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## PUBLISHING ALTERATIONS

Periodically the normal *Gazette* publishing times need to be altered to cater for disruption caused by public holidays.

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

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

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

JOHN A. STRIJK, Government Printer.

# — PART 1 —

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## PROCLAMATIONS

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AA101\*

**ENERGY LEGISLATION AMENDMENT ACT 2003**

53 of 2003

## PROCLAMATION

WESTERN AUSTRALIA  
John Sanderson,  
Governor.  
[L.S.]

} By His Excellency Lieutenant General John Murray  
Sanderson, Companion of the Order of Australia,  
Governor of the State of Western Australia.

I, the Governor, acting under section 2(2)(b) and (3) of the *Energy Legislation Amendment Act 2003*, and with the advice and consent of the Executive Council, fix 31 May 2004 as the day on which Part 3 Divisions 1, 2, 4, 5, 6 (other than section 34), 7 and 9 of that Act come into operation.

Given under my hand and the Public Seal of the State on 26 May 2004.

By Command of the Governor,

ERIC RIPPER, Minister for Energy.

GOD SAVE THE QUEEN !

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## CONSERVATION

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CO301\*

Conservation and Land Management Act 1984

### Public Firewood Areas Order 2004

Made by the Executive Director under the *Forest Management Regulations 1993* regulations 98.

**1. Citation**

This order may be cited as the *Public Firewood Areas Order 2004*.

**2. CALMAPS**

- (1) References in this order to CALMAPS are to maps produced by the Department of Conservation and Land Management.

- (2) Copies of the maps are available for inspection by the public during normal office hours at the relevant Department of Conservation and Land Management office referred to in subclause (3) or (4).
  - (3) Copies of the maps referred to in Schedule 1 Division 1 may be inspected at Swan Region Headquarters, 20 Dick Perry Avenue, Technology Park, Western Precinct, Kensington WA 6151.
  - (4) Copies of the maps referred to in Schedule 1 Division 2 may be inspected at Wheatbelt Region Headquarters, 7 Wald Street, Narrogin WA 6312.
- 3. Public firewood areas**
- (1) The areas of State forest named in column 1 and described in column 3 of Schedule 1 are set aside for the purposes of the collection of firewood by members of the public.
  - (2) The areas set aside under subclause (1) are delineated on the relevant CALMAPS referred to in column 2 of Schedule 1.
  - (3) The areas set aside under subclause (1) are designated as areas to which the *Forest Management Regulations 1993* regulation 100 applies.

### Schedule 1 — Public firewood areas

[cl. 3]

#### Division 1 — Swan region public firewood areas

Name of area	Name of CALMAP	Description
Cobiac	Jarrahdale 2133-3 Yaganing 2133-2	That part of State Forest 22 bounded by a line commencing at the intersection of Jarrahdale Road and Albany Highway, at AMG grid reference 424757mE and 6425586mN (the “ <b>starting point</b> ”), and extending — southeast along Albany Highway to the intersection of Albany Highway and Millars Log Road, at AMG grid reference 429480mE and 6417199mN; then east along Millars Log Road to the intersection of Millars Log Road and Frollett Road, at AMG grid

Name of area	Name of CALMAP	Description
Dale Road	Kelmscott 2133-4 Beraking 2133-1	<p>reference 421608mE and 6423006mN;</p> <p>then north along Frollett Road to the intersection of Frollett Road and Jarrahdale Road, at AMG grid reference 419095mE and 6423006mN;</p> <p>then west along Jarrahdale Road to the starting point.</p> <p>That part of State Forest 22 bounded within a corridor with a width of 50 metres north and 50 metres south of Dale Road commencing at the intersection of Ashendon Road and Dale Road, at AMG grid reference 423938mE and 6447591mN, and extending east along Dale Road to the intersection of Dale Road and Old Dale Road, at AMG grid reference 432681mE and 6447704mN (just east of Reference Tree BB75/1).</p>
Randall Road	Jarrahdale 2133-3 Yaganing 2133-2	<p>(1) That part of State Forest 22 bounded within a corridor with a width of 50 metres north and 50 metres south of Randall Road commencing from the eastern side of the Pine Plantation, 200 metres east of Albany Highway, at AMG grid reference 421901mE and 6425795mN (near Reference Tree BQ70/4), and extending east along Randall Road to the western side of Monadnocks Conservation Park, at AMG grid reference</p>

Name of area	Name of CALMAP	Description
Karnet	Jarrahdale 2133-3 Yaganing 2133-2	<p>427044mE and 6425081mN.</p> <p>(2) That part of State Forest 22 bounded within a corridor with a width of 50 metres north and 50 metres south of Randall Road commencing on the eastern side of the Monadnocks Conservation Park, at AMG grid reference 428471mE and 6425455mN, and extending east along Randall Road to the unnamed intersection, at AMG grid reference 431641mE and 6425664mN (just east of Reference Tree BQ74/4).</p> <p>That part of State Forest 22 bounded by a line commencing on Kingsbury Drive, at AMG grid reference 413389mE and 6410869mN (just north of Reference Tree CA63/1) (the “<b>starting point</b>”) and extending along unnamed forest tracks —</p> <p>for 720 metres on 56° to AMG grid reference 414000mE and 6411300mN;</p> <p>then for 1 137 metres on 114° to AMG grid reference 415047mE and 6410812mN;</p> <p>then for 2 423 metres on 180° to AMG grid reference 415047mE and 6408400mN;</p> <p>then for 1 031 metres on 270° to AMG grid reference 414009mE and 6408400mN;</p> <p>then for 2 569 metres on 347° to the starting point.</p>

### Division 2 — Wheatbelt region public firewood areas

Name of area	Name of CALMAP	Description
Mallet Plantation Skelton Section D Compartments 13 and 14	Mallet Classification Plantation Map 1:25000 National Map Reference 2232 II NE & NW	That part of State Forest 51 bounded by a line commencing at the southeast corner of Skelton Mallet Plantation Block D Compartment 14 (the “ <b>starting point</b> ”) and extending along unnamed forest tracks — for 300 metres on 258°; then for 250 metres on 265°; then for 350 metres on 291°; then for 380 metres on 273°; then for 430 metres on 270°; then for 380 metres on 361°; then for 580 metres on 25°; then for 260 metres on 125°; then for 500 metres on 102°; then for 680 metres on 103°; then for 500 metres on 177° to the starting point.
Highbury Section B Compartments 10-19	Mallet Classification Plantation Map 1:25000 National Map Reference 2331 IV NE	That part of State Forest 52 bounded by a line commencing at the intersection of Chomley Road and O’Neill Road (the “ <b>starting point</b> ”) and extending along unnamed forest tracks — for 1 080 metres on 0°; then for 660 metres on 89°; then for 850 metres on 340°; then for 900 metres on 25°; then for 700 metres on 0°; then for 1 100 metres on 90°;

Name of area	Name of CALMAP	Description
		then for 80 metres on 0°; then for 500 metres on 90°; then for 80 metres on 0°; then for 600 metres on 90°; then for 1 580 metres on 180°; then for 440 metres on 270°; then for 800 metres on 257°; then for 1 200 metres on 180°; then for 1 880 metres on 241° to the starting point.

Date: 21 May 2004.

KEIRAN McNAMARA, Executive Director.

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## ENERGY

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EN301\*

Energy Coordination Act 1994

### Energy Coordination (Retail Market Schemes) Regulations 2004

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Energy Coordination (Retail Market Schemes) Regulations 2004*.

**2. Commencement**

These regulations come into operation on the day on which Part 3 Division 2 of the *Energy Legislation Amendment Act 2003* comes into operation.



**3. Prescribed persons: s. 11ZOD(1)(b)**

- (1) For the purposes of s. 11ZOD(1)(b) of the Act the following persons are prescribed —
- (a) a person who is a self-contracting user;
  - (b) a person who is a shipper;
  - (c) a person who is a swing service provider.
- (2) In subregulation (1) —
- “self-contracting user”, “shipper” and “swing service provider”** have the meanings given to those terms in the retail market rules for the distribution system concerned.

By Command of the Governor,

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

EN302\*

Energy Coordination Act 1994

## **Energy Coordination (Ombudsman Scheme) Regulations 2004**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Energy Coordination (Ombudsman Scheme) Regulations 2004*.

