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— PART 1 —

PROCLAMATIONS

AA101

Misuse of Drugs Amendment (Search Powers) Act 2016

Misuse of Drugs Amendment (Search Powers) Act 2016 Commencement Proclamation 2017

Made under the *Misuse of Drugs Amendment (Search Powers) Act 2016* section 2(b) by the Governor in Executive Council.

1. Citation

This proclamation is the *Misuse of Drugs Amendment (Search Powers) Act 2016 Commencement Proclamation 2017*.

2. Commencement of Act

The *Misuse of Drugs Amendment (Search Powers) Act 2016*, 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.

L. HARVEY, Minister for Police.

AA102

Road Traffic Amendment (Impounding and Confiscation
of Vehicles) Act 2016

Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2016 Commencement Proclamation 2016

Made under the *Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2016* section 2(1)(b) and (2) by the Governor in Executive Council.

1. Citation

This proclamation is the *Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2016 Commencement Proclamation 2016*.

2. Commencement of Act

The *Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2016*, other than Part 1, section 5 and Part 3 Division 3, comes into operation on the day after the day on which this proclamation is published in the *Gazette*.

K. SANDERSON, Governor.

L.S.

L. HARVEY, Minister for Road Safety.

JUSTICE

JU301

Civil Judgments Enforcement Act 2004

Civil Judgments Enforcement Amendment Regulations 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Civil Judgments Enforcement 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 *Civil Judgments Enforcement Regulations 2005*.

4. Regulation 101 amended

In regulation 101(1):

- (a) in paragraph (c) delete “105(5);” and insert:

107B(1);

- (b) in paragraph (d) delete “107;” and insert:

107D(1);

5. Regulation 104 amended

- (1) In regulation 104 in the definition of *small business*:

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

- (a) a business undertaking that is wholly owned and operated by an individual or individuals in partnership and has less than 20 full-time equivalent employees or partners;

- (b) delete paragraph (c) and insert:

- (c) a co-operative as defined in the *Co-operatives Act 2009* that has less than 20 full-time equivalent employees and that is not a subsidiary of another co-operative or corporation that has 20 or more full-time equivalent employees;

- (2) In regulation 104 insert in alphabetical order:

eligible entity means an entity referred to in regulation 107C(3);

eligible entity fee, in relation to a matter specified in an item in Schedule 1, means the fee shown in column A for that item;

eligible individual means an individual referred to in regulation 107C(2);

eligible individual fee, in relation to a matter specified in an item in Schedule 1, means the fee shown in column C for that item;

entity does not include an individual;

person means an individual or an entity;

6. Regulation 105 amended

(1) Delete regulation 105(3) and insert:

(3) In relation to a matter specified in an item in Schedule 1 —

- (a) the fee payable by an individual who is not an eligible individual is the fee shown in column A for that item; or
- (b) the fee payable by an eligible individual is the eligible individual fee for that item; or
- (c) the fee payable by an entity that is not an eligible entity is the fee shown in column B for that item; or
- (d) the fee payable by an eligible entity is the eligible entity fee for that item.

(2) Delete regulation 105(5) to (10).

Note: The heading to amended regulation 105 is to read:

General fees

7. Regulations 107B to 107G inserted

After regulation 107A insert:

107B. Fees for small businesses and non-profit associations

- (1) An entity that is a small business or a non-profit association may lodge with the court to which a fee is to be paid a declaration in the form of Form 3.
- (2) On the lodgment of a declaration the entity is to be charged fees as if it were an eligible entity.
- (3) Subregulation (2) does not apply to fees payable by joint parties unless each party is a small business or non-profit association.
- (4) An entity that has lodged a declaration under subregulation (1) must immediately advise the

Principal Registrar of the court in which the declaration was lodged if the entity ceases to be a small business or non-profit association as the case requires.

Penalty for this subregulation: a fine of \$1 000.

- (5) If an entity is charged a fee under subregulation (2) when the entity was not a small business or a non-profit association, the court may —
 - (a) order that the entity pay the difference between the amount of the fee the entity paid and the amount of the fee that would otherwise be payable by the entity; and
 - (b) make orders to enforce the order for the payment.
- (6) An order under subregulation (5)(b) may include orders relating to the future conduct of the matter to which the fees relate or the effect of anything that has been done in respect of the matter until the sum ordered to be paid has been paid.

107C. Who is an eligible individual or eligible entity

- (1) In this regulation —

Centrelink means the Commonwealth agency known as Centrelink.

- (2) An eligible individual is —

- (a) an individual who holds one or more of the following cards issued by Centrelink —
 - (i) a health care card;
 - (ii) a health benefit card;
 - (iii) a pensioner concession card;
 - (iv) a Commonwealth seniors health card;or
- (b) an individual who holds any other card issued by Centrelink or the Department of Veterans' Affairs of the Commonwealth that certifies entitlement to Commonwealth health concessions; or
- (c) an individual who is in receipt of a youth training allowance, or an AUSTUDY allowance, as defined in the *Social Security Act 1991* (Commonwealth) section 23(1); or
- (d) an individual who is in receipt of benefits under the Commonwealth student assistance scheme known as the ABSTUDY Scheme; or
- (e) an individual who has been granted legal aid under the *Legal Aid Commission Act 1976* or a legal aid scheme or service established under a

Commonwealth, State or Territory law in respect of the proceedings in relation to which a fee would otherwise be payable; or

- (f) an individual who the court or a registrar of the court has directed is an eligible individual under regulation 107E(1)(b).
- (3) An eligible entity is —
- (a) an entity that has been granted legal aid under the *Legal Aid Commission Act 1976* or a legal aid scheme or service established under a Commonwealth, State or Territory law in respect of the proceedings in relation to which a fee would otherwise be payable; or
 - (b) an entity that the court or a registrar of the court has directed is an eligible entity under regulation 107E(2)(b).

107D. Application to be recognised as eligible individual or eligible entity

- (1) A person may apply to the court to which a fee is to be paid for —
 - (a) a direction under regulation 107E(1) that the person is an eligible individual in respect of a matter specified in Schedule 1; or
 - (b) a direction under regulation 107E(2) that the person is an eligible entity in respect of a matter specified in Schedule 1.
- (2) An application is to be in the form of Form 4 and is to specify —
 - (a) for an individual — the matter in respect of which the individual is seeking to pay the eligible individual fee; or
 - (b) for an entity — the matter in respect of which the entity is seeking to pay the eligible entity fee.
- (3) Despite anything else in these regulations, a fee is not to be charged in respect of an application under subregulation (1).

107E. Recognition as eligible individual or eligible entity

- (1) The court or a registrar of the court may, on an application to the court under regulation 107D(1)(a) —
 - (a) direct that a person is an eligible individual described in regulation 107C(2)(a) to (e) in respect of the matter if satisfied that the person meets one or more of the requirements set out in those paragraphs; or

- (b) direct that a person is an eligible individual described in regulation 107C(2)(f) if satisfied that the person should be required to pay only an eligible individual fee in respect of the matter for either, or both, of the following reasons —
 - (i) financial hardship;
 - (ii) the interests of justice.
- (2) The court or a registrar of the court may, on an application to the court under regulation 107D(1)(b) —
 - (a) direct that a person is an eligible entity described in regulation 107C(3)(a) in respect of the matter if satisfied that the person meets the requirements set out in that paragraph; or
 - (b) direct that a person is an eligible entity described in regulation 107C(3)(b) if satisfied that the person should be required to pay only the eligible entity fee in respect of the matter for either, or both, of the following reasons —
 - (i) financial hardship;
 - (ii) the interests of justice.
- (3) A judge or a registrar of the court may, before an application is determined, direct the applicant to provide to the judge, the registrar of the court or the court further information relating to the application.
- (4) A direction to provide further information —
 - (a) may be made in writing or orally; and
 - (b) may require that the information is provided either in writing or orally.

107F. Revocation of directions for providing false or misleading information

- (1) The court or a registrar of the court with which a declaration under regulation 107B(1) is lodged may make an order that the declaration is invalid if satisfied, having given the person who lodged the declaration an opportunity to make a written submission, that the person has contravened regulation 101(1) in relation to a statement or representation in the declaration or providing further information in relation to the declaration.

- (2) The court that, or the registrar who, makes a direction under regulation 107E(1) or (2) may revoke the direction if satisfied, having given the person who applied for the direction under regulation 107D(1) an opportunity to make a written submission, that the person has contravened regulation 101(1) in relation to a statement or representation in the application or providing further information in relation to the application.
- (3) If a declaration is declared invalid under subregulation (1) or a direction is revoked under subregulation (2), the court may —
 - (a) order that the person in respect of whom the declaration or direction was made pay the difference between the fee the person paid and the fee that would otherwise be payable by the person; and
 - (b) make an order to enforce the order for the payment.
- (4) An order under subregulation (3)(b) may include orders relating to the future conduct of the proceedings to which the fees relate or the effect of anything that has been done in respect of the proceedings until the sum ordered to be paid has been paid.

107G. Refunds

- (1) A judicial officer or legally qualified registrar presiding in a proceeding may order the refund of the difference between the amount of a fee paid by a person in respect of the proceeding and the amount of the fee that the person was entitled to be charged under these regulations in respect of the proceedings.
- (2) The Principal Registrar of the court may refund to a person the amount of a fee, or part of a fee, paid by the person if the amount was paid in error.

8. Regulation 107 deleted

Delete regulation 107.

9. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Court fees

[r. 105]

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
1.	For an application or request under the Act — (a) a judgment not exceeding \$10 000 (b) all other judgments	98.50 159.50	148.00 240.00	29.55 47.85
<p>Note 1: The fee is payable only once on the first application or request by a judgment creditor or other person entitled to the benefit of the judgment.</p> <p>Note 2: No fee is payable in relation to interpleader proceedings.</p> <p>Note 3: No fee is payable for registering a judgment or order of a court or tribunal of the State for the purpose of enforcing the judgment or order.</p> <p>Note 4: No fee is payable for an application or request brought by a person other than a judgment creditor or other person entitled to the benefit of the judgment.</p> <p>Note 5: The fee payable on an application relating to an order made in the exercise of the jurisdiction referred to in the <i>Residential Tenancies Act 1987</i> section 12A is the fee payable on an application in relation to a judgment not exceeding \$7 500.</p>				
2.	Registering a judgment in a court under the <i>Service and Execution of Process Act 1992</i> (Commonwealth) section 105(1)	83.50	110.50	25.05

10. Schedule 4 amended

- (1) In the reference after the heading to Schedule 4 delete “105, 107,” and insert:

107B, 107D,

(2) In Schedule 4 in Form 3:

- (a) delete “
- 105(5)**
- ” and insert:

107B(1)

- (b) delete “
- an individual or individuals in partnership who wholly own and operate a business undertaking that has less than 20 full-time equivalent employees and partners;*
- ” and insert:

a business undertaking that is wholly owned and operated by an individual or individuals in partnership and has less than 20 full-time equivalent employees or partners;

- (c) delete “
- a company as defined in the Companies (Co-operative) Act 1943 that has less than 20 full-time equivalent employees and that is not, under section 130(1) of that Act, deemed to be a subsidiary company of another company or corporation that has 20 or more full-time equivalent employees;*
- ” and insert:

a co-operative as defined in the Co-operatives Act 2009 that has less than 20 full-time equivalent employees and that is not a subsidiary of another co-operative or corporation that has 20 or more full-time equivalent employees;

(3) In Schedule 4 delete Form 4 and insert:

4. Application to reduce fee

Form 4 <i>Civil Judgments Enforcement Regulations 2005</i> <i>(Regulation 107D(1))</i> APPLICATION TO REDUCE FEE		
In the Supreme Court / District Court / Magistrates Court	No.	of 2
Applicant:		
Fee type for which request is made:		
<input type="checkbox"/> Application or request under the <i>Civil Judgments Enforcement Act 2004</i>	<input type="checkbox"/> Registering a judgment in a court under the <i>Service and Execution of Process Act 1992</i> (Commonwealth) section 105(1)	
Concession Card Holder: <input type="checkbox"/> Yes <input type="checkbox"/> No	Pension Concession Card No:	_____
	Health Care Card No:	_____

Grant of Legal Aid under a legal aid scheme or service: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Applicant Details:	Full Name:		
	Please indicate your party type: <input type="checkbox"/> Individual <input type="checkbox"/> Entity		
	Address:		
	Date of Birth:		
If you are applying for a fee reduction because of financial hardship or in the interests of justice, please give supporting reasons for your request (attach a separate page if required). <u>If the reasons include financial hardship you must complete the information on the following pages.</u>			
I certify that the above information and disclosures in this form are true and correct.			
<i>Applicant's Signature</i>		Dated:	
<i>*Note: A person who makes a statement or representation in this application that the person knows or has reason to believe is false or misleading in a material particular commits an offence under the Civil Judgments Enforcement Regulations 2005 regulation 101(1).</i>			
COURT SEAL			
FINANCIAL DETAILS: APPLICANT WHO IS AN INDIVIDUAL			
If the reasons for application include financial hardship, the following sections of the form must be completed by the applicant if the applicant is an individual.			
Occupation:			
Employer:			
Employer's Address:			
Marital Status:	<input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> partner <input type="checkbox"/> de facto <input type="checkbox"/> separated		
Dependants:	<input type="checkbox"/> dependant wife / husband / partner / de facto _____ (number of) dependant children		

INCOME AND FINANCIAL ASSETS DETAILS			
Income / financial assets (net)	Self	Partner	Total
Wage / salary / benefit	\$ _____	\$ _____	\$ _____
Money in financial institution	\$ _____	\$ _____	\$ _____
Cash	\$ _____	\$ _____	\$ _____
Income from investments	\$ _____	\$ _____	\$ _____
Other income	\$ _____	\$ _____	\$ _____
Money loaned and to be repaid	\$ _____	\$ _____	\$ _____
Total	\$ _____	\$ _____	\$ _____
EXPENDITURE DETAILS			
Expenditure	Self	Partner	Total
Rent / board	\$ _____	\$ _____	\$ _____
Mortgage payment	\$ _____	\$ _____	\$ _____
Maintenance for dependants	\$ _____	\$ _____	\$ _____
Food	\$ _____	\$ _____	\$ _____
Utilities (gas / electricity)	\$ _____	\$ _____	\$ _____
Telephone	\$ _____	\$ _____	\$ _____
Water	\$ _____	\$ _____	\$ _____
Rates and taxes	\$ _____	\$ _____	\$ _____
Court orders	\$ _____	\$ _____	\$ _____
Credit card/s	\$ _____	\$ _____	\$ _____
Other debts (provide details) _____	\$ _____	\$ _____	\$ _____
Total	\$ _____	\$ _____	\$ _____
TOTAL INCOME	\$ _____	TOTAL EXPENDITURE	\$ _____
ASSETS			VALUE
House or other property (provide addresses)			\$ _____

Motor Vehicles (car, utility, motorcycle, truck etc.)	1	Year: Make: Model: Registration Number:	\$ _____		
	2	Year: Make: Model: Registration Number:	\$ _____		
Other assets (provide details)			\$ _____		
TOTAL ASSET VALUE			\$ _____		
HOME CONTENTS (please complete appropriate box where applicable)					
Television \$ _____	DVD player \$ _____	Computers \$ _____	Other electronic devices \$ _____	Dishwasher \$ _____	Microwave \$ _____
Furniture \$ _____	Collection of coins, stamps etc. \$ _____	Other collectables \$ _____	Other assets \$ _____	Interests in business or company \$ _____	
LIABILITIES				TOTAL	
Mortgage to:				\$ _____	
Other to:				\$ _____	
Time to Pay Order:				\$ _____	
TOTAL LIABILITIES				\$ _____	
FINANCIAL DETAIL: APPLICANT WHO IS NOT AN INDIVIDUAL					
If the reasons for application include financial hardship, the following sections of the form must be completed by the applicant if the applicant is an entity.					
Income				\$ _____	

Assets		\$ _____
Liabilities		\$ _____
TOTAL		\$ _____

R. NEILSON, Clerk of the Executive Council.

JU302

Young Offenders Act 1994

Young Offenders (Departmental facility - Fitzroy Crossing) Order 2016

Made by the Minister under section 12 of the Act.

1. Citation

This order is the *Young Offenders (Departmental facility - Fitzroy Crossing) Order 2016*.

2. Commencement

This order comes into operation as follows —

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

3. Departmental facility declared

The facility located at Shop 5, Tarunda Shopping Centre, 21 Forest Road, Fitzroy Crossing, Western Australia is declared to be a Departmental facility.

J. FRANCIS, Minister for Corrective Services.

JU303

State Administrative Tribunal Act 2004

State Administrative Tribunal Amendment Regulations (No. 3) 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *State Administrative Tribunal Amendment Regulations (No. 3) 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 *State Administrative Tribunal Regulations 2004*.

4. Regulation 10 amended

In regulation 10(1) in the definition of *review application*:

- (a) in paragraph (b) delete “69(1);” and insert:

69(1) or 72(1);

- (b) in paragraph (f) delete “18(2).” and insert:

18(2);

- (c) after paragraph (f) insert:

(g) the deemed provision, applicable to all local planning schemes, set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 76(2).

5. Schedule 6 amended

- (1) In Schedule 6 after the item relating to the *Cat Act 2011* insert:

Cat (Uniform Local Provisions) Regulations 2013 r. 11

- (2) In Schedule 6 delete the item relating to the *Commercial Tenancy (Retail Shops) Agreements Act 1985* and insert:

Commercial Tenancy (Retail Shops) Agreements Act 1985 s. 7(5), 11(3C)(b), 11A(3)(b), 12(1)(b), 12B(4), 13(7) or (7b), 14A(2)(e) or 14A(3)

- (3) In Schedule 6 delete the item relating to the *Fair Trading (Retirement Villages Interim Code) Regulations 2012* and insert:

Fair Trading (Retirement Villages Code) Regulations 2015 r. 22(3)

- (4) In Schedule 6 delete the item relating to the *Retirement Villages Act 1992* and insert:

Retirement Villages Act 1992 s. 9(3)(e) or (6), 44(1), 55(1), 56(1), 57A(2), 57(1), 58(1), 59(1), 62(1), 63(1), 64(1), 67(2), 68(1), 69(3), 70(1)(a), 75B(1), 75D(2), 75I(1) or 75(4)

6. Schedule 7 amended

- (1) In Schedule 7 in the item relating to the *Children and Community Services Act 2004* delete “94” and insert:

88H, 94

- (2) In Schedule 7 after the item relating to the *Taxation Administration Act 2003* insert:

Teacher Registration Act 2012 s. 21(2), 26(4), 53(1)(e), 61(1)(a) or 80(1)(c)

R. KENNEDY, Clerk of the Executive Council.

LOCAL GOVERNMENT

LG301

DOG ACT 1976 LOCAL GOVERNMENT ACT 1995

City of South Perth

DOGS LOCAL LAW 2016

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of South Perth resolved on 13 December 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This is the *City of South Perth Dogs Local Law 2016*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Repeal

The *City of South Perth Dogs Local Law 2011* as published in the *Government Gazette* on 21 July 2011 is repealed.

1.4 Terms used

(1) In this local law unless the context otherwise requires—

Act means the *Dog Act 1976*;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the City of South Perth;

Regulations means the *Dog Regulations 2013*; and

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*.

(2) A term that is used in this local law and is not defined in subclause (1) has the same meaning that is given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Local Government Act 1995*.

