



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

433



PERTH, TUESDAY, 18 FEBRUARY 2014 No. 25

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.00 NOON

© STATE OF WESTERN AUSTRALIA

CONTENTS

PART 1

	Page
Local Government (Dardanup - Councillor Numbers) Order 2014	439
Local Government (Kwinana - Change of Boundaries) Order 2014	441
Local Government (Port Hedland - Councillor Numbers) Order 2014	440
Shire of Mundaring—	
Cemeteries Amendment Local Law 2013	435
Extractive Industries Amendment Local Law 2013	443
Local Government Property Amendment Local Law 2013.....	446

PART 2

Deceased Estates	459
Heritage.....	455
Justice.....	455
Marine/Maritime.....	456
Planning	456
Salaries and Allowances Tribunal	456
Water/Sewerage	458
WorkCover.....	458

IMPORTANT COPYRIGHT NOTICE

© State of Western Australia

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Attorney General for Western Australia. Inquiries in the first instance should be directed to the Government Printer, State Law Publisher, 10 William St, Perth 6000.

PUBLISHING DETAILS

The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy must be lodged with the Sales and Editorial Section, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

Delivery address:

State Law Publisher
Ground Floor,
10 William St. Perth, 6000
Telephone: 6552 6000 Fax: 9321 7536

- Inquiries regarding publication of notices can be directed to the Editor on (08) 6552 6010.
- Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.

If it is necessary through isolation or urgency to fax copy, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*

ADVERTISING RATES AND PAYMENTS

EFFECTIVE FROM 1 JULY 2013 (Prices include GST).

Deceased Estate notices (per estate)—\$29.30

Articles in Public Notices Section—\$68.00 minimum charge (except items of an exceptionally large nature. In these instances arrangements will be made for pricing the notice at time of lodging).

All other Notices—

Per Column Centimetre—\$13.60

Bulk Notices—\$249.00 per page

Electronic copies of gazette notices sent to clients for lodgement with the Delegated Legislation Committee—\$44.70

Clients who have an account will only be invoiced for charges over \$50.

For charges under \$50, clients will need to supply credit card details at time of lodging notice (i.e. a notice under 4cm would not be invoiced).

Clients without an account will need to supply credit card details or pay at time of lodging the notice.

— PART 1 —

CEMETERIES

CE301*

CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995

Shire of Mundaring

CEMETERIES AMENDMENT LOCAL LAW 2013

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the local government of the Shire of Mundaring resolved on 26 November 2013 to make the following local law.

1. Citation

This local law is cited as the *Shire of Mundaring Cemeteries Amendment Local Law 2013*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal local law

In this local law, the *Shire of Mundaring Cemeteries Local Law 2003* published in the *Government Gazette* on 16 June 2004 is referred to as the principal local law. The principal local law is amended.

4. Clause 1.2 amended

Delete clause 1.2 and replace with—

1.2 Application

This local law applies to the following public cemeteries in the district—

- (a) Wooroloo Public Cemetery located on Reserve No. 9954; and
- (b) Mundaring Public Cemetery located on Reserve No. 10083.

5. Clause 1.3 amended

Clause 1.3 is amended as follows—

- (1) Delete the definitions “**mausoleum**” and “**vault**”.
- (2) Insert, in alphabetical order, the following—
 - “**Act**” means the *Cemeteries Act 1986*;
 - “**animal**” means any animal;
 - “**burial**” has the same meaning as is given to it in the Act;
 - “**cemetery**” means any one of or any part of the public cemeteries in the district of the local government, which the Governor, by order, has placed under the care, control and management of the Board;
 - “**Commissioner of Police**” means a person for the time being appointed as such under the *Police Act 1892* and includes a person for the time being acting in that capacity in the absence of the Commissioner of Police;
 - “**dead body**” has the same meaning as is given to it in the Act;
 - “**district**” means the district of the local government;
 - “**funeral**” includes the burial of a dead body and all associated processions and ceremonials, but does not include so much of the ceremonial that is solely a religious rite;
 - “**grave**” means a specified area of the cemetery for burial;
 - “**guide dog**” has the same meaning as is given to that expression in the *Dog Act 1976*;
 - “**holder**” in relation to a grant includes—
 - (a) a person issued with a grant by the Board;
 - (b) a person for the time being appearing to the Board to be the holder of a grant.

“**memorial**” means a memorial plaque or memorial as described in this local law or as otherwise approved by the local government;

“**Minister**” means the Minister for Local Government;

- (3) In the definition “**single funeral permit**”, after the words “person named in the permit” delete “;” and substitute “.”.

6. Clause 5.3 amended

Clause 5.3 is amended as follows—

- (1) In the clause title delete “Entry Restricted” and insert “access and speed limitations”.
- (2) After subclause (2) insert—
- (3) At all times vehicles shall proceed within the cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed indicated by signs.

7. Clause 5.4 deleted

Delete clause 5.4.

8. Clause 5.5 deleted

Delete clause 5.5.

9. Clause 5.6 amended

Clause 5.6 is amended as follows—

- (a) Paragraphs (d) to (f) are redesignated (e) to (g);
- (b) After paragraph (c) insert—
- (d) bury the dead body within a cemetery under delegation of the local government and in accordance with the Act;

10. Clause 5.7 amended

Clause 5.7 is amended as follows—

In subclause (1) after the words “Niche Wall” insert “Memorial Garden”.

11. Clause 6.1 amended

Delete clause 6.1 and insert—

6.1 Depth of graves

- (1) A person shall bury a coffin within the cemetery so that the distance between the top of the coffin and the original surface of the ground is—
 - (a) not less than 750mm, unless that person has the permission of an authorised officer; or
 - (b) in any circumstances not less than 600mm.
- (2) The permission of an authorised officer in subclause (1)(a) will only be granted where in the opinion of the authorised officer exceptional circumstances require granting of that permission.

12. Clause 6.2 amended

Delete clause 6.2 and insert—

6.2 Re-opening a grave

- (1) Subject to subclause (2), if for the purpose of re-opening a grave in the cemetery the local government finds it necessary to remove a monument, edging, tiles, plants, grass, shrubs or other like material from the grave, then the person ordering the re-opening of that grave shall bear the cost of the removal and any necessary reinstatement.
- (2) If the Minister orders the exhumation of a body in accordance with section 58 of the Act, then the Minister may further order how and by whom the cost referred to in subclause (1) shall be met.

