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— PART 1 —

PROCLAMATIONS

AA101*

ABORIGINAL AFFAIRS PLANNING AUTHORITY AMENDMENT ACT 2012

No. 38 of 2012
PROCLAMATION

Western Australia
By His Excellency
Malcolm James McCusker,
Companion of the Order of Australia,
Commander of the Royal Victorian Order,
Queen's Counsel,
Governor of the State of Western Australia

[L.S.]

M. J. McCUSKER
Governor

I, the Governor, acting under the *Aboriginal Affairs Planning Authority Amendment Act 2012* section 2(b) and with the advice and consent of the Executive Council, fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which the provisions of that Act, other than sections 1 and 2, come into operation.

Given under my hand and the Public Seal of the State on 14 May 2013.

By Command of the Governor,

P. C. COLLIER, Minister for Aboriginal Affairs.

Note: Under the *Aboriginal Affairs Planning Authority Amendment Regulations 2013* regulation 2(b), the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Aboriginal Affairs Planning Authority Amendment Act 2012* section 4 comes into operation.

INDIGENOUS AFFAIRS

IX301*

Aboriginal Affairs Planning Authority Act 1972

Aboriginal Affairs Planning Authority Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Aboriginal Affairs Planning Authority Amendment Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Aboriginal Affairs Planning Authority Amendment Act 2012* section 4 comes into operation.

3. Regulations amended

These regulations amend the *Aboriginal Affairs Planning Authority Act Regulations 1972*.

4. Regulation 9 amended

- (1) Before regulation 9(1) insert:

- (1A) In this regulation —

commencement day means the day on which the *Aboriginal Affairs Planning Authority Amendment Act 2012* section 4 comes into operation;

former provisions means Part IV of the Act as it was in force immediately before its deletion by the *Aboriginal Affairs Planning Authority Amendment Act 2012*.

- (2) In regulation 9(1):

- (a) after “intestate” insert:

before commencement day

- (b) delete “the provisions of section 35 of the Act” and insert:

section 35 of the former provisions,

- (3) In regulation 9(5) delete “the provisions of section 35(3) of the Act,” and insert:

section 35(3) of the former provisions,

5. Schedule amended

In the Schedule Form No. 3:

- (a) delete “(Section 35)”;

- (b) after “section 35 of the *Aboriginal Affairs Planning Authority Act 1972*” insert:

(as in force immediately before the commencement of the *Aboriginal Affairs Planning Authority Amendment Act 2012* section 4)

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

JUSTICE

JU301*

State Administrative Tribunal Act 2004

State Administrative Tribunal Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *State Administrative Tribunal Amendment Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *State Administrative Tribunal Regulations 2004*.

4. Regulation 7 amended

Delete regulation 7(b) to (g) and insert:

- (b) *Health Practitioner Regulation National Law (Western Australia)*;
- (c) *Mental Health Act 1996*;
- (d) *Teacher Registration Act 2012*.

5. Regulation 8 amended

Delete regulation 8(1)(c) and insert:

- (c) the CEO as defined in the *Health Legislation Administration Act 1984* section 3;

6. Regulation 9 amended

(1) In regulation 9(1) in the Table:

- (a) delete “Assessment of costs —” and insert:

Application for assessment of costs —

- (b) delete paragraph (b) and insert:

- (b) in addition to the application fee, an assessment fee equal to 2.5% of the costs claimed in the application

(2) In regulation 9(2) in the Table:

- (a) delete “Assessment of costs —” and insert:

Application for assessment of costs —

- (b) delete paragraph (b) and insert:

- (b) in addition to the application fee, an assessment fee equal to 2.5% of the costs claimed in the application

(3) Delete regulation 9(3).

(4) In regulation 9(4) in the Table:

- (a) delete “Assessment of costs —” and insert:

Application for assessment of costs —

- (b) delete paragraph (b) and insert:

- (b) in addition to the application fee, an assessment fee equal to 2.5% of the costs claimed in the application

Note: The heading to amended regulation 9 is to read:

Fees relating to application under provision in Sch. 3, 4 or 6

7. Regulation 10 amended

(1) Delete regulation 10(1) and insert:

(1) In this regulation —

Class 1 application means a review application made in relation to —

- (a) a development with a value of less than \$250 000; or
- (b) a development that is a single house with a value less than \$500 000 on a single lot; or
- (c) a subdivision of a lot into not more than 3 lots;

Class 2 application means a review application that is not a Class 1 application;

review application means an application made under any of these provisions —

- (a) the *Hope Valley-Wattleup Redevelopment Act 2000* section 29(1);
- (b) the *Metropolitan Redevelopment Authority Act 2011* section 69(1);
- (c) the *Metropolitan Redevelopment Authority Regulations 2011* regulation 23;
- (d) the *Perry Lakes Redevelopment Act 2005* section 35;
- (e) the *Planning and Development Act 2005* section 249(1), 250(1), 251(1), (2), (3) or (4), 252(1) or (2), 253(3) or 254;
- (f) the *Planning and Development (Development Assessment Panels) Regulations 2011* regulation 18(2).

