

# WESTERN AUSTRALIAN GOVERNMENT Gazette



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In all cases notices are published on page 2 and readers are urged to check accordingly prior to contacting State Law Publisher.

JOHN A. STRIJK,  
Government Printer.

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## PROCLAMATIONS

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AA101

**MARINE AND HARBOURS ACT 1981**

## PROCLAMATION

WESTERN AUSTRALIA P. M. Jeffery, Governor. [L.S.]	}	By His Excellency Major General Philip Michael Jeffery, Companion of the Order of Australia, Officer of the Order of Australia (Military Division), Military Cross, Governor of the State of Western Australia.
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I, the Governor, acting under section 9(2) of the *Marine and Harbours Act 1981* and with the advice and consent of the Executive Council, do hereby vary the proclamation made under that Act and published in the *Gazette* on 6 September 1985 at p. 3443 as varied by proclamations so made and published on 22 November 1985 at p. 4396, 6 February 1987 at p. 290 and 12 August 1988 at p. 2696, by deleting the Schedule and inserting the following Schedule—

“

## Schedule

## Hillarys Boat Harbour

All that portion of land and seabed bounded by lines starting at the northern corner of Swan Location 10689 and extending easterly along the northern boundary of Swan Location 11081 to the south-west corner of Swan Location 11704; thence northerly, easterly and southerly along the boundaries of Swan Location 11704 to the south-east corner; thence easterly along the northern boundary of Swan Location 11081 for 198.73 m to the northern corner of Swan Location 10761; thence generally south-easterly along the boundary of that location to the northern corner of Swan Location 12000; thence generally south-easterly to the southern corner of Swan Location 12000; thence generally south-easterly and south-westerly along the boundaries of Swan Location 10761 to the southern corner; thence northerly approximately 1.75 m to the eastern corner of Swan Location 10689; thence 239° 17', 450.00 m; thence 304° 15', 819.44 m; thence 55° 15', 750.00 m to the starting point.

”

Given under my hand and the Public Seal of the State on 6 October 1998.

By Command of the Governor,

M. J. CRIDDLE, Minister for Transport.

GOD SAVE THE QUEEN !

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## FAIR TRADING

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FT301\*

Real Estate and Business Agents Act 1978

### Real Estate and Business Agents (Remuneration) Revocation Notice 1998

Made by the Real Estate and Business Agents Supervisory Board with the approval of the Minister under section 61.

#### 1. Citation

This notice may be cited as the *Real Estate and Business Agents (Remuneration) Revocation Notice 1998*.

## 2. Commencement

This notice comes into operation on the day on which the *Real Estate and Business Agents Amendment Act 1998* comes into operation.

## 3. Notices revoked

The *Real Estate and Business Agents (Remuneration) Notice 1991* made under section 61 of the Act and published in the *Gazette* on 3 May 1991 as amended by notices published in the *Gazette* on 20 March 1992, 30 September 1994, 7 October 1994, 24 February 1995 and 8 December 1995 and any other notices made or purported to be made under section 61 of the Act are revoked.

The Common Seal of the Real Estate and Business Agents Supervisory Board was applied to this notice pursuant to a resolution passed at a meeting of the Board held on 16 October 1998.

Signed:

D. A. DAWES, Chairman.

R. P. ROSSI, Registrar.

Approved: D. J. SHAVE, Minister for Fair Trading.

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## LOCAL GOVERNMENT

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LG301\*

### LOCAL GOVERNMENT ACT 1995

#### *Shire of Kalamunda*

#### Amendment to Local Laws relating to Extractive Industries

In pursuance of the powers conferred upon it by the above mentioned Act, the Council of the Shire of Kalamunda hereby records having resolved on the 21st September, 1998 to make the following amendment to its Local Laws regarding Extractive Industries published in the *Government Gazette* on 19th November, 1982.

1. Delete 'by-law' wherever it occurs and substitute 'local law'.
2. Delete the words 'Local Government Act 1960' wherever they occur and substitute 'Local Government Act 1995'.
3. Delete the words 'Municipal district' in clause 3 and clause 24 and substitute 'local government boundaries'.
4. Delete the words 'not exceeding one thousand dollars as the Council may by resolution, determine' in clause 8 (1) and substitute 'determined by the Council from time to time'.
5. Delete the words 'twenty dollars' in clause 9 and substitute 'that determined by the Council from time to time'.
6. Delete the words 'five hundred dollars (\$500)' in clause 26 and substitute 'two thousand dollars (\$2,000)'.
7. Delete the words 'fifty dollars (\$50) in clause 26 and substitute 'two hundred dollars (\$200)'.
8. After clause 26 insert clause designated "27" as follows—  
Objections and Appeals—  
27. When the local government makes a decision as to whether it will—  
(a) grant a person a licence under this local law; or

- (b) renew, vary, or cancel a licence that a person has under this local law, the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 shall apply to that decision.

Dated this 23rd day of September, 1998.

The common seal of the Shire of Kalamunda was affixed in the presence of:

O. McGRATH, Shire President.  
D. E. VAUGHAN, Chief Executive Officer.

**LG302\***

**LOCAL GOVERNMENT ACT 1995**

*Shire of Kalamunda*

Local Laws relating to the Repeal of Outdated Local Laws Law 1998 made under the Local Government Act 1960

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Local Government of the Shire of Kalamunda resolved to make the following Local Law on 21st day of September 1998.

**Repeal**

The following Local Laws are repealed—

Local Laws relating to—

Construction, Establishment, Operation and Maintenance of Motels published in the *Government Gazette* on 5 January, 1961;

Management and Control of the Kalamunda Swimming Centre published in the *Government Gazette* on 3 August, 1984;

Depositing and Removal of Refuse, Rubbish, Litter and Disused Materials published in the *Government Gazette* on 19 November 1982.

Dated this 23rd day of September 1998.

The common seal of the Shire of Kalamunda was affixed in the presence of:

O. McGRATH, Shire President.  
D. E. VAUGHAN, Chief Executive Officer.

**LG303\***

**LOCAL GOVERNMENT ACT 1995**

*Shire of Shark Bay*

**LOCAL LAW—MONKEY MIA JETTY**

In pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it the Council of the abovementioned Local Government hereby records having resolved on the 30th day of September 1998 to repeal the Local Laws relating to Management and Use of the Monkey Mia Jetty, published in the *Government Gazette* on 18 December 1981, as amended in the *Government Gazette* on 11 January 1991 and 29 October 1993 and adopt the following Local Law.