13. New clauses 6.3 and 6.4 inserted

After clause 6.2 insert—

6.3 Exhumation of a coffin

- (1) Subject to subclause (2) a person shall not exhume a coffin in the cemetery for the purposes of re-burial within 12 months after the date of its interment.
- (2) Subclause (1) shall not apply where the exhumation is ordered or authorised pursuant to the Act.
- (3) Subject to subclause (1) and (2) prior to any exhumation, the holder of a grant must have applied in writing to the local government requesting the exhumation and the local government must have authorised the exhumation.

6.4 Opening a coffin

A person shall not open a coffin in a cemetery unless—

- (a) the coffin is opened for the purposes of the exhumation of a dead body; or
- (b) that person has produced to the local government an order signed by the Commissioner of Police and the local government has approved the opening of that coffin.

14. Clause 7.2 amended

Clause 7.2 is amended as follows—

After the word “foundations” insert “as determined by the local government”.

15. Clause 7.6 amended

Clause 7.6 is amended as follows—

- (1) Delete “8.00am “ where it appears and insert “8:00 am”.
- (2) Delete “6.00pm” and insert “6:00 pm”.

16. Clause 7.7 amended

Delete “6pm” and insert “6:00 pm”.

17. Clause 7.12 amended

Delete clause 7.12 and insert—

7.12 Placing of glass domes, vases or other ornaments

A person shall not place glass domes, vases or other ornaments—

- (a) Outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40(2) of the Act; or
- (b) On an area set aside by the local government as a memorial plaque section.

18. Clause 7.13 inserted

After clause 7.12 insert—

7.13 Minor maintenance and repair works

Persons shall be permitted to carry out minor maintenance and repair works, not of a structural nature, such as cleaning and touch up painting on graves, without seeking the approval of the local government.

19. Clause 7.17(3) deleted

Delete clause 7.17(3).

20. Clause 8.6 inserted

After clause 8.5 insert—

8.6 Animals, assistance animals and guide dogs

Subject to section 8 of the *Dog Act 1976*, section 66J of the *Equal Opportunity Act 1984* and section 9(2) of the *Disability Discrimination Act 1992* (Cth) a person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than with the approval of the CEO or an authorised officer.

21. Clause 9.1 amended

Clause 9.1 is amended as follows—

- (1) Delete “\$5000.00” and insert “\$500”.
- (2) Delete “\$500.00” and insert “\$20”.

22. Clause 9.2 amended

Clause 9.2 is amended as follows—

- (1) In subclauses (1) and (2) delete the words “the First Schedule” where they appear and insert “Schedule 1”.
- (2) In subclause (3) delete “the Second Schedule” and insert “Schedule 2”.
- (3) In subclause (4) delete “the Third Schedule” and insert “Schedule 3”.

23. First Schedule renamed and amended

- (1) Rename “First Schedule” as “Schedule 1”.
- (2) Delete the First Schedule and insert—

Schedule 1—Offences and modified penalties

(Clause 9.2)

Item No.	Clause	Nature of offence	Modified penalty
1	5.3	Failure to drive vehicle on constructed roadway or other areas designated for the use of vehicles	\$100

2	5.3	Exceeding speed limit	\$100
3	7.3	Failure to remove rubbish and surplus materials	\$100
4	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$100
5	8.1	Vandalism, damaging and removing of objects	\$250
6	8.3	Unauthorised advertising or trading	\$100
7	8.4	Disobeying sign or lawful direction	\$100
8	8.6	Bringing an animal into or permitting an animal to enter or remain in a cemetery without approval	\$100
9		All other offences not specified	\$100

24. Second Schedule amended

Delete the Second Schedule and insert—

Schedule 2—Infringement notice

(Clause 9.2)

TO: _____
(Name)

(Address)

It is alleged that at _____:_____ hours on _____ day
of _____ 20__ at _____
you committed the offence indicated below by an (x) in breach of clause _____
of the Shire of Mundaring Cemeteries Local Law 2003.

(Authorised Officer)

Offence

- Unauthorised vehicle use (cl 5.3)
- Exceeding speed limit in vehicle (cl 5.3)
- Failure to remove rubbish and surplus materials (cl 7.3)
- Leaving uncompleted works in an untidy or unsafe condition (cl 7.7)
- Vandalism, damaging and removing of objects (cl 8.1)
- Unauthorised advertising or trading (cl 8.3)
- Disobeying sign or lawful direction (cl 8.4)
- Animal at large (cl 8.6)
- Other offence _____

\$ _____

You may dispose of this matter—

By payment of the penalty as shown, within 21 days of the date of this notice (or the date of the giving of this notice if that is a different date), to the Chief Executive Officer of the Shire of Mundaring at 7000 Great Eastern Highway, Mundaring, between the hours of 9:00 am to 4:30 pm Monday to Friday.

Please make cheques payable to—

The Chief Executive Officer
Shire of Mundaring
7000 Great Eastern Highway
MUNDARING WA 6073

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be made and heard and determined by a court.

25. Third Schedule amended

(1) Delete the Third Schedule and insert—

Schedule 3—Withdrawal of infringement notice

(Clause 9.2)

No. _____

Date: ____ / ____ / ____

To ⁽¹⁾ _____

Infringement Notice No. _____ dated ____ / ____ / ____ for the alleged offence
of ⁽²⁾ _____

Penalty ⁽³⁾ \$ _____ is withdrawn.

(Delete whichever does not apply)

*No further action will be taken

*It is proposed to institute court proceedings for the alleged offence.

(⁽¹⁾ Insert name and address of alleged offender)

(⁽²⁾ Insert short particulars of offence alleged)

(⁽³⁾ Insert amount of penalty prescribed)

(Authorised Officer)

26. Redesignation of clauses

The following clauses are amended as follows—

- (a) clause 5.6 through to clause 5.7 are redesignated to clause 5.4 to clause 5.5;
and
- (b) clause 7.13 through to clause 7.17 are redesignated to clause 7.14 to 7.18.

Dated: 26 November 2013.

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

HELEN DULLARD, Shire President.
JONATHAN THROSSELL, Chief Executive Officer.

LOCAL GOVERNMENT

LG303*

Local Government Act 1995

Local Government (Dardanup - Councillor Numbers) Order 2014

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

1. Citation

This order is the *Local Government (Dardanup - Councillor Numbers) Order 2014*.

