



WESTERN  
AUSTRALIAN  
GOVERNMENT  
**Gazette**  
ISSN 1448-949X (print) ISSN 2204-4264 (online)  
PRINT POST APPROVED PP665002/00041



PERTH, TUESDAY, 20 SEPTEMBER 2016 No. 167

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

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

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper.
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Delivery address:

State Law Publisher  
Lower Ground Floor,  
10 William St. Perth, 6000  
Telephone: 6552 6000 Fax: 9321 7536

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# — PART 1 —

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## PROCLAMATIONS

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AA101

Road Traffic Amendment (Alcohol Interlocks and Other Matters)  
Act 2015

### **Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015 Commencement Proclamation (No. 2) 2016**

Made under the *Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015* section 2(1)(b) and (2) by the Governor in Executive Council.

**1. Citation**

This proclamation is the *Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015 Commencement Proclamation (No. 2) 2016*.

**2. Commencement**

The *Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015* Part 3 Divisions 1 to 3 come into operation on 24 October 2016.

K. SANDERSON, Governor.

L.S.

D. NALDER, Minister for Transport.

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**ENERGY**

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EN301

Electricity Industry Act 2004

**Electricity Industry (Customer Contracts)  
Amendment Regulations 2016**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Electricity Industry (Customer Contracts) Amendment Regulations 2016*.

**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* (*gazettal day*);
- (b) the rest of the regulations — on the day after the period of 3 months beginning on gazettal day.

**3. Regulations amended**

These regulations amend the *Electricity Industry (Customer Contracts) Regulations 2005*.

**4. Regulation 15 amended**

- (1) After regulation 15(2)(c) insert:

- (ca) consumes more than 160 MWh of electricity in any period of 12 months; or

- (2) In regulation 15(2) after each of paragraphs (a) and (b) insert:

or

K. H. ANDREWS, Clerk of the Executive Council.

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**HEALTH**

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HE301

Radiation Safety Act 1975

**Radiation Safety (General) Amendment  
Regulations 2016**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Radiation Safety (General) Amendment Regulations 2016*.

**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 *Radiation Safety (General) Regulations 1983*.

**4. Regulation 3 amended**

- (1) In regulation 3(1) delete the definition of *the NHMRC*.
- (2) In regulation 3(1) insert in alphabetical order:

*NHMRC* means the National Health and Medical Research Council established under the *National Health and Medical Research Council Act 1992* (Commonwealth) section 5B;

**5. Regulation 4 amended**

In regulation 4(b) delete “*Mines Regulation Act 1946*” and insert:

*Mines Safety and Inspection Act 1994*

**6. Regulation 38 amended**

In regulation 38(2)(d)(ii) delete “section 6 of the *Metropolitan Region Town Planning Scheme Act 1959*,” and insert:

*Planning and Development Act 2005* section 4),

**7. Regulation 58 amended**

Delete regulation 58(5)(a) and insert:

- (a) an environmental health officer as defined in the *Health Act 1911* section 3;

**8. Schedule XIV amended**

Delete Schedule XIV item 10.

K. H. ANDREWS, Clerk of the Executive Council.

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**TRANSPORT**

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TN301

Road Traffic (Authorisation to Drive) Act 2008

## **Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2016**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2016*.

**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 24 October 2016.

**3. Regulations amended**

These regulations amend the *Road Traffic (Authorisation to Drive) Regulations 2014*.

**4. Regulation 3 amended**

In regulation 3 insert in alphabetical order:

***alcohol interlock offence*** means —

- (a) an offence under RTA section 59(1)(a) or (bb);  
or
- (b) an offence under RTA section 59A(1)(a)  
or (bb); or
- (c) an offence under RTA section 63(1)(a) or (c);  
or
- (d) an offence under RTA section 64(1), if the  
offender has, within the period of 5 years  
preceding conviction for that offence, been  
convicted of an offence —
  - (i) referred to in paragraph (a), (b) or (c); or
  - (ii) against RTA section 64(1), 64AA(1)  
or 64A(1) or (4); or
  - (iii) referred to in paragraph (g),  
which was committed on or after the scheme  
commencement day; or
- (e) an offence under RTA section 64AA(1), if the  
offender has, within the period of 5 years  
preceding conviction for that offence, been  
convicted of an offence —
  - (i) referred to in paragraph (a), (b) or (c); or
  - (ii) against RTA section 64(1), 64AA(1)  
or 64A(1) or (4); or
  - (iii) referred to in paragraph (g),  
which was committed on or after the scheme  
commencement day; or
- (f) an offence under RTA section 64A(1) or (4), if  
the offender has, within the period of 5 years  
preceding conviction for that offence, been  
convicted of an offence —
  - (i) referred to in paragraph (a), (b) or (c); or
  - (ii) against RTA section 64(1), 64AA(1)  
or 64A(1) or (4); or
  - (iii) referred to in paragraph (g),  
which was committed on or after the scheme  
commencement day; or
- (g) an offence under RTA section 67(2)(a), (b)  
or (c);

***approved alcohol interlock*** means an alcohol interlock  
that the CEO has approved under regulation 69I;

***RTA*** means the *Road Traffic Act 1974*;

*scheme commencement day* means the day on which the *Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2016* regulation 3 comes into operation;

**5. Part 3A inserted**

After regulation 53 insert:

**Part 3A — Loss of authorisation to drive**

**53A. Terms used**

- (1) In this Part —  
*prescribed offence* means an offence under RTA section 63, 64, 64AB, 67 or 67AA.
- (2) In this Part, a reference to a driver's licence —
- (a) does not include a provisional licence; but
  - (b) includes an extraordinary licence or any other driver's licence, in either case whether or not the licence is suspended.

**53B. Effect of disqualification: cancellation**

If the holder of a driver's licence or learner's permit is disqualified from holding or obtaining a driver's licence by order of a court on being convicted of an offence (the *present offence*), the licence or permit is by force of this regulation cancelled —

- (a) if the present offence is a prescribed offence, other than an offence under RTA section 64 and the holder has previously been convicted of a prescribed offence; or
- (b) if the present offence is an offence under RTA section 64 and the holder has previously been convicted of a prescribed offence within the period of 5 years preceding the holder's conviction for the present offence; or
- (c) if the present offence is an alcohol interlock offence.

