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CONTENTS

PART 1

	Page
Supreme Court Rules Amendment (Legal Profession) Rules 2022	3285

PART 2

Agriculture and Food	3295
Fire and Emergency Services	3296
Health	3298
Justice	3298
Premier and Cabinet	3299
Public Notices	3299

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— PART 1 —

JUSTICE

JU301

Administration Act 1903
Criminal Procedure Act 2004
Supreme Court Act 1935

Supreme Court Rules Amendment (Legal Profession) Rules 2022

SL 2022/74

Made by the judges of the Supreme Court.

Part 1 — Preliminary

1. Citation

These rules are the *Supreme Court Rules Amendment (Legal Profession) Rules 2022*.

2. Commencement

These rules come into operation as follows —

- (a) Part 1 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the day on which the *Legal Profession Uniform Law Application Act 2022* section 6 comes into operation.

Part 2 — *Criminal Procedure Rules 2005* amended

3. Rules amended

This Part amends the *Criminal Procedure Rules 2005*.

4. Rule 5A amended

In rule 5A(1) in the definition of *legally qualified registrar* delete “an Australian lawyer as defined in the *Legal Profession Act 2008* section 4.” and insert:

a lawyer.

5. Various references to “lawyer” amended

In the provisions listed in the Table:

- (a) delete “lawyer” (each occurrence) and insert:

legal practitioner

- (b) delete “lawyer’s” and insert:

legal practitioner’s

- (c) delete “lawyer” (each occurrence) and insert:

legal practitioner

- (d) delete “lawyer’s” and insert:

legal practitioner’s

- (e) delete “**lawyer’s**” (each occurrence) and insert:

legal practitioner’s

- (f) delete “**lawyer**” and insert:

legal practitioner

- (g) delete “Lawyer” and insert:

Legal practitioner

- (h) delete “Lawyer’s” (each occurrence) and insert:

Legal practitioner’s

Table

r. 9(2)	Pt. 3 heading
r. 10(1) and (3)	r. 11(1) and (2)
r. 12	r. 13(1) and (2)
r. 44(5)	r. 57(2), (3) and (4)

r. 61(1)	r. 65(3)
r. 68(2)(a)	r. 72(3)
r. 73(4)	Sch. 1 Forms 1 to 3, 6A to 8, 11, 12 and 18 to 26

Note: The headings to the amended rules listed in the Table are to read as set out in the Table.

Table

Amended rule	Rule heading
r. 13	Legal practitioners acting for offenders
r. 57	Legal practitioners may obtain copies of jury panels or pools

Part 3 — *Non-contentious Probate Rules 1967* amended

6. Rules amended

This Part amends the *Non-contentious Probate Rules 1967*.

7. Rule 27 amended

Delete rule 27(2)(b) and insert:

- (b) a legal practitioner.

8. Rule 43B amended

In rule 43B:

- (a) delete “*Legal Profession Act 2008* Part 10,” and insert:

Legal Profession Uniform Law (WA) Part 4.3,

- (b) delete “that Act)” and insert:

section 6(1) of that Law)

- (c) in paragraph (a) delete “Act; and” and insert:

Law; and

Note: The heading to amended rule 43B is to read:

Legal costs for non-contentious probate applications

Part 4 — *Rules of the Supreme Court 1971* amended

9. Rules amended

This Part amends the *Rules of the Supreme Court 1971*.

10. Order 1 amended

In Order 1 rule 4(1) delete the definition of *practitioner*.

11. Order 66 amended

- (1) In Order 66 rule 11(1) in the definition of *any relevant scale* delete “any costs determination, as defined in the *Legal Profession Act 2008* section 252,” and insert:

any legal costs determination made under the *Legal Profession Uniform Law Application Act 2022* section 133,

- (2) In Order 66 rule 11(3) delete “*Legal Profession Act 2008* permitting legal practices” and insert:

Legal Profession Uniform Law (WA) permitting law practices

- (3) In Order 66 rule 51(1)(b) delete “*Legal Profession Act 2008* section 280(2).” and insert:

Legal Profession Uniform Law Application Act 2022 section 141(3).

