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GOVERNMENT GAZETTE

PUBLISHING DETAILS FOR CHRISTMAS 2000 AND NEW YEAR HOLIDAY PERIOD 2001

Publishing Dates and times

Closing Dates and Times for copy

Friday 29 December 2000 at 3.30 pm

Wednesday 27 December at 12 noon

Friday 5 January 2001 at 3.30 pm

Wednesday 3 January 2001 at 12 noon

Government Gazettes will not be published on Tuesday 26^{th} December 2000 or Tuesday 2^{nd} January 2001

From week commencing January 8 normal publishing resumes.



— PART 1 —

JUSTICE

JM301*

Local Courts Act 1904

Local Court Amendment Rules (No. 4) 2000

Made by the Governor in Executive Council.

1. Citation

These rules may be cited as the *Local Court Amendment Rules* (No. 4) 2000.

2. Commencement

These rules come into operation on the day after the last day of the specified period, which is the period of one month after the day on which these rules are published in the *Gazette*.

3. Appendix amended

Appendix Part II Bailiff Fees to the *Local Court Rules 1961** is amended as follows:

- (a) in item 3(a) by deleting "\$0.75" in the first place where it occurs and inserting instead
 - " \$0.85 ":
- (b) in item 3(a) by deleting "\$0.75" in the second place where it occurs and inserting instead
 - " \$0.95 ";
- (c) in item 3(b)(i) by deleting "\$5.00" and inserting instead
 - " \$6.00 ";
- (d) in item 3(b)(ii)(I) by deleting "\$5.00" and inserting instead
 - " \$6.00 ";
- (e) in item 3(b)(ii)(II) by deleting "\$1.70" and inserting instead
 - " \$2.00 ";

(f) in item 3(b)(ii)(III) by deleting "\$5.00" and inserting instead —

" \$6.00 ".

[* Reprinted 26 February 1996.

For amendments to 27 October 2000 see 1999 Index to Legislation of Western Australia, Table 4, p. 165, and Gazette 24 March, 30 June and 29 August 2000.]

By Command of the Governor,

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

LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995

Shire of Broome

Local Law to Repeal Local Laws

Under the powers conferred by the Local Government Act 1995, the Council of the Shire of Broome records having made the following local law at a meeting held on 21 November 2000:

The following local laws relating to-

- Buildings, published in the Government Gazette on 26 September 1919,
- General, published in the Government Gazette on 30 April 1920,
- Traffic over Motor Roads, published in the Government Gazette on 21 April 1922,
- Goats, published in the Government Gazette on 16 April 1937,
- Appointment of Employees, published in the Government Gazette on 14 November 1941,
- One Way Traffic, published in the Government Gazette on 8 June 1956,
- Long Service Leave, published in the Government Gazette on 14 November 1957,
- Vehicle Wrecking, published in the Government Gazette on 17 August 1966,
- Sick Leave, published in the Government Gazette on 2 March 1973,
- Holiday Accommodation, published in the Government Gazette on 5 March 1976 and
- Building Line, published in the Government Gazette on 20 August 1976, are hereby repealed.

The Common Seal of the Shire of Broome was hereunto affixed by authority of a decision of the Council in the presence of—

KEVIN FONG, Shire President. GREG POWELL, Chief Executive Officer.

RAILWAYS

RB301*

RAIL FREIGHT SYSTEM ACT 2000

RAIL FREIGHT SYSTEM (TRANSFER) AMENDMENT ORDER 2000 made under section 23(6) of the Rail Freight System Act 2000 Made by the Acting Minister for Transport.

I hereby order that the Rail Freight System (Transfer) Order 2000 is amended as follows—

In the definition of "Transfer Time"—

- (1) by deleting the words "12.01am on the first Sunday immediately following"; and $% \left(1,0\right) =\left(1,0\right)$
- (2) by inserting, after the words "Agreement for Sale of Business" the words— $\,$
 - " dated 30 October 2000 ".

HENDY COWAN, Acting Minister for Transport.

- PART 2 —

COMMERCE AND TRADE

CO401

REGIONAL DEVELOPMENT COMMISSIONS ACT 1993

APPOINTMENT

Mr Mark Anderson has been appointed as a temporary member of the Peel Development Commission Board in accordance with the Regional Development Commissions Act 1993.

FISHERIES

FI401*

FISH RESOURCES MANAGEMENT ACT 1994

NORTHERN DEMERSAL SCALEFISH FISHERY MANAGEMENT PLAN 2000

Arrangement

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FISH RESOURCES MANAGEMENT ACT 1994

NORTHERN DEMERSAL SCALEFISH FISHERY MANAGEMENT PLAN 2000

FD 144/99[284]

Made by the Minister under section 54.

Part 1—Preliminary

Citation

1. This plan may be cited as the Northern Demersal Scalefish Fishery Management Plan 2000.

Commencement

2. This plan will commence operation on 1 January 2001.

Interpretation

- 3. In this plan, unless the contrary intention appears—
 - "ALC" means an Automatic Location Communicator as defined in regulation 55A of the regulations;
 - "approved directions for use" means the directions for use of an ALC given by the Executive Director in a notice in writing to the holder of a licence;
 - "authorised boat" means-
 - (a) a licensed fishing boat, the name, licensed fishing boat number and length of which are specified in a licence; or
 - (b) a boat specified in a written authority under regulation 132 where that boat is to be used in place of a boat described in paragraph (a);
 - "Committee" means the Northern Demersal Scalefish Interim Managed Fishery Management Advisory Committee;
 - "day", for the purposes of a calculation made in accordance with Schedule 7, each day means a period of 24 hours, or part thereof if the final day is not a complete period of 24 hours, commencing from when the boat enters Area 2 of the Fishery and ending when the boat leaves Area 2 of the Fishery;
 - "demersal scalefish" means all fish which are not-
 - (a) in the Families— Scombridae;