(2) In regulation 10(2) in the Table:

(a) delete “Assessment of costs —” and insert:

Application for assessment of costs —

(b) delete paragraph (b) and insert:

(b) in addition to the application fee, an assessment fee equal to 2.5% of the costs claimed in the application

- (3) In regulation 10(3) in the Table:
- (a) delete “Assessment of costs —” and insert:
- Application for assessment of costs —
- (b) delete paragraph (b) and insert:
- (b) in addition to the application fee, an assessment fee equal to 2.5% of the costs claimed in the application

Note: The heading to amended regulation 10 is to read:

Fees relating to application to do with development on land

8. Regulations 11A and 11B inserted

After regulation 10 insert:

11A. No fee relating to application under provision in Sch. 7

A fee is not to be charged in respect of an application made under an enactment listed in Schedule 7 or proceedings in relation to such an application.

11B. Fees relating to application not covered by r. 9, 10 or 11A

Subject to regulation 8, the fees specified in the Table to this regulation are to be charged in respect of the following —

- (a) an application made and proceedings under or in relation to an enactment not listed in Schedule 3, 4, 6 or 7;
- (b) an application, or proceedings relating to an application, to which regulation 10 does not apply.

Table

Matter	Fee (\$)
Application	315.00
Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person	315.00
Application for assessment of costs —	
(a) fee for application by —	
(i) an individual	109.50
(ii) a person other than an individual	165.50

Matter	Fee (\$)
(b) in addition to the application fee, an assessment fee equal to 2.5% of the costs claimed in the application	

9. Regulations 25 and 26 deleted

Delete regulations 25 and 26.

10. Regulations 29 to 32 deleted

Delete regulations 29, 30, 31 and 32.

11. Regulation 33A deleted

Delete regulation 33A.

12. Regulations 34 to 41 deleted

Delete regulations 34, 35, 36, 37, 38, 39, 40 and 41.

13. Regulations 43 to 54 deleted

Delete regulations 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and 54.

14. Regulations 56 to 60 deleted

Delete regulations 56, 57, 58, 59 and 60.

15. Regulation 61 amended

- (1) In regulation 61(1) delete the definition of *Corporation*.
- (2) Delete regulation 61(3), (4) and (5).

16. Regulation 62 deleted

Delete regulation 62.

17. Regulation 63 amended

Delete regulation 63(2), (6), (9), (10), (11) and (12).

18. Regulations 64 to 67 deleted

Delete regulations 64, 65, 66 and 67.

19. Schedule 1 amended

- (1) In Schedule 1 delete these items:
 - Boxing Control Act 1987*
 - Builders' Registration Act 1939*
 - Chiropractors Act 1964*
 - Debt Collectors Licensing Act 1964*

Dental Act 1939
Dental Prosthetists Act 1985
Electricity (Licensing) Regulations 1991
Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999
Hairdressers Registration Act 1946
Licensed Surveyors Act 1909
Legal Practice Act 2003
Medical Act 1894
Motor Vehicle Dealers Act 1973
Motor Vehicle Drivers Instructors Act 1963
Nurses Act 1992
Occupational Therapists Registration Act 1980
Optometrists Act 2005
Osteopaths Act 2005
Painters' Registration Act 1961
Pawnbrokers and Second-hand Dealers Act 1994
Pharmacy Act 1964
Physiotherapists Act 2005
Podiatrists Act 2005
Psychologists Act 2005
Radiation Safety Act 1975
Water Services Licensing Act 1995

(2) In Schedule 1 insert in alphabetical order:

Building Services (Registration) Act 2011
Health Practitioner Regulation National Law (Western Australia)
Legal Profession Act 2008
Licensed Surveyors Act 1909
Pharmacy Act 2010

20. Schedule 3 amended

In Schedule 3 insert in alphabetical order:

Home Building Contracts Act 1991 s. 15(4)

21. Schedule 4 replaced

Delete Schedule 4 and insert:

Schedule 4 — Provision under which proceedings commenced

[r. 9(2)]

Strata Titles Act 1985 s. 26(4), 26(5) or 27(3)

22. Schedule 5 deleted

Delete Schedule 5.

23. Schedule 6 amended

- (1) In Schedule 6 delete the items relating to these written laws:

Consumer Credit (Western Australia) Code

Security and Related Activities (Control) Act 1996

- (2) In Schedule 6 insert in alphabetical order:

Cat Act 2011 s. 71 or 72

Fair Trading (Retirement Villages Interim Code)

Regulations 2012 Sch. 1 cl. 5.8(2)

Security and Related Activities (Control) Act 1996 s. 67(1),
67A(4) or 72(1)

- (3) In Schedule 6 in the item relating to the *Commercial Tenancy (Retail Shops) Agreements Act 1985* after “14,” insert:

14A(3),

24. Schedule 7 heading replaced

Delete the heading to Schedule 7 and the reference after it and insert:

Schedule 7 — Enactments under which proceedings commenced

[r. 11A]

25. Schedule 7 amended

- (1) In Schedule 7 delete the items relating to these written laws:

Adoption Regulations 1995

Consumer Credit (Western Australia) Code

Credit (Administration) Act 1984

Fair Trading Act 2010

*Fire and Emergency Services Authority of Western Australia
Act 1998*

- (2) In Schedule 7 insert in alphabetical order:

