



**WESTERN  
AUSTRALIAN  
GOVERNMENT**  
**azette**

ISSN 1448-949X (print)      ISSN 2204-4264 (online)  
PRINT POST APPROVED PP665002/00041



**PERTH, TUESDAY, 22 JUNE 2021    No. 111**

PUBLISHED BY AUTHORITY GEOFF O. LAWN, GOVERNMENT PRINTER  
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The Western Australian *Government Gazette* is published by the Government Printer for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*—

- 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 Publications Officer, Department of the Premier and Cabinet no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition)—

Email address:

[gazette@dpc.wa.gov.au](mailto:gazette@dpc.wa.gov.au)

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# — PART 1 —

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## ENERGY

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EN301

Energy Operators (Powers) Act 1979

### **Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2021**

SL 2021/98

Made by the Electricity Generation and Retail Corporation with the approval of the Governor in Executive Council.

#### **1. Citation**

These by-laws are the *Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2021*.

#### **2. Commencement**

These by-laws come into operation as follows —

- (a) by-laws 1 and 2 — on the day on which these by-laws are published in the *Gazette*;
- (b) the rest of the by-laws — on 1 July 2021.

#### **3. By-laws amended**

These by-laws amend the *Energy Operators (Electricity Generation and Retail Corporation) (Charges) By-laws 2006*.

#### **4. Schedules 1 and 2 replaced**

Delete Schedules 1 and 2 and insert:

### **Schedule 1 — Supply charges**

[bl. 3, 4(1) and 10(1)]

#### **1. Tariff L1 (general supply — low/medium voltage tariff)**

- (1) Tariff L1 is available for low/medium voltage supply.

- (2) Tariff L1 comprises —
    - (a) a fixed charge at the rate of \$1.8770 per day; and
    - (b) a charge for metered consumption at the rate of —
      - (i) 29.2089 cents per unit for the first 1 650 units per day; and
      - (ii) 32.9320 cents per unit for all units exceeding 1 650 units per day.
  - (3) Tariff L1 is available subject to the condition that the consumer satisfies the corporation that the amount of electricity supplied to the consumer's premises will be less than 50 MW hours per annum.
- 2. Tariff L3 (general supply — low/medium voltage tariff)**
- (1) Tariff L3 is available for low/medium voltage supply.
  - (2) Tariff L3 comprises —
    - (a) a fixed charge at the rate of \$1.9066 per day; and
    - (b) a charge for metered consumption at the rate of —
      - (i) 38.7263 cents per unit for the first 1 650 units per day; and
      - (ii) 32.8605 cents per unit for all units exceeding 1 650 units per day.
  - (3) Tariff L3 is available subject to the condition that the consumer satisfies the corporation that the amount of electricity supplied to the consumer's premises will be 50 MW hours or more per annum.
- 3. Tariff R1 (time-of-use tariff)**
- (1) Tariff R1 comprises —
    - (a) a fixed charge at the rate of \$3.5098 per day; and
    - (b) an energy charge consisting of —
      - (i) an on peak energy charge at the rate of 38.0661 cents per unit; and
      - (ii) an off peak energy charge at the rate of 11.4198 cents per unit.
  - (2) Tariff R1 is available subject to the following conditions —
    - (a) the consumer agrees to take the tariff for a minimum period of 12 months;
    - (b) the consumer pays the fee set out in Schedule 4 item 10;
    - (c) the consumer satisfies the corporation that the amount of electricity supplied to the consumer's premises will be less than 50 MW hours per annum.
- 4. Tariff R3 (time-of-use tariff)**
- (1) Tariff R3 comprises —
    - (a) a fixed charge at the rate of \$3.7083 per day; and

- (b) an energy charge consisting of —
  - (i) an on peak energy charge at the rate of 54.0913 cents per unit; and
  - (ii) an off peak energy charge at the rate of 16.2491 cents per unit.
- (2) Tariff R3 is available subject to the following conditions —
  - (a) the consumer agrees to take the tariff for a minimum period of 12 months;
  - (b) the consumer pays the fee set out in Schedule 4 item 10;
  - (c) the consumer satisfies the corporation that the amount of electricity supplied to the consumer's premises will be 50 MW hours or more per annum.

## 5. Standby charges

- (1) Standby charges are applicable to consumers with their own generation and supplied on Tariff L1, L3, R1 or R3 and are payable in addition to those tariffs.
- (2) In the case of Tariff L1, L3, R1 or R3, the standby charge is 5.72 cents per day per kW based on the difference between total half-hourly maximum demand and normal half-hourly maximum demand.
- (3) The normal half-hourly maximum demand is to be assessed by the corporation and is to be based on loading normally supplied from the corporation's supply.
- (4) Notwithstanding the corporation's assessment, in any accounting period the normal half-hourly maximum demand is taken to be not less than —
 
$$\frac{\text{kWh registered for the accounting period}}{24 \times (\text{number of days in the accounting period}) \times 0.4}$$
- (5) The total half-hourly maximum demand is to be assessed by the corporation as the consumer's expected half-hourly minimum demand on the corporation's system without the consumer's generation equipment in operation.
- (6) The difference between total half-hourly maximum demand and normal half-hourly maximum demand is not to exceed —
  - (a) the capacity of the consumer's generation equipment; or
  - (b) the expected maximum loading of such generation equipment, as assessed by the corporation.
- (7) The provision of a standby service is subject to the following conditions —
  - (a) the consumer must pay for the cost of all additional mains and equipment necessary to provide the standby service;
  - (b) the standby service agreement must be for a minimum period of 12 months;

- (c) the consumer must give 6 months' notice in writing to the corporation of intention to terminate the standby service agreement.

**6. Tariff A1 (residential tariff)**

- (1) Tariff A1 is available for residential use only.
- (2) Tariff A1 comprises —
  - (a) a fixed charge at the rate of \$1.0514 per day or, for multiple dwellings supplied through 1 metered supply point, a fixed charge at the rate of —
    - (i) \$1.0514 per day for the first dwelling; and
    - (ii) 41.8017 cents per day for each additional dwelling;
  - and
  - (b) a charge for metered consumption at the rate of 29.3273 cents per unit.

**7. Tariff B1 (residential water heating tariff)**

- (1) Tariff B1 is available for residential water heating during a 6 hour period between the hours of 11.00 pm and 6.00 am for installations approved by the corporation. Other single phase hardwired appliances may be connected in conjunction with the water heater.
- (2) Tariff B1 comprises —
  - (a) a fixed charge at the rate of 22.1515 cents per day or, for multiple dwellings supplied through 1 metered supply point, a fixed charge at the rate of 22.1515 cents per day for each dwelling; and
  - (b) a charge for metered consumption at the rate of 12.2374 cents per unit.

**8. Tariff C1 (special community service tariff)**

- (1) Tariff C1 is available for small voluntary and charitable organisations, subject to the conditions listed in subclause (3).
- (2) Tariff C1 comprises —
  - (a) a fixed charge at the rate of \$1.0146 per day; and
  - (b) a charge for metered consumption at the rate of —
    - (i) 23.7035 cents per unit for the first 20 units per day; and
    - (ii) 25.2900 cents per unit for the next 1 630 units per day; and
    - (iii) 24.1230 cents per unit for all units exceeding 1 650 units per day.
- (3) Tariff C1 is available subject to the following conditions —
  - (a) the consumer must be a direct customer of the corporation;

- (b) the consumer must be a voluntary, non-profit making organisation;
  - (c) the consumer must be endorsed as exempt from income tax under the *Income Tax Assessment Act 1997* (Commonwealth) Subdivision 50-B;
  - (d) the consumer must provide a public service, which is available to any member of the public without discrimination;
  - (e) the consumer must not be a Commonwealth, State or local government department, instrumentality or agency;
  - (f) the consumer must not receive the major part of its funding from any organisation mentioned in paragraph (e).
- (4) A consumer seeking supply under Tariff C1 must make an application to the corporation in writing accompanied by evidence which clearly demonstrates that the consumer meets all the conditions listed in subclause (3).

**9. Tariff D1 (special tariff for certain premises)**

- (1) Tariff D1 is available for premises wholly used by a charitable or benevolent organisation for providing residential accommodation other than for commercial gain, being premises for which Tariff A1 is not available.
- (2) Tariff D1 comprises —
- (a) a fixed charge at the rate of \$1.0007 per day; and
  - (b) if under subclause (3) there is deemed to be more than 1 equivalent domestic residence in the premises, a charge of 37.1009 cents per day for each equivalent domestic residence except the first that is deemed to be in the premises; and
  - (c) a charge for metered consumption at the rate of 25.4249 cents per unit.
- (3) The number of equivalent domestic residences deemed to be in particular premises is ascertained by dividing the facility's total bed capacity by 5 and, where the quotient is not a whole number, by increasing it to the next highest whole number.

