

[1977]



# Government Gazette

OF

## WESTERN AUSTRALIA

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PERTH: FRIDAY, 1st APRIL

[ 1960

### LOCAL COURTS ACT, 1904-1958.

Crown Law Department,  
Perth, 16th March, 1960.

HIS Excellency the Governor in Executive Council, acting pursuant to sections 158 and 159 of the Local Courts Act, 1904-1958, has been pleased to amend, in the manner set forth in the Schedule hereto, the Table of Bailiffs' Fees (published in the *Government Gazette* on the 12th April, 1946) as contained in Part II of the Appendix to the Rules of Court under that Act, such amendments to take effect one month after the publication thereof in the *Government Gazette*.

R. C. GREEN,  
Under Secretary for Law.

#### Schedule.

Bailiffs' fees in Part II of the Appendix to the Rules mentioned above are amended as follows:—

1. The paragraph relating to payment of mileage under the heading "Bailiffs' Fees" is amended by deleting the passage, "beyond the first mile" in lines one and two of that paragraph.

2. The paragraph relating to poundage under warrants of execution under the heading "Bailiffs' Fees" is amended by—

- (a) substituting for the passage "£10 per cent." in line two of that paragraph the passage, "by a licensed auctioneer, £15 per cent.;" and
- (b) adding immediately after line three of that paragraph the passage, "If goods or lands sold other than by a licensed auctioneer, £10 per cent. on amount realised."

## LICENSING ACT, 1911-1959.

Crown Law Department,  
Perth, 16th March, 1960.

HIS Excellency the Governor in Executive Council, acting under the provisions of section 47A and section 249 of the Licensing Act, 1911-1959, has been pleased to make the regulations set forth in the Schedule hereunder.

R. C. GREEN,  
Under Secretary for Law.

## Schedule.

## Regulations under Section 47A.

1. In these regulations, unless the context requires otherwise—
  - “Court” means a Licensing Court constituted under the Act;
  - “licensing district” means a licensing district constituted under the Act;
  - “local authority” means a municipality and the council thereof, or a road board; and
  - “the Act” means the Licensing Act, 1911-1959.
2. (1) Before deciding to authorise the issue of a provisional certificate under the provisions of section 47A of the Act, the Court shall give notice of its intention to make such decision by advertisement of Form No. 1 in the Schedule to these regulations—
  - (a) once in the *Government Gazette*;
  - (b) twice in a newspaper published in Perth and having a circulation throughout the State, the interval between the two advertisements to be not less than seven days nor made than 14 days; and
  - (c) where the particular area in respect of which such decision is to be made is outside a radius of 50 miles from the Town Hall in Perth, once in a newspaper published and circulating within that locality.

(2) The Court shall, at its next quarterly sitting held within the licensing district in which the particular area is situated not less than 28 days after the publication of the last of the advertisements required by this regulation, hear and consider evidence and objections in accordance with the provisions of paragraph (a) of subsection (2) of section 47A of the Act.
3. (1) Objections to the authorisation of the issue of a provisional certificate under section 47A of the Act may be made by—
  - (a) the owner or the lessee of the existing licensed premises within the licensing district in which the particular area is situated;
  - (b) any resident of that licensing district;
  - (c) any inspector of licensed premises;
  - (d) any police officer stationed within that licensing district;
  - (e) any person authorised in that behalf by a local authority, the district, or part of the district, of which is situated in that licensing district.

(2) Any person intending to object to the authorisation of the issue of a provisional certificate as aforesaid shall lodge with the Clerk of the Court, not less than seven days prior to the date of the quarterly sitting of the Court, particulars of his objections and the reasons therefor.
4. (1) Where the Court decides to authorise the issue of a provisional certificate as aforesaid, the Court shall appoint a time and place for receipt of public tenders for the purchase of the provisional certificate.
- (2) The Court shall give notice of the time and place so appointed, and of the particulars prepared by it of the accommodation and requirements or the additional accommodation and requirements upon which the tenders are to be determined, by advertisement thereof in the same manner as prescribed by regulation 2 of these regulations.

(3) The time appointed by the Court for receipt of tenders shall be a day not less than three months after the publication of the last of the advertisements required by this regulation.

5. A tenderer shall—

- (a) tender in terms of the requirements of section 47A of the Act and state the price which he is prepared to pay for the provisional certificate;
- (b) set forth in the tender full particulars of the land upon which is erected, or is intended to be erected, the building in respect of which a provisional certificate is sought;
- (c) give details of his financial ability to complete and have ready for occupation the building within the time specified by section 61 of the Act; and
- (d) lodge two copies of the plan required to be submitted by paragraph (d) of subsection (3) of section 47A of the Act.