Istiophoridae; Xiphiidae; Coryphaenidae;

(b) in the Class— Chondrichthyes; or

(c) invertebrtaes of the Phyla— Mollusca; Crustacea;

Crustacea; Echinodermata;

- "dropline" means a fishing line which is weighted at one end only, is not anchored to the sea bed, is not attached to the boat and which has not less than 6 hooks and not more than 30 hooks attached;
- "Fishery" means the Northern Demersal Scalefish Managed Fishery;
- "fish trap" means any device used for taking fish other than a hook and line, trawl net, gillnet, haul net, purse seine net, or rock lobster pot as defined in the regulations;

"fishing boat licence" means a licence referred to in regulation 117 of the regulations;

- "fishing day" means the use of-
 - (a) twenty traps for one day; or
 - (b) five lines for one day,

from an authorised boat in Area 2 of the Fishery;

- "gear" means-
 - (a) a fish trap;
 - (b) a dropline; or
 - (c) a handline;

"handline" means a fishing line which is weighted at one end, is attached to the boat and has not more than 6 hooks attached;

"KGBMF licence" means a managed fishery licence which authorises the holder to take fish in the Kimberley Gillnet and Barramundi Managed Fishery as identified in the Kimberley Gillnet and Barramundi Management Plan 1989;

"licence" means a managed fishery licence which authorises a person to fish in the Fishery;

"licensed fishing boat number" has the same meaning as defined in the regulations;

"licensing period" means the period from 1 January in any year to 31 December in the same year; "line" means a handline or a dropline;

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

"nomination to fish" is a notification received by the Fisheries Department in accordance with clause 25;

"pull" means, in relation to a fish trap, to bring the fish trap from the sea bed to the surface of the sea;

"reel" means a device used to store, carry, set or haul any gear;

"regulations" means the Fish Resources Management Regulations 1995;

"set" in relation to gear means to position or release, leave or allow to remain in the waters of the Fishery;

"shark" means the fish of that common name described by the scientific classification opposite that name in column 2 of Schedule 7 of the regulations.

Procedure before this Plan may be amended or revoked

4. For the purposes of section 65 of the Act, the Northern Demersal Scalefish Interim Managed Fishery Management Advisory Committee is the advisory committee and all the licence holders are the persons that are to be consulted before this plan is amended or revoked.

Part 2—The Fishery

Identification and Declaration

5. (1) The Fishery to which this Plan relates is the fishing for any species of demersal scalefish by any means in the waters described in Schedule 1.

(2) The Fishery is a managed Fishery.

Areas

6. The Fishery is divided into the two Areas described in Schedule 2.

Part 3—Licences

Licence may only authorize fishing in one area

 $7.\,\mathrm{A}$ licence may only authorise a person, or persons acting on that person's behalf, to fish in one area of the Fishery.

Criteria for the grant of a licence

- 8. (1) The criteria to be satisfied before the Executive Director may grant a person a licence to fish in Area 1 of the Fishery are that—
 - (a) on 31 December 2000 the person was the holder of a Class A permit that authorised the holder to fish in Zone 1 of the fishery identified in the *Northern Demersal Scalefish Interim Managed Fishery Management Plan 1997*; and
 - (b) the person applies for a licence before 30 April 2001.
- (2) The criteria to be satisfied before the Executive Director may grant a person a licence to fish in Area 2 of the Fishery are that—
 - (a) on 31 December 2000 the person was the holder of a Class B permit that authorised the holder to fish in Zone 2 of the fishery identified in the *Northern Demersal Scalefish Interim Managed Fishery Management Plan 1997*; and
 - (b) the person applies for a licence before 30 April 2001.

Duration of licences

9. Except as otherwise provided in the Act, a licence remains in force for a period of 12 months from the day on which it is granted or renewed.

Fees for the grant of a licence

10. The fee set out in Schedule 10 is the fee to be paid in respect of the grant of a licence that will expire on 31 December 2001.

Items that shall be specified on a licence

- 11. A licence must specify the following-
 - (a) name and business address of the holder of the licence;
 - (b) name, licensed fishing boat number and the measured length of any licensed fishing boat which may be used for or in connection with fishing in the Fishery under the authority of that licence;
 - (c) the licence number;
 - (d) the period for which the licence is in force;
 - (e) the name of the fishery to which the licence relates;
 - (f) the number of units conferred by the licence and the extent of the entitlement arising from those units; and
 - (g) any conditions imposed on the licence by the Executive Director.

Grounds to suspend, cancel or not renew a licence

- 12. (1) The Executive Director may suspend, cancel or not renew a licence which authorises fishing in Area 1 of the Fishery on the grounds that—
 - (a) at the commencement of this Plan the licence holder was also the holder of a KGBMF licence and that person has ceased to hold that KGBMF licence; or
 - (b) at the commencement of this Plan the licence holder did not hold a KGBMF licence and after the commencement of this plan the licence holder ceases to hold fishing boat licence number 3162
- (2) The Executive Director may suspend, cancel or not renew a licence which authorises fishing in Area 2 of the Fishery on the ground that the number of units specified on the licence is nil.

Part 4—General regulation of fishing

Persons prohibited from fishing in the Fishery

- 13. (1) Subject to subclause (2), a person must not fish in the Fishery—
 - (a) other than in accordance with this Plan; and
 - (b) unless the person is the holder of a licence or a person acting on the licence holder's behalf in accordance with clause 26.
- (2) A person fishing in accordance with the Act for a non commercial purpose may fish for demersal scalefish in the waters described in Schedule 1.
- (3) A person must not be, or act as, the master of any authorised boat when that boat is in the Fishery unless that person is— $\,$
 - (a) the holder of the relevant licence; or
 - (b) authorised in accordance with clause 26 by the holder of the relevant licence to act on the licence holder's behalf.

