



# PERTH, TUESDAY, 24 MAY 2016 No. 82

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.00 NOON © STATE OF WESTERN AUSTRALIA

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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

Lower Ground Floor,

10 William St. Perth, 6000

Telephone: 6552 6000 Fax: 9321 7536

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# — PART 1 —

# HEALTH

HE301\*

Hospitals and Health Services Act 1927 Hospitals (Services Charges) Regulations 1984

# Hospitals (Services Charges for the Supply of Surgically Implanted Prostheses) Amendment Determination 2016

Made by the Minister for Health.

## 1. Citation

This determination is the *Hospitals* (Services Charges for the Supply of Surgically Implanted Prostheses) Amendment Determination 2016.

## 2. Commencement

This determination comes into operation as follows —

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

## **3.** Determination amended

This determination amends the *Hospitals* (Services Charges for the Supply of Surgically Implanted Prostheses) Determination 2013.

## 4. Clause 4 amended

In clause 4(1) delete the definition of *Prostheses List* and insert:

**Prostheses List** means the Schedule to the Private Health Insurance (Prostheses) Rules 2016 (No. 2) (Commonwealth) as in force on the day on which the Hospitals (Services Charges for the Supply of Surgically Implanted Prostheses) Amendment Determination 2016 clause 4 comes into operation. 1535

# TREASURY AND FINANCE

TR301\*

Duties Act 2008

# **Duties Amendment Regulations 2016**

Made by the Governor in Executive Council.

## 1. Citation

These regulations are the Duties Amendment Regulations 2016.

## 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 Duties Regulations 2008.

## 4. **Regulation 4 amended**

- (1) In regulation 4(1):
  - (a) in paragraph (f) delete "229A(2)." and insert:

229A(2);

- (b) after paragraph (f) insert:
  - (g) a partnership acquisition where
    - (i) the partnership holds no land in Western Australia, other than a lease or leases having a nominal value; and
    - (ii) the partnership holds no indirect interest in land in Western Australia, other than in a lease or leases having a nominal value.
- (2) After regulation 4(3) insert:
  - (4) Subregulation (1)(g) applies to all transactions that take place on or after 1 July 2008, whether before or after the commencement of the *Duties Amendment Regulations 2016* regulation 4.

N. HAGLEY, Clerk of the Executive Council.

# — PART 2 —

# AGRICULTURE AND FOOD

AG401\*

#### BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007 BIOSECURITY AND AGRICULTURE MANAGEMENT INDUSTRY FUNDING SCHEME (SHEEP AND GOATS) REGULATIONS 2010

SHEEP AND GOAT INDUSTRY DECLARED PEST CONTROL AND COMPENSATION FUNDING SCHEME (AREA OF OPERATION AND RATE OF CONTRIBUTIONS) NOTICE 2016

Made by the Minister under regulation 13(1) of the *Biosecurity and Agriculture Management Industry Funding Scheme (Sheep and Goats) Regulations 2010* on the recommendation of the Industry Management Committee.

#### 1. Citation

This notice is the Sheep and Goat Industry Declared Pest Control and Compensation Funding Scheme (Area of Operation and Rate of Contributions) Notice 2016.

#### 2. Area of Operations and Rate of Contributions

- (1) In respect of the financial year 2016-17 I declare that—
  - (a) the Scheme is to operate in the whole of the State; and
  - (b) the rate at which contributions are to be paid under regulation 14 for the period beginning on 1 July 2016 and ending on 30 June 2017 is \$0.10 per head or per carcass comprised in a chargeable sale.

(2) The estimated proportion of the contributions which the Sheep and Goat Industry Funding Scheme Management Committee projects is likely to be applied to fund payments relating to each specified pest is as follows—

Virulent footrot (*Dichelobacter nodosus*): 100%

DEAN NALDER, MLA, Minister for Agriculture and Food.

Date: 18 May 2016.

