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— PART 1 —

COMMERCE

CM301*

Building Act 2011

Building Amendment Regulations (No. 2) 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Building Amendment Regulations (No. 2) 2016*.

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 May 2016.

3. Regulations amended

These regulations amend the *Building Regulations 2012*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definition of *private swimming pool*.
- (2) In regulation 3 insert in alphabetical order:

approved barrier solution, in relation to a swimming pool, means an alternative solution used to comply with a Building Code pool barrier requirement that has been approved in accordance with regulation 51 by the permit authority for the swimming pool;

Building Code pool barrier requirements means —

- (a) in relation to a swimming pool associated with a Class 1 or Class 10 building — performance requirement P2.5.3 in the Building Code Volume 2 Part 2.5;

- (b) in relation to a swimming pool associated with a Class 2 to Class 9 building — performance requirement GP1.2(a) in the Building Code Volume 1 Part G1;

pre-May 2016 private swimming pool means a private swimming pool —

- (a) installed before 1 May 2016; or
- (b) installed on or after 1 May 2016 in accordance with plans, drawings and specifications submitted to a permit authority for approval before that day;

private swimming pool means a swimming pool —

- (a) that is associated with —
 - (i) a Class 1a building; or
 - (ii) less than 30 sole-occupancy units in a Class 2 building; or
 - (iii) a Class 4 part of a building;
- and
- (b) which has the capacity to contain water that is more than 300 mm deep;

sole-occupancy unit has the meaning given in the Building Code Volume 1 Part A1;

swimming pool has the meaning given in the Building Code Volume 1 Part A1;

5. Regulation 15B inserted

At the end of Part 2 insert:

15B. Modifications to AS 1926.1-2012 (s. 150)

For the purposes of these regulations, AS 1926.1-2012 (Safety barriers for swimming pools) as referenced in the Building Code —

- (a) is modified in clause 2.3.5(a) to insert after “plane”:

and vertical members are spaced to provide a clear opening of not more than 10 mm

- (b) is modified in Figure 2.6 to delete “100 mm” and insert:

10 mm

6. Regulation 28 replaced

Delete regulation 28 and insert:

28. Required inspection: barrier to private swimming pool (s. 36(2)(a))

The inspection that is to be conducted at the completion of building work for a barrier to a private swimming pool is an inspection to assess whether the barrier complies with the applicable building standards for the barrier as set out in regulation 31C.

7. Regulation 31C replaced

Delete regulation 31C and insert:

31C. Applicable building standards for swimming pools (s. 3, 19(3) and 37(1) and (2))

- (1) For the purposes of the definition of *applicable building standard* in section 3, the building standards set out in the Table are prescribed as applicable building standards for the purposes of sections 19(3) and 37(1) in respect of a type of swimming pool referred to in the Table.

Table

Type of swimming pool	Building standard
All swimming pools other than private swimming pools	The requirement mentioned in regulation 31A(2) except that the Building Code pool barrier requirements do not apply.
Private swimming pools other than pre-May 2016 private swimming pools	The requirement mentioned in regulation 31A(2)(a) except that an alternative solution cannot be used to comply with a Building Code pool barrier requirement unless the alternative solution is an approved barrier solution.

Type of swimming pool	Building standard
Pre-May 2016 private swimming pools	<p>The requirements mentioned in regulation 31A(2)(a) except that —</p> <p>(a) the requirements for a barrier to a private swimming pool set out in regulation 50 may be substituted for the Building Code pool barrier requirement; and</p> <p>(b) an alternative solution cannot be used to comply with a Building Code pool barrier requirement unless the alternative solution is an approved barrier solution.</p>

- (2) For the purposes of the definition of *applicable building standard* in section 3, the building standards set out in the Table are prescribed as applicable building standards for the purposes of section 37(2) in respect of a type of swimming pool referred to in the Table.

Table

Type of swimming pool	Building standard
All swimming pools other than private swimming pools	The requirement mentioned in regulation 31E(2) other than the Building Code pool barrier requirements.
Private swimming pools	The requirement mentioned in regulation 31E(2) except that an alternative solution cannot be used to comply with a Building Code pool barrier requirement unless the alternative solution is an approved barrier solution.

8. Regulation 31D amended

(1) At the beginning of regulation 31D insert:

(1A) This regulation does not apply to a swimming pool.

(2) In regulation 31D(3) in the Table:

(a) delete “GP1.2(b),”;

(b) delete “P2.5.2, P2.5.4” and insert:

P2.5.2

Note: The heading to amended regulation 31D is to read:

Applicable building standards for relocated buildings and incidental structures (other than swimming pools) (s. 3, 19(3) and 37(1) and (2))

9. Regulation 31E amended

In regulation 31E(1) delete “regulation 31BA otherwise provides.” and insert:

regulations 31BA and 31C otherwise provide.

10. Regulation 31G amended

In regulation 31G(2) delete “made.” and insert:

made, except that an alternative solution cannot be used to comply with a Building Code pool barrier requirement unless the alternative solution is an approved barrier solution.

11. Regulation 48 amended

In regulation 48 delete the definition of *access through a building* and insert:

access through a building means direct or indirect access to an area that contains a private swimming pool if the area is enclosed by a barrier that includes a wall of a building;

12. Regulation 50 replaced

Delete regulation 50 and insert:

50. Barrier to private swimming pool

(1) Each owner and occupier of premises on which there is a private swimming pool containing water that is more than 300 mm deep must ensure that there is installed or

provided around the pool a barrier that restricts access by young children to the pool and its immediate surrounds.

Penalty for this subregulation: a fine of \$5 000.

- (1A) A barrier to a private swimming pool is to be taken to be suitable for the purposes of subregulation (1) if —
- (a) it complies with a Building Code pool barrier requirement that was in effect —
 - (i) if a building permit applies to the construction of the pool — at the time the application for a building permit to construct the pool was made; or
 - (ii) otherwise — at the time the construction of the pool commenced;
 - or
 - (b) the swimming pool is a pre-May 2016 private swimming pool and the barrier satisfies the requirements in paragraph (a) or complies with subregulations (2) to (5).
- (1B) For the purposes of subregulation (1A)(a), an alternative solution cannot be used to comply with a Building Code pool barrier requirement unless the alternative solution is an approved barrier solution.
- (2) The immediate surrounds of a pre-May 2016 private swimming pool that is at the rear of premises may include any part of the rear portion of the premises.
- (3) If a building other than a Class 10 building is included within the barrier to a pre-May 2016 private swimming pool all external doors and windows in that building must satisfy the requirements of AS 1926.1.
- (4) A barrier to a pre-May 2016 private swimming pool —
- (a) may consist of a fence, wall, gate or other component, or a combination of them; and
 - (b) any fence, wall, gate or other component that is included in the barrier must be in accordance with —
 - (i) the requirements of AS 1926.1; or
 - (ii) approved alternative requirements;
 - and
 - (c) any wall comprising part of the barrier must have no means of access through a building other than —
 - (i) a window that is in accordance with the requirements of AS 1926.1; or
 - (ii) an approved door.

- (5) If a boundary fence of the premises is a part of the barrier to a pre-May 2016 private swimming pool, the boundary fence satisfies the requirements of clauses 2.3, 2.6 and 2.7 of AS 1926.1 if all those requirements are satisfied in relation to either side of the fence.

13. Regulation 51 amended

After regulation 51(4) insert:

- (5) A permit authority may approve an alternative solution to a Building Code pool barrier requirement if the permit authority is satisfied that the alternative solution complies with the relevant performance requirement.

14. Regulation 52 amended

In regulation 52(3) delete “enclosure” and insert:

barrier

15. Regulation 53 amended

In regulation 53(1) delete “pool enclosure” and insert:

barrier to the private swimming pool

Note: The heading to amended regulation 53 is to read:

Inspection of barrier to private swimming pool

16. Regulation 54A amended

Delete regulation 54A(2) and insert:

- (2) A person responsible for work that requires the removal of a fence, wall, gate or other component that is part of a barrier to a private swimming pool must ensure that an alternative barrier that complies with regulation 50 is installed or provided for any period during which the fence, wall, gate or component is removed.

