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GOVERNMENT
Gazette**

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— PART 1 —

JUSTICE

JU301

PRINTERS CORRECTION
SUPREME COURT ACT 1935

SUPREME COURT AMENDMENT RULES (No. 2) 2009

An error occurred in the notice published under the above heading on page 2682 of *Government Gazette* No. 126 dated Friday, 3 July 2009 and is corrected as follows.

At page 2696 delete the following text—

Identity and address of the forwarding authority requesting service

Identity and address of receiving authority <i>[Central Authority/additional</i>

and insert—

Identity and address of the forwarding authority requesting service

Identity and address of receiving authority <i>[Central Authority/additional authority]</i>

LOCAL GOVERNMENT

LG301*

Local Government Act 1995

District of Halls Creek (Discontinuance of Ward System) Order 2009

Made by the Governor in Executive Council.

1. Citation

This order is the *District of Halls Creek (Discontinuance of Ward System) Order 2009*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — on the day after that day.

3. Terms used

In this order —

commencement day means the day on which clause 4 comes into operation;

district means the district known as the Shire of Halls Creek;

election day means the day fixed for the holding of the poll for the next election;

next election means the first ordinary election for the district held after the commencement day.

4. Abolition of wards (s. 2.2(1)(d) of the Act)

All of the wards in the district are abolished immediately before the election day.

5. Consequential directions

In order to give effect to clause 4 —

- (a) on and from the election day each councillor on the council of the district whose term expires in 2011 is to be taken to have been elected as if the district had not been divided into wards when the councillor was elected; and
- (b) Part 4 of the Act otherwise applies, with any necessary modifications, to preparing for and conducting the next election as if the changes effected by clause 4 take effect on the commencement day.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

LG302*

Local Government Act 1995

District of Westonia (Wards and Councillors) Order 2009

Made by the Governor in Executive Council on the recommendation of the Minister for Local Government.

1. Citation

This order is the *District of Westonia (Wards and Councillors) Order 2009*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — on the day after that day.

3. Terms used

In this order —

commencement day means the day on which clause 4 comes into operation;

councillor means a councillor on the council of the district;

district means the district known as the Shire of Westonia;

election day means the day fixed for the holding of the poll for the next election;

next election means the first ordinary election for the district held after commencement day.

4. Abolition of wards (s. 2.2(1)(d) of the Act)

All of the wards in the district are abolished immediately before election day.

5. Change in number of councillors (s. 2.18(3)(a) of the Act)

On and from election day, the number of offices of councillor is 6.

6. Consequential directions (s. 2.35, 4.11 and 9.62 of the Act)

In order to give effect to clauses 4 and 5 —

- (a) the office of each councillor whose term of office does not end under section 2.28 of the Act on election day becomes vacant on that day; and

- (b) despite section 4.4 of the Act, the next election is to be conducted so as to fill —
 - (i) the offices of those councillors whose terms of office end under section 2.28 of the Act; and
 - (ii) as many further offices of councillor as is necessary to fill all 6 offices of councillor; and
- (c) item 3 of the Table to section 2.28 of the Act applies to each councillor elected at the next election; and
- (d) Part 4 of the Act otherwise applies, with any necessary modifications, to preparing for and conducting the next election as if the changes effected by clauses 4 and 5 take effect on commencement day.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

LG303*

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007

LOCAL GOVERNMENT ACT 1995

Shire of Broomehill-Tambellup

WASTE SERVICES LOCAL LAW 2009

Under the powers conferred by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Broomehill-Tambellup resolved on 21 May 2009 to make the following local law.

PART 1—PRELIMINARY

1.1. Citation

This local law may be cited as the *Shire of Broomehill-Tambellup Waste Services Local Law 2009*.

1.2. Application

This local law applies within the townsites of Broomehill and Tambellup.

