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# — PART 1 —

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## JUSTICE

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JU301

Defamation Act 2005

### **Defamation (Damages for Non-economic Loss) Order 2020**

Made by the Minister under section 35(3) and (8) of the Act.

**1. Citation**

This order is the *Defamation (Damages for Non-economic Loss) Order 2020*.

**2. Adjustment of maximum damages amount**

From 1 July 2020, the amount that applies for the purposes of section 35(1) of the Act is \$421 000.

J. QUIGLEY, Attorney General.

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## — PART 2 —

### AGRICULTURE AND FOOD

AG401

#### AGRICULTURAL PRODUCE COMMISSION ACT 1988 WINE PRODUCERS FEE FOR SERVICE CHARGE

The Agricultural Produce Commission hereby notifies that the following Fee for Service charges, under section 14 of the *Agricultural Produce Commission Act 1988*, have been approved by the Minister for Agriculture and Food and will apply to wine producers for the APC Wine Producers' Committee.

The charges will be effective as of 14 September 2020 for the 2020 Vintage

Tonnage Range	WOWA Base Rate	WOWA Volume Rate (per tonne)	Blackwood Base Rate	Geographe Base Rate	Geographe Volume Rate (per tonne)	Great Southern Base Rate	Great Southern Volume Rate (per tonne)
Up to 2	\$75.00	\$0.00	\$150	\$200	\$0.0000	\$75	\$0.0000
Over 2 - 5	\$100.00	\$0.00	\$150	\$200	\$0.0000	\$100	\$0.0000
Over 5 - 10	\$165.00	\$0.00	\$150	\$250	\$0.0000	\$160	\$0.0000
11-29	\$225.00	\$13.16	\$150	\$250	\$3.9474	\$225	\$13.8889
30-49	\$475.00	\$11.88	\$150	\$350	\$1.3158	\$475	\$11.8421
50-99	\$712.00	\$7.60	\$150	\$400	\$0.4016	\$700	\$1.0204
100-199	\$1,092.50	\$5.70	\$150	\$400	\$0.4016	\$750	\$0.5050
200-299	\$1,662.50	\$4.28	\$150	\$500	\$0.2145	\$800	\$0.5051
300-499	\$2,090.00	\$3.80	\$150	\$500	\$0.2146	\$850	\$0.7537
500-749	\$2,850.00	\$1.90	\$150	\$500	\$0.2146	\$1,000	\$0.4016
750-999	\$3,325.00	\$1.52	\$150	\$500	\$0.2146	\$1,100	\$1.6064
1000-1999	\$3,705.00	\$1.05	\$150	\$650	\$0.0500	\$1,500	\$0.5005
2000-3999	\$4,750.00	\$0.95	\$150	\$650	\$0.0500	\$2,000	\$0.5003
4000-5999	\$6,650.00	\$0.71	\$150	\$800	\$0.0334	\$3,000	\$0.5003
6000-9999	\$8,075.00	\$0.36	\$150	\$800	\$0.0334	\$4,000	\$0.2501
10000+	\$9,500.00	\$0.00	\$150	\$1,000	\$0.0000	\$5,000	\$0.0000

  

