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Gazette**

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## **GOVERNMENT GAZETTE**

### **PUBLISHING DETAILS FOR AUSTRALIA DAY 2018**

A gazette will be published at noon on **Thursday 25th January**  
closing time for copy is Tuesday 23rd January at noon.

No gazette will be published on **Tuesday 30th January**.

# — PART 1 —

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## COMMUNITY AND CHILD SERVICES

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CN301

Education and Care Services National Law (WA) Act 2012

### Education and Care Services National Amendment Regulations 2018

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Education and Care Services National Amendment Regulations 2018*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette* (**gazettal day**);
- (b) the rest of the regulations —
  - (i) if gazettal day is before 1 February 2018 — on 1 February 2018; or
  - (ii) if gazettal day is, or is after, 1 February 2018 — on the day after gazettal day.

**3. Regulations amended**

These regulations amend the *Education and Care Services National Regulations 2012*.

**4. Regulation 59 amended**

In regulation 59(1) delete “an unacceptable” and insert:

a significant

## 5. Chapter 7 Parts 7.10 and 7.11 inserted

At the end of Chapter 7 insert:

### **Part 7.10 — Transitional and savings provisions**

Note for this Part:

The national regulations made by the Ministerial Council include provisions as Part 7.10 which are not relevant to Western Australia.

### **Part 7.11 — Transitional and savings provisions for *Education and Care Services National Amendment Regulations 2018***

#### **395. Definition**

- (1) In this Part —  
*commencement day* means 1 February 2018.
- (2) For the purposes of this Part, an assessment or a reassessment and re-rating is finalised when the National Authority publishes the rating level for the service under section 160 of the Law.

#### **396. Quality improvement plan held prior to commencement day**

A quality improvement plan that, immediately before the commencement day, was a current quality improvement plan for an approved education and care service continues, on and after the commencement day, to be a current quality improvement plan for the service for the purposes of these Regulations until the earlier of the following —

- (a) the approved provider for the service next reviews and revises the plan under regulation 56(1)(a);
- (b) the approved provider for the service reviews and revises the plan at the direction of the Regulatory Authority under regulation 56(1)(b).

#### **397. Assessments commenced prior to commencement day**

If, immediately before the commencement day, the Regulatory Authority had commenced but not finalised an assessment of an education and care service under section 133(1) of the Law, the Regulatory Authority must, on and after the commencement day, continue to conduct the assessment against the National Quality Standard as in force immediately before the commencement day.

**398. Reassessment or partial reassessment commenced prior to commencement day**

- (1) This regulation applies to an approved education and care service if, immediately before the commencement day —
  - (a) the Regulatory Authority had commenced but not finalised a reassessment and re-rating of the education and care service or a reassessment and re-rating of an aspect or element of the education and care service under section 138 of the Law; or
  - (b) the Regulatory Authority had decided to commence but had not commenced a reassessment and re-rating of the education and care service or a reassessment and re-rating of an aspect or element of the education and care service on an application under section 139 of the Law.
- (2) Any reassessment and re-rating of the service must, on and after the commencement day, be conducted against the National Quality Standard as in force immediately before the commencement day.

**399. Partial reassessment between the commencement day and the relevant day**

- (1) This regulation applies to an approved education and care service that has not been assessed and rated, or reassessed and re-rated, against the National Quality Standard as in force on and after the commencement day.
- (2) Any reassessment and re-rating of an aspect or element of the education and care service conducted by the Regulatory Authority under section 138 of the Law or on an application under section 139 of the Law on or after the commencement day but before the relevant day must be conducted against the National Quality Standard as in force immediately before the commencement day, whether the reassessment was commenced or the application made before, on or after the commencement day.
- (3) In this regulation —

***relevant day*** means —

  - (a) in relation to an approved education and care service that was assessed and rated before the commencement day, the day that is 6 months after the commencement day; or
  - (b) in relation to an approved education and care service that was assessed and rated after the

commencement day, the day that is 6 months after the day on which the rating for the service is published under section 160 of the Law.

**400. Suspension of initial assessment or reassessment commenced prior to commencement day**

- (1) This regulation applies to an approved education and care service if —
  - (a) before the commencement day, the Regulatory Authority had commenced —
    - (i) an assessment of the service under section 133(1) of the Law; or
    - (ii) a reassessment and re-rating of the service under section 138 or on an application under section 139 of the Law;
  - and
  - (b) the assessment or reassessment and re-rating was suspended under section 137(1) of the Law, whether that suspension occurred before, on or after the commencement day; and
  - (c) the suspension is lifted on or after the commencement day.
- (2) The Regulatory Authority must, on and after the commencement day, assess or reassess the approved education and care service against the National Quality Standard as in force on and after the commencement day.

**401. Suspension of partial reassessment commenced prior to commencement day**

- (1) This regulation applies to an approved education and care service if —
  - (a) the Regulatory Authority had commenced conducting a reassessment and re-rating of an aspect or element of the service before the commencement day; and
  - (b) the reassessment and re-rating was suspended under section 137(1) of the Law, whether that suspension occurred before, on or after the commencement day; and
  - (c) the suspension is lifted on or after the commencement day.
- (2) The Regulatory Authority must, on and after the commencement day, continue to conduct a reassessment against the National Quality Standard as in force immediately before the commencement day.

**402. Prescribed provisional rating level held prior to commencement day**

If, immediately before the commencement day, an approved education and care service held a prescribed provisional rating level, the service continues, on and after the commencement day, to hold that rating level for the purposes of the Law unless or until the service is assessed under section 133(1) of the Law and rated under section 135 of the Law.

**403. Prescribed rating level held prior to commencement day**

If immediately before the commencement day, an approved education and care service held a prescribed rating level, the service continues, on and after the commencement day, to hold that rating level for the purposes of the Law unless or until the service —

- (a) is assessed under section 133(1) of the Law and rated under section 135 of the Law; or
- (b) is reassessed and re-rated under section 138 of the Law or on an application under section 139 of the Law; or
- (c) is awarded the highest rating level under section 155 of the Law.

**6. Schedule 1 replaced**

Delete Schedule 1 and insert:

**Schedule 1 — National Quality Standard**

Notes for this Schedule:

1. The National Quality Standard is used to assess education and care services to determine rating levels under Part 5 of the Law.
2. The Regulatory Authority may suspend a service approval if an education and care service has operated at a rating level as not meeting the National Quality Standard and there has been no improvement in that rating level and a service waiver or temporary waiver does not apply to the service in relation to the non-compliance — see section 70(1)(d) of the Law.
3. To determine whether and at what rating level an education and care service meets the National Quality Standard and the requirements of these regulations, Part 5 of the Law provides that the Regulatory Authority that granted the service approval for the service may assess the service in accordance with these Regulations.

**Quality area 1 — Educational program and practice**

The educational program and practice is stimulating, engaging and enhances children's learning and development.

In services for children over preschool age the program nurtures the development of life skills and complements children's experiences, opportunities and relationships at school, at home and in the community.

### **Standard 1.1 — Program**

The educational program enhances each child's learning and development.

#### **Element 1.1.1 — Approved learning framework**

Curriculum decision-making contributes to each child's learning and development outcomes in relation to that child's identity, connection with community, wellbeing, confidence as learners and effectiveness as communicators.

#### **Element 1.1.2 — Child-centred**

Each child's current knowledge, strengths, ideas, culture, abilities and interests are the foundation of the program.

#### **Element 1.1.3 — Program learning opportunities**

All aspects of the program, including routines, are organised in ways that maximise opportunities for each child's learning.

### **Standard 1.2 — Practice**

Educators facilitate and extend each child's learning and development.

#### **Element 1.2.1 — Intentional teaching**

Educators are deliberate, purposeful, and thoughtful in their decisions and actions.

#### **Element 1.2.2 — Responsive teaching and scaffolding**

Educators respond to children's ideas and play and extend children's learning through open-ended questions, interactions and feedback.