**10. Tariff K1 (general supply with residential tariff)**

- (1) Tariff K1 is available for premises where the circuit wiring is not separate and the electricity is used partly for general purposes and partly for residential purposes.
- (2) Tariff K1 comprises —
- (a) a fixed charge at the rate of \$1.8553 per day; and
  - (b) a charge for metered consumption at the rate of —
    - (i) 30.6376 cents per unit for the first 20 units per day; and
    - (ii) 28.8719 cents per unit for the next 1 630 units per day; and

- (iii) 32.5520 cents per unit for all units exceeding 1 650 units per day.

## Schedule 2 — Unmetered supply

[bl. 4(2) and (3)]

### Division 1 — Street lighting

Item	Wattage	Type	Midnight Switch-off (Obsolescent) Cents per day	1.15 am Switch-off Cents per day	Dawn Switch-off Cents per day
<i>Street lighting on current offer and for existing services</i>					
Z.01	50	Mercury vapour	31.5485	32.6051	36.6202
Z.02	80	Mercury vapour	40.7548	42.4454	48.8695
Z.03	125	Mercury vapour	50.0667	52.7081	62.7458
Z.07	250	Mercury vapour	71.7730	77.0560	97.1313
Z.10	400	Mercury vapour	83.2119	86.6085	127.8641
Z.13	150	High pressure sodium	54.9679	58.1378	70.1829
Z.15	250	High pressure sodium	63.9448	69.2278	89.3031
Z.18	per kW	Auxiliary lighting in public places	Not applicable	Not applicable	279.8127
<i>Street lighting for existing services only</i>					
Z.52	100	Incandescent	36.0369	37.5373	41.7280
Z.56	40	Fluorescent	30.6508	31.4961	34.7081

### Division 2 — Miscellaneous

#### 1. Traffic light installation

Supply of electricity to traffic light installations comprises a charge of \$7.9244 per day per kW of installed wattage.

#### 2. Public telephone facility

Supply of electricity to a standard public telephone facility where supply is not independently metered comprises a charge of 67.7400 cents per day.

#### 3. Railway crossing

Supply of electricity to standard railway crossing lights comprises a charge of 86.5672 cents per day.

**5. Schedule 4 replaced**

Delete Schedule 4 and insert:

**Schedule 4 — Fees**

[bl. 7]

<b>Description of fee</b>	<b>Amount</b>
1. Non-refundable account establishment fee payable on the establishment or transfer of an account .....	\$37.20
2. Non-refundable reconnection fee where supply has been terminated for non-payment of charges or for any other lawful reason —	
(a) for urgent reconnection at request of customer (other than life support customer) where the service is performed within a period less than the standard re-energisation timeframe set out in the MSLA .....	\$213.76
(b) otherwise.....	\$31.10
3. Temporary supply connection —	
(a) single phase (overhead) .....	\$300.00
(b) three phase (overhead) .....	\$600.00
4. Meter testing —	
(a) standard meter testing fee .....	\$336.15
(b) reduced meter testing fee .....	\$144.00
5. Upgrade or replacement of meter .....	\$95.70
6. Disconnection of overhead service leads following unauthorised reconnection .....	\$194.00
7. Meter reading where reading requested by consumer	\$27.90
8. Remote meter reading .....	\$17.60
9. Overdue account notices .....	\$6.15
10. Tariff R1 or R3 “time-of-use meter” installation fee ..	\$786.40
11. Fee for provision of cellular communications capability for meter (where radio mesh network cannot be used) .....	\$384.00
12. A transaction fee where a consumer makes a payment to the corporation by means of a credit card or debit card .....	The permitted surcharge for the payment

	<b>Description of fee</b>	<b>Amount</b>
13.	Paper bill fee .....	\$1.20
14.	Over-the-counter payment fee .....	\$2.10

The Common Seal of the )  
 Electricity Generation and Retail )  
 Corporation was affixed to these ) [LS]  
 by-laws in the presence of — )

K. HORNE, Director.

M. BROWN, Executive Officer.

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## RACING, GAMING AND LIQUOR

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RA301

Liquor Control Act 1988

### Liquor Control Amendment Regulations 2021

SL 2021/94

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Liquor Control 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 the day after that day.

**3. Regulations amended**

These regulations amend the *Liquor Control Regulations 1989*.

**4. Regulation 8G inserted**

After regulation 8F insert:

**8G. Exemption from Act in relation to liquor competition (Act s. 6(1)(o))**

(1) In this regulation —

*judge*, in relation to a liquor competition, means a person who has expertise or expert knowledge in relation to the particular kind and type of liquor entered into the competition;

*liquor competition* means a competition which has all of the following characteristics —

- (a) liquor of a particular kind and type is assessed by a judge in a systematic manner against certain criteria (for example, criteria in relation to colour, appearance, aroma and taste);
  - (b) after judgment the liquor is allocated a score;
  - (c) a prize or acknowledgment is given in relation to liquor entered into the competition;
  - (d) the purposes of the competition include to highlight liquor producers whose liquor exhibits the best quality and to provide a forum to educate liquor producers.
- (2) The sale or supply of liquor to, and the consumption of liquor by, a judge who is at least 18 years of age is exempted from the application of the Act if —
- (a) the judge is not drunk; and
  - (b) the judge is judging a liquor competition; and
  - (c) the liquor is sold or supplied by way of sample; and
  - (d) the liquor is sold or supplied, and consumed, only for the purposes of the competition.
- (3) The sale or supply of liquor to, and the consumption of liquor by, a person who is at least 18 years of age is exempted from the application of the Act if —
- (a) the person is not drunk; and
  - (b) the person is —
    - (i) a liquor producer who entered liquor into a liquor competition; or
    - (ii) employed or engaged as a steward for the purposes of a liquor competition;and
  - (c) the liquor is sold or supplied by way of sample; and

- (d) the sale or supply, and consumption, of the liquor is incidental to the competition.

**5. Regulation 10B amended**

In regulation 10B(a):

- (a) in subparagraph (ii) delete “30 days; or” and insert:

60 days; or

- (b) in subparagraph (iii) delete “60 days;” and insert:

90 days;

**6. Regulation 14AB amended**

In regulation 14AB:

- (a) in paragraph (a) delete “30 days” and insert:

60 days

- (b) in paragraph (b) delete “60 days” and insert:

90 days

**7. Regulation 14AC amended**

In regulation 14AC(2):

- (a) in paragraph (a) delete “30 days” and insert:

60 days

- (b) in paragraph (b) delete “60 days” and insert:

90 days

**8. Regulation 18 amended**

In regulation 18:

- (a) in paragraph (f) delete “regulation 8F.” and insert:

regulation 8F;

(b) after paragraph (f) insert:

- (g) premises on which the sale or supply of liquor to, and the consumption of liquor by, a person who is at least 18 years of age is exempted from the application of the Act by regulation 8G.

**9. Regulation 27 amended**

In regulation 27(4) in the Table delete the item for *Liquor Control (Koongie Park Restricted Area) Regulations 2010*.

N. HAGLEY, Clerk of the Executive Council.

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## TRANSPORT

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TN301

Road Traffic (Vehicles) Act 2012

# Road Traffic (Vehicles) Amendment Regulations (No. 7) 2021

SL 2021/81

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Road Traffic (Vehicles) Amendment Regulations (No. 7) 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 July 2021.

**3. Regulations amended**

These regulations amend the *Road Traffic (Vehicles) Regulations 2014*.

**4. Regulation 3 amended**

- (1) In regulation 3 delete the definition of *mass rating for charging (MRC)*.
- (2) In regulation 3 insert in alphabetical order:

*mass rating for charging (MRC)*, for a vehicle,  
means —

- (a) the maximum permissible loaded mass of the vehicle as stated on the RAV for that vehicle;  
or
- (b) if the maximum permissible loaded mass of the vehicle is not stated on the RAV — the mass recorded on the compliance plate as —
  - (i) the aggregate trailer mass; or
  - (ii) the gross trailer mass rating; or
  - (iii) the GVM;or
- (c) if the vehicle is not entered on the RAV and does not have a compliance plate — the maximum permissible loaded mass of the vehicle as determined by the CEO;

*RAV* means the Register of Approved Vehicles kept under the *Road Vehicle Standards Act 2018* (Commonwealth) section 14(1);

**5. Regulation 137 amended**

In regulation 137(2) delete “chassis or that could be licensed as of Class A under regulation 34 except that it does not have a compliance plate fitted to it” and insert:

chassis, or that cannot be licensed as of Class A under regulation 34 because it does not have a compliance plate fitted to it or it is not entered on the RAV,

**6. Regulation 161 amended**

In regulation 161 in the definition of *complying bus* after paragraph (a) insert:

- (aa) with 2 or 3 axles and a single steer axle that —
  - (i) is entered on the RAV as having been manufactured during or after July 1994;and

- (ii) is equipped with an approved air suspension system;

or

**7. Regulation 162 amended**

In regulation 162(1):

- (a) in paragraph (b) delete “1 July 1994.” and insert:

1 July 1994; or

- (b) after paragraph (b) insert:

- (c) is not entered on the RAV as having been manufactured during or after July 1994.

