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# — PART 1 —

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## PROCLAMATIONS

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AA101\*

### CONSUMER PROTECTION LEGISLATION AMENDMENT AND REPEAL ACT 2006

No. 69 of 2006  
PROCLAMATION

Western Australia  
By the Honourable  
David Kingsley Malcolm,  
Companion of the Order of Australia,  
Queen's Counsel, Lieutenant-Governor and  
deputy of the Governor of the State of  
Western Australia

[L.S.]

DAVID KINGSLEY MALCOLM  
Lieutenant-Governor and deputy of the Governor

I, the Lieutenant-Governor and deputy of the Governor, acting under the *Consumer Protection Legislation Amendment and Repeal Act 2006* section 2 and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which Part 8 of that Act comes into operation.

Given under my hand and the Public Seal of the State on 17 July 2007.

By Command of the Lieutenant-Governor  
and deputy of the Governor,

SHEILA McHALE, Minister for Consumer Protection.

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## ARMADALE REDEVELOPMENT

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AB301\*

Armadale Redevelopment Act 2001

### Armadale Redevelopment (Subtraction of Land from Redevelopment Area) Regulations 2007

Made by the Governor in Executive Council under sections 4 and 68 of the Act, following consultation between the Minister and the council of the City of Armadale.

#### 1. Citation

These are the *Armadale Redevelopment (Subtraction of Land from Redevelopment Area) Regulations 2007*.

## 2. The Act amended

The amendments in these regulations are to the *Armadale Redevelopment Act 2001*\*.

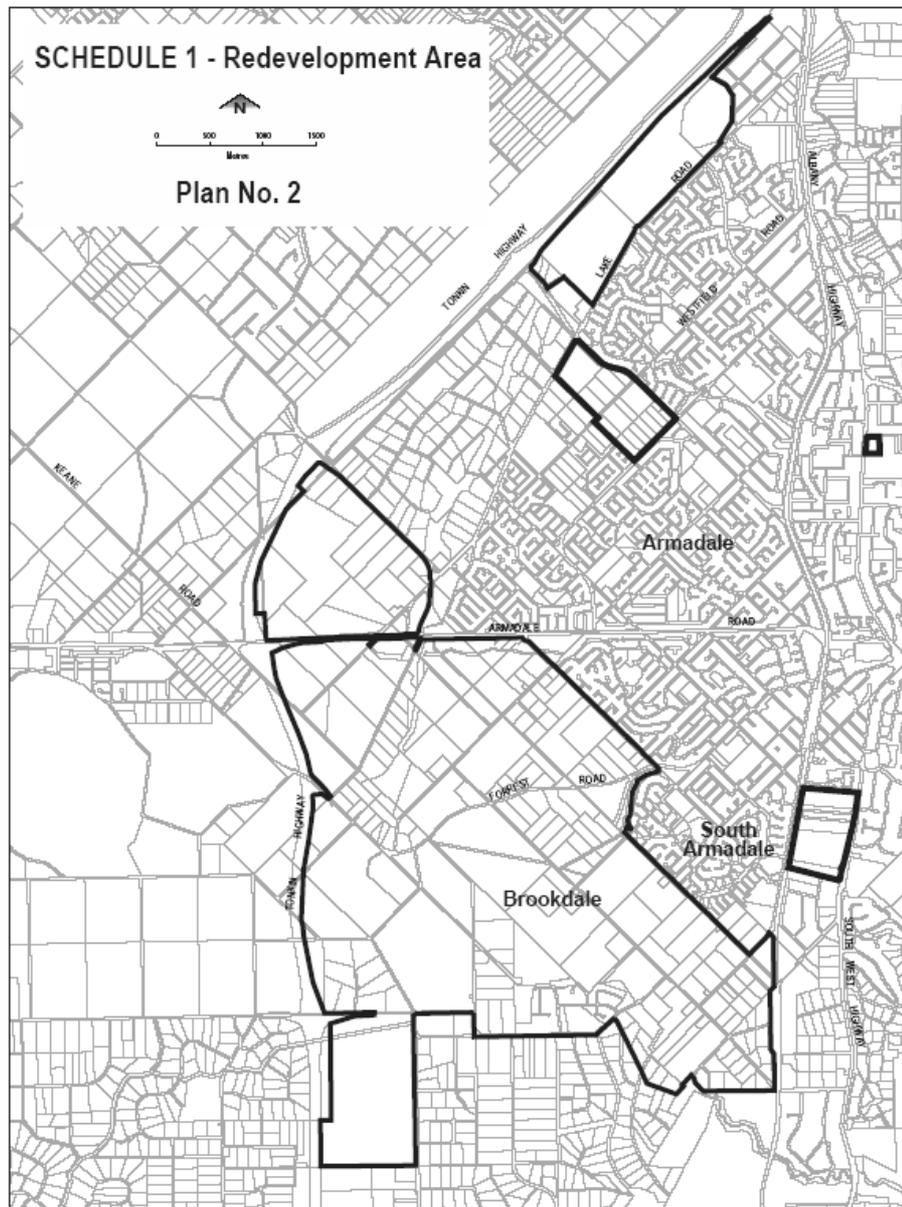
[\* *Reprint 1 as at 7 October 2005.*

*For subsequent amendments see Act No. 38 of 2005.]*

## 3. Schedule 1 amended (land subtracted)

Schedule 1 is amended, and land is subtracted from the redevelopment area, by deleting Plan No. 2 and inserting the following plan instead —

“



”

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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**COMMUNITY DEVELOPMENT**

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CX301\*

Children and Community Services Act 2004

**Children and Community Services Exemption  
Order 2007**

Made by the Minister under section 229(1) of the Act.

**1. Citation**

This order is the *Children and Community Services Exemption Order 2007*.

**2. Exemption from section 201 — child care service provided by Western Australian Centre for Remote and Rural Medicine Ltd**

A child care service provided by Western Australian Centre for Remote and Rural Medicine Ltd for the children of people who are attending a conference organised by that body is exempted from the application of section 201 of the Act.

SUE ELLERY MLC, Minister for Child Protection.

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**CONSUMER AND EMPLOYMENT PROTECTION**

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CE301\*

Real Estate and Business Agents Act 1978

**Real Estate and Business Agents (General)  
Amendment Regulations (No. 4) 2007**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**1. Citation**

These regulations are the *Real Estate and Business Agents (General) Amendment Regulations (No. 4) 2007*.

## 2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Consumer Protection Legislation Amendment and Repeal Act 2006* Part 8 comes into operation.

## 3. The regulations amended

The amendment in these regulations is to the *Real Estate and Business Agents (General) Regulations 1979\**.

[\* Reprinted as at 8 March 2002.

For amendments to 28 June 2007 see *Western Australian Legislation Information Tables for 2006, Table 4, and Gazette 6 February and 9 March 2007.*]

## 4. Regulation 3A inserted

After regulation 3 the following regulation is inserted —

“

### 3A. Prescribed duty for purposes of section 4(4)(d)

For the purposes of section 4(4)(d) of the Act the prescribed duty is collecting a payment on behalf of the owner of premises from a person in respect of the right of that person to occupy the premises.

”

By Command of the Lieutenant-Governor  
and deputy of the Governor,

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

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## ECONOMIC REGULATION AUTHORITY

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EX301\*

Economic Regulation Authority Act 2003

## Economic Regulation Authority (Water and Wastewater Services Reference) Notice 2007

Published by the Economic Regulation Authority under the *Economic Regulation Authority Act 2003* section 34(1).

**1. Citation**

This notice is the *Economic Regulation Authority (Water and Wastewater Services Reference) Notice 2007*.

**2. Terms used in this notice**

- (1) In this notice —  
“Act” means the *Economic Regulation Authority Act 2003*.
- (2) If a term is given a meaning in the Act, it has the same meaning in this notice.

**3. Reference on competition in the delivery of water and wastewater services**

- (1) Under the Act section 32(1) the Minister has referred to the Authority for inquiry matters relating to competition in the delivery of water and wastewater services.
- (2) The terms of reference for the inquiry are set out in Schedule 1.

**4. Period of inquiry**

The period of the inquiry is the day after this notice is published in the *Gazette* to 31 March 2008.

**5. Public submissions**

- (1) Members of the public and other interested parties may make written submissions to the Authority on any matter that —
  - (a) is dealt with in the issues paper or draft report mentioned in the terms of reference; or
  - (b) is otherwise relevant to the terms of reference.
- (2) Submissions in response to the issues paper or draft report may be made within 4 weeks after the release of the relevant document or any longer period allowed by the Authority.
- (3) Submissions may be sent —
  - (a) by post to the Economic Regulation Authority, GPO Box 8469, Perth Business Centre WA 6849; or
  - (b) by email to the address set out on the Authority’s website at <http://www.era.wa.gov.au>.

