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No. 73]

PERTH: MONDAY, 16th SEPTEMBER

[1963

SUPREME COURT ACT, 1935-1960.

Crown Law Department,
Perth, 2nd September, 1963.

THE following amendments to the Rules of the Supreme Court, 1909, are published for general information.

R. C. GREEN,
Under Secretary for Law.

SUPREME COURT ACT, 1935-1960.

RULES OF THE SUPREME COURT, 1909.

WE, the Honourable Sir Albert Asher Wolff, Chief Justice, the Honourable Lawrence Walter Jackson, Senior Puisne Judge, and the Honourable John Evenden Virtue, the Honourable Roy Vivian Nevile, the Honourable Gordon Bede D'Arcy, the Honourable John Hale, and the Honourable Oscar Joseph Negus, Puisne Judges of the Supreme Court of Western Australia, acting in pursuance of the powers contained in the Supreme Court Act, 1935-1960, and of every other power enabling us in this behalf, do hereby amend the Rules of the Supreme Court, 1909, in the manner hereinafter mentioned, and declare that such amendments shall come into operation forthwith upon publication thereof in the *Government Gazette*.

ORDER XXXIV.

Order XXXIV is amended as follows:—

(1) Rule 11 is amended by deleting the word “ten” in line 5, and inserting in lieu thereof the word “fourteen”;

(2) Subrule (3) of Rule 14 is rescinded and the following subrule is substituted:—

(3) Applications for dates for hearing of causes, matters, or issues other than undefended suits in divorce shall be made to the Associate of the Judge sitting in Chambers, or to such other officer as the Chief Justice may designate, not later than six days nor earlier than 28 days before the first day of the sittings in which a date of trial is sought. Notice of application shall be given to the other parties concerned who shall be entitled to be heard thereon.

(3) Subrule (1) of Rule 22 is amended by adding the following proviso:—

Provided that if an action has been settled it may be withdrawn from the list by producing to the proper officer before the trial commences, a consent in writing, signed by the parties.

ORDER LVIII.

Order LVIII is amended—

(1) by deleting the word “ten” in line 3 of Rule 7 and inserting in lieu thereof the word “fourteen”;

(2) by rescinding Rule 13 and substituting the following Rule:—

13. (1) As soon as is practicable after the notice of appeal has been served and filed, the practitioner acting for the appellant shall make out a list and index of the documents which shall constitute the record before the Full Court, and shall file the list and index in the Central Office and at the same time take out an appointment to settle the same before the Registrar. Forthwith after the appointment has been obtained a copy thereof and of the list and index shall be served on the other parties to the appeal.

(2) The Registrar may vary the list and index as he thinks proper and may, if he thinks necessary, obtain the direction of the Chief Justice, or of the senior Judge available.

(3) The transcript for use upon the hearing of an appeal shall, unless the Court or a Judge otherwise orders, be prepared in accordance with the provisions of Order LXVI and every tenth line in each page shall be numbered.

(4) Unless a Judge otherwise orders, no appeal shall be entered for hearing until the list and index of documents constituting the record has been settled before the Registrar.

(5) The thickness of any one volume of the transcript shall not exceed one and a half inches.

(6) The title page shall give the full and correct title of the proceedings, and the names of the solicitors for each party and their addresses for service.

(7) After the title page there shall follow an index consisting of a complete list of the documents contained in the record before the Full Court as settled by the Registrar stating in the case of each document whether it is copied or not, and if copied, indicating at what page of the transcript it appears.

(8) The index shall give the date of each document and, in the case of exhibits, the exhibit mark, and, in the case of documents marked only for identification, the letters "m.f.i." shall follow the exhibit mark.

(9) In the index the exhibits shall be arranged in the order in which they have been letter or numbered.

(10) The documents shall be arranged in the transcript in the following order:—

- (a) Process and pleadings.
- (b) Evidence, oral or affidavit.
- (c) Testimony taken on commission or before an examiner and put in or used as evidence.
- (d) Exhibits:—
 - (i) Exhibits shall be arranged not in the order in which they have been lettered or numbered as exhibits, but in chronological order according to the date borne by the documents, or in the case of manifestly or admittedly misdated documents, their known dates.

- (ii) If a document is undated it shall be placed in the sequence contended for by the appellant, but the appellant shall inform the respondent of the position or order proposed for the document, and the respondent may require that a note "Date and order disputed" be inserted in the transcript at the head of the document.
 - (iii) If the exhibits include a correspondence between or among two or more persons, or a group of documents which should be read consecutively and not interspersed among other documents, the letters forming the correspondence or the group of documents may be arranged in order of their dates and given a position together at a convenient place in relation to the other exhibits.
- (e) The reasons for judgment of the primary Judge or Court.
 - (f) The formal judgment or order of the primary Judge or Court.
 - (g) The notice of appeal.
 - (h) The certificate that the transcript has been examined and is correct.
- (11) The date and a short description of each document shall precede it, but formal headings shall not be printed or copied, and jurates, formal identification of exhibits and the like shall be omitted.
- (12) Interrogatories and answers, and affidavits of documents, shall not be copied except so far as they were put in evidence.
- (13) A copy of the transcript shall be examined with the original documents, and all copies shall be corrected.
- (14) The examined copy of the transcript shall be filed in the Central Office with a certificate by the parties or their solicitors that it has been examined and is correct.
- (15) The transcript shall be prepared and produced in a manner satisfactory to the Registrar.

