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— PART 1 —

JUSTICE

JU301*

Spent Convictions Act 1988

Spent Convictions (Act Amendment) Regulations (No. 2) 2009

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under sections 16 and 33 of the Act.

1. Citation

These regulations are the *Spent Convictions (Act Amendment) Regulations (No. 2) 2009*.

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. Regulations amended

These regulations amend the *Spent Convictions Act 1988*.

4. Schedule 3 clause 1 amended

- (1) In Schedule 3 clause 1(1) in the Table after item 13 insert:

- | | |
|---|---|
| 14. A person — | Sections 18
and 20 and
Division 4 |
| <ul style="list-style-type: none"> (a) who is appointed, or is being considered for appointment, as the Public Trustee under the <i>Public Trustee Act 1941</i> section 4; or (b) who, pursuant to the <i>Public Trustee Act 1941</i> section 6, is appointed, transferred or seconded, or is being considered for appointment, transfer or secondment, under the <i>Public Sector Management Act 1994</i> Part 3 for the purposes of | |

- assisting the Public Trustee to perform his or her functions; or
- (c) whose services the Public Trustee makes use of, or is considering making use of, under the *Public Trustee Act 1941* section 6A; or
 - (d) who is engaged or appointed, or is being considered for engagement or appointment, under the *Public Sector Management Act 1994* section 100 for the purposes referred to in paragraph (b); or
 - (e) who provides, or has offered to provide, services on a voluntary basis for the purposes referred to in paragraph (b).
15. A person —
- (a) who is appointed, or is being considered for appointment, as the Public Advocate under the *Guardianship and Administration Act 1990* section 91; or
 - (b) who is appointed, or is being considered for appointment, under the *Guardianship and Administration Act 1990* section 93 to act as Public Advocate; or
 - (c) who, pursuant to the *Guardianship and Administration Act 1990* section 94, is appointed, transferred or seconded, or is being considered for appointment, transfer or secondment, under *Public Sector Management Act 1994* Part 3 for the purposes of assisting the Public Advocate to perform his or her functions; or
 - (d) who is engaged or appointed, or is being considered for engagement or appointment, under the *Public Sector Management Act 1994* section 100 for the purposes referred to in paragraph (c); or
 - (e) who provides, or has offered to provide, services on a voluntary basis for the purposes referred to in paragraph (c).

Sections 18
and 20 and
Division 4

(2) Delete clause 1(2) and insert:

- (2) In the case of a person referred to in item 2 to 9, 10B, 11, 12, 14 or 15 of the Table to subclause (1), the exception in that subclause extends to any other person —
- (a) who has appointed, designated, employed, transferred, seconded or engaged the person or is considering the person for appointment, designation, employment, transfer, secondment or engagement; or
 - (b) who has issued a permit to the person or is considering issuing a permit to the person; or
 - (c) who is considering granting or issuing a licence to the person; or
 - (d) who has authorised the person or is considering the person for authorisation; or
 - (e) for whom the person provides, or has offered to provide, services on a voluntary basis,
- whichever is relevant for the purposes of the item.

(3) In clause 1(11)(a) delete “5, 11 or 12” and insert:

5, 11, 12, 14 or 15

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

PETER CONRAN, Clerk of the Executive Council.

JU302*

Fines, Penalties and Infringement Notices Enforcement Act 1994

Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2009*.

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. Regulations amended

These regulations amend the *Fines, Penalties and Infringement Notices Enforcement Regulations 1994*.

4. Schedule 1 amended

In Schedule 1 insert in alphabetical order:

Swan and Canning Rivers Management Act 2006

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

PREMIER AND CABINET

PC301*

Supreme Court Act 1935

**Acting Attorney General Designation
Order 2010**

Made by the Governor in Executive Council.

1. Citation

This order is the *Acting Attorney General Designation Order 2010*.

2. Minister designated

Under the *Supreme Court Act 1935* section 154, the Honourable Robert Frank Johnson MLA, the Minister for Police; Emergency Services; Road Safety, is designated as the Minister of the State —

- (a) who may exercise the powers referred to in section 154(3) of that Act; and
- (b) by, to or with reference to whom acts may be done under section 154(4) of that Act,

during the period 5 to 13 February 2010 (both dates inclusive).

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

— PART 2 —

AGRICULTURE

AG401*

GENETICALLY MODIFIED CROPS FREE AREAS ACT 2003**GENETICALLY MODIFIED CROPS FREE AREAS EXEMPTION ORDER 2010**

Made by the Minister under section 6.

1. Citation

This order is the *Genetically Modified Crops Free Areas Exemption Order 2010*.

2. Commencement

This order comes into operation on the date of its publication.

3. Exemption

A person who cultivates genetically modified canola in Western Australia is exempt from the application of section 5(1) of the Act if the genetically modified canola is licensed for intentional release into the environment under the *Gene Technology Act 2000* (Commonwealth).

