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# — PART 1 —

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## PROCLAMATIONS

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AA101\*

### ROAD TRAFFIC AMENDMENT (ALCOHOL AND DRUG RELATED OFFENCES) ACT 2011

No. 14 of 2011

PROCLAMATION

Western Australia  
By His Excellency  
Malcolm James McCusker,  
Officer of the Order of Australia,  
Queen's Counsel,  
Governor of the State of Western Australia

[L.S.]

M. J. McCUSKER  
Governor

I, the Governor, acting under the *Road Traffic Amendment (Alcohol and Drug Related Offences) Act 2011* section 2(b) and with the advice and consent of the Executive Council, fix—

- (a) 1 October 2011 as the day on which Part 2 of that Act comes into operation; and
- (b) the day fixed under the *Road Traffic (Administration) Act 2008* section 2(b) as the day on which Part 3 of that Act comes into operation.

Given under my hand and the Public Seal of the State on 23 August 2011.

By Command of the Governor,

TROY BUSWELL, Minister for Transport.

Note: Under the *Road Traffic (Infringements) Amendment Regulations 2011* regulation 2(b), the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Road Traffic Amendment (Alcohol and Drug Related Offences) Act 2011* Part 2 comes into operation; and

Under the *Road Traffic (Miscellaneous) Amendment (No. 2) Regulations 2011* regulation 2(b), the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Road Traffic Amendment (Alcohol and Drug Related Offences) Act 2011* Part 2 comes into operation.

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**AGRICULTURE AND FOOD**

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AG301\*

Veterinary Chemical Control and Animal Feeding  
Stuffs Act 1976

## **Veterinary Chemical Control and Animal Feeding Stuffs Amendment Regulations 2011**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Veterinary Chemical Control and Animal Feeding Stuffs Amendment Regulations 2011*.

### **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 *Veterinary Chemical Control and Animal Feeding Stuffs Regulations 2006*.

### **4. Regulation 22 amended**

Delete regulation 22(1).

Note: The heading to amended regulation 22 is to read:

**Exemption for authorised use**

### **5. Regulation 26 amended**

- (1) In regulation 26(1) delete “an animal feeding stuff” and insert:

a manufactured stock food

- (2) In regulation 26(2):

- (a) in paragraph (b) delete “material.” and insert:  
material.”;

- (b) after paragraph (b) insert:
- (c) a statement approved in writing by the Director relating to —
- (i) a product that contains a restricted animal material; or
  - (ii) a product that does not contain a restricted animal material.
- (3) In regulation 26(3):
- (a) delete “an animal feeding stuff” and insert:
- a manufactured stock food
- (b) delete “RUMINANTS.”” and insert:
- RUMINANTS.” or with a statement approved under subregulation (2)(c)(i).
- (4) In regulation 26(4) delete “material.”” and insert:
- material.” or with a statement approved under subregulation (2)(c)(ii).
- (5) In regulation 26(5)(a) delete “package,” and insert:
- package the net weight of which is more than 5 kg,
- (6) In regulation 26(7) delete “an animal feeding stuff” and insert:
- a manufactured stock food

Note: The heading to amended regulation 26 is to read:

**Labelling requirements as to restricted animal material in  
manufactured stock food (section 53)**

## **6. Regulation 29 amended**

- (1) Before regulation 29(1) insert:
- (1A) In this regulation —
- swill* means any material that consists of or contains matter from an animal or has been in contact with matter from an animal, but does not include gelatine, milk, milk products, tallow or used cooking oil.

(2) After regulation 29(5) insert:

- (6) A person in control of a pig must not feed swill to the pig unless —
- (a) the swill has been treated by a process approved in writing by the Chief Veterinary Officer; or
  - (b) the Chief Veterinary Officer has given prior written approval for the feeding of the swill to a pig.

Penalty: a fine of \$2 000 and a daily penalty of \$200.

- (7) A person in control of a pig must take every reasonable measure to ensure that the pig does not have access to swill unless —
- (a) the swill has been treated by a process approved in writing by the Chief Veterinary Officer; or
  - (b) the Chief Veterinary Officer has given prior written approval for the feeding of the swill to a pig.

Penalty: a fine of \$2 000 and a daily penalty of \$200.

- (8) A person must take every reasonable measure to ensure that a pig does not gain access to swill in the possession of that person unless the swill has been treated by a process approved in writing by the Chief Veterinary Officer.

Penalty: a fine of \$2 000 and a daily penalty of \$200.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

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**JUSTICE**

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JU301\*

Legal Profession Act 2008

**Legal Profession Amendment Regulations  
(No. 4) 2011**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Legal Profession Amendment Regulations (No. 4) 2011*.

**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 *Legal Profession Regulations 2009*.

**4. Regulation 24 replaced**

Delete regulation 24 and insert:

**24. Conduct of multi-disciplinary partnership:  
section 132(3)**

(1) In this regulation —

*external administrator* means —

- (a) a Corporations Act administrator as defined in section 124(1) of the Act; or
- (b) a person who is appointed under legislation (whether or not legislation of this jurisdiction) to a position equivalent to a position covered by paragraph (a); or
- (c) an agent for the mortgagee.

(2) An Australian legal practitioner must not be in partnership with a person who conducts a managed investment scheme where the business of the

partnership includes the provision of legal services, except where the person conducts the managed investment scheme in the person's capacity as an external administrator.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

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## LOCAL GOVERNMENT

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LG301\*

**HEALTH ACT 1911**  
**LOCAL GOVERNMENT ACT 1995**  
*Shire of Derby/West Kimberley*  
**HEALTH AMENDMENT LOCAL LAW 2010**

Under the powers conferred by section 342 of the *Health Act 1911*, subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Derby/West Kimberley resolved on 16th December, 2010 to make the following local law.

**1. Citation**

This local law is the *Shire of Derby/West Kimberley Health Amendment Local Law 2010*.

**2. Commencement**

This local law comes into operation on the day in which it is published in the *Government Gazette*.

**3. Principal local law**

In this local law the *Shire of Derby/West Kimberley Health Local Laws 1998* as published in the *Government Gazette* on 21 April 1999, is referred to as the principal local law. The principal local law is amended.

**4 Correction to terminology**

Except in the definition of "Council" and "water" in section 3(1) and in section 104(b), throughout the local law delete "Council" wherever it appears and insert "local government" or "the local government" as appropriate.

**5. Section 3 amended**

In section 3(1)—

- (a) Delete the definition "approved" and insert—  
"“approved” means approved by the local government;”
- (b) In alphabetical order of the terms being defined, insert the definition—  
"“local government” means the local government of the Shire of Derby/West Kimberley and includes the Council of the local government;” and
- (c) Delete the definition "water" and insert—  
"“water” means drinking water within the meaning of the Australian Drinking Water Guidelines as published by the National Health and Medical Research Council in 2004 and as amended from time to time; and”

**6. Section 6 amended**

In section 6—

- (a) in subsection (1)(c) delete "hand wash basin" and insert "wash hand basin";
- (b) in subsection (1)(c)(iii) delete "basin" and insert "wash hand basin";
- (c) in subsection (1)(c)(iv) delete "basin" and insert "wash hand basin";
- (d) in subsection (2)(c) delete "hand wash basin" and insert "wash hand basin";  
and
- (e) in subsection (2)(c)(ii) delete "hand basin" and insert "wash hand basin".



