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CONTENTS

PART 1

	Page
Proclamation—Courts and Tribunals (Electronic Processes Facilitation) Act 2013	5391

PART 2

Agriculture and Food	5392
Commerce	5392
Deceased Estates	5412
Electoral	5392
Fisheries	5400
Health	5401
Heritage	5402
Local Government	5402
Minerals and Petroleum	5404
Parliament	5405
Planning	5405
Rottneest Island Authority	5407
Training	5407
Transport	5408
Water/Sewerage	5408

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GOVERNMENT GAZETTE

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Friday, 3 January 2014 at 12 noon	Monday, 30 December 2013 at 12 noon



— PART 1 —

PROCLAMATIONS

AA101*

Courts and Tribunals (Electronic Processes Facilitation) Act 2013

Courts and Tribunals (Electronic Processes Facilitation) Act 2013 Commencement Proclamation 2013

Made under the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 2(b) by the Governor in Executive Council.

1. Citation

This proclamation is the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013 Commencement Proclamation 2013*.

2. Commencement of Act

The *Courts and Tribunals (Electronic Processes Facilitation) Act 2013*, other than Part 1 and sections 22, 23, 25, 27-30, 37-39, 75, 95, 106, 108, 110-112, 114-117, 119, 121, 124, 127, 138 and 139, comes into operation on 25 November 2013.

M. J. McCUSKER, Governor

L.S.

M. MISCHIN, Attorney General.

— PART 2 —

AGRICULTURE AND FOOD

AG401*

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976**DECLARATION**

Acting pursuant to section 35 of the *Agriculture and Related Resources Protection Act 1976*, I declare that the declaration made by the Agriculture Protection Board and published in the *Gazette* on 18 December 2009 is revoked.

K. C. BASTON MLC, Minister for Agriculture and Food.

COMMERCE

CM401*

**BUILDING SERVICES (COMPLAINT RESOLUTION AND
ADMINISTRATION) ACT 2011****DESIGNATION OF BUILDING COMMISSIONER**

It is notified for public information that the Minister for Commerce has, pursuant to section 85(1) of the *Building Services (Complaint Resolution and Administration) Act 2011*, designated Peter William Gow as Building Commissioner for a term of five years commencing on 1 November 2013.

Hon M. MISCHIN MLC, Minister for Commerce.

ELECTORAL

EL401*

COMMONWEALTH ELECTORAL ACT 1918**PETITION****Election of Senators for Western Australia**

In The High Court of Australia Canberra Registry

No. C 17 of 2013

BETWEEN:

The Australian Electoral Commission, Petitioner.

AND:

David Johnston, First Respondent;

Joe Bullock, Second Respondent;

Michaelia Cash, Third Respondent;

Linda Reynolds, Fourth Respondent;

Wayne Dropulich, Fifth Respondent;

Scott Ludlam, Sixth Respondent;

Zhenya Wang, Seventh Respondent;

Louise Pratt, Eighth Respondent.

ELECTION PETITION

This petition concerns the election of 6 Senators for the State of Western Australia (**Western Australia**) to serve in the Senate of the Parliament of the Commonwealth (**Parliament**) held on 7 September 2013.

RETURN OF WRIT

The writ for the election was returned on 6 November 2013.

ENTITLEMENT TO FILE THIS PETITION

The petitioner is entitled to file this petition under s 357(1) of the *Commonwealth Electoral Act 1918* (Cth) (**Act**).

STATEMENT OF FACTS

1. On 5 August 2013, Her Excellency, the Governor-General in Council, pursuant to the Constitution and the Act, issued writs for the election of Members of the House of Representatives for the States and Territories and for the election of Senators for the Australian Capital Territory and the Northern Territory.

The Election

2. On 5 August 2013, His Excellency the Governor of Western Australia, pursuant to the *Election of Senators Act 1903* (WA) (**WA Act**), issued the writ for the election of 6 Senators for Western Australia (**the Election**).

3. Pursuant to s 2 of the WA Act, His Excellency fixed the following dates for the purpose of the Election—

- (a) For the close of the Rolls, 12 August 2013.
- (b) For the nominations, 15 August 2013.
- (c) For the polling, 7 September 2013.
- (d) For the return of the writ, on or before 13 November 2013.

4. On 5 August 2013, the Governors of the other States also issued the writs for the election of Senators for those States.

5. The general election conducted on 7 September 2013 included the Election, being a Senate election where six places of Senators were to become vacant on 1 July 2014, and were required to be filled.

6. Candidates at the Election included the First to Eighth Respondents, as well as Jamie van Burgel and Murray Bow.

7. Western Australia is divided into Divisions for the purposes of a general election for the Parliament as follows—

- (a) There are 15 Divisions for the House of Representatives.
- (b) Each Division has a Divisional Returning Officer (**DRO**).
- (c) The DRO for each of the 15 Divisions has responsibilities in relation to the conduct of a general election within and for the Division, including the scrutiny of votes cast for candidates for the House of Representatives seat for that Division and votes cast in that Division for the election of Senators for Western Australia.
- (d) Two of the Divisions are Forrest and Pearce.

The scrutiny of votes in Senate elections

8. Persons entitled to vote in a Senate election may—

- (a) vote by indicating their preferences in accordance with a registered group voting ticket in accordance with s 239(2) of the Act (that is, they may **vote above the line**); or
- (b) vote by indicating their consecutively numbered preferences for all the candidates (that is, they may **vote below the line**).

9. A ballot paper is informal for the purposes of a Senate election if the ballot paper comes within the terms of s 268 of the Act (informal vote).

10. Pursuant to the provisions of the Act, the scrutiny of Senate votes includes the following procedures, which were followed in the Election, save that the petitioner is not aware of all the material facts in subparagraph (d) below with respect to 1,370 ballot papers—

- (a) A first count, described as the ‘first scrutiny’, is conducted by the Assistant Returning Officer (**ARO**) at the polling place at which the vote is cast in accordance with s 273(2) of the Act, and the results of this scrutiny are entered into the petitioner’s election management system (**ELMS**). The ARO then bundles ballot papers into ‘parcels’ and transmits the relevant parcels, along with ballot boxes not opened by the ARO and ballot papers used for casting declaration votes, to the DRO.
- (b) After this transmission, a second count, described as a ‘fresh scrutiny’, must be conducted by the DRO in accordance with s 273 of the Act in the case of a manual scrutiny or s 273A of the Act in the case of a computerised scrutiny, or, as allowed by s 273B, partly under s 273 and partly under s 273A.
- (c) The result of the fresh scrutiny by the DRO will be a count of the first preference votes for each candidate and a transmission under s 273(5)(d) of the Act to the Australian Electoral Officer (**AEO**) of information as to the number of first preference votes for each candidate and the total number of ballot papers rejected as informal.
- (d) The DRO further seals up the parcels of ballot papers under s 273(5) and/or s 273A(3) of the Act and then transmits them in the following ways—
 - (i) if the parcels contain unrejected ballot papers for votes below the line, the DRO transmits them to the AEO under s 273(5)(f) and/or s 273A(3)(e) of the Act; and
 - (ii) if the parcels contain either unrejected ballot papers for votes above the line or ballot papers rejected as informal, the DRO sends the parcels for storage and remains responsible for their safe custody in accordance with the directions of the Electoral Commissioner, until they are destroyed, by reason of s 393A(3) of the Act.

- (e) The next critical stage in ascertaining the successful candidates and their order of election is for the AEO to apply the principles set out in ss 273(8)-(32), including by use of a computer as authorised by s 273A, with respect to the information and ballot papers transmitted by the DRO to the AEO.

11. The AEO used for the Election a computer system called EasyCount Senate (ECS) for the purposes of s 273A of the Act in relation to the Election. ECS enables the AEC to manage the vote recording process for Senate ballot papers for votes below the line. ECS also incorporates the results of votes above the line. The results of votes above the line are downloaded from ELMS into ECS.

12. ECS applies the rules for the scrutiny of Senate ballot papers that are contained in Part XVIII of the Act. This includes the application of the quotas, transfer values and the order of standing of candidates who are not excluded as determined by the AEO. ECS also applies the registered group voting tickets and their related preferences, which have been received by the petitioner under s 211 of the Act.