1.5 Application

This local law applies throughout the district.

PART 2—KEEPING OF DOGS

2.1 Dogs to be confined

(1) An occupier of premises on which a dog is kept must—

(a) ensure that a portion of the premises on which the dog is kept is fenced in a manner capable of confining the dog;

(b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;

(c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;

(d) maintain the fence and all gates and doors in the fence in good order and condition; and

(e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) An occupier who fails to comply with subclause (1) commits an offence.

(3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and the Regulations.

2.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act is 2 dogs over the age of 3 months and the young of those dogs under that age.

2.3 Offence to excrete

- (1) A dog must not excrete on—
 - (a) any thoroughfare or other public place; or
 - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

PART 3—ENFORCEMENT

3.1 Terms used

In this Part—

infringement notice means the notice referred to in clause 3.4;

notice of withdrawal means the notice referred to in clause 3.7(1); and

penalty unit has the meaning given to it in the *City of South Perth Penalty Units Local Law 2003*.

3.2 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

3.3 Modified penalties

- (1) An offence against a clause specified in Schedule 1 is an offence in relation to which a modified penalty may be imposed.
- (2) The amount appearing in the third column of Schedule 1 directly opposite an offence is the modified penalty payable in respect of that offence.
- (3) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit by the number of penalty units.

3.4 Issue of infringement notice

- (1) Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, the authorised person may serve on the alleged offender a notice in the form prescribed by section 9.17 of the *Local Government Act 1995* and regulation 26(2) of the *Local Government (Functions and General) Regulations 1996* informing the alleged offender that, if he or she does not wish to be prosecuted in court for the alleged offence, he or she may pay to the local government within the time specified in the notice, the amount prescribed as the modified penalty.
- (2) An infringement notice may be served on an alleged offender personally, or by leaving it at or posting it to her or his address as ascertained from the alleged offender, at the time of or immediately following the occurrence giving rise to the allegation of the offence, or as recorded by the local government under the Act.

3.5 Failure to pay modified penalty

Where a person who receives an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, the person must be regarded as having declined to have the allegation dealt with by way of a modified penalty.

3.6 Payment of modified penalty

An alleged offender on whom an infringement notice has been served may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the modified penalty, with or without a reply as to the circumstances giving rise to the allegation, and then—

- (a) the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment; or

- (b) the local government, or an authorised person acting on behalf of the local government, may withdraw the infringement notice under clause 3.7 and refund the amount so paid.

3.7 Withdrawal of infringement notice

(1) An infringement notice may, whether or not the modified penalty has been paid, be withdrawn by the local government, or an authorised person acting on behalf of the local government, by the sending of a notice in the form prescribed by section 9.17 of the *Local Government Act 1995* and Regulation 26(2) of the *Local Government (Functions and General) Regulations 1996* to the alleged offender at the address specified in the notice or his or her last known place of residence or business and in that event, any amount received by way of modified penalty must be refunded and any acknowledgment of the receipt of that amount must for the purposes of any proceedings in respect of the alleged offence be regarded as not having been issued.

(2) A person appointed under section 29(1) of the Act to exercise the power of an authorised person to serve infringement notices under clause 3.4(1) is not eligible to be appointed under that section to exercise the power of an authorised person to withdraw infringement notices under clause 3.7(1).

Schedule 1 Modified penalties

(clause 3.3)

Item	Offence	Nature of Offence	Modified Penalty Unit
1	2.1	Failing to provide means for effectively confining a dog	10
2	2.3(2)	Dog excreting in prohibited place	10

Dated this 20th day of December 2016.

The Common Seal of the City of South Perth was affixed by authority of a resolution of the Council in the presence of—

SUE DOHERTY, Mayor.
GEOFF GLASS, Chief Executive Officer.

LG302

LOCAL GOVERNMENT ACT 1995

City of South Perth

PENALTY UNITS AMENDMENT LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of South Perth resolved on 13 December 2016 to adopt the following local law.

1.1 Citation

This local law is cited as the *City of South Perth Penalty Units Amendment Local Law 2016*.

1.2 Commencement

This local law comes into operation 14 days after its publication in the *Government Gazette*.

1.3 Amendment

Schedule 1 of the *City of South Perth Penalty Units Local Law* published in the *Government Gazette* on 20 June 2003 is deleted and replaced with the following—

Schedule 1—Prescribed Offences

[Clause 6]

Item	Local Law	Clause	Locations	Dates	Times
1	<i>City of South Perth Parking Local Law 2011</i>	All the clauses specified in the table which is Schedule 1 of the Parking Local Law	All the portion of the City of South Perth bounded by and including South Terrace to the south, Canning Highway to the east and the Swan River foreshore to the west and north.	January 26 each year	6:00 am to midnight.

Item	Local Law	Clause	Locations	Dates	Times
2	<i>City of South Perth Parking Local Law 2011</i>	All the clauses specified in the table which is Schedule 1 of the Parking Local Law	All the portion of the City of South Perth bounded by and including South Terrace to the south, Canning Highway to the east and the Swan River foreshore to the west and north.	January 27 each year	Midnight to 6:00 pm.

Dated this 20th day of December 2016.

The Common Seal of the City of South Perth was affixed by authority of a resolution of the Council in the presence of—

SUE DOHERTY, Mayor.
GEOFF GLASS, Chief Executive Officer.

LG303

LOCAL GOVERNMENT ACT 1995

City of Wanneroo

BEE KEEPING LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995* and under all other enabling powers, the Council of the City of Wanneroo resolved on 6 December 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This is the *City of Wanneroo Bee Keeping Local Law 2016*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Repeal

Part 6 of the *City of Wanneroo Animals Local Law 1999* as published in the *Government Gazette* on 27 August 1999 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Terms used

(1) In this local law, unless the context requires otherwise—

Act means the *Local Government Act 1995*;

authorised person means a person authorised by the local government under section 9.10 of the Act to carry out functions with respect to this local law;

bee means a bee of the species *Apis mellifera*;

bee hive means a movable or fixed structure, container or object which contains a bees nest and in which bees are kept;

beekeeper has the meaning given in regulation 3 of the *Biosecurity and Agriculture Management Regulations 2013*;

Crown land has the meaning given in section 3(1) of the *Land Administration Act 1997*;

district means the district of the local government;

local government means the City of Wanneroo;

local planning scheme means a local planning scheme of the local government made under the *Planning and Development Act 2005*;

nuisance means—

- (a) an activity or condition which is harmful or annoying and which constitutes a reasonable basis for legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) an interference which causes material damage to land or other property on the land affected by the interference;

occupier has the meaning given in the Act;

penalty unit has the meaning given in the *City of Wanneroo Local Penalty Units Local Law 2015*;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

registered beekeeper means a person who is registered as a beekeeper under regulation 13(7) of the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*; and

Regulations means the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

(2) A term that is used in this local law and is not defined in subclause (1) has the same meaning as is given in the Act.

PART 2—PERMIT TO KEEP BEES

2.1 Permit required to keep bees

(1) Subject to this clause, a person must not keep bees or allow bees to be kept on land—

- (a) unless that person is a registered beekeeper if required by the Regulations; and
- (b) in accordance with a valid permit issued in relation to the land.

(2) Subclause (1) does not apply where—

- (a) the land is zoned General Rural, Special Residential, Special Rural, Rural Community, Urban Deferred or Rural Resource under a local planning scheme—
 - (i) before establishing the bee hives on the land, the occupier of the land notifies, in writing, the occupier of each property adjoining the land that the bee hives are to be kept;
 - (ii) each bee hive is kept at least 10 metres from any thoroughfare (including a footpath) or public place and at least 5 metres from any other boundary of the land;
 - (iii) a good and sufficient supply of water on every apiary site is provided in a way that is readily accessible to the bees on that site; and
 - (iv) bees from the bee hives do not become a nuisance; or
- (b) in relation to any other land—
 - (i) no more than 2 bee hives are kept on the land;
 - (ii) before establishing the bee hives on the land, the occupier of the land notifies, in writing, the occupier of each property adjoining the land that the bee hives are to be kept;
 - (iii) each bee hive is kept at least 10 metres from any thoroughfare (including a footpath) or public place and at least 5 metres from any other boundary of the land;
 - (iv) a good and sufficient supply of water on every apiary site is provided in a way that is readily accessible to the bees on that site; and
 - (v) bees from the bee hives do not become a nuisance.

(3) Subclause (1) does not apply where a person keeps bees on Crown land.

2.2 Application for a permit

An applicant for a permit must—

- (a) be a registered beekeeper if required by the Regulations;
- (b) provide the information (including any comments from neighbours) that may be required by the local government;
- (c) apply in the form determined by the local government; and
- (d) pay any application fee imposed by the local government under sections 6.16 to 6.19 of the Act.

2.3 Determination of application

(1) The local government may—

- (a) refuse to determine an application that does not comply with clause 2.2;
- (b) approve an application subject to any conditions that it considers appropriate; or
- (c) refuse to approve an application.

(2) The permit conditions may include that—

- (a) each bee hive must be kept at least 10 metres from any thoroughfare (including a footpath) or public place and at least 5 metres from any other boundary of the land; and
- (b) that no more than 2 bee hives are to be kept.

- (3) If the local government approves an application, it is to issue to the applicant a permit in the form determined by the local government from time to time.
- (4) A permit is valid from the date of issue until it is cancelled under this local law.
- (5) A permit holder must comply with the permit conditions.

2.4 Variation or cancellation

- (1) The local government may vary a permit condition by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.
- (2) The local government may cancel a permit if—
 - (a) the permit holder requests the local government to do so; or
 - (b) the permit holder fails to comply with a notice under clause 3.1 within the time specified in the notice or commits any other offence under this local law.
- (3) A permit is taken to be cancelled on—
 - (a) the permit holder ceasing to be registered as a beekeeper; or
 - (b) the expiration of a continuous period of 12 months during which the permit holder has not kept any bees on the land to which the permit relates.