(16) On any appeal or on any application to be heard before the Full Court, unless the Court or a Judge otherwise orders, the appellant or applicant, not less than seven days before the commencement of the sittings at which the appeal or application is set down for hearing, shall lodge at the Central Office five copies of the Appeal Book and such (if any) other copies as the Registrar may require for the use of the Judges upon the hearing of the appeal or application, and shall serve upon each of the respondents separately represented two copies of the Appeal Book.

(17) The costs of the Appeal Book shall be costs in the cause unless the Full Court shall otherwise order.

(18) When the evidence of witnesses is transcribed, there shall appear at the bottom of each page of such evidence the name of the witness, and whether he is examined, cross-examined, re-examined, or re-called.

(19) Only such documents as are relevant or necessary shall be included in the appeal book. The costs of copies of unnecessary documents or of documents copied at unnecessary length will not be allowed.

ORDER LIX.

Rule 10 is amended by adding a proviso as follows:—

Provided that the Registrar may allow an appeal from a Local Court to be entered for hearing before the list and index of documents constituting the record has been settled, if an appointment for that purpose has been applied for or obtained.

ORDER LXIII.

Order LXIII is amended as follows:—

(1) Rules 1, 2 and 2A are rescinded and the following rules substituted:—

1. (1) The sittings of the Full Court and the civil sittings of the Court shall be held at times fixed by Rule of Court, from year to year.

(2) If the day appointed for the commencement of sittings is a day on which the offices of the Court are closed, the sittings shall commence upon the next day on which the offices are open.

2. The Criminal Sittings of the Supreme Court to be held at Perth monthly, except in the month of January, shall commence in each month on the first Tuesday thereof; provided that the day of commencement of any such monthly sittings may, at any time prior to such date, be altered to any other day in the month of such sittings by order of the Chief Justice published in the *Government Gazette*.

- (2) Rule 4 is rescinded and the following rule substituted:—

4. The vacations to be observed in the Supreme Court shall be the Christmas Vacation, the Easter Vacation, and the Winter Vacation. The Christmas Vacation shall commence on the 24th day of December and terminate on the 11th day of February; the Easter Vacation shall commence on Good Friday and terminate on Easter Tuesday, and the Winter Vacation shall commence on a day in June, July or August fixed by Rule of Court, from year to year, and terminate on a day fourteen days after the day so fixed.

(Note: This rule is merely declaratory of an Order in Council dated 24th July, 1963, and gazetted 2nd August, 1963, whereby the vacations of the Supreme Court are regulated.)

- (3) Rule 8 is amended by adding a proviso as follows:—

Provided that the Chief Justice may direct that the offices or any office of the Court shall not be open between 1 p.m. and 2 p.m.

- (4) Rule 13 is rescinded.

Dated this 23rd day of August, 1963.

A. A. WOLFF,
Chief Justice.
L. W. JACKSON,
Senior Puisne Judge.
J. E. VIRTUE,
Puisne Judge.
R. V. NEVILLE,
Puisne Judge.
G. B. D'ARCY,
Puisne Judge.
JOHN HALE,
Puisne Judge.
OSCAR J. NEGUS,
Puisne Judge.

HEALTH ACT, 1911-1962.

Department of Public Health,
Perth, 21st August, 1963.

P.H.D. 2302/59.

HIS Excellency the Lieutenant-Governor and Administrator in Executive Council, acting pursuant to the provisions of the Health Act, 1911-1962, has been pleased to make the regulations set forth in the schedule hereunder.

W. S. DAVIDSON,
Commissioner of Public Health.

Schedule.

Regulations.

- Principal regulations. 1. In these regulations the Midwives Regulations, 1959, published in the *Government Gazette* on the 30th September, 1959, and amended by notice published in the *Government Gazette* on the 13th June, 1962, are referred to as the principal regulations.
- Appendix amended. 2. The Appendix to the principal regulations is amended by substituting for Form No. 2 the following form:—

Form No. 2.

Reg. 13 (f).

Western Australia.
Department of Public Health.
Midwives Regulations.

CASE REGISTER.

Progressive No.....
Date of expected confinement.....
Name and address of patient.....
.....
No. of previous labours and miscarriages.....
Age.....
Date and hour of child's birth.....
Presentation.....
Duration of first, second, third stages of labour.....
.....
Complications (if any) during or after labour.....
.....
Sex of infant..... Born living or dead.....
Full time or premature. No. of weeks.....
Medical practitioner.....
Condition of mother.....
Condition of child.....
*Remarks.....

* If any drugs, other than a simple aperient, have been administered, state here their names, doses, times of administration, and reasons for administration and the stages of labour when given.

HEALTH ACT, 1911-1962.

P.H.D. 209/45.

WHEREAS it is provided by section 343 of the Health Act, 1911-1962, that 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; and whereas Model by-laws described as Series "A" have been prepared and published in the *Government Gazette* on 8th April, 1927, and amended from time to time thereafter, and reprinted pursuant to the Reprinting of Regulations Act, 1954, in the *Government Gazette* on 17th July, 1963; and whereas section 16 of the Health Act, 1911-1962, empowers the Commissioner to exercise and perform all or any of the powers and duties of a local authority in any place which

does not lie within the boundaries of a district: Now, therefore I, William Sharp Davidson, Commissioner of Public Health, hereby adopt the aforesaid Model By-laws as reprinted in the *Gazette* on 17th July, 1963, without modifications to apply throughout the State, except in those portions which are included within the district of a local authority.

Dated at Perth this 8th day of August, 1963.

WILLIAM S. DAVIDSON,
Commissioner of Public Health.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 29th day of August, 1963.