13. ECS reports the distribution of preferences as a series of 'counts' that act either to elect or exclude the various candidates. A 'count' occurs when the number of votes of the same value is ascertained. For example, the first count will include all of the first preference votes cast for each candidate at a value of one: s 273(8). After any candidate is elected, the surplus votes above the quota for the elected candidate are transferred at a lesser value to the remaining candidates: ss 273(9)-(12). An 'exclusion point' occurs when no surpluses remain to be distributed and the number of vacancies remaining to be filled is less than the number of continuing candidates. The candidate with the fewest votes is excluded. In the event of a tie a candidate will be excluded by the operation of s 273(31). The excluded candidate's votes are passed on to continuing candidates according to the next available preference at the appropriate transfer value: ss 273(13)-(17). A count will therefore include each ascertainment of the votes that have been transferred from the elected or excluded candidates at the same transfer value.

The role of scrutineers under the Act

14. The Act provides for the following mechanisms for candidates to scrutineer the petitioner's scrutiny of votes—

- (a) Candidates may appoint scrutineers to represent the candidate at the scrutiny under s 264 of the Act.
- (b) Duly appointed scrutineers may be present at the scrutiny and carry out the functions stated in s 265(2) of the Act.
- (c) Sections 273 and 273A of the Act provide that scrutineers may be present at the first and fresh scrutinies under Part XVIII of the Act.
- (d) Section 279B envisions that scrutineers may also be present at any re-count.

Initial results of the Election

15. On or about 2 October 2013, for the purposes of s 273(7) of the Act, the AEO for Western Australia ascertained—

- (a) that the total number of ballot papers, informal and unrejected, was 1,349,635;
- (b) that the number of unrejected ballot papers was 1,311,440;
- (c) that the number of informal ballot papers was 38,195;
- (d) that the quota for the purposes of s 273(7) was 187,349;
- (e) the appropriate transfer values as described in s 273(7); and
- (f) the order of standing of continuing candidates as described in s 273(7).

16. On 2 October 2013, the AEO for Western Australia announced that for the purposes of s 273A(5) he had ascertained that the successful candidates at the Election in order of their election were the First, Second, Third, Fourth, Seventh and Eighth Respondents.

17. In ascertaining those successful candidates, and in application of the principles under ss 273(8)-(32) of the Act, the AEO of Western Australia took the following material steps and the following matters occurred—

- (a) The total number of separate 'counts' in the exclusion process was 166.
- (b) At 'count' 4, the 1st exclusion point, there was a tie between two candidates, namely Heather Dewar and Sean Butler each having 8 votes, which was resolved in accordance with s 273(31) and resulted in Mr Butler's exclusion.
- (c) At 'count' 10, the 5th exclusion point, there was another tie between two candidates, namely Joe Lopez and Al Lackovic each having 22 votes, which was resolved in accordance with s 273(31) and resulted in Mr Lackovic's exclusion.
- (d) After the 49th exclusion point, Mr van Burgel had a greater number of votes than Mr Bow.
- (e) At 'count' 141, the 50th exclusion point, Mr van Burgel and Mr Bow were the two remaining candidates with the lowest number of votes. At this exclusion point, Mr van Burgel had gained (through preference flows) another 2,216 votes, bringing his total to 23,501 and Mr Bow had gained (through preference flows) another 9,965 votes, bringing his total to 23,515.
- (f) The impact of the 14 vote difference between Mr van Burgel and Mr Bow at the 50th exclusion point was that Mr van Burgel, as the candidate standing lowest in the count, was excluded and his preferences were then distributed to the other remaining candidates in accordance with either the registered group voting ticket in the case of above the line votes, or the direction of the individual voter in the case of below the line votes.

- (g) By reason of the previous matters and the working through of the further counts and the further exclusions, the result in the final count was the election of the Seventh and Eighth Respondents to the fifth and sixth vacancies respectively.
- (h) Had Mr van Burgel and Mr Bow been tied at the 50th exclusion point, the exclusion would have been resolved in accordance with s 273(31) and would have resulted in Mr van Burgel leading on the 'count back' (that is, by reference to his lead on the earlier count). This is because Mr van Burgel had a greater number of votes at the 49th exclusion point. Such a scenario would have resulted in the Fifth and Sixth Respondents being elected to the fifth and sixth vacancies respectively.
- (i) Had the votes for Mr van Burgel been greater than the votes for Mr Bow at the 50th exclusion point, then Mr Bow would have been excluded, and his preferences distributed. Such a scenario would have resulted in the Fifth and Sixth Respondents being elected to the fifth and sixth vacancies respectively.

18. In the premises, the question of which of Mr van Burgel or Mr Bow was to be excluded at the 50th exclusion point was critical in determining who would be elected to fill the fifth and sixth vacancies respectively. That is because the preferences that would be directed upon the exclusion of Mr van Burgel were such as to favour decisively the election of the Seventh and Eighth Respondents and the preferences that would be directed upon the exclusion of Mr Bow were such as to favour decisively the election of the Fifth and Sixth Respondents.

Request for a re-count

- 19. On 2 October 2013, the Fifth and Sixth Respondents each made a formal request for a re-count.
- 20. On 2 October 2013, and in light of the above requests, the AEO for Western Australia announced that the declaration of the result of the Election and the names of the candidates elected under s 283(1)(a) would be deferred.
- 21. On 3 October 2013, the AEO for Western Australia refused the respective requests of the Fifth and Sixth Respondents.
- 22. On 3 October 2013, the Sixth Respondent appealed to the Electoral Commissioner to direct a re-count.
- 23. On 4 October 2013, the Fifth Respondent appealed to the Electoral Commissioner to direct a re-count.
- 24. On 4 October 2013, the AEO for Western Australia further deferred the declaration of the results of the election in light of the appeals for a direction for a re-count.
- 25. On 10 October 2013, the Electoral Commissioner directed the AEO for Western Australia to conduct a re-count of ballot papers citing as the critical reasons—

While I have no direct evidence in my possession of any error or irregularity that may have materially affected the election results, the criticality of the particular Senate candidate exclusion together with the small margin leads me to conclude that it is prudent to confirm the result in the interests of the electorate's confidence in the outcome.

- 26. On 10 October 2013, the Electoral Commissioner directed the AEO to conduct the re-count in the following terms—

To the Australian Electoral Officer for Western Australia

Pursuant to section 278(2) of the *Commonwealth Electoral Act 1918* (Electoral Act 1918) you are hereby directed to conduct a re-count of the following category of ballot papers cast by voters in the election of Senators for Western Australia—

All the Senate ballot papers marked above the line together with those informal ballot papers that have been determined as obviously informal by Divisional Returning Officers in accordance with section 273A(3) of the Electoral Act.

To be clear, the above category of Senate ballot papers excludes those ballot papers that proceeded to the Centralised Senate Scrutiny and which were previously considered by you under section 273A(4) of the Electoral Act.

The re-count

- 27. The re-count involved the scrutiny of approximately 96% of the votes that were cast at the Election.
- 28. The AEO commenced the re-count on 17 October 2013.
- 29. Candidate-appointed scrutineers were present during the re-count, including to the extent permitted in relation to the computerised scrutiny under s 273A of the Act.
- 30. During the course of the re-count, the following matters emerged—
 - (a) A total of 1,370 ballot papers for votes which had been cast in either the Division of Forrest or the Division of Pearce—consisting of 120 informal votes and 1,250 unrejected above the line votes—could not be located and brought within the re-count.
 - (b) The re-count proceeded with respect to the balance of ballot papers falling within the scope of the Electoral Commissioner's direction.
 - (c) That balance of ballot papers comprised of 38,519 ballot papers for informal votes and 1,310,278 ballot papers for unrejected above the line votes. That was a total of 1,348,797 ballot papers.
 - (d) Conducting the re-count solely on the balance of ballot papers, the AEO for Western Australia ascertained that the total number of informal votes was 38,519, which was 324 votes more than the AEO had ascertained during the scrutiny up to 2 October 2013.

