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No. 20]

PERTH : WEDNESDAY, 16th MARCH,

[1955.

LOCAL COURTS ACT, 1904-1954.

Crown Law Department,
Perth, 2nd March, 1955.

HIS Excellency the Governor in Executive Council acting under the provisions of the Local Courts Act, 1904-1953, has been pleased to alter in the manner mentioned in the Schedule hereunder the Rules of Court made under the Act.

G. F. MATHEA,
Acting Under Secretary for Law.

Schedule.

Part I of the Appendix to the abovementioned Rules is amended by substituting for Form 14 the following form:—

14.—Summons.

No..... of 19.....

In the Local Court at.....

Between

..... } Plaintiff.

and

..... } Defendant.

To the Defendant:

You are hereby summoned to answer the Plaintiff's claim indorsed hereon (or annexed hereto), and take notice that unless within.....days after service of this summons upon you, you give notice to the Clerk of this Court that you intend to defend this action, the Plaintiff may proceed therein and judgment may be given in your absence.

	£	s.	d.
Amount or value of claim	:	:	:
Court fees	:	:	:
Service fees	:	:	:
Solicitor's costs	:	:	:
Total	£	:	:
Extra fees	:	:	:

Dated the.....day of.....19.....

.....
Clerk of the Court.

Particulars of Claim.

The Plaintiff's claim is as follows (or hereunto annexed) :—

(Ordinary account forms may be annexed thereto.)

Plaintiff (or Solicitor for the Plaintiff).

The Plaintiff's residence (or place of business) is....., or the place of business of the Plaintiff's Solicitor, where service of all proceedings in this action will be accepted on behalf of the Plaintiff, is.....

*Note.—If the plaintiff's particulars have been previously rendered to the defendant, it shall be sufficient, subject to the Act, to state the nature and amount or value of the claim, with the addition of the words "particulars whereof have been rendered."

The claim is to be signed at the foot by the plaintiff, his solicitor, or agent.

Hours of attendance at the office of the Clerk of the Court at..... from Monday to Friday are:—10 a.m. to 1 p.m., and 2 p.m. to 3.30 p.m.

(Indorsement.)

Notice of defence must be according to the following form and may be given by post, telegraph, or personal delivery.

No..... of 19.....

In the Local Court at.....

.....v.....

I intend to defend this action.

Dated this..... day of..... 19.....

Defendant.

Place of Residence.

If you have no defence to this action you should not give Notice of Defence, as you will, by so doing, increase the costs and expenses payable by you.

If you intend to rely on a set-off, counter-claim, infancy, coverture, the Statute of Frauds, any Statute of Limitations, or a discharge under any statute relating to bankruptcy as a defence, you must, with the notice of intention to defend, give to the clerk notice of such special defence, and such last-mentioned notice must contain the particulars required by the rules of the Court; and you must deliver to the clerk as many copies of such notice as there are plaintiffs, and an additional copy for the use of the Court. If your defence is a set-off or counter-claim, you must, with the notice thereof, also deliver to the clerk a statement of the particulars thereof. If your defence is a tender, you must pay into Court the amount tendered.

If you satisfy the plaintiff's claim and also pay the costs, as per margin on the other side, into the clerk's office before the expiration of the time allowed for giving notice of defence, without giving notice of defence you will avoid further costs.

If you admit the debt or demand claimed by the plaintiff you should, unless you pay the amount, give to the Clerk of the Court before the expiration of the time allowed for giving notice of defence, an admission signed by you and witnessed by the Clerk of a Court, a solicitor, a Commissioner for Declarations, a member of the Commonwealth or the State Parliament, a Town Clerk, a member of the Police Force, a secretary to a road board, an electoral registrar, a postmaster, a classified officer in the Commonwealth or State Public Service, a classified State school teacher or a justice of the peace.

If you admit a part only of the debt or damages you should give notice of intention to defend within the time allowed for so doing; and you may, by paying into the clerk's office the amount so admitted, together with costs proportionate to the amount you pay in, within the time aforesaid, avoid further costs, unless the plaintiff at the hearing shall prove a claim against you exceeding the sum so paid.

A defendant who has been sued in a court which is not the nearest to his place of residence, may, if he contends that the action has not been commenced in the proper court, object to the jurisdiction by adding to his notice of defence words to the effect following:—"I object to the jurisdiction of this court and say that I reside at (naming the place) and I require this action to be transferred to the court nearest to that place."

The following are proper courts for the commencement of an action:—

- (i) The court nearest to the place where the defendant or one of the defendants, resides or carries on business, or, within the six months next before the commencement of the action, resided or carried on business.
- (ii) The court nearest to the place where the cause of action wholly or in part arose.

