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— PART 1 —

PROCLAMATIONS

AA101

Government Trading Enterprises Act 2023

Government Trading Enterprises Act 2023 Commencement Proclamation 2023

SL 2023/89

Made under the *Government Trading Enterprises Act 2023* section 2(b)
by the Governor in Executive Council.

1. Citation

This proclamation is the *Government Trading Enterprises Act 2023 Commencement Proclamation 2023*.

2. Commencement

The *Government Trading Enterprises Act 2023*, other than Part 1, comes into operation on 1 July 2023.

C. DAWSON, Governor.

L.S.

R. SAFFIOTI, Treasurer.

Note: This proclamation brings into operation the remainder of the *Government Trading Enterprises Act 2023*.

AA102

Working with Children (Criminal Record Checking) Amendment
Act 2022

**Working with Children (Criminal Record
Checking) Amendment Act 2022
Commencement Proclamation 2023**

SL 2023/90

Made under the *Working with Children (Criminal Record Checking)
Amendment Act 2022* section 2(b) by the Governor in Executive Council.

1. Citation

This proclamation is the *Working with Children (Criminal
Record Checking) Amendment Act 2022 Commencement
Proclamation 2023*.

2. Commencement

The *Working with Children (Criminal Record Checking)
Amendment Act 2022*, other than Part 1, comes into operation on
1 July 2023.

C. DAWSON, Governor.

L.S.

S. WINTON, Minister for Child Protection.

Note: This proclamation brings into operation the remainder of the *Working with
Children (Criminal Record Checking) Amendment Act 2022*.

AA103

Local Government Amendment Act 2023

Local Government Amendment Act 2023 Commencement Proclamation (No. 2) 2023

SL 2023/92

Made under the *Local Government Amendment Act 2023* section 2(d) by the Governor in Executive Council.

1. Citation

This proclamation is the *Local Government Amendment Act 2023 Commencement Proclamation (No. 2) 2023*.

2. Commencement

The following provisions of the *Local Government Amendment Act 2023* come into operation as follows —

- (a) sections 4, 5(1) and (3), 6, 12, 18, 19(4), 20, 21, 25 to 28, 31(2) and (3), 33 to 39, 40(1) and (2), 42 to 54, 56, 57, 71, 76(2), 77(3), 88 and 90 to 98 and Part 3 Division 1 — on the day after the day on which this proclamation is published in the *Gazette*;
- (b) sections 79(2) and 80 and Part 3 Division 3 — on 1 January 2024;
- (c) section 23 — on 1 July 2024.

C. DAWSON, Governor.

L.S.

D. MICHAEL, Minister for Local Government.

AA104

Fair Trading Act 2010

Fair Trading Act (Amending Law) Proclamation 2023

SL 2023/97

Made under the *Fair Trading Act 2010* section 19C by the Governor in Executive Council.

1. Citation

This proclamation is the *Fair Trading Act (Amending Law) Proclamation 2023*.

2. Effect of *Treasury Laws Amendment (More Competition, Better Prices) Act 2022 (Commonwealth)* (Act s. 19C(2))

For the purposes of the *Fair Trading Act 2010* section 19, the *Treasury Laws Amendment (More Competition, Better Prices) Act 2022 (Commonwealth)* has effect.

3. Commencement of particular amending provisions of *Treasury Laws Amendment (More Competition, Better Prices) Act 2022 (Commonwealth)* (Act s. 19C(3))

(1) In this clause —

commenced amending provisions means the amending provisions of the *Treasury Laws Amendment (More Competition, Better Prices) Act 2022 (Commonwealth)* that have come into operation in the Commonwealth before gazettal day;

Note for this definition:

The *Treasury Laws Amendment (More Competition, Better Prices) Act 2022 (Commonwealth)* Schedule 1 Part 4 and item 108 are commenced amending provisions.

gazettal day means the day on which this proclamation is published in the *Gazette*.

- (2) Under the *Fair Trading Act 2010* section 19C(3), the commenced amending provisions come into operation for the purposes of the *Fair Trading Act 2010* section 19 on the day after gazettal day.

Note for this clause:

Under the *Fair Trading Act 2010* section 19C(4) and the *Treasury Laws Amendment (More Competition, Better Prices) Act 2022* (Commonwealth) section 2, the amending provisions of the Commonwealth Act that are not commenced amending provisions come into operation on 9 November 2023.

C. DAWSON, Governor.

L.S.

S. ELLERY, Minister for Commerce.

AA105

Health Services Amendment Act 2023

Health Services Amendment Act 2023 Commencement Proclamation 2023

SL 2023/103

Made under the *Health Services Amendment Act 2023* section 2(b) by the Governor in Executive Council.

1. Citation

This proclamation is the *Health Services Amendment Act 2023 Commencement Proclamation 2023*.

2. Commencement

The *Health Services Amendment Act 2023* Parts 2, 3, 4 and 6 come into operation on 1 July 2023.

C. DAWSON, Governor.

L.S.

A. SANDERSON, Minister for Health.

COMMUNITY AND CHILD SERVICES

CN301

Adoption Act 1994
Children and Community Services Act 2004

**Child Protection Regulations Amendment (Fees
and Payments) Regulations 2023****SL 2023/93**

Made by the Governor in Executive Council.

Part 1 — Preliminary**1. Citation**

These regulations are the *Child Protection Regulations Amendment (Fees and Payments) Regulations 2023*.

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 1 July 2023.

Part 2 — Adoption Regulations 1995 amended**3. Regulations amended**

This Part amends the *Adoption Regulations 1995*.

4. Various fees amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
r. 87(a)	\$1 057	\$1 091
r. 87(b)	\$1 392	\$1 437
r. 87(c)	\$917	\$947
r. 87A(1)	\$624	\$644

Part 3 — *Children and Community Services Regulations 2006* amended

5. Regulations amended

This Part amends the *Children and Community Services Regulations 2006*.

6. Regulation 21 amended

In regulation 21(1) delete the Table and insert:

Table

Item	Class of children	Amount
1.	Children who are under 7 years of age	\$460
2.	Children who have reached 7 years of age but are under 13 years of age	\$543
3.	Children who have reached 13 years of age	\$658

K. COLLERAN, Clerk of the Executive Council.

CN302

Working with Children (Criminal Record Checking) Act 2004

Working with Children (Criminal Record Checking) Amendment Regulations 2023

SL 2023/101

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Working with Children (Criminal Record Checking) Amendment Regulations 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2023.

3. Regulations amended

These regulations amend the *Working with Children (Criminal Record Checking) Regulations 2005*.

4. Regulation 1 amended

In regulation 1 delete “(*Criminal Record Checking*)” and insert:

(*Screening*)

5. Regulation 3 amended

(1) In regulation 3 insert in alphabetical order:

Australian Crime Commission means the Australian Crime Commission established under the *Australian Crime Commission Act 2002* (Commonwealth) section 7;

Parliamentary Commissioner means the Parliamentary Commissioner for Administrative Investigations appointed under the *Parliamentary Commissioner Act 1971*;

Teacher Registration Board means the Teacher Registration Board of Western Australia established by the *Teacher Registration Act 2012* section 86.

(2) In regulation 3 in the definition of ***section*** delete “Act.” and insert:

Act;

6. Regulation 3A amended

In regulation 3A delete “section 4 of the Act —” and insert:

section 4 —

7. Regulations 4 to 7 replaced

Delete regulations 4 to 7 and insert:

3B. Conduct review authorities (s. 4)

The following are prescribed for the purposes of the definition of ***conduct review authority*** in section 4 —

- (a) the Parliamentary Commissioner;
- (b) the Teacher Registration Board.

**3C. Conduct review findings or outcomes —
*Parliamentary Commissioner Act 1971 (s. 4)***

(1) In this regulation —

employee, of a relevant entity, has the meaning given in the PC Act section 19D;

head of a relevant entity has the meaning given in the PC Act section 19E;

PC Act means the *Parliamentary Commissioner Act 1971*;

reportable conduct has the meaning given in the PC Act section 19G(1)(a), (b) and (c), (2) and (3);

reportable conviction has the meaning given in the PC Act section 19H but does not include a conviction for an offence referred to in section 19G(1)(d).

(2) The following are prescribed for the purposes of the definition of **conduct review finding or outcome** in section 4 —

(a) a finding by the head of a relevant entity under the PC Act section 19W(3)(a) of reportable conduct in relation to an employee of the relevant entity;

(b) a finding by the Parliamentary Commissioner —

(i) under the PC Act section 19ZB(4)(a)(i), that the Parliamentary Commissioner is of the opinion that an employee of a relevant entity has engaged in reportable conduct; or

(ii) under the PC Act section 19ZB(4)(b)(i), that an employee of a relevant entity has a reportable conviction.

3D. Conduct review findings or outcomes — *Teacher Registration Act 2012 (s. 4)*

(1) In this regulation —

registration means registration under the TR Act Part 3;

SAT means the State Administrative Tribunal;

TR Act means the *Teacher Registration Act 2012*.

(2) The following are prescribed for the purposes of the definition of **conduct review finding or outcome** in section 4 —

(a) the suspension by a disciplinary committee of the registration of a teacher under the TR Act section 70(1)(d);

- (b) the suspension by the Teacher Registration Board of the registration of a teacher under the TR Act section 80(2)(b);
- (c) the suspension by SAT of the registration of a teacher under —
 - (i) the TR Act section 70(1)(d), as applied by section 84(1)(b)(i) of that Act; or
 - (ii) the TR Act section 84(2)(b);
- (d) the disqualification by SAT of a person from applying for registration as a teacher under the TR Act section 84(1)(a)(ii);
- (e) the cancellation by SAT of the registration of a teacher under the TR Act section 84(1)(b)(ii) or (2)(e).

3E. Corresponding laws (s. 4)

The following laws are prescribed for the purposes of the definition of *corresponding law* in section 4 —

- (a) the *Working with Vulnerable People (Background Checking) Act 2011* (Australian Capital Territory);
- (b) the *Child Protection (Working with Children) Act 2012* (New South Wales);
- (c) the *Care and Protection of Children Act 2007* (Northern Territory);
- (d) the *Working with Children (Risk Management and Screening) Act 2000* (Queensland);
- (e) the *Child Safety (Prohibited Persons) Act 2016* (South Australia);
- (f) the *Registration to Work with Vulnerable People Act 2013* (Tasmania);
- (g) the *Worker Screening Act 2020* (Victoria).

3F. Australian Crime Commission is criminal records agency (s. 4)

The Australian Crime Commission is prescribed for the purposes of the definition of *criminal records agency* in section 4.

4. Exemptions to child-related work (s. 6(3) and (4))

- (1) For the purposes of section 6(3), section 6(1) applies to work that is carried out on a voluntary basis by a child if —
 - (a) a negative notice or interim negative notice has been issued to the child; and
 - (b) the notice is current.

- (2) Subject to subregulations (3) and (4), the work described in Schedule 1 is prescribed for the purposes of section 6(4) as work to which section 6(1) does not apply.
- (3) Subregulation (2) does not apply to the work described in Schedule 1 Division 1 that is carried out on a voluntary basis by a person who is a parent of a child if —
 - (a) a negative notice or interim negative notice has been issued to the person; and
 - (b) the notice is current.
- (4) Subregulation (2) does not apply to the work described in Schedule 1 clause 13 that is carried out by a student who is a child if —
 - (a) a negative notice or interim negative notice has been issued to the child; and
 - (b) the notice is current.

5. Class 1 offences and Class 2 offences (s. 7)

- (1) For the purposes of section 7(1)(b), an offence against a provision listed in Schedule 2 is a Class 1 offence if the offence complies with any condition specified in that Schedule for that offence.
- (2) For the purposes of section 7(2)(b), an offence against a provision listed in Schedule 3 is a Class 2 offence if the offence complies with any condition specified in that Schedule for that offence.
- (3) For the purposes of Schedules 2 and 3, this subregulation applies to an offence if —
 - (a) the victim of the offence is a child who has reached 14 years of age; and
 - (b) the age difference between the victim and the offender does not exceed 5 years.

6. Designated conduct review authorities (s. 17A(1))

- (1) This regulation has effect for the purposes of the definition of *designated conduct review authority* in section 17A(1).
- (2) The Parliamentary Commissioner is the designated conduct review authority in relation to a conduct review finding or outcome referred to in regulation 3C(2).
- (3) The Teacher Registration Board is the designated conduct review authority in relation to a conduct review finding or outcome referred to in regulation 3D(2).

**7. Public authorities that are authorised entities
(s. 34F(1))**

The following public authorities are prescribed for the purposes of the definition of *authorised entity* in section 34F(1) —

- (a) the departments of the Public Service principally assisting in the administration of the following Acts —
 - (i) the *Child Care Services Act 2007*;
 - (ii) the *Children and Community Services Act 2004*;
 - (iii) the *Education and Care Services National Law (WA) Act 2012*;
 - (iv) the *Motor Vehicle Drivers Instructors Act 1963*;
 - (v) the *Transport (Road Passenger Services) Act 2018*;
- (b) the Australian Health Practitioner Regulation Agency established by the *Health Practitioner Regulation National Law (Western Australia)* section 23(1);
- (c) the Teacher Registration Board.

7A. Information that may be disclosed to Australian Crime Commission (s. 34G(2))

- (1) In this regulation —
condition means a condition specified in the Table to section 12(3).
- (2) The following information relating to a negative notice or an interim negative notice is prescribed for the purposes of section 34G(2) —
 - (a) the date of issue and identifying number of the notice;
 - (b) whether or not the condition in accordance with which the notice was issued relates to a criminal record.

7B. Police information may be disclosed to Australian Crime Commission (s. 34I(3))

The Australian Crime Commission is prescribed for the purposes of section 34I(3).

**7C. Information for application for entry warrant
(s. 34V(2)(a))**

For the purposes of section 34V(2)(a), the following information is prescribed for an application for an entry warrant —

- (a) the applicant's full name and official details;
- (b) the place in relation to which the warrant is sought;
- (c) the authorised purpose for which entry to the place is sought;
- (d) the grounds on which the applicant considers that entry to the place is necessary;
- (e) the time period for which the warrant is required;
- (f) a statement to the best of the applicant's knowledge about whether an application for an entry warrant for the same place has been made under section 34V(1) within the previous 72 hours and, if so, whether or not a warrant was issued.

7D. Form of entry warrant (s. 34W(3))

For the purposes of section 34W(3), an entry warrant must be in the form set out in Schedule 5.

7E. Times at which documents are given (s. 45D(3))

- (1) For the purposes of section 45D(3) and unless the contrary is proved, subregulations (2) to (6) prescribe the times at which a document is given if it is given by the method referred to in the relevant subregulation.
- (2) A document given to a person by the method described in section 45D(2)(a) is taken to have been given —
 - (a) at the time the document is delivered to the person; or
 - (b) if the person refuses to accept that delivery — at the time —
 - (i) the document is placed down in the presence of the person; and
 - (ii) the person is told what the document is.
- (3) A document given to a person by the method described in section 45D(2)(b) is taken to have been given at the time the document is left at the person's last known principal place of residence or ordinary place of business.

- (4) A document given to a person by the method described in section 45D(2)(c) is taken to have been given at the time the document would have been delivered to the person in the ordinary course of post.
- (5) A document given to a person by the method described in section 45D(2)(d) is taken to have been given at the time the document is sent by email to the email address specified by the person.
- (6) A document given to a person by a method described in section 45D(2)(e) is taken to have been given at the time agreed to by the person, if a time was agreed to by the person for giving a document by that method.

8. Regulation 8 amended

In regulation 8(1), (2), (3A) and (4) delete “Schedule 3” (each occurrence) and insert:

Schedule 4

Note: The heading to amended regulation 8 is to read:

Fees (Sch. 4)

9. Schedules 2A and 2 replaced

Delete Schedules 2A and 2 and insert:

Schedule 2 — Class 1 offences

[r. 5(1)]

Provision	Description of offence	Condition
Offences under <i>The Criminal Code</i> set out in the Schedule to the <i>Criminal Code Act 1995</i> (Commonwealth)		
s. 71.2(1)	Murder of a UN or associated person	The victim is a child
s. 71.4(1)	Intentionally causing serious harm to a UN or associated person	The victim is a child
s. 71.8(1)	Unlawful sexual penetration of a UN or associated person	The victim is a child and regulation 5(3) does not apply to the offence
s. 71.9(1)	Kidnapping a UN or associated person	The victim is a child and the offence is committed by a person other than a relative of the child
s. 72.3(1)	Intentionally deliver, place, discharge or detonate a device	The victim, or intended victim, is a child

Provision	Description of offence	Condition
s. 101.1(1)	Terrorist acts	The offence causes serious physical harm to a child or causes a child's death
s. 115.1(1)	Murder of an Australian citizen or a resident of Australia	The victim is a child
s. 115.3(1)	Intentionally causing serious harm to an Australian citizen or a resident of Australia	The victim is a child
s. 268.3	Genocide by killing	At least 1 of the victims is a child
s. 268.4(1)	Genocide by causing serious bodily or mental harm	At least 1 of the victims is a child
s. 268.5(1)	Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction	At least 1 of the victims is a child
s. 268.6	Genocide by imposing measures intended to prevent births	At least 1 of the victims is a child
s. 268.7(1)	Genocide by forcibly transferring children	
s. 268.8	Crime against humanity — murder	At least 1 of the victims is a child
s. 268.9(1)	Crime against humanity — extermination	At least 1 of the victims is a child
s. 268.13	Crime against humanity — torture	At least 1 of the victims is a child
s. 268.14(1) or (2)	Crime against humanity — rape	The victim is a child
s. 268.15(1)	Crime against humanity — sexual slavery	The victim is a child
s. 268.16(1)	Crime against humanity — enforced prostitution	At least 1 of the victims is a child
s. 268.17(1)	Crime against humanity — forced pregnancy	At least 1 of the victims is a child
s. 268.18(1)	Crime against humanity — enforced sterilisation	At least 1 of the victims is a child

Provision	Description of offence	Condition
s. 268.19(1)	Crime against humanity — sexual violence	At least 1 of the victims is a child
s. 268.23	Crime against humanity — other inhumane act	At least 1 of the victims is a child
s. 268.24(1)	War crime — wilful killing	At least 1 of the victims is a child
s. 268.25(1)	War crime — torture	At least 1 of the victims is a child
s. 268.47(1)	War crime — mutilation causing death	At least 1 of the victims is a child
s. 268.47(2)	War crime — mutilation	At least 1 of the victims is a child
s. 268.48(1)	War crime — medical or scientific experiment causing death	At least 1 of the victims is a child
s. 268.48(2)	War crime — medical or scientific experiments	At least 1 of the victims is a child
s. 268.49(1)	War crime — treacherously killing	At least 1 of the victims is a child
s. 268.55	War crime — employing poison or poisoned weapons	At least 1 of the victims is a child
s. 268.56	War crime — employing prohibited gases, liquids, materials or devices	At least 1 of the victims is a child
s. 268.59(1) or (2)	War crime — rape	The victim is a child
s. 268.60(1)	War crime — sexual slavery	The victim is a child
s. 268.61(1)	War crime — enforced prostitution	At least 1 of the victims is a child
s. 268.62(1)	War crime — forced pregnancy	At least 1 of the victims is a child
s. 268.63(1)	War crime — enforced sterilisation	At least 1 of the victims is a child
s. 268.64(1)	War crime — sexual violence	At least 1 of the victims is a child
s. 268.70(1)	War crime — murder	At least 1 of the victims is a child
s. 268.71(1)	War crime — mutilation causing death	At least 1 of the victims is a child
s. 268.71(2)	War crime — mutilation	At least 1 of the victims is a child

Provision	Description of offence	Condition
s. 268.73(1)	War crime — torture	At least 1 of the victims is a child
s. 268.76(2)	War crime — execution without due process	At least 1 of the victims is a child
s. 268.82(1) or (2)	War crime — rape	The victim is a child
s. 268.83(1)	War crime — sexual slavery	The victim is a child
s. 268.84(1)	War crime — enforced prostitution	At least 1 of the victims is a child
s. 268.85(1)	War crime — forced pregnancy	At least 1 of the victims is a child
s. 268.86(1)	War crime — enforced sterilisation	At least 1 of the victims is a child
s. 268.87(1)	War crime — sexual violence	At least 1 of the victims is a child
s. 268.90(1)	War crime — treacherously killing	At least 1 of the victims is a child
s. 268.92(1)	War crime — mutilation causing death	At least 1 of the victims is a child
s. 268.92(2)	War crime — mutilation	At least 1 of the victims is a child
s. 268.93(1)	War crime — medical or scientific experiment causing death	At least 1 of the victims is a child
s. 268.93(2)	War crime — medical or scientific experiments	At least 1 of the victims is a child
s. 268.96(1)	War crime — removal of blood, tissue or organs for transplantation	At least 1 of the victims is a child
s. 271.4(1) or (2)	Trafficking in children	
s. 271.7	Domestic trafficking in children	
s. 271.7B(1) or (2)	Organ trafficking — entry into and exit from Australia	The victim is a child
s. 271.7C(1)	Organ trafficking — aggravated offence	The victim is a child
s. 271.7D	Domestic organ trafficking	The victim is a child
s. 271.7E(1)	Domestic organ trafficking — aggravated offence	The victim is a child
s. 272.8(1)	Sexual intercourse with child outside Australia	Regulation 5(3) does not apply to the offence

Provision	Description of offence	Condition
s. 272.8(2)	Causing child to engage in sexual intercourse in presence of offender outside Australia	Regulation 5(3) does not apply to the offence
s. 272.9(1) or (2)	Sexual activity (other than sexual intercourse) with child outside Australia	Regulation 5(3) does not apply to the offence
s. 272.10(1)	Aggravated offence — sexual intercourse or other sexual activity with child outside Australia	
s. 272.11(1)	Persistent sexual abuse of child outside Australia	Regulation 5(3) does not apply to the offence
s. 272.12(1) or (2)	Sexual intercourse with young person outside Australia — offender in position of trust or authority	
s. 272.13(1) or (2)	Sexual activity (other than sexual intercourse) with young person outside Australia — offender in position of trust or authority	
s. 272.14(1)	Procuring child to engage in sexual activity outside Australia	Regulation 5(3) does not apply to the offence
s. 272.15(1)	“Grooming” child to engage in sexual activity outside Australia	
s. 272.15A(1)	“Grooming” person to make it easier to engage in sexual activity with a child outside Australia	
s. 272.18(1)	Benefiting from offence against Division 272	
s. 272.19(1)	Encouraging offence against Division 272	
s. 272.20(1) or (2)	Preparing for or planning offence against Division 272	
s. 273.5 (repealed)	Possessing, controlling, producing, distributing or obtaining child pornography material outside Australia	

Provision	Description of offence	Condition
s. 273.6(1)	Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia	
s. 273.7(1)	Aggravated offence — offence against s. 273.6 involving conduct on 3 or more occasions and 2 or more people	
s. 273A.1	Possession of child-like sex dolls etc	
s. 274.2(1) or (2)	Torture	The victim is a child
s. 471.16(1) or (2) (repealed)	Using a postal or similar service for child pornography material	
s. 471.17 (repealed)	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a postal or similar service	
s. 471.19(1) or (2)	Using a postal or similar service for child abuse material	
s. 471.20(1)	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a postal or similar service	
s. 471.22(1)	Aggravated offence — offence against s. 471.19 or 471.20 involving conduct on 3 or more occasions and 2 or more people	
s. 471.24(1), (2) or (3)	Using a postal or similar service to procure children under 16	
s. 471.25(1), (2) or (3)	Using a postal or similar service to “groom” children under 16	
s. 471.25A(1), (2) or (3)	Using a postal or similar service to “groom” another person to make it easier to procure children under 16	
s. 471.26(1)	Using a postal or similar service to send indecent material to child under 16	Regulation 5(3) does not apply to the offence

Provision	Description of offence	Condition
s. 474.19 (repealed)	Using a carriage service for child pornography material	
s. 474.20 (repealed)	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service	
s. 474.22(1)	Using a carriage service for child abuse material	
s. 474.22A(1)	Possessing or controlling child abuse material obtained or accessed using a carriage service	Regulation 5(3) does not apply to the offence
s. 474.23(1)	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service	
s. 474.23A(1)	Conduct for the purposes of electronic service used for child abuse material	
s. 474.24A(1)	Aggravated offence — offence against s. 474.22, 474.22A or 474.23 involving conduct on 3 or more occasions and 2 or more people	
s. 474.25A(1)	Engaging in sexual activity with child under 16 using a carriage service	Regulation 5(3) does not apply to the offence
s. 474.25A(2)	Causing child under 16 to engage in sexual activity using a carriage service	
s. 474.25B(1)	Aggravated offence — using a carriage service for sexual activity with child under 16	
s. 474.25C	Using a carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, children under 16	
s. 474.26(1), (2) or (3)	Using a carriage service to procure children under 16	

Provision	Description of offence	Condition
s. 474.27(1), (2) or (3)	Using a carriage service to “groom” children under 16	
s. 474.27AA(1), (2) or (3)	Using a carriage service to “groom” another person to make it easier to procure children under 16	
s. 474.27A(1)	Using a carriage service to transmit indecent communication to child under 16	Regulation 5(3) does not apply to the offence
Offences under the <i>Crimes Act 1914</i> (Commonwealth)		
s. 50BA (repealed)	Sexual intercourse with child under 16	Regulation 5(3) does not apply to the offence
s. 50BB (repealed)	Inducing child under 16 to engage in sexual intercourse	Regulation 5(3) does not apply to the offence
s. 50BC (repealed)	Sexual conduct involving child under 16	Regulation 5(3) does not apply to the offence
s. 50BD (repealed)	Inducing child under 16 to be involved in sexual conduct	Regulation 5(3) does not apply to the offence
s. 50DA (repealed)	Benefiting from offence against Part IIIA	
s. 50DB (repealed)	Encouraging offence against Part IIIA	
Offences under the <i>Crimes (Internationally Protected Persons) Act 1976</i> (Commonwealth)		
s. 8(1)	Murder of an internationally protected person	The victim is a child
s. 8(1)	Kidnapping of an internationally protected person	The victim is a child and the offence is committed by a person other than a relative of the child
Offences under the <i>Customs Act 1901</i> (Commonwealth)		
s. 233BAB(5) or (6)	Special offence relating to tier 2 goods	The offence involves goods that are items of child pornography or child abuse material

Schedule 3 — Class 2 offences

[r. 5(2)]

Provision	Description of offence	Condition
Offences under <i>The Criminal Code</i> set out in the Schedule to the <i>Criminal Code Act 1995</i> (Commonwealth)		
s. 71.2(1)	Murder of a UN or associated person	The victim is not a child
s. 71.3(1)	Manslaughter of a UN or associated person	
s. 71.4(1)	Intentionally causing serious harm to a UN or associated person	The victim is not a child
s. 71.5(1)	Recklessly causing serious harm to a UN or associated person	
s. 71.8(1)	Unlawful sexual penetration of a UN or associated person	The victim is not a child, or the victim is a child and regulation 5(3) applies to the offence
s. 71.9(1)	Kidnapping a UN or associated person	The victim is not a child, or the victim is a child and the offence is committed by a person who is a relative of the child
s. 72.3(1)	Intentionally deliver, place, discharge or detonate a device	The victim, or intended victim, is not a child
s. 73.1(1)	People smuggling	
s. 73.2(1)	Aggravated offence of people smuggling (danger of death or serious harm)	
s. 73.3(1)	Aggravated offence of people smuggling (at least 5 people)	
s. 73.3A(1)	Supporting the offence of people smuggling	
s. 80.1(1) or (2)	Treason	
s. 101.1(1)	Terrorist acts	None of the victims is a child, or a victim is a child but the offence does not cause serious physical harm to the child or cause the child's death
s. 115.1(1)	Murder of an Australian citizen or a resident of Australia	The victim is not a child

Provision	Description of offence	Condition
s. 115.2(1)	Manslaughter of an Australian citizen or a resident of Australia	
s. 115.3(1)	Intentionally causing serious harm to an Australian citizen or a resident of Australia	The victim is not a child
s. 115.4(1)	Recklessly causing serious harm to an Australian citizen or a resident of Australia	
s. 268.3	Genocide by killing	None of the victims is a child
s. 268.4(1)	Genocide by causing serious bodily or mental harm	None of the victims is a child
s. 268.5(1)	Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction	None of the victims is a child
s. 268.6	Genocide by imposing measures intended to prevent births	None of the victims is a child
s. 268.8	Crime against humanity — murder	None of the victims is a child
s. 268.9(1)	Crime against humanity — extermination	None of the victims is a child
s. 268.10(1)	Crime against humanity — enslavement	
s. 268.11(1)	Crime against humanity — deportation or forcible transfer of population	
s. 268.12(1)	Crime against humanity — imprisonment or other severe deprivation of physical liberty	
s. 268.13	Crime against humanity — torture	None of the victims is a child
s. 268.14(1) or (2)	Crime against humanity — rape	The victim is not a child
s. 268.15(1)	Crime against humanity — sexual slavery	The victim is not a child
s. 268.16(1)	Crime against humanity — enforced prostitution	None of the victims is a child
s. 268.17(1)	Crime against humanity — forced pregnancy	None of the victims is a child
s. 268.18(1)	Crime against humanity — enforced sterilisation	None of the victims is a child

Provision	Description of offence	Condition
s. 268.19(1)	Crime against humanity — sexual violence	None of the victims is a child
s. 268.20(1)	Crime against humanity — persecution	
s. 268.21(1) or (2)	Crime against humanity — enforced disappearance of persons	
s. 268.22	Crime against humanity — apartheid	
s. 268.23	Crime against humanity — other inhumane act	None of the victims is a child
s. 268.24(1)	War crime — wilful killing	None of the victims is a child
s. 268.25(1)	War crime — torture	None of the victims is a child
s. 268.26(1)	War crime — inhumane treatment	
s. 268.27(1)	War crime — biological experiments	
s. 268.28(1)	War crime — wilfully causing great suffering	
s. 268.38(1)	War crime — excessive incidental death or injury	
s. 268.40(1)	War crime — killing a person who is <i>hors de combat</i>	
s. 268.47(1)	War crime — mutilation causing death	None of the victims is a child
s. 268.47(2)	War crime — mutilation	None of the victims is a child
s. 268.48(1)	War crime — medical or scientific experiment causing death	None of the victims is a child
s. 268.48(2)	War crime — medical or scientific experiments	None of the victims is a child
s. 268.49(1)	War crime — treacherously killing	None of the victims is a child
s. 268.55	War crime — employing poison or poisoned weapons	None of the victims is a child
s. 268.56	War crime — employing prohibited gases, liquids, materials or devices	None of the victims is a child
s. 268.59(1) or (2)	War crime — rape	The victim is not a child
s. 268.60(1)	War crime — sexual slavery	The victim is not a child

Provision	Description of offence	Condition
s. 268.61(1)	War crime — enforced prostitution	None of the victims is a child
s. 268.62(1)	War crime — forced pregnancy	None of the victims is a child
s. 268.63(1)	War crime — enforced sterilisation	None of the victims is a child
s. 268.64(1)	War crime — sexual violence	None of the victims is a child
s. 268.70(1)	War crime — murder	None of the victims is a child
s. 268.71(1)	War crime — mutilation causing death	None of the victims is a child
s. 268.71(2)	War crime — mutilation	None of the victims is a child
s. 268.73(1)	War crime — torture	None of the victims is a child
s. 268.76(2)	War crime — execution without due process	None of the victims is a child
s. 268.82(1) or (2)	War crime — rape	The victim is not a child
s. 268.83(1)	War crime — sexual slavery	The victim is not a child
s. 268.84(1)	War crime — enforced prostitution	None of the victims is a child
s. 268.85(1)	War crime — forced pregnancy	None of the victims is a child
s. 268.86(1)	War crime — enforced sterilisation	None of the victims is a child
s. 268.87(1)	War crime — sexual violence	None of the victims is a child
s. 268.90(1)	War crime — treacherously killing	None of the victims is a child
s. 268.92(1)	War crime — mutilation causing death	None of the victims is a child
s. 268.92(2)	War crime — mutilation	None of the victims is a child
s. 268.93(1)	War crime — medical or scientific experiment causing death	None of the victims is a child
s. 268.93(2)	War crime — medical or scientific experiments	None of the victims is a child
s. 268.96(1)	War crime — removal of blood, tissue or organs for transplantation	None of the victims is a child
s. 268.100	War crime — apartheid	