2.5 Information to be provided by a permit holder

- (1) In this clause a 'permit holder' includes the holder of a permit cancelled under clause 2.4(3).
- (2) A permit holder must notify the local government in writing as soon as practicable after—
 - (a) the permit holder ceases to be a registered beekeeper; or
 - (b) a continuous period of 12 months passes during which the permit holder has not kept any bees on the land to which the permit relates.
- (3) A permit holder must, within 7 days of an authorised person giving the permit holder a written notice to do so, provide to the local government either or both of—
 - (a) written proof of the permit holder's registration as a beekeeper under regulation 13(7) of the *Biosecurity and Agriculture Management (Identification and Movement Stock and Apiaries) Regulations 2013*; and
 - (b) a signed statement as to whether the permit holder has, within the 12 months preceding the date of the notice, kept bees on the land to which the permit relates and which is identified in the notice.

2.6 Permit not transferable

A permit—

- (a) is personal to the permit holder;
- (b) applies only to the land described in the permit; and
- (c) is not transferable.

2.7 Nuisance

A person must not keep or allow to be kept bees or beehives, or both, on land so as to create a nuisance.

2.8 Objections and review rights

Division 1 of Part 9 of the Act applies to a decision under this local law—

- (a) to refuse an application for a permit;
- (b) to impose or vary a condition of a permit;
- (c) to cancel a permit; or
- (d) to give a person a notice under clause 3.1.

PART 3—ENFORCEMENT

3.1 Notice to remove

- (1) If, in the opinion of an authorised person, the bees on any land (whether or not the subject of a permit) are likely to endanger the safety of any person or create a serious public nuisance, the authorised person may give to the owner or occupier of that land a written notice requiring the owner or occupier as the case may be to remove the bees before the date specified in the notice.
- (2) If, in the opinion of an authorised person, a person has breached a provision of this local law, the authorised person may give to that person a written notice requiring him or her to remedy that breach before the date specified in the notice.

3.2 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing commits an offence.

(2) A person who commits an offence under this local law is liable to a penalty of \$5,000 and where the offence is of a continuing nature, to a daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.

3.3 Prescribed offences

(1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.

(3) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit by the number of penalty units.

3.4 Forms

(1) The form of the infringement notice referred to in section 9.17 of the Act is Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

(2) The form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Schedule

(clause 3.3)

PRESCRIBED OFFENCES AND MODIFIED PENALTIES

Item No	Clause No	Nature of Offence	Penalty Unit
1	2.3(5)	Failure to comply with a permit condition	10
2	2.5(2)	Failure to notify cessation of registration or keeping of bees	10
3	2.5(3)	Failure to provide information in response to a notice	10
4	2.7	Keeping bees or beehives so as to create a nuisance	10

Dated: 13 December 2016.

The Common Seal of the City of Wanneroo was affixed by authority of a resolution of the Council in the presence of—

TRACEY GARDNER ROBERTS, Mayor.
HARMINDER SINGH, Acting Chief Executive Officer.

POLICE

PO301

Community Protection (Offender Reporting) Act 2004

Community Protection (Offender Reporting) Amendment Regulations 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Community Protection (Offender Reporting) Amendment Regulations 2017*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (**gazettal day**);
- (b) regulation 4(2) — on the day after the day on which the *Sex Offenders Registration Amendment Act 2016* (Victoria) section 8 comes into operation;
- (c) the rest of the regulations — on the day after gazettal day.

3. Regulations amended

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

4. Regulation 21 amended

(1) In regulation 21:

- (a) in paragraph (d) delete “105.” and insert:

105;

- (b) after paragraph (d) insert:

- (e) a control order made under the *Child Sex Offenders Registration Act 2006* (South Australia) Part 5C;

- (f) a restraining order made under the *Summary Procedure Act 1921* (South Australia) section 99AA(1)(a)(i).

(2) In regulation 21:

- (a) in paragraph (f) delete “section 99AA(1)(a)(i).” and insert:

section 99AA(1)(a)(i);

- (b) after paragraph (f) insert:

- (g) a prohibition order made under the *Sex Offenders Registration Act 2004* (Victoria) Part 4A.

R. KENNEDY, Clerk of the Executive Council.

RACING, GAMING AND LIQUOR

RA301

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 4 January 2017 resolved that the *RWWA Rules of Thoroughbred Racing 2004* be amended as follows—

Amendment to Australian Racing Rules (National Rules) effective 1 February 2017

Amend sub-paragraph of A CLASS FIVE RACE in AR.1A, AR.69(c), AR.137A(5)(a)(ii)

Add AR.28

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.

— PART 2 —

ELECTORAL

EL401

ELECTORAL ACT 1907

REGISTRATION OF POLITICAL PARTIES—WESTERN AUSTRALIA

Notice of Registration (Section 62H)

Fluoride Free WA Party

I hereby give notice in accordance with section 62H of the *Electoral Act 1907* that on 9 January 2017 I registered “Fluoride Free WA Party” as a political party in Western Australia, with an abbreviation of “FLUORIDE FREE WA” to be used on ballot papers.

DAVID KERSLAKE, Electoral Commissioner.

EL402

ELECTORAL ACT 1907

REGISTRATION OF POLITICAL PARTIES—WESTERN AUSTRALIA

Notice of Registration (Section 62H)

Socialist Alliance WA

I hereby give notice in accordance with section 62H of the *Electoral Act 1907* that on 9 January 2017 I registered “Socialist Alliance WA” as a political party in Western Australia, with an abbreviation of “Socialist Alliance” to be used on ballot papers.

DAVID KERSLAKE, Electoral Commissioner.

FIRE AND EMERGENCY SERVICES

FE401

BUSH FIRES ACT 1954

TOTAL FIRE BAN DECLARATION

Correspondence No. 12080

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 6th January 2017 for the local government districts of—

Ashburton, Karratha.

BRAD STRINGER, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

5th January 2017.

HEALTH

HE401**HUMAN REPRODUCTIVE TECHNOLOGY ACT 1991****WESTERN AUSTRALIAN REPRODUCTIVE TECHNOLOGY COUNCIL (APPOINTMENT OF DEPUTY MEMBER) INSTRUMENT (NO. 4) 2016**

Made by the Minister under clause 2(1) of the Schedule to *Human Reproductive Technology Act 1991*.

1. Citation

This instrument may be cited as the *Western Australian Reproductive Technology Council (Appointment of Deputy Member) Instrument (No. 4) 2016*.

2. Appointment of Member(s)

The appointment of Dr Andrew Walter Harman as a deputy Member on the Western Australian Reproductive Technology Council under clause 2(1) of the Schedule to the *Human Reproductive Technology Act 1991* is approved for a term of three years commencing on 25 March 2017 and expiring on 25 March 2020.

JOHN DAY, Minister for Health;
Culture and the Arts.

Date: 7 December 2016.

HE402**HUMAN REPRODUCTIVE TECHNOLOGY ACT 1991****WESTERN AUSTRALIAN REPRODUCTIVE TECHNOLOGY COUNCIL (APPOINTMENT OF CHAIR AND MEMBERS) INSTRUMENT (NO. 3) 2016**

Made by Her Excellency the Honourable Kerry Gaye Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia under section 8(2)(a) and Clause 1(1) of the Schedule of the *Human Reproductive Technology Act 1991*.

1. Citation

This instrument may be cited as the *Western Australian Reproductive Technology Council (Appointment of Chair and Members) Instrument (No. 3) 2016*.

2. Appointment of Member(s)

The appointment of Dr Brenda McGivern, pursuant to Schedule 1(1) and section 8(2)(a)(i)(C) of the *Human Reproductive Technology Act 1991* as Chairperson and Member on the Western Australian Reproductive Technology Council is approved for a term of three years, commencing on 1 April 2017 and expiring on 1 April 2020.

The appointment of Ms Justine Garbellini, pursuant to section 8(2)(a)(i)(D) of the *Human Reproductive Technology Act 1991* as Member on the Western Australian Reproductive Technology Council is approved for a term of three years, commencing on 1 April 2017 and expiring on 1 April 2020.

The appointment of Mr Derek Paton, pursuant to section 8(2)(a)(i)(E) of the *Human Reproductive Technology Act 1991* as Member on the Western Australian Reproductive Technology Council is approved for a term of two years, commencing on the date of appointment.

By Command of Her Excellency the Honourable Kerry Gaye Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia, in Executive Council.

R. NEILSON, Clerk of the Executive Council.

HE403**MENTAL HEALTH ACT 2014****MENTAL HEALTH (AUTHORISED MENTAL HEALTH PRACTITIONERS) ORDER (NO. 1) 2017**

Made by the Chief Psychiatrist under section 539 of the *Mental Health Act 2014*;

1. Citation

This order may be cited as the *Mental Health (Authorised Mental Health Practitioners) Order (No. 1) 2017*.

2. Commencement

This order comes into operation as follows—

- (a) clauses 1 and 2—on the day on which this order is published in the *Gazette*;
- (b) clause 3—on the day after that day.

3. Authorised Mental Health Practitioner

The mental health practitioners specified in Schedule 1 to this order are designated as Authorised Mental Health Practitioners.

SCHEDULE 1

Name	Profession
Dmello, Avinash	Registered Nurse
Bozier, Rachel	Registered Nurse

Dr SOPHIE DAVISON, Acting Chief Psychiatrist.

11 January 2017.

HE404**MENTAL HEALTH ACT 2014****MENTAL HEALTH (AUTHORISED MENTAL HEALTH PRACTITIONERS) REVOCATION ORDER (NO. 1) 2017**

Made by the Chief Psychiatrist under section 539 of the *Mental Health Act 2014*.

