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OF

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[ 1955.

Crown Law Department,  
Perth, 7th April, 1955.

THE following amendments of the Probate and Administrative Rules are published for general information.

R. C. GREEN,  
Under Secretary for Law.

### ADMINISTRATION ACT, 1903-1954.

#### Amendment of the Probate and Administration Rules.

The Honourable Albert Asher Wolff, Acting Chief Justice of Western Australia, the Honourable Lawrence Walter Jackson, the Honourable John Evenden Virtue and the Honourable Roy Vivian Nevile, Puisne Judges of the Supreme Court of Western Australia, acting in pursuance of the powers contained in the Administration Act, 1903-1954, the Supreme Court Act, 1935-1954, and of every other power enabling them in this behalf, do hereby amend the Probate and Administration Rules (being the Rules contained in the Third Schedule of the Administration Act, 1903-1954) in the manner hereinafter mentioned and direct that Rules 1, 2, 6, 7, 8, 10 and 13 of these Rules shall come into force immediately on the publication thereof in the *Government Gazette* and that the remaining rules shall come into force on the expiration of one month from the date of such publication.

1. Rule 3 is repealed and in lieu thereof the following rule is inserted:—
  3. In these Rules—
    - (i) "The Act" means the Administration Act, 1903-1954.
    - (ii) "The Registry" means the Probate Office of the Supreme Court.
2. Rule 4 and the heading thereto are repealed and in lieu thereof the following heading and rule are inserted:—

#### Powers of the Master.

4. The Master may exercise the powers of the Court in and about the granting of probate and administration of, and all orders at the instance of the Public Trustee in reference to, wills and estates in cases where the gross value of the estate as sworn for the purposes of duty being assessed under Part V. of the Act does not exceed Five thousand pounds, in and about the passing and allowance of the accounts of executors and administrators, and the costs in connection therewith, where no commission is applied for, and in and about the dispensation with or reduction of bonds for the due administration of such estates:

Provided that the Master shall, where any person interested may so desire, and may, in cases where any doubt or difficulty arises, refer the matter to the Court.

3. Rule 7 is repealed and in lieu thereof the following rule is inserted:—

7. All applications for probate or for letters of administration with the will annexed shall be supported by an affidavit (accompanied by the will and any other instrument of a testamentary nature) setting forth—

- (i) That the applicant (if a natural person) is of the full age of twenty-one years.
- (ii) The death of the testator, and the date and place of his decease.
- (iii) That he has left a will, the date thereof, and that such will is unrevoked, and whether there is any codicil thereto.
- (iv) That the testator was of the full age of twenty-one years at the date of the execution of the will and has not married since that date.
- (v) The names of the executors or executor and of the subscribing witnesses to the will and the true place of abode (if reasonably ascertainable) of each of them at the time the affidavit is sworn.
- (vi) That the testator left estate within Western Australia and that the gross value of such estate exceeds or does not exceed (as the case may be) the sum of five thousand pounds.
- (vii) That the executor or administrator with the will, if given a grant, will well and truly administer the estate.
- (viii) That so far as the deponent is aware no application for probate or administration in the matter has theretofore been made, or if there has been a previous application, the full particulars thereof.
- (ix) In the case of an application for Letters of Administration with the will annexed, the reason why the executor (if any) does not apply and the character in which the person making the application claims to be entitled.

