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— PART 1 —

FISHERIES

FI301

Fish Resources Management Act 1994

Fish Resources Management Amendment Regulations (No. 10) 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Fish Resources Management Amendment Regulations (No. 10) 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. Part 9A Division 4 inserted

After Part 9A Division 3 insert:

**Division 4 — Point Quobba Fish Habitat
Protection Area**

113D. Terms used

In this Division —

Point Quobba restricted area means the portion of the waters of Point Quobba bounded by a line commencing at the intersection of the high water mark on the

coastline and 24° 29.075' south latitude, from there southerly along the geodesic to the intersection of 24° 29.619' south latitude and 113° 24.440' east longitude, from there east along the parallel to the intersection of 24° 29.619' south latitude and 113° 24.975' east longitude, from there north along the meridian to the intersection of the high water mark on the coastline and 133° 24.975' east longitude, from there generally north westerly along the high water mark to the commencement point;

waters of Point Quobba has the meaning given in the *Point Quobba Fish Habitat Protection Area Order 2004*.

113E. Prohibited behaviour

- (1) A person must not fish in the Point Quobba restricted area.
Penalty: \$2 000 and the penalty provided in section 222 of the Act.
- (2) Subregulation (1) does not apply to —
 - (a) a person who takes oysters by hand other than for a commercial purpose; or
 - (b) a person who takes squid using a squid jig without bait.
- (3) A person must not use a jet ski in the Point Quobba restricted area.
Penalty: \$1 000.

5. Schedule 12 amended

- (1) In Schedule 12 Part 2 item 3 after “113C(2),” insert:

113E(3),
- (2) In Schedule 12 Part 2 item 4 after “113C(1),” insert:

113E(1),

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

JUSTICE

JU301*

Electoral Act 1907

Electoral Amendment Rules 2009

Made by the Judges of the Supreme Court.

1. Citation

These rules are the *Electoral Amendment Rules 2009*.

2. Commencement

These rules come into operation as follows —

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

3. Rules amended

These rules amend *The Electoral Rules of 1908*.

4. Rule 1 amended

In rule 1 delete “*The Electoral Rules of 1908*.” and insert:

the *Electoral Rules 1908*.

5. Rule 2 amended

In rule 2:

- (a) delete “*The Electoral Act 1907*,” and insert:

the *Electoral Act 1907*

- (b) delete “*The Electoral Act 1907*.” and insert:

Electoral Act 1907.

6. First Schedule amended

In the First Schedule:

- (a) in each form delete “*THE ELECTORAL ACT 1907*” and insert:

Electoral Act 1907

- (b) in the form headed “*Petition*” delete “(Address.)” (each occurrence) and insert:

(Occupation and address.)

Dated: 15 June 2009.

Judges’ signatures:

M. J. MURRAY.

C. WHEELER.

JU302*

Supreme Court Act 1935

Supreme Court Amendment Rules (No. 2) 2009

Made by the Judges of the Supreme Court.

Part 1 — Preliminary matters

1. Citation

These rules are the *Supreme Court Amendment Rules (No. 2) 2009*.

2. Commencement

These rules come into operation as follows —

- (a) Part 1 — on the day on which these rules are published in the *Gazette*;
- (b) Part 2 — on the day on which the *Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*, done at the Hague on 15 November 1965, enters into force for Australia;
- (c) Part 3 — on the day after these rules are published in the *Gazette*.

3. Rules amended

These rules amend the *Rules of the Supreme Court 1971*.

Part 2 — Amendments about service of documents in or for a foreign country

4. Order 5 amended

In Order 5 rule 11:

(a) delete “The time” and insert:

(1) The time

(b) in the table item (2) delete “30 days.” and insert:

See subrule (2).

(c) in the table item (3) delete “Such time as shall be fixed by the Court.” and insert:

See subrule (3).

(d) before “In the” insert:

(2) In respect of a writ to be served outside the State but within the Commonwealth of Australia, the time must accord with the *Service and Execution of Process Act 1992* (Commonwealth).

(3) In respect of a writ to be served outside the Commonwealth of Australia, the time must be fixed by the Court in accordance with Order 10 rule 5.

(e) delete “In the” and insert:

(4) In the

5. Order 10 amended

(1) Delete Order 10 rule 1A and insert:

1A. When leave to serve is required

(1) A writ served on a person outside the State but in the Commonwealth of Australia has no effect unless the person was served under the *Service and Execution of Process Act 1992* (Commonwealth).

(2) A writ or notice of a writ served on a person outside the Commonwealth of Australia has no effect unless —

(a) the Court, under this Order, granted leave to serve the person; and

- (b) the person was served —
 - (i) under rules 9 to 11; or
 - (ii) under Order 11A and the convention referred to in that Order.
- (3) Rules 9 to 11 do not apply to or in relation to the service of a writ or notice of a writ on a person outside the Commonwealth of Australia under the convention referred to in Order 11A.

- (2) In Order 10 rule 1(1) delete the passage that begins with “Service” and ends with “whenever — ” and insert:

The Court may, subject to rule 3, grant leave to serve a person outside the Commonwealth of Australia with a writ, or notice of a writ, that begins an action if —

- (3) In Order 10 rule 2 delete the passage that begins with “for service” and ends with “begun.” and insert:

to serve a person outside the Commonwealth of Australia with a writ, or notice of a writ, that begins such an action.

- (4) In Order 10 rule 3 delete “Unless service is to be effected within the Commonwealth of Australia, leave” and insert:

Leave

- (5) In Order 10 rule 5 delete “Where service is to be effected outside the Commonwealth of Australia, the order giving” and insert:

- (1) An order made under this Order granting

- (6) At the end of Order 10 rule 5 insert:

- (2) If the notice of a writ is to be served under the convention referred to in Order 11A, subrule (1) is subject to that Order.

- (7) In Order 10 rule 7 delete “the provisions of Rules 3, 4, 5, and 6 of this Order shall” and insert:

rules 1A, 3, 4, 5 and 6

(8) Delete Order 10 rule 9(1)(b) and insert:

- (b) any country listed in Schedule 3 to the *British Nationality Act 1981* (United Kingdom);

6. Order 11 amended

- (1) Delete Order 11 rule 1A.
(2) After Order 11 rule 1 insert:

2A. Application

- (1) If the Court receives a letter of request for service of process on a person in this State from —
- (a) a court or tribunal; or
(b) a consular or other authority,
- of a Convention country (as defined in Order 11A rule 1), then, unless Order 11A Division 4 applies, rule 2 or 3, as the case requires, and rules 4 and 5 apply and Order 11A Division 4 does not.
- (2) If Order 11A Division 4 applies to a request referred to in subrule (1), rules 2 to 5 do not apply.

7. Orders 11A, 11B and 11C replaced

Delete Orders 11A, 11B and 11C and insert:

Order 11A — Service under the Hague Convention

Division 1 — Preliminary

- Note 1.** This Order forms part of a scheme to implement Australia's obligations under the *Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*. Under the Convention, the Attorney-General's Department of the Commonwealth is designated as the Central Authority (under Article 2 of the Convention) and certain courts and government departments are, for certain purposes, designated as "other" or "additional" authorities (under Article 18 of the Convention).
- Note 2.** This Order provides (in Division 2) for service in overseas Convention countries of local judicial documents (documents that relate to proceedings in the Court) and (in Division 3) for default judgment in proceedings in the Court after service overseas of such a document. Division 4, on the other hand, deals with service by the Court or arranged by the Court in its role as an other or additional authority, of judicial documents emanating from overseas Convention countries.
- Note 3.** The Attorney-General's Department of the Commonwealth maintains a copy of the Convention, a list of all Convention countries, details of declarations and objections made under the

Convention by each of those countries and the names and addresses of the Central and other authorities of each of those countries. A copy of the Convention can be found at <http://www.hcch.net>.

