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## PUBLISHING DETAILS

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)

- Inquiries regarding publication of notices can be directed to the Publications Officer on (08) 6552 6012.
- **Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.**

After lodging any notices, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*



## GOVERNMENT GAZETTE

### PUBLISHING DETAILS FOR CHRISTMAS 2021 AND NEW YEAR HOLIDAY PERIOD 2022

Publishing Dates	Closing Dates and Times for copy
Tuesday, 21 December 2021	Friday, 17 December 2021 at 12 noon
Friday, 24 December 2021	Wednesday, 22 December 2021 at 12 noon
Friday, 31 December 2021	Wednesday, 29 December 2021 at 12 noon

**The Government Gazette will not be published on  
Tuesday 28 December 2021  
Tuesday 4 January 2022**

The next edition will be published on Friday 7 January 2022 and  
copy will close 12 noon Wednesday 5 January 2022

# — PART 1 —

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## COMMUNITY AND CHILD SERVICES

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CN301

Education and Care Services National Law (WA) Act 2012

### **Education and Care Services National Amendment Regulations (No. 3) 2021**

SL 2021/220

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Education and Care Services National Amendment Regulations (No. 3) 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 January 2022.

**3. Regulations amended**

These regulations amend the *Education and Care Services National Regulations 2012*.

**4. Regulation 124 amended**

(1) Delete regulation 124(2)(a) and insert:

- (a) no more than 4 can be children who are 4 years of age or under on 30 June of the current calendar year; and

(2) In regulation 124(5) delete “preschool age or under,” and insert:

4 years of age or under on 30 June of the current calendar year,

V.MOLAN, Clerk of the Executive Council.

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**WORKCOVER**

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WC301

Workers’ Compensation and Injury Management Act 1981

## **Workers’ Compensation and Injury Management Amendment Regulations 2021**

**SL 2021/221**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Workers’ Compensation and Injury Management 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* (**gazettal day**);
- (b) the rest of the regulations —
- (i) if gazettal day is before 1 February 2022 — on 1 February 2022; or
- (ii) otherwise — on the day after gazettal day.

**3. Regulations amended**

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

**4. Regulation 68 inserted**

At the end of Part 10 insert:

**68. Post-traumatic stress disorder: prescribed disease and prescribed employment (Act s. 49F)**

(1) In this regulation —

*ambulance emergency communications officer* means a person whose primary duties include —

- (a) to receive telephone calls for emergency ambulance attendance; and
- (b) to provide instructions and advice, including first aid advice, prior to the arrival of an ambulance;

*DSM-5* means the Diagnostic and Statistical Manual of Mental Disorders, 5<sup>th</sup> edition, published by the American Psychiatric Association in 2013;

*paramedic* means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the paramedicine profession;

*psychiatrist* means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession who is registered under that Law in the speciality of psychiatry.

(2) For the purposes of section 49F(1)(a) of the Act, post-traumatic stress disorder is specified as a prescribed disease.

(3) For the purposes of section 49F(1)(b) of the Act, the following kinds of employment are specified as prescribed employment for post-traumatic stress disorder —

- (a) employment as a paramedic;
- (b) employment as an ambulance officer;
- (c) employment as an ambulance emergency communications officer.

- (4) Section 49F(3) of the Act does not apply to a worker who suffers an injury by contracting post-traumatic stress disorder unless —
- (a) the worker is diagnosed as having post-traumatic stress disorder by a psychiatrist in accordance with the diagnostic criteria in DSM-5 for post-traumatic stress disorder; and
  - (b) the worker is first diagnosed as having post-traumatic stress disorder (whether in accordance with paragraph (a) or otherwise) on or after the day on which the *Workers' Compensation and Injury Management Amendment Regulations 2021* regulation 4 comes into operation.

V.MOLAN, 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**

[Part 10, Division 3, s.147]

Workplace Employment and Training Services (Inc)—A0821514j

On 10 May 2021 the Commissioner for Consumer Protection (Commissioner) served a notice on the above named Association 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 28 October 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.

Dated 15 December 2021.

Signed by—

CAROLE FINN, Manager Associations and Charities.

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### ELECTORAL

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EL401

**ELECTORAL ACT 1907**

**REGISTRATION OF POLITICAL PARTIES—WESTERN AUSTRALIA**

Notice of Amendment to the Register (Section 62H and 62K)

I hereby give notice in accordance with section 62H(5)(c) of the *Electoral Act 1907* that on 21 December 2021 I amended the register of political parties, by approving the application from the “Waxit Party” to change the party name, and abbreviation to be used on ballot papers, to “Small Business Party”.

ROBERT KENNEDY, Electoral Commissioner.

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**ENERGY**

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EN401

**ELECTRICITY INDUSTRY ACT 2004**  
**ELECTRICITY INDUSTRY (PILBARA NETWORKS) REGULATIONS 2021**  
PILBARA NETWORKS RULES

Pilbara Networks Rules Amendments made by the Minister for Energy.

I, Hon Bill Johnston MLA, Minister for Energy for the State of Western Australia, hereby give notice of amendments to the Pilbara Networks Rules made in accordance with regulation 9(6) of the *Electricity Industry (Pilbara Networks) Regulations 2021*.

These Pilbara Networks Rules may be cited as Pilbara Networks Rules Amendments (Tranche 2) 2021 and come into operation at the time and date determined by the Coordinator under rule A2.8.12.

A copy of the Pilbara Networks Rules Amendments (Tranche 2) 2021 are published on the website maintained by the Coordinator of Energy, which as at the date of this notification is Energy Policy WA's website.

Dated at Perth this 20th December 2021.

Hon. BILL JOHNSTON, MLA, Minister for Energy.

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EN402

**ELECTRICITY INDUSTRY ACT 2004**  
LICENCE AMENDMENT

Notice is given that the following electricity retail licence has been amended—

Licencee: Northern Star (Power) Pty Ltd  
ABN 85 065 116 841

Address: Level 2, 388 Hay Street  
Subiaco, WA 6008

Classification: Electricity retail licence (ERL9, Version 8)

Commencement Date: 11 May 2021

Date of amendment: 24 December 2021

Term of Licences: Up to and including 10 May 2036

Licence Area: The licence area is the area as set out in plan  
**ERA-EL-101(C)** in the State of Western Australia.

Amendment: Change of licensee's name from Newmont Power Pty Ltd to Northern Star  
(Power) Pty Ltd

Inspection of Licences: Economic Regulation Authority  
4th Floor, Albert Facey House  
469 Wellington Street  
Perth WA 6000  
<http://www.erawa.com.au>

MR STEVE EDWELL, Chair, Economic Regulation Authority.

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EN403

**ELECTRICITY INDUSTRY ACT 2004**  
LICENCE AMENDMENT

Notice is given that the following electricity distribution licence has been amended—

Licencee: Northern Star (Power) Pty Ltd  
ABN 85 065 116 841

Address: Level 2, 388 Hay Street  
Subiaco, WA 6008

Classification: Electricity distribution licence (EDL4, Version 9)

Commencement Date: 11 May 2021

Date of amendment: 24 December 2021

Term of Licences: Up to and including 10 May 2036



Licence Area:	The licence area is the area as set out in plans <b>ERA-EL-106(B)</b> in the state of Western Australia
Amendment:	Change of licensee's name from Newmont Power Pty Ltd to Northern Star (Power) Pty Ltd
Inspection of Licences:	Economic Regulation Authority 4th Floor, Albert Facey House 469 Wellington Street Perth WA 6000 <a href="http://www.erawa.com.au">http://www.erawa.com.au</a> MR STEVE EDWELL, Chair, Economic Regulation Authority.

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## FIRE AND EMERGENCY SERVICES

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### FE401

#### EMERGENCY MANAGEMENT ACT 2005

##### EXTENSION OF STATE OF EMERGENCY DECLARATION

I, Reece Raymond Whitby, the Minister for Emergency Services, hereby extend the state of emergency declaration made on 15 March 2020 at 12:45 pm.

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

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

Time when declaration made: 4:26 pm.

Date on which declaration made: 14 December 2021.

This declaration has effect from 12 am on 17 December 2021 and remains in force until—

(a) 12 am on 31 December 2021; or

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

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

REECE RAYMOND WHITBY, Minister for Emergency Services.

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### FE402

#### BUSH FIRES ACT 1954

##### TOTAL FIRE BAN DECLARATION

Correspondence No. D18023

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 19 December 2021 for the local government districts of—

East Pilbara and Port Hedland

Dated 18 December 2021.

BRAD DELAVALLE, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

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**FE403****BUSH FIRES ACT 1954**  
TOTAL FIRE BAN DECLARATION

Correspondence No. D18023

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 20 December 2021 for the local government districts of—

Ashburton, Karratha and Exmouth.

Dated 19 December 2021.

BRAD DELAVALLE, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

**FE404****BUSH FIRES ACT 1954**  
TOTAL FIRE BAN DECLARATION

Correspondence No. D18023

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 21 December 2021 for the local government districts of—

Exmouth, Carnarvon, Cue, Meekatharra, Menzies, Mount Magnet, Murchison, Sandstone, Shark Bay, Upper Gascoyne, Wiluna and Yalgoo

Dated 20 December 2021.

PAUL CARR, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

**FE405****BUSH FIRES ACT 1954**  
TOTAL FIRE BAN DECLARATION

Correspondence No. D18023

Pursuant to powers delegated under the *Bush Fires Act 1954*, the Assistant Commissioner of the Department of Fire and Emergency Services, declared under Section 22A of the *Bush Fires Act 1954*, a total fire ban for 22 December 2021 for the local government districts of—

Ashburton, Karratha, Carnarvon, Cue, Meekatharra, Menzies, Mount Magnet, Murchison, Sandstone, Shark Bay, Upper Gascoyne, Wiluna and Yalgoo

Dated 21 December 2021.

Paul CARR, Assistant Commissioner of the Department of Fire and Emergency Services, as a sub-delegate of the Minister under section 16 of the *Fire and Emergency Services Act 1998*.