**PART 1—PRELIMINARY**

**Repeal**

1.1 All other Local Laws relating to Monkey Mia Jetty are hereby repealed.

**Citation**

1.2 These Local Laws shall be cited as the *Shire of Shark Bay Local Laws Relating to Monkey Mia Jetty*.

**Object**

1.3 The objects of these Local Laws are—

- (1) to provide for the management and control of the Monkey Mia Jetty
- (2) allow public access and encourage responsible use of the facility

**Definitions**

1.4 In these Local Laws unless the context otherwise requires—

“Act” means the *Local Government Act 1995*

“Authorised Person” means a person authorised by Council to perform a particular function

“Council” means the Council of the Shire of Shark Bay

“Custom” means business patronage or support

“Jetty” means the Monkey Mia Jetty located at Edel Location 34

“Person” and words applying to any person or individual include a body corporate and in the plural a group of persons and a club, association or other body of persons

“Tout” means soliciting custom

“Vehicle” includes every conveyance capable of being propelled or drawn on wheels by any means

“Vessel” means any ship, lighter, barge, boat, raft or craft of whatsoever description and howsoever navigated or propelled

**PART 2—LIMITATION ON USE****Use of Jetty**

2.1 No person shall land at, use or enter the Jetty except in accordance with these Local Laws.

2.2 No person shall land at, use or enter the Jetty while it is under repairs or otherwise closed as may be signified by signs, unless that person is authorised in writing by the Local Government or under any written law to do so.

**Moored Vessels to Jetty**

2.3 No person shall moor or make fast any vessel to the Jetty or any part thereof except to such mooring piles, ring bolts or other fastenings as are provided and no person shall permit a vessel to remain alongside any Jetty unless so moored or fastened.

2.4 No person shall cause any obstruction on or to the Jetty or impede the free passage of other persons on the Jetty.

**Vessels Not to Remain at Jetty**

2.5 Any person with a vessel fastened to or alongside the Jetty shall remove the vessel forthwith on order for removal being given by an Authorised Person or a member of the police force.

2.6 Any person with a vessel fastened to or alongside the Jetty shall leave the vessel so fastened only while embarking or disembarking passengers or cargo is in progress.

2.7 A person is not to moor a vessel to the Jetty for the purpose of effecting repairs to the vessel unless the vessel is in distress or written permission has been given by an Authorised Person.

2.8 Any person with a vessel loading or discharging cargo shall not come alongside or be fastened to the Jetty until the cargo is ready to load or discharge as the case may be.

2.9 The owner or person in control of a vessel used for commercial purposes must, prior to using the Jetty, pay to the Local Government the fees determined by the Local Government from time to time.

2.10 Except with the written permission of the Council, no person shall permit a vessel to remain alongside the Jetty between the hours of 6.00 pm and 6.00 am the following morning.

**PART 3—HANDLING OF CARGO****Cargo or Property on Jetty**

3.1 No person with property intended for shipment onto a vessel shall place that property on the Jetty until the vessel is alongside the Jetty, and such property shall be removed from the Jetty as soon as practicable after being placed thereon.

3.2 Property unloaded from a vessel onto the Jetty shall be removed from the Jetty as soon as practicable.

3.3 Boarding ramps or gangways shall be removed from the Jetty after embarking or disembarking passengers or cargo.

3.4 A person who leaves property or is in charge of property left on the Jetty contrary to this Local Law, commits an offence.

3.5 Property which remains on the Jetty contrary to this Local Law may be removed and impounded by an Authorised Person in accordance with Part 3, Division 3, Subdivision 4 of the Act.

**Explosives on Jetty**

3.6 Without the written permission of the Council, no person shall land, place or handle on the Jetty any explosives as defined in Section 4 of the *Explosives and Dangerous Goods Act 1961*.

## PART 4—VEHICLES AND LIABILITY FOR DAMAGE

**Vehicles on Jetty**

- 4.1 No person shall drive a vehicle of a gross weight exceeding three (3) tonnes onto the Jetty or allow it to remain on the Jetty.
- 4.2 Vehicles shall be prohibited from being on the Jetty within 15 minutes of scheduled arrivals or departures of licensed charters other than vehicles of professional fishermen while loading or unloading.
- 4.3 Vehicles shall be removed from the Jetty immediately after completing loading or unloading of the vehicle.
- 4.4 No vehicle shall be parked in a manner that obstructs access to or from the Jetty.
- 4.5 No person shall ride or have a bicycle on the Jetty.

**Damage to Jetty**

- 4.6 Without prejudice to the liability of other persons, if any, the owner of a vessel is personally responsible for all damage to the Jetty caused by a person employed by him.
- 4.7 Where damage to the Jetty is caused by an owner or by a person employed by him, the Council may repair the damage and the cost of such repair shall be a debt due to the Council and payable by the owner and may be recovered in a court of competent jurisdiction.

## PART 5—GENERAL PROHIBITIONS

**Fishing from Jetty**

- 5.1 A person shall not fish from the Jetty.

**Fires on Jetty**

- 5.2 No person shall, under any pretext whatsoever, light, place or keep a fire upon or so near to the Jetty as to endanger the Jetty.

**Rubbish from Jetty**

- 5.3 (1) No person shall throw or cause to be thrown any glass, stone or other missile, or any filth, dirt, rubbish or other matter of a similar nature from the Jetty.
- (2) No person shall deposit any commercial rubbish from charter boats or offal into any rubbish bin located on the Jetty.

**Loitering on Jetty**

- 5.4 No person shall loiter, lounge, camp or sleep or erect a tent, camp or fly on the Jetty.

**Materials Not to be Removed**

- 5.5 No person shall remove or cause to be removed from the Jetty any gravel, stone, timber or other material.

**Pipelines to Jetty**

- 5.6 No person shall construct or install any pipelines to the Jetty except with the written permission of the Council and approval from the Department of Transport, as per the *Jetties Act 1926*.

**Obstruction of Jetty or Persons**

- 5.7 No person shall place or cause to be placed on the Jetty any obstruction.
- 5.8 No person shall place any advertising signage on the Jetty or access to the Jetty.
- 5.9 No person shall tout or solicit custom while on the Jetty.
- 5.10 No person shall obstruct any representative person or workman of the Council engaged in construction, repairing, adding to or working on the Jetty.

**Interference With Vessels**

- 5.11 No person shall, without the consent of Council or the owner of the vessel, move, let go or otherwise interfere with a vessel at its moorings.

**Liquor on the Jetty**

- 5.12 No person shall consume any liquor on the Jetty.
- 5.13 No person shall sell alcoholic beverages on the Jetty or from a vessel while moored to, or alongside the Jetty.

## PART 6—FEES AND CHARGES

- 6.1 Fees and charges for use of the Monkey Mia Jetty will be set by the Local Government in accordance with the requirements of Division 5 Subdivision 2 of the Act.

