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GOVERNMENT GAZETTE

PUBLISHING DETAILS FOR CHRISTMAS 2013 AND NEW YEAR HOLIDAY PERIOD 2014

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Friday, 20 December 2013 at 12 noon	Wednesday, 18 December 2013 at 12 noon
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— PART 1 —

PROCLAMATIONS

AA101*

Marine and Harbours Act 1981

Marine and Harbours (Johns Creek Boat Harbour) Proclamation 2013

Made under the *Marine and Harbours Act 1981* section 9 by the Governor in Executive Council.

1. Citation

This proclamation is the *Marine and Harbours (Johns Creek Boat Harbour) Proclamation 2013*.

2. The Minister for Transport

In this proclamation —

The Minister for Transport is the body corporate created under the *Marine and Harbours Act 1981* section 8(1).

3. Previous proclamation cancelled

The proclamation made under the *Marine and Harbours Act 1981* section 9(1) and published in the *Gazette* 24 April 2009 p. 1383 is cancelled.

4. Johns Creek Boat Harbour vested in The Minister for Transport

The land and water described in Schedule 1 is vested in The Minister for Transport.

Schedule 1 — Johns Creek Boat Harbour - Point Samson

[cl. 4]

Reserve 39027 being Lot 283 on Deposited Plan 220141, Lots 287 and 288 on Deposited Plan 40584 and Lot 383 on Deposited Plan 52835, held by the Western Australian Land Information Authority established by the *Land Information Authority Act 2006*.

M. J. McCUSKER, Governor.

L.S.

T. BUSWELL, Minister for Transport.

AA102* (Act No. 10 of 2012)

Legal Deposit Act 2012

Legal Deposit Act 2012 Commencement Proclamation 2013

Made under the *Legal Deposit Act 2012* section 2(b) by the Governor in Executive Council.

1. Citation

This proclamation is the *Legal Deposit Act 2012 Commencement Proclamation 2013*.

2. Commencement

The *Legal Deposit Act 2012*, other than sections 1 and 2 and Part 3, comes into operation on 1 January 2014.

M. J. McCUSKER, Governor.

L.S.

J. DAY, Minister for Culture and the Arts.

Note: Under the *Legal Deposit Regulations 2013* regulation 2(b), the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Legal Deposit Act 2012* Part 2 comes into operation.

EDUCATION

ED301*

Vocational Education and Training Act 1996

Vocational Education and Training (General) Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Vocational Education and Training (General) Amendment Regulations 2013*.

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 1 January 2014.

3. Regulations amended

These regulations amend the *Vocational Education and Training (General) Regulations 2009*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definitions of:

AQF Implementation handbook
NTIS

- (2) In regulation 3 insert in alphabetical order:

AQF means the Australian Qualifications Framework as defined in the Commonwealth Act section 3;

ASQA means the Australian Skills Quality Authority (the National VET Regulator) established under the Commonwealth Act section 155;

Commonwealth Act means the *National Vocational Education and Training Regulator Act 2011* (Commonwealth);

national register has the meaning given in the Commonwealth Act section 3;

- (3) In regulation 3 in the definition of *AQTF* delete “Framework;” and insert:

Framework as defined in the *Higher Education Support Act 2003* (Commonwealth) Schedule 1;

- (4) In regulation 3 in the definition of *registering body*:

- (a) in paragraph (b) delete “law;” and insert:

law; or

- (b) after paragraph (b) insert:

- (c) ASQA;

5. Regulation 4 amended

In regulation 4(1) in the definition of *listed* delete “NTIS.” and insert:

national register.

6. Regulation 7 amended

- (1) In regulation 7(1) insert in alphabetical order:

compliance monitoring audit means a compliance monitoring audit conducted under Division 3;

non-referring State has the meaning given in the Commonwealth Act section 7;

Standards for VET Regulators has the meaning given in the Commonwealth Act section 189;

- (2) In regulation 7(1) in the definition of *prescribed registration document* delete “AQTF 2007 Standards for State and Territory Registering Bodies (published by the Commonwealth of Australia 2007);” and insert:

Standards for VET Regulators;

- (3) In regulation 7(2) after “AQTF” insert:

or the Standards for VET Regulators

7. Regulation 8 amended

Delete regulation 8(1) and insert:

- (1) In performing its functions under Part 7A of the Act, the Council must have regard to the Standards for VET Regulators.

