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# — PART 1 —

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## JUSTICE

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JU301\*

Magistrates Court Act 2004

### **Magistrates Court (Minor Cases Procedure) Amendment Rules (No. 2) 2013**

Made by the Magistrates Court.

**1. Citation**

These rules are the *Magistrates Court (Minor Cases Procedure) Amendment Rules (No. 2) 2013*.

**2. Commencement**

These rules come into operation as follows —

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

**3. Rules amended**

These rules amend the *Magistrates Court (Minor Cases Procedure) Rules 2005*.

**4. Rule 10C amended**

After rule 10C(2) insert:

- (3) At a pre-trial conference a registrar may —
  - (a) make any orders necessary to facilitate settlement or ensure the case is ready to be listed for a hearing at which the Court will assess the amount that should be awarded for the claim; or
  - (b) list the case for a hearing at which the Court will assess the amount that should be awarded for the claim.

**5. Rule 15 amended**

(1) In rule 15 delete “You” and insert:

(1) You

(2) At the end of rule 15 insert:

(2) If you do not attend a listing conference the magistrate at the listing conference may give default judgment against you.

**6. Rule 17 amended**

Delete rule 17(b) and (c) and insert:

(b) an unliquidated amount of \$5 000 or less; or

(c) an unliquidated amount of more than \$5 000, if the registrar is able to assess the amount from any supporting material lodged in relation to the claim.

**7. Rule 21 amended**

In rule 21(2) delete “not” and insert:

not, without the approval of a Magistrate,

**8. Rule 22A inserted**

After rule 21 insert:

**22A. Default judgment one year or more after originating claim, referral to Magistrate**

(1) If one year or more has passed since the claim that started the case was served, a registrar may, if an application for default judgment has been made, refer the matter to a Magistrate.

(2) If a matter is referred to a Magistrate the person who applied for default judgment must provide an affidavit setting out the reasons for the delay in the matter being finalised.

(3) If a matter is referred to a Magistrate, the Magistrate may give approval for the registrar to give default judgment under this Part.

**9. Rule 41 amended**

Delete rule 41(2) and insert:

- (2) The Public Trustee must invest the money for you and may, if the Court so orders, invest it other than in accordance with the *Public Trustee Act 1941* section 39C.

**10. Rule 43 amended**

- (1) In rule 43 delete “If” and insert:

- (1) If

- (2) At the end of rule 43 insert:

- (2) Nothing in this rule limits the application of the *Magistrates Court (Civil Proceedings) Act 2004* section 19(3) to the judgment of a registrar made under section 19(2) of that Act.

**11. Rule 51 amended**

In rule 51(3) delete “business.” and insert:

business or the party’s usual postal address.

**12. Rule 55 amended**

Delete rule 55(1) and insert:

- (1) If you are an individual who is not represented by an agent, the address for service is to be your usual place of residence, your principal place of business or your postal address.
- (2A) If you are an individual who is not represented by an agent and you provide a postal address as your address for service you must also provide the Court and each of the other parties details of your usual place of residence or principal place of business.

Dated: 30th April 2013.

Magistrates' signatures:

STEVEN ALEX HEATH, Chief Magistrate.

ELIZABETH ADELE WOODS, Deputy Chief Magistrate.

GUISEPPE MIGNACCA-RANDAZZO, Magistrate,

JANELLE SCUTT, Magistrate.

JU302\*

Magistrates Court (Civil Proceedings) Act 2004

## **Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2013**

Made by the Magistrates Court.

### **1. Citation**

These rules are the *Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2013*.

### **2. Commencement**

These rules come into operation as follows —

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

### **3. Rules amended**

These rules amend the *Magistrates Court (Civil Proceedings) Rules 2005*.

### **4. Rule 21 amended**

Delete rule 21(b) and (c) and insert:

- (b) the claim, or the relevant part of the claim, is for an unliquidated amount of \$5 000 or less; or
- (c) the claim, or the relevant part of the claim, is for an unliquidated amount of more than \$5 000 but not more than the minor cases jurisdictional limit, if the registrar is able to assess the amount from any supporting material lodged in relation to the claim.

**5. Rule 24 amended**

In rule 24(2) delete “not” and insert:

not, without the approval of a Magistrate,

**6. Rule 25A inserted**

After rule 24 insert:

**25A. Default judgment one year or more after originating claim, referral to Magistrate**

- (1) If one year or more has passed since the originating claim was served, a registrar may, if an application for default judgment has been made, refer the matter to a Magistrate.
- (2) A matter referred to a Magistrate must be accompanied by an affidavit from the applicant for default judgment setting out the reasons for the delay in the claim being finalised.
- (3) On referral of a matter under this rule a Magistrate may give approval for the registrar to give default judgment under this Part.

**7. Rule 29C amended**

After rule 29C(2) insert:

- (3) At the pre-trial conference a registrar may —
  - (a) make any orders necessary to facilitate settlement or ensure the case is ready to be listed for a determination of the amount that should be awarded for the claim; or
  - (b) list the matter for a determination of the amount that should be awarded for the claim.

**8. Rule 30A inserted**

At the beginning of Part 7 insert:

**30A. Informal disclosure**

- (1) Subject to any order made by a registrar or the Court, each party to the action may disclose documents relating to any matter in question in the action to the other parties.