Prohibition on selling, dealing in or purchasing demersal scalefish

14. A person must not sell, deal in or purchase any demersal scalefish taken from the Fishery unless the fish were taken by a person who holds a commercial fishing licence issued pursuant to the regulations and the fish were taken under the authority of a licence.

Use of gear

- 15. (1) For the purpose of this clause a fish trap—
 - (a) becomes a "dumped trap" when it has been left in the waters of the Fishery and the holder of the relevant licence or a person acting on that person's behalf, has—
 - (i) advised the Department, in accordance with approved directions for use, that fishing by fish traps has ceased; and
 - (ii) made a new nomination, in accordance with clause 25(4) that fishing by lines only will be undertaken:
 - (b) ceases to be a "dumped trap" when the holder of the relevant licence or a person acting on that person's behalf has—
 - (i) advised the Department, in accordance with approved directions for use, that fishing by fish traps is commencing; and
 - (ii) made a new nomination, in accordance with clause 25(4) that fishing by either fish traps only or fish traps and lines will be undertaken.
- (2) A person must not fish in the Fishery by any means other than by a fish trap, handline or dropline.
- (3) A person must not fish in Area 1 by any means other than by handline.
- (4) The master of an authorised boat—
 - (a) must not permit fishing in Area 1 by means of more than 5 handlines from that boat at any one time:
 - (b) must not permit line fishing in Area 2 by means of more than five handlines or five droplines from that boat at any one time;

- (c) must not permit fishing with fish traps from the boat, or fish traps to be on the boat, on any day if that day has been nominated in accordance with clause 25 as a day when fishing will be undertaken by means of lines only from that boat;
- (d) must not permit fishing with lines from the boat, or lines to be on the boat, on any day if that day has been nominated in accordance with clause 25 as a day when fishing will be undertaken by means of fish traps only from that boat;
- (e) must not permit fishing with lines and fish traps from the boat, or lines and fish traps to be on the boat, on any day unless that day has been nominated in accordance with clause 25 as a day when lines and fish traps will be used from that boat; or
- (f) must not permit a dumped trap to be in any waters—
 - (i) described in Schedule 3; or
 - (ii) in which fishing has been prohibited by a notice made under clause 18.
- (5) The master of an authorised boat must not allow—
 - (a) a handline which has more than 6 hooks attached to the line; or
 - (b) a dropline which has more than 30 hooks attached to the line,

to be on that boat at any time it is in the waters of the Fishery.

- (6) A person must not fish in the Fishery by means of—
 - (a) a handline which has more than 6 hooks attached to the line; or
 - (b) a dropline which has more than 30 hooks attached to the line.
- (7) A person fishing from an authorised boat in Area 1 must not use a reel other than a manually powered reel to set, haul or pull gear.
- (8) The master of an authorised boat must not permit a person on that boat to pull a fish trap which is a dumped trap.
- (9) The master of an authorised boat must, before any fish traps are pulled ensure that all lines are removed from the boat unless a nomination to fish by means of lines and traps has been made in accordance with clause 25 and is in effect at the time the fish traps are pulled.
- (10) The master of an authorised boat must not permit the number of fish traps being—
 - (a) used in the Fishery from; or
 - (b) carried on,

the authorised boat at any one time, to be more than the nominated number of fish traps specified in a nomination made in respect of that boat in accordance with clause 25.

- (11) The master of an authorised boat must not allow a person fishing from that boat to use, set or pull, or carry on board that boat any fish traps or droplines if those fish traps or droplines do not have attached a surface float which—
 - (a) has a diameter of not less than 150 millimetres; and
 - (b) is branded or stamped with the initial letter and the licensed fishing boat number for the boat that is being used to fish in the Fishery, and each character of the brand or stamp is legible and measures not less than 60 millimetres high and 10 millimetres wide.
- (12) The master of an authorised boat must not permit fishing by means of a fish trap from that boat unless that fish trap conforms with the specifications set out in Schedule 9.

Use of boats

- 16. (1) A person must not fish in the Fishery from a boat unless the boat is an authorised boat.
- (2) The master of an authorised boat must not allow—
 - (a) that boat to be in the waters of Area 2 with lines or fish traps on board the boat; or
 - (b) fishing to be undertaken from that boat by lines or traps,

at any time when the entitlement (sum of the unit values) conferred by the licence on which that boat is specified is equal to or less than the extent to which fishing has been undertaken under the authority of that licence.

Requirement to install an Automatic Location Communicator

- 17. (1) For the purpose of this clause "approved" and "approved person" have the same meaning as provided for in regulation 55A of the regulations.
- (2) The holder of a licence which authorises fishing in-
 - (a) Area 1 of the Fishery from an authorised boat that is greater than 8 metres in measured length; or
 - (b) Area 2 of the Fishery,

must not allow the authorised boat specified on that licence to be in the Fishery unless—

- (c) an ALC has been installed on that boat in accordance with the approved directions for use and by an approved person;
- (d) the ALC installed on that boat has been serviced in accordance with the approved directions for use, by an approved person and at intervals specified by the Executive Director in the approved directions for use;
- (e) that person has given a legible copy of the approved directions for use to the master of that authorised boat; and

- (f) the ALC installed on that boat is being used in the manner specified in the approved directions for use
- (3) It is a condition of the licence that an authorised boat referred to in subclause (2) must not be used in the Fishery by the holder of the licence or any person acting on that person's behalf unless an ALC is fitted to the boat and the approved directions are being complied with.
- (4) It is a condition of a licence that regulation 55C of the regulations are complied with at all times.
- (5) A reference to an Area in the approved directions for use referred to in subclause (2) is a reference to an Area as specified in Schedule 2.

