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PUBLISHING ALTERATIONS

Periodically the normal *Gazette* publishing times need to be altered to cater for disruption caused by public holidays.

- Easter and Christmas holidays cause disruption each year.
- Australia Day and Anzac Day cause disruption when they fall on a Tuesday or Friday.

In these instances, notices warning of the change are generally published on page 2 for approximately 4 weeks prior to the date.

Readers are urged to check *Gazettes* accordingly, prior to contacting State Law Publisher.

JOHN A. STRIJK, Government Printer.

— PART 1 —

PROCLAMATIONS

AA101*

TERRORISM (COMMONWEALTH POWERS) ACT 2002

53 of 2002

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.] By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.

I, the Governor, acting under section 2 of the *Terrorism (Commonwealth Powers)* Act 2002, and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which that Act comes into operation.

Given under my hand and the Public Seal of the State on 29 April 2003.

By Command of the Governor,

G. GALLOP, Minister for Federal Affairs.

GOD SAVE THE QUEEN !

AA102*

ELECTRONIC TRANSACTIONS ACT 2003

3 of 2003

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.] By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.

I, the Governor, acting under section 2 of the *Electronic Transactions Act 2003*, and with the advice and consent of the Executive Council, fix 2 May 2003 as the day on which that Act comes into operation.

Given under my hand and the Public Seal of the State on 29 April 2003.

By Command of the Governor,

J. McGINTY, Attorney General.

GOD SAVE THE QUEEN !

AA103*

TRANSFER OF LAND AMENDMENT ACT 2003

6 of 2003

PROCLAMATION

WESTERN AUSTRALIA John Sanderson, Governor. [L.S.] By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.

I, the Governor, acting under section 2 of the *Transfer of Land Amendment Act 2003* and with the advice and consent of the Executive Council fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which that Act, other than sections 43, 46, 56, 57, 74, 80, 81 and 82, comes into operation.

Given under my hand and the Public Seal of the State on 15 April 2003.

By Command of the Governor,

ALANNAH MacTIERNAN, Minister for Planning and Infrastructure.

GOD SAVE THE QUEEN !

FIRE AND EMERGENCY SERVICES

FE301*

Fire and Emergency Services Superannuation Act 1985

Fire Brigades (Superannuation Fund) Amendment Regulations 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Fire Brigades* (Superannuation Fund) Amendment Regulations 2003.

2. The regulations amended

The amendments in these regulations are to the *Fire Brigades* (Superannuation Fund) Regulations 1986*.

[* Reprinted as at 7 September 2001.]

3. Regulation 1 amended

Regulation 1 is amended by deleting "*Brigades*" and inserting instead —

" and Emergency Services".

4. Regulation 3 amended

Regulation 3(1) is amended as follows:

- (a) in the definition of "Category A member" by inserting after paragraph (a)
 - (aa) a Category C member; or
- (b) by inserting the following definition in its appropriate alphabetical position
 - "Category C member" means a member under regulation 12C;
- (c) in the definition of "member", in paragraph (b), by deleting "an eligible Authority employee or an associated employee" and inserting instead —

a member of the Superannuation Fund under Part III and

5. Regulation 9 amended

- (1) Regulation 9(1) is amended as follows:
 - (a) in the definition of "child"
 - (i) in paragraph (c), by deleting "the spouse" and inserting instead
 - " a spouse or de facto partner "; and
 - (ii) at the end of paragraph (f), by deleting the semicolon and inserting a full stop instead;
 - (b) by deleting the definition of "spouse".
- (2) Regulation 9(2)(a) is amended by deleting "the spouse" and inserting instead
 - " any spouse or de facto partner ".

6. Regulation 12C inserted

After regulation 12B the following regulation is inserted —

"

12C. Spouses and de facto partners of members

- (1) A Category A member or Category B member (the "nominator") may nominate his or her spouse or de facto partner as a Category C member by giving notice to that effect to the Superannuation Board.
- (2) However, a person cannot nominate his or her spouse or de facto partner if that person is already a member.
- (3) When making a nomination the nominator must give to the Superannuation Board whatever information the Board reasonably requires to satisfy itself that the nominator and the person nominated are married or de facto partners.
- (4) A Category C member may withdraw from the Superannuation Fund by giving written notice to that effect to the Superannuation Board.
- (5) If a Category C member becomes a Category A member or a Category B member he or she ceases to be a Category C member.
- (6) A Category C member remains a member until
 - (a) he or she withdraws from the Superannuation Fund under subregulation (4);
 - (b) he or she ceases to be a Category C member under subregulation (5); or
 - (c) all benefits payable to or in respect of the person have been paid or transferred under regulation 21B(2) or (3).

"

- (7) A Category C member does not cease to be a member merely because the nominator
 - (a) ceases to be a member; or
 - (b) ceases to be the Category C member's spouse or de facto partner.

7. Regulation 15A inserted

After regulation 15 the following regulation is inserted —

15A. Contributions for spouse or de facto partner

- (1) A Category A member or Category B member (the "contributor") whose spouse or de facto partner is a Category C member may contribute to the Superannuation Fund for the spouse or de facto partner.
- (2) The contributor need not be the person who nominated the Category C member under regulation 12C.
- (3) The contributor is to contribute the amounts, and at the times, and make the contributions in the manner, agreed between the contributor and the Superannuation Board.

8. Regulation 16C amended

Regulation 16C(2) is amended after paragraph (fa) by deleting "and" and inserting instead —

(fb) for a Category C member, all contributions made under regulation 15A for the member; and

9. Regulation 21AA inserted

After regulation 21A the following regulation is inserted —

21AA. Benefit — Category C

- (1) If a Category C Member
 - (a) withdraws from the Superannuation Fund under regulation 12C(4); or
 - (b) satisfies a condition of release within the meaning of Part 6 of the *Superannuation Industry (Supervision) Regulations 1994* of the Commonwealth,

the member is entitled to a benefit equal to the balance of the member's accumulation account.

