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— PART 1 —

PROCLAMATIONS

AA101*

Declared Places (Mentally Impaired Accused) Act 2015

Declared Places (Mentally Impaired Accused) Act 2015 Commencement Proclamation 2015

Made under the *Declared Places (Mentally Impaired Accused) Act 2015* section 2(b) by the Governor in Executive Council.

1. Citation

This proclamation is the *Declared Places (Mentally Impaired Accused) Act 2015 Commencement Proclamation 2015*.

2. Commencement (other than sections 1 and 2)

The *Declared Places (Mentally Impaired Accused) Act 2015*, other than sections 1 and 2, comes into operation on the day after the day on which this proclamation is published in the *Gazette*.

K. SANDERSON, Governor.

L.S.

H. M. MORTON, Minister for Disability Services.

Notes: Under the *Community Protection (Offender Reporting) Amendment Regulations 2015* regulation 2(b), the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Declared Places (Mentally Impaired Accused) Act 2015*, other than sections 1 and 2, comes into operation.

Under the *Security and Related Activities (Control) Amendment Regulations (No. 2) 2015* regulation 2(b), the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Declared Places (Mentally Impaired Accused) Act 2015*, other than sections 1 and 2, comes into operation.

AGRICULTURE AND FOOD

AG301*

Biosecurity and Agriculture Management Act 2007

Biosecurity and Agriculture Management (Infringement Notices) Amendment Regulations 2015

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Biosecurity and Agriculture Management (Infringement Notices) Amendment Regulations 2015*.

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 *Biosecurity and Agriculture Management (Infringement Notices) Regulations 2013*.

4. Schedule 1 amended

In Schedule 1 Division 3 after the item relating to regulation 10(6) insert:

| | | |
|-----------|--|-----|
| r. 20B | Failing to ensure that cattle treated with HGP is marked as required | 500 |
| r. 20C(3) | Failing to ensure that ear punch mark on animal treated with HGP remains permanently identifiable | 500 |
| r. 20D(4) | Declaring animal is HGP free if person has treated animal with HGP or not obtained a declaration that animal is HGP free from previous owner | 500 |
| r. 20D(5) | Making false claim in relation to declaration that animal is HGP free | 500 |

R. KENNEDY, Clerk of the Executive Council.

AG302*

Biosecurity and Agriculture Management Act 2007

Biosecurity and Agriculture Management (Agriculture Standards) Amendment Regulations 2015

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Biosecurity and Agriculture Management (Agriculture Standards) Amendment Regulations 2015*.

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 *Biosecurity and Agriculture Management (Agriculture Standards) Regulations 2013*.

4. Regulation 6 amended

In regulation 6 delete the definition of *MRL Standard* and insert:

MRL Standard means the MRL Standard as defined in the *Agricultural and Veterinary Chemicals Code Instrument No. 4 (MRL Standard) 2012* (Commonwealth) clause 5(2), as amended from time to time;

5. Part 3A inserted

After regulation 19 insert:

Part 3A — Hormone growth promotants

20A. Terms used

In this Part —

animal means cattle;

ear punch mark means an ear punch mark in the form of an equal sided triangle with sides of 20 mm;

hormone growth promotant (HGP) means a veterinary chemical product that contains one or more of the following active constituents —

- (a) oestradiol 17B;
- (b) oestradiol benzoate;
- (c) progesterone;
- (d) testosterone propionate;
- (e) trenbolone acetate;
- (f) zeranol.

20B. Treating cattle with HGP

The owner of cattle treated with a HGP must ensure that each treated animal is, or has been, marked in accordance with regulation 20C.

Penalty: a fine of \$5 000.

20C. Marking of treated animals

- (1) An animal that has been treated with HGP is to be marked by applying an ear punch mark in the centre of the ear so as to leave a space on all sides within the margin of the ear using an ear punch of a type approved by the Director General.
- (2) If an animal has been identified for the purposes of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013* by means of an earmark the ear punch mark referred to in subregulation (1) is to be applied to the ear that is not so marked.
- (3) A person who is, or becomes, the owner of an animal that has been treated with HGP must ensure that the ear punch mark applied to the animal remains permanently identifiable.

Penalty: a fine of \$5 000.

20D. Declaration that animal HGP free

- (1) In this regulation —
HGP free, in relation to an animal, means an animal that has never been treated with HGP;
transport document has the meaning given in the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013* regulation 3.
- (2) An animal is not to be taken to be HGP free unless the transport document in relation to each movement of the

animal that is required under the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013* Part 8 includes, or is accompanied by, a declaration that the animal is HGP free.

