CANNING AND MANDURAH ESTUARINE FISHING PROHIBITIONS REVOCATION  
ORDER 2003**

Order No. 3 of 2003

FD 1620/98 [560]

Made by the Minister under section 43.

**Citation**

1. This order may be cited as the *Swan/Canning and Mandurah Estuarine Fishing Prohibitions Revocation Order 2003*.

**Commencement**

2. This order commences operation on 8 November 2003.

**Revocation**

3. The notices specified in the Schedule, which continued in force under regulation 186 of the *Fish Resources Management Regulations 1995* as if they were orders made under section 43, are revoked.

**Schedule**

- (a) Notice No. 192 titled Lawful Nets in the Swan/Canning Estuarine Fishery published in the *Government Gazette* of 28 June 1985.
- (b) Lawful Nets in Mandurah Estuarine Fishery Notice 1994 published in the *Government Gazette* of 29 July 1994.

Dated this 20th day of October 2003.

K. M. CHANCE, Minister for Agriculture, Forestry and Fisheries.

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**FI403\***

**FISH RESOURCES MANAGEMENT ACT 1994**

**WEST COAST ESTUARINE FISHERY (INTERIM) MANAGEMENT PLAN 2003**

FD 662/99 [536]

Made by the Minister under section 54.

**Part 1—Preliminary**

**Citation**

1. This plan may be cited as the West Coast Estuarine Fishery (Interim) Management Plan 2003.

**Commencement**

2. This plan will commence operation on 8 November 2003.

**Cessation**

3. This plan will cease to have effect on 7 November 2008.

**Interpretation**

4. (1) In this plan, unless the contrary intention appears—

“Area 1” means all the waters as described in Schedule 2 item (a) of this Plan;

“Area 2” means all the waters as described in Schedule 2 item (b) of this Plan;

“authorised boat” means—

- (a) a licensed fishing boat, the name, licensed fishing boat number and length of which are specified in a permit; or

(b) a boat specified in a written authority under regulation 132 where that boat is to be used in place of a boat described in (a);

“calendar year” means the period commencing 1 January in any year and ending 31 December in the same year;

“crab pot unit” is equal to one crab pot;

“crabs” means any fish of the species *Portunus pelagicus* or *Ovalipes australiensis*;

“current entitlement” means the total crab pot unit entitlement of a permit taking into account any transfers of crab pot units to or from the permit;

“day” means any 24 hour period commencing at midnight;

“Fishery” means the West Coast Estuarine Fishery identified in clause 6;

“hand prawn net” means any net that—

(a) is not more than 4 metres in length; and

(b) has a mesh size of 19 millimetres or greater but less than 25.4 millimetres;

“haul”, when used as a verb, means to encircle or ring or attempt to encircle or ring fish with a fishing net and the operator of the net is in continuous contact with the net;

“haul net” means any net other than a seine net, that is not set, which is used to encircle or ring or attempt to encircle or ring fish and the operator of the net is in continuous contact with the net;

“measured length” means the measured length of the authorised boat as defined by and determined in accordance with the Department of Transport Instruction to Surveyors notice 7/87 (reworked 1994) effective 21 September 1994 as reworked or superseded from time to time;

“mesh size” means the size of the mesh of a fishing net as measured in accordance with regulation 64D of the regulations;

“nominated operator” means a nominated operator specified on a permit;

“permit” means an interim managed fishery permit which authorises a person to fish in the Fishery;

“pull” means to bring from the bed or any waters of the Fishery to the surface of those waters;

“regulations” means the *Fish Resources Management Regulations 1995*;

“set net” means any net used or intended to be used to take fish that is fixed, anchored, staked or secured in the water or stationary in the water below the high water mark and the net has a float line at or beneath the surface of the water;

“statutory fishing returns” means a return made under and in accordance with regulation 64 of the regulations;

“this plan” means the management plan determined by this instrument.

(2) In this plan, unless the contrary intention appears, the following terms have the same meanings as provided for in regulation 3 of the regulations—

“fishing boat licence”;

“licensed fishing boat number”;

“set”.

### **Procedure before this plan may be amended or revoked**

5. For the purposes of section 65 of the Act, all the permit holders of the Fishery are the persons to be consulted before this plan is amended or revoked.

## **Part 2—The Fishery**

### **Identification and Declaration**

6. (1) The Fishery to which this plan relates is fishing by any means in the waters described in Schedule 1 and may be referred to as the West Coast Estuarine Fishery.

(2) The Fishery is an interim managed fishery.

### **Areas**

7. The Fishery is divided into the areas described in Schedule 2.

## **Part 3—Permits**

### **Criteria for the grant of a permit**

8. (1) The criteria to be satisfied before the Executive Director may grant a person a permit authorising fishing in Area 1 of the Fishery are that—

(a) on 30 June 2003 the person was the holder of a commercial fishing licence that was endorsed with condition number 17 which specified that the holder of that licence was authorized to engage in taking fish for sale in the Swan/Canning Estuarine Fishery;

(b) on 30 June 2003 the person was the holder of one or more fishing boat licences that, as at 30 June 2003, were endorsed with condition number 19 which specified that the boat named on the licence was licensed to be used to take fish for sale in the Swan/Canning Estuarine Fishery;

- (c) the person demonstrates by statutory fishing returns for the period commencing 1 January 2001 and ending 31 December 2002 that the person was active in the waters described as Area 1 of the Fishery during that period;
  - (d) the statutory fishing returns referred to in subclause (1)(c) have been received by the Department prior to 15 January 2003; and
  - (e) the person applies for a permit before 15 December 2003.
- (2) The criteria to be satisfied before the Executive Director may grant a person a permit in Area 2 of the Fishery are that—
- (a) on 30 June 2003 the person was the holder of a commercial fishing licence that was endorsed with condition number 17 which specified that the holder of that licence was authorized to engage in taking fish for sale in the Mandurah Estuarine Fishery;
  - (b) the person demonstrates by statutory fishing returns for the period commencing 1 January 2001 and ending 31 December 2002 that the person was active in the waters described as Area 2 of the Fishery during that period;
  - (c) the statutory fishing returns referred to subclause (2)(b) have been received by the Department prior to 15 January 2003; and
  - (d) the person applies for a permit before 15 December 2003.
- (3) For the purposes of this clause “active” means that the fishing returns referred to recorded that the applicant caught fish in the area described as Area 1 or Area 2 of the Fishery, as the case may be, during the specified period.

#### **Duration of permits**

9. A permit expires on 7 November next following the date of its grant or renewal.

#### **Fees**

10. (1) The fee set out in Schedule 6 is the fee to be paid in respect of the grant or renewal of a permit.
- (2) Where a licence is renewed as provided under section 139(1) of the Act an additional fee of 20% of the fee payable on the issue of the licence is payable by way of penalty.

#### **Items that must be specified on a permit**

11. A permit must specify—
- (a) the area of the Fishery in which fishing is permitted under the authority of that permit;
  - (b) the name and business address of the holder of the permit;
  - (c) the name and business address of the nominated operator;
  - (d) the name, licensed fishing boat number and the measured length of any licensed fishing boat which may be used for or in connection with fishing in the Fishery under the authority of that permit;
  - (e) a permit number;
  - (f) the number of crab pots the holder is entitled to use if the permit authorises fishing in Area 2 of the Fishery;
  - (g) the period for which the permit is in force;
  - (h) the name of the Fishery;
  - (i) any conditions imposed on the permit by the Executive Director.

#### **Nominated operator**

12. (1) Subject to subclause (2), a permit must specify the name of not more than one individual who has been nominated by the holder of the permit to be the nominated operator.
- (2) Where no nominated operator has been nominated and the holder of a permit is an individual, then the holder of the permit will be taken to be the nominated operator and that person's name shall be specified on the permit as the nominated operator.
- (3) A person must not fish in Area 1 or Area 2 of the Fishery under the authority of a permit unless that person is the nominated operator of the permit.
- (4) A person must not be a nominated operator of more than one permit.
- (5) Notwithstanding subclause (3) the Executive Director may by notice in writing authorise a person who is not a nominated operator of a permit to engage in fishing under the authority of a permit.
- (6) The Executive Director may only make a notice in writing under subclause (5) where the Executive Director is satisfied that—
- (a) it is in the better interests of the Fishery to do so; and
  - (b) either the nominated operator of the relevant permit is unable to fish in the Fishery due to ill health or the nominated operator requires instruction as to how to fish in the Fishery.
- (7) A notice in writing made under subclause (5) must specify—
- (a) the name of the person who is being authorised to fish;
  - (b) the permit under which the person is authorised to fish; and
  - (c) the period for which the person is authorised to fish.
- (8) The Executive Director may amend or revoke a notice in writing made under subclause (5) by further notice in writing.