**53C. Effect of disqualification: suspension**

- (1) Subregulation (2) applies if the holder of a driver's licence or learner's permit is disqualified from holding or obtaining a driver's licence —
- (a) by order of a court on being convicted of an offence, unless the licence or permit is cancelled by force of regulation 53B in consequence of the conviction; or



- (b) by operation of the Act; or
  - (c) by a licence suspension order made under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*.
- (2) If this subregulation applies, the licence or permit is by force of this regulation suspended so long as the disqualification continues in force.

**6. Part 5A inserted**

After regulation 69 insert:

**Part 5A — Alcohol interlock scheme**

**Division 1 — Preliminary**

**69A. Terms used**

In this Part —

***accredited service provider*** means a person accredited as a service provider under regulation 69G;

***alcohol assessment and treatment*** means assessment and treatment provided by a provider approved under regulation 69J(2)(a);

***alcohol interlock scheme*** means the scheme constituted by this Part;

***alcohol offender*** means —

- (a) a person who has been convicted of an alcohol interlock offence committed on or after the scheme commencement day; or
- (b) a person who —
  - (i) holds; or
  - (ii) immediately before being granted a driver's licence, held, another jurisdiction's driving authorisation which is or was subject to a condition or restriction limiting the authorisation to vehicles fitted with alcohol interlocks,

and who in either case has not ceased to be an alcohol offender under regulation 69F(a);

***interlock contract*** means a contract between an accredited service provider and an interlock-restricted driver on terms approved by the CEO under regulation 69H(1);

***interlock-restricted driver*** means a person who holds a driver's licence that is endorsed with condition I;

***restricted driving period*** means a period starting as provided in regulation 69L or 69O and terminating as provided in regulation 69O or 69P;

***trigger***, in relation to an approved alcohol interlock fitted to a vehicle, means —

- (a) prior to the operation of the vehicle, provide the interlock with a breath specimen containing a concentration of alcohol sufficient to cause the interlock to prevent the vehicle from being operated; or
- (b) during the operation of the vehicle, provide the interlock with a breath specimen containing a concentration of alcohol sufficient to cause the interlock to signal that the vehicle ought not to be operated; or
- (c) during the operation of the vehicle, fail to provide the interlock with a breath specimen when the interlock requires it.

## **Division 2 — Consequences of being an alcohol offender**

### **69B. Extension of RTA section 49 to certain alcohol offenders**

The following are prescribed as a class of persons for the purposes of RTA section 49(3)(da) —

- (a) alcohol offenders who drive a motor vehicle on a road while having no authorisation to drive;
- (b) alcohol offenders who drive a motor vehicle on a road in breach of condition I.

### **69C. Extension of RTA section 64A offence to alcohol offenders**

Alcohol offenders are prescribed as a class of persons for the purposes of RTA section 64A(2)(g).

### **69D. Endorsement of driver's licence**

- (1) If a driver's licence is granted to an alcohol offender, the CEO must endorse the licence with condition I.
- (2) Subregulation (1) applies to an extraordinary licence regardless of the terms of the court order directing the grant of the extraordinary licence.
- (3) This regulation is subject to regulation 69E.

**69E. Exempt persons**

- (1) This regulation applies to an alcohol offender who the CEO is satisfied —
  - (a) resides in a place that is more than 150 kilometres from any premises at which the services of an accredited service provider are provided; or
  - (b) suffers from a medical condition that, in the opinion of the CEO, would prevent the person from operating an alcohol interlock.
- (2) When the CEO is granting a driver's licence to an alcohol offender to whom this regulation applies, the CEO must not endorse the licence with condition I except at the written request of the alcohol offender.
- (3) At the written request of an alcohol offender to whom this regulation applies who holds a driver's licence not endorsed with condition I, the CEO must vary the licence by endorsing it with condition I.
- (4) At the written request of an alcohol offender to whom this regulation applies who holds a driver's licence endorsed with condition I —
  - (a) the CEO must vary the licence by revoking condition I; and
  - (b) on revocation of condition I the holder of the licence ceases to be an interlock-restricted driver.

**69F. Cancellation of alcohol interlock condition**

If an interlock-restricted driver is taken under regulation 69Q to have demonstrated the separation of drinking and driving behaviour —

- (a) the interlock-restricted driver ceases to be an alcohol offender; and
- (b) the CEO must vary any driver's licence held by the interlock-restricted driver by revoking condition I.

**Division 3 — Accreditations and approvals for the purposes of the alcohol interlock scheme****69G. Accreditation of service providers**

- (1) The CEO may, in writing, accredit a person as a service provider for the purposes of the alcohol interlock scheme.

- (2) In deciding whether or not to accredit a person, the CEO must have regard to the person's capacity to provide the services and discharge the functions mentioned in regulation 69H.
- (3) The CEO may accredit a person subject to the person complying with stated conditions.
- (4) By notice in writing to an accredited service provider, the CEO may amend, cancel or suspend —
  - (a) the accredited service provider's accreditation; or
  - (b) any condition to which the accreditation is subject.
- (5) Subject to any conditions imposed under subregulation (3), an accredited service provider may provide services and discharge functions directly or through agents it appoints for the purpose.