- (3) A declaration that an animal is HGP free is to be in a form approved by the Director General.
- (4) A person must not make a declaration that an animal is HGP free if —
 - (a) the person has treated the animal with HPG; or
 - (b) the person has not obtained a declaration that the animal is HGP free from the previous owner or supplier (if any) of the animal.

Penalty: a fine of \$5 000.

- (5) A person must not make a claim in a declaration that an animal is HGP free that the person knows is false or misleading in a material particular.

Penalty: a fine of \$5 000.

- (6) The requirement under the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013* regulation 201(3) in relation to retention of a transport document extends to the retention of a declaration that an animal is HPG free that accompanies the transport document.

R. KENNEDY, Clerk of the Executive Council.

HOUSING

HW301*

Housing Act 1980

Housing Amendment Regulations 2015

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Housing Amendment Regulations 2015*.

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 1 July 2015.

3. Regulations amended

These regulations amend the *Housing Regulations 1980*.

4. Regulation 8 amended

In regulation 8 delete the Table and insert:

Table

| Column 1 Item no. | Column 2 Item | Column 3 Fee \$ |
|------------------------------|--|----------------------------|
| | <i>Preparation of documents</i> | |
| 1. | Mortgage | 149 |
| 2. | Discharge of mortgage | 58 |
| 3. | Caveat | 53 |
| 4. | Withdrawal of caveat | 53 |
| 5. | Deed of co-ownership | 178 |
| 6. | Any other deed | 111 |
| 7. | Transfer of land | 186 |
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| 10. | Any other document | 69 |
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R. KENNEDY, Clerk of the Executive Council.

POLICE

PO301*

Community Protection (Offender Reporting) Act 2004

**Community Protection (Offender Reporting)
Amendment Regulations 2015**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Community Protection (Offender Reporting) Amendment Regulations 2015*.

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 fixed under the *Declared Places (Mentally Impaired Accused) Act 2015* section 2(b).

3. Regulations amended

These regulations amend the *Community Protection (Offender Reporting) Regulations 2004*.

4. Regulation 7 amended

- (1) In regulation 7(1) delete “subregulation (2),” and insert:

subregulation (2) or (4),

- (2) After regulation 7(2)(a) insert:

- (ba) is a resident as defined in the *Declared Places (Mentally Impaired Accused) Act 2015* section 3; or

- (3) After regulation 7(3) insert:

- (4) The chief executive officer of the Commission is prescribed to be the supervising authority for the purposes of the definition of that term in section 3 of the Act in relation to a reportable offender who is a resident.

(5) In subregulation (4) —

Commission means the Disability Services Commission referred to in the *Disability Services Act 1993* section 6;

resident has the meaning given in the *Declared Places (Mentally Impaired Accused) Act 2015* section 3.

5. Regulation 19 amended

Delete regulation 19(e) and insert:

- (e) for a reportable offender who is released from government custody (whether in government custody for a reportable offence or otherwise) —
 - (i) in the case of a reportable offender who is, or was before his or her release, a resident as defined in the *Declared Places (Mentally Impaired Accused) Act 2015* section 3, the chief executive officer of the Disability Services Commission referred to in the *Disability Services Act 1993* section 6;
 - (ii) in any other case, an officer of the Department of Corrective Services, or other person, authorised in writing for the purposes of this paragraph by the chief executive officer of that department;

R. KENNEDY, Clerk of the Executive Council.

PO302*

Security and Related Activities (Control) Act 1996

Security and Related Activities (Control) Amendment Regulations (No. 2) 2015

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Security and Related Activities (Control) Amendment Regulations (No. 2) 2015*.

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 fixed under the *Declared Places (Mentally Impaired Accused) Act 2015* section 2(b).

3. Regulations amended

These regulations amend the *Security and Related Activities (Control) Regulations 1997*.

4. Regulation 13A amended

- (1) After regulation 13A(aa) insert:

- (aba) a person authorised under a contract under the *Declared Places (Mentally Impaired Accused) Act 2015* section 44 to investigate a complaint about the provision of declared place services, as defined in section 3 of that Act, while acting in the ordinary course of investigating that complaint;

- (2) In regulation 13A(e) after “(aa),” insert:

(aba),

R. KENNEDY, Clerk of the Executive Council.

— PART 2 —

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT ACT 1995*City of Kwinana*

(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 the 1 July 2015, determined that the method of valuation to be used by the City of Kwinana 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

| | Designated Land |
|-----------|---|
| UV to GRV | All those portions of land being Lots 97 to 242 inclusive as shown on Deposited Plan 402525 and Lot 820, Lot 821, Lots 830 to 832 inclusive, Lots 869 to 925 inclusive, Lot 935, Lot 936 and Lots 1064 to 1069 inclusive as shown on Deposited Plan 404197. |