6. Every tenderer shall be deemed to be a person desirous of obtaining a publican's general license and as such to have made application for a provisional certificate pursuant to the provisions of section 61 of the Act and the provisions of the Act applicable to such a person shall so far as may be possible apply to a tenderer as though he were such a person.

7. (1) Subject to the application of the provisions of regulation 6 of these regulations, the Court may accept or refuse any tender, and in accepting a tender may accept that which the Court considers most advantageous, having regard to all the circumstances.

(2) The decision of the Court concerning the tenders submitted shall be given in open Court at a sitting to be held at a time and place appointed by the Chairman.

The Schedule.

Form No. 1.

Reg. 2.

Western Australia.

Licensing Act, 1911 (as amended).

Section 47A.

NOTICE is hereby given that the Licensing Court, being of opinion that there are insufficient premises the subject of a publican's general license within the area set forth in the Schedule below to meet public requirements, intends subject to the provisions of section 47A of the Licensing Act, 1911 (as amended), to issue a provisional certificate for a new publican's general license in respect of premises in that area.

A quarterly sitting of the Court will be held at ..... on the ..... day of ....., 196....., at the hour of ..... o'clock in the ..... noon, when the Court will hear and consider evidence and objections in accordance with the said section 47A and the regulations made thereunder.

The Schedule.

Dated the ..... day of ....., 196.....

Chairman of the Licensing Court.

Note.—Any person making objections pursuant to the regulations must lodge with the Clerk of the Licensing Court not less than seven days prior to the date of the abovementioned quarterly sitting particulars of such objections and the reasons therefor.

## FIRE BRIGADES ACT, 1942-1959.

Chief Secretary's Department,  
Perth, 16th March, 1960.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Fire Brigades Act, 1942-1959, has been pleased to make the regulations set forth in the Schedule hereunder.

J. DEVEREUX,  
Under Secretary.

Schedule.  
Regulations.

Principal regulations. 1. In these regulations the Fire Brigades Act Regulations published in the *Government Gazette* on the 4th June, 1943, and amended from time to time thereafter by notices published in the *Government Gazette*, are referred to as the principal regulations.

Reg. 2 amended. 2. Regulation 2 of the principal regulations is amended by inserting between lines two and three the following:—

Part IA: R.r. 43A to 43F—Disputed Returns.

Part IA added. 3. The principal regulations are amended by adding after regulation 43 the following Part:—

Part IA.—Disputed Returns.

43A. (1) An application for determination of a question or dispute which has arisen as to the regularity or validity of an election held under the provisions of the Act, or the voting at the election, shall be in the form specified in Part 5 of the Second Appendix to these regulations and shall be lodged in duplicate with the returning officer.

(2) The time after the completion of an election within which an application under subregulation (1) of this regulation in respect of the election may be lodged shall be three months.

43B. Within seven days of the lodgment of the application referred to in regulation 43A of these regulations, the returning officer shall give notice in writing to the Minister that a question or dispute has arisen as to the regularity or validity of the election, or the voting at the election.

43C. (1) The stipendiary magistrate appointed by the Minister to determine the question or dispute shall fix a time and place for the hearing of the application and thereupon shall issue a summons requiring the returning officer, the applicant, the person returned at the election, and any other persons to appear before him on the day and at the place named in the summons.

(2) The summons referred to in subregulation (1) of this regulation shall be in the form specified in Part 6 of the Second Appendix to these regulations.

43D. On the appearance before him of the parties, or in default of such appearance, the magistrate may, upon proof of service of the summons issued by him, proceed to hear the subject matter of the application and determine the question or dispute.

43E. For the purposes of the hearing of an application under this Part of these regulations, the magistrate has and may exercise, in addition to the powers conferred by the Act and these regulations, the powers conferred upon Justices of the Peace under the Justices Act, 1902, in all respects so far as concerns the powers relating to the summoning of witnesses, the taking of evidence and the conduct of proceedings, as though the application were a matter which may be heard and determined by Justices under that Act.

43F. When the magistrate has as required by the Act and these regulations determined the question or dispute, he shall forward forthwith a copy in writing of his determination to the Minister and to the returning officer.

Second Appendix amended.

4. The Second Appendix to the principal regulations is amended by adding the following headings and forms:—

Part 5.