**69H. Approval of interlock contract terms**

- (1) On the application of an accredited service provider the CEO may, in writing, approve terms for the contracts which the accredited service provider proposes to enter into with interlock-restricted drivers.
- (2) The CEO may not approve a contract under subregulation (1) unless it provides —
  - (a) for the accredited service provider to supply and install an approved alcohol interlock in a vehicle that is owned by or available to the interlock-restricted driver, and to report to the CEO for the purposes of the scheme that they have done so; and
  - (b) for the accredited service provider to train the interlock-restricted driver and others in the proper use of the approved alcohol interlock and in the proper use and control of a vehicle in which the approved alcohol interlock is installed; and
  - (c) for each restricted driving period of the interlock-restricted driver during the currency of the contract to be divided into consecutive inspection periods; and
  - (d) for the interlock-restricted driver to present the vehicle in person to the accredited service provider for inspection of the approved alcohol interlock in respect of each inspection period; and

- (e) for the accredited service provider to inspect the approved alcohol interlock when the vehicle is presented and, after each inspection, to report to the CEO for the purposes of the alcohol interlock scheme —
  - (i) identifying the vehicle in which the interlock is installed, the interlock-restricted driver on whose behalf the interlock was installed and the person who presented the vehicle for inspection; and
  - (ii) stating whether the interlock was found to be functioning properly; and
  - (iii) stating whether there was any indication of tampering or attempting to tamper with the interlock; and
  - (iv) setting out the data recorded by the interlock since the previous inspection;and
- (f) for the accredited service provider to provide other information to the CEO regarding the operation or attempted operation of an approved alcohol interlock; and
- (g) on behalf of the interlock-restricted driver, for the accredited service provider to remove the approved alcohol interlock from the vehicle and to report to the CEO that it has done so; and
- (h) for the accredited service provider to charge the interlock-restricted driver for the performance of these functions —
  - (i) according to a scale of charges; or
  - (ii) on another basis,agreed from time to time between the service provider and the CEO; and
- (i) for the accredited service provider to perform any other functions that are specified in conditions attaching to their accreditation.

**69I. Approval of alcohol interlocks**

- (1) For the purposes of the alcohol interlock scheme, the CEO may, by notice in writing to an accredited service provider, approve —
  - (a) a specified alcohol interlock; or
  - (b) a class of alcohol interlocks that meet specified criteria.

- (2) Approval under subregulation (1) may be —
- (a) unconditional; or
  - (b) conditional upon the device continuing to comply with specified requirements relating to all or any of the following matters —
    - (i) the manner in which the device will record instances of its use and operation;
    - (ii) the occasions on which, or the frequency with which, the device is to be inspected by an accredited service provider to ensure that it is functioning properly;
    - (iii) the occasions on which or frequency with which the device will require a specimen of breath to be provided;
    - (iv) the concentration of alcohol that will cause the device to prevent the operation of the vehicle or to signal that the vehicle ought not to be operated;
    - (v) other circumstances in which the device is to prevent the operation of the vehicle or to signal that the vehicle ought not to be operated;
    - (vi) any other matter that seems desirable to the CEO.

**69J. Alcohol assessment and treatment**

- (1) In this regulation —
- CEO (Mental Health Commission)** means the chief executive officer of the Department of the Public Service principally assisting the Minister responsible for the administration of the *Alcohol and Other Drugs Act 1974*.
- (2) The CEO (Mental Health Commission) may, in writing, do any of the following —
- (a) approve providers of alcohol assessment and treatment for the purposes of the alcohol interlock scheme;
  - (b) give an approval under paragraph (a) subject to conditions with which the approved provider is to comply;
  - (c) cancel or amend an approval given under paragraph (a).

## **Division 4 — Restricted driving period**

### **69K. Terms used**

In this Division —

*inspection period*, in relation to an interlock-restricted driver, means an inspection period provided for under an interlock contract to which the interlock-restricted driver is a party;

*relevant vehicle*, in relation to an interlock-restricted driver, means a vehicle in which an approved alcohol interlock is installed under an interlock contract to which the interlock-restricted driver is a party.

### **69L. Start of restricted driving period**

An interlock-restricted driver's restricted driving period starts when, following the driver's most recent conviction for an alcohol interlock offence, the driver has an approved alcohol interlock installed under an interlock contract in a vehicle that the driver is authorised to drive.

### **69M. Inspection obligation**

- (1) Throughout a restricted driving period, an interlock-restricted driver must periodically present in person the relevant vehicle for inspection of the approved alcohol interlock in respect of each inspection period in accordance with the terms of the interlock contract.
- (2) An interlock-restricted driver who holds an extraordinary licence may, despite any conditions imposed under section 32(1)(b) of the Act, drive the relevant vehicle by the most direct convenient route to and from the premises of an accredited service provider or its agent as reasonably necessary for the purpose of having the approved alcohol interlock inspected as required by subregulation (1).

### **69N. Alcohol assessment and treatment during restricted driving period**

Throughout a restricted driving period, the CEO may require the interlock-restricted driver, by notice in writing to the driver, to participate in alcohol assessment and treatment if —

- (a) the CEO reasonably believes that any person has tampered with or attempted to tamper with the alcohol interlock installed in the driver's relevant vehicle; or

- (b) the CEO reasonably believes that, within any inspection period, the alcohol interlock installed in the driver's relevant vehicle has been triggered on 3 or more occasions; or
- (c) the CEO reasonably believes that the driver has failed to comply with a periodic inspection obligation under regulation 69M(1).

**69O. Termination and restart of restricted driving period**

- (1) An interlock-restricted driver's restricted driving period terminates and immediately restarts on the occurrence of an event mentioned in column 1 of the Table with effect from the date mentioned opposite that event in column 2 of the Table.

**Table**

<b>Event</b>	<b>Effective date</b>
The alcohol interlock installed in the driver's relevant vehicle records that a person has tampered or attempted to tamper with it, and the recorded details are reported to the CEO in accordance with the interlock contract.	The recorded date of the tampering or attempted tampering.
An inspection by an accredited service provider of an alcohol interlock installed in the driver's relevant vehicle discloses physical evidence of tampering or attempted tampering which the interlock has not recorded, and the evidence is reported to the CEO in accordance with the interlock contract.	The date of the inspection.