**7. Section 7 amended**

In section 7—

- (a) in subsection (1)(a)(iii) delete “hand wash basin” and insert “wash hand basin”; and
- (b) in subsection (1)(b)(iii) delete “hand wash basin” and insert “wash hand basin”.

**8. Section 15 amended**

In section 15—

- (a) in subsection (1)(a) insert after the word ceiling “in accordance with the requirements of Part F2.4.1 of the Building Code”; and
- (b) in subsection (2) delete “hand basins” and insert “wash hand basins”.

**9. Section 18 amended**

In section 18(3)(a) delete “requirements of the Office of Energy” and insert “requirements of Energy Safety”.

**10. Section 19 amended**

In section 19(m) delete “the Office of Energy” and insert “Energy Safety”.

**11. Section 25 amended**

In section 25—

- (a) in subsection (2)(b) delete “AS1668.2: 1991” and insert “AS 1668.2:2002”; and
- (b) in subsection (3)(a) delete “AS3666-1989” and insert “AS/NZS 3666.2;2002”.

**12. Part 4 amended**

In Part 4—

- (a) Delete “Division 2”;
- (b) Re-designate “Division 3” as “Division 2”; and
- (c) Re-designate “sections 52 to 208” as “sections 40 to 196”.

**13. Section 45 amended**

In section 45—

- (a) In subsection (1) delete “(1) Subject to subsection (2), an” and insert “An”; and
- (b) Delete subsection “(2)”.

**14. Section 54 amended**

In section 54(1)(a) delete “Town Planning Scheme” and insert “Local Planning Scheme”.

**15. Section 56 amended**

In sections 56(1) and 56(2) delete “immediately” and insert “as soon as possible”.

**16. Section 59 amended**

In section 59—

- (a) in subsection (1)(a) delete “Town Planning Scheme” and insert “Local Planning Scheme”;
- (b) at the end of subsection (4)(b) insert “and”; and
- (c) at the end of subsection (4)(c) delete “; and” and insert “.”.

**17. Section 67 amended**

In section 67 (1) delete “sections 76 and 78” and insert “sections 64 and 66”.

**18. Section 70 amended**

In section 70(1), delete “AS1668.2 Part 2 1991” and insert “AS 1668.2—2002”.

**19. Section 71 amended**

In section 71(a)(i)(A) and (a)(i)(B) delete “AS1668.2 Part 2 1991” and insert “AS 1668.2—2002”.

**20. Section 77 amended**

In section 77(1)(a), delete “section 88” and insert “section 76”.

**21. Section 91 amended**

In section 91(3)(b), delete “section 99” and insert “section 87”.

**22. Section 98 amended**

In section 98 in the definition “lot” delete “*Town Planning and Development Act 1928*” and insert “*Planning and Development Act 2005*”.

**23. Section 116 adding a definition**

In section 116(1) in alphabetical order of the term being defined, insert the definition—

“Food Standards Code” means the Australian New Zealand Food Standards Code as defined in the Commonwealth *Food Standards Australia New Zealand Act 1991*;

**24. Section 117 amended**

In section 117(b) delete “section 133” and insert “section 119”.

**25. Section 119 amended**

In section 119 delete “section 132” and insert “section 118”.

**26. Section 125 amended**

In section 125(3) delete “hand wash basin” and insert “wash hand basin”.

**27. Section 127 amended**

In section 127(c) delete “the requirements of the *Health (Food Hygiene) Regulations 1993*” and insert “the requirements of the Food Standards Code”.

**28. Section 134 amended**

In section 134—

- (a) in subsection (1) delete “section 163” and insert “section 149”; and
- (b) in subsection (1)(e) delete “Section 147(2)” and insert “section 135(2)”.

**29. Section 135 amended**

In section 135(2), delete “sub-by-law (1)” and insert “sub-section (1)”.

**30. Section 136 amended**

In section 136—

- (a) sub-section (3), delete “to be Provided by subsection (1)(b)(ii)” and insert “to be provided by sub-section (1)(b)(ii)”; and
- (b) sub-section (4), delete “subsection (1)(c)” and insert “sub-section (1)(c)”.

**31. Section 148 amended**

In section 148—

- (a) paragraph (b), delete “, obnoxious”.
- (b) paragraph (h), delete “section 163” and insert “section 149”.

**32. Section 151 amended**

In section 151(1)(a), delete “section 166” and insert “section 152”.

**33. Section 152 amended**

In section 152, delete “section 165” the two times it appears and insert “section 151”.

**34. Section 153 amended**

In section 153(b) delete “*Offensive Trades (Fees) Regulations 1976*” and insert “*Health (Offensive Trades Fees) Regulations 1976*”.

**35. Section 157 deleted**

- (a) Delete section 157.
- (b) redesignate “sections 158 to 196” as “sections 157 to 195”.

**36. Section 175 amended**

In section 175(a) delete “section 178” and insert “section 163”.

**37. Section 177 amended**

In section 177, delete “the *Health (Food Hygiene) Regulations 1993*” and insert “the Food Standards Code”.

Dated: 16th December, 2010.

The Common Seal of the Shire of Derby/West Kimberley was affixed under the authority of a resolution of Council in the presence of—

E. M. ARCHER, Shire President.  
S. BURGE, Chief Executive Officer.

Dated: 31st March 2011.

Consented to—

TARUN WEERAMANTHRI, Executive Director,  
Public Health.

Dated: 24th May 2011

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**PREMIER AND CABINET**

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PR301\*

Supreme Court Act 1935

**Acting Attorney General Designation Order  
(No. 4) 2011**

Made by the Governor in Executive Council.

**1. Citation**

This order is the *Acting Attorney General Designation Order (No. 4) 2011*.

**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 26 September to 2 October 2011 (both dates inclusive).

**3. Previous designation superseded**

This order supersedes the *Acting Attorney General Designation Order (No. 2) 2011* (published in the *Gazette* on 12 August 2011 p. 3247-8).

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.  
  
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**TRANSPORT**


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TN301\*

Road Traffic Act 1974

## Road Traffic (Infringements) Amendment Regulations 2011

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Road Traffic (Infringements) Amendment Regulations 2011*.

### 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 *Road Traffic Amendment (Alcohol and Drug Related Offences) Act 2011* Part 2 comes into operation.

### 3. Regulations amended

These regulations amend the *Road Traffic (Infringements) Regulations 1975*.

### 4. Schedule 1 amended

Delete Schedule 1 items 9 and 9A and insert:

9.	Section 64AA	A first offence of driving or attempting to drive a motor vehicle while having a blood alcohol content of or above 0.05 g of alcohol per 100 mL of blood	5
9A.	Section 64AAA	Driving or attempting to drive a motor vehicle while having any blood alcohol content .....	2

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

TN302\*

Road Traffic Act 1974

## Road Traffic (Miscellaneous) Amendment Regulations (No. 2) 2011

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Road Traffic (Miscellaneous) Amendment Regulations (No. 2) 2011*.

### 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 *Road Traffic Amendment (Alcohol and Drug Related Offences) Act 2011* Part 2 comes into operation.

### 3. Regulations amended

These regulations amend the *Road Traffic (Miscellaneous) Regulations 2008*.