**8. Regulation 226 amended**

- (1) In regulation 226 delete the definitions of:

***ADR***

***national standard***

***third edition ADR***

- (2) In regulation 226 insert in alphabetical order:

***Australian Design Rules (ADR)*** means —

- (a) a third edition ADR; or
- (b) a second edition ADR;

***third edition ADR*** means —

- (a) a national standard under the *Motor Vehicle Standards Act 1989* (Commonwealth) as in force immediately before the repeal of that Act; or
- (b) a national road vehicle standard, as amended from time to time, under the *Road Vehicle Standards Act 2018* (Commonwealth) section 12;

- (3) In regulation 226:

- (a) in the definition of ***adopted standard*** delete “except a national standard,” and insert:

except an ADR,

- (b) in the definition of *second edition ADR* delete “a national standard” and insert:

an Australian Design Rule

**9. Regulation 231 amended**

Delete regulation 231(c) and insert:

- (c) despite the non-compliance —
- (i) before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) an approval was given under section 10A(2) or (3) of that Act to place an identification plate on the vehicle; or
  - (ii) an approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Commonwealth) Schedule 3 item 4(2) or 6(2); or
  - (iii) the vehicle satisfied an entry pathway under the *Road Vehicle Standards Act 2018* (Commonwealth) section 15(2) and the vehicle is entered on the RAV;

and

Note: The heading to amended regulation 231 is to read:

**Non-application of this Part: approvals under Commonwealth legislation**

**10. Regulation 235 amended**

After regulation 235(6) insert:

- (6A) On receiving notification under subregulation (6), the CEO may, for the purposes of section 9(1)(c), direct the responsible person for the vehicle to present the vehicle for inspection within 28 days.

**11. Regulation 239 replaced**

Delete regulation 239 and insert:

**239. Exception to compliance with ADRs: vehicles that are not road vehicles**

A vehicle need not comply with an ADR applied by regulation 236(2) or 238(2) if —

- (a) before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) a determination or declaration under section 5B of that Act provided that the vehicle is not a road vehicle for the purposes of that Act; or
- (b) a determination under the *Road Vehicle Standards Act 2018* (Commonwealth) section 6(5)(b) or (6)(b) provides that the vehicle is not a road vehicle for the purposes of that Act.

**12. Regulation 240 amended**

(1) Delete regulation 240(1)(a) and insert:

- (a) despite non-compliance with the ADR —
  - (i) before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) an approval was given under section 10A(2) or (3) of that Act to place an identification plate on the vehicle; or
  - (ii) an approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Commonwealth) Schedule 3 item 4(2) or 6(2);

and

(2) In regulation 240(2):

(a) delete paragraph (a) and insert:

- (a) either —
  - (i) before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) the vehicle was permitted to be supplied to the market under section 14A(1) of that Act; or

- (ii) an approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Commonwealth) Schedule 3 item 11(2);

and

- (b) in paragraph (b) delete “under that section —” and insert:

as described in paragraph (a)(i) or (ii) —

- (3) Delete regulation 240(3)(a) and insert:

- (a) before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) the vehicle was permitted to be used in transport in Australia under section 15(2) of that Act; and

Note: The heading to amended regulation 240 is to read:

**Exception to compliance with ADRs: approvals under Commonwealth legislation**

### 13. Regulation 240A inserted

After regulation 240 insert:

#### **240A. Vehicles satisfying an entry pathway under *Road Vehicle Standards Act 2018* (Commonwealth)**

A vehicle need not comply with an ADR applied by regulation 236(2) or 238(2) if —

- (a) the vehicle satisfied an entry pathway under the *Road Vehicle Standards Act 2018* (Commonwealth) section 15(2); and
- (b) despite non-compliance with the ADR, the vehicle is entered on the RAV.

### 14. Regulation 241 amended

In regulation 241(1) in the definition of *personally imported vehicle*:

- (a) in paragraph (c) delete “the person.” and insert:

the person; and

(b) after paragraph (c) insert:

(d) has —

- (i) if the vehicle was imported before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth) — undertaken to comply with any requirements relating to road safety imposed for the vehicle under the *Motor Vehicle Standards Regulations 1989* (Commonwealth); or
- (ii) otherwise — complied with the rules made under the *Road Vehicle Standards Act 2018* (Commonwealth).

**15. Regulation 357A replaced**

Delete regulation 357A and insert:

**357A. Meaning of *certified to ADR 83/00***

For this Subdivision, a vehicle is *certified to ADR 83/00* if —

- (a) immediately before the repeal of the *Motor Vehicle Standards Act 1989* (Commonwealth), approval has been given under section 10A of that Act to place an identification plate showing compliance with ADR 83/00 on the vehicle; or
- (b) an approval is given under the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Commonwealth) Schedule 3 item 4(2) or 6(2); or
- (c) the vehicle has satisfied an entry pathway under the *Road Vehicle Standards Act 2018* (Commonwealth) section 15(2), including compliance with ADR 83/00, and the vehicle is entered on the RAV.

**16. Regulation 389 amended**

(1) In regulation 389 delete “If” and insert:

(1) If

- (2) At the end of regulation 389 insert:
- (2) Subregulation (1) does not apply if the vehicle has satisfied an entry pathway under the *Road Vehicle Standards Act 2018* (Commonwealth) section 15(2) and the vehicle is entered on the RAV.

N. HAGLEY, Clerk of the Executive Council.

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TN302

Road Traffic (Authorisation to Drive) Act 2008  
Road Traffic (Vehicles) Act 2012

## **Road Traffic Regulations Amendment Regulations 2021**

SL 2021/93

Made by the Governor in Executive Council.

### **Part 1 — Preliminary**

**1. Citation**

These regulations are the *Road Traffic Regulations Amendment Regulations 2021*.

**2. Commencement**

These regulations come into operation as follows —

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

### **Part 2 — *Road Traffic (Authorisation to Drive) Regulations 2014* amended**

**3. Regulations amended**

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

**4. Regulation 3 amended**

In regulation 3 in the definition of *moped*:

- (a) after “motor cycle” insert:

or motor carrier

- (b) in paragraph (b)(i) delete “50 cc; or” and insert:

50 cm<sup>3</sup>; or

**5. Regulation 6 amended**

In regulation 6(1)(c) delete “660 cc; and” and insert:

660 cm<sup>3</sup>; and

**6. Regulation 17 amended**

After regulation 17(2) insert:

- (2A) Despite subregulation (2), the CEO cannot be satisfied of a person’s ability to control a moped by being satisfied of the person’s ability to control a motor carrier.

**7. Schedule 5 amended**

In Schedule 5 in the row relating to Class R:

- (a) in column 1 delete “r. 17(2) and (3)” and insert:

r. 17(2), (2A) and (3))

- (b) in column 2 in paragraph (b) delete “660 cc” and insert:

660 cm<sup>3</sup>

**Part 3 — *Road Traffic (Vehicles) Regulations 2014*  
amended****8. Regulations amended**

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

**9. Regulation 3 amended**

In regulation 3 delete the definition of *moped* and insert:

*moped* means a motor cycle or motor tricycle that —

- (a) is designed so as not to be capable of a speed exceeding 50 km/h; and
- (b) either —
  - (i) has an engine capacity not exceeding 50 cm<sup>3</sup>; or
  - (ii) is not powered by a piston engine;

N. HAGLEY, Clerk of the Executive Council.

TN303

Road Traffic Act 1974

## **Road Traffic Code Amendment Regulations (No. 2) 2021**

**SL 2021/87**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Road Traffic Code Amendment Regulations (No. 2) 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 the day after that day.

**3. Regulations amended**

These regulations amend the *Road Traffic Code 2000*.

#### 4. Regulations 285A and 285B replaced

Delete regulations 285A and 285B and insert:

##### 285A. Exemption for operators of certain measuring equipment

(1) In this regulation —

*approved equipment* means —

- (a) an average speed detection system, as defined in the *Road Traffic (Administration) Act 2008* section 117B(1); or
- (b) speed measuring and recording equipment, as defined in the *Road Traffic (Administration) Act 2008* section 117(1); or
- (c) speed measuring equipment, as defined in the *Road Traffic (Administration) Act 2008* section 117(1).