Adoption Regulations 1995 r. 23M(1)(a)

*Building Services (Complaint Resolution and Administration)
Act 2011* s. 11(1)(d), 11(4)(b) or 55(1)

Credit (Administration) Act 1984 s. 23(5)

Fair Trading Act 2010 s. 42(2), 47(1), 53(1)(c) or 83(1)

Fire and Emergency Services Act 1998 s. 36ZF

By Command of the Governor,

G. MOORE, Clerk of the Executive Council.

— PART 2 —

ENERGY

EN401*

GAS STANDARDS ACT 1972

GAS STANDARDS (GAS APPLIANCES) ORDER (NO. 2) 2013

Made by the Director of Energy Safety under section 13H of the Act.

1. Citation

This order is the *Gas Standards (Gas Appliances) Order (No. 2) 2013*.

2. Commencement

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

3. Terms used

In this order unless the contrary intention appears—

changed gas has the same meaning as lower heating value gas in section 22 of the *Gas Supply (Gas Quality Specifications) Act 2009*;

Coastal Supply Area means the area constituted as the coastal supply area by the *Energy Coordination (Coastal Supply Area) Order 2000* under section 11A of the *Energy Coordination Act 1994*;

consumer has the same meaning as in section 22 of the *Gas Supply (Gas Quality Specifications) Act 2009*;

Gas Appliance Rectification Programme means the rectification programme established and implemented under section 23 of the *Gas Supply (Gas Quality Specifications) Act 2009*; and

natural gas has the same meaning as in regulation 3 of the *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999*.

4. Order revoked

The *Gas Standards (Gas Appliances) Order 2013* is revoked.

5. Class of gas appliance to which this order applies

Clauses 6 and 7 of this order apply to those gas appliances manufactured before 1980 that consume natural gas supplied to a consumer through a connection point to a distribution system.

6. Gas appliance not to be sold, hired or used

In the Coastal Supply Area, the sale, hire or use of a gas appliance to which this clause applies is prohibited unless—

- (i) the gas appliance was registered with the Gas Appliance Rectification Programme and a letter was provided to the consumer that states the gas appliance is safe to operate on the changed gas; or
- (ii) following a request under clause 7, a letter is provided by the Director to the consumer that states the gas appliance is safe to operate on the changed gas.

7. Request to continue use of gas appliance

If a consumer or a gasfitter is of the opinion that a gas appliance to which this clause applies will not be unsafe or dangerous in use on changed gas, the consumer or gasfitter may request the Director, in writing, to determine whether the gas appliance is of a kind registered with the Gas Appliance Rectification Programme as being safe to operate on changed gas.

KEN BOWRON, Director of Energy Safety.

HEALTH

HE401***PHARMACY ACT 2010****PHARMACY REGISTRATION BOARD OF WESTERN AUSTRALIA
(APPOINTMENT OF MEMBERS) INSTRUMENT 2013**

Made by the Minister under section 5 of the *Pharmacy Act 2010*.

1. Citation

This instrument may be cited as the Pharmacy Registration Board of Western Australia (Appointment of Members) Instrument 2013.

2. Appointment of Members

The appointment of Mr John Lionel Harvey and Ms Zoe Lenette Mullen as Members to the Pharmacy Registration Board of Western Australia, pursuant to section 5 of the *Pharmacy Act 2010* is approved for a term of three years commencing on 10 October 2013 and expiring on 9 October 2016.

Dr KIM HAMES MLA, Deputy Premier, Minister for Health.

Date: 27 June 2013.

HE402***HEALTH PRACTITIONER REGULATION NATIONAL LAW
(WESTERN AUSTRALIA) ACT 2010****HEALTH PRACTITIONER REGULATION NATIONAL LAW (WESTERN AUSTRALIA)
MEDICAL (AREA OF NEED) DETERMINATION (NO. 9) 2013**

Made by the Chief Medical Officer, pursuant to section 67(5) of the Schedule of the *Health Practitioner Regulation National Law (Western Australia)*.

Citation

1. This determination may be cited as the *Medical (Area of Need) Determination (No. 9) 2013*.

Commencement

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

Area of need

3. The area of need specified in the Schedule is determined to be an area of need for the purposes of section 67(5) of the Schedule of the *Health Practitioner Regulation National Law (Western Australia)*.

Expiry of determination

4. This determination expires three years after its commencement.

SCHEDULE**PLASTIC SURGERY SERVICES LOCATED AT FIONA STANLEY HOSPITAL**

Dated this 31st day of July 2013.

Professor GARY GEELHOED, Chief Medical Officer,
Department of Health
as delegate of the Minister for Health.

HE403***HEALTH PRACTITIONER REGULATION NATIONAL LAW
(WESTERN AUSTRALIA) ACT 2010****HEALTH PRACTITIONER REGULATION NATIONAL LAW (WESTERN AUSTRALIA) MEDICAL
(AREA OF NEED) DETERMINATION (NO. 10) 2013**

Made by the Chief Medical Officer, pursuant to section 67(5) of the Schedule of the *Health Practitioner Regulation National Law (Western Australia)*.

