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**LOCAL GOVERNMENT ACT 1995**

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**SHIRE OF EAST PILBARA**

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**LOCAL LAWS RELATING TO THE  
REMOVAL AND DISPOSAL OF  
OBSTRUCTING ANIMALS OR  
VEHICLES**

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**PARKING AND PARKING FACILITIES  
LOCAL LAW**



**LOCAL GOVERNMENT ACT 1995****SHIRE OF EAST PILBARA****LOCAL LAWS RELATING TO THE REMOVAL AND DISPOSAL OF  
OBSTRUCTING ANIMALS OR VEHICLES**

Pursuant to the powers conferred upon it by the abovementioned Act, and of all other powers enabling it, the Council of the above Shire hereby records having resolved on 28th February 1997 to adopt the following Local Laws and repeal the Local Government model By-laws (Removal and Disposal of Obstructing Animals or Vehicles) No. 7 adopted by resolution on 18th November, 1981 as published in the *Government Gazette* of 1st August, 1962 and amended on 26th August, 1977.

**Section 1**

These Local Laws may be cited as the Shire of East Pilbara Local Laws relating to the Removal and Disposal of Obstructing Animals or Vehicles.

**Section 2**

(1) In these Local laws—

“Act” means the Local Government Act, 1995;

“appointed place” means a yard or other piece of land set aside as a place to which obstructing vehicles may be removed pursuant to these Local Laws;

“authorised person” means a person authorised by the Council to enforce these Local Laws;

“Council” means the Council of the Shire of East Pilbara;

“public place” includes a street, way and any place which the public are allowed to use, whether the street, way or place is or is not on private property.

(2) An animal that is secured in any portion of a public place wherein animals may lawfully be secured and a vehicle that is parked in any portion of a public place wherein vehicles may lawfully be parked is not obstructing, for the purposes of these Local Laws, unless, in the case of an animal, it is so secured for any period exceeding eight hours and, in the case of a vehicle, it is so parked for any period exceeding twenty-four hours, without the consent in writing of the Chief Executive Officer of the Council.

**Section 3**

A person shall not leave an animal or vehicle in a public place so as to obstruct any portion of that place.

**Section 4**

A person who leaves an animal or vehicle in a public place, contrary to the provision of Section 3 of these Local Laws commits an offence.

**Section 5**

The Council may appoint a person as an authorised person for the purposes of these Local Laws.

**Section 6**

The Council may appoint a yard or other piece of land as a place to which vehicles may be removed pursuant to these Local Laws and shall give notice in the *Gazette* and in a newspaper circulating within its district of the situation of any appointed place.

**Section 7**

Where an authorised person or a member of the Police Service finds an animal or vehicle left in a public place, contrary to the provisions of Section 3 of these Local Laws, he may remove the animal or vehicle therefrom and shall, thereupon—

(a) in the case of an animal, place it in a public pound;

(b) in the case of a vehicle, place it in an appointed place.

**Section 8**

Where an authorised person places an animal in a public pound pursuant to Section 7 of these Local Laws, the animal shall thereafter be dealt with according to law.

**Section 9**

Where an authorised person places a vehicle in an appointed place, pursuant to Section 7 of these Local Laws, he shall enter in a register to be provided by the Council for that purpose, details of the time and date, a description of the vehicle, and of the place which it was removed.

**Section 10**

The Council shall notify the owner of an impounded vehicle in writing as to the whereabouts of the vehicle, and how the vehicle may be collected.

**Section 10(a)**

When the owner of a vehicle is unknown the Council shall exhibit on the notice board of the Council a notification that a vehicle therein described has been placed in the appointed place and shall, unless the vehicle is sooner claimed, keep that notification exhibited for a period of not less than seven (7) days.

**Section 11**

A person, upon showing proof of ownership, may collect a vehicle from an appointed place within two (2) calendar months at no charge unless Council institutes a prosecution against the alleged offender. If a prosecution is instituted the vehicle will remain at the appointed place until prosecution is completed.

**Section 11(a)**

(1) The Court may order that all expenses incurred by the Council in removing and impounding a vehicle will be paid by the alleged offender prior to the release from the appointed place;

OR

(2) The Court may order that the vehicle be confiscated and the vehicle sold by the Council to recover the costs of removing and impounding the vehicle.

(3) Any monies received from the sale of a vehicle pursuant to this Section is to be paid into the Council's Municipal Fund.

**Section 12**

A person may recover a seized vehicle from an appointed place after a period of two (2) calendar months, by paying to the Chief Executive Officer of the Council—

(a) the cost incurred by the Council in removing the vehicle thereto; and

(b) the sum of five dollars per day for each day or part of a day that the vehicle has remained in the appointed place over and above two calendar months, and upon payment of that cost and charge the Chief Executive Officer of the Council, if satisfied that the person is the owner of the vehicle or is a person entitled to possession of the vehicle, shall permit him to remove it.

