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# — PART 1 —

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## PROCLAMATIONS

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AA101

Road Traffic Amendment (Impaired Driving and Penalties) Act 2020

### **Road Traffic Amendment (Impaired Driving and Penalties) Act 2020 Commencement Proclamation 2020**

**SL 2020/148**

Made under the *Road Traffic Amendment (Impaired Driving and Penalties) Act 2020* section 2(1)(b) by the Governor in Executive Council.

**1. Citation**

This proclamation is the *Road Traffic Amendment (Impaired Driving and Penalties) Act 2020 Commencement Proclamation 2020*.

**2. Commencement**

The *Road Traffic Amendment (Impaired Driving and Penalties) Act 2020* Part 2 (but only sections 3 and 39) comes into operation on 12 October 2020.

K. BEAZLEY, Governor.

L.S.

M. ROBERTS, Minister for Road Safety.

Note: The *Road Traffic Regulations Amendment (Radar Detectors) Regulations 2020*, other than Part 1, comes into operation on the day on which the *Road Traffic Amendment (Impaired Driving and Penalties) Act 2020* section 39 comes into operation.

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**ENERGY**

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EN301

Electricity Industry Act 2004

**Electricity Industry (Licence Conditions)  
Amendment Regulations 2020****SL 2020/146**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Electricity Industry (Licence Conditions) Amendment Regulations 2020*.

**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 *Electricity Industry (Licence Conditions) Regulations 2005*.

**4. Regulation 3 amended**

- (1) In regulation 3 delete the definitions of:

*approved contract*

*renewable source electricity*

- (2) In regulation 3 insert in alphabetical order:

*approved contract* — see regulations 8 and 8A;

*distributed energy*, in relation to an eligible customer, means electricity to which 1 or both of the following apply —

- (a) the electricity is generated by a small renewable energy system located on premises owned or occupied by the eligible customer;
- (b) the electricity is discharged from storage works located on premises owned or occupied by the eligible customer;

**5. Regulation 6 replaced**

Delete regulation 6 and insert:

**6. Condition requiring relevant corporation to offer to purchase distributed energy**

- (1) It is a condition of every retail licence and integrated regional licence held by a relevant corporation that, on and after 8 September 2020, the corporation must offer to purchase distributed energy, under an approved contract, from an eligible customer who wishes to sell distributed energy to the corporation.
- (2) For the purposes of subregulation (1), the relevant corporation is not required, on any one day, to purchase more than 50 kWh of distributed energy from the eligible customer.
- (3) Subregulation (2) does not prevent the relevant corporation from purchasing additional distributed energy from the eligible customer under the approved contract or otherwise.
- (4) For the purposes of subregulation (1), the relevant corporation is not required to purchase distributed energy (the *relevant distributed energy*) from the eligible customer at any time when the eligible customer has, in accordance with a direction given to the corporation under the *Electricity Corporations Act 2005* section 111, a contract to sell distributed energy to the corporation if that contract relates to premises which are the same premises as that on which —
  - (a) the small renewable energy system that generates the relevant distributed energy is located; or
  - (b) the storage works from which the relevant distributed energy is discharged are located.
- (5) For the purposes of subregulation (1), the relevant corporation is not required to purchase distributed energy from the eligible customer at any time unless, at that time, the corporation has a contract with the eligible customer to sell to the eligible customer electricity for the purpose of consumption at premises which are the same premises as that on which —
  - (a) the small renewable energy system that generates the distributed energy is located; or
  - (b) the storage works from which the distributed energy is discharged are located.

**6. Regulation 7 amended**

In regulation 7 delete “renewable source electricity” and insert:

distributed energy

Note: The heading to amended regulation 7 is to read as follows:

**Condition requiring relevant corporation to report on cost of purchasing distributed energy**

**7. Regulation 8 replaced**

Delete regulation 8 and insert:

**8. Approved contracts**

- (1) An *approved contract* is a contract prepared by a relevant corporation, and approved by the Coordinator (subject to subregulation (3)), that sets out the terms and conditions on which the corporation is to purchase distributed energy from eligible customers for the purposes of regulation 6(1).
- (2) The contract may include (without limitation) technical specifications, or other technical requirements, that must be met in relation to small renewable energy systems or storage works.
- (3) The price or prices at which the relevant corporation is to purchase distributed energy from eligible customers under the contract are to be approved by the Minister, with the concurrence of the Treasurer, and not by the Coordinator.
- (4) The Coordinator must not approve a contract for the purposes of subregulation (1) unless the Coordinator considers that the contract, apart from the matters within subregulation (3), will provide for the purchase of distributed energy on fair and reasonable terms and conditions.
- (5) The Minister must not approve any price for the purposes of subregulation (3) unless the Minister considers that the price is fair and reasonable.
- (6) This regulation is subject to regulation 8A.

**8A. Changes to approved contract**

- (1) A relevant corporation may amend or replace an approved contract as follows —
  - (a) in relation to the matters within regulation 8(3) — with the approval of the

- Minister given with the concurrence of the Treasurer;
- (b) in relation to all other matters — with the approval of the Coordinator.
- (2) An approved contract may also be amended in accordance with subregulations (3) to (6).
- (3) If the Coordinator considers that an approved contract, apart from the matters within regulation 8(3), no longer provides for the purchase of distributed energy on fair and reasonable terms and conditions, the Coordinator may, for the purpose of remedying the situation, direct the relevant corporation —
- (a) to submit an appropriate amendment to the contract to the Coordinator for approval; and
- (b) to do so within a period specified by the Coordinator.
- (4) In subregulation (3) —
- appropriate amendment*** means an amendment —
- (a) specified by the Coordinator; or
- (b) otherwise determined by the Coordinator to be suitable for approval.
- (5) The Coordinator may approve the appropriate amendment to take effect at a future time specified by the Coordinator, and the relevant corporation must amend the approved contract accordingly.
- (6) The Minister may, with the concurrence of the Treasurer, direct an amendment to an approved contract in relation to any matter within regulation 8(3) to take effect at a future time specified by the Minister, and the relevant corporation must amend the approved contract accordingly.
- (7) The Coordinator must not give an approval for the purposes of this regulation unless the Coordinator considers that the amended or new approved contract, apart from the matters within regulation 8(3), will provide for the purchase of distributed energy on fair and reasonable terms and conditions.
- (8) The Minister must not approve or direct any price for the purposes of this regulation unless the Minister considers that the price is fair and reasonable.
- (9) It is a condition of every retail licence and integrated regional licence held by a relevant corporation that the corporation must do the following —
- (a) comply with a direction given to the corporation under subregulation (3);

- (b) amend an approved contract as required by subregulation (5) or (6).