Note: The heading to amended regulation 54A is to read:

Temporary pool barriers

17. Regulation 54 amended

In regulation 54(2):

(a) before “private swimming pool” insert:

a barrier to a

(b) delete “enclosures”.

18. Schedule 4 amended

In Schedule 4 clause 2 in the Table item 4 delete “an enclosure for” and insert:

a barrier to

19. Schedule 6 amended

In Schedule 6 in the item relating to r. 50(1) delete “Enclosure of” and insert:

Barrier to

R. KENNEDY, Clerk of the Executive Council.

MARINE/MARITIME

MA301*

Jetties Act 1926

Jetties Amendment Regulations (No. 2) 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Jetties Amendment Regulations (No. 2) 2016*.

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 2016.

3. Regulations amended

These regulations amend the *Jetties Regulations 1940*.

4. Regulation 3 amended

Delete regulation 3(3)(b) and insert:

- (b) the length of a vessel is its overall length rounded down to the nearest whole metre;

5. Schedule 1 amended

(1) In Schedule 1 Division 1 clause 13 Table 13.1:

(a) in item 1 delete “Jetty 1A” and insert:

Jetty 1A, Jetty 2

(b) in item 2 delete “Jetty 1A” and insert:

Jetty 1A, Jetty 2

(c) in item 3 delete “Jetty 1A” and insert:

Jetty 1A, Jetty 2

(d) in item 4 delete “Jetty 1A” and insert:

Jetty 1A, Jetty 2

(e) in item 5 delete “Jetty 1A” and insert:

Jetty 1A, Jetty 2

(2) Delete Schedule 1 Division 1 clause 25(6).

(3) Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
Sch. 1 Div. 1A cl. 1A	\$7.15	\$7.30
Sch. 1 Div. 1A cl. 1A	\$50.00	\$51.15
Sch. 1 Div. 1A cl. 1A	\$80.00	\$82.00
Sch. 1 Div. 1 cl. 1(2) Table 1.1 it. 1	409.26	418.00

Provision	Delete	Insert
Sch. 1 Div. 1 cl. 1(2) Table 1.1 it. 2	409.26	418.00
Sch. 1 Div. 1 cl. 2(2) Table 2.1 it. 1	208.02	220.00
Sch. 1 Div. 1 cl. 2(2) Table 2.1 it. 2	259.33	264.00
Sch. 1 Div. 1 cl. 3(2) Table 3.1 it. 1	409.26	418.00
Sch. 1 Div. 1 cl. 3(2) Table 3.1 it. 2	409.26	418.00
Sch. 1 Div. 1 cl. 4(2) Table 4.1 it. 1	259.33	264.00
Sch. 1 Div. 1 cl. 6(2) Table 6.1 it. 1	329.37	341.00
Sch. 1 Div. 1 cl. 6(2) Table 6.1 it. 2	329.37	341.00
Sch. 1 Div. 1 cl. 7(2) Table 7.1 it. 1	250.18	253.00
Sch. 1 Div. 1 cl. 7(2) Table 7.1 it. 2	228.21	231.00
Sch. 1 Div. 1 cl. 7(2) Table 7.1 it. 3	294.43	302.50
Sch. 1 Div. 1 cl. 7(2) Table 7.1 it. 4	294.43	302.50
Sch. 1 Div. 1 cl. 7(2) Table 7.1 it. 10	139.49	143.00
Sch. 1 Div. 1 cl. 10(2) Table 10.1 it. 1	273.16	286.00
Sch. 1 Div. 1 cl. 11(2) Table 11.1 it. 1	300.18	308.00
Sch. 1 Div. 1 cl. 11(2) Table 11.1 it. 2	209.78	214.50
Sch. 1 Div. 1 cl. 11(2) Table 11.1 it. 3	300.18	308.00

Provision	Delete	Insert
Sch. 1 Div. 1 cl. 11(2) Table 11.1 it. 6	255.87	264.00
Sch. 1 Div. 1 cl. 12(3) Table 12.1 it. 1	424.31	434.50
Sch. 1 Div. 1 cl. 12(3) Table 12.1 it. 2	563.75	577.50
Sch. 1 Div. 1 cl. 12(3) Table 12.1 it. 3	424.31	434.50
Sch. 1 Div. 1 cl. 12(3) Table 12.1 it. 4	563.75	577.50
Sch. 1 Div. 1 cl. 12(3) Table 12.1 it. 5	600.00	616.00
Sch. 1 Div. 1 cl. 12(3) Table 12.1 it. 6	820.00	836.00
Sch. 1 Div. 1 cl. 12(3) Table 12.1 it. 7	1 025.00	1 050.50
Sch. 1 Div. 1 cl. 12(3) Table 12.1 it. 8	600.00	616.00
Sch. 1 Div. 1 cl. 12(3) Table 12.1 it. 9	820.00	836.00
Sch. 1 Div. 1 cl. 12(3) Table 12.1 it. 10	343.89	352.00
Sch. 1 Div. 1 cl. 12(3) Table 12.1 it. 11	563.75	577.50
Sch. 1 Div. 1 cl. 12(3) Table 12.1 it. 15	10.89	11.15
Sch. 1 Div. 1 cl. 12(3) Table 12.1 it. 16	16.81	17.20
Sch. 1 Div. 1 cl. 12(3) Table 12.1 it. 17	1.65	1.70
Sch. 1 Div. 1 cl. 13(2) Table 13.1 it. 1	338.25	346.50
Sch. 1 Div. 1 cl. 13(2) Table 13.1 it. 1	451.00	462.00

Provision	Delete	Insert
Sch. 1 Div. 1 cl. 13(2) Table 13.1 it. 2	310.06	319.00
Sch. 1 Div. 1 cl. 13(2) Table 13.1 it. 2	422.81	429.00
Sch. 1 Div. 1 cl. 13(2) Table 13.1 it. 3	338.25	346.50
Sch. 1 Div. 1 cl. 13(2) Table 13.1 it. 3	451.00	462.00
Sch. 1 Div. 1 cl. 13(2) Table 13.1 it. 4	676.50	693.00
Sch. 1 Div. 1 cl. 13(2) Table 13.1 it. 5	676.50	693.00
Sch. 1 Div. 1 cl. 14(2) Table 14.1 it. 1	540.34	553.30
Sch. 1 Div. 1 cl. 14(2) Table 14.1 it. 2	540.34	553.30
Sch. 1 Div. 1 cl. 17(2) Table 17.1 it. 1	400.26	407.00
Sch. 1 Div. 1 cl. 17(2) Table 17.1 it. 2	425.38	440.00
Sch. 1 Div. 1 cl. 18(2) Table 18.1 it. 1	272.90	280.50
Sch. 1 Div. 1 cl. 18(2) Table 18.1 it. 2	272.90	280.50
Sch. 1 Div. 1 cl. 21(3) Table 21.1 it. 1	334.38	341.00
Sch. 1 Div. 1 cl. 21(3) Table 21.1 it. 2	356.65	363.00
Sch. 1 Div. 1 cl. 21(3) Table 21.1 it. 6	8.90	9.10
Sch. 1 Div. 1 cl. 21(3) Table 21.1 it. 8	67.07	68.75
Sch. 1 Div. 1 cl. 21(3) Table 21.1 it. 9	20.12	20.90

