



**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

291



PERTH, FRIDAY, 13 FEBRUARY 2009 No. 19

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

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The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*.

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper and in some cases the Parliamentary Counsel's Certificate.
- Copy must be lodged with the Sales and Editorial Section, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

Delivery address:

State Law Publisher
Ground Floor,
10 William St. Perth, 6000
Telephone: 9321 7688 Fax: 9321 7536

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— PART 1 —

CONSUMER AND EMPLOYMENT PROTECTION

CE301*

Retail Trading Hours Act 1987

Retail Trading Hours (Tourism Precincts) Amendment Order 2009

Made by the Minister for Commerce under section 12A of the Act.

1. Citation

This order is the *Retail Trading Hours (Tourism Precincts) Amendment Order 2009*.

2. Commencement

This order comes into operation as follows —

- (a) clauses 1 and 2 — on the day on which this order is published in the *Gazette*;
- (b) the rest of the order — on the day after that day.

3. Order amended

This order amends the *Retail Trading Hours (Tourism Precincts) Order 2008*.

4. Clause 3 amended

In clause 3 in the Table row 1 column 2 delete “until 12 p.m. and from and after 6 p.m.” and insert:

until 11 a.m. and from and
after 5 p.m.

TROY BUSWELL, Minister for Commerce.

CE302*

Trade Measurement Act 2006

Trade Measurement Amendment Regulations 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Trade Measurement Amendment Regulations 2009*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Trade Measurement Regulations 2007*.

4. Regulation 77A amended

In regulation 77A(1) in the definition of *standard wine package* paragraph (a) after “500 mL,” insert:

750 mL,

By Command of the Governor,

PETER F. CONRAN, Clerk of the Executive Council.

CE303*

Trade Measurement Act 2006

Trade Measurement Amendment Regulations (No. 2) 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Trade Measurement Amendment Regulations (No. 2) 2009*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Trade Measurement Regulations 2007*.

4. Regulation 102 replaced

Delete regulation 102 and insert:

102. Measuring mass of frozen fish

(1) In this regulation —

fish means all or part of, or any number of, or any combination of, any cold-blooded aquatic vertebrate or invertebrate, including shellfish but not an amphibian or a reptile;

frozen means kept in storage at a maximum temperature of 0°C;

International Standard means a standard made or published by the International Organisation for Standardisation, Geneva;

sieve, for measuring fish from a package, means a circular wirecloth sieve —

- (a) with a diameter of —
 - (i) if the measurement marking on the package is not more than 500 g — 200 mm; or
 - (ii) if the measurement marking on the package is more than 500 g — 300 mm;

and

- (b) with a mesh aperture size of 2.36 mm; and
- (c) that complies with the requirements for wirecloth sieves in —
 - (i) Australian Standard AS 1152 — 1993: Specification for test sieves, published by Standards Australia; or
 - (ii) International Standard ISO 3310 — 1:2000 (E): Test sieves — Technical requirements and testing.
- (2) This regulation applies to pre-packed frozen fish that has surface ice on any part of the fish.
- (3) For the purposes of the Act, the mass of pre-packed frozen fish in a package must be measured using the following steps —
 - (a) measure and record the mass of a sieve;
 - (b) immediately after removing the package from cold storage, remove the fish from the package and —
 - (i) if the fish does not exceed the capacity of the sieve — complete the steps mentioned in subregulation (4); or
 - (ii) if the fish exceeds the capacity of the sieve — complete the steps mentioned in subregulation (5).
- (4) If the fish does not exceed the capacity of the sieve —
 - (a) put the fish in the sieve and put the sieve containing the fish in a water bath containing an amount of water at least 8 times the volume of the fish at a temperature of $25^{\circ}\text{C} \pm 5^{\circ}\text{C}$; and
 - (b) keep the fish immersed in the water bath until the surface ice has been removed from the fish; and
 - (c) remove the sieve containing the fish from the water bath; and
 - (d) keep the sieve at an angle of about 20° from the horizontal for at least 2 minutes but not more than 2 minutes 15 seconds to allow water to drain from the fish; and
 - (e) if practicable, remove excess water from the fish by using a cloth or a paper towel; and
 - (f) measure and record the combined mass of the sieve and the fish; and
 - (g) deduct the recorded mass of the sieve from the recorded combined mass of the sieve and the fish to find the mass of the fish.

- (5) If the fish exceeds the capacity of the sieve —
- (a) divide the fish into lots that do not exceed the capacity of the sieve in any way that is convenient for complying with this subregulation; and
 - (b) for fish in a lot that has surface ice on it — complete the steps mentioned in subregulation (4)(a) to (g); and
 - (c) for fish in a lot that does not have surface ice on it — directly measure and record the mass of the fish; and
 - (d) add together the mass of fish recorded under paragraphs (b) and (c) to find the mass of the fish.
- (6) The mass of the fish is —
- (a) if the fish does not exceed the capacity of the sieve — the mass of the fish as worked out under subregulation (4)(g); or
 - (b) if the fish exceeds the capacity of the sieve — the mass of the fish as worked out under subregulation (5)(d).

By Command of the Governor,

PETER F. CONRAN, Clerk of the Executive Council.

FISHERIES

FI301*

Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fish Resources Management Amendment Regulations 2009*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Fish Resources Management Regulations 1995*.

4. Regulation 11 amended

- (1) In regulation 11(4)(b) delete “length” and insert:

length, within the meaning in Schedule 2 Part 2
Division 2,

- (2) Delete regulation 11(5) and insert:

- (5) For the purposes of section 48(c) of the Act, where the fish the subject of an offence is a totally protected whaler shark other than a dusky shark, it is a defence that the fish was taken by a person acting under a managed fishery licence granted in respect of a managed fishery the management plan for which specifically allows for the taking of sharks or rays.

5. Regulation 14 amended

- (1) In regulation 14(1) in the Table insert in alphabetic order:

| | |
|--------------|--|
| whaler shark | brought onto land in the West Coast Region or the South Coast Region |
|--------------|--|

- (2) In regulation 14(3):

- (a) in paragraph (b)(ii) delete “overnight.” and insert:

overnight;

- (b) after paragraph (b)(ii) insert:

or

- (c) whaler shark that is a fish trunk.

6. Schedule 2 amended

In Schedule 2 Part 2 Division 2:

- (a) insert in alphabetic order:

Cod in Rowley Shoals Marine Park.

Fish of Class Anthozoa and Class Hydrozoa in Rowley Shoals Marine Park.

Molluscs, other than cuttlefish, squid and octopus, in Rowley Shoals Marine Park.

Shark, Whaler —

- (a) taken from the waters of —
- (i) the South Coast Region; or
 - (ii) the West Coast Region;
- and
- (b) with an interdorsal fin length of 70 cm or greater.

Wrasse in Rowley Shoals Marine Park.

- (b) after the last item insert:

In this Division —

interdorsal fin length means the distance between the first and second dorsal fins measured —

- (a) from —
- (i) the first dorsal fin origin; or
 - (ii) if all or part of that fin has been removed so that point of origin cannot be ascertained, the anterior end of the cut made to remove the fin or that part of the fin;
- (b) to —
- (i) the second dorsal fin insertion; or
 - (ii) if all or part of that fin has been removed so that point of insertion cannot be ascertained, the posterior end of the cut made to remove the fin or that part of the fin;

Rowley Shoals Marine Park means all waters reserved under the *Conservation and Land Management Act 1984* section 13 as Class “A” Marine Reserve No. 3, Rowley Shoals Marine Park.

7. Schedule 7 amended

- (1) In Schedule 7 Division 1 insert in alphabetic order:

Shark, Whaler Family Carcharhinidae

(2) In Schedule 7 Division 5 delete the item relating to Coral.

8. Schedule 12 amended

In Schedule 12 Part 1 after item 6 insert:

7A. Section 96 400.00

By Command of the Governor,

PETER F. CONRAN, Clerk of the Executive Council.

HEALTH

HE301*

Health Act 1911

Health (Meat Hygiene) Amendment Regulations 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Health (Meat Hygiene) Amendment Regulations 2009*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Health (Meat Hygiene) Regulations 2001*.

4. Schedule 2 amended

In Schedule 2 Part 1 after item 19 insert:

| | | | | |
|----|---------------|------|------|---|
| 20 | Waroona | 1.38 | 0.85 | — |
|----|---------------|------|------|---|

By Command of the Governor,

PETER F. CONRAN, Clerk of the Executive Council.

HE302*

Health Act 1911

Health (Meat Hygiene) Amendment Regulations (No. 2) 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Health (Meat Hygiene) Amendment Regulations (No. 2) 2009*.

2. Commencement

These regulations come into operation as follows —

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

3. Regulations amended

These regulations amend the *Health (Meat Hygiene) Regulations 2001*.

4. Schedule 2 amended

In Schedule 2 Part 1 delete item 14 and insert:

| | | | | |
|----|---------------|---|------|------|
| 14 | Northam | — | 0.85 | 7.59 |
|----|---------------|---|------|------|

By Command of the Governor,

PETER F. CONRAN, Clerk of the Executive Council.

JUSTICE

JU301*

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

Supreme Court (Corporations) (WA) Amendment Rules 2009

Made by the Judges of the Supreme Court.

1. Citation

These rules are the *Supreme Court (Corporations) (WA) Amendment Rules 2009*.

2. Commencement

These rules 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. Rules amended

These rules amend the *Supreme Court (Corporations) (WA) Rules 2004*.

4. Rule 1.3 amended

Delete rule 1.3(1) and (2) and insert:

- (1) Unless the Court otherwise orders —
 - (a) these rules apply to a proceeding in the Court under the Corporations Act, or the ASIC Act, that is commenced on or after the commencement of these rules; and
 - (b) Part 15A applies to a proceeding in the Court under the Cross-Border Insolvency Act.
- (2) The other rules of the Court apply, to the extent that they are relevant and not inconsistent with these Rules —
 - (a) to a proceeding in the Court under the Corporations Act, or the ASIC Act, that is

commenced on or after the commencement of these Rules; and

- (b) to a proceeding in the Court under the Cross-Border Insolvency Act that is commenced on or after the commencement of Part 15A.

5. Rule 1.5 amended

- (1) In rule 1.5(1) insert in alphabetical order:

Cross-Border Insolvency Act means the *Cross-Border Insolvency Act 2008* (Commonwealth) including, unless the contrary intention appears, the Model Law;

Model Law means the Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law, the English text of which is set out in Schedule 1 to the Cross-Border Insolvency Act, with the modifications set out in Part 2 of that Act.

- (2) In rule 1.5(1) in the definition of *defendant* delete “Corporations Act or the ASIC Act,” and insert:

Corporations Act, the ASIC Act or the Cross-Border Insolvency Act,

- (3) In rule 1.5(1) in the definition of *plaintiff* delete “Corporations Act or the ASIC Act,” and insert:

Corporations Act, the ASIC Act or the Cross-Border Insolvency Act,

6. Part 15A inserted

After Part 15 insert:

**Part 15A — Proceedings under the
Cross-Border Insolvency Act**

15A.1 Application of this Part and other rules of court

Unless the Court otherwise orders —

- (a) this Part applies to a proceeding in the Court, under the Cross-Border Insolvency Act, involving a debtor other than an individual; and
- (b) the rules in the other Parts of these rules, and the other rules of the Court, apply to a proceeding in the Court under the Cross-Border Insolvency Act if they are relevant and not inconsistent with this Part.