**2. Definitions**

In these regulations —

**“complainant”** includes a person who is in dispute with a member of an approved scheme or a gas marketing agent;

**“complaint”** includes a dispute with a member of an approved scheme or a gas marketing agent;

**“GIO”** has the meaning given to the term “gas industry ombudsman” in section 11ZPZ of the Act;

**“the Act”** means the *Energy Coordination Act 1994*.

### 3. Scheme to have a governing body

In order to receive approval under section 11ZPZ of the Act a scheme must provide for there to be a governing body of the scheme that has overall responsibility for overseeing and administering the scheme's operations, and in particular for —

- (a) maintaining the independence of the GIO;
- (b) providing advice to the GIO on policy matters;
- (c) appointing, and terminating the appointment of, the GIO, and appointing an acting GIO as and for so long as may be required;
- (d) determining policies relating to the administration of the scheme;
- (e) approving GIO budgets, in consultation with the GIO, and ensuring that the scheme has sufficient funding for its operations;
- (f) considering the appropriateness, scope, and effectiveness of the scheme, and in particular, reviewing the scheme at least by the second anniversary of the inception of the scheme; and
- (g) providing advice to the GIO on the promotion of the scheme and the preparation of an annual report,

and must provide —

- (h) for there to be equal representation on the governing body of —
  - (i) members of the scheme; and
  - (ii) customers of gas services and the public;and
- (i) for the governing body to have an independent chairperson.

### 4. Additional jurisdiction of GIO

For the purposes of section 11ZPZ(1)(d) of the Act, the following kinds of complaint may be investigated and dealt with by the GIO under an approved scheme —

- (a) complaints from owners or occupiers of land or other property about the way in which a member of the scheme has exercised its statutory powers in relation to that particular land or other property or in relation to neighbouring land or other property;
- (b) complaints relating to a member of the scheme or a gas marketing agent that are referred to the GIO by the member or agent with the agreement of the GIO and the complainant.

**5. Functions of GIO**

- (1) The functions of the GIO under an approved scheme are —
  - (a) to have day to day responsibility for overseeing and administering the scheme's operations; and
  - (b) to investigate and deal with a complaint referred to in section 11ZPZ(1)(a), (b) or (c) of the Act or regulation 4 to the extent that it relates to commercial activities of a member of the scheme that are within the scope of the licence held by the member.
- (2) It is not a function of the GIO to set prices or tariffs or determine price structures.

**6. Powers of GIO**

Without limiting the things that the GIO under an approved scheme may do for the purpose of dealing with a complaint, but subject to any limitations set out in the scheme, the GIO may give a member of the scheme one or more of the following directions —

- (a) a direction to pay compensation to a complainant;
- (b) a direction to provide a gas service;
- (c) a direction to amend, or not to impose, a charge in relation to a service;
- (d) a direction to supply goods or services the subject of the complaint or undertake any necessary corrective or other work to resolve the complaint;
- (e) a direction to make an appropriate correction, deletion or addition to a record;
- (f) a direction to attach to a record a statement provided by the complainant of a correction, deletion or addition sought by the complainant;
- (g) a direction to do, not do or cease doing an act,

and may give a gas marketing agent a direction to provide a gas service.

**7. Enforcement against gas marketing agents**

A gas marketing agent must comply with a direction given to that gas marketing agent by the GIO under an approved scheme.

Penalty: A fine of —

- (a) \$2 000 in the case of an individual; or
- (b) \$8 000 in the case of a body corporate.

By Command of the Governor,

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

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**ENVIRONMENT**

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EV301\*

Litter Act 1979

**Litter Amendment Regulations (No. 2) 2004**

Made by the Lieutenant-Governor and Administrator in Executive Council.

**1. Citation**

These regulations may be cited as the *Litter Amendment Regulations (No. 2) 2004*.

**2. The regulations amended**

The amendments in these regulations are to the *Litter Regulations 1981*\*.

[\* Reprint 2 as at 19 March 2004.]

**3. Regulation 9 amended**

Regulation 9(2) is amended as follows:

- (a) by deleting “amounts” and inserting instead —  
“ amount ”;
- (b) by deleting “are the prescribed penalties for individuals and bodies corporate, as the case requires,” and inserting instead —  
“ is the prescribed penalty ”.

**4. Schedule 1 amended**

Schedule 1 is amended as follows:

- (a) by deleting in the column heading “Individual”;
- (b) by deleting in the column heading “Body corporate”;
- (c) by deleting the final column of figures.

**5. Schedule 2 amended**

Schedule 2 is amended in the Table in that Schedule as follows:

- (a) by deleting in the column heading “Individual”;
- (b) by deleting in the column heading “Body corporate”;
- (c) by deleting the final column of figures.

By Command of the Lieutenant-Governor and Administrator,

ROD SPENCER, Clerk of the Executive Council.

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## LOCAL GOVERNMENT

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LG301\*

### DOG ACT 1976

*Shire of Coorow*

#### DOGS LOCAL LAW

Under the powers conferred by the Dog Act 1976 and all other powers enabling it, the Council of the Shire of Coorow resolved on 21 April 2004 to make the following local law:

The Shire of Moora Dogs Local Law as published in the *Government Gazette* on 29 November, 1999, is adopted as a local law of the Shire of Coorow with the modifications which follow:

#### 1. Preliminary

Wherever the Shire of Moora is mentioned in the local law insert "Shire of Coorow".

#### 2. Clause 1.2—Repeal

Delete the text of Clause 1.2 and substitute—

"The Shire of Coorow Local Laws Relating to Dogs published in the *Government Gazette* on 27th May 1988, are repealed".

#### 3. Clause 1.3—Definitions

3.1 In the definition of "authorised person" after the words "local government", delete "to perform all or any of the functions conferred on an authorized person under this local law", and substitute "under section 9.10 of the Act, to carry into effect the provisions of this local law".

3.2 Insert the following definitions—

"district" means the district of the Shire;

"dangerous dog" means a dog which is the subject of a declaration under section 33E of the Act, declaring it to be a dangerous dog;

"food premises" means a premises where food is stored, kept, prepared, manufactured, processed, cooked or served or otherwise dealt with for subsequent sale to the public either directly or indirectly;

"guide dog" means a dog trained by a guide dog training institution recognised by the Guide Dogs for the Blind Association of Western Australia Incorporated which is used as a guide dog by a person who is blind or partially blind, and for certain purposes provided for in the Act includes a dog which is in the course of such training;

"land" means land in the district and includes houses, buildings, works and structures, in or upon the land;

"lot" means a defined portion of land for which a separate certificate of title has been issued and includes a strata lot;

"nuisance" means—

- (a) any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person;
- (b) any thing a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; or
- (c) any thing a person does on public or private land which unreasonably detracts from or interferes with the enjoyment or value of land owned by another person, provided that any thing done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality which shall not be unreasonable for the purpose of this local law;

"pound" means a building or yard established by the local government or authorised person for the impounding of dogs or animals for the purposes of this local law;

"public place" means any place to which the public has access;

"rural area" means any land situated within a rural zone as classified by the town planning scheme; and

"townsite" has the meaning given to it in section 3 of the Dog Act 1976.

#### 4. Clause 3.2—Limitation on the number of dogs

4.1 In paragraph 3.2 (2) (a) after the word "within" insert the words "the residential area of";

4.2 Renumber paragraph 3.2 (2) (b) as paragraph 3.2 (2) (c).

4.3 Insert new paragraph 3.2 (2) (b)—

- (b) 3 dogs over the age of 3 months and the young of those dogs under that age if the premises are *situated* within the industrial area of a townsite; or

4.4 Add the following penalty provision after subclause 3.2 (2)—

**Penalty:** Where the dog is a dangerous dog, \$250 per dog exceeding approved number to be kept; otherwise \$100 per dog exceeding approved number to be kept.

#### **5. Clause 4.2—Application for license for approved kennel establishment**

In the first line of clause 4.2 after the word “made” delete the words “in the form of that in” and substitute “on Form 1 of”.

#### **6. Clause 4.3—Notice of proposed use**

6.1 In subclause (1) of clause 4.3 after the word “establishment” insert the words “on Form 2 of Schedule 1.”

6.2 In paragraph (a) of subclause (2) of clause 4.3 delete “14” where it appears and substitute “21”.

#### **7. Clause 4.11—Form of license**

In clause 4.11 delete after the word “license” the words “is to be in the form determined by the local government” and substitute “to keep an Approved Kennel Establishment shall be that of Form 3 in the First Schedule”.

#### **8. Clause 5.1—Places where dogs are prohibited absolutely**

8.1 In subclause (1) of clause 5.1 at the end of paragraph (c) delete “.” and substitute “;”.

8.2 In subclause (1) of clause 5.1 after paragraph (c) add the following paragraphs—

- (d) Maley Park, Coorow;
- (e) Wann Reserve, Leeman;
- (f) Cliff Park, Green Head;
- (g) all other children’s designated playground areas.

8.3 Insert new subclause 5.1 (3)—

- (3) Notwithstanding anything contained elsewhere in this local law or in any other local law, a person who is blind or partially blind is exempt from subclause (1) in accordance with the special provisions of the Act.