4. Rule 8 is repealed and in lieu thereof the following rule is inserted:—

8. Application for administration shall be supported by a bond in the form numbered 1 in the Appendix hereto and by an affidavit setting forth:—

- (i) That the applicant (if a natural person) is of the full age of twenty-one years.
- (ii) The death of the intestate and the date and place of death and the status of the intestate, that is whether leaving a wife or husband, or dying a bachelor, widower, spinster, widow, or divorced person.
- (iii) That the deceased died intestate.
- (iv) That the applicant has made careful search and inquiry to ascertain whether there is a will.
- (v) That the intestate left estate within the jurisdiction and that the gross value of such estate exceeds or does not exceed (as the case may be) the sum of five thousand pounds.
- (vi) That the applicant is the husband, widow, or next of kin (or as the case may be) and the names of any person or persons having a right to the administration prior to or equal with himself.
- (vii) The names, addresses, and ages of the persons entitled in distribution to the estate of the intestate, and whether the deceased had adopted any child.
- (viii) That the applicant if given a grant will well and truly administer the estate.
- (ix) That no application for probate or administration in the matter has theretofore been made, or if there has been a previous application the full particulars thereof.

5. New rules are inserted after Rule 8 as follows:—

8A. Where the omission is deemed to be of no consequence the Court or (if the grant is within the powers of the Master) the Master, may dispense with full compliance with the requirements of either of the last two preceding rules.

8B. Any document of a testamentary character purporting to be of the deceased, if alleged to be invalid for any reason other than revocation shall be brought into the Registry with the application, unless production is dispensed with by order of a Judge.

8C. Every applicant for a first grant of probate or letters of administration must produce a certificate of the death of the deceased, or give a reason, to the satisfaction of the Master or the Judge, for the non-production thereof.

6. Rule 10 is repealed and the following rule is substituted therefor:—

10. (1) In every order under section 10 of the Public Trustee Act, 1941-1953, to administer the estate of a deceased person, there shall be reserved to the Court the right to grant probate or letters of administration to any person who shall apply therefor, and who might have obtained the same if the order to administer had not been made.

(2) Applicants for probate or administration when an order to administer the estate of any deceased person has already been granted to the Public Trustee, shall give seven days notice in writing to the Public Trustee of the intended application.

7. A new rule is inserted after Rule 14 as follows:—

14A. If a sheet of a will or codicil is not signed by the testator and by the attesting witnesses, affidavit evidence shall be supplied establishing that such sheet formed part of the will or codicil as executed by the testator unless in any particular case such evidence is dispensed with by order of a Judge.

8. Rule 15 is amended by deleting the word "Curator" in line two and substituting the words "Public Trustee."

9. Rule 19 is deleted.

10. Rule 21 is amended by inserting after the word "Court" in line two the words "or in the case of the Public Trustee or a company authorised by statute to obtain a grant."

11. Rule 29 is repealed and the following rule is substituted therefor:—

29. In all cases where application is made for administration, either with or without a will annexed, of the estate of a bastard who has died a bachelor or a spinster, or who has died a widower or widow without issue, notice of such application shall be given to the Crown Solicitor.

12. Rule 38 is deleted.

13. Rule 51 is amended by inserting after the word "month" in line three the words "or such extended time as a Judge may allow."

14. Form No. 1 in the Appendix to the Third Schedule is deleted and in lieu thereof the following form is inserted:—

No. 1.

Administration Bond.

Know all men by these presents that we \_\_\_\_\_ of  
 \_\_\_\_\_ in the State of Western Australia,  
 \_\_\_\_\_ of  
 \_\_\_\_\_ in the said State and \_\_\_\_\_ of  
 \_\_\_\_\_ in the said State are jointly  
 and severally held and firmly bound unto Her Majesty the Queen, her heirs  
 and successors, in the sum of \_\_\_\_\_ pounds  
 of lawful money to be paid to her said Majesty, her heirs and successors,  
 for the due payment whereof we bind ourselves, and each and every of  
 us, and for the whole, our heirs, executors, administrators and assigns  
 by these presents.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ One  
 thousand nine hundred and \_\_\_\_\_