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

LG402*

BUSH FIRES ACT 1954*Shire of Cranbrook*

APPOINTMENTS

In accordance with the *Bush Fires Act 1954* the Shire of Cranbrook has appointed the following officers to the respective positions for 2015/2016 Fire Season.

| | |
|--|--|
| Chief Bush Fire Control Officer | David Packard |
| 1st Deputy Chief Bush Fire Control Officer | Tom Ettridge |
| 2nd Deputy Chief Bush Fire Control Officer | Ian Lawrence |
| Base Radio Operator | David Preston |
| Fire Control Officer's— | |
| East Cranbrook | Harley Smith Fred Fiegert Phil Horrocks |
| Central | Keith Wilson Sam Lehmann |
| Cranbrook Town | Joe Duina |
| Tenterden | David Packard Greg Mengler Mark Jefferies Jason Watterson Ken Gibson |
| Tunney | Graham Marshall Joel Treeby Sean Morgan Ian Lawrence |

| | |
|----------------------|---|
| Woolonga | Brett Smith Mark Addis Fred Smith |
| Nunijup | Mark Bunker Bruce Parsons Steven Squire Lindsay Watterson |
| Kybellup | Russel Hilder Simon Hilder |
| Gordon | Grant Egerton–Warburton Alvaro Alvarez De Toledo John Egerton–Warburton |
| Frankland River | Peter Ettridge Martin Toovey Darcy Clode |
| Frankland River Town | Andrew Murray Nathan Waterman |
| Bokerup / Unicup | Tom Ettridge Greg Banks Robert Crosby Robert Morey June Roberts |

The following Fire Control Officers have been appointed as Dual Registration Officers with the respective Shires for the 2015/16 fire season—

| | |
|----------------------|--|
| Shire of Gnowangerup | Harley Smith (East Cranbrook) |
| Shire of Tambellup | Keith Wilson (Central) Graham Marshall (Tunney) |
| Shire of Kojonup | Graham Marshall (Tunney) Grant Egerton-Warburton (Gordon) Tom Ettridge (Bokerup / Unicup) |
| Shire of Boyup Brook | Tom Ettridge (Bokerup / Unicup) |
| Shire of Manjimup | Tom Ettridge (Bokerup / Unicup) Greg Banks (Bokerup / Unicup) |
| Shire of Plantagenet | Peter Ettridge (Frankland River) Russel Hilder (Kybellup) Mark Bunker (Nunijup) Greg Mengler (Tenterden) Ken Gibson (Tenterden) Tom Ettridge (Bokerup / Unicup) Robert Crosby (Bokerup / Unicup) |

MINERALS AND PETROLEUM

MP401*

MINING ACT 1978

APPROVAL OF RETENTION STATUS FOR AN EXPLORATION LICENCE

I, Bill Marmion, Minister for Mines and Petroleum, give notice that I have approved retention status for fifteen graticular blocks within the under mentioned exploration licence pursuant to section 69B of the *Mining Act 1978*, effective from the date of this publication.

| Tenement | Holders | Mineral Field | Blocks |
|----------|---------------------------|---------------|----------------|
| E08/1712 | Giralia Resources Pty Ltd | Ashburton | 2408 z |
| | | | 2409 v w x y z |
| | | | 2410 v |
| | | | 2481 a b c d e |
| | | | 2482 a b g |
| | | | |

Dated at Perth this 24th day of May 2015.

Hon. BILL MARMION, MLA, Minister for Mines and Petroleum.

PLANNING

PL401*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT*City of Stirling*

Town Planning Scheme No. 3—Amendment No. 45

Ref: TPS/1377

It is hereby notified for public information, in accordance with Section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Stirling local planning scheme amendment on 4 May 2015 for the purpose of—

1. Amending the Scheme Text by adding an additional clause as follows—
 - “2.7 Minor modifications to a Local Planning Policy
 - 2.7.1 Notwithstanding the provisions of Clause 2.4, the Council may adopt minor administrative modifications to a Local Planning Policy without the need of formal public advertising where the modifications do not alter the objectives or standards contained within the Policy.
 - 2.7.2 Clause 2.4.3 applies to a minor modification to a Local Planning Policy.
 - 2.7.3 Modifications to a Local Planning Policy adopted under Clause 2.7.1 have effect on adoption by the Council.”