Note: The heading to amended regulation 8 is to read:

Council to have regard to the Standards for VET Regulators

8. Regulation 9 amended

In regulation 9(3) delete “NTIS” and insert:

national register

9. Regulation 10 amended

Delete regulation 10(1) and (2) and insert:

- (1) A person may apply to be registered as a training provider under section 58B of the Act —
 - (a) if the person's principal place of business —
 - (i) is in WA and all or most of the vocational education and training that the person provides, or intends to provide, is or will be either in WA or another non-referring State (whether or not the person also provides, or intends to provide, vocational education and training elsewhere); or
 - (ii) is in another non-referring State and all or most of the vocational education and training that the person provides, or intends to provide, is or will be in WA (whether or not the person also provides, or intends to provide, vocational education and training elsewhere);
 - and
 - (b) the person is not a training organisation to which the Commonwealth Act applies.
- (2) A WA registered provider whose registration is cancelled by the Council may not apply for registration under section 58B of the Act for 2 years, or such shorter time as the Council considers appropriate, after the day that the cancellation takes effect.

10. Regulation 12 amended

- (1) In regulation 12(3) delete "regulation 10(1) applies to the provider" and insert:

the provider satisfies the criteria for making an application for registration under regulation 10(1)

- (2) Delete regulation 12(4) and insert:

- (4) The Council must not register a training provider who is registered under a corresponding law or the Commonwealth Act until the Council receives a notice from the relevant registering body that the registering body has cancelled the provider's registration.

11. Regulation 13 amended

In regulation 13(2)(b) and (d) after “compliance audit” insert:

or a compliance monitoring audit

12. Regulation 16 amended

Delete regulation 16(3)(a)(i) and insert:

- (i) that the person satisfies the criteria for making an application for registration under regulation 10(1); and

13. Regulation 17 amended

- (1) In regulation 17(3) after “provider’s registration” insert:

at any time

- (2) In regulation 17(4):

- (a) delete “regulation 10(1) applies to the provider” and insert:

the provider satisfies the criteria for making an application for registration under regulation 10(1)

- (b) in paragraph (b) after “compliance audit” insert:

or a compliance monitoring audit

14. Regulation 18 amended

- (1) Delete regulation 18(1) and insert:

- (1) Under section 58B of the Act, the Council may cancel a WA registered provider’s registration if it is satisfied that the provider is a person who does not satisfy, or no longer satisfies, the criteria for making an application for registration under regulation 10(1).

- (2) In regulation 18(3) delete “corresponding law,” insert:

corresponding law or the Commonwealth Act,

15. Regulation 19 amended

- (1) Delete regulation 19(2) and insert:
 - (2) Under section 58B of the Act, the Council may suspend or cancel a WA registered provider's registration for a reason specified by subregulation (1) even if —
 - (a) the Council is no longer satisfied that the provider satisfies the criteria for making an application for registration under regulation 10(1); or
 - (b) the provider has applied to another registering body to be registered as a training provider under a corresponding law or the Commonwealth Act.
- (2) After regulation 19(4) insert:
 - (5A) The reasons for the suspension referred to in subregulation (4)(a) must identify specific issues to be addressed by the applicant.
- (3) In regulation 19(6) delete “the registering body of any other jurisdiction where the provider operates.” and insert:

any registering body that has, or may have, registered the provider under a corresponding law or under the Commonwealth Act.
- (4) After regulation 19(8) insert:
 - (9) A request by a WA registered provider for the cancellation of its registration must be accompanied by the fee set under regulation 23.

16. Regulation 22 replaced

Delete regulation 22 and insert:

22. Requests for reassessment of decision to suspend WA registered provider

- (1) This regulation applies if the Council has decided to suspend a WA registered provider's registration under regulation 19.

- (2) A WA registered provider to whom this regulation applies may request in writing that the Council reassess its decision in relation to the issues identified by the Council in the written order given under regulation 19(4).
- (3) A request by a WA registered provider must —
 - (a) describe the actions taken by the provider to address the issues identified in the order referred to in subregulation (2); and
 - (b) provide evidence to demonstrate that those issues have been addressed by the provider; and
 - (c) be accompanied by the reassessment fee set under regulation 23.

17. Part 3 Division 3 heading amended

In the heading to Part 3 Division 3 delete “**Audits of**” and insert:

Audits of, and investigations into,

18. Regulation 24 replaced

Delete regulation 24 and insert:

24. Terms used

In this Division —

compliance audit means an audit to establish whether a training provider meets the relevant registration requirements or is complying with the Act;

compliance monitoring audit means an audit in the form of a review or examination of all or any particular aspect of a WA registered provider’s operations —

- (a) following a compliance audit; or
- (b) as part of an investigation of a complaint;

investigation, in relation to a complaint, means an investigation into a WA registered provider conducted by the Council as a result of a complaint made about the provider’s compliance with the AQTF;

official travel costs means —

- (a) reasonably incurred airfares; and
- (b) such other travel expenses which may reasonably be incurred, including but not limited to accommodation, car rental and meals.

