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# — PART 1 —

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## PROCLAMATIONS

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AA102

Local Government Legislation Amendment Act 2019

### Local Government Legislation Amendment Act 2019 Commencement Proclamation 2021

SL 2021/13

Made under the *Local Government Legislation Amendment Act 2019* section 2(b) by the Governor in Executive Council.

**1. Citation**

This proclamation is the *Local Government Legislation Amendment Act 2019 Commencement Proclamation 2021*.

**2. Commencement**

The *Local Government Legislation Amendment Act 2019* sections 22, 25 and 48 to 51 come into operation on the day after the day on which this proclamation is published in the *Gazette*.

K. BEAZLEY, Governor.

L.S.

D. TEMPLEMAN, Minister for Local Government.

Notes: The *Local Government (Administration) Amendment Regulations 2021*, other than regulations 1 and 2, come into operation on the day on which the *Local Government Legislation Amendment Act 2019* section 22 comes into operation.

The *Local Government (Model Code of Conduct) Regulations 2021*, other than Part 1, come into operation on the day on which the *Local Government Legislation Amendment Act 2019* sections 48 to 51 come into operation.

The *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*, other than Part 1, come into operation on the day on which the *Local Government Legislation Amendment Act 2019* section 25 comes into operation.

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AA101

Environmental Protection Amendment Act 2020

## Environmental Protection Amendment Act 2020 Commencement Proclamation 2021

SL 2021/12

Made under the *Environmental Protection Amendment Act 2020* section 2(1)(e) by the Governor in Executive Council.

### 1. Citation

This proclamation is the *Environmental Protection Amendment Act 2020 Commencement Proclamation 2021*.

### 2. Commencement

The *Environmental Protection Amendment Act 2020* Parts 2 and 3, but only the provisions listed in the Table, come into operation on the day after the day on which this proclamation is published in the *Gazette*.

**Table**

s. 3	s. 5 to 8
s. 10	s. 13 and 14
s. 24	s. 32
s. 35 and 36	s. 37(1)
s. 58	s. 73 to 76
s. 80 to 82	s. 93 and 94
s. 96	s. 99
s. 101	s. 106(4) to (6)
s. 107	s. 108(1) to (6) and (8) to (11)
s. 110(4) to (6)	s. 111
s. 115	s. 118(1) and (3)

K. BEAZLEY, Governor.

L.S.

S. DAWSON, Minister for Environment.

Note: The *Environmental Protection Amendment Act (No. 2) 2020* section 4 comes into operation immediately after the *Environmental Protection Amendment Act 2020* section 32 comes into operation.

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**ENERGY**

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EN301

National Gas Access (WA) Act 2009

**National Gas Access (WA) (Part 3) Amendment  
Regulations 2021**

SL 2021/17

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *National Gas Access (WA) (Part 3) Amendment Regulations 2021*.

**2. Commencement**

These regulations come into operation as follows —

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

**3. Regulations amended**

These regulations amend the *National Gas Access (WA) (Part 3) Regulations 2009*.

**4. Schedule 3 amended**

- (1) In Schedule 3 delete “Rule 111”.
- (2) In Schedule 3 insert in alphanumerical order:

Rule 551(1)

Rule 551(3)

Rule 552(1)

Rule 558(1)

Rule 558(2)

Rule 560(1)

Rule 562(3)

Rule 585(8)

Rule 586(2)

**5. Schedule 4 amended**

- (1) In Schedule 4 delete “Rule 111”.
- (2) In Schedule 4 insert in alphanumerical order:

Rule 560(1)

Rule 562(3)

N. HAGLEY, Clerk of the Executive Council.

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**JUSTICE**

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JU301

Family Court Act 1997

**Family Court Amendment Regulations 2021**

**SL 2021/19**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Family Court Amendment Regulations 2021*.

**2. Commencement**

These regulations come into operation as follows —

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

**3. Regulations amended**

These regulations amend the *Family Court Regulations 1998*.

**4. Regulation 6 replaced**

Delete regulation 6 and insert:

**6. Fees of Marshal**

- (1) The fee payable to the Marshal in relation to an action that is the same as an action (an *equivalent action*) listed in the *Civil Judgments Enforcement Regulations 2005* Schedule 2 is the fee payable to the Sheriff under that Schedule in relation to the equivalent action.
- (2) For the purposes of subregulation (1) —
  - (a) a reference to the Act in the Schedule is taken to be a reference to the *Family Court Act 1997*; and
  - (b) an action is not prevented from being the same as an equivalent action merely because the description of the action is not the same as the description of the equivalent action.