Provision	Description of offence	Condition
s. 270.3(1) or (2)	Slavery	
s. 270.5(1)	Causing a person to enter into or remain in servitude	
s. 270.5(2)	Conducting a business involving servitude	
s. 270.6A(1)	Causing a person to enter into or remain in forced labour	
s. 270.6A(2)	Conducting a business involving forced labour	
s. 270.7	Deceptive recruiting for labour or services	
s. 270.7B(1) or (2)	Forced marriage	
s. 270.7C	Debt bondage	
s. 271.2(1), (1A), (1B), (1C), (2), (2A), (2B) or (2C)	Trafficking in persons	
s. 271.3(1)	Trafficking in persons — aggravated offence	
s. 271.5(1), (2), (2A) or (2B)	Domestic trafficking in persons	
s. 271.6(1)	Domestic trafficking in persons — aggravated offence	
s. 271.7B(1) or (2)	Organ trafficking — entry into and exit from Australia	The victim is not a child
s. 271.7C(1)	Organ trafficking — aggravated offence	The victim is not a child
s. 271.7D	Domestic organ trafficking	The victim is not a child
s. 271.7E(1)	Domestic organ trafficking — aggravated offence	The victim is not a child
s. 272.8(1)	Sexual intercourse with child outside Australia	Regulation 5(3) applies to the offence
s. 272.8(2)	Causing child to engage in sexual intercourse in presence of offender outside Australia	Regulation 5(3) applies to the offence
s. 272.9(1) or (2)	Sexual activity (other than sexual intercourse) with child outside Australia	Regulation 5(3) applies to the offence
s. 272.11(1)	Persistent sexual abuse of child outside Australia	Regulation 5(3) applies to the offence

Provision	Description of offence	Condition
s. 272.14(1)	Procuring child to engage in sexual activity outside Australia	Regulation 5(3) applies to the offence
s. 273B.4(1)	Failing to protect child at risk of child sexual abuse	
s. 274.2(1) or (2)	Torture	The victim is not a child
s. 309.2(1)	Supplying controlled drug to child	
s. 309.3(1)	Supplying marketable quantity of controlled drug to child for trafficking	
s. 309.4(1)	Supplying controlled drug to child for trafficking	
s. 309.7(1)	Procuring child for trafficking marketable quantity of controlled drug	
s. 309.8(1)	Procuring child for trafficking controlled drug	
s. 309.10(1)	Procuring child for pre-trafficking marketable quantity of controlled precursor	
s. 309.11(1)	Procuring child for pre-trafficking controlled precursor	
s. 309.12(1)	Procuring child for importing or exporting marketable quantity of border controlled drug or border controlled plant	
s. 309.13(1)	Procuring child for importing or exporting border controlled drug or border controlled plant	
s. 309.14(1)	Procuring child for importing or exporting marketable quantity of border controlled precursor	
s. 309.15(1)	Procuring child for importing or exporting border controlled precursor	
s. 310.2(1)	Causing danger to child under 14 from exposure to unlawful manufacturing	
s. 310.3(1)	Causing harm to child under 14 from exposure to unlawful manufacturing	

Provision	Description of offence	Condition
s. 310.4(2) and (3)	Aggravated offences — manufacturing controlled drugs and controlled precursors	
s. 471.26(1)	Using a postal or similar service to send indecent material to child under 16	Regulation 5(3) applies to the offence
s. 474.17A(1) or (4)	Aggravated offences involving private sexual material — using a carriage service to menace, harass or cause offence	At least 1 of the victims is a child
s. 474.22A(1)	Possessing or controlling child abuse material obtained or accessed using a carriage service	Regulation 5(3) applies to the offence
s. 474.25A(1)	Engaging in sexual activity with child under 16 using a carriage service	Regulation 5(3) applies to the offence
s. 474.27A(1)	Using a carriage service to transmit indecent communication to child under 16	Regulation 5(3) applies to the offence
s. 474.29A(1) or (2)	Using a carriage service for suicide related material	
s. 474.29B(1)	Possessing, controlling, producing, supplying or obtaining suicide related material for use through a carriage service	
Offences under the <i>Crimes Act 1914</i> (Commonwealth)		
s. 50BA (repealed)	Sexual intercourse with child under 16	Regulation 5(3) applies to the offence
s. 50BB (repealed)	Inducing child under 16 to engage in sexual intercourse	Regulation 5(3) applies to the offence
s. 50BC (repealed)	Sexual conduct involving child under 16	Regulation 5(3) applies to the offence
s. 50BD (repealed)	Inducing child under 16 to be involved in sexual conduct	Regulation 5(3) applies to the offence
Offences under the <i>Crimes (Internationally Protected Persons) Act 1976</i> (Commonwealth)		
s. 8(1)	Murder of an internationally protected person	The victim is not a child

Provision	Description of offence	Condition
s. 8(1)	Kidnapping of an internationally protected person	The victim is not a child, or the victim is a child and the offence is committed by a person who is a relative of the child
s. 8(2)(a) or (b)	Attacking an internationally protected person	

10. Schedule 3 heading amended

In the heading to Schedule 3 delete “**Schedule 3 —**” and insert:

Schedule 4 —

11. Schedule 5 inserted

After the last Schedule insert:

Schedule 5 — Entry warrant

[r. 7D]

<i>Working with Children (Screening) Act 2004</i>		
Entry warrant		
To	All authorised officers under the <i>Working with Children (Screening) Act 2004</i> .	
Application	The applicant has applied under the <i>Working with Children (Screening) Act 2004</i> s. 34V to me, a magistrate, for a warrant authorising the entry of a place for an authorised purpose.	
Applicant's details	Full name and office title	
Authorised purpose for which entry is required		
Suspected contravention(s) of Act (if applicable)	Provision(s)	
Warrant	This warrant authorises the place described below to be entered.	
Place to be entered		

Execution period	This warrant must be executed within _____ day(s) after the date it is issued.			
Issuing details	Name of magistrate			
	Date		Time	
Magistrate's signature	Issued by me on the above date and at the above time. Magistrate			
Execution details	Start	Date:	Time:	
	End	Date:	Time:	
	Occupier present? Yes/No			
	Entry audiovisually recorded? Yes/No			
Authorised officer(s) executing this warrant	Name			

K. COLLERAN, Clerk of the Executive Council.

CN303

Education and Care Services National Law (Western Australia)

Education and Care Services National Amendment Regulations (No. 2) 2023

SL 2023/105

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Education and Care Services National Amendment Regulations (No. 2) 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2023.

3. Regulations amended

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

4. Regulation 369 replaced

Delete regulation 369 and insert:

369. Educator to child ratios and qualification requirements for educators — children over preschool age

(1) In this regulation —

approved educator qualification means a qualification for the education and care of children over preschool age that —

- (a) is approved as a qualification for an educator, other than a first educator, by the National Authority; and
- (b) is included in the list of approved qualifications for educators, other than first educators, published under regulation 137(2)(c) for Western Australia;

approved first educator qualification means a qualification for the education and care of children over preschool age that—

- (a) is approved as a qualification for a first educator by the National Authority; and
- (b) is included in the list of approved qualifications for first educators published under regulation 137(2)(c) for Western Australia;

approved qualification means a qualification for the education and care of children over preschool age that —

- (a) is approved as a qualification for an educator by the National Authority; and
- (b) is included in the list of approved qualifications for educators published under regulation 137(2)(c) for Western Australia;

first qualified educator means an educator who meets the following qualification requirements —

- (a) the educator holds an approved qualification; or
- (b) the educator —
 - (i) is enrolled in a course that is an approved first educator qualification; and

- (ii) has completed at least 50% of the course; and
- (iii) is making satisfactory progress towards completion of the course; and
- (iv) is meeting the requirements for maintaining the enrolment in the course;

qualified educator means an educator who meets the following qualification requirements —

- (a) holds an approved qualification or an approved educator qualification; or
 - (b) is actively working towards an approved qualification or an approved educator qualification; or
 - (c) is a first qualified educator.
- (2) This regulation sets out, for children over preschool age —
- (a) the educator to child ratios for the purposes of regulation 123(1)(d); and
 - (b) the qualification requirements for educators for the purposes of regulation 126(2).
- (3) The educator to child ratios for children over preschool age are set out in the 3rd column of the following Table.

Table

<i>Age group</i>	<i>Number of children</i>	<i>Number of educators</i>	<i>Number of qualified educators</i>
Over preschool age (no preschool child attending session)	1-10 children	1	1
	11-26 children	2	1
	27-39 children	3	1
	40-52 children	4	2
	53-65 children	5	2
	66-78 children	6	2
	79-91 children	7	3
	92-104 children	8	3
	105-117 children	9	3
	118-130 children	10	4
	131-143 children	11	4
Over preschool age (at least one preschool child attending session)	1-10 children	1	1
	11-20 children	2	1

<i>Age group</i>	<i>Number of children</i>	<i>Number of educators</i>	<i>Number of qualified educators</i>
	21-30 children	3	1
	31-40 children	4	2
	41-50 children	5	2
	51-60 children	6	2
	61-70 children	7	3
	71-80 children	8	3
	81-90 children	9	3
	91-100 children	10	4
	101-110 children	11	4

- (4) The number of educators at the service who are required to be qualified educators is the relevant number set out in the 4th column of the Table to subregulation (3) in relation to the service.
- (5) One of the qualified educators at the service must be a first qualified educator.

Note for this regulation:

This regulation differs from regulation 369 of the national regulations made by the Ministerial Council.

5. Regulation 370 deleted

Delete regulation 370.

K. COLLERAN, Clerk of the Executive Council.

ENERGY

EN301

Electricity Corporations Act 2005

**Electricity Corporations (Electricity Generation
and Retail Corporation) Amendment
Regulations 2023****SL 2023/98**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Electricity Corporations (Electricity Generation and Retail Corporation) Amendment Regulations 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Electricity Corporations (Electricity Generation and Retail Corporation) Regulations 2013*.

4. Regulation 3 amended

In regulation 3 in the definition of *contestable customer* delete “section 52(2)” and insert:

section 54(2)

5. Regulation 31 amended

Delete regulation 31(2) and (3) and insert:

- (2) The Auditor General must —
- (a) give a copy of the report to the board of the EGRC and to the Authority as soon as practicable after the report is given to the Minister; and
 - (b) cause a copy of the report to be laid before each House of Parliament within 21 sitting days of that House after the day on which the report is given to the Minister.

K. COLLERAN, Clerk of the Executive Council.

ENVIRONMENT

EV301

Contaminated Sites Act 2003

Contaminated Sites Amendment Regulations 2023

SL 2023/95

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Contaminated Sites Amendment Regulations 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2023.

3. Regulations amended

These regulations amend the *Contaminated Sites Regulations 2006*.

4. Regulation 4 amended

In regulation 4 delete “\$15.” and insert:

\$22.

K. COLLERAN, Clerk of the Executive Council.

HEALTH

HE301

Health Services Act 2016

**Health Services (Fees and Charges) Amendment
Order (No. 4) 2023**

SL 2023/87

Made by the Minister under section 56 of the Act.

1. Citation

This order is the *Health Services (Fees and Charges) Amendment Order (No. 4) 2023*.

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 — immediately after the *Health Services (Fees and Charges) Amendment Order (No. 5) 2023* clause 4 comes into operation.

3. Order amended

This order amends the *Health Services (Fees and Charges) Order 2016*.

4. Clause 3 amended

- (1) In clause 3(1) delete the definitions of:
compensable day patient
compensable in-patient
compensable out-patient

compensable same day patient

- (2) In clause 3(1) insert in alphabetical order:

compensable day patient has the meaning given in clause 3A(1);

compensable in-patient has the meaning given in clause 3A(2);

compensable out-patient has the meaning given in clause 3A(3);

compensable same day patient has the meaning given in clause 3A(4);

5. Clause 3A inserted

At the end of Part 1 insert:

3A. Classes of compensable patients

- (1) A ***compensable day patient*** is a day patient —

(a) who —

(i) has received or established a right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services; or

(ii) when attending a hospital appears prima facie to have the right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services;

and

(b) in relation to whom a decision under subclause (5) has not been made in relation to the patient and the health services the patient is receiving.

- (2) A ***compensable in-patient*** is an in-patient —

(a) who —

(i) has received or established a right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services; or

(ii) when attending a hospital appears prima facie to have the right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services;

and

- (b) in relation to whom a decision under subclause (5) has not been made in relation to the patient and the health services the patient is receiving.
- (3) A *compensable out-patient* is an out-patient —
 - (a) who —
 - (i) has received or established a right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services; or
 - (ii) when attending a hospital appears prima facie to have the right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services;
 - and
 - (b) in relation to whom a decision under subclause (5) has not been made in relation to the patient and the health services the patient is receiving.
- (4) A *compensable same day patient* is a same day patient —
 - (a) who is an eligible person and who —
 - (i) has received or established a right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services; or
 - (ii) when attending a hospital appears prima facie to have the right to receive compensation in respect of an injury, illness or disease for which the patient is receiving health services;
 - and
 - (b) in relation to whom a decision under subclause (5) has not been made in relation to the patient and the health services the patient is receiving.
- (5) The chief executive of the health service provider that is providing a health service to a compensable day patient, compensable in-patient, compensable out-patient or compensable same day patient may decide that the patient is not a compensable patient in relation to those services if the chief executive is satisfied that —

- (a) the compensation received in relation to the injury, illness or disease has been spent and the person is not entitled to further compensation in relation to the injury, illness or disease; or
- (b) the patient no longer has a right to compensation in relation to the injury, illness or disease for which it was received (including, for example, that a statutory limit to compensation has been reached); or
- (c) having regard to the circumstances of the patient, the patient would be unfairly disadvantaged by continuing to be a compensable patient; or
- (d) it is not in the interest of the health service provider for the patient to be a compensable patient in relation to the health service.

6. Clause 4 amended

In clause 4:

- (a) delete “scale of”;
- (b) delete “is” and insert:

are

Note: The heading to amended clause 4 is to read:

Fees and charges

7. Clause 6 amended

In clause 6(1)(a) delete “in-patients, compensable day patients” and insert:

in-patients

8. Clause 12 amended

Delete clause 12(2)(c) and insert:

- (c) a compensable in-patient; or

9. Clause 13 amended

Delete clause 13(2)(a) and insert:

- (a) a compensable day patient; or

10. Clause 14 amended

- (1) Delete clause 14(2)(a) and insert:

(a) a compensable out-patient; or

- (2) In clause 14(5) delete “compensable day patient” and insert:

compensable out-patient

11. Clause 15 amended

Delete clause 15(2)(c) and insert:

(c) a compensable same day patient; or

12. Schedule 1 heading amended

In the heading to Schedule 1 delete “**Scale of fees**” and insert:

Fees

13. Schedule 1 Division 1 amended

- (1) In Schedule 1 Division 1 item 1(b)(i) before “\$717” insert:

no more than

- (2) In Schedule 1 Division 1 item 5:

(a) in paragraph (b)(iii) before “\$7.30” insert:

no more than

(b) in paragraph (c)(ii) and (iii) before “\$24” insert:

no more than

A. SANDERSON, Minister for Health.

HE302

Health Services Act 2016

Health Services (Fees and Charges) Amendment Order (No. 5) 2023

SL 2023/86

Made by the Minister under section 56 of the Act.

1. Citation

This order is the *Health Services (Fees and Charges) Amendment Order (No. 5) 2023*.

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 1 July 2023.

3. Order amended

This order amends the *Health Services (Fees and Charges) Order 2016*.

4. Schedule 1 amended

Delete Schedule 1 Divisions 1 and 2 and insert:

Division 1 — General

Subdivision 1 — In-patients

- 1. Accommodation, maintenance, nursing care and other services —
 - (a) for public in-patients no charge
 - (b) for private in-patients —
 - (i) in single bed wards (if taken at patient's request) \$717 per day
 - (ii) in other wards \$421 per day
 - (c) for nursing home type patients \$70.55 per day
 - (d) for nursing home type private patients \$215.30 per day
 - (e) for ineligible in-patients \$2 865 per day
 - (f) for eligible veteran in-patients no charge

2. Home modifications service and supply or loan as appropriate, of such aids and appliances, orthotics and prostheses, oxygen, gas and equipment, wigs, surgical implants or devices as are approved by the Department CEO (including repair and replacement) no charge

Subdivision 2 — Day patients

3. Accommodation, maintenance and other services for eligible day patients no charge

Subdivision 3 — Out-patients

4. Out-patients service, except for medicines referred to in item 5 —
- (a) for eligible out-patients and eligible veteran out-patients no charge
 - (b) for ineligible out-patients — for each individual service rendered \$381
5. Medicines, for each item —
- (a) for holders of an entitlement card no charge
 - (b) for other people who are —
 - (i) veterans who hold a Gold Card or a White Card; or
 - (ii) pensioners; or
 - (iii) concessional beneficiaries \$7.30
 - (c) for all other people (other than ineligible out-patients) —
 - (i) at a participating hospital for an item on the PBS list PBS price up to a maximum of \$30
 - (ii) at a participating hospital for an item not on the PBS list \$24
 - (iii) at a hospital that is not a participating hospital \$24

Subdivision 4 — Same day patients

6. Same day health service, other than a service subject to a charge set out in this Schedule and associated with the provision of such service —
- (a) for public same day patients no charge
 - (b) for private same day patients \$347 per day
 - (c) for eligible veteran same day patients no charge
 - (d) for ineligible same day patients \$2 586 per day

Subdivision 5 — Other services

7. Accommodation for persons accompanying patients (except when parent accompanies sick child for medical wellbeing of sick child or breastfeeding, or when breastfed child accompanies sick mother) \$43 per day

Division 2 — Compensable patients**Subdivision 1 — Compensable in-patients**

1. Accommodation, maintenance, nursing care and other services in a hospital bed, except services referred to in item 5 or 6 \$3 109 per day
2. Accommodation, maintenance, nursing care and other services in a hospital bed for a patient, not being a patient mentioned in item 3, in respect of whose health services the *Motor Vehicle (Third Party Insurance) Act 1943* applies or prima facie appears to apply \$2 400 per day
3. Accommodation, maintenance, nursing care and other services in a hospital bed for a patient in Perth Children's Hospital in respect of whose health services the *Motor Vehicle (Third Party Insurance) Act 1943* applies or prima facie appears to apply \$3 333 per day
4. Accommodation, maintenance, nursing care and other services in a nursing home bed \$347 per day
5. Accommodation, maintenance, nursing care and other services in a hospital bed for a ventilator dependent compensable in-patient with tracheostomy requiring 24 hour a day individual care \$6 638 per day
6. Accommodation, maintenance, nursing care and other services in a hospital bed for a patient requiring 24 hour a day care for airway management, with or without tracheostomy \$3 969 per day

Subdivision 2 — Compensable out-patients

7. For radiological service — for each item of service \$381
8. For medicines, subject to item 9, for each item —
- (a) at a participating hospital for an item on the PBS list PBS price up to a maximum of \$30
- (b) at a participating hospital for an item not on the PBS list \$24
- (c) at a hospital that is not a participating hospital \$24

9. For each other individual service (with any medicines supplied at the time of the initial service being treated as included in that service).... \$381

Subdivision 3 — Compensable same day patients

10. Same day treatment in hospitals, other than day hospitals, nursing homes and nursing posts —
- (a) for a patient, not being a patient mentioned in paragraph (b), in respect of whose health services the *Motor Vehicle (Third Party Insurance) Act 1943* applies or prima facie appears to apply \$2 827 per day
 - (b) for a patient in Perth Children's Hospital in respect of whose health services the *Motor Vehicle (Third Party Insurance) Act 1943* applies or prima facie appears to apply \$3 897 per day
 - (c) for any other patient \$3 649 per day

A. SANDERSON, Minister for Health.

HE303

Health Services Act 2016

Health Services (General) Amendment Regulations 2023

SL 2023/94

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Health Services (General) Amendment Regulations 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2023.

3. Regulations amended

These regulations amend the *Health Services (General) Regulations 2019*.

4. Regulation 3 amended

- (1) In regulation 3 delete “The amount prescribed” and insert:
 - (1) The amount
- (2) At the end of regulation 3 insert:
 - (2) The amount for the purposes of paragraph (c) of the definition of *transaction* in section 38(1) of the Act is \$250 000.

K. COLLERAN, Clerk of the Executive Council.

HE304

Food Act 2008
Health (Miscellaneous Provisions) Act 1911
Health Services Act 2016
Human Reproductive Technology Act 1991
Medicines and Poisons Act 2014
Private Hospitals and Health Services Act 1927
Radiation Safety Act 1975
Tobacco Products Control Act 2006

Health Regulations Amendment (Fees and Charges) Regulations 2023

SL 2023/96

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Health Regulations Amendment (Fees and Charges) Regulations 2023*.

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 1 July 2023.

Part 2 — *Food Regulations 2009* amended

3. Regulations amended

This Part amends the *Food Regulations 2009*.

4. Schedule 2 replaced

Delete Schedule 2 and insert:

Schedule 2 — Prescribed fees

[r. 52]

Column 1 Item	Column 2 Provision of <i>Food Act 2008</i>	Column 3 Prescribed fee
1.	s. 82(3)(b)	\$255
2.	s. 88(3)(b)	\$255
3.	s. 94(3)(b)	\$255
4.	s. 107(3)	\$84
5.	s. 110(3)(c)	\$255

Part 3 — *Health (Pesticides) Regulations 2011* amended

5. Regulations amended

This Part amends the *Health (Pesticides) Regulations 2011*.

6. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Fees

[r. 111]

Regulation	Description	Fee (\$)
<i>Matters relating to business registrations</i>		
r. 17	Application for grant of registration	385
r. 19(2)	Application for change or addition to business premises	30
r. 20(4)(b)	Application for amendment or removal of conditions	30
r. 22(1)	Application for renewal of registration	385
r. 23(5)	Replacement of registration certificate	16

Regulation	Description	Fee (\$)
<i>Matters relating to licences</i>		
r. 37	Application for grant of licence	227
r. 40(2)	Application for change or addition to endorsements	30
r. 41(2)	Application for change or addition to restricted-use pesticides	29
r. 42(4)(b)	Application for amendment or removal of conditions	29
r. 44(1)	Application for renewal of technician's licence	225
r. 45(1)	Application for extension of provisional licence (fee per month, or part of a month, of extension sought)	28
r. 46(1)	Application to upgrade provisional licence to technician's licence	28
r. 48(5)	Replacement of licence card	16
<i>Other matters</i>		
r. 101(1)(b)	Application for Chief Health Officer permit	145

Part 4 — *Health Services (Conduct and Traffic)* Regulations 2016 amended

7. Regulations amended

This Part amends the *Health Services (Conduct and Traffic) Regulations 2016*.

8. Schedule 1 clauses 4 to 6 replaced

Delete Schedule 1 clauses 4 to 6 and insert:

4. Fees for Fiona Stanley Hospital

The fees for the health service provider site that is Fiona Stanley Hospital are the fees set out in the Table.

Table

Type of fee	Fee
Paid staff parking fee	\$4.10 per day, up to a maximum of \$20.50 per week

Type of fee	Fee
Removal and storage of vehicle fee	
(a) basic fee	\$140.00
plus	
(b) if vehicle is stored for more than 24 hours — for each 7 days or part of 7 days for which vehicle is stored after first 24 hours	\$10.00
Ticket parking fee	\$3.00 per hour up to a maximum of \$21.00 per day

5. Fees for Fremantle Hospital

The fees for the health service provider site that is Fremantle Hospital are the fees set out in the Table.

Table

Type of fee	Fee
Parking permit fee	\$4.10 per day, up to a maximum of \$20.50 per week
Removal and storage of vehicle fee	
(a) basic fee	\$50.00
plus	
(b) if vehicle is stored for more than 24 hours — for each 7 days or part of 7 days for which vehicle is stored after first 24 hours	\$5.00
Ticket parking fee	\$0.80 per hour up to a maximum of \$5.60 per day

6. Fees for King Edward Memorial Hospital for Women

The fees for the health service provider site that is King Edward Memorial Hospital for Women are the fees set out in the Table.

Table

Type of fee	Fee
Parking permit fee	\$4.10 per day, up to a maximum of \$20.50 per week

Type of fee	Fee
Removal and storage of vehicle fee	
(a) basic fee plus	\$50.00
(b) if vehicle is stored for more than 24 hours — for each 7 days or part of 7 days for which vehicle is stored after first 24 hours	\$5.00
Ticket parking fee	\$0.80 per hour up to a maximum of \$5.60 per day

9. Schedule 1 clause 9 replaced

Delete Schedule 1 clause 9 and insert:

9. Fees for Royal Perth Hospital

The fees for the health service provider site that is Royal Perth Hospital are the fees set out in the Table.

Table

Type of fee	Fee
Paid staff parking fee	\$6.40 per day
Removal and storage of vehicle fee	
(a) basic fee plus	\$50.00
(b) if vehicle is stored for more than 24 hours — for each 7 days or part of 7 days for which vehicle is stored after first 24 hours	\$5.00
Ticket parking fee	\$3.70 per hour up to a maximum of \$15.30 per day

Part 5 — *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* amended

10. Regulations amended

This Part amends the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

11. Schedule 1 amended

In Schedule 1 item 2(a) delete “85.00” and insert:

93.00

Part 6 — *Human Reproductive Technology Regulations 1993* amended**12. Regulations amended**

This Part amends the *Human Reproductive Technology Regulations 1993*.

13. Regulation 3 amended

- (1) In regulation 3(2) delete “\$1 658.” and insert:

\$1 699.

- (2) In regulation 3(3):

- (a) in paragraph (a) delete “\$208; and” and insert:

\$213; and

- (b) in paragraph (b) delete “\$1 036; and” and insert:

\$1 062; and

- (c) in paragraph (c) delete “\$1 036.” and insert:

\$1 062.

Part 7 — *Medicines and Poisons Regulations 2016* amended**14. Regulations amended**

This Part amends the *Medicines and Poisons Regulations 2016*.

15. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Fees

[r. 5]

Division 1 — Fees for licences

Item	Type of licence	Application fee \$	Licence fee \$
1.	Indent licence	158	106
2.	Schedule 2 retail licence	106	106
3.	Schedule 7 retail licence	212	158
4.	Schedule 9 licence	212	158
5.	Wholesaler's/manufacture's licence	320	267

Division 2 — Fees for permits

Item	Type of permit	Application fee \$	Permit fee \$
1.	Health service permit	212	158
2.	Health service permit — Department/hospital	nil	nil
3.	Health service permit — Public sector agency	212	158
4.	Government permit	158	106
5.	Industrial permit	186	132
6.	Pharmaceutical samples permit	106	106
7.	Research/education permit	158	106
8.	Schedule 9 permit	212	158
9.	Stockfeed manufacture permit	106	106
10.	Veterinary practice permit	159	106

Division 3 — Other fees

Item	Provision of Act	Description of matter	Fee \$
1.	s. 48(3)(b)	Application to vary licence or permit	85

Item	Provision of Act	Description of matter	Fee \$
2.	s. 52(2)(b)	Application to vary conditions imposed on licence or permit	85
3.	s. 55(2)(b)	Application for approval of proposed change of management	85
4.	s. 57(2)(b)	Application for approval after change of management	85
5.	s. 67	Issue of replacement licence or permit	43
6.	s. 68(1)	Provision of certified copy of licence or permit	85
7.	s. 76(3)	Provision of copy of all or part of the register	43
8.	s. 76(3)	Provision of certified copy of all or part of the register	85
9.	s. 91(3)	Provision of copy of information included on the drugs of addiction record in relation to a person	85
10.	s. 91(3)	Provision of certified copy of information included on the drugs of addiction record in relation to a person	128

Part 8 — *Private Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987* amended

16. Regulations amended

This Part amends the *Private Hospitals (Licensing and Conduct of Private Hospitals) Regulations 1987*.

17. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Fees

[r. 4 and 5]

Item	Description	Fee (\$)
1.	Grant of licence (r. 4(1))	1 360

Item	Description		Fee (\$)
2.	Renewal of licence (r. 4(3))	Number of persons licensed to be accommodated — Fewer than 25 4 000 25-50 5 000 51-100 6 000 101-200 7 000 201-500 8 000 more than 500 9 000	
3.	Replacement licence (r. 4(6))		255
4.	Approval of premises as a private hospital (r. 5)	Number of persons licensed to be accommodated — Fewer than 25 8 960 25-100 10 110 101-200 13 110 201-500 16 110 more than 500 19 110	

Part 9 — *Radiation Safety (General) Regulations 1983* amended

18. Regulations amended

This Part amends the *Radiation Safety (General) Regulations 1983*.

19. Schedule 15 replaced

Delete Schedule 15 and insert:

Schedule 15 — Fees

[r. 58]

Division 1 — Registration and licences

	\$	
	Annual	Triennial
1. Fee for registration or renewal of registration of premises (other than premises used solely for the mining and milling of radioactive ores (including mineral sands)), for the manufacture, use or storage of radioactive substances (r. 58(1))		
Maximum quantity:		
40 gigabecquerels	260	520
400 gigabecquerels	520	1 040
4 terabecquerels	1 040	2 080
Exceeding 4 terabecquerels	1 600	3 200
2. Fee for registration or renewal of registration of premises used solely for the mining and milling of radioactive ores (including mineral sands) (r. 58(1aa))	260	520
3. Fee for registration or renewal of registration of premises for the sale or service of radioactive substances, irradiating apparatus or electronic products (r. 58(1a))	260	520
4. Fee for registration or renewal of registration of premises (other than premises referred to in items 1 to 3), irradiating apparatus or electronic products (r. 58(2))		
In the case of —		
(a) not more than 2 irradiating apparatus or electronic products	260	520
(b) more than 2 but not more than 5 irradiating apparatus or electronic products	520	1 040
(c) more than 5 but not more than 10 irradiating apparatus or electronic products	1 040	2 080

		\$
	Annual	Triennial
(d) more than 10 irradiating apparatus or electronic products	1 600	3 200
5. Licence fee (r. 58(3))		
In the case of —		
(a) irradiating apparatus or electronic products	100	200
(b) radioactive substances	100	200

Division 2 — Temporary permits

Fee for temporary permits for periods not exceeding 3 months.

	\$
1. In respect of premises (other than premises used solely for the mining and milling of radioactive ores (including mineral sands)) and radioactive substances (r. 58(7))	
Maximum quantity:	
40 gigabecquerels	120
400 gigabecquerels	240
4 terabecquerels	480
Exceeding 4 terabecquerels	700
2. In respect of premises used solely for the mining and milling of radioactive ores (including mineral sands) (r. 58(7a))	120
3. In respect of premises (other than premises referred to in items 1 and 2), irradiating apparatus or electronic products (r. 58(8)) with —	
(a) not more than 2 irradiating apparatus or electronic products	115
(b) more than 2 but not more than 5 irradiating apparatus or electronic products	225
(c) more than 5 but not more than 10 irradiating apparatus or electronic products	450
(d) more than 10 irradiating apparatus or electronic products	670
4. For persons to operate, use, manufacture, store, transport, sell, possess, install, service, maintain, repair or otherwise deal with (r. 58(9)) —	
(a) radioactive substances	48

\$

- (b) irradiating apparatus or electronic products

48

Division 3 — Records

1. Fee for copy of records (per page) (r. 58(4)) 2

Part 10 — *Radiation Safety (Qualifications) Regulations 1980* amended

20. Regulations amended

This Part amends the *Radiation Safety (Qualifications) Regulations 1980*.