"

"

"

(2) If a Category C member dies while there is still an amount in the member's accumulation account the Superannuation Board is to pay a benefit equal to the balance of the member's accumulation account.

"

10. Regulation 21C amended

Regulation 21C(2) is amended by deleting "regulation 39." and inserting instead —

" regulation 21B(2) or (3). ".

11. Regulation 22 amended

- (1) Regulation 22(1) is amended by inserting after "spouse"
 - " or de facto partner ".
- (2) Regulation 22(4) is amended as follows:
 - (a) by inserting after "spouse" —" or de facto partner ";
 - (b) by deleting "either of".
- (3) Regulation 22(5) is amended by inserting after "spouse"—
 - " or de facto partner ".

12. Regulation 37 amended

Regulation 37(1) is amended by deleting "A member" and inserting instead —

" A Category A member or a Category B member ".

By Command of the Governor,

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

JUSTICE

JU101

CORRECTION TO REPRINT

CONSUMER CREDIT (WESTERN AUSTRALIA) ACT 1996

Reprinted as at 6 September 2002.

At page 52 in section 68(1) delete the words "or may apply to the Court to change the terms of the credit contract"

JU301*

Electronic Transactions Act 2003

Electronic Transactions Regulations 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Electronic Transactions Regulations 2003*.

2. Commencement

These regulations come into operation on the day of their publication in the *Gazette*, or the day on which the *Electronic Transactions Act 2003* comes into operation, whichever is the later.

3. Exemptions from section 7(1) — transactions

- (1) Section 7(1) of the Act does not apply to
 - (a) a transaction by which a will, codicil or other testamentary instrument is created, executed or revoked;
 - (b) a transaction by which an instrument is created appointing an enduring power of attorney, or appointing an attorney to manage a person's affairs; or
 - (c) any other transaction that requires a document to be verified, authenticated, attested or witnessed under the signature of a person other than the author of the document.
- (2) Section 7(1) of the Act does not apply to a transaction required to be effected by personal service only.

4. Exemptions from section 7(1) — laws

Section 7(1) of the Act does not apply to the *Consumer Credit* (Western Australia) Code or the Consumer Credit (Western Australia) Regulations, as defined in the Consumer Credit (Western Australia) Act 1996.

5. Exemptions from Part 2 Division 2 — requirements and permissions

- (1) Part 2 Division 2 of the Act does not apply to
 - (a) a requirement or permission relating to the creation, execution or revocation of a will, codicil or other testamentary instrument;

- (b) a requirement or permission relating to the creation of an instrument appointing an enduring power of attorney, or appointing an attorney to manage a person's affairs; or
- (c) any other requirement that a document is to be verified, authenticated, attested or witnessed under the signature of a person other than the author of the document.
- (2) Part 2 Division 2 of the Act does not apply to a requirement that information or a document is to be delivered by personal service only.

6. Exemptions from Part 2 Division 2 — laws

Part 2 Division 2 of the Act does not apply to the *Consumer Credit (Western Australia) Code* or the *Consumer Credit (Western Australia) Regulations*, as defined in the *Consumer Credit (Western Australia) Act 1996*.

By Command of the Governor,

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

LOCAL GOVERNMENT

LG301*

HEALTH ACT 1911

Shire of Bridgetown-Greenbushes
HEALTH AMENDMENT LOCAL LAWS 2002

Made by the Council of the Shire of Bridgetown-Greenbushes under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These local laws may be cited as the Shire of Bridgetown-Greenbushes Health Amendment Local Laws 2002.

Principal Local Laws

2. In these local laws, the *shire of Bridgetown-Greenbushes Health Local Laws 2001* made under the *Health Act 1911* and passed by the Council of the Shire of Bridgetown-Greenbushes on 26 April 2001, and published in the *Government Gazette* on 17 July 2001, are referred to as the principal local laws.

Principal Local Laws Amended

3. The principal local laws are amended as described in the following schedule—

Item	Sections Affected	Description	
1	1.3 (1)	In the definition of "Act", delete the words "and includes subsidiary legislation made under the <i>Health Act 1911</i> ".	
2	1.3 (1)	In the appropriate alphabetical position add the following definitions— ""AS/NZS 1276.1: 1999" means the standard published by the Standards Association of Australia as AS/NZS 1276.1:1999 and called "Acoustics—Rating of sound insulation in building and of building elements—Airborne sound insulation.""	

Item	Sections Affected	Description	
		""AS 1530.2: 1993" means the standard published by the Standards Association of Australia as AS 1530.2:1993 and called "Methods for fire tests on building materials, components and structures—Tests for flammability of materials."" ""AS/NZS 1530.3: 1999" means the standard published by the Standards Association of Australia as AS/NZS 1530.3:1999 and called "Methods for fire tests on building materials, components and structures—Simultaneous determination of ignitability, flame propagation, heat release and smoke release."" ""AS 1668.2—2002" means the standard published by the Standards Association of Australia as AS 1668.2—2002 and called "The use of mechanical ventilation and air-conditioning in buildings—Mechanical ventilation for acceptable indoor-air quality."" ""AS/NZS 3666.2: 2002" means the standard published by the Standards Association of Australia as AS/NZS 3666.2:2002 and called "Air-handling and water systems of buildings—Microbial Control—Operation and maintenance.""	
3	2.1.5	In paragraph (a) delete "AS1276" and substitute "AS/NZS 1276.1: 1999".	
4	2.1.9	After the year "1909" insert the words "and the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974".	
5	3.2.4 (2)	In paragraph (b) delete "AS1668.2" and substitute "AS/NZS1668.2:-2002".	
6	3.2.4 (3)	In paragraph (b) delete "AS3666.2—1989" and substitute "AS/NZS 3666.2: 2002".	
7	4.2.1	Delete the definition of "receptacle" and substitute— ""receptacle" where used in connected with any premises means— (a) a polyethylene cart fitted with wheels, a handle and a lid and having a capacity of at least 120 litres; or (b) a container provided for the deposit, collection and recycling of specific materials; and supplied to the premises by the local government or	
8	4.2.1	its contractor, or specifically approved for use by the local government." Delete the definition of "refuse disposal site" and	
		substitute— ""refuse disposal site" means a waste treatment facility or depot licensed under Part V of the Environmental Protection Act 1986 to store, treat, reuse or dispose of rubbish or refuse."	
9	4.2.2 (c)	In subparagraph (i) delete the words "street alignment" and substitute "building line".	
10	5.4.4 (2)	Delete the words "of this section".	
11	5.4.6 (1)	Delete the words "provision of Section" in the second line and substitute the words "provisions of Sections".	
12	5.4.7 (2)	Delete the word "the" before the words "local government" and substitute the word "a"; then insert the word "made" before the word "under".	
13	7.1.4	Delete section 7.1.4.	
14	8.2.5 (1)	In paragraph (b), insert the word "either" before the words "a shower or a bath".	
15	8.2.7 (2)	Delete the words "advised by the Fire and Emergency Service Authority of Western Australia" and substitute "required by the Building Code".	

