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# — PART 1 —

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## JUSTICE

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JU301\*

Magistrates Court Act 2004

### **Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2008**

Made by the Magistrates Court.

**1. Citation**

These rules are the *Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2008*.

**2. Commencement**

These rules come into operation as follows:

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on 1 September 2008.

**3. The rules amended**

The amendments in these rules are to the *Magistrates Court (Civil Proceedings) Rules 2005*.

**4. Rule 4 amended**

Rule 4 is amended by inserting in the appropriate alphabetical position —

“

“**the Act**” means the *Magistrates Court (Civil Proceedings) Act 2004*;

”.

**5. Rules 6, 7 and 8 replaced**

Rules 6, 7 and 8 are repealed and the following rules are inserted instead —

“

**6. Application of this Part**

This Part applies to a claim except a claim to recover possession of real property.

**7. Making an originating claim**

- (1) If a party wants to make an originating claim the party must lodge the approved form.
- (2) The claim must be lodged and served together with an approved form that may be used for making a response under rule 9.
- (3) The claim may, but need not, be lodged and served together with a statement of claim in accordance with rule 41A.
- (4) The claim must be served as soon as practicable, and in any event within one year, after the day on which it is lodged.
- (5) Unless these rules or an Act provides otherwise, the claim must be served personally.

**8. Making a counterclaim or third party claim**

- (1) If a party wants to make a counterclaim or third party claim the party must lodge the approved form.
- (2) The claim must be lodged and served together with —
  - (a) the relevant statement of defence referred to in rule 41B; and
  - (b) an approved form that may be used for making a response under rule 9.
- (3) The claim may, but need not, be lodged and served together with a statement of claim in accordance with rule 41A.
- (4) Unless these rules or an Act provides otherwise, a third party claim must be served personally.

”

**6. Rule 9 amended**

After rule 9(1) the following subrule is inserted —

“

- (1A) A response may, but need not, be lodged together with a statement of defence in accordance with rule 41B.

”

**7. Rules 10, 11 and 12 repealed**

Rules 10, 11 and 12 are repealed.

**8. Part 4 repealed**

Part 4 is repealed.

**9. Rule 20 amended**

Rule 20(b) is amended as follows:

- (a) by inserting after “lodged” —  
“ and served ”;
- (b) by deleting “rule 10(1).” and inserting instead —  
“ rule 41B. ”.

**10. Rule 21 amended**

Rule 21 is amended as follows:

- (a) by inserting after “claim” in each place where it occurs —  
“ , or the relevant part of the claim, ”;
- (b) by deleting “\$500” in both places where it occurs and inserting instead —  
“ \$1 000 ”.

**11. Rule 22 amended**

Rule 22(3) is amended by inserting after “lodged” —

“ and served ”.

**12. Rule 23 amended**

Rule 23 is amended by deleting “unless the claim is a consumer/trader claim”.

**13. Rules 24 and 25 replaced**

Rules 24 and 25 are repealed and the following rules are inserted instead —

“

**24. Registrar not to give judgment in certain cases**

- (1) A Registrar must not give default judgment under this Part against a party for a failure to lodge and serve a statement of defence if —
  - (a) the party has lodged an application under the Act section 17 to strike out the relevant statement of claim; and
  - (b) the application —
    - (i) has not been dealt with; or
    - (ii) has been granted; or

- (iii) has been dismissed, and the party has lodged a statement of defence within 14 days after the dismissal.
- (2) A Registrar must not give default judgment under this Part if one year or more has passed since the originating claim was served.

**25. Registrar to list application**

- (1) If the Registrar does not grant the application for default judgment, the Registrar must refer the matter to the Court.
- (2) The Court may determine the application in the absence of the parties or may list the application for a hearing.
- (3) If the Court lists the matter for hearing, the Court must notify the parties in writing at least 28 days before the hearing.

”

**14. Rule 27 replaced**

Rule 27 is repealed and the following rule is inserted instead —

“

**27. Party may admit fact**

If a party wants to admit a particular fact alleged in a claim made against the party, the case statement or in an invitation to admit under rule 28, the party must lodge and serve a notice of admission in the approved form.

”

**15. Rules 29A to 29C inserted**

After rule 28 the following rules are inserted —

“

**29A. Party may admit claim**

- (1) If in a response a party admits liability for the whole of the claim and agrees to pay the amount claimed, a Registrar may give judgment against the party in accordance with that admission.
- (2) When the Registrar gives judgment under this rule the Registrar may also make an order for costs.

**29B. Party may admit part of claim**

- (1) If in a response a party admits liability for part of a claim made against the party and indicates an intention to defend the balance of the claim, the party may offer

an amount as full satisfaction for the claim in the response.

- (2) A party may accept an offer under subrule (1) by lodging and serving a notice of acceptance in an approved form within 14 days after receiving the response.
- (3) If a party makes an offer under subrule (1) and the offer is accepted under subrule (2), the Registrar may give judgment against the party in accordance with the party's admission and offer.
- (4) When the Registrar gives judgment under this rule the Registrar may also make an order for costs.

**29C. Party may admit liability but dispute amount claimed**

- (1) If in a response a party admits liability for the whole of the claim for an unliquidated amount but does not agree to the relevant amount sought, the party may, in the response, apply to the Court to determine the amount that should be awarded for the claim.
- (2) If a party applies to the Court to determine the amount that should be awarded for the claim under subrule (1), the Registrar must list the case for a pre-trial conference and notify the parties in writing.

”.

**16. Rule 30 amended**

- (1) Rule 30(1) is amended as follows:
  - (a) by inserting before “the Court” in the first place where it occurs —
 

“ a Registrar or ”;
  - (b) by inserting before “the Court” in the second place where it occurs —
 

“ the Registrar or ”.
- (2) Rule 30(2) is amended by deleting “a Court order,” and inserting instead —
 

“ an order of a Registrar or the Court, ”.

**17. Rule 31 amended**

Rule 31(1) is amended by deleting “a Court order” and inserting instead —

“ an order of a Registrar or the Court ”.

**18. Rules 35 and 36 replaced**

Rules 35 and 36 are repealed and the following rules are inserted instead —

“

**35. Application for an order for answers to interrogatories**

- (1) An application for an order under the Act section 16(1)(n) that a party must provide additional information by answering interrogatories must contain or be accompanied by a list of interrogatories that comply with subrule (2).
- (2) An interrogatory must not seek information that —
  - (a) is irrelevant to the case; or
  - (b) is inadmissible in evidence under these rules or any other law; or
  - (c) cannot practicably be disclosed; or
  - (d) is sought so as to harass or annoy, or to cause delay; or
  - (e) is frivolous, vexatious, scandalous or improper; or
  - (f) is otherwise not genuinely required for the purposes of the case.

**36. Party must answer interrogatories when ordered**

When a Registrar or the Court orders a party to answer interrogatories, the party must lodge and serve an affidavit containing the answers within the period ordered by the Registrar or the Court.

”

**19. Rule 38 repealed**

Rule 38 is repealed.

**20. Rule 39 replaced**

Rule 39 is repealed and the following rule is inserted instead —

“

**39. Listing a pre-trial conference**

- (1) A claimant must request a Registrar to list the case for a pre-trial conference within 14 days after the claimant receives from the Court a copy of a response that indicates an intention to defend the claim.
- (2) When a Registrar receives the request the Registrar must list the case for a pre-trial conference and notify the parties in writing.

