



**WESTERN  
AUSTRALIAN  
GOVERNMENT  
Gazette**

ISSN 1448-949X (print)      ISSN 2204-4264 (online)

PRINT POST APPROVED PP665002/00041



**PERTH, TUESDAY, 18 DECEMBER 2018      No. 193**

PUBLISHED BY AUTHORITY KEVIN J. McRAE, GOVERNMENT PRINTER AT 12.00 NOON  
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The Western Australian *Government Gazette* is published by State Law Publisher for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*—

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper.
- Copy must be lodged with the Publication Officer, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition)—

Email address:

slp@dpc.wa.gov.au

Postal address:

State Law Publisher  
Lower Ground Floor,  
10 William St. Perth, 6000  
Telephone: 6552 6000

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## GOVERNMENT GAZETTE

### PUBLISHING DETAILS FOR CHRISTMAS 2018 AND NEW YEAR HOLIDAY PERIOD 2019

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#### **Publishing Dates and Times**

Friday, 28 December 2018 at 12 noon

Friday, 4 January 2019 at 12 noon

#### **Closing Dates and Times for copy**

Monday, 24 December 2018 at 12 noon

Wednesday, 2 January 2019 at 12 noon



# — PART 1 —

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## WORKSAFE

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WS301

Occupational Safety and Health Act 1984

### **Commission for Occupational Safety and Health (Appointment of Member) Instrument (No. 3) 2018**

Made by the Governor in Executive Council.

**1. Citation**

This instrument is the *Commission for Occupational Safety and Health (Appointment of Member) Instrument (No. 3) 2018*.

**2. Appointment of member under *Occupational Safety and Health Act 1984* section 6(2)(d)(iv)**

Adrienne Marie LaBombard, having been nominated by the Chamber of Minerals and Energy of Western Australia Inc. for appointment under the *Occupational Safety and Health Act 1984* section 6(2)(d)(iv) as a member of the Commission for Occupational Safety and Health, is appointed to hold office under that provision for the term that commences on the day on which this instrument is made and ends on, and includes, 3 April 2020.

N. HAGLEY, Clerk of the Executive Council.

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# — PART 2 —

## HEALTH

### HE401

#### MENTAL HEALTH ACT 2014

MENTAL HEALTH (AUTHORISED MENTAL HEALTH PRACTITIONERS) ORDER (NO. 12) 2018  
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. 12) 2018*.

#### 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
Finlay, Sinead Mary	Registered Nurse
Grady, Thomas	Registered Nurse
Khan, Veronica Mary	Registered Nurse
Statham, Lucy	Registered Nurse

Dr NATHAN GIBSON, Chief Psychiatrist.

14 December 2018.

### HE402

#### MENTAL HEALTH ACT 2014

#### MENTAL HEALTH (AUTHORISED MENTAL HEALTH PRACTITIONERS) REVOCATION ORDER (NO. 15) 2018

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. 15) 2018*.

#### 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
Daniels, Simon Alan	Registered Nurse
Ferguson, Lucia Elizabeth Peggy	Registered Nurse
O'Shea, Veronica	Registered Nurse

Dr NATHAN GIBSON, Chief Psychiatrist.

14 December 2018.

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## JUSTICE

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JU401

### JUSTICES OF THE PEACE ACT 2004 RESIGNATIONS

It is hereby notified for public information that the Minister has accepted the resignation of—

Mr Donald Henry Hosken of Augusta

Mr Leslie Robinson of Nedlands

from the Office of Justice of the Peace for the State of Western Australia.

JOANNE STAMPALIA, Executive Director,  
Court and Tribunal Services.

JU402

### PRISONS ACT 1981 PERMIT DETAILS

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

Surname	Other Name(s)	Permit No.
Stephens	Annette Denise	AP0739

TONY HASSALL, Commissioner.

13 December 2018.

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## MARINE/MARITIME

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MA401

### WESTERN AUSTRALIAN MARINE ACT 1982 NAVIGABLE WATERS REGULATIONS 1958

#### PROHIBITED SWIMMING AREA

Mindarie Marina, Mindarie

*City of Wanneroo*

Department of Transport,  
Fremantle WA, 18 December 2018.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming between the hours of 6:00 pm and 10:00 pm on Monday 31st December 2018—

#### Mindarie Marina

Area of Closure: All the waters within and adjacent to the Mindarie Marina bounded by a line commencing at a point at approximately 31° 41.325'S, 115° 41.837'E (approximately 50 metres Northwest of the Mindarie Marina breakwater) thence East Southeast to a point at approximately 31° 41.340'S, 115° 41.959'E (approximately 65 metres north of the spur groyne) thence South to a point at approximately 31° 41.432'S, 115° 41.982'E (approximately 98 metres east of the breakwater) thence Southwest to a point at approximately 31° 41.493'S, 115° 41.887'E (approximately 50 metres West of the breakwater) thence Northwest to a point at approximately 31° 41.417'S, 115° 41.826'E (approximately 112 metres West of the breakwater) thence Northeast to the point of commencement at 31° 41.325'S, 115° 41.837'E.