Citation

1. This determination may be cited as the *Medical (Area of Need) Determination (No. 10) 2013*.

Commencement

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

Area of need

3. The area of need specified in the Schedule is determined to be an area of need for the purposes of section 67(5) of the Schedule of the *Health Practitioner Regulation National Law (Western Australia)*.

Expiry of determination

4. This determination expires three years after its commencement.

SCHEDULE

PLASTIC SURGERY (BURNS) SERVICES LOCATED AT FIONA STANLEY HOSPITAL

Dated this 31st day of July 2013.

Professor GARY GEELHOED, Chief Medical Officer,
Department of Health
as delegate of the Minister for Health.

HE404*

HEALTH SERVICES (QUALITY IMPROVEMENT) ACT 1994
HEALTH SERVICES (QUALITY IMPROVEMENT) (APPROVED COMMITTEE)
ORDER (NO. 1) 2013

Made by the Director, Office of Safety and Quality (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. 1) 2013*.

Commencement

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

Committee

3. St John of God Bunbury—Clinical Practice, Morbidity and Mortality Review Committee established by St John of God Bunbury Governing 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 1st day of August 2013.

Dr AMANDA LING, Director, Office of Safety and Quality in
Healthcare Performance Activity and Quality Division.

HERITAGE**HR401***

HERITAGE OF WESTERN AUSTRALIA ACT 1990
HERITAGE COUNCIL OF WESTERN AUSTRALIA

Delegation

I, Marion Fulker, Chairperson of the Heritage Council of Western Australia (“the Council”), on this 18th day of July 2013, pursuant to subsections (2) and (3) of section 22 of the *Heritage of Western Australia Act 1990* (“the Act”) do hereby delegate to Cr Anne Arnold all of the Chairperson’s powers, functions and duties as prescribed by the Act, both in relation to meetings of the Council and otherwise, at such times that I am unavailable; and I hereby delegate to Cr Philip Griffiths all of the Chairperson’s powers, functions and duties as prescribed by the Act, both in relation to meetings of the Council and otherwise, at such times that both I and Cr Arnold are unavailable.

This delegation of powers shall remain in effect until I am no longer Chairperson of the Heritage Council.

I hereby expressly revoke all prior delegations of the Chairpersons powers, functions and duties prescribed by the Act.

Dated the 6th day of August 2013.

MARION FULKER, Chairperson, Heritage Council of Western Australia.

Hon A. P. JACOB, Minister for Environment; Heritage.

PLANNING

PL401*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT*Shire of Carnarvon*

Town Planning Scheme No. 11—Amendment No. 10

Ref: TPS/1072

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 25 July 2013 for the purpose of—

1. Amending Schedule 5—Coral Bay Precinct Plan to remove Lot 62 Banksia Drive from the 'Environs Precinct' and including Lot 62 Banksia Drive in the 'Services Trades Precinct'.
2. Amending Schedule 5—Coral Bay Settlement Plan by changing the textual reference appended to Lot 62 from 'Workers Accommodation Site No. 2' to 'Proposed Service Station'.
3. Inserting the classification of 'Caretaker's Dwelling' as an 'AA' use under Specific Provision 2 of Section 3.5.2.5—Services Trades Precinct in the Scheme Text.

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

PL402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT*Shire of Denmark*

Town Planning Scheme No. 3—Amendment No. 119

Ref: TPS/0069

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 Denmark local planning scheme amendment on 10 July 2013 for the purpose of—

1. Rezoning Lot 372 Horsley Road, Denmark and Lot 51 Scotsdale Road, Denmark from the Rural zone to the Residential zone with an R20 density code.
2. Amending the Scheme Maps accordingly.
3. Renumbering existing clauses 5.3.5 (f) and (g) in the Scheme to 5.3.6 (a) and (b).
4. Renumbering existing Clause 5.3.6 in the Scheme to 5.3.7.
5. Renumbering existing Clause 5.3.7 in the Scheme to 5.3.8.

R. THORNTON, Shire President.
D. STEWART, Chief Executive Officer.

PL403*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT*Shire of Irwin*

Local Planning Scheme No. 5—Amendment No. 15

Ref: TPS/1014

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 Irwin local planning scheme amendment on 18 June 2013 for the purpose of rezoning Lots 4, 5 and 10 Brand Highway, Bonniefield, Dongara from 'General Farming' to 'Development' and amending the scheme maps accordingly.