**6. Further information**

Further information about matters relating to the inquiry is available on the Authority’s website at <http://www.era.wa.gov.au>.

## Schedule 1 — Inquiry into competition in the water and waste water services sector — terms of reference

[cl. 3(2)]

I, ERIC RIPPER, Treasurer, pursuant to section 32(1) of the *Economic Regulation Authority Act 2003* (the ERA Act), request that the Economic Regulation Authority (the Authority) undertake an inquiry into, and provide advice on possible competitive enhancements for the delivery of water and wastewater services, with a view to making recommendations for providing these services in the most efficient, effective and sustainable way.

Key area of focus will include:

- enhancing the efficiency of future water source procurement (and other significant capital investment) processes, including issues associated with current market structures and mechanisms, such as competitive tendering models, and determining in the trigger conditions for committing to the acquisition of a new source;
- opportunities for enhanced competition by introducing third party access regimes to existing water and waste water-related infrastructure, including identifying appropriate principles and mechanisms to implement efficient and effective regimes; and
- Other reforms to the water and wastewater market which may enhance competition, including the establishment of water trading mechanisms and the benefits, costs and issues associated with them (e.g. inter-regional trades, market dominance and water hoarding) and arrangements for community service obligations paid by the State Government to service providers.

In conducting the inquiry and developing recommendations, the Authority is to have regard to:

- the roles and responsibilities of participants in the industry, both Government and private sector recognising that certain services (e.g. water transmission and distribution) have strong natural monopoly characteristics;
- approaches taken in other jurisdictions;
- the costs and benefits of alternative industry structures, including transitional costs that may be incurred in changing to a new structure;
- any impacts, including service provision, operational or financial impacts, on existing asset owners and operators; and
- any impact of these reforms on the Government's social, economic and environmental policy objectives, including ensuring environmental and social criteria are taken into account in market structures, tendering processes and access regimes; commitments to the *National Water Initiative* and the Government's response to *A Blueprint For Water Reform in Western Australia* compiled by the Water Reform Implementation Committee.

In undertaking the inquiry, the Authority is to recognise section 26 of the Act, which requires the Authority to have regards to:

- the need to promote regulatory outcomes that are in the public interest;
- the long-term interests of consumers in relation to the price, quality and reliability of goods and services provided in relevant markets;

- the need to encourage investment in relevant markets;
- the legitimate business interests of investors and service providers in relevant markets;
- the need to promote competitive and fair market conduct;
- the need to prevent abuse of monopoly or market power; and
- the need to promote transparent decision making processes that involve public consultation.

The Authority will release an issues paper as soon as possible after receiving the reference. The paper is to facilitate public consultation on the basis of invitations for written submissions from industry, government and all other stakeholder groups, including the general community.

A draft report is to be made available for further public consultation on the basis of invitations for written submissions.

A final report is to be completed by no later than 31 March 2008.

ERIC RIPPER MLA, Deputy Premier; Treasurer;  
Minister For State Development.

LYNDON ROWE, Chairman,  
Economic Regulation Authority.

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## HEALTH

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HE301\*

Poisons Act 1964

### **Poisons Amendment Regulations (No. 2) 2007**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**1. Citation**

These regulations are the *Poisons Amendment Regulations (No. 2) 2007*.

**2. Commencement**

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

### 3. The regulations amended

The amendments in these regulations are to the *Poisons Regulations 1965*\*.

[\* *Reprint 8 as at 5 May 2006.*

*For amendments to 18 June 2007 see Western Australian Legislation Information Tables for 2006, Table 4.]*

### 4. Regulation 35A amended

- (1) Regulation 35A(1a) is repealed and the following subregulations are inserted instead —

“

- (1) The retail sale of a substance included in Schedule 3 shall only be by way of direct, personal sale by a pharmaceutical chemist or graduate trainee in pharmacy under the personal supervision of a pharmaceutical chemist.

- (1a) Before a substance included in Schedule 3 is delivered as part of a retail sale, the pharmaceutical chemist or graduate trainee shall take all reasonable steps to ensure that there is a therapeutic need for the substance.

”

- (2) Regulation 35A(1c) is amended by inserting after “chemist”, in the second place where it occurs —

“

and, in the case of pseudoephedrine, before it is delivered to the purchaser, the purchaser shall give photographic evidence of his or her identity to the pharmaceutical chemist or graduate trainee, unless the purchaser’s identity is known to the pharmaceutical chemist or graduate trainee

”

- (3) Regulation 35A(2) is repealed and the following subregulation is inserted instead —

“

- (2) Before a substance referred to in Appendix J is delivered to a purchaser as part of a retail sale, the pharmaceutical chemist or graduate trainee making the sale shall —

- (a) record in the prescription book referred to in regulation 36(3)(c) the following details —

- (i) the date of sale;
- (ii) the name and address of the purchaser;
- (iii) if the person for whom the substance is intended is not the purchaser, the name and address of that other person;

- (iv) the name and quantity of the substance supplied;
- and
- (b) allocate to each sale a unique identification number or alpha-numerical code, and record that number or code in the register; and
- (c) label the product containing the substance with —
  - (i) the name and address of the pharmacy; and
  - (ii) the number or code allocated under paragraph (b).

”.

## 5. Appendix J amended

Appendix J is amended by deleting “NICOTINE, when included in Schedule 3.” and inserting instead —

“ PSEUDOEPHEDRINE, when included in Schedule 3. ”.

By Command of the Lieutenant-Governor and  
deputy of the Governor,

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

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## ROTTNEST ISLAND AUTHORITY

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RX301\*

Rottnest Island Authority Act 1987

## Rottnest Island Amendment Regulations 2007

Made by the Lieutenant-Governor and deputy of the Governor in  
Executive Council.

### 1. Citation

These regulations are the *Rottnest Island Amendment Regulations 2007*.

### 2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. The regulations amended**

The amendments in these regulations are to the *Rottnest Island Regulations 1988*.

**4. Schedule 5 amended**

Schedule 5 is amended as follows:

- (a) by deleting all of the Schedule before “Declared number” (including the Schedule heading) and inserting instead —

“

**Schedule 5 — Annual payment by fishing or diving charter operator**

[r. 7A(1)(a)]  
”;

- (b) by deleting “\$23.80” and inserting instead —  
“ \$24.90 ”;
- (c) by deleting “\$47.70” and inserting instead —  
“ \$50.00 ”;
- (d) by deleting “\$71.50” and inserting instead —  
“ \$74.90 ”;
- (e) by deleting “\$95.30” and inserting instead —  
“ \$99.90 ”.

**5. Schedule 6 amended**

(1) Schedule 6 Part 1 is amended as follows:

- (a) in item 1 by deleting “\$23.80” and inserting instead —  
“ \$24.90 ”;
- (b) in items 2 and 3 by deleting “\$36.30” and inserting instead —  
“ \$38.00 ”.

(2) Schedule 6 Part 2 is amended as follows:

- (a) in item 1 by deleting “\$20.70” and inserting instead —  
“ \$21.70 ”;
- (b) in items 2 and 3 by deleting “\$31.10” and inserting instead —  
“ \$32.60 ”.

**6. Schedule 7 amended**

Schedule 7 is amended as follows:

- (a) in item 1 by deleting “\$11.90” and inserting instead —  
“ \$12.50 ”;

- (b) in item 2 —
  - (i) by deleting “\$125.00” and inserting instead —  
“ \$131.00 ”;
  - (ii) by deleting “\$142.50” and inserting instead —  
“ \$149.30 ”;
  - (iii) by deleting “\$171.00” and inserting instead —  
“ \$179.20 ”;
  - (iv) by deleting “\$285.00” and inserting instead —  
“ \$298.70 ”;
- (c) in item 2a by deleting “\$125.40” and inserting  
instead —  
“ \$131.40 ”;
- (d) in item 3 by deleting “\$36.00” and inserting instead —  
“ \$37.70 ”;
- (e) in item 4 by deleting “\$680, or \$68” and inserting  
instead —  
“ \$715, or \$71.30 ”;
- (f) in item 5 by deleting “\$34” and inserting instead —  
“ \$35.60 ”.

**7. Schedule 8 amended**

Schedule 8 is amended as follows:

- (a) by deleting “\$41.40” and inserting instead —  
“ \$43.40 ”;
- (b) by deleting “\$295.30/m” and inserting instead —  
“ \$309.50/m ”;
- (c) by deleting “\$471.40/m” and inserting instead —  
“ \$494.00/m ”.