19. Regulation 25 amended

Delete regulation 25(2) and insert:

- (2A) The Council may conduct a compliance audit at any time on a training provider if the Council thinks fit having regard to the Act and the relevant registration requirements.
- (2) A compliance audit must comply with the Standards for VET Regulators.

Note: The heading to amended regulation 25 is to read:

Compliance audits**20. Regulations 26A to 26D inserted**

At the end of Part 3 Division 3 insert:

26A. Compliance monitoring audits

- (1) An inquiry conducted under section 58D of the Act may be in the form of a compliance monitoring audit on a WA registered provider.
- (2) The Council may conduct a compliance monitoring audit on a WA registered provider —
 - (a) if the Council thinks fit after assessing the results of a compliance audit; or
 - (b) as part of an investigation of a complaint.
- (3) If the Council conducts a compliance monitoring audit on a WA registered provider, a charge is payable for —
 - (a) the costs and expenses incurred by the Council in conducting the audit, calculated as the sum of —
 - (i) \$1 000; and
 - (ii) if the audit exceeds 4 hours in length — \$250 per subsequent hour; and
 - (iii) the official travel costs;and
 - (b) if any part of the audit is conducted outside Australia — any additional expenses reasonably incurred by the Council relating to that part of the audit.
- (4) A charge under subregulation (3) relating to a compliance monitoring audit on a WA registered provider is payable by that provider.

- (5) If a charge payable under subregulation (3) is not paid, the amount of the charge may be recovered in a court of competent jurisdiction as a debt due to the State.

26B. Investigations of complaints

- (1) An inquiry conducted under section 58D of the Act may be in the form of the investigation of a complaint made about compliance with the AQTF by a WA registered provider.
- (2) An investigation of a complaint must comply with the National Guidelines for Responding to Complaints about Vocational Education and Training Quality in the National Guidelines for a Registering Body, part of the AQTF.
- (3) A contravention of subregulation (2) does not affect the validity of the investigation of a complaint if the contravention —
 - (a) does not substantially affect the outcome of the investigation; or
 - (b) arises out of an inconsistency between the National Guidelines for Responding to Complaints about Vocational Education and Training Quality and written laws.
- (4) If the Council investigates a complaint made about a WA registered provider and finds the complaint substantiated, a charge is payable for —
 - (a) the costs and expenses incurred by the Council in conducting the investigation, calculated as the sum of —
 - (i) \$250 per hour; and
 - (ii) the official travel costs;and
 - (b) if a compliance monitoring audit is conducted as part of the investigation — the charges prescribed under regulation 26A(3)(a); and
 - (c) if any part of the investigation, or compliance monitoring audit referred to in paragraph (b), is conducted outside Australia — any additional expenses reasonably incurred by the Council relating to that part of the investigation or audit.
- (5) A charge under subregulation (4) relating to an investigation of a complaint about a WA registered provider is payable by that provider.
- (6) If a charge payable under subregulation (4) is not paid, the amount of the charge may be recovered in a court of competent jurisdiction as a debt due to the State.

26C. Circumstances in which a charge may be waived in whole or in part

- (1) A charge that would otherwise be payable under this Division may be waived, in whole or in part if, in the opinion of Council —
 - (a) special or unusual circumstances exist which cause the charge to be unreasonable or inequitable; or
 - (b) the amount of the charge that remains unpaid is so small that its recovery would be uneconomical to pursue.
- (2) For the purposes of subregulation (1)(a), the following circumstances do not constitute grounds for granting a waiver —
 - (a) where the WA registered provider required to pay the charge did not consent to the compliance monitoring audit or investigation that resulted in the imposition of a charge;
 - (b) where the WA registered provider required to pay the charge does not agree with the outcome of the compliance monitoring audit or investigation that resulted in the imposition of a charge;
 - (c) where the WA registered provider required to pay the charge ceases to exist, or ceases to be a WA registered provider, or ceases to carry on business as a training provider.

26D. Rounding

When determining under regulations 26A(3)(a)(ii) and 26B(4)(a)(i) the amount of the charge payable for a compliance monitoring audit or investigation where the hourly rate is \$250 per hour, the following amounts will apply in the following circumstances —

- (a) if the time taken to complete the compliance monitoring audit or an investigation is less than 30 minutes, the total amount payable will be zero dollars;
- (b) if the time taken to complete the compliance monitoring audit or investigation is less than one hour but equal to or greater than 30 minutes, the total amount payable will be \$125.

