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FISHERIES

FI401

FISH RESOURCES MANAGEMENT ACT 1994
WEST COAST DEEP SEA CRUSTACEAN MANAGED FISHERY
MANAGEMENT PLAN AMENDMENT 2024

[A4818]

Made by the Minister under section 54(2).

1. Citation

This instrument is the *West Coast Deep Sea Crustacean Managed Fishery Management Plan Amendment 2024*.

2. Management plan amended

The amendments in this instrument are to the *West Coast Deep Sea Crustacean Managed Fishery Management Plan 2012*.

3. Commencement

These amendments come into operation as follows—

- (a) clauses 1 and 2—on the day on which these amendments are published in the *Gazette*;
- (b) the rest of the clauses—on 1 March 2024.

4. Clause 3 amended

In clause 3, insert in the correct alphabetical position—

approved ALC means an “approved automatic location communicator”, as defined in regulation 55A;

approved directions has the same meaning as in regulation 55A;

fishing trip means the period between when an authorised boat commences travelling through the waters of the Fishery in order to pull pots and when that boat enters a port area to land crustacean;

pull means, in relation to pots, to bring pots from the seabed to the surface;

set means, in relation to pots, to set, position or release pots in the waters of the Fishery, with or without bait;

5. Clause 9 amended

In clause 9, delete “fish trap” in each place it appears and insert—

pot

6. Clause 9A amended

In clause 9A, delete “fish trap” in each place it appears and insert—

pot

7. Clause 10 amended

(1) Before “The criteria to be satisfied” insert—

(1)

(2) After subclause (1) insert—

(2) Notwithstanding subclause (1), the CEO may grant a person a licence to fish in the Fishery if the CEO is satisfied that—

- (a) immediately upon being granted a licence an application will be made under section 140 of the Act to transfer units of usual entitlement to the licence, if it is to be granted, from another licence; and
- (b) the application referred to in paragraph (a) will be in respect of a total of not less than one unit; and
- (c) in the CEO’s opinion, there is no arguable ground in respect of the application referred to in paragraph (a) to refuse to transfer the units of usual entitlement to the licence; and
- (d) the person is a fit and proper person to hold a licence.

8. Clause 16 amended

In clause 16(12)(b), delete “fish trap” and insert—

pot

9. Clause 18 amended

In clause 18, delete subclauses (4), (5) and (6).

10. Clause 20 amended

(1) In subclause 20(2), delete “subclauses (3) and (4)” and insert—
subclause (4)

- (2) Delete subclause (3).

11. Part 7A inserted

After clause 23, insert—

PART 7A—AUTOMATIC LOCATION COMMUNICATORS AND NOMINATIONS

23A. Terms used

In this Part—

nomination of intention to fish means a nomination made by the master of an authorised boat, prior to moving the boat to commence a fishing trip;

nomination to land means a nomination made by the master of an authorised boat prior to entering a port area to conclude a fishing trip;

nomination to set pots means a nomination made by the master of an authorised boat, prior to moving the boat, to set pots only.

23B. Requirement for approved ALC to be installed in an authorised boat

A person must not use an authorised boat in the Fishery unless an approved ALC—

- (a) has been installed in that boat, and has been commissioned, installed, maintained, serviced and tested; and
- (b) is operating effectively; and
- (c) is being used,

in accordance with the approved directions.

23C. Nominations made under this plan

Where a nomination is required to be made under this plan, the nomination must be made through the use of an approved ALC in accordance with the approved directions.