S. C. CHANDLER, Shire President.
D. J. SIMMONS, Chief Executive Officer.

PL404*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Irwin

Local Planning Scheme No. 5—Amendment No. 14

Ref: TPS/1013

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 Irwin local planning scheme amendment on 18 June 2013 for the purpose of—

1. Inserting a new Clause 4.2.13 under '4.2 OBJECTIVES OF THE ZONES' as follows—
 - 4.2.13 Development Zone
 - (a) To provide for comprehensive planning of large scale / broadacre development including residential, industrial and/or commercial through a structure plan to facilitate subdivision and development.
2. Amending Table 1—ZONING TABLE to include 'Development Zone' and inserting the text—
'In accordance with approved Structure Plan'
3. Inserting a new clause 4.8 as follows, and renumbering the existing clause 4.8 and subsequent clauses accordingly—
 - 4.8 DEVELOPMENT ZONE
 - 4.8.1 Purpose
 - (a) to identify areas requiring comprehensive planning prior to subdivision and development;
 - (b) to coordinate subdivision, land use and development in areas requiring comprehensive planning.
 - 4.8.2 Planning Requirements
 - 4.8.2.1 The Local Government requires a Structure Plan for a Development Zone, or for any particular part or parts of a Development Zone, before recommending subdivision or approving development of land within the Development Zone. The Structure Plan is to be in accordance with the requirements of clause 5.35 Structure Planning Areas.
 - 4.8.2.2 Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any associate provisions.
 - 4.8.2.3 The Local Government or the Western Australian Planning Commission may, as a condition of adopting or approving a proposed Structure Plan, require a more detailed Structure Plan in future if the Local Government or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the proposed Structure Plan.
4. Replacing Clause 5.23.2 with the following—
 - 5.23.2 Structure Plans
 - 5.23.2.1 The local government may prepare, or require the preparation of, a structure plan in accordance with Clause 5.35 prior to considering applications for subdivision or planning approval within the Residential Zone.
 - 5.23.2.2 Where the local government has prepared or required the preparation of a structure plan for land with a Residential Zone, the subdivision and development of that land is to generally be in accordance with the Structure Plan and any associate provisions.
5. Inserting a new clause 5.35 as follows, and renumbering existing Clauses 5.35 and 5.36 accordingly—
 - 5.35 **STRUCTURE PLANNING AREAS**
 - 5.35.1 Interpretation

In this part, unless the context otherwise requires—

 - 'Detailed Area Plan' means a plan prepared and adopted pursuant to clause 5.35.15 of this Part;
 - 'owner' means an owner or owner of land in the Structure Planning Area;
 - 'structure plan' means a structure plan that has come into effect in accordance with clause 5.35.10 and includes any Outline Development Plan or Subdivision Guide Plan approved under the previous local planning Scheme of the area or previous local planning Scheme requirements, where applicable to a structure planning area; and
 - 'structure planning area' is an area that requires structure planning and may be required in any zone.

5.35.2 Purposes of Structure Planning Areas

5.35.2.1 The purpose of Structure Planning Areas are to—

- (a) identify areas requiring comprehensive planning;
- (b) coordinate subdivision and development in areas requiring comprehensive planning.

5.35.3 Subdivision and Development in Structure Planning Areas

5.35.3.1 The subdivision and development of land within a Structure Planning Area is generally to be in accordance with any structure plan that applies to that land.

5.35.4 Structure Plan Required

5.35.4.1 The local government is not to—

- (a) consider recommending subdivision; or
- (b) approve development of land within a Structure Planning Area unless there is a structure plan for the area or for the relevant part of that area that adequately defines the comprehensive planning detail required to guide orderly subdivision and development for urban land use.

5.35.4.2 Notwithstanding clause 5.35.4.1 the local government may recommend subdivision or approve the development of land within a Structure Planning Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements for the Structure Planning Area.

5.35.4.3 Where a proposed Structure Plan imposes a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, and such Proposed Structure Plan requires the preparation of a Development Contribution Plan, the proposed Structure Plan may only be adopted if the subject area is identified in the Scheme as a Development Contribution Area.

5.35.4.4 Where building envelopes are depicted on a Structure Plan, all buildings and effluent disposal facilities shall be located within the building envelopes shown on those plans.

5.35.4.5 Notwithstanding the provisions of sub-clause 5.35.4.4, the local government may approve the construction of the following structures outside of the building envelopes—

- Water tanks;
- Windmills;
- Stock watering and feed troughs; and
- Roofed structure open on all sides for the purposes of providing shelter to animals.

5.35.5 Preparation of proposed structure plans

5.35.5.1 A proposed structure plan may be required by the—

- (a) Local government; or
- (b) Western Australian Planning Commission.

A proposed structure plan may be required and prepared for all, or part of, any zone or development area.

5.35.6 Details of proposed structure plan

5.35.6.1 A proposed structure plan should include the following details where deemed relevant:

- (a) a map showing the area to which the proposed structure plan is to apply;
- (b) a site analysis map showing the characteristics of the site including—
 - i. landform;
 - ii. conservation and environmental values including bushland, wetlands, damp lands, streams and water courses, foreshore reserves and any environmental policy areas;
 - iii. hydrogeological conditions, including approximate depth to water table; and
 - iv. sites and features of Aboriginal and European heritage value.
- (c) a context analysis map of the immediate surrounds to the site including—
 - i. the pattern of neighbourhoods, and existing and planned neighbourhood, town and regional centres;

