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Nil

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- 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 Publications Officer, Department of the Premier and Cabinet no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition)—

Email address:

gazette@dpc.wa.gov.au

- Inquiries regarding publication of notices can be directed to the Publications Officer on (08) 6552 6012.
- **Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.**

After lodging any notices, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*

GOVERNMENT GAZETTE

PUBLISHING DETAILS FOR EASTER 2022

A gazette will be published on **Thursday 14th April**
and closing time for copy is Wednesday 13th April at noon.

A gazette will be published on **Friday 22nd April**
and closing time for copy is Wednesday 20th April at noon.

The Gazette will not be published on Tuesday 19th April.

— PART 2 —

AGRICULTURE AND FOOD

AG401

BIOSECURITY AND AGRICULTURE MANAGEMENT REGULATIONS 2013

EXEMPTION TO QUARANTINE AREA NOTICE

Perth Metropolitan Local Government Authority Boundaries

Polyphagous Shot-Hole Borer (*Euwallacea fornicatus*)

1. In accordance with regulation 60 of the Biosecurity and Agriculture Management Regulations 2013 (Regulations) a Quarantine Area Notice (QAN) entitled: Quarantine Area Notice—Perth Metropolitan Local Government Authority Boundaries—Polyphagous Shot-Hole Borer (*Euwallacea fornicatus*) was published in the *Government Gazette* on 16 November 2021, and in the West Australian newspaper and on the Department of Primary Industries and Regional Development (DPIRD) website.
2. Under regulation 71 of the Regulations, the QAN is subject to the general exemption set out in this notice.
3. Members of an incorporated association formed for the purpose of horticultural or gardening activities may take wood or living plants (PSHB host material), as defined in Schedule 1 of the QAN, from a place within the quarantine area to a place outside of the quarantine area, under the following conditions—
 - a. the member must first undertake DPIRD online training on Polyphagous Shot-Hole Borer and obtain a certificate of completion. The online training can be found at <https://regtraining.dpird.wa.gov.au/externaluser/course/view.php?id=60>
 - b. all PSHB host material must be examined and found free of signs or symptoms of PSHB infestation by the certified member before being taken outside of the quarantine area.
 - c. any PSHB host material presenting signs or symptoms of PSHB infestation must be immediately reported to DPIRD via the Pest and Disease Information Service (PaDIS; phone 08 9368 3080) and this material must be double bagged and secured until directed by DPIRD.

Note: Inspectors authorised under the *Biosecurity and Agriculture Management Act 2007* may conduct inspections from time to time, without notice, to ascertain whether this exemption notice is being complied with).
4. This exemption applies for so long as the QAN remains in force unless this exemption is revoked.

Dated 25 March 2022.

MIA CARBON, Executive Director Biosecurity, Department of Primary Industries and Regional Development, Delegate of the Director General.

AG402

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

BIOSECURITY AND AGRICULTURE MANAGEMENT (DECLARED PEST) DECLARATION (NO. 01) 2022

Made by the Minister for Agriculture and Food under section 22 of the Act and regulation 7 of the *Biosecurity and Agriculture Management Regulations 2013*.

1. Citation

This declaration is the *Biosecurity and Agriculture Management (Declared Pest) Declaration (No. 01) 2022*

2. Declared Pest

- (a) *Paenibacillus larvae* (White 1906) Ash et al. 1994 emend. Genersch et al. 2006 is declared under section 22(2) of the Act to be a Declared Pest for the whole of the State and is assigned under section 22(3) of the Act to the control category *Category 3 (C3)—Management* and the keeping category *Restricted keeping* as designated by regulation 7 of the *Biosecurity and Agriculture Management Regulations 2013*.

Dated 13 February 2022.

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

AG403**BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007****BIOSECURITY AND AGRICULTURE MANAGEMENT (PROHIBITED ORGANISMS) DECLARATION (NO. 01) 2022**

Made by the Minister for Agriculture and Food under section 12 of the *Biosecurity and Agriculture Management Act 2007* (‘the Act’).

1. Citation

This declaration is the *Biosecurity and Agriculture Management (Prohibited Organisms) Declaration (No. 01) 2022*.

2. Prohibited Organisms

(1) Each of the organisms listed below is declared under section 12(1) of the Act to be a prohibited organism.

(2) Under section 22(1) of the Act a prohibited organism is a declared pest for the whole of Western Australia.

(3) The organisms listed below are assigned to the control Category 1 (C1)—Exclusion under regulation 8(1)(a) of the *Biosecurity and Agriculture Management Regulations 2013*.

(4) All previous declarations under the Act relating to the organisms specified below are revoked.

Plant Pathogens

- *Ascochyta rabiei* MAT1-1 (Pass.) Labr. (1930)
- *Ceratocystis albifundus* M.J. Wingf., De Beer and M.J. Morris (1996)
- *Ceratocystis manginecans* M. van Wyk, A. Adawi and M.J. Wingf. (2007)
- *Cryphonectria parasitica* (Murrill) M.E. Barr (1978)
- *Chrysosporthe austroafricana* Gryzenhout and M.J. Wingf. (2004)
- *Elsinoë citricola* X.L. Fan, R.W. Barreto and P.W. Crous (2017)
- *Fusarium circinatum* Nirenberg and O'Donnell (1998)
- *Ophiostoma ulmi* (Buisman) Melin and Nannf. (1934)

Invertebrates

- *Bactericera trigonica* Hodkinson, 1981
- *Barypeithes pellucidus* (Boheman, 1834)
- *Dindymus versicolor* (Herrich-Schaffer, 1853)
- *Dyspersa apicalis* (Foerster, 1848)
- *Lepisiota incisa* (Forel, 1913)

Dated 23 March 2022.

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

AG404**BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007****BIOSECURITY AND AGRICULTURE MANAGEMENT (PERMITTED ORGANISMS) DECLARATION (NO. 01) 2022**

Made by the Minister for Agriculture and Food under section 11 of the *Biosecurity and Agriculture Management Act 2007* (‘the Act’).

1. Citation

This declaration is the *Biosecurity and Agriculture Management (Permitted Organisms) Declaration (No. 01) 2022*.

2. Permitted Organisms

(1) Each of the organisms listed below is declared under section 11(1) of the Act to be a permitted organism.

(2) All previous declarations under the Act relating to the organisms specified below are revoked.

Plant Pathogens

- *Anthracocystis caledonica* (Patouillard) McTaggart and R.G. Shivas (2012)
- *Anthracocystis heteropogonicola* (Mundk. and Thirum.) McTaggart and R.G. Shivas (2012)
- *Ascochyta rabiei* MAT1-2 (Pass.) Labr. (1930)
- *Capillovirus apple stem grooving virus* (ASGV)
- *Cerebella andropogonis* Ces. (1851)
- *Claviceps hirtella* Langdon (1942)
- *Foveavirus apple stem pitting virus* (ASPV)

- *Fusarium nelsonii* Marasas and Logrieco (1998)
- *Neofusicoccum macroclavatum* (T.I. Burgess, Barber and Hardy) T.I. Burgess, Barber and Hardy (2006)
- *Paraconiothyrium fuckelii* (Sacc.) Verkley and Gruyter (2012)
- *Podosphaera fuliginea* (Schltdl.) U. Braun and S. Takam. (2000)
- *Pseudocochliobolus pallescens* Tsuda and Ueyama (1983)
- *Puccinia cnici-oleracei* Pers. (1823) (ex. *Conyza*)
- *Puccinia spegazzinii* de Toni (1888) pathotype IMI #393075
- *Sphaerotheca fusca* (Fr.) S. Blumer (1933)
- *Sporisorium porosum* (Langdon) McTaggart and R.G. Shivas (2012)
- *Stollia ewartii* (McAlpine) McTaggart and R.G. Shivas (2012)
- *Tilletia whiteochloae* R.G. Shivas and Vánky (2001)
- *Ulocladium botrytis* Preuss (1851)
- *Yersinia arthropodii* J. Walker (2001)