G. ITALIANO JP, Mayor.
S. JARDINE, Chief Executive Officer.

PL402*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT*City of Stirling*

Local Planning Scheme No. 3—Amendment No. 57

Ref: TPS/1494

It is hereby notified for public information, in accordance with Section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Stirling local planning scheme amendment on 18 May 2015 for the purpose of—

1. Amending Clause 8.1.2 of the Scheme Text by inserting the words “and Illuminated Street Signs” after the word “public works”.
2. Inserting in Schedule 1 Dictionary of Defined Words and Expressions (CL 1.7) of the Scheme text under Advertising Signs the following definition—

“Illuminated Street Sign” means a sign consisting of an illuminated street name, as well as an advertisement or other legend, graphics or symbols, which has the primary function of assisting motorists to identify the name of intersecting roads.

G. ITALIANO JP, Mayor.
S. JARDINE, Chief Executive Officer.

PL403*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT*City of Swan*

Town Planning Scheme No. 17—Amendment No. 102

Ref: TPS/1195

It is hereby notified for public information, in accordance with Section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Swan local planning scheme amendment on 27 May 2015 for the purpose of—

- (a) Inserting a definition of “waste transfer station” into Schedule 1 Part C as follows—

“waste transfer station” means premises operated for the purpose of receiving, sorting and processing of dry bulk household waste materials, woodchips and garden waste for sale on-site or re-use, recycling or disposal off-site;

(b) Inserting a new Additional Use in Schedule 2—Additional Uses of the Scheme Text to include Lot 6 Stock West Road Bullsbrook as follows—

| No. | Description of land | Additional Use | Conditions |
|-----|--|----------------------------|---|
| 95 | Lot 6 on D55166 Stock West Road Bullsbrook | “P”—waste transfer station | 1. The additional use referred to is subject to the following conditions— <ol style="list-style-type: none"> a. No more than 200 tonnes of waste material (total) can be on the site at any one time. b. No hazardous material, bio-solids, manures or mulching is to be produced or stored on site. c. The management of leachate is to be to the satisfaction of the relevant State Authorities. |

(c) Modifying the Scheme Map accordingly.

C. ZANNINO, Mayor.
M. J. FOLEY, Chief Executive Officer.

PL404*

PLANNING AND DEVELOPMENT ACT 2005
METROPOLITAN REGION SCHEME MINOR AMENDMENT 1266/57
ROSEHILL GOLF COURSE REDEVELOPMENT
City of Swan
Approved Amendment

File: 833-2-21-121

The Minister for Planning has approved, with modification, the abovementioned amendment to the Metropolitan Region Scheme. The amendment is shown on Western Australian Planning Commission (WAPC) plan number 3.2571/1 and is effective from the date of publication of this notice in the *Government Gazette*.

Copies of the amendment and the accompanying report on submissions are available for public inspection until Friday 31 July 2015 at—

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Swan
- Shire of Kalamunda

Documents are also available from the PlanningWA website www.planning.wa.gov.au.

TIM HILLYARD, Secretary,
Western Australian Planning Commission.

PL405*

PLANNING AND DEVELOPMENT ACT 2005
METROPOLITAN REGION SCHEME MINOR AMENDMENT 1283/57
HOLMES STREET RESERVATION, SOUTHERN RIVER
City of Gosnells

Call for Public Submissions

The Western Australian Planning Commission (WAPC) intends to amend the Metropolitan Region Scheme (MRS) for land in the local government of Gosnells and is seeking public comment.

The amendment proposes to realign a portion of the Other Regional Roads reservation for Holmes Street, Southern River in the MRS.

The Western Australian Planning Commission certifies that, in its opinion, the proposed amendment does not constitute a substantial alteration to the MRS.

The plans showing the proposed change and the WAPC amendment report which explains the proposal, will be available for public inspection from Tuesday 16 June 2015 to Friday 21 August 2015 at—

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Gosnells

Documents are also available from the PlanningWA website www.planning.wa.gov.au.

Any person who desires to make a submission to support, object or provide comment on any part of the proposed amendment should do so on a form 57. This submission form is available from the display locations, the amendment report and the internet.

Submissions must be lodged with the: Secretary, Western Australian Planning Commission, 140 William Street, Perth WA 6000; on or before 5 pm Friday 21 August 2015.

Late submissions will not be considered.

TIM HILLYARD, Secretary,
Western Australian Planning Commission.

PL406*

PLANNING AND DEVELOPMENT ACT 2005
METROPOLITAN REGION SCHEME MINOR AMENDMENT 1284/57
LOTS 5000 AND 5001 PIPIDINNY ROAD, EGLINTON
City of Wanneroo
Call for Public Submissions

The Western Australian Planning Commission (WAPC) intends to amend the Metropolitan Region Scheme (MRS) for land in the local government of Wanneroo and is seeking public comment.

