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# — PART 1 —

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## CONSERVATION

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CO301\*

Wildlife Conservation Act 1950

### Wildlife Conservation (Specially Protected Fauna) Notice 2008

Made by the Minister for the Environment under section 14(2)(ba) of the Act.

**1. Citation**

This notice may be cited as the *Wildlife Conservation (Specially Protected Fauna) Notice 2008*.

**2. Interpretation**

In this notice —

“**taxon**” includes any taxon that is described by a family name or a genus name or any other name or description.

Note: The plural form of “taxon” is “taxa”.

**3. Declaration of specially protected fauna**

For the purposes of the Act, all taxa of the fauna —

- (a) specified in Schedule 1, being fauna that is rare or likely to become extinct, are declared to be fauna that is in need of special protection;
- (b) specified in Schedule 2, being fauna that is presumed to be extinct, are declared to be fauna that is in need of special protection;
- (c) specified in Schedule 3, being birds that are subject to an agreement between the governments of Australia and Japan relating to the protection of migratory birds and birds in danger of extinction, are declared to be fauna that is in need of special protection; and
- (d) specified in Schedule 4, are declared to be fauna that is in need of special protection, otherwise than for the reasons mentioned in paragraphs (a), (b) and (c).

#### 4. Revocation

The *Wildlife Conservation (Specially Protected Fauna) Notice 2006(2)* is revoked.

### Schedule 1 — Fauna that is rare or is likely to become extinct

[cl. 3(a)]

#### Division 1 — Mammals

	Scientific Name	Common name
1.	<i>Balaenoptera borealis</i>	Sei Whale
2.	<i>Balaenoptera musculus</i>	Blue Whale
3.	<i>Balaenoptera physalus</i>	Fin Whale
4.	<i>Bettongia lesueur lesueur</i>	Burrowing Bettong or Boodie (Shark Bay islands)
5.	<i>Bettongia lesueur</i> ssp. (WAM M10733)	Burrowing Bettong or Boodie (Barrow Island)
6.	<i>Bettongia pencillata ogilbyi</i>	Brush-tailed bettong or Woylie
7.	<i>Dasycercus cristicauda</i>	Mulgara or Minyi-minyi
8.	<i>Dasycercus hillieri</i>	Ampurta
9.	<i>Dasyurus geoffroii</i>	Chuditch or Western Quoll
10.	<i>Dasyurus hallucatus</i>	Northern Quoll
11.	<i>Eubalaena australis</i>	Southern Right Whale
12.	<i>Isoodon auratus auratus</i>	Golden Bandicoot or Wintarru (mainland)
13.	<i>Isoodon auratus barrowensis</i>	Barrow Island Golden Bandicoot
14.	<i>Lagorchestes conspicillatus</i> <i>conspicillatus</i>	Barrow Island Spectacled Hare-wallaby
15.	<i>Lagorchestes hirsutus bernieri</i>	Bernier and Dorre Island Rufous Hare wallaby or Mala
16.	<i>Lagorchestes hirsutus</i> ssp. (NTM U2430)	Rufous Hare-wallaby or Mala (Tanami Desert)
17.	<i>Lagostrophus fasciatus</i> <i>fasciatus</i>	Banded Hare-wallaby or Mernine
18.	<i>Leporillus conditor</i>	Greater Stick-nest Rat or Wopilkara
19.	<i>Macropus robustus isabellinus</i>	Barrow Island Euro
20.	<i>Macrotis lagotis</i>	Dalgyte or Bilby or Ninu
21.	<i>Megaptera novaeangliae</i>	Humpback Whale
22.	<i>Myrmecobius fasciatus</i>	Numbat or Walpurti
23.	<i>Notoryctes caurinus</i>	Kakarratul or Northern Marsupial Mole
24.	<i>Notoryctes typhlops</i>	Itjaritjari or Southern Marsupial Mole
25.	<i>Parantechinus apicalis</i>	Dibbler
26.	<i>Perameles bougainville</i> <i>bougainville</i>	Western Barred Bandicoot or Marl
27.	<i>Petrogale lateralis hacketti</i>	Recherche Rock-wallaby
28.	<i>Petrogale lateralis lateralis</i>	Black-footed Rock-wallaby or Warru
29.	<i>Petrogale lateralis</i> ssp. (ANWC CM15314)	McDonnell Range Rock-wallaby

	<b>Scientific Name</b>	<b>Common name</b>
30.	<i>Petrogale lateralis</i> ssp. (WAM M15135)	West Kimberley Rock-wallaby
31.	<i>Phascogale calura</i>	Red-tailed Phascogale or Keengoor
32.	<i>Phascogale tapoatafa</i> ssp. (WAM M434)	Brush-tailed Phascogale
33.	<i>Potorous gilbertii</i>	Gilbert's Potoroo
34.	<i>Pseudocheirus occidentalis</i>	Western Ringtail Possum or Nguara
35.	<i>Pseudomys australis</i>	Plains Rat or Palyoora
36.	<i>Pseudomys fieldi</i>	Shark Bay Mouse or Djoongari
37.	<i>Pseudomys shortridgei</i>	Heath Rat or Dayang
38.	<i>Rhinonictes aurantius</i>	Orange Leaf-nosed Bat
39.	<i>Setonix brachyurus</i>	Quokka
40.	<i>Sminthopsis butleri</i>	Butler's Dunnart
41.	<i>Sminthopsis psammophila</i>	Sandhill Dunnart
42.	<i>Zyzomys pedunculatus</i>	Central Rock-rat or Antina

### Division 2 — Birds

	<b>Scientific name</b>	<b>Common name</b>
43.	<i>Anous tenuirostris melanops</i>	Lesser Noddy
44.	<i>Atrichornis clamosus</i>	Noisy Scrub-bird or Tjimiluk
45.	<i>Botaurus poiciloptilus</i>	Australasian Bittern
46.	<i>Cacatua pastinator pastinator</i>	Muir's Corella or Western Long-billed Corella
47.	<i>Calamanthus campestris dorrie</i>	Dorre Island Rufous Fieldwren
48.	<i>Calamanthus campestris</i> <i>hartogi</i>	Dirk Hartog Island Rufous Fieldwren
49.	<i>Calyptorhynchus banksii naso</i>	Forest Red-tailed Black- Cockatoo
50.	<i>Calyptorhynchus baudinii</i>	Baudin's Black-Cockatoo
51.	<i>Calyptorhynchus latirostris</i>	Carnaby's Black-Cockatoo
52.	<i>Catharacta lonnbergi lonnbergi</i>	Subantarctic Skua
53.	<i>Cereopsis novaehollandiae</i> <i>grisea</i>	Recherche Cape Barren Goose
54.	<i>Dasyornis longirostris</i>	Western Bristlebird
55.	<i>Diomedea amsterdamensis</i>	Amsterdam Albatross
56.	<i>Diomedea dabbenena</i>	Tristan Albatross
57.	<i>Diomedea epomophora</i>	Southern Royal Albatross
58.	<i>Diomedea exulans</i>	Wandering Albatross
59.	<i>Diomedea gibsoni</i>	Gibson's Albatross
60.	<i>Diomedea sanfordi</i>	Northern Royal Albatross
61.	<i>Erythrotriorchis radiatus</i>	Red Goshawk
62.	<i>Erythrura gouldiae</i>	Gouldian Finch
63.	<i>Falcunculus frontatus whitei</i>	Northern Crested Shrike-tit
64.	<i>Geophaps smithii blaauwi</i>	Partridge Pigeon (western)
65.	<i>Leipoa ocellata</i>	Malleefowl
66.	<i>Macronectes giganteus</i>	Southern Giant Petrel
67.	<i>Malurus lamberti bernieri</i>	Shark Bay Variegated Fairy-wren
68.	<i>Malurus leucopterus edouardi</i>	Barrow Island Black and White Fairy-wren
69.	<i>Malurus leucopterus</i> <i>leucopterus</i>	Dirk Hartog Island Black and White Fairy-wren
70.	<i>Morus capensis</i>	Cape Gannet

	<b>Scientific name</b>	<b>Common name</b>
71.	<i>Pezoporus occidentalis</i>	Night Parrot
72.	<i>Pezoporus wallicus flaviventris</i>	Ground Parrot
73.	<i>Phoebetria fusca</i>	Sooty Albatross
74.	<i>Phoebetria palpebrata</i>	Light-mantled Albatross
75.	<i>Platycercus icterotis xanthogenys</i>	Western Rosella (Mallee)
76.	<i>Procellaria aequinoctialis</i>	White-chinned Petrel
77.	<i>Psophodes nigrogularis nigrogularis</i>	Western Whipbird (Western Heath)
78.	<i>Rostratula benghalensis australis</i>	Australian Painted Snipe
79.	<i>Stipiturus malachurus hartogi</i>	Dirk Hartog Island Southern Emu-wren
80.	<i>Sula dactylatra bedouti</i>	Masked Booby (eastern Indian Ocean)
81.	<i>Thalassarche carteri</i>	Indian Yellow-nosed Albatross
82.	<i>Thalassarche cauta</i>	Shy Albatross
83.	<i>Thalassarche chlororhynchos</i>	Atlantic Yellow-nosed Albatross
84.	<i>Thalassarche chrysostoma</i>	Grey-headed Albatross
85.	<i>Thalassarche melanophrys</i>	Black Browed Albatross
86.	<i>Thalassarche salvini</i>	Salvin's Albatross
87.	<i>Turnix varia scintillans</i>	Abrolhos Painted Button-quail

### Division 3 — Reptiles

	<b>Scientific name</b>	<b>Common name</b>
88.	<i>Aprasia rostrata rostrata</i>	Hermite Island Worm Lizard
89.	<i>Caretta caretta</i>	Loggerhead Turtle
90.	<i>Chelonia mydas</i>	Green Turtle
91.	<i>Ctenophorus yinnietharra</i>	Yinnietharra Rock-dragon
92.	<i>Ctenotus angusticeps</i>	Airlie Island Ctenotus
93.	<i>Ctenotus lanceolini</i>	Lancelin Island Skink
94.	<i>Ctenotus zasticus</i>	Hamelin Ctenotus
95.	<i>Cyclodomorphus branchialis</i>	
96.	<i>Dermochelys coriacea</i>	Leathery Turtle or Luth
97.	<i>Egernia kintorei</i>	Giant Desert Skink
98.	<i>Egernia pulchra longicauda</i>	
99.	<i>Egernia stokesii aethiops</i>	Baudin Island Spiny-tailed Skink
100.	<i>Egernia stokesii badia</i>	Western Spiny-tailed Skink
101.	<i>Eretmochelys imbricata</i>	Hawksbill Turtle
102.	<i>Lepidochelys olivacea</i>	Olive Ridley Turtle
103.	<i>Lerista praefrontalis</i>	Buccaneer Burrowing Skink
104.	<i>Liasis olivaceus barroni</i>	Pilbara Olive Python
105.	<i>Natator depressus</i>	Flatback Turtle
106.	<i>Pogona minor minima</i>	
107.	<i>Pseudemidura umbrina</i>	Western Swamp Tortoise
108.	<i>Pseudonaja affinis exilis</i>	Rottnest Island Dugite
109.	<i>Pseudonaja affinis tanneri</i>	Pygmy Dugite
110.	<i>Tiliqua rugosa konowi</i>	Rottnest Island Bobtail

### Division 4 — Frogs

	<b>Scientific name</b>	<b>Common name</b>
111.	<i>Geocrinia alba</i>	White-bellied Frog
112.	<i>Geocrinia vitellina</i>	Yellow-bellied Frog
113.	<i>Spicospina flammocaerulea</i>	Sunset Frog

**Division 5 — Fish**

	<b>Scientific name</b>	<b>Common name</b>
114.	<i>Carcharias taurus</i>	Grey Nurse Shark
115.	<i>Carcharodon carcharias</i>	Great White Shark
116.	<i>Galaxias truttaceus hesperius</i>	Western Trout Minnow
117.	<i>Galaxiella munda</i>	Mud Minnow
118.	<i>Milyeringa veritas</i>	Blind Gudgeon
119.	<i>Nannatherina balstoni</i>	Balston's Pygmy Perch
120.	<i>Ophisternon candidum</i>	Blind Cave Eel
121.	<i>Pristis zijsron</i>	Green Sawfish