R. NEILSON, Clerk of the Executive Council.

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## POLICE

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PO301

Pawnbrokers and Second-hand Dealers Act 1994

# Pawnbrokers and Second-hand Dealers Amendment Regulations 2020

SL 2020/147

Made by the Governor in Executive Council.

## 1. Citation

These regulations are the *Pawnbrokers and Second-hand Dealers Amendment Regulations 2020*.

## 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) regulations 5 to 10 — on 1 December 2020;
- (c) the rest of the regulations — on the day after gazettal day.

## 3. Regulations amended

These regulations amend the *Pawnbrokers and Second-hand Dealers Regulations 1996*.

## 4. Regulation 3 amended

In regulation 3 in the definition of *financial body* delete paragraph (a) and insert:

- (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5(1); or

- (aa) a bank constituted by a law of a State, a Territory or the Commonwealth; or

**5. Regulation 5 amended**

In regulation 5(1) in the Table item 6 delete “gold or silver.” and insert:

gold, silver, copper or copper alloy (including bronze and brass)).

**6. Regulation 13A amended**

Delete regulation 13A(2)(a) and insert:

- (a) bears the person’s photograph, full name, signature and date of birth; and
- (aa) bears the date and place of issue, date of expiry and an identifying number; and

**7. Regulation 15 amended**

Delete regulation 15(4) to (6) and insert:

- (4) For the purposes of section 79(c), a pawnbroker or second-hand dealer is to give the information referred to in subregulation (1) or (2), as the case requires, to the Commissioner —
  - (a) by submitting the information through an electronic system —
    - (i) approved by the Commissioner to receive information given under section 79; and
    - (ii) notified to the pawnbroker or second-hand dealer by the Commissioner;
  - or
  - (b) if the system referred to in paragraph (a) is unavailable at the time the information is intended to be given — by emailing the information to an email address notified to the pawnbroker or second-hand dealer by the Commissioner; or
  - (c) by giving the information by a means that the Commissioner has allowed in the case of the pawnbroker or second-hand dealer because of special circumstances.

- (5) For the purposes of section 79(d), a pawnbroker or second-hand dealer is to give the information referred to in subregulation (1) or (2), as the case requires, to the Commissioner —
- (a) if the pawnbroker or second-hand dealer gives the information by the means described in subregulation (4)(a) — as soon as the information becomes available to the pawnbroker or second-hand dealer; or
  - (b) if the pawnbroker or second-hand dealer gives the information by the means described in subregulation (4)(b) or (c) — as soon as practicable, but no later than 24 hours, after the information becomes available to the pawnbroker or second-hand dealer.

## 8. Regulation 28 amended

- (1) Delete regulation 28(2) and (3) and insert:
  - (2) The fee to accompany an application for the issue of a second-hand dealer's licence only is set out in item 2 of the Table to this regulation.
- (2) In regulation 28(4) delete "item 4" and insert:  
  
item 3
- (3) In regulation 28(5) delete "item 1, 2, 3 or 4" and insert:  
  
item 1, 2 or 3
- (4) In regulation 28 in the Table:
  - (a) in item 2 delete "**(computer option)**";
  - (b) delete item 3;
  - (c) renumber item 4 as item 3.

## 9. Regulation 29 amended

- (1) Delete regulation 29(2) and (3) and insert:
  - (2) The fee to accompany an application for the renewal of a second-hand dealer's licence only is set out in item 2 of the Table to this regulation.

- (2) In regulation 29(4) delete “item 4” and insert:  
  
item 3
- (3) In regulation 29(5) delete “item 1, 2, 3 or 4” and insert:  
  
item 1, 2 or 3
- (4) In regulation 29 in the Table:
  - (a) in item 2 delete “(computer option)”;
  - (b) delete item 3;
  - (c) renumber item 4 as item 3.

**10. Part 8 inserted**

After regulation 32 insert:

**Part 8 — Transitional provisions**

**33. Transitional provisions relating to *Pawnbrokers and Second-hand Dealers Amendment Regulations 2020***

- (1) In this regulation —  
*commencement day* means the day on which the *Pawnbrokers and Second-hand Dealers Amendment Regulations 2020* regulation 7 comes into operation;  
*current licence period*, in relation to a person, means the person’s licence period in effect immediately before commencement day;  
*relevant day* means the earlier of the following —
  - (a) the day after the end of the current licence period;
  - (b) 1 February 2021.
- (2) Subregulation (3) applies in relation to a contract if —
  - (a) the contract is entered into before commencement day; but
  - (b) the information required to be given to the Commissioner under regulation 15(1) or (2) in relation to the goods that are the subject of the contract is not given before commencement day.
- (3) The information may be given to the Commissioner as if the *Pawnbrokers and Second-hand Dealers Amendment Regulations 2020* regulation 7 had not come into operation.

- (4) Subregulation (5) applies if, immediately before commencement day —
- (a) a person holds a second-hand dealer's licence only; and
  - (b) an election to give the Commissioner information for the purposes of section 79 by way of transmission by facsimile machine is in effect in relation to the person.
- (5) The person may continue to give the Commissioner information for the purposes of section 79 by way of transmission by facsimile machine as if the *Pawnbrokers and Second-hand Dealers Amendment Regulations 2020* regulation 7 had not come into operation.
- (6) Subregulation (5) ceases to apply in relation to the person —
- (a) unless paragraph (b) applies, on the relevant day; or
  - (b) if an action is taken under section 27(3) in relation to the licence or the person before the relevant day — when the action is taken.

