

**WESTERN  
AUSTRALIAN  
GOVERNMENT  
Gazette**

6007



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## **GOVERNMENT GAZETTE**

### **PUBLISHING DETAILS FOR CHRISTMAS 2001 AND NEW YEAR HOLIDAY PERIOD 2002**

—————

#### **Publishing Dates and times**

Friday 28 December 2001 at 3.30 pm

Friday 4 January 2002 at 3.30 pm

#### **Closing Dates and Times for copy**

Monday 24 December at 12 noon

Wednesday 2 January 2002 at 12 noon

From week commencing January 7 normal publishing resumes.



# — PART 1 —

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## AGRICULTURE

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AG301\*

Agriculture Protection Board Act 1950

### Agriculture Protection Board Regulations 2001

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Agriculture Protection Board Regulations 2001*.

**2. Remuneration for Protection Board members**

- (1) The chairperson of the Protection Board is entitled to \$21 950.00 per annum, paid on either a fortnightly or monthly basis, as remuneration for his or her services.
- (2) A member of the Protection Board (other than the chairperson, whose remuneration is prescribed under subregulation (1), and ex-officio members) is entitled to be paid \$8 750.00 per annum, paid on either a fortnightly or monthly basis, as remuneration for his or her services.

**3. Payment for members who are Public Service officers**

A member of the Protection Board who is already subject to Part 3 of the *Public Sector Management Act 1994* must obtain the approval of the Minister for Public Sector Management before receiving remuneration for his or her services under regulation 2.

**4. Allowances for Protection Board members**

A member of the Protection Board, when travelling on official business of the Board, is entitled to be paid such travelling and car distance allowances as are set out in Schedules E, F and I of the *Public Service Award 1992* (No. PSAA 4 of 1989) issued by the Western Australian Industrial Relations Commission, as amended from time to time.

**5. Repeal**

The *Agriculture Protection Board Regulations 1951* are repealed.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

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**FISHERIES**


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**FI301\***

Fish Resources Management Act 1994

## **Fish Resources Management Amendment Regulations (No. 11) 2001**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Fish Resources Management Amendment Regulations (No. 11) 2001*.

**2. Schedule 1 to the *Fish Resources Management Regulations 1995* amended**

Schedule 1 Part 2 to the *Fish Resources Management Regulations 1995\** is amended by deleting items 20 and 21 and inserting the following items instead —

“

20. Aquatic eco-tourism operator's licence (reg. 128B).....	50.00
For renewal.....	55.00
For transfer.....	310.00
For variation.....	310.00

21.	Fishing tour operator's licence (reg. 128J).....	50.00
	For renewal.....	55.00
	For transfer.....	310.00
	For variation.....	310.00

”.

[\* Reprinted as at 2 March 2001.

For amendments to 8 October 2001 see Gazette 27 March, 29 June, 13 July and 25 September 2001.]

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

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## HEALTH

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HE301\*

Physiotherapists Act 1950

### Physiotherapists Amendment Regulations 2001

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Physiotherapists Amendment Regulations 2001*.

**2. Schedule 1 amended**

Schedule 1 to the *Physiotherapists Regulations 1951*\* is amended as follows:

- (a) by deleting the headings “Canada” and “South Africa”;
- (b) by deleting items 17 to 36A.

[\* Published in Gazette 7 September 1951, p. 2422-8.

For amendments to 27 September 2001 see 2000 Index to Legislation of Western Australia, Table 4, p. 254.]

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.

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## LOCAL GOVERNMENT

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LG301\*

### LOCAL GOVERNMENT ACT 1995

#### CITY OF NEDLANDS

#### AMENDMENT TO RESERVES, FORESHORES AND BEACHES LOCAL LAW

Under the powers conferred upon it by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Nedlands hereby records having resolved on 13 November 2001 to amend the City of Nedlands Local Law Relating to Reserves, Foreshores and Beaches as follows:

#### 1 Repeal and replacement of clause 4(a)

Paragraph (a) of clause 4 of the City of Nedlands Local Law Relating to Reserves, Foreshores and Beaches as published in the *Government Gazette* on 19 March 2001 is repealed and replaced with the following:

“(a) to the sea adjoining the District for a distance of 200 metres seaward from the low water mark as measured at ordinary spring tides;”.

This local law was made by the City of Nedlands at an Ordinary Meeting held on 13<sup>th</sup> day of November 2001.

The Common Seal of the City of Nedlands was hereunto affixed by authority of a resolution of the Council in the presence of:

J. M. PATERSON, Mayor.  
SHAYNE SILCOX, Chief Executive Officer.

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## PARLIAMENT

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PA301\*

### HEALTH ACT 1911

#### DISALLOWANCE OF REGULATIONS

It is hereby notified for public information that the Legislative Council has disallowed the following Regulations made under the *Health Act 1911*—

*Health (Public Buildings) Amendment Regulations 2001*, published in the *Gazette* on August 3 2001 and tabled in the Legislative Council on August 7 2001 under the *Health Act 1911*.

Disallowance is effective on and from Tuesday, November 13 2001.