”

**21. Rule 40 amended**

Rule 40(2) is repealed and the following subrule is inserted instead —

“

- (2) The Registrar at a pre-trial conference may do any or all of the following —
- (a) determine what facts, if any, are agreed by the parties;
  - (b) order the parties to lodge and serve statements of claim and defence;
  - (c) exercise the jurisdiction of the Court under the Act section 16(1)(a) to extend the time for making counterclaims or third party claims (even if the time for making those claims has passed);
  - (d) exercise the jurisdiction of the Court under the Act section 16(1)(m) to allow a party to amend its case statement;
  - (e) exercise the jurisdiction of the Court under the Act section 16(1)(n) to order the parties —
    - (i) to provide additional information by disclosing documents relevant to the case in accordance with Part 7; and
    - (ii) to answer interrogatories in accordance with Part 8;
  - (f) make any other orders necessary to facilitate settlement or ensure the case is ready for trial.

”.

**22. Rules 41A to 41D inserted**

After rule 40 the following rules are inserted —

“

**41A. Statement of claim**

- (1) If the Registrar at the pre-trial conference orders a party to lodge and serve a statement of claim, the party must do so in accordance with this rule.
- (2) Unless the party has lodged and served its statement of claim with its claim it must lodge and serve the statement of claim —
- (a) if the claim is an originating claim, within 14 days after the pre-trial conference; and
  - (b) if the claim is a counterclaim or third party claim, within 14 days after the party has received a response that indicates an intention to defend the claim.

- (3) A statement of claim must be in the approved form.
- (4) The statement of claim must contain —
  - (a) a summary of the facts relevant to the claim; and
  - (b) the legal basis of the claim; and
  - (c) the basic contentions of the party; and
  - (d) the remedy or relief claimed; and
  - (e) if the amount of the claim has been reduced in order to bring the claim within the jurisdictional limit, a statement to that effect.
- (5) The party must, together with the statement of claim, lodge and serve a statutory declaration in accordance with subrule (6) or (7).
- (6) If the party is not represented by a lawyer, the statutory declaration must be made by the party and must state that —
  - (a) any allegations of fact in the statement of claim are true to the best of the party's belief; and
  - (b) the statement of claim is not frivolous, vexatious, scandalous or improper.
- (7) If the party is represented by a lawyer, the statutory declaration must be made by the party's lawyer and must state that —
  - (a) the party has instructed the lawyer that all of the allegations of fact in the statement of claim are true and correct; and
  - (b) all the arguments raised in the statement of claim are, in the opinion of the lawyer, reasonable; and
  - (c) in the opinion of the lawyer the statement of claim is not frivolous, vexatious, scandalous or improper.

**41B. Statement of defence**

- (1) If the Registrar at the pre-trial conference orders a party to lodge and serve a statement of defence, the party must do so in accordance with this rule.
- (2) Unless the party has lodged and served its statement of defence with its response the party must lodge and serve its statement of defence within 14 days after the party has been served with the relevant statement of claim.
- (3) A statement of defence must be in the approved form.

- (4) The statement of defence must contain —
  - (a) a summary of the facts relevant to the defence; and
  - (b) the legal basis of the defence; and
  - (c) the basic contentions of the party; and
  - (d) the details of anyone who the party alleges is liable for the claim and the grounds upon which the party so alleges.
- (5) The party must, together with the statement of defence, lodge a statutory declaration in accordance with subrule (6) or (7).
- (6) If the party is not represented by a lawyer, the statutory declaration must be made by the party and must state that —
  - (a) any allegations of fact in the statement of defence are true to the best of the party's belief; and
  - (b) the statement of defence is not frivolous, vexatious, scandalous or improper.
- (7) If the party is represented by a lawyer, the statutory declaration must be made by the party's lawyer and must state that —
  - (a) the party has instructed the lawyer that all of the allegations of fact in the statement of defence are true and correct; and
  - (b) all the arguments raised in the statement of defence are, in the opinion of the lawyer, reasonable; and
  - (c) in the opinion of the lawyer the statement of defence is not frivolous, vexatious, scandalous or improper.

**41C. Objection to counterclaim (s. 9(4))**

A claimant wanting to object under the Act section 9(4) to a counterclaim must lodge and serve the approved form.

**41D. Amending a case statement**

- (1) If a Registrar or the Court allows a party to amend its case statement, the party must, together with the amended case statement, lodge and serve a statutory declaration in accordance with subrule (2) or (3).

- (2) If the party is not represented by a lawyer, the statutory declaration must be made by the party and must state that —
- (a) any new or amended allegations of fact in the case statement are true to the best of the party's belief; and
  - (b) the case statement is not frivolous, vexatious, scandalous or improper.
- (3) If the party is represented by a lawyer, the statutory declaration must be made by the party's lawyer and must state that —
- (a) the party has instructed the lawyer that all of the allegations of fact in the amended case statement are true and correct; and
  - (b) all the arguments raised in the amended case statement are, in the opinion of the lawyer, reasonable; and
  - (c) in the opinion of the lawyer the amended case statement is not frivolous, vexatious, scandalous or improper.

”.

**23. Rule 41 amended**

- (1) Rule 41 is amended by deleting “Except as provided in subrule (2),” and inserting instead —
- “ Unless a Registrar or the Court orders otherwise, ”.
- (2) Rule 41(2) and (3) are repealed.

**24. Rule 42 amended**

Rule 42(b) is amended by inserting before “list the case” —

“ in accordance with rule 43A(4), ”.

**25. Rule 43A inserted**

After rule 42 the following rule is inserted —

“

**43A. Listing conference memoranda**

- (1) This rule applies except in the case of —
- (a) a claim to recover possession of real property; or
  - (b) an application under Part 21.
- (2) If the Registrar at a pre-trial conference is of the opinion that it is unlikely that the case will be settled, the Registrar must order each party to lodge a listing conference memorandum in accordance with subrule (3) by the day specified in the order.

- (3) The listing conference memorandum must be in the approved form and must —
- (a) include a concise statement of the issues of fact and law that the party contends will need to be determined at the trial; and
  - (b) state how each allegation of fact will be proved; and
  - (c) state the name, address, occupation and qualification of each witness the party will call to give oral evidence at the trial; and
  - (d) unless the Registrar or the Court orders otherwise, annex a statement in the approved form of the intended evidence of each witness who is not an expert witness.
- (4) When all the parties have complied with the order the Registrar must —
- (a) give a copy of each party's listing conference memorandum to the other parties; and
  - (b) list the case for a listing conference.
- (5) If a party does not comply with the order, the Registrar may, after giving 10 days notice to the party, give default judgment against the party, and in that case Part 5, except rule 24, with any necessary modifications, applies in relation to the default judgment.

”.

**26. Rule 44 repealed**

Rule 44 is repealed.

**27. Rule 56 amended**

Rule 56 is amended by deleting “disability may be dealt with in the absence of the respondent to the application.” and inserting instead —

“

disability —

- (a) is not required to be served on any other party; and
- (b) may be dealt with in the absence of the parties.

”.

**28. Rule 72 amended**

- (1) Rule 72(1) is amended by deleting “directions” and inserting instead —

“ orders ”.

- (2) Rule 72(2) is amended by deleting “directs” and inserting instead —  
“ orders ”.
- 29. Rule 73 amended**  
Rule 73 is amended by deleting “or directions”.
- 30. Rule 79 amended**  
Rule 79 is amended as follows:  
(a) by deleting “judgment” and inserting instead —  
“ an order ”;  
(b) by inserting after “or 19(3)” —  
“ to set aside a judgment ”.
- 31. Rule 82 amended**  
After rule 82(3) the following subrule is inserted —  
“  
(4) However nothing in subrule (3) requires the Registrar to allow costs claimed in relation to the item if the Registrar considers it is inappropriate to do so.  
”.
- 32. Rule 96 amended**  
Rule 96(3) is amended by inserting after “*Restraining Orders Act 1997*” —  
“ for a restraining order as defined in section 3 of that Act ”.
- 33. Rule 102 amended**  
(1) Rule 102(1) is amended by deleting “, business or postal” and inserting instead —  
“ or business ”.  
(2) After rule 102(1) the following subrule is inserted —  
“  
(1A) The address for service specified on the document is to be taken to be the party’s address for service under this Division until —  
(a) if the document specified the address of a lawyer under subrule (5), the lawyer lodges a notice in the approved form —  
(i) stating that the lawyer no longer acts for the party; and  
(ii) specifying the party’s address for service under subrule (2), (3) or (4), as the case requires, or any new address for

service under subrule (5) that is known to the lawyer;

or

- (b) a notice of change of address is lodged under subrule (6).