#### **9. Clause 5.2—Places which are dog exercise areas**

In subclause (1) of clause 5.2 delete paragraphs (a), (b) and (c) after “Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act, the following are dog exercise areas—” and substitute—

Coorow Townsite

- (a) Reserve 30719 being part of Location M1932

Green Head Townsite

- (b) That part of Reserve 31229 commencing from a line being the westerly prolongation of the southern boundary of Johns Street and extending for a distance of 500 metres north of that line.
- (c) That portion of Reserve 31229 commencing from a line being 400 metres easterly of a line being the prolongation of the eastern boundary of Bingham Street and extending easterly for a distance of 600 metres from that line.

Leeman Townsite

- (d) That portion of Reserve 32639 commencing from a line being the westerly prolongation of Jones Street and extending for a distance of 500 metres south of that line.
- (e) That portion of Reserve 32639 commencing from a line being the westerly prolongation of the southern boundary of Rudduck Street and extending northerly to a line being the westerly prolongation of the northern boundary of Dee Street.

#### **10. Schedule 1**

Delete Schedule 1 and substitute Forms 1, 2 and 3 of Schedule 1 as are hereto appended.

#### **11. Schedule 3—Offences in respect of which modified penalty applies**

11.1 In the offence column of the nature of offence “Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs”, delete “2.4 (b) & (c)” and substitute “2.4 (b) (i) & (ii)”.

11.2 In the Dangerous Dog Modified Penalty \$ column for the offence “Failing to provide means for effectively confining a dog”, delete “200” and substitute “250”.

11.3 Insert new offence as hereunder provided—

Offence	Nature of Offence	Modified Penalty \$	Dangerous Dog Modified Penalty \$
3.2 (2)	Keeping more than prescribed number of dogs without relevant approval	100	200

Dated this 21st day of April, 2004.

The Common Seal of the Shire of Coorow was affixed by authority of a resolution of the Council in the presence of—

M. J. GIRANDO, President.  
G. A. SHERRY, Chief Executive Officer.

SCHEDULE 1  
(clause 4.2)

Form 1

**DOG ACT 1976**  
**SHIRE OF COOROW**  
**DOGS LOCAL LAW 2003**  
**APPLICATION FOR A LICENCE OR RENEWAL OF LICENCE**  
**FOR AN APPROVED KENNEL ESTABLISHMENT**

Pursuant to the Dog Act 1976 and the local laws of the Shire of Coorow:

I/we (full name).....

of (address).....

(telephone number).....(facsimile number).....

Apply for a licence for an approved kennel establishment at (address of premises)

\* (insert name of person).....

will be residing at the premises on and from

(insert date).....

\* (insert name of person).....

will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at (insert address of residence).....

.....  
on and from (insert date).....

Attached are—

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside—
  - (i) at the premises; or
  - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (a) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs; and
- (b) Particulars of the number and breed of dogs to be kept in the kennels.

Dated this.....day of.....20.....

Signature of Applicant.....

\* delete where inapplicable. Attachments are inapplicable if the application is for the renewal of a licence and if no change has been made.

Note: a licence if issued will have effect for a period of 12 months—section 27.5 of the Dog Act.

**OFFICE USE ONLY**

Application fee paid on [insert date].

SCHEDULE 1  
(clause 4.3)

Form 2

**DOG ACT 1976**  
**SHIRE OF COOROW**  
**DOGS LOCAL LAW 2003**  
**NOTICE OF PROPOSED USE**  
**APPROVED KENNEL ESTABLISHMENT**

To the Owners and Occupiers of.....  
.....

In accordance with Clause 4.3 of the Shire of Coorow Dogs Local Law 2003, I advise that an application has been submitted to the Shire of Coorow for an Approved Kennel Establishment Licence.

The issue of an Approved Kennel Establishment Licence is subject to compliance with the provisions of the above mentioned law.

The land subject of this application is—

.....  
(insert address of proposed Kennel Establishment)

The application, plans and specifications of the proposed kennel establishment may be inspected at the offices of the local government.

Please note any interested person may within 21 days of the date of this advice object to or make representations in respect of the application in writing directly to the—

Chief Executive Officer  
Shire of Coorow  
PO Box 42  
Coorow WA 6515

.....  
Name and Signature of Applicant Date

SCHEDULE 1  
(clause 4.11)

Form 3

**DOG ACT 1976**  
**SHIRE OF COOROW**  
**DOGS LOCAL LAW 2003**  
**LICENCE TO KEEP AN APPROVED KENNEL ESTABLISHMENT**

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

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

Dated the.....day of.....20.....

.....  
Chief Executive Officer.



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**TRANSPORT**


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TR301\*

Motor Vehicle Drivers Instructors Act 1963

## Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2004

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2004*.

**2. Commencement**

These regulations come into operation on 1 July 2004.

**3. The regulations amended**

The amendments in these regulations are to the *Motor Vehicle Drivers Instructors Regulations 1964\**.

[\* Reprinted as at 5 July 2002.

For amendments to 12 May 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 253-4.*]

**4. Regulation 13 amended**

Regulation 13 is amended by deleting the Table and inserting instead —

“

	\$
The issue of an instructor's permit .....	4.80
The issue of an instructor's licence .....	25.50
Test by the Director General under section 7(3) of the Act .....	46.70
The issue of a replacement licence or permit .....	13.40

”

By Command of the Governor,

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

TR302\*

Road Traffic Act 1974

## **Road Traffic (Vehicle Standards) Amendment Regulations (No. 2) 2004**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations may be cited as the *Road Traffic (Vehicle Standards) Amendment Regulations (No. 2) 2004*.

### **2. Commencement**

These regulations come into operation on 1 July 2004.

### **3. The regulations amended**

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

[\* *Published in Gazette 9 August 2002, p. 3903-4020.*

*For amendments to 11 May 2004 see Western Australian Legislation Information Tables for 2003, Table 4, p. 340.]*

### **4. Regulation 69 amended**

Regulation 69(3) is amended by deleting “\$28.40” and inserting instead —

“ \$30.40 ”.

By Command of the Governor,

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

TR303\*

Road Traffic Act 1974

## Road Traffic (Fees for Vehicle Licences) Regulations 2004

Made by the Governor in Executive Council.

### 1. Citation

These regulations may be cited as the *Road Traffic (Fees for Vehicle Licences) Regulations 2004*.

### 2. Commencement

These regulations come into operation on 31 May 2004.

### 3. Specified day: section 28A

For the purposes of section 28A(3) of the Act, the specified day in relation to these regulations is 1 July 2004.

### 4. The Act amended

The amendments in these regulations are to the *Road Traffic Act 1974*.

[\* Reprinted as at 19 October 2001.

*For subsequent amendments see Western Australian Legislation Information Tables for 2003, Table 1, p. 338.]*

### 5. Second Schedule amended

(1) Part III Division 2 of the Second Schedule is amended as follows:

- (a) in item 2(1) by deleting “equal to the fee payable for licence class 1R2 under item 4 of Division 4 of this Schedule.” and inserting instead —  
“ of \$330.00. ”;
- (b) in item 3 by deleting “equal to the fee payable for licence class SP2 under item 5 of Division 4 of this Schedule.” and inserting instead —  
“ of \$1 428.00. ”;
- (c) in item 5 by deleting “equal to the fee payable for licence class PSV or TSV under item 7 of Division 4 of this Schedule.” and inserting instead —  
“ of \$81.00. ”.

- (2) Part III Division 4 of the Second Schedule is amended as follows:

- (a) by deleting the Table to clause 3 and inserting the following Table instead —

“

<b>Table</b>	
<b>Licence Class</b>	<b>Fee \$</b>
1B2	331
2B2	550
2B3	1 375
AB3	550

”;

- (b) by deleting the Table to clause 4 and inserting the following Table instead —

“

<b>Table</b>	
<b>Licence Class</b>	<b>Fee \$</b>
1R2	331
2R2	551
1R3	661
2R3	881
1R4	992
2R4	2 203
1R5	992
2R5	2 203
SR2	606
SR3	2 203
SR4	2 203
SR5	2 203
MR2	4 186
MR3	4 186
MR4	4 516
MR5	4 516
LR2	5 782
LR3	5 782
LR4	5 782
LR5	5 782

”;

- (c) by deleting the Table to clause 5 and inserting the following Table instead —

“

<b>Table</b>	
<b>Licence Class</b>	<b>Fee \$</b>
SP2	1 432
SP3	3 744
SP4	4 845
SP5	4 845
MP2	4 405
MP3	5 506
MP4	6 057
MP5	6 057

Licence Class	Fee \$
1LP2	5 506
1LP3	5 506
1LP4	6 059
1LP5	6 059
2LP2	5 506
2LP3	5 506
2LP4	6 059
2LP5	6 059

- (d) in clause 6 by deleting “\$330” and inserting instead —  
“ \$331 ”;
- (e) by deleting the Table to clause 7 and inserting the following Table instead —

“

Table	
Licence Class	Fee \$
PSV	81
TSV	81
OSV2	275
OSV3	550
OSV4	825
OSV5	1 100
OSV6	1 375
OSV7	1 650
OSV8	1 925
OSV9	2 200

”.

