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CONTENTS

PART 1

| | Page |
|---|------|
| Building Amendment Regulations 2021 | 1389 |
| Local Government (Bridgetown-Greenbushes—Discontinuance of Ward System) Order 2021 | 1400 |

PART 2

| | |
|------------------------------|------|
| Health | 1401 |
| Justice | 1401 |
| Minerals and Petroleum | 1402 |
| Premier and Cabinet | 1402 |
| Public Notices | 1402 |

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- 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:

gazette@dpc.wa.gov.au

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— PART 1 —

INDUSTRY REGULATION

IS301

Building Act 2011

Building Amendment Regulations 2021

SL 2021/42

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Building Amendment Regulations 2021*.

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 1 May 2021.

3. Regulations amended

These regulations amend the *Building Regulations 2012*.

4. Regulation 3 amended

In regulation 3 in the definition of *bush fire performance requirement*:

- (a) in paragraph (a) delete “building —” and insert:

building or a Class 10a building or deck associated with a Class 2 or Class 3 building —

- (b) in paragraph (b) delete “or Class 10 building —” and insert:

building or a Class 10a building or deck associated with a Class 1 building —

5. Regulation 18A amended

In regulation 18A(1)(e)(ii) delete “regulation 31BA(2),” and insert:

regulation 31BA(1) or 31D,

6. Regulation 31BA amended

- (1) In regulation 31BA(1A) delete the definition of *relevant building*.
- (2) In regulation 31BA(1A) insert in alphabetical order:

bush fire standard means —

- (a) a bush fire performance requirement; or
- (b) to the extent not covered by paragraph (a), a requirement imposed under any written law that is a requirement relating to —
 - (i) a technical aspect of the construction of a building or incidental structure; and
 - (ii) bush fires;

Note for this definition:

Paragraph (b) includes, for example, requirements imposed under the *Building Regulations 1989*.

relevant building means a Class 1, Class 2 or Class 3 building that was not required to comply or substantially comply with a bush fire standard at the latest of the following times —

- (a) when the building was constructed;
- (b) if 1 or more applications or notices under section 49(b) or 51(2) or (3) or regulation 47(1) have been made or given in respect of the building — when the application or notice, or the last application or notice, was made or given;
- (c) if the building has been relocated — when the building was last relocated.

- (3) Delete regulation 31BA(1) to (8) and insert:

- (1) For the purposes of the definition of *applicable building standard* in section 3, the building standards set out in Column 2 of the Table are prescribed as applicable building standards for the purposes set out in Column 1 of the Table opposite the standards.

Table

| Item | Column 1 Purposes | Column 2 Applicable building standards |
|-------------|--|--|
| 1. | Section 19(3) in respect of all kinds of buildings and incidental structures located in a bush fire prone area | <p>The requirements mentioned in regulation 31A(2) except that the bush fire performance requirements are not applicable building standards if —</p> <ul style="list-style-type: none"> (a) the building or incidental structure is or will be located in an area that, at any time during the 4-month period ending on the day on which the application is made, was not a bush fire prone area; or (b) the building work that is proposed to be done in respect of the building or incidental structure is excluded building work only; or (c) the building or incidental structure is or will be — <ul style="list-style-type: none"> (i) a Class 10a building or deck; and (ii) associated with a relevant building. |
| 2. | Section 37(1) in respect of all kinds of buildings and incidental structures located in a bush fire prone area | <p>The requirements mentioned in regulation 31A(2) except that the bush fire performance requirements are not applicable building standards if —</p> <ul style="list-style-type: none"> (a) the building or incidental structure is located in an area that, at any time during the 4-month period ending on the day on which the application for the building permit was made, was not a bush fire prone area; or (b) the building work done in respect of the building or incidental structure under the building permit is excluded building work only; or |