The amendment proposes to reclassify portions of Lots 5000 and 5001 Pipidinny Road, Eglinton to implement an environmental approval granted under 45C of the *Environmental Protection Act 1986* for the relocation of a conservation area in Eglinton, in the MRS.

The Western Australian Planning Commission certifies that, in its opinion, the proposed amendment does not constitute a substantial alteration to the MRS.

The plans showing the proposed change and the WAPC amendment report which explains the proposal, will be available for public inspection from Tuesday 16 June 2015 to Friday 21 August 2015 at—

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Wanneroo

Documents are also available from the PlanningWA website www.planning.wa.gov.au.

Any person who desires to make a submission to support, object or provide comment on any part of the proposed amendment should do so on a form 57. This submission form is available from the display locations, the amendment report and the internet.

Submissions must be lodged with the: Secretary, Western Australian Planning Commission, 140 William Street, Perth WA 6000; on or before 5 pm Friday 21 August 2015.

Late submissions will not be considered.

TIM HILLYARD, Secretary,
Western Australian Planning Commission.

PL407*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Toodyay
Town Planning Scheme No. 4—Amendment No. 8

Ref: TPS/1495

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 Toodyay local planning scheme amendment on 27 May 2015 for the purpose of—

1. Inserting the following into Schedule 2—Additional Uses of Local Planning Scheme No. 4—

| No. | Description of Land | Additional use | Conditions |
|-----|---|-----------------------------------|---|
| 6 | Lot 59 Beaufort Street. West Toodyay | Restaurant Reception Centre | 1. Notwithstanding anything else in the Scheme, development on the site shall be subject to application to the local government for approval to commence development. |

| No. | Description of Land | Additional use | Conditions |
|-----|---------------------|----------------|--|
| | | | 2. The local government may require planning applications to be advertised in accordance with Clause 9.4.3 of the Scheme. 3. In considering a development application, the local government may require the preparation of a site management plan to ensure the design, character and scale of the development is in keeping with the objectives of the Special Residential Zone. |

D. DOW, Shire President.
S. SCOTT, Chief Executive Officer.

PL408*

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Busselton
 Town Planning Scheme No. 21—Amendment No. 7

Ref: TPS/1498

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Busselton local planning scheme amendment on 27 May 2015 for the purpose of—

1. Rezoning Lot 376 Kent Street and Lot 309 Prince Street, Busselton from 'Reserve for Recreation' to 'Business' zone.
2. Amending the Scheme Map accordingly.

I. W. STUBBS, Mayor.
M. ARCHER, Chief Executive Officer.

PREMIER AND CABINET

PR401*

AGENT GENERAL ACT 1895
APPOINTMENT OF AGENT GENERAL

It is notified for public information that the deputy of the Governor, in Executive Council, has appointed Mr John King Atkins to be Agent General for the State of Western Australia, for the period 7 September 2015 to 6 September 2017 (both dates inclusive).

PETER 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 Lieutenant-Governor and deputy of 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 9 to 12 June 2015 (both dates inclusive).

PETER 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 J. H. D. Day MLA to act temporarily in the office of Treasurer; Minister for Energy;
Citizenship and Multicultural Interests in the absence of the Hon Dr M. D. Nahan MLA for
the period 4 to 19 July 2015 (both dates inclusive).

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

WORKCOVER

WC401*

WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981
WORKERS' COMPENSATION (LEGAL PRACTITIONERS AND REGISTERED AGENTS)
COSTS DETERMINATION 2015

Made by the Costs Committee under section 271 of the Act.

1. Citation

(1) This determination may be cited as the *Workers' Compensation (Legal Practitioners and Registered Agents) Costs Determination 2015* ("Costs Determination").

2. Commencement

(1) This Costs Determination comes into operation on the date of Gazettal or 1 July 2015, whichever is the later.

3. Application

(1) This Costs Determination applies to the remuneration of legal practitioners and registered agents in respect of work carried out for the purposes of proceedings before a WorkCover WA dispute resolution authority.

(2) This Costs Determination does not apply to the remuneration of legal practitioners or registered agents in respect of business carried out before the commencement of this Costs Determination.

(3) This Costs Determination is to be read and applied in its entirety. The scale of costs applicable under this Costs Determination is to be interpreted in accordance with the notes set out in this Schedule.

4. Review

(1) This costs scale enables the hourly rates used to calculate costs to be adjusted consequent to any changes in the hourly rates available under the *Magistrates' Court costs scale*, based on determinations of the Legal Costs Committee established under the *Legal Profession Act 2008*.

(2) The Costs Committee may amend or revoke this Costs Determination at any time, pursuant to section 271(4) of the Act.