### 4. Regulations 6A and 6B inserted

At the end of Part 2 insert:

#### 6A. Classes of person prescribed for s. 64A and 64AAA of Act

- (1) In this regulation —  
*contractor*, to FESA, an emergency services organisation or a local government, means —
  - (a) a person who is engaged by FESA, the emergency services organisation or the local government under a contract for services; or
  - (b) a person who is employed or engaged by a person referred to in paragraph (a);

**emergency services organisation** means any of the following —

- (a) a FESA Unit as defined in the FESA Act section 3;
- (b) an SES Unit as defined in the FESA Act section 3;
- (c) a VMRS Group as defined in the FESA Act section 3;
- (d) a bush fire brigade as defined in the *Bush Fires Act 1954* section 7(1);
- (e) a private fire brigade as defined in the *Fire Brigades Act 1942* section 4(1);
- (f) a volunteer fire brigade as defined in the *Fire Brigades Act 1942* section 4(1);

**FESA** means the Fire and Emergency Services Authority of Western Australia established by the FESA Act section 4;

**FESA Act** means the *Fire and Emergency Services Authority of Western Australia Act 1998*.

- (2) The following classes of person are prescribed for the purposes of sections 64A(4A)(a) and 64AAA(2A)(a) of the Act —
- (a) a person who is an officer or member of an emergency services organisation;
  - (b) a person who is employed by a local government under the *Local Government Act 1995* section 5.36;
  - (c) a person who is a contractor to FESA, an emergency services organisation or a local government;
  - (d) a person who is acting under the direction of a person referred to in paragraph (a), (b) or (c).

**6B. Classes of motor vehicle prescribed for s. 64A of Act**

The following classes of motor vehicle are prescribed for the purposes of section 64A(5)(e) of the Act —

- (a) a motor vehicle that is a placarded vehicle as defined in the *Dangerous Goods Safety (Explosives) Regulations 2007* regulation 107(1);
- (b) a motor vehicle transporting a load of dangerous goods that is required to be placarded under the *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007* regulation 110.

**5. Schedule 2 amended**

In Schedule 2 in the item for section 64AAA delete “being a novice driver and”.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

TN303\*

Road Traffic Act 1974

## **Road Traffic (Bicycles) Amendment Regulations 2011**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Road Traffic (Bicycles) Amendment Regulations 2011*.

**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 *Road Traffic (Bicycles) Regulations 2002*.

**4. Regulation 3 amended**

- (1) In regulation 3(1) delete the definition of *bicycle*.
- (2) In regulation 3(1) insert in alphabetical order:

*bicycle* means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt,

chain or gears (whether or not it has an auxiliary motor) and —

- (a) includes a pedicab, penny-farthing and tricycle; but
- (b) does not include a wheelchair, wheeled recreational device, wheeled toy or any vehicle with an auxiliary motor capable of generating a power output over 200 watts (whether or not the motor is operating);

*wheeled recreational device* has the meaning given in the *Road Traffic Code 2000* regulation 3(1);

*wheeled toy* has the meaning given in the *Road Traffic Code 2000* regulation 3(1).

- (3) In regulation 3(1) in the definition of *Vehicle Standards* delete “2002.” and insert:

2002;

**5. Regulation 8 amended**

In regulation 8 delete “200” and insert:

180

**6. Regulations 11, 12 and 13 deleted**

Delete regulations 11, 12 and 13.

**7. Regulation 14 amended**

In regulation 14(c) delete “forward of or”.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

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TN304\*

Road Traffic Act 1974

## Road Traffic Code Amendment Regulations (No. 2) 2011

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Road Traffic Code Amendment Regulations (No. 2) 2011*.

### 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 *Road Traffic Code 2000*.

### 4. Regulation 3 amended

In regulation 3(1) delete the definition of *bicycle* and insert:

*bicycle* means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor) and —

- (a) includes a pedicab, penny-farthing and tricycle; but
- (b) does not include a wheelchair, wheeled recreational device, wheeled toy or any vehicle with an auxiliary motor capable of generating a power output over 200 watts (whether or not the motor is operating);

### 5. Regulation 222A deleted

Delete regulation 222A.

### 6. Regulation 223A amended

- (1) Delete regulation 223A(3).

- (2) In regulation 223A(4) delete “Subregulations (2) and (3) do” and insert:

Subregulation (2) does

**7. Regulation 224 amended**

After regulation 224(1) insert:

- (2A) A person shall not ride a bicycle during the hours of darkness, or in hazardous weather conditions causing reduced visibility, unless the bicycle has affixed, to each wheel, 2 yellow side reflectors complying with the requirements for reflectors in Australian Standard AS 1927-1998 (*Pedal Bicycle-Safety Requirements*) and Australian Standard AS 2142-1978 (*Specification for Reflectors for Pedal Bicycles*).

Modified penalty: 1 PU

- (2B) A person shall not ride a bicycle during the hours of darkness, or in hazardous weather conditions causing reduced visibility, unless the bicycle has affixed, to both sides of each pedal, yellow pedal reflectors complying with the requirements for reflectors in Australian Standard AS 2142-1978 (*Specification for Reflectors for Pedal Bicycles*).

Modified penalty: 1 PU

- (2C) A person shall not ride a bicycle that has affixed a reflector capable of reflecting red light in the forward direction.

Modified penalty: 1 PU

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.

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## — PART 2 —

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### CONSERVATION

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CO401\*

**CONSERVATION AND LAND MANAGEMENT ACT 1984****CONSERVATION AND LAND MANAGEMENT (EXCISION FROM TIMBER RESERVE)  
ORDER (NO. 1) 2011**

Made by the Governor in Executive Council under section 17(6a) of the *Conservation and Land Management Act 1984*.

**1. Citation**

This order may be cited as the *Conservation and Land Management (Excision from Timber Reserve) Order (No. 1) 2011*.

**2. Background to this order**

- (1) The Shire of Donnybrook-Balingup has requested the excision of a portion of Timber Reserve No. 170/25 situated approximately seven kilometres south-east of Donnybrook.
- (2) The proposed excision is required to formally realign a section of Torridon Road so that the road as constructed is wholly within a road reserve.
- (3) In accordance with section 17(6a) of the *Act*, the Minister for the Environment, with the concurrence of the Minister for Forestry, recommends that the proposed excision be put into effect.
- (4) The land referred to in subclause (1) has been surveyed and is now described in Schedule 1.

**3. Portion of Timber Reserve No. 170/25 excised**

The land described in Schedule 1 is declared to be no longer Timber Reserve.

**Schedule 1—Land no longer part of Timber Reserve No. 170/25**

All that portion of land comprising Lot 501 on Deposited Plan 53614.

Area: 0.7742 hectares.

On Landgate Plan: Donnybrook (25) SW.

By Command of the Governor,

G. MOORE, Acting Clerk of the Executive Council.

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### ENERGY

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EN401\*

**ELECTRICITY CORPORATIONS ACT 2005****ELECTRICITY CORPORATIONS (AUTHORISED SUPPLY OF ELECTRICITY) ORDER 2011**

Made by the Minister under section 38(3) of the *Act*.

**1. Citation**

This order is the *Electricity Corporations (Authorised Supply of Electricity) Order 2011*.