Event	Effective date
The alcohol interlock installed in the driver's relevant vehicle records that, within any inspection period, the alcohol interlock installed in the driver's relevant vehicle has been triggered on 3 or more occasions, and the recorded details are reported to the CEO in accordance with the interlock contract.	The recorded date of the last occasion within the inspection period on which the alcohol interlock was triggered.
Since the most recent occasion on which a restricted driving period for the driver has either started under regulation 69L, the driver fails to comply with more than one periodic inspection obligation under regulation 69M(1).	<p>If the failure arises because, although the vehicle is presented for inspection within the time required under the terms of the interlock contract, it is not presented personally by the driver — the date on which it is presented for inspection.</p> <p>If the failure arises because the vehicle is not presented for inspection within the time required under the terms of the interlock contract — the next date on which it is presented for inspection.</p>

- (2) An interlock-restricted driver's restricted driving period —
- (a) terminates if —
    - (i) the driver's licence is suspended; or
    - (ii) the driver's licence expires, unless a new licence is immediately granted to the driver; or
    - (iii) the driver ceases to have a relevant vehicle;
  - and
  - (b) restarts if and when the driver has both a valid and effective licence and a relevant vehicle.

**69P. Termination of restricted driving period without restart**

- (1) An interlock-restricted driver's restricted driving period terminates if —
  - (a) the driver is convicted of a further alcohol interlock offence; or
  - (b) the driver's licence is cancelled in any other circumstances.
- (2) A restricted driving period that terminates under subregulation (1) does not restart, but a new restricted driving period may start on the driver again becoming an interlock-restricted driver and having a relevant vehicle.

**Division 5 — Demonstrating separation of drinking and driving behaviour**

**69Q. Demonstrating the separation of drinking and driving behaviour**

An interlock-restricted driver is taken to have demonstrated the separation of drinking and driving behaviour when the following conditions are satisfied —

- (a) in the case of a driver who has been permanently disqualified, the driver has completed one or more restricted driving periods totalling in aggregate at least 3 years since the most recent date on which —
  - (i) a disqualification was imposed on the driver; or
  - (ii) an extraordinary licence held by the driver was cancelled;
- (b) in the case of any other driver, every period of disqualification imposed on the driver has ended;
- (c) the driver has started or restarted a restricted driving period that has continued for at least 180 days up to and including the current date;
- (d) the CEO is reasonably satisfied that the driver has complied with any requirement under regulation 69N to participate in alcohol assessment and treatment.

**Division 6 — Miscellaneous****69R. Offences**

- (1) A person must not tamper, or cause or permit another person to tamper, with an approved alcohol interlock installed in —
  - (a) a relevant vehicle; or
  - (b) a vehicle that is being driven or is intended or expected to be driven by an interlock-restricted driver.

Penalty for this subregulation: 50 PU.

- (2) A person must not circumvent, or cause or permit another person to circumvent, the operation of an approved alcohol interlock installed in —
  - (a) a relevant vehicle; or
  - (b) a vehicle that is being driven or is intended or expected to be driven by an interlock-restricted driver.

Penalty for this subregulation: 50 PU.

- (3) Without limiting subregulation (2), a person circumvents the operation of an approved alcohol interlock if —
  - (a) the person provides a sample of breath for analysis by the interlock; and
  - (b) the breath is not that of the driver or intended or expected driver of the vehicle in which the interlock is installed.

**7. Regulation 77A inserted**

After regulation 77 insert:

**77A. Additional fees for licences endorsed with alcohol interlock condition**

- (1) On the grant of an extraordinary licence endorsed with condition I a further fee of \$129.00 is payable in addition to the fee payable under regulation 77, unless the grant is by way of renewal of an extraordinary licence that is endorsed with condition I.
- (2) On the grant of a driver's licence (other than an extraordinary licence) endorsed with condition I a further fee of \$129.00 is payable in addition to the fee payable under Schedule 9 item 6, unless the grant is by way of renewal of a driver's licence (other than an extraordinary licence) that is endorsed with condition I.

**8. Schedule 7 amended**

In Schedule 7 insert in alphabetical order:

- I            The authorisation to drive a motor vehicle applies only if an approved alcohol interlock is installed in the vehicle and is in operation

K. H. ANDREWS, Clerk of the Executive Council.

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TN302

Road Traffic (Vehicles) Act 2012

## **Road Traffic (Vehicles) Amendment Regulations (No. 3) 2016**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Road Traffic (Vehicles) Amendment Regulations (No. 3) 2016*.

**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) regulations 3 and 4 — on the day after that day;
- (c) regulation 5 — on 24 October 2016.

**3. Regulations amended**

These regulations amend the *Road Traffic (Vehicles) Regulations 2014*.

**4. Regulation 226 amended**

In regulation 226 in the definition of ***road tank vehicle*** delete “the sixth edition of the Australian Code for the Transport of Dangerous Goods by Road and Rail;” and insert:

the ADG Code as defined in *Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007* regulation 4;

**5. Regulation 235 amended**

- (1) In regulation 235(1) insert in alphabetical order:

*alcohol interlock* has the meaning given in the *Road Traffic (Authorisation to Drive) Act 2008* section 5A(1);

- (2) After regulation 235(3) insert:

- (3A) Despite subregulations (2) and (3), a person may alter a motor vehicle by installing an alcohol interlock without the approval of the CEO.

K. H. ANDREWS, Clerk of the Executive Council.

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TN303

Road Traffic (Administration) Act 2008

## **Road Traffic (Administration) Amendment Regulations 2016**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Road Traffic (Administration) Amendment Regulations 2016*.

**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 *Road Traffic (Administration) Regulations 2014*.

**4. Regulation 18 amended**

In regulation 18(2) Table in the item relating to the *Road Traffic Code 2000* regulation 157 delete “truck lane” and insert:

truck lane or bicycle lane

K. H. ANDREWS, Clerk of the Executive Council.

  
  

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## — PART 2 —

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### ELECTORAL

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EL401

**COMMONWEALTH ELECTORAL ACT 1918****PETITION**

Election of Senators for Western Australia

**Form 22—Election petition**

Rule 30.01

In the High Court of Australia  
Sitting as the Court of Disputed Returns  
Perth Registry

No. P43 of 2016

**BETWEEN**

Ian Bruce Bell, Petitioner.

**AND**

Rodney Norman Culleton, Respondent.

**ELECTION PETITION**

This petition concerns the election of twelve Senators for the State of Western Australia held on 2 July 2016.