1. Citation

This Order may be cited as the *Mental Health (Authorised Mental Health Practitioners) Revocation Order (No. 1) 2017*.

2. Commencement

This Order comes into operation as follows—

- (a) clauses 1 and 2—on the day on which this order is published in the *Gazette*;
- (b) clause 3—on the day after that day.

3. Revocation of designation

The designation, as an authorised mental health practitioner of the mental health practitioners specified in Schedule 1 to this order is revoked.

SCHEDULE 1

Dmello, Ayinash	Registered Nurse
Van Donk, Esther	Registered Nurse
Barlow, Mark	Registered Nurse
Jordan, Glenyse Jean	Social Worker

Dr SOPHIE DAVISON, Acting Chief Psychiatrist.

11 January 2017.

JUSTICE

JU401**LEGAL PROFESSION ACT 2008****LEGAL PROFESSION (LAW LIBRARY FEES) RULES 2017**

Made by the Director General of the Department of the Attorney General.

PART 1—PRELIMINARY**1. Citation**

These rules are the *Legal Profession (Law Library Fees) Rules 2017*.

2. Commencement

These rules come into operation as follows on the day on which these rules are published in the *Gazette*.

3. Terms used

In these rules—

agency has the meaning given by section 3 of the *Public Sector Management Act 1994* (WA);

committee means the committee created under regulation 8 of the *Legal Profession (Law Library) Regulations 2016*.

document delivery service means the provision of a copy of a document within the library's collection by post, fax or email;

fee paying user means a person entitled to use the library under regulation 8 of the *Legal Profession (Law Library) Regulations 2016* but who is not entitled to borrow books under regulation 12(1) of the *Legal Profession (Law Library) Regulations 2016* and is not employed by an agency;

interstate user means a person entitled to use the library under regulation 8(2) of the *Legal Profession (Law Library) Regulations 2016*;

librarian means the person employed or appointed to manage the library, or anyone acting in that position, or any staff under the librarian's supervision;

library means the law library established under section 596A of the Act;

interlibrary loan means the provision of a copy of a document from outside the library's collection, which the library has obtained through the Australian Interlibrary Resource Sharing network, by email;

metropolitan region has the meaning given by section 4 of the *Planning and Development Act 2005* (WA);

regional fee paying user means a fee paying user who nominates a postal delivery address outside the metropolitan region.

PART 2—LIBRARY FEES

4. Photocopying fee

A fee paying user must pay a fee of 30 cents per page to photocopy at the library.

5. Printing fee

A fee paying user must pay a fee of 55 cents per page to print at the library.

6. Document delivery fee

(1) To receive a document via the library's document delivery service, a fee paying user must pay, subject to subrules (2), (3), (4) and (5)—

- (a) if the user elects to receive the document by post, \$1.10 per page and the cost of postage;
- (b) if the user elects to receive the document by fax, \$3.30 per page; or
- (c) if the user elects to receive the document by email, \$22.00 per document.

(2) If a regional fee paying user elects to receive a document by post, they must pay, instead of the fee at subrule (1)(a), \$0.55 per page and the cost of postage.

(3) If an interstate user elects to receive a document by fax, they must pay, instead of the fee at subrule (1)(b), \$4.40 per page.

(4) A minimum fee of \$5.50 applies to all document delivery.

(5) A research fee of \$11 will be applied when, in the opinion of the librarian, the research required is likely to take longer than 90 minutes.

(6) If the research fee under subrule (5) applies, the librarian must inform the user before the document delivery service is provided.

7. Interlibrary loan fees

Fees for interlibrary loans will be charged in accordance with the recommended prices under the Australian Interlibrary Resource Sharing Code, published by the Australian Library and Information Association.

8. Payment of fees

(1) To pay the fees prescribed by rules 4 to 7, a fee-paying user is required to open a pre-paid account using the library's electronic payment system.

(2) An administrative fee of \$10 applies to the creation of a pre-paid account.

9. Director General may exempt fee paying users

The Director General may, after considering any advice from the committee, exempt a fee paying user from the requirement to pay fees under rules 4 to 6.

Dr ADAM TOMISON, Director General.

MARINE/MARITIME

MA401

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958

PROHIBITED SWIMMING AREA
 Heirisson Island, Perth Waters

Department of Transport,
 Fremantle WA, 13 January 2017.

Acting pursuant to Regulation 10A(b) of the *Navigable Waters Regulations 1958*, the department prohibits swimming and bathing from 8:00 am Tuesday 17th January 2017, until Midnight Friday 27th January 2017.

All waters within a 75 metre radius of the pontoon holding area located at approximately 31° 57.774'S, 115° 53.117'E at Heirisson Island Cove.

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

MA402

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
 DECLARATION AND EXEMPTION OF EMERGENCY VESSELS

Flood Rescue Vessels
 (WAMA-2016-201578)

Department of Transport,
 Fremantle WA, 13 January 2017.

I, Raymond Buchholz, Marine Safety General Manager, Department of Transport and delegate of the chief executive officer—

1. acting pursuant to regulation 19H of the *Navigable Water Regulations 1958* ('the Regulations'), hereby declare a vessel listed in Schedule 1 to be an emergency vessel, with the specifications in Schedule 2;
2. acting pursuant to section 115A of the *Western Australian Marine Act 1982* ('the Act'), hereby exempt a vessel listed in Schedule 1, from—
 - (a) notices made under the following sections of the Act ('the speed exemption'), subject to the conditions in Schedule 3—
 - (i) Section 66 (Closure of navigable waters);
 - (ii) Section 67 (Limiting speed of vessels); and
 - (b) compliance with Part II of the Act 'Survey, Manning and Operation of Commercial Vessels' ('the Act Part II exemption'), subject to the conditions in Schedule 4.

This instrument is to be known as WAMA-2016-201578 and is valid until revoked.

RAYMOND BUCHHOLZ, Marine Safety General Manager,
 Department of Transport.

Schedule 1—Vessels declared as Emergency Vessels

Vessel Name	Location	Unique Identifier	EX Number
DW295	Augusta	9235	EX 224
A-Team BJ391	Australind	9408	EX 226
Citybel	Belmont	8917	EX 227
Tinkabel	Belmont	8918	EX 228
BJ394	Busselton	8916	EX 229
C801	Carnarvon	8500	EX243
Collie Flood 1 BB083	Collie	9419	EX 233
C805	Derby	8504	EX 234
DQ201 ¹	Fitzroy Crossing	8915	EX 235
Kalbarri SES River Rescue	Kalbarri	8643	EX 236

¹ This instrument only applies to this vessel when it is operating on smooth waters, and not when operating on Lake Argyle.

Vessel Name	Location	Unique Identifier	EX Number
SES 8 BJ392	Murray	9420	EX 238
DB209	Nannup	8913	EX 239
C803	Pt Hedland	8502	EX 240
BK174	Walpole	9236	EX 242
B1534	Mandurah	8914	EX 244
BL264	Canning	9195	EX 245
82236	Canning	9194	EX 246

Schedule 2—Declaration Specifications

Pursuant to regulation 19H(2) of the Regulations—

1. A vessel listed in Schedule 1 is taken to be operating as an emergency vessel when the vessel is being deployed in relation to an identified emergency (sea search and rescue or other situations where serious injury and/or loss of life can either be reasonably expected or has been reported to the vessel).
2. The following provisions of the Regulations do not apply to a vessel listed in Schedule 1, in any circumstances, while the vessel is operating as an emergency vessel—
 - (a) Regulation 19A (Speed limit in Swan and Canning Rivers); and
 - (b) Regulation 48 (Limitation of speed).
3. A vessel listed in Schedule 1 is permitted to use a lamp displaying intermittent blue flashes at any time the vessel is operating as an emergency vessel.
4. The operator of a vessel listed in Schedule 1 must hold, as a minimum, a Recreational Skippers Ticket.

Schedule 3—Speed Exemption Conditions

Pursuant to section 115A of the Act, the speed exemption applies only to vessels listed in Schedule 1 if the following conditions are met—

1. The vessel—
 - (a) is deployed in relation to an identified emergency (sea search and rescue or other situation where serious injury and/or loss of life can either be reasonably expected or has been reported to the vessel); and
 - (b) exhibits a lamp displaying intermittent blue flashes whilst it is exceeding the speed limit; and
2. The master (every person, except a pilot, having command or charge) of the vessel—
 - (a) holds, as a minimum, a Recreational Skippers Ticket;
 - (b) complies with the *Prevention of Collisions at Sea Regulations 1983* including—
 - (i) Rule 5 (Look-out);
 - (ii) Rule 6 (Safe Speed);
 - (iii) Rule 7 (Risk of Collision); and
 - (c) assesses it is appropriate to exceed the speed limit, taking into account the situation of the identified emergency.

Schedule 4—Act Part II Exemption Conditions

Pursuant to section 115A of the Act, the Act Part II exemption applies only to vessels listed in Schedule 1 and only if the following conditions are met—

1. The vessel operates only on smooth waters;
2. The vessel displays the EX number allocated to the vessel by the Department of Transport, and no other vessel identification numbers, in accordance with regulation 10A(1)(f) of the *W.A. Marine Surveys and Certificates of Survey Regulations 1983*;
3. The vessel is equipped with the following—
 - (a) either—
 - (i) a lifejacket for each person on the vessel, which as a minimum, meets the classification for—
 - (a) Type 1 under Australian Standard AS 1512, or
 - (b) Level 100 under Australian Standard AS 4758; or
 - (ii) inbuilt buoyancy which, as a minimum, meets 'basic flotation' as defined in the National Standard for the Australian Builders Plate for Recreational Boats;
 - (b) a fire extinguisher that bears the stamp of Standards Australia and conforms as a minimum, to one of the following Australian Standards—
 - (i) AS 1841.1 and AS 1841.4 (foam);
 - (ii) AS 1841.1 and AS 1841.5 (powder type);
 - (iii) AS 1841.1 and AS 1841.6 (carbon dioxide); or
 - (iv) AS 1841.1 and AS 1841.7 (vaporizing liquid);
 - (c) an effective anchor and line; and
 - (d) a suitable first aid kit;

4. The vessel does not carry any passengers, except where a passenger has just been rescued in relation to an identified emergency; and
5. The master of the vessel follows Department of Fire and Emergency Services procedures.