#### **Element 1.2.3 — Child-directed learning**

Each child's agency is promoted, enabling them to make choices and decisions and influence events and their world.

### **Standard 1.3 — Assessment and planning**

Educators and co-ordinators take a planned and reflective approach to implementing the program for each child.

#### **Element 1.3.1 — Assessment and planning cycle**

Each child's learning and development is assessed or evaluated as part of an ongoing cycle of observation, analysing, learning, documentation, planning, implementation and reflection.

**Element 1.3.2 — Critical reflection**

Critical reflection on children's learning and development, both as individuals and in groups, drives program planning and implementation.

**Element 1.3.3 — Information for families**

Families are informed about the program and their child's progress.

**Quality area 2 — Children's health and safety**

Every child's health and wellbeing is safeguarded and promoted.

**Standard 2.1 — Health**

Each child's health and physical activity is supported and promoted.

**Element 2.1.1 — Wellbeing and comfort**

Each child's wellbeing and comfort is provided for, including appropriate opportunities to meet each child's need for sleep, rest and relaxation.

**Element 2.1.2 — Health practices and procedures**

Effective illness and injury management and hygiene practices are promoted and implemented.

**Element 2.1.3 — Healthy lifestyle**

Healthy eating and physical activity are promoted and appropriate for each child.

**Standard 2.2 — Safety**

Each child is protected.

**Element 2.2.1 — Supervision**

At all times, reasonable precautions and adequate supervision ensure children are protected from harm and hazard.

**Element 2.2.2 — Incident and emergency management**

Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practised and implemented.

**Element 2.2.3 — Child protection**

Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.

**Quality area 3 — Physical environment**

The physical environment is safe, suitable and provides a rich and diverse range of experiences which promote children's learning and development.

**Standard 3.1 — Design**

The design and location of the premises is appropriate for the operation of a service.

**Element 3.1.1 — Fit for purpose**

Outdoor and indoor spaces, buildings, fixtures and fittings are suitable for their purpose, including supporting the access of every child.

**Element 3.1.2 — Upkeep**

Premises, furniture and equipment are safe, clean and well maintained.

**Standard 3.2 — Use**

The service environment is inclusive, promotes competence and supports exploration and play-based learning.

**Element 3.2.1 — Inclusive environment**

Outdoor and indoor spaces are organised and adapted to support every child's participation and to engage every child in quality experiences in both built and natural environments.

**Element 3.2.2 — Resources support play-based learning**

Resources, materials and equipment allow for multiple uses, are sufficient in number, and enable every child to engage in play-based learning.

**Element 3.2.3 — Environmentally responsible**

The service cares for the environment and supports children to become environmentally responsible.

**Quality area 4 — Staffing arrangements**

Staffing arrangements create a safe and predictable environment for children and support warm, respectful relationships. Qualified and experienced educators and co-ordinators encourage children's active engagement in the learning program. Positive relationships among educators, co-ordinators and staff members contribute to an environment where children feel emotionally safe, secure and happy.

**Standard 4.1 — Staffing arrangements**

Staffing arrangements enhance children's learning and development.

**Element 4.1.1 — Organisation of educators**

The organisation of educators across the service supports children's learning and development.

**Element 4.1.2 — Continuity of staff**

Every effort is made for children to experience continuity of educators at the service.

**Standard 4.2 — Professionalism**

Management, educators and staff are collaborative, respectful and ethical.

**Element 4.2.1 — Professional collaboration**

Management, educators and staff work with mutual respect and collaboratively, and challenge and learn from each other, recognising each other's strengths and skills.

**Element 4.2.2 — Professional standards**

Professional standards guide practice, interactions and relationships.

**Quality area 5 — Relationships with children**

Relationships that are responsive, respectful and promote children's sense of security and belonging free them to explore the environment and engage in learning.

**Standard 5.1 — Relationships between educators and children**

Respectful and equitable relationships are maintained with each child.

**Element 5.1.1 — Positive educator to child interactions**

Responsive and meaningful interactions build trusting relationships which engage and support each child to feel secure, confident and included.

**Element 5.1.2 — Dignity and rights of the child**

The dignity and rights of every child are maintained.

**Standard 5.2 — Relationships between children**

Each child is supported to build and maintain sensitive and responsive relationships.

**Element 5.2.1 — Collaborative learning**

Children are supported to collaborate, learn from and help each other.

**Element 5.2.2 — Self-regulation**

Each child is supported to regulate their own behaviour, respond appropriately to the behaviour of others and communicate effectively to resolve conflicts.

**Quality area 6 — Collaborative partnerships with families and communities**

Collaborative relationships with families are fundamental to achieve quality outcomes for children. Community partnerships that focus on active communication, consultation and collaboration also contribute to children's learning and wellbeing.

**Standard 6.1 — Supportive relationships with families**

Respectful relationships with families are developed and maintained and families are supported in their parenting role.

**Element 6.1.1 — Engagement with the service**

Families are supported from enrolment to be involved in the service and contribute to service decisions.

**Element 6.1.2 — Parent views are respected**

The expertise, culture, values and beliefs of families are respected and families share in decision-making about their child's learning and wellbeing.

**Element 6.1.3 — Families are supported**

Current information is available to families about the service and relevant community services and resources to support parenting and family wellbeing.

**Standard 6.2 — Collaborative partnerships**

Collaborative partnerships enhance children's inclusion, learning and wellbeing.

**Element 6.2.1 — Transitions**

Continuity of learning and transitions for each child are supported by sharing information and clarifying responsibilities.

**Element 6.2.2 — Access and participation**

Effective partnerships support children's access, inclusion and participation in the program.

**Element 6.2.3 — Community engagement**

The service builds relationships and engages with its community.

**Quality area 7 — Governance and leadership**

Effective leadership contributes to sustained quality relationships and environments that facilitate children's learning and development. Well documented policies and practices that are developed and regularly evaluated in partnership with educators, co-ordinators, staff members and families contribute to the ethical management of the service. There is a focus on continuous improvement.

**Standard 7.1 — Governance**

Governance supports the operation of a quality service.

**Element 7.1.1 — Service philosophy and purpose**

A statement of philosophy guides all aspects of the service's operations.

**Element 7.1.2 — Management systems**

Systems are in place to manage risk and enable the effective management and operation of a quality service.

**Element 7.1.3 — Roles and responsibilities**

Roles and responsibilities are clearly defined and understood, and support effective decision-making and operation of the service.

**Standard 7.2 — Leadership**

Effective leadership builds and promotes a positive organisational culture and professional learning community.

**Element 7.2.1 — Continuous improvement**

There is an effective self-assessment and quality improvement process in place.

**Element 7.2.2 — Educational leadership**

The educational leader is supported and leads the development and implementation of the educational program and assessment and planning cycle.

**Element 7.2.3 — Development of professionals**

Educators', co-ordinators' and staff members' performance is regularly evaluated and individual plans are in place to support learning and development.