(Sgd.) W. S. LONNIE,
Acting Clerk of the Council.

HEALTH ACT, 1911-1962.

Town of Melville.

P.H.D. 797/61.

WHEREAS under the provisions of the Health Act, 1911-1962, a local authority may make or adopt by-laws and may alter, amend or repeal any by-laws so made or adopted: Now, therefore, the Town of Melville, being a local authority within the meaning of the Act and having adopted the Model By-laws described as Series "A" as reprinted, pursuant to the Reprinting of Regulations Act, 1954, in the *Government Gazette* on the 9th August, 1956, doth hereby resolve and determine that the said adopted by-laws shall be amended as follows:—

PART I.—GENERAL SANITARY PROVISIONS.

After by-law 1B insert a new by-law to stand as by-law 1BA as follows:—

1BA.—Bore-Hole Type Privy.

- (1) Where it is necessary to provide a temporary privy convenience in accordance with the requirements of by-law 1AA, such privy, subject to the approval of the local authority, may be a bore-hole type privy. For the purposes of this by-law a bore-hole privy shall include the pedestal type pan, the slab into which the pan fits and the enclosure.
- (2) Any bore-hole privy installed in accordance with this by-law shall comply with the following conditions:—
 - (a) It shall be a fixture approved by the Commissioner of Public Health in accordance with the requirements of the Health Act (Sewerage, Drainage and Underground Water Supply) Regulations.
 - (b) It shall be installed only in a position approved by an inspector.
 - (c) The bore-hole shall be not less than four feet nor more than eight feet deep and not less than six inches nor more than eight inches diameter.
 - (d) It shall comply with the requirements of by-law 1B, paragraphs 1 (b), (c) and (d).
 - (e) It shall be inspected and approved by the Local Authority Health Inspector before use.
 - (f) It shall be maintained in a clean and fly-proof condition, in sound structural condition and in accordance with the requirements of these by-laws.
 - (g) Before removal from the site or immediately it ceases to be used the privy shall be thoroughly cleansed and the bore-hole filled with clean earth.
- (3) A bore-hole privy shall be installed and used on all premises as required by the local authority after the 30th day of August, 1963, providing it complies with the requirements of these by-laws.

(4) In pursuance of section 110 of the Health Act, 1911-1962, the whole of the local authority district is prescribed as being the area within which provision may be made for the reception of nightsoil below ground by means of a bore-hole type privy.

Passed at a meeting of the Town of Melville this 23rd day of July, 1963.

R. F. CARROLL,
Mayor.

J. E. ELLIS,
Town Clerk.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 21st day of August, 1963.

(Sgd.) W. S. LONNIE,
Acting Clerk of the Council.

HEALTH ACT, 1911-1962.

Narrogin Town Council.

Resolution.

P.H.D. 993/53.

WHEREAS under the provisions of the Health Act, 1911-1962, a local health authority may make or adopt by-laws, and may amend, repeal or alter any by-laws so made or adopted: Now, therefore, the Narrogin Town Council, being a local authority within the meaning of the Act and having adopted the Model By-laws described as Series "A" as reprinted pursuant to the Reprinting of Regulations Act, 1954, in the *Government Gazette* on the 9th day of August, 1956, doth hereby resolve and determine that the said adopted by-laws shall be amended as follows:—

PART I—GENERAL SANITARY PROVISIONS.

1. Amend by-law 4A by adding a further subclause (3) as follows:—

(3) Kitchen facilities as follows: At least one sink, which shall be installed in the kitchen, scullery or other room usually used for the purpose of washing domestic dishes and utensils, and which sink shall have the following characteristics:—

- (i) It shall be properly supported so that the height of the top of the front edge of the sink shall be between thirty-four (34) inches and thirty-nine (39) inches above floor level.
- (ii) It will be provided with a drainage board or boards integral with or affixed thereto.
- (iii) The draining board or boards shall have an impervious upper surface which shall be so constructed and installed that water falling thereon shall drain into the sink.

2. After by-law 4B of Part I add a new by-law 4C as follows:—

4C. In relation to cooking facilities to be provided in houses or public places in accordance with the provisions of section 99 of the Health Act, the following provisions shall apply:—

- (1) Every house used for human habitation shall be provided with—
 - (a) a wood or solid fuel stove, which shall have hot plate surface area of at least one and one-half square feet and oven space of at least one cubic foot, which shall be properly installed to provide for the escape of smoke through a properly constructed brick, iron, asbestos, cement or other approved chimney; or
 - (b) an electric cooker which shall have hot plate surface area of at least 100 square inches, and oven space of at least one cubic foot; or

- (c) a gas or oil fuel stove, which shall have at least two main cooking burners and oven space of at least one cubic foot.

Where a stove operated by gas or any type of oil fuel is installed, it shall be provided with a properly constructed hood attached to a flue of at least 24 square inches in sectional area, which shall conduct the waste products of combustion to the outside air without creating a nuisance.

And where in any house common cooking facilities are used by more than two separate family units, a separate stove shall be provided for each two family units.

- (2) The stove or stoves provided in accordance with paragraph (1) hereof and all brickwork, chimney or flues, recesses and other parts thereof shall at all times whilst such house is occupied or used, or available for occupation or use, be kept and maintained in good order and condition and properly repaired and fit for use.

Passed at a meeting of the Town of Narrogin this 9th day of July, 1963.

[L.S.]

T. N. HOGG,
Mayor.

G. STEWART,
Town Clerk.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 29th day of August, 1963.

(Sgd.) W. S. LONNIE,
Acting Clerk of the Council.