15A.2 Expressions used in the Cross-Border Insolvency Act

- (1) Unless the contrary intention appears, an expression that is used in this Part and in the Cross-Border Insolvency Act, whether or not a particular meaning is given to the expression by the Cross-Border Insolvency Act, has the same meaning in this Part as it has in the Cross-Border Insolvency Act.

Note: The following expressions used in this Part (including in the notes to this Part) are defined in the Model Law as having the following meanings:

establishment means any place of operations where the debtor carries out a non-transitory economic activity with human means and goods or services;

foreign court means a judicial or other authority competent to control or supervise a foreign proceeding;

foreign main proceeding means a foreign proceeding taking place in the State where the debtor has the centre of its main interests;

foreign non-main proceeding means a foreign proceeding, other than a foreign main proceeding, taking place in a State where the debtor has an establishment within the meaning of subparagraph (f) of the present article;

foreign proceeding means a collective judicial or administrative proceeding in a foreign State, including an interim proceeding, pursuant to a law relating to insolvency in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

foreign representative means a person or body, including one appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding.

- (2) This Part is to be interpreted in a manner that gives effect to the Cross-Border Insolvency Act.

15A.3 Application for recognition

- (1) An application by a foreign representative for recognition of a foreign proceeding under article 15 of the Model Law must be made by filing an originating process in accordance with Form 2.
- (2) The originating process must —
 - (a) be accompanied by the statements referred to in article 15 of the Model Law and in section 13 of the Cross-Border Insolvency Act; and
 - (b) name the foreign representative as the plaintiff and the debtor as the defendant; and
 - (c) be accompanied by an affidavit verifying the matters mentioned in paragraphs 2 and 3 of article 15 of the Model Law and in section 13 of the Cross-Border Insolvency Act.
- (3) When filing the originating process, the foreign representative must file, but need not serve, an

interlocutory process seeking directions as to service, and the Court may give any directions about service, and make any incidental orders, that it thinks just.

- (4) The plaintiff must serve a copy of the originating process and the other documents mentioned in subrule (2) —
 - (a) unless the Court otherwise orders, in accordance with rule 2.7(1); and
 - (b) on any other persons the Court may direct at the hearing of the interlocutory process.
- (5) A person who intends to appear before the Court at the hearing of an application for recognition must file and serve the documents mentioned in rule 2.9.

15A.4 Application for provisional relief under article 19 of the Model Law

- (1) Any application by the plaintiff for provisional relief under article 19 of the Model Law must be made by filing an interlocutory process in accordance with Form 3.
- (2) Unless the Court otherwise orders, the interlocutory process and any supporting affidavit must be served in accordance with rule 2.7(2).

15A.5 Official liquidator's consent to act

If the relief sought in an application under article 15 of the Model Law includes an application for an order under article 19 or 21 to entrust the distribution of the debtor's assets to a person designated by the Court (other than the foreign representative) then, unless the Court otherwise orders, that person must —

- (a) be an official liquidator; and
- (b) have filed a Consent to Act, in accordance with Form 19, that specifies an address for service for the person within the State.

15A.6 Notice of filing of application for recognition

- (1) Unless the Court otherwise orders, the plaintiff in a proceeding mentioned in rule 15A.3 must —
 - (a) send a notice of the filing of the application in accordance with Form 20 to each person whose claim to be a creditor of the defendant is known to the plaintiff; and
 - (b) publish a notice of the filing of the application for recognition of a foreign proceeding in accordance with Form 20, in accordance with rule 2.11.

- (2) The Court may direct the plaintiff to publish a notice in accordance with Form 20 in a daily newspaper circulating generally in any State or Territory not described in rule 2.11.

15A.7 Notice of order for recognition, withdrawal etc.

- (1) If the Court makes an order for recognition of a foreign proceeding under article 17 of the Model Law, or makes any order under article 19 or 21 of the Model Law, the plaintiff must, as soon as practicable after the order is made, do all of the following —
 - (a) have the order entered;
 - (b) serve a copy of the entered order on the defendant;
 - (c) send a notice of the making of the order in accordance with Form 21 to each person whose claim to be a creditor of the defendant is known to the plaintiff;
 - (d) publish a notice of the making of the order in accordance with Form 21, in accordance with rule 2.11.
- (2) The Court may direct the plaintiff to publish the notice in accordance with Form 21 in a daily newspaper circulating generally in any State or Territory not described in rule 2.11.
- (3) If the application for recognition is withdrawn or dismissed, the plaintiff must, as soon as practicable, do all of the following —
 - (a) for a dismissal, have the order of dismissal entered;
 - (b) serve a copy of the entered order of dismissal or notice of the withdrawal, on the defendant;
 - (c) send a notice of the dismissal or withdrawal in accordance with Form 22 to each person whose claim to be a creditor of the defendant is known to the plaintiff;
 - (d) publish a notice of the dismissal or withdrawal in accordance with Form 22, in accordance with rule 2.11.
- (4) The Court may direct the plaintiff to publish the notice in accordance with Form 22 in a daily newspaper circulating generally in any State or Territory not described in rule 2.11.

15A.8 Relief after recognition

- (1) If the Court has made an order for recognition of a foreign proceeding, any application by the plaintiff for

relief under paragraph 1 of article 21 of the Model Law must be made by filing an interlocutory process, and any supporting affidavit, in accordance with Form 3.

- (2) Unless the Court otherwise orders, an interlocutory process under subrule (1) and any supporting affidavit must be served, in accordance with rule 2.7(2), but on the following persons —
 - (a) the defendant;
 - (b) any person that the Court directed be served with the originating process by which the application for recognition was made;
 - (c) any other person that the Court directs.
- (3) A person who intends to appear before the Court at the hearing of an application under subrule (1) must file and serve the documents mentioned in rule 2.9.

15A.9 Application to modify or terminate an order for recognition or other relief

- (1) This rule applies to —
 - (a) an application under paragraph 4 of article 17 of the Model Law for an order modifying or terminating an order for recognition of a foreign proceeding; and
 - (b) an application under paragraph 3 of article 22 of the Model Law for an order modifying or terminating relief granted under article 19 or 21 of the Model Law.
- (2) An application mentioned in subrule (1) must be made by filing an interlocutory process in accordance with Form 3.
- (3) An interlocutory process for an application under subrule (1) and any supporting affidavit must be served on —
 - (a) for an application under subrule(1)(a) — the defendant and other persons who were served with, or filed a notice of appearance in relation to, the application for recognition; and
 - (b) for an application under subrule (1)(b) — the defendant and other persons who were served with, or filed a notice of appearance in relation to, the application for relief under article 19 or 21.
- (4) Unless the Court otherwise orders, a plaintiff who applies for an order under subrule (1) must —
 - (a) send a notice of the filing of the application in accordance with Form 23 to each person whose

claim to be a creditor of the defendant is known to the plaintiff; and

- (b) publish a notice of the filing of the application in accordance with Form 23, in accordance with rule 2.11.
- (5) The Court may direct the applicant to publish the notice in accordance with Form 23 in a daily newspaper circulating generally in any State or Territory not described in rule 2.11.
- (6) A person who intends to appear before the Court at the hearing of an application under subrule (1) must file and serve the documents mentioned in rule 2.9.

7. **Schedule 1 amended**

- (1) In Schedule 1 Form 2 delete “rule 2.2” and insert:

rules 2.2 and 15A.3

- (2) In Schedule 1 Form 2 delete “This application is made under *section/*regulation [number] of the *Corporations Act/*ASIC Act/*Corporations Regulations.” and insert:

This application is made under *section/*regulation [*number*] of the *Corporations Act/*ASIC Act/*Cross-Border Insolvency Act/*Corporations Regulations.

- (3) In Schedule 1 Form 3 delete “rule 2.2” and insert:

rules 2.2, 15A.4, 15A.8 and 15A.9

- (4) In Schedule 1 Form 3 delete “This application is made under *section/*regulation [*number*] of the *Corporations Act/*ASIC Act/*Corporations Regulations.” and insert:

This application is made under *section/*regulation [*number*] of the *Corporations Act/*ASIC Act/*Cross-Border Insolvency Act/*Corporations Regulations.

(5) After Schedule 1 Form 18 insert:

Form 19

rule 15A.5

Consent to act as designated person

[Title]

I, [name], of [address], an official liquidator, consent to be appointed by the Court and to act as the person designated by the Court under *article 19/*article 21 of the Model Law to distribute the assets of [name of company].

I am not aware of any conflict of interest or duty that would make it improper for me to act as the person designated by the Court.

The hourly rates currently charged in respect of work done as the person designated by the Court by me, and by my partners and employees who may perform work in this administration, are set out below or in the Schedule which is attached to this Consent.

I acknowledge that my appointment by the Court does not constitute an express or implied approval by the Court of these hourly rates.

Date:

.....
Signature of official liquidator

* Omit if not applicable

Schedule

[description of hourly rate(s)]

Form 20

rule 15A.6

Notice of filing of application for recognition of foreign proceeding

IN THE [name of Court] No. of [year]

[Name of company]

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

TO all the creditors of [name of company].

TAKE NOTICE that:

1. An application under the *Cross-Border Insolvency Act 2008* (Commonwealth) for recognition of a foreign proceeding in relation to [name of company] was commenced by the plaintiff, [name of plaintiff], on [date of filing of originating process] and will be heard by
at [address of Court] at*am/*pm on

Copies of documents filed may be obtained from the plaintiff's address for service.

2. The plaintiff's address for service is [*name and address of plaintiff's legal practitioner or, if there is no legal practitioner, address of the plaintiff*].
3. Any person intending to appear at the hearing must file a notice of appearance, in accordance with the prescribed form, together with any affidavit on which the person intends to rely, and serve a copy of the notice and any affidavit on the plaintiff at the plaintiff's address for service at least 3 days before the date fixed for the hearing.
4. If you are a foreign creditor you must file in the registry of the Court at the address mentioned in paragraph 1 an affidavit setting out the details of any claim, secured or unsecured, that you may have against the company above at least 3 days before the date fixed for the hearing.

Date:

Name of plaintiff or plaintiff's legal practitioner: [*name*]

* *Omit if not applicable*

Form 21

rule 15A.7

Notice of making of order under the *Cross-Border Insolvency Act 2008* (Commonwealth)

IN THE [*name of Court*] No. of [*year*]

[*Name of company*]

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

TO all the creditors of [*name of company*].

TAKE NOTICE that:

1. On [*date*], the [*name of Court*] in Proceeding No. of [*year*], commenced by the plaintiff [*name of plaintiff*], made the following orders under the *Cross-Border Insolvency Act 2008* (Commonwealth) in relation to [*name of company*]: [*insert details of order*].
2. The plaintiff's address for service is [*name and address of plaintiff's legal practitioner or, if there is no legal practitioner, address of the plaintiff*].
3. The name and address of the foreign representative is [*insert name and address*].
4. The name and address of the person entrusted with distribution of the company's assets is [*insert name and address*].*

Date:

Name of plaintiff or plaintiff's legal practitioner: [*name*]

* *Omit if not applicable*

Form 22

rule 15A.7

Notice of dismissal or withdrawal of application for recognition of foreign proceeding

IN THE [name of Court] No. of [year]

[Name of company]

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

TO all the creditors of [name of company].

TAKE NOTICE that the application under the *Cross-Border Insolvency Act 2008* (Commonwealth) for recognition of a foreign proceeding in relation to [name of company] commenced by the plaintiff, [name of plaintiff], on [date of filing of originating process] was dismissed*/withdrawn* on [date of dismissal/withdrawal]

Date:

Name of person giving notice or of person's legal practitioner [name]

* Omit if not applicable

Form 23

rule 15A.9

Notice of filing of application to modify or terminate an order for recognition or other relief

IN THE [name of Court] No. of [year]

[Name of company]

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

TO all the creditors of [name of company].