TERRY REDMAN MLA, Minister for Agriculture and Food.

Date: 25 January 2010.

AG402*

AGRICULTURAL PRODUCE COMMISSION ACT 1988**APPOINTMENTS**

Department of Agriculture and Food,
South Perth WA 6151.

Agric. 497/89

I, the undersigned Minister for Agriculture and Food, being the Minister charged with the administration of the *Agricultural Produce Commission Act 1988* appoint, pursuant to section 5 of that Act, the following—

Name	Position	Term of office	Expiry date
William Ryan	Chairperson	3 years	9 January 2013
Raymond Moir	Commissioner	3 years	9 January 2013
Yvonne Fahl	Commissioner	18 months	9 July 2011
Graeme Robertson	Commissioner	18 months	9 July 2011

to the Agricultural Produce Commission for the specified terms above.

TERRY REDMAN MLA, Minister for Agriculture and Food.

CONSUMER PROTECTION

CE401*

ASSOCIATIONS INCORPORATION ACT 1987**REINSTATED ASSOCIATION**

Lake Joondalup Archery Club Incorporated

Notice is hereby given that the incorporation of the above-named association has been re-instated pursuant to Section 35(4) of the *Associations Incorporation Act 1987*.

Dated: 22 January 2010.

SUSAN NULSEN, Director, Business Services
for Commissioner of Consumer Protection.

CORRECTIVE SERVICES

CS401*

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 issued the following Permit to do High-Level Security Work—

Surname	Other Names	Permit No.	Issue Date
Flowers	Dean Wade	AP 0480	20/01/2010

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

BRIAN LAWRENCE, Manager Acacia Prison Contract.

22 January, 2010.

FISHERIES

FI401*

FISH RESOURCES MANAGEMENT ACT 1994

CLOSED WATERS FISH TRAPPING (KIMBERLEY COASTLINE) NOTICE REVOCATION ORDER 2010

Order No. 1 of 2010

FD 1620/98 [935]

Made by the Minister under section 43.

1. Citation

This order is the *Closed Waters Fish Trapping (Kimberley Coastline) Notice Revocation Order 2010*.

2. Revocation

The *Closed Waters Fish Trapping (Kimberley Coastline) Notice 1991 (Notice No. 508)* published in the *Government Gazette* of 6 September 1991, which was made under the *Fisheries Act 1905* and continued in force under regulation 186 of the *Fish Resources Management Regulations 1995* as if it was made under section 43 of the Act, is revoked.

Dated this 18th day of January 2010.

NORMAN MOORE, Minister for Fisheries.

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT ACT 1995

City of Swan

(Basis of Rates)

Department of Local Government.

DLG: SW5-4#04

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Executive Director Governance and Legislation of the Department of Local Government under delegation from the Hon John Castrilli MLA, Minister for Local Government, being charged for the time being with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the Schedules hereunder shall be gross rental value for the purposes of rating with effect from 8 January 2010.

BRAD JOLLY, Executive Director Governance and Legislation.

Schedule

Additions to Gross Rental Value Area

City of Swan

All those portions of land comprised in the schedules below—

SCHEDULES “A”

All those portions of land being Lot 47 as shown on Plan 3830; Lot 50 as shown on Plan 4473; Lot 59 and Lot 76 as shown on Plan 4539; Lot 29 as shown on Plan 15620 and Lot 106 as shown on Plan 19143.

SCHEDULES “B”

All those portions of land being Lot 57 as shown on Deposited Plan 26215; Lot 177 as shown on Deposited Plan 52653; Lot 254 as shown on Deposited Plan 60894 and Lot 301 as shown on Deposited Plan 62907.

SCHEDULES “C”

All those portions of land being Lot 4 as shown on Diagram 13774; Lot 16 as shown on Diagram 60036 and Lot 10 as shown on Diagram 72457.

LG402*

LOCAL GOVERNMENT ACT 1995

Shire of Halls Creek

(Basis of Rates)

Department of Local Government.

DLG: HC5-1

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the A/Executive Director Governance and Legislation of the Department of Local Government, under delegation from the Hon John Castrilli MLA, Minister for Local Government, being charged for the time being with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the Schedule hereunder shall be gross rental value for the purposes of rating with effect from 14 January 2010.

JENNI LAW, A/Executive Director Governance and Legislation.

Schedule

Additions to Gross Rental Value Area

Shire of Halls Creek

All that portion of land being Lot 90 as shown on Deposited Plan 193135.