Provision	Delete	Insert
Sch. 1 Div. 1 cl. 21(3) Table 21.1 it. 10	8.41	8.60
Sch. 1 Div. 1 cl. 21(3) Table 21.1 it. 11	1.65	1.70
Sch. 1 Div. 1 cl. 22(3) Table 22.1 it. 1	496.79	506.00
Sch. 1 Div. 1 cl. 22(3) Table 22.1 it. 2	1 091.60	1 116.50
Sch. 1 Div. 1 cl. 22(3) Table 22.1 it. 6	8.41	8.60
Sch. 1 Div. 1 cl. 22(3) Table 22.1 it. 7	397.43	407.00
Sch. 1 Div. 1 cl. 22(3) Table 22.1 it. 8	873.27	891.00
Sch. 1 Div. 1 cl. 22(3) Table 22.1 it. 10	6.72	6.90
Sch. 1 Div. 1 cl. 22(3) Table 22.1 it. 11	1.65	1.70
Sch. 1 Div. 1 cl. 22(4) Table 22.2 it. 1	165.59	169.40
Sch. 1 Div. 1 cl. 22(4) Table 22.2 it. 1	235.14	240.90
Sch. 1 Div. 1 cl. 22(4) Table 22.2 it. 2	198.71	203.50
Sch. 1 Div. 1 cl. 22(4) Table 22.2 it. 2	289.77	297.00
Sch. 1 Div. 1 cl. 23(2) Table 23.1 it. 1	133.43	136.40
Sch. 1 Div. 1 cl. 23(3) Table 23.2 it. 1	600.38	614.90
Sch. 1 Div. 1 cl. 25A(2) Table 25A.1 it. 1	406.79	418.00
Sch. 1 Div. 1 cl. 25A(2) Table 25A.1 it. 6	406.79	418.00

Provision	Delete	Insert
Sch. 1 Div. 1 cl. 25(2) Table 25.1 it. 1	\$1.19	\$1.22
Sch. 1 Div. 1 cl. 25(2) Table 25.1 it. 1	178.05	182.50
Sch. 1 Div. 1 cl. 25(2) Table 25.1 it. 2	\$6.44	\$6.60
Sch. 1 Div. 1 cl. 25(2) Table 25.1 it. 2	118.65	121.62
Sch. 1 Div. 1 cl. 25(2) Table 25.1 it. 3	\$6.44	\$6.60
Sch. 1 Div. 1 cl. 25(2) Table 25.1 it. 3	118.65	121.62
Sch. 1 Div. 1 cl. 25(2) Table 25.1 it. 4	\$9.25	\$9.48
Sch. 1 Div. 1 cl. 25(2) Table 25.1 it. 5	\$29.74	\$30.48
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 1	103.22	105.80
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 1	127.70	130.89
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 1	64.80	66.42
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 1	204.67	209.79
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 2	59.48	60.97
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 3	2.54	2.60
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 3	0.52	0.53
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 3	10.82	11.09
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 3	11.28	11.56

Provision	Delete	Insert
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 3	2.54	2.60
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 3	4.39	4.50
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 3	3.57	3.66
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 3	4.20	4.31
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 3	3.47	3.56
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 3	2.39	2.45
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 3	4.19	4.29
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 3	4.00	4.10
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 3	15.84	16.24
Sch. 1 Div. 1 cl. 25(3) Table 25.2 it. 3	6.91	7.08
Sch. 1 Div. 1 cl. 25(5) Table 25.4 it. 1	0.70	0.72
Sch. 1 Div. 1 cl. 25(5) Table 25.4 it. 2	0.70 (each occurrence)	0.72
Sch. 1 Div. 1 cl. 25(5) Table 25.4 it. 3	37.90	38.85
Sch. 1 Div. 1 cl. 25(7) Table 25.6 it. 1	13.59	13.93
Sch. 1 Div. 1 cl. 25(7) Table 25.6 it. 1	15.47	15.86
Sch. 1 Div. 1 cl. 25(7) Table 25.6 it. 1	19.31	19.79
Sch. 1 Div. 1 cl. 25(8) Table 25.7 it. 1	32.78	33.60

Provision	Delete	Insert
Sch. 1 Div. 1 cl. 25(8) Table 25.7 it. 2	10.53	10.79
Sch. 1 Div. 1 cl. 25(8) Table 25.7 it. 3	3.47	3.56
Sch. 1 Div. 2 cl. 26(2) Table 26.1 it. 1	45.16	46.30
Sch. 1 Div. 2 cl. 26(2) Table 26.1 it. 1	137.31	140.70
Sch. 1 Div. 2 cl. 30 Table 30.1 it. 1	9.93	10.45
Sch. 1 Div. 2 cl. 30 Table 30.1 it. 1	4.24	4.40
Sch. 1 Div. 2 cl. 30 Table 30.1 it. 2	6.71	6.90
Sch. 1 Div. 2 cl. 30 Table 30.1 it. 3	14.78	15.20
Sch. 1 Div. 2 cl. 31 Table 31.1 it. 1	70.89	72.60
Sch. 1 Div. 2 cl. 31 Table 31.1 it. 1	141.81	145.20
Sch. 1 Div. 2 cl. 31 Table 31.1 it. 2	241.15	246.95
Sch. 1 Div. 2 cl. 31 Table 31.1 it. 2	288.21	295.35
Sch. 1 Div. 2 cl. 31 Table 31.1 it. 3	18.91	19.25
Sch. 1 Div. 2 cl. 31 Table 31.1 it. 3	42.19	43.45
Sch. 1 Div. 2 cl. 31 Table 31.1 it. 4	18.91	19.25
Sch. 1 Div. 2 cl. 31 Table 31.1 it. 4	42.19	43.45
Sch. 1 Div. 2 cl. 32	\$272.89	\$279.40

6. Schedule 1A amended

In Schedule 1A clause 1 in the Table:

- (a) in items 1 to 25 delete “0.055” (each occurrence) and insert:

0.056

- (b) in item 26 delete “0.01082” and insert:

0.01109

7. Schedule 2 amended

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

Table

Provision	Delete	Insert
Sch. 2 Div. 1A cl. 1B	\$7.15	\$7.30
Sch. 2 Div. 1A cl. 1B	\$50.00	\$51.15
Sch. 2 Div. 1A cl. 1B	\$80.00	\$82.00
Sch. 2 Div. 2 cl. 3(2) Table 3.1 it. 1	587.19	599.50
Sch. 2 Div. 2 cl. 3(2) Table 3.1 it. 2	530.37	539.00
Sch. 2 Div. 2 cl. 3(2) Table 3.1 it. 3	587.19	599.50
Sch. 2 Div. 2 cl. 4(2) Table 4.1 it. 1	535.56	548.90
Sch. 2 Div. 2 cl. 4(2) Table 4.1 it. 2	535.56	548.90
Sch. 2 Div. 2 cl. 5(2) Table 5.1 it. 1	165.59	169.40

R. KENNEDY, Clerk of the Executive Council.

PREMIER AND CABINET

PR301*

Supreme Court Act 1935

**Acting Attorney General Designation
Order 2016**

Made by the Governor in Executive Council.

1. Citation

This order is the *Acting Attorney General Designation Order 2016*.

2. Minister designated

The Honourable Peter Charles Collier MLC, the Minister for Education; Aboriginal Affairs; Electoral Affairs, is designated as the Minister of the State for the purposes of the *Supreme Court Act 1935* section 154(3) and (4) during the period beginning on 23 April 2016 and ending on 30 April 2016.

R. KENNEDY, Clerk of the Executive Council.

RACING, GAMING AND LIQUOR

RA301*

RACING AND WAGERING WESTERN AUSTRALIA ACT 2003**RWWA RULES OF HARNESS RACING 2004**

In accordance with Section 45 (1) (b) of the *Racing and Wagering Western Australia Act 2003*, notice is hereby given that the Board of Racing and Wagering WA on 14 March 2016 resolved that the *RWWA Rules of Harness Racing 2004* be amended as follows—

Amendment to Local Rules

Add Local Rule 259B as follows—

LR259B Restrictions on payments

Except with the consent of the Controlling Body or Stewards that imposed the disqualification or warning off, any person that is disqualified or warned off from the date of effect of this rule, shall not be eligible to receive any awards, breeders bonus payments or other such financial payments or prizes that they would otherwise be entitled to in relation to any races from the date of imposition of such penalty.

In accordance with Section 45 (1) (b) of the *Racing and Wagering Western Australia Act 2003*, notice is hereby given that the Board of Racing and Wagering WA on

4 April 2016 resolved that the *RWWA Rules of Harness Racing 2004* be amended as follows—

Amendment to National Rules effective 1 May 2016

Delete and replace Rule 156

Amend Rule 156A

Add new Rule 156B

A copy of the above rules may be obtained during office hours from the RWWA offices at 14 Hasler Road, Osborne Park WA 6017 or Racing and Wagering Western Australia website, www.rwwa.com.au.

