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Government

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## CONTENTS

### PART 1

|  | Page |
|--|------|
| Children and Community Services Amendment Act 2021 Commencement Proclamation (No. 2) 2022..... | 4951 |
| Children and Community Services Amendment Regulations (No. 3) 2022.....                        | 4952 |
| Electricity Industry Exemption Amendment Order (No. 2) 2022 .....                              | 4955 |
| Environment Regulations Amendment Regulations 2022 .....                                       | 4953 |
| Financial Management (Statutory Authorities) Regulations 2022.....                             | 4967 |
| Home Building Contracts Amendment Regulations 2022.....  | 4956 |
| Road Traffic (Vehicles) Amendment Regulations (No. 2) 2022 .....                               | 4958 |
| State Superannuation Amendment Regulations (No. 2) 2022 .....                                  | 4968 |

### PART 2

|                              |      |
|------------------------------|------|
| Cemeteries .....             | 4971 |
| Housing .....                | 4971 |
| Justice .....                | 4972 |
| Local Government.....        | 4972 |
| Minerals and Petroleum ..... | 4982 |
| Planning .....               | 4983 |
| Premier and Cabinet .....    | 4983 |
| Public Notices.....          | 4985 |
| Regional Development.....    | 4983 |
| Water.....                   | 4984 |
| WorkCover .....              | 4984 |

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# — PART 1 —

## PROCLAMATIONS

AA101

Children and Community Services Amendment Act 2021

### Children and Community Services Amendment Act 2021 Commencement Proclamation (No. 2) 2022

SL 2022/167

Made under the *Children and Community Services Amendment Act 2021* section 2(c) by the Governor in Executive Council.

#### 1. Citation

This proclamation is the *Children and Community Services Amendment Act 2021 Commencement Proclamation (No. 2) 2022*.

#### 2. Commencement

The provisions of the *Children and Community Services Amendment Act 2021* listed in the Table come into operation on 1 November 2022.

**Table**

|           |           |
|-----------|-----------|
| s. 52(3)  | s. 52(8)  |
| s. 52(9)  | s. 52(17) |
| s. 52(18) | s. 52(19) |
| s. 53(1)  | s. 53(5)  |
| s. 53(10) | s. 53(11) |
| s. 54     |           |

C. DAWSON, Governor

L.S.

S. McGURK, Minister for Child Protection.

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**COMMUNITY AND CHILD SERVICES**

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CN301

Children and Community Services Act 2004

**Children and Community Services Amendment  
Regulations (No. 3) 2022**

SL 2022/168

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Children and Community Services Amendment Regulations (No. 3) 2022*.

**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 November 2022.

**3. Regulations amended**

These regulations amend the *Children and Community Services Regulations 2006*.

**4. Regulation 22 amended**

In regulation 22:

- (a) in paragraph (e) delete “Act).” and insert:

Act);

- (b) after paragraph (e) insert:

- (f) the health service provider with the corporate name “North Metropolitan Health Service” established under the *Health Services (Health Service Providers) Order 2016* clause 8(1);
- (g) the health service provider with the corporate name “South Metropolitan Health Service” established under the *Health Services (Health Service Providers) Order 2016* clause 9(1);

- (h) the health service provider with the corporate name “East Metropolitan Health Service” established under the *Health Services (Health Service Providers) Order 2016* clause 10(1);
- (i) the health service provider with the corporate name “Child and Adolescent Health Service” established under the *Health Services (Health Service Providers) Order 2016* clause 12(1);
- (j) the health service provider with the corporate name “WA Country Health Service” established under the *Health Services (Health Service Providers) Order 2016* clause 14(1).

B. D’Sa, Clerk of the Executive Council.

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## CONSERVATION

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CO301

Conservation and Land Management Act 1984

# Environment Regulations Amendment Regulations 2022

SL 2022/170

Made by the Governor in Executive Council.

## Part 1 — Preliminary

### 1. Citation

These regulations are the *Environment Regulations Amendment Regulations 2022*.

### 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 — *Conservation and Land Management Regulations 2002* amended**

**3. Regulations amended**

This Part amends the *Conservation and Land Management Regulations 2002*.

**4. Regulation 98A amended**

In regulation 98A in the definition of *South-west zone* delete “Department of Environment and Conservation plan entitled “South-west zone — Apiary Permits and Licenses” dated August 2009.” and insert:

plan published on the Department’s website entitled “South-west zone — Apiary Permits and Licences” and dated August 2009.

**5. Regulation 98E deleted**

Delete regulation 98E.

**6. Schedule 3 amended**

Delete Schedule 3 Form 3.

**Part 3 — *Forest Management Regulations 1993* amended**

**7. Regulations amended**

This Part amends the *Forest Management Regulations 1993*.

**8. Regulation 69 deleted**

Delete regulation 69.

**9. Schedule 2 deleted**

Delete Schedule 2.

B. D’Sa, Clerk of the Executive Council.

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**ENERGY**

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EN301

Electricity Industry Act 2004

**Electricity Industry Exemption Amendment  
Order (No. 2) 2022**

SL 2022/171

Made by the Governor in Executive Council.

**1. Citation**

This order is the *Electricity Industry Exemption Amendment Order (No. 2) 2022*.

**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. Order amended**

This order amends the *Electricity Industry Exemption Order 2005*.

**4. Clause 3 amended**

- (1) In clause 3(1) delete the definition of *generation capacity*.
- (2) In clause 3(1) in the definition of *connection point*:
  - (a) delete “*point*” and insert:

*point*, in relation to generating works,
  - (b) delete “system;” and insert:

system.

- (3) Delete clause 3(2) and insert:
- (2) A person is exempt from the *Electricity Industry Act 2004* section 7(1) if —
- (a) in relation to the construction of generating works — the total generation capacity that the generating works will have is not more than 100 MW at each connection point after construction is completed; or
  - (b) in relation to the operation of generating works — the generation capacity of the generating works is not more than 100 MW at each connection point.

Note: The heading to amended clause 3 is to read:

**Exemption for generating works of 100 MW or less**

B. D'SA, Clerk of the Executive Council.

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## INDUSTRY REGULATION

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IS301

Home Building Contracts Act 1991

# Home Building Contracts Amendment Regulations 2022

SL 2022/172

Made by the Governor in Executive Council.

## 1. Citation

These regulations are the *Home Building Contracts Amendment Regulations 2022*.

## 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 — 1 December 2022.



**3. Regulations amended**

These regulations amend the *Home Building Contracts Regulations 1992*.

**4. Regulations 7A to 7C inserted**

After regulation 7 insert:

**7A. Prescribed amount of insurance for loss of deposit: builder (section 25D(1)(a)(i))**

For the purposes of section 25D(1)(a)(i) of the Act, the prescribed limit is \$40 000.

**7B. Prescribed minimum amount of insurance cover: builder (section 25D(1)(e)(i))**

For the purposes of section 25D(1)(e)(i) of the Act, an amount of \$200 000 is prescribed.

**7C. Prescribed minimum amount of insurance cover: owner-builder (section 25G(1)(c)(i))**

For the purposes of section 25G(1)(c)(i) of the Act, an amount of \$200 000 is prescribed.