AG403\*

#### BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007 BIOSECURITY AND AGRICULTURE MANAGEMENT INDUSTRY FUNDING SCHEME (GRAINS) REGULATIONS 2010

#### GRAINS, SEEDS AND HAY INDUSTRY DECLARED PEST CONTROL AND COMPENSATION FUNDING SCHEME (AREA OF OPERATION AND RATE OF CONTRIBUTIONS) NOTICE 2016

Made by the Minister under regulation 13(1) of the *Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Regulations 2010* on the recommendation of the Industry Management Committee.

#### 1. Citation

This notice is the Grains, Seeds and Hay Industry Declared Pest Control and Compensation Funding Scheme (Area of Operation and Rate of Contributions) Notice 2016.

#### 2. Area of Operations and Rate of Contributions

(1) In respect of the financial year 2016-17 I declare that—

(a) the Scheme is to operate in the agricultural areas of the State, which are defined to include all local government districts of Western Australia except for those comprising the Kimberley (municipal districts of Broome, Halls Creek, Derby-West Kimberley and Wyndham-East Kimberley) and the pastoral area (local government districts of Ashburton, Carnarvon, Coolgardie, Cue, Dundas, East Pilbara, Exmouth, Laverton, Leonora, Kalgoorlie-Boulder, Meekatharra, Menzies, Mount Magnet, Murchison, Ngaanyatjarraku, Port Hedland, Roebourne, Sandstone, Shark Bay, Upper Gascoyne, Wiluna and Yalgoo); and

- (b) the rates at which contributions are to be paid under regulation 15 for the period beginning on 1 July 2016 and ending on 30 June 2017 are—
  - (i) in respect of a chargeable transaction, where the chargeable produce is grain or seed: \$0.30 per tonne; and
  - (ii) in respect of a chargeable transaction, where the chargeable produce is hay: \$0.15 per tonne.

(2) The estimated proportion of the contributions which the Grains, Seeds and Hay Industry Funding Scheme Management Committee projects is likely to be applied to fund payments relating to each specified pest is as follows—

- (a) Three-horned Bedstraw (Galium tricornutum): 10%
- (b) Skeleton weed (Chondrilla juncea L.): 90%

DEAN NALDER, MLA, Minister for Agriculture and Food.

Date: 18 May 2016.

#### AG402\*

#### BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007 BIOSECURITY AND AGRICULTURE MANAGEMENT INDUSTRY FUNDING SCHEME (CATTLE) REGULATIONS 2010

# CATTLE INDUSTRY DECLARED PEST CONTROL AND COMPENSATION FUNDING SCHEME (AREA OF OPERATION AND RATE OF CONTRIBUTIONS) NOTICE 2016

Made by the Minister under regulation 13(1) of the *Biosecurity and Agriculture Management Industry Funding Scheme (Cattle) Regulations 2010* on the recommendation of the Industry Management Committee.

#### 1. Citation

This notice is the Cattle Industry Declared Pest Control and Compensation Funding Scheme (Area of Operation and Rate of Contributions) Notice 2016.

#### 2. Area of Operations and Rate of Contributions

(1) In respect of the financial year 2016-17 I declare that—

- (a) the Scheme is to operate in the whole of the State; and
- (b) the rate at which contributions are to be paid under regulation 14 for the period beginning on 1 July 2016 and ending on 30 June 2017 is \$0.20 per head of cattle or per carcass comprised in a chargeable sale.

(2) The estimated proportion of the contributions which the Cattle Industry Funding Scheme Management Committee projects is likely to be applied to fund payments relating to each specified pest is as follows—

- (a) Tuberculosis (Mycobacterium tuberculosis): 15%
- (b) Bovine Johne's disease (Mycobacterium avium sp paratuberculosis): 65%
- (c) Enzootic bovine leucosis (*Bovine leukaemia virus*): 20%

DEAN NALDER, MLA, Minister for Agriculture and Food.