**Section 13**

Where a vehicle placed in an appointed place, in accordance with the provisions of these Local Laws, has not been recovered by the owner or a person entitled thereto within six (6) months from the day upon which it was there placed, the Council may cause the vehicle to be offered for sale by public auction or by public tender and thereupon accept the best offer made; and where no offer is made for the purchase of the vehicle, the Council may cause it to be destroyed or otherwise disposed of.

**Section 14**

A person is not entitled to any claim, by way of damages or otherwise, against the authorised person, member of the Police Service or the Council in respect of any vehicle or animal seized and dealt with under the provisions of these Local Laws or against any person who purchased a vehicle sold by a Council under the provisions of Section 13 of these Local Laws.

**Section 15**

(1) The proceeds of the sale of a vehicle under the provisions of Section 13 of these Local Laws shall be applied by the Council—

(a) firstly, in meeting the costs of the sale; and

(b) secondly, in meeting the cost of removal of the vehicle to the appointed place, and a sum of five dollars for each day or part of a day that the vehicle remained in that place, and those sums shall be paid into the Municipal Fund.

(2) Any surplus of the proceeds of the sale shall be paid by the Council into its trust fund, and may be paid within ten (10) years, to any person who satisfies the Council that he was the owner of the vehicle at the time of its sale by the Council.

(3) Any surplus of the proceeds of the sale may, if not paid to the owner within ten (10) years, be paid into the Municipal Fund.

**Section 16**

(1) Any authorised person or Police Officer may demand from any person, whom he believes is in breach of these Local Laws, full name and place of residence.

(2) Any person who refuses to state his full name and place of residence or states a false name or place of residence on demand being so made by an authorised person or a member of the Police Service commits an offence.

**Section 17**

A person who refuses to give his or her full name or place of residence or gives a false name or place of residence to an authorised person may without other warrant be apprehended by the person making the demand and taken before a Justice to be dealt with according to law.

**Section 18**

Any person alleged to have committed an offence against Section 4 of these Local Laws may be given the opportunity to pay a modified penalty under section 9.16 of the Local Government Act 1995. The modified penalty for this offence is \$100.00.

**Section 19**

- (a) The form of a notice that may be given under Section 9.13 of the Act to the owner of a vehicle that is involved in an offence against these Local Laws shall be in or to the effect of Form 1 of the first schedule of these Local Laws.
- (b) The form of an Infringement Notice that may be given under Section 9.16 of the Act for an offence against these Local Laws shall be in or to the effect of Form 2 of the first schedule of these Local Laws.
- (c) The form of the notice that may be given under Section 9.20 of the Act to withdraw an Infringement Notice for an offence against these Local Laws shall be in or to the effect of Form 3 of the first schedule of these Local Laws.

**Section 20**

A person committing a breach of these Local Laws shall be liable to a penalty not exceeding one thousand (\$1,000) dollars.

FIRST SCHEDULE—FORMS

Form 1

*Local Government Act 1995*

*Local Government (Functions and General) Regulations 1996*

**NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

Date .../.../...

City/Town/Shire of .....

(1) To: .....

(2) Of: .....

(3) It is alleged that on ...../...../..... at.....am/pm.....

(4) at .....

(5) Vehicle Registration No.....

was involved in the commission of the following offences—

.....  
.....  
.....

(6) contrary to regulation/Local Law ..... of the .....

You are required under Section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise you will be deemed to have committed the offence unless—

(a) within 28 days after being served with this notice—

(i) you inform the Chief Executive Officer, or another authorised officer of the Local Government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or

(ii) you satisfy the Chief Executive Officer that the vehicle had been stolen or was being unlawfully used, at the time the offence is alleged to have been committed; or

(b) you were given an Infringement Notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

Name and title of authorised person giving the notice .....

Signature: .....

(1) Name of owner or “owner of (vehicle identification)”

(2) Address of owner (not required if owner not named)

(3) Date and Time of which offence allegedly committed

(4) Place at which offence allegedly committed

(5) Brief Description of Offence

(6) Name of the Regulations/Local Laws

Form 2

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

**INFRINGEMENT NOTICE**

To ..... Serial No .....

..... Dated .....

You are hereby notified that it is alleged that on ..... 19.....  
at about ..... you did .....

in contravention of the provisions of Local Law No. .... of the Shire of East Pilbara  
Removal and Disposal of Obstructing Animals or Vehicles Local Laws.

The Modified penalty prescribed for this offence is \$ .....

If you do not wish to have a complaint of the above offence heard and determined by a Court you may  
pay the modified penalty within 28 days after the date of the service of this notice.

Unless payment is made within 28 days of the date of service of this notice Court proceedings may be  
instituted against you.

Payment may be made either by posting this form together with the amount of \$..... mentioned  
above, to the Chief Executive Officer of the Shire of East Pilbara or by delivering this form and paying  
the amount at the Shire Office, Kalgan Drive, Newman, between the hours of 8.30a.m. and 4.30p.m.  
Monday to Friday (except public holidays).

Signature of Authorised Officer .....

Designation .....

Form 3.