1.3. Definitions

In this local law unless the context otherwise requires—

“**Act**” means the *Waste Avoidance and Resource Recovery Act 2007*;

“**collection day**” means the day of the week on which waste is collected and removed by the local government or its contractor;

“**collection time**” where used in connection with any premises, means the time of the day on which waste is collected and removed from the premises by the local government or its contractor;

“**district**” means the district of the local government;

“**EHO**” means the local government’s Environmental Health Officer;

“**local government**” means the Shire of Broomehill-Tambellup;

“**occupier**” where used in relation to land, has the meaning given in section 1.4 of the *Local Government Act 1995*;

“**owner**”, in relation to premises comprised of or on land, has the meaning given in section 1.4 of the *Local Government Act 1995*;

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

“**receptacle**” where used in connection 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 by the local government or its contractor for the deposit, collection and recycling of specific materials; and supplied to the premises by the local government or its contractor;

“**regulations**” means the *Waste Avoidance and Resource Recovery Regulations 2008*;

“**street**” has the same meaning as in the *Local Government Act 1995*;

“**street alignment**” means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960*, means the new street alignment so prescribed; and

“**waste**” includes matter—

- (a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment;
- (b) prescribed by the regulations to be waste; or

“**waste facility**” means premises used for the storage, treatment, processing, sorting, recycling or disposal of waste;

“**waste service**” means—

- (a) the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste; or
- (b) the provision of receptacles for the temporary deposit of waste; or
- (c) the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste;

PART 2—WASTE SERVICES

2.1. Provision of Waste Service

The local government shall undertake or contract for the efficient execution of a waste service in those parts of the district to which this local law applies.

2.2. Obligations of the Owner or Occupier

(1) Owners or occupiers shall—

- (a) not remove any waste from the premises other than in accordance with this local law;
- (b) pay to the local government the annual waste collection rate imposed under section 66 of the Act;
- (c) pay to the local government the annual receptacle charge made in lieu of, or in addition to the annual waste collection rate, under section 67 of the Act.

(2) The local government may in writing authorise the occupier of premises within its district to remove or dispose of house and trade waste from or on the premises if—

- (a) the waste on the premises is not available for removal at regular periods and is of such a nature or quantity as to be unsuitable for removal by the local government or its contractor; or
- (b) there is installed on the premises efficient apparatus for the destruction of the waste and the apparatus is used to dispose of the waste on the premises without causing a nuisance or permitting the discharge of smoke into the atmosphere in such quantities or of such a nature as to cause annoyance to persons.

(3) Where any waste is removed from the premises under a written authority of a local government, the person removing it shall—

- (a) dispose of it at the place set apart by the local government for the disposal of waste; and
- (b) pay to the local government the fee for the disposal as determined by the local government from time to time under sections 6.16 and 6.19 of the *Local Government Act 1995*.

2.3. Receptacles

An owner or occupier of premises shall—

- (a) ensure the premises are provided with a receptacle for the depositing of waste and maintain the receptacle in a serviceable condition;
- (b) at all times keep the lid of the receptacle closed except when depositing waste or cleaning the receptacle;
- (c) except for a reasonable period before and after collection time, keep the receptacle on the premises and located—
- (i) behind the street alignment and so as not to be visible from a street or public place; or
- (ii) in such other position as is approved by the local government;

- (d) on each collection day at or prior to 6.00am place the receptacle out in the street in a position, prescribed by the local government, where it is visible from the carriageway of the street or the right of way, but so that it does not obstruct any thoroughfare, land, footpath, cycleway or other carriageway and positioned with the handle facing away from the kerb line, or placed in such other position as is approved by the local government.

2.4. Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of section 2.3(c) or (d).
- (2) The local government may grant or refuse, with or without conditions, an application for exemption from compliance under this section.
- (3) An exemption granted under this section shall state—
- (a) the premises to which the exemption applies;
 - (b) the period during which the exemption applies; and
 - (c) any conditions imposed by the local government.
- (4) The local government may rescind the exemption or from time to time vary conditions imposed by it under this section by giving written notice of the variation to the person to whom the exemption was given.

2.5. Use of Receptacles

An owner or occupier of premises shall—

- (a) not deposit or permit to be deposited in a receptacle—
 - (i) more than 70 kilograms of waste;
 - (ii) hot or burning ash;
 - (iii) oil, motor spirit or other flammable liquid;
 - (iv) liquid paint, solvent or other liquid;
 - (v) bricks, concrete, building rubble, asbestos, earth or other like substances;
 - (vi) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
 - (vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leak-proof container;
 - (viii) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a durable, impervious and leak proof container;
 - (ix) cytotoxics, radioactive substances and dangerous chemicals;
 - (x) sewage, manure, nightsoil, faeces or urine;
 - (xi) any object which is greater in length, width or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed;
 - (xii) waste which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container; or
 - (xiii) hazardous products including ammunition and flares;
- (b) at all times keep the receptacle in a clean condition;
- (c) whenever directed to do so by an EHO, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;
- (d) take all reasonable steps to prevent—
 - (i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease; and
 - (ii) the emission of offensive and noxious odours from the receptacle; and
- (e) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

2.6. Ownership of Receptacles

- (1) A receptacle supplied by the local government or its contractor, remains the property of the local government or its contractor, as the case may be;
- (2) The owner or occupier of a premises supplied with a receptacle remains responsible for any waste placed or deposited in the receptacle until such time as it has been removed by the local government or its contractor.