**Division 6 — Snails**

	<b>Scientific name</b>	<b>Common name</b>
122.	<i>Amplirhagada astuta</i>	
123.	<i>Austroassiminea lethae</i>	Cape Leeuwin Freshwater Snail
124.	<i>Carinotrachia carsoniana</i>	
125.	<i>Cristilabrum bubulum</i>	
126.	<i>Cristilabrum buryillum</i>	
127.	<i>Cristilabrum grossum</i>	
128.	<i>Cristilabrum isolatum</i>	
129.	<i>Cristilabrum monodon</i>	
130.	<i>Cristilabrum primum</i>	
131.	<i>Cristilabrum rectum</i>	
132.	<i>Cristilabrum simplex</i>	
133.	<i>Cristilabrum solitudum</i>	
134.	<i>Cristilabrum spectaculum</i>	
135.	<i>Mouldingia occidentalis</i>	
136.	<i>Mouldingia orientalis</i>	
137.	<i>Ningbingia australis australis</i>	
138.	<i>Ningbingia australis elongata</i>	
139.	<i>Ningbingia bulla</i>	
140.	<i>Ningbingia dentiens</i>	
141.	<i>Ningbingia laurina</i>	
142.	<i>Ningbingia octava</i>	
143.	<i>Ningbingia res</i>	
144.	<i>Ordtrachia elegans</i>	
145.	<i>Turgenitubulus christenseni</i>	
146.	<i>Turgenitubulus costus</i>	
147.	<i>Turgenitubulus depressus</i>	
148.	<i>Turgenitubulus foramenus</i>	
149.	<i>Turgenitubulus opiranus</i>	
150.	<i>Turgenitubulus pagodula</i>	
151.	<i>Turgenitubulus tanmurrana</i>	
152.	Undescribed Rhytidid species (WAM 2295-69)	Stirling Range Rhytidid Snail
153.	<i>Westraltrachia alterna</i>	
154.	<i>Westraltrachia inopinata</i>	
155.	<i>Westraltrachia turbinata</i>	

**Division 7 — Arachnids**

	<b>Scientific name</b>	<b>Common name</b>
156.	<i>Aganippe castellum</i>	Tree-stem Trapdoor Spider
157.	<i>Austrarchaea mainae</i>	Western Archaeid Spider
158.	<i>Bamazomus subsolanus</i>	Eastern Cape Range Bamazomus

<b>Scientific name</b>	<b>Common name</b>
159. <i>Bamazomus vespertinus</i>	Western Cape Range Bamazomus
160. <i>Draculoides bramstokeri</i>	Barrow Island Draculoides
161. <i>Draculoides brooksi</i>	Northern Cape Range Draculoides
162. <i>Draculoides julianneae</i>	Western Cape Range Draculoides
163. <i>Draculoides</i> sp. Middle Robe (WAM T63329)	Middle Robe Draculoides
164. <i>Hyella</i> sp. (BES 1154, 2525, 2546, 2554)	Cameron's Cave Pseudoscorpion
165. <i>Idiosoma nigrum</i>	Shield-backed Trapdoor Spider
166. <i>Kwonkan eboracum</i>	Yorkrakine Trapdoor Spider
167. <i>Moggridgea</i> sp. (BY Main 1990/24, 25)	Stirling Range Trapdoor Spider
168. <i>Moggridgea tingle</i>	Tingle Trapdoor Spider
169. <i>Paradraculoides</i> sp. Mesa A (WAM T63327)	Mesa A Paradraculoides
170. <i>Paradraculoides</i> sp. Mesa B (WAM T63364)	Mesa B Paradraculoides
171. <i>Paradraculoides</i> sp. Mesa G (WAM T65763)	Mesa G Paradraculoides
172. <i>Paradraculoides</i> sp. Mesa K (WAM T65801)	Mesa K Paradraculoides
173. <i>Tartarus mullamullangensis</i>	Mullamullalang Cave Spider
174. <i>Tartarus murdochensis</i>	Murdoch Sink Cave spider
175. <i>Tartarus nurinensis</i>	Nurina Cave Spider
176. <i>Tartarus thampannensis</i>	Thampanna Cave Spider
177. <i>Teyl</i> sp. (BY Main 1953/2683, 1984/13)	Minnivale Trapdoor Spider
178. <i>Troglodiplura lowryi</i>	Nullarbor Cave Trapdoor Spider

### Division 8 — Crustaceans

<b>Scientific name</b>	<b>Common name</b>
179. <i>Abebaioscia troglodytes</i>	Pannikin Plain Cave Isopod
180. <i>Bogidomma australis</i>	Barrow Island Bogidomma
181. <i>Bunderia misophaga</i>	
182. <i>Cherax tenuimanus</i>	Margaret River Marron
183. <i>Danielopolina kornickeri</i>	
184. <i>Engaewa pseudoreducta</i>	Margaret River Burrowing Crayfish
185. <i>Engaewa reducta</i>	Dunsborough Burrowing Crayfish
186. <i>Engaewa walpolea</i>	Walpole Burrowing Crayfish
187. <i>Hurleya</i> sp. (WAM 642-97)	Crystal Cave Crangonyctoid
188. <i>Lasionectes exleyi</i>	Cape Range Lasionectes
189. <i>Liagoceradocus branchialis</i>	Cape Range Liagoceradocus
190. <i>Liagoceradocus subthalassicus</i>	Barrow Island Liagoceradocus
191. <i>Nedsia fragilis</i>	
192. <i>Nedsia humphreysi</i>	
193. <i>Nedsia hurlberti</i>	
194. <i>Nedsia macrosculptilis</i>	
195. <i>Nedsia sculptilis</i>	
196. <i>Nedsia straskraba</i>	

	<b>Scientific name</b>	<b>Common name</b>
197.	<i>Nedsia urifimbriata</i>	
198.	<i>Speleophria bunderae</i>	
199.	<i>Stygiocaris lancifera</i>	Lance-Beaked Cave Shrimp
200.	<i>Stygiocylopia australis</i>	

#### **Division 9 — Polychaete**

	<b>Scientific name</b>	<b>Common name</b>
201.	<i>Prionospia thalanji</i>	

#### **Division 10 — Millipedes**

	<b>Scientific name</b>	<b>Common name</b>
202.	<i>Cynotelopus notabilis</i>	Western Australian Pill Millipede
203.	<i>Speleostrophus nesiotus</i>	Barrow Island Millipede
204.	<i>Stygiochiropus isolatus</i>	
205.	<i>Stygiochiropus peculiaris</i>	Cameron's Cave Millipede
206.	<i>Stygiochiropus sympatricus</i>	

#### **Division 11 — Native bees**

	<b>Scientific Name</b>	<b>Common name</b>
207.	<i>Leioproctus douglasiellus</i>	
208.	<i>Neopasiphe simplicior</i>	

#### **Division 12 — Moth**

	<b>Scientific name</b>	<b>Common name</b>
209.	<i>Synemon gratiosa</i>	Graceful Sun Moth

### **Schedule 2 — Fauna presumed to be extinct**

[cl. 3(b)]

#### **Division 1 — Mammals**

	<b>Scientific Name</b>	<b>Common name</b>
1.	<i>Bettongia pusilla</i>	Dwarf Nullarbor Bettong
2.	<i>Chaeropus ecaudatus</i>	Pig-footed Bandicoot or Kantjilpa
3.	<i>Lagorchestes asomatus</i>	Central Hare-wallaby or Kuluwarri
4.	<i>Leporillus apicalis</i>	Lesser Stick-nest Rat
5.	<i>Macrotis leucura</i>	Lesser Bilby or Tjunpi
6.	<i>Notomys amplus</i>	Short-tailed Hopping Mouse or Yoontoo
7.	<i>Notomys longicaudatus</i>	Long-tailed Hopping-mouse
8.	<i>Notomys macrotis</i>	Big-eared Hopping-mouse
9.	<i>Onychogalea lunata</i>	Crescent Nailtail Wallaby or Tjawalpa
10.	<i>Perameles eremiana</i>	Desert Bandicoot or Walilya
11.	<i>Potorous platyops</i>	Broad-faced Potoroo

#### **Division 2 — Birds**

	<b>Scientific name</b>	<b>Common name</b>
12.	<i>Dasyornis broadbenti litoralis</i>	Rufous Bristlebird
13.	<i>Rallus pectoralis clelandi</i>	Lewin's Water Rail

**Division 3 — Snails**

	<b>Scientific name</b>	<b>Common name</b>
14.	<i>Bothriembryon praecelsus</i>	
15.	<i>Bothriembryon whitleyi</i>	
16.	<i>Helicarion castanea</i>	
17.	<i>Occirhenea georgiana</i>	

**Division 4 — Native bees**

	<b>Scientific name</b>	<b>Common name</b>
18.	<i>Hesperocolletes douglasi</i>	a Short-tongued Native Bee

**Schedule 3 — Birds protected under an international agreement**

[cl. 3(c)]

	<b>Scientific Name</b>	<b>Common name</b>
1.	<i>Amytornis dorotheae</i>	Carpentarian Grass-wren
2.	<i>Buteo buteo oshiroi</i>	Daito Island Buzzard
3.	<i>Chalcophaps indica yamashinai</i>	Emerald Dove
4.	<i>Cyanoramphus novaezelandiae cookii</i>	Norfolk Island Parrot
5.	<i>Cyclopsitta diopthalma coxeni</i>	Coxen's Fig Parrot
6.	<i>Drymodes superciliaris colcloughi</i>	Northern Scrub-robin
7.	<i>Fregata andrewsi</i>	Christmas Island Frigate-bird
8.	<i>Haliaeetus albicilla albicilla</i>	White-tailed Sea Eagle
9.	<i>Lichenostomus melanops cassidix</i>	Helmeted Honeyeater
10.	<i>Lunda cirrhata</i>	Tufted Puffin
11.	<i>Manorina flavigula melanotis</i>	Black-eared Miner
12.	<i>Neophema chrysogaster</i>	Orange-bellied Parrot
13.	<i>Ninox novaeseelandiae rayana</i>	Norfolk Island Boobook Owl
14.	<i>Ninox squamipila natalis</i>	Christmas Island Owl
15.	<i>Pardalotus quadragintus</i>	Forty-spotted Pardalote
16.	<i>Pedionomas torquatus</i>	Plains Wanderer
17.	<i>Phalacrocorax urile</i>	Red-faced Cormorant
18.	<i>Pitta brachyura nympha</i>	Fairy Pitta
19.	<i>Podargus ocellatus plumiferus</i>	Plumed Frogmouth
20.	<i>Psephotus chrysopterygius</i>	Golden-shouldered Parrot
21.	<i>Psephotus dissimilis</i>	Hooded Parrot
22.	<i>Psephotus pulcherrimus</i>	Paradise Parrot
23.	<i>Pterodroma leucoptera leucoptera</i>	Gould's Petrel
24.	<i>Pterodroma solandri</i>	Providence Petrel
25.	<i>Scolopax mira</i>	Amami Woodcock
26.	<i>Strepera graculina crissalis</i>	Lord Howe Island Currawong
27.	<i>Sula abbotti</i>	Abbot's Booby
28.	<i>Tricholimnas sylvestris</i>	Lord Howe Island Woodhen
29.	<i>Uria aalge inornata</i>	Common Murre, Guillemot
30.	<i>Zosterops albogularis</i>	Norfolk Island Silvereye

**Schedule 4 — Other specially protected fauna**

[cl. 3(d)]

**Division 1 — Mammals**

	<b>Scientific Name</b>	<b>Common name</b>
1.	<i>Arctocephalus forsteri</i>	New Zealand Fur-seal
2.	<i>Dugong dugon</i>	Dugong
3.	<i>Neophoca cinerea</i>	Australian Sealion

**Division 2 — Birds**

	<b>Scientific name</b>	<b>Common name</b>
4.	<i>Cacatua leadbeateri</i>	Pink or Major Mitchell's Cockatoo
5.	<i>Falco peregrinus</i>	Peregrine Falcon
6.	<i>Northiella haematogaster narethae</i>	Naretha Blue Bonnet
7.	<i>Tadorna radjah</i>	Burdekin Duck or Radjah Shelduck

**Division 3 — Reptiles**

	<b>Scientific name</b>	<b>Common name</b>
8.	<i>Aspidites ramsayi</i>	Woma or Ramsay's Python
9.	<i>Crocodylus johnstoni</i>	Australian Freshwater Crocodile
10.	<i>Crocodylus porosus</i>	Saltwater Crocodile
11.	<i>Morelia spilota imbricata</i>	Carpet Python

DAVID TEMPLEMAN, Minister for the Environment.

