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- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper.
- Copy must be lodged with the Publication Officer, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition)—

Email address:

slp@dpc.wa.gov.au

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GOVERNMENT GAZETTE

PUBLISHING DETAILS FOR CHRISTMAS 2020 AND NEW YEAR HOLIDAY PERIOD 2021

Publishing Dates	Closing Dates and Times for copy
Tuesday, 22 December 2020	Friday, 18 December 2020 at 12 noon
Thursday, 24 December 2020	Wednesday, 23 December 2020 at 12 noon
Thursday, 31 December 2020	Wednesday, 30 December 2020 at 12 noon

The Government Gazette will not be published on

Tuesday 29 December 2020

Tuesday 5 January 2021

The next edition will be published on Friday 8 January 2021 and copy will close 12 noon Wednesday 6 January 2021

— PART 1 —

INDUSTRY REGULATION

IS301

Real Estate and Business Agents Act 1978

Real Estate and Business Agents (General) Amendment Regulations 2020

SL 2020/209

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Real Estate and Business Agents (General) 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 *Real Estate and Business Agents (General) Regulations 1979*.

4. Regulation 2 amended

- (1) In regulation 2:
 - (a) delete “In these regulations,” and insert:
 - (1) In these regulations,
 - (b) insert in alphabetical order:

restricted certificate (property management) means a certificate of registration that is subject to a special

condition restricting the sales representative to property management transactions only;

restricted certificate (sales) means a certificate of registration that is subject to a special condition restricting the sales representative to sales transactions only;

unrestricted certificate means a certificate of registration that is neither a restricted certificate (property management) nor a restricted certificate (sales);

- (2) At the end of regulation 2 insert:
- (2) In these regulations a reference to the examinations required to be passed for the conferral of a particular degree or qualification is a reference to the examinations that are or were required to be passed for the conferral of that degree or qualification at any time when it is or was conferred.
- (3) In these regulations a reference to a registered qualification, a training package or a module of a training package is a reference to a registered qualification, training package or module of a training package that is —
- (a) recorded on the National Register on Vocational Education and Training managed by the Department of Education, Skills and Employment of the Commonwealth; and
 - (b) provided by a registered training provider.

5. Regulations 6 and 6A replaced

Delete regulations 6 and 6A and insert:

6. Prescribed examinations for licence applicants (Act Sch. 1 cl. 1(a))

- (1) The prescribed examinations for the purposes of Schedule 1 clause 1(a) of the Act are —
- (a) the examinations required to be passed for the conferral by Curtin University of any of the following degrees or diplomas —
 - (i) Bachelor of Commerce (Property and Marketing);
 - (ii) Bachelor of Commerce (Property);
 - (iii) Bachelor of Commerce (Property and Finance);

- (iv) Bachelor of Commerce (Property Development and Valuation);
 - (v) Bachelor of Commerce (Property Valuation);
 - (vi) Master of Property;
 - (vii) Graduate Diploma in Property;
- or
- (b) the examinations required to be passed for the conferral of a Diploma of Property Services (Agency Management) registered qualification CPP50307; or
 - (c) the examinations required to be passed for the conferral of a Diploma of Property (Agency Management) registered qualification CPP51119, together with any additional examinations prescribed for the applicant under subregulation (2); or
 - (d) for an applicant who was a licensee and who ceased to be licensed under section 30(2a) of the Act, the examinations which were prescribed under regulation 6 of these regulations immediately before the commencement of the *Real Estate and Business Agents (General) Amendment Regulations 2003*.
- (2) Additional examinations are prescribed for an applicant mentioned in subregulation (1)(c) as shown in the Tables to this regulation according to the certificate of registration that the applicant holds.

Table 1 — Additional prescribed examinations

Kind of certificate held	Additional prescribed examinations
Unrestricted certificate acquired by completing the qualification prescribed in regulation 6A(3)(a)	No additional examinations
Any other unrestricted certificate	Either: <ol style="list-style-type: none"> 1. the examinations required to be passed for successful completion of modules from the CPP Property Services Training Package listed in Table 2 to this regulation as follows — <ul style="list-style-type: none"> (a) each of the modules indicated as mandatory in Column 1;

Kind of certificate held	Additional prescribed examinations
	<p>(b) any 3 of the modules indicated as elective in Column 1;</p> <p>or</p> <p>2. the examinations required to be passed for the conferral of a Certificate IV in Property Services (Real Estate) registered qualification CPP40307.</p>
Restricted certificate (property management)	<p>Either:</p> <p>1. the examinations required to be passed for successful completion of modules from the CPP Property Services Training Package listed in Table 2 to this regulation as follows —</p> <p>(a) each of the modules indicated as mandatory in Column 2;</p> <p>(b) any 3 of the modules indicated as elective in Column 2;</p> <p>or</p> <p>2. the examinations required to be passed for the conferral of a Certificate IV in Property Services (Real Estate) registered qualification CPP40307.</p>
Restricted certificate (sales)	<p>Either:</p> <p>1. the examinations required to be passed for successful completion of modules from the CPP Property Services Training Package which would be the prescribed qualification under regulation 6A(3)(a) if the applicant were applying for an unrestricted certificate;</p> <p>or</p> <p>2. the examinations required to be passed for the conferral of a Certificate IV in Property Services (Real Estate) registered qualification CPP40307.</p>

Kind of certificate held	Additional prescribed examinations
No certificate of registration	The examinations required to be passed for successful completion of modules from the CPP Property Services Training Package which would be the prescribed qualification under regulation 6A(3)(a) if the applicant were applying for an unrestricted certificate.

Table 2 — Modules of CPP Property Services Training Package

	Column 1	Column 2
CPPREP4005	Mandatory	Mandatory
CPPREP4103	Not accepted	Mandatory
CPPREP4104	Not accepted	Mandatory
CPPREP4105	Not accepted	Mandatory
CPPREP4121	Mandatory	Not accepted
CPPREP4122	Mandatory	Not accepted
CPPREP4123	Mandatory	Not accepted
CPPREP4124	Mandatory	Not accepted
CPPREP4125	Mandatory	Mandatory
CPPREP4102	Elective	Elective
CPPREP4201	Elective	Elective
CPPREP4202	Elective	Elective
CPPREP4203	Elective	Elective
CPPREP4204	Elective	Elective
CPPREP5201	Elective	Elective

**6A. Prescribed qualifications for certificate applicants
(Act s. 47(2))**

- (1) For a person who applies for a restricted certificate (property management), the prescribed qualification for the purposes of section 47(2) of the Act is —
 - (a) if the application is made on or before 30 September 2021, the successful completion of each of the modules from the CPP07 Property Services Training Package indicated as mandatory in Column 1 of Table 1 to this regulation; or
 - (b) the successful completion of each of the modules from the CPP Property Services Training Package indicated as mandatory in Column 2 of Table 2 to this regulation.
- (2) For a person who applies for a restricted certificate (sales), the prescribed qualification for the purposes of section 47(2) of the Act is the successful completion of modules from the CPP Property Services Training Package listed in Table 2 to this regulation as follows —
 - (a) each of the modules indicated as mandatory in Column 1;
 - (b) any 3 of the modules indicated as elective in Column 1.
- (3) For a person who applies for an unrestricted certificate, the prescribed qualification for the purposes of section 47(2) of the Act is the successful completion of —
 - (a) modules from the CPP Property Services Training Package listed in Table 2 to this regulation as follows —
 - (i) each of the modules indicated as mandatory in Column 3;
 - (ii) any 3 of the modules indicated as elective in Column 3;

or

 - (b) if the application is made on or before 30 September 2021 — each of the modules from the CPP07 Property Services Training Package indicated as mandatory in Column 2 of Table 1 to this regulation.

