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— PART 1 —

JUSTICE

JU302

Legal Profession Act 2008

Legal Profession Amendment Regulations 2019

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Legal Profession Amendment Regulations 2019*.

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 *Legal Profession Regulations 2009*.

4. Regulation 5A replaced

Delete regulation 5A and insert:

5A. Exceptions to prohibition on engaging in legal practice when not entitled (Act s. 12(3)(h))

For the purposes of section 12(3)(h) of the Act, section 12(2) of the Act does not apply to —

- (a) legal work done under the supervision of an Australian legal practitioner as a paid employee of —
 - (i) the Legal Aid Commission; or
 - (ii) a community legal centre; or
 - (iii) the Aboriginal Legal Service of Western Australia Limited; or
 - (iv) a corporation other than an incorporated legal practice;

or

- (b) legislative drafting work that is done by an Australian lawyer —
 - (i) under a contract for services with the State; and
 - (ii) under the direction of the Parliamentary Counsel;

or

- (c) legal work that is done by an Australian lawyer —
 - (i) under a contract for services with the State; and
 - (ii) under the direction of the State Solicitor.

5. Regulation 18A inserted

At the end of Part 4 Division 2 insert:

18A. Application of this Division to Australian lawyers referred to in r. 5A(b) and (c) (Act s. 12(8))

- (1) In this regulation —
 - PCO CPD arrangements* means approved CPD arrangements made under regulation 13 for the continuing professional development of PCO lawyers;
 - PCO lawyer* means a WA government lawyer employed in the Parliamentary Counsel's Office;
 - SSO CPD arrangements* means approved CPD arrangements made under regulation 13 for the continuing professional development of SSO lawyers;
 - SSO lawyer* means a WA government lawyer employed in the State Solicitor's Office.
- (2) This Division and the PCO CPD arrangements apply in relation to an Australian lawyer (other than an interstate legal practitioner) who does legislative drafting work referred to in regulation 5A(b) as if the Australian lawyer were a PCO lawyer and the employing authority of the Australian lawyer were the employing authority of PCO lawyers.
- (3) This Division and the SSO CPD arrangements apply in relation to an Australian lawyer (other than an interstate legal practitioner) who does legal work referred to in regulation 5A(c) as if the Australian lawyer were an SSO lawyer and the employing authority of the Australian lawyer were the employing authority of SSO lawyers.

- (4) Subregulations (2) and (3) do not apply to an Australian lawyer if the Australian lawyer holds a current local practising certificate and the employing authority of PCO lawyers or SSO lawyers (as the case requires) has given the Board written notice that the Australian lawyer will not be participating in approved CPD arrangements.

6. Regulation 83 amended

In regulation 83 delete the definition of *exempt practitioner* and insert:

exempt practitioner, in relation to legal practice, means an Australian legal practitioner who is exempt under regulation 97 from the requirement to comply with regulation 96(a) or (b) to the extent that the practitioner engages in that legal practice;

7. Regulation 88 amended

After regulation 88(3) insert:

- (3A) If a law practice makes, in relation to an insurance year, more than 1 application to take and maintain insurance under the PII arrangement in respect of part only of the year, the 2nd and any subsequent application must be accompanied by the amount of the additional administration levy, if any, fixed under regulation 102(5).

8. Regulation 95 amended

In regulation 95 delete “exempt practitioner.” and insert:

exempt practitioner in relation to all legal practice engaged in by the associate as part of the associate’s duties in the law practice.

9. Regulation 96 replaced

Delete regulation 96 and insert:

96. Requirement for Australian legal practitioner to have professional indemnity insurance

An Australian legal practitioner must not engage in legal practice in this jurisdiction unless any of the following applies —

- (a) there is in force with respect to the legal practitioner a valid current certificate of

- insurance in accordance with this Part that covers that legal practice;
- (b) there is in force with respect to the legal practitioner valid current professional indemnity insurance, on the terms and conditions of a scheme approved by the Law Society, that covers that legal practice;
 - (c) the practitioner is an exempt practitioner in relation to that legal practice.