1. **Terms used**

In this Order —

additional authority, for a Convention country, means an authority that is —

- (a) for the time being designated by that country, under Article 18 of the Hague Convention, to be an authority (other than the Central Authority) for that country; and
- (b) competent to receive requests for service abroad emanating from Australia;

applicant, for a request for service abroad or a request for service in this jurisdiction, means the person on whose behalf service is requested;

Central Authority, for a Convention country, means an authority that is for the time being designated by that country, under Article 2 of the Hague Convention, to be the Central Authority for that country;

certificate of service means a certificate of service that has been completed for the purposes of Article 6 of the Hague Convention;

certifying authority, for a Convention country, means the Central Authority for the country or some other authority that is for the time being designated by the country, under Article 6 of the Hague Convention, to complete certificates of service in the form annexed to the Hague Convention;

civil proceedings means any judicial proceedings in relation to civil or commercial matters;

Convention country means a country, other than Australia, that is a party to the Hague Convention;

defendant, for a request for service abroad of an initiating process, means the person on whom the initiating process is requested to be served;

foreign judicial document means a judicial document that originates in a Convention country and that relates to civil proceedings in a court of that country;

forwarding authority —

- (a) for a request for service of a foreign judicial document in this jurisdiction — the authority or judicial officer of the Convention country in which the document originates that forwards the request (being an authority or judicial officer that is competent under the law of that

country to forward a request for service under Article 3 of the Hague Convention); or

- (b) for a request for service of a local judicial document in a Convention country — the Registrar;

Hague Convention means the *Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* done at the Hague on 15 November 1965;

initiating process means any document by which proceedings (including proceedings on any cross-claim or third party notice) are commenced;

local judicial document means a judicial document that relates to civil proceedings in the Court;

request for service abroad means a request for service in a Convention country of a local judicial document mentioned in rule 4(1);

request for service in this jurisdiction means a request for service in this jurisdiction of a foreign judicial document mentioned in rule 13(1);

this jurisdiction means Western Australia.

2. Provisions of this Order to prevail

The provisions of this Order prevail to the extent of any inconsistency between those provisions and any other provisions of these rules.

Division 2 — Service abroad of local judicial documents

3. Application of Division

- (1) Subject to subrule (2), this Division applies to service in a Convention country of a local judicial document.
- (2) This Division does not apply if service of the document is effected, without application of any compulsion, by an Australian diplomatic or consular agent mentioned in Article 8 of the Hague Convention.

4. Application for request for service abroad

- (1) A person may apply to the Registrar, in the Registrar's capacity as a forwarding authority, for a request for service in a Convention country of a local judicial document.
- (2) The application must be accompanied by 3 copies of each of the following documents —
 - (a) a draft request for service abroad, which must be in the form of Form 5A Part 1;
 - (b) the document to be served;

- (c) a summary of the document to be served, which must be in the form of Form 5B;
 - (d) if, under Article 5 of the Hague Convention, the Central Authority or any additional authority of the country to which the request is addressed requires the document to be served to be written in, or translated into, the official language or one of the official languages of that country, a translation into that language of both the document to be served and the summary of the document to be served.
- (3) The application must contain a written undertaking to the Court, signed by the practitioner on the record for the applicant in the proceedings to which the local judicial document relates or, if there is no practitioner on the record for the applicant in those proceedings, by the applicant —
- (a) to be personally liable for all costs that are incurred —
 - (i) by the employment of a person to serve the documents to be served, being a person who is qualified to do so under the law of the Convention country in which the documents are to be served; or
 - (ii) by the use of any particular method of service that has been requested by the applicant for the service of the documents to be served;
 - and
 - (b) to pay the amount of those costs to the Registrar within 28 days after receipt from the Registrar of a notice specifying the amount of those costs under rule 6(3); and
 - (c) to give such security for those costs as the Registrar may require.
- (4) The draft request for service abroad —
- (a) must be completed (except for signature) by the applicant; and
 - (b) must state whether (if the time fixed for entering an appearance in the proceedings to which the local judicial document relates expires before service is effected) the applicant wants service to be attempted after the expiry of that time; and
 - (c) must be addressed to the Central Authority, or to an additional authority, for the Convention country in which the person is to be served; and

- (d) may state that the applicant requires a certificate of service that is completed by an additional authority to be countersigned by the Central Authority.
- (5) Any translation required under subrule (2)(d) must bear a certificate (in both English and the language used in the translation) signed by the translator stating —
 - (a) that the translation is an accurate translation of the documents to be served; and
 - (b) the translator's full name and address and his or her qualifications for making the translation.

5. How application to be dealt with

- (1) If satisfied that the application and its accompanying documents comply with rule 4, the Registrar —
 - (a) must sign the request for service abroad; and
 - (b) must forward 2 copies of the relevant documents —
 - (i) if the applicant has asked for the request to be forwarded to a nominated additional authority for the Convention country in which service of the document is to be effected — to the nominated additional authority; or
 - (ii) in any other case — to the Central Authority for the Convention country in which service of the document is to be effected.
- (2) The relevant documents mentioned in subrule (1)(b) are the following —
 - (a) the request for service abroad (duly signed);
 - (b) the document to be served;
 - (c) the summary of the document to be served;
 - (d) if required under rule 4(2)(d), a translation into the relevant language of each of the documents mentioned in paragraphs (b) and (c).
- (3) If not satisfied that the application or any of its accompanying documents complies with rule 4, the Registrar must inform the applicant of the respects in which the application or document fails to comply.

6. Procedure on receipt of certificate of service

- (1) Subject to subrule (5), on receipt of a certificate of service in due form in relation to a local judicial document to which a request for service abroad relates, the Registrar —
 - (a) must arrange for the original certificate to be filed in the proceedings to which the document relates; and

- (b) must send a copy of the certificate to —
 - (i) the practitioner on the record for the applicant in those proceedings; or
 - (ii) if there is no practitioner on the record for the applicant in those proceedings — the applicant.
- (2) For the purposes of subrule (1), a certificate of service is in due form if —
 - (a) it is in the form of Form 5A Part 2; and
 - (b) it has been completed by a certifying authority for the Convention country in which service was requested; and
 - (c) if the applicant requires a certificate of service that is completed by an additional authority to be countersigned by the Central Authority, it has been so countersigned.
- (3) On receipt of a statement of costs in due form in relation to the service of a local judicial document mentioned in subrule (1), the Registrar must send to the practitioner or applicant who gave the undertaking mentioned in rule 4(3) a notice specifying the amount of those costs.
- (4) For the purposes of subrule (3), a statement of costs is in due form if —
 - (a) it relates only to costs of a kind mentioned in rule 4(3)(a); and
 - (b) it has been completed by a certifying authority for the Convention country in which service was requested.
- (5) Subrule (1) does not apply unless —
 - (a) adequate security to cover the costs mentioned in subrule (3) has been given under rule 4(3)(c); or
 - (b) to the extent to which the security so given is inadequate to cover those costs, an amount equal to the amount by which those costs exceed the security so given has been paid to the Registrar.

7. Payment of costs

- (1) On receipt of a notice under rule 6(3) in relation to the costs of service, the practitioner or applicant, as the case may be, must pay to the Registrar the amount specified in the notice as the amount of those costs.