RICHARD BURT, Chief Executive Officer.

RA302*

RACING AND WAGERING WESTERN AUSTRALIA ACT 2003

RWWA RULES OF THOROUGHBRED RACING 2004

In accordance with Section 45 (1) (a) of the *Racing and Wagering Western Australia Act 2003*, notice is hereby given that the Board of Racing and Wagering WA on 14 March 2016 resolved that the *RWWA Rules of Thoroughbred Racing 2004* be amended as follows—

Amendment to Local Rules

Add Local Rule 182C as follows—

LR182C

Except with the consent of the Principal Racing Authority or Stewards that imposed the disqualification or warning off, any person that is disqualified or warned off from the date of effect of this rule, shall not be eligible to receive any awards, breeders bonus payments or other such financial payments or prizes that they would otherwise be entitled to in relation to any races from the date of imposition of such penalty.

In accordance with Section 45 (1) (a) of the *Racing and Wagering Western Australia Act 2003*, notice is hereby given that the Board of Racing and Wagering WA on 4 April 2016 resolved that the *RWWA Rules of Thoroughbred Racing 2004* be amended as follows—

Amendment to Local Rule rule definition in AR.1

Delete the local rule definition in AR.1 under “Metropolitan Area” and replace it with—

“Metropolitan Area” means an area where a Metropolitan Race Meeting is held.

“Metropolitan Course” means Ascot Racecourse and Belmont Racecourse.

“Metropolitan Race Meeting” means—

- (a) A race meeting conducted in Western Australia by Perth Racing (The Western Australian Turf Club); and a metropolitan race meeting conducted elsewhere in or outside Australia; and*
- (b) designated as the equivalent of a Western Australian Metropolitan Race Meeting by RWWA.*

A copy of the above rules may be obtained during office hours from the RWWA offices at 14 Hasler Road, Osborne Park WA 6017 or Racing and Wagering Western Australia website, www.rwwa.com.au.

RICHARD BURT, Chief Executive Officer.

RA303*

RACING AND WAGERING WESTERN AUSTRALIA ACT 2003

RWWA RULES OF GREYHOUND RACING 2008

In accordance with Section 45 (1) (c) of the *Racing and Wagering Western Australia Act 2003*, notice is hereby given that the Board of Racing and Wagering WA on

14 March 2016 resolved to amend the *RWWA Rules of Greyhound Racing 2008* as follows—

Amendment to Local Rules

Add Local Rule 99F as follows—

LR99F Restrictions on payments

Except with the consent of the Controlling Body or Stewards that imposed the disqualification or warning off, any person that is disqualified or warned off as from the date of effect of this rule, shall not be eligible to receive any awards, breeders bonus payments or other such financial payments or prizes that they would otherwise be entitled to in relation to any races from the date of imposition of such penalty.

A copy of the above rules may be obtained during office hours from the RWWA offices at 14 Hasler Road, Osborne Park WA 6017 or Racing and Wagering Western Australia website, www.rwwa.com.au.

RICHARD BURT, Chief Executive Officer.

WORKCOVER

WC301*

Workers' Compensation and Injury Management Act 1981

Workers' Compensation and Injury Management Amendment Regulations 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Workers' Compensation and Injury Management Amendment Regulations 2016*.

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 *Workers' Compensation and Injury Management Regulations 1982*.

4. Regulation 3A inserted

After regulation 3 insert:

3A. Instruments under Commonwealth laws prescribed for definition of *industrial award* in Act

For the purposes of paragraph (d) of the definition of *industrial award* in section 5(1) of the Act, the following instruments are prescribed —

- (a) a fair work instrument as defined in the *Fair Work Act 2009* (Commonwealth) section 12;
- (b) an award-based transitional instrument as defined in the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Commonwealth) Schedule 2 item 2 that continues in existence under Schedule 3 Part 2 of that Act.

R. KENNEDY, Clerk of the Executive Council.

— PART 2 —

ENERGY

EN401*

ELECTRICITY INDUSTRY ACT 2004

ELECTRICITY INDUSTRY (TARIFF EQUALISATION CONTRIBUTION) NOTICE (NO. 1) 2016
Made by the Treasurer, under section 129D (2) of the *Electricity Industry Act 2004* (the Act).

1. Citation

This notice is the *Electricity Industry (Tariff Equalisation Contribution) Notice (No. 1) 2016*.

2. Commencement

This notice shall take effect on 1 July 2016.

3. Determination of tariff equalisation contribution

Pursuant to section 129D(2) of the Act, the Tariff Equalisation Contribution that is payable by the Electricity Networks Corporation for the purpose of Part 9A of the Act in respect of the period commencing on 1 July 2016 and ending on 30 June 2017 is \$150,000,000.

Dr MIKE NAHAN MLA, Treasurer.

FIRE AND EMERGENCY SERVICES

FE401*

BUSH FIRES ACT 1954*Shire of Plantagenet***RESTRICTED BURNING TIMES SUSPENSION**

Correspondence No. 00111-06

Pursuant to powers under the *Bush Fires Act 1954*, the FES Commissioner hereby declares under section 18(4a) of the *Bush Fires Act 1954* that the restricted burning times for the Shire of Plantagenet in the portion of the Shire shown as East Zone on Deposit Plan 44449 and the portion of the Shire shown as West Zone on Deposit Plan 44449 are suspended from 16 April 2016 through until 30 April 2016.

WAYNE GREGSON APM, FES Commissioner of the
Department of Fire and Emergency Services.

JUSTICE

JU401*

PROFESSIONAL STANDARDS ACT 1997**AUSTRALIAN PROPERTY INSTITUTE VALUERS LIMITED SCHEME**

I, Michael Mischin MLC, Attorney General, pursuant to section 26 of the *Professional Standards Act 1997* (the Act), authorise the publication of the Australian Property Institute Valuers Limited Scheme (the Scheme) submitted to me by the Professional Standards Council of New South Wales pursuant to the mutual recognition provisions of the New South Wales and Western Australian professional standards legislation. The Scheme is published with this authorisation and commences on 1 September 2016. The Scheme remains in force from the date of its commencement until 31 August 2021, unless the Scheme is revoked, extended, or its operation ceases as specified in the Act.

MICHAEL MISCHIN MLC, Attorney General.

Dated: 7 April 2016.

*Professional Standards Act 1994 (NSW)***THE AUSTRALIAN PROPERTY INSTITUTE VALUERS LIMITED SCHEME****PREAMBLE**

- A. The Australian Property Institute Valuers Limited (APIV) is an occupational association.
- B. The APIV has made an application to the Professional Standards Council (PSC), constituted under the *Professional Standards Act 1994* (NSW) (the Act), for a scheme under the Act.
- C. The scheme is prepared by the APIV for the purposes of limiting occupational liability to the extent to which such liability may be limited under the Act.
- D. The APIV has furnished the PSC with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.
- E. The APIV has furnished the PSC with APIV insurance standards with which members must comply for purposes of this scheme.
- F. The scheme is intended to remain in force for five (5) years from its commencement unless, prior to that time, it is revoked, its operation ceases, or it is extended pursuant to Section 32 of the Act.

THE AUSTRALIAN PROPERTY INSTITUTE VALUERS LIMITED SCHEME**1. Occupational association**

1.1. The Australian Property Institute Valuers Limited Scheme (the scheme) is a scheme under the Act prepared by the APIV whose business address is—

6 Campion Street, DEAKIN
ACT 2600

1.2. The scheme is intended to operate in New South Wales, the Australian Capital Territory, the Northern Territory, Queensland, South Australia, Victoria and Western Australia.

1.3. The scheme is intended to limit occupational liability by insurance arrangements pursuant to s21 of the Act. The relevant insurance arrangements are the APIV Insurance Standards.¹

2. Persons to Whom the Scheme Applies²

2.1. The scheme applies to all members of the APIV who or which comply with the requirements of the APIV and the insurance requirements set out in Clause 3.2, unless exempted by the APIV.

