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— PART 1 —

LOCAL GOVERNMENT

LG301*

Local Government Act 1995

Local Government (Leonora - Discontinuance of Ward System and Councillor Numbers) Order 2010

Made by the Governor in Executive Council on the recommendation of the Minister for Local Government.

1. Citation

This order is the Local Government (Leonora - Discontinuance of Ward System and Councillor Numbers) Order 2010.

2. Commencement

- (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. Terms used

In this order —

commencement day means the day on which the rest of the order comes into operation under clause 2(b);

district means the district known as the Shire of Leonora;

next election means the first ordinary election for the Shire of Leonora held after commencement day;

next election day means the day fixed for the holding of the poll for the next election.

4. Abolition of wards (s. 2.2(1)(d) of the Act)

All the wards in the district are abolished immediately before next election day.

5. Consequential directions (s. 9.62 of the Act)

In order to give effect to clause 4 —

- (a) on and from the next election day each councillor on the council of the district whose term expires in 2013 is to be taken to have been elected as if the district had not been divided into wards when the councillor was elected; and
- (b) Part 4 of the Act applies to preparing for and conducting the next election as if the changes effected by clause 4 take effect on commencement day; and
- (c) the operation of Part 4 of the Act is modified to the extent necessary for the purposes of paragraph (b).

6. Change in number of councillors for the next election (s. 2.18(3)(a) of the Act)

On and from next election day, the number of offices of councillor on the council of the Shire of Leonora is 7.

7. Consequential directions (s. 9.62 of the Act)

In order to give effect to clause 6 —

- (a) Part 4 of the Act applies to preparing for and conducting the next election as if the changes effected by clause 6 take effect on commencement day; and
- (b) the operation of Part 4 of the Act is modified to the extent necessary for the purposes of paragraph (a).

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

LG303*

Animal Welfare Act 2002

Animal Welfare (General) Amendment Regulations (No. 2) 2010

Made by the Governor in Executive Council.

1. Citation

These regulations are the Animal Welfare (General) Amendment Regulations (No. 2) 2010.

2. Commencement

- (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 *Animal Welfare (General) Regulations 2003*.

4. Schedule 1 amended

After Schedule 1 item 12C insert:

12DA. Model Code of Practice for the Welfare of Animals: Livestock at Slaughtering Establishments

> First published in 2001 (paperback) and 2002 (on-line) by CSIRO publishing, acting on behalf of the Agriculture and Resource Management Council of Australia and New Zealand.

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

— PART 2 —

ENVIRONMENT

EV401

ENVIRONMENTAL PROTECTION ACT 1986

REVIEW OF THE ENVIRONMENTAL PROTECTION (WESTERN SWAMP TORTOISE HABITAT) POLICY 2002

In accordance with section 36(1)(b) of the *Environmental Protection Act 1986*, the Minister for Environment directs the Environmental Protection Authority to defer the transmittal of the revised draft Western Swamp Tortoise Habitat Environmental Protection Policy to the Minister to allow full consultation to commence with the community and stakeholders. This direction is in effect until 30 October 2010.

For further enquiries please contact Ms Ruth Clark (Office of the Environmental Protection Authority) on 6467 5523.

MINERALS AND PETROLEUM

MP403*

Commonwealth of Australia

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE ACT 2006

DECLARATION OF LOCATION

I, Mark Gabrielson, the delegate of the Designated Authority of the offshore area in respect of the State of Western Australia, declare the blocks hereunder to be a location for the purpose of the Act.

Brunswick Bay SD51 Map Sheet

Block No.	Block No.	Block No.	Block No.
1409	1481	1552	1553
1554	1625		

The blocks are the subject of Exploration Permit No. WA-371-P held by-

Shell Development (Australia) Pty Ltd

Dated at Perth on this 12th day of February 2010.

M. GABRIELSON, delegate of the Designated Authority, pursuant to the Instrument of the Delegation dated 2 February 2009. For and on behalf of the Commonwealth-Western Australia Offshore Petroleum Joint Authority.