## PART 7—PENALTIES

- 7.1 (1) Any person who fails to do anything required or directed to be done under these Local Laws, or who does anything which under these Local Laws that a person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under these Local Laws is 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.

7.2 (1) An offence against any provision of these Local Laws is a prescribed offence for the purposes of Section 9.16(1) of the Act.

(2) The modified penalty for an offence against any provision of these Local Laws is \$100.

Dated this 30th day of September 1998.

The Common Seal of the Shire of Shark Bay was hereunto affixed in the presence of—

L. R. MOSS, Shire President.  
A. R. BIGGS, Chief Executive Officer.

### LG304

#### DOG ACT 1976

*Shire of Morawa*

#### LOCAL LAWS RELATING TO DOGS

Under the resolved powers conferred by the *Dog Act 1976* and by all other powers, the Council of the Shire of Morawa resolve to make the following local law on the 21st day of May 1998.

The local law regarding the Control of Dogs made by the Shire of Morawa and published in the *Government Gazette* on 28th September 1979 and as amended by publication in the *Government Gazette* on 17th September 1993, are hereby amended in the following manner—

1. Delete "by-law" wherever to occurs and substitute "local law";
2. Delete the words "abovementioned Municipality" in the preamble and substitute "Shire of Morawa".
3. Delete the words "specified in the schedule hereto" appearing after the word "fees" in local law 6 and substitute "determined by the Council from time to time;"
4. Delete the words "Health Surveyor" in local law 12 and substitute "Principal Environmental Health Officer".
5. Delete the words "specified in the Schedule hereto" appearing after the word "fees" in local law 13 and substitute "determined by the Council from time to time;"
6. Delete "1976-1977" after the word "Regulations" in local law 16 and substitute "1976-1996"
7. Delete the words "prescribed in the Schedule" appearing after the word "fee" in local law 24 and substitute "determined by the Council from time to time;"
8. Delete the words "road, street" from the local law 27 paragraph (e) and substitute "thoroughfare;"
9. Delete "five hundred dollars (\$500)" in local law 29 and substitute "two thousand dollars (\$2000)."
10. Delete the First Schedule.

Dated this 22nd day of September 1998.

The Common Seal of the Shire of Morawa was hereto affixed by the authority of the Council in the presence of—

Cr JAMES COOK, Shire President.  
Mr SHANE COLLIE, Chief Executive Officer.

### LG305

#### LOCAL GOVERNMENT ACT 1995

*Shire of Morawa*

#### EXTRACTIVE INDUSTRIES LOCAL LAW

Under the power conferred by the *Local Government Act 1995* and under all other powers, the Council of the Shire of Morawa resolved on the 21st day of May 1998 to make the following local law; The Shire of Donnybrook/Balingup Extractive Industries Local Law



published in the *Government Gazette* on 9 June 1998 is adopted as a local law of the Shire of Morawa, with the alterations which follow—

1. Clause 1.1—Definitions
  - 1.1 In clause 1.1, in the definition of 'local government', delete 'Shire of Donnybrook/Balingup' and substitute 'Shire of Morawa'.
2. Clause 2.3 (1)—Application for licence
  - 2.1 In clause 2.3 (1) (a) (v), delete 'roads' and substitute 'thoroughfares' in both places where it appears.
  - 2.2 In clause 2.3 (1) (b), in subparagraphs (vii) and (xv), delete 'roads' and substitute 'thoroughfares'.
  - 2.3 In clause 2.3 (1) (c)—
    - (a) renumber subparagraphs (iii), (iv), (v) and (vi) to (iv), (v), (vi) and (vii) respectively;
    - (b) insert the following subparagraph—  
'(iii) how each face is to be made safe and batters sloped;'; and
    - (c) in renumbering subparagraph (vi) delete 'and irrigated'.
  - 2.4 In clause 2.3 (1) (d), delete 'road' and substitute 'thoroughfare'.
  - 2.5 In clause 2.3 (1)—
    - (a) renumber paragraphs (i) and (j) to (j) and (k) respectively;
    - (b) insert the following as paragraph (i)—  
'evidence that a notice of clearing has been given to the Commissioner of Soil and Land Conservation if that is required under regulation 4 of the *Soil and Land Conservation Regulations 1992*'; and
    - (c) in renumbered paragraph (j), insert 'reasonably' after 'may'.
3. Clause 3.1 (5)—Determination of application
  - 3.1 In clause 3.1 (5) (b), delete 'roads' and substitute 'thoroughfares'.
  - 3.2 In clause 3.1 (5)—
    - (a) renumber paragraphs (q) and (r) to (r) and (s) respectively; and
    - (b) insert the following as paragraph (q)—  
'requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence;'
4. Clause 5.2—Use by the Local Government of secured sum
  - 4.1 In clause 5.2, delete 'Local Government' in the heading and substitute 'local government'.
  - 4.2 In clause 5.2 (1)—
    - (a) in paragraph (b) delete '60 days of' and substitute 'a reasonable period of time from'; and
    - (b) in paragraph (c) after 'may carry out' insert 'or cause to be carried out'.
5. Clause 6.1—Limits on excavation near boundary
  - 5.1 In clause 6.1(c), delete 'road' and substitute 'thoroughfare'.
6. Clause 6.2—Prohibitions
  - 6.1 In clause 6.2 (a), delete 'road reserve' and substitute 'thoroughfare' and delete 'roads' and substitute 'thoroughfares'.
  - 6.2 In clause 6.2 (c) delete 'site to which the licence applies' and substitute 'area excavated under the licence'.
7. Clause 6.3 (1)—Blasting
  - 7.1 In clause 6.3 (1) (c), delete 'Environment' and substitute 'Environmental'.
  - 7.2 In clause 6.3 (1) (d)—
    - (a) insert 'and' after subparagraph (ii);
    - (b) delete subparagraphs (iii) and (iv); and
    - (c) renumber subparagraph (v) to (iii).
8. Forms 3, 4 and 5
  - 8.1 In forms 3, 4 and 5, delete 'Shire of Donnybrook/Balingup' wherever it occurs and substitute 'Shire of Morawa'.

Dated: 22 September 1998.

The Common Seal of the Shire of Morawa was hereto affixed by the authority of the Council in the presence of the—

Cr JAMES COOK, Shire President.  
Mr SHANE COLLIE, Chief Executive Officer.

**LG401\*****BUSH FIRES ACT 1954***City of Fremantle*

## APPOINTMENT OF CHIEF AND DEPUTY CHIEF BUSH FIRE CONTROL OFFICERS

The City of Fremantle has appointed the following Integrated Patrol Section Rangers to the stated positions in accordance with Section 38(1) of the Bush Fires Act—

Ranger David White—Chief Bush Fire Control Officer  
Ranger Andrea Smith—Deputy Chief Bush Fire Control Officer

RAY GLICKMAN, Chief Executive Officer.