23D. Nomination of intention to fish

- (1) The master of an authorised boat must ensure that a nomination of intention to fish is made—
 - (a) not more than 2 hours prior to moving an authorised boat to commence a fishing trip from a port area in the Fishery; or
 - (b) not more than 2 hours prior to entering the waters of the Fishery where an authorised boat is entering the waters of the Fishery from outside the Fishery.
- (2) Where a nomination of intention to fish is made under subclause (1), the master of the authorised boat must specify—
 - (a) the type of nomination (for example, intention to fish);
 - (b) the Fishery in which fishing will occur;
 - (c) the full name of the master of the authorised boat;
 - (d) the licensed fishing boat number of any licensed fishing boat that may be used for or in connection with fishing in the Fishery under the authority of that licence;
 - (e) the number of the licence which authorises fishing to occur;
 - (f) the estimated date and time of arrival of the authorised boat to a port area to land crustacean; and
 - (g) the name of the port area that the authorised boat intends to enter to land crustacean as specified in Schedule 2.
- (3) A nomination of intention to fish made under subclause (2) remains in effect until—
 - (a) a subsequent nomination to land is made under clause 23E; or
 - (b) it is cancelled under subclauses (4) and (5).
- (4) Where the master of an authorised boat cancels a nomination of intention to fish, the master of an authorised boat must submit a cancellation of that nomination through the use of an approved ALC.
- (5) Where a nomination to cancel is made in accordance with subclause (4), the master of the authorised boat must specify—
 - (a) the type of nomination (for example, nomination to cancel);
 - (b) the Fishery in which fishing was to occur; and
 - (c) the information specified in subclauses (2)(c), (d) and (e).
- (6) The master of an authorised boat must not cancel a nomination of intention to fish at any time after a person on board that boat has commenced pulling pots.
- (7) The master of an authorised boat must not—
 - (a) allow any person on board that boat to pull a pot in the Fishery; or
 - (b) have crustacean on board that boat,
 unless a nomination of intention to fish remains in effect in accordance with this clause.

23E. Nomination to land

- (1) The master of an authorised boat must ensure that a nomination to land is made prior to entering a port area to conclude a fishing trip.
- (2) Where a nomination of intention to land is made under subclause (1), the master of the authorised boat must specify—
 - (a) the type of nomination (for example, nomination to land);
 - (b) the Fishery in which fishing occurred;
 - (c) the number of the licence which authorised fishing to occur;
 - (d) the date and time of arrival of the authorised boat to a port area to land crustacean, if it is not the same port area as specified in the nomination of intention to fish;
 - (e) the name of the port area, as specified in Schedule 2, that the authorised boat intends to land crustacean, if it is not the same area as specified in the nomination of intention to fish; and
 - (f) the estimated number of containers used to hold crustacean that are to be landed.

23F. Nominations to set pots

- (1) Where the master of an authorised boat intends only to set pots, the master must ensure that a nomination to set pots is made—
 - (a) not more than 2 hours prior to moving an authorised boat to commence setting pots from a port area in the Fishery; or
 - (b) not more than 2 hours prior to entering the waters of the Fishery where an authorised boat is entering the waters of the Fishery from outside the Fishery.
- (2) Where a nomination to set pots is made under subclause (1), the master of the authorised boat must specify—
 - (a) the type of nomination (for example, nomination to set pots);
 - (b) the Fishery in which fishing will occur;
 - (c) the full name of the master of the authorised boat;
 - (d) the licensed fishing boat number of any licensed fishing boat that may be used for or in connection with setting pots in the Fishery under the authority of that licence;
 - (e) the number of the licence which authorises the setting of pots;
 - (f) the estimated date and time of arrival of the authorised boat to a port area; and
 - (g) the name of the port area, as specified in Schedule 2, to which the authorised boat is to return to after setting pots.
- (3) A nomination to set pots remains in effect until the boat returns to the port area specified in subclause (2)(g).

12. Clause 24 amended

In clause 24, delete “fish trap” in each place it appears and insert—

pot

13. Clause 26 amended

- (1) In clause 26(2), delete “within 90 minutes” and insert—
at the place of landing and within 90 minutes
- (2) After clause 26(2) insert—
 - (2A) Where crustacean or bycatch is brought into a port area, the master of an authorised boat must ensure that—
 - (a) the placing of catch on a weighing device; and
 - (b) the weight reading produced by that device,
 may both be clearly observed by a fisheries officer from any vantage point outside the place of weighing.
- (3) In clause 26(3), delete “crustaceans and/or bycatch” in each place it appears and insert—
crustaceans or bycatch
- (4) Delete clause 26(4) and insert—
 - (4) The master of an authorised boat must not—
 - (a) depart the place of landing; or
 - (b) allow any crustaceans or bycatch to be removed from the place where the weight of the fish was determined,
 until subclauses (2), (2A) and (3) have been complied with.
- (5) In clause 26(5)—
 - (a) delete “crustacean and/or bycatch” and insert—
crustacean or bycatch
 - (b) delete “an original” and insert—
a duplicate