**2. Commencement**

This order comes into operation on the day it is published in the *Gazette*.

**3. Authorised sales of electricity**

The Electricity Generation Corporation is hereby authorised in the performance of its functions under section 35(a) of the *Electricity Corporations Act 2005* to supply electricity to the Water Corporation as established under the *Water Corporation Act 1995* (ABN 28 003 434 917) for that entity's own consumption during the designated period as defined in section 38(2) of the *Electricity Corporations Act 2005* to the extent necessary to enable the Electricity Generation Corporation to fulfil its obligations under the Bilateral Trading Agreement dated 16 May 2011 and the Confirmation to the Bilateral Trading Agreement dated 16 May 2011 between the Electricity Generation Corporation trading as Verve Energy and the Water Corporation (as stated as at the commencement of this Order).

PETER COLLIER MLC, Minister for Energy.

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**LOCAL GOVERNMENT**

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LG401\*

**BUSH FIRES ACT 1954***Shire of Harvey*

## APPOINTMENTS

It is hereby notified for public information that in accordance with the provisions of the *Bush Fires Act 1954* the following persons have been appointed by Council as a Bush Fire Control Officer for the Shire of Harvey for the 2011/2012 fire season—

Chief Bush Fire Control Officer—Philip Royce Penny  
Deputy Chief Bush Fire Control Officer (South)—Colin Edmund Smith  
Deputy Chief Bush Fire Control Officer (North)—Vaughn William Byrd

Bush Fire Control Officers—

Michael Papalia  
Colin Edmund Smith  
Ian Roderick Dobson  
Daryle Wilson  
Philip Royce Penny  
Reginald Willmott Verrall  
Fredrick Mark Talbot  
Robert William George  
Vaughn William Byrd  
Anthea Donovan  
Gary Herbert Arthur  
Council Rangers

All previous appointments published are revoked.

MICHAEL PARKER, Chief Executive Officer.

LG501\*

**BUSH FIRES ACT 1954**

## FIREBREAK ORDER AND HAZARD REDUCTION

*Shire of Harvey*

2011/2012 Bush Fire Season

All Land Owners and Occupiers of Land within the Shire of Harvey

With reference to Section 33 of the *Bush Fires Act 1954*, you are required to carry out fire prevention work on land owned or occupied by you, in accordance with the provisions of this order.

Persons who fail to comply with the requirements of the order may be issued with an infringement notice (penalty \$250) or prosecuted with an increased penalty, and additionally, Council may carry out the required work at cost to the owner or occupier.

All landowners, including irrigated landowners, please note—

If it is considered to be impractical to clear firebreaks or remove flammable materials as required by this notice, or where;

- (a) Compliance with this order may aggravate soil erosion; or
- (b) You consider a more effective system of fire protection can be obtained; or
- (c) Natural features render firebreaks unnecessary

You must apply to the Council in writing no later than the 1st of November, for permission to provide firebreaks in alternative positions or to take alternative action to abate fire hazards on the land.

**A. RURAL LAND/SPECIAL RURAL LAND**

Firebreaks not less than 3 metres wide must be provided in the following positions—

- (a) Within 10 metres inside and along all boundaries of all land.
- (b) So as to divide the land into areas of not more than 120 ha (300 acres).
- (c) Around all groups of buildings, haystacks (includes two or more round bales placed in a paddock for storage purposes) and fuel installations but not closer than 6 metres.
- (d) Irrigation Areas—Owners or occupiers may be exempted from all or part of the requirements of the above. Contact Council's Law and Safety Services.

**IRRIGATED LAND DEFINITION**

Irrigated Land is defined as land that is watered, kept fully watered and is maintained in a non flammable state of the whole of the restricted and prohibited burning periods.

**B. URBAN LAND/SPECIAL RESIDENTIAL**

*(Residential, Commercial and Industrial land within a townsite or any other area subdivided for residential purposes)*

- (a) Where the area of land is 2,024m<sup>2</sup> (approx ½ acre) or less, remove all flammable material on the land except live standing trees, shrubs and plants, from the whole of the land;
- (b) Where the area of land exceeds 2,024m<sup>2</sup> (approx ½ acre) provide firebreaks of at least 2 metres wide and within 6 metres of the inside of all external boundaries of the land, cleared hardstand areas and reticulated grassed areas maintained in a green state maybe considered acceptable as an adequate firebreak.

NOTE: Myalup and Binningup—the following are accepted in lieu of item (a) of the above requirements. Firebreaks 2 metres wide inside and around all boundaries of land are accepted in lieu of item (a) of the above requirements.

1. Firebreaks 2 metres wide inside and around all boundaries of land.
2. Slashing of the entire block to remove flammable materials.
3. Removal of isolated fire flammable materials on the block.

**C. FUEL AND/OR GAS DEPOTS**

In respect of any land used for the above purposes, you shall maintain the land clear of all flammable materials.

**D. PLANTATIONS**

- (a) Definitions—
  - (i) A plantation is any area of planted pines or eucalyptus species exceeding 3 hectares in area.
  - (ii) A windbreak is a planted area a maximum of 15 metres wide but with no defined length.
- (b) Boundary Firebreaks—On the horizontal plane, a firebreak shall be provided 15 metres wide and immediately adjoining all external boundaries of the planted area. The outer 10 metres will be cleared of all flammable material while the inner 5 metres, i.e. that portion closest to the trees, may be kept in a reduced fuel state, i.e. by slashing or grazing grass provided that the height of the grass does not exceed eight centimetres. On the vertical plane, a clear space of 10 metres high will be maintained above outer 10 metres of the firebreak.
- (c) Internal Firebreaks—Plantations shall be subdivided into areas not exceeding 30 hectares by firebreaks 6 metres wide and shall be cleared of all flammable material. In the vertical plane, a clearance of a minimum height of 4 metres from ground level will be maintained above the firebreak.
- (d) Special Risks—
  - (i) Public Roads and Railway Reserves Firebreaks 15 metres wide shall be maintained where the planted area adjoins public roads and railway reserves. The specification will be as for “boundary firebreaks” on planted areas.
  - (ii) Power Lines-Firebreaks shall be provided along power lines where they pass through or lie adjacent to planted areas.

The specification of the width and the height of clearing shall be in accordance with Western Power specifications.

**FIREBREAK DEFINITION**

Firebreak means an area of land which must be maintained totally clear of all flammable material (living or dead) and any overhanging trees or other vegetation (up to a height of four (4) metres from ground level at any point) for the whole of the compliance period, 30th November, 2011 to 26th April, 2012.

**SPECIAL WORKS ORDERS**

Whilst the requirements of this Firebreak Order are considered to be the minimum standard for fire prevention work not only to protect individual properties but the district in general, Council retains the ability to issue Special Work Orders pursuant to Section 33 of the *Bush Fire Act 1954* to individual landowners should additional works be necessary for a potential fire hazard that may exist on a property.