Table 1 — Modules of CPP07 Property Services Training Package

	Column 1 Applicants for restricted certificate (property management)	Column 2 Applicants for unrestricted certificate
CPPDSM4003A	Not accepted	Mandatory
CPPDSM4007A	Mandatory	Mandatory
CPPDSM4008A	Not accepted	Mandatory
CPPDSM4010A	Mandatory	Not accepted
CPPDSM4011A	Mandatory	Not accepted
CPPDSM4012A	Not accepted	Mandatory
CPPDSM4013A	Mandatory	Not accepted
CPPDSM4014A	Not accepted	Mandatory
CPPDSM4016A	Mandatory	Not accepted
CPPDSM4022A	Not accepted	Mandatory
CPPDSM4080A	Mandatory	Mandatory

Table 2 — Modules of CPP Property Services Training Package

	Column 1 Applicants for restricted certificate (sales)	Column 2 Applicants for restricted certificate (property management)	Column 3 Applicants for unrestricted certificate
CPPREP4001	Mandatory	Mandatory	Mandatory
CPPREP4002	Mandatory	Mandatory	Mandatory
CPPREP4003	Mandatory	Mandatory	Mandatory
CPPREP4004	Mandatory	Mandatory	Mandatory
CPPREP4005	Mandatory	Mandatory	Mandatory
CPPREP4101	Mandatory	Mandatory	Mandatory
CPPREP4102	Mandatory	Mandatory	Mandatory

	Column 1 Applicants for restricted certificate (sales)	Column 2 Applicants for restricted certificate (property management)	Column 3 Applicants for unrestricted certificate
CPPREP4103	Mandatory	Not accepted	Mandatory
CPPREP4104	Mandatory	Not accepted	Mandatory
CPPREP4105	Mandatory	Not accepted	Mandatory
CPPREP4121	Not accepted	Mandatory	Mandatory
CPPREP4122	Not accepted	Mandatory	Mandatory
CPPREP4123	Not accepted	Mandatory	Mandatory
CPPREP4124	Not accepted	Mandatory	Mandatory
CPPREP4125	Not accepted	Mandatory	Mandatory
CPPREP4201	Elective	Not accepted	Elective
CPPREP4202	Elective	Not accepted	Elective
CPPREP4203	Elective	Not accepted	Elective
CPPREP4204	Elective	Not accepted	Elective
CPPREP5201	Elective	Not accepted	Elective

6. Regulation 6B amended

In regulation 6B:

(a) in paragraph (a) delete “one year” and insert:

3 years

(b) delete paragraph (c) and insert:

(c) who has passed the examinations prescribed by regulation 6 to qualify for the grant of a licence;
or

V. MOLAN, Clerk of the Executive Council.

RACING, GAMING AND LIQUOR

RA301

RACING AND WAGERING WESTERN AUSTRALIA ACT 2003

RACING AND WAGERING WESTERN AUSTRALIA (FOB RULES) NOTICE (NO. 2) 2020

Made by Racing and Wagering Western Australia under section 61 of the Act.

1. Citation

This notice is the *Racing and Wagering Western Australia (FOB Rules) Notice (No. 2) 2020*.

2. Commencement

These rules came into operation on 1 April 2020.

3. Interpretation

In this notice—

“the Act” means the *Racing and Wagering Western Australia Act 2003*;

“the Rules” means the rules described in clause 4, adopted by Racing and Wagering Western Australia.

4. Rules adopted under section 61 of the Act

(1) Following the novation of the FOB MSA to BetEasy effective 1 April 2020 RWWA is now operating under the BetEasy Fixed Odds Rules.

(2) A copy of the rules adopted was published for public information in the *Special Gazette* of 24 January 2020 at pp. 169-215.

(3) Further amendments to the Rules were adopted by resolution of the Board dated 14 April 2020, and published for public information in the *Gazette* of 17 April 2020 at pp. 958-961.

5. Changes to Rules published for public information section 61(6)(c) of the Act

(1) Further amendments to the Rules were adopted by resolution of the Board dated 26 October 2020.

(2) Those further amendments to the Rules are published in the Schedule to this notice for public information, as required by section 61(6)(c) of the Act.

Schedule 1—Amendments to Adopted Rules

167	<p>RACING EXTRAS</p> <p>A RWWA Racing Extra is any of the following—</p> <ul style="list-style-type: none"> (a) a Head to Head; (b) a Betting Without; (c) an Insurance (3 placings) (d) a Runner vs the Field; (e) a Top Half v Bottom Half; <u>and</u> (f) <u>a Same Race Combos.</u>
174	<p>Same Race Combos</p> <ul style="list-style-type: none"> (a) <u>RWWA will offer Same Race Combos markets on selected Horse Racing, Greyhounds and Harness events.</u> (b) <u>All outcomes included in a Same Race Combo wager must be successful for the bet to achieve a payout.</u> (c) <u>In the event a runner is scratched:</u> <ul style="list-style-type: none"> i. <u>Wagers containing the scratched runner will be void and monies refunded.</u> ii. <u>Wagers not containing the scratched runner shall stand at the price quoted at the time the bet was struck (no deductions apply).</u> (d) <u>In the event of a protest, wagers will be paid out on the official race day placings.</u> (e) <u>In the events of a dead heat, the Dead-Heat Rule applies.</u> (f) <u>In the event a race is abandoned, postponed or declared a ‘no race’ by order of stewards, all wagers are void and monies refunded.</u> (g) <u>In the event a runner is disqualified, all wagers containing that runner will be void and monies refunded.</u> (h) <u>Multis are not permitted unless otherwise stated.</u>

211	<p>AUSTRALIAN RULES FOOTBALL</p> <p>Payouts for Australian Rules Football (AFL) are based on the Official Result. All matches are settled at Normal Time unless extra time is played.</p> <p>All extra time will be considered as a continuation of the fourth quarter and second half for resulting purposes. In the event of a draw in a market where no draw option is offered, we will apply the Dead Heat rule and all wagers will be settled at half face value of the ticket. In the event of a draw where extra time is played all markets are settled at the conclusion of Extra time with the exception being Halftime / Fulltime Double, Quarter by Quarter Result and Wire to Wire (in Quarter by Quarter betting the draw option will only be paid once regardless of the number of quarters ending in a draw). Should Golden Point be required, all extra time rules are applicable. All player and Fantasy markets are included in Extra Time and Golden Point. In the event of a 'draw' where no draw option is offered the Dead-Heat Rule shall apply and all wagers will be paid at half face value of the ticket. For any AFL Finals matches or any other Competition which includes extra time, markets will be settled on the completion of extra time, unless the draw is offered in the market.</p> <p><u>Where the draw option is offered, the bet is decided on the result at the end of normal time (i.e. extra time—an extension of normal time is not included.) For Margin betting, the Draw option is always offered, although in other betting options where the draw option is not offered, The Dead Heat Rule applies.</u></p> <p><u>In Quarter by Quarter markets for the purposes of betting the 'Draw at the end of any Quarter' market is one competitor only. Tribets are settled as any team under in the case of a draw when no extra time is played.</u></p>
218	<p><u>For Same Game Combos markets if a player included in the wager is not in the starting 22, the entire bet shall be deemed void and refunded. If the match is drawn any wagers including a Margin based selection shall be deemed as losing. The Dead-Heat Rule applies.</u></p>
	<p>BASKETBALL Bets Settlement & Abandoned Games</p>
267	<p><u>For US Basketball, if a match is postponed before being played, all bets are void unless it is replayed within 24 hours of the official, original tip off time. (Official time as opposed to the time listed on the RWWA website/app). For all leagues outside of the US, bets are void unless the match is played within 36 hours of the official, original tip off time.</u></p>
274	<p>Bet types</p> <p><u>Overtime counts for all markets except for markets that strictly specify on the result within a quarter/half. (For example, 4th quarter winner, 2nd Half total points etc)</u></p> <p><u>Quarter Markets are resulted on the score of the relevant quarter and exclude overtime.</u></p> <p><u>2nd Half Markets are resulted on the score for 2nd half and include overtime.</u></p>
281	<p><u>First Basket is resulted on the first score of the game, inclusive of free throws, as per official NBA box score. Should a player listed not start the game, all bets on the player selected will be void otherwise betting is all-in. In the event of a tie at the end of the first quarter, First Basket / First Quarter Double bets are resulted as a loss.</u></p>
516	<p>SOCCER Acceptance of Bets & Settlement</p> <p>All soccer bets will be settled on the score at the final whistle at the end of full time. This denotes the period of play after 90 minutes plus any time added by the referee for injuries and other stoppages but does not include scheduled extra time, or penalty shoot-outs, if played.</p> <p>Extra time denotes the period of play which takes place after full time but which does not include any penalty shoot-outs. In matches where penalty shoot-outs or extra time are due to take place, all bets are settled on the full time score unless specifically stated otherwise.</p> <p><u>For friendly matches played over a duration other than 90 minutes, all bets will stand. For friendly matches where two distinct halves are not played (i.e. 4 periods), all half based markets will be void.</u></p>