- (2) Disclosure may —
  - (a) with the consent of each other party to the action, be by way of an informal list of the documents; or
  - (b) be by way of affidavit containing a list of the documents served on the other parties.

**9. Rule 41A amended**

Delete rule 41A(5), (6) and (7).

**10. Rule 41B amended**

Delete rule 41B(5), (6) and (7).

**11. Rule 46 amended**

After rule 46(3) insert:

- (4) If a party or, if the party is not required under subrule (2) to attend in person, a party's lawyer fails to attend a listing conference, the magistrate at the listing conference may give default judgment against the party.

**12. Rule 77 amended**

Delete rule 77(2) and insert:

- (2) The Public Trustee must invest the money for the person and may, if the Court so orders, invest it other than in accordance with the *Public Trustee Act 1941* section 39C.

**13. Rule 80 amended**

- (1) In rule 80 delete "If" and insert:

- (1) If

- (2) At the end of rule 80 insert:

- (2) Nothing in this rule limits the application of the *Magistrates Court (Civil Proceedings) Act 2004* section 19(3) to the judgment of a registrar made under section 19(2) of that Act.



**14. Rule 101 amended**

In rule 101(1)(a)(ii) and delete “be;” and insert:

be, or the party’s usual postal address;

**15. Rule 102 amended**

(1) In rule 102(2) after “business address” insert:

or the postal address

(2) After rule 102(2) insert:

(3A) A party who is an individual not represented by a lawyer and who provides a postal address as an address for service must also provide the Court and each of the other parties details of the usual place of residence or principal place of business address of the individual.

**16. Rule 124 amended**

In rule 124(1) in the Table insert in alphabetical order:

*Petroleum and Geothermal Energy* s. 17(4)  
*Resources Act 1967*

**17. Rule 128 amended**

In rule 128 after “otherwise,” insert:

rules 40 to 41B, rule 43,

Dated: 30th April 2013.

Magistrates’ signatures:

STEVEN ALEX HEATH, Chief Magistrate.

ELIZABETH ADELE WOODS, Deputy Chief Magistrate.

GUISEPPE MIGNACCA-RANDAZZO, Magistrate,

JANELLE SCUTT, Magistrate.

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## — PART 2 —

### CEMETERIES

CE401\*

**CEMETERIES ACT 1986**  
GERALDTON CEMETERY BOARD  
Fees and Charges

In pursuance of the powers conferred by Section 53 of the *Cemeteries Act 1986*, the Geraldton Cemetery Board hereby records having resolved on the 10 April 2013 that the following fees and charges shall apply from 1 July 2013.

Schedule Includes 10% Goods and Services Tax except where shown exempt.

<b>BURIALS</b>	<b>General Cemetery</b>	<b>Lawn Cemetery</b>
<b>A: BURIAL FEES - including registration and tablet fee</b>		
Adult Interment, 13 years and over .....	\$1,088.00	\$1,158.00
Child interment, under 13 years of age - including stillborn in ground not set aside for such purpose - Single Interment.....	\$834.00	\$868.00
Interment of any stillborn or child up to 6 months in Infant Burial Area.....	\$325.00	n/a
<b>B: LOT FEES</b>		
A 'Grant or Right of Burial' (25 year tenure) being issued for each Lot and shall be additional to those fees prescribed in paragraph (A) Above Ordinary Land for grave 2.1m long x 0.75m wide x 1.8m deep where directed by cemetery .....	\$1,152.00	\$1,599.00
Ordinary Land for grave 1.5m long x 0.6m wide x 1.8m deep in Infant Burial Area.....	\$453.00	n/a
Pre-need purchase - land selected by applicant or land reserved in advance .....	\$1,301.00	\$1,776.00
<b>C: OTHER</b>		
For exhumation .....	\$1,279.00	\$1,720.00
For re-burial after exhumation.....	\$1,088.00	\$1,158.00
<b>MISCELLANEOUS CHARGES</b>		
<b>PERMITS:</b>		
For permit to erect a headstone, monument or rail in General cemetery .....	\$342.00	exempt
For permit to place a plaque in Lawn Cemetery One and Three .....	\$208.00	exempt
For permit to place a monument in Lawn Cemetery Two.....	\$309.00	exempt
For permit to place monument in Infants and Dream Gardens. ....	\$208.00	exempt
For permit to renovate or add to a monument all areas .....	\$110.00	exempt
For permit to add inscription to a monument all areas .....	\$100.00	exempt
For permit to have 150 x 150mm (maximum) Identification Marker. ....	\$100.00	exempt
Monuments commissioned by Office of Australian War Graves – permit fee waived Single Funeral Permit (Funeral Directors' only) .....	\$317.00	exempt
Single Funeral Permit (Other than Funeral Directors) .....	\$625.00	exempt
<b>LICENCES:</b>		
Funeral Director's Annual Licence Fee.....	\$631.00	exempt
Monumental Mason's Annual Licence Fee.....	\$460.00	exempt
Single Monumental Mason's Work Licence (permit fee also payable) .....	\$196.00	exempt
<b>OTHER:</b>		
Hire of crematorium facility for 1 hour being extra or Burial .....	\$208.00	
Purchase of small raised headstone.....	\$205.00	
Purchase of large raised headstone.....	\$324.00	
Copy of Grant or Right of Burial .....	\$156.00	

