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CONTENTS

PART 1

Nil

PART 2

| | Page |
|-----------------------------------|------|
| Deceased Estates | 2988 |
| Fire and Emergency Services | 2967 |
| Fisheries | 2971 |
| Justice | 2972 |
| Lands | 2982 |
| Local Government | 2982 |
| Minerals and Petroleum | 2983 |
| Planning | 2984 |
| Racing, Gaming and Liquor | 2987 |

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— PART 2 —

FIRE AND EMERGENCY SERVICES

FE401

FIRE AND EMERGENCY SERVICES ACT 1998

DETERMINATION AND ASSESSMENT OF LEVY

Pursuant to Section 36G(3) of the *Fire and Emergency Services Act 1998* (the Act), the Minister is to determine the Emergency Services Levy (ESL) that is payable for the next levy year on all land that is located in an ESL area.

Your approval is sought for a determination that the emergency services levy payable for the levy year 2017/18 is \$352,847,000. Pursuant to Section 36G(3) of the Act, that figure has been identified by reference to the following relevant matters—

| | \$'000s |
|--|----------|
| • The estimate of the Department's expenditure for 2017/18, approved by the Under Treasurer on 19 May 2017 | |
| - Operating expenses | 388,818 |
| - Capital expenditure funded through the ESL | 11,292 |
| • Less Estimate of amounts to be appropriated by Parliament not for the purposes of the services provided under the emergency services Acts as at 19 May 2017 | (9,131) |
| • Less Amounts appropriated by Parliament for the purposes of the services provided under the emergency services Acts as at 19 May 2017 | (Nil) |
| • Less Other relevant considerations— | |
| - Estimate of amounts to be appropriated by Parliament for 2017/18 for the purposes of the services provided under the emergency services Acts, approved by the Under Treasurer on 19 May 2017 | (6,911) |
| - Estimate of funding to be received by the Department from other sources | (31,221) |

EMERGENCY SERVICES LEVY PAYABLE

\$352,847

Ministerial Approval—

I, Francis Logan, the Minister administering the *Fire and Emergency Services Act 1998*, hereby determine under section 36G of that Act that the emergency services levy payable for the levy year 2017/18 is \$352,847,000.

Hon FRANCIS LOGAN MLA, Minister for Emergency Services.

Dated: 14 June 2017.

FE402

FIRE AND EMERGENCY SERVICES ACT 1998

FIRE AND EMERGENCY SERVICES (DETERMINATION OF EMERGENCY SERVICES LEVY) NOTICE 2017

1. Determination of levy for 2017/18 levy year [36G(1)]

(1) The Emergency Services Levy (ESL) that is payable for the 2017/18 levy year on land in ESL categories 1, 2, 3 and 4 is determined as a rate in the dollar of the gross rental value (GRV) of the land as follows—

- (a) for land in ESL category 1: 0.013259 dollars for each dollar of GRV;
- (b) for land in ESL category 2: 0.009944 dollars for each dollar of GRV;
- (c) for land in ESL category 3: 0.006629 dollars for each dollar of GRV; and
- (d) for land in ESL category 4: 0.004641 dollars for each dollar of GRV.

(2) The emergency services levy that is payable for the 2017/18 levy year on land in ESL category 5 is determined as a fixed charge of \$75.00.

(3) Subclauses (1) and (2) apply regardless of the purpose for which the land is used.

2. Determination of minimum and maximum amounts of levy [36I]

- (1) The minimum amount of levy payable for the 2017/18 levy year on land in ESL categories 1, 2, 3 and 4 is determined as \$75.00.
- (2) Subclause 1 applies regardless of the purpose for which the land is used.
- (3) The maximum amount of levy payable for the 2017/18 levy year on land in ESL category 1 is determined as follows—
- (a) for vacant land and for land used for farming or single-unit residential purposes: \$395.00;
 - (b) for land used for multi-unit residential purposes: \$395.00 multiplied by the relevant number of units; and
 - (c) for land used for commercial, industrial or miscellaneous purposes: \$225,000.00.
- (4) The maximum amount of levy payable for the 2017/18 levy year on land in ESL category 2 is determined as follows—
- (a) for vacant land and for land used for farming or single-unit residential purposes: \$296.00;
 - (b) for land used for multi-unit residential purposes: \$296.00 multiplied by the relevant number of units; and
 - (c) for land used for commercial, industrial or miscellaneous purposes: \$168,000.00.
- (5) The maximum amount of levy payable for the 2017/18 levy year on land in ESL category 3 is determined as follows—
- (a) for vacant land and for land used for farming or single-unit residential purposes: \$197.00;
 - (b) for land used for multi-unit residential purposes: \$197.00 multiplied by the relevant number of units; and
 - (c) for land used for commercial, industrial or miscellaneous purposes: \$112,000.00.
- (6) The maximum amount of levy payable for the 2017/18 levy year on land in ESL category 4 is determined as follows—
- (a) for vacant land and for land used for farming or single-unit residential purposes: \$138.00;
 - (b) for land used for multi-unit residential purposes: \$138.00 multiplied by the relevant number of units; and
 - (c) for land used for commercial, industrial or miscellaneous purposes: \$78,000.00.

Hon FRANCIS LOGAN MLA, Minister for Emergency Services.

Dated: 14 June 2017.

FE403**FIRE AND EMERGENCY SERVICES ACT 1998**
LOCAL GOVERNMENT LEVY ADMINISTRATION FEES

I, Francis Logan, the Minister administering the *Fire and Emergency Services Act 1998*, hereby determine that the fees to be paid by the FES Commissioner to local governments collectively for the 2017/18 levy year under section 36W(1) of that Act shall be an aggregate payment of \$2,250,000 and those fees shall be paid by 31 October 2017.

Hon FRANCIS LOGAN MLA, Minister for Emergency Services.

Dated: 14 June 2017.

FE406**FIRE AND EMERGENCY SERVICES ACT 1998**
ESL AGREEMENTS WITH LOCAL GOVERNMENTS

I, Francis Logan, the Minister administering the *Fire and Emergency Services Act 1998*, hereby give approval for the FES Commissioner to enter into a written agreement under section 36ZJ of the Act, commencing 1 July 2017, with the following local government—

- Shire of Nungarin; and
- Shire of Serpentine-Jarrahdale.

