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— PART 1 —

LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995

City of Armadale

ENVIRONMENT, ANIMALS AND NUISANCE AMENDMENT LOCAL LAW 2012

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling the local government, the Council of the City of Armadale resolved on 26 March 2012 to adopt the following local law.

1 Citation

This local law may be cited as the *City of Armadale Environment, Animals and Nuisance Amendment Local Law 2012*.

2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3 Principal local laws

In this local law, the *City of Armadale Environment, Animals and Nuisance Local Laws 2002* published in the *Government Gazette* (Special) No. 36 of 1 March 2002 and amended in *Government Gazette* No. 190 of 22 October 2002, No. 174 of 4 November 2003, No. 22 of 1 February 2005, No. 66 of 11 April 2006, No. 54 of 04 April 2008 and No. 15 of 06 February 2009 are referred to as the principal local laws. The principal local laws are amended.

4 Clause 3 amended

In subclause (1)—

- (a) delete “*Town Planning and Development Act 1928*” in the definitions for “**City’s Town Planning Scheme**”, “**development approval**” and “**subdivision approval**” and insert “*Planning and Development Act 2005*” instead;
- (b) delete the definitions for “**byre**”, “**Code of Practice-Pigeon Keeping**”, “**pigeons**”, “**residential zone**”, “**rural zone**”, and “**truck**”; and
- (c) insert the following definitions in alphabetical order—
 - “**Code of Practice-Pigeon Keeping**” means the Code of Practice for **Pigeon Keeping and Racing in Western Australia**, ISBN 7307 63307, published in March 2003, as amended from time to time, for purposes of a defence against cruelty with reference to section 25 of the *Animal Welfare Act 2002*;
 - “**commercial vehicle**” has the same meaning as in Schedule 1.1 of the City’s Town Planning Scheme No. 4;
 - “**pigeons**” include homing pigeons and other domesticated breeds of the species *Columba livia*, but does not include native pigeons or doves whether or not the keeping of such birds is subject to the approval of the Department of Environment and Conservation;
 - “**residential zone**” means and includes any area zoned “Residential”, “Rural Living” or “Special Residential” under the City’s Town Planning Scheme;
 - “**rural zone**” means and includes any area zoned “General Rural” under the City’s Town Planning Scheme;

5 Clause 4 amended

- (a) Delete clause 4 heading “**Objections and appeals**” and insert “**Objections and reviews**” instead.
- (b) Delete “regulations 33 and 34” and insert “regulation 34”.

6 Clause 30 amended

Delete “*Town Planning and Development Act 1928*” and insert “*Planning and Development Act 2005*” instead.

7 Clause 33 amended

In subclause 33(3), delete “byre” and insert “barn” in paragraphs (a) and (b).

8 Clause 37 deleted

Delete clause 37 and its heading and insert “[37. deleted]”.

9 Clause 38 amended

Delete clause 38 and its heading and insert—

Prohibition of the keeping of cats in specified areas

38. (1) Within the portion of that land described in the City’s Town Planning Scheme No. 4 as Development Area No. 11 north of Waterwheel Road and shown shaded in Schedule 9, no person shall keep any cat.
- (2) Within the area described in the City’s Town Planning Scheme No.4 as Development Area No. 10 and shown shaded in Schedule 11, no person shall keep any cat unless it is—
- (a) desexed; and
 - (b) fitted with a collar to which are attached at least two bells and a tag bearing the name, address and telephone number of the animal’s owner.

10 Clause 49 amended

In clause 49—

- (a) In subclause (2)(b), delete “except as provided in this Clause” and replace with “except as provided in subclause (3), if the land area does not exceed 1,200 square metres.
- (b) Delete subclause (3)(a) and insert “[*(a) deleted*]”.
- (c) In subclause 3(b), delete “other”.
- (d) Delete subclause (4) and insert “[*(4) deleted*]”.
- (e) In subclause (5), delete “subclause 4 or any other”.
- (f) Delete subclause (6) and insert “[*(6) deleted*]”.
- (g) Delete subclause (7) and replace with—
 - (7) A person must not light a fire on land to burn, cause or allow to be burnt any—
 - (a) green or wet material;
 - (b) non timber based building materials;
 - (c) rubber or plastic, including plastic mulch, plant pots and packaging materials;
 - (d) furnishings and carpet;
 - (e) manufactured chemicals;
 - (f) petroleum or oil products;
 - (g) paint, including any container in which paint is kept;
 - (h) food waste;
 - (i) manure and straw; or
 - (j) other offensive, noxious or toxic matterthat is likely to cause a nuisance or a public health risk to any other person.
- (h) Delete subclauses (8) through to (14) and insert deletion notations respectively.