Reg. 43A.

Fire Brigades Act, 1942-1959.

APPLICATION FOR DETERMINATION OF QUESTION OR DISPUTE CONCERNING AN ELECTION.

(Full name) (Address) (Occupation)

I, of, in the State of Western Australia, claiming that a question or dispute arises as to the regularity or validity of the election specified hereunder, or the voting at the election, hereby apply that the question or dispute be determined by a stipendiary magistrate in accordance with the provisions of the Fire Brigades Act, 1942 (as amended) and the regulations made thereunder.

Particulars of the alleged irregularity or invalidity and the facts on which I rely to support this application are set out hereunder.

Particulars of Election.

Date on which election held Date of completion of election (if completed) Name and address of returning officer Purpose for which election held Names of bodies entitled to vote at the election

Particulars of Alleged Irregularity or Invalidity. (Set out the particulars in numbered paragraphs)

Facts Relied On.

(Set out in numbered paragraphs the facts relied on in support of this application.)

Dated at this day of 19

Applicant.

Note.—This application must be lodged in duplicate with the Returning Officer.

Part 6.

Reg. 43C.

Fire Brigades Act, 1942-1959.

SUMMONS.

To of, in the State of Western Australia.

(Name of Applicant) (Address of Applicant)

WHEREAS it is alleged that a question or dispute has arisen as to the regularity or validity of the election specified hereunder, or the voting at such election, and, of, in the said State has made application that the question or dispute be determined in accordance with the provisions of the Fire Brigades Act, 1942 (as amended) and the regulations made thereunder:

Now, therefore, take notice that you are hereby required to appear at, in the said State, on the day of, 19,

at.....o'clock in the ..... noon, before me, the undersigned stipendiary magistrate, when I shall proceed to determine the question or dispute.

And further take notice that in default of your appearance as aforesaid, the application may be heard and the question or dispute be determined, your absence notwithstanding.

Particulars of Election.

Date on which election held.....  
 Date of completion of election (if completed).....  
 Name and address of returning officer.....  
 Purpose for which election held.....  
 Names of bodies entitled to vote at the election.....  
 Given under my hand at .....,  
 in the said State, this..... day of.....,  
 19.....

.....  
 Stipendiary Magistrate.

Approved by His Excellency the Governor in Executive Council this 16th day of March, 1960.

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

HEALTH ACT, 1911-1959.

Department of Public Health,  
 Perth, 16th March, 1960.

HIS Excellency the Governor in Executive Council has been pleased to make, under the provisions of the Health Act, 1911-1959, the regulations set out in the Schedule hereunder.

LINLEY HENZELL,  
 Commissioner of Public Health.

Schedule.  
 Regulations.

- Principal regulations. 1. In these regulations the Health Act Public Buildings (Fees) Regulations made under the provisions of the Health Act, 1911, and published in the *Government Gazette* on the 28th May, 1957, are referred to as the principal regulations.
- Reg. 2 amended. 2. Regulation 2 of the principal regulations is amended by substituting for the symbol and figure "£5" in line two of sub-regulation (2) the symbol and figures "£50."

Approved by His Excellency the Governor in Executive Council this 16th day of March, 1960.

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

HEALTH ACT, 1911-1955.

Belmont Park Road Board.

Amendment to By-laws.

WHEREAS under the provisions of the Health Act, 1911-1955, a local authority may make or adopt by-laws and may alter, amend or repeal any by-laws so made or adopted, and whereas Model By-laws described as Series "A" have been made and published in the *Government Gazette* on the 9th August, 1956: Now, therefore, the Belmont Park Road Board, being a local health authority within the meaning of the Act, and having adopted the Model By-laws

described as Series "A" and published in the *Government Gazette* on the 9th August, 1956, doth hereby amend the said adopted by-laws as follows, that is to say:—

By inserting after by-law 1B of Part 1, a new by-law 1C as follows:—

1C.—Provision of Apparatus for the Bacteriolytic Treatment of Sewage.

(a) Every house constructed in the Belmont Park Road District after the coming into operation of this by-law, shall be provided with a water closet connected to an apparatus for the bacteriolytic treatment of sewage.

(b) Every house constructed in the Belmont Park Road District at the date of coming into operation of this by-law, which is not connected to a water carriage system for the disposal of night soil shall be provided with a water closet connected to an apparatus for the bacteriolytic treatment of sewage not later than the 30th June, 1961.