Transfer of Grant or Right of Burial.....	\$156.00
Copy of By-laws and regulations.....	\$69.00
Refund of an unexpired grant of right of burial or prepaid cremation not to exceed the amount originally paid less an administration fee of...	\$174.00
<b>EXTRA CHARGES</b>	
Interment or cremation without due notice.....	\$579.00
For each interment or cremation on a Saturday .....	\$635.00
Removal of Sand from Burial Sight .....	\$364.00
Plot Selection - with appointment.....	\$214.00
Plot Selection - without appointment .....	\$272.00
For each interment or cremation not in usual hours .....	\$579.00
For late Departure from Cemetery Grounds 15 min over allocated times..	\$208.00
For Early arrival of more than 15 mins prior to booked time.....	\$208.00

**CREMATORIUM**

A: Adult cremation, 13 years and over .....	\$1,326.00
Non Attend Cremation, 13 years and over.....	\$1,118.00
Child cremation, under 13 years of age.....	\$764.00
Cremation of stillborn without memorial service .....	\$405.00
Cremation of stillborn with memorial service .....	\$601.00
Pre-need cremation .....	\$1,629.00

B: DISPOSAL OF ASHES - tenure on all cremation memorials shall be 25 years from date of receipt of scheduled fee .....	
Kerbing placement including 152 x 152mm bronze plaque .....	\$669.00
Garden placement including 152 x 152mm bronze plaque .....	\$834.00
Marble Garden placement including 400 x 300mm Plus Lettering ....	\$1,204.00
Garden placement including 381 x 279mm double bronze plaque with one plate.....	\$1,546.00
- second interment including second plate.....	\$268.00
Rose garden placement including 185 x 150mm sculptured rose border plaque.....	\$1,001.00

**Interment in Single Niche:**

Brick including 150 x 140mm bronze plaque.....	\$579.00
Tile including 150 x 140mm bronze plaque .....	\$602.00
Marble including 150 x 140mm bronze plaque .....	\$643.00

**Interment in Double Niche:**

Brick including 320 x 130mm bronze plaque and first plate .....	\$1,181.00
Tile including 320 x 130mm bronze plaque and first plate.....	\$1,274.00
Marble including 320 x 130mm bronze plaque and first plate .....	\$1,428.00
Second interment and second plate.....	\$268.00

**Garden of Dreams:**

Butterfly 180 x 150mm bronze plaque.....	\$764.00
Oval 190 x 120mm bronze plaque .....	\$805.00
Square 152 x 152mm bronze plaque .....	\$625.00
Other memorials .....	poa
Reserve pre need memorial position or niche .....	\$268.00
Scatter ashes to winds, with issue of certificate .....	\$156.00
Scatter ashes in memorial gardens, with issue of certificate.....	\$156.00
Interment of ashes in a family grave .....	\$197.00
Post ashes overseas.....	\$155.00
Post ashes within Australia.....	\$105.00
Hold ashes in safe custody after 6 months (per month).....	\$10.00
Extra ashes Urns .....	Lge \$34
Attendance fee for memorial garden placement, each installation.. ..	\$100.00
For permit to place a memorial in the Memorial Gardens.....	\$191.00
Registration of ashes from other crematoria .....	\$110.00

C: MEMORIAL POSITION (plaque not included) tenure on all memorial positions shall be 25 years from date of receipt of scheduled fee

Kerbing position Memorial Garden No. 1 - 2 - 3 - 4.....	\$404.00
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Sm 427

exempt

Rose garden position Memorial Garden No. 2 .....	\$579.00
Other Garden positions in Memorial Gardens 1 to 4.....	\$752.00
Single brick niche position .....	\$336.00
Double brick niche position .....	\$636.00
Single tile niche position .....	\$348.00
Double tile niche position.....	\$659.00
Single marble niche position.....	\$371.00
Double marble niche position.....	\$729.00
<b>Garden of Dreams:</b>	
rose garden position .....	\$479.00
Inner kerb position .....	\$364.00
Garden bank.....	\$399.00

The fees and charges in the above schedule were set by resolution at a duly convened meeting of the Geraldton Cemetery Board held on 10 April 2013.

MAXWELL ALLAN CORREY, Chairman.  
JANICE HATCH, Secretary.

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## CONSUMER PROTECTION

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CP401\*

**ASSOCIATIONS INCORPORATION ACT 1987**  
**REINSTATED ASSOCIATION**

Australian Association for Cognitive Behaviour Therapy (WA) Inc.—A0822307J

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: 17 May 2013.

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

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## CORRECTIVE SERVICES

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CS401\*

**COURT SECURITY AND CUSTODIAL SERVICES ACT 1999**  
**PERMIT DETAILS**

Pursuant to the provisions of section 56 of the *Court Security and Custodial Services Act 1999*, the Commissioner of the Department of Corrective Services has revoked the following Permits to do High-Level Security Work—

Surname	First Name(s)	Permit Number	Date Permit Revoked
Snell	Keith Raymond	12-0209	17/05/2013
Rodriguez	Janice	12-0192	17/05/2013
Rodionov	Valeri	12-0191	17/05/2013
Elston	David	12-0060	17/05/2013
Thompson	Gareth	12-0267	17/05/2013
Dallachy	Karen	12-0293	17/05/2013
Dixon	Paul	11-0345	17/05/2013
Murphy	Suzanna	12-0165	17/05/2013
Braine	Victor	12-0310	17/05/2013

This notice is published under section 57(1) of the *Court Security and Custodial Services Act 1999*.