(2) A provision set out in the Table does not apply to a person if —

- (a) the person is acting in the course of their duty relating to the operation of approved equipment; and
- (b) the person is certified by the Commissioner of Police as being competent to operate the approved equipment; and
- (c) in the circumstances —
  - (i) the person is taking reasonable care; and
  - (ii) it is reasonable that the provision should not apply.

**Table**

<b>Provision</b>	<b>Description</b>
r. 76	Driving in an emergency stopping lane
r. 76A	Driving in an emergency stopping bay
r. 119	Driving on or across a traffic island, median strip or painted island
r. 140	Stopping in a no stopping area
r. 141	Stopping or parking in a no parking area

<b>Provision</b>	<b>Description</b>
r. 142	Stopping at the side of a carriageway with a yellow edge line
r. 149	Stopping on a freeway
r. 150	Stopping in an emergency stopping bay, emergency stopping lane or red X lane
r. 161	Stopping on a bridge or similar structure or in a tunnel or underpass
r. 165	Stopping on a path, dividing strip, nature strip or painted island
r. 166(1)	Obstructing access to or from a path
r. 173	Parking for longer than indicated
r. 175	Parking where fees are payable
r. 176(1), but only as it relates to subregulations (2), (6) and (7)	Parallel parking on a carriageway
r. 177	Parallel parking in a median strip parking area
r. 178	Angle parking
r. 179	Parking in parking bays
r. 181	Failing to secure a motor vehicle
r. 195	Pedestrians on a road with a road access sign
r. 204	Pedestrians on part of a path designated for bicycles only
r. 253	Driving on paths
r. 254	Driving on a nature strip

**285B. Exemption for operators of “red light” cameras**

A provision set out in the Table does not apply to a person employed by the Commissioner of Police to install, clean, maintain or otherwise operate cameras placed at intersections to record vehicles that do not comply with traffic lights, when that person is acting in

the course of their employment, if, in the circumstances —

- (a) the person is taking reasonable care; and
- (b) it is reasonable that the provision should not apply.

**Table**

<b>Provision</b>	<b>Description</b>
r. 140	Stopping in a no stopping area
r. 141	Stopping or parking in a no parking area
r. 142	Stopping at the side of a carriageway with a yellow edge line
r. 143(2)	Stopping within 20 m of an intersection with traffic-control signals
r. 158	Stopping in a shared zone
r. 165	Stopping on a path, dividing strip, nature strip or painted island
r. 173	Parking for longer than indicated
r. 175	Parking where fees are payable
r. 181(2)	Failing to secure a motor vehicle
r. 201	Person obstructing pedestrians or vehicles on a path or carriageway
r. 204	Pedestrians on part of a path designated for bicycles only
r. 253	Driving on paths
r. 254	Driving on a nature strip

N. HAGLEY, Clerk of the Executive Council.

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## — PART 2 —

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### CONSUMER PROTECTION

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CP401

**ASSOCIATIONS INCORPORATION ACT 2015**

**ORDER TO CANCEL INCORPORATION**

(1) Churchfreeo Inc.—A1015064Z

(2) Showcase Swan Valley Inc—A1017642L

On 12 February 2021 the Commissioner for Consumer Protection (Commissioner) served a notice on the above named Associations pursuant to section 145(1) of the *Associations Incorporation Act 2015* (Act) informing them that if they did not show cause on or before 60 days after the day on which the notice was given (Allowed Period) the incorporation of the Associations would be cancelled.

The Associations did not show cause within the Allowed Period.

On 21 April 2021 the Commissioner gave notice in writing to the Associations pursuant to section 147(2) of the Act stating that the Commissioner proposed to make an order cancelling their incorporation after the expiration of 28 days from the day on which the notice was given and advising the Associations that it could apply to the State Administrative Tribunal (SAT) for a review of the Commissioner's proposal within his period.

The Associations did not apply to SAT for a review within the period specified.

Therefore, pursuant to section 147(1) of the Act, the Commissioner orders that the incorporation of the above named Associations be cancelled with effect on and from the date of this order.

CAROLE FINN, Manager Associations and Charities.

Date 10 June, 2021.

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CP402

**ASSOCIATIONS INCORPORATION ACT 2015**

**ORDER TO CANCEL INCORPORATION**

1. Craigie Resident and Community Association Inc.—A1022516D

2. Aviation Law Association of Western Australia Inc.—A1025161K

3. Rockingham Social and Dance Club Inc—A1005955K

4. Bardon Park Riverside Restoration Group Incorporated—A1021200N

5. Catchment Officers Support Network Inc.—A1011233T

6. Rockingham Kwinana Youth Skills Training Scheme Inc.—A1005600S

On 22 January 2021 the Commissioner for Consumer Protection (Commissioner) served a notice on the above named Associations pursuant to section 145(1) of the *Associations Incorporation Act 2015* (Act) informing them that if they did not show cause on or before 60 days after the day on which the notice was given (Allowed Period) the incorporation of the Associations would be cancelled.

The Associations did not show cause within the Allowed Period.

On 19 April 2021 the Commissioner gave notice in writing to the Associations pursuant to section 147(2) of the Act stating that the Commissioner proposed to make an order cancelling their incorporation after the expiration of 28 days from the day on which the notice was given and advising the Associations that it could apply to the State Administrative Tribunal (SAT) for a review of the Commissioner's proposal within his period.

The Associations did not apply to SAT for a review within the period specified.

Therefore, pursuant to section 147(1) of the Act, the Commissioner orders that the incorporation of the above named Associations be cancelled with effect on and from the date of this order.

CAROLE FINN, Manager Associations and Charities.

Date 17 June, 2021.

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## ENERGY

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EN401

**ENERGY COORDINATION ACT 1994**

## RENEWAL OF LICENCE

Notice is given that the following gas distribution licence has been renewed—

Licensee:	ATCO Gas Australia Pty Ltd ABN 90 089 531 975
Date of renewal:	16 June 2021
Address:	81 Prinsep Road Jandakot WA 6164
Classification:	Gas distribution licence (GDL8, version 13)
Term of licence:	Up to and including 15 June 2042
Supply areas:	Coastal, Great Southern and Goldfields-Esperance gas supply areas as shown in plan ERA-GAS-006(C)
Inspection of licence:	Economic Regulation Authority Level 4 Albert Facey House 469 Wellington Street Perth WA 6000

Ms NICOLA CUSWORTH, Chair, Economic Regulation Authority.

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## HERITAGE

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HR401

**HERITAGE ACT 2018**

## ENTRY OF PLACES IN THE REGISTER OF HERITAGE PLACES

## Registrations

Pursuant to section 42 of the *Heritage Act 2018*, the places described below have been entered in the State Register of Heritage Places on the dates indicated—

- P0868 Bristle Kilns (fmr), Belmont All that land being Lot 236 and 237 on Plan 2635; Lot 713 on Diagram 93557; and that land labelled 'M' on Deposited Plan 72348 as depicted in HC Curtilage Map P868-0, registered on 15 April 2020.
- P2164 East Perth Cemeteries All that land being Lot 767 on Deposited Plan 163183; Lot 1091 on Deposited Plan 193327; Lot 1093 on Diagram 90897 and Lot 1099 on Deposited Plan 193327 as depicted in HC Curtilage Map P2164-1, registered on 23 April 2020.
- P2112 St Georges Terrace Commercial Group All that land labelled 'N' on Deposited Plan 420523 as depicted in HC Curtilage Map P2112-1, registered on 11 May 2020.
- P10644 Memorial House and Coronation Rose Garden, Bruce Rock All that land labelled 'N' on Deposited Plan 421912 as depicted in HC Curtilage Map P10644-1, registered on 5 June 2020.
- P25664 Charcoal Burner Site, Mount Observation All that land labelled 'N' on Deposited Plan 417178 as depicted on HC Curtilage Map P25664-0, registered on 30 June 2020.
- P0075 Law Offices (fmr), Albany All that land being Lot 50 on Diagram 97527 as depicted in HC Curtilage Map P75-1, registered on 28 July 2020.
- P3964 Nedlands Tennis Club All that land labelled 'N' on Deposited Plan 421254 as depicted in HC Curtilage Map P3964-1, registered on 17 September 2020.
- P2329 Bell Cottage (ruin), Rockingham All that land labelled 'M' on Deposited Plan 415740 as depicted in HC Curtilage Map P2329-0, registered on 4 November 2020.
- P2239 Parliament House and Grounds All that land being Lot 55 on Deposited Plan 210063; Lot 836 on Deposited Plan 210063 and Lot 1083 on Deposited Plan 219538, registered on 5 November 2020.
- P18879 Olive Farm Cellars, South Guildford All that land labelled 'M' on Strata Plan 65485, as depicted in HC Curtilage Map P18879-0, registered on 7 December 2020.
- P3453 The Beach House, Cottesloe All that land labelled 'B' and 'C' on Deposited Plan 413382 as depicted in HCWA Curtilage Map P3453-0, registered on 16 December 2020.
- P0540 Railway Goods Shed and Footbridge, Collie All that land being Lot 2888 on Deposited Plan 37771, and the land labelled 'N' on Deposited Plan 57173 as depicted in HC Curtilage Map P540-1, registered on 16 December 2020.

