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[1958.

SUPREME COURT ACT, 1935-1957.

Crown Law Department,
Perth, 25th February, 1958.

THE following Order as to Supreme Court Fees is published for general information.

R. C. GREEN,
Under Secretary for Law.

AMENDMENT OF ORDER AS TO SUPREME COURT FEES, 1948.

WE, The Honourable Sir John Patrick Dwyer, Chief Justice, the Honourable Albert Asher Wolff, Senior Puisne Judge, and 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, with the concurrence of the Honourable Albert Redvers George Hawke, Treasurer of the State, do hereby in pursuance of the Supreme Court Act, 1935-1957, and all other powers enabling us in this behalf, order and direct that the Scale of Fees and Percentages contained in the First Schedule to the Order as to Supreme Court Fees, 1948, published in the *Government Gazette* on the 29th day of October, 1948, as amended by the Orders published in the *Government Gazette* on the 9th day of December, 1949, the 28th day of September, 1951, and the 16th day of July, 1954, be further amended as follows:—

1. Fees No. 77, 78, 81, 129, 141, 142, 143 and 145 are repealed, and the following items are inserted in lieu thereof:—

| | £ | s. | d. | |
|---|---|----|----|------------|
| 77. For an office copy—per folio | 1 | 6 | | Schedule B |
| 78. For plain copies or for engrossing documents—per folio | 1 | 3 | | Schedule B |
| For carbon copies—per folio | | 9 | | Schedule B |
| 81. For a copy of evidence, or of reasons for a judgment—per folio | 1 | 3 | | Schedule B |

| | £ | s. | d. | |
|--|----|----|----|------------|
| 129. Certifying an exemplification, or a copy of a probate or administration | 1 | 1 | 0 | Schedule B |
| 141. On every application made under section 59 of the Act | 1 | 0 | 0 | Schedule B |
| 142. For drawing any grant of probate or letters of administration, with or without the will, or preparing an exemplification—per folio | 2 | 0 | | Schedule B |
| And in addition the fees prescribed for preparing a copy of the will. | | | | |
| 143. Engrossing a probate or letters of administration with or without the will annexed including the special paper per folio | 1 | 6 | | Schedule B |
| With a minimum of | 7 | 6 | | Schedule B |
| And in addition the fees prescribed for preparing a copy of the will. | | | | |
| Note: Fees Nos. 142 and 143 do not apply in the case of personal applications under section 55 of the Act. | | | | |
| 145. Perusing and settling affidavits and other documents, and drafts of grants—for each document settled | 10 | 0 | | Schedule B |

2. Immediately after Fee No. 136 the following heading and fees are inserted—

Photographic Copies made in the Registry.

| | s. | d. | |
|---|----|----|------------|
| 136A. For making a photographic copy of any will or codicil to be annexed to a grant of probate or administration— | | | |
| For the first page | 10 | 0 | Schedule B |
| For other pages, per page | 5 | 0 | Schedule B |
| 136B. For all other copies of the Will or codicil and for all other photographic copies of documents, per page | 5 | 0 | Schedule B |
| Note: Photographic copies required in personal applications under section 55 of the Act are covered by Fee No. 137. | | | |
| 136C. Marking a photographic copy as an office copy | 2 | 6 | Schedule B |

3. Fee No. 144 is repealed

4. This Order shall come into force on the day following the publication thereof in the *Government Gazette*.

Dated this 24th day of February, 1958.

J. P. DWYER,
Chief Justice.
A. A. WOLFF,
Senior Puisne Judge.
L. W. JACKSON,
Puisne Judge.
J. E. VIRTUE,
Puisne Judge.
R. V. NEVILLE,
Puisne Judge.

I concur in the above Order.

A. R. G. HAWKE,
Treasurer.

ADMINISTRATION ACT, 1903-1956.

Crown Law Department,
Perth, 25th February, 1958.

THE following amendments to the Probate and Administration Rules are published for general information.

R. C. GREEN,
Under Secretary for Law.

ADMINISTRATION ACT, 1903-1956.

Amendment of the Probate and Administration Rules.