2.2. This scheme also applies to all persons to whom the scheme applied under Clause 2.1 at the time of any act or omission giving rise to occupational liability.³

2.3. The APIV may, on application by a member to whom this scheme applies, exempt the member from the scheme provided that the scheme does not apply to the person by operation of ss.18, 19 or 20 of the Act.

3. Limitation of Liability

3.1. This scheme only affects the liability for damages⁴ arising from a single cause of action to the extent to which the liability results in damages exceeding \$1,000,000.

3.2. If a person or corporation, who or which was at the time of the act or omission giving rise to occupational liability, a person or corporation to whom this scheme applied and against whom a proceeding relating to occupational liability is brought, is able to satisfy the court that such person or corporation has the benefit of a Professional Indemnity Insurance Policy—

- (a) of a kind which complies with the APIV Insurance Standards,
- (b) insuring such person or corporation against the occupational liability to which the cause of action relates, and

¹ These are published on the API website at <http://www.api.org.au/menuitem/limitations-liability-scheme/apiv-ltd>

² Sections 18 and 19 of the Act provide that if the scheme applies to a body corporate, the scheme also applies to each officer of the body corporate and if the scheme applies to a person, the scheme also applies to each partner of the person, and if the scheme applies to a person the scheme also applies to each employee of the person, provided that if such officer of the corporation or partner of the person or employee of the person is entitled to be a member of the same occupational association, such officer, partner or employee is a member of the occupational association. Section 20 provides that the scheme may also apply to other persons as specified in that section. Section 20A extends the limitation of liability of persons to whom the scheme applies by virtue of sections 18 to 20.

³ For the purposes of the operation of the scheme in New South Wales, “occupational liability” has the same meaning as it has in the Act and excludes any liability which may not from time to time be limited pursuant to the Act. Similarly, for the purposes of the operation of the scheme in other jurisdictions in which it applies, “occupational liability” has the same meaning as it has in the corresponding legislation of those jurisdictions and excludes any liability which may not from time to time be limited pursuant to that legislation.

Occupational liability is defined in s4(1) of the Act to mean ‘civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by a member of an occupational association acting in the performance of his or her occupation’. However, s5(1) of the Act provides that the Act does not apply to liability for damages arising from the death of or personal injury to a person, a breach of trust or fraud or dishonesty. [Note: All jurisdictions other than NSW and WA exclude a lawyer acting in a personal injury matter.] Section 5(2) of the Act also provides that the Act does not apply to liability which may be the subject of proceedings under Part 13 or 14 of the *Real Property Act 1900 (NSW)*.

⁴ Damages as defined in section 4(1) of the Act means (a) damages awarded in respect of a claim or counter-claim or claim by way of set-off and (b) costs in or in relation to the proceedings ordered to be paid in connection with such an award (other than costs incurred in enforcing a judgment or incurred on an appeal made by a defendant), and (c) any interest payable on the amount of those damages or costs.

- (c) under which the amount payable in respect of that occupational liability is not less than the monetary ceiling specified in the 4th column (entitled “Monetary Ceiling”) of the table in Clause 3.3 of this scheme relating to the class of person and the kind of work to which the cause of action relates,

that person or corporation is not liable in damages in relation to that cause of action above the monetary ceiling specified in this scheme.

3.3. The monetary ceiling (maximum amount of liability) required for the purposes of limitation of liability under this scheme at the time at which the act or omission giving rise to the cause of action occurred is to be determined according to the following table—

Class	Description	Upper End Value	Monetary Ceiling ⁵
1	Category A Member	\$0.0 million to < \$3.0 million	\$1.0 million
2	Category B Member	\$3.0 million to < \$5.0 million	\$2.0 million
3	Category C Member	\$5.0 million to < \$10.0 million	\$3.0 million
4	Category D Member	\$10.0 million to < \$15.0 million	\$4.0 million
5	Category E Member	\$15.0 million to < \$40.0 million	\$5.0 million
6	Category F Member	\$40.0 million >	\$10.0 million

3.4. Clause 3.2 only affects liability for damages arising from a single cause of action to the extent to which the liability in damages exceeding such amount as is specified in Clause 3.1.

3.5. This scheme limits the occupational liability in respect of a cause of action founded on an act or omission occurring during the period when the scheme was in force of any person to whom the scheme applied at the time the act or omission occurred.

3.6. This scheme does not limit the occupational liability of a member in the event the member does not have the benefit of a Professional Indemnity Insurance Policy in accordance with Clause 3.2 at the time the act or omission occurred.

4. Conferral of discretionary authority

4.1. Pursuant to section 24 of the Act, this scheme confers on the APIV a discretionary authority to specify, on application by a member to whom the scheme applies, in relation to that person a higher monetary ceiling (maximum amount of liability) not exceeding \$20 million, in relation to the person either in all cases or in any specified case or class or case.

5. Definitions

5.1. Relevant definitions for the purposes of the scheme are as follows—

“APIV” means the Australian Property Institute Valuers Limited.

“APIV Insurance Standards” mean the insurance standards approved by the APIV.

“Category A Member” means a person who is a member of the APIV to whom the scheme applies and who is—

- (a) a sole trader whose Upper End Value is less than \$3 million;
- (b) an individual or corporation who is a member of a partnership whose Upper End Value is less than \$3 million; or
- (c) a corporation whose Upper End Value is less than \$3 million;

“Category B Member” means a person who is a member of the APIV to whom the scheme applies and who is—

- (a) a sole trader whose Upper End Value is \$3 million or more but less than \$5 million;
- (b) an individual or corporation who is a member of a partnership whose Upper End Value is \$3 million or more but less than \$5 million; or
- (c) a corporation whose Upper End Value is \$3 million or more but less than \$5 million;

“Category C Member” means a person who is a member of the APIV to whom the scheme applies and who is—

- (a) a sole trader whose Upper End Value is \$5 million or more but less than \$10 million;
- (b) an individual or corporation who is a member of a partnership whose Upper End Value is \$5 million or more but less than \$10 million; or
- (c) a corporation whose Upper End Value is \$5 million or more but less than \$10 million.

“Category D Member” means a person who is a member of the APIV to whom the scheme applies and who is—

- (a) a sole trader whose Upper End Value is \$10 million or more but less than \$15 million;
- (b) an individual or corporation who is a member of a partnership whose Upper End Value is \$10 million or more but less than \$15 million; or
- (c) a corporation whose Upper End Value is \$10 million or more but less than \$15 million.

⁵ Pursuant to the APIV Insurance Standards, there must be at least one automatic reinstatement where the policy limits the aggregate of claims.

“Category E Member” means a person who is a member of the APIV to whom the scheme applies and who is—

- (a) a sole trader whose Upper End Value is \$15 million or more but less than \$40 million;
- (b) an individual or corporation who is a member of a partnership whose Upper End Value is \$15 million or more but less than \$40 million; or
- (c) a corporation whose Upper End Value is \$15 million or more but less than \$40 million.

“Category F Member” means a person who is a member of the APIV to whom the scheme applies and who is—

- (a) a sole trader whose Upper End Value is \$40 million or more;
- (b) an individual or corporation who is a member of a partnership whose Upper End Value is \$40 million or more; or
- (c) a corporation whose Upper End Value is \$40 million or more.

“most recent 12 month period” means the 12 months prior to the date and time of inception of the member’s Professional Indemnity Insurance Policy.

“Professional Indemnity Insurance Policy” means a policy of insurance that provides cover for the member in compliance with the APIV Insurance Standards.

“the Act” means the *Professional Standards Act 1994* (NSW).

“Upper End Value” means the highest valuation performed by the relevant member in the most recent 12 month period.

6. Duration

6.1 This scheme will commence on 1 September 2016 and will be in force for a period of five (5) years from the date of commencement.

6.2 In the event the scheme, or a Notice relating to the scheme, is published in the *Gazette* of any jurisdiction after the commencement date, the scheme will commence on such day 2 months after the date of its publication in that jurisdiction.