**PROHIBITED AND RESTRICTED BURNING TIMES**

The prohibited (total ban) and restricted (permits required) burning times applying within this Shire are—

**IRRIGATION LAND:**

<b>Restricted</b>	<b>Prohibited</b>	<b>Restricted</b>
9th November, 2011 to 22nd December, 2011	23rd December, 2011 to 14th February, 2012	15th February, 2012 to 29th March, 2012

## BALANCE OF SHIRE:

Restricted	Prohibited	Restricted
2nd November, 2011 to 15th December, 2011	16th December, 2011 to 14th March, 2012	15th March, 2012 to 26th April, 2012

M. A. PARKER, Chief Executive Officer.

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## MARINE/MARITIME

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MA401\*

### SHIPPING AND PILOTAGE (MOORING CONTROL AREAS) REGULATIONS 1983

#### ROCKINGHAM MANGLES BAY MOORING CONTROL AREA

##### Determination of Fees

Department of Transport,  
Fremantle WA, 30 August 2011.

Pursuant to the *Shipping and Pilotage (Mooring Control Area) Regulations 1983*, the Department of Transport hereby gives notice that, in respect to the Rockingham Mangles Bay Mooring Control Area, it has been determined that as of the date of publication of this notice in the Gazette and until further notice, the fee payable to register and hire a mooring site shall be the amount calculated in accordance with the Schedule.

This notice replaces the Rockingham Mangles Bay Mooring Control Area Determination of Fees notice published on 8 February 2011.

##### Schedule

Fee Type	2010/11 Fee
Registration Fee	\$79.00
Annual Hiring Fee	\$447.90
Inaugural Hiring Fee	\$84.80

Dated: 13 July 2011.

SUE McCARREY, Acting Director General,  
Department of Transport.

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## PLANNING

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PL101\*

### CORRECTION

#### PLANNING AND DEVELOPMENT ACT 2005

#### AMENDMENT TO THE DECLARATION OF PLANNING CONTROL AREA 95

##### *City of Cockburn*

Rowley Road, Cockburn, between Kwinana Freeway and the Coast

It is hereby notified for public information that the notice under the above Planning Control Area 95, published at page 3342 of the *Government Gazette* No 157 dated 19 August 2011, contained an error which is now corrected by replacing as follows—

For the words—

plan number 1.7077/1

Read—

plans numbered 1.7076 and 1.7077/1

TONY EVANS, Secretary,  
Western Australian Planning Commission.

PL401\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**METROPOLITAN REGION SCHEME MINOR AMENDMENT 1216/57**  
**WANGARA INDUSTRIAL PRECINCT**

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 Wanneroo and is seeking public comment.

The amendment proposes to rezone approximately 80.95 ha of land in Wangara from the rural zone to the industrial zone and rationalise the Bush Forever overlay for Bush Forever area 463 in the MRS.

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

The plans showing the proposed change and the WAPC amendment report, which explains the proposal, will be available for public inspection from Tuesday 30 August 2011 to Friday 4 November 2010 at—

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Wanneroo
- City of Swan

Documents are also available from the PlanningWA website [www.planning.wa.gov.au](http://www.planning.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, Locked Bag 2506, Perth WA 6001; on or before 5 pm **Friday 4 November 2011**.

Late submissions will not be considered.

TONY EVANS, Secretary,  
Western Australian Planning Commission.

PL402\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**PEEL REGION SCHEME MINOR AMENDMENT 017/57 AND**  
**AMENDMENT OF SHIRE OF MURRAY TOWN PLANNING SCHEME NO. 4**  
**North Yunderup—Wilgie Creek (North) Precinct**

Amendment 017/57

File No. RLS/0112

The Minister for Planning has approved Amendment 017/57 to the Peel Region Scheme: North Yunderup—Wilgie Creek (North) Precinct. This amendment is shown on Western Australian Planning Commission (WAPC) Plan 3.2338.

Pursuant to section 126(1) of the *Planning and Development Act 2005*, the Shire of Murray Town Planning Scheme No. 4 is also amended, to give effect to the inclusion of land within the Regional Open Space reservation as depicted on WAPC Plan 3.2338.

Pursuant to section 126(3) of the *Planning and Development Act 2005*, the WAPC also resolved to transfer land to be included in the Urban zone, as depicted on WAPC Plan 3.2338, to the Special Development zone of the Shire of Murray Town Planning Scheme No. 4.

The amendments to the Peel Region Scheme and the Shire of Murray Town Planning Scheme No. 4 are effective from the date of publication of this notice in the *Government Gazette*.

The plan for this Peel Region Scheme amendment may be viewed at the offices of—

- Department of Planning (Peel Region Office), Pinjarra Road, Mandurah
- Department of Planning (Perth Office), William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- Municipal office of the Shire of Murray.

TONY EVANS, Secretary,  
Western Australian Planning Commission.

**PL403\***

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*Town of Port Hedland*  
 Town Planning Scheme No. 5—Amendment No. 30

Ref: TPS/0604

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 Town of Port Hedland local planning scheme amendment on 19 July 2011 for the purpose of—

1. Rezoning Lot 253 Rutherford Road from “Residential” R20 to “Residential” R30 as depicted on the amendment map.
2. Rezoning Lot 100 Paton Road from “Residential” R20 and “Residential” R30 to “Local Road” and “Residential” R30 as depicted on the amendment map.
3. Rezoning Lot 6041 Masters Way from “Parks and Recreation”, Lot 6042 Masters Way from “Residential” R30 and Closed portion of Kangaroo Place from “Local Road” to “Residential” R20 as depicted on the amendment map.
4. Rezoning Lots 3091 and 3100 Jibson Close from “Residential” R20 and closed portions of Kennedy Street and Cottier Drive closed roads (Roundabout) from “Local Road” and “Other Purposes—Water and Drainage” to “Residential” R30 and “Local Road” as depicted on the amendment map.
5. Rezoning Portion of closed road (Smith Street) from “Local Road” to “Residential” R30 as depicted on the amendment map.
6. Rezoning Portion of closed road (Baler Road) from “Local Road” to “Residential” R30 as depicted on the amendment map.
7. Rezoning Portion of closed Road (Huxtable Crescent) and portion of Lot 6128 Paton Road from “Residential” R20 and “Local Road” to “Residential” R20 and “Residential” R30 and “Local Road” as depicted on the amendment map.
8. Rezoning Lot 2240 Greene Place from “Parks and Recreation”, Lot 2241 Greene Place from “Residential” R20 and portions of Greene Place and McDonald Street Closed Roads from “Local Road” to “Residential” R30 as depicted on the amendment map.
9. Rezoning Lot 5554 Cassia Place from “Parks and Recreation” to “Residential” R20 as depicted on the amendment map.
10. Rezoning Lots 1, 2, 3101, 3102, 3103, 3104, 3105, 3106, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 6081 and 6083 Lovell Place, Lots 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3735 and 6115 Jibson Close, Lots 3087 and 3090 Brown Place from “Residential” R20 to “Residential” R30 and Lots 3734 and 3738 Brown Place from “Residential” R20 to “Other Public Purposes—Water and Drainage” and portion of Brown Place closed road from “Local Road” to “Residential” R30 as depicted on the amendment map.
11. Rezoning Lots 5977 and 2939 Hamilton Road from “Parks and Recreation” and “Local Road” to “Urban Development” R50 as depicted on the amendment map.
12. Rezoning Lots 6177 and 6108 Stanley Street and Cottier Drive from “Residential” R30 to “Parks and Recreation” (reference to “Community” deleted) as depicted on the amendment map.
13. Rezoning all lots bound by Steamer Avenue, Captains Way, Masters Way, Collier Drive and Beroona Loop from “Urban Development” R20 to Part “Residential” R20, Part “Residential” R30 and Part “Parks and Recreation Reserve” as depicted on the amendment map.