- (2) If the practitioner or applicant fails to pay that amount within 28 days after receiving the notice —
 - (a) except by leave of the Court, the applicant may not take any further step in the proceedings to which the local judicial document relates until those costs are paid to the Registrar; and
 - (b) the Registrar may take such steps as are appropriate to enforce the undertaking for payment of those costs.

8. Evidence of service

A certificate of service in relation to a local judicial document (being a certificate in due form within the meaning of rule 6(2)) that certifies that service of the document was effected on a specified date, is, in the absence of any evidence to the contrary, sufficient proof that —

- (a) service of the document was effected by the method specified in the certificate on that date; and
- (b) if that method of service was requested by the applicant, that method is compatible with the law in force in the Convention country in which service was effected.

Division 3 — Default judgment following service abroad of initiating process

9. Application of Division

This Division applies to civil proceedings for which an initiating process has been forwarded following a request for service abroad to the Central Authority (or to an additional authority) for a Convention country.

10. Restriction on power to enter default judgment if certificate of service filed

- (1) This rule applies if —
 - (a) a certificate of service of initiating process has been filed in the proceedings (being a certificate in due form within the meaning of rule 6(2)) that states that service has been duly effected; and
 - (b) the defendant has not appeared or filed a notice of address for service.
- (2) In circumstances to which this rule applies, default judgment may not be given against the defendant unless the Court is satisfied that —
 - (a) the initiating process was served on the defendant —
 - (i) by a method of service prescribed by the internal law of the Convention country

- for the service of documents in domestic proceedings on persons who are within its territory; or
- (ii) if the applicant requested a particular method of service (being a method under which the document was actually delivered to the defendant or to his or her residence) and that method is compatible with the law in force in that country, by that method; or
 - (iii) if the applicant did not request a particular method of service, in circumstances where the defendant accepted the document voluntarily;
- and
- (b) the initiating process was served in sufficient time to enable the defendant to enter an appearance in the proceedings.
- (3) In subrule (2)(b) —
- sufficient time** means —
- (a) 42 days from the date specified in the certificate of service in relation to the initiating process as the date on which service of the process was effected; or
 - (b) such lesser time as the Court considers, in the circumstances, to be a sufficient time to enable the defendant to enter an appearance in the proceedings.

11. Restriction on power to enter default judgment if certificate of service not filed

- (1) This rule applies if —
 - (a) a certificate of service of initiating process has not been filed in the proceedings; or
 - (b) a certificate of service of initiating process has been filed in the proceedings (being a certificate in due form within the meaning of rule 6(2)) that states that service has not been effected,and the defendant has not appeared or filed a notice of address for service.
- (2) If this rule applies, default judgment may not be given against the defendant unless the Court is satisfied that —
 - (a) the initiating process was forwarded to the Central Authority, or to an additional authority,

- for the Convention country in which service of the initiating process was requested; and
- (b) a period that is adequate in the circumstances (being a period of not less than 6 months) has elapsed since the date on which the initiating process was so forwarded; and
 - (c) every reasonable effort has been made —
 - (i) to obtain a certificate of service from the relevant certifying authority; or
 - (ii) to effect service of the initiating process, as the case requires.

12. Setting aside judgment in default of appearance

- (1) This rule applies if default judgment has been entered against the defendant in proceedings to which this Division applies.
- (2) If this rule applies, the Court may set aside the judgment on the application of the defendant if it is satisfied that the defendant —
 - (a) without any fault on the defendant's part, did not have knowledge of the initiating process in sufficient time to defend the proceedings; and
 - (b) has a prima facie defence to the proceedings on the merits.
- (3) An application to have a judgment set aside under this rule may be filed —
 - (a) at any time within 12 months after the date on which the judgment was given; or
 - (b) after the expiry of that 12-month period, within such time after the defendant acquires knowledge of the judgment as the Court considers reasonable in the circumstances.
- (4) Nothing in this rule affects any other power of the Court to set aside or vary a judgment.

Division 4 — Local service of foreign judicial documents

13. Application of Division

- (1) This Division applies to service in this jurisdiction of a foreign judicial document in relation to which a due form of request for service has been forwarded to the Court —
 - (a) by the Attorney-General's Department of the Commonwealth, whether in the first instance or following a referral under rule 14; or

- (b) by a forwarding authority.
- (2) Subject to subrule (3), a request for service in this jurisdiction is in due form if it is in the form of Form 5A Part 1 and is accompanied by the following documents —
 - (a) the document to be served;
 - (b) a summary of the document to be served, which must be in the form of Form 5B;
 - (c) a copy of the request and of each of the documents mentioned in paragraphs (a) and (b);
 - (d) if either of the documents mentioned in paragraphs (a) and (b) is not in the English language, an English translation of the document.
- (3) Any translation required under subrule (2)(d) must bear a certificate (in English) signed by the translator stating —
 - (a) that the translation is an accurate translation of the document; and
 - (b) the translator's full name and address and his or her qualifications for making the translation.

14. Certain documents to be referred back to the Attorney-General's Department of the Commonwealth

If, after receiving a request for service in this jurisdiction, the Registrar is of the opinion —

- (a) that the request does not comply with rule 13; or
- (b) that the document to which the request relates is not a foreign judicial document; or
- (c) that compliance with the request may infringe Australia's sovereignty or security; or
- (d) that the request seeks service of a document in some other State or Territory of the Commonwealth,

the Registrar must refer the request to the Attorney-General's Department of the Commonwealth together with a statement of his or her opinion.

Note. The Attorney-General's Department of the Commonwealth will deal with misdirected and non-compliant requests, make arrangements for the service of extrajudicial documents and assess and decide questions concerning Australia's sovereignty and security.

15. Service

- (1) Subject to rule 14, on receipt of a request for service in this jurisdiction, the Court must arrange for the service

of the relevant documents in accordance with the request.

- (2) The relevant documents mentioned in subrule (1) are the following —
 - (a) the document to be served;
 - (b) a summary of the document to be served;
 - (c) a copy of the request for service in this jurisdiction;
 - (d) if either of the documents mentioned in paragraphs (a) and (b) is not in the English language, an English translation of the document.
- (3) Service of the relevant documents may be effected by any of the following methods of service —
 - (a) by a method of service prescribed by the law in force in this jurisdiction —
 - (i) for the service of a document of a kind corresponding to the document to be served; or
 - (ii) if there is no such corresponding kind of document, for the service of initiating process in proceedings in the Court;
 - (b) if the applicant has requested a particular method of service and that method is compatible with the law in force in this jurisdiction, by that method;
 - (c) if the applicant has not requested a particular method of service and the person requested to be served accepts the document voluntarily, by delivery of the document to the person requested to be served.

16. Affidavit as to service

- (1) If service of a document has been effected pursuant to a request for service in this jurisdiction, the person by whom service has been effected must lodge with the Court an affidavit specifying —
 - (a) the time, day of the week and date on which the document was served; and
 - (b) the place where the document was served; and
 - (c) the method of service; and
 - (d) the person on whom the document was served; and
 - (e) the way in which that person was identified.
- (2) If attempts to serve a document pursuant to a request for service in this jurisdiction have failed, the person

by whom service has been attempted must lodge with the Court an affidavit specifying —

- (a) details of the attempts made to serve the document; and
 - (b) the reasons that have prevented service.
- (3) When an affidavit as to service of a document has been lodged in accordance with this rule, the Registrar —
- (a) must complete a certificate of service, sealed with the seal of the Court, on the reverse side of, or attached to, the request for service in this jurisdiction; and
 - (b) must forward the certificate of service, together with a statement as to the costs incurred in relation to the service or attempted service of the document, directly to the forwarding authority from which the request was received.
- (4) A certificate of service must be —
- (a) in the form of Form 5A Part 2; or
 - (b) if a form of certificate of service that substantially corresponds to Form 5A Part 2 accompanies the request for service, in that accompanying form.