This area is set aside for safety measures during the set up and display of pyrotechnics.

CHRISTOPHER J. MATHER, Director Waterways Safety Management,  
Department of Transport.

MA402

WESTERN AUSTRALIAN MARINE ACT 1982  
NAVIGABLE WATERS REGULATIONS 1958  
PROHIBITED SWIMMING AREA  
*City of Mandurah*

Department of Transport,  
Fremantle WA, 18 December 2018.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close the following area of water to swimming between 8:30 pm and 9:30 pm on Monday 31st December 2018 and from 11:30 pm on Monday 31st December 2018 until 12:30 am on Tuesday 1st January 2019—

**Hall Park, Mandurah**

Area of Closure: All the waters within a 100 metre radius of the firing point located near the war memorial at approximately 32° 31.901'S, 115° 42.870'E.

This area is set aside for safety measures during the set up and display of pyrotechnics.

CHRISTOPHER J. MATHER, Director Waterways Safety Management,  
Department of Transport.

MA403

WESTERN AUSTRALIAN MARINE ACT 1982  
NAVIGABLE WATERS REGULATIONS 1958  
PROHIBITED SWIMMING AREA  
Pyrotechnics Display  
Canning Bridge, Canning River  
*City of Melville*

Department of Transport,  
Fremantle WA, 18 December 2018.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958* I hereby close the following area of water to swimming between 11:45 pm on Monday 31st December 2018 and 12:15 am on Tuesday 1st January 2019—

**Canning River**

Area of Closure: All the waters within a 45 metre radius of the firing point located at approximately 32°0.617'S, 115°51.212'E adjacent to the Raffles Hotel.

This area is set aside for safety measures during the set up and display of pyrotechnics.

CHRISTOPHER J. MATHER, Director Waterways Safety Management,  
Department of Transport.

MA404

WESTERN AUSTRALIAN MARINE ACT 1982  
NAVIGABLE WATERS REGULATIONS 1958  
PROHIBITED SWIMMING AREA  
Val Street Jetty  
*City of Rockingham*

Department of Transport,  
Fremantle WA, 18 December 2018.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958* I hereby close the following area of water to swimming between 8:30 pm on Monday 31st December 2018 and 12:30 am on Tuesday 1st January 2019—

**Val Street Jetty, Rockingham**

Area of Closure: All the waters within a 75 metre radius of the firing point located near the end of Val Street Jetty at approximately 32°16.499'S, 115°43.567'E.

This area is set aside for safety measures during the set up and display of pyrotechnics.

CHRISTOPHER J. MATHER, Director Waterways Safety Management,  
Department of Transport.

MA405

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
PROHIBITED SWIMMING AREA  
Pyrotechnic Display  
*Town of Victoria Park*

Department of Transport,  
Fremantle WA, 18 December 2018.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming, between the hours of 11:45 pm on Monday 31st December 2018 and 12:30 am on Tuesday 1st January 2019—

**Burswood, Swan River**

Area of Closure: All the waters within a 200 metre radius of the two firing barges located at approximately 31° 57.645'S, 115°53.341'E and 31° 57.533'S, 115°53.293'E upstream of Heirisson Island.

This area is set aside for safety measures during the set up and display of pyrotechnics.

CHRISTOPHER J. MATHER, Director Waterways Safety Management,  
Department of Transport.

MA406

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
PROHIBITED SWIMMING AREA  
Esperance Pyrotechnics Display  
*Shire of Esperance*

Department of Transport,  
Fremantle WA, 18 December 2018.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958*, I hereby close all of the following waters to swimming between the hours of 6:00 pm and 11:00 pm on Monday 31st December 2018—

**Esperance Foreshore**

Area of Closure: All the waters within a 300 metre radius of the firing point located at approximately 33°51.664'S, 121°54.025'E, (approximately 325 metres east off the James Street Groyne).

This area is set aside for safety measures during the set up and display of pyrotechnics.

CHRISTOPHER J. MATHER, Director Waterways Safety Management,  
Department of Transport.

MA407

**WESTERN AUSTRALIAN MARINE ACT 1982**  
**NAVIGABLE WATERS REGULATIONS 1958**  
PROHIBITED SWIMMING AREA  
Pyrotechnics Display  
*City of Albany*

Department of Transport,  
Fremantle WA, 18 December 2018.

Acting pursuant to the powers conferred by Regulation 10A (b) of the *Navigable Waters Regulations 1958* I hereby close all of the following waters to swimming between 8:30 pm on Monday 31st December 2018 and 12:30 am on Tuesday 1st January 2019—

**Albany**

Area of Closure: All the waters within a 100 metre radius of the firing point located at approximately 35°1.811'S, 117°52.863'E adjacent to Anzac Peace Park.