10. Regulation 97 amended

(1) In regulation 97(1):

- (a) delete “The following Australian legal practitioners are exempt from the requirement to comply with regulation 96(a) or (b) —” and insert:

An Australian legal practitioner is exempt from the requirement to comply with regulation 96(a) or (b) to the extent that the practitioner is engaged in legal practice of any of the following kinds —

- (b) in paragraph (a) delete “a barrister who is covered by” and insert:

legal practice engaged in by a barrister who is covered, in respect of that practice, by

- (c) delete paragraphs (b) to (ea) and insert:

- (b) legal practice engaged in by a practitioner in the course of the practitioner’s duties as an employee of an entity, other than an incorporated legal practice, if —
 - (i) the only legal services provided by the practitioner in the course of those duties are to members or employees of the entity; and
 - (ii) the entity is covered by professional indemnity insurance approved by the Law Society for the period in respect of which the exemption is claimed;
- (c) legal practice engaged in by a practitioner in the course of the practitioner’s duties as an employee of an entity (the *employing entity*), other than an incorporated legal practice, if the only legal services provided by the practitioner in the course of those duties are —
 - (i) in-house legal services; or

- (ii) if the employing entity is a body corporate — legal services provided to a related body corporate (as defined in the *Corporations Act 2001* (Commonwealth) section 9) of the employing entity;
- (d) government work (as defined in section 36(2) of the Act) engaged in by a WA government lawyer;
- (da) legal practice engaged in by a practitioner who is an officer or employee of a government agency (as defined in section 36(1) of the Act) in the course of the practitioner’s duties in that agency;
- (e) legal practice engaged in by a practitioner in the course of the practitioner’s duties as an employee of or volunteer in —
 - (i) a community legal centre that is covered by professional indemnity insurance approved by the Law Society for the period in respect of which the exemption is claimed; or
 - (ii) the Legal Aid Commission; or
 - (iii) the Aboriginal Legal Service of Western Australia Limited (*ALSWA*), but only if *ALSWA* is covered by professional indemnity insurance approved by the Law Society for the period in respect of which the exemption is claimed; or
 - (iv) another body or organisation providing legal aid in respect of which a resolution of the Law Society Council under subregulation (2) is in force;
- (d) in paragraph (f) delete “a practitioner who does not engage in any legal practice that would result” and insert:

legal practice engaged in by a practitioner that would not result

- (e) in paragraph (g) delete “a practitioner who engages in legal practice as a principal or employee of a national law practice which —” and insert:

legal practice engaged in by a practitioner in the course of the practitioner’s duties as a principal or employee of a national law practice that —

- (f) in paragraph (h) delete “a practitioner who —” and insert:

legal practice engaged in by a practitioner who —
- (g) in paragraph (h)(ii) delete “arrangement.” and insert:

arrangement; and
- (h) after paragraph (h)(ii) insert:
 - (iii) does not otherwise engage in legal practice in this jurisdiction.

(2) Delete regulation 97(2) and insert:

- (2) The Law Society Council may —
 - (a) resolve that employees of, and volunteers in, a specified body or organisation that provides legal aid should be entitled to be exempt from the requirement to comply with regulation 96(a) or (b) to the extent that they engage in legal practice in the course of their duties in that body or organisation; or
 - (b) revoke or amend a resolution made under paragraph (a).

11. Regulation 98 amended

(1) In regulation 98(1) delete “regulation 97 and wishes to have his or her” and insert:

regulation 97 in relation to any legal practice engaged in by the practitioner and wishes to have the practitioner’s

- (2) In regulation 98(2):
 - (a) in paragraph (b) delete “102(1)(b).” and insert:

102(1)(b); and
 - (b) after paragraph (b) insert:
 - (c) accompanied by information in support of the claim.

- (3) Delete regulation 98(3) and insert:
- (3) After 15 May in each year the Law Society must give notice to the Board, in relation to each notice of claim given under subregulation (1) since the last notice to the Board was given under this subregulation —
- (a) specifying the Australian legal practitioner who gave the notice of claim and the legal practice engaged in by the practitioner to which the claim relates; and
 - (b) stating either —
 - (i) that the Law Society considers that the practitioner is an exempt practitioner in relation to the legal practice to which the claim relates; or
 - (ii) that the Law Society is not satisfied, on the basis of the information submitted under subregulation (2)(c) or any other relevant information before it, that the practitioner is an exempt practitioner in relation to the legal practice to which the claim relates.
- (4) A notice under subregulation (3) that includes the statement referred to in subregulation (3)(b)(ii) must include the reasons why the Law Society is not satisfied as referred to in that subregulation.
- (5) If the Law Society gives a notice including the statement referred to in subregulation (3)(b)(ii), the Law Society must also —
- (a) provide to the Board —
 - (i) the notice of claim given to the Law Society by the Australian legal practitioner; and
 - (ii) any information in support of the claim submitted by the practitioner; and
 - (iii) any other information relevant to the claim considered by the Law Society;and
 - (b) give the practitioner written notice that it has done so.

12. Regulation 99 amended

- (1) Delete regulation 99(1)(b) and insert:
- (b) claims that, if granted a local practising certificate, the Australian lawyer will be an

exempt practitioner in relation to any legal practice to be engaged in by the Australian lawyer,

- (2) In regulation 99(2):
 - (a) in paragraph (b) delete “102(1)(b).” and insert:

102(1)(b); and
 - (b) after paragraph (b) insert:
 - (c) accompanied by information in support of the claim.