8. Second Schedule amended

In the Second Schedule delete Forms 5A, 5B, 5C, 5D, 5E and 5F and insert:

5A. Request for service abroad of judicial documents and certificate (O. 11A r. 4, 6 & 16)

Part 1 — Request for service abroad of judicial documents

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, done at The Hague, the 15th of November 1965

Identity and address of the forwarding authority requesting service

Identity and address of receiving authority <i>[Central Authority/additional</i>

The undersigned forwarding authority (on the application of [*name and address of applicant on whose behalf forwarding authority requests service*]) has the honour to transmit – in duplicate – the documents listed below and, in conformity with Article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.:

(identity and address)
.....

- (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of Article 5 of the Convention*.
- (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of Article 5*):
.....
- (c) by delivery to the addressee, if the addressee accepts it voluntarily (second paragraph of Article 5)*.

The receiving authority [*Central Authority/additional authority*] is requested to return or to have returned to the forwarding authority a copy of the documents – and of the annexes* – with a certificate as provided in Part 2 of this Form on the reverse side.

List of documents

.....
.....

Done at, the

Signature or stamp (or both) of forwarding authority.

*Delete if inappropriate.

Part 2 — Certificate

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, done at The Hague, the 15th of November 1965

The undersigned authority has the honour to certify, in conformity with Article 6 of the Convention:

1. that the documents listed in Part 1 have been served*
 - the (date).....
 - at (place, street, number)
.....
 - in one of the following methods authorised by Article 5:
 - a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of Article 5 of the Convention*,.....
.....
 - b) in accordance with the following particular method*:
.....
 - c) by delivery to the addressee, who accepted it voluntarily*.

The document referred to in the request, has been delivered to:

- (identity and description of person).....
.....
- relationship to the addressee (family, business or other.)
.....

2. that the document has not been served, by reason of the following facts*:
.....

In conformity with the second paragraph of Article 12 of the Convention, the forwarding authority is requested to pay or reimburse the expenses detailed in the attached statement*.

Annexes

Documents returned:

In appropriate cases, documents, establishing the service:

Done at, the

Signature or stamp (or both).

*Delete if inappropriate.

**5B. Summary of the document to be served
(O. 11A r. 4)**

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, done at The Hague, the 15th of November 1965 (Article 5, fourth paragraph)

Identity and address of the addressee [Central Authority/additional authority]:

IMPORTANT

THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE SUMMARY OF THE DOCUMENT TO BE SERVED WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE. YOU SHOULD HOWEVER READ THE DOCUMENT ITSELF CAREFULLY. IT MAY BE NECESSARY TO SEEK LEGAL ADVICE.

IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.

ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:

SUMMARY OF THE DOCUMENT TO BE SERVED

Name and address of the forwarding authority

Particulars of the parties

****JUDICIAL DOCUMENT**

Nature and purpose of the document.....

Nature and purpose of the proceedings and, when appropriate, the amount in dispute

Date and place for entering appearance

Court in which proceedings pending/judgment given

**Date of judgment (if applicable)

Time limits stated in the document

Part 3 — Other amendments

9. Order 1 amended

In Order 1 rule 4(1) delete the definition of *Practitioner* and insert:

practitioner means an Australian legal practitioner as defined in the *Legal Profession Act 2008* section 3;

10. Order 66 amended

- (1) In Order 66 rule 11(1) delete the definition of *any relevant scale* and insert:

any relevant scale means any costs determination, as defined in the *Legal Profession Act 2008* section 252, that relates to the costs that may be charged by law practices in respect of business before the Court carried out by practitioners.

- (2) In Order 66 rule 11(3) delete “*Legal Practice Act 2003*, permitting a solicitor to make a written agreement as to costs with his client,” and insert:

Legal Profession Act 2008 permitting legal practices to make costs agreements with their clients,

11. Order 76 amended

In Order 76 rule 2(1):

- (a) delete paragraph (a) and insert:

(a) exhibiting a certificate from the Registrar that the applicant is on the local roll maintained under the *Legal Profession Act 2008* section 28 and is not a disqualified person as defined in section 3 of that Act; and

- (b) after each of paragraphs (b) and (c) insert:

and

Dated: 30 June 2009.

Judges' signatures:

M. J. MURRAY

CAROLYN JENKINS

G. MILLER

R. L. SIMMONDS

JOHN McKECHNIE

MICHAEL J. BUSS

C. J. McLURE

ANDREW BEECH

C. PULLIN

D. W. NEWNES

ERIC M. HEENAN

K. J. MARTIN

R. LE MIERE

G. MURPHY

ROTTNEST ISLAND AUTHORITY

RX301*

Rottnest Island Authority Act 1987

Rottnest Island Amendment Regulations 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Rottnest Island 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* (**gazettal day**);
- (b) the rest of the regulations —
 - (i) if gazettal day is on or before 1 July 2009 — on 1 July 2009;
 - (ii) otherwise — on the day after gazettal day.

3. Regulations amended

These regulations amend the *Rottnest Island Regulations 1988*.

4. Schedule 5 amended

Amend Schedule 5 as set out in the Table.

Table

Delete	Insert
\$25.60	\$35.50
\$51.50	\$72.00
\$77.10	\$108.00
\$102.90	\$144.50

5. Schedule 6 amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
Sch. 6 Pt. 1 it. 1	\$25.60	\$26.50
Sch. 6 Pt. 1 it. 2	\$39.10	\$41.00
Sch. 6 Pt. 1 it. 3	\$39.10	\$41.00
Sch. 6 Pt. 2 it. 1	\$22.40	\$23.50
Sch. 6 Pt. 2 it. 2	\$33.60	\$35.00
Sch. 6 Pt. 2 it. 3	\$33.60	\$35.00

6. Schedule 7 replaced

Delete Schedule 7 and insert:

Schedule 7 — Miscellaneous fees**Part 1 — Admission fees and payments**

1.	Admission fee to Island for person travelling to and from the Island on the same day (r. 5(1))	
	For child (aged 4 years or over but less than 13 years)	\$5.00
	For adult (aged 13 years or over)	\$14.50
	For family (2 adults and 2 children)	\$33.25

2.	Admission fee to Island for person travelling to and from the Island on different days (r. 5(1))	
	For child (aged 4 years or over but less than 13 years)	\$6.50
	For adult (aged 13 years or over)	\$18.00
	For family (2 adults and 2 children)	\$41.75
3.	Annual fee in lieu of admission fee for vessels (r. 7)	
	Length of vessel	
	8 metres or less	\$189.00
	More than 8 metres but less than 10 metres	\$215.50
	10 metres or more but less than 15 metres	\$258.50
15 metres or more	\$431.00	
4.	Annual fee in lieu of admission fee for aircraft (r. 7)	\$189.50

Part 2 — Mooring licences

5.	Application fee for mooring site licence (r. 20(3)(c))	\$40.50
6.	Annual mooring site licence (r. 22(3)(b)(i) and 33(3)(b)(i))	
	Length of vessel	
	10 metres or less	\$773.00
	More than 10 metres	\$77.00/m of length of licensed vessel or vessel to be licensed

Part 3 — Authorised user payment

7.	Annual authorised user payment (r. 31(4)(ab))	\$38.50/m of length of authorised vessel
----	---	--

7. Schedule 8 amended

Amend Schedule 8 as set out in the Table.

Table

Delete	Insert
\$44.70	\$47.00
\$318.80/m	\$334.50/m
\$508.80/m	\$534.00/m

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.