Hon FRANCIS LOGAN MLA, Minister for Emergency Services.

Dated: 14 June 2017.

FE404**FIRE AND EMERGENCY SERVICES ACT 1998****LOCAL GOVERNMENTS NOT REQUIRED TO SUBMIT ESTIMATE OF EXPENDITURE**

I, Francis Logan, the Minister administering the *Fire and Emergency Services Act 1998*, hereby give notice under section 36A(2) of that Act that an estimate of expenditure under section 36A(1) is not required from each of the following local governments for the levy year 2017/18—

Town of Cambridge;
 Shire of Christmas Island;
 Town of Claremont;
 Shire of Cocos (Keeling) Islands;
 Town of Cottesloe;
 Town of East Fremantle;
 City of Fremantle;
 Shire of Halls Creek;
 Town of Mosman Park;
 City of Nedlands;
 Shire of Ngaanyatjarraku;
 Shire of Peppermint Grove;
 City of Perth;
 City of South Perth;
 City of Subiaco;
 Shire of Tammin;
 Shire of Trayning; and
 Town of Victoria Park.

Hon FRANCIS LOGAN MLA, Minister for Emergency Services.

Dated: 14 June 2017.

FE405**FIRE AND EMERGENCY SERVICES ACT 1998****SPECIAL LEVY CHARGING ARRANGEMENTS**

I, Francis Logan, the Minister administering the *Fire and Emergency Services Act 1998*, hereby determine the following matters for the 2017/18 levy year pursuant to section 36H(3) of the Act, after the required consultation under section 36H(4)—

1. The following Mining Tenement types (as classified by the Valuer-General) shall be levied a fixed charge of \$75.00 in the 2017/18 levy year by each local government in whose district that tenement or a portion of that tenement is located—
 - a. Coal Mining Lease (CML);
 - b. Gold Mining Lease (GML);
 - c. Mining Lease (M);
 - d. Mining Lease (Special Agreement) (AM);
 - e. Mineral Lease (ML);
 - f. Mineral Lease (Special Agreement) (AML);
 - g. General Purpose Lease (Special Agreement) (AG);
 - h. Tailing Lease (TL);
 - i. Licence to Treat Tailings (LTT);
 - j. Petroleum Production Licence (PPL); and
 - k. Special Licence (Special Agreement) (ASL).

This arrangement shall apply regardless of whether the Mining Tenement is in an area declared to be within ESL categories 1, 2, 3, 4 or 5 or any combination of those categories.

2. If, at 1 July 2017, a Gross Rental Valuation of land is not available for leviable land that is located in an area declared to be within ESL category 1, 2, 3 or 4, that land shall be charged the minimum annual amount of levy that applies to that land use type in the respective ESL category.
3. The levy payable for all Pad Mount Transformers and Pad Mount Sites owned by or vested in the Electricity Networks Corporation and the Electricity Generation and Retail Corporation

and located in an area declared to be within ESL category 1, 2, 3 or 4 shall be based solely on the Gross Rental Value of the property and no minimum levy threshold shall apply.

4. All Pad Mount Transformers and Pad Mount Sites owned by or vested in the Electricity Networks Corporation and the Electricity Generation and Retail Corporation and located in an area declared to be within ESL category 5 shall be treated as one property for the purpose of levy assessment and charging.
5. The levy payable for all land owned by or vested in the Water Corporation that has an individual Gross Rental Valuation of less than \$2,000 and is located in an area declared to be within ESL category 1, 2, 3 or 4 shall be based solely on the Gross Rental Value of the property and no minimum levy threshold shall apply.
6. All land owned by or vested in the Water Corporation that has an individual Gross Rental Valuation of less than \$2,000 and is located in an area declared to be within ESL category 5 shall be treated as one property for the purpose of levy assessment and charging.
7. The levy payable on any land located in an area declared to be within ESL category 5 and included within the district of more than one local government shall be a fixed charge of \$75.00 for each local government in which the land is located.

Hon FRANCIS LOGAN MLA, Minister for Emergency Services.

Dated: 14 June 2017.

FE407

FIRE AND EMERGENCY SERVICES ACT 1998

FES (EMERGENCY SERVICES LEVY) (DECLARATIONS) AMENDMENT NOTICE 2017

Made by the Minister under section 36F(2) of the *Fire and Emergency Services Act 1998*.

1. Citation

This notice is the *FES (Emergency Services Levy) (Declarations) Amendment Notice 2017*.

2. Commencement

This notice comes into operation immediately after the *Fire Brigades (Fire Districts) Notice 2017* comes into operation.

3. The notice amended

The amendments in this notice are to the *Fire and Emergency Services Authority (Emergency Services Levy) (Declarations) Notice 2003**.

[* *Published in Gazette 17 June 2003, p. 2210-2213. For amendments to 20 June 2006 see Western Australian Legislation Information Tables for 2009, Table 4.*]

4. Clause 6 amended

Clause 6(2) is amended by deleting the Table and inserting the following Table instead—

“
Table

| Name of Landgate Deposited Plan | Number of Landgate Deposited Plan |
|--|-----------------------------------|
| Perth Metropolitan Category Three ESL Boundary | 35831 Version 13 |

”

5. Declaration in respect of areas in different emergency services categories

(1) Subclause (2) applies to an area of Western Australia that, as a consequence of the operation of the *Fire and Emergency Services Authority (Emergency Services Levy) (Declarations) Notice 2003* after—

- (a) the amendment of that notice by clause 4; or
- (b) the amendment of the boundaries of a fire district by the *Fire Brigades (Fire Districts) Notice 2017*,

is in an emergency services category (the “**new ESL category**”) different from the emergency services category that the area was in immediately before that amendment was made.

(2) An area of Western Australia to which this subclause applies is declared to be in the new ESL category.

Hon FRANCIS LOGAN MLA, Minister for Emergency Services.

Dated: 14 June 2017.