- (3) Delete regulation 99(3) and insert:
 - (3) The Law Society must, after receiving a notice of claim under subregulation (1), give notice to the Board —
 - (a) specifying the Australian lawyer who gave the notice of claim and the legal practice to be engaged in by the Australian lawyer to which the claim relates; and
 - (b) stating either —
 - (i) that the Law Society considers that the Australian lawyer will, if granted a local practising certificate, be an exempt practitioner in relation to the legal practice to which the claim relates; or
 - (ii) that the Law Society is not satisfied, on the basis of the information submitted under subregulation (2)(c) or any other relevant information before it, that the Australian lawyer will, if granted a local practising certificate, be an exempt practitioner in relation to the legal practice to which the claim relates.
 - (4) A notice under subregulation (3) that includes the statement referred to in subregulation (3)(b)(ii) must include the reasons why the Law Society is not satisfied as referred to in that subregulation.
 - (5) If the Law Society gives a notice including the statement referred to in subregulation (3)(b)(ii), the Law Society must also —
 - (a) provide to the Board —
 - (i) the notice of claim given to the Law Society by the Australian lawyer; and

- (ii) any information in support of the claim submitted by the Australian lawyer; and
 - (iii) any other information relevant to the claim considered by the Law Society;
- and
- (b) give the Australian lawyer written notice that it has done so.

13. Regulation 101 amended

In regulation 101(2) delete “an exempt practitioner notice to that effect from the Law Society under regulation 98(3) or 99(3).” and insert:

an exempt practitioner in relation to any legal practice engaged in by the practitioner notice to that effect from the Law Society under regulation 98(3)(b)(i) or 99(3)(b)(i).

14. Regulation 102 amended

(1) In regulation 102(1):

- (a) delete “law practice or an Australian legal practitioner —” and insert:

law practice, an Australian legal practitioner or an Australian lawyer —

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

(b) making a claim under regulation 98 or 99; or

(2) In regulation 102(3) delete “practitioners are, or are not, members of Law Society.” and insert:

Australian legal practitioners or Australian lawyers are, or are not, members of the Law Society.

(3) In regulation 102(4) delete “a law practice or an Australian legal practitioner if the law practice or practitioner” and insert:

a law practice, an Australian legal practitioner or an Australian lawyer if the law practice, practitioner or lawyer

- (4) After regulation 102(4) insert:
- (5) The Law Society may from time to time fix an additional administration levy to be paid to the Law Society by a law practice that makes, in relation to an insurance year, more than 1 application to take and maintain insurance under the PII arrangement in respect of part only of the year.

15. Regulation 103 amended

- (1) In regulation 103(1):
- (a) delete “law practice or Australian legal practitioner —” and insert:
- law practice, Australian legal practitioner or Australian lawyer —
- (b) delete paragraph (b) and insert:
- (b) making a claim under regulation 98 or 99; or
- (2) In regulation 103(2) delete “law practice or Australian legal practitioner” and insert:

law practice, Australian legal practitioner or Australian lawyer

16. Regulation 104 amended

- (1) In regulation 104(1) delete “legal practice or Australian legal practitioner” and insert:
- law practice, Australian legal practitioner or Australian lawyer
- (2) In regulation 104(2):
- (a) in paragraph (b) delete “exempt practitioner; or” and insert:
- exempt practitioner in relation to any legal practice; or
- (b) after paragraph (b) insert:
- (ba) an Australian lawyer making a claim under regulation 99; or

- (3) In regulation 104(5) delete “law practice or Australian legal practitioner” and insert:

law practice, Australian legal practitioner or Australian lawyer

17. Part 13 Division 8 inserted

At the end of Part 13 insert:

Division 8 — Provisions for *Legal Profession Amendment Regulations 2019*

124. Resolutions under r. 97 relating to bodies or organisations providing legal aid

- (1) This regulation applies if, immediately before the day on which the *Legal Profession Amendment Regulations 2019* regulation 10 comes into operation (***amendment day***), a resolution made for the purposes of regulation 97(1)(e)(iii) or (ea)(iv) is in force in relation to a body or organisation providing legal aid.
- (2) The resolution is taken, on and after amendment day, to be a resolution made for the purposes of regulation 97(2)(a) that employees of, and volunteers in, the body or organisation should be entitled to be exempt from the requirement to comply with regulation 96(a) or (b) to the extent that they engage in legal practice in the course of their duties in that body or organisation.