- (e) There were 164 'counts' in the distribution of preferences process on the re-count.
- (f) As in the fresh scrutiny, at 'count' 4, the 1st exclusion point, there was a tie between two candidates, which was resolved in accordance with s 273A(8).
- (g) At the 50th exclusion point of the re-count, Mr van Burgel and Mr Bow were again the two candidates remaining with the lowest number of votes. At this exclusion point, Mr van Burgel had gained (through preference flows) another 2,216 votes, bringing his total to 23,526 and Mr Bow had gained (through preference flows) another 9,971 votes, bringing his total to 23,514. The impact of the 12 vote difference between Mr van Burgel and Mr Bow at the 50th exclusion point was that Mr Bow, as the candidate standing lowest in the count, was excluded and his preferences distributed with the result that after the working through of the further counts and the further exclusions the result in the final count was the election of the Fifth and Sixth Respondents to the fifth and sixth vacancies respectively.

31. The petitioner repeats paragraph 18 above for the purposes of the re-count.

The notional re-count

32. If the results from the re-count of the available ballot papers were combined with what was known about the intent of the voters in respect of the 1,370 missing ballot papers from records of the fresh scrutiny, and on the assumption that the formality of those votes and the recording of the above the line votes (as noted in the records) was accurate, the following result on such a re-count (the notional re-count) would have occurred—

- (a) The Election would have comprised an additional 120 ballot papers for informal votes and 1,250 ballot papers to be counted as unrejected above the line votes;
- (b) At the 50th exclusion point, Mr van Burgel and Mr Bow would have again been the two candidates remaining with the lowest number of votes. At this exclusion point, Mr van Burgel would have gained (through preference flows) another 2,218 votes, bringing his total to 23,531 and Mr Bow would have gained (through preference flows) another 9,975 votes, bringing his total to 23,532. Accordingly, Mr van Burgel, as the candidate standing lowest in the count—by a single vote—would have been excluded and his preferences distributed with the result that after the working through of the further counts and the further exclusions the result in the final count would have been the election of the Seventh and Eighth Respondents to the fifth and sixth vacancies respectively.

Summary concerning the 50th exclusion point

33. The critical juncture of the 50th exclusion point on the fresh scrutiny, the re-count and the notional re-count therefore yielded the following results—

- (a) The fresh scrutiny showed a margin of difference between Mr van Burgel and Mr Bow of 14 votes in Mr Bow's favour, leading to the eventual success of the Seventh and Eighth Respondents.
- (b) The re-count showed a margin of difference between Mr van Burgel and Mr Bow of 12 votes in Mr van Burgel's favour, leading to the eventual success of the Fifth and Sixth Respondents and the declaration of the result in their favour.
- (c) The notional re-count, incorporating the facts known about the 1,370 missing ballot papers as they stood at the fresh scrutiny, models a margin of difference between Mr van Burgel and Mr Bow of one vote in Mr Bow's favour, which if accurate, would have led to the eventual success of the Seventh and Eighth Respondents.

Facts about the 1,370 missing ballot papers

34. The facts in relation to the 1,370 missing ballot papers, so far as they are currently known to the petitioner, are as follows—

- (a) All 1,370 missing ballot papers were the subject of the fresh scrutiny by the DRO for the Division of Forrest or the DRO for the Division of Pearce. The fresh scrutiny commenced on or about 9 September 2013 and continued until on or about 23 September 2013.
- (b) All 1,370 missing ballot papers were either for informal votes or votes above the line and the DRO remained responsible for their safe custody in accordance with the directions of the Electoral Commissioner under s 393A(3).
- (c) In order for the DRO for the Division of Forrest to discharge the responsibility under s 393A(3), the procedures put in place involved the ballot papers being transferred by a courier company engaged by the petitioner (Toll Ipec) to an initial transit point in the Perth suburb of Hazelmere and subsequently to the petitioner's warehouse at the Perth suburb of Welshpool from where they would be available for any subsequent purpose under the Act, such as transfer to a re-count centre for a re-count.
- (d) In order for the DRO for the Division of Pearce to discharge the responsibility under s 393A(3), the procedures put in place involved the ballot papers being transferred direct to the petitioner's warehouse at Welshpool from where they would be available for any subsequent purpose under the Act, such as transfer to a re-count centre for a re-count.
- (e) After the re-count commenced on 17 October 2013 and the relevant ballot boxes and parcels of ballot papers were transmitted from the warehouse at Welshpool to the re-count centre, it was ascertained that—
 - (i) ballot papers were missing from the Division of Forrest, which can be identified from records of the fresh scrutiny as being 151 above the line votes and 80 informal votes; and

- (ii) ballot papers were missing from the Division of Pearce, which can be identified from records of the fresh scrutiny as being 1,099 above the line votes and 40 informal votes.
 - (f) Following the discovery that the 1,370 ballot papers were missing, the petitioner has taken the following steps—
 - (i) The Deputy Electoral Commissioner went to Perth and had oversight of the petitioner's searches;
 - (ii) The petitioner caused, by its officers, staff and agents, the following things to occur—
 - A. inspection of its warehouse in Welshpool on three separate occasions;
 - B. inspection of all other premises occupied by the petitioner in Western Australia;
 - C. inspection of all polling places and counting centres in the Divisions of Forrest and Pearce;
 - D. inspection of a truck hired by the petitioner, a vehicle hired by Toll Ipec and other vehicles owned and operated by Toll Ipec;
 - E. inspection of the premises of Toll Ipec;
 - F. the examination of available closed circuit television footage of the Toll Ipec premises; and
 - G. the questioning of staff of the petitioner and polling officials.
35. As at the date of this petition, and despite the extensive publicity of the loss of the 1,370 missing ballot papers, those ballot papers remain lost.
36. In the circumstances referred to in paragraphs 34-35 above, the 1,370 missing ballot papers are not in the possession, custody or control of the petitioner.
37. Further, in those circumstances, the 1,370 missing ballot papers are unlikely to be found at all or under conditions in which the integrity of the ballot papers could be established without real doubt as to whether they could be safely counted for the purposes of any power that this Court might exercise.
38. On 8 November 2013, the petitioner appointed a former Commissioner of the Australian Federal Police, Mr Mick Keelty AO APM, to examine the facts and circumstances regarding the 1,370 missing ballot papers. The specific terms of reference for Mr Keelty's inquiry are to—
- (a) Make findings on what factors may have contributed to the misplacing of the ballot papers.
 - (b) Recommend what changes could be made in the future to reduce the risk of similar incidents occurring in future elections.
 - (c) Recommend any other actions that might be regarded as necessary or prudent.
39. Mr Keelty is due to provide an interim report to the petitioner by the end of November 2013.
- The course taken by the AEO to declare the result of the Election
40. As at 4 November 2013, the AEO for Western Australia, in carrying out his duty under s 273 to ascertain the successful candidates and the order of their election, was faced with the following dilemma—
- (a) if he proceeded to ascertain the successful candidates and the order of their election excluding the 1,370 missing ballot papers, he would fail in the task of conducting the re-count in accordance with the direction of the Electoral Commissioner; and
 - (b) if he proceeded to ascertain the successful candidates and the order of their election according to the ballot papers that were available and the petitioner's records as to the contents of the missing ballot papers so as to generate a notional re-count—
 - (i) it was not possible to say with certainty, or on the balance of probabilities, that this would produce a more reliable result than the re-count that excluded the missing ballot papers;
 - (ii) this would not constitute a valid re-count in accordance with the requirements of s 279B of the Act and the Electoral Commissioner's direction under s 278 of the Act as a re-count must be conducted by reference to the actual ballot papers; and
 - (iii) there would be no opportunity to test whether the 1,370 missing ballot papers, having been counted in the fresh scrutiny in the absence of scrutineers, were counted correctly so as to determine whether any of the ballot papers that were rejected as informal should have been counted, and whether any ballot papers counted as above the line votes in accordance with a registered voting ticket should have been counted for votes other than in accordance with that registered voting ticket or rejected as informal.
41. The AEO for Western Australia considered that it was appropriate to declare the results of the Election on the basis of the re-count without the 1,370 missing ballot papers in all the circumstances, including the matters pleaded in paragraph 40 above, and that—
- (a) it was highly likely that the missing ballot papers were irretrievably lost so that no additional information would be forthcoming that would justify any further delay;
 - (b) it was necessary to declare a result and return the writ within the time fixed by the Governor of Western Australia, pursuant to s 2 of the WA Act, of 13 November 2013;
 - (c) no petition to dispute the Election before the Court could be brought until the writ was returned and it was important that any petition be resolved expeditiously so that if a fresh election were necessary it could be conducted in time to provide for the representation of Western Australia in the Senate with a full complement of Senators from 1 July 2014 in accordance with s 13 of the Constitution; and

- (d) the writs for all the other elections in the 2013 general election already having been returned, because of s 355(e)(ii) of the Act, the declaration and return of the writ was necessary to start time running on the conclusive period in which a petitioner could dispute before the Court any Senate or House of Representatives election held as a result of the general election and therefore it was important to provide certainty in a timely manner about the outcome of the 2013 general election.