”.

- (3) Rule 102(2) is amended by deleting “, principal place of business or postal” and inserting instead —

“ or principal place of business ”.

- (4) Rule 102(3) is amended by deleting “or postal address”.

- (5) Rule 102(4) is amended by deleting “, principal place of business or postal address” and inserting instead —

“ or principal place of business ”.

- (6) Rule 102(5) is amended by deleting “, the lawyer’s postal address”.

### 34. Rule 107 replaced

Rule 107 is repealed and the following rule is inserted instead —

“

#### 107. Service on a corporation personally

- (1) In order to serve a document on a corporation personally a person must hand the document to —

- (a) a person who, on reasonable grounds, is believed to be a director of the corporation who resides in Australia; or  
 (b) a lawyer who is acting for the corporation.

- (2) This rule applies in addition to the *Corporations Act 2001* of the Commonwealth.

”.

### 35. Part 17 Division 3 inserted

After rule 108 the following Division is inserted in Part 17 —

“

#### Division 3 — Miscellaneous

##### 109A. Substituted service

- (1) If a party cannot serve a document on another party in accordance with Divisions 1 and 2, the party may apply to the court to make an order under the Act section 16(1)(t) that —

- (a) the party may be served by a substituted form of service; or

- (b) if it is appropriate in the circumstances, the requirement for service be dispensed with altogether.
- (2) The application —
  - (a) is not required to be served on any other party; and
  - (b) may be dealt with in the absence of the parties.

”

**36. Rule 111 amended**

Rule 111(2) is repealed and the following subrule is inserted instead —

“

- (2) Subrule (1) does not apply —
  - (a) in relation to an application for default judgment —
    - (i) for a failure to lodge a response in accordance with rule 9(1); or
    - (ii) for a failure to lodge a statement of defence in accordance with rule 10(1); or
    - (iii) if these rules state that the default judgment may be given in the absence of the parties;
  - (b) in relation to any other application, if —
    - (i) if these rules provide otherwise; or
    - (ii) if the Court dealing with the application orders otherwise.

”

**37. Rule 113 amended**

- (1) Rule 113(1) is amended by deleting the subrule designation “(1)”.
- (2) Rules 113(2) and (3) are repealed.

**38. Rule 115 amended**

Rule 115(2) is repealed and the following subrule is inserted instead —

“

- (2) An affidavit may contain statements based on information received by the person making the affidavit, and believed by that person to be true, if the affidavit also contains the sources or grounds of that information or belief.

”

**39. Rule 124 amended**

- (1) Rule 124(aa) and (ab) are renumbered as paragraphs (ba) and (bb) respectively.
- (2) After rule 124(e) the following is inserted —

“

(fa) the *Residential Tenancies Act 1987*; or

”.

**40. Rules 128A to 128C renumbered**

Rules 128A, 128B and 128C are renumbered as rules 129A, 129B and 129C respectively.

**41. Rule 131A inserted**

After rule 130 the following rule is inserted —

“

**131A. *Residential Tenancies Act 1987***

The Court must give notice of the nature of an application under the *Residential Tenancies Act 1987* by giving a copy of the application to every other party after it has been lodged.

”.

**42. Rule 132 amended**

Rule 132(1)(a) is amended by deleting “or 20(3)” and inserting instead —

“ 20(3) or 22(1) ”.

**43. Rules 133A and 133B inserted**

Before rule 133 the following rules are inserted into Part 22 —

“

**133A. Changing venue**

- (1) When an application is made under the Act section 22 —
  - (a) the applicant is not required to serve the application on any other party; and
  - (b) the Registrar must instead provide a copy of the application to every other party.
- (2) Unless the Court orders otherwise, the application may be dealt with in the absence of the parties.

**133B. Corrections to typographical and other errors**

- (1) If a party makes an application to correct a typographical error or other defect, a Registrar may order that the party may make the correction.

- (2) An application for an order under subrule (1) —
- (a) is not required to be served on any other party;  
and
  - (b) may be dealt with in the absence of the parties.

”.

**44. Rule 134 amended**

- (1) Rule 134 is amended by inserting before “A” the subrule designation “(1)”.
- (2) At the end of rule 134 the following subrule is inserted —

“

- (2) A person may make a claim, and conduct a case,  
against a partnership in the partnership’s name, if any.

”.

Dated: 28 May 2008.

STEVEN HEATH, Chief Magistrate.

E. WOODS, Deputy Chief Magistrate.

R. BAYLY, Magistrate.

M. BOON, Magistrate.

JU302\*

Magistrates Court Act 2004

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**Magistrates Court (Minor Cases Procedure)  
Amendment Rules 2008**

Made by Magistrates Court.

**1. Citation**

These rules are the *Magistrates Court (Minor Cases Procedure) Amendment Rules 2008*.

**2. Commencement**

These rules come into operation as follows:

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on 1 September 2008.

**3. The rules amended**

The amendments in these rules are to the *Magistrates Court (Minor Cases Procedure) Rules 2005*.

**4. Rule 4 amended**

Rule 4 is amended by inserting in the appropriate alphabetical position —

“

“**the Act**” means the *Magistrates Court (Civil Proceedings) Act 2004*;

”

**5. Rule 5A renumbered**

Rule 5A is renumbered as rule 6A.

**6. Rules 7 and 8 replaced**

Rules 7 and 8 are repealed and the following rules are inserted instead —

“

**7. How to make a claim that starts a case**

- (1) If you want to make a claim that starts a case you must lodge the approved form.
- (2) Your claim may, but need not, be lodged and served together with a statement of claim in accordance with rule 25A.
- (3) You must serve your claim as soon as practicable, and in any event within one year, after the day on which you lodge it.
- (4) Unless these rules or an Act says otherwise, your claim must be served personally on the party you are claiming against.

**8. How to make a counterclaim or third party claim**

- (1) If you want to make a counterclaim or third party claim you must lodge the approved form.
- (2) You must lodge your claim together with your statement of defence referred to in rule 25B.
- (3) Your claim may, but need not, be lodged and served together with a statement of claim in accordance with rule 25A.

- (4) Unless these rules or an Act says otherwise, if your claim is a third party claim it must be served personally on the party you are claiming against.

”

**7. Rule 9 amended**

- (1) Rule 9(2) is amended as follows:
- (a) by inserting after “lodged” —  
“ and served ”;
  - (b) by deleting “rule 10.” and inserting instead —  
“ rule 25B. ”.
- (2) Rule 9(4) is repealed.

**8. Rules 10A, 10B and 10C inserted**

After rule 9 the following rules are inserted —

“

**10A. If you admit a claim**

If in a response you admit liability for the whole of the claim and agree to pay the amount claimed, a Registrar may give judgment against you in accordance with that admission.

**10B. If you admit part of a claim**

- (1) If in a response you admit liability for part of a claim made against you but indicate that you want to defend the rest of the claim, you may offer an amount as full satisfaction for the claim in your response.
- (2) The other party may accept your offer by lodging and serving a notice of acceptance in an approved form within 14 days after receiving your response.
- (3) If your offer is accepted, the Registrar may give judgment against you in accordance with your admission and offer.