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

**INFRINGEMENT NOTICE**

To ..... Serial No. ....  
(not to be completed where notice is attached or left in or on vehicle).

..... Date .....

the owner of the vehicle make .....

Type ..... Plate No. ....

You are hereby notified that it is alleged that on .....  
the ..... day of ..... 19..... at about .....  
you did .....

in contravention of the provisions of by-law No. .... of the Shire of  
East Pilbara Removal and Disposal of Obstructing Animals or Vehicles Local Laws.

The modified penalty prescribed for this offence is \$ ..... If you do not wish to have a  
complaint of the above offence heard and determined by a Court you may pay the modified penalty  
within 28 days after the date of the service of this notice.

Unless within 28 days after the date of the service of this notice—

(a) the modified penalty is paid; or

(b) you—

(i) inform the Chief Executive Officer of the Shire of East Pilbara;

or .....

designated or authorised officer as to the identity and address of the person

in charge of the above vehicle at the time of the above offence; or

(ii) satisfy the Chief Executive Officer of the Shire of East Pilbara that the above vehicle had  
been stolen or was being unlawfully used at the time of the above offence,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and Court proceedings may be instituted against you.

Payment may be made wither by posting this form together with the amount of \$ ..... mentioned above, to the Chief Executive Officer of the Shire of East Pilbara or by delivering this form and paying the amount at the Shire Office between the hours of 8.30a.m. and 4.30p.m. Monday to Friday (Public Holidays excepted).

Signature of Authorised Officer .....  
Designation .....  
Name ..... Address .....  
..... Postcode .....

If your name and address do not appear in this notice please complete above to enable receipt to be forwarded.

Form 4

Local Government Act 1995

Local Government (Functions and General) Regulations 1996

**NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No. ....

Date ...../...../.....

City/Town/Shire of .....

To: .....

of: .....

Infringement Notice No: ..... Dated: ...../...../..... for the

alleged offence of .....

.....

.....

has been withdrawn.

The modified penalty of \$ .....

\* has been paid and a refund is enclosed

\* has not been paid and should not be paid

\* Delete as appropriate

Name and title of authorised person giving this notice .....

Signature: .....

The Common Seal of the Shire of East Pilbara was hereunto affixed by resolution of Council on the 15th day of June 1998 in the presence of—

A. COCHRANE, President  
P. A. ANNING, Chief Executive Officer

**LOCAL GOVERNMENT ACT 1995****SHIRE OF EAST PILBARA****PARKING AND PARKING FACILITIES LOCAL LAW**

In pursuance of the powers conferred upon it by the Local Government Act 1995 and of all other powers enabling it, the Council of the Shire of East Pilbara hereby resolves that on 28 February, 1998 to make the following Local Law:

**PART 1—DEFINITION AND OPERATION**

**1.** This Local Law will come into operation on the fourteenth day after the day on which it is published in the

**2. Repeal**

The Shire of East Pilbara Local Law Relating to Parking Facilities published in the *Government Gazette* on 10 June, 1997 is repealed.

**3. (1) Interpretation**

In this Local Law unless the context otherwise requires—

“Act” means the Local Government Act 1995;

“Authorized Person” means a person authorized by the local government under section 9.10 of the Act, to perform the functions referred to in clause 39;

“authorized vehicle” means a vehicle authorized by the local government, Chief Executive Officer, Authorized Person or by any written law to stand or park on a road or parking facility;

“bicycle” means any wheeled vehicle that is designed to be propelled solely by human power;

“bus” means an omnibus as defined by the Road Traffic Act;

“bus embayment” has the meaning given to it in the Code;

“caravan” means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

“carriageway” means a portion of road that is improved, designed or ordinarily used for vehicles and includes the shoulders and areas including embayments at the side or centre of the carriageway, used for the standing or parking of vehicles; and where a road has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

“centre” in relation to a carriageway, means a line or a series of lines, marks or other indications placed at, or near, the middle of the carriageway or, in the absence of any such lines, marks or other indications, the middle of the main travelled portion of the carriageway;

“children’s crossing” has the meaning given to it in the Code;

“Chief Executive Officer” means the Chief Executive Officer of the local government;

“clause” means a clause of this Local Law;

“Code” means the Road Traffic Code 1975;

“commercial vehicle” means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

“district” means the district of the local government;

“driver” means any person driving or in control of a vehicle;

“emergency vehicle” has the meaning given to it in the Code;

“footpath” includes every footpath, lane 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 bicycles;

“Loading Zone” means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked ‘Loading Zone’;

“median strip” has the meaning given to it in the Code;