By Command of the Lieutenant-Governor and deputy of the Governor,

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

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## — PART 2 —

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### AGRICULTURE

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AG401\*

**BEEKEEPERS ACT 1963**  
**STOCK (IDENTIFICATION AND MOVEMENT) ACT 1970**  
**STOCK DISEASES (REGULATIONS) ACT 1968**  
APPOINTMENTS

Department of Agriculture and Food,  
SOUTH PERTH WA 6151.

The Governor is pleased to appoint the following as Inspectors pursuant to Section 5 of the *Beekeepers Act 1963*, Section 37 of the *Stock (Identification and Movement) Act 1970* and Section 8 (1) of the *Stock Diseases (Regulations) Act 1968*—

Stuart Anthony Liddy  
Lara Marie Martin

KIM CHANCE MLC, Minister for Agriculture and Food.

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### EDUCATION AND TRAINING

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ED401\*

**CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966**  
STATUTE NO. 6—VICE-CHANCELLOR

This Statute is made by the Council of the University under the powers conferred on it by section 34 of the *Curtin University of Technology Act 1966*.

#### 1. Citation

This Statute may be cited as *Statute No. 6—Vice-Chancellor*.

#### 2. Commencement

This Statute takes effect from the date that it is published in the *Government Gazette*.

#### 3. Title

The person appointed by the Council under section 14 of the Act to be the chief executive officer of the University is, and is to have the title of, the 'Vice-Chancellor' of the University.

Note: section 14 of the Act states—

- (1) The Council shall appoint and may terminate the appointment of a person to be the chief executive officer of the University.
- (2) The chief executive officer shall hold office as such for such period and on such conditions as the Council determines.
- (3) The chief executive officer has such powers and duties as are prescribed and unless otherwise expressly provided therein, the chief executive officer may delegate any of those powers and duties to any person or committee of persons'.

#### 4. Functions

Subject to the Act and in addition to other powers and duties that may be prescribed under section 14 of the Act, or that may be delegated to him or her by the Council, the Vice-Chancellor's functions are—

- (a) to ensure that advice and information is given to the Council so that informed decisions can be made in carrying out the Council's functions;
- (b) to cause the Council's decisions to be implemented;
- (c) to manage the day to day operations of the University;
- (d) to liaise with the Chancellor on the University's affairs and the performance of its functions;
- (e) to speak on behalf of the University in the exercise of the Vice-Chancellor's functions;

- (f) to promote the interests and further the development of the University;
- (g) to be responsible for the employment, management, supervision, direction and dismissal of the University's staff and employees; and
- (h) to perform any other function specified or delegated by the Council or imposed under the Act or any other written law as a function to be performed by the Vice-Chancellor.

#### 5. Membership of committees

- (1) This section does not apply to a committee or other body established for the purpose of student discipline.
- (2) The Vice-Chancellor is *ex officio* a member of—
- (a) every committee of the Council, other than Audit Committee—unless the Council resolves otherwise; and
  - (b) every other University committee.
- (3) The Vice-Chancellor may appoint a person to represent him or her on any committee of which he or she is a member.
- (4) The Vice-Chancellor—
- (a) may not be elected a presiding member of Audit Committee;
  - (b) if elected as the presiding member of a committee of the Council, preside at a meeting of that committee; and
  - (c) may, if he or she wishes, preside at any other University committee meeting.

#### 6. Rules

The Council may make Rules, not inconsistent with the Act, this Statute or any other Statute—

- (a) to regulate, or provide for the regulation of, the functions, and position of, and any other matters relating to, the Vice-Chancellor including the appointment, performance and remuneration; or
- (b) to carry out or give effect to this Statute.

#### 7. Revocation

Statute No. 6—Vice-Chancellor, which came into effect on 19 December 1986, is revoked.

The Common Seal of Curtin University of Technology was hereto affixed on the 14th day of May 2007 by the authority of the Vice-Chancellor—

JEANETTE HACKET, Vice-Chancellor.  
PAMELA HASS, Administrative Secretary.

Approved by His Excellency the Governor in Council,

M. C. WAUCHOPE, Clerk of the Council.

ED402\*

### CURTIN UNIVERSITY OF TECHNOLOGY ACT 1966

#### STATUTE NO. 7—THE COUNCIL

This Statute is made by the Council of the University under the powers conferred on it by section 34 of the *Curtin University of Technology Act 1966*.

#### 1. Citation

This Statute may be cited as *Statute No. 7—The Council*.

#### 2. Commencement

This Statute takes effect from the date that it is published in the *Government Gazette*.

#### 3. Interpretation

In this Statute, unless the contrary intention appears—

‘Committee’ means a committee established by the Council under section 6(1).

‘Committee member’ means a member of a Committee.

‘Council member’ has the same meaning as ‘member’ in section 4(1) of the Act.

Note: section 4(1) of the Act defines ‘member’ to mean—

‘a member of the Council’.

‘Delegations Register’ means the register containing all resolutions of the Council made under section 15 of the Act relating to the delegation of all or any of the Council's powers, authorities, duties and functions under the Act.

#### 4. Status and role of the Council

The status and role of the Council are set out in sections 5(1) and 8 of the Act.

Note: section 5(1) of the Act states (in part) that the University—

‘... consist[s] of the Council, the members of the academic and other staff, and the enrolled students...’.

Section 8 of the Act states—

‘The governing authority of the University is the Council’.

#### 5. Constitution and powers etc.

Provisions relating to the constitution, members, duties and powers of the Council are set out in Part 1, Division 2 (sections 8-21AA) and Schedule 1A of the Act.

#### 6. Committees

(1) The Council may, by resolution—

- (a) appoint whatever Committees it considers to be appropriate to assist it in carrying out its functions;
- (b) appoint a Council member, or any other person, to be a Committee member; and
- (c) appoint a deputy or deputies for a Committee member.

Note: unless, in a particular case, the Council resolves otherwise, the Vice-Chancellor is a member of each Committee (see section 5(2) of Statute No. 6—Vice-Chancellor).

(2) A deputy may act temporarily in place of the Committee member for whom he or she was appointed as a deputy on any occasion on which, or during any period in which, the Committee member is unable to perform the functions of the position.

Notes:

1. Section 15(1)(a) of the Act enables the Council to delegate powers to ‘a committee consisting of members appointed by the Council’.

2. Section 15(3) of the Act requires that ‘[e]ach committee appointed by the Council shall report to the Council on its activities at such times as the Council directs’.

#### 7. Delegation

(1) The Council’s power to delegate is set out in sections 15(1) and (2) of the Act.

Note: sections 15(1) and (2) of the Act state—

‘(1) The Council may —

- (a) in relation to any matter or class of matters, or in relation to any activity or function of the University, by resolution delegate all or any of its powers, authorities, duties and functions under this Act, except this power of delegation and its powers in relation to the making of Statutes or by-laws, to —

(i) any member;

(ii) a committee consisting of members appointed by the Council;

(iii) any officer or officers of the University; or

(iv) a Board;

and

- (b) in relation to any matter or class of matters affecting the Kalgoorlie Campus, or in relation to any activity or function of the Kalgoorlie Campus, by resolution delegate all or any of its powers, authorities, duties and functions under this Act, except this power of delegation and its powers in relation to the making of Statutes or by-laws, to the Kalgoorlie Campus Council.

(2) The Council may by resolution revoke a delegation given under this section and no delegation so given prevents the exercise or discharge by the Council of any of its powers, authorities, duties or functions’.

(2) The Council Secretary is to ensure that the Delegations Register is established and maintained.

#### 8. Council Secretary

The Council is to designate an employee of the University to be the Council Secretary.

#### 9. Rules under this Statute

The Council may make rules, not inconsistent with the Act or with any Statute, for—

- (a) regulating or providing for the regulation of its procedures, and the procedures of its Committees, by way of standing orders; or

- (b) carrying out or giving effect to this Statute.

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The Common Seal of Curtin University of Technology was hereto affixed on the 14th day of May 2007 by the authority of the Vice-Chancellor—

JEANETTE HACKET, Vice-Chancellor.  
PAMELA HASS, Administrative Secretary.

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Approved by His Excellency the Governor in Council,

M. C. WAUCHOPE, Clerk of the Council.

## HEALTH

HE401\*

### POISONS ACT 1964

#### POISONS (AUTHORISED POSSESSION OF SUBSTANCES) ORDER 2007

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 41 of the Act.

#### Citation

1. This order may be cited as the *Poisons (Authorised Possession of Substances) Order 2007*.

#### Commencement

2. This order comes into operation as follows—
- clauses 1 and 2—on the day on which this order is published in the *Gazette*;
  - the rest of the clauses—on the day after that day.