Declaration of results of the Election and return of writs

42. On 4 November 2013, the AEO for Western Australia declared under s 283(1)(a) of the Act that the First to Sixth Respondents were elected in that order.

43. On 6 November 2013, the AEO for Western Australia returned the writ for the Election to the Governor of Western Australia. That writ was the last of the writs for the 2013 general election to be returned, the writs for the elections of Senators for the other States and the Territories having been returned by 8 October 2013 and the writs for elections of members of the House of Representatives having been returned by 1 November 2013.

Contraventions of the Act

44. The following contraventions of the Act have occurred—

- (a) by reason of the 1,370 missing ballot papers, the AEO for Western Australia has failed to conduct the re-count of ballot papers in accordance with the direction of the Electoral Commissioner for the purposes of s 278(2) and s 279B in contravention of those provisions and s 18(3) and s 20 of the Act; and
- (b) the DRO for the Division of Forrest and the DRO for the Division of Pearce have failed to maintain the safe custody of the 1,370 missing ballot papers, in accordance with the directions of the Electoral Commissioner, in contravention of s 393A(3) of the Act.

45. The contraventions of the Act constitute illegal practices within the definition in s 352(1) of the Act committed by a person other than a candidate and without the knowledge and authority of the candidate.

46. Alternatively, the loss of the 1,370 missing ballot papers (which arose as a result of the DRO for the Division of Forrest and the DRO for the Division of Pearce failing to maintain safe custody of the ballot papers, and which then prevented those ballot papers from being brought within the re-count and prevented the voting intentions expressed in those ballot papers from being safely ascertained) constitutes an error or omission for the purposes of s 365 of the Act.

The result of the Election was likely to be affected

47. If the 1,370 missing ballot papers had been available for the re-count, it was likely, in the sense of there being a real chance, that the result of the Election would have been different. Specifically, the result of the Election would have been different if the 1,370 missing ballot papers had been available and a re-count including those ballot papers had demonstrated that—

- (a) the notional re-count, referred to in paragraph 32 above, was correct in that the 1,370 missing ballot papers were counted correctly at the fresh scrutiny; that is, that the ballot papers rejected as informal were confirmed on the re-count to be informal, and each ballot paper counted as a vote for a particular registered group voting ticket was not rejected as informal on the re-count and was confirmed to be a vote for that registered group voting ticket; or
- (b) there were no errors made in the fresh scrutiny of the 1,370 missing ballot papers that were sufficient to disturb the relative order of standing of Mr Bow and Mr van Burgel such that Mr van Burgel would be excluded before Mr Bow.

48. In the scenarios described in paragraph 47 above, the two candidates that should have been elected to the fifth and sixth vacancies were the Seventh and Eighth Respondents.

49. In order for the declared result of the Election that was certified in the returned writ to stand as the correct result had the 1,370 missing ballot papers been available for the re-count, it would be necessary for there to have been one or more errors in the fresh scrutiny of the missing ballot papers with the effect that, on the re-count, the relative order of standing of Mr Bow and Mr van Burgel was such that Mr Bow would be excluded before Mr van Burgel.

50. In all the circumstances—including the number of missing ballot papers, the narrowness of the margin at the 50th exclusion point and the differences which, in the usual case, emerge between the fresh scrutiny and a re-count, where that re-count is conducted with more time, and by a more experienced and senior officer of the petitioner, and in the presence of experienced candidate-appointed scrutineers—it is not possible to conclude either with certainty, or on the balance of probabilities, either that—

- (a) the Fifth and Sixth Respondents have been correctly returned; or
- (b) an alternative return of the Seventh and Eighth Respondents accurately, or more accurately, reflects the true intention of the voters.

51. In the premises, for the purposes of s 362(3) of the Act, the Court should be satisfied that the result of the Election was likely to be affected, and that it is just that the Election should be declared void.

52. In the alternative to paragraph 51 above, for the purposes of s 365 of the Act, the nature and circumstances of the error or omission referred to in paragraph 46 above are such that it cannot be concluded that the error or omission did not affect the result of the Election and, accordingly, the Election should be declared void.

RELIEF

The petitioner asks the Court to make the following orders—

1. Declare that, pursuant to para 360(1)(vii) of the Act, the election of 6 Senators for the State of Western Australia to serve in the Senate of the Parliament of the Commonwealth held on 7 September 2013, is absolutely void.
2. The Commonwealth pay the costs of the First to Eighth Respondents as necessarily and reasonably incurred in answering this petition.
3. Such further or other orders as the Court deems fit.

Dated: 15 November 2013.

ED KILLESTEYN, Electoral Commissioner,
for and on behalf of the
Australian Electoral Commission.

To The First Respondent

David Johnston

Parliament House

Canberra

Australian Capital Territory

And to The Second Respondent

Joe Bullock

Slater and Gordon Lawyers

Level 4, 190 St Georges Terrace

Perth

Western Australia

And to The Third Respondent

Michaelia Cash

Parliament House

Canberra

Australian Capital Territory

And to The Fourth Respondent

Linda Reynolds

640 Murray Street

West Perth

Western Australia

And to The Fifth Respondent

Wayne Dropulich

40 Jardine Street

Stirling

Western Australia

And to The Sixth Respondent

Scott Ludlam

MDC Legal

44 Kings Park Road

West Perth

Western Australia

And to The Seventh Respondent

Zhenya Wang

Hopgood Ganim Lawyers

Level 8

Waterfront Place

1 Eagle Street

Brisbane

Queensland

And to The Eighth Respondent

Louise Pratt

Slater and Gordon Lawyers

Level 4, 190 St Georges Terrace

Perth

Western Australia

The petitioner's address for service is—

Australian Government Solicitor,

4 National Circuit, Barton, in the Australian Capital Territory.

FISHERIES

FI401*

PEARLING ACT 1990 PEARLING (ANNUAL FEES) NOTICE 2013

FD 1925/13 [1168]

Made by the Minister under section 27.

1. Citation

This notice may be cited as the *Pearling (Annual Fees) Notice 2013*.

2. Interpretation

In this notice, unless the contrary intention appears—

pearling (seeding) licence has the same meaning as in the regulations;**pearling (wildstock) licence** has the same meaning as in the regulations;**quota unit** means the number of units specified on—

(a) a pearling (wildstock) licence, in respect of a Zone or Zones; or

(b) a pearling (seeding) licence;

regulations means the Pearling (General) Regulations 1991.

3. Annual fees for farm leases, pearling licences, hatchery licences and permits

For the purposes of section 27(1)(a) of the Act, the annual fee for the year ending 31 December 2014 in respect of—

- (a) a farm lease, is \$2351.22 per square nautical mile, or part thereof, of the relevant pearl oyster farm;
- (b) a Zone 1 pearling (wildstock) licence, is \$290.31 per quota unit;
- (c) a Zone 2 and Zone 3 pearling (wildstock) licence, is \$607.82 per quota unit;
- (d) a Zone 3 pearling (wildstock) licence, is \$607.82 per quota unit;
- (e) a pearling (seeding) licence, is \$133.21 per quota unit;
- (f) a hatchery licence, is \$316.00;
- (g) a pearling permit, is \$76.00;
- (h) a hatchery permit, is \$76.00.