C. BARRON, Clerk of the Executive Council.

LANDS

LA301

Registration of Deeds Act 1856
 Strata Titles Act 1985
 Transfer of Land Act 1893
 Valuation of Land Act 1978

Lands Regulations Amendment (Fees and Charges) Regulations 2019

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Lands Regulations Amendment (Fees and Charges) Regulations 2019*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2019.

Part 2 — *Registration of Deeds Regulations 2004* amended

3. Regulations amended

This Part amends the *Registration of Deeds Regulations 2004*.

4. Schedule 1 amended

In Schedule 1 amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
Div. 1 it. 1	\$149.20	\$152.00
Div. 1 it. 2	\$149.20	\$152.00
Div. 2 it. 1	\$25.70	\$26.20
Div. 3 it. 1	\$62.00	\$63.00
Div. 3 it. 2	\$149.20	\$152.00

**Part 3 — *Strata Titles General Regulations 1996*
amended**

5. Regulations amended

This Part amends the *Strata Titles General Regulations 1996*.

6. Schedule 1 amended

Amend Schedule 1 item 1 as set out in the Table.

Table

Delete	Insert
277.00 (each occurrence)	282.00
73.00	74.00
111.60	113.80
171.20 (each occurrence)	174.70
6.20	6.30

Part 4 — *Transfer of Land Regulations 2004* amended

7. Regulations amended

This Part amends the *Transfer of Land Regulations 2004*.

8. Regulation 9A amended

In regulation 9A(3):

(a) in paragraph (a) after “item 1” insert:

or 2

(b) in paragraph (b) delete “item 2.” and insert:

item 3.

9. Regulation 10 amended

In regulation 10(1) delete “8.00 a.m.” and insert:

8.30 am

10. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Fees

[r. 9A]

Division 1 — Registrations and recordings

1. Of a transfer of a mortgage or charge —

first mortgage or charge	\$174.70
subsequent mortgage or charge	\$13.60
 2. Of a transfer —
 - (a) that is exempt from duty under the *Stamp Act 1921* or the *Duties Act 2008*; or
 - (b) on which nominal duty is chargeable under the *Duties Act 2008*; or
 - (c) on which duty is chargeable under the *Stamp Act 1921* Second Schedule item 6 \$174.70
 3. Of a transfer of a lease, surrender, easement or restrictive covenant \$174.70
 4. Of any other transfer where the value of the consideration in respect of the land or the value of the land as assessed under the *Stamp Act 1921* or the *Duties Act 2008*, whichever is the greater —

does not exceed \$85 000	\$174.70
exceeds \$85 000 but does not exceed \$120 000	\$184.70
exceeds \$120 000 but does not exceed \$200 000	\$204.70

plus, for each whole or part of \$100 000 above \$200 000 \$20.00
- Note: Where —
- (a) duty is assessed on a parcel of land; and
 - (b) transfers are lodged for parts of that parcel; and
 - (c) a separate value for each part is not allocated in the contract,
- the fee for registering and recording the first of the transfers lodged for registration is to be assessed under item 4 on the value as assessed under the *Stamp Act 1921* or the *Duties Act 2008* of the parcel and, subject to proof of the payment of that fee, the fee for registering and recording each of the second and subsequent of the transfers is \$174.70
- Note: The fees specified in items 1 to 4 include the creation and registration of a new certificate of title where such certificate is required by the Registrar.
5. Of a mortgage or charge or of a whole or partial discharge of a mortgage or charge — for each interest \$174.70
 6. Of an extension of a mortgage or charge — for each interest \$174.70

7.	Of a Crown lease or of a freehold lease or sub-lease or extension of a freehold lease	\$174.70
8.	Of a memorial or notification under any State or Commonwealth Act (unless exempted from payment under that Act)	\$174.70
9.	Of an order of the Supreme Court, the District Court or a Magistrates Court	\$174.70
10.	Of revocation of a power of attorney	\$174.70
11.	Of an instrument not specifically provided for in this Division	\$174.70

Division 2 — Lodgments

1.	Of a caveat, a power of attorney or a declaration of trust	\$174.70
2.	Of a deposited plan of Crown land that is not a subdivision —	
	(a) general fee	\$282.00
	(b) for each lot	\$74.00
	(c) for each sheet in addition to the first sheet	\$282.00
3.	Of any other deposited plan —	
	(a) general fee	\$282.00
	(b) for each lot (including any lot shown on an inset on the plan) other than a lot vesting in the Crown under the <i>Planning and Development Act 2005</i> section 152	\$74.00
4.	Of a replacement plan	\$282.00
5.	Of a duplicate certificate of title or lease for the registration or recording of a dealing lodged by a third party —	
	(a) for the first certificate of title or lease	\$87.35
	(b) for each subsequent certificate of title or lease	\$6.30
6.	Of a memorandum within the meaning of section 54(1) of the Act — section 54(2) of the Act	\$174.70
7.	Of a form for the notification of a factor affecting the use or enjoyment of land — section 70A(1) of the Act	\$174.70
8.	Of an instrument for a restrictive covenant created under section 129BA of the Act — section 129BA(2)(b) of the Act	\$174.70
9.	Of an instrument for an easement created under Part IVA of the Act — section 136C(4) of the Act	\$174.70
10.	Of an instrument for a restrictive covenant created under Part IVA of the Act — section 136D(3) of the Act	\$174.70