HEALTH ACT, 1911-1960.

Shire of Perth.

Amendment to Consolidated Health By-laws.

P.H.D. 1156/62. Pt. 1.

THE Shire of Perth, being a local authority under the provisions of the Health Act, 1911-1960, doth hereby, under and by virtue of the powers conferred upon it in that behalf by the said Act and all other powers enabling it, make and publish the following by-law:—

The by-laws of the Shire of Perth published in the *Government Gazette* of the 30th May, 1961, are hereby amended in the following manner:—

After by-law 8 the following new by-law is inserted:—

Cleansing of Utensils Used in Food Preparation.

8A. The owner of every premises in which food is prepared for sale packed or weighed shall provide and maintain a hot water installation and sink facilities adequate for the thorough cleansing of all vessels and utensils used in the preparation, packing or weighing of the food.

Dated this 2nd day of July, 1963.

The Common Seal of the Shire of Perth was hereunto affixed by authority of a resolution of the Council in the presence of—

[L.S.]

HERBERT R. ROBINSON,
President.

LLOYD P. KNUCKEY,
Shire Clerk.

Approved by His Excellency the Lieutenant-Governor and Administrator of Western Australia in Executive Council this 21st day of August, 1963.

(Sgd.) W. S. LONNIE,
Acting Clerk of the Council.

HEALTH ACT, 1911-1962.

Shire of Wyndham-East Kimberley.

P.H.D. 514/61.

WHEREAS under the provisions of the Health Act, 1911-1962, a local authority may make or adopt by-laws and may alter, amend or repeal any by-laws so made or adopted: Now, therefore, the Shire of Wyndham-East Kimberley, being a local authority within the meaning of the Act and having adopted the Model By-laws described as Series "A" and reprinted, pursuant to the Reprinting of Regulations Act, 1954, in the *Government Gazette* on 9th August, 1956, and further amended the said adopted by-laws as set out by notice, published in the *Government Gazette* on 30th January, 1962, doth hereby resolve that the said adopted by-laws shall be amended as follows:—

PART I.—GENERAL SANITARY PROVISIONS.

By-law 1C is revoked and a new by-law is inserted as follows:—

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

Every house constructed in the portion of the district, being the townsite of Wyndham, as defined under the Land Act, 1933, after the coming into operation of this by-law, shall be provided by the owner of that house with an apparatus for the bacteriolytic treatment of sewage before it is occupied or used.

Passed at a meeting of the Wyndham-East Kimberley Shire Council this 16th day of July, 1963.

R. SARGENT,
President.

G. GAUNT,
Shire Clerk.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 21st day of August, 1963.

(Sgd.) W. S. LONNIE,
Acting Clerk of the Council.

TRAFFIC ACT, 1919-1958.

Shire of Kalamunda.

Speed Limit By-law.

THE Kalamunda Shire Council, 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 Municipality of the Shire of Kalamunda:—

A person shall not drive any vehicle at a speed exceeding 35 miles per hour along those portions of William Street (road No. 186) (between Welshpool Road and Abernethy Road), Abernethy Road (road No. 2715) (between Welshpool Road and William Street), Welshpool Road (road No. 2977) (between William Street and Boundary Road), Hale Road (road No. 1838) (between Abernethy Road and Hawtin Road), Hawtin Road (road No. 5643) (between Hale Road and the southern limit of 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. Gross Weight	Column 2. Maximum Speed Limit m.p.h.
(i) Exceeding 3 tons but not exceeding 7 tons	35
(ii) Exceeding 7 tons but not exceeding 20 tons	30
(iii) Exceeding 20 tons	25

Provided also that a person shall not drive a motor car, motor wagon or tractor (whether prime mover 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. Gross Weight	Column 2. Maximum Speed Limit m.p.h.
(i) Up to but not exceeding 3 tons	35
(ii) Exceeding 3 tons but not exceeding 7 tons	35
(iii) Exceeding 7 tons but not exceeding 20 tons	30
(iv) Exceeding 20 tons	25

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 Kalamuda Shire Council this 17th day of June, 1963.

[L.S.]

RAY C. OWEN,
President.

P. A. MORAN,
Shire Clerk.

Recommended—

(Sgd.) J. F. CRAIG,
Minister for Traffic.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 21st day of August, 1963.

(Sgd.) W. S. LONNIE,
Acting Clerk of the Council.

JETTIES ACT, 1926-1957

Public Works Department,
Perth, 26th August, 1963.

HIS Excellency the Lieutenant-Governor and Administrator in Executive Council, acting pursuant to the powers conferred by the Jetties Act, 1926-1957, has been pleased to make the regulations set forth in the schedule hereunder.

J. McCONNELL,
Under Secretary for Works.

Schedule

Regulations

Principal
regulations.

1. In these regulations the Jetties Act Regulations, 1940, as reprinted pursuant to the Reprinting of Regulations Act, 1954, and published as so reprinted in the *Government Gazette* on the 1st August, 1961, with all amendments to and including those appearing in the *Government Gazette* on the 28th September,

1960, and amended from time to time thereafter by notices published in the *Government Gazette*, are referred to as the principal regulations.

Reg. 67A
amended.