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**LG402****DOG ACT 1976***Shire of Busselton*

It is hereby notified for general information that the following persons have been appointed under the provisions for the Dog Act 1976 as Registration Officers for the Municipality of the Shire of Busselton—

Miss Kylie McLeod  
Miss Melissa Cockman  
Ms Kaye Halden  
Mrs Deb Holden

The previous appointments of all other Registration Officers under the above Act are hereby cancelled.

MICHAEL SWIFT, Chief Executive Officer.

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**LG501\*****BUSH FIRES ACT 1954***City of Melville*

## FIRE BREAK NOTICE

Notice to all owners and/or occupiers of land situated in the City of Melville.

Pursuant to the powers contained in Section 33 of the above Act, you are hereby required on or before the 30th day of November 1998 or within 14 days of the date of you becoming the owner or occupier should this be after the 30th day of November 1998 and thereafter up to and including the 30th day of April 1999 to clear inflammable matter from that land in accordance with the following requirements—

- A. As to land which is 1,500 square metres or less in area, or which is zoned “residential” to clear all inflammable matter from the whole of the land except living trees, shrubs and plants under cultivation and lawns.
- B. As to all other land within the district the owner or occupier shall—
  - (i) Clear firebreaks of a minimum width of 3 metres inside all external boundaries of the land; and
  - (ii) clear firebreaks of a minimum width of 5 metres around all buildings situated on the land; and
  - (iii) where that area of land exceeds ten hectares, clear firebreaks of a minimum width of 5 metres so as to ensure that no area of land within the firebreaks exceeds ten hectares in land; and
  - (iv) in any event, clear the firebreaks to the satisfaction of Council’s duly authorised officer.

If for any reason an owner or occupier considers it to be impracticable to clear firebreaks or comply with other fire protection measures in accordance with this requirement, the owner or occupier may apply in writing to the Council’s duly authorised officer no later than 31 October 1998 for an exemption or partial exemption from compliance with the requirements of this notice.

The penalty for failing to comply with this notice is a fine of not more than \$1,000 and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.

JOHN McNALLY, Chief Executive Officer.

LG502\*

**BUSH FIRES ACT 1954***Shire of Busselton***BUSH FIRE NOTICE**

All owners and/or occupiers of land within the District of the Shire of Busselton are hereby given notice that in accordance with Section 33 of the Bush Fire Act 1954 you are required to carry out and maintain fire protection measures in accordance with the provisions of this Notice.

**1. DEFINITIONS**

Wherever referred to in this Notice, unless the context requires otherwise—

‘Compliance Period’ means the period from 1 December 1998 to 12 April 1999 or such later date as stated by the Shire by notices placed in the *Busselton-Margaret Times* and *Busselton-Dunsborough Mail*;

‘Crops or Pasture Areas’ means areas of Rural or Special Rural land which are totally or substantially covered in agricultural crops or pasture for the grazing of animals;

‘District’ means the district of the Shire of Busselton under the Local Government Act 1995;

‘Firebreak/s’ means an area of land which is kept and maintained totally clear of all material (living or dead) and kept clear to a height of 5 metres from ground level at any point of any overhanging trees or other vegetation;

‘Haystack’ means a collection of hay, including fodder rolls, placed or stacked together;

‘Hazardous Material’ means a substance or material which is combustible or capable of being easily set on fire;

‘Lot’ means land in one certificate of title or, at the discretion of the Shire, adjoining land in more than one certificate of title that is owned by the same person or body;

‘Notice’ means this Bush Fire Notice made under the Bush Fires Act 1954 with respect to all land in the District and published in the *Government Gazette*, *Busselton-Margaret Times* and *Busselton-Dunsborough Mail*;

‘Plantation’ means an area of planted pines, eucalypts, proteas or other commercial value trees or plants exceeding 40 metres by 40 metres in area but not including a Plantation;

‘Rural Land’ means land zoned Rural under the Shire of Busselton Town Planning Scheme No. 5 or any equivalent zoning under a replacement Town Planning Scheme;

‘Shire’ means the Shire of Busselton;

‘Special Rural’ means land zoned Special Rural under the Shire of Busselton Town Planning Scheme No. 5 or any equivalent zoning under replacement Town Planning Scheme;

‘Urban Land’ means any land other than Rural Land, Special Rural Land or Crown or Reserve land and includes land zoned residential, commercial and industrial under the Shire of Busselton Town Planning Scheme No. 5 or any equivalent zoning under a replacement Town Planning Scheme, but not including Crown or Reserve land;

‘Windbreak’ means an area of planted trees not exceeding 10 metres in depth with an unrestricted length which has been planted to provide wind protection to crop or pasture land.

**2. COMPLIANCE PERIOD**

All owners and occupiers of land within the District are to ensure that land owned and/or occupied by them complies in all respect with the requirements of this Notice by 1 December 1998 and that land owned and/or occupied by them is maintained so as to comply in all respects with the requirements of this Notice for the whole of the Compliance Period.

**3. REQUIREMENTS FOR PARTICULAR CATEGORIES OF LAND**

Under each heading in clause 3 the requirements of this Notice for each category of land are listed.

**3.1 Rural Land (Category 1)**

(a) Firebreaks shall be constructed and maintained adjacent to all external boundaries of a Lot. Firebreak shall be 3 metres wide except in pasture or crop areas where it shall be 2 metres wide. Where the land area exceeds 120 hectares, an additional Firebreak must divide the Lot into areas of not more than 120 hectares completely surrounded by a Firebreak.

(b) A 2 metre Firebreak shall be constructed and maintained within 20 metres of all dwellings and/or outbuildings on the land in a manner so as to totally surround the dwelling and/or outbuilding with a Firebreak.

(c) A 3 metre Firebreak shall be constructed not closer than 6 metres from all fuel storage areas and/or Haystacks on the land in a manner so as to totally surround those fuel storage areas and/or Haystacks with a Firebreak.

**3.2 Urban Land (Category 2)**

(a) Where the area a Lot exceeds 2024 m<sup>2</sup> Firebreak shall be constructed and maintained which are at least 3 metres wide and within 6 metres of the inside of all external boundaries of the Lot.

(b) Where the area of a Lot is 2024 m<sup>2</sup> or less all Hazardous Material must be removed from the whole of the Lot except living (green) trees, shrubs and plants.

**3.3 Plantations (Category 3)**

(a) Firebreaks which are not less than 5 metres in width shall be constructed and maintained adjacent to all external boundaries of the Plantation;.

