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# — PART 1 —

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## CONSUMER AND EMPLOYMENT PROTECTION

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CE301\*

Petroleum Products Pricing Act 1983

### **Petroleum Products Pricing Amendment Regulations 2008**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Petroleum Products Pricing 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 *Petroleum Products Pricing Regulations 2000*.

**4. Regulation 3A amended**

Regulation 3A(1)(b)(ii) is amended by deleting “fuelwatch@mft.wa.gov.au” and inserting instead —

“ fuelwatch@docep.wa.gov.au ”.

**5. Regulation 4 amended**

Regulation 4(2) is amended in the definition of “Perth metropolitan region” by deleting “the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*,” and inserting instead —

“ the *Planning and Development Act 2005* Schedule 3; ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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**JUSTICE**

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JU301\*

Supreme Court Act 1935  
Corporations (Ancillary Provisions) Act 2001  
Corporations Act 2001 (Commonwealth)

**Supreme Court (Corporations) (WA)  
Amendment Rules 2008**

Made by the Judges of the Supreme Court.

**1. Citation**

These rules are the *Supreme Court (Corporations) (WA) Amendment Rules 2008*.

**2. Commencement**

These rules come into operation as follows:

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

**3. The rules amended**

The amendments in these rules are to the *Supreme Court (Corporations) (WA) Rules 2004*.

**4. Rule 1.5 amended**

Rule 1.5(1) is amended by deleting the definition of “Commission”.

**5. Rule 2.8 amended**

The Table to rule 2.8(3) is amended in item 2 by deleting “of a compulsory” and inserting instead —

“ or termination of a ”.

**6. Rule 2.15 amended**

Rule 2.15 is amended by deleting “5.6.12” and inserting instead —

“ 5.6.11 ”.

**7. Rule 9.1 amended**

- (1) The note to rule 9.1(1) is deleted and the following notes are inserted instead —

“

Note 1: Under the Corporations Act s. 425(2)(b), the Court may exercise its power to make an order fixing the remuneration of a receiver appointed under an instrument even if the receiver has died, or has ceased to act, before the making of the order or the application for the order.

Note 2: The amendment to the Corporations Act s. 425 made by the *Corporations Amendment (Insolvency) Act 2007* of the Commonwealth applies in relation to a receiver appointed on or after 31 December 2007 — see Corporations Act s. 1480(5).

”.

- (2) Rule 9.1(6) is repealed and the following subrule is inserted instead —

“

- (6) An affidavit in support of the originating process, or interlocutory process, seeking the order must —
- (a) include evidence of the matters mentioned in the Corporations Act section 425(8); and
  - (b) state the nature of the work performed or likely to be performed by the receiver; and
  - (c) state the amount of remuneration claimed; and
  - (d) include a summary of the receipts taken and payments made by the receiver; and
  - (e) state particulars of any objection of which the receiver has received notice; and
  - (f) if the receivership is continuing, give details of any matters delaying the completion of the receivership.

”.

**8. Rule 9.2 repealed and rules 9.2 and 9.2A inserted**

Rule 9.2 is repealed and the following rules are inserted instead —

“

**9.2. Determination by Court of remuneration of administrator (Corporations Act s. 449E(1)(c) and (1A)(c)) — Form 16**

- (1) This rule applies to an application by the administrator of a company under administration, or of a deed of company arrangement, for an order under the Corporations Act section 449E(1)(c) or (1A)(c) determining the administrator's remuneration.
- (2) At least 21 days before filing an originating process, or interlocutory process, seeking the order, the administrator must serve a notice in accordance with Form 16 of the administrator's intention to apply for the order, and a copy of any affidavit on which the administrator intends to rely, on the following persons —
  - (a) each creditor who was present, in person or by proxy at any meeting of creditors;
  - (b) each member of any committee of creditors or committee of inspection;
  - (c) if there is no committee of creditors or committee of inspection, and no meeting of creditors has been convened and held, each of the 5 largest (measured by amount of debt) creditors of the company;
  - (d) each member of the company whose shareholding represents at least 10% of the issued capital of the company.
- (3) Within 21 days after the last service of the documents mentioned in subrule (2), any creditor or contributory may give to the administrator a notice of objection to the remuneration claimed, stating the grounds of objection.
- (4) If the administrator does not receive a notice of objection within the period mentioned in subrule (3) —
  - (a) the administrator may file an affidavit, made after the end of that period, in support of the originating process, or interlocutory process, seeking the order stating —
    - (i) the date, or dates, when the notice and affidavit required to be served under subrule (2) were served; and
    - (ii) that the administrator has not received any notice of objection to the

remuneration claimed within the period mentioned in subrule (3);

and

- (b) the administrator may endorse the originating process, or interlocutory process, with a request that the application be dealt with in the absence of the public and without any attendance by, or on behalf of, the administrator; and
  - (c) the application may be so dealt with.
- (5) If the administrator receives a notice of objection within the period mentioned in subrule (3), the administrator must serve a copy of the originating process, or interlocutory process, seeking the order on each creditor or contributory who has given a notice of objection.
- (6) An affidavit in support of the originating process, or interlocutory process, seeking the order must —
- (a) include evidence of the matters mentioned in the Corporations Act section 449E(4); and
  - (b) state the nature of the work performed or likely to be performed by the administrator; and
  - (c) state the amount of remuneration claimed; and
  - (d) include a summary of the receipts taken and payments made by the administrator; and
  - (e) state particulars of any objection of which the administrator has received notice; and
  - (f) if the administration is continuing, give details of any matters delaying the completion of the administration.

**9.2A. Review of remuneration of administrator  
(Corporations Act s. 449E(2))**

- (1) This rule applies to an application for review of the amount of the remuneration of an administrator under the Corporations Act section 449E(2).

Note: The amendment to the Corporations Act s. 449E made by the *Corporations Amendment (Insolvency) Act 2007* of the Commonwealth applies in relation to an administrator appointed on or after 31 December 2007 — see Corporations Act s. 1480(6).