Division 3 — Withdrawals

1. Of a caveat, order of the Supreme Court, the District Court or a Magistrates Court, a memorial under the *Taxation Administration Act 2003* Part 6 Division 2 or a memorial under the *Land Tax Assessment Act 1976* section 46 that was registered before that Act was repealed, or any other Act or Commonwealth Act (unless exempted from payment under that Act) \$174.70
2. Of a memorial or notification under the *Water Services Act 2012* \$174.70
3. Of a document from registration or recording \$87.35

Division 4 — Applications

1. For a new certificate of title in respect of undivided shares in land —
 - (a) for one certificate \$174.70
 - (b) for each additional certificate \$6.30
2. For a new certificate of title the subject of a deposited plan \$174.70
 plus, for each lot shown on the deposited plan, other than a lot that is proposed to be vested in the Crown under the *Planning and Development Act 2005* section 152 \$6.30
3. For a new certificate of title in any other case \$174.70
4. To amend certificates of title of other owners affected by section 170 of the Act — for each certificate of title affected \$174.70
5. To serve a section 138A caveator with notice under section 138B of the Act \$326.70
6. For each replacement edition of a duplicate certificate of title where a duplicate certificate of title was issued on the registration of the certificate of title \$174.70
7. An application in respect of any matter not specifically provided for in this Division \$174.70

Division 5 — Certificates

1. For the issue of a certificate of title, either on request or where necessary in connection with an application or process (except where this service is included in another fee) \$174.70
2. For a certificate of ownership issued under the *Local Government Act 1995* section 9.41 \$63.00
3. For certification by the Registrar of a certificate of title, Crown lease, deposited plan, plan, diagram or other document \$63.00

4. For the issue of a certified and sealed document for the purposes of section 239B(1)(b) of the Act fee as assessed by the Registrar, not exceeding actual cost

Division 6 — Inspection and/or copies of documents

1. Inspection of a Crown lease, Crown title, permit or licence \$26.20
2. Copy of a Crown lease, Crown title, permit or licence \$26.20
3. Inspection of a Crown land lease \$26.20
4. Copy of a Crown land lease \$26.20
5. Inspection of a certificate of title —
- (a) where required as a result of a check search \$13.10
- (b) in other cases \$26.20
6. Copy of a certificate of title —
- (a) where required as a result of a check search \$13.10
- (b) in other cases \$26.20
7. Inspection of a plan, diagram or deposited plan \$26.20
8. Copy of a plan, diagram or deposited plan \$26.20
9. Inspection of a licensed surveyor's field book \$26.20
10. Copy of a licensed surveyor's field book \$26.20
11. Copy of a plan, diagram, deposited plan, survey index plan or licensed surveyor's field book obtained by use of departmental self-service equipment fee as assessed by the Registrar, not exceeding actual cost
12. Inspection of the record of dealings and matters referred to in section 48A(2) or 81P of the Act, as is relevant to the case, that were endorsed on previous digital versions of a digital title, but are not endorsed on the current version of that digital title \$13.10
13. Inspection of other documents and related information not specifically provided for in this Division, including documents listed as subject to dealing and status reports \$26.20 per document
14. Copy of other documents and related information not specifically provided for in this Division, including documents listed as subject to dealing and status reports \$26.20 per document

15.	Copy of a survey index plan	\$26.20
16.	Check search	\$13.10
17.	In response to a request via a privately owned data terminal for a check search to be sent to that data terminal.....	\$13.10
	Note: The fee specified in item 17 includes taking a hard copy of screen print.	
18.	Inspection of a power of attorney document where the number is known	\$26.20
19.	Copy of a power of attorney document where the number is known	\$26.20