Date: 18 May 2016.

# **FISHERIES**

#### FI401\*

#### FISH RESOURCES MANAGEMENT ACT 1994

WEST COAST ROCK LOBSTER MANAGED FISHERY MANAGEMENT PLAN AMENDMENT (No. 3) 2016

FD 911/16 [1280]

Made by the Minister under section 54.

#### 1. Citation

This instrument is the West Coast Rock Lobster Managed Fishery Management Plan Amendment (No. 3) 2016.

#### 2. Management Plan amended

The amendments in this instrument are to the West Coast Rock Lobster Managed Fishery Management Plan 2012.

#### 3. Clause 10 replaced

#### Delete clause 10 and insert—

# 10. Authority of licence of no effect where usual or current entitlement is less than 300 units of entitlement

The authority conferred by a licence is of no effect at any time when either the usual or the current entitlement of the licence is less than 300 units of entitlement.

#### 4. Clause 26A amended

- (a) In subclause 26A(1) delete "14 November " and insert—
  - 31 October
- (b) Delete subclauses 26A(4) and 26A(5) and insert—

(4) Subclauses (2) and (3) do not apply to the use of a pot line used to fish for rock lobster that is less than or equal to 32.9 metres long.

(5) When a pot line used to fish for rock lobster is less than or equal to 32.9 metres long, the master of an authorised boat must ensure that—

- (a) the combined pot line and float rig used to fish for rock lobster is less than or equal to 32.9 metres in length; and
- (b) no more than two surface floats are attached to the float rig.

### 5. Schedule 14 deleted

Delete Schedule 14.

Dated 12th of May 2016.

J. FRANCIS, Minister for Fisheries.

# HEALTH

#### HE401\*

#### HEALTH PRACTITIONER REGULATION NATIONAL LAW (WESTERN AUSTRALIA) ACT 2010

# HEALTH PRACTITIONER REGULATION NATIONAL LAW (WESTERN AUSTRALIA)

MEDICAL (AREA OF NEED) DETERMINATION (NO. 9) 2016

Made by the Chief Medical Officer, pursuant to section 67(5) of the Schedule of the Health Practitioner Regulation National Law (Western Australia).

#### Citation

1. This determination may be cited as the Medical (Area of Need) Determination (No. 9) 2016.

#### Commencement

2. This determination comes into operation on the day on which it is published in the Government Gazette.

#### Area of need

3. The area of need specified in the Schedule is determined to be an area of need for the purposes of section 67(5) of the Schedule of the *Health Practitioner Regulation National Law (Western Australia).* 

#### **Expiry of determination**

4. This determination expires 3 years after its commencement

#### SCHEDULE GENERAL MEDICAL SERVICES IN THE SUBURB OF ATWELL IN THE CITY OF COCKBURN

Dated this 19th day of May 2016.

Professor GARY GEELHOED, Chief Medical Officer, Department of Health As delegate of the Minister for Health.

#### HE402\*

### HEALTH PRACTITIONER REGULATION NATIONAL LAW (WESTERN AUSTRALIA) ACT 2010

## HEALTH PRACTITIONER REGULATION NATIONAL LAW (WESTERN AUSTRALIA)

### MEDICAL (AREA OF NEED) DETERMINATION (NO. 10) 2016

Made by the Chief Medical Officer, pursuant to section 67(5) of the Schedule of the Health Practitioner Regulation National Law (Western Australia).

#### Citation

1. This determination may be cited as the Medical (Area of Need) Determination (No. 10) 2016.

#### Commencement

2. This determination comes into operation on the day on which it is published in the Government Gazette.

#### Area of need

3. The area of need specified in the Schedule is determined to be an area of need for the purposes of section 67(5) of the Schedule of the *Health Practitioner Regulation National Law (Western Australia)*.