**10C. You may admit liability but dispute the amount claimed**

- (1) If in a response —
  - (a) you admit liability for the whole of an unliquidated claim; but
  - (b) you do not agree to the amount sought by the other party,

you may, in your response, apply to the Court to determine the amount that should be awarded for the claim.

- (2) The Registrar must then list the case for a pre-trial conference and notify you and the other parties in writing.

”

**9. Rule 10 replaced**

Rule 10 is repealed and the following rule is inserted instead —

“

**10. How to accept an offer of settlement**

- (1) If you have made a claim against a party and that party has, in its response, offered to settle the whole or part of your claim, you may accept that offer, or any part of the offer, by lodging and serving a notice of acceptance on the party at any time before the case is listed for pre-trial conference.
- (2) The notice of acceptance must be in the approved form.

”

**10. Rule 13A inserted**

After rule 12 the following rule is inserted —

“

**13A. If someone has made a consumer/trader claim against you**

If someone has made a consumer/trader claim against you and you want to make —

- (a) a counterclaim against that person; or  
(b) a third party claim against another person,

you must lodge it in the approved form within 14 days after you have received a copy of the claim made against you.

”

**11. Rule 13 replaced**

Rule 13 is repealed and the following rule is inserted instead —

“

**13. Registrar to list case for listing conference**

- (1) A Registrar must, as soon as possible after a consumer/trader claim is made and the time for making any related counterclaim or third party claim has passed, list the case for a listing conference.
- (2) The Registrar must notify you and the other parties in writing of the listing conference.

”

**12. Rule 16 amended**

Rule 16(b) is amended as follows:

- (a) by inserting after “lodge” —  
“ and serve ”;
- (b) by deleting “rule 10(1).” and inserting instead —  
“ rule 25B. ”.

**13. Rule 17 amended**

Rule 17 is amended as follows:

- (a) by inserting after “claim” —  
“ , or the relevant part of the claim, ”;
- (b) by deleting “\$500” in both places where it occurs and inserting instead —  
“ \$1 000 ”.

**14. Rule 18 amended**

- (1) Rule 18(1) is amended by inserting after “claim” —  
“ , or the relevant part of the claim, ”.
- (2) Rule 18(3) is amended by inserting after “lodged” —  
“ and served ”.

**15. Rules 21 and 22 replaced**

Rules 21 and 22 are repealed and the following rules are inserted instead —

“

**21. Registrar not to give judgment in certain cases**

- (1) A Registrar must not give default judgment against you under this Part for a failure to lodge and serve a statement of defence if —
  - (a) you have lodged an application under the Act section 17 to strike out the relevant statement of claim; and
  - (b) your application —
    - (i) has not been dealt with; or
    - (ii) has been granted; or
    - (iii) has been dismissed, but you have lodged a statement of defence within 14 days after the dismissal.
- (2) A Registrar must not give default judgment against you under this Part if one year or more has passed since the claim that started the case was served.

**22. Registrar to list application**

- (1) If the Registrar does not grant the application for default judgment, the Registrar must refer the matter to the Court.
- (2) The Court may determine the application in the absence of the parties or may list the application for a hearing in which case the Court must notify you and the other parties in writing of that hearing at least 28 days before the hearing.

”

**16. Rule 22A renumbered**

Rule 22A is renumbered as rule 23A.

**17. Rule 23 replaced**

Rule 23 is repealed and the following rule is inserted instead —

“

**23. Listing a pre-trial conference**

- (1) A Registrar must list a case for a pre-trial conference within 14 days after the defendant in your case lodges a response that indicates an intention to defend the claim.
- (2) The Registrar must notify you and the other parties in writing of the pre-trial conference.

”

**18. Rule 24 amended**

Rule 24(3) is repealed and the following subrule is inserted instead —

“

- (3) Specifically, the Registrar may do any or all of the following —
  - (a) determine what facts, if any, are agreed by the parties;
  - (b) order the parties to —
    - (i) lodge and serve statements of claim and defence; and
    - (ii) lodge and serve lists of documents the parties might tender in evidence at the trial in support of their claims or defences; and
    - (iii) exchange any other documents or information;
  - (c) extend the time for making counterclaims or third party claims (even if the time for making those claims has passed);

- (d) recommend to the Court that it order you and the other parties to attend before a mediator;
- (e) list the case for a further pre-trial conference;
- (f) make any other orders necessary to facilitate settlement or ensure the case is ready for trial.

”

**19. Rules 25A, 25B and 25C inserted**

After rule 24 the following rules are inserted —

“

**25A. Lodging a statement of your claim**

- (1) If the Registrar at the pre-trial conference orders you to lodge and serve a statement of claim, you must do so in accordance with this rule.
- (2) Unless you lodged and served your statement of claim with your claim you must lodge and serve your statement of claim —
  - (a) if your claim is not a counterclaim or third party claim, within 14 days after the pre-trial conference; and
  - (b) if your claim is a counterclaim or third party claim, within 14 days after you have received a response that indicates an intention to defend the claim.
- (3) Your statement of claim must be in an approved form.
- (4) Your statement of claim must contain —
  - (a) a summary of the facts relevant to your claim; and
  - (b) what remedy or relief you want.

**25B. Lodging a statement of your defence**

- (1) If the Registrar at the pre-trial conference orders you to lodge and serve a statement of defence, you must do so in accordance with this rule.
- (2) Unless you lodged and served your statement of defence with your response you must lodge and serve your statement of defence within 14 days after you are served with the relevant statement of claim.
- (3) Your statement of defence must be in the approved form.
- (4) Your statement of defence must contain —
  - (a) a summary of the facts relevant to your defence; and

- (b) the details of anyone who you allege is liable for the claim and the grounds upon which you base that allegation.

**25C. List of documents you might tender at trial**

- (1) If the Registrar at the pre-trial conference orders you to lodge and serve a list of any documents that you might tender in evidence at the trial in support of your claim or defence, you must do so in the approved form.
- (2) You may, at any stage of your case, lodge and serve an amended list of those documents to correct any errors.
- (3) You must lodge and serve an amended list of those documents as soon as practicable after you come into possession, or become aware that you are in possession, of any further documents that you might tender in evidence at the trial in support of your claim or defence.
- (4) You must have all the documents specified on your list available at the trial.
- (5) At the trial you cannot, without the leave of the Court, tender into evidence a document that was not on your list before the trial commenced.

”.

**20. Rule 36 amended**

Rule 36(1) is amended by deleting “that application may be dealt with in the absence of the respondent to the application.” and inserting instead —

“

that application —

- (a) is not required to be served on any other party; and
- (b) may be dealt with in the absence of the parties.

”.

**21. Rule 37 amended**

Rule 37 is amended by deleting “directions” and inserting instead —

“ orders ”.

**22. Rule 54 amended**

- (1) Rule 54 is amended as follows:
  - (a) by inserting before “If” the subrule designation “(1)”; and
  - (b) by deleting “, business or postal” and inserting instead —
 

“ or business ”.

- (2) At the end of rule 54 the following subrule is inserted —

“

- (2) The address for service specified on the document is to be taken to be your address for service under this Division until —
- (a) if your document specifies the address of an agent under rule 56 — your agent lodges a notice in the approved form stating that he or she no longer acts for you; or
- (b) you lodge a notice of change of address under rule 57.

”.

**23. Rule 55 amended**

- (1) Rule 55(1) is amended by deleting “, principal place of business or postal address.” and inserting instead —

“ or principal place of business. ”.

- (2) Rule 55(2) is amended by deleting “or postal address”.

- (3) Rule 55(3) is amended by deleting “, principal place of business or postal address.” and inserting instead —

“ or principal place of business. ”.