SUE HOLT, Manager,  
Court Security and Custodial Services Contract.

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## FISHERIES

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FI401\*

**FISH RESOURCES MANAGEMENT ACT 1994**  
**WEST COAST DEEP SEA CRUSTACEAN MANAGED FISHERY**

Approved Fish Processors

I, Stuart Smith, Chief Executive Officer of the Department of Fisheries, pursuant to clause 31 of the *West Coast Deep Sea Crustacean Managed Fishery Management Plan 2012*, hereby nominate the persons listed below as approved fish processors in respect of champagne crabs, crystal crabs, giant crabs and bycatch taken in the West Coast Deep Sea Crustacean Managed Fishery.

This Notice revokes the previous Notice of Approved Fish Processors published in the Gazette on 27 January 2012.

<b>Approved Fish Processor</b>	<b>Fish Processor's Licence Number</b>
Glen Peter Bosman	1042
Chaceon Pty Ltd	1280
Oronzo John Debari and Angelo Debari	1298
Adam Towers-Hammond	1306

STUART SMITH, Chief Executive Officer.

Dated this 14th day of May 2013.

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FI402\*

**FISH RESOURCES MANAGEMENT ACT 1994**  
**SOUTH COAST ESTUARINE FISHERY MANAGEMENT PLAN AMENDMENT 2013**

FD 173/05 [1135]

Made by the Minister under section 54.

**1. Citation**

This instrument is the *South Coast Estuarine Fishery Management Plan Amendment 2013*.

**2. Management plan amended**

The amendments in this instrument are to the *South Coast Estuarine Fishery Management Plan 2005*.

**3. Clause 10A inserted**

After clause 10, insert—

**10A. Additional criteria for the grant of a licence**

Further to clause 10, the CEO may grant a person a licence where—

- (a) on 30 June 2011, the person held South Coast Estuarine Managed Fishery Licence No. 2776 granted pursuant to clause 10; and
- (b) the person establishes to the satisfaction of the CEO that an application for the renewal of the licence referred to in paragraph (a) was not made to the CEO due to the inadvertence of the holder; and
- (c) the person applies for a licence before 31 December 2013.

**4. Clause 12 amended**

After subclause (2), insert—

- (3) Where a person makes an application for a licence under clause 10A, an additional fee of \$2,000 is payable in respect of the costs of administering the Act.

Dated this 14th day of May 2013.

T. BUSWELL, Minister for Fisheries.

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## HEALTH

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HE401\*

**RADIATION SAFETY ACT 1975**  
**RADIOLOGICAL COUNCIL (APPOINTMENT OF MEMBERS AND  
DEPUTY MEMBERS) INSTRUMENT 2013**

Made by His Excellency the Governor, in Executive Council, under sections 13 and 15 of the Act.

**1. Citation**

This instrument may be cited as the *Radiological Council (Appointment of Members and Deputy Members) Instrument 2013*.

**2. Appointment of Members**

The appointment of—

- (a) Dr Richard Alan Fox pursuant to section 13(2)(b)(iii) of the *Radiation Safety Act 1975*; and
- (b) Mr Gregory Paul Scott pursuant to section 13(2)(b)(vii) of the *Radiation Safety Act 1975*;

as members to the Radiological Council is approved for a period commencing on 15 June 2013 and expiring on 14 June 2016.

**3. Appointment of Deputy Members**

The appointment of—

- (a) Dr Roger Ian Price as deputy to Dr Richard Alan Fox to the Radiological Council pursuant to section 15 of the *Radiation Safety Act 1975*; and
- (b) Mr Christopher John Whennan as deputy to Mr Gregory Paul Scott to the Radiological Council pursuant to section 15 of the *Radiation Safety Act 1975*;

is approved for a period commencing on 15 June 2013 and expiring on 14 June 2016.

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

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## JUSTICE

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JU401\*

### JUSTICES OF THE PEACE ACT 2004

#### APPOINTMENTS

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

- Alan Clement Phillips of 25 Beeston Crescent, Marangaroo, WA
- Lynette Joy Morton of 52 Mayne Way, Clifton Park, WA

RAY WARNES, Executive Director,  
Court and Tribunal Services.

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## MINERALS AND PETROLEUM

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MP401\*

### MINING ACT 1978

#### INSTRUMENT OF VARIATION TO EXEMPTION OF LAND

The Minister for Mines and Petroleum, pursuant to the powers conferred on him by Section 19 of the *Mining Act 1978*, hereby varies the exemption of land designated 'S19/331' in TENGRAPH by varying the description as detailed hereunder (not being private land or land that is the subject of a mining tenement or an application for a mining tenement) to expire on 6 September 2013.

**Locality:** 11 kilometres South West of Onslow

**Description of Land:**

Land designated S19/331 in the TENGRAPH electronic plan of the Department of Mines and Petroleum. A geospatial description is located on document 2320084 of Department of Mines and Petroleum's electronic file No. A1112/200901.

**Approximate Area:** 7338.11 ha

Dated at Perth this 12th day of May 2013.

BILL MARMION MLA, Minister for Mines and Petroleum.