If any such objection is taken by you without reasonable grounds you may be ordered to pay the costs thereby occasioned, whatever the result of the action may be.

41.—Confession of Debt under Section 50.

No..... of 19.....

In the Local Court at.....

.....v.....

I, the defendant, do hereby confess and admit that the sum of £....., the amount claimed (or the sum of £....., being part of the amount claimed) by the plaintiff in this action, is due to him from me (and that I will pay the same by instalments of £.....).

Dated this..... day of....., 19.....

Signed in the presence of—

*Clerk of the Local Court (or other qualified person).

Defendant.

* The above confession can be signed by the defendant in the presence of the Clerk of a Court, a solicitor, a Commissioner for Declarations, a member of the Commonwealth or the State Parliament, a town clerk, a member of the Police Force, a secretary to a road board, an Electoral Registrar, a post-master, a classified officer in the Commonwealth or State Public Service, a classified State school teacher or a Justice of the Peace.

In the Local Court at.....

Plaint No..... of 19.....

v.

Claim:

£

ROAD DISTRICTS ACT, 1919-1951.

Narrogin Road Board.

By-laws Governing Long Service Leave to be Granted to Employees of the Narrogin Road Board.

L.G. 1876/52.

THE Narrogin Road Board, under and by virtue of the powers conferred on it in that behalf by the Road Districts Act, 1919-1953, and all other powers enabling it doth hereby make and publish the following by-laws:—

1. In the interpretation of these by-laws the following words shall have the meaning assigned to them hereunder:—

- (a) "Board" means the Narrogin Road Board.
- (b) "Continuous Service" means service in the employment of the Board during which an employee has not been absent from the service of the Board for a continuous period of more than two days or an aggregate period of more than 10 days without leave of absence being granted by the Board.

2. All employees of the Board shall, after each period of 10 years' continuous service as permanent full-time employees thereof commencing from the 1st day of January, 1946, be entitled to three months' long service leave. Long service leave is to be taken at the convenience of the Board, which will,

as far as possible, meet with the wishes of the employee, but the Board may require the employee to take his leave by giving not less than three months' notice.

3. Absence on account of sickness shall not be deemed to be a break in the continuity of service, providing the period of absence shall not be longer than three months in any year, unless otherwise decided by the Board.

4. (a) Employees due to take long service leave shall be paid their salary or wage for the period thereof at the rate equivalent to the salary or wage paid in the week immediately preceding the taking of long service leave.

(b) The Board may at its discretion either—

(i) pay to an employee his salary or wages periodically during long service leave, or

(ii) pay to the employee in advance a sum representing the amount of his salary or wages for the period of his long service leave.

5. Employees shall not be entitled to long service leave until the completion of 10 years' service. After the completion of the first 10 years, employees will be entitled to a pro-rata payment if they leave the service of the Board before the next period is completed.

6. In the event of the resignation, retirement, or death of an employee the Board may pay to such employee (or in the case of death, to his personal representative, or if there be none to his dependants) a sum of money equal to his salary or wages for the period of long service leave which the Board was empowered under these by-laws to grant such employee at the date of his resignation, retirement, or death or if the Board, after consideration of all the circumstances, direct that the death of an employee be presumed the Board may authorise the payment to the dependants of the employee a sum equivalent to the amount of salary or wages which would under this by-law have been granted to the employee immediately prior to the date of his death, such date to be determined by the Board.

7. An employee dismissed by the Board except in the matter of retrenchment shall not be paid any sum in pursuance of the preceding by-law.

8. Long service leave shall be considered as a special period of recuperation after a lengthy term of service, with a view to fitting the employee for a further term, and during such leave no employee shall undertake any form of employment for hire or reward unless by special permission of the Board. Any contravention of this by-law shall entitle the Board to dismiss the employee from its service and to cease paying or recover any amounts paid in advance on account of long service leave.

Passed by the Narrogin Road Board at an ordinary meeting of the Board held on Thursday, 10th June, 1954, and appearing on page 45 of the Minute Book of the Board.

E. W. WIESE,
Chairman.

G. R. McKEOWN,
Secretary.

Recommended—

(Sgd.) G. FRASER,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor in Executive Council this 2nd day of March, 1955.

(Sgd.) R. H. DOIG,
Clerk of the Council.

ROAD DISTRICTS ACT, 1919, AND THE TOWN PLANNING ACT, 1928.

Swan Road Board.

L.G. 22/55.

THE Swan Road Board, in pursuance of the powers vested in the Board under and by virtue of the Road Districts Act, 1919, and the Town Planning Act, 1928, and of every other authority enabling it in this behalf doth hereby make and publish the following by-law relating to that portion of the South Ward of the Swan Road District, which is hereinafter more particularly described.