| Item | Column 1 Purposes | Column 2 Applicable building standards |
|-------------|--|---|
| | | <p>(c) the building or incidental structure is —</p> <p>(i) a Class 10a building or deck; and</p> <p>(ii) associated with a relevant building.</p> <p>Note for this item: See also regulation 31HB(2).</p> |
| 3. | Section 37(2) in respect of all kinds of buildings and incidental structures located in a bush fire prone area | <p>The requirements mentioned in regulation 31E(2) except that the bush fire performance requirements are not applicable building standards if —</p> <p>(a) the building or incidental structure is located in an area that, at any time during the 4-month period ending on the day on which the building work in respect of the building or incidental structure commenced, was not a bush fire prone area; or</p> <p>(b) the building work done in respect of the building or incidental structure is excluded building work only; or</p> <p>(c) the building or incidental structure is —</p> <p>(i) a Class 10a building or deck; and</p> <p>(ii) associated with a relevant building.</p> <p>Note for this item: See also regulation 31HB(3).</p> |

| Item | Column 1 Purposes | Column 2 Applicable building standards |
|-------------|--|--|
| 4. | Section 57(3) for an application mentioned in section 49(b) in respect of all kinds of buildings located in a bush fire prone area | The requirements mentioned in regulation 31G(2) except that the bush fire performance requirements are not applicable building standards if the building is located in an area that, at any time during the 4-month period ending on the day on which the application is made, was not a bush fire prone area. |
| 5. | Section 57(3) for an application mentioned in section 51(2) in respect of all kinds of buildings located in a bush fire prone area | The requirements mentioned in regulation 31G(2) except that the bush fire performance requirements are not applicable building standards if — (a) the building is located in an area that, at any time during the 4-month period ending on the day on which the application is made, was not a bush fire prone area; or (b) the unauthorised work done in respect of the building is excluded building work only. |
| 6. | Section 57(3) for an application mentioned in section 51(3) in respect of all kinds of buildings and incidental structures located in a bush fire prone area | The requirements mentioned in regulation 31G(2) except that the bush fire performance requirements are not applicable building standards if — (a) the building or incidental structure is located in an area that, at any time during the 4-month period ending on the day on which the application is made, was not a bush fire prone area; or (b) the unauthorised work done in respect of the building or incidental structure is excluded building work only; or |

| Item | Column 1 Purposes | Column 2 Applicable building standards |
|------|----------------------|--|
| | | (c) the building or incidental structure is — <ul style="list-style-type: none"> (i) a Class 10a building or deck; and (ii) associated with a relevant building. |

- (2) Item 1, 2 or 3 (as the case may be) of the Table to subregulation (1) does not apply if the building work is the assembly, reassembly or securing of a relocated building or a relocated incidental structure.

Note for this subregulation:

See also regulation 31D.

- (3) Column 2 paragraph (b) of item 1, 2, 3, 5 or 6 (as the case may be) of the Table to subregulation (1) does not apply if the excluded building work is part of a larger project of building work that has been divided up for the sole or dominant purpose of taking advantage of that paragraph.
- (4) In determining whether building work is excluded building work for the purposes of Column 2 paragraph (b) of item 2 or 3 (as the case may be) of the Table to subregulation (1), the definition of that term in subregulation (1A) applies as if the definition of **relevant building** had not been replaced by the *Building Amendment Regulations 2021* regulation 6(1) and (2) if —
- (a) in the case of item 2 — the building permit for the building work was obtained before 1 May 2021; or
 - (b) in the case of item 3 — the building work commenced before 1 May 2021.

7. Regulation 31D amended

- (1) Before regulation 31D(1A) insert:

- (1AA) In this regulation —
relevant building has the meaning given in regulation 31BA(1A).