V. MOLAN, Clerk of the Executive Council.

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**LOCAL GOVERNMENT**

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LG301

Local Government Act 1995

**Local Government (Administration)  
Amendment Regulations 2021**

SL 2021/14

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Local Government (Administration) Amendment Regulations 2021*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

- (b) the rest of the regulations — on the day on which the *Local Government Legislation Amendment Act 2019* section 22 comes into operation.

**3. Regulations amended**

These regulations amend the *Local Government (Administration) Regulations 1996*.

**4. Regulation 18A amended**

- (1) In regulation 18A(1) delete “is to advertise the position in a newspaper circulating generally through the State” and insert:

must give Statewide public notice of the position

- (2) In regulation 18A(2):

- (a) delete “An advertisement referred to in subregulation (1) is to” and insert:

The Statewide public notice must

- (b) after paragraph (d) insert:

- (da) a website address where the job description form for the position can be accessed; and

**5. Regulations 18C and 18D deleted**

Delete regulations 18C and 18D.

**6. Regulations 18FA to 18FC inserted**

After regulation 18F insert:

**18FA. Model standards for CEO recruitment, performance and termination (Act s. 5.39A(1))**

Schedule 2 sets out model standards for local governments in relation to the following —

- (a) the recruitment of CEOs;  
(b) the review of the performance of CEOs;  
(c) the termination of the employment of CEOs.



**18FB. Certification of compliance with adopted standards for CEO recruitment (Act s. 5.39B(7))**

- (1) In this regulation —  
*adopted standards* means —
- (a) the standards adopted by a local government under section 5.39B; or
  - (b) if the local government has not adopted standards under that section, the standards taken under section 5.39B(5) to be the local government's adopted standards.
- (2) This regulation applies if —
- (a) a local government employs a person in the position of CEO of the local government; and
  - (b) the local government's adopted standards in relation to the recruitment of CEOs apply to the employment.
- (3) As soon as practicable after the person is employed in the position of CEO, the local government must, by resolution\*, certify that the person was employed in accordance with the local government's adopted standards in relation to the recruitment of CEOs.

\* Absolute majority required.

- (4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

**18FC. Certification of compliance with adopted standards for CEO termination (Act s. 5.39B(7))**

- (1) In this regulation —  
*adopted standards* has the meaning given in regulation 18FB(1).
- (2) This regulation applies if a local government terminates the employment of the CEO of the local government.
- (3) As soon as practicable after the CEO's employment is terminated, the local government must, by resolution\*, certify that the CEO's employment was terminated in accordance with the local government's adopted standards in relation to the termination of the employment of CEOs.

\* Absolute majority required.

- (4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

7. **Schedule 2 inserted**

After Schedule 1 insert:

**Schedule 2 — Model standards for CEO  
recruitment, performance and termination**

[r. 18FA]

**Division 1 — Preliminary provisions**

1. **Citation**

These are the [*insert name of local government*] *Standards for CEO Recruitment, Performance and Termination*.

2. **Terms used**

(1) In these standards —

*Act* means the *Local Government Act 1995*;

*additional performance criteria* means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

*applicant* means a person who submits an application to the local government for the position of CEO;

*contract of employment* means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

*contractual performance criteria* means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

*job description form* means the job description form for the position of CEO approved by the local government under clause 5(2);

*local government* means the [*insert name of local government*];

*selection criteria* means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

*selection panel* means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

(2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

**Division 2 — Standards for recruitment of CEOs**

3. **Overview of Division**

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

**4. Application of Division**

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply —
  - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
  - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

**5. Determination of selection criteria and approval of job description form**

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
  - (a) the duties and responsibilities of the position; and
  - (b) the selection criteria for the position determined in accordance with subclause (1).

**6. Advertising requirements**

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

**7. Job description form to be made available by local government**

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
  - (i) email a copy of the job description form to an email address provided by the person; or

- (ii) mail a copy of the job description form to a postal address provided by the person.

**8. Establishment of selection panel for employment of CEO**

- (1) In this clause —  
*independent person* means a person other than any of the following —
  - (a) a council member;
  - (b) an employee of the local government;
  - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
  - (a) council members (the number of which must be determined by the local government); and
  - (b) at least 1 independent person.

**9. Recommendation by selection panel**

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
  - (a) a summary of the selection panel's assessment of each applicant; and
  - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
  - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
  - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
  - (a) in an impartial and transparent manner; and
  - (b) in accordance with the principles set out in section 5.40 of the Act.

- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
  - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
  - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
  - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

**10. Application of cl. 5 where new process carried out**

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
  - (a) clause 5 does not apply to the new recruitment and selection process; and
  - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

**11. Offer of employment in position of CEO**

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

**12. Variations to proposed terms of contract of employment**

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the *negotiated contract*) containing terms different to the proposed terms approved by the local government under clause 11(b).

- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

**13. Recruitment to be undertaken on expiry of certain CEO contracts**

- (1) In this clause —  
*commencement day* means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
- (2) This clause applies if —
  - (a) upon the expiry of the contract of employment of the person (the *incumbent CEO*) who holds the position of CEO —
    - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
    - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;
  - and
  - (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

**14. Confidentiality of information**

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

**Division 3 — Standards for review of performance of CEOs****15. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

**16. Performance review process to be agreed between local government and CEO**

- (1) The local government and the CEO must agree on —
  - (a) the process by which the CEO's performance will be reviewed; and
  - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

**17. Carrying out a performance review**

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
  - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
  - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

**18. Endorsement of performance review by local government**

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

**19. CEO to be notified of results of performance review**

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

## **Division 4 — Standards for termination of employment of CEOs**

### **20. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

### **21. General principles applying to any termination**

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
  - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
  - (b) notifying the CEO of any allegations against the CEO; and
  - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
  - (d) genuinely considering any response given by the CEO in response to the allegations.

### **22. Additional principles applying to termination for performance-related reasons**

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has —
  - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the *performance issues*) related to the performance of the CEO; and
  - (b) informed the CEO of the performance issues; and
  - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
  - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.



**23. Decision to terminate**

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

**24. Notice of termination of employment**

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

N. HAGLEY, Clerk of the Executive Council.

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LG302

Local Government Act 1995

## **Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021**

SL 2021/16

Made by the Governor in Executive Council.

### **Part 1 — Preliminary**

**1. Citation**

These regulations are the *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021*.

**2. Commencement**

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Local Government Legislation Amendment Act 2019* section 25 comes into operation.

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

### **3. Regulations amended**

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

### **4. Part 4A inserted**

After regulation 19A insert:

## **Part 4A — Codes of conduct for local government employees (Act s. 5.51A(4))**

### **Division 1 — Terms used**

#### **19AA. Terms used**

In this Part —

***activity involving a local government discretion*** means an activity —

- (a) that cannot be undertaken without an authorisation from the local government; or
- (b) by way of a commercial dealing with the local government;

***associated person*** means a person who —

- (a) is undertaking or seeking to undertake an activity involving a local government discretion; or
- (b) it is reasonable to believe, is intending to undertake an activity involving a local government discretion;

***code of conduct*** means a code of conduct under section 5.51A;

***gift*** —

- (a) has the meaning given in section 5.57; but
- (b) does not include —
  - (i) a gift from a relative as defined in section 5.74(1); or
  - (ii) a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or
  - (iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or

- (iv) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876), the Local Government Professionals Australia WA (ABN 91 208 607 072) or the LG Professionals Australia (ABN 85 004 221 818);

***interest*** —

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- (b) includes an interest arising from kinship, friendship or membership of an association;

***local government employee*** means a person —

- (a) employed by a local government under section 5.36(1); or
- (b) engaged by a local government under a contract for services;

***prohibited gift***, in relation to a local government employee, means —

- (a) a gift worth the threshold amount or more; or
- (b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more;

***threshold amount***, for a prohibited gift, means \$300 or a lesser amount determined under regulation 19AF.

## **Division 2 — Content of codes of conduct**

### **19AB. Prohibited gifts**

- (1) In this regulation —  
*local government employee* does not include the CEO.
- (2) A code of conduct must contain a requirement that a local government employee not accept a prohibited gift from an associated person.

### **19AC. Recording, storing, disclosure and use of information relating to gifts**

- (1) In this regulation —  
*local government employee* does not include the CEO.
- (2) A code of conduct must contain requirements relating to the recording, storing, disclosure and use of information relating to gifts that, under a code of conduct, may be accepted by local government employees from associated persons.

**19AD. Conflicts of interest**

- (1) A code of conduct must contain a requirement that a local government employee who has an interest in any matter to be discussed at a council or committee meeting attended by the local government employee disclose the nature of the interest —
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.
- (2) A code of conduct must contain a requirement that a local government employee who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the local government employee disclose the nature of any interest the local government employee has in the matter —
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the time the advice is given.
- (3) A code of conduct must exclude from a requirement under subregulation (1) or (2) an interest referred to in section 5.60.
- (4) A code of conduct must excuse a local government employee from a requirement under subregulation (1) or (2) if the local government employee fails to disclose the nature of an interest because they did not know and could not reasonably be expected to know —
  - (a) that they had an interest in the matter; or
  - (b) that the matter in which they had an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.
- (5) A code of conduct must require that if, to comply with a requirement under subregulation (1) or (2), a local government employee discloses an interest in a written notice given to the CEO before a meeting, then —
  - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
  - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.