5. Terms used in this Determination

(1) Unless otherwise stated, all terms used in this Costs Determination have the same meaning given in the—

- (a) *Workers' Compensation and Injury Management Act 1981*;
- (b) *Workers' Compensation and Injury Management Regulations 1982*;
- (c) *Workers' Compensation and Injury Management Conciliation Rules 2011 (Conciliation Rules)*; and
- (d) *Workers' Compensation and Injury Management Arbitration Rules 2011 (Arbitration Rules)*.

(2) For ease of reference, the terms are reproduced hereunder. In this Costs Determination—

"agent service" means any service performed by a person—

- (a) in the person's capacity as an agent; and
- (b) in or for the purposes of a proceeding before a dispute resolution authority.

"application" means an application for a decision of a dispute resolution authority.

"approved form" means a form approved under the Conciliation Rules or a form approved under the Arbitration Rules.

"Arbitration Service" means the Workers' Compensation Arbitration Service established under section 182ZO of the Act.

“**Arbitration Rules**” means the rules made under section 293B of the Act.

“**arbitrator**” means an officer of WorkCover WA approved under section 182ZQ of the Act as an arbitrator.

“**assessment of costs**” means an application for assessment of costs under the Conciliation Rules or under the Arbitration Rules.

“**conciliation officer**” means an officer of WorkCover WA designated under section 182B of the Act as a conciliation officer.

“**Conciliation Service**” means the Workers’ Compensation Conciliation Service established under section 181 of the Act.

“**Conciliation Rules**” means the rules made under section 293A of the Act.

“**costs**” means—

- (a) costs of a party (including fees, charges and disbursements);
- (b) costs of a proceeding; and
- (c) such other costs as may be prescribed by regulation.

“**costs determination**” means a determination published under section 273 of the Act.

“**Director**” means the officer of WorkCover WA designated under section 182A of the Act as the Director, Conciliation.

“**dispute resolution authority**” means the Director, the Registrar, a conciliation officer, or an arbitrator.

“**legal practitioner**” means an Australian legal practitioner within the meaning of that term as defined in the *Legal Profession Act 2008*.

“**legal service**” means any service performed by a person—

- (a) in the person’s capacity as a legal practitioner; and
- (b) in or for the purposes of a proceeding before a dispute resolution authority.

“**Magistrates Court costs scale**” means the *Legal Practitioners (Magistrates Court) (Civil) Determination 2012* made by the Legal Costs Committee under the *Legal Profession Act 2008*, or any subsequent determination made in substitution for that determination.

“**proceeding**” means a proceeding before a dispute resolution authority.

“**registered agent**” means a person registered under regulations made under section 277 of the Act.

“**Registrar**” means the officer of WorkCover WA designated under section 182ZP of the Act as the Registrar, Arbitration.

“**serve**” has the same meaning as is defined in the Conciliation Rules or the Arbitration Rules.

“**taxing officer**” means the Director, a conciliation officer, the Registrar, or an arbitrator.

6. No minimum charge

In no respect is this Determination to be seen as providing a minimum number of hours for any work done. For example, item 2 provides for up to 3 hours for the work involved. The number of 3 hours is a maximum, but actual hours may need to be substantiated.

7. Maximum costs

(1) In accordance with section 274 of the Act, legal practitioners and registered agents are not entitled to be paid or recover an amount that exceeds the maximum costs for the service by this Costs Determination.

(2) The costs payable to a legal practitioner or registered agent at each milestone described in the Table to clause 9 must not exceed the maximum amount corresponding to that event.

(3) Further to this, in accordance with section 275 of the Act, an agreement is not to be made for a legal practitioner or registered agent to receive any greater reward than is provided for in this Costs Determination. Any agreement made contrary to section 275 of the Act is void.

(4) Subject to clause 8, registered agents are entitled to be paid or recover 50 per cent of the amount provided for Senior Practitioners in the Table to clause 8.

(5) Registered agents are entitled to recover 100 per cent of disbursements, in accordance with item 10 under “Stand-Alone Items” of the Table to clause 9.

8. Hourly Rates

(1) This clause is to be read in conjunction with clauses 4(1) and 5(2).

(2) The hourly rates set out in the Table to this clause are the maximum hourly rates, inclusive of GST, that shall be used to calculate the fixed amounts for each corresponding item in the costs scale set out in the Table to clause 9.

(3) The maximum hourly rates which a legal practitioner or registered agent may charge are not to exceed the amounts set out in the Table to this clause.