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**HEALTH**

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**HE401****PUBLIC HEALTH ACT 2016**

## EXTENSION OF DECLARATION (NO.3) 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 22 September 2021 at 16:25 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: 1:15 pm.

Date of this extension: 17 December 2021.

Hon. ROGER COOK, MLA, Minister for Health.

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**JUSTICE**


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JU401

**PRISONS ACT 1981**

## PERMIT DETAILS

Pursuant to Section 15P of the *Prisons Act 1981*, I hereby issue the following permit—

Surname	Other Name(s)	Permit No.
Du Pax	Cambion	PA 0529

Dated 15 December 2021.

MIKE REYNOLDS, Commissioner.

JU402

**PRISONS ACT 1981**

## PERMIT DETAILS

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

Surname	Other Name(s)	Permit No.
Potter	Mark Stephen	AP 0598

Dated 15 December 2021.

MIKE REYNOLDS, Commissioner.

JU403

**PROFESSIONAL STANDARDS ACT 1997**

## AUTHORISATION AND PUBLICATION PURSUANT TO SECTION 26

## The Queensland Law Society 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 Queensland Law Society Professional Standards Scheme (the Scheme) submitted to me by the Professional Standards Council of Queensland. The Scheme is published with this authorisation and will commence in accordance with section 27 of the Act.

Dated 29 November 2021.

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

**The Queensland Law Society**

Professional Standards Scheme

*Professional Standards Act 2004* (QLD)**PREAMBLE****Occupational Association**

A. The Queensland Law Society (“the Society”) is a voluntary association for legal practitioners who practice as solicitors. It is a statutory corporation constituted under the *Legal Profession Act 2007* (Q). It is an occupational association under the *Professional Standards Act 2004* (Q) (“the Act”).

**The Nature of the Scheme**

- B. The Society has made an application to the Professional Standards Council (“Council”), for approval of a scheme under the Act, and this document comprises the scheme (“the Scheme”).
- C. The Scheme is intended to operate under the Act, which has the purpose of improving occupational standards of professional persons and to protect the consumers of their services.
- D. The Scheme has been prepared by the Society for the purposes of limiting the occupational liability of Participating Members to the extent such liability may be limited under the Act.
- E. The Scheme limits damages to be awarded against a Participating Member to the monetary ceiling specified for that Participating Member if the Participating Member has the benefit of Insurance as required by the Scheme.

**Risk Management**

- F. The Society has furnished the Council with a detailed list of the risk management strategies intended to be implemented in respect of its Participating Members and the means by which those strategies are intended to be implemented.
- G. The Society will report annually on the implementation and monitoring of its risk management strategies, the effect of those strategies and any changes made or proposed to be made to them.

**Insurance**

- H. Participating Members are required to have the benefit of current professional indemnity insurance as prescribed by the LPA, the Queensland Law Society Administration Rule 2005 and the Queensland Law Society Indemnity Rule 2005. The Society has furnished the Council with details of its insurance standards and professional indemnity insurance claims monitoring process.
- I. The Society has advised its Participating Members that they must have the benefit of a professional indemnity policy that complies with the Society's insurance standards and that they remain liable for the amount of any difference between the amount payable to a plaintiff under the policy and the applicable monetary ceiling specified in the Scheme.

**Complaints and Discipline**

- J. Participating Members are subject to a complaints and discipline regime operating under the LPA. All Participating Members must comply with provisions of the LPA and the *Legal Profession (Society) Rules 2007*.

**Compliance**

- K. The Society has undertaken—
- (a) to comply with all the reporting obligations associated with this Scheme, in furtherance of the statutory objects of improvement of the occupation standards of its members and protection of the consumers of such member services;
  - (b) to require from its members that participate in this Scheme their agreement to comply with all requirements of the Society so as to enable it to meet its obligations in paragraph sub (a) above; and
  - (c) to remit all fees payable under the Professional Standards Regulation 2017 to the Council as and when they become due.

**Administration of the Scheme**

- L. Responsibility for administration of the Scheme and ensuring it complies with the requirements of the Act and the Council lies with the Council of the Society.

**Commonwealth prescription of the Scheme**

- M. Sections 12GNA(2) of the *Australian Securities and Investments Commission Act 2001* (Cth), 137(2) of the *Competition and Consumer Act 2010* (Cth), and 1044B(2) of the *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 under regulations by the Commonwealth.

**THE QUEENSLAND LAW SOCIETY PROFESSIONAL STANDARDS SCHEME****1. Occupational Association and definitions**

1.1 The Queensland Law Society Professional Standards Scheme is a scheme under the Act prepared by the Society whose business address is 179 Ann Street, Brisbane, Queensland.

1.2 Relevant definitions for the purpose of the Scheme are as follows—

“**Act**” means the *Professional Standards Act 2004* (Q)

“**Australian Lawyer**” has the same meaning as in the LPA.

“**Australian Practising Certificate**” has the same meaning as in the LPA.

“**Corporate practising certificate**” means a practising certificate issued to an Australian lawyer that has a condition that the lawyer is not to engage in legal work other than providing in-house legal services to a corporation that is not an incorporated legal practice.

“**Corresponding Laws**” means the *Professional Standards Act 1994* (NSW), the *Professional Standards Act 2003* (Vic), *Professional Standards Act 2004* (SA), *Professional Standards Act 1997* (WA), *Professional Standards Act 2005* (Tas), *Professional Standards Act 2004* (NT), the *Civil Law (Wrongs) Act 2002* (ACT), as applicable.

“**Council**” means the Professional Standards Council established under s41 of the Act.

“**Court**” has the same meaning as it has in the Act.

“**Damages**” has the same meaning as it has in the Act.

“**Exempted Member**” means a full member, honorary member or an incorporated legal practice member who is, or was at the Relevant Time, exempted by the Society from participation in the scheme under clauses 3.3 and 3.4.

“**Financial year**” means a financial accounting period ending 30 June.

“**Full Member**” means a person within the category of full membership of the Society's as defined in s7 of the *Legal Profession (Society) Rules 2007*.

“**Government Legal Officer**” has the same meaning as in the LPA.

“**Honorary Member**” means a person within the category of Honorary Membership of the Society as defined in s10A of the *Legal Profession (Society) Rules 2007* who holds an Australian Practising Certificate;

“**Incorporated Legal Practice**” has the same meaning as in the LPA.

“**Incorporated Legal Practice Member**” means a corporation within that category of the Society’s membership as defined in s10B of the *Legal Profession (Society) Rules 2007*.

“**Indemnity Rule**” means the *Queensland Law Society Indemnity Rule 2005*.

“**LPA**” means the *Legal Profession Act 2007 (Qld)*.

“**Law Practice**” has the same meaning as in the LPA.

“**Occupational Liability**” has the same meaning as it has in the Act.<sup>1</sup>

“**Participating Members**” means those persons specified in clause 3.1 of the Scheme.

“**Principal**” has the same meaning as in the LPA.

“**Relevant Time**”, in relation to a cause of action relating to Occupational Liability, means the time when the act or omission giving rise to the cause of action happened.

“**Scheme**” means the Queensland Law Society Professional Standards Scheme.

“**Society**” means the Queensland Law Society.

“**Total annual fee income**” means the amount charged during a financial year for services provided by or on behalf of a Law Practice, some of whose members are members of the Society to whom the Scheme applies.

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<sup>1</sup> Section 6(1) of the Act provides that it does not apply to liability for damages because of the death of or personal injury to a person; any negligence or other fault of a lawyer in acting for a client in a personal injury claim; a breach of trust; fraud or dishonesty. Section 6(2) of the Act provides that it does not apply to liability that may be the subject of proceedings under the *Land Title Act* 1994, part 9, division 2, subdivision C.

## 2. Jurisdictions in which the Scheme Applies

2.1 The Scheme applies in Queensland pursuant to the Act.

2.2 In addition to Queensland the Scheme is intended to operate in New South Wales, Victoria, Tasmania, South Australia, Western Australia, the Northern Territory of Australia and the Australian Capital Territory in accordance with the professional standards legislation of those states and territories and subject to the requirements of that legislation (the Corresponding Laws), so that references to a provision of the Act, the application of the Scheme to a liability, the limit of a liability under the Act or what constitutes Occupational Liability are intended to pick up the relevant provisions of the Corresponding Laws, applied mutatis mutandis, to the extent that is necessary for the application of the Scheme in any of those jurisdictions as an interstate scheme.

2.3 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.

## 3. Persons to Whom the Scheme Applies

3.1 The Scheme applies to—

- 3.1.1 Full Members and Honorary Members who hold an Australian Practising Certificate, who are not excluded or exempted under clauses 3.2 or 3.3 of the Scheme;
- 3.1.2 Incorporated Legal Practice Members that are not exempted under clause 3.3 of the Scheme;
- 3.1.3 all persons to whom, by virtue of ss 20, 21 or 21A of the Act, the Scheme applies<sup>2</sup>;
- 3.1.4 all persons to whom clauses 3.1.1 and 3.1.2 applied at the Relevant Time but no longer applies.

3.2 A person referred to in clause 3.1.1 does not include a practitioner who holds or held at the Relevant Time a Corporate Practising Certificate issued by the Society, or is or was at the Relevant Time a Government Legal Officer.

3.3 A person referred to in clause 3.1 may, on written application, be exempted from participation in the Scheme by the Society with effect from the date on which the exemption is granted. This clause does not apply to persons to whom the Scheme applies by virtue of ss 20 or 21 of the Act.

3.4 The Society may, upon application by an Exempted Member revoke an exemption of the person from participation in the Scheme from a date specified by the Society.

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<sup>2</sup>Section 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 and employee of that person. However, if such officer of the body corporate or partner or employee of the person is entitled to be a member of the same occupational association as the body corporate or person (as applicable) but is not a member, the Scheme does not apply to the officer, partner or employee. Section 21A extends the limitation of liability to other persons to whom the Scheme applies.