2.7. Damage to Receptacles

- (1) Where a receptacle is supplied under section 2.6 a person shall not—
- (a) damage, destroy or interfere with a receptacle; or

- (b) except as permitted by this local law or as authorised by the local government, remove a receptacle from any premises;
- (2) If the receptacle of a premises is damaged, defective, lost or stolen, the owner or occupier of the premises shall notify the local government within 7 days after the event.

2.8. Use of Other Containers

- (1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or food premises, the local government may authorise waste to be deposited in a container other than a receptacle.
- (2) The owner or occupier of premises who is authorised under this section to deposit waste in a container shall—
 - (a) unless approved by the local government not deposit or permit to be deposited in the container anything specified in section 2.5(a) (ii) to (xiii);
 - (b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from the container;
 - (c) whenever directed by an EHO to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;
 - (d) cause the container to be located on the premises in an enclosure constructed and located as approved by the local government;
 - (e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and
 - (f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.
- (3) An owner or occupier shall—
 - (a) ensure that there are a sufficient number of containers provided to contain all waste which accumulates or may accumulate in or from the premises;
 - (b) ensure that each container on the premises—
 - (i) has a close fitting lid;
 - (ii) is constructed of non-absorbent and non-corrosive material; and
 - (iii) is clearly marked, for the use of, and is used only for, the temporary deposit of waste;
 - (c) keep or cause to be kept each container thoroughly clean and in good condition and repair;
 - (d) place any waste in, and only in, a container marked for that purpose;
 - (e) keep the cover on each container except when it is necessary to place something in, or remove something from, it; and
 - (f) ensure that each container is emptied at least weekly or as directed by the EHO.

2.9. Suitable Enclosure

- (1) An owner or occupier of premises—
 - (a) consisting of more than three (3) dwellings; or
 - (b) used for commercial or industrial purposes, or a food premises shall if required by the local government provide a suitable enclosure for the storage and cleaning of receptacles on the premises.
- (2) An owner or occupier of premises required to provide a suitable enclosure under this section shall keep the enclosure thoroughly clean and disinfected.
- (3) For the purposes of this section, a “suitable enclosure” means an enclosure—
 - (a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the local government;
 - (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the local government;
 - (c) having walls not less than 1.8 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
 - (d) containing a smooth, non-slip and impervious floor—
 - (i) of not less than 75 millimetres in thickness; and
 - (ii) which is evenly graded to an approved liquid refuse disposal system;
 - (e) which is easily accessible to allow for the removal of the receptacles;
 - (f) provided with a ramp into the enclosure having a gradient no steeper than 1:8 unless otherwise approved by the local government; and
 - (g) provided with a tap connected to an adequate supply of water.

2.10. Building Construction

- (1) During all periods of construction on any building site, the builder shall—
- (a) when requested by an EHO, provide and maintain on such site a waste disposal bin, being either—
 - (i) a bin of not less than 4 cubic metres in capacity; or
 - (ii) a receptacle or other container approved by the EHO;
 - (b) keep such site free of waste and offensive matter; and
 - (c) maintain the street verge immediately adjacent to such site free of waste or offensive matter.
- (2) On completion of construction, the builder shall immediately clear the site and the adjacent street verge of all waste, waste materials and offensive matter and all waste bins provided by the builder.
- (3) In subsections (1) and (2), “waste” includes all discarded stones, brick, lime, timber, iron, tiles, bags, plastics and any broken, used or discarded matter.

2.11. Deposit of Waste

- (1) A person shall not deposit or cause or permit to be deposited any waste in or on any street or on any land other than a waste facility.
- (2) The driver of a vehicle, upon entering a waste facility, shall present or display a current pass issued by the local government, to the attendant or person in charge of the site and shall not deposit any waste until authorised to do so by that attendant or person in charge.
- (3) A person shall not deposit waste in or on a waste facility except—
- (a) at such place on the site as may be directed by the person in charge of the facility; or
 - (b) if the person in charge is not in attendance at the facility, as may be directed by a notice erected on the site.