(9) A notice in writing made under subclause (5) or amended under subclause (8) shall only be of effect when—

- (a) the notice has been given to the person specified in the notice;
- (b) a copy of the notice has been given to the Supervising Fisheries Officer at the office of the Department; and
- (c) a copy of the notice is being displayed in a prominent position on a notice board which is clearly visible from outside the office of the Department.

(10) A notice made under subclause (8) revoking a notice made under subclause (5) shall only be of effect when—

- (a) the notice has been given to the person specified in the notice;
- (b) a copy of the notice has been given to the Supervising Fisheries Officer at the office of the Department.

(11) In subclauses (9) and (10) “the office of the Department” means—

- (a) the Fremantle office of the Department where the permit specified in the relevant notice relates to Area 1 of the Fishery; and
- (b) the Mandurah office of the Department where the permit specified in the relevant notice relates to Area 2 of the Fishery.

(12) A person specified in a notice that is in effect in accordance with subclause (9) must not do, or allow to happen, anything that a nominated operator is prohibited from doing or allowing to happen under any provision of this plan.

#### **Part 4—Capacity of the Fishery**

##### **Capacity of the Fishery**

13. (1) The capacity of Area 1 of the Fishery in relation to the—

- (a) amount of haul net that may be used, is 4,000 metres;
- (b) amount of set net that may be used, is 6,000 metres.

(2) The capacity of Area 2 of the Fishery in relation to the—

- (a) amount of haul net that may be used, is 12,000 metres;
- (b) amount of set net that may be used, is 12,000 metres;
- (c) amount of beam tide prawn net that may be used, is 96 metres;
- (d) number of crab pots that may be used, is 420.

##### **Entitlement—crab pots**

14. (1) Where a permit is granted to a person in accordance with subclause 8(2) and—

- (a) that person was on 30 June 2003 the holder of one or more fishing boat licences that, as at 30 June 2003, were endorsed with condition number 181, 182, 183 or 184 which specified that the holder of that licence was authorized to use 42 crab pots in the waters described as Area 2 of the Fishery; or
- (b) on or before 31 May 2003 that person had made an application to vary his or her fishing boat licence to authorise fishing by means of crab pots in the waters described as Area 2 of the Fishery and prior to 15 July 2003 that application was approved;

then the permit shall, at the time it is granted, confer an entitlement of not more than 42 crab pot units.

(2) Notwithstanding subclause (1) if a person was the holder of a commercial fishing licence numbered 4926 or 9422 and a permit is granted to that person in accordance with subclause 8(2), then that permit shall also, at the time it is granted, confer an entitlement of not more than 42 crab pot units.

(3) The entitlement to use crab pots in Area 2 of the Fishery shall be expressed in terms of crab pot units of entitlement.

##### **Temporary transfer of crab pot units of entitlement**

15. (1) Subject to subclause (2), part of a crab pot entitlement under a permit may be temporarily transferred to another permit for a period ending at the time the permit expires.

(2) Part of a crab pot entitlement under a permit may only be temporarily transferred to another permit where—

- (a) the current entitlement of each permit would, as a result of the temporary transfer, be not greater than 50 units; and
- (b) the proposed temporary transfer is of a whole number of units of entitlement.

##### **Grounds for refusal to transfer crab pot entitlement or permit**

16. (1) The Executive Director may refuse to transfer a part of a crab pot entitlement from under one permit to another permit on the grounds that—

- (a) the transfer would result in a permit conferring and specifying a current entitlement of more than 50 crab pot units; or
- (b) the Executive Director is of the opinion that the holder of the first-mentioned permit may be liable to prosecution for an offence which has been prescribed for the purposes of section 224 of the Act.



(2) The Executive Director may refuse to transfer a permit or any part of a current crab pot entitlement where the total fee for the transferor's permit has not been paid.

#### **Part 5—General regulation of fishing**

##### **Persons prohibited from fishing in the Fishery**

17. (1) Subject to subclause (3), a person must not fish in the Fishery—
- (a) other than in accordance with this plan; and
  - (b) unless the person is fishing under the authority of a permit.
- (2) A permit may only authorise fishing in one area of the Fishery.
- (3) A person fishing in accordance with the Act for a non-commercial purpose may fish in the waters described in Schedule 1.

##### **Prohibition on selling, dealing in or purchasing fish**

18. A person must not sell, deal in or purchase any fish taken from the Fishery unless the fish were taken by a person who is the holder of a commercial fishing licence fishing under the authority of a permit and in accordance with this plan.

##### **Closure of areas within the Fishery**

19. (1) Notwithstanding the provisions of clauses 20, 21 and 22 the Executive Director may, by notice published in the Gazette, prohibit fishing by any means in any part of the Fishery for the period specified in the notice if, in the opinion of the Executive Director, the prohibition is required in the better interests of the Fishery.
- (2) A notice made under subclause (1)—
- (a) may only be made after consultation with all the permit holders;
  - (b) may be made to apply at all times or for any specified period; and
  - (c) revokes any previous notice made under that subclause.
- (3) A person must not fish in any part of the Fishery at a time when fishing in that part of the Fishery has been prohibited by a notice made under subclause (1).
- (4) A person must not fish at any time in the waters described in Schedule 3.

#### **Part 6—Use of gear and boats**

##### **Specific gear restrictions—Area 1**

20. (1) Subject to subclause (2), a nominated operator must not fish in Area 1 of the Fishery by any means other than by a—
- (a) set net;
  - (b) haul net;
  - (c) hand prawn net; or
  - (d) hand line.
- (2) A person who—
- (a) immediately prior to the commencement of this plan, was the holder of a fishing boat licence that specified that a maximum of 50 cobbler traps may be operated within the Swan River Managed Fishery; and
  - (b) is granted a permit under subclause 8(1),
- may use cobbler traps to fish in Area 1 of the Fishery provided that—
- (c) the number of cobbler traps used does not exceed the number specified on the fishing boat licence referred to in (a) above;
  - (d) each cobbler trap has an internal volume of not more than one cubic metre; and
  - (e) the person remains the holder of the permit referred to in (b) above.
- (3) A nominated operator must not allow a hand prawn net to be—
- (a) set;
  - (b) pulled; or
  - (c) hauled,
- from a boat in Area 1 of the Fishery.
- (4) A nominated operator when fishing in Area 1 of the Fishery—
- (a) must not allow the use of more than two hand lines;
  - (b) must not allow the use of more than 3 hooks or gangs of hooks attached to each hand line; and
  - (c) must attend the hand line or attach it to the boat at all times.
- (5) A nominated operator must not—
- (a) set a net with a mesh size less than 63 millimetres or greater than 127 millimetres;
  - (b) pull a set net with a mesh size less than 63 millimetres or greater than 127 millimetres; or
  - (c) allow a set net with a mesh size less than 63 millimetres or greater than 127 millimetres to remain,

in the waters of Area 1 of the Fishery during the period commencing 0800 hours on any Saturday and ending at 1800 hours on the following Sunday if any part of that net is wholly or partially in contact with the seabed.

- (6) A nominated operator must not—
- (a) set a net with a mesh size less than 63 millimetres or greater than 127 millimetres;
  - (b) pull a set net with a mesh size less than 63 millimetres or greater than 127 millimetres; or
  - (c) allow a set net with a mesh size less than 63 millimetres or greater than 127 millimetres to remain,

in the waters of Area 1 of the Fishery during the period commencing 0800 hours on any weekday and ending at 1800 hours on the same day unless all of the net is below the surface of the water.

(7) A nominated operator specified on a permit must not allow more than 500 metres of set net which has a mesh size greater than 127 millimetres to be pulled from the waters in Area 1 of the Fishery during any day under the authority of that permit.