518	<p>Matches Abandoned After Kick-Off</p> <p>All bets will stand if the match is played to a conclusion within 24 hours. For matches not completed within 24 hours, bets on Win Draw Win (Match Result), Draw No Bet and Double Chance markets will be settled on official result declared by governing body, provided it is announced within 24 hours of kick off and at least 70 mins have been played.</p> <p>For matches not completed within 24 hours, bets on all other markets will be voided unless they have already reached an unconditional conclusion.</p> <p>For matches where over 90% of the scheduled match time has been completed and the referee ends the match, to match will be considered to be played to full time and RWWA will use that result for the settlement of all bets placed on the game. For matches where the referee ends the match before 90% of the scheduled match time has been completed then all markets will be void unless the result for a particular market has already been unequivocally decided.</p> <p>If a match that has been abandoned is continued from the point of abandonment and completed before the end of the next calendar day then all bets on the match will stand and be settled in accordance with the results at the completion of the continued match.</p>
519	<p>Matches Postponed Before Kick-Off</p> <p>All bets on matches officially postponed will be voided unless the revised kick off time is officially confirmed to be a) within 7 days and b) announced before the originally scheduled kick off.</p> <p>In case of a match being cancelled or postponed then all markets will be void unless the match takes place within 36 hours of the initial scheduled starting time.</p>
	<p>TENNIS</p> <p>Match Betting</p>
578	<p>If a match is suspended whilst in play then all bets stand until the match is completed, unless the match is not completed within 72 hours of the time it is initially suspended, in which case all un-resulted bets will be voided and stakes refunded. If the match is not completed then all un-resulted bets will be voided and stakes refunded unless specified otherwise in the market rule.</p>
579	<p>Set Betting</p> <p>In the event of a retirement after the 1st set, all bets which have reached an unconditional conclusion whereby if the match was completed in its entirety, the outcome of the relevant bet would have been guaranteed, will remain settled accordingly.</p> <p>Example: If a customer places a bet on Player A to win the match 2-0 in the set betting market, Player A loses the 1st set & a retirement occurs during the 2nd set, this bet will be deemed a loser as it is not possible for Player A to win the match 2-0. All bets on Player A to win 2-1, Player B to win 2-0 or 2-1 will be void.</p> <p>When a super-tiebreak (or champion's tie-break) is played, the super-tiebreak will be classified as a 'set' for the purpose of set betting markets.</p>
	<p>E-SPORTS</p> <p>Bet Settlement and Abandonments</p>
646	<p>In the event of a change in the number of Maps (for those e-Sports involving Maps) to be played, all bets will be void except for match bets (provided that an official result is declared) and First Map bets.</p>
647	<p>If a race, match or Map is officially determined to be a draw due to a connectivity or technical issue (or similar reason), all live bets on the respective race, match or map will be void.</p> <p>If a race, match or Map is stopped and restarted from the beginning with the approval of the relevant administrator or official due to connectivity or technical issues which are not player related, then all undecided markets will be void.</p> <p>If a race, match or Map is replayed, all live betting on the original race, match or Map will be voided.</p>
	<p>TABLE TENNIS</p>
683	<p>If a match is postponed or re-scheduled, the event must take place within 24 48 hours of the original scheduled time. Otherwise, all bets will be void and multi bets will be recalculated without the affected legs.</p>

— PART 2 —

JUSTICE

JU401

LEGAL PROFESSION ACT 2008

LEGAL PROFESSION (MAGISTRATES COURT) (CIVIL) REPORT (NO. 2) 2020

Made by the Legal Costs Committee under Division 5 of Part 10 of the *Legal Profession Act 2008* (LP Act).

PART 1—PRELIMINARY

1 Citation

- (a) This Report may be cited as the *Legal Profession (Magistrates Court) (Civil) Report (No. 2) 2020*.
- (b) The Determination set out in the Schedule to this Report is referred to in this Report as the *Legal Profession (Magistrates Court) (Civil) Determination (No. 2) 2020*.

PART 2—NOTICE AND INQUIRIES

2 Notice under section 278 of the Act

The Legal Costs Committee (Committee) has complied with the notice provisions of section 278 of the Act.

3 Inquiries and submissions under section 277 of the Act

Before making the *Legal Profession (Magistrates Court) (Civil) Determination (No. 2) 2020* the Committee—

- (a) reviewed the submissions received as a result of the notice given under section 278 of the Act including those made by The Law Society of Western Australia (Inc);
- (b) consulted with the Magistrates Court of Western Australia;
- (c) considered the changes made to civil procedure in the Magistrates Court by reason of the *Magistrates Court (Civil Proceedings) Amendment Rules 2020* and the *Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2020*;
- (d) reviewed the *Legal Practitioners (Magistrates Court) (Civil) Determination 2020*¹; and
- (e) had regard to relevant provisions of the *Magistrates Court Act 2004* and the *Magistrates Court (Civil Proceedings) Act 2004*, and in particular notes section 13(1) of that Act, which sets out the guiding principles for the conduct of civil proceedings in the Court.

PART 3—REPORT OF LEGAL COSTS COMMITTEE'S CONCLUSIONS

4 Maximum hourly and daily rates unchanged—scale of costs amended

- (a) This review has arisen because of changes to civil procedure brought about by the *Magistrates Court (Civil Proceedings) Amendment Rules 2020* and the *Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2020*.
- (b) The matters set out in clause 4 of the *Legal Practitioners (Magistrates Court) (Civil) Determination 2020* remain in force and continue to inform the manner in which the Committee has undertaken this review.

CLARE THOMPSON, Chair.
ANGELA GAFFNEY, Member.
MARCUS COCKER, Member.
JANICE DUDLEY, Member.
MATTHEW CURWOOD, Member.
BRENDAN ASHDOWN, Member.

Schedule

LEGAL PROFESSION ACT 2008

LEGAL PROFESSION (MAGISTRATES COURT) (CIVIL) DETERMINATION (NO. 2) 2020

Made by the Legal Costs Committee under section 275 of the *Legal Profession Act 2008* (LP Act).