12. Order 75A heading replaced

Delete the heading to Order 75A and insert:

Order 75A — Admission rules

13. Order 75A amended

- (1) Delete Order 75A rule 1 and insert:

1. Terms used

In this Order —

applicant means a person who makes an application under rule 2(1);

Board means the Legal Practice Board established under the *Legal Profession Uniform Law Application Act 2022* section 30(1);

Supreme Court (full bench) means the Court constituted by at least 3 judges.

- (2) In Order 75A rule 2(1) delete “under the *Legal Profession Act 2008* section 25 for admission to the legal profession” and insert:

for admission to the Australian legal profession under the *Legal Profession Uniform Law (WA)* section 16

- (3) Delete Order 75A rule 2(3) and insert:

- (3) The applicant must serve a notice of motion on the Board when they apply to the Board for a compliance certificate under the *Legal Profession Uniform Law (WA)* section 19(1).

- (4) After Order 75A rule 2 insert:

2A. Compliance certificates

- (1) If the Board issues a compliance certificate in respect of an applicant under the *Legal Profession Uniform Law (WA)* section 19(3), the Board must file the compliance certificate in the Court at least 7 days before the applicant’s proposed date of admission.
- (2) The Board must serve on the applicant a copy of the compliance certificate filed under subrule (1).

2B. Appeals under *Legal Profession Uniform Law (WA)* section 26 or 27

Order 65 (other than rule 10(6)) applies to an appeal under the *Legal Profession Uniform Law (WA)* section 26 or 27.

2C. Objection to admission

- (1) A person (the ***objector***) may object to the admission of an applicant to the Australian legal profession under the *Legal Profession Uniform Law (WA)* section 16(3) by filing a notice in the Court.
- (2) A notice filed under subrule (1) must —
- (a) state the grounds of the objection; and
 - (b) be filed at least 7 days before the applicant’s proposed date of admission; and
 - (c) be served on the applicant, unless the Court orders otherwise.

- (3) The Court may, at any time after a notice under subrule (1) is filed, do one or more of the following —
- (a) dismiss or strike out the objection if the Court believes that it is frivolous, vexatious, misconceived or lacking in substance, is being used for an improper purpose or is otherwise an abuse of process;
 - (b) order the objector or the applicant, or both, to file written submissions;
 - (c) determine the objection in chambers on the documents;
 - (d) list the objection for hearing.
- (4) If a hearing is held to determine the objection, both the objector and the applicant are entitled to appear and be heard.
- (5) In Order 75A rule 3(1) delete “an applicant” and insert:
- a person who applies
- (6) In Order 75A rule 3(2) delete “If the applicant is an interstate lawyer he or she” and insert:
- A person who applies for admission under the *Mutual Recognition Act 1992* (Commonwealth) or the *Trans-Tasman Mutual Recognition Act 1997* (Commonwealth)
- (7) Delete Order 75A rule 3(3) and (4) insert:
- (3) A person who is admitted without appearing in person must, within 21 days of being admitted —
- (a) attend at —
 - (i) if the application for admission was made under the *Mutual Recognition Act 1992* (Commonwealth) — the office of a superior court of a State or Territory or of the High Court; or
 - (ii) if the application for admission was made under the *Trans-Tasman Mutual Recognition Act 1997* (Commonwealth) — the office of a superior court of a State or Territory or the High Court of Australia or of the Supreme Court or High Court of New Zealand;

and

- (b) before the Principal Registrar, a registrar, a deputy registrar or the prothonotary of that court, take an oath or affirmation in the form set out in rule 4.
- (4) When a person takes an oath or affirmation in accordance with subrule (3), the person's name is to be entered in the Supreme Court roll maintained under the *Legal Profession Uniform Law (WA)* section 22(1) in the usual manner.
- (8) In Order 75A rule 4 delete "*Legal Profession Act 2008* section 26(1)(b)" and insert:

Legal Profession Uniform Law (WA) section 16(1)(c)

14. Order 76 amended

In Order 76 rule 2(1)(a) delete "local roll maintained under the *Legal Profession Act 2008* section 28 and is not a disqualified person as defined in section 3 of that Act; and" and insert:

Supreme Court roll maintained under the *Legal Profession Uniform Law (WA)* section 22(1) and is not a disqualified person as defined in section 6(1) of that Law; and

15. Various references to "practitioner" amended

In the provisions listed in the Table:

- (a) delete "practitioner" (each occurrence) and insert:

legal practitioner

- (b) delete "practitioners" and insert:

legal practitioners

- (c) delete "practitioner's" (each occurrence) and insert:

legal practitioner's

- (d) delete "practitioner" (each occurrence) and insert:

legal practitioner

(e) delete “*practitioner*” and insert:

legal practitioner

(f) delete “Practitioner” and insert:

Legal Practitioner

Table

O. 4A r. 2(2)(g)(i) and (o)	O. 4A r. 4A(b)
O. 4A r. 6(6)	O. 4A r. 7(1) and (3)
O. 4A r. 8(3A)(b)	O. 4A r. 14A(3)(b)
O. 4A r. 18(2)(b)	O. 4A r. 25(2)
O. 8 r. 12	O. 9A r. 1 def. of <i>interested non-party</i>
O. 11A r. 4(3)	O. 11A r. 6(1)(b)(i) and (ii) and (3)
O. 11A r. 7(1) and (2)	O. 12 r. 1(1) and (2)
O. 12 r. 2(1)(a) and (3)	O. 26 r. 1(3)(b)
O. 26 r. 16A	O. 26A r. 8(1) and (3)
O. 43 r. 16(1)	O. 66 r. 5(1), (2) and (4)
O. 66 r. 8	O. 66 r. 8A(1) and (2)
O. 66 r. 11(1) def. of <i>any relevant scale</i>	O. 66 r. 25(3)(d)
O. 66 r. 32(1)	O. 71A r. 2(d)
O. 71A r. 3(2), (4) and (6)	O. 72 r. 5(4)(b) and (5)(b)
O. 76 r. 2(1)(c) and (d)	Sch. 2 Forms 17, 18, 93A and 93B

Note: The headings to the amended rules listed in the Table are to read as set out in the Table:

Table

Amended rule	Rule heading
O. 8 r. 12	Legal practitioner or clerk not to be security
O. 26 r. 16A	Certificate by legal practitioner
O. 26A r. 8	Certificate by legal practitioner for non-party or potential party

Amended rule	Rule heading
O. 66 r. 8A	Costs in case of legal practitioner acting pro bono

Part 5 — *Supreme Court (Court of Appeal) Rules 2005* amended

16. Rules amended

This Part amends the *Supreme Court (Court of Appeal) Rules 2005*.

17. Rule 3 amended

In rule 3(1) delete the definition of *lawyer*.

18. Various references to “lawyer” amended

In the provisions listed in the Table:

- (a) delete “lawyer” (each occurrence) and insert:

legal practitioner

- (b) delete “lawyer” and insert:

legal practitioner

- (c) delete “lawyer’s” and insert:

legal practitioner’s

- (d) delete “**lawyers**” and insert:

legal practitioners

- (e) delete “**lawyer**” and insert:

legal practitioner

- (f) delete “**Lawyer’s**” (each occurrence) and insert:

Legal practitioner’s

- (g) delete “lawyer” (each occurrence) and insert:

legal practitioner

(h) delete “lawyer’s” and insert:

legal practitioner’s

(i) delete “lawyer” and insert:

legal practitioner

(j) delete “Lawyer” and insert:

Legal practitioner

(k) delete “lawyer” and insert:

legal practitioner

Table

r. 17(1)	Pt. 4 heading
r. 23(1) and (2)	r. 24(1), (2), (3), (4) and (6)
r. 28(2)	r. 29(2)
r. 41(1)(c)	r. 44(2)(b)
r. 59(1A) and (3)	r. 60(4)
Sch. 1 Forms 1 to 10, 12 to 14A and 16	

Date: 3 June 2022.

The Hon. Chief Justice Peter Quinlan
 Chief Justice of Western Australia
 Supreme Court of Western Australia.