- (2) The application may be made only after the remuneration has been determined under the Corporations Act section 449E(1)(a) or (b) or 449E(1A)(a) or (b).
- (3) At least 21 days before filing the originating process or the interlocutory process applying for a review, the plaintiff or applicant must serve a notice, in accordance

with Form 16A, of intention to apply for the review and a copy of any affidavit on which the plaintiff or applicant intends to rely (other than an affidavit required by subrule (9)), on the following persons —

- (a) if there is a committee of creditors or a committee of inspection, each member of the committee;
  - (b) if the remuneration of the administrator was determined by the creditors, each creditor who was present, in person or by proxy, at the meeting of creditors at which the remuneration was determined;
  - (c) each member of the company whose shareholding represents at least 10% of the issued capital of the company.
- (4) Within 21 days after the last service of the documents mentioned in subrule (3), any person on whom the notice has been served may serve on the plaintiff or applicant a notice —
  - (a) stating the person's intention to appear at the hearing of the applicant for review, and
  - (b) setting out the issues that the person seeks to raise before the Court.
- (5) A person mentioned in subrule (3) is entitled to be heard on the application for review, but only (unless the Court otherwise orders) if the person has served on the plaintiff or applicant a notice in accordance with subrule (4).
- (6) If the plaintiff or applicant is served with a notice in accordance with subrule (4), the plaintiff or applicant must serve a copy of the originating process or interlocutory process applying for the review on each person who has served such a notice.
- (7) The administrator must file an affidavit stating the following matters —
  - (a) the matters mentioned in the Corporations Act section 449E(4);
  - (b) the nature of the work performed or likely to be performed by the administrator;
  - (c) the amount of remuneration claimed by the administrator if that amount is different from the amount of remuneration that has been determined;
  - (d) a summary of the receipts taken and payments made by the administrator;



- (e) particulars of any objection to the remuneration as determined, of which the administrator has received notice;
  - (f) if the administration is continuing — details of any matters delaying the completion of the administration.
- (8) The affidavit mentioned in subrule (7) must annex a copy of the report that the administrator was required to prepare before remuneration was determined.
- (9) The plaintiff or applicant must —
- (a) file an affidavit stating whether any notice or notices under subrule (4) has or have been served; and
  - (b) annex or exhibit to the affidavit a copy of any such notice.

”.

**9. Rule 9.3 amended**

- (1) Rule 9.3(3)(b) is deleted and the following paragraph is inserted instead —

“

- (b) each member of any committee of inspection or, if there is no committee of inspection, each of the 5 largest (measured by amount of debt) creditors of the company;

”.

- (2) Rule 9.3(7)(a) is amended by deleting “carried out” and inserting instead —

“ performed or likely to be performed ”.

- (3) Rule 9.3(7)(c) is amended by deleting “for the period for which remuneration is claimed”.

- (4) After rule 9.3(7) the following subrule is inserted —

“

- (8) The affidavit must also provide evidence of the matters mentioned in the Corporations Act section 473(10) —
- (a) to the extent that they may be relevant to a provisional liquidator; and
  - (b) as if references in that subsection to “liquidator” were references to “provisional liquidator”.

”.

**10. Rule 9.4 amended**

- (1) Rule 9.4(1) is amended by deleting “section 473(3)” and inserting instead —

“ section 473(3)(b)(ii) ”.

- (2) After rule 9.4(1) the following note is inserted —

“

Note: The amendment to the Corporations Act s. 473 made by the *Corporations Amendment (Insolvency) Act 2007* of the Commonwealth applies in relation to a liquidator appointed on or after 31 December 2007 — see Corporations Act s. 1480(7).

”.

- (3) Rule 9.4(3)(a) is amended by deleting “the meeting of creditors;” and inserting instead —

“

any meeting of creditors at which the remuneration of the liquidator was considered;

”.

- (4) Rule 9.4(3)(b) is amended by deleting “creditors;” and inserting instead —

“ inspection; ”.

- (5) Rule 9.4(3)(c) is deleted and the following paragraphs are inserted instead —

“

(c) if there is no committee of inspection, and no meeting of creditors has been convened and held, each of the 5 largest (measured by amount of debt) creditors of the company;

(d) each member of the company whose shareholding represents at least 10% of the issued capital of the company.

”.

- (6) Rule 9.4(7) is repealed and the following subrule is inserted instead —

“

(7) An affidavit in support of the interlocutory process seeking the order must —

(a) include evidence of the matters mentioned in the Corporations Act section 473(10); and

(b) state the nature of the work performed or likely to be performed by the liquidator; and

(c) state the amount of remuneration claimed; and

(d) include a summary of the receipts taken and payments made by the liquidator; and

(e) state particulars of any objection of which the liquidator has received notice; and

(f) if the winding up is continuing, give details of any matters delaying the completion of the winding up.

”.

**11. Rule 9.4A inserted**

After rule 9.4 the following rule is inserted —

“

**9.4A. Review of remuneration of liquidator (Corporations Act s. 473(5) and (6) and s. 504(1))**

- (1) This rule applies to an application for review of the amount of the remuneration of a liquidator under the Corporations Act section 473(5) or (6) or 504(1).

Note: The amendment to the Corporations Act s. 504 made by the *Corporations Amendment (Insolvency) Act 2007* of the Commonwealth applies in relation to a liquidator appointed on or after 31 December 2007 — see Corporations Act s. 1480(7).

- (2) The application may only be made after remuneration has been determined under section 473(3)(a) or (b)(i), or fixed under section 495(1) or 499(3), of the Corporations Act.
- (3) At least 21 days before filing the originating process or interlocutory process applying for a review, the plaintiff or applicant must serve a notice, in accordance with Form 16A, of intention to apply for the review and a copy of any affidavit on which the plaintiff or applicant intends to rely (other than an affidavit required by subrule (9)), on the following persons —
- (a) if there is a committee of inspection — each member of the committee;
  - (b) if the remuneration of the liquidator was determined or fixed by the creditors — each creditor who was present, in person or by proxy, at the meeting of creditors at which the remuneration was determined or fixed;
  - (c) each member of the company whose shareholding represents at least 10% of the issued capital of the company.
- (4) Within 21 days after the last service of the documents mentioned in subrule (3), any person on whom the notice has been served may serve on the plaintiff or applicant a notice —
- (a) stating the person's intention to appear at the hearing of the application for review; and
  - (b) setting out the issues that the person seeks to raise before the Court.
- (5) A person mentioned in subrule (3) is entitled to be heard on the application for review, but only (unless the Court otherwise orders) if the person has served on the plaintiff or applicant a notice in accordance with subrule (4).