21. Part 3 Division 4 heading amended

In the heading to Part 3 Division 4 after “**providers**” insert:

and of the Council

22. Regulation 28A inserted

At the end of Part 3 Division 4 insert:

28A. Person may obtain from Council certified copies of information

- (1) A person may make an application under this regulation if the person was a person to whom a course was provided, or a qualification conferred, by a WA registered provider that has —
 - (a) ceased to operate in WA; or
 - (b) ceased to be a registered training provider.
- (2) On application made to the Council, the Council must supply to a person about whom the Council holds information under this Division, a certified copy of any, or all, of that information as is requested by the person.
- (3) An application made to the Council must be in a form approved by the Council and be accompanied by —
 - (a) any information that the form requires the applicant to provide; and
 - (b) the application fee being \$60 for each certified copy requested.

23. Regulation 28 amended

In regulation 28(2)(b)(i) delete “\$1 425;” and insert:

\$2 700;

24. Regulation 30 amended

- (1) In regulation 30(1):
 - (a) delete paragraph (a) and insert:
 - (a) it has assessed the VET course in accordance with the Standards for VET Regulators; and

- (b) in paragraph (b) delete “the accreditation” and insert:

those
 - (c) in paragraph (c) delete “Implementation Handbook”.
- (2) Delete regulation 30(2)(b) and insert:
- (b) give that person a course accreditation document in accordance with the Standards for VET Regulators;

25. Regulation 33A inserted

After regulation 32 insert:

33A. Varying accreditation

- (1) The Council may at any time vary the accreditation of a WA accredited course.
- (2) The Council may take such action —
 - (a) on its own initiative, if the Council is satisfied that the action is reasonable and —
 - (i) updates information in the course; or
 - (ii) corrects false or misleading information in the course; or
 - (iii) has been requested by an occupational licensing body, or other industry body, that deals with, or has an interest in, matters relating to the course’s content;
 - or
 - (b) if —
 - (i) an application is made by the owner of the VET course; and
 - (ii) the Council is satisfied that it is appropriate to vary the accreditation.
- (3) An application to vary the accreditation of a WA accredited course must be in a form approved by the Council and be accompanied by —
 - (a) any information that the form requires the applicant to provide; and
 - (b) the application fee of \$500.
- (4) This regulation and regulation 30(1) (as applied by subregulation (6)) do not limit the grounds on which

the Council may decide not to grant an application to vary the accreditation of a WA accredited course.

- (5) The Council must not grant an application except in accordance with subregulation (2) and regulation 30(1) (as applied by subregulation (6)).
- (6) Regulations 29(2), (3) and (5) and 30(1) apply to and in respect of an application to vary the accreditation of a WA accredited course.
- (7) If the Council decides to vary the accreditation of a VET course, it must give to the owner of the course —
 - (a) a course accreditation document in accordance with the Standards for VET Regulators; and
 - (b) written notice of any condition to which the accreditation as varied is subject.

26. Regulation 37 amended

In regulation 37(2) delete “AQF Implementation Handbook.” and insert:

AQF.

27. Schedule 1 amended

In Schedule 1 under the heading “**Information to Help Complete the Training Contract**” delete “National Training Information Service website (www.ntis.gov.au).” and insert:

National Register website (training.gov.au).

G. MOORE, Clerk of the Executive Council.

JUSTICE

JU301*

Supreme Court Act 1935

Supreme Court Amendment Rules (No. 3) 2013

Made by the Judges of the Supreme Court.

1. Citation

These rules are the *Supreme Court Amendment Rules (No. 3) 2013*.

2. Commencement

These rules come into operation as follows —

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

3. Rules amended

These rules amend the *Rules of the Supreme Court 1971*.

4. Order 4A amended

After Order 4A rule 11(a) insert:

- (ba) any case in which there is an application for —
 - (i) judicial review to which Order 56 applies; or
 - (ii) a review order under the *Magistrates Court Act 2004* section 36; or
 - (iii) a writ of habeas corpus or an information of *quo warranto*;

5. Order 56 heading replaced

Delete the heading to Order 56 and insert:

Order 56 — Judicial review

6. Order 56 amended

- (1) Delete Order 56 rules 1 to 9 and insert:

1. Terms used

- (1) In this Order, unless the contrary intention appears —
- application*** means an application for judicial review of a reviewable decision or of reviewable conduct;
- challenged conduct*** means reviewable conduct in respect of which an application is made;
- challenged decision*** means a reviewable decision in respect of which an application is made;
- conduct*** includes any act and any omission;
- limitation period*** —
- (a) for an application for judicial review of a reviewable decision, means 6 months after the later of —
- (i) the date on which the decision is made; or
- (ii) the date on which the applicant became aware of it;
- (b) for an application for judicial review of reviewable conduct, other than a failure to make a decision, means 6 months after the later of —
- (i) the date on which the conduct occurred; or
- (ii) the date on which an applicant became aware of it,

unless a written law sets a different period, in which case it means that period;

remedy includes relief;

reviewable conduct means any conduct, including conduct for the purpose of making a decision and a failure to make a decision, that the Court, under the common law or in equity, has jurisdiction to review and to grant relief in respect of by way of a writ, a declaration or an injunction;

reviewable decision means any decision that the Court, under the common law or in equity, has jurisdiction to review and to grant relief in respect of by way of a writ, a declaration or an injunction;

writ means a writ of certiorari, mandamus, prohibition or *procedendo* or an information of *quo warranto*.