**5. Schedule 1 amended**

- (1) In Schedule 1 under the heading “**This notice**” delete “A copy of the Act can be obtained from the State Law Publisher (check the White Pages for the current address).” and insert:

A copy of the Act can be accessed electronically at  
<<https://www.legislation.wa.gov.au>>.

- (2) In Schedule 1 under the heading “**Home indemnity insurance**” delete “\$20 000);” and insert:

\$40 000);

B. D’SA, 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. 2) 2022**

SL 2022/174

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Road Traffic (Vehicles) Amendment Regulations (No. 2) 2022*.

**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) regulations 3, 5, 13(4) and 15 to 20 — on 7 November 2022;
- (c) the rest of the regulations — on 7 November 2023.

**3. Regulations amended**

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

**4. Regulation 3 amended**

- (1) In regulation 3 delete the definition of *tow truck*.
- (2) In regulation 3 insert in alphabetical order:

*tow* includes the following —

- (a) to carry;
- (b) to lift and tow;
- (c) to lift and carry;
- (d) to lift for the purpose of towing;

*tow truck* means —

- (a) a motor vehicle that is —
  - (i) equipped with a crane, winch, ramp or other lifting or loading device; and

- (ii) used or intended to be used for the towing or salvaging of a motor vehicle;
- or
- (b) a combination consisting of a prime mover towing a semi-trailer that is —
  - (i) equipped with a crane, winch, ramp or other lifting or loading device; and
  - (ii) used or intended to be used for the towing or salvaging of a motor vehicle.

**5. Regulation 363 amended**

In regulation 363(1) delete “that” (1<sup>st</sup> occurrence).

**6. Regulation 407A inserted**

At the beginning of Part 12 Division 1 insert:

**407A. Terms used**

In this Part —

***tilt tray tow truck*** means a tow truck that is equipped with —

- (a) a fixed or tilting platform or tray for the carriage of a motor vehicle; and
- (b) a winch for loading a motor vehicle onto the platform or tray.

**7. Regulation 409 amended**

- (1) Before regulation 409(1) insert:

- (1A) In this regulation —

***address*** means —

- (a) a residential or business address; or
  - (b) a post office box address.
- (2) In regulation 409(4):
- (a) delete “suitable spacer bars and safety chains” and insert:

equipment of a type approved by the CEO

- (b) delete “towed and the spacer bars must be so designed as to minimise any damage to the towed vehicle caused by the towing vehicle or its equipment.” and insert:

towed.

- (3) In regulation 409(6) delete “that is” and insert:

of a type approved by the CEO

- (4) In regulation 409(7) delete “letters at least 50 mm high and 25 mm wide —” and insert:

a type and form approved by the CEO —

- (5) After regulation 409(7) insert:

- (8) A tilt tray tow truck must be fitted with a rear underrun protective device of a type approved by the CEO.

## **8. Regulation 410 amended**

- (1) In regulation 410(3) delete the passage that begins with “complying” and ends with “order.” and insert:

of a type approved by the CEO.

- (2) After regulation 410(3) insert:

- (4) The driver of a tow truck that is towing a heavy vehicle must ensure that the heavy vehicle displays a warning sign of a type and placement approved by the CEO.

Note: The heading to amended regulation 410 is to read:

**Lights, warning devices and signs**

## **9. Regulations 411 to 413 deleted**

Delete regulations 411 to 413.

## **10. Regulation 414 amended**

- (1) In regulation 414(2):

- (a) delete “are to” and insert:

other than tilt tray tow trucks must

- (b) delete “6 125 kg and fitted with a crane having a safe working load of not less than 5 080 kg.” and insert:

6 125 kg, fitted with a crane having a safe working load of not less than 5 080 kg and having a minimum GCM of 18 t.

Class 4 —

Tow trucks having a load capacity of not less than 7 t, fitted with a crane having a safe working load of not less than 7 t and having a minimum GCM of 60 t.

- (2) After regulation 414(2) insert:

- (2A) Tilt tray tow trucks must be classified in accordance with these specifications —

Class 1T —

Tilt tray tow trucks having a load capacity of not less than 1 270 kg and fitted with a winch having a safe working load of not less than 1 045 kg.

Class 2T —

Tilt tray tow trucks having a load capacity of not less than 3 040 kg and fitted with a winch having a safe working load of not less than 2 540 kg.

Class 3T —

Tilt tray tow trucks having a load capacity of not less than 6 125 kg and fitted with a winch having a safe working load of not less than 5 080 kg.

Class 4T —

Tilt tray tow trucks having a load capacity of not less than 12 t and fitted with a winch having a safe working load of not less than 7 t.

- (3) In regulation 414(3):

- (a) delete “GVM” and insert:

gross mass

- (b) delete the Table and insert:

| <b>Class of tow truck</b> | <b>Gross mass of vehicle</b> |
|---------------------------|------------------------------|
| 1, 1T                     | 2 030 kg                     |
| 2, 2T                     | 5 080 kg                     |

## 11. Regulation 415 amended

- (1) Before regulation 415(1) insert:

- (1A) In this regulation —

*lifting apparatus* means a crane, winch, ramp or other lifting or loading device that is capable of elevating a motor vehicle to a higher position or level.

- (2) In regulation 415(2):

- (a) delete “crane” and insert:

lifting apparatus

- (b) delete “crane.” and insert:

lifting apparatus.

- (3) In regulation 415(3) delete “crane” and insert:

lifting apparatus

- (4) After regulation 415(4) insert:

- (4A) A lifting apparatus must be provided with adequate means for supporting the load in its raised position while under tow.

- (5) In regulation 415(5) delete “crane” and insert:

lifting apparatus

## 12. Regulation 416 deleted

Delete regulation 416.

**13. Regulation 417 amended**

(1) Before regulation 417(1) insert:

- (1A) Except as provided in subregulation (2), (3) or (3A), the driver of a Class 3 or Class 4 tow truck towing a vehicle must have control of the braking system of the towed vehicle.

Penalty for this subregulation:

- (a) for a first offence, a fine of 2 PU;
- (b) for a second or subsequent offence, a fine of 4 PU.

(2) In regulation 417(1) and (2) after “Class 3” insert:

or Class 4

(3) After regulation 417(3) insert:

- (3A) In the case of a tilt tray tow truck towing a vehicle by means of an underlift system in circumstances where the driver of the tow truck does not have control of the braking system of the towed vehicle, the maximum combined mass of the tilt tray tow truck and the towed vehicle must not exceed the lesser of the following —

- (a) the tilt tray tow truck GVM plus its towing capacity;
- (b) if the tilt tray tow truck towing capacity is not specified by the manufacturer — the tilt tray tow truck GVM plus 750 kg;
- (c) the tilt tray tow truck GCM.

(4) In regulation 417(4) in the Penalty delete “an offence under”.