- P0305 Wallal Downs Station Group All that land labelled 'N' on Deposited Plan 417177, as depicted in HC Curtilage Map P305-1, registered on 8 January 2021.
- P3211 Robb Jetty (ruin) and Abattoir Chimney (fmr), Coogee All that land being Lot 700 on Deposited Plan 721796; land labelled 'X' and 'Y' on Deposited Plan 421797 and land labelled 'H' on Deposited Plan 416937 as depicted in HC Curtilage Map P3211-1, registered on 18 January 2021.
- P25228 Harvey Agricultural College All that land being Lot 283 and Lot 285 on Deposited Plan 190572, Lot 294 on Deposited Plan 219627, Lot 298 on Deposited Plan 220434, Lot 501 (portion of James Stirling Road) on Deposited Plan 410129, and that land labelled 'M' on Deposited Plan 410128, as depicted on HC Curtilage Map P25228-0., registered on 28 January 2021.
- P2170 Gloucester Park All that land being Lots 754 and 755 on Deposited Plan 204381; Lot 765 on Deposited Plan 206703; Lots T15-T21 on Deposited Plan 223273, Lots P3, 30, 31, 569 and 570 on Deposited Plan 41439, Lot 410 on Deposited Plan 254216 and Lot 411 on Deposited Plan 100131 as depicted on HC Curtilage Map P2170-0, registered on 28 January 2021.
- P3925 Harvest House, West Perth All that land being Lot 1 on Diagram 986, as depicted on HC Curtilage Map P3925-A, registered on 28 January 2021.
- P0482 Claremont Teachers' College (fmr) All that land being Lot 14456 on Deposited Plan 30905, as depicted on HC Curtilage Map P482-0, registered on 28 January 2021.
- P26441 Albany Seaboard Bulk Fuel Oil Depot All that land being Lot 877 on Deposited Plan 159791 and that land being the eastern and central severance of Lot 76 on Deposited Plan 26132 as depicted in HC Curtilage Map P26441-B, registered on 28 January 2021.
- P2999 CBH Grain Silos (fmr), Bunbury Former Lot 851 on Deposited Plan 29485, being the whole of the land contain in Strata Plan 43451; as depicted in HC Curtilage Map P2999-0, registered on 28 January 2021.
- P1531 Bundi Club, Meekatharra All that land being Lot 1018 on Deposited Plan 191650; as depicted in HC Curtilage Map P1531-0, registered on 15 May 2021.
- P2325 Chesterfield Inn (fmr), Rockingham All that portion of Lot 149 on Deposited Plan 68599 and Portion of Chesterfield Rd as depicted in HC Curtilage Map P2325-1, registered on 15 May 2021.
- P4686 Wirra Willa Gardens, Armadale All that land contained in memorial document K602084 and shown on Deposited Plan 72851 as depicted in HCWA Curtilage Map P4686-0, registered on 8th June 2021.
- P3289 Heathcote Hospital Precinct (fmr), Applecross All that land contained in Lot 15050 on Deposited Plan 37306, Lot 300 and Lot 304 on Deposited Plan 44663, Lot 31 on Deposited Plan 49745 and Lot 688 on Deposited Plan 403813 as depicted in HCWA Curtilage Map P3289-1, registered on 14th June 2021.

VAUGHAN DAVIES, Assistant Director General, Heritage Services,  
Department of Planning, Lands, and Heritage.  
140 William Street Perth WA 6000.

Dated 22 June, 2021.

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## JUSTICE

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JU401

### PROFESSIONAL STANDARDS ACT 1997

#### THE AUSTRALIAN INSTITUTE OF BUILDING SURVEYORS PROFESSIONAL STANDARDS SCHEME

I, John Quigley MLA, Attorney General; Minister for Electoral Affairs, pursuant to section 26 of the *Professional Standards Act 1997* WA (the Act), authorise the publication of The Australian Institute of Building Surveyors Professional Standards Scheme (the Scheme) submitted to me by the Professional Standards Council of New South Wales. The Scheme is published with this authorisation and will commence in accordance with section 27 of the Act.

Hon. JOHN QUIGLEY, MLA, Attorney General; Minister for Electoral Affairs.

Dated 18 May, 2021.

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### PROFESSIONAL STANDARDS ACT 1994 (NSW)

#### THE AUSTRALIAN INSTITUTE OF BUILDING SURVEYORS PROFESSIONAL STANDARDS SCHEME PREAMBLE

A. The Australian Institute of Building Surveyors Limited (AIBS) is an occupational association.

- B. The AIBS has made an application to the Professional Standards Council, appointed under the Professional Standards Act 1994 (NSW) (the Act), for approval of a scheme under the Act. This document constitutes the scheme (the Scheme)
- C. The Scheme is prepared by the AIBS for the purposes of improving the quality of expertise within the profession and limiting Occupational Liability to the extent to which such liability may be limited under the Act.
- D. The Scheme is to apply to all Practising Members of the AIBS.
- E. The AIBS has furnished the Councils with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.
- F. The Scheme is intended to commence on 1 July 2021 and remain in force for five (5) years from its commencement subject to s32 of the Act.
- G. The Scheme is intended to apply in New South Wales, Victoria, South Australia, Western Australia, Queensland, Tasmania, Australian Capital Territory, and The Northern Territory and to be prescribed for the purposes of applicable Commonwealth legislation to limit liability for misleading and deceptive conduct in accordance with that legislation.

### **The Australian Institute of Building Surveyors Professional Standards Scheme**

#### **1. Occupational association**

1.1 The Scheme is a scheme under the Act prepared by the AIBS whose business address is: Level 5, 828 Pacific Highway, Gordon, NSW, 2072.

#### **2. Persons to Whom the Scheme Applies**

2.1 The Scheme applies to—

- 2.1.1 all Practising Members (including a Body Corporate Member) as defined in the AIBS Membership Policy.
- 2.1.2 all persons to whom clause 2.1.1 applied at the time of any act or omission giving rise to a cause of action.

2.2 Upon application by a person referred to in clause 2.1, AIBS may exempt the person from the Scheme from the date on which the exemption is granted or a later date specified in the exemption. This clause does not apply to a person to whom the Scheme applies by operation of section 18, 19 or 20 of the Act.

#### **3. Limitation of liability**

3.1 The Scheme only affects the liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding the limits specified in the table in clause 3.4 below.

3.2 If a person to whom the Scheme applies and against whom a proceeding relating to Occupational Liability is brought is able to satisfy the court that—

- 3.2.1 the person has the benefit of an insurance policy insuring such person against that Occupational Liability, and
- 3.2.2 the amount payable in respect of that Occupational Liability is not less than the monetary ceiling specified in clause 3.4 below,

the person is not liable in damages in relation to that cause of action above the monetary ceiling.

3.3 For the purposes of the Scheme, an insurance policy must be a policy of a kind which complies with the AIBS Insurance Standards.

3.4 The monetary ceiling is as set out in the following table—

<b>Building Levels</b>	<b>Category</b>	<b>Liability limit</b>
Level 1	Unlimited (all buildings)	\$2 million
Level 2	Limited (less than 2000m <sup>2</sup> and 3 storeys or less)	\$1 million

3.5 The Scheme limits the Occupational Liability in respect of a cause of action founded on an act or omission occurring during the period when the Scheme was in force of any person to whom the Scheme applied at the time the act or omission occurred.

3.6 Notwithstanding anything to the contrary contained in this Scheme if, in particular circumstances giving rise to occupational liability, the liability of any person who is subject to this Scheme is capped both by this Scheme and also by any other Scheme under professional standards legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and, if the amount of such caps should differ, then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.

#### **4. Conferral of discretionary authority**

The Scheme confers on AIBS a discretionary authority to specify, on application by a person to whom the Scheme applies, in relation to that person, a higher monetary ceiling (maximum amount of liability) not exceeding \$10 million, in all cases or in any specified case or class of case.

#### **5. Commencement**

The Scheme is intended to commence on the following day—

- (a) in New South Wales, the Northern Territory, Queensland, Tasmania, Victoria and Western Australia on 1 July 2021;

- (b) in South Australia and the Australian Capital Territory—
- (i) on the date provided for in the Minister's notice, if a date is provided; or
  - (ii) on the first day two months after the day on which notice was given, in any other case.

## 6. Duration

6.1 The Scheme will be in force for a period of 5 years from the date of commencement unless it is revoked or otherwise ends, or it is extended, in accordance with the Act.