- ii. transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations; and
 - iii. existing and future land use.
- (d) for district structure plans a map showing proposals for—
- i. the pattern of neighbourhoods around town and neighbourhood centres;
 - ii. arterial routes and neighbourhood connector streets;
 - iii. the protection of natural features such as water courses and vegetation;
 - iv. major open spaces and parklands;
 - v. major public transport routes and facilities;
 - vi. the pattern and disposition of land uses; and
 - vii. schools and community facilities.
- (e) for local structure plans a map showing proposals for—
- i. neighbourhoods around proposed neighbourhoods and town centres;
 - ii. existing and proposed commercial centres;
 - iii. natural features to be retained;
 - iv. street block layouts;
 - v. the street network including street types;
 - vi. land uses including residential densities and estimates of population;
 - vii. schools and community facilities;
 - viii. public parklands; and
 - ix. urban water management areas.
- (f) a written report to explain the mapping and to address the following—
- i. the planning framework for the structure plan including any applicable regional or district structure plans, and any policy strategies and Scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
 - ii. the site analysis including reference to the matters listed in clause 5.35.6.1 (b) above, and, in particular, the significance of the conservation, environmental and heritage values of the site;
 - iii. the context analysis including reference to the matters listed in clause 5.35.6.1 (c) above;
 - iv. how planning for the structure plan area is to be integrated with the surrounding land;
 - v. the design rationale for the proposed pattern of subdivision, land use and development;
 - vi. traffic management and safety;
 - vii. parkland provision and management;
 - viii. urban water management;
 - ix. proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services; and
 - x. the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.
- (g) any other matter that is required for orderly and proper planning.
- 5.35.6.2 The maps referred to in clause 5.35.6.1 are to—
- (a) be drawn to scale that clearly illustrates the details referred to in clause 5.35.6.1; and
 - (b) include a north point, visual bar scale, key street names and a drawing title and number.
- 5.35.6.3 A proposed structure plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the Residential Planning Codes, and where the proposed structure plan becomes a structure plan, the local government is to have due regard to such reserves, zones or Residential Planning Codes when recommending subdivision or approving development of land within a Development Area.

- 5.35.6.4 A proposed structure plan must, in the opinion of the local government, be consistent with orderly and proper planning.
- 5.35.7 Submission to local government and Commission
- 5.35.7.1 A proposed structure plan prepared by an owner is to be submitted to the local government.
- 5.35.7.2 Within 7 days of preparing or receiving a proposed structure plan which proposes the subdivision of land, the local government is to forward a copy of the proposed structure plan to the Commission.
- 5.35.7.3 The Commission may provide comments as to the suitability of the proposed structure plan.
- 5.35.8 Advertising of structure plan
- 5.35.8.1 Within 60 days of preparing or receiving a proposed structure plan that conforms with clause 5.35.6 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government), the local government is to—
- (a) advertise, or require the owner who submitted the proposed structure plan to advertise, the proposed structure plan for public inspection by one or more of the following ways—
 - i. notice of the proposed structure plan published in a newspaper circulating in the Scheme area;
 - ii. a sign or signs displaying notice of the proposed structure plan to be erected in a conspicuous place or places in the Development Area, or part of the Development Area, to which the proposed structure plan applies.
 - (b) give notice or require the owner who submitted the proposed structure plan to give notice, in writing to—
 - i. all owners whose land is included in the proposed structure plan;
 - ii. all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed structure plan; and
 - iii. such public authorities and other person as the local government nominates.
- 5.35.8.2 The advertisement and notice are to—
- (a) explain the scope and purpose of the proposed structure plan;
 - (b) specify when and where the proposed structure plan may be inspected; and
 - (c) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.
- 5.35.9 Adoption of proposed structure plan
- 5.35.9.1 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to—
- (a) adopt the proposed structure plan, with or without modifications; or
 - (b) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner.
- 5.35.9.2
- (a) In making a determination under clause 5.35.9.1, the local government is to have due regard to the comments and advice received from the Commission in relation to the proposed structure plan.
 - (b) If the Commission requires modifications to the proposed structure plan, the local government is to consult with the Commission prior to making a determination under clause 5.35.9.1.
- 5.35.9.3 If the local government, after consultation with the Commission, is of the opinion that a modification to the proposed structure plan is substantial, the local government may—
- (a) readvertise the proposed structure plan; or
 - (b) require the owner who submitted the proposed structure plan to readvertise the proposed structure plan.
- 5.35.9.4 If within the period referred to in clause 5.35.9.1, or such further time as may be agreed in writing between the owner who submitted the proposed structure plan and the local government, the local government has not made a determination under clause 5.35.9.1, the local government is deemed to have refused to adopt the proposed structure plan.

5.35.10 Endorsement by Commission

5.35.10.1 If the proposed structure plan proposes the subdivision of land, then within 7 days of making its determination under clause 5.35.9.1, the local government is to forward the proposed structure plan to the Commission for its endorsement.

5.35.10.2 As soon as practicable after receiving the proposed structure plan, the Commission is to determine whether to endorse the proposed structure plan.

5.35.10.3 The Commission is to notify the local government of its determination under clause 5.35.10.2.

5.35.11 Notification of structure plan

5.35.11.1 As soon as practicable after adopting a proposed structure plan under clause 5.35.9.1 and if clause 5.35.10 applies, as soon as practicable after being notified of the Commission's decision under clause 5.35.10.3, the local government is to forward a copy of the structure plan to—

- (a) any public authority or person that the local government thinks fit;
- (b) where the structure plan was submitted by an owner, to the owner.