Tonnage Range	Margaret River Base Rate	Margaret River Volume Rate (per tonne)	Peel Base Rate	Perth Hills Volume Rate (per tonne)	Swan Volume Rate (per tonne)	Wine Industry Southern Forests Base Rate	Wine Industry Southern Forests Volume Rate (per tonne)	Biosecurity per tonne
Up to 2	\$130	\$0.0000	\$125	\$10	\$1.50		\$1.70	.05 cents per tonne
Over 2 - 5	\$130	\$0.0000	\$125	\$10	\$1.50	\$100	\$1.70	
Over 5 - 10	\$293	\$0.0000	\$125	\$10	\$1.50	\$150	\$1.70	
11-29	\$292.50	\$17.1100	\$125	\$10	\$1.50	\$200	\$1.70	
30-49	\$617.50	\$15.4400	\$125	\$10	\$1.50	\$250	\$1.70	
50-99	\$926.25	\$9.8800	\$125	\$10	\$1.50	\$300	\$1.70	
100-199	\$1,420.25	\$7.4100	\$125	\$10	\$1.50	\$350	\$1.70	
200-299	\$2,161.25	\$5.5600	\$125	\$10	\$1.50	\$400	\$1.70	
300-499	\$2,717.00	\$4.9400	\$125	\$10	\$1.50	\$450	\$1.70	
500-749	\$3,705.00	\$2.4700	\$125	\$10	\$1.50	\$500	\$1.70	
750-999	\$4,322.50	\$1.9800	\$125	\$10	\$1.50	\$550	\$1.70	
1000-1999	\$4,816.50	\$1.3600	\$125	\$10	\$1.50	\$550	\$1.70	
2000-3999	\$6,175.00	\$1.2400	\$125	\$10	\$1.50	\$550	\$1.70	
4000-5999	\$8,645.00	\$0.9300	\$125	\$10	\$1.50	\$550	\$1.70	
6000-9999	Nil	Nil	\$125	\$10	\$1.50	\$550	\$1.70	
10000+	Nil	Nil	\$125	\$10	\$1.50		\$1.70	

Dr WILLIAM RYAN, Chairperson, Agricultural Produce Commission.

## FIRE AND EMERGENCY SERVICES

FE401

### EMERGENCY MANAGEMENT ACT 2005

#### EXTENSION OF STATE OF EMERGENCY DECLARATION

I, Stephen Noel Dawson, the Minister for Emergency Services, hereby extend the State of emergency declaration made on 15 March 2020 at 12:45pm.

The state of emergency declaration is extended for a period of fourteen (14) days.

The powers that may be exercised during the period by which the state of emergency declaration is extended are limited as follows: Nil limitations.

Time when declaration made: 4.54pm.

Date on which declaration made: 5 August 2020.

This declaration has effect from 12am on 6 August 2020 and remains in force until—

(a) 12am on 20 August 2020; or

(b) It is revoked under section 59 of the *Emergency Management Act 2005*.

This declaration of an extension of a state of emergency declaration is made under section 58 of the *Emergency Management Act 2005*.

STEPHEN NOEL DAWSON, Acting Minister for Emergency Services.

FE402

### BUSH FIRES ACT 1954

#### BUSH FIRES (PROHIBITED BURNING TIMES) AMENDMENT NOTICE (NO. 4) 2020

Made by the FES Commissioner of the Department of Fire and Emergency Services under section 17(1) of the *Bush Fires Act 1954*.

#### 1. Citation

This notice is the *Bush Fires (Prohibited Burning Times) Amendment Notice (No. 4) 2020*.

#### 2. Commencement

This notice comes into operation as follows—

(a) clauses 1 and 2—on the day on which this notice is published in the *Gazette*;

(b) the rest of the notice—on the day after that day.

#### 3. The notice amended

The amendments in this notice are to the *Bush Fires (Prohibited Burning Times) Declaration 2012\** (as amended).

[\* Published in *Gazette* 3 February 2012, p. 610-615.]

#### 4. Schedule 1 amended

Schedule 1 is amended by deleting the prohibited burning times of the City of Albany and inserting the following instead—

Prohibited Burning Time	Zone of the State
15 November to 15 February	<b>City of Albany</b> <i>(Generally north of dividing line described in schedule 15 published in the Government Gazette of 16.09.1982 at pages 3270 to 3271)</i>
15 December to 14 March	<b>City of Albany</b> <i>(Generally south and southwest of dividing line described in schedule 15 published in the Government Gazette of 16.09.1982 at pages 3270 to 3271)</i>

CRAIG WATERS, Acting FES Commissioner of the  
Department of Fire and Emergency Services,  
as a delegate of the Minister under section 15  
of the *Fire and Emergency Services Act 1998*.

5 August 2020.

**FE403****BUSH FIRES ACT 1954****BUSH FIRES (RESTRICTED BURNING TIMES) AMENDMENT NOTICE (NO. 3) 2020**

Made by the FES Commissioner of the Department of Fire and Emergency Services under section 18(2) of the *Bush Fires Act 1954*.