Item	Sections Affected	Description
16	8.2.11 (8)	In paragraph (a) delete "AS 1530.2 and AS 1530.3" and substitute "AS 1530.2—1993 and AS/NZS 1530.3—1999".
17	8.2.11 (8)	In subparagraph (a)(ii) delete "AS 2001.5.4-1987" and substitute "AS 2001.1—1995".

Passed at an ordinary meeting of the Council of the Shire of Bridgetown-Greenbushes held on the $31^{\rm st}$ day of October 2002.

The Common Seal of the Shire of Bridgetown-Greenbushes was affixed by authority of a resolution of its Council in the presence of— $\,$

Cr N. J. OAKS, Shire President. A. G. MACNISH, Chief Executive Officer.

On this 27th day of November 2002.

Consented to—

 $\begin{array}{c} {\rm Dr~R.~LUGG,~Delegate~of~Executive~Director,} \\ {\rm Public~Health.} \end{array}$

Dated this 16th day of January 2003.

— PART 2 —

EDUCATION

ED401

CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966

MURESK BOARD OF MANAGEMENT

It is hereby notified for general information that I have, in accordance with Section 21C of the Curtin University of Technology Act 1966, approved the following appointment to the Muresk Board of Management—

(i) the appointment of Ms Renata Paliskis-Bessell of Albany for a term of office expiring 19 October 2005.

Hon. ALAN CARPENTER MLA, Minister for Education.

LOCAL GOVERNMENT

LG401*

DOG ACT 1976

Shire of Dardanup

DOG REGISTRATION OFFICER

It is hereby notified for public information that the following Officer has been appointed by Council as Authorised Dog Registration Officer under the Dog Act 1976, effective immediately, until further notice.

Additional Appointments—Christine Routley

M. L. CHESTER, Chief Executive Officer.

LG402*

BUSH FIRES ACT 1954

Shire of Wyndham East Kimberley

APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

It is hereby advised that, at its meeting on Tuesday, 22 April 2003, the Shire of Wyndham East Kimberley resolved to appoint— $\,$

- 1. Gary Thomas King to the position of Chief Bush Fire Control Officer for the Shire of Wyndham East Kimberley.
- 2. Reginald Eric Bucktin to the position of Bush Fire Control Officer for the Ivanhoe Fire Control Area.

CHRIS ADAMS, Chief Executive Officer.

LG403*

Shire of Lake Grace Appointment of Authorised Officers

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

(1) Local Government Act 1995, Division 3, Subdivision 2, Certain provisions about land—s3.24—

Neville Hale

Ian Bartlett

Jon Wearing

(2) Local Government Act 1995, Part 9, Division 2 Miscellaneous provisions about enforcement—s9.10, s9.11 and s9.15; and Control of Vehicles (Off-road) Act 1978—s37

Neville Hale

Jon Wearing

Ian Bartlett

Trevor Pitcher

(3) Local Government Act 1995, Part 9, Division 2 Miscellaneous provisions about enforcement—s9.13, s9.16 and s9.17—

Neville Hale

Jon Wearing

(4) Dog Act 1976—Registration Officers

Neville Hale

Jon Wearing

Anne Rintoul

Mark Burbridge

Kate Hawley

Kelly Hawtin

All previous authorisations relating to the above are cancelled.

NEVILLE HALE, Chief Executive Officer.

LG404*

BUSH FIRES ACT 1954

Shire of Lake Grace
AUTHORISED OFFICERS

It is hereby notified for public information the following Authorised Officer amendment—

Bush Fires Act 1954—s59(2)(a) and (3)—Issue of infringement notices

Delete: Environmental Health Officer / Building Surveyor

NEVILLE HALE, Chief Executive Officer.

LG501*

BUSH FIRES ACT 1954

Shire of Wyndham East Kimberley

FIREBREAK ORDER AND BUSHFIRE INFORMATION 2002/2003

(This is a summary of the Order adopted by the Shire of Wyndham East Kimberley under Section 33 of the Bush Fires Act 1954).

In accordance with the provisions of this Order, landowners are required to carry out fire prevention work on land they own or occupy.

Details of work required to be completed are contained in this Order. Work must be completed by 1 June each year.

Persons who fail to comply with the requirements of the order may be issued with an infringement notice (Penalty \$80.00) or prosecuted with an increased penalty. in addition, the shire may carry out the required work at cost to the owner or occupier of the land.

There may be instances where it is considered to be impractical to clear firebreaks or remove flammable materials as required by this Order, due to—

- · The aggravation of soil erosion;
- · The identification of a more effective system of fire prevention; or
- · Firebreaks being rendered unnecessary by natural features existing on the land.

In this instance, application may be made to Council not later than 14 May for permission to provide firebreaks in alternative positions, or to take alternative action to reduce fire hazards on the land.

If Council permission is not forthcoming, then you will be required to comply with the provisions of this Order.