Invertebrates

- *Aphis (Aphis) forbesi* Weed, 1889
- *Chloroclystis testulata* Guenée, 1858
- *Diachasmimorpha kraussi* (Fullaway, 1951)
- *Diuraphis noxia* (Mordvilko in Kurdjumov, 1913)
- *Euonthophagus crocatus* (Mulsant and Godart, 1870)
- *Gymnopleurus sturmi* MacLeay, 1821
- *Malandania pulchra* Sjöstedt, 1918
- *Onthophagus andalusicus* Waltl, 1835
- *Phyllonorycter messaniella* (Zeller, 1846)
- *Pyroderces badia* (Hodges, 1962)
- *Rhizoglyphus minutus* Manson, 1972
- *Rhynchium superbum* Saussure, 1852
- *Symonicoccus australis* (Maskell, 1894)

Dated 23 March 2022.

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

AG405

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

BIOSECURITY AND AGRICULTURE MANAGEMENT (PROHIBITED ORGANISMS) DECLARATION (NO. 02) 2022

Made by the Minister for Agriculture and Food under section 12 of the *Biosecurity and Agriculture Management Act 2007* (‘the Act’).

1. Citation

This declaration is the *Biosecurity and Agriculture Management (Prohibited Organisms) Declaration (No. 02) 2022*.

2. Prohibited Organisms

- (1) Each of the organisms listed below is declared under section 12(1) of the Act to be a prohibited organism.
- (2) Under section 22(1) of the Act a prohibited organism is a declared pest for the whole of Western Australia.
- (3) The organisms listed below are assigned to the control Category 1 (C1)—Exclusion under regulation 8(1)(a) of the *Biosecurity and Agriculture Management Regulations 2013*.
- (4) The organisms listed below are assigned to a keeping category under regulation 8(2) of the *Biosecurity and Agriculture Management Regulations 2013* specified in column 2.
- (5) All previous declarations under the Act relating to the organisms specified below are revoked.

Column 1

Column 2

Full Organism Name	Keeping Category and Area Declared
<i>Notamacropus parryi</i> (Bennett, 1835)	Prohibited keeping Whole of the State.
<i>Notamacropus parma</i> (Waterhouse, 1845)	Prohibited keeping Whole of the State.
<i>Petrogale xanthopus</i> (Gray, 1855)	Prohibited keeping Whole of the State.
<i>Chelodina longicollis</i> (Shaw, 1794)	Prohibited keeping Whole of the State.

Full Organism Name	Keeping Category and Area Declared
<i>Erythrura prasina</i> (Sparrman, 1788)	Prohibited keeping areas of the State north of the 26° parallel latitude. Restricted keeping areas of the State south of the 26° parallel of latitude.

Dated 23 March 2022.

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

AG406

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

BIOSECURITY AND AGRICULTURE MANAGEMENT REVOCATION DECLARATION (NO. 01) 2022

1. Citation

This declaration is the *Biosecurity and Agriculture Management Revocation Declaration (No. 01) 2022*

2. Revocation

The declarations of the organisms listed below are revoked.

Plant Pathogens

- *Didymella rabiei* (Kovatsch.) Arx (1962)
- *Gibberella fujikuroi* (Sawada) Wollenw. (1931)
- *Gibberella stilboides* W.L. Gordon ex C. Booth (1971)

Invertebrates

- *Amorbia essigana* Busck, 1929
- *Anoplophora chinensis chinensis* (Forster, 1771)
- *Hoshinoa longicellana* Walsingham, 1900
- *Nygmia phaeorrhoea* Donovan, 1813
- *Pyrausta nubilalis* (Hb)
- *Thyas junco* (Dalman, 1823)

Dated 22 March 2022.

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

AG407

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

BIOSECURITY AND AGRICULTURE MANAGEMENT REVOCATION DECLARATION (NO. 02) 2022

1. Citation

This declaration is the *Biosecurity and Agriculture Management Revocation Declaration (No.02)2022*.

2. Revocation

The declarations in the *Biosecurity and Agriculture Management (Prohibited Organisms) Declaration 2013* for the organisms listed below are revoked.

- (a) *Paenibacillus larvae* (White 1906) Ash et al. 1994 emend. Genersch et al. 2006 (exotic strains), Taxon ID 106618
- (b) *Paenibacillus larvae* subsp. *larvae* (White 1906) Heyndrickx et al. 1996 (exotic strains), Taxon ID 144804
- (c) *Paenibacillus larvae* subsp. *pulvifaciens* (Nakamura 1984) Heyndrickx et al. 1996, Taxon ID 140964

Dated 13 February 2022.

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

ENERGY

EN401

ELECTRICITY INDUSTRY ACT 2004**ELECTRICITY INDUSTRY (NETWORK QUALITY AND RELIABILITY OF SUPPLY) AMENDMENT
CODE 2022**

Made by the Minister under section 39(2a)(a) of the Act.

1. Citation

This code is the *Electricity Industry (Network Quality and Reliability of Supply) Amendment Code 2022*.

2. Commencement

This code comes into operation on 1 July 2022.

3. Code amended

This code amends the *Electricity Industry (Network Quality and Reliability of Supply) Code 2005*.

4. Section 19(1) amended

In subsection 19(1) delete “\$80” and insert “\$120”.

Hon. BILL JOHNSTON, MLA, Minister for Energy.

JUSTICE

JU401

PROFESSIONAL STANDARDS ACT 1997**SOUTH AUSTRALIAN BAR ASSOCIATION PROFESSIONAL STANDARDS SCHEME**

I, John Quigley MLA, Attorney General; Minister for Electoral Affairs, pursuant to section 26 of the *Professional Standards Act 1997* (WA) (the Act), authorise the publication of the South Australian Bar Association Professional Standards Scheme (the Scheme) submitted to me by the Professional Standards Council of South Australia. The Scheme is published with this authorisation and will commence in accordance with section 27 of the Act.

Dated 14 March 2022.

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

PROFESSIONAL STANDARDS ACT 2004 (SA)**SOUTH AUSTRALIAN BAR ASSOCIATION PROFESSIONAL STANDARDS SCHEME****PREAMBLE**

- A. The South Australian Bar Association (“SABA”) is an occupational association.
- B. SABA has made an application to the Professional Standards Council, established by the *Professional Standards Act 2004* (SA), for approval of a scheme under the Act.
- C. The Scheme is prepared by SABA for the purposes of limiting occupational liability of its participants to the extent to which such liability may be limited under the Act.
- D. The Scheme propounded by SABA applies to Ordinary Members of SABA who have professional indemnity insurance that complies with the approved Insurance Standard.
- E. SABA has furnished the Professional Standards Council with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.
- F. The Scheme is to commence on 1 July 2022 and remain in force for five (5) years from its commencement unless, prior to that time, it is revoked, its operation ceases, or it is extended.
- G. The Scheme is intended to apply in all States and Territories within Australia.
- H. The Scheme only applies to Ordinary Members holding an Australian practising certificate in the practise of domestic law within Australia.
- I. The Scheme will have force in South Australia and, if relevant, the other jurisdictions in which the Scheme will apply under the provisions for mutual recognition contained in the Act. To the extent that the Scheme applies to limit liability in the other jurisdictions, it is subject to the professional standards legislation of those jurisdictions.