MP402\*

### MINING ACT 1978

#### INSTRUMENT OF EXEMPTION OF LAND

The Minister for Mines and Petroleum, pursuant to the powers conferred on him by Section 19 of the *Mining Act 1978*, hereby declares the land described hereunder (not being private land or land that is

the subject of a mining tenement or an application for a mining tenement) exempt from Divisions 1 to 5 of Part IV of the *Mining Act 1978*.

**Locality:** Sorby Hills—Kimberley Mineral Field

**Area:** 3,532.0254 hectares

**Description of Land:**

Land designated S19/347 in the Tengraph electronic plan of the Department of Mines and Petroleum. A geospatial description is filed on Department of Mines and Petroleum File No. A0799/201301, Document No. 2307217.

Dated at Perth this 12th day of May 2013.

Hon BILL MARMION MLA, Minister for Mines and Petroleum.

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## PLANNING

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PL401\*

**PLANNING AND DEVELOPMENT ACT 2005**

**PEEL REGION SCHEME MINOR AMENDMENT 035/57  
AND AMENDMENT OF CITY OF MANDURAH TOWN PLANNING SCHEME NO. 3  
Madora Bay (North)**

Amendment 035/57

File No. RLS/0294

The Minister for Planning has approved Amendment 035/57 (Madora Bay North) to the Peel Region Scheme. This amendment is shown on Western Australian Planning Commission (WAPC) Plan 3.2517.

Pursuant to section 126(3) of the *Planning and Development Act 2005*, the City of Mandurah Town Planning Scheme No. 3 is also amended, to include the land subject of Amendment 035/57 within the Urban Development zone.

The amendments to the Peel Region Scheme and the City of Mandurah Town Planning Scheme No. 3 are effective from the date of publication of this notice in the *Government Gazette*.

The plan of the Peel Region Scheme amendment will be available for public inspection at the following locations—

- the offices of the Western Australian Planning Commission (140 William Street, Perth);
- the Department of Planning's Peel region office (11-13 Pinjarra Road, Mandurah);
- the City of Mandurah's municipal offices (3 Peel Street, Mandurah); and
- the J. S. Battye Library (Level 3 Alexander Library Building, Perth Cultural Centre).

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

NEIL THOMSON, Secretary,  
Western Australian Planning Commission.

PL402\*

**PLANNING AND DEVELOPMENT ACT 2005  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*Shire of Esperance*  
Local Planning Scheme No. 23—Amendment No. 11**

Ref: TPS/0947

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 Esperance local planning scheme amendment on 8 May 2013 for the purpose of—

1. Modifying the Special Provisions in 'Schedule 5—Rural Residential Provisions' applicable to the 'Rural Residential 2' zone for land 'Previously comprised of Lots 35, 367, 392, 396, 398, 400, 773, 774 and 775 Eleven Mile Beach and Barook Roads, Pink Lake' by inserting a new point 2. to state—
2. Notwithstanding any other provision in the Scheme (including Schedule 5), Council has discretion to support further subdivision of Lot 9501 (formally part of Lot 775) Eleven Mile Beach Esperance where it is consistent with an Outline Development Plan approved by the Shire of Esperance and endorsed by the Western Australian Planning Commission. No lot sizes less than 2 hectares shall be permitted.

2. Re-numbering Points 2-10 under the Special Provisions in 'Schedule 5—Rural Residential Provisions' applicable to the 'Rural Residential 2' zone for land 'Previously comprised of Lots 35, 367, 392, 396, 398, 400, 773, 774 and 775 Eleven Mile Beach and Barook Roads, Pink Lake' accordingly.

M. HEASMAN, Shire President.  
M. SCOTT, Chief Executive Officer.

**PL403\***

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*Shire of Esperance*  
Local Planning Scheme No. 23—Amendment No. 13

Ref: TPS/0948

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 Esperance local planning scheme amendment on 8 May 2013 for the purpose of—

1. Rezoning portions of Lot 100 on Deposited Plan 63602, Coolgardie—Esperance Highway, Myrup from "Agriculture—General" to "Rural Smallholdings" zone.
2. Amending the Scheme Maps accordingly.

M. HEASMAN, Shire President.  
M. SCOTT, Chief Executive Officer.

**PL404\***

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*City of Greater Geraldton*  
Town Planning Scheme No. 3 (Geraldton)—Amendment No. 66

Ref: TPS/1005

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 Greater Geraldton local planning scheme amendment on 8 May 2013 for the purpose of—

1. Rezoning Lot 983 Durlacher Street and a portion of Lot 567 Brede Street, Geraldton from "Residential R30/40" to "Mixed Use".
2. Modifying the residential coding of a portion of Lot 567 Brede Street from "R30/40" to "R40".
3. Deleting sub-clause 4.15.5 (i) and renumbering the subsequent sub-clauses accordingly
4. Deleting sub-clause 4.15.5 (ii) and replacing with the following—
  - (ii) Single houses, group dwellings or multiple dwellings may be deemed to comply with the objective subject to satisfactorily achieving, in the opinion of Council, the performance standards of this clause or other standards specified in design guidelines for the land within the Mixed Use zone.
5. Modifying sub-clause 4.17.1 (a) by replacing the word "complimentary" with the word "complementary".
6. Adding to the end of Clause 4.17.2 the sentence "Council may, at its discretion, approve subsequent modifications to the design guidelines in accordance with the criteria set out in clause 2.2."
7. Modifying sub-clause 4.17.5 (a) by replacing the words "shopping floor space" to "floor space of the shop".
8. Modifying Clause 4.17.7 by adding the words "in a building" after the word "proposed".
9. Renumbering Clause 4.17 (HIGHWAY COMMERCIAL ZONE) and Clauses 4.17.1 to 4.17.6 under that Clause as Clauses 4.18 and 4.18.1 to 4.18.6.
10. Renumbering Clause 4.17 (RESTRICTED USES) as Clause 4.19.
11. Modifying Table 1—Zoning Table by changing Home Office from not permitted (no symbol) to "P" within the Mixed Use zone.
12. Amending the scheme map accordingly.