6.2 The Scheme will cease to operate in any jurisdiction other than New South Wales if it is revoked or otherwise ends in accordance with the corresponding law (as defined in the Act) of that jurisdiction.

## 7. Definitions

“**Accredited Members**” means a person who has been issued a certificate of accreditation under the National Accreditation Scheme.

“**Act**” means the Professional Standards Act 1994 (NSW).

“**AIBS**” means The Australian Institute of Building Surveyors Limited.

“**AIBS Insurance Standards**” means the insurance standards approved by AIBS from time to time.

“**AIBS Membership Policy**” means the membership policy effective as at 1 January 2021 (Doc Ref: P006, Version 003/01-Jan-21).

“**Body Corporate Member**” means a body corporate or other entity which is accredited by AIBS as an Accredited Member.

“**Level 1**” means building surveying functions for all other classes of buildings (as defined by the Building Code of Australia).

“**Level 2**” means building surveying functions for Class 1 and Class 10 buildings not exceeding a rise in storeys of 3 (as defined by the Building Code of Australia) unless legislated otherwise.

“**National Accreditation Scheme**” means the scheme administered by AIBS under which AIBS accredits building surveying professionals to practice.

“**Occupational Liability**” has the same meaning as in the Act.

“**Practising Member**” means a Practising Member (including a Body Corporate Member) as defined in the AIBS Membership Policy.

## JU402

### PROFESSIONAL STANDARDS ACT 1997

#### THE AUSTRALIAN PROPERTY INSTITUTE VALUERS LIMITED PROFESSIONAL STANDARDS SCHEME

I, John Quigley MLA, Attorney General; Minister for Electoral Affairs, pursuant to section 26 of the Professional Standards Act 1997 WA (the Act), authorise the publication of The Australian Property Institute Valuers Limited Professional Standards Scheme (the Scheme) submitted to me by the Professional Standards Council of Victoria. The Scheme is published with this authorisation and will commence in accordance with section 27 of the Act.

Hon. JOHN QUIGLEY, MLA, Attorney General; Minister for Electoral Affairs.

Dated 18 May, 2021.

### PROFESSIONAL STANDARDS ACT 2003 (VIC)

#### THE AUSTRALIAN PROPERTY INSTITUTE VALUERS LIMITED PROFESSIONAL STANDARDS SCHEME

##### PREAMBLE

- A. The Australian Property Institute Valuers Limited (APIV) is an occupational association.
- B. The APIV has made an application to the Professional Standards Council (PSC), established by the Professional Standards Act 2003 (Vic) (the Act), for approval of a scheme under the Act.
- C. The Scheme is prepared by the APIV for the purposes of limiting Occupational Liability to the extent to which such liability may be limited under the Act.
- D. The APIV has furnished the PSC with a detailed list of the risk management strategies, currently in place and intended to be implemented, in respect of its Members and the means by which those strategies are intended to be implemented.
- E. The APIV has furnished the PSC with APIV Insurance Standards with which Participating Members must comply for purposes of this Scheme.
- F. The Scheme is intended to remain in force for five (5) years from its commencement unless, prior to that time, it is revoked, its operation ceases, or it is extended pursuant to Section 34 of the Act.

- G. The Scheme is intended to operate in Victoria. This Scheme is also intended to operate in the Australian Capital Territory, New South Wales, the Northern Territory of Australia, Queensland, South Australia, Tasmania and Western Australia by way of mutual recognition under the Professional Standards Legislation.
- H. Section 12GNA(2) of *Australian Securities and Investments Commission Act 2001* (Cth); section 137(2) of *Competition and Consumer Act 2010* (Cth); and section 1044B(2) of *Corporations Act 2001* (Cth) provide for limited liability where a professional standards scheme is prescribed in the relevant regulation. The Scheme does not apply to limit any liability under a Commonwealth law unless it has been prescribed by the Commonwealth.

### The Australian Property Institute Valuers Limited Professional Standards Scheme

#### 1. Occupational association

- 1.1. The Scheme is a scheme under the Act prepared by the APIV whose registered address is—  
Level 3, 60-62 York Street  
Sydney NSW 2000
- 1.2. The Scheme is intended to operate in Victoria, the Australian Capital Territory, New South Wales, the Northern Territory, Queensland, South Australia, Tasmania and Western Australia.
- 1.3. The Scheme is intended to limit Occupational Liability by insurance arrangements pursuant to Section 23 of the Act. The relevant insurance arrangements are the APIV Insurance Standards.

#### 2. Persons to Whom the Scheme Applies<sup>i</sup>

- 2.1. The Scheme applies to—
- 2.1.1 all Members who are natural persons and who hold the API certification of Certified Practising Valuer, Certified Practising Valuer (Plant and Machinery) or Residential Property Valuer; and
- 2.1.2 all Corporate Members.
- 2.2. This Scheme also applies to all persons who were Participating Members at the time of any act or omission giving rise to Occupational Liability.<sup>ii</sup>
- 2.3. The APIV may, on application by a person referred to in clause 2.1, exempt that person from the Scheme from the date on which the exemption is granted or a later date specified in the exemption. This clause does not apply to a person to whom the Scheme applies by operation of Sections 20, 21 or 22 of the Act.
- 2.4 All Participating Members are required to hold or have the benefit of a Professional Indemnity Insurance Policy against Occupational Liability that complies with the APIV Insurance Standards and the insurance requirements set out in Clause 3.2, unless exempted by the APIV.

#### 3. Limitation of Liability

- 3.1. This Scheme only affects the liability for Damages arising from a single cause of action to the extent to which the liability results in Damages exceeding \$1,000,000.
- 3.2. If a person, who or which was, at the time of the act or omission giving rise to Occupational Liability, a Participating Member and against whom a proceeding relating to Occupational Liability is brought, is able to satisfy the court that—
- 3.2.1 the person has the benefit of an insurance policy insuring such person against the Occupational Liability to which the cause of action relates, and
- 3.2.2 under which the amount payable in respect of that Occupational Liability is not less than the Monetary Ceiling relating to the class of person and the kind of Occupational Services to which the cause of action relates, that person is not liable in Damages in relation to that cause of action above the Monetary Ceiling specified in this Scheme.
- 3.3. For the purposes of the Scheme, an insurance policy must be a policy of a kind which complies with the APIV Insurance Standards.
- 3.4. The Monetary Ceiling (maximum amount of liability) for the purpose of limitation of liability under this Scheme is to be determined according to the following table—

Category	Assessed Value (“AV”)	Monetary Ceiling
<b>Category 1 Services</b>	\$0 to \$3,500,000	\$1,000,000 (fixed)
	\$3,500,001 to \$7,500,000	AV x 33%
	\$7,500,001 to \$100,000,000	\$2,000,000 + (AV x 7.5%)
	\$100,000,001 or greater	\$10,000,000 (fixed)
<b>Category</b>	<b>Category Description</b>	<b>Monetary Ceiling</b>
<b>Category 2 Services</b>	Low Risk Valuation Services	\$1,000,000 (fixed)
<b>Category 3 Services</b>	Plant Valuations & Machinery	\$1,000,000 (fixed)
<b>Category 4 Services</b>	Other Occupational Services	\$1,000,000 (fixed)

- 3.5. For the avoidance of doubt, the applicable limitation of liability in respect of a Claim is the Monetary Ceiling as in force at the time at which the act or omission giving rise to the cause of action concerned occurred.

3.6. Where a person, who at the time of the acts or omissions referred to in clauses 3.6.1 and 3.6.2 was a Participating Member, incurs an Occupational Liability as a result of—

- 3.6.1 an act or omission by that person in the performance of Category 1 Services; and
- 3.6.2 an act or omission by that person in the performance of—
  - (a) Category 2 Services;
  - (b) Category 3 Services;
  - (c) Category 4 Services; or
  - (d) any combination of Category 2 Services, Category 3 Services and/or Category 4 Services;

such person's Occupational Liability under this Scheme for Damages in excess of the amount specified in clause 3.1 will be determined in accordance with those provisions of the Scheme relating to Category 1 Services only, as set out in the table at clause 3.3.

3.7. Clause 3.2 only affects liability for Damages arising from a single cause of action to the extent to which the liability in Damages exceeds such amount as is specified in Clause 3.1.

3.8. This Scheme limits the Occupational Liability in respect of a cause of action founded on an act or omission occurring during the period when the Scheme was in force of any person to whom the Scheme applied at the time the act or omission occurred.

3.9. Where a person who at the time of the acts or omissions referred to in this clause was a Participating Member, in respect of a single cause of action, incurs an Occupational Liability as a result of—

- 3.9.1 an act or omission in the performance of a Category 1 Service; and
- 3.9.2 an act or omission in the performance of one or more other Category 1 Service;

the Monetary Ceiling shall be calculated by reference to the highest Assessed Value.