- (6) If the plaintiff or applicant is served with a notice in accordance with subrule (4), the plaintiff or applicant must serve a copy of the originating process or interlocutory process applying for the review on each person who has served such a notice.
- (7) The liquidator must file an affidavit stating the following matters —
- (a) for an application under the Corporations Act section 473(5) or (6) — the matters mentioned in the Corporations Act section 473(10);
  - (b) for an application under the Corporations Act section 504(1) — the matters mentioned in the Corporations Act section 504(2);
  - (c) the nature of the work performed or likely to be performed by the liquidator;
  - (d) the amount of remuneration claimed by the liquidator if the amount is different from the amount of remuneration that has been determined or fixed;
  - (e) a summary of the receipts taken and payments made by the liquidator;
  - (f) particulars of any objection to the remuneration as determined or fixed of which the liquidator has received notice;
  - (g) if the winding up is continuing — details of any matters delaying the completion of the winding up.
- (8) The affidavit under subrule (7) must annex a copy of the report that the liquidator was required to prepare before remuneration was determined or fixed.

Note: For the requirement to prepare a report, see Corporations Act s. 473(11), 473(12), 495(5), 499(6) and 499(7).

- (9) The plaintiff or applicant must —
- (a) file an affidavit stating whether any notice or notices under subrule (4) has or have been served; and
  - (b) annex or exhibit to the affidavit a copy of any such notice.

”.

## 12. Rule 9.5 amended

- (1) Rule 9.5(3)(b) and “and” after it are deleted and the following is inserted instead —

“

- (b) each member of any committee of creditors or committee of inspection or, if there is no committee of creditors or committee of

inspection, each of the 5 largest (measured by amount of debt) creditors of the company; and

- ”.
- (2) Rule 9.5(7)(a) is amended by deleting “carried out” and inserting instead —
- “ performed or likely to be performed ”.
- (3) Rule 9.5(7)(c) is amended by deleting “for the period for which remuneration is claimed”.

**13. Part 11A inserted**

After Part 11 the following Part is inserted —

“

**Part 11A — Warrants (Corporations Act s. 486B and Part 5.4B Division 3 Subdivision B)**

**11A.1. Arrest of person (Corporations Act s. 486B) — Form 17A**

- (1) An application for the issue of a warrant under the Corporations Act section 486B(1) for the arrest of a person must state the grounds for the issue of the warrant.
- (2) The application must be accompanied by an affidavit stating the facts in support of the application.
- (3) The warrant must be in accordance with Form 17A.
- (4) If a person is arrested under the warrant, the person who carried out the arrest must immediately give notice of the arrest to the Principal Registrar.

Note: The Corporations Act s. 489A to 489E, inserted by the *Corporations Amendment (Insolvency) Act 2007* of the Commonwealth, apply in relation to a warrant issued on or after 31 December 2007 — see Corporations Act s. 1481(3).

”.

**14. Schedule 1 amended**

- (1) Schedule 1 Form 8 is amended as follows:
- (a) by inserting after the paragraph beginning with “I am not aware” the following —

“

EITHER

I am not aware of any relevant relationship mentioned in section 60(2) of the *Corporations Act 2001* of the Commonwealth.

OR

I have, or have had within the preceding 24 months, the following relevant relationships mentioned in section 60(2) of the *Corporations Act 2001* of the Commonwealth.

[Set out all relevant relationships.]

”;

(b) by inserting after the paragraph beginning with “The hourly rates” the following —

“

Note: The requirement to disclose hourly rates should not be taken to imply that remuneration on an hourly basis is the most desirable or appropriate arrangement in every case. The Corporations Act acknowledges that another method of calculating remuneration may be appropriate (see, for example, s. 473(2) and (3)).

”

(2) Schedule 1 is amended by inserting after Form 16 the following form —

“

**Form 16A**

rules 9.2A, 9.4A

**Notice of intention to apply for review of remuneration**

IN THE MATTER OF [*company name*]

ACN or ABN: [*ACN or ABN of company to which proceeding relates*]

TO: [*name and address of person to whom notice is given*]

TAKE NOTICE that, not less than 21 days after this notice is served on you, I, [*name and address of proposed plaintiff or applicant*], the \*[\*administrator/\*liquidator of the above company,] intend to apply to the Court to review \*the remuneration of/\*my remuneration as the \*administrator/\*liquidator of the company.

The amount of the remuneration that has been determined or fixed is [*state the amount*]. The remuneration was determined or fixed by [*state who determined or fixed the remuneration*] on [*state the date when the remuneration was determined or fixed*].

I intend to apply for an order to \*confirm/\*increase/\*reduce the remuneration.

[*Set out the grounds upon which an order or orders will be sought. If an order to increase or reduce the remuneration is sought, set out the amount by which the remuneration is sought to be increased or reduced.*]

If you wish to appear at the hearing of the application, in order to raise any issues before the Court, you must, within 21 days after being served with this notice, serve on me a notice under rule \*9.2A(4)/ \*9.4A(4) of the *Supreme Court (Corporations) (WA) Rules 2004*, stating your intention to appear at the hearing and setting out the issues that you seek to raise before the Court.

Date:

.....  
*Signature of proposed plaintiff or applicant*

\* Omit if not applicable

”

- (3) Schedule 1 is amended by inserting after Form 17 the following form —

“

**Form 17A**

*Corporations Act 2001* (Cth) s. 486B and  
*Supreme Court (Corporations) (WA) Rules 2004* r. 11A.1

**Arrest warrant**

[Title]

TO: All members and special members of the Australian Federal Police and to all officers of the police force of the State or Territory in which [name of person] is found, and to the Sheriff of that State or Territory and all of that Sheriff's officers.

WHEREAS:

- \* [name of company] (the Company) is being wound up in insolvency\* or
- \* [name of company] (the Company) is being wound up by the Court\* or
- \* an application has been made for [name of company] (the Company) to be wound up\*

AND THE COURT IS SATISFIED THAT [name of person]:

- (a) is about to leave Australia in order to avoid:
  - (i) paying money to the company\* or
  - (ii) being examined about the company's affairs\* or
  - (iii) complying with an order of the Court, or some other obligation, under Chapter 5 of the *Corporations Act 2001* (Cth) in connection with the winding up\* or
- (b) has concealed or removed property of the Company in order to prevent or delay the taking of the property into the liquidator's custody or control\* or
- (c) has destroyed, concealed or removed books of the Company or is about to do so,\*

THIS WARRANT THEREFORE requires and authorises you to take [name of person] and to bring \*him/\*her before the Court at [address of court] and to keep \*him/\*her there pending the making of a further order by the Court.