L. B. MARQUET, Clerk of the Parliaments.

November 14 2001.

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# — PART 2 —

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## AGRICULTURE

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**AG401****POULTRY INDUSTRY TRUST FUND ACT 1948**Department of Agriculture,  
South Perth WA 6151.

The Governor has been pleased to appoint pursuant to Section 5 and 6 of the Poultry Industry Trust Fund Act 1948, Mrs Renata Paliskis-Bessell as Chairperson and Mr Robert Da Prato and Mrs Alma May Wilson as members of the Poultry Industry Trust Fund Committee for a term of office expiring on 31 May 2004.

KIM CHANCE MLC, Minister for Agriculture, Forestry and Fisheries.

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## CONSUMER AND EMPLOYMENT PROTECTION

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**CE401****RETAIL TRADING HOURS ACT 1987**RETAIL TRADING HOURS (SHIRE OF KATANNING)  
AMENDMENT ORDER 2001

Made by the Minister for Consumer and Employment Protection under Section 13 of the Act.

**Citation**1. This Order may be cited as the *Retail Trading Hours (Shire of Katanning) Amendment Order 2001*.**Amendment**2. The Retail Trading Hours (Shire of Katanning) Amendment Order 2000 [*Published in the Gazette of 21 November 2000 at p. 6332*] is amended by deleting—

“other than the Saturday’s falling on  
9, 16, 23 December 2000”.

and inserting after “week” the following—

“other than the Saturday’s falling on  
9, 15, 22 December 2001”.

JOHN KOBELKE, Minister for Consumer and Employment Protection.

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## EDUCATION

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**ED401\*****MURDOCH UNIVERSITY ACT 1973**

## Amendment to Statute No. 23—Discipline

It is hereby notified that the Governor in Executive Council, acting under the provisions of Section 25 of the Murdoch University Act 1973-1985, has approved the proposal to repeal of Statute No. 23—Discipline and the making of new Statute No. 23—Student Discipline, as set out in the attached schedule.

ALAN CARPENTER, Minister for Education.

## Schedule

**Statute No. 23—Discipline**

Repeal, and make the attached new Statute No. 23—Student Discipline

## Statute No. 23—Student Discipline

The purpose of this Statute is to prescribe what constitutes misconduct, the penalties which may be applied for proven misconduct, and the procedures for dealing with such cases.

**1. Definition of Misconduct**

1.1 The following activities constitute misconduct by students:

- (a) dishonesty in assessment, including plagiarism and unauthorised collusion;
- (b) falsification of an academic record or research results, furnishing false or deliberately misleading information to the University or its staff, or use of the University's name, symbol or Seal without University authority;
- (c) failure to obey the instruction of an examination supervisor, or any other lawful instruction given under any University Statute, regulation or by-law or under any Senate resolution;
- (d) wilfully obstructing or disrupting any University teaching, study, research, examination or test;
- (e) wilfully obstructing or disrupting any official University meeting, proceeding or ceremony or any University activity;
- (f) harassing or discriminating unfairly against any person within the University on any grounds, including race (colour, ethnicity, national origin, nationality or descent), sex, pregnancy, marital status, age, sexual orientation, family responsibility, family status, political conviction, religious belief, disability or medical condition (not affecting work performance);
- (g) wilfully interfering unduly with the freedom of speech within the University of any member of the University or of any speaker invited by any member of the University to express their views;
- (h) wilfully interfering with the freedom of movement within the University of any member of the University or any guest or visitor;
- (i) entering or remaining on any University building or lands which the student is forbidden to enter or remain on by an order made under the By-laws;
- (j) wilfully obstructing or attempting to obstruct or deter any University staff members in the performance of their duties;
- (k) wilfully damaging, wrongly dealing with, wrongly using or misappropriating any University property, or the property within the University of any person;
- (l) engaging in abusive, threatening or obscene communications on, from or to University premises or by use of University facilities including mail or computing or network facilities;
- (m) using University computing or network facilities in breach of University Rules, approved by the Deputy Vice Chancellor, on the use of such facilities;
- (n) assaulting or attempting to assault any person within the University, or causing any person to hold reasonable fears for her or his safety or physical or psychological well-being;
- (o) failing to comply with any penalty imposed under any University Statute, Regulation, Rule, By-law or Senate resolution.

1.2 When determining whether an activity constitutes misconduct, a construction shall be preferred which permits freedom of speech and freedom of expression by students, where such speech or expression is consistent with like freedoms given to others and the personal and property rights of any person affected.

1.3 The burden of proving an allegation of misconduct rests with the University. The standard of proof is the balance of probabilities.

**2. Penalties**

2.1 The penalties that may be imposed for misconduct are:

- (a) a caution;
- (b) requirement to rewrite and resubmit an assignment or other assessment component, or to write and submit another assignment in its place;
- (c) failure in an assessment component of a unit, or a reduced mark for that component;
- (d) failure in a unit;
- (e) suspension of all or any of the student's rights and privileges, including exclusion from classes, examinations or other forms of assessment, from use of facilities, withholding the student's assessment results and/or graduation, and prohibition of re-enrolment;
- (f) a fine of up to \$300;
- (g) suspension of the student's enrolment for one or two semesters;
- (h) expulsion from the University.