- “motorcycle” means a motor vehicle that has two wheels or, where a sidecar is attached, three wheels;
- “motor vehicle” means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;
- “no parking area” means a portion of a carriageway that lies—
- between two consecutive signs inscribed with the words “No Parking” or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
  - between a sign inscribed with the words “No Parking” or with an equivalent symbol depicting this purpose, and the end of the carriageway or an area in which parking is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;
- “no standing area” means a portion of a carriageway that lies—
- between two consecutive signs inscribed with the words “No Standing” or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
  - between a sign inscribed with the words “No Standing” or with an equivalent symbol depicting this purpose and the end of the carriageway in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;
- “obstruct” means to interfere with or impede or hinder the passage of any vehicle or person and ‘obstruction’ has a corresponding meaning;
- “occupier” has the meaning given to it in the Act;
- “owner” where used in relation to a vehicle, means a person who is the registered holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession; and where used in relation to land has the meaning given to it by the Act;
- “park” means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, or complying with the provisions of any law or of immediately taking up or setting down persons or goods; and “parking” has a corresponding meaning;
- “parking area” means a portion of a carriageway—
- between two consecutive signs inscribed with the word “Parking” or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
  - extending from a sign inscribed with the word “Parking” or with an equivalent symbol depicting this purpose in the general direction indicated by the arrow inscribed on the sign, to any other sign inscribed with the words “No Parking” or “No Standing” or with an equivalent symbol depicting these purposes, or to the end of the carriageway or an area in which the parking or standing of vehicles is prohibited,  
and is on that side of the carriageway of the road nearest the sign;
- “parking facilities” includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge, and signs, notices and facilities used in connection with the parking of vehicles but does not include a private garage;
- “parking region” means that portion of the district which is specified in the First Schedule;
- “parking stall” means a section or part of a street or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may stand or be parked, but does not include a metered space;
- “parking station” means any land, building or other structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered space or private garage;
- “pedestrian crossing” has the meaning given to it in the Code;
- “property line” means a lateral boundary of a road;
- “public place” means any place to which the public has access whether or not that place is on private property;
- “reserve” includes any land vested in or any land under the care, control and management of the local government;
- “road” means a highway, lane, thoroughfare or similar place which the public are allowed to use and includes all of the land lying between the property lines including the street verge and footpath;
- “Road Traffic Act” means the Road Traffic Act 1974;
- “Schedule” means a Schedule to this Local Law;
- “sign” includes a traffic sign, inscription, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a road or within a parking station or reserve under the care, control or management of the local government, for the purpose of prohibiting, regulating, guiding, directing or restricting the standing or parking of vehicles;

“special purpose vehicle” means a public utility service truck, a tow truck, a vehicle being used for official duties by a member of the Police Force, a motor breakdown service vehicle or a vehicle being used by a government authority or a local government in connection with its functions, but does not include an emergency vehicle;

“stand” in relation to a vehicle, means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law when the vehicle is being driven, and ‘standing’ and ‘stood’ have correlative meanings;

“street” has the same meaning as ‘road’;

“street verge” means the portion of a road which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath;

“symbol” includes any symbol specified by Australian Standard 1742.11-1989 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this Local Law shall be also deemed to include a reference to the corresponding symbol;

“taxi” has the same meaning as “taxi-car” in section 47Z of the Transport Co-ordination Act 1966;

“trailer” means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

“vehicle” includes every conveyance not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels by any means.

(2) For the purposes of the application of the definitions “no parking area”, “no standing area” and “parking area” an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.

(3) Unless the context otherwise requires, where a term is used, but not defined, in this Local Law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

**4.** (1) This Local Law applies to the parking region, including all parking stations and parking facilities in the parking region other than a parking facility or parking station that—

- (a) is not owned, controlled or occupied by the local government; or
- (b) is owned by the local government but is leased to another person.

(2) A sign that—

- (a) was erected by the Commissioner of Main Roads prior to the coming into operation of this Local Law within the district; and
- (b) relates to the parking or standing of vehicles within the parking region;

shall be deemed for the purposes of this Local Law to have been erected by the local government under the authority of this Local Law.

**5.** For the purpose of this Local Law, vehicles are divided into classes as follows—

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis;
- (e) all other vehicles.

**6.** (1) The area designated by our parking sign and to which the parking sign is, as the case may be—

- (a) The area referred to by the inscription on the parking sign;
- (b) The area between the parking sign and the next parking sign beyond it in the direction of any arrow inscribed on the parking sign; or
- (c) The area between the parking sign and a dead end or an area in which standing is prohibited which lies in the general direction indicated by an arrow inscribed on the parking sign and where a parking sign is erected or displayed on or near a road, the side of the road nearest to the parking sign.

(2) A person shall not, without the authority of the Local Government;

- (a) Produce or exhibit a sign purporting to be or resembling a parking sign.
- (b) Remove, deface or misuse a parking sign or attempt to do any such acts.
- (c) Affix a board, placard, notice or any other thing to or paint or write upon any part of a parking sign.