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CO302\*

Wildlife Conservation Act 1950

**Wildlife Conservation (Rare Flora) Notice 2008**

Made by the Minister for the Environment under section 23F(2) of the Act.

**1. Citation**

This notice may be cited as the *Wildlife Conservation (Rare Flora) Notice 2008*.

**2. Interpretation**

In this notice—

“**extant**” means known to be living in a wild state;

“**protected flora**” means any flora belonging to the classes of flora declared by the Minister under section 6 of the Act to be protected flora by notice published in the *Gazette* 9 October 1987, at p. 3855;

“**taxon**” includes any taxon that is described by a genus name and any other name or description.

Note: The plural form of “taxon” is “taxa”.

### 3. **Rare flora**

Subject to clause 4, protected flora—

- (a) specified in Schedule 1, being taxa that are extant and considered likely to become extinct or rare and therefore in need of special protection; and
- (b) specified in Schedule 2, being taxa that are presumed to be extinct in the wild and therefore in need of special protection,

are declared to be rare flora for the purposes of section 23F of the Act throughout the State.

### 4. **Application**

Clause 3 does not apply to those plants of a taxon of protected flora specified in Schedule 1 or 2 that have been planted for any purpose other than such plants that have been planted for the purpose of conservation of that taxon and in accordance with approval given by the Director General.

### 5. **Revocation**

The *Wildlife Conservation (Rare Flora) Notice 2006(2)* is revoked.

## Schedule 1 — Extant taxa

[cl. 3(a)]

### Division 1 — Spermatophyta (flowering plants, conifers and cycads)

- |                                                            |                                                                |
|------------------------------------------------------------|----------------------------------------------------------------|
| 1. <i>Acacia anomala</i>                                   | 44. <i>Andersonia gracilis</i>                                 |
| 2. <i>Acacia aphylla</i>                                   | 45. <i>Andersonia pinaster</i>                                 |
| 3. <i>Acacia aprica</i>                                    | 46. <i>Anigozanthos bicolor</i><br>subsp. <i>minor</i>         |
| 4. <i>Acacia aristulata</i>                                | 47. <i>Anigozanthos viridis</i><br>subsp. <i>terraspectans</i> |
| 5. <i>Acacia ataxiphylla</i><br>subsp. <i>magna</i>        | 48. <i>Anthocercis gracilis</i>                                |
| 6. <i>Acacia auratiflora</i>                               | 49. <i>Apium prostratum</i><br>subsp. <i>phillipii</i> ms      |
| 7. <i>Acacia awestoniana</i>                               | 50. <i>Asterolasia nivea</i>                                   |
| 8. <i>Acacia brachypoda</i>                                | 51. <i>Banksia brownii</i>                                     |
| 9. <i>Acacia caesariata</i>                                | 52. <i>Banksia cuneata</i>                                     |
| 10. <i>Acacia chapmanii</i><br>subsp. <i>australis</i>     | 53. <i>Banksia goodii</i>                                      |
| 11. <i>Acacia cochlocarpa</i><br>subsp. <i>cochlocarpa</i> | 54. <i>Banksia oligantha</i>                                   |
| 12. <i>Acacia cochlocarpa</i><br>subsp. <i>velutinosa</i>  | 55. <i>Banksia sphaerocarpa</i><br>var. <i>dolichostyla</i>    |
| 13. <i>Acacia denticulosa</i>                              | 56. <i>Banksia verticillata</i>                                |
| 14. <i>Acacia depressa</i>                                 | 57. <i>Beyeria lepidopetala</i>                                |
| 15. <i>Acacia forrestiana</i>                              | 58. <i>Beyeria</i> sp. Bandalup Hill<br>(G. Cockerton 7553)    |
| 16. <i>Acacia imitans</i>                                  | 59. <i>Boronia adamsiana</i>                                   |
| 17. <i>Acacia insolita</i><br>subsp. <i>recurva</i>        | 60. <i>Boronia capitata</i><br>subsp. <i>capitata</i>          |
| 18. <i>Acacia lanuginophylla</i>                           | 61. <i>Boronia clavata</i>                                     |
| 19. <i>Acacia leptalea</i>                                 | 62. <i>Boronia exilis</i>                                      |
| 20. <i>Acacia lobulata</i>                                 | 63. <i>Boronia revoluta</i>                                    |
| 21. <i>Acacia pharangites</i>                              | 64. <i>Brachyscias verecundus</i>                              |
| 22. <i>Acacia pygmaea</i>                                  | 65. <i>Caladenia barbarella</i>                                |
| 23. <i>Acacia recurvata</i>                                | 66. <i>Caladenia bryceana</i><br>subsp. <i>bryceana</i>        |
| 24. <i>Acacia rhamphophylla</i>                            | 67. <i>Caladenia bryceana</i><br>subsp. <i>cracens</i>         |
| 25. <i>Acacia sciophanes</i>                               | 68. <i>Caladenia busselliana</i>                               |
| 26. <i>Acacia splendens</i>                                | 69. <i>Caladenia caesarea</i><br>subsp. <i>maritima</i>        |
| 27. <i>Acacia subflexuosa</i><br>subsp. <i>capillata</i>   | 70. <i>Caladenia christineae</i>                               |
| 28. <i>Acacia trulliformis</i>                             | 71. <i>Caladenia dorrienii</i>                                 |
| 29. <i>Acacia unguicula</i>                                | 72. <i>Caladenia drakeoides</i>                                |
| 30. <i>Acacia vassalii</i>                                 | 73. <i>Caladenia elegans</i>                                   |
| 31. <i>Acacia volubilis</i>                                | 74. <i>Caladenia excelsa</i>                                   |
| 32. <i>Acacia wilsonii</i>                                 | 75. <i>Caladenia graniticola</i>                               |
| 33. <i>Acacia woodmaniorum</i>                             | 76. <i>Caladenia harringtoniae</i>                             |
| 34. <i>Adenanthos dobagii</i>                              | 77. <i>Caladenia hoffmanii</i>                                 |
| 35. <i>Adenanthos ellipticus</i>                           | 78. <i>Caladenia huegelii</i>                                  |
| 36. <i>Adenanthos eyrei</i>                                | 79. <i>Caladenia melanema</i>                                  |
| 37. <i>Adenanthos pungens</i><br>subsp. <i>effusus</i>     | 80. <i>Caladenia procera</i>                                   |
| 38. <i>Adenanthos pungens</i><br>subsp. <i>pungens</i>     | 81. <i>Caladenia viridescens</i>                               |
| 39. <i>Adenanthos velutinus</i>                            | 82. <i>Caladenia wanosa</i>                                    |
| 40. <i>Allocasuarina fibrosa</i>                           | 83. <i>Caladenia williamsiae</i>                               |
| 41. <i>Allocasuarina tortiramula</i>                       | 84. <i>Caladenia winfieldii</i>                                |
| 42. <i>Andersonia annelsii</i>                             | 85. <i>Calectasia cyanea</i>                                   |
| 43. <i>Andersonia axilliflora</i>                          |                                                                |

86. *Calectasia pignattiana*  
 87. *Calytrix breviseta*  
     subsp. *breviseta*  
 88. *Chamelaucium griffinii* ms  
 89. *Chamelaucium lullfitzii* ms  
 90. *Chamelaucium roycei* ms  
 91. *Chordifex abortivus*  
 92. *Chorizema humile*  
 93. *Chorizema varium*  
 94. *Commersonia* sp. Mt Groper  
     (R. Cranfield & D. Kabay  
     9157)  
 95. *Conospermum densiflorum*  
     subsp. *unicephalatum*  
 96. *Conospermum toddii*  
 97. *Conospermum undulatum*  
 98. *Conostylis dielsii* subsp. *teres*  
 99. *Conostylis drummondii*  
 100. *Conostylis lepidospermoides*  
 101. *Conostylis micrantha*  
 102. *Conostylis misera*  
 103. *Conostylis rogeri*  
 104. *Conostylis seorsiflora*  
     subsp. *trichophylla*  
 105. *Conostylis setigera*  
     subsp. *dasys*  
 106. *Conostylis wonganensis*  
 107. *Cooperookia georgei*  
 108. *Cyphanthera odgersii*  
     subsp. *occidentalis*  
 109. *Cryptandra congesta*  
 110. *Darwinia acerosa*  
 111. *Darwinia apiculata*  
 112. *Darwinia calothamnoides* ms  
 113. *Darwinia carnea*  
 114. *Darwinia chapmaniana* ms  
 115. *Darwinia collina*  
 116. *Darwinia ferricola* ms  
 117. *Darwinia foetida* ms  
 118. *Darwinia masonii*  
 119. *Darwinia meeboldii*  
 120. *Darwinia oxylepis*  
 121. *Darwinia squarrosa*  
 122. *Darwinia wittwerorum*  
 123. *Darwinia* sp. Carnamah  
     (J.Coleby-Williams 148)  
 124. *Darwinia* sp. Stirling Range  
     (G.J.Keighery 5732)  
 125. *Darwinia* sp. Williamson  
     (G.J.Keighery 12717)  
 126. *Daviesia bursarioides*  
 127. *Daviesia cunderdin*  
 128. *Daviesia dielsii*  
 129. *Daviesia elongata*  
     subsp. *elongata*  
 130. *Daviesia euphorbioides*  
 131. *Daviesia glossosema*  
 132. *Daviesia megacalyx*  
 133. *Daviesia microcarpa*  
 134. *Daviesia obovata*  
 135. *Daviesia pseudaphylla*  
 136. *Daviesia speciosa*  
 137. *Deyeuxia drummondii*  
 138. *Diuris drummondii*  
 139. *Diuris micrantha*  
 140. *Diuris purdiei*  
 141. *Drakaea concolor*  
 142. *Drakaea confluens*  
 143. *Drakaea elastica*  
 144. *Drakaea isolata*  
 145. *Drakaea micrantha*  
 146. *Drummondita ericoides*  
 147. *Drummondita longifolia*  
 148. *Dryandra anatona*  
 149. *Dryandra aurantia*  
 150. *Dryandra fuscobracteata*  
 151. *Dryandra ionthocarpa*  
     subsp. *chrysophoenix*  
 152. *Dryandra ionthocarpa*  
     subsp. *ionthocarpa*  
 153. *Dryandra mimica*  
 154. *Dryandra montana*  
 155. *Dryandra mucronulata*  
     subsp. *retrorsa*  
 156. *Dryandra nivea*  
     subsp. *uliginosa*  
 157. *Dryandra pseudoplumosa*  
 158. *Dryandra serratuloides*  
     subsp. *perissa*  
 159. *Dryandra serratuloides*  
     subsp. *serratuloides*  
 160. *Dryandra squarrosa*  
     subsp. *argillacea*  
 161. *Eleocharis keigheryi*  
 162. *Epiblema grandiflorum*  
     var. *cyaneum* ms  
 163. *Eremophila ciliata*  
 164. *Eremophila denticulata*  
     subsp. *denticulata*  
 165. *Eremophila denticulata*  
     subsp. *trisulcata*  
 166. *Eremophila glabra* subsp.  
     *chlorella* ms  
 167. *Eremophila koobabbiensis*  
     ms  
 168. *Eremophila lactea*  
 169. *Eremophila nivea*  
 170. *Eremophila pinnatifida*  
 171. *Eremophila resinosa*  
 172. *Eremophila rostrata* subsp.  
     *rostrata*  
 173. *Eremophila rostrata* subsp.  
     *trifida*  
 174. *Eremophila scaberula*