2. Regulation 67A of the principal regulations is amended—

- (a) by substituting for the passage, "liquids derived from petroleum, coal and shale" in line two of paragraph (1) the passage, "inflammable liquid, liquids derived from petroleum, coal or shale and liquids having a flash point less than 150 deg. Fahrenheit";
- (b) by deleting the words, "and also at the shore end of the wharf" in the last line of paragraph (10) and by adding to that paragraph the passage, "Where required by the Department an approved non-return valve shall be placed in the pipe line at the shore end of the wharf or at the shore end of a submarine pipe line. Subject to the approval of the Department the requirement of a non-return valve at the seaward end of the pipe line may be dispensed with, if the distance from the outer or seaward end of the line to the non-return valve on shore does not exceed 50 feet.

In special circumstances, and as approved in writing by the Department, a non-return valve may be by-passed by the installation of a rising spindle gate valve connected to an approved branch line for "Go-Devil" or product separation device operation and back loading. This valve must be kept closed and locked except when the pipe line is to be cleared of contents or back loading is taking place or the operations are such as to require insertion of a product separation device.";

and

- (c) by adding immediately after the passage, "Department," in the last line of paragraph (12) the passage, "A suitably designed cathodic protection system may be accepted for the purpose of this paragraph."

Reg. 67B
amended.

3. Regulation 67B of the principal regulations is amended—

- (a) by substituting for the passage, "petroleum, coal and shale" in lines two and three of subparagraph (a) of paragraph (3) the passage, "inflammable liquid, liquids derived from petroleum, coal or shale and liquids having a flash point less than 150 deg. Fahrenheit";
- (b) by substituting for the passage, "petroleum, coal and shale" in line two of paragraph (4) the passage, "inflammable liquid, liquids derived from petroleum, coal or shale and liquids having a flash point less than 150 deg. Fahrenheit";
- (c) by substituting for the passage, "petroleum, coal and shale having a flash point of over 150 deg. Fahrenheit" in lines two, three and four of paragraph (5) the passage, "inflammable liquid, liquids derived from petroleum, coal or shale and liquids having a flash point less than 150 deg. Fahrenheit";
- (d) by adding immediately after the word, "longer" being the last word in paragraph (9) the passage, " , but, where a change of grade of inflammable liquid is made by face to face pumping or short water plug separation the velocity need not be so restricted"; and
- (e) by adding immediately after the word, "Fahrenheit" being the last word in paragraph (23) the words, "or any pipe line provided it is patrolled to the satisfaction of the Department".

Appendix I
amended.

4. Appendix I to the principal regulations is amended by substituting for the Schedule of Wharfage Dues, Handling and Haulage Charges on Inwards and Outwards Cargo relating to the port of Esperance the following schedule:—

ESPERANCE

Schedule of Wharfage Dues and Handling Charges on Inwards and Outwards Cargo

Description of Goods	Wharfage Dues	Handling Charges Subject to variation. * See notes following Schedule	
		£ s. d.	£ s. d.
All goods for which other specific rates are not provided—per ton	13 6	1 0 0	
Bicycles, Tricycles, etc.—each	4 0	2 0	
Bullion and Specie—per box or bar	7 0	4 0	
Caneware—			
Lounges and Settees—each	2 0	1 8	
Chairs, Tables, etc.—each	1 0	1 8	
Coal (in bags)—per ton	4 6	1 0 0	
Coal (loose), if landed by basket—per ton	4 6	6 0	
Coke—per ton	3 6	1 0 0	
Copper Matte—per ton	3 6	12 0	
Empty Returns—per ton	5 0	14 0	
Explosives—per ton measurement	7 6	1 0 0	
Explosives (minimum)	7 6	10 0	
Flint Stones and Metal Balls used for mine milling purposes—per ton	4 0	1 0 0	
Flour, Bran and Pollard—per ton of 2,000	10 0	1 0 0	
Grain (except Wheat)—outward only per ton	Free	1 0 0	
Hides, raw and loose—each	3	8	
Hide, raw, in bags—per bag	13 6	2 0	
Kapok, Fibre and like material—per ton measurement	7 6	1 0 0	
Lead Concentrates—per ton	4 0	12 0	
Manures—per ton	2 6	14 0	
Material (in crude form for the manufacture of artificial manure and acids such as Rock Phosphate, Phosphatic Guano, Sulphur and Sulphur bearing ores, etc.) in bulk cargoes and landed loose			
(i) if landed by tubs or baskets—per ton	2 9	3 8	
(ii) if landed by grab skip—per ton	2 9	1 8	
Meats, frozen or chilled—in carcase form—per ton	10 0	1 0 0	
Minerals, metallic and earthy, metallurgical products mined in the State—per ton—			
(a) in containers	3 6	6 0	
(b) loose	3 6	9 0	
(c) copper concentrates	1 6	†2 6	
gypsum	1 6	†3 6	
magnesite	1 6	†3 6	
Motor Cars—per ton	13 6	2 0 0 ea.	
Motor Cars, Utilities, Trailers and Caravans for conveyance of passengers and/or personal effects only used and uncased, and on own wheels—each	1 0 0	14 0	
Motor Cycles—each	6 6	1 0 0	
Naphtha and Benzine—per ton	13 6	1 0 0	
Oils and Greases—per ton	13 6	1 0 0	
Oil and Inflammable Liquids (Fuel, lighting or lubricating), pumped ashore in bulk by means of wharf pipe line—per ton of 250 gallons	11 0		
Passenger's Baggage, trucked—per package		1 0	
Salt—outward only—per ton	1 0	14 0	
Sandalwood—per ton	4 6	14 0	
Skins in bales or bundles—per bale or bundle	1 3	4 0	
Tiles and Slates—per ton	7 0	1 0 0	
Timber—per ton	5 0	1 0 0	
Vehicles and Agricultural Implements mounted on own wheels—per ton weight	14 0	16 0 ea.	
Vehicles and Agricultural implements unmounted—per ton weight	14 0	14 0	
Wheat—outward only—per ton	5 0	5 4	
Wool, in bales—per bale	2 0	†1 6	
Wool, in packets or bags—per pocket or bag	9	†2 0	
Live Stock—Bulls, Bullocks, Cows, Steers, Heifers, Horses and Donkeys—each	3 6	6 0	
Calves, Foals and Dogs—each	2 6	2 0	
Pigs—each	2 6	1 0	
Sheep and Goats—each	6	6	
Other—each		2 0	
Animals or Poultry, in cages or crates—at per ton of 40 cub. ft. of cage or crate	7 0	14 0	
Minimum charges—per consignment	2 0	1 0	