4. Payment by instalments

(1) For the purposes of regulation 9A, the annual fee for a pearling (wildstock) licence, pearling (seeding) licence, or hatchery licence, may be paid by instalments as specified in the Schedule to this notice if—

- (a) an election to pay by instalments is made by the holder of the relevant licence in accordance with subclause (2); and
- (b) no other fee, charge or levy in respect of the relevant licence is payable at the time the election is received.

(2) An election made for the purposes of subclause (1) must be—

- (a) in writing;
- (b) received at the head office of the Department prior to the commencement of the licensing period to which the election relates; and
- (c) accompanied by the first instalment and the surcharge.

(3) For the purposes of regulation 9A(2), the surcharge is 3.13% of the annual fee.

(4) The holder of a licence, or a person acting on that person's behalf, must not engage in any pearling activity at any time when any fee or surcharge payable in respect of the licence is outstanding.

Schedule

Payment by Instalments

- (a) The first instalment is 10% of the annual fee and is due for payment on or before 1 January of the year for which the licence is granted or renewed.
- (b) The second instalment is 35% of the annual fee and is due for payment on or before 1 April immediately following the period specified in paragraph (a).
- (c) The third instalment is 55% of the annual fee and is due for payment on or before 1 July immediately following the period specified in paragraph (a).

Dated the 12th day of November 2013.

T. R. BUSWELL, Minister for Fisheries.

HEALTH

HE401*

MENTAL HEALTH ACT 1996

MENTAL HEALTH (AUTHORISED MENTAL HEALTH PRACTITIONERS) ORDER (NO. 5) 2013
Made by the Chief Psychiatrist under section 20 of the Mental Health Act 1996;

1. Citation

This order may be cited as the *Mental Health (Authorised Mental Health Practitioners) Order (No. 5) 2013*.

2. Commencement

This order comes into operation as follows—

- (a) clauses 1 and 2—on the day on which this order is published in the *Gazette*;
- (b) clause 3—on the day after that day.

3. Authorised Mental Health Practitioner

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

SCHEDULE 1

Christopher George Abrahams	Registered Mental Health Nurse
Timothy James Aldous	Registered Mental Health Nurse
William Andrew Alison	Registered Mental Health Nurse
Elizabeth Namina Caulker	Registered Mental Health Nurse
Kathleen Mary Charlton	Registered Nurse—Mental Health
Danielle Therese Clifford	Registered Mental Health Nurse
Simone Peta Close	Registered Mental Health Nurse
Kathleen Eileen Craig	Occupational Therapist—Mental Health
Sinéad Mary Finlay	Registered Mental Health Nurse
Lynne Denise Fiorini	Registered Nurse—Mental Health
Angela Patricia Gilligan	Registered Mental Health Nurse
Angela Goods	Social Worker—Mental Health
Gillian Anne Hetherington	Registered Mental Health Nurse
Mary Catherine Johnson	Registered Mental Health Nurse
Thomas Michael Lennon	Registered Mental Health Nurse
Matthew James Little	Registered Nurse—Mental Health
Darryl George Milovchevich (Dr)	Clinical Psychologist
Kim Elizabeth Noack	Registered Mental Health Nurse
Aparna Bhagigrath Patel	Registered Nurse—Mental Health
Barbara Irene Pentecost	Registered Mental Health Nurse
Christine Alice Plane	Registered Mental Health Nurse
Carly Louise Platten	Registered Mental Health Nurse
Karly Moana Retimana-Te Whatu	Registered Mental Health Nurse
Megan Louise Salter	Occupational Therapist—Mental Health
Melanie Laurel Smith	Registered Mental Health Nurse
Anna-Marie Smyth	Registered Mental Health Nurse
John Masimba Tengende	Registered Mental Health Nurse
Monica Anne Thorburn	Registered Nurse—Mental Health
Helen Rebecca Wain (Dr)	Clinical Psychologist
Angela Marita Whyte	Registered Mental Health Nurse
Geoffrey Wright	Social Worker—Mental Health

Date: 19 November 2013.

Dr NATHAN GIBSON, Chief Psychiatrist.

HERITAGE

HR401*

HERITAGE OF WESTERN AUSTRALIA ACT 1990

ENTRY OF PLACES IN THE REGISTER OF HERITAGE PLACES

PERMANENT REGISTRATION

Notice is hereby given in accordance with section 51(2) of the *Heritage of Western Australia Act 1990* that, pursuant to a direction from the Minister for Heritage, the place described below has been entered in the Register of Heritage Places on a permanent basis with effect from today.

Busselton Jetty at Queen Street, Busselton; Ptn of Lot 350 on DP 55296 being pt of Res 46715 and pt of the land contained in CLT V 3158 F 792; Ptn of Lot 3001 on DP 43542 being pt of Res 38558 and pt of the land contained in CLT V 3135 F 862 together as is defined by HCWA Survey Drawing 423 Rev 4 as prepared by Midland Survey Services.

Dated: 22 November 2013.

GRAEME GAMMIE, Executive Director,
State Heritage Office,
Bairds Building,
491 Wellington Street, Perth WA 6000.

LOCAL GOVERNMENT

LG401*

BUSH FIRES ACT 1954

Shire of Corrigin

APPOINTMENTS

The following persons have been appointed as Bush Fire Control Officers for the Shire of Corrigin in accordance with the *Bush Fires Act 1954*—

Chief Bush Fire Control Officer	Wes Baker
Deputy Chief Bush Fire Control Officer	Greg Evans

BILBARIN BRIGADE

Sadow Jacobs
Bruce Mills
Steven Bolt
Paul McBeath

BULLARING BRIGADE

Andrew Szczecinski
Greg Evans
Greg Doyle
Craig Jespersen
Charlie Bell

BULYEE BRIGADE

Wes Baker
Ray Hathaway
Clive Turner

KUNJIN BRIGADE

Tony Guinness
John Hewett

CORRIGIN EAST BRIGADE

Tim George
Kim Courboules

GORGE ROCK BRIGADE

Bryce Nicholls
Bruce Talbot

CENTRAL BRIGADE

Don Stevens
Adam Rendell
Julian Murphy

The following persons have been appointed as Fire Weather Officers—

Wes Baker
Greg Evans (Deputy)
Sandow Jacobs (Deputy)

JULIAN MURPHY, Chief Executive Officer.

LG501*

BUSH FIRES ACT 1954

FIRE BREAK ORDER

Shire of Corrigin

Notice to all Owners and or Occupiers of land in the Shire of Corrigin.

Pursuant to the powers contained in section 33 of the *Bush Fires Act 1954*, you are hereby required on or before 31 October 2013, to plough, scarify, cultivate, spray or otherwise clear and thereafter maintain free of all inflammable material until 15 April 2014 firebreaks in the following dimensions, on the land owned or occupied by you.

1. RURAL LAND

1.1 Firebreaks of not less than 2.44 metres (8 feet) in width must be constructed along and within 20 metres of all external boundaries of the property owned or occupied by you. If any portion of the land adjoins a public road or railway line, a firebreak must also be constructed along that boundary.

1.2 Property in excess of 250 hectares shall have fire breaks positioned as necessary to divide land into areas not exceeding 250 hectares each completely surrounded by a firebreak.

1.3 Clear and maintain firebreaks at least 2.44 metres (8 feet) wide within 20 metres of the perimeter of any building or group of buildings, fuel tanks or haystack, in such a manner as to fully encircle the structure/s. In addition to firebreaks a 20m wide **low fuel zone** is required to be maintained around any building or group of buildings, fuel tanks, hayshed or haystack. **Low fuel** means the removal of inflammable material, dead trees, leaf litter and trash and the removal of dead branches to a height of 1.5 metres from live standing trees. Grass is to be slashed to a height not exceeding 100mm.