Table to Clause 8

| Fee Earner | Maximum Allowable Hourly Rate |
|-------------------|---|
| Registered Agent | 50 per cent of the hourly rate applicable to Senior Practitioners under the Magistrates Court costs scale |

| Fee Earner | Maximum Allowable Hourly Rate |
|--|--|
| Junior Practitioner (Admitted for less than 5 years)* | The hourly rate applicable to Junior Practitioners under the Magistrates Court costs scale |
| Senior Practitioner (Admitted for 5 years or more)* | The hourly rate applicable to Senior Practitioners under the Magistrates Court costs scale |

* Where a local legal practitioner has held an interstate practice certificate, the length of admission in that other jurisdiction is to be counted in assessing that practitioner's years of admission for the purposes of this Determination.

9. Scale of costs

(1) The maximum hours for which a legal practitioner or registered agent may charge a client in relation to conciliation, arbitration and Stand-Alone Items are not to exceed the amounts set out in the Table to this clause.

Table to Clause 9
WORKERS' COMPENSATION SCALE OF COSTS 2014

| Item | Description | Maximum Allowable Hours |
|---|---|-------------------------|
| 1 | Obtaining instructions from client and attempts to resolve the dispute by negotiation prior to involvement in a proceeding—may be claimed once only regardless of the point at which the practitioner or agent becomes involved. | 4 |
| Conciliation Service | | |
| 2 | Preparation of and lodging an application to the Conciliation Service including relevant supporting documentation in approved form in accordance with the Conciliation Rules. | +3 |
| 3 | Where the dispute is resolved after the lodging of an application and prior to a conciliation conference, including all necessary preparation and documentation in approved form in accordance with the Conciliation Rules. | +3 |
| 4 | Where the dispute is resolved at or after a conciliation conference, including all necessary preparation and documentation in approved form in accordance with the Conciliation Rules. Add for each additional conference. | +5 +3 |
| Arbitration Service | | |
| 5 | Preparation of and lodging an application or reply to the Arbitration Service including all necessary documentation in approved form in accordance with the Arbitration Rules. | 8 |
| 6 | Where the dispute is resolved after the lodging of an application to the Arbitration Service and prior to the arbitration hearing, including all necessary preparation and documentation in the approved form and attendance at a directions hearing in accordance with the Arbitration Rules. Add for each additional directions hearing. Add for each interlocutory application. | +6 +2 +3 |
| 7 | Where the dispute is resolved at or after an arbitration hearing, including all necessary preparation and documentation in the approved form in accordance with the Arbitration Rules. Add for each additional hearing day. | +7 +7 |
| Stand Alone Items—Applicable to conciliation or arbitration service as appropriate | | |
| 8 | Settlement of the claim by agreement under Schedule 2 or redemption and filing a section 76 memorandum of agreement (excluding disbursements which are to be paid in accordance with item 10). Excludes agreements made pursuant to section 92(f). | 10 |
| 9 | Allowances for witnesses. The amount of any costs to be paid in respect of work done by a practitioner in conducting any proceedings in a dispute may include a reasonable allowance for— (a) witnesses called because of their professional, scientific or other special skill or knowledge; and (b) witnesses called other than those covered in paragraph (a). In fixing an allowance for witnesses under paragraph (b) the taxing officer may have regard to the amount of salary, wages or income (if any) actually lost by the witness, and any expenses in respect of meals, lodging and travel reasonably and necessarily incurred by the witness in attending the proceedings and justified by voucher. | |
| 10 | Disbursements (not to include counsel fee and must be justified by voucher). Such amount that is necessarily and reasonably incurred under the circumstances. | |

10. Methodology—Conciliation Service and Arbitration Service

(1) References to “items” under this clause are in reference to those items under “Conciliation Service” and “Arbitration Service” of the scale of costs.

(2) Items 1 and 2 of the scale are consecutive, cumulative milestones, subject to clause 10(3) and 10(4). For example, to seek payment or to recover for legal services or agent services provided under item 4, the legal practitioner or registered agent must first conclude the milestones, and thereby provide the legal services or agent services, described in items 1 and 2 inclusive of the scale. Items 3 and 4 are not claimable cumulatively and a claim under only one item or the other may be made.

(3) Where the legal practitioner or agent did not provide services during the Conciliation Service stage of the process, the legal practitioner or agent cannot claim under items 2 to 4.

(4) Where a dispute is not resolved in the Conciliation Service and an application is made to the Arbitration Service, and the legal practitioner or legal agent provided services during the Conciliation Service proceedings, the items 4 to 7 of the scale are consecutive, cumulative milestones to items 1 and 2. For example where legal or agent services were provided through the Conciliation Service and into the Arbitration Service, to seek payment or to recover for legal or agent services provided under item 7, the legal practitioner or agent must first conclude the milestones, and have provided the services described in items 1,2, 4 and 5 to 7.