- (6) In clause 26(6), delete “crustacean and/or bycatch” and insert—
crustacean or bycatch
- (7) In clause 26(9), delete “delivered to an office of the Department” and insert—
posted to the Department, at the address specified on the CDR
- (8) In clause 26(11), delete “crustacean and/or bycatch” and insert—
crustacean or bycatch

14. Clause 27 amended

In clauses 27(1) and (6), delete “crustacean and/or bycatch” in each place it appears and insert—
crustacean or bycatch

15. Clause 30 replaced

Delete clause 30 and insert instead—

30. Offences

A person who contravenes a provision of clause 6(1), 7(3), 7(4), 8, 9, 9A, 16, 20(6), 20(7), 20(8), 23B, 23C, 23D, 23E, 23F, 24, 25, 26, 27 or 29 commits an offence.

16. Schedule 2 amended

- (1) Delete the item and area described as “Darwin”.
- (2) Delete the port area name “Port Headland” and insert—
Port Hedland

17. Schedule 3 amended

In Schedule 3, delete “N is the sum of all of the units, pertaining to the respective capacity, as conferred by all the licences at the commencement of the relevant licence period;” and insert—

‘N’ is the sum of all the units of entitlement of crystal crab (class A), champagne crab (class B) and giant crab (class C) as specified in the table below;

| Species of crustacean | N (units) |
|------------------------|-----------|
| Crystal crab—class A | 7000 |
| Champagne crab—class B | 1400 |
| Giant crab—class C | 140 |

Dated 14th of February 2024.

Hon. DON PUNCH, MLA, Minister for Fisheries.

HEALTH

HE401

HUMAN TISSUE AND TRANSPLANT ACT 1982

HUMAN TISSUE AND TRANSPLANT ORDER 2024

Made by the Minister under section 29D(1) of the Act.

1. Citation

This order is the *Human Tissue and Transplant Order 2024*.

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. Order

Section 29A(2) of the *Human Tissue and Transplant Act 1982* does not apply to or in relation to the sale or supply of the following classes of product derived from tissue that has been subjected to processing or treatment—

- (a) small samples of any tissue that are lawfully removed from the body of a person (whether living or deceased) and supplied in the form of—
- i. a tissue slide or tissue block which enables microscopic examination of the tissue;
 - ii. quality assurance material;
 - iii. reference or control material;
 - iv. laboratory reagents,

for training, education or quality assurance relating to a therapeutic, medical or scientific purpose;

- (b) fibrin sealant products derived from peripheral blood;
- (c) therapeutic eye drops prepared from peripheral blood.

Hon. AMBER-JADE SANDERSON, MLA, Minister for Health.

HE402

MENTAL HEALTH ACT 2014
MENTAL HEALTH (AUTHORISED MENTAL HEALTH PRACTITIONERS)
REVOCATION ORDER (NO. 2) 2024

Made by the Chief Psychiatrist under section 539 of the *Mental Health Act 2014*.

1. Citation

This Order may be cited as the *Mental Health (Authorised Mental Health Practitioners) Revocation Order (No. 2) 2024*.

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) clause 3 — on the day after that day.

3. Revocation of designation

The designation, as an authorised mental health practitioner of the mental health practitioners specified in Schedule 1 to this order is revoked.

Schedule 1

| Name | Profession |
|-----------------------------|------------------------|
| Boylen, Sarah Maree Anne | Occupational Therapist |
| Carpenter, Paul | Registered Nurse |
| Morley, Christopher Terence | Social Worker |
| Pariagh, Penelope Christina | Registered Nurse |
| Wallace, Amy Nicole | Registered Nurse |

Dated 16 February 2024.

Dr NATHAN GIBSON, Chief Psychiatrist.

HE403

MENTAL HEALTH ACT 2014
MENTAL HEALTH (AUTHORISED MENTAL HEALTH PRACTITIONERS) ORDER (NO. 2) 2024
 Made by the Chief Psychiatrist under section 539 of the *Mental Health Act 2014*;

1. Citation

This order may be cited as the *Mental Health (Authorised Mental Health Practitioners) Order (No. 2) 2024*.