By Command of the Governor,

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

TR304\*

Road Traffic Act 1974

## Road Traffic (Licensing) Amendment Regulations 2004

Made by the Governor in Executive Council.

### 1. Citation

These regulations may be cited as the *Road Traffic (Licensing) Amendment Regulations 2004*.

## 2. Commencement

These regulations come into operation on 1 July 2004.

## 3. 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 12 May 2004 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 334-9.*]

## 4. Schedule 2 replaced

Schedule 2 is repealed and the following Schedule is inserted instead —

“

### Schedule 2 — Fees and charges

Item	Regulation No.	Service	Fee \$
1.	3A(1a)	Upon establishment of premises as an authorised inspection station	146.10
		Each year for the renewal of authorisation	60.80
2.	3B(1)	An examination (and where necessary one re-examination) of a caravan or trailer without brakes, motor cycle, motor carrier, engine change, earthmoving or agricultural equipment	34.80
2A.	3B(1)	Subject to items 3, 3A and 3B, an examination of a vehicle under regulation 3B(1) that is not set out in item 2	53.40
2B.	3B(2a)	An examination of a vehicle in the circumstances referred to in regulation 3B(2a) —	
		(a) in the case of a vehicle which is a motor carrier, a trailer or any other vehicle with a manufacturer's gross vehicle mass not exceeding 4.5 tonnes, a motor cycle, or a moped;	66.90
		(b) in the case of any other vehicle;	133.90
3.	3B(1) & 3B(2a)	A second or subsequent examination of a vehicle referred to in item 2A or 2B	37.00
3A.	3B(2b)(a)	An initial examination by the Director General of a heavy vehicle (i.e. a vehicle with an MRC exceeding 4 500 kilograms)	110.90

Item	Regulation No.	Service	Fee \$
3B.	3B(2b)(b)	A re-examination by the Director General of a heavy vehicle (i.e. a vehicle with an MRC exceeding 4 500 kilograms)	80.30
4.	5A(2)	For —	
		(a) searching records —	
		(i) manually, per vehicle;	12.20
		(ii) by computer where a list of vehicles to be searched is supplied to the Director General on magnetic tape, per vehicle;	2.50
		(b) production of an extract describing the current status of ownership of a vehicle, according to the Director General's records;	13.30
		(c) detailed searching of current and previous owner's records and production of supporting documentation;	16.30
5.	8A	Recording fee for grant or renewal of a vehicle licence	16.20
6.	8B	Fee for transfer of a vehicle licence	14.50
7.	11(6)(a)(i)	Fee for issue of permit for unlicensed vehicle	8.60
8.	11(6)(b)(i)(B)	Minimum permit fee	20.50
9.	14	Fee for issue of duplicate or certified copy of a vehicle licence	9.70
9A.	21K	Fee for authorisation under regulation 21K(4)	10.00
10.	22(2)	Charge —	
		(a) for the issue of plates (other than personalised plates, plates bearing the same characters as previous plates, or dealers plates) except where paragraph (b) applies;	18.00
		(b) for the re-issue of plates which have been returned under regulation 22(3), (3a) or (4) (other than personalised plates, plates to replace existing plates bearing the same characters, or dealers plates);	7.70
		(c) upon application for the issue of personalised plates;	91.20

Item	Regulation No.	Service	Fee \$
		(d) upon application for the issue of plates to replace ordinary plates bearing the same characters;	30.50
		(e) upon application for the issue of plates to replace personalised plates bearing the same characters without the letter "P" previously required by these regulations;	72.70
11.	22(2aa)	Fee upon application for issue of name plates	695.00
12.	22(2b)	Charge for transfer of right to display special plates —	
		(a) single digit numeral special plates;	6 976.80
		(b) 2 digit numeral special plates;	1 395.80
		(c) 3 digit numeral special plates;	695.00
		(d) any other number of digit special plates;	138.80
		(e) unique series special plates referred to in regulation 24(4a)(b);	1 395.80
		(f) unique series special plates referred to in regulation 24(4a)(c);	60.90
13.	22(2ba)	Charge for transfer of right to display name plates	348.40
14.	22(2c)	Charge for transfer of right to display special plates or name plates —	
		(a) pursuant to an agreement or order under the <i>Family Law Act 1975</i> of the Commonwealth; or	
		(b) to a beneficiary by a trustee or other person in a fiduciary capacity under a trust whether express or implied;	14.50
15.	22(2e)	Charge upon application for the issue of special plates or name plates to replace special plates or name plates bearing the same characters —	
		(a) for premium material plates;	158.20
		(b) for standard metal plates;	76.80



<b>Item</b>	<b>Regulation No.</b>	<b>Service</b>	<b>Fee \$</b>
16.	22(6)	Fee for transfer of — (a) special plates or name plates by a person to another vehicle owned by that person;	14.50
		(b) personalised plates by a person to another vehicle owned by that person or by a member of his immediate family.	14.50
17.	25B(2)	Fee for storage of special plate by Director General (per year or part thereof)	14.50
18.	26(3)	Fee for assignment and issue of dealers plates — (a) where the plate is issued in substitution for a plate bearing the same characters, per plate;	28.60
		(b) in any other case, per set of plates;	20.30
19.	26A	Annual fee for the use and possession of dealers plates	82.70
20.	33	Fee for duplicate of registration label	0.50
21.	38B	Fee for duplicate tax invoice	9.70

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By Command of the Governor,

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

## — PART 2 —

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### AGRICULTURE

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AG401\*

**AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**

## APPOINTMENTS

Agriculture Protection Board,  
South Perth.

His Excellency the Governor is pleased to appoint, pursuant to Section (9)(1) of the *Agriculture and Related Resources Protection Act 1976*, and on the recommendation of the Minister for Agriculture, Forestry and Fisheries, the officers listed below to be Deputy Chief Agriculture Protection Officers—

Mr Varada Rajan Kesavan

Mr Peter Metcalfe

Mr Paul Edward Novelly

Also, under Section (9)(1) of the *Agriculture and Related Resources Protection Act 1976*, and on the recommendation of the Minister for Agriculture, Forestry and Fisheries, to cancel the appointments of the officers listed below as Deputy Chief Agriculture Protection Officers—

Mr David Doolan

Mr Peter McCosker

KIM CHANCE MLC, Minister for Agriculture,  
Forestry and Fisheries

AG402\*

**AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**

## APPOINTMENT OF CHAIRMEN

Agriculture Protection Board,  
South Perth.

Acting pursuant to section 15 (1) of the *Agriculture and Related Resources Protection Act 1976*, the Agriculture Protection Board hereby appoints the following Deputy Chief Agricultural Protection Officers as Chairmen of the Zone Control Authorities listed below—

**Zone Control Authority**

Manjimup

Geraldton

Pilbara

Kimberley

**Chairman**

Mr Varada Rajan Kesavan

Mr Peter Metcalfe

Mr Paul Edward Novelly

Mr Paul Edward Novelly

Acting pursuant to section 15 (1) of the *Agriculture and Related Resources Protection Act 1976*, the Agriculture Protection Board hereby cancels the following Deputy Chief Agricultural Protection Officers as Chairmen of the Zone Control Authorities listed below—

**Zone Control Authority**

Manjimup

Pilbara

Kimberley

**Chairman**

Mr David Doolan

Mr Peter McCosker

Mr Peter McCosker

Dated: 7 April 2004.

CHRIS RICHARDSON, Chairman, APB.

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**CONSUMER AND EMPLOYMENT PROTECTION**

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CE401

**COMPANIES (CO-OPERATIVE) ACT 1943**

(Section 296(3))

**COMPANIES TO BE STRUCK OFF REGISTER**

Notice is hereby given that at the expiration of three months from the date hereof the name of the undermentioned Co-operative Company will, unless cause is shown to the contrary, be struck off the register and the company will be dissolved—

Western Timber Co-operative Limited

Dated this 25th day of May 2004.

DENIS M. BLAKEWAY, for the Commissioner for Fair Trading.

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CE402

**CHARITABLE COLLECTIONS ACT 1946****REVOCATION OF LICENCES**

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

- Alcohol and other Drugs Council of Australia
- Australian Computer Society Foundation Limited
- Christina Noble Children's Foundation Inc
- Council for the Encouragement of Philanthropy Australia Pty Ltd
- Australasian Spinal Research Trust

Dated this 23rd day of May 2004.

JOHN KOBELKE MLA, Minister for Consumer and  
Employment Protection.

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**ENERGY**

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EN401\*

**ENERGY LEGISLATION AMENDMENT ACT 2003**

Section 57

**GAS INDUSTRY OMBUDSMAN SCHEME APPROVAL**

The Minister for Energy, pursuant to Section 57 of the *Energy Legislation Amendment Act 2003*, hereby approves the gas industry ombudsman scheme to be operated by Gas Industry Ombudsman (Western Australia) Limited ("GIO(WA) Ltd") as the initial gas industry ombudsman scheme.

