

**124. Notice of application for order under section 28, 29 or 31**

- (1) The District Court may, in respect of any proceedings on an application for an order under section 28, 29 or 31, make either or both of the following orders —
  - (a) an order that public notice, by advertisement or otherwise, be given of the proceedings;
  - (b) an order that service of notice of the application upon any person be dispensed with.
- (2) Except as authorised by rules of court, the District Court shall not make an order referred to in subsection (1)(b) in respect of any person unless the District Court is satisfied that —
  - (a) that person cannot be found in Western Australia;
  - (b) it is uncertain whether that person is living; or
  - (c) service cannot be effected upon that person without expense disproportional to the value, if any, of his interest.

*[Section 124 amended by No. 58 of 1995 s. 82 and 93(1)<sup>5</sup>.]*