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) clause 3 — on the day after that day.

3. Authorised Mental Health Practitioner

The mental health practitioners specified in Schedule 1 to this order are designated as Authorised Mental Health Practitioners.

Schedule 1

| Name | Profession |
|--------------------|------------------|
| Kramer, Amy Nicole | Registered Nurse |

Dated 16 February 2024.

Dr NATHAN GIBSON, Chief Psychiatrist.

JUSTICE

JU401

JUSTICES OF THE PEACE ACT 2004 APPOINTMENTS

It is hereby notified for public information that the Governor in Executive Council has approved of the following to the Office of Justice of the Peace for the State of Western Australia—

Eman Seif of Landsdale

JOANNE STAMPALIA, Deputy Director General, Court and Tribunal Services.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995 *City of Bunbury* PARKING AMENDMENT LOCAL LAW 2024

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Bunbury resolved on 30 January 2024 to make the following local law.

1. Short title

This local law may be cited as the *City of Bunbury Parking Amendment Local Law 2023*.

2. Commencement

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

3. Principal Local Law amended

This local law amends the *City of Bunbury Parking Local Law 2023* as published in the *Government Gazette* on 19 June 2023.

4. Clause 1.4 amended

- (1) In clause 1.4 in the definition of *parking area*, delete the words “or “No Standing or” and replace with “or “No Standing” or”.
- (2) In clause 1.4 in the definition of *parking session*, delete the word “User” and replace with “user”.

5. Clause 3.2 amended

- (1) In clause 3.2(1)(d) delete the full stop at the end of the clause and replace with “; or”.
- (2) In clause 3.2(1)(e)(ii) delete the word “The” and replace with “the”.
- (3) In clause 3.2(1)(e)(ii) delete the full stop at the end of the clause and replace with “; or”.

6. Clause 4.2 amended

- (1) In clause 4.2(1)(b) delete the full stop at the end of the clause and replace with “; or”.
- (2) In clause 4.2(1)(c) delete the word “On” and replace with “on”.
- (3) In clause 4.2(1)(c) insert a full stop at the end of the clause.

7. Clause 4.4 amended

- (1) In clause 4.4(3)(i), delete the full stop at the end of the clause and replace with “; or”.
- (2) In clause 4.4(3)(j), delete the word “Within” and replace with “within”.
- (3) In clause 4.4(3)(j) insert a full stop at the end of the clause.

8. Clause 6.1 amended

In clause 6.1(1)(e) insert a full stop at the end of the clause.

9. Clause 6.2 amended

Delete clause 6.2(1) and replace with a new clause 6.2(1) as follows—

“(1) A person must not stop or park a vehicle in—

- (a) a paid parking station, unless the appropriate fee as indicated by a sign is paid; or
- (b) a parking station with a posted time restriction for any period exceeding the time allowable on the sign, unless;
 - (i) the vehicle has left the parking station for at least one hour; or
 - (ii) the parking station allows additional time beyond the time restriction posted when a fee is payable for additional time and the fee has been paid.”

10. Clause 7.3 amended

- (1) In clause 7.3(2)(a) delete the word “The” and replace with “the”.
 (2) In clause 7.3(2)(b) delete the word “The” and replace with “the”.
 (3) In clause 7.3(2)(c) delete the word “The” and replace with “the”.

11. Clause 7.8 amended

In clause 7.8(1) delete the phrase “Part 8” and replace with “Part 7”.

12. Clause 9.2 amended

In clause 9.2(3)(b) delete the word “mend” and replace with “amend”.

Dated 7 February 2024.

The Common Seal of the City of Bunbury was affixed under the authority of a resolution of Council in the presence of—

JAYSEN MIGUEL, Mayor.
 ALAN FERRIS, Chief Executive Officer.

LG402**LOCAL GOVERNMENT ACT 1995**

Shire of Manjimup

BASIS OF RATES

I, Tim Fraser, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28(1) of that Act, hereby, and with effect from 1 February 2024 determined that the method of valuation to be used by the Shire of Manjimup as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land—

Schedule

| | Designated Land |
|-----------|---|
| UV to GRV | All those portions of land being Lots 41 to 47 inclusive as shown on Deposited Plan 422873. |

TIM FRASER, Executive Director Local Government,
 Department of Local Government, Sport and Cultural Industries.