THE Honourable Sir John Patrick Dwyer, Chief Justice, the Honourable Albert Asher Wolff, Senior Puisne Judge, and 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, 1903-1956, the Supreme Court Act, 1935-1957, 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, 1903-1956) in the manner hereinafter mentioned, and direct that the said amendments shall come into force on the publication thereof in the *Government Gazette*.

New rules are added after Rule 61 as follows:—

62. With every application for probate or administration, with or without the will annexed, the applicant shall lodge in the Registry for settling, a draft of the grant in its anticipated form. The settled draft and a clear copy thereof shall be returned to the Registry with the engrossment of the grant, and shall be kept on the Court file.

63. (1) Every applicant for a grant of probate or of letters of administration with the will annexed shall on lodging in the Registry the engrossment of the grant, lodge for annexing thereto, a copy of the original will and codicils (if any) as admitted to probate, and also two copies of such will and codicils for record purposes.

(2) The copies required by this Rule to be lodged, and all certified and office copies of grants, and all copies of wills and other documents filed in the Registry, shall unless otherwise directed by the Master, be photographic copies made in the Registry.

(3) This Rule shall apply *mutatis mutandis* to an order to administer the estate of a deceased person dying testate, made under section 10 of the Public Trustee Act, 1941-1953.

(4) This Rule and the last preceding Rule shall not apply to applications for probate or administration made direct to the Master or the district agent of the Master under section 55 of the Act.

64. (1) If the Master considers that a will or other document required to be copied for the purpose of grant, sealing, or record is unsuitable for photography, he may require an engrossment of the document, suitable for photographic reproduction to be lodged.

If some of the documents intended to form part of the Probate or Letters of Administration are not suitable for photography the Master may require a copy of the whole of the documents to be made and lodged for that purpose.

(2) Where a will or codicil contains alterations not admissible to proof, an engrossment of the will or codicil in the form in which it is proved, shall be lodged.

(3) An engrossment lodged pursuant to this Rule shall reproduce the punctuation, spacing and division into paragraphs of the will, and shall be legibly and clearly typewritten in pica type on one side only of foolscap paper of durable quality with a quarter margin and not less than a quarter of an inch between each line.

(4) If a will or codicil, or any part thereof be written in pencil, there shall be lodged a facsimile copy of the will or codicil, in which the pencil writings in the original shall be reproduced in red ink. Such copy may be made on foolscap paper, and shall be kept on the file.

65. (1) Probates and Administrations lodged for resealing shall include an authentic copy of the will and codicil (if any) to which the grant relates, or shall be accompanied by a copy thereof certified as correct by or under the authority of the Court by which the grant was made.

(2) The person producing such grant for resealing shall also lodge for record purposes two copies of such will, codicil and grant.

(3) The copies required by sub-rule (2) shall, unless otherwise directed by the Master, be photographic copies made in the Registry.

Dated this 24th day of February, 1958.

J. P. DWYER,
Chief Justice.

A. A. WOLFF,
Senior Puisne Judge.

L. W. JACKSON,
Puisne Judge.

J. E. VIRTUE,
Puisne Judge.

R. V. NEVILLE,
Puisne Judge.

BUNBURY HARBOUR BOARD ACT, 1909-1928.

Amendment of Regulations.

Resolution.

THE Bunbury Harbour Board, acting pursuant to section 61 of the Bunbury Harbour Board Act, 1909-1928, hereby amends in the manner mentioned in the Schedule hereunder, the regulations made by the said Board under and for the purposes of the said Act, and published in the *Government Gazette* of the 26th day of November, 1909, and amended from time to time thereafter by notices published in the *Government Gazette*.

Schedule.

The abovementioned regulations are amended as follows:—

No. 104—Outwards Cargo.

Regulation No. 104 of the principal regulations is amended by substituting for the whole of the sub-items (a) and (b) of the item "Minerals—Metallic and Earthy and Metallurgical Products, mined in the State—" as specified in the first column of the table and for the respective wharfage and handling charges relating thereto specified in the second, third and fourth columns of the table, the following sub-items and charges relating thereto:—

| | Wharfage. | Handling Charges. | Delivered direct from Railway Wagons to Ship's Slings—Board supplies Labour at Ship's side, only |
|---------------------------|-----------|-------------------|--|
| | s. d. | | |
| (a) In containers—per ton | 3 6 | — | — |
| (b) Loose—per ton | 3 6 | — | — |

Adopted and passed by a resolution of the Bunbury Harbour Board members at a meeting of the said members on the 5th day of November, 1957.