11 Part 4 Division 3 amended

Delete the Division 3 heading of Part 4 and replace with—

“Division 3—Parking of commercial vehicles”**12 Clause 53 amended**

Delete the clause 53 heading and insert “**Livestock vehicles**” instead.

13 Clause 55 amended

Delete clause 55 and its heading and insert—

Commercial vehicle noise from residential land

55. A person shall not—

- (1) start or drive a commercial vehicle on any lot adjoining land zoned, approved or used for residential purposes in compliance with the requirements of the City’s Town Planning Scheme; or
- (2) have a refrigeration unit running while the commercial vehicle is parked;

between the hours of 10.00 p.m. on any day and 7.00 a.m. on the following day, or, where the following day is a Sunday or a public holiday, 9.00 a.m. on that day.

14 Schedules 8A, 8B, 8C, 10 and 12 amended

Delete the entire contents of Schedules 8A, 8B, 8C, 10 and 12 and insert the deletion notations respectively.

15 Schedule 14 amended

In the table in Schedule 14—

- (a) delete clauses 49, 49(8) and 49(10) and their offence descriptions and modified penalty amounts; and
- (b) insert new clause 49(7), its offence description and modified penalty amount in the appropriate numerical order—

49(7)	Lighting a fire to burn, cause or allow to be burnt any material that is likely to cause a nuisance or a public health risk to any other person	250
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- (c) Delete clause 55, its offence description and modified penalty amount and insert—

55	Operating a commercial vehicle on any land adjoining land zoned, approved or used for residential purposes, or leaving the refrigeration unit of a parked commercial vehicle running during prohibited hours	250
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Dated: 21 June 2012.

The Common Seal of the City of Armadale was affixed by authority of a resolution of the Council in the presence of—

HENRY ZELONES, Mayor.
RAY TAME, Chief Executive Officer.

— PART 2 —

CONSUMER PROTECTION

CP401*

ASSOCIATIONS INCORPORATION ACT 1987**REINSTATED ASSOCIATION**

Islamic Association of the Southern Districts Inc.—A1004179Z

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: 18 June 2012.

DAVID HILLYARD, Director, Retail and Services for
Commissioner of Consumer Protection.

FISHERIES

FI101*

CORRECTION**FISH RESOURCES MANAGEMENT ACT 1994**

KIMBERLEY GILLNET AND BARRAMUNDI FISHERY MANAGEMENT PLAN 1989

FD 86/02 [1085]

An error occurred in an amendment to the *Kimberley Gillnet and Barramundi Fishery Management Plan 1989*, published as the *Kimberley Gillnet and Barramundi Fishery Management Plan Amendment 2012* on pages 2475 to 2478 of the *Government Gazette* No. 94 dated 13 June 2012, and is corrected as follows—

In the Kimberley Gillnet and Barramundi Fishery Management Plan 1989 delete clause 18 and insert—

Payment by instalments

18 (1) For the purposes of regulation 137(2) of the regulations, the fee for the renewal of a licence may be paid by instalments as specified in Schedule 2 if—

- (a) an election to pay by instalments is made by the holder of a licence in accordance with subclause (2); and
 - (b) there is no other fee, charge or levy in respect of the licence which has not been paid at the time the election is received at the head office of the Department.
- (2) An election for the purposes of subclause (1) must be—
- (a) made in writing;
 - (b) received at the head office of the Department on or before 1 November of the year for which the licence is to be renewed; and
 - (c) accompanied by the first instalment plus the surcharge.

(3) For the purposes of regulation 137(3) of the regulations, the surcharge shall be 3.13% of the total fee.

(4) The holder of a licence, or a person acting on that person's behalf, must not fish in the Fishery at any time when any fee or surcharge payable in respect of the licence is outstanding.

FI401*

FISH RESOURCES MANAGEMENT ACT 1994**WEST COAST DEEP SEA CRUSTACEAN FISHERY (INTERIM) MANAGEMENT PLAN
AMENDMENT 2012**

FD 565/06 [1073]

Made by the Minister under section 54.

1. Citation

This instrument is the *West Coast Deep Sea Crustacean Fishery (Interim) Management Plan Amendment 2012*.

2. Management plan amended

The amendments in this instrument are to the *West Coast Deep Sea Crustacean Fishery (Interim) Management Plan 2007*.

3. Clause 17 amended

In clause 17—

(a) subclause (5) after “entitlement” insert—

of class A units

(b) delete subclause (8) and insert—

(8) The master of an authorised boat must not allow any champagne or giant crab to be on board the boat at any time when the value of the current entitlement of class B units conferred by the relevant permit is less than the total quantity of champagne and giant crab (combined whole weight) taken or landed from the waters of the Fishery under the authority of that permit.