Division 7 — Miscellaneous

1.	For advertising (minimum fee payable on lodgment of application, additional actual cost payable when actual cost is known)	\$174.70 plus actual cost above \$174.70
2.	For —	
	(a) a map or a colouring of a map on a copy of a certificate of title, Crown lease, deposited plan or other document; or	
	(b) drafting of a deposited plan or other document; or	
	(c) the provision of consultancy services relating to project planning and project conveyancing	fee as assessed by the Registrar, not exceeding actual cost
3.	For dispensing with the production of a duplicate certificate of title or other instrument	\$152.00
4.	Supply of statement of grounds	\$152.00
5.	Order for stay of registration under section 148 of the Act	\$152.00
6.	For requisitions raised on —	
	(a) a deposited plan or other survey document ..	\$113.80
	(b) any other document	\$87.35
7.	For amendments made to a deposited plan or other survey document on which requisitions have been raised	fee as assessed by the Registrar, not exceeding actual cost

8. For serving a caveat with notice under section 138 or 141A of the Act — each caveat \$152.00
9. Cancellation of a deposited plan \$217.00
10. Search of a historical tenure fee as assessed by the Registrar, not exceeding actual cost
11. Providing a replica of a certificate of title, plan or document registered in the State actual cost
12. For rejection of a document under section 192(1) of the Act 100% of the registration, recording, lodgment or application fee paid or payable on the document
13. For registrations and recordings under Division 1, lodgments under Division 2 and applications under Division 4 — involving more than 20 certificates or leases — each certificate or lease in excess of 20 \$6.30

Part 5 — *Valuation of Land Regulations 1979* amended

11. Regulations amended

This Part amends the *Valuation of Land Regulations 1979*.

12. Schedule 1 amended

In Schedule 1 amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
it. 1	151.50	154.50
it. 2	61.00	62.00
it. 3	8.30	8.50
it. 4	18.10	18.50

C. BARRON, Clerk of the Executive Council.

PREMIER AND CABINET

PR301

Supreme Court Act 1935

**Acting Attorney General Designation
Order (No. 2) 2019**

Made by the Governor in Executive Council.

1. Citation

This order is the *Acting Attorney General Designation Order (No. 2) 2019*.

2. Minister designated

The Honourable Alannah Joan Geraldine MacTiernan MLC, the Minister for Regional Development; Agriculture and Food; Ports; Minister assisting the Minister for State Development, Jobs and Trade, is designated as the Minister of the State for the purposes of the *Supreme Court Act 1935* section 154(3) and (4) during the period beginning on 30 May 2019 and ending on 3 June 2019.

C. BARRON, Clerk of the Executive Council.

— PART 2 —

MARINE/MARITIME

MA401

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

PROHIBITED SWIMMING AREA

Denham

Shire of Shark Bay

Department of Transport,
Fremantle WA, 21st May 2019.

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 6:00PM and 10:00PM on Friday 24th May 2019—

Denham

Area of Closure: All the waters within approximate coordinates commencing at a point on the foreshore at 25° 55.587'S, 113° 31.791'E (adjacent to Stella Rowley Drive), thence along the foreshore to 25° 55.658'S, 113° 31.931'E (approximately 212 metres west of the recreational jetty), thence to 25° 55.773'S, 113° 31.857'E (approximately 245 metres from the shore), thence to 25° 55.706'S, 113° 31.716'E (approximately 268 metres northwest), thence northeast to the point of commencement at 25° 55.587'S, 113° 31.791'E.

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

CHRISTOPHER J. MATHER, Acting General Manager Marine Safety,
Department of Transport.

PARLIAMENT

PA401

PARLIAMENT OF WESTERN AUSTRALIA

Royal Assent to Bills

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

Title of Act	Date of Assent	Act No.
Child Support (Commonwealth Powers) Act 2019	15 May 2019	7 of 2019
Suitors' Fund Amendment Act 2019	15 May 2019	8 of 2019
Suitors' Fund Amendment (Levy) Act 2019	15 May 2019	9 of 2019

NIGEL PRATT, Clerk of the Parliaments.

16 May 2019.

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005

DELEGATION

Commissioner of Main Roads

Planning Control Area No. 122—Armadale Road Deviation (Cockburn Central)

The Western Australian Planning Commission has resolved that (save as hereinafter provided) it hereby delegates to the Commissioner of Main Roads pursuant to section 16 of the *Planning and*

Development Act 2005 all of the functions powers rights and duties of the Commission that have arisen or may arise in respect of all claims for compensation made or to be made under the *Land Administration Act 1997* together with and as modified by the *Planning and Development Act 2005* in relation to that all that land which has either been taken or which may be taken in the future for the purposes of the Metropolitan Region Scheme namely Planning Control Area No. 122—Armadale Road Deviation (Cockburn Central) as depicted on WAPC Plan 1.7415/3 including (but without derogating from the generality of this delegation) the notification of the taking and the issue of claims forms to claimants, making offers of compensation to claimants as required under the *Land Administration Act 1997* together with and as modified by the *Planning and Development Act 2005*, making advance payments in partial satisfaction of such claims, the negotiation and settlement of such claims, the defence of such claims or otherwise the doing of all such acts matters or things however arising in relation to such claims.