The common seal of the Bunbury Harbour Board was at the same time affixed and impressed by order and in the presence of—

[L.S.]

W. E. MCKENNA,
Chairman.
E. D. McDOWELL,
Member.
C. DONALDSON,
Secretary.

MUNICIPAL CORPORATIONS ACT, 1906-1956.

Municipality of Northam.

By-law No. 62—Swimming Pool By-laws.

L.G. 15/58.

A By-law of the Municipality of Northam made under Section 180 (4A) of the Municipal Corporations Act, 1906-1956, and Numbered 62 for Regulating the General Management of the Northam Swimming Pool.

IN pursuance of the powers conferred by the said Act, the Mayor and Councillors of the Municipality of Northam order as follows:—

By-law No. 62—Swimming Pool By-laws.

1.

In these by-laws, subject to the context—

- (a) "Pool premises" mean and include any fencing, turnstiles, dressing rooms, shower recesses, spectators' stands and seating, lavatories, or other structures erected for the use and convenience of persons using the pool and includes the swimming pool itself.

- (b) "Pool" means the swimming pools and the water therein, spring boards, diving platforms and ladders descending to the water.

2.—Hours of Admission.

The pool premises shall, from the month of October to the month of April, both inclusive, be open daily between the hours of 6.30 a.m. and 10.30 p.m., subject to closure for meals and other purposes as the Council may from time to time determine.

3.—Costumes.

Every person using the pool shall be dressed to the reasonable approval of the manager or other person for the time being in charge of the pool.

4.—Admission and Entrance Tickets.

(a) No person shall, without the express permission of the Council, or the manager of the pool, enter the pool premises save through the turnstile set apart for entrance purposes.

(b) No person shall, without the express permission of the Council or the manager of the pool, enter the pool premises without first paying the charge prescribed hereunder to the manager or other person thereunto authorised by the Council, and receiving the proper admission ticket.

(c) No person shall remain on the pool premises during the hours laid down for the closure of the pool, without the authority of the Council or the pool manager.

5.—Charges and Admission.

The following shall be the sums to be paid for admission to the pool premises other than on the occasions when carnivals are being conducted on and in the pool premises:—

| | s. | d. |
|--|----|----|
| For every adult (including spectators) | 1 | 0 |
| For every child (including spectators) between the age of three years and the age of 14 years | 6 | |
| Monthly tickets—each adult | 16 | 0 |
| Monthly tickets for each child between the age of three years and 14 years | 8 | 0 |
| Season tickets (non-transferable)—for each adult | 60 | 0 |
| Season tickets (non-transferable)—for each child under the age of 14 years | 25 | 0 |
| Scholars of State and other registered primary and secondary schools other than holders of monthly or season tickets, in parties of not less than 12, accompanied by a teacher (for this purpose the pool shall be available between school hours on such days as the Council may from time to time determine) | | 3 |

Monthly and season tickets shall not be valid for admission to the pool premises on the occasions when carnivals are being conducted thereon and therein.

6.—Valuables.

Persons entering the pool premises may deposit valuables with the manager or other person for the time being in charge of the pool, upon payment of the sum of 6d., but under no circumstances whatever will the Council accept any liability should such valuables or any of them be lost, stolen, damaged, or destroyed whilst in the custody of the Council.

7.—Control of Premises.

Every person using the pool premises shall obey all reasonable directions of the manager or other person for the time being in charge of the pool with regard to such use.

No person shall obstruct, interfere with, or hinder the pool manager in the performance of any duty in the pool premises.

8.—Offences.

(a) Any person the holder of a season or monthly ticket who allows such season or monthly ticket to be used by any other person shall forfeit the right to hold such ticket and shall be liable to a refusal by the management to issue any future seasonal or monthly tickets.

(b) No person shall bring into the pool premises any spirits or other intoxicating liquors.

(c) No person shall enter the pool without first using the cleansing shower-baths provided on the premises, in which shower-baths the use of soap is permitted.

(d) No person shall use soap in any part of the pool premises other than in the cleansing shower-baths.