- (2) For the purposes of paragraph (a) of the definition of *limitation period* in subrule (1), it does not matter if on the relevant date the reviewable decision is not or had not been extracted or given in writing.

2. Making an application

- (1) To make an application, a person must file an application in Form No. 67A.
- (2) In one application a person may apply for any or a combination of these remedies —
 - (a) one or more writs;
 - (b) either a declaration or an injunction or both;
 - (c) a remedy having the same effect as a remedy that could be provided by means of a writ.
- (3) An application must state the grounds on which it is made.
- (4) If an application is made outside the limitation period for the application —
 - (a) the application must include an application for leave to proceed with the application; and
 - (b) the applicant must file an affidavit explaining why the application was not made within the limitation period.

3. Serving an application

After making an application, the applicant must serve it, by personal service, on —

- (a) the person who made the challenged decision or engaged in the challenged conduct; and
- (b) any person who was a party to the proceedings in which the challenged decision was made or the challenged conduct occurred.

4. Options of person served with application

A person served with an application may —

- (a) enter an appearance under Order 12, which applies with any necessary changes; or
- (b) file, and serve on the applicant, a notice stating the person does not intend to take part in the proceedings and will accept any order made by the Court on the application other than as to costs.

5. Procedure on application

- (1) The applicant and any person served with an application are entitled to be heard on it.

- (2) On an application, the Court may do one or more of the following —
- (a) if the application is made outside the limitation period for the application, give or refuse the applicant leave to proceed with the application;
 - (b) order the applicant to serve the application on a person whom the Court considers might have an interest in the challenged decision, the challenged conduct or the outcome of the application;
 - (c) order the applicant or any other person to file an affidavit as to any facts material to the application, the challenged decision or the challenged conduct;
 - (d) give the applicant leave to file and rely on an affidavit (whether or not made by the applicant);
 - (e) allow a person not served with the application to be heard on it;
 - (f) give the applicant leave to require a person served with the application to give discovery under Order 26;
 - (g) give the applicant leave to require a person served with the application to answer interrogatories under Order 27;
 - (h) allow the applicant to amend the application;
 - (i) adjourn the hearing of the application;
 - (j) refuse the whole or a part of the application if it has no reasonable prospect of succeeding;
 - (k) grant or refuse the application;
 - (l) if it considers the remedy applied for would be inadequate, grant any other remedy.
- (3) Subrule (2) does not limit the operation of Order 4A or the powers of the Court when dealing with an application.
- (4) A single judge dealing with an application may, without deciding it, order it be heard by the Court of Appeal.

6. Discovery and interrogatories

Orders 26 and 27 do not apply in proceedings on an application unless and to the extent the Court, under rule 5(2) or Order 4A, gives leave and orders otherwise.

7. Costs

- (1) The Court may make an order for the payment of the costs of the proceedings on an application against one or more of these persons —
 - (a) the applicant;
 - (b) the person who made the challenged decision or engaged in the challenged conduct;
 - (c) a person served with the application;
 - (d) a person not served with the application whom the Court allowed to be heard on it.
 - (2) Subject to rule 24, the Court may make such an order before, when or after deciding the application.
- (2) In Order 56 rule 10(1):
- (a) delete “in proceedings to which this Order relates” and insert:

on an application
 - (b) delete paragraph (a) and insert:
 - (a) be prepared by the applicant; and
- (3) Delete Order 56 rules 11, 12 and 13.
- (4) In Order 56 rule 15(1) delete “An order nisi for a writ” and insert:

A writ
- (5) In Order 56 rule 25 delete “order nisi or”.
- (6) In Order 56 rule 26 delete “to whom the notice of motion, order nisi or” and insert:

who made the challenged decision or to whom the
- (7) Delete Order 56 rule 27.
- (8) Delete the heading to Order 56 Division 4 and insert:

Division 4 — Prohibition and *procedendo*

(9) At the beginning of Order 56 Division 5 insert:

34A. Application for information of *quo warranto*

To apply for an information of *quo warranto* without applying for judicial review, a person must apply *ex parte* by originating motion.