2.12. Removal from Waste Facility

- (1) A person shall not remove any waste from a waste facility without the written approval of the local government.
- (2) A person who obtains approval from the local government shall comply with any conditions imposed by the local government and set out in the approval.

2.13. Removal of Waste from Premises or Receptacle

- (1) A person shall not remove any waste from premises unless that person is—
- (a) the owner or occupier of the premises;
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the local government.
- (2) A person shall not, without the approval of the local government or the owner of a receptacle, remove any waste from the receptacle or other container provided for the use of the general public in a public place.
- (3) Where the local government provides—
- (a) a collection service for recyclable material, the occupier of premises shall comply with and observe the directions given by the local government in relation to that collection;
 - (b) a collection for bulk material, the occupier of premises shall comply with and observe the directions given by the local government in relation to that collection.
- (4) Where additional collection services are provided upon request by the occupier of premises, fees as set by the local government from time to time under sections 6.16 and 6.19 of the *Local Government Act 1995* shall be paid.

2.14. Burning Waste

- (1) A person shall not—
- (a) without the approval of the local government; and
 - (b) except in accordance with the terms and conditions to which the approval is subject, set fire to, or cause to be set on fire, any waste either—
 - (i) in any incinerator; or
 - (ii) on the ground.
- (2) Subject to subsection (3), an approval of the local government is issued subject to the following conditions—
- (a) the material to be burnt—
 - (i) does not include any plastic, rubber, food scraps, green garden cuttings and other material which may become offensive when burnt; and

- (ii) is of such quantity, or of such a nature, as to be unsuitable for removal by the local government's waste collection service;
 - (b) there is no other appropriate means of disposal;
 - (c) burning shall not take place—
 - (i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or
 - (ii) where there is no current dispersion alert, outside the hours of 10.00am to 6.00pm;
 - (d) an incinerator must meet the standards specified by the local government; and
 - (e) an incinerator unit used for fire must be located—
 - (i) at least 3 metres from a fence, building or inflammable matter; and
 - (ii) in such a position so as not to create a nuisance or be offensive to other persons.
- (3) Subject to the local fire rules, the local government may grant approval to clear by burning fire breaks or vacant blocks of grass, straw, hay, undergrowth, herbage and other similar vegetation.

2.15. Waste Removal Vehicles

A vehicle used by the local government or its contractor for the collection and transport of waste shall—

- (a) be provided with a compartment in which all waste shall be deposited for removal, and of which the interior is constructed from or surfaced with impermeable material; and
- (b) have a cover over the compartment at all times when the vehicle is engaged in the transport of waste.

2.16. Method of Removal of Waste

A person engaged in the removal of waste from premises shall—

- (a) convey all waste from the receptacles of the occupier of the premises and deposit the waste in the portion of the collection vehicle intended to hold the waste; and
- (b) replace the receptacle in the position it was lifted from.

PART 3—OFFENCES AND PENALTIES

3.1. Offences

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

(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Dated: 21 May 2009.

The Common Seal of the Shire of Broomehill-Tambellup was affixed by authority of a resolution of the Council in the presence of—

Cr B. G. WEBSTER, Shire President.
J. M. TREZONA, Chief Executive Officer.

Consented to—

KEIRAN McNAMARA, Director General,
Department of Environment and Conservation.

Dated: 29 June 2009.

— PART 2 —

CEMETERIES

CC401*

CEMETERIES ACT 1986

Shire of Busselton

SCHEDULE OF FEES AND CHARGES

In pursuance of the powers conferred by section 53 of the Cemeteries Act 1986, the Shire of Busselton hereby records having resolved on 20 May 2009, to set the following fees effective from 1 July 2009. The fees shall be payable upon application for services detailed hereunder, at the Busselton and Dunsborough Cemeteries.