LG403*

LOCAL GOVERNMENT ACT 1995

Shire of Coolgardie

APPOINTMENT OF AUTHORISED OFFICERS

Appoint the following staff members as Authorised Officers under the *Dog Act 1976*, *Litter Act 1979* (Amended 2004), *Bush Fire Act 1954* and *Regulations* to enforce and prosecute on Councils behalf—

Anthony G Nottle
Samantha Appleton
Peter Rush
Geoffrey S Benson
Kevin Caldwell
David Green
Richard Kliendienst
Sharleen O'Loughlin

Appoint the following staff members as Registration Officers under the *Dog Act 1976* and regulations—

Annika Reid
Elly McKay
Ashlee Hayward
Lee Cox
Rosezina Mitchell
Heather Pennington
Ram Golla

Appoint staff members as Authorised Officers under the Shire of Coolgardie's Local Laws—

Anthony G Nottle
Samantha Appleton
Peter Rush
Geoffrey S Benson
Kevin Caldwell
David Green
Richard Kliendienst
Sharleen O'Loughlin

Cancel all other previous appointments.

S. APPLETON, Acting Chief Executive Officer.

MARINE/MARITIME

MX101*

CORRECTION
NAVIGABLE WATERS REGULATIONS 1958
WATER SKI AREA
Harvey Estuary

Department of Transport,
Fremantle WA, 26 January 2010.

Acting pursuant to the powers conferred by Regulation 48A of the *Navigable Waters Regulations 1958*, the Department by this notice revokes Notice MX 401 as published in the *Government Gazette* on 18 December 2009, and replaces it with the following—

Harvey Estuary—

All the waters of the Harvey Estuary bounded by lines commencing at the starboard marker at approximately 32°38.123'S, 115°39.252'E; thence to 32°37.551'S, 115°38.791'E (approximately 1280 metres north-west); thence to 32°37.193'S, 115°39.553'E (approximately 1340 metres east-north-east); thence approximately 1500 metres south to the port marker at 32°37.995'S, 115°39.658'E; thence to the starting point. All coordinates based on GDA 94.

DAVID HARROD FNI, General Manager,
Marine Safety, Department of Transport.

MX401*

WESTERN AUSTRALIAN MARINE ACT 1982
City of Cockburn
SPEED RESTRICTION AREA
Port Coogee

Department of Transport,
Fremantle WA, 26 January 2010.

Acting pursuant to the powers conferred by Section 67 of the *Western Australian Marine Act 1982*, the Department of Transport by this notice hereby limits the speed of the following area to five (5) knots.

PORT COOGEE—All the waters of the Indian Ocean within the Port Coogee Marina and bounded by lines commencing at the extremity of the southern breakwater of the boat harbour (approximately 32°6.060'S 115°45.386'E); thence to a point 32° 5.969'S 115°45.371'E (a point on the northern breakwater of the boat harbour) All coordinates based on GDA 94.

DAVID HARROD FNI, General Manager,
Marine Safety, Department of Transport.

MINERALS AND PETROLEUM

MP401*

MINING ACT 1978
FORFEITURE

Department of Mines and Petroleum,
PERTH WA 6000.

I hereby declare in accordance with the provisions of section 96A(1) of the *Mining Act 1978* that the undermentioned mining tenements are forfeited for breach of covenant, being non payment of rent.

NORMAN MOORE MLC, Minister for Mines and Petroleum.

Number	Holder	Mineral Field
EXPLORATION LICENCES		
38/2020	Richardson, Brian Dudley Richmond, William Robert	Mt Margaret
38/2021	Richardson, Brian Dudley Richmond, William Robert	Mt Margaret
39/1206	Harlap, Nahum Eliyahu, Amit	Mt Margaret
39/1217	Harlap, Nahum Eliyahu, Amit	Mt Margaret
39/1218	Harlap, Nahum Eliyahu, Amit	Mt Margaret
70/3095	Millridge Holdings Pty Ltd	South West

MP402*

MINING ACT 1978
FORFEITURE

Department of Mines and Petroleum,
PERTH WA 6000.

I hereby declare in accordance with the provisions of section 96A(1) of the *Mining Act 1978* that the undermentioned mining tenement is forfeited for breach of covenant, being non payment of rent.

NORMAN MOORE MLC, Minister for Mines and Petroleum.

Number	Holder	Mineral Field
EXPLORATION LICENCE		
08/1736	Glass Mountain Pty Ltd	Ashburton

PLANNING

PI401*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Wyndham East Kimberley

Town Planning Scheme No. 7—Kununurra And Environs Amendment No. 28

Ref: 853/7/5/9 Pt 28

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Wyndham East Kimberley local planning scheme amendment on 22 December 2009 for the purpose of—

1. Rezoning Lots 2, 3, 997, 1015, 1082, 1083 and 1257 Erythrina Street and Lots 828—832, 1016, 1017 and 1077—1081 Weaber Plain Road from Residential R15/50 to Residential R50.
2. Rezoning Lots 858—861, 1035, 1060—1062 and 1073—1075 Weaber Plain Road from Residential R15 to Residential R30.