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 the rest of the order comes into operation under clause 2(b);

next election means the first ordinary election for the Shire of Dardanup held after commencement day;

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

**4. Change in number of councillors for next election
(s. 2.18(3)(a) of the Act)**

On and from next election day, the number of offices of councillor on the council of the Shire of Dardanup is 9.

5. Consequential directions (s. 9.62 of the Act)

In order to give effect to clause 4 —

- (a) Part 4 of the Act applies to preparing for and conducting the next election as if the changes effected by that clause takes effect on commencement day; and
- (b) the operation of Part 4 of the Act is modified to the extent necessary for the purposes of paragraph (a).

G. MOORE, Clerk of the Executive Council.

LG304*

Local Government Act 1995

Local Government (Port Hedland - Councillor Numbers) Order 2014

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

1. Citation

This order is the *Local Government (Port Hedland - Councillor Numbers) Order 2014*.

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 the rest of the order comes into operation under clause 2(b);

next election means the first ordinary election for the Town of Port Hedland held after commencement day;

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

**4. Change in number of councillors for next election
(s. 2.18(3)(a) of the Act)**

On and from next election day, the number of offices of councillor on the council of the Town of Port Hedland is 8.

5. Consequential directions (s. 9.62 of the Act)

In order to give effect to clause 4 —

- (a) Part 4 of the Act applies to preparing for and conducting the next election as if the changes effected by that clause takes effect on commencement day; and
- (b) the operation of Part 4 of the Act is modified to the extent necessary for the purposes of paragraph (a).

G. MOORE, Clerk of the Executive Council.

LG305*

Local Government Act 1995

Local Government (Kwinana - Change of Boundaries) Order 2014

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

1. Citation

This order is the *Local Government (Kwinana - Change of Boundaries) Order 2014*.

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. Boundary changes — district of Kwinana (s. 2.1(1)(b) of the Act)

- (1) The boundaries of the district of Kwinana are changed by including in the area of the district all those portions of land coloured green as shown on Deposited Plan 77625, held by the Western Australian Land Information Authority trading as Landgate.
- (2) For information purposes only, Schedule 1 contains a representation of Deposited Plan 77625.

Schedule 1 — Representation of Deposited Plan

[cl. 3]



G. MOORE, Clerk of the Executive Council.

LG301*

LOCAL GOVERNMENT ACT 1995*Shire of Mundaring***EXTRACTIVE INDUSTRIES AMENDMENT LOCAL LAW 2013**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the local government of the Shire of Mundaring resolved on 26 November 2013 to make the following local law.

1. Citation

This local law is cited as the *Shire of Mundaring Extractive Industries Amendment Local Law 2013*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal local law

In this local law, the *Shire of Mundaring Extractive Industries Local Law* published in the *Government Gazette* on 16 June 2004 is referred to as the principal local law. The principal local law is amended.

4. Clause 1.1 amended

Clause 1.1 is amended as follows—

(a) Insert the following definitions in alphabetical order—

“**occupier**” has the meaning given to it in the Act;

“**owner**” has the meaning given to it in the Act;

“**Schedule**” means a schedule in this local law;

(b) Delete the definition for “**carry on an extractive industry**” and replace with the following—

“**carry on an extractive industry**” means quarrying and excavating for stone, gravel, sand, clay, limestone, loam and other material;

5. Clause 2.1 amended

Clause 2.1 is amended by deleting—

Penalty \$5000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.

6. Clause 2.3 amended

Clause 2.3 is amended as follows—

(1) In clause 2.3(1)—

(a) after “signed by” delete “both” and insert “each of”;

(b) after “the owner of the land” insert “and any occupier of the land”;

(c) in paragraph (j) delete “and an acknowledgment from the owner that he has received a copy of the local law”;

(d) delete paragraph (k).

(2) In clause 2.3(3)—

(a) in paragraph (a) delete “m²” and insert “square metres”;

(b) in paragraph (b) delete “m³” and insert “cubic metres”.

7. Clause 3.1 amended

Clause 3.1 is amended as follows—

(1) In subclause (4) delete “31st December” and insert “30 June”

(2) In subclause (5)—

(i) In paragraph (h) delete “roads” and insert “thoroughfares”;

(ii) Insert the following in alphabetical order—

(i) the approval of the number and size of trucks entering and leaving the site each day and the route or routes to be utilised by those trucks;

(j) the safety of persons employed at or visiting the excavation site.

(iii) In paragraph (p) after “to pay any” insert “extraordinary”;

8. Clause 3.2 amended

Clause 3.2 is amended by deleting “31 December” and inserting “30 June”.

9. Clause 6.1 amended

Clause 6.1 is amended as follows—

(a) In clause 6.1(c) delete “or”;

(b) After paragraph (d), delete “Penalty \$2000”.

10. Clause 6.2 amended

Clause 6.2 is amended as follows—

- (a) in paragraph (b) after “erect and maintain” delete “pylon”;
- (b) in paragraph (b) after “so that each sign” delete “complies with the local governments Signs Local Law and that each sign”;
- (c) after paragraph (f) delete—

“Penalty \$5000 for each offence, and if an offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.”

11. Clause 6.3 amended

Clause 6.3 is amended as follows—

- (a) In paragraph (b) delete “Department of Mineral and Petroleum Resources” and insert “Department of Mines and Petroleum”.
- (b) After paragraph (c) delete—

“Penalty \$5000 for each offence, and if an offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.”

12. Clause 6.4 amended

Clause 6.4 is amended as follows—

- (a) In subclause (1) delete—

“Penalty \$5000 for each offence, and if an offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.”
- (b) In subclause (2) delete—

“Penalty \$5000 for each offence, and if an offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.”

13. Clause 7.1 amended

Delete clause 7.1(1) and insert—

“A licensee shall have at all times a current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum of not less than \$20 000 000 in respect of any one claim relating to any of the excavation operations.”

14. Clause 7.4 amended

Clause 7.4 is amended as follows—

After paragraph (g) delete—

“Penalty \$5000 for each offence, and if an offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.”

15. Part 8 heading amended

Part 8 heading is amended by deleting “APPEALS” and replacing with “REVIEW”.

16. Clause 8.1 amended

Clause 8.1 is amended as follows—

- (1) delete “regulations 33 and 34” and insert “regulation 33”.

17. Part 9 amended

Delete Part 9 and substitute the following—

9.1 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 had continued.

9.2 Prescribed offences

- (1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.