- (6) Subregulation (7) applies if —
  - (a) to comply with a requirement under subregulation (1), the nature of an interest in a matter is disclosed at a meeting; or
  - (b) a disclosure is made as described in subregulation (4)(b) at a meeting; or
  - (c) to comply with a requirement under subregulation (5)(b), notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

**19AE. Other matters codes of conduct must deal with**

- (1) In this regulation —  
*resources of the local government* includes —
  - (a) local government property; and
  - (b) services provided, or paid for, by the local government.
- (2) A code of conduct must contain requirements relating to —
  - (a) the behaviour expected of a local government employee in relation to each of the following —
    - (i) the performance of the local government employee's duties;
    - (ii) dealings with other local government employees and the broader community;
    - (iii) the use and disclosure of information acquired by the local government employee in the performance of their duties;
    - (iv) the use of the resources of the local government;
    - (v) the use of the local government's finances;
  - and
  - (b) how the records of the local government are to be kept; and
  - (c) the reporting by local government employees of suspected breaches of codes of conduct and suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour; and
  - (d) the way in which suspected breaches of the code of conduct and suspected unethical, fraudulent, dishonest, illegal or corrupt

behaviour of a local government employee are to be managed.

**Division 3 — Other matter in relation to codes of conduct**

**19AF. Determination of threshold amount**

- (1) The CEO may determine an amount (which may be nil) for the purposes of the definition of *threshold amount* in regulation 19AA.
- (2) A determination under subregulation (1) must be published on the local government's official website.

**5. Regulation 20B amended**

In regulation 20B after paragraph (c) insert:

- (ca) LG Professionals Australia  
(ABN 85 004 221 818);

**6. Part 9 deleted**

Delete Part 9.

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

**7. Regulations amended**

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

**8. Regulation 13 amended**

In regulation 13 in the Table under the heading "*Local Government Act 1995*" after the item for s. 5.46 insert:

s. 5.51A
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N. HAGLEY, Clerk of the Executive Council.

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**RACING, GAMING AND LIQUOR**

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RA301

Liquor Control Act 1988

**Racing and Gaming Regulations Amendment  
(Liquor Control) Regulations 2021**

SL 2021/18

Made by the Governor in Executive Council.

**Part 1 — Preliminary****1. Citation**

These regulations are the *Racing and Gaming Regulations Amendment (Liquor Control) Regulations 2021*.

**2. Commencement**

These regulations come into operation as follows —

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

**Part 2 — *Liquor Control (Kalumburu Restricted Area) Regulations 2018* amended****3. Regulations amended**

This Part amends the *Liquor Control (Kalumburu Restricted Area) Regulations 2018*.

**4. Regulation 3 amended**

- (1) In regulation 3 in the definition of *Kalumburu Community*:

- (a) delete “1994 (GDA94)” and insert:

2020 (GDA2020)

- (b) delete paragraphs (a) and (b) and insert:

- (a) 14.295430°S;

- (b) 126.642314°E;

- (2) In regulation 3 in the definition of *McGowan Island camping grounds*:
- (a) delete “1994 (GDA94)” and insert:
- 2020 (GDA2020)
- (b) delete paragraphs (a) and (b) and insert:
- (a) 14.146047°S;
- (b) 126.649881°E.
- 5. Regulation 5 deleted**
- Delete regulation 5.
- 6. Regulation 11 replaced**
- Delete regulation 11 and insert:
- 11. Period during which these regulations have effect**
- Unless sooner repealed, these regulations have effect for the period that ends at the close of 2 March 2024.

**Part 3 — *Liquor Control (Kunawarritji Restricted Area) Regulations 2011* amended**

- 7. Regulations amended**
- This Part amends the *Liquor Control (Kunawarritji Restricted Area) Regulations 2011*.
- 8. Regulation 3 amended**
- (1) In regulation 3 in the definition of *Kunawarritji Aboriginal Community* delete “Latitude -22.329226 and Longitude 124.725562;” and insert:
- the point with the following Geocentric Datum of Australia 2020 (GDA2020) coordinates —
- (a) 22.329212°S;
- (b) 124.725571°E;



- (2) In regulation 3 in the definition of *Well 33 camping grounds* delete “Latitude -22.34189 and Longitude 124.77519.” and insert:

the point with the following Geocentric Datum of Australia 2020 (GDA2020) coordinates —

- (a) 22.341876°S;
- (b) 124.775199°E.

**9. Regulation 4 deleted**

Delete regulation 4.

**10. Regulation 10 replaced**

Delete regulation 10 and insert:

**10. Period during which these regulations have effect**

Unless sooner repealed, these regulations have effect for the period that ends at the close of 3 May 2024.