M. INGLIS, Clerk of the Executive Council.

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## TRANSPORT

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TN301

Road Traffic (Administration) Act 2008  
Road Traffic (Authorisation to Drive) Act 2008

### **Road Traffic Regulations Amendment (Radar Detectors) Regulations 2020**

SL 2020/150

Made by the Governor in Executive Council.

#### **Part 1 — Preliminary**

##### **1. Citation**

These regulations are the *Road Traffic Regulations Amendment (Radar Detectors) Regulations 2020*.

**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 the day on which the *Road Traffic Amendment (Impaired Driving and Penalties) Act 2020* section 39 comes into operation.

**Part 2 — Road Traffic (Administration)  
Regulations 2014 amended**

**3. Regulations amended**

This Part amends the *Road Traffic (Administration) Regulations 2014*.

**4. Regulation 23 amended**

In regulation 23(2) in the Table after the item for s. 81F(1) insert:

s. 81G(2)	Driving a motor vehicle that is a heavy vehicle, on a road, that has a radar detector fitted to, within or on the vehicle	30
s. 81G(2)	Driving a motor vehicle that is not a heavy vehicle, on a road, that has a radar detector fitted to, within or on the vehicle	24

**Part 3 — Road Traffic (Authorisation to Drive)  
Regulations 2014 amended**

**5. Regulations amended**

This Part amends the *Road Traffic (Authorisation to Drive) Regulations 2014*.

**6. Regulation 65 amended**

In regulation 65(2) in the Table after the item for s. 67AB insert:

s. 81G(2)	Driving a motor vehicle, on a road, that has a radar detector fitted to, within or on the vehicle —	
	(a) during a holiday period	14
	(b) other than during a holiday period	7

R. NEILSON, Clerk of the Executive Council.

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## **WORKCOVER**

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WC301

Workers' Compensation and Injury Management Act 1981

# **Workers' Compensation and Injury Management Amendment Regulations 2020**

SL 2020/149

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Workers' Compensation and Injury Management Amendment Regulations 2020*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *Workers' Compensation and Injury Management Regulations 1982*.

**4. Regulation 12 amended**

(1) Delete regulation 12(1) and insert:

(1AA) In this regulation —

*lodge* means to lodge in accordance with regulation 57.

(1) A memorandum of an agreement referred to in section 76 of the Act is sent to the Director in accordance with that section by lodging it as soon as practicable after the agreement has been entered into.

(2) Delete regulation 12(3) and insert:

(3) The memorandum is to be signed by or on behalf of each party to the agreement.

(3) In regulation 12(4a) delete “notify the Director by completing Form 15E in Appendix I, and forwarding that completed form to the Director.” and insert:

lodge a notice in the form of Form 15E in Appendix I.

(4) In regulation 12(6) delete “give the Director” and insert:

lodge

**5. Regulation 17AB amended**

In regulation 17AB(3) in the definition of *MBS item* delete “Health and Aged Care;” and insert:

Health;

**6. Regulation 22 amended**

(1) In regulation 22(1) delete “with the Director.” and insert:

in accordance with regulation 57.

(2) Delete regulation 22(2)(a) and insert:

(a) register the election in a register kept for that purpose as soon as practicable after the election form is lodged; and

**7. Regulation 23 amended**

## (1) In regulation 23(2):

- (a) in paragraph (a) delete “lodging with the Director” and insert:

lodging, in accordance with regulation 57,

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

(b) lodging, in accordance with regulation 57, anything that this regulation requires to accompany the application form.

## (2) In regulation 23(3)(a) delete “lodged, the Director has to be provided with —” and insert:

lodged it must be accompanied by —

## (3) In regulation 23(5):

- (a) in paragraph (a)(i) delete “the Director has to be provided with a copy of the worker’s request; and” and insert:

a copy of the worker’s request must accompany the application form; and

- (b) in paragraph (a)(ii) delete “the Director has to be provided with a copy of the notification;” and insert:

a copy of the notification must accompany the application form;

## (4) In regulation 23(6):

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

(i) a copy of the worker’s request for an assessment of the worker’s degree of permanent whole of person impairment must accompany the application form; and

- (b) in paragraph (a)(ii) delete “the Director has to be provided with a copy of the notification;” and insert:

a copy of the notification must accompany the application form;

**8. Part 8 inserted**

After regulation 53 insert:

**Part 8 — Lodging documents****54. Terms used**

In this Part —

**agreement** means either —

- (a) an agreement referred to in section 76(1) of the Act; or
- (b) an agreement referred to in section 92(f) of the Act;

**application** means an application or election made for the purposes of Part IV Division 2 of the Act;

**EDS** means the electronic document system operated by or on behalf of the Director that, amongst other things, enables Part 8 documents to be lodged with the Director;

**EDS exempt**, in relation to an agreement or application, has the meaning given in regulation 56;

**Part 8 document** means any of the following —

- (a) an election, determination, agreement, notice, application or other thing in the form of a Form 1, 1A, 2, 2C, 2CA, 14, 15C, 15D, 15E, 34 or 35 in Appendix I;
- (b) written consent referred to in regulation 12(6);
- (c) a written request referred to in regulation 20 or 21;
- (d) a memorandum referred to in section 92(f) of the Act;
- (e) any document accompanying a document referred to in paragraphs (a) to (d);
- (f) any document the Director considers relevant to an agreement or application.

**55. Completion of documents**

Every Part 8 document —

- (a) where relevant, must be clearly written, typed or reproduced; and
- (b) must be properly completed.