21. Schedule 2 amended

In Schedule 2 item 2 delete “55.00” and insert:

60.00

Part 11 — *Tobacco Products Control Regulations 2006* amended

22. Regulations amended

This Part amends the *Tobacco Products Control Regulations 2006*.

23. Regulations 25 and 26 replaced

Delete regulations 25 and 26 and insert:

25. Fees to be paid on application for issue of licence

- (1) The application fee to be paid for the purposes of section 37(1)(c)(iii) is —
- (a) \$82.00 for a retailer’s licence; and
 - (b) \$82.00 for an indirect seller’s licence; and
 - (c) \$200.00 for a wholesaler’s licence.
- (2) The licence fee to be paid for the purposes of section 37(1)(c)(iii) is —
- (a) \$235.00 for a retailer’s licence; and
 - (b) \$235.00 for an indirect seller’s licence; and
 - (c) \$575.00 for a wholesaler’s licence.

26. Fees to be paid on application for renewal of licence

The licence fee to be paid for the purposes of section 38(1)(c)(ii) is —

- (a) \$270.00 for a retailer's licence; and
- (b) \$270.00 for an indirect seller's licence; and
- (c) \$640.00 for a wholesaler's licence.

24. Regulation 27 amended

In regulation 27 delete "\$85.00." and insert:

\$87.00.

25. Regulation 28 amended

In regulation 28 delete "\$40.00." and insert:

\$43.00.

26. Regulation 29 amended

In regulation 29 delete "\$40.00." and insert:

\$43.00.

K. COLLERAN, Clerk of the Executive Council.

HE305

Health (Miscellaneous Provisions) Act 1911

Health (Notifications by Midwives) Amendment Regulations 2023

SL 2023/104

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Health (Notifications by Midwives) Amendment Regulations 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2023.

3. Regulations amended

These regulations amend the *Health (Notifications by Midwives) Regulations 1994*.

4. Schedule amended

In the Schedule delete Form 2 and insert:

Form 2

[r. 4]

Health (Notifications by Midwives) Regulations 1994 Form 2 NOTIFICATION OF CASE ATTENDED – PREGNANCY DETAILS MR15

Last name _____		Unit Record No _____		Estab _____	
First name _____		Birth date (Mother) _____		Ward _____	
Address of usual residence _____		State _____		Marital status _____	
Number and street _____		Post code _____		1=never married 2=widowed 3=divorced 4=separated 5=married (incl. Defacto) 6=unknown	
Town or suburb _____		Height _____		Weight _____	
Maiden name _____		(whole cm)		(whole kilogram)	
Email _____		Telephone _____		Ethnic status of mother _____	
Interpreter service required <input type="checkbox"/> Mother's language _____		(1=yes 2=no)		1=Caucasian 10=Aboriginal not TSI 11=TSI not Aboriginal 12=Aboriginal and TSI Or Other _____	

PREGNANCY DETAILS PREVIOUS PREGNANCIES: Total number (excluding this pregnancy): _____ Parity (excluding this pregnancy): _____ Previous pregnancy outcomes: - liveborn, now living _____ - liveborn, now dead _____ - stillborn _____ Number of previous caesareans _____ Caesarean last delivery 1=yes 2=no _____ Previous multiple births 1=yes 2=no _____		Vaccinations during pregnancy: 01 Vaccinated during 1 st trimester _____ 02 Vaccinated during 2 nd trimester _____ 03 Vaccinated during 3 rd trimester _____ 04 Vaccinated in unknown trimester _____ 05 Not vaccinated _____ 99 Unknown if vaccinated _____ Was syphilis screening conducted during the following periods: 1=yes 2=not offered 3=declined 8=unknown At first antenatal contact, before 28 weeks _____ Between 28 weeks and 35 weeks _____ Between 36 weeks and birth _____	
THIS PREGNANCY: Estimated gest wk at 1 st antenatal visit _____ Total number of antenatal care visits _____ Date of LMP: This date certain 1=yes 2=no _____ Expected due date: Based on 1=clinical signs/dates _____ 2=ultrasound <20 wks _____ 3=ultrasound >=20 wks _____		Procedures/treatments: 1 fertility treatments (include drugs) _____ 2 cervical suture _____ 3 CVS/placental biopsy _____ 4 amniocentesis _____ 5 ultrasound _____ 6 CTG antepartum _____ 7 CTG intrapartum _____	
Smoking: Number of tobacco cigarettes usually smoked each day during first 20 weeks of pregnancy _____ Number of tobacco cigarettes usually smoked each day after 20 weeks of pregnancy _____ (If none use '000'; occasional or smoked < 1 use '999'; undetermined use '999')		Primary maternity model of care: _____ Intended place of birth at onset of labour: 1=hospital 2=birth centre attached to hospital 3=birth centre free standing 4=home 8=other _____	
Alcohol during pregnancy: First 20 wks _____ After 20 wks _____ Frequency of drinking an alcoholic drink 01 = never 04 = 2 to 3 times a week 02 = monthly 05 = 4 or more times a week 03 = 2 to 4 times a month 99 = unknown		Maternity model of care at onset of labour or non-labour caesarean: _____ Onset of labour: 1=spontaneous 2=induced 3=no labour _____ Principal reason for induction of labour (if induced): _____	
Number of standard alcohol drinks on a typical day _____ Was screening for depression/anxiety conducted: 1=yes 2=not offered 3=declined 9=unknown _____ Was additional followup indicated for perinatal mental health risk factors? 1=yes 2=no 7=not applicable 9=unknown _____ Was family violence screening conducted: 1=yes 2=not offered 3=declined 9=unknown _____		Augmentation (labour has begun): Induction (before labour begun): 1 none 1 none 2 oxytocin 2 oxytocin 3 prostaglandins 4 prostaglandins 4 artificial rupture of membranes 5 artificial rupture of membranes 5 dilatation device i.e. Foley Catheter 6 antiprogesterone i.e. mifepristone 8 other 8 other	
Complications of pregnancy: 1 threatened abortion (<20wks) _____ 2 threatened preterm labour (<37wks) _____ 3 urinary tract infection _____ 4 pre-eclampsia _____ 5 antepartum haemorrhage (APH) placenta praevia _____ 6 APH – placental abruption _____ 7 APH – other _____ 8 pre-labour rupture of membranes _____ 9 gestational diabetes _____ 11 gestational hypertension _____ 12 pre-eclampsia superimposed on essential hypertension _____ 99 other (specify) _____		Analgesia (during labour): 1 none 6 systemic opioids 2 nitrous oxide 7 combined spinal/epidural 4 epidural/caudal 8 other 5 spinal	
Medical Conditions: 1 essential hypertension 5 type 1 diabetes 3 asthma 6 type 2 diabetes 4 genital herpes 8 other (specify) _____		Duration of labour 1 st stage (hour & min): _____ hr _____ min 2 nd stage (hour & min): _____ hr _____ min Postnatal blood loss in mLs: Number of babies born (admin purposes only): _____ MIDWIFE Name _____ Signature _____ Date _____ Reg. No. _____	

Complete this Pregnancy form once for each woman giving birth, and submit one Baby form for each baby born

Health (Notifications to Midwives) Regulations 1994 Form 2					NOTIFICATION OF CASE ATTENDED – BABY DETAILS									
Mother last name		First name			Unit Rec No					Estab				
BIRTH DETAILS														
Anaesthesia (during delivery): 1 <input type="checkbox"/> none 2 <input type="checkbox"/> local anaesthesia to perineum 3 <input type="checkbox"/> pudendal 4 <input type="checkbox"/> epidural/caudal 5 <input type="checkbox"/> spinal 6 <input type="checkbox"/> general 7 <input type="checkbox"/> combined spinal/epidural 8 <input type="checkbox"/> other														
Complications of labour and birth <i>(include the reason for instrument delivery):</i> 1 <input type="checkbox"/> precipitate delivery 2 <input type="checkbox"/> fetal distress 3 <input type="checkbox"/> prolapsed cord 4 <input type="checkbox"/> cord tight around neck 5 <input type="checkbox"/> cephalopelvic disproportion 7 <input type="checkbox"/> retained placenta – manual removal 8 <input type="checkbox"/> persistent occipito posterior 9 <input type="checkbox"/> shoulder dystocia 10 <input type="checkbox"/> failure to progress <= 3cm 11 <input type="checkbox"/> failure to progress > 3cm 12 <input type="checkbox"/> previous caesarean section 13 <input type="checkbox"/> other (specify) _____														
Principal reason for Caesarean Section: (specify) _____ _____ _____														
Perineal status: 1 <input type="checkbox"/> intact 2 <input type="checkbox"/> 1 st degree tear/vaginal tear 3 <input type="checkbox"/> 2 nd degree tear 4 <input type="checkbox"/> 3 rd degree tear 5 <input type="checkbox"/> episiotomy 7 <input type="checkbox"/> 4 th degree tear 8 <input type="checkbox"/> other														
Born before arrival: 1=yes 2=no <input type="checkbox"/>														
Birth date: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
Birth time: (24hr clock) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
Plurality: (number of babies this birth) <input type="checkbox"/>														
Birth order: (specify this baby, eg, 1=1st baby born, 2=2nd) <input type="checkbox"/>														
Presentation: 1=vertex 2=breech 3=face 4=brow 8=other <input type="checkbox"/>														
Water birth: 1=yes 2=no <input type="checkbox"/>														
Method of birth: 1 <input type="checkbox"/> spontaneous 2 <input type="checkbox"/> vacuum successful 3 <input type="checkbox"/> vacuum unsuccessful 4 <input type="checkbox"/> forceps successful 5 <input type="checkbox"/> forceps unsuccessful 6 <input type="checkbox"/> breech (vaginal) 7 <input type="checkbox"/> elective caesarean 8 <input type="checkbox"/> emergency caesarean														
Accoucheur(s): 1 <input type="checkbox"/> obstetrician 2 <input type="checkbox"/> other medical officer 3 <input type="checkbox"/> midwife 4 <input type="checkbox"/> student 5 <input type="checkbox"/> self/no attendant 8 <input type="checkbox"/> other														
BABY DETAILS														
ABORIGINAL STATUS OF BABY (Tick one box only) 1 <input type="checkbox"/> Aboriginal but not Torres Strait Islander 2 <input type="checkbox"/> Torres Strait Islander but not Aboriginal 3 <input type="checkbox"/> Aboriginal and Torres Strait Islander 4 <input type="checkbox"/> other														
Sex: 1=male 2= female 3=indeterminate <input type="checkbox"/>														
Status of baby at birth: 1=liveborn 2=stillborn (unspecified) <input type="checkbox"/> 3=antepartum stillborn 4=intrapartum stillborn														
Infant weight: (whole gram) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
Length: (whole cm) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
Head circumference: (whole cm) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
Time to establish unassisted regular breathing: (whole min) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
Resuscitation: (All methods used) 1 <input type="checkbox"/> none 2 <input type="checkbox"/> suction 3 <input type="checkbox"/> oxygen 4 <input type="checkbox"/> continuous positive airway pressure (CPAP) 6 <input type="checkbox"/> endotracheal intubation 10 <input type="checkbox"/> intermittent positive pressure ventilation (IPPV) 11 <input type="checkbox"/> external cardiac compressions 88 <input type="checkbox"/> other														
Apgar score: 1 minute <input type="checkbox"/> <input type="checkbox"/> 5 minutes <input type="checkbox"/> <input type="checkbox"/>														
Estimated gestation: (whole weeks) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
Birth defects: (specify) _____														
Birth trauma: (specify) _____														
BABY SEPARATION DETAILS														
Separation date: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
Mode of separation: <input type="checkbox"/> 1=transferred 8=died 9=discharged home														
Transferred to: _____ hospital/service														
Special care number of days: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
<i>(Excludes Level 1; whole days only)</i>														
MIDWIFE														
Name _____														
Date <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
Complete this Baby form once for each baby born, and submit with Pregnancy form														

K. COLLERAN, Clerk of the Executive Council.

JUSTICE

JU301

Family Court Act 1997

Family Court Amendment Regulations 2023**SL 2023/88**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Family Court Amendment Regulations 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2023.

3. Regulations amended

These regulations amend the *Family Court Regulations 1998*.

4. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Fees

[Pt. 3]

Item	Document or service	Fee
1.	Filing an application for final orders in eligible financial or parenting proceedings	\$410
2.	Setting down for hearing in eligible financial or parenting proceedings, if defended, for final orders —	
	(a) for a hearing before a judge	\$1 010
	(b) for a hearing before a magistrate	\$745

Item	Document or service	Fee
3.	Hearing in eligible financial or parenting proceedings, if defended, for final orders — for each hearing day, or part of a hearing day, excluding the first hearing day —	
	(a) for a hearing before a judge	\$1 010
	(b) for a hearing before a magistrate	\$745
4.	Filing a response to an application for final orders in eligible financial or parenting proceedings	\$410
5.	Setting down for hearing in an appeal under section 211 from a decree of a Magistrates Court, unless the fee mentioned in item 12 has been paid	\$1 010
6.	Hearing in an appeal under section 211 from a decree of a Magistrates Court — for each hearing day, or part of a hearing day, excluding the first hearing day	\$1 010
7.	Filing an application for a consent order	\$195
8.	Filing an interim order application	\$140
9.	Filing an application for both a final order under Part 5 of the Act and a final order under Part 5A Division 2 or 3 of the Act (other than for an order for the maintenance of a party to a de facto relationship)	\$670
10.	For issuing a subpoena	\$65
11.	For a conciliation conference	\$465
12.	Filing an application for leave to appeal under section 211 from an interlocutory order of a Magistrates Court constituted by a family law magistrate	\$1 605

K. COLLERAN, Clerk of the Executive Council.

LOCAL GOVERNMENT

LG301

Local Government Act 1995

**Local Government Regulations Amendment
Regulations (No. 2) 2023**

SL 2023/102

Made by the Governor in Executive Council.

Part 1 — Preliminary**1. Citation**

These regulations are the *Local Government Regulations Amendment Regulations (No. 2) 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette* (***gazettal day***);
- (b) regulation 7 — on 1 January 2024;
- (c) Part 5 — on 1 July 2024;
- (d) the rest of the regulations — on the day after gazettal day.

**Part 2 — *Local Government (Administration)
Regulations 1996* amended****3. Regulations amended**

This Part amends the *Local Government (Administration) Regulations 1996*.

4. Regulation 14E amended

- (1) In regulation 14E(1) delete the definitions of:
Band 3 or 4 council or committee
Band 3 or 4 local government

- (2) In regulation 14E(1) insert in alphabetical order:

class 3 or 4 council or committee means the council of, or a committee established by, a class 3 local government or a class 4 local government;

Note for this definition:

Class 3 local government and ***class 4 local government*** have the meanings given in the *Local Government (Constitution) Regulations 1998* regulations 2A and 2B.

- (3) In regulation 14E(3A)(a) delete “Band” and insert:

class

5. Regulation 20A amended

In regulation 20A(2) delete “5.68(1A)(b)(i) and (ii)” and insert:

5.68(1C)(a) and (b)

Note: The heading to amended regulation 20A is to read:

Amounts relating to gifts prescribed (Act s. 5.62(1A), 5.68(1C), 5.71B(2) and (4), 5.87A(3) and 5.87B(3))

6. Regulation 29C amended

In regulation 29C(2) —

- (a) in paragraph (f) delete “2020.” and insert:

2020;

- (b) after paragraph (f) insert:

- (g) a copy of any local public notice given under the *Local Government (Elections) Regulations 1997* regulation 80(8), 80AA(4), 80AB(4), 86(a), 86A or 87A(4) in respect of the local government.

7. Regulation 34ACA inserted

After regulation 34AC insert:

34ACA. Fees paid and expenses reimbursed to committee members (Act s. 5.100)

- (1) A meeting of a committee of the council of which the committee member is not a member is a meeting of a prescribed type for the purposes of section 5.100(3).
- (2) For the purposes of section 5.100(4)(a), the kinds of expenses that are to be reimbursed by all local governments are child care and travel costs incurred by a committee member because of their attendance at a meeting of the committee of which they are a member.
- (3) For the purposes of section 5.100(4)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —
 - (a) an expense incurred by a committee member in performing a function under the express authority of the local government; and
 - (b) an expense incurred by a committee member in performing a function in their capacity as a committee member.
- (4) For the purposes of Schedule 9.3 clause 62(2) —
 - (a) section 5.98(7), as in force immediately before the transitional period, continues to apply in relation to meetings of committees held before or during that period as if the *Local Government Amendment Act 2023* section 79(2) had not come into operation; and
 - (b) section 5.100(1), as in force immediately before the transitional period, continues to apply in relation to committee meetings held before or during that period as if the *Local Government Amendment Act 2023* section 80 had not come into operation; and
 - (c) section 5.100(2), as in force immediately before the transitional period, continues to apply in relation to expenses incurred before or during that period as if the *Local Government Amendment Act 2023* section 80 had not come into operation.
- (5) In subregulation (4) —
transitional period means the period that —
 - (a) begins when the *Local Government Amendment Act 2023* section 80 comes into operation; and

- (b) ends immediately before the first determination of the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7BAA comes into operation or is deemed to have come into operation.

8. Schedule 1 Form 1 amended

In Schedule 1 Form 1 delete “100” and insert:

300

Part 3 — *Local Government (Constitution) Regulations 1998* amended

9. Regulations amended

This Part amends the *Local Government (Constitution) Regulations 1998*.

10. Part 1A inserted

After regulation 2 insert:

Part 1A — Classes of local governments

2A. Local governments divided into 4 classes

For the purposes of these regulations and any other regulations made under the Act —

- (a) a ***class 1 local government*** is a local government listed in Schedule 2 Division 1; and
- (b) a ***class 2 local government*** is a local government listed in Schedule 2 Division 2; and
- (c) a ***class 3 local government*** is a local government listed in Schedule 2 Division 3; and
- (d) a ***class 4 local government*** is a local government listed in Schedule 2 Division 4.

2B. Regional local governments

- (1) This regulation applies for the purposes of any provision of regulations made under the Act —
 - (a) that applies to regional local governments under section 3.66; and
 - (b) in which any of the following terms is used —

- (i) class 1 local government;
 - (ii) class 2 local government;
 - (iii) class 3 local government;
 - (iv) class 4 local government.
- (2) No regional local government is a class 1 local government.
- (3) Each of the following is a class 2 local government —
 - (a) Eastern Metropolitan Regional Council;
 - (b) Southern Metropolitan Regional Council;
 - (c) Tamala Park Regional Council.
- (4) Each of the following is a class 3 local government —
 - (a) Mindarie Regional Council;
 - (b) Rivers Regional Council.
- (5) Each of the following is a class 4 local government —
 - (a) Bunbury-Harvey Regional Council;
 - (b) Murchison Regional Vermin Council;
 - (c) Pilbara Regional Council;
 - (d) Western Metropolitan Regional Council.

11. Part 2 Division 3 inserted

At the end of Part 2 insert:

Division 3 — Districts that cannot be divided into wards

10AA. Term used: class 3 or 4 district

In this Division —

class 3 or 4 district means a district that is —

- (a) the district of a class 3 local government; or
- (b) the district of a class 4 local government.

**10AB. Class 3 or 4 district cannot be divided into wards
(s. 2.2A(1)(a))**

- (1) For the purposes of section 2.2A(1)(a), a class 3 or 4 district cannot be divided into wards.
- (2) Subregulation (1) is subject to regulation 10AC(3).

**10AC. Abolition of wards in class 3 or 4 district
(s. 2.2A(1)(b) and (2)(b) and (c))**

- (1) In this regulation —
amendment day means the day on which the *Local Government Regulations Amendment Regulations (No. 2) 2023* regulation 11 comes into operation;
next election, in relation to a class 3 or 4 district, means the first ordinary election after amendment day for the local government of which it is the district;
next election day, in relation to a class 3 or 4 district, means the day fixed under the Act for the holding of any poll needed for the next election (whether or not any poll is actually held).
- (2) This regulation applies to a class 3 or 4 district which, immediately before amendment day, is divided into wards.
- (3) Regulation 10AB(1) does not apply to the class 3 or 4 district before next election day.
- (4) For the purposes of section 2.2A(1)(b), all of the wards are abolished on next election day.
- (5) For the purposes of section 2.2A(2)(b), Part 4 of the Act applies for the purpose of preparing for, and conducting, the next election as if the abolition of all of the wards takes effect on amendment day.

Note for this subregulation:

The operation of Part 4 of the Act is modified to the extent necessary to give effect to this subregulation — see section 2.2A(2)(c).

- (6) Subregulations (4) and (5) do not apply if all of the wards are to be abolished on next election day by an order made under the Act that is published in the *Gazette* before amendment day.

12. Part 3 Division 1 inserted

At the beginning of Part 3 insert:

Division 1 — Method of filling office of mayor or president

10AD. Proposals to change method of filling office of mayor or president (s. 2.12)

A proposal by electors under section 2.12 to change the method of filling the office of mayor or president of a local government to the other method mentioned in section 2.11(1)(a) or (b) must be in the form of Form 4.

10AE. Class 1 or 2 local government must use election by electors method (s. 2.12B(1)(a))

- (1) For the purposes of section 2.12B(1)(a), the method of filling the office of mayor or president used by a local government that is a class 1 local government or a class 2 local government —
 - (a) must be the election by the electors method; and
 - (b) cannot be changed to the election by the council method.
- (2) Subregulation (1) does not apply to the City of Perth.

Note for this subregulation:

The *City of Perth Act 2016* section 20 provides for the City of Perth to use the election by the electors method.

10AF. Change of method of filling office of mayor or president (s. 2.12B(1)(b) and (2)(a), 2.13(4)(a))

- (1) In this regulation —

amendment day means the day on which the *Local Government Regulations Amendment Regulations (No. 2) 2023* regulation 12 comes into operation;

relevant local government means —

 - (a) a class 1 local government if, immediately before amendment day, the method of filling the office of mayor or president used by the class 1 local government is the election by the council method; or
 - (b) a class 2 local government if, immediately before amendment day, the method of filling the office of mayor or president used by the class 2 local government is the election by the council method.
- (2) For the purposes of section 2.12B(1)(b), the method of filling the office of mayor or president used by a relevant local government is changed to the election by the electors method.
- (3) For the purposes of section 2.13(4)(a), the change has effect in relation to the filling of the office of mayor or president at the next ordinary elections for the relevant local government that are held after amendment day.

Note for this subregulation:

This subregulation makes the provision required by section 2.12B(2)(a) because of the provision made by subregulation (2).

- (4) Subregulations (2) and (3) do not apply to a relevant local government if —
 - (a) before amendment day, the relevant local government made a decision under section 2.11(2) to change the method of filling the office of mayor or president used by it to the election by the electors method; and
 - (b) in accordance with section 2.13(1), the change has effect in relation to the filling of the office of mayor or president at the next ordinary elections for the relevant local government that are held after amendment day.

13. Part 3 Division 2 heading inserted

Before regulation 10A insert:

Division 2 — Matters under Schedule 2.3 of Act

14. Regulation 10A amended

- (1) In regulation 10A delete “Part —” and insert:

Division —

- (2) In regulation 10A insert in alphabetical order:

first-preference vote has the meaning given in Schedule 4.1 clause 1 of the Act;

- (3) In regulation 10A in the definition of *records of the election* delete paragraph (d) and insert:

- (d) a paper record that shows the number of first-preference votes that each candidate had; and
- (e) if the result of the election is ascertained under Schedule 4.1 clause 5 of the Act (as applied under Schedule 2.3 of the Act) — a paper record that shows —
 - (i) each candidate who was excluded under Schedule 4.1 clause 5(2)(a) of the Act; and
 - (ii) details of the setting aside or transfer of ballot papers under Schedule 4.1 clause 5(2)(b) or (c) of the Act; and

- (iii) the number of votes that each candidate who was not excluded had on the last count under Schedule 4.1 clause 5(2)(d) of the Act.

Note: The heading to amended regulation 10A is to read:

Terms used

15. Regulation 11 deleted

Delete regulation 11.

16. Regulation 11A amended

Delete regulation 11A(4) and insert:

- (4) Section 4.69(2) to (4) apply in relation to the casting of votes, modified as is necessary for the purposes of the election.

17. Regulation 11EA replaced

Delete regulation 11EA and insert:

11EA. Drawing of lots (Sch. 2.3 cl. 4, 5, 8 and 9)

If a provision of Schedule 4.1 of the Act (as applied under Schedule 2.3 of the Act) requires the drawing of lots, the applicable regulation of the *Local Government (Elections) Regulations 1997* Part 12C Division 4 applies, modified as is necessary for the purposes of the election.

Note for this regulation:

A requirement to draw lots under Schedule 4.1 clause 2(2) or 5(6)(b) of the Act is subject to Schedule 2.3 clause 5(1) or 9(1) of the Act (as the case requires).

18. Regulation 11F amended

Delete regulation 11F(3) and (4) and insert:

- (3) The declaration may include the following information —
 - (a) the number of first-preference votes that each candidate had;

- (b) if the result of the election is ascertained under Schedule 4.1 clause 5 of the Act (as applied under Schedule 2.3 of the Act) —
 - (i) each candidate who was excluded under Schedule 4.1 clause 5(2)(a) of the Act; and
 - (ii) details of the setting aside or transfer of ballot papers under Schedule 4.1 clause 5(2)(b) or (c) of the Act; and
 - (iii) the number of votes that each candidate who was not excluded had on the last count under Schedule 4.1 clause 5(2)(d) of the Act.
- (4) The person conducting the election must also give local public notice of the result of the election.
- (5) The local public notice must include the information referred to in subregulations (2) and (3).
- (6) The Departmental CEO may approve forms to be used for the purposes of this regulation.

19. Part 3 Division 3 heading inserted

Before regulation 12 insert:

Division 3 — Other provisions

20. Regulations 14A and 14B inserted

After regulation 14 insert:

14A. Transitional provision: reviews under Sch. 2.2 cl. 6 of Act

- (1) In this regulation —
amendment day means the day on which the *Local Government Amendment Act 2023* section 90 comes into operation.
- (2) For the purposes of Schedule 9.3 clause 62(2) of the Act —
 - (a) the amendments made by the *Local Government Amendment Act 2023* section 90 do not affect a requirement imposed by the Advisory Board on a local government under Schedule 2.2 clause 6(3) of the Act before amendment day; and

- (b) the Act continues to apply in relation to the requirement as if those amendments had not been made and the local government must comply with the requirement accordingly.

14B. Transitional provision: elections under Sch. 2.3 of Act

The amendments made by the *Local Government Regulations Amendment Regulations (No. 2) 2023* regulations 14(2) and (3) and 16 to 18 do not apply in relation to an election which is conducted at a meeting held before 21 October 2023 and, accordingly, these regulations apply in relation to the election as if those amendments had not been made.

21. Schedule 1 Form 4 amended

In Schedule 1 Form 4 delete “[r. 11]” and insert:

[r. 10AD]

22. Schedule 2 inserted

After Schedule 1 insert:

Schedule 2 — Classes of local governments

[r. 2A]

Division 1 — Class 1 local governments

City of Albany

City of Armadale

City of Bayswater

City of Belmont

City of Bunbury

City of Busselton

City of Canning

City of Cockburn

City of Fremantle

City of Gosnells

City of Greater Geraldton

City of Joondalup

City of Kalgoorlie-Boulder

City of Karratha
City of Kwinana
City of Mandurah
City of Melville
City of Perth
Town of Port Hedland
City of Rockingham
City of Stirling
City of Swan
City of Wanneroo

Division 2 — Class 2 local governments

Shire of Ashburton
Shire of Augusta-Margaret River
Shire of Broome
Town of Cambridge
Shire of Carnarvon
Shire of Derby-West Kimberley
Shire of East Pilbara
Shire of Esperance
Shire of Harvey
City of Kalamunda
Shire of Manjimup
Shire of Mundaring
Shire of Murray
City of Nedlands
Shire of Northam
Shire of Serpentine-Jarrahdale
City of South Perth
City of Subiaco
Town of Victoria Park
City of Vincent
Shire of Wyndham-East Kimberley

Division 3 — Class 3 local governments

Town of Bassendean

Shire of Bridgetown-Greenbushes

Shire of Capel

Shire of Chittering

Town of Claremont

Shire of Collie

Shire of Coolgardie

Town of Cottesloe

Shire of Dalwallinu

Shire of Dandaragan

Shire of Dardanup

Shire of Denmark

Shire of Donnybrook-Balingup

Town of East Fremantle

Shire of Exmouth

Shire of Gingin

Shire of Halls Creek

Shire of Irwin

Shire of Katanning

Shire of Kojonup

Shire of Laverton

Shire of Leonora

Shire of Meekatharra

Shire of Merredin

Shire of Moora

Town of Mosman Park

Shire of Narrogin

Shire of Northampton

Shire of Plantagenet

Shire of Ravensthorpe

Shire of Toodyay

Shire of Waroona

Shire of Yilgarn

Shire of York

Division 4 — Class 4 local governments

Shire of Beverley
Shire of Boddington
Shire of Boyup Brook
Shire of Brookton
Shire of Broomehill-Tambellup
Shire of Bruce Rock
Shire of Carnamah
Shire of Chapman Valley
Shire of Coorow
Shire of Corrigin
Shire of Cranbrook
Shire of Cuballing
Shire of Cue
Shire of Cunderdin
Shire of Dowerin
Shire of Dumbleyung
Shire of Dundas
Shire of Gnowangerup
Shire of Goomalling
Shire of Jerramungup
Shire of Kellerberrin
Shire of Kent
Shire of Kondinin
Shire of Koorda
Shire of Kulin
Shire of Lake Grace
Shire of Menzies
Shire of Mingenew
Shire of Morawa
Shire of Mount Magnet
Shire of Mount Marshall
Shire of Mukinbudin
Shire of Murchison
Shire of Nannup
Shire of Narembeen

Shire of Ngaanyatjaraku
Shire of Nungarin
Shire of Peppermint Grove
Shire of Perenjori
Shire of Pingelly
Shire of Quairading
Shire of Sandstone
Shire of Shark Bay
Shire of Tammin
Shire of Three Springs
Shire of Trayning
Shire of Upper Gascoyne
Shire of Victoria Plains
Shire of Wagin
Shire of Wandering
Shire of West Arthur
Shire of Westonia
Shire of Wickiepin
Shire of Williams
Shire of Wiluna
Shire of Wongan-Ballidu
Shire of Woodanilling
Shire of Wyalkatchem
Shire of Yalgoo

**Part 4 — *Local Government (Elections)*
Regulations 1997 amended**

23. Regulations amended

This Part amends the *Local Government (Elections) Regulations 1997*.

24. Regulation 3 amended

- (1) In regulation 3 delete the definition of *electronic counting system*.