- J. Section 12GNA(2) of the *Australian Securities and Investments Commission Act 2001* (Cth); section 137(2) of the *Competition and Consumer Act 2010* (Cth); and section 1044B(2) of the *Corporations Act 2001* (Cth) provide for limited liability in respect of actions for contravention of certain provisions, but only where a professional standards scheme is prescribed in the relevant regulation. The Scheme does not apply to limit any liability under a Commonwealth law unless the Scheme has been prescribed by the Commonwealth.

THE SOUTH AUSTRALIAN BAR ASSOCIATION PROFESSIONAL STANDARDS SCHEME

1. Definitions

“Act” means the *Professional Standards Act 2004* (SA);

“Corresponding Law” means a law of another State or Territory of Australia that corresponds to the Act, including for the avoidance of doubt—

- (a) *Professional Standards Act 1994* (NSW);
- (b) *Professional Standards Act 2004* (Qld);
- (c) *Professional Standards Act 2003* (Vic);
- (d) *Professional Standards Act 1997* (WA);
- (e) *Professional Standards Act 2005* (Tas);
- (f) *Professional Standards Act 2004* (NT); and
- (g) *Civil Law (Wrongs) Act 2002* (ACT);

“Court” has the same meaning as it has in the Act;

“Damages” has the same meaning as it has in the Act;

“Duration of the Scheme” means the period commencing on the date specified in clause 7.1 and ending upon the cessation of the Scheme pursuant to clause 7.2;

“Exempted Member” means an Ordinary Member who is or was at the Relevant Time exempted by SABA from participation in the Scheme pursuant to clause 4.3;

“Insurance Standard” means the Insurance Standard approved by the Law Society of South Australia on 21 June 2021 and adopted by the Bar Council of SABA on 29 July 2021;

“Legal Practitioners Act” means the *Legal Practitioners Act 1981* (SA) or any act enacted in substitution thereof;

“Monetary Ceiling” means, in respect of a liability in respect of a cause of action founded on an act or omission occurring after the commencement of the Scheme, \$1,500,000;

“Occupational Liability” has the same meaning as it has in the Act;

“Ordinary Member” for the purposes of the Scheme means a person who is or was at a relevant time an ordinary member or bar reader member within the meaning of and pursuant to the Constitution of SABA (as amended from time to time);

“Person” means an individual or a body corporate;

“Relevant Time” means, in respect of a liability potentially limited by the Scheme, the time(s) of the act(s) or omission(s) giving rise to the liability;

“SABA” means the South Australian Bar Association Incorporated;

“the Scheme” means the South Australian Bar Association Professional Standards Scheme constituted herein;

“Scheme Participant” means a person referred to in clause 4.1 or 4.2.

2. Occupational Association

- 2.1. The Scheme is a scheme under the Act prepared and conducted by SABA whose scheme management address is 24 Flinders Street, Adelaide, South Australia.

3. Jurisdictions in which the Scheme Applies

- 3.1. The Scheme applies in South Australia pursuant to the Act.
- 3.2. The Scheme applies in New South Wales, Victoria, Queensland, Western Australia, Tasmania, the Australian Capital Territory and the Northern Territory pursuant to the Corresponding Laws of each of those jurisdictions respectively.
- 3.3. Notwithstanding anything to the contrary contained in this Scheme, if in particular circumstances giving rise to Occupational Liability, the liability of any person who is subject to this Scheme should be capped by both this Scheme and also by any other scheme under professional standards legislation (whether of this jurisdiction or under the law of any other Australian State or Territory) and if the amount of such caps should differ, then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.

4. Persons to Whom the Scheme Applies

4.1. The Scheme applies to all persons who—

- 4.1.1. are or at the Relevant Time were Ordinary Members of SABA holding a current practising certificate;
- 4.1.2. are or were at the Relevant Time not Exempted Members; and
- 4.1.3. have professional indemnity insurance that complies with the Insurance Standard.

4.2. The Scheme applies to all persons to whom the Scheme applies by virtue of sections 20, 21, and 22 of the Act and any Corresponding Laws.

4.3. SABA may, upon application by an Ordinary Member, exempt that person from participation in the Scheme with effect from a date specified by SABA on or after the date on which the exemption is granted.

4.4. SABA may, upon application by an Ordinary Member, revoke an exemption of that person from participation in the Scheme with effect from a date specified by SABA.

5. Conferral of Discretionary Authority

5.1. The Scheme confers on SABA a discretionary authority, on application by a Scheme Participant, to specify in relation to the person a higher maximum amount of liability than would otherwise apply under the Scheme in relation to the person either in all cases or in any specified case or class of case, being a specified amount not exceeding \$50 million.

6. Limitation of Liability

6.1 The Occupational Liability of a person who is or at the Relevant Time was a Scheme Participant in respect of a cause of action founded on an act or omission occurring during the Duration of the Scheme is limited to the amount of the Monetary Ceiling.

6.2 The liability which is limited by clause 6.1 extends to a liability for Damages but excludes a liability to which the Act does not apply from time to time by reason of section 5 thereof or, if the liability is governed by a Corresponding Law, excludes a liability to which the Corresponding Law does not apply from time to time by reason of its provisions.

6.3 The operation of clause 6.1 limiting the liability of a person is subject to the proviso that the person is able to satisfy the Court that—

- 6.3.1 the person has the benefit of an insurance policy or policies in accordance with the Insurance Standard insuring the person against the Occupational Liability to which the cause of action relates; and
- 6.3.2 the amount payable under the policy or policies in respect of that occupational liability is not less than the amount of the Monetary Ceiling.

6.4 The limitation of liability that, in accordance with this Scheme and the Acts, applies in respect of an act or omission continues to apply to every cause of action founded on it, irrespective of when the proceedings are brought in respect of it, and even if the Scheme has been amended or has ceased to be in force.

6.5 For the purposes of section 28 of the Act and corresponding provisions in Corresponding Laws, the Scheme only affects a liability for Damages arising from a single claim (including a claim by a person who has 2 or more causes of action arising out of a single event) exceeding \$1,500,000.

7. Commencement and Duration of the Scheme

7.1. The Scheme will commence—

- 7.1.1 in New South Wales, the Northern Territory, Tasmania, Western Australia, Victoria and Queensland on 1 July 2022; and
- 7.1.2 in South Australia and the Australian Capital Territory—
 - 7.1.2.1 on this same date or such other later date as may be specified in the relevant Minister's notice in relation to the Scheme; or
 - 7.1.2.2 if no date is specified in the relevant Minister's notice, on the first day two months after the date of the publication of the Minister's notice.

7.2 The Scheme will be in force in South Australia for a period of five years from the date of its commencement in that jurisdiction.

7.3. For any other jurisdiction, the Scheme will be in force for—

- 7.3.1. five years from the date of commencement in that jurisdiction; or
- 7.3.2. five years from the date of commencement in South Australia, whichever period ends first.

7.4. Clauses 7.2 and 7.3 are subject to the provisions of the Act and the Corresponding Law in each jurisdiction in relation to the revocation, extension or cessation of a Scheme.

JU402**PROFESSIONAL STANDARDS ACT 1997****LAW INSTITUTE OF VICTORIA LIMITED PROFESSIONAL STANDARDS SCHEME**

I, John Quigley MLA, Attorney General; Minister for Electoral Affairs, pursuant to section 26 of the *Professional Standards Act 1997* WA (the Act), authorise the publication of the Law Institute of Victoria Limited Professional Standards Scheme (the Scheme) submitted to me by the Professional Standards Council of Victoria. The Scheme is published with this authorisation and commences on 1 July 2022. The Scheme remains in force for a period of 5 years from its commencement unless the Scheme is revoked, extended, or its operation ceases as specified in the Act.