K. HOWLETT, Mayor.  
 P. MARTIN, Chief Executive Officer.

**PL405\***

**SUBIACO REDEVELOPMENT ACT 1994**  
**SUBIACO REDEVELOPMENT AUTHORITY**  
 Subiaco Redevelopment Scheme 1996—Amendment No. 8

It is hereby notified for public information that the Minister for Planning has granted approval to advertise Amendment No. 8 of the Subiaco Redevelopment Scheme 1996 for public comment.

Scheme Amendment No. 8 will create a new precinct, Precinct 10 Hood Street in the Redevelopment Scheme Map by amalgamating portions of two existing precincts, being Precinct 2 Roydhouse Street and Precinct 3 Centro Place.

The Hood Street Precinct will be bound by Roydhouse Street, Station Street, Roberts Road and Centro Avenue, Subiaco.

The Amendment also introduces a new clause 49C—Hood Street into the Scheme. This clause identifies the maximum plot ratio together with preferred and potential land uses within the Hood Street Precinct.



The Scheme Report for Amendment No. 8 can be viewed at the Subiaco Redevelopment Authority office at 12 Lindsay Street, Perth between 8.30am and 5pm Monday to Friday or on the Authority's website at [www.sra.wa.gov.au](http://www.sra.wa.gov.au)

Written submissions should be addressed to—

The Chief Executive Officer  
Subiaco Redevelopment Authority  
Locked Bag 8  
Perth Business Centre WA 6849  
Attention: Director Planning

The closing date for submissions is 11 October 2011.

**PL404\***

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*City of Cockburn*  
Town Planning Scheme No. 3—Amendment No. 81

Ref: TPS/0382

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 Cockburn local planning scheme amendment on 22 August 2011 for the purpose of—

1. Amending Clause 1.4.1(b) of the Scheme Text by deleting the number 25 and inserting 26 in its place.
2. Amending the Scheme Map by including new Sheet 26—DCA 13 Community Infrastructure.
3. Amending Schedule 12 of the scheme text by inserting the following provisions for Development Contribution Area 13—Community Infrastructure—

Ref No.	DCA 13—Community Infrastructure
Area	As shown on sheet 26 of the Scheme Map.
Relationship to other planning instruments	The Development Contribution Plan generally conforms to the Plan for the District, Bibra Lake Landscape, Recreation and Environmental Management Plan, Bicycle Network and Footpath Plan, the Sport and Recreation Plan and the review of COC Library Services which have been adopted by Council.
Infrastructure and administrative items to be funded	Regional Coogee Surf Club Wetlands Education Centre/Native Ark Cockburn Central Recreation and Aquatic Centre Cockburn Central Community Facilities Visko Park Bowling and Recreation Club Coogee Golf Complex (excluding the pro shop and restaurant components) Bibra Lake Management Plan Proposals Atwell Oval Sub Regional—East Cockburn Central Library and Community Facilities Cockburn Central Playing Fields Anning Park Tennis Cockburn Central Heritage Park Bicycle Network—East Sub Regional—West North Coogee Foreshore Management Plan Proposals (excluding rebuilding of the groyne) Phoenix Seniors and Lifelong Learning Centre Beale Park Sports Facilities Western Suburbs Skate Park Bicycle Network—West Dixon Reserve/Wally Hagen Facility Development (excluding the café component) Local Lakelands Reserve Southwell Community Centre Hammond Park Recreation Facility Frankland Reserve Recreation and Community Facility Munster Recreation Facility

	<p>Administrative costs including—</p> <p>Costs to prepare and administer the Contribution Plan during the period of operation (including legal expenses, valuation fees, cost of design and cost estimates, proportion of staff salaries, computer software or hardware required for the purpose of administering the plan).</p> <p>Cost to prepare and review estimates including the costs for appropriately qualified independent persons.</p> <p>Costs to prepare and update the Community Infrastructure Cost Contribution Schedule.</p>
Method for calculating contributions	<p>The City's Plan for the District identifies the needs that impact on the Development Contribution Plan. The contributions outlined in this plan have been derived based on the need for the facilities generated by the additional development in the Development Contribution Plan. This calculation excludes the demand for a facility that is generated by the current population in existing dwellings.</p> <p>Contributions shall be calculated on the basis of the number of new lots created. Existing dwellings on a lot or lots to be subdivided or developed will be exempt from the contribution. Land required for public roads, public open space, drainage and other uses not including residential development will not be assessable. Where a lot may have further subdivision potential, for example as a grouped dwelling site, contributions will be sought at the next development approval stage where additional dwellings or lots are created.</p> <p>Contributions applying to development of aged or dependant persons dwellings or single bedroom dwellings shall be calculated on the number of dwelling units permitted prior to the application of the variations permissible under clause 6.1.3.A3.i of State Planning Policy-Residential Design Codes.</p>
Period of operation	Until 30 June 2031. However the DCP may also be extended for further periods with or without modification by subsequent Scheme Amendments.
Priority and timing	In accordance with the Plan for the District 2010–2020 and subsequent revisions of this document.
Review process	<p>The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the catchment areas since the last review and the degree of development potential still existing.</p> <p>The estimated infrastructure costs contained in the Community Infrastructure Cost Contribution Schedule will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by an appropriately qualified independent person.</p>
Participants and contributions	In accordance with sheet 26 of the Scheme Map and the Community Infrastructure Cost Contribution Schedule adopted by the local government for DCA 13.

4. Including a new Schedule to the scheme text, Schedule 13, to include the Statutory Static Feasibility Assessment Model as attached.
5. Deleting the existing provisions in Part 6.3 of the Scheme Text and inserting the following provisions in their place—

### **6.3 Development contribution areas**

#### **6.3.1 Interpretation**

In clause 6.3, unless the context otherwise requires—

‘Administrative costs’ means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

‘Administrative items’ means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning engineering, and other professional advice.

‘Cost apportionment schedule’ means a schedule prepared and distributed in accordance with clause 6.3.10.

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

‘Development contribution area’ means an area shown on the scheme map as DCA with a number and included in schedule 12.

'Development contribution plan' means a development contribution plan prepared in accordance with the provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure* and the provisions of this clause 6 of the scheme (as incorporated in schedule 12 to this scheme).

'Development contribution plan report' means a report prepared and distributed in accordance with clause 6.3.10.

'Infrastructure' means the standard infrastructure items (services and facilities set out in appendix 1 of *State Planning Policy 3.6 Development Contributions for Infrastructure*) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure*.

'Infrastructure costs' means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

'Local government' means the local government or local governments in which the development contribution area is located or through which the services and facilities are provided.

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

### **6.3.2 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.

### **6.3.3 Development contribution plan required**

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

### **6.3.4 Development contribution plan part of scheme**

The development contribution plan is incorporated in Schedule 12 as part of this scheme.

### **6.3.5 Subdivision, strata subdivision and development**

The local government shall not withhold its support for subdivision, strata subdivision or refuse to approve a development solely for the reason that a development contribution plan is not in effect, there is no approval to advertise a development contribution plan, or that there is no other arrangement with respect to an owner's contribution towards the provision of community infrastructure.