*All Fees and Charges are inclusive of 10% GST
(Except where shown exempt)*

Land Grant for Right of Burial

	\$
Grant of Right of Burial: Ordinary land for grave 2m x 1.2m where directed (25 years).	918.00
Renewal of Grant of Right of Burial : Ordinary land for grave (additional 25 years)	577.00
Grant of Right of Burial: Placement of Ashes (25 years)	131.00
Renewal of Grant of Right of Burial: Placement of Ashes (additional 25 years)	105.00
Grant of Right of Burial per unreserved crypt in mausoleum (25 years).....	287.00
Pre-purchased Grant of Right of Burial: Ordinary land for grave 2m x 1.2m where directed (25 years).....	955.00
Pre-purchased Grant of Right of Burial: Placement of Ashes where directed (25 years).	367.00
Reservation of specific site: ordinary land or placement of ashes (excludes lawn cemetery)	305.00
Grant of Right of Burial per pre-reserved crypt in mausoleum (25 years)	313.00
Burial Charges	
Burial in grave to any depth to 2.1m (includes registration and number plate)	787.00
Burial in non-standard (oversize) denominational or nondenominational grave (including registration and number plate)—Additional cost per 30cm deeper or wider ..	80.00
Re-open and additional burial in standard (2m x 1.2m) denominational or non-denominational grave, (includes registration).....	787.00
Construction of Vault (Does not include building application fees)	At cost plus GST
First Interment in vault (Includes grant of right of burial and burial fees)	1,837.00
Second Interment in vault.....	787.00
Vault maintenance fee (annual)	110.00
Burial per crypt in mausoleum.....	732.00
Interment of a stillborn child (not to be re-opened for joint burial).....	231.00
Interment of a child up to 12 years old (not to be reopened for joint burial)	415.00
Removal of headstone	207.00
Exhumation	
Re-opening grave for exhumation	1038.00
Re-interment in new grave after exhumation (including registration and number plate)	787.00
Interment of Ashes	
Interment of ashes in Memorial wall/garden (including registration)	285.00
Interment of ashes in special location within cemetery (includes registration) in addition to standard Internment of ashes fees (i.e. other than established areas for ashes).....	165.00
Positioning of plinth and plaque (no internment/ashes)	70.00

	\$
Plaques, plinths, vases and other monumental works.....	At cost plus GST
Administration fee for purchase of plaques, plinths, vases and other monumental works (on product only)	10% of cost plus GST
Removal of Ashes from Memorial wall/ garden.....	126.00
Storage of cremated remains per month for remains held longer than 6 months.....	11.00
Positioning & affixing brass vase.....	35.00
Miscellaneous Charges	
Interment in open ground without due notice, not within usual hours prescribed in Local Laws, or on a Saturday, Sunday or Public Holiday (in addition to Internment costs).....	700.00
Funeral Directors licence fee per annum (GST exempt).....	262.00
Single funeral permit (funeral directors only) (GST exempt).....	126.00
Single funeral permit (other than funeral directors (GST exempt).....	305.00
Monumental Masons licence fee per annum (GST exempt)	225.00
Single permit to erect a headstone or kerbing (GST exempt).....	89.00
Single permit to erect a monument (GST exempt).....	110.00
Inspection of plans and registers (GST exempt)	31.00
Copy of grant of burial	51.00

ENVIRONMENT AND CONSERVATION

EV401*

CONSERVATION AND LAND MANAGEMENT ACT 1984 WALPOLE WILDERNESS AND ADJACENT PARKS AND RESERVES Final Management Plan

The Conservation Commission of Western Australia advises that the management plan for Walpole Wilderness and Adjacent Parks and Reserves is available.

The plan covers the Walpole, Mount Frankland, Mount Roe, Mount Lindesay, William Bay and Byndaminup national parks, numerous adjacent nature conservation reserves and lands proposed for addition to the Parks. These reserves are located north of Denmark. The management plan was prepared in accordance with sections 53 to 62 of the *Conservation and Land Management Act 1984*, and was approved by the Minister for Environment on 2 July 2009. No modifications were made to the management plan under section 60(2) of the Act. The management plan comes into operation with this *Government Gazette* notice.

The management plan and analysis of public submissions can be viewed and downloaded from the Department of Environment and Conservation's (DEC) website at

<http://www.dec.wa.gov.au/landmanagementplanning/.html>

Printed copies of the management plan can be inspected at DEC's Woodvale library, and the libraries of the City of Albany and Shires of Denmark, Manjimup, and Plantagenet. Copies of the management plan can be obtained from the following DEC offices—

- Head Office Head Office, The Atrium, Level 4, 168 St Georges Tce, Perth 6000;
- State Operational Headquarters, 17 Dick Perry Avenue, Technology Park, Western Precinct, Kensington WA 6151;
- South Coast Regional Office, 120 Albany Hwy Albany WA 6330
- Warren Regional Office, Brain St Manjimup WA 6258; and
- Frankland District Office, South Coast Highway, Walpole WA 6398.

