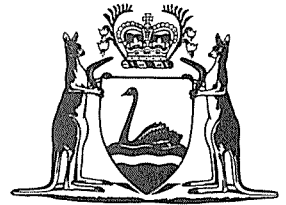


G

WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

1263



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LOCAL GOVERNMENT

LG401

CEMETERIES ACT

Municipality of the City of Mandurah

Lakes Memorial Park Public Cemetery

In pursuance of the powers conferred upon them by the abovementioned Act and of every other power enabling them, the Trustees of the Lakes Memorial Park Public Cemetery hereby record having resolved on the 26th of January 1993, to adopt additions to the Second Schedule as follows.

Form 8

Lakes Memorial Park Public Cemetery

Form of Order of Burial

Date of Application:

No. of Application:

The remains of

late of

deceased, may be interred in Grave No. of the Lakes Memorial Park Public Cemetery.

The time fixed for the burial is o'clock in the noon on

the day of 19

.....

I, the undersigned certify that a coffin, purporting to contain the above remains was interred in the above ground on the day of 19

.....

SIZE

Length

Width

Depth

Undertaker

Form 9

Lakes Memorial Park Public Cemetery

Form of Order of Burial—(Ground Niches)

Date of Application:

No. of Application:

The remains of

late of

deceased, may be interred in Ground Niche No. of

Grevillea Court, Lakes Memorial Park Public Cemetery.

Died: Aged:

Ashes being held by:

.....

Please Tick: Council to Collect:
 Applicant to Deliver:

.....
 Applicant's Signature

.....
 Officer Authorised to Sign on Behalf of the
 Cemetery

.....
 I the undersigned certify that ashes of the late
 were interred in the above ground on the day of 19

LG402

CITY OF CANNING
 Authorised Officer

The Council at its meeting held on 9 February 1993 appointed Norman William Gover as an "Authorised and Registration Officer" to administer and enforce all provisions of the Dog Act 1976.

LG403

BUSH FIRES ACT 1954
City of Armadale

It is advised that Mr Rodney Parker has been appointed as a Bush Fire Control Officer for the City of Armadale as from 3 February 1993.

It is further advised that the appointment of Dennis John Lohaor, as a Bush Fire Control Officer for the City of Armadale has been cancelled from 21 December 1992.

J. W. FLATOW, City Manager/Town Clerk.

PLANNING AND URBAN DEVELOPMENT

PD401

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION
City of Bunbury

Town Planning Scheme No. 6—Amendment No. 139

Ref: 853/6/2/9, Pt. 139.

Notice is hereby given that the City of Bunbury has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 1 Corner Turner and Money Streets from Residential R15 to Residential R60.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Stephen Street, Bunbury and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 30 March 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 30 March 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

V. S. SPALDING, Town Clerk.

PD402

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

City of Kalgoorlie-Boulder

Joint Town Planning Scheme—Amendment No. 91

Ref: 853/11/3/2, Pt. 91.

Notice is hereby given that the City of Kalgoorlie-Boulder has prepared the abovementioned scheme amendment for the purpose of rezoning Kalgoorlie Town Lot 3422 Lionel Street, Kalgoorlie as depicted on the Scheme (Amendment) map from "Drive-in Theatre" to "Business" and "Residential B".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Davidson Street, Kalgoorlie and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 30 March 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 30 March 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

L. P. STRUGNELL, Town Clerk.

PD403

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

City of Wanneroo

Town Planning Scheme No. 1—Amendment No. 640

Ref: 853/2/30/1, Pt. 640.

Notice is hereby given that the City of Wanneroo has prepared the abovementioned scheme amendment for the purpose of rezoning Lot 1 Priest Road/Gnangara Road from Rural to Residential Development R20.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Administration Centre, Boas Avenue, Joondalup and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 30 March 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 30 March 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

A. ROBSON, Acting Town Clerk.

PD404

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Augusta-Margaret River

Town Planning Scheme No. 11—Amendment No. 61

Ref: 853/6/3/8, Pt. 61.