FE408

FIRE BRIGADES ACT 1942
FIRE BRIGADES (FIRE DISTRICTS) NOTICE 2017

Department of Fire and Emergency Services.

Correspondence No. 00378

Made by the Minister under section 5(2)(d) of the *Fire Brigades Act 1942*.**1. Citation**This notice is the *Fire Brigades (Fire Districts) Notice 2017*.**2. Adjustment of boundaries of fire districts**

The boundaries of each fire district specified in the Table to this clause are adjusted so that those boundaries correspond to the boundaries of the area shown coloured yellow on the Landgate Deposited Plan specified in the Table opposite the name of the fire district.

Table

| Name of Fire District | Number of Landgate Deposited Plan |
|----------------------------|-----------------------------------|
| Metropolitan Fire District | 35830 Version 13 |
| Bunbury Fire District | 35787 Version 3 |
| Wickham Fire District | 35859 Version 2 |

Hon FRANCIS LOGAN MLA, Minister for Emergency Services.

Dated: 14 June 2017.

FISHERIES

FI401

FISH RESOURCES MANAGEMENT ACT 1994
PROHIBITION ON TAKING SOUTHERN GARFISH
(PERTH METROPOLITAN WATERS) ORDER 2017

Order No. 8 of 2017

FD 7158/16 [1310]

Made by the Minister under section 43.

1. CitationThis order is the *Prohibition on Taking Southern Garfish (Perth Metropolitan Waters) Order 2017*.**2. Commencement**This order comes into effect on the date of publication in the *Gazette*.**3. Interpretation**

In this order—

southern garfish means fish of the scientific classification *Hyporhamphus melanochir*.

4. Prohibition

A person must not take southern garfish in the waters specified in Schedule 1.

Schedule 1

All Western Australian waters bounded by a line commencing at the intersection of the high water mark on the coastline of Western Australia and 31°00.00' south latitude; thence extending west along the geodesic to the intersection with 114°50.43' east longitude; thence generally south to the intersection of 31°12.00' south latitude and 114°55.00' east longitude; thence generally south to the intersection of 31°47.00' south latitude and 115°01.00' east longitude; thence generally south-east to the intersection of 31°56.00' south latitude and 115°12.50' east longitude; thence generally south-west to the intersection of 33°00.00' south latitude and 114°38.15' east longitude; thence east along the geodesic to the intersection with the high water mark on the coastline of Western Australia; thence generally north-west along the high water mark to the commencement point.

Dated: 19 May 2017.

D. KELLY, Minister for Fisheries.

JUSTICE

JU401

LEGAL PROFESSION ACT 2008**LEGAL PROFESSION (NON-CONTENTIOUS PROBATE COSTS) REPORT 2017**

Made by the Legal Costs Committee under Division 5 of Part 10 of the *Legal Profession Act 2008* (Act).

PART 1—PRELIMINARY**1. Citation**

- (a) This Report may be cited as the *Legal Profession (Non-Contentious Probate Costs) Report 2017*.
- (b) The Determination set out in the Schedule to this Report is referred to in this Report as the *Legal Profession (Non-Contentious Probate Costs) Determination 2017*.

PART 2—NOTICE AND INQUIRIES**2. Notice under section 278 of the Act**

The Legal Costs Committee has complied with the notice provisions of section 278 of the Act.

3. Inquiries and submissions under section 277 of the Act

Before making the *Legal Profession (Non-Contentious Probate Costs) Determination 2017*, the Legal Costs Committee—

- (a) reviewed submissions of the Law Society of Western Australia Inc received as a result of the notice given under section 277 of the Act;
- (b) consulted with the Supreme Court of Western Australia; and
- (c) reviewed the impact of movements in the Consumer Price and Wage Price Indices for the period between 1 July 2015 to 31 March 2017 (inclusive) as being an appropriate period given the time elapsed between the commencement of the previous Review and the commencement of this Review.

PART 3—REPORT OF THE LEGAL COSTS COMMITTEE'S CONCLUSIONS**4. Maximum hourly rates unchanged—scale of costs amended**

- (a) It is the recommendation of the Legal Costs Committee as a result of the inquiries and submissions described in clause 3 that the hourly rates referred to in paragraph (b) of clause 4 are not varied from the hourly rates used in the *Legal Practitioners (Non-Contentious Probate Costs) Determination 2015* published in the *Government Gazette* on 26 June 2015. 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 Costs) Determination 2017*.
- (b) The Legal Costs Committee resolved to delete paragraph (d) of clause 4 of the *Legal Profession (Non-Contentious Probate Costs) Determination 2015* because of changes in legal practice which have resulted in a substantial decline in the use of town agents.
- (c) The Legal Costs Committee has resolved to amend the categories of practitioner whose work is able to be remunerated under the *Legal Profession (Non-Contentious Probate Costs) Determination 2017*, in line with the amendments introduced in the *Legal Profession (Supreme Court) (Contentious Business) Determination 2016* published in the *Government Gazette* 24 June 2016.
- (d) The recommendations of the Legal Costs Committee are not intended to override the entitlement of a law practice to make a written agreement as to costs with a client under the Act.
- (e) The Legal Costs 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 (Solicitors Costs) Determination 2017* to be published on or about the date of this Report 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 Court) (Contentious Business) Determination 2016* published in the *Government Gazette* 24 June 2016 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; or
 - (B) an application to prove an informal Will under Part X of the *Wills Act 1970*.

CLARE THOMPSON, Chair.
ANGELA GAFFNEY, Member.
MARCUS COCKER, Member.
JANICE DUDLEY, Member.
MATTHEW CURWOOD, Member.
BRENDAN ASHDOWN, Member.

Schedule

LEGAL PROFESSION ACT 2008**LEGAL PROFESSION (NON-CONTENTIOUS PROBATE COSTS) DETERMINATION 2017**

Made by the Legal Costs Committee under section 275 of the *Legal Profession Act 2008* (Act).

1. Citation

This Determination may be cited as the *Legal Profession (Non-Contentious Probate Costs) Determination 2017*.

2. Commencement

This Determination comes into operation on 1 July 2017.