**RETURN OF WRIT**

The writ for the election was returned on 8 August 2016.

**ENTITLEMENT TO FILE THIS PETITION**

The petitioner is entitled to file this petition because he is a registered voter eligible to vote in the State of Western Australia.

**STATEMENT OF FACTS**

On or about 10 June 2016 the Respondent completed and lodged a nomination as a candidate for the Senate in the State of Western Australia which was false in a material particular, namely that he was eligible to so nominate when, pursuant to placida 44 (ii) of the Constitution, he was not so eligible.

Additionally *and in the alternative* to the above, the Respondent herein, at the time of hearing of this application may also be ineligible to sit as a Senator with reference to—

placida 45 (i) and/or

placida 45 (ii) in relation to bankrupt or insolvent debtors.

In the particular circumstances, said Respondent, by purporting to stand for election as a duly authorised candidate when he was not, *or in the alternative*, is now not eligible, did disenfranchise more than 52,000 electors in the State of Western Australia.

The Respondent is or may properly be liable to penalty in favour of the Petitioner herein pursuant to—

Placida 46 of the Constitution

**OR**

Section 3 of the *Common Informers (Parliamentary Disqualification) Act 1975*

**OR**

As may be determined in an associated Writ by this same Petitioner regarding a Constitutional matter, namely the correct construction of placida 46.

**RELIEF**

The petitioner asks the Court to make the following Orders—

1. A Declaration that Rodney Normal Culleton was disqualified from being elected or of sitting as a Senator in the Australian Parliament—
  - (a) as being at the relevant time, ineligible pursuant to placida 44 (ii) of the Constitution to nominate for election as a Senator,and/or
  - (b) ineligible to sit pursuant to placida 45 (i) and/or (ii) of the Constitution.And his seat in the Senate is Declared Vacant.

2. A Declaration that the election for twelve Senators for the State of Western Australia conducted on 2 July 2016 is invalid.
3. The Australian Electoral Commission is directed to take all actions necessary to declare said twelve Senate seats vacant and duly call for nominations and arrange and supervise in all proper ways, a new election for twelve Senators for the State of Western Australia.
4. In the interregnum, pursuant to Section 364 of the *Commonwealth Electoral Act 1918*, until all Senators for the State of Western Australia are duly elected, the other eleven Senators declared elected and the thirteenth ranked candidate at the election conducted on 2 July 2016 shall fill the Senate vacancies on behalf of the electors of the State of Western Australia.
7. Indemnity Costs of this Application to be paid in the Discretion of the Court.

Dated: 1 September 2016.

IAN BRUCE BELL, Petitioner.

In the presence of—

MICHAEL A. WALLACE JP

Signed by Witness

Michael A. Wallace

Name of Witness

Retired

Occupation of Witness

15 Naree Road,  
Wilson WA 6107

Address of Witness

FRANCIS P. BERTOLA

Signed by Witness

Francis Peter Bertola

Name of Witness

Farmer

Occupation of Witness

188 Epsom Avenue,  
Belmont WA 6104

Address of Witness

To—

The Respondent

47A Camden Street, Dianella WA 6059

The Petitioner's address for service is—

188 Epsom Avenue, Belmont WA 6104

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## LOCAL GOVERNMENT

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LG501

### BUSH FIRES ACT 1954

#### FIREBREAK NOTICE

##### *Town of Bassendean*

Notice to All Land Owners and Occupiers of Land within the Town of Bassendean

Pursuant to the powers contained in Section 33 of the above Act, you are hereby required on or before 31 October 2016, or within fourteen days of the date of you becoming owner or occupier should this be after 31 October 2016 and thereafter up to and including 31 March 2017, to have land of any size, the owner or occupier shall clear, to the satisfaction of Council or its duly authorised officer, all flammable material from the whole of the land, except living trees, shrubs and plants under cultivation and lawns.

If it is considered to be impractical for any reason to clear firebreaks as required by this notice, you may apply to the Council or its duly authorised officer, not later than 28 October 2016, for permission to provide firebreaks in alternative positions on the land. If permission is not granted by the Council or its duly authorised officer, you shall comply with the requirements of this notice.

The penalty for failing to comply with this notice is a fine of not more than \$5000 and a person in default is also liable whether prosecuted or not, to pay the cost of performing the work directed in this notice if it is not carried out by the owner or occupier by the date required by this notice.

Please take notice the Town of Bassendean Health Local Law requires that a person shall not set fire to or cause to be set fire, any rubbish, refuse or other material at any time unless otherwise approved in writing by an authorised person. The penalty for an offence under the Local Law is a fine of \$1000. If you need to burn your vacant land written approval is required, please contact Council's Rangers for an evaluation of the land.

In accordance with Section 38 of the *Bush Fires Act 1954* the following officers have been Appointed Bush Fire Control Officers—

Simon Stewert-Dawkins (Chief), Matthew Bowen (Deputy), Mark Bettridge (FCO), Carol Grazier (FCO) and Damian Stephen (FCO).

By order of the Council,

ROBERT JARVIS, Chief Executive Officer.



LG502

**BUSH FIRES ACT 1954**  
**FIREBREAK NOTICE 2016/2017**  
*City of Kalgoorlie-Boulder*

Notice to all owners and/or occupiers of land situated in the City of Kalgoorlie-Boulder

As a measure to assist in the control of bush fires, and to prevent the spread or extension of a bush fire which may occur, all owners and/or occupiers of land within the City of Kalgoorlie-Boulder district are required before the 1st day in October each year, or within 14 days of becoming the owner or occupier of land if after that date, to clear firebreaks or take measures in accordance with this notice and maintain those firebreaks and measures up to and including the 31st day of May in the following year.

**Interpretation**

“**Act**” means the *Bush Fires Act 1954*;

“**Authorised Person**” means a person authorised in accordance with S.9.10 of the *Local Government Act 1995* by the City of Kalgoorlie-Boulder.

“**City**” means the City of Kalgoorlie-Boulder.