(10) Delete Order 56 rule 35(2) and insert:

(2) A copy of the information must be served on the respondent or, if he or she appeared by a lawyer, on the lawyer.

7. Schedule 2 amended

In Schedule 2 after Form 66 insert:

67A. Application for judicial review (O. 56 r. 2)

Supreme Court of Western Australia		No:
		Application for judicial review
Applicant		
Respondent ¹	Name: Office:	
Other parties		
Decision or conduct to be reviewed	Date: Where made or occurring: Written law governing: Description:	
Application [Tick one or more]	The applicant applies for judicial review of the above decision or conduct and — <input type="checkbox"/> a writ of certiorari; <input type="checkbox"/> a writ of mandamus; <input type="checkbox"/> a writ of prohibition; <input type="checkbox"/> a writ of <i>procedendo</i> ; <input type="checkbox"/> an information of <i>quo warranto</i> ; <input type="checkbox"/> a declaration; <input type="checkbox"/> an injunction; <input type="checkbox"/> this remedy (being a remedy which would have the same effect as a remedy that could be provided by means of one or more of the above writs) —	
Grounds of application	The grounds for the above application are these — 1.	
Late application ²	<input type="checkbox"/> The applicant also applies for leave to proceed with this application which is made outside the limitation period.	

Signature of applicant or lawyer	Applicant/Applicant's lawyer	Date:
----------------------------------	------------------------------	-------

Notes to Form No. 67A —

1. The respondent is the person whose decision or conduct is to be reviewed.
2. Tick only if necessary.

Dated: 11 December 2013.

Judges' signatures:

Chief Justice MARTIN

Justice McKECHNIE

Justice NEWNES

Justice McLURE

Justice MARTIN

Justice PULLIN

Justice MURPHY

Justice HEENAN

Justice HALL

Justice LE MIERE

Justice MAZZA

Justice JENKINS

Justice CORBOY

Justice SIMMONDS

Justice PRITCHARD

Justice BUSS

Justice ALLANSON

Justice BEECH

Justice EDELMAN

MARINE/MARITIME

MA301*

Port Authorities Act 1999

Port Authorities (Description of Port of Broome) Order 2013

Made by the Governor in Executive Council under section 24(1) of the Act.

1. Citation

This order is the *Port Authorities (Description of Port of Broome) Order 2013*.

2. Commencement

This order come into operation as follows —

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

3. Port of Broome described

- (1) The Port of Broome consists of —
 - (a) all that portion of water and seabed bounded by lines starting from the high water mark of Roebuck Bay at the southern extremity of Fall Point and extending south to an east-west line 3 nautical miles south from the southern extremity of Entrance Point; then west to a north-south line 3 nautical miles west from the southern extremity of Entrance Point; then north to a point west of the summit of Station Hill; then east to the high water mark of the Indian Ocean and then generally south-westerly and generally south-easterly along that mark and generally north-easterly, generally north-westerly, again generally north-easterly and generally easterly along the high water mark of Roebuck Bay to the starting point, and including all of the waters of Dampier Creek; and
 - (b) each portion of land that is defined by —
 - (i) Lot 331 on Deposited Plan 75851; and
 - (ii) Lot 604 on Deposited Plan 70311; and
 - (iii) Lots 617, 618, 619, 621, 628 and 630 on Deposited Plan 70861; and
 - (iv) Lot 698 on Deposited Plan 209491.
- (2) The Deposited Plans referred to in subclause (1) are held by the Western Australian Land Information Authority established by the *Land Information Authority Act 2006*.

4. Order revoked

The *Port Authorities (Description of Port of Broome) Order 2012* is revoked.

G. MOORE, Clerk of the Executive Council.

TREASURY AND FINANCE

TR301*

First Home Owner Grant Act 2000

**First Home Owner Grant Amendment
Regulations (No. 2) 2013**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *First Home Owner Grant Amendment Regulations (No. 2) 2013*.

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) regulation 4 — on 1 January 2014;
- (c) the rest of the regulations — on the day after gazettal day.

3. Regulations amended

These regulations amend the *First Home Owner Grant Regulations 2000*.

4. Regulation 8 amended

- (1) In regulation 8(1) and (2) delete “3.5% per annum.” and insert:

2.7% per annum.

- (2) In regulation 8(3) delete “11.5% per annum.” and insert:

10.7% per annum.

5. Regulation 11 amended

In regulation 11(2):

- (a) in paragraph (h) delete “web site.” and insert:

web site;

- (b) after paragraph (h) insert:
- (i) an officer of the department of the Public Service principally assisting the Minister in the administration of the Act;
 - (j) an officer of the department of the Public Service principally assisting the Treasurer.