**1. Citation**

This notice is the *Bush Fires (Restricted Burning Times) Amendment Notice (No. 3) 2020*.

**2. Commencement**

This notice comes into operation as follows—

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

**3. The notice amended**

The amendments in this notice are to the *Bush Fires (Restricted Burning Times) Notice 2012\**.

[\* Published in *Gazette* 3 February 2012, p. 615-619.]

**4. Schedule 1 amended**

Schedule 1 is amended by deleting the restricted burning times of the City of Albany and the Shire of Bridgetown-Greenbushes, and inserting the following instead—

<b>Restricted Burning Time</b>	<b>Zone of the State</b>
3 October to 30 April	<b>City of Albany</b> <i>(Generally north of dividing line described in schedule 15 published in the Government Gazette of 16.09.1982 at pages 3270 to 3271)</i>
1 November to 14 May	<b>City of Albany</b> <i>(Generally south and southwest of dividing line described in schedule 15 published in the Government Gazette of 16.09.1982 at pages 3270 to 3271)</i>
1 November to 10 May	<b>Shire of Bridgetown-Greenbushes</b>

CRAIG WATERS, Acting FES Commissioner of the  
Department of Fire and Emergency Services,  
as a delegate of the Minister under section 15  
of the *Fire and Emergency Services Act 1998*.

5 August 2020.

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## HEALTH

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**HE401****PUBLIC HEALTH ACT 2016****EXTENSION OF DECLARATION (NO. 2) OF PUBLIC HEALTH STATE OF EMERGENCY**

Pursuant to section 170 of the *Public Health Act 2016* (WA) I, Roger Cook, the Minister for Health, hereby extend the public health state of emergency declaration, which came into effect on 23 March 2020 at 13:30 hours.

The duration of the public health state of emergency declaration is extended for a period of 14 days (the extension).

Time of this extension: 11am.

Date of this extension: 7 August 2020.

Hon ROGER COOK MLA, Minister for Health.

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## LOCAL GOVERNMENT

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LG501

**BUSH FIRES ACT 1954**  
**FIREBREAK AND FUEL LOAD NOTICE 2020/2021**  
*Shire of Mundaring*

Notice to All Owners and/or Occupiers of Land Situated Within Shire of Mundaring

As a measure to assist in the control of bush fires, or preventing the spread or extension of a bush fire which may occur, notice is hereby given to all owners and/or occupiers of land within the Shire of Mundaring that pursuant to the powers conferred in Section 33 of the *Bush Fires Act 1954*, works in accordance with the requisitions of this notice must be carried out before the 1st day of November in each year, or within 14 days of becoming the owner or occupier of land if after that date.

All work specified in this Notice is to be maintained up to and including the 31st day of March in the following calendar year.

### DEFINITIONS

For the purpose of this Notice the following definitions apply—

**Alternative Fire Management Arrangement** includes a variation as defined in Section 6 of this Notice and, a Bushfire Management Plan, Bushfire Management Statement, or Fuel Load Management Plan, approved by the Shire of Mundaring to reduce and mitigate fire hazards within a particular subdivision, lot or other area of land anywhere in the district.

**Authorised Officer** means an employee of the Shire of Mundaring appointed as a Bush Fire Control Officer pursuant to the powers conferred in Section 38 of the *Bush Fires Act 1954*.

**Firebreak** means a strip or area of ground, not less than 3 metres in width, and 4 metres in height, immediately inside all external boundaries of any lot owned and/or occupied by you and situated within Shire of Mundaring, constructed to a trafficable surface that is kept and maintained totally clear of all flammable material and includes the pruning and removal of any living or dead trees, scrub or any other material encroaching into the vertical axis of the firebreak area. Such firebreaks may be constructed by one or more of the following methods: ploughing, cultivating, scarifying, raking, burning, chemical spraying or other method as approved by an Authorised Officer.

**Flammable Material** means any plant, tree, grass, substance, object, thing or material that may or is likely to catch fire and burn or any other thing deemed by an authorised officer to be capable of combustion.

**Fuel Depot / Fuel Storage Area** means an area of land, a building or structure where fuel, i.e. (petrol, diesel, kerosene, liquid gas or any other fossil fuel) is kept in any container or manner.