5.35.12 Operation of structure plan

5.35.12.1 A structure plan comes into effect—

- (a) where the structure plan proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5.35.10.2; or
- (b) on the day on which it is adopted by the local government under clause 5.35.9.1 in all other cases.

5.35.12.2 If a provision of a structure plan is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of the inconsistency.

5.35.12.3 The provisions of the structure plan apply to the land as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme.

5.35.13 Inspection of structure plan

5.35.13.1 The structure plan and the Commission's notification under clause 5.35.10.3 is to be kept at the local government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

5.35.14 Variation to structure plan

5.35.14.1 The local government may vary a structure plan—

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan;
- (b) otherwise, in accordance with the procedures set out in clause 5.35.6 onwards.

5.35.14.2 If the local government varies a structure plan by resolution, and the variation does not propose the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution.

5.35.14.3 If the local government varies a structure plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission within 10 days of making the resolution for its endorsement.

5.35.14.4 As soon as practicable after receiving the copy of the variation referred to in clause 5.35.14.3, the Commission is to determine whether to endorse the proposed variation.

5.35.14.5 The Commission is to notify the local government of its determination under clause 5.35.14.4.

5.35.14.6 A variation to a structure plan by resolution comes into effect—

- (a) where the variation proposes the subdivision of land, on the day on which it is endorsed by the Commission pursuant to clause 5.35.14.4; or
- (b) on the day on which the local government resolves to make the variation under clause 5.35.14.1 (a).

5.35.15 Detailed Area Plan

5.35.15.1 A detailed area plan only applied to the determination of development applications and is required where—

- (a) it has been identified on a structure plan;

- (b) the local government considers that it is desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots; or
 - (c) the local government is of the opinion that any particular lot or lots within the Scheme area requires coordinated planning.
- 5.35.15.2 A detailed area plan may include details as to—
 - (a) building envelopes;
 - (b) distribution of land uses within a lot;
 - (c) private open space;
 - (d) services;
 - (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
 - (f) the location, orientation and design of buildings and the space between buildings;
 - (g) advertising signs, lighting and fencing;
 - (h) landscaping, finished site levels and drainage;
 - (i) protection of sites of heritage, conservation or environmental significance;
 - (j) special development controls and guidelines; and
 - (k) such other information considered relevant by the local government.
- 5.35.15.3 When a proposed detailed area plan is prepared under clause 5.35.15.1, the local government is to—
 - (a) advertise, or require the owner who submitted the proposed detailed area plan to advertise, the proposed detailed area plan for public inspection by one or more of the following ways—
 - i. notice of the proposed detailed area plan published in a newspaper circulating in the Scheme area;
 - ii. a sign or signs displaying notice of the proposed detailed area plan to be erected in a conspicuous place or places in the Development Area, to which the proposed detailed area plan applies.
 - (b) give notice or require the owner who submitted the proposed detailed area plan to give notice, in writing to—
 - i. all owners whose land is included in the proposed detailed area plan;
 - ii. all owners and occupiers who, in the opinion of the local government, are likely to be affected by the adoption of the proposed detailed area plan; and
 - iii. such public authorities and other persons as the local government nominates.
- 5.35.15.4 The advertisement and notice are to—
 - (a) explain the scope and purpose of the proposed detailed area plan;
 - (b) invite submissions to the local government by a specified date being not less than 21 days after the giving or erection of the notice or publication of the advertisement, as the case requires.
- 5.35.15.5 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to—
 - (a) approve the detailed area plan with or without conditions; or
 - (b) refuse to approve the detailed area plan and, where the proposed detailed area plan was submitted by an owner, give reasons for this to the owner.
- 5.35.15.6 If within 60 days of receiving a detailed area plan prepared under clause 5.35.15.1(b), or such longer period as may be agreed in writing between the owner and the local government, the local government has not made one of the determinations referred to in clause 5.35.15.5, the local government is deemed to have refused to approve the detailed area plan.
- 5.35.15.7 Where a structure plan is in place, an approved detailed area plan constitutes a variation of the structure plan in regard to determining development matters under this Scheme.
- 5.35.15.8 The local government may vary a detailed area plan in accordance with the procedures set out in clause 5.35.15 onwards provided such variations do not prejudice the intention of any related structure plan.

5.35.16 Appeal

5.35.16.1 An owner who has submitted a proposed structure plan under clause 5.35.6 may appeal, in accordance with the Planning and Development Act 2006—

- (a) any failure of the local government to advertise, or require the owner to advertise, a proposed structure plan within the required time period under clause 5.35.8;
- (b) any determination of the local government—
 - i. to refuse to adopt a proposed structure plan (including a deemed refusal); or
 - ii. to require modifications to a proposed structure plan that are unacceptable to that owner.

5.35.16.2 An owner who has submitted a detailed area plan in accordance with clause 5.35.15 may appeal, in accordance with the Planning and Development Act, any discretionary decision made by the local government under clause 5.35.15.5.