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 or reseals of Grants and Letters of Administration made outside Western Australia; and
 - (2) All other work undertaken under the *Non-Contentious Probate Rules*, unless that work is properly chargeable under item 10 or item 11 of Table B of the *Legal Profession (Supreme Court) (Contentious Business) Determination 2016* published in the *Government Gazette* on 24 June 2016.
- (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 the gathering in and distribution of assets and satisfaction of liabilities) which can be properly chargeable under the provisions of the *Legal Profession (Solicitors Costs) Determination 2017* to be published on or about the date of this Determination 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 Court) (Contentious Business) Determination 2016* published in the *Government Gazette* on 24 June 2016 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; or
 - (B) an application to prove an informal Will under Part X of the *Wills Act 1970*.

4. Costs

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—\$1749 (inclusive of GST);
- (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—\$2420 being the equivalent of 5 hours of a Senior Practitioner's time at the hourly rate described in sub-paragraph (d)(1) below);
- (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—\$2904 being the equivalent of 6 hours of a Senior Practitioner's time at the hourly rate described in sub-paragraph (d)(1) below);
 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 item 10 or item 11 of Table B of the *Legal Profession (Supreme Court) (Contentious Business) Determination 2016*, 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.

(1) General Maximum rates

| | |
|---|----------------|
| Senior Practitioner—permitted to practice on his or her own account for 5 years or more | \$484 per hour |
| Junior Practitioner—permitted to practice on his or her own account for 5 years or more | \$341 per hour |
| Restricted Practitioner | \$297 per hour |
| Clerk/Paralegal | \$231 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.
- (C) So as not to adversely affect clients of legal services provided by those practitioners who would, but for this change, have been Junior Practitioners or Senior Practitioners, transitional arrangements apply so that—
- (1) practitioners admitted after 1 July 2014, but before 1 July 2016, are entitled to recover their legal costs as if they were Junior Practitioners until 30 June 2018, or the date on which they would, but for this clause, become Junior Practitioners under this Determination; and
 - (2) practitioners admitted after 1 July 2011, but before 1 July 2014, are entitled to recover their legal costs as if they were either Junior Practitioners or Senior Practitioners, whichever category would have applied but for this change, until 30 June 2018, or the date on which they would, but for this clause, become Senior Practitioners under this Determination.

(2) Complex matters and matters involving a high degree of skill

Where a law practice acts on instructions or performs a service in respect of a matter that is complex or involves a high degree of skill, the law practice is entitled to charge a fee or charge at a rate, as the case requires, that is reasonable in the circumstances, provided that the relevant service is charged at an hourly rate, inclusive of GST, which does not exceed the hourly rates set out in paragraph (d)(1) above.

5. Effect on costs of Goods and Services Tax (GST)

The hourly rates set out above are inclusive of GST.

Made by the Legal Costs Committee on 14 June 2017.

JU402

LEGAL PROFESSION ACT 2008

LEGAL PROFESSION (PUBLIC NOTARIES) REPORT 2017

Made by the Legal Costs Committee under Division 5 of Part 10 of the *Legal Profession Act 2008* (Act).

PART 1—PRELIMINARY

1. Citation

- (1) This Report may be cited as the *Legal Profession (Public Notaries) Report 2017*.
- (2) The determination set out in the Schedule to this Report is referred to in this Report as the *Legal Profession (Public Notaries) Determination 2017*.

PART 2—NOTICE AND INQUIRIES

2. Notice under section 278 of the Act

The Legal Costs Committee has complied with the notice provisions of section 278 of the Act.

3. Inquiries and submissions under section 277 of the Act

Before making the *Legal Profession (Public Notaries) Determination 2017* the Legal Costs Committee—

- (a) reviewed all submissions received as a result of the notice given under section 277 of the Act;
- (b) consulted with the Courts, Law Society of Western Australia, Western Australian Bar Association and the Public Notaries Society of Western Australia Incorporated; and
- (c) considered the hourly and daily rates applicable under the *Legal Profession (Solicitors Costs) Determination 2017**.

PART 3—REPORT OF THE LEGAL COSTS COMMITTEE'S CONCLUSIONS

4. No adjustment in fees

The Legal Costs Committee had regard to submissions made by the Law Society of Western Australia and considered the matters set out in the *Legal Profession (Solicitors Costs) Report 2017* and resolved that prevailing market and economic considerations did not warrant an increase in the rates set out in Table A of the *Legal Profession (Public Notaries) Determination 2015*.

5. Scale of costs to be adopted

(1) It is the recommendation of the Legal Costs 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 2017* be adopted for the business of Public Notaries.

(2) It is the further recommendation of the Legal Costs Committee given that the amendments to the scale of costs in the manner set out in Table A to clause 4 of the *Legal Practitioners (Public Notaries) Determination 2002* were inclusive of any provision for the Goods and Services Tax (GST), the scale of Public Notaries fees continues to be inclusive of GST.

* To be published in the *Government Gazette* on or about the same time as the *Legal Profession (Public Notaries) Determination 2017*.

CLARE THOMPSON, Chair.
ANGELA GAFFNEY, Member.
MARCUS COCKER, Member.
JANICE DUDLEY, Member.
MATTHEW CURWOOD, Member.
BRENDAN ASHDOWN, Member.

Schedule

LEGAL PROFESSION ACT 2008

LEGAL PROFESSION (PUBLIC NOTARIES) DETERMINATION 2017

Made by the Legal Costs Committee under section 275 of the *Legal Profession Act 2008* (Act).

1. Citation

This Determination may be cited as the *Legal Profession (Public Notaries) Determination 2017*.

2. Commencement

This Determination comes into operation on 1 July 2017.

3. Application

(1) This Determination applies to the remuneration of a Public Notary for the provision of notarial services.