## **PART 2—PARKING STALLS AND PARKING STATIONS**

**7.** The local government may by resolution constitute, determine and vary and also indicate by signs, from time to time—

- (a) parking stalls;
- (b) parking stations;
- (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in parking stalls and parking stations;

- (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
  - (f) the manner of parking in parking stalls and parking stations.
- 8.** (1) Subject to clause 8(2), a person shall not stand or park a vehicle in a parking stall in a street otherwise than—
- (a) parallel to and as close to the kerb as is practicable;
  - (b) wholly within the stall; and
  - (c) headed in the direction of the movement of traffic on the side of the street in which the stall is situated.
- (2) Where a parking stall in a street is set out otherwise than parallel to the kerb, then a person must stand a vehicle in that stall wholly within it.
- 9.** (1) A person shall not park a vehicle or permit a vehicle to remain parked in any parking station during any period for which a fee is payable unless—
- (a) in the case of a parking station having an Authorized Person on duty, the appropriate fee is paid when demanded; or
  - (b) in the case of a parking station equipped with parking meters, the appropriate fee is inserted in the meter or the required payment is made in such other form as may be permitted.
- (2) A person shall not park a vehicle or permit a vehicle to remain parked in any parking station or parking stall that is set aside for vehicles of a different class.
- (3) A person shall not park a vehicle or permit a vehicle to remain parked in any parking station or parking stall which is set aside for persons of a different class.
- 10.** The local government may by resolution declare that the provisions of clause 9 do not apply during periods on particular days in relation to particular parking stations as specified in such resolution.
- 11.** A person shall not remove a vehicle which has been parked in a parking station until there has been paid the appropriate fee for the period for which the vehicle has been parked.
- 12.** A person paying a fee at a parking station shall be entitled to receive a receipt on demand showing the period of parking covered by such payment.
- 13.** Unless otherwise directed by an Authorized Person, a person shall not park a vehicle in a parking station otherwise than wholly within a parking stall.
- 14.** (1) A person shall not—
- (a) stand or park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or a roadway within a parking station;
  - (b) except with the permission of the local government or an Authorized Person stand or park a vehicle on any part of a parking station contrary to a sign referable to that part;
  - (c) permit a vehicle to stand or park on any part of a parking station, if an Authorized Person directs the driver of such vehicle to move the vehicle; or
  - (d) stand or park or attempt to stand or park a vehicle in a parking stall in which another vehicle is standing but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked "M/C", if the bicycle is parked in accordance with clause 14(4).
- (2) In a Loading Zone, a person shall not—
- (a) stand or park a vehicle other than a commercial vehicle which is being loaded or unloaded with goods; or
  - (b) stand or park a commercial vehicle which is being loaded or unloaded with goods for more than 30 minutes.
- (3) In paragraph (b) of subclause (2) "goods" means an article or collection of articles weighing at least 13.6 kg and of which the cubic measurement is not less than 0.17m<sup>3</sup>
- (4) No person shall stand or park or permit to stand or park any bicycle—
- (a) in a parking stall other than in a stall marked "M/C"; and
  - (b) in such stall other than against the kerb.

### **PART 3—STANDING AND PARKING GENERALLY**

**15.** The local government may by resolution prohibit or regulate by signs or otherwise the parking and standing of any vehicle or class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law.

**16.** (1) A person shall not stand or park a vehicle in a street or part of a street, or part of a parking station—

- (a) if by a sign it is set apart for the standing or parking of vehicles of a different class;
  - (b) if by a sign it is set apart for the standing or parking of vehicles by persons of a different class; or
  - (c) during any period when the standing or parking of vehicles is prohibited by a sign.
- (2) A person shall not stand or park a vehicle—
- (a) in a no standing area;

- (b) in a parking area, except in accordance with both the signs associated with the parking area and with this Local Law;
- (c) in a stall marked "M/C" unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

(3) A person shall not stand or park a vehicle in a no parking area.

(4) A person shall not stand or park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked "M/C".

(5) A person shall not, without the prior permission of the local government, the Chief Executive Officer, or an Authorized Person, stand or park a vehicle in an area designated by signs stating "Authorized Vehicles Only".

**17.** Subject to the provisions of clauses 18 to 20, a person standing a vehicle on a carriageway shall stand or park it—

- (1) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is standing;
- (2) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is standing;
- (3) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or between the vehicle and a vehicle standing on the farther side of the carriageway;
- (4) so that it is not less than 1.2 metres from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this Local Law;
- (5) so that it does not obstruct any vehicle on the carriageway;
- (6) so that it is entirely within the confines of any parking stall marked on the carriageway.

**18.** A person shall not stand or park a vehicle partly within and partly outside a parking area.

**19.** Where the traffic sign or signs associated with the parking area are not inscribed with the words "angle parking" (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates or marks on the carriageway indicate that vehicles have to stand or park in a different position—

- (a) where the parking area is adjacent to the boundary of a carriageway, a person standing or parking a vehicle in the parking area shall stand it as near as practicable to and parallel with that boundary; and
- (b) where the parking area is at or near the centre of the carriageway, a person standing or parking a vehicle in that parking area shall stand or park it at approximately right angles to the centre of the carriageway.

**20.** (1) This clause does not apply to—

- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or
- (b) a person standing either a motor cycle without a trailer or a bicycle.