Closure of areas within the Fishery

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

Part 5—Capacity of the Fishery and scheme of entitlements

Capacity of the Fishery

- 19. (1) Subject to subclause (2) and subclause (3) the capacity of Area 2 of the Fishery shall be the maximum number of fishing days that the Executive Director determines before 1 December each year may be utilised in the Fishery during the next licensing period.
- (2) For the calendar year commencing on 1 January 2001 the capacity of Area 2 of the Fishery is 1320 fishing days.
- (3) Notwithstanding the provisions of subclause (1) and subclause (2) if the Executive Director considers it appropriate to do so, the Executive Director may, at any time and from time to time during any licensing period determine a new capacity for Area 2 of the Fishery that shall apply for the remainder of that licensing period.
- (4) Before making a determination under subclause (1) or subclause (3) the Executive Director must—
 - (a) take into account any advice-
 - (i) received from the Department's Director of Fisheries Research;
 - (ii) of the Committee properly referred to him by the Minister; and
 - (b) consult all the holders of licences who are authorized to fish in Area 2 of the Fishery.
- (5) Notice of a determination made under subclause (1) or subclause (3) must be published in the Gazette within 14 days of the Executive Director making the determination.
- (6) Notice of a determination made under subclause (3)—
 - (a) may be made to take effect on gazettal or at a specified future time; and
 - (b) revokes any previously made determination that is in force.

Entitlement—allocation of units

- 20. (1) The entitlement to fish for demersal scalefish in Area 2 of the Fishery under the authority of a licence shall be expressed as a number of units.
- (2) A licence granted in accordance with clause 8(2) shall confer the number of units provided for in Schedule 5.

Unit value

- 21. (1) The sum of the entitlements (sum of the unit values) to fish in Area 2 of the Fishery that may be conferred by all the licences is equal to the capacity of the Fishery as determined in accordance with clause 19.
- (2) The extent of the entitlement to fish in Area 2 that arises from a unit (the unit value) shall be determined in accordance with Schedule 6 and limited by reference to a number of fishing days that may be utilised by the licence holder or a person acting on that person´s behalf during the period that the licence is in force.
- (3) Where the Executive Director makes a new determination in accordance with clause 19 during a licensing period the unit value for the remainder of that licensing period shall be redetermined in accordance with the formula specified in Schedule 6.
- (4) The holder of a licence or a person acting on that person's behalf must not fish in Area 2 of the Fishery at any time when the extent of fishing carried out in the waters of the Fishery by the holder of the licence (or persons' acting on that person's behalf) during the period for which the licence has been granted or renewed is equal to or greater than the sum of the unit values of the units conferred by the licence.

Determination of extent of fishing

22. The extent of fishing that has occurred under the authority of a licence when fishing in accordance with a nomination made under clause 25 shall be determined as provided for in Schedule 7.

Units—temporary transfer

- 23. A unit specified on a licence may be temporarily transferred to another licence, for a period ending at the time the licence expires, provided that—
 - (a) the entitlement arising from the units (including units temporarily transferred to the licence and excluding units temporarily transferred from the licence) that would be conferred by the licence after the transfer would not be less than the total extent of fishing already carried out under the authority of the licence during the period for which the licence has been granted or renewed:
 - (b) the transfer is of a whole number of units; and
 - (c) the licence from which the units are being transferred will still confer at least one unit after the transfer has been effected.

Units-Grounds for refusal to transfer

- 24. The Executive Director may refuse to transfer any part of an entitlement under a licence on the grounds that—
 - (a) the proposed transfer is not for a whole number of units;.
 - (b) the entitlement arising from the units (including units temporarily transferred to the licence and excluding units temporarily transferred from the licence) that would be conferred by the licence after the transfer would be less than the total number of fishing days already utilised under the authority of the licence during the period for which the licence has been granted or renewed; or
 - (c) if the transfer were given effect then the number of units conferred by a licence, disregarding any temporary transfers of units to or from the licence, would be less than one.

Nomination to fish

- 25. (1) The holder of a licence which authorizes fishing in Area 2 of the Fishery, or a person acting on that person's behalf, must not allow—
 - (a) that boat to enter or be in Area 2 of the Fishery with fish traps or lines on board the boat;
 - (b) fish traps or lines to be set in the waters of Area 2 from that boat,

unless a nomination to fish has been made in accordance with the approved directions for use and is in effect in accordance with this clause.

- (2) A nomination must be made in accordance with any relevant requirement in the approved directions for use and— $\,$
 - (a) made on the approved form and received by the Department prior to the commencement of the relevant licensing period;
 - (b) be limited to the intended fishing activities to be undertaken during the next licensing period;
 - (c) nominate if-
 - (i) fish traps or lines; or
 - (ii) both fish traps and lines,
 - are to be used during the next licensing period;
 - (d) specify the extent, by reference to the number of fish traps or lines, or both fish traps and lines, which the licence holder or the person acting on that person's behalf intends to fish with during each day when fishing is to be undertaken.
- (3) The holder of a licence or the person acting on that person's behalf may, by ALC, make a new nomination which, if received by the Department, revokes any previous nomination made for the relevant licensing period.
- (4) A new nomination received in accordance with subclause (3) must—
 - (a) be made in accordance with the approved directions for use;
 - (b) be made only in relation to the intended fishing activities to be undertaken during the remainder of that licensing period;
 - (c) nominate if fish traps or lines, or both fish traps and lines, are to be used for fishing during the remainder of that licensing period;
 - (d) specify the extent, by reference to the number of fish traps or lines, or both fish traps and lines, which the licence holder or the person acting on that person's behalf intends to fish with during each day when fishing is to be undertaken.
- (5) A nomination is of no effect if the extent to which the licence holder, or the person acting on that person's behalf, is going to fish is specified as less than 20 traps or 5 lines or 20 traps and 5 lines.
- (6) The master of an authorised boat must not allow that boat to be used in contravention of a nomination made under this clause.
- (7) For the purpose of determining the extent of the fishing carried out following a nomination to fish made in accordance with this clause, fishing shall be taken to have—
 - (a) commenced at the time the boat enters Area 2 of the Fishery;
 - (b) ceased at the time the boat leaves Area 2 of the Fishery.