1 Citation

This Determination may be cited as the *Legal Profession (Magistrates Court) (Civil) Determination (No. 2) 2020*.

2 Commencement

This Determination comes into operation on 1 November 2020.

3 Application

- (a) This Determination applies to the remuneration of legal practitioners, clerks and paralegals in respect of advice given by legal practitioners in or for the purposes of civil proceedings before the Magistrates Court.
- (b) Subject to paragraph (c) below, this Determination does not apply to the remuneration of legal practitioners based on costs incurred in respect of business carried out before the commencement of this Determination.
- (c) In taxing a bill of costs which includes events which occurred before the commencement of this Determination but after the commencement of the *Magistrates Court (Civil Proceedings) Amendment Rules 2020* or the *Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2020*, an Assessing Officer may consider it appropriate to allow an item on taxation by analogy using this Determination, despite there being no relevant item in the Determination which was in place at the time the business was carried out.

4 Definitions

In this Determination—

Act means the *Magistrates Court (Civil Proceedings) Act 2004*, as amended from time to time; and

Rules means the *Magistrates Court (Civil Proceedings) Rules 2005*, as amended from time to time.

5 No minimum charge

In no respect is this Determination to be seen as providing a minimum charge for any work other than the items referred to in clause 5. For example, item 2(c) provides for \$3,344 for the work involved. The figure of \$3,344 is a maximum, but on taxation less than \$3,344 might be allowed. Where there is a set cost or time or level of fee earner indicated, the purpose is to indicate to the Assessing Officer what reasonably may be expected in most cases.

6 Fixed items

Some items in this Determination have been fixed without any indication of how these items have been calculated. These items are 1, 2(a), 2(b), 4(a), 11(a), 12(c), 17(a)(2), 17(b), 18(a), 20 and 21. These have been fixed because, based on past practices, the Court staff require a fixed figure when completing the form of Entry of Judgment by Default and the like.

7 Changes arising from the *Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2020*

- (a) This review has become necessary by reason of the changes to civil procedure in the Magistrates Court brought about by the *Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2020* which commenced on 1 June 2020.
- (b) As a result of the changes in procedure, some new items have been included in the scale of costs in Table B and some items which were previously contained in Table B have been deleted.
- (c) For those items which have been deleted but which may still be undertaken in the conduct of any particular matter, for example the administration of interrogatories, an appropriate allowance may be awarded on taxation as part of the preparation of a case for trial, under item 13.
- (d) The Committee is particularly mindful of the jurisdictional limitation of the Magistrates Court and is concerned to ensure that the principle of proportionality is foremost in practitioners minds when incurring and claiming costs in this Court. With this in mind, the Committee has made amendments to items 10, 21 and 22 which more properly reflect the work undertaken under those items and which are designed to limit the costs incurred in matters which are generally separate from the final resolution of the proceedings.

8 Time estimates

The reason for stating the number of hours estimated to be necessary to perform each of the items of work described in this Determination is to provide guidance to the Court when dealing with the question of costs so that the Court has some idea how much time is reasonably necessary to perform work in most cases. For example, in item 15(a), which relates to preparation for trial or getting up a case for trial by Counsel, the time indicated is that which can be expected in most cases. Some items reflect a number of hours that have been estimated so as to include work done with respect to the process of obtaining and considering evidence, documents, disclosures and the like, for example items 2(c), 4(b)-(d), 5, 7, 10 and 13. The hours referred to in this Determination will guide the Assessing Officer about the amount which should be allowed in a particular case.

9 Counsel

- (a) In items 14 and 15 of Table B, if independent counsel is not retained for the trial, this will be a factor to be considered by the Assessing Officer who might not then permit the full amount in the Determination for fee on brief under item 15(a), as well as a full getting up allowance under item 13. This is in line with the decisions of *Commonwealth v Magriplis* (1962) 3 FLR 47 and *Washbourne v SEC* (1992) 8 WAR 188.

- (b) All appearances allowed for in items 10, 15 and 22 of Table B are intended to be charged at the applicable counsel rate, and not at any higher rate that may be applicable to the actual practitioner by reason of the person undertaking the appearance otherwise being entitled to charge as a Senior Practitioner.
- (c) In this Determination a change has been made to item 15(i) of Table B to correct the anomaly in previous Determinations by which Senior Practitioner rates were recoverable for attendance on a reserved judgment.
- (d) Fees charged by practitioners who practise solely as barristers in accordance with Supreme Court Practice Direction 10.5 are only to be charged at the rates provided for counsel of their seniority in Table A and are not to be charged at rates applicable to a Senior Practitioner.
- (e) Recovery of daily fees for counsel on the taxation or assessment of a Bill of Costs is intended to apply only when a full day has been worked, either in Court or in Court and in preparation for a subsequent hearing day.

10 Settled proceedings

It is intended that item 13 should apply even if there is no trial. Therefore, if the case is settled before trial and the law practice can demonstrate that preparation for trial was carried out, costs may be recovered for that work and allowed on an assessment of costs.

11 Restricted Practitioner category

The amendments brought in by the *Legal Profession (Magistrates Court) (Civil) Determination 2016* remain in effect, other than clause 10(e) of that Determination.

12 Maximum hourly and daily rates

- (a) The hourly and daily rates set out in Table A are the maximum hourly and daily rates, inclusive of GST, which the Committee determines shall be used to calculate the dollar amounts set out in Table B. Except for certain items, each item in this Determination specifies a dollar amount with reference to the fee earner.
- (b) The rates referred to in paragraph (a) were ascertained in the manner set out in clause 4 of the *Legal Profession (Magistrates Court) (Civil) Report 2020*.
- (c) The daily rates set out in Table A are intended to cover all work done on a hearing or trial day whether in or out of court including preparation of written submissions and are not intended to be supplemented in any way by additional hourly charges given that the maximum number of hours allowed for the daily rate is 10 hours per day.
- (d) The items in Table B are not intended to be calculated on the basis of a minimum 6 minute unit.

Table A

Fee Earner	Maximum allowed hourly rates
Senior Practitioner ^o (permitted to practise on his or her own account for 5 years or more) (SP) ^a	\$418
Junior Practitioner ^o (permitted to practise on his or her own account for less than 5 years) (JP)	\$319
Restricted Practitioner (RP) [#] . ^o	\$231
Clerk/Paralegal (C/PL) ^{##}	\$154
<hr/>	
Counsel fees charged as a disbursement to law practices or charged by in-house Counsel	Maximum allowed rates
Counsel*	
hourly rate	\$363
daily rate	\$3,630
Senior Counsel**	
hourly rate	\$539
daily rate	\$5,390

^o The reference to Restricted Practitioner, Junior Practitioner or Senior Practitioner in this Determination includes all legal practitioners even if the services were rendered in another State or Territory. Where a local practitioner has held an interstate practising certificate, the length of unrestricted legal practice in that other jurisdiction is to be counted in assessing that practitioner's years of practice for the purposes of this Determination.

[#] The reference to Restricted Practitioner in this Determination includes practitioners undertaking restricted legal practice for the purposes of obtaining the required experience set out in section 50 of the LP Act and does not include a reference to an Australian legal practitioner who has a condition placed on their practising certificate by the Legal Practice Board, State Administrative Tribunal or otherwise, requiring them to practise under supervision for disciplinary, medical or other reasons.

^{##} The reference to Clerk/Paralegal in this Determination includes a law graduate prior to their admission to practise as an Australian lawyer.