**7. Schedule 2 amended**

In Schedule 2 Part 1 delete:

Section 152(3)(c)	Application for highest rating	24 or fewer approved places \$200	5 or fewer family day care educators \$200
		25 to 80 approved places \$400	6 to 20 family day care educators \$400
		81 or more approved places \$600	21 or more family day care educators \$600
Section 159(3)(c)	Re-application for highest rating	24 or fewer approved places \$200	5 or fewer family day care educators \$200
		25 to 80 approved places \$400	6 to 20 family day care educators \$400
		81 or more approved places \$600	21 or more family day care educators \$600

and insert:

Section 152(3)(c)	Application for highest rating	24 or fewer approved places nil	5 or fewer family day care educators nil
		25 to 80 approved places nil	6 to 20 family day care educators nil
		81 or more approved places nil	21 or more family day care educators nil
Section 159(3)(c)	Re-application for highest rating	24 or fewer approved places nil	5 or fewer family day care educators nil
		25 to 80 approved places nil	6 to 20 family day care educators nil
		81 or more approved places nil	21 or more family day care educators nil

R. KENNEDY, Clerk of the Executive Council.

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# — PART 2 —

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## JUSTICE

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JU401

**PROFESSIONAL STANDARDS ACT 1997**
**THE LAW SOCIETY OF SOUTH AUSTRALIA  
PROFESSIONAL STANDARDS SCHEME**

## Amendment

I, John Quigley MLA, Attorney General, pursuant to section 26 of the *Professional Standards Act 1997* (the Act), authorise the publication of the Instrument Amending The Law Society of South Australia Professional Standards Scheme (the Scheme) submitted to me by the Professional Standards Council of South Australia pursuant to the mutual recognition provisions of the South Australian and Western Australian professional standards legislation. The Instrument is published with this authorisation and commences in accordance with section 27 of the Act.

Hon JOHN QUIGLEY MLA, Attorney General.

Dated: 16 January 2018.

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**PROFESSIONAL STANDARDS ACT 2004 (SA)**
**INSTRUMENT AMENDING THE LAW SOCIETY OF SOUTH AUSTRALIA  
PROFESSIONAL STANDARDS SCHEME**
**Preamble**

- A. The Law Society of South Australia (“the Society”) is an occupational association
- B. The Law Society of South Australia Professional Standards Scheme (“the Scheme”) commenced on 1 July 2017.
- C. This instrument of amendment is prepared by the Society for the purposes of amending the Scheme to allow for mutual recognition of the Scheme in Tasmania.

**Amendment to the Scheme**

1. This instrument to amend the Law Society of South Australia Professional Standards Scheme is prepared pursuant to section 18 of the *Professional Standards Act 2004 (SA)* by the Law Society of South Australia, whose business address is Level 10, Terrace Towers, 178 North Terrace, Adelaide SA 5000.

**Operation of the Scheme in multiple jurisdictions**

- 1.1 Amend recital G of the Preamble to delete the phrase “except Tasmania.”
- 1.2 Amend clause 3.2 in the Scheme to insert the word “Tasmania,” between the words “Western Australia,” and “the ACT” thus—  
The Scheme applies in New South Wales, Victoria, Queensland, Western Australia, Tasmania, the ACT and the Northern Territory pursuant to the corresponding laws of each of those jurisdictions respectively.

**Definitions**

- 1.3 In clause 1 in the Scheme, delete the following references to the discretionary authority to specify a higher amount of liability from the definition “Monetary Ceiling”, thus—
  - 1.3.1 Delete the phrase “(a) the higher of”; and
  - 1.3.2 Delete the paragraph “OR (b) such higher amount as has been specified in relation to a specified Scheme Participant in respect of such case or class of case or generally as has been specified by the Society pursuant to clause 5.1.”.

**Conferral of discretionary authority**

- 1.4 Amend clause 5.1 in the Scheme to delete the words “Monetary Ceiling” from the final phrase of the paragraph and replace with the word “amount”, thus—  
The Scheme confers on the Society a discretionary authority, on application by a Scheme Participant, to specify in relation to the person a higher maximum amount of liability than would otherwise apply under the Scheme in relation to the person either in all cases or in any specified case or class of case, being a specified amount not exceeding \$50 million.

**Limitation of liability**

- 1.5 Amend clause 6.4 in the Scheme to insert the phrase “and the Acts” between the words “Scheme” and “applies” in the first line of the paragraph, thus—

The limitation of liability that, in accordance with this Scheme and the Acts, applies in respect of an act or omission continues to apply to every cause of action founded on it, irrespective of when the proceedings are brought in respect of it, and even if the Scheme has been amended or has ceased to be in force.

- 1.6 Amend clause 6.5 in the Scheme to insert the phrase “and corresponding provisions” between the words “the Act” and “the Scheme” in the first line of the paragraph, thus—

For the purposes of section 28 of the Act and corresponding provisions, the Scheme only affects a liability for damages arising from a Single Claim (including a claim by a person who has 2 or more causes of action arising out of a single event) exceeding \$1,500,000.

**Duration of the Scheme**

- 1.7 Amend clause 7.1 in the Scheme to insert the following text after the date “1 July 2017”—  
except in relation to its application to Tasmania in which case the Scheme will commence on the date which is 2 months after the date of its publication in the *Government Gazette* of Tasmania.

**Commencement**

- 2 The amendments to the Scheme made by this instrument will commence 2 months after the date of its publication in the *Gazette*.

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**PROFESSIONAL STANDARDS ACT 2004 (SA)**

THE LAW SOCIETY OF SOUTH AUSTRALIA PROFESSIONAL STANDARDS SCHEME

**Preamble**

- A. The Law Society of South Australia (the Society) is an occupational association.
- B. The Society has made an application to the Professional Standards Council, appointed under the *Professional Standards Act 2004* (SA) (the Act), for a Scheme under the Act.
- C. The Scheme is prepared by the Society for the purposes of limiting occupational liability to the extent to which such liability may be limited under the Act.
- D. The Scheme propounded by the Society is to apply to Admitted Members or Company Members of the Society who have professional indemnity insurance that complies with the *Legal Practitioners Act 1981* (SA) in respect of a liability potentially limited by the Scheme.
- E. The Society has furnished the Council with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.
- F. The Scheme is intended to commence on 1 July 2017 and remain in force for five (5) years from its commencement unless, prior to that time, it is revoked, its operation ceases, or it is extended pursuant to section 34 of the Act.
- G. The Scheme is also intended to apply in all other jurisdictions.

**1. Definitions**

“Act” means the *Professional Standards Act 2004* (SA);

“Acts” means the Act and each corresponding law;

“Admitted Member” means a person who is or was at a relevant time an Admitted Member within the meaning of and pursuant to the Rules of the Society;

“Company Member” means a company who is or was at a relevant time a Company Member within the meaning of and pursuant to the Rules of the Society;

“corresponding law” means a law of another jurisdiction that corresponds to the Act;

“Court” has the same meaning as it has in the Acts;

“Duration of the Scheme” means the period commencing on the date specified in clause 7.1 and ending upon the cessation of the Scheme pursuant to clause 7.2;

“Exempted Member” means an Admitted Member or Company Member who is or was at a Relevant Time exempted by the Society from participation in the Scheme pursuant to clause 4.3;

“Law Practice” means (in accordance with the *Legal Practitioners Act*)—

- (a) a legal practitioner who is a sole practitioner; or
- (b) a firm of legal practitioners; or
- (c) an incorporated legal practice; or
- (d) a Community Legal Centre;

“Legal Practitioners Act” means the *Legal Practitioners Act 1981* (SA) or any Act enacted in substitution thereof;

“*Monetary Ceiling*” means, in respect of a liability in respect of a cause of action founded on an act or omission occurring after the commencement of the Scheme—

Description	Monetary ceiling
1. Participating Admitted Members or Company Members other than those in item 2 below.	\$1.5 million
2. Participating Admitted Members or Company Members who were as at the 30 June immediately preceding the Relevant Time in a Law Practice— (a) consisting of greater than 20 Admitted Members; or (b) which generated total annual fee income for the financial year ended on 30 June immediately preceding the Relevant Time greater than \$10 million.	\$10 million

“*occupational liability*” has the same meaning as it has in the Acts;

“*person*” means an individual or a body corporate;

“*relevant time*” means, in respect of a liability potentially limited by the Scheme, the time(s) of the act(s) or omission(s) giving rise to the liability;

“*the Scheme*” means the Law Society of South Australia Scheme constituted herein;

“*Scheme Participant*” means a person referred to in clause 4.1 or 4.2;

“*the Society*” means the Law Society of South Australia.

## 2. Occupational Association

2.1 The Scheme is a Scheme under the Act prepared by the Society whose business address is Level 10, 178 North Terrace Adelaide South Australia.