MP404*

Commonwealth of Australia

OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE ACT 2006 (the Act)

DELEGATION

The joint authority in respect of the offshore area of the State of Western Australia hereby revokes all existing delegations made pursuant to section 66 of the Act and delegates all its functions and powers under the Act (other than the power to delegate), or under an Act that incorporates the Act, to the following two persons together—

• the person from time to time performing the duties of General Manager, Offshore Resources Branch, Resources Division, Commonwealth Department of Resources, Energy and Tourism, as the person representing the Commonwealth Minister; and • the person from time to time holding, occupying, or performing the duties of the office of Executive Director of Petroleum and Environment Division, Department of Mines and Petroleum of the State of Western Australia, as the person representing the State Minister.

MARTIN JOHN FERGUSON, Minister for Resources and Energy.

Dated the 1st day of February 2010.

NORMAN FREDERICK MOORE, Minister for Mines and Petroleum.

Dated the 9th day of February 2010.

MP401*

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967

Section 99

CANCELLATION OF PETROLEUM EXPLORATION PERMIT EP 446

The Cancellation of Exploration Permit EP 446 held by Red Mountain Energy Pty Ltd will take effect on the date this notice appears in the *Government Gazette*.

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

MP402*

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967 PARTIAL SURRENDER OF PETROLEUM EXPLORATION PERMIT EP 412

The partial surrender of Petroleum Exploration Permit EP 412 in respect to Hamersley Range Block Nos. 6877, 6878, 6948, 6949, 6950, 7019, 7020, 7021, 7091, 7092 and 7093 has been registered and will take effect on the date this Notice appears in the *Government Gazette*.

M. GABRIELSON, Acting Executive Director, Petroleum and Environment Division.

PLANNING

PI101*

CORRECTION

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Dardanup

Town Planning Scheme No. 3—Amendment No. 159

Ref: 853/6/9/6 Pt 159

It is hereby notified for public information that the notice under the above Amendment No. 159, published at pages 232 and 233 of the Government Gazette No. 15 dated 2 February 2010, contained an error which is now corrected as follows—

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 Dardanup local planning scheme amendment on 20 January 2010 for the purpose of—

- 1. Rezoning portion of Lot 1004 Edith Cowan Avenue, Eaton from 'Residential—R15' to 'Other Community Uses' and 'Recreation', as depicted on the Scheme Amendment Map.
- 2. Rezoning the eastern end of Recreation Drive road reserve and portion of Lot 52 (Australind Bypass Road Reserve) from no zone and 'Important Regional Road' to 'Recreation' as depicted on the Scheme Amendment Map.
- 3. Designating the whole of Lot 1004 Edith Cowan Avenue, Eaton to 'Additional Use' and affixing the symbol 'A18'.
- 4. Rezoning portion of Lot 1004 Edith Cowan Avenue, Eaton, from 'Recreation' to 'Residential-R30' and 'Other Community Uses'.
- 5. Recoding 'Residential R15' on Lot 1004 Edith Cowan Avenue, Eaton to 'R30'.

6.	Including the following	provisions in	Appendix IV-	-Additional Use Zo	ones'—
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		Particulars	Additional Use	
No.	Street	of Land	Permitted	Conditions
18	Edith Cowan Avenue	Portion of Lot 1004	Lifestyle Village including Aged Persons Accommodation, Clubhouse and Workshop	 (a) The intent of the zoning is to promote the development of a high quality Lifestyle Village which includes residential accommodation, both single and two-storey, and community services, and which Integrates with the adjoining residential area. (b) Development to be generally in accordance with Development Guide Plan dated 09/10/2009, Drawing No. 06/086/004B, which forms part or Amendment No. 159 and shall comply with the following development criteria— (i) Development to be generally in accordance with the R40 code. (ii) No more than 55% of the total site shall be occupied by buildings. (iii) All areas not used for buildings, parking, access and drying purposes shall be planted, established, mulched and reticulated at the time of occupancy. These areas are to be maintained as landscaped areas to the satisfaction of Council. (iv) The accessway(s), parking area and turning area(s) shall be constructed, kerbed, formed, graded, drained and finished with a hard standing surface or equivalent by the development to be restricted to prep-development flows. (vi) Landscape buffer treatment works identified as the landscape buffer area on Lot 1004 and the proposed Landscape Buffer reserve to the south of Lot 1004 is to be undertaken by the owner(s) of Lot 1004 at the standard determined by the owner(s) of Lot 1004 at the standard determined by the owner(s) of Lot 1004 at the standard determined by the owner(s) of Lot 1004 at the standard determined by the owner(s) of Lot 1004 at the standard determined by the owner(s) of Lot 1004 at the standard determined by the owner(s) of Lot 1004 at the standard determined by the owner(s) of Lot 1004 at the standard determined by the owner(s) of Lot 1004 at the standard determined by the owner(s) or Landscape Buffer reserve to the south of Lot 1004 is to be undertaken by the owner(s) of Lot 1004 at the standard determined by the owner(s) or Landscape Buffer reserve to the south of Lot 1004 is to be undertaken by the own
				spouse of that person.