- (2) In regulation 31D(2) delete “mentioned in regulation 31A(2)” and insert:

in relation to the technical aspects of the construction of the relocated building or incidental structure that were imposed under the written law applicable at the time the relocated building or incidental structure was first assembled,

- (3) In regulation 31D(3) delete the passage that begins with “The building standards” and ends with “incidental structure.” and insert:

The applicable building standards include those that relate to a performance requirement that is —

- (a) listed in the Table; and
 - (b) applicable to buildings or incidental structures of the classification of the relocated building or incidental structure; and
 - (c) set out in the edition of the Building Code —
 - (i) for sections 19(3) or 37(1) — mentioned in regulation 31A(2)(a), (b) or (c), subject to regulation 31A(2A) and (3); or
 - (ii) for section 37(2) — in effect at the time the assembly, reassembly or securing of the relocated building or incidental structure commenced.
- (4) In regulation 31D(4) delete the passage that begins with “The building standards” and ends with “incidental structure.” and insert:

The applicable building standards include those that relate to a performance requirement that is —

- (a) listed in the Table; and
- (b) applicable to buildings or incidental structures —
 - (i) of the classification of the relocated building or incidental structure; and
 - (ii) in the geographical area where the relocated building or incidental structure was first assembled;

and

- (c) set out in the edition of the Building Code in effect —
- (i) if subparagraph (ii) does not apply — at the time of, or 12 months before, the first application for a building permit to assemble the relocated building or incidental structure (whichever was applied by the building surveyor in respect of the building or incidental structure); or
 - (ii) if no building permit to assemble the relocated building or incidental structure has ever been required — at the time of the first assembly of the relocated building or incidental structure.

- (5) At the end of regulation 31D(4) insert:

Note for this subregulation:

This subregulation does not apply if the conditions in paragraph (c) cannot be met because —

- (a) a building permit to assemble the relocated building or incidental structure has been required but none has ever been applied for; or
- (b) no edition of the Building Code was in effect at the relevant time mentioned in paragraph (c).

- (6) Delete regulation 31D(5) and insert:

- (5) The bush fire performance requirements are not applicable building standards for the purposes of the section set out in Column 1 of the Table in the circumstances set out in Column 2 of the Table opposite the section.

Table

| Column 1 Section | Column 2 Circumstances |
|-----------------------------|--|
| s. 19(3) | If — (a) the relocated building or incidental structure will be relocated to an area that, at any time during the 4-month period ending on the day on which the application is made, was not a bush fire prone area; or |

| Column 1 Section | Column 2 Circumstances |
|-----------------------------|--|
| | <p>(b) the relocated building or incidental structure —</p> <p>(i) is a Class 10a building or deck; and</p> <p>(ii) will be associated with a relevant building once relocated.</p> |
| s. 37(1) | <p>If —</p> <p>(a) the relocated building or incidental structure is relocated to an area that, at any time during the 4-month period ending on the day on which the application for the building permit was made, was not a bush fire prone area; or</p> <p>(b) the relocated building or incidental structure —</p> <p>(i) is a Class 10a building or deck; and</p> <p>(ii) is associated with a relevant building once relocated.</p> <p>Note for this item: See also regulation 31HB(2).</p> |
| s. 37(2) | <p>If —</p> <p>(a) the relocated building or incidental structure is relocated to an area that, at any time during the 4-month period ending on the day on which the assembly, reassembly or securing of the relocated building or incidental structure commenced, was not a bush fire prone area; or</p> <p>(b) the relocated building or incidental structure —</p> <p>(i) is a Class 10a building or deck; and</p> <p>(ii) is associated with a relevant building once relocated.</p> <p>Note for this item: See also regulation 31HB(3).</p> |

8. Regulation 31E amended

In regulation 31E(2) delete “construction commenced.” and insert:

the building work mentioned in section 37(2) commenced.

9. Regulation 31HB inserted

At the end of Part 4 Division 1 Subdivision 1 insert:

31HB. Transitional provisions for *Building Amendment Regulations (No. 3) 2015*

(1) In this regulation —

commencement day means the day on which the *Building Amendment Regulations (No. 3) 2015* regulation 6 comes into operation;

local planning scheme has the meaning given in the *Planning and Development Act 2005* section 4(1).