(c) Notwithstanding the requirements of paragraphs (a) and (b), the Board may grant exemption from the provisions of this by-law in any case where by reason of the level of the sub-soil water, the nature of the soil, the availability of an adequate and/or suitable water supply or such other circumstances as the local authority may deem fit, the installation of the apparatus would not be desirable or practicable.

Passed at a meeting of the Belmont Park District Road Board this 25th day of January, 1960.

(Sgd.) P. J. FAULKNER,  
Chairman.

(Sgd.) W. G. KLENK,  
Secretary.

Approved by His Excellency the Governor in Executive Council this 16th day of March, 1960.

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

WESTERN AUSTRALIAN MARINE ACT, 1948-1957.

Harbour and Light Department,  
Fremantle, 16th March, 1960.

C.S.D. 399/49.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the Western Australian Marine Act, 1948-1957, has been pleased to make the regulations set out in the Schedule hereunder.

K. G. FORSYTH,  
Manager.

Schedule.  
Regulations.

Principal regulations. 1. In these regulations the Western Australian Marine Act, 1948 (Survey and Equipment) Regulations reprinted pursuant to the Reprinting of Regulations Act, 1954, and published in the *Government Gazette* on the 22nd October, 1958, are referred to as the principal regulations.

Reg. 64 amended. 2. Regulation 64 of the principal regulations is amended by substituting for subregulation (1) the following subregulation:—

(1) The owner of any fishing vessel which—

(a) goes to sea;

(b) plies within the Port of Carnarvon; or

(c) plies within the outer harbour of Albany,

shall cause that vessel to be surveyed at least once in every year.

Approved by His Excellency the Governor in Executive Council this 16th day of March, 1960.

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

TRAFFIC ACT, 1919-1958.  
Darling Range Road Board.  
Speed Limit By-law.

Police T.O. 58/411.

THE Darling Range Road Board, pursuant to an Order in Council under section 49 of the Traffic Act, 1919-1958, and in exercise of the powers thereby conferred, doth hereby make the following by-law to have effect in the Darling Range Road District:—

A person shall not drive any vehicle at a speed exceeding 35 miles per hour along that portion of Kalamunda Road (road No. 1844) between the western limit of the Darling Range Road District and the western limit of the Maida Vale Townsite.

Provided that a person shall not drive a motor wagon or tractor (whether prime mover or not), of a gross weight inclusive of its load, if any, specified in column 1 hereunder, at a speed exceeding the maximum speed limit prescribed therefor in column 2 hereunder.

| Column 1.<br>Gross Weight.                      | Column 2.<br>Maximum Speed<br>Limit.<br>M.p.h. |
|---|--|
| (i) Exceeding 3 tons but not exceeding 7 tons   | 30   |
| (ii) Exceeding 7 tons but not exceeding 13 tons | 25   |
| (iii) Exceeding 13 tons                         | 20   |

Provided also that a person shall not drive a motor car, motor wagon or tractor (whether prime mover type or not), to which is attached a trailer, semi-trailer or caravan, the gross weight of which vehicle and attachment, inclusive of their respective loads, if any, is specified in column 1 hereunder at a speed exceeding the respective maximum speed limit prescribed therefor in column 2 hereunder.

| Column 1.<br>Gross Weight.                       | Column 2.<br>Maximum Speed<br>Limit.<br>M.p.h. |
|--|--|
| (i) Up to but not exceeding 3 tons               | 35   |
| (ii) Exceeding 3 tons but not exceeding 7 tons   | 30   |
| (iii) Exceeding 7 tons but not exceeding 13 tons | 25   |
| (iv) Exceeding 13 tons                           | 20   |

A person committing a breach of this by-law shall, on conviction, be liable to a penalty not exceeding twenty pounds (£20).

Passed at a meeting of the Darling Range Road Board this 21st day of December, 1959.

R. C. OWEN,  
Chairman.

P. A. MORAN,  
Secretary.

Recommended—

(Sgd.) C. C. PERKINS,  
Minister for Traffic.

Approved by His Excellency the Governor in Executive Council this 16th day of March, 1960.

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

TRAFFIC ACT, 1919-1956.  
Koorda Road Board.  
Parking By-laws.

Police T.O. 58/430.

THE Koorda Road Board, pursuant to an Order in Council under section 49 of the Traffic Act, 1919-1956, published in the *Government Gazette* of the 14th November, 1958, and in exercise of the power thereby conferred, doth hereby make the following by-laws to have effect in the Koorda Road District.