- (b) A 10 metre area is to be maintained inside the 5 metre Firebreak within the Plantation. In this area all vegetation other than Plantation matter is to be maintained at a height of no greater than 10 cm.
- (c) A 2 metre Firebreak shall be constructed and maintained within 20 metres of all dwellings and/or outbuildings on the Plantation in a manner so as to totally surround the dwelling and/or outbuilding with a Firebreak.
- (d) A 3 metre Firebreak shall be constructed not closer than 6 metres from all fuel storage areas and/or Haystacks on the Plantation in a manner so as to totally surround those fuel storage areas and/or Haystacks with a Firebreak.

#### 3.4 Special Rural Land—Individual Firebreaks (Category 4)

Being Special Rural Land not in a Strategic Firebreak Area.

- (a) Firebreaks shall be constructed and maintained within 6 metres of all external boundaries of a Lot. Firebreaks shall be a minimum of 3 metres wide except in Crop and Pasture Areas where the Firebreaks shall be a minimum of 2 metres wide.
- (b) All vegetation in open paddock and grassland areas (excluding Crop and Pasture Areas) must be maintained to a height or no greater than 10 cm and otherwise to the satisfaction of an authorised officer of the Shire. All waste material resulting from the slashing or mowing of vegetation shall be removed and disposed of in a lawful and safe manner.
- (c) All those parts of the land in an area within a radius of 20 metres surrounding all dwellings and outbuildings on the land shall be kept and maintained clear of all Hazardous Materials.
- (d) A 3 metre Firebreak shall be constructed not closer than 6 metres from all fuel storage areas and/or Haystacks on the land in a manner so as to totally surround those fuel storage areas

#### 3.5 Special Rural—Strategic Firebreaks on One or More Boundaries (Category 5)

Being Special Rural Land within a Strategic Firebreak Area with a strategic firebreak on one or more boundaries of a Lot.

- (a) A Firebreak which is 3 metres wide shall be constructed on the designated area as identified by the Shire for the Strategic Firebreak/s. Free access along the Strategic Firebreak/s across the boundary of the land is required to be provided for by means of a gate in a boundary fence, and the Strategic Firebreak/s is to be constructed and maintained in a 2WD trafficable condition to the satisfaction of an authorised officer of the Shire.
- (b) All vegetation in open paddock and grassland areas (excluding Crop and Pasture Areas) must be maintained to a height or no greater than 10 cm and otherwise to the satisfaction of an authorised officer of the Shire. All waste material resulting from the slashing or mowing of vegetation shall be removed and disposed of in a lawful and safe manner.
- (c) All those parts of the land in an area within a radius of 20 metres surrounding all dwellings and outbuildings on the land shall be kept and maintained clear of all Hazardous Materials.
- (d) A 3 metre Firebreak shall be constructed not closer than 6 metres from all fuel storage areas and/or Haystacks on the land in a manner so as to totally surround those fuel storage areas

#### 3.6 Special Rural—Within a Strategic Firebreak Protected Area (Category 6)

Being all other Special Rural Land within a Strategic Firebreak Area.

- (a) All vegetation in open paddock and grassland areas (excluding Crop and Pasture Areas) must be maintained to a height or no greater than 10 cm and otherwise to the satisfaction of an authorised officer of the Shire. All waste material resulting from the slashing or mowing of vegetation shall be removed and disposed of in a lawful and safe manner.
- (b) All those parts of the land in an area within a radius of 20 metres surrounding all dwellings and outbuildings on the land shall be kept and maintained clear of all Hazardous Materials.
- (c) A 3 metre Firebreak shall be constructed not closer than 6 metres from all fuel storage areas and/or Haystacks on the land in a manner so as to totally surround those fuel storage areas

### 4. ALTERNATIVE FIRE PROTECTION MEASURES

4.1 Any owner and/or occupier of land in the District who believes it is impractical or environmentally unsound to carry out the requirements of this Notice on land owned/occupied by him or her may make application to the Manager of Ranger Services of the Shire seeking exemption from some or all of the requirements of this Notice as they relate to the land and for permission to provide alternative Firebreaks or other alternative fire protection measures for the land.

4.2 An application for exemption/alternative fire protection measures must be made in writing and must be received at the Shire of Busselton administration office prior to 5 pm on 10 November 1998.

4.3 All applicants will be advised in writing prior to 1 December 1998 whether or not their application for exemption/alternative fire protection measures has been approved. If the application is approved then the owner and/or occupier of the land is to ensure that his or her land complies in all respects with the terms and conditions of that approval for the whole of the Compliance Period. If the application is refused then the owner and/or occupier shall ensure that his or her land complies in all respects with the requirements of this Notice for that land.

### 5. SPECIAL ORDERS

The requirements of this Notice are considered to be the minimum standard of fire prevention measures necessary to protect individual properties and the District generally. In addition to the requirements of this Notice, an authorised officer of the Shire may issue a Special Order on the owner and/or

occupier of land requiring additional fire prevention work as specified in that Special Order to be carried out on that land. All owners and/or occupiers shall comply in all respects with the requirements and conditions of any Special Order which is issued by an authorised officer of the Shire with respect to land owned and/or occupied by them.

MICHAEL SWIFT, Chief Executive Officer.

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## PLANNING

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### PD401\*

#### TOWN PLANNING AND DEVELOPMENT ACT 1928

#### TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

#### *CITY OF SOUTH PERTH*

#### TOWN PLANNING SCHEME NO. 5—AMENDMENT NO. 107

Ref: 853/2/11/7, P107.

Notice is hereby given that the local government of the City of South Perth has prepared the abovementioned scheme amendment for the purpose of—

- (a) modifying the land use control symbols in Table No. 1 of the No. 5 Scheme Text to make Eating House "P" (Permitted Use) under the "Motel" zone;
- (b) modifying the land use control symbols in Table No. 1 of the No. 5 Scheme text to make Shop, Offices: Controlled Use, Offices: General, Offices: Professional "AA" (Discretionary Use) under the "Motel" zone; and
- (c) modifying the Plot ratio figure in Table No. 2 of the No. 5 Scheme from "0.66" to "0.75" under the "Motel" zone.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Civic Centre, Corner Sandgate Street and South Terrace, South Perth and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 1 December 1998.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before 1 December 1998.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

L. L. METCALF, Chief Executive Officer.

### PD402

#### TOWN PLANNING AND DEVELOPMENT ACT 1928

#### ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

#### *SHIRE OF DENMARK*

#### TOWN PLANNING SCHEME NO. 3—AMENDMENT NO. 43

Ref: 853/5/7/3, Pt. 43.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Denmark Town Planning Scheme Amendment on 8 October 1998 for the purpose of—

1. Rezoning Lot 5 Myers Road, Denmark, from "Tourist" zone to "Special Rural" zone.
2. Amending the face of the Scheme Map accordingly.
3. Amending the Scheme text by adding the following to Appendix 6—

#### **22 Myers Road Special Rural Zone**

- (a) Lot 5 Myers Road, Denmark
- (b) Rural Residential
  - Permitted Uses (P): Residential Dwelling House
  - Permitted at Council's Discretion (AA): Home Occupation
  - Rural Pursuit (see provision vi(a))
- (c) (i) All subdivision within the zone shall generally be in accordance with the Subdivision Guide Plan (No. 96/97/3) as signed by the Chief Executive Officer.
- (ii) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.