The conditions of the above-written bond or obligation are such  
 that if the above bounden \_\_\_\_\_ the intended administrator  
 of all and singular the estate and effects of  
 late of \_\_\_\_\_ in the said State  
 shall well and truly collect, get in, administer and distribute according  
 to law, the estate and effects of the said deceased which at any time  
 hereafter shall come into the hands or possession of the said  
 \_\_\_\_\_, as such administrator or as a trustee  
 or into the hands of any other person or persons for him; and further  
 shall make or cause to be made a true and perfect account of

administration within twelve months of the date of the grant of letters of administration herein, and afterwards from time to time as shall be lawfully required; and all the rest and residue of the said estate and effects which shall be found from time to time remaining upon the said administration account (the same being first examined and allowed by the Supreme Court of Western Australia) shall and do pay dispose of and distribute in accordance with his duty as administrator or trustee of the said estate, or in such manner as the said Court shall direct; then the above-written bond or obligation to be void and of no effect, otherwise to be and remain in full force and virtue.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 1955.

A. A. WOLFF,  
Acting Chief Justice.

L. W. JACKSON,  
Puisne Judge.

J. E. VIRTUE,  
Puisne Judge.

R. V. NEVILLE,  
Puisne Judge.

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INSPECTION OF SCAFFOLDING ACT, 1924-1954.

Department of Public Works,  
Perth, 6th April, 1955.

Ex. Co. No. 686.

HIS Excellency the Governor in Executive Council acting under the provisions of the Inspection of Scaffolding Act, 1924-1954, has been pleased to amend in the manner mentioned in the Schedule hereunder the Inspection of Scaffolding Act Regulations, 1950, made under the Act and published in the *Government Gazette* on the 9th March, 1951, and amended by notices published in the *Government Gazette* from time to time thereafter.

R. J. BOND,  
Under Secretary for Works.

Schedule.

The Regulations under the Inspection of Scaffolding Act, 1924-1954 (G.G. 9/3/51) are amended by—

1. Inserting in the first paragraph after the line "Part II.—Inspection of Scaffolding and Gear" the following "Part IIA.—Roofs sheathed with asbestos cement."

2. Inserting after Regulation 29 the following heading and new regulations:—

Part IIA.—Precautions and Measures to be taken in connection with  
Roofs sheathed with Asbestos Cement.

29A. In this Part of these regulations, unless the context or subject matter otherwise requires or indicates—

"large section sheets" means corrugated asbestos cement sheets of material not less than one-quarter of an inch in thickness, having corrugations one and seven-eighths inches and over in depth, the pitch of the corrugations being more than three inches but not more than five and three-quarter inches, measured centre to centre of adjacent crests or troughs;

"small section sheets" means corrugated asbestos cement sheets of material not less than seven-thirty-seconds of an inch in thickness, having corrugations less than one and seven-eighths inches in depth, the pitch of the corrugations being three inches or less, measured centre to centre of adjacent crests or troughs;

"safety mesh" means a mesh-work of galvanised steel wires of size and arrangement as specified in these regulations;

"longitudinal wires" means the safety mesh wires parallel to the corrugations of the roof sheathing;

"transverse wires" means the safety mesh wires at right angles to the corrugations of the roof sheathing.

29B. Purlins, or other immediate supports, for corrugated asbestos cement roof sheathing shall be spaced, when measured from centre to centre:—

- (a) not more than four feet apart, measured in the direction of the corrugations, when supporting large section sheets;
- (b) not more than three feet apart, measured in the direction of the corrugations, when supporting small section sheets; or
- (c) not more than the maximum distance approved in writing by the Chief Inspector of Scaffolding when supporting sheets differing in section from those mentioned in paragraphs (a) and (b) of this regulation.

29C. (1) Subject to subregulation (2) and (3) of this regulation, a person shall not place, lay or fix, or cause to be placed, laid or fixed upon any roof structure, or part of any roof structure, a roof sheathing of asbestos cement, unless safety mesh has first been securely fixed to the roof structure in the manner prescribed by these regulations.

(2) The provisions of subregulation (1) of this regulation do not apply to a roof in which the members immediately supporting corrugated asbestos cement sheathing are spaced—

- (a) not more than eighteen (18) inches apart, measured from centre to centre, for small section sheets; or
- (b) not more than twenty-four (24) inches apart, measured from centre to centre for large section sheets.