† Not subject to increases in handling rates as set out hereunder.

‡ Per handling.

** Handling Charges :*

- (a) All rates of handling charges shall for each complete penny variation in the ordinary hourly rate of pay to waterside workers be increased or decreased as the case may require by one per centum—On and from 22nd April, 1963 the increase to be added to the handling charges is 31 per centum.
- (b) Australian Stevedoring Industry Authority Levy : On and from 1st April, 1962 the surcharge as per regulation 10B (1) (b) hereof to be added to handling charges is 22½ per centum.

Haulage Charges :

The rates of charges set down in the Schedule do not include haulage or other charges levied by the Railways Commission.

Haulage charges at rates levied by the Railways Commission will be collected by Harbour and Light Department.

Berthage Dues :

- (a) All vessels exceeding 300 tons gross register using the jetty for loading or discharging cargo shall pay berthing dues at the following rates :—
9d. per ton on all cargo landed or shipped.
Minimum, £3 10s. per day of 24 hours or part thereof.
Vessels not exceeding 300 tons gross register shall pay berthing dues as above but the minimum to be imposed on such vessels shall be £2 10s. per day of 24 hours or part thereof.
Fishing boats not exceeding 50 tons gross register—10s. per week.
Ships' boats—4s. per day of 24 hours or part thereof.
Small motor boats or fishing vessels, no berthing dues.
Vessels of war of any nationality and vessels owned by the Government of Her Britannic Majesty's States or Dominions, provided such vessels are not engaged in trade or carrying goods under freight or charter on presentation of certificate from the Master or Department concerned, no berthing dues.
- (b) Coal hulks, tugs, and dredges—£14 10s. per annum. Launches for public hire—£7 10s. per annum. These fees are payable half-yearly in advance, on the 1st day of January and the 1st day of July.
Hulks, tugs, and other non-seagoing vessels shall not be allowed to occupy berths when vessels with cargo or passengers require same.
- (c) In the case of vessels using the jetty, but not loading or discharging cargo, the following berthage dues are to be paid :—
Vessels of 300 tons gross register and over—£3 10s. per day of 24 hours or part thereof.
Vessels of less than 300 tons gross register—£2 5s. per day of 24 hours or part thereof.
Fishing boats not exceeding 100 tons gross register, when taking stores only (including ice), 6s. per day of 24 hours or part thereof.

Harbour Improvement Berthage Dues :

A special harbour improvement berthing due of 9d. per ton on all cargo landed or shipped shall be payable in addition to charges provided for above, by all ships (including coasters, overseas and interstate vessels) using any wharf.

Lighting Jetty :

Four shillings per hour including approach lights.
Approach lights only 2s. per hour.

Fresh Water :

Supplied to ships 11s. 9d. per 1,000 gallons.

Ships' Stores :

Stores for the consumption of vessel by which shipped are free of wharfage dues, but handling charge shall be payable at ordinary cargo rates according to services rendered.

Cylindrical Cargo :

Manifested on square measurement shall for the purpose of wharfage dues and handling charges be reduced by one-fifth.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the City of Perth.

By-law No. 75—Swimming Pool at City of Perth Aquatic Centre,
Beatty Park—Amendment.

By-law Relating to Baths.

L.G. 799/62.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 15th day of July, 1963, to make and submit for confirmation by the Governor the following amendment to by-law No. 75:—

That clause 31 thereof be amended by adding at the end thereof—

Provided that during the period 1st May to 1st September inclusive the following charges for admission shall apply:—

	s.	d.
All persons over the age of 14 years—each	1	0
Children under the age of 14 years—each		6

Dated the 23rd day of August, 1963.

The Common Seal of the City of Perth was
hereunto affixed in the presence of—

[L.S.]

A. C. CURLEWIS,
Deputy Lord Mayor.
W. A. McI. GREEN,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator
in Executive Council this 29th day of August, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the City of Subiaco.

By-laws Relating to Buildings.

L.G. 759/62.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 28th day of May, 1963, to repeal the following by-laws and submit to the Governor for approval:—

- (a) Building By-law No. 2, Gazetted on the 12th December, 1952.
- (b) Residential Flat Building By-law No. 4, Gazetted on the 3rd August, 1951.

Dated the 17th day of July, 1963.

The Common Seal of the Council of the City of
Subiaco was hereto affixed in the presence of:

[L.S.]

J. H. ABRAHAMS,
Mayor.
G. O. EDWARDS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in
Executive Council this 29th day of August, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Town of Albany.

Adoption of Draft Model By-laws Relating to Street Lawns and Gardens.

L.G. 595/63.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 8th day of July, 1963, to adopt Draft Model By-laws published in the *Gazette* of the 7th day of February, 1963:—

Local Government Model By-laws (Street Lawns and Gardens) No. 11.