1.4 During any period when harvesting operations are being conducted, there shall be provided an operational mobile firefighting unit with a minimum capacity of 500 litres of water located in or immediately adjacent to the paddock being harvested. The responsibility to supply the unit is that of the landowner/occupier.

2. TOWN SITES

2.1 Where the area of the land is 0.2 hectares (one half of one acre) or less, you shall clear all inflammable material on the land from the whole of the land.

2.2 Where the area of the land exceeds 0.2 hectares (one half of one acre), you shall clear of all inflammable material, firebreaks not less than 2.44 metres (8 feet) wide immediately inside all external boundaries of the land, and also immediately surrounding all buildings, haystacks and fuel ramps situated on the land, and also immediately surrounding any drums or drums situated on the land which are normally used for the storage of fuel, whether they contain fuel or not.

3. GENERAL PROVISIONS

The term "*Inflammable Material*" for the purpose of this notice includes bush (as defined in the *Bush Fires Act 1954*), timber, boxes, cartons, paper, and the like inflammable materials, rubbish and any combustible matter, but does not include buildings, green standing trees and bushes or growing bushes or plants in gardens or lawns.

If it is considered to be impractical for any reason to provide firebreaks in the position or adhere to the provisions required by this notice, the written approval of Council or a duly authorised officer must be obtained to prepare such firebreaks in an alternative position. If permission is not granted by Council or a duly authorised officer you shall comply with the requirements of this order.

A "*Harvesting/Total Movement Ban*" includes harvesting and the movement of vehicles in paddocks, except vehicles carrying water to stock. Contractors carting lime, gypsum or fertilizer are allowed to enter into paddocks to unload at any time that there is a "*Harvest/Total Movement Ban*" in place on the condition that a manned fire unit with at least 500 litres of water is in attendance. ***Harvesting is not permitted on Christmas Day and New Years Day.***

The penalty for failing to comply with this order is a fine of not more than one thousand dollars (\$1000) and a person in default is also liable, whether prosecuted or not, to pay the cost of performing the work directed by this notice, if it is not carried out by the owner or occupier by the date required by this notice.

JULIAN MURPHY, Chief Executive Officer.

MINERALS AND PETROLEUM

MP401***PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967****SURRENDER OF GEOTHERMAL EXPLORATION PERMIT GEP 1**

The surrender of Geothermal Exploration Permit GEP 1 has been registered and will take effect on the date this Notice appears in the *Government Gazette*.

JEFF HAWORTH, Acting Executive Director,
Petroleum Division.

MP402***PETROLEUM AND GEOTHERMAL ENERGY RESOURCES ACT 1967****SURRENDER OF GEOTHERMAL EXPLORATION PERMIT GEP 2**

The surrender of Geothermal Exploration Permit GEP 2 has been registered and will take effect on the date this Notice appears in the *Government Gazette*.

JEFF HAWORTH, Acting Executive Director,
Petroleum Division.

MP403***MINING ACT 1978****INSTRUMENT OF CANCELLATION OF EXEMPTION OF LAND**

The Minister for Mines and Petroleum, pursuant to the powers conferred on him by Section 19 of the *Mining Act 1978*, hereby cancels the exemptions designated 'S19/3', 'S19/6' and 'S19/85' in Tengraph which were granted on 8 December 1992, 16 June 1993 and 13 July 1989 respectively and gazetted on 11 December 1992, 25 June 1993 and 21 July 1989 respectively. The subject land is now subject to Divisions 1 to 5 of Part IV of the *Mining Act 1978*.

Dated at Perth this 12th day of November 2013.

Hon BILL MARMION MLA, Minister for Mines and Petroleum.

MP404***MINING ACT 1978****RESTORATION OF MINING TENEMENTS**

Department of Mines and Petroleum,
East Perth WA 6004.

In accordance with the provisions of Section 97A of the *Mining Act 1978*, I hereby cancel the forfeiture of the undermentioned mining tenements previously forfeited for non-payment of penalty and restore mining tenements to the former holder.

Hon BILL MARMION MLA, Minister for Mines and Petroleum;
Housing.

Number**Holder****Mineral Field**

Exploration Licence

47/2168

Farno-McMahon Pty Ltd

West Pilbara

Mining Lease

47/561

Farno-McMahon Pty Ltd

West Pilbara

PARLIAMENT

PA401*

TOWN OF VICTORIA PARK PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2013

DISALLOWANCE OF LOCAL LAW

It is hereby notified for public information that the Legislative Council has disallowed the following Local Law made under the *Local Government Act 1995*—

The *Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013* published in the *Gazette* on 5 April 2013 and tabled in the Legislative Council on 15 May 2013.

Disallowance is effective on and from Tuesday, 19 November 2013.

Dated: 19 November 2013.

NIGEL LAKE, Acting Clerk of the Legislative Council.

PLANNING

PL101*

CORRECTION

PLANNING AND DEVELOPMENT ACT 2005

PEEL REGION SCHEME MINOR AMENDMENT 033/57

AND AMENDMENT OF SHIRE OF MURRAY TOWN PLANNING SCHEME NO. 4

Modification of the Regional Roads Reservation

Pinjarra and Old Mandurah Roads

Amendment 033/57

File No. RLS/0268

On 27 September 2013, notice was given in the *Government Gazette* that the Minister for Planning had approved Amendment 033/57 to the Peel Region Scheme, as shown on Western Australian Planning Commission Plan 3.2480.

The notice also amended the *Shire of Murray Town Planning Scheme No. 4*, to transfer the land subject of Amendment 033/57 to the Residential Development zone. The reference to 'Residential Development zone' was a typographical error. The land shown on Plan 3.2480 should have been described as the 'Special Development zone' in the *Shire of Murray Town Planning Scheme No. 4*.

Accordingly, pursuant to section 126(3) of the *Planning and Development Act 2005*, the *Shire of Murray Town Planning Scheme No. 4* is amended, to include the land subject of Amendment 033/57 within the Special Development zone.

This amendment has effect in the *Shire of Murray Town Planning Scheme No. 4* on and from 27 September 2013.

TIM HILLYARD, Secretary,
Western Australian Planning Commission.

PL403*

PLANNING AND DEVELOPMENT ACT 2005

AMENDMENT TO THE DECLARATION OF PLANNING CONTROL AREA 96

Lloyd Street Southern Extension

City of Swan

File: 835/2/21/17

General Description

The Minister for Planning has granted approval to amend Planning Control Area 96. The Planning Control Area has previously been declared to protect the proposed alignment for the future Lloyd Street southern extension and is now amended at Great Eastern Highway and Elgee Road, as shown on Western Australian Planning Commission (WAPC) plan numbers 1.7122/1 and 1.7123.

Purpose of the Planning Control Area

The purpose of the Planning Control Area is to protect the proposed alignment for the future Lloyd Street southern extension. The WAPC considers that the Planning Control Area is required to ensure that no development occurs on this land which might prejudice this purpose until it may be reserved for Other Regional Road Reservation in the Metropolitan Region Scheme.

Duration and Effects

The amended Planning Control Area has effect from the date of publication of this notice in the *Government Gazette* to 4 February 2016, or until revoked by the WAPC with the approval of the Minister.

A person shall not commence and carry out development in a Planning Control Area without the prior approval of the WAPC. The penalty for failure to comply with this requirement is \$200,000, and in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.

Compensation is payable in respect of land injuriously affected by this declaration, and land so affected may be acquired by the WAPC in the same circumstances and in the same manner as if the land had been reserved in the Metropolitan Region Scheme for a public purpose.

Where the Amended Planning Control Area is available for public inspection

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Swan, 2 Midland Square, Midland

TIM HILLYARD, Secretary,
Western Australian Planning Commission.

PL401***METROPOLITAN REDEVELOPMENT AUTHORITY ACT 2011****METROPOLITAN REDEVELOPMENT AUTHORITY****Armadale Redevelopment Scheme 2004—Amendment No. 30**

It is hereby notified for public information that the Minister for Planning has granted final approval to gazette Scheme Amendment No. 30 to the Metropolitan Redevelopment Authority (MRA) Armadale Redevelopment Scheme.