Section 57 of the *Energy Legislation Amendment Act 2003* allows for the Minister for Energy to approve the initial gas industry ombudsman scheme. This approval is to be taken, for the purposes of Part 2D of the *Energy Coordination Act 1994*, to be a scheme approved by the Economic Regulation Authority under Division 2 of that Part.

The gas industry ombudsman scheme to be operated by GIO(WA) Ltd will apply to all small use customers on the gas distribution systems operated by:

- AlintaGas Networks Pty Ltd;
- Burns Roe Worley Power Generation (Esperance) Pty Ltd; and
- Wesfarmers Kleenheat Gas Pty Ltd.

The gas industry ombudsman scheme to be operated by GIO(WA) Ltd comes into force on Monday 31 May 2004.

ERIC RIPPER MLA, Minister for Energy.

EN402\*

**ENERGY LEGISLATION AMENDMENT ACT 2003**

## Section 44

## GAS RETAIL MARKET SCHEME APPROVAL

The Minister for Energy, pursuant to Section 44 of the *Energy Legislation Amendment Act 2003*, hereby approves the gas retail market scheme to be operated by Retail Energy Market Company Limited ("REMCo").

Section 44 of the *Energy Legislation Amendment Act 2003* allows for the Minister for Energy to approve a gas retail market scheme prior to the commencement of Section 15 of *Energy Legislation Amendment Act 2003*. Section 15 of the *Energy Legislation Amendment Act 2003* inserts Part 2B into the *Energy Coordination Act 1994* to provide for gas retail market schemes.

The gas retail market scheme to be operated by REMCo will apply to the following gas distribution systems operated by AlintaGas Networks Pty Ltd—

- |               |                           |                         |
|---------------|---------------------------|-------------------------|
| • Geraldton   | • Metro South             | • Harvey                |
| • Eneabba     | • Barter Road, Naval Base | • Kemerton              |
| • Muchea      | • Rockingham              | • Clifton Road, Bunbury |
| • The Vines   | • Pinjarra                | • Albany                |
| • Ellenbrook  | • Oakley Road             | • Kalgoorlie            |
| • Metro North |                           |                         |

The gas retail market scheme to be operated by REMCo comes into force on the commencement of Section 15 of the *Energy Legislation Amendment Act 2003*, which is to take place on Monday 31 May 2004.

ERIC RIPPER MLA, Minister for Energy.

**FIRE AND EMERGENCY SERVICES**

FE401\*

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

Determination Under Section 36G(2)(a)

## RELEVANT DAY

I, Michelle Roberts, the Minister administering the *Fire and Emergency Services Authority of Western Australia Act 1998*, hereby determine that under Section 36G(2)(a) of that Act the *Relevant Day* for the next levy year shall be 21 June 2004.

This determination has been made following consultation with persons who effectively represent the interests of local governments.

MICHELLE ROBERTS MLA, Minister for Police and Emergency Services.

**FISHERIES**

FI401\*

**FISH RESOURCES MANAGEMENT ACT 1994**

## KIMBERLEY TRAP FISHERY NOTICE REVOCATION ORDER 2004

Order No. 12 of 2004

FD 1620/98 [629]

Made by the Minister under section 43.

**Citation**

1. This order may be cited as the *Kimberley Trap Fishery Notice Revocation Order 2004*.

**Revocation**

2. The *Kimberley Trap Fishery Notice 1993*, published in the *Government Gazette* of 3 September 1993 and which continued in force under regulation 186 of the *Fish Resources Management Regulations 1995* as if it was an order made under section 43 of the Act, is revoked.

Dated this 4th day of May 2004.

KIM CHANCE, Minister for Agriculture, Forestry and Fisheries.

**FI402\***

**FISH RESOURCES MANAGEMENT ACT 1994**  
**BARRAMUNDI NETTING NOTICE REVOCATION ORDER 2004**  
Order No. 14 of 2004

FD 1620/98 [630]

Made by the Minister under section 43.

**Citation**1. This order may be cited as the *Barramundi Netting Notice Revocation Order 2004*.**Revocation**2. The notice made under Section 10 of the *Fisheries Act 1905* and published on page 1300 of the *Government Gazette* No. 27 of 9 May 1975, and which continued in force under regulation 186 of the *Fish Resources Management Regulations 1995* as if it was an order made under section 43 of the Act, is revoked.

Dated this 4th day of May 2004.

KIM CHANCE, Minister for Agriculture, Forestry and Fisheries.

**FI403\***

**FISH RESOURCES MANAGEMENT ACT 1994**  
**CRAB NETTING NOTICE REVOCATION ORDER 2004**  
Order No. 16 of 2004

FD 1620/98 [634]

Made by the Minister under section 43.

**Citation**1. This order may be cited as the *Crab Netting Notice Revocation Order 2004*.**Revocation**2. Notice No. 390 made under sections 9 and 10 of the *Fisheries Act 1905* and published on page 344 of the *Government Gazette* No. 13 of 3 February 1989, and which continued in force under regulation 186 of the *Fish Resources Management Regulations 1995* as if it was an order made under section 43 of the Act, is revoked.

Dated this 4th day of May 2004.

KIM CHANCE, Minister for Agriculture, Forestry and Fisheries.

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## HEALTH

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**HE401**

**MEDICAL ACT 1894**  
**MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 22) 2004**

Made by the Minister for Health pursuant to section 11AF of the *Medical Act 1894*.**Citation**1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 22) 2004*.**Commencement**2. This determination comes into operation on the day on which it is published in the *Government Gazette*.**Unmet area of need**

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 11AF(1)D of the Act.

**Expiry of determination**

4. This determination expires 5 years after its commencement.

Schedule

- General Medical Services in the Town of Narrogin and Shire of Narrogin.

Dated this 22nd day of May 2004.

JIM MCGINTY, MLA, Minister for Health.

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**LOCAL GOVERNMENT**

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**LG401\****SHIRE OF CARNARVON*  
APPOINTMENT OF REGISTRATION OFFICERS

It is hereby notified for public information that the following persons have been appointed by the Council of the Shire of Carnarvon as Dog Registration Officers—

Julie Williams  
Joanne Paynter  
Susana Svilicich  
Rebecca Toovey  
Dannielle Hill  
Andrew Jolly  
Gerda Norris  
Rosalind Friswell  
Brad Warren  
Amanda Podmore  
Judy Clarke  
Daniel De Boni

All previous appointments are hereby cancelled.

C. STRUGNELL, Chief Executive Officer.

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**LG402\****SHIRE OF CARNARVON*  
APPOINTMENT OF AUTHORISED OFFICERS

It is hereby notified for public information that—

Judy Clarke  
Daniel De Boni  
Leeson Dorey  
Brad Warren  
Bruce Clarke  
Bill Wansborough  
David Sutton  
Rodney Trigg

Have been appointed by the Council of the Shire of Carnarvon as authorised officers to enforce the Acts, Regulations, Provisions of the following—

Dog Act 1976 and Regulations  
Dogs (Restricted Breeds) Regulations 2002  
Litter Act 1979 and Regulations  
Control of Vehicles (Off Road Areas) Act 1978 and Regulations  
Bushfires Act 1954 and Regulations  
Caravan and Camping Grounds Act 1995 and Regulations  
Local Government (Miscellaneous Provisions) Act 1960  
Local Government Act 1995  
Shire of Carnarvon Local Laws

All previous appointments are hereby cancelled.

C. STRUGNELL, Chief Executive Officer.

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**MINERALS AND PETROLEUM**

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**MP401****MINING ACT 1978**  
FORFEITURES

Department of Industry Resources,  
PERTH WA 6000.

I hereby declare in accordance with the provisions of Section 99(1)(a) of the Mining Act 1978 that the undermentioned exploration licence is forfeited for breach of covenant, viz; non compliance with

expenditure conditions with prior right of application being granted to the plaintiff under Section 100(2).

CLIVE BROWN MLA, Minister for State Development.

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69/1770 Eastern Prospecting Ltd Warburton Mineral Field

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**MP402**

**MINING ACT 1978**  
FORFEITURES

Department of Industry Resources,  
PERTH WA 6000.

I hereby declare in accordance with the provisions of Section 99(1)(a) of the Mining Act 1978 that the undermentioned mining lease is forfeited for breach of covenant, viz; non compliance with expenditure conditions with prior right of application being granted to the plaintiff under Section 100(2).

CLIVE BROWN MLA, Minister for State Development.

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15/214 Rodney Benjamin Wilson Coolgardie Mineral Field

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**MP403**

**MINING ACT 1978**  
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Minerals and Energy,  
Mt Magnet, 18 May 2004.

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

S. RICHARDSON, Warden.

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To be heard in the Warden's Court, Mt Magnet on the 29th June 2004.