TAKE NOTICE that:

*1. An application under the *Cross-Border Insolvency Act 2008* (Commonwealth) for an order *modifying/*terminating an order for recognition of a foreign proceeding in relation to [name of company] was filed by the applicant, [name of applicant], on [date of filing of interlocutory process] and will be heard by

at [address of Court] at *am/*pm on

Copies of documents filed may be obtained from the applicant's address for service.

*1. An application under the *Cross-Border Insolvency Act 2008* (Commonwealth) for an order *modifying/*terminating relief granted under *article 19/*article 21 of the Model Law in relation to [name of company] was filed by the applicant, [name of applicant], on [date of filing of interlocutory process] and will be heard by

at [address of Court] at *am/*pm on

Copies of documents filed may be obtained from the applicant's address for service.

2. The applicant's address for service is [*name and address of applicant's legal practitioner or of applicant*].
3. Any person intending to appear at the hearing must file a notice of appearance (if the person has not already done so), in accordance with the prescribed form, together with any affidavit on which the person intends to rely, and serve a copy of the notice (if applicable) and any affidavit on the applicant at the applicant's address for service at least 3 days before the date fixed for the hearing.

Date:

Name of plaintiff or plaintiff's legal practitioner: [*name*]

* *Omit if not applicable*

- (6) Amend the forms in Schedule 1 listed in the Table as set out in the Table.

Table

| Form | Delete | Insert |
|-----------------------------------|--------------------------|-------------------|
| Form 1 | ACN (each occurrence) | ABN or ACN |
| Forms 9, 10, 11, 12, 15 and 16 | ACN | ABN or ACN |
| Forms 9, 10, 11, 12, 15 and 16 | <i>ACN</i> | <i>ABN or ACN</i> |

Dated: 9th February 2009.

Judges' signatures:

W. S. MARTIN

C. J. McLURE

M. J. MURRAY

CAROLYN JENKINS

N. J. OWEN

RALPH SIMMONDS

A. J. TEMPLEMAN

P. D. BLAXELL

C. WHEELER

ANDREW BEECH

JOHN McKECHNIE

D. W. NEWNES

— PART 2 —

AGRICULTURE AND FOOD

AG401*

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976 ZONE CONTROL AUTHORITY APPOINTMENTS

Agriculture Protection Board,
South Perth.

Acting pursuant to Section 15(3) of the *Agriculture and Related Resources Protection Act 1976*, the Agriculture Protection Board hereby appoints the following persons to be members of the Kalgoorlie Zone Control Authority for the terms shown—

| Zone | Name | Nominating body | Term |
|------------|---|--------------------|------------|
| Kalgoorlie | Ms Kathleen Boladeras | APB | 01/08/2010 |
| Kalgoorlie | Mr Trent Stillman | APB | 01/08/2010 |
| Kalgoorlie | Mr Adrian Lally | APB | 01/08/2011 |
| Kalgoorlie | Mr Brett Crook | APB | 01/08/2011 |
| Kalgoorlie | Mr Matthew James | APB | 01/08/2011 |
| Kalgoorlie | Mr Allan Evans | APB | 01/08/2011 |
| Kalgoorlie | Mr Brett Day | APB | 01/08/2010 |
| Kalgoorlie | Mr Christopher Dean Ward deputy to Trent Stillman | APB | 01/08/2010 |
| Kalgoorlie | Mr Justin David Stevens deputy to Matthew James | APB | 01/08/2011 |
| Kalgoorlie | Mr Damien Brown deputy to Allan Evans | APB | 01/08/2011 |

ZONE CONTROL AUTHORITY MEMBER CANCELLATIONS

Acting pursuant to Section 16 of the *Agriculture and Related Resources Protection Act 1976*, the Agriculture Protection Board hereby cancels the following Zone Control Authority appointments—

| Zone | Name | Nominating body |
|------------|---|--------------------|
| Kalgoorlie | Ms Kathleen Boladeras deputy to Cr Patrick Hill | Shire of Laverton |
| Kalgoorlie | Mr Paul Ryan | Shire of Dundas |

Dated the 6th day of February 2009.

CHRIS RICHARDSON, Chairman.

CONSUMER AND EMPLOYMENT PROTECTION

CE401*

CONSUMER AFFAIRS ACT 1971 REVOCATION OF ORDER Balloon blowing novelties

I, Anne Driscoll, Commissioner for Consumer Protection in and for the State of Western Australia, pursuant to the powers vested in me by section 23R(6) of the *Consumer Affairs Act 1971*, hereby revoke an order made by Norman Richard Fletcher the then Commissioner for Consumer Affairs, dated 19 June 1979 and published in the *Western Australian Government Gazette* on 19 June 1979 with respect to the goods described in the Schedule.

THE SCHEDULE

Novelties such as “Apollo Color Balloons”, “Bliwing Balloon”, “Blobo Bubb-a-Loons”, “Blo-it”, “Loony Balloony”, “Magic Moon Balloons”, “SSS Balloons” and “Super Elastic Bubble Plastic” designed for blowing balloon-like shapes from a solution containing acetone, polyvinyl acetate and/or benzene.

Dated this 9th day of February 2009.

ANNE DRISCOLL, Commissioner for Consumer Protection.

CE402

CONSUMER AFFAIRS ACT 1971

REVOCATION OF ORDER

Whistle bottle confectionery

I, Anne Driscoll, Commissioner for Consumer Protection in and for the State of Western Australia, pursuant to the powers vested in me by section 23R(6) of the *Consumer Affairs Act 1971*, hereby revoke an order made by Kevin Michael Lehane the then Acting Commissioner for Consumer Affairs, dated 5 April 1979 and published in the Western Australian *Government Gazette* on 12 April 1979 with respect to the goods described in the Schedule.

THE SCHEDULE

Confectionery bottles of the type known as “Whistle Bottle” consisting of a plastic bottle containing sherbert powder or other confectionery and a separate fitted top or stopper which can be used as a whistle.

Dated this 9th day of February 2009.

ANNE DRISCOLL, Commissioner for Consumer Protection.

CE403*

CONSUMER AFFAIRS ACT 1971

REVOCATION OF ORDER

Shoei SF1 Motor Cycle Windscreens

I, Anne Driscoll, Commissioner for Consumer Protection in and for the State of Western Australia, pursuant to the powers vested in me by section 23R(6) of the *Consumer Affairs Act 1971*, hereby revoke an order made by Norman Richard Fletcher the then Commissioner for Consumer Affairs, dated 8 June 1979 and published in the Western Australian *Government Gazette* on 15 June 1979 with respect to the goods described in the Schedule.

THE SCHEDULE

A particular class of goods known as Shoei SF1 Motor Cycle Windscreens and any other handle bar affixed Motor Cycle Windscreens other than those commonly called Bikini Screens.

Dated this 9th day of February 2009.

ANNE DRISCOLL, Commissioner for Consumer Protection.

CE404*

CONSUMER AFFAIRS ACT 1971

REVOCATION OF ORDER

Snake bite kits

I, Anne Driscoll, Commissioner for Consumer Protection in and for the State of Western Australia, pursuant to the powers vested in me by section 23R(6) of the *Consumer Affairs Act 1971*, hereby revoke an order made by Kevin Michael Lehane the then Acting Commissioner for Consumer Affairs, dated 9 April 1980 and published in the Western Australian *Government Gazette* on 11 April 1980 with respect to the goods described in the Schedule.

THE SCHEDULE

Snake bite kits and first aid kits that include instructions which recommend any of the following methods of first aid treatment for snake bite—

The cutting or excising of the bitten area.

The use of arterial tourniquets.

Dated this 9th day of February 2009.

ANNE DRISCOLL, Commissioner for Consumer Protection.

CE405***CONSUMER AFFAIRS ACT 1971**

REVOCATION OF ORDER

Autotrend Sun Filter

I, Anne Driscoll, Commissioner for Consumer Protection in and for the State of Western Australia, pursuant to the powers vested in me by section 23R(6) of the *Consumer Affairs Act 1971*, hereby revoke an order made by Norman Richard Fletcher the then Commissioner for Consumer Affairs, dated 16 April 1985 and published in the Western Australian *Government Gazette* on 19 April 1985 with respect to the goods described in the Schedule.

THE SCHEDULE

Goods known as “Autotrend Sun Filter” or similar goods which do not comply with Australian Design Rule No. 11 for Internal Sun Visors.

Dated this 9th day of February 2009.

ANNE DRISCOLL, Commissioner for Consumer Protection.

CE406***CONSUMER AFFAIRS ACT 1971**

REVOCATION OF ORDER

Erasers shaped like dummies

I, Anne Driscoll, Commissioner for Consumer Protection in and for the State of Western Australia, pursuant to the powers vested in me by section 23R(6) of the *Consumer Affairs Act 1971*, hereby revoke an order made by Norman Richard Fletcher the then Commissioner for Consumer Affairs, dated 14 May 1986 and published in the Western Australian *Government Gazette* on 16 May 1986 with respect to the goods described in the Schedule.

THE SCHEDULE

Erasers in the shape of dummies where the eraser or any component parts fit into a truncated cylinder having the dimensions specified in Appendix D of Australian Standard 1647, Part 2—1981 “Children’s Toys (Safety Requirements) Part 2—Constructional Requirements”.

Dated this 9th day of February 2009.

ANNE DRISCOLL, Commissioner for Consumer Protection.

CE407***CONSUMER AFFAIRS ACT 1971**

REVOCATION OF ORDER

Seatbelt accessories

I, Anne Driscoll, Commissioner for Consumer Protection in and for the State of Western Australia, pursuant to the powers vested in me by section 23R(6) of the *Consumer Affairs Act 1971*, hereby revoke an order made by Patrick Walker the then Commissioner for Fair Trading, dated 26 October 2001 and published in the Western Australian *Government Gazette* on 26 October 2001 with respect to the goods described in the Schedule.

THE SCHEDULE

Goods known as “Klunk Klip”, “Comfix”, and “Auto Comfort” seat belt accessories and similar goods which are designed to induce and maintain slack in retractor seat belts.

Dated this 9th day of February 2009.

ANNE DRISCOLL, Commissioner for Consumer Protection.

CE408***CONSUMER AFFAIRS ACT 1971**

REVOCATION OF ORDER

Socially Offensive Toys

I, Anne Driscoll, Commissioner for Consumer Protection in and for the State of Western Australia, pursuant to the powers vested in me by section 23R(6) of the *Consumer Affairs Act 1971*, hereby

revoke an order made by Patrick Walker, the then Commissioner for Fair Trading, dated 26 October 2001 and published in the Western Australian *Government Gazette* on 26 October 2001 with respect to the goods described in the Schedule.

THE SCHEDULE

Toys which have been marketed under the names of—

- “Skateboard Smackup” or “Skateboard Smackups”
- “Garbage Pail Kids”
- “Krazy Kookie Balls”
- “Weird Balls”
- “Foul Ball”
- “Mad Ball” or “Mad Balls”
- “Trash Head Spitballs”
- “Gross Out Grunkies”
- “Kuddlee Uglee”
- “Super Dough Squeezers”
- “Rude Ralph” or “Rude Ralph Gang”

Dated this 9th day of February 2009.

ANNE DRISCOLL, Commissioner for Consumer Protection.