**14. Regulation 418 amended**

In regulation 418(2) after “Class 3” insert:

or Class 4

**15. Regulation 419 amended**

- (1) In regulation 419(1) delete the passage that begins with “has completed in duplicate” and ends with “when so completed.” and insert:

has —

- (a) completed in duplicate a statement setting out the following —
- (i) the name and address of the person licensed to operate the tow truck;
  - (ii) the name and address of the tow truck’s driver;
  - (iii) the tow truck’s number plate details;
  - (iv) the name and address of the owner of the vehicle to be towed or salvaged, if known;
  - (v) if the removal of the vehicle to be towed or salvaged is authorised by a police officer — the police officer’s name and number assigned for official purposes;
  - (vi) in circumstances other than those referred to in subparagraph (v) — the name and address of the person authorising the vehicle to be towed or salvaged;
  - (vii) the make and number plate details of the vehicle to be towed or salvaged;
  - (viii) the place from where the vehicle is to be moved;
  - (ix) the place to where the vehicle is to be moved;
  - (x) the maximum fee that will be charged for the tow or salvage of the vehicle;
  - (xi) the maximum fee that will be charged for the storage of the vehicle;
  - (xii) the date and time at which the authority to tow or salvage is signed;
- and
- (b) signed, and obtained the signature of the person authorising the tow or salvage to, both copies of that statement when completed.

- (2) In regulation 419(2) after “sign” insert:

both copies of



- (3) In regulation 419(3) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

- (4) In regulation 419(4) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

- (5) In regulation 419(5) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

- (6) In regulation 419(6) in the Penalty delete “an offence under”.

**16. Regulation 419A inserted**

After regulation 419 insert:

**419A. Towing, salvage and storage fees**

- (1) A responsible person for a tow truck must not charge a fee other than a fee for —
- (a) the tow or salvage of a vehicle; or
  - (b) the storage of a vehicle.

Penalty for this subregulation:

- (a) for a first offence, a fine of 2 PU;
- (b) for a second or subsequent offence, a fine of 4 PU.

- (2) The fee charged for the tow, salvage or storage of a vehicle must not exceed the maximum fee set out in the statement under regulation 419(1)(a)(x) or (xi), as applicable.

Penalty for this subregulation:

- (a) for a first offence, a fine of 2 PU;
- (b) for a second or subsequent offence, a fine of 4 PU.

**17. Regulation 420 amended**

- (1) At the end of regulation 420(3) insert:

Penalty for this subregulation:

- (a) for a first offence, a fine of 2 PU;

- (b) for a second or subsequent offence, a fine of 4 PU.

- (2) At the end of regulation 420(4) insert:

Penalty for this subregulation:

- (a) for a first offence, a fine of 2 PU;
- (b) for a second or subsequent offence, a fine of 4 PU.

- (3) At the end of regulation 420(5) insert:

Penalty for this subregulation:

- (a) for a first offence, a fine of 2 PU;
- (b) for a second or subsequent offence, a fine of 4 PU.

- (4) At the end of regulation 420(6) insert:

Penalty for this subregulation:

- (a) for a first offence, a fine of 2 PU;
- (b) for a second or subsequent offence, a fine of 4 PU.

- (5) In regulation 420 delete the Penalty.

#### **18. Regulation 422 amended**

- (1) In regulation 422(1) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

- (2) In regulation 422(2) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

- (3) In regulation 422(3) in the Penalty delete “an offence under”.

#### **19. Regulation 479 amended**

In regulation 479(2)(c)(i) delete “regulation 483,” and insert:

regulation 480,

**20. Part 19 inserted**

After regulation 509 insert:

**Part 19 — Transitional provision relating to  
Road Traffic (Vehicles) Amendment Regulations  
(No. 2) 2022**

**510. Tow trucks licensed during transitional period taken to comply with regulations**

- (1) A tow truck in respect of which a vehicle licence is in effect immediately before 7 November 2023 is taken to comply with Part 12 Division 1 provided the tow truck complies with Part 12 Division 1 as it was in force immediately before 7 November 2023.
- (2) Subregulation (1) ceases to operate in relation to a vehicle licence on the day on which —
  - (a) the licence expires or is cancelled; or
  - (b) if the licence is renewed — the licence would have expired had it not been renewed.

B. D'SA, Clerk of the Executive Council.

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**TREASURY AND FINANCE**

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**TR301**

Financial Management Act 2006

**Financial Management (Statutory Authorities)  
Regulations 2022**

**SL 2022/169**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Financial Management (Statutory Authorities) Regulations 2022*.

**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. Act amended**

These regulations amend the *Financial Management Act 2006*.

**4. Schedule 1 amended**

In Schedule 1 delete the item “Legal Contribution Trust”.

B. D’Sa, Clerk of the Executive Council.

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TR302

State Superannuation Act 2000

## **State Superannuation Amendment Regulations (No. 2) 2022**

SL 2022/173

Made by the Governor in Executive Council.

### **Part 1 — Preliminary**

**1. Citation**

These regulations are the *State Superannuation Amendment Regulations (No. 2) 2022*.

**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 — *State Superannuation Regulations 2001* amended**

**3. Regulations amended**

This Part amends the *State Superannuation Regulations 2001*.

**4. Regulation 48 amended**

Delete regulation 48(3) and (3a) and insert:

- (3) The Board may pay up to \$25 000 of a death benefit in accordance with subregulation (3A) if —
- (a) either —
    - (i) no binding death benefit nomination is in force in respect of a Gold State Super Member when the Member dies; or
    - (ii) subregulation (1C)(a) or (b) applies;and
  - (b) either —
    - (i) the Board has been unable, after making reasonable enquiries, to find an executor of the Member's will or administrator of the Member's estate; or
    - (ii) the Board considers it desirable to make the payment in order to relieve or avoid hardship.
- (3A) If the Board decides to make a payment under subregulation (3) the Board may make the payment —
- (a) to 1 or more of the Member's dependants in proportions determined by the Board; or
  - (b) if, after making reasonable enquiries, the Board has been unable to find any dependant of the Member, to 1 or more other individuals in proportions determined by the Board.

## 5. Schedule 1 amended

In Schedule 1 Division 2:

- (a) after item 1 insert:
  - 1A. **Albany Cemetery Board** established under the *Cemeteries Act 1986*
- (b) after item 6 insert:
  - 6AAA. **Bunbury Cemetery Board** established under the *Cemeteries Act 1986*
- (c) after item 22 insert:
  - 22A. **Geraldton Cemetery Board** established under the *Cemeteries Act 1986*
- (d) after item 27 insert:

- 27A. **Kalgoorlie-Boulder Cemetery Board** established under the *Cemeteries Act 1986*

### **Part 3 — *Superannuation and Family Benefits Act 1938* amended**

#### **6. Act amended**

This Part amends provisions of the *Superannuation and Family Benefits Act 1938* as continued in force by the *State Superannuation (Transitional and Consequential Provisions) Act 2000* section 26.

#### **7. Section 38 amended**

After section 38(2) insert:

- (2A) If any contributions are held in the Fund to the credit of a contributor under subsection (2) when payment of the contributor's pension commences, the Board must pay the contributions and accrued interest to the contributor on or before the later of the following —
- (a) the day that is 3 months after the day on which payment of the pension commences;
  - (b) the day that is 3 months after the commencement of the *State Superannuation Amendment Regulations (No. 2) 2022* regulation 7.

#### **8. Section 41 amended**

After section 41(3a) insert:

- (3B) If any contributions are held in the Fund to the credit of a contributor under subsection (3a) when payment of the contributor's pension commences, the Board must pay the contributions and accrued interest to the contributor on or before the later of the following —
- (a) the day that is 3 months after the day on which payment of the pension commences;
  - (b) the day that is 3 months after the commencement of the *State Superannuation Amendment Regulations (No. 2) 2022* regulation 8.