(2) Where a sign associated with a parking area is inscribed the words "angle parking" (or with an equivalent symbol depicting this purpose), a person standing a vehicle in the area shall stand or park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

**21.** (1) (a) This clause does not apply to a vehicle standing or parking in a metered space or a parking stall established by the local government, nor to a bicycle in a bicycle rack established by the local government.

(b) Paragraphs (c), (e) and (g) of subclause 2 do not apply to a vehicle which stands or parks in a bus embayment.

(2) A person shall not stand or park a vehicle so that any portion of the vehicle is—

- (a) between any other stationary vehicles and the centre of the carriageway;
- (b) on or adjacent to a median strip;
- (c) obstructing a right of way, private drive or carriageway or so close as to deny vehicles reasonable access to or egress from the right of way, private drive or carriageway;
- (d) alongside or opposite any excavation or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (e) on or within 9 metres of any portion of a carriageway bounded by a traffic island;
- (f) on any footpath or pedestrian crossing; except where this becomes vital for the purpose of providing a service to adjacent land or premises with the written approval, issued by the Local Government, the Chief Executive Officer, or an authorised person. All vehicles must display safety cones at all times.
- (g) on a bridge or other elevated structure;
- (h) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;

- (i) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway.
  - (3) A person shall not stand or park a vehicle so that any portion of the vehicle is—
    - (a) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug; or
    - (b) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box.
  - (4) A person shall not stand or park a vehicle so that any portion of the vehicle is—
    - (a) within 6 metres of the nearer property line of any road intersecting the road on the side on which the vehicle is standing or parked; or
    - (b) alongside any excavation, works, hoarding, scaffolding or obstruction on the carriageway.
  - (5) A person shall not stand or park a vehicle so that any portion of the vehicle is within 9 metres of the departure side of—
    - (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” or with equivalent symbols depicting these purposes unless the vehicle is a bus stopped to take up or set down passengers; or
    - (b) a children’s crossing established on a two-way carriageway; or
    - (c) the nearest rail of a railway level crossing.
  - (6) A person shall not stand or park a vehicle so that any portion of the vehicle is within 18 metres of the approach side of—
    - (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” or with equivalent symbols depicting these purposes unless the vehicle is a bus stopped to take up or set down passengers;
    - (b) a pedestrian crossing or children’s crossing; or
    - (c) the nearest rail of a railway level crossing.
- 22.** (1) This clause does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials, collected from or delivered to the premises adjacent to the portion of the street verge on which the commercial vehicle is standing, but the commercial vehicle, by standing on the verge must not create a hazard for traffic or pedestrians.
- (2) A person shall not—
  - (a) stand or park or allow to stand or be parked a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle, so that any portion of it is on the street verge; or
  - (b) stand or park a vehicle so that any portion of that vehicle is on a street verge during any period when the standing or parking of vehicles on that street verge is prohibited by a sign adjacent and referable to that street verge.
- (3) Subject to clause 22(2), a person shall not stand or park a vehicle if any portion of the vehicle is on the street verge unless he or she is the owner or occupier of the premises adjacent to that street verge, or is a person authorised by the occupier of those premises to do so.
- 23.** The driver of a vehicle shall not stand or park that vehicle on any part of a street in contravention of this Local Law after an Authorized Person has directed the driver to move it.
- 24.** (1) An Authorized Person may mark the tyres of a vehicle parked in a parking facility or street with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person shall not remove a mark made by an Authorized Person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.
- 25.** (1) Where the standing or parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of standing or parking exceeds the maximum time allowed for standing or parking in the parking facility.
- (2) Where the parking of vehicles in a street is permitted for a limited time, a person shall not move a vehicle along that street so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the street for at least fifteen minutes.
- 26.** A person shall not park a vehicle on any portion of a street—
  - (a) if the vehicle is exposed for sale;
  - (b) if that vehicle is not licensed under the Road Traffic Act;
  - (c) if that vehicle is a trailer or caravan unattached to a motor vehicle for more than a period of 4 hours; or
  - (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a street.
  - (e) For longer than the timer permitted.
- 27.** (1) In this clause a reference to ‘land’ means land that is not a street or parking facility.
- (2) A person shall not park or stand a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked or standing.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the standing or parking of vehicles of a specified class or classes on the land for a limited period, a person shall not stand or park or permit a vehicle to stand or be parked on the land otherwise than in accordance with the consent.

**28.** (1) No person other than an employee of the local government in the course of his or her duties or a person authorized by the local government shall drive, park or stand a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

(2) A person shall not park or stand a vehicle unless authorized by the local government—

- (a) on any part of a reserve, for the purposes of conducting a business; or
- (b) in front of or over any footpath constructed across a reserve.

**29.** (1) Where by a sign the standing or parking of vehicles is permitted for a limited time on a portion of a street or parking facility, the local government, the Chief Executive Officer or an Authorized Person may, subject to the Code, permit a person to stand a vehicle in that portion of the street or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.

(2) Where permission is granted under clause 29(1), the local government, the Chief Executive Officer or an Authorized Person may prohibit the use by any other vehicle on that portion of the street or parking facility to which the permission relates, for the duration of that permission.