W. CARPENTER, Mayor.  
A. BRUN, Chief Executive Officer.



PL405\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*Shire of Carnarvon*  
Town Planning Scheme No. 10—Amendment No. 62

Ref: TPS/1007

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 Carnarvon local planning scheme amendment on 13 May 2013 for the purpose of—

1. Inserting the following specific clauses under 'Part V—General Provisions'—

5.15 RESTRICTIVE COVENANTS

- 5.15.1 Subject to clause 5.15.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.
- 5.15.2 Where clause 5.15.1 operates to extinguish or vary a restrictive covenant the local government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.15.1, have been prohibited unless the application has been dealt with as an 'SA' use and has complied with all of the advertising requirements of clause 4.3.
- 5.15.3 Where a particular development or subdivision of land in the Scheme area beneficial to the local government as a whole is impeded by a restrictive covenant, the restrictive covenant may be varied or extinguished by an amendment to the Scheme that informs all parties with an interest in the restrictive covenant, and enters particulars of the restrictive covenant and the burdened land in Appendix No. XI—Schedule of Restrictive Covenant.

2. Inserting a new Appendix XI—Restrictive Covenants as follows after Appendix X—

Appendix XI—Restrictive Covenants

Land burdened by the Restrictive Covenant	Description of the Covenant	Extinguishment or Variation of the Covenant
Lots 25, 24, 23, 22, 21, 20, 19, 18, 70, 69, 68, 67, 66, 65, 65, 63, 62, 61, 2, 5, 6, 7, 8, 51 Norton Way, Morgantown; Lots 373, 374, 376 George Street, Morgantown; Lots 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 71 Butcher Street, Morgantown; Lots 1, 3, 72, 9, 10, 11, 12, 13, 14, 15, 16, 17, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 Willesee Street, Morgantown; Reserves 34143, 34144; Lots 59 and 60 Ross Street, Morgantown; Lots 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96 Tuckey Court, Morgantown; Lots 75, 76, 77, 78, 79, 80, 81, 82 Babbage Island Road, Morgantown; Lots 302, 303, 309 Maslen Street, Morgantown; Lots 300, 301, 304, 305, 306, 307 Geyer Place, Brockman; Lots 292, 293, 294, 295, 296, 297 Salmond Court, Brockman; Lots 310, 311, 312, 330, 331, 332 Newman Place, Brockman; Lots 322, 323, 324, 342, 343, 344 Meiklejohn Crescent, Brockman; Lots 335, 334, 333, 354, 355, 356, 349, 348, 347, Castrini Crescent, Brockman; Lots 125, 126 Richards Street, Brockman	Covenant (A) (a) No dwelling house erected on the said land shall comprise less than 116m <sup>2</sup> gross area and shall not be erected unless there shall be at least three rooms under the main roof capable of being used as bedrooms separately from other habitable rooms one such room being not less than 11.15m <sup>2</sup> in area and the other two being not less than 7.43m <sup>2</sup> each in area. (b) Not without the written consent of the Transferor to construct external walls of the said dwelling house on the said land of materials other than brick. (c) No dwelling house shall have roof structures that are not thermally insulated and ceilings therein shall not be less than an average of 2550 mm in height. (d) No fences shall be erected on the said land other than along the rear boundary to its full length and on the side boundaries to the front building line thereof. Not	Extinguish