— PART 2 —

AGRICULTURE AND FOOD

AG401

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

Under section 130 of the *Biosecurity and Agriculture Management Act 2007*, I determine rates chargeable on land in the prescribed areas for the financial year commencing 1 July 2022 as follows—

- (a) 5.884 cents in the dollar on the unimproved value of land held under pastoral leasehold in the local government districts of Carnarvon, Exmouth, Greater Geraldton, Murchison, Upper Gascoyne, Northampton and Shark Bay;
- (b) 6.140 cents in the dollar on the unimproved value of land held under pastoral leasehold in the local government districts of Coolgardie, Dundas, Kalgoorlie-Boulder, Laverton, Leonora, Menzies, Ngaanyatjarraku, Sandstone, Wiluna and Yilgarn;
- (c) 0.516 cents in the dollar on the unimproved value of the land held under pastoral leasehold in the local government districts of Broome, Derby-West Kimberley, Wyndham-East Kimberley and Halls Creek;
- (d) 6.104 cents in the dollar on the unimproved value of the land held under pastoral leasehold in the local government districts of Cue, Meekatharra, Mount Magnet, Mount Marshall, Perenjori and Yalgoo;
- (e) 2.182 cents in the dollar on the unimproved value of land held under pastoral leasehold in the local government districts of Ashburton, East Pilbara, Karratha and Port Hedland;
- (f) 0.04154 cents in the dollar on the unimproved value of freehold land in the local government districts of Dalwallinu, Koorda, Morawa and Perenjori, that is no less than 100 hectares in area with a minimum rates payable amount of \$80;
- (g) 0.0088 cents in the dollar on the unimproved value of freehold land in the local government districts of Carnamah, Coorow, Dandaragan, Mingenew, Moora, Irwin and Three Springs, that is no less than 100 hectares in area with a minimum rates payable amount of \$100;
- (h) 0.0258 cents in the dollar on the unimproved value of freehold land in the local government districts of Chapman Valley, Greater Geraldton and Northampton, that is no less than 100 hectares in area with a minimum rates payable amount of \$80;
- (i) a flat rate on freehold land in the local government districts of Boyup Brook, Bridgetown-Greenbushes, Donnybrook-Balingup (*in the localities of Balingup, Mullalyup, Grimwade, Southampton and Wilga West*) and West Arthur, that is—
 - (a) a fixed sum of \$50 on freehold land on the rural valuation roll maintained under the *Valuation of Land Act 1978*
 - (b) a fixed sum of \$40 on freehold land within a town-site described as urban residential or urban farming or urban vacant or urban miscellaneous on the urban valuation roll maintained under *Valuation of Land Act 1978*;
- (j) a flat rate (fixed sum) on freehold land in the local government district of Esperance that is no less than 100 hectares in size as follows:

<i>Hectare ranges</i>	<i>Flat rate (fixed sum) \$</i>
<i>100—5,000</i>	<i>50</i>
<i>> 5,000—10,000</i>	<i>200</i>
<i>> 10,000</i>	<i>500</i>

- (k) a flat rate (fixed sum) of \$30 on freehold land on the rural, urban and/or metropolitan valuation rolls maintained under the *Valuation of Land Act 1978* in the local government districts of Harvey, Mandurah, Murray, Serpentine-Jarrahdale and Waroona, that is no less than one (1) hectare in area;
- (l) a flat rate (fixed sum) on freehold land in the local government district of Ravensthorpe that is described as urban farming or urban residential or urban vacant or urban miscellaneous on the non-rural and on the rural valuation rolls maintained under the *Valuation of Land Act 1978* as follows:

<i>Hectare ranges</i>	<i>Flat rate (fixed sum) \$</i>
<i>50 ha or less</i>	<i>24</i>
<i>> 50—200</i>	<i>39</i>

<i>Hectare ranges</i>	<i>Flat rate (fixed sum) \$</i>
> 200—500	75
> 500—1,000	141
> 1,000—2,000	200
> 2,000—3,500	377
> 3,500—5,000	528
> 5,000—7,500	698
> 7,500—9,000	848
> 9,000	1,107