EAST MURCHISON MINERAL FIELD  
*Black Range District*

P57/845—G & B Explorations Pty Ltd  
Gateway Mining NL  
Talbot Pty Ltd

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**MP404**

**MINING ACT 1978**  
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,  
Mt Magnet.

In accordance with Regulation 49(2)(c) of the Mining Act 1978, notice is hereby given that the licences are liable to forfeiture under the provision of Section 96(1)(a) for breach of covenant, viz, late lodgement of Form 5 Report on Operations.

S. RICHARDSON (SM), Warden.

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To be heard in the Warden's Court, Mt Magnet on Tuesday, 29th June 2004.

YALGOO MINERAL FIELD

P59/1369—Thundelarra Exploration Ltd  
P59/1370—Thundelarra Exploration Ltd  
P59/1371—Thundelarra Exploration Ltd  
P59/1372—Thundelarra Exploration Ltd  
P59/1373—Thundelarra Exploration Ltd

MP405

**MINING ACT 1978**  
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,  
Coolgardie WA 6430.

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

S. SHARRATT (SM), Warden.

---

To be heard in the Warden's Court at Coolgardie on the 12th July, 2004.

COOLGARDIE MINERAL FIELD

Prospecting Licence

15/4176—Stillman, William James  
Stockwell, Allan Brian

KUNANALLING MINERAL FIELD

Prospecting Licence

16/2021—Allen, Royce William

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MP406

**MINING ACT 1978**  
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources,  
Coolgardie WA 6430.

In accordance with Regulation 49(2)(c) of the Mining Act 1978, notice is hereby given that the following Licence is liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, viz. failure to meet the minimum expenditure requirement.

S. SHARRATT (SM), Warden.

---

To be heard in the Warden's Court at Coolgardie on the 10th July, 2004.

COOLGARDIE MINERAL FIELD

Prospecting Licence

16/1414—Charlton, Judith Dianne  
Charlton, Michael Edward

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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

*Shire of Dalwallinu*

Town Planning Scheme No. 1—Amendment No. 13

Ref: 853/3/5/1 Pt 13

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 Dalwallinu Town Planning Scheme Amendment on 20 May 2004 for the purpose of rezoning portion of Location 1904 Dalwallinu West Road, Dalwallinu, from 'Rural' to 'Commercial', as more clearly shown on the Scheme Amendment Map.

R. T. ALLAN, President.  
W. T. ATKINSON, Chief Executive Officer.



PI402\*

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

*City of Fremantle*

Town Planning Scheme No. 3—Amendment No. 61

Ref: 853/2/5/6 Pt 61

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 Fremantle Town Planning Scheme Amendment on 20 May 2004 for the purpose of—

**1. Scheme Map amended**

The Scheme Map is amended as shown on the attached Scheme Amendment Map. This includes—

- the inclusion of the land within the Development Zone
- designation of the land as DP17
- coding the land R-IC

**2. Development Plan No 17 added**

Appendix A of the scheme is amended by the insertion of Appendix A. 17—Development Plan No 17 as set out below—

**APPENDIX A.17—DEVELOPMENT PLAN NO 17**  
**LEIGHTON NORTH FREMANTLE**

**1.0 GENERAL**

- 1.1 This development plan applies to the portion of Crown Reserve No 3730 North Fremantle as shown on Figure 1 attached.
- 1.2 The use and development of land within the development plan area is to be consistent with the Leighton Development Area Structure Plan and the provisions of this development plan.
- 1.3 Council has the discretion to approve minor variations to the development plan where consistent with the development plan objectives.

**2.0 OBJECTIVES****2.1 ENVIRONMENTAL**

An integrated design process is to be undertaken to ensure that Ecologically Sustainable Development principles are incorporated from broad-scale planning to individual building design.

Appropriate environmental management measures are proposed to mitigate potential threats to public health and safety and to amenity from surrounding industrial development and major transport infrastructure. These measures are based on the recommendations of the Leighton Regional Planning Guidelines and adopt the As Low as Reasonably Practical principle.

**2.1.1 Energy**

## Principle

- Reduction in household energy demand.

## Design standards

- Where possible orientate indoor and outdoor living areas to the north to maximise solar access.
- Use careful site planning to minimise overshadowing of open space and north-facing windows of adjacent buildings.
- Incorporate cross-ventilation where possible.
- Where practical and appropriate skylights or ventilators are to be installed to increase natural ventilation and enhance natural lighting. Where possible stair wells will create a stack effect to enhance natural ventilation and remove warm summer air from upper floors.
- Roof spaces are to be ventilated.
- Control sun access in summer through the use of design elements to minimise the reliance on mechanical systems for temperature control.
- Trees and shrubs are to be selected and positioned to maximise solar penetration in winter and minimise solar access in summer. Positioning of planting is to assist in the enhancement of cool summer breezes and the protection from hot summer and cold winter winds.
- Include controllers in building management systems to maximise the efficiency of high energy use equipment.
- Investigate the use of centralised hot water systems or solar boosted gas hot water systems—incorporating electronic ignition rather than a pilot light to reduce energy consumption.

**2.1.2 Water sensitive design**

## Principle

- Minimise water use where practicable.

**Design standards**

- Plant species that are drought-resistant or will require minimal watering once established.
- Apply water-conserving landscape practices wherever possible.
- Native ground covers and grasses are to be used instead of turf where appropriate.

**2.1.3 Waste minimisation****Principle**

- Endeavour to reduce total per capita residential waste going to landfill by encouraging recycling.

**Design standards**

- A central garbage room is to be included within multiple unit developments to incorporate adequate bins for recyclable and other waste.

**2.1.4 Transportation****Principles**

- Reduce private car use and encourage the use of public transport and pedestrian and bicycle movement.
- Provide reduced on-site parking requirements.
- Transport initiatives to be integrated into local and regional transport systems.
- Develop a comprehensive and accessible direct pedestrian and road system that connect the railway station to the beach.

**Design standards**

- Secure bicycle storage facilities are to be provided within multiple unit buildings.
- Comply with the requirements of Liveable Neighbourhoods for the provision of accessible dual use paths.
- Create a road network that provides permeability and structure.

**2.1.5 Public health and safety and amenity****Principles**

- Minimise potential risks to human health from contaminated land within the development area.
- Minimise potential amenity impacts from surrounding industrial land uses and transport infrastructure on future development and occupants.
- Minimise potential risks to public safety from surrounding industrial uses.

**Design standards**

- Proposed development will have regard to potential site contamination and any contamination will be remediated prior to development to a standard appropriate for the proposed use.
- Proposed development adjacent to the railway reserve will need to ensure compliance with relevant Australian Standards for noise and vibration levels.
- Lot design and building siting and design should consider and incorporate measures to minimise the impacts of odour and reduce risk and hazard.

**2.2 ECONOMIC****Principles**

- Achieve the highest level of economic activity and employment opportunities within the development by encouraging commercial and residential uses.

**Design standards**

- Promoting commercial uses within the south-western portion of the development area consistent with the designated 70 metre fuel storage buffer area and commercial and residential uses should the buffer be no longer required in the future.
- Promoting active retail uses at street level within appropriate locations through the development as indicated on the structure plan and detailed precinct plan.
- Promoting home occupations and home offices throughout the development area.
- Recognising the potential for short-stay accommodation and hospitality uses within the development area within the locations indicated on the detailed precinct plan.
- Promoting commercial activity that will strengthen the connection between the railway station and the beach and that will enhance the recreational use of the area.
- Promoting links to the existing social and economic infrastructure of North Fremantle.
- Promoting building design that is flexible enough to accommodate changes in land use over time in response to market demand.

### 2.3 SOCIAL

#### Principles

- To create a proud and vibrant addition to the existing North Fremantle community.

#### Design standards

- Provide a variety of housing styles to achieve a social mix and affordable housing options.
- Maintain important public ocean vistas through the site and maximise the opportunity for views to the ocean from development within the site.
- Protect the privacy and amenity of beach users.

### 3.0 STRUCTURE PLAN

The Leighton Development Area Structure Plan forms part of the development plan. The use and development of land within the development plan area is to be consistent with the structure plan attached as Figure 2.

### 4.0 PRECINCTS

The development plan area is divided into seven development and public space precincts as shown on Figure 3 attached.

### 5.0 DEVELOPMENT CONTROLS

#### 5.1 LAND AFFECTED BY METROPOLITAN REGION SCHEME PRIMARY REGIONAL ROAD RESERVATION

Notwithstanding the Primary Regional Road reservation for the Curtin Avenue extension currently shown in the Metropolitan Region Scheme, and having regard to current proposals to remove the reservation, the Council may recommend the use and development of land affected by the regional road reservation in accordance with the provisions of this Development Plan.

Upon the removal of the Primary Regional Road reservation under the MRS from the Development Plan area, the land affected by the reservation shall become zoned as Development Zone under the provisions of the Scheme.