(1) This by-law shall apply to the area commencing at a point at the Western corner of lot 9 of Swan Location 25 on Plan 4575, thence extending North-Eastward along the Great Eastern Highway to the South-East side of the Kalamunda Road, thence South-Eastward along that road to the South-Western boundary of that road to a point 470 links South-East of the South-Eastern boundary of lot 41 of Part Swan Location 22 on Diagram 12081, thence South-Westward to the Southern corner of lot 3 of Swan Location 22 on Diagram 13839, thence generally South-Westward to the Eastern corner of lot 5 of Swan Location 24 on Plan 4575, thence South-Westward along the South-East boundary of that lot and lot 6 of Swan Location 24 on Plan 4575 and a prolongation of that line across Koojan Avenue to the North-East boundary of lot 7 on Plan 4575, thence South-Eastward to the Eastern corner of that lot, thence South-Westward to the Southern corner of lot 9, thence North-Westward to the commencing point. The area described in this section of the by-law is hereby zoned for light industrial purposes.

(2) Within the Light Industrial Zone land may be used and buildings erected for the following purposes:—

- (a) An industry, works or manufactory where the processes involved do not prejudicially affect the amenity of the locality by reason of noise, vibration, smoke, smell, fumes, vapour, steam, dust, waste water or waste products, grit, oil or otherwise and in which no solid fuel is used in any process and the only power driven machinery is driven by electricity.
- (b) Offices in connection with such industry, works or manufactory.
- (c) The erection of residences within the curtilage of an industry, works or manufactory where the Board is satisfied that the purpose of the residences is for housing key workers or managerial staff connected with such industry, works or manufactory.

No other building or use is permitted and no offensive trade as defined in the Public Health Act, 1911-1948, is permitted.

(3) No buildings shall be erected fronting the Great Eastern Highway within a distance of 100 feet from the street alignment.

(4) The facades of all buildings erected fronting the Great Eastern Highway shall be constructed of brick, stone or concrete to the satisfaction of the Board.

(5) This by-law hereby rescinds clause (b) of 1 of the Board's by-law (L.G. 946/52) appearing on page 1758 of the *Government Gazette* of the 18th July, 1952.

(6) Nothing herein contained shall prevent the erection of a building lawfully commenced at the date of this by-law. If at the time of coming into operation of this by-law any building or land is being used for a purpose other than is permitted by this by-law (hereinafter called "a non-conforming use") such building or land may continue to be used for such non-conforming use. When a non-conforming use has been discontinued or changed to a conforming use, it shall not be recommenced.

(7) If any person shall either by act or omission contravene this by-law, he shall be guilty of an offence under this by-law and, on conviction for such offence, shall be liable to a penalty not exceeding twenty pounds.

Passed at a meeting of the Swan Road Board held on the 11th day of February, 1955.

[L.S.]

(Sgd.) E. THORLEY LOTON,
chairman.

(Sgd.) J. W. MARTIN,
Acting Secretary.

Recommended—

(Sgd.) G. FRASER,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor in Executive Council this 2nd day of March, 1955.

(Sgd.) R. H. DOIG,
Clerk of the Council.

TRAFFIC ACT, 1919-1954.

Cranbrook Road Board.

L.G. 479/54.

PURSUANT to an Order in Council issued under section 49 of the Traffic Act, 1919-1954, and in exercise of the power thereby conferred the Cranbrook Road Board doth hereby make the following by-laws, for the control of parking in the Townsite of Cranbrook.

1. No person shall park or cause or permit to be parked any vehicle on the South-Eastern side of Climie Street, Cranbrook, between Gordon Road and Dunn Street.

2. No person shall park or cause or permit to be parked any vehicle on the North-Western side of that portion of Gordon Road between the Cranbrook-Tambellup Road and a point three chains North-Westward of the Cranbrook-Tambellup Road or on the North-Western side of Gawthorne Street between Gordon Road and a point three chains South-Westward of Gordon Road except at an angle of 45 degrees to the kerb.

3. Notwithstanding any regulation or by-law requiring or permitting the parking of vehicles at an angle to the kerb, no person shall park any vehicle in any road in the Townsite of Cranbrook so that any part of such vehicle is more than 15 feet distant from the kerb, measured at right angles to the kerb.

4. No person in charge of any vehicle shall cause or permit such vehicle to stand at any time on a public road or in a public parking space in such a manner as to cause a double line of parking or otherwise to hamper or prevent the withdrawal of any vehicle from the place where it is parked.