7. Miscellaneous

7.1 Notwithstanding anything to the contrary contained in this scheme, in particular circumstances giving rise to occupational liability, the liability of any person who is subject to this scheme should be capped by both this scheme and also by any other scheme under Professional Standards legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and if the amount of such caps should differ, then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.

JU402*

JUSTICES OF THE PEACE ACT 2004 APPOINTMENTS

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

Patrick Nam Cheong Cheow of Canning Vale
 Peter Allan Foster of Tom Price
 Francesco Lombardo of Maylands
 Travis McNaught of Baynton
 Daniel Stephen Newman of Huntingdale
 Stephanie Jane Proud of Karrinyup
 Jennifer Catherine Shelton of Claremont
 Janyce Elizabeth Smith of Tom Price

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

JU403*

JUSTICES OF THE PEACE ACT 2004 RESIGNATION

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

Mrs Barbara Joyce Danks of Wellard
 from the Office of Justice of the Peace for the State of Western Australia.

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

LOCAL GOVERNMENT

LG401*

BUSH FIRES ACT 1954

APPOINTMENT

Shire of Augusta-Margaret River

Bush Fire Control Officer

This is to certify that the Chief Executive Officer of the Shire of Augusta-Margaret River, pursuant to section 38 of the *Bush Fires Act 1954*, appoints—

Chris Lloyd, Bush Fire Risk Planning Coordinator

to be a Bush Fire Control Officer for the purposes of section 14 of the *Bush Fires Act 1954*.

Until such time as the Council or CEO determines to revoke any appointment stated in this certificate; or upon cessation of employment of the authorised officer with the Shire of Augusta-Margaret River.

GARY EVERSHED, Chief Executive Officer.

Dated: 24 March 2016.

MARINE/MARITIME

MA401*

WESTERN AUSTRALIAN MARINE ACT 1982**NAVIGABLE WATERS REGULATIONS 1958**

YACHTING WA VESSEL EXEMPTION

Swan and Canning Riverpark

Department of Transport,
Fremantle WA, 15 April 2016.

Approval and exemptions from certain provisions of the *Navigable Waters Regulations 1958* and the *Western Australian Marine Act 1982* for certain vessels in the Swan Canning Riverpark

(WAMA—2015—200739)

I, Raymond Buchholz, General Manager Marine Safety, Department of Transport, delegate of the Chief Executive Officer, acting pursuant to the powers in section 115A of the *Western Australian Marine Act 1982* (the Act) and regulation 48(a) of the *Navigable Waters Regulations 1958* (the Regulations), hereby make the exemptions and approval set out below, in relation to motorised vessels under the control of a bona fide member or event official of a Yachting WA affiliated club (YWA Vessels) whilst operating within the following areas only—

- Belmont waterski area to Fremantle Traffic Bridge on the Swan River; and
- Downstream from the Shelley Bridge on the Canning River.

Exemptions

YWA Vessels are exempt from compliance with—

- Regulations 19A, 48(b) 48(c), 48(d) and 48(e) of the Regulations; and
- notices made under section 67 of the Act that last for 10 months or longer.

Approval

YWA Vessels are granted approval to exceed the speed limit in regulation 48(a) of the Regulations.

Conditions

The exemptions and approval listed above apply only if the following conditions are met—

1. Exceedance of the speed limit is only to the extent as is reasonably necessary to effectively undertake either—
 - a. safety, coaching or umpiring activities during an aquatic event as listed in the YWA calendar, or
 - b. the organised training for such an event.
2. Speed shall not be in excess of 12 knots of the specified speed limit.
3. Department of Transport is in receipt of a safety management plan/s which covers all events listed in the YWA calendar, which addresses issues including—
 - a. conducting events in areas of high traffic density; and
 - b. the provision of appropriate training for vessel operators and crew to ensure that they are suitably experienced in navigating whilst operating at high speed (including when undertaking emergency response), and they take reasonable care in all circumstances.

4. The YWA Vessels display the word 'Safety' in letters at least 200mm high and 20mm thick, either on both sides of the hull, or on a white flag in red writing.
5. A copy of this instrument is produced to Department of Transport within 72 hours upon request.

This instrument revokes all previous instruments which apply to the vessels to which this instrument applies, in as much as they relate to speed limitations in the areas of the Swan Canning Riverpark listed above. It is valid from the date it is signed until 30 January 2017, unless revoked earlier.

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

MA402*

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
YACHTING WA EQUIPMENT EXEMPTION

Department of Transport,
Fremantle WA, 15 April 2016.

Exemption from compliance with certain provisions of the *Navigable Waters Regulations 1958* for certain vessels participating in Yachting WA events and associated training
(WAMA—2015—200830)

I, Raymond Buchholz, Marine Safety General Manager, Department of Transport and delegate of the Chief Executive Officer, acting pursuant to the powers in section 115A of the *Western Australian Marine Act 1982* and regulation 52CA of the *Navigable Waters Regulations 1958* (the Regulations), hereby make the exemptions and conditions set out in the paragraphs below—

General

1. In this exemption document, 'Off the Beach Boats' are as defined in regulation 1.03 of the Yachting Australia Special Regulations Part 2, as at the date of signing of this document.

Exemptions

2. Pursuant to section 115A(1) of the Act, vessels which are 'Off the Beach Boats' are exempt from regulations 51D, 52BAA and 52BAB.
3. Pursuant to regulation 52CA of the Regulations, vessels which are 'Off the Beach Boats' are exempt from compliance with regulations, 52A, 52B, and 52C of the Regulations.
4. Pursuant to regulation 52CA of the Regulations, kiteboard riders are exempt from compliance with subregulations 52BAC(3), (4) and (5) of the Regulations.

Conditions

5. The exemptions at paragraphs 2 and 3 above apply if the vessel is—
 - a. under the control of a bona fide member or employee of Yachting Western Australia (Inc) (YWA) or an affiliated club; and
 - b. participating in—
 - i. a YWA event; or
 - ii. organised training for such an event; or
 - iii. organised training for an international or national event;

which is listed on YWA's Calendar of Events, including reasonable travel to and from such events or training.

6. The exemption at paragraph 4 above applies if the kiteboard rider is participating in—
 - i. a YWA 'Olympic style' windward and leeward race as defined by YWA; or
 - ii. organised training for such an event;

which is listed on YWA's Calendar of Events, including reasonable travel to and from such events or training.

7. In addition to paragraphs 5 and 6, the exemptions at paragraphs 2, 3 and 4 will only apply if—
 - a. Department of Transport is in receipt of a safety management plan/s which covers all events listed on the YWA Calendar of Events.
 - b. People subject to any of the exemptions wear aids to buoyancy which, as a minimum, conform to AS 4758 Level 50 (PFD Type 2) or Level 50S (Special) (PFD Type 3), whilst participating in and travelling to events and training;
 - c. The events and training commence after sunrise and are completed before sunset;
 - d. The organiser ensures a sufficient number of suitable safety craft are available throughout the duration of the events and training;
 - e. The organiser ensures that a suitable medical response, including evacuation and communications plans, is in place throughout the duration of the events and training;

- f. All aspects of the Yachting Australia Regulations, YWA risk management plans and safety management systems are adhered to; and
- g. A copy of this exemption is produced to Department of Transport within 72 hours upon request.

This instrument is valid from the date it is signed until 30 January 2017, unless revoked earlier.

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

MA403*

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
ROWING WA VESSEL EXEMPTION
Swan and Canning Riverpark

Department of Transport,
Fremantle WA, 15 April 2016.

Approval and exemption from certain provisions of the *Navigable Waters Regulations 1958* and the *Western Australian Marine Act 1982* for certain vessels in the Swan Canning Riverpark

(WAMA—2015—201038)

I, Raymond Buchholz, General Manager Marine Safety, Department of Transport, delegate of the Chief Executive Officer, acting pursuant to the powers in section 115A of the *Western Australian Marine Act 1982* (the Act) and regulation 48(a) of the *Navigable Waters Regulations 1958* (the Regulations), hereby make the exemptions and approval set out below, in relation to motorised vessels under the control of a bona fide member or event official of Rowing WA, Rowing Australia, the Western Australian Institute of Sport or associated rowing club (Rowing Club Vessels) whilst operating within the following areas only—

- Coffee Point on the Canning River to Riverton Bridge; and
- Fremantle Traffic Bridge to Reid Highway Bridge on the Swan River.