#### 5.2 LAND USE

The preferred and potential uses within each precinct are set out below. Preferred uses are uses that are encouraged within the precinct and are expected to be the predominant uses within the precinct. Potential uses are uses that may also be appropriate within the precinct and can be considered as part of a proposed development. Development applications for and uses not categorised as preferred or potential uses may be considered at the discretion of Council based on the merits of the each application. The Model Scheme Text definitions for these land uses are adopted.

Precinct	Preferred uses	Potential uses	Other requirements
DP1	Multiple dwelling	Hotel Residential building	None
DP2A	Multiple dwelling	Hotel Residential building Home occupation Home office	None
DP2B	Multiple dwelling Restaurant Shop Office	Hotel Residential building Home occupation Home office Community purpose Amusement parlour Convenience store Fast food outlet Reception centre Tavern Cinema/Theatre Medical centre Consulting rooms	Ground floor commercial frontage mandatory and upper floor commercial uses encouraged within areas shown cross-hatched on Figure 3. Ground floor commercial frontage and upper floor commercial uses encouraged within areas shown hatched on Figure 3.
DP3A	Multiple dwelling Restaurant Shop Office	Hotel Residential building Home occupation Home office Community purpose Medical centre Consulting rooms Amusement parlour Convenience store Fast food outlet Reception centre Tavern Cinema/Theatre	Ground floor commercial frontage mandatory and upper floor commercial uses encouraged within areas shown cross-hatched on Figure 3. Ground floor commercial frontage and upper floor commercial uses encouraged within areas shown hatched on Figure 3.

Precinct	Preferred uses	Potential uses	Other requirements
DP3B	Multiple dwelling Restaurant Shop Office	Hotel Residential building Home occupation Home office Medical centre Consulting rooms Amusement parlour Convenience store Fast food outlet Reception centre Tavern Cinema/Theatre	Ground floor commercial frontage mandatory and upper floor commercial uses encouraged within areas shown cross-hatched on Figure 3. Ground floor commercial frontage and upper floor commercial uses encouraged within areas shown hatched on Figure 3.
DP4	Multiple dwelling Office	Hotel Residential building Home occupation Home office Amusement parlour Convenience store Fast food outlet Reception centre Restaurant Shop Tavern Cinema/Theatre Medical centre Consulting rooms	Ground floor commercial frontage and upper floor commercial uses encouraged within areas shown hatched on Figure 3.
DP5	Office Multiple dwelling <sup>1</sup>	Amusement parlour Convenience store Fast food outlet Reception centre Restaurant Shop Tavern Cinema/Theatre Medical centre Consulting rooms Home occupation Home office Car park	
PS1	Parkland Recreation facilities Vehicle access Visitor parking		
PS2	Parkland Recreation facilities Vehicle access Visitor parking Pedestrian promenade		

<sup>1</sup>This is subject to the fuel storage buffer being no longer required.

The retail elements within the development area are intended to comprise predominantly festive retail uses that create a vibrant beachside destination for the use of local residents and visitors to the area. This would include retail uses similar to those found along the Fremantle café strip ie cafes and restaurants and boutique shops but with a strong connection to the beachside location eg swimming and surfing gear. Other forms of retail use including local convenience stores would also be expected but should not be the predominant form of retail use.

### 5.3 BUILDING HEIGHT

The building height controls within each precinct are set out below.

Precinct	Maximum storey height	Maximum AHD height
DP1	3	20.5m
DP2A	5	26.5m
DP2B	3	20.5m
DP3A	5	26.5m
DP3B	3	20.5m
DP4	5	26.5m
DP5	5	26.5m

#### 5.4 PLOT RATIO

The plot ratio controls within each precinct are set out below.

Precinct	Maximum plot ratio
DP1	2:1
DP2A	3:1
DP2B	2:1
DP3A	3:1
DP3B	2:1
DP4	3:1
DP5	3:1

#### 5.5 VISUAL PERMEABILITY

The building envelope of development across the entire site must achieve 70 percent east-west visual permeability above a three storey building height. This means that 30 percent of the length of the site can be developed up to a five storey building height.

The building envelope of development within DP3B must achieve 40-50 percent east-west visual permeability above a three storey building height. This means that 50-60 percent of the length of DP3B can be developed up to a five storey building height.

#### 5.6 SHADOW GENERATION

Applications for development must be accompanied by a shadow analysis for dates and times required by Council. The siting and design of five storey building elements within DP2A must minimise any overshadowing of PS2.

#### 5.7 CAR PARKING

Car parking requirements for preferred and potential uses are set out below.

Use	Minimum bays required
Multiple dwelling	1 bay per one-bedroom apartment otherwise 1.5 bays per apartment with 10 percent of required bays dedicated as visitor parking
Other	as per scheme

Resident and employee car parking is to be provided within basement or undercroft parking areas and screened from the street. Short-stay visitor and customer parking is encouraged on-street.

### 6.0 DESIGN GUIDELINES

Development must be consistent with any design guidelines that apply to the development plan area.

### 7.0 ENVIRONMENTAL MANAGEMENT

#### 7.1 SITE CONTAMINATION

Where a development application is made for land within the development area the Council shall have regard to the potential contamination associated with prior land use of the area and forward any substantial development applications to the Environmental Protection Authority. A substantial development is where there is a proposed change in land use or the disturbance of a volume of soil greater than or equal to 25 cubic metres but does not include routine maintenance or upgrade works by a public authority or a local government authority.

Where an application is forwarded to the Environmental Protection Authority the proposal shall be accompanied by a Detailed Site Investigation to the standards prescribed by the Environmental Protection Authority. The Environmental Protection Authority shall review the application with regard to the potential ecological and human health related risk and may request the Council to impose conditions on any approval to be issued by the Council for the development to address any contamination prior to development. Where remediation is required the Council shall impose a condition on the development approval that requires the submission of a Site Management Plan and Post-Remediation Validation Report.

The above does not apply where a development application is submitted for approval to demolish a building so as to enable works relating to the subdivision of the land on which the building is located to proceed.

#### 7.2 NOISE AND VIBRATION

A noise assessment report is required to accompany a development application for residential or community uses on land located within 80 metres of the railway line. The report must demonstrate compliance with the Satisfactory Recommended Design Sound Levels specified within Australian Standard AS 2107-2000 through the use of acoustic design of residential buildings or other appropriate acoustic barriers or treatments.

A vibration assessment report is required to accompany a development application for residential or community uses on land located within 60 metres of the railway line. The report must demonstrate compliance with Australian Standard AS 2670—1990.

**7.3 ODOUR**

Notification of potential odour nuisance is to be stated on the titles of land proposed for residential development within the development area.

**7.4 RISK AND HAZARD**

No residential development will be located within 70 metres of the lot boundary of the site that contain the existing fuel storage facilities south of Walter Place.

Residential development within 300 metres of the lot boundary of the site that contains the existing fuel storage facilities south of Walter Place should be orientated to reduce potential human exposure to major accident events.

A two metre high wall is to be constructed along the southern edge of the development area to provide a further barrier against radiation from fires associated with the fuel storage facilities.

Windows facing south should be avoided or should be fixed windows to avoid penetration of toxic gas from surrounding industrial development.

Air-conditioning units should be split-systems to preclude the entrapment of noxious and toxic gases and smoke as a result of a major accident event associated with surrounding industrial development.

**8.0 ROAD NETWORK**

The implementation of the surrounding road network shall be undertaken in accordance with the recommendations of the Leighton Regional Planning Guidelines.

The construction of the Curtin Avenue extension immediately east of the subject land must occur prior to Port Beach Road being removed or realigned.

Access and egress from the site to the future Curtin Avenue extension may not be permitted.

No access or egress from the site to Walter Avenue is permitted without the prior approval of Main Roads WA.

**9.0 OTHER RELEVANT POLICIES**

The provisions of this development plan complement and should be read together with the scheme provisions and the Residential Design Codes and Council planning policies. The policies below should also be considered in the design of residential buildings—

D.B.H1 Urban Design and Streetscape Guidelines

D.B.H2 Front Fences and Screen Walls

D.B.H3 Development Levels

D.C10 Dwellings and Visual Privacy

P. TAGLIAFERRI, Mayor.  
G. MacKENZIE, Chief Executive Officer.

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## RACING, GAMING AND LIQUOR

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RG401\*

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

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

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
10279	Velez Pty Ltd	Application for the grant of a Special Facility—Canteen licence in respect of premises situated in Newman and known as Yandi Wet Mess	27/05/2004
10281	Alastair Malcolm Gillespie, Clive William Ireland, Noel Eden Ireland and Darrel Donald Jennings	Application for the grant of a Producer's licence in respect of premises situated in Metricup and known as Karri Grove Jennings	10/06/2004

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATION FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS</b>			
20442	The Bog (Northbridge) Pty Ltd	Application for the grant of an extended trading permit—ongoing extended hours, in respect of premises situated in Northbridge and known as U2 @ Bog Perth	11/06/2004
<b>APPLICATION TO ADD, VARY OR CANCEL A CONDITION OF LICENCE</b>			
196561	Gosatti Holdings Pty Ltd	Application to add, vary or cancel a condition of licence, in respect of premises situated in Fremantle and known as Norfolk Hotel Fremantle.	11/06/04
<b>APPLICATION FOR APPROVAL TO ALTER/REDEFINE THE LICENSED PREMISES</b>			
194961	Liquorland (Australia) Pty Ltd	Application for approval to alter/redefine the Liquor Store in respect of premises situated in Burrendah and known as Liquorland Burrendah.	15/06/04

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

Dated: 26 May 2004.