Notice is hereby given that the Shire of Augusta-Margaret River has prepared the abovementioned scheme amendment for the purpose of—

1. Rezoning Pt Sussex Location 2179 (proposed Lots 3, 4, 5 and 6) Boodjidup Road, Margaret River from "Rural Zone" to "Special Rural Zone".
2. Rezoning Pt Sussex Location 2179 (proposed Lot 1) Boodjidup Road, Margaret River from "Rural Zone" to "Special Use Zone".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Town View Terrace, Margaret River and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 30 March 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 30 March 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

L. J. CALNEGGIA, Shire Clerk.

PD405

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Bridgetown-Greenbushes

Town Planning Scheme No. 4—Amendment No. 21

Ref: 853/6/5/4, Pt. 21.

Notice is hereby given that the Shire of Bridgetown-Greenbushes has prepared the abovementioned scheme amendment for the purpose of inserting a new clause into the Scheme Text requiring the need to obtain Council's Planning Consent for the erection of a Resited Residence.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Cnr Hampton and Steere Streets, Bridgetown and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 30 March 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 30 March 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

R. I. STEWART, Acting Shire Clerk.

PD406

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Busselton

Town Planning Scheme No. 5—Amendment No. 231

Ref: 853/6/6/6, Pt. 231.

Notice is hereby given that the Shire of Busselton has prepared the abovementioned scheme amendment for the purpose of rezoning portion of Part Lot 2 Hakea Way, Dunsborough, to "Restricted Use—Residential R30".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Southern Drive, Busselton and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 30 March 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 30 March 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

I. STUBBS, Shire Clerk.

PD407

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Manjimup

Town Planning Scheme No. 2—Amendment No. 36

Ref: 853/6/14/20, Pt. 36.

Notice is hereby given that the Shire of Manjimup has prepared the abovementioned scheme amendment for the purpose of rezoning Pt Nelson Location 6785 Vasse Highway from Rural to Short Stay Residential.

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, 36 Rose Street, Manjimup and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 30 March 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 30 March 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

M. D. RIGOLL, Shire Clerk.

PD408

TOWN PLANNING AND DEVELOPMENT ACT 1928
SCHEME AMENDMENT AVAILABLE FOR INSPECTION

Shire of Swan

Town Planning Scheme No. 9—Amendment No. 185

Ref: 853/2/21/10, Pt. 185.

Notice is hereby given that the Shire of Swan has prepared the abovementioned scheme amendment for the purpose of rezoning a portion of Lot 300 Toodyay Road, Gidgegannup, from "Hotel" to "General Rural".

Plans and documents setting out and explaining the scheme amendment have been deposited at Council Offices, Corner Great Northern Highway and Bishop Road, Middle Swan and at the Department of Planning and Urban Development, Albert Facey House, 469-489 Wellington Street, Perth, and will be available for inspection during office hours up to and including 16 March 1993.

Submissions on the scheme amendment should be made in writing on Form No. 4 and lodged with the undersigned on or before 16 March 1993.

This amendment is available for inspection in order to provide an opportunity for public comment and it should not be construed that final approval will be granted.

E. W. LUMSDEN, Shire Clerk.

PORT AUTHORITIES

PH401

GERALDTON PORT AUTHORITY

Applications to Lease Land

Applications are invited from persons or companies interested in leasing land from the authority for fishing industry purposes.

Land vested in the authority under the Geraldton Port Authority Act No. 10 of 1968 may be leased for any term not exceeding twenty one years, as yards or sites for—

- (a) Shipbuilding, boatbuilding, storing of goods.
- (b) The erection of workshops or foundries.
- (c) Other purposes connected with shipping.

Vacant land is available within Reserve 20606 adjacent to Strachan & Co. Shipwrighting Lease.

Applications close at 5 pm, Friday, 26 February 1993 with—

L. W. Graham
General Manager
Geraldton Port Authority
PO Box 1856
Geraldton 6530

No application will necessarily be accepted.

SMALL BUSINESS DEVELOPMENT

SB301

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS ACT 1985

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT REGULATIONS 1992

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Commercial Tenancy (Retail Shops) Agreements Amendment Regulations 1992*.

Principal regulations

2. In these regulations the *Commercial Tenancy (Retail Shops) Agreements Regulations 1985** are referred to as the principal regulations.

[* *Published in the Gazette of 30 August 1985 at pp.3121-27.*
For amendments to 2 December 1992 see 1991 Index to Legislation of Western Australia p.278.]

Regulation 3A inserted

3. After regulation 3 of the principal regulations the following regulation is inserted —

“ **Specified businesses prescribed under section 3 (1)**

3A. Each of the following businesses is prescribed to be a “specified business” for the purpose of the definition of that expression in section 3 (1) of the Act —

- (a) drycleaning;
- (b) hairdressing;
- (c) beauty therapy;
- (d) shoe repair;
- (e) sale or rental of video tapes.

”.

Schedule amended

4. (1) Form 1 of the Schedule to the principal regulations is deleted and the following form is substituted —

“

FORM 1

**COMMERCIAL TENANCY (RETAIL SHOPS)
AGREEMENTS ACT 1985**

Section 6 (4)

[Reg 4]

DISCLOSURE STATEMENT

This Disclosure Statement is not complete unless it is accompanied by a copy of the form of the lease and a copy of the current year's itemized variable outgoings budget.

WARNING TO TENANT

Before signing any offer to lease, lease or associated document the Tenant should ensure that he or she fully understands this Disclosure Statement, the form of lease, and the outgoings budget and that the Tenant has negotiated any change he or she wishes to make.

Signing any of those documents will legally bind the tenant.

The Tenant should take independent legal and accounting advice before signing any document.

NOTE:

If there is insufficient space for full disclosure on any part of this form please attach additional sheets.

PART A

LANDLORD'S DISCLOSURE TO PROSPECTIVE TENANT

CENTRE/BUILDING DETAILS:

Name of Centre/Building

Address of Centre/Building

.....

Current Number of Shops

- (a) Leased
 - (i) occupied
 - (ii) unoccupied

- (b) Unleased
 - (i) occupied
 - (ii) unoccupied

Current Total Gross Leasable Area of Centre/Building

Current Parking Facilities

- (a) Approximate customer bays
- (b) Approximate tenant bays
- (c) Number of bays allocated exclusively to tenant

Centre/Building Facilities and Services provided by the Landlord available for the Tenant's use.

- (Delete if not applicable)*
- Bin Rooms
- Common Area cleaning
- Common Area lighting
- Security
- Child minding centre
- Staff toilets
- Other:

NOTE: *The Tenant should ensure that the nature of those facilities and services are suitable to his or her requirements.*

Outstanding orders of Statutory or Local Authorities affecting the premises **YES NO**

Changes physically affecting the Centre/Building of which Statutory or Local Authorities have notified the Landlord, or of which the Landlord is aware **YES NO**

Alterations to the Centre/Building submitted to or approved by Statutory and Local Authorities and proposed to be commenced within the term of the Lease or any statutory or contractual option **YES NO**

Redevelopment clause in Lease **YES NO**

Total or Partial Destruction clause in Lease **YES NO**

The premises meet all current health, safety, building and fire regulations for the proposed use

YES NO NOT
KNOWN

NOTE: *The Tenant should make his or her own enquiries with Statutory and Local Authorities relating to all regulations and proposed or approved alterations to the Centre/Building or the neighbourhood including changes of zonings, roads, other centres etc.*

Core trading hours of the Centre/Building

Mon	.....	to	.....
Tues	.....	to	.....
Wed	.....	to	.....
Thurs	.....	to	.....
Fri	.....	to	.....
Sat	.....	to	.....
Sun	.....	to	.....

NOTE: *Core hours may not exceed those permitted by legislation.*

After hours access to the Centre/Building and the premises at no cost to the Tenant

Mon	.....	to	.....
Tues	.....	to	.....
Wed	.....	to	.....
Thurs	.....	to	.....
Fri	.....	to	.....
Sat	.....	to	.....
Sun	.....	to	.....

Permitted use of the common areas for trading

YES NO

If permitted, on the following basis

Current tenant mix with retail classifications (*floor plan attached*)

Compulsory contributory membership of Merchants' Association

YES NO

Date on which contributions to Association commence

PROPOSED TENANCY DETAILS:

1. Premises

Address of premises/shop number

Gross leasable area for retail shops (method of measurement as set out in the lease or, if not provided in the lease, by the relevant *Building Owners and Managers Association Method of Measurement*)

New premises Approximately square metres
(±5%)

Existing premises Certified at square metres

Permitted Use of Premises

2. Term

Term of Lease years/months
From to

Options years/months
From to

. years/months
From to

NOTE: *If the Tenant expects to extend his or her lease after the expiry of its Term and options, the Tenant must make enquiries of the Landlord before entering into the Lease.*

3. Occupation

Fixtures and fittings provided by the Landlord to the premises at the cost of the Landlord.

- (Delete if not applicable)*
 - Air conditioning
 - Electrical distribution board
 - Lighting
 - Painted walls
 - Plastered walls
 - Shop front
 - Sink
 - Sprinklers
 - Suspended ceiling
 - Telephone
 - Water supply and waste
 - Other:
-
-
-

Date on which the premises will be available for occupation or fit-out.

Landlord's requirements as to quality and standard of shop front and fit-out apply.

YES NO

(If yes, details are attached).

Landlord's contribution to shop front (if any)

YES NO

(If yes, details are attached).

4. Rent

Date on which rent payments commence

Frequency

Annual rent at commencement

Frequency of rent reviews

Formula or basis for reviews	(Delete if not applicable) Consumer Price Index Fixed Percentage increase Market value Pre-set rent amounts Aggregate of previous rents Other: _____ _____ _____
------------------------------	---

Reduction of rent possible on review YES NO

Rent payable during a review dispute	EXISTING RATE	PROPOSED RATE	OTHER
--------------------------------------	----------------------	----------------------	--------------

Rent payable by reference to turn-over YES NO

If yes, basis of calculation

NOTE: *If any part of the Tenant's rent is calculated on the turn-over of his or her business, the Tenant must elect in writing on the form entitled "Notice of Election that Rent be Determined by Reference to Turn-over" (Form 2) to make those payments. The Tenant should understand the full implication of this method of rent calculation which includes a requirement for the Tenant to disclose his or her trading figures to the Landlord.*

The Tenant is encouraged to seek independent legal and accounting advice.

Abatement of rent on destruction or damage YES NO

5. Variable Outgoings (Contributions to Landlord's expenses)

Variable outgoings payable by the Tenant YES NO

Date on which variable outgoings payments commence Frequency

Percentage of the total variable outgoings cost apportioned to the premises

Current annual contribution of the premises to the budget attached Approximately \$

Currency of variable outgoings year From to

NOTE: *For a list of the variable outgoings payable by the Tenant refer to the current budget attached and to Lease Clauses and and for the formula for apportionment of the variable outgoings refer to Lease Clauses and*

NOTE: *The proportion of the total cost of variable outgoings for the Centre/Building payable by the Tenant might vary periodically.*

6. Additional Charges payable by the Tenant*(Delete if not applicable)*

Costs following Tenant's default
 Grease trap cleaning
 Interest on outstanding money
 Legal fees for Landlord and for Tenant
 Pre-payment of rent or outgoings
 Security and air conditioning (for
 after hours operation)
 Stamp duty
 Wet waste removal
 Other:

7. Landlord's Interest

Landlord's interest in **FREEHOLD** **LEASEHOLD**
 the Centre/Building

If leasehold, term of years remaining under Landlord's lease

Details of rights and obligations of the Landlord under that
 lease which affect the premises

NOTE: *If the Tenant is a sublessee he or she should seek independent
 legal advice on the security of his or her tenure.*

GENERAL

List of other agreements between —

the Prospective Tenant and the Landlord

or

representations made by the Landlord

PART B**PROSPECTIVE TENANT'S REQUIREMENTS DISCLOSED TO
 LANDLORD**

You, the Tenant, have indicated to the Landlord special
 requirements in respect of the following: *(Details are attached).*

(Delete if not applicable)

Air conditioning
 Air control
 Cool rooms/freezers
 Dedicated parking bays
 Delivery access
 Drainage
 External equipment
 Fire protection
 Floor loading
 Hot/cold water
 Power/lighting
 Security
 Shop fit-out
 Telephone/facsimile/radio
 Wall loading
 Wet/dry waste

Other:

You, the Tenant, have made representations to the Landlord which are relied on by the Landlord in respect of the following: (*Details are attached*).

DECLARATION BY LANDLORD AND PROSPECTIVE TENANT

We acknowledge that this Disclosure Statement contains or refers to all agreements and representations that influence us to contemplate entering into the proposed lease of the premises.

Name of Landlord:

Address of Landlord:

Signed by or on behalf of the Landlord:

Date:

Name of Prospective Tenant:

Address of Prospective Tenant:

Signed by or on behalf of the Prospective Tenant:

Date:

(2) Form 4 of the Schedule to the principal regulations is deleted and the following form is substituted —

“

FORM 4

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS ACT 1985

Section 19 (1)

[Reg 7]

**REFERENCE OF A QUESTION ARISING UNDER
A RETAIL SHOP LEASE**

**TO - THE COMMERCIAL REGISTRAR
OF THE COMMERCIAL TRIBUNAL
OF WESTERN AUSTRALIA**

The matter set out below is referred to the Commercial Registrar for mediation with a view to the Landlord/Lessor and the Tenant/Lessee attaining a solution to their dispute that is acceptable to them.

1. The Applicant is either (1)* The Landlord/Lessor or (2)* The Tenant/Lessee.

**Delete whichever is not applicable.*

2. State the full name/s, residential address/es and occupation/s of the Landlord/Lessor (if a natural person) or full name and address of Principal Office in Western Australia of the Landlord/Lessor (if a body corporate)

Name of contact person _____

Telephone No. of contact person _____

NOTE: *The Landlord/Lessor is usually not the managing agent. Do not insert under item 2 the name of the managing agent unless the managing agent is also the Landlord/Lessor. If you do not know who the Landlord/Lessor is, or are not sure, you should do a Title Search (ie. ownership search) of the property at the Titles Office in Perth. It is your responsibility to accurately advise the name and address of the Landlord/Lessor.*

3. State the full name/s, residential address/es and occupation/s of the Tenant/Lessee (if a natural person) or full name and address of Principal Office in Western Australia of the Tenant/Lessee (if a body corporate)

Name of contact person _____

Telephone No. of contact person _____

4. State the name and address of the retail shopping centre. (Answer this item only if the dispute relates to a tenancy in a retail shopping centre, otherwise state "Not Applicable")

5. If the dispute relates to a tenancy in a retail shopping centre, state

Shop number (if applicable) _____

Lettable floor area of Tenant's shop _____

Lettable floor area of retail shopping centre (if applicable) _____

6. If the retail shop tenancy is not in a retail shopping centre, state:

The address of the retail shop _____

The area of the retail shop (ie. the area leased) _____

7. State the questions that relate to the matter(s) in dispute and which you are now referring to the Commercial Registrar, together with all relevant facts and circumstances, and forward all relevant documents, including the lease, any agreement for lease, letters, consents and brochures (*photocopies are acceptable provided they are clearly legible*), assignment of lease, variations of lease, any relevant statement(s) by any third party who has knowledge of any matter material to resolving the matter(s) in dispute and, where relevant, a search of the relevant Certificate of Title and where the tenancy is in a retail shopping centre, a plan of the retail shopping centre, with the location of the retail shop coloured in. The nature of the matter(s) referred for mediation should be set forth in brief, but clear language, together with your advice as to how you believe the matter the subject of the mediation may be reasonably resolved to the satisfaction of both the Landlord/Lessor and the Tenant/Lessee — i.e. the results that you think will be reasonable to obtain.

*

8. I forward with this application the prescribed fee of \$ _____
 (Cheques are only to be made payable to the Commercial Tribunal).

Dated _____ 19 _____

Signature of Applicant (or if the Applicant is a body corporate, the signature of a person duly authorized by the body corporate to sign this application).

***NOTE:** If there is insufficient space, continue on A4 paper and cross reference to the relevant item number(s) stated on this form.

INFORMATION FOR APPLICANT

The following definitions are extracted from the *Commercial Tenancy (Retail Shops) Agreements Act 1985*. They are for your information and may assist you in completing your application to the Commercial Registrar —

“landlord”, in relation to a lease, means —

- (a) the person who, under the lease, grants or is to grant to the tenant the entitlement to occupy the premises the subject of the lease; or
 - (b) a person who obtains a reversionary interest in those premises,
- but does not include a person who assigns his interest as tenant under the lease;

“tenant”, in relation to a lease, means the person who, under the lease, is or would be entitled to occupy the premises the subject of the lease;

“lease” means any lease, licence, or agreement, whether in writing or not, that provides for the occupation of premises situated within the State whether for a term or by way of a periodic tenancy or a tenancy at will, and whether or not the lease, licence, or agreement is entered into outside the State or purports to be governed by any law other than the law of the State but does not include a licence or agreement relating to the common area of a retail shopping centre by reason only that it provides for a person to use a portion of the common area the continued use of which as a portion of the common area is not intended to be otherwise precluded;

“retail shop lease” means a lease that provides for the occupation of a retail shop other than where —

- (a) the retail shop has a floor area that exceeds 1 000 square metres; or
- (b) the lease is held by a corporation within the meaning of the Companies (Western Australia) Code² that would not be eligible to be incorporated in Western Australia as a proprietary company, or that is held by a subsidiary of such a corporation;

“retail shop” means —

- (a) any premises situated in a retail shopping centre that are used wholly or predominantly for the carrying on of a business; and
- (b) any premises not situated in a retail shopping centre that are used wholly or predominantly for the carrying on of —
 - (i) a business involving the sale of goods by retail; or
 - (ii) a specified business,

but does not include premises used wholly or partly for the carrying on of a business involving the retail sale of petroleum products as defined in section 47G of the *Transport Act 1968*¹ for use in road vehicles as so defined, other than premises used for that purpose by a tenant under a lease from a Landlord who is not a party to a franchise agreement within the meaning of that expression in the *Petroleum Retail Marketing Franchise Act 1980* of the Parliament of the Commonwealth;

“retail shopping centre” means a collection of premises —

- (a) five or more of which are used wholly or predominantly for the carrying on of —
 - (i) a business involving the sale of goods by retail; or
 - (ii) a specified business; and
- (b) all of which have, or upon being leased would have, a common head lessor but does not include a multi-level building except in relation to each floor of the building on which is situated a collection of premises in respect of which paragraphs (a) and (b) apply;

“specified business” means a business of a kind prescribed by the regulations to be a specified business. *(as at December 1992, these were drycleaning, hairdressing, beauty therapy, shoe repair, and sale or rental of video tapes)*

Your attention is also drawn to section 3 (3) of the Act, relating to “a question arising under a retail shop lease”. Section 3 (3) of the Act reads as follows —

- “ 3. (3) A reference in this Act to a question arising under a retail shop lease includes a reference to a question arising —
- (a) in relation to any communication, including a disclosure statement under section 6, between the parties to the lease, prior to the lease being entered into, which was material to the terms and conditions of the lease; or
 - (b) in relation to the lease under a provision of this Act. ”.
1. *Short title (as changed by section 5 of the Acts Amendment and Repeal (Transport Co-ordination) Act 1985) substituted under section 7 (3) (h) of the Reprints Act 1984.*
 2. *In respect of matters arising after 1 January 1991, the operation of the Companies (Western Australia) Code is subject to the provisions in Division 2 of Part 13 of the Corporations (Western Australia) Act 1990.* ”.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

PUBLIC NOTICES

ZZ201

TRUSTEES ACT 1962 DECEASED ESTATES

Creditors and other persons having claims in respect of the estate of Walter George Camp late of 22 Lancaster Road, Albany, Retired Waterside Worker deceased to which section 63 of the Trustees Act 1962 as amended applies are required to send particulars of their claims to the Executor, A. K. R. Prince, c/- Haynes Robinson, 70-74 Frederick Street, Albany by 6th March 1993 after which date the Executor may convey or distribute the assets having regard only to the claims of which he has notice and the Executor shall not be liable to any person of whose claim he has had no notice at the time of distribution.

Dated this 12th day of February 1993.

HAYNES ROBINSON, for the Executor.

ZZ202

**TRUSTEES ACT 1962
DECEASED ESTATES**

Creditors and other persons having claims in respect of the estate of Mary Wood, late of 70 Campbell Road, Albany, Widow deceased to which section 63 of the Trustees Act 1962 as amended applies are required to send particulars of their claims to the Executors, A. K. R. Prince & P. L. Wyatt, c/- Haynes Robinson, 70-74 Frederick Street, Albany by 6th March 1993 after which date the Executor may convey or distribute the assets having regard only to the claims of which he has notice and the Executor shall not be liable to any person of whose claim he has had no notice at the time of distribution.

Dated this 12th day of February 1993.

HAYNES ROBINSON, for the Executors.

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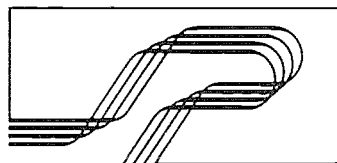
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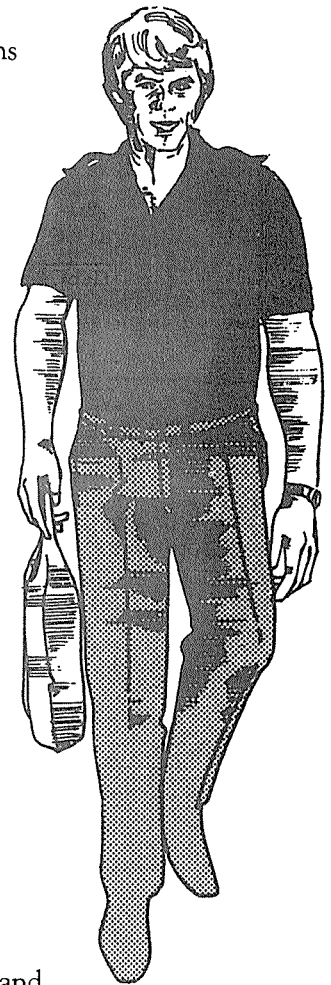
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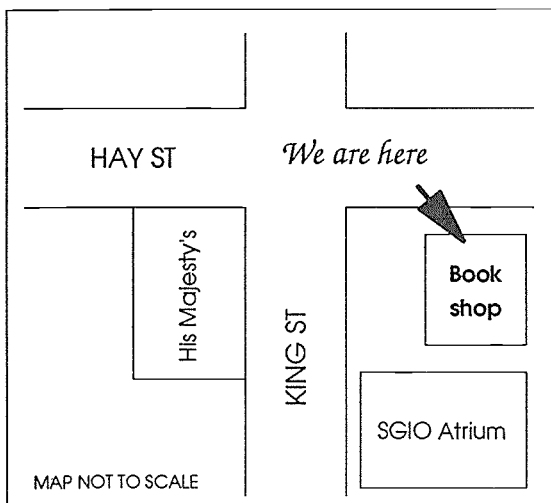
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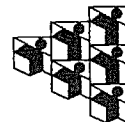
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