(e) No person shall in any part of the pool premises use any indecent, obscene, or offensive language or behave in an indecent or offensive manner.

(f) No person shall smoke in any part of the pool premises where smoking is prohibited.

(g) No person shall climb up to or on any partition or roof of any other portion of the pool premises.

(h) No person shall in the dressing rooms or elsewhere in the pool premises, wastefully use the water or leave any taps running.

(i) No person shall spit or expectorate in the pool or in any of the platforms or in any of the dressing rooms or commit any nuisance on or in any part of the pool premises.

(j) No person shall whilst in the pool use any substance or preparation whereby the water in the pool may be discoloured or rendered turbid or otherwise unfit for the proper use of bathers.

(k) No person shall wilfully foul or pollute water in any shower-bath or in the pool, or wilfully soil, defile, damage, injure or destroy any dressing room, closet, box, or compartment or other part of the pool premises or any furniture or other article therein.

(l) No person shall at any time carelessly or negligently injure or improperly use or interfere with any taps, locks, valves, or other fittings or appliances in or about the pool premises, or write upon or deface the walls or partitions or any part of the pool premises, or discharge litter of any description on or about the pool premises.

(m) No person shall cause or allow any dog or other animal belonging to such person or under his or her control to enter or remain in or upon the pool premises.

(n) No male person shall enter any portion of the pool premises set apart for females, and no female person shall enter any portion of the pool premises set apart for males.

(o) No person upon the pool premises shall in any way interfere with any other person therein, or throw or push or attempt to throw or push any person into the pool, or throw any stones, or sticks or any other matter or thing to the annoyance of any other person using the pool premises.

(p) No person shall, whilst suffering from any cutaneous infections or contagious disease, or whilst in any unclean condition, enter or use or attempt to enter or use the pool premises or any part thereof.

9.—Lost Articles.

(a) Every person finding in the pool premises any article which may have been left or lost therein shall immediately deliver the same to the manager or other person for the time being in charge of the pool, who shall thereupon register a description of such article, and all particulars relating thereto, in a book which shall be kept for that purpose, and any person claiming the said article and who satisfies the said manager or other person that he or she is the lawful owner of the same, shall have such article returned upon signing for such article in the book beforementioned.

(b) The manager or other person for the time being in charge of the pool shall at least once in every week report to the Town Clerk regarding lost property and produce the said book for inspection by the Town Clerk, or his deputy.

(c) The Council will not under any circumstances incur any liability in respect of articles lost or stolen from any persons whilst in the pool premises.

10.—Carnivals.

(a) Charge.—An amount equal to one-quarter of the receipts, less tax, with a minimum of £10 10s. for every four hours or part thereof during which the pool is occupied or used by the conductor of the carnival.

(b) The person, club, association or organisation conducting any carnival held at the pool premises shall be responsible for the conduct of the competitors and spectators during such carnival, and shall be bound to see that there is no over-crowding and that no damage is done to the buildings or fences or any other portions of the pool premises.

(c) At all swimming carnivals held at the pool premises the competitors shall wear proper and approved bathing costumes.

(d) Every person, club, association or organisation to whom the pool premises are granted for the purpose of holding a swimming carnival shall at least one week before the date of such carnival forward to the Town Clerk a copy of the programme of events to be competed for thereat. Any item on such programme that the Mayor and Town Clerk do not approve of shall be struck out, or so altered as they direct.

11.—Enforcement of By-laws.

(a) Any person offending against any of the provisions of this by-law shall on conviction be liable to a penalty not exceeding £20.

(b) Every person who shall infringe any of the provisions of this by-law may be summarily removed from the pool premises and from every part thereof by the manager or other officer of the Council, or may be arrested by such manager or other officer and given into the custody of a police constable.

(c) The manager or other person for the time being in charge of the pool may refuse to admit to the pool premises any person who shall have been convicted of wilfully disobeying or infringing any of the provisions of this by-law, until such time as the Council may decide that such person shall be re-admitted.

Passed by the Council of the Municipality of Northam on the 9th day of January, 1958.

[L.S.]

T. C. HEATON,
Acting Mayor.

N. J. D. RIDGWAY,
Town Clerk.

Recommended—

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

Approved by His Excellency the Governor in Executive Council, this 20th day of February, 1958.

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