“**Flammable Matter**” includes all form of vegetation both living and dead, and any other flammable materials and combustible matter;

“**Firebreak**” means ground which is cleared to a mineral earth standard in which all flammable material (which includes vegetation and with all overhanging branches, trees, limbs, etc to be trimmed back clear of the Firebreak area) has been removed and on which no flammable material (which includes vegetation) is permitted during the Firebreak period and the Firebreak must be the required width.

“**Firebreak Period**” means the time from 1 October in any year until 31 May in the year following;

“**Trafficable**” means able to be driven around, unhindered, in a standard four-wheel drive vehicle.

**General Requirements**

All owners and/or occupiers of land within the district of the City of Kalgoorlie-Boulder must clear all flammable matter from the land in accordance with the following requirements—

***Land which is 5,000m<sup>2</sup> and under in area, shall—***

Be required to follow the general fire hazard reduction measures as stated in this notice.

***Land which is 5,001m<sup>2</sup> and above in area, shall—***

Have a trafficable firebreak three (3) metres in width cleared immediately inside all external boundaries of the land to mineral earth or to the satisfaction of an authorised person.

**General Fire Hazard Reduction Measures**

All owners/occupiers are required to reduce fire hazards on their property as far as reasonably practicable over the entire area of land. This can be achieved by clearing all “flammable matter” to a height of no more than 50mm, or to the satisfaction of an authorised person and all clearing must be done in accordance with the Act. Fire Hazard Reduction Orders will be issued where owners/occupiers have failed to reduce fire hazards on their property to a satisfactory state in the opinion of an authorised person.

**Amendments to the above requirements**

If an owner or occupier of land within the district of the City of Kalgoorlie-Boulder is unable to comply with the requirements of this notice, that owner or occupier may request in writing to the City, to undertake alternative measures to enable compliance with this notice in the opinion of an authorised person.

**The following are the Burning Periods for Kalgoorlie-Boulder District**

**Firebreaks/Reduction Measures must be installed by 1 October and remain until 31 May in the following year.**

**(Prohibited Period)** All Burning is prohibited between 1 November to 31 March in the following year.

**(Restricted Period)** Permits are required between 1 April to 31 May and 1 October to 31 October each year.

**(No permit required Period)** Burning off does not require a permit however restrictions still apply 1 May to 30 September each year.

**The following restrictions apply at all times throughout the year**

No burning off on Sunday or Public Holidays.

No burning off of garden waste, refuse or offensive materials at any time.

No Burning off contrary to the provisions of the City’s Health Local Law.

Authorised burning off will only be undertaken between the hours of 6:00 pm and 11:00 pm.

All neighbouring property occupiers must be informed of the burning off before commencement.

An Authorised Person must be informed of the burning off before commencement.

Local Fire Station Officers must be informed of the burning off before commencement.

**Compliance**

(1) In addition to the requirements of this notice, further works which are considered necessary by an authorised person may be required as specified in writing in a subsequent notice addressed to the land owner as recorded by the City.

(2) Where the owner or occupier of the land fails or neglects to comply with the requirements of this notice or a subsequent notice addressed to the land owner, an authorised person may enter onto and upon the land with any workmen, contractors, vehicles and machinery as required to carry out the requisitions of the notice at the expense of the land owner. Where the City is required to act in default, the land will be cleared in accordance with this notice or at the discretion of an authorised person.

(3) Failure to comply with this notice and subsequent written notices may result in penalties being issued or court action and the liability for any costs incurred by the City in relation to works undertaken on behalf of the land owner.

JOHN WALKER, Chief Executive Officer.

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**MARINE/MARITIME**

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**MA401****WESTERN AUSTRALIAN MARINE ACT 1982****CLOSED WATERS MOTORISED VESSELS AREA****Denham***Shire of Shark Bay*

Department of Transport,  
Fremantle WA, 20 September 2016.

Acting pursuant to the powers conferred by Section 66 of the *Western Australian Marine Act 1982*, I hereby cancel notice number TR403 as published in the *Government Gazette* on 18 February 2003 and close the following area of water to motorised vessels—

**Denham:** Those waters of Shark Bay at Denham bounded by the shoreline and a line commencing at 25°55.718'S, 113°32.074'E (on the foreshore approximately 50 metres east of the recreational jetty); thence to 25°55.749'S, 113°32.056'E (approximately 65 metres south-south-west); thence to 25°55.740'S, 113°32.028'E (on the eastern side of the recreational jetty approximately 50 metres west-north-west); thence northerly along the jetty to the shoreline. All coordinates based on GDA94.

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

**MA402****WESTERN AUSTRALIAN MARINE ACT 1982****CLOSURE OF NAVIGABLE WATERS****Closed Waters Order—Aerial Freestyle Devices****WESTERN AUSTRALIA**

Department of Transport,  
Fremantle WA, 20 September 2016.

Acting pursuant to the power in section 66 of the *Western Australian Marine Act 1982*, I hereby cancel Notice MA402 as published in the *Government Gazette* on 15 March 2016 and close the following areas of navigable waters to the operation of personal watercraft (PWC) fitted with an aerial freestyle device—

1. All gazetted speed restricted areas less than 8 knots within navigable waters
2. All gazetted closed waters areas or swimming prohibited areas within navigable waters
3. All navigable channels or fairways within navigable waters
4. All protected waters as defined in the *Navigable Waters Regulation 1958*

With the exception of the waters described in Schedule A of this notice, and providing that all other navigable waters are open to the operation of personal watercraft (PWC) fitted with an aerial freestyle device, described below, provided they are operated in accordance with the conditions set out in Schedule B of this notice.

**NAVIGABLE WATERS** includes—

- (a) The territorial sea adjacent to the State;

- (b) The sea on the, landward side of the territorial sea adjacent to the State that is not within the limits of the State; and
- (c) Waters within the limits of the State.

In this notice, the following definitions apply—

1. The aerial freestyle device means any device, which can be connected to a PWC so as to provide pressured water from the PWC to the device to aid propulsion at the surface of the water, into the air and/or underwater;
2. The aerial freestyle device user means the person attached to the aerial freestyle device;
3. PWC means as per definition at regulation 46 (2) of the *Navigable Waters Regulations 1958*;
4. The PWC operator means the person who is the rider and master of the PWC;
5. Aerial Freestyle means the practice of manoeuvring the aerial freestyle device above the surface of the water or deliberately fully submerging the aerial freestyle device user below the surface of the water.