## 3. Jurisdictions in which the Scheme Applies

3.1 The Scheme applies in South Australia pursuant to the Act.

3.2 The Scheme applies in New South Wales, Victoria, Queensland, Western Australia, Tasmania, the ACT and the Northern Territory pursuant to the corresponding laws of each of those jurisdictions respectively.

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

## 4. Persons to Whom the Scheme Applies

4.1 The Scheme applies to all persons who—

4.1.1 are or at the relevant time were Admitted Members or Company Members of the Society;

4.1.2 are or were at the relevant time not Exempted Members; and

4.1.3 have professional indemnity insurance that complies with the Legal Practitioners Act in respect of a liability potentially limited by the Scheme.

4.2 The Scheme applies to all persons to whom the Scheme applies by virtue of sections 20, 21, and 22 of the SA Act and the corresponding sections of the corresponding laws.

4.3 The Society may, upon application by an Admitted or Company Member, exempt that person from participation in the Scheme with effect from a date specified by the Society on or after the date on which the exemption is granted.

4.4 The Society may, upon application by an Admitted or Company Member, revoke an exemption of that person from participation in the Scheme with effect from a date specified by the Society.

## 5. Conferral of discretionary authority

5.1 The Scheme confers on the Society a discretionary authority, on application by a Scheme Participant, to specify in relation to the person a higher maximum amount of liability than would otherwise apply under the Scheme in relation to the person either in all cases or in any specified case or class of case, being a specified amount not exceeding \$50 million.

## 6. Limitation of Liability

6.1 The occupational liability of a person who is or at the relevant time was a Scheme Participant in respect of a cause of action founded on an act or omission occurring during the Duration of the Scheme is limited to the amount of the Monetary Ceiling.

6.2 The liability which is limited by clause 6.1 extends to a liability for damages (including interest and costs) within the meaning of the Acts but excludes a liability to which the Act does not apply from time to time by reason of section 5 thereof or, if the liability is governed by a corresponding law, excludes a liability to which the corresponding law does not apply from time to time by reason of its provisions.

6.3 The operation of clause 6.1 limiting the liability of a person is subject to the proviso that the person is able to satisfy the Court that—

6.3.1 the person has the benefit of an insurance policy complying with the Legal Practitioners Act insuring the person against the occupational liability to which the cause of action relates; and

- 6.3.2 the amount payable under the policy in respect of that occupational liability is not less than the amount of the Monetary Ceiling.
- 6.4 The limitation of liability that, in accordance with this Scheme and the Acts, applies in respect of an act or omission continues to apply to every cause of action founded on it, irrespective of when the proceedings are brought in respect of it, and even if the Scheme has been amended or has ceased to be in force.
- 6.5 For the purposes of section 28 of the Act and corresponding provisions, the Scheme only affects a liability for damages arising from a Single Claim (including a claim by a person who has 2 or more causes of action arising out of a single event) exceeding \$1,500,000.

#### 7. Duration of the Scheme

- 7.1 The Scheme commences on 1 July 2017 except in relation to its application to Tasmania in which case the Scheme will commence on the date which is 2 months after the date of its publication in the *Government Gazette* of Tasmania.
- 7.2 Subject to clause 7.3, the Scheme will remain in force for a period of 5 years from its commencement unless—
- 7.2.1 it is revoked or ceases in accordance with the Act, or
- 7.2.2 it is extended in accordance the Act.
- 7.3 The Scheme will cease to operate in a jurisdiction referred to in clause 3.2 if it is revoked or ceases in accordance with the corresponding law of that jurisdiction.

JU402

#### JUSTICES OF THE PEACE ACT 2004

##### APPOINTMENTS

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

Charanjev Bhatti of Ashby

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

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## MARINE/MARITIME

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MA401

#### WESTERN AUSTRALIAN MARINE ACT 1982

#### NAVIGABLE WATERS REGULATIONS 1958

##### PROHIBITED SWIMMING AREA

*City of Greater Geraldton*

Department of Transport,  
Fremantle WA, 23rd January 2018.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby prohibit swimming in the following area of water between 6:00 pm and 10:00 pm on Friday 26th January 2018.

#### Geraldton Port

Area of Closure:—All of the waters within Champion Bay bounded by a line commencing at the south western corner of the Batavia Coast Marina main breakwater at approximately 28°46.135'S, 114°36.534'E, thence south west to a point at approximately 28°46.281'S, 114°36.200'E, thence south west to a point at approximately 28°46.320'S, 114°36.164'E (at the end of the Geraldton Port eastern breakwater), thence south along the eastern edge of the Geraldton Port eastern breakwater to a point at approximately 28°46.474'S, 114°36.188'E, thence east along the foreshore to a point at approximately 28°46.183'S, 114°36.577'E, thence north to the point of commencement at approximately 28°46.135'S, 114°36.534'E. All coordinates based on GDA9.

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

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

MA402

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
 PROHIBITED SWIMMING AREA

Leschenault Inlet  
*City of Bunbury*

Department of Transport,  
 Fremantle WA, 23 January 2018.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming, between the hours of 6:00 pm and 9:30 pm on Friday 26th January 2018.

**Leschenault Inlet**

Area of Closure:—All the waters within a 100 metre radius of the firing points located at 33°19.297'S, 115°38.428'E (approximately 120 metres west of the Leschenault Inlet inner port beacon) and 33°19.336'S, 115°38.414'E on the foreshore adjacent to Koombana Channel (approximately 130 metres south west of the storm surge barrier).

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

LAURENCE ADAMS, A/Director Waterways Safety Management,  
 Department of Transport.

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MA403

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
 PROHIBITED SWIMMING AREA

Port Denison Boat Harbour

Department of Transport,  
 Fremantle WA, 23rd January 2018.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close the following area of water to swimming between the hours of 6:00 pm and 10:00 pm on Friday 26th January 2018.

**Port Denison Boat Harbour**

Area of Closure:—All the waters bounded by a line commencing at a point on the eastern side of the Port Denison Marina Groyne adjacent to Fishermans Drive at approximately 29° 16.509'S, 114° 54.927'E, thence northwest to a point at approximately 29° 16.422'S, 114° 54.866'E (approximately 430 metres southwest of the Port Denison Jetty) thence southwest at approximately 29° 16.484'S, 114° 54.749'E (approximately 130 metres southwest of the Port Denison Marina Groyne) thence southeast to a point at approximately 29° 16.569'S, 114° 54.811'E (approximately 170 metres northwest from Fishermans Drive) thence northeast to the point of commencement at approximately 29° 16.509'S, 114° 54.927'E.

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

LAURENCE ADAMS, A/Director Waterways Safety Management,  
 Department of Transport.

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MA404

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
 PROHIBITED SWIMMING AREA

*City of Busselton*

Department of Transport,  
 Fremantle WA, 23 January 2018.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming, between the hours of 7:00 pm and 10:30 pm on Saturday 27th January 2017.

**Busselton Jetty**

All the waters within a 100 metre radius around the firing point; located on the Busselton Jetty at approximately 33° 38.580'S, 115° 20.631'E, approximately 160 metres along the Jetty from the foreshore.

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

LAURENCE ADAMS, A/Director of Waterways Safety Management,  
 Department of Transport.

MA405

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
 PROHIBITED SWIMMING AREA  
 Carnarvon Fascine  
*Shire of Carnarvon*

Department of Transport,  
 Fremantle WA, 23rd January 2018.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close the following area of water to swimming between the hours of 7:00 pm and 9:00 pm on Friday 26th January 2018.