(8) Notwithstanding the provisions of subclause (7) the extent of the fishing carried out shall be reduced by the number of fishing days as calculated in accordance with Schedule 8.

Part 6-Miscellaneous

Records

- 26. (1) The holder of a licence must, at any time when he or she gives a direction to a person that the person is, or is not, to act on the licence holder's behalf, make a record in a form approved by the Executive Director of the following—
 - (a) the full name of the person;
 - (b) the full business address of the person;
 - (c) the number of the commercial fishing licence held by the person;
 - (d) the time and date the direction was given;
 - (e) whether the direction was oral or in writing;
 - (f) the extent of the direction.
- (2) The holder of a licence must keep safe and secure a record made in accordance with subclause (1) together with any direction referred to in that record.

Bycatch of shark

- 27. (1) The master of an authorised boat must not allow on that boat—
 - (a) more than two whole shark;
 - (b) any shark other than whole shark.
- (2) Notwithstanding subclause (1)(b), the master of an authorised boat may allow on that boat—
 - (a) a shark that has been gutted;
 - (b) a shark that has had its head removed; or
 - (c) parts of a shark, but only if-
 - (i) all the parts of the shark; or
 - (ii) all the parts of the shark other than a part that may be removed under paragraph (a) or (b),

are on the boat.

- (3) A person must not mutilate, alter or disfigure any shark if that mutilation, alteration or disfigurement will prevent the determination of the number of shark that are on an authorised boat.
- (4) The master of an authorised boat which already has two shark on that boat, must ensure that any further shark brought on board the boat is immediately released back to the sea with the least possible injury.

Offences and major provisions

- 28. A person who contravenes a provision of-
 - (a) clause 13, 14, 15(2), 15(3), 15(4), 15(5), 15(6), 15(7), 15(8), 15(9), 15(10), 16, 17, 18(3), 21(4), 25(1), 25(6), 27(1) and 27(3); or
 - (b) clause 15(11), 15(12), 25(2), 25(4), 26 and 27(4),

commits an offence and for the purposes of section 75 of the Act the provisions specified in paragraph (a) are major provisions.

Schedule 1

Description of the Fishery

All waters of the Indian Ocean and the Timor Sea off the north coast of Western Australia east of 120°00.079′ east longitude and north of 19°59.917′ south latitude.

Schedule 2

Areas of the Fishery

Area 1—All waters of the Fishery bounded by a line commencing at the intersection of the high water mark on the North West coast of Western Australia and 120°00.079′ east longitude; thence north along the meridian to the intersection of 19°36.418′ south latitude; thence east north east along the geodesic to the intersection of 19°33.418′ south latitude and 120°18.079′ east longitude; thence north east along the geodesic to the intersection of 18°42.717′ south latitude and 121°20.928′ east longitude; thence continuing north east along the geodesic to the intersection of 17°59.917 south latitude and 121°49.328′ east longitude; thence north, north east along the geodesic to the intersection of 17°34.917′ south latitude and 121°56.578′ east longitude; thence north west along the geodesic to the intersection of 17°03.517′ south latitude and 122°03.678′ east longitude; thence north east along the geodesic to the intersection of 16°56.167′ south latitude and 121°54.977′ east longitude; thence north along the meridian to the intersection of 16°44.917′ south latitude; thence north east along the geodesic to the intersection of 16°39.816′ south latitude and 122°02.677′ east longitude; thence east by north along the geodesic to the intersection of 16°39.016′ south latitude and 122°02.677′ east longitude; thence east by south along the geodesic to the intersection of 16°41.116′ south latitude and 122°22.077′ east longitude; thence north east along the geodesic to the intersection of 15°52.166′ south latitude and 123°09.877′ east longitude; thence east north east along the geodesic to the intersection of 15°41.316′ south latitude and 123°32.576′ east longitude; thence north east along the geodesic to the intersection of 15°41.316′ south latitude and 123°48.076′ east longitude; thence north east along the geodesic to the intersection of 15°41.316′ south latitude and 123°48.076′ east longitude; thence north east along the geodesic to the intersection of 15°41.316′ south latitude and 123°48.076′ east longitude; thence

continuing north east along the geodesic to the intersection of $15^\circ 14.115'$ south latitude and $124^\circ 01.026'$ east longitude; thence north north east along the geodesic to the intersection of $14^\circ 54.915'$ south latitude and $124^\circ 10.226'$ east longitude; thence east north east along the geodesic to the intersection of $14^\circ 44.815'$ south latitude and $124^\circ 32.276'$ east longitude; thence north north east along the geodesic to the intersection of $14^\circ 14.315'$ south latitude and $124^\circ 50.075'$ east longitude; thence north east along the geodesic to the intersection of $13^\circ 56.965'$ south latitude and $125^\circ 25.275'$ east longitude; thence north by east along the geodesic to the intersection of $13^\circ 46.615'$ south latitude and $125^\circ 29.025'$ east longitude; thence north east by east along the geodesic to the intersection of $13^\circ 35.765'$ south latitude and $125^\circ 47.275'$ east longitude; thence east by north along the geodesic to the intersection of $13^\circ 32.215'$ south latitude and $126^\circ 08.875'$ east longitude; thence east south east along the geodesic to the intersection of $13^\circ 34.414'$ south latitude and $126^\circ 57.075'$ east longitude; thence east south east along the geodesic to the intersection of $13^\circ 46.014'$ south latitude and $127^\circ 21.875'$ east longitude; thence south east along the geodesic to the intersection of $14^\circ 42.114'$ south latitude and $129^\circ 01.290'$ east longitude; thence south by west along the geodesic to the high water mark on the mainland at the intersection of $14^\circ 52.797'$ south latitude and $129^\circ 00.075'$ east longitude; thence generally north west then south west along the high water mark to the commencement point.