FIRE AND EMERGENCY SERVICES

FE401

BUSH FIRES ACT 1954 PROHIBITED BURNING PERIOD

Fire and Emergency Services Authority,
Perth.

Correspondence No. 00111

Pursuant to powers delegated and subdelegated under the *Bush Fires Act 1954*, I, Jo Harrison-Ward, FESA Chief Executive Officer, hereby declare under Section 17 of that Act that it shall be unlawful to set fire to the bush in the Local Government district of the Shire of Denmark during the period indicated in the schedule below. The declaration made under Section 17(1) of that Act, as published in the *Government Gazette* No. 148 of 17 July 2007, is hereby revoked.

Schedule

| Local Government | Zone | Prohibited Burning Period | Special Comm. Date |
|------------------|------|---------------------------|--------------------|
| Shire of Denmark | 6 | 1 November-28 February | 24 December |

JO HARRISON-WARD, FESA Chief Executive Officer.

FISHERIES

FI401*

FISH RESOURCES MANAGEMENT ACT 1994 PROHIBITION ON COMMERCIAL FISHING (ROWLEY SHOALS MARINE PARK) ORDER 2009 Order No. 1 of 2009

FD 1620/98 [847]

Made by the Minister under section 43.

1. Citation

This order is the *Prohibition on Commercial Fishing (Rowley Shoals Marine Park) Order 2009*.

2. Interpretation

In this order—

“**Rowley Shoals Marine Park**” means all waters reserved under the *Conservation and Land Management Act 1984* section 13 as Class “A” Marine Reserve No. 3, Rowley Shoals Marine Park.

3. Prohibition on commercial fishing

A person must not engage in commercial fishing in the waters of the Rowley Shoals Marine Park.

4. Revocation

Notice No. 239, published in the *Gazette* of 16 January 1987 and which continued in force under regulation 186 of the *Fish Resources Management Regulations 1995* as if it was an order made under section 43, is revoked.

Dated this 22nd day of January 2009.

NORMAN MOORE, Minister for Fisheries.

FI402***FISH RESOURCES MANAGEMENT ACT 1994****PROHIBITION ON RECREATIONAL FISHING
(ROWLEY SHOALS MARINE PARK) ORDER 2009**

Order No. 2 of 2009

FD 1620/98 [847]

Made by the Minister under section 43.

1. Citation

This order is the *Prohibition on Recreational Fishing (Rowley Shoals Marine Park) Order 2009*.

2. Interpretation

In this order—

“**Clerke Lagoon Recreation Zone**” means the area specified in item 1 in Schedule 2;

“**Clerke Outer Reef Recreation Zone**” means the area specified in item 2 in Schedule 2;

“**Clerke Sanctuary Zone**” means the area specified in item 1 in Schedule 1;

“**fishing gear**” has the same meaning as in regulation 3;

“**General Use Areas**” means the areas specified in Schedule 3;

“**Imperieuse Recreation Zone**” means the area specified in item 3 in Schedule 2;

“**Imperieuse Sanctuary Zone**” means the area specified in item 2 in Schedule 1;

“**pointed instrument**” means a speargun, harpoon, gidgie, Hawaiian sling or any other similar fishing gear;

“**Recreation Areas**” means the areas specified in Schedule 2;

“**regulations**” means the *Fish Resources Management Regulations 1995*;

“**Rowley Shoals Marine Park**” means all waters reserved under the *Conservation and Land Management Act 1984* section 13 as Class “A” Marine Reserve No. 3, Rowley Shoals Marine Park;

“**Sanctuary Areas**” means the areas specified in Schedule 1.

3. Prohibition on recreational fishing in the Sanctuary Areas

A person must not engage in recreational fishing in the waters of the Sanctuary Areas.

4. Prohibition on recreational fishing by specified gear type

(1) A person must not engage in recreational fishing in the waters of the Rowley Shoals Marine Park by means of—

(a) a throw net; or

(b) a pointed instrument.

(2) Subclause (1)(a) does not apply to a person fishing by means of a throw net in the waters of the General Use Areas.

(3) Subclause (1)(b) does not apply to a person fishing by means of a pointed instrument—

(a) in the waters of the General Use Areas; or

(b) in the waters of the Clerke Outer Reef Recreation Zone or the Imperieuse Recreation Zone without the assistance of compressed air breathing apparatus.

5. Revocation

Notice No. 238, published in the *Gazette* of 16 January 1987 and which continued in force under regulation 186 of the regulations as if it was an order made under section 43, is revoked.

Schedule 1
Sanctuary Areas

1. Clerke Sanctuary Zone

Excepting the Clerke Lagoon Recreation Zone, all waters of the Indian Ocean below the high water mark on Bedwell Island and bound by a line—

- (a) commencing at the intersection of 17° 15.967' south latitude and 119° 23.133' east longitude;
- (b) thence south along the meridian to the intersection of 17° 19.933' south latitude and 119° 23.133' east longitude;
- (c) thence west along the parallel to the intersection of 17° 19.933' south latitude and 119° 23.083' east longitude;
- (d) thence generally southerly along the geodesic to the intersection of 17° 21.233' south latitude and 119° 23.066' east longitude;
- (e) thence south along the meridian to the intersection of 17° 21.517' south latitude and 119° 23.083' east longitude;
- (f) thence generally southerly along the geodesic to the intersection of 17° 21.983' south latitude and 119° 22.983' east longitude;
- (g) thence generally south by south-westerly along the geodesic to the intersection of 17° 22.783' south latitude and 119° 22.617' east longitude;
- (h) thence generally south by south-westerly along the geodesic to the intersection of 17° 23.383' south latitude and 119° 22.283' east longitude;
- (i) thence generally south-westerly along the geodesic to the intersection of 17° 23.617' south latitude and 119° 22.017' east longitude;
- (j) thence generally south-westerly along the geodesic to the intersection of 17° 23.8' south latitude and 119° 21.733' east longitude;
- (k) thence west along the parallel to the intersection of 17° 23.8' south latitude and 119° 18.8' east longitude;
- (l) thence generally north along the meridian to the intersection of 17° 19.917' and 119° 18.8' east longitude;
- (m) thence east along the parallel to the intersection of 17° 19.917' south latitude and 119° 18.883' east longitude;
- (n) thence generally northerly along the geodesic to the intersection of 17° 19.417' south latitude and 119° 18.833' east longitude;
- (o) thence generally northerly along the geodesic to the intersection of 17° 18.75' south latitude and 119° 18.7' east longitude;
- (p) thence generally northerly along the geodesic to the intersection of 17° 18.233' south latitude and 119° 18.767' east longitude;
- (q) thence generally north-easterly along the geodesic to the intersection of 17° 17.567' south latitude and 119° 19.1' east longitude;
- (r) thence generally north by north-easterly along the geodesic to the intersection of 17° 16.85' south latitude and 119° 19.25' east longitude;
- (s) thence generally north by north-easterly along the geodesic to the intersection of 17° 16.283' south latitude and 119° 19.533' east longitude;
- (t) thence generally north by north-easterly along the geodesic to the intersection of 17° 15.85' south latitude and 119° 19.683' east longitude;
- (u) thence generally north by north-easterly along the geodesic to the intersection of 17° 15.25' south latitude and 119° 20.0' east longitude;
- (v) thence generally north-easterly along the geodesic to the intersection of 17° 14.9' south latitude and 119° 20.367' east longitude;
- (w) thence generally easterly along the geodesic to the intersection of 17° 14.8' south latitude and 119° 20.733' east longitude;
- (x) thence generally easterly along the geodesic to the intersection of 17° 14.75' south latitude and 119° 21.033' east longitude;
- (y) thence generally south by south-easterly along the geodesic to the intersection of 17° 14.783' south latitude and 119° 21.2' east longitude;
- (z) thence generally south-easterly along the geodesic to the intersection of 17° 14.967' south latitude and 119° 21.467' east longitude;
- (aa) thence generally south-easterly along the geodesic to the intersection of 17° 15.967' south latitude and 119° 22.25' east longitude;
- (bb) thence east along the parallel to the commencement point.

2. Imperieuse Sanctuary Zone

All waters of the Indian Ocean below the high water mark on Cunningham Island and bound by a line—

- (a) commencing at the intersection of 17° 31.917' south latitude and 118° 58.717' east longitude;
- (b) thence south along the meridian to the intersection of 17° 35.95' south latitude and 118° 58.717' east longitude;

- (c) thence west along the parallel to the intersection of 17° 35.95' south latitude and 118° 58.7' east longitude;
- (d) thence south along the meridian to the intersection of 17° 36.117' south latitude and 118° 58.7' east longitude;
- (e) thence generally south by south-westerly along the geodesic to the intersection of 17° 36.683' south latitude and 118° 58.483' east longitude;
- (f) thence generally south by south-westerly along the geodesic to the intersection of 17° 37.733' south latitude and 118° 57.733' east longitude;
- (g) thence generally southerly along the geodesic to the intersection of 17° 38.267' south latitude and 118° 57.717' east longitude;
- (h) thence generally south-westerly along the geodesic to the intersection of 17° 38.55' south latitude and 118° 57.467' east longitude;
- (i) thence generally south-westerly along the geodesic to the intersection of 17° 38.967' south latitude and 118° 57.033' east longitude;
- (j) thence generally south-westerly along the geodesic to the intersection of 17° 39.533' south latitude and 118° 56.117' east longitude;
- (k) thence generally south-west along the geodesic to the intersection of 17° 39.667' south latitude and 118° 55.85' east longitude;
- (l) thence west along the parallel to the intersection of 17° 39.667' south latitude and 118° 55.617' east longitude;
- (m) thence generally north-westerly along the geodesic to the intersection of 17° 39.5' south latitude and 118° 55.317' east longitude;
- (n) thence generally north-westerly along the geodesic to the intersection of 17° 39.117' south latitude and 118° 54.817' east longitude;
- (o) thence generally north-westerly along the geodesic to the intersection of 17° 38.633' south latitude and 118° 54.183' east longitude;
- (p) thence generally north-westerly along the geodesic to the intersection of 17° 38.267' south latitude and 118° 53.983' east longitude;
- (q) thence north-westerly along the geodesic to the intersection of 17° 37.933' south latitude and 118° 53.783' east longitude;
- (r) thence west along the parallel to the intersection of 17° 37.933' south latitude and 118° 53.083' east longitude;
- (s) thence north along the meridian to the intersection of 17° 33.933' south latitude and 118° 53.083' east longitude;
- (t) thence east along the parallel to the intersection of 17° 33.933' south latitude and 118° 54.15' east longitude;
- (u) thence generally north-easterly along the geodesic to the intersection of 17° 33.517' south latitude and 118° 54.35' east longitude;
- (v) thence generally north-easterly along the geodesic to the intersection of 17° 33.15' south latitude and 118° 54.683' east longitude;
- (w) thence generally north by north-easterly along the geodesic to the intersection of 17° 32.4' south latitude and 118° 55.033' east longitude;
- (x) thence generally north by north-easterly along the geodesic to the intersection of 17° 31.7' south latitude and 118° 55.217' east longitude;
- (y) thence generally north-easterly along the geodesic to the intersection of 17° 30.817' south latitude and 118° 55.783' east longitude;
- (z) thence generally north-easterly along the geodesic to the intersection of 17° 29.95' south latitude and 118° 56.567' east longitude;
- (aa) thence generally east by north-easterly along the geodesic to the intersection of 17° 29.817' south latitude and 118° 56.917' east longitude;
- (bb) thence generally east along the geodesic to the intersection of 17° 29.833' south latitude and 118° 57.333' east longitude;
- (cc) thence generally south by south-easterly along the geodesic to the intersection of 17° 29.917' south latitude and 118° 57.6' east longitude;
- (dd) thence generally south-easterly along the geodesic to the intersection of 17° 30.117' south latitude and 118° 57.833' east longitude;
- (ee) thence generally south by south-easterly along the geodesic to the intersection of 17° 30.65' south latitude and 118° 58.033' east longitude;
- (ff) thence generally southerly along the geodesic to the intersection of 17° 31.917' south latitude and 118° 58.317' east longitude;
- (gg) thence easterly along the parallel to the commencement point.