(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 | 132 |
| | and for each additional deponent, affirmant or declarant swearing, affirming or declaring at the same time | 66 |
| | (b) For preparing an affidavit, affirmation or declaration verifying the execution of a document by a company or by a person | 132 |
| | (c) For preparing a notarial certificate in respect of an oath, affirmation or declaration and for completing the certificate | 132 |
| | (d) For completing a second and third certificate, if required | 66 |
| | (e) For preparing an exhibit to an affidavit, affirmation or declaration and for completing an exhibit | 66 |
| (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 | 0.66 | |
| 2 | Deeds and other documents: | |
| | (a) Witnessing and attesting the execution or signing of a deed or other document— where there is one party | 132 |
| | and for each additional party signing at the same time | 66 |
| (b) For preparing a notarial certificate in respect of the attestation and for completing the certificate | 132 | |

| Item No. | Matter | Maximum amount \$ |
|----------|--|-------------------|
| | (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 | 0.66 |
| 3 | Verification of copies of documents: | |
| | (a) For examining, with the original, a photocopy of the document for each additional page exceeding the first | 66 6.60 |
| | (b) For examining, with the original, a copy of a document other than a photocopy | 132 |
| | (c) For preparing a notarial certificate verifying a copy of a document and for completing the certificate | 132 |
| | (d) For each page over and above the first 5 pages which requires signing by the Public Notary | 0.33 |
| 4 | Certificates under seal not otherwise prescribed by this scale: For preparing a notarial certificate and for completing the certificate | 121 |
| 5 | Bills of Exchange: | |
| | (a) For noting a bill of exchange, entering in the register and supplying one copy of note | 209 |
| | (b) For presenting bill—a fee for the time so occupied calculated in accordance with the <i>Legal Profession (Solicitors Costs) Determination 2017*</i> 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 | 209 |
| 6 | Ship's protests: | |
| | (a) Preparing and attesting a ship's protest including three copies (if required) | 264 |
| | (b) Preparing and attesting extension of ship's protest | 264 |
| 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 (Solicitors Costs) Determination 2017*</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 | 1.00 per page |

* To be published in the *Government Gazette* on or about the date of this Determination

Made by the Legal Costs Committee on 14 June 2017.

JU403

LEGAL PROFESSION ACT 2008

LEGAL PROFESSION (SOLICITORS COSTS) REPORT 2017

Made by the Legal Costs Committee under Division 5 of Part 10 of the *Legal Profession Act 2008* (Act).

PART 1—PRELIMINARY

1. Citation

(1) This Report may be cited as the *Legal Profession (Solicitors Costs) Report 2017*.

(2) The determination set out in the Schedule to this Report is referred to in this Report as the *Legal Profession (Solicitors Costs) Determination 2017*.

PART 2—NOTICE AND INQUIRIES

2. Notice under section 278 of the Act

The Legal Costs Committee has complied with the notice provisions of section 278 of the Act.

3. Inquiries and submissions under section 277 of the Act

Before making the *Legal Profession (Solicitors Costs) Determination 2017*, the Legal Costs Committee—

- (a) reviewed the submission of the Law Society of Western Australia Inc received as a result of the notice given under section 277 of the Act; and
- (b) reviewed the impact of movements in the Consumer Price and Wage Price Indices for the period between 1 July 2015 to 31 March 2017 (inclusive) as being an appropriate period given the time elapsed between the commencement of the previous review and the commencement of this review.

PART 3—REPORT OF THE LEGAL COSTS COMMITTEE'S CONCLUSIONS

4. Maximum hourly rates unchanged—scale of costs amended

(1) As a result of its inquiries and the submission described in clause 3, the Legal Costs Committee is satisfied it is appropriate to continue to adopt hourly rates charged by law practices as the basis for the rates used in the *Solicitors Costs Determination 2017*. It is also considered appropriate to retain a system of instruction fees as set out in items 1 to 5 of the Table to clause 6 of the *Solicitors Costs Determination 2017*.

(2) It is the recommendation of the Legal Costs Committee, as a result of the inquiries and submissions described in clause 3 and in light of prevailing market and economic considerations, that the hourly rates referred to in subclause 4 (1) not be varied from the hourly rates used in the *Solicitors Costs Determination 2015* published in the *Government Gazette* on 26 June 2015. The rates which will continue to apply are set out in Item 7 of Table A of the *Legal Profession (Solicitors Costs) Determination 2017*.

(3) The Legal Costs Committee has resolved that the amount calculated by reference to clause 8(2) of the *Solicitors Costs Determination 2017* shall be reduced by 25% as a result of technological advances impacting on legal practice, which have resulted in efficiencies in document drafting and handling.

(4) The Legal Costs Committee has resolved to amend the categories of practitioner whose work is able to be remunerated under the *Solicitors Costs Determination 2017*, in line with the amendments introduced in the *Legal Profession (Supreme Court) (Contentious Business) Determination 2016* published in the *Government Gazette* 24 June 2016.

(5) The recommendations of the Legal Costs Committee are not intended to override the entitlement of a law practice to make a written agreement as to costs with a client under the Act.

CLARE THOMPSON, Chair.
ANGELA GAFFNEY, Member.
MARCUS COCKER, Member.
JANICE DUDLEY, Member.
MATTHEW CURWOOD, Member.
BRENDAN ASHDOWN, Member.

Schedule

LEGAL PROFESSION ACT 2008

LEGAL PROFESSION (SOLICITORS COSTS) DETERMINATION 2017

Made by the Legal Costs Committee under section 275 of the *Legal Profession Act 2008* (Act).

1. Citation

This Determination may be cited as the *Legal Profession (Solicitors Costs) Determination 2017*.

2. Commencement

This Determination comes into operation on 1 July 2017.

3. The *Solicitors Costs Determination 2015*

The determination cited as the *Solicitors Costs Determination 2015* published in the *Government Gazette* on 26 June 2015 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;
- “**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

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; or
- (c) where clause 14 applies, the skill, urgency or complexity required to perform the work, together with the time reasonably taken to do so.

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 such 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 such 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 such a document available.

14. Complex matters, and matters involving a high degree of skill or urgency

Where a law practice acts on instructions or performs a service in respect of a matter—

- (a) in relation to which a fee or rate of remuneration is set out under items 1 to 6, that is complex, or involves a high degree of skill or urgency; or
- (b) that is not referred to in any of items 1 to 6,

then, notwithstanding the rates in item 7, the law practice is entitled to charge a fee, or charge at a rate (as the case requires) that is greater than one set out in an item, if it is reasonable in the circumstances.