Land burdened by the Restrictive Covenant	Description of the Covenant	Extinguishment or Variation of the Covenant
	<p>without the written consent of the Transferor to construct the said fencing with materials other than asbestos cement which shall not be less than 1500mm in height except that the said boundary fences may be sloped to a lower height for the first three metres beyond the front building line.</p> <p>(e) No dwelling house shall be designed and constructed for use other than as a single private dwelling house (Clause 1 'building') as defined or mentioned in the Uniform Building By-Laws applicable to the said land as at the 20th day of June 1975.</p>	
<p>Lots 152, 1, 154, 155, 156, 157, 11, 160, 161, 162, 1002, 1193, 1147 David Brand Drive, Brockman;            Lots 186, 185, 184, 183, 182, 181, 180, 179, 178, 226, 225, 224, 223, 222, 221, 220, 219, 218, 217, 216, 215, 214, 173, 172, 213, 212, 211 Foss Crescent, Brockman;            Lots 23, 22, 21, 171, 242, 241, 363, 362, 284, 283, 282, 281, 280, 279, 286, 285, 227, 228, 229, 230, 231, 232, 288, 287 Cranberry Drive, Brockman;            Lots 364, 365, 366, 367, 1, 3, 4, 369, 370 Snook Court, Brockman;            Lots 256, 257, 258 Eweing Place, Brockman;            Lots 259, 260, 261, 262, 263, 274, 275, 1179 Bibra Way, Brockman;            Lots 266, 267, 268, 1, 271, 272, 273 Buzolic Court, Brockman;            Lots 278, 277, 276, 289, 280, 325, 341 Meiklejohn Crescent, Brockman;            Reserve 44093;            Lots 108, 109, 110, 111, 112, 350, 351, 352, 353, 336, 122, 123, 124 Castrini Crescent, Brockman; Lots 113, 114, 115, 116, 117, 118, 119, 120, 121 Skinner Court, Brockman;            Lots 138, 1, 3, 1, 5 Houlahan Place, Brockman;            Lots 126, 127, 128, 129, 135, 202, 201 Richards Street, Brockman;            Lots 205, 204, 203 Dempster Road, Brockman;            Lots 132, 1, 130, 134 Carson Place, Brockman;            Reserve 41680;            Lots 329, 313 Newman Place, Brockman;            Lots 291, 298 Salmond Court, Brockman;</p>	<p>Covenant (B)</p> <ol style="list-style-type: none"> <li>1. Not without written consent of the transferor to construct external walls of a dwelling- house on the said land with materials other than brick.</li> <li>2. Not without the written consent of the transferor to construct fencing with materials other than fibro cement of not less than 1500mm in height for the rear boundary to its full length and the side boundaries to at least the front building line. Side boundary fences may be sloped to a lower height for the first three metres beyond the front building line.</li> </ol>	

Land burdened by the Restrictive Covenant	Description of the Covenant	Extinguishment or Variation of the Covenant
Lots 299, 314, 307, 308 Geyer Place, Brockman; Lots 374 Butcher Street, Brockman; Lots 1000, 1 George Street, Brockman.		

K. BRANDENBURG, Shire President.  
M. BATTILANA, Chief Executive Officer.

**PL406\***

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*Town of Claremont*  
Town Planning Scheme No. 3—Amendment No. 121

Ref: TPS/0374

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 Claremont local planning scheme amendment on 13 May 2013 for the purpose of—

1. Rezoning the lots that face Claremont Crescent road reserve which were previously zoned 'Other Regional Roads' under the Metropolitan Region Scheme (MRS) to Residential R40, Residential R20 and Educational under Town Planning Scheme No. 3.
2. Amending the Scheme map accordingly.

J. BARKER, Mayor.  
S. GOODE, Chief Executive Officer.

**PL407\***

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*City of Vincent*  
Town Planning Scheme No. 1—Amendment No. 34

Ref: TPS/0986

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 Vincent local planning scheme amendment on 13 May 2013 for the purpose of amending the dates referred to in clauses 20(4)(c)(ii) and 20(4)(h)(i) of the City of Vincent Town Planning Scheme No. 1 from '29 March 2013' to '29 March 2015'.

A. MacTIERNAN, Mayor.  
J. GIORGI JP, Chief Executive Officer.

**PL408\***

**METROPOLITAN REDEVELOPMENT AUTHORITY ACT 2011**  
WUNGONG URBAN WATER REDEVELOPMENT SCHEME AMENDMENT NOS. 23 AND 24

Metropolitan Redevelopment Authority.

It is hereby notified for public information that the Minister for Planning has granted final approval to gazette Scheme Amendment Nos. 23 and 24 to the Metropolitan Redevelopment Authority's (MRA) Wungong Urban Water Redevelopment Scheme.

Amendment No. 23 introduces provisions for the advertising of a Detailed Area Plan (DAP) in instances where a DAP is proposed over, or may impact upon, a landholding other than the landholding of the applicant preparing the DAP.

Amendment No. 24 introduces new provisions for—

- minimum lot areas for battleaxe lots in the Urban and Suburban Zones;
- minimum and average lot areas in the Urban Zone; and
- appropriate design of narrow frontage lots.

The Amendments come into effect on 25 May 2013 and can be viewed at the MRA's office, Unit 5/210-220 Jull Street, Armadale between the hours of 8:30am and 5:00pm Monday to Friday or on the MRA website at [www.mra.wa.gov.au](http://www.mra.wa.gov.au).

Chief Executive Officer,  
Metropolitan Redevelopment Authority,  
Locked Bag 8,  
PERTH BUSINESS CENTRE WA 6849.

**PL409\***

**METROPOLITAN REDEVELOPMENT AUTHORITY ACT 2011**  
**ARMADALE REDEVELOPMENT SCHEME AMENDMENT NO. 28**

Metropolitan Redevelopment Authority.

It is hereby notified for public information that the Minister for Planning has granted final approval to gazette Scheme Amendment No. 28 to the Metropolitan Redevelopment Authority's (MRA) Armadale Redevelopment Scheme.

Amendment No. 28 introduces clauses to require the preparation of a Detailed Area Plan (DAP) to guide subdivision and development. Clauses will also govern the content, processing and adoption of a DAP.

The Amendment comes into effect on 25 May 2013 and can be viewed at the MRA's office, Unit 5/210-220 Jull Street, Armadale between the hours of 8:30am and 5:00pm Monday to Friday or on the MRA website at [www.mra.wa.gov.au](http://www.mra.wa.gov.au).

Chief Executive Officer,  
Metropolitan Redevelopment Authority,  
Locked Bag 8,  
PERTH BUSINESS CENTRE WA 6849.