**Fuel Load** is the leaf litter on the ground inclusive of leaves, twigs (up to 6mm in diameter) and bark. A litter depth of 5mm from the top of the layer to the mineral earth beneath is indicative of approximately 2.5 tonnes per hectare. A litter depth of 15mm from the top of the layer to the mineral earth beneath is indicative of approximately 8 tonnes per hectare. The Shire of Mundaring can provide advice on determining fuel load levels and provides a fuel load measurement guide for your use on request.

**Habitable Buildings** means a dwelling, workplace, place of gathering or assembly, a building used for the storage or display of goods or produce for sale by wholesale in accordance with classes 1-9 of the Building Code of Australia. The term habitable building includes attached and adjacent structures like garages, carports verandas or similar roofed structure(s) that are attached to, or within 6 metres of the dwelling or primary building.

**Maintaining Fuel Loads** relates to the management of leaf litter as described in this Notice. Reducing fuel load levels does not necessarily require the removal of existing natural vegetation. A combination of methods can be utilised inclusive of safe burning, raking, weed removal, pruning and/or the removal of dead plant material.

**Managed Vegetation** includes vegetation that is pruned away from buildings, under pruned to minimise contact with ground fuels and that is kept free of dead suspended matter such as twigs, leaves and bark.

**Trafficable** means to be able to travel from one point to another in a four-wheel drive fire appliance on a clear surface, unhindered without any obstruction that may endanger such fire appliances. A firebreak is not to terminate, or lead to a dead end, without provision for egress to a safe place or a cleared turn around area of not less than a 19 metre diameter.

**Vertical Axis** means a continuous vertical uninterrupted line at a right angle to the horizontal line of the firebreak to a minimum height of 4 metres from the ground.

### LAND CATEGORIES

The specific requirements below relating to land categories within the Shire are to be implemented and maintained to the satisfaction of an Authorised Officer.

#### 1. All land with an area of less than 5000sqm with a building on it

Maintain an Asset Protection Zone in line with the requirements of Section 5 of this Notice.

For the remainder of the land on the lot outside of the Asset Protection Zone—

- maintain all grass on the land to a height no greater than 5cm

- ensure no tree crowns overhang a building
- prune trees and shrubs, and remove dead flammable material within 1.5 metres around all buildings
- ensure the roofs, gutters and walls of all buildings on the land are free of flammable matter
- maintain fuel loadings in natural bush areas at less than 8 tonnes per hectare across the land.

## **2. All land with an area of 5000sqm or greater, with a building on it**

Maintain an Asset Protection Zone in line with the requirements of Section 5 of this Notice.

For the remainder of the land on the lot outside of the Asset Protection Zone—

- if the land is an area of less than 50,000sqm (5 Hectares) all grass must be maintained on the land to a height no greater than 5cm.
- if the land is an area of 50,000sqm (5 Hectares) or greater, the grass must be maintained on the land to a height no greater than 5cm for a distance of 10m from any firebreak
- install a firebreak around all structures and immediately inside all external boundaries of the land
- prune trees and shrubs, and remove dead flammable material around all structures
- ensure the roofs, gutters and walls of all buildings on the land are free of flammable matter
- maintain fuel loadings in natural bush areas at less than 8 tonnes per hectare across the land.

## **3. All vacant land**

- install a firebreak immediately inside all external boundaries of the land.
- if the land is an area of less than 50,000sqm (5 Hectares) all grass must be maintained on the land to a height no greater than 5cm.
- if the land is an area of 50,000sqm (5 Hectares) or greater, the grass must be maintained on the land to a height no greater than 5cm for a distance of 10m from any firebreak
- maintain fuel loadings in natural bush areas to less than 8 tonnes per hectare across the land

## **4. Fuel Depot / Fuel Storage Area / Haystacks / Stockpiled Flammable Material**

- remove all inflammable matter within 10 metres of where fuel drums, fuel ramps or fuel dumps are located, and where fuel drums, whether containing fuel or not, are stored
- install a firebreak immediately adjacent to any haystacks or stockpiled flammable material