#### 4. Limitation of Liability

4.1 The Scheme limits the Occupational Liability of a Participating Member for Damages<sup>3</sup>—

- 4.1.1 arising from a single cause of action founded on an act or omission; and
- 4.1.2 to the extent those damages exceed the amounts specified as the monetary ceiling in Cl. 4.5.

4.2 If a Participating Member against whom a cause of action relating to Occupational Liability<sup>4</sup> is brought is able to satisfy the Court that—

- 4.2.1 the Participating Member has the benefit of an insurance policy insuring him or her against the Occupational Liability to which the cause of action relates; and
- 4.2.2 the amount payable under the insurance policy in respect of that Occupational Liability is not less than the amount of the monetary ceiling specified in Cl 4.6 as applying to the Participating Member against whom the proceeding is brought—  
the Participating Member is not liable in Damages in relation to that cause of action above the amount of that monetary ceiling.

4.3 For the operation of the scheme in a jurisdiction other than Queensland under a Corresponding Law of that jurisdiction, Occupational Liability means any liability included in the definition of Occupational Liability in the Corresponding Law which is in force in that jurisdiction from time to time.

4.4 Notwithstanding clause 4.1, for the operation of this Scheme in a jurisdiction other than Queensland under a Corresponding Law of that jurisdiction, the Occupational Liability to which the Scheme applies does not include liability to which the corresponding law states from time to time it does not apply.

4.5 The monetary ceiling applicable for the purposes of limitation of liability under the Scheme at the Relevant Time is to be determined according to the following table—

Class	Description	Monetary ceiling
1	Participating Members who at the Relevant Time were in a Law Practice that consisted of up to and including 20 Principals and where the Law Practice generates Total annual fee income for the financial year at the Relevant Time up to and including \$10 million.	\$1.5m
2	a) Participating Members who at the Relevant Time were in a Law Practice that consisted of greater than 20 Principals; or (b) Participating Members who at the Relevant Time were in a Law Practice that generated Total annual fee income for the financial year at the Relevant Time greater than \$10 million.	\$10m

4.6 The Scheme limits the Occupational Liability in relation to a cause of action founded on an act or omission that happens when the Scheme is in force of any person to whom the Scheme applies when the act or omission happens.

<sup>3</sup> Damages as defined in Schedule 2 of the Act means:

- (a) damages awarded in respect of a claim or counter-claim or by way of set-off; and
- (b) costs in or in relation to the proceedings ordered to be paid in connection with such an award (other than costs incurred in enforcing a judgment or incurred on an appeal made by a defendant); and
- (c) any interest payable on the amount of those damages or costs<sup>1</sup>

<sup>4</sup>Section 7A of the Act provides that a reference in the Act “to the amount payable under an insurance policy in respect of an occupational liability includes a reference to –

- (a) defence costs payable in respect of a claim, or notification that may lead to a claim (other than reimbursement of the defendant for the time spent in relation to the claim), but only if those costs are payable out of the one sum insured under the policy in respect of the occupational liability; and
- (b) the amount payable under or in relation to the policy by way of excess.”

However, see also section 27A of the Act and its note, which has the effect that section 7A does not reduce the cap on the liability of the Participating Member to the client.

#### 5 Conferral of Discretionary Authority

5.1 The Society has discretionary authority, on application by a Participating Member, to specify in relation to the Participating Member, a higher monetary ceiling than would otherwise apply under the Scheme in relation to the Participating Member in all cases or any specified case or class of case.

5.2 Before exercising that discretion in favour of the Participating Member, the Society must be satisfied the amount payable under the current professional indemnity insurance of which the Participating Member has the benefit is at least equal to the proposed higher monetary ceiling.

**6 Duration**

6.1 This Scheme will commence in Queensland, New South Wales, Victoria, Tasmania, Western Australia and the Northern Territory on 1 July 2022.

6.2 In the Australian Capital Territory and South Australia, this Scheme will commence—

- (a) On the date provided for in the Minister's notice in relation to the Scheme 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.

6.3 The Scheme will remain in force for 5 years from its commencement, subject to s. 33 of the Act.

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## LOCAL GOVERNMENT

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**LG401***SHIRE OF DALWALLINU*

## APPOINTMENTS

It is hereby notified for public information that the following persons have been appointed Authorised Officers in accordance with the relevant Acts hereunder effective immediately—

*Local Government Act 1995*, Part 3, Division 3, Subdivision 2, Certain provisions about land—S3.24 (relates to the issuing of notices)—

Ms Jean Knight  
 Ms Hanna Jolly  
 Mr Doug Burke  
 Mr Marc Bennett

*Litter Act 1979*, S27AA, Honorary inspectors, appointment of (relates to the power to undertake certain actions as set out in S27(2) of the Act)—

Ms Jean Knight  
 Ms Hanna Jolly  
 Mr Doug Burke  
 Ms Kylie Spark  
 Ms Samantha Di Candilo  
 Mr Matthew Sharpe

*Local Government Act 1995*, Part 3, Division 3, Subdivision 4, Impounding goods involved in certain contraventions— S3.39 (relates to the power to remove and impound)—

Ms Jean Knight  
 Ms Hanna Jolly  
 Mr Doug Burke

*Local Government Act 1995*, Part 9, Division 2, Subdivision 1 and 2, Miscellaneous provisions about enforcement and infringement notices—S9.10, S9.11, S9.13, S9.15, S9.16 and S9.17 and *Control of Vehicles (Off-road Areas) Act 1978*—S37 (relates to the finding of a person committing an offence)—

Ms Jean Knight  
 Ms Hanna Jolly  
 Mr Doug Burke  
 Ms Kylie Spark  
 Ms Samantha Di Candilo  
 Mr Matthew Sharpe

*Local Government Act 1995*, Part 9, Division 2, Subdivision 1 and 2, Miscellaneous *Local Government Act 1995*, Part 9, Division 2, Subdivision 2, Miscellaneous provisions about enforcement—S9.19 and S9.20 (relates to amendment of notices)—

Ms Jean Knight

*Local Government (Miscellaneous Provisions) Act 1960*—S499 Local Government may establish pounds, appoint Pound Keepers and Rangers—

Ms Kylie Spark (Pound Keeper and Ranger)  
 Ms Samantha Di Candilo (Pound Keeper and Ranger)  
 Mr Kevin Ashby (Pound Keeper)  
 Mr David Hughes (Pound Keeper)

*Dog Act 1976 and Cat Act 2011*—Registration and Authorised Officers—

Ms Jean Knight ( Authorised and Registration)  
 Ms Hanna Jolly ( Authorised and Registration)  
 Mr Doug Burke ( Authorised and Registration)

Mr Marc Bennett ( Authorised and Registration)  
Mr Matthew Sharpe ( Authorised and Registration)  
Ms Kylie Spark ( Authorised and Registration)  
Ms Samantha Di Candilo (Authorised and Registration)  
Ms Lailah Woodford (Registration)  
Ms Angella Davey (Registration)  
Ms Megan Pipe (Registration)  
Ms Sheree Sundstrom (Registration)  
Ms Christie Andrews (Registration)  
Mr David Hughes (Authorised)  
Mr Kevin Ashby (Authorised)

*Public Health Act 2016*—S17 Appointment of Environmental Health Officer—

Mr Doug Burke

*Bush Fires Act 1954*—S59(1) and (3)—Issue of infringement notices, Council Delegation—Other 03—

Ms Jean Knight

Ms Hanna Jolly

Mr Doug Burke

*Caravan Parks and Camping Grounds Act 1995*—S17 Authorised Persons—

Ms Jean Knight

Mr Doug Burke

*Building Act 2011*—exercise powers conferred under Part 8 Division 3;

Ms Jean Knight

Mr Doug Burke

All previous authorisations are hereby revoked.

Ms JEAN KNIGHT, Chief Executive Officer.

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## MINERALS AND PETROLEUM

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MP101

*CORRECTION*

**MINING ACT 1978**

APPLICATION FOR AN ORDER FOR FORFEITURE

An error occurred in the notice published under the above heading on page 5599 of *Government Gazette* No. 212 of 2021 dated 17 December 2021.

Forfeiture action was commenced in error for the following tenements;

P 15/6421	Pelm Resources Pty Ltd
P 16/3222	Pelm Resources Pty Ltd
P 16/3256	Pelm Resources Pty Ltd
P 16/3257	Pelm Resources Pty Ltd



## PLANNING

### PL401

#### PLANNING AND DEVELOPMENT ACT 2005 APPROVED TOWN PLANNING SCHEME AMENDMENT

*City of South Perth*

Town Planning Scheme No. 6—Amendment No. 61

Ref: TPS/2452

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of South Perth Town Planning Scheme amendment on 21 December 2021 for the purpose of—

1. For the land bounded by Melville Parade, Richardson Street, Labouchere Road, Mends Street, Mill Point Road, Sir James Mitchell Park, South Perth Esplanade and Mill Point Close, being the land outlined in Provision 1 of Schedule 9B—
  - (a) Rezoning this land to ‘Centre’;
  - (b) Re-coding this land to R-AC0;
  - (c) Amending the Scheme Map accordingly;
  - (d) Amending the Scheme Map—Building Height Plan to show this land referring to Schedule 9B.
2. Amending the Scheme Map to delete Special Control Area 1—South Perth Station Precinct.
3. Deleting clause 3.2(o) and amending the Scheme Maps by deleting Precinct 15—South Perth Station.
4. Replacing clause 3.3(9) as follows—
 

‘For all development within the South Perth Activity Centre, as defined by Provision 1 of Schedule 9B, and within SCA2 Civic Site, land use controls are contained in Schedule 9B and Schedule 13.’
5. Modifying clause 4.3(1)(c) to replace reference to Special Control Area 1 ‘South Perth Station Precinct’ with ‘the South Perth Activity Centre Plan as defined in Provision 1 of Schedule 9B.’
6. Deleting clause 4.3(1)(m) relating to the special application of the Residential Design Codes within SCA1 South Perth Station Precinct.
7. Modifying clause 4.3(1)(n) to replace reference to ‘Schedule 9A’ with ‘Schedule 9B’.
8. Replacing clause 4.7(3) as follows—
 