This area is set aside for safety measures during the set up and display of pyrotechnics.

CHRISTOPHER J. MATHER, Director Waterways Safety Management,  
Department of Transport.

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## MINERALS AND PETROLEUM

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MP401

**PETROLEUM PIPELINES ACT 1969**

## VARIATION STP-PLV-0051 OF PETROLEUM PIPELINE LICENCE PL 8

Petroleum Licence PL 8 held by Robe River Mining Co. Pty. Ltd, North Mining Limited, Mitsui Iron Ore Development Pty Ltd, Nippon Steel & Sumitomo Metal Australia Pty Ltd and Nippon Steel & Sumikin Resources Australia Pty. Ltd has, by instrument of variation STP-PLV-0051, been varied to replace the Schedule, Section II Specifications with the Annexure 'C' Pipeline Specification and Particulars, with effect on 12 December 2018.

RICHARD JOHN ROGERSON, Executive Director,  
Resource Tenure Division.

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MP402

**PETROLEUM PIPELINES ACT 1969**

## GRANT OF LICENCE PL 118

Licence PL 118 for the Murrin Murrin Lateral Loop has been granted to APA Operations Pty Ltd for an indefinite period commencing on 13 December 2018.

RICHARD JOHN ROGERSON, Executive Director,  
Resource Tenure Division.

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MP403

**PETROLEUM PIPELINES ACT 1969**

## VARIATION STP-PLV-0081 OF PETROLEUM PIPELINE LICENCE PL 36

Licence PL 36 held by Australian Pipeline Limited has, by instrument of variation STP-PLV-0081, been varied with effect on 13 December 2018.

RICHARD JOHN ROGERSON, Executive Director,  
Resource Tenure Division.

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## PARLIAMENT

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PA401

## PARLIAMENT OF WESTERN AUSTRALIA

## Royal Assent to Bills

It is hereby notified for public information that the Lieutenant-Governor and Administrator has Assented in the name and on behalf of Her Majesty the Queen, on the dates shown, to the undermentioned Acts passed by the Legislative Council and the Legislative Assembly during the First Session of the Fortieth Parliament.

<b>Title of Act</b>	<b>Date of Assent</b>	<b>Act No.</b>
Betting Tax Assessment Act 2018	12 December 2018	37 of 2018
Betting Tax Act 2018	12 December 2018	38 of 2018
Industrial Relations Amendment Act 2018	12 December 2018	39 of 2018
Reserves (Tjuntjuntjara Community) Act 2018	12 December 2018	40 of 2018
Gaming and Wagering Legislation Amendment Act 2018	12 December 2018	41 of 2018
Sentence Administration Amendment (Multiple Murderers) Act 2018	12 December 2018	42 of 2018

NIGEL PRATT, Clerk of the Parliaments.

12 December 2018.



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**PLANNING**

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PL402

**PLANNING AND DEVELOPMENT ACT 2005**

AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF LOCAL GOVERNMENT AND DOT  
Notice of amendment to the Instrument of Delegation, Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017

**Preamble**

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires.

**Resolution under section 16 of the Act (delegation)**

On 12 December 2018, pursuant to section 16 of the Act, the WAPC resolved—

- A. To amend the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme as gazetted on 30 May 2017, as set out in Schedule 1 below.

SAM FAGAN, Secretary,  
Western Australian Planning Commission.

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**Schedule 1****1. Instrument of delegation amended**

The amendments within this Schedule are to the Schedules set out in the Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017 and as amended.

**2. Amendment to Section A**

1. The word “but excluding any application relating to large format digital signage” are deleted from clause 2.
2. Clause 3 is deleted.

**3. Amendments to Section B**

1. The words in brackets “(excluding applications under clause 3, Section A)” are deleted from the title to clause 4.
2. Clause 5 is deleted.
3. In the interpretation section the terms “Large format digital signage” and “Public Authority” and their respective definitions, are deleted.

PL403

**PLANNING AND DEVELOPMENT ACT 2005****AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF OFFICERS**

Notice of amendment to the Instrument of Delegation to committees of certain functions of the Western Australian Planning Commission, as gazetted on 16 October 2015 and as amended.

**Preamble**

Under section 16 of the *Planning and Development Act 2005* (the Act), the Western Australian Planning Commission (WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or to a member or officer of a public authority.

In accordance with section 16 (4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred on the WAPC by the Act or any other written law as the case requires.

**Resolution under section 16 of the Act (delegation)**

On 12 December 2018, pursuant to section 16 of the Act, the WAPC resolved—

- A. To amend the Instrument of Delegation 2018/01 Delegation to officers of certain powers and functions of the Western Australian Planning Commission as gazetted on 3 October 2018, as set out in Schedule 1 below.