- (2) In regulation 3 insert in alphabetical order:

electronic counting place has the meaning given in regulation 75C(1A);

electronic counting system means an electronic system to be used in counting votes, which may include either or both of the following —

- (a) a process for recording votes indicated on ballot papers;
- (b) a counting system for ascertaining any of the following —
 - (i) the number of first-preference votes that each candidate has;
 - (ii) the number of votes that a candidate has on a count under Schedule 4.1 clause 5(2)(d) of the Act;
 - (iii) the result of any transfer of surplus votes under Schedule 4.1 clause 9 or 10 of the Act;
 - (iv) the result of any transfer of first-preference votes or preference votes under Schedule 4.1 clause 11 of the Act;

first-preference vote has the meaning given in Schedule 4.1 clause 1 of the Act;

preference vote has the meaning given in Schedule 4.1 clause 1 of the Act;

votes, when used in the context of an election the result of which is ascertained under Schedule 4.1 Division 3 of the Act, has the meaning given in Schedule 4.1 clause 7 of the Act;

- (3) In regulation 3 in the definition of ***election papers*** delete paragraph (ba) and insert:

- (ba) a paper record that shows the number of first-preference votes that each candidate in the election had; and
- (bb) if the result of the election is ascertained under Schedule 4.1 clause 5 of the Act — a paper record that shows —
 - (i) each candidate who was excluded under Schedule 4.1 clause 5(2)(a) of the Act; and
 - (ii) details of the setting aside or transfer of ballot papers under Schedule 4.1 clause 5(2)(b) or (c) of the Act; and

- (iii) the number of votes that each candidate who was not excluded had on the last count under Schedule 4.1 clause 5(2)(d) of the Act;
- and
- (bc) if the result of the election is ascertained under Schedule 4.1 Division 3 of the Act — a paper record that shows —
 - (i) for each candidate who was elected — the number of votes that the candidate had when they were elected; and
 - (ii) details of any transfers of surplus votes under Schedule 4.1 clause 9 or 10 of the Act; and
 - (iii) each candidate who was excluded under Schedule 4.1 clause 11 of the Act and details of the transfer of the candidate's first-preference votes and preference votes under that clause; and
 - (iv) for each candidate who was neither elected nor excluded — the number of votes that the candidate had when the last office to be filled at the election was filled; and
 - (v) details of the setting aside of any ballot papers under Schedule 4.1 clause 17 of the Act;
- and
- (bd) a paper record that shows details of any matter required to be declared under Schedule 4.1A clause 19 of the Act or Schedule 4.1B clause 1(5) of the Act;

25. Regulation 22AA inserted

After regulation 22 insert:

**22AA. Destruction and deletion of copies of rolls —
s. 4.42(3)**

- (1) In this regulation —
 - authorised person* means —
 - (a) the CEO; or
 - (b) the Electoral Commissioner;
 - recipient* means a member of the council or a candidate to whom a copy of a roll is supplied under section 4.42(2);

relevant period — see subregulations (8) and (9);

supplied copy, in relation to a recipient —

(a) means any of the following —

- (i) the copy of a roll supplied to the recipient under section 4.42(2);
- (ii) a copy of the roll derived (directly or indirectly and wholly or partly) from the copy supplied under section 4.42(2);
- (iii) any other document or information derived (directly or indirectly and wholly or partly) from the copy supplied under section 4.42(2);
- (iv) a document or information containing details supplied to the recipient under section 4.43(3b) relating to the roll;

but

- (b) does not include any envelope, package or correspondence sent to an elector by, or on behalf of, the recipient just because the envelope, package or correspondence shows the elector's name and address as included in the roll;

working day means a day other than —

- (a) a Saturday or Sunday; or
- (b) a public holiday throughout the State; or
- (c) a public holiday in an area that is or includes the district or any part of the district.

(2) This regulation applies for the purposes of section 4.42(3).

(3) A recipient must ensure that every supplied copy is, before the end of the relevant period —

- (a) destroyed; or
- (b) in the case of a supplied copy that is in electronic form — deleted from any computer, device, medium or other storage system on or in which the supplied copy is held, retained or stored.

(4) If a recipient fails to comply with subregulation (3), the recipient commits an offence, which continues from the end of the relevant period until every supplied copy is —

- (a) destroyed; or

- (b) in the case of a supplied copy that is in electronic form — deleted from any computer, device, medium or other storage system on or in which the supplied copy is held, retained or stored.

Penalty for this subregulation:

- (a) a fine of \$5 000;
 - (b) a daily penalty of a fine of \$50 for each day or part of a day during which the offence continues.
- (5) A recipient must, before the end of the relevant period, provide an authorised person with a statutory declaration made by the recipient —
- (a) that confirms, in effect, that every supplied copy has been —
 - (i) destroyed; or
 - (ii) in the case of a supplied copy that is in electronic form — deleted from any computer, device, medium or other storage system on or in which the supplied copy was held, retained or stored;
- and
- (b) that complies with subregulation (6).
- (6) For the purposes of subregulation (5)(b), the statutory declaration must —
- (a) identify the election; and
 - (b) include a description of every supplied copy, including whether the supplied copy was in electronic form; and
 - (c) in relation to every supplied copy, describe the steps taken to destroy or delete it.
- (7) If a recipient fails to comply with subregulation (5), the recipient commits an offence, which continues from the end of the relevant period until the required statutory declaration is provided to an authorised person.

Penalty for this subregulation:

- (a) a fine of \$5 000;
- (b) a daily penalty of a fine of \$50 for each day or part of a day during which the offence continues.

- (8) For the purposes of subregulations (3) to (7) but subject to subregulation (9), the ***relevant period*** is —
- (a) if the recipient is a candidate in the election who is not elected at the election — the period of 5 working days after the day on which the result of the election is declared under section 4.77; or
 - (b) if the recipient is a candidate in the election who is elected at the election — the period of 5 working days after the day on which, as the case requires —
 - (i) the term of the office to which the recipient is elected ends; or
 - (ii) if that office becomes vacant before the end of that term — the day on which that office becomes vacant;
- or
- (c) if the recipient is a member of the council who is not a candidate in the election — the period of 5 working days after the day on which, as the case requires —
 - (i) the term of the recipient's current office ends; or
 - (ii) if that office becomes vacant before the end of that term — the day on which that office becomes vacant.
- (9) If the election becomes void under section 4.58, the ***relevant period*** is the period of 5 working days after the day on which the candidate dies.

26. Regulation 22B replaced

Delete regulation 22B and insert:

22B. Course of induction — s. 4.48(1) and (2)

- (1) For the purposes of section 4.48(1) and (2), the course of induction is the course titled *Local Government Candidate Induction* that is available on the Department's official website after 30 June 2023.
- (2) The course of induction prescribed under subregulation (1) must be completed by the person referred to in section 4.48(1)(d) or (2)(b) even if the person has completed a previously prescribed course of induction.

27. Regulation 24 amended

In regulation 24(a) delete “800” and insert:

1 000

28. Regulation 26 amended

In regulation 26(1) delete “\$80.” and insert:

\$100.

29. Regulation 27 amended

- (1) In regulation 27(2) before “votes” (each occurrence) insert:

first-preference

- (2) Delete regulation 27(5) and insert:

- (5) A candidate’s deposit must be refunded if the candidate’s nomination is withdrawn under section 4.53 before the close of nominations.

30. Regulation 29A inserted

After regulation 29 insert:

29A. Publication of information about candidates — s. 4.52

- (1) The following are prescribed for the purposes of paragraph (d) of the definition of *relevant information* in section 4.52(1) —
- (a) the written statement that the RO is required to prepare under subregulation (2), (3) or (4) (as the case requires);
 - (b) the written statement (if any) provided by the candidate in accordance with subregulations (5) and (6), unless the RO considers that the statement contains something that is false, misleading or defamatory.

- (2) If the candidate is eligible to be a candidate because they are an elector under section 4.29 of the district, or of any ward in the district, for the purposes of subregulation (1)(a), the RO must prepare the following written statement —

[INSERT NAME OF CANDIDATE TO APPEAR ON BALLOT PAPER] is eligible to stand for election as a resident of [INSERT NAME OF DISTRICT].

- (3) If the candidate is eligible to be a candidate because they are an elector under section 4.30 of the district, or of any ward in the district, on the basis of ownership of rateable property, for the purposes of subregulation (1)(a), the RO must prepare the following written statement —

[INSERT NAME OF CANDIDATE TO APPEAR ON BALLOT PAPER] is eligible to stand for election as the owner of rateable property in [INSERT NAME OF DISTRICT].

- (4) If the candidate is eligible to be a candidate because they are an elector under section 4.30 of the district, or of any ward in the district, on the basis of occupation of rateable property, for the purposes of subregulation (1)(a), the RO must prepare the following written statement —

[INSERT NAME OF CANDIDATE TO APPEAR ON BALLOT PAPER] is eligible to stand for election as the occupier of rateable property in [INSERT NAME OF DISTRICT].

- (5) For the purposes of subregulation (1)(b), a candidate may provide, for publication on the local government's official website, a written statement that contains information that the candidate considers to be relevant to their candidature in addition to any information included in their profile under section 4.49(b) or provided by them under section 4.49(ba).

- (6) The written statement must —
- (a) accompany the nomination paper for the candidate; and
 - (b) be in the English language; and
 - (c) contain no more than 2 000 characters and spaces.

- (7) Section 4.87(1) does not apply to the written statement when it is —
- (a) being provided with the nomination paper; or
 - (b) being published by the RO or the local government on the local government's official website; or
 - (c) being printed (as defined in section 4.87(3)), supplied or distributed by the RO or the local government for the purpose of publishing it on the local government's official website or for any other purpose related to the election.

31. Regulation 30A amended

- (1) In regulation 30A(2) delete "\$200" and insert:

\$300

- (2) In regulation 30A(4) —

- (a) in paragraph (a) delete "\$200" and insert:

\$300

- (b) in paragraph (b) delete "\$200," and insert:

\$300,

- (c) in paragraph (b) delete "\$200 or" and insert:

\$300 or

32. Regulation 30G amended

Delete regulation 30G(3) and (4) and insert:

- (3) Any 'disclosure of gifts' forms relating to a candidate must be kept on the electoral gift register until the end of the period of 4 years after the relevant election day.
- (4) The CEO must —
- (a) remove those forms from the electoral gift register at the end of that 4-year period; and
 - (b) retain them separately for a period of at least 2 years.

33. Regulation 31 amended

Delete regulation 31(1)(i)(iii) and insert:

(iii) any electronic counting place or places.

34. Part 7 heading amended

In the heading to Part 7 delete “**and how to mark them**”.

35. Regulations 34 and 35 deleted

Delete regulations 34 and 35.

36. Regulation 37 amended

In regulation 37(5) delete “36th” and insert:

43rd

37. Regulation 75B amended

In regulation 75B delete “to ascertain the number of votes given to each candidate.” and insert:

in counting votes.

38. Regulation 75C amended

Delete regulation 75C(2) and insert:

(1A) In this regulation —

electronic counting place means any place at which the electronic counting system is accessible for data input and output for the purposes of the election.

(1B) An electronic counting place must be in the State.

(2) If the RO believes that the counting of votes would be unduly delayed by the need to deliver a ballot box after the close of poll to an electronic counting place, the RO may do the things set out in subregulation (3) or (4).

Note: The heading to amended regulation 75C is to read:

Electronic counting places

39. Parts 12B and 12C inserted

After regulation 75C insert:

Part 12B — Acceptance of ballot papers**75D. Circumstances in which RO must accept ballot paper in election with more than 2 candidates — s. 4.75**

- (1) This regulation applies for the purposes of section 4.75(3)(a) if the election has more than 2 candidates.
- (2) Subregulation (3) applies if —
 - (a) in accordance with section 4.69(2), a ballot paper indicates the candidate for whom the elector votes as the elector's first preference; and
 - (b) in casting preference votes under section 4.69(3), the elector has done either or both of the following —
 - (i) repeated 1 or more numerals;
 - (ii) missed 1 or more numerals;and
 - (c) the RO has no reason for rejecting the ballot paper other than that referred to in paragraph (b).
- (3) The RO must —
 - (a) accept the ballot paper; and
 - (b) when counting the votes —
 - (i) if there are 1 or more repeated numerals — disregard those numerals and any other numeral that is higher than a repeated numeral; and
 - (ii) if there are 1 or more missing numerals — disregard any numeral that is higher than a missing numeral.

Part 12C — Drawing of lots**Division 1 — Preliminary****75E. Steps for drawing lots**

- (1) For the purposes of this Part, the *steps for drawing lots* are the 4 steps set out in subregulations (2) to (5).

- (2) First, as soon as possible after the occurrence of the circumstance under which the RO is required to draw lots, the RO must make out, in respect of each relevant candidate, a slip bearing the relevant candidate's name.

Note for this subregulation:

For the meaning of **relevant candidate** — see regulation 75G(2), 75H(2), 75I(2), 75J(2), 75K(2), 75L(2), 75M(2), 75N(2), 75O(2), 75P(2), 75Q(2), 75R(2), 75S(2) or 75T(2) (as the case requires).

- (3) Second, the RO must —
- (a) place each of the slips in separate hollow opaque spheres of exact similarity; and
 - (b) securely close the spheres; and
 - (c) deposit the spheres in an empty container.
- (4) Third, the RO must —
- (a) securely fasten the container; and
 - (b) shake and rotate the container; and
 - (c) permit anyone else present to shake and rotate the container if they so wish.
- (5) Fourth, the RO must —
- (a) open the container; and
 - (b) take out and open 1 of the spheres to obtain the slip enclosed in it.
- (6) The RO must carry out each of the 4 steps in front of all the people present.

75F. References to Schedules

In this Part, references to Schedules are to Schedules of the Act.

Division 2 — Provisions for Schedule 4.1A

75G. Drawing lots under Sch. 4.1A cl. 5(3)

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1A clause 5(3).
- (2) For the purposes of regulation 75E(2), the **relevant candidates** are the candidates who had the same number of first-preference votes.
- (3) If there are only 2 relevant candidates and no other candidate had a higher number of first-preference votes —
- (a) the RO must take the steps for drawing lots; and

- (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the second placed candidate; and
 - (c) the other relevant candidate is the third placed candidate.
- (4) If there are 3 or more relevant candidates and no other candidate had a higher number of first-preference votes —
 - (a) the RO must take the steps for drawing lots; and
 - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the second placed candidate; and
 - (c) the RO must repeat the third and fourth steps (but without the slip referred to in paragraph (b)); and
 - (d) the relevant candidate whose name appears on the slip obtained by the RO on the repeat of the fourth step is the third placed candidate.
- (5) If there are 2 or more relevant candidates and 1 other candidate had a higher number of first-preference votes —
 - (a) the RO must take the steps for drawing lots; and
 - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the third placed candidate.

75H. Drawing lots under Sch. 4.1A cl. 8(3)

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1A clause 8(3).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the continuing candidates who had the same number of votes on the last count.
- (3) If there are only 2 relevant candidates and no other continuing candidate had a higher number of votes on the last count —
 - (a) the RO must take the steps for drawing lots; and
 - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the second placed candidate; and
 - (c) the other relevant candidate is the third placed candidate.

- (4) If there are 3 or more relevant candidates and no other continuing candidate had a higher number of votes on the last count —
 - (a) the RO must take the steps for drawing lots; and
 - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the second placed candidate; and
 - (c) the RO must repeat the third and fourth steps (but without the slip referred to in paragraph (b)); and
 - (d) the relevant candidate whose name appears on the slip obtained by the RO on the repeat of the fourth step is the third placed candidate.
- (5) If there are 2 or more relevant candidates and 1 other continuing candidate had a higher number of votes on the last count —
 - (a) the RO must take the steps for drawing lots; and
 - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the third placed candidate.

75I. Drawing lots under Sch. 4.1A cl. 11(4)(b)

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1A clause 11(4)(b).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the unelected candidates referred to in Schedule 4.1A clause 11(3) who had the same number of votes when the last office to be filled at the election was filled.
- (3) If there are only 2 relevant candidates and no other unelected candidate had a higher number of votes when the last office to be filled at the election was filled —
 - (a) the RO must take the steps for drawing lots; and
 - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the first unelected candidate; and
 - (c) the other relevant candidate is the second unelected candidate.
- (4) If there are 3 or more relevant candidates and no other unelected candidate had a higher number of votes when the last office to be filled at the election was filled —
 - (a) the RO must take the steps for drawing lots; and

- (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the first unelected candidate; and
 - (c) the RO must repeat the third and fourth steps (but without the slip referred to in paragraph (b)); and
 - (d) the relevant candidate whose name appears on the slip obtained by the RO on the repeat of the fourth step is the second unelected candidate.
- (5) If there are 2 or more relevant candidates and 1 other unelected candidate had a higher number of votes when the last office to be filled at the election was filled —
 - (a) the RO must take the steps for drawing lots; and
 - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the second unelected candidate.

Division 3 — Provisions for Schedule 4.1B

75J. Drawing lots under Sch. 4.1B cl. 3(3)(b)

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1B clause 3(3)(b).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the candidates who received the same number of first-preference votes.
- (3) The RO must take the steps for drawing lots.
- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the candidate who finishes second in the concurrent election.

75K. Drawing lots under Sch. 4.1B cl. 4(4)

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1B clause 4(4).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the continuing candidates who had the same number of votes on the last count.
- (3) The RO must take the steps for drawing lots.
- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the second placed candidate.

75L. Drawing lots under Sch. 4.1B cl. 5(5)(b)

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1B clause 5(5)(b).

- (2) For the purposes of regulation 75E(2), the ***relevant candidates*** are the unelected candidates who have the same number of votes when the last office to be filled at the concurrent election is filled.
- (3) The RO must take the steps for drawing lots.
- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the first unelected candidate.

Division 4 — Provisions for Schedule 4.1

75M. Drawing lots under Sch. 4.1 cl. 2(2)

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1 clause 2(2).
- (2) For the purposes of regulation 75E(2), the ***relevant candidates*** are the 2 candidates in the election.
- (3) The RO must take the steps for drawing lots.
- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is elected.

75N. Drawing lots under Sch. 4.1 cl. 5(6): determining candidate to be excluded

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1 clause 5(6) to determine the candidate to be excluded.
- (2) For the purposes of regulation 75E(2), the ***relevant candidates*** are the 2 or more candidates referred to in Schedule 4.1 clause 5(4)(a) or (b) (as the case requires).
- (3) The RO must take the steps for drawing lots.
- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is excluded.

75O. Drawing lots under Sch. 4.1 cl. 5(6): determining candidate to be elected

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1 clause 5(6) to determine the continuing candidate to be elected.
- (2) For the purposes of regulation 75E(2), the ***relevant candidates*** are the 2 continuing candidates referred to in Schedule 4.1 clause 5(5).
- (3) The RO must take the steps for drawing lots.
- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is elected.

75P. Drawing lots under Sch. 4.1 cl. 13(3)

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1 clause 13(3).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the 2 continuing candidates referred to in Schedule 4.1 clause 13(1).
- (3) The RO must take the steps for drawing lots.
- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is elected.

75Q. Drawing lots under Sch. 4.1 cl. 15(2)(b)

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1 clause 15(2)(b).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the candidates with equal surpluses.
- (3) If there are only 2 relevant candidates —
 - (a) the RO must take the steps for drawing lots; and
 - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is taken to have had the larger surplus.
- (4) If there are 3 or more relevant candidates —
 - (a) the RO must take the steps for drawing lots; and
 - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is taken to have had the largest surplus; and
 - (c) the RO must repeat the third and fourth steps as many times as is necessary (but without the slip referred to in paragraph (b) or any other slip previously obtained by the RO on a repeat of the fourth step); and
 - (d) the relevant candidate whose name appears on the slip obtained by the RO on the first repeat of the fourth step is taken to have had the second largest surplus, and so on.

75R. Drawing lots under Sch. 4.1 cl. 16(3)

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1 clause 16(3).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the tied candidates.
- (3) The RO must take the steps for drawing lots.

- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is excluded.

Division 5 — Provisions for Schedule 4.2

75S. Drawing lots under Sch. 4.2 cl. 6, 7, 7A(a)(ii) or (d)(ii) or 7B(b)

- (1) This regulation applies if lots are required to be drawn under Schedule 4.2 clause 6, 7, 7A(a)(ii) or (d)(ii) or 7B(b).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are as follows —
 - (a) if lots are required to be drawn under Schedule 4.2 clause 6 or 7 — the councillors who were elected unopposed;
 - (b) if lots are required to be drawn under Schedule 4.2 clause 7A(a)(ii) or (d)(ii) — the councillors who had the same number of first-preference votes;
 - (c) if lots are required to be drawn under Schedule 4.2 clause 7B(b) by virtue of clause 7A(b)(ii) — the councillors who had the same number of votes on the completion of the transfer;
 - (d) if lots are required to be drawn under Schedule 4.2 clause 7B(b) by virtue of clause 7A(c)(ii) — the councillors who had the same number of votes when they were elected.
- (3) If there are only 2 relevant candidates —
 - (a) the RO must take the steps for drawing lots; and
 - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is regarded as having been elected first as between the relevant candidates.
- (4) If there are 3 or more relevant candidates —
 - (a) the RO must take the steps for drawing lots; and
 - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is regarded as having been elected first as between the relevant candidates; and
 - (c) the RO must repeat the third and fourth steps as many times as is necessary (but without the slip referred to in paragraph (b) or any other slip previously obtained by the RO on a repeat of the fourth step); and

- (d) the relevant candidate whose name appears on the slip obtained by the RO on the first repeat of the fourth step is regarded as having been elected second as between the relevant candidates, and so on.

75T. Drawing lots under Sch. 4.2 cl. 8(b) or 9(a)

- (1) This regulation applies if lots are required to be drawn under Schedule 4.2 clause 8(b) or 9(a).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are as follows —
 - (a) if lots are required to be drawn under Schedule 4.2 clause 8(b) — the councillors who have an equality of the percentage of first-preference votes cast;
 - (b) if lots are required to be drawn under Schedule 4.2 clause 9(a) — the councillors appointed on the same day.
- (3) If there are only 2 relevant candidates —
 - (a) the RO must take the steps for drawing lots; and
 - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step retires first as between the relevant candidates.
- (4) If there are 3 or more relevant candidates —
 - (a) the RO must take the steps for drawing lots; and
 - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step retires first as between the relevant candidates; and
 - (c) the RO must repeat the third and fourth steps as many times as is necessary (but without the slip referred to in paragraph (b) or any other slip previously obtained by the RO on a repeat of the fourth step); and
 - (d) the relevant candidate whose name appears on the slip obtained by the RO on the first repeat of the fourth step retires second as between the relevant candidates, and so on.

40. Regulation 77A deleted

Delete regulation 77A.

41. Regulation 80 replaced

Delete regulation 80 and insert:

80. Declaration and notice of result — s. 4.77

- (1) This regulation applies for the purposes of section 4.77.

Note for this subregulation:

See also regulations 80AA and 80AB which apply for the purposes of section 4.77 in relation to declarations and notices required under Schedule 4.1A clause 19 of the Act and Schedule 4.1B clause 1(5) of the Act.

- (2) The RO must publicly declare the result of the election.
- (3) If the election is decided under section 4.55 or 4.57, the declaration must include the following —
- (a) the name of each candidate and a statement that they are elected unopposed;
 - (b) the name of any person appointed by the council under section 4.57(3) and a statement that they are so appointed;
 - (c) the term of office for each person elected.
- (4) If voting by electors took place, the declaration must include the information required under subregulation (5), (6) or (7) (as the case requires).
- (5) If the result of the election was ascertained under Schedule 4.1 clause 2 or 4 of the Act, the information required for the purposes of subregulation (4) is as follows —
- (a) the name of each candidate;
 - (b) the number of first-preference votes that each candidate had;
 - (c) the name and term of office of the candidate elected.
- (6) If the result of the election was ascertained under Schedule 4.1 clause 5 of the Act, the information required for the purposes of subregulation (4) is as follows —
- (a) the name of each candidate;
 - (b) the number of first-preference votes that each candidate had;
 - (c) for each candidate, whichever of the following is relevant —
 - (i) the number of votes that the candidate had on the last count under Schedule 4.1 clause 5(2)(d) of the Act;

- (ii) that the candidate was excluded under Schedule 4.1 clause 5(2)(a) of the Act;
 - (d) the name and term of office of the candidate elected.
- (7) If the result of the election was ascertained under Schedule 4.1 Division 3 of the Act, the information required for the purposes of subregulation (4) is as follows —
 - (a) the name of each candidate;
 - (b) the quota (as determined under Schedule 4.1 clause 8 of the Act);
 - (c) the number of first-preference votes that each candidate had;
 - (d) the names of the candidates elected and the order in which they were elected;
 - (e) the term of office of each candidate elected.
- (8) The RO must also give local public notice of the result of the election.
- (9) The local public notice must —
 - (a) set out the contents of the declaration; and
 - (b) if relevant — include a document detailing the distribution of preference votes.
- (10) The Departmental CEO may approve forms to be used for the purposes of this regulation.

80AA. Declaration and notice required under Sch. 4.1A cl. 19

- (1) This regulation applies for the purposes of section 4.77 if a declaration and notice are required under Schedule 4.1A clause 19 of the Act.
- (2) The RO must publicly declare any matter required to be declared under Schedule 4.1A clause 19 of the Act.
- (3) The declaration must include the following —
 - (a) if Schedule 4.1A clause 19(1) of the Act applies —
 - (i) a statement that Schedule 4.1A clause 19(1) of the Act applies; and
 - (ii) the name of the second placed candidate; and
 - (iii) the name of the third placed candidate or a statement that there is no third placed candidate;

- (b) if Schedule 4.1A clause 19(2) of the Act applies —
 - (i) a statement that Schedule 4.1A clause 19(2) of the Act applies; and
 - (ii) the name of the second placed candidate; and
 - (iii) the name of the third placed candidate or a statement that there is no third placed candidate;
- (c) if Schedule 4.1A clause 19(3) of the Act applies —
 - (i) a statement that Schedule 4.1A clause 19(3) of the Act applies; and
 - (ii) the name of the first unelected candidate or a statement that there is no first unelected candidate; and
 - (iii) the name of the second unelected candidate or a statement that there is no second unelected candidate.
- (4) The RO must also give local public notice setting out the contents of the declaration.
- (5) The local public notice may be included in the local public notice required under regulation 80(8).
- (6) The Departmental CEO may approve forms to be used for the purposes of this regulation.

80AB. Declaration and notice required under Sch. 4.1B cl. 1(5)

- (1) This regulation applies for the purposes of section 4.77 if a declaration and notice are required under Schedule 4.1B clause 1(5) of the Act.
- (2) The RO must publicly declare any matter required to be declared under Schedule 4.1B clause 1(5) of the Act.
- (3) The declaration must include the following —
 - (a) a statement that Schedule 4.1B clause 1(5) of the Act applies;
 - (b) details of the vacancy that is filled;
 - (c) the name and term of office of the candidate who is declared elected to fill the vacancy.
- (4) The RO must also give local public notice setting out the contents of the declaration.

- (5) The local public notice may be included in the local public notice required under regulation 80(8).
- (6) The Departmental CEO may approve forms to be used for the purposes of this regulation.

42. Regulation 80A deleted

Delete regulation 80A.

43. Regulation 81 amended

- (1) In regulation 81 delete “The report” and insert:
 - (1) The report
- (2) At the end of regulation 81 insert:
 - (2) If relevant, the report must be accompanied by a document detailing the distribution of preference votes.

44. Regulation 85 amended

- (1) After regulation 85(1)(c) insert:
 - (ca) a declaration that a declaration under Schedule 4.1A clause 19 of the Act or Schedule 4.1B clause 1(5) of the Act should be changed;
- (2) Delete regulation 85(2) and insert:
 - (2) If the investigation of the invalidity complaint leads to a situation that requires the drawing of lots as set out in Part 12C, the Court may order the RO —
 - (a) to draw lots in accordance with the applicable provisions of Part 12C; and
 - (b) to inform the Court of the result to enable the Court to make a determination under subregulation (1).

45. Regulation 86 amended

In regulation 86 delete “(b) or (c),” and insert:

(b), (c) or (ca),

46. Regulation 86A inserted

After regulation 86 insert:

86A. Publication of Court's declaration under s. 4.81(5)(a) — s. 4.81(5)(b)(ii)

For the purposes of section 4.81(5)(b)(ii), the RO must give local public notice setting out the contents of the Court's declaration under section 4.81(5)(a).

47. Part 15A inserted

After regulation 87 insert:

Part 15A — Provisions for Schedule 4.1A of Act

Note for this Part:

See Part 12C Division 2 for provisions relating to the drawing of lots under Schedule 4.1A of the Act.

Division 1 — Provisions for Schedule 4.1A clause 2(4) of Act**87A. Declaration and notice of election**

- (1) This regulation applies for the purposes of Schedule 4.1A clause 2(4) of the Act.
- (2) The CEO must publicly declare that the vacancy has been filled by election under Schedule 4.1A of the Act.
- (3) The declaration must include the following —
 - (a) the name of the former member and their office;
 - (b) the name and term of office of the person elected to fill the vacancy.
- (4) The CEO must also give local public notice of the contents of the declaration.

Division 2 — Provisions for Schedule 4.1A clause 18 of Act**Subdivision 1 — Preliminary****87B. Terms used**

- (1) In this Division, references to clauses are to clauses of Schedule 4.1A of the Act.
- (2) In this Division —
vacancy day has the meaning given in clause 1;

working day has the meaning given in clause 1.

- (3) Clause 2(6) applies for the purposes of this Division.

Subdivision 2 — Notifications

87C. Notification from CEO to candidate

- (1) This regulation applies to a notification that the CEO is required to give to a candidate under clause 4(1), 6(1), 7(2), 9(1), 10(2), 12(1) or 13(2).
- (2) The notification must —
- (a) be in writing; and
 - (b) include the following —
 - (i) the name of the local government;
 - (ii) the clause under which the notification is given;
 - (iii) the candidate's name;
 - (iv) the CEO's name;
 - (v) the address of the CEO's office;
 - (vi) the CEO's email address;
 - (vii) the former member's name;
 - (viii) details of the vacant office;
 - (ix) the date on which the office became vacant or, in the case of a vacancy under section 2.32(b) where the resignation has not yet taken effect, the date on which the resignation will take effect;
 - (x) details of the period within which the candidate must notify the CEO that the candidate wants to fill the vacancy;
 - (xi) details of the requirements of regulation 87D(2);
 - (xii) details of how the candidate's notification to the CEO may be given under regulation 87D(3).
- (3) The notification may be given in any of the following ways —
- (a) giving it personally to the candidate;
 - (b) sending it by prepaid post addressed to the candidate —
 - (i) in accordance with the *Interpretation Act 1984* section 75(1); or

- (ii) at another address that has been provided to the CEO by the candidate for the purpose of receiving a notification under Schedule 4.1A of the Act;
 - (c) emailing it to an email address that has been provided to the CEO by the candidate for the purpose of receiving a notification under Schedule 4.1A of the Act;
 - (d) in another way agreed between the CEO and the candidate.
- (4) If the CEO is satisfied that it is not reasonably practicable to give the notification in accordance with subregulation (3), the CEO may give the notification by local public notice.
- (5) For the purposes of the *Local Government (Administration) Regulations 1996* regulation 3A(1)(a) and (2)(d)(i), (f)(i) and (g)(i), the period specified in relation to a local public notice given under subregulation (4) is 5 working days.
- (6) If the notification is sent by prepaid post, the candidate is taken to be notified as follows —
 - (a) if the notification is sent to an address in the State — on the 2nd working day after the day on which the notification is posted;
 - (b) if the notification is sent to an address in another State or in a Territory — on the 4th working day after the day on which the notification is posted;
 - (c) otherwise — on the 8th working day after the day on which the notification is posted.
- (7) If the notification is sent by email, the candidate is taken to be notified on the 1st working day after the day on which the email is sent.
- (8) If the notification is given by local public notice, the candidate is taken to be notified on the 5th working day after the day on which the notice is first published on the local government's official website.
- (9) Subregulations (6) to (8) apply even if the candidate is not actually notified.
- (10) Regulation 5 does not apply to the notification.

87D. Notification from candidate to CEO

- (1) This regulation applies to a notification that a candidate may give to the CEO under clause 4(2), 6(2), 7(3), 9(2), 10(3), 12(2) or 13(3).