- (iii) (a) All buildings and effluent disposal systems within the zone shall be located within a defined building envelope of no greater than 1,000m<sup>2</sup>, which has been selected and delineated on-site by the landowner, and approved by Council.
- (b) The location of the approved building envelope shall be such that—
  - it has regard for the locations of building envelopes delineated on the Subdivision Guide Map;
  - it is consistent with the building setback areas referred to in by Clause 5.1 “Table 2—Development Standards” in by Clause 5.1 “Table 2—Development Standards”
  - the location of the building envelope and low fuel zones will not affect the Tree Preservation Areas defined on the Subdivision Guide Map;
  - the location of the building envelopes will not detract from the environmental quality of the area or from the amenity of adjoining residences;
  - it has regard for the capability and suitability of the land.
- (iv) (a) No indigenous trees or substantial vegetation shall be felled or removed except where—
  - trees are dead, diseased or dangerous;
  - the establishment of a fire access track is required under regulation or by-law.
- (b) The removal of indigenous trees or substantial vegetation for any purposes other than the above exceptions shall require the consent of Council, and as condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by Council.
- (c) Council will not encourage fencing along property boundaries within the Tree Preservation Areas as defined on the Subdivision Guide Plan unless to comply with Provision (vi) (c).
- (v) (a) Council may request the Commission to impose a condition at the time of subdivision to require arrangements to be made for the provision and maintenance of fire control measures, including emergency egress/access, strategic firebreaks and water supply facilities (eg, water tank and standpipe facilities),
- (b) Council shall require that individual landowners are responsible for the maintenance of a Strategic Firebreak where it crosses the landowner’s lot.
- (c) Limited clearing around building structures, will be required by Council to establish 3,000 m<sup>2</sup> low fuel zones as shown on the Subdivision Guide Map. The low fuel zones shall be kept free of debris and maintained to a standard approved by Council, and where required are not to intrude into the Tree Preservation Area.
- (d) Council may request the Commission to impose a condition at the time of subdivision requiring the subdivider to make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959-1991.
- (e) Council shall require the construction of gates where fences cross the Strategic Firebreak to the satisfaction of the Bush Fires Board and specifications and Council.
- (vi) (a) With the intention of preventing agricultural practices detrimental to the amenity within the zone, Rural pursuits and the keeping of animals for commercial gain shall not be permitted without the approval in writing of Council. The Council may impose limits on stocking or any other conditions in the light of prevailing seasonal conditions.
- (b) Council will only permit the keeping of animals in areas that are already substantially cleared and pastured so as not to conflict with Clause (iv).
- (c) Council may request the Commission to impose a condition at the time of subdivision to require that Tree Preservation Areas shown on the Subdivision Guide Plan be fenced from stock. Council may impose such fencing requirements as a condition of its approval to the keeping of animals.
- (d) Provision of an adequate water supply to the stock may also be required as a condition of approval.
- (vii) (a) The Council will require the planting and maintenance, for a period of at least 3 years, of the Tree Planting Areas as defined on the Subdivision Guide Plan, using endemic native trees of species.
- (viii) (a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landfarm and vegetation) in terms of their design, materials and colour.
- (b) All buildings shall be constructed of roof and external wall materials, comprising earth brown or green vegetation colours or finishes.
- (c) All residential buildings shall be single storey except where it can be proved to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality.

- (d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.
- (e) Proposals to vary the height restrictions pursuant to Special Provision viii (c) shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the effect on the visual amenity and the natural screening effect of vegetation and topography including any proposed landscaping.
- (ix) A surveyor's plan (pre-calculated drawing) shall be lodged with Council prior to the clearance of diagrams of survey and show Tree Preservation Areas and Strategic Fire-breaks, as proposed and as required by Council for approval.

H. J. VERSLUIS, President.  
P. DURTANOVICH, Chief Executive Officer.

**PD403****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF DENMARK*

## TOWN PLANNING SCHEME NO. 3—AMENDMENT NO. 53

Ref: 853/5/7/3, Pt. 53.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Denmark Town Planning Scheme Amendment on 8 October 1998 for the purpose of—

1. including Plantagenet Location 2320, South Coast Highway, Kenton in Appendix 2—Schedule of Additional Use Sites for Cellar Sales and Wine Tasting.

PARTICULARS OF THE LAND	ADDITIONAL USE	CONDITIONS OF ADDITIONAL USE
18 Plantagenet Location 2320, South Coast Highway, Kent River	Cellar Sales and Wine Tasting	<p>(1) In considering applications for additional development Council shall have regard to the following matters—</p> <ul style="list-style-type: none"> <li>• Effluent Disposal</li> <li>• Water supply</li> <li>• Drainage</li> <li>• Landscaping</li> <li>• Parking</li> <li>• Vegetation retention</li> </ul> <p>(2) Proposed on-site effluent disposal systems shall not be located within 100 metres (horizontal separation) from a watercourse and to be to the satisfaction of the Water &amp; Rivers Commission, the Health Department of WA and Council. If an on-site effluent disposal unit cannot be located more than 100 metres from a watercourse, then Council may, as a condition of building approval, permit the use of an alternative system meeting Health Department specifications.</p> <p>(3) All development to be in accordance with Bushfire Board of WA and Council standards.</p> <p>(4) Any additional driveways required by the development connected to South Coast Highway are to be approved by Main Roads WA, and are to be constructed to MRWA and Council standards.</p>

2. amend the Scheme Maps accordingly.

H. J. VERSLUIS, President.  
P. DURTANOVICH, Chief Executive Officer.

**PD404\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## TOWN PLANNING SCHEME AMENDMENT AVAILABLE FOR INSPECTION

*SHIRE OF ESPERANCE*

## TOWN PLANNING SCHEME NO. 22—AMENDMENT NO. 25

Ref: 853/11/6/21, Pt. 25.

Notice is hereby given that the local government of the Shire of Esperance has prepared the abovementioned scheme amendment for the purpose of zoning Lot 908 Simpson Street Industry-General. Its present status is part closed road reserve, part Parks & Recreation reserve.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Windich Street, Esperance and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 1 December 1998.