Schedule 2

Recreation Areas

1. Clerke Lagoon Recreation Zone

All waters of the Indian Ocean bound by a line—

- (a) commencing at the intersection of 17° 16.3' south latitude and 119° 21.267' east longitude;
- (b) thence generally south by south-westerly along the geodesic to the intersection of 17° 18.0' south latitude and 119° 20.9' east longitude;

- (c) thence generally south by south-easterly along the geodesic to the intersection of 17° 19.967' south latitude and 119° 21.3' east longitude;
- (d) thence south along the meridian to the intersection of 17° 21.8' south latitude and 119° 21.3' east longitude;
- (e) thence west along the parallel to the intersection of 17° 21.8' south latitude and 119° 19.933' east longitude;
- (f) thence generally north by north-westerly along the geodesic to the intersection of 17° 20.583' south latitude and 119° 19.6' east longitude;
- (g) thence generally northerly along the geodesic to the intersection of 17° 19.15' south latitude and 119° 19.517' east longitude;
- (h) thence generally north by north-easterly along the geodesic to the intersection of 17° 17.35' south latitude and 119° 19.85' east longitude;
- (i) thence extending generally north-easterly along the geodesic to the intersection of 17° 16.3' south latitude and 119° 20.433' east longitude;
- (j) thence east along the parallel to the commencement point.

2. Clerke Outer Reef Recreation Zone

Excepting the Clerke Sanctuary Zone and the Clerke Lagoon Recreation Zone, all waters of the Indian Ocean bound by a line—

- (a) commencing at the intersection of 17° 14.417' south latitude and 119° 23.583' east longitude;
- (b) thence south along the meridian to the intersection of 17° 24.417' south latitude and 119° 23.583' east longitude;
- (c) thence west along the parallel to the intersection of 17° 24.417' south latitude and 119° 18.083' east longitude;
- (d) thence north along the meridian to the intersection of 17° 16.917' south latitude and 119° 18.083' east longitude;
- (e) thence generally north-east along the geodesic to the intersection of 17° 14.417' south latitude and 119° 19.583' east longitude;
- (f) thence east along the parallel to the commencement point.

3. Imperieuse Recreation Zone

Excepting the Imperieuse Sanctuary Zone, all waters of the Indian Ocean bound by a line—

- (a) commencing at the intersection of 17° 29.417' south latitude and 118° 59.083' east longitude;
- (b) thence south along the meridian to the intersection of 17° 40.417' south latitude and 118° 59.083' east longitude;
- (c) thence west along the parallel to the intersection of 17° 40.417' south latitude and 118° 52.583' east longitude;
- (d) thence north along the meridian to the intersection of 17° 34.417' south latitude and 118° 52.583' east longitude;
- (e) thence north-east along the geodesic to the intersection of 17° 29.417' south latitude and 118° 56.083' east longitude;
- (f) thence east along the parallel to the commencement point.

Schedule 3

General Use Areas

1. Imperieuse General Use Zone

Excepting that portion of the Rowley Shoals Marine Park that is a Sanctuary Area or Recreation Area, all waters of the Indian Ocean bound by a line—

- (a) commencing at the intersection of 17° 26.9' south latitude and 118° 58.3' east longitude;
- (b) thence generally south easterly along the geodesic to the intersection of 17° 29.0' south latitude and 119° 0.8' east longitude;
- (c) thence generally southerly along the geodesic to the intersection of 17° 36.4' south latitude and 119° 1.85' east longitude;
- (d) thence generally southerly along the geodesic to the intersection of 17° 39.8' south latitude and 119° 0.6' east longitude;
- (e) thence generally south by south-westerly along the geodesic to the intersection of 17° 41.3' south latitude and 118° 59.3' east longitude;
- (f) thence generally south-westerly along the geodesic to the intersection of 17° 42.6' south latitude and 118° 56.8' east longitude;
- (g) thence west along the parallel to the intersection of 17° 42.6' south latitude and 118° 55.3' east longitude;
- (h) thence generally north-westerly along the geodesic to the intersection of 17° 41.3' south latitude and 118° 52.8' east longitude;
- (i) thence generally north-westerly along the geodesic to the intersection of 17° 39.6' south latitude and 118° 51.2' east longitude;

- (j) thence generally north-westerly along the geodesic to the intersection of 17° 36.5' south latitude and 118° 49.9' east longitude;
- (k) thence generally northerly along the geodesic to the intersection of 17° 34.65' south latitude and 118° 50.35' east longitude;
- (l) thence generally north-easterly along the geodesic to 17° 28.8' south latitude and 118° 53.5' east longitude;
- (m) thence generally north-easterly along the geodesic to 17° 26.9' south latitude and 118° 55.9' east longitude;
- (n) thence east along the parallel to the commencement point.

2. Clerke General Use Zone

Excepting that portion of the Rowley Shoals Marine Park that is a Sanctuary Area or Recreation Area, all waters of the Indian Ocean bound by a line—

- (a) commencing at the intersection of 17° 11.7' south latitude and 119° 19.9' east longitude;
- (b) thence east long the parallel to the intersection of 17° 11.7'south latitude and 119° 21.25' east longitude;
- (c) thence generally south-easterly along the geodesic to the intersection of 17° 12.5' south latitude and 119° 23.1' east longitude;
- (d) thence generally south-easterly along the geodesic to the intersection of 17° 14.3' south latitude and 119° 24.65' east longitude;
- (e) thence generally southerly along the geodesic to the intersection of 17° 18.2' south latitude and 119° 26.0' east longitude;
- (f) thence south along the meridian to the intersection of 17° 22.2' south latitude and 119° 26.0' east longitude;
- (g) thence generally south-westerly along the geodesic to the intersection of 17° 24.8' south latitude and 119° 24.8' east longitude;
- (h) thence generally south-westerly along the geodesic to the intersection of 17° 26.05' south latitude and 119° 23.45' east longitude;
- (i) thence generally westerly along the geodesic to the intersection of 17° 26.65' south latitude and 119° 21.75' east longitude;
- (j) thence generally westerly along the geodesic to the intersection of 17° 26.6' south latitude and 119° 20.5' east longitude;
- (k) thence generally west by north-westerly along the geodesic to the intersection of 17° 25.6' south latitude and 119° 18.3' east longitude;
- (l) thence generally north-westerly along the geodesic to the intersection of 17° 24.4' south latitude and 119° 17.2' east longitude;
- (m) thence generally north-easterly along the geodesic to the intersection of 17° 21.7' south latitude and 119° 15.8' east longitude;
- (n) thence generally northerly along the geodesic to the intersection of 17° 19.8' south latitude and 119° 15.7' east longitude;
- (o) thence generally northerly along the geodesic to the intersection of 17° 16.4' south latitude and 119° 16.1' east longitude;
- (p) thence generally northerly along the geodesic to the intersection of 17° 13.25' south latitude and 119° 17.5' east longitude;
- (q) thence generally north-easterly along the geodesic to the commencement point.

Dated this 22nd day of January 2009.

NORMAN MOORE, Minister for Fisheries.

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT ACT 1995

Shire of Augusta-Margaret River

(Basis of Rates)

Department of Local Government
and Regional Development.

DLGRD: AM5-4#06

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the A/Director General of the Department of Local Government and Regional Development under delegation from the Hon John Castrilli MLA, Minister for Local

Government, being charged for the time being with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the Schedule hereunder shall be gross rental value for the purposes of rating with effect from 21 January 2009.

ROSS WEAVER, A/Director General.

SCHEDULE

ADDITIONS TO GROSS RENTAL VALUE AREA

SHIRE OF AUGUSTA-MARGARET RIVER

All that portion of land being Lot 104, Lot 107, Lot 108, Lot 111, Lot 113, Lot 116, Lot 120 and Lot 122 as shown on Deposited Plan 49046; Lot 544 as shown on Deposited Plan 52937 and Lot 102, Lot 103, Lot 105, Lot 109, Lot 112, Lot 115, Lot 117, Lot 119, Lot 124 and Lot 9001 as shown on Deposited Plan 53304.

LG402*

LOCAL GOVERNMENT ACT 1995

Shire of Gingin

(Basis of Rates)

Department of Local Government
and Regional Development.

DLGRD: GG5-4#05

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon John Castrilli MLA, Minister for Local Government, being charged for the time being with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the Schedules hereunder shall be gross rental value for the purposes of rating with effect from 17 December 2008.

JENNIFER MATHEWS, Director General.

SCHEDULE

ADDITIONS TO GROSS RENTAL VALUE AREA

SHIRE OF GINGIN

All those portions of land comprised in the schedules below—

SCHEDULE 'A'

All that portion of land being Lot 1 as shown on Diagram 22176, Certificate of Title Volume 1210 Folio 878; Lot 2536 as shown on Deposited Plan 143243, Certificate of Title Volume 2176 Folio 633 and Lot 337 as shown on Deposited Plan 231427, Certificate of Title Volume 1444 Folio 964

SCHEDULE 'B'

All that portion of land being Lot 11 as shown on Diagram 56292; Lot 7 as shown on Diagram 77273; Lot 52 as shown on Plan 22443; Lot 71 as shown on Deposited Plan 26866; Lot 201 as shown on Deposited Plan 34510; Lot 101 as shown on Deposited Plan 39568 and Lot 141 as shown on Deposited Plan 39842.

SCHEDULE 'C'

All that portion of land delineated in black and coloured green as shown on Deposited Plan 63522.

LG403*

LOCAL GOVERNMENT ACT 1995

Shire of Jerramungup

(Basis of Rates)

Department of Local Government
and Regional Development.

DLGRD: J5-4#02

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the *Local Government Act 1995*, the Director General of the Department of Local Government and Regional Development under delegation from the Hon John Castrilli MLA, Minister for Local

Government, being charged for the time being with the administration of the *Local Government Act 1995*, has determined that the method of valuing the land described in the Schedule hereunder shall be gross rental value for the purposes of rating with effect from 13 February 2009.

JENNIFER MATHEWS, Director General.

SCHEDULE

ADDITIONS TO GROSS RENTAL VALUE AREA

SHIRE OF JERRAMUNGUP

All that portion of land being Lots 781 to 791 inclusive, Lots 795 to 808 inclusive, Lots 811 to 813 inclusive and Lots 815 to 817 inclusive as shown on Deposited Plan 52330 and Lots 197 to 231 inclusive, Lots 241 to 247 inclusive, Lot 9000 and Lot 9001 as shown on Deposited Plan 61018.