- (m) a flat rate (fixed sum) on freehold land in the local government districts of Bunbury, Capel, Dardanup and Donnybrook-Balingup (*in the localities of Argyle, Beelerup, Brazier, Brookhampton, Charley Creek, Cundinup, Donnybrook, Glen Mervyn, Kirup, Lowden, Mumballup, Newlands, Noggerup, Paynedale, Queenwood, Thomson Brook, Upper Capel and Yabberup*), described as urban farming on the non-rural valuation roll and freehold land on the rural valuation roll maintained under the *Valuation of Land Act 1978* as follows:

<i>Hectare ranges</i>	<i>Flat rate (fixed sum) \$</i>
1—10	47.20
> 10	62.95

- (n) a flat rate (fixed sum) on freehold land in the local government districts of Kondinin, Kulin, Lake Grace, Merredin, Mount Marshall, Mukinbudin, Narembeen, Nungarin, Trayning, Westonia and Yilgarn, that is no less than 20 hectares in area as follows:

<i>Hectare ranges (ha)</i>	<i>Flat rate (fixed sum) \$</i>
20—1,000	30
> 1,000—2,000	45
> 2,000—5,000	140
> 5,000—10,000	250
> 10,000—15,000	400
> 15,000	600

Hon. ALANNAH MacTIERNAN, MLC, Minister for Agriculture and Food.

FIRE AND EMERGENCY SERVICES

FE401

BUSH FIRES ACT 1954
BUSH FIRES (SECTION 24E) NOTICE 2022
Shire of Irwin

Ref. D18024

Made by the FES Commissioner under Section 24E of the *Bush Fires Act 1954*.

1. Citation

This Notice may be cited as the *Bush Fires (Section 24E) Notice 2022—Shire of Irwin*.

2. Permission to burn garden refuse or rubbish in rubbish tip during restricted burning times valid for 5 years

(1) Permission is given for the use of fire in the open air during the restricted burning times for the Shire of Irwin for the purpose of destroying garden refuse or rubbish or for any like purpose.

(2) This permission does not apply during the prohibited burning times for the Shire of Irwin.

(3) This permission has effect for the period of 5 years from the day on which this Notice is published in the *Gazette*.

3. Land to which permission applies

This notice only applies in respect of the Dongara Transfer Station, Crown Reserve 26494, Dee Street, Dongara.

4. Conditions applying during the permission—Schedule 1

During the period of the permission, the conditions specified in Schedule 1 apply to a fire which is to be lit, or which is lit, for the purpose of burning garden refuse or rubbish or for any like purpose in a rubbish tip during the restricted burning times.

BUSH FIRES (SECTION 24E) NOTICE 2022—SHIRE OF IRWIN**Schedule 1— Specified Conditions**