#### **Expiry of determination**

4. This determination expires 1 year after its commencement

#### SCHEDULE

#### RADIOLOGY SERVICES IN THE PILBARA REGION OF WESTERN AUSTRALIA

Dated this 19th day of May 2016.

Professor GARY GEELHOED, Chief Medical Officer, Department of Health As delegate of the Minister for Health.

# JUSTICE

#### JU401\*

### JUSTICES OF THE PEACE ACT 2004

**APPOINTMENTS** 

It is hereby notified for public information that Her Excellency the Governor in Executive Council has approved of the following to the Office of Justice of the Peace for the State of Western Australia—

Muthukrishnan Nachiappan of Canning Vale

Dharmaratne Bandara Ekanayake of Canning Vale

JOANNE STAMPALIA, A/Executive Director, Court and Tribunal Services.

# LOCAL GOVERNMENT

#### LG401\*

#### LOCAL GOVERNMENT ACT 1995

City of Greater Geraldton

(BASIS OF RATES)

This notice, which is for public information only, is to confirm that-

I, Brad Jolly, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28 (1) of that Act, hereby, and with effect from 1 July 2016, determined that the method of valuation to be used by the City of greater Geraldton as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land;

Schedule A

	Designated Land			
UV to GRV	All that portion of land being Lot 2 as shown on Diagram 21054.			
Schedule B				
	Designated Land			
UV to GRV	All that portion of land being Lot 5874 as shown on Plan 83085.			

#### 1540

#### Schedule C

	Designated Land
UV to GRV	All those portions of land being Lot 218 to 221 inclusive as shown on Deposited Plan 67178; Lots 233 to 250 inclusive as shown on Deposited Plan 68481; Lots 14 to 27 inclusive and Lots 108 to 111 inclusive as shown on Deposited Plan 77046; Lots 300 to 312 inclusive, Lots 314 to 324 inclusive and Lots 331 to 338 inclusive as shown on Deposited Plan 77050; Lot 28, Lot 29, Lots 66 to 69 inclusive, Lots 80 to 101 inclusive and Lots 112 to 114 inclusive as shown on Deposited Plan 401283; Lots 40 to 47 inclusive, Lots 75 to 79 inclusive, Lots 102 to 107 inclusive and Lot 115 as shown on Deposited Plan 403169; Lot 313, Lots 325 to 330 inclusive, Lots 339 to 343 inclusive, Lots 356 to 360 inclusive and Lots 387 to 395 inclusive as shown on Deposited Plan 404986 and Lots 600 to 604 inclusive as shown on Deposited Plan 406339.

BRAD JOLLY, Executive Director Sector Regulation and Support, Department of Local Government and Communities.

# **MARINE/MARITIME**

MA401\*

## WESTERN AUSTRALIAN MARINE ACT 1982 NAVIGABLE WATERS REGULATIONS 1958

PROHIBITED SWIMMING AREA Matilda Bay, Swan River City of Nedlands

> Department of Transport, Fremantle WA, 24 May 2016.

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 the hours of 8:30pm and 10:00pm on Saturday 28 May 2016—

#### Matilda Bay, Swan River

Area of Closure: All the waters within a 50 metre radius of the firing point located at approximately 31°58.910'S, 115°49.452'E

This area is set aside for safety measures during the set up and display of pyrotechnics.

CHRISTOPHER MATHER, Director of Waterways Safety Management, Department of Transport.

# PARLIAMENT

#### PA401\*

#### PARLIAMENT OF WESTERN AUSTRALIA

Royal Assent to Bills

It is hereby notified for public information that the Deputy of the Governor has Assented in the name and on behalf of Her Majesty the Queen, on the date shown, to the undermentioned Acts passed by the Legislative Council and the Legislative Assembly during the First Session of the Thirty-Ninth Parliament.

Title of Act	Date of Assent	Act No.
Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016	16 May 2016	9 of 2016
Land Administration (South West Native Title Settlement) Act 2016	16 May 2016	10 of 2016

NIGEL PRATT, Clerk of the Parliaments.