LG404

CITY OF MELVILLE

APPOINTMENT OF RANGER

It is hereby noted for public information that Kristina Evangeline Hunter as an Authorised Person of the City of Melville pursuant to the following—

1. To exercise power under Part XX of the Local Government (Miscellaneous Provisions) Act 1960;
2. Section 449 of the Local Government (Miscellaneous Provisions) Act 1960 as Pound Keeper and Ranger;
3. Part 9 Division 2 of the Local Government Act 1995;
4. Section 9.10, 9.13, 9.15 of the Local Government Act 1995 as an Authorised Person;
5. Part 3 subdivision 4 of the Local Government Act 1995;
6. Section 3.39 of the Local Government Act 1995 as an Authorised Person: and as an Authorised Person pursuant to the following—

Dog Act 1976 for the purposes of registering, seizing, impounding, detaining and destroying of dogs; Section 33E (1) Dog Act as an Authorised Person Control of Vehicles (Off road Area) Act 1978;

Litter Act 1979;

Bush Fires Act 1954.

and effecting general ranger duties within the district.

Dr SHAYNE SILCOX, Chief Executive Officer.

MARINE/MARITIME

MX401*

WESTERN AUSTRALIAN MARINE ACT 1982

NAVIGABLE WATERS REGULATIONS 1958

PROHIBITED SWIMMING AREA

Point Walter, Swan River

Department for Planning and Infrastructure,
Fremantle WA, 13 February 2009.

Acting pursuant to the powers conferred by Regulation 10A(b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming, between 8:15 pm and 10:30 pm on Sunday 1 March 2009 for the duration of a Point Walter Fireworks display.

POINT WALTER

All the waters within a 100 metre radius of several firing points located centrally on the Point Walter Sandbar. The closest firing point will be located approximately 120 metres from the high water mark on the foreshore.

DAVID HARROD, General Manager, Marine Safety,
Department for Planning and Infrastructure.

MX402*

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
 PROHIBITED SWIMMING AREA
Mandurah Estuary

Department for Planning and Infrastructure,
 Fremantle WA, 13 February 2009.

Acting pursuant to the powers conferred by Regulation 10A(b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming, between 8.30 pm and 9.45 pm on Saturday 7 March 2009 for the duration of the Crab Fest pyrotechnics display.

MANDURAH ESTUARY

All the waters within an 70 metre radius of the firing point, located on the southern foreshore (adjacent to the War Memorial), at the entrance to Mandurah Canals.

DAVID HARROD, General Manager, Marine Safety,
 Department for Planning and Infrastructure.

MINERALS AND PETROLEUM

MP401*

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967
 RENEWAL OF PETROLEUM LEASE L 1H

Renewal of Petroleum Lease L 1H has been granted to Chevron Australia, Chevron (TAPL) Pty Ltd, Mobil Australia Resources Company Pty Limited and Santos Offshore Pty Ltd for a period of Twenty One (21) years commencing on 10 February 2009.

W. L. TINAPPLE, Executive Director,
 Petroleum and Environment Division.

MP402*

MINING ACT 1978
 APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,
 Leonora.

In accordance with Regulation 49(2)(c) of the Mining Regulations 1981, notice is hereby given that the following licences are liable to forfeiture under the provisions of Section 96(1)(a) of the *Mining Act 1978* for failure to lodge a report within the prescribed period.

T. WATT, Warden.

To be heard by the Warden at Leonora on 11 March 2009.

EAST MURCHISON MINERAL FIELD
Lawlers District
 Prospecting Licence

P36/1522 Terrandra Pty Ltd

MOUNT MARGARET MINERAL FIELD
Mount Malcolm District
 Prospecting Licence

P37/6677 Woodbine Aviation Pty Ltd
 P37/6789 Archimedes Mining Pty Ltd

Mount Morgans District

Prospecting Licence

| | | |
|----------|---------------------------|---|
| P39/3952 | Blackley: Keer Thomas | (Now transferred to Gordon: Phillip Murray) |
| P39/4346 | Woodbine Aviation Pty Ltd | |
| P39/4354 | Blackley: Keer Thomas | (Now transferred to Gordon: Phillip Murray) |

NORTH COOLGARDIE MINERAL FIELD

Niagara District

Prospecting Licence

| | |
|----------|-------------------------|
| P40/1128 | Wiltshire: Peter Andrew |
| P40/1130 | Wiltshire: Peter Andrew |

MP403***MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,
Leonora.

In accordance with Regulation 49(2)(c) of the Mining Regulations 1981, notice is hereby given that the following licences are liable to forfeiture under the provisions of Section 96(1)(a) of the *Mining Act, 1978* for non-payment of rent.

T. WATT, Warden.

To be heard by the Warden in Leonora on 11 March 2009.

MOUNT MARGARET MINERAL FIELD

Mount Malcolm District

Prospecting Licences

| | |
|----------|---|
| P37/6415 | Biggs: Glen Neil Williams: Thomas Geoffrey McKnight: Russell Geoffrey |
| P37/6416 | Biggs: Glen Neil Williams: Thomas Geoffrey McKnight: Russell Geoffrey |
| P37/6790 | Archimedes Mining Pty Ltd |
| P37/6806 | Cool Sand Supplies Pty Ltd |
| P37/6807 | Cool Sand Supplies Pty Ltd |
| P37/6808 | Cool Sand Supplies Pty Ltd |

Mount Morgans District

Prospecting Licences

| | |
|----------|--|
| P39/4335 | Wilson: Scott Walter Crew: Ross Frederick |
| P39/4336 | Wilson: Scott Walter Crew: Ross Frederick |
| P39/4337 | Wilson: Scott Walter Crew: Ross Frederick |
| P39/4338 | Wilson: Scott Walter Crew: Ross Frederick |
| P39/4339 | Wilson: Scott Walter Crew: Ross Frederick |
| P39/4472 | Wilson: Scott Walter Crew: Ross Frederick |
| P39/4473 | Wilson: Scott Walter Crew: Ross Frederick |
| P39/4475 | Wilson: Scott Walter Crew: Ross Frederick |
| P39/4477 | Wilson: Scott Walter Crew: Ross Frederick |
| P39/4478 | Wilson: Scott Walter Crew: Ross Frederick |

MP404***MINING ACT 1978****APPLICATION FOR AN ORDER FOR FORFEITURE**Department of Mines and Petroleum,
Norseman.

In accordance with Regulation 49 of the *Mining Act 1978* notice is hereby given that the licences are liable to forfeiture under the provision of Section 96(2)(ba) & 96(2)(b) for breach of covenant, failure to comply with the prescribed expenditure conditions.

Ms LIZ LANGDON, Warden.

To be heard in the Warden's Court Norseman on Wednesday 25th March 2009.

DUNDAS MINERAL FIELD

Prospecting Licences

| | |
|----------|--|
| P63/1134 | John Richard, Robert John, Peter Bryce Catoi |
| P63/1164 | Harry Carmody, Bullabulling Pty Ltd |
| P63/1165 | Harry Carmody, Bullabulling Pty Ltd |
| P63/1233 | Dundas Resources Pty Ltd |
| P63/1234 | Dundas Resources Pty Ltd |
| P63/1235 | Dundas Resources Pty Ltd |
| P63/1236 | Dundas Resources Pty Ltd |
| P63/1237 | Dundas Resources Pty Ltd |
| P63/1238 | Dundas Resources Pty Ltd |
| P63/1239 | Dundas Resources Pty Ltd |
| P63/1240 | Dundas Resources Pty Ltd |
| P63/1241 | Dundas Resources Pty Ltd |
| P63/1242 | Dundas Resources Pty Ltd |
| P63/1243 | Dundas Resources Pty Ltd |
| P63/1244 | Dundas Resources Pty Ltd |
| P63/1245 | Dundas Resources Pty Ltd |
| P63/1246 | Dundas Resources Pty Ltd |
| P63/1247 | Dundas Resources Pty Ltd |

MP405***MINING ACT 1978****APPLICATION FOR AN ORDER FOR FORFEITURE**Department of Mines and Petroleum,
Norseman WA 6443.

In accordance with Regulation 49(2)(c) of the *Mining Act 1978* notice is hereby given that these Prospecting Licences are liable to forfeiture under the provisions of Section 96(1)(a) for breach of covenant, viz. non payment of rent.

Ms LIZ LANGDON, Warden.

To be heard in the Warden's Court, Norseman on the 25th day of March 2009.

DUNDAS MINERAL FIELD

Prospecting Licences

| | |
|----------|--|
| P63/1134 | John Richard, Robert John, Peter Bryce Catoi |
| P63/1164 | Harry Carmody, Bullabulling Pty Ltd |
| P63/1165 | Harry Carmody, Bullabulling Pty Ltd |
| P63/1233 | Dundas Resources Pty Ltd |
| P63/1234 | Dundas Resources Pty Ltd |
| P63/1235 | Dundas Resources Pty Ltd |
| P63/1236 | Dundas Resources Pty Ltd |
| P63/1237 | Dundas Resources Pty Ltd |
| P63/1238 | Dundas Resources Pty Ltd |
| P63/1239 | Dundas Resources Pty Ltd |
| P63/1240 | Dundas Resources Pty Ltd |
| P63/1241 | Dundas Resources Pty Ltd |
| P63/1242 | Dundas Resources Pty Ltd |
| P63/1243 | Dundas Resources Pty Ltd |
| P63/1244 | Dundas Resources Pty Ltd |
| P63/1245 | Dundas Resources Pty Ltd |
| P63/1246 | Dundas Resources Pty Ltd |
| P63/1247 | Dundas Resources Pty Ltd |

MP406*

MINING ACT 1978
MINING REGULATIONS 1981
RELEASE OF MINERAL EXPLORATION INFORMATION
(Mining Regulation 96(4))

The Geological Survey of Western Australia (GSWA), part of the Western Australian Department of Mines and Petroleum (DMP), plans to release mineral exploration reports submitted by companies to DMP under Section 115A of the *Mining Act 1978*. Release of the reports is pursuant to Regulation 96(4), that is, where such statutory exploration reports have been held at the Department for a period of five years or more. Reports to be released were submitted to the Department between April 2001 and December 2003.

Pursuant to Regulation 96(5), the holder of a mining tenement covered by the report, or any subsequent tenement granted in renewal of or substitution for such mining tenement, may object to the release. Objections to the immediate release of a report must specify the reasons why the information contained in the report should not be released and must be received prior to the release of the report.

Objections to the release of reports should be addressed to the Director Geological Survey, 100 Plain Street, East Perth, 6004. Telephone (08) 9222 3509 Facsimile (08) 9222 3893.

Release of reports will commence on 20 April 2009.

Further information may be obtained on the website www.dmp.wa.gov.au/sunsetclausereports or by contacting the Department.

PLANNING AND INFRASTRUCTURE

PI401*

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

Ref: 853/4/8/3 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 approved the Shire of Corrigin local planning scheme amendment on 12 January 2009 for the purpose of—

1. Rezoning portion of Lot 3 Avon Location 16025 Bruce Rock—Corrigin Road from “Rural” and “Residential R12.5” to “Rural Residential” and “Residential R12.5”
2. Reclassifying portion of Lot 3 of Avon Location 16025 Bruce Rock-Corrigin Road, from “Rural” to “Parks and Recreation”.
3. Amending the Scheme maps accordingly.
4. Insert the following as Clause 5.7—

5.7 OUTLINE DEVELOPMENT PLAN

- 5.7.1 The local government or the Western Australian Planning Commission may require the preparation of an outline development plan prior to considering any subdivision or development proposal in any zone.
- 5.7.2 Notwithstanding the requirement of this Scheme, all development is to comply with the requirements of any endorsed outlined development plan/s.
- 5.7.3 Any departure or alterations to outline development plans may, subject to the approval of the Western Australian Planning Commission, be permitted if the local government considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area.
- 5.7.4 A proposed outline development plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, and where the proposed outline development plan becomes an outline development plan, the local government is to have due regard to such reserves, zones or Residential Design Codes when recommending subdivision or approving development of land within. In the absence of an endorsed outlined development plan the symbols in the Zoning Table will apply.