Dated 23 March 2022.

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

PROFESSIONAL STANDARDS ACT 2003 (VIC)**LAW INSTITUTE OF VICTORIA LIMITED PROFESSIONAL STANDARDS SCHEME****PREAMBLE**

- A. The Law Institute of Victoria Limited (“the LIV”) is an occupational association for legal practitioners (solicitors) in Victoria for the purposes of the *Professional Standards Act 2003* (Vic) (“the Act”).
- B. The Scheme is prepared by the LIV for the purposes of limiting Occupational Liability to the extent to which such liability may be limited under the Act.
- C. The Scheme applies to all Participating Members, as defined in the Scheme.
- D. The Scheme will have force in Victoria, New South Wales, Queensland, South Australia, Western Australia, the Northern Territory, Tasmania, and the Australian Capital Territory. To the extent that the Scheme applies to limit liability in jurisdictions other than Victoria, it is subject to the professional standards legislation of those jurisdictions.
- E. The LIV has furnished the Council with a detailed list of the risk management strategies to be implemented in respect of its Participating Members and the means by which those strategies are to be implemented.
- F. The LIV has furnished the Council with details of its insurance standards and professional indemnity insurance claims monitoring process. The LIV will not amend these insurance standards while the Scheme is in force without prior approval of the Council.
- G. The LIV has advised its Participating Members that they must have the benefit of a professional indemnity policy that complies with the LIV’s insurance standards and that they remain liable for the amount of any difference between the amount payable to a plaintiff under the policy and the monetary ceiling specified in the Scheme.
- H. The LIV has furnished the Council with details of its complaints system and discipline system.
- I. The LIV and its members to whom the Scheme applies have undertaken to comply with all reporting obligations associated with the Scheme, in furtherance of the statutory objects of improvement of the occupational standards of its members, and protection of the consumers of such members’ services.
- J. The LIV has undertaken to remit all fees payable under the *Professional Standards Regulations 2017* (Vic) to the Council as and when these become due.
The Scheme is intended to commence on 1 July 2022 and remain in force for a period of five (5) years from its commencement, unless, prior to that time, it is revoked, its operation ceases, or it is extended.
- K. Sections 12GNA(2) of the *Australian Securities and Investments Commission Act 2001* (Cth), 137(2) of the *Competition and Consumer Act 2010* (Cth), and 1044B(2) of the *Corporations Act 2001* (Cth) provide for limited liability where a Professional Standards Scheme is prescribed in the relevant regulation. The Scheme does not apply to limit any liability under a Commonwealth law unless it has been prescribed under regulations by the Commonwealth.

LAW INSTITUTE OF VICTORIA LIMITED PROFESSIONAL STANDARDS SCHEME**1. Occupational association**

1.1 The Law Institute of Victoria Limited Professional Standards Scheme is a scheme under the *Professional Standards Act 2003* (Vic) (“the Act”) prepared by the Law Institute of Victoria Limited (“the LIV”), whose business address is: Level 13, 140 William St, Melbourne, Victoria.

2. Persons to whom the Scheme applies

2.1 The Scheme applies to—

- 2.1.1 Full Members who hold a current Australian Practising Certificate who are not excluded or exempted under clauses 2.2 or 2.3 of the Scheme;
- 2.1.2 Incorporated Legal Practices that are not exempted under clause 2.3 of the Scheme; and
- 2.1.3 all persons to whom, by virtue of sections 20, 21 or 22 of the Act, the Scheme applies.

2.2 Despite clause 2.1, the Scheme does not apply to a Corporate Legal Practitioner or to a Government Legal Practitioner.

2.3 A person referred to in clause 2.1 may, on application, be exempted from participation in the Scheme by the LIV, with effect from the date specified by the LIV. This clause does not apply to persons to whom the Scheme applies by virtue of sections 20, 21 or 22 of the Act.

3. Jurisdiction

3.1 The Scheme applies in Victoria.

3.2 In addition to Victoria, the Scheme is intended to operate in New South Wales, Queensland, South Australia, Western Australia, the Northern Territory, Tasmania, and the Australian Capital Territory in accordance with the professional standards legislation of those states and territories and subject to the requirements of that legislation (“the Corresponding Laws”), so that references to a provision of the Act, the application of the Scheme to a liability, the limit of a liability under the Act, or what constitutes Occupational Liability, are intended to pick up the relevant provisions of the Corresponding Laws, applied mutatis mutandis, to the extent that is necessary for the application of the Scheme in any of those jurisdictions.

4. Limitation of liability

4.1 This Scheme only affects the liability for Damages arising from a single cause of action to the extent to which the liability results in Damages exceeding \$1.5 million.

4.2 If a person who is, or was, at the time of the act or omission giving rise to Occupational Liability, a person to whom the Scheme applies, or applied, and against whom a proceeding relating to Occupational Liability is brought, is able to satisfy the Court that such person has the benefit of an insurance policy—

- (a) of a kind which complies with the standards determined by the LIV;
- (b) insuring such person against the Occupational Liability to which the cause of action relates; and
- (c) under which the amount payable in respect of that Occupational Liability is not less than the applicable monetary ceiling specified in clause 4.3 of this Scheme;

then that person is not liable in Damages in relation to that cause of action above the monetary ceiling specified in clause 4.3 of this Scheme.

4.3 The applicable monetary ceiling is to be determined according to the table below—

Class	Description	Monetary ceiling
1	Participating Members who were at the Relevant Time in a Law Practice consisting of up to and including 20 Principals and where the Law Practice generated Total Annual Fee Income for the Financial Year at the Relevant Time up to and including \$10 million.	\$1.5 million
2	Any Participating Member which was at the Relevant Time an Incorporated Legal Practice consisting of up to and including 20 Principals and where the Law Practice generated Total Annual Fee Income for the Financial Year at the Relevant Time up to and including \$10 million.	\$1.5 million
3	(a) Participating Members who were at the Relevant Time in a Law Practice consisting of greater than 20 Principals; or (b) Participating Members who were at the Relevant Time in a Law Practice where the Law Practice generated Total Annual Fee Income for the Financial Year at the Relevant Time greater than \$10 million.	\$10 million
4	(a) Any Participating Member which was at the Relevant Time an Incorporated Legal Practice consisting of greater than 20 Principals; or (b) Any Participating Member which was at the Relevant Time a Law Practice where the Law Practice generated Total Annual Fee Income for the Financial Year at the Relevant Time greater than \$10 million.	\$10 million

4.4 Clause 4.2 does not limit the amount of Damages to which a person to whom the Scheme applies is liable if the amount is less than the amount specified for the purpose in this Scheme in relation to a person to whom the Scheme applies.

4.5 This Scheme limits the Occupational Liability in respect of a cause of action founded on an act or omission occurring during the period when the Scheme was in force of any person to whom the Scheme applied at the time the act or omission occurred.

4.6 Notwithstanding anything to the contrary contained in this Scheme if, in particular circumstances giving rise to Occupational Liability, the liability of any person who is subject to this Scheme should be capped both by this Scheme and also by any other scheme under professional standards legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and, if the amount of such caps should differ, then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.

5. Conferral of discretionary authority

5.1 The LIV has discretionary authority, on application by a person referred to in clause 2.1, to specify in relation to that person, a higher maximum amount of liability than would otherwise apply under the Scheme in relation to that person, either in all cases or in any specified case or class of case.