KEIRAN McNAMARA, Director General,
Department of Environment and Conservation.
Dr JOHN BAILEY, Chairman,
Conservation Commission of Western Australia.

MARINE/MARITIME

MX401*

WESTERN AUSTRALIAN MARINE ACT 1982

NAVIGABLE WATERS REGULATIONS

Prohibited Swimming Area

East Fremantle

Department for Planning and Infrastructure,
Fremantle WA, 7 July 2009.

Acting pursuant to the powers conferred by Regulation 10A(b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming, between 8.30 PM and 9.30 PM on Saturday 8 August 2009 for the duration of a pyrotechnics display—

East Fremantle

All the waters within a 100 metre radius of a barge anchored approximately 150 meters offshore of the East Fremantle Yacht Club.

DAVID HARROD FNI, General Manager, Marine Safety,
Department for Planning and Infrastructure.

SALARIES AND ALLOWANCES TRIBUNAL

SX401*

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION VARIATION

PREAMBLE

The Salaries and Allowances Tribunal has been requested to make a determination in respect of the new position of Director General, Department of Transport, which was established following recent machinery of government changes. The Director General's position was included in the Special Division of the Public Service by His Excellency the Governor in Executive Council on 21 April 2009 with effect on and from 1 July 2009.

DETERMINATION

The determination of the Salaries and Allowances Tribunal made on 3 April 2009 under sections 6(1)(c), (d) and (e) of the *Salaries and Allowances Act 1975*, as amended from time to time, is hereby varied by a further determination set out below.

Amend and include in Part 1 of the First Schedule the following—

Agency	Office	Classification
Department of Transport	Director General	Group 3 Maximum

Dated at Perth this 23rd day of June 2009.

W. S. COLEMAN AM, Chairman.
C. A. BROADBENT, Member.
B. J. MOORE, Member.
Salaries and Allowances Tribunal.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Patrick John Kilkelly, late of 171 Warton Road, Thornlie, in the State of Western Australia, Concreter, deceased.

Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on the 20th day of March 2009, are required by the Executrix, being Ms Janet Mary Kilkelly, of care of Mort & Associates, P.O. Box 20, Cannington, W.A., 6987, to send particulars of their claims to her by the 10th day of August 2009, after which date the Executrix may convey or distribute the assets, having regard only to claims of which she then has notice.

MORT & ASSOCIATES as solicitor for the Executrix.

PUBLIC NOTICES

ZZ401*

CHARITABLE TRUSTS ACT 1962

APPLICATION TO VARY TERMS OF TRUST

Take notice that the Roman Catholic Archbishop of Perth ("the trustee") has applied to the Supreme Court pursuant to sections 8 to 19 (inclusive) of the *Charitable Trusts Act 1962* to approve a scheme ("the Scheme") to vary the terms of the charitable trust established by the will of Rachael Mary Howard dated 20 February 1994.

The charitable trust was settled to provide for the use of the dwelling house and land known as 27 Paddington Street, North Perth.

The proposed Scheme provides—

1. That the terms of the charitable trust be varied as follows—
 - (a) by deleting the words "perpetual use" appearing in the 6th paragraph of the 1st page of the will; and
 - (b) by deleting the 7th paragraph of the 1st page of the will and by substituting the following paragraph—

"The Roman Catholic Archbishop of Perth sell the dwelling house and land by tender or alternatively by private treaty and shall apply the net proceeds of the sale of the said dwelling house and land for the purpose of effecting improvements to St. Charles Seminary located in Meadow Street, Guildford."
2. The trustee's and the Attorney General's reasonable costs and expenses of and incidental to—
 - (a) preparing and advertising the Scheme; and
 - (b) obtaining approval for the Scheme,be paid out of, and be a charge on, the trust property.

The application is to be heard by a Judge of the Supreme Court of Western Australia at Perth at the hour of 10.30 am on Wednesday, 2 September 2009.

Any person desiring to oppose the Scheme must give written notice of their intention to do so to the Principal Registrar of the Supreme Court, the trustee and the Attorney-General of Western Australia not less than seven clear days before the date proposed for the hearing.

Copies of the Scheme may be obtained from the Trustees' solicitors, Kott Gunning of Level 8, AMP Building, 140 St George's Terrace, Perth, Western Australia, Telephone (08) 9321 3755 (Ref: LEJ:61537).

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