G. MOORE, Clerk of the Executive Council.

TR302*

Taxation Administration Act 2003

Taxation Administration Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Taxation Administration Amendment Regulations 2013*.

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 8 — on the day after that day;
- (c) the rest of the regulations — on 1 January 2014.

3. Regulations amended

These regulations amend the *Taxation Administration Regulations 2003*.

4. Regulation 3 amended

In regulation 3 delete “3.5% per annum.” and insert:

2.7% per annum.

5. Regulation 4 amended

In regulation 4 delete “3.5% per annum.” and insert:

2.7% per annum.

6. Regulation 5 amended

In regulation 5 delete “11.5% per annum.” and insert:

10.7% per annum.

7. Regulation 5B inserted

After regulation 5A insert:

5B. Rate of interest for refunds (section 54(2A))

The rate of interest payable for the purposes of section 54(2A) of the Act is 2.7% per annum.

8. Regulation 13E inserted

After regulation 13D insert:

**13E. Disclosure of information to an interstate official:
first home owner grant (section 114(3)(g))**

(1) In this regulation —

corresponding law has the meaning given in the *First Home Owner Grant Act 2000* section 3(1).

(2) For the purposes of section 114(3)(g) of the Act, the Commissioner may disclose information or material to an official administering a corresponding law, for a purpose related to the administration of the corresponding law.

G. MOORE, Clerk of the Executive Council.

— PART 2 —

ENVIRONMENT

EV401*

ENVIRONMENTAL PROTECTION ACT 1986

DELEGATION NO. 33

The Environmental Protection Authority (“Authority”), acting pursuant to section 19 of the *Environmental Protection Act 1986* (“the Act”), has resolved to delegate all its powers and duties conferred or imposed by—

- (a) section 38A(1) of the Act;
- (b) section 39A(3) and (4) of the Act to give written notice to the proponent, any person who referred the proposal and any relevant decision-making authority as to the decision made by the Authority under section 39A(1);
- (c) section 39A(7) of the Act to give advice and make recommendations on the environmental aspects of the proposal referred, but not assessed under Part IV of the Act, to the proponent, or any other relevant person or authority;
- (d) section 40(4)(b) of the Act to make available for public review any report provided in compliance with section 40(2)(b) of the Act;
- (e) section 40(5) of the Act to determine whether to exclude any confidential information from any report referred to in subsection (4)(b);
- (f) section 48A(1)(a) of the Act to inform the responsible authority that a scheme will not be assessed, but nevertheless give advice and make recommendations to the responsible authority and any other relevant person;
- (g) section 48A (1)(b) of the Act to inform the responsible authority that a scheme will be assessed under Division 3 of Part IV of the Act;
- (h) section 48C(4) of the Act to make available for public review any report provided in compliance with section 48C(1)(a) of the Act;
- (i) section 48C(5)(b) of the Act may require the responsible authority to respond to any submissions made in respect of the report provided in compliance with section 48C(1)(a) of the Act and made available for public review.

Persons to whom this delegation applies—

- (a) the holder for the time being of the office of the General Manager of the Office of the Environmental Protection Authority; and separately
- (b) the holder for the time being of the office of the Director Assessment and Compliance Division of the Office of the Environmental Protection Authority; and separately
- (c) the holder for the time being of the office of the Director Strategic Policy and Planning Division of the Office of the Environmental Protection Authority.

Pursuant to section 59(1)(e) of the *Interpretation Act 1984* Instrument of Delegation No. 26 dated 24 January 2012 published in the *Government Gazette* on 28 February 2012 is hereby revoked.

Dated the 27th day of November 2013.

Dr PAUL VOGEL, Chairman,
Environmental Protection Authority.

Approved by—

Hon ALBERT JACOB, Minister for Environment;
Heritage.

FISHERIES

FI401*

FISH RESOURCES MANAGEMENT ACT 1994
PROHIBITION ON COMMERCIAL FISHING (ROEBUCK BAY) ORDER 2013
Order No. 6 of 2013

FD 1895/13 [1166]

Made by the Minister under section 43.

1. CitationThis order is the *Prohibition on Commercial Fishing (Roebuck Bay) Order 2013*.**2. Prohibition on commercial fishing**

A person must not engage in commercial fishing by means of a fishing net in the waters described in Schedule 1.

Schedule 1

All Western Australian waters north of 19° 00.000' south latitude and south of 17° 44.000' south latitude and within three nautical miles of the high water mark of the mainland of Western Australia.

Dated the 3rd day of December 2013.

T. BUSWELL, Minister for Fisheries.

JUSTICE

JU401*

JUSTICES OF THE PEACE ACT 2004
APPOINTMENTS

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

Suzanne Helen Hay of Lot 71 Rinns Road, Nannup
Celia Phyllis Magnus of 23 Langton Road, Mount Barker

RAY WARNES, Executive Director,
Court and Tribunal Services.