‘For any dwellings within the South Perth Activity Centre, as defined by Provision 1 of Schedule 9B, and within SCA2 Civic Site, the provisions of clause 4.7 and Table 2 do not apply.’
9. Replacing clause 5.1(6) as follows—
 

‘For any development within the South Perth Activity Centre, as defined by Provision 1 of Schedule 9B, and within SCA2 Civic Site, the provisions of clause 5.1 and Table 3 do not apply.’
10. Replacing clause 5.3(3) as follows—
 

‘For any development within the South Perth Activity Centre, as defined by Provision 1 of Schedule 9B, and within SCA2 Civic Site, the provisions of clause 5.3 and Table 5 do not apply.’
11. Deleting clause 6.1A(10) and renumbering remaining sub-clauses of 6.1A accordingly.
12. Modifying new clause 6.1A(10)(a) to read as follows—
 

‘(a) In the Centre zone building height shall be measured in accordance with the relevant provisions contained in any relevant schedule of this Scheme or the Activity Centre Plans applicable to the Activity Centre, whichever is applicable.’
13. Adding a new sub-clause (c) to new clause 6.1A(10) to read as follows—
 

‘(c) For development within the South Perth Activity Centre Plan, the building height limits are as prescribed in Schedule 9B and Schedule 13.’
14. Deleting clause 6.3A(8).
15. Modifying clause 6.3(13) to read as follows—
 

‘(13) For development in the South Perth Activity Centre as defined by Provision 1 of Schedule 9B, the provisions of sub-clauses (1) and (2) do not apply. Car parking ratios for such development are prescribed in the South Perth Activity Centre Plan and Schedule 13.’
16. Modifying-clause 6.4(6) to read as follows—
 

‘(6) For development in the South Perth Activity Centre as defined by Provision 1 of Schedule 9B, requirements relating to bicycle parking and end-of-trip facilities are contained in the South Perth Activity Centre Plan and Schedule 13 and the provisions of clause 6.4 do not apply.’
17. Modifying clause 7.8(2)(e) to read as follows—
 

‘(e) The provisions contained in Schedule 9B applicable to development within the South Perth Activity Centre as defined by Provision 1 of Schedule 9B and Schedule 13, unless a provision in Schedule 9B and Schedule 13 states that the provisions are open to variation; and’
18. Deleting clause 10.1(1)(b).

19. Amending the notation in Table 1: Zoning—Land Use for the Centre Zone as follows—

‘Land use permissibility subject to an adopted and endorsed Activity Centre Plan or any applicable schedule of the Scheme, unless otherwise agreed by the local government.’

20. Adding the following land use to Schedule 1: Definitions—

**serviced apartment:** means a group of units or apartments providing—

- (a) self-contained short stay accommodation for guests; and
- (b) any associated reception or recreational facilities.

21. Deleting Schedule 9A—Special Control Area SCA1—South Perth Station Precinct;

22. Inserting a new Schedule 9B—South Perth Activity Centre as follows—

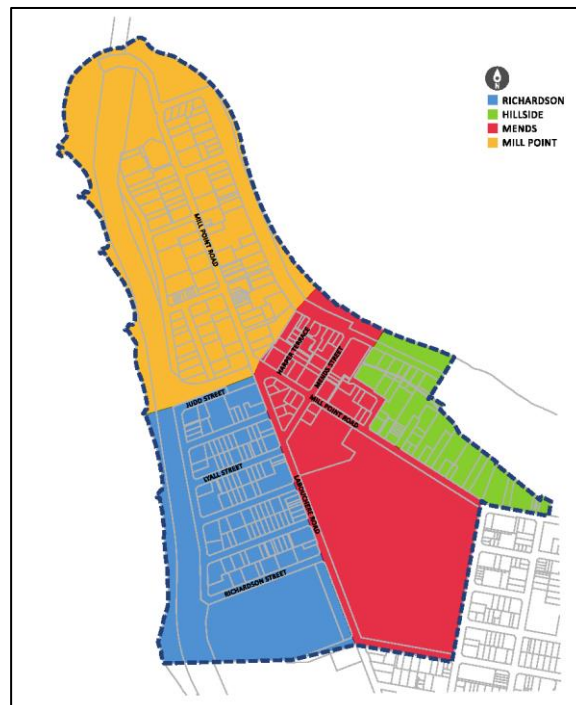
#### SCHEDULE 9B

#### SOUTH PERTH ACTIVITY CENTRE

##### Provision 1 Land comprising South Perth Activity Centre

The South Perth Activity Centre Plan area (ACP Area) is delineated on Map 1. This Schedule applies to all land within the ACP area with the exception of the land bounded by Mends Street, Labouchere Road and Mill Point Road (landmark site).

**Map 1: South Perth Activity Centre Plan area**



##### Provision 2 Operation of Schedule 9B

1. This schedule is to be read in conjunction with the South Perth Activity Centre Plan. All comprehensive new development proposed within the ACP shall—
  - a. comply with the development requirements contained in Provision 5 of this Schedule; and
  - b. have due regard to the South Perth Activity Centre Plan.
2. Within the ACP Area—
  - a. the provisions of this Schedule and the Activity Centre Plan do not apply to the following forms of development—
    - i. alterations and/or additions within the approved building envelope;
    - ii. renovations or repairs to buildings;
  - b. the forms of development referenced in paragraph 2(a) are subject to all other relevant provisions of the Scheme and any applicable local planning policies.

##### Provision 3 Definitions

1. In this Schedule—

‘**Activity Centre Plan**’ or ‘**ACP**’ means the activity centre plan for the ACP Area approved by the Commission under Part 5 of the Deemed Provisions.

‘**basement**’ means a building floor level in which 50 per cent or more of its volume is below natural ground level.

‘**building envelope/s**’ as defined under the *Planning and Development (Local Planning Scheme) Regulations 2015* indicates the intended maximum extent of development for a site, defined by a combination of building height limits, and setbacks from street, side and rear boundaries.

‘**gross floorplate area**’ means the gross total area of one floor of a building including the area of any internal and external walls.

‘**heritage place**’ has the same meaning as contained in clause 13(1) of the Deemed Provisions.

‘**landmark site**’ means the land identified on Map 1, bounded by Labouchere Road, Mill Point Road and Mends Street.

‘**plot ratio**’ is the ratio of the gross plot ratio area of buildings on a development site to the area of land in the site boundaries.

‘**plot ratio area**’ is the gross total area of all floors of buildings on a development site, including the area of any internal and external walls but not including—

- the areas of any lift shafts;
- stairs or stair landings common to two or more dwellings;
- machinery, air conditioning and equipment rooms;
- space that is wholly below natural ground level;
- areas used exclusively for the parking of wheeled vehicles at or below natural ground level;
- storerooms;
- lobbies, bin storage areas, passageway/s to bin storage areas or amenities areas common to more than one dwelling;
- balconies, eaves, verandahs, courtyards and roof terraces.

‘**podium**’ means the base of a building upon which taller (tower) elements are positioned.

‘**podium site cover**’ means the area of the development site which is covered by the podium of the building.

‘**community benefit contribution**’ means a monetary or in-kind contribution paid or provided to the local government in order to gain approval of development with additional building height and/or plot ratio above the Primary building height and/or plot ratio limit contained in Provision 5.

‘**short-term accommodation**’ has the same meaning as contained within Schedule 1, Part 6, Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

‘**storey**’ means the portion of a building which is situated between the top of any floor and the top of the floor next above it and if there is no floor above it, that portion between the top floor and ceiling above it but does not include—

- a basement;
- a space that contains only a lift shaft, stairway or meter room;
- a mezzanine;
- a loft.

‘**tourist development**’ has the same meaning as contained within Schedule 1, Part 6, Division 1 of the *Planning and Development (Local Planning Schemes) Regulations, 2015*.

‘**tower**’ means the part of a building above the podium or, where the building does not include a differentiated podium, a free-standing building that exceeds the height permitted for a podium.

2. A reference to a map or table in this Schedule is a reference to a map or table which forms part of this Schedule.

#### **Provision 4 Character Areas**

1. The ACP Area is divided into four character areas, as shown on Map 1.

#### **Provision 5 Development Requirements for New Development**

##### Element 1: Zoning, residential density coding and land uses

- 1.1 The ACP Area is zoned Centre and has a residential density code of R-AC0.
- 1.2 The permissibility of uses of land in the character areas is determined by the cross reference between the list of land uses on the left-hand side of Table 1 and the list of character areas on top of Table 1.
- 1.3 The symbols used in Table 1 of the Schedule have the meanings set out in clause 3.3(3) of this Scheme.
- 1.4 A use not listed in Table 1 which cannot reasonably be determined as being included in the general terms of any of the uses defined in Schedule 1 of this Scheme may only be approved if notice of the development is first given in accordance with clause 64 of the Deemed Provisions, and shall be determined having regard to—
  - 1.4.1 Objectives of the character area in the ACP; and
  - 1.4.2 Relevant provisions of the Scheme, this schedule and the ACP.