**56. EDS exempt**

- (1) A person is EDS exempt in relation to an agreement or application at a particular time if, at that time —
  - (a) the person —
    - (i) is a party to the agreement or the person who lodged the application; and
    - (ii) is self-represented in relation to the agreement or application; and
    - (iii) is neither an insurer nor a self-insurer;
  - or
  - (b) the person is exempt in relation to the agreement or application under subregulation (3).
- (2) A person is self-represented in relation to an agreement or application if —
  - (a) in the case of a worker — a legal practitioner is not engaged by or on behalf of the worker in relation to the agreement or application; or
  - (b) in the case of an employer — the employer is uninsured.
- (3) The Director may exempt a person from a requirement to use the EDS in relation to —
  - (a) an agreement or application, if satisfied that it would be unreasonable for the person to be required to use the EDS in relation to the agreement or application; or
  - (b) all agreements and applications, if satisfied that it would be unreasonable for the person to be required to use the EDS in relation to the agreements and applications.

**57. Lodging documents**

- (1) A Part 8 document in relation to an agreement or application must be lodged using the EDS unless —
  - (a) the person lodging the document is EDS exempt in relation to the agreement or application; or
  - (b) the EDS is unavailable at the time of lodging.
- (2) A person who is EDS exempt in relation to an agreement or application may lodge a Part 8 document in relation to the agreement or application with the Director in the following manner —
  - (a) by presenting it at the office of the Director when the office is open for business; or

- (b) by sending it to the office of the Director by pre-paid post; or
  - (c) by sending it to the Director by email in accordance with regulation 58(2) and (3); or
  - (d) by using the EDS.
- (3) While the EDS is unavailable for use a Part 8 document may be lodged in the manner referred to in subregulation (2)(a), (b) or (c).
- (4) The Director may at any time require a person who has lodged a Part 8 document by email or by using the EDS to lodge the document in person or by post.
- (5) A person who lodges an agreement under this regulation must confirm that the agreement has been executed in accordance with the laws of the State.

#### **58. Lodging by email**

- (1) For the purposes of regulation 57(2)(c), the Director may —
- (a) approve and publish an email address for the lodgment of documents under this regulation; and
  - (b) determine and publish requirements as to the permissible format and the maximum size of documents that may be lodged under this regulation.
- (2) An email by which documents are lodged under this regulation must —
- (a) state the sender's name; and
  - (b) state a telephone number by which the sender can be contacted; and
  - (c) list and describe the documents being lodged by the email.
- (3) Documents lodged under this regulation must comply with any published requirements as to format and size.

#### **59. Day of lodgment**

- (1) In this regulation —  
*working day* means a day other than a Saturday, a Sunday or a public holiday throughout the State.
- (2) A document is taken to have been lodged —
- (a) if the whole document is received before 5 pm on a particular working day, on that day; or
  - (b) otherwise, on the next working day.

**60. Notification by Director**

- (1) In this regulation —  
*electronic notification*, in relation to a person, includes notification by an email sent to an email address provided by the person;  
*notify* includes to despatch or send a notice to.
- (2) A requirement for the Director to notify a person, or give them a copy of a document, in relation to an agreement or application is satisfied, on a day, if —
- (a) before 5 pm on that day —
- (i) the notice or document becomes accessible to the person by using the EDS; and
- (ii) electronic notification that the notice or document is accessible is sent to the person;
- or
- (b) the notice or document is sent to the person by pre-paid post 2 business days before that day;
- or
- (c) the notice or document is sent to an email address provided by the person before 5 pm on that day.
- (3) Subregulation (2)(a) does not apply if the person —
- (a) is EDS exempt in relation to the agreement or application; and
- (b) does not have access to the EDS in relation to the agreement or application.

**9. Appendix I amended**

- (1) In Appendix I Form 15A:
- (a) after “MEMORANDUM” insert:
- OF AGREEMENT**
- (b) delete “Memorandum, copy of which is hereto annexed,” and insert:
- Memorandum of Agreement
- (2) In Appendix I Form 15C:
- (a) delete “disability” (each occurrence) and insert:

injury

- (b) delete “in the presence of.”;
  - (c) delete “in the presence of-”.
- (3) In Appendix I Form 35:
- (a) delete:

**How to lodge this form**

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. This form should be lodged with:<br/>Director<br/>WorkCover WA<br/>Perth, WA</li> <li>2. <b>WHEN LODGING THIS FORM ALSO PROVIDE ANYTHING ELSE THAT REGULATION 23 REQUIRES YOU TO PROVIDE.</b></li> </ol> |
|--|

and insert:

**How to lodge this form**

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. This form should be lodged in accordance with regulation 57.</li> <li>2. <b>WHEN LODGING THIS FORM ALSO LODGE ANYTHING ELSE THAT REGULATION 23 REQUIRES YOU TO LODGE.</b></li> </ol> |
|--|

- (b) delete:

**Copies of extension sent to**

<b>worker</b>	_____	Date	/ /
	(signature of person sending copy)		
<b>employer</b>	_____	Date	/ /
	(signature of person sending copy)		

R. NEILSON, Clerk of the Executive Council.

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## — PART 2 —

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### CONSUMER PROTECTION

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CP401

#### RETAIL TRADING HOURS ACT 1987

#### RETAIL TRADING HOURS (CITY OF MANDURAH) CHRISTMAS VARIATION ORDER 2020

Made by the Minister for Commerce under section 12E of the Act.

#### 1. Citation

This order is the *Retail Trading Hours (City of Mandurah) Christmas Variation Order 2020*.

#### 2. Commencement

This order comes into operation as follows—

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

#### 3. Variation of retail trading hours

General retail shops, other than motor vehicle shops, in the Mandurah local government district are authorised to be open at times when those shops would otherwise be required to be closed—

- (a) on each day specified in the Table; and
- (b) during the hours specified for that day in the Table.