175. *Eremophila subteretifolia*  
 176. *Eremophila ternifolia*  
 177. *Eremophila vernicosa*  
 178. *Eremophila verticillata*  
 179. *Eremophila virens*  
 180. *Eremophila viscida*  
 181. *Eucalyptus absita*  
 182. *Eucalyptus argutifolia*  
 183. *Eucalyptus articulata*  
 184. *Eucalyptus balanites*  
 185. *Eucalyptus beardiana*  
 186. *Eucalyptus blaxellii*  
 187. *Eucalyptus brevipes*  
 188. *Eucalyptus burdettiana*  
 189. *Eucalyptus ceracea*  
 190. *Eucalyptus coronata*  
 191. *Eucalyptus crispata*  
 192. *Eucalyptus crucis*  
     subsp. *crucis*  
 193. *Eucalyptus crucis*  
     subsp. *praecipua*  
 194. *Eucalyptus cuprea*  
 195. *Eucalyptus dolorosa*  
 196. *Eucalyptus impensa*  
 197. *Eucalyptus insularis*  
 198. *Eucalyptus johnsoniana*  
 199. *Eucalyptus lateritica*  
 200. *Eucalyptus leprophloia*  
 201. *Eucalyptus merrickiae*  
 202. *Eucalyptus mooreana*  
 203. *Eucalyptus nutans*  
 204. *Eucalyptus phylacis*  
 205. *Eucalyptus platydisca*  
 206. *Eucalyptus pruiniramis*  
 207. *Eucalyptus purpurata*  
 208. *Eucalyptus recta*  
 209. *Eucalyptus rhodantha*  
     var. *rhodantha*  
 210. *Eucalyptus steedmanii*  
 211. *Eucalyptus suberea*  
 212. *Eucalyptus synandra*  
 213. *Frankenia conferta*  
 214. *Frankenia parvula*  
 215. *Gastrolobium appressum*  
 216. *Gastrolobium*  
     *diabolophyllum*  
 217. *Gastrolobium glaucum*  
 218. *Gastrolobium graniticum*  
 219. *Gastrolobium hamulosum*  
 220. *Gastrolobium lehmannii*  
 221. *Gastrolobium luteifolium*  
 222. *Gastrolobium modestum*  
 223. *Gastrolobium papilio*  
 224. *Glyceria drummondii*  
 225. *Goodenia arthrotricha*  
 226. *Goodenia integerrima*  
 227. *Grevillea acropogon*  
 228. *Grevillea althoferorum*  
 229. *Grevillea batrachioides*  
 230. *Grevillea brachystylis*  
     subsp. *australis*  
 231. *Grevillea brachystylis*  
     subsp. *Busselton* (G.J.  
     Keighery s.n. 28/8/1985)  
 232. *Grevillea bracteosa*  
 233. *Grevillea calliantha*  
 234. *Grevillea christineae*  
 235. *Grevillea curviloba*  
     subsp. *curviloba*  
 236. *Grevillea curviloba*  
     subsp. *incurva*  
 237. *Grevillea dryandroides*  
     subsp. *dryandroides*  
 238. *Grevillea dryandroides*  
     subsp. *hirsuta*  
 239. *Grevillea elongata*  
 240. *Grevillea flexuosa*  
 241. *Grevillea fuscolutea*  
 242. *Grevillea humifusa*  
 243. *Grevillea infundibularis*  
 244. *Grevillea involucrata*  
 245. *Grevillea maccutcheonii*  
 246. *Grevillea maxwellii*  
 247. *Grevillea murex*  
 248. *Grevillea phanerophlebia*  
 249. *Grevillea pythara*  
 250. *Grevillea rara*  
 251. *Grevillea scapigera*  
 252. *Guichenotia seorsiflora* ms  
 253. *Gyrostemon reticulatus*  
 254. *Hakea aculeata*  
 255. *Hakea megalosperma*  
 256. *Haloragis platycarpa*  
 257. *Hemiandra gardneri*  
 258. *Hemiandra rutilans*  
 259. *Hemigenia ramosissima*  
 260. *Hensmania chapmanii*  
 261. *Hibbertia priceana*  
 262. *Hybanthus cymulosus*  
 263. *Hydatella dioica*  
 264. *Hydatella leptogyne*  
 265. *Hypocalymma longifolium*  
 266. *Isopogon robustus*  
 267. *Isopogon uncinatus*  
 268. *Jacksonia pungens* ms  
 269. *Jacksonia quairading* ms  
 270. *Jacksonia velveta* ms  
 271. *Kennedia glabrata*  
 272. *Kennedia macrophylla*  
 273. *Keraudrenia exastia*  
 274. *Kunzea similis* subsp.  
     *mediterranea*  
 275. *Kunzea similis* subsp. *similis*

276. *Lambertia echinata*  
subsp. *echinata*
277. *Lambertia echinata*  
subsp. *occidentalis*
278. *Lambertia fairallii*
279. *Lambertia orbifolia*  
subsp. *orbifolia* ms
280. *Lambertia orbifolia*  
subsp. Scott River Plains  
(L.W.Sage 684)
281. *Lasiopetalum pterocarpum*
282. *Lasiopetalum rotundifolium*
283. *Latrobea colophona*
284. *Laxmannia grandiflora*  
subsp. *brendae*
285. *Lechenaultia chlorantha*
286. *Lechenaultia larinica*
287. *Lepidium aschersonii*
288. *Lepidium catapycnon*
289. *Lepidosperma rostratum*
290. *Lepidosperma gibsonii*
291. *Leucopogon gnaphalioides*
292. *Leucopogon marginatus*
293. *Leucopogon obtectus*
294. *Leucopogon spectabilis*
295. *Leucopogon* sp. *ciliate*  
Eneabba (F. Obbens & C.  
Godden s.n. 3/7/2003)
296. *Lysiosepalum abollatum*
297. *Macarthuria keigheryi*
298. *Marianthus mollis*
299. *Marianthus paralius*
300. *Marianthus* sp. Bremer (N.  
Gibson & M. Lyons 1776)
301. *Melaleuca sciotostyla*
302. *Meziella trifida*
303. *Microcorys eremophiloides*
304. *Microtis globula*
305. *Muehlenbeckia horrida*  
subsp. *abdita*
306. *Muelleranthus crenulatus*
307. *Myoporum cordifolium*
308. *Myoporum turbinatum*
309. *Myriophyllum lapidicola*
310. *Orthrosanthus muelleri*
311. *Pandanus spiralis*  
var. *flammeus*
312. *Paracaleana dixonii*
313. *Patersonia spirifolia*
314. *Persoonia micranthera*
315. *Petrophile latericola* ms
316. *Philothea basistyla*
317. *Philothea wonganensis*
318. *Pityrodia augustensis*
319. *Pityrodia axillaris*
320. *Pityrodia scabra*
321. *Pterostylis* sp. Northampton  
(S.D.Hopper 3349)
322. *Ptilotus fasciculatus*
323. *Ptychosema pusillum*
324. *Pultenaea pauciflora*
325. *Reedia spathacea*
326. *Rhagodia acicularis*
327. *Rhizanthella gardneri*
328. *Ricinocarpos brevis* ms
329. *Ricinocarpos trichophorus*
330. *Roycea pycnophylloides*
331. *Rulingia* sp. Trigwell Bridge  
(R.Smith s.n. 20.6.89)
332. *Scaevola macrophylla*
333. *Schoenia filifolia*  
subsp. *subulifolia*
334. *Sphenotoma drummondii*
335. *Spirogardnera rubescens*
336. *Stachystemon nematophorus*
337. *Stachystemon vinosus*
338. *Stylidium amabile*
339. *Stylidium coroniforme* subsp.  
*coroniforme*
340. *Stylidium galioides*
341. *Stylidium merrallii*
342. *Stylidium semaphorum*
343. *Symonanthus bancroftii*
344. *Synaphea quartzitica*
345. *Synaphea stenoloba*
346. *Synaphea* sp. Fairbridge  
Farm (D. Papenfus 696)
347. *Synaphea* sp. Pinjarra  
(R.Davis 6578)
348. *Tecticornia bulbosa*
349. *Tetralia australiensis*
350. *Tetralia deltoidea*
351. *Tetralia erubescens*
352. *Tetralia harperi*
353. *Tetralia nephelioides*
354. *Tetralia aphylla* subsp.  
*aphylla*
355. *Tetralia aphylla* subsp.  
*megacarpa*
356. *Tetralia paynterae* subsp.  
*cremnobata*
357. *Tetralia paynterae* subsp.  
*paynterae*
358. *Thelymitra dedmaniarum*
359. *Thelymitra psammophila*
360. *Thelymitra stellata*
361. *Thomasia glabripetala*
362. *Thomasia montana*
363. *Thomasia* sp. Green Hill  
(S.Paust 1322)
364. *Thryptomene wittweri*
365. *Tribonanthes purpurea*
366. *Verticordia albida*

- |                                                                    |                                                                                           |
|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| 367. <i>Verticordia apecta</i>                                     | 378. <i>Verticordia plumosa</i><br>var. <i>vassensis</i>                                  |
| 368. <i>Verticordia carinata</i>                                   | 379. <i>Verticordia spicata</i><br>subsp. <i>squamosa</i>                                 |
| 369. <i>Verticordia crebra</i>                                     | 380. <i>Verticordia staminosa</i><br>subsp. <i>cylindracea</i><br>var. <i>cylindracea</i> |
| 370. <i>Verticordia densiflora</i><br>var. <i>pedunculata</i>      | 381. <i>Verticordia staminosa</i><br>subsp. <i>cylindracea</i><br>var. <i>erecta</i>      |
| 371. <i>Verticordia fimbrialepis</i><br>subsp. <i>australis</i>    | 382. <i>Verticordia staminosa</i><br>subsp. <i>staminosa</i>                              |
| 372. <i>Verticordia fimbrialepis</i><br>subsp. <i>fimbrialepis</i> | 383. <i>Villarsia calthifolia</i>                                                         |
| 373. <i>Verticordia helichrysantha</i>                             | 384. <i>Wurmbea calcicola</i>                                                             |
| 374. <i>Verticordia hughanii</i>                                   | 385. <i>Wurmbea tubulosa</i>                                                              |
| 375. <i>Verticordia pityrhops</i>                                  | 386. <i>Xyris exilis</i>                                                                  |
| 376. <i>Verticordia plumosa</i><br>var. <i>ananeotes</i>           |                                                                                           |
| 377. <i>Verticordia plumosa</i><br>var. <i>pleiobotrya</i>         |                                                                                           |

### Division 2 — Pteridophyta (ferns and fern allies)

387. *Asplenium obtusatum* subsp. *northlandicum*

### Division 3 — Bryophyta (mosses and liverworts)

388. *Rhacocarpus rehmannianus* var. *webbianus*

## Schedule 2 — Taxa presumed to be extinct

[cl. 3(b)]

### Spermatophyta (flowering plants, conifers and cycads)

1. *Acacia kingiana*
2. *Acacia prismifolia*
3. *Coleanthera virgata*
4. *Frankenia decurrens*
5. *Lepidium drummondii*
6. *Leptomeria dielsiana*
7. *Leucopogon cryptanthus*
8. *Opercularia acolytantha*
9. *Philothea falcata*
10. *Ptilotus caespitosus*
11. *Ptilotus pyramidatus*
12. *Taraxacum cygnorum*
13. *Tetratea fasciculata*
14. *Thomasia gardneri*

DAVID TEMPLEMAN, Minister for the Environment.

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**INDUSTRIAL RELATIONS**

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IR301\*

Industrial Relations Act 1979

**Industrial Relations Commission Amendment  
Regulations 2008**

Made by the Chief Commissioner of the Western Australian Industrial Relations Commission after consulting the members of the Commission.

**1. Citation**

These regulations are the *Industrial Relations Commission Amendment Regulations 2008*.

**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. The regulations amended**

The amendments in these regulations are to the *Industrial Relations Commission Regulations 2005*.

**4. Regulation 47 amended**

- (1) Regulation 47(1) is amended by inserting before “declaration” —  
“ statutory ”.
- (2) Regulation 47(2) is repealed and the following subregulation is inserted instead —  
“
  - (2) Any statutory declaration required to be made under these regulations must be made before a person who is an authorised witness under the *Oaths, Affidavits and Statutory Declarations Act 2005* section 12(6).”.