Note:

A master of a vessel listed in Schedule 1 is not required to hold a commercial Certificate of Competency under regulation 28 of the *W.A. Marine (Certificates of Competency and Safety Manning) Regulations 1983*. However the Department of Fire and Emergency Services may require the master to hold a minimum qualification higher than the Recreational Skippers Ticket required by this instrument.

MA403

WESTERN AUSTRALIAN MARINE ACT 1982
NAVIGABLE WATERS REGULATIONS 1958
DECLARATION AND EXEMPTION OF EMERGENCY VESSEL
Lake Argyle SES Flood Rescue Vessels
(WAMA-2017-201716)

Department of Transport,
Fremantle WA, 13 January 2017.

I, Raymond Buchholz, Marine Safety General Manager, Department of Transport and delegate of the chief executive officer—

1. acting pursuant to regulation 19H of the *Navigable Water Regulations 1958* (‘the Regulations’), hereby declare the following vessels (‘Lake Argyle vessels’) to be emergency vessels whilst operating only on Lake Argyle and with the specifications in Schedule 1—
 - (a) Vessel C804 with unique identifier 8503, and
 - (b) Vessel DQ201 with unique identifier 8915 and EX number EX 235; and
2. acting pursuant to section 115A of the *Western Australian Marine Act 1982* (‘the Act’), hereby exempt Lake Argyle vessels from—
 - (a) notices made under the following sections of the Act (‘the speed exemption’), subject to the conditions in Schedule 2—
 - (i) Section 66 (Closure of navigable waters);
 - (ii) Section 67 (Limiting speed of vessels); and
 - (b) compliance with Part II of the Act ‘Survey, Manning and Operation of Commercial Vessels’ (‘the Act Part II exemption’), subject to the conditions in Schedule 3.

This instrument is to be known as WAMA-2017-201716 and is valid until revoked.

RAYMOND BUCHHOLZ, Marine Safety General Manager,
Department of Transport.

Schedule 1—Declaration Specifications

Pursuant to regulation 19H(2) of the Regulations—

1. A Lake Argyle vessel is taken to be operating as an emergency vessel when it is being deployed in relation to an identified emergency (sea search and rescue or other situations where serious injury and/or loss of life can either be reasonably expected or has been reported to the vessel).
2. Regulation 48 (Limitation of speed) of the Regulations does not apply to a Lake Argyle vessel, in any circumstances, while it is operating as an emergency vessel.
3. A Lake Argyle vessel is permitted to use a lamp displaying intermittent blue flashes at any time it is operating as an emergency vessel.
4. The operator of a Lake Argyle vessel must hold, as a minimum, a Recreational Skippers Ticket.

Schedule 2—Speed Exemption Conditions

Pursuant to section 115A of the Act, the speed exemption applies only if the following conditions are met—

1. The Lake Argyle vessel—
 - (a) is deployed in relation to an identified emergency (sea search and rescue or other situation where serious injury and/or loss of life can either be reasonably expected or has been reported to the vessel); and
 - (b) exhibits a lamp displaying intermittent blue flashes whilst it is exceeding the speed limit; and

2. The master (every person, except a pilot, having command or charge) of a Lake Argyle vessel—
 - (a) holds, as a minimum, a Recreational Skippers Ticket;
 - (b) complies with the *Prevention of Collisions at Sea Regulations 1983* including—
 - (i) Rule 5 (Look-out);
 - (ii) Rule 6 (Safe Speed);
 - (iii) Rule 7 (Risk of Collision); and
 - (c) assesses it is appropriate to exceed the speed limit, taking into account the situation of the identified emergency.

Schedule 3—Act Part II Exemption Conditions

Pursuant to section 115A of the Act, the Act Part II exemption applies to a Lake Argyle vessel only if the following conditions are met—

1. The vessel is equipped with the following—
 - (a) either—
 - (i) a lifejacket for each person on the vessel, which as a minimum, meets the classification for—
 - (a) Type 1 under Australian Standard AS 1512, or
 - (b) Level 100 under Australian Standard AS 4758; or
 - (ii) inbuilt buoyancy which, as a minimum, meets 'basic flotation' as defined in the National Standard for the Australian Builders Plate for Recreational Boats;
 - (b) a fire extinguisher that bears the stamp of Standards Australia and conforms as a minimum, to one of the following Australian Standards—
 - (i) AS 1841.1 and AS 1841.4 (foam);
 - (ii) AS 1841.1 and AS 1841.5 (powder type);
 - (iii) AS 1841.1 and AS 1841.6 (carbon dioxide); or
 - (iv) AS 1841.1 and AS 1841.7 (vaporizing liquid);
 - (c) an Emergency Position Indicating Radio Beacon which complies with Australian Standard/New Zealand Standard AS/NZ 4280.1:2003;
 - (d) an effective anchor and line; and
 - (e) a suitable first aid kit;
2. The vessel does not carry any passengers, except where a passenger has just been rescued in relation to an identified emergency; and
3. The master of the vessel follows Department of Fire and Emergency Services procedures.

Note:

A master of a Lake Argyle vessel is not required to hold a commercial Certificate of Competency under regulation 28 of the *W.A. Marine (Certificates of Competency and Safety Manning) Regulations 1983*. However the Department of Fire and Emergency Services may require the master to hold a minimum qualification higher than the Recreational Skippers Ticket required by this instrument.

MINERALS AND PETROLEUM

MP403

DANGEROUS GOODS SAFETY ACT 2004

DANGEROUS GOODS SAFETY APPOINTMENT NOTICE (NO. 2) 2017

Made by the Chief Dangerous Goods Officer under s 27(1) of the *Dangerous Goods Safety Act 2004*.

1. Citation

This notice may be cited as the *Dangerous Goods Safety Appointment Notice (No. 2) 2017*.

2. Dangerous goods officers appointed

I appoint the following persons to be dangerous goods officers—

- (i) Greg Bailey
- (ii) Warren Mitchell
- (iii) Stephen Donald Smith
- (iv) Lucio Figueiredo

ROSS STIDOLPH, Chief Dangerous Goods Officer,
(Director of the Dangerous Goods and Petroleum Safety
Branch, Resources Safety Division of the Department
of Mines and Petroleum, Western Australia).

Date: 10 January 2017.

MP401

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967**RENEWAL OF PETROLEUM EXPLORATION PERMIT EP 457**

Renewal of Petroleum Exploration Permit EP 457 has been granted to Buru Fitzroy Pty Ltd, Diamond Resources (Fitzroy) Pty Ltd and Rey Oil and Gas Pty Ltd and will remain in force for a period of five (5) years commencing on 6 January 2017.

JEFF HAWORTH, Executive Director,
Petroleum Division,
Department of Mines and Petroleum.

MP402

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967**RENEWAL OF PETROLEUM EXPLORATION PERMIT EP 458**

Renewal of Petroleum Exploration Permit EP 458 has been granted to Buru Fitzroy Pty Ltd, Diamond Resources (Fitzroy) Pty Ltd and Rey Oil and Gas Pty Ltd and will remain in force for a period of five (5) years commencing on 6 January 2017.

JEFF HAWORTH, Executive Director,
Petroleum Division,
Department of Mines and Petroleum.

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Augusta Margaret River
Local Planning Scheme No. 1—Amendment No. 39

Ref: TPS/1796

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 Augusta Margaret River Local Planning Scheme amendment on 30 November 2016 for the purpose of—

- (a) Amending the Local Planning Scheme No. 1 maps to rezone Lot 112 Caves Road, Gracetown from 'Caravan Park' to 'Rural Residential'.
- (b) Amending Schedule 16 by removing conditions 2 and 9 at reference T13 and substituting new condition 2 as follows—

No.	Description of Land	Conditions
T13	Lots 111 and 112 Corner Cowaramup Bay Road and Caves Road	<ol style="list-style-type: none"> 1. Within lot 111 as shown on the Development Guide Plan dated 9/3/1995 and attached to the Scheme Amendment Report to Town Planning Scheme Amendment No. 79 to revoked Scheme No. 11, or subsequent Structure Plan endorsed by the local government and the Western Australian Planning Commission, in accordance with the process set out in part 6.2 of the Scheme, the local government may permit— <ul style="list-style-type: none"> • 120 ordinary caravan, caravan ensuite and camping sites. • Chalets. • Alfresco dining/house/shop complex. • Associated uses relative to the establishment of a comprehensive caravanning and camping facility on the site such as recreation uses, landscaping and any other ancillary uses. 2. Within Lot 112 as shown on the Development Guide Plan the local government may permit— <ol style="list-style-type: none"> (a) Dormitory accommodation (b) Managers Residence

No.	Description of Land	Conditions
		(e) 2 Chalets (d) Associated Facilities such as recreation, ablutions and buffer areas. 2. The Development guide Plan does not apply to Lot 112. 3. Providing no buildings are to be established within 100 metres of the National Park boundary. 4. A detailed fire protection plan is to be developed and implemented. 5. Development shall be of a high standard and in keeping with the character and amenity of the locality. 6. In approving development on either of the lots , the local government is to be satisfied that on site effluent disposal systems and the locations thereof are suitable for such purposes and will not affect the nearby creek line. 7. In considering applications for development, the local government shall have regard to the following matters— <ul style="list-style-type: none"> • Aesthetics • Effluent disposal • Drainage • Watercourse protection • Visual impact • Protection of existing vegetation • Non development zones/landscape buffers • Soil and landform protection • Impact on National Park • Dieback control • Fire control • Contributions to road upgrading • Water demand and supply 8. No further subdivision of land is permitted. 9. Access to Lot 112 shall be subject of the approval of Main Roads Western Australia. 9. No development shall be permitted within the landscape buffer as illustrated in the Development Guide Plan unless otherwise approved by the local government on the basis of such development consisting of signage, access for vehicles and services, fire control and water supply.