3.10. Where, in respect of a Government Valuation, a person who was a Participating Member—

- 3.10.1 expressly extends reliance in respect of such Government Valuation to a Non-Government Entity; and
- 3.10.2 incurs a liability to such Non-Government Entity as a result of an act or omission by that Participating Member in the performance of the Government Valuation;

the relevant Occupational Service, for the purpose of calculating the applicable Monetary Ceiling in respect of such liability to the Non-Government Entity in accordance with clause 3.4 (only), will be deemed to be a Category 1 Service.

#### 4. Conferral of discretionary authority

4.1. Pursuant to section 26 of the Act, this Scheme confers on the APIV a discretionary authority to specify, on application by a Participating Member, a higher monetary ceiling (maximum amount of liability) not exceeding \$20 million, in relation to the Participating Member either in all cases or in any specified case or class of case.

#### 5. Definitions

5.1. Relevant definitions for the purposes of the Scheme are as follows—

“Act” means the *Professional Standards Act 2003* (Vic).

“API” means the Australian Property Institute Ltd ACN 608 309 128.

“APIV” means the Australian Property Institute Valuers Limited ACN 143 638 975.

“APIV Insurance Standards” means the insurance standards approved by the APIV and presented to, and considered by, the Professional Standards Councils in connection with the Councils' approval of the Scheme (subject to any amendment to such Insurance Standards as are subsequently approved by the APIV and presented to the Councils and approved or endorsed by the Councils in writing).

“Assessed Value” means an express statement of professional opinion by a person who is or was a Participating Member as to the value of any right, interest or benefit related to the ownership, occupation or use of real property or plant, machinery or equipment. Where a valuation states a range of values, rather than a single value, the Assessed Value shall be deemed to be the mid-point value in such range.

“Category 1 Services” means the Valuation of Real Property in Australia excluding any Low Risk Valuation Services.

“Category 2 Services” means the provision of Low Risk Valuation Services in Australia.

“Category 3 Services” means the provision of Plant and Machinery Valuation Services in Australia.

“Category 4 Services” means the provision of Other Occupational Services in Australia.

“Corporate Member” means a corporation which has been admitted as a Member pursuant to the eligibility criteria prescribed by the APIV Constitution.

“Damages” has the meaning given in Section 4 of the Act.

“Expert Determination” means any Valuation of Real Property undertaken for the purpose of making a determination acting as an expert pursuant to an agreement or deed where all relevant parties have agreed to indemnify, release or hold the valuer harmless in respect of any liability in connection with the valuation. An Expert Determination can be binding or non-binding.

**“Expert Evidence Valuation”** means any Valuation of Real Property undertaken for the purpose of providing expert evidence in relation to a proceeding before a court or tribunal where the expert’s primary duty is to the court or tribunal (excluding a Valuation of Real Property undertaken for Resumption purposes).

**“Financial Reporting Valuation”** means any Valuation of Real Property undertaken for the purpose of the preparation and issue of financial reports by any entity in the general course of the entity’s operations. It excludes special purpose financial reports prepared in respect of a specific transaction including any sale, merger, takeover or fundraising.

**“Government Valuation”** means any valuation prepared on instructions from any—

- (a) Government in Australia (including Federal, State or Territory and Local government);
- (b) Government department; or
- (c) Government agency; or
- (d) Government statutory or non-statutory body or authority.

**“Insurance Valuation”** means any assessment of the cost of replacement of destructible improvements to real property undertaken for the purpose of advising on the insurable value of such property in connection with the entry into, or proposed entry into, a contract of insurance.

**“Low Risk Valuation Services”** means any—

- (a) Valuation of Real Property undertaken in the capacity as an arbitrator;
- (b) Valuation of Real Property undertaken for the purpose of asset means testing;
- (c) Expert Determination;
- (d) Expert Evidence Valuation;
- (e) Financial Reporting Valuation;
- (f) Government Valuation;
- (g) Insurance Valuation;
- (h) assessment of any unit entitlement in respect of any subdivision, strata title, company title (or similar) property;
- (i) Valuation of Real Property undertaken for the purpose of determining a rate, tax, duty or levy that applies in respect of the property including but not limited to any council rates, Good and Services Tax or stamp duty; or
- (j) Valuation of Real Property undertaken for Resumption purposes.

**“Member”** means a member of the APIV.

**“Monetary Ceiling”** means the applicable monetary ceiling specified in clause 3.3 of the Scheme.

**“Non-Government Entity”** means a person or entity which is not a government entity of the type identified in the definition of Government Valuation at clause 5.1 (including, for the avoidance of doubt, any joint venture or partnership between one or more Government Entity(s) with one or more Non-Government Entity(s)).

**“Occupation”** means the occupational vocation carried out by Participating Members by application of the qualifications, training, skills, practices, disciplines, specialisations, standards, guidelines and experience of Certified Practising Valuers, Certified Practising Valuers (Plant and Machinery) and/or Residential Property Valuers.

**“Occupational Liability”** has the meaning given in Section 4 of the Act.

**“Occupational Services”** means any Category 1 Services, the Category 2 Services, the Category 3 Services and the Category 4 Services provided by a Participating Member in the performance of the Occupation.

**“Other Occupational Services”** means any Occupational Services provided by a Participating Member in the performance of the Occupation other than any—

- (a) Category 1 Services;
- (b) Category 2 Services;
- (c) Category 3 Services.

**“Participating Member”** means a Member to whom the Scheme applies pursuant to clause 2.1 and who has not been granted an exemption pursuant to clause 2.3.

**“Plant and Machinery Valuation Services”** means any valuation of any right, interest or benefit related to the ownership, possession or use of plant, machinery or equipment expressed as an Assessed Value.

**“Professional Indemnity Insurance Policy”** means a policy of insurance that provides cover for the Participating Member in compliance with the APIV Insurance Standards.

**“Professional Standards Legislation”** means—

- (a) the Act;
- (b) *Professional Standards Act 1994* (NSW);
- (c) *Professional Standards Act 2004* (Qld);
- (d) *Professional Standards Act 2004* (SA);
- (e) *Professional Standards Act 2005* (Tas);

- (f) *Professional Standards Act 1997* (WA);
- (g) *Professional Standards Act 2004* (NT); and
- (h) *Civil Law (Wrongs) Act 2002* (ACT).

**“Real Property Valuation Services”** means the Valuation of Real Property but excluding any Low Risk Valuation Services.

**“Resumption”** means compulsory acquisition of land (including compulsory acquisition or appropriation of Crown land) under the provision of any Act of the Commonwealth or of a State or Territory authorising compulsory acquisition or appropriation of land.

**“Scheme”** means The Australian Property Institute Valuers Limited Professional Standards Scheme set out in this document.

**“Valuation of Real Property”** means any valuation of any right, interest or benefit related to the ownership, occupation or use of real property including land and all things that are a natural part of the land as well as any improvements to the land (but excluding plant, machinery and equipment) expressed as an Assessed Value.

## 6. Duration and commencement

6.1 The Scheme is intended to commence on the following day—

- 6.1.1 in Victoria, New South Wales, the Northern Territory, Queensland, Tasmania and Western Australia on 1 September 2021;
- 6.1.2 in the Australian Capital Territory and South Australia—
  - (a) on the date provided in the relevant Minister’s notice in relation to the amendments, if a date is provided; or
  - (b) on the first day two months after the day on which notice was given, in any other case.

6.2 This Scheme will be in force in Victoria for five (5) years from the date of commencement in that jurisdiction, unless—

- 6.2.1 it is revoked or ceases in accordance with the Act; or
- 6.2.2 it is extended in accordance with the Act.

6.3 For any other jurisdiction, the Scheme will be in force for—

- 6.3.1 five (5) years from the date of commencement in that jurisdiction; or
- 6.3.2 five (5) years from the date of commencement in Victoria;

whichever period ends first.

6.4 The Scheme will cease to operate in a jurisdiction referred to in clause 6.3 if it is revoked or ceases in accordance with the Professional Standards Legislation of that jurisdiction.

## 7. Other schemes

7.1 Notwithstanding anything to the contrary contained in this Scheme, if in particular circumstances giving rise to Occupational Liability, the liability of any person who is subject to this Scheme should be capped by both this Scheme and also by any other scheme under Professional Standards Legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and if the amount of such caps should differ, then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.

- i Sections 20 and 21 of the Act provide that if the scheme applies to a body corporate, the scheme also applies to each officer of the body corporate and if the scheme applies to a person, the scheme also applies to each partner of the person, and if the scheme applies to a person the scheme also applies to each employee of the person, provided that if such officer of the corporation or partner of the person or employee of the person is entitled to be a member of the same occupational association, such officer, partner or employee is a member of the occupational association. Section 22 provides that the scheme may also apply to other persons as specified in that section.
- ii For the purposes of the operation of the Scheme in Victoria, “Occupational Liability” has the same meaning as it has in the Act and excludes any liability which may not from time to time be limited pursuant to the Act. Similarly, for the purposes of the operation of the Scheme in other jurisdictions in which it applies, “Occupational Liability” has the same meaning as it has in the corresponding legislation of those jurisdictions and excludes any liability which may not from time to time be limited pursuant to that legislation.