LG403**LOCAL GOVERNMENT ACT 1995****DOG ACT 1976**

City of Nedlands

DOGS LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995*, the *Dog Act 1976* and under all other powers enabling it, the Council of the City of Nedlands resolved on 12 December 2023 to make the following local law.

PART 1—PRELIMINARY**1.1 Citation**

This local law may be cited as the *City of Nedlands Dogs Local Law 2023*.

1.2 Repeal

The *City of Nedlands Dogs Local Law 2012* published in the *Government Gazette* on 11 October 2012 and amended in the *Government Gazette* on 5 July 2013 is repealed.

1.3 Definitions

In this local law unless the context otherwise requires—

Act means the *Dog Act 1976*;

authorised person means a person authorised by the local government to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the City of Nedlands;

local planning scheme means a local planning scheme made by the local government under the *Planning and Development Act 2005*;

Regulations means the *Dog Regulations 2013*;

Schedule means a schedule in this local law; and

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*.

1.4 Application

This local law applies throughout the district

PART 2—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

2.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.
- (3) Notwithstanding subclauses (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.

2.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
 - (a) licensed under Part 3 as an approved kennel establishment;
 - (b) granted an exemption under section 26(3) of the Act; or
 - (c) established as a veterinary hospital or a veterinary clinic
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act is two (2) dogs over the age of 3 months and the young of those dogs under that age unless—
 - (a) the premises are on land situated within a part of the district where kennels are permissible under a Local Planning Scheme of the City; and
 - (b) the premises are licensed as an approved kennel establishment.

PART 3—APPROVED KENNEL ESTABLISHMENTS

3.1 Interpretation

In this Part and in Schedule 2—

licence means a licence to keep an approved kennel establishment on premises;

licensee means the holder of a licence;

premises, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

transferee means a person who applies for the transfer of a licence to her or him under clause 3.14.

3.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with—

- (a) evidence of planning approval obtained from the local government—
- (b) plans and specifications of the kennel establishment, including a site plan;
- (c) copies of the notices to be given under clause 3.3;
- (d) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (e) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (f) the fee for the application for a licence referred to in clause 3.10.

3.3 Notice of proposed use

- (1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—
 - (a) once in a newspaper circulating in the district; and
 - (b) to the owners and occupiers of any premises adjoining the premises.

- (2) The notices in subclause (1) must specify that—
- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
 - (b) the application and plans and specifications may be inspected at the offices of the local government.
- (3) Where—
- (a) the notices given under subclause (1) do not clearly identify the premises; or
 - (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,
- then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

3.4 Exemption from notice requirements

- (1) Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a—
- (a) permitted use; or
 - (b) use which the local government may approve subject to compliance with specified notice requirements,
- under a local planning scheme, then the requirements of clauses 3.2(c), 3.3 and 3.5(c) do not apply in respect of the application for a licence.
- (2) The local government may require advertising of an application as part of the planning process.

3.5 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) planning approval has been given by the local government;
- (b) the applicant has complied with clause 3.2;
- (c) the applicant submits proof that the notices referred to in clause 3.3(1) have been given in accordance with that clause; and
- (d) the local government has considered any written submissions received within the time specified in clause 3.3(2)(a) on the proposed use of the premises.

3.6 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 3.7;
- (b) any written submissions received within the time specified in clause 3.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the approved kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

3.7 Where application cannot be approved

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme unless prior valid planning approval has been issued by the local government and the application for a licence is consistent with that approval; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

3.8 Conditions of approval

- (1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

3.9 Compliance with conditions of approval

Penalties applicable where a licensee does not comply with the conditions of a licence are contained in the Act and Regulations.

3.10 Fees

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.

- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.15 to 6.19 of the *Local Government Act 1995*.

3.11 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

3.12 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 3.10(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

3.13 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence—
 - (a) on the request of the licensee;
 - (b) following a breach of the Act, the Regulations or this local law; or
 - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of—
 - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
 - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.