**Carnarvon Fascine**

Area of Closure:—All the waters bounded by a line commencing at a point on the north eastern side of Whitlock Island at approximately 24° 53.128'S, 113° 38.945'E (approximately 35 metres south of the Carnarvon Tramway Trail), thence northeast to a point at approximately 24° 53.067'S, 113° 39.165'E (approximately 20 metres south of the Carnarvon Tramway Footbridge) thence southeast at approximately 24° 53.191'S, 113° 39.252'E (approximately 185 metres west from Olivia Terrace), thence southwest to a point on Whitlock Island at approximately 24° 53.298'S, 113° 39.036'E, thence northwest to the point of commencement at approximately 24° 53.128'S, 113° 38.945'E.

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

LAURENCE ADAMS, A/Director Waterways Safety Management,  
 Department of Transport

MA406

**WESTERN AUSTRALIAN MARINE ACT 1982**  
 RESTRICTED SPEED AREA—8 KNOTS  
 Perth Waters  
 Swan River

Department of Transport,  
 Fremantle WA, 23 January 2018.

Acting pursuant to the powers conferred by Section 67 of the *Western Australian Marine Act 1982*, I hereby cancel notice number MA401 as published in the *Government Gazette* on 7 March 2017 and limit the speed of all motorised vessels to eight (8) Knots within the following area—

PERTH WATER: All waters of the Swan River bounded by a line commencing at 31°57.612'S, 115°51.725'E (on the foreshore approx. 220 metres east of the West Australian Rowing Club boatshed); thence to the navigation marker at 31°57.709'S, 115°51.695'E (approx. 185 metres south-south-westerly); thence along the line of the southern boundary of the navigation channel to where this intersects Heirisson Island at approximately 31°58.007'S, 115°52.611'E; thence along the western shore of Heirisson Island and the western boundary of the Western Australian Powered Water Sports Area; thence westerly along the South Perth foreshore; thence along the eastern side of the Narrows Bridge to the start of the navigation channel at approximately 31°57.835'S, 115°50.830'E; thence along the southern boundary of the Narrows Bridge to Barrack Street navigation channel to the navigation marker at 31°57.655'S, 115°51.362'E; thence easterly approximately 125 metres to the navigation marker at 31°57.625'S, 115°51.290'E; thence northerly approximately 160 metres to where the western end of the Elizabeth Quay footbridge meets the shoreline at 31°57.539'S, 115°51.317'E; but excluding the area within and adjacent the Elizabeth Quay inlet which has been set aside as a 5 knot speed restriction area. All coordinates based on GDA 94.

Providing however this notice does not apply to the following—

Seaplanes whilst taking off and landing within Perth Waters south of Riverside Drive, east of the Mends Street and north of the Coode Street navigational channels; and

All licensed commercial water ski vessel operations within Perth Waters within a radius of 340 metres from a point on the foreshore 70 metres downstream of the Queen Street Jetty, South Perth.

All Public Transport Authority Ferries operating from Mends Street Jetty to Elizabeth Quay where these ferries may exceed the 8 knot limit to a maximum speed of 12 Knots within the following areas—

When transiting to Elizabeth Quay—from the intersection of navigational aids 857 (Starboard) and 1034 (Port) at the Mends Street end to adjacent starboard navigational aid 855; and

When transiting to the Mends Street Jetty—from adjacent to the port navigational aid 1031 to the intersection of navigational aids 857 (Starboard) and 1034 (Port).

LAURENCE ADAMS, A/Director Waterways Safety Management,  
 Department of Transport.

## MINERALS AND PETROLEUM

MP401

### PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967

#### INSTRUMENT OF DELEGATION

I, William Joseph Johnston MLA, Minister for Mines and Petroleum for the State of Western Australia

Do by this instrument of delegation made pursuant to section 25(1) of the *Petroleum and Geothermal Energy Resources Act 1967* (the Act)

Delegate my powers and/or functions under the Act (which incorporates the *Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967*) and the regulations made under the Act as specified in the Schedule to any employee of the Department of Mines, Industry Regulation and Safety in the State of Western Australia who for the time being holds or is authorised to act in the positions identified by the position numbers listed in relation to the specified sections and regulations in the Schedule.

This instrument of delegation does not operate to otherwise prevent the exercise of the powers and/or functions herein delegated by myself, as Minister.

None of the powers and/or functions delegated by this instrument of delegation can be delegated by the delegate.

Dated at Perth this 21st day of December 2017.

Hon BILL JOHNSTON MLA, Minister for Mines and Petroleum.

#### SCHEDULE

This is the schedule to the instrument of delegation made pursuant to section 25 of the *Petroleum and Geothermal Energy Resources Act 1967* (the Act) executed by William Joseph Johnston MLA, Minister for Mines and Petroleum at Perth and dated this 21st day of December 2017.

#### 1 Powers and/or functions under the Act and the *Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967*

All powers and/or functions under all sections of both the Act and the *Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967* are delegated to—

Position Number	Position Title
MIS17111	Deputy Director General Resource and Environmental Regulation
MIS17112	Executive Director Resource Tenure

#### 2 Powers and/or functions under the following specified sections of the Act

(a) Powers and/or functions under section 118 of the Act is delegated to—

Position Number	Position Title
MIS17113	Executive Director Resource and Environmental Compliance

(b) Powers and/or functions under sections 70(2), 70(3), 70(4), 70(6), 71, 72(4), 72(5), 72(7), 72(9), 72(11), 72(12), 73(2), 73(3), 75(5), 75(6), 75(9), 75(11), 75(12), 75(14), 78(1), 78(1a), 78(1b), 79(1), 79(1a), 81(2), 81(3) and 81A of the Act are delegated to—

Position Number	Position Title
MPR03001	General Manager Resource Tenure

(c) Powers and/or functions under sections 72(4), 72(12), 75(5), 75(6), 78(1a), 79(1) and 79(1a) of the Act are delegated to—

Position Number	Position Title
MP110042	Titles Coordinator Petroleum

(d) Powers and/or functions under sections 72(9), 72(11), 72(12), 75(12) and 75(14) of the Act are delegated to—

Position Number	Position Title
IR073867	Senior Titles Officer Petroleum
IR073869	Senior Titles Officer Petroleum
IR073870	Senior Titles Officer Petroleum
IR073871	Senior Titles Officer Petroleum
IR080083	Senior Titles Officer Petroleum

- (e) Powers and/or functions under sections 72(12), 75(12), 75(14), 81(2) and 81(3) of the Act are delegated to—

Position Number	Position Title
MPR02243	Titles Officer Petroleum
MPR02244	Titles Officer Petroleum

- (f) Powers and/or functions under sections 15A(2), 15A(3), 15A(4), 28A(1) and 91B(3) of the Act are delegated to—

Position Number	Position Title
IR073804	Manager Land Access

- (g) Powers and/or functions under sections 95(1), 95(2c), 96(1), 109(1), 110(1), 118(1), 118(2), 118(3), 149C(1), 149C(2) and 153(2) of the Act are delegated to—

Position Number	Position Title
MIS17122	Deputy Director General Safety Regulation
MP130107	Director Dangerous Goods and Petroleum Safety

### 3 Powers and/or functions under the following clauses of Schedule 1 to the Act

All powers and/or functions under clauses 24, 28, 33, 44, 46, 47(2), 63 and 81 of Schedule 1 to the Act are delegated to—

Position Number	Position Title
MIS17122	Deputy Director General Safety Regulation
MP130107	Director Dangerous Goods and Petroleum Safety

### 4 Powers and/or functions under the *Petroleum and Geothermal Energy Resources Regulations 1987* and the *Petroleum and Geothermal Energy Resources (Registration Fees) Regulations 1990*

All powers and/or functions under all regulations of the *Petroleum and Geothermal Energy Resources Regulations 1987* and the *Petroleum and Geothermal Energy Resources (Registration Fees) Regulations 1990* are delegated to—

Position Number	Position Title
MIS17111	Deputy Director General Resource and Environmental Regulation
MIS17112	Executive Director Resource Tenure

### 5 Powers and/or functions under the *Petroleum and Geothermal Energy Resources (Resource Management and Administration) Regulations 2015*