2.2 Where a student is found guilty of misconduct, one or more of the above penalties may be imposed.

2.3 The academic penalties available in 2.1 (b) and (c) shall only be applied for misconduct involving dishonesty in assessment. In determining what penalty to impose in such cases, officers shall take account of any guidelines approved by Academic Council.

2.4 Any penalty imposed under this Statute may be suspended by the person or body imposing it: (a) until the time for appealing against it has expired; or (b) for a longer period or indefinitely. Any such suspension may be subject to such terms and conditions (including undertakings by the student) as the person or body granting it thinks fit.

2.5 Subject to the rights of appeal provided in this Statute, any decision under this Statute that a student has been guilty of misconduct and any imposition of a penalty on a student is final and conclusive.

2.6 A student expelled from the University shall not be re-enrolled except with the approval of the Deputy Vice Chancellor.

### 3. Disciplinary Action

3.1 The following persons may exercise disciplinary powers under this Statute. The types of misconduct for which different persons may exercise disciplinary powers are not mutually exclusive.

<i>Person</i>	<i>Type of misconduct</i>	<i>Penalties available</i>
Deputy Vice Chancellor	any instance of misconduct	<ul style="list-style-type: none"> <li>○ a caution</li> <li>○ a fine</li> <li>○ suspension from using the University's computing and networking facilities for a specified or indefinite period</li> <li>○ suspension from the University for up to 2 semesters, plus failure in unit(s)</li> <li>○ expulsion from the University, plus failure in unit(s)</li> </ul>
Pro Vice Chancellor (Academic)	misconduct in an examination	<ul style="list-style-type: none"> <li>○ a caution</li> <li>○ exclusion from any examination or supervised assessment, if this is necessary to preserve order and decorum in the examination or supervised assessment</li> <li>○ a fine</li> <li>○ suspension of all or any of the student's rights and privileges within the University for up to 14 days</li> </ul>
	misconduct in or in relation to the Library	<ul style="list-style-type: none"> <li>○ a caution</li> <li>○ suspension of all or any of the student's rights and privileges in relation to the Library, including exclusion from the Library premises or any part of such premises for up to 14 days</li> <li>○ a fine</li> </ul>
	non-payment of a fine or debt to the University, by the deadline	<ul style="list-style-type: none"> <li>○ withholding of information concerning the student's results in any unit or part of a unit, the granting of credit for any unit and the award of any degree or diploma</li> <li>○ prohibit re-enrolment</li> </ul> <p><u>Note:</u> The above penalties shall cease on payment of the overdue amount.</p>
Pro Vice Chancellor (Research)	any instance of misconduct by a postgraduate research student	<ul style="list-style-type: none"> <li>○ a caution</li> <li>○ a fine</li> <li>○ suspension of all or any of the student's rights and privileges within the University for up to 14 days</li> </ul>
Executive Dean	any instance of misconduct within that Division	<ul style="list-style-type: none"> <li>○ a caution</li> <li>○ a fine</li> <li>○ if the student has acted unfairly or dishonestly in connection with any assessment in a unit conducted by that Division: fail in the unit or in assessment component(s) of the unit; a reduced mark for the assessment component; rewrite and resubmit an assignment or other assessment component; write and submit another assignment in its place</li> <li>○ suspension of all or any of the student's rights and privileges within the Division for up to 14 days</li> </ul>

<i>Person</i>	<i>Type of misconduct</i>	<i>Penalties available</i>
Director of Information Technology	any instance of misconduct in or in relation to the University's computing and networking facilities	<ul style="list-style-type: none"> <li>○ a caution</li> <li>○ suspension from using those facilities for up to 28 days</li> </ul>
Any member of academic staff	any instance of misconduct in any class conducted or supervised by her or him	<ul style="list-style-type: none"> <li>○ exclude the student from that particular lecture, tutorial, seminar, laboratory or other class</li> </ul>

3.2 Where action is taken under s.3.1 by the Deputy Vice Chancellor, a Pro Vice Chancellor (other than in the case of non-payment) or Executive Dean, he or she shall:

- (a) interview the student, who shall be given written notice of the details of the alleged offence and of the date and time of the interview. That notice shall be sent so that it is received (see s.7.1) no less than 5 days before that interview, though the student may waive this period of notice. The student may bring another person, other than a legal practitioner, to attend the interview as a witness and to provide moral support; any greater role for that person is at the discretion of the staff member conducting the interview. If the student is not in Perth, or if a disability prevents the student's attendance, the interview may be held by telephone, teleconference or videoconference, if the officer agrees to this. Any student who comes to Perth for a disciplinary interview is responsible for her or his own transport and accommodation costs. If the student fails to attend the interview, the officer shall deal with the allegation in the absence of the student;
- (b) investigate the allegation and take such advice and seek such information as the officer considers appropriate;
- (c) if the alleged misconduct is likely to lead to a penalty of failure in a unit or to a more serious penalty, consult the University Secretary before taking action;
- (d) if the student is found guilty of misconduct, notify the student in writing of the finding of misconduct, the penalty or penalties imposed, and of the appeal procedures, and copy this letter to the Office of Student Services. The Office of Student Services shall record the finding and the penalty on the computerised student records.