B. D'SA, Clerk of the Executive Council.

## — PART 2 —

### CEMETERIES

#### CE401

**CEMETERIES ACT 1986**  
**LOCAL GOVERNMENT ACT 1995**

*Shire of Augusta Margaret River*

Pursuant to Section 53 of the *Cemeteries Act 1986*, the Shire of Augusta Margaret River resolved on 27th July 2022, to set the below schedule of fees and charges in relation to all Cemeteries and Niche Walls within its district.

**Cemetery Administration Fees**

|   |       |
|---|-------|
| Funeral Directors Annual License.....             | \$300 |
| Single Funeral Permit.....                        | \$200 |
| Monumental Masons Annual Licence.....             | \$300 |
| Administration Fee.....                           | \$61  |
| Permit Monumental Works.....                      | \$115 |
| Storage of ashes (after 3 months) per month ..... | \$30  |

**Niche Walls—Cowaramup, Karridale and Margaret River**

|   |             |
|---|-------------|
| Grant of Right of Burial—Single compartment ..... | \$380       |
| Grant of Right of Burial—Double compartment ..... | \$720       |
| First Internment Fee.....                         | \$230       |
| Second internment Fee.....                        | \$230       |
| Removal of ashes from Niche walls.....            | \$230       |
| Plaque Fitting—per plaque .....                   | \$100       |
| Vase fitting—per vase .....                       | \$100       |
| Plaque/Vase.....                                  | Actual cost |

**Graves—Karridale and Margaret River**

|   |             |
|---|-------------|
| Standard Interment.....                                 | \$2090      |
| Non-Standard Interment—additional fees.....             | Actual cost |
| Interment of Ashes in existing grave .....              | \$550       |
| Exhumations .....                                       | \$3300      |
| Reopening grave for second interment .....              | \$2090      |
| Reopen grave for second interment.....                  | \$2750      |
| (exhumation / lift and deepen)                          |             |
| Grant of Right of Burial—per grave (25-year term).....  | \$2000      |
| Renewal of Grant of Right of Burial (25-year term)..... | \$2000      |

GRAEME DAVIES, Acting Chief Executive Officer.

### HOUSING

#### HW401

**COUNTRY HOUSING ACT 1998**  
**STANDARD RATE OF INTEREST**

Notice is hereby given, in accordance with Section 40 of the *Country Housing Act 1998* that the standard rate of interest to apply for assistance provided under this Act is now 6.23% pa for existing loans approved prior to and including the 20th of December 2009 and 7.01% pa for loans approved after the 20th of December 2009. This change in rates follows an increase in Keystart's variable interest rate. The increase is effective from the 21 October 2022 with changes to repayments commencing on or after the 21 November 2022. More information available at [keystart.com.au](http://keystart.com.au).

Australian Credit Licence: 381437 as agents for the Country Housing Authority ABN: 76 667 185 896

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## JUSTICE

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JU401

### COURT SECURITY AND CUSTODIAL SERVICES ACT 1999 PERMIT DETAILS ISSUED

The following permits have been issued pursuant to Section 51 of the *Court Security and Custodial Services Act 1999*—

| Surname  | First Name(s) | Permit Number |
|----------|---------------|---------------|
| Lawler   | Daryl George  | 221715        |
| Phillips | Nicholas John | 221103        |

Dated 17 October 2022.

MIKE REYNOLDS, Commissioner.

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## LOCAL GOVERNMENT

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LG401

### WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007 LOCAL GOVERNMENT ACT 1995

*Shire of Manjimup*  
WASTE LOCAL LAW 2022

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007*, the *Local Government Act 1995* and under all other enabling powers, the Council of the Shire of Manjimup resolved on 8 September 2022 to make the following local law.

#### PART 1 - PRELIMINARY

##### 1.1 Short title

This is the Shire of Manjimup Waste Local Law 2022.

##### 1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

##### 1.3 Application

This local law applies throughout the district.

##### 1.4 Repeal

The Landfill and Waste Transfer Station Facilities Local Law 2006, published in the *Government Gazette* on 2 October 2007, is repealed.

##### 1.5 Meaning of terms used in this local law

(1) In this local law—

**authorised person** means a person appointed by the local government under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law;

**collectable waste** means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

**collectable waste receptacle** means a receptacle for the deposit and collection of collectable waste that is—

- (a) a recycling waste receptacle;
- (b) a general waste receptacle; or
- (c) an organic waste receptacle;

**collection**, when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

**collection day** means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

**collection time** means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

**costs** of the local government include administrative costs;

**Council** means the council of the local government;

**district** means the district of the local government;



**general waste receptacle** means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

**LG Act** means the *Local Government Act 1995*;

**LG Regulations** means the *Local Government (Functions and General) Regulations 1996*;

**local government** means the Shire of Manjimup;

**local government waste** has the same meaning as in the WARR Act;

**non-collectable waste** has the meaning set out in Schedule 1;

**occupier** in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

**organic waste** means waste that decomposes readily, such as garden waste or food waste;

**organic waste receptacle** means a receptacle for the deposit and collection of organic waste;

**owner** has the same meaning as in the LG Act;

**public place** includes a place to which the public ordinarily have access, whether or not by payment of a fee;

**receptacle**, means a receptacle—

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

**recycling waste receptacle** means a receptacle for the deposit and collection of recycling waste;

**recycling waste** means—

- (a) paper and cardboard;
- (b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

**specified** means specified by the local government or an authorised person, as the case may be;

**street alignment** means the boundary between the land comprising a street and the land that abuts the street;

**WARR Act** means the *Waste Avoidance and Resource Recovery Act 2007*;

**WARR Regulations** means the *Waste Avoidance and Resource Recovery Regulations 2008*;

**waste** has the same meaning as in the WARR Act;

**waste facility** means a waste facility, as defined in the WARR Act, that is operated by the local government; and

**waste service** has the same meaning as in the WARR Act.

(2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

### 1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter –

- (a) local public notice, under section 1.7 of the LG Act, must be given of the matter determined;
- (b) the determination becomes effective only after local public notice has been given;
- (c) the determination remains in force for the period of one year after the date that local public notice has been given under subclause (a);
- (d) after the period referred to in subclause (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and
- (e) the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

### 1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and sections 6.16 and 6.17 of the LG Act.

### 1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

**PART 2 - LOCAL GOVERNMENT WASTE****2.1 Supply of receptacles**

(1) The local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.

(2) The owner of premises to which subclause (1) applies must—

- (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
- (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

**2.2 Deposit of waste in receptacles**

(1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.

(2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

**2.3 General waste receptacles**

(1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle—

- (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
- (b) where the receptacle has any other capacity—more than the weight determined by the local government.

(2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.

(3) Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

**2.4 Recycling waste receptacles**

An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle—

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres— more than 70 kilograms of recycling waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

**2.5 Organic waste receptacles**

An owner or occupier of premises must not deposit or permit to be deposited in an organic waste receptacle—

- (a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres - more than 70 kilograms of organic waste; or
- (c) where the receptacle has any other capacity - more than the weight determined by the local government.