### **6.3.6 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 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 within 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 cost adjustments determined at the commencement of a development.
- (e) Efficiency  
Development contribution should be justified on a 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  
Owners 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 calculation of the costs of the contributions is not reasonable.
- (h) Accountable  
There must be accountability in the manner in which development contributions are determined and expended.

### **6.3.7 Recommended content of development contribution plans**

6.3.7.1 The development contribution plan is to specify—

- (a) The development contribution area to which the development contribution plan applies;
- (b) the infrastructure and administrative items 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.

### **6.3.8 Period of development contribution plan**

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

### **6.3.9 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 Metropolitan Region Scheme as primary regional roads and other regional roads;
- (b) existing open public open space;
- (c) existing government primary and secondary schools; and
- (d) such other land as is set out in the development contribution plan,

is to be excluded.

### **6.3.10 Development contribution plan report and cost apportionment schedule**

6.3.10.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.

6.3.10.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.

6.3.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 6.3.11.

### **6.3.11 Cost contributions based on estimates**

6.3.11.1 The determination of Infrastructure costs 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 local government and adjusted accordingly, if necessary.

6.3.11.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government—

- (a) in the case of land to be acquired, in accordance with clause 6.3.12; and
- (b) in all other cases, in accordance with the best and latest information available to the local government, until the expenditure on the relevant item of infrastructure or administrative costs has occurred.

6.3.11.3 The local government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested to do so.

6.3.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the local government—

- (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 upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.

6.3.11.5 Where an owner's cost contribution is adjusted under clause 6.3.11.4, the local government, 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.

6.3.11.6 If an owner objects to the amount of a cost contribution, the owner may give notice to the local government requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the local government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.

6.3.11.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined—

- (a) by any method agreed between the local government and the owner; or
- (b) if the local government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 1985*, with the costs to be shared equally between the local government and owner.

### 6.3.12 Valuation

6.3.12.1 Clause 6.3.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

6.3.12.2 In clause 6.3.12—

**‘Value’**, in the case of development contribution plans for development contribution areas 1 to 7 and 11, means the capital sum which an unencumbered estate in fee simple of the land might reasonably be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require—

- (a) on the basis that there are **no buildings, fences or other improvements** of a like nature in the land;
- (b) on the assumption that **any rezoning necessary** for the purpose of the development has come into force; and
- (c) taking into account the **added value of all other improvements** on or appurtenant to the land.

**‘Value’**, in all other development contribution plans, means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arms length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.

The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme as Schedule 13. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.

**‘Valuer’** means a licensed valuer agreed by the local government and the owner, or where the local government and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

6.3.12.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the local government requesting a review of the amount of the value, at the owner’s expense, within 28 days after being informed of the value.

6.3.12.4 If, following a review, the valuer’s determination of the value of the land is still not a figure acceptable to the owner, the value is to be determined—

- (a) By any method agreed between the local government and the owner; or
- (b) if the local government and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

### 6.3.13 Liability for cost contributions

6.3.13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 6.3.

6.3.13.2 An owner’s liability to pay the owner’s cost contribution to the local government arises on the earlier of—

- (a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner’s land within the development contribution area;
- (b) the commencement of any development on the owner’s land within the development contribution area;
- (c) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner’s land within the development contribution area; or
- (d) the approval of a change or extension of use by the local government on the owner’s land within the development contribution area.

The liability arises only once upon the earliest of the above listed events.

6.3.13.3 Notwithstanding clause 6.3.13.2, 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 or strata subdivided since the coming into effect of the development contribution plan.

6.3.13.4 Where a development contribution plan expires in accordance with clause 6.3.8, an owner’s liability to pay the owner’s cost contribution under that development contribution

plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.

#### **6.3.14 Payment of cost contribution**

6.3.14.1 The owner, with the agreement of the local government, is to pay the owner's cost contribution by—

- (a) cheque or cash;
- (b) transferring to the local government or a public authority land in satisfaction of the cost contribution;
- (c) the provision of physical infrastructure;
- (d) some other method acceptable to the local government; or
- (e) any combination of these methods.

6.3.14.2 The owner, with the agreement of the local government, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.

6.3.14.3 Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government, constitutes full and final discharge of the owner's liability under the development contribution plan and the local government shall provide certification in writing to the owner of such discharge if requested by the owner.

#### **6.3.15 Charge on land**

6.3.15.1 The amount of any cost contribution for which an owner is liable under clause 6.3.13, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.

6.3.15.2 The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 6.3.15.1 to permit dealing and may then re-lodge the caveat to prevent further dealings.

6.3.15.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 6.3.15.

#### **6.3.16 Administration of funds**

6.3.16.1 The local government 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 infrastructure costs 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.

6.3.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 6.3.16.1 is to be applied in the development contribution area to which the reserve account relates.

6.3.16.3 The local government 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.

#### **6.3.17 Shortfall or excess in cost contributions**

6.3.17.1 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 local government 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 paragraph 6.3.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

6.3.17.2 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 local government is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.

#### **6.3.18 Powers of the local government**

The local government 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.

**6.3.19 Arbitration**

Subject to clauses 6.3.12.3 and 6.3.12.4, any dispute between an owner and the local government 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*.

**6.3.20 Development Contribution Areas 1 to 7 and 11**

For Development Contribution Areas 1 to 7 and 11 the Cost contributions for the owners of land for which a contribution is to be made shall be the proportion that the land the subject of the contribution bears to the total area of land within the Development Contribution Area for which the Cost Contributions have yet to be made unless otherwise specified.

## SCHEDULE 13

**STATUTORY STATIC FEASIBILITY ASSESSMENT MODEL**

Gross realisation			
Net lot yield @ average market value per lot "X" lots @ "\$Y" per lot	\$		(1)
<b>Less GST @ standard/normal rates</b>			
(1) Multiplied by GST rate / (100 + GST rate)	\$		(2)
(1-2)		\$	(3)
Less selling, marketing, advertising & settlement fees			
@ market % multiplied by (1)	\$		(4)
Add back Input Tax Credit on selling fees (4) Multiplied by GST rate/			
(100 + GST rate)	\$		(5)
(4-5)		\$	(6)
Balance after selling costs etc & Input Tax Credit (3-6)		\$	(7)
<b>Less adjusted profit &amp; risk allowance as per SPP 3.6</b>			
Market determined profit & risk allowance	%		(8)
Less fixed profit allowance per SPP3.6	10%		(9)
Risk rate applied (8-9)	= %		(10)
EXPLANATION: (10) to be expressed as a whole number			
e.g. 15% = 15			
i.e. Risk = (7) multiplied by (10)/(10) + (100)		\$	(11)
Balance after profit & risk factor (7-11)		\$	(12)
<b>Less development costs @ "X" lots multiplied by "\$Z" per lot</b>	\$		(13)
Add back Input Tax Credit on (13)			
(13) Multiplied by GST rate/(100 + GST rate)	\$		(14)
Development cost after Input Tax Credit (13-14)	\$		(15)
<b>Add interest on net development costs (15)</b>			
For ½ development and ½ selling term			
@ Applicable market rates			
(15) Multiplied by % rate	\$		(16)
(15 + 16)		\$	(17)
<b>Balance</b> after deduction of development costs & interest (12-17)		\$	(18)
<b>Less interest on land value, rates &amp; taxes and stamp duty</b>			
Assessed over ½ development and ½ selling term			
@ Applicable market rates			
(18) multiplied by % rate (100 + % rate)		\$	(19)
Balance after interest on the land (18-19)		\$	(20)
<b>Less rates and taxes</b>		\$	<b>(21)</b>
Balance after rates & taxes (20-21)		\$	(22)
<b>Less Stamp Duty @ current statutory rates</b>			
(22) Multiplied by stamp duty rate/(100 + stamp duty rate)		\$	(23)
Residual Land Value prior to GST considerations (22-23)		\$	(24)
<b>Add GST (24) + GST at prevailing statutory rate</b>		\$	<b>(25)</b>
<b>ASSESSED STATUTORY CONTRIBUTION PER SPP 3.6 (22+23)</b>			