9.3 Forms

For the purposes of this local law—

- (1) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (2) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

18. Schedule—Prescribed Offences amended

Delete Schedule—Prescribed Offences and insert—

Schedule—Prescribed offences and modified penalties

(Clause 9.2)

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.1(a)	Excavate without a valid and current licence	500
2	2.1(b)	Carry on extractive industry without a licence or in breach of terms and conditions	500
3	6.1	Excavate not within boundary limits	500
4	6.2 (a)	Gateways not kept locked where required	500
5	6.2(b)	Warning signs not erected or maintained as required	500
6	6.2(c)	Excavation area not drained of water to the local government's satisfaction	500
7	6.2(d)	In breach of terms and conditions of licence	500
8	6.2(e)	Did not take reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site	500
9	6.2 (f)	Did not comply with conditions in accordance with clause 3.1	500
10	6.3(a)	Remove trees or shrubs near boundary without approval	500
11	6.3(b)	Store without required approvals explosives or explosive devices	500
12	6.3(c)	Fill or excavate in breach of licence	500
13	6.4(1)(a)	Blasting without approval of the local government	500
14	6.4(1)(b)	Blasting outside of times authorised	500
15	6.4(1)(c)	Blasting in breach of AS2187 SAA Explosives Code, the <i>Mines Safety and Inspection Act 1994</i> , the <i>Environmental Protection Act 1986</i> and all relevant local laws of the local government	500
16	6.4(2)	Blasting without approval on Saturday, Sunday or public holiday	500
17	7.4(a)	Failure to restore and reinstate excavated site in accordance with the proposals approved by the local government or in such manner the local government may agree in writing	500
18	7.4(b)	Failure to ensure that any face permitted to remain open on the excavation site is left safe with all loose material removed	500
19	7.4(c)	Failure to ensure that the agreed floor level of the excavation is graded to an even surface or as approved by the local government	500
20	7.4(d)	Failure to ensure that all stockpiles of materials are left so that no material can escape onto other land or into any stream, watercourse or drain on other land	500
21	7.4(e)	Failure to erect retaining walls where necessary to prevent subsidence of land	500
22	7.4 (f)	Failure to remove from site all buildings, plant and equipment erected, installed or used and failure to fill and compact all holes	500

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
23	7.4(g)	Failure to break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment erected or installed and all areas of site which were used for stockpiling	500
24		All other offences not specified	500

Dated: 26 November 2013.

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

HELEN DULLARD, Shire President.
JONATHAN THROSSELL, Chief Executive Officer.

LG302*

LOCAL GOVERNMENT ACT 1995

Shire of Mundaring

LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2013

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the local government of the Shire of Mundaring resolved on 26 November 2013 to make the following local law.

1. Clause 1.1 amended

Delete clause 1.1 and insert—

Citation

This local law is cited as the *Shire of Mundaring Local Government Property Amendment Local Law 2013*.

2. New clause 1.2 inserted

Insert new clause 1.2 as follows—

Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. New clause 1.3 inserted

Insert new clause 1.3 as follows—

Principal local law

In this local law, the *Shire of Mundaring Local Government Property Local Law 2004* published in the *Government Gazette* on 16 June 2004 is referred to as the principal local law. The principal local law is amended.

4. Clause 1.2 amended and redesignated

Clause 1.2 is redesignated as clause 1.4.

Clause 1.2 is amended as follows—

- (1) Delete the heading “**Definitions**” and insert “**Interpretation**”.
- (2) Amend the definition of “**liquor**” by deleting the word “*Licensing*” and inserting the word “*Control*”.
- (3) Insert the following definitions in alphabetical order—
 - “**aircraft**” means an airplane, helicopter or other object capable of flight;
 - “**children’s playground**” means an area set aside for use by children and noted by the presence of dedicated children’s playground equipment and the presence of either sand or other form of soft fall surface;
 - “**Code**” means the Code of Practice for the Design, Operation, Management and Maintenance of Aquatic Facilities as published by the Executive Director, Public Health, pursuant to the provisions of section 344A (2) of the *Health Act 1911*;
 - “**costs**” of the local government includes its administrative costs;
 - “**local public notice**” has the same meaning as in section 1.7 of the Act;

“nuisance” means—

- (a) anything, condition, circumstance or state of affairs which is injurious or dangerous to the health of a reasonable person, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of a person.
- (b) anything a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; and
- (c) anything a person does on public or private land which detracts from or interferes with the enjoyment or value of lands owned by another person;

“prohibited drug” is given its meaning under section 4 of the *Misuse of Drugs Act 1981*;

“Schedule” means a schedule in this local law;

“waste” includes matter—

- (a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or
- (b) prescribed by regulations under the *Waste Avoidance and Resource Recovery Act 2007* to be waste.

5. Clauses 1.3 deleted

Delete clause 1.3.

6. Clause 1.4 amended and redesignated

Clause 1.4 is redesignated as clause 1.5.

Clause 1.4 is amended as follows—

Application

- (1) In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.
- (2) This local law applies throughout the district.
- (3) Notwithstanding anything to the contrary in this local law, the local government may—
 - (a) hire local government property to any person; or
 - (b) enter into an agreement with any person regarding the use of any local government property.

7. Clause 1.5 redesignated

Clause 1.5 is redesignated as clause 1.6.

8. Clause 2.3 amended

Clause 2.3 is amended as follows—

After the word “government” delete “must” and insert “may”.

9. Clause 2.4 amended

Delete clause 2.4 and insert—

2.4 Determination to be complied with

A person shall comply with a determination.

10. Clause 2.7 amended

Clause 2.7 is amended as follows—

- (1) In subclause (1)(c) delete the word “aeroplane” and insert the words “aircraft”.
- (2) In subclause (1)(d) after the word “playground” insert the words “provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age”.
- (3) In subclause (1)(h)(ii) delete the words “any relevant legislation” and insert the words “the *Firearms Act 1973*”.
- (4) Delete subclause (1)(h)(iii) and insert the following—
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government, may cause injury or damage to a person or property;

11. Clause 2.8 amended

Clause 2.8 is amended as follows—

- (1) Delete subclause (1)(c) and insert—
 - (c) taking, riding or driving a vehicle or a particular class of vehicle on the property;

- (2) In subclause (1)(f)(ii) delete “specified” before “activity” and insert between the commas “specified in the determination”.
- (3) Delete subclause (1)(h) and insert—
 - (h) the traversing, remaining, standing, parking or depositing on land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose;
- (4) After subclause (1)(h) insert new paragraphs (i) and (j)—
 - (i) fly or use a motorised model aircraft;
 - (j) bring, ride or drive an animal.
- (5) Delete subclause (3).