THIS WARRANT ALSO requires and authorises you to seize any property or books of the company in the possession of [name of person] and to deliver them into the custody of the Registrar of the Court to be kept by that Registrar until the Court makes an order for their disposal.

Note: Section 489A of the *Corporations Act 2001* of the Commonwealth provides that if the Court issues a warrant under section 486B for a person to be arrested and brought before the Court, and the person is not in prison, then the person named in the warrant may be arrested by an officer of the police force of the State or Territory in which the person is found, or the Sheriff of that State or Territory or any of the Sheriff's officers, or a member or special member of the Australian Federal Police.

Date:

.....  
*Signed*  
 Judge/Registrar

\* *Omit if not applicable*

”.

**15. Various references to “the Commission” changed to “ASIC”**

Each provision listed in the Table to this rule is amended by deleting “the Commission” and inserting instead —

“ ASIC ”.

**Table**

<b>Provision</b>	<b>Provision</b>	<b>Provision</b>
r. 2.4(2)	r. 2.4A(3)(a)	r. 2.8(1) (2 places)
r. 2.8(2) (2 places)	r. 2.8(3)	r. 2.10(1) (2 places)
r. 2.10(2) (2 places)	r. 3.5(b)	r. 6.2(2)(a) (2 places)
r. 7.1(1)	r. 7.2(2)(a)	r. 7.5(1)(b)
r. 7.5(3)(e)	r. 7.5(3)(g)(i)	r. 7.5(3)(h)
r. 7.7(2)(c)	r. 7.7(3)	r. 7.11(2)
r. 7.11(4)	r. 11.2(1)(a)	r. 11.2(1)(b)
r. 11.3(6) (3 places)	r. 11.5(3)(b) (3 places)	r. 11.8(1)(a)
r. 11.8(2) (2 places)	r. 11.11(2) note	r. 12.1 (2 places)
r. 15.1	Sch. 1 Form 5 (2 places)	Sch. 2 item 1 (2 places)
Sch. 2 item 2		

Dated: 5 August 2008.

Judges' signatures:

W. S. MARTIN

J. R. McKECHNIE

M. J. MURRAY

C. J. L. PULLIN

N. J. OWEN

E. M. HEENAN

C. D. STEYTLER

N. JOHNSON

A. J. TEMPLEMAN

R. L. SIMMONDS

C. A. WHEELER

D. W. NEWNESS



## — PART 2 —

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### AGRICULTURE

---

AG401\*

**AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**  
DECLARED ANIMAL

Agriculture Protection Board,  
South Perth.

Acting pursuant to section 35 and 36 of the *Agriculture and Related Resources Protection Act 1976*, the Agriculture Protection Board hereby declares Red-crested Finch (*Coryphospingus cucullatus*) to be a declared animal, for the whole of the State and every part of the State, generally, that is assigned to categories A1, A2, A3 for the whole of the State.

Dated: 12 August 2008.

CHRIS RICHARDSON, Chairman.

AG402\*

**AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**  
REVOCATION

Agriculture Protection Board  
South Perth

Acting pursuant to sections 35 and 36 of the *Agriculture and Related Resources Protection Act 1976*, the Agriculture Protection Board hereby revokes all previous declarations relating to deer (family *cervidae*) and declares that—

1. Fallow deer (*Dama dama*), Red deer (*Cervus elaphus*) and Rusa deer (*Cervus timorensis*) are declared animals, for the whole State and every part of the State, generally, and are assigned to categories A4, A5, A6 for the whole of the State; and
2. all other species of deer (family *Cervidae*) are declared animals for the whole State and every part of the State, generally, and are assigned to categories A1, A2, A3 for the whole of the State.

Dated: 12 August 2008.

CHRIS RICHARDSON, Chairman.

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### CEMETERIES

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CC401\*

**CEMETERIES ACT 1986**  
*Shire of Gingin*

In accordance with Section 53 (2) of Cemeteries Act 1986 and the Shire of Gingin Cemeteries Local Law (2004), it is hereby notified that the following fees and charges are applicable to the Gingin Cemetery—

In open ground for sinking or re-opening grave	\$700.00
Issue of a grant of Exclusive Right of Burial—Ordinary land for grave 2.4m x 1.2m	\$27.50
For permission to construct a vault or headstone	\$15.00
For each interment on a Saturday, Sunday or after hours (Additional charge)	\$85.00

For removal of headstone/concrete works	\$65.00
For internment of ashes (in ground or niche wall)	\$30.00
Purchase of engraved Niche Wall Plaque	Cost

S. D. FRASER, Chief Executive Officer.

23 July 2008.

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## FIRE AND EMERGENCY SERVICES

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FE401\*

### BUSH FIRES ACT 1954

*Town of Port Hedland*

#### BUSH FIRES (SECTION 24E) NOTICE 2008

Correspondence No 00109

Fire and Emergency Services Authority

Made under Section 24E of the Act by the Chief Executive Officer of the Fire and Emergency Services Authority of Western Australia, pursuant to powers delegated and subdelegated.

#### 1. Citation

This Notice may be cited as the Bush Fires (Section 24E) Notice 2008—Town of Port Hedland.

#### 2. Permission, valid for 5 years, to burn garden refuse or rubbish in rubbish tip during restricted or prohibited burning times

(1) Permission is given for the use of fire in the open air for the purpose of destroying garden refuse or rubbish or for any like purpose.

(2) This permission has effect for the period of 5 years from the day on which this Notice is published in the *Government Gazette*.

#### 3. Land to which permission applies

This Notice only applies in respect of the Town of Port Hedland's rubbish tip situated at the end of North Circular Rd, South Hedland.

#### 4. Conditions applying during the permission—Schedule 1

During the period of the permission, the conditions specified in Schedule 1 apply to a fire which is to be lit, or which is lit, for the purpose of burning garden refuse or rubbish or for any like purpose in a rubbish tip during the restricted burning times and the prohibited burning times.