LOCAL GOVERNMENT

LG401*

LOCAL GOVERNMENT ACT 1995
Shire of Gingin
APPOINTMENT/REVOCATION

It is hereby notified for public information that Paul Groves has been appointed as an Authorised Person for the purposes of enforcing the following Acts and their associated Regulations—

1. Local Government Act 1995;
2. Local Government (Miscellaneous Provisions) Act 1960;
3. Control of Vehicles (Off-road Areas) Act 1978;
4. Caravan Parks and Camping Grounds Act 1995;
5. Dog Act 1976;
6. Bush Fires Act 1954;
7. Litter Act 1979; and
8. Cat Act 2011.

The appointment of Daniel Winston Benoiton is hereby cancelled.

J. L. EDWARDS, Chief Executive Officer.

Date: 17 December 2013

MARINE/MARITIME

MA401*

SHIPPING AND PILOTAGE ACT 1967
REMOVAL OF DEPUTY HARBOUR MASTER

(SPA-2013-00902)

I, Troy Buswell MLA, Minister for Transport acting pursuant to section 7A(1) of the *Shipping and Pilotage Act 1967*, hereby remove Captain Robert Tondut as Deputy Harbour Master, as appointed by an instrument signed on 16 January 2013 and published in the *Government Gazette* of 25 January 2013, of the ports listed below—

Port of Barrow Island
Port of Cape Preston
Port of Carnarvon
Port of Onslow
Port of Perth
Port of Port Walcott
Port of Varanus Island
Port of Yampi Sound

T. BUSWELL MLA, Minister for Transport.

Dated this 3rd day of December 2013.

MA402*

WESTERN AUSTRALIAN MARINE ACT 1982
CLOSURE OF NAVIGABLE WATERS—JETLEV FLYER AND FLYBOARD CRAFT
All State Waters
Western AustraliaDepartment of Transport,
Fremantle WA, 17 December 2013.

Acting pursuant to the powers conferred by Section 66 of the *Western Australian Marine Act 1982*, I hereby cancel notice MA401 published in the *Government Gazette* on 16 April 2013.

RAY BUCHHOLZ, Director Waterways Management,
Department of Transport.

PLANNING

PL401*

PLANNING AND DEVELOPMENT ACT 2005DIRECTIONS
DR 444 of 2013

In the State Administrative Tribunal, between Burgess Design Group for Primewest (Wattleup) Pty Ltd, Applicant and Western Australian Planning Commission, Respondent.

Direction to the State Administrative Tribunal to refer application to the Minister for Planning pursuant to section 246(2)(b) of the *Planning and Development Act 2005*.

To: State Administrative Tribunal
Level 4, 12 St Georges Terrace
PERTH WA 6000

1. On 29 November 2013, Application DR 444 of 2013 between Burgess Design Group for Primewest (Wattleup) Pty Ltd and the Western Australian Planning Commission was filed in the State Administrative Tribunal.
2. I, Minister for Planning, consider that the Application raises matters of such State and regional importance that it is appropriate for the Application to be determined by the Minister for Planning.

3. I therefore direct you, pursuant to Section 246(2)(b) of the *Planning and Development Act 2005* to hear the application but, without determining it, to refer it with recommendations to the Minister for Planning for determination.

J. DAY, Minister for Planning.

Dated: 11 December 2013.

DECEASED ESTATES

ZX401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Audrey Mary Chapman, late of Frank Predergast House, 27 Pearson Drive, Success WA 6164, Nurse, 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 25 July 2013, are required by Jeremy Robert Birman of Birman & Ride, Level 3, 16 Irwin Street, Perth WA 6000 to send particulars of their claim to him by the date being one month from the publication of this notice, after which date the Trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

ZX402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

In the estate of Irene Marguerite Anne White, late of 1/11 Gerald Street, Como, Western Australia, Carer, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the estate of the abovenamed deceased, who died on the 1st day of April 2013, are required by the personal representative, Murray Noel Thornbill of care of HHG Legal Group, Level 1, 16 Parliament Place, West Perth, Western Australia to send particulars of their claims to the personal representative at the office of HHG Legal Group of PO Box 1363, West Perth, Western Australia 6872 by the 13th day of January 2013, after which date the personal representative may convey or distribute the assets having regard only to the claims of which they then have notice.

WESTERN AUSTRALIA

FAIR TRADING (RETIREMENT VILLAGES INTERIM CODE) REGULATIONS 2013

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Government of **Western Australia**
Department of the **Premier and Cabinet**
State Law Publisher



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