6. Commencement and Duration

6.1 The Scheme will commence—

6.1.1 in Victoria, New South Wales, the Northern Territory, Western Australia, Tasmania and Queensland, on 1 July 2022; and

6.1.2 in the Australian Capital Territory and in South Australia, on this same date, or such other later date, provided the date is specified in the relevant Minister's notice in relation to the Scheme; or

6.1.3 in all other cases, subject to the statutory provisions of each applicable jurisdiction.

6.2 The Scheme will remain in force in all applicable jurisdictions for a period of five (5) years from its commencement in Victoria.

6.3 Clause 5.2 is subject to the provisions of the Corresponding Law in each jurisdiction in relation to the revocation, extension or cessation of a scheme.

7. Definitions

7.1 Relevant definitions for the purpose of this Scheme are as follows:

“Act” means the *Professional Standards Act 2003* (Vic);

“*Australian Practising Certificate*” has the same meaning as it has in the Legal Profession Uniform Law (Victoria);¹

“*Corporate Legal Practitioner*” has the same meaning as it has in the Legal Profession Uniform Law (Victoria);²

“*Corresponding Laws*” means the *Professional Standards Act 1994* (NSW), the *Professional Standards Act 2004* (Qld), the *Professional Standards Act 2004* (SA), the *Professional Standards Act 1997* (WA), the *Professional Standards Act 2004* (NT), *Professional Standards Act 2005* (Tas), and the *Civil Law (Wrongs) Act 2002* (ACT);

“*Court*” has the same meaning as it has in the Act;

“*Damages*” has the same meaning as it has in the Act;

“*Financial Year*” means a financial accounting period ending 30 June;

“*Full Member*” means an Australian legal practitioner who is a full member of the Law Institute of Victoria Limited;

“*Government Legal Practitioner*” has the same meaning as it has in the Legal Profession Uniform Law (Victoria);³

“*Incorporated Legal Practice*” means an incorporated legal practice within the meaning of the Legal Profession Uniform Law (Victoria) that is a member of the Law Institute of Victoria;⁴

“*Law Practice*” has the same meaning as it has in the Legal Profession Uniform Law (Victoria);⁵

“*LIV*” means the Law Institute of Victoria Limited;

“*Occupational Liability*” has the same meaning as it has in the Act;

“*Participating Members*” means those persons specified in clause 2.1 of the Scheme; “*Person*” means an individual or a body corporate;

“*Principal*” has the same meaning as it has in the Legal Profession Uniform Law (Victoria);⁶

“*Relevant Time*” means, in relation to a cause of action giving rise to Occupational Liability, the time at which an act or omission occurred upon which the cause of action was founded;

“*Scheme*” means the Law Institute of Victoria Limited Professional Standards Scheme constituted by this document;

“*Total Annual Fee Income*” means the amount charged during a Financial Year for services provided by or on behalf of a Law Practice some of whose members are Participating Members.

¹ Refer *Legal Profession Uniform Law Application Act 2014* section 4.

² Refer *Legal Profession Uniform Law Application Act 2014* section 4.

³ Refer *Legal Profession Uniform Law Application Act 2014* section 4.

⁴ Refer *Legal Profession Uniform Law Application Act 2014* section 4.

⁵ Refer *Legal Profession Uniform Law Application Act 2014* section 4.

⁶ Refer *Legal Profession Uniform Law Application Act 2014* section 4.

LOCAL GOVERNMENT

LG401

BUSH FIRES ACT 1954

City of Kalamunda

2021/2022 FIRE CONTROL OFFICER APPOINTMENTS

It is hereby notified for public information that the following persons are appointed as Bushfire Control Officers for the City of Kalamunda, to administer the provisions of the *Bush Fires Act 1954* and Regulations pursuant to section 38(1)—

City of Kalamunda—Restricted Powers Pursuant to Section 38 (4) of the *Bush Fires Act 1954* all powers of a Fire Control Officer except for control and extinguishment of bush fires—

- Angie House—FCO 15
- Myles Bird—FCO 16

Dated 8 March 2022.

RHONDA HARDY, Chief Executive Officer.

LG402

LOCAL GOVERNMENT ACT 1995

DETERMINATION—BASIS OF RATES

I, John Carey MLA, being 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) and section 6.29 (3) of that Act, hereby, and with effect from 14 February 2022, determine that the method of valuation to be used by the Shire of East Pilbara, as the basis for a rate on the mining tenements referred to in Column 1 of the Schedule (Mining Tenement), in respect of the portions of land referred to in Column 2 of the Schedule (Portion of Land), is to be the Gross Rental Value of the land.

Schedule

1. Mining Tenement	2. Portion of Land
M45/1226-1 Northstar Mine Camp	All that portion of land being part of LPL N050365. Starting from a point at coordinate 707770 metres East, 7648670 metres North (GDA2020 Zone 50) and extending easterly 90 degrees, 0 minutes, 0 seconds, 800 metres; thence southerly 180 degrees, 0 minutes, 0 seconds, 770 metres; thence westerly 270 degrees, 0 minutes, 0 seconds, 800 metres; thence northerly 0 degrees, 0 minutes, seconds, 770 metres to the starting point. Approximate Area: 61.6 hectares.

Hon. JOHN CAREY, MLA, Minister for Housing; Local Government.

LG403

LOCAL GOVERNMENT ACT 1995

DETERMINATION—BASIS OF RATES

I, John Carey MLA, being 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) and section 6.29 (3) of that Act, hereby, and with effect from 14 February 2022, determine that the method of valuation to be used by the Shire of East Pilbara, as the basis for a rate on the mining tenements referred to in Column 1 of the Schedule (Mining Tenement), in respect of the portions of land referred to in Column 2 of the Schedule (Portion of Land), is to be the Gross Rental Value of the land.

Schedule

1. Mining Tenement	2. Portion of Land
ML 252SA Koodaideri Village	All that portion of land being part of ML/252SA. Starting from a point at coordinate 715100.0 metres East, 7506300.0 metres North (GDA2020 Zone 50) and extending easterly 90 degrees, 0 minutes, 0 seconds, 600.0 metres; thence southerly 180 degrees, 0 minutes, 0 seconds, 400.0 metres; thence westerly 270 degrees, 0 minutes, 0 seconds, 600.0 metres; thence northerly 0 degrees, 0 minutes, 0 seconds, 400.0 metres to the starting point. Approximate Area: 24.0 hectares.

Hon. JOHN CAREY, MLA, Minister for Housing; Local Government.

MINERALS AND PETROLEUM

MP401

MINING ACT 1978
INTENTION TO FORFEIT

Department of Mines, Industry Regulation and Safety,
 Perth WA 6000.

In accordance with Regulation 50 of the *Mining Regulations 1981*, notice is hereby given that unless the outstanding royalty payment due on the under mentioned leases is paid on or before 28 April 2022 or a written submission is made by that date to the Minister responsible for the *Mining Act 1978* to consider, it is the intention of the Minister under the provisions of Section 97(1) of the *Mining Act 1978* to forfeit such for breach of covenant by the holder of the under mentioned leases for failure to comply with the royalty provisions in accordance with Regulation 86A.

DIRECTOR GENERAL.

Number	Holder	Mineral Field
	<i>Mining Leases</i>	
M 46/518-I	Roy Hill Iron Ore Pty Ltd	Nullagine
M 46/519-I	Roy Hill Iron Ore Pty Ltd	Nullagine

MP402

MINING ACT 1978
INTENTION TO FORFEIT

Department of Mines, Industry Regulation and Safety,
 Perth WA 6000.