Firebreaks are used primarily to gain access to and provide an area to work from when controlling a fire. They will not stop all fires, and removal of unnecessary flammable material prior to the fire season is your best safeguard against fire threat.

If the requirements of this Order are fulfilled by burning off, then the burning must be carried out in accordance with the relevant provisions of the Bush Fires Act 1954.

1. Ord River Irrigation Project Area—

Firebreaks for all land within the Ord Irrigation Area must be-

- Not less than three (3) metres wide inside and along and as close as possible to external boundaries; and
- Not less than six (6) metres wide and within three (3) metres of the perimeter of all buildings and/or haystacks and groups of buildings.

NOTE: This requirement need not be met if the property is being worked, and provided the irrigation channels are in use.

2. Pastoral Lands—

Firebreaks are required to be a distance of not less than six (6) metres wide and within three (3) metres of buildings and/or haystacks or groups of buildings.

3. Townsite Land—

Where the area is 2 000m2 or less, all inflammable material (with the exception of standing live trees) shall be removed from the whole of the land by clearing or slashing.

Where the area of the land is greater than 2 000m2, a firebreak of not less than six (6) metres in width immediately surrounding any buildings, or not less than three (3) metres in width inside and along the whole of the external boundaries of the land is required.

4. Rural Lands-

Land outside townsites which is not under a pastoral lease requires firebreaks of-

- Not less than four (4) metres wide inside, along and within ten (10) metres of external boundaries; or
- Not less than six (6) metres wide and within three (3) metres of the perimeter of all buildings and/or haystacks or groups of buildings.

5 Rubbish Sites—

All rubbish sites for pastoral stations and communities require firebreaks not less than three (3) metres wide and within three (3) metres of the perimeter of the rubbish site.

6. Fuel Dumps and Depots—

Flammable material must be removed from all land where fuel drum ramps or dumps are located and where fuel drums (whether containing fuel or not) are stored, to a distance of at least fifteen (15) metres outside the perimeter of any drum, ramp or stack of drums.

The acts referred to in paragraphs 1 to 6 herein must be performed to the satisfaction of the duly authorised person appointed by the Shire of Wyndham East Kimberley.

If it is impractical for any reason to clear firebreaks or to remove flammable material from the land as required by this Order, you may apply to Council or its duly authorised officer by not later than 14 May for permission to provide firebreaks in alternative positions, or to take alternative positions or to take alternative action to abate fire hazards on the land.

RESTRICTED BURNING PERIOD

1 April to 14 January Each Year

The Restricted Burning Period now includes Kununurra and Wyndham Townsites, the Ord Irrigation Area and pastoral areas.

PERMITS TO BURN

- 1. Permits to burn are required for the whole of the Restricted Period, and must be obtained from one of the Fire Control Officers identified for your area (see overleaf).
- 2. Any special conditions imposed by the Fire Control Officer when issuing permits must be strictly adhered to.
- 3. The permit holder shall give notice of his intention to burn to
 - a. The Shire's Kununurra Administration Centre by no later than 24 hours prior to the day when the burning is to take place. Weekend burning must be notified by 4.00pm, Friday.
 - b. The owner or occupier of adjoining land.
 - c. The nearest Department of Conservation and Land Management office if the land is situated within three (3) kilometres of State Forest land, National Park, Nature Reserve or other CALM lands.
- 4. The period of notice to neighbours prior to burning cannot be more than twenty eight (28) days or less than four (4) days, although lesser notice may be determined by mutual agreement of all neighbours.
- 5. Your attention is drawn to Items 5, 6 and 7 as listed on the back of the permit.
- 6. Burning under permit is permitted during the Restricted Burning Period on Sundays and Public Holidays.
- 7. All landowners and occupiers who suffer a bush fire have an obligation to assist each Area Fire Control Officer to compile a Fire Report Form.

- 8. Garden Refuse or rubbish burnt on the ground may be lit only between 6.00pm and 11.00pm, and must be completely extinguished with water or earth by midnight. All flammable matter is to be cleared within five (5) metres of all points of the site of the fire, and a person must be in attendance during the whole time the fire is lit.
- 9. Any incinerator used to burn rubbish must be properly constructed—an open drum (with or without a lid) is not an appropriate incinerator.
- 10. With reference to Items 8 and 9 of this summary, burning may not take place if the Fire Weather Warning for the day is "Very High" or "Severe".

SHIRE OF WYNDHAM EAST KIMBERLEY AUTHORISED BUSH FIRE CONTROL OFFICERS

NAME	REA OF RESPONSIBILITY	CONTACT NO.
Gary King (CBFCO & Shire Ranger)	Shire of Wyndham East Kimberley	0409 687 841 9168 1798 (Fax)
John Koeyers (Deputy CBFCO)	Stations on Gibb River and Kalumburu Roads	9161 4326 (Home) 9161 4326 (Fax)
Craig Markham (Shire Ranger)	Shire of Wyndham East Kimberley	0409 681 220 9168 1798 (Fax)
Rob Boshammer	Ivanhoe Fire Control Area	0407 691 282 9169 1282 (Home) 9169 1283 (Fax)
Lindsay Middap	Wyndham Port to 12 Mile (Wyndham & adjoining areas)	9161 2964 (Work/Fax) 0417 995 246
Kevin Williams	Shire of Wyndham East Kimberley	9168 3220 (Work) 9168 3440 (Fax) 0417 092 572
Greg Cummings	Ord Irrigation Area	9168 1400 (Work) 9168 1517 (Fax) 0419 953 331
James O'Kenny	Kununurra Townsite & sand blocks east of the main irrigation channel	9168 1035 (Home/Work) 9168 1541 (Fax) 0419 938 528
Keith Wright	Properties adjoining Fishfarm and Crossing Falls Roads	9168 1314 (Home/Work) 9168 2650 (Fax) 0427 633 455
Peter Lacey	Stations on Gibb River and Kalumburu Roads (Kalumburu south area)	9191 4644 (Work/Fax)
Colt Dwyer	Research Station Road	9169 1886 (Work) 9169 1990 (Fax) 0407 613 606
Michael Bates	Kununurra Townsite	9168 1811 (Work) 0418 900 499
Bruce Pontin	Argyle Diamond Mine	9167 1418 9167 1452 (Emerg)
David Hasted	Ivanhoe Fire Control Area	9168 1388 (Home) 9168 1399 (Fax)

FIRE SERVICES

TOWN-000

WEABER PLAIN—GREG CUMMINGS

PACKSADDLE—GARY KING

CROSSING FALLS—KEITH WRIGHT OR ALLAN STENNETT (9168 1629)

MINERALS AND PETROLEUM

MP401

MINING ACT 1978

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources, Marble Bar WA 6760.