**5. Regulation 102 amended**

- (1) Regulation 102(7) is repealed and the following subregulation is inserted instead —

“

- (7) An application made under subregulation (6) must —
- (a) be in the form of a notice of application in Form 1; and
  - (b) be supported by a statutory declaration setting out the facts relied on to support the application.

”.

- (2) Regulation 102(10) is amended as follows:

- (a) by inserting after “contain” —

“ the following ”;

- (b) in paragraph (c) by deleting “such” and inserting instead —

“ the ”;

- (c) by inserting after paragraph (d) —

“

- (da) any written submissions, or outline of submissions, provided to the Commission;

”.

- (d) by deleting “and” after paragraph (f);

- (e) in paragraph (g) by deleting “those” and inserting instead —

“ the ”;

- (f) by deleting the full stop after paragraph (g) and inserting a semicolon instead;

- (g) by inserting after paragraph (g) —

“

- (h) a copy of any other document which will be required by the Full Bench to determine the appeal, including any further particulars of the claim or answer filed in the proceedings.

”.

**6. Regulation 103A inserted**

After regulation 103 the following regulation is inserted —

“

**103A. Discontinuance of appeal to Full Bench**

- (1) An appeal to the Full Bench cannot be discontinued other than under an order of the Full Bench.

- (2) The appellant in an appeal from a decision of the Commission may at any time apply to the Full Bench for an order discontinuing the appeal —
  - (a) by lodging a notice of application in Form 1; and
  - (b) by serving a stamped copy of the notice on each person who was a party to the proceedings before the Commission, or on the agent or solicitor who represented that party; and
  - (c) by having a declaration of service completed, and filing the declaration.
- (3) The declaration of service must be in an approved form.
- (4) On an application for an order to discontinue an appeal the Full Bench, after giving the parties served with the application an opportunity to be heard or make submissions —
  - (a) may grant or refuse the application; and
  - (b) may in addition make any other order that is just.

”.

#### 7. **Schedule 1 amended**

Schedule 1 Form 4 is amended as follows:

- (a) by deleting “do solemnly and”;
- (b) by inserting before “This declaration” —

“

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

”.

Dated: 17th January 2008.

A. R. BEECH, Chief Commissioner,  
Western Australian Industrial Relations Commission.

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## — PART 2 —

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### JUSTICE

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JU401\*

**JUSTICES OF THE PEACE ACT 2004**  
RESIGNATIONS

It is hereby notified for public information that the Minister has accepted the resignation of—  
Robert Newton of 6 Cobb Street, Scarborough  
John Vincent Burns formerly of 4/51 Mary St, Como  
from the Office of Justice of the Peace for the State of Western Australia.

RAY WARNES, Executive Director,  
Court and Tribunal Services.

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JU402\*

**JUSTICES OF THE PEACE ACT 2004**  
APPOINTMENT

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—  
Anissa Leigh Thorpe of 77 Williamson Street, Three Springs

RAY WARNES, Executive Director,  
Court and Tribunal Services.

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### MINERALS AND PETROLEUM

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MP401\*

**PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967**

Section 30(1)

VACANT GEOTHERMAL AREA (MAINLAND) RELEASE

INVITATION FOR APPLICATIONS FOR THE GRANT OF GEOTHERMAL EXPLORATION PERMITS

Release Date: 22 January 2008

Closing Date: 24 April 2008

Applicants are invited for the grant of geothermal exploration permits for available mainland vacant areas, within the onshore Perth Basin and adjacent region under the jurisdiction of the *Petroleum and Geothermal Energy Resources Act 1967* as identified on the attached plan.

Applications will be received up until 4.00 pm on Thursday, 24 April 2008. Applications need to observe the closing time and date. Any applications received after the closing time and date will not be considered.

**Application Details**

This release is limited to land areas and does not include any coastal waters or islands.

For geothermal exploration permits, each application shall identify a single area of 4 contiguous 5' x 5' graticular blocks (area of 10' x 10' as shown on the release map).

Applicants will need to specify the 4 graticular block numbers applicable to each application area. Details of the graticular block numbers are available on the Release Area CD or from the Department's website [www.doir.wa.gov.au/mineralsandpetroleum/acreage\\_releases.asp](http://www.doir.wa.gov.au/mineralsandpetroleum/acreage_releases.asp).

Geothermal exploration permit applications shall specify a work program and rationale (minimum number of wells to be drilled and their depth, line kilometres of seismic, geophysical surveys etc.) to be carried out and estimated expenditures for each of the six years.

This release requires that a minimum of one shallow well (ie approximately 400 metres) will need to be drilled during the first two years of the geothermal exploration permit.

Central to any application made is the program of work proposed for each of the years of the six year term. Applications are to be made in accordance with Section 30(1) of the *Petroleum and Geothermal Energy Resources Act 1967*. Consideration of an application for the grant of a geothermal exploration permit shall take into account work programs relative to the whole of the area applied for, the adequacy of the work program, the applicant's technical and financial ability to undertake the work and will need to specify the depth of any well and provide geological rationale. Permits are awarded on the understanding that the first two years work commitment will be fulfilled without variation.

Where there is more than one applicant to the application, the percentage participating interests of each party to the application is to be supplied including evidence that a satisfactory settlement has been, or can be, reached on a Joint Operating Agreement (a copy of a Heads of Agreement dealing will generally suffice).

Applicants should also make themselves aware of the existence of any areas, which have the potential to restrict exploration activities eg, National Parks, Nature Reserves, Mining Titles, World Heritage Areas and Conservation Reserves.

Applicants will also need to be aware of the requirements of the *Rights in Water and Irrigation Act 1914*.

Insofar as Reserved Land is concerned, entry for exploration purposes is subject to approval by the Minister.

Any applications over the Release Area may be the subject of the future act, right to negotiate provisions of the Commonwealth *Native Title Act 1993* (NTA). If the NTA applies, then the application will be managed in accordance with the State Negotiation Protocol, and the Negotiation in Good Faith Requirements.

Applicants should also be aware that the area available for application is subject (at least in part) to Registered Native Title claims. Plans showing these claim boundaries are available as part of the release package.

An information package on the release area detailing the criteria for assessment of applications and the conditions to apply following the award of a geothermal exploration permit, and including a plan of the release area and an application proforma, is available on CD. Copies of the CD can be obtained from the Petroleum and Royalties Division, Department of Industry and Resources by contacting the Titles Officer (Releases) on (08) 9222 3106.

#### LODGEMENT OF APPLICATIONS

Applications, together with supporting data should be submitted in the following manner and accompanied by fee of \$3,900.00 per application area (non-refundable) payable to the Department of Industry and Resources through an Australian Bank or by Australian bank cheque, should be enclosed in the envelope or package and addressed to—

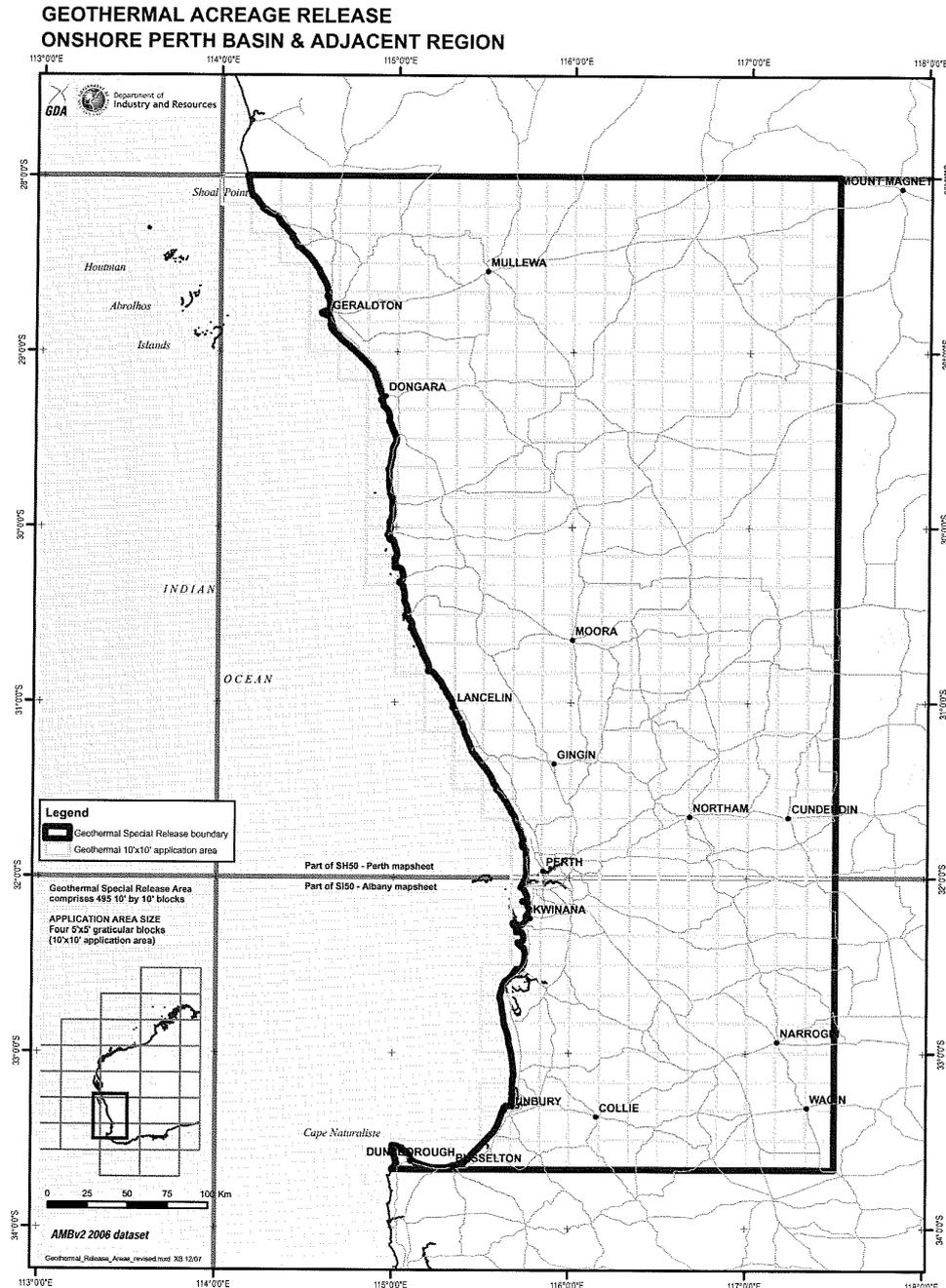
Director, Petroleum and Royalties Division  
Department of Industry and Resources  
Mineral House  
100 Plain Street  
East Perth WA 6004

***Attention: Geothermal Applications Receiving Officer***

The following special instructions should be observed—

- The application should be sealed and clearly marked "**Application for Geothermal Exploration Permit—Commercial-in-Confidence**".
- Unless delivered by hand to the Geothermal Applications Receiving Officer the sealed application (as described above) should be enclosed in a plain covering envelope or package and forwarded to the above address.

Confirmation of receipt of applications (received and delivered by hand) will be issued by the Geothermal Applications Receiving Officer.



**MP402\***

**PETROLEUM PIPELINES ACT 1969  
APPLICATION FOR PIPELINE LICENCE**

I, William Lee Tinapple, Director of the Petroleum and Royalties Division in the Department of Industry and Resources for the State of Western Australia being the Officer for the time being holding certain powers and functions of the Minister in respect of the area specified in the State of Western Australia by virtue of an instrument of delegation dated 25 July 2007, give notice pursuant to Section 8(4) of the *Petroleum Pipelines Act 1969* that an application recorded as 3P/07-8 has been received from—

**APA Group**

For a pipeline licence to construct and operate a pipeline for the conveyance of natural gas from the Murrin Murrin Lateral (PL36) connecting from the flange outlet of the offtake located at KP16.6km Mainline Valve 1 [MLV1] to the Sons of Gwalia Power Station facilities on the Gwalia Mine Site in Leonora, approximately 5.7kms in length.

A map showing the position of the proposed pipeline may be examined during public office hours from 22 January 2008 until 26 February 2008 at the Petroleum and Royalties Division, Department of Industry and Resources, 11th Floor Mineral House, 100 Plain Street, East Perth, WA and also at the office of the Mining Registrar, Leonora, WA.