## **5. Asset (Building) Protection Zone Specification**

The Asset Protection Zone (APZ) for habitable buildings and related structures, as defined within this Notice, must meet the following requirements, unless varied under an approved 'Alternative Fire Management Arrangement' as defined within this Notice, and applies only within the boundaries of the lot on which the habitable building is situated—

- APZs for habitable buildings must extend a minimum of 20 metres out from any external walls of the building, attached structures, or adjacent structures within 6 metres of the habitable building
- on sloping ground the APZ distance shall increase at least 1 metre for every degree in slope on the sides of the habitable building that are exposed to down slope natural vegetation
- APZs predominantly consist of managed vegetation, reticulated lawns and gardens and other non-flammable features
- all grass is maintained to or under 5cm
- fuel loads must be maintained at 2 tonnes per hectare or lower
- clear separation distance between adjoining or nearby tree crowns
- a small group of trees within close proximity to one another may be treated as one crown provided the combined crowns do not exceed the area of a large or mature crown size for that species
- trees are to be low pruned (or under pruned) to at least a height of 2 metres from ground
- no tree, or shrub over 2 metres high are to be within 2 metres of a habitable building
- tall shrubs over 2 metres high are not planted in groups close to the habitable building and ensure there is a gap of at least three times the height (at maturity) of the shrub away from the habitable building
- there are no tree crowns or branches hanging over habitable buildings
- ensure the roofs, gutters and walls of all buildings on the land are free of flammable matter
- install paths and non-flammable features immediately adjacent to the habitable building
- wood piles and flammable materials stored a safe distance from habitable buildings

## **6. Application to vary the above requirements**

If it is considered impracticable for any reason whatsoever to implement any of the requirements of this Notice, you may apply in writing to the Shire of Mundaring by no later than the 15th day of September each year for permission to implement alternative measures to assist in the control of bush fires, or preventing the spread or extension of a bush fire which may occur. If permission is not granted in writing by the Shire of Mundaring you must comply with the requirements of this Notice.

### 7. Additional Works

In addition to the requirements of this Notice, you may be required to carry out further works which are considered necessary by an Authorised Officer and specified by way of a separate written notice forwarded to the address of the owner/s as shown on the Shire of Mundaring rates record for the relevant land.

Take notice that pursuant to Section 33(4) of the *Bush Fires Act 1954*, where the owner and/or occupier of land fails or neglects to comply with the requisitions of this Notice within the times specified, the Shire of Mundaring may, by its officers and with such servants, workmen and contractors, vehicles and machinery as the officers deem fit, enter upon the land and carry out the requisitions of this Notice which have not been complied with and pursuant to Section 33(5) of the *Bush Fires Act 1954*, the amount of any costs and expenses incurred may be recovered from you as the owner and/or occupier of the land.

#### Section 24F and 24G (Restricted Burning)

##### BURNING OF GARDEN REFUSE

- 1sqm piles of garden refuse may be burnt without a permit between 6pm and 11pm and must be fully extinguished before midnight. Fully extinguished means no heat, smoke or steam and no white ash present where the fire was situated
- no more than one pile of garden refuse is to be burnt at any one time.
- you must obtain a permit to burn before 6pm, and follow all permit conditions.
- there must be one adult person/s in attendance at all times or as specified on your permit.

If the requirements of this Notice are carried out by burning, such burning must be in accordance with the relevant provisions of the *Bush Fires Act 1954*.

The penalty for failing to comply with this Notice is a fine not exceeding \$5000 and a person in default is also liable, whether prosecuted or not, to pay the costs of performing the work directed by this Notice if it is not carried out by the owner and/or occupier by the date required by this Notice.

By order of the Council.

JONATHAN THROSSELL, Chief Executive Officer.

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## MINERALS AND PETROLEUM

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### MP401

#### DANGEROUS GOODS SAFETY ACT 2004

##### DANGEROUS GOODS SAFETY APPOINTMENT NOTICE (No. 4) 2020

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

#### 1. Citation

This notice may be cited as the *Dangerous Goods Safety Appointment Notice (No. 4) 2020*.