Dated this 4th day of April 2012.

N. MOORE, Minister for Fisheries.

HEALTH

HE401*

HEALTH SERVICES (QUALITY IMPROVEMENT) ACT 1994**HEALTH SERVICES (QUALITY IMPROVEMENT) (APPROVED COMMITTEE)
ORDER (NO. 5) 2012**

Made by the Principal Medical Officer (as delegate of the Minister for Health) pursuant to section 7(1) of the *Health Services (Quality Improvement) Act 1994*.

Citation

1. This order may be cited as the *Health Services (Quality Improvement) (Approved Committee) Order (No. 5) 2009*.

Commencement

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

Committee

3. Clinical Quality and Safety Committee established by the Bethesda Board is an approved quality improvement committee for the purposes of the Act.

Expiry of order

4. This order expires three years after its commencement.

Dated this 2nd day of July 2012.

Dr AMANDA LING, Director and Principal Medical Officer.
Office of Safety and Quality in Healthcare.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995

LOCAL LAW RELATING TO PARKING AND PARKING FACILITIES

City of Nedlands

Appointment

It is hereby noted for public information that Timothy Charles Tucak has been appointed by Council as an Honorary Inspector for the City of Nedlands pursuant to the following—

Parking and Parking Facilities Local Law for Swanbourne Beach Car Park Only.

MIKE COLE, Acting Chief Executive Officer.

MARINE/MARITIME

MA401*

WESTERN AUSTRALIAN MARINE ACT 1982

EXEMPTION

Power Dinghy Racing Club

WAMA—2012-00801

I, David Harrod, General Manager Marine Safety, Department of Transport and delegate of the Chief Executive Officer, acting pursuant to subsections 115A (1) and 115A (4) of the *Western Australian Marine Act 1982* (“the Act”) hereby exempt from compliance with regulations 48(a), 48(c), and 48(e) of the *Navigable Waters Regulations 1958*, (“the Regulations”) bona fide vessels participating in the following Power Dinghy Racing Club events between the hours of sunrise and sunset on the following dates—

- o “Sunny Side Sprint” to be held on Saturday 7 July and Sunday 8 July 2012 on the Blackwood River;
- o “River Race” to be held on Saturday 25 August and Sunday 26 August 2012 on the Blackwood River; and
- o “Blackwood Classic 250” to be held from Saturday 29 September 2012 to Monday 1 October 2012 on the Blackwood River from Bridgetown to Augusta,

Subject to the following conditions—

1. participating vessels to hold current registration under Part VA of the Regulations;
2. drivers (skippers) of participating vessels to hold a current Recreational Skipper’s Ticket under Part VI of the Regulations;
3. compliance during each event with the safety procedures set out in the letters from the Power Dinghy Racing Club to the Department of Transport dated 29 March 2012 and 6 June 2012 including compliance with all aspects of the risk management plans and safety management systems described therein;
4. prior permission to conduct each event to be obtained from a delegate of the Chief Executive Officer at the Department’s South West Regional Office pursuant to regulation 51C of the Regulations and compliance with any conditions or requirements attaching to the permission;
5. all competitors to be accounted for during and on completion of each event; and
6. suspension of an event, if in the opinion of the organiser, conditions or circumstances are such that the safety of vessels or persons participating is at risk.

Vessels are not exempt from any other provisions of the *Western Australian Marine Act 1982* or the *Navigable Waters Regulations 1958*.

Dated: 25 June 2012.

DAVID HARROD, FNI, General Manager Marine Safety.

MA402*

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
PROHIBITED SWIMMING AREA

Perth Waters
Swan River

Department of Transport
Fremantle WA, 3 July 2012.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close the following area of water to swimming between 8:00pm and 9:15pm on Wednesday 4th July 2012—

Perth Waters, Swan River

All the waters within a 150 metre radius of the firing barge; located approximately 150 metres offshore of the Perth Convention Centre, at a position approximately 320 57.623'S 1150 51.190'E.

RAY BUCHHOLZ, Marine Safety Operations Director.
Department of Transport.

MINERALS AND PETROLEUM

MP401*

DANGEROUS GOODS SAFETY ACT 2004

DANGEROUS GOODS SAFETY APPOINTMENT NOTICE (No. 3) 2012

Made by the Chief Dangerous Goods Officer under s 27(1) of the *Dangerous Goods Safety Act 2004*.

1. Citation

This notice may be cited as the *Dangerous Goods Safety Appointment Notice (No. 3) 2012*.