N. HAGLEY, Clerk of the Executive Council.

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## — PART 2 —

### AGRICULTURE AND FOOD

AG401

#### BIOSECURITY AND AGRICULTURE MANAGEMENT REGULATIONS 2013

##### QUARANTINE AREA NOTICE REVOCATION

The Quarantine Area Notice—*Bactrocera (Bactrocera) tryoni* (Queensland fruit fly or Qfly) Bibra Lake, Coolbellup, Hamilton Hill, Kardinya, North Lake and Samson, published in the *Government Gazette* WA on 8 January 2021 and in the West Australian Newspaper and on the Department of Primary Industries and Regional Development website is revoked and replaced by the following notice.

#### BIOSECURITY AND AGRICULTURE MANAGEMENT REGULATIONS 2013

##### QUARANTINE AREA NOTICE- *BACTROCERA (BACTROCERA) TRYONI* (QUEENSLAND FRUIT FLY)

##### Coolbellup Outbreak

1. Under regulation 60 of the *Biosecurity and Agriculture Management Regulations 2013* (Regulations) the area described below is declared to constitute a quarantine area until 30 April 2021. *The area within a 15 kilometre radius of the intersection of Cordelia Avenue and Rosalind Way, Coolbellup.*

**Note:** A map of the quarantine area will be published on the Department's website

2. This quarantine area is declared because there are reasonable grounds to suspect the declared pest *Bactrocera (Bactrocera) tryoni* (Froggatt, 1897) (Queensland fruit fly or Qfly) may be present in the area.

3. In this notice—

“**Department**” means the Department of Primary Industries and Regional Development.

“**Fruit**” means the fruit of any host or suspect host of Queensland fruit fly listed in the table in Schedule 1.

“**host plant**” means a host or suspect host of Queensland fruit fly listed in the table in Schedule 1.

“**outbreak area**” means—

*The area (within the quarantine area) bordered by and including west of Progress Drive, north of Bibra Drive, north of North Lake Road, north of Discovery Drive, north of Ambitious Link, west of Sudlow Road, north of Spearwood Avenue, east of Stock Road, north of Phoenix Road, east of Quickly Crescent, east of Southwell Crescent, south of Blackwood Avenue, west of Forrest Road, east of O'Connell Street, north of Burridge Way, east of Redmond Road, south of Winterfold Road, east of McCombe Avenue, south east of Petterson Avenue, south of South Street, west of North Lake Road, south of Bellairs Road, west of Gilbertson Road, south of Barclay Road, west of Maritime Avenue and north west of Farrington Road.*

“**wider quarantine area,**” means the part of the quarantine area that is not within the outbreak area.

4. Each person who is the owner or occupier of land within the outbreak area must ensure that any ripe or ripening fruit on plants and any fruit that has fallen to the ground from a plant on that land, is removed every 3 days and consumed or treated as set out in paragraph 5.

5. Fruit from plants within the outbreak area is to be treated by cooking (e.g. boiling or microwaving), freezing for a minimum of 24 hours, or solarisation (securing in a sealed black plastic bag which is placed on a hard surface in direct sunlight for a minimum period of 7 days).

6. Persons other than persons employed by or on behalf of the Department must not move any non-commercially produced fruit that was grown within the outbreak area, or any host plant that was grown within the outbreak area, from the outbreak area into the wider quarantine area, or from the quarantine area except in accordance with—

(a) this notice; or

(b) an approval under regulation 67 of the Regulations; or

(c) a general exemption having effect under regulation 71 of the Regulations.

7. Non-commercially produced fruit grown within the outbreak area is moved in accordance with this notice if it is moved after being treated as set out in paragraph 5.

8. Host plants grown within the outbreak area are moved in accordance with this notice if all fruit has been removed from those host plants prior to movement.

9. Persons other than persons employed by or on behalf of the Department must not move any commercially produced fruit or host plants from the wider quarantine area except in accordance with—

- (a) this notice; or
- (b) an approval under regulation 67 of the Regulations; or
- (c) a general exemption having effect under regulation 71 of the Regulations.

10. Commercially produced fruit and commercially produced host plants are moved from the wider quarantine area to other areas within Western Australia in accordance with this notice if—

- (a) the fruit has been processed; or
- (b) all fruit has been removed from the host plants prior to movement; or
- (c) the fruit or host plants—
  - (i) have been harvested, treated, prepared or packaged in accordance with measures approved by the Department's Chief Plant Biosecurity Officer; or
  - (ii) were produced outside of the quarantine area and were securely packaged in accordance with measures approved by the Department's Chief Plant Biosecurity Officer while being transported through the quarantine area; or
  - (iii) were sold in a retail outlet within the quarantine area; or
  - (iv) are moved as authorised or directed by an inspector.