Table 1: Land Use Permissibility

Land Uses	Character Area			
	Mends	Richardson	Hillsid e	Mill Point
<b>Residential Land Uses</b>				
Single House	D	D	D	D
Ancillary Accommodation	D	D	D	D
Grouped Dwelling	D	D	D	D
Multiple Dwelling	P	P	P	P
Aged or Dependent Persons' Dwelling	D	D	D	D
Single Bedroom Dwelling	D	D	D	D
Residential Building	DC	DC	DC	DC
Student Housing	P	P	DC	DC
Bed and Breakfast Accommodation	P	D	D	D
Home Business	D	D	P	P
Home Occupation	D	D	D	D
Home Office	P	P	P	P
<b>Non-Residential Land Uses</b>				
Aged or Dependent Persons Amenities	D	D	D	D
Café/Restaurant	P	P	DC	DC
Child Day Care Centre	D	D	DC	DC
Cinema / Theatre	D	DC	X	X
Civic Use	P	P	D	D
Club Premises	D	D	X	X
Consulting Rooms	P	P	D	DC
Convenience Store	P	P	DC	DC
Educational Establishment	D	D	DC	DC
Family Day Care	X	X	DC	DC
High Level Residential Aged Care Facility	D	DC	DC	DC
Hospital	DC	DC	X	X
Hotel	D	D	X	DC
Indoor Sporting Activities	DC	DC	DC	DC
Industry—Light	X	X	X	X
Industry—Service	X	X	X	X
Liquor Store—(Large)	X	X	X	X
Liquor Store—(Small)	D	DC	X	X
Local Shop	P	P	D	D
Market	D	D	X	X
Mixed Development	D	D	D	D
Motor Vehicle and Equipment Hire	X	X	X	X
Motor Vehicle and Marine Sales Premises	X	X	X	X
Motor Vehicle Wash	DC	X	X	X
Night Club	DC	X	X	X
Office	P	P	D	DC
Public Parking Station	P	P	X	X
Public Utility	P	P	D	D
Radio and Television Installation	D	D	X	X
Reception Centre	D	D	X	X
Religious Activities	DC	DC	X	X
Research and Development	D	D	X	X
Restricted Premises	X	X	X	X
Service Station	DC	X	X	X
Serviced Apartment	D	D	X	DC
Shop	P	P	DC	X
Showroom	X	X	X	X

Land Uses	Character Area			
	Mends	Richardson	Hillsid e	Mill Point
Small Bar	D	D	DC	DC
Take-Away Food Outlet	P	P	X	X
Tavern	D	D	X	X
Telecommunications Infrastructure	D	D	DC	DC
Tourist Accommodation	D	D	DC	DC
Tourist Development	D	D	DC	DC
Veterinary Clinic	D	D	DC	X

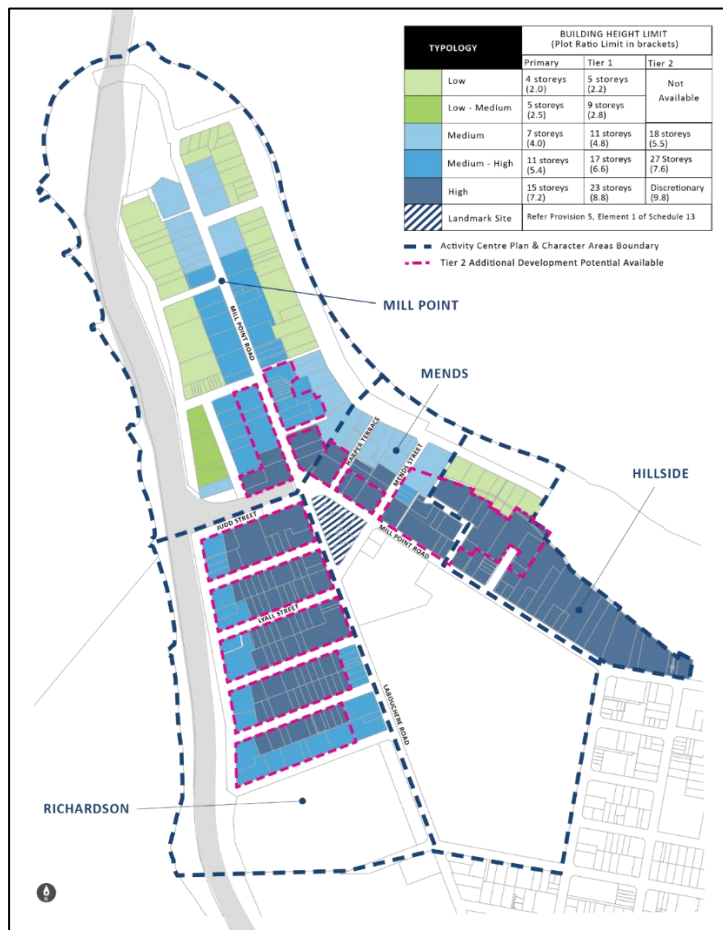
#### Element 2: Building Height

- 2.1 Subject to Element 2.2, the height of a building must not exceed the applicable Primary building height limit contained in Map 2 and Table 2.
- 2.2 Subject to Element 2.3, a building may be approved with building height in excess of the applicable Primary building height limit but not greater than the applicable Tier 1 building height limit contained in Map 2 and Table 2 if the requirements of Element 7 of this Schedule are satisfied.
- 2.3 A building may be approved with building height in excess of the applicable Tier 1 building height limit contained in Map 2 and Table 2 if—
- the site of the building is one which Map 2 and Table 2 identify as being subject to Tier 2 building height; and
  - the requirements of Element 7 and 8 of this Schedule are satisfied; and
  - the plot ratio of the building does not exceed the applicable Tier 2 plot ratio limit referred to in Element 6.
- 2.4 (a) On Lot 113 (No. 81-85) South Perth Esplanade Tier 2 Additional Development Potential is available only on the portion of the lot that is set back not less than 50 metres from South Perth Esplanade;
- (b) On Lot 2 (No. 53) South Perth Esplanade Medium-High Typology is only available on the portion of the lot that is set back not less than 53 metres from South Perth Esplanade at the southern boundary of the lot and 45 metres from South Perth Esplanade at the northern boundary of the lot.

**Table 2: Building Height Limits**

Typology	Primary Building Height Limit	Tier 1 Building Height Limit	Tier 2 Building Height Limit
<i>Low</i>	<i>4 storeys</i>	<i>5 storeys</i>	<i>Not available</i>
<i>Low-Medium</i>	<i>5 storeys</i>	<i>9 storeys</i>	<i>Not available</i>
<i>Medium</i>	<i>7 storeys</i>	<i>11 storeys</i>	<i>18 storeys</i>
<i>Medium-High</i>	<i>11 storeys</i>	<i>17 storeys</i>	<i>27 storeys</i>
<i>High</i>	<i>15 storeys</i>	<i>23 storeys</i>	<i>Discretionary</i>

Map 2: Building Height and Plot Ratio Limits



**Element 3: Podium Setbacks, Height and Site Cover**

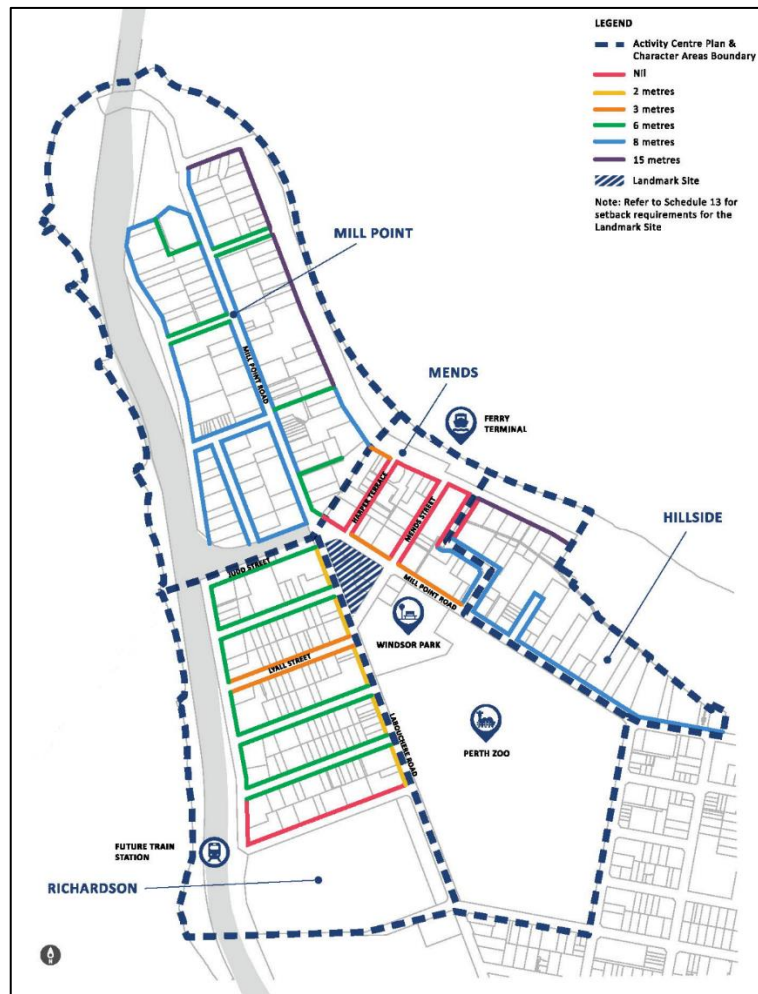
- 3.1 Podium setbacks and height should be in accordance with Table 3 and Map 3.
- 3.2 Variation from the podium setbacks and height recommended in Table 3 and Map 3 must have due regard to relevant objectives and development requirements in the ACP.
- 3.3 Podium site cover shall be in accordance with Table 3.