(2) For the purposes of item 2 Column 2 paragraph (a) of the Table to regulation 31BA(1), and the item relating to section 37(1) in the Table to regulation 31D(5), the area is taken to have been a bush fire prone area for the whole of the 4-month period if —

- (a) immediately before commencement day, the area was identified in any way under a local planning scheme as an area that is subject, or likely to be subject, to bush fires; and
- (b) the application for the building permit was made in the 4-month period beginning on commencement day.

(3) For the purposes of item 3 Column 2 paragraph (a) of the Table to regulation 31BA(1), and the item relating to section 37(2) in the Table to regulation 31D(5), the area is taken to have been a bush fire prone area for the whole of the 4-month period if —

- (a) immediately before commencement day, the area was identified in any way under a local planning scheme as an area that is subject, or likely to be subject, to bush fires; and
- (b) the building work commenced in the 4-month period beginning on commencement day.

10. Regulation 31 amended

In regulation 31 in the definition of *transitional bush fire application* paragraph (a) delete “1 May 2021; and” and insert:

1 September 2023; and

11. Regulation 36 amended

In regulation 36(2):

- (a) in paragraph (aa)(ii) delete “has been located in a bush fire prone area for a period of 4 months or more at the time the application is made —” and insert:

is located in a bush fire prone area and, in accordance with item 4 of the Table to regulation 31BA(1), a bush fire performance requirement applies to the building —

- (b) in paragraph (ba)(ii) delete “has been located in a bush fire prone area for a period of 4 months or more at the time the application is made —” and insert:

or deck is located in a bush fire prone area and, in accordance with item 5 or 6 (as the case may be) of the Table to regulation 31BA(1), a bush fire performance requirement applies to the building or deck —

12. Regulation 47 amended

- (1) In regulation 47(1A) in the definition of *applicable technical aspects* delete paragraph (b)(ii) and insert:

- (ii) at any time during the 4-month period ending on the day on which the notice is given, the area was not a bush fire prone area.

- (2) In regulation 47(2)(b)(ii) delete “has been located in a bush fire prone area for a period of 4 months or more at the time” and insert:

was located in a bush fire prone area during the whole of the 4-month period ending on the day on which

LOCAL GOVERNMENT

LG301

Local Government Act 1995

**Local Government (Bridgetown-Greenbushes -
Discontinuance of Ward System) Order 2021**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

This order is the *Local Government (Bridgetown-Greenbushes - Discontinuance of Ward System) Order 2021*.

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. Terms used

In this order —

commencement day means the day on which clause 4 comes into operation;

next election means the first ordinary election for the Shire of Bridgetown-Greenbushes held after commencement day;

next election day means the day fixed for the holding of the poll for the next election.

4. Wards abolished

On next election day, all wards in the district of Bridgetown-Greenbushes are abolished.

5. Consequential directions

In order to give effect to clause 4 —

- (a) Part 4 of the Act applies to preparing for and conducting the next election as if the changes effected by clause 4 take effect on commencement day; and
- (b) the operation of Part 4 of the Act is modified to the extent necessary for the purposes of paragraph (a).

N. HAGLEY, Clerk of the Executive Council.

— PART 2 —

HEALTH

HE401

PUBLIC HEALTH ACT 2016

EXTENSION OF DECLARATION (NO. 2) OF PUBLIC HEALTH STATE OF EMERGENCY

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

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

Time of this extension: 10:30 am.

Date of this extension: 6 April, 2021.

Hon. ROGER COOK, MLA, Minister for Health.

JUSTICE

JU401

PRISONS ACT 1981

PERMIT DETAILS

Pursuant to Section 15U of the *Prisons Act 1981*, I hereby revoke the following permits—

| Surname | Other Name(s) | Permit No. |
|----------|-----------------|------------|
| Vine | Michelle Louise | AP 0758 |
| Urquhart | Kendall William | PA 0113 |

MIKE REYNOLDS, A/Commissioner.

Dated 30 March 2021.