#### SCHEDULE A:

All nominated waters during 'specified times' for aquatic events approved under Regulation 51C of the *Navigable Waters Regulations 1958*

**MINDARIE MARINA (COMMERCIAL OPERATIONS ONLY):** All those waters within the Mindarie Marina bounded by a line commencing at 31°41.454'S, 115°41.948'E (between the end of A Jetty and the breakwater); thence to 31°41.485'S, 115°41.983'E (80 metres south-easterly); thence to 31°41.496'S, 115°41.969'E (30 metres south-westerly); thence to 31°41.483'S, 115°41.949'E (41 metres north-westerly); thence to 31°41.465'S, 115°41.934'E (41 metres north-westerly); thence 30 metres north-easterly to the starting point. All coordinates based on GDA 94.

**MANDURAH ESTUARY (COMMERCIAL OPERATIONS ONLY):** All Those waters of the Mandurah Estuary bounded by lines commencing at 32°31.906'S, 115°43.041'E (approximately 370 metres north of the Old Mandurah Traffic Bridge); thence to 32°31.903'S, 115°43.060'E (approximately 30 metres east-north-easterly); thence to 32°31.949'S, 115°43.079'E (approximately 90 metres south-south-easterly); thence to 32°31.952'S, 115°43.059'E (approximately 30 metres west-south-westerly); thence to the point of commencement (approximately 90 metres north-north-westerly). All coordinates based on GDA 94.

**CHAMPION LAKES (COMMERCIAL OPERATIONS ONLY)** All those waters of Champion Lakes, Armadale, bounded by lines commencing at 32°06.128'S, 116°00.247'E (approximately 35 metres south-east of the boat ramp); thence to 32°06.157'S, 116°00.273'E (approximately 65 metres south-east); thence to 32°06.288'S, 116°00.152'E (approximately 110 metres south-west); thence to 32°06.255'S, 116°00.105'E (approximately 95 metres north-west); thence to the point of commencement (approximately 320 metres north-east). All coordinates based on GDA 94.

#### SCHEDULE B:

##### Operating Conditions

1. Only one person is to use the Aerial Freestyle device at any one time;
2. The Aerial Freestyle device user must be at least 14 years of age;
3. Propulsion thrust to the Aerial Freestyle device must be controlled by the PWC operator at all times;
4. When the Aerial Freestyle device is being operated connected to a PWC, the PWC operator and the Aerial Freestyle device user must wear an approved lifejacket as described in regulation 50B of the *Navigable Waters Regulations 1958*;
5. The PWC operator must hold a Recreational Skippers Ticket as per regulation 47 of the *Navigable Waters Regulations 1958*;
6. Whilst in operation, the PWC operator must have a PWC kill switch safety lanyard attached to them at all times;
7. Whilst in operation, the Aerial Freestyle device user must wear a helmet suitable for water sports at all times
8. The PWC must be appropriately registered for operation in Western Australia as per regulation 45B of the *Navigable Waters Regulations 1958* or as a Domestic Commercial Vessel in accordance with the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*;
9. The Aerial Freestyle device user must not engage in aerial freestyle outside of a designated aerial freestyle area;
10. The Aerial Freestyle device user must not engage in aerial freestyle within 15 metres of any other person or any other vessel;
11. The Aerial Freestyle device user must not engage in aerial freestyle in water depth less than 2.5 metres;
12. The Aerial Freestyle device user must not engage in deliberate porpoising in water depths less than 4 metres;
13. The Aerial Freestyle device can only be operated during sunrise to sunset, unless approved under Regulation 51C of the *Navigable Waters Regulations 1958*;
14. General safety obligations, collision regulations and any other legislative requirements that apply to either a recreational or commercial personal water craft under the *Navigable Waters Regulations 1958* and *Western Australian Marine Act 1982* must be complied with at all times.

15. In addition to above, Commercial Aerial Freestyle operations must operate in accordance with any Certificate of Survey and Certificate of Operation issued for the vessel under the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012*.
16. Areas used for Commercial Operations must be clearly marked by buoys indicating the limits of the area by the commercial operator, during hours of operation.

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

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## PARLIAMENT

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### PA401

#### PARLIAMENT OF WESTERN AUSTRALIA

##### Royal Assent to Bills

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

Title of Act	Date of Assent	Act No.
Marketing of Potatoes Amendment and Repeal Act 2016	12 September 2016	22 of 2016
Terrorism (Preventative Detention) Amendment Act 2016	12 September 2016	23 of 2016

NIGEL PRATT, Clerk of the Parliaments.

15 September 2016.

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## PLANNING

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### PL401

#### PLANNING AND DEVELOPMENT ACT 2005

##### METROPOLITAN REGION SCHEME MINOR AMENDMENT 1290/57

##### Anstey, Armadale and Keene Roads, Forrestdale Precinct

##### Approved Amendment

File: 833-2-22-73

The Minister for Planning has approved, as advertised, the abovementioned amendment to the Metropolitan Region Scheme. The amendment is shown on Western Australian Planning Commission (WAPC) plan number 3.2600/1 and is effective from the date of publication of this notice in the *Government Gazette*.

Copies of the amendment and the accompanying report on submissions are available for public inspection from Tuesday 20 September 2016 to Friday 21 October 2016 at—

- Western Australian Planning Commission, 140 William Street, Perth
- J S Battye Library, Level 3 Alexander Library Building, Perth Cultural Centre
- City of Armadale
- City of Gosnells

Documents are also available from the PlanningWA website [www.planning.wa.gov.au](http://www.planning.wa.gov.au).

KERRINE BLENKINSOP, Secretary, Western Australian Planning Commission.