SAM FAGAN, Secretary,  
Western Australian Planning Commission.

**Schedule 1****1. Instrument of delegation amended**

The amendments within this Schedule are to the Schedules set out in the Instrument of Delegation 2018/01—Delegation to officers of certain powers and functions of the Western Australian Planning Commission as gazetted on 3 October 2018.

**2. Amendment to Schedule 9**

Any reference to the title “Manager, Strategic Property Unit” is deleted and replaced with the title “Chief Property Officer.”

Any reference to the “Property Operations Manager” is deleted and replaced with the title “Manager; Acquisitions, Management, Disposals.”

**3. Amendment to Schedule 9**

The following row is inserted into to Schedule 9 after item 9.25 on page 3843 of the *Gazette*—

9.26. All powers and functions of the WAPC, pursuant to regulation 1 of the <i>Power of Entry and Inspection Regulations</i> .	<ul style="list-style-type: none"> <li>• Any Compliance Officer</li> <li>• Any other Officer of the Department</li> </ul>	Subject to the statutory limitations prescribed under regulation 1. With respect to any other Officer of the Department, only if accompanying a Compliance Officer
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**PL401**

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*Shire of Serpentine Jarrahdale*  
Local Planning Scheme No. 2—Amendment No. 195

Ref: TPS/1917

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 Serpentine Jarrahdale Local Planning Scheme amendment on 23 November 2018 for the purpose of—

1. Rezoning Lots 50 and 100 and portion of Agricultural Area Lot 85 Gordon Road, Serpentine from ‘Rural’ to ‘Special Rural’.
2. Amending the Scheme Map by delineating Lots 50 and 100 and portion of Agricultural Area Lot 85 Gordon Road, Serpentine within the ‘Special Rural’ zone and identifying it as ‘SR29’.
3. Inserting in Appendix 4 ‘Special Rural’ zone the following—
  - i. Including Lots 50 and 100 and portion of Agricultural Area Lot 85 Gordon Road in Appendix 4—Special Rural zone and including the appropriate details in Appendix 4 of the Scheme as follows—

**APPENDIX 4—SPECIAL RURAL ZONE**

	<b>No.</b>	<b>Specified Area of Locality</b>	<b>Special Provisions</b>
SR	29	Lots 50 and 100 and portion of Agricultural Area Lot 85 Gordon Road, Serpentine	1. Building and effluent disposal envelopes to be located to the satisfaction of the Shire of Serpentine Jarrahdale. 2. On-site sewage disposal systems to be setback greater than 100 metres from Serpentine River to the satisfaction of the Shire of Serpentine Jarrahdale. Lesser setbacks may be permitted in consultation with the Department of Water and Environmental Regulation and/or Department of Biodiversity, Conservation and Attractions and/or Department of Health, and where proposed, on-site sewage treatment system with nutrient removal may be required.

No.	Specified Area of Locality	Special Provisions
		<p>3. The Serpentine River foreshore area is to be—</p> <p>(a) delineated in accordance with methodology in 'Identifying and Establishing Foreshore Areas for Waterways (Department of Water, 2012)';</p> <p>(b) ceded to the Crown; and</p> <p>(c) fenced to exclude livestock, re-vegetated and subject to weed management to the satisfaction of the Shire of Serpentine Jarrahdale.</p> <p>4. An easement to permit public access between Gordon Road reserve and Serpentine River foreshore to be provided along the western boundary of lot 100.</p> <p>5. A landscape and vegetation management plan to be prepared and implemented to the satisfaction of the Shire of Serpentine Jarrahdale.</p> <p>6. A suitable public road access to the site to be provided in accordance with the Guidelines for Planning in Bushfire Prone Areas, and where this cannot be achieved, a public easement in gross is to be provided for use by the public and emergency services during an emergency.</p>

M. RICH, President.  
K. R. DONOHOE, Chief Executive Officer.

## POLICE

PO401

**ROAD TRAFFIC ACT 1974**  
**ROAD TRAFFIC CODE 2000**  
**AUTHORISED PERSONS**

Declaration

Regulation 272 of the Road Traffic Code—Obedience to Police or Authorised Persons

I, Christopher John Dawson, Commissioner of Police, acting pursuant to regulation 271 of the *Road Traffic Code 2000* hereby declare that a person who is a "licensed pilot vehicle driver" pursuant to regulation 3 of the *Road Traffic Code 2000* is an authorised person for the purposes of regulations 272(1)(a) and 272(1)(d) of the *Road Traffic Code 2000*—whilst performing their functions in facilitating the safe movement of an oversize vehicle escorted by a licensed pilot vehicle driver.

Dated: 12 December 2018.

CHRIS DAWSON, Commissioner of Police.