JU402

COURT SECURITY AND CUSTODIAL SERVICES ACT 1999

PERMIT DETAILS

Under the provisions section 55(1) of the *Court Security and Custodial Services Act 1999*, the Commissioner of Corrective Services has revoked the following Permits to do High-Level Security Work—

| Surname | Other Name(s) | Permit No. |
|-----------|------------------------|------------|
| Miles | Deirdre Patricia | WLG-17071 |
| Wallace | Allen James | WLG-18008 |
| Dennis | Gerard Patrick Anthony | WLG-17035 |
| Sullivan | Clayton | WLG-17006 |
| Tronchin | Matthew Damian | WLG-18006 |
| Cox | Daniel Marcus | WLG-19036 |
| Smith | Brys | WLG-17004 |
| Kandhro | Muhammad Aslam | WLG-18004 |
| Henderson | Mackenzie Andrew | WLG-18003 |
| Boucheix | Jacqueline Elizabeth | WLG-17022 |
| Jamet | Delphine Martel | WLG-17053 |

MICHAEL CELENZA, Director Higher Courts.

Dated 8 April 2021.

MINERALS AND PETROLEUM

MP401**PETROLEUM PIPELINES ACT 1969****VARIATION STP-PLV-0112 OF PETROLEUM PIPELINE LICENCE PL 105**

Fortescue River Gas Pipeline PL 105 held by AGI Fortescue River Pty Limited and TEC Pilbara Pty Ltd has, by instrument of variation STP-PLV-0112, been varied to replace the existing Annexure 'C' Pipeline Specifications and Particulars with the new Annexure 'C' Pipeline Specifications and Particulars with effect on 8 April 2021.

JARED ANDREW BARNETT, Manager Mineral Tenure,
Resource Tenure Division, Department of Mines,
Industry Regulation and Safety.

PREMIER AND CABINET

PR401**INTERPRETATION ACT 1984****MINISTERIAL ACTING ARRANGEMENTS**

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

Hon D J Kelly MLA to act temporarily in the office of Minister for Regional Development; Agriculture and Food; Hydrogen Industry in the absence of the Hon A MacTiernan MLC for the period 9 to 11 April 2021 (both dates inclusive).

R. BROWN, A/Director General, Department of the Premier and Cabinet.

PUBLIC NOTICES

ZZ401**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

Take notice that Frank Molesworth Hobill Cole, previously of, 13 Villiers Street, Yokine, Western Australia has died and his estate is about to be distributed under his will. If any person has any claim, whatsoever, against Frank please notify Serena La Canna on serena.lacanna@gmail.com or 0402 610 286 within 32 calendar days of the publication of this notice, with particulars of that claim. If you don't provide such notice, in that time, you may have no claim against the estate of Frank or against any trustee of that estate and the estate may be distributed.

ZZ402**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

Kaleshia Lee Facius late of Unit 6, 34 Belgravia Street, Belmont, 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 18 May 2019, are required by the personal representative Lynda Mary Facius C/- Lynn & Brown Lawyers, PO Box 1114, Morley, WA 6943 to send particulars of their claims to her by the 14 May 2021, after which date the personal representative may convey or distribute the assets of the estate, having regard only to the claims of which she then has notice.

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

Notice to Creditors and Claimants

Harry Morgan late of 13 Quayside Close, Halls Head, Western Australia, Businessman, 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 27 January 2021 are required by the Executor, Russell Harry Morgan of 69 Moreing Road, Attadale W.A. 6156 to send particulars of their claims to him by the 13th day of May 2021, after which date the Executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

Dated 9th April 2021.

ZZ404**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Keith Eric Davis late of 171 Albert Street, Osborne Park who died on 22 January 2021, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the abovementioned deceased person are required by the Executor of this estate to send particulars of their claims to the Executor within one 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 the Executor then has notice.

SANDRA LEE COLVIN, 7 Henderson Avenue, Redcliffe WA 6104.