In accordance with Regulation 50 of the *Mining Regulations 1981*, notice is hereby given that unless the outstanding royalty payment due on the under mentioned lease is paid on or before 28 April 2022 or a written submission is made by that date to the Minister responsible for the *Mining Act 1978* to consider, it is the intention of the Minister under the provisions of Section 97(1) of the *Mining Act 1978* to forfeit such for breach of covenant by the holder of the under mentioned lease for failure to comply with the royalty provisions in accordance with Regulation 86A.

DIRECTOR GENERAL.

Number	Holder	Mineral Field
	<i>Mining Lease</i>	
M 37/155	Darlot Mining Company Pty Ltd	Mt. Malcolm

MP403

MINING ACT 1978
INTENTION TO FORFEIT

Department of Mines, Industry Regulation and Safety,
 Perth WA 6000.

In accordance with Regulation 50 of the *Mining Regulations 1981*, notice is hereby given that unless the outstanding royalty payment due on the under mentioned lease is paid on or before 28 April 2022 or a written submission is made by that date to the Minister responsible for the *Mining Act 1978* to consider, it is the intention of the Minister under the provisions of Section 97(1) of the *Mining Act 1978* to forfeit such for breach of covenant by the holder of the under mentioned lease for failure to comply with the royalty provisions in accordance with Regulation 86A.

DIRECTOR GENERAL.

Number	Holder	<i>Mining Lease</i>	Mineral Field
M 39/255	Linden Gold Pty Ltd		Mt. Morgans

MP404**MINING ACT 1978****INTENTION TO FORFEIT**

Department of Mines, Industry Regulation and Safety,
Perth WA 6000.

In accordance with Regulation 50 of the *Mining Regulations 1981*, notice is hereby given that unless the outstanding royalty payment due on the under mentioned lease is paid on or before 28 April 2022 or a written submission is made by that date to the Minister responsible for the *Mining Act 1978* to consider, it is the intention of the Minister under the provisions of Section 97(1) of the *Mining Act 1978* to forfeit such for breach of covenant by the holder of the under mentioned lease for failure to comply with the royalty provisions in accordance with Regulation 86A.

DIRECTOR GENERAL.

Number	Holder	<i>Mining Lease</i>	Mineral Field
M 77/225	Barto Gold Mining Pty Ltd		Yilgarn M.F.

MP405**MINING ACT 1978****INTENTION TO FORFEIT**

Department of Mines, Industry Regulation and Safety,
Perth WA 6000.

In accordance with Regulation 50 of the *Mining Regulations 1981*, notice is hereby given that unless the outstanding royalty payment due on the under mentioned leases is paid on or before 28 April 2022 or a written submission is made by that date to the Minister responsible for the *Mining Act 1978* to consider, it is the intention of the Minister under the provisions of Section 97(1) of the *Mining Act 1978* to forfeit such for breach of covenant by the holder of the under mentioned leases for failure to comply with the royalty provisions in accordance with Regulation 86A.

DIRECTOR GENERAL.

Number	Holder	<i>Mining Leases</i>	Mineral Field
M 70/195	Iluka Midwest Limited		South West
M 70/196	Iluka Midwest Limited		South West
M 70/518	Iluka Midwest Limited		South West
M 70/868	Iluka Finance Limited		South West
M 70/869	Iluka Finance Limited		South West

MP406**MINING ACT 1978**
INTENTION TO FORFEIT

Department of Mines, Industry Regulation and Safety,
Perth WA 6000.

In accordance with Regulation 50 of the *Mining Regulations 1981*, notice is hereby given that unless the outstanding royalty payment due on the under mentioned lease is paid on or before 28 April 2022 or a written submission is made by that date to the Minister responsible for the *Mining Act 1978* to consider, it is the intention of the Minister under the provisions of Section 97(1) of the *Mining Act 1978* to forfeit such for breach of covenant by the holder of the under mentioned lease for failure to comply with the royalty provisions in accordance with Regulation 86A.

DIRECTOR GENERAL.

Number	Holder	Mineral Field
	<i>Mining Lease</i>	
M 15/717	Reed Industrial Minerals Pty Ltd	Coolgardie

MP407**MINING ACT 1978**
INTENTION TO FORFEIT

Department of Mines, Industry Regulation and Safety,
Perth WA 6000.

In accordance with Regulation 50 of the *Mining Regulations 1981*, notice is hereby given that unless the outstanding royalty payment due on the under mentioned lease is paid on or before 28 April 2022 or a written submission is made by that date to the Minister responsible for the *Mining Act 1978* to consider, it is the intention of the Minister under the provisions of Section 97(1) of the *Mining Act 1978* to forfeit such for breach of covenant by the holder of the under mentioned lease for failure to comply with the royalty provisions in accordance with Regulation 86A.

DIRECTOR GENERAL.

Number	Holder	Mineral Field
	<i>Mining Lease</i>	
M 39/446	Murrin Murrin Operations Pty Ltd	Mt. Morgans

MP408**MINING ACT 1978**
INTENTION TO FORFEIT

Department of Mines, Industry Regulation and Safety,
Perth WA 6000.

In accordance with Regulation 50 of the *Mining Regulations 1981*, notice is hereby given that unless the outstanding royalty payment due on the under mentioned lease is paid on or before 28 April 2022 or a written submission is made by that date to the Minister responsible for the *Mining Act 1978* to consider, it is the intention of the Minister under the provisions of Section 97(1) of the *Mining Act 1978* to forfeit such for breach of covenant by the holder of the under mentioned lease for failure to comply with the royalty provisions in accordance with Regulation 86A.

DIRECTOR GENERAL.

Number	Holder	Mineral Field
	<i>Mining Lease</i>	
M 08/477	Pilbara Stone Holdings Pty Ltd	Ashburton

MP409**MINING ACT 1978**
INTENTION TO FORFEITDepartment of Mines, Industry Regulation and Safety,
Perth WA 6000.

In accordance with Regulation 50 of the *Mining Regulations 1981*, notice is hereby given that unless the outstanding royalty payment due on the under mentioned leases is paid on or before 28 April 2022 or a written submission is made by that date to the Minister responsible for the *Mining Act 1978* to consider, it is the intention of the Minister under the provisions of Section 97(1) of the *Mining Act 1978* to forfeit such for breach of covenant by the holder of the under mentioned leases for failure to comply with the royalty provisions in accordance with Regulation 86A.

DIRECTOR GENERAL.

Number	Holder	Mineral Field
	<i>Mining Leases</i>	
M 52/149	Billabong Gold Pty Ltd	Peak Hill
M 52/150	Billabong Gold Pty Ltd	Peak Hill

MP410**MINING ACT 1978****INSTRUMENT OF VARIATION OF EXEMPTION OF LAND**

I, Kristian Hartley Dawson, Executive Director, Resource Tenure, pursuant to section 19 of the *Mining Act 1978* hereby vary the exemption of land originally declared on 1 June 2001 and published in the *Government Gazette* dated 22 June 2001 by varying the description to that as described hereunder (not being private land or land that is the subject of a mining tenement or an application for a mining tenement) from Divisions 1 to 5 of Part IV of the *Mining Act 1978*.

Locality

Mileura

Description of Land

Land designated S19/157 in the TENGRAPH electronic plan of the Department of Mines, Industry Regulation and Safety. A geospatial description is filed in the Department of Mines, Industry Regulation and Safety electronic file number A0822/201801, document ID 9052853.

Area of Land

1,959,238.26 hectares

Dated at Perth this 22nd day of March 2022.

KRISTIAN HARTLEY DAWSON, Executive Director, Resource Tenure.