2. Dangerous goods officers appointed

I appoint each person listed below to be a dangerous goods officer—

Haydon Trent Miamen Bawden
Riwai Hugh Williams
David Wilson
John Eighteen

Date: 28 June 2012.

SIMON RIDGE, Chief Dangerous Goods Officer,
(Acting Executive Director of the Resources Safety
Division of the Department of Mines and
Petroleum, Western Australia).

PLANNING

PL401*

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Swan

Local Planning Scheme No. 17—Amendment No. 44

Ref: TPS/0415/2

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Swan local planning scheme amendment on 21 June 2012 for the purpose of—

1. Deleting the whole of Clause 5A.2—Development Contribution Areas and substituting therein a new Clause 5A.2—Development Contribution Areas, as follows—

5A.2 DEVELOPMENT CONTRIBUTION AREAS

- 5A.2.1 Development Contribution Areas are shown on the Scheme Map as a DCA with a number and included in Schedule 13.

5A.2.2 In respect of a Development Contribution Area shown on the Scheme Map, the provisions applying to the Development Contribution Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

5A.2.3 Interpretation

In clause 5A.2, unless the context otherwise requires—

‘Administrative Costs’ includes Administrative Items and such other costs as are reasonably incurred by the City for the preparation, maintenance and implementation of a Development Contribution Plan;

‘Administrative Items’ mean the administrative matters required to be carried out by or on behalf of the City in order to prepare, maintain and implement a Development Contribution Plan, including financing cost, accounting, planning, engineering, and any other professional services and all costs and expenses incurred by the City in relation to litigation in any Court, Tribunal or arbitration, whether incurred before or after the incorporation of the relevant DCP in Schedule 13;

‘Cost Apportionment Schedule’ means a schedule prepared and distributed in accordance with clause 5A.2.12;

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

‘Development Contribution Area (DCA)’ means an area shown on the scheme map as DCA with a number and included in Schedule 13;

‘Development Contribution Plan (DCP)’ means a development contribution plan prepared in accordance with the provisions of the Commission’s policy on development contributions and the provisions of this Clause 5A.2 of the scheme and incorporated in Schedule 13 to this scheme;

‘Development Contribution Plan Report’ means a report prepared and distributed in accordance with clause 5A.2.12 of the Scheme;

‘Infrastructure’ means the standard infrastructure items (services and facilities set out in the Commission’s policy on development contributions) 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 the Commission’s policy;

‘Infrastructure Cost’ means such costs as are reasonably incurred for the acquisition and/or construction of infrastructure; and

‘Owner’ means an owner of land that is located within a Development Contribution Area.

5A.2.4 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.

5A.2.5. **Development Contribution Plan Required**

5A.2.5.1 A Development Contribution Plan is required to be prepared for each Development Contribution Area.

5A.2.5.2 Where a Development Contribution Area is prescribed in the Scheme, all owners within that Development Contribution Area are required to make a Cost Contribution in accordance with the applicable Development Contribution Plan contained in Schedule 13.

5A.2.6 **When a Development Contribution Plan has effect**

5A.2.6.1 A Development Contribution Plan does not have effect under this Scheme until it has been incorporated in Schedule 13 as part of the Scheme.

5A.2.7 **Subdivision, Strata Subdivision, Survey Strata Subdivision and Development**

5A.2.7.1 The City shall not withhold its support for subdivision, strata subdivision or survey 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.

5A.2.7.2 Notwithstanding clause 5A.2.6.1, the Commission or the City by a condition of subdivision or development approval or otherwise, may require an owner to make a Cost Contribution in accordance with a draft or proposed DCP or to enter into an agreement with the City for that purpose and such a condition or agreement may give effect to a draft or proposed DCP before it has been incorporated in Schedule 13 of the Scheme.

5A.2.8 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 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 contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery 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.

5A.2.9 Recommended content of Development Contribution Plans

5A.2.9.1 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) a reference that the priority and timing for the provision of infrastructure is set out in the Cost Schedules and Capital Expenditure Plan.

5A.2.10 Period of Development Contribution Plan

5A.2.10.1 A Development Contribution Plan shall specify the period during which it is to operate.

5A.2.11 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 public open space;

(c) government primary and secondary schools; and

(d) such other land as is set out for this purpose in the Development Contribution Plan;

is to be excluded.

5A.2.12 Development Contribution Plan Report and Cost Apportionment Schedule

5A.2.12.1 Within 90 days of the Development Contribution Plan coming into effect, the City is to adopt and make available a Development Contribution Plan Report and Cost Apportionment Schedule to all owners in the Development Contribution Area.