- (2) The notification must —
 - (a) be in writing; and
 - (b) be in the form of a statutory declaration made by the candidate that states —
 - (i) that the candidate wants to fill the vacancy; and
 - (ii) that the candidate considers that they are qualified to be elected to the council under section 2.19.
- (3) The notification may be given in any of the following ways —
 - (a) giving it personally to the CEO;
 - (b) giving it personally to another employee of the local government at the address of the CEO's office notified under regulation 87C(2)(b)(v);
 - (c) emailing it to the CEO's email address notified under regulation 87C(2)(b)(vi);
 - (d) in another way agreed between the CEO and the candidate.
- (4) If the notification is given to an employee under subregulation (3)(b), the CEO is taken to be notified on the day on which the notification is given to the employee.
- (5) If the notification is emailed —
 - (a) the CEO is taken to be notified on the 1st working day after the day on which the email is sent; and
 - (b) the CEO must confirm receipt by a return email as soon as possible.
- (6) Subregulations (4) and (5)(a) apply even if the CEO is not actually notified.
- (7) Regulation 5 does not apply to the notification.

87E. Copies of notifications to be provided to Minister

The CEO must provide a copy of the following to the Minister —

- (a) any notification given by the CEO to which regulation 87C applies;
- (b) any notification given to the CEO to which regulation 87D applies.

Subdivision 3 — Extension of time periods**87F. Extension to take account of delay in CEO becoming aware of vacancy**

- (1) This regulation applies to a period of 5 or 15 working days provided for in clause 4(1), 6(1), 7(2), 9(1), 10(2), 12(1) or 13(2) (including, if relevant, as modified under clause 15(2), 16(2) or 17(2)).
- (2) If the CEO does not become aware of the vacancy until after the vacancy day, the period is extended so that it ends, as the case requires, on the 5th or 15th working day after the day on which the CEO becomes aware of the vacancy.

87G. Extension to take account of method of notification used by CEO

- (1) In this regulation —
relevant period —
 - (a) means a period of 5 or 15 working days provided for in clause 4(1), 6(1), 7(2), 9(1), 10(2), 12(1) or 13(2) (including, if relevant, as modified under clause 15(2), 16(2) or 17(2)); and
 - (b) includes such a period as extended under regulation 87F or 87I or both.
- (2) Subregulation (3) applies if —
 - (a) the notification required to be given by the CEO within a relevant period is sent by prepaid post within the relevant period; and
 - (b) the working day on which the candidate is taken to be notified under regulation 87C(6) falls after the relevant period.
- (3) The relevant period is extended so that it ends on the working day referred to in subregulation (2)(b).
- (4) Subregulation (5) applies if —
 - (a) the notification required to be given by the CEO within a relevant period is sent by email within the relevant period; and
 - (b) the working day on which the candidate is taken to be notified under regulation 87C(7) falls after the relevant period.
- (5) The relevant period is extended so that it ends on the working day referred to in subregulation (4)(b).

- (6) Subregulation (7) applies if —
 - (a) the notification required to be given by the CEO within a relevant period is given by local public notice that is first published on the local government's official website within the relevant period; and
 - (b) the working day on which the candidate is taken to be notified under regulation 87C(8) falls after the relevant period.
- (7) The relevant period is extended so that it ends on the working day referred to in subregulation (6)(b).

87H. Extension to take account of method of notification used by candidate

- (1) In this regulation —
relevant period means a period of 5 working days provided for in clause 4(2), 6(2), 7(3), 9(2), 10(3), 12(2) or 13(3).
- (2) Subregulation (3) applies if —
 - (a) the notification required to be given by the candidate within a relevant period is sent by email within the relevant period; and
 - (b) the working day on which the CEO is taken to be notified under regulation 87D(5)(a) falls after the relevant period.
- (3) The relevant period is extended so that it ends on the working day referred to in subregulation (2)(b).

87I. Consequential extensions

- (1) In this regulation —
relevant period —
 - (a) means a period of 15 working days provided for in clause 7(2), 10(2) or 13(2); and
 - (b) includes such a period as extended under regulation 87F or previously extended under this regulation or both.
- (2) This regulation applies if, in consequence of an extension to a period under regulation 87G or 87H (the *original extension*), the CEO considers that a relevant period should be extended so as to allow the CEO further time in which to determine whether the requirement of clause 7(1), 10(1) or 13(1) (as the case requires) is met.

- (3) The CEO may, with the agreement of the Electoral Commissioner, extend the relevant period, having regard to the number of working days of the original extension.
- (4) The CEO may extend the relevant period even if it has already expired.

48. Part 16A inserted

After regulation 92 insert:

Part 16A — Transitional provisions for *Local Government Amendment Act 2023* and *Local Government Regulations Amendment Regulations (No. 2) 2023*

92A. Terms used

In this Part —

2023 amendment Act means the *Local Government Amendment Act 2023*;

2023 amendment regulations means the *Local Government Regulations Amendment Regulations (No. 2) 2023*.

92B. Pre-21 October 2023 elections

- (1) In this regulation —
election has the meaning given in section 4.1;
election day has the meaning given in section 4.1;
pre-21 October election means an election for which election day is before 21 October 2023.
- (2) For the purposes of Schedule 9.3 clause 62(2) of the Act, the amendments made by sections 31(3), 33 to 39, 40(1) and (2), 42 to 54 and 92 to 98 of the 2023 amendment Act do not apply in relation to a pre-21 October 2023 election and, accordingly, the Act applies in relation to the pre-21 October 2023 election as if those amendments had not been made.
- (3) For the purposes of Schedule 9.3 clause 62(2) of the Act, the amendment made by section 31(2) of the 2023 amendment Act does not apply in relation to an enrolment eligibility claim made before the day on which section 31(2) of the 2023 amendment Act comes into operation and, if relevant, section 4.33(2B) continues to apply in relation to the enrolment eligibility claim as if that amendment had not been made.

- (4) For the purposes of Schedule 4.1A clauses 4(4)(b), 6(4)(b), 7(5)(b), 9(4)(b), 10(5)(b), 12(4)(b) and 13(5)(b) of the Act, the vacancy cannot be filled if the election at which the former member was elected is a pre-21 October 2023 election and, accordingly, no declaration or notice is required to be given under Schedule 4.1A clause 19 of the Act in relation to a pre-21 October 2023 election.
- (5) For the purposes of Schedule 4.1B clause 1(4) of the Act, the vacancy cannot be filled if the concurrent election is a pre-21 October 2023 election.
- (6) The amendments made by regulations 24 to 46 and 49 to 58 of the 2023 amendment regulations do not apply in relation to a pre-21 October 2023 election and, accordingly, these regulations apply in relation to the pre-21 October 2023 election as if those amendments had not been made.

92C. Pre-21 October 2023 Schedule 2.3 elections

- (1) For the purposes of Schedule 9.3 clause 62(2) of the Act, no amendment referred to in regulation 92B(2) applies in relation to an election under Schedule 2.3 of the Act which is conducted at a meeting held before 21 October 2023 and, accordingly, the Act applies in relation to the election as if none of those amendments had been made.
- (2) No amendment referred to in regulation 92B(6) applies in relation to an election under Schedule 2.3 of the Act which is conducted at a meeting held before 21 October 2023 and, accordingly, these regulations apply in relation to the election as if none of those amendments had been made.

92D. Pre-existing councillor vacancies

- (1) In this regulation —
 - amendment day* means the day on which section 28(2) of the 2023 amendment Act comes into operation;
 - pre-existing vacancy* means a vacancy in the office of a councillor —
 - (a) which, before amendment day, the council, with the approval of the Electoral Commissioner, allowed to remain unfilled under section 4.17(3); and
 - (b) which, immediately before amendment day, remains unfilled.

- (2) For the purposes of Schedule 9.3 clause 62(2) of the Act, section 4.17(3) to (4), as in force immediately before amendment day, continue to apply to a pre-existing vacancy as if section 28(2) of the 2023 amendment Act had not come into operation.

49. Schedule 1 amended

In Schedule 1 in the List of Forms delete the item relating to Form 19.

50. Schedule 1 Form 8 amended

In Schedule 1 Form 8:

- (a) delete the box titled “**5 Course of induction**” and insert:

5 Course of induction	<p>The course of induction is the course titled <i>Local Government Candidate Induction</i> that is available on the Department's official website after 30 June 2023.</p> <p>The reference number is the number that is emailed to you on completion of the course.</p>
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- (b) in the box titled “**Closing date for nominations**” delete “37th” and insert:

44th

- (c) in the box titled “**Candidate’s profile**” delete “800” and insert:

1 000

- (d) after the box titled “**Candidate’s profile**” insert:

Additional information	<p>Your nomination may, in addition to the candidate’s profile, be accompanied by a written statement containing information that you consider to be relevant to your candidature.</p> <p>The written statement must contain no more than 2 000 characters and spaces.</p> <p>The written statement is for publication on the local government’s official website.</p>
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- (e) in the box titled “**Deposit**” delete “\$80.” and insert:

\$100.

51. Schedule 1 Form 9 amended

In Schedule 1 Form 9:

- (a) delete the box titled “5 Course of induction” and insert:

5 Course of induction	<p>The course of induction is the course titled <i>Local Government Candidate Induction</i> that is available on the Department's official website after 30 June 2023.</p> <p>The reference number is the number that is emailed to the nominee on completion of the course.</p>
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- (b) in the box titled “Closing date for nominations” delete “37th” and insert:

44th

- (c) in the box titled “Candidate’s profile” delete “800” and insert:

1 000

- (d) after the box titled “Candidate’s profile” insert:

Additional information	<p>Your nomination may, in addition to the candidate’s profile, be accompanied by a written statement containing information that the candidate considers to be relevant to their candidature.</p> <p>The written statement must contain no more than 2 000 characters and spaces.</p> <p>The written statement is for publication on the local government’s official website.</p>
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- (e) in the box titled “Deposit” delete “\$80.” and insert:

\$100.

52. Schedule 1 Form 9A amended

In Schedule 1 Form 9A delete “\$200” (each occurrence) and insert:

\$300

53. Schedule 1 Form 10 amended

- (1) In Schedule 1 Form 10 delete the first box titled “How to vote” and insert:

<p>How to vote ⁵</p> <p>Write the number 1 in the square next to the name of the candidate who you want to vote for.</p>
--

- (2) In Schedule 1 Form 10 delete note 5 and insert:

5 *How to vote*

This ‘How to Vote’ note is for an election with only 2 candidates. If there are 3 or more candidates, replace it with the following note:

How to vote	
Write the number 1 in the square next to the name of the candidate who is your first choice.	
If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of other candidates in the order of your choice, starting with the number 2 up to [INSERT NUMBER OF CANDIDATES].	
You do not need to write a number in all the squares.	

54. Schedule 1 Form 11 amended

In Schedule 1 Form 11 delete the box titled “Cast your vote” and insert:

Cast your vote	<u>Election that has only 2 candidates</u>
	Write the number 1 in the square next to the name of the candidate who you want to vote for.
	<u>Election that has 3 or more candidates</u>
	Write the number 1 in the square next to the name of the candidate who is your first choice.
	If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of other candidates in the order of your choice, starting with the number 2 up to the number equal to the total number of candidates.
	You do not need to write a number in all the squares.

55. Schedule 1 Form 12 amended

- (1) In Schedule 1 Form 12 in the box titled “Where to send your form” delete “36” and insert:

43

- (2) In Schedule 1 Form 12 in the box titled “Postal votes at future elections” delete “36” and insert:

43

56. Schedule 1 Form 13 amended

- (1) In Schedule 1 Form 13(a) in the box titled “**How to vote**” delete item 1 and insert:

- ❶ If only 2 candidates are named on the ballot paper, decide which candidate you want to vote for and mark your choice on the ballot paper. The instructions on the ballot paper tell you how to do this.

If 3 or more candidates are named on the ballot paper, decide which candidate is your first choice and whether you want to show more choices. Then mark your choice or choices on the ballot paper. The instructions on the ballot paper tell you how to do this.

- (2) In Schedule 1 Form 13(b) in the box titled “**How to vote**” delete items 1 and 2 and insert:

- ❶ Mayoral ⁴ election

If only 2 candidates are named on the mayoral ⁴ ballot paper, decide which candidate you want to vote for and mark your choice on the mayoral ⁴ ballot paper. The instructions on the mayoral ⁴ ballot paper tell you how to do this.

If 3 or more candidates are named on the mayoral ⁴ ballot paper, decide which candidate is your first choice and whether you want to show more choices. Then mark your choice or choices on the mayoral ⁴ ballot paper. The instructions on the mayoral ⁴ ballot paper tell you how to do this.

- ❷ Councillors election

If only 2 candidates are named on the councillors ballot paper, decide which candidate you want to vote for and mark your choice on the councillors ballot paper. The instructions on the councillors ballot paper tell you how to do this.

If 3 or more candidates are named on the councillors ballot paper, decide which candidate is your first choice and whether you want to show more choices. Then mark your choice or choices on the councillors ballot paper. The instructions on the councillors ballot paper tell you how to do this.

- (3) In Schedule 1 Form 13 in note 1b in the box titled “**How to vote**” delete item 1 and insert:

- ❶ If only 2 candidates are named on the ballot paper, decide which candidate you want to vote for and mark your choice on the ballot paper. The instructions on the ballot paper tell you how to do this.

If 3 or more candidates are named on the ballot paper, decide which candidate is your first choice and whether you want to show more choices. Then mark your choice or choices on the ballot paper. The instructions on the ballot paper tell you how to do this.

- (4) In Schedule 1 Form 13 in note 3a in the box titled “**How to vote**” delete items 1 and 2 and insert:

- ❶ Mayoral ⁴ election

If only 2 candidates are named on the mayoral ⁴ ballot paper, decide which candidate you want to vote for and mark your choice on the mayoral ⁴ ballot paper. The instructions on the mayoral ⁴ ballot paper tell you how to do this.

If 3 or more candidates are named on the mayoral ⁴ ballot paper, decide which candidate is your first choice and whether you want to show more choices. Then mark your choice or choices on the mayoral ⁴ ballot paper. The instructions on the mayoral ⁴ ballot paper tell you how to do this.

2 Councillors election

If only 2 candidates are named on the councillors ballot paper, decide which candidate you want to vote for and mark your choice on the councillors ballot paper. The instructions on the councillors ballot paper tell you how to do this.

If 3 or more candidates are named on the councillors ballot paper, decide which candidate is your first choice and whether you want to show more choices. Then mark your choice or choices on the councillors ballot paper. The instructions on the councillors ballot paper tell you how to do this.

57. Schedule 1 Form 19 deleted

Delete Schedule 1 Form 19.

58. Schedule 1 Form 20 replaced

Delete Schedule 1 Form 20 and insert:

Form 20. Report to Minister**REPORT TO MINISTER**

Local Government Act 1995, s. 4.79(2)

Local Government (Elections) Regulations 1997, r. 81

Part 1 — General information

Use one form for each election.

District and date

District (and ward, if applicable) where election held:	
Election date:	

Vacancies

Number of vacancies:	
Vacancies unfilled: (i.e., vacancies for which no nominations were received at the close of nominations):	

Type of election

Voting in person:	<input type="checkbox"/>
Postal:	<input type="checkbox"/>
<i>[Tick one box]</i>	

Position/s

Mayor / president / councillor*
* Delete whichever is inapplicable.

Number of persons on rolls

Number of persons on owners and occupiers roll	
Number of persons on residents roll	

Total number of names of persons on rolls (roll, if consolidated)	
--	--

Part 2 — Voter turnout

<i>Voter categories</i>	<i>Number of voters</i>
Absent voters whose voting papers were rejected ¹	
Postal voters whose voting papers were rejected ¹	
Absent voters whose voting papers were accepted ²	
Postal voters whose voting papers were accepted ³	
Early voters recorded on roll	
Voters who voted in person on election day recorded on roll	
Provisional voters whose voting papers were accepted ⁴	
Total voter turnout ⁵	

¹ Assume the voting papers include a ballot paper for this election.

² Work out using number of accepted absent voter declarations retained.

³ Work out using number of accepted elector certificates retained.

⁴ Work out using number of Form 16s accepted by an electoral officer.

⁵ Total number of eligible electors who attempted to vote by the close of poll.

Part 3 — Number of late arriving postal packages

Number of late arriving postal packages ⁶	
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⁶ Include voting packages arriving up to 1 week after the close of poll.
Assume the voting papers include a ballot paper for this election.

Part 4 — Details of candidates and votes

<i>Surname</i>	<i>Other names</i>	<i>Gender</i>	<i>Previous member (yes / no)</i>	<i>First-preference votes received ⁷</i>

⁷ Insert the total number of first-preference votes received by each candidate.

Insert “unopposed” if the candidate was elected unopposed under section 4.55 of the *Local Government Act 1995*.

Insert “appointed” if the candidate was appointed under section 4.57(3) of the *Local Government Act 1995*.

Distribution of preferences

A distribution of preferences was not required	<input type="checkbox"/>
A distribution of preferences was required and is attached	<input type="checkbox"/>
<i>[Tick one box]</i>	

Part 5 — Ballot papers counted

<i>Ballot papers</i>	<i>Number</i>
Number of valid ballot papers counted	
Number of informal ballot papers counted	

Part 6 — Candidate/s elected

<i>Surname</i>	<i>Other names</i>	<i>Year term expires</i>	<i>Type of vacancy (Ordinary / extraordinary / other)</i>

Returning officer	Full name:	
	Signature:	Date:

Part 5 — *Local Government (Functions and General) Regulations 1996* amended

59. Regulations amended

This Part amends the *Local Government (Functions and General) Regulations 1996*.

60. Part 1B inserted

After regulation 3 insert:

Part 1B — Caretaker period

3A. Significant acts

- (1) In this regulation, references to paragraphs are to paragraphs of the definition of *significant act* in section 3.73(1) of the Act (unless otherwise indicated).

- (2) For the purposes of paragraph (f), entering into a contract is a significant act if either or both of the following apply —
- (a) under the contract, the local government is to, or is expected to, provide or receive consideration that is, or is expected to be —
 - (i) more than \$250 000 (in total); or
 - (ii) worth more than \$250 000 (in total);
 - (b) under the contract, the local government is to, or is expected to, acquire or dispose of property the market value of which is, or is expected to be, more than \$250 000 (in total).
- (3) If a local government intends to enter into 2 or more contracts in circumstances such that the desire to avoid the requirements of subregulation (2) is a significant reason for not dealing with the matter in a single contract, for the purposes of paragraph (f), entering into any of the contracts is a significant act.
- (4) In subregulations (2) and (3) —
acquire includes lease or license from another person;
contract means a contract or other agreement or arrangement;
dispose includes lease or license to another person;
property includes any interest, or any share of an interest, in any property.
- (5) For the purposes of paragraph (g), inviting a tender is a significant act if the tender —
- (a) is required to be publicly invited under regulation 11(1) or 12(2); or
 - (b) would be required to be publicly invited under regulation 11(1) or 12(2) but for regulation 11(2).
- (6) For the purposes of paragraph (i), each of the following is a significant act —
- (a) each of the following under Part 3 Division 4 of the Act —
 - (i) establishing a regional local government;
 - (ii) amending the establishment agreement for a regional local government;
 - (iii) winding up a regional local government, otherwise than at the direction of the Minister;
 - (iv) withdrawing from a regional local government;

- (v) forming a regional subsidiary;
 - (vi) amending the charter for a regional subsidiary;
 - (vii) winding up, or withdrawing from, a regional subsidiary;
- (b) commencing the preparation of any of the following under the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 3 —
 - (i) a local planning strategy;
 - (ii) an amendment to a local planning strategy;
 - (iii) a notice of revocation in respect of a local planning strategy;
- (c) passing a resolution of the kind referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 19(1);
- (d) passing a resolution of the kind referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 35(1) in relation to a complex amendment (as defined in regulation 34 of those regulations);
- (e) commencing a review of a local planning scheme under the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 65;
- (f) commencing the preparation of an instrument of repeal in respect of a local planning scheme under the *Planning and Development Act 2005* section 74(b);
- (g) doing either of the following under the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 2 Division 2 as that Division has effect as part of a local planning scheme of the local government —
 - (i) resolving to prepare or amend a local planning policy;
 - (ii) commencing the preparation of a notice of revocation in respect of a local planning policy;
- (h) publicly inviting persons to apply to join a panel of pre-qualified suppliers under Part 4 Division 3;
- (i) deciding to do anything referred to in paragraphs (a) to (h) of this subregulation.

- (7) Subregulation (6)(b) to (g) do not apply to anything done, and subregulation (6)(i) does not apply to a decision to do anything, for the purpose of complying with an order or notice given under the *Planning and Development Act 2005* section 76, 77A, 211 or 212.

3B. Decisions taken before caretaker period

For the purposes of section 3.73(4)(b) of the Act, the local government must do the following before doing the significant act —

- (a) give local public notice of the local government's intention to do the significant act, including —
 - (i) details of the significant act and the date on which the local government intends to do the significant act; and
 - (ii) details of the decision to do the significant act referred to in section 3.73(4)(a) of the Act and the date on which the decision was made;
- (b) provide a copy of the notice given under paragraph (a) to the Departmental CEO.

3C. Transitional provision

For the purposes of Schedule 9.3 clause 62(2) of the Act, section 3.73 of the Act does not apply in relation to a caretaker period that begins before 1 July 2024.

K. COLLERAN, Clerk of the Executive Council.

LG302

Local Government Act 1995

Local Government Regulations Amendment Regulations 2023

SL 2023/106

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Local Government Regulations Amendment Regulations 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette* (*gazettal day*);
- (b) regulation 6 — on 1 September 2023;
- (c) the rest of the regulations — on the day after gazettal day.

Part 2 — *Local Government (Financial Management) Regulations 1996* amended

3. Regulations amended

This Part amends the *Local Government (Financial Management) Regulations 1996*.

4. Regulation 3 amended

- (1) In regulation 3(1) delete the definitions of:

back minimum payment or *back rate*

balance sheet

nature or type classification

operating revenue

rate setting statement

restricted asset

total assets

- (2) In regulation 3(1) insert in alphabetical order:

nature classification means a classification set out in Schedule 1 Part 2;

statement of financial activity means the statement referred to in regulation 22(1)(d);

statement of financial position means a statement of financial position (or equivalent) that meets the requirements of the AAS for a statement of financial position;

- (3) In regulation 3(1) in the definition of *interim minimum payment* or *interim rate* delete “6.39(2)(a);” and insert:

6.39(2);

- (4) In regulation 3(1) in the definition of *state of emergency declaration* delete “section 3;” and insert:

section 3.

5. Regulation 5A amended

In regulation 5A delete “regulation 4,” and insert:

regulations 4 and 36A,

6. Regulation 13A inserted

After regulation 13 insert:

13A. Payments by employees via purchasing cards

- (1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared —
- (a) the payee’s name;
 - (b) the amount of the payment;
 - (c) the date of the payment;
 - (d) sufficient information to identify the payment.

- (2) A list prepared under subregulation (1) must be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

7. Regulation 14 amended

- (1) In regulation 14:
 - (a) delete “The information” and insert:
 - (1) The information
 - (b) delete “operating”;
 - (c) delete “or type”.
- (2) At the end of regulation 14 insert:
 - (2) If the AAS requires information to be shown according to a classification, the information in a local government’s annual budget and annual financial report must also be shown according to that classification.

Note: The heading to amended regulation 14 is to read:

Information in annual budget and annual financial report

8. Regulation 15 replaced

Delete regulation 15 and insert:

15. Figures in annual budget and financial report must be rounded

All figures shown in the annual budget or a financial report of a local government (other than a rate in the dollar) must be rounded off to the nearest dollar.

9. Regulation 17 amended

In regulation 17(2)(a) delete “27(g)” and insert:

27(g) and (ga)

Note: The heading to amended regulation 17 is to read:

Title of reserve accounts

10. Regulation 22 amended

- (1) In regulation 22(1):
- (a) delete “is to” and insert:

for a financial year must
 - (b) delete paragraph (d) and insert:
 - (d) a statement of financial activity showing details of the following estimates —
 - (i) the revenue and expenditure that have been taken into account to determine the budget deficiency;
 - (ii) the amount that will be yielded by the general rate;
 - (iii) any deficit or surplus remaining after the imposition of the general rate;
 - (iv) any deficit or surplus brought forward from the previous financial year;
 - (v) any deficit or surplus to be carried forward to the next financial year;
- (2) At the end of regulation 22(1) insert:

Note for this subregulation:

In accordance with section 6.34, unless the Minister otherwise approves, the amount referred to in paragraph (d)(ii) is not to be more than 110% of the amount of the budget deficiency or be less than 90% of the amount of the budget deficiency.

11. Regulation 23 amended

- (1) In regulation 23:
- (a) delete paragraph (a)(iii)(V) and insert:

(V) the amount it is estimated will be imposed by way of the rate and interim rates;
 - (b) delete paragraph (c)(vii) and insert:

(vii) the amount it is estimated will be imposed by way of each minimum payment and interim minimum payment; and

(c) delete paragraph (d)(vi) and insert:

- (vi) the amount it is estimated will be imposed by way of the rate and interim rates; and

(2) In regulation 23(a)(iii) after each of items (I) to (IV) insert:

and

12. Regulation 27 amended

In regulation 27:

(a) delete “is to include” and insert:

for a financial year must include

(b) delete paragraph (e);

(c) after paragraph (g) insert:

(ga) in relation to each reserve account, the purpose of the account and whether the purpose is —

- (i) related to a government policy or direction, a written law or an agreement; or

(ii) any other purpose;

and

(gb) in relation to all of the reserve accounts with a purpose referred to in paragraph (ga)(i), a combined total of each of the amounts referred to in paragraph (g); and

(gc) in relation to all of the reserve accounts with a purpose referred to in paragraph (ga)(ii), a combined total of each of the amounts referred to in paragraph (g); and

(d) in paragraph (k) delete “or type”.

Note: The heading to amended regulation 27 is to read:

Notes to annual budget

13. Regulation 28 deleted

Delete regulation 28.

14. Regulation 30 amended

In regulation 30(1):

- (a) in paragraph (c) delete “rate setting statement” and insert:

statement of financial activity

- (b) in paragraph (d) delete “regulation 27(g), 27(i)(i), 27(j), 27(k)(i), 27(k)(ii)” and insert:

regulations 27(g), (ga), (gb), (gc), (i)(i), (j) and (k)(i) and (ii)

15. Regulation 31 amended

In regulation 31(3)(b) delete “rate setting statement,” and insert:

statement of financial activity,

16. Regulation 32 amended

- (1) In regulation 32 delete “A local” and insert:

- (1) A local

- (2) At the end of regulation 32 insert:

- (2) If a local government excludes an amount listed in subregulation (1) from the calculation of the budget deficiency, then a note to the calculation must be included in the annual budget setting out the excluded amount.

17. Regulation 33 amended

- (1) In regulation 33:

- (a) delete “A copy” and insert:

- (1) A copy

- (b) delete “is to” and insert:

must

- (c) delete “30” and insert:

14

- (2) At the end of regulation 33 insert:

- (2) A copy of the minutes (confirmed or unconfirmed) of the meeting at which the annual budget is adopted must be submitted to the Departmental CEO with the annual budget.
- (3) The copy of the minutes may exclude minutes relating to motions, decisions, reasons, questions, interests and documents unrelated to the annual budget.

18. Regulation 33A amended

- (1) In regulation 33A(1) delete “31 March” and insert:

the last day of February

- (2) In regulation 33A(2A):

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

budget; and

- (b) after paragraph (c) insert:

- (d) include the following —

- (i) the annual budget adopted by the local government;
- (ii) an update of each of the estimates included in the annual budget;
- (iii) the actual amounts of expenditure, revenue and income as at the date of the review;
- (iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.

(3) Delete regulation 33A(2) and insert:

- (2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.

(4) In regulation 33A(4) delete “30” and insert:

14

19. Regulation 34 amended

(1) In regulation 34(1):

- (a) delete “that month” and insert:

the previous month (the *relevant month*)

- (b) in paragraphs (b) and (c) delete “month to which the statement relates; and” and insert:

relevant month; and

- (c) in paragraph (e) delete “month to which the statement relates.” and insert:

relevant month and a note containing a summary explaining the composition of the net current assets.

(2) After regulation 34(1) insert:

- (1B) The detail included under subregulation (1)(e) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).

- (1C) Any information relating to exclusions from the calculation of a budget deficiency that is included as part of the budget estimates referred to in subregulation (1)(a) or (b) must be structured in the same way as the corresponding information included in the annual budget.

(3) Delete regulation 34(2)(a).

(4) In regulation 34(3) delete “or type”.

- (5) In regulation 34(4)(a) delete “month to which the statement relates; and” and insert:

relevant month; and

20. Regulation 36 replaced

Delete regulation 36 and insert:

35. Financial position statement required each month

- (1) A local government must prepare each month a statement of financial position showing the financial position of the local government as at the last day of the previous month (the *previous month*) and —
- (a) the financial position of the local government as at the last day of the previous financial year; or
 - (b) if the previous month is June, the financial position of the local government as at the last day of the financial year before the previous financial year.
- (2) A statement of financial position must be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the previous month; and
 - (b) recorded in the minutes of the meeting at which it is presented.

36. Content of annual financial report

- (1) The annual financial report must —
- (a) include a statement setting out all movements of money to and from reserve accounts that has not been included in the income statement but that has been included in the statement of financial activity; and
 - (b) include the net current assets carried forward from the previous financial year for the purpose of the budget of the financial year to which the report relates; and
 - (c) include the net current assets shown in the audited annual financial report for the previous financial year; and
 - (d) include, or be accompanied by a note containing, a summary explaining the composition of the net current assets referred to in paragraphs (b) and (c); and

- (e) include, if the net current assets referred to in paragraph (b) is different from the net current assets referred to in paragraph (c), the amount of that difference; and
 - (f) include notes or statements containing the information set out in regulations 37 to 48.
- (2) The detail included under subregulation (1)(b), (c) and (d) must be structured in the same way as the detail included in the annual budget under regulation 31(1) and (3)(a).
- (3) The annual financial report must include the following —
 - (a) the statement of financial activity included under regulation 22(1)(d) in the annual budget for the year to which the report relates;
 - (b) adjacent to each item in that statement of financial activity that states an amount, the end-of-year amount for the item;
 - (c) adjacent to each item in the income statement that states an end-of-year amount, the original budget estimate for the item;
 - (d) adjacent to each item, required by a provision of these regulations listed in the Table, that states an end-of-year amount, the original budget estimate for the item.

Table

r. 36(1)(a)	r. 38(1)(b), (c) and (e)
r. 39(a), (b)(v), (d)(iv) and (e)(v)	r. 42(a) to (d)
r. 43(a), (b) and (c)(i) and (ii)	r. 44(a) to (c)
r. 48(d)(i) and (vii) and (f)(ii) to (v)	

- (4) Any information relating to exclusions from the calculation of a budget deficiency that is included in the annual financial report must be structured in the same way as the corresponding information included in the annual budget.

36A. Class 3 or 4 local governments do not need to comply with certain AAS in annual financial report

- (1) In this regulation —

class 3 or 4 local government means a local government that is a class 3 local government or a class 4 local government.

Note for this definition:

Class 3 local government and ***class 4 local government*** have the meanings given in the *Local Government (Constitution) Regulations 1998* regulations 2A and 2B.

- (2) Despite regulation 5A, the annual financial report for a class 3 or 4 local government is not required to comply with the AAS known as —
- (a) AASB 7;
 - (b) AASB 16 paragraph 58;
 - (c) AASB 101 paragraph 61;
 - (d) AASB 107 paragraphs 43 and 45;
 - (e) AASB 116 paragraph 79;
 - (f) AASB 137 paragraph 85;
 - (g) AASB 140 paragraph 75(f);
 - (h) AASB 1052 paragraph 11;
 - (i) AASB 1054 paragraph 16.
- (3) Despite the reduced compliance under subregulation (2), a class 3 or 4 local government must prepare general purpose financial statements for the purposes of the AAS.

21. Regulation 38 amended

- (1) In regulation 38(1):

- (a) delete “is to” and insert:

for a financial year must

- (b) delete paragraphs (f) to (h) and insert:

- (f) whether the purpose referred to in paragraph (a) is —
- (i) related to a government policy or direction, a written law or an agreement; or
 - (ii) any other purpose.