5.35.17 Structure plans and other Instruments Adopted or Initiated Under Previous Scheme

5.35.17.1 Where pursuant to the requirements of the former Shire of Irwin Town Planning Scheme No 4 (the previous Scheme) or previous Shire of Irwin Town Planning Scheme No 5 requirements (previous Scheme requirements), a Structure Plan, Outline Development Plan, Subdivision Guide Plan, Detailed Area Plan or any similar instrument (a “planning instrument”) had been adopted and was operative at the date of gazettal of this Scheme, the planning instrument shall continue to have effect and may be amended or revoked as if it were a Structure Plan under this Scheme.

5.35.17.2 Where under the previous Scheme or previous Scheme requirements the process of adopting a planning instrument had been commenced but was not complete at the date of gazettal of the Scheme, the steps in the process undertaken pursuant to the previous Scheme shall be effective as if those steps were undertaken pursuant to this Scheme, and the remaining steps or steps in the process necessary for the adoption of the planning instrument may be completed pursuant to this Scheme, as if the planning instrument were a Structure Plan under this Scheme.

6. Amending the Scheme Map by inserting a new ‘Development Zone’ in the legend as follows—

DEVELOPMENT

S. C. CHANDLER, Shire President.
D. J. SIMMONS, Chief Executive Officer.

PL405*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

City of Swan

Local Planning Scheme No. 17—Amendment No. 67

Ref: TPS/0844

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 25 July 2013 for the purpose of—

1. Introducing into Schedule 2—Additional Uses, an Additional Use of ‘Concrete Batching Plant’ and ‘Transport Depot’ over Lot 7 Talbot Road, Hazelmere as follows—

No.	Description of Land	Additional Use	Conditions
91.	Lot 7 on D40987 Talbot Road, Hazelmere	‘D’ — Concrete Batching Plant; — Transport Depot	1. Subject to development approval

2. Amending the Local Planning Scheme 17 Scheme Maps accordingly.
3. Introducing a definition of ‘Concrete Batching Plant’ into Schedule 1C—Land Use Definitions as follows—

‘Concrete Batching Plant’ means premises on which concrete is batched for concrete products manufactured on site for use at places or premises other than the subject site, and includes storage of associated products and ancillary office use.

(The use and definition applies to Schedules 2, 3 and 4 only.)

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

RACING, GAMING AND LIQUOR

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
APPLICATIONS FOR THE GRANT OF A LICENCE			
14792	Bikaner India (WA) Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Innaloo and known as Blue Ginger Restaurant	3/09/2013
14798	Liquorland (Australia) Pty Ltd	Application for the grant of a Liquor Store licence in respect of premises situated in Bassendean and known as Liquorland Bassendean	9/09/2013
14697	Yanchep United Football Club Inc	Application for the grant of a Club Restricted licence in respect of premises situated in Yanchep and known as Yanchep United Football Club Inc	9/09/2013
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
40690	Punt Holdings Pty Ltd	Application for the grant of an ETP Ongoing Hours in respect of premises situated in Northbridge and known as Rosie O'Grady's Pub	22/08/2013
40606	Carnegies Realty Pty Ltd	Application for the grant of an ETP Ongoing Hours in respect of premises situated in Fremantle and known as The National Hotel	23/08/2013

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

B. A. SARGEANT, Director of Liquor Licensing.

Date: 2 August 2013.

TRANSPORT

TN401*

RAIL FREIGHT SYSTEM ACT 2000

RAIL FREIGHT SYSTEM (S.34 CORRIDOR LAND) ORDER NO. 4/2013

Made under Section 34 by the Minister for Transport.

1. Citation

This order may be cited as the *Rail Freight System (S.34 Corridor Land) Order No. 4/2013*.

2. Inclusion of Railway Land in the Rail Corridor

The land identified in the last column of the Schedule is to be included in the Rail Corridor.

Schedule—Railway Land to be included

Designation Identification	Railway Line Identification	Railway Identification Plan Number	Land Description
345.6—346.4km	Avon Yard to Mullewa Line	Plan 34/7	Identified as Inset B on Deposited Plan 72313 and having a total area of 2.5972 hectares

TROY BUSWELL MLA, Minister for Transport.

Dated this 17th day of July 2013.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Edgar Daniel Morgan, late of Lot 252 Hastie Road, Gelorup in the State of Western Australia, Property Consultant, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of Edgar Daniel Morgan deceased, who died on the 22nd day of March 2013 at Bunbury in the said State, are required by the personal representative Judith Alice Morgan of Lot 252 Hastie Road, Gelorup to send particulars of their claims to Joe Scurria and Associates of PO Box 1998, Bunbury WA 6231 by the 15th day of September 2013, after which date the personal representatives may convey or distribute the assets, having regard only to the claims of which they then have notice.

ZX402

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 Estate of Alan Norman Stafford (also known as Allan Norman Stafford) who died on 30 March 2013, are required by the Executor, Jacqueline Stafford-Neale, to send to Templar Legal Pty Ltd of PO Box 8243 Subiaco 6008, particulars of such claims within 30 days of this notice. After such date, the Executor may convey or distribute the assets of the above mentioned Estate, having regard only to the claims of which the Trustee then has notice.

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