Surname	First Name	State	Pilot Licence Number	Training Provider
O'Neill	Benjamin	SA	01270	Allan Miller Transport

## WORKCOVER

WC403

**WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981**

**WORKCOVER WA GOVERNING BODY APPOINTMENT INSTRUMENT (NO. 1) 2018**

Made by the Governor in Executive Council on the recommendation of the Minister for Commerce and Industrial Relations.

**1. Citation**

This instrument may be cited as the *WorkCover WA Governing Body Appointment Instrument (No. 1) 2018*.

**2. Nominee member of WorkCover WA's governing body appointed**

Under section 95(1)(c)(i) of the *Workers' Compensation and Injury Management Act 1981* Peta Maree Libby is appointed as nominee member of the WorkCover WA Board for a period commencing on 30 December 2018 and expiring on 29 December 2021.

By Command of the Governor,

N. HAGLEY, Clerk of the Council.

**WC401****WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981****EXEMPTION NOTICE**

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

**Notice of Exemption**

Notice is given that on 4 December 2018, the Governor, acting under section 164 of the *Workers' Compensation and Injury Management Act 1981* (the Act) and with the advice and consent of Executive Council, exempted Austral Masonry Pty Ltd from the obligation to insure pursuant to that Act, except for the obligation to insure against liability to pay compensation under that Act for any industrial disease of the kinds referred to in section 151(a)(iii) of the Act.

This exemption ensures Austral Masonry Pty Ltd is included as part of Bristile Holdings Pty Ltd's exempt employer approval.

GREG JOYCE, Chairman of the Board.

**WC402****WORKERS' COMPENSATION AND INJURY MANAGEMENT ACT 1981****WORKERS' COMPENSATION (LEGAL PROFESSION AND REGISTERED AGENTS)****COSTS DETERMINATION 2018****1. Citation**

(1) This determination may be cited as the *Workers' Compensation (Legal Profession and Registered Agents) Costs Determination 2018* ("Costs Determination").

**2. Commencement**

(1) This Costs Determination comes into operation on 1 January 2019.

**3. Application**

(1) This Costs Determination applies to the remuneration of legal practitioners and registered agents in respect of work carried out for the purposes of proceedings before a WorkCover WA dispute resolution authority.

(2) This Costs Determination does not apply to the remuneration of legal practitioners or registered agents in respect of business carried out before the commencement of this Costs Determination.

(3) This Costs Determination is to be read and applied in its entirety. The scale of costs applicable under this Costs Determination is to be interpreted in accordance with the notes set out in this Schedule.

**4. Review**

(1) This costs scale enables the hourly rates used to calculate costs to be adjusted consequent to any changes in the hourly rates available under the *Magistrates' Court costs scale*, based on determinations of the Legal Costs Committee established under the *Legal Profession Act 2008*.

(2) The Costs Committee may amend or revoke this Costs Determination at any time, pursuant to section 271(4) of the Act.

**5. Terms used in this Determination**

(1) Unless otherwise stated, all terms used in this Costs Determination have the same meaning given in the—

- (a) *Workers' Compensation and Injury Management Act 1981*;
- (b) *Workers' Compensation and Injury Management Regulations 1982*;
- (c) *Workers' Compensation and Injury Management Conciliation Rules 2011 (Conciliation Rules)*; and
- (d) *Workers' Compensation and Injury Management Arbitration Rules 2011 (Arbitration Rules)*.

(2) For ease of reference, the terms are reproduced hereunder. In this Costs Determination—

“**agent service**” means any service performed by a person—

- (a) in the person's capacity as an agent; and
- (b) in or for the purposes of a proceeding before a dispute resolution authority.

- “**application**” means an application for a decision of a dispute resolution authority.
- “**approved form**” means a form approved under the Conciliation Rules or a form approved under the Arbitration Rules.
- “**Arbitration Service**” means the Workers’ Compensation Arbitration Service established under section 182ZO of the Act.
- “**Arbitration Rules**” means the rules made under section 293B of the Act.
- “**arbitrator**” means an officer of WorkCover WA approved under section 182ZQ of the Act as an arbitrator.
- “**assessment of costs**” means an application for assessment of costs under the Conciliation Rules or under the Arbitration Rules.
- “**conciliation officer**” means an officer of WorkCover WA designated under section 182B of the Act as a conciliation officer.
- “**Conciliation Service**” means the Workers’ Compensation Conciliation Service established under section 181 of the Act.
- “**Conciliation Rules**” means the rules made under section 293A of the Act.
- “**costs**” means—
- (a) costs of a party (including fees, charges and disbursements);
  - (b) costs of a proceeding; and
  - (c) such other costs as may be prescribed by regulation.
- “**costs determination**” means a determination published under section 273 of the Act.
- “**Director**” means the officer of WorkCover WA designated under section 182A of the Act as the Director, Conciliation.
- “**dispute resolution authority**” means the Director, the Registrar, a conciliation officer, or an arbitrator.
- “**legal practitioner**” means an Australian legal practitioner within the meaning of that term as defined in the *Legal Profession Act 2008*.
- “**legal service**” means any service performed by a person—
- (a) in the person’s capacity as a legal practitioner; and
  - (b) in or for the purposes of a proceeding before a dispute resolution authority.
- “**Magistrates Court costs scale**” means the *Legal Profession (Magistrates Court) (Civil) Determination 2018* made by the Legal Costs Committee under the *Legal Profession Act 2008*, or any subsequent determination made in substitution for that determination.
- “**proceeding**” means a proceeding before a dispute resolution authority.
- “**registered agent**” means a person registered under regulations made under section 277 of the Act.
- “**Registrar**” means the officer of WorkCover WA designated under section 182ZP of the Act as the Registrar, Arbitration.
- “**serve**” has the same meaning as is defined in the Conciliation Rules or the Arbitration Rules.
- “**taxing officer**” means the Director, a conciliation officer, the Registrar, or an arbitrator.