Area 2—All the waters of the fishery seaward of the waters described as Area 1 and west of the line described in Schedule 4.

Schedule 3

Prohibited fishing area

All waters of the fishery bounded by a line drawn from the high water mark on the mainland at the intersection of $18^{\circ}26.417^{'}$ south latitude and $121^{\circ}56.578^{'}$ east longitude (Cape du Boulay); thence north west along the geodesic to the intersection of $18^{\circ}11.717^{'}$ south latitude and $121^{\circ}39.228^{'}$ east longitude; thence north along the meridian to the intersection of $17^{\circ}40.417^{'}$ south latitude and $121^{\circ}39.228^{'}$ east longitude; thence north east along the geodesic to the high water mark at the intersection of $17^{\circ}25.417^{'}$ south latitude and $122^{\circ}09.178^{'}$ east longitude (Green Hillock); thence generally in a southerly and south westerly direction along the high water mark to the commencement point.

Schedule 4

Eastern boundary

A line commencing at the intersection of the high water mark and 129°00.075 east longitude; thence northerly along the geodesic to the intersection of 14°37.414′ south latitude and 129°01.824′ east longitude; thence northerly along the geodesic to the intersection of 14°32.414′ south latitude and 129°01.324′ east longitude; thence north west by north along the geodesic to the intersection of 14°19.414′ south latitude and 128°53.074′ east longitude; thence north west by north along the geodesic to the intersection of 13°59.914′ south latitude and 128°42.324′ east longitude; thence north west along the geodesic to the intersection of 13°49.664′ south latitude and 128°33.324′ east longitude; thence north north west along the geodesic to the intersection of 13°39.664′ south latitude and 128°30.824′ east longitude; thence northerly along the geodesic to the intersection of 13°15.414′ south latitude and 128°28.074′ east longitude; thence north along the meridian to the intersection of 12°55.414′ south latitude; thence north by west along the geodesic to the intersection of 12°32.664′ south latitude and 128°24.074′ east longitude; thence north westerly along the geodesic to the intersection of 12°32.664′ south latitude and 128°24.074′ east longitude; thence north westerly along the geodesic to the intersection of 11°47.914′ south latitude and 127°53.824′ east longitude; thence continuing north westerly along the geodesic to the intersection of 11°47.914′ south latitude and 127°53.824′ east longitude; thence continuing north westerly along the geodesic to the intersection of 11°47.914′ south latitude and 127°53.824′ east longitude; thence continuing north westerly along the geodesic to the intersection of 11°47.914′ south latitude and 127°53.824′ east longitude; thence continuing north westerly along the geodesic to the intersection of 11°47.914′ south latitude and 127°32.074′ east longitude.

Schedule 5

Allocation of units

Number of units specified on the Class B permit held in respect of the Northern Demersal Scalefish Interim Managed Fishery Number of units to be specified on a licence authorizing a person to fish in Area 2 of the Fishery

2635 trap units
 1317 trap units
 3953 trap units
 659 line units

120 units 60 units 180 units 120 units

Schedule 6

Unit value

The unit value—

- (a) at the commencement of the licensing period commencing 1 January 2001 is one fishing day;
- (b) at the commencement of any other licensing period or following a redetermination made during a licensing period—

$$\underline{\underline{A}} = \underline{B}$$

where

- A = total number of fishing days as determined by the Executive Director in accordance with clause 19 (capacity of the Fishery); and
- B = the unit value.

Any calculation made in accordance with this Schedule that does not result in a whole number shall be rounded to two decimal points.

Schedule 7

Calculation of extent of fishing

Item 1 When using traps—

$$A = (\underline{B \times C}) - \underline{F}$$

$$(D \times E) - \underline{1}$$

where

A is the total amount of fishing carried out on the trip expressed as a number of fishing days (to be deducted from the sum of the unit values of the units conferred by the licence);

B is the number of days fished using traps;

C is the number of fishing traps nominated to be used each day in the trip; and

D is the value of a fishing day when using traps; and

E is the value of a unit as determined in accordance with clause 21.

F is the reduction calculated in accordance with clause 25(8).

Item 2 When using lines—

$$A = \frac{(B \times C)}{(D \times E)} - \frac{F}{1}$$

where

A is the total amount of fishing carried out on the trip expressed as a number of fishing days (to be deducted from the sum of the unit values of the units conferred by the licence);

B is the number of days fished using lines;

C is the number of lines nominated to be used each day in the trip.

D is the value of a fishing day when using lines; and

E is the value of a unit as determined in accordance with clause 21.

F is the reduction calculated in accordance with clause 25(8).

Item 3 When fishing with traps and lines—the sum of the number of fishing days calculated in accordance with Items 1 and 2.

