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THE SHIPPING AND PILOTAGE CONSOLIDATION ORDINANCE, 1855, THE JETTIES ACT, 1926, AND THE WESTERN AUSTRALIAN MARINE ACT, 1948-1960.

Harbour and Light Department,
Fremantle, 22nd December, 1960.

H. and L. 580/53.

HIS Excellency the Governor in Executive Council, acting under the following Acts, namely, The Shipping and Pilotage Consolidation Ordinance, 1855 (Act 18 Vict., No. 15), section 2, Act 37 Vict., No. 14, section 3, the Jetties Act, 1926, section 5, the Western Australian Marine Act, 1948, sections 204 and 207, and all other Acts amending or affecting same or any of them or otherwise enabling, has been pleased to make the regulations set out in the schedule hereunder.

K. G. FORSYTH,
Manager, Harbour and Light Department.

Schedule.

Regulations.

Principal regulations.

1. In these regulations the Navigable Waters Regulations, published in the *Government Gazette* on the 2nd April, 1958, are referred to as the principal regulations.

Reg. 48 amended.

2. Regulation 48 of the principal regulations is amended—

- (a) by adding after the regulation designation, "48" the subregulation designations, "(1)";
- (b) by substituting for the numerals, "500" where appearing in line one of paragraph (c) and again in paragraph (e), the numerals, "150", in each case;
- (c) by deleting the word, "or" being the last word in paragraph (d);
- (d) by substituting for the passage, "wharf." at the end of paragraph (e), the passage, "wharf; or";
- (e) by adding after paragraph (e) the following paragraph—
 - (f) within 150 feet of any vessel or buoy on which is displayed a red flag having a white diagonal cross, (indicating "diver below").;
- (f) by adding after subregulation (1) the following subregulation:—
 - (2) The department may, by notice published in the *Gazette*, define and set aside any area of water and limit therein the speed of any boat or class of boats.

Subheading and regulations added. 3. The principal regulations are amended by adding after regulation 50 the following subheading and regulations:—

Safety Measures.

50A. Every speed boat, behind which any water skier is being towed, shall be manned by not less than two persons of whom—

- (i) the driver, being a person of not less than 17 years of age, shall maintain a constant lookout ahead; and
- (ii) the other person, being one not less than 14 years of age, shall maintain a constant watch over the skier or skiers, then being towed.

50B. A person shall not—

- (i) if under the age of 14 years drive or operate a speed boat;
- (ii) if under the age of 17 years drive or operate a speed boat unless accompanied by an adult person.

50C. Any person who—

- (i) drives or operates a speed boat in a negligent or dangerous manner; or
- (ii) skis in a negligent or dangerous manner, is guilty of an offence.

50D. The department may, by notice published in the *Gazette*, prohibit, or impose conditions for, water skiing in any water or area and define and set aside any area of water, including any one or more of the waters or areas of water mentioned in regulation 48 of these regulations, in which speed boats and skiers may leave from and return to the shore.

INTERSTATE MAINTENANCE RECOVERY ACT, 1959-1960.

Child Welfare Department,
Perth, 22nd December, 1960.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the Interstate Maintenance Recovery Act, 1959-1960, has been pleased to make the regulations set forth in the schedule hereunder to have and take effect on and after the 1st day of January, 1961.

(Sgd.) J. McCALL,
Director, Child Welfare Department.

Schedule.

Regulations.

- | | |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Citation. | 1. These regulations may be cited