3.3 An officer can delegate to another staff member the investigative and interviewing roles in any disciplinary case, but not the authority to make a finding. The delegate shall provide the officer with a brief written report containing: (a) the charge and a summary of the evidence, (b) the student's response, (c) the reasons for concluding whether or not misconduct occurred, and, if a finding of misconduct is recommended, (d) the recommended penalty or penalties and the reasons for such. Before the officer considers this report, the student shall be given a copy and the opportunity, if he or she so wishes, to provide written comments within seven days.

3.4 Where an officer taking disciplinary action concludes that this action is more appropriately taken by another officer, the case may be transferred to that officer. The requirements of s.3.2 then apply anew.

3.5 The procedures in s.3.2 do not apply where disciplinary action is taken by the Director of Information Technology, or by academic staff for misconduct in a class conducted or supervised by them.

#### **4. Appeals**

A student may appeal against any finding of misconduct or penalty imposed under s. 3 of this Statute:

- (a) if the penalty is other than suspension (for one semester or more) or expulsion from the University - to the Student Appeals Committee.
- (b) if the penalty is suspension (for one semester or more) or expulsion from the University - to the Board of Discipline.

Any appeal must be lodged within 14 days of the student receiving (see s.7.1) written notification of the penalty. The Committee or Board may suspend the application of the penalty until it has made a decision on the appeal.

#### **5. Student Appeals Committee**

5.1 The student shall have the right to appear before the Committee, and to be assisted in presenting her or his case by a person other than a qualified legal practitioner. The Committee shall also take such advice and seek such information as is considered appropriate to reach a decision on an appeal.

5.2 The Student Appeals Committee shall comprise:

- (a) A Chair, who shall be a member of academic staff of the rank of Professor or Associate Professor, appointed by Academic Council for a term of three years.
- (b) A member of academic staff appointed by Academic Council for a term of three years.

- (c) The President of the Guild of Students or a student nominated by her or him. However, when an appeal concerns the examination of a thesis for a doctoral or research masters degree, during consideration of that appeal the student member shall be a postgraduate research student (other than a student member of the Research and Development Board) nominated by the Guild President.

5.3 One of the two members of academic staff shall be female and the other male. Executive Deans are ineligible for appointment to the Committee. Each staff member shall have an alternate of the same gender appointed by Academic Council. The alternate for the Chair shall also be of the rank of Associate Professor or Professor.

5.4 Any member of the Committee who has a family or other personal relationship with an appellant, or other conflict of interest, shall withdraw from the meeting during consideration of that case, and be replaced by the alternate member or another student nominee (as applicable).

## **6. Board of Discipline**

### **A. Powers and Functions**

- 6.1 The Board of Discipline has authority to hear and adjudicate in the following situations:
- (a) Where the penalty is suspension (for one semester or more) or expulsion from the University, the student may appeal to the Board against the finding of misconduct and/or the penalty. Any appeal must be lodged within 14 days of the student receiving (see s.7.1) written notification of the decision from which the appeal is made, and must contain details of the grounds upon which the appeal is based.
  - (b) The Deputy Vice-Chancellor may charge a student with misconduct and refer the charge to the Board of Discipline. Any such reference to the Board must be made within one month after the act of misconduct is discovered.

Any reference to the Board shall be made by written notice to the University Secretary.

- 6.2 The Board shall hear the case from the beginning.
- 6.3 If the Board finds that misconduct has been proved, it may apply any of the penalties in s.2.1. Alternatively, it may decline to record a finding of misconduct or to impose a penalty, if in its opinion the act of misconduct was trivial or for any other reason. In the case of a reference by way of appeal, the Board may affirm, vary or annul the penalty.
- 6.4 The decision of the Board shall be final and conclusive.
- 6.5 If the student has been wholly or partially successful, the Board may award the student the whole or part of the student's costs of the hearing, but the student shall not be entitled to costs in respect of any other proceedings or determination under this Statute. If the Board awards costs, it shall fix the amount payable. This amount shall be paid to the student from University funds.

### **B. Constitution**

- 6.6 The Board of Discipline shall consist of—
- (a) a Chair appointed by the Senate. The Chair shall be a qualified legal practitioner who is not a member of the University staff. The appointment shall be for a term specified by Senate.
  - (b) two members of full-time academic staff, one of whom shall be female and the other male.
  - (c) two students, one of whom shall be female and the other male.
- 6.7 The staff and student members shall be selected randomly by a method determined by the University Secretary. This selection shall take place when a case has been referred to the Board. The members so selected shall then serve for one year. Any person selected may decline membership, in which case the random selection shall continue until the vacancies have been filled. If a member of the Board ceases to be a staff member or student of the University, or has personal involvement in the case, the University Secretary shall select a replacement member by the same method.