## 6. No minimum charge

In no respect is this Determination to be seen as providing a minimum number of hours for any work done. For example, item 2 provides for up to 3 hours for the work involved. The number of 3 hours is a maximum, but actual hours may need to be substantiated.

## 7. Maximum costs

- (1) In accordance with section 274 of the Act, legal practitioners and registered agents are not entitled to be paid or recover an amount that exceeds the maximum costs for the service by this Costs Determination.
- (2) The costs payable to a legal practitioner or registered agent at each milestone described in the Table to clause 9 must not exceed the maximum amount corresponding to that event.
- (3) Further to this, in accordance with section 275 of the Act, an agreement is not to be made for a legal practitioner or registered agent to receive any greater reward than is provided for in this Costs Determination. Any agreement made contrary to section 275 of the Act is void.
- (4) Subject to clause 8, registered agents are entitled to be paid or recover 50 per cent of the amount provided for Senior Practitioners in the Table to clause 8.
- (5) Registered agents are entitled to recover 100 per cent of disbursements, in accordance with item 10 under “Stand-Alone Items” of the Table to clause 9.

## 8. Hourly Rates

- (1) This clause is to be read in conjunction with clauses 4(1) and 5(2).
- (2) The hourly rates set out in the Table to this clause are the maximum hourly rates, inclusive of GST, that shall be used to calculate the fixed amounts for each corresponding item in the costs scale set out in the Table to clause 9.
- (3) The maximum hourly rates which a legal practitioner or registered agent may charge are not to exceed the amounts set out in the Table to this clause.

**Table to Clause 8**

<b>Fee Earner</b>	<b>Maximum Allowable Hourly Rate</b>
Senior Practitioner (permitted to practise on his or her own account for 5 years or more)*	The hourly rate applicable to Senior Practitioners under the Magistrates Court costs scale
Junior Practitioner (permitted to practise on his or her own account for less than 5 years)*	The hourly rate applicable to Junior Practitioners under the Magistrates Court costs scale
Restricted Practitioner*	The hourly rate applicable to Restricted Practitioners under the Magistrates Court costs scale
Registered Agent	50 per cent of the hourly rate applicable to Senior Practitioners under the Magistrates Court costs scale

\* 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.

**9. Scale of costs**

(1) The maximum hours for which a legal practitioner or registered agent may charge a client in relation to conciliation, arbitration and Stand-Alone Items are not to exceed the amounts set out in the Table to this clause.

**Table to Clause 9****WORKERS' COMPENSATION SCALE OF COSTS 2018**

<b>Item</b>	<b>Description</b>	<b>Maximum Allowable Hours</b>
1	Obtaining instructions from client and attempts to resolve the dispute by negotiation prior to involvement in a proceeding—may be claimed once only regardless of the point at which the practitioner or agent becomes involved	4
<b>Conciliation Service</b>		
2	Preparation of and lodging an application to the Conciliation Service including relevant supporting documentation in approved form in accordance with the Conciliation Rules.	+3
3	Where the dispute is resolved after the lodging of an application and prior to a conciliation conference, including all necessary preparation and documentation in approved form in accordance with the Conciliation Rules.	+3
4	Where the dispute is resolved at or after a conciliation conference, including all necessary preparation and documentation in approved form in accordance with the Conciliation Rules. Add for each additional conference	+5 +3
<b>Arbitration Service</b>		
5	Preparation of and lodging an application or reply to the Arbitration Service including all necessary documentation in approved form in accordance with the Arbitration Rules. Add for each application to extend time to lodge an application for Arbitration.	8 +1
6	Where the dispute is resolved after the lodging of an application to the Arbitration Service and prior to the arbitration hearing, including all necessary preparation and documentation in the approved form and attendance at a directions hearing in accordance with the Arbitration Rules. Add for each additional directions hearing Add for each interlocutory application	+6 +2 +3
7	Where the dispute is resolved at or after an arbitration hearing, including all necessary preparation and documentation in the approved form in accordance with the Arbitration Rules. Add for each additional hearing day.	+7 +7
<b>Stand Alone Items—Applicable to conciliation or arbitration service as appropriate</b>		
8	Settlement of the claim by agreement under Schedule 2 or redemption and filing a section 76 memorandum of agreement. (excluding disbursements which are to be paid in accordance with item 10) Excludes agreements made pursuant to section 92(f)#.	10
9	Allowances for witnesses. The amount of any costs to be paid in respect of work done by a practitioner in conducting any proceedings in a dispute may include a reasonable allowance for— (a) witnesses called because of their professional, scientific or other special skill or knowledge; and (b) witnesses called other than those covered in paragraph (a).	