- (8) A nominated operator must not allow more than a total of—
- (a) 500 metres of haul net;
  - (b) 500 metres of set net which has a mesh size less than 63 millimetres or greater than 127 millimetres; or
  - (c) 1000 metres of set net which has a mesh size greater than 127 millimetres,

to be used in Area 1 of the Fishery under the authority of a permit at any one time.

- (9) A nominated operator must not allow the use of—
- (a) a set net at any time; or
  - (b) a haul net during the period commencing 0800 hours and ending midnight on the same day during the period commencing 0800 hours on any Monday and ending midnight on the following Friday,

in the waters described in Schedule 4.

#### **Specific gear restrictions—Area 2**

21. (1) Subject to clause 22(1), a nominated operator must not fish in Area 2 of the Fishery by any means other than by a—

- (a) set net;
- (b) haul net;
- (c) beam tide prawn net;
- (d) hand dip net; or
- (e) crab pot.

(2) A nominated operator must not allow more than 1000 metres (total combined length) of set nets and haul nets to be—

- (a) set;
- (b) pulled; or
- (c) hauled,

in Area 2 of the Fishery at any one time.

(3) A nominated operator must not use a set net or haul net in Area 2 of the Fishery unless that net conforms with the specifications set out in Schedule 5.

(4) A nominated operator must not fish by the use of a beam tide prawn net unless that net—

- (a) is not more than 4 metres in width across the opening frame;
- (b) has a mesh size throughout of not less than 16 millimetres; and
- (c) has a mesh size throughout of not greater than 25 millimetres.

(5) A nominated operator must not fish by the use of a hand dip net unless that net—

- (a) has a diameter not greater than 120 centimetres; and
- (b) has a mesh size throughout of not less than 16 millimetres.

(6) A nominated operator must not fish in Area 2 of the Fishery by means of a set net or haul net during the period commencing 0800 hours on any Saturday and ending at 0500 hours on the following Monday.

#### **Fishing by means of crab pots—general restrictions**

22. (1) A nominated operator must not fish for crabs in Area 2 of the Fishery by means of a crab pot unless the permit authorises the use of crab pots in Area 2 of the Fishery.

(2) A nominated operator must not fish for crabs in Area 2 of the Fishery by any means other than a crab pot.

(3) A nominated operator must not fish with a number of crab pots that is in excess of the current entitlement specified on the relevant permit.

(4) A nominated operator must not carry on board a boat a number of crab pots that is more than two crab pots in excess of the current entitlement specified on the relevant permit.

(5) A nominated operator must not use or carry on board a boat a crab pot if that crab pot does not conform with the specifications set out in Schedule 5.

(6) A nominated operator must not pull a crab pot in Area 2 of the Fishery unless that person set that crab pot.

- (7) A nominated operator must not set a crab pot or allow a crab pot to remain in the waters of Area 2 of the Fishery—
- at any time after 0800 hours on any Saturday or before 0430 hours on the following Monday during the period commencing 1 October and ending on 31 March in any financial year; or
  - at any time after 0900 hours on any Saturday or before 0430 hours on the following Monday during the period commencing 1 April and ending on 30 September in any calendar year.
- (8) A nominated operator must not pull a crab pot in Area 2 of the Fishery—
- at any time before 0430 hours or after 0800 hours on any day that is within the period commencing 1 October and ending on 31 March in any financial year; or
  - at any time before 0430 hours or after 0900 hours on any day that is within the period commencing 1 April and ending on 30 September in any calendar year.
- (9) A nominated operator must not fish for crabs in Area 2 of the Fishery by means of a crab pot unless that crab pot has attached to it a surface float which—
- has a diameter of not less than 150 millimetres; and
  - is marked by stamping with legible characters not less than 60 millimetres high and not less than 10 millimetres wide showing the licensed fishing boat number of the boat that is used to set or pull the pot.
- (10) Notwithstanding subclause (9), a nominated operator may set crab pots such that a maximum of 10 crab pots are attached to each other by negatively buoyant rope, provided that at least one crab pot is attached to a surface float as described in subclause (9).

#### **Use of boats**

23. (1) A nominated operator must not use a boat in the Fishery unless the boat is an authorised boat.
- (2) A nominated operator must not use a boat in the Fishery if that boat is greater than 6.5 metres in measured length.
- (3) The maximum number of boats that may be specified on a permit is 3.
- (4) The nominated operator must not allow more than one boat specified on that permit to be used in the Fishery at any one time.

### **Part 7—Miscellaneous**

#### **Offences and major provisions**

24. A person who contravenes a provision of—
- clause 12(3), 12(12), 17(1), 18, 19(3), 19(4), 20(4), 20(6), 20(7), 20(8), 20(9), 21, 22, 23; or
  - clause 20(1), 20(2), 20(3) or 20(5),
- commits an offence and for the purposes of section 75 of the Act the offences specified in paragraph (a) are major provisions.

#### **Schedule 1**

##### Description of the Fishery

The waters of all estuaries on the west coast of Western Australia between latitudes 27°00.00'S in the north and 33°11.00'S in the south and all the affluents, rivers, streams and tributaries that flow into those estuaries.

#### **Schedule 2**

##### Areas of the Fishery

The areas of the Fishery are—

- Area 1—The waters known as the Swan and Canning Rivers upstream from a line drawn from the westernmost point of the southern mole at Fremantle to the western most point of the north mole at Fremantle and all their tributaries and affluents;
- Area 2—The waters of the Peel Inlet and Harvey Estuary, together with the Murray, Serpentine, Harvey and Dandalup Rivers and all their tributaries and affluents upstream of the mouth of the groynes and channel entrances to the Indian Ocean.

#### **Schedule 3**

##### Closed areas of the Fishery

#### **Area 1 closures**

##### **Area A**

The waters of the Swan River and its affluents and tributaries upstream from a line drawn from a point on the Perth foreshore, being the intersection of the high water mark and the prolongation southwesterly of the midline of Plain Street passing through a point situated 100 metres west of the western extremity of Heirisson Island to the high water mark on the opposite river foreshore.

##### **Area B**

The waters of the Swan River and its affluents and tributaries from a line drawn from the southwestern extremity of Point Resolution to the southwestern extremity of the Point Walter Jetty down stream to a line drawn from the western extremity of the South Mole to the western extremity of the North Mole at Fremantle.

**Area C**

All that portion of the Swan River except for those waters described in Schedule 4 bounded by lines starting from the southeastern corner of Harper Square and extending west northwesterly and northeasterly along the boundaries of the square to the high water mark on the river foreshore; thence generally westerly and southwesterly along that high water mark to the eastern side of the Narrows bridge; thence southerly along that side to the high water mark on the South Perth foreshore; thence southeasterly upstream along the high water mark to a point being the intersection of the high water mark and the prolongation of the northwestern side of Darley Street and thence northerly in a straight line to the starting point.

**Area D**

The waters of the Swan River within 100 metres of the Mends Street, Coode Street, Como, Applecross, Point Walter and Nedlands jetties.

**Area E**

The waters of the Canning River and its affluents and tributaries upstream to its source from a line drawn from the northern extremity of Second Avenue, Rossmoyne across the river to the southern extremity of Sulman Avenue.

**Area F**

All that portion of the Canning River within 100 metres of the Canning Bridge.

**Area 2 closures****Area A—Channel Entrance**

In the waters of the Channel Entrance to Peel Inlet (Mandurah) including all constructed waterways connected to the channel bounded on the south by lines drawn in an easterly direction from the foreshore at the intersection of 32°33.934' south latitude and 115°41.791' east longitude; thence in an easterly direction to the starboard hand navigation beacon on the northern tip of Boundary Island (32°33.934' south latitude and 115°42.71' east longitude); thence to the southern extremity of Creery Island (32°34.055' south latitude and 115°43.534' east longitude) and thence following the highwater mark on the southern extent of Creery Island (32°33.809' south latitude and 115°44.373' east longitude) to the Coodanup foreshore (32°33.79' south latitude and 115°44.635' east longitude) and including the waters of the Indian Ocean lying within a radius of 800 metres of the northern most extremity of the mole (32°31.235' south latitude and 115°42.624' east longitude) situated on the west side of the Channel entrance to Peel Inlet.