### **C. Proceedings**

- 6.8 The quorum of the Board shall be the Chair and any two other members.
- 6.9 The University Secretary or her or his nominee shall be secretary of the Board. In any case before the Board, the University Secretary shall give the student not less than five days' written notice of the hearing. This notice shall include the time and place of the hearing, particulars of the charge (if the reference is under s.6.1(b)), details of the student's rights under s.6.10, and a copy of the procedural guidelines of the Board.
- 6.10 The student is entitled:
- (a) to present oral and written submissions to the Board;
  - (b) to be represented by another student or a member of the University or Guild staff who is not a qualified legal practitioner;
  - (c) to apply to the Chair to be permitted to be legally represented at the hearing. The Chair may allow such representation if, having regard to the circumstances of the case or the severity of the penalty appealed against, the Chair considers it desirable that the student be legally represented. If the Chair allows legal representation to the student, the University may also be legally represented.

- (d) to be present with her or his representative throughout the hearing, except when the Chair and the members of the Board wish to confer privately among themselves or to consider their decision;
  - (e) either personally or by her or his representative to call and examine witnesses, cross-examine witnesses called by the University, and address the Board;
  - (f) to apply to the Chair to participate in the hearing by teleconference or videoconference if the student is not in Perth, or if a disability prevents the student's attendance. If the Chair allows this form of participation, the Chair shall determine whether the costs should be met by the student or the University. Any student who comes to Perth for a hearing of the Board is responsible for her or his own transport and accommodation costs.
- 6.11 If the student fails to appear despite having received notice, the Board may proceed with the hearing in the student's absence or order an adjournment.
- 6.12 The Deputy Vice Chancellor may appoint a member of the University staff who is not a legal practitioner to represent the University at the hearing. This person may call and examine witnesses, cross-examine witnesses called by the student, and address the Board.
- 6.13 The Chair shall have a deliberative vote only. If the votes are equally divided, the case shall be determined in favour of the student.
- 6.14 The Board shall not deal with more than one charge or appeal at the same hearing, unless in its opinion the charges or appeals arise out of instances of alleged misconduct which comprise a series of instances of the same or similar character; were committed in the furtherance of a common objective; or occurred during group activity by the students.
- 6.15 Hearings of the Board shall be open to members of the University, unless the student elects for a private hearing or the Chair orders that the hearing be closed on the grounds that, in her or his view, order otherwise cannot be maintained.
- 6.16 The Chair shall have complete authority to keep order and may order the removal of any person, including a student in respect of whom the hearing is taking place or the representative of such a student, for unruly conduct.
- 6.17 The Board's procedures, including the order in which evidence may be called and addresses heard, shall be at the discretion of the Chair. The rules of evidence do not apply.
- 6.18 The decision of the Board and its reasons shall be communicated in writing to the student.

## 7. Miscellaneous Provisions

7.1 Any written notice required under this Statute shall be regarded as received if given to that person by hand, sent to the email address or fax number nominated by that person, or posted to the last address known to the Office of Student Services as that person's place of residence. A notice sent by post is to be taken to be given and received three days after it is posted, except where the address is a place outside Australia, in which case it is taken to be given and received seven days after it is posted. A notice sent by email or fax is taken to be given and received on the day it is sent. A notice sent by email must be sent by post also.

7.2 Nothing in this Statute affects the powers or authority of any person or body in the University under any Act of Parliament, or any other Statute, Regulation, By-law or Senate resolution not inconsistent with this Statute.

7.3 Statute No.23—Discipline is hereby repealed.

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# JUSTICE

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JU401

## JUSTICES ACT 1902

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of—

Mr Mervyn Edward Wright of 108A Hall Street, Halls Creek  
to the office of Justice of the Peace for the State of Western Australia.

GARY THOMPSON, Executive Director,  
Court Services.

**JU402***EX OFFICIO JUSTICE OF THE PEACE*

It is hereby notified for public information that Cr Terence Geraghty has been appointed under Section 9 of the *Justices Act 1902* to be a Justice of the Peace for the Magisterial District of Mundaring during his term of office as the President of the Shire of Mundaring.

GARY THOMPSON, Executive Director, Court Services.

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**LAND ADMINISTRATION**

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**LA401\*****TRANSFER OF LAND ACT 1893**

Department of Land Administration,  
Midland.

DOLA File: 886-1998

His Excellency the Governor in Executive Council is pleased to appoint under section 6 of the Transfer of Land Act 1893 Jennifer Helen Mair Engelhard as Deputy Commissioner of Titles.

GRAHAME SEARLE, Acting Chief Executive.