#### Schedule 1—CONDITIONS

##### SPECIFIED CONDITIONS

1. Only dry untreated wood, timber and garden refuse may be burnt under this suspension.
2. A sign notifying the public of the unauthorised lighting of fires shall be provided by the Local Government and maintained in good legible order at all times.

These signs shall be worded and display—

UNAUTHORISED  
LIGHTING OF FIRES  
IS PROHIBITED

##### Sign Specifications

Signs shall have letters in capitals, a minimum of five centimetres in height and be black on white background. Signs will be placed at the entrance to the rubbish tip and at the immediate proximity of the disposal site/s.

3. A sign directing the public to the designated disposal areas shall be provided by the Local Government and maintained in good legible order at all times.

These signs shall be worded and display—

‘DOMESTIC REFUSE ONLY. DUMP HERE’

and/or

‘GARDEN REFUSE, TIMBER & WOOD WASTE ONLY. DUMP HERE’

##### Sign Specifications

Signs shall have letters in capitals, a minimum of five centimetres in height and be black on white background. Signs will be placed at the entrance to the rubbish tip and at the immediate proximity of the disposal sites.

4. A wire mesh fence, a minimum of two metres in height, is to completely surround the rubbish tip site and is to be maintained in sound condition throughout the period of this suspension. The fence shall be constructed with an angled wing across the entrance so as to prevent wind blown materials exiting the site and the entrance shall be upwind of the annual prevailing winds. Wire mesh shall be a maximum of 100 millimetres in aperture size (ie Poultry Mesh type).

5. A firebreak with a minimum of three metres width, cleared of all inflammable material, is to be maintained around the total perimeter of the disposal site/location throughout the Prohibited and Restricted Burning Period.
6. A buffer zone (distance) of 500 metres minimum will be maintained between the disposal site and any residential development or other developed areas (eg schools, hospitals, industrial areas).
7. A separation zone of a minimum of 25 metres must be maintained between the green waste disposal site and any domestic or commercial waste
8. Before any fires are lit for refuse disposal, the following must be notified—
- Department of Environment and Conservation (DEC) District Officers, prior to any fire being lit within three kilometres of DEC managed land; and
  - FESA Fire Services Communication Centre.
9. Fires are to be lit only under the following conditions—
- the fire is lit by personnel specifically authorised to do so by the Local Government;
  - the fire is lit after a local forecast for the day has been obtained from the Bureau of Meteorology; and
  - the Chief Bush Fire Control Officer or his designated deputies have been consulted and have agreed to the burn taking place.
10. No fires are to be lit on the site subject to this suspension on a day or part of a day for which the fire danger forecast issued by the Bureau of Meteorology in respect of that locality is Very High or Extreme.
11. Burning shall take place in designated areas of the rubbish tip. The designated areas shall be cleared of all inflammable material, save live standing trees, for a radius of 50 metres minimum. The garden refuse site and domestic refuse site will be located a minimum of 50 metres from the rubbish tip boundary. Domestic and commercial waste must be kept separate from the material to be burnt.
12. Material for burning shall be arranged in trenches or windrows, as directed by the Local Government. This area shall not be sited over a site which has been previously land filled.
13. All garden, timber and wood refuse burns shall be regularly heaped and stoked throughout the duration of the burn to ensure, as far as possible, a rapid and complete burn.
14. The volume of waste to be burnt shall not exceed that which can be safely burnt and declared safe within the hours of 12 midday and 12 midnight on any one day.
15. Until the fire is declared safe, it must be attended by at least two able-bodied personnel who have had the minimum level of Bush Fire Training, as defined by FESA.
16. Throughout the duration of a burn, a fire fighting vehicle (appliance) operated by the personnel referred to in Condition 9, with a minimum water carrying capacity of 500 litres, fitted with a minimum of 30 metres of 19 millimetre diameter rubber hose and pump capable of delivering a minimum of 250 litres of water per minute at a minimum of 700 kPA through an adjustable nozzle capable of projecting water in spray and jet configurations, must be on site.
17. All burns are to be declared 'SAFE' by personnel specifically authorised to do so by the Bush Fire Control Officer for the local government district prior to fire fighting equipment and personnel being permitted to depart the area.

JO HARRISON-WARD, Chief Executive Officer.

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## LOCAL GOVERNMENT

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LG401

### LOCAL GOVERNMENT ACT 1995

*City of Melville*

#### AUTHORISED PERSON

It is hereby notified for public information that Leanne Mclean, Evette Verney and Munembo Lindunda have been appointed as an Authorised Person at Garden City Shopping Centre (as defined in the City of Melville Parking Facilities Local Laws) and as an Authorised Person for the purposes of Section 9.10, 9.13 and 9.15 of the Local Government Act 1995.

SHAYNE SILCOX, Chief Executive Officer.

**LG402****LOCAL GOVERNMENT ACT 1995***City of Melville***AUTHORISED PERSON**

It is hereby notified for public information that Jean Chikonga and Paul Chidgey have been appointed as an Authorised Person at St John of God Hospital (as defined in the City of Melville Parking Facilities Local Laws) and as an Authorised Person for the purposes of Section 9.10, 9.13 and 9.15 of the Local Government Act 1995.

SHAYNE SILCOX, Chief Executive Officer.

**LG501\*****BUSHFIRES ACT 1954***City of Armadale***NOTICE TO ALL OWNERS AND OCCUPIERS OF LAND WITHIN THE CITY OF ARMADALE**

Please Read Carefully

*All property owners are required to have mineral earth trafficable firebreaks constructed in accordance with this notice by 30 November 2008 and maintained until 14 March 2009*

Pursuant to the powers contained in Section 33 of the *Bush Fires Act 1954*, you are hereby required on or before the 30th day of November 2008 or within fourteen days of you becoming the owner or occupier of land should this be after the 30th day of November 2008 to clear firebreaks and remove flammable materials from the land owned or occupied by you as specified hereunder and to maintain the specified land and firebreaks clear of all flammable materials up to and including the 14th day of March 2009.

**DEFINITIONS**

“**FIREBREAK**” means a strip of land that has been cleared of all trees, bushes, grasses and any other object or thing or flammable material leaving clear bare mineral earth. This includes the trimming back of all overhanging trees, bushes, shrubs and any other object or thing over the fire break area.