3.14 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be—
 - (a) made in the form determined by the local government;
 - (b) made by the transferee;
 - (c) made with the written consent of the licensee; and
 - (d) lodged with the local government together with—
 - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
 - (ii) the fee for the application for the transfer of a licence referred to in clause 3.10(3)
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 3.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

3.15 Notification

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 3.13(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 3.13(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 3.13(2), which notice is to be given in accordance with section 27(6) of the Act.

3.16 Inspection of kennel

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

PART 4—MISCELLANEOUS

4.1 Offence to excrete

- (1) A dog must not excrete on—
 - (a) any thoroughfare, any dog exercise area or other public place; or
 - (b) any land which is not a public place without the consent of the occupier.

- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

PART 5—ENFORCEMENT

5.1 Interpretation

In this Part—

infringement notice means the notice referred to in clause 5.3; and

notice of withdrawal means the notice referred to in clause 5.7(1).

5.2 Offences and general penalty

- (1) A 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) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and 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.

5.3 Modified penalties

The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

5.4 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 8 of the First Schedule of the Regulations.

5.5 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

5.6 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

5.7 Withdrawal of infringement notice

- (1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 9 of the First Schedule of the Regulations.
- (2) A person authorised to issue an infringement notice under clause 5.4 cannot sign or send a notice of withdrawal.

SCHEDULE 1—APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

(clause 3.2)

DOGS LOCAL LAW 2023

I/we (full name).....
of (postal address).....
(telephone number).....
(facsimile number).....
(E-mail address).....
Apply for a licence for an approved kennel establishment at (address of premises).....
.....
For (number and breed of dogs).....
* (insert name of person) will be residing at the premises on and from (insert date).....
* (insert name of person) will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at..... (insert address of residence)
on and from (insert date).

Attached are—

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside—
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as, in the keeping of dogs at the proposed kennel establishment.

Signature of applicant.....

Date

* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months—section 27.5 of the Dog Act.

OFFICE USE ONLY

Application fee paid on *[insert date]*.

**SCHEDULE 2—CONDITIONS OF A LICENCE FOR AN
APPROVED KENNEL ESTABLISHMENT**

(clause 3.8(1))

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
 - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
 - (ii) 10m from any dwelling; and
 - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
 - (i) at least 100mm above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;

- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—
 - (i) 2m; or
 - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
 - (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

SCHEDULE 3—OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

(clause 5.3)

| Offence | Nature of offence | Modified penalty \$ |
|---------|--|------------------------|
| 2.1 | Failing to provide means for effectively confining a dog | 200 |
| 4.1(2) | Dog excreting in prohibited place | 200 |

Dated 13th February 2024.

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

FIONA ARGYLE, Mayor.
TONY FREE, Acting Chief Executive Officer.

MINERALS AND PETROLEUM

MP401

MINING ACT 1978

Section 19

INSTRUMENT OF EXTENSION OF TERM OF EXEMPTION OF LAND

I, Kristian Hartley Dawson, Executive Director Resource Tenure, pursuant to section 19 of the *Mining Act 1978*, hereby extend the exemption originally declared on 28 February 2018 and published in the *Government Gazette* dated 09 March 2018 for the area described hereunder (not being private land or land that is the subject of a mining tenement or an application for a mining tenement) from Divisions 1 to 5 of Part IV of the *Mining Act 1978*, for a period of two years expiring on 27 February 2026.

Locality

Murchison Region

Description of Land

Land designated S19/372 in the TENGRAPH electronic plan of the Department of Energy, Mines, Industry Regulation and Safety. A geospatial description is filed in the Department of Energy, Mines, Industry Regulation and Safety electronic file number A1749/201801, document ID A72328606.

Area of Land

52.94 hectares

Dated at Perth this 14th day of February 2024.

KRISTIAN HARTLEY DAWSON, Executive Director, Resource Tenure.

MP402**PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967**

Section 47(1)

DECLARATION OF LOCATION

I, Michael Richard Tuang, Manager Resource Tenure of the Department of Energy, Mines, Industry Regulation and Safety, as delegate of the Minister of Mines and Petroleum for the State of Western Australia, declare the blocks hereunder to be a location for the purpose of the Act.

