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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).

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- Inquiries regarding publication of notices can be directed to the Editor on (08) 9426 0010.
- 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 2004 (Prices include GST).

Deceased Estate notices, (per estate)—\$22.45

Real Estate and Business Agents and Finance Brokers Licences, (per notice)—\$52.40

Other articles in Public Notices Section—\$52.40 (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—\$10.45

Bulk Notices—\$194.70 per page

Clients who have an account will be invoiced for advertising charges.

Clients without an account will need to pay at time of lodging the notice.

PUBLISHING ALTERATIONS

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

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

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

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

JOHN A. STRIJK, Government Printer.

— PART 1 —

ARMADALE REDEVELOPMENT AUTHORITY

AB301*

Armadale Redevelopment Act 2001

Armadale Redevelopment Amendment Regulations 2005

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Armadale Redevelopment Amendment Regulations 2005*.

2. The regulations amended

The amendment in these regulations is to the *Armadale Redevelopment Regulations 2003**.

[* *Published in Gazette 29 August 2003, p. 3834-9.*]

3. Schedule 1 amended

Schedule 1 Form 1 is amended by inserting the following note after Note 1 —

“

Note 1A: The Authority requires applicants to undergo a sustainability audit, and the application is to be accompanied by —

- (a) the resulting “Sustainability Certificate”;
and
- (b) the proponents submissions requirements, that identify the performance of an application for development approval in respect of specific sustainability indicators.

”.

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.

JUSTICE

JU301*

Legal Practice Act 2003

**Legal Practice Board Amendment
Rules (No. 2) 2005**

Made by the Legal Practice Board under section 252 of the *Legal Practice Act 2003*.

1. Citation

These rules are the *Legal Practice Board Amendment Rules (No. 2) 2005*.

2. The rules amended

The amendments in these rules are to the *Legal Practice Board Rules 2004**.

[* *Published in Gazette 14 May 2004, p. 1473-557.*]

3. Rule 44 amended

- (1) Rule 44(3)(a) is amended by deleting “applies, \$300;” and inserting instead —

“

applies and the completed application is lodged with the secretary after 31 December, \$300;

”.

- (2) Rule 44(3)(b) is amended by deleting “30 May” and inserting instead —

“ 31 May ”.

4. Schedule 1 amended

- (1) Schedule 1 Form 5 is amended by deleting clause 4 and inserting the following clause instead —

“

4. Release of Old Principal

The Old Principal’s obligations under the deed cease on the date of this deed.

”.

- (2) Schedule 1 Form 7 is amended by deleting from “I certify that” to “Articles of Clerkship.” and inserting the following instead —

“

<p>I certify that the Articled Clerk —</p> <p><input type="checkbox"/> has completed 12 months service as my articled clerk;</p> <p>or</p> <p><input type="checkbox"/> has served as my articled clerk since <i>(date of commencement of articles)</i> _____/_____/20____ and that I intend the Articled Clerk to continue as my articled clerk for the duration of the term of articles, which will be completed before the date proposed for the Articled Clerk’s admission.</p> <p>I will notify the Board immediately if the Articled Clerk ceases to be my articled clerk before the term of articles is completed.</p> <p>I certify that while serving as my articled clerk, the Articled Clerk has complied with all of the Articled Clerk’s obligations under the <i>Legal Practice Act 2003</i> and the Deed of Articles of Clerkship.</p>

”

- (3) Schedule 1 Form 17 is deleted and the following form is inserted instead —

“

<p>Application for practice certificate</p>		<p><i>Legal Practice Act 2003</i> s. 37, 38, 39 <i>Legal Practice Board</i> <i>Rules 2004</i> r. 44 Form 17</p>
<p>Applicant</p>	Name _____	
	Title Mr / Ms / Mrs / Miss / Dr / Other _____	
	QC / SC <i>Date of appointment</i> ____/____/____ <i>Jurisdiction in which appointed</i>	
	Residential address <i>No & Street</i> _____ <i>Suburb</i> _____ <i>State</i> _____ <i>Postcode</i> _____	
	Telephone _____ Fax _____	
	Mobile _____ Email _____	
<p>Practice</p> <p><i>(If not currently practising, give details of intended practice as at date on which practice certificate will take effect.)</i></p>	Place of practice	
	Street address <i>No & Street</i> _____ <i>Suburb</i> _____ <i>State</i> _____ <i>Postcode</i> _____	
	Postal address _____	
	Telephone _____ Fax _____	
	Email _____	
	Capacity in which practising	
<input type="checkbox"/> Barrister <input type="checkbox"/> Sole practitioner Practice name _____		
<input type="checkbox"/> Equity Partner <input type="checkbox"/> Salaried Partner Partnership name _____ <input type="checkbox"/> Legal partnership <input type="checkbox"/> Multi-disciplinary partnership		
<input type="checkbox"/> Director or officer of incorporated legal practice Name of corporation _____ ACN or ARBN _____		

	<input type="checkbox"/> Employee Name of employer _____ <input type="checkbox"/> Consultant Name of employer _____ <input type="checkbox"/> Corporate solicitor Name of employer _____ <input type="checkbox"/> Not practising
	Jurisdiction _____ Admitted as (e.g. barrister, solicitor, attorney) _____ Date of admission ____/____/_____ Jurisdiction _____ Admitted as _____ Date of admission ____/____/_____ Jurisdiction _____ Admitted as _____ Date of admission ____/____/_____
Admission outside WA Give details for each jurisdiction in which admitted If more space is required, use page 4	I *do / do not receive trust moneys. If yes, trust account used by applicant Name of account _____ Name of bank _____ Branch address _____ BSB No. _____ Account No. _____ Date account opened ____/____/_____ Auditor Name _____ Firm/company _____ Address _____ Email _____
Trust account * Delete whichever is not applicable Give details for each trust account If more space is required, use page 4	I *hold my own / am covered by my employer's professional indemnity insurance in accordance with the <i>Legal Practice Act 2003</i> . I *have / have not complied with Law Mutual's requirements.
Professional indemnity insurance * Delete whichever is not applicable	An order under the <i>Legal Practice Act 2003</i> s. 177, 185 or 191 (or an equivalent section of the <i>Legal Practitioners Act 1893</i>) *has / has not been made in relation to me. If yes, made under section _____ on ____/____/_____ Fine <input type="checkbox"/> fined \$ _____ <input type="checkbox"/> no fine <input type="checkbox"/> paid on ____/____/20 <input type="checkbox"/> not paid Costs <input type="checkbox"/> ordered to pay \$ _____ <input type="checkbox"/> no order <input type="checkbox"/> paid on ____/____/20 <input type="checkbox"/> not paid Expenses <input type="checkbox"/> ordered to pay \$ _____ <input type="checkbox"/> no order <input type="checkbox"/> paid on ____/____/20 <input type="checkbox"/> not paid
Complaints * Delete whichever is not applicable	I *am / am not an insolvent under administration within the meaning of the Corporations Act (<i>this includes being bankrupt</i>). I *am / am not a legal practitioner director of an incorporated legal practice that is insolvent within the meaning of the Corporations Act. If yes, give details _____ _____ _____
Fitness, capacity and solvency	I *am / am not in prison. If yes, give details _____ _____

<p><i>* Delete whichever is not applicable</i></p> <p><i>If more space is required, use page 4</i></p>	<p>Payment to accompany application</p> <p>Practice certificate fee \$ _____</p> <p>Guarantee Fund contribution \$ _____</p> <p>(Contribution No. _____)</p> <p>Total \$ _____</p> <p>Method of payment</p> <p><input type="checkbox"/> Cheque <input type="checkbox"/> Cash <input type="checkbox"/> Electronic funds transfer</p> <p><input type="checkbox"/> Credit Card</p> <p>Name on card _____</p> <p>Card No. _____</p> <p>Expiry date ____/20 ____</p> <p>Card holder's signature _____</p>
<p>Payment</p>	<p>I confirm that —</p> <ul style="list-style-type: none"> • I am not struck off, suspended, disqualified or otherwise prohibited from engaging in legal practice in WA or in any other place; and • the information given in or with this application is true and correct and that I have not omitted any relevant information.
<p>Confirmation</p>	<p>Signature _____</p> <p>Date / /20</p>
<p>Additional information if required</p>	

”.

Made by the Legal Practice Board under section 252.

ANNA LISCIA, Member.

IAN WELDON, Member.

GREG McINTYRE, Member.

JOHN SYMINTON, Member.

— PART 2 —

JUSTICE

JU401*

PRISONS ACT 1981
PERMIT DETAILS

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Director General of the Department of Justice has revoked the following Permit to do High-Level Security Work—

Surname	Other Names	Permit No.	Revocation Date
Corrigan	Amanda	AP 0181	30/04/2005

This notice is published under section 15P of the *Prisons Act 1981*.

BRIAN LAWRENCE, Manager, Acacia Prison Contract.

JU402*

PRISONS ACT 1981
PERMIT DETAILS

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Director General of the Department of Justice has issued the following person with a Permit to do High-Level Security Work—

Surname	Other Names	Permit No.	Issue Date
Corrigan	Amanda	AP 0363	30/04/2005

This notice is published under section 15P of the *Prisons Act 1981*.

BRIAN LAWRENCE, Manager, Acacia Prison Contract.

JU403*

CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988
APPOINTMENT

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of the following persons as a Member of the Children's Court of Western Australia—

Ms Janet Douglas of 7 Ida Place, Laverton

RAY WARNES, A/Executive Director,
Court Services.

JU404*

JUSTICES ACT 1902
APPOINTMENT

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the following person to the office of Justice of the Peace for the State of Western Australia;

Moira Jean Girando of 'Yileen', Mamboodie Road, Marchagee

RAY WARNES, A/Executive Director,
Court Services.

JU405*

**LEGAL PRACTICE BOARD RULES 2004
ELECTED PERSONS**

Legal Practice Board of Western Australia

It is hereby notified for general information in accordance with Rule 10 of the *Legal Practice Board Rules 2004* that, at a duly convened meeting of the Board held on Wednesday 6 April 2005, the following practitioners were declared to be elected members of the Legal Practice Board for a two year term commencing Thursday 7 April 2005—

John Gaetano Mario Fiocco
Rebecca Jane Lee
Steven Penglis
Sabina Marie Schlink
Clare Helen Thompson
Francine Beryl Walter

Dated this 8th day of April 2005.

MARY-ANNE PATON, Secretary to the Legal Practice Board,
Perth.

LAND

LA401*

**TRANSFER OF LAND ACT 1893
APPLICATION J061258**

Take notice that Ian Arthur Vigar and Jeanette Frances Vigar both of Post Office Box 707, York as Joint tenants have made application to bring the following land under the operation of the Transfer of Land Act, 1893.

Being Lot 279 on Deposited Plan 44037 containing 2.4275 hectares (5 acres 3 roods 38 perches) being the whole of the land comprised in Memorial Book XXX Vol. No. 48.

All Persons other than the applicant claiming any estate right title or interest in the above land and desiring to object to the application are required to lodge in this office on or before 3 May 2005 a caveat forbidding the land being brought under the operation of the Act.

BRUCE ROBERTS, Registrar of Titles.

MINERALS AND PETROLEUM

MP401*

**PETROLEUM ACT 1967
SECTION 30(1)**

Discrete Areas Release

Invitation For Applications For The Grant Of Exploration Permits

RELEASE DATE: TUESDAY 12 APRIL 2005

CLOSING DATE: THURSDAY 4:00PM 27 OCTOBER 2005

AREAS AVAILABLE

Applications are invited for the grant of exploration permits (Permit), over the areas within Western Australia's Canning and Perth Basins including coastal waters.

Applications will be received up until 4.00 pm on Thursday, 27 October 2005.

AREA L05-1

Map Sheet (SE51) Broome

Block No.	Block No.	Block No.	Block No.
6683	6684	6685	6754
6755	6756	6757	6758
6759	6826	6827	6828
6829	6830	6831	6832
6898	6899	6900	6901

Block No.	Block No.	Block No.	Block No.
6902	6903	6904	6905
6906	6907	6974	6975
6976	6977	6978	6979
7047	7048	7049	7050
7051	7116	7118	7119
7120	7121	7122	7123
7188	7189	7190	7191
7192	7193	7194	7195
7260	7261	7262	7263
7264	7265	7266	7267
7333	7334	7335	7336
7337	7338	7405	7406
7407	7408	7409	7410
7477	7478	7479	7480
7481			

Assessed to contain 77 blocks.

AREA L05-2

Map Sheet (SE51) Broome

Block No.	Block No.	Block No.	Block No.
7400	7470	7471	7472
7473	7474	7475	7476
7542	7543	7544	7545
7546	7547	7614	7615
7616	7617	7618	7619
7688	7689	7690	7691
7761	7762	7763	7773
7774	7834	7835	7836
7845	7846	7906	7907
7908	7909	7910	7911
7912	7913	7914	7915
7916	7917	7918	7978
7979	7980	7981	7982
7983	7984	7985	7986
7987	7988	7989	7990
8060	8061	8062	

Assessed to contain 63 blocks.

AREA L05-3

Map Sheet (SH50) Perth

Block No.	Block No.	Block No.
6742	6743	6744
6814	6815	6816

Assessed to contain 9 blocks.

AREA L05-4

Map Sheet (SH50) Perth

Block No.	Block No.	Block No.	Block No.
7108	7180	7252	7324
7396	7468	7540	7541
7542	7612	7613	

Assessed to contain 11 blocks.

APPLICATION DETAILS

Permit applications shall specify a work program (e.g. minimum number of wells to be drilled, kilometres of seismic, geophysical, geochemical surveys etc.) to be carried out and estimated expenditures for **each of six years**. Wells referred to in the work program should not include development wells.

Applicants should also make themselves aware of the existence of any areas, which have the potential to restrict exploration activities eg, National Parks, Nature Reserves, Marine Parks, World Heritage Areas and Conservation Reserves.

Insofar as Reserved Land is concerned, entry for exploration purposes is subject to approval by the Minister. In this regard, it should be noted that petroleum extraction from within National Parks and Nature Reserves should not be presumed and that applicants should make themselves aware of current Government policy in this regard.

Any applications over the above onshore areas will be subject to the provisions of the Commonwealth Native Title Act 1993 (NTA) and applicants should be prepared to negotiate with Native Title parties pursuant to the right to negotiate provisions of the NTA.

Applicants should also be aware that all the areas available for application are subject (at least in part) to Native Title claims. Plans showing these claim boundaries are available from the Department of Industry and Resources.

An information package on the release areas detailing the criteria for assessment of applications and the conditions to apply following the award of a permit, and including a plan of the release areas and an application proforma, is available on CD-ROM. Copies of the CD-ROM can be obtained from the Petroleum and Royalties Division, Department of Industry and Resources by contacting the Senior Titles Officer (Releases) on (08) 9222 3140. Applicants are urged to avail themselves of this information.

Applications are to be made in accordance with Section 31 of the Petroleum Act 1967 as appropriate. Consideration of an application for the grant of a Permit shall take into account work programs relative to the whole of the area applied for, the adequacy of the work program and the applicant's technical and financial ability to undertake the work. Permits are awarded on the understanding that the first two years work commitment will be fulfilled without variation.

Where there is more than one applicant to the application, the percentage participating interests of each party to the application is to be supplied including evidence that a satisfactory settlement has been, or can be, reached on a Joint Operating Agreement (a copy of a Heads of Agreement dealing will generally suffice).

LODGEMENT OF APPLICATIONS

Applications **must be lodged by 4.00pm on Thursday, 27 October 2005**. Applications, together with supporting data, should be submitted to—

Director Petroleum and Royalties Division
Department of Industry and Resources
Level 11, Mineral House
100 Plain Street
EAST PERTH WA 6004

Attention: Petroleum Applications Receiving Officer

The following special instructions should be observed—

- The application and supporting data, together with a fee of \$3,900.00 (non-refundable) payable to the Department of Industry and Resources through an Australian Bank or by Australian bank cheque, should be enclosed in the envelope or package.
- The application should be sealed and clearly marked "**Application for Exploration Permit—Commercial-in-Confidence**".
- Unless delivered by hand to the Petroleum Applications Receiving Officer the sealed application (as described above) should be enclosed in plain paper, envelope or package and forwarded to the above address.

Receipts for applications (received and delivered by hand) will be issued by the Petroleum Applications Receiving Officer.

Enquiries concerning this gazettal should be referred to—

Senior Titles Officer (Releases)
Petroleum and Royalties Division
Telephone: (08) 9222 3130
Facsimile: (08) 9222 3799

PLANNING AND INFRASTRUCTURE

PI401

TOWN PLANNING AND DEVELOPMENT ACT 1928
ADVERTISEMENT OF APPROVED TOWN PLANNING SCHEME AMENDMENT
Shire of Busselton

District Town Planning Scheme No. 20—Amendment No. 54

Ref: 853/6/6/21 Pt 54

It is hereby notified for public information, in accordance with Section 7 of the Town Planning and Development Act, 1928 (as amended) that the Minister for Planning and Infrastructure approved the Shire of Busselton Town Planning Scheme Amendment on 22 March 2005 for the purpose of—

1. Renumbering and renaming clauses (where applicable) as follows—
 - "1. *Citation*
 2. *Responsible Authority*

3. *Scheme Area*
4. *General Objects of Scheme*
5. *Arrangement of the Scheme*
6. *Relationship of Scheme to Residential Design Codes (R-Codes)*
7. *Relationship of Scheme to Bylaws*
8. *Statutes*
9. *Revocation*
10. *Interpretation*
11. *Application for Planning Consent*
12. *Advertising of Certain Applications*
13. *Matters to be Considered*
14. *Determination of Applications*
15. *Deemed Refusal*
16. *Exemptions from Planning Consent*
17. *Reservations*
18. *Uses*
19. *Development*
20. *Classification*
21. *Zone Objectives, Zoning Table & Requirement for Consent*
22. *Uses Not Listed*
23. *Additional Uses*
24. *Environmental Conditions*
25. *Development Investigation Area & Development Guide Plans*
26. *Special Provisions Area*
27. *Landscape Value Area*
28. *Wetland Areas*
29. *Coastal Management Area*
30. *Special Character Area*
31. *Airport Protection Area*
32. *Port Geographie Development Area*
33. *Waste water Treatment Plant Exclusion and Buffer Areas*
34. *Discretion to Modify Development Standards*
35. *Subdivision of Land/Boundary Adjustments*
36. *Heritage—Precincts and Places of Cultural Significance*
37. *Flood Prone Land*
38. *Disposal of Wastes*
39. *Roadside Services*
40. *Development on a Public Road*
41. *Development Below High Water Mark*
42. *Corner Shop*
43. *Residential Occupation of Tourist Developments*
44. *Community Use of School Facilities or Sites*
45. *Services*
46. *Ancillary Dwellings*
47. *Height of Buildings*
48. *Development by the Council or a Public Authority*
49. *Temporary Use of Land*
50. *Untidy Sites*
51. *Transportable Homes*
52. *Derelict Vehicles*
53. *Preliminary*
54. *Classification*
55. *Exemptions from Planning Consent*
56. *Residential Enterprise*
57. *Vehicles, Caravans, Trailers in Residential Areas*
58. *Residential Design Codes: Variations & Exclusions*
59. *Sewerage Connection Requirements*
60. *Other Uses in Medium Density Areas*
61. *Low Density Residential Development*
62. *Preliminary*
63. *Classification*
64. *Development Without Consent (Shop to Shop, Office to Office)*
65. *Residential Development in the Business Zone*
66. *Service Access*

67. *Service Courts*
 68. *Parking*
 69. *Cash-in-Lieu of Parking*
 70. *Preliminary*
 71. *Classification*
 72. *Retailing in the Industrial Zone*
 73. *Use of Setback Areas*
 74. *Parking*
 75. *Factory Units*
 76. *Development Without Consent (Use of Factory Units)*
 77. *Facades*
 78. *Dunsborough Industrial Park*
 79. *Preliminary*
 80. *Classification*
 81. *Additional Dwelling House*
 82. *Management of Nutrients and Off-Site Impacts*
 83. *Development of Dams*
 84. *Setback Requirements*
 85. *Rural Residential Subdivision & Development Requirements*
 86. *Rural Tourist Accommodation*
 87. *Single House Approvals—Conservation, Rural Landscape and Bushland Protection Zones*
 88. *Rural Landscape Zone—Subdivision and Development*
 89. *Conservation Zone—Subdivision and Development*
 90. *Bushland Protection Zone—Subdivision and Development*
 91. *Non-Conforming Use Permitted*
 92. *Discontinuance or Change of Non-Conforming Use*
 93. *Council's Approval for Change or Rebuilding of Non-Conforming Use*
 94. *Acquisition & Agreements to Discontinue Use*
 95. *Delegation of Authority*
 96. *Right of Appeal*
 97. *Prohibition*
 98. *Disposal of Land*
 99. *Powers of Council*
 100. *Notices*
 101. *Agreements*
 102. *Compensation*
 103. *Power to Make Policies*
 104. *Control of Advertisements*
 105. *Suspension of Certain Laws, etc."*
2. Amending clause 6(1) to read as follows—

"(1) For the purposes of the Scheme, "Residential Design Codes" shall mean Statement of Planning Policy No. 3.1—Residential Design Codes of Western Australia published in the Government Gazette on 4 October 2002, together with any amendments thereto. The Residential Design Codes are hereafter called "the R-Codes"."
 3. Amending clause 58(b) and (c) to read as follows—

"(b) subject to Sub-Clauses (d) and (e), the Council may, for the purposes of urban consolidation, consent to the development of any lot greater than 1, 500m² for the purposes of grouped dwellings at a maximum density of R30 within any area coded R10 to R20 or R20/30 on the Scheme Map, subject to formal advertising pursuant to Clause 12 and excluding standard residential lots with direct canal frontage in the Port Geographe Development Area.

(c) subject to Sub-Clauses (d) and (e), the Council may, for the purposes of urban consolidation, consent to the development of any lot greater than 1,500m² for the purposes of grouped dwellings at a maximum density of R40 within any area coded R20/40 on the Scheme Map, subject to formal advertising pursuant to Clause 12."
 4. Amending clause 84(2) to read as follows—

"(2) No building shall be located closer than 30 metres or such other distance as may be specified in a Scheme policy to any boundary."
 5. Amending clause 85(16) to read as follows—

"(16) Not more than one dwelling house may be constructed on any allotment. This provision shall not prevent the Council from granting planning consent for the development of ancillary accommodation for the exclusive use of family members, provided such is integral to the house, contains not more than one bedroom, utilises shared laundry facilities and does not exceed 60m² of floor area."

6. Deleting clause 85(9) and renumbering each sub-clause thereafter in numerical order.
7. Amending Schedule 7 by—
- Renumbering special provisions 2—10 which relate to the subdivision area of Lot 5 and portion of Lot 50 Eagle Bay Road, Eagle Bay by one additional numerical place each to allow a new provision to be inserted as special provision 2.
 - Inserting a new special provision 2 which relates to the subdivision area of Lot 5 and portion of Lot 50 Eagle Bay Road, Eagle Bay to read as follows—
“2. No further subdivision of lots will be supported by the Shire of Busselton.”
 - Modifying special provision 3 which relates to the subdivision area of Lot 5 and portion of Lot 50 Eagle Bay Road, Eagle Bay to read as follows—
“3. No building shall be constructed closer to Eagle Bay Road than the setback line shown on the Subdivision & Development Guide Plan, with the exception of Lots 12, 13 and 14 which shall have a minimum setback of 30 metres from Eagle Bay Road.”
 - Modifying the ‘Zone’ column relevant to the special provisions relating to the subdivision area of Lot 5 and portion of Lot 50 Eagle Bay Road, Eagle Bay to read as follows—
“Residential R2 and R2.5”
8. Amending clause 20(1) to read as follows—
“(1) There are hereby created 14 Zones and 8 Areas set out hereunder—
- | | |
|-----------------------------------|-----------------------------------|
| <i>Zones—</i> | |
| <i>Residential</i> | <i>Agriculture</i> |
| <i>Business</i> | <i>Viticulture & Tourism</i> |
| <i>Restricted Business</i> | <i>Rural Residential</i> |
| <i>Tourist</i> | <i>Rural Landscape</i> |
| <i>Industrial</i> | <i>Conservation</i> |
| <i>Special Purposes</i> | <i>Bushland Protection</i> |
| <i>Vasse Development</i> | <i>Deferred Vasse Development</i> |
| <i>Areas—</i> | |
| <i>Landscape Value</i> | <i>Wetland</i> |
| <i>Coastal Management</i> | <i>Special Character</i> |
| <i>Port Geographe Development</i> | <i>Airport Protection</i> |
| <i>Development Investigation</i> | <i>Special Provision”</i> |
9. Amending Table 1 by—
- Modifying objective (i) of the ‘Viticulture & Tourism’ zone to read as follows—
“(i) To provide for development and expansion of the viticultural, winemaking and associated industries, in addition to general rural pursuits, only in a manner that does not cause adverse environmental impact;”
 - Inserting policy (e) into the policies of the ‘Viticulture & Tourism’ zone to read as follows—
“(e) To restrict the clearing of remnant vegetation and facilitate the retention and enhancement of such vegetation.”
10. Amending part of Schedule 5 to make reference to “Clauses 64 and 76”, rather than “Clauses 66 and 76”.
11. Amending clause 32(2)(l) to read as follows—
“(j) All fencing on canal lots shall be of masonry construction only, except for the sections of fencing that are required to be of open grill standard.”
12. Amending Schedule 10 of the Scheme by inserting reference to the following adopted policies—

Policy	Adoption Date
Port Geographe Village Centre Design Guidelines	December 1994
Busselton Bypass Access Policy	October 1999
Busselton Heritage and Special Character Area Policy	February 2000
Old Dunsborough Special Character Area Policy	February 2000
Heritage Conservation Policy	April 2000
Dams Policy	August 2001
Biodiversity Incentive Strategy for Private Land in the Busselton Shire	April 2002
Viticulture Subdivision Policy	December 2003
Combined Methodologies—Sussex Location 413 Smiths Beach Road. Yallingup	February 2004
Child Care Centre Policy	May 2004

13. Amending Schedule 1 of the Scheme by—
- a. Inserting (in alphabetical order) an interpretation of ‘Dry Industry’, to read as follows—
“Dry Industry” means any industrial use permitted by this Scheme where it can be demonstrated that the quality and volume of effluent to be disposed of on-site can be successfully disposed of, without adverse environmental or health effects, utilising effluent disposal systems approved by the Department of Health and the Department of Environment. In addition, development shall be restricted to the type which is predicted to generate wastewater intended for disposal on-site at a daily volume not exceeding 540 litres per 2000m² of lot area.”
 - b. Modifying the interpretation of ‘Winery’ to read as follows—
“Winery” means the use of land or buildings for the production of viticultural produce, and may include sale of the produce.”
 - c. Inserting (in alphabetical order) an interpretation of ‘Mean High Water Mark’ to read as follows—
“Mean High Water Mark” means the demarcation line on the Scheme Map that identifies the interface of the ocean and land, and shall exclude any demarcation of natural inland water systems or man-made harbours/canals.”
 - d. Inserting (in alphabetical order) an interpretation of ‘Natural Ground Level’ to read as follows—
“Natural Ground Level” means the levels on a site which precede the proposed development, excluding any site works unless approved by Council or established as part of subdivision of the land preceding development.”
14. Amending clause 41 to read as follows—
- “41. Development Below Water Level*
- (1) A person shall not carry out development on or over any land—*
 - (a) below the Mean High Water Mark;*
 - (b) forming part of the bed of a river, creek, bay, lagoon or other natural watercourse shown uncoloured on the Scheme Map;*
 - (c) forming part of the bed of a canal within the Port Geographe Development Area; or*
 - (d) which has been reclaimed;**without planning consent being granted by Council.*
 - (2) Notwithstanding (1) above, the development of a jetty on a canal within the Port Geographe Development Area is exempt from the need for planning consent where it is situated wholly within a specified mooring envelope and is in strict accordance with the standard designs approved by Council.”*
15. Amending clause 69(2)(b) to read as follows—
- “(b) the land area required to construct the deficient number of car parking spaces and associated manoeuvring areas based on the value of the land being developed as estimated by an appropriately qualified land valuer;”*
16. Amending clause 25(1) to read as follows—
- “(1) The purpose of identifying land on the Scheme Map as being within a Development Investigation Area is to enable the planned and progressive use and development of the land for other purposes in a manner and at a time appropriate to the orderly and proper planning and development of the land, the locality and the District.”*
17. Amending the heading of Part 4 to read as follows—
- “PART 4—ZONES, AREAS & LAND USE”*
18. Amending Schedule 6 by inserting the following provisions for the Old Dunsborough ‘Special Character’ area and the Busselton Heritage and ‘Special Character’ area—
- “3. OLD DUNSBOROUGH SPECIAL CHARACTER AREA*
- The following provisions shall apply to subdivision and development within the Old Dunsborough Special Character Area as identified on the Scheme Map—*
- a. Notwithstanding any other provision of the Scheme, grouped dwellings shall be developed at a density not greater than R25.*
 - b. Buildings shall be restricted to a maximum height of 7.5 metres (measured perpendicularly from the highest point of the building to the natural ground level) for land within 150 metres of the Mean High Water Mark, and 9.0 metres elsewhere.*
 - c. Primary street setbacks shall be a minimum of 10.0 metres in Policy Area 1 pursuant to the Old Dunsborough Special Character Area Policy (i.e. generally lots fronting the foreshore from Vincent Street, Bayview Crescent and Hurford Street). Elsewhere, the primary street setback shall be a minimum of 7.5 metres unless adjoining development and/or site conditions indicate that a minimum setback of 6.0 metres would be appropriate.*
 - d. Amalgamation of lots to create grouped dwelling sites will not generally be supported in order to retain, as far as possible, the single residential scale and character of development in the area.*

4. BUSSELTON HERITAGE AND SPECIAL CHARACTER AREA

The following provisions shall apply to subdivision and development within the Busselton Heritage and Special Character Area as identified on the Scheme Map—

Landscaping/Vegetation

- a. *Trees and other significant vegetation shall not be removed without the written approval of Council.*
- b. *Development applications must be accompanied by a landscaping plan indicating all significant vegetation on the site. Where vegetation is proposed to be removed, a revegetation plan shall be submitted and approved to the satisfaction of Council.*

Development

- c. *Commercial development along Adelaide Street to be either accommodated within existing residential dwellings sympathetically altered to suit the business or should be sympathetic to adjacent dwellings and be of low density design and constructed of materials that blend with the surrounds.*
- d. *Off-street parking must be provided in association with future commercial enterprises along Adelaide Street. Off-street parking shall be provided at the rear of properties.*
- e. *Signage associated with such development must blend with surrounds, and be subject to Council approval. The size, height and scale of signs shall be appropriate to the site and the buildings on-site.*
- f. *Setbacks to commercial or residential development shall reflect the prevailing setbacks on adjoining lots and shall not be less than 7.5 metres unless Council approves a variation.*

Subdivision

- g. *Further subdivision of lots in Marine Terrace and Adelaide Street within the Area will not be supported. Where specific justification is provided and where the objectives of the Policy are maintained, Council may support some limited subdivision of appropriate lots to a density of not greater than R 12.5.*
- h. *Further subdivision of lots on the western side of West Street within the Area may be supported subject to the development reflecting the existing density of development within the Area and achieving the objectives of this Policy.”*

19. Amending Schedule 4 by—

- a. Deleting all columns aligned with the row relevant to ‘Additional Use (No. 27)’.
- b. Deleting all columns relating to ‘Additional Use (No. 53)’ as it relates to Portion of Part Lot 2 Fairway Drive West Busselton, replacing these columns alongside a new row with “56” in the ‘No.’ column.
- c. Inserting “58” in the ‘No.’ column alongside the ‘Particulars of Land’ row/column for Lot 61 Bussell Highway, West Busselton.

20. Amending clause 43(2) to read as follows—

“(2) Notwithstanding the provisions of Sub-Clause (1), and subject to consideration of the need to make available adequate tourist accommodation the Council may permit the permanent occupancy of up to 15% of caravan sites within a caravan park only on land zoned ‘Residential’ or ‘Tourist’ where the caravan park is registered under the Caravan and Camping Ground Regulations 1997.”

21. Amending the Scheme Map by—

- a. Rezoning portion of Lot 2 of Sussex Location 2 Tuart Drive, Reinscourt from ‘Rural Residential’ to ‘Conservation’, as shown on the Scheme Amendment Map.
- b. Recoding the whole of Lot 181 of Sussex Location 5 Hudson Loop, West Busselton from ‘R20’ to ‘R30’, as shown on the Scheme Amendment Map.
- c. Rezoning the whole of Lots 8 and 9 of Sussex Location 5 Bussell Highway, Vasse from ‘Residential (R15)’ to ‘Industrial’, as shown on the Scheme Amendment Map.
- d. Rezoning the whole of Lot 26 Curtis Street, Dunsborough from ‘Residential (R20)’ to ‘Recreation’ reserve, as shown on the Scheme Amendment Map.
- e. Rezoning portion of Sussex Location 521 Caves Road, Dunsborough and portion of Lot 101 of Sussex Location 907 Caves Road, Naturaliste from ‘Recreation’ reserve to ‘Agriculture’, as shown on the Scheme Amendment Map.
- f. Rezoning the whole of Lots 219 and 220 of Sussex Location 5 Prince Regent Drive, West Busselton from ‘Recreation’ reserve to ‘Residential (R20)’, as shown on the Scheme Amendment Map.
- g. Rezoning the whole of Lot 48 of Sussex Location 5 Seymour Street, West Busselton from ‘Tourist’ to ‘Residential (R15)’, as shown on the Scheme Amendment Map.
- h. Recoding the whole of Lots 24 and 25 of Sussex Location 580 Sunrise Close, Eagle Bay and Lots 28 and 29 of Sussex Location 580 Seaview Rise, Eagle Bay from ‘R2.5’ to ‘R2’, as shown on the Scheme Amendment Map.

- i. Rezoning portion of Lot 21 of Sussex Location 1 Bussell Highway, Reinscourt from 'Public Purposes' reserve to 'Agriculture' and rezoning portion of Lot 2 of Sussex Location 1 Bussell Highway, Reinscourt from 'Agriculture' to 'Public Purposes' reserve, as shown on the Scheme Amendment Map.
- j. Rezoning the whole of Lots 275—284 of Sussex Location 1 Blum Boulevard, Yalyalup from 'Recreation' reserve to 'Residential (R5)' and rezoning the whole of Lot 313 of Sussex Location 1 Blum Boulevard from 'Recreation' reserve to 'Public Purposes' reserve, as shown on the Scheme Amendment Map.
- k. Rezoning portions of Lots 140—142 of Sussex Location 580 Depuch Close from 'Recreation' reserve to 'Residential (R2.5)', as shown on the Scheme Amendment Map.
- l. Including Lot 23 Caves Road, Wilyabrup within the Shire of Busselton boundary (in accordance with the Districts of Augusta—Margaret River and Busselton (Change of District) Order 2002, gazetted on 22 March 2002) and including the whole of this land in the 'Viticulture & Tourism' zone and 'Landscape Value' area, as shown on the Scheme Amendment Map.
- m. Rezoning the whole of Sussex Location 5114 of Reserve 45533 JindongTreeton Road, Kaloorup from 'Agriculture' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
- n. Rezoning portions of Sussex Location 4646 of Reserve 31188 Barracks Drive, Reinscourt from 'Rural Residential' and 'Conservation' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
- o. Rezoning portion of Lot 114 of Sussex Location 2 Tall Tree Crescent, Reinscourt from 'Conservation' to 'Rural Residential' and rezoning portions of Lot 115 of Sussex Location 2 Tall Tree Crescent, Reinscourt from 'Rural Residential' to 'Conservation', as shown on the Scheme Amendment Map.
- p. Rezoning the whole of Sussex Location 5384 of Reserve 46306 Tall Tree Crescent from 'Rural Residential' to 'Public Purposes' reserve, as shown on the Scheme Amendment Map.
- q. Rezoning the whole of Sussex Location 5385 of Reserve 46306 Tall Tree Crescent from 'Rural Residential' and 'Conservation' to 'Public Purposes' reserve, as shown on the Scheme Amendment Map.
- r. Rezoning the whole of Lot 131 of Sussex Location 2 Tall Tree Crescent from 'Rural Residential' to 'Public Purposes' reserve, as shown on the Scheme Amendment Map.
- s. Modifying the 'Special Provision' area demarcation line surrounding the subdivision area of Lot 1 of Sussex Location 1453 Tuart Drive, Reinscourt and Lot 2 of Sussex Location 2 Tuart Drive, Reinscourt, as shown on the Scheme Amendment Map.
- t. Rezoning portion of Lot 382 of Sussex Location 1 Freycinet Drive, Geographe from 'Recreation' reserve and shown uncoloured to 'Residential (R15)' and 'Additional Use (No. 46)', as shown on the Scheme Amendment Map.
- u. Rezoning the whole of Lot 45 of Reserve 46084 Seattle Court, Quindalup from 'Residential (R20)' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
- v. Recoding portions of Lots 290-292, 319-321 and 323 of Sussex Location 277 Galley Rumble, Dunsborough and portion of Lot 342 of Sussex Location 277 Boom Close, Dunsborough from 'R30' to and 'R20', as shown on the Scheme Amendment Map.
- w. Rezoning the whole of Lots 383 and 384 of Sussex Location 270 Dunsborough Lakes Drive, Dunsborough from 'Public Purposes' reserve to Residential (R5)', as shown on the Scheme Amendment Map.
- x. Modifying the 'Landscape Value' area demarcation line so to exclude the whole of Lots 383 and 384 of Sussex Location 270 Dunsborough Lakes Drive, Dunsborough from within the 'Landscape Value' area, as shown on the Scheme Amendment Map.
- y. Rezoning portion of Part Sussex Location 595 Cape Naturaliste Road, Naturaliste from 'Recreation' reserve to 'Agriculture', as shown on the Scheme Amendment Map.
- z. Rezoning portion of Lot 0 of Sussex Location 595 Fern Road, Eagle Bay from 'Residential (R2)' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
- aa. Rezoning portion of Lot 500 of Sussex Location 44 Gifford Road, Dunsborough from 'Recreation' reserve to 'Tourist' and rezoning portion of Lot 501 of Sussex Location 44 Gifford Road, Dunsborough from 'Tourist' to 'Recreation' reserve, as shown on the Scheme Amendment Map.
- bb. Modifying the 'Coastal Management' area demarcation line over Lot 500 of Sussex Location 44 Gifford Road, Dunsborough so to include the north-east portion of this land in this area designation, as shown on the Scheme Amendment Map.
- cc. Including identified lots between Adelaide Street and Marine Terrace and between Brown Street and West Street, Busselton in a 'Special Character' area designation, as shown on the Scheme Amendment Map.

T. BUSWELL, President.

A. MacNISH, Chief Executive Officer.

PI402***TOWN PLANNING AND DEVELOPMENT ACT 1928**
TOWN PLANNING SCHEME AVAILABLE FOR INSPECTION*City of Swan*

Town Planning Scheme No. 17 & Accompanying Local Planning Strategy and Building and Development Standards

Ref: 853/2/21/16

Notice is hereby given that the local government of the City of Swan has prepared the abovementioned town planning scheme for the purpose of—

1. setting out the local government's planning aims and intentions for the Scheme area;
2. setting aside land as reserves for public purposes;
3. zoning land within the Scheme area for the purposes defined in the Scheme;
4. controlling and guiding land use and development;
5. setting out procedures for the assessment and determination of planning applications;
6. making provisions for the administration and enforcement of the Scheme; and
7. addressing other matters contained in Schedule 1 of the *Town Planning and Development Act 1928*.

Notice is also hereby given that the local government of the City of Swan has prepared a Local Planning Strategy to accompany Town Planning Scheme No. 17 for the purpose of—

1. setting out the long term planning directions for the local government;
2. applying State and regional planning policies;
3. providing the rationale for the zones and other provisions of the Scheme.

Town Planning Scheme No. 17 has been prepared in a manner consistent with the Model Scheme Text as prescribed by the *Town Planning Regulations 1967* and has been prepared in a manner which limits changes largely to those of an administrative nature rather than constituting a review of land use planning directions for the City.

Comments are particularly sought for two key aspects of the scheme, these being the proposed transferring of the current Municipal Inventory of Heritage Places into the Heritage List in an unaltered form to accompany the new scheme and the proposed removal of all the building and development standards from the scheme text and their relocation, in a largely unaltered form, into local planning policies to accompany the new scheme.

Plans and documents setting out and explaining the town planning scheme, Local Planning Strategy and accompanying building and development standards have been deposited at the City of Swan Administration Centre, 2 Midland Square, Morrison Road, MIDLAND and are available on the City's website www.cityofswan.com.au/planning and at the Western Australian Planning Commission, Albert Facey House, 469 Wellington Street, Perth, and will be available for inspection during office hours up to and including 15 July 2005.

Submissions on the town planning scheme, local planning strategy and accompanying building and development standards may be made in writing on Form No. 4 and lodged with the undersigned on or before 15 July 2005.

E. W. T. LUMSDEN, Chief Executive Officer.

PI403***METROPOLITAN REGION TOWN PLANNING SCHEME ACT 1959****NOTICE OF AMENDMENT TO THE DECLARATION OF PLANNING CONTROL AREA NO. 67**

Portion of Bush Forever Site No. 51

Lots 27 And 28 White Road, Orange Grove

General Description

The Minister for Planning and Infrastructure has granted approval to amend Planning Control Area No. 67. The Planning Control Area has previously been declared for Bush Forever Site No. 50, Lot 1 Welshpool Road, Wattle Grove.

This amendment includes a portion of Bush Forever Site No. 51, Lots 27 and 28 White Road, Orange Grove, as shown on Western Australian Planning Commission Plan Number 3.1991.

Purpose of The Planning Control Area

The purpose of this amended Planning Control Area is to protect land for its considerable conservation value. The Commission considers that the amended Planning Control Area is required to ensure that no further development occurs on this land which might prejudice this purpose until it may be reserved for the purpose of Parks and Recreation in the Metropolitan Region Scheme.

Duration and Effects

The amended Planning Control Area has effect from the date of publication of this notice in the *Government Gazette* to 18 October 2007, or until revoked by the Western Australian Planning Commission with the approval of the Minister.

A person shall not commence and carry out development in a Planning Control Area without the prior approval of the Western Australian Planning Commission. The penalty for failure to comply with this requirement is \$2,000, and in the case of a continuing offence, a further fine of \$200 for each day during which the offence continues.

Compensation is payable in respect of land injuriously affected by this declaration, and land so affected may be acquired by the Western Australian Planning Commission in the same circumstances and in the same manner as if the land had been reserved in the Metropolitan Region Scheme for a public purpose.

Where the Amended Planning Control Area is available for public inspection

Department for Planning and Infrastructure
1st floor, Albert Facey House
469-489 Wellington Street
PERTH WA

Municipal office of the City of Gosnells
2120 Albany Highway
GOSNELLS WA

JS Battye Library
Level 3, Alexander Library Building
Perth Cultural Centre

IAN PATTERSON, Secretary,
Western Australian Planning Commission.

POLICE

PO501*

POLICE ACT 1892

POLICE AUCTION

Under the provisions of the Police Act 1892, unclaimed and forfeited property and bicycles will be sold by public auction at Ross's Sales & Auctions, 241 Railway Parade, Maylands on Wednesday 27th April 2005 at 10.00 am.

The auction is to be conducted by Mr Brad Buckle, Mr Craig Edwards and Mr Kevin Grickage.

K. O'CALLAGHAN, Commissioner of Police,
Western Australia Police Service.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

In the estate of John Hughes Patterson late of RAAFA Estate, 19 Hughie Edwards Drive, Merriwa, Western Australia.

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 2 October 2004, are required by the executor Kenneth John Patterson of care of Merle Bloch, Barrister & Solicitor, Suite 1, 17 Prowse Street, West Perth to send particulars of their claims to him by 15 May 2005 after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

CLAIMS FOR MISSING ISSUES

(SUBSCRIPTION ITEMS)

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this date will attract payment in full.

STATE LAW PUBLISHER

SUBSCRIPTION CHARGES 2005

All subscriptions are for the period from 1 January to 31 December 2005. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include GST where applicable and postage by surface mail unless stated otherwise.

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General *Government Gazettes* are published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.

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(per year) 803.00

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(per year)..... 279.40

Loose Statutes

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Overseas (airmail).....	405.00

Sessional Bills

Bills are posted weekly as they become available.

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Interstate	433.40
Overseas (airmail)	587.00

Data on CD's is fully indexed and is searchable. Other CD ROM products with legislation or other statutory information can be packaged to individual requirements. Prices are available on request.