5A.2.12.2 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

5A.2.12.3 The Development Contribution Plan Report and Cost Apportionment Schedule do not form part of the Scheme, but once adopted by the City they are subject to review as provided for under Clause 5A.2.13.2.

5A.2.13 Cost Contributions based on estimates

5A.2.13.1 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.

5A.2.13.2 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 5A.2.14; and

(b) in all other cases, in accordance with the best and latest information available to the local government,

until the expenditure or liability on the relevant item of infrastructure or administrative costs has occurred.

5A.2.13.3 The City is to have such estimated costs independently certified by an appropriately qualified person whenever any estimate is first proposed or is amended and must make available such independent certification where requested to do so by an Owner.

5A.2.13.4 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. Such an agreement may stipulate that a Cost Contribution based on estimated costs may be revised when the costs are finally determined.

5A.2.13.5 Where an owner's cost contribution is adjusted under clause 5A.2.13.4, 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.

5A.2.13.6 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.

5A.2.13.7 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.

5A.2.14 Valuation of land

5A.2.14.1 Clause 5A.2.14 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure under the Development Contribution Plan.

5A.2.14.2 In clause 5A.2.14—

'Value' 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.

'Valuer' means a licensed Valuer as defined in the Land Valuers Licensing Act 1978 agreed by the City and the Owner, or where the City and the Owner are unable to reach agreement, a Valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

5A.2.14.3 If an Owner objects to a valuation made by the Valuer, the Owner may give notice to the City requesting a review of the amount of the Value, at the Owner's expense, within 28 days after being informed of the Value.

5A.2.14.4 If, following an initial valuation or 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 City and the Owner; or

(b) if the City and the Owner cannot agree, either may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

5A.2.15 Liability for Cost Contributions

5A.2.15.1 An Owner is required to make a Cost Contribution in accordance with the applicable Development Contribution Plan and the provisions of clause 5A.2.

- 5A.2.15.2 An Owner's liability to pay the Owner's Cost Contribution to the City 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 City 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 City on the Owner's land within the Development Contribution Area.
- 5A.2.15.3 Notwithstanding clause 5A.2.15.2, an Owner's liability to pay the Owner's cost contribution does not arise if the Owner commences—
- (a) 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;
 - (b) a change of use where no development is proposed;
 - (c) a subdivision and/or development which is defined as 'public works' under the Public Works Act;
 - (d) development of Fencing and Retaining Walls;
 - (e) development of a Home Business, Home Occupation or a Home Office;
 - (f) development of Advertisement or Signage;
 - (g) the Parking of a Commercial Vehicle;
 - (h) development of a Land Sales Office;
 - (i) the Stock-piling or storing of earthwork material;
 - (j) development of Water Storage Tanks;
 - (k) Subdivision and Development solely within the portion of land that for whatever reason is outside a DCA boundary;
 - (l) Subdivision solely for the purpose of acquiring a truncation and/or to widen a road;
 - (m) Subdivision and Development solely for the purpose of acquiring and/or developing infrastructure listed in an approved Development Contribution Plan, or;
 - (n) any other forms of subdivision or minor or incidental development that does not have a connection (nexus) between the subdivision or development and the demand for the infrastructure included in the Development Contribution Plan.
- 5A.2.15.4 Where a Development Contribution Plan expires in circumstances contemplated by Clause 5A.2.10, an Owner's liability to pay the Owner's Cost Contribution under that Development Contribution Plan shall never the less continue in effect and in the event that no subsequent Development Contribution Plan comes into operation, an outstanding contribution of any owner shall be carried over by the City and be recovered at one of the times and in accordance with one of the processes provided for in Clause 5A.2.15.2.
- 5A.2.16 Payment of Cost Contribution**
- 5A.2.16.1 The Owner, with the agreement of the City, is to pay the Owner's Cost Contribution by—
- (a) cheque or cash;
 - (b) transferring to the City or a public authority land in satisfaction of the Cost Contribution;
 - (c) transferring or providing to the City or a public authority infrastructure works in satisfaction of the Cost Contribution;
 - (d) some other method acceptable to the local government; or
 - (e) any combination of these methods.
- 5A.2.16.2 The Owner, with the agreement of the City, may pay the Owner's Cost Contribution in a lump sum, by instalments or in such other manner acceptable to the City.
- 5A.2.16.3 Payment by an Owner of the Cost Contribution, including a Cost Contribution based upon estimated costs in a manner acceptable to the City, constitutes full and final discharge of the Owner's liability under the Development Contribution Plan and the City shall provide certification in writing to the owner of such discharge if requested by the Owner.
- 5A.2.17 Charge on land**
- 5A.2.17.1 The amount of any Cost Contribution for which an Owner is liable under clause 5A.2.15, but has not paid, is a charge on the Owner's land to which the Cost Contribution relates, and the City may lodge a caveat, at the Owner's expense, against the Owner's certificate of title to that land.