**24. Rule 56 amended**

- (1) Rule 56(1) is amended by deleting “, your lawyer’s postal address,”.

- (2) Rule 56(2) is amended by deleting “, principal place of business or postal address.” and inserting instead —

“ or principal place of business. ”.

**25. Rule 60 replaced**

Rule 60 is repealed and the following rule is inserted instead —

“

**60. Service on a corporation personally**

- (1) In order to serve a document on a corporation personally you must hand the document to —

(a) a person who, on reasonable grounds, is believed to be a director of the corporation who resides in Australia; or

(b) a lawyer who is acting for the corporation.

- (2) This rule applies in addition to the *Corporations Act 2001* of the Commonwealth.

”.

**26. Part 11 Division 4 inserted**

After rule 61 the following Division is inserted in Part 11 —

“

**Division 4 — Miscellaneous****62A. Applications for substituted service**

- (1) If you cannot serve a document on another party in accordance with Divisions 1 to 3, you may apply to the Court to make an order under the Act section 16(1)(t) that —
  - (a) you may serve the party by a substituted form of service; or
  - (b) if it is appropriate in the circumstances, you do not have to serve the party.
- (2) The application —
  - (a) is not required to be served on any other party; and
  - (b) may be dealt with in the absence of the parties.

”.

**27. Rule 64 amended**

Rule 64(2) is repealed and the following subrule is inserted instead —

“

- (2) Subrule (1) does not apply to your application if —
  - (a) your application is for default judgment against another part —
    - (i) for a failure by the other party to lodge a response in accordance with rule 9(1); or
    - (ii) for a failure by the other party to lodge a statement of defence in accordance with rule 10(1); or
    - (iii) for a failure by the other party to do something else, and these rules state that the default judgment may be given in the absence of the parties;
  - (b) your application is for something else and —
    - (i) these rules provide that your application does not need to be served; or
    - (ii) the Court dealing with your application does not need to be served.

”.

**28. Rule 66 amended**

- (1) Rule 66(1) is amended by deleting the subrule designation “(1)”.
- (2) Rule 66(2) and (3) are repealed.

**29. Rule 68 amended**

Rule 68(2) is repealed and the following subrule is inserted instead —

“

- (2) An affidavit may contain statements based on information received by the person making the affidavit, and believed by that person to be true, if the affidavit also contains the sources or grounds of that information or belief.

”

**30. Rules 76A, 76B and 76C inserted**

Before rule 76 the following rules are inserted into Part 15 —

“

**76A. If you are making an application under the *Residential Tenancies Act 1987***

- (1) If you are making an application under the *Residential Tenancies Act 1987* you do not have to serve it.
- (2) Instead, the Court must give a copy of your application to every other party after you have lodged it.

**76B. If you want to change venues**

- (1) If you make an application for the proceedings in your case to be conducted at another place in the State —
  - (a) you are not required to serve the application on any other party; and
  - (b) the Registrar must instead provide a copy of your application to every other party.
- (2) Unless the Court orders otherwise, your application may be dealt with in the absence of the parties.

**76C. If you want to correct typographical and other errors**

- (1) If you make an application to correct a typographical error or other defect, a Registrar may make an order allowing you may make that correction.
- (2) Your application —
  - (a) does not have to be served on any other party; and
  - (b) may be dealt with in the absence of the parties.

”

**31. Rule 78 amended**

- (1) Rule 78 is amended by inserting before “If” the subrule designation “(1)”.
- (2) At the end of rule 78 the following subrule is inserted —  
“
  - (2) You may make a claim, and conduct a case, against a partnership in the partnership’s name, if any.”.

Dated: 28 May 2008.

STEVEN HEATH, Chief Magistrate.

E. WOODS, Deputy Chief Magistrate.

R. BAYLY, Magistrate.

M. BOON, Magistrate.

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## LOCAL GOVERNMENT

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LG301\*

### LOCAL GOVERNMENT ACT 1995

*Shire of Donnybrook-Balingup*

#### PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2008

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Donnybrook-Balingup resolved on 28 May 2008 to make the following local law.

#### 1. Citation

This local law may be cited as the *Shire of Donnybrook-Balingup Parking and Parking Facilities Amendment Local Law 2008*.

#### 2. Principal local law

In this local law, the *Shire of Donnybrook-Balingup Parking and Parking Facilities Local Law* published in the *Government Gazette* (Special) No. 215 of 17 October 2000 is referred to as the principal local law. The principal local law is amended as follows.

#### 3. Clause 1.3 amended

Clause 1.3 is amended as follows—

- 3.1 In the definition for “Code” delete the word “1975” and replace with the word “2000”.
- 3.2 Delete the “footpath” definition and insert in the appropriate alphabetical order, the following definition—  
“pathway” includes every pathway, pedestrian access way or other place—
  - (a) intended for the use of pedestrians only, or in the case of a dual use path, for the use of pedestrians and bicyclists only; or
  - (b) habitually used by pedestrians and not by vehicles or, in the case of a dual use path, by pedestrians and bicyclists and not by vehicles other than bicyclists; “.

**4. Part 1 amended**

Part 1 is amended by inserting, after Clause 1.6, the following—

**“1.7 Powers of council**

The council may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.”

**5. Clause 3.7 amended**

Clause 3.7 is amended as follows—

- 5.1 In subclause (2) paragraph (e) delete “9 metres” and insert instead “10 metres”.
- 5.2 In subclause (2) paragraph (l) delete “6 metres” and insert instead “10 metres”.
- 5.3 In subclause (3) delete “9 metres” and insert instead “10 metres”.
- 5.4 In subclause (4) delete “18 metres” and insert instead “20 metres”.

**6. Second Schedule amended**

Second Schedule is deleted and substituted with the following—

“

***Second Schedule*****Parking and Parking Facilities Local Law****PRESCRIBED OFFENCES**

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.4 (1) (a)	Causing obstruction in parking station	50
2	2.4 (1) (b)	Parking contrary to sign in parking station	50
3	2.4 (1) (c)	Parking contrary to directions of Authorized Person	50
4	3.2 (1) (a)	Parking wrong class of vehicle	40
5	3.2 (1) (b)	Parking by persons of a different class	45
6	3.2 (1) (c)	Parking during prohibited period	45
7	3.2 (2) (a)	Parking in no parking area	50
8	3.2 (2) (b)	Parking contrary to signs or limitations	40
9	3.2 (2) (c)	Parking vehicle in motor cycle only area	40
10	3.2(3)	Parking motor cycle in stall not marked “M/C”	40
11	3.2 (5) (a)	Parking in Loading Zone	40
12	3.3 (a)	Fail to park on the left of two-way carriageway	40
13	3.3 (b)	Fail to park on boundary of one-way carriageway	40
14	3.3 (a)+(b)	Parking against the flow of traffic	45
15	3.3 (c)	Parking when distance from farther boundary less than 3 metres	45
16	3.3 (e)	Causing obstruction	50
17	3.7 (2) (a)	Double parking	45
18	3.7 (2) (c)	Denying access to private drive or right of way	45
19	3.7 (2) (d)	Parking beside excavation or obstruction so as to obstruct traffic	50
20	3.7 (2) (e)	Parking within 9 metres of traffic island	45
21	3.7 (2) (f)	Parking on pathway/pedestrian crossing	50
22	3.7 (2) (g)	Parking on bridge or in tunnel	45
23	3.7 (2) (i)	Parking on intersection	45
24	3.7 (2) (l)	Parking within 6 metres of intersection	45
25	3.7 (3) (a)	Parking vehicle within 9 metres of departure side of bus stop	50
26	3.7 (4) (a)	Parking vehicle within 18 metres of approach side of bus stop	50
27	3.7 (4) (b)	Parking vehicle within 18 metres of approach side of pedestrian/children’s crossing	50

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
28	3.8 (1) (b)	Parking commercial vehicle, bus or caravan on verge	40
29	3.8 (1) (c)	Parking on verge contrary to sign	40
30	3.9	Parking vehicle with tare of over 2000kgs for over 2 hours	55
31	3.10	Parking over length vehicle in excess of 2 hours	55
32	3.11	Parking contrary to direction of Authorized Person	50
33	3.14 (c)	Parking a trailer/caravan on a thoroughfare	40
34	3.15 (2)	Parking on land that is not a parking facility without consent	55
35	3.15 (3)	Parking on land not in accordance with consent	40
36	3.16	Driving or parking on reserve	40
37	4.6 (1)	Leaving vehicle so as to obstruct a public place	50
38		All other offences not specified	35

### 7. Name of local government

Delete the words "Shire of Donnybrook/Balingup" where it appears throughout the local law and substitute with the words "Shire of Donnybrook-Balingup".