1. No person in charge of any vehicle other than a motor car or utility shall cause or permit such vehicle to stand on the east side of Railway Street, Koorda, between Haig Street and Ninghan Road, Ninghan Road and Birdwood Street.

2. No person shall park or stand a vehicle on those portions of the eastern side of Railway Street, Koorda, defined in the Schedule hereto, except for the express purpose of taking on or delivering motor spirit.

Schedule.

(a) Within 15 feet of the petrol pump situated on the footpath 12 feet south of the northern boundary of Koorda Townsite Lot No. 12.

(b) Within 15 feet of the petrol pump situated on the footpath 27 feet north of the southern boundary of Koorda Townsite Lot No. 12.

(c) Within 15 feet of the petrol pump situated on the footpath 21 feet north of the southern boundary of Koorda Townsite Lot No. 5.

(d) Within 15 feet of the petrol pump situated on the footpath 25 feet south of the northern boundary of Koorda Townsite Lot No. 4.

(e) Within 15 feet of the petrol pumps situated on the footpath 21 feet south of the northern boundary of Koorda Townsite Lot No. 3.

3. Subject to regulation 183 of the Traffic Regulations, 1954, no person shall park a vehicle in that portion of Railway Street, Koorda, between Birdwood Street and Haig Street, except at an angle of approximately 30 degrees to the kerb, or the boundary between Railway Street and the Railway Reserve, and in accordance with the lines marked on the roadway by the Board.

4. No person in charge of any vehicle other than a vehicle owned by, or hired to the Koorda Road Board or engaged on the business of the Koorda Road Board shall cause or permit such vehicle to stand in or on the special parking stand marked "Koorda Road Board Only" in front of the office of the Koorda Road Board situated on lot 6, Railway Street, Koorda.

5. Any person who commits a breach of the foregoing by-laws shall be liable, on conviction, to a penalty not exceeding twenty pounds.

6. All previous by-laws relating to parking in the Koorda Road District are hereby repealed.

The above by-laws were adopted at a meeting of the Koorda Road Board held in Koorda on the 17th February, 1960.

J. W. PRICE,  
Chairman.

W. FELGATE,  
Secretary.

Recommended—

(Sgd.) C. C. PERKINS,  
Minister for Traffic.

Approved by His Excellency the Governor in Executive Council this 16th day of March, 1960.

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

TRAFFIC ACT, 1919 (AS AMENDED).

Office of the Commissioner of Police,  
Perth, 23rd March, 1960.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the Traffic Act, 1919 (as amended), has been pleased to make the regulations set out in the Schedule hereunder.

J. M. O'BRIEN,  
Commissioner of Police.

Schedule.

Regulations.

Principal regulations.

1. In these regulations the Traffic Regulations, 1954, published in the *Government Gazette* on the 15th December, 1954, as amended by the regulations amending the same published in the *Government*

*Gazette* on the 9th February, 1955, 1st April, 1955, 11th May, 1955, 17th June, 1955, 9th August, 1955, 30th September, 1955, 30th December, 1955, 24th April, 1956, 23rd October, 1956, 16th November, 1956, 23rd November, 1956, 21st December, 1956, 22nd February, 1957, 8th March, 1957, 1st April, 1957, 26th April, 1957, 17th May, 1957, 1st July, 1957, 30th August, 1957, 25th September, 1957, 5th November, 1957, 20th December, 1957, 23rd December, 1957, 24th January, 1958, 19th February, 1958, 17th April, 1958, 29th April, 1958, 13th May, 1958, 5th June, 1958, 25th June, 1958, 15th July, 1958, 18th July, 1958, 1st August, 1958, 12th September, 1958, 10th October, 1958, 24th November, 1958, 3rd March, 1959, 9th April, 1959, 15th May, 1959, 26th May, 1959, 12th June, 1959, 23rd June, 1959, 30th June, 1959, 30th September, 1959, 16th October, 1959, 29th October, 1959, 30th October, 1959, 21st December, 1959, 28th January, 1960 and 12th February, 1960, are referred to as the principal regulations.

Reg. 349AA  
amended.

2. Regulation 349AA of the principal regulations is amended—  
(a) by adding after the regulation number "349AA" the subregulation designation "(1)"; and  
(b) by adding a subregulation as follows:—

(2) Between the hours of 8 a.m. and 6 p.m. on any day except Saturdays and Sundays, and between 8 a.m. and 1 p.m. on Saturdays, a person shall not park a vehicle for any period exceeding one hour in that portion of Dalkeith Road between Stirling Highway and Edward Street, Nedlands.