(2) Delete regulation 38(2) and insert:

(2) The annual financial report must include —

- (a) in relation to all of the reserve accounts with a purpose referred to in subregulation (1)(f)(i), a combined total of each of the amounts referred to in subregulation (1)(b), (c), (d) and (e); and
- (b) in relation to all of the reserve accounts with a purpose referred to in subregulation (1)(f)(ii), a combined total of each of the amounts referred to in subregulation (1)(b), (c), (d) and (e).

Note: The heading to amended regulation 38 is to read:

Information about reserve accounts in annual financial report

22. Regulation 39 amended

In regulation 39:

(a) delete paragraph (b)(v) and insert:

- (v) the amount of revenue from the rate and interim rates;

(b) delete paragraph (c);

(c) delete paragraph (d)(iv) and insert:

- (iv) the amount of revenue from the minimum payment and interim minimum payments;

(d) delete paragraph (e)(ii);

(e) delete paragraph (e)(v) to (vii) and insert:

- (v) the amount of revenue from the rate and interim rates.

Note: The heading to amended regulation 39 is to read:

Information about rates in annual financial report

23. Regulations 40 to 47 replaced

Delete regulations 40 to 47 and insert:

42. Information about discounts, incentive schemes and concessions in annual financial report

The annual financial report must include, separately in relation to all general rates, each specified area rate and each service charge, details of —

- (a) the total amount of any discounts granted; and
- (b) the total cost to the local government of each incentive scheme (other than a scheme for discounts referred to in paragraph (a)); and
- (c) the total cost, or reduction of revenue, to the local government of any waiver or grant of a concession; and
- (d) the total amount of money written off.

43. Information about interest in annual financial report

The annual financial report must include —

- (a) the amount of revenue from the imposition of interest charged for the late payment of a rate or service charge; and
- (b) the amount of revenue from the imposition of interest under section 6.13 for the late payment of any amount of money; and
- (c) in relation to the instalment options of the local government under section 6.45 —
 - (i) the amount of revenue from the imposition of the additional charge; and
 - (ii) the amount of revenue from the imposition of the interest included in the additional charge.

44. Information about fees, expenses and allowances in annual financial report

The annual financial report must include the following —

- (a) the total amount or value of each class of fee, expense or allowance paid to the mayor or president;
- (b) the total amount or value of each class of fee, expense or allowance paid to the deputy mayor or deputy president;

- (c) the total amount or value of each class of fee, expense or allowance paid to all other council members.

24. Regulation 48 amended

In regulation 48:

- (a) in paragraph (f) delete “details, by program,” and insert:

details

- (b) in paragraph (f)(v) delete “charges.” and insert:

charges;

- (c) after paragraph (f) insert:

and

- (g) in relation to any money borrowed that has not been fully repaid as at 30 June, the date on or before which the money must be fully repaid.

Note: The heading to amended regulation 48 is to read:

Information about borrowings in annual financial report

25. Regulation 49 deleted

Delete regulation 49.

26. Regulation 51 amended

Delete regulation 51(2).

Note: The heading to amended regulation 51 is to read:

Annual financial report declaration to be signed by CEO

27. Regulation 81 inserted

At the end of Part 6 insert:

81. Transitional provision for *Local Government Regulations Amendment Regulations 2023*

The list of payments under regulation 13A(1) prepared in September 2023 must show the information referred to in regulation 13A(1)(a) to (d) for each payment made since 1 September 2023.

28. Schedule 1 Part 2 heading amended

In the heading to Schedule 1 Part 2 delete “or type”.

29. Schedule 1 Part 2 amended

In Schedule 1 Part 2:

- (a) under the heading “**Revenue**” delete:

Operating grants, subsidies and contributions

Non-operating grants, subsidies and contributions

and insert:

Capital grants, subsidies and contributions

Grants, subsidies and contributions (other than capital grants, subsidies and contributions)

- (b) under the heading “**Expenditure**” delete “Interest expenses” and insert:

Finance costs

30. Schedule 2 Form 1 amended

In Schedule 2 Form 1:

- (a) delete the passage that begins with “The attached financial report” and ends with “20.....” and insert:

The accompanying financial report of the ⁽¹⁾ Shire/Town/City of ⁽²⁾..... has been prepared in compliance with the provisions of the *Local Government Act 1995* from proper accounts and records to present fairly the financial transactions for the financial year ended 30 June ⁽³⁾ and the financial position as at 30 June ⁽⁴⁾

At the date of signing this statement the particulars included in the financial report are not misleading or inaccurate.

Signed on the ⁽⁵⁾..... day of, 20.....

- (b) delete note (4) and insert:

(4) insert year

(5) insert date

31. Various references to “set forth” amended

In the provisions listed in the Table delete “set forth” (each occurrence) and insert:

set out

Table

r. 3(1) def. of <i>program</i>	r. 8(2)
r. 22(1)(e), (f), (g), (h) and (i)	r. 23(b)
r. 27(f)	r. 48(e)
r. 56(4)(b)	r. 60
r. 61	r. 62(2)

Part 3 — *Local Government (Administration) Regulations 1996* amended

32. Regulations amended

This Part amends the *Local Government (Administration) Regulations 1996*.

33. Regulations 19BB to 19BE inserted

After regulation 19B insert:

19BB. Information about trading undertakings to be included in annual report (Act s. 5.53(2)(i))

- (1) In this regulation —
 - income statement* has the meaning given in the *Local Government (Financial Management) Regulations 1996* regulation 3(1);
 - major trading undertaking* has the meaning given in section 3.59(1);
 - statement of financial position* has the meaning given in the *Local Government (Financial Management) Regulations 1996* regulation 3(1);
 - trading undertaking* has the meaning given in section 3.59(1).
- (2) For the purposes of section 5.53(2)(i), the annual report for a financial year beginning on or after 1 July 2022 must include the following —
 - (a) separately, in relation to each trading undertaking carried on during the financial year —
 - (i) an income statement; and
 - (ii) a statement of financial position; and
 - (iii) any other information that is necessary to provide full and complete information on the undertaking;

- (b) in relation to each major trading undertaking, in addition to the information required under paragraph (a), a statement setting out all other revenue and expenditure that is not included in the income statement referred to in paragraph (a)(i) but that has been used in the pricing structure for goods or services to be provided by the undertaking.

19BC. Information about land transactions to be included in annual report (Act s. 5.53(2)(i))

- (1) In this regulation —
major land transaction has the meaning given in section 3.59(1);
nature classification has the meaning given in the *Local Government (Financial Management) Regulations 1996* regulation 3(1).
- (2) For the purposes of section 5.53(2)(i), the annual report for a financial year beginning on or after 1 July 2022 must include the following, separately in relation to each major land transaction (according to nature classification) —
 - (a) all income and expenditure for the transaction received or expended during the financial year;
 - (b) details of assets and liabilities at 30 June;
 - (c) any other information that is necessary to provide full and complete information on the transaction;
 - (d) if the transaction is to span more than 1 financial year, a brief statement showing the cash flows expected during the lesser of the following periods —
 - (i) the term of the transaction;
 - (ii) the period covered by the corporate business plan.
- (3) For the purposes of section 5.53(2)(i), if a major land transaction has spanned more than 1 financial year and it is completed during a financial year beginning on or after 1 July 2022, the annual report for that financial year must —
 - (a) disclose —
 - (i) details of the total income and expenditure for the transaction from the date of commencement to the date of completion; and

- (ii) details of the amount or value of any surplus of money or assets distributed to the local government or a person other than the local government; and
 - (iii) the amount or value of any loss and the resources used to cover the loss;
- and
- (b) include —
 - (i) a comparison of the outcomes over the life of the transaction with expected outcomes in the business plan prepared for the transaction; and
 - (ii) an explanation of the benefits of the transaction to the local government and the community.

19BD. Information about fees, expenses and allowances to be included in annual report (Act s. 5.53(2)(i))

For the purposes of section 5.53(2)(i), the annual report for a financial year beginning on or after 1 July 2022 must include, in relation to fees, expenses or allowances paid during the financial year to council members, the mayor or the president, for each person —

- (a) the nature of the fee, expense or allowance; and
- (b) the total amount or value of each class of fee, expense or allowance.

19BE. Information about capital grants, subsidies and contributions to be included in annual report (Act s. 5.53(2)(i))

- (1) In this regulation —

renew, in relation to an asset, means to return the asset to its original state by rebuilding, repairing or restoring the asset;

replace, in relation to an asset, does not include to upgrade the asset or to replace the asset with a different version of the asset.

- (2) For the purposes of section 5.53(2)(i), the annual report for a financial year beginning on or after 1 July 2022 must include the amount of all capital grants, subsidies and contributions, for replacing and renewing assets, that were received by the local government during —
- (a) the financial year; and
 - (b) the 2 financial years before the financial year.

**Part 4 — *Local Government (Regional Subsidiaries)*
Regulations 2017 amended**

34. Regulations amended

This Part amends the *Local Government (Regional Subsidiaries) Regulations 2017*.

35. Regulation 11A inserted

At the end of Part 2 insert:

11A. Annual budget must be given to participants

A copy of the annual budget of a regional subsidiary must be given to each participant within 30 days after its adoption by the regional subsidiary.

36. Regulation 18 amended

In regulation 18(7) delete “regulation 19B(2)(a), (b) and (e)” and insert:

regulations 19B(2)(a), (b) and (e) and 19BD

37. Regulation 19 amended

- (1) In regulation 19(1) delete the Table and insert:

Table

r. 5A to 6	r. 11
r. 14 to 17A	r. 19
r. 22	r. 25 to 32
r. 33A	r. 35 and 36
r. 36A(2) and (3)	r. 44
r. 48	r. 51

- (2) In regulation 19(3) delete “(d),”.

- (3) In regulation 19(5) after “(g),” insert:

(ga), (gb), (gc),

- (4) Delete regulation 19(10).
- (5) In regulation 19(12) delete “paragraphs (a) and (f).” and insert:

paragraph (f).
- (6) In regulation 19(13) and (14) delete “36(2)” and insert:

36(3)
- (7) Delete regulation 19(15) and insert:

(15) Regulation 36A(2) and (3) of the listed provisions is amended so that any reference to a class 3 or 4 local government is a reference to a regional subsidiary.
- (8) Delete regulation 19(18).

K. COLLERAN, Clerk of the Executive Council.

POLICE

PO301

Firearms Act 1973

Firearms Amendment Regulations (No. 4) 2023

SL 2023/91

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Firearms Amendment Regulations (No. 4) 2023*.

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 — immediately after the *Firearms Amendment Regulations (No. 2) 2023* regulation 3 comes into operation.

3. Regulations amended

These regulations amend the *Firearms Regulations 1974*.

4. Regulation 26 amended

- (1) In regulation 26(1) delete “(2),” and insert:

(1A), (2), (2AA),

- (2) After regulation 26(1) insert:

- (1A) Subregulation (1) does not apply to —

- (a) a member of the Police Force in the performance of the member’s duties; or
- (b) an employee of the Department in the performance of the employee’s duties; or
- (c) a member of the police force of another State or a Territory in the performance of the member’s duties; or
- (d) a member of the Australian Federal Police in the performance of the member’s duties.

- (3) In regulation 26(2) delete “This regulation” and insert:

Subregulation (1)

- (4) After regulation 26(2) insert:

- (2AA) Subregulation (1) does not apply to a firearm (other than a category D firearm), major firearm part, sound suppressor or ammunition specified in Schedule 2A if —

- (a) the firearm, major firearm part, sound suppressor or ammunition is named and identified in a licence issued to a Government department approved under section 16D of the Act; and
- (b) the firearm, major firearm part, sound suppressor or ammunition is acquired, sold, possessed or used (as the case requires) in accordance with the licence.

- (5) In regulation 26(2A):

- (a) delete “This regulation” and insert:

Subregulation (1)

- (b) in paragraph (b) delete “what is done is” and insert:

the firearm is acquired, sold, possessed or used (as the case requires)

- (6) In regulation 26(2BA) delete “This regulation” and insert:

Subregulation (1)

- (7) In regulation 26(2BB):

- (a) delete “This regulation” and insert:

Subregulation (1)

- (b) in paragraph (a) delete “(2); or” and insert

(1A) or (2); or

- (8) In regulation 26(2BC) delete “This regulation” and insert:

Subregulation (1)

K. COLLERAN, Clerk of the Executive Council.

TRANSPORT

TN301

Queen Elizabeth II Medical Centre Act 1966

Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2023

SL 2023/83

Made under section 20(1) of the Act by The Queen Elizabeth II Medical Centre Trust with the approval of the Governor in Executive Council.

1. Citation

These by-laws are the *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2023*.

2. Commencement

These by-laws come into operation as follows —

- (a) by-laws 1 and 2 — on the day on which these by-laws are published in the *Gazette*;
- (b) the rest of the by-laws — on 1 July 2023.

3. By-laws amended

These by-laws amend the *Queen Elizabeth II Medical Centre (Delegated Site) By-laws 1986*.

4. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Fees

[bl. 3(1)]

By-law		Fee
26AA(2) or 26AA(4)	Ticket parking	For each day: 0-15 minutes = free 15 minutes - 1 hour = \$3.70 1 hour - 2 hours = \$7.40 2 hours - 3 hours = \$11.10 3 hours - 4 hours = \$14.80 4 hours - 5 hours = \$18.50

The Queen Elizabeth II Medical Centre Trust.

— PART 2 —

AGRICULTURE AND FOOD

AG401

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007
BIOSECURITY AND AGRICULTURE MANAGEMENT (PERMITTED ORGANISMS)
DECLARATION (NO. 02) 2023

Made under Section 11 of the *Biosecurity and Agriculture Management Act 2007* by a Director of the Department of Primary Industries and Regional Development as delegate of the Minister.

1. Citation

This declaration is the *Biosecurity and Agriculture Management (Permitted Organisms) Declaration (No. 02) 2023*.

2. Permitted Organisms

- 1) The organisms listed below are declared under section 11(1) of the Act to be a permitted organism for the whole of the State.
- 2) All previous declarations under the Act relating to the organisms listed below are revoked.
 - *Anthurium jenmanii* Engl.
 - *Rytidosperma erianthum* (Lindl.) Connor and Edgar

Dated 19 June 2023.

RON SHEPHERD, Director, Invasive Species,
Department of Primary Industries and Regional Development.

AERIAL ADVERTISING

AX401

MAJOR EVENTS (AERIAL ADVERTISING) ACT 2009
EVENT ORDERS

The Minister for Sport and Recreation Hon David Templeman, MLA, has declared the following event to be subject to an Event Order under the Act.

Table 1: Optus Stadium: Schedule of Events

Date	Location/ Venue	Event/s	Event Start time/s	Event Order Start time/s	Event Finish time/s	Event Order Finish time/s
02/07/23	Optus Stadium	AFL Round 16: WCE v STK	14:40	12:40	17:10	18:40
09/07/23	Optus Stadium	AFL Round 17: FFC v CARL	14:40	12:40	17:10	18:40
16/07/23	Optus Stadium	AFL Round 18: WCE v RICH	14:40	12:40	17:10	18:40
22/07/23	Optus Stadium	AFL Round 19: FFC v SYD	17:40	15:40	20:10	21:40
30/07/23	Optus Stadium	AFL Round 20: WCE v NM	14:40	12:40	17:10	18:40
06/08/23	Optus Stadium	AFL Round 21: FFC v BRIS	14:40	12:40	17:10	18:40
12/08/23	Optus Stadium	AFL Round 22: WCE v FFC	18:10	16:10	20:40	22:10

Date	Location/ Venue	Event/s	Event Start time/s	Event Order Start time/s	Event Finish time/s	Event Order Finish time/s
20/08/23	Optus Stadium	AFL Round 23: FFC v PA	14:40	12:40	17:10	18:40
18/11/23	Optus Stadium	Coldplay— Concert 1	07:00	07:00	00:00	00:00
19/11/23	Optus Stadium	Coldplay— Concert 2	07:00	07:00	00:00	00:00
14/12/23	Optus Stadium	Test: Australia v Pakistan	08:00	10:20	18:00	21:00
15/12/23	Optus Stadium	Test: Australia v Pakistan	08:00	10:20	18:00	21:00
16/12/23	Optus Stadium	Test: Australia v Pakistan	08:00	10:20	18:00	21:00
17/12/23	Optus Stadium	Test: Australia v Pakistan	08:00	10:20	18:00	21:00
18/12/23	Optus Stadium	Test: Australia v Pakistan	08:00	10:20	18:00	21:00

Place at event/s conducted—

Optus Stadium

Event Organiser—

VenuesLive

The manner in which the event organiser must publicise that the event is covered by the event order—

In all advertisements for the above-mentioned matches in the West Australian newspaper and prior to the events

Event Order Conditions—

There are no conditions applied.

CEMETERIES

CE401**CEMETERIES ACT 1986****CARNAMAH CEMETERY BOARD**

In pursuance of the powers conferred by Section 53 of the *Cemeteries Act 1986* the Carnamah Cemetery Board hereby records having resolved on the 21 June 2023 to set fees and charges effective from 1 July 2023. The fees shall be payable upon application for services detailed on the Shire of Carnamah Website: www.carnamah.wa.gov.au.

ROBERT PAULL, Chief Executive Officer.

CONSUMER PROTECTION

CP401**ASSOCIATIONS INCORPORATION ACT 2015****ORDER TO CANCEL INCORPORATION**

[Part 10, Division 3, s.147]

On 16 January 2023 the Commissioner for Consumer Protection (Commissioner) served a notice on LEEMING JUNIOR CRICKET CLUB (INC.)—A1002516E (the Association) pursuant to section 145(1) of the *Associations Incorporation Act 2015* (Act) informing it that if it did not show cause on or before 60 days after the day on which the notice was given (**Allowed Period**) the incorporation of the Association would be cancelled.

The Association did not show cause within the Allowed Period.

On 28 March 2023 the Commissioner gave notice in writing to the Association pursuant to section 147(2) of the Act stating that the Commissioner proposed to make an order cancelling the incorporation of the Association after the expiration of 28 days from the day on which the notice was given and advising the Association that it could apply to the State Administrative Tribunal (SAT) for a review of the Commissioner's proposal within his period.

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

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

Dated 23 June 2023.

DAVID MORRIS, Manager Associations and Charities
for Commissioner for Consumer Protection.

CP402

ASSOCIATIONS INCORPORATION ACT 2015

ORDER TO CANCEL INCORPORATION

[Part 10, Division 3, s.147]

Hidden Illnesses Disabilities Enterprise H.I.D.E. Incorporated	A1036702V
Him International Ministries Inc	A1011846K
In Vivo Organics Inc.	A1011840X
Kinross Playgroup Inc.	A1005004T
Kondinin Community Child Care Centre Incorporated	A1008622A
Kulin Kids Club Incorporated	A1003446S
Kulin Toy Library Incorporated	A1007791U
La Casa Dei Bambini Montessori Playgroup Inc.	A1010972J
Landsdale Gardens Playgroup Incorporated	A1007347U
Lions Club of Millbridge Inc	A1015096N
Lions Club of Swan Districts	A0800042F
Living Waters Permaculture Foundation Inc.	A1004398P
Moringa Clubhouse Inc.	A1035682H
Nulsen Community Progress Association Inc.	A1011388A
Peel Adventure Gaming Society Incorporated	A1011843D
Perth Photoshoot Group Inc.	A1015487J
Rotary Club of Mandurah Inc.	A1000878E
Sorrento Playgroup Association (Inc.)	A0821835J
South West Junior Rugby (WA) Inc	A1017861B
Sports Shear Australia W.A. Incorporated	A1005770V
The Community 1st Party Inc.	A1011845H
The Coolgardie Recreational Centre	A0760006J
The Minnowarra Ward Progress Association (Inc.)	A1009174B
Warren-Blackwood Wanderers Soccer Club Inc.	A1011842B
Westminster Presbyterian Church	A0820073S
York Ratepayers and Residents Association Inc	A1014126N
YPN (WA) Inc	A1011853G

On 23 February 2023 the Commissioner for Consumer Protection (Commissioner) served a notice on the above named Associations pursuant to section 145(1) of the *Associations Incorporation Act 2015* (Act) informing them that if they did not show cause on or before 60 days after the day on which the notice was given (Allowed Period) the incorporation of the Associations would be cancelled.

The Associations did not show cause within the Allowed Period.

On 23 May 2023 the Commissioner gave notice in writing to the Associations pursuant to section 147(2) of the Act stating that the Commissioner proposed to make an order cancelling their incorporation after the expiration of 28 days from the day on which the notice was given and advising the Associations that it could apply to the State Administrative Tribunal (SAT) for a review of the Commissioner's proposal within his period.

The Associations did not apply to SAT for a review within the period specified. Therefore, pursuant to section 147(1) of the Act, the Commissioner orders that the incorporation of the above named Associations cancelled with effect on and from the date of this order.

Dated 23 June 2023.

DAVID MORRIS, Manager Associations and Charities
for Commissioner for Consumer Protection.

ENERGY

EN401

ELECTRICITY INDUSTRY ACT 2004

SURRENDER OF ELECTRICITY GENERATION LICENCE

SRV GRSF Pty Ltd as trustee for GRSF Trust (ACN 623 888 433) notified the Economic Regulation Authority on 16 June 2023 of its intention to surrender its electricity generation licence EGL27. The licensee has complied with the conditions of the licence as to surrender. The surrender of the licence is effective from the date of publication of this notice.

Mr STEVE EDWELL, Chair, Economic Regulation Authority.

EN402

GAS STANDARDS ACT 1972

GAS STANDARDS (GASFITTING AND CONSUMER GAS INSTALLATIONS) REGULATIONS 1999

GAS INSTALLATIONS VARIATION NOTICE 2023 No.3

Issued by the Director of Energy Safety under r.32(3) of the *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999*.

1. Citation

This notice is the Gas Installations Variation Notice 2023 No.3.

2. Commencement

This notice comes into operation on 29 June 2023.

3. Interpretation

In this notice—

- (a) **AS/NZS 5601.1** means the standard jointly published by Standards Australia and Standards New Zealand, utilising the reference AS/NZS 5601.1:2022, titled 'Gas Installations, Part 1: General Installations' and includes all published amendments to this standard.
- (b) **Building** means a building or structure, the construction of which requires a building permit under the *Building Act 2011*.
- (c) **Building permit** means a permit granted under s.20 of the *Building Act 2011*.
- (d) **Building work** means the same as is provided for in the s.3 of the *Building Act 2011*.
- (e) **Consumer** means the same as is provided for in s.4 of the *Gas Standards Act 1972*.
- (f) **Gas installation** means the same as is provided for in s.4 of the *Gas Standards Act 1972*.
- (g) **Notice of completion** means a notice issued under r.28 of the *Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999*.

4. Variation

Where a consumer's gas installation is installed in a building in connection with building work for which—

- (a) a building permit was granted on or before 29 June 2023; and
- (b) the building permit remains in effect after 29 June 2023,

compliance with clause 5.2.11 of AS/NZS 5601.1:2022 is not mandatory.

For this variation to apply in respect of a given gas installation, the gasfitter obliged to submit a notice of completion for installing the gas installation must have sighted the applicable building permit and included a note in their notice of completion setting out when the building permit was granted.

Dated 27 June 2023.

SAJ ABDOOLAKHAN, Director of Energy Safety.

HEALTH

HE401

HEALTH SERVICES ACT 2016

HEALTH SERVICES (REMOVAL OF CONDITION ON MANAGEMENT ORDER) ORDER 2023

Made by the Minister under section 267(2)(b) of the *Health Services Act 2016*.

1. Citation

This order may be cited as the *Health Services (Removal of Condition on Management Order) Order 2023*.

2. Commencement

This order comes into operation on the day on which Part 2 of the *Health Services Amendment Act 2016* comes into operation.

3. Change of Particular Condition over Eligible Crown Land

On and from the reserve change day, the management order for the eligible Crown land described in column 8 of Schedule 1 to this order (with further land particulars set out in column 5, 6 and 7 of Schedule 1) no longer includes the condition.

4. Terms Used

Words and expressions used in this order have the meaning specified in Table A.

TABLE A

Definition

Term	Meaning
condition	As defined in section 267(2)(a) of the <i>Health Services Act 2016</i>
eligible Crown land	As defined in section 265 of the <i>Health Services Act 2016</i>
management order	As defined in section 6 of the <i>Health Services Act 2016</i>
Minister for Lands	As defined in section 267(1) of the <i>Health Services Act 2016</i>
reserve change day	As defined in section 265 of the <i>Health Services Act 2016</i>

Schedule 1 referred to in this order has been signed by the Minister for identification purposes and as required by section 267(2)(b)(ii) of the *Health Services Act 2016*, is available for inspection by the members of the public during normal office hours at the Department of Health, Royal Street, East Perth.

Dated 20 June 2023.

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

HE402

HEALTH SERVICES ACT 2016

HEALTH SERVICES (RESERVE) ORDER 2023

Made by the Minister under section 266(1) of the *Health Services Act 2016*.

1. Citation

This order may be cited as the *Health Services (Reserve) Order 2023*.

2. Commencement

This order comes into operation on the day on which Part 2 of the *Health Services Amendment Act 2023* comes into operation.

3. Change of Management Body eligible Crown land

With effect on the reserve change day, the management body of eligible Crown land described in column 8 of Schedule 1 to this order (with further land particulars set out in columns 5, 6 and 7 of Schedule 1) is changed from the reserve health entity specified for that eligible Crown land in column 9 of Schedule 1 to this order to the Ministerial Body.

4. Terms Used

Words and expressions used in this order have the meaning specified in Table A.

TABLE A

Definitions

Term	Meaning
eligible Crown Land	As defined in section 265 of the <i>Health Services Act 2016</i>
management body	As defined in section 6 of the <i>Health Services Act 2016</i>

Term	Meaning
Ministerial Body	As defined in section 6 of the <i>Health Services Act 2016</i>
reserve change day	As defined in section 265 of the <i>Health Services Act 2016</i>
reserve health entity	As defined in section 265 of the <i>Health Services Act 2016</i>

Schedule 1 referred to in this Order has been signed by the Minister for identification purposes and as required by section 266(2) of the *Health Services Act 2016*, is available for inspection by members of the public during normal office hours at the Department of Health, Royal Street, East Perth.

Dated 20 June 2023.

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

HE403

HEALTH SERVICES ACT 2016 (WA)

HEALTH SERVICES (SECTION 194 TRANSFER) ORDER 2023

Made by the Minister under section 194(2) of the *Health Services Act 2016*.

1. Citation

This order may be cited as the *Health Services (Section 194 Transfer) Order 2023*.

2. Commencement

This order comes into operation on the day on which Part 2 of the *Health Services Amendment Act 2023* comes into operation.

3. Transfer of Health Assets

The health assets listed in Schedule 1 to this order, being the land described in columns 2, 5, 6 and 7 of Schedule 1 are transferred from the health entity specified in column 8 of Schedule 1 to this order to the Ministerial Body.

4. Terms used

Words and expressions used in this order have the meaning specified in Table A.

TABLE A

Definitions

Term	Meaning
health asset	As defined in section 194(1) of the <i>Health Services Act 2016</i> .
health entity	As defined in section 194(1) of the <i>Health Services Act 2016</i> .
Ministerial Body	As defined in section 6 of the <i>Health Services Act 2016</i> .

Schedule 1 referred to in this order has been signed by the Minister for identification purposes and, as required by section 194(3) of the *Health Services Act 2016*, is available for inspection by members of the public during normal office hours at the Department of Health, Royal Street, East Perth.

Dated 26 June 2023.

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

HE404

HEALTH SERVICES ACT 2016 (WA)

HEALTH SERVICES (SECTION 37 EXEMPTION) ORDER 2023

Made by the Minister under section 37(3)(b) of the *Health Services Act 2016*.

1. Citation

This order may be cited as the *Health Services (Section 37 Exemption) Order 2023*.

2. Commencement

This order comes into operation on the day on which Part 2 of the *Health Services Amendment Act 2023* comes into operation.

3. Exemption of classes of disposals

The classes of disposals of health service land specified in Table B are exempt from the requirements of section 37(3)(a) of the *Health Services Act 2016*.

4. Terms used

Words and expressions used in this order have the meaning specified in Table A.

TABLE A

Definitions

Term	Meaning
health service land	As defined in section 37(1) of the <i>Health Services Act 2016</i> .
transaction value	The amount of the rent or licence fee, as applicable, for the first year of the term multiplied by the number of years of the term including the term of any option to renew.

TABLE B

classes of disposals	(a) a lease of health service land; (b) a sublease or sub-sublease of health service land; or (c) a licence or sublicense to occupy or use health service land, where the transaction value is up to \$500,000 and where the term including the term of any option to renew is up to 10 years.
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Dated 20 June 2023.

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

HE405

HEALTH SERVICES ACT 2016 (WA)
BANKING MONEY EXCEPTIONS ORDER 2023Made by the Minister under section 62(2) of the *Health Services Act 2016* (WA)**1. Citation**This order may be cited as the *Banking Money Exceptions Order 2023*.**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 on which Part 2 of the *Health Services Amendment Act 2023* comes into operation.

3. Application of Financial Management Act 2006 and Auditor General Act 2006 (s 62)This order prescribes the following circumstances where money is not required to be banked by health service providers under section 36(3) of the *Financial Management Act 2006* (WA)—

- where money is not received as cash (e.g. cheques);
- where money is received in foreign currency;
- where a patient is expected to be admitted for less than 6 days;
- where a patient is expected to be admitted for 6 days or more, and the amount received is less than AU\$500; and
- where there are no cash deposit and withdrawal facilities that are reasonably accessible.

Dated 26 June 2023.

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

HE406

HEALTH SERVICES ACT 2016 (WA)**HEALTH SERVICES (HEALTH SERVICE PROVIDER LAND) AMENDMENT ORDER 2023**Made by the Minister under section 208(2) of the *Health Services Act 2016*.**1. Citation**This order may be cited as the *Health Services (Health Service Provider Land) Amendment Order 2023*.**2. Commencement**

This order comes into operation as follows—

- (a) clauses 1 and 2—on the day on which Part 2 of the *Health Services Amendment Act 2023* comes into operation;
- (b) the rest of the order—on the day after that day.

3. Order amended

This order amends the *Health Services (Health Service Provider Land) Order 2016*.

4. Clause 3 amended

In clause 3(1)—

- (a) in paragraph (b) delete "subclause (2)." and insert—
subclause (2); and
- (b) after paragraph (b) insert—
- (c) the land described in Schedule 2.

5. Schedule 2 inserted

After Schedule 1, insert the attached Schedule 2—*Health Services (Health Service Provider Land) Amendment Order 2023*.

Dated 20 June 2023.