12. Clause 3.2 amended

In clause 3.2, subclause (5) is deleted and substituted with the following—

- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.

13. Clause 3.3 amended

Clause 3.3 is amended as follows—

After subclause (3) insert—

- (4) The local government may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the permit holder.

14. Clause 3.4 (2) amended

Clause 3.4(2) is amended as follows—

- (1) In paragraph (g) after the word “annual” delete the words “or seasonal” and insert the words “, casual or seasonal”.
- (2) In paragraph (h) delete “*Licensing*” and insert “*Control*”.
- (3) In paragraph (j) after the words “in the name of” delete the words “the hirer” and insert the words “the local government and the hirer”.

15. Clause 3.6 amended

Clause 3.6 is amended as follows—

- (1) Delete “and variation of” from the clause heading.
- (2) In subclause (1) delete the number “(1)”.
- (3) Delete subclause (2).

16. Clause 3.9 amended

Clause 3.9 is amended as follows—

In subclause (2) delete “*mutatis mutandis*” and substitute “as though it were an application for a permit”.

17. Clause 3.13 amended

Clause 3.13 subclause (1) is amended as follows—

- (1) Delete “or” from paragraph 3.13(n).
- (2) Replace the full stop in paragraph 3.13(o) with a semicolon.
- (3) After paragraph 3.13(o) insert the following—
 - (p) deposit or store any thing on local government property;
 - (q) conduct or take part in any gambling game or contest or bet, or offer to bet publicly; or
 - (r) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property.

18. Clause 3.14 amended

Clause 3.14 is amended as follows—

- (1) In subclause (3) after paragraph (a) delete “or”.
- (2) In subclause (3) paragraph (b) insert “; or” after property and delete “other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.”
- (3) In subclause (3) after paragraph (b) insert—
 - (c) camp on or occupy any vehicle at night for the purpose of sleeping in a public place.

19. Clause 3.15 amended

Delete clause 3.15 and insert—

3.15 Permit required for possession and consumption of liquor

- (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless—
 - (a) that is permitted under the *Liquor Control Act 1988*; and
 - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

20. Clause 3.16 amended

Clause 3.16 is amended as follows—

Delete subsection (d) and insert—

- (d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control Act 1988* for that purpose.

21. Clause 4.1 amended

Clause 4.1 is amended as follows—

- (1) In paragraph (a) insert “interferes with or” before “is”.
- (2) Delete paragraph (b) and insert—
 - (b) creates a nuisance.

22. Clause 4.3 amended

Clause 4.3 is amended as follows—

In subclause (2) delete the definition of “fauna” and substitute—

“fauna” means any animal and includes in relation to any animal the carcass, skin, plumage or fur.

23. Clauses 4.4 to 4.8 inserted

Insert after clause 4.3—

4.4 Removing or damaging any flora

- (1) A person must not remove or damage any flora which is on or above any local government property, unless that person is authorised to do so under written law or with the written approval of the local government.
- (2) In this clause—

“flora” means any plant (including any wildflower, palm, shrub, tree, fern, creeper or vine) which is native to the state or declared to be flora under the *Wildlife Conservation Act 1950* and includes any part of flora and all seeds and spores thereof.

4.5 Intoxicated persons not to enter local government property

- (1) A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.
- (2) A person found in contravention of subclause (1) may be removed from local government property by an authorised person or a member of the Police service.

4.6 No prohibited drugs

A person shall not take a prohibited drug on to, or consume, or use a prohibited drug on local government property.

4.7 Waste

A person must not deposit or discard waste on local government property except—

- (a) in a place or receptacle set aside by the CEO or an authorised person for that purpose and subject to any conditions that may be specified on the receptacle or a sign, such as a condition in relation to the type of waste that may be deposited; or
- (b) at the Coppin Road (Mundaring) Waste Transfer Station, Mathieson Road (Chidlow) Waste Transfer Station and Mayo Road (Wooroloo) Waste Transfer Station and subject to directions issued from time to time by the CEO or an authorised person for the orderly and proper use of that waste facility in relation to hours of business, separation of waste into designated receptacles, prohibition of the deposit of certain types of refuse or waste, and conduct of persons or persons in charge of vehicles while on the site.

4.8 Refusal of entry to local government property

- (1) An authorised person may refuse to allow entry or suspend admission to any local government property by any person who he or she believes has behaved in a manner contrary to the provisions of this Part.

(2) This refusal or suspension can be for any period of up to 12 months as decided by that authorised person.

(3) A decision made under this clause is a decision to which Part 7 applies.

24. Clause 4.4 redesignated

Clause 4.4 is redesignated as clause 4.10.

25. Clause 5.1 amended

Delete clause 5.1 and insert—

- (1) A manager or an authorised person must refuse admission to a pool area any person who—
 - (a) in her or his opinion is—
 - (i) under the minimum age of that specified in the Code and who is unaccompanied by a responsible person over the age of that specified in the Code;
 - (ii) under the minimum age of that specified in the Code and who is accompanied by a responsible person over the age of that specified in the Code where the responsible person is incapable of, or not providing, adequate supervision of or care of that person;
 - (iii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
 - (iv) under the influence of liquor or a prohibited drug; or
 - (b) is to be refused admission under and in accordance with a decision of the local government for breaching a clause of this local law.
- (2) If a person referred to in paragraph (a) or (b) of subclause (1) is in a pool area, a manager or an authorised person must—
 - (a) direct the person to leave; and
 - (b) if the person refuses or fails to leave, remove the person or arrange for the person to be removed from the pool area.

26. Clause 5.4 amended

Clause 5.4 is amended as follows—

- (1) Insert “(1)” before “Where a sign”.
- (2) After paragraph (b) insert new paragraph—
 - (c) Families, then, where the toilet block or change room is being used by a family, only an immediate member of that family may use that entry of the toilet block or change room.
- (3) Insert new subclause (2)—
 - (2) Paragraphs (a) and (b) of subclause (1) do not apply to a child, when accompanied by a parent, guardian or care giver where the child is—
 - (a) under the age of 7 years; or
 - (b) otherwise permitted by an authorised person to use the relevant entry.