Item	Description	Maximum Allowable Hours
	In fixing an allowance for witnesses under paragraph (b) the taxing officer may have regard to the amount of salary, wages or income (if any) actually lost by the witness, and any expenses in respect of meals, lodging and travel reasonably and necessarily incurred by the witness in attending the proceedings and justify by voucher.	
10	Disbursements (not to include counsel fee and must be justified by voucher). Such amount that is necessarily and reasonably incurred under the circumstances.	

# the *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2018* item 37 provides for work performed in relation to effecting a settlement under section 92(f) of the Act.

#### 10. Methodology—Conciliation Service and Arbitration Service

(1) References to “items” under this clause are in reference to those items under “Conciliation Service” and “Arbitration Service” of the scale of costs.

(2) Items 1 and 2 of the scale are consecutive, cumulative milestones, subject to clause 10(3) and 10(4). For example, to seek payment or to recover for legal services or agent services provided under item 4, the legal practitioner or registered agent must first conclude the milestones, and thereby provide the legal services or agent services, described in items 1 and 2 inclusive of the scale. Items 3 and 4 are not claimable cumulatively and a claim under only one item or the other may be made.

(3) Where the legal practitioner or agent did not provide services during the Conciliation Service stage of the process, the legal practitioner or agent cannot claim under items 2 to 4.

(3a) Where a legal practitioner or agent provides services in relation to Schedule 1A of the Act, the legal practitioner or agent cannot claim under items 2 to 4.

(4) Where a dispute is not resolved in the Conciliation Service and an application is made to the Arbitration Service, and the legal practitioner or legal agent provided services during the Conciliation Service proceedings, the items 4 to 7 of the scale are consecutive, cumulative milestones to items 1 and 2. For example where legal or agent services were provided through the Conciliation Service and into the Arbitration Service, to seek payment or to recover for legal or agent services provided under item 7, the legal practitioner or agent must first conclude the milestones, and have provided the services described in items 1,2, 4 and 5 to 7.

(5) This Determination applies to milestones attained and completed in the Workers’ Compensation Conciliation and Arbitration Services. Costs Determinations 2011 and 2014 will apply to transitional matters and milestones previously attained and completed.

(6) This clause should be read in conjunction with clause 11.

#### 11. Stand-Alone Items

(1) References to “items” under this clause are in reference to those items under “Stand-Alone Items” of the costs scale.

(2) The legal services described in items 8 to 10 may occur at any stage in the process and are additional to the milestone events (regardless of which event or events have been achieved) and are to be read as being in addition to the overall total remuneration.

(3) Item 9—Allowances for witnesses—

(a) Where a witness is summonsed under section 202 of the Act, in accordance with the Arbitration Rules, the summons must be served on the person whose attendance is required 7 days before the day on which the person is required to attend before an arbitrator.

(b) If the summons is not served on the person in accordance with the Arbitration Rules and any witness allowance for the expenses of attendance is not paid or tendered to the person at the time of service of the summons, or not later than a reasonable time before the time at which the person is required to attend, then the person to whom the summons is directed is not required to comply with the summons.

(c) In accordance with the Arbitration Rules, except with the leave of the arbitrator, medical evidence must be given in writing and a medical practitioner may not be called to give oral evidence.

(4) Item 10—Disbursements—

(a) Reference to voucher in item 10 refers to copies of any vouchers, accounts and receipts relevant to the disbursements claimed.

(b) Disbursements must be necessarily and reasonably incurred under the circumstances.

(c) Medical reports—except with the leave of an arbitrator, parties may only use as evidence the medical reports of one doctor in each medical speciality, with a limitation of three areas of medical speciality overall. A report that contains observations from more than one area of medical speciality is to be taken to be one report from each of the specialities utilised within the report. Refer to the Arbitration Rules for more information.

#### 12. Allowance for non-attendance

(1) An allowance can be made for attendance by a legal practitioner or registered agent in circumstances where, through no fault of the legal practitioner or registered agent, their client failed to attend a conference, arbitration or other proceeding before a dispute resolution authority.