Dated: 28 May 2008.

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

S. B. DILLEY, Shire President.  
J. R. ATTWOOD, Chief Executive Officer.

### LG302\*

**DOG ACT 1976**  
**LOCAL GOVERNMENT ACT 1995**  
*Shire of Donnybrook-Balingup*  
**DOGS AMENDMENT LOCAL LAW 2008**

Under the powers conferred by the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Donnybrook-Balingup resolved on 28 May 2008 to make the following local law.

#### 1. Citation

This local law may be cited as the *Shire of Donnybrook-Balingup Dogs Amendment Local Law 2008*.

#### 2. Principal local law

In this local law, the *Shire of Donnybrook-Balingup Dogs Local Law* published in the *Government Gazette* (Special) No. 215 of 17 October 2000 is referred to as the principal local law. The principal local law is amended as follows.

#### 3. Clause 5.1 amended

Clause 5.1(1) is amended by inserting the words " , subject to section 8 of the Act and section 66J of the *Equal Opportunity Act 1984*," between the words "absolutely" and "from", and by inserting after paragraph (d) the following paragraph—

"(e) within any fenced area set aside as a children's playground."

#### 4. Clause 5.2 amended

4.1 Clause 5.2(1)(a) is amended by deleting the words "Reserve 30546 Bentley Street, Donnybrook" and substituting with the words "Location 5817, Marmion Street, Donnybrook, Lot 521 Curran Street, Donnybrook and the portion of Reserve 34972 on the eastern side of the Preston River, bounded to the north by the suspension bridge and to the south by the gabion rock bridge; and" .

4.2 Clause 5.2(1)(b) is amended by deleting the words "Railway Reserve Forrest Street, Balingup between public toilets and Balingup Bushfire Brigade Station" and substituting with the words "Lot 13551 Balinga Drive, Balingup." .

**5. Name of local government**

Delete the words "Shire of Donnybrook/Balingup" where it appears throughout the local law and substitute with the words "Shire of Donnybrook-Balingup".

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Dated: 28 May 2008.

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

S. B. DILLEY, Shire President.  
J. R. ATTWOOD, Chief Executive Officer.

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**LG303\*****BUSH FIRES ACT 1954**

*Shire of Williams*

**FIREBREAKS AMENDMENT LOCAL LAW 2008**

Under the powers conferred by the *Bush Fires Act 1954* and under all other powers enabling it, the Council of the Shire of Williams resolved on 21 May 2008 to make the following local law.

**1. Citation**

This local law may be cited as the *Shire of Williams Firebreaks Amendment Local Law 2008*.

**2. Principal local law**

In this local law the *Shire of Williams Firebreaks Local Law 2007* published in the *Government Gazette* No 141 of 6 July 2007 is referred to as the principal local law. The principal local law is amended as follows.

**3. Clause 6 amended**

- (a) Clause 6(1) is deleted.
  - (b) Clause 6(2) is amended by deleting "450" and inserting "750" instead.
  - (c) Clause 6(4) is deleted.
  - (d) Subclause designation "(2)" is re-designated "(1)" and subclause designation "(3)" is re-designated "(2)".
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Dated: 26 May 2008.

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

JOHN EDWARD STANYFORD COWCHER, President.  
VINCENZO EPIRO, Chief Executive Officer.

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**LG304\*****LOCAL GOVERNMENT ACT 1995**

*City of Armadale*

**SIGNS AMENDMENT LOCAL LAW 2008**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Armadale resolved on 28 April 2008 to make the following local law.

**1. Citation**

This local law may be cited as the *City of Armadale Signs Amendment Local Law 2008*.

**2. Principal local laws**

In this local law, the *City of Armadale Signs Local Laws 2007* published in the *Government Gazette* No. 126 of 19 June 2007 are referred to as the principal local laws. The principal local laws are amended as follows.

**3. Clause 6 amended**

Clause 6 of the principal local laws is amended by deleting the definitions of “approval” and “Scheme” and inserting instead the following definitions in the appropriate alphabetical order—

“ **“approval”** means an approval issued under the Scheme or the Armadale Redevelopment Scheme or an exempt sign under Clause 7; “

and

“ **“Scheme”** means an operative planning scheme prepared under the *Town Planning and Development Act 1928* or the *Planning and Development Act 2005* or a redevelopment scheme prepared under the *Armadale Redevelopment Act 2001* with jurisdiction over land within the local government district of the City of Armadale; “. ”

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Dated: 30 May 2008.

The Common Seal of the City of Armadale was affixed by authority of a resolution of the Council in the presence of—

JEFF MUNN, A/Mayor.  
TONY MAXWELL, A/Chief Executive Officer.

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## — PART 2 —

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### CONSUMER AND EMPLOYMENT PROTECTION

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CE401\*

**ASSOCIATIONS INCORPORATION ACT 1987**

## RE-INSTATEMENT OF ASSOCIATION

Riverside Riding Club

Notice is hereby given that the incorporation of the above-named association has been re-instated pursuant to Section 35(4) of the *Associations Incorporation Act 1987*.

Dated: 23 May 2008.

ROBERT ALLEN, A/Director, Business Services  
for Commissioner for Consumer Protection.

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### ENVIRONMENT

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EV401\*

**WASTE AVOIDANCE AND RESOURCES RECOVERY ACT 2007**

## WASTE SMART WA

Pursuant to the *Waste Avoidance and Resource Recovery Act 2007*, Part 2 Section 10 (1) and (2), in addition to its statutory name, the Waste Authority will also be known as, and will operate under the name of, Waste Smart WA.

Hon DAVID TEMPLEMAN MLA, Minister for the Environment;  
Climate Change.

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### JUSTICE

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JU401\*

**COURT SECURITY AND CUSTODIAL SERVICES ACT 1999**

## PERMIT DETAILS

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

Surname	First Name(s)	Permit Number	Date Permit Revoked
Evans	Angela Michelle	CS8-117	29 May 2008

These notices are published under section 57(1) of the *Court Security and Custodial Services Act 1999*.

BRIAN LAWRENCE, CSCS Contract Manager.

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## LOCAL GOVERNMENT

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LG401\*

## CITY OF KALGOORLIE-BOULDER

## Appointment

The City of Kalgoorlie-Boulder wishes to advise for public information the appointment of John Charles Taylor as an authorised officer to operate within the City of Kalgoorlie-Boulder to enforce the following Acts, Regulations and Local Laws effective immediately—

City of Kalgoorlie-Boulder Parking and Parking Facilities Local Laws  
Litter Act 1976

DON BURNETT, Chief Executive Officer.