Occupational liability is defined in s4(1) of the Act to mean ‘civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted to be done by a member of an occupational association acting in the performance of his or her occupation’. However, s5(1) of the Act provides that the Act does not apply to liability for damages arising from the death of or personal injury to a person, abreach of trust or fraud or dishonesty. [Note: All jurisdictions other than NSW and WA exclude a lawyer acting in a personal injury matter.] Section 5(2) of the Act also provides that the Act does not apply to liability which may be the subject of proceedings under Section 110 of the *Transfer of Land Act* (Vic).

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## LOCAL GOVERNMENT

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LG401

**LOCAL GOVERNMENT ACT 1995***City of Kwinana*

## BASIS OF RATES

I, Tim Fraser, 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 9 June 2021, determined that the method of valuation to be used by the City of Kwinana 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 1009 to 1010 inclusive, Lots 1031 to 1032 inclusive, Lots 1052 to 1054 inclusive, Lot 1067, Lots 1090 to 1091 inclusive and Lots 9021 to 9022 inclusive as shown on Deposited Plan 64792.

TIM FRASER, Executive Director Local Government,  
Department of Local Government, Sport and Cultural Industries.

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LG402

**LOCAL GOVERNMENT ACT 1995***Shire of Gingin*

## BASIS OF RATES

I, Tim Fraser, 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 1 July 2021, determined that the method of valuation to be used by the Shire of Gingin 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 10 to 21 inclusive, Lots 83 to 85 inclusive, Lots 107 to 120 inclusive, Lot 129, Lots 131 to 134 inclusive, Lots 148 to 151 inclusive, Lot 167 to 171 inclusive, Lot 801, Lot 802 and Lot 8000 as shown on Deposited Plan 417740.

TIM FRASER, Executive Director Local Government,  
Department of Local Government, Sport and Cultural Industries.

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LG403

**DOG ACT 1976****CAT ACT 2011***City of Nedlands*

## APPOINTMENTS

Notice is hereby given for public information that the following persons have been appointed as Registration Officers under the provision of the *Dog Act 1976* and the *Cat Act 2011* for the City of Nedlands, effective 5 May 2020—

Laura Napier  
Tania Krajisnik  
Toni Craig

Dated 14 June 2021.

E. HERNE, Acting Chief Executive Officer.

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**MINERALS AND PETROLEUM**

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**MP401****PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967**  
**RENEWAL OF PETROLEUM PRODUCTION LICENCE L 1**

Renewal of Petroleum Production Licence L 1 has been granted to AWE Perth Pty Ltd, APT Parmelia Pty Ltd and Beach Energy (Perth Basin) Pty Limited to have effect for an indefinite term from and including 15 June 2021.

LARA HAENGA, Senior Titles Officer, Resource Tenure Division,  
Department of Mines, Industry Regulation and Safety.

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**MP402****PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967**  
**RENEWAL OF PETROLEUM PRODUCTION LICENCE L 2**

Renewal of Petroleum Production Licence L 2 has been granted to AWE Perth Pty Ltd and Beach Energy (Perth Basin) Pty Limited to have effect for an indefinite term from and including 15 June 2021.

LARA HAENGA, Senior Titles Officer, Resource Tenure Division,  
Department of Mines, Industry Regulation and Safety.

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**MP403****PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967**  
**RENEWAL OF PETROLEUM PRODUCTION LICENCE L 11**

Renewal of Petroleum Production Licence L 11 has been granted to AWE (Beharra Springs) Pty Ltd and Beach Energy (Perth Basin) Pty Limited to have effect for an indefinite term from and including 15 June 2021.

LARA HAENGA, Senior Titles Officer, Resource Tenure Division,  
Department of Mines, Industry Regulation and Safety.

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**MP404****PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967**  
**GRANT OF PETROLEUM EXPLORATION PERMIT EP 506**

Petroleum Exploration Permit EP 506 has been granted to Strike North West Pty Ltd and will remain in force for a period of six (6) years commencing on 16 June 2021.

REBECCA TAYLOR, Senior Titles Officer, Resource Tenure  
Division, Department of Mines and Petroleum.

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**MP405****PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967**  
**GRANT OF PETROLEUM EXPLORATION PERMIT EP 507**

Petroleum Exploration Permit EP 507 has been granted to Energy Resources Limited and will remain in force for a period of six (6) years commencing on 16 June 2021.

REBECCA TAYLOR, Senior Titles Officer, Resource Tenure  
Division, Department of Mines and Petroleum.

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**WATER**

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WA401

**COUNTRY AREAS WATER SUPPLY ACT 1947****COUNTRY AREAS WATER SUPPLY (GNOWANGERUP WATER SUPPLY CATCHMENT AREA)  
ABOLITION ORDER 2021**

Made by the Governor in Executive Council under the *Country Areas Water Supply Act 1947* section 9(1)(d).

**1. Citation**

This order is the *Country Areas Water Supply (Gnowangerup Water Supply Catchment Area) Abolition 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. Gnowangerup Water Supply Catchment Area**

(1) In this clause—

*Gnowangerup Water Supply Catchment Area* means the Gnowangerup Water Supply Catchment Area constituted under section 9 of the Act by an Order in Council published in the *Gazette* on 28 June 1957 at pages 2142-2143.

(2) The Gnowangerup Water Supply Catchment Area is abolished.

N. HAGLEY, Clerk of the Executive Council.

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**PUBLIC NOTICES**

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ZZ401

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

In the Estate of Bevan Thomas Wauhup, deceased, of 194 Wattleup Road, Wattleup, 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 3rd September 2020 are required by the Executor, to send the particulars of their claim to 119A Moreing Rd, Attadale WA 6156 within 30 days of date of publication, after which date the Executor may convey or distribute the assets having regard to the claims of which he then has notice

ZZ402

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

In the matter of the Estate of Jean Mary Millar, late of Regis North Fremantle, 23 Harvest Road, North Fremantle, 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 3 February 2021, are required by the Administrator of the Estate, Jennifer Clare Pavicic, to send particulars of their claim to 11 Herbert Street, North Fremantle, WA, 6159 within one month of the date of publication of this notice, after which date the Administrator may convey or distribute the assets having regard only to the claims of which she then has notice.

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

## Notice to Creditors and Claimants

Latasha May Pearl Kirton, late of 4 Tarner Court, Balga, in the State of Western Australia, deceased. Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on 30 May 2020, are required by the joint executors and trustees, Debby Marie Carley and Marian Lamattina, of 42 Hartwell Street, Coolbinia in the State of Western Australia, to send particulars of their claims to them by the 22nd day of July 2021, after which date the executors and trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

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

## Notice to Creditors and Claimants

Estate of Elaine Joyce Gilpin late of 10 Stokes Terrace, Spencer Park, Western Australia, deceased. Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates), in respect of the estate of the deceased who died on 22 November 2019 are requested by the Executrix, Merylyn Ann Lyall care of HHG Legal Group, Level 8, 863 Hay Street, Perth 6000, Western Australia, to send particulars of their claims to the Executrix at the above address, within one month from the date on which this notice is published, after which date the Executrix may convey or distribute the assets of the estate, having regard only to the claims of which she then has notice.

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

## Notice to Creditors and Claimants

Jacqueline Ellinor Gellel, late of 121 Aldersyde Meander, Baldivis, 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 9 May 2021, are required by the executor, Katherine Ellen Rose, care of Bespoke Wills and Estates, Suite 6, 14 Main Street, Osborne Park, Western Australia, to send particulars of their claims to them within one (1) month of the 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.

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**ZZ406****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 Suzanne Katrina Burns late of 3 Powell Road, Coogee, WA, who died on 4 November 2020, is required by the personal representative Terri Larissa Whyte to send particulars of their claims to IRDI Legal, 248 Oxford Street, Leederville, 6007 by 21 July 2021, after which date the personal representative may convey or distribute assets, having regard only to the claims of which they then have notice.

**ZZ407****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

Edwin Gilchrist Palmer, late of 32 Weydale Street, Doubleview, in the State of Western Australia, Truck Driver, Retired, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died 7 April 2021, are required by the applicant for grant of representation, c/- CS Legal, Level 6, 218 St George's Terrace, Perth WA 6000 to send particulars of their claims to the applicant within 30 days from the date of publication of this notice, after which date the applicant for grant of representation may convey or distribute the assets, having regard only to the claims of which she/he then has notice.

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