In accordance with Regulation 49(2)(c) of the Mining Act 1978 notice is hereby given that the Miscellaneous Licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, viz. non payment of rent.

J. CICCHINI, Warden.

To be heard in the Warden's Court, Marble Bar on the 14th May 2003.

PILBARA MINERAL FIELD

Marble Bar District

P45/2421—Hayter, Stephen George

P45/2425—Doreen Exploration & Mining Pty Ltd

MP402

MINING ACT 1978

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources, Marble Bar WA 6760.

In accordance with Regulation 49(2)(c) of the Mining Regulations 1981 notice is hereby given that the Licences are liable to forfeiture under the provisions of Section 96(1)(a) of the Mining Act 1978, for breach of covenant, viz. failure to comply with the prescribed expenditure conditions.

J. CICCHINI, Warden.

To be heard in the Warden's Court, Marble Bar on the 14th May 2003.

PILBARA MINERAL FIELD

Nullagine District

P46/1245—Borislavsky, Georgii Nocoli

MP403

MINING ACT 1978

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources, Coolgardie WA 6430.

In accordance with Regulation 49(2)(c) of the Mining Act 1978 notice is hereby given that the following Licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, viz. failure to meet the minimum expenditure requirement.

S. SHARRATT (SM), Warden.

To be heard in the Warden's Court at Coolgardie on the 26th May 2003.

COOLGARDIE MINERAL FIELD

Prospecting Licences

P15/3917—Kundana Gold Pty Ltd

P16/1858—Kundana Gold Pty Ltd

P16/1859—Kundana Gold Pty Ltd

MP404

MINING ACT 1978

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources, Kalgoorlie WA 6430.

In accordance with Regulation 49(2)(c) of the Mining Act 1978 notice is hereby given that the Prospecting Licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, non compliance with the expenditure condition.

S. SHARRATT (SM), Warden.

To be heard in the Warden's Court, Kalgoorlie on the 22nd May 2003.

BROAD ARROW MINERAL FIELD

P24/2745—Mount Margaret Nickel Pty Ltd

P24/2746—Mount Margaret Nickel Pty Ltd

P24/2747—Mount Margaret Nickel Pty Ltd

P24/3295—Paddington Gold Pty Ltd

EAST COOLGARDIE MINERAL FIELD

P26/2563—Malanti Pty Ltd

St Barbara Mines Ltd

P26/2564—Malanti Pty Ltd

St Barbara Mines Ltd

P26/2565—Malanti Pty Ltd

St Barbara Mines Ltd

P26/2566—Malanti Pty Ltd

St Barbara Mines Ltd

P26/2567—Malanti Pty Ltd

St Barbara Mines Ltd

P26/2568—Malanti Pty Ltd

St Barbara Mines Ltd

P26/2569—Malanti Pty Ltd

St Barbara Mines Ltd

P26/2570—Malanti Pty Ltd

St Barbara Mines Ltd

P26/2594—Malanti Pty Ltd

St Barbara Mines Ltd

P26/2595-Malanti Pty Ltd

St Barbara Mines Ltd

P26/2596—Malanti Pty Ltd

St Barbara Mines Ltd

NORTH EAST COOLGARDIE MINERAL FIELD

P28/952—Gutnick Resources NL

P28/969—Gutnick Resources NL

MP405

MINING ACT 1978

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Industry and Resources, Kalgoorlie WA 6430.

In accordance with Regulation 49(2)(c) of the Mining Act 1978 notice is hereby given that the Prospecting Licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, non compliance with the reporting requirement condition.

S. SHARRATT (SM), Warden.

To be heard in the Warden's Court, Kalgoorlie on the 22nd May 2003.

BROAD ARROW MINERAL FIELD

P24/2706—Darrall James Renton P24/2707—KKR Resources NL P24/2711—Kundana Gold Pty Ltd P24/3404—Paddington Gold Pty Ltd P24/3427—Paddington Gold Pty Ltd P24/3428—Paddington Gold Pty Ltd P24/3438—Paddington Gold Pty Ltd P24/3583—Royal Resources Pty Ltd

EAST COOLGARDIE MINERAL FIELD

P25/1663—Patrick William O'Donnell William George O'Donnell

PREMIER AND CABINET

PC401*

INTERPRETATION ACT 1984

MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor in accordance with Section 52(1)(b) of the Interpretation Act 1984 has approved the following temporary appointment in the place of the Hon A MacTiernan MLA in the period 24 April 2003 to 9 May 2003 (both dates inclusive)—

Minister for Planning and Infrastructure;

Hon T. G. Stephens MLC

M. C. WAUCHOPE, Director General, Department of the Premier And Cabinet.

PLANNING AND INFRASTRUCTURE

PI401

TOWN PLANNING AND DEVELOPMENT ACT 1928

ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT $TOWN\ OF\ KWINANA$

TOWN PLANNING SCHEME No. 2—AMENDMENT No. 58

Ref: 853/2/26/3 Pt 58

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 Town of Kwinana Town Planning Scheme Amendment on 17 April 2003 for the purpose of—

- 1. Modifying Part IV Policies, Zones and Development Areas—subclause 4.3 'Policy Area 6—Wellard' by including the following as point (b)—
 - "(b) Council may consider multiple occupancy development in the form of strata titling within this Policy Area provided such development is within the Cluster/Communal Rural Settlement Zone;"

and reclassify points (b) to (f) accordingly.