**Table**

Day	Hours
Sunday 13 December 2020	from 8.00am until 6.00pm
Monday 14 December 2020	from 8.00am until 9.00pm
Tuesday 15 December 2020	from 8.00am until 9.00pm
Wednesday 16 December 2020	from 8.00am until 9.00pm
Friday 18 December 2020	from 8.00am until 9.00pm
Sunday 20 December 2020	from 8.00am until 6.00pm
Monday 21 December 2020	from 8.00am until 9.00pm
Tuesday 22 December 2020	from 8.00am until 9.00pm
Wednesday 23 December 2020	from 8.00am until 9.00pm
Saturday 26 December 2020	from 8.00am until 6.00pm
Friday 1 January 2021	from 8.00am until 5.00pm

#### 4. Relationship to standing order

This order has effect despite the *Retail Trading Hours (City of Mandurah) Variation Order (No. 2) 2013*.

J. QUIGLEY, Minister for Commerce.

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### ENERGY

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EN401

#### ELECTRICITY CORPORATIONS ACT 2005

#### MINISTERIAL DIRECTION

TO: The Regional Power Corporation

I, Mr. Bill Johnston, Minister for Energy, acting in accordance with section 111 of the *Electricity Corporations Act 2005*, hereby direct the Corporation on and from the DEBS Commencement Date as follows—

#### Citation

1. This instrument may be cited as the *Electricity Corporations (Regional Power Corporation—Renewable Energy Buyback Scheme) Direction 2020*.

**Arrangements for Existing REBS Customers to continue**

2. On and from the DEBS Commencement Date, the Corporation must, in accordance with this Direction—

- (a) continue to purchase renewable source electricity from an Existing REBS Customer; and
- (b) subject to clause 6, continue to offer to purchase, and thereafter purchase, renewable source electricity from an Eligible REBS Applicant.

3. Subject to clauses 4 and 12 to 15, the REBS Terms and Conditions apply to the purchase of electricity by the Corporation in accordance with clause 2.

4. The prices payable by the Corporation for the purchase of renewable source electricity in accordance with clauses 2 and 3 are those in Schedule A.

**New applications for REBS to be received for limited period.**

5. Subject to clause 7, and despite the amendments made to the *Electricity Industry (Licence Conditions) Regulations 2005* by the *Electricity Industry (Licence Conditions) Amendment Regulation 2020* the Corporation must, on and from the DEBS Commencement Date until the end of the day that is the REBS Application Closure Date—

- (a) continue to receive an application made by an eligible customer under the REB Scheme for the purchase of renewable source electricity by the Corporation; and
- (b) offer to purchase and thereafter purchase renewable source electricity from such an eligible customer,

as if the eligible customer was an Existing REBS Customer.

**No offer to purchase or purchase where system not installed.**

6. The Corporation must not offer to purchase or purchase renewable source electricity in accordance with sub-clause 2(b) from an Eligible REBS Applicant where a small renewable energy system (as described in the Completed Application) has not been properly installed and commissioned (such that it is ready to be connected to the relevant Horizon Power network within 3 months of the REBS Application Closure Date.

7. The Corporation must not purchase renewable source electricity in accordance with clause 5 if—

- (a) the Corporation has not received a Completed Application from the eligible customer on or before on the REBS Application Closure Date; or
- (b) where the eligible customer has provided a Completed Application in accordance with sub-clause 7(a), but a small renewable energy system (as described in the Completed Application) has not been properly installed and commissioned (such that it is ready to be connected to the relevant Horizon Power network) within 3 months of the REBS Application Closure Date.

**Purchase to end where customer applies for DEBS**

8. The Corporation must cease to offer to purchase, or purchase, renewable source electricity from an Existing REBS Customer or an Eligible REBS Applicant under the arrangements described in clauses 2 to 5 on the day the Corporation starts to purchase distributed energy from the customer under the DEBS Scheme.

**When Corporation may otherwise cease to purchase**

9. Without limitation to clauses 6 to 8 of this Direction, and to the powers of the Corporation to terminate the purchase of renewable source electricity under the REBS Terms and Conditions, the Corporation may cease to purchase renewable source electricity from an eligible customer if, after the REBS Application Closure Date, that customer makes an application to the Corporation in respect of the REB Scheme to—

- (a) upgrade their existing small renewable energy system including, but not limited to, by increasing the capacity of that system;
- (b) install storage works at the premises that have the capability to export electricity to the relevant Horizon Power network; or
- (c) install apparatus or equipment at the premises that enables storage works comprised in an electric vehicle to have the capability of exporting electricity to the relevant Horizon Power network,

provided that the date on which such purchase may cease is no earlier than the date an application in respect of sub-clauses 9(a), 9(b) or 9(c) is approved by the Corporation.

10. For the purpose of sub-clause 9(a), replacement of photo-voltaic panels or an inverter forming part of a small renewable energy system on a like for like basis is not an upgrade.

**Corporation to continue to report REBS costs to Coordinator**

11. The Corporation must, as soon as practicable after the end of each financial year, submit a written report to the Coordinator setting out the costs incurred by the Corporation during that year in purchasing renewable source electricity under the arrangements specified in this Direction.

**Amendment of terms and conditions**

12. Clauses 13 to 15 do not apply to an amendment to the prices payable by the Corporation for the purchase of renewable source electricity in accordance with clauses 2 and 3.

13. The Corporation may amend the REBS Terms and Conditions, with the approval of the Minister.

14. The Corporation must, if requested by the Minister, submit an appropriate amendment to the REBS Terms and Conditions to the Minister for approval.

15. The Minister may—

- (a) approve an amendment to the REBS Terms and Conditions if the Minister considers that the REBS Terms and Conditions as amended, will provide for the purchase of renewable source electricity on fair and reasonable terms and conditions; and
- (b) approve the amendment to take effect at a future time specified by the Minister,

and the Corporation must amend the REBS Terms and Conditions accordingly.

### Definitions

16. In this Direction, the following terms have the following meanings—

**appropriate amendment** means an amendment specified by the Minister or otherwise determined by the Minister to be suitable for approval.