15. Introduction of Restricted Practitioner category

(1) This Determination introduces the new category Restricted Practitioner. This category includes all Australian legal practitioners engaging in restricted legal practice pursuant to section 50 of the Act, during the period when that person is undertaking the “required experience”, as defined in section 50 of the Act, and whilst an endorsement to that effect remains on their practising certificate.

(2) A Restricted Practitioner is not intended to include 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.

(3) So as not to adversely affect clients of legal services provided by those practitioners who would, but for this change, have been Junior Practitioners or Senior Practitioners, transitional arrangements apply so that—

- (a) practitioners admitted after 1 July 2014, but before 1 July 2016, are entitled to recover their legal costs as if they were Junior Practitioners until 30 June 2018, or the date on which they would, but for this clause, become Junior Practitioners under this Determination; and
- (b) practitioners admitted after 1 July 2011, but before 1 July 2014, are entitled to recover their legal costs as if they were either Junior Practitioners or Senior Practitioners, whichever category would have applied but for this change, until 30 June 2018, or the date on which they would, but for this clause, become Senior Practitioners under this Determination.

16. 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 INSTRUCTION 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 | Practitioner (permitted to practice on his or her own account for 5 years or more) | \$484 per hour |
| 702 | Practitioner (permitted to practice on his or her own account for 5 years or more) | \$341 per hour |
| 703 | Restricted Practitioner | \$297 per hour |
| 704 | Clerk/Paralegal | \$231 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 practice 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

| Ref | Practitioner | Maximum Rate |
|---------------|---|--------------|
| | 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 contained in items 701 to 704, with a maximum of 8 hours in any one day. | |

Made by the Legal Costs Committee on 14 June 2017.

JU404

JUSTICES OF THE PEACE ACT 2004

APPOINTMENTS

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

John Murray Posener of Landsdale

Terry Charles Taylor of Kinross

JOANNE STAMPALIA, A/Executive Director,
Court and Tribunal Services.

LANDS

LA401

ELECTRONIC CONVEYANCING ACT 2014

MAKING AND PUBLICATION OF PARTICIPATION RULES MAKING AND PUBLICATION OF OPERATING REQUIREMENTS

WA Participation Rules Version 4

Notice is given that under section 23(1) of the *Electronic Conveyancing Act 2014* (“Act”) the Registrar of Titles has determined that WA Participation Rules Version 4 will come into effect in Western Australia on 22 July 2017. In accordance with section 25 of the Act, the WA Participation Rules Version 4 were published on the Landgate website on 8 June 2017 and can be found at <http://www.landgate.wa.gov.au>.

WA Operating Requirements Version 4

Notice is given that under section 22(1) of the *Electronic Conveyancing Act 2014* (“Act”) the Registrar of Titles has determined that WA Operating Requirements Version 4 will come into effect in Western Australia on 22 July 2017. In accordance with section 25 of the Act, the WA Operating Requirements Version 4 were published on the Landgate website on 8 June 2017 and can be found at <http://www.landgate.wa.gov.au>.

JEAN VILLANI, Registrar of Titles.

Date 13 June 2017.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995

Shire of Serpentine-Jarrahdale

(BASIS OF RATES)

This notice, which is for public information only, is to confirm that—

I, Brad Jolly, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28 (1) of that Act, hereby, and with effect from the 24 May 2017, determined that the method of

valuation to be used by the Shire of Serpentine-Jarrahdale as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land;

Schedule

| | Designated Land |
|-----------|--|
| UV to GRV | All those portions of land being Lots 261 to 275 inclusive, Lots 312 to 318 inclusive, Lots 347 to 367 inclusive, Lots 370 to 375 inclusive and Lot 427 as shown on Deposited Plan 411170. |

BRAD JOLLY, Executive Director Sector Regulation and Support,
Department of Local Government and Communities.

MINERALS AND PETROLEUM

MP401

PETROLEUM (SUBMERGED LANDS) ACT 1982

RELEASE OF INFORMATION

I, Jeffrey Huntly Haworth, Executive Director, Petroleum Division of the Department of Mines and Petroleum under delegation from the Minister for Mines and Petroleum, pursuant to Section 118 of the *Petroleum (Submerged Lands) Act 1982*, do hereby advise that—

1. As of 4 August 2017, it is my intention to make available all interpreted data submitted prior to 31 December 2011 in accordance with the *Petroleum (Submerged Lands) Act 1982*; and
2. I invite interested persons to advise of any objection to this release of information within 45 days of publication of this notice.

A person is not entitled to make an objection to information being made available or publicly known except on ground that to do so would disclose—

- (a) Any trade secret; or
- (b) any other information the disclosure of which would, or could reasonably be expected to adversely affect the person in respect of the lawful business, commercial or financial affairs of the person.

If no objections are received in accordance with this notice, it shall be deemed that the person who furnished the document containing the information has consented to the information being made available or publicly known.

Any objections to the release of information should be addressed to—

Executive Director Petroleum Division
Department of Mines and Petroleum
Level 11 Mineral House
100 Plain Street
EAST PERTH WA 6004

J. H. HAWORTH, Executive Director,
Petroleum Division.

MP402

PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967

RELEASE OF INFORMATION

I, Jeffrey Huntly Haworth, Executive Director, Petroleum Division of the Department of Mines and Petroleum under delegation from the Minister for Mines and Petroleum, pursuant to Section 112 of the *Petroleum and Geothermal Energy Resources Act 1967*, do hereby advise that—

- (i) As of 4 August 2017 it is my intention to make available all interpreted data submitted prior to 31 December 2011 in accordance with the *Petroleum and Geothermal Energy Resources Act 1967*; and
- (ii) I invite interested persons to advise of any objection to this release of information within 45 days of publication of this notice.

A person is not entitled to make an objection to information being made available or publicly known except on ground that to do so would disclose—

- (a) Any trade secret, or
- (b) any other information the disclosure of which would, or could reasonably be expected to adversely affect the person in respect of the lawful business, commercial or financial affairs of the person.