WATER/SEWERAGE

WA301*

Country Areas Water Supply Act 1947

Preston Beach Water Reserve Order 2009

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council under section 9(1) of the Act.

1. Citation

This order is the *Preston Beach Water Reserve 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. Preston Beach Water Reserve constituted and boundaries defined

- (1) There is constituted a water reserve called the Preston Beach Water Reserve.
- (2) The boundaries of the Preston Beach Water Reserve are defined as those —
 - (a) shown in bold on the Department of Water plan 4577; and

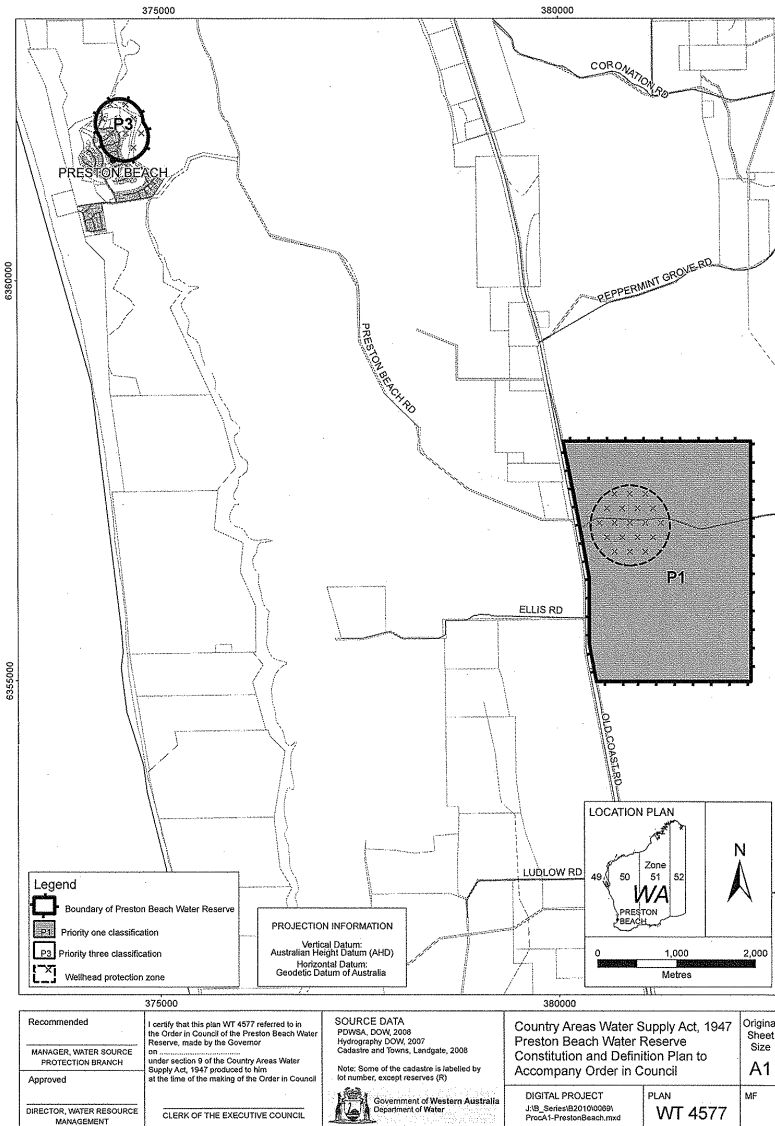
(b) outlined by means of coordinates annexed to that plan.

4. Information plan of the Preston Beach Water Reserve

The boundaries of the Preston Beach Water Reserve are shown, for information purposes, in the plan in Schedule 1.

Schedule 1 — Preston Beach Water Reserve

[cl. 4]



By Command of the Lieutenant-Governor and deputy of the Governor,

R. KENNEDY, Clerk of the Executive Council.

— PART 2 —

ENERGY

EN401*

ENERGY COORDINATION ACT 1994

NOTICE UNDER SECTION 11T NOTICE OF DECISIONS

Notice is given that the following licences have been amended—

Licensee:	Alinta Sales Pty Ltd
Issue Date:	01 July 2000
Address of Licensee:	12-14 The Esplanade Perth WA 6000
Classification:	Trading Licence (GTL9)
Term of Licence:	Up to and including 30 June 2010
Area Covered:	Coastal, Great Southern and Goldfields—Esperance supply area as shown in Plan ERA-GAS-007 .
Amendment:	Replacement of existing customer protection provisions with new provisions in the approved Compendium of Gas Customer Licensing Obligations (also known as the Gas Customer Code).

Licensee:	Esperance Power Station Pty Ltd
Issue Date:	15 March 2004
Address of Licensee:	Suite 6, Esperance Business Centre 75 Dempster Street Esperance WA 6450
Classification:	Distribution Licence (GDL10)
Term of Licence:	Up to and including 14 March 2025
Area Covered:	Goldfields—Esperance supply area as shown in Plan ERA-GAS-010 .
Amendment:	Replacement of existing customer protection provisions with new provisions in the approved Compendium of Gas Customer Licensing Obligations (also known as the Gas Customer Code).

Licensee:	Origin Energy Retail Ltd
Issue Date:	09 June 2008
Address of Licensee:	Level 45, Australia Square 264-278 George Street Sydney NSW 2000
Classification:	Distribution Licence (GDL7)
Term of Licence:	Up to and including 08 June 2029
Area Covered:	The area as shown on the Plan ERA-GAS-004 .
Amendment:	Replacement of existing customer protection provisions with new provisions in the approved Compendium of Gas Customer Licensing Obligations (also known as the Gas Customer Code).

Licensee:	Origin Energy Retail Ltd
Issue Date:	09 June 2008
Address of Licensee:	Level 45, Australia Square 264-278 George Street Sydney NSW 2000
Classification:	Trading Licence (GTL7)
Term of Licence:	Up to and including 08 June 2018
Area Covered:	The area as shown on the Plan ERA-GAS-003 .

Amendment: Replacement of existing customer protection provisions with new provisions in the approved Compendium of Gas Customer Licensing Obligations (also known as the Gas Customer Code).

Licensee: Synergy (Electricity Retail Corporation)
Issue Date: 01 July 2007
Address of Licensee: 228 Adelaide Terrace
Perth WA 6000
Classification: Trading Licence (GTL8)
Term of Licence: Up to and including 30 June 2017
Area Covered: The area equivalent to the South West Interconnected System as shown on the **Plan ERA-GAS-005**.

Amendment: Replacement of existing customer protection provisions with new provisions in the approved Compendium of Gas Customer Licensing Obligations (also known as the Gas Customer Code).

Licensee: WA Gas Networks Pty Ltd
Issue Date: 01 July 2000
Address of Licensee: 12-14 The Esplanade
Perth WA 6000
Classification: Distribution Licence (GDL8)
Term of Licence: Up to and including 30 June 2021
Area Covered: Coastal, Great Souther and Goldfields—Esperance supply areas as shown in **Plan ERA-Gas-006A**.

Amendment: Replacement of existing customer protection provisions with new provisions in the approved Compendium of Gas Customer Licensing Obligations (also known as the Gas Customer Code).

Licensee: Wesfarmers Kleenheat Gas Pty Ltd
Issue Date: 31 September 2000
Address of Licensee: Campus Drive
Murdoch WA 6150
Classification: Distribution Licence (GDL9)
Term of Licence: Up to and including 30 September 2021
Area Covered: Coastal, Goldfields—Esperance, Great Southern and Wheatbelt supply areas as shown in **Plan ERA-GAS-009A**.