* The reference to Counsel in this Determination means a practitioner acting as a barrister other than a Senior Counsel, including for the purposes of items 10, 15 and 22, a practitioner appearing in court who does not practise in accordance with Supreme Court Practice Direction 10.5.

** The reference to Senior Counsel in this Determination means a person within the meaning of item 11 or item 12 of Regulation 5(2) of the *Legal Profession Regulations 2009* (WA).

13 Costs

(a) Subject to the provisions of the LP Act permitting a law practice to make a written agreement as to costs with a client, the costs of or in relation to a party to an action or other proceeding (inclusive of GST and counsel fees, but exclusive of other disbursements)—

- (1) recoverable by one party from another party; or
- (2) payable by a party to that party's own law practice,

shall not exceed the amounts set out in Table B except as otherwise provided in item 25 of Table B.

(b) Allowances made under item 25 of Table B are only to be awarded as between a law practice and its client, and not between party and party unless the Court otherwise orders. The item is not intended to be used to claim increased allowances for items which should properly fit into another item in the Determination, for example item 10.

(c) The Committee notes the impact of the decision in *Rodwell v Hutchinson* [2010] WASCA 197, and so no allowance is made in this Determination for an award of indemnity costs.

(d) The Committee notes the comments of the court in *Defendi v Eden Hill Plasterers* [2008] WASCA 269 at [7] as to the importance of the proportionality principle in litigation in this Court, which arises in respect to all costs incurred in the Magistrates Court.

Table B
Magistrates Court Civil Scale of Costs (No. 2) 2020

Item		Time	Fee Earner	\$
1.	Letter of demand issued prior to proceedings			77
2.	Claim— (a) Claim, including instructions, but excluding Statement of Claim (b) For each additional defendant (c) Statement of Claim including preparation and lodgement	8 hours	SP	418 55 3,344
3.	Appointment of litigation guardian	2 hours	RP	462
4.	Response— (a) Lodgement of a response to a claim (b) Statement of defence (c) Reply to defence (d) Defence and counterclaim, including instructions and statement of claim in the counterclaim and all other necessary documents (e) Defence to counterclaim	8 hours 1.5 hours 8 hours 2 hours	SP SP SP SP	209 3,344 627 3,344 836
5.	Third party claim, including instructions and list of documents	8 hours	SP	3,344
6.	Particulars— (a) requesting particulars (b) providing particulars	1 hour 2 hours	JP JP	319 638
7.	Disclosure— (a) Providing informal disclosure under Rule 30A (b) Giving additional disclosure where ordered by the Court or a Registrar	2 hours 5 hours	RP RP	462 1,155
8.	Status conference— Status conference conducted under rule 46 of the Rules, including preparation, attendance and reporting to client	1.5 hours	SP	627
9.	Interpleaders— Interpleader proceedings— (a) where uncontested (b) where contested	1 hour	JP	319 An allowance in accordance with item 10

Item		Time	Fee Earner	\$
16.	Pre-trial, mediation, conferrals, or other conferences (a) where required by the Rules, practice direction, order of the Court or legislation; (b) including informal conferences where reasonably held after commencement of proceedings; and (c) preparation reasonably undertaken for the conferences described in paragraphs (a) and (b) of this item.	per hour	SP	
17.	Judgments and orders— (a) Settling and extracting judgment or order (1) with appointment (2) without appointment (b) Request for certified copy of judgment or order	1 hour	RP	231 209 154
18.	Enforcement— (a) Execution (b) If against land, an additional	3 hours	RP	198 693
19.	Proceedings in court pursuant to <i>Civil Judgments Enforcement Act 2004</i> for the following, including preparation— (a) Means Inquiry (b) Default Inquiry (c) Suspension of enforcement order application (d) Application to cancel or amend an order	1.5 hours	JP RP C/PL	484 352 231
20.	Registration of judgments— Registration of judgments including those under <i>Service and Execution of Process Act 1992 (Cth)</i>			209
21.	Assessment of costs including drawing bill— (a) Lodgement of bill of costs (b) Drawing bill of costs, copies and service (c) Making an objection to a bill (d) Assessment of costs (including the time spent in preparing for the assessment)		JP JP JP JP	55 638 319 638
22.	Appeals— An appeal to a Magistrate from a decision of a Registrar			An amount calculated in accordance with item 10
23.	Copies— Copies where necessary, including of documents for which allowance is otherwise made in this Determination	per page		0.165
24.	Accounts and inquiries— Attending on taking accounts, inquiries		SP	An amount which is reasonable in the circumstances

Item		Time	Fee Earner	\$
25.	<p>Other work—</p> <p>(a) Time reasonably spent by a legal practitioner on work requiring the skill of a legal practitioner (of the standing indicated) but not covered by any other item</p> <p>or</p> <p>(b) Time reasonably spent by a legal practitioner, or by a clerk or paralegal of a legal practitioner, on work not covered by any other item or by paragraph (a)</p> <p>Note: Allowances under item 25 are only to be awarded as between a law practice and its client, and <i>not</i> between party and party unless the Court otherwise orders.</p>	per hour		
		per hour	SC C SP JP RP C/PL	
26.	<p>Disbursements—</p> <p>In addition to the fees and charges allowed under this Determination—</p> <p>(a) As between a law practice and client, a law practice may charge and be allowed disbursements necessarily or reasonably incurred; and</p> <p>(b) As between party and party, a party may be allowed disbursements incurred by that party except insofar as they are of an unreasonable amount or have been unreasonably incurred, so that subject to the above exceptions, that party is fully reimbursed for its disbursements</p>			
27.	<p>Allowances for witnesses—</p> <p>The amount of any costs to be paid in respect of work done by a legal practitioner in conducting any proceedings in a case may include a reasonable allowance for—</p> <p>(a) witnesses necessary to the case because of their professional, scientific or other special skill or knowledge; and</p> <p>(b) witnesses necessary to the case other than those covered in paragraph (a).</p> <p>In fixing an allowance for witnesses under paragraph (b), including the Claimant and Defendant, the Assessing Officer may have regard to the amount of salary, wages, or income (if any) actually lost by the witness;</p> <p>In fixing an allowance for witnesses under either paragraph (a) or paragraph (b), regard should be given to whether it was reasonable in all the circumstances to call a witness in person when the witness was able to give evidence by use of audio-link, video-link or similar technology.</p>			
28.	<p>Travel—</p> <p>(a) As between party and party, minor travel as defined in the <i>Legal Profession (Magistrates Court) (Civil) Determination 2016</i>, is to be allowed as part of the costs awarded for an attendance at chambers or Court, without further order.</p> <p>(b) As between party and party, time spent travelling by a law practice which is not minor travel and which is required by reason of an order of the Court requiring the parties to attend at a location other than the location at which the proceedings is case managed, is to be charged at no more than one half of the rates set out in Table A, with a maximum of 8 hours in any one day, without further order.</p> <p>(c) As between a law practice and its own client, time spent travelling by a law practice, other than minor travel, is to be charged at no more than one half of the rates set out in Table A, with a maximum of 8 hours in any one day.</p> <p>Note: Allowances under item 28(c) are only to be awarded as between a law practice and its client, and <i>not</i> between party and party unless the Court otherwise orders.</p>			

Made by the Legal Costs Committee on 21 October 2020.

Endnotes:

¹ Published in Gazette 18 June 2020.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995*Shire of Capel***BASIS OF RATES**

I, Gordon MacMile, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28 (1) of that Act, hereby, and with effect from 14 October 2020, determined that the method of valuation to be used by the Shire of Capel as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land—

Schedule

	Designated Land
UV to GRV	All those portions of land being Lot 6059 and Lots 6081 to 6091 inclusive as shown on Deposited Plan 419404; Lots 6061 to 6068 inclusive as shown on Deposited Plan 419661.