**Note:** measures approved by the Chief Plant Biosecurity Officer for the purposes of clause 10 will be published on the Department's website.

11. Fruit and host plants are moved from the quarantine area to areas outside Western Australia in accordance with this notice if moved in accordance with the import requirements of the destination country or Australian State or Territory.

12. Each person who is the owner or occupier of land in the quarantine area is taken to have been given a quarantine notice that applies to that land in the terms of this quarantine area notice.

13. Failure to comply with this quarantine area notice could result in a fine, the Director General taking remedial action under regulation 133 of the Regulations, or both.

### Schedule 1

#### Queensland fruit fly hosts and suspect hosts

Common Name	Scientific Name	Common Name	Scientific Name
Abiu	<i>Pouteria caimito</i>	Cherimoya, custard apple, soursop, sweetsop	<i>Annona</i> spp.
Acerola	<i>Malpighia glabra</i>	Chilli	<i>Capsicum annuum</i> <i>Capsicum frutescens</i>
Achachairu	<i>Garcinia humilis</i>	Chinese mulberry*	<i>Cudrania tricuspidata</i>
Apple	<i>Malus domestica</i>	Citron, finger lime, grapefruit, lemon, lime, mandarin, Orange, pummelo, tangelo	<i>Citrus</i> spp.
Apricot, Cherry, nectarine, peach, peacharine, plum, plumcot	<i>Prunus</i> spp.	Climbing fig*	<i>Ficus pumila</i>
Avocado	<i>Persea americana</i>	Clivia*	<i>Clivia</i> spp.
Babaco	<i>Carica pentagona</i>	Coffee berry	<i>Coffea</i> spp.
Banana	<i>Musa acuminata</i>	Date (fresh)	<i>Phoenix dactylifera</i>
Black sapote	<i>Diospyros ebumum</i>	Durian	<i>Durio zibethinus</i>
Blueberry	<i>Vaccinium corymbosum</i>	Eggplant	<i>Solanum melongena</i>
Blackberry, boysenberry, loganberry, youngberry, raspberry	<i>Rubus</i> spp.	Feijoa	<i>Feijoa sellowiana</i>
Brazil cherry	<i>Eugenia uniflora</i>	Fig	<i>Ficus carica</i>
Breadfruit	<i>Artocarpus altilis</i>	Granadilla	<i>Passiflora quadrangularis</i>
Caimito (star apple)	<i>Chrysophyllum cainito</i>	Grapes	<i>Vitis</i> spp.
Cape gooseberry	<i>Physalis peruviana</i>	Grumichama	<i>Eugenia braziliensis</i>
Capsicum	<i>Capsicum annuum</i>	Guava	<i>Psidium</i> spp.
Carambola	<i>Averrhoa carambola</i>	Hog plum	<i>Spondias mombin</i>
Cashew apple	<i>Anacardium occidentale</i>	Indian hawthorn*	<i>Rhaphiolepis indica</i>
Casimiroa (white sapote)	<i>Casimiroa edulis</i>		

Common Name	Scientific Name
Jaboticaba	<i>Myrciaria cauliflora</i>
Jackfruit	<i>Artocarpus heterophyllus</i>
Jew plum	<i>Spondias dulcis</i>
Kiwifruit	<i>Actinidia deliciosa</i>
Kumquat	<i>Fortunella japonica</i>
Lilly pilly*	<i>Syzygium smithii</i>
Logan	<i>Dimocarpus longan</i>
Loofah	<i>Luffa acutangula</i>
Loquat	<i>Eriobotrya japonica</i>
Lychee	<i>Litchii chinensis</i>
Mango	<i>Mangifera indica</i>
Mangosteen	<i>Garcinia mangostana</i>
Miraclefruit	<i>Synsepalum dulcificum</i>
Moreton fig*	<i>Ficus macrophylla</i>
Mulberry	<i>Morus nigra</i>
Nashi	<i>Pyrus pyrifolia</i> var. <i>culta</i>
Olive	<i>Olea europaea</i>
Ornamental pear*	<i>Pyrus calleryana</i>
Passionfruit	<i>Passiflora</i> spp.