**Completed Application** means an application for participation in the REB Scheme that includes the following information—

- (a) Account holder's name;
- (b) Account number;
- (c) Meter number;
- (d) Supply address;
- (e) Contact details; and
- (f) System information—generation size and inverter capacity.

**Coordinator** means the Coordinator of Energy referred to in section 4 of the *Energy Coordination Act 1994* (WA).

**Corporation** means the Regional Power Corporation referred to in section 4 of the *Electricity Corporations Act 2005*.

**DEBS Commencement Date** means the date the *Electricity Industry (Licence Condition Regulations) Amendment Regulations 2020* come into operation.

**DEB Scheme** means the arrangements for the purchase of distributed energy by the Corporation from an eligible customer established under—

- (a) regulations 6 to 8A of the *Electricity Industry (Licence Conditions) Regulations 2005* as proposed to be amended by the *Electricity Industry (Licence Conditions) Amendment Regulation 2020*, a draft copy of which is attached in Schedule B; and
- (b) the terms of the contract (other than as to pricing) approved by the Coordinator in accordance with regulation 8 of those regulations; and
- (c) the terms of the contract as to pricing approved by the Minister for Energy in accordance with regulation 8 of those regulations.

**Direction** means this *Electricity Corporations (Regional Power Corporation—Renewable Energy Buyback Scheme) Direction 2020*.

**distributed energy** has the meaning given in the *Electricity Industry (Licence Conditions) Regulations 2005*.

**eligible customer** has the meaning given in the *Electricity Industry (Licence Conditions) Regulations 2005*.

**Eligible REBS Applicant** means an eligible customer—

- (a) who provided to the Corporation a Completed Application for the Corporation to purchase renewable source electricity in accordance with the REB Scheme before the DEBS Commencement Date; but
- (b) who had not, as at the DEBS Commencement Date, installed a small renewable energy system at the premises referred to in the application.

**Existing REBS customer** means an eligible customer from whom, immediately before the DEBS Commencement Date the Corporation is purchasing renewable source electricity in accordance with the REB Scheme.

**REBS Application Closure Date** means 7 September 2020.

**REB Scheme** means the arrangements for the purchase of renewable source electricity by the Corporation from an eligible customer established under—

- (a) regulations 6 to 9 of the *Electricity Industry (Licence Conditions) Regulations 2005*; and
- (b) the form of contract approved by the Coordinator in accordance with regulation 8 of those Regulations,

as in operation and effect immediately before the DEBS Commencement Date.

**relevant Horizon Power Network** means the electricity network owned, operated and maintained by Regional Power Corporation to which premises owned or occupied by an eligible customer are connected.

**renewable source** electricity in relation to an eligible customer, means electricity generated by a small renewable energy system locate on premises owned or occupied by the eligible customer.

**REBS Terms and Conditions** means the terms and conditions applicable to the purchase of renewable source electricity by the Corporation as in effect on the DEBS Commencement Date as amended from time to time by the Corporation in accordance with this Direction.

**small renewable energy system** has the meaning given in the *Electricity Industry (Licence Conditions) Regulations 2005*.

**storage works** has the meaning given in the *Electricity Industry Act 2004* (WA).

Mr. BILL JOHNSTON, Minister for Energy.

Dated 19 August, 2020.

*Electricity Corporations (Regional Power Corporation—Renewable Energy Buyback Scheme) Direction 2020*

**Schedule A**

RENEWABLE ENERGY BUYBACK RATES

<b>Town</b>	<b>Price payable by the Corporation (c/kWh)</b>
Ardyaloon	42.71
Beagle Bay	44.64
Bidyadanga	34.11
Broome	7.14
Carnarvon	10.56
Coral Bay	19.75
Cue	26.75
Denham	27.93
Derby	7.14
Djarindjin	46.30
Esperance	10.29
Exmouth	7.14
Fitzroy Crossing	7.19
Gascoyne Junction	46.59
Halls Creek	7.65
Hopetoun	34.30
Kalumburu	50.55
Karratha / Roebourne	7.68
Kununurra/Wyndham/Lake Argyle	10.33
Laverton	32.82
Leonora	14.18
Looma	29.11
Marble Bar	48.05
Meekatharra	26.42
Menzies	51.41
Mount Magnet	21.20
Norseman	26.33
Nullagine	41.86
Onslow	18.79
Port Hedland	7.68
Sandstone	27.64
Warmun	39.76
Wiluna	28.41
Yalgoo	28.76
Yungngora	39.47

**Schedule B**

*Electricity Industry (Licence Conditions) Amendment Regulation 2020*

EN402

**ELECTRICITY CORPORATIONS ACT 2005****MINISTERIAL DIRECTION**

TO: The Electricity Generation and Retail Corporation, a continuation of the Electricity Retail Corporation and formerly known as the Electricity Generation Corporation.

I, Mr. Bill Johnston, Minister for Energy, acting in accordance with section 111 of the *Electricity Corporations Act 2005*, hereby direct the Corporation on and from the DEBS Commencement Date as follows—

**Citation**

1. This instrument may be cited as the *Electricity Corporations (Electricity Generation and Retail Corporation—Renewable Energy Buyback Scheme) Direction 2020*.

**Arrangements for Existing REBS Customers to continue**

2. On and from the DEBS Commencement Date, the Corporation must, in accordance with this Direction—

- (a) continue to purchase renewable source electricity from an Existing REBS Customer; and
- (b) subject to clause 6, continue to offer to purchase, and thereafter purchase, renewable source electricity from an Eligible REBS Applicant.

3. Subject to clauses 4 and 15 to 18, the REBS Terms and Conditions apply to the purchase of electricity by the Corporation in accordance with clause 2.

4. The REBS buyback rate to apply to the purchase of renewable source electricity by the Corporation under the REBS Terms and Conditions in accordance with clauses 2 and 3 is 7.1350 cents per kWh and, unless provided otherwise under the REBS Terms and Conditions, is exclusive of GST.