GORDON MacMILE, Acting Executive Director, Local Government,
Department of Local Government, Sport and Cultural Industries.

LG402

BUSH FIRES ACT 1954*City of South Perth***APPOINTMENTS**

It is hereby notified for public information that—

Dene Lawrence has been appointed as Chief Bush Fire Control Officer for the district of the City of South Perth.

Michael O'Regan has been appointed as Deputy Chief Bush Fire Control Officer for the district of the City of South Perth.

The following persons have been appointed as Bush Fire Control Officers for the district of the City of South Perth—

- Matthew Ball;
- Paul McCormick;
- Martin Shirley;
- Joseph Sidoti; and
- Lisa Wiltshire.

Authorisation is limited to the 2020-2021 Fire Breaks Period, Between 1 December 2020 and 30 April 2021, and expires on 30 April 2021.

By order of the City of South Perth

GEOFF GLASS, Chief Executive Officer.

LG403

BUSH FIRES ACT 1954*Town of Victoria Park***APPOINTMENTS**

It is hereby notified for public information that—

Lisa Manser has been appointed as Chief Bush Fire Control Officer in the Town of Victoria Park.

Debra Hughes has been appointed as Deputy Bush Fire Control Officer in the Town of Victoria Park.

The following have also been appointed as Bush Fire Control Officers for the district of the Town of Victoria Park—

- Michelle McCabe
- James Montgomery
- Amadeus Rainbow
- Urban Ahlstrand

- Vasant Agarwal
- Christian Quiambao
- Alex Libia
- Khushpreet Singh
- Portia Walker
- Andrew Fletcher
- Richard Harris
- Stacey Banting

The Fire Control Officers listed below are restricted as follows—

- David Luckin
- Ethan Mackie
- Teresa Luckin

Authorisations are limited to carrying out works as directed for fire mitigation for the 2020-2021 Fire Breaks Period. This is between 1 November 2020 and 30 April 2021 expiring on the 30 April 2021.

By order of Town of Victoria Park

ANTHONY VULETA, Chief Executive Officer.

LG404

LOCAL GOVERNMENT ACT 1995

Shire of Augusta Margaret River

BASIS OF RATES

I, Gordon MacMile, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28 (1) of that Act, hereby, and with effect from 15 October 2020, determined that the method of valuation to be used by the Shire of Augusta Margaret River as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land—

Schedule

	Designated Land
UV to GRV	All those portions of land being Lots 19 to 32 inclusive and Lots 34 to 41 inclusive as shown on Deposited Plan 418294.

GORDON MacMILE, Acting Executive Director, Local Government,
Department of Local Government, Sport and Cultural Industries.

LG501

BUSH FIRES ACT 1954

City of South Perth

2020/2021 FIREBREAK NOTICE

Notice to all Owners and/or Occupiers of Land within the City of South Perth

As a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, all owners and occupiers of land within the City's district are required before 1 December 2020 to clear firebreaks or to take measures in accordance with this Notice and maintain those firebreaks and measures in accordance with this Notice up to and including 30 April 2021.

1. All land which is 2,000m² or less in area

Remove all inflammable matter from the whole of the land, except living trees, shrubs, plants and lawns under cultivation, by means of ploughing, cultivating or slashing to a height of no more than 50mm across the entire property. Where the area is 2,000 square metres or less, clear the land free of all inflammable matter, except for living trees, shrubs, plants and lawns under cultivation, to a height no greater than 50mm.

2. All other land within the City of South Perth

- I. Clear bare earth 3 metre wide firebreaks immediately inside all external boundaries of the land by removing all inflammable matter and vegetation within the 3 metre wide firebreak between the ground and 4 metres above the ground.

- II. Firebreaks to a minimum width of 3 metres and height of 4 metres are to be cleared immediately surrounding all buildings situated on the land; and any place where inflammable liquids and gas products are kept;
- III. In addition to the requirements in this clause Council may, by notice in writing require an owner and/or occupier to act as and when specified in the notice with respect to anything which is upon land and which in the opinion of Council is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire.

If, for any reason, an owner and/or occupier consider it impractical to clear the land or comply with other fire protection measures in accordance with the notice, the owner and/or occupier may apply in writing to the City no later than 16 November 2020 for a variation. If permission is not granted in writing by the City or its authorised officer, the owner and/or occupier must comply with the requirements of this notice. Any variation granted by the City will apply only for a single Firebreak Period. A variation granted by the City shall only remain in force until the 30th day of April in the following year.

In addition to the requirements in this notice the City may, by notice in writing require an owner and/or occupier to act as and when specified in the notice with respect to anything which is upon land and which in the opinion of the City is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire.

The term Inflammable matter for the purpose of this notice includes bush (as defined in the *Bush Fires Act 1954*), timber, boxes, cartons, paper, rubbish and any other combustible or inflammable matter.

PENALTY FOR NON COMPLIANCE

A person who fails to comply with the requisitions in this notice is guilty of an offence and liable to a penalty of \$5,000. In addition, where the owner or occupier of the land fails to comply with a notice given pursuant to section 33(1) of the *Bush Fires Act 1954*, the City may enter upon the land and carry out the requisitions of the notice which have not been complied with and the City may recover the amount of any costs and expenses incurred in carrying out those requisitions as a debt due from the owner or occupier of the land maintained clear of inflammable matter up to and including 30 April in the following year.

By order of the City of South Perth

GEOFF GLASS, Chief Executive Officer.

LG502

BUSH FIRES ACT 1954 FIRE HAZARD REDUCTION NOTICE

Shire of Esperance

Notice to Owners and/or Occupiers of Land Situated within the Shire of Esperance

As a measure to assist in the control and prevention of bush fires, and pursuant to the powers contained in Section 33 of the *Bush Fires Act 1954* you have a legal obligation to meet the requisitions of this Notice and keep the property compliant from 1st October 2020 until 31st March 2021. The requirements for Residential and Rural land are listed below.

Take Notice, that pursuant to Section 33(4) of the *Bush Fires Act 1954*, where the owner and/or occupier of the land fails or neglects to comply with the requisitions of this Notice within the specified times, the Shire of Esperance may, by its Authorised Officers and with such servants, workmen and contractors, vehicles and machinery as the Authorised Officers deem fit, enter upon the land and carry out the requisitions of this Notice. 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.

Failure to comply with the Shire's Fire Hazard Reduction Notice may result in a penalty of up to \$5000, with additional contractor and administration costs to carry out fire prevention works on your property.

Bush Fire Management Plans (may be required)

All properties that are subject to a Bush Fire Management Plan as a result of a subdivision, development application or a Shire approved treatment plan must comply with the requirements of such plans in their entirety.

Urban and Rural Residential

Including Residential, Commercial and Industrial Land within a town site or any other subdivided area for residential purposes—

- Where the land is 2000 square metres or less, remove all flammable material and where the land is vacant, mow or slash the whole of the land to achieve a low fuel condition.
- Where the land is 2000 square metres or more, install and maintain a trafficable low fuel condition not less than 4 metres (m) wide and 4m high immediately on the inside of all property boundaries.

Rural Land

- *Cleared Land*—Boundary firebreaks are not compulsory.
- *Uncleared Land* (except areas set aside for conservation purposes)—install 6m wide by 4m high trafficable firebreaks immediately inside all external property boundaries. In cases where a property is partially cleared, firebreaks are required where the uncleared land abuts the property boundary.