#### 2. Dangerous goods officers appointed

I appoint the following person to be a dangerous goods officer—

- Daryl Colgan
- Rezwan Khan

STEVE EMERY, Chief Dangerous Goods Officer.  
(Director of the Dangerous Goods and Petroleum Safety Branch,  
Resources Safety Division of the Department of Mines Industry  
Regulation and Safety, Western Australia)

Date: 5 August 2020.

### MP402

#### PETROLEUM PIPELINES ACT 1969

##### GRANT OF LICENCE PL 125

Licence PL 125 for the Lake Way Gas Pipeline granted to APA Operations Pty Limited for an indefinite period commencing on 7 August 2020.

ANTHONY THOMAS BULLEN, Acting Executive Director,  
Resource Tenure Division,  
Department of Mines, Industry Regulation and Safety.

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## PLANNING

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PL401

**PLANNING AND DEVELOPMENT ACT 2005**  
**DECLARATION OF PLANNING CONTROL AREA 152**  
Midland Freight Rail Realignment  
*City of Swan*

File: 835/2/21/24 (RLS/0911)

**General description**

The Minister for Planning has granted approval to the declaration of a planning control area over the land identified for the proposed Midland Freight Rail Realignment as shown on Western Australian Planning Commission (WAPC) plans numbered 1.7954, 1.7955 and 1.7956.

**Purpose**

The purpose of the Planning Control Area is to protect land that may be required for the future realignment of the Midland freight railway.

The WAPC considers that the planning control area is required to ensure that no development occurs on this land which might prejudice this purpose until it may be reserved for railways in the Metropolitan Region Scheme.

**Duration and effects**

The declaration remains in effect for a period of five years from the date of publication of this notice in the *Government Gazette* or until revoked by the WAPC with approval by the Minister, whichever is the sooner.

A person shall not commence and carry out development in a planning control area without the prior approval of the WAPC. The penalty for failure to comply with this requirement is \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.

Compensation is payable in respect of land injuriously affected by this declaration, and land so affected may be acquired by the WAPC in the same circumstances and in the same manner as if the land had been reserved in the Metropolitan Region Scheme for a public purpose.

**Display locations**

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Swan, 2 Midland Square Midland

Ms SAM FAGAN, Secretary,  
Western Australian Planning Commission.

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## PUBLIC NOTICES

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ZZ401

**TRUSTEES ACT 1962**  
**DECEASED ESTATES**  
Notice to Creditors and Claimants

Alva Joan Sharpe, late of Regents Garden Four Seasons, Booragoon, Western Australia, Home Duties, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the deceased who died on 7 April 2020 are required by the Executors Alan Robert Sharpe, Susan Ann Wyburn and Wendy Joan Minosora to send particulars of their claim to them, care of Butcher Paull & Calder, 8th Floor, 231 Adelaide Terrace, Perth WA 6000 (Ref: TWH/20202650) within one (1) month of the date of publication hereof after which date the Executors may convey or distribute the assets having regard to the claims of which they then have notice.

BUTCHER PAULL & CALDER, as solicitors for the Executors.

**ZZ402****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

Ronald Eric Cohen, late of 72 Carnarvon Crescent, Coolbinia 6050 in Western Australia, died on 16 May 2020.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased are required by the executor, Valda Freda Cohen, to send particulars of their claims to Valda Freda Cohen c/- King & Wood Mallesons (Attn: N. Catovic), Level 30, QV1 Building, 250 St Georges Terrace, Perth Western Australia 6000 within one (1) month of the date of publication, after which date she may convey or distribute the assets of the estate, having regard only to the claims of which she then has notice.

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**ZZ403****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

In the matter of Percivald Buhagiar, late of 31 Forrest Grove, Two Rocks, 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 abovementioned deceased, who died on 24 February 2020 at Bethanie Beachside, 629 Two Rocks Road, Yanchep, Western Australia, are required by the executor of his estate, William Joseph Cockle, to send particulars of their claims to him of c/- Cockle Solicitors, PO Box 32, North Fremantle WA 6159 within thirty-one (31) days of the date of publication of this notice, after which date the executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

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