5A.2.17.2 The City, at the Owner's expense and subject to such other conditions as the City thinks fit, can withdraw a caveat lodged under clause 5A.2.17.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

5A.2.17.3 If the Cost Contribution is paid in full, the City, if requested to do so by the Owner and at the expense of the Owner, is to withdraw any caveat lodged under clause 5A.2.17.1.

5A.2.18 Administration of Funds

5A.2.18.1 The City is to establish and maintain a reserve account(s) 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.

5A.2.18.2 Interest earned on Cost Contributions credited to a reserve account, is to be applied to expenses for the Development Contribution Area to which the reserve account relates.

5A.2.18.3 The City 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.

5A.2.19 Shortfall or Excess in Cost Contributions

5A.2.19.1 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 City may—

- (a) make good the shortfall from its municipal fund;
- (b) enter into agreements with Owners to fund the shortfall; or
- (c) raise loans or borrow from a financial institution;

5A.2.19.2 Nothing in clause 5A.2.19.1 restricts the right or power of the City to impose a differential rate or specified area rate to a specified Development Contribution Area in that regard.

5A.2.19.3 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 City 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.

5A.2.20 Powers of the City

The City 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 Act; and
- (b) deal with or dispose of any land which it has acquired under the provisions of the Planning Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

5A.2.21 Arbitration

Subject to clauses 5A.2.14.3 and 5A.2.14.4, any dispute between an Owner and the City 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*.

2. Replacing the text contained in Schedule 13 for DCAs 1, 2 and 3 under the heading Development Contribution Plan with the following—

A Development Contribution Plan for this area is to be prepared in accordance with Section 5A 2.6.

Schedule 13—Development Contribution Areas

No.	Description of Land	Development Contribution Plan
1.	<p>Referred to as Albion</p> <p>Portions of Lots 308 and 309 Park Street; Lots 16, 310, 311, portion of Lot 15 Woolcott Avenue; Portions of Lots 348, 349, 350 and 351 Park Street; Portions of Lot 10 and Lots 17, 19, 20, 345, 346 and 347 Woolcott Avenue; Portions of Lots 352, 353, 354 and 355 Murray Road; and Lot 95 and portion of Lot 0.</p>	<p>A Development Contribution Plan for this area is to be prepared in accordance with Section 5A 2.6.</p>

No.	Description of Land	Development Contribution Plan
2.	Referred to as West Swan Land generally bounded by Harrow Street to the north, Lord Street to the west, Reid Highway to the south and the "Urban" extent of the Metropolitan Region Scheme boundary to the east.	A Development Contribution Plan for this area is to be prepared in accordance with Section 5A 2.6.
3.	Referred to as Caversham Land generally bounded by Reid Highway to the north, the boundary of the <i>Swan Valley Planning Act</i> area to the east and south and the Lord Street extension road reserve alignment to the west.	A Development Contribution Plan for this area is to be prepared in accordance with Section 5A 2.6.

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

PL402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Manjimup
Local Planning Scheme No. 4—Amendment No. 7

Ref: TPS/0749

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 Manjimup local planning scheme amendment on 21 June 2012 for the purpose of—

- Rezoning Lot 2 Dean Street, Pemberton from "General Agriculture" to "Rural Residential".
- Including Rural Residential Zone No. 29, Lot 2 Dean Street, Pemberton, within Schedule 2 (Rural Residential—Additional Requirements) and inserting specific provisions on use and development of the land as follows—

Area No. 29	Special Provisions
Lot 2 Dean Street, Pemberton	1. Subdivision and development is to be generally in accordance with the Structure Plan which formed part of Amendment No. 7 to the Scheme or a subsequent Structure Plan endorsed by the local government and the Commission in accordance with clause 6.4 of the Scheme.

- Including Additional Use A10, Lot 2 Dean Street, Pemberton, within Schedule 9 (Additional Uses) and inserting specific additional permitted uses and conditions over the land as follows—

	Zone Identification	Additional Permitted Uses	Conditions of Use
A10	Lot 2 Dean Street, Pemberton	Chalets Eco-tourist facility Guesthouse	<ol style="list-style-type: none"> Prior to any development listed as Additional Permitted Use commencing, a Fire Management Plan is to be approved by the local government. Development shall be of a high standard and in keeping with the character and amenity of the area. Construction methods and materials will require the approval of the local government. On-site effluent disposal is to be provided to the satisfaction of the local government.