**Area B—Serpentine River**

In the waters of the Serpentine River and its tributaries and the waters of the Peel Inlet upstream of a line commencing at the intersection of the southerly prolongation of the midline of William Road, Coodanup and the high water mark (32°33.938' south latitude and 115°45.588' east longitude) drawn southerly to Navigation Beacon No 203 (32°34.549' south latitude 115°45.321' east longitude); thence southerly to Navigation Beacon No 119 (32°35.515' south latitude and 115°45.444' east longitude); thence easterly to Navigation Beacon No 129 (32°35.665' south latitude and 115°45.917' east longitude); thence due east to the high water mark on the eastern shore of Peel Inlet (32°35.665' south latitude and 115°46.627' east longitude).

**Area C—Harvey River**

In the waters of the Harvey River and that portion of the Harvey Estuary south of a line, commencing at the northern most extent of the Harvey River mouth (32°46.363' south latitude and 115°42.802' east longitude); thence west to the mainland at the intersection of 32°46.364' south latitude and 115°41.809' east longitude; thence east to the mainland (32°46.364' south latitude and 115°43.561' east longitude).

**Area D—Yunderup Canals**

In all that portion of Western Australia waters known as the Yunderup canals.

**Area E—Murray River**

The Murray River and all its tributaries and branches including all constructed waterways.

**Area F—Dawesville Channel**

All that portion of the Peel/Harvey Estuary, Indian Ocean and connecting channel including constructed waterways as contained within an arc of a radius of 800 metres from the navigation beacon on the western most breakwater at the intersection of 32°35.975' south latitude and 115°37.682' east longitude and within an arc having a 250 metre radius centred between and passing through the two navigation beacons on the eastern breakwater at the intersection of 32°36.728' south latitude and 115°38.894' east longitude.

**Schedule 4****Restricted fishing area**

The waters of the Swan River bounded by a line commencing from a point being the intersection of the high water mark and the prolongation east-northeasterly of a line drawn along the northern most side of a street known as the South Perth Esplanade; thence generally northeasterly to the first starboard hand beacon located east of the Narrows Bridge; thence generally south easterly to the fourth navigational pile counted from the Mends Street Jetty located along the western side of the Mends Street/Barrack Street Ferry Channel; thence southwesterly to a point on the foreshore being

the intersection of the high water mark and the prolongation northeasterly of a line drawn along the western side of Mends Street; thence generally northerly along the high water mark to the starting point.

### Schedule 5

Specifications for set nets, haul nets and crab pots in Area 2 of the Fishery

#### 1. Set nets

A set net must have—

- (a) a mesh size greater than or equal to 51 millimetres and less than 114 millimetres;
- (b) a depth of 50 meshes or less if the mesh size of that net is 57 millimetres or greater; and
- (c) a depth of 33 meshes or less if the mesh size of that net is less than 57 millimetres.

#### 2. Haul nets

(1) Subject to clause 21(2), a haul net must have a mesh size of 51 millimetres or greater.

(2) Subject to clause 21(2) and notwithstanding subclause (1) above, a haul net may have a—

- (a) mesh size of 28 millimetres or greater but less than 44 millimetres if that net is 55 metres or less in length;
- (b) mesh size of 44 millimetres or greater but less than 47 millimetres if that net is 110 metres or less in length; or
- (c) mesh size of 47 millimetres or greater but less than 51 millimetres if that net is 500 metres or less in length.

#### 3. Crab pots

A crab pot—

- (a) must have an internal volume of not more than 0.31 cubic metres; and
- (b) in the case of a cylindrical crab pot, must have a diameter of not more than 1 metre.

### Schedule 6

#### Fees

Fee payable for the grant or renewal of a permit (Area 1) ..... \$ 967

Fee payable for the grant or renewal of a permit (Area 2) ..... \$1,628

Dated this 20th day of October 2003.

K. M. CHANCE, Minister for Agriculture, Forestry and Fisheries.

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## HEALTH

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HE402\*

### ALCOHOL AND DRUG AUTHORITY ACT 1974

#### WA ALCOHOL AND DRUG AUTHORITY BOARD (APPOINTMENT OF MEMBERS) INSTRUMENT 2003

Made by the Governor under section 5 of the Act.

#### Citation

1. This notice may be cited as the *WA Alcohol and Drug Authority Board (Appointment of Members and Chairman) Instrument 2003*.

#### Appointment of Members

2. (i) The following persons listed are appointed as members of the WA Alcohol and Drug Authority Board pursuant to section 5(1) of the Act for the period 30 September 2003 and ending 31 December 2004.

Member

Associate Professor Steven John ALLSOP

(ii) The following persons listed are appointed as members of the WA Alcohol and Drug Authority Board pursuant to section 5(1) of the Act for the period 1 January 2004 and ending 31 December 2004.

Member

Mr Michael Matthew DAUBE

Professor Timothy Richard STOCKWELL

Dr Margaret Frances STEVENS

By Command of the Governor

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

**HE401\*****HEALTH ACT 1911****HEALTH (DANGEROUS INFECTIOUS DISEASES) AUTHORISATION 2003**

Given by the Minister for Health under section 251 of the Act.

**Citation**

1. This authorisation may be cited as the *Health (Dangerous Infectious Diseases) Authorisation 2003*.

**Duration**

2. This authorisation is effective for the period commencing on 1 November 2003 and ending on 31 October 2004.

**Authorisation**

3. The Executive Director, Public Health and Scientific Support Services, is authorised to exercise and delegate to any public health official the special powers conferred by section 251 of the Act within or with respect to any district for the purpose of more effectually checking or preventing the spread of any dangerous infectious disease.

Dated this 23rd day of October 2003.

J. A. MCGINTY, Minister for Health.

**JUSTICE****JU401\*****COURT SECURITY AND CUSTODIAL SERVICES ACT 1999****REVOCATION OF PERMITS**

Pursuant to the provisions of section 56 of the *Court Security and Custodial Services Act 1999*, the Director General of the Department of Justice has revoked the following Permits to do High-Level Security Work—

Surname	First Name(s)	Permit Number	Date Permit Revoked
Brocas	Gary Alfred	CS4-011	22/10/2003
Lofthouse	Chad Malcolm	CS2-203	22/10/2003
Garcia	Carl	CS2-315	22/10/2003
Abbott	Anthony Ross	CS2-322	22/10/2003
Clugston	Scott Grant	CS2-333	22/10/2003

This notice is published under section 57(1) of the *Court Security and Custodial Services Act 1999*.

BRIAN YEARWOOD, A/Director, Custodial Contracts.

**JU402\*****COURT SECURITY AND CUSTODIAL SERVICES ACT 1999****PERMIT DETAILS**

Pursuant to the provisions of section 51 of the *Court Security and Custodial Services Act 1999*, the Director General of the Ministry of Justice has issued the following persons with Permits to do High-Level Security Work—

Surname	First Name(s)	Permit Number	Date Permit Issued	Permit Commence Date	Permit Expiry Date
Lofthouse	Chad Malcolm	CS4-055	28/10/2003	23/10/2003	30/07/2005
Vos	Jennifer Kym	CS4-056	28/10/2003	24/10/2003	30/07/2005

Pursuant to the provisions of section 56 of the *Court Security and Custodial Services Act 1999*, the Director General of the Ministry of Justice has revoked the following Permit to do High-Level Security Work—

Surname	First Name(s)	Permit Number	Date Permit Revoked
McCrory	Julie Terese	CS2-210	28/10/2003
Lupton	Jennifer Kym	CS2-205	28/10/2003

This notice is published under section 57(1) of the *Court Security and Custodial Services Act 1999*.

BRIAN YEARWOOD, A/Director, Custodial Contracts.

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**LAND ADMINISTRATION**

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LA401\*

**LAND ADMINISTRATION ACT 1997**  
INSTRUMENT OF DELEGATION

Pursuant to section 159(db) of the *Land Administration Act 1997* ("the Act"), I Alannah MacTiernan, acting in my capacity as the body corporate Minister for Lands continued by section 7(1) of the Act, hereby delegate to the Minister responsible for the time being for the administration of the *Government Railways Act 1904*, the functions of the Minister for Lands under the following provisions of the Act—

- (a) Divisions 2, 3, 4, 5 and 6 of Part 9; and
- (b) Part 10

This delegation is to come into operation on the day this delegation is published in the *Government Gazette*.