**13. Limitations with regard to exceeding the scale of costs**

(1) The limitation in the Act with regard to legal practitioners and registered agents not exceeding the scale is only intended to cover work done within this jurisdiction.

(2) This costs scale does not apply to proceedings before the District Court or Supreme Court. Legal practitioners are entitled to recover an amount determined in accordance with the scale of costs applicable to those courts.

(3) Advice provided by a legal practitioner in relation to Part IV civil proceedings in addition to or independent of this Act is not covered by this Costs Determination (see section 274 of the Act).

(4) Regard should be had to section 87 of the Act when providing advice or representation to a client in relation to an action for damages independent of this Act.

(5) A legal practitioner cannot make any agreement, for appearing or acting on behalf of a person, where they will receive greater reward than is provided for by any legal costs determination (as defined in the *Legal Profession Act 2008*). In any case, agreements made contrary to section 87 of the Act are void.

**14. Interpretation of item descriptions**

(1) In interpreting item descriptors as set out in the Table to clause 8, regard should be had for the procedural requirements set out in the—

- (a) *Workers' Compensation and Injury Management Act 1981*;
- (b) *Workers' Compensation and Injury Management Regulations 1982*;
- (c) *Workers' Compensation and Injury Management Conciliation Rules 2011*; and
- (d) *Workers' Compensation and Injury Management Arbitration Rules 2011*.

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## DECEASED ESTATES

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**ZX401****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

Anthony Bert Grose, late of Regents Garden—Bateman, 2 Amur Place, Bateman 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 12 July 2018, are required by the Trustee, David Morgan Lewis of Lewis, Blyth & Hooper of Level 1, 43 Kishorn Road, Applecross in the State of Western Australia, to send particulars of their claims to him within 1 month of the date of this notice, after which date the Trustee may convey or distribute the assets, having regard only to the claims which he then has notice.

**ZX402****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

In the matter of the Estate of Jan Owsianik, late of Aegis St James, 38 Alday Street, St James 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 29 April 2018, are required by the Executors of the Will of Jan Owsianik deceased to send particulars of their claims addressed to the Executors of the Will of Jan Owsianik, care of Colin Garber & Associates, PO Box 257, Victoria Park WA 6979 within one month of the date of publication of this Notice after which date the Executors may convey or distribute the assets having regard only to the claims of which they have then had notice.



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

## Notice to Creditors and Claimants

Patricia Elizabeth Sheen, late of 182 Kalamunda Road, Gooseberry Hill, Western Australia, deceased. Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on 10 October 2018, are required by the Executor, Stephanie Alice Lee of 7 Broadway Road, Bickley W.A., to send particulars of their claims within 30 days of the date of publication to her after which date she may convey or distribute the assets, having regard only to the claims of which she then has notice.

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

## Notice to Creditors and Claimants

Judith Maie Bagley, late of 20 Milford Street, Geraldton, Western Australia, Retired, deceased. Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on 10 May 2018, are required by the executor, Peta Margaret Crowhurst (Executor) of care of Mid West Lawyers, Suite 1, Wiebbe Hayes House, 7 Wiebbe Hayes Lane, Geraldton, Western Australia, to send particulars of their claims to them 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 she then has notice.

MID WEST LAWYERS.

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

## Notice to Creditors and Claimants

Agnes Jean Cameron Eaton, late of 38 Riverside Drive, Furnissdale 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 September 2018 are required by the personal representative to send particulars of their claims to him/her care of Clement & Co, Lawyers, Unit 2, 12 Sutton Street, Mandurah by 25 January 2019 after which date the personal representative may convey or distribute the assets having regard to the claims of which he/she then has notice.

CLEMENT &amp; CO as solicitors for the personal representative.

**ZX406****TRUSTEES ACT 1962**  
**DECEASED ESTATES**

## Notice to Creditors and Claimants

In the matter of the Estate of Milton Robert Hugh Moores, late of 3 Zeus Avenue, Madeley in Western Australia, Engineer, 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 19 September 2018, are required by the Executor of care of Fort Knox Legal, P.O. Box 390, West Perth, WA 6872, to send the particulars of their claims to Fort Knox Legal by 30 January 2019, after which date the Executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

**ZX407****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimants

In the matter of the Estate of Jocelyn Lynette Lockwood, late of Aegis Shoalwater, 72 Fourth Avenue, Shoalwater in Western Australia, previously of 6/4 Dowling Street, Rockingham in Western Australia, Courier, 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 2 July 2018, are required by the Executor of care of Fort Knox Legal, P.O. Box 390, West Perth, WA 6872, to send the particulars of their claims to Fort Knox Legal by 30 January 2019, after which date the Executor may convey or distribute the assets, having regard only to the claims of which he then has notice.

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