All powers and/or functions under all regulations of the *Petroleum and Geothermal Energy Resources (Resource Management and Administration) Regulations 2015* are delegated to—

Position Number	Position Title
MIS17111	Deputy Director General Resource and Environmental Regulation
MIS17113	Executive Director Resource and Environmental Compliance
MP170062	General Manager Operations, Petroleum

### 6 Powers and/or functions under the *Petroleum and Geothermal Energy Resources (Environment) Regulations 2012*

All powers and/or functions under all regulations of the *Petroleum and Geothermal Energy Resources (Environment) Regulations 2012* are delegated to—

Position Number	Position Title
MIS17111	Deputy Director General Resource and Environmental Regulation
MIS17113	Executive Director Resource and Environmental Compliance

### 7 Powers and/or functions under the *Petroleum and Geothermal Energy Resources (Management of Safety) Regulations 2010*

Powers and/or functions under regulations 18(1), 28(1), 28(3), 29(1), 29(2), 29(3), 29(4), 29(5), 30(1), 31(1), 31(2), 32(2), 33(1), 33(3), 33(5), 33(6), 35(1), 35(3), 36(1), 36(2), 36(3), 36(4), 36(5), 37(1), 39(1), 40(1), 40(2), 40(3), 40(4), 41(1), 41(2), 45(1) and 47(3) are delegated to—

Position Number	Position Title
MIS17122	Deputy Director General Safety Regulation

### 8 Powers and/or functions under the *Petroleum and Geothermal Energy Resources (Occupational Safety and Health) Regulations 2010*

Powers and/or functions under regulations 6(2), 6(3), 6(4), 6(5), 27 and 34 are delegated to—

Position Number	Position Title
MIS17122	Deputy Director General Safety Regulation

**MP402****PETROLEUM PIPELINES ACT 1969**

## INSTRUMENT OF DELEGATION

I, William Joseph Johnston MLA, Minister for Mines and Petroleum for the State of Western Australia

Do by this instrument of delegation pursuant to section 61(1) of the *Petroleum Pipelines Act 1969* (the Act)

Delegate my powers and/or duties under the sections of the Act and the regulations made under the Act as specified in the Schedule to any employee of the Department of Mines, Industry Regulation and Safety in the State of Western Australia who for the time being holds or is authorised to act in the positions identified by the position numbers listed in relation to the specified sections and regulations in the Schedule.

This instrument does not operate to otherwise prevent the exercise of the powers or duties herein delegated by myself, as Minister.

None of the powers or duties delegated by this instrument of delegation can be delegated by the delegate.

Dated at Perth this 21st day of December 2017.

Hon BILL JOHNSTON MLA, Minister for Mines and Petroleum.

**SCHEDULE**

This is the schedule to the instrument of delegation made pursuant to section 61 of the *Petroleum Pipelines Act 1969* (the Act) executed by William Joseph Johnston MLA, Minister for Mines and Petroleum at Perth and dated this 21st day of December 2017.

**1 Powers and/or duties under the Act**

All powers and/or duties under all sections of the Act are delegated to—

Position Number	Position Title
MIS17111	Deputy Director General Resource and Environmental Regulation
MIS17112	Executive Director Resource Tenure

**2 Powers and/or duties under the following specified sections of the Act**

(a) Powers and/or duties under section 62 of the Act is delegated to—

Position Number	Position Title
MIS17113	Executive Director Resource and Environmental Compliance

(b) Powers and/or duties under sections 20(2)(b), 20(3), 20(5)(a), 43(2), 43(3), 43(4), 43(6), 44(4), 44(5), 44(7), 44(9), 44(11), 44(12), 45(2), 45(3), 47(5), 47(6), 47(9), 47(11), 47(12), 47(14), 50(1), 50(1a), 50(1b), 51(1), 51(1a), 53(2), 53(3) and 53A of the Act are delegated to—

Position Number	Position Title
MPR03001	General Manager Resource Tenure

(c) Powers and/or duties under sections 44(4), 44(12), 47(5), 47(6), 51(1) and 51(1a) of the Act are delegated to—

Position Number	Position Title
MP110042	Titles Coordinator Petroleum

(d) Powers and/or duties under sections 44(9), 44(11), 44(12), 47(12) and 47(14) of the Act are delegated to—

Position Number	Position Title
IR073867	Senior Titles Officer Petroleum
IR073869	Senior Titles Officer Petroleum
IR073870	Senior Titles Officer Petroleum
IR073871	Senior Titles Officer Petroleum
IR080083	Senior Titles Officer Petroleum

(e) Powers and/or duties under sections 43(6), 44(5), 44(12), 47(12), 47(14), 53(2) and 53(3) of the Act are delegated to—

Position Number	Position Title
MPR02243	Titles Officer Petroleum
MPR02244	Titles Officer Petroleum

- (f) Powers and/or duties under sections 41(1), 41(5), 42(1), 56C(1), 56C(2), 62(1), 62(2) and 62(3) of the Act are delegated to—

Position Number	Position Title
MIS17122	Deputy Director General Safety Regulation
MP130107	Director Dangerous Goods and Petroleum Safety

### 3 Powers and/or duties under the following clauses of Schedule 1 to the Act

All powers and/or duties under clauses 24, 28, 33, 44, 46, 47(2), 48, 49, 50, 63, 70 and 81(2) of Schedule 1 to the Act are delegated to—

Position Number	Position Title
MIS17122	Deputy Director General Safety Regulation
MP130107	Director Dangerous Goods and Petroleum Safety

### 4 Powers and/or duties under the *Petroleum Pipelines Regulations 1970*

All powers and/or duties under all regulations of the *Petroleum Pipelines Regulations 1970* are delegated to—

Position Number	Position Title
MIS17111	Deputy Director General Resource and Environmental Regulation
MIS17113	Executive Director Resource and Environmental Compliance

### 5 Powers and/or duties under the *Petroleum Pipelines (Environment) Regulations 2012*

All powers and/or duties under all regulations of the *Petroleum Pipelines (Environment) Regulations 2012* are delegated to—

Position Number	Position Title
MIS17111	Deputy Director General Resource and Environmental Regulation
MIS17113	Executive Director Resource and Environmental Compliance

### 6 Powers and/or duties under the *Petroleum Pipelines (Management of Safety of Pipeline Operations) Regulations 2010*

Powers and/or duties under regulations 16(1), 20, 28(1), 28(3), 29(1), 29(2), 29(3), 29(4), 29(5), 30(1), 31(1), 31(2), 32(2), 33(1), 33(3), 33(5), 33(6), 35(1), 35(3), 36(1), 36(2), 36(3), 36(4), 36(5), 37(1), 39(1), 40(1), 40(2), 40(3), 40(4), 41(1), 41(2), 45(1) and 47(3) are delegated to—

Position Number	Position Title
MIS17122	Deputy Director General Safety Regulation

### 7 Powers and/or duties under the *Petroleum Pipelines (Occupational Safety and Health) Regulations 2010*

Powers and/or duties under regulations 6(2), 6(3), 6(4), 6(5), 27 and 34 are delegated to—

Position Number	Position Title
MIS17122	Deputy Director General Safety Regulation

MP403

## PETROLEUM (SUBMERGED LANDS) ACT 1982

### INSTRUMENT OF DELEGATION

I, William Joseph Johnston MLA, Minister for Mines and Petroleum for the State of Western Australia

Do by this instrument of delegation pursuant to section 16(1) of the *Petroleum (Submerged Lands) Act 1982* (the Act)

Delegate my powers, functions and/or duties under the Act (which incorporates the *Petroleum (Submerged Lands) Registration Fees Act 1982*) and the regulations made under the Act as specified in the Schedule to any employee of the Department of Mines, Industry Regulation and Safety in the State of Western Australia who for the time being holds or is authorised to act in the positions identified by the position numbers listed in relation to the specified sections and regulations in the Schedule.