Variation to Notice Requirements

If it is, for any reason, impractical to clear firebreaks or remove flammable material as required by this Notice, you may apply to Council, no later than 1st October 2020, for permission to take alternative action to remove or minimise the fire hazard. Should permission for a variation not be granted, you must comply with the requirements of this Notice.

Definitions

For the purpose of this Notice, the following definitions apply—

Authorised Officer means a person appointed by the Shire of Esperance as a Bush Fire Control Officer.

Firebreak means a strip of land achieving a low fuel condition to the specified width and height as required by this Notice. This can be achieved through mowing, slashing, parkland clearing, or any other means to achieve this objective. Firebreaks will not stop fires from spreading, but they may prevent small fires from escaping your property and landscape fires from entering. Importantly firebreaks provide safer access for yourself and firefighters to conduct fire suppression activities on your land.

Flammable Material means any material that can be easily ignited or is likely to catch fire and burn, or any other thing deemed by an Authorised Officer to be capable of combustion. Flammable material can be, but it is not limited to, dead or dried grasses, a buildup of leaf litter, dead or dried timber or trees, stockpile of boxes, cartons or papers. This does not include living trees, shrubs and plants under cultivation.

Low Fuel Condition means an area where all flammable material has been reduced to a height of not more than 50mm. This can be achieved through mowing, slashing, parkland clearing, grazing, spraying or any other method to achieve the same objective.

Trafficable means a firm stable surface, unhindered and without obstruction that a four wheel drive fire appliance is able to travel along from one point to another. A firebreak must not terminate without provision to egress to a safe place or a cleared turn around area of not less than 17.5m radius.

SHANE BURGE Chief Executive Officer.

MINERALS AND PETROLEUM

MP401**MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines, Industry Regulation and Safety,
Leonora WA 6438.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable for forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for non payment of rent.

E. O'DONNELL, Warden.

To be heard by the Warden at Leonora on 15 December 2020.

EAST MURCHISON MINERAL FIELD*Prospecting Licences*

P 36/1785 Stein, Murray James
Law, Martin John

MT MARGARET MINERAL FIELD*Prospecting Licences*

P 39/5954-S Dowden, Corey Phillip
P 39/5955-S Dowden, Corey Phillip

MP402

MINING ACT 1978
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines, Industry Regulation and Safety,
Leonora WA 6438.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

E. O'DONNELL, Warden.

To be heard by the Warden at Leonora on 15 December 2020.

MT MARGARET MINERAL FIELD

Prospecting Licences

P 37/8835	Cumming, Adam John
P 37/8836	Mason, Barbara June
P 37/9101	Darlex Pty Ltd
P 38/4428	Walder, Geoffrey Ross
P 38/4435	Hill, Patrick John Landgren, Roger Norman
P 39/5534	Ling, Geoffrey Evan
P 39/5870	Fuller, Gregory John

NORTH COOLGARDIE MINERAL FIELD

Prospecting Licences

P 40/1333	Pritchard, Stephen John
P 40/1378	Franklin, Peter Leslie
P 40/1416	Dignam, Phillip Andrew
P 40/1418	Cumming, Adam John
P 40/1419	Cumming, Adam John

MP403

MINING ACT 1978
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines, Industry Regulation and Safety,
Meekatharra WA 6642.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

R. HUSTON, Warden.

To be heard by the Warden at Meekatharra on 16 December 2020.

MURCHISON MINERAL FIELD

Prospecting Licences

P 51/2888	Hayward, Arthur James Woinar, Barry John
P 51/3048-S	Campbell, Ernest Edward
P 51/3080	Johnston, Alexander Lyndsay

MP404**MINING ACT 1978**
APPLICATION FOR AN ORDER FOR FORFEITUREDepartment of Mines, Industry Regulation and Safety,
Perth WA 6004.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable for forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for non payment of rent.

J. O'SULLIVAN, Warden.

To be heard by the Warden at Perth on 11 December 2020.

SOUTH WEST MINERAL FIELD
Prospecting Licences

P 70/1726 Wilson Downs Nominee Co. Pty Ltd

MP405**MINING ACT 1978**
APPLICATION FOR AN ORDER FOR FORFEITUREDepartment of Mines, Industry Regulation and Safety,
Perth WA 6004.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

J. O'SULLIVAN, Warden.

To be heard by the Warden at Perth on 11 December 2020.

SOUTH WEST MINERAL FIELD
Prospecting Licences

P 70/1726 Wilson Downs Nominee Co. Pty Ltd

MP406**MINING ACT 1978**
APPLICATION FOR AN ORDER FOR FORFEITUREDepartment of Mines, Industry Regulation and Safety,
Mt. Magnet WA 6638.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

R. HUSTON, Warden.

To be heard by the Warden at Mt. Magnet on 17 December 2020.

MURCHISON MINERAL FIELD
*Prospecting Licences*P 58/1776 Spence, Liam
P 58/1779 Skeldon, Peter
 Linck, Christopher Noel
P 58/1780 Skeldon, Peter
 Linck, Christopher Noel

YALGOO MINERAL FIELD

Prospecting Licences

P 59/2148-S Fitzgibbon, John Stephen
McMillan, James

P 59/2149-S Fitzgibbon, John Stephen
McMillan, James

MP407**MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines, Industry Regulation and Safety,
Mt. Magnet WA 6638.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable for forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for non payment of rent.

R. HUSTON, Warden.

To be heard by the Warden at Mt. Magnet on 17 December 2020.

MURCHISON MINERAL FIELD

Prospecting Licences

P 58/1824 McAuliffe, Bernard James

MP408**MINING ACT 1978**

APPROVAL OF RETENTION STATUS FOR AN EXPLORATION LICENCE

I, Ann Robertson, Compliance Tenure Officer (by power delegated under section 12 of the *Mining Act 1978*), give notice that I have approved retention status for 5 blocks within the under mentioned exploration licence pursuant to section 69B of the *Mining Act 1978*, effective from the day on which notice of the approval is published in the *Gazette*.

Tenement	Blocks	Holder	Mineral Field
E47/1786	2047 2048 2119	y z v d e	Hamersley Iron Pty Limited West Pilbara

Dated at Perth this 26 October 2020.

ANN ROBERTSON, Compliance Tenure Officer,
Resource and Environmental Compliance Division.

MP411**MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines, Industry Regulation and Safety,
Coolgardie WA 6429.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

E. O'DONNELL, Warden.

To be heard by the Warden at Kalgoorlie on 18 December 2020.

COOLGARDIE MINERAL FIELD

Prospecting Licences

P 15/5791 Corona Minerals Pty Ltd

MP409

MINING ACT 1978
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines, Industry Regulation and Safety,
 Kalgoorlie WA 6430.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable for forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for non payment of rent.

E. O'DONNELL, Warden.

To be heard by the Warden at Kalgoorlie on 18 December 2020.

BROAD ARROW MINERAL FIELD
Prospecting Licences

P 24/5321 Hodgson, Shane Steven

EAST COOLGARDIE MINERAL FIELD
Prospecting Licences

P 26/4455 Arndell, John Ian

Miscellaneous Licences

L 26/281 Salt Lake Mining Pty Ltd

MP410

MINING ACT 1978
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines, Industry Regulation and Safety,
 Kalgoorlie WA 6430.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

E. O'DONNELL, Warden.

To be heard by the Warden at Kalgoorlie on 18 December 2020.