- 2. Adding a new zone—"Cluster/Communal Rural Settlement Zone" under subclause 4.4.1.
- 3. Insert the following new clause—
 - "4.12 Cluster/Communal Rural Settlement Zone

Uses within the Cluster/Communal Rural Settlement Zone, are contained within the Fifth Schedule and Part VI of this Scheme."

and renumber existing clauses 4.12 to 4.15 accordingly.

- 4. Amend Table 1 'Zoning and Use Class Table' to include a new zone "Cluster/Communal Rural Settlement" and include the following in the permissibility column lengthwise—
 - "As denoted on Scheme Map, Clause 6.12 and in the Fifth Schedule."
- 5. Amend Table 2 'Minimum Setbacks from Boundaries' to include a new zone "Cluster/Communal Rural Settlement" with front, side, rear and secondary frontage dimensions to read as follows—

[&]quot;As per Fifth Schedule."

- 6. Insert within Part VI a new Division 9—"Cluster/Communal Rural Settlement Zone" and renumber the existing divisions and clauses accordingly.
- 7. Insert the clauses under the new Division 9 "Cluster/Communal Rural Settlement Zone"—
 - 6.12 Council's objective in establishing a Cluster/Communal Rural Settlement Zone is to provide for multiple occupancy to occur in the context of specific themes within its rural areas, while enhancing the environmental status of the land and its rural landscape value.
 - 6.12.1 In considering an application for rezoning to create a Cluster/Communal Rural Settlement Zone, Council shall have regard to and require the following criteria—
 - (a) a comprehensive site analysis, having regard to such matters as topography, soil, tree cover, climate and an assessment of the effects of development on the environment;
 - (b) the reason for selecting the area the subject of the proposal with particular reference to the particular advantages gained by multiple occupancy and strata titling in order to achieve the objectives of the development proposal;
 - (c) a Management Plan including, but not limited to, stocking restrictions, vegetation retention, replanting, drainage, water harvesting and management, nutrient management, bush fire control, landscape protection and soil conservation;
 - (d) the source, quality and quantity of potable water and the ongoing management thereof;
 - (e) the details of the management instrument to be implemented in order to ensure that multiple occupancy is implemented appropriately;
 - (f) a Development Plan detailing the development proposal and indicating lot configuration and area, land use areas, tree retention, fire control details, contours (Australian Height Datum), all relevant topographical features, individual trees or groups of trees, types of trees and other vegetation, rock outcrops, wetlands, buildings, building envelopes, roads, fencing infrastructure and servicing requirements as may be appropriate. Council may, in a particular case, allow the omission of any of the above details from the Development Plan, or require the addition of any other factor necessary to ensure the preservation of the amenities of the locality and protection of the environment.
 - (g) where the proposal is part of a larger development precinct or policy area established under the Scheme, a Structure Plan shall be prepared showing how the proposal relates to adjacent lots.
 - (h) provision of design guidelines detailing how land use development and the built form (dwellings, ancillary buildings, water tanks etc) shall be integrated with the rural character of the locality. The design guidelines will address the following—
 - (i) use of non-reflective material;
 - (ii) use of appropriate building materials such as timber, stone, rammed earth or brick and colour(s) and textures which are essentially earthy and are compatible with the rural landscape;
 - (iii) depending on the density of cluster development and its potential impact on rural amenity, restrictions will be placed on the floor area and height of dwellings;
 - (iv) and any other design issue deemed appropriate by Council.
 - 6.12.2 Scheme Provisions for a specific Cluster/Communal Rural Settlement Zone shall be set out in the Fifth Schedule specifying the theme and any special development conditions appropriate to secure the objective of the zone. In addition to other provisions of the Scheme, land which is included within the Cluster/Communal Rural Settlement Zone shall be subject to the following provisions—

Tree Preservation

- (a) To retain the rural character of an area and to avoid the creation of wind erodible conditions, Council may designate any group or clump of trees and substantial vegetation as Tree Preservation Areas or may designate Tree Preservation Areas in accordance with a Development Plan.
- (b) Within the land designated as Tree Preservation Areas, no vegetation shall be removed except as hereunder;
 - (i) trees which are dead, diseased or dangerous;
 - (ii) for the purpose of a firebreak required by regulation or by-law except, that in order to preserve the amenity of the area, Council may at its discretion vary the position of any firebreak to avoid destruction of vegetation, or due to the physical features of the subject land;
 - (iii) for the purpose of an access drive-way for a residential dwelling as approved by Council.
- (c) Council may require the landowner/s to undertake a tree planting programme on areas nominated by Council as being deficient in vegetation cover.

Fencing

(d) Council may determine the minimum standard of road boundary fencing after considering the approved use class and purpose or intent for which the zone was created.

Water Supply

(e) Where a density greater than 1 dwelling per 2 ha is sought all dwellings shall be connected to reticulated water.

- (f) The method of water supply shall be determined having regard to the density of development, water availability, quality and potability.
- (g) Where reticulated water is not to be provided, the subdivider shall make arrangements satisfactory to Council to the effect that prospective purchasers of the lots are advised that no reticulated water supply can be provided by the Water Corporation.
- (h) Where the land is situated in a groundwater protection area the subdivider shall inform all prospective purchasers in writing of the requirements of the Department for Environment, Water and Catchment Protection in this regard.
- (i) Purchasers of lots shall make their own arrangements to provide a potable water supply and shall, prior to the occupation of any dwelling house, provide a water storage tank with a minimum capacity of 92 000 litres unless an operating bore is connected to the supply, in which case Council may permit the minimum capacity to be reduced to 20 000 litres

For the purpose of this clause, Council shall be satisfied that the tanks have adequate catchment area and in the case of a bore, that it has adequate capacity and flow rate. Council shall be satisfied that the potable water meets the standards of the Commissioner for Health.