- (c) Introducing the following specific provisions applicable to Lot 112 Caves Road, Gracetown under reference number 'RR34' of Schedule 7 of the Scheme and amending the Scheme maps accordingly.

Scheme Map Ref. No.	Site Description	Specific Conditions and Requirements
R-R34	Lot 112 Caves Road, Gracetown	1. Subdivision shall have due regard for the approved Structure Plan prepared for the land. 2. The minimum lot size shall be 3 hectares. 3. At the time of subdivision the local government will request that the Western Australian Planning Commission (WAPC) impose conditions requiring the subdivider to— <ul style="list-style-type: none"> (a) Effect the relevant provisions of the endorsed Fire Management Plan applicable to the Structure Plan area. (b) Implement the visual landscape buffer in accordance with the Structure Plan. (c) Place a notification on the title of Lot 102 advising prospective purchasers that the land is located near a National Park which is subject to fire management regimes undertaken by the State government; and (d) Create access to both lots from Cowaramup Bay Road as shown on the Structure Plan under a reciprocal rights access agreement.

Scheme Map Ref. No.	Site Description	Specific Conditions and Requirements
		4. Clearing of remnant vegetation shall only take place within those areas designated as building envelopes on the Structure Plan with the following exceptions— <ul style="list-style-type: none"> • Clearing to gain vehicular access to the lots. • Clearing to comply with the requirements of the Fire Management Plan; or • Clearing trees that are dead, diseased or dangerous.

- (d) Including Lot 112, Caves Road, Gracetown in Schedule 2 of the Scheme with reference to 'A58' by amending the Scheme maps accordingly and introducing the following provisions—

No.	Description of Land	Additional Use	Conditions
A58	Lot 112 Caves Road, Gracetown	Rural Pursuit	1. The use is limited to the stabling, agistment or training of horses for private purposes. 2. The number of horses kept on the land shall be in accordance with the Department of Agriculture and Food Stocking Rate Guidelines and determined using areas currently cleared of native vegetation. 3. Fencing of the dams and remnant vegetation on the land is required prior to any horses being brought onto the land.

I. EARL, Shire President.
G. EVERSLED, Chief Executive Officer.

PL402

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Canning
Town Planning Scheme No. 40—Amendment No. 219

Ref: TPS/1770

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 Canning Town Planning Scheme amendment on 12 December 2016 for the purpose of—

1. Recoding Lots 14, 15, 30, 31, 32, 436, 437, 438 and 439 Melrose Street, Rossmoyne, from 'Residential R20' to 'Residential R30'; and
2. Amending the Town Planning Scheme No. 40 Map accordingly.

P. NG, Mayor.
L. RUSSELL PSM, Chief Executive Officer.

PL403

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Murray
Local Planning Scheme No. 4—Amendment No. 289

Ref: TPS/1630

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 Murray Local Planning Scheme amendment on 12 December 2016 for the purpose of—

- Modifying the Scheme Map to rezone Lot 1 Lakes Road and Lot 2 Shanns Road, North Dandalup from "Rural Zone" to "Special Rural Zone".

- Modifying the Fourth Schedule of the Scheme Text by inserting in the “Special Rural Zone” Schedule the following—

(A) SPECIFIED LAND		(B) SPECIAL PROVISIONS RELATING TO (A)
SR39	Lot 1 Lakes Road and Lot 2 Shanns Road, North Dandalup	<ol style="list-style-type: none"> 1. Subdivision and development of the land should be generally in accordance with the local structure plan approved by the West Australian Planning Commission. 2. Each lot shall not be less than 1 hectare in area. 3. Prior to the subdivision of the land, a detailed plan shall be prepared indicating the dimensions and suitable position of a building envelope for each proposed lot. Each building envelope shall have a maximum area of 2000m². 4. All buildings and effluent disposal systems are to be located within the approved building envelope unless prior written approval of the Council is granted. 5. All buildings envelopes are to be setback a minimum of 20m from primary and secondary street boundaries and 10m from other boundaries. 6. Council may vary the location of the building envelope (except minimum setbacks) if it is satisfied that— <ol style="list-style-type: none"> (a) The topography or shape of the lot or natural flora on it makes it desirable to alter this location; (b) The location of the building envelope will not detract from the environmental quality of the area or the amenity of existing or future residents on adjoining lots; (c) The proposed location is in compliance with the requirements of the Fire Management Plan. 7. All building envelopes shall be filled to achieve a minimum 1m above existing surface level or 0.5m above the forecast 100 year flood level whichever is the greater. 8. (a) The following uses are permitted (‘P’) <ul style="list-style-type: none"> Single house Outbuilding Public Utility Home Office (b) Notwithstanding the list of uses permitted under the zoning Table No. 1 the following uses may be permitted at the discretion of the Council (‘AA’). <ul style="list-style-type: none"> Home Occupation Ancillary Dwelling Cottage Industry Stables Bed and Breakfast Home Business Family Day Care (c) All other uses are not permitted (‘X’) 9. Each lot shall be connected to a reticulated water supply. 10. No dwelling shall be approved by Council unless it is connected to an alternative domestic waste water treatment system with an adequate phosphorous retention capacity as approved by the Department of Health Western Australia, and with the base of the system or modified irrigation area being a minimum of 600mm above the highest known water table to the satisfaction of Council. 11. Soil with a high phosphorous retention index is to be placed surrounding the effluent disposal system discharge area to the satisfaction of the Council. 12. Prior to the sale of any subdivided lots, the subdivider shall make arrangements satisfactory to Council to ensure that prospective purchasers of the lots created are advised of the special provisions of the Shire of Murray Town Planning Scheme No. 4 which relate to the use and management of the land. 13. Fire Management requirements as outlined in an endorsed Fire Management Plan and structure plan are to be implemented.

(A) SPECIFIED LAND	(B) SPECIAL PROVISIONS RELATING TO (A)
	<p>14. All dwellings are to be constructed in accordance with AS 3959-Construction of buildings within bushfire prone areas.</p> <p>15. No dam shall be constructed without the written approval of Council.</p> <p>16. The keeping or agistment of livestock shall not be permitted without the approval in writing of Council and shall only be undertaken in accordance with any conditions of approval. The type and number of any livestock shall comply with the recommendations of the Department of Agriculture and Food in accordance with the pasture and soil type. Notwithstanding the foregoing, Council may require the stocking rates to be reduced where they are excessive or the land is subject to significant additional nutrient application or land degradation.</p> <p>17. Horses may only be kept on lots where there is an approved Equine Management Plan and the keeping and management of horses shall be in accordance with the provisions and requirements of the approved Equine Management Plan.</p> <p>18. If base stocking rates cannot be achieved, stables are not proposed and/or the keeping of a horse(s) is dependent on irrigation of pasture, then approvals will not be granted unless a report confirming ground water is available and the quality is suitable for pasture to sustain horses is provided.</p> <p>19. Council may require the landowner to erect stock proof fencing around environmental features (including remnant vegetation). This may include fencing around individual isolated trees where appropriate. Such fencing thereafter shall be maintained by the land owner to the satisfaction of Council.</p> <p>20. Fencing shall be open post and rail or post and wire construction and shall be maintained to the satisfaction of the Council.</p> <p>21. A Revegetation Management Plan is to be prepared and implemented by the subdivider, which is to include but not limited to, planting located between the road pavement and proposed building envelopes and along the northern and southern boundaries.</p> <p>22. The subdividing land owner shall prepare and implement a Landscape Management Plan for a vegetative buffer to control spray drift, dust, smoke and ash for proposed lots abutting the western and eastern boundaries of Lot 1 Lakes Road and Lot 2 Shanns Road. The vegetative buffer shall be installed in accordance with Department of Health Guidelines for Separation of Agriculture and Residential Land Uses to the satisfaction of the local government.</p> <p>23. The subdividing landowner at the subdivision stage is to provide a plan of the highest known ground water levels across the subject land.</p> <p>24. The subdivider shall ensure that prospective purchasers of a subdivided lot are to acknowledge in writing at the time of purchasing the lot that the lot is located within in the Murray Groundwater Management Area and therefore a ground water licence shall be obtained from the Department of Water prior to the construction of a well or bore. The issue of a licence is not guaranteed but if issued, may contain a number of conditions including the quantity of water that can be pumped each year.</p> <p>25. A Local Water Management Plan shall be prepared by the subdivider to the requirements of the Department of Water and Council, prior to the subdivision of the land.</p> <p>26. Any natural drainage course running through lots shall be covered by an easement for drainage purposes in favour of Council.</p>

(A) SPECIFIED LAND	(B) SPECIAL PROVISIONS RELATING TO (A)
	<p>27. The subdividing land owner shall construct crossovers to lots affected by a drainage easement.</p> <p>28. A Foreshore Management Plan shall be prepared and implemented by the subdividing land owner for the North Dandalup River as shown on the Structure Plan to the satisfaction of Council and Department of Environment and Regulation.</p> <p>29. No direct lot access will be permitted to Lakes Road. Crossovers for lots abutting Lakes Road should be located on the secondary road frontages as shown on the structure plan, although provisions for access to Lakes Road by emergency vehicles may be provided with written approval of Council.</p> <p>30. The subdivider may be required to cede land for the future widening of Lakes Road and make a 50% contribution towards the upgrading of Shanns Road. These matters will be considered in detail as part of the subdivision process and necessary conditions may be imposed at the subdivision stage as determined by the West Australian Planning Commission.</p>

M. REID, President.
D. UNSWORTH, Chief Executive Officer.

PL404

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Donnybrook-Balingup
Local Planning Scheme No. 7—Amendment No. 2

Ref: TPS/1754

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 Donnybrook-Balingup Local Planning Scheme amendment on 30 November 2016 for the purpose of—

1. Rezoning Lot 102 South Western Highway from “Residential R5/2.5” to “Residential R5/10”.
2. Amend the Scheme Maps accordingly.

A. LOGIUDICE, President.
J. ATTWOOD, Chief Executive Officer.

PL405

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Canning
Local Planning Scheme No. 40—Amendment No. 175

Ref: TPS/1802

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 Canning Local Planning Scheme amendment on 13 December 2016 for the purpose of—

1. Reclassifying portion of Lot 4013 (No.’s 1279-1281) Albany Highway, Cannington from ‘No zone’ to Local Authority Reservation for ‘Local Park and Recreation Area’.
2. Reclassifying 24 Burton Street (Lot 101), Cannington and 10 Hamilton Street (Lot 27), Cannington from ‘No zone’ and ‘Commercial’ to ‘Commercial’.

3. Reclassifying Lots 50, 51, 66 and 68 that form part of Federation Lane between Kent Street and George Street West, Cannington from 'Light Industry' and 'Highway Commercial' to 'No zone'.
4. Reclassifying Lot 66 George Way, Cannington from 'Highway Commercial' to 'No zone'.
5. Reclassifying Lot 3458 Arlington Drive, Willetton from Local Authority Reservation for 'Public Purposes' to Local Authority Reservation for 'Local Park and Recreation Area'.
6. Reclassifying 198 Fern Road (Lot 200) and 2 Surrey Road (Lot 42), Wilson from 'No zone' and 'Residential' zone with a density code of R25 to 'Residential' zone with a density code of R25.
7. Reclassifying a 205m² portion of the Albany Highway road reserve adjacent to 1179 (Lot 22) Albany Highway, Bentley from 'No zone' to 'Residential' zone with a density code of R40.
8. Reclassifying Lot 331 Bellona Place, Willetton from Local Authority Reservation for 'Public Purposes' to Local Authority Reservation for 'Local Park and Recreation Area'.
9. Reclassifying 15 Station Street (Lot 5) and 24 Bickley Road (Lot 107), Cannington from 'No zone' and 'Residential' zone with a density code of R17.5/R40 to 'Residential' zone with a density code of R17.5/R40.
10. Rezoning 1140 Albany Highway (Lot 302), Bentley from 'Shopping' and 'Highway Commercial' to 'Shopping'.
11. Reclassifying 87-89 Gerard Street (Lot 922) and 164-168 Station Street (Lot 150), East Cannington from 'Residential' zone with a density code of R15 to Local Authority Reservation for 'Local Park and Recreation Area'.
12. Reclassifying 60-62 Elizabeth Street (Lot 200), East Cannington from 'Residential' zone with a density code of R15 to Local Authority Reservation for 'Local Park and Recreation Area'.
13. Reclassifying 133 Thomas Street (Lot 44), East Cannington from 'Residential' zone with a density code of R30 to Local Authority Reservation for 'Local Park and Recreation Area'.
14. Reclassifying 9, 11 and 13 Little Close (Lots 614, 613 and 612) and 139, 141 and 143 Station Street (Lots 536, 535 and 534), East Cannington from 'Residential' zone with a density code of R30 to Local Authority Reservation for 'Local Park and Recreation Area'.
15. Reclassifying Lot 222 Lansing Street, Queens Park from 'Residential' zone with a density code of R30 to Local Authority Reservation for 'Local Park and Recreation Area'.
16. Reclassifying 52-60 (Lot 0) Thomas Street, 21 (Lot 0) Mary MacKillop Glen and Lot 56 Ursuline Vista, Queens Park from 'Residential' zone with a density code of R30 to Local Authority Reservation for 'Local Park and Recreation Area'.
17. Reclassifying 4 Cunnington Way (Lot 4535) and Lot 4536 Wellington Street, Queens Park from 'Residential' zone with a density code of R17.5/R40 to Local Authority Reservation for 'Local Park and Recreation Area'.
18. Reclassifying 46 Glamorgan Street (Lot 801), East Cannington from 'Residential' zone with a density code of R15 to Local Authority Reservation for 'Local Park and Recreation Area'.
19. Reclassifying 3 Lacey Street (Lot 8), 328, 330, 332 and 334 Railway Parade (Lots 109, 108, 107 and 106) and Lot 9 Albion Street, East Cannington from Local Authority Reservation for 'Civic and Cultural Areas' to Local Authority Reservation for 'Local Park and Recreation Area'.
20. Reclassifying 12 Turnstone Gardens (Lot 50), East Cannington from 'Residential' zone with a density code of R15 to Local Authority Reservation for 'Local Park and Recreation Area'.
21. Reclassifying 24-28 Huntley Close (Lot 111), East Cannington from 'Residential' zone with a density code of R15 to Local Authority Reservation for 'Local Park and Recreation Area'.
22. Reclassifying 59 Russell Street (Lot 109), East Cannington from 'Residential' zone with a density code of R30 to Local Authority Reservation for 'Local Park and Recreation Area'.
23. Reclassifying 23 Dabchick Close (Lot 132), Lot 313 Wagtail Lane and 12 and 14 Treemartin Place (Lots 726 and 92), East Cannington from 'Residential' zone with a density code of R20 to Local Authority Reservation for 'Local Park and Recreation Area'.
24. Reclassifying Lot 3000 Gianatti Ramble, East Cannington from 'Residential' zone with a density code of R20 to Local Authority Reservation for 'Local Park and Recreation Area'.
25. Reclassifying 10 Barmond Road (Lot 46), Cannington from 'Residential' zone with a density code of R30 to Local Authority Reservation for 'Local Park and Recreation Area'.
26. Reclassifying 17 Dante Court (Lot 4796) and Lot 122 Merian Close, Bentley from 'Residential' zone with a density code of R30 to Local Authority Reservation for 'Local Park and Recreation Area'.
27. Reclassifying 9 and 14 Old Nursery Lane (Lots 5007 and 5008), Willetton from 'Residential' zone with a density code of R20 to Local Authority Reservation for 'Local Park and Recreation Area'.
28. Reclassifying Lot 3602 Lowry Street, Shelley from 'Residential' zone with a density code of R25 to Local Authority Reservation for 'Local Park and Recreation Area'.
29. Amending the Scheme Map accordingly.

P. NG, Mayor.
A. KYRON, Chief Executive Officer.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

In the estate of George Michael Vooles, late of 44 Everingham Street, Carine, Western Australia, who died on 12 November 2016.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the said deceased person are required by the Executors of the deceased's estate being Justin Michael Vooles and Candice Adele Vooles, care of 18 Porteous Road, Sorrento WA 6020, to send particulars of their claims to them by 8 February 2017, after which date the Executors may convey or distribute the assets having regard only to the claims of which they then have notice.

ZX402

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 13 February 2017, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Barras, Phyllis Joan, late of Carinya Park Apartments, Unit 24, 2 Plantation Street, Menora, died 25.11.2016 (DE19871033 EM13)

Dawe, Raymond Herbert, late of Banksia Park Aged Care, 20 Bright Road, Calista, died 1.12.2016 (DE19770208 EM36)

Espie, James Strathdee, late of Gracewood, 20 Roebuck Drive, Salter Point, died 6.11.2016 (DE33129568 EM37)

Hind, Yikke also known as Yikkie, late of Aegis, 26 Hamilton Street, Bassendean, died 9.12.2016 (DE33044513 EM36)

Petty, Ernest Ronald, late of Yallambee Hostel, 2 Fenton Street, Mundaring formerly of 51 Stennett Street, Gosnells, died 16.10.2016 (DE33104113 EM32)

Stratton, Doris Mildred, late of 13 Marchamley Street, Carlisle, died 30.11.2016 (DE19671600 EM32)

Sweeney, Patrick Joseph, late of Parkland Villas, Villa 128, 52-54 Liege Street, Woodlands, died 14.11.2016 (DE33015495 EM38)

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

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PUBLIC TRUSTEE ACT 1941
ADMINISTERING OF ESTATES

Notice is hereby given that pursuant to Section 14 of the *Public Trustee Act 1941* and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth the 13th day of January 2017.

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

Name of Deceased	Address	Date of Death	Date Election Filed
Melvina Alice Cross DE33031478 EM17	59 Ipsen Street, Manjimup	11 September 2016	28 December 2016
Alida Alice Celina Deroost (also known as Alida Alice Celina Desnoeck) DE19791201 EM26	18 Homestead Drive, Wellard	1 June 2016	6 January 2017

Name of Deceased	Address	Date of Death	Date Election Filed
Peter Wilton Dew DE33027205 EM16	17 Crowtherton Street, Bluff Point	21 February 2016	28 December 2016
Martin Fallon DE19960255 EM36	2/11 Seahorse Crescent, Geographe	6 August 2016	6 January 2017
Betty Olive Mulford DE33112744 EM37	73 Jarrah Road, Bentley	21 August 2016	28 December 2016
Edna Pappas DE19932296 EM37	6 Third Avenue, Maylands	19 July 2016	5 January 2016

PUBLIC NOTICES

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PARTNERSHIP ACT 1895
DISSOLUTION OF PARTNERSHIP

Notice is hereby given in accordance with Section 47 of the *Partnership Act 1895* that the partnership between Raith Nominees Pty Ltd as trustee for the Bitdorf Family Trust, Astern Pty Ltd as trustee for the Euro Pacific No 2 Family Trust and Protégé Corporation Pty Ltd as trustee for the R&N Family Trust was dissolved on the 31st of October 2016.