Common Name	Scientific Name
Pawpaw	<i>Carica papaya</i>
Pear	<i>Pyrus communis</i>
Pepino	<i>Solanum muricatum</i>
Persimmon	<i>Diospyros kaki</i>
Pomegranate	<i>Punica granatum</i>
Prickly pear	<i>Opuntia stricta</i> ; <i>O. ficus-indica</i>
Quince	<i>Cydonia oblonga</i>
Rambutan	<i>Nephelium lappaceum</i>
Rollinia	<i>Rollinia deliciosa</i>
Rose apple	<i>Syzygium jambos</i>
Santol	<i>Sandoricum indicum</i>
Sapodilla	<i>Manilkara zapota</i>
Sapote	<i>Casimiroa edulis</i>
Strawberry	<i>Fragaria</i> spp.
Tamarillo	<i>Solanum bataveum</i>
Tomato	<i>Lycopersicon esculentum</i>
Wax jambu/ water apple	<i>Syzygium samarangense</i>

\*indicates suspect host

Dr MICHELLE RODAN, Acting Executive Director, Biosecurity.

Date: 27 January 2021.

## ELECTORAL

### EL401

#### ELECTORAL ACT 1907

#### REGISTRATION OF POLITICAL PARTIES—WESTERN AUSTRALIA

#### Amendment to the Register

I hereby give notice in accordance with section 62K of the *Electoral Act 1907* that on 28 January 2021 I amended the register of political parties by changing the name of the “The Flux Party—WA” to “Liberals For Climate—The Flux Network”, and registering “Liberals For Climate” as the abbreviation of the name to be used on ballot papers.

ROBERT KENNEDY, Electoral Commissioner.

## HEALTH

### HE401

#### PUBLIC HEALTH ACT 2016

#### EXTENSION OF DECLARATION (NO. 2) OF PUBLIC HEALTH STATE OF EMERGENCY

Pursuant to section 170 of the *Public Health Act 2016* (WA) I, Roger Cook, the Minister for Health, hereby extend the public health state of emergency declaration, which came into effect on 23 March 2020 at 13:30 hours.

The duration of the public health state of emergency declaration is extended for a period of **14 days** (the extension).

Time of this extension: 10:00 am.

Date of this extension: 28 January, 2021.

Hon. ROGER COOK, MLA, Minister for Health.

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## JUSTICE

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JU401

**COURT SECURITY AND CUSTODIAL SERVICES ACT 1999**

## PERMIT DETAILS

Pursuant to the provisions of section 56(1) of the *Court Security and Custodial Services Act 1999*, the Commissioner of Corrective Services has revoked the following Permits to do High-Level Security Work—

Surname	First Name(s)	Permit Number	Date Permit Revoked
Matthes	Alfred Talitiga	BRS-170252-1	25/01/2021
McLean	Arahia	BRS-190028-1	25/01/2021

This notice is published under section 57(1) of the *Court Security and Custodial Services Act 1999*.

SUE HOLT, Assistant Director, Prisoner Transport and  
Custodial Services Contract Management.

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JU402

**JUSTICES OF THE PEACE ACT 2004**

## APPOINTMENTS

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

Julie Fullarton of Carnarvon  
Fiona Margaret Keating of Highgate  
Meredith Louise Waters of Esperance

JOANNE STAMPALIA, Executive Director, Court and Tribunal Services.

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## LOCAL GOVERNMENT

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LG401

**LOCAL GOVERNMENT ACT 1995***City of Swan*

## BASIS OF RATES

I, Gordon MacMile, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28 (1) of that Act, hereby, and with effect from 29 October 2020 determined that the method of valuation to be used by the City of Swan as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land—

**Schedule**

	Designated Land
UV to GRV	All those portions of land being Lots 799 to 813 inclusive, Lots 818 to 830 inclusive and Lot 9020 as shown on Deposited Plan 418602.

GORDON MacMILE, Acting Executive Director, Local Government,  
Department of Local Government, Sport and Cultural Industries.

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**PLANNING**


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PL101

*CORRECTION*  
**PLANNING AND DEVELOPMENT ACT 2005**  
*City of Kwinana*  
 LOCAL PLANNING SCHEME NO. 2—AMENDMENT NO. 160

Ref: TPS/2628

It is hereby notified for public information that the notice under the above Amendment No 160 published on page 300 of the *Government Gazette* No. 13 dated 15 January 2021, contained an error which is now corrected as follows—

**For the words—**

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Swan Local Planning Scheme amendment on 4 November 2020 for the purpose of—

**To read—**

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Kwinana Local Planning Scheme amendment on 4 November 2020 for the purpose of—

G. MACKENZIE, Chief Executive Officer.

PL401

**PLANNING AND DEVELOPMENT ACT 2005**  
 APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*City of Cockburn*  
 Local Planning Scheme No. 3—Amendment No. 149

Ref: TPS/2542

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Cockburn Local Planning Scheme amendment on 13 January 2021 for the purpose of—