5.7.5 Advertising of outline development plans—

The local government may within 30 days of receiving the outline development plan require that it be advertised in accordance with clause 6.3 of this Scheme.

5.7.6 Adoption of outline development plans—

Following adoption of the outline development plan, with or without modifications, the local government shall request the Western Australian Planning Commission to endorse the outline development plan as the basis for approval of subdivision applications within areas covered by the plan.

5.7.7 Right of Review—

The proponent of an outline development plan required by this Scheme may make application for review under Part 14 of the *Planning and Development Act 2005*—

- (a) The failure of the local government to make a determination on the content and requirement of an outline development plan (or an amendment to an outline development plan) within 120 days of receiving a request for direction;
- (b) A decision by the local government not to endorse an outline development plan (or an amendment to an outline development plan); and
- (c) Conditions of approval of the outline development plan (or an amendment to an outline development plan).

5. Adding the following new Schedule No. 12—

Schedule No. 12
Rural Residential and Residential Zones

| Specified Area | Special Provisions |
|--|---|
| 1. That part of the Shire of Corrigin described as Lot 3 of Avon Location 16025 Bruce Rock-Corrigin Road (Certificate of Title 2075/471) | <p>(a) <u>Subdivision</u></p> <p>Subdivision and development of Lot 3 shall generally be in accordance with the Outlined Development Plan adopted in accordance with Clause 5.7 (Outline Development Plan) of the Scheme. The Subdivision Guide Plan shall—</p> <ol style="list-style-type: none"> (i) Support low density residential and rural subdivision; (ii) Have regard to topography and address the requirement to preserve and/or rehabilitate the landscape values pertaining to the locality; (iii) Have regard to the natural drainage of the local catchment area and accommodate the on-site disposal of stormwater generated from dwellings developed within the site. <p>(b) <u>Development Criteria</u></p> <p>See Clause 3.5.5 (Rural Residential zone objectives) for land zoned Rural Residential and Clause 3.5.1 (Residential zone objectives) of the Scheme for land zoned Residential.</p> <p>(c) <u>Land Use Control</u></p> <p>As Specified in Schedule No. 2—Zoning Table and Clause 3.5.5 (Rural Residential zone objectives) for land zoned Rural Residential and Clause 3.5.1 (Residential zone objectives) of the Scheme for land zoned Residential.</p> <p>(d) <u>Servicing</u></p> <p>All residential and rural-residential lots of 4ha and less shall be provided with a reticulated water supply.</p> <p>(e) These provisions are to be read in conjunction with the Scheme requirements for the Rural Residential and Residential zones. Where conflict exists, the conditions of this Schedule will prevail.</p> |

N. A. FORBES, Shire President.
J. P. MURPHY, Chief Executive Officer.

PI402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Canning

Town Planning Scheme No. 40—Amendment No. 158

Ref: 853/2/16/44 Pt 158

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Canning local planning scheme amendment on 21st January 2009 for the purpose of: modifying the Zoning Table by listing the “multiple dwelling” use class as an ‘AA’ use within the City Centre Deferred Zone.

G. DELLE DONNE, Mayor.
 A. SHARPE, Acting Chief Executive Officer.

PI403*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Plantagenet

Town Planning Scheme No. 3—Amendment No. 39

Ref: 853/5/14/4 Pt 39

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Plantagenet local planning scheme amendment on 23 January 2009 for the purpose of—

1. Rezoning Lots 2150 and 6045 Spring Road, Porongurup from the Rural zone to the Rural Residential zone
2. Incorporating into Schedule 5 of the Scheme Text, “Rural Residential zones—Provisions Relating to Specified Areas”, the following identification and special provisions—

Schedule No. 5

Rural Residential Zones—Provisions Relating To Specified Areas

(a) Specified Area of Locality—

RRes9

9. PORONGURUPS

Lots 2150 and 6045 Spring Road, Porongurup

(b) Special Provisions to refer to (a)—

1.0 Plan of Subdivision

- 1.1 Subdivision shall be generally in accordance with the Subdivision Guide Plan.
- 1.2 Further subdivision that creates additional lots to those shown on the Subdivision Guide Plan will not be permitted.

2.0 Objectives

2.1 The objectives are to—

- Allow for a range of lot sizes for small scale intensive agriculture, hobby farms and rural retreats.
- Provide for the protection of creeklines, remnant vegetation and encourage revegetation where appropriate to minimise visual impacts and reduce salinity and erosion.
- Integrate development with the landscape while providing for bushfire protection and management.
- Utilise water sensitive and passive solar design principles to ensure effective and efficient use of resources (water and energy).

3.0 Land Use

3.1 The following uses are permitted—

- Single House
- Home occupation

3.2 The following uses are ‘AA’ uses (may be permitted subject to the consent of Council)—

- Cottage Industry
- Bed & Breakfast Accommodation
- Private Recreation

3.3 The following uses are 'SA' uses (may be permitted subject to the consent of Council following notice of the application being given in accordance with S6.2 of the Scheme)—

- Aquaculture
- Horticulture
- Rural Use (subject to Clause 4.1 of these provisions)

4.0 Keeping of Livestock/Animals

4.1 Intensive agricultural pursuits such as piggeries, feed lotting, poultry farms are not permitted. The keeping of livestock shall be restricted to fenced pastured areas of the lot. The owner shall be responsible for maintenance of stock proof fencing to protect remnant vegetation and creekline revegetation areas. Animal numbers shall not exceed the stocking rates recommended by the Department of Agriculture and Food WA. The keeping of animals shall not result in the removal or damage of vegetation and trees or result in soil degradation and dust nuisance.

5.0 Horticulture & Viticulture

- 5.1 A nutrient, drainage and irrigation management plan is to be required as a condition of planning consent for applications for horticulture and shall have regard to best environmental management practice as outlined in current guidelines and codes of practice.
- 5.2 A management plan that has regard to the "Draft Environmental Guidelines for Vineyards (February 2001)", or any subsequent updates, shall be required as a condition of planning consent for applications for horticulture (vineyards).
- 5.3 The Council will only approve of commercial scale horticulture enterprises where the proponent can demonstrate the use would be located and managed in such a way as to avoid creating conflicts with existing or likely future uses on adjoining or nearby lots. Appropriate buffers are to be provided to minimise potential impacts such as noise, dust and spray drift.

6.0 Building Design, Materials & Location

- 6.1 Houses and outbuildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. The Council will be supportive of walls and roofs with natural tonings in keeping with the amenity of the area, however the Council shall refuse to approve walls and roofs constructed of reflective materials such as unpainted Zinalume and off-white colours.
- 6.2 All houses shall be constructed in accordance with AS 3959.
- 6.3 Houses shall not exceed 7.5 metres in height, measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of Council, taking into account the objective of minimising the visual impacts of such buildings when viewed from surrounding roads.
- 6.4 All buildings shall be setback a minimum of 20m from all lot boundaries and 50m from creeklines and water bodies.
- 6.5 On those lots allocated 'Building Envelopes' on the Subdivision Guide Plan all structures shall be confined to the Building Envelopes.
- 6.6 Notwithstanding 6.4 and 6.5, the Council may approve a variation to the siting requirements where it can be justified on the basis of topography, vegetation, visual amenity and/or creekline protection, provided such variation is consistent with the objectives of the zone.
- 6.7 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of the Council.
- 6.8 Water tanks shall be coloured an appropriate natural shade of brown or green or suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of the Council.
- 6.9 No structures or boundary fencing shall be permitted within areas of remnant vegetation. Within such areas, delineation of property boundaries shall be by way of cairns or other appropriate means.
- 6.10 Construction of dams, bores and drainage works shall require the approval of the Council prior to construction. On those lots on the Subdivision Guide Plan allocated with Building Envelopes, new dams shall be confined to the Building Envelopes.

7.0 Vegetation and Revegetation

- 7.1 No clearing of vegetation shall occur except for—
- (a) clearing to comply with the requirements of the *Bush Fires Act 1954* (as amended);
 - (b) clearing that may reasonably be required to construct an approved building and curtilage;
 - (c) trees that present an imminent danger to human health;
 - (d) clearing to gain vehicular access to a house approved by the Council;
 - (e) clearing required to establish a low fuel buffer.

7.2 The Council may request the WAPC to impose a condition at the time of subdivision for revegetation of areas shown on the Subdivision Guide Plan. Such revegetation shall be appropriately maintained for a minimum of three years and preference should be given to local species.

7.3 Additional tree planting may be required as a condition of development approval.

8.0 Water Supply

8.1 At subdivision stage, consideration shall be given to the practicality and reasonableness of provision of a reticulated water supply to the lots.

8.2 Where provision of a reticulated water supply is found to be impractical or unreasonable, each single house shall be provided with a water supply with a minimum capacity of 92,000 litres. This may be supplied from licensed underground water supplies or rainwater storage systems to the satisfaction of the Council and the Health Department of Western Australian. The 92,000 litre water supply is to be made available for fire fighting purposes and tanks are to have appropriate couplings to Council and FESA standards to access the water.

9.0 Effluent Disposal

9.1 On-site effluent disposal shall be the responsibility of the individual landowner.

9.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by Council and the Health Department of WA. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Conventional effluent disposal areas for new dwellings shall be set back a minimum of 100 metres from the natural permanent watercourse.

9.3 Council shall require the use of alternative soil type effluent disposal systems, such as amended soil type/ATU Systems in the following situations—

- on those lots identified as Low/Moderate Capability—some limitations to location and type of system on the subdivision guide plan;
- where a 100 metre setback from a creek line or water course cannot be achieved;
- where soil conditions are not conducive to the retention of nutrients; and
- in low lying areas.

Separation from waterways and ground water shall be determined by the Council in conjunction with the Health Department of WA. A minimum setback of 50m from the creekline and 30m from the drainage line shall be required. Alternative effluent disposal systems and cut off drains may be required on lots with soils prone to winter water logging.

9.4 At subdivision stage the developer shall be required to demonstrate the achievability of onsite effluent disposal on those lots marked with an asterisk on the Subdivision Guide Plan. If this cannot be sufficiently demonstrated, creation of those lots will not be supported.

9.5 Variations to the design or location of effluent disposal areas will require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impacts to the satisfaction of Council and the Department of Health.

9.6 No more than one effluent disposal system will be permitted on one lot.

10.0 Bushfire Management Control

10.1 Development shall comply with the Fire Management Plan.

10.2 Provision shall be made to Council's satisfaction to ensure prospective purchasers of land are given a copy of the Fire Management Plan and the Homeowners Bushfire Survival Manual, or equivalent publication.

10.3 At subdivision stage Council shall recommend that the WAPC impose a condition requiring a section 70A Notification to be lodged on each Certificate of Title proposed by this subdivision in respect of AS3959 for all houses.

10.4 At subdivision stage Council shall recommend that the WAPC impose a condition requiring the installation of strategic firebreaks to gravel standard and construction of battle-axe legs and driveways where Building Envelopes are more than 50m from public roads as shown on the Subdivision Guide Plan.

10.5 At subdivision stage Council shall recommend that the WAPC impose a condition requiring the implementation of a hazard reduction program, to ensure fuel loads do not exceed 8 tonnes per ha, until individual lots are sold.