The whole of the by-laws.

Dated this 19th day of August, 1963.

The Common Seal of the Town of Albany was hereunto affixed by authority of a resolution of the Council in the presence of—

[L.S.]

C. JOHNSON,
Mayor.
F. BRAND,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 29th day of August, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Town of York.

Adoption of Draft Model By-laws No. 10 Relating to Petrol Pumps.

L.G. 531/63.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 12th day of August, 1963, to adopt the Draft Model By-laws published in the *Government Gazette* of 16th day of January, 1963, as are here set out:—

Local Government Model By-laws (Petrol Pumps) No. 10.

The whole of the by-laws are adopted without amendment.

Dated the 16th day of August, 1963.

[L.S.]

P. M. A. GLASS,
Mayor.
C. J. ASHBOLT,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 29th day of August, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Cockburn.

Adoption of Draft Model By-law (Storage of Inflammable Liquid), No. 12.

L.G. 418/63.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 24th day of July, 1963, to make and submit for confirmation by the Governor the following by-law:—

To adopt the whole of the Draft Model By-laws (Storage of Inflammable Liquid) known as Local Government Model By-laws (Storage of Inflammable Liquid), No. 12 published in the *Government Gazette* of the 29th day of May, 1963.

Dated the 26th day of July, 1963.

[L.S.]

J. H. COOPER,
President.
E. L. EDWARDES,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 29th day of August, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Cockburn.

Adoption of Local Government Model By-laws (Signs, Hoardings and Billposting), No. 13.

L.G. 419/63.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 24th day of July, 1963, to make and submit for confirmation by the Governor the following by-law:—

To adopt the whole of the Draft Model By-laws (Signs, Hoardings and Billposting) known as Local Government Model By-laws (Signs, Hoardings and Billposting), No. 13, published in the *Government Gazette* of the 11th day of June, 1963.

Dated the 26th day of July, 1963.

[L.S.]

J. H. COOPER,
President.
E. L. EDWARDES,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 29th day of August, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960-1962.

The Municipality of the Shire of Belmont.

Adoption of Draft Local Government Model By-laws (Petrol Pumps) No. 10.
L.G. 604/63.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Belmont records having resolved on the 22nd day of July, 1963, to adopt and submit for confirmation by the Governor, Local Government Model By-laws (Petrol Pumps) No. 10 which was published in the *Government Gazette* on the 16th January, 1963.

Dated this 23rd day of July, 1963.

The Common Seal of the Shire of Belmont was hereunto affixed pursuant to a resolution of the Council in the presence of—

[L.S.]

B. CLAYDEN,
President.
W. G. KLENK,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 29th day of August, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960-1962.

The Municipality of the Shire of Dandaragan.

Adoption of Draft Model By-laws Relating to Petrol Pumps No. 10.
L.G. 568/63.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 20th day of April, 1963, to adopt such Draft Model By-laws published in the *Gazette* of the 16th day of January, 1963:—

Local Government Model By-laws (Petrol Pumps) No. 10.

The whole of the by-law.

Dated the 14th day of August, 1963.

The Common Seal of the Shire of Dandaragan was hereto affixed this 14th day of August, 1963.

[L.S.]

M. E. ROBERTS,
President.
A. D. CAMERON,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 29th day of August, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Wanneroo.

Adoption of Draft Model By-Laws Relating to Standing Orders.

L.G. 305/63.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 13th day of May, 1963, to adopt such of the Draft Model By-Laws published in the *Government Gazette* on the 12th December, 1961, and amendments published in the *Government Gazette* on the 25th January, 1962, and 8th May, 1962, and with such alterations as are here set out:—

1. Throughout the by-laws where the word "Mayor" appears, it shall be substituted with the word "President".
2. Rule 88 (2). After the words "Mayor and" add the word "four" before the word "Councillors".
3. Rule 93, second line. Insert after the words "less than" the word "three" before the word "members".

Dated the 14th day of August, 1963.

The Seal of the Shire of Wanneroo was hereunto affixed by authority of a resolution of the Council in the presence of—

[L.S.]

E. CRISAFULLI,
President.
S. R. HARDWICKE,
Acting Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 29th day of August, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Cockburn.

Adoption of By-law Relating to Animals and Vehicles on Roads and the Deposit of Rubbish and Other Materials on Streets and Public Places.

L.G. 397/63.

IN pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 10th day of July, 1963, to make and submit for confirmation by the Governor the following by-law:—

1. (a) In this by-law—
 - "Act" means the Local Government Act, 1960;
 - "appointed place" means a yard or other piece of land set aside as a place to which obstructing vehicles may be removed pursuant to this by-law;
 - "authorised person" means a person appointed by the Council to seize animals or vehicles pursuant to this by-law;
 - "public place" has the meaning given it by the Act.
- (b) An animal that is secured in any portion of a public place wherein animals may lawfully be secured and a vehicle that is parked in any portion of a public place wherein vehicles may lawfully be parked is not obstructing for the purposes of this by-law, unless, in the case of an animal, it is so secured

for any period exceeding eight hours and, in the case of a vehicle, it is so parked for any period exceeding twenty-four hours, without the consent in writing of the Clerk of the Council.