#### **PART 4—MISCELLANEOUS**

**30.** An Authorized Person shall be furnished with a certificate of his or her appointment in a form determined by the local government from time to time.

**31.** A person who is not an Authorized Person shall not in any way assume the duties of an Authorized Person.

**32.** A person shall not in any way obstruct or hinder an Authorized Person in the execution of his or her duties.

**33.** A person, other than the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an Authorized Person.

**34.** A person shall not without the authority of the local government—

- (1) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this Local Law;
- (2) remove, deface or misuse a sign or property, set up by the local government under this Local Law or attempt to do any such acts.
- (3) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up by the local government under this Local Law.

**35.** An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction of a sign commits an offence under this Local Law.

**36.** (1) A sign marked, erected, set up, established or displayed on or near a road is, in the absence of evidence to the contrary presumed to be a sign marked, set up, erected, established or displayed under the authority of this Local Law.

(2) The first three letters of any day of the week when used on a sign indicate that day of the week.

**37.** An Authorized Person may and is authorized by the local government to—

- (1) carry into effect the provisions of this Local Law;
- (2) report to the local government on the working effectiveness of this Local Law;
- (3) recommend to the Chief Executive Officer the institution of prosecutions; and
- (4) institute and conduct prosecutions as directed by the local government or the Chief Executive Officer.

**38.** Notwithstanding anything to the contrary in this Local Law—

- (1) the driver of a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, stand or park the vehicle in any place, at any time; and
- (2) the driver of an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, stand or park the vehicle at any place, at any time.

#### **PART 5—PENALTIES**

**39.** (1) Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.

(2) An offence against any provision of this Local Law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) Any person who commits an offence under this Local Law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

**40.** For the purposes of this Local Law—

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in the Third Schedule;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in the Third Schedule;

- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in the Third Schedule; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in the Third Schedule.
- 41.** The amount appearing in the final column of the Second Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.
- 42.** A penalty for an offence against this Local Law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of Petty Sessions.
- 43.** The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

FIRST SCHEDULE  
**PARKING REGION**

The parking region is the whole of the district as altered from time to time under the Act, but excludes the following portions of the District—

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads; and
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road has been delegated by the Commissioner of Main Roads to the local government.

SECOND SCHEDULE

Shire of East Pilbara  
PO Box 231, Newman WA 6753

**PARKING AND PARKING FACILITIES LOCAL LAW**

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	9 (1)	Failure to pay parking station fee .....	50
2	11	Leaving without paying parking station fee .....	50
3	14 (1) (a)	Obstruction in parking station .....	45
4	14 (1) (b)	Stand or park contrary to sign in parking station .....	45
5	14 (1) (c)	Stand or Park Contrary to Directions of Authorized Person ....	45
6	14 (2)	Stand or Park in Loading Zone .....	40
7	16 (1) (a)	Stand or Park Wrong Class of Vehicle .....	35
8	16 (1) (b)	Standing or Parking By Persons of a Different Class .....	40
9	16 (1) (c)	Standing or Parking During Prohibited Period .....	40
10	16 (2) (a)	No Standing Anytime .....	45
11	16 (2) (b)	Standing Contrary to Signs or Limitations .....	35
12	16 (2) (c)	Stand or Park Vehicle in Motor Cycle Only Area .....	35
13	16 (3)	No Parking Anytime .....	45
14	17 (1)	Fail to Park on the Left of Carriageway .....	35
15	17 (2)	Fail to Park on Boundary of Carriageway .....	35
16	17 (1)+(2)	Parking Against the Flow of Traffic .....	40
17	17 (3)	Double Park .....	40
18	17 (5)	Cause Obstruction .....	45
19	21 (2) (a)	Double Park .....	40
20	21 (2) (c)	Deny Access to Private Drive .....	40
21	21 (2) (d)	Stand/Park beside obstruction so as to Obstruct Traffic .....	45
22	21 (2) (e)	Stand/Park by Traffic Island .....	40
23	21 (2) (f)	Stand/Park on Footpath/Pedestrian Crossing .....	45
24	21 (2) (g)	Stand/Park on Bridge .....	40
25	21 (2) (i)	Stand/Park on Intersection .....	40
26	21 (4) (a)	Stand/Park within 6 metres of Intersection .....	40
27	21 (5) (a)	Stand/Park Vehicle within 9 metres of Departure Side of Bus Stop .....	45

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
28	21 (6) (a)	Stand/Park Vehicle within 18 metres of Approach Side of Bus Stop .....	45
29	21 (6) (b)	Stand/Park Vehicle within 18 metres of Approach Side of Pedestrian/Children's Crossing .....	45
30	22 (2) (a)	Parking Commercial Vehicle on Verge .....	35
31	22 (2) (b)	Parking on Verge .....	35
32	23	Refusal to Move Vehicle .....	45
33	26 (c)	Parking a Trailer/Caravan on a Street .....	35
34	27 (2)	Stand/Park on Land that is not a Parking Facility contrary to Owner's Consent .....	50
35	27 (3)	Stand or Park on Land not a Parking Facility .....	35
36	28 (1)	Standing or Parking on Reserve .....	35
37	26 (e)	Parking Longer than the Permitted Time .....	35
38	32	Hindering an Authorized Person .....	60
39		All other offences not specified .....	30

THIRD SCHEDULE  
**LOCAL GOVERNMENT ACT 1995**  
 FORM 1

Shire of East Pilbara  
 PO Box 231, Newman WA 6753

**PARKING AND PARKING FACILITIES LOCAL LAW**  
**NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

Date ..... / ..... / .....