If no objections are received in accordance with this notice, it shall be deemed that the person who furnished the document containing the information has consented to the information being made available or publicly known.

Any objections to the release of information should be addressed to—

Executive Director Petroleum Division
Department of Mines and Petroleum
Level 11 Mineral House
100 Plain Street
EAST PERTH WA 6004

J. H. HAWORTH, Executive Director,
Petroleum Division.

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005
METROPOLITAN REGION SCHEME MINOR AMENDMENT 1309/57
INDUSTRIAL ZONING ANOMALIES
Approved Amendment

File: 833-2-1-64

The Minister for Planning has approved, with modification, the abovementioned amendment to the Metropolitan Region Scheme. The amendment is shown on Western Australian Planning Commission (WAPC) plan numbers 3.2683/1 and 3.2684/1 and is effective from the date of publication of this notice in the *Government Gazette*.

Copies of the amendment and the accompanying report on submissions are available for public inspection from Tuesday, 20 June 2017 to Friday, 21 July 2017 at—

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Cockburn
- City of Kwinana
- City of Rockingham
- City of Swan

Documents are also available from the PlanningWA website www.planning.wa.gov.au.

KERRINE BLENKINSOP, Secretary,
Western Australian Planning Commission.

PL402

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
City of Swan
Local Planning Scheme No. 17—Amendment No. 139

Ref: TPS/1870

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Swan Local Planning Scheme amendment on 1 June 2017 for the purpose of—

1. Rezoning portion of Lot 41 and Lots 6, 43, 45, 46 and 91 Marshall Road, and Lots 1, 42, 44, 74, 75, 76, 77 and 78 Coast Road, and portion of Lots 29 and 500, and Lot 800 Victoria Road and portion of Lot 102 and portion of former Lot 103 Reid Highway, Bennett Springs from 'General Rural' to 'Residential Development'.
2. Amending the Scheme Map accordingly.

M. WAINWRIGHT, Mayor.
M. J. FOLEY, Chief Executive Officer.

PL403

PLANNING AND DEVELOPMENT ACT 2005
APPROVED TOWN PLANNING SCHEME AMENDMENT
City of Armadale
TOWN PLANNING SCHEME NO. 4—AMENDMENT NO. 86

Ref: TPS/1928

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Armadale Town Planning Scheme amendment on 13 June 2017 for the purpose of—

1. Delete the following Clauses and Schedules (including associated sub clauses where applicable) from the Scheme Text.
 - Part 2 (Local Planning Policy) in its entirety—
 - Clauses 3.2.2, 6.1(f), 6.7 and 6B.3.4;
 - Part 6A (Development (Structure Plan) Areas) in its entirety;
 - Part 7 (Heritage Protection) in its entirety;
 - Part 8 (Requirement for Development Approval) in its entirety;
 - Part 9 (Applications for Development Approval) in its entirety;
 - Part 10 (Procedure for Dealing with Applications for Development Approval) in its entirety;
 - Part 11 (Enforcement and Administration) in its entirety;
 - Schedule 6 (Form of applications for planning approval) in its entirety;
 - Schedule 7 (Additional information for advertisements) in its entirety;
 - Schedule 8 (Notice of public advertisement of planning proposal) in its entirety; and
 - Schedule 9 (Notice of determination on application for planning approval) in its entirety.
2. Amending Clause 1.4 (Contents of Scheme) by inserting a new part (d) as follows—
 - (d) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2).
3. Amending Part 5 (General Development Requirements) by inserting a new Clause 5.13 as follows—
 - 5.13 Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan.
 - 5.13.1 Schedule 12 sets out requirements relating to development that are included in structure plans, activity centre plans and local development plans that apply in the Scheme area.
4. Modifying Clauses 6B.3.3 and 6B.3.5 to remove the words ‘or approve development’ and ‘or development approval’.
5. Inserting the following provisions into a new Schedule A—Supplemental provisions to the deemed provisions—
 - Clause 61(1)(k) the erection or extension of a single house on a lot in the General Rural zone unless this requires the exercise of discretion by the City under the Scheme to vary any Local Planning Policy adopted by the City, or any applicable clause of the Scheme Text, or the development is located in a place that is—
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29.
 - Clause 61(1)(l) the erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house located in the General Rural zone unless this requires the exercise of discretion by the City under the Scheme to vary any Local Planning Policy adopted by the City, or any applicable clause of the Scheme Text, or the development is located in a place that is—
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or

- (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29.
- Clause 61(1)(m) the demolition of any other building or structure not specified in Clause 61(1)(e) except where the building or structure is—
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
 - (vi) entered in a Municipal Inventory adopted by the local government.
- Clause 61(1)(n) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place—
- (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or
 - (ii) the subject of an order under the *Heritage of Western Australia Act 1990* Part 6; or
 - (iii) included on a heritage list prepared in accordance with this Scheme; or
 - (iv) within an area designated under the Scheme as a heritage area; or
 - (v) the subject of a heritage agreement entered into under the *Heritage of Western Australia Act 1990* section 29; or
 - (vi) entered in a Municipal Inventory adopted by the local government.
- Clause 61(1)(o) any domestic recreation or social activity ancillary to the residential use of a site, including incidental development relating to such activity unless the development involves the exercise of discretion under the Scheme of R-Codes, but excluding the construction of a tennis court involving the use of lighting for night games.
- Clause 61(1)(p) the erection, construction, maintenance, improvement or alteration of a boundary fence or wall, except where the proposal requires the exercise of a discretion by the City under the Scheme or the R-Codes.
- Clause 61(1)(q) minor filling, excavation or re-contouring of land, provided there is no more than 0.5 metre change to the natural ground level, which change is to include any sand pad or site works associated with building development.
- Clause 61(1)(r) removal of vegetation except where approval of such development is otherwise required by the provisions of the scheme.
- Clause 61(2)(g) agriculture where permitted in the particular zone, including the keeping of stock in accordance with the Agriculture WA ‘Stocking Rate Guidelines for Rural Small Holdings’ for the applicable pasture type.
- Clause 80A The City may by notice served upon individual landowners or upon a subdivider of land, require the preservation of a tree or group of trees. Thereafter no landowner shall cut, remove or otherwise destroy any tree unless the City grants approval or rescinds the notice or order.