(3) Subregulation (1) of this regulation does not apply where safety mesh, if used, would be likely to be affected by corrosive agencies, in which case the roof members immediately supporting the corrugated asbestos cement sheathing shall be spaced as set forth in subregulation (2) of this regulation.

29D. Safety mesh shall be so constructed that—

- (a) it is made entirely of galvanised wire which has a breaking strain of not less than one thousand and ten pounds; and
- (b) the size of each mesh is not greater than twelve inches by twelve inches; and
- (c) the wires forming each corner of each mesh are welded, or otherwise fixed one to the other, so that there is no movement at the junction of those wires.

29E. Safety mesh shall be deemed not to conform to the provisions of these regulations, unless a complete specification and such samples of the mesh as may be required in writing for examination by the Chief Inspector of Scaffolding have been submitted to the Chief Inspector.

29F. (1) In this regulation—

“anchorages” includes purlins or other anchorages;

“staples” means galvanised steel staples of 10 s.w.g. size and one and one-quarter inches ( $1\frac{1}{4}$ ”) in length.

(2) Safety mesh shall be fixed to the anchorages, in one of the following ways only—

- (a) subject to subregulation (3) of this regulation, the longitudinal wires shall be bent down and fixed to the sides of the anchorages with staples; or
- (b) subject to subregulation (3) of this regulation, the longitudinal wires shall be fixed to the tops of the anchorages with staples; or
- (c) the longitudinal wires shall be passed once completely around the anchorages and the tail of each wire shall be twisted twice tightly around the main portion of the same wire.

(3) Where the safety mesh is fixed with staples either one or other of the following methods shall be employed—

- (a) all staples shall be driven in such a manner that a transverse wire is immediately behind the staple and between the staple and the end of the longitudinal wire; or
- (b) when the longitudinal wire has been stapled, the end shall be bent back and again stapled over the main portion of the same wire.

- 29G. Safety mesh shall be fixed in such a manner that—
- (a) it rests upon each of the purlins or battens; and
  - (b) it is free from perceptible sag; and
  - (c) it is immediately beneath the roof sheathing; and
  - (d) the transverse wires are located above the longitudinal wires; and
  - (e) where a break of continuity in the longitudinal wires occurs, those wires are effectively joined to preserve the same measure of safety afforded by continuous wires; and
  - (f) the longitudinal wires at the adjoining or over-lapping edges of adjacent strips of safety mesh shall be strongly fastened together at intervals not greater than three feet.

29H. Where asbestos cement box gutter sections are used, the gutter supports shall be spaced not more than thirty inches (30") apart, measured centre to centre, or a suitable gutter board shall be fixed immediately under and supporting the box gutter sections.

29I. Where asbestos cement wall sheathing is to be fastened on a building the sheathing shall be held suspended in position for fastening by a designed hook and suspender of a type approved by the Chief Inspector of Scaffolding.

Approved by His Excellency the Governor in Executive Council, 6th April, 1955.

R. H. DOIG,  
Clerk of the Council.

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GOVERNMENT RAILWAYS ACT, 1904-1954.

Government Railways Commission,  
Perth, 25th March, 1955.

HIS Excellency the Governor in Executive Council has approved of the amendment by the Commission, in the manner mentioned in the Schedule to this notice, of by-law No. 41 made under the Government Railways Act, 1904-1954, and published in the *Government Gazette* on the 29th October, 1920, and amended from time to time thereafter.

A. G. HALL  
Chairman of the Western Australian  
Government Railways Commission.

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Schedule.

By-law No. 41 is amended by inserting after the words "ply for hire" in line 2 of the first paragraph the words "or accept hire".

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HEALTH ACT, 1911-1954.

Department of Public Health,  
Perth, 6th April, 1955.