3. Rezoning Lots 401, 862, 873, 1036, 1394—1397, 1403—1406, 1410—1413, 1424, 1425, 1433, 1443—1445, 1469, 1620, 1621, 2218—2220 and 2398 Barringtonia Street; Lots 1434, 1449, 1450, 1470, 1472 -1475, 1477—1478, 1622, 1625 -1634 and 2262 Dryandra Road; Lots 1451, 1452, 1456, 1481, 1482, 1486—1488, 2205—2210 and 2266 Wilga Place; Lots 1435, 1441, 1461—1466, 2211—2217 Mallee Court; Lots 1379—1386, 1393, 1398—1402, 1414, 1415, 1420—1422, 1427, 1428, 1431, 1521, 1616—1619 and 2231 Boobiialla Way; Lots 1378, 1387—1392, 1426 and 1498—1501 Acacia Court; Lots 1495—1497 and 1502 Calatropis Court; Lots 402, 863, 864, 907, 1018—1025 and 1038 Greybox Crescent; Lots 1026 -1034, 1040—1043 and 1063—1067 Carbeen Street and Lots 1044—1048, 1049—1059 and 1068—1072 Woolybutt Place from Residential R15 to Residential R20.
4. Amending the Scheme Maps accordingly.

F. MILLS, Shire President.
G. GAFFNEY, Chief Executive Officer.

PI402*

PLANNING AND DEVELOPMENT ACT 2005
LOCAL PLANNING SCHEME AVAILABLE FOR INSPECTION
Shire of Northampton
Local Planning Scheme No. 10

Ref: TPS/0178

Notice is hereby given that the local government of the Shire of Northampton has prepared the abovementioned local 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 provision for the administration and enforcement of the scheme; and
7. addressing other matters set out in Schedule Seven to the Planning and Development Act.

Plans and documents setting out and explaining the local planning scheme have been deposited at Council Offices, Hampton Road, Northampton 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 3 May 2010.

Submissions on the local planning scheme may be made in writing on Form No. 4 and lodged with the undersigned on or before 3 May 2010.

G. L. KEEFFE, Chief Executive Officer.

PI403*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Mandurah
Town Planning Scheme No. 3—Amendment No. 104

Ref: 853/6/13/12 Pt 104

It is hereby notified for public information, in accordance with Section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Mandurah local planning scheme amendment on 15 December 2009 for the purpose of—

- (a) Adding to Town Planning Scheme No 3 the following provisions relating to Special Control Areas and Development Contribution Areas as Clause 6.8—
 - “6.8 OPERATION OF SPECIAL CONTROL AREAS
 - 6.8.1 The following special control areas are shown on the scheme map—
 - (a) Development contribution areas are shown on the Scheme Map as DCA with a number and included in Appendix 11.
 - 6.8.2 With respect to a special control area shown on the Scheme map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

6.9 DEVELOPMENT CONTRIBUTION AREAS

6.9.1 Interpretation

In clause 6.9, unless the context otherwise requires—

‘Administrative Costs’ means such costs as are reasonably incurred for the preparation and implementation of the development contribution plan.

‘Cost Apportionment Schedule’ means a schedule prepared and distributed in accordance with clause 6.9.10.

‘Cost Contribution’ means the contribution to the cost of infrastructure and administrative costs.

‘Infrastructure’ means services and facilities which, in accordance with the Commission’s policy, it is reasonable for owners to contribute towards.

‘Owner’ means an owner of land that is located within a development contribution area.

6.9.2 Purpose

The purpose of having development contribution areas is to—

- (a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- (b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and
- (c) coordinate the timely provision of infrastructure.

6.9.3 Development Contribution Plan Required

A development contribution plan is required to be prepared for each development contribution area.

6.9.4 Development Contribution Plan Part of Scheme

The development contribution plan does not have effect until it has been incorporated in Appendix 11 of the Scheme.

6.9.5 Subdivision and Development

6.9.5.1 Where a development contribution plan is in effect, Council is not to—

- (a) consider or recommend subdivision; or
- (b) consider or approve development of land within a development contribution area until—
 - (i) a development contribution plan is in effect; or
 - (ii) the owner who has applied for subdivision or development approval has made arrangements in accordance with clause 6.9.14 for the payment of the owner’s cost contribution.

6.9.5.2 Where a development contribution plan is not in effect, the Council may support subdivision or approve development where the owner has made other arrangements satisfactory to the Council with respect to the owner’s contribution towards the provision of infrastructure and administrative costs in the development contribution area.

6.9.6 Guiding Principles for Development Contribution Plans

The development contribution plan for any development contribution area is to be prepared in accordance with the following principles—

(a) Need and the nexus

The need for the infrastructure included in the development contribution plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

(b) Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

(c) Equity

Development contributions should be levied from all developments in a development contribution area, based on their relative contribution to need.

(d) Certainty

All development contributions should be clearly identified and methods of accounting for escalation agreed on at the commencement of a development.