Perth Map Sheet SH50

| Block(s) | Field | Location No |
|---------------------|--|--------------------|
| 6023, 6024 and 6096 | Lockyer Gas Field, North Erregulla Gas Field and North Erregulla Oil Field | STP-LNA-0012 |

The blocks are the subject of Petroleum Exploration Permit EP 368 held by—

ENERGY RESOURCES LIMITED

AND

WESTRANCH HOLDINGS PTY LTD

Dated at Perth on this 16th day of February 2024.

MICHAEL RICHARD TUANG, Manager Resource Tenure, Resource Tenure Division,
Department of Energy, Mines, Industry Regulation and Safety.

PLANNING**PL401****PLANNING AND DEVELOPMENT ACT 2005**

PLANNING AND DEVELOPMENT (DEVELOPMENT ASSESSMENT PANELS) ORDER 2024

Made by the Minister under section 171C of the Act.

1. Citation

This order is the *Planning and Development (Development Assessment Panels) Order 2024*.

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 *Government Gazette*;
- (b) the rest of the order—on 1 March 2024.

3. Terms used: repealed order

In this order—

repealed order means the *Planning and Development (Development Assessment Panels) Order 2020*.

4. Order repealed

The *Planning and Development (Development Assessment Panels) Order 2020* is repealed.

5. Metro Inner DAP established

The development assessment panel called the Metro Inner DAP is established for the districts listed in the Table.

Table

| District | District |
|------------------|---------------|
| Bassendean | Bayswater |
| Belmont | Cambridge |
| Canning | Claremont |
| Cottesloe | Fremantle |
| East Fremantle | Melville |
| Mosman Park | Nedlands |
| Peppermint Grove | Perth |
| South Perth | Stirling |
| Subiaco | Victoria Park |
| Vincent | |

6. Metro Outer DAP established

The development assessment panel called the Metro Outer DAP is established for the districts listed in the Table.

Table

| District | District |
|-----------------------|------------|
| Armadale | Cockburn |
| Gosnells | Joondalup |
| Kalamunda | Kwinana |
| Mandurah | Mundaring |
| Murray | Rockingham |
| Serpentine-Jarrahdale | Swan |
| Wanneroo | Waroon |

7. Regional DAP established

The development assessment panel called the Regional DAP is established for the districts listed in the Table.

Table

| District | District | District |
|------------------------|---------------------|------------------------|
| Albany | Ashburton | Augusta-Margaret River |
| Beverley | Boddington | Boyup Brook |
| Bridgetown-Greenbushes | Brookton | Broome |
| Broomehill-Tambellup | Bruce Rock | Bunbury |
| Busselton | Capel | Carnamah |
| Carnarvon | Chapman Valley | Chittering |
| Collie | Coolgardie | Coorow |
| Corrigin | Cranbrook | Cuballing |
| Cue | Cunderdin | Dalwallinu |
| Dandaragan | Dardanup | Denmark |
| Derby-West Kimberley | Donnybrook-Balingup | Dowerin |
| Dumbleyung | Dundas | East Pilbara |
| Esperance | Exmouth | Gingin |
| Gnowangerup | Goomalling | Greater Geraldton |
| Halls Creek | Harvey | Irwin |
| Jerramungup | Kalgoorlie-Boulder | Karratha |
| Katanning | Kellerberrin | Kent |
| Kojonup | Kondinin | Koorda |
| Kulin | Lake Grace | Laverton |
| Leonora | Manjimup | Meekatharra |
| Menzies | Merredin | Mingenew |

| District | District | District |
|-----------------|------------------------|-----------------|
| Moora | Morawa | Mount Magnet |
| Mount Marshall | Mukinbudin | Murchison |
| Nannup | Narembeen | Narrogin |
| Ngaanyatjarraku | Northam | Northampton |
| Nungarin | Perenjori | Pingelly |
| Plantagenet | Port Hedland | Quairading |
| Ravensthorpe | Sandstone | Shark Bay |
| Tammin | Three Springs | Toodyay |
| Trayning | Upper Gascoyne | Victoria Plains |
| Wagin | Wandering | West Arthur |
| Westonia | Wickepin | Williams |
| Wiluna | Wongan-Ballidu | Woodanilling |
| Wyalkatchem | Wyndham-East Kimberley | Yalgoo |
| Yilgarn | York | |

8. Transitional Arrangements

(1) In this clause—

commencement day means 1 March 2024;

discontinued DAP means the City of Perth LDAP and a JDAP established under the repealed order that is not continued under this order;

DAP application has the meaning given in the *Planning and Development (Development Assessment Panels) Regulations 2011* regulation 3(1);

relevant DAP, in relation to a DAP application, means the DAP for the district in which the development to which the application relates is located.