- Removing Lot 2 Dean Street, Pemberton from Development Investigation Area No. 20 as contained in Schedule 19 Development Investigation Area.
- Amending the Scheme Map accordingly.

W. DE CAMPO, Shire President.
J. HUBBLE, Chief Executive Officer.

PL403*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Bunbury

Town Planning Scheme No. 7—Amendment No. 51

Ref: TPS/0691

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 Bunbury local planning scheme amendment on 14 June 2012 for the purpose of amending the Scheme Map by rezoning Lots 27-29 and 45 Pickersgill Street, Bunbury from “Local Scheme Reserve (Public Purpose)—Local Government” to “Residential R40”.

D. L. SMITH, Mayor.
A. BRIEN, Chief Executive Officer.

PL404*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Bunbury

Town Planning Scheme No. 7—Amendment No. 59

Ref: TPS/0722

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 Bunbury local planning scheme amendment on 14 June 2012 for the purpose of—

1. Modifying the following provisions of the Scheme Text regarding the correct referencing of clause 6.2 in relation to the requirement for and the preparation of structure plans—

Table No. I

Zoning Table

Refer to clause 4.7 and as denoted on Scheme Maps and in Schedule 2.

* Subject to Structure Planning as per the requirements of clause 6.2.

5.10.11.3 No development within the Development Zone is to be permitted unless the Local Government considers that it complies with a Structure Plan that has been adopted by the Local Government and endorsed by the Commission in accordance with clause 6.2.

2. Deleting clause 6.2.1.3.1 of the Scheme Text.
3. Replacing clause 6.2.3.1 of the Scheme Text with the following provision—

6.2.3.1 The Local Government requires a Structure Plan for a Development Investigation Policy Area, or for any particular part or parts of a Development Investigation Policy Area, before recommending subdivision or approving development of land within the Development Investigation Policy Area.

Notwithstanding the above, the Local Government may approve, at its discretion, one single house and associated outbuilding on any lot where the proposed development—

- (a) is consistent with the underlying zone; and
- (b) will not, in the opinion of the Local Government, prejudice or adversely affect the future subdivision, development or land use expectations of the Development Investigation Policy Area.

D. L. SMITH, Mayor.
A. BRIEN, Chief Executive Officer.

PL405*

PLANNING AND DEVELOPMENT ACT 2005
METROPOLITAN REGION SCHEME MINOR AMENDMENT 1235/57
WATTLE GROVE URBAN 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 Kalamunda and is seeking public comment.

The amendment proposes to rezone approximately 4.26 ha of land in Wattle Grove from the Parks and Recreation reservation to the Urban zone in the MRS. The amendment also removes the Bush Forever Area notification over the proposed Urban zone.

The amendment will facilitate the commercial/light industrial development of the land in accordance with the provisions of the Shire of Kalamunda TPS No. 3 following a local scheme amendment, detailed structure planning and development approval.

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 3 July 2012 to Friday 7 September 2012 at—

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

Documents are also available from the PlanningWA website 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, 140 William Street, Perth WA 6000; on or before 5 pm **Friday 7 September 2012**.

Late submissions will not be considered.

NEIL THOMSON, Secretary,
Western Australian Planning Commission.

PL501*

PLANNING AND DEVELOPMENT ACT 2005
METROPOLITAN REGION SCHEME MAJOR AMENDMENT 1225/41
UPPER SWAN URBAN 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 Swan and is seeking public comment.

The purpose of this amendment is to transfer approximately 134.83 ha of Rural zoned land, to the Urban and Urban Deferred zones under the Metropolitan Region Scheme (MRS). The proposed Urban zoning will allow for residential subdivision of the land following detailed structure planning and subdivision approval.

Display locations

The plans showing the proposed change and the WAPC's amendment report which explains the proposal, will be available for public inspection, free of charge from Tuesday 3 July 2012 to Friday 5 October 2012 at—

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

Documents are also available from the PlanningWA website www.planning.wa.gov.au.

Submissions

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 41. 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 5 October 2012**.

Late submissions will not be considered.

NEIL THOMSON, Secretary,
Western Australian Planning Commission.

PUBLIC SERVICE

PS401*

PUBLIC SECTOR MANAGEMENT ACT 1994 COMMISSIONER'S INSTRUCTION NO. 7: CODE OF ETHICS

Minimum standards of conduct and integrity to be complied with by all public sector bodies and employees

I, M C Wauchope, Public Sector Commissioner, in accordance with Section 21(5) of the Public Sector Management Act 1994 hereby gazette *Commissioner's Instruction No. 7: Code of Ethics*.