Servicing

(j) Internal roads, drainage and other services shall be constructed and maintained to standards satisfactory to Council. Council may serve notice on the person or body responsible for the sites management requiring the repair or maintenance of services which are found not to be to Council's specifications. Council may, by its duly authorised officer, enter the property for the purpose of any inspections of works required by this clause

Forestry (Selective)

- (k) Council may approve the use 'Forestry (Selective)' within the Cluster/Communal Rural Settlement Zone, but shall have regard to the following—
 - (i) Council may only approve forestry (selective) on lots or portions of lots deficient in vegetation indigenous to the locality;
 - (ii) applications for approval to commence development of forestry (selective) shall nominate the species of tree to be planted and no species of vegetation shall be felled for forestry (selective) purposes other than the nominated species;
 - (iii) Council's approval for forestry (selective) shall specify the nominated species to be felled:
 - (iv) no person shall remove vegetation indigenous to the locality for purpose of replacement with vegetation for forestry (selective) purposes;
- (l) Council may only approve applications for forestry (selective) subject to an agreed Management Plan which includes the following—
 - (i) nominated species of vegetation to be grown and felled;
 - (ii) number of nominated species to be planted;
 - (iii) density of planting of nominated species;
 - (iv) area of location of lot to be planted with nominated species;
 - (v) proposed planting and felling program including interval between felling periods, numbers to be felled, scattering of nominated species of different maturities, and shall not result in areas of the lot devoid of vegetation;
 - (vi) the requirements of the Bush Fires Board of WA.

Dwellings

(m) No habitable dwelling shall have a floor level less than 2 metres above the highest known water table.

Stock

- (n) Where a Development Plan depicts areas for grazing, stocking rates shall be determined by Agriculture WA and the Council. A Management Plan shall be prepared and agreed by the Council, including limitation on numbers, areas from which stock is excluded, fencing standards, and any other matter necessary to avoid soil, vegetation, landscape and environmental degradation.
- (o) If, in the opinion of Council, any lot is over grazed or severely degraded it may order the removal of any or all stock, either temporarily or permanently, until remedial works are carried out by the landowner/s to render the land stable.
- 6.12.3 Prior to the subdivision or development of land, a Development Plan (prepared in accordance with subclause 6.12.1(f)) shall be submitted and approved by the Council and the Western Australian Planning Commission. Subdivision and development shall generally be in accordance with the approved Development Plan, and no further subdivision shall be permitted.
- 6.12.4 Prior to its consideration of subdivision or development, Council shall also require the submission of such legal or other documentation as may be required so as to provide for—
- (a) a mechanism whereby Council will be a party to, and whose consent will be necessary for, any decision involving a change in the structure or management of the project or a change in land use;

- (b) a commitment to a continuing direct relationship between ownership of residential lots and the balance of the property;
- (c) satisfactory management or maintenance of the non-residential component of the property;
- (d) methodology for resolution of any conflict arising in respect to the management of the property as a whole or to activity on a residential site;
- (e) continuing use of land, other than that set aside for residential or community use, for equestrian purposes, or other approved rural enterprises;
- (f) ownership and management of community facilities where provided;
- (g) prohibition of the sale of commonly owned and managed land, unless with the consent of Council and approval of the Western Australian Planning Commission; and
- (h) implementation of reasonable controls over residential appearance and maintenance.
- 8. Insert a new Schedule, Fifth Schedule—Cluster/Communal Rural Settlement Zone, as follows—

FIFTH SCHEDULE CLUSTER/COMMUNAL RURAL SETTI EMENT ZONES

		SETTLEMENT ZO		AL
Lo	uster/Communal Rural Settlement cation t Description	Development Plan No.	De	velopment Conditions DOC: 26287
1.	Lot 89, 379 & 380 Millar and Woolcoot Roads, Wellard. Amt 58 G.G. //	1		e following Development conditions all apply—
			1.	Development shall generally be in accordance with the Development Plan approved by the Council and the Western Australian Planning Commission and endorsed by the Chief Executive Officer of the Town of Kwinana.
			2.	All lots shall be connected to a reticulated water supply.
			3.	All dwellings are to be connected to reticulated sewer. No dwellings shall be occupied without the prior approval of Council and connection to reticulated sewer.
			4.	No dwelling house shall be constructed with a floor area (including walls) of less than 120m ² .
			5.	Development of the built environment, including dwellings, ancillary buildings, water tanks and other structures shall be in accordance within the design guidelines.
			6.	No horses shall be permitted unless a Management Plan detailing effluent disposal, stabling, corral areas, vegetation and soil cover is submitted to, and approved by, Council. Council may specify the number of horses and may require the removal of horses if, in its opinion, the number, type of management of the horses is leading to the degredation of the land or the vegetation.
			7.	The following uses are permitted within the zone in accordance with the adopted Development Plan/s or approved variations thereof—

Dwelling House; Amenity Building; Grouped Dwelling; Home Occupation; Public Utility; Private Recreation.

Cluster/Communal Rural Settlement Location Lot Description	ion Development Development	
		8. The following uses are discretionary, requiring Council approval—
		Equestrian Uses; Forestry (Selective); Floriculture; Aquaculture; Club; Local Shop; Rural Pursuit.
		 All other uses are not permitted. Prior to strata subdivision or development, Lots 89, 379 and 380 are to be amalgamated and resubdivided into separate freehold lots comprising one lot for the Om Shanti Marsupial Hospital and one lot for the proposed Cluster/Communal Rural Settlement.
		11. Council's written approval is required prior to the construction or alteration of any drain, watercourse, wetland, dam or lake. When making a decision in relation to the above Council shall consult with the Department for Environment, Water and Catchment Protection (DEWCAP) and any other relevant authority.

9. Amend Appendix Four—Interpretations, by including the following uses and their corresponding interpretations—

Flora Culture: means land or buildings used for the cultivation of flowers for commercial purposes.

Rural Pursuit: means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith—

- (a) the rearing or agistment of goats, sheep, cattle, or beasts of burden;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens;
- (d) the sale of produce grown solely on the lot

but does not include intensive agriculture.