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**LOCAL GOVERNMENT**

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**LG401****LOCAL GOVERNMENT ACT 1995***Shire of Wyalkatchem*

## Authorised Persons

It is hereby notified for public information that the following persons have been appointed as Authorised Officers in accordance with the relevant acts hereunder effective immediately—

- (1) Dog Act 1976 and Regulations, Control of Off-Road Vehicles Act 1978 and Regulations, Litter Act 1979 and Regulations, Local Government Laws, Local Government Act 1995 section 3.39, 9.10, 9.11 and 9.15—  
Michael Keeble  
David Graham Kerr
- (2) Dog Act—Registration Officers—  
Michael Keeble  
Cira Mennella  
Shirley Shinnick
- (3) Section 449 of the Local Government (Miscellaneous Provisions) Act 1960—  
David Graham Kerr
- (4) Issue of Infringement Notices—Section 59(2)(a) of the Bush Fire Acts 1954—  
David Graham Kerr  
Michael Keeble
- (5) Health Act 1911—  
Stephen John Cleaver
- (6) Bush Fire Act 1954—  
Max Ward—Chief Fire Control Officer  
Ian Jones—Deputy Chief Fire Control Officer  
Lyle Metcalf—Captain Wyalkatchem Bush Fire Brigade  
Ray Reid—Captain Yorkrakine Bush Fire Brigade  
David Gamble—Captain Nalkain Bush Fire Brigade  
Campbell Jones—Captain Volunteer Fire & Rescue Wyalkatchem
- (7) Certain Provisions about Land—Part 3 Division 3 Subdivision 2 Section 3.24 of the Local Government Act 1995—  
Michael Keeble

- (8) Power of Entry—Part 3 Division 3 Section 3.28 and 3.29 of the Local Government Act 1995—  
Michael Keeble  
Stephen John Cleaver
- (9) Miscellaneous Provision About Enforcement—Part 9 Division 2 Subdivision 1 Section 9.13, 9.16 and 9.17 of the Local Government Act 1995—  
Michael Keeble  
David Graham Kerr
- (10) Miscellaneous Provisions About Enforcement—Part 9 Division 2 Section 9.19 of the Local Government Act 1995—  
Michael Keeble
- (11) Miscellaneous Provisions About Enforcement—Part 9 Division 2 Subdivision 9.20 of the Local Government Act 1995—  
Michael Keeble
- (12) Impounding and Removing Goods involved in certain contraventions—Section 3.39 of the Local Government Act 1995—  
Michael Keeble  
David Graham Kerr

All previous authorisations are hereby revoked.

MICHAEL KEEBLE, Chief Executive Officer.

**LG402\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
ADVERTISEMENT OF RESOLUTION DECIDING TO PREPARE A TOWN  
PLANNING SCHEME  
*SHIRE OF CUNDERDIN*

Cunderdin Town Planning Scheme No. 3

Notice is hereby given that the Cunderdin Shire Council of the local government of Shire of Cunderdin on the 17<sup>th</sup> August 2001 passed the following Resolution—

**TOWN PLANNING AND DEVELOPMENT ACT 1928**  
RESOLUTION DECIDING TO PREPARE  
A TOWN PLANNING SCHEME  
*SHIRE OF CUNDERDIN*

Lands Wholly within the District of the Local Government Preparing the Scheme  
Cunderdin Town Planning Scheme No. 3

Resolved that the local government, in pursuance of section 7 of the Town Planning and Development Act 1928 (as amended), prepare the above Town Planning Scheme with reference to an area situated wholly within the Shire of Cunderdin and enclosed within the inner edge of the blue border on a plan now produced to the Council of the local government and marked and certified by Chief Executive Officer Ken Pettit under his hand dated the 17<sup>th</sup> August 2001 as "Scheme Area Map".

J. H. HARRIS, Shire President.  
K. M. PETTIT, Chief Executive Officer.

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## PLANNING AND INFRASTRUCTURE

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**PI401\***

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

TOWN PLANNING SCHEME No. 3—AMENDMENT No. 69

Ref: 853/5/7/3 Pt 69

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the Shire of Denmark Town Planning Scheme Amendment on 5 November, 2001 for the purpose of—

1. Rezoning portion of Lot 340 Mt Shadforth Road from "Special Residential" to "Rural" and "Parks and Recreation" Reserve.

2. Modifying Appendix 14—Special Residential Zone Provisions Relating to Specified Areas.
3. Deleting in Section (c)(i), "... Plan of Subdivision (Plan No. 91/22/14) Special Residential Zone No. 4 dated February 1998 ...." and substituting the following:  
"... Plan of Subdivision (Plan No. 91/22/19B) Special Residential Zone No. 4 dated September 2000 ..."
4. Deleting in Section (c)(iii), "The total number of lots should be 42 with a 2,400m<sup>2</sup> minimum area and average area of 6,600m<sup>2</sup>" and substituting the following:  
"The total number of lots should be 60 with a 2,400m<sup>2</sup> minimum area and an average area of 4,200m<sup>2</sup>".
5. Amending Section (c) (v) a) by deleting sub-sections (i) and (ii) and substituting the following—
  - (i) from the front of a lot: 10 metres
  - (ii) from the rear of a lot: 8 metres
  - (iii) from the side of a lot: 6 metres
6. Deleting in Section (c) (xiv) "tree planting" and substituting the following, "screen planting of endemic native vegetation consisting of trees and understorey bushes together with acceptable verge tree planting".