**New applications for REBS to be received for limited period.**

5. Subject to clause 7, and despite the amendments made to the *Electricity Industry (Licence Conditions) Regulations 2005* by the *Electricity Industry (Licence Conditions) Amendment Regulation 2020* the Corporation must, on and from the DEBS Commencement Date until the end of the day that is the REBS Application Closure Date—

- (a) continue to receive an application made by an eligible customer under the REBS Scheme for the purchase of renewable source electricity by the Corporation; and
- (b) offer to purchase and thereafter purchase renewable source electricity from such an eligible customer,

as if the eligible customer was an Existing REBS Customer.

**No offer to purchase or purchase where system not installed.**

6. The Corporation must not offer to purchase or purchase renewable source electricity in accordance with sub-clause 2(b) from an Eligible REBS Applicant where the applicant—

- (a) has not applied to Western Power to connect a small renewable energy system (as described in its Completed Application) to the Western Power network within 90 days of the day the applicant's Completed Application was received by the Corporation; or
- (b) has made an application to Western Power in accordance with sub-clause 6(a), but a small renewable energy system (as described in its Completed Application) has not been connected to the Western Power network within 180 days of the day of the application to Western Power to connect was approved by Western Power.

7. The Corporation must not offer to purchase or purchase renewable source electricity in accordance with clause 5 where—

- (a) the Corporation has not received a Completed Application from the eligible customer on or before on the REBS Application Closure Date; or
- (b) the eligible customer has not applied to Western Power to connect a small renewable energy system (as described in its Completed Application) to the Western Power network within 90 days of the day the applicant's Completed Application was received by the Corporation; or
- (c) the eligible customer has made an application to Western Power in accordance with sub-clause 7(b), but a small renewable energy system (as described in its Completed Application) has not been connected to the Western Power network within 180 days of the day of the application to Western Power to connect was approved by Western Power.

**Move in Customers and REBS**

8. Subject to clauses 9 and 10, the Corporation must, on and from the DEBS Commencement Date, continue to offer to purchase renewable source electricity from a Move in Customer as if that customer were an Existing REBS Customer.

9. The Corporation must not offer to purchase renewable source electricity from a Move in Customer under the arrangements described in clause 8 if the customer moves in after 6 November 2020 to REBS Premises at which an Interval Meter (Bi-directional) is in service.

10. The Corporation is not required to comply with clause 8 if, on receipt of an application by a Move in Customer to participate in the REB Scheme after 6 November 2020, the Corporation elects, at its expense, to provide an Interval Meter (Bi-directional) to the premises described in

the Move in Customer's application and such an application may thereafter be dealt with by the Corporation as though it has been made for participation in the DEB Scheme.

#### **Purchase to end where customer applies for DEBS**

11. The Corporation must cease to offer to purchase, or purchase, renewable source electricity from an Existing REBS Customer (including a Move in Customer) or an Eligible REBS Applicant under the arrangements described in clauses 2 to 5 on the day the Corporation starts to purchase distributed energy from the customer under the DEBS Scheme.

#### **When Corporation may otherwise cease to purchase**

12. Without limitation to clauses 6, 7 and 9 to 11 of this Direction, and to the powers of the Corporation to terminate the purchase of renewable source electricity under the REBS Terms and Conditions, the Corporation may cease to purchase renewable source electricity from an eligible customer if, after the REBS Application Closure Date, that customer makes an application to the Corporation in respect of the REB Scheme to—

- (a) upgrade their existing small renewable energy system including, but not limited to, by increasing the capacity of that system;
- (b) install storage works at the premises that have the capability to export electricity to the Western Power network; or
- (c) install apparatus or equipment at the premises that enables storage works comprised in an electric vehicle to have the capability of exporting electricity to the Western Power network,

provided that the date on which such purchase may cease is no earlier than the date an application in respect of sub-clauses 12(a), 12(b) or 12(c) is approved by the Corporation.

13. For the purpose of sub-clause 12(a), an application in respect of replacement of photo-voltaic panels or an inverter forming part of a small renewable energy system on a like for like basis is not an upgrade.

#### **Corporation to continue to report REBS costs to Coordinator**

14. The Corporation must, as soon as practicable after the end of each financial year, submit a written report to the Coordinator setting out the costs incurred by the Corporation during that year in purchasing renewable source electricity under the arrangements specified in this Direction.

#### **Amendment of terms and conditions**

15. Clauses 16 to 18 do not apply to an amendment to the REBS buyback rate.

16. The Corporation may amend the REBS Terms and Conditions, with the approval of the Minister.

17. The Corporation must, if requested by the Minister, submit an appropriate amendment to the REBS Terms and Conditions to the Minister for approval.

18. The Minister may—

- (a) approve an amendment to the REBS Terms and Conditions if the Minister considers that the REBS Terms and Conditions as amended, will provide for the purchase of renewable source electricity on fair and reasonable terms and conditions; and
- (b) approve the amendment to take effect at a future time specified by the Minister,

and the Corporation must amend the REBS Terms and Conditions accordingly.

#### **Definitions**

19. In this Direction, the following terms have the following meanings—

**appropriate amendment** means an amendment specified by the Minister or otherwise determined by the Minister to be suitable for approval.

**Completed Application** means an application for participation in the REB Scheme that includes the following information—

- (a) Account holder's name;
- (b) Account number;
- (c) Meter number;
- (d) Supply address;
- (e) Contact details; and
- (f) System information—generation size and inverter capacity.

**Coordinator** means the Coordinator of Energy referred to in section 4 of the *Energy Coordination Act 1994* (WA).

**Corporation** means the Electricity Generation and Retail Corporation referred to in section 4 of the *Electricity Corporations Act 2005*, formerly known as Electricity Generation Corporation.