This instrument does not operate to otherwise prevent the exercise of the powers, function or duties herein delegated by myself, as Minister.

None of the powers, functions or duties delegated by this instrument can be delegated by the delegate.

Dated at Perth this 21st day of December 2017.

Hon BILL JOHNSTON MLA, Minister for Mines and Petroleum.

**SCHEDULE**

This is the schedule to the instrument of delegation made pursuant to section 16 of the *Petroleum (Submerged Lands) Act 1982* (the Act) executed by William Joseph Johnston MLA, Minister for Mines and Petroleum at Perth and dated this 21st day of December 2017.

**1 Powers, functions and/or duties under the Act and the *Petroleum (Submerged Lands) Registration Fees Act 1982***

All powers, functions and/or duties under all sections of both the Act and the *Petroleum (Submerged Lands) Registration Fees Act 1982* are delegated to—

Position Number	Position Title
MIS17111	Deputy Director General Resource and Environmental Regulation
MIS17112	Executive Director Resource Tenure

**2 Powers, functions and/or duties under the following specified sections of the Act**

(a) Powers, functions and/or duties under section 125 of the Act is delegated to—

Position Number	Position Title
MIS17113	Executive Director Resource and Environmental Compliance

(b) Powers, functions and/or duties under sections 76(1), 76(2), 76(3), 76(5), 77, 78(4), 78(5), 78(7), 78(9), 78(11), 78(12), 79(2), 79(3), 81(5), 81(6), 81(9), 81(11), 81(12), 81(15), 84(1), 84(1a), 84(1b), 85(1), 85(1a), 87(2), 87(3) and 87A of the Act are delegated to—

Position Number	Position Title
MPR03001	General Manager Resource Tenure

(c) Powers, functions and/or duties under sections 78(4), 78(12), 81(5), 81(6), 85(1) and 85(1a) of the Act are delegated to—

Position Number	Position Title
MP110042	Titles Coordinator Petroleum

(d) Powers, functions and/or duties under sections 78(9), 78(11), 78(12), 81(12) and 81(15) of the Act are delegated to—

Position Number	Position Title
IR073867	Senior Titles Officer Petroleum
IR073869	Senior Titles Officer Petroleum
IR073870	Senior Titles Officer Petroleum
IR073871	Senior Titles Officer Petroleum
IR080083	Senior Titles Officer Petroleum

(e) Powers, functions and/or duties under sections 78(12), 81(12), 81(15), 87(2) and 87(3) of the Act are delegated to—

Position Number	Position Title
MPR02243	Titles Officer Petroleum
MPR02244	Titles Officer Petroleum

(f) Powers, functions and/or duties under 18A(1) of the Act are delegated to—

Position Number	Position Title
IR073804	Manager Land Access

(g) Powers, functions and/or duties under sections 101(1), 101(2c), 101(3), 102(1), 115(1), 116(1), 125(1), 125(2), 125(3), 151E(1) and 151E(2) of the Act are delegated to—

Position Number	Position Title
MIS17122	Deputy Director General Safety Regulation

**3 Powers, functions and/or duties under the following clauses of Schedule 5 to the Act**

All powers, functions and/or duties under clauses 25, 29, 34, 45, 47, 48, 49(2)(d), 50(2)(b), 51(3)(c), 64, 71, 72 and 82(2) of Schedule 5 to the Act are delegated to—

Position Number	Position Title
MIS17122	Deputy Director General Safety Regulation

**4 Powers, functions and/or duties under the following clauses of Schedule 5 to the Act**

All powers, functions and/or duties under clauses 49(2)(d), 50(2)(b), 51(3)(c) and 82(2) of Schedule 5 to the Act are delegated to—

Position Number	Position Title
MP130107	Director Dangerous Goods and Petroleum Safety

**5 Powers, functions and/or duties under the *Petroleum (Submerged Lands) Regulations 1990* and the *Petroleum (Submerged Lands) Registration Fees Regulations 1990***

All powers, functions and/or duties under all regulations of the *Petroleum (Submerged Lands) Regulations 1990* and the *Petroleum (Submerged Lands) Registration Fees Regulations 1990* are delegated to—

Position Number	Position Title
MIS17111	Deputy Director General Resource and Environmental Regulation
MIS17112	Executive Director Resource Tenure

**6 Powers, functions and/or duties under the *Petroleum (Submerged Lands) (Resource Management and Administration) Regulations 2015* and the *Petroleum (Submerged Lands) (Pipelines) Regulations 2007***

All powers, functions and/or duties under all regulations of the *Petroleum (Submerged Lands) (Resource Management and Administration) Regulations 2015* and the *Petroleum (Submerged Lands) (Pipelines) Regulations 2007* are delegated to—

Position Number	Position Title
MIS17111	Deputy Director General Resource and Environmental Regulation
MIS17113	Executive Director Resource and Environmental Compliance
MP170062	General Manager Operations Petroleum

**7 Powers, functions and/or duties under the *Petroleum (Submerged Lands) (Environment) Regulations 2012***

All powers, functions and/or duties under all regulations of the *Petroleum (Submerged Lands) (Environment) Regulations 2012* are delegated to—

Position Number	Position Title
MIS17111	Deputy Director General Resource and Environmental Regulation
MIS17113	Executive Director Resource and Environmental Compliance

**8 Powers, functions and/or duties under the *Petroleum (Submerged Lands) (Occupational Safety and Health) Regulations 2007***

All powers, functions and/or duties under regulations 6, 7 and 33 are delegated to—

Position Number	Position Title
MIS17122	Deputy Director General Safety Regulation

**9 Powers, functions and/or duties under the *Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2007***

All powers, functions and/or duties under regulations 6, 7, 8, 15, 16, 22, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 49, 53, 55, 58, 59, 60 and 61 are delegated to—

Position Number	Position Title
MIS17122	Deputy Director General Safety Regulation

**10 Powers, functions and/or duties under the *Petroleum (Submerged Lands) (Diving Safety) Regulations 2007***

All powers, functions and/or duties under regulations 8, 9, 10, 11, 12, 13, 14, 18, 19, 20, 21 and 30 are delegated to—

Position Number	Position Title
MIS17122	Deputy Director General Safety Regulation

**11 Powers, functions and/or duties under the *Petroleum (Submerged Lands) (Pipelines) Regulations 2007***

All powers, functions and/or duties under regulations 3(2), 4(2), 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 22, 24, 25, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 56, 60, 61 and 62 are delegated to—

Position Number	Position Title
MIS17122	Deputy Director General Safety Regulation

MP404

**OFFSHORE PETROLEUM (ROYALTY) ACT 2006 (CTH)**

INSTRUMENT OF DELEGATION

I, William Joseph Johnston MLA, Minister for Mines and Petroleum for the State of Western Australia

Do by this instrument of delegation pursuant to section 16A of the *Offshore Petroleum (Royalty) Act 2006* (Cth) (the Act)

Delegate my powers and functions as the State Minister (within the meaning of section 4 of the Act) under the sections of the Act as specified in the Schedule to any employee of the Department of Mines, Industry Regulation and Safety in the State of Western Australia who for the time being holds or is authorised to act in the positions identified by the position numbers listed in relation to the specified sections in the Schedule.

This instrument does not operate to otherwise prevent the exercise of the powers or functions herein delegated by myself, as State Minister.

None of the powers or functions delegated by this instrument of delegation can be delegated by the delegate.

Dated at Perth this 21st day of December 2017.

Hon BILL JOHNSTON MLA, Minister for Mines and Petroleum.

### SCHEDULE

This is the schedule to the instrument of delegation made pursuant to section 16A of the *Offshore Petroleum (Royalty) Act 2006* (Cth) (the Act) executed by William Joseph Johnston MLA, Minister for Mines and Petroleum at Perth and dated this 21st day of December 2017.