The common seal of the Minister for Lands is hereto affixed on this 22<sup>nd</sup> day of October 2003.

In the presence of—

Hon ALANNAH MacTIERNAN MLA.

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LA402\*

**LAND ADMINISTRATION ACT 1997**  
INSTRUMENT OF SUB-DELEGATION

Pursuant to section 160(1)(db) of the *Land Administration Act 1997* ("the Act"), I Alannah MacTiernan, Minister for Planning and Infrastructure, being the Minister responsible for the time being for the administration of the *Government Railways Act 1904*, hereby sub-delegate to the Public Transport Authority of Western Australia ("the PTA") the following powers and functions of the Minister under the Act, delegated to me by the Minister for Lands in accordance with section 159(db) of the Act, by Instrument of Delegation dated 22<sup>nd</sup> October 2003.

Powers and functions under the following provisions of the Act—

- 163;
- 164(2);
- 167;
- 168 and 169 subject to the condition that the purchase price is not more than 10% higher than the current market value of the property as determined by the PTA on the advice of the Valuer- General;
- 170;
- 172—173;
- 175(2);
- 177 (5);
- 178(7);
- 180;
- 181(2) and 181(3);
- 182- 187;
- 189;
- 190;
- 191(3);
- 192 subject to the condition that the consideration in respect of any such lease shall be determined by the PTA by reference to the market rental value of the property;
- 193- 194;
- 197;
- 199(2);
- 207(2);
- 210(1);
- 212(2);
- 214—215;
- 217;
- 220;

- 222(1);
- 224(3);
- 228 -230;
- 241;
- 248;
- 249(1); and
- 255-258.

The sub-delegation of the powers and duties under sections 170, 178(7), 181(2), 187 and 191(3) is subject to the condition that the said powers and duties may only be exercised by the Chief Executive Officer of the PTA.

This delegation is to come into operation on the day this delegation is published in the *Government Gazette*.

ALANNAH MacTIERNAN, MLA, Minister for Planning and Infrastructure.

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## LOCAL GOVERNMENT

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### LG401\*

*SHIRE OF HARVEY*  
AUTHORISATION OF RANGERS

It is hereby notified for public information that Mr David John Lanigan, Mr Paul James Robins and Murray John Halden have been appointed as Rangers with the municipality of the Shire of Harvey and are Authorised Officers to administer the relevant provisions of the following Acts, Regulations and Local Laws—

Local Government Act 1995	Sections 3.24 Schedule 3.1, 5 & SA 3.27 3.2, 71, 3.39, 9.11, 9.16 & 9.29
Local Government Act 1960	Part XX
Bush Fire Act 1954	
Dog Act 1976	
Litter Act 1979	
Control of Vehicles (Off-Road Areas) Act	
Town Planning and Development Act 1928	

Local Laws relating to Bush Fire Brigades, Cemeteries, Commonage, Dogs, Extractive Industries, Fencing, Health, Local Government Property, Miscellaneous Provisions, Parking and Parking Facilities, Public Thorough Signs and Local Government Uniform General (Parking for Disabled Persons) By-Laws 1988.

The following Authorised Officer is hereby cancelled—

Mr Mark Edwin Bell

MICHAEL A. PARKER, Chief Executive Officer.

### LG402\*

**DOG ACT 1976**  
*Shire of Harvey*  
APPOINTMENTS

It is hereby notified for public information that the following persons have been appointed under the provisions of the Dog Act 1976 as Registration Officers for the municipality of the Shire of Harvey.

Registration Officers—

Couch, Wendy Anne  
Gale, Jeffrey Stewart  
Halden, Murray John  
Hotham, Donna Patricia  
Maher, Ross Leslie  
Lanigan, David John  
Olimpio, Sylvana



Robins, Paul James  
 Robinson, Nola Frances  
 Rognetta, Leanne Kathryn  
 Roulston, Kelly Maree  
 Scasserra, Pietro Antonio  
 Smith, Lara Smith

The following Registration Officers are hereby cancelled—

Bell, Mark Edwin  
 Blurton, David Lawrence  
 Eliot, Miriam Joyce  
 Martella, Tina Marie

MICHAEL A. PARKER, Chief Executive Officer.

**LG403**

*SHIRE OF NORTHAMPTON*

APPOINTMENT OF AUTHORISED OFFICERS

It is hereby notified for public information that members of the WA Police Force on duty within the Shire of Northampton during the week Friday 21<sup>st</sup> November 2003 through to Friday 28<sup>th</sup> November 2003 for School Leavers Week have been appointed as authorised officers for the purposes of Local Laws Relating to Reserves and Foreshores.

GARRY L. KEEFEE, Chief Executive Officer.

**LG404**

*SHIRE OF NORTHAMPTON*

APPOINTMENT OF AUTHORISED OFFICERS

It is hereby notified for public information that the following persons have been appointed as authorised officers for the purposes of—

Local Laws Relating to Reserves and Foreshores

Snr Const Mark Folkard, Snr Const Daryl Fishwick and Snr Const Craig Spowart

The appointment of Snr Constable Murray Guerin is cancelled.

GARRY L. KEEFEE, Chief Executive Officer.

**LG405**

**LOCAL GOVERNMENT ACT 1995**

*Shire of Leonora*

APPLICATION FOR REVESTMENT OF LAND IN THE CROWN

Notice of intent is hereby given that council will make application to the Minister for Local Government in accordance with Section 6.74 of the Local Government Act 1995 to have the following land revested in the Crown.

Names of Owners and all other persons appearing to have an estate of interest in the land	Description of land referred to, including title references
Weston, Mary Jane	Lot 707 Gwalia St, Leonora, Volume 427, Folio 148

The abovementioned persons to whom this notice of intention is addressed may within 30 days of the date of the notice, lodge an objection to the revestment.

J. G. EPIS, Chief Executive Officer.

Shire of Leonora,  
 P.O. Box 56,  
 Leonora WA 6438.  
 28<sup>th</sup> October, 2003.

**LG406****LOCAL GOVERNMENT ACT 1995**

Shire of Dundas (Validation of Imposition of Differential Rates (Mining Leases)) Order 2003  
Made under section 9.64 of the Act by the Governor in Executive Council.

**Citation**

1. This Order may be cited as the *Shire of Dundas (Validation of Imposition of Differential Rates (Mining Leases)) Order 2003*.

**Validation**

2. The imposition by the Shire of Dundas—

- (a) of the differential general rate of 5.531 cents in the dollar of the unimproved value of rateable land in its district for properties described as a mining lease (in accordance with section 6.33(1)(d) of the *Local Government Act 1995*) for the financial year ending 30 June 2002; and
- (b) of the differential general rate of 5.672 cents in the dollar of the unimproved value of rateable land in its district for properties described as a mining lease (in accordance with section 6.33(1)(d) of the *Local Government Act 1995*) for the financial year ending 30 June 2003,

are valid as if they had been imposed with the approval of the Minister as required by section 6.33(3) of the Act.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Council.

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

Shire of Northam (Validation of Imposition of Differential Rates (Land use rated properties Springhill, Princes, Solfame and CSR Readymix)) Order 2003  
Made under section 9.64 of the Act by the Governor in Executive Council.

**Citation**

1. This Order may be cited as the *Shire of Northam (Validation of Imposition of Differential Rates (Land use rated properties Springhill, Princes, Solfame and CSR Readymix)) Order 2003*.

**Validation**

2. The imposition by the Shire of Northam—

- (a) of the differential general rate of—
  - 3.62 cents in the dollar of the unimproved value of rateable land in its district that is the land use rate property described as Springhill;
  - 8.33 cents in the dollar of the unimproved value of rateable land in its district that is the land use rated property described as Princes;
  - 1.84 cents in the dollar of the unimproved value of rateable land in its district that is the land use rated property described as Solfame; and
  - 2.54 cents in the dollar of the unimproved value of rateable land in its district that is the land use rated property described as CSR Readymix.
- (b) for the financial year ending 30 June 2003;

are as valid as if they had been imposed with the approval of the Minister as required by section 6.33(3) of the Act.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Council.