Amendment 30 brings the Scheme text and maps into conformity with the *Metropolitan Redevelopment Authority Act 2011* and associated Regulations and includes a portion of Lot 10 (No. 350) Keane Road, Forrestdale into the Scheme Area.

The Amendment comes into effect on 23 November 2013 and can be viewed at the MRA's office, Unit 5/210-220 Jull Street, Armadale between the hours of 8:30am and 5:00pm Monday to Friday or on the MRA website at www.mra.wa.gov.au.

Chief Executive Officer,
Metropolitan Redevelopment Authority,
Locked Bag 8,
Perth Business Centre WA 6849.

PL402***PLANNING AND DEVELOPMENT ACT 2005****RESOLUTION DECIDING TO PREPARE A LOCAL PLANNING SCHEME***Shire of Cue***Local Planning Scheme No. 2**

Notice is hereby given that the Council of the local government of the Shire of Cue on 20 August 2013 passed the following Resolution—

Resolved that the local government, in pursuance of Part 5 of the *Planning and Development Act 2005*, prepare the above Local Planning Scheme with reference to an area situate wholly within the Shire of Cue and enclosed within the inner edge of black border on a plan produced to the Council of the local government.

Dated this 22nd day of November 2013.

JOHN McCLEARY, A/Chief Executive Officer

ROTTNEST ISLAND AUTHORITY

RX401*

ROTTNEST ISLAND REGULATIONS 1988

TEMPORARY NOTICE TO MARINERS

CLOSURE OF WATERS TO BOATING

Thomson Bay, Rottnest Island

2013 School Leavers Event

Acting pursuant to the powers conferred by Regulation 38B of the *Rottnest Island Regulations 1988*, the Rottnest Island Authority hereby closes the following waters to all vessels, excluding bona fide emergency vessels, between 6:00 am on Monday, 25 November 2013 and 12:00 midday on Thursday, 28 November 2013—

Thomson Bay

All the waters within 40 metres of the shoreline, from a point on the foreshore 400 metres south-east of the Hotel Jetty and extending in a north-westerly direction to the Rottnest Main Jetty and the waters from a point on the foreshore 206 metres north-west of the Rottnest Main Jetty and extending to the end of Thomson Bay at Bathurst Point.

Tenders (max vessel length 3.75m) are permitted to access the beach from the Fuel Jetty south to the northern side of the Hotel jetty, excluding designated swimming areas.

This has been introduced to assist in achieving public safety and appropriate signage will be placed on site.

Mariners are advised to navigate with caution and maintain a 100 metre clearance when transiting this area.

PAOLO AMARANTI, Chief Executive Officer,
Rottnest Island Authority.

TRAINING

TA401*

VOCATIONAL EDUCATION AND TRAINING ACT 1996

CLASSIFICATION OF PRESCRIBED VOCATIONAL EDUCATION AND TRAINING QUALIFICATIONS

Amendment to Western Australian *Government Gazette* 2009/225

Under the *Vocational Education and Training Act 1996* section 60C, I, the Minister for Training and Workforce Development classify the following—

Class B qualification

No.	Qualification	Conditions	Training contract requirements				
			Title of apprentice under training contract	Nominal period (months) full time	Part time	School based	Other requirements
194.2	LMT21510 Certificate II in Dry Cleaning		Trainee	18	Y	Y	
195.2	LMT31210 Certificate III in Dry Cleaning Operations		Trainee	24	Y	N	

Dated: 13 November 2013.

Hon TERRY REDMAN MLA, Minister for Training and
Workforce Development.

TRANSPORT

TN401*

RAIL FREIGHT SYSTEM ACT 2000

RAIL FREIGHT SYSTEM (S. 36 CORRIDOR LAND) ORDER NO. 5/2013

Fremantle Port North Quay Rail Terminal

Made under Section 36 by the Minister for Transport

1. Citation

This order may be cited as the *Rail Freight System (S. 36 Corridor Land) Order No. 5/2013—Fremantle Port North Quay Rail Terminal*.

2. Designation of Land other than Authority land

The land identified in the last column of the Schedule is designated as corridor land.

Schedule—Land to be designated as corridor land

Designation Identification	Railway Line Identification	Railway Identification Plan Number	Land Description
Not applicable	Not applicable	Not applicable	Identified as 'L' on Deposited Plan 401027 and having a total area of 7.8232 hectares, and being part of Lot 10 on Deposited Plan 69297 being land in Certificate of Title Volume 2786 Folio 652.

Dated this 12th day of November 2013.

T. R. BUSWELL, Treasurer; Minister for Transport; Fisheries.

TN402*

ROAD TRAFFIC CODE 2000

ROAD TRAFFIC CODE (ELECTRIC PERSONAL TRANSPORTER) NOTICE NO. 6. 2013

Instrument of Declaration

Department of Transport Reference: RTCode—2013—00897

The Minister for Transport under regulation 230B (1)(b) of the *Road Traffic Code 2000* declares that:

1. Citation

This notice may be cited as the *Road Traffic Code (Electric Personal Transporter) Notice No. 6, 2013*.

2. Declaration of Electric Personal Transporter Use Area

I declare by this notice; the area cited as Rottnest Island and being lot 10976 on Plan 9216860 and being Reserve No. 16713 in the records being held by the Western Australian Land Information Authority, is an Electric Personal Transporter Use Area.

3. This declaration commences upon publication in the *Government Gazette* and remains in force until revoked.

T. R. BUSWELL, Treasurer; Minister for Transport; Fisheries.

WATER/SEWERAGE

WA401*

WATER SERVICES ACT 2012

AMENDED LICENCES

Notice is given that the following water services operating licences have been amended—

Licensee:	Aquasol Pty Ltd
Expiry Date:	4 February 2038
Class(es) of Water Service:	Potable and Non-Potable Water Supply, and Sewerage Services (WL42)
Operating Area:	The operating area is the area set out in plan OWR-OA-304(B) in the State of Western Australia

Licensee:	Bunbury Water Corporation (t/a Aqwest)
Expiry Date:	17 January 2022
Class(es) of Water Service:	Potable Water Supply Services (WL2)
Operating Area:	The operating area is the area set out in plan OWR-OA-384/4(F) in the State of Western Australia
Licensee:	Busselton Water Corporation (t/a Busselton Water)
Expiry Date:	1 October 2021
Class(es) of Water Service:	Potable Water Supply Services (WL3)
Operating Area:	The operating area is the area set out in plan OWR-OA-085/2(D) in the State of Western Australia
Licensee:	City of Kalgoorlie-Boulder
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL4)
Operating Area:	The operating area is the area set out in plan OWR-OA-028(C) in the State of Western Australia
Licensee:	Gascoyne Water Co-operative Limited
Expiry Date:	23 June 2028
Class(es) of Water Service:	Non-Potable Water Supply and Irrigation Services (WL38)
Operating Area:	The operating area is the area set out in plan OWR-OA-177(C) in the State of Western Australia
Licensee:	Hamersley Iron Pty Ltd
Expiry Date:	1 June 2026
Class(es) of Water Service:	Potable Water Supply and Sewerage Services (WL33)
Operating Area:	The operating area is the area set out in plans OWR-OA-267(C), OWR-OA-268(B), OWR-OA-269(B), OWR-OA-274(B), OWR-OA-279(B) and OWR-OA-305(A) in the State of Western Australia
Licensee:	Moama Lifestyle Villages Pty Ltd
Expiry Date:	6 September 2035
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL40)
Operating Area:	The operating area is the area set out in plan OWR-OA-298(A) in the State of Western Australia
Licensee:	Ord Irrigation Co-operative Limited
Expiry Date:	30 July 2027
Class(es) of Water Service:	Non-Potable Water Supply and Irrigation Services (WL37)
Operating Area:	The operating area is the area set out in plan OWR-OA-284(A) in the State of Western Australia
Licensee:	Peel Water Pty Ltd
Expiry Date:	12 July 2036
Class(es) of Water Service:	Potable and Non-Potable Water Supply, and Sewerage Services (WL41)
Operating Area:	The operating area is the area set out in plan OWR-OA-303(A) in the State of Western Australia
Licensee:	Preston Valley Irrigation Cooperative Limited
Expiry Date:	29 June 2023
Class(es) of Water Service:	Non-Potable Water Supply and Irrigation Services (WL9)
Operating Area:	The operating area is the area set out in plan OWR-OA-193(B) in the State of Western Australia
Licensee:	Rottneest Island Authority
Expiry Date:	14 December 2023
Class(es) of Water Service:	Potable Water Supply, Sewerage and Drainage Services (WL10)
Operating Area:	The operating area is the area set out in plan OWR-OA-189(B) in the State of Western Australia