Amendment: Replacement of existing customer protection provisions with new provisions in the approved Compendium of Gas Customer Licensing Obligations (also known as the Gas Customer Code).

Licensee: Wesfarmers Kleenheat Gas Pty Ltd
Issue Date: 06 September 2001
Address of Licensee: Campus Drive
Murdoch WA 6150
Classification: Trading Licence (GTL10)
Term of Licence: Up to and including 05 September 2011
Area Covered: Coastal, Goldfields—Esperance, Great Southern and Wheatbelt supply areas as shown in **Plan ERA-Gas-008A**.

Amendment: Replacement of existing customer protection provisions with new provisions in the approved Compendium of Gas Customer Licensing Obligations (also known as the Gas Customer Code).

Licensee: WorleyParsons Asset Management Pty Limited
Issue Date: 15 March 2004
Address of Licensee: Suite 6, Esperance Business Centre
75 Dempster Street
Esperance WA 6450
Classification: Trading Licence (GTL11)
Term of Licence: Up to and including 14 March 2014
Area Covered: Goldfields—Esperance supply area as shown in **Plan ERA-GAS-011**.

Amendment: Replacement of existing customer protection provisions with new provisions in the approved Compendium of Gas Customer Licensing Obligations (also known as the Gas Customer Code).

Inspection of Licence: Economic Regulation Authority
6th Floor
197 St Georges Terrace
Perth WA 6000
<http://www.era.wa.gov.au>

LYNDON G. ROWE, Chairman,
Economic Regulation Authority.

ENVIRONMENT AND CONSERVATION

EV401*

CONSERVATION AND LAND MANAGEMENT ACT 1984
LANE POOLE RESERVE AND PROPOSED RESERVE ADDITIONS
Draft Management Plan

The Conservation Commission of Western Australia advises that the draft management plan for Lane Poole Reserve and Proposed Reserve Additions has been released for public comment.

The plan covers Lane Poole Reserve and proposed reserve additions. The reserve is located between Dwellingup and Collie townsites in Western Australia. The plan contains information relevant to the management and protection of the reserves and makes recommendations for adoption in a final management plan.

The plan may be downloaded from the Department of Environment and Conservation's website at: <http://www.dec.wa.gov.au/haveyoursay>

The plan can also be viewed at the Department of Environment and Conservation's Woodvale library, Information Centre at the Atrium in Perth and libraries of the Shires of Boddington, Collie, Harvey, Murray, Waroona and Williams. Copies of the plan are also available from the following Department of Environment and Conservation offices—

- State Operational Headquarters, 17 Dick Perry Avenue, Technology Park, Western Precinct, Kensington WA 6151;
- Perth Hills District, Banksiadale Road, Dwellingup WA 6213; and
- Wellington District, 147 Wittenoom Street, Collie WA 6225.

Public submissions on the plan can be made by completing the reply paid Public Submission form which is contained within the plan or can be obtained by contacting (08) 9334 0403. Alternatively, written submissions (which refer to particular section or subsection headings and pages of the plan) can be posted, made online or emailed to planning@dec.wa.gov.au

Written submissions should be addressed to the Director General, Department of Environment and Conservation, Locked Bag 104, Bentley Delivery Centre WA 6983, and marked to the attention of the Planning Officer, Lane Poole Reserve and Proposed Reserve Additions Draft Management Plan.

The closing date for public submissions is 4 September 2009.

KEIRAN McNAMARA, Director General,
Department of Environment and Conservation.

Dr JOHN BAILEY, Chairman,
Conservation Commission of Western Australia.

FISHERIES

FI401*

FISH RESOURCES MANAGEMENT ACT 1994
PROHIBITION ON FISHING (POINT QUOBBA) REVOCATION ORDER 2009
Order No. 3 of 2009

FD 1620/98 [880]

Made by the Minister under section 43.

1. Citation

This order is the *Prohibition on Fishing (Point Quobba) Revocation Order 2009*.

2. Commencement

This order commences operation on the same day that regulations 3, 4 and 5 of the *Fish Resources Management Amendment Regulations (No. 10) 2009* commence operation.

3. Revocation

Notice number 330 published in the *Government Gazette* of 11 November 1988, which was made under the *Fisheries Act 1905* and was continued in force under regulation 186 of the *Fish Resources Management Regulations 1995* as if it were an order made under section 43, is revoked.

Dated this 24th day of April 2009.

SIMON O'BRIEN, Acting Minister for Fisheries.

FI402***FISH RESOURCES MANAGEMENT ACT 1994**
AUTHORISED PERSONS

FD 309/98 [908]

Made by the Minister under section 213(2).

1. Declaration

The persons listed in the Schedule are authorised persons.

2. Revocation

The notice made under section 213 and published in the *Government Gazette* (No. 158) of 15 September 2006 is revoked.

Schedule

Dr Lynda Maree Bellchambers
Dr Samantha Dawn Bridgwood
Dr Nicolavito Caputi
Dr Arani Chandrapavan
Mr Gerald Mark Cliff
Mr Montgomery Druce Craine
Dr Melanie Crockford
Dr Martin de Graaf
Dr Simon de Lestang
Dr David Victor Fairclough
Dr Warrick Jeffrey Fletcher
Dr Daniel Joseph Gaughan
Dr Anthony Michael Hart
Mr Jason Richard How
Dr Brett Anthony Human
Dr Gary Jackson
Dr Danielle Jane Johnston
Dr John Brian Jones
Dr Mervi Inkeri Kangas
Dr Sagiv Kolkovski

Ms Eva Kwok Man Lai
Dr Craig Steven Lawrence
Dr Rodney Charles Lenanton
Dr Ross James Marriott
Dr Rory Brian McAuley
Dr Roy Melville-Smith
Dr Brett Wymond Molony
Dr Stephen John Newman
Mr Alan Frank Pearce
Dr Matthew Barrett Pember
Dr James William Penn
Ms Jenny Lauren Shaw
Dr Kimberley Anne Smith
Dr Peter Charles Stephenson
Dr Frances Jennifer Stevens
Mr Neil Robert Sumner
Mr Adrian Wilfred Thompson
Dr Brent Stephen Wise
Dr Ian Wilfred Wright

Dated this 26th day of June 2009.

STUART SMITH, Chief Executive Officer,
a delegate of the Minister for Fisheries.

HEALTH

HE401***MEDICAL PRACTITIONERS ACT 2008**

MEDICAL (UNMET AREA OF NEED) DETERMINATION (NO. 15) 2009

Made by the Minister for Health pursuant to section 34(1) of the *Medical Practitioners Act 2008*.

Citation

1. This determination may be cited as the *Medical (Unmet Area of Need) Determination (No. 15) 2009*.

Commencement

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

Unmet area of need

3. The area of need specified in the Schedule is determined to be an unmet area of need for the purposes of section 34(2)(b)(iv) of the Act.

Expiry of determination

4. This determination expires two years after its commencement.

Schedule

GENERAL MEDICAL SERVICES IN THE SUBURB OF KINROSS IN THE CITY OF JOONDALUP.

Dated this 25th day of June 2009.

Dr KIM HAMES MLA, Deputy Premier;
Minister for Health.

JUSTICE

JU401***JUSTICES OF THE PEACE ACT 2004****APPOINTMENTS**

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

Ian Graeme Armstrong of 9 Sherrington Crest, Manjimup
Hossam Boksmati of 9 Snell Street, Newman

RAY WARNES, Executive Director,
Court and Tribunal Services.

JU402***JUSTICES OF THE PEACE ACT 2004****RESIGNATIONS**

It is hereby notified for public information that the Minister has accepted the resignation of:—

William Francis Davenport of 2 Bruce Street Como
from the Office of Justice of the Peace for the State of Western Australia.