27. New clause 5.5

Insert new clause 5.5—

5.5 Use of shower facilities

A person may use a shower facility in change rooms only on condition that—

- (a) the facilities must be used by the person only for cleansing and washing themselves;
- (b) use of the facilities must be restricted to a maximum period of 15 minutes or such lesser time as required by an attendant; and
- (c) the facilities must not be used for the purposes of laundering or washing any clothing or other articles.

28. Part 7 is amended

Delete Part 7 and substitute the following—

PART 7—OBJECTIONS AND REVIEW

Clause 7.1 Application of Division 1, Part 9 of the Act

When the local government makes a decision as to whether it will—

- (a) Grant a person a permit or consent under this local law;
- (b) Renew, vary or cancel a permit or consent that a person has under this local law the provisions of Division 1 Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

29. Part 9 amended

Delete Part 9 and substitute the following—

PART 9—ENFORCEMENT*Division 1—Notices given under this local law***9.1 Offence to fail to comply with notice**

Whenever the local government gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

9.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 9.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, to costs incurred in doing so.

*Division 2—Offences and penalties***9.3 Offences and general penalty**

(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.

9.4 Prescribed offences

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of clause 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

9.5 Form of Notices

(1) For the purpose of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

(2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

*Division 3—Evidence in legal proceedings***9.6 Evidence of a determination**

(1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.

(2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect, has been satisfied.

(3) Subclause (2) does not make valid a determination that has not been properly made.

30. Schedule 1 amended

Delete Schedule 1 and substitute the following—

Schedule 1—Prescribed offences

(clause 9.4)

Item no.	Clause	Nature of offence	Modified penalty
1	2.4	Failure to comply with determination	\$250
2	3.6	Failure to comply with conditions of permit	\$250

Item no.	Clause	Nature of offence	Modified penalty
3	3.13(1)	Failure to obtain a permit	\$250
4	3.14(3)	Failure to obtain a permit to camp outside a facility	\$250
5	3.15(1)	Failure to obtain permit for liquor	\$250
6	3.16	Failure of permit holder to comply with responsibilities	\$250
7	4.2(1)	Behaviour detrimental to property	\$350
8	4.3	Unauthorised taking or injuring of fauna	\$350
9	4.4	Removing or damaging flora	\$350
10	4.5	Under influence of liquor	\$350
11	4.6	Under influence of prohibited drug	\$350
12	4.7	Depositing or discarding waste on local government property	\$350
13	4.9	Failure to comply with sign on local government property	\$350
14	5.3	Unauthorised entry to fenced or closed local government property	\$250
15	5.4	Entering toilet block or change room facility of opposite gender	\$250
16	5.5	Unauthorised use of shower facilities	\$250
17	6.1	Unauthorised entry to function on local government property	\$250
18	8.1	Obstructing or hindering an authorised person in the execution of their duties	\$250
19	9.1	Failure to comply with notice	\$250
20		All other offences not specified	\$250

31. Schedule 2 Part 1 Clauses 1.1 and 1.2 amended

Schedule 2 is deleted and substituted with the following—

Schedule 2—Determinations

(clause 2.1)

Part 1—Preliminary

1.1 Interpretation

(1) In these determinations unless the context otherwise requires—

“**local law**” means the Local Government Property Local Law made by the local government.

(2) Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined in the local law, then the term shall have the meaning given to it in the local law.

Part 2—Application

2.1 Vehicles on local government property

(1) Unless authorised by a permit, a person must not take or cause a vehicle to be taken onto or drive on local government property unless—

- (a) Subject to subclause (3), the local government property is clearly designated as a road, access way or car park;
- (b) The vehicle is driven by a local government employee, authorised person or contractor engaged by the local government, who is engaged in—
 - (i) Providing a service or making a delivery in connection with the local government property; or
 - (ii) Maintaining the local government property;
- (c) The person is driving an emergency vehicle in the course of his or her duties; or
- (d) The vehicle is a motorised wheel chair, and the driver of that vehicle is a disabled person.

(2) A person must not drive a vehicle or allow a vehicle to be driven on local government property at a speed exceeding 10 kilometres per hour, or in such a manner as to cause danger, inconvenience or annoyance to any person.

(3) Other than in accordance with subclause (10) paragraphs (b) to (d), a person must not drive a vehicle on local government property or part of it that is being used for a function for which a permit has been obtained unless permitted to do so by the permit holder or an authorised person.

2.2 Activities prohibited on local government property

(1) A person must not play or practice archery, pistol or rifle shooting on local government property except on land which is reserved by the local government for that purpose, or as otherwise provided by a permit.

(2) A person must not, on any local government property, use or ride a bicycle or wheeled recreation device or skateboard—

(a) inside or on the curtilage to a building; and

(b) in a pool area.

32. Various references to “section” amended

Amend the provisions listed in the Table as set out in the Table.

Part	Division	Clause	Delete	Insert
1		1.2	section 3.2	clause 3.2
1		1.2	section 2.1	clause 2.1
1		1.5	subsection (2)	subclause (2)
2	1	2.1	section 2.2	clause 2.2
2	1	2.1	section 2.7	clause 2.7
2	1	2.1	section 2.8	clause 2.8
2	1	2.1	sections 2.7(2) and 2.8(2)	clauses 2.7(2) and 2.8(2)
2	1	2.1	section 2.2	clause 2.2
2	1	2.1	section 2.6	clause 2.6
2	1	2.2	subsection (1)	subclause (1)
2	1	2.2	subsection (2)(c)	subclause (2)(c)
2	1	2.2	subsection (5)	subclause (5)
2	1	2.2	subsection (2)(c)	subclause (2)(c)
2	1	2.2	subsections (3), (5) and (6)	subclauses (3), (5) and (6)
2	1	2.2	subsections (3) or (4)	subclauses (3) or (4)
2	1	2.5	section 2.1	clause 2.1
2	1	2.5	section 2.6	clause 2.6
2	1	2.5	subsection (1)	subclause (1)
2	1	2.6	section 2.2	clause 2.2
2	1	2.7	subsection (1)	subclause (1)
2	1	2.8	subsection (1)	subclause (1)
2	1	2.9	section 2.1	clause 2.1
2	1	2.9	section 2.5	clause 2.5
2	1	2.9	subsection (10)	subclause (1)
3	2	3.2	subsection (2)	subclause (2)
3	2	3.2	subsection (2)	subclause (2)
3	3	3.4	section 3.3(1)(a)	clause 3.3(1)(a)
3	3	3.4	section 3.3(1)(a)	clause 3.3(1)(a)
3	3	3.4	subsection(1)	subclause (1)
3	3	3.5	section—	clause—
3	3	3.5	section 3.3(1)(a)	clause 3.3(1)(a)
3	3	3.5	section 3.3(1)(a)	clause 3.3(1)(a)
3	3	3.5	section 3.3(2)	clause 3.3(2)3
3	4	3.8	section 3.12	clause 3.12
3	4	3.12	section 7.1	clause 7.1
3	5	3.13	subsection (3)	subclause (3)
3	5	3.13	subsection (1)	subclause (1)
3	5	3.13	subsection (1)(a)	subclause (1)(a)
3	5	3.14	section -	clause—
3	5	3.14	subsection (3)	subclause (3)
4	1	4.2	subsection (1)	subclause (1)