#### Interpretation

3. In this order—

“personal supervision” has the same meaning as it has in the *Poisons Regulations 1965*;

“specified places” means—

- the Biomedical and Chemical Sciences Building of the University of Western Australia, Stirling Highway, Crawley;
- the Pharmacology Unit M510, School of Medicine and Pharmacology of the University of Western Australia, Stirling Highway, Crawley, and
- the Graylands Hospital Pharmacy, Brockway Road, Mount Claremont;

“specified substance” means the amount of the substance included in Schedule 9 to the Act, possession and use of which is authorised under clause 4.

#### Preparation, possession and use of certain substance authorised

4. Subject to clause 5, the people listed in the table to this clause are authorised to prepare, possess and use at the specified places, for research purposes, not more than 20g (in total) of 3,4-Methylenedioxy-N,a-Dimethylphenylethylamine \*(MDMA) including any of the structurally related analogues of MDMA.

#### Table

Dr Matthew Piggott	:	Lecturer, School of Biomedical and Chemical Sciences of the University of Western Australia.
Michael Neil Gandy	:	Student, School of Biomedical and Chemical Sciences of the University of Western Australia.
Katie David Lewis	:	Student, School of Biomedical and Chemical Sciences of the University of Western Australia.
Matthew James McIldowie	:	Student, School of Biomedical and Chemical Sciences of the University of Western Australia.
Associate Professor Mathew Martin-Iverson	:	Head of Pharmacology Unit, School of Medicine and Pharmacology of the University of Western Australia.
Zac Millar	:	Research Assistant, School of Medicine and Pharmacology of the University of Western Australia.
Pham The Hung Nguyen	:	Research Assistant, School of Medicine and Pharmacology of the University of Western Australia.

#### Conditions of authorised preparation, possession and use

5. The preparation, possession and use authorised under clause 4 is subject to the conditions that—
- Michael Neil Gandy, Katie David Lewis and Matthew James McIldowie only prepare, possess and use the specified substance whilst working under the personal supervision of Dr Matthew Piggott;
  - Zac Millar and Pham The Hung Nguyen only prepare, possess and use the specified substance whilst working under the personal supervision of Associate Professor Mathew Martin-Iverson;
  - the specified substance, when not required for the purposes referred to in clause 4, is stored at the specified places in a secure manner, as directed by the Commissioner of Health;
  - written records relating to the specified substance are maintained—
    - by Dr Matthew Piggott at the School of Biomedical and Chemical Sciences of the University of Western Australia, and
    - by Associate Professor Mathew Martin-Iverson at the School of Medicine and Pharmacology of the University of Western Australia and at the Graylands Hospital Pharmacy,
 as directed by the Commissioner of Health; and

- (e) that, if requested by the Commissioner of Health, any oral information or written report relating to the specified substances is given by Dr Matthew Piggott to the Commissioner.

#### Revocation

6. The *Poisons (Authorised Possession of Substances) Order 2006\** is revoked.

[ \*Published in Gazette 2 May 2006, pp. 1714-15 ]

By Command of the Lieutenant-Governor  
and deputy of the Governor,

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

#### HE402\*

### POISONS ACT 1964

#### POISONS (AUTHORISED POSSESSION OF SUBSTANCES) AMENDMENT ORDER 2007

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 41 of the Act.

#### Citation

1. This order may be cited as the *Poisons (Authorised Possession of Substances) Amendment Order 2007*.

#### Commencement

2. 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 clauses—on the day after that day.

#### Principal order

3. In this order the *Poisons (Authorised Possession of Substances) Order (No. 9) 2005\** is referred to as the principal order.

[ \*Published in Gazette 4 November 2005, p. 5331-32 ]

#### Clause 4 amended

4. Clause 4 of the principal order is amended by deleting the table to that clause and substituting the following—

“

#### Table

**Greg Buck**, officer, Chemistry Centre (WA).  
**Hannah Crisp**, officer, Chemistry Centre (WA).  
**Neil Thomas Campbell**, officer, Chemistry Centre (WA).  
**Peter Andrew Collins**, officer, Chemistry Centre (WA).  
**Timothy James Currie**, officer, Chemistry Centre (WA).  
**David De Tata**, officer, Chemistry Centre (WA).  
**Robert Charles Hansson**, officer, Chemistry Centre (WA).  
**Alison Rosemary Hewitt**, officer, Chemistry Centre (WA).  
**Murray Hoare**, officer, Chemistry Centre (WA).  
**Theodore Horsten**, officer, Chemistry Centre (WA).  
**Phuong Le**, officer, Chemistry Centre (WA).  
**Jennifer Liepold**, officer, Chemistry Centre (WA).  
**Peter Norman Miles**, officer, Chemistry Centre (WA).  
**Antoinette Palmer**, officer, Chemistry Centre (WA).  
**Lindsay Pescud**, officer, Chemistry Centre (WA).  
**Charles Alexander Pierce**, officer, Chemistry Centre (WA).  
**Colin Roderick Priddis**, officer, Chemistry Centre (WA).  
**Dominic Reynolds**, officer, Chemistry Centre (WA).  
**Charles Ivan Russo**, officer, Chemistry Centre (WA).  
**Hayley Patricia Scrivens**, officer, Chemistry Centre (WA).  
**Sarah Louise Thomas**, officer, Chemistry Centre (WA).  
**Edward Toh**, officer, Chemistry Centre (WA).

”.

By Command of the Lieutenant-Governor  
and deputy of the Governor,

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

**HE403\*****POISONS ACT 1964**

POISONS (AUTHORISED POSSESSION OF SUBSTANCES) AMENDMENT ORDER (NO. 2) 2007  
 Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 41 of the Act.

**Citation**

1. This order may be cited as the *Poisons (Authorised Possession of Substances) Amendment Order (No. 2) 2007*.

**Commencement**

2. 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 clauses—on the day after that day.

**Principal order**

3. In this order the *Poisons (Authorised Possession of Substances) Order (No. 8) 2005\** is referred to as the principal order.

[ \*Published in *Gazette* 4 November 2005, p. 5330-31 ]

**Clause 4 amended**

4. Clause 4 of the principal order is amended by deleting the table to that clause and substituting the following—

“

**Table**

**Paul Eden**, veterinary surgeon, Perth Zoo, Labouchere Road, South Perth.  
**Cree Monaghan**, veterinary surgeon, Perth Zoo, Labouchere Road, South Perth.  
**Karen Payne**, veterinary surgeon, Perth Zoo, Labouchere Road, South Perth.  
**Paul Eden**, veterinary surgeon, Perth Zoo, Labouchere Road, South Perth.  
**Andrea Reiss**, veterinary surgeon, Perth Zoo, Labouchere Road, South Perth.  
**Anna Le Souef**, veterinary surgeon, Perth Zoo, Labouchere Road, South Perth.  
**Rebecca Vaughan**, veterinary surgeon, Perth Zoo, Labouchere Road, South Perth.  
**Simone Vitali**, veterinary surgeon, Perth Zoo, Labouchere Road, South Perth.  
**Kristin Warren**, veterinary surgeon, Perth Zoo, Labouchere Road, South Perth.

”

By Command of the Lieutenant-Governor  
 and deputy of the Governor,

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

**HE404\*****POISONS ACT 1964**

POISONS (AUTHORISED POSSESSION OF SUBSTANCES) AMENDMENT ORDER (NO. 3) 2007  
 Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 41 of the Act.

**Citation**

1. This order may be cited as the *Poisons (Authorised Possession of Substances) Amendment Order (No. 3) 2007*.

**Commencement**

2. 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 clauses—on the day after that day.

**Principal order**

3. In this order the *Poisons (Authorised Possession of Substances) Order (No. 6) 2005\** is referred to as the principal order.

[ \*Published in *Gazette* 4 November 2005, p. 5328-29 ]

**Clause 4 amended**

4. Clause 4 of the principal order is amended by deleting the table to that clause and substituting the following—

“

**Table**

**Steve George**, police officer, of 8 Burton Street, Cannington.  
**Ugo Martinelli**, police officer, of 8 Burton Street, Cannington.  
**Kevin Ian Tinley**, police officer, of 8 Burton Street, Cannington.  
**Stuart Vassiliou**, police officer, of 8 Burton Street, Cannington.

”.

By Command of the Lieutenant-Governor  
and deputy of the Governor,

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

**HE405\*****POISONS ACT 1964**

POISONS (AUTHORISED POSSESSION OF SUBSTANCES) AMENDMENT ORDER (NO. 4) 2007

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 41 of the Act.

**Citation**

1. This order may be cited as the *Poisons (Authorised Possession of Substances) Amendment Order (No. 4) 2007*.

**Commencement**

2. 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 clauses—on the day after that day.