B. G. DAY, Shire President. M. L. CHESTER, Chief Executive Officer.

PI401*

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Plantagenet

Town Planning Scheme No. 3-Amendment No. 46

Ref: 853/5/14/4 Pt 46

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 25 January 2010 for the purpose of—

- (i) Rezoning Lots 752 and 2 Warburton Road, Mount Barker from the 'Rural' zone to 'Rural Residential' zone.
- (ii) 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
 - 12. Lots 752 and 2 Warburton Road, Mount Barker
- (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 other than those shown on the Subdivision Guide Plan will not be permitted and an average lot size of 1 hectare is to be maintained over the Guide Plan area.

2.0 Objectives

2.1 Allow for a range of lot sizes for rural living and small scale hobby farms in proximity of the townsite and existing community facilities.

2.2 Provide for the protection of creeklines and remnant vegetation and, where appropriate, to encourage revegetation to minimise visual impacts and reduce the risk of salinity and erosion.

2.3 Integrate development with the landscape while providing for bushfire protection and management.

3.0 Land Use

3.1 The following uses are permitted—

- Single House
- Home Occupation

3.2 The following uses may be permitted subject to the consent of Council-

- Cottage Industry;
- Bed and Breakfast accommodation;
- Other incidental or non defined activities considered appropriate by Council which are consistent with the objectives of the zone.

4.0 Keeping of Livestock/Animals

4.1 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 Department of Agriculture and Food. The keeping of animals shall not result in the removal or damage of vegetation and trees or result in soil degradation and dust nuisance.

4.2 The owners of pets shall be responsible for ensuring the keeping of such animals does not result in the removal or damage native flora or fauna or result in nuisance to neighbours and/or adjacent agricultural activities. A 1.8m high dog / stock proof fence is to be erected along the total southern boundary of the zone at the time of subdivision.

5.0 Building Design, Materials and Location

5.1 Houses, outbuildings and water tanks shall be designed and constructed of materials which allow them to blend into the rural 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 approval walls and roofs constructed of reflective materials such as unpainted Zincalume and off-white colours.

5.2 Houses shall not exceed 7.5 metres in height which is measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of Council in order to minimise the visual impacts of such buildings when viewed from surrounding roads.

 $5.3~\mathrm{All}$ buildings and structures shall be setback a minimum of 5 metres from all lot boundaries.

5.4 On those lots designated with a Building Envelope on the Subdivision Guide Plan all structures, other than boundary fences, shall be confined to the Building Envelope and no buildings shall be permitted in the creekline protection and development exclusion areas shown on the Subdivision Guide Plan.

5.5 Notwithstanding 5.4, the Council may approve a minor variation to the siting requirements where it can be justified on the basis of topography, vegetation, visual amenity and/or fire safety, provided such variation is consistent with the objectives of the zone.

5.6 No boundary fencing shall be permitted within the creekline protection areas identified on the Subdivision Guide Plan. Within such areas, delineation of property boundaries shall be by way of cairns or other appropriate means.

5.7 Construction of dams, bores and drainage works require approval of the Council prior to construction.

6.0 Vegetation and Revegetation

6.1 No clearing of vegetation shall occur except for—

- (a) clearing to comply with the requirements of the Bush Fires Act 1954 (as amended) and or the Shire of Plantagenet Annual Fire Break Notice;
- b) clearing required to establish a low fuel buffer;
- (c) clearing that may reasonably be required to construct an approved building and curtilage;
- (d) clearing to gain vehicular access to a dwelling approved by the Council;
- (e) trees that are dead, diseased or dangerous;
- (f) removal of woody weeds;
- No clearing shall be permitted within the creekline protection area.

6.2 The Council may request the Commission impose a condition at the time of subdivision for the preparation of a Foreshore Management Plan for the creekline and associated vegetation in consultation with the Department of Water and the Department of Environment and Conservation. That plan is to facilitate the passage of Quenda along the creekline.