## PLANNING

#### PL401\*

#### PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Cunderdin

Local Planning Scheme No. 3—Amendment No. 3

Ref: TPS/1778

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 Cunderdin Local Planning Scheme amendment on 9 May 2016 for the purpose of—

- 1. Deleting the following from the Scheme Text, as they have been superseded by the deemed provisions set out in the *Planning and Development (Local Planning Scheme)* Regulations 2015 Schedule 2—
  - Clauses 5.18, 5.36;
  - Parts 2, 7, 8, 9, 10 and 11 in their entirety; and
  - Schedules 6, 7, 8 and 9.
- 2. Removing the following clauses from the Scheme Text and inserting them into Schedule A— Supplemental Provisions—

8.2(b)(iv), 8.2(b)(vi), 8.2(b)(vii), 8.2(c), 8.2(d), 8.2(g).

3. Inserting the following provisions into Schedule A—Supplemental Provisions—

Clause 61(1)

- (I) the erection or extension of a single house on a lot if a single house is a permitted ("P") use in the zone (where the R Codes do not apply) in which that lot is located, where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—
  - (i) entered in the Register of Heritage Places under the *Heritage of Western* Australia Act 1990; or
  - (ii) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990; or
  - (iii) included on a heritage list prepared in accordance with this Scheme; or
  - (iv) within an area designated under the Scheme as a heritage area; or
  - (v) the subject of a heritage agreement entered into under the *Heritage of Western* Australia Act 1990 section 29; or
- (m) the erection or extension of an outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house if a single house is a permitted ("P") in the zone (where the R Codes do not apply) where the development standards set out in the scheme for that particular zone (including boundary setbacks) are satisfied, unless the development is located in a place that is—
  - (i) entered in the Register of Heritage Places under the *Heritage of Western* Australia Act 1990; or
  - (ii) the subject of an order under Part 6 of the Heritage of Western Australia Act 1990; or
  - (iii) included on a heritage list prepared in accordance with this Scheme; or
  - (iv) within an area designated under the Scheme as a heritage area; or
  - (v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29; or
- 4. Deleting the following definitions from schedule 1, as they have been superseded by the definitions in the deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2—

Advertisement, amenity, cultural heritage significance, local government, Local Planning Strategy, owner, place, premises, Residential Design Codes, substantially commenced, zone.

5. Amending the following clauses by removing the cross reference to the clause deleted by the amendment and replacing them with cross reference to deemed provisions set out in the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2—

3.4.1, 3.4.2, 4.3.2, 4.3.3, 4.4.2, 4.8, 4.9.2, 5.4.2, 5.5.2, 5.5.3.

6. Updating the following clauses and definitions as detailed below-

1.4—delete the clause and replace it with the following-

- "The Scheme comprises—
  - (a) The Scheme Text;

- (b) The deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);
- (c) The supplemental provisions contained in Schedule A; and
- (d) The Scheme Map (sheets 1-3).
- 7. Deleting reference to the following terms and replacing them with corresponding term throughout the scheme—
  - 'Planning Approval' with 'Development Approval';
  - 'Residential Planning Codes' with 'Residential Design Codes';
- 8. Renumbering the remaining scheme provisions sequentially.
- 9. Inserting the following provision into the Scheme Text-
  - 4.11.15 The provisions applicable to a specific area of Rural Residential zoned land in Schedule 9 shall specify any additional provisions considered appropriate to the particular site to achieve the objectives of the Scheme and the relevant zone. If a provision in Schedule 9 conflicts with any other provisions of the Scheme, the provision in Schedule 9 shall prevail.