**Principal order**

3. In this order the *Poisons (Authorised Possession of Substances) Order (No. 7) 2005\** is referred to as the principal order.

[ \*Published in *Gazette* 4 November 2005, p. 5329-30 ]

**Clause 4 amended**

4. Clause 4 of the principal order is amended by deleting the table to that clause and substituting the following—

“

**Table**

**James Fisher**, prison officer, Canine Section, Hakea Complex.  
**Robert Hands**, prison officer, Canine Section, Hakea Complex.  
**Chris Harper**, prison officer, Canine Section, Hakea Complex.  
**Colin Harrison**, prison officer, Canine Section, Hakea Complex.  
**Janice Keelan**, prison officer, Canine Section, Hakea Complex.  
**Dawn Kennedy**, prison officer, Canine Section, Hakea Complex.  
**Phillip Leonard**, prison officer, Canine Section, Hakea Complex.  
**Glen Marriott**, prison officer, Canine Section, Hakea Complex.  
**Glen Minnorgan**, prison officer, Canine Section, Hakea Complex.  
**David Pickett**, prison officer, Canine Section, Hakea Complex.  
**Gail Raven**, prison officer, Canine Section, Hakea Complex.  
**Mark Sheehan**, prison officer, Canine Section, Hakea Complex.

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By Command of the Lieutenant-Governor  
and deputy of the Governor,

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

HE406\*

**POISONS ACT 1964****POISONS (AUTHORISED POSSESSION OF SUBSTANCES) AMENDMENT ORDER (NO. 5) 2007**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 41 of the Act.

**Citation**

1. This order may be cited as the *Poisons (Authorised Possession of Substances) Amendment Order (No. 5) 2007*.

**Commencement**

2. 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 clauses—on the day after that day.

**Principal order**

3. In this order the *Poisons (Authorised Possession of Substances) Order 2005\** is referred to as the principal order.

[ \*Published in *Gazette* 15 April 2005, p. 1208 ]

**Clause 4 amended**

4. Clause 3 of the principal order is amended by deleting the definition of “specified person means” and inserting the following definition instead—

“ **“specified person”** means Carol Ann Dowse, School Manager of Chemical and Mathematical Sciences, Division of Science and Engineering, Murdoch University; ”.

By Command of the Lieutenant-Governor  
and deputy of the Governor,

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

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**JUSTICE**

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JU401\*

**PRISONS ACT 1981****PERMIT DETAILS**

Pursuant to the provisions of section 15P of the *Prisons Act 1981*, the Commissioner of the Department of Corrective Services has revoked the following Permits to do High-Level Security Work—

Surname	Other Names	Permit No.	Revocation Date
Rankine	Duncan Weir	AP 0359	11/07/2007
Jackson	Steven Rodney	AP 0200	18/07/2007
Elliot	Tania Leanne	AP 0318	20/07/07

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

GREG McKEAIG, A/Manager, Acacia Prison Contract.

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**LOCAL GOVERNMENT**

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LG401\*

**CEMETERIES ACT 1986***Shire of Derby/West Kimberley*

The municipality of the Shire of Derby/West Kimberley local laws relating to  
Derby Public Cemetery—Reserve No 1227 and  
Fitzroy Crossing Public Cemetery—Reserve No 29060

**Schedule of Fees and Charges**

1. On application for a “Form of Grant of Right of Burial” the following fees shall be payable—
- |   | (Inclusive of GST) |
|---|--------------------|
| a. Sinking Fees (1.83m deep)            |                    |
| Ordinary grave for an adult .....       | \$359.50           |
| Grave for any child under 7 years ..... | \$266.50           |
| Grave for any stillborn child .....     | \$180.00           |

	(Inclusive of GST)
2. If graves are required to be sunk deeper than 1.8m the following additional charges shall be payable—	
For each additional 0.3m or part thereof .....	\$ 30.00
3. Re-opening Fees: Reopening an ordinary grave for each internment or exhumation—	
Any grave .....	\$175.00
Where removal of kerbing, tiles, grass etc is necessary, fees will be charged according to the time required (per labour hour)	
4. Extra charges for—	
a. Internment without due notice under By-law 6 .....	\$117.00
b. Re-internment after exhumations .....	\$117.00
5. Miscellaneous Charges—	
Registration of Right of Burial (25 years) .....	\$100.00
Registration of "Transfer of Form of Grant of Right or Burial" .....	\$ 5.50
Copy of Right of Burial .....	\$ 5.50
Undertakers Annual License Fee .....	\$100.00
Copy of Local-Laws .....	\$ 5.50

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## PLANNING AND INFRASTRUCTURE

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PI401\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**METROPOLITAN REGION SCHEME AMENDMENT 1144/57**  
 Great Eastern Highway, Rivervale  
 between Graham Farmer Freeway and Kooyong Road  
**CALL FOR PUBLIC SUBMISSIONS**

The Western Australian Planning Commission (WAPC) intends to amend the Metropolitan Region Scheme (MRS) for land in the local government of Belmont and is seeking public comment.

The purpose of the amendment is to modify the existing primary regional road reservation in the Metropolitan Region Scheme (MRS) for the section of Great Eastern Highway between the Graham Farmer Freeway and Kooyong Road in the City of Belmont

The Western Australian Planning Commission certifies that, in its opinion, the proposed amendment does not constitute a substantial alteration to the Metropolitan Region Scheme.

The plans showing the proposed change and the WAPC amendment report which explains the proposal, will be available for public inspection from Tuesday 24 July 2007 to Friday 21 September 2007 at each of the following places—

- Western Australian Planning Commission, 469 Wellington Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- Municipal office of the City of Belmont
- Main Roads WA, Waterloo Crescent, Perth

Documents are also available from the WAPC website [www.wapc.wa.gov.au](http://www.wapc.wa.gov.au).

Any person who desires to make a submission to support, object or provide comment on any part of the proposed amendment should do so on a form 57. This submission form is available from the display locations, the amendment report and the internet.

Submissions must be lodged with the: Secretary, Western Australian Planning Commission, 469 Wellington Street, Perth WA 6000; on or before 5.00pm Friday, 21 September 2007.

Late submissions will not be considered.

MOSHE GILOVITZ, Secretary,  
Western Australian Planning Commission.

PI402\*

**PLANNING AND DEVELOPMENT ACT 2007**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*Shire of Plantagenet*

Town Planning Scheme No. 3—Amendment No. 41

Ref: 853/5/14/4 Pt 41

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2007 that the Minister for Planning and Infrastructure approved the Shire of Plantagenet local planning scheme amendment on 10 July 2007 for the purpose of altering various parts of the Scheme Text to clarify some anomalies, rationalize numbering, introduce some model provisions and to rezone Lot 67 Langton Road, Mount Barker from Public Purpose Scheme Reserve to Residential (R20) as follows—

## SCHEME TEXT

- (1) Table of Contents—Part III Zones—3.5 after “Residential” insert “and Rural Smallholding”.
- (2) After 3.7 insert a new heading “3.8 Special Control Areas”.
- (3) Part V—Development Requirements 5.3—delete “Planning Codes, Country Towns” insert “Design Codes”.
- (4) Part VII Administration—7.3—delete “Act” and insert “Notices”.
- (5) Clause 1.8.3—delete “Residential Planning Codes” twice and insert “Residential Design Codes”.
- (6) Table 1—Zoning Table—introduce a new use class “Aquaculture” after “Animal Husbandry” and insert the symbol “SA” in the Rural Zone column.
- (7) Table 1—Zoning Table—introduce a new use class “Bed and Breakfast” after “Automotive and Marine Sales” and insert the symbol “SA” in the Residential, Commercial and Rural Zone columns.
- (8) Table 1—Zoning Table—introduce a new use class “Cellar Sales” after “Caretakers Dwelling” and insert the symbol “SA” in the Rural Zone column.
- (9) Table 1—Zoning Table—introduce a new use class “Chalet” after “Cellar Sales” (above) and insert the symbol “SA” in the Rural Zone column.
- (10) Table 1—Zoning Table—introduce a new use class “Craft Shop and Gallery” after “Club Premises” and insert the symbol “SA” in the Commercial and Rural Zone columns.
- (11) Table 1—Zoning Table—introduce a new use class “Gallery / Restaurant” after “Fuel Depot” and insert the symbol “AA” in the Commercial Zone column and “SA” in the Rural Zone column.
- (12) Table 1—Zoning Table—introduce a new use class “Home Business” after “Gallery / Restaurant” (above) and insert the symbol “SA” in the Residential Zone column.
- (13) Table 1—Zoning Table—introduce a new use class “Horticulture” after “Horse Stables” and insert the symbol “AA” in the Rural Zone column.
- (14) Table 1—Zoning Table—introduce a new use class “Private Recreation” after “Poultry Farm” and insert the symbol “AA” in the Commercial, Service Industrial, Industrial and Rural Zone columns.
- (15) Table 1—Zoning Table—delete the use class “(b) Attached House” from Residential Building and the associated symbols and renumber “(c) Grouped Dwelling” to “(b) Grouped Dwelling”.
- (16) Table 1—Zoning Table—introduce a new use class “Telecommunication Infrastructure” after “Tavern” and insert the symbol “AA” in the Residential, Commercial, Service Industrial, Industrial, Special Industrial and Rural Zone columns.
- (17) Table 1—Zoning Table—introduce a new use class “Tourist Accommodation” after “Timber Plantation” and insert the symbol “SA” in the Commercial and Rural Zone columns.
- (18) Table 1—Zoning Table—introduce a new use class “Winery” after “Warehouse” and insert the symbol “SA” in the Rural Zone column.
- (19) Insert a new clause 5.1.3 following 5.1.2 as follows—
 