Schedule 8

Calculation of the reduction in fishing carried out

When-

- (a) entering Area 2 of the Fishery following departure from Broome—
 - (i) Fishing Area A = 1 fishing day;
 - (ii) Fishing Area B = 4 fishing days;
 - (iii) Fishing Area C = 6 fishing days;
- (b) entering Area 2 of the Fishery following departure from Darwin—
 - (i) Fishing Area A = 6 fishing days;
 - (ii) Fishing Area B = 4 fishing days;
 - (iii) Fishing Area C = 1 fishing day,

where-

- (c) Fishing Area A is all those waters of the fishery south and west of a line commencing at the high water mark at the intersection of 16°10.416′ south latitude and 123°35.167′ east longitude; thence north westerly along the geodesic to the intersection of 13°01.917′ south latitude and 120°00.076′ east longitude;
- (d) Fishing Area B is all those waters of the fishery bounded by a line commencing at the high water mark at the intersection of 16°10.416′ south latitude and 123°35.167′ east longitude; thence north westerly along the geodesic to the intersection of 13°01.917′ south latitude and 120°00.076′ east longitude: thence north along the meridian to the intersection of the Australia Fishing Zone boundary; thence in a north easterly direction along the Australian Fishing Zone boundary to the intersection of 11°37.416′ south latitude and 122°37.195′ east longitude: thence south easterly along the geodesic to the high water mark at the intersection of 14°14.255′ south latitude and 125°37.776′ east longitude; thence generally in a south westerly direction along the high water mark to the commencement point; and
- (e) Fishing Area C is all those waters of the fishery north and east of a line commencing at the high water mark at the intersection of 14°14.255´ south latitude and 125°37.776´ east longitude; thence north westerly along the geodesic to the intersection of 11°37.416´ south latitude and 122°37.195´ east longitude.

Schedule 9

Fish Trap specifications

- (1) Each fish trap must—
 - (a) have an internal volume equal to or less than 2.25 cubic metres;
 - (b) be fitted with a mesh which satisfies the specifications as described in subclause (2) of this Schedule.

- (2) Each opening in the mesh of a fish trap must be square with—
 - (a) each side of the square being not less than 50mm in length; and
 - (b) the measurement between diagonal corners of each square being not less than 70mm.

Schedule 10

Fees

Fees payable for the grant of a-

Dated this 4th day of December 2000.

MONTY HOUSE, Minister for Fisheries.

FI402*

FISH RESOURCES MANAGEMENT ACT 1994

PILBARA FISH TRAWL FISHERY (INTERIM) MANAGEMENT PLAN AMENDMENT 2000 FD 2234/99 [397]

Made by the Minister under section 54.

Citation

1. This amendment may be cited as the $Pilbara\ Fish\ Trawl\ Fishery\ (Interim)\ Management\ Plan\ Amendment\ 2000.$

Principal Plan

2. In this amendment the *Pilbara Fish Trawl Interim Managed Fishery Management Plan 1997** is referred to as the principal Plan.

Clause 3 amended

- 3. Clause 3 of the principal Plan is amended by deleting "31 December 2000" and substituting the following— $\,$
 - " 31 December 2002 ".

Clause 20 amended

- 4. Clause 20(1) of the principal Plan is amended—
 - (a) in paragraph (a) by deleting "0.67" in both places where it occurs and substituting the following—
 - " 0.62 "
 - (b) in paragraph (b) by deleting "1.00" in both places where it occurs and substituting the following—
 - " 1.13 "
 - (c) in paragraph (c) by deleting "0.91" in both places where it occurs and substituting the following—
 - " 1.05 "; and
 - (d) in paragraph (d) by deleting "0.91" in both places where it occurs and substituting the following— $\,$
 - " 0.90 ".

Schedule 8 amended

5. Part 2 of Schedule 8 of the principal Plan is amended by deleting "\$5.30" and substituting the following—

" \$5.70 ".

[*Published in the Gazette of 23 December 1997. For amendments to 30 November 2000 see the Pilbara Fish Trawl Interim Managed Fishery Management Plan Amendment 1998 published in the Gazette of 30 December 1998 and the Pilbara Fish Trawl Fishery (Interim) Management Plan Amendment 1999 published in the Gazette of 21 December 1999.]

Dated this 4th day of December 2000.

LANDCORP

LC401

WESTERN AUSTRALIAN LAND AUTHORITY ACT 1992

CANCELLATION OF DEDICATION

Notice is hereby given that the Governor, in Executive Council, has approved the cancellation of the dedication, for the purposes of Western Australian Land Authority Act 1992, of Swan Locations 9755, 9756 and 9757.

Dated: 7 December 2000.

SIMON PROUD, Project Manager.

LOCAL GOVERNMENT

LG401

SHIRE OF DARDANUP

Authorised Person

It is hereby notified for public information that Mr Peter Martin has been appointed as an authorised person of the Shire of Dardanup pursuant to the following—

To exercise powers under Part XX of the Local Government Act (Miscellaneous Provisions) Act 1960; Section 449 of the Local Government (Miscellaneous Provisions) Act 1960 as Pound Keeper and Ranger;

Part 9 Division 2 of the Local Government Act 1995:

Section 9.13, 9.15 of the Local Government Act 1995 as an Authorised Person;

Section 3.39 of the Local Government Act 1995 as an Authorised Person

and as an Authorised Person pursuant to the following-

Dog Act 1976 for the purposes of registering, seizing, impounding, detaining and destroying of dogs; Section 33E (1) Dog Act as an Authorised Person;

Control of Vehicles (Off Road Area) Act 1978;

Litter Act 1979

and effecting general rangers duties within the district.

Dated: 5 December 2000.