Exemptions

Rowing Club Vessels are exempt from compliance with—

- Regulations 19A, 48(b) 48(c), 48(d) and 48(e) of the Regulations; and
- notices made under section 67 of the Act that last for 10 months or longer.

Approval

Rowing Club Vessels are granted approval to exceed the speed limit in regulation 48(a) of the Regulations.

Conditions

The exemptions and approval listed above apply only if the following conditions are met—

1. Exceedance of the speed limit is only to the extent as is reasonably necessary to effectively undertake either—
 - a. safety, coaching or umpiring activities during an aquatic event as listed in the Rowing WA calendar; or
 - b. organised training.
2. Speed shall not be in excess of 12 knots of the specified speed limit.
3. Department of Transport is in receipt of a safety management plan/s which covers all events listed in the Rowing WA calendar, which addresses issues including—
 - a. conducting events in areas of high traffic density; and
 - b. the provision of appropriate training for vessel operators and crew to ensure that they are suitably experienced in navigating whilst operating at high speed (including when undertaking emergency response), and they take reasonable care in all circumstances.
4. The Rowing Club Vessels display the word 'Safety' in letters at least 200mm high and 20mm thick, either on both sides of the hull, or on a white flag in red writing.
5. A copy of this instrument is produced to Department of Transport within 72 hours upon request.

This instrument revokes all previous instruments which apply to the vessels to which this instrument applies, in as much as they relate to speed limitations in the areas of the Swan Canning Riverpark listed above. It is valid from the date it is signed until 31 March 2017, unless revoked earlier.

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

MINERALS AND PETROLEUM

MP401***MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,
Leonora WA 6438.

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

N. LEMMON, Warden.

To be heard by the Warden at Leonora on 31 May 2016.

MT MARGARET MINERAL FIELD

Prospecting Licences

P 37/8205 PMCC Property Pty Ltd

MP402***MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,
Leonora WA 6438.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

N. LEMMON, Warden.

To be heard by the Warden at Leonora on 31 May 2016.

EAST MURCHISON MINERAL FIELD

Prospecting Licences

P 36/1798 Tilbey, Wayne Scott
Slapp, Maurice
Taylor, Ronald Francis

MT MARGARET MINERAL FIELD

Prospecting Licences

P 37/8413 Bourke, Wayne Lee
Bourke, Paul Donald
P 37/8479 Hurst, James Andrew
P 38/4139-S Fenton, Michael
P 38/4140-S Fenton, Michael
P 39/5429 Lowe, Leslie Edward**MP403*****MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,
Marble Bar WA 6760.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining*

Act 1978 for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

M. RIDLEY, Warden.

To be heard by the Warden at Marble Bar on 10 June 2016.

PILBARA MINERAL FIELD
Prospecting Licences

P 45/2306 Kevin Graham Danks

MP404*

MINING ACT 1978
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,
Perth WA 6004.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

T. HALL, Warden.

To be heard by the Warden at Perth on 19 May 2016.

SOUTH WEST MINERAL FIELD
Prospecting Licences

P 70/1639 HM Sands Pty Ltd
P 70/1640 HM Sands Pty Ltd

MP405*

MINING ACT 1978
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,
Kalgoorlie WA 6430.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

N. LEMMON, Warden.

To be heard by the Warden at Kalgoorlie on 10 June 2016.

BROAD ARROW MINERAL FIELD
Prospecting Licences

P 24/4737-S Smith, William John
P 24/4738 Maincoast Pty Ltd
P 24/4739 Maincoast Pty Ltd
P 24/4741 Maincoast Pty Ltd
P 24/4743 Maincoast Pty Ltd
P 24/4744 Maincoast Pty Ltd
P 24/4745 Maincoast Pty Ltd
P 24/4812 Kochanski, Mark
P 24/4813 Kochanski, Mark
P 24/4816 GPM Resources Pty Ltd
P 24/4837 Erenshaw, Thomas Richard Graeme
P 24/4839 Wicks, Shane Raymond

EAST COOLGARDIE MINERAL FIELD

Prospecting Licences

P 26/4000 Strindberg, Glen Daniel
 P 26/4001 Strindberg, Glen Daniel

NORTH COOLGARDIE MINERAL FIELD

Prospecting Licences

P 29/2353 Westex Resources Pty Ltd
 P 29/2354 Wicks, Shane Raymond

MP406***MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,
 Kalgoorlie WA 6430.

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

N. LEMMON, Warden.

To be heard by the Warden at Kalgoorlie on 10 June 2016.

BROAD ARROW MINERAL FIELD

Prospecting Licences

P 24/4182 Siberia Mining Corporation Pty Ltd
 P 24/4213 Metaliko Resources Limited
 P 24/4750 Siberia Mining Corporation Pty Ltd
 P 24/4751 Siberia Mining Corporation Pty Ltd
 P 24/4752 Siberia Mining Corporation Pty Ltd
 P 24/4753 Siberia Mining Corporation Pty Ltd
 P 24/4754 Siberia Mining Corporation Pty Ltd

EAST COOLGARDIE MINERAL FIELD

Prospecting Licences

P 25/2175 Benson, Charles Johannes
 P 25/2176 Benson, Charles Johannes
 P 26/4007 Potts, Christopher Peter

N. E. COOLGARDIE MINERAL FIELD

Prospecting Licences

P 27/2087 Barney, Ian James
 Hawke, Robert Lawrence

NORTH COOLGARDIE MINERAL FIELD

Prospecting Licences

P 30/1074 Carnegie Gold Pty Ltd
 P 30/1100 Van Blitterswyk, Wayne Craig
 P 30/1102 Van Blitterswyk, Wayne Craig
 P 30/1103 Van Blitterswyk, Wayne Craig

MP407***MINING ACT 1978**
APPLICATION FOR AN ORDER FOR FORFEITUREDepartment of Mines and Petroleum,
Coolgardie WA 6429.

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

N. LEMMON, Warden.

To be heard by the Warden at Coolgardie on 10 June 2016.

COOLGARDIE MINERAL FIELD
Prospecting Licences

P 15/5823	Xiao, Zhi Qiang
P 15/5931	Stacpoole, John Douglas
P 16/2774	Siberia Mining Corporation Pty Ltd
P 16/2775	Siberia Mining Corporation Pty Ltd
P 16/2813	Howe, Eugene Vincent
P 16/2814	Howe, Eugene Vincent

MP408***MINING ACT 1978**
APPLICATION FOR AN ORDER FOR FORFEITUREDepartment of Mines and Petroleum,
Coolgardie WA 6429.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

N. LEMMON, Warden.

To be heard by the Warden at Coolgardie on 10 June 2016.

COOLGARDIE MINERAL FIELD
Prospecting Licences

P 16/2514	Carnegie Gold Pty Ltd
P 16/2732	Champion, Lionel Brian Champion, Brendon James

MP409***MINING ACT 1978**
APPLICATION FOR AN ORDER FOR FORFEITUREDepartment of Mines and Petroleum,
Coolgardie WA 6429.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

N. LEMMON, Warden.

To be heard by the Warden at Coolgardie on 10 June 2016.

COOLGARDIE MINERAL FIELD
Prospecting Licences

P 15/5675	Musketeer Minerals Pty Ltd
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MP410*

MINING ACT 1978
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines and Petroleum,
Perth WA 6004.

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

T. HALL, Warden.

To be heard by the Warden at Perth on 19 May 2016.

PHILLIPS RIVER MINERAL FIELD
Miscellaneous Licences

L 74/31 McNamara, Anna Maria

MP411*

MINING ACT 1978
APPROVAL OF RETENTION STATUS FOR AN EXPLORATION LICENCE

I, Paul Power, Compliance Tenure Officer (By power delegated under Section 12 of the *Mining Act 1978*), give notice that I have approved retention status for four graticular blocks within the under mentioned exploration licence pursuant to section 69B of the *Mining Act 1978*, effective from the day on which notice of the approval is published in the Gazette.