(2) On and from commencement day, any DAP application made to a discontinued DAP before commencement day that has not been finalised before commencement day is to be taken to be a DAP application made to the relevant DAP established under this order.

(3) For the purposes of subclause (2)—

(a) the application is to be taken to have been made to the relevant DAP on the date it was made to the discontinued DAP; and

(b) the discontinued DAP to which the application was made must ensure that the application and all the records in respect of the application are provided to the relevant DAP; and

(c) any action in relation to a DAP application that was taken by a discontinued DAP is to be taken to be an action taken by the relevant DAP in relation to the application.

Hon. JOHN CAREY, MLA, Minister for Planning.

POLICE

PO401

PUBLIC ORDER IN STREETS ACT 1984

PUBLIC ORDER IN STREETS (AUTHORISED OFFICERS) DETERMINATION 2024

Made by the Commissioner of Police under section 6 of the *Public Order in Streets Act 1984* (the Act).

1. Citation

This determination is the *Public Order in Streets (Authorised Officers) Determination 2024*.

2. Revocation

The *Public Order in Streets (Authorised Officers) Determination 2020* is revoked.

3. Delegation

For the purposes of section 6 of the Act, the Commissioner of Police of Western Australia delegates the duties imposed and powers conferred upon the Commissioner within the Act (other than this power of delegation), to the following commissioned officers of the Western Australia Police Force specified in Schedule 1 Column 1, in relation to the part of the State referred to in Schedule 1 Column 2 corresponding to that position.

Schedule 1—Delegates under section 6 of the Act
Table

| Column 1 | Column 2 |
|--|-------------------------|
| Assistant Commissioner (Specialist and Support Services) | The whole of the State. |
| Commander (Road Policing Command) | The whole of the State. |
| Superintendent (Road Policing Command) | The whole of the State. |
| Inspector (Road Policing Command) | The whole of the State. |
| Superintendent (Metropolitan Region) | The whole of the State. |
| Inspector (Metropolitan Region) | The whole of the State. |
| Superintendent (Regional Western Australia) | The whole of the State. |
| Inspector (Regional Western Australia) | The whole of the State. |

Determination made the 12th day of February 2024.

KYLIE WHITELEY APM, Acting Commissioner of Police.

PUBLIC NOTICES

ZZ401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Marion Jean Jackson, late of City of Bayswater Hostel, 21 Embleton Avenue, Embleton, in the State of Western Australia, Retired Book Keeper, 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 3 December 2022, are required by the Executor, Lloyd N Jackson to send particulars of their claim to L Jackson PO Box 1467, East Victoria Park, in Western Australia, 6101, within 30 days of 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.

ZZ402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Ronald Roy Hurdle, late of 15 Wichmann Road, Attadale, 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 18 November 2022, are required by the trustee Darren John Hurdle of 7 Kiso Link Madeley Western Australia to send particulars of their claims to him within one (1) month of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZZ403

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Marjorie Violet Brown, late of Brightwater Oxford Gardens, 30 Regents Park Road, Joondalup, 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 above named deceased, who died on the 22nd October 2023, are required by the Executor Sue Plunkett to send particulars of their claims to Sue Plunkett of 57 Sydenham Road, Doubleview, Western Australia 6018 within one month (1) of the date of publication of this notice after which date the Executor may convey or distribute the assets, having regard only to the claims of which they then have notice.

ZZ404**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Vanessa Jane Green, late of 2/17 Lake Monger Drive, West Leederville, Western Australia, Nurse, 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 13 September 2023 are required by the Executors Juanita Lee Green and Karen Patricia Lucas of care of Birman & Ride, Level 3, 16 Irwin Street, Perth WA 6000 to send particulars of their claims to them by the date being one month from the date of publication of this notice after which date the Executors may convey or distribute the assets having regard only to the claims of which they then have notice.