M. L. CHESTER, Chief Executive Officer.

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA

Bills Assented To

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

Short Title of Bill	Date of Assent	Act No.
Totalisator Agency Board Betting (Modification of Operation) Bill 2000	December 4, 2000	56 of 2000
Industrial Relations Amendment Bill 2000	December 4, 2000	58 of 2000
Stamp Amendment Bill (No. 3) 2000	December 4, 2000	60 of 2000
Mining Amendment Bill 2000	December 4, 2000	63 of 2000
Wood Processing (WESFI) Agreement Bill 2000	December 4, 2000	66 of 2000
Trustee Legislation (GST Consequential Amendments) Bill 2000	December 4, 2000	67 of 2000
Guardianship and Administration Amendment Bill 1999	December 4, 2000	70 of 2000
Petroleum Products Pricing Amendment Bill 2000	December 4, 2000	73 of 2000
Reserves (Neerabup National Park) Bill 2000	December 4, 2000	74 of 2000

L. B. MARQUET, Clerk of the Parliaments.

December 6, 2000.

PLANNING

PD401

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

DISPOSAL OF LAND

Notice is hereby given that His Excellency the Governor has consented under the provisions of section 37A (4) of the Metropolitan Region Town Planning Scheme Act 1959 to the disposal of the property described in the Schedule below to Western Power for the siting of a major public utility.

Schedule

Portion of Swan Location 2516 and being Lot 101 on Diagram 99422 being the whole of the land contained in Certificate of Title Volume 2188 Folio 876 Barrambie Way, Whiteman.

Dated this 6th day of December 2000.

PETER MELBIN, Secretary, Western Australian Planning Commission.

PD402*

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT $CITY\ OF\ GOSNELLS$

TOWN PLANNING SCHEME No. 1—AMENDMENT No. 538

Ref: 853/2/25/1 Pt 538.

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act 1928 that the Hon Minister for Planning approved the City of Gosnells Town Planning Scheme Amendment on 5 December 2000 for the purpose of—

- 1. Rezoning Lot 856 Corfield Street, Gosnells from Residential A to Residential B.
- 2. Amending the Scheme Maps in accordance with the Scheme Amendment Map.

P. M. MORRIS, Mayor. S. HOLTBY, Chief Executive Officer.

PD501*

METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

METROPOLITAN REGION SCHEME AMENDMENT No. 1031/33 REGIONAL ROADS (Part 5)

CALL FOR PUBLIC SUBMISSIONS

The Western Australian Planning Commission intends to amend the Metropolitan Region Scheme for land in the Cities of Perth, Bayswater, Swan and Rockingham and the Towns of Cambridge and Vincent and is seeking public comment.

The amendment proposes refinements to land reserved for six regional roads.

Sections of the following roads will be affected—

- · Benara Road, Morley
- · Kalamunda Road, South Guildford
- · Lloyd Street, Midland
- · Loftus Street, West Perth and West Leederville
- · Vincent Street West, West Leederville
- Mandurah Road, Cooloongup, Baldivis, Waikiki, Warnbro and Port Kennedy

All proposals are detailed in the Commission's Amendment Report.

The procedure for amending the Scheme, as set out in section 33 of the Metropolitan Region Town Planning Scheme Act, is to be used to advertise this proposal. Public submissions are invited and the amendment will eventually be put to Parliament for final approval. In accordance with the procedure in section 33, the Hon Minister for Planning has approved the amendment for public display and for the calling of submissions.

 $Copies\ of\ the\ amending\ plans,\ detail\ plans,\ and\ road\ design\ concept\ plans\ showing\ the\ proposed\ changes$ to the reservations of the Scheme and the Commission's Amendment Report, which explains the proposals, will be available for public inspection from Monday, 11 December 2000 to Friday, 16 March 2001 at the following locations-

- Ministry for Planning
 1st Floor, Albert Facey House 469 Wellington Street **PERTH**
- J S Battye Library Alexander Library Building Francis Street **NORTHBRIDGE**
- Main Roads WA 'Don Aitken Centre' Waterloo Crescent **EAST PERTH**

Council Offices of the municipalities of-

- City of Perth
- City of Fremantle
- City of Swan City of Bayswater
- City of Rockingham
- Town of Cambridge
- Town of Vincent

Any person who wishes to make a submission either supporting, objecting or providing comment on any provisions of the proposed Amendment should do so on a Submission Form (Form 6A). This form is available on request from the display locations and is also contained in the explanatory Amendment Report.

Submissions must be lodged with the-

Secretary Western Australian Planning Commission 469 Wellington Street PERTH WĂ 6000

on or before 5.00pm FRIDAY, 16 MARCH 2001. Late submissions will not be considered.

PETER MELBIN, Secretary, Western Australian Planning Commission.

POLICE

PE501

POLICE ACT 1892

POLICE AUCTION

Under the provisions of the Police Act 1892, unclaimed found and stolen property and bicycles will be sold by public auction at Smith Broughton & Sons, 1 Clayton Street, Midland on Saturday 16th December 2000 at 10.00 am.

The auction is to be conducted by Mr Gary Silcock.

B. MATTHEWS. Commissioner of Police. West Australian Police Service.

PE502

POLICE ACT 1892

POLICE AUCTION

Under the provisions of the Police Act 1892, unclaimed and stolen property will be sold by public auction at South West Auctioneering Company, Lot 51 Strelley Street, Busselton on Saturday, 20th January 2001.

Public Notices

ZZ401

DISSOLUTION OF PARTNERSHIP "COXALL AUTOMOTIVE SERVICES"

Notice is hereby given that on the 20th November 2000, the Partnership known as "Coxall Automotive Services" ("the business") and carried on by Robin Stanley Coxall and Rachael Charlotte Abbott, and carried on at Unit 6, 60 (Lot 77) Norseman Road, Esperance was dissolved ("date of dissolution"). From the date of dissolution Robin Stanley Coxall will be carrying on business on his own account and not in the name of the business.

BASIL ISRAEL, Solicitor & Agent for Robin Stanley Coxall.

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