**Table 3: Podium Setbacks, Height and Site Cover**

Element	Development Control	Mill Point	Mends (excludes Landmark Site)	Hillside	Richardson
<b>Podium Setbacks</b>	<i>Podium Street Setback</i>	<i>Refer Map 3</i>	<i>Refer Map 3</i>	<i>Refer Map 3</i>	<i>Refer Map 3</i>
	<i>Podium Side Setback</i>	<i>4m</i>	<i>Nil</i>	<i>4m</i>	<i>4m</i>
	<i>Podium Rear Setback</i>	<i>4m</i>	<i>Nil</i>	<i>4m</i>	<i>4m</i>
<b>Podium Height and Boundary Walls</b>	<i>Podium maximum height at street front</i>	<i>2 storeys</i>	<i>3 storeys</i>	<i>2 storeys</i>	<i>3 storeys</i>
	<i>Podium maximum height and building boundary wall height</i>	<i>2 storeys</i>	<i>3 storeys</i>	<i>2 storeys</i>	<i>2 storeys</i>
	<i>Podium maximum boundary wall length</i>	<i>Two thirds length of boundary, and should be located behind street and rear setbacks.</i>	<i>None</i>	<i>Two thirds length of boundary, and should be located behind the street and rear setbacks .</i>	<i>Two thirds length of boundary, and should be located behind the street and rear setbacks.</i>

Element	Development Control	Mill Point	Mends (excludes Landmark Site)	Hillside	Richardson
Podium Site Cover	Podium maximum site cover	70% 80% within Tier 2 identified on Map 2	90%	70%	80%

Map 3: Podium Street Setbacks



Element 4: Tower Setbacks and Separation

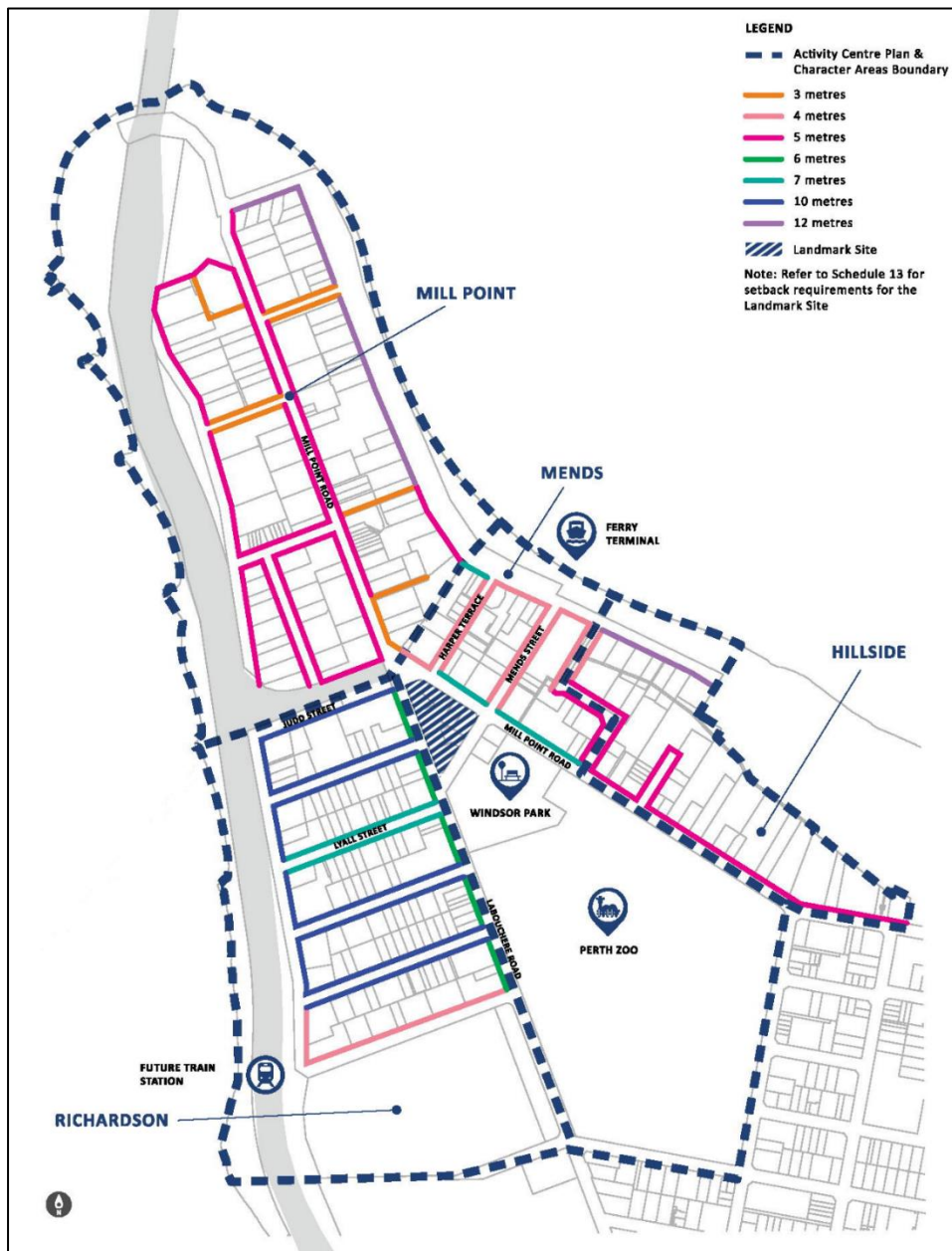
- 4.1 Tower Setbacks should be in accordance with Table 4 and Map 4.
- 4.2 Two or more towers within a single development site should be separated by a minimum of 8m or 8% of building height (whichever is greater), inclusive of balconies.
- 4.3 Variation from the tower setbacks and separation recommended in Table 4 and Map 4 and Element 4.2 must have due regard to relevant objectives and development requirements in the ACP.

Table 4: Tower Setbacks

Development Control	Mill Point	Mends (excludes Landmark Site)	Hillside	Richardson
Tower Street Setback	Refer Map 4	Refer Map 4	Refer Map 4	Refer Map 4
Tower Side and Rear Setback	4m or 5% of building height (whichever is greater)	4m or 5% of building height (whichever is greater)	4m or 5% of building height (whichever is greater)	4m or 5% of building height (whichever is greater)



Map 4: Tower Street Setbacks



**Element 5: Tower Maximum Gross Floorplate Area**

- 5.1 The maximum gross floorplate area of each floor of a tower shall not exceed the percentage of total site area set out in Table 5; and
- 5.2 Balconies projecting up to 2.4 metres from the enclosed part of the building floorplate may be excluded from the maximum gross floorplate area provided that the balcony is open on at least two sides and balustrades are visually permeable.

**Table 5: Tower Maximum Gross Floorplate Area (percentage of total site area)**

Character Area	Maximum gross floorplate area where Primary building height limit is to apply	Maximum gross floorplate area where Tier 1 building height limit is to apply	Maximum gross floor plate area where Tier 2 building height limit is to apply
Mends (excl. Landmark Site)	50%	40%	30%
Mill Point	50%	40%	30%
Richardson	50%	40%	30%
Hillside	40%	30%	20%



Element 6: Plot Ratio

- 6.1 Subject to Elements 6.2 and 6.3, the plot ratio of a building shall not exceed the applicable Primary plot ratio limit contained in Map 2 and Table 6.
- 6.2 Subject to Element 6.3, a building may be approved with plot ratio in excess of the applicable Primary plot ratio limit, but not greater than the applicable Tier 1 plot ratio limit contained in Map 2 and Table 6, if the requirements of Element 7 and Element 8 of this Schedule are satisfied.
- 6.3 A building with plot ratio in excess of the applicable Tier 1 plot ratio limit shall not be approved unless—
- the site of the building is one which Map 2 and Table 6 show as being subject to a Tier 2 plot ratio limit;
  - the plot ratio of the building does not exceed the applicable Tier 2 plot ratio limit; and
  - the requirements of Element 7 and Element 8 of this Schedule are satisfied.

**Table 6: Plot Ratio Limits**

<b>Typology (refer to Map 2)</b>	<b>Primary Plot Ratio Limit</b>	<b>Tier 1 Plot Ratio Limit</b>	<b>Tier 2 Plot Ratio Limit</b>
Low	2.0	2.3	<i>Not Available</i>
Low-Medium	2.5	2.8	<i>Not Available</i>
Medium	4.0	4.8	<i>Where available in accordance with Map 2, 5.5</i>
Medium-High	5.4	6.6	<i>Where available in accordance with Map 2, 7.6</i>
High	7.2	8.8	<i>Where available in accordance with Map 2, 9.8</i>

Element 7: Design Quality

- 7.1 The architectural design of any proposed comprehensive new development shall meet the relevant requirements of any policy and guidelines of the Western Australian Planning Commission relating to good design outcomes, and objectives and development requirements of the ACP.
- 7.2 In addition to Element 7.1, the architectural design of any proposed comprehensive new development above the Primary building height and/or plot ratio limits and up to the Tier 1 limits under Elements 2 and 6 of this Schedule shall achieve design excellence demonstrably exceeding the relevant requirements of any policy and guidelines of the Western Australian Planning Commission relating to good design outcomes, and objectives and development requirements of the ACP.
- 7.3 In determining any comprehensive new development under Element 7.1 and 7.2, due regard shall be given to the advice of the nominated Design Review Panel for all elements of the development relating to built form.
- 7.4 In addition to Element 7.1 and 7.2, the architectural design of any proposed comprehensive new development above the Tier 1 limits under Elements 2 and 6 of this Schedule shall—
- achieve design excellence demonstrably exceeding the relevant requirements of any policy and guidelines of the Western Australian Planning Commission relating to good design outcomes, and objectives and development requirements of the ACP; and
  - be reviewed by the State Design Review Panel, or equivalent body, as determined by the Western Australian Planning Commission in accordance with the requirements of the ACP.
- 7.5 In determining any comprehensive new development under Element 7.4, due regard shall be given to the recommendations of the review by the State Design Review Panel, or equivalent body, as determined by the Western Australian Planning Commission.

Element 8: Approval for Additional Development Potential (Height and Plot Ratio)

- 8.1 Notwithstanding any other provision in this scheme, a comprehensive new development proposing building height greater than the applicable Primary building height limit in this Schedule may be exempted from the requirement to pay community benefit contribution if the proposed building height does not exceed the building height equivalent to the development that existed on the site at the time that Amendment No. 61 is gazetted.