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**LG408****LOCAL GOVERNMENT ACT 1995**

City of Kalgoorlie-Boulder (Validation of Imposition of Differential Rates (Mining Tenements)) Order 2003  
Made under section 9.64 of the Act by the Governor in Executive Council.

**Citation**

1. This Order may be cited as the *City of Kalgoorlie-Boulder (Validation of Imposition of Differential Rates (Mining Tenements)) Order 2003*.

**Validation**

2. The imposition by the City of Kalgoorlie-Boulder of the differential general rate of 10.28 cents in the dollar of the unimproved value of rateable land in its district that is subject of a mining tenement (within the meaning of the *Mining Act 1978*) for the financial year ending 30 June 2002 is valid as if it had been imposed with the approval of the Minister as required by section 6.33(3) of the Act.

By Command of the Governor,

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

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## MINERALS AND PETROLEUM

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**MP401****MINING ACT 1978****CANCELLATION OF FORFEITURE**

Department of Industry and Resources,  
Perth WA 6000.

In accordance with Section 97A(8) of the Mining Act 1978, I hereby cancel the forfeiture on the undermentioned mining leases previously declared forfeited for non compliance with the prescribed expenditure conditions under Section 97(1) and restore the lessee to its former estate.

CLIVE BROWN, MLA, Minister for State Development

27/262	Metals Quest Australia Ltd	North East Coolgardie Mineral Field
27/264	Metals Quest Australia Ltd	North East Coolgardie Mineral Field
27/265	Metals Quest Australia Ltd	North East Coolgardie Mineral Field

**MP402****MINING ACT 1978****INSTRUMENT OF EXEMPTION OF LAND—EXTENSION OF PERIOD**

The Minister for State Development pursuant to the powers conferred on him by Section 19 of the Mining Act 1978, hereby extends the exemption granted on 24 November 1995 and published in *Government Gazette* dated 1 December 1995 of that area described hereunder (not being private land or land that is the subject of a mining tenement or an application therefor) from Divisions 1 to 5 of Part IV of the Mining Act 1978.

Description of Land—

Part of State Forest No. 65

Starting point from the NE corner of Midland Lot 1688

- Thence west at bearing 270° at 3.9 kilometres (km) to SE corner of Loc 9757
- Thence north at bearing 360° at 1.5 km to NE corner of Loc 9757
- Thence west at bearing 270° at 1.8 km to SE corner of Loc 9756
- Thence north at bearing 360° at 4.7 km to NE corner of Loc 9756
- Thence west at bearing 270° at 600 metres to SE corner of Loc 8185
- Thence north at bearing 360° at 3.25 km to the intersection of Caraban Road
- Thence south east along Caraban Road for approx 8.2 km back to Starting Point.

Collectively designated "S19/69" in Tengraph.

Area: 2,205 hectares approximately

Public Plan: Moore River 1:50,000

Period of Extension: 24 November 2003 to 23 November 2005

Dated at Perth this 24th day of October 2003.

CLIVE BROWN, MLA, Minister for State Development.

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## PREMIER AND CABINET

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PC401\*

### INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor in accordance with Section 52(1)(b) of the *Interpretation Act 1984* has approved the following temporary appointment:

Hon J C Kobelke MLA to act temporarily in the office of Minister for State Development in the absence of the Hon C M Brown MLA for the period 1 to 11 November 2003 (both dates inclusive).

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

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PC402\*

### APPOINTMENT OF DEPUTY OF THE GOVERNOR

It is hereby notified for public information that the Governor, under clause XVI of the Letters Patent relating to the Office of Governor of the State of Western Australia dated 14 February 1986, has appointed the Lieutenant-Governor the Honourable David Kingsley Malcolm AC, to be deputy of the Governor and in that capacity to perform and exercise all the powers and functions of the Governor during the following period—

1 to 5 November 2003 (all dates inclusive).

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

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## PLANNING AND INFRASTRUCTURE

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PI401\*

### TOWN PLANNING AND DEVELOPMENT ACT 1928 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*City of Subiaco*

Town Planning Scheme No. 4—Amendment No. 1

Ref: 853/2/12/7 Pt 1

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 Subiaco Town Planning Scheme Amendment on 21 October 2003 for the purpose of:

1. Rezoning Lots 74, 75 and 76 Coghlan Road, Subiaco from Residential R20 to Residential R50.
2. Amending the Scheme Map accordingly.

A. V. COSTA, Mayor.  
C. BURTON, Chief Executive Officer.

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PI402\*

### TOWN PLANNING AND DEVELOPMENT ACT 1928 ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*City of Stirling*

District Planning Scheme No. 2—Amendment No. 405

Ref: 853/2/20/34 Pt 405

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 Stirling District Planning Scheme Amendment on 21 October 2003 for the purpose of rezoning Lot 10, HN 31 Ewen Street, Scarborough, from "Service Station" to "Residential R30".

D. C. VALLELONGA, Mayor.  
L. DELAHAUNTY, Chief Executive Officer.

**PI403\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*City of Swan*

Town Planning Scheme No. 9—Amendment No. 402

Ref: 853/2/21/10 Pt 402

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 Swan Town Planning Scheme Amendment on 21 October 2003 for the purpose of:

1. Rezoning portion of Lot 146 Diana Crescent, Lockridge from “Local Reserve – Recreation” to “Residential 2 (R30)” and Lot 187 Arbon Way, Lockridge from “Residential 2 (R30)” to “Local Reserve - Civic and Cultural”.
2. Amending the Scheme Maps accordingly.

C. ZANNINO, Mayor.  
E. W. LUMSDEN, Chief Executive Officer.

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**PI404\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*Shire of Kalamunda*

District Planning Scheme No. 2—Amendment No. 213

Ref: 853/2/24/16 Pt 213

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 Shire of Kalamunda District Planning Scheme Amendment on 21 October 2003 for the purpose of adding the following particulars to Appendix D of the Scheme Text:

1. Under column “Particulars of Land”  
176 GROVE ROAD, LESMURDIE  
LOT 142
2. Under column “Additional Use”  
The following uses are not permitted unless approval is granted by the Council:
  - Office;
  - Professional Office; and
  - Consulting Rooms.

E. TAYLOR, Shire President.  
D. E. VAUGHAN, Chief Executive Officer.

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**PI405\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT  
*City of Wanneroo*

District Planning Scheme No. 2—Amendment No. 22

Ref: 853/2/30/19 Pt 22

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 Wanneroo Town Planning Scheme Amendment on 21 October 2003 for the purpose of modifying Clauses 4.23.1 to 4.23.3 and 4.23.6 to read:

4.23 COMMERCIAL VEHICLE PARKING

- 4.23.1 Parking of commercial vehicles in the Residential, Mixed Use, Business, Urban Development, Centre, Marina, Commercial, Special Residential, Special Rural, Rural Community, General Rural and Rural Resource Zones shall not be permitted except in accordance with the

provisions set out in the following paragraphs of this clause. The provisions of clause 4.23 do not apply when the commercial vehicle parking is in association with or incidental to a commercial use that has been approved by the Council or a use that is otherwise lawfully being undertaken on the land.