Commencement Date

3 July 2012

Scope and application

The Code of Ethics applies to all public sector employees, including Chief Executive Officers, Chief Employees and ministerial staff, and public sector bodies covered by the *Public Sector Management Act 1994* (PSM Act), which includes boards established under their own legislation.

References

Section 9(a) of the PSM Act requires all public sector bodies and employees to observe the principles of conduct and to comply with the provisions of—

- the PSM Act and any other Act governing their conduct;
- the Commissioner's Instructions, public sector standards and codes of ethics; and
- any code of conduct applicable to the public sector body or employee concerned.

This instruction should be read in conjunction with *Commissioner's Instruction No. 8—Codes of Conduct and Integrity Training*.

This instruction repeals (under section 21(2) of the *Public Sector Management Act 1994*) and replaces the *Western Australian Public Sector Code of Ethics* previously issued on 1 February 2008 by the former Commissioner for Public Sector Standards.

Terminology

Public Sector Body: Includes departments, SES agencies, non-SES organisations (including boards established under their own legislation) and ministerial offices as defined under the PSM Act and all employees of these bodies, but excludes all entities listed in Column 2 of Schedule 1 of the PSM Act and their employees.

The *Chart of the WA Government* provides a listing of WA public sector bodies and their status under the PSM Act.

Instruction: Code Of Ethics

The minimum standards of conduct and integrity to be complied with by all public sector bodies and employees are expressed in the following principles—

Personal integrity

We act with care and diligence and make decisions that are honest, fair, impartial, and timely, and consider all relevant information.

Relationships with others

We treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare.

Accountability

We use the resources of the state in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial and physical resources, property and information.

RACING, GAMING AND LIQUOR

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
APPLICATIONS FOR THE GRANT OF A LICENCE			
14455	The Wine Bureaux Pty Ltd	Application for the grant of a Tavern licence in respect of premises situated in Margaret River and known as The Wine Bureaux Margaret River	2/08/2012
14471	Woolworths Limited	Application for the grant of a Liquor Store licence in respect of premises situated in Kwinana and known as Dan Murphy's Kwinana	30/07/2012
APPLICATION FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
39445	Progressive Trading Pty Ltd	Application for the grant of an Extended Trading Permit—Ongoing Extended Hours in respect of premises situated in Halls Head and known as Progressive Supa IGA Halls Head	15/07/2012
APPLICATION FOR EXTENDED TRADING PERMITS—LIQUOR WITHOUT A MEAL			
39464	Nicholas George Wendland	Application for the grant of an Extended Trading Permit in respect of premises situated in Broome and known as The Aarli	16/07/2012

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

Dated: 29 June 2012.

B. A. SARGEANT, Director of Liquor Licensing.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962 DECEASED ESTATES

Notice to Creditors and Claimants

In the estate of Kevin John Fearey, who died between 9 September and 14 September 2011, of 5 Doran Place, Willetton 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 said deceased person are required by the Executor of the deceased's estate being Brian David Hodson, care of Angus Tibbits Solicitors, Suite 9, 73 Calley Drive, Leeming, Western Australia, to send particulars of their claims to him by 31 July 2012, after which date the Executor may convey or distribute the assets having regard only to the claims of which he then has notice.

ZX402

TRUSTEES ACT 1962 DECEASED ESTATES

Notice to Creditors and Claimants

Maria Jabado, late of 58 Carawatha Avenue, Mount Nasura, Western Australia, Poultry Farmer, 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 27 September 2010, are required by the executor Mr Robert da Prato, of 342 Armadale Road, Banjup, Western Australia to send particulars of their claims to him by the 3rd day of August 2012, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZX403

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Markus Werner Eichenberger, late of 425A The Strand, Dianella in the State of Western Australia, Trades Assistant, deceased.

Creditors and other persons having claims (to which section 63 of the *Trustees Act 1962*, relates) in respect of the estate of Markus Werner Eichenberger, who died on 17 September 2011, are required by the Administrator, Jessica Eichenberger, Unit 10/79 Barbican Street East, Shelley, Western Australia 6148, to send particulars of their claims to her by the 3rd day of August 2012, after which date the Personal Representative may convey or distribute the assets, having regard only to the claims of which she then has notice.

PUBLIC NOTICES

ZZ401

PARTNERSHIP ACT 1895**DISSOLUTION OF PARTNERSHIP**

This notice is hereby given pursuant to section 47 of the *Partnership Act 1895* (WA) that on 18 May 2012, Mark Gordon Mcpherson ceased to be a partner of Serenity Hair and Beauty situated at 12 Burt Street, Boulder WA 6432. The business will from and including 19 May 2012 be conducted by Maritza Potgieter absolutely.

MARK MCPHERSON.

WESTERN AUSTRALIA

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