2. No person shall without the written authority of the Council commit any of the following acts:—

- (a) Leave an animal or vehicle or any part of a vehicle in a public place so as to obstruct any portion of that place.
- (b) Break up, damage, or destroy any street, way, footpath or other public place.
- (c) Throw, place or deposit any obstruction, box, case, crate, bottle, coal, timber, brick or other material on or in any public place.
- (d) Throw, place or deposit any rubbish, vegetable substance, garden clippings or any offensive noxious or dangerous substance or utensils or glass or any litter on any public place.
- (e) Light any fire or burn any rubbish or material on any public place.
- (f) Fell any tree on or across any public place.
- (g) Cause any obstruction to or prevent vehicles or persons having the free or unhindered use of any street, way, or footpath.
- (h) Cause or permit any water from a hose or sprinkler to interfere with the use of any street, way or footpath by pedestrians.

3. The Council may appoint a person as an authorised person for the purposes of this by-law.

4. The Council may appoint a yard or other piece of land as a place to which vehicles may be removed pursuant to this by-law and shall give notice in the *Gazette* and in a newspaper circulating within its district of the situation of any appointed place.

5. Where an authorised person or a member of the Police Force finds an animal or vehicle left in a public place, contrary to the provisions of clause 2 (a) of this by-law, he may remove the animal or vehicle therefrom and shall thereupon—

- (a) in the case of an animal, place it in a public pound;
- (b) in the case of a vehicle, place it in an appointed place.

6. Where an authorised person places an animal in a public pound, pursuant to clause 5 of this by-law, the animal shall thereafter be dealt with according to law.

7. Where an authorised person places a vehicle in an appointed place, pursuant to clause 5 of this by-law, he shall enter in a register to be provided by the Council for that purpose, details of the time and date, a description of the vehicle, and of the place from which it was removed; and shall notify the Clerk of the Council.

8. The Clerk of the Council shall exhibit on the Notice Board of the Council a notification that a vehicle therein described has been placed in the appointed place and shall, unless the vehicle is sooner recovered, keep that notifications exhibited for a period of not less than seven days.

9. A person may recover a seized vehicle from an appointed place, by paying to the Clerk of the Council—

- (a) the cost incurred by the Council in removing the vehicle thereto; and
- (b) the sum of ten shillings per day for each day or part of a day that the vehicle has remained in the appointed place; and upon payment of that cost and charge the Clerk, if satisfied that the person is the owner of the vehicle or is a person entitled to possession of the vehicle, shall permit him to remove it.

10. Where a vehicle, placed in an appointed place, in accordance with the provisions of this by-law has not been recovered by the owner or a person entitled thereto within one month from the day upon which it was there placed the Council may cause the vehicle to be offered for sale by public auction or by public tender and thereupon accept the best offer made; and where no offer is made for the purchase of the vehicle, the Council may cause it to be destroyed.

11. A person is not entitled to any claim, by way of damages or otherwise, against the authorised person, member of the Police Force, or the Council in respect of any vehicle or animal seized and dealt with under the provisions of this by-law or against any person who purchases a vehicle sold by the Council under the provisions of clause 10 of this by-law.

12. (1) The proceeds of the sale of a vehicle under the provisions of clause 10 of this by-law shall be applied by the Council—

(a) firstly, in meeting the costs of the sale; and

(b) secondly, in meeting the cost of removal of the vehicle to the appointed place, and a sum of ten shillings for each day or part of a day that the vehicle remained in that place; and those sums shall be paid into the Municipal Fund.

(2) Any surplus of the proceeds of the sale shall be paid by the Council into its trust fund, and may be paid within ten years to any person who satisfies the Council that he was the owner of the vehicle at the time of its sale by the Council.

13. Where any tree, rubbish, bottle, clippings, or other material of any kind has been deposited on, or any excavation has been made in or on, or any injury has been caused to the surface of, or any obstruction has been caused to prevent vehicles or persons having the free or unhindered use of any street, way, footpath, or other public place in contravention of this by-law the Council may remove such deposit or obstruction and/or may reinstate such street, way, footpath or other public place at the expense of the person or persons responsible for such deposit, excavation or injury and may recover the amount of the expense from such person or persons in a Court of competent jurisdiction in addition to any penalty for which such person or persons may be liable under this by-law.

14. Any person committing a breach of this by-law shall be guilty of an offence and liable on conviction to a penalty not exceeding £50.

Dated the 15th day of July, 1963.

[L.S.]

J. H. COOPER,
President.
E. L. EDWARDES,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 29th day of August, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

STATE HOUSING ACT, 1946-1961.

State Housing Commission,
Perth, 29th August, 1963.

HIS Excellency the Lieutenant-Governor and Administrator in Executive Council, acting pursuant to the powers conferred by the State Housing Act, 1946-1961, has been pleased to make the regulations set forth in the schedule hereunder.

(Sgd.) A. D. HYNAM,
General Manager, State Housing Commission.

Schedule. Regulations.

Principal regulations.

1. In these regulations the State Housing Act Regulations published in the *Government Gazette* on the 12th August, 1949, and amended from time to time thereafter, by notices published in the *Government Gazette*, are referred to as the principal regulations.

Reg. 39 amended. 2. Regulation 39 of the principal regulations is amended by substituting for the word, "three" in line one, the word, "two."

Reg. 42 substituted. 3. The principal regulations are amended by substituting for regulation 42 the following regulation:—

42. (1) The Common Seal of the Commission shall bear the name of the Commission together with a device approved by it.

(2) The Common Seal shall remain in the custody of the Chief Administrative Officer of the Commission.

(3) The Common Seal shall not be affixed to any document except pursuant to a resolution of the Commission and then only in the presence of the Chairman and an Administrative Officer appointed by the Commission in that regard.