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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 following temporary appointment—

Hon Dr K. D. Hames MLA to act temporarily in the office of Premier; Minister for State Development; Science in the absence of the Hon C. J. Barnett MLA for the period 2 to 8 June 2013 (both dates inclusive).

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 following temporary appointment—

Hon Dr K. D. Hames MLA to act temporarily in the office of Premier; Minister for State Development; Science in the absence of the Hon C. J. Barnett MLA for the period 13 to 21 July 2013 (both dates inclusive).

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

PR403\*

**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 following temporary appointment—

Hon J. H. D. Day MLA to act temporarily in the office of Minister for Environment; Heritage in the absence of the Hon A. P. Jacob MLA for the period 22 August to 1 September 2013 (both dates inclusive).

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 are 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 FOR THE GRANT OF A LICENCE</b>			
14689	Granadhar International Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Perth and known as Gurkhas Nepalese Restaurant	16/06/2013
14690	Shire of Upper Gascoyne	Application for the grant of a Tavern licence in respect of premises situated in Gascoyne Junction and known as Gascoyne Junction Tavern	13/06/2013
14702	Hospitality Holdings WA Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Femantle and known as Deca Bodega	13/06/2013
<b>APPLICATION FOR THE REMOVAL OF A LICENCE</b>			
380837	Boom Tick Pty Ltd	Application for the removal of a night club licence in respect of premises situated in Perth to premises also in Perth and known as Ambar Nightclub	18/06/2013
<b>APPLICATION FOR EXTENDED TRADING PERMITS—LIQUOR WITHOUT A MEAL</b>			
40068	Quoc Viet Nominees Pty Ltd	Application for the grant of an extended trading permit for Liquor Without a Meal in respect of premises situated in Northbridge and known as U & I Cafe	18/06/2013

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

B. A. SARGEANT, Director of Liquor Licensing.

Date 20 May 2013.

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## DECEASED ESTATES

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ZX401\*

**TRUSTEES ACT 1962**  
DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* and amendments thereto relate) in respect of the estates of the undermentioned deceased persons are

required by the personal representatives care of Messrs Jackson McDonald, 25th Floor, 140 St Georges Terrace, Perth, Western Australia 6000 (GPO Box M971 Perth Western Australia 6843) to send particulars of their claims to them within one month from the date of publication of this notice at the expiration of which time the personal representatives may convey or distribute the assets having regard only to the claims of which they have then had notice—

Dorothy May Belcastro deceased, late of Mercy Aged Care, 18 Barrett Street, Wembley, Western Australia, who died on 27 January 2013.

Shirley Joyce Cleva deceased, late of Koh-l-Noor Nursing Home, Pangbourne Street, Wembley, Western Australia, who died on 22 September 2011.

Claude William Parnell deceased, late of 31 Peppermint Drive, Warrenup, Western Australia, who died on 16 September 2011.

Dated this 17th day of May 2013.

JACKSON McDONALD.

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**ZX402**

**TRUSTEES ACT 1962**

**DECEASED ESTATES**

Notice to Creditors and Claimants

Phillip John Watson, late of Annie Bryson McKeown Lodge, Angove Road, Albany, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on 31 December 2012, are required by the trustee of the late Phillip John Watson of care of Philip Wyatt Lawyer, PO Box 1026, Albany, Western Australia 6331 to send particulars of their claims to them within one (1) month from the date of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which it then has notice.

Dated this 17th day of May 2013.

PHILIP WYATT LAWYER.

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**ZX403\***

**TRUSTEES ACT 1962**

**DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 24/6/2013 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Briggs, Robert Hartley, late of Unit 12 75 Keightly Road Shenton Park, died 18.03.2013 (DE19972692 EM35)

Carroll, Ellen Frances, 11 Gwelup Street, Karrinyup, died 20.03.2013 (DE19821956 EM23)

Cooper, Ella Frances, late of 7/48 Osborne Street, Joondanna, died 6.04.2013 (DE19873707 EM17)

Dowling, Ruth Isabella, late of St Vincents Nursing Home, 224 Swan Street, Guildford, died 9.03.2013 (DE19733911 EM16)

Garavanta, Eunice Margaret, late of room 9, 6 Drummond Street, Redcliffe, died 17.04.2013 (DE33091509 EM32)

Jermakowicz, Jan, late of 254 Acton Avenue Kewdale, died 1.04.2013 (DE33019374 EM13)

Landy, Socks, also known as Sox Landy, late of 200 Forrest Circle, South Hedland, died 23.10.2012 (DE33103856 EM37)

Manning, Jean, late of Regis Como House 36 Talbot Avenue, Como, died 6.04.2013 (DE19862934 EM17)

Peberdy, Kenneth, late of Hilton Park Aged Care 19 Laidlaw Street, Hilton, died 13.04.2013 (DE19732497 EM15)

Stelfox, Valda Lila, late of Room 27 Bethanie Beachside 692 Two Rocks Road, Yanchep, died 24.04.2013 (DE33078741 EM110)

St John, Lesley Patricia, late of 6b Barlow Place, Carine, died 10.04.2013 (DE19900507 EM22)

BRIAN ROCHE, Public Trustee,  
553 Hay Street,  
Perth WA 6000.  
Telephone: 1300 746 212

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