(5) This Determination applies to milestones attained and completed in the Workers’ Compensation Conciliation and Arbitration Services. Costs Determinations 2011 and 2014 will apply to transitional matters and milestones previously attained and completed.

(6) This clause should be read in conjunction with clause 11.

11. Stand-Alone Items

(1) References to “items” under this clause are in reference to those items under “Stand-Alone Items” of the costs scale.

(2) The legal services described in items 8 to 10 may occur at any stage in the process and are additional to the milestone events (regardless of which event or events have been achieved) and are to be read as being in addition to the overall total remuneration.

(3) Item 9—Allowances for witnesses—

(a) Where a witness is summonsed under section 202 of the Act, in accordance with the Arbitration Rules, the summons must be served on the person whose attendance is required 7 days before the day on which the person is required to attend before an arbitrator.

(b) If the summons is not served on the person in accordance with the Arbitration Rules and any witness allowance for the expenses of attendance is not paid or tendered to the person at the time of service of the summons, or not later than a reasonable time before the time at which the person is required to attend, then the person to whom the summons is directed is not required to comply with the summons.

(c) In accordance with the Arbitration Rules, except with the leave of the arbitrator, medical evidence must be given in writing and a medical practitioner may not be called to give oral evidence.

(4) Item 10—Disbursements—

(a) Reference to voucher in item 10 refers to copies of any vouchers, accounts and receipts relevant to the disbursements claimed.

(b) Disbursements must be necessarily and reasonably incurred under the circumstances.

(c) Medical reports—except with the leave of an arbitrator, parties may only use as evidence the medical reports of one doctor in each medical speciality, with a limitation of three areas of medical speciality overall. A report that contains observations from more than one area of medical speciality is to be taken to be one report from each of the specialities utilised within the report. Refer to the Arbitration Rules for more information.

12. Allowance for non-attendance

(1) An allowance can be made for attendance by a legal practitioner or registered agent in circumstances where, through no fault of the legal practitioner or registered agent, their client failed to attend a conference, arbitration or other proceeding before a dispute resolution authority.

13. Limitations with regard to exceeding the scale of costs

(1) The limitation in the Act with regard to legal practitioners and registered agents not exceeding the scale is only intended to cover work done within this jurisdiction

(2) This costs scale does not apply to proceedings before the District Court or Supreme Court. Legal practitioners are entitled to recover an amount determined in accordance with the scale of costs applicable to those courts.

(3) Advice provided by a legal practitioner in relation to Part IV civil proceedings in addition to or independent of this Act is not covered by this Costs Determination (see section 274 of the Act).

(4) Regard should be had to section 87 of the Act when providing advice or representation to a client in relation to an action for damages independent of this Act.

(5) A legal practitioner cannot make any agreement, for appearing or acting on behalf of a person, where they will receive greater reward than is provided for by any legal costs determination (as defined in the *Legal Profession Act 2008*). In any case, agreements made contrary to section 87 of the Act are void.

14. Interpretation of item descriptions

(1) In interpreting item descriptors as set out in the Table to clause 8, regard should be had for the procedural requirements set out in the—

- (a) *Workers' Compensation and Injury Management Act 1981*;
- (b) *Workers' Compensation and Injury Management Regulations 1982*;
- (c) *Workers' Compensation and Injury Management Conciliation Rules 2011*; and
- (d) *Workers' Compensation and Injury Management Arbitration Rules 2011*.

DECEASED ESTATES

ZX401**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Joan Olive Lampe, late of Balmoral Aged Care, 29 Gardner Street, Como in the State of 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 23 February 2015, are required by the personal representative to send particulars of their claims to him/her care of IRDI Legal, 248 Oxford Street, Leederville, Western Australia 6007 by 20 July 2015, after which date the personal representative may convey or distribute the assets having regard to the claims of which he/she then has notice.

IRDI Legal, as solicitors for the personal representative.

ZX402***TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

In the matter of the Estate of Grace Angelina Cardaci, Widow, late of 380 Alexander Drive, Dianella, 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 the 20th day of November 2014, are required by the Executors, Filippo Primo Cardaci, Marco Antonio Cardaci and Angela Francesca Carla Florido to send the particulars of their claims to Messrs Taylor Smith of 1 Regal Place, East Perth, Western Australia by the 17th day of July 2015, after which date the said Executors may convey or distribute the assets having regard only to the claims of which they then have had notice.

Dated the 10th day of June 2015.

GARRY E. SAME, Taylor Smart.

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