6. Delete the following definitions from Schedule 1—General Definitions—

- “advertisement”;
- “City”;
- “heritage area”;
- “Heritage List”;
- “local government”;
- “Local Planning Strategy”;
- “owner”;
- “place”;
- “proponent”;
- “proposed structure plan”;

- “Region Scheme- Metropolitan”;
 “Residential Design Codes”;
 “Reserve”;
 “structure plan”;
 “substantially commenced”;
 “Town Planning Act”;
 “zone”.
7. Amending the scheme text as required by replacing the cross references to clauses deleted by the amendment with references to the deemed provisions set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2.
 8. Deleting reference to the following terms and replace them with the corresponding term throughout the scheme (including General Definitions where applicable) as follows—
 - ‘City’ with ‘local government’;
 - ‘planning approval’ with ‘development approval’;
 - ‘Residential Design Codes’ with ‘R-Codes’
 - ‘Town Planning Act’ with ‘Act’;
 - “Region Scheme—Metropolitan” with ‘region planning scheme’.
 9. Amending the definition of Municipal Inventory to read as follows—
 - “means the municipal inventory prepared by the City under section 45 of the *Heritage of Western Australia Act 1990*”.
 10. Delete ‘Electoral Signage’ from Schedule 5—Exempted Advertisements.
 11. Updating any provisions (including model provisions), schedules and notes to reflect that structure plans are guidance documents to be given ‘due regard’ rather than the ‘full force and effect of the Scheme’.
 12. Delete ‘Prime Bushfire Hazard Protection Areas’ from Special Control Area Map No.1; and
 13. Renumbering the remaining scheme provisions, schedules and contents sequentially and update any remaining cross referencing to the new clause numbers as required.

H. ZELONES, OAM, JP, Mayor.
 R. TAME, Chief Executive Officer.

RACING, GAMING AND LIQUOR

RA401

LIQUOR CONTROL ACT 1988

LIQUOR APPLICATIONS

The following are applications received under the *Liquor Control Act 1988 (the Act)* and required to be advertised.

Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming and Liquor, Level 2, Gordon Stephenson House, 140 William Street, Perth, Telephone: (08) 6551 4888, or consult a solicitor or relevant industry organisation.

| App. No. | Applicant | Nature of Application | Last Date for Objections |
|--|------------------------------|--|--------------------------|
| APPLICATIONS FOR THE GRANT OF A LICENCE | | | |
| A000236697 | DDP Global Pty Ltd | Application for the grant of a Restaurant licence in respect of premises situated in Southern River and known as Aburi House Sushi & Teppanyaki. | 3/07/2017 |
| A000237373 | Allendale Food Group Pty Ltd | Application for the conditional grant of a Restaurant licence in respect of premises situated in Perth and known as Social 77. | 3/07/2017 |
| A000238648 | Bar Therapy Pty Ltd | Application for the grant of a Small Bar licence in respect of premises situated in Mandurah and known as Bar Therapy. | 20/07/2017 |

| App. No. | Applicant | Nature of Application | Last Date for Objections |
|--|-----------------------------|--|--------------------------|
| APPLICATIONS FOR AN EXTENDED TRADING PERMIT—ONGOING HOURS | | | |
| A000236949 | Australian Liquor Group Ltd | Application for the grant of an Extended Trading Permit for Ongoing Hours for a Liquor Store licence in respect of premises situated in Geraldton and known as Liquorland Geraldton. | 3/07/2017 |
| A000236960 | Australian Liquor Group Ltd | Application for the grant of an Extended Trading Permit for Ongoing Hours for a Liquor Store licence in respect of premises situated in Bunbury and known as First Choice Liquor Superstore Bunbury. | 3/07/2017 |
| A000238369 | Reid Group Pty Ltd | Application for the grant of an Extended Trading Permit for Ongoing Hours for a Tavern Restricted licence in respect of premises situated in Scarborough and known as The Matisse Beach Club. | 6/07/2017 |

This notice is published under section 67(5) of the Act.

B. A. SARGEANT, Director of Liquor Licensing.

Dated: 16 June 2017.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Alan Kenneth Hosking, late of Baptist Care, Mermaid Avenue, Emu Point, Western Australia.

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 12 November 2016, are required by the trustee of the late Alan Kenneth Hosking of care of Philip Wyatt Lawyer, PO Box 1026, Albany, Western Australia 6331 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.

Dated this 14th day of June 2017.

PHILIP WYATT LAWYER.

ZX402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Barry Kalford Lockwood late of 550 Albany Highway, Albany in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on 26 December 2015, are required by Mr John William Lockwood, who has been granted Letters of Administration over the deceased's estate, to send particulars of their claims to him at c/- Corinne Griffin & Co, Solicitors, of PO Box 5, Midland WA 6936 within one (1) month of the date 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 he then has notice.

Dated this 20th day of June 2017.

ZX403**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Any creditors having claims on the estate of the late Honora Mary Langelaan (also known as Shirley Gertrude Langelaan) of Midland Nursing Home, 44 John Street, Midland, Western Australia, deceased 27 March 2017, are required to send particulars of their claims to Jeanette Rusty Cecelia Simons, executor, c/- Lynn & Brown Lawyers, PO Box 1114, Morley WA 6943 by 19 July 2017, after which date the executor may distribute the assets having regard only to the claims of which they then have notice.

ZX404**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

In the matter of the Estate of Charles Joseph Carrier late formerly of 91 Dotterel Way, Yangebup in the State of Western Australia. 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 12 July 2016 are required by the Administrator Patricia Ann Stewart to send particulars of their claims to PO Box 3819 Success WA 6964 within 1 month of publication of this notice after which date the administrator may convey or distribute the assets, having regard only to the claims of which they then have notice.

ZX405**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Ann Clulow, late of 6 Narooma Close, Waikiki, Western Australia.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on 9 March 2017, are required by the trustee of the late Ann Clulow, 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.
Phone: (08) 9592 7326