Dated this 18th day of January 2008.

W. L. TINAPPLE, Director,  
Petroleum and Royalties Division.

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## PLANNING AND INFRASTRUCTURE

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PI401\*

**PLANNING AND DEVELOPMENT ACT 2005**  
METROPOLITAN REGION SCHEME AMENDMENT 1150/57  
FORMER CRAIGIE HIGH SCHOOL SITE  
LOCATION 9801 ARAWA PLACE, CRAIGIE

Call for Public Submissions

The Western Australian Planning Commission (WAPC) intends to amend the Metropolitan Region Scheme (MRS) for land in the local government of Joondalup and is seeking public comment.

The amendment proposes to transfer the former Craigie High School site (Location 9801) from Public Purposes (High School) reservation to the Urban zone in the Metropolitan Region Scheme.

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

The plans showing the proposed change and the WAPC amendment report which explains the proposal, will be available for public inspection from Tuesday 11 December 2007 to Friday 29 February 2008 at each of the following places—

- Western Australian Planning Commission, 469 Wellington Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- Municipal office of the City of Joondalup

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

Any person who desires to make a submission to support, object or provide comment on any part of the proposed amendment should do so on a form 57. This submission form is available from the display locations, the amendment report and the internet.

Submissions must be lodged with the: Secretary, Western Australian Planning Commission, 469 Wellington Street, Perth WA 6000; on or before 5.00pm Friday, 29 February 2008.

Late submissions will not be considered.

MOSHE GILOVITZ, Secretary, Western Australian Planning Commission.

PI402\*

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*Shire of Kulin*  
Town Planning Scheme No. 2—Amendment No. 1

Ref: 853/4/16/2 Pt 1

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the Shire of Kulin local planning scheme amendment on 19 December 2007 for the purpose of—

1. Modifying the classification of a portion of Reserve 26116 (Lot 224) Johnston Street, Kulin from 'Recreation' reserve to 'Special Use' zone with the notation 'Caravan Park and Tourist Accommodation'.
2. Modifying the classification of the remaining balance portion of Reserve 26116 (Lot 224) Johnston Street, Kulin from 'Recreation' reserve to 'No Zone'.
3. Modifying Schedule 1—Interpretations of the Scheme Text by inserting the following definition—

'tourist accommodation' means a building or group of buildings forming a complex, designed for accommodation of short-stay guests and which provides on site facilities for the convenience of guests and management of the development, where occupation by any person is limited to a maximum of three months in any 12 month period and excludes those uses more specifically defined elsewhere.

4. Modifying Schedule 4 of the Scheme Text by including the following entry—
- | No. | Lot Description                                           | Permitted Special Use                | Scheme Map Designation |
|-----|-----------------------------------------------------------|--------------------------------------|------------------------|
| 3.  | Portion of Reserve 26116 (Lot 224) Johnston Street, Kulin | Caravan Park & Tourist Accommodation | CP&TA                  |
5. Modifying the Scheme Legend by inserting the notation 'TA—Tourist Accommodation' under the 'Special Use' zone.
6. Modifying the Scheme Map in accordance with the Scheme Amendment Map.

J. M. SULLIVAN, Shire President.  
G. HADLOW, Chief Executive Officer.

**PI403\***

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*Town of Kwinana*  
Town Planning Scheme No. 2—Amendment No. 89

Ref: 853/2/26/3 Pt 89

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the Town of Kwinana local planning scheme amendment on 5 December 2007 for the purpose of—

1. Rezoning Part Lot 100 and Lot 60-61 Abercrombie Road, Lots 3-5 Hope Valley Road and Part Lot 113 Anketell Road, Hope Valley from Rural 'A' to Rural 'B'.
2. Including Part Lot 100 and Lot 60-61 Abercrombie Road, Lots 3-5 Hope Valley Road and Part Lot 113 Anketell Road, Hope Valley in Scheme Policy Area 11—Postans East.
3. Amending the Scheme Map accordingly.

C. E. ADAMS, Mayor.  
N. P. HARTLEY, Chief Executive Officer.

**PI404\***

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*Town of Kwinana*  
Town Planning Scheme No. 2—Amendment No. 96

Ref: 853/2/26/3 Pt 96

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the Town of Kwinana local planning scheme amendment on 5 December 2007 for the purpose of—

C. E. ADAMS, Mayor.  
N. P. HARTLEY, Chief Executive Officer.

1. Deleting (including all associated provisions) Clause 4.18 Development Areas, Clause 4.20 Special Control Areas and Clause 4.21.3 Development Contribution Areas of the Scheme Text and replacing them with the following—

4.18 SPECIAL CONTROL AREAS

Where a Special Control Area is shown on the Scheme Map, in addition to the zone requirements, Clause 6.16 Division 13 sets out particular provisions which also apply and generally concerns landscape, environmental, built form and site management issues, and contributions for infrastructure.

2. Inserting a new Development Zone under Clause 4.4.1 of the Scheme Text.
3. Inserting the new Development Zone into Table 1—Zoning and Use Classes of the Scheme Text (including the Key) after Cluster/Communal Rural Settlement as follows—

15. DEVELOPMENT

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The subdivision, use and development of the land is to be generally in accordance with an approved Structure Plan prepared and adopted under Part 6.17.
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4. Deleting Clause 6.15 Division 12—Area Of Landscape Protection of the Scheme Text and replacing it with the following—

6.15 DIVISION 12—DEVELOPMENT ZONE

6.15.1 The purpose of the Development Zone is to provide for the orderly planning and development of larger areas of land in an integrated manner within a regional context whilst retaining flexibility to review planning with changing circumstances. In considering applications for development and changes to residential density codings in areas near existing and proposed future railway stations the Council will have due regard to the desirability of higher residential densities, transit related development and good pedestrian and vehicular access to stations in order to promote public transport usage.

6.15.2 The objectives of the Development Zone are to—

- (a) designate land for future development;
- (b) provide a planning mechanism for the identification and protection of areas of conservation value whilst facilitating the growth of the Town;
- (c) provide for the orderly planning of large areas of land for residential, commercial, industrial and associated purposes through a comprehensive structure planning process;
- (d) enable planning to be flexible and responsive to changing circumstances throughout the developmental stages of the area, and,
- (e) provide sufficient certainty for demand forecasting by service providers.

6.15.3 Subject to Clause 6.17.2, the subdivision, use and development of land is to generally be in accordance with a Structure Plan that has been prepared and adopted under the provisions of Clause 6.17 of the Scheme.

6.15.4 The permissibility of uses in the Development Zone is subject to Subclause 6.17.7 and shall be determined in accordance with the provisions of the Structure Plan.

5. Deleting Clause 6.16 Division 13—The Peel-Harvey Coastal Catchment of the Scheme Text and replacing it with the following—

6.16 DIVISION 13—SPECIAL CONTROL AREAS

6.16.1 Operation of Special Control Areas

6.16.1.1 The following special control areas are shown on the Scheme Map—

- (a) Areas of Landscape Protection
- (b) The Peel Harvey Coastal Catchment
- (c) Development Areas shown on the Scheme Map as DA with a number and included in the Fourth Schedule.
- (d) Development Contribution Areas shown on the Scheme Map as DCA with a number and included in the Fifth Schedule.

6.16.1.2 In respect of a special control area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

6.16.2 Areas of Landscape Protection

6.16.2.1 Council's objective in setting aside Areas of Landscape Protection is to conserve areas of natural ecological value or landscape amenity whilst at the same time allowing development as provided in the Zoning Table No. 1 of the Scheme.

6.16.2.2 No person shall, in any Area of Landscape Protection, without Council's Planning Approval in writing;

- (a) Carry out clearing of trees or other vegetation;
- (b) Carry out any filling, dredging or changes to the contour of the land;
- (c) Erect any advertising sign,
- (d) Erect or construct any building or outbuilding,
- (e) Degrade any natural wetland system,
- (f) Detract from the amenity of the locality.

6.16.2.3 In considering an application for Planning Approval in respect of any land within an Area of Landscape Protection, Council shall have regard to the following—

- (a) The overall impact of the proposed development on the landscape amenity of the area and the desirability of limiting or modifying the siting, construction, design or materials of any building or associated services;
- (b) The need for an overall management plan prepared by Council in consultation with the affected owners as a prerequisite to any Planning Approval being issued;
- (c) The extent to which any subdivision proposal should guarantee the protection of natural ecological features or areas of landscape amenity;
- (d) The desirability of minimising the effect of new road construction including earthworks and clearing of vegetation within road reserves.

### 6.16.3 The Peel-Harvey Coastal Catchment

- 6.16.3.1 For the purposes of this Scheme, the Peel-Harvey Coastal Plain Catchment means the Peel-Harvey Coastal Plain Catchment as set out in the State Planning Policy No. 2.1, together with any amendments thereto.
- 6.16.3.2 Council shall be guided by the objectives and policy statements contained in the Environmental Protection (Peel Inlet—Harvey Estuary) Policy 1992 and State Planning Policy No. 2.1, as amended, a copy of which shall be kept and made available for public inspection at the offices of the Council.
- 6.16.3.3 For the purposes of the definition of development under the Act 'Intensive Agriculture' shall be deemed to be a material change of use requiring approval of the Council.
- 6.16.3.4 In considering a proposal to develop land for intensive agriculture, the Council shall—
- (a) take account of soil types, slope and groundwater flows and surface water drainage and proximity to the Estuary;
  - (b) take account of the objectives of State Planning Policy No. 2.1, as amended with respect to the potential impact of the proposal on the environment and water quality;
  - (c) seek advice from the Department of Agriculture and Environmental Protection Authority and take account of that advice in making its determination or defer the decision pending a formal assessment under Part IV of the Environmental Protection Act.

### 6.16.4 Development Areas

#### 6.16.4.1 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.

#### 6.16.4.2 Planning requirements

- 6.16.4.2.1 Subject to clause 6.17.2, the local government requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving the use or development of land within the Development Area.
- 6.16.4.2.2 Where a Structure Plan exists, the subdivision, use and development of land is to generally be in accordance with the Structure Plan and any associated provisions contained in the Fourth Schedule.
- 6.16.4.2.3 The local government or the 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.
- 6.16.4.2.4 The Fourth Schedule describes the Development Areas in more detail and sets out the purpose and particular requirements that may apply to the Development Area.

### 6.16.5 Development Contribution Areas

#### 6.16.5.1 Interpretation

In clause 6.16.5.3, unless the context otherwise requires—

“Cost Contribution” means the contribution to the cost of Infrastructure payable by an Owner under clause 6.16.5.3 and the applicable Development Contribution Plan;

“Infrastructure” means services and facilities which, in accordance with the Commission’s policy, it is reasonable for Owners to make a Cost Contribution towards; and

“Owner” means an owner of land that is located within a Development Contribution Area.

#### 6.16.5.2 Purpose

- (a) To identify areas requiring Cost Contributions that relate to subdivision and development.
- (b) To provide for the equitable sharing of the costs of Infrastructure between Owners and in particular, to ensure that Cost Contributions are only required towards such Infrastructure as is reasonably required as a result of the subdivision and development of land in the Development Contribution Area.
- (c) To coordinate the timely provision of Infrastructure.