- 8.2 Approval of development with additional building height and/or plot ratio in excess of the Primary building height limit and/or the Primary plot ratio limit (as the case may be), under Elements 2 and 6 of this Schedule, shall not be granted unless—
- 8.2.1 approval of the proposed development would be appropriate having due regard to—
- (a) the relevant matters in clause 67 of the Deemed Provisions; and
  - (b) the objectives and vision of the ACP; and
  - (c) Objectives of the relevant character area in the ACP; and
  - (d) the relevant objectives of 4.1.1 Building Height and 4.2 Plot Ratio contained in Part 1 of the ACP; and
  - (e) whether the proposed development satisfies the other development requirements of Provision 5 of this Schedule and Part 1 of the ACP including but not limited to requirements relating to overshadowing, setbacks, tower maximum gross floorplate area and design quality.
- 8.2.2 the additional height and/or plot ratio will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality; and
- 8.2.3 the development satisfies the relevant requirements of Element 7 of this Schedule; and
- 8.2.4 a community benefit contribution, calculated in accordance with clause 8.3, is—
- (a) paid to the City of South Perth, and held in trust, to be expended in accordance with the ACP; or
  - (b) delivered onsite in accordance with the ACP;  
to the satisfaction of the City of South Perth.
- 8.3 Where a community benefit contribution is to be paid to the City in accordance with 8.2.4(a), the amount payable shall be in accordance with whichever of the following formula that yields the greatest contribution amount—
- (a)  $(3\% \times \text{total contract sum}) \times (\text{number of storeys above the Primary standard} \div \text{total number of storeys})$ ; or
  - (b)  $(3\% \times \text{total contract sum}) \times (\text{m}^2 \text{ of plot ratio area above the Primary standard} \div \text{m}^2 \text{ of total plot ratio area})$ .
- 8.4 The City of South Perth shall publish an annual statement in accordance with the ACP, that provides information about expenditure of the community benefit contribution.
- 8.5 Development which exceeds the maximum building height limit, maximum tower gross floorplate area or maximum plot ratio limit which applies to the development site under Elements 2, 5 and 6 of this Schedule shall not be approved.

23. Deleting the entirety of the columns of Table 1—Zoning Table relating to the ‘Mixed Use Commercial’ and ‘Mends Street Centre Commercial’ zones.

24. Deleting the entirety of any rows in Table 3—Development Requirements for Non-Residential Uses in Non-Residential Zones relating to the ‘Mends Street Centre Commercial’ and ‘Mixed Use Commercial’ zones.

25. Deleting the entirety of any rows in Table 6 relating to the ‘Mends Street Commercial Centre’ zone.

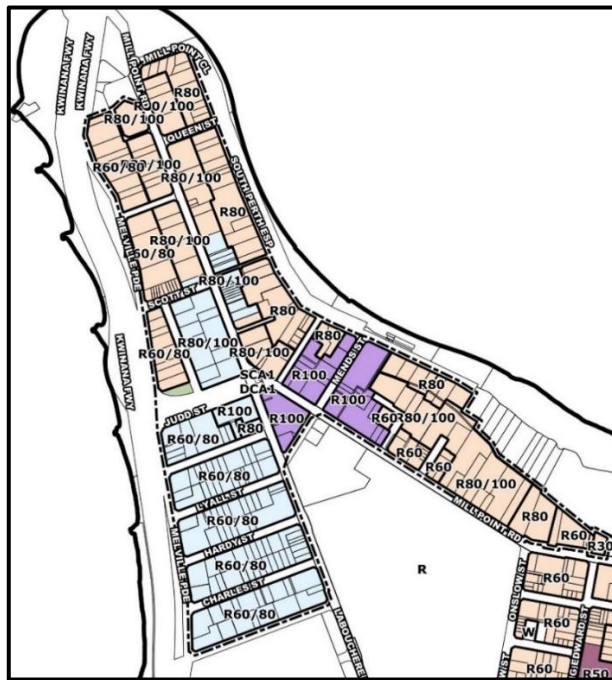
26. Deleting criteria relating to Precinct 1—Mill Point, contained in clause 3.1 of Schedule 3—Dual Density Codings: Performance Criteria for Determination of Applicable Coding as relevant to the R60/80 and R80/100 codes.

27. Deleting ‘DCA1’, the associated ‘Description of Land’ and ‘Development Contribution Plan’ from the table contained in Schedule 10 and deleting this annotation from the Scheme Map.

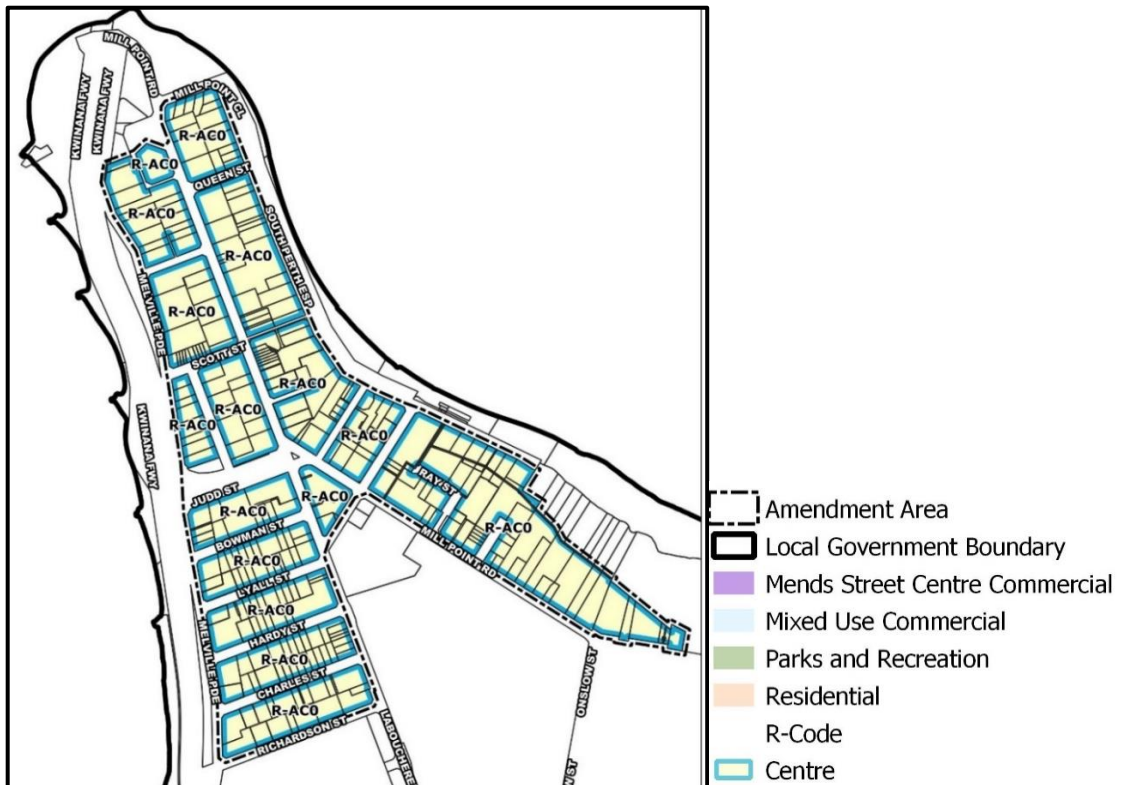
Adding the following text to Schedule 12:

No.	Description of Land	Additional requirements that apply to land covered by structure plan, activity centre plan or local development plan
2.	South Perth Activity Centre Plan area	Development requirements in the South Perth Activity Centre as defined by Provision 1 of Schedule 9B are set out in Schedule 9B (with the exception of the Landmark Site) and Schedule 13 (for the Landmark Site).

EXISTING ZONING



PROPOSED ZONING



SUE DOHERTY, Mayor.  
GEOFF GLASS, Chief Executive Officer.

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## PREMIER AND CABINET

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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 S F McGurk 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 14 January 2022 (both dates inclusive).

E. ROPER, Director General, Department of the Premier and Cabinet.

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PR402

**INTERPRETATION ACT 1984**  
COMMITTAL OF ADMINISTRATION OF ACT

It is notified for public information that on 21 December 2021, the Governor, under the *Interpretation Act 1984* section 12(a), committed the administration of the *Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021* to the Attorney General

V. MOLAN, Clerk of the Executive Council.

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## RACING, GAMING AND LIQUOR

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RA401

**RACING AND WAGERING WESTERN AUSTRALIA ACT 2003**  
NOTICE OF MAKING OF RULES OF GREYHOUND RACING

In accordance with section 45 (1) (c) of the *Racing and Wagering Western Australia Act 2003*, the Board of Racing and Wagering WA gives notice of the making of—

RWWA Rules of Greyhound Racing 2022

A copy of the Rules may be obtained from—

RWWA, 14 Hasler Road, Osborne Park

RWWA website, [www.rwwa.com.au](http://www.rwwa.com.au)

The RWWA Rules of Greyhound Racing 2022 shall come into operation on 31 January 2022.

The previous RWWA Rules of Greyhound Racing 2008 which came into effect on 1 January 2008, are therefore repealed and replaced by the RWWA Rules of Greyhound Racing 2022 as of the date of effect.

IAN EDWARDS, Chief Executive Officer.

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RA402

**GAMING AND WAGERING COMMISSION ACT 1987**  
APPOINTMENT OF MEMBERS TO THE GAMING AND WAGERING  
COMMISSION OF WESTERN AUSTRALIA

- Under section 12(1)(b) of the *Gaming and Wagering Commission Act 1987*, on 14 December 2021, the Minister for Racing and Gaming appointed Mr Steve Dobson as a member of the Gaming and Wagering Commission of Western Australia for a term commencing on 1 January 2022 and expiring on 30 June 2022.
- Under section 12(1)(b) of the *Gaming and Wagering Commission Act 1987*, on 14 December 2021, the Minister for Racing and Gaming appointed Ms Deirdre O'Donnell as a member of the Gaming and Wagering Commission of Western Australia for a term commencing on 1 January 2022 and expiring on 31 December 2022.

Dated this 21 day of December 2021

GERMAINE LARCOMBE, Executive Director, Racing Gaming Liquor Regulation,  
Department Of Local Government, Sport And Cultural Industries.