“**FLAMMABLE**” means any bush, plant, tree, grass, mineral, vegetable, substance, object thing or material that may or is likely to catch fire and burn.

“**TRAFFICABLE**” means to be able to travel from one point to another in a 4X4 fire vehicle on a firm and stable surface, unhindered without any obstruction or getting stuck bogged or trapped.

“**VERTICAL AXIS**” means a continuous vertical uninterrupted line at a right angle to the horizontal line of the firebreak

**ALL AREAS OF LAND (within the City of Armadale) LESS THAN 5000 m<sup>2</sup>**

Have the entire land clear of all flammable material by mowing, slashing or other means. All grasses are to be maintained below 5 centimetres in height and all trees, bushes, shrubs are to be trimmed back over driveways and access ways to all buildings to three (3) metres wide with a clear vertical axis over it to afford access for emergency services to all structures and points of the property

On any lot having an area of less than 5,000m<sup>2</sup>, the keeping of grass on the lot at all times covered by this notice to a height less than 5 centimetres will be accepted in lieu of clearing a firebreak.

**ALL AREAS OF LAND (within the City of Armadale) OVER 5000 m<sup>2</sup>**

Install bare mineral earth trafficable firebreaks clear of all flammable material to a minimum of three (3) metres wide immediately inside all external boundaries of the land with all overhanging branches, trees, limbs etc. to be trimmed back to four (4) metres wide with a clear vertical axis over the firebreak area. Install bare mineral earth trafficable firebreaks to a minimum of three (3) metres wide immediately surrounding all buildings, sheds and haystacks or groups of buildings situated on the land, with all overhanging branches, trees, limbs etc. to be trimmed back to three (3) metres wide with a clear vertical axis over the firebreak area. This includes driveways and access to all buildings on the land

Installation methods may vary to suit your property environment, these may include, but not limited to ploughing, cultivating, scarifying, burning, grading, chemical spraying

If the requirements of this notice are carried out by burning, such burning must be in accordance with the relevant provisions of the Bush Fires Act.

- **MOWED FIREBREAKS ARE NOT PERMITTED**

**HAZARD REDUCTION**

In addition to the provisions of this notice you may be required to carry out further works which are considered necessary by Council or an Authorised Officer of the City and specified by way of a separate written notice forwarded to the address as shown on the City of Armadale rates record for the relevant land.

**APPLICATION TO VARY FIREBREAK REQUIREMENTS**

If it is considered impracticable for any reason whatsoever to clear firebreaks or establish other arrangements as required by this notice, you may apply in writing to the Council of the City of Armadale, or its duly Authorised Officers no later than the 1st day of November 2008 for permission to provide firebreaks in alternative positions on the land. If permission is not granted by the Council or its duly Authorised Officers you must comply with the requirements of this notice.

In some instances naturally occurring features such as rocky outcrops, natural watercourses or landscaping such as reticulated gardens, lawns or driveways may be an acceptable substitute for cleared firebreaks. This option must first be discussed with an Authorised Officer of the City, and approved by the Authorised Officer in writing.

All firebreaks and other alternative arrangements allowed by the preceding parts of this notice must be established on or before the 30th day of November 2008 (or within 14 days of you becoming the owner or occupier should this occur after that date) and remain clear of flammable material up to and including the 14th day of March 2009.

- **COUNCIL DOES NOT ISSUE EXEMPTIONS TO THE FIREBREAK NOTICE**

**DOES YOUR PROPERTY HAVE A FIRE MANAGEMENT PLAN**

All properties with a Fire Management Plan approved as part of subdivision consent shall comply with the plan in its entirety.

PENALTY: \$5000

**FUEL STORAGE**

On all land where fuel drum ramps are located and where fuel dumps, whether contained fuel or not, are stored, clear maintained firebreaks three (3) metres wide with a clear vertical axis over it, around any drum, ramp or stack of drums.

**NO BURNING ON SUNDAY OR PUBLIC HOLIDAY**

Except when specifically authorised to do so for purpose of fuel reduction by a Bush Fire Control Officer (BFCO) appointed by Council under the provisions of the Bush Fires Act 1954, an owner or occupier of land shall not set fire to, or cause or allow to be set on fire, any bush, rubbish or refuse whatsoever on a Sunday or a day that is a Public Holiday.

**PENALTIES**

The penalty for failing to comply with this notice is a fine not exceeding \$5,000 and a person in default is also liable whether prosecuted or not to pay the costs of performing the work directed by this notice if it is not carried out by the owner and/or occupier by the date required by this notice.

By order of the Council.

R. S. TAME, Chief Executive Officer.

LG403\*

**HEALTH ACT 1911**

*Shire of Northam*

**FEES AND CHARGES**

At a meeting of the Shire of Northam Council, held on 2 July 2008, it was resolved that the fees and charges specified hereunder be imposed for the 2008/2009 financial year within the district of the Shire of Northam in accordance with the provisions of S106 of the Health Act 1911 for a charge of \$130 per 240L rubbish service, and in accordance with S344C of the Health Act 1911 for the following—

***All Refuse Sites***

Animal small (domestic)	\$5.50 each
Animal medium (Pig, Calf, Foal, Emu)	\$11.00 each
Animal large (Cow or Horse)	\$22.00 each
Scrap steel (including car bodies)	Free

**Inkpen Refuse Site Fees**

6 x 4 trailer or ute load domestic rubbish on production of tip pass no charge—up to approx 1m <sup>3</sup>	No charge
Domestic Rubbish without Tip Pass (ie commercial)	\$15.00 / m <sup>3</sup>
	\$20.00 minimum charge
Commercial/Industrial (from outside the Shire of Northam)	\$50.00 / m <sup>3</sup>
Unadulterated building rubble (brick, concrete, rock, soil, greenwaste)	\$10.00 / m <sup>3</sup>