#### 6.16.5.3 Development Contribution Plan Pre-requisite to Subdivision and Development

- 6.16.5.3.1 Where a Development Contribution Area is prescribed in the Scheme, all Owners within that Development Contribution Area are required to make

- a Cost Contribution in accordance with the applicable Development Contribution Plan contained in the Fifth Schedule and the provisions of clause 6.16.5.
- 6.16.5.3.2 The Development Contribution Plan for any Development Contribution Area does not have effect until it has been incorporated in Fifth Schedule as part of the Scheme.
- 6.16.5.3.3 Subject to clause 6.16.5.3.5, the local government is not to support subdivision or approve development in a Development Contribution Area until a Development Contribution Plan is in effect and the Owner who has applied for subdivision or development approval has made arrangements in accordance with clause 6.16.5.6.1 for the payment of the Owner's Cost Contribution.
- 6.16.5.3.4 Clause 6.16.5.3.3 does not apply to the development of a single house or outbuildings associated with a single house on a lot which has not been subdivided since the coming into operation of clause 6.16.6.
- 6.16.6.3.5 Where a Development Contribution Plan is necessary but is not in effect, the local government may support subdivision or approve development where the Owner has made other arrangements satisfactory to the local government with respect to the Owner's contribution towards the provision of Infrastructure in the Development Contribution Area.
- 6.16.5.4 Content and Principles of Development Contribution Plans
- 6.16.5.4.1 The Development Contribution Plan is to specify—
- (a) the Development Contribution Area to which the Development Contribution Plan applies;
  - (b) the Infrastructure to be funded or part funded through the Development Contribution Plan; and
  - (c) the method of determining the Cost Contribution of each Owner towards the Infrastructure to be funded through the Development Contribution Plan.
- 6.16.5.4.2
- (a) A Development Contribution Plan is to specify the period during which it is to operate, but in any event, is not to operate for more than 5 years.
  - (b) The period during which a Development Contribution Plan is to operate may be extended and the Development Contribution Plan may be amended accordingly.
- 6.16.5.4.3 The Development Contribution Plan for any Development Contribution Area is to be prepared in accordance with the following principles—
- (a) it is to provide for Cost Contributions to only the cost of such Infrastructure as fairly and reasonably relates to, and is reasonably required as a result of, the subdivision and development of land in the Development Contribution Area;
  - (b) it is to provide for Cost Contributions generally in accordance with the Commission's policies on developer contributions for Infrastructure;
  - (c) matters requiring land contribution, such as public open space, are to be treated as the cost of Infrastructure with any necessary adjustments to establish, where appropriate, a money equivalent;
  - (d) the Cost Contribution is to be based upon the proportion that the area or value of that Owner's land bears to the total area or value of land within the Development Contribution Area;
  - (e) the Cost Contribution is to take into account the highest and best uses attainable for the Owner's land; and
  - (f) the cost of Infrastructure is to be based on amounts expended, but when an expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government.
- 6.16.5.4.4 For the purposes of paragraph 6.16.5.4.3(d), in calculating both the area of an Owner's land and the total area of land in a Development Contribution Area, the area of land provided or required in that Development Contribution Area for—
- (a) roads designated under the Metropolitan Region Scheme as Primary Regional Roads and Other Regional Roads;
  - (b) existing public open space;
  - (c) government primary and secondary schools; and
  - (d) such other land as is set out in the Development Contribution Plan, is to be excluded.
- 6.16.5.4.5
- (a) Where a Development Contribution Plan contains estimated costs, such estimated costs are to be reviewed at least annually by the local government in accordance with the best and latest information available to the local government until the expenditure on the relevant item of Infrastructure has occurred.

- (b) Where requested in writing by an Owner, the local government is to have such estimated costs independently certified by an appropriate qualified person.
- 6.16.5.4.6 Where any Cost Contribution has been calculated on the basis of an estimated cost for Infrastructure, the local government may—
- (a) adjust the Cost Contribution of any Owner in accordance with the revised estimated costs or the final expenditure; or
  - (b) accept a Cost Contribution based upon estimated costs as a final Cost Contribution and may enter into an agreement with an Owner accordingly.
- 6.16.5.4.7 Where an Owner's Cost Contribution is adjusted under clause 6.16.5.4.6, the local government, on receiving a request in writing from an Owner, is to provide the Owner with a copy of estimated costs and the calculation of adjustments.
- 6.16.5.5 Liability for Cost Contributions
- An Owner's liability to pay the Owner's Cost Contribution to the local government arises on the earlier of—
- (a) the local government confirming to the Commission that conditions of subdivision approval supervised by the local government and imposed on an application to subdivide the Owner's land within the Development Contribution Area have been complied with;
  - (b) prior to the Commission endorsing its approval on the Diagram or Plan of Survey of the subdivision of the Owner's land within the Development Contribution Area;
  - (c) at the time of carrying out any development or commencing any new or extended use on the Owner's land within the Development Contribution Area;
  - (d) at the time of applying to the local government or Commission for approval of any new or extended use, or any other development on the Owner's land within the Development Contribution Area; or
  - (e) on the expiry of the Development Contribution Plan.
- 6.16.5.6 Collection and Enforcement
- 6.16.5.6.1 (a) The Owner, with the agreement of the local government, is to pay the Owner's Cost Contribution by—
- (i) cheque or cash;
  - (ii) transferring to the local government land to the value of the Cost Contribution;
  - (iii) some other method acceptable to the local government; or
  - (iv) any combination of these methods.
- (b) The Owner, with the agreement of the local government, may pay the Owner's Cost Contribution in a lump sum, by instalments or in such other manner as agreed with the local government.
- 6.16.5.6.2 (a) The amount of any Cost Contribution for which an Owner is liable under clause 6.16.5.5, but has not paid, is a charge on the Owner's land to which the Cost Contribution relates, and the local government may lodge a caveat against the Owner's title to that land.
- (b) The local government may, at the Owner's expense and subject to such other conditions as the local government thinks fit, withdraw a caveat lodged under clause 6.16.5.6.2(a) to permit a dealing and then re-lodge the caveat to prevent further dealings.
  - (c) If the Cost Contribution is paid in full, and if requested to do so by the Owner, the local government may, at the expense of the Owner, withdraw any caveat lodged in accordance with clause 6.16.5.6.2.
- 6.16.5.7 Administration of Funds
- 6.16.5.7.1 The local government is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each Development Contribution Area into which Cost Contributions for that Development Contribution Area will be credited and from which all payments for the cost of Infrastructure within that Development Contribution Area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area.
- 6.16.5.7.2 The local government is to provide to every Owner an audited annual statement of accounts for that Development Contribution Area as soon as practicable after the audited annual statement of accounts becomes available.

#### 6.16.5.8 Shortfall or Excess in Cost Contributions

6.16.5.8.1 If there is a shortfall in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the local government may—

- (a) make good the shortfall from its municipal fund;
- (b) enter into agreements with Owners to fund the shortfall; or
- (c) raise loans or borrow from a financial institution, but nothing in paragraph 6.16.5.8.1(a) restricts the right or power of the local government to impose a differential rate to a specified Development Contribution Area in that regard.

6.16.5.8.2 If there is an excess in the total of Cost Contributions when all Cost Contributions have been made or accounted for in a particular Development Contribution Area, the local government is to use the excess funds for the provision of additional facilities in that Development Contribution Area.

#### 6.16.5.9 Valuation

6.16.5.9.1 (a) Unless Part 10 of the Land Administration Act 1997 applies, clause 6.16.5.9 applies if it is necessary to ascertain the Value of any land for the purposes of clause 6.16.5.

(b) In clause 6.16.5.9—

“Value” means the capital sum which an unencumbered estate in fee simple of the land might reasonably be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require—

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

“Valuer” means a licensed valuer agreed by the local government and the Owner, or where the local government and the Owner are unable to reach agreement, a valuer appointed by the President of the Australian Property Institute for the time being.

6.16.5.9.2 If any Owner objects to a valuation made by the Valuer, the Owner may give notice to the local government requesting a review of the amount of the Value, at the Owner’s expense, within 28 days after being informed of the Value.

6.16.5.9.3 If the Valuer does not change the Value of the land to a figure acceptable to the Owner, the Value is to be determined under clause 6.16.5.9.6.

6.16.5.9.4 (a) At the request of the local government or the Owner, the Value placed upon the land of an Owner may be revised from time to time by a Valuer.

(b) The Valuer may—

- (i) reconsider the Values placed on other land in the Development Contribution Area; and
- (ii) make such revisions as considered just and equitable to those Values if the Valuer considers this is necessary as a result of a re-valuation made under clause 6.16.5.9.2.

6.16.5.9.5 The date of valuation is the date that the Owner’s liability to pay the Owner’s Cost Contribution to the local government arises under clause 6.16.5.5, or such other date as is agreed between the local government and the Owner.

6.16.5.9.6 (a) Where there is a dispute or difference between the local government and the Owner regarding a Value, the dispute or difference is to be resolved as follows—

- (i) by any method agreed upon by the local government and the Owner; or
- (ii) if the local government and the Owner cannot agree, by arbitration in accordance with the Commercial Arbitration Act 1985.

(b) In any case, mediation of the dispute is to be attempted without prejudice to the rights of either the local government or the Owner.

#### 6.16.5.10 Land Acquisition

The local government may acquire land for the carrying out of any Infrastructure works either by agreement or compulsorily under the powers conferred by section 13 of the Town Planning Act.

## 6.16.5.11 Arbitration

Subject to clause 6.16.5.9.6, any dispute between any Owner and the local government in connection with the Cost Contribution required to be made by an Owner under clause 6.16.5 is to be resolved by arbitration in accordance with the Commercial Arbitration Act 1985.

## 6. Inserting a new Clause 6.16 Division 14—Structure Plans into the Scheme Text as follows—

## 6.17 DIVISION 14—STRUCTURE PLANS

## 6.17.1 Interpretation

In clause 6.17, unless the context otherwise requires—

‘Proponent’ means any owner or owners of land to which the Proposed Structure Plan relates that has or have submitted that Proposed Structure Plan;

‘Proposed Structure Plan’ means a structure plan, which may apply to either a local area or a district, that has been prepared in accordance with clause 6.17.3; and

‘Structure Plan’ means a Proposed Structure Plan that has been approved by both the Commission and adopted by the local government under clause 6.17.4.15.

## 6.17.2 Requirement for Structure Plans

6.17.2.1 Within the Development Zone or a Development Area, or the relevant portion of the Zone or Area, unless there is an adopted Structure Plan the local government is not to—

- (a) Consider recommending subdivision; or
- (b) approve an application for Planning Approval.

6.17.2.2 Notwithstanding clause 6.17.2.1, the local government may consider an application in respect of a development, use or subdivision proposal before a Structure Plan has been prepared and / or adopted, provided that the local government in addition to any other matters required by this Scheme to be considered, have regard to the following considerations—

- (a) the desirability from a planning point of view of having a Structure Plan in place before development, use or subdivision occurs; and
- (b) whether the owner’s liability for the proportion of land or development can be fulfilled pursuant to clause 6.16.5.5
- (c) the interests of orderly and proper planning, and preservation of the amenities of the locality in the short, medium and long term.

## 6.17.3 Preparation of Structure Plans

6.17.3.1 A Structure Plan may include plans and other documents.

6.17.3.2 A Structure Plan may, with the agreement of the local government, be prepared and implemented in stages.

6.17.3.3 A Structure Plan may relate to only part of a Development Area or the Development Zone.

6.17.3.4 A Structure Plan is to contain such detail as, in the opinion of the local government, is required to satisfy the planning requirements of the Development Area or the Development Zone, and, without limiting the generality of the foregoing, may include the following details—

- (a) the area to which the Structure Plan applies;
- (b) the main physical natural features of the area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and public transport, and services;
- (c) the planning context, including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the proposed Structure Plan is to be integrated into the surrounding area;
- (d) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;
- (e) the proposed indicative lot pattern and general location of any major buildings;
- (f) residential densities;
- (g) location of industrial and business areas;
- (h) estimates of future lots, dwellings, population, and retail floor space;
- (i) provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;
- (j) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;
- (k) the timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions;

- (l) provision of emergency services including police, ambulance and fire services;
- (m) developer/proponent contributions towards the provision of infrastructure (including roads, drainage reserves, public open space and community purpose sites);
- (n) details as appropriate relating to—
  - (i) vehicular access and parking;
  - (ii) the location, orientation and design of buildings and the space between buildings;
  - (iii) conservation areas;
  - (iv) heritage places; and
  - (v) special development control provisions; and
- (p) such other information as may be required by the local government.

6.17.3.5 In considering a Proposed Structure Plan for part of a Development Area or the Development Zone, the local government may require the Proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the Development Area or the Development Zone, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be integrated and provide information on the arrangements for implementation.

#### 6.17.4 Adoption and Approval of Structure Plans

6.17.4.1 A Proposed Structure Plan may be prepared by a Proponent or the local government. Where prepared by a Proponent, the Proposed Structure Plan is to be submitted to the local government.

6.17.4.2 Upon receiving a Proposed Structure Plan, the local government is to either—

- (a) determine that the Proposed Structure Plan is satisfactory for advertising;
- (b) determine that the Proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken; or
- (c) determine that the Proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.