Submissions on the scheme amendment may be made in writing on Form No. 4 and lodged with the undersigned on or before 1 December 1998.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

B. SPENCER, Acting Chief Executive Officer.

**PD405\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF IRWIN*

## TOWN PLANNING SCHEME NO. 4—AMENDMENT NO. 7

Ref: 853/3/9/4, Pt. 7.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Irwin Town Planning Scheme Amendment on 10 October 1998 for the purpose of—

1. Deleting Motel, Caravan Park, and Chalet Park from Schedule No. 3 Special Use Zone No. 13 and replacing with Holiday Accommodation; and
2. Including the definition "Holiday Accommodation" within Schedule No. 1 Interpretations, as follows:

"Holiday Accommodation" means building and land used for accommodation and recreation for holiday purposes but does not include a hotel or a motel.

G. C. BASS, President.  
J. MERRICK, Chief Executive Officer.

**PD406\*****TOWN PLANNING AND DEVELOPMENT ACT 1928**

## ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*SHIRE OF WANNEROO*

## TOWN PLANNING SCHEME NO. 1—AMENDMENT NO. 688

Ref: 853/2/30/1, Pt. 688.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning approved the Shire of Wanneroo Town Planning Scheme Amendment on 7 October 1998 for the purpose of rezoning Lot 6 Kingsway, Madeley from Rural to Residential Development and apply R25 and R40 Residential Density Codes to the area.

C. ANSELL, Chairman Of Commissioners.  
J. B. TURKINGTON, Acting Chief Executive Officer.



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## RACING, GAMING AND LIQUOR

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### RA401

#### WESTERN AUSTRALIAN TROTTING ASSOCIATION

#### By-laws of the Western Australian Trotting Association

#### NOTICE OF AMENDMENT

Notice is hereby given that at a meeting of the Committee of the Western Australian Trotting Association held at Gloucester Park, East Perth, on the 15th day of September 1998 it was resolved by an absolute majority of the Committee of the Association that the By-laws of the Western Australian Trotting Association made under the Western Australian Trotting Association Act 1946 ("the Act") be amended as follows—

#### Amend By-law Part I Interpretation—

##### Present wording—

"**TRAINER** means a person who holds a licence or permit to train issued under "The Rules of **Trotting** of the Western Australian Trotting Association";"

##### Amended wording—

"**TRAINER** means a person who holds a licence or permit to train issued under "The Rules of **Harness Racing** of the Western Australian Trotting Association";"

#### Amend By-law 4, fourth paragraph—

##### Present wording—

"4. A person who is elected to the Committee at any time after the 1st day of July 1990 and at the time of election is an employee of the Association or the holder of a licence or permit issued by the Association or under these By-laws or under the Rules of **Trotting** shall only be eligible to attend meetings of the Committee after he or she shall have ceased employment with the Association or surrendered his or her licence or permit (as the case may be)."

##### Amended wording—

"4. A person who is elected to the Committee at any time after the 1st day of July 1990 and at the time of election is an employee of the Association or the holder of a licence or permit issued by the Association or under these By-laws or under the Rules of **Harness Racing** shall only be eligible to attend meetings of the Committee after he or she shall have ceased employment with the Association or surrendered his or her licence or permit (as the case may be)."

#### Amend By-law 27, paragraphs 1 and 2—

##### Present wording—

"27. If and whenever the Secretary reports to the Committee that a member has been disqualified under the Rules of **Racing** for a period not exceeding twenty-three calendar months, the Committee shall at once suspend such member until the disqualification has ceased to operate: Provided that the Committee may at any time thereafter remove such suspension if satisfied that having regard to all the circumstances, the member is sufficiently punished by the penalties which are attached to disqualification by the Rules of **Racing**.

If the Secretary's report as aforesaid shows that a member has been disqualified under the Rules of **Racing** for life or for a term exceeding twenty-three months, then the membership of such member shall be cancelled, and the Committee shall at once remove his name from the register of members."

##### Amended wording—

"27. If and whenever the Secretary reports to the Committee that a member has been disqualified under the Rules of **Harness Racing** for a period not exceeding twenty-three calendar months, the Committee shall at once suspend such member until the disqualification has ceased to operate: Provided that the Committee may at any time thereafter remove such suspension if satisfied that having regard to all the circumstances, the member is sufficiently punished by the penalties which are attached to disqualification by the Rules of **Harness Racing**.

If the Secretary's report as aforesaid shows that a member has been disqualified under the Rules of **Harness Racing** for life or for a term exceeding twenty three months, then the membership of such member shall be cancelled, and the Committee shall at once remove his name from the register of members."

#### Amend By-law 56—

##### Present wording—

"56. The Stewards shall conduct and carry out all race meetings and trotting events, and see that all Rules of **Racing** are observed. The Stewards shall discharge such other duties as the Committee from time to time directs and/or as may be specified in the by-laws or the Rules of **Racing** for the time being."

Amended wording—

- “56. The Stewards shall conduct and carry out all race meetings and trotting events, and see that all Rules of **Harness Racing** are observed. The Stewards shall discharge such other duties as the Committee from time to time directs and/or as may be specified in the by-laws or the Rules of **Harness Racing** for the time being.”

Amend By-law 59, clause (c)—

Present wording—

- “59. (c) generally determining such Rules of **Racing** applicable before, during and/or after the actual racing as the Committee in its absolute and unfettered discretion thinks fit to lay down or prescribe.”

Amended wording—

- “59. (c) generally determining such Rules of **Harness Racing** applicable before, during and/or after the actual racing as the Committee in its absolute and unfettered discretion thinks fit to lay down or prescribe;”

Amend By-law 59, penultimate paragraph—

Present wording—

59. Every person who nominates, owns, leases, trains, rides, or drives a horse or has any share; interest, or part in the nomination, ownership, lease or training of a horse and every other class of person who purports to be referred to in and dealt with by any **Racing** Rule made under this by-law shall be absolutely bound thereby, whether the same is or is not irregular or is or is not *ultra vires* of the Committee.”

Amended wording—

59. Every person who nominates, owns, leases, trains, rides, or drives a horse or has any share, interest, or part in the nomination, ownership, lease or training of a horse and every other class of person who purports to be referred to in and dealt with by any **Harness Racing** Rule made under this by-law shall be absolutely bound thereby, whether the same is or is not irregular or is or is not *ultra vires* of the Committee.”