MP411**MINING ACT 1978****INSTRUMENT OF CANCELLATION OF EXEMPTION OF LAND**

I, Kristian Hartley Dawson, Executive Director, Resource Tenure, pursuant to section 19 of the *Mining Act 1978* hereby cancels the exemption of land originally declared on 1 June 2001 and published in the *Government Gazette* dated 22 June 2001. The subject land is now subject to Divisions 1 to 5 of Part IV of the *Mining Act 1978*.

Locality

Mileura

Description of Land

Land designated S19/158 in the TENGRAPH electronic plan of the Department of Mines, Industry Regulation and Safety. A geospatial description is filed in the Department of Mines, Industry Regulation and Safety electronic file number A0822/201801, document ID 9052879.

Area of Land

1,025,283.23 hectares

Dated at Perth this 22nd day of March 2022.

KRISTIAN HARTLEY DAWSON, Executive Director, Resource Tenure.

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Dalwallinu
 Local Planning Scheme No. 2—Amendment No. 8

Ref: TPS/2771

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 Dalwallinu Local Planning Scheme amendment on 10 February 2022 for the purpose of—

1. Rezoning Lot 95 Arthur Street, Wubin from 'Reserve—Public Purposes' to 'Townsite' zone as depicted on the Scheme Amendment map.

K. CARTER, President.
 J. KNIGHT, Chief Executive Officer.

PL402

PLANNING AND DEVELOPMENT ACT 2005
 INSTRUMENT OF DELEGATION
 Del 2022/05. Powers of Local Governments (PRS)

Notice of delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Peel Region Scheme

Preamble

Under clause 18 of the Peel Region Scheme (PRS), and subject to the exemptions stated in clauses 19 and 20, development on reserved land requires planning approval. On zoned land, development requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (the WAPC) under clause 21 of the PRS. Parts 7 and 8 of the PRS set out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the WAPC may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a 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 upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 23 March 2022, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions in respect of the determination, in accordance with Parts 7 and 8 of the Peel Region Scheme, of applications for approval to commence and carry out development specified in Schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3 ;
- B TO REVOKE its delegation of powers and functions of instrument entitled "2008/12 Powers of Local Governments (PRS) as amended.

SAM FAGAN, Secretary, Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005
 INSTRUMENT OF DELEGATION

Schedule 1—Development on reserved land delegated to local governments

1. Development on land in a regional road reservation where the local government accepts the advice and/or recommendation of the advice agency.
2. Development of private jetties and associated facilities located in an artificial waterway in the waterways reservation.
3. Development of jetties and associated facilities located in the natural waterways of the Peel Region in the Waterways Reservation and which is of one or more of the following kinds—
 - (a) the application is in accordance with the objectives and intent of the Peel Region Scheme—Boating Facilities Policy

- (b) Development where the local government accepts the advice and/or recommendation of the Department of Water and Environmental Regulation and/or Department of Transport (Maritime).

Schedule 2—Development on zoned land delegated to local governments except in respect of public works undertaken by public authorities

1. On land abutting regional open space reservations, development which requires planning approval under the PRS.
2. On land abutting a primary regional roads reservation, development which requires planning approval under the PRS and which is of the following kind—
 - i. Development where the local government accepts the advice and/or recommendation of Main Roads Western Australia.
3. On land abutting an other regional roads reservation, development which requires planning approval under the PRS and which is of one or more of the following kinds—
 - i. Development where the local government accepts the advice and/or recommendation of the Department of Planning, Lands and Heritage.
 - ii. Development which—
 1. complies with an approved access policy pertaining to other regional roads reservations, or a specified section of the other regional roads reservation, submitted by the local government and endorsed by the WAPC, and
 2. is approved subject to conditions requiring compliance with that policy.
4. On land in the water catchments special control area (SCA No. 1), development which requires planning approval under the PRS and which is of the following kind—
 - i. Development where the local government accepts the advice and/or recommendation of the Department of Water and Environmental Regulation and/or the Water Corporation, as the case may be.
5. Development of the following kinds which is for Category A activity centre uses and which requires planning approval under the PRS—
 - a) Development which—
 - i. is major development located in a local centre or neighbourhood centre; or
 - ii. is major development not located in an activity centre and less than 1500m² net lettable area; or
 - iii. is generally in accordance with a WAPC endorsed precinct structure plan; or
 - iv. is major development located in an activity centre that is exempt from the requirement to prepare a precinct structure plan as identified in an endorsed local planning strategy.
6. Development in the rural zone, other than for a poultry farm, which requires planning approval under the PRS.
7. Development for a new poultry farm or for any extension or addition in excess of 100 m² to the improvements of an existing poultry farm.
8. Development of one or more of the following kinds, which is on land in, adjacent to or in close proximity to Priority Agricultural Land as identified in Appendix 1 of the PRS Priority Agricultural and Rural Land Use Policy, and which requires planning approval under the PRS—
 - (a) Development where the local government accepts the recommendation and any advice of the Department of Primary Industries and Regional Development.

Schedule 3—Terms of delegations to determine development on reserved and zoned land

1. Under clause 30 of the PRS, an application for planning approval is to be submitted to the local government, which, if the application is to be determined by the WAPC, shall forward it to the WAPC within seven days and may (within 42 days, or such longer period as the WAPC allows) make recommendations to the WAPC.
2. An application for development in or abutting a primary regional roads reservation is to be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.
3. An application for development in or abutting another regional roads reservation is to be referred within seven days to the Department of Planning, Lands and Heritage for advice and recommendation before being considered by the local government.
4. An application for development within the water catchments special control area (SCA No. 1) is to be referred within seven days to the Department of Water and Environmental Regulations and/or the Water Corporation for advice and recommendation before being considered by the local government.
5. An application for development in, adjacent to or in close proximity to Priority Agricultural Land, as identified in Appendix 1 of the PRS Priority Agricultural and Rural Land Use Policy, shall be referred within seven days to the Department of Primary Industries and Regional Development for advice and recommendation before being considered by the local government.
6. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or a local government acting under delegated power, may determine the application on that basis.

7. Following referral of any application referred to in Schedule 2 for advice and recommendation and where the local government does not accept the advice and/or recommendation of the advice agency, an application which is consequently to be determined by the WAPC is to be forwarded as soon as practicable to the WAPC with the advice and recommendations provided by all advice agencies consulted together with the advice and recommendation of the local government. These should be accompanied by the reasons why the recommendation of the advice agency is not acceptable to the local government.
8. Each local government shall report to the WAPC, in the form and manner required by the WAPC, all decisions made under this instrument of delegation.
9. The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local government district under the local planning scheme.

Schedule 4—Definitions and interpretations

In this instrument of delegation, words have the meanings given to them in the Act and the PRS. Unless the context otherwise requires—

‘Abutting’ reserved land means the zoned land shares a common boundary with reserved land.

“activity centre” is defined in State Planning Policy 4.2;

“activity centre hierarchy” means the categories of activity centres set out in Appendix 1 of State Planning Policy 4.2, namely—

- Capital City;
- Strategic centres;
- Specialised centres;
- Secondary centres;
- District centres;
- Neighbourhood centres; and
- Local centres.

‘Access’ means entry or exit (or both) from either a road or abutting development by a vehicle.

‘Advice agency’ means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the PRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.

‘Category A activity centre uses’ means land uses as defined State Planning Policy 4.2;

‘major development’ means development as defined in State Planning Policy 4.2;

‘Forward to the WAPC’ and similar expressions mean convey by mail, by hand or electronically to the Peel region office of the Department of Planning, Lands and Heritage.

‘net lettable area’ is defined in Planning and Development (Local Planning Schemes) Regulations 2015;

‘Not acceptable’ means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.