1. Modify the objective of the 'Residential zone' in clause 3.2.1a) from—
 

‘To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes’.

 to—
  - (i) To provide for a range of housing and a choice of residential densities to meet the needs of the community.
  - (ii) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
  - (iii) To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
2. Insertion of a new clause as follows—
  - 4.4.5 Grouped Dwelling Requirements
    - (a) Notwithstanding the minimum and average site area requirements of clause 5.1.1 and table 1 of the Residential Design Codes, Grouped Dwellings must comply with the following criteria—
 

A Garden Area shall be provided for each grouped dwelling to support and sustain the development of tree canopy, provide amenity for residents, and contribute positively to neighbourhood character; as follows—

      - (i) Minimum area of 9m<sup>2</sup> located wholly on site for each dwelling;
      - (ii) Be a minimum length and width dimension of 3m;
      - (iii) Be in addition to the minimum outdoor living area requirements of the Residential Design Codes;
      - (iv) Be landscaped, uncovered, unpaved, free draining soil;
      - (v) Not be used for vehicle parking or access;
      - (vi) Contain no structure such as—buildings, patios, pergolas, swimming pools or external fixtures; and
      - (vii) Distributed appropriately throughout the development.
    - (b) In relation to 4.4.5(a) this clause shall remain in effect until the medium density state planning policy is gazette.

## 3. Insertion of a new clause as follows—

## 4.4.6 Special Purpose—Small Dwellings

Special Purpose—Small Dwelling is a single house or grouped dwelling with a maximum plot ratio of 70m<sup>2</sup> containing no more than two habitable rooms capable of use as a bedroom. The dwelling shall be designed to meet the Liveable Housing Design Guidelines (Australia) Silver Performance Level at a minimum.

For the purposes of a ‘Special Purpose—Small Dwelling’ the minimum and average site area as set out in Table 1 of the Residential Design Codes may be reduced by up to one third, which shall only be applied where development is proposed.

In relation to clause 4.4.6, this clause shall remain in effect until the medium density state planning policy is gazette.

## 4. Inclusion of an additional clause under Schedule A—Supplemental Provisions (Matters to be considered by local government) as follows—

67.(zc) Any advice of the Design Review Panel.

L. HOWLETT, JP, Mayor.  
D. ARNDT, A/Chief Executive Officer.

## PL402

**PLANNING AND DEVELOPMENT ACT 2005**  
APPROVED LOCAL PLANNING SCHEME AMENDMENT  
*City of Stirling*  
Local Planning Scheme No. 3—Amendment No. 116

Ref: TPS/2615

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Stirling Local Planning Scheme amendment on 5 November 2020 for the purpose of—

1. Amending the Scheme Text by—
  - a. Modifying ‘Schedule 3—Restricted Uses’ to include Lot 44 (House Number 151), Lot 27 (House Number 155) and Lot 32 (House Number 162) Cape Street, Tuart Hill.
2. Amending the Scheme Map by—
  - a. Rezoning Lot 44 (House Number 151), Lot 27 (House Number 155), and Lot 32 (House Number 162) Cape Street, Tuart Hill from ‘Residential (R30) to ‘Private Institution’;
  - b. Applying the ‘Restricted Use (RU1)’ designation to Lot 44 (House Number 151, Lot 27 (House Number 155) and Lot 32 (House Number 162) Cape Street, Tuart Hill; and
  - c. Applying the ‘Servite College Special Control Area’ over Lot 44 (House Number 151), Lot 27 (House Number 155), and Lot 32 (House Number 162) Cape Street, Tuart Hill.

M. IRWIN, Mayor.  
S. JARDINE, Chief Executive Officer.

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## PUBLIC NOTICES

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## ZZ401

**TRUSTEES ACT 1962**  
DECEASED ESTATES

Notice to Creditors and Claimant

Denis Charles Wethered, late of 22 Michigan Court, Edgewater, Western Australia, Operations Controller, 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 11 September 2020 at Kalamunda Hospital Campus, Kalamunda, Western Australia, are required by the trustee Amanda Joan Norris, c/- Avon Legal Suite 7, 9 The Avenue, Midland, Western Australia to send particulars of their claims to her within 1 month of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

**ZZ402****TRUSTEES ACT 1962****DECEASED ESTATES**

## Notice to Creditors and Claimant

Grace Lo late of 47/54 Mill Point Road, South Perth, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased who died on 18 May 2020 are required by the personal representative to send particulars of their claims to him care of 5 Sobotka Place, Winthrop, Western Australia 6050 by 2 March 2021 after which date the personal representative may convey or distribute the assets having regard to the claims of which he then has notice.

ALEX LO, Executor of the Estate of the Late Grace Lo.

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