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

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

6.5 No structures, including fences shall be permitted within the creekline protection areas.

7.0 Effluent Disposal

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

7.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by Council and the Department of Health. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater.

7.3 All on site effluent disposal systems shall be Aerobic Treatment Unit (ATU) systems.

Separation from waterways and ground water shall be determined by the Council in conjunction with the Department of Health. A minimum setback of 50m from the creekline and 30m from the identified edge of floodplain shall be required.

7.4 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 the Council and the Department of Health.

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

8.0 Bushfire Management Control

8.1 Subdivision and development shall comply with the Fire Management Plan.

8.2 The Council may request the Commission to impose a condition at the subdivision stage requiring the installation of strategic firebreaks, emergency access points and fire hydrants and the implementation of relevant responsibilities identified in the Fire Management Plan.

8.3 The Council shall require that individual landowners are responsible for the maintenance of Building Protection Zones around approved buildings and any strategic firebreak where it crosses the landowner's lot.

9.0 Road Upgrading

9.1 The Council may request the Commission impose a condition at the subdivision stage for the upgrading of Warburton Road to a sealed standard where it abuts the subject land.

9.2 The Council may request the Commission impose a condition at the subdivision stage for the upgrading of the intersection of Warburton Road and Martin Street.

10.0 Drainage

10.1 The Council may request the Commission impose a condition at the subdivision stage for the preparation of a nutrient stripping/sediment retention drainage management plan.

11.0 Water Supply

11.1 The Council may request the Commission impose a condition at the subdivision stage for the provision of reticulated water to all lots.

11.2 The Council may request the Commission impose a condition at the subdivision stage for easements to be provided over the Bolganup water main.

12.0 Site Contamination

12.1 Prior to subdivision of the potentially affected area, investigation for soil and groundwater contamination shall be carried out in accordance with the Department of Environment and Conservation's *Contaminated Sites Management Series* guidelines.

12.2 Remediation, including validation of remediation, of any contamination identified shall be completed prior to the issue of titles.

13.0 Notification of Prospective Owners

13.1 Provision shall be made to the Council's satisfaction to ensure prospective purchasers of land are given a copy of these Special Provisions, the Fire Management Plan and the Bush Fire Survival Manual prior to entering into an agreement to acquire any property.

13.2 The Council may request the Commission impose a condition at the time of subdivision for preparation and distribution to prospective purchasers of an information sheet regarding the ecological values of the creekline conservation area, weed management, continuing agricultural activities on adjacent land and responsible pet ownership particularly the control of cats and dogs to protect the Quenda population.

13.3 Council may request the Commission impose a condition at the time of subdivision requiring placement of a s70 notification on the titles of lots directly adjoining Lot 3. The notification is to advise that amenity of the lots may be affected by legitimate ongoing agricultural uses on the adjoining land.

(iii) Amending the Scheme Maps accordingly.

K. CLEMENTS, Shire President. R. STEWART, Chief Executive Officer.

PI501*

PLANNING AND DEVELOPMENT ACT 2005

GREATER BUNBURY REGION SCHEME AMENDMENTS

BUNBURY WATERFRONT PROJECT

00010/41—Marlston North 0011/41—Koombana North 0012/41—Koombana South

Call for Public Submissions

The Western Australian Planning Commission (WAPC) intends to amend the Greater Bunbury Region Scheme (GBRS) for land in the local government of Bunbury and is seeking public comment. The total land area proposed for rezoning is approximately 33,800 m².

00010/41-Marlston North

The area proposed to be rezoned is just over 13 hectares, and includes approximately 7 hectares of land and 6 hectares of waterway.

The subject land at Marlston North is currently reserved for Regional Open Space and Waterways. The proposed amendment will see a portion of Koombana Bay reclaimed to extend the land area eastward into the bay.

The majority of the site will be rezoned to Regional Centre with a boundary of Regional Open Space to enable public access along the foreshore.

00011/41—Koombana North

The area proposed to be rezoned is just over 14 hectares.

The subject land at Koombana North is currently reserved for Regional Open Space, Railways, Waterways and Other Regional Roads.

The majority of the site will be rezoned to Regional Centre. Some portions of the land will be reserved for Regional Open Space and Waterways to better reflect both current and/or proposed land uses.

00012/41—Koombana South

The area proposed to be rezoned is just under 6 hectares.

The subject land at Koombana South is currently reserved for Regional Open Space and Other Regional Roads.