BROAD ARROW MINERAL FIELD
Prospecting Licences

P 24/5216 Drechsler, Ryan Raymond

P 24/5217 Howe, Derrick Anthony

P 24/5284 Wenzel, Christopher Murray

N. E. COOLGARDIE MINERAL FIELD
Prospecting Licences

P 27/2289 Dean, David William

MP412

MINING ACT 1978
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines, Industry Regulation and Safety,
 Coolgardie WA 6429.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licences are liable for forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for non payment of rent.

E. O'DONNELL, Warden.

To be heard by the Warden at Kalgoorlie on 18 December 2020.

COOLGARDIE MINERAL FIELD
Prospecting Licences

P 15/6352 Arndell, John Ian
P 15/6356 Arndell, John Ian

MP413

MINING ACT 1978
APPLICATION FOR AN ORDER FOR FORFEITURE

Department of Mines, Industry Regulation and Safety,
Coolgardie WA 6429.

In accordance with Regulation 49(2)(c) of the *Mining Regulations 1981*, notice is hereby given that the following licence is liable to forfeiture under the provision of Section 96(1)(a) of the *Mining Act 1978* for breach of covenant, being failure to comply with the prescribed expenditure conditions and/or non-compliance with the reporting provisions.

E. O'DONNELL, Warden.

To be heard by the Warden at Kalgoorlie on 18 December 2020.

COOLGARDIE MINERAL FIELD
Prospecting Licences

P 16/3027 Parsons, Heath Richard Cameron

SALARIES AND ALLOWANCES TRIBUNAL

SA401

SALARIES AND ALLOWANCES ACT 1975
DETERMINATION VARIATION
PREAMBLE

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

1. Deputy Director General Buildings and Contracts, Department of Finance
2. Commissioner for Children and Young People

DETERMINATION

VARIATION 1 (effective on and from 29 September 2020)

The determination of the Salaries and Allowances Tribunal made on 29 September 2020 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 3: Special Division Non-CEOs' within Part 1 of the Second Schedule, and insert the following—

Office	Department or Agency	Band	Office Holder	Salary
Deputy Director General, Buildings and Contracts	Finance	2	S Whitmarsh	\$295,000
Deputy Director General, Advisory Services	Finance	3	Vacant	\$ -

VARIATION 2 (effective on and from 16 November 2020)

The determination of the Salaries and Allowances Tribunal made on 29 September 2020 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 Second Schedule, and insert the following—

Office	Department or Agency	Office Holder	Salary
Commissioner for Children and Young People	Office of the Commissioner for Children and Young People	Vacant	\$235,539

Signed on 26 October 2020.

M. SEARES, AO
Chair.

B. A. SARGEANT PSM
Member.

C. P. MURPHY PSM
Member.

Salaries and Allowances Tribunal.

SA402**SALARIES AND ALLOWANCES ACT 1975**

DETERMINATION VARIATION

PREAMBLE

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

1. Deputy Director General Industry, Science and Innovation, Department of Jobs, Tourism, Science and Innovation
2. Deputy Director General Buildings and Contracts, Department of Finance

DETERMINATION

VARIATION 1 (effective on and from 31 August 2020)

The determination of the Salaries and Allowances Tribunal made on 2 July 2019 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 3: Special Division Non-CEOs' within Part 1 of the Second Schedule, and insert the following—

Office	Department or Agency	Band	Office Holder	Salary
Deputy Director General Industry, Science and Innovation	Jobs, Tourism, Science and Innovation	3	L Dawson	\$227,819

VARIATION 2 (effective on and from 1 September 2020)

The determination of the Salaries and Allowances Tribunal made on 2 July 2019 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 3: Special Division Non-CEOs' within Part 1 of the Second Schedule, and insert the following—

Office	Department or Agency	Band	Office Holder	Salary
Deputy Director General, Buildings and Contracts	Finance	2	S Whitmarsh	\$295,000
Deputy Director General, Advisory Services	Finance	3	Vacant	\$ -

Signed on 26 October 2020.

M. SEARES, AO
Chair.

B. A. SARGEANT PSM
Member.

C. P. MURPHY PSM
Member.

Salaries and Allowances Tribunal.

PUBLIC NOTICES

ZZ401

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Jane Louise Langenbach, late of unit 1/144 Melville Parade, Como, 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 above mentioned deceased, who died on 23 June 2020, are required by the administrator of her estate, Graeme Robert Langenbach of 47b Doney Street, Alfred Cove, Western Australia 6154 to send particulars of their claims to him within thirty-one days of the publication of this notice, after which date the administrator may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZZ402

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Susan Joy Smith (also known as Susan Joy Lynch), late of 17A Bartlett Crescent, Karrinyup, 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 6 May 2020, are required by the Personal Representative to send particulars of their claims to care of BNT Legal, PO Box 200, Osborne Park, Western Australia, 6917 within thirty (30) days of the date of publication hereof, after which date the Personal Representative may convey or distribute the assets having regard only to the claims of which they then have notice.

ZZ403

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

In the Estate of Colin Mark Hasson, late of 10 Victoria Way, Osborne Park, Western Australia, deceased.

Creditors and other person having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on the 11 December 2019, are required by the personal representatives Tahlia Rebekah Hasson and Brodie Reece Hasson both of 11 Crossandra Way, Greenwood to send particulars of their claims to Merle Bloch Barrister & Solicitor of Suite 3, 5 Colin Street, West Perth by 4 December 2020 after which date the personal representative may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZZ404

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 the late Francis Keith Elliss, deceased, who died on 22 May 2020, are required by the executor, Cheryl Anthony, c/- Unit 2, 62 Pinjarra Road, Mandurah WA 6210, to send particulars of their claims to the executor within one (1) month from 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 she then has notice.

PETHERICK COTTRELL LAWYERS,
PO Box 1891, Mandurah WA 6210.
Ph: (08) 9535 4604
Ref: NL:JS:204862

ZZ405**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Craig Mawson Hull, late of 48B Petterson Avenue, Kardinya, Western Australia, Sales Representative, 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 July 2020, are required by the applicant for Letters of Administration, Tracy Lee Mitsikas to send particulars of their claims to them within 30 days of this Notice care of D'Angelo Legal, PO Box 1953, West Perth, Western Australia 6872, after which date the applicants may convey or distribute the assets, having regard only to the claims of which they then have notice

ZZ406**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Clayton James Barrett, late of 18 Grady Court, Waikiki, Western Australian, 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 18 September 2019, are required by the Executor, Adam Ronald Holland, to send particulars of their claims to Jamiesons Lawyers, Suite 1, Lawton House, 105 Broadway, Nedlands, Western Australia, 6009, within 1 month 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.

JAMIESONS LAWYERS as Solicitors for the Executor.

ZZ407**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 Henrique Manuel Machado, late of Aegis Hilton Park, 19 Laidlaw Street, Hilton in the State of Western Australia, retired, deceased, 10 August 2020 at Aegis Hilton Park, 19 Laidlaw Street, Hilton in the State of Western Australia, are required by the executor of the estate namely Nick Henry Manuel Machado to send particulars of their claims to him, 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 they then have notice.

ZZ408**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 30 November 2020 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Baird, John, late of Jeremiah Donovan House, 138 Lewis Road, Forrestfield, who died on 28 August 2020 (DE19901229 EM17).

Hobba, Margaret Allison, late of Victoria Park Nursing Home, 1 Croesus Street, Kalgoorlie, who died on 21 August 2019 (DE19934387 EM36).

Lawrence, Brian David, late of RAAFA Estate Meadow Springs, 41 Portrush Parade, Meadow Springs, who died on 23 September 2020 (DE19993252 EM23).

Murray, Wayne Frederick, late of 9 O'Reilly Close, Beaconsfield, who died on 27 August 2020 (DE19820039 EM16).

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