**DEB Scheme** means the arrangements for the purchase of distributed energy by the Corporation from an eligible customer established under—

- (a) regulations 6 to 8A of the *Electricity Industry (Licence Conditions) Regulations 2005* as proposed to be amended by the *Electricity Industry (Licence Conditions) Amendment Regulation 2020* (a draft copy of which is attached in the Schedule to this Direction) and as otherwise amended from time to time; and

- (b) the terms of the contract (other than as to pricing) approved by the Coordinator in accordance with regulation 8 of those regulations; and
- (c) the terms of the contract as to pricing approved by the Minister for Energy in accordance with regulation 8 of those regulations.

**DEBS Commencement Date** means the date the *Electricity Industry (Licence Conditions) Regulations) Amendment Regulations 2020* come into operation.

**Direction** means this *Electricity Corporations (Electricity Generation and Retail Corporation—Renewable Energy Buyback Scheme) Direction 2020*.

**distributed energy** has the meaning given in the *Electricity Industry (Licence Conditions) Regulations 2005*.

**eligible customer** has the meaning given in the *Electricity Industry (Licence Conditions) Regulations 2005*.

**Eligible REBS Applicant** means an eligible customer—

- (a) who provided to the Corporation a Completed Application for the Corporation to purchase renewable source electricity in accordance with the REBS Scheme before the DEBS Commencement Date; but
- (b) who had not, as at the DEBS Commencement Date, installed a small renewable energy system at the premises referred to in the application.

**Existing REBS customer** means an eligible customer from whom, immediately before the DEBS Commencement Date the Corporation is purchasing renewable source electricity in accordance with the REB Scheme.

**Interval Meter** has the meaning given to that term in the Metering Code.

**Interval Meter (Bi-directional)** means an Interval Meter capable of measuring the transfer of electricity into and out of Western Power's network in the South West interconnected system in accordance with the Metering Code.

**Metering Code** means the code of that name made by the Minister for Energy under s39 of the *Electricity Industry Act 2004* (WA).

**Move in Customer** means an eligible customer who moves into and occupies REBS Premises.

**REBS Application Closure Date** means 7 September 2020.

**REBS buyback rate** means the renewable energy export purchase rate payable by the Corporation in accordance with the REBS Terms and Conditions.

**REBS Premises** means premises connected to the Western Power network at which a small renewable energy system has been installed and—

- (a) the Corporation was purchasing renewable source electricity produced by the small renewable energy system from a prior owner or occupant in accordance with the arrangements described in clauses 1 to 5 of this Direction; or
- (b) a prior owner or occupant of the premises was eligible to, but did not, apply to participate in the REB Scheme,

and, for the avoidance of doubt, does not include any premises at which the Corporation was purchasing distributed energy under the DEB Scheme from a prior owner or occupant.

**REB Scheme** means the arrangements for the purchase of renewable source electricity by the Corporation from an eligible customer established under—

- (a) regulations 6 to 9 of the *Electricity Industry (Licence Conditions) Regulations 2005*; and
- (b) the form of contract approved by the Coordinator in accordance with regulation 8 of those Regulations,

as in operation and effect immediately before the DEBS Commencement Date.

**renewable source electricity** in relation to an eligible customer, means electricity generated by a small renewable energy system locate on premises owned or occupied by the eligible customer.

**REBS Terms and Conditions** means the terms and conditions applicable to the purchase of renewable source electricity by the Corporation as in effect on the DEBS Commencement Date as amended from time to time by the Corporation in accordance with this Direction.

**small renewable energy system** has the meaning given in the *Electricity Industry (Licence Conditions) Regulations 2005*.

**South West interconnected system** has the meaning given to that term in section 3 of the *Electricity Industry Act 2004*.

**storage works** has the meaning given in the *Electricity Industry Act 2004* (WA).

**Western Power** means the Electricity Networks Corporation referred to in section 4 of the *Electricity Corporations Act 2005*.

**Western Power network** means the electricity network owned, operated and maintained by Western Power within the South West interconnected system.

Mr. BILL JOHNSTON, Minister for Energy.

Dated 19 August, 2020.

### Schedule

*Electricity Industry (Licence Conditions) Amendment Regulation 2020*

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**PUBLIC NOTICES**

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ZZ401

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

## Notice to Creditors and Claimants

Christine Mary Wraight, late of 8 Laurel Road, Woodlands, 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 or before 27 June 2020, are required by the Executors, Ms Emma Jane Wraight and Mr Daniel Alan Wraight, care of Butlers Lawyers & Notaries of 45 Stirling Highway, Nedlands, Western Australia, to send particulars of their claims to them within one (1) month from the date of publication, after which date the Executors may convey or distribute the assets, having regard only to the claims of which they then have notice.

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ZZ402

**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 Denis Harvey Hayes, late of 15 Vela Court, Rockingham in the State of Western Australia, Truck Driver, deceased, 20 April 2020 at 15 Vela Court, Rockingham in the State of Western Australia, are required by the executor of the estate namely Leonita Cantano Hayes to send particulars of their claims to her, c/- Horizon Legal, Suite 19, 135 Riseley Street, Booragoon in the State of Western Australia, within one (1) month of the date of publication hereof, after which date the executor may convey or distribute the assets having regard to the claims of which she then has notice.

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ZZ403

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

## Notice to Creditors and Claimants

John William Rowe, late of Opal Bunbury Gardens, 39 Hayes Street, Bunbury in the State of Western Australia, Contractor, 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 the 8 November 2019 at Bunbury, are required by the Administrator Gregory Thomas McCallum-Rowe c/- Max Owens & Co of 2 Zoe Street, Bunbury WA 6230 to send particulars of their claims to him by one month from the date of publication, after which date the Administrator may convey or distribute the assets, having regard only to the claims of which he then has notice.

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ZZ404

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

## Notice to Creditors and Claimants

Notice is hereby given to any persons having claims pursuant to Section 63 of the *Trustees Act 1962* against the estate of Dorothy Mills, late of 75 William Street, Herne Hill in the State of Western Australia to submit in writing any such claims complete with supporting documentary evidence to the Executor, Mark Benjamin Mills of 75 William Street, Herne Hill in the State of Western Australia. Any such claims must be received by the Executor within 30 days, 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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