**2.6 Direction to place or remove a receptacle**

(1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises —

- (a) to place a receptacle in respect of those premises for collection; or
- (b) to remove a receptacle in respect of those premises after collection.

(2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.

(3) An owner or occupier of premises must comply with a direction given under this clause.

**2.7 Duties of owner or occupier**

An owner or occupier of premises must—

- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is—
  - (i) within 1 metre of the carriageway;
  - (ii) placed so that it does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and

- (iii) facing squarely to the edge of and opening towards the carriageway, or in such other position as is approved in writing by the local government or an authorised person; and
- (c) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

### **2.8 Exemption**

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7(a) or (b).
- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause must state—
  - (a) the premises to which the exemption applies;
  - (b) the period during which the exemption applies; and
  - (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply –
  - (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
  - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.8(4)(a).

### **2.9 Damaging or removing receptacles**

A person, other than the local government or its contractor, must not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

### **2.10 Verge collections**

- (1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—
  - (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
  - (b) must otherwise comply with those terms and conditions.
- (2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 2.10(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

## **PART 3 - GENERAL DUTIES**

### **3.1 Duties of an owner or occupier**

An owner or occupier of premises must—

- (a) take reasonable steps to ensure that a sufficient number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) ensure that each receptacle is kept in good condition and repair;
- (c) take all reasonable steps to—
  - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
  - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
  - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle.

### **3.2 Removal of waste from premises**

- (1) A person must not remove any waste from premises unless that person is—
  - (a) the owner or occupier of the premises;
  - (b) authorised to do so by the owner or occupier of the premises; or
  - (c) authorised in writing to do so by the local government or an authorised person.
- (2) A person must not remove any waste from a receptacle without the approval of –
  - (a) the local government or an authorised person; or
  - (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

### 3.3 Receptacles and containers for public use

A person must not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,

a receptacle provided for the use of the general public in a public place.

## PART 4 - OPERATION OF WASTE FACILITIES

### 4.1 Operation of this Part

This Part applies to a person who enters a waste facility.

### 4.2 Hours of operation

The local government may from time to time determine the hours of operation of a waste facility.

### 4.3 Signs and directions

- (1) The local government or an authorised person may regulate the use of a waste facility—
  - (a) by means of a sign; or
  - (b) by giving a direction to a person within a waste facility.
- (2) A person within a waste facility must comply with a sign or direction under subclause (1).
- (3) The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.
- (4) A person must comply with a direction under subclause (3).

### 4.4 Fees and charges

- (1) Unless subclause (3) applies, a person must, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.
- (2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.
- (3) Subclause (1) does not apply—
  - (a) to a person who disposes of waste in accordance with the terms of—
    - (i) a credit arrangement with the local government; or
    - (ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
  - (b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

### 4.5 Depositing waste

- (1) A person must not deposit waste at a waste facility other than—
  - (a) at a location determined by a sign and in accordance with the sign; and
  - (b) in accordance with the direction of an authorised person.
- (2) The local government may determine the classification of any waste that may be deposited at a waste facility.

### 4.6 Prohibited activities

- (1) Unless authorised by the local government, a person must not—
  - (a) remove any waste or any other thing from a waste facility;
  - (b) deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;
  - (c) light a fire in a waste facility;
  - (d) remove, damage or otherwise interfere with any flora in a waste facility;
  - (e) remove, injure or otherwise interfere with any fauna in a waste facility; or
  - (f) damage, deface or destroy any building, equipment, plant or property within a waste facility.
- (2) A person must not act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility.

## PART 5 - ENFORCEMENT

Division 1 of Part 9 of the LG Act applies to a decision under this local law to grant, renew, vary or cancel –

- (a) an approval under clause 2.7(b);
- (b) an exemption under clause 2.8(2);
- (c) an approval under clause 2.9(b);
- (d) an approval under clause 2.10(1);
- (e) an authorisation under clause 3.2(1)(c);
- (f) an approval under clause 3.2(2); and

- (g) an approval under clause 3.3.

### 5.2 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

### 5.3 Other costs and expenses

- (1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.2, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—
- removing and lawfully disposing of toxic, hazardous or poisonous waste; or
  - making good any damage caused to a waste facility.
- (2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

### 5.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

### 5.5 Form of notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations.
- (2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations.
- (3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

## SCHEDULE 1 - MEANING OF 'NON-COLLECTABLE WASTE'

[Clause 1.5(1)]

**non-collectable waste** means –

- hot or burning material;
- household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- any other hazardous material, such as radioactive waste;
- any explosive material, such as flares or ammunition;
- electrical and electronic equipment;
- hospital, medical, veterinary, laboratory or pathological substances;
- construction or demolition waste;
- sewage;
- 'controlled waste' for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- any other waste determined by the local government to be non-collectable waste.

## SCHEDULE 2 - PRESCRIBED OFFENCES

| Item No. | Clause No.     | Description   | Modified Penalty |
|----------|----------------|---|------------------|
| 1        | 2.1(2)(a)      | Failing to pay fee or charge                                | \$350            |
| 2        | 2.1(2)(b)      | Failing to ensure lawful use of receptacle                  | \$350            |
| 3        | 2.2(1)         | Depositing non-collectable waste in a receptacle            | \$350            |
| 4        | 2.2(2)         | Depositing waste in another receptacle without consent      | \$350            |
| 5        | 2.3(1)         | Exceeding weight capacity of a general waste receptacle     | \$350            |
| 6        | 2.3(2) and (3) | Depositing unauthorised waste in a general waste receptacle | \$350            |