Provided that in accordance with section 204 of the *Planning and Development Act 2005* the Commissioner of Main Roads shall not in exercising this delegation make any contract or incur any expenditure the consideration or cost of which exceeds \$1,000,000 (inclusive of GST) without the prior consent of the Minister under that section.

The Common Seal of the Western Australian Planning Commission was hereto affixed in the presence of—

DAVID CADDY, Chairperson.
GAIL MCGOWAN, Member.

Dated: 13 May 2019.

PREMIER AND CABINET

PR401

INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with section 12(c) of the *Interpretation Act 1984*, has approved the following temporary appointment—

Hon A. MacTiernan MLC to act temporarily in the office of Attorney General; Minister for Commerce in the absence of the Hon J. R. Quigley MLA for the period 30 May to 3 June 2019 (both dates inclusive).

D. FOSTER, Director General,
Department of the Premier and Cabinet.

PR402

INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with section 12(c) of the *Interpretation Act 1984*, has approved the following temporary appointment—

Hon D. A. Templeman MLA to act temporarily in the office of Minister for Seniors and Ageing; Volunteering; Sport and Recreation in the absence of the Hon M. P. Murray MLA for the period 1 to 6 November 2019 (both dates inclusive).

D. FOSTER, Director General,
Department of the Premier and Cabinet.

PR403

INTERPRETATION ACT 1984 MINISTERIAL ACTING ARRANGEMENTS

It is hereby notified for public information that the Governor, in accordance with section 12(c) of the *Interpretation Act 1984*, has approved the following temporary appointment—

Hon R. Saffioti MLA to act temporarily in the office of Minister for Environment; Disability Services; Electoral Affairs in the absence of the Hon S. N. Dawson MLC for the period 27 July to 1 August 2019 (both dates inclusive).

D. FOSTER, Director General,
Department of the Premier and Cabinet.

SALARIES AND ALLOWANCES TRIBUNAL

SA401

SALARIES AND ALLOWANCES ACT 1975 DETERMINATION VARIATION

PREAMBLE

The Salaries and Allowances Tribunal has issued a determination to reflect appointments and vacancies to the following offices in the Special Division of the WA Public Service and Prescribed Offices—

1. Chief Health Officer, Department of Health
2. Deputy State Solicitor—Commercial, SSO, Department of Justice
3. Inspector of Custodial Services, Office of the Inspector of Custodial Services
4. Director General, Department of Communities
5. Commissioner, Office of the Commissioner for Equal Opportunity

DETERMINATION

VARIATION 1 (effective on and from 1 March 2019)

The determination of the Salaries and Allowances Tribunal made on 25 June 2018 under sections 6(1)(c), (d) and (e) of the *Salaries and Allowances Act 1975*, as amended from time to time, is hereby varied by a determination set out below.

Remove reference to the office below as it appears in ‘Table 2 Prescribed Office Holders’ within Part 1 of the First Schedule and include the following—

Office	Department or Agency	Office Holder	Salary
Chief Health Officer	Health	A. Robertson	See Eighth Schedule

VARIATION 2 (effective on and from 1 April 2019)

The determination of the Salaries and Allowances Tribunal made on 25 June 2018 under sections 6(1)(c), (d) and (e) of the *Salaries and Allowances Act 1975*, as amended from time to time, is hereby varied by a determination set out below.

Remove reference to the offices below as they appear in ‘Table 14: Remuneration and Offices’ within Part 1 of the Second Schedule and include the following—

Office	Department or Agency	Band	Office Holder	Salary
Deputy State Solicitor— Commercial, SSO	Justice	2	C. Bydder	\$375,819
Adviser, SSO	Justice	4	Vacant	\$-

VARIATION 3 (effective on and from 4 May 2019)

The determination of the Salaries and Allowances Tribunal made on 25 June 2018 under sections 6(1)(c), (d) and (e) of the *Salaries and Allowances Act 1975*, as amended from time to time, is hereby varied by a determination set out below.

- (a) Remove reference to the office below as it appears in ‘Table 2 Prescribed Office Holders’ within Part 1 of the First Schedule and include the following—

Office	Department or Agency	Office Holder	Salary
Inspector of Custodial Services	Office of the Inspector of Custodial Services	E. Ryan	\$235,539

- (b) Remove paragraph 6.1(4) within Part 6 of the First Schedule.

VARIATION 4 (effective on and from 6 May 2019)

The determination of the Salaries and Allowances Tribunal made on 25 June 2018 under sections 6(1)(c), (d) and (e) of the *Salaries and Allowances Act 1975*, as amended from time to time, is hereby varied by a determination set out below.