## TRANSPORT

TN401

### OWNER-DRIVERS (CONTRACTS AND DISPUTES) ACT 2007

#### GUIDELINE RATES—TABLE A: NEW VEHICLES

The rates published on 25 September 2020 in the *Government Gazette* are revoked and replaced with the following guideline rates—

PROVISIONAL RATES October 2021 For New Vehicles Heavy Vehicle Type	Metropolitan Based on diesel fuel cost of \$1.574 per litre		Regional Based on diesel fuel cost of \$1.624 per litre			
	One Driver		One Driver		Two Drivers	
	Hourly Rate (ex GST)	Rate per km (ex GST)	Hourly Rate (ex GST)	Rate per km (ex GST)	Hourly Rate (ex GST)	Rate per km (ex GST)
5 tonne GVM (rigid truck, 2 axles)	59.72	2.76	82.32	1.24		
8 tonne GVM (rigid truck, 2 axles)	61.65	2.85	85.13	1.28		
15 tonne GVM (rigid truck, 2 axles)	67.92	3.14	93.62	1.41		
22.5 tonne GVM (rigid truck, 3 axles)	75.27	3.47	105.89	1.60		
Prime mover (haulier) 2 axles, 31.5 tonne GCM	81.61	3.77	116.68	1.76		
Prime mover (haulier) 3 axles, 1 trailer, 42.5 tonne GCM	88.02	3.56	122.47	1.85	110.52	1.73
Prime mover (haulier) 3 axles, 2 trailers 79 tonne GCM	99.81	4.03	144.95	2.19	146.86	2.30
Prime mover (haulier) 3 axles, 3 trailers 122.5 tonne GCM			161.44	2.44	172.09	2.70
Prime mover + 1 trailer 42.5 tonne GCM	93.92	3.79	129.55	1.95	115.58	1.81
Prime mover + 2 trailers 79 tonne GCM	114.22	4.61	164.76	2.49	130.98	2.05
Prime mover + 3 trailers 122.5 tonne GCM			193.63	2.92	144.43	2.27
B-Double 62.5 tonne GCM	113.70	4.59	162.93	2.46	145.50	2.28
Pocket road train (haulier) 79 tonne GCM	100.03	4.04	144.95	2.19	130.98	2.05

**OWNER-DRIVERS (CONTRACTS AND DISPUTES) ACT 2007****GUIDELINE RATES—TABLE B: VEHICLES 5 YEARS OLD**

The rates published on 25 September 2020 in the *Government Gazette* are revoked and replaced with the following guideline rates—

PROVISIONAL RATES October 2021 For Vehicles 5 Years Old Heavy Vehicle Type	Metropolitan Based on diesel fuel cost of \$1.574 per litre		Regional Based on diesel fuel cost of \$1.624 per litre			
	One Driver		One Driver		Two Drivers	
	Hourly Rate (ex GST)	Rate per km (ex GST)	Hourly Rate (ex GST)	Rate per km (ex GST)	Hourly Rate (ex GST)	Rate per km (ex GST)
5 tonne GVM (rigid truck, 2 axles)	59.02	2.72	81.79	1.23	<del>                    </del>	
8 tonne GVM (rigid truck, 2 axles)	60.55	2.80	84.29	1.27	<del>                    </del>	
15 tonne GVM (rigid truck, 2 axles)	66.46	3.07	92.51	1.40	<del>                    </del>	
22.5 tonne GVM (rigid truck, 3 axles)	72.89	3.37	104.09	1.57	<del>                    </del>	
Prime mover (haulier) 2 axles, 31.5 tonne GCM	78.91	3.64	114.64	1.73	<del>                    </del>	
Prime mover (haulier) 3 axles, 1 trailer, 42.5 tonne GCM	85.45	3.45	120.53	1.82	109.10	1.71
Prime mover (haulier) 3 axles, 2 trailers 79 tonne GCM	97.16	3.92	142.95	2.16	129.52	2.03
Prime mover (haulier) 3 axles, 3 trailers 122.5 tonne GCM	<del>                    </del>		158.84	2.40	143.07	2.24
Prime mover + 1 trailer 42.5 tonne GCM	90.45	3.65	126.93	1.91	113.66	1.78
Prime mover + 2 trailers 79 tonne GCM	109.48	4.42	161.17	2.43	144.24	2.26
Prime mover + 3 trailers 122.5 tonne GCM	<del>                    </del>		188.55	2.84	168.38	2.64
B-Double 62.5 tonne GCM	108.79	4.39	159.21	2.40	142.79	2.24
Pocket road train (haulier) 79 tonne GCM	97.39	3.93	142.95	2.16	129.52	2.03

The Guideline Rates—

- Are based on standard, tray-top vehicles.
- Are based on fuel consumption data released by Australian Trucking Association.
- Do not set a minimum or maximum rate.
- Provide general guidance.
- Metropolitan rates might also be applicable for some operations in regional areas.
- Table A rates are based on new vehicles; Table B rates are based on vehicles 5 years old.

- Owner-drivers and hirers need to consider their individual circumstances in deciding a rate that is appropriate for a particular freight task. The Owner-Drivers Cost Calculator, available on the Department of Transport website at <https://www.transport.wa.gov.au/Freight-Ports/owner-drivers.asp>, can assist with cost and rate calculations.
- “Prime mover + 1, 2 or 3 trailers” refers to trailers owned or leased by the owner-driver.
- 2 axles => single steer, single drive; 3 axles => single steer, bogie drive.

The above rates have been approved by the Road Freight Transport Industry Council.

Dated 21 December 2021.

ANNE-MARIE BRITS, Chair of the Road Freight Transport Industry Council.

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## WORKCOVER

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### WC401

#### WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981 EXEMPTION NOTICE

Given by the Board for the purposes of section 164 of the *Workers' Compensation and Injury Management Act 1981* (the Act).

#### Notice of Exemption

Notice is given that on 14 December 2021, the Governor, acting under section 164 of the Act and with the advice and consent of Executive Council, exempted The Trustee for the Oxford Unit Trust from the obligation to insure against liability to pay compensation except for the obligation to insure against liability to pay compensation for any industrial diseases referred to in section 151(a)(iii) of the Act.

This exemption ensures The Trustee for the Oxford Unit Trust is included as part of the Healius Limited's group exempt employer arrangement.

SHARRYN JACKSON, Chair, WorkCover WA.

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### WC402

#### WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981 REVOCATION NOTICE

Given by the Board for the purposes of section 168 of the *Workers' Compensation and Injury Management Act 1981* (the Act).

#### Notice of Revocation

Notice is given that on 14 December 2021, the Governor acting under section 168 of the Act and with the advice and consent of Executive Council, ordered the exemption given to Oxford Medical Pty Ltd under section 164 be revoked.

This revocation ensures Oxford Medical Pty Ltd is no longer part of Healius Limited's exempt employer approval.

SHARRYN JACKSON, Chair, WorkCover WA.

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### WC403

#### WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981 APPROVED MEDICAL SPECIALISTS ORDER (NO.2) 2021

Made by WorkCover WA under section 146F(1) of the Act.

#### 1. Citation

This order is the *Approved Medical Specialists Order (No.2) 2021*

#### 2. Approved Medical Specialists

The following medical practitioner has been designated as an approved medical specialist (AMS) with WorkCover WA under section 146F(1) of the Act—

Ka-Wei Wong

CHRIS WHITE, Chief Executive Officer, WorkCover WA.

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**PUBLIC NOTICES**

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**ZZ401****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

Marianne Cross, late of Peter Arney Care Facility, 1 Gentilli Way, Salter Point, Western Australia, Teacher, 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 17 September 2021 are required by Birman & Ride of Level 3, 16 Irwin Street, Perth WA 6000 to send particulars of their claim to them by the date one month from the publication date after which date the Trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

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

## Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of Jean Florence Menkens late of Anchorage Aegis Care, 340 Anchorage Drive North, Mindarie WA who died on 17 July, 2021 are required by the Executor to send particulars of their claims to The Executor Julie Blake, of the Estate of the late JF Menkens, PO Box 2263, Clarkson WA 6030 on or before 30 days after the date of publication of this notice, after which date the Executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

Dated: 17th December 2021.

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

## Notice to Creditors and Claimants

Estate of the late Patricia Kay Creasy (also known as Patricia Kaye Creasy) of 45 Bottlebrush Drive, Greenwood, 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 above-named Deceased who died on 8 June 2021 are required to send particulars of their claims to the Executors, care of RSM (see address below) within one (1) month of the date of publication of this notice after which date the Executors may convey or distribute the assets having regard only to claims of which notice has been given.

c/- Andrew Marshall, RSM, GPO Box R1253, Perth WA 6844.  
Telephone: (08) 9261 9393.  
Contact: Andrew Marshall.

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

## Notice to Creditors and Claimants

Alexander Bielak, late of 19 Birrel Place, Gosnells, 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 10 February 2021, are required by the Administrator, Holly Ann Loder, to send particulars of their claims care of ABS Succession Lawyers, PO Box 4050, Eden Hill, WA 6054, on or before 30 days from 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 they then have notice.

ABS SUCCESSION LAWYERS as solicitors for the Administrator.

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

## Notice to Creditors and Claimants

Graeme Allan Hammer, late of 17 Reaside Crescent, Cooloongup, Western Australia, Truck Driver, 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 4 May 2021 are required by Malcolm Boyd Hammer, the administrator of the Estate (Trustee) to send particulars of their claim to him care of Birman & Ride of Level 3, 16 Irwin Street, Perth WA 6000 by the date one month from the publication date after which date the Trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

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

## Notice to Creditors and Claimants

Estate of Philip Stephen York late of 72 Victoria Road, Kenwick, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the deceased, who died on 29th January 2021 are required by the executor Alicia Rebecca Strother to send particulars of their claims to Estate of the late Philip York, Summers Legal, PO Box 7767, Cloisters Square, Perth, WA, 6850, within 30 days 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.

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