Reg. 376A  
added.

3. The principal regulations are amended by adding after regulation 376 a new regulation as follows:—

376A. (1) A person shall not—

(a) drive any vehicle or animal in a northerly direction; or

(b) park any vehicle,

in that portion of Lawson Street east of the median strip and between Marquis Street and Farnham Street in Canning Road District.

(2) Notwithstanding the provisions of subregulation (2) of regulation 199 of the principal regulations a vehicle or animal may be driven in either a northerly or a southerly direction in that portion of Lawson Street west of the median strip.

ROAD DISTRICTS ACT, 1919.

TOWN PLANNING AND DEVELOPMENT ACT, 1928.

Armadale-Kelmscott Road Board.

By-law Establishing Building Lines.

L.G. 272/56.

THE Armadale-Kelmscott Road Board, under and by virtue of the powers conferred on it in that behalf by the Road Districts Act, 1919, the Second Schedule thereof, the Town Planning and Development Act, 1928, and all other powers enabling it, doth hereby make and publish the following by-laws:—

(1) The building lines for the streets and portions thereof shown on the plan and schedule hereto shall be the line indicated as the dotted line on the said plan.

(2) No person shall erect or cause to be erected any building or structure between the building line and the street on which the land abuts.

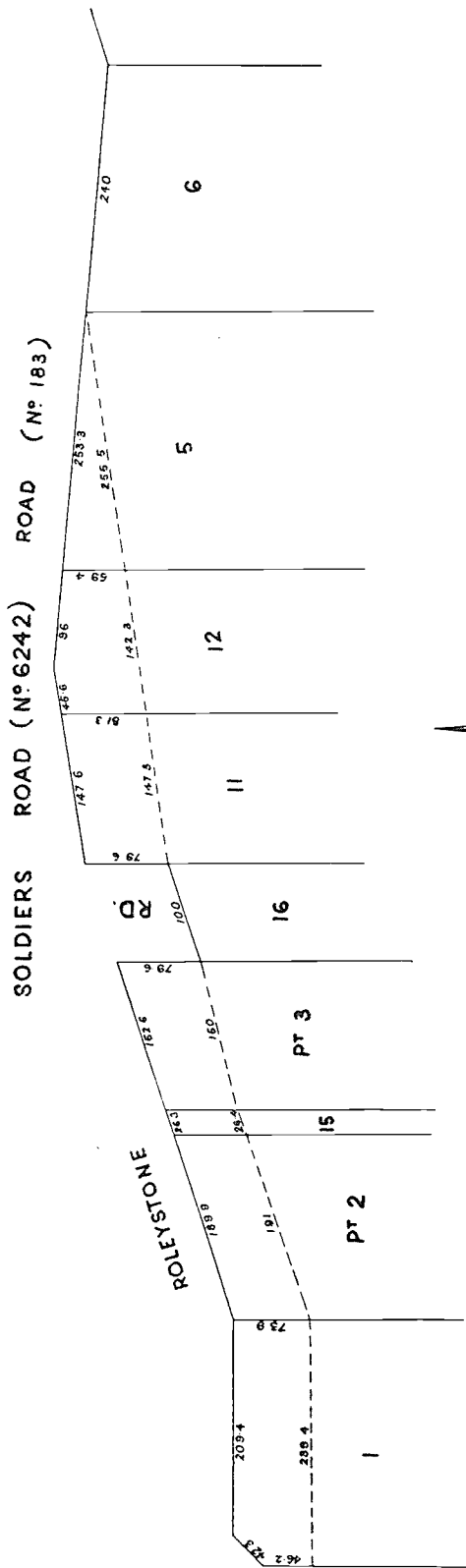
(3) Any person who shall commit a breach of these by-laws shall, upon conviction, be liable to a penalty not exceeding twenty pounds (£20).

Passed by the Armadale-Kelmscott Road Board at the ordinary meeting of the Board, held on 21st day of December, 1959.

J. E. MURRAY,  
Chairman.

W. W. ROGERS,  
Secretary.

The Schedule.



PROPOSED BUILDING LINE AT  
ROLEYSTONE

SCALE 1 CHAIN TO AN INCH  
SURVEYOR: R.V. O'LEARY.

Recommended—

(Sgd.) L. A. LOGAN,  
Minister for Local Government.

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Approved by His Excellency the Governor in Executive Council this 16th  
day of March, 1960.

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

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