The majority of the site will be rezoned to Regional Centre, with a small portion of excess road reservation being reserved for Regional Open Space.

Display locations

The plans showing the proposed changes and the WAPC's amendment reports which explain the proposals, will be available for public inspection from Tuesday 16 February 2010 to Monday 17 May 2010 at each of the following places—

- Western Australian Planning Commission 469 Wellington Street, Perth
- Department of Planning, 61 Victoria Street, Bunbury
- J S Battye Library Level 3, Alexander Library Building Perth Cultural Centre
- Bunbury City Library Parkfield Street, Bunbury

Municipal offices of the-

- City of Bunbury
- Shire of Dardanup
- Shire of Harvey
- Shire of Capel

Documents are also available from the WAPC's website www.planning.wa.gov.au (Public Comment page).

Submissions

Any person who desires to make a submission to support, object or provide comment on any of the proposed amendments should do so on a Form 41 provided for each of the proposed amendments. These submission forms are available from the display locations, the amendment report and the internet.

Submissions must be lodged with the: Secretary, Western Australian Planning Commission, 61 Victoria Street, Bunbury WA 6230; on or before 5.00pm Monday, 17 May 2010.

Late submissions will not be considered.

TONY EVANS, Secretary, Western Australian Planning Commission.

TRANSPORT

TR401

ROAD TRAFFIC ACT 1974

ROAD TRAFFIC (SPEED MEASURING EQUIPMENT) NOTICE 2010

Made by the Minister for Transport under section 98A(2).

1. Citation

This notice may be cited as the Road Traffic (Speed Measuring Equipment) Notice 2010.

2. Approval of type of apparatus for ascertaining speed

I approve as a type of apparatus for ascertaining the speed at which a vehicle is moving apparatuses that bear the name REDFLEXred-speed HDX.

S. O'BRIEN, Minister for Transport.

DECEASED ESTATES

ZX401*

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estates of the undermentioned deceased persons are required by the personal representatives care of Messrs Jackson McDonald, 25th Floor, 140 St Georges Terrace, Perth, Western Australia 6000 (GPO Box M971, Perth, Western Australia 6843) to send particulars of their claims to them within one month from the date of publication of this notice at the expiration of which time the personal representatives may convey or distribute the assets having regard only to the claims of which they have then had notice—

Bernard William Bunworth deceased, late of Pam Corker House, 29 Eastcott Street, Waroona, Western Australia who died on 9 August 2009.

Simon Robinson Carson deceased, late of Catholic Presbytery, 20 Coolgardie Street, Mundaring, Western Australia who died on 17 October 2009.

- George Cross deceased, late of 7 Victoria Street, St
 James, Western Australia who died on 2 October 2009. $\,$
- Alice Margaret Jones deceased, late of Concorde Nursing Home, Anstey Street, South Perth, Western Australia who died on 9 December 2009.
- Shirley Rae Offer deceased, late of 21 Smith Street, Claremont, Western Australia who died on 23 November 2009.
- Robert Kevin Sproat deceased, late of 23 Gillett Drive, Kardinya, Western Australia who died on 7 May 2009.

Dated this 4th day of February 2010.

JACKSON McDONALD.

ZX402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Jean Isabel Kirk, late of Bethanie Elanora Lodge, Hastie Street, Bunbury, 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 Jean Isabel Kirk, deceased who died on 12 October 2009 at Bunbury in the said State, are required by the personal representatives Anthony Alfred Kirk of 41 Alyxia Drive, Bunbury and Trevor John Kirk of 2059 Bowelling-Duranillin Road, Bowelling both in the State of Western Australia, to send particulars of their claims to Joe Scurria & Associates, Lawyers, PO Box 1998, Bunbury, Western Australia 6231 by the 20th day of March 2010, 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

Rosario Scurria, late of 11720 South Western Highway, Wokalup, Western Australia, Business Proprietor, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of Rosario Scurria, deceased who died on 13 October 2008, are required by the personal representatives Paul Scurria of 11754 South Western Highway, Wokalup and Joseph Scurria of 11963 South Western Highway, Benger both in the State of Western Australia, to send particulars of their claims to Joe Scurria & Associates, Lawyers, PO Box 1998, Bunbury, Western Australia 6231 by the 20th day of March 2010, after which date the personal representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

WESTERN AUSTRALIA

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www.commerce.wa.gov.au

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