| <b>Item No.</b> | <b>Clause No.</b> | <b>Description</b>  | <b>Modified Penalty</b> |
|-----------------|-------------------|---|-------------------------|
| 7               | 2.4(a)            | Depositing unauthorised waste in a recycling waste receptacle                                       | \$350                   |
| 8               | 2.4(b) and (c)    | Exceeding weight capacity of a recycling waste receptacle   | \$250                   |
| 9               | 2.5(a)            | Depositing unauthorised waste in an organic waste receptacle  | \$350                   |
| 10              | 2.5(b) and (c)    | Exceeding weight capacity of an organic waste receptacle  | \$350                   |
| 11              | 2.6(3)            | Failing to comply with a direction concerning placement or removal of a receptacle                  | \$250                   |
| 12              | 2.7(a)            | Failing to keep a receptacle in the required location   | \$250                   |
| 13              | 2.7(b)            | Failing to place a receptacle for collection in a lawful position                                   | \$250                   |
| 14              | 2.7(c)            | Failing to notify of a lost, stolen, damaged or defective receptacle                                | \$50                    |
| 15              | 2.9(a)            | Damaging, destroying or interfering with a receptacle   | \$400                   |
| 16              | 2.9(b)            | Removing a receptacle from premises   | \$400                   |
| 17              | 2.10(1)           | Failing to comply with a term or condition of verge waste collection                                | \$400                   |
| 18              | 2.10(2)           | Removing waste for commercial purposes  | \$350                   |
| 19              | 2.10(3)           | Disassembling or leaving in disarray waste deposited for collection                                 | \$250                   |
| 20              | 3.1(a)            | Failing to provide a sufficient number of receptacles   | \$250                   |
| 21              | 3.1(b)            | Failing to keep a receptacle clean and in a good condition and repair                               | \$250                   |
| 22              | 3.1(c)(i)         | Failing to prevent fly breeding and vectors of disease in a receptacle                              | \$350                   |
| 23              | 3.1(c)(ii)        | Failing to prevent the emission of offensive odours from a receptacle                               | \$350                   |
| 24              | 3.1(c)(iii)       | Allowing a receptacle to cause a nuisance   | \$350                   |
| 25              | 3.1(d)            | Failing to comply with a direction to clean, disinfect or deodorise receptacle                      | \$300                   |
| 26              | 3.2(1)            | Unauthorised removal of waste from premises   | \$250                   |
| 27              | 3.2(2)            | Removing waste from a receptacle without approval   | \$250                   |
| 28              | 4.3(2)            | Failing to comply with a sign or direction  | \$500                   |
| 29              | 4.3(4)            | Failing to comply with a direction to leave   | \$500                   |
| 30              | 4.4(1)            | Disposing waste without payment of fee or charge  | \$500                   |
| 31              | 4.5(1)            | Depositing waste contrary to sign or direction  | \$500                   |
| 32              | 4.6(1)(a)         | Removing waste without authority in a waste facility  | \$250                   |
| 33              | 4.6(1)(b)         | Depositing toxic, poisonous or hazardous waste at a waste facility                                  | \$500                   |
| 34              | 4.6(1)(c)         | Lighting a fire in a waste facility   | \$300                   |
| 35              | 4.6(1)(d)         | Removing or interfering with any flora in a waste facility  | \$300                   |
| 36              | 4.6(1)(e)         | Removing or interfering with any fauna without approval in a waste facility                         | \$300                   |
| 37              | 4.6(1)(f)         | Damaging, defacing or destroying any building, equipment, plant or property within a waste facility | \$500                   |
| 38              | 4.6(2)            | Acting in an abusive or threatening manner  | \$300                   |

Consented to—

MICHELLE ANDREWS, Chief Executive Officer,  
Department of Water and Environmental Regulation.

Dated this 9th day of August 2022.

The Common Seal of the Shire of Manjimup was affixed by authority of a resolution of the Council in the presence of—

PAUL OMODEI, Shire President.  
ANDREW CAMPBELL, Chief Executive Officer.

Dated 9 September 2022.

LG402

**CAT ACT 2011**  
**LOCAL GOVERNMENT ACT 1995**

*Shire of Denmark*

Cats Local Law 2022

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Denmark resolved on 20 September 2022 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Title**

This is the *Shire of Denmark Cats Local Law 2022*.

**1.2 Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**1.3 Repeal**

Clause 5.2.4 of the *Shire of Denmark Health Local Laws* published in the *Government Gazette* on 2 July 1999 is repealed.

**1.4 Terms used**

(1) In this local law, unless the context otherwise requires—

**Act** means the *Cat Act 2011*;

**applicant** means a person who applies for an approval;

**application** means an application for an approval;

**approval** means approval under regulation 9 of the *Cat (Uniform Local Provisions) Regulations 2013* and Part 2 of this local law;

**approved person** means the person to whom an approval is granted;

**authorised person** means a person appointed by the local government to perform the functions conferred on an authorised person under this local law;

**cat** has the meaning given to it in the Act;

**cat management facility** has the meaning given to it in the Act;

**CEO** means the Chief Executive Officer of the local government;

**district** means the district of the local government;

**local government** means the Shire of Denmark;

**local planning scheme** means a local planning scheme made by the local government under the *Planning and Development Act 2005*;

**nuisance** means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

**owner** has the meaning given to it in the Act;

**premises** has the meaning given to it in the Act; and

**veterinarian** has the meaning given to it in the Act.

(2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995*.

**1.5 Application**

This local law applies throughout the district.

**PART 2—NUMBER OF CATS THAT MAY BE KEPT**

**2.1 Interpretation**

For the purposes of applying this Part, a **cat** does not include a cat less than 6 months old.

**2.2 Prescribed premises**

For the purposes of the definition of **prescribed premises** in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, this local law limits the number of cats that may be kept at any premises within the district except—

- (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*;
- (b) a cat management facility operated by the local government; or

- (c) a veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*, but only in relation to cats kept on those premises for treatment.

### 2.3 Standard number of cats

For the purposes of the definition of *standard number of cats* in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than 2 cats may be kept on premises within the district at which a member of a cat organisation is not ordinarily resident.

### 2.4 Application for approval

- (1) An application for approval to keep an additional number of cats at prescribed premises is dealt with in regulation 8 of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (2) An application for approval must be accompanied by the application fee determined by the local government in accordance with the Act.

### 2.5 Determining an application

- (1) For the purpose of determining whether to grant approval for an application to keep an additional number of cats at prescribed premises, the local government must have regard to—
- (a) the zoning of the land under the local planning scheme;
  - (b) the physical suitability of the premises for the proposed use;
  - (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
  - (d) the structural suitability of any enclosure in which any cat is to be kept;
  - (e) the likelihood of a cat causing a nuisance, inconvenience or annoyance to an occupier of adjoining land;
  - (f) the likely effect on the amenity of the surrounding area of the proposed use;
  - (g) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the proposed use; and
  - (h) any other factors which the local government considers to be relevant in the circumstances of the application.
- (2) An approval is to be in the form determined by the local government and is to be issued to the approved person.

### 2.6 Conditions

- (1) For the purpose of ensuring that the premises to which an application relates are suitable for the additional number of cats, the local government may impose any condition that it considers to be reasonably necessary for that purpose, including—
- (a) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);
  - (b) that there must be adequate space for the exercise of the cats;
  - (c) that, in the case of multiple dwellings where there is no suitable dividing fence, each current occupier of the adjoining multiple dwellings must give their written consent to the approval; and
  - (c) that, without the consent of the local government, the approved person must not substitute or replace any cat that dies or is permanently removed from the premises.
- (2) An approved person who does not comply with a condition of the approval, commits an offence.
- Penalty: a fine of not less than \$1,000 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

### 2.7 Renewal of an application

- (1) An application is to be renewed if—
- (a) the approved person has not breached the conditions of the approval;
  - (b) the approval would have been granted if a fresh application for approval had been made; and
  - (c) the renewal fee, imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*, is paid to the local government before the expiry of the approval.
- (2) On the renewal of an approval, the conditions of the approval that applied immediately before the renewal continue to have effect.

### 2.8 Transfer of an approval

- (1) An approval relates only to the premises specified in the approval, and only to the approved person specified in the approval, and is transferrable only in accordance with this clause 2.8.
- (2) An application for the transfer of an approval from the approved person to another person must be—
- (a) made in the form determined by the local government;
  - (b) made by the proposed transferee;
  - (c) made with the consent of the approved person; and



- (d) lodged with the local government together with the fee for the application for the transfer of an approval that is imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.
- (3) The local government is not to determine an application for the transfer of an approval until the proposed transferee has complied with subclause (2).
- (4) The local government may grant, or refuse to grant, an application for the transfer of an approval, and this approval will be subject to such conditions as the local government may impose under Regulation 9(3) of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (5) Where the local government grants an application for the transfer of an approval—
- it is to issue to the transferee an approval in the form determined by the CEO; and
  - on the date of approval, unless otherwise specified in the approval, the transferee becomes the approved person for the purposes of this local law.