(e) Efficiency

Development contributions should be justified on the whole-of-life capital cost basis consistent with maintaining financial discipline on service providers by precluding over-recovery of costs.

(f) Consistency

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

(g) Right of consultation and review

Developers have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the contributions are not reasonable.

(h) Accountability

There must be accountability in the manner in which development contributions are determined and expended.

6.9.7 Content of Development Contribution Plans

6.9.7.1 The development contribution plan is to specify—

- (a) the development contribution area to which the development contribution plan applies;
- (b) the infrastructure and administrative costs to be funded through the development contribution plan;
- (c) the method of determining the cost contribution of each owner; and
- (d) the priority and timing for the provision of infrastructure.

6.9.8 Period of Development Contribution Plan

A development contribution plan may specify the period during which it is to operate.

6.9.9 Land Excluded

In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for—

- (a) roads designated under the Peel Region Scheme as Primary Regional Roads and Other Regional Roads;
- (b) existing public open space;
- (c) government primary and secondary schools; and
- (d) such other land as is set out in the development contribution plan, is to be excluded.

6.9.10 Cost Apportionment Schedule

6.9.10.1 Within 90 days of the gazettal date of the development contribution plan, the Council is to make available a Cost Apportionment Schedule to all owners in the development contribution area.

6.9.10.2 The Cost Apportionment Schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area.

6.9.10.3 The Cost Apportionment Schedule does not form part of the Scheme.

6.9.11 Cost Contributions Based on Estimates

6.9.11.1 The value of infrastructure and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the Council.

6.9.11.2 Where a Cost Apportionment Schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the Council—

- (a) in the case of land to be acquired, in accordance with clause 6.9.12;
- (b) in all other cases, in accordance with the best and latest information available to the Council; or
- (c) until the expenditure on the relevant item of infrastructure or administrative costs has occurred.

6.9.11.3 The Council is to have such estimated costs independently certified by an appropriate qualified person and must provide such independent certification to an owner where requested to do so.

- 6.9.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the Council—
- (a) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and
 - (b) may accept a cost contribution, based on estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.
- 6.9.11.5 Where an owner's cost contribution is adjusted under clause 6.9.11.4, the Council, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.
- 6.9.12 Valuation
- 6.9.12.1 Clause 6.9.12 applies in order to determine the value of land to be acquired for the purpose of providing infrastructure.
- 6.9.12.2 In clause 6.9.12—
- 'Value' means fair net expectation value which is to be calculated by—
- (a) determining the highest and best use of the land in its englobed state, either on its own or with other land ripe for subdivision; and
 - (b) adding the margin for profit foregone had the land been able to be subdivided in its optimum form including allowances for all usual costs and expenses attributed to that land required to carry out such an exercise, but not including an allowance for risk as might otherwise have been made.
- 'Profit' is to be 10 per cent calculated by the difference between—
- (a) the gross realisation of the lots or part lots yielded from the subject land less the advertising and legal expenses so required to sell the lots; and
 - (b) the amount of (a) divided by 1.1.
- 'Valuer' means a licensed valuer agreed by the Council and the owner, or where the Council and the owner are unable to reach agreement, a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.
- 6.9.12.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the Council requesting a review of the amount of the value, at the owner's expense, within 28 days after being informed of the value.
- 6.9.12.4 If the valuer does not change the value of the land to a figure acceptable to the owner, the value is to be determined—
- (a) by any method agreed between the Council and the owner; or
 - (b) if the Council and the owner cannot agree, by arbitration in accordance with the *Commercial Arbitration Act 1985*.
- 6.9.13 Liability for Cost Contributions
- 6.9.13.1 An owner is required to make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 6.9.
- 6.9.13.2 An owner's liability to pay the owner's cost contribution to the Council arises on the earlier of—
- (a) the Commission endorsing its approval on the Diagram or Plan of Survey of the subdivision of the owner's land within the development contribution area;
 - (b) the commencement of any development or commencing any new or extended use on the owner's land within the development contribution area;
 - (c) the time of applying to the Council or Commission for approval of any development or new or extended use, on the owner's land within the development contribution area; or
 - (d) at the expiry of the development contribution plan in accordance with clause 6.9.8.
- 6.9.13.3 Notwithstanding clause 6.9.13.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided since the gazettal of the development contribution plan.
- 6.9.14 Payment of Cost Contribution
- 6.9.14.1 The owner, with the agreement of the Council, is to pay the owner's cost contribution by—
- (a) cheque or cash;