C. DONNELLY, President.  
P. DURTANOVICH, Chief Executive Officer.

**PI402\***

**TOWN PLANNING AND DEVELOPMENT ACT 1928**

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT

*CITY OF STIRLING*

DISTRICT PLANNING SCHEME No. 2—AMENDMENT No. 373A

Ref: 853/2/20/34 Pt 373A

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Hon Minister for Planning and Infrastructure approved the City of Stirling Town Planning Scheme Amendment on 13 November, 2001 for the purpose of rezoning Reserve 25656 (High School), Reserve 25608 (Footway), Reserve 25657 (Primary School) and Reserve 44418 (Education Resource Centre), corner Newborough Street, Wilding Street, Jackson Avenue and Grand Promenade, Karrinyup from Metropolitan Region Scheme Reserve—High School and Public Use Reserve—Primary School to Low Density Residential R25, Public Open Space and Local Authority Purposes and Public Use Reserve—Primary School, as depicted on the amendment plan.

D. C. VALLELONGA, Mayor.  
M. J. WADSWORTH, Chief Executive Officer.

**PI701\***

**METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959**

METROPOLITAN REGION SCHEME AMENDMENTS  
IN THE SOUTH WEST DISTRICTS

- Amendment No. 1032/33—South West Metropolitan Transit Route
- Amendment No. 1038/33—Thomsons Lake Regional Centre
- Amendment No. 1039/33—Victoria Quay, Port of Fremantle
- Amendment No. 1040/33—Tapper Road Extension, Banjup

**CALL FOR PUBLIC SUBMISSIONS**

The Western Australian Planning Commission is considering proposals to amend the Metropolitan Region Scheme for land in the Cities of Canning, Cockburn, Fremantle, Gosnells, and Rockingham and the Town of Kwinana. Public comment is invited.

**Purpose**

The purpose of these proposed Amendments is to give effect to a total of forty one changes to zones and reservations of the Metropolitan Region Scheme. The individual proposals are contained within four Amendments.

**Amendment No. 1032/33**—will facilitate finalisation of the land requirements for the South West Metropolitan Transit system including land for the passenger rail between Perth and Mandurah and part of the (Bus) Transitway between Fremantle and Rockingham.

**Amendment No. 1038/33**—will facilitate the development of a new town centre, which is integrated with the passenger rail, recreation areas, shops and surrounding residential, industrial and mixed business areas in the Jandakot locality.

**Amendment No. 1039/33**—will facilitate development of a maritime precinct on the western end of Victoria Quay at Fremantle.

**Amendment No. 1040/33**—will facilitate the extension of Tapper Road southwards as part of the local road network in Banjup.

Full details of each proposal can be found in the Commission's explanatory *Amendment Report*. A separate report is available for each Amendment.

Copies of the plans and the *Amendment Report* will be available for public inspection from Monday 8 October 2001 to Friday 1 February 2002 at each of the following places—

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Department for Planning and Infrastructure<br/>1<sup>st</sup> Floor Albert Facey House<br/>469 Wellington Street<br/>PERTH WA</li> <li>• J S Battye Library<br/>Alexander Library Building<br/>Francis Street<br/>NORTHBRIDGE WA</li> </ul> | <p>Council Offices of the municipalities of:</p> <ul style="list-style-type: none"> <li>• City of Perth</li> <li>• City of Fremantle</li> <li>• City of Canning</li> <li>• City of Cockburn</li> <li>• City of Gosnells</li> <li>• City of Rockingham</li> <li>• Town of East Fremantle</li> <li>• Town of Kwinana</li> </ul> |
|--|---|

Amendment No. 1032/33 will also be displayed at Main Roads WA, Waterloo Crescent, East Perth.

These documents may also be viewed on the Department for Planning and Infrastructure website <http://www.planning.wa.gov.au>.

Any person who wishes to make a submission either supporting, objecting to or providing comment on any provisions of the proposed Amendments should do so on the appropriate submission form (Form 6A). These submission forms are contained in the explanatory *Amendment Report*. They are also available from the display locations and on the Internet.

Submissions must be lodged with the—

Secretary  
Western Australian Planning Commission  
469 Wellington Street  
PERTH WA 6000

on or before 5.00pm **FRIDAY 1 February 2002**. Late submissions will not be considered.

PETER MELBIN, Secretary,  
Western Australian Planning Commission.

## PI702\*

### METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959

#### METROPOLITAN REGION SCHEME AMENDMENT No. 1010/33

#### PORT CATHERINE

#### CALL FOR PUBLIC SUBMISSIONS

The Western Australian Planning Commission intends to amend the Metropolitan Region Scheme for land in the City of Cockburn, and is seeking public comment.

#### Purpose

The amendment will facilitate the rehabilitation of a former noxious industry area in South Coogee and its redevelopment as a marina and residential area known as Port Catherine.

It proposes to rezone the subject land from the Industrial zone, Parks and Recreation, Railways and Waterways reservations to the Urban and Industrial zone and Parks and Recreation reservation as detailed in the Commission's *Amendment Report*.