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### PL402

#### PLANNING AND DEVELOPMENT ACT 2005

##### REVOCATION OF IMPROVEMENT PLAN 30

##### Clayton Street, Bellevue

File: 819-2-21-9

It is hereby notified for public information that under the provisions of Section 120(1)(b) of the *Planning and Development Act 2005*, the Western Australian Planning Commission has recommended the revocation of Improvement Plan 30—Clayton Street, Bellevue. The recommendation has been accepted by the Minister for Planning and Her Excellency the Governor, and is effective on and from 20 September 2016.

KERRINE BLENKINSOP, Secretary, Western Australian Planning Commission.

## RACING, GAMING AND LIQUOR

RA401

### LIQUOR CONTROL ACT 1988

#### LIQUOR APPLICATIONS

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

Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming and Liquor, 1st Floor, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATION FOR THE GRANT OF A LICENCE			
A000212756	John's Small Bar Pty Ltd	Application for the grant of a Small Bar licence in respect of premises situated in Inglewood and known as John's Small Bar.	21/10/2016

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

B. A. SARGEANT, Director of Liquor Licensing.

Dated: 16 September 2016.

## TRAINING

TA401

### VOCATIONAL EDUCATION AND TRAINING ACT 1996

#### CLASSIFICATION OF PRESCRIBED VOCATIONAL EDUCATION AND TRAINING QUALIFICATIONS

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

Under the *Vocational Education and Training Act 1996* (the VET Act) section 60C, I, the Minister for Training and Workforce Development hereby—

- add the following prescribed vocational education and training qualifications—

#### Class A qualification

No.	Qualification	Conditions	Training Contract Requirements					
			Title on contract	Nominal duration (months)	Part time	School based	Other requirements	Apprenticeship Title
664.1	UET30912 Certificate III in ESI—Remote Community Utilities Worker	See below	Apprentice	48	N	N		Remote Communities Utilities Worker

**CONDITION:** This apprenticeship applies to the construction, inspection, repair and maintenance of essential public utilities (generation and network assets) in a 'very remote community'. Work must be carried out in a non-energised (dead) environment other than for testing purposes. Prior to the commencement of work, all electrical apparatus is to be isolated. That is for High Voltage (short-circuited and earthed) and for Low Voltage (short-circuited to the neutral).

'Very remote community' is defined in terms of limited and/or long distance access along the road network and very limited accessibility to obtain goods, services and opportunities for social interaction within the Australian Statistical Geography Standard (ASGS) Statistical Area Level 3 (SA3) locations—

- 50804 Kimberley (excluding the towns of Broome, Derby, Fitzroy Crossing, Halls Creek, Kununurra, Wyndham and mine sites);
- 50806 Pilbara (excluding the towns/cities of Onslow, Dampier, Karratha, Newman, Paraburdoo, Port Hedland, Roebourne, South Hedland, Tom Price, Wickham and mine sites);
- 50802 Gascoyne (excluding the towns of Carnarvon, Exmouth and mine sites);
- 50805 Mid West (excluding the towns of Dongara, Geraldton, Greenough, Jurien, Kalbarri, Meekatharra, Mt Magnet, Morawa, Northampton, Port Denison, and mine sites);
- 50803 Goldfields (excluding the towns/cities of Boulder, Kalgoorlie, Kambalda, Leinster, Leonora, Norseman and mine sites);
- 50801 Esperance (excluding the town of Esperance and mine sites).



It excludes SA4 locations: 501 Bunbury; 502 Mandurah; 503 Perth-Inner; 504 Perth-North East; 505 Perth North West; 506 Perth-South East; 507 Perth-South West; and 509 Western Australia—Wheatbelt.

Dated: 15 September 2016.

Hon LIZA HARVEY MLA, Minister for Training and Workforce Development.

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## WATER/SEWERAGE

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WA401

### WATER SERVICES ACT 2012

#### EXEMPTION NOTICE

Class Exemption for small local government sewerage and/or non-potable water services providers (effective from 16 September 2016)

In accordance with section 7 of the *Water Services Act 2012*, the Hon Mia Davies MLA, Minister for Water, has revoked the previous Class Exemption for small local government water services providers (dated 24 June 2016). The following notice now applies—

#### EXEMPTION NOTICE FOR SMALL LOCAL GOVERNMENT SEWERAGE AND/OR NON-POTABLE WATER SERVICES PROVIDERS

In accordance with section 7 of the *Water Services Act 2012*, the Hon Mia Davies MLA, Minister for Water, has granted a class exemption from section 5(1) of the Act to local government water services providers with less than 1000 customer connections whose water services are limited to the provision of sewerage services and/or non-potable water supply services.

The Act defines the terms ‘water service’, ‘water supply service’, ‘sewerage service’ and ‘wastewater’.

The class exemption does not apply to potable water supply services (i.e. ‘drinking water’).

‘Drinking water’ is defined as water that is intended for human consumption or for purposes connected with human consumption such as the preparation of food, or the making of ice for consumption or for the preservation of unpackaged food, whether or not the water is used for other purposes.

The exemption will come into effect on the day it is published in the *Government Gazette* and will apply for a duration of five years.

The exemption will apply to the following local government authorities—

Shire of Brookton  
Shire of Coolgardie  
Shire of Dalwallinu  
Shire of Denmark  
Shire of Dowerin  
Shire of East Pilbara  
Shire of Goomalling  
Shire of Jerramungup  
Shire of Kent  
Shire of Koorda  
Shire of Moora  
Shire of Ravensthorpe  
Shire of Victoria Plains  
Shire of Wickepin  
Shire of West Arthur  
Shire of Yilgarn

#### Summary of reasons for the decision

Granting the exemption is not contrary to the public interest. It is considered that—

- the risk of the abuse of monopoly power in the provision of water services is low;
- the public health and environmental aspects of these water services are regulated under the *Health Act 1911* and the *Environmental Protection Act 1986*, respectively; and
- the exemption will reduce the regulatory and compliance costs associated with water services licensing, including—
  - o administrative costs to the service provider of licensing i.e. licence fees, annual regulatory reporting costs, the costs of operational audits and asset management system reviews every two to three years; and
  - o costs to Government for enforcing and administering water service licences.