### 2.9 Variation or cancellation of an approval

- (1) The local government may, at any time, vary the conditions of an approval by giving written notice to the permit holder and specifying the date on which the changes will become effective.
- (2) The local government may cancel an approval—
- on the request of the approved person;
  - if the approved person breaches the Act, the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or this local law; or
  - if the approved person is not a fit and proper person to provide for the health and welfare of the cats.
- (3) If an approval is cancelled, the fee paid for the approval is not refundable for the term of the approval that has not yet expired.

### 2.10 Objection and review rights

A decision of the local government made under clauses 2.7, 2.8 or 2.9 is a decision to which Division 1, Part 9 of the *Local Government Act 1995* applies.

## PART 3—CAT NOT TO BE A NUISANCE

### 3.1 Cat not to be a nuisance

The owner or occupier of premises on which a cat is ordinarily kept shall prevent the cat from creating a nuisance on other premises, to another person or exposing another person to health and/or safety risks by—

- The noise or odour generated by the presence of the cat/s;
- The aggressive nature of the cat/s; or
- A cat that wanders outside the premises where it is ordinarily kept.

## PART 4—ENFORCEMENT

### 4.1 Infringement notices

- (1) An offence against clauses 2.6(2) and 3.1 are prescribed offences for the purposes of section 62(1) of the Act and the modified penalty for the offence is a fine of \$200.
- (2) The form of an infringement notice is Form 6 in the *Cat Regulations 2012*, Schedule 1.
- (3) The form of withdrawal of the infringement notice is Form 7 in the *Cat Regulations 2012*, Schedule 1.

Dated 20 September 2022.

DAVID SCHOBBER, Chief Executive Officer.

LG403

## LOCAL GOVERNMENT ACT 1995

*City of Swan*

### 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 11 October 2022, determined that the method of valuation to be used by the City of Swan 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 | <ul style="list-style-type: none"> <li>All that portion of land being Lot 231 as shown on Plan 3598.</li> </ul> |

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

## LG501

**BUSH FIRES ACT 1954**  
**METROPOLITAN FIRE DISTRICT**  
*Town of East Fremantle*

Notice to All Owners and/or Occupiers of Land in East Fremantle

Pursuant to the powers contained in Section 33 of the above Act, you are hereby required on or before 30th day of November, each year, or within fourteen days of the date of you becoming owner or occupier should this be after the 30th day of November each year, to clear flammable matter from the land in accordance with the following requirements—

- (a) Land having an area of fifteen hundred (1,500) square metres or less—  
The owner or occupier is to remove all the flammable matter from the whole of the property, except living trees, shrubs, plants under cultivation and lawns, by slashing or mowing to a height of not more than one hundred (100) millimetres or otherwise to the satisfaction of Council or an authorised officer.
- (b) Land having an area of fifteen hundred (1,500) square metres or more—
- (i) Clear firebreaks of a minimum width of three (3) metres inside all external boundaries of the land and all buildings situated on the land, by ploughing, cultivating or scarifying; or
- (ii) Mow/slash the whole of the land. The height of vegetation thereafter must not exceed, one hundred (100) millimetres over the entire area of the land, as far as reasonably practicable as determined by the authorised officer.

Once installed, the firebreak must be maintained up to and including the 31st day of March each year. If it is considered to be impractical for any reason to clear firebreaks as required by this notice, you may apply to the Council or its duly authorised officer not later than the 2nd day of November each year for permission to provide firebreaks in alternative positions on the land. If the Council or its duly authorised officer does not grant permission, you shall comply with the requirements of this notice.

The penalty for failing to comply with this notice is a fine of not more than \$5000 and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.

NOTE: Burning is prohibited. No permits will be issued.

By order of Town of East Fremantle

GARY TUFFIN, Chief Executive Officer.

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## MINERALS AND PETROLEUM

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## MP401

**DANGEROUS GOODS SAFETY ACT 2004**  
**DANGEROUS GOODS SAFETY APPOINTMENT NOTICE 2022**

Made by the Chief Dangerous Goods Officer under section 27(1) of the *Dangerous Goods Safety Act 2004* (the 'Act').

**1. Citation**

This notice may be cited as the *Dangerous Goods Safety Appointment Notice 2022*.

**2. Dangerous goods officers appointed**

1. I appoint William Toddkill as a Dangerous Goods Officer for the purposes of the Act.
2. This appointment ceases upon the termination of the employment of William Toddkill with the Department of Mines, Industry Regulation and Safety.

STEPHEN EMERY, Chief Dangerous Goods Officer (Director,  
Dangerous Goods and Petroleum Safety, Department of  
Mines, Industry Regulation and Safety, Western Australia).

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## PLANNING

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PL401

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**

*City of Karratha*

Local Planning Scheme No. 8—Amendment No. 57

Ref: TPS/2873

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 Karratha Local Planning Scheme amendment on 15 September 2022 for the purpose of—

1. Deleting clause 6.3.1 b) of the Scheme which states—

No development is permitted which would attract persons other than those working in the adjacent strategic industrial area.
2. Inserting the following text into the Scheme after clause 6.3.1 a)—

b) with the exception of Maitland Strategic Industrial Area, no development is permitted which would attract persons other than those working in the adjacent strategic industrial area.
3. Inserting the land uses ‘Camping ground’, ‘Minor utility installation’, and ‘utility installation’ into Part 3—Zones, clause 3.3—Table 1—SU1 and SU2 zones and applying a ‘D’ permissibility.
4. Inserting the following clause into Part 3—Zones—

3.3 (3) Notwithstanding any of the provisions set out in subclause (1) and (2) above, the local government may exercise its discretion to determine applications for development approval for any development primarily for the purposes of providing for essential services including but not limited to electricity generation, water production and/or for the treatment of waste water and sewerage.

P. LONG, Mayor.  
C. ADAMS, 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. Dr A. D. Buti MLA to act temporarily in the office of Minister for Mines and Petroleum; Energy; Corrective Services; Industrial Relations in the absence of the Hon. W. J. Johnston MLA for the period 24 to 27 October 2022 (both dates inclusive).

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

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## REGIONAL DEVELOPMENT

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RG401

**REGIONAL DEVELOPMENT COMMISSIONS ACT 1993**  
**APPOINTMENTS**

It is hereby notified for general information that the Minister for Regional Development has approved the following appointments in accordance with Part 3 of the *Regional Development Commissions Act 1993*—

Mid West Development Commission

Board of Management

Mr Rob Houwen as Chair for a term expiring 31 December 2023.

Ms Hayley Palmer as Deputy Chair for a term expiring 31 December 2024.

Ms Caris Collard as a community representative for a term expiring 31 December 2023.

Mr Jerry Clune as a local government representative for a term expiring 30 June 2024.

Ms Emma Foulkes-Taylor as local government representative for a term expiring 31 December 2023.

Mr Andrew Greaves as Community representative for a term expiring 31 December 2024.

Hon. ALANNAH MacTIERNAN, MLC, Minister for Regional Development.