RAY WARNES, Executive Director,
Court and Tribunal Services.

LOCAL GOVERNMENT

LG401***LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960***Town of Narrogin***ESTABLISHMENT OF A POUND AND APPOINTMENTS**

In accordance with sections 449 and 450 of the *Local Government (Miscellaneous Provisions) Act 1960*, Council, establish a pound at Lot 46 on Reserve 1633, White Road, Narrogin.

It is hereby notified for public information that the following persons are appointed as Pound Keepers pursuant to the provisions of the *Dog Act 1976*—

Anika Ruth Bricknell	Guy Maxwell Maley
Craig Leonard Andrew	Warren Denby Bow

All other appointments are revoked.

GARY O'NEIL, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401*

PETROLEUM PIPELINES ACT 1969

GRANT OF PIPELINE LICENCE

Pipeline Licence No. PL 82 was granted to Epic Energy (Pilbara Pipeline) Pty Ltd to have effect for a period of 21 years from 24 June 2009.

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

MP402*

MINING ACT 1978

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum.

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

To be heard in the Warden's Court Coolgardie on 24/08/2009.

WARDEN.

COOLGARDIE MINERAL FIELD

L 15/239	TEC Desert Pty Ltd, TEC Desert No.2 Pty Ltd	Year Ending 2009
L 15/241	TEC Desert Pty Ltd, TEC Desert No.2 Pty Ltd	Year Ending 2009
L 15/242	TEC Desert Pty Ltd, TEC Desert No.2 Pty Ltd	Year Ending 2009

MINING REGISTRAR.

MP403*

MINING ACT 1978

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum.

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

To be heard in the Warden's Court Coolgardie on 24/08/2009.

WARDEN.

COOLGARDIE MINERAL FIELD

P 15/4349	Matsa Resources Limited	Year Ending 2009
P 15/4350	Matsa Resources Limited	Year Ending 2009
P 15/4355	Brewer, Gerard Victor	Year Ending 2009
P 15/4427	Strindberg, Hans August Nicholas	Year Ending 2009
P 15/4428	Strindberg, Hans August Nicholas	Year Ending 2009
P 15/4429	Strindberg, Hans August Nicholas	Year Ending 2009
P 15/4430	Strindberg, Hans August Nicholas	Year Ending 2009
P 15/4431	Strindberg, Hans August Nicholas	Year Ending 2009
P 15/4672	Broadarrow Goldmines Pty Ltd	Year Ending 2009
P 15/4805	Stockwell, Allan Brian Hill, Roderick Richard	Year Ending 2009
P 15/5121	Stehn, Trent Paterson, Carmody, Harry, Stehn, Anthony Paterson	Year Ending 2009
P 15/5137	Stehn, Trent Paterson, Carmody, Harry, Stehn, Anthony Paterson	Year Ending 2009
P15/5138	Stehn, Trent Paterson, Carmody, Harry, Stehn, Anthony Paterson	Year Ending 2009
P 15/5139	Stehn, Trent Paterson, Carmody, Harry, Stehn, Anthony Paterson	Year Ending 2009
P 15/5140	Stehn, Trent Paterson, Carmody, Harry, Stehn, Anthony Paterson	Year Ending 2009

MINING REGISTRAR.

MP404*

MINING ACT 1978
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum.

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

To be heard in the Warden's Court Coolgardie on 24/08/2009.

WARDEN.

COOLGARDIE MINERAL FIELD

P 16/2040	Rocky Reef Mining Pty Ltd	Year Ending 2009
P 16/2138	Byass, Adrian Paul	Year Ending 2009
P 16/2139	Byass, Adrian Paul	Year Ending 2009
P 16/2140	Byass, Adrian Paul	Year Ending 2009
P 16/2141	Byass, Adrian Paul	Year Ending 2009
P 16/2142	Byass, Adrian Paul	Year Ending 2009
P 16/2145	Byass, Adrian Paul	Year Ending 2009
P 16/2146	Byass, Adrian Paul	Year Ending 2009

MINING REGISTRAR.

MP405*

MINING ACT 1978
FORFEITURES

Department of Mines and Petroleum,
Perth WA 6000.

I hereby declare in accordance with the provisions of section 96A(1) of the *Mining Act 1978* that the undermentioned exploration licences are forfeited for breach of covenant being failure to comply with the prescribed expenditure conditions.

NORMAN MOORE MLC,
Minister for Mines and Petroleum.

NUMBER	HOLDER	MINERAL FIELD
EXPLORATION LICENCE		
20/510	Katarina Corporation Pty Ltd	Murchison
21/114	Stockley; John Louis Hull; Barry John Stockley; John Louis	Murchison
69/2118	Swancove Enterprises Pty Ltd	Warburton
80/3365	Bonaparte Diamonds Mines NL	Kimberley
80/3366	Bonaparte Diamonds Mines NL	Kimberley

MP406*

MINING ACT 1978
INTENDED HEARING OF APPLICATION
FOR FORFEITURE OF MINING TENEMENTS

In accordance with Regulation 49(2) of the *Mining Regulations 1981*, notice is hereby given that following mining tenement is liable to forfeiture pursuant to the provisions of section 96(1)(a) of the *Mining Act 1978* for non-payment of annual rent in advance.

G. CALDER SM,
WARDEN.

The application for forfeiture is to be heard before the Warden in Open Court, Court Room 83, Level 8, Central Law Courts, 501 Hay Street, Perth at 9.30am on 6 August 2009

NUMBER	HOLDER	MINERAL FIELD	YEAR ENDING
MISCELLANEOUS LICENCE			
70/61	Goldgate Holdings Pty Ltd	South West	11 April 2009

MP407*

MINING ACT 1978
INTENDED HEARING OF APPLICATION
FOR FORFEITURE OF MINING TENEMENTS

In accordance with Regulation 49(2) of the *Mining Regulations 1981*, notice is hereby given that following mining tenements are liable to forfeiture pursuant to the provisions of section 96(1)(a) of the *Mining Act 1978* for failure to comply with the prescribed expenditure conditions.

G. CALDER SM,
WARDEN.

The application for forfeiture is to be heard before the Warden in Open Court, Court Room 83, Level 8, Central Law Courts, 501 Hay Street, Perth at 9.30am on 6 August 2009

NUMBER	HOLDER	MINERAL FIELD	YEAR ENDING
	PROSPECTING LICENCE		
74/235	McCall; Donald John McCall; Bruce Douglas	Phillips River	2 October 2008
74/307	Vistarise Ltd	Phillips River	13 March 2009
74/308	Vistarise Ltd	Phillips River	13 March 2009

PARLIAMENT

PA401*

PARLIAMENT OF WESTERN AUSTRALIA
ROYAL ASSENT TO BILLS

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

Title of Act	Date of Assent	Act No.
Parliamentary Commissioner Amendment Act 2009	29 June 2009	10 of 2009
Transfer of Incorporation (HBF and HIF) Act 2009	29 June 2009	11 of 2009
Appropriation (Consolidated Account) Recurrent 2009-10 Act 2009	29 June 2009	12 of 2009
Appropriation (Consolidated Account) Capital 2009-10 Act 2009	29 June 2009	13 of 2009
Loan Act 2009	29 June 2009	14 of 2009

MALCOLM PEACOCK, Clerk of the Parliaments.