Remove reference to the office below as it appears in ‘Table 2 Prescribed Office Holders’ within Part 1 of the First Schedule and include the following—

Office	Department or Agency	Office Holder	Salary
Commissioner for Equal Opportunity	Office of the Commissioner for Equal Opportunity	J. Byrne	\$252,020

VARIATION 5 (effective on and from 1 May 2019)

The determination of the Salaries and Allowances Tribunal made on 25 June 2018 under sections 6(1)(c), (d) and (e) of the *Salaries and Allowances Act 1975*, as amended from time to time, is hereby varied by a determination set out below.

Remove reference to the office below as it appears in 'Table 1: Special Division CEOs' within Part 1 of the First Schedule and include the following—

Office	Department or Agency	Band	Office Holder	Salary
Director General	Communities	1	M. Andrews	\$428,500

Remove reference to the office below as it appears in 'Table 3 Special Division Non-CEOs' within Part 1 of the First Schedule and include the following—

Office	Department or Agency	Band	Office Holder	Salary
Deputy Director General	Premier and Cabinet	2	Vacant	\$-

Signed on 14 May 2019.

M. SEARES AO,
Chair.

B. A. SARGEANT PSM,
Member.

C. P. MURPHY PSM,
Member.

Salaries and Allowances Tribunal

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Dorothy Annie Lee, formerly of 16 Riverview Rise, Wilson, Western Australia, late of Regents Garden, 248 Lyon Road, Aubin Grove, 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 28 February 2019, are required by the trustee, Jeffrey Gordon Lee, c/- 28 Marian Avenue, Armadale WA, to send particulars of their claims to him within one (1) month of the date of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZX402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

John Leonard Harris, late of 11B Chalwell Street, Rockingham in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on 22 January 2019, are required by the trustee of the late John Leonard Harris, c/- Mountains Lawyers, PO Box 5379, Rockingham Beach WA 6969 to send particulars of their claims to the trustee within 30 days of the date of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

MOUNTAINS LAWYERS PTY LTD, solicitors for the Trustee.
Phone: (08) 9592 7326

ZX403

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Elwyn Carnsew, late of 35 Turton Heights, Dongara, Western Australia, Telephonist, 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 21 March 2010, are required by the Administrator, Gregory Norman Frank Pink, care of Mid West Lawyers, Suite 1, Wiebbe Hayes House, 7 Wiebbe Hayes Lane, Geraldton, Western Australia, to send particulars of their claims to them within one (1) month from the date of publication of this notice, after which date the Administrator may convey or distribute the assets, having regard only to the claims of which they then have notice.

MID WEST LAWYERS.

ZX404**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

In the matter of the Estate of George Young, late of 95 Flinders Street, Mount Hawthorn, Western Australia, Retired, 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 1 January 2019, are required by the Executor of care of Fort Knox Legal, PO Box 390, West Perth WA 6872, to send the particulars of their claims to Fort Knox Legal by one month from the date 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.

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

Notice to Creditors and Claimants

In the matter of the Estate of Len Frank Solomon, late of 9 Treeby Street, Coolbellup in the State of Western Australia, Retired, 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 8 December 2018, are required by the Executor of care of Fort Knox Legal, PO Box 390, West Perth WA 6872, to send the particulars of their claims to Fort Knox Legal by one month from the date 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.

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

Notice to Creditors and Claimants

Deborah Marian Smith, late of 3/51 Weaponess Road, Scarborough, 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 2018, are required by the Executor and trustee, Teresa Ann Wignall of 12 Birkett Street, Bedford, Western Australia to send particulars of their claims care of Gregson & Associates, PO Box Z5017 St Georges Terrace, Perth, Western Australia on or before 30 days from the date of publication of this notice, after which date the trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

ZX407**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Notice to Debtors and Creditors in the estate of Peter Richard Vile, late of 6D Jugan Street, Mt. Hawthorn WA 6016, who died on 27 September 2018, are required to send their claim to Administrators, Phillip and Norma Vile of 24 Dalry Road, Darlington WA 6070 within 30 days from the date of publication of this notice, after which date the Administrators may convey or distribute the assets having regard only to the claims of which notice has been given.

ZX408**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Estate of Rona McKenzie Gawned, late of 26 Belhus Drive, Trigg, 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 25 February 2019, are required by the executors of the deceased's estate, being Susan Gawned and Elizabeth Joan Gawned, both care of Summers Legal, 104 Colin Street, West Perth WA 6005, to send particulars of their claims to them within one month from the date of publication of this notice, after which date the executors may convey or distribute the assets, having regard only to the claims of which they have notice.