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

Schedule 2—Health Services (Health Service Provider Land) Amendment Order 2023

Site Name	Relevant HSP	Address	Lot Number	Certificate of Title		Reserve
				Volume	Folio	
Midvale Community Health School Nursing	CAHS	27 Victoria Parade, Midvale	196	1407	974	
Bentley Community Health (Aboriginal Health Team)	CAHS	22 Coolgardie Street, Bentley	33	1382	266	
Lockridge Community Health and Child Development Centre	CAHS	32 Weddall Road, Lockridge	11094	LR3140	79	40724
Kwinana Community Health and Child Development Centre (incl. Immunisation)	CAHS	Lot 25 Peel Row, Kwinana	25	LR3154	903	36301
Fremantle Child and Adolescent Mental Health Service (CAMHS)	CAHS	1 Stirling Street, Fremantle	2077	LR 3081	605	25970
Belmont Community Health (Aboriginal Health Team)	CAHS	240 Hardey Road, Belmont	9231	2119	86	
Family Pathways (CAMHS) + Shenton Community CAMHS (On GVH Site)	CAHS	233 Stubbs Terrace, Shenton Park	556	LR3168	526	53001
East Perth Child Health Clinic (CACH)	CAHS	40 Moore Street, East Perth	1085	LR 3109	665	45125
Karrinyup Child Health Centre	CAHS	20 Klein Street, Karrinyup	449	LR 3153	708	27984
Hilton Child Health Centre	CAHS	3/34 Paget St, Hilton	300	LR 3171	485	38196
Balcatta Child Health Centre (Balcatta House)	CAHS	338 Albert Street, Balcatta	11227	LR3010	581	41068
Vacant Land—for Perth Hospice Construction	CAHS	61 Clement Street, Swanbourne	503	LR 3173	280	53745
Ambulatory Care Facility (Hospital in the Home)—Part site	EMHS	144A Queens Road, South Guildford	701	1468	774	

				Certificate of Title		
Site Name	Relevant HSP	Address	Lot Number	Volume	Folio	Reserve
South Guildford Day Therapy Centre	EMHS	144 Queens Road, South Guildford	702	1468	775	
Royal Perth Hospital (Eastern Precinct)—Tunnel Access	EMHS	No Street Address	1273	LR 3127	616	46884
Jarrah Road Clinic—Bentley	EMHS	89 Jarrah Road, Bentley	3625	LR 3155	621	28967
Armada Kelmescott Memorial Hospital—Antonia Bagshaw Training Facility, Armadale	EMHS	7 Ecko Road, Mount, Nasura	3537	2635	599	
Forrestfield Adult Day Centre	EMHS	12 Anderson Road, Forrestfield	12237	2209	933	
St John of God Midland Public Hospital	EMHS	1 Clayton Street, Midland	300	LR 3172	387	51207
St John of God Midland Public Hospital	EMHS	No Street Address	301	LR 3172	437	51207
Bentley Hospital	EMHS	32 Mills Street, Bentley	2826	LR 3057	648	43211
Mental Health Facility—Mt Hawthorn (former Hawthorn Hospital)	NMHS	14 Woodstock Street, Mount Hawthorn	99	1050	224	
Mental Health Facility—Mt Hawthorn (former Hawthorn Hospital)	NMHS	14 Woodstock Street, Mount Hawthorn	100	1050	224	
Mental Health Facility—Mt Hawthorn (former Hawthorn Hospital)	NMHS	14 Woodstock Street, Mount Hawthorn	101	1050	224	
Mental Health Facility—Mt Hawthorn (former Hawthorn Hospital)	NMHS	14 Woodstock Street, Mount Hawthorn	102	1050	224	
Mental Health Facility—Mt Hawthorn (former Hawthorn Hospital)	NMHS	14 Woodstock Street, Mount Hawthorn	103	1050	224	
Mental Health Facility—Mt Hawthorn (former Hawthorn Hospital)	NMHS	14 Woodstock Street, Mount Hawthorn	104	1050	224	
Bunbury Public Dental Clinic—On Hospital Site—Bunbury (South West)	NMHS	No Street Address	555	LR 3171	256	44281
Osborne Park Hospital	NMHS	26 Osborne Place, Stirling	513	LR 3173	52	29439
Avro Community Health Centre, Subiaco	NMHS	2 Nicholson Road, Subiaco	333	LR 3032	735	36490
Dental Clinic, Boulder (Goldfields)	NMHS	114 Burt Street, Street Boulder	3159	LR 3034	770	26507
Joondalup Health Campus (Includes Dental Clinic)	NMHS	No Street Address	14373	LR3125	837	36696

				Certificate of Title		
Site Name	Relevant HSP	Address	Lot Number	Volume	Folio	Reserve
Dental Health Services—Head Office	NMHS	43 Mt Henry Road, Salter Point	4096	LR3107	737	25439
Warwick Dental Services	NMHS	316 Erindale Road, Warwick	9280	LR 3147	737	33351
Joondalup Health Campus	NMHS	60 Shenton Avenue, Joondalup	500	LR 3157	563	36696
Swan Dental Clinic	NMHS	3 Eveline Road, Middle Swan	567	LR 3167	328	52651
Cockburn Government Dental Clinic	NMHS	1 Coleville Crescent, Spearwood	121	2583	655	
83 Fairfield Street, Mt Hawthorn—Office Part Site	NMHS	83 Fairfield Street, Mt Hawthorn	36	2708	457	
Accommodation—Duplexes, Graylands	NMHS	44 Mooro Drive, Mt Claremont	94	1737	736	
Accommodation—Duplexes, Graylands	NMHS	42 Mooro Drive, Mt Claremont	95	1737	737	
Office, Part Site, Mt Hawthorn	NMHS	83 Fairfield Street, Mt Hawthorn	300	2708	456	
Adolescent Clinical Care	NMHS	365 Bagot Road, Subiaco	13746	2786	36	
Vacant Land—Lot 512	NMHS	26 Osborne Place, Stirling	512	LR 3173	51	53903
Morley Dental Centre	NMHS	145 Russell Street, Morley	14071	2210	22	
Vacant Office	SMHS	33 Moss Street, East Fremantle	10306	LR 3150	973	37909
Peel Health Campus	SMHS	110 Lakes Road, Greenfields	3001	LR 3135	302	40505
Peel Health Campus	SMHS	112 Lakes Road, Greenfields	3000	LR 3135	301	40505
Mental Health Services, Rockingham	SMHS	3 Goddard Street, Rockingham	9	2107	692	
Fiona Stanley Hospital	SMHS	11 Robin Warren Drive, Murdoch	125	LR3170	353	42037
Accommodation—Patient Relative Short Stay	SMHS	11 Alma Street	2	1938	540	
Renal Hostel	WACHS	65 Porter Street, Kalgoorlie	5014	LR3132	236	22687
Covid Clinic	WACHS	7 Mill Road, West Busselton	557	LR3167	372	38006

				Certificate of Title		
Site Name	Relevant HSP	Address	Lot Number	Volume	Folio	Reserve
Boulder Child Health Clinic	WACHS	108 Burt Street, Boulder	658	LR 3169	510	52951
New Mukinbuddin Health Centre	WACHS	12 Calder Street	66	LR3168	867	53141
New Mukinbuddin Health Centre	WACHS	10 Calder Street	67	LR3168	868	53141
Tambellup Nursing Post	WACHS	30 Norrish Street, Tambellup	2	1026	3	
Rural Paediatric Research Service, Kalgoorlie	WACHS	56 Piccadilly Street, Kalgoorlie (Picadilly)	R10	504	135	
Goldfields Regional Office / Mental Health, The Palms, Kalgoorlie	WACHS	Lot 12 Piccadilly Street, Kalgoorlie (Picadilly)	R12	216	133	
Leeuwin Frail Aged Lodge	WACHS	192 Blackwood Avenue, Augusta	494	1482	451	
Mt Barker (Plantagenet) District Hospital (part site)	WACHS	47 Langton Road, Mount Baker	61	470	93	
Lake Varley Nursing Post	WACHS	1 Arthur Street, Varley	19	LR3055	641	22873
Bunbury Community Health Centre	WACHS	24A Hudson Road, Withers	685	LR 3146	620	39552
Multi-Purpose Health Centres, Leonora	WACHS	96 Tower Street, Leonora	1131	LR 3144	131	44630
Multi-Purpose Health Centres, Leonora	WACHS	94 Tower Street, Leonora	1335	LR 3144	132	44630
Northam Hospital Laundry	WACHS	110 Chidlow Street East, Northam	436	LR 3108	772	45147
Mt Magnet Health Centre	WACHS	22 Criddle Street, Mount Magnet	501	LR 3140	48	4536
Augusta District Hospital	WACHS	2 Donovan Street, Augusta	503	LR 3165	912	31075
Northampton Hospital	WACHS	No Street Address	301	LR 3165	908	29279
Northampton Hospital	WACHS	103 Stephen Street, Northampton	449	LR 3011	760	29279
South Hedland Public Dental—South Hedland Community Health Centre	WACHS	33-45 Colebatch Way, South Hedland	1700	LR 3168	600	35607
Office (Busselton Population Medical Research Institute—BPMRI), Busselton	WACHS	18-20 West Street, Busselton (West)	500	LR 3153	971	38637
Grounds, The Palms, Kalgoorlie	WACHS	120 Piccadilly Street, Piccadilly	120	1272	891	

				Certificate of Title		
Site Name	Relevant HSP	Address	Lot Number	Volume	Folio	Reserve
The Palms, Kalgoorlie (Part site)	WACHS	121 Piccadilly Street, Piccadilly	121	1272	890	
Child and Community Health Offices, Port Hedland	WACHS	125 Athol Street, Port Hedland	1579	307	150A	
The Palms, Kalgoorlie (grounds)	WACHS	68 Piccadilly Street, Piccadilly	R13	1272	892	
Esperance Community and Mental Hlth	WACHS	Lot 882 Forrest Street, Esperance	882	LR 3139	730	40238
Norseman District Hospital	WACHS	1 Talbot Street, Norseman	6	LR 3149	525	2897
Laverton District Hospital	WACHS	2 Beria Road, Laverton	213	LR 3024	94	7420
Dalwallinu District Hospital	WACHS	25 Myers Street, Dalwallinu	300	LR3168	87	7718
Accommodation—On Hospital Site, Quairading—land area included in hospital site	WACHS	10 Harris Street, Quairading	500	LR 3169	264	16215
Wyalkatchem-Koorda District Hospital	WACHS	38 Honour Avenue, Wyalkatchem	3000	LR 3140	124	16856
Accommodation—On Hospital Site, Kellerberrin—land area included in hospital site	WACHS	51 Gregory Street, Kellerberrin	321	LR 3024	705	17478
Nannup District Hospital	WACHS	11 Carey Street, Nannup	133	LR3049	804	18085
Pemberton District Hospital	WACHS	12 Railway Crescent, Pemberton	558	LR 3167	999	19547
Accommodation—On Hospital Site, Manjimup	WACHS	16 Hospital Avenue, Manjimup	506	LR3171	909	20337
Mullewa District Hospital	WACHS	No Street Address	501	LR 3175	447	21688
Mullewa District Hospital	WACHS	No Street Address	502	LR 3175	448	21688
Mullewa District Hospital	WACHS	40 Burges Street, Mullewa	503	LR 3175	449	21688
Mullewa District Hospital	WACHS	46 Burges Street, Mullewa	504	LR 3175	450	21688
Mullewa District Hospital	WACHS	2 Elder Street, Mullewa	505	LR 3175	451	21688
Mullewa District Hospital	WACHS	No Street Address	506	LR 3175	452	21688
Ian Roberts Lodge—On Hospital Site, Cunderdin—land area included in hospital site	WACHS	No Street Address	296	LR 3156	480	22160

				Certificate of Title		
Site Name	Relevant HSP	Address	Lot Number	Volume	Folio	Reserve
Ian Roberts Lodge—On Hospital Site, Cunderdin—land area included in hospital site	WACHS	No Street Address	297	L R3156	481	22160
Ian Roberts Lodge—On Hospital Site, Cunderdin—land area included in hospital site	WACHS	No Street Address	384	LR 3156	483	22160
Accommodation—On Hospital Site, Pingelly—land area included in hospital site	WACHS	No Street Address	855	LR 3168	757	23668
Old Pingelly District Hospital	WACHS	No Street Address	856	LR 3168	758	23668
Northam Regional Hospital	WACHS	50 Robinson Street, Northam	555	LR3163	941	25130
Accommodation—Nurses / Staff Quarters, Onslow—On Hospital Site	WACHS	No Street Address	1000	LR 3170	333	26255
York District Hospital	WACHS	54 Trews Road, Daliak	503	LR3174	821	27341
York District Hospital	WACHS	74 Trews Road, Daliak	504	LR3174	822	27341
York District Hospital	WACHS	80 Trews Road, Daliak	505	LR3174	823	27341
Kununurra District Hospital	WACHS	7 Coolibah Drive, Kununurra	581	LR 3169	849	29387
Busselton Health Campus	WACHS	189 Bussell Highway, West Busselton	555	LR3167	370	32275
Kevin Cullen Health Centre—On Hospital Site, Busselton	WACHS	185 Bussell Highway, West Busselton	556	LR3167	371	32275
Health Centres / Clinics, Gnowangerup	WACHS	45 Yougenup Road, Gnowangerup	356	LR 3018	453	33332
Newman District Hospital	WACHS	54 Mindarra Drive, Newman	500	LR 3173	857	38351
Frail Aged Hostel, Meekatharra	WACHS	No Street Address	997	LR 3093	668	41870
Kimberley Aged Care—Office	WACHS	57 Herbert Street, Broome	500	LR 3024	132	51495
New Pingelly Health Centre	WACHS	32 Brown Street, Pingelly	555	LR3166	971	52569
Grace Vaughan House—Shared Site	WACHS	233 Stubbs Terrace, Shenton Park	556	LR3168	526	53001
Country Offices, Kalgoorlie	WACHS	7 Dugan Street, Kalgoorlie	10	2180	196	
Cancer Patient Hostel, Kalgoorlie	WACHS	155 Bourke Street, Piccadilly	94	2832	870	

				Certificate of Title		
Site Name	Relevant HSP	Address	Lot Number	Volume	Folio	Reserve
Aboriginal Health Service, Northam	WACHS	65 Wellington Street East, Northam	200	1051	325	
Kalgoorlie Population Health	WACHS	38 Ware Street, Kalgoorlie South	2253	2070	444	
Ravensthorpe Public Dental Clinic—On Hospital Site—(Goldfields)	WACHS	74 Martin Street, Ravensthorpe	243	LR 3020	149	8049
On Hospital Site	WACHS	No Address	344	LR3023	651	2871
On Hospital Site	WACHS	No Address	345	LR3023	652	2871
On Hospital Site	WACHS	Lot 347 Francis Street, Carnarvon	347	LR3023	654	2871
Kellerberrin Memorial Hospital	WACHS	51 Gregory Street, Kellerberrin	333	LR3024	706	17478
Northcliffe Nursing Post	WACHS	16 Windy Harbour Road, Northcliffe	340	LR3165	695	18729
Morawa District Hospital	WACHS	7 Caufield Road, Morawa	560	LR3165	476	19507
Effluent Disposal, Kununoppin	WACHS	No Address	N/A	N/A	N/A	27273
Cervantes Community Health Centre	WACHS	8 Weston Street, Cervantes	593	LR3008	254	35424
Wickepin Nursing Post	WACHS	28 Johnston Street, Wickepin	601	2222	887	
Vacant Land Sites, Wyndham	WACHS	43 Great Northern Highway, Wyndham	813	2607	500	
Hedland Health Campus	WACHS	2-34 Colebatch Way, South Hedland	305	2652	937	
Vacant Land Sites, Wyndham	WACHS	18 Dorrig Road, Wyndham	1098	2704	973	

Health Service Provider (HSP)	Acronym
Child and Adolescent Health Service	CAHS
East Metropolitan Health Service	EMHS
North Metropolitan Health Service	NMHS
South Metropolitan Health Service	SMHS
WA Country Health Service	WACHS

HE407**MENTAL HEALTH ACT 2014****MENTAL HEALTH (AUTHORISED MENTAL HEALTH PRACTITIONERS)
REVOCATION ORDER (NO. 5) 2023**

Made by the Chief Psychiatrist under section 539 of the *Mental Health Act 2014*.

1. Citation

This Order may be cited as the *Mental Health (Authorised Mental Health Practitioners) Revocation Order (No. 5) 2023*.

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) clause 3 — on the day after that day.

3. Revocation of designation

The designation, as an authorised mental health practitioner of the mental health practitioners specified in Schedule 1 to this order is revoked.

Schedule 1

Name	Profession
Allen, Dennise	Registered Nurse
Arthur, Stephen John	Registered Nurse
Cole, Vanessa Vemal	Registered Nurse
Courtney, Naveen	Registered Nurse
Goodwin, Emillee	Registered Nurse
Smith, Megan Lee	Occupational Therapist

Dated 27 June 2023.

Dr NATHAN GIBSON, Chief Psychiatrist.

HE408**MENTAL HEALTH ACT 2014****MENTAL HEALTH (AUTHORISED MENTAL HEALTH PRACTITIONERS) ORDER (NO. 5) 2023**

Made by the Chief Psychiatrist under section 539 of the *Mental Health Act 2014*;

1. Citation

This order may be cited as the *Mental Health (Authorised Mental Health Practitioners) Order (No. 5) 2023*.

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) clause 3 — on the day after that day.

3. Authorised Mental Health Practitioner

The mental health practitioners specified in Schedule 1 to this order are designated as Authorised Mental Health Practitioners.

Schedule 1

Name	Profession
Glossop, Emillee Goodwin	Registered Nurse
Paiti, Mary	Registered Nurse

Dated 27 June 2023.

Dr NATHAN GIBSON, Chief Psychiatrist.

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 Keystart has updated its interest rate setting policy to base its rate on the movements of the Reserve Bank of Australia's official cash rate. As a result, based on the recent movement of the Reserve Bank cash rate, the standard rate of interest to apply for assistance provided under this Act is now 6.82% pa for existing loans approved prior to and including 20 December 2009 and 7.60% pa for loans approved after 20 December 2009. This is a decrease in Keystart's variable interest rate. The decrease is effective from the 1 July 2023 with changes to repayments commencing on or after 1 August 2023. More information available at keystart.com.au.

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

JUSTICE

JU401

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2022 LEGAL PROFESSION (NON-CONTENTIOUS PROBATE) REPORT 2023

Made by the Legal Costs Committee under Division 1 of Part 6 of the *Legal Profession Uniform Law Application Act 2022 (Act)*.

PART 1—PRELIMINARY

1. Citation

- (a) This Report may be cited as the *Legal Profession (Non-contentious Probate¹) Report 2023*.
- (b) The Determination set out in the Schedule to this Report is referred to in this Report as the *Legal Profession (Non-contentious Probate) Determination 2023*.

PART 2—NOTICE AND INQUIRIES

2. Notice under section 139 of the Act

The Legal Costs Committee (**Committee**) has complied with the notice provisions of section 139 of the Act.

3. Inquiries and submissions under section 139 of the Act

Before making the *Legal Profession (Non-contentious Probate) Determination 2023*, the Committee—

- (a) reviewed submissions of the Law Society of Western Australia Inc. received as a result of the notice given under section 139 of the Act;
- (b) met with the Registrars of the Supreme Court of Western Australia;
- (c) held a seminar with members of the Law Society of Western Australia Inc;
- (d) considered the responses to a survey of the legal profession in Western Australia; and
- (e) considered the impact of changes in relevant Australian Bureau of Statistics data for the period.

PART 3—REPORT OF THE COMMITTEE'S CONCLUSIONS

4. Maximum hourly rates changed—scale of costs amended

- (a) It is the determination of the Committee, as a result of the inquiries and submissions described in clause 3 and in keeping with the Committee's preference for fixed maximum fees which are not referable to hourly rates when those are reasonably practicable for the work to be done, that the rates referred to in paragraphs (a), (b) and (c) of clause 4 are varied from the rates used in the *Legal Practitioners (Non-Contentious Probate Costs) Determination 2021²*. The rates which will apply under this Determination are set out in paragraphs (a), (b) and (c) of clause 4 of the *Legal Profession (Non-contentious Probate) Determination 2023*.
- (b) It is the determination of the Committee, as a result of the inquiries and submissions described in clause 3, that the hourly rates referred to in paragraph (d) of clause 4 are varied from the hourly rates used in the *Legal Practitioners (Non-Contentious Probate Costs) Determination 2021*. The rates which will continue to apply under this Determination are set out in paragraph (d) of clause 4 of the *Legal Profession (Non-contentious Probate) Determination 2023*.

¹ See the definition of contentious business in section 3 of the Act

² published in the Government Gazette on 25 May 2021

- (c) The Determination of the Committee does not override the entitlement of a law practice to make a written agreement as to costs with a client under the Act.
- (d) The Committee has determined that it is appropriate to include a separate item for the passing of accounts undertaken in the non-contentious probate jurisdiction of the Court.
- (e) Subject to 4(d) above, the Committee has concluded that its Determination does not apply to—
 - (1) those areas of business performed by law practices in connection with the administration and winding up of deceased persons' estates (including the gathering in and distribution of assets and satisfaction of liabilities) which can be properly chargeable under the provisions of the *Legal Profession (Non-Contentious Business) Determination 2023*³ or any subsequent determination in substitution for, or by way of variation to the same; or
 - (2) any contentious work associated with a deceased estate which can be properly chargeable under the provisions of the *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2022*⁴ or any subsequent determination in substitution for, or by way of variation to the same; for example—
 - (A) an application to prove a Will in solemn form;
 - (B) an application to prove an informal Will under Part X of the *Wills Act 1970*;
 - (C) advising or acting in proceedings under the *Family Provision Act 1970*; or
 - (D) any proceedings to which Order 73 of the Rules of the Supreme Court 1971 applies.

CLARE THOMPSON, SC Chair.

JANICE DUDLEY, Member.

MATTHEW CURWOOD, SC Member.

CRAIG MCKIE, Member.

ANNETTE MORGAN, Member.

GREG RICKIE, Member.

Schedule

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2022

LEGAL PROFESSION (NON-CONTENTIOUS PROBATE) DETERMINATION 2023

Made by the Legal Costs Committee under section 133 of the *Legal Profession Uniform Law Application Act 2022* (Act).

1. Citation

This Determination may be cited as the *Legal Profession (Non-contentious Probate)*⁵ *Determination 2023*.

2. Commencement

This Determination comes into operation on 1 July 2023.

3. Application

- (a) This Determination applies to the remuneration of law practices in respect of—
 - (1) Applications for Grants of Probate and Letters of Administration within Western Australia, including the preparation of all necessary supporting documents, or reseals of Grants and Letters of Administration made outside Western Australia; and
 - (2) All other work undertaken under the *Non-contentious Probate Rules*, including the passing of accounts, unless that work is properly chargeable under items 10 or 11 of Table B of the *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2022*.
- (b) This Determination does not apply to the remuneration of law practices based on a written agreement with a client as to costs under the Act.
- (c) This Determination does not apply to the remuneration of law practices based on costs incurred in respect of business carried out before the commencement of this Determination.
- (d) This Determination does not apply—
 - (1) to those areas of business performed by law practices in connection with the administration and winding up of deceased persons' estates (including advising executors, the gathering in and distribution of assets and satisfaction of liabilities) which can be properly chargeable under the provisions of the *Legal Profession (Non-Contentious Business) Determination 2023* or any subsequent determination in substitution for, or by way of variation to the same; or

³ to be published on or about the date of this Report

⁴ published in the Government Gazette on 24 June 2022

⁵ See the definition of contentious business in section 3 of the Act

- (2) any contentious work associated with a deceased estate which can be properly chargeable under the provisions of the *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2022* or any subsequent determination in substitution for, or by way of variation to the same; for example—
- (A) an application to prove a Will in solemn form;
 - (B) an application to prove an informal Will under Part X of the *Wills Act 1970*;
 - (C) advising or acting in proceedings under the *Family Provision Act 1970*; or
 - (D) any proceedings to which Order 73 of the Rules of the Supreme Court 1971 applies.

4. Costs in probate applications

Unless a law practice has made a written agreement as to costs with a client under the provisions of the Act, the maximum costs payable by the client shall be as follows—

- (a) in the case of an application for a Grant of Probate to the Supreme Court of Western Australia or to reseal a Grant of Probate made outside Western Australia within another Australian jurisdiction—\$1936;
- (b) in the case of an Application for Letters of Administration with the Will annexed to the Supreme Court of Western Australia or to reseal Letters of Administration with the Will annexed made outside Western Australia within another Australian jurisdiction—\$2706;
- (c) in the case of an Application for Letters of Administration to the Supreme Court of Western Australia or to reseal Letters of Administration made outside Western Australia within another Australian jurisdiction—\$3300;

PROVIDED THAT in all of the above cases, where the application for a Grant or reseal of a Grant requires more than a primary affidavit, then up to a further hour of a Senior Practitioner's time at the hourly rate described in paragraph (d)(1) below for each affidavit required (other than where the law practice has by its own act or omission caused the need for that additional affidavit); and

- (d) for all other work undertaken under the *Non-contentious Probate Rules*, and subject to that work not being properly chargeable under items 11 or 12 of Table B of the *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2022*, an amount that is reasonable in the circumstances calculated on the basis of the time reasonably taken to perform the work described in clause 3 above and charged at an hourly rate, inclusive of GST, which does not exceed the hourly rates set out below.

Maximum rates

Senior Practitioner—permitted to practise on his or her own account for 5 years or more	\$517 per hour
Junior Practitioner—permitted to practise on his or her own account less than 5 years	\$374 per hour
Restricted Practitioner	\$330 per hour
Clerk/Paralegal	\$253 per hour

Notes—

- (A) The reference to Practitioner in this Determination includes all Australian legal practitioners even if the services were rendered in another State or Territory. Where a local legal practitioner has held an interstate practising certificate, the length of admission in that other jurisdiction is to be counted in assessing that legal practitioner's years of admission for the purposes of this Determination.
- (B) The reference to Restricted Practitioner in this Determination includes practitioners undertaking restricted legal practice for the purposes of obtaining the required experience set out in section 50 of the Act and does not include a reference to an Australian legal practitioner who has a condition placed on their practising certificate by the Legal Practice Board, State Administrative Tribunal or otherwise, requiring them to practise under supervision for disciplinary, medical or other reasons.

5. Costs in the passing of accounts

Where the Court undertakes a passing of accounts in a deceased estate, whether on the Court's own motion or by reason of a request by an interested party, costs may be awarded as follows:

Activity	Fee earner	\$
Attendance at the passing of accounts including the time spent in preparing and time required to be spent attending any conference convened by the Court or attending to any matter required by the Non-contentious Probate Rules or a Practice Direction	C SP	An amount which is reasonable in the circumstances, calculated on the basis of— C: \$473 per hour Otherwise: in accordance with the rates set out in clause 4(d)

6. Effect on costs of Goods and Services Tax (GST)

The rates set out in clause 4 and 5 above are inclusive of GST.

Made by the Legal Costs Committee on 21 June 2023.

JU402

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2022**LEGAL PROFESSION (PUBLIC NOTARIES) REPORT 2023**

Made by the Legal Costs Committee under Division 1 of Part 6 of the *Legal Profession Uniform Law Application Act 2022 (Act)*.

PART 1—PRELIMINARY**1. Citation**

- (1) This Report may be cited as the Legal Profession (Public Notaries) Report 2023.
- (2) The determination set out in the Schedule to this Report is referred to in this Report as the Legal Profession (Public Notaries) Determination 2023.

PART 2—NOTICE AND INQUIRIES**2. Notice under section 139 of the Act**

The Legal Costs Committee (**Committee**) has complied with the notice provisions of section 139 of the Act.

3. Inquiries and submissions under section 139 of the Act

Before making the *Legal Profession (Public Notaries) Determination 2023* the Legal Costs Committee—

- (a) reviewed the submissions received as a result of the notice given under section 139 of the Act;
- (b) met with the Public Notaries Society of Western Australia Inc.;
- (c) held a seminar with members of the Law Society of Western Australia Inc.;
- (d) considered the responses to a survey of the legal profession in Western Australia; and
- (e) considered the hourly and daily rates applicable under the *Legal Profession (Non-Contentious Business) Determination 2023*¹.

PART 3—REPORT OF THE LEGAL COSTS COMMITTEE'S CONCLUSIONS**4. Adjustment to scale of costs**

The information gained as a result of the inquiries and submissions described in clause 3 satisfied the Committee that—

- (a) the manner in which legal services are provided and prevailing market and economic considerations made it appropriate to amend the rates set out in Table A of the *Legal Profession (Public Notaries) Determination 2021*; and
- (b) to amend the calculation of rates in Table A of the *Legal Profession (Public Notaries) Determination 2023* to take into account the incidental administrative implications of the calculation of the Goods and Services Tax; and
- (c) It is the determination of the Committee, after reviewing the information gained as a result of the inquiries and submissions described in clause 3, that the scale of costs set out in Table A to clause 4 of the *Legal Profession (Public Notaries) Determination 2023* be adopted for the business of Public Notaries.

CLARE THOMPSON SC, Chair.
JANICE DUDLEY, Member.
MATTHEW CURWOOD SC, Member.
CRAIG MCKIE, Member.
ANNETTE MORGAN, Member.
GREG RICKIE, Member.

Schedule**LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2022****LEGAL PROFESSION (PUBLIC NOTARIES) DETERMINATION 2023**

Made by the Legal Costs Committee under section 133 of the *Legal Profession Uniform Law Application Act 2022 (Act)*.

1. Citation

This Determination may be cited as the *Legal Profession (Public Notaries) Determination 2023*.

2. Commencement

This Determination comes into operation on 1 July 2023.

3. Application

- (1) This Determination applies to the remuneration of a Public Notary for the provision of notarial services.

¹ to be published on or about the date of this Determination

- (2) This Determination does not apply to the remuneration of a Public Notary based on costs incurred in respect of instructions taken before the commencement of this Determination.

4. Scale of costs

The fee charged by a Public Notary for providing notarial services shall not exceed the fee, inclusive of GST, for those services set out in the Table A to this clause.

TABLE A
SCALE OF PUBLIC NOTARIES FEES

Item No	Matter	Maximum amount \$
1	Affidavits, affirmations and declarations:	
	(a) For administering an oath or affirmation or taking a declaration and for signing the jurat or its equivalent—where there is one deponent or declarant and for each additional deponent, affirmant or declarant swearing, affirming or declaring at the same time	165 77
	(b) For preparing an affidavit, affirmation or declaration verifying the execution of a document by a company or by a person	165
	(c) For preparing a notarial certificate in respect of an oath, affirmation or declaration and for completing the certificate	165
	(d) For completing a second and third certificate, if required	77
	(e) For preparing an exhibit to an affidavit, affirmation or declaration and for completing an exhibit	77
	(f) For each page over and above the first 5 pages which requires signing by each deponent or declarant and witnessing by the Public Notary	0.88
2	Deeds and other documents:	
	(a) Witnessing and attesting the execution or signing of a deed or other document—where there is one party and for each additional party signing at the same time	165 77
	(b) For preparing a notarial certificate in respect of the attestation and for completing the certificate	165
	(c) For each page over and above the first 5 pages which requires signing by the party or parties and witnessing by the Public Notary	0.88
	(d) For documents requiring notarisation in public or solemn form by requiring the notary to certify to the effect that "the document was read to the appearer, who listened, confirmed it and agreed to its contents", an additional charge— For the first page For each folio (100 words) thereafter	121 22
3	Verification of copies of documents:	
	(a) For examining, with the original, a photocopy of the document for each additional page exceeding the first	88 11
	(b) For examining, with the original, a copy of a document other than a photocopy	165
	(c) For preparing a notarial certificate verifying a copy of a document and for completing the certificate	165
	(d) For each page over and above the first 5 pages which requires signing by the Public Notary	0.44
4	Certificates under seal not otherwise prescribed by this scale:	
	(a) For preparing a standard notarial certificate and for completing the certificate, where the certificate is of a nature that it is reasonable for the Public Notary to have developed and maintained a standard precedent document	165
	(b) For preparing a complex notarial certificate and for completing the certificate, where the certificate is not of a nature that it is reasonable for the Public Notary to have developed and maintained a standard precedent document	517
5	Bills of Exchange:	
	(a) For noting a bill of exchange, entering in the register and supplying one copy of note	275

Item No	Matter	Maximum amount \$
	(b) For presenting bill—a fee for the time so occupied calculated in accordance with the <i>Legal Profession (Non-Contentious Business) Determination 2023</i> ² or any subsequent determination made in substitution for that determination (c) For preparing, issuing and entering a protest of a bill of exchange and supplying one copy of protest together with the reasonable disbursements necessarily incurred in connection with any of those services	275
6	Ship's protests:	
	(a) Preparing and attesting a ship's protest including three copies (if required)	330
	(b) Preparing and attesting extension of ship's protest	330
7	Duplicates: Except where otherwise provided, for more than one copy of any of the above notarial documents completed at the same time— (a) for each copy, after the first, up to the tenth: one half of the prescribed fee (b) for each copy, after the tenth: one quarter of the prescribed fee	
8	Miscellaneous services: For instructions, attendances, correspondence, drawing, engrossing, travel and all other services not covered by this scale, or, if so covered, for matters involving unusual work or difficulty— a fee calculated in accordance with the <i>Legal Profession (Non-Contentious Business) Determination 2023</i> or any subsequent determination made in substitution for that determination, having regard to the time skill and responsibility involved	
	For photocopies where necessary, including of documents for which allowance is otherwise made in this Determination	1.10 per page

Made by the Legal Costs Committee on 21 June 2023.