#### Environmental Review

The Environmental Protection Authority required the proposed amendment to be formally assessed by way of an Environmental Review (Assessment No.1263). An Environmental Review has been

prepared for the Commission to examine the likely environmental impacts of the amendment if implemented, and puts forward proposed environmental management measures.

The Environmental Review is being advertised concurrently with the Metropolitan Region Scheme Amendment so that comment can be made on both environmental and planning related matters.

#### Procedure

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.

Plans showing the proposed changes to the zones and reservations of the Scheme, the Commission's *Amendment Report* which explains the proposals, and Environmental Review documents which comprise the *Environmental Review Summary*, and *Environmental Review Volume 1, Volume 2 (Appendices I - VII)*, and *Volume 3 (Site Contamination and Management Program) Part 1, Part 2, and Part 3* will be available for public inspection from Monday 19 November 2001 to Friday 1 March 2002 at each of the following places. Copies of the reports are also available from these display centres—

- Department for Planning and Infrastructure  
1<sup>st</sup> Floor Albert Facey House  
469 Wellington Street  
PERTH WA
- Council Offices of the municipalities of:
  - City of Perth
  - City of Fremantle
  - City of Cockburn
  - City of Rockingham
- J S Battye Library  
Alexander Library Building  
Francis Street  
NORTHBRIDGE WA

In addition to the official display centres above, the Environmental Review documents and the *Amendment Report* can be examined at the public libraries of Fremantle, Coolbellup, Spearwood and the Library Information Centre of the Department of Environmental Protection, 8<sup>th</sup> floor Westralia Square, 141 St Georges Tce, Perth.

Some documents are also displayed on the Department for Planning and Infrastructure website <http://www.planning.wa.gov.au>.

#### Submissions

Any person who desires to make a submission either supporting, objecting or providing comment on any provisions of the proposed Amendment or the Environmental Review should do so on a Form 6A. This submission form is available on request from the display locations, is contained in the *Amendment Report* and from the Internet.

Submissions must be lodged with the—

Secretary  
Western Australian Planning Commission  
469 Wellington Street  
PERTH WA 6000

on or before 5.00pm **FRIDAY 1 MARCH 2002**. Late submissions will not be considered.

R. N. STOKES, Secretary,  
Western Australian Planning Commission.

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## RACING, GAMING AND LIQUOR

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### RG301\*

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 14<sup>th</sup> day of November 2001, 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—

Additional By-law 52A:

Any member who has been convicted of a criminal offence and been imprisoned for that offence shall be ineligible for election to Committee.

Date: 14/11/2001

signed by ROBERT LESLIE FOWLER, President.

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## PUBLIC NOTICES

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ZZ101

Section 66

**COMPANIES ACT 1943**

NOTICE OF INCREASE IN SHARE CAPITAL BEYOND THE  
REGISTERED CAPITAL

Ref: C0170013V

1. Quairading farmers Co-operative Co Ltd hereby gives notice that by a resolution of the Company passed on the 19th October 2001 the Nominal share capital of the company was increased by the addition thereto of the sum of \$200,000 dollars divided into 100,000 shares of \$2.00 each beyond the registered capital of 1,000,000 dollars.

2. The additional capital is divided as follows—

<b>No. of Shares</b>	100,000
<b>Class of Shares</b>	Non Cumulative Redeemable Preference Shares
<b>Nominal Amount of each Share</b>	\$2.00

3. The Conditions to which the new shares are to be issued are as follows

4. The rights attached to the preference shares forming part of the increased capital of the company are as follows

**Repayment of Capital**—These shares may be redeemed out of profits of the company, which would otherwise be available for a dividend.

**Whether or not the Dividends are Cumulative or Non Cumulative**—The issue will be non cumulative, a dividend need only be paid in those years it is declared.

**Voting rights**—The shares do not normally have the right to vote at meetings of members and are not permitted to vote under the Co-op's articles except in specific circumstances.

**Priority of payment of Capital and Dividends**—The payment is based on the Commonwealth Bond rate at the time either a % of the Preference Share capital or an amount of cents per share (e.g. 5% or .05c)

IAN J. MORGAN, Secretary.

Dated this 26<sup>th</sup> of October 2001.

ZZ201

**TRUSTEES ACT 1962**

Estate of the Late Harold George Culloton of 9 Duclas Way Sunset Beach Geraldton in the State of Western Australia, Retired Farmer.

Creditors and other persons having claims (to which Section 63 of the Trustees Act, 1962 relates) in respect of the estate of the above-named deceased who died on 14<sup>th</sup> July 2001 are required to send particulars of their claims to the Executor of RSM 557 Dindiloa Via Geraldton within one (1) month of the dated of publication of this notice after which date the Executor may convey or distribute the assets having regard only to claims of which notice has been give.

KEVIN MATTHEW MAZZUCHELLI

c/- RSM Bird Cameron Chartered Accountants, 8 St. George's Terrace, Perth WA 6000

Telephone: (08) 9261 9100

REF: 940374

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