Asbestos—includes digging hole and burial, rounded up to full m <sup>3</sup>	\$33.00 / m <sup>3</sup>
Passenger tyres	\$4.00
Light truck tyres	\$5.00
Truck tyres	\$10.00
Super single tyres	\$12.00
<b>Weighbridge and Old Quarry Road Refuse Site Fees</b>	
Cars, utilities, vans and trailers not exceeding 2.4m x 1.2m x 1.0 m. Northam Shire Resident/Domestic Waste only with tip pass <b>produced</b> by the person entitled to the pass	Free (Maximum of 12 disposals per year). <b>No Pass—pay as per below</b>
All commercial, residential (other than cars, utilities and trailers for Shire of Northam residents) & other Local Govts	\$40.00 per tonne \$20.00 minimum charge
Unadulterated bricks/rubble ( <i>At discretion of Gatehouse Attendant</i> )	\$20.00 per tonne \$10.00 minimum charge
Clean Green Waste (at discretion of Gatehouse Attendant)	\$20.00 per tonne \$10.00 minimum charge
Asbestos	\$80.00 per tonne \$20.00 minimum charge
Tyre Disposal—for Shire of Northam residents only (holders of tip pass)	\$4.40 per tyre
Special Burials (fibreglass, clinical, other)	\$60.00 per tonne \$20.00 minimum charge
Septage Waste Disposal	0.05c per litre

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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)

SECOND RELEASE 2008

Invitation for Applications for the Grant of Geothermal Exploration Permits

Release date: 12 AUGUST 2008

CLOSING DATE: 12 FEBRUARY 2009

Applicants are invited for the grant of geothermal exploration permits for available mainland vacant areas, within Petroleum 1:1 000 000 map sheets Rowley Shoals SE50, Cloates SF49, Hamersley Range SF50, Carnarvon SG49 and Meekatharra SG50 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, 12 February 2009. Applicants 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 blocks and part blocks landward of the mean high water mark (mainland coastline only) and does not include any coastal waters or islands and excludes Shark Bay World Heritage area.

For geothermal exploration permits, each application must identify one of the predetermined areas of approximately 80 contiguous 5' x 5' graticular blocks (as outlined on the release map). A single application may not include blocks from outside the predetermined area, however, applications for multiple areas are allowed.

Applicants will need to specify the area number reference identifying the area pertaining to their application (as outlined on the release map). Details of the area reference numbers and graticular block numbers making up each of the areas are available on the Release Area CD and from the Department's website [www.doir.wa.gov.au/4782.aspx](http://www.doir.wa.gov.au/4782.aspx).

Geothermal exploration permit applications shall specify a clear and concise 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.

Critical 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, Petroleum Titles, 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 to 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

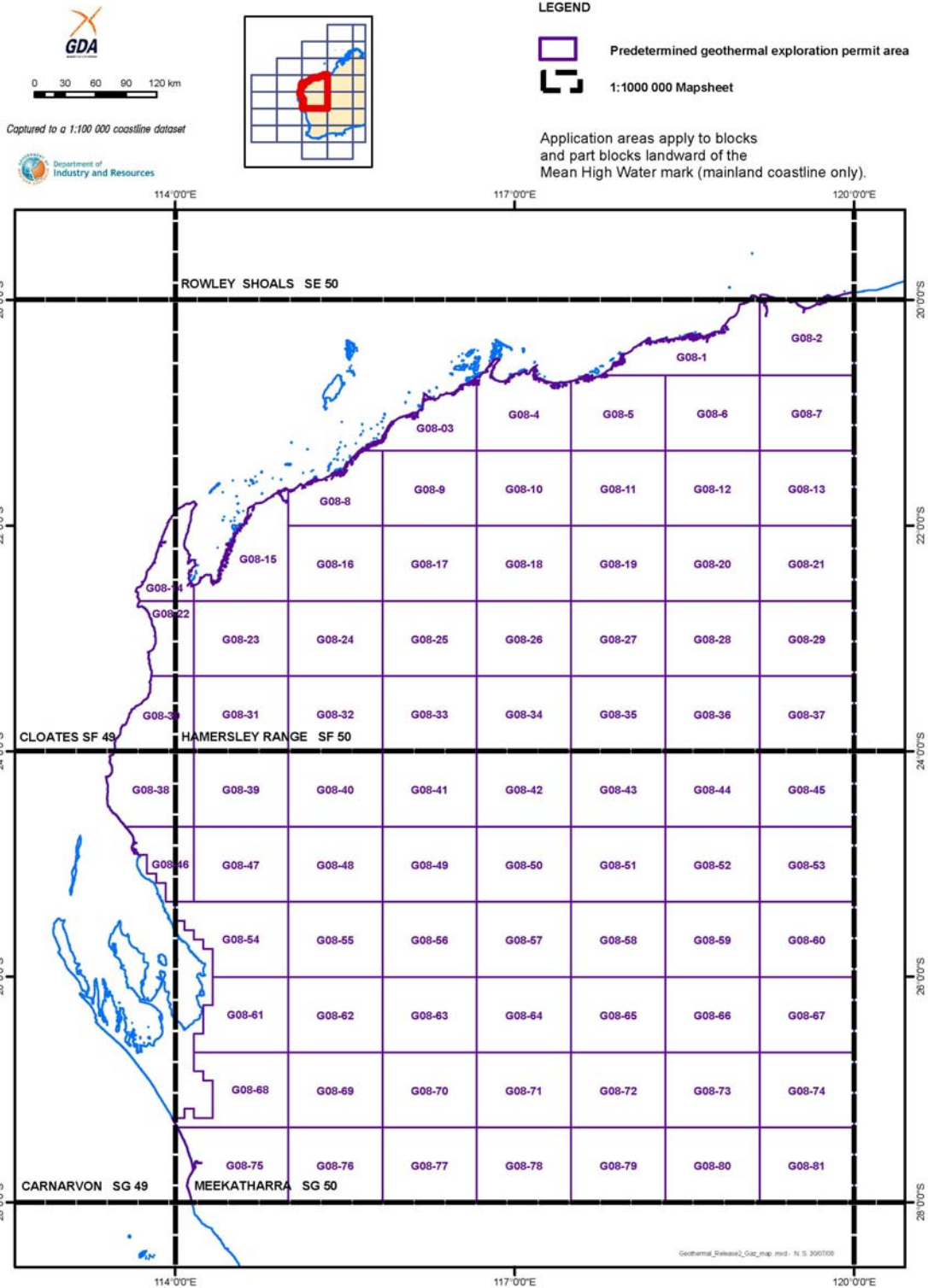
**Attention: Geothermal Applications Receiving Officer**

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.