- (b) transferring to the Council or a public authority land in satisfaction of the cost contribution;
 - (c) some other method acceptable to the Council; or
 - (d) any combination of these methods.
- 6.9.14.2 The owner, with the agreement of the Council, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the Council.
- 6.9.14.3 Payment by an owner of the cost contribution, including a cost contribution based on estimated costs, constitutes full and final discharge of the owner's liability under the development contribution plan.
- 6.9.15 Charge on land
 - 6.9.15.1 The amount of any cost contribution for which an owner is liable under clause 6.9.13, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the Council may lodge a caveat, at the owner's expense, against the owner's title to that land.
 - 6.9.15.2 The Council, at the owner's expense and subject to such other conditions as the Council thinks fit, is to withdraw a caveat lodged under clause 6.9.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.
 - 6.9.15.3 If the cost contribution is paid in full, and if requested to do so by the owner, the Council, at the expense of the owner, is to withdraw any caveat lodged under clause 6.9.15.
- 6.9.16 Administration of Funds
 - 6.9.16.1 The Council is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the cost of infrastructure and administrative costs within that development contribution area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.
 - 6.9.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 6.9.16.1 is to be applied in the development contribution area to which the reserve account relates.
 - 6.9.16.3 The Council is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.
- 6.9.17 Shortfall or Excess in Cost Contributions
 - 6.9.17.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the Council may—
 - (a) make good the shortfall;
 - (b) enter into agreements with owners to fund the shortfall; or
 - (c) raise loans or borrow from a financial institution,but nothing in clause 6.9.17.1 restricts the right or power of the Council to impose a differential rate to a specified development contribution area in that regard.
 - 6.9.17.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the Council is to apply the excess funds for the provision of additional facilities or improvements in that development contribution area.
- 6.9.18 Powers of the Council

The Council in implementing the development contribution plan has the power to—

 - (a) acquire any land or buildings within the scheme area under the provisions of the *Planning and Development Act 2005*; and
 - (b) deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.
- 6.9.19 Arbitration

Subject to clause 6.9.12.4 any dispute between an owner and the Council in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

- (b) Adding Appendix 11 to the Scheme Text relating to Development Contribution Areas as follows—

Appendix 11—Development Contribution Areas

Area No.	Description of Land	Infrastructure to which cost sharing arrangements relate	Cost sharing arrangements

P. CREEVEY, Mayor.
M. R. NEWMAN, Chief Executive Officer.

PI404*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Swan

Local Planning Scheme No. 17—Amendment No. 22

Ref: 853/2/21/16 PT 22

It is hereby notified for public information, in accordance with Section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Swan Local Planning Scheme Amendment on 19 January 2010 for the purpose of—

- Including in Schedule 2—Additional Uses a new Additional Use provision No. 78 as follows—

No.	Description of Land	Additional Use	Conditions
78	Lot 178 (No. 4) Mathoura Street, Midland	'P'—Carpark	1. Landscaping strip of 3 metres wide along the western (street) boundary of the site, excluding points of access (driveways) to the site.

- Amending the Scheme Maps pertaining to Lot 178 Mathoura Street, Midland accordingly.

C. ZANNINO, Mayor.
M. J. FOLEY, Chief Executive Officer.

PI405*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Geraldton-Greenough

Town Planning Scheme No. 3 (Geraldton)—Amendment No. 52

Ref: 853/3/2/7 Pt 52

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005*, that the Minister for Planning approved the City of Geraldton-Greenough local planning scheme amendment on 29 December 2009 for the purpose of—

- Rezoning and reclassifying Lot 10 (Rangeway), Lot 4940 and Part of Lot 11 (Karloo) from 'Development' zone, 'Single Residential R17.5/30/40' zone, 'Primary Distributor Road' reserve and 'Community and Public Purposes—School' reserve to 'Residential Development' zone.
- Reclassifying Lot 1945 and portions of Lots 3195, 3194, and 3193 Continus Street, Lot 3153 Keane Street and portions of Lot 3155 Myrtus Street, Reserve 46861 (Lots 3154 and 1946) and Highbury Street from 'Development R17.5/30/40' zone and no classification to the 'Primary Distributor Road' reservation.
- Reclassifying portions of Reserves 37413 (Lot 500) and 46861 (Lot 3198) from the 'Primary Distributor Road' reservation and 'Development R17.5/30/40' zone to the 'Community and Public Purposes—School' reservation.
- Amending the Scheme Map accordingly.

ANTHONY BRUN, Chief Executive Officer.
IAN CARPENTER, Mayor.

PI406*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Geraldton-Greenough

Town Planning Scheme No. 4 (Greenough)—Amendment No. 114

Ref: 853/3/7/6 Pt 114 & TPS/0033/1

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005*, that the Minister for Planning approved the City of Geraldton-Greenough local planning scheme amendment on 29 December 2009 for the purpose of—

1. Rezoning Lots 2079, X20, X21, X22 and a portion of Lot 2466 Brand Highway, Cape Burney from 'General Farming' to 'Development'.
2. Amending the Scheme Maps accordingly.

ANTHONY BRUN, Chief Executive Officer.
IAN CARPENTER, Mayor.