1. Only dry untreated wood, timber and garden refuse may be burnt under this permission.
2. A firebreak with a minimum of three metres width, cleared of all inflammable material, is to be maintained around the total perimeter of the disposal site/location throughout the restricted burning times.
3. A separation zone of a minimum of 25 metres must be maintained between the waste to be burnt and any other domestic or commercial waste.
4. Prior to the lighting of any fire under this permission the Shire of Irwin will place a notice within a newspaper circulating in their district and upon their website, advising the public of the intention to burn, the purpose for which the burning is being undertaken and the expected periods of burning.
5. Before any fires are lit the following notifications must be made—
 - Shire of Irwin Chief Bush Fire Control Officer;
 - DFES Communications Centre; and
 - Department of Biodiversity, Conservation and Attractions District Manager for any fire being lit within five kilometres of conservation land.
6. No fires are to be lit on the site subject to this permission on a day or part of a day for which the fire danger forecast issued by the Bureau of Meteorology in respect of that locality is **Catastrophic** or **Extreme**.
7. Fires are only to be lit under the following conditions—
 - the fire is lit by personnel specifically authorised to do by the local government;
 - the fire is lit after a local forecast for the day has been obtained from the Bureau of Meteorology; and
 - the Chief Bush Fire Control Officer or his designated deputies have been consulted and agreed to the burn taking place.
8. Burning shall take place in designated areas of the rubbish tip. The designated areas shall be cleared of all inflammable material, save minor grasses and live standing trees, for a radius of 50 metres minimum. The burning site will be located a minimum of 50 metres from the rubbish tip boundary. Domestic and commercial waste must be kept separate from the material to be burnt.
9. Materials for burning shall be arranged in trenches or windrows, as directed by the local government. This area should not be sited over an area which has been previously land filled.
10. All materials for burning shall be regularly heaped and stoked throughout the duration of the burn to ensure, as far as possible, a rapid and complete burn.
11. The volume of waste to be burnt shall not exceed that which can be safely burnt and declared safe within the hours of 8 am and 12 midnight on any one day.
12. Until the fire is declared safe in accordance with condition 14, the fire must be attended by—
 - at least three able bodied personnel who have successfully undertaken the minimum level of Bush Fire Training, as defined by DFES; and
 - a fire fighting appliance, fitted with a two-way radio, with a minimum water carrying capacity of 2000 litres fitted with a minimum of 30 metres of 19 millimetre diameter rubber hose and a pump capable of delivering a minimum of 1000 litres of water per minute at a minimum of 700Kpa through an adjustable nozzle capable of projecting water in spray and jet configurations.
13. The personnel referred to in condition 12 are to be provided a mobile telephone and contact numbers for those persons described in condition 5.
14. All burns are to be declared “**SAFE**” by personnel specifically authorised to do so by the Chief Bush Fire Control Officer for the local government district prior to any fire fighting equipment and personnel being permitted to depart the area.

Date: 8 June 2022.

CRAIG WATERS AFSM, Acting FES Commissioner, as a delegate of the
Minister under section 15 of the *Fire and Emergency Services Act 1998*.

HEALTH

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, Amber-Jade Sanderson, 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: 11 am.

Date of this extension: 9 June 2022.

Hon. AMBER-JADE SANDERSON, MLA, Minister for Health.

JUSTICE

JU401**CIVIL LIABILITY ACT 2002****SPECIFIED AMOUNTS**

In accordance with the requirements of sections 10(3) and 13(3) of the *Civil Liability Act 2002* (WA), I give notice that the following amounts apply for the purposes of those sections with effect on and from 1 July 2022—

Section 10(3)

Amount A: \$23,500

Amount C: \$68,000

Section 13(3)

Amount B: \$7,000

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

JU402**HIGHWAYS (LIABILITY FOR STRAYING ANIMALS) ACT 1983 (WA)****HIGHWAYS (LIABILITY FOR STRAYING ANIMALS) (DAMAGES IN TORT OF NEGLIGENCE)**

Under section 4(3) of the Act—

Adjustment of maximum damages amount

From 1 July 2022, the amount that applies for the purposes of section 4(1) of the Act is \$4,395,500.

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

JU403**JUSTICES OF THE PEACE ACT 2004****APPOINTMENTS**

It is hereby notified for public information that the Governor in Executive Council has approved of the following to the Office of Justice of the Peace for the State of Western Australia—

Marguerite Grace Hiatt of North Perth

Richard James Partridge of Maylands

JOANNE STAMPALIA, Executive Director, Court and Tribunal Services.

PREMIER AND CABINET

PR401

INTERPRETATION ACT 1984
MINISTERIAL ACTING ARRANGEMENTS

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

Hon R. Saffioti MLA to act temporarily in the office of Minister for State Development, Jobs and Trade; Tourism; Commerce; Science in the absence of the Hon R. H. Cook MLA for the period 11 to 24 June 2022 (both dates inclusive).

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

PUBLIC NOTICES

ZZ401

TRUSTEES ACT 1962
DECEASED ESTATES

Notice to Creditors and Claimants

Bridget Russell late of 4 Myrtle Street, Perth, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the Estate of the Deceased who died on 30 December 2021, are required by the Executor, Samantha Thomson of PO Box 500 North Perth, Western Australia, to send particulars of their claim to her within (1) month of the date of this notice, after which date the Executor may convey or distribute the assets, having regard only to the claims which she then has notice.