# GEOTHERMAL RELEASE AREA 2 of 2008





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## PLANNING AND INFRASTRUCTURE

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PI401\*

**ARMADALE REDEVELOPMENT ACT 2001****ARMADALE REDEVELOPMENT SCHEME 2004—AMENDMENT NO. 14**

In accordance with section 35(3)(d) of the Act, it is hereby notified for public information that Amendment No. 14 to the Armadale Redevelopment Scheme 2004 (the Scheme) has been approved by the Minister for Planning and Infrastructure under section 35(3)(a) of the Act.

The Armadale Redevelopment Authority advises that as a result of the Minister's approval, the amended redevelopment scheme comes into operation on 12 August 2008.

Amendment 14 introduces a description of Contribution Area Redevelopment Works into the table set out in Schedule 3 of the Scheme. The incorporation of the description will give effect to Part 8 (Contribution Area Redevelopment Works) of the Scheme, in respect to indicated properties within the City Centre: West of Rail Precinct.

The purpose of the amendment is for a compulsory contribution scheme to be established over the defined development area, which can be accommodated under Part 8 of the Scheme. Relevant costs for the acquisition and administration are to be itemised and apportioned on an equitable basis to all landowners within that defined area.

A copy of Amendment No. 14 is retained and may be inspected at the offices of the Armadale Redevelopment Authority at Unit 5, 210-220 Jull Street, Armadale, between the hours of 8.30 am and 4.30 pm, Monday to Friday.

JOHN ELLIS, Executive Director.

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## DECEASED ESTATES

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ZX401

**TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

Mark Edward Harvey late of 1337 Styx River Road, Denmark, Western Australia.

Creditors and other persons having claims (to which Section 63 of the Trustees Act 1962 relates) in respect of the estate of the deceased, who died on 20 February 2008, are required by the trustee of the late Mark Edward Harvey of c/- Haynes Robinson Solicitors of 70-74 Frederick Street, Albany, Western Australia to send particulars of their claims to them within one (1) month from the date of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which it then has notice.

Dated this 7th day of August 2008.

HAYNES ROBINSON.

ZX402

**TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the Trustees Act, 1962 relates) in respect of the Estates of the undermentioned deceased persons, are required by Perpetual Trustees WA Ltd. Level 12, 123 Pitt Street, Sydney NSW, to send particulars of such claims to the Company by the undermentioned date after which date the said company may convey or distribute the assets, having regard only to the claims of which the Company then has notice.

Claims for the following estates expire one month after the date of publication hereof.

**Estate late Malcolm Barry Ivanac**

Late of 43 Murray Street Bayswater, Retired Westrail employee

DIED 27/05/2008.

**Estate late Dulcie Lorraine Ivey**

Late of 58 Canna Drive Canningvale, Shop Assistant  
DIED 02/07/2008.

**Estate late Dragosh Jakoweiczuk**

Late of 20 Newell Place, Cooloongup, Retired Welder/Boiler Maker  
DIED 13/06/2008.

ANDREA COYTE, Estate Manager.

Direct Phone (02) 9229 3411

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**ZX403****TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

In the Estate of Christian Gottfried Beidatsch late of 3 Victoria Road, Kenwick in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the Trustee's Act, 1962, relates) in respect of the estate of the deceased who died on 19 June 2007 are required by the personal representative to send particulars of their claims to him care of Clement & Co, Lawyers, Unit 2, 12 Sutton Street, Mandurah by the 17 September 2008 after which date the personal representative may convey or distribute the assets having regard to the claims of which he then has notice.

Clement & Co as solicitors for the personal representative.

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**PUBLIC NOTICES**

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**ZZ401****DISPOSAL OF UNCOLLECTED GOODS ACT 1970****DISPOSAL OF UNCOLLECTED GOODS**

We, Karass Pty Ltd t/a Welshpool Self Storage, of 122 Welshpool Road Welshpool, hereby inform Ahmed Darya, that under Part VI of the Disposal of Uncollected Goods Act, will be making application to the court to sell or otherwise dispose of your vehicle, a White Mitsubishi sedan Registration No. 1AHP075.

You may collect your vehicle from our site at 122 Welshpool Road Welshpool before the 20th August otherwise an application under s.19 of the Disposal of Uncollected Goods Act 1970 to dispose of the vehicle will be made to the court.

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**ZZ402****DISPOSAL OF UNCOLLECTED GOODS ACT 1970****INTENTION TO SELL**

We, Pace Motors of 513 Newcastle Street, West Perth wish to advise Anna Bilof, the owner of unregistered vehicle Saab 93 left at our premises for repairs on the 18.9.07, of our intention to apply to the Perth Magistrates court to sell the vehicle under the Uncollected Goods Act 1970, should the vehicle not be collected and all outstanding fees be paid in full within 1 month of this notice.

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# PERTH OBSERVATORY



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RESEARCH & EDUCATIONAL  
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## STATE LAW PUBLISHER SUBSCRIPTION RATES FOR 2009

All subscriptions are for the period from 1 January to 31 December 2009. Subject to certain limitations, refunds may be allowed if a subscription is cancelled during the year. The prices quoted include GST where applicable and postage by surface mail unless stated otherwise.

### GOVERNMENT GAZETTE

General *Government Gazettes* are published on Tuesday and Friday of each week, unless disrupted by public holidays or unforeseen circumstances.

Special *Government Gazettes* are published periodically on any day.

<b>All Gazettes</b>	\$
Within WA .....	949.75
Interstate .....	966.80

**Bound Volumes of full year** ..... 1,177.20

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### INDUSTRIAL GAZETTE

Industrial Gazette is published monthly.

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Hansard is printed and distributed weekly during parliamentary sessions.

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Within WA .....	900.80
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### **Bound Volumes of Hansard**

Within WA .....	888.25
Interstate .....	902.00

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### STATUTES

#### **Bound Statutes**

Bound volumes are posted during March of the following year.

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Half Calf Bound Statutes .....	886.05

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	\$
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Bills are posted weekly as they become available.

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## CLAIMS FOR MISSING SUBSCRIPTION ITEMS

For a claim to be recognised as valid, written notification must be lodged at State Law Publisher, 10 William Street, Perth 6000 within 28 days of publication of the missing item.

Claims lodged after this period will not be recognised and will attract payment in full.

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