Licensee:	Shire of Brookton
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL12)
Operating Area:	The operating area is the area set out in plan OWR-OA-017(C) in the State of Western Australia

Licensee:	Shire of Coolgardie
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL13)
Operating Area:	The operating area is the area set out in plan OWR-OA-080(C) in the State of Western Australia

Licensee:	Shire of Dalwallinu
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL14)
Operating Area:	The operating area is the area set out in plan OWR-OA-029(C) in the State of Western Australia

Licensee:	Shire of Denmark
Expiry Date:	31 May 2031
Class(es) of Water Service:	Non-Potable Water Supply Services (WL39)
Operating Area:	The operating area is the area set out in plan OWR-OA-294(C) in the State of Western Australia

Licensee:	Shire of Dowerin
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL15)
Operating Area:	The operating area is the area set out in plan OWR-OA-030(C) in the State of Western Australia

Licensee:	Shire of Dumbleyung
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL16)
Operating Area:	The operating area is the area set out in plan OWR-OA-035(C) in the State of Western Australia

Licensee:	Shire of East Pilbara
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL17)
Operating Area:	The operating area is the area set out in plan OWR-OA-201(B) in the State of Western Australia

Licensee:	Shire of Gnowangerup
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL11)
Operating Area:	The operating area is the area set out in plan OWR-OA-090(C) in the State of Western Australia

Licensee:	Shire of Goomalling
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL18)
Operating Area:	The operating area is the area set out in plan OWR-OA-032(C) in the State of Western Australia

Licensee:	Shire of Jerramungup
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL19)
Operating Area:	The operating area is the area set out in plan OWR-OA-036/2(C) in the State of Western Australia

Licensee:	Shire of Kent
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL20)
Operating Area:	The operating area is the area set out in plan OWR-OA-038(C) and OWR-OA-039(C) in the State of Western Australia
Licensee:	Shire of Koorda
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL21)
Operating Area:	The operating area is the area set out in plan OWR-OA-033(C) in the State of Western Australia
Licensee:	Shire of Lake Grace
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL22)
Operating Area:	The operating area is the area set out in plan OWR-OA-037(C) in the State of Western Australia
Licensee:	Shire of Moora
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL23)
Operating Area:	The operating area is the area set out in plan OWR-OA-058/2(C) in the State of Western Australia
Licensee:	Shire of Morawa
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL24)
Operating Area:	The operating area is the area set out in plan OWR-OA-059(C) in the State of Western Australia
Licensee:	Shire of Ravensthorpe
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL26)
Operating Area:	The operating area is the area set out in plan OWR-OA-040/2(C) in the State of Western Australia
Licensee:	Shire of Victoria Plains
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL34)
Operating Area:	The operating area is the area set out in plan OWR-OA-097(C) and OWR-OA-043(C) in the State of Western Australia
Licensee:	Shire of Wickepin
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL27)
Operating Area:	The operating area is the area set out in plan OWR-OA-041(C) in the State of Western Australia
Licensee:	Shire of Yilgarn
Expiry Date:	29 April 2021
Class(es) of Water Service:	Non-Potable Water Supply and Sewerage Services (WL30)
Operating Area:	The operating area is the area set out in plans OWR-OA-034(C) and OWR-OA-089(C) in the State of Western Australia
Licensee:	South West Irrigation Management Co-operative Limited (t/a Harvey Water)
Expiry Date:	9 October 2021
Class(es) of Water Service:	Non-Potable Water Supply and Irrigation Services (WL31)
Operating Area:	The operating area is the area set out in plans OWR-OA-178/3(E) and OWR-OA-300(A) in the State of Western Australia

Licensee:	Water Corporation
Expiry Date:	28 June 2021
Class(es) of Water Service:	Potable and Non-Potable Water Supply, Sewerage, Irrigation and Drainage Services (WL32)
Operating Area:	The operating area is the area set out in plans OWR-OA-301(A), OWR-OA-302(A), OWR-OA-181(C), OWR-OA-180(C), OWR-OA-179(C), OWR-OA-175(D) and OWR-OA-175-1(A) in the State of Western Australia
Inspection of Licence:	Economic Regulation Authority 4th Floor Albert Facey House 469 Wellington Street Perth WA 6000

LYNDON G. ROWE, Chairman,
Economic Regulation Authority.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Judith-Anne Grime, late of Jurunup, 168 Morrell Road, Pinjarra in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the deceased, who died on 24 August 2012, are required by the personal representative to send particulars of their claims to her care of Clement & Co, Lawyers, Unit 2, 12 Sutton Street, Mandurah by 30 December 2013, after which date the personal representative may convey or distribute the assets having regard to the claims of which she then has notice.

CLEMENT & CO, as solicitors for the personal representative.

ZX402*

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 22 December 2013 after which date I may convey or distribute the assets, having regard only to the claims of which I then have notice.

Bickley, Gloria Kathleen, late of Catherine McAuley Nursing Home, 18 Barrett Street, Wembley, died 8.10.2013 (DE33025172 EM26).

Binning, Maxwell, late of 21 Windfield Road, Melville, died 28.08.2013 (DE19740862 EM22).

Francis, Winifred Maud, late of Principal Armadale 21 Angelo Street, Armadale, formerly of 41 Grasmere Way, Kelmscott died 6.10.2013 (DE19983233 EM38).

Green, Trevor, late of 1/210 Seventh Avenue, Wonthella, died 1.09.2013 (DE33109554 EM23).

Haynes, Patrick Frank, late of Banksia Park Aged Care, 20 Bright Road Calista, died 12.09.2013 (DE33033590 EM35).

Kirk, Gerald, late of Unit 5, 3 Rawlins Street, Glendalough, died 20.07.2013 (DE33014191 EM16).

Leithead, Thomas Stewart, late of U 4 15 Wittenoom Street, East Perth, died 28.10.2013 (DE33069079 EM36).

Mitchell, Desmond William, late of Kununoppin Hospital, Leake Street, Kununoppin, died 3.08.2012 (DE33093592 TM52).

Radvanyi, Magdolna, late of Bassendean Nursing Home, 25-27 Hamilton Street, Bassendean, died 11.08.2013 (DE19892000 EM26).

Ruwoldt, Stella May, late of 26 Bayley Street, Woodbridge, died 28.09.2013 (DE33053687 EM22).

Sargeant, Alan John late of no fixed address, formerly of 44 Victor Road, Narraweena NSW 2099, died 09.05.2013 (DE33107729 EM24).

Sonogan, Dean, late of Quadriplegic Centre, 10 Selby Street, Shenton Park, formerly of 10 Cox Street, Northam, died 07.02.2013 (DE33106030 EM26).

Spratt, Harry, late of 200 Forrest Circle, South Hedland, died 17.07.2013 (DE33049446 EM17).

Sutton, Helen, late of 68 Ferguson Street, Middle Swan, died 07.08.2013 (DE19822600 EM26).

Zokaea, Benham Noushnag, late of 15 Banksia Circle, Thornlie, died 03.07.2013 (DE33108622 EM23).

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

ZX403*

PUBLIC TRUSTEE ACT 1941
ADMINISTERING OF ESTATES

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 the 22nd day of November 2013.

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

Name of Deceased	Address	Date of Death	Date Election Filed
James Thomas Walsh DE33105268 EM36	200 Forrest Circle, South Hedland	6 January 2013	13 November 2013

WESTERN AUSTRALIA

LOCAL GOVERNMENT ACT 1995

(Reprint No. 6 as at 3 August 2012)

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