- 4.23.2 A person shall not park, or permit to be parked, more than one commercial vehicle on any lot in the zones referred to in this clause except in the Special Rural, Rural Community, General Rural and Rural Resource Zones, where the following provisions shall apply in respect to the parking of more than one commercial vehicle on any lot in those zones:
- (a) Upon application for planning approval Council may permit up to two commercial vehicles to be parked on a lot in the Special Rural and Rural Community zones, or on a lot of two hectares or less in the General Rural and Rural Resource zones;
  - (b) Upon application for planning approval Council may permit up to four commercial vehicles to be parked on a lot larger than two hectares in the General Rural and Rural Resource zones.
- 4.23.3 A person may only park a commercial vehicle on a lot in the zones referred to in this clause if:
- (a) the lot on which the vehicle is parked contains only a single house (including any associated outbuildings) provided that Council may permit the parking of such vehicle on a lot which contains grouped dwellings if it is of the opinion that this will not adversely affect the amenity of the grouped dwelling development or the surrounding area;
  - (b) in the case of a lot in the Residential, Mixed Use, Business, Urban Development, Centre, Marina and Commercial zones the vehicle is parked entirely on the subject lot and is located on a hard standing area which is located behind the front of the dwelling, or alternatively the vehicle is parked within a garage. In the case a lot in the Special Rural, Rural Community, General Rural and Rural Resource Zones, the vehicle(s) shall not be readily visible from beyond the property boundaries and shall be located within the building envelope (if applicable) and behind the building setbacks, with adequate screening or alternatively parked within a garage;
  - (c) the vehicle is used as an essential part of the lawful occupation of an occupant of the dwelling. The foregoing requirement of this item shall not be satisfied in any case unless the owner of the vehicle or an occupier of the dwelling within seven days of the Council making a request, supplies to the Council full information as to the name and occupation of the person said to be using the vehicle. The request for that information is made for the purpose of this item by posting the request to the address of the owner of the vehicle shown on the vehicle registration, or by posting the request to or leaving it at the dwelling addressed in general way to the occupier. The parking of the vehicle on the lot does not authorise the conduct on that lot of the occupation of the vehicle user;
  - (d) the vehicle does not exceed 3 metres in height (including the load), 2.5 metres in width, or 8 metres in length, except in the case of a lot in the Special Rural, Rural Community, General Rural and Rural Resource Zones where the height and width are not controlled but the maximum vehicle combination length shall not exceed 19 metres;
  - (e) the vehicle is not started or manoeuvred on site between the hours of 10.00 pm and 6.00 am the next following day;
  - (f) while on the lot, the vehicle's motor is not left running while the vehicle is unattended or in any event for any period in excess of five minutes;
  - (g) storage of liquid fuels on the lot complies with the Explosive and Dangerous Goods Act, 1961;
  - (h) the vehicle is not used or designed for use for the transportation of livestock or the transportation or disposal of liquid or solid wastes or other use so as to cause nuisance or pollution as defined in the Health Act 1911 and/or the Environmental Protection Act 1986;
  - (i) the vehicle is not carrying a refrigeration unit which is operating on a continuous or intermittent basis;
  - (j) while on the lot, there is no transfer of goods or passengers from one vehicle to another vehicle, unloading or loading of the vehicle, or storage of goods associated with the use of the vehicle;
  - (k) the vehicle is not used or operated as a tow truck or other emergency vehicle, between the hours of 10.00 pm to 6.00 am in a manner that adversely affects the residential amenity of the area;
  - (l) the parking and manoeuvring of the vehicle shall not cause damage or removal to existing vegetation on the lot.
- 4.23.6 The Council may in writing approve a variation to any of the requirements of subclause 4.23.3 (b), (d) and (l) provided the Council is satisfied in the circumstances that the variation will not adversely affect the amenity of the area surrounding the subject land. Surrounding landowners and occupants may be invited to comment on the proposed variation.

J. KELLY, Mayor.

C. JOHNSON, Chief Executive Officer.

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## PUBLIC TRUSTEE

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PX401\*

### THE PUBLIC TRUSTEE ACT 1941 RATES OF INTEREST

Notice is hereby given that the rates of interest payable to the respective estates and trusts, the moneys of which are held in the Common Fund, as from 1 November 2003, have been fixed as follows.

Deceased Estates and Uncared for Property matters (in the course of administration or whilst under investigation) at the rate of 2.50% where the balance is up to \$35,600; 2.75% where the balance is \$35,601 and over but under \$500,000; 3.00% where the balance is \$500,001.

Court Awards at the rate of 3.50% where the balance is up to \$35,600, 4.50% where the balance is \$35,601 and over but under \$500,000, 4.75% where the balance is \$500,001 and over.

Dated at Perth the 27th day of October 2003.

A. R. McLAREN, Public Trustee,  
565 Hay Street, Perth WA 6000.

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## RACING, GAMING AND LIQUOR

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RG401

### BETTING CONTROL ACT 1954 CALLING OF THE CARD

Notice is hereby given that the Betting Control Board has pursuant to section 5(2) of the Betting Control Act, authorised the conduct of betting at "Calling of the Card" functions to be held at the Breakers Tavern, Geraldton on occasions approved by the Betting Control Board from time to time.

Approved by the Betting Control Board this 29th October 2003.

D. I. HALGE, Deputy Chairman, Betting Control Board.

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## STATE SUPPLY COMMISSION

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SZ401\*

### STATE SUPPLY COMMISSION ACT 1991 SUPPLY POLICIES Revocation

It is hereby notified for general information that, pursuant to section 28(3) of the *State Supply Commission Act 1991*, the State Supply Commission has revoked the following supply policies, effective from 31 October 2003 and is applicable to all public authorities—

- Delegated Purchasing Authority
- Provision of Supply Information

Dated this 24th day of October 2003.

JENNI BALLANTYNE, Chairman,  
State Supply Commission.

SZ402\*

### STATE SUPPLY COMMISSION ACT 1991 SUPPLY POLICIES Amendment

It is hereby notified for general information that, pursuant to section 28(3) of the *State Supply Commission Act 1991*, the State Supply Commission has re-issued the following amended supply policy, which is effective from 31 October 2003 and is applicable to all public authorities—

- Supporting Local Industry

Dated this 24th day of October 2003

JENNI BALLANTYNE, Chairman,  
State Supply Commission.

## TRANSPORT

TR401\*

### NAVIGABLE WATERS REGULATIONS

*Shire of Roebourne*

#### RESTRICTED SPEED AREAS—ALL VESSELS

Point Samson

Department for Planning and Infrastructure,  
Fremantle WA, 21 October 2003.

Acting pursuant to the powers conferred by Section 67 of the Western Australian Marine Act 1982 the department by this notice limits the speed of all vessels to that of eight (8) knots on all the waters to the east of town beach, bounded by a line drawn from the East Cardinal Beacon (-20°37.61'S 117° 12.22'E) to the old Port Authority Office on Meares Drive and a line drawn from the same East Cardinal Beacon in a generally south-westerly direction along the reef to the foreshore.(all coordinates based on GDA94).

GREG MARTIN, Chief Executive Officer,  
Department for Planning and Infrastructure.

## WATER

WA401\*

### WATER AGENCIES (POWERS) ACT 1984

#### WATER SUPPLY IMPROVEMENTS: SHIRE OF HARVEY

Notice of Proposal to Construct a 15ML Ground Tank and 600mm Diameter Inlet/Outlet Main.

The Water Corporation plans to construct a new water storage tank to improve regional infrastructure, water pressure and supply to properties in East Eaton, Clifton Park and East Australind.

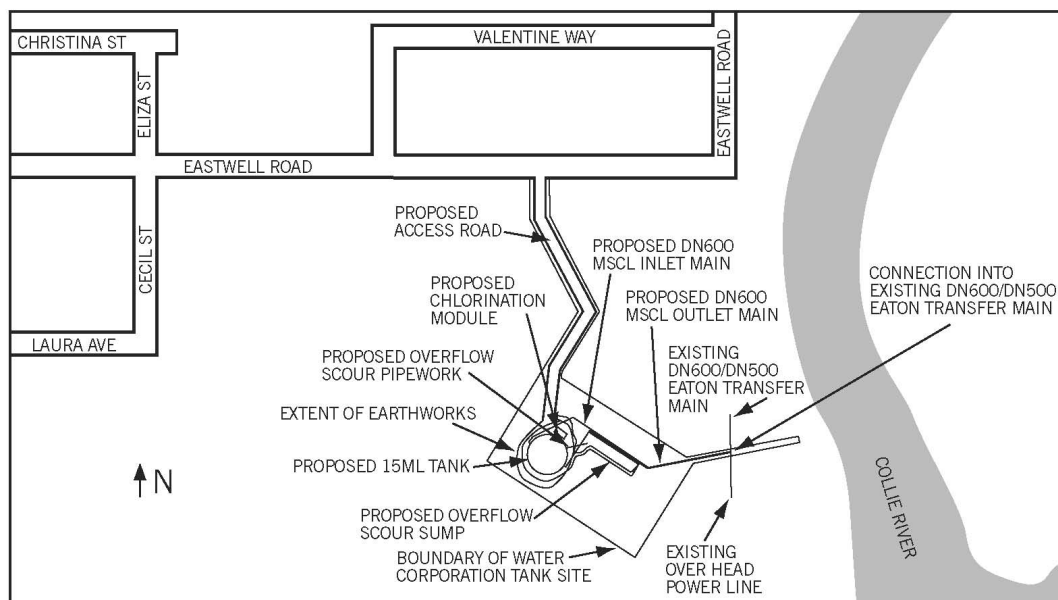
The proposed works will be located in the locality of Australind, on vacant land above Eastwell Road, as shown on this plan.