JU403

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2022

LEGAL PROFESSION (NON-CONTENTIOUS BUSINESS) REPORT 2023

Made by the Legal Costs Committee under Division 1 of Part 6 of the *Legal Profession Uniform Law Application Act 2022 (Act)*.

PART 1—PRELIMINARY

1. Citation

- (1) This Report may be cited as the *Legal Profession (Non-Contentious Business¹) Report 2023*.
- (2) The determination set out in the Schedule to this Report is referred to in this Report as the *Legal Profession (Non-Contentious Business) Determination 2023*.

PART 2—NOTICE AND INQUIRIES

2. Notice under section 139 of the Act

The Legal Costs Committee (**Committee**) has complied with the notice provisions of section 139 of the Act.

3. Inquiries and submissions under section 139 of the Act

Before making the *Legal Profession (Non-Contentious Business) Determination 2023*, the Committee—

- (a) reviewed submissions of the Law Society of Western Australia Inc received as a result of the notice given under section 133 of the Act;
- (b) met with the Registrars of the Supreme Court of Western Australia;
- (c) held a seminar with members of the Law Society of Western Australia Inc;
- (d) considered the responses to a survey of the legal profession in Western Australia; and

² to be published on or about the date of this Determination

¹ See the definition in section 3 of the Act

- (e) considered the impact of changes in relevant Australian Bureau of Statistics data for the period.

PART 3—REPORT OF THE COMMITTEE'S CONCLUSIONS

4. Maximum hourly rates changed—scale of costs amended

- (1) As a result of its inquiries described in clause 3, the Committee is satisfied it is appropriate—
- (a) to continue to adopt hourly rates charged by law practices as the basis for the rates used in the *Legal Profession (Non-Contentious Business) Determination 2023*;
 - (b) to retain a system of instruction fees as set out in items 1 to 5 of Table A of the *Legal Profession (Non-Contentious Business) Determination 2023*; and
 - (c) to change the name of the Determination to better reflect modern legal practice, including the inclusion of counsel fees in this Determination.
- (2) It is the recommendation of the Committee in light of prevailing market and economic considerations, that the hourly rates referred to in subclause 4 (1) be varied from the hourly rates used in the *Legal Profession (Solicitors Costs) Determination 2021*². The rates which will apply are set out in Item 7 of Table A of the *Legal Profession (Non-Contentious Business) Determination 2023*.
- (3) The Determination of the Committee does not override the entitlement of a law practice to make a written agreement as to costs with a client under the Act.

CLARE THOMPSON, SC Chair.
JANICE DUDLEY, Member.
MATTHEW CURWOOD, SC Member.
CRAIG MCKIE, Member.
ANNETTE MORGAN, Member.
GREG RICKIE, Member.

Schedule

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2022

LEGAL PROFESSION (NON-CONTENTIOUS BUSINESS) DETERMINATION 2023

Made by the Legal Costs Committee under section 133 of the *Legal Profession Uniform Law Application Act 2022 (Act)*.

1. Citation

This Determination may be cited as the *Legal Profession (Non-Contentious Business)*³ *Determination 2023*.

2. Commencement

This Determination comes into operation on 1 July 2023.

3. Legal Profession (Solicitors Costs) Determination 2021

The *Legal Profession (Solicitors Costs) Determination 2021*⁴ does not apply to business carried out by law practices after the commencement of this Determination.

4. Interpretation

In this Determination—

"**clause**" means a clause in this Determination;

"**document**" includes a document in electronic form;

"**instruction fee**" means the fee set out in the column headed 'Amount' in Table A, in relation to the matter specified next to that fee in Table A;

"**instructions**" in relation to items 1 to 5 includes the initial attendance when instructions are taken, and all subsequent attendances at which instructions are taken which ought properly to have been taken at the initial attendance;

"**item**" means an item in the Table A and "**items**" has a corresponding meaning;

"**mortgagee**" includes the grantee of a security and, in relation to a hire-purchase agreement, means the owner;

"**mortgagor**" includes the grantor of a security and, in relation to a hire-purchase agreement, means the hirer;

"**prepare**" includes considering searches, researching matters of law, negotiating, settling and drafting the provisions of and producing a document;

"**security**" includes a mortgage, hire-purchase agreement, debenture or charge or a bill of sale or assignment by way of security, or any other form of security granted by a person;

² published in the Government Gazette on 25 May 2021

³ See the definition in section 3 of the Act

⁴ published in the Government Gazette on 25 May 2021

"sheet" means one side of a single A4 page, with no less than 25 lines of print with a minimum of a 10 point font;

"Table A" means Table A to this Determination.

5. Application

- (1) This Determination applies to the maximum remuneration of law practices in respect of any work carried out by a law practice not being of a contentious nature and which is not governed by any other determination of the Legal Costs Committee under section 275 of the Act.
- (2) This Determination does not apply to the remuneration of law practices based on a written agreement as to costs with a client under the Act.
- (3) This Determination does not apply to the remuneration of law practices based on costs incurred before the commencement of this Determination.

6. Costs

- (1) Unless a law practice has made a written agreement as to costs with a client under the provisions of the Act, the costs payable by the client to the client's law practice shall not exceed an amount that is reasonable in the circumstances, that amount to be calculated on the basis of—
 - (a) the instruction fees and other fees for specific items set out in items 1 to 6; and
 - (b) the time reasonably taken to perform the work referred to in item 7, charged at an hourly rate that does not exceed the hourly rates set out in that item.
- (2) By way of example, the business to be performed under item 7 may include drafting of advice, advising on estate planning, administration of estates, drafting or advising on deeds, contracts or agreements, and other similar non-contentious work not otherwise provided for specifically in items 1—6 of this Determination, or chargeable under the *Legal Profession (Non-contentious Probate) Determination 2023*.

7. Instruction fee when acting for both parties to a transaction

Subject to clauses 8 and 9, where a law practice lawfully acts for both parties to a transaction, the law practice is entitled to charge each party the relevant instruction fee relating to that transaction.

8. Instruction fees for related transactions

- (1) Subject to this clause, where a law practice acts for either a buyer-mortgagor or for a seller-mortgagee, the law practice may charge either the instruction fee fixed in relation to the sale or the instruction fee fixed in relation to the security, but not both.
- (2) Where a law practice acts for a seller in circumstances to which item 5 applies, and the consideration or part thereof is secured by a security prepared by the same law practice and executed by the buyer in favour of the seller, the law practice shall be entitled to charge in respect of the sale the fee set out in item 5 reduced by 25%, and for instructions in respect of the security the instruction fee calculated in accordance with item 3 on the basis of the sum secured.
- (3) Where, in respect of one and the same transaction, a law practice lawfully acts for both a buyer-mortgagor and a seller-mortgagee—
 - (a) if all the costs are to be paid by only one of the parties, the law practice is entitled to charge the instruction fee in relation to the sale, calculated on the basis that the law practice was acting for the buyer, but is not entitled to charge an instruction fee in relation to the security;
 - (b) if each party is to pay their own instruction fee, the law practice is entitled to charge each party an amount so that the aggregate of the amounts payable by each is no greater than the instruction fee in relation to the sale, calculated on the basis that the law practice was acting for the buyer.
- (4) Where, in one and the same transaction, a law practice lawfully acts for both the seller and the buyer or for both the mortgagor and the mortgagee, the law practice is not entitled to charge in respect of the instructions any amount which is greater in the aggregate than the instruction fee in relation to the sale or the security, calculated on the basis that the law practice was acting for the buyer or the mortgagor, as the case may be.
- (5) Where a law practice acts for the mortgagee on instructions to extend the term of the security, the law practice is entitled to charge, for instructions, an amount not exceeding 40% of the instruction fee that would be payable in relation to an original security for the same amount as that secured by the security as extended.

9. Instruction fees for leases

- (1) Where a law practice lawfully acts for both the lessor and the lessee in respect of a lease or an extension of lease, the law practice is entitled to charge for instructions only the instruction fee set out in item 4 in relation to a lessor.
- (2) For the purposes of calculating the instructions fees set out in item 4—
 - (a) where a term of a lease exceeds 12 years but does not exceed 26 years, the instruction fee shall be calculated on the basis of the rent payable during the first 12 years of the lease;
 - (b) where the term of the lease exceeds 26 years, the instruction fee shall be calculated on the basis of the rent payable during the first 15 years of the lease,and for this purpose the term "**rent**"—
 - (c) includes any moneys payable as a premium for the granting of the lease;
 - (d) but does not include any moneys payable or reserved under or by the lease in respect of—

- (i) rates and taxes whether by way of reimbursement of the lessor or otherwise; or
- (ii) expenditure incurred by the lessor in the conduct or management of the lease and premises or of any other property of which the leased premises forms part.

10. Limitations on instruction fee in item 3

In relation to an instruction fee set out in item 3—

- (a) any amount secured by an existing collateral security prepared by the same law practice within one year prior to the instructions shall be deducted from the amount to be secured before calculating the instruction fee; and
- (b) where the security is for an annuity and the term during which the annuity is to be paid is a period exceeding 12 years or for life—the instruction fee shall be calculated on the basis that the amount secured is 12 times either the annual payment or the average of the first 12 payments.

11. Uncompleted business

Where any business is not completed the instruction fee payable shall be the proportion of the relevant instruction fee payable under this Determination as is reasonable in the circumstances.

12. Services related to item 5

- (1) The fees set out in item 5 are the remuneration payable in respect of acting on instructions for the completion by transfer of an executed contract for the sale of land registered under the *Transfer of Land Act 1893* and include the fees for all services usually performed in respect of the transaction and in particular—
 - (a) the investigation of title;
 - (b) enquiries of and advice to all rating and taxing authorities of change of ownership;
 - (c) the adjustment of rates and taxes;
 - (d) preparation, execution, stamping and the registration of the transfer; and
 - (e) the arrangements for and attendances on settlement including the discharge of encumbrances, but the remuneration does not include the fees for—
 - (f) any service performed or rendered in respect of an amendment to the contract of sale;
 - (g) the perusal of any document other than the contract of sale;
 - (h) the preparation of any document other than the transfer;
 - (i) requisitions on title or answers thereto;
 - (j) correspondence or attendances as may be rendered necessary by the amendment to, or the preparation of, any document other than the transfer;
 - (k) correspondence or attendances not usually involved in respect of completion of the contract of sale including interpretation of or enforcement of the contract of sale; or
 - (l) any costs or expenses lawfully incurred due to the distance of the law practice from the place of settlement or from an office of the Western Australian Land Information Authority, established under the *Western Australian Land Authority Act 1992*.
- (2) Where a law practice acting on instructions to which item 5 applies is obliged to perform additional services which are not services to which item 5 applies, the law practice is entitled to charge for those additional services at the rate set out in item 7.

13. Preparing documents and copies for execution, photocopying, facsimile and electronic transmissions—item 6

The fees set out in items 601 and 602 are fees in addition to time taken to prepare documents, including amendments to drafts or standard documents, and—

- (a) in the case of item 601, the fee is intended to recognise the cost to, and time taken by, a law practice in the preparation and maintenance of standard precedents; by way of example, a standard office lease, shop lease, assignment of lease, extension of lease and mortgage; and
- (b) in the case of item 602, the fee is intended to recognise the cost to, and time taken by, a law practice in the preparation, availability and maintenance of a document which is not a standard precedent within item 601, and the skill, cost of preparation and maintenance of having that document available.

14. Item 8—counsel rates

These rates apply when counsel, being an Australian Lawyer who practises in accordance with Supreme Court Consolidated Practice Direction 10.5, is briefed to give advice, draft or settle documents or undertake any other work that is not contentious and is therefore not covered by the *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2022*, or any other contentious business determination published by the Committee.

Where it is reasonably necessary to brief counsel to undertake work that is non-contentious, the rates set out in item 8 are recoverable in addition to work which comes within the other items of this Determination.

15. Effect on costs of Goods and Services Tax (GST)

The hourly rates and the calculation of fees under each of the items in Table A are inclusive of GST. If any amount calculated under items 1 to 4 is not divisible by 11, it should be rounded up to the next highest amount which is divisible by 11.

Table A**ITEM 1—INSTRUCTIONS TO ACT ON A SALE OR OTHER DISPOSITION FOR VALUABLE CONSIDERATION OF PROPERTY**

Ref	Party	Consideration (\$)	Maximum Amount %
101	Buyer	1—100,000	0.45%
		100,001—7,500,000	0.25%
		7,500,001 or more	0.03%
102	Seller	1—100,000	0.35%
		100,001—7,500,000	0.17%
		7,500,001 or more	0.02%

ITEM 2—INSTRUCTIONS TO ACT ON A GIFT OF REAL OR PERSONAL PROPERTY OR BOTH WHERE VALUE ASCERTAINABLE

Ref	Party	Value (\$)	Maximum Amount %
201	Donor	1—100,000	0.45%
		100,001—7,500,000	0.25%
		7,500,001 or more	0.03%
202	Donee	1—100,000	0.35%
		100,001—7,500,000	0.17%
		7,500,001 or more	0.02%

ITEM 3—INSTRUCTIONS TO ACT ON SECURITY

Ref	Party	Consideration (\$)	Maximum Amount %
301	Mortgagee	1—100,000	0.45%
302	Mortgagor	100,001—7,500,000	0.25%
		7,500,001 or more	0.03%
		1—100,000	0.23%
		100,001—7,500,000	0.13%
		7,500,001 or more	0.013%

ITEM 4—INSTRUCTIONS TO ACT ON A LEASE, SUB-LEASE, ASSIGNMENT OF LEASE OR EXTENSION OF LEASE OF PROPERTY (REAL OR PERSONAL OR BOTH)

Ref	Party	Consideration (\$)	Maximum Amount %
401	Lessor/Sub-Lessor	1—20,000	0.80%
		20,001 or more	0.40%
402	Lessee/Sub-Lessee	1—20,000	0.40%
		20,001 or more	0.20%
403	Assignor/Assignee	1-20,000	0.40%
		20,001 or more	0.20%

ITEM 5—THE SETTLEMENT OF A CONTRACT FOR THE SALE OF LAND UNDER THE TRANSFER OF LAND ACT 1893

Ref	Party	Consideration (\$)	Maximum Amount or %
501	Buyer*	1-150,000	\$990
		150,001—500,000	\$990 plus 0.22% of any amount in excess of \$150,000
		500,001—1,000,000	\$1760 plus 0.165% of any amount in excess of \$500,000
		1,000,001 or more	\$2585 plus 0.11% of any amount in excess of \$1,000,000
502	Seller*	1-150,000	\$671
		150,001—500,000	\$671 plus 0.143% of any amount in excess of \$150,000
		500,001—1,000,000	\$1171.50 plus 0.11% of any amount in excess of \$500,000
		1,000,001 or more	\$1721.50 plus 0.077% of any amount in excess of \$1,000,000

*If the contract for sale is for a Strata Title, add \$77.00 if acting for the Seller, and \$132.00 if acting for the Buyer.

ITEM 6—PREPARE DOCUMENTS AND COPIES FOR EXECUTION AND COPYING

Ref	Description of task	Maximum Amount
Preparation of documents		
601	Documents which could economically be a standard precedent	\$11.00 per sheet
602	Documents which could not economically be a standard precedent	\$44.00 per sheet
All copies for execution and cost of binding		
603	Each document for execution	\$5.50 per page
Copying (other than item 603)		
604	Copies where reasonably necessary, including of documents for which allowance is otherwise made in this Determination	\$0.165 per page

ITEM 7—ATTENDANCES AND PERFORMANCE OF WORK WHERE ITEMS 1—6 DO NOT APPLY, AND TRAVEL

Ref	Practitioner	Maximum Rate
701	Senior Practitioner—permitted to practise on his or her own account for 5 years or more	\$517 per hour
702	Junior Practitioner—permitted to practise on his or her own account for less than 5 years	\$374 per hour
703	Restricted Practitioner	\$330 per hour
704	Clerk/Paralegal	\$253 per hour
Notes—		
(1) The reference to practitioner in this Determination includes all Australian legal practitioners even if the services were rendered in another State or Territory. Where a local legal practitioner has held an interstate practising certificate, the length of admission in that other jurisdiction is to be counted in assessing that practitioner's years of admission for the purposes of this Determination.		
(2) The reference to Restricted Practitioner in this Determination includes practitioners undertaking restricted legal practice for the purposes of obtaining the required experience set out in section 50 of the Act and does not include a reference to an Australian legal practitioner who has a condition placed on their practising certificate by the Legal Practice Board, State Administrative Tribunal or otherwise, requiring them to practise under supervision for disciplinary, medical or other reasons.		
Travel		
705	Time spent travelling by a law practice is to be charged at no more than one half of the rates set out in items 701 to 704, with a maximum of 8 hours in any one day.	

ITEM 8—COUNSEL, AND TRAVEL

Ref	Practitioner	Maximum Rate
801	Counsel	\$473 per hour
802	Senior Counsel	\$693 per hour
Notes—		
(1) The reference to Counsel in this Determination means a practitioner acting as a barrister other than a Senior Counsel, who practises in accordance with Supreme Court Consolidated Practice Direction 10.5.		
(2) The reference to Senior Counsel in this Determination means a person within the meaning of item 5 or item 6 of Regulation 9 of the <i>Legal Profession Uniform General Rules 2015</i> (WA).		
Travel		
803	Subject to the rates referred to being those in items 801 and 802, item 705 applies to travel undertaken by counsel.	

Made by the Legal Costs Committee on 21 June 2023.

JU404**THE PUBLIC TRUSTEE ACT 1941**

Notice is hereby given that the rates of interest payable to the respective estates and trusts, the moneys of which are held in the Common Account, as from 1 July 2023 have been fixed as follows—

Deceased Estates and Uncared for Property matters (in the course of administration or whilst under investigation) at the rate of 1.00%

Trust Management accounts at the rate of 4.25% where the balance is up to and including \$56,400; 4.75% where the balance is between \$56,400 and up to and including \$500,000; 5.25% where the balance is over \$500,000.

The Debit Interest Rate remains at 5.50%.

Dated 27 June 2023.

B. E. ROCHE, Public Trustee, 553 Hay Street, Perth WA 6000.

LOCAL GOVERNMENT

LG401**LOCAL GOVERNMENT ACT 1995****SHIRE OF WYALKATCHEM PUBLIC PLACES AND LOCAL GOVERNMENT
PROPERTY AMENDMENT LOCAL LAW 2023**

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Wyalkatchem resolved on 15 December 2022 to make the following local law—

1. Citation

This local law is cited as the *Shire of Wyalkatchem Public Places and Local Government Property Amendment Local Law 2023*.

2. Commencement

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

3. Principal local law

This local law amends the *Shire of Wyalkatchem Public Places and Local Government Property Local Law 2022* as published in the *Government Gazette* on 13 March 2023.

4. Clause 5.10 replaced

Clause 5.10 is deleted and replaced with—

5.10 Disposal of lost property

An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the CEO or an authorised person—

- (a) if the value of the property is reasonably believed to exceed the amount prescribed by Regulation 30(3) of the *Local Government (Functions and General) Regulations 1996*, using the process under section 3.58 of the Act for the sale of the article as if it was property referred to in that section; and
- (b) if the article is reasonably believed to be below the amount prescribed by Regulation 30(3) of the *Local Government (Functions and General) Regulations 1996*, by being handed over to the WA Police Service.

5. Clause 9.2(2A) added

Clause 9.2(2A) is added as follows—

(2A) In clause (2), 'animal' excludes a cat.

Dated 15 June 2023.

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

QUENTIN DAVIES, President.
PETER KLEIN, Chief Executive Officer.

LG402**LOCAL GOVERNMENT ACT 1995****CAT ACT 2011***Shire of Wyalkatchem***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 Wyalkatchem resolved on 15 December 2022 to make the following local law.

PART 1—PRELIMINARY**1.1 Title**

This is the *Shire of Wyalkatchem 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

- (1) The *Shire of Wyalkatchem Cats Local Law* published in the *Government Gazette* on 13 March 2023 is repealed.
- (2) Clause 5.2.4 of the *Shire of Wyalkatchem Health Local Laws* published in the *Government Gazette* on 3 May 2002 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 Wyalkatchem;

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 3 cats over the age of 6 months 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
 - (d) 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—
- (a) it is to issue to the transferee an approval in the form determined by the CEO; and
 - (b) 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—
- (a) on the request of the approved person;
 - (b) if the approved person breaches the Act, the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or this local law; or
 - (c) 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—ENFORCEMENT

3.1 Infringement notices

- (1) An offence against clause 2.6(2) is a prescribed offence 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 27 June 2023.

The Common Seal of the Shire of Wyalkatchem was affixed in the presence of—

Cr QUENTIN DAVIES, President.
PETER KLEIN, Chief Executive Officer.

PARLIAMENT

PA401

PARLIAMENT OF WESTERN AUSTRALIA

Royal Assent to Bills

It is hereby notified for public information that the Governor has Assented in the name and on behalf of His Majesty the King, on the dates shown, to the undermentioned Acts passed by the Legislative Council and the Legislative Assembly during the First Session of the Forty First Parliament.

Title of Act	Date of Assent	Act No.
Collie Coal (Griffin) Agreement Amendment Act 2023	26 June 2023	14 of 2023
Young Offenders Amendment Act 2023	26 June 2023	15 of 2023
Misuse of Drugs Amendment Act 2023	26 June 2023	16 of 2023

Dated 27 June 2023.

KIRSTEN ROBINSON, Clerk of the Parliaments.

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT

Shire of Katanning

Local Planning Scheme No.5—Amendment No.1

Ref: TPS/2864

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 Shire of Katanning Local Planning Scheme amendment on 2 May 2023 for the purpose of—

1. Including Lot 3 on Diagram 38433 (No. 78) Andover Street, Katanning as Additional Use No.3 (A3) in Table 5—Specified Additional Uses for Zoned Land in Scheme Area (clause 3.4) as follows—

No.	Description	Additional Use	Conditions
A3	Lot 3 (No.78) Andover Street, Katanning	Consulting Rooms	Development standards / requirements shall be determined by the Local Government upon application.

2. Amending the Scheme Map accordingly.

E. M. GUIDERA, President.
J. MURPHY, Chief Executive Officer.

PREMIER AND CABINET

PR401

INTERPRETATION ACT 1984

COMMITTAL OF ADMINISTRATION OF ACT

It is notified for public information that on 27 June 2023, the Governor, under the *Interpretation Act 1984* section 12(a), committed the administration of the *Government Trading Enterprises Act 2023* to the Treasurer.

K. COLLERAN, Clerk of the Executive Council.

PUBLIC NOTICES

ZZ401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Alexander Alan Montgomery late of 3 Ward Street, Jurien Bay, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect to the estate of the deceased, who died on 13 October 2022, are required by the trustee of the late—Alexander Alan Montgomery of care of Anastasia Francis Jaeschke, PO Box 988, Claremont, Western Australia 6910 to send particulars of their claims to them within one (1) month from the date of publication of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which it then has notice.

ZZ402

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

In the estate of Marjorie Fenton late of 5B Bassina Court, Hillarys in the State of Western Australia, Supermarket Manager, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* (WA) relates) in respect of the estate of the deceased, who died on 26 January 2021, are required by the executor, Lee Peta Broomhall, c/- HFM Legal, PO Box 1, Maddington WA 6989, to send particulars of their claims to her at HFM Legal of PO Box 1, Maddington WA 6989 by the date being one month following the publication of this notice, after which date the Executor may convey or distribute the assets, having regard only to claims of which she then has notice.

ZZ403

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

In the estate of Elaine Jessie Dodds late of 4 Vigneta Place, Kelmscott in the State of Western Australia, Nurse, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* (WA) relates) in respect of the estate of the deceased, who died on 30 December 2022, are required by the executor, Cherie Louisa Wisby, c/- HFM Legal, PO Box 1, Maddington WA 6989, to send particulars of their claims to her at HFM Legal of PO Box 1, Maddington WA 6989 by the date being one month following the publication of this notice, after which date the Executor may convey or distribute the assets having regard only to claims of which she then has notice.

ZZ404

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

In the estate of Michael Philip Ellison late of WA Blue Sky, Unit 1, 4 Watson Place, Maylands in the State of Western Australia, Pastry Chef, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* (WA) relates) in respect of the estate of the deceased, who died on 12 January 2023, are required by the executor, Lorainne Audry Ellison-Svan, c/- HFM Legal, PO Box 1 Maddington, WA 6989, to send particulars of their claims to him/her at HFM Legal of PO Box 1 Maddington, WA 6989, by the date being one month following the publication of this notice, after which date the Executor may convey or distribute the assets, having regard only to claims of which she then has notice.

ZZ405

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Reece Bateson late of 37 Valinco Avenue, Ellenbrook, Western Australia, Pilot—Aviation Safety Manager, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) for the estate of the deceased who died 21 April 2023 are required by the trustee Natalie Rykers of 15 Charles Street, Bunbury WA 6230 to send particulars of their claims to her within one (1) month from today, after which date the trustee may convey or distribute the assets having regard only to the claims of which they then have notice.

Dated 26 June 2023.

NATALIE RYKERS, Executor of Last Will and Testament of Reece Bateson.

ZZ406**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

Renate Gisela McGill, late of 14 Edith Road, Safety Bay, 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 02/12/2022, are required by the trustee of the late Renate Gisela McGill, c/- Mountains Lawyers, PO Box 5379, Rockingham Beach WA 6969 to send particulars of their claims to the trustee within 30 days of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

MOUNTAINS LAWYERS PTY LTD, Solicitors for the Trustee.
Ph: (08) 9592 7326.

ZZ407**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

Tadeusz Bak late of 91 Herreshoff Ramble, Ocean Reef in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* (WA) relates) in respect of the Estate of the deceased, who died on 18/07/2022, are required by the Administrator Janice Bak, to send the particulars of their claims care of Andrew Lynn Lawyers PO Box 8278 South Perth WA 6151 on or before 30 days from the date of publication of this notice after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

ZZ408**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

Estate of the late Donald George Piercey, Unit 4, 12 Hicks Street, Esperance in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the above-named deceased who died on 26 January 2023 are required to send particulars of their claims to the Executors, care of RSM (see address below) within one (1) month of the date of publication of this notice after which date the Executors may convey or distribute the assets having regard only to claims of which notice has been given.

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

ZZ409**TRUSTEES ACT 1962****DECEASED ESTATES****Notice to Creditors and Claimants**

Colleen May Gregory Scott late of Acacia Living Menora Gardens, 51 Alexander Drive, Menora Western Australia and formerly of Villa 3, 49 Bishopsgate Street, Carlisle Western Australia, Home Duties, 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 14 October 2022 are required by the trustees care of McFarlane Lawyers, PO Box 1079 West Perth WA 6872 to send particulars of their claim to them by 11 August 2023 after which date the trustee may convey or distribute the assets having regard only to the claims of which they then have notice.

ZZ410

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 by the Executor/Administrator of these estates to send particulars of their claims to the Executor/Administrator within one month from the date of publication of this Notice after which date the Executor/Administrator may convey or distribute the assets having regard only to the claims of which the Executor/Administrator then has notice.

Ruth Evelyn Simmonds late of Bethanie Como, 30 McNabb Loop, Como, who died on 03/03/2023.

Matthew James Phillips late of 42 Seacrest Drive, Sorrento, who died on or before 05/12/2021.

Yvonne Doris Hutton late of 127 Moorpark Avenue, Yanchep, who died on or before 19/01/2023.

HAYNES LEEUWIN, Solicitors for the Executors / Administrators,
Suite 2, 190 Main Street, Osborne Park WA 6017. Tel: 9409 6300.

ZZ411

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Geertruida Catharina Van Engelen (also known as Geertruida Van Engelen) late of 18 Queenscliffe Road, Doubleview in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* (WA) relates) in respect of the estate of the deceased, who died on 26 October 2022 at Hollywood Private Hospital, Nedlands, Western Australia, are required by the Administrator of the deceased's Estate, Michael Edward Paterson of Suite 4, 88 Walters Drive, Osborne Park, Western Australia 6017, to send particulars of their claims to the Administrator's lawyers, Michael Paterson & Associates of Suite 4, 88 Walters Drive, Osborne Park, Western Australia 6017, by 14 August 2023, after which date the Administrator may convey or distribute the assets, having regard only to the claims of which the Administrator then has notice.

ZZ412

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Betty May Schumacher, late of Meath Care, 18 Hocking Road, Kingsley, 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 14 March 2023 are required by the Executor Joshua Pierre Cornwall of care of Birman & Ride, Level 3, 16 Irwin Street, Perth WA 6000 to send particulars of their claims to him by the date being one month from the date of publication of this notice after which date the Executor may convey or distribute the assets having regard only to the claims of which he then has notice.

ZZ413

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

The Late Mary Pilcher Briffa of 6 Drummond Street, Redcliffe in the State of Western Australia, Home Duties, 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 25 February 2023 at Sir Charles Gairdner Hospital, Nedlands in the State of Western Australia are required by the personal representative, being Helen Pilcher Cain to send particulars of their claims to care of Brook Legal, PO Box 93, Wembley in Western Australia 6913 within 30 days of publication of this notice after which date the personal representative may convey or distribute the assets, having regard only to the claims of which she then has notice.

Dated 27 June 2023.

BROOK LEGAL.

ZZ414

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Estate of the late Elizabeth Muriel Baldwin Bayley late of Bethanie Fields, 111 Eaton Drive, Eaton, 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 October 2021 are requested by the Executor, Murray Noel Thornhill care of HHG Legal Group, GPO Box 2716, Cloisters Square PO WA 6850 to send particulars of their claims to the address stated herein within 30 days of this notice, after which date the personal representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

ZZ415

TRUSTEES ACT 1962**DECEASED ESTATES**

Notice to Creditors and Claimants

Joanne Brookes, 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 the 18 January 2023 are required by the Executor, Joshua Kane Brookes at 36 Denham Street, Dudley Park, 6210, Western Australia, to send particulars of their claims to him within ONE (1) month from the date of publication of this notice, after which date the Executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

ZZ416

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 31 July 2023, after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Billet, Charles Percival, formerly of 66 Edgefield Way, North Beach, late of Avon Valley Residency, 47-57 Burgoyne Street, Northam, who died on 13 April 2023 (DE 19992379 EM32).

Davidson, Robert McLean, late of Unit 1, 50 Dale Road, Armadale, who died on 27 March 2023 (PM 33179575 EM27).

Fhearghuis, Seumas, late of Aegis Aged Care, 75 Amherst Street, Canning Vale, who died on 2 June 2023 (PM 33171151 EM27).

Freitas, Manuel Alex, late of 22 The Crescent, Maddington, who died on 13 December 2022 (PM 33084895 EM27).

Gill, David John, late of Amana Living—St George's Care Centre, 2 Essex Street, Bayswater, who died on 11 March 2023 (PM 30333534 EM27).

Link, Magdalena, late of Brightwater Oxford Gardens, 30 Regents Park Road, Joondalup, who died on 12 April 2023 (DE 19712791 EM313).

Speed, Lucie Ivy (also known as Lucy Ivy Rose), formerly of 42B Chichester Way, Nollamara, late of Regents Garden, 33 Drovers Place, Wanneroo, who died on 26 March 2023 (DE 19681470 EM36).

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