“5.1.3 Unauthorised existing developments—

  - (a) The Council may grant planning consent to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.
  - (b) Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning consent, and the continuation of the development unlawfully commence is taken to be lawful upon the grant of planning consent.”
- (20) Clause 5.3 delete “PLANNING CODES, COUNTRY TOWNS” and insert “DESIGN CODES”.
- (21) Clauses 5.3.1, 5.3.2, 5.3.3—all reference to the “Residential Planning Codes” to be replaced with “Residential Design Codes”.
- (22) Clause 5.3.1—delete “Statement of Policy Planning No. 1” and insert “State Planning Policy No. 3.1”.
- (23) Clause 5.4.1 (b) delete “dwelling”.

- (24) Insert new clause 5.11 as follows—
- “5.11 CASH PAYMENT IN LIEU OF PROVIDING A PARKING AREA**
- The Council may accept a cash payment in lieu of the provision of on site parking provided—
- (a) such cash payment is not less than the estimated cost to the owner of providing and constructing the parking area otherwise required by the Scheme plus the value, as estimated by the Council, of that area of his land which would have been occupied by the parking area;
  - (b) before the Council agrees to accept a cash payment in lieu of the provision of parking spaces, the Council must either have purchased land and / or provided a public car park nearby or have firm proposals to provide such a public car park within a period of four years of the time of agreeing to accept the cash payment;
  - (c) payments made under this Clause shall be paid into a fund to be used for the provision of public car parking facilities and the Council may use this Fund to provide public parking facilities anywhere within the commercial centre of the town or in close proximity of the site in respect of which a cash-in-lieu arrangement is made;
  - (d) if an owner shall object to the amount of the costs of values determined by the Council pursuant to sub-clause (a), the matter may be referred to arbitration.”
- (25) Insert a new clause 5.12 as follows—
- “5.12 DEVELOPMENT OF LAND SUBJECT TO DAMPNES OR FLOODING**
- 5.12.1 Where, in the opinion of the Council, the dampness of the site on which a building is proposed to be constructed so warrants the Council may require that one or all of the following measures shall be carried out—
- (a) the subsoil shall be effectively drained;
  - (b) the surface of the ground beneath the building shall be regraded or filled and provided with adequate outlets to prevent any accumulation of water beneath the building;
  - (c) the surface of the ground beneath the building shall be covered with an approved damp-resisting material.
- 5.12.2 A building shall not be constructed upon any land defined by the Council as being liable to flooding or inundation.”
- (26) Clause 6.3.3—introduce a second sentence as follows—
- “The date of determination is to be the date given in the Decision on Application for Planning Consent.”
- (27) Clause 6.3.4—After the word “valid” in line 2 insert “and where no time limit is specified the consent shall be deemed to expire after two years from the date of approval.”
- (28) Clause 7.3—delete “ACT” from heading and insert “NOTICES”.
- (29) Clause 7.5 APPEALS—delete all the words after “Scheme” and replace with “there is a right to apply for a review in accordance with Part 14 of the Planning and Development Act 2005 and any rules and Regulations made pursuant to the Act.”
- (30) Schedule 1—INTERPRETATIONS—Introduce a new definition of “Aquaculture” as follows—
- “means the use of land for the purpose of rearing and breeding of fish or crustaceans under controlled conditions for sale.”
- (31) Schedule 1—INTERPRETATIONS—“Bed and Breakfast”—delete “four (4)” and insert “six (6)”.
- (32) Schedule 1—INTERPRETATIONS—Introduce a new definitions of “Cellar Sales” as follows—
- “means the demonstration and / or sale of wine products derived from an established vineyard and / or orchard on the owner’s property and includes the sale of ancillary products.”
- (33) Schedule 1—INTERPRETATIONS—Introduce a new definition of “Gallery / Restaurant” as follows—
- “means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery and the manufacture, creation of art or craft pieces together with the incorporation of a restaurant for the sale of food and beverages in conjunction with the operation of the centre.”
- (34) Schedule 1—INTERPRETATIONS—Introduce a new definition of “Home Business” as follows—
- “means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—
- (a) does not employ more than 2 people not members of the occupier’s household
  - (b) will not cause injury to or adversely affect the amenity of the neighbourhood
  - (c) does not occupy an area greater than 50 square metres
  - (d) does not involve the retail sale, display or hire of goods of any nature

- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone
- (g) notwithstanding clauses (c) and (e), approval may be granted in the Residential zone for trucks with a tare weight of up to 10 tonnes, providing it does not adversely affect the amenity of the surrounding area.”
- (35) Schedule 1—INTERPRETATIONS—Introduce a new definition of “Horticulture” as follows—  
 “includes both annual and perennial varieties. Annual refers to the commercial market gardening of all varieties of shallow rooted vegetables that can be sown and harvested within a twelve month period and the soil is cultivated at least once a year. Perennial refers to the commercial production of all varieties of long lived fruit and nut species, generally deep rooting and where land is only cultivated deeply at the initial planting stage. This interpretation includes all forms of commercial flower and wildflower cultivation and production commonly referred to as floriculture.”
- (36) Schedule 1—INTERPRETATIONS—Introduce a new definition of “Telecommunication Infrastructure” as follows—  
 “means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.”
- (37) Schedule 1—INTERPRETATIONS—“Winery” after “produce” in line 2 insert “and cellar sales”.
- (38) Schedule 4—ZONE DEVELOPMENT TABLE—In the “Residential” row delete “Residential Planning Code” and insert “Residential Design Code”.
- (39) Schedule 5—Area No. 1
- delete “Road” from “Mount Barker Hill Road” from the specified Area column
  - provision 1.0 delete “of Zone” from heading and delete “purpose of the Mount Barker Hill rural residential zone” and insert “objective”
  - provision 2.0 (a) delete “within the Rural Residential Zone”
  - provision 3.0 delete “within the Rural Residential Zone”
  - provision 12.0 delete “within the Mount Barker Hill Rural Residential Zone Area No. 1”
  - provision 12.0 ii) delete “in Rural Residential Zone Area No. 1”
- (40) Schedule 5—Area No. 2
- provision 2 (b) delete “- Residential Building”
  - provision 3 delete “within the Rural Residential Zone”
  - provision 7 delete “within the Rural Residential Zone”
- (41) Schedule 5—First Area No. 3—include the following property description in column (a) after “Ingoldby Street”
- “Lots bounded by Warburton Road, Sounness Street, Ingoldby Street and Martin Street. Lots 100 and 101 Ingoldby Street / Sounness Street.”
  - provision 1.2 delete “of Rural Residential Area No. 3 Mt Barker Townsite—East”
  - provision 2.0 delete “Mt Barker Townsite East”
- (42) Schedule 5—Second Area No. 3—
- renumber to be “7” and relocate to follow “6”
  - provision 1.1 delete “of Rural Residential Zone Area No. 3.”
  - provision 2.1 delete “Within Rural Residential Zone Area No. 3.”
  - provision 2.1 delete “Residential Dwelling” and insert “Single”
  - provision 2.2 delete “for the purpose of Rural Residential Zone Area No. 3, “Rural Use” “ after the use class “Rural Use”.
  - provision 10 delete “with Rural Residential Zone Area No. 3”
- (43) Schedule 5—Area No. 4—
- provision 1.1 delete “of Rural Residential Zone Area No. 4”
  - provision 2.1 delete “within Rural Residential Zone Area No. 4”.
  - provision 2.1 delete “Residential Dwelling” and insert “Single”
  - provision 2.2 delete “for the purpose of Rural Residential Zone Area No. 4, “Rural Use” “ after the use class “Rural Use”.
  - provision 11 delete “with Rural Residential Zone Area No. 4”
  - provision 11 dot point 2 delete “Rural Residential” and “Area No. 4”