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**WATER**

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WA401

**WATER CORPORATIONS ACT 1995****EXECUTIVE COUNCIL SUBMISSION—APPOINTMENT OF DEPUTY CHAIRPERSON  
TO THE BUNBURY WATER CORPORATION (AQWEST)**

The Governor in Executive Council has approved the following—

1. Mrs Tresslyn Smith as Deputy Chairperson of the Bunbury Water Corporation (Aqwest) Board, under section 7 of the *Water Corporations Act 1995*, for a term expiring 31 May 2024.

By Command of the Governor,

N. HAGLEY, Clerk of the Executive 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*.

**Notice of Exemption**

Notice is given that on 20 September 2022, the Governor, acting under section 164 of the *Workers' Compensation and Injury Management Act 1981* and with the advice and consent of Executive Council, exempted the organisations in the table below, from the obligation to insure pursuant to that Act, except for the obligation to insure against liability to pay compensation under that Act for, or to pay damages in respect of, any industrial disease of the kinds referred to in section 151(a)(iii) of that Act.

This exemption ensures the below employers are included as part of the Wesfarmers Ltd's exempt employer approval.

**Organisations**

Catch.com.au Pty Ltd

A.C.N 655 875 620 Pty Ltd

SHARRYN JACKSON, Chair, WorkCover WA.

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*.

**Notice of Revocation**

Notice is given that on 20 September 2022, the Governor, acting under section 168 of the Act and with the advice and consent of Executive Council, ordered that the exemption given to Greencap Pty Ltd and Trimevac Pty Ltd under section 164 be revoked with effect from 1 August 2022.

These revocations ensure Greencap Pty Ltd and Trimevac Pty Ltd are no longer part of Wesfarmers Limited's exempt employer approval.

SHARRYN JACKSON, Chair, WorkCover WA

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**PUBLIC NOTICES**

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

## Notice to Creditors and Claimants

David Manston Morgan late of 4 Riverside Drive, Mosman Park, Western Australia, deceased.

Creditors and other persons having claims (to which s63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased who died on 12 May 2022 are required by the executor Callum Lewis Morgan of 4 Riverside Drive, Mosman Park, Western Australia to send particulars of their claims to him by 22 November 2022, after which the executor may convey or distribute the assets, having regard only to the claims of which he has notice.

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

## Notice to Creditors and Claimants

Notice is hereby given to any persons having claims pursuant to Sections 63 of the *Trustees Act 1962* against the estate of Paul Christmas, late of 13 Condor Circle Willetton in the State of Western Australia, deceased, to submit in writing any such claims complete with supporting documentary evidence to the Administrator, Greg Kelley of 1 Lumeah Court Darlington in the State of Western Australia.

Any such claims must be received by the Administrator within 30 days, after which date the Administrator may convey or distribute the assets having regard only to the claims of which he then has notice.

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

## Notice to Creditors and Claimants

Barbara Underwood late of 14 New Clayton Street, Kambalda East in the State of Western Australia, who died on 16 February 2022.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the abovementioned deceased person are required by the Personal Representative to send the particulars of their claim to Ellery Brookman, Locked Bag 400, Kalgoorlie WA 6433, within one month of publication hereof, after which date the Personal Representative may convey or distribute the assets, having regard only to claims of which they then have notice.

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

## Notice to Creditors and Claimants

Philomena Ann George, formerly of 5 Euro Close, Gosnells, 6110, 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 11 May 2022, are required by the Executor, Mrs Alicia A Truesdale of 15 Weeli Wolli Way, Newman 6753, Western Australia to send particulars of their claims to them within 4 weeks from the date of publication of this notice, after which date the Executor may convey or distribute the assets, having regard only to the claims of which she then has notice.

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

## Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 21 November 2022 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

- Bell, Jo-Anne, late of 30 Clement Drive, Karrinyup, who died on 20 July 2022 (DE33172933 EM113).  
 Fancourt, Wilfred Neil, (also known as Neil Fancourt), formerly of 1 Goddard Street, Toodyay, late of St Lukes 429 Rokeby Road, Shenton Park, who died on 14 July 2022 (PM33189750 EM214).  
 Foxton, Joan, late of U 61, 58 Canna Drive, Canning Vale, who died on 27 July 2022 (DE19930313 EM16).  
 Georgopoulou, Helen, late of Care of Leighton Nursing Home, 40 Florence Street, West Perth, who died on 31 July 2022 (PM33126718 EM27).  
 Lawrence, John Edward Preston, late of Brightwater Birralee, 155 Odin Road, Innaloo, who died on 25 February 2022 (PM33174951 EM27).  
 Marsh, Michelle Linley, late of U 3, 49 Victoria Parade, Midvale, who died on 1 July 2022 (PM33014557 EM27).  
 Matthews, Ronald Leslie, late of Menora Gardens Aged Care, 51 Alexander Drive, Menora, who died on 27 August 2022 (DE33047354 EM23).  
 McCarthy, June Margaret, late of City of Bayswater Hostel, 21 Embleton Avenue, Embleton, who died on 8 September 2022 (DE19860988 EM17).  
 Morris, Hazel Violet, late of Opal Health Care Murdoch Gardens Discovery Way, Murdoch, who died on 8 September 2022 (DE19840062 EM17).  
 Nuttall, Winnis Ann, (also known as Winnis Nuttall), late of Howard Solomon Residential Estate, 91 Hybanthus Road, Ferndale, who died on 18 August 2022 (DE19962459 EM23).  
 Patterson, James William, late of U 41 / 281 Cambridge Street, Wembley, who died on 25 July 2022 (DE19931258 EM24).  
 Pescud, Gordon Leslie, late of Aegis Amherst 75 Amherst Road, Canning Vale, who died on 14 August 2022 (DE19711465 EM26).  
 Pindan, Stephanie, late of 51 Aylesford Drive, Marangaroo, who died on 6 June 2021 (PM33181001 EM27).  
 Skews, Catherine Elizabeth, late of Morrison Lodge, 1a North Street, Midland, who died on 23 August 2022 (DE19650397 EM24).  
 Steele, Jeremy Lindsay, late of Care of Alpha Carers Australia, 118a Aberdeen Street, Northbridge, who died on 23 July 2022 (PM33153116 EM27).  
 Warren, Ernest Jack, formerly of 4 Yeo Court, Cooloongup, late of Rockingham General Hospital-Rehabilitation, Elanora Drive, Cooloongup, who died on 2 August 2022 (DE19920147 EM32).  
 Williams, Gordon, late of Aegis Shoalwater, 72 Fourth Avenue, Shoalwater, who died on 14 July 2022 (PM33104809 EM27).

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

**ZZ406****PUBLIC TRUSTEE ACT 1941**

Notice is hereby given that pursuant to Section 14 of the *Public Trustee Act 1941* and amendments the Public Trustee has elected to administer the estates of the undermentioned deceased persons.

Dated at Perth on this 21st day of October 2022.

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

| <b>Name of Deceased</b>   | <b>Address</b>  | <b>Date of Death</b>             | <b>Date Election Filed</b> |
|---|---|----------------------------------|----------------------------|
| Turner, Graeme Sidney<br>(also known as Graeme<br>Sydney Turner)<br>(DE19882302 EM23) | Formerly of 210<br>Piccadilly Street,<br>Kalgoorlie, late of 13B<br>East Road, Shoalwater | Found deceased<br>on 23 May 2022 | 11 October 2022            |