Part	Division	Clause	Delete	Insert
4	1	4.3	section—	clause -
4	1	4.4	subsection (1)	subclause (1)
4	1	4.4	subsection (1)	subclause (1)
6		6.1	subsection (1)(b)	subclause (1)(b)
Schedule 2			section 2.1	clause 2.1

33. Various references to “authorize” amended

Amend the provisions listed in the Table as set out in the Table.

Part	Division	Clause	Delete	Insert
1		1.2	authorized	authorised
1		1.2	authorized	authorised
1		1.2	authorized	authorised
3	4	3.11	authorized	authorised
3	4	3.11	authorized	authorised
3	6	3.16	authorized	authorised
4	1	4.3	authorized	authorised
5	2	5.3	authorized	authorised
6		6.1	unauthorized	unauthorised
6		6.1	authorized	authorised
8		8.1	authorized	authorised
8		8.1	authorized	authorised
8		8.1	authorized	authorised
8		8.2	authorized	authorised
9	2	9.4	authorized	authorised

Dated: 26 November 2013.

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

HELEN DULLARD, Shire President.
JONATHAN THROSSELL, Chief Executive Officer.

— PART 2 —

HERITAGE

HR101*

*CORRECTION***HERITAGE OF WESTERN AUSTRALIA ACT 1990**

ENTRY OF PLACES IN THE REGISTER OF HERITAGE PLACES

In the notice published in the *Government Gazette* dated 21 January 1997, item HR401 on page 515, an error occurred. The land description for **P1063 St John's Uniting Church (fmr)**, located on Lester Avenue, Geraldton, was incorrect. The correct land description should read—

Lot 22 on DP 222476 being the whole of the land contained in C/T V 1197 F 24; Lot 23 on DP 222476 being the whole of the land contained in C/T V 43 F 354 as shown on HCWA Curtilage Map 1063.

(sgd) GRAEME GAMMIE, Executive Director,
State Heritage Office,
Bairds Building 491 Wellington Street Perth WA 6000.

Dated: 18 February 2014.

JUSTICE

JU401

VEXATIOUS PROCEEDINGS RESTRICTION ACT 2002

FINAL ORDERS

Supreme Court of Western Australia

CIV 2538 of 2013

Between: Attorney General for Western Australia, Applicant and
Wayne Glew, Respondent

Final Orders before Master Sanderson on 12 February 2014

Upon the application of the Applicant by Originating Motion dated 10 October 2013 and upon hearing and upon reading the affidavit of Marina Georgiou filed herein on 10 October 2013 and upon hearing Mr A. J. Sefton and Mr J. L. Winton counsel for the Applicant and Mr W. Glew in person, it is ordered that—

1. Mr Wayne Kenneth Glew is prohibited from instituting any proceedings, as defined in the *Vexatious Proceedings Act 2002*, unless he first obtains the leave of a court or tribunal, as the case requires under section 6 of the Act.
2. The Applicant's costs of the application be paid by the Respondent.

Dated the 12th day of February 2014.

By the Court,

L. W. SANDERSON.

MARINE/MARITIME

MA401*

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958

PROHIBITED SWIMMING AREA

Matilda Bay, Swan River

City of Nedlands

Department of Transport
 Fremantle WA, 18 February 2014.

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 the hours of 9.45pm and 10:25pm on Friday 21st February 2014.

Royal Perth Yacht Club, Matilda Bay, Swan River

Area of Closure:—All the waters within a 100-metre radius of the firing point located at approximately 31°58'56.01'S, 115°49'29.85'E.

This area is set aside for safety measures during the set up and display of pyrotechnics.

LAURENCE ADAMS, Acting Director, Waterways Management,
 Department of Transport.

PLANNING

PL401*

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Bunbury

TOWN PLANNING SCHEME NO. 7—AMENDMENT NO. 56

Ref: TPS/1034

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Bunbury local planning scheme amendment on 23 January 2014 for the purpose of—

1. Rezoning Lot 492 and a portion of Lot 50 Withers Crescent, Bunbury from 'Public Purposes—Local Government' to 'Residential R20/60'.
2. Amending the reserve designation of the balance of Lot 50 Withers Crescent, Bunbury from 'Public Purposes—Local Government' to 'Access Road' in accordance with the Scheme Amendment Map.
3. Rezoning portion of Lot 23 Withers Crescent, Bunbury from 'Residential R20/60' to 'Access Road' in accordance with the Scheme Amendment Map.
4. Amending the reserve designation of a portion of the existing 'Access Road' reserve to 'Parks and Recreation' in accordance with the Scheme Amendment Map.
5. Amending the reserve designation of a portion of Lot 5002 Withers Crescent, Bunbury from 'Parks and Recreation' to 'Access Road' in accordance with the Scheme Amendment Map.

G. BRENNAN, Mayor.
 A. BRIEN, Chief Executive Officer.

SALARIES AND ALLOWANCES TRIBUNAL

SA401*

SALARIES AND ALLOWANCES ACT 1975

DETERMINATION VARIATION

PREAMBLE

This determination provides for the remuneration of a new appointee to the office of Chief Executive Officer and Registrar, Department of the Registrar, Western Australian Industrial Relations Commission.

DETERMINATION

The determination of the Salaries and Allowances Tribunal made on 18 December 2013 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.

The variation is with effect from the date of appointment.