H. R. HIGHMAN, Director of Liquor Licensing.

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## TRANSPORT

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TR401\*

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**RESTRICTED SPEED AREAS—ALL VESSELS**  
**STIRLING TRAFFIC BRIDGE**  
Swan River

Department for Planning and Infrastructure,  
Fremantle WA, 28 May 2004.

Acting pursuant to the powers conferred by Section 67 of the *Western Australian Marine Act 1982*, due to maintenance work on the Stirling Bridge, the department by this notice limits the speed of all motor vessels to 5 knots, until further notice, in an area between the Fremantle Traffic Bridge and travelling upstream to an imaginary line drawn across the river on a bearing of 300° True from the Starboard Navigation Marker located in the vicinity of the Red Herring Restaurant, East Fremantle.

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

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## WATER

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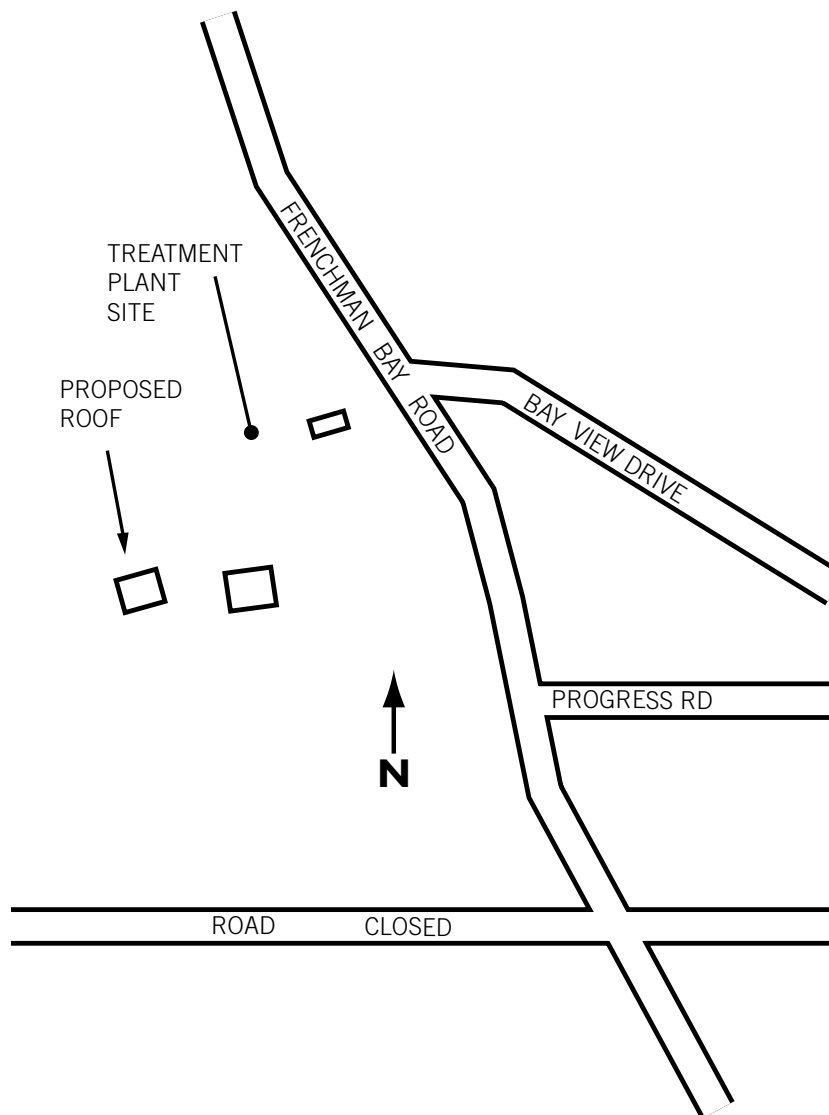
WA401\*

**WATER AGENCIES (POWERS) ACT 1984**  
**WATER SUPPLY IMPROVEMENTS: LITTLE GROVE—CITY OF ALBANY**  
Notice of Authorisation to Construct a Roof Over the Existing No. 1 Reservoir  
at the South Coast Treatment Plant

In accordance with the provisions of the Water Agencies (Powers) Act 1984, the Minister for the Environment has authorised the Water Corporation to construct the following works: a low profile roof over the existing raw water reservoir, associated inlet and outlet pipework modifications, and a

storm water disposal system. The maximum height of the roof will be 4.4 metres above the existing earth embankments. The wall and roof sheeting will be a Wilderness green colour.

The location of the proposed works are shown on the plan.




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## PUBLIC NOTICES

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ZZ201

### TRUSTEES ACT 1962

#### DECEASED ESTATES

#### Notice to Creditors and Claimants

In the Supreme Court of Western Australia Probate jurisdiction.

Christina Mary Jones, of John Mercer Lodge, 19 Laidlaw Street, Hilton, Widow, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962, relates) in respect of the estate of the deceased, who died on 27 March 2004 are required by the applicants for grant of probate James Henry George Craig, and Richard James Craig, both of care of SUMMERSLEGAL, Next Building, Level 5, 16 Milligan Street, Perth, Western Australia, to send particulars of their claims to them within one month from the date of this publication after which date the applicants may convey or distribute the assets, having regard only to the claims of which they have notice.



**ZZ202****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

Olive Vinora Shearer, late of Donovan Village Hostel, 138 Lewis Road, Forrestfield, Western Australia, Home Duties.

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 1 December 2003 at Royal Hospital, Perth, Western Australia, are required by the personal representative, being Steven Raymond Fidock to send particulars of their claims to Suite 2, 11 Richardson Street, South Perth WA 6151 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.

**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 28th June 2004, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

- Bonola, John Ernest, late of Unit 5/385 Cambridge Street, Wembley, died 4/5/04, (DE19753612EM35)  
Bootsma, Peter, late of 21 Wright Street, Highgate, died 18/3/04, (DE20012052EM27)  
Broad, Prudence Pearl, late of Concorde Nursing Home, 25 Anstey Street, South Perth formerly of 3 Salisbury Avenue, South Perth, died 8/5/04, (DE30226992EM22)  
Clarke, Algra, late of Catherine McAuley Family Center, 18 Barrett Street, Wembley, died 7/10/03, (DE19790982EM37)  
Gibson, Theresa Margaret, late of 1 Marlee Court, Langford, died 18/4/04, (DE19941817EM12)  
Green, Violet Mary, late of Greenmount Gardens Nursing Centre, 22 Coongan Avenue, Greenmount, died 23/4/04, (DE19781997EM36)  
Hailstone, Robert, late of Greenfields Aged Care Facility, 95 Lakes Road, Mandurah, died 07/4/04, (DE19741675EM12)  
Jewell, Melvyn Anthony John, late of Unit 16/7 Tulare Turn, Joondalup, died 18/4/04, (DE19891433EM110)  
Jones, Ronald Henry, late of 8 Ameer Way, Craigie, died 07/3/04, (DE19940640EM110)  
Keighley, Frederick James, late of Hamersley Nursing Home, 441 Rokeby Road, Subiaco, died 16/4/04, (DE19990615EM13)  
Nunn, Clarence Ronald, late of 8 Michael Street, Falcon, died 6/4/04, (DE33011998EM27)  
Power, Agnes Patricia, late of Frank Prendegast House, 27 Pearson Drive, Success, died 8/4/04, (DE19841002EM35)  
Reilly, Monica Mary, late of 41 Norman Street, Bentley, died 13/5/04. (DE19662733EM12)  
Skinner, John Maurice, late of Leighton Nursing Home, 40 Florence Street, West Perth, died 27/4/04, (DE19873149EM16)  
Walker, David Lloyd Russell, late of 49 Arnisdale Road, Duncraig, formerly of 34 Corbett Street, Gnowangerup, died 1/12/03, (DE19724208EM13)  
Whent, Donald, late of 6 Framfield Way, Balga, died 8/5/04, (DE33029237EM34)  
Whittam-Seth, Beryl Edith Iona, late of 10 Nutbush Court, Thornlie, died 8/4/04, (DE19751167EM26)

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

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