New facilities will include a 15ML ground water tank, 420m x 600mm diameter inlet/outlet pipe, chlorination facility and 250m access road. Environmental enhancement works will also be undertaken to upgrade community access and visual amenity.

The project is expected to commence in April 2004 for a period of five months. A copy of this Notice of Proposal (Reference GS25-0-1) is available for viewing during office hours at the Water Corporation Bunbury Regional Office, 61 Victoria Street Bunbury.

Objections to the proposed works will be considered if lodged in writing and addressed to the Project Manager, Mr Kevin Guppy, Water Corporation, PO Box 100, Leederville, 6902 before close of business on 20 November, 2003.

For further information please contact Kevin Guppy at the Water Corporation on (08) 9420 2824.





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**PUBLIC NOTICES**

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ZZ101

*PRINTERS CORRECTION***TRUSTEES ACT 1962**

## DECEASED ESTATES

## Notice to Creditors and Claimants

An error occurred in the notice published under the above heading on page 4513 of *Government Gazette* No. 168 dated 24 October 2003 and is corrected as follows.

Delete item—

“Smith, Karma Louise, late of 95 Walter St Gosnells, died 21/9/03, (DE30285063EM45)”

and insert—

“ Smith, Karina Louise, late of 95 Walter St Gosnells, died 21/9/03, (DE30285063EM45) ”.

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ZZ201

**TRUSTEES ACT 1962**

## DECEASED ESTATES

## Notice to Creditors and Claimants

Creditors and other persons having claims to which Section 63 of the Trustees Act 1962 as amended relates in respect of the estate of Elizabeth Louisa Susan Webster late of Forrest Gardens Nursing Centre, Woodrow Street Buribury in the State of Western Australia, Widow, Deceased who died on 9 August 2003 are required by the personal representatives to send particulars of their claims addressed to the Executors of the Will of Elizabeth Louisa Susan Webster deceased care of Young & Young, 5 Spencer Street, Bunbury by the 3rd day of December 2003 after which date the personal representative may convey or distribute the assets having regard only to the claims of which the personal representative then has notice.

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ZZ202

**TRUSTEES ACT 1962**

## DECEASED ESTATES

## Notice to Creditors and Claimants

Robert Vernon Peter, late of 55 Collingwood Street, Dianella in the State of Western Australia.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased, who died on 3/5/03, are required by the Executor, Vernon Laurence Peter of 135 Altone Road, Beechboro, Western Australia, to send particulars of their claims to him by the 1st day of December 2003, after which date the Executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

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ZZ203

**TRUSTEES ACT 1962**

## DECEASED ESTATES

## 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 1st December 2003, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bluett, Leslie Richard Roy, late of 38 Alday Street, St James died 20/10/03, (DE19680827EM43)

Brown, Clifford Tom, late of Unit 2/4 St Albans Road, Nollamara, died 27/8/03, (DE19732384EM26)

Buckland, Gerard John, late of 30 Portcullis Drive, Willetton, died 20/9/03 (DE19902267EM13)

Byrnes, Veronica, late of Little Sisters of the Poor, 2 Rawlins Street, Glendalough, died 30/9/03, (DE19904203EM16)

Chambers, Beryl June, late of Unit 23/7-11 George Street, Carnarvon, died 8/9/03, (DE19833346EM16)

Cruickshank, Viottie Margaret, late of 12 Clydesdale Street, Alfred Cove, died 13/10/03, (DE19721168EM13)

Davenport, Victor Eugene, late of 23 Bradley Street, Yokine, died 1/10/03, (DE19620913EM32)

Dent, Gordon Paul, late of Banksia Lodge Unit 2/19 Hughie Edwards Drive, Merriwa, died 5/10/03, (DE19920707EM15)

Dickie, Matthew Hamilton, late of Waminda Caring Centre, Adie Court, Bentley, died 15/8/03, (DE19550313EM26)

Judd, Barry Edward, late of Quadriplegic Centre, 10 Selby Street, Shenton Park, died 20/10/03, (DE30223276EM36)

Mackey, Ethel Olive Margaret, late of Rowethorpe Nursing Home, Hillview Terrace Bentley, died 3/10/03, (DE19781071EM37)

Merrilees, Elizabeth Effingham, late of Elloura, 118 Monash Avenue, Nedlands, died 5/7/03, (DE19991949EM26)

Mildwaters, Thelma Lily, late of Unit 15/70-74 Fourth Avenue, Shoalwater, died 7/10/03, (DE19704075EM37)

Moore, Dorothy, late of Koh-l-Noor Nursing Home, 34 Pangbourne Street, Wembley formerly of 9 Moss Vale, Floreat, died 12/9/03, (DE19703536EM23)

Parker, Rhoda May, late of Rowethorpe, Hillview Terrace Bentley, died 4/10/03, (DE19682117EM12)

Povey, Irene, late of Unit 2, Banksia Park Retirement Village, Sawyers Road, Calista, died 6/8/01, (DE30334128EM110)

Rangott, Nita Evelyn, late of Unit 18, Jeanes Road, Karrinyup, died 27/9/03, (DE19953023EM27)

Roberts, Alexander Joseph, late of 279 Shepparton Road, East Victoria Park, died 27/7/02, (DE19962553EM42)

Shields, Harold John, late of Valencia Nursing Home, 24 Valencia Road, Carmel, died 30/5/03, (DE33023922EM35)

Slater, Jeanne Lorraine, late of Como Nursing Home, Talbot Road, Como, died 20/9/03, (DE19751963EM17)

Whelan, Marjorie, late of 8 Susan Street, Kensington, died 27/9/03, (DE19752363EM16)

Wilson, Margaret Ruby Grace, late of 73 Jarrah Road, Bentley, died 7/8/03, (DE20002276EM27)

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

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ZZ204

**TRUSTEES ACT 1962**  
DECEASED ESTATES

Notice to Creditors and Claimants

Noel Hammacott Richards, late of 6A Shoal Court, Coogee in Western Australia, Tanker Driver.

Creditors and other persons having claims (to which section 63 of the Trustees Act 1962, relates) in respect of the estate of the deceased, who died on 19 August 2003 at Hollywood Private Hospital, Nedlands in Western Australia, are required by the personal representative, being Trevor Stanley Richards to send particulars of their claims to 6 Lindsay Place, Bicton WA 6157 within 30 days of publication of this notice after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

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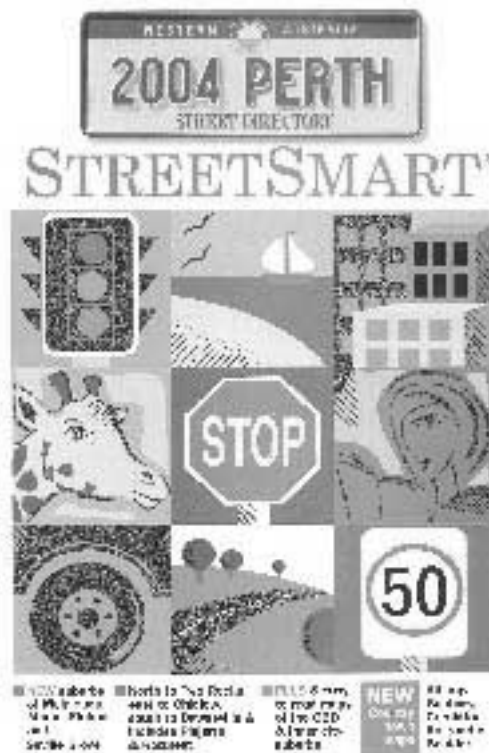
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