Tenement	Blocks	Holder	Mineral Field
E69/2733	Wiluna 1377: x,y 1449: c,d	Zenith Minerals Limited	Warburton

Dated at Perth this 8th day of April 2016.

PAUL POWER, Compliance Tenure Officer,
(By power delegated under Section 12 of the *Mining Act 1978*).

PLANNING

PL401*

PLANNING AND DEVELOPMENT ACT 2005
METROPOLITAN REGION SCHEME MINOR AMENDMENT 1303/57
Ascot Kilns Precinct Redevelopment
Approved Amendment

File: 833-2-15-14

The Minister for Planning has approved, as advertised, the abovementioned amendment to the Metropolitan Region Scheme. The amendment is shown on Western Australian Planning Commission plan number 3.2638 and is effective from the date of publication of this notice in the *Government Gazette*.

By virtue of section 126(1) of the *Planning and Development Act 2005*, the City of Belmont's local planning scheme is amended to give effect to the reservation(s) included in MRS amendment 1303/57.

Copies of the amendment and the accompanying report on submissions are available for public inspection from Friday 15 April 2016 to Friday 13 May 2016 at—

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

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

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PREMIER AND CABINET

PR401*

INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

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

Hon J. H. D. Day MLA to act temporarily in the office of Minister for Police; Road Safety; Training and Workforce Development; Women's Interests in the absence of the Hon L. M. Harvey MLA for the period 9 to 24 April 2016 (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 Governor, in accordance with Section 52(1)(b) of the *Interpretation Act 1984* has approved the following temporary appointment—

Hon A. P. Jacob MLA to act temporarily in the office of Minister for Local Government; Community Services; Seniors and Volunteering; Youth in the absence of the Hon A. J. Simpson MLA for the period 22 to 24 April 2016 (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 P. C. Collier MLC to act temporarily in the office of Attorney General; Minister for Commerce in the absence of the Hon M. Mischin MLC for the period 23 to 30 April 2016 (both dates inclusive).

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

RACING, GAMING AND LIQUOR

RA401*

LIQUOR CONTROL ACT 1988 LIQUOR APPLICATIONS

The following applications received under the *Liquor Control Act 1988 (the Act)* are 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 and Liquor, 1st Floor, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
A000199294	Greenwood Football Club Inc	Application for the grant of a Club Restricted licence in respect of premises situated in Duncraig and known as Greenwood Football Club Inc.	24/04/2016

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE—<i>continued</i>			
A000197356	Kam Khazaly Pty Ltd and Shedan and Shahzad Khazaly Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Madeley and known as Nando's Kingsway.	24/04/2016
A000197402	BWW Sales Pty Ltd	Application for the grant of a Producers licence in respect of premises situated in Glenoran and known as Chateau June-Jerome.	21/04/2016
A000198870	Parivaar Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Thornlie and known as Parivaar Indian Restaurant.	25/04/2016
APPLICATIONS FOR EXTENDED TRADING PERMITS—ONGOING EXTENDED HOURS			
A000182048	Element WA Pty Ltd	Application for the Grant of an ETP for ongoing hours for a licence in respect of premises situated in Highgate and known as Beaufort House.	21/04/2016
A000197236	Settlers Holdings Pty Ltd	Application for the Grant of an ETP for ongoing hours for a licence in respect of premises situated in Margaret River and known as Settlers Liquor Store.	1/05/2016
APPLICATION TO ADD, VARY OR CANCEL A CONDITION OF LICENCE			
A000197442	Colonial Leisure Group Pty Ltd	Application for the Variation of an Alfresco Dining Extended Trading Permit for a licence in respect of premises situated in East Perth and known as The Royal On The Waterfront.	18/04/2016

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

B. A. SARGEANT, Director of Liquor Licensing.

Dated: 11 April 2016.

REGIONAL DEVELOPMENT

RG401*

REGIONAL DEVELOPMENT COMMISSIONS ACT 1993

APPOINTMENTS

It is hereby notified for general information that the Minister for Regional Development has approved the following appointments in accordance with Part 3 of the *Regional Development Commissions Act 1993*—

SOUTH WEST DEVELOPMENT COMMISSION

Board of Management

- Mr Gary Brennan as a local government representative for a term expiring on 30 June 2018.
- Mrs Suzanne Daubney as Deputy Chair for a term expiring on 30 June 2017.

Hon TERRY REDMAN MLA, Minister for Regional Development.

DECEASED ESTATES

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

Notice to Creditors and Claimants

Brian Gordon Banks, formally of 16 Wyuna Crescent, Lesmurdie in the State of Western Australia, late of 39 Warren Place, Dudley Park in the State of Western Australia, Business Proprietor (in the Will Technician), 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 17 August 2015, are required by the personal representative to send particulars of their claims to her care of Clement & Co, Lawyers, Unit 2, 12 Sutton Street, Mandurah by 20 May 2016, after which date the personal representative may convey or distribute the assets having regard to the claims of which she then has notice.

CLEMENT & CO as solicitors for the personal representative.

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

Notice to Creditors and Claimants

Elizabeth Kee Heron, late of 34 First Avenue, Claremont in the State of Western Australia, Retired.

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 1 August 2015 at 34 First Avenue, Claremont in the State of Western Australia, are required by the personal representative, being Desmond Heron to send particulars of their claims to care of Brook Legal, PO Box 93, Wembley in Western Australia 6913 within 30 days of 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 then has notice.

Dated: 11 April 2016.

BROOK LEGAL.

ZX403***TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 15 May 2016, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Barnett, Alan, late of Aegis Banksia Park Aged Care, 20 Bright Road, Calisat, died 10.02.2016 (DE19770033 EM110)

Clow, Graeme David, late of Unit 4/135 Edward Street, Osborne Park, died 13.01.2016 (DE33029284 EM37)

Duffy, Nancy Evelyn Mary, Also Known As Evelyn Nancy Duffy, late of 153b Lawley Street, Yokine, died 8.03.2016 (DE20010405 EM15)

Ferguson, Irene Thelma, late of 215 Cape Street, Tuart Hill, died 23.02.2016 (DE19862897 EM110)

Giles, Patsy Lorraine, late of 14 Purslowe Street, Mount Hawthorn, died 16.02.2016 (DE33015695 EM38)

Hodder, Guy Francis, late of 612 / 55 Belgrade Road, Wanneroo, died 7.03.2016 (DE33025146 EM24)

Keightley, Patricia Olga, late of Regents Garden Nursing Home, 2 Amur Place, Bateman, died 20.01.2016 (DE19581253 EM35)

Kilminster, Alfred Edward, late of 4 Lewis Close, Bull Creek, died 13.01.2016 (DE19922296 EM22)

Little, Robert Goddard, late of 14 Spring Road, Thornlie, died 19.02.2016 (DE33028136 EM38)

Matus, Laszlo, Also Known As Leslie Matus, late of Unit 1 / 17 Falkingham Road, West Busselton, died 10.01.2016 (DE33131715 EM37)

Mutavdzic, Biljana, late of 67 Bunya Street, Dianella, died 4.02.2016 (DE33010669 EM113)

Sullivan, Heather Elaine, late of 130 Rookwood Street, Henley Brook, died 4.09.2015 (DE19982658 EM16)

Tweedy, Peter George, late of 30 Fairway West, Yokine, died 17.01.2016 (DE33111992 EM16)

White, Carmel Ann, late of Meath Care Nursing Home, 18 Hocking Road, Kingsley, died 17.10.2015 (DE19933872 EM22)

Younger, Edna May, late of Bethanie Beachside, 629 Two Rocks Road, Yanchep, formerly of 20 Cornelian Crescent, Carine, died 26.03.2016 (DE32004322 EM15)

BRIAN ROCHE, Public Trustee,
553 Hay Street, Perth WA 6000.
Telephone: 1300 746 212