Amend By-law 59, final paragraph—

Present wording—

- “59. The provisions of section thirty-six of the Interpretation Act, 1918-1938,\* (Now Interpretation Act 1918-1975) shall apply to and in respect of any Rule of **Racing** made after the commencement of this Act and to any alteration or repeal thereof and to and in respect of any alteration or repeal of any existing Rule of **Racing** as if such Rule of **Racing** or such alteration or repeal of a Rule was a new by-law made under this Act.”

Amended wording—

- “59. The provisions of section thirty-six of the Interpretation Act, 1918-1938,\* (Now Interpretation Act 1918-1975) shall apply to and in respect of any Rule of **Harness Racing** made after the commencement of this Act and to any alteration or repeal thereof and to and in respect of any alteration or repeal of any existing Rule of **Harness Racing** as if such Rule of **Harness Racing** or such alteration or repeal of a Rule was a new by-law made under this Act.”

Amend By-law 60—

Present wording—

- “60. The existing Rules of **Racing** as made by the Western Australian Trotting Association (Incorporated), unless inconsistent with the by-laws, shall continue in force until amended or repealed by the Committee in accordance with the Act.”

Amended wording—

- “60. The existing Rules of **Harness Racing** as made by the Western Australian Trotting Association (Incorporated), unless inconsistent with the by-laws, shall continue in force until amended or repealed by the Committee in accordance with the Act.”

Amend By-law 83—

Present wording—

- “83. The horse placed first by the Judge shall be deemed to be the winner, unless a protest be lodged in accordance with the provisions of the Rules of **Racing**.”

Amended wording—

- “83. The horse placed first by the Judge shall be deemed to be the winner, unless a protest be lodged in accordance with the provisions of the Rules of **Harness Racing**.”

Amend By-law 87, second paragraph—

Present wording—

“87. Should the owners of the horses running a dead-heat; which under the Rules of **Racing** may be run off, decide to run the same off, the totalisator shall be closed so far as the race is concerned, and may be re-opened on the run off, the money in each case to be paid out on the winner of the race.”

Amended wording—

“87. Should the owners of the horses running a dead-heat, which under the Rules of **Harness Racing** may be run off, decide to run the same off, the totalisator shall be closed so far as the race is concerned, and may be re-opened on the run off, the money in each case to be paid out on the winner of the race.”

Dated: 15/9/98

GARY PAPADOPOULOS, President.

RA402\*

Gaming Commission Act 1987

## Gaming Commission (Appointment of Member) Notice (No. 2) 1998

Given by the Minister for Racing and Gaming under section 12(1) of the Act.

### 1. Citation

This notice may be cited as the *Gaming Commission (Appointment of Member) Notice (No. 2) 1998*.

### 2. Notice of appointment of members

Notice is given that on 6 October 1998, the Governor in Executive Council —

- (a) re-appointed Ms Lynette P. QUINLIVAN of Strickland Street, MOUNT CLAREMONT as a member of the Gaming Commission of Western Australia for a period of 3 years commencing on 28 October 1998; and
- (b) appointed Ms Margaret L. NADEBAUM of Reeve Street, SWANBOURNE as a member of the Gaming Commission of Western Australia for a period of 2 years commencing on 28 October 1998.

G. M. EVANS, Minister for Racing and Gaming.

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**TRANSPORT**

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TR301\*

Shipping and Pilotage Act 1967

**Ports and Harbours Amendment Regulations  
(No. 2) 1998**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Ports and Harbours Amendment Regulations (No. 2) 1998*.

**2. The regulations amended**

The amendments in these regulations are to the *Ports and Harbours Regulations*\*.

[\* *Published in Gazette 3 February 1966, pp. 277-92.*  
*For amendments to 17 August 1998 see 1997 Index to Legislation of Western Australia, Table 4, pp. 246-50, and Gazette 12 May 1998.*]

**3. Regulation 15A amended**

Regulation 15A(1) is amended by changing the second paragraph designation from “(a)” to “(b)”.

**4. Regulation 15C amended**

Regulation 15C is amended by changing the second paragraph designation from “(a)” to “(b)”.

**5. Third Schedule amended**

The Third Schedule, Part II, item 1(1) is deleted and the following subitem is inserted instead —

“

(1) Conservancy dues are payable in respect of any vessel, other than a fishing vessel or a vessel referred to in regulation 18(1)(a) to (i), on the day of first entry of that vessel, calculated as follows —

- (a) where the length of the vessel exclusive of the bowsprit is 70 metres or more, 9.19 cents per ton of the gross registered tonnage of the vessel; or

- (b) where the length of the vessel exclusive of bowsprit —

Table		\$
(i)	does not exceed 6 metres	77
(ii)	exceeds 6 metres but does not exceed 10 metres	99
(iii)	exceeds 10 metres but does not exceed 20 metres	146
(iv)	exceeds 20 metres but does not exceed 30 metres	224
(v)	exceeds 30 metres but does not exceed 50 metres	342
(vi)	exceeds 50 metres but does not exceed 70 metres	534

”.

By Command of the Governor,

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

**TR401\***

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**RESTRICTED SPEED AREAS—ALL VESSELS**  
**LOWER LESCHENAULT INLET**  
**BUNBURY**

Department of Transport,  
 Fremantle WA, 20 October 1998.

Acting pursuant to the powers conferred by Section 67 of the Western Australian Marine Act 1982 the Department of Transport by this notice revokes sub paragraph b (6) of the notice published in the *Government Gazette* on 25 October 1991 relating to restricted speed areas for all vessels on the Lower Leschenault Inlet.

Providing that this revocation will apply only to official bona fide competitors competing in the Power Dinghy Racing Club event on Sunday 25 October 1998.

MICHAEL LINLAY HARRIS, Acting Director General of Transport.

**TR402\***

**NAVIGABLE WATERS REGULATIONS**  
**WATER SKI AREA**  
**SAFETY BAY—ROCKINGHAM**

Department of Transport,  
 Fremantle WA, 20 October 1998.

Acting pursuant to the powers conferred by Section 48A of the Navigable Waters Regulations the Department of Transport, by this notice revokes the notice published in the *Government Gazette* of 6 October 1998 relating to the Water Skiing area at Safety Bay, Rockingham and substitutes the following—

(a)(13) CITY OF ROCKINGHAM

**(i) Safety Bay:** All those waters of Warnbro Sound bounded by lines commencing on the foreshore by the prolongation of Ernest Road, Safety Bay, thence in a south westerly direction to Passage Rock; thence extending south easterly to Becher Point.

Provided that no boat or skier shall approach within 200 metres of the foreshore except at the only beach take-off site at St Ives Cove, Safety Bay, extending for 300 metres along the foreshore and marked by signs.

Direction of skiing in this area is anti-clockwise.

MICHAEL LINLAY HARRIS, Acting Director General of Transport.

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