Remove from Table 1, Part 1 of the First Schedule the following—

Special Division Non CEOs				
Office	Department or Agency	Band	Office Holder	Salary
Registrar	Department of the Registrar, Western Australian Industrial Relations Commission	4	Vacant	\$-

Include in Table 1, Part 1 of the First Schedule the following—

Special Division Non CEOs				
Office	Department or Agency	Band	Office Holder	Salary
Chief Executive Officer and Registrar	Department of the Registrar, Western Australian Industrial Relations Commission	4	S. Bastian	\$211,330

Dated at Perth this 28th day of January 2014.

W. S. COLEMAN AM,
Chairman.

C. A. BROADBENT,
Member.

B. J. MOORE,
Member.

Salaries and Allowances Tribunal.

SA402*

SALARIES AND ALLOWANCES ACT 1975**DETERMINATION VARIATION****PREAMBLE**

The Salaries and Allowances Tribunal has issued a determination in respect of a new appointee to the office of Managing Director, Pilbara Institute.

DETERMINATION

The determination of the Salaries and Allowances Tribunal made on 18 December 2013 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.

The variation is with effect from the date of appointment.

Remove from Table 1, Part 1 of the First Schedule the following—

Special Division CEOs				
Office	Department or Agency	Band	Office Holder	Salary
Managing Director	Pilbara Institute	4	Vacant	\$-

Include in Table 1, Part 1 of the First Schedule the following—

Special Division CEOs				
Office	Department or Agency	Band	Office Holder	Salary
Managing Director	Pilbara Institute	4	M. Boundy	\$194,162

Include in Table 9, Part 4 of the First Schedule the following—

Office	Department or Agency	Office Holder	Annual District Allowance (Standard Rate)
Managing Director	Pilbara Institute	M. Boundy	\$16,537

Include in Table 10, Part 4 of the First Schedule the following—

Office	Department or Agency	Office Holder
Managing Director	Pilbara Institute	M Boundy

Include in Table 11, Part 5 of the First Schedule the following—

Office	Department or Agency	Office Holder	Maximum Annual Rental Subsidy
Managing Director	Pilbara Institute	M. Boundy	\$13,700

Include in Table 13, Part 5 of the First Schedule the following—

Office	Department or Agency	Office Holder	Maximum Annual Electricity Subsidy
Director	Pilbara Development Commission	M. Boundy	\$2,999

Dated at Perth this 28th day of January 2014.

W. S. COLEMAN AM,
Chairman.

C. A. BROADBENT,
Member.

B. J. MOORE,
Member.

Salaries and Allowances Tribunal.

WATER/SEWERAGE

WA401*

WATER SERVICES ACT 2012 AMENDED LICENCE

Notice is given that the following water services operating licence has been amended—

Licensee:	Water Corporation
Expiry Date:	28 June 2021
Class(es) of Water Service:	Potable and Non-Potable Water Supply, Sewerage, Irrigation and Drainage Services (WL32, Version 13)
Operating Area:	The operating area is the area set out in plans OWR-OA-301(B), OWR-OA-302(B), OWR-OA-306, OWR-OA-175(E) and OWR-OA-175-1(B) in the State of Western Australia
Amendment:	Allocation of new number to operating area plan for drainage services—Plan No.OWR-OA-306
Inspection of Licence:	Economic Regulation Authority 4th Floor Albert Facey House 469 Wellington Street PERTH WA 6000

LYNDON G. ROWE, Chairman,
Economic Regulation Authority.

WORKCOVER

WC401*

WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981 APPROVED MEDICAL SPECIALISTS ORDER (NO. 1) 2014

Made by WorkCover WA under section 146F(1) of the Act.

1. Citation

This order is the *Approved Medical Specialists Order (No. 1) 2014*.

2. Approved medical specialists

The following medical practitioners are designated as approved medical specialists under section 146F(1) of the Act—

Dr Shashi Patel
Dr Judith Pigden
Mr Michael McGushin

CHRIS WHITE, A/Chief Executive Officer, WorkCover WA.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Bruce Kendal Palmer, late of 3 Elveden Street, Doubleview in the State of Western Australia, 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 21st day of April 2013 at Subiaco, in the said State are required by the Executor, John Roderick Bestall of 427 Riverton Drive East, Shelley, Western Australia to send particulars of their claims to him by the date one month following the publication of this notice, after which date the Executor may convey or distribute the assets having regard only to the claims of which he then has notice.

ZX402

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Harry Arthur Scoffern, late of Mandurah Nursing Home, 1 Hungerford Avenue, Halls Head in the State of Western Australia, 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 30 July 2013, are required by the personal representative to send particulars of their claims to him care of Clement & Co, Lawyers, Unit 2, 12 Sutton Street, Mandurah by 31 March 2014, after which date the personal representative may convey or distribute the assets having regard to the claims of which he then has notice.

CLEMENT & CO, as solicitors for the personal representative.

ZX403

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Jean Marie Hayter, late of 10 Moondah Close, Dunsborough in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of Jean Marie Hayter, deceased, who died on the 15th day of June 2013 at Erskine in the said State are required by the personal representative Stephen John Hayter of 14 Grayswood Retreat, Erskine, Western Australia to send particulars of their claims to Peel Legal Barristers & Solicitors of PO Box 1995, Mandurah, WA 6210 by the date one month following the publication of this notice after which date the personal representative may convey or distribute the assets having regard only to the claims of which he has then had notice.

WESTERN AUSTRALIA

**FAIR TRADING (RETIREMENT VILLAGES
INTERIM CODE) REGULATIONS 2013*****Price: \$11.20 plus postage**

* Prices subject to change on addition of amendments.



Government of **Western Australia**
Department of the **Premier and Cabinet**
State Law Publisher



RETAIL SALES OUTLET **CHANGES**

As of **Monday 6th January 2014**, counter sales at State Law Publisher were closed.

Orders for publications will need to be lodged and pre-paid by telephone, email, post/mail or online at www.slp.wa.gov.au

Pre-paid orders can still be picked up personally or by courier from the basement at 10 William Street, Perth, if required.

Government Gazette notices can still be lodged in person at the basement.

All telephone and facsimile contact details have remained the same.

Sales and General Inquiries: 6552 6000

Government Gazette Publishing Inquiries: 6552 6012

Facsimile Numbers

Sales and *Government Gazette* copy: 9321 7536

Email

Sales: sales@dpc.wa.gov.au

Government Gazette: slp@dpc.wa.gov.au

Website: www.slp.wa.gov.au