**The Static Feasibility Model is based upon—**

- (i) The number of lots yielded from the land will have a gross sale price which, when multiplied by the number of lots created, establishes the Gross Realisation (i)
- (ii) GST will be calculated by the standard/normal method.
- (iii) Selling, marketing, advertising and settlement fees expressed as a percentage shall be added and then expressed as a total percentage against the gross realisation.
- (iv) The adjusted risk component applied in the model is the established market profit and risk at the date of valuation less the fixed 10 per cent profit applied in SPP 3.6.
- (v) Development costs will be established as an appropriate servicing cost per lot at the date of valuation, multiplied by the lots realised from the land.
- (vi) Interest against the development costs will be established by the application of bank lending rates for such projects at the date of valuation.
- (vii) Interest against the land in development will be established by the application of bank lending rates for such development acquisitions at the date of valuation.
- (viii) Rates and taxes will be applied for the full term of acquisition, development and sale.
- (ix) Stamp Duty will be applied at the statutory rate as applicable at the date of valuation.
- (x) GST will be applied at the appropriate rate adopted at the date of valuation.

L. HOWLETT, Mayor.  
S. G. CAIN, Chief Executive Officer.

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## PREMIER AND CABINET

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PR401\*

### INTERPRETATION ACT 1984

#### MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with Section 52(1)(b) of the *Interpretation Act 1984*, has approved the Hon J. H. D. Day MLA to act temporarily in the office of Minister for Health; Tourism in the absence of the Hon Dr K. D. Hames MLA for the period 9 to 18 September 2011 (both dates inclusive).

This notice supersedes acting arrangements relating to the above office that were published in *Government Gazette* No. 147 dated 2 August 2011.

PETER CONRAN, Director General,  
Department of the Premier and Cabinet.

PR402\*

### INTERPRETATION ACT 1984

#### MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with Section 52(1)(b) of the *Interpretation Act 1984*, has approved the Hon R. F. Johnson MLA to act temporarily in the office of Treasurer; Attorney General in the absence of the Hon C. C. Porter MLA for the period 26 September to 2 October 2011 (both dates inclusive).

This notice supersedes acting arrangements relating to the above office that were published in *Government Gazette* No. 153 dated 12 August 2011.

PETER CONRAN, Director General,  
Department of the Premier and Cabinet.



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## RACING, GAMING AND LIQUOR

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RA401\*

**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 and 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
<b>APPLICATIONS TO ADD, VARY OR CANCEL A CONDITION OF LICENCE</b>			
372925	Cockburn Power Boats Association Inc	Application for the variation of the conditions of a Club Restricted licence to convert it to a Club licence in respect of premises situated in Munster and known as Cockburn Power Boats Association Inc.	28/09/2011
349598	Mount Lawley Tennis Club Inc	Application for the variation of the conditions of a Club Restricted licence in respect of premises situated in Inglewood and known as Mount Lawley Tennis Club Inc	14/09/2011

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

Dated: 26 August 2011.

B. A. SARGEANT, Director of Liquor Licensing.

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## WORKCOVER

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WC401\*

**WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981****APPROVED MEDICAL SPECIALISTS ORDER (NO. 8) 2011**

Made by WorkCover WA under section 146F(1) of the Act.

**1. Citation**

This order is the *Approved Medical Specialists Order (No. 8) 2011*.

**2. Approved medical specialists**

The following medical practitioners are designated as approved medical specialists under section 146F(1) of the Act—

Dr Anne Brady  
 Professor Frederick Ehrlich  
 Dr Robert Athey  
 Dr Avtar Sachdev  
 Dr Philip Anthony Sharp  
 Mr Richard McArthur  
 Professor Vernon Charles Marshall  
 Dr Geoffrey James Graham  
 Dr Gary James Davison

MICHELLE REYNOLDS, Chief Executive Officer,  
 WorkCover WA.

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**DECEASED ESTATES**

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ZX401

**TRUSTEES ACT 1962**

## DECEASED ESTATES

## Notice to Creditors and Claimants

Mikolaj Chitryk (also known as Mikolji Chitryk), late of 11 Olive Grove, Mullaloo, Western Australia. Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the said deceased who died on 5 March 2011 are required by the Personal Representative, Antonina Gordon C/- Carlo Primerano & Associates Barristers and Solicitors, Suite 12, 443 Albany Highway, Victoria Park 6100 to send particulars of their claims to them by Friday, 30 September 2011 after which date the Personal Representative may convey or distribute the assets having regard only to the claims of which she then has notice.

Dated this 30th day of August 2011.

CARMELO PRIMERANO,  
C/o Carlo Primerano & Associates,  
Barristers and Solicitors,  
Suite 12, 443 Albany Highway,  
Victoria Park WA 6100.

ZX402

**TRUSTEES ACT 1962**

## DECEASED ESTATES

## Notice to Creditors and Claimants

Bruce Warren Williamson, late of 381 Jackson Road, Narrikup in the State of Western Australia, Farmer, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of Bruce Warren Williamson, deceased who died on the 15th day of May 2011 at Narrikup, in the said State are required by the personal representative Gray Roger Williamson of "Mungrup Stud", Old Coach Road, Narrikup, Western Australia to send particulars of their claims to David Moss & Co of PO Box 5744, Albany W.A. 6332 by the date one month following the publication of this notice after which date the personal representative may convey or distribute the assets having regard only to the claim for which he has then had notice.

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**PUBLIC NOTICES**

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ZZ401

**PARTNERSHIP ACT 1895**

## DISSOLUTION OF PARTNERSHIP

## Resignation of a Partner

Take notice that as from 31 August 2011, the partnership between Cooke & Chef Pty Ltd (ACN 145 716 070) of 32 Ritson Way, Parkwood WA 6147 in the State of Western Australia and Jayden Charles Cooke ATF the Mia Family Trust of 32 Ritson Way, Parkwood WA 6147 in the state of Western Australia; who have been trading as the Jaylea's Patisserie and Lunchbar has been dissolved.

Cooke & Chef Pty Ltd (ACN 145 716 070) will continue to operate the business as a company; however Cooke & Chef Pty Ltd (ACN 145 716 070) will not be responsible for any debts incurred by the previous partner Jayden Charles Cooke ATF the Mia Family Trust after 31 August 2011.

JAYDEN CHARLES COOKE.

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