C. GIBSONE, President. P. NAYLOR, Chief Executive Officer.

PL402\*

### PLANNING AND DEVELOPMENT ACT 2005 GREATER BUNBURY REGION SCHEME AMENDMENT 0040/57

OMNIBUS NO. 4—ANOMALIES AMENDMENT

Approved Amendment

File: RLS/0577

The Minister for Planning has approved as advertised and as modified the abovementioned amendment to the Greater Bunbury Region Scheme (GBRS). The amendment is shown on Western Australian Planning Commission plan numbers 3.2669, 3.2670, 3.2671, 3.2672, 3.2673, 3.2674, 3.2675, 3.2676, 3.2677 and 3.2678/1 (as modified) and is effective from the date of publication of this notice in the *Government Gazette*.

The purpose of the Amendment is to update various zones and reservations in the GBRS area in relation to Government and landowner proposals, rationalisation of zoning and reservation anomalies to match cadastral boundaries and generally to ensure the GBRS is kept up-to-date as the statutory region plan for Greater Bunbury.

Copies of the report on submissions on the amendment are available for public inspection from Friday 20 May 2016 to Friday 3 June 2016 at the following locations—

- Western Australian Planning Commission, 140 William Street, Perth
- Department of Planning, 61 Victoria Street, Bunbury
- State Reference Library, Perth Cultural Centre

• Municipal offices of the City of Bunbury and the Shires of Capel, Daradnup and Harvey

Documents are also available from the WAPC's website www.planning.wa.gov.au.

KERRINE BLENKINSOP, Secretary, Western Australian Planning Commission.

# **PREMIER AND CABINET**

#### PR401\*

#### **INTERPRETATION ACT 1984**

#### MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with Section 52(1)(b) of the *Interpretation Act 1984* has approved the following temporary appointment—

Hon D. T. Redman MLA to act temporarily in the office of Minister for Water; Sport and Recreation; Forestry in the absence of the Hon M. J. Davies MLA for the period 18 to 24 July 2016 (both dates inclusive).

This notice supersedes acting arrangements relating to the above office that were published in the *Government Gazette* No. 72 of 3 May 2016.

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

#### PR402\*

#### **INTERPRETATION ACT 1984**

#### MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with Section 52(1)(b) of the *Interpretation Act 1984* has approved the following temporary appointment—

Hon P. C. Collier MLC to act temporarily in the office of Minister for Police; Road Safety; Training and Workforce Development; Women's Interests in the absence of the Hon L. M. Harvey MLA for the period 2 to 8 July 2016 (both dates inclusive).

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

PR403\*

#### **INTERPRETATION ACT 1984**

#### MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with Section 52(1)(b) of the *Interpretation Act 1984* has approved the following temporary appointment—

Hon A. J. Simpson MLA to act temporarily in the office of Minister for Agriculture and Food; Transport in the absence of the Hon D. C. Nalder MLA for the period 3 to 10 June 2016 (both dates inclusive).

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

# **DECEASED ESTATES**

ZX401\*

## TRUSTEES ACT 1962 Deceased Estates

#### Notice to Creditors and Claimants

Donald McGregor McLauchlan (also known as Donald McGregor McLaughlan) late of Unit 7, 26 Erpingham Road, Hamilton Hill, Western Australia, who died on 19 January 2016.

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 19 January 2016, are required by the Executor of the estate, Leonie Gaye Wilson of care of Elizabeth Wiese & Associates, 5 Ellen Street, Fremantle to send particulars of their claims to her by 4 July 2016, after which date the Executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

ZX402\*

#### **TRUSTEES ACT 1962**

DECEASED ESTATES

Notice to Creditors and Claimants

Ethel Daphne Binckes also known as Beau Binckes formerly of 29 Musgrove Crescent, Boya, Western Australia, late of 22 Coongan Avenue, Greenmount, Western Australia, 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 19 January 2016, are required by the Executor, Geoffrey Kenneth Binckes of 37 Peppermint Boulevard, College Grove, Western Australia 6230 to send particulars of their claims to the Executor by 27 June 2016, after which date the Executor may convey or distribute the assets having regard only to the claims of which he then has notice.