5. Penalty for breach of any of the foregoing by-laws not more than twenty pounds (£20).

Passed by resolution of the Cranbrook Road Board at a meeting held on the 11th day of February, 1955.

L. G. HORDACRE,
Chairman.

J. CAMPBELL,
Secretary.

Recommended—

(Sgd.) G. FRASER,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor in Executive Council this 2nd day of March, 1955.

(Sgd.) R. H. DOIG,
Clerk of the Council.

ROAD DISTRICTS ACT, 1919-1951.

Capel Road Board—Amendment, Building By-laws.

L.G. 1211/52.

IN pursuance of the powers contained in the Road Districts Act, 1919-1951, the Capel Road Board orders as follows:—

Building by-laws as published in the *Government Gazette* of 18th November, 1938, are amended as follows:—"In Buildings—Application, delete lines one and two and insert in lieu thereof: This by-law shall apply to the whole of the Capel Road District."

Passed at a meeting of the Capel Road Board held on the 14th day of January, 1955.

N. R. PAYNE,
Chairman.
W. M. WRIGHT,
Secretary.

Recommended—

(Sgd.) G. FRASER,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor in Executive Council this 2nd day of March, 1955.

(Sgd.) R. H. DOIG,
Clerk of the Council.

ROAD DISTRICTS ACT, 1919-1951.

Capel Road Board—Amendment, Hawking By-laws.

L.G. 1212/52.

IN pursuance of the powers contained in the Road Districts Act, 1919-1951, the Capel Road Board orders as follows:—

Hawking by-laws as published in the *Government Gazette* of 22nd August, 1941, are amended as follows:—"In Schedule B, paragraph (1), line 6—Delete one pound one shilling and insert in lieu thereof three pounds."

Passed at a meeting of the Capel Road Board held on the 14th day of January, 1955.

N. R. PAYNE,
Chairman.
W. M. WRIGHT,
Secretary.

Recommended—

(Sgd.) G. FRASER,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor in Executive Council this 2nd day of March, 1955.

(Sgd.) R. H. DOIG,
Clerk of the Council.

HEALTH ACT, 1911-1954.

Armadale-Kelmscott Road Board—Resolution.

P.H.D. 4536/21, Ex. Co. No. 378.

WHEREAS under the provisions of the Health Act, 1911-1954, the Governor may cause to be prepared Model By-laws for all or any of the purposes for which by-laws may be made by a local authority under any of the provisions of the Act; and whereas a local authority may, of its own motion, by resolution, adopt the whole or any portion of such by-laws with or without modification; and whereas Model By-laws described as Series "A" have been prepared in accordance with the said Act and published in the *Government Gazette* on the 4th day of December, 1944, and amended from time to time thereafter: Now, therefore, the Armadale-Kelmscott Road Board being a local health authority within the meaning of the Act, doth hereby resolve and determine that the amendment to the said Model By-laws published in the *Government Gazette* on the 23rd July, 1954, shall be adopted without modification.

Passed at a meeting of the Armadale-Kelmscott Road Board this 20th day of September, 1954.

W. G. SAVAGE,
Chairman.
SPENCER GWYNNE,
Secretary.

Approved by His Excellency the Lieutenant-Governor in Executive Council 2nd March, 1955.

(Sgd.) R. H. DOIG,
Clerk of the Council.

HEALTH ACT, 1911-1954.

Irwin Road Board—Resolution.

P.H.D. 53/40, Ex. Co. No. 379.

WHEREAS under the provisions of the Health Act, 1911-1954, the Governor may cause to be prepared Model By-laws for all or any of the purposes for which by-laws may be made by a local authority under any of the provisions of the Act; and whereas a local authority may, of its own motion, by resolution, adopt the whole or any portion of such by-laws with or without modification; and whereas Model By-laws described as Series "A" have been prepared in accordance with the said Act and published in the *Government Gazette* on the 4th December, 1944, and amended from time to time thereafter: Now, therefore, the Irwin Road Board being a local health authority within the meaning of the Act, doth hereby resolve and determine that the amendment to the said Model By-laws published in the *Government Gazettes* on the 10/2/50; 24/3/50, 29/12/50, 22/6/51, 17/8/51, 2/11/51, 16/5/52, 31/12/52, 6/2/53, 20/3/53, and 21/8/53 shall be adopted without modification.

Passed at a meeting of the Irwin Road Board this 12th day of January, 1955.

A. J. GILLAM,
Chairman.
J. PICKERING,
Secretary.

Approved by His Excellency the Lieutenant-Governor in Executive Council 2nd March, 1955.

(Sgd.) R. H. DOIG,
Clerk of the Council.