- 10. Amend the Scheme Map to create a new zone, 'Cluster/Communal Rural Settlement Zone' upon the legend and this zone shall be a colour equivalent to its rural zone but shall have a yellow border around the zone.
- 11. Amend the Scheme Maps to rezone Lots 89, 379 & 380 Millar Road (with the exception of the Om Shanti Marsupial Hospital) from 'Rural Zone' to 'Cluster/Communal Rural Settlement Zone'.

J. H. D. SLINGER, Mayor. R. G. SEARLE, Chief Executive Officer.

TREASURY AND FINANCE

TF401*

FINANCIAL ADMINISTRATION AND AUDIT ACT

TREASURER'S INSTRUCTION

Department of Treasury and Finance, Perth, 2 May 2003.

It is hereby notified for general information that, pursuant to section 58 of the *Financial Administration and Audit Act 1985*, the Treasurer has deleted the following Treasurer's Instructions to be effective from the date this notice is published in the *Government Gazette*.

Treasurer's Instruction	Topic
1204	Independence
1205	Access to Accounts and Information
1206	Standards

The full suite of Financial Administration Legislation (including the Treasurer's Instructions) may be purchased from the State Law Publisher and is also available for download from the Department of Treasury and Finance's homepage www.dtf.wa.gov.au under the item FAAA & TIs.

WATER

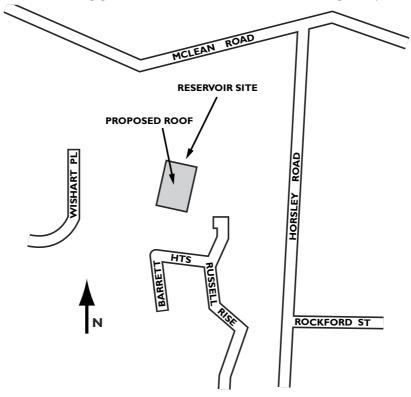
WA401*

WATER AGENCIES (POWERS) ACT 1984

WATER SUPPLY IMPROVEMENTS: SHIRE OF DENMARK

Notice of Authorisation to Construct a Roof Over the Existing Reservoir in Horsley Road

In accordance with the provisions of the Water Agencies (Powers) Act 1984, the Minister for the Environment and Heritage has authorised the Water Corporation to construct the following works: a low profile roof over the existing reservoir walls (the maximum height of the roof will be 3 metres above the existing earth embankments, the wall and roof sheeting will be a rivergum green colour); and associated inlet and outlet pipework modifications, and storm water disposal system.



PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the estate of the undermentioned deceased persons are required to send particulars of their

claim to the Executor, care of Butcher Paull & Calder, 8th floor, 231 Adelaide Terrace, Perth WA 6000 (Ref: JMC) within one (1) month of the date of publication hereof after which date the Executor may convey or distribute the assets having regard to the claims of which they then have notice.

Dall, Margery late of Unit 8, Quairading Retirement Village, Quairading WA, Home Duties, died 11 January 2003.

Eccles, Betty late of 3 Suelex Street, Willetton WA, Home Duties, died 6 January 2003.

Trent, Ursula Elizabeth late of 47 Blancoa Road, Ferndale WA, Home Duties, died 21 February 2003. Dated 22 April 2003.

BUTCHER PAULL & CALDER, as solicitors for the Executors.

ZZ202

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Claims against the estate of Ethel Johnson late of RMB 662 Sidcup Road, Mount Barker, Western Australia should be lodged with the Executors, c/- PO Box 485, Albany WA before 29th May 2003 after which date the assets will be distributed having regard only to the claims received.

HAYNES ROBINSON.

ZZ203

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before the 2nd June 2003 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Devlin, Dennis Michael, late of 4A Tuart Place Eaton formerly of 71A Freeland Way Eden Hill, died 1/4/2003, (DE19822898EM14)

Fredrick, Arthur Charles, late of 9 Monarch Court Thornlie, died 1/4/2003, (DE19990367EM15)

Gilles, Dorothea May, late of Lathlain Care Facility Archer Street Lathlain, died 27/3/2003, (DE1981 3040EM32)

Henderson, Margaret Jean, late of Unit 6/290 McDonald Street Yokine, died 3/4/2003, (DE1988 1763EM36)

Jennings, Rodger James, late of Hollywood Senior Citizens Village 118-120 Monash Avenue Nedlands, died 28/3/2003, (DE19712230EM42)

Leunig, Eva May, late of 25 Walter Street Gosnells, died 14/4/2003, (DE19703263EM12)

Long, Edward, late of 52 Maurice Street Embleton, died 18/3/2003, (DE19903052EM16)

MacDougall, John, late of 173 Wilson Street Kalgoorlie, died 23/9/2001, (DE30315946EM17)

Nix, Jessie Mary Ellen, late of 15 Garvey Street Cloverdale, died 2/4/2003, (DE33021791EM37)

Nolan, Dorothy May, late of John Wesley Lodge Rowethorpe Hayman Road Bentley formerly of 2 Isabella Crescent Manning, died 19/3/2003, (DE19761642EM26)

Prendergrast, Gordon Ernest, late of 33 Drovers Place Wanneroo, died 4/4/2003, (DE19884054EM1 10)

Salt, Kenneth Joseph Morseby, late of Elizabeth Knox Hospital 10 Ranfurly Road Epsom Auckland New Zealand, died 23/3/2003, (DE30228566EM44)

Struthers, Colleen Ann, late of Midland Nursing Home 44 John Street Midland, died 2/1/2003, (DE30326780EM37)

Wheatley, Dorothy May, late of River Way Applecross formerly of 40 Maning Avenue Sandy Bay Tasmania, died 23/10/2002, (DE30288962EM22)

ANTONINA ROSE McLAREN, Public Trustee, Public Trust Office, 565 Hay Street, Perth WA 6000.

Telephone: 9222 6777.