30 June 2009.

PLANNING AND INFRASTRUCTURE

PI401*

PLANNING AND DEVELOPMENT ACT 2005
METROPOLITAN REGION SCHEME
NOTICE OF RESOLUTION—CLAUSE 27

City of Gosnells

River Avenue Precinct, Maddington

Amendment 1175/27

File No.: 812-2-25-36

Notice is hereby given that in accordance with Clause 27 of the Metropolitan Region Scheme, the Western Australian Planning Commission resolved on 8 June 2009 to transfer land from the urban deferred zone to the urban zone, as shown on plan number 4.1550.

This amendment is effective from the date of publication of this notice in the *Government Gazette*.

The plan may be viewed at the offices of—

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

TONY EVANS, Secretary,
Western Australian Planning Commission.

PI402*

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO PREPARE A TOWN PLANNING SCHEME
City of Belmont

Local Planning Scheme No. 15

Notice is hereby given that the Council of the local government of Belmont on the 25th of November 2008 passed the following Resolution—

Resolved that the local government, in pursuance of Section 72 of the Planning and Development Act 2005, prepare the Local Planning Scheme No. 15 with reference to an area situate wholly within the City of Belmont and enclosed within the inner edge of the black border on a plan now produced to the Council of the local government and marked and certified by the Chief Executive Officer of the City of Belmont under his hand dated the 11th November 2008 as “Scheme Area Map”.

Dated this 30th day of June 2009.

STUART COLE, Chief Executive Officer.

PREMIER AND CABINET

PC401*

RETENTION OF THE TITLE ‘HONOURABLE’

It is hereby notified for public information that the Governor, on behalf of Her Majesty the Queen, has approved of the retention of the title “Honourable” for the following former Members of the Legislative Council—

Samuel (George) Ernest Cash
 Nicholas (Nick) David Griffiths
 Kimberley (Kim) Maurice Chance
 Bruce Kirwan Donaldson
 Raymond (Ray) James Halligan
 Barbara Mary Scott

PETER CONRAN, Director General.

RACING, GAMING AND LIQUOR

RG401*

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
APPLICATION FOR THE GRANT OF A LICENCE			
12932	Alistair John Gardner	Application for the grant of a Hotel licence in respect of premises situated in Yallingup and known as Cheffy's at Surfside.	29/07/09
12931	Christopher N Bayly, Dennis A Favaretto and Desmond M McCreanor	Application for the grant of a Liquor Store licence in respect of premises situated in Peppermint Grove and known as Grove Cellars.	03/08/09
12926	Gould, Benjamin Malcolm	Application for the grant of a Producer's licence in respect of premises situated in Cowaramup and known as Blind Corner.	30/07/09

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATION FOR THE GRANT OF A LICENCE—<i>continued</i>			
12923	Nollamara Amateur Football Club Inc	Application for the grant of a Club Restricted licence in respect of premises situated in Nollamara and known as Nollamara Amateur Football Club.	19/07/09
12920	Hartley Estate Pty Ltd	Application for the grant of a Wholesaler's licence in respect of premises situated in West Perth and known as Hartley Estate. Application for the grant of a Wholesaler's	14/07/09
APPLICATIONS TO ADD, VARY OR CANCEL A CONDITION OF LICENCE			
291760	Stonebay Holdings Pty Ltd	Application to add, vary or cancel a condition of the Special Facility licence in respect of premises situated in Cowaramup and known as Cowaramup Brewing Company.	7/07/09

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

Dated: 1 July 2009.

B. A. SARGEANT, Director of Liquor Licensing.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Gabrielle Alexandria Porter, late of 61 Bindaree Road, Cuthbert in the State of Western Australia, Retired Secretary, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of Gabrielle Alexandria Porter, deceased who died on the 21st day of February 2009 at Albany, in the said State are required by the personal representative Kathryn Mary Tice of 5 Bindaree Road, Albany, Western Australia to send particulars of their claims to David Moss & Co of PO Box 5744, Albany WA 6332 by the date one month following the publication of this notice after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he has then had notice.

ZX402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

David Cleghorn, late of 7 Ingleby Court, Gingin, 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 24 August 2007, are required by the Executrix, Margaret McLaughlin Attard of 2 Truslove Way, Karratha, Western Australia 6714 to send particulars of their claims to her by 31 July 2009 after which date the Executrix may distribute the assets, having regard only to the claims of which she has notice.

ZX403

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Elizabeth McKenna Cleghorn, late of 7 Ingleby Court, Gingin, 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 24 August 2007, are required by the Executrix, Margaret McLaughlin Attard of 2 Truslove Way, Karratha, Western Australia 6714 to send particulars of their claims to her by 31 July 2009 after which date the Executrix may distribute the assets, having regard only to the claims of which she has notice.

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 the 3/08/2009 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

BAKER-SMITH Darryn Wayne also known as Darryn Wayne BAKER or Darryn Wayne FERGUSON, late of 68 Hudson Road Bunbury, died 30.12.2008 (DE33070179EM32)

BOUNDY Herbert Charles, late of Bethanie Nursing Home 5 Osborne Street Joondanna, died 13.03.2009 (DE19943042EM26)

CHEREL Arthur, late of Muludja Community Centre Fitzroy Crossing, died 11.08.2008 (DE33072041EM37)

CHIOMEY Maureen Ann, also known as Maureen Ann STYANTS, late of 5/15 Hope Road Palmyra, died 21.04.2009 (DE33068932EM17)

CLARKE Jeff Stuart, late of Unit F/24 Pelham Way Girrawheen, died 3.06.2009 (DE33064401EM13)

FRENCH Elsie May, late of Shoalwater Aged Care 72 Fourth Avenue Shoalwater, died 15.05.2009 (DE19920896EM27)

GROVER Patricia, late of 3b Okra Court Munster, formerly of 80 Coogee Road Munster, died 19.05.2009 (DE19753804EM38)

MALISHKIN Basil George, late of 32 Brown Crescent Seville Grove, died 13.05.2009 (DE19990037EM23)

STOTT Valerie, late of Mertome Village 30 Winifred Road Bayswater, died 3.04.2009 (DE33065259EM13)

THOMAS Aubrey George, late of Unit 4 182 Bussel Highway Busselton, died 1.06.2009 (DE19952592EM37)

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

ZX405**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Margaret Anne Dusz late of 8 Katoomba Street, Albany in the State of Western Australia, School Teacher, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of Margaret Anne Dusz deceased who died on the 5th day of January 2008 at Albany, in the said State are required by the personal representative Christine Margaret Palfrey of 20 Evans Road, Albany, Western Australia to send particulars of their claims to David Moss & Co of PO Box 5744, Albany W.A. 6332 by the date one month following the publication of this notice after which date the personal representative may convey or distribute the assets having regard only to the claim for which he has then had notice.

ZX406**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Barry Arthur Williamson late of 89/1 Ulster Road, Albany in the State of Western Australia, Farmer, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of Barry Arthur Williamson deceased who died on the 13th day of December 2008 at Albany, in the said State are required by the personal representatives Shirley Joan Williamson of 89/1 Ulster Road, Albany and David Lindsay Williamson of 35818 Great Southern Highway, Cranbrook, Western Australia to send particulars of their claims to David Moss & Co of PO Box 5744, Albany W.A. 6332 by the date one month following the publication of this notice after which date the personal representative may convey or distribute the assets having regard only to the claim for which he has then had notice.

PUBLIC NOTICES

ZZ401*

PARTNERSHIP ACT 1895
DISSOLUTION OF PARTNERSHIP

Notice is hereby given pursuant to Section 47(2) of the *Partnership Act 1895* that the partnership of Alan James Downey and Scott Clarke MacKenzie conducted under the name of Bag & Sole was dissolved on 31 May 2009.

WESTERN AUSTRALIA

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