6.17.4.3 If within 60 days of receiving a Proposed Structure Plan for approval for advertising, or such longer period as may be agreed in writing between the Proponent and the local government, the local government has not made one of the determinations referred to in clause 6.17.4.2, the local government is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

6.17.4.4 (a) Where the Proponent is aggrieved by a determination of the local government under clause 6.17.4.2(b) or (c) or clause 6.17.4.3, the Proponent may request the local government by notice in writing to forward the Proposed Structure Plan to the Commission.

(b) Within 21 days of receiving a notice from the Proponent under clause 6.17.4.4(a), the local government is to forward to the Commission—

- (i) a copy of the Proposed Structure Plan;
- (ii) details of the local government's determination including any modifications to the Proposed Structure Plan required by the local government; and
- (iii) any other information the local government considers may be relevant to the Commission's consideration of approval of the Proposed Structure Plan for advertising.

(c) Upon receiving a Proposed Structure Plan in accordance with clause 6.17.4.4(b), the Commission is to make one of the determinations referred to in clause 6.17.4.2 and advise the local government and the Proponent accordingly.

(d) If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the local government prior to making its determination under clause 6.17.4.4(c).

(e) If within 60 days of receiving a Proposed Structure Plan under clause 6.17.4.4(b), or such longer period as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 6.17.4.2, the Commission is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

6.17.4.5 Where the local government, or the Commission under clause 6.17.4.4, has determined that the Proposed Structure Plan is satisfactory for advertising, the local government is to—

- (a) advertise, or require the Proponent to advertise, the Proposed Structure Plan for public inspection by one or more of the methods of advertising proposals for development as set out in clause 2.3 of the Scheme; and

- (b) give notice or require the Proponent to give notice in writing to—
    - (i) all landowners affected by the Proposed Structure Plan; and
    - (ii) such public authorities and other persons as the local government nominates, and such advertisement and notice are to explain the scope and purpose of the Proposed Structure Plan, when and where it may be inspected, and invite submissions to the local government by a specified date being at least 21 days from the date of the notice and advertisement.
- 6.17.4.6 Within 7 days of determining that a Proposed Structure Plan is satisfactory for advertising, the local government is to forward a copy of the Proposed Structure Plan to the Commission.
- 6.17.4.7 The local government is to consider all submissions received and within 60 days of the latest date specified in the notice under clause 6.17.4.5 is to either—
  - (a) adopt the Proposed Structure Plan with or without modifications; or
  - (b) refuse to adopt the Proposed Structure Plan and give reasons for this to the Proponent.
- 6.17.4.8 If within the 60 day period, or such further time as may be agreed in writing between the Proponent and the local government, the local government has not made one of the determinations referred to in clause 6.17.4.7, the local government is deemed to have refused to adopt the Proposed Structure Plan.
- 6.17.4.9 Within 21 days of the local government making its determination under clause 6.17.4.7, or deemed refusal under clause 6.17.4.8, the local government is to forward to the Commission—
  - (a) a summary of all submissions and comments received by the local government in respect of the Proposed Structure Plan, and the local government's decisions or comments in relation to these;
  - (b) the local government's recommendation to the Commission to approve, modify or refuse to approve the Proposed Structure Plan; and
  - (c) any other information the local government considers may be relevant to the Commission's consideration of the Proposed Structure Plan.
- 6.17.4.10 The Commission is to either—
  - (a) approve the Proposed Structure Plan with or without modifications; or
  - (b) refuse to approve the Proposed Structure Plan and give reasons for its decision to the Proponent and the local government.
- 6.17.4.11 If within 60 days of receiving the information referred to in clause 6.17.4.9, or such further time as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 6.17.4.10, the Commission is deemed to have refused to approve the Proposed Structure Plan.
- 6.17.4.12 If the Commission approves the Proposed Structure Plan, it is to notify the local government and the Proponent of its decision within 14 days of the date of the Commission's decision.
- 6.17.4.13 If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the local government prior to approving the Proposed Structure Plan under clause 6.17.4.10.
- 6.17.4.14 If the local government, following consultation with the Commission, is of the opinion that any modification to the Proposed Structure Plan is substantial, the local government may—
  - (a) readvertise the Proposed Structure Plan; or
  - (b) require the Proponent to readvertise the Proposed Structure Plan and, thereafter, the procedures set out in clause 6.17.4.5 onwards are to apply.
- 6.17.4.15 As soon as practicable after receiving notice of the approval of the Proposed Structure Plan by the Commission, the local government is to adopt the Proposed Structure Plan and forward a copy of the Structure Plan to—
  - (a) the Proponent;
  - (b) the Commission; and
  - (c) any other appropriate person or public authority which the local government thinks fit.
- 6.17.4.16 A Structure Plan 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.
- 6.17.5 Change or Departure from Structure Plan
  - 6.17.5.1 The local government may adopt a minor change to or departure from a Structure Plan if, in the opinion of the local government, the change or departure does not materially alter the intent of the Structure Plan.

- 6.17.5.2 (a) The local government is to forward a copy of the minor change or departure to the Commission within 10 days from the date of adopting the minor change or departure.
- (b) If the Commission considers that the change or departure adopted by the local government under clause 6.17.5.1 materially alters the intent of the Structure Plan, then the Commission—
- (i) may require the local government to follow the procedures set out in clause 6.17.4 in relation to the change or departure; and
  - (ii) is to notify the local government of this requirement within 10 days.
- 6.17.5.3 Any change to or departure from a Structure Plan that is not within clause 6.17.4.1 is to follow the procedures set out in clause 6.17.4.

#### 6.17.6 Detailed Area Plans

- 6.17.6.1 (a) (i) The local government or the Commission may, by notice in writing, require a person to prepare and submit to the local government a detailed area plan within the time specified in the notice.
- (ii) A person may prepare and submit to the local government a detailed area plan.
- (b) A detailed area plan is to relate to a particular lot or lots and may be prepared and submitted—
- (i) to enhance, elaborate or expand on the details or provisions contained in a Proposed Structure Plan or a Structure Plan;
  - (ii) in place of a development approval required to comply with clause 2.5 of the Residential Design Codes; or
  - (iii) for any other planning purpose.
- (c) The local government is to—
- (i) approve with or without conditions; or
  - (ii) refuse to approve the detailed area plan.
- (d) If within 60 days of receiving a detailed area plan under clause 6.17.6.1(a), or such longer period as may be agreed in writing between the person and the local government, the local government has not made one of the determinations referred to in clause 6.17.6.1(c), the local government is deemed to have refused to approve the detailed area plan.
- (e) The local government is to forward a copy of the detailed area plan to the Commission within 10 days of approving the detailed area plan.
- (f) The local government's refusal to approve a detailed area plan under clause 6.17.6 is not a valid reason for the local government to refuse to adopt or the Commission to refuse to approve a Proposed Structure Plan under clause 6.17.4.
- 6.17.6.2 Unless clause 6.17.6.1(b)(ii) applies, once approved by the local government, the detailed area plan is to be used as the basis for—
- (a) making recommendations to the Commission on subdivision applications; and
  - (b) determining development applications with respect to the land subject to the detailed area plan.
- 6.17.6.3 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.
- 6.17.6.4 (a) An approved detailed area plan may be modified or varied with the approval of the local government, but where there is a related Structure Plan, such modifications or variations are to conform with the intent of any related Structure Plan.
- (b) The local government is to forward a copy of the modification or variation to the detailed area plan to the Commission within 10 days of approving the modification or variation.

#### 6.17.7 Operation of Structure Plan

- 6.17.7.1 A Structure Plan commences operation on the date it is adopted by the local government pursuant to clause 6.17.4.15.
- 6.17.7.2 Notwithstanding clause 6.17.7.6, and without limiting the provisions of clause 6.16.1.2 or the extent of provisions which may be included for a Special Control Area in Schedule 4, a Structure Plan may—
- (a) Impose a classification on the land included in it by reference to reserves, zones or the Residential Design Codes.
  - (b) Identify precincts or otherwise place a designation on any land as an alternative, or in addition to classifying the land in accordance with the preceding paragraph; and
  - (c) Indicate the permissibility of land uses within any part or all of the land in the Structure Plan,
- and where the Structure Plan includes any such matter it shall have effect according to its tenor as if it were part of the Scheme, unless the provisions of the Fourth Schedule relating to the Special Control Area are to the contrary.
- 6.17.7.3 Subject to clause 6.17.7.6, if a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Design Codes then—
- (a) 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; and
  - (b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Development Area or the Development Zone.
- 6.17.7.4 Without limiting the generality of clause 6.17.7.3, under a Structure Plan—
- (a) in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;
  - (b) the standards and requirements applicable to the zones and R Codings under the Scheme apply to the areas having corresponding designations under the Structure Plan;
  - (c) the planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme;
  - (d) where land is classified as a local reservation, the rights, provisions and procedures, and the obligations of the local government in regard to compensation set out in clause 8.4 applies as if the land were correspondingly reserved under the Scheme; and
  - (e) any other provision, standard or requirement in the Structure Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.
- 6.17.7.5 A Structure Plan may distinguish between the provisions, requirements or standards which are intended to have effect as if included in the Scheme, and any provisions, requirements, or standards which are only for guidance or such other purposes as stipulated in the Structure Plan.
- 6.17.7.6 If a provision of a Structure Plan which imposes a classification on the land included in it by reference to reserves, zones or Residential Design Codes is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency.

#### 6.17.8 Appeal

- 6.17.8.1 The Proponent may appeal, in accordance with Part 14 of the Planning and Development Act (2005), any—
- (a) determination or decision made by the Commission;
  - (b) requirement imposed by or modification sought by the Commission; or
  - (c) determinations deemed to have been made by the Commission under clauses 6.17.4.4 or 6.17.4.11 in the exercise of the Commission's powers under clause 6.17.
- 6.17.8.2 The Proponent may appeal, in accordance with Part 14 of the Planning and Development Act (2005), any decision made by the local government under clause 6.17.5.1.
- 6.17.8.3 A person who has submitted a detailed area plan under clause 6.17.6 may appeal, in accordance with Part 14 of the Planning and Development Act (2005), any decision made by the local government under clauses 6.17.6.1 or 6.17.6.4.

7. Renumbering (including all associated provisions) existing Clauses 6.17 and 6.18 to 6.18 and 6.19 respectively.

8. Inserting the new Development Zone into the legend of the Scheme Map between the Residential and Special Residential Zones as follows—

 DEVELOPMENT

9. Deleting Special Provisions 2-5 of Development Areas 1—Bertram and 2—Wellard Village contained in Schedule IV of the Scheme Text and renumbering remaining Special Provisions accordingly.

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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* relates) in respect of the estate of the undermentioned deceased persons are required to send particulars of their claims to the Executor, care of Downings Legal, Level 11, Quayside on Mill, 2 Mill Sreet, Perth WA 6000 (Ref: JMC: 20071134/20071207) within ONE (1) month of the date of publication hereof after which date the Executor may convey or distribute the assets having regard to the claims of which the Executor then has notice.

Foley, Gerald Thomas late of Parkview Nursing Home, 6 Drummond Street, Redcliffe, Western Australia, Retired Primary School Teacher, died 17 October 2007.

Lodder, Vere Crampton Metcalfe late of 27 Maynard Way, Karrinyup, Western Australia, Group General Manager, died 10 October 2007.

Dated 14 January 2008.

DOWNINGS LEGAL.  
as solicitors for the Executor.

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### 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—

Peter Jujnovich deceased late of 1 Memorial Avenue, Baskerville, Western Australia, who died on 8 February 2001.

William James Rowden deceased late of Adventist Residential Care, 31 Webb Street, Rossmoyne, Western Australia, who died on 24 October 2007.

Dated this 18th day of January 2008.

JACKSON McDONALD.

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## PUBLIC NOTICES

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ZZ401\*

### DISPOSAL OF UNCOLLECTED GOODS

#### To whom it may Concern

S & G Gearbox advise that the Holden 1 Ton Ute left at our premises for repairs April 2007 will be sold to recover outstanding costs of repairs, storage and fees unless full payment is received within 28 days from 25th January 2008. Phone 08 9356 9988.