P.H.D. 1237/54. Ex. Co. No. 658.

HIS Excellency the Governor in Executive Council, acting under the provisions of sections 333 and 335 (5) (6) of the Health Act, 1911-1954, has been pleased to make the regulations set forth in the Schedule hereunder.

LINLEY HENZELL,  
Commissioner of Public Health.

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Schedule.

1. These regulations may be cited as the Notification of Stillbirth and Neo-Natal Death Regulations.

2. Where a medical practitioner gives a death certificate in relation to any child who died within 28 days of his birth, he shall notify the Commissioner of Public Health of the fact in the Form No. 1 in the Appendix to these regulations, within 48 hours of the death certificate being given.

## Appendix.

## Form No. 1.

Western Australia.

Health Act, 1911-1954.

## STILLBIRTH AND NEO-NATAL DEATH NOTIFICATION.

To Commissioner of Public Health.

Name of Mother.....Home Address.....Age.....  
 Occupation of Father.....Place of Birth.....  
 Gestation Period.....Birth Weight.....Sex of Foetus.....  
 Single/Plural Birth.....Time of Birth.....  
 Date of Birth.....Date of Death (if Neo-Natal).....

NOTE: Neo-Natal death for the purpose of this report includes death within 28 days of birth.

Please indicate with a tick whichever is applicable.

## 1.—General Health of Mother.

Tuberculosis.....	Diseases of the blood.....
Rheumatic Fever and sequelae.....	Diabetes.....
Other Cardia Disease.....	Tumours of uterus and adnexa.....
Essential hypertension.....	Mental disorders.....
Chronic Nephritis.....	

## 2.—Acute Infectious Disease of Mother.

Rubella.....	Other virus disease.....
Measles.....	Other acute infective disease.....
Mumps.....	(State week of pregnancy in which onset occurred).....
Influenza.....	

## 3.—Maternal Disease of Pregnancy.

Hyperemesis.....	Placenta Praevia.....
Pre-eclampsia.....	Other Antepartum Haemorrhage Pyelonephritis.....
Eclampsia.....	
Hydramnios.....	

## 4.—Abnormal Duration of Labour.

Duration over 48 hours.....

## 5.—Abnormality of Presentation.

Persistent occipito-posterior.....	Face and brow.....
Uncomplicated breech.....	Transverse and oblique.....
Complicated breech.....	

## 6.—Abnormality of Pelvis.

Contracted pelvis.....

## 7.—Accidents of Labour.

Rupture of uterus.....Failed forceps.....

## 8.—Labour.

(a) Normal.....	(c) Instrumental.....
(b) Manipulative—	Forceps delivery.....
External version before labour.....	Embryotomy and craniotomy.....
Surgical induction.....	
Caesarean section.....	
Version in labour.....	

## 9.—Abnormality of Foetus.

Congenital malformation.....	Foetal disease due to maternal disease.....
Erythroblastosis foetalis.....	(State disease, see Sect. 1, 2 and 3 above.)
Macerated foetus.....	

## 10.—Abnormalities of Placenta and Cord.

Manual removal..... Other .....

Prolapse and presentation.....

## 11.—Neo-Natal Complications.

Intracranial and spinal injury at birth..... Other birth injury.....

Post-natal asphyxia and atelectasis.....

## 12.—Other Disease Peculiar to Early Pregnancy.

Erythroblastosis..... Other .....

Haemorrhagic disease of new born.....

## 13.—Principal Pre-Medication.

Morphine..... Pethidine.....

## 14.—Principal Anaesthetics.

Chloroform..... Cyclopropane.....

Ether..... Ethylene.....

Trilene..... Intravenous agents—

Ethyl chloride..... Pentothal, Evipan.....

Nitrous oxide..... Relaxing Agents.....

## Other Remarks.

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Date.....

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Signature of Medical Practitioner.

Approved by His Excellency the Governor in Executive Council, 6th April, 1955.

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