10.6 Council shall require that individual landowners are responsible for the maintenance of hazard reduction areas around approved buildings and any strategic firebreak where it crosses the landowner's lot.

10.7 Unlocked gates are to be installed where fences are erected across strategic fire breaks shown on the Subdivision Guide Plan

11.0 Roads and Drainage

- 11.1 At subdivision stage Council shall recommend that the WAPC impose a condition requiring the upgrading of Spring Road from the north east corner of Lot 6045 through to Chester Pass Road to a gravel standard and from the north east corner of Lot 6045 through to the Mount Barker-Porongurup Road Chester Pass Road to a bitumen standard.
- 11.2 The upgrading/construction Spring Road required by Clause 11.1 above shall have regard to the landscape and floristic values of the road reserve and a responsive and sensitive design will be required. This design is likely to include reduced pavement widths and traffic calming features with the aim of retaining as much significant vegetation as possible whilst ensuring road safety is not compromised.
- 11.3 At subdivision stage Council shall recommend that the WAPC impose a condition requiring the construction of all internal roads to bitumen standard.
- 11.4 At subdivision stage Council shall recommend that the WAPC impose a condition requiring the Right of Way linking to Stoney Creek Road to the north be created as a public road and constructed and sealed to a bitumen standard.
- 11.5 At subdivision stage Council shall recommend that the WAPC impose a condition requiring the preparation and implementation of a nutrient, stormwater and drainage management plan.

12.0 Foreshore Management

- 12.1 At subdivision stage Council shall recommend that the WAPC impose a condition requiring the preparation and implementation of a Foreshore Management Plan for creeklines and the associated vegetation, to Department of Water and Council specifications.

13.0 Notification of Prospective Owners

- 13.1 At subdivision stage Council shall recommend that the WAPC impose a condition requiring that prospective purchasers are—
- (a) Provided with a copy of these Special Provisions, a copy of the Fire Management Plan and a copy of the Subdivision Guide Plan; and
 - (b) Made aware that reticulated water and sewerage is not available and that alternative effluent disposal systems may be required.
- 13.2 At subdivision stage Council shall recommend that the WAPC impose a condition requiring preparation and distribution to prospective purchasers of an information sheet regarding weed and dieback control.
- 13.3 At subdivision stage Council shall recommend that the WAPC impose a condition requiring preparation and distribution to prospective purchasers of an information sheet which discourages the keeping of cats and dogs and promotes measures that should be taken to minimise the impacts pets have on native fauna.

K. M. FORBES, Shire President.
R. STEWART, Chief Executive Officer.

PREMIER AND CABINET

PC401***APPOINTMENT OF DEPUTY OF THE GOVERNOR**

It is hereby notified for public information that the Governor, under clause XVI of the Letters Patent relating to the Office of Governor of the State of Western Australia dated 14 February 1986, has appointed the Chief Justice of Western Australia, the Honourable Wayne Stewart Martin, to be deputy of the Governor and in that capacity to perform and exercise all the powers and functions of the Governor during the following period—

16 to 20 February 2009 (both dates inclusive).

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

RACING, GAMING AND LIQUOR

RG401*

GAMING AND WAGERING COMMISSION ACT 1987

APPOINTMENT OF MEMBER TO THE GAMING AND WAGERING COMMISSION
OF WESTERN AUSTRALIA

Under section 12(1) of the *Gaming and Wagering Commission Act 1987*, the Minister for Racing and Gaming appointed—

Mr Kevin Harrison of 18a Collier Street Ardross as a member of the Gaming and Wagering Commission of Western Australia for a term commencing from 23 January 2009 and expiring on 31 December 2012.

BARRY A. SARGEANT, Director General,
Department of Racing, Gaming and Liquor.

Dated this 6th day of February 2009.

RG402*

RACING PENALTIES (APPEALS) ACT 1990

APPOINTMENT OF MEMBERS TO THE RACING PENALTIES APPEAL TRIBUNAL

Under section 6(3) of the *Racing Penalties (Appeals) Act 1990*, the Minister for Racing and Gaming appointed the following to the panel of persons who are eligible to be selected by the Chairperson to be appointed as members of a Tribunal in relation to any appeal for terms expiring on 28 February 2011—

- Ms Karen Josephine Farley
- Mr Andrew Emilio Monisse
- Mr Robert John Nash

BARRY A. SARGEANT, Director General,
Department of Racing, Gaming and Liquor.

Dated this 6th day of February 2009.

RG403*

LIQUOR CONTROL ACT 1988

LIQUOR APPLICATIONS

The following is a summary of applications received under the *Liquor Control Act 1988 (the Act)* and required to be advertised.

Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming & Liquor, 1st Floor, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

| App. No. | Applicant | Nature of Application | Last Date for Objections |
|---|--------------------------|---|--------------------------|
| APPLICATIONS FOR THE GRANT OF A LICENCE | | | |
| 12729 | Blue Poppy Pty Ltd | Application for the grant of a Hotel (Restricted) licence in respect of premises situated in East Perth and known as 12:01 East Backpackers | 01.03.09 |
| APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS | | | |
| 33247 | Harwell Nominees Pty Ltd | Application for a Ongoing hours extended trading permit in respect of premises situated in Subiaco and known as The Ess Bar | 02.03.09 |

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

Dated: 11 February 2009.

B. A. SARGEANT, Director of Liquor Licensing.

WORKCOVER

WC401*

WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981**LOCAL GOVERNMENT ACT 1960**

NOTICE OF EXEMPTION

Given by the Board for the purposes of section 164 of the *Workers' Compensation and Injury Management Act 1981*.

Notice is given that on 28 January 2009, the Governor, acting under section 164 of the *Workers' Compensation and Injury Management Act 1981* and with the advice and consent of Executive Council, exempted Pilbara Regional Council from the obligation to insure pursuant to that Act, except for the obligation to insure against liability to pay compensation under that Act for any industrial disease of the kinds referred to in section 151 (a) (iii) of the Act.

GREG JOYCE, Chairman of the Board.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

In the matter of the Estate of Barry David Conroy, late of 15 Castellon Crescent, Coogee, in the State of Western Australia, Retired Production Officer, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the Estate of the deceased, who died on the 27th day of September 2008, are required by the personal representative, Edelgard Karin Barbara, to send particulars of their claims to Messrs Taylor Smart of 1 Regal Place, East Perth in the State of Western Australia, by the 13th day of March 2009, after which date the said personal representative may convey or distribute the assets having regard only to the claims of which she then has had notice.

Dated the 9th day of February 2009.

GARRY E. SAME, Taylor Smart.

ZX402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

June Eycott Tahan, late of Villa 86, Parkland Villas, 52-54 Liege Street, Woodlands in the State of Western Australia, Home Duties, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the Estate of June Eycott Tahan, deceased who died on 20 June 2008, are required by the personal representatives Rodney Griffiths of 13 Craig Street, Wembley Downs in the State of Western Australia and Paula Ritsinias of 22 Bernedale Street, Duncraig in the said State to send particulars of their claims to the solicitors for the said personal representatives, Griffiths & Godecke of 1st Floor, 215 Main Street, Osborne Park in the said State by the 31st day of March 2009, after which date the personal representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

ZX403

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

In the matter of the Estate of Anastassia Stamatis (also known as Nancy Stamatis), late of 18 Florence Street, West Perth in the State of Western Australia, Home Duties, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the Estate of the deceased, who died on the 2nd day of May 2008, are required by the Executor, Emmanuel Manifis (of care of STAFFA Lawyers, PO Box 1765, Osborne Park DC, WA 6916. telephone: (08) 9244 1488, facsimile: (08) 9244 3588, email: admin@staffalawyers.com.au) to send particulars of their claims by the 20th day of March 2009, after which date the Executor may convey or distribute the assets of the Estate, having regard only to the claims of which he then has notice.

ZX405*

PUBLIC TRUSTEE ACT 1941
ADMINISTERING OF ESTATES

Notice is hereby given that pursuant to Section 14 of the *Public Trustee Act 1941* and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth the 13th day of February 2009.

JOHN SKINNER, Public Trustee,
565 Hay Street, PERTH WA 6000.

| Name of Deceased | Address | Date of Death | Date Election Filed |
|--|-------------------------------------|-----------------|---------------------|
| Kevin Miller DE30232044EM16 | 130 Lord Street Eden Hill | 10 July 2006 | 3 February 2009 |
| Albert Karl Troellsch DE33025841EM110 | 110 Star Street Carlisle | 22 August 2007 | 3 February 2009 |
| Frans Ebbe Evert Fransson DE33068454EM26 | 124A Chapman Road Geraldton | 14 October 2008 | 5 February 2009 |
| John William Mallett DE19651547EM16 | 11 Magee Place Mount Helena | 13 October 2008 | 5 February 2009 |
| Edith Beryl Clapp DE19652715EM27 | Swan Cottage Homes Bentley | 3 December 2008 | 9 February 2009 |
| Dorothy Saw DE19992970EM37 | 8 Kate Street East Victoria Park | 9 January 2009 | 9 February 2009 |

ZX404*

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act*, relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 13 March 2009 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Best, Audrey May, late of Annesley Rowethorpe Home, 4-10 Hayman Road, Bentley, formerly of 33 Leonard Street, Victoria Park, died 20.11.2008 (DE19580607EM38)

Clapp, Edith Beryl, late of 72 Jarrah Road, Bentley, died 3.12.2008 (DE19652715EM27)

Connaughton, Elizabeth Lucy, late of 7 Sherman Court, Kingsley, died 31.12.2008 (DE33068686EM36)

Davidse, Pieter Johannes, late of Shoalwater Aged Care, 70-74 Fourth Avenue, Shoalwater, formerly of 160/8 Harman Road, Sorrento, died 25.11.2008 (DE19733816EM26)

Dowie, Marian, late of 6 Waterlily Drive, Stratton, died 8.12.2008 (DE19981642EM32)

Drabble, Roy Cedric, late of 15 Portsea Gardens, Jandakot, died 10.12.2008 (DE33015460EM110)

Gorman, Lawrence Kennedy, late of Forrest Gardens Nursing Centre, 926 Woodrow Street, Bunbury, died 7.1.2009 (DE33037958EM22)

Hugall, Jessie Henrietta, late of Mirrambeena Nursing Home, 21 Farrelly Street, Margaret River, died 17.12.2008 (DE19971484EM12)

Ignaczak, Janina, late of 38 Alday Street, St James, formerly of 72B Towncentre, Thornlie, died 20.11.2008 (DE19981803EM110)

Looymans, Sheralee, late of 36 Chesapeake Parade, Port Kennedy, died 16.07.2008 (DE33066621EM26)

Saw, Dorothy, late of 8 Kate Street, East Victoria Park, died 9.01.2009 (DE19992970EM37)

Snow, Norman James, late of 39 Success Drive, Rockingham, died 28.12.2008 (DE19843327EM37)

Stanton, Jessie, late of Tuohy Aged Care Facility, 22 Morrison Road, Midland, formerly of Woodville House, 425 Clayton Road, Helena Valley, died 22.01.2009 (DE30223054EM15)

Sykes, Del, late of 5/29 Lyttleton Street, Rockingham, died 8.12.2008 (DE19941743EM17)

Whiting, Joyce Mary, late of 180 Peninsula Road, Maylands, died 14.01.2009 (DE19873598EM36)

JOHN SKINNER, Public Trustee,
Public Trust Office,
565 Hay Street,
Perth WA 6000.
Telephone: 9222 6777

WESTERN AUSTRALIA

LOCAL GOVERNMENT ACT 1995

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