‘Planning approval’ and **‘planning approval under the PRS’** mean the planning approval of the WAPC as required under the PRS and by resolution of the WAPC under clause 21 of the PRS, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.

‘precinct structure plan or equivalent’ means a precinct structure plan prepared for an activity centre as required under State Planning Policy 4.2, and includes what were previously referred to as an activity centre plan;

‘Proximity’ and **‘in close proximity’** mean that the development is, in the opinion of the WAPC or local government, sufficiently close to a policy area for the effects of activities in the policy area (such as noise, odour, spray drift or dust) to be likely to have an adverse effect on the proposed use, and/or for the effects of the development to be likely to have an adverse effect on uses in the policy area

‘State Planning Policy 4.2’ means State Planning Policy No. 4.2—Activity Centres, published in the *Government Gazette*

PL403

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Victoria Plains
 Local Planning Scheme No.5—Amendment No.3

Ref: TPS/2808

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 Victoria Plains Local Planning Scheme amendment on 10 February 2022 for the purpose of—

- (i) Rezoning portion of Lot M1991 on Diagram 14747 being No. 10353 Great Northern Highway, Yarawindah from 'Rural' to 'Special Use: Satellite Communication Facility'; and
- (ii) Amending the Special Use Zone No. 1 in Schedule 4 of the Scheme Text as follows—

No.	Description of Land	Special Use	Conditions
1	Lot 11 on Plan 24201 and portion of Lot M1991 on Diagram 14747 being No. 10353 Great Northern Highway, Yarawindah.	Satellite Communications Facility (European Space Agency)	As determined by the local government when determining all required development applications.

- (iii) Amending the Scheme Map accordingly.

P. BANTOCK, Shire President.
 G. TEEDE, Chief Executive Officer.

PREMIER AND CABINET

PR401

CONSTITUTION ACTS AMENDMENT ACT 1899
APPOINTMENT OF PARLIAMENTARY SECRETARY

It is notified for public information that the Governor in Executive Council, under the *Constitution Acts Amendment Act 1899* section 44A(1)(a), has appointed Matthew Dean Swinbourn to be the Parliamentary Secretary to the Minister for Mines and Petroleum; Energy; Corrective Services; Industrial Relations with effect on and from 29 March 2022.

V. MOLAN, Clerk of the Executive Council.

TRAINING

TA401

VOCATIONAL EDUCATION AND TRAINING ACT 1996

CLASSIFICATION OF PRESCRIBED VOCATIONAL EDUCATION AND TRAINING QUALIFICATIONS

Amendment to Western Australian *Government Gazette*: 2015/151 dated 13 October 2015

Under the *Vocational Education and Training Act 1996*, I the Minister for Education and Training hereby—

- vary the following prescribed vocational education and training qualification—

Class B

Apprenticeship Name	Superseded Qualification Teach out and transition provisions apply	New Qualification	Conditions	Training Contract Requirements				
				Title on contract	Nominal duration (months)	Part time	School based	Other requirements
CIVIL AND STRUCTURAL ENGINEERING DRAFTSPERSON (LEVEL 5)	52725WA—Diploma of Civil and Structural Engineering	52889WA—Diploma of Civil and Structural Engineering		Trainee	36	Y	N	

Dated 24 March 2022.

Hon. SUE ELLERY, MLC, Minister for Education and Training.

PUBLIC NOTICES

ZZ401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Chemmangot Velayudhan Nayar late of 23 Darian Drive, Willetton, 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 22 February 2020, are required by the trustee of the late Chemmangot Velayudhan Nayar of care of Philip Wyatt Lawyers, 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 29th day of March 2022.

PHILIP WYATT LAWYERS.

ZZ402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Regina Martin late of 71 First Avenue, Bassendean, 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 11/11/2021, are required by the personal representative John Joseph Martin c/- Lynn & Brown Lawyers, PO Box 1114, Morley, WA 6943 to send particulars of their claims to him by 29/04/2022, after which date the personal representative may convey or distribute the assets of the estate, having regard only to the claims of which he then has notice.

ZZ403

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Michael Anthony Boon late of Bethel Nursing Home, 2 Bethel Way, Yakamia, 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 5 October 2021, are required by the trustee of the late Michael Anthony Boon of care of Philip Wyatt Lawyers, 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 29th day of March 2022.

PHILIP WYATT LAWYERS.

ZZ404

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

John Lewis o/w Mack McLennan, late of 45 Elm Street, Hamersley, Western Australia, Soldier; 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 trustee of the estate to send particulars of their claim to them care of Birman & Ride of Level 3, 16 Irwin Street, Perth WA 6000, by the date one month from the publication date after which date the trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

ZZ405

TRUSTEES ACT 1962

Deceased Estates

Notice to Creditors and Claimants

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the Estates of the undermentioned deceased persons are required to send particulars of their claims to me on or before 1 May 2022 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Barrett, Maxwell Duncan, late of Brightwater Birralee, 155 Odin Road, Innaloo, who died on 28 December 2021 (DE33098091 EM17).

Bassett, David John, late of Belmont Community Nursing Home, 5 Kemp Place, Rivervale, who died on 10 December 2021 (DE19890002 EM15).

Batney, Margaret, late of Unit 20, 176 Edinboro Street, Joondanna, who died on 27 October 2021 (DE19925108 EM15).

Beckett, Mary Therese (also known as Mary Theresa Beckett), late of 68A Browning Street, Yokine, who died on 5 November 2021 (DE20010634 EM24).

Bowler, Melvyn James, late of Unit 16, 46 Angove Drive, Hillarys, who died on 6 January 2022 (DE19891307 EM23).

Davey, Kim Frank, late of 15/7 North Street, Mount Lawley, who died on 24 September 2021 (PM33070168 EM27).

Hillam, Muriel, late of Villa Maria Hostel Lesmurdie—Residential Aged Care and Retirement Living, 173 Lesmurdie Road, Lesmurdie, who died on 5 March 2022 (DE19781286 EM26).

Menaglio, Irene Marie, late of Aegis Shawford, 8 Twyford Place, Innaloo, who died on 19 February 2022 (DE19774647 EM26).

Robinson, Claire Margaret, late of 171 Cambewarra Drive, Hopetoun, who died on 12 February 2022 (DE33055827 EM36).

Skitt, David Neil, late of 4A Randall Street, Dianella, who died on 21 January 2022 (DE19983075 EM110).

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

ZZ406

PUBLIC TRUSTEE ACT 1941

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

Dated at Perth on this 1st day of April 2022.

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

Name of Deceased	Address	Date of Death	Date Election Filed
Jovanovic, Petar (also known as Peter Jovanovic) (DE33159402 EM36)	Late of 1/14 Carter Street, Hamilton Hill	Found deceased on 31 December 2018	24 March 2022

ZZ501**PARTNERSHIP ACT 1895**
DISSOLUTION OF PARTNERSHIP

Dissolution of Partnership (*Partnership Act 1895*) for XCy Pty Ltd Unit 1, 5 Milford Street, East Victoria Park WA 6101.

Effective from 1st April 2022, the partnership of Nicholas Francis Hilliard of 12 Third Avenue Mount Lawley and Peter John Borley of 33 Sovereign Drive Thornlie in the State of Western Australia who traded as XCy Pty Ltd will be dissolved with effect from 1st April 2022.

Nicholas Francis Hilliard has resigned from the partnership. Peter John Borley will continue to operate the business under the name of XCy Pty Ltd and shall be responsible for all the debts and liabilities thereof.

PETER JOHN BORLEY.

Dated 18 March 2022.

NICHOLAS FRANCIS HILLIARD.

Dated 18 March 2022.