RACING, GAMING AND LIQUOR

RG401*

LIQUOR CONTROL ACT 1988
LIQUOR APPLICATIONS

The following is a summary of applications received under the *Liquor Control Act 1988 (the Act)* and required to be advertised.

Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming & Liquor, 1st Floor, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
13289	Pisconeri Wholesalers Pty Ltd	Application for the grant of a Wholesaler's licence in respect of premises situated in Osborne Park and known as Italian Beverages Australia	11/02/2010
13286	Liquorland (Australia) Pty Ltd	Application for the grant of a Liquor Store licence in respect of premises situated in Claremont and known as Vintage Cellars Claremont	7/03/2010

This notice is published under section 67(5) of the Act.

Dated: 27 January 2010.

B. A. SARGEANT, Director of Liquor Licensing.

REGIONAL DEVELOPMENT

RD401*

REGIONAL DEVELOPMENT COMMISSIONS ACT 1993
APPOINTMENTS

It is hereby notified for general information that the Minister for Regional Development has approved the appointment of the following as board members in accordance with Part 3 of the *Regional Development Commissions Act 1993*.

Peel Development Commission Board of Management

- Mr Noel Nancarrow appointed as a community representative for a term expiring on 30 June 2012.

- Mr Steven Coughlan appointed as a ministerial representative for a term expiring on 30 June 2012.
- Councillor Merri Harris appointed as a Local Government representative for a term expiring on 30 June 2012.
- Councillor Larry Scott appointed as Deputy Chairman for a term expiring 30 June 2012.

BRENDON GRYLLES MLA, Minister for Regional Development.

SALARIES AND ALLOWANCES TRIBUNAL

SX401*

SALARIES AND ALLOWANCES ACT 1975 DETERMINATION VARIATION

PREAMBLE

The Salaries and Allowances Tribunal has been requested to make a determination in respect of four new positions titled Executive Director, Cabinet and Policy Division, Department of the Premier and Cabinet, following their inclusion in the Special Division of the Public Service.

DETERMINATION

The determination of the Salaries and Allowances Tribunal made on 3 April 2009 under sections 6(1)(c), (d) and (e) of the *Salaries and Allowances Act 1975*, as amended from time to time, is hereby varied by a further determination set out below.

Amend and include in Part 1 of the First Schedule the following—

Agency	Office	Classification
Department of the Premier and Cabinet	Executive Director, Cabinet and Policy Division	Group 2 Minimum
Department of the Premier and Cabinet	Executive Director, Cabinet and Policy Division	Group 2 Minimum
Department of the Premier and Cabinet	Executive Director, Cabinet and Policy Division	Group 2 Minimum
Department of the Premier and Cabinet	Executive Director, Cabinet and Policy Division	Group 2 Minimum

Dated at Perth this 22nd day of January 2010.

W. S. COLEMAN AM,
Chairman.

C. A. BROADBENT,
Member.

B. J. MOORE,
Member.

Salaries and Allowances Tribunal

SX402*

SALARIES AND ALLOWANCES ACT 1975 DETERMINATION VARIATION

The determination of the Salaries and Allowances Tribunal made on 3 April 2009 under sections 6(1)(c), (d) and (e) of the *Salaries and Allowances Act 1975*, as amended from time to time, is hereby varied by a further determination set out below.

Amend and include in Part 1 of the First Schedule the following—

Agency	Office	Classification
Chief Executive Officer	Western Australian Tourism Commission	\$225,000

Dated at Perth this 22nd day of January 2010.

W. S. COLEMAN AM,
Chairman.

C. A. BROADBENT,
Member.

B. J. MOORE,
Member.

Salaries and Allowances Tribunal

TRANSPORT

TR401*

ROAD TRAFFIC CODE 2000**DECLARATION IN RESPECT OF VEHICLE CO-DRIVERS OCCUPYING SLEEPER BERTHS**

I, Simon O'Brien MLC, Minister for Transport, under regulation 4A(1) of the *Road Traffic Code 2000* (the Code), declare that, for a period of twelve months from the date of this declaration, the provisions of regulations 234(1) and 237(1) of the Code do not apply to a passenger in a vehicle, where the passenger is the co-driver of the vehicle and is occupying a sleeper berth facility in the vehicle.

For the purposes of this declaration, 'sleeper berth' means a sleeper berth conforming to the Australian Design Rules ADR 42, the National Transport Commission's publication "Sleeping Berth Standard for New Buses Manufactured after 31 December 2000", or other sleeper berth that has been approved by the Director General.

This instrument is called RTCode 2010/00642.

SIMON O'BRIEN MLC, Minister for Transport.

Dated this 21st day of January 2010.

DECEASED ESTATES

ZX401

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

Pauline Teresa Reighard (also known as Pauline Therese Reighard), late of 9 Voyager Drive, Thornlie, in the State of Western Australia, Widow, deceased.

Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on the 4th day of September 2009, are required by the Executors, being Ms Theresa Gladys Tryon, Ms Jacqueline Anne Crofts, and Ms Janine Ruth Andersen, care of Mort & Associates, P.O. Box 20, Cannington, WA, 6987, to send particulars of their claims to them by the 5th day of March 2010, after which date the Executors may convey or distribute the assets, having regard only to claims of which they then have notice.

MORT & ASSOCIATES as solicitor for the Executors.

ZX402

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

Brian Stirling Frazer, late of Concorde Nursing Home, Anstey Street, South Perth, Western Australia, Business Proprietor ("the deceased").

Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962*, relates) in respect to the estate of the deceased who died on 21 May 2008 are required by the Executors Keralyn Lee Frazer & Mark Stirling Frazer of care of Clifton Tham Commercial Law & Litigation of PO Box 1587, Osborne Park WA 6916 to send particulars of their claims to them by no later than 1st March 2010 after which date the Executors may distribute the assets having regard only to the claims on hand.

ZX403

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

Dellis Beryl Humphrys (also known as Dellas Beryl Humphrys), late of Regis Forrest Gardens, 926 Woodrow Street, Bunbury in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased who died on 29 November 2009 are required by the personal representative to send particulars of their claims to him care of Clement & Co, Lawyers, Unit 2, 12 Sutton Street, Mandurah by the 3 March 2010 after which date the personal representative may convey or distribute the assets having regard to the claims of which he then has notice.

CLEMENT & CO as solicitors for the personal representative.

ZX404

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Constance Tindale Mercer late of Lady McCusker Home, Beddi Road, Duncraig, Western Australia, Retired Teacher 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 11 November 2009 are required by the Trustee ANZ Trustees Limited ACN 006 132 332 of Level 4, 100 Queen Street, Melbourne, VIC 3000 to send particulars of their claim to them by 12 March 2010 after which date the Trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

ZX405*

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act* relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 1 March 2010 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bihary, Maria, late of Italian Aged Care, 33 Kent Road, Marangaroo, died 3.12.2009 (DE19871268EM17)

Dry, Joyce Renee, late of Sarah Hardy House, 222 Cammillo Road, Kelmscott, died 28.12.2009 (DE19763693EM26)

Eiffert, John, late of 49 Crimea Street, Morley, died 15.01.2010 (DE19932802EM24)

Faulkner, Sheila Mary, also known as Pat Faulkner, late of 284 Knutsford Avenue, Kewdale, died 8.1.2010 (DE19920918EM15)

Hart, Karen Elizabeth, also known as Kerron Elizabeth Hart, late of 30 Diadem Street, Eaton, died 19.08.2009 (DE33024614EM26)

Irvine, William John, also known as Bill John Irvine, late of 9 Tricourt Grove, Riverton, died 17.11.2009 (DE19830152EM16)

Mazzacchi, Letizia, late of 48 Ruislip Street, West Leederville, formerly of 1/35 Waterloo Street, Jondanna, died 21.10.2009 (DE19971235EM213)

McGillivray, Nancy, late of c/-2nd Avenue Aged Care Facility, 51-53 Second Avenue, Mount Lawley, died 1.09.2009 (DE19894372EM35)

Reid, Ian Spence Login, late of 2/20 Muir Street, Innaloo, died 11.12.2009 (DE19731039EM13)

Savage, Barbara Joy, late of 2 Amur Place, Bateman, died 18.12.2009 (DE30316601EM16)

Svard, Ebbe Gregor, also known as Ebbe Gregor Sward, late of Mertome Care Awaiting Placement, 30 Winifred Road, Bayswater, formerly of 6 Burdham Way, Balga, died 16.11.2009 (DE33077685EM15)

Szalma, Karoly, late of 14b Jindalee Court, Ballajura, died 18.12.2009 (DE20011900EM36)

Taylor, Elaine Margaret, late of St Andrews Residential Care Facility, 313 Main Street, Balcatta, died 16.11.2009 (DE19821157EM24)

Trott, Eva Eileen, late of The Cove Brightwater Nursing Home, 35 Hudson Drive, Dudley Park, died 27.11.2009 (DE19661018EM32)

JOHN SKINNER, Public Trustee,
Public Trust Office,
565 Hay Street,
Perth WA 6000.

ZX406*

PUBLIC TRUSTEE ACT 1941
ADMINISTERING OF ESTATES

Notice is hereby given that pursuant to Section 14 of the *Public Trustee Act 1941* and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth the 29th day of January 2010.

JOHN SKINNER, Public Trustee,
Public Trust Office,
565 Hay Street,
Perth WA 6000.

Name of Deceased	Address	Date of Death	Date Election Filed
Verna Doris Marriott DE19880601EM26	35 Dwyer Street Boulder	20 October 2009	21 January 2010
Norman Joseph Tuppin DE33074083EM17	295 Manning Road Waterford	3 April 2009	21 January 2010

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