- (44) Schedule 5—First Area No. 5—
- Objective heading—delete “of Rural Residential Area No. 5.”
  - provision 1.1 delete “of Rural Residential Zone Area No. 5”
  - provision 2.1 delete “Within Rural Residential Zone Area No. 5”
  - provision 2.1 delete “Residential Dwelling” and insert “Single”
  - provision 11.5 delete “of a lot within Rural Residential Zone Area No. 5”
  - provision 12.1 delete “of a lot within Rural Residential Zone Area No. 5”
- (45) Schedule 5—Second Area No. 5
- renumber to be “10” and relocate to follow “9”
  - provision 1.1 delete “Subdivisions of Rural Residential Area No. 5”
  - provision 2.0 delete “of the Zone within Rural Residential Area No. 5”
  - provision 3.1 delete “Within Rural Residential Area No. 5”
  - provision 3.1 delete “Residential Dwelling” and insert “Single”
  - provision 12.1 delete “of land within Rural Residential Zone Area No. 5”
- (46) Schedule 5—Area No. 6
- provision 1.1 delete “of Area 6”
  - provision 2.0 delete “of Rural Residential Area No. 6”
  - provision 3.1 delete “Within Rural Residential Area No. 6”
  - provision 3.1 delete “Residential Dwelling” and insert “Single House”
  - provision 12.1 delete “of land within Rural Residential Area No. 6”
- (47) Schedule 5—Area No. 8
- provision 1.1 delete “of Area 8”
  - provision 2.0 delete “of Rural Residential Area No. 8”
  - provision 3.1 delete “Within Rural Residential Area No. 8”
  - provision 3.1 delete “Residential Dwelling” and insert “Single House”
  - provision 13.1 delete “of land within Rural Residential Area No. 8”
- (48) Schedule 7 and 8—delete “SHIRE CLERK” insert “CHIEF EXECUTIVE OFFICER”
- (49) Schedule 8—After the sentence “If development is not completed within .....” insert the following new paragraph—
- “It is advised that should you be aggrieved by any part of this decision, in respect of the exercise of a discretionary power, there is a right to apply for a review in accordance with Part 14 of the Planning and Development Act, 2005 and any rules or Regulations made pursuant to the Act. Such an application must be lodged within 28 days of the date of this decision.”
- (50) Schedule 12—Landscape Protection Zone
- provision 1.1 delete “The subdivision plan for the Area 1” and insert “Subdivision”
  - provision 2.0 delete “OF LANDSCAPE PROTECTION ZONE AREA NO. 1”
  - provision 3.1 delete “Within Landscape Protection Zone No. 1”
  - provision 3.1 delete “Residential Dwelling” insert “Single House”
  - provision 4.0 delete “within the landscape protection zone”
  - provision 10.1 delete “of land within Landscape Protection Area No. 1”
  - provision 10.1 second dot point—delete “in this Landscape Protection Area No. 1”
- (51) Schedule 13 Rural Smallholding
- provision 1.1 delete “within Area 1”
  - provision 2.0 delete “of Rural Smallholding Zone Area No. 1”
  - provision 3.1 delete “Within Rural Smallholding Area No. 1”
  - provision 3.3 delete “within the Rural Smallholding Zone”
  - provision 13.1 delete “within Rural Smallholding Area No. 1”

## SCHEME MAP

- (52) Rezone Lot 67 Langton Road, Mount Barker from Public Purpose Scheme Reserve to Residential (R20).

K. M. FORBES, Shire President.  
R. STEWART, Chief Executive Officer.

PI403\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**METROPOLITAN REGION SCHEME**  
 Notice of Resolution—Clause 27  
 Portion of Lots 35 and 802 Osmond Street, Kenwick  
 City of Gosnells

Amendment 1147/27

File No.: 812-2-25-30

Notice is hereby given that in accordance with Clause 27 of the Metropolitan Region Scheme, the Western Australian Planning Commission (WAPC) resolved on 10 July 2007 to transfer land from the urban deferred zone to the urban zone, as shown on WAPC plan 4.1534.

The City of Gosnells requested the 'parallel' amendment of its Town Planning Scheme No. 6 using the provisions of section 126(3) of the *Planning and Development Act 2005*. The purpose of the amendment is to transfer the subject land to Residential Development in the local planning scheme. This request has been agreed to by the WAPC. Accordingly, the amendment to the Metropolitan Region Scheme and the City of Gosnells Town Planning Scheme No. 6, Amendment No. 82 is effective from the date of publication of this notice in the *Government Gazette*.

The plan of the Metropolitan Region Scheme amendment may be viewed at the offices of—

- Western Australian Planning Commission, Wellington Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- Municipal office of the City of Gosnells.

MOSHE GILOVITZ, Secretary,  
 Western Australian Planning Commission.

PI404\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*Shire of Denmark*  
 Town Planning Scheme 3  
**AMENDMENT 91**

Ref: 853/5/7/3 Pt 91

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the Shire of Denmark local planning scheme amendment on 10 July 2007 for the purpose of—

1. Rezoning Portion of Lot 14 South Coast Highway, corner Tindale Road, Kent River from Rural to Tourist Zone.
2. Inserting the following in Appendix 13 as Tourist Zone No. 10—

PARTICULARS OF LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T10	Portion of Lot 14 South Coast Highway, cnr Tindale Road, Kent River	Chalet development	i) Development shall generally be in accordance with the concept plan dated 24 May 2007, or any minor variation to that plan approved by Council.  ii) Development shall be connected to an on-site water supply and effluent disposal systems installed to the satisfaction of Council and the Department of Health, and should meet the Department of Environment Guidelines.  iii) All buildings constructed within the zone shall be sympathetic to the existing landscape (namely landform and vegetation) in terms of location, scale, height, building materials and colour.

PARTICULARS OF LAND		TOURIST USE	CONDITIONS OF TOURIST USE
			<p>iv) A person is not to occupy any chalet for more than three (3) months in any twelve (12) month period.</p> <p>v) Suitable fire control measures being implemented to the satisfaction of Council and being in accordance with the Fire Management Plan.</p> <p>vi) Site landscaping and tree retention shall accord with an overall Landscape Plan approved by Council.</p> <p>vii) Clearing of vegetation shall only be permitted for development in accordance with the concept plan, low fuel areas, access and to remove dead or dying trees.</p> <p>viii) Additional tree planting along the western boundary may be required as a condition of development approval.</p> <p>ix) A separation distance being maintained between the chalets and any proposed pasture spraying as a condition of Planning Approval and having regard for advice from the Department of Agriculture.</p> <p>x) The development of Portion of Lot 14 for the purposes of tourist accommodation is undertaken with the full knowledge that rural pursuits and practices are conducted on the property and adjacent to the development site and that owner(s)/manager(s) and patron(s) of the tourist development are fully aware of this situation.</p> <p>xi) Vehicular access to be restricted to the existing access track which joins Tindale Road with proposed Lot A and Lot B in the South Coast Highway road reserve.</p> <p>xii) No vehicular access is permitted direct from Portion of Lot 14 to South Coast Highway.</p> <p>xiii) No earthworks shall encroach onto the South Coast Highway road reserve.</p> <p>xiv) No stormwater drainage shall be discharged onto the South Coast Highway road reserve.</p> <p>xv) Any damage to the existing verge and its vegetation within the South Coast Highway road reserve resulting from the proposed development is to be made good.</p>

PARTICULARS OF LAND	TOURIST USE	CONDITIONS OF TOURIST USE
		xvi) Development shall comply with the requirements of the Environmental Protection (Noise) Regulations 1997.  xvii) All stormwater run-off to be contained on-site and disposed of to Council's satisfaction.  xviii) All signage to be subject to the prior approval of Council in accordance with Scheme requirements, relevant Local Law and adopted Policy.

J. K. BARROW, Shire President.  
P. DURTANOVICH, Chief Executive Officer.

**PI405\***

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*Shire of Denmark*  
 Town Planning Scheme No. 3—Amendment No. 95

Ref: 853/5/7/3 Pt 95

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the Shire of Denmark local planning scheme amendment on 4 July 2007 for the purpose of amending the Scheme Maps by changing the density code of Lot 861 Ocean Beach Road, depicted as a 'Residential density Code R5/R10/R15' to a 'Residential Density Code R20'.