To: (1) .....  
 of: (2) .....  
 It is alleged that on ..... / ..... / ..... at (3) .....  
 at (4) ..... your vehicle:  
 make: ..... ;  
 model: ..... ;  
 registration: ..... ;  
 was involved in the commission of the following offence—

.....  
 .....  
 .....  
 contrary to clause ..... of the **Parking and Parking Facilities Local Law**.  
 You are required under section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

- If you do not prove otherwise, you will be deemed to have committed the offence unless:
- (a) within 28 days after being served with this notice;
    - (i) you inform the chief executive officer or another authorized officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
    - (ii) you satisfy the chief executive officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;
  - or
  - (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

(5) .....  
 (6) .....

- Insert:
- (1) Name of owner or "the owner"
  - (2) Address of owner (not required if owner not named)
  - (3) Time of alleged offence
  - (4) Location of alleged offence
  - (5) Signature of authorized person
  - (6) Name and title of authorized person giving notice



THIRD SCHEDULE  
**LOCAL GOVERNMENT ACT 1995**  
 FORM 2  
 Shire of East Pilbara  
 PO Box 231, Newman WA 6753  
**PARKING AND PARKING FACILITIES LOCAL LAW**  
**INFRINGEMENT NOTICE**

Serial No .....  
 Date ..... / ..... / .....

To: (1) .....  
 of: (2) .....  
 It is alleged that on ..... / ..... / ..... at (3) .....  
 at (4) .....  
 in respect of vehicle:  
 make: ..... ;  
 model: ..... ;  
 registration: ..... ,  
 you committed the following offence—  
 .....  
 .....

contrary to clause ..... of the **Parking and Parking Facilities Local Law**.  
 The modified penalty for the offence is \$ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorized person at (5) ..... within a period of 28 days after the giving of this notice.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6) .....  
 (7) .....

Insert:

- (1) Name of alleged offender or "the owner"
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorized person
- (7) Name and title of authorized person giving notice

THIRD SCHEDULE  
**LOCAL GOVERNMENT ACT 1995**  
 FORM 3  
 Shire of East Pilbara  
 PO Box 231, Newman WA 6753  
**PARKING AND PARKING FACILITIES LOCAL LAW**  
**INFRINGEMENT NOTICE**

Serial No .....  
 Date ..... / ..... / .....

To: (1) .....  
 of: (2) .....  
 It is alleged that on ..... / ..... / ..... at (3) .....  
 at (4) .....  
 in respect of vehicle:  
 make: ..... ;  
 model: ..... ;  
 registration: ..... ,

you committed the following offence—

.....  
.....  
.....

contrary to clause ..... of the **Parking and Parking Facilities Local Law**.

The modified penalty for the offence is \$ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorized person at (5) ..... within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice;

- (a) you pay the modified penalty; or
  - (b) you:
    - (i) inform the Chief Executive Officer or another authorized officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
    - (ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,
- you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

- (6) .....
- (7) .....

Insert:

- (1) Name of owner or "the owner"
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorized person
- (7) Name and title of authorized person giving notice

THIRD SCHEDULE  
**LOCAL GOVERNMENT ACT 1995**  
 FORM 4  
 Shire of East Pilbara  
 PO Box 231, Newman WA 6753  
**PARKING AND PARKING FACILITIES LOCAL LAW**  
**WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No .....  
 Date ..... / ..... / .....

To: (1) .....  
 of: (2) .....  
 Infringement Notice No. .... dated ..... / ..... / .....  
 in respect of vehicle:  
 make: ..... ;  
 model: ..... ;  
 registration: ..... ,  
 for the alleged offence of .....  
 .....  
 .....

has been withdrawn.  
 The modified penalty of \$ .....

- \* has been paid and a refund is enclosed.
- \* has not been paid and should not be paid.
- \* *delete as appropriate.*

(3) .....

(4) .....

Insert:

- (1) Name of alleged offender to whom infringement notice was given or "the owner".
- (2) Address of alleged offender.
- (3) Signature of authorized person
- (4) Name and title of authorized person giving notice

\_\_\_\_\_

Dated this 15th day of June 1998.

The Common Seal of the Shire of East Pilbara was herein affixed in the presence of—

A. COCHRANE, President.  
P. ANNING, Chief Executive Officer.

\_\_\_\_\_



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