#### 1 All powers and functions under the Act

All powers and/ or functions under all sections of the Act are delegated to—

Position Number	Position Title
MIS17111	Deputy Director General Resource and Environmental Regulation
MIS17113	Executive Director Resource and Environmental Compliance

## PLANNING

PL402

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*Shire of York*

Local Planning Scheme No. 2—Amendment No. 54

Ref: TPS/1998

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 York Local Planning Scheme amendment on 13 December 2017 for the purpose of—

- Amending Scheme Text in the table under Schedule 3—Special Use Zone at No.7 under the column headings under Special Use and Conditions columns in accordance with the table below—

No.	Particulars of Land	Special Use	Conditions
SU7	7 Lots 1 and 2 (18) Panmure Road (Laurelville Manor)	The purpose of SU7 is to promote an integrated tourist development, which offers reception events, restaurant facilities, beauty therapy services and short term accommodation in a form and manner that is reflective of the site's underlying heritage character and residential surrounds. Special uses are— <ul style="list-style-type: none"> <li>• Exhibition Centre;</li> <li>• Guest House;</li> <li>• Holiday accommodation;</li> <li>• Reception Centre;</li> <li>• Restaurant;</li> <li>• Shop; and</li> <li>• All non-residential land uses permitted within the residential zone.</li> </ul>	<ol style="list-style-type: none"> <li>Notwithstanding anything else in the Scheme all development on the site (including change of use) shall be subject to a development application being submitted to the local government for approval to commence development. Applications for development approval shall be advertised in accordance with Clause 8.3.3 of the Scheme.</li> <li>Development is to be of an appropriate scale and design so as to maintain and preserve the surrounding residential amenity and the heritage significance of the manor building.</li> <li>Development of the land shall be in accordance with a Local Development Plan (LDP) approved by the local government. The LDP should provide sufficient information to address the</li> </ol>

No.	Particulars of Land	Special Use	Conditions
			<p>requirements of the Scheme and the following—</p> <ol style="list-style-type: none"> <li>i. the staging of infrastructure and development;</li> <li>ii. the spatial extent and location of development (permanent and/or temporary);</li> <li>iii. bushfire risk, including emergency access;</li> <li>iv. access and traffic management;</li> <li>v. built heritage values;</li> <li>vi. the number and location of holiday accommodation-chalets;</li> <li>vii. wastewater disposal;</li> <li>viii. waste management;</li> <li>ix. physical noise attenuation measures;</li> <li>x. landscaping and screening.</li> </ol> <p>4. Any application for development approval for the site shall be accompanied by a site management plan that addresses amenity impacts, including, but not limited to—</p> <ul style="list-style-type: none"> <li>• hours of operation;</li> <li>• noise management (internal and external);</li> <li>• traffic and parking management;</li> <li>• landscaping and screening; and</li> <li>• public health and safety.</li> </ul> <p>5. The total number of guests for the 'Reception Centre' and 'Restaurant' land uses combined is not to exceed 130 persons, inclusive of guests, staff and residents of the land, at any one time.</p> <p>6. A 'Shop' shall only be considered for approval where the uses are consistent with the special use purpose, and are ancillary to the predominant use(s) of the site.</p> <p>7. Development is not to dominate the landscape so as to maintain the openness of the streetscape and prominence of the Manor.</p> <p>8. The R-Codes are to apply. Subdivision and development is to be in accordance with the 'R2.5' density code.</p>

2. Modify Schedule 1—Interpretation to delete existing definition 'Local shop' and replace with the following model land use definition—

Shop: means premises other than a bulky goods showroom, a liquor store—large or liquor store—small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

3. Modify Schedule 1—Interpretation to insert the following model land use definition—

Holiday accommodation: means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.

4. Modify Schedule 1—Interpretation to insert the following model general definition—

Chalet: means a dwelling forming part of a tourist development or caravan park that is—

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to provide short-term accommodation for guests.

D. WALLACE, Shire President.  
S. HASLEHURST, A/Chief Executive Officer.

**PL401**

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED TOWN PLANNING SCHEME AMENDMENT**  
*City of Bayswater*  
 Town Planning Scheme No. 24—Amendment No. 72

Ref: TPS/2075

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 Bayswater Town Planning Scheme amendment on 13 December 2017 for the purpose of—

Modifying the Special Purpose zone at Lot 71, 197 Collier Road, Embleton as follows—

Discretionary uses of ‘Child Day Care’ restricted to the existing building and any additions the Council may subsequently approve.

B. McKENNA, Mayor.  
 C. BYWATER, A/Chief Executive Officer.

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## RACING, GAMING AND LIQUOR

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**RA401**

**GAMING AND WAGERING COMMISSION ACT 1987**  
**APPOINTMENTS**

Gaming and Wagering Commission of Western Australia

Under section 12(1) of the *Gaming and Wagering Commission Act 1987*, the Minister for Racing and Gaming appointed—

- (a) Ms Colleen Patricia Hayward as a member of the Gaming and Wagering Commission for a term commencing on 1 January 2018 and expiring on 31 December 2020; and
- (b) Ms Katie Hodson-Thomas as a member of the Gaming and Wagering Commission for a term commencing on 1 January 2018 and expiring on 31 December 2020.

MICHAEL CONNOLLY, Deputy Director General-Regulation,  
 Department of Local Government, Sport and Cultural Industries.

Dated this 17th day of January 2018.

**RA402**

**LIQUOR CONTROL ACT 1988**  
**LIQUOR APPLICATIONS**

The following are applications received under the *Liquor Control Act 1988* (the Act) and required to be advertised.

Any person wishing to obtain more details about any application, or about the objection process, should contact Racing, Gaming and Liquor, Level 2, Gordon Stephenson House, 140 William Street, Perth, Telephone: (08) 6551 4888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
<b>APPLICATIONS FOR THE GRANT OF A LICENCE</b>			
A000246103	The Seasonal Brewing Company Pty Ltd	Application for the conditional grant of a Producer's licence in respect of premises situated in Maylands and known as The Seasonal Brewing Company Pty Ltd.	11/02/2018
A000253502	Natacus Pty Ltd	Application for the conditional grant of a Tavern licence in respect of premises situated in Yallingup and known as Wild Hop Brewing Company.	19/02/2018

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

DIRECTOR OF LIQUOR LICENSING.

Dated: 19 January 2018.

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**DECEASED ESTATES**

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**ZX401****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 estate of Glenn Lindsay Bowen Case, late of 10 Farleigh Drive, Willetton, Western Australia, who died on 12 September 2017, are required by the personal representative Brett Anthony Case to send particulars of their claims to IRDI Legal, 248 Oxford Street, Leederville WA 6007 by 19 February 2018, after which date the personal representative may convey or distribute assets, having regard only to the claims of which he then has notice.

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

## Notice to Creditors and Claimants

In the matter of the Estate of Reginald John Johnson, late of Dale Cottages Nursing Home, 16 Deerness Street, Armadale, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the Estate of the deceased, who died on 13 November 2016, are required by the trustee of the late Reginald John Johnson, to send the particulars of their claim to Richard Rowick Barrister & Solicitor of 1/26 Saunders Street, East Perth in the State of Western Australia, within 31 days from the date of publication of this notice, after which date the said trustee may convey or distribute the assets, having regard only to the claims of which he then has had notice.

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

## Notice to Creditors and Claimants

Patricia Mary Glossop, late of 62 Mayfair Street, Mount Claremont in the State of Western Australia, Butcher, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the Estate of the deceased, who died on 3 November 2014 at Hollywood Private Hospital, Nedlands in the State of Western Australia, are required by Brook Legal, solicitors acting for the personal representative, being Brenton Michael Glossop to send particulars of their claims care of Brook Legal, PO Box 93, Wembley, Western Australia 6913 within 30 days of publication of this notice, after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

Dated: 19 January 2018.

BROOK LEGAL.

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