LG402\*

## CITY OF KALGOORLIE-BOULDER

## Appointment

The City of Kalgoorlie-Boulder wishes to advise for public information the appointment of Sharon Lillian Puddephatt as an authorised officer to operate within the City of Kalgoorlie-Boulder to enforce the following Acts, Regulations and Local Laws effective immediately—

Local Government Act 1995  
Local Government (Miscellaneous Provisions ) Act 1960  
Dog Act 1976  
Litter Act 1976  
Bush Fires Act 1954 and Regulations  
Bush Fires (Infringements) Regulations 1978  
Control of Off Road Vehicles (Off Road Areas) Act 1978 and Regulations  
Caravan Parks and Camping Grounds Act and Regulations 1997  
City of Kalgoorlie-Boulder Local Laws

DON BURNETT, Chief Executive Officer.

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## PARLIAMENT

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PA401\*

## PARLIAMENT OF WESTERN AUSTRALIA

## Royal Assent to Bills

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

<b>Title of Act</b>	<b>Date of Assent</b>	<b>Act No.</b>
Legal Profession Act 2008	27 May 2008	21 of 2008
Medical Practitioners Act 2008	27 May 2008	22 of 2008

MALCOLM PEACOCK, Clerk of the Parliaments.

28 May 2008.

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## PLANNING AND INFRASTRUCTURE

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PI401\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*City of Gosnells*

Town Planning Scheme No. 6—Amendment No. 50

Ref: 853/2/25/8 Pt 50

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the City of

Gosnells local planning scheme amendment on 5 May 2008 for the purpose of zoning those portions of Lots 4, 105, 51, Pt 4, Pt 7, 10 and 522 Albany Highway and a portion of Lot 2750 Astley Street, Gosnells that are presently unzoned under the Scheme to “District Centre” and extending the Gosnells Town Centre Special Control Area to coincide with the new “District Centre” zoning over those lots.

O. SEARLE, Mayor.  
D. SIMMS, Chief Executive Officer.

PI402\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*City of Gosnells*  
Town Planning Scheme No. 6—Amendment No. 65

Ref: 853/2/25/8 Pt 65

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the City of Gosnells local planning scheme amendment on 29 April 2008 for the purpose of—

1. Amending the Scheme Map to extend the existing Gosnells Town Centre Special Control Area so as to include Lots 1 (No 43), 1 (No 69), 2, 7, 15, 69, 190, 192-194, 196-202, 205, 206, 210-215, 300, 1025, 1026 and 1283 Wheatley Street, Gosnells and Lots 1, 3, 4, 6, 46, 47, 55, 56, 98, 99, 101, 102, 103, 1356, 1993, 4137 and 4211-4214 Albany Highway, Gosnells, as depicted on the Scheme Amendment Map.
2. Amending the Scheme Text by—
  - (i) in clause 5.8.4(c) deleting the words “Gosnells Town Centre Revitalisation Urban Design Guidelines” and replacing them with the words—  
“Gosnells Town Centre Development Policy”
  - (ii) in clause 6.2.1(a) deleting the words “Gosnells Town Centre Urban Design Guidelines (adopted in Minute OCM 21.12.1999 1121)” and replacing them with the words—  
“Gosnells Town Centre Development Policy”
  - (iii) inserting a new clause 4.3.3 into the Scheme that reads as follows—  
“Where in the Zoning Table the permissibility of a use class in a particular zone is nominated by the symbol “X/D” or “A/D”, the discretionary (“D”) classification shall only apply to the development of land within the Gosnells Town Centre Special Control Area where such development incorporates one or more residential dwellings.”
  - (iv) renumbering existing clause 4.3.3 as clause 4.3.4.
  - (v) changing Table 1: Zoning Table to show the following permissibility of Use Classes corresponding to the Residential, Local Centre and Office zones—

	USE CLASS	ZONES		
		Residential	Local Centre	Office
13.	Child Care Premises	A/D		
19.	Consulting Rooms	A/D		
22.	Educational Establishment	A/D		
23.	Exhibition Centre	X/D		
45.	Lunch Bar	X/D		
47.	Medical Centre	A/D		
54.	Office	A/D		
59.	Restaurant	X/D		
63.	Shop	X/D		X/D
64.	Showroom	X/D	X/D	X/D
71.	Veterinary Centre	A/D		

P. M. MORRIS, Mayor.  
A. BOURNE, Acting Chief Executive Officer.

**PI403\***

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*City of Gosnells*

Town Planning Scheme No. 6—Amendment No. 68

Ref: 853/2/25/8 Pt 68

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the City of Gosnells local planning scheme amendment on 29 April 2008 for the purpose of—

1. Rezoning 10 (Lot 72) Alloa Road, Maddington, on the Scheme Map from “Local Open Space” to “Special Use”.
2. Inserting the following in Schedule 4—Special Use Zones of Town Planning Scheme No. 6—

No.	Description of Land	Special Use	Conditions
2	10 (Lot 72) Alloa Road, Maddington	“P” use: Educational Establishment	

O. SEARLE, Mayor.  
D. SIMMS, Chief Executive Officer.

**PI404\***

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*City of Gosnells*

Town Planning Scheme No. 6—Amendment No. 70

Ref: 853/2/25/8 Pt 70

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the City of Gosnells local planning scheme amendment on 6 May 2008 for the purpose of—

1. Rezoning the following lots—
  - Lot 1 Southern River Road
  - Lot 2 Southern River Road
  - Portion of Lot 3 Southern River Road
  - Lots 1744-1749 & 1751 Bradley Street
  - Lots 1508-1516 Leslie Street
  - Lots 22 and 23 Matison Street
  - Portion of Lot 8 Matison Street
  - Lots 20, 21 and 24 Bradley Street
  - Portion of Lot 4 Holmes Street
  - Portion of Lot 5 Holmes Street
  - Lot 500 Holmes Street
  - Portion of Lot 7 Holmes Street

In Southern River, from General Rural to Residential Development.

2. Applying a Special Control Area to the eastern portion of Southern River Precinct 3, which is generally bounded by the Southern River, Southern River Road, Phoebe Road and Passmore Street and inserting the following corresponding Special Control Area provisions in the Town Planning Scheme No. 6 text after Clause 6.3—

6.4 Southern River Precinct 3 SCA

6.4.1 Purpose

- (a) To ensure an integrated approach to development within Southern River Precinct 3 SCA.
- (b) To identify the key planning requirements and considerations for determining Scheme amendments and applications for subdivision and development within the area shown on the Scheme Map as the Southern River Precinct 3 Special Control Area.

6.4.2 Development process and staging

- (a) Council in considering proposed Scheme amendments, Outline Development Plans and subdivision and development application for land within Southern River Precinct 3 Special Control Area will have regards to—
  - (i) Relevant local planning policies;
  - (ii) The sites identified under Bush Forever for Negotiated Planning Solutions;
  - (iii) The impact of the proposal on the remainder of any sub-precinct and/or any adjoining sub-precinct.

- (b) Prior to Council supporting any proposal for subdivision or approving any development within Southern River Precinct 3, cost sharing arrangements will need to be finalised for the overall precinct including the extent of any contribution towards the State Government's acquisition of Bush Forever sites and the provision of district level infrastructure, unless in the opinion of Council approval of the proposal will not prejudice the effective operation of a cost sharing arrangement.

#### 6.4.3 Urban Water Management

- (a) Council, in considering an application for subdivision or determining development within the Southern River Precinct 3 Special Control Area, will have due regards to—
- (i) The "Interim Approach for Integrating Urban Water Management with Land Use Planning within the Southern River Area—Guidance for Developers" prepared by Essential Environmental Services, 2006 or any subsequent revision of this document.
  - (ii) The extent to which the proposal achieves and adheres to best practice approaches for the management of urban water and drainage consistent with the principles of Water Sensitive Urban Design.
  - (iii) The advice and recommendations of the Department of Water and any other relevant State Government and servicing authorities.
  - (iv) Any other matter that Council considers relevant.
- (b) The City will require applications for subdivision within the Southern River Precinct 3 Special Control Area to be accompanied by an Urban Water Management Plan consistent with the requirements of the "Interim Approach for Integrating Urban Water Management with Land Use Planning within Southern River Area—Guidance for Developers" referred to in Clause 6.4.3(a)(i).

### 3. Amending the Scheme Map accordingly.

O. SEARLE, Mayor.  
D. SIMMS, Chief Executive Officer.

PI405\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*City of Gosnells*

Town Planning Scheme No. 6—Amendment No. 72

Ref: 853/2/25/8 Pt 72

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the City of Gosnells local planning scheme amendment on 28 April 2008 for the purpose of—

1. Inserting a new clause 5.4.3 as follows, after clause 5.4.2—  
5.4.3 Where a particular development or subdivision of land in the Scheme area beneficial to the local government as a whole is impeded by a restrictive covenant, the restrictive covenant may be varied or extinguished by an amendment to the Scheme that informs all parties with an interest in the restrictive covenant, and enters particulars of the benefited and burdened land and restrictive covenant under the headings of Section 13.
2. Inserting a new Schedule 13—Restrictive Covenants as follows, after Schedule 12—

Schedule 13—Restrictive Covenants

Land burdened by the Restrictive Covenant	Description of the Covenant	Extinguishment or Variation of the Covenant
Lot 9000, Shreeve Road, Canning Vale on Deposited Plan 40817	A restrictive covenant to prevent erection of a building on Lot 9001 other than a building in accordance with plans and specifications as maybe required by the Building and Health Departments of the City of Gosnells.	Extinguishment
Lot 9001 Shreeve Road, Canning Vale on Deposited Plan 40817	A restrictive covenant to prevent erection of a building on Lot 9000 other than a building in accordance with plans and specifications as maybe required by the Building and Health Departments of the City of Gosnells.	Extinguishment

O. SEARLE, Mayor.  
D. SIMMS, Chief Executive Officer.

PI406\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**METROPOLITAN REGION SCHEME AMENDMENT 1153/41**

Caversham Urban Cell  
Call for Public Submissions

The Western Australian Planning Commission (WAPC) intends to amend the Metropolitan Region Scheme (MRS) for land in the local government of Swan and is seeking public comment.

The amendment seeks to transfer approximately 131 ha of land generally bounded by Reid Highway, Patricia Street, the proposed Lord Street extension and lots fronting Benara Road and West Swan Road, from the rural zone to the urban zone.

**Display locations**

The plans showing the proposed change and the WAPC's amendment report, which explains the proposal, will be available for public inspection from Tuesday 3 June 2008 to Friday 5 September 2008 at each of the following places—

- Western Australian Planning Commission  
Wellington Street, Perth
- J S Battye Library  
Level 3, Alexander Library Building  
Perth Cultural Centre
- City of Perth
- City of Fremantle
- City of Swan
- City of Bassendean

Documents are also available from the WAPC's website [www.wapc.wa.gov.au](http://www.wapc.wa.gov.au).

**Submissions**

Any person who desires to make a submission to support, object or provide comment on any part of the proposed amendment should do so on a form 41. This submission form is available from the display locations, the amendment report and the internet.

Submissions must be lodged with the: Secretary, Western Australian Planning Commission, 469 Wellington Street, Perth WA 6000; on or before 5.00pm **Friday, 5 September 2008**.

Late submissions will not be considered.

MOSHE GILOVITZ, Secretary,  
Western Australian Planning Commission.

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## WORKSAFE

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WS401\*

**OCCUPATIONAL SAFETY AND HEALTH ACT 1984**  
**OCCUPATIONAL SAFETY AND HEALTH (CODE OF PRACTICE) NOTICE**

Published under section 57(4) of the *Occupational Safety and Health Act 1984*.

**1. Citation**

This notice may be cited as the *Occupational Safety and Health (Code of Practice) Notice (No. 3) 2008*.

**2. Approval of code of practice**

Notice is hereby given that I, the undersigned Minister for Employment Protection, being the Minister charged with administration of the *Occupational Safety and Health Act 1984*, acting in exercise of the power conferred upon me by section 57(1) of the said Act, approve the *Code of Practice: Safe Design of Buildings and Structures* as a code of practice in accordance with section 57 of the *Occupational Safety and Health Act 1984*.

**3. Commencement**

This approval comes into force from the date of publication in the *Government Gazette*.

Note: A copy of the code of practice referred to in this notice is available for inspection (without charge) at the WorkSafe Library, 5th floor, 1260 Hay Street, West Perth.

JON FORD JP MLC, Minister for Employment Protection.

WS402\*

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

(No. 14 of 2008)

I, Nina Lyhne, WorkSafe Western Australia Commissioner, hereby grant an exemption to ABB Australia Pty Ltd 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 remove the transmission tower at the Juna Downs substation construction site. 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 transmission tower at the aforementioned workplace.

This exemption is only granted for the period from 13 June 2008 to 17 June 2008 inclusive.

Dated this 29th day of May 2008.

NINA LYHNE, WorkSafe Western Australia Commissioner.

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## DECEASED ESTATES

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ZX401

**TRUSTEES ACT 1962**

DECEASED ESTATES

Notice to Creditors and Claimants

George Jack Carr, late of 1 Athelton Street, Mount Barker in the State of Western Australia, Retired Farmer, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of George Jack Carr deceased who died on the 24th day of January 2008 at Mount Barker, in the said State are required by the personal representative David Malcolm Moss of 45 Duke Street, Albany, Western Australia and Patricia Anne Standish of 18 Brooking Street, Tenterden, Western Australia to send particulars of their claim to David Moss & Co of PO Box 5744, Albany WA 6332 by the date one month following the publication of this notice, after which date the personal representative may convey or distribute the assets having regard only to the claims for which he has then had notice.

ZX402

**TRUSTEES ACT 1962**

DECEASED ESTATES

Notice to Creditors and Claimants

Lucy Gwendoline Nayler, late of Moline Howe, 7 Deanmore Road, Karrinyup, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the deceased who died on 5 November 2007 are required by the Executors Heather Elizabeth Douglas and Leonard Gregory Calder to send particulars of their claim to them, care of Butcher Paull & Calder, 8th Floor, 231 Adelaide Terrace, Perth WA 6000 (Ref: TWH/20070995) within one (1) month of the date of publication hereof after which date the Executors may convey or distribute the assets having regard to the claims of which they then have notice.

Dated: 29 May 2008.

BUTCHER PAULL & CALDER, as solicitors for the Executors.

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**PUBLIC NOTICES**

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ZZ401

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

## NOTIFICATION OF SPECIAL RESOLUTION

Route 66 Liquor Co-operative Ltd

Take notice that at a Meeting of Members of Route 66 Liquor Co-operative Ltd duly convened and held at 1/8 Preston Street, Como, WA on 15th May, 2008, it was resolved that the company be wound up voluntarily.

Dated this 28th day of May, 2008.

EVAN R. VERGE, Liquidator.

MELSOM ROBSON, Chartered Accountants,  
Unit 44B, Level 1 Piccadilly Square West,  
7 Aberdeen Street (Cnr Nash Street),  
Perth WA 6000.

ZZ402\*

**DISPOSAL OF UNCOLLECTED GOODS ACT 1970**

## DISPOSAL OF UNCOLLECTED GOODS

Shinju Motor Group t/a Shinju Nissan and Broome Ford intend to dispose of Nissan Patrol 1CCL062, due to non-payment of account, on or after 13th June 2008. The vehicle is located at 108 Guy Street, Broome, WA 6725. Forward all queries to 08 91921250.

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