J. K. BARROW, Shire President.  
P. DURTANOVICH, Chief Executive Officer.

**PI406\***

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*Shire of Denmark*  
 Town Planning Scheme No. 3—Amendment No. 96

Ref: 853/5/7/3 Pt 96

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the Shire of Denmark local planning scheme amendment on 10 July 2007 for the purpose of—

1. Rezoning Lot 824 Zimmermann Street, Denmark from Public Use Reserve to the 'Residential' zone with a density coding of 'R25'.
2. Amending the Scheme Maps accordingly.

J. K. BARROW, Shire President.  
P. DURTANOVICH, Chief Executive Officer.

PI407\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**

*City of Bayswater*

Town Planning Scheme No. 23—Amendment No. 2

Ref: 853/2/14/27 Pt 2

It is hereby notified for public information, in accordance with section 87 of the Planning and Development Act 2005 that the Minister for Planning and Infrastructure approved the City of Bayswater local planning scheme amendment on 6 June 2007 for the purpose of—

1. Divide Precinct 2—Coventry's, into two precincts Precinct 2A—Coventry's Central, and Precinct 2B Coventry's East and West, as delineated on the Scheme Map.
2. Amending the Scheme Map by demarcating the boundaries of the precincts with a black dashed line, inserting a legend and annotations to indicate the precincts.
3. Inserting a new sub-section 5.6, as follows, and renumber all subsequent sub-sections accordingly—

5.6 Precinct 2A: Coventry's Central

5.6.1 Permitted Uses

Single Dwelling  
 Grouped Dwelling  
 Multiple Dwelling  
 Single Bedroom Dwelling  
 Office

Local Shop  
 Home Office

5.6.2 Discretionary Uses

Consulting Rooms  
 Shop  
 Restaurant  
 Home Occupation  
 Public Open Space  
 Recreation Facilities

5.6.3 Development Requirements

(a) Residential Development

(i) Residential development shall be undertaken having due regard to the provisions of Planning Policy 5 and in accordance with the requirements of the Residential Design Codes with respect to the R80 density code.

(ii) Residential Density

The precinct is to be considered as a single development site for the purpose of calculating the total permissible number of dwellings (residential density).

(iii) Variety of Dwellings

At least 67% of the residential units within the precinct shall have two or more bedrooms and at least 15% of the residential units within the precinct shall have three or more bedrooms.

(iv) Building Height

Buildings shall not exceed a height of three storeys unless in compliance with an approved Outline Development Plan or Detailed Site Plan, in which case buildings up to six storeys may be permitted.

For the purposes of this calculating building height, a storey shall not include—

- a full basement or a semi-basement that does not protrude any further than 1.4 metres above ground level;
- lift overruns, water tanks, or other roof plant.

(b) Mixed Use and Non-Residential Development shall be undertaken having due regard to the provisions of Planning Policy 6 and in accordance with the requirements of the following sub-clauses—

(i) Non-Residential Floor Space

- The internal floorspace of non-residential uses (excluding Home Office/Home Occupation) within the precinct shall not exceed 2000m<sup>2</sup> in total.
- No more than 70% of total internal floorspace of non-residential uses shall be classified as 'shop.'
- No more than 50% of total internal floorspace of non-residential uses shall be classified as 'restaurant'.
- No more than 40% of total internal floorspace of non-residential uses shall be classified as 'office, 'consulting room' or 'recreation facility'.

## (ii) Street Level Pedestrian Interaction

A minimum of 75% of the length of wall of non-residential uses facing a street or pedestrian pathway at the ground floor level is to be devoted to visually permeable full height glazing to allow visual interaction between the interior and adjacent public areas.

## (c) Plot Ratio

The precinct is to be considered as a single development site for the purpose of calculating the permissible plot ratio.

## (i) Residential

The plot ratio for residential development shall be in accordance with the Residential Planning Codes with respect to the R80 density code.

## (ii) Non-Residential

The plot ratio of non-residential development shall not exceed 1.0:1 across the precinct, calculated independently of plot ratio for any residential development.

## (iii) Total

The total plot ratio shall not exceed 2.0:1 across the precinct, inclusive of residential and non-residential uses.

## (d) Setbacks

Development shall be setback in accordance with the Residential Planning Codes with respect to the R80 density code.

## (e) Car Parking

Car parking shall be provided in accordance with the requirement stipulated by Table 1 of the Scheme with respect to the proposed use.

## (f) Building Height

(i) Buildings shall not exceed a height of three storeys unless in compliance with an approved Outline Development Plan or Detailed Site Plan, in which case buildings up to six storeys may be permitted.

(ii) For the purposes of this calculating building height, a storey shall not include—

- a full basement or a semi-basement that does not protrude any further than 1.4 metres above ground level;
- lift overruns, water tanks, or other roof plant.

## (g) Landscaping

A minimum of 15% of the precinct shall be designed, developed and maintained as a landscaped area to the satisfaction of Council.

A reduction in the required landscaping may be considered by the Council if an applicant can demonstrate that the proposed landscaping will be of a high quality and will incorporate mature trees and significant vegetation that will provide a visual buffer for residential areas adjacent to commercial land uses.

## (h) Façades and Materials

(i) Building facades are to be articulated and detailed (broken into distinct visual elements). Projections such as verandahs, awnings, canopies and bay windows are encouraged.

(ii) The creation of expansive blank walls is not permitted.

(iii) Building materials and finishes are to be to Council's satisfaction.

## 4. Renumber and rename the existing sub-section 5.6 as follows—

## 5.7 Precinct 2B: Coventry's East and West

and renumber all subsequent sub-sections accordingly.

## 5. Modify all references to precinct 2 to refer to precincts 2A and 2B.

## 6. Adding the following definition to Schedule 1—Interpretations—

## Home Office—

means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling;

## 7. Adding the following to Clause 3.5 (Where Development Approval not required for Certain Developments)—

(d) Home Office.”

T. G. KENYON, Mayor.  
M. J. CAROSELLA, Chief Executive Officer.

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**POLICE**

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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 Ross's Sales & Auctions, 241 Railway Parade, Maylands on Wednesday 8 August 2007 at 10.00am.

The Auction is to be conducted by Mr Craig Edwards, Mr Kevin Grickage and Mr Ryan Power.

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

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**WATER/SEWERAGE**

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WA401\*

**WATER SERVICES LICENSING ACT 1995****NOTICE UNDER SECTION 31 (5) AMENDMENT OF LICENCE**

Notice is given that the following Operating Licence has been amended—

Licensee:	Water Corporation
Issue Date:	13 July 2007
Address of Licensee:	PO Box 100 Leederville WA 6092
Classification:	Operating Licence, Water Supply, Sewerage, Irrigation and Drainage Services.
Term of Licence:	Up to and including 28 June 2021.
Amendment:	Substitution of a new licence for the existing licence with amendment to the following operating area — <ul style="list-style-type: none"><li>• Extension of Capel Operating Area Sewerage Services to include Goodwood Road development Plan No. OWR-OA 243A.</li><li>• Removal of Boyanup Operating Area Sewerage Services Plan No. OWR-OA-212.</li></ul>
Inspection of Licence:	Economic Regulation Authority 6th Floor 197 St Georges Terrace Perth WA 6000 <a href="http://www.era.wa.gov.au">http:// www.era.wa.gov.au</a>

LYNDON G ROWE, Chairman,  
Economic Regulation Authority

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**DECEASED ESTATES**

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ZX401

**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

Notice to debtors and creditors in the Estate of Walter David Herrington, late of 7/16 Freedman Road, Menora, WA who died on 13 May 2007 are required to send their claim to Executors Susan Valda Rees, 11 Hokitika Drive, Dudley Park, Mandurah WA 6210 and Sandra Margaret Herrington, 79/1140 Wanneroo Road, Ashby WA 6065 within 30 days after which the Executors may convey or distribute the assets having regard only to the claims of which notice has been given.

**ZX402****TRUSTEES ACT 1962  
DECEASED ESTATES**

## Notice to Creditors and Claimants

Marion Linda Laurent, late of 18 Green Street, Waroona, Western Australia, Meat Packer, who died on 8 November 2005.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased are required by the deceased's personal representative to send particulars of their claims to him, Kelvin Laurent of 20 Gretham Road, Westminster WA within one (1) month from the date of the publication of this notice, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

**ZX403****TRUSTEES ACT 1962  
DECEASED ESTATES**

## Notice to Creditors and Claimants

Doratheia Ann Kuehlmann, late of 1 Curedale Street, Beaconsfield, 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 12 February 2007 are required to send particulars of their claims to the Executor, care of Butlers, Barristers & Solicitors, 83-85 Stirling Highway, Nedlands, Western Australia by 27 August 2007 after which date the Trustees may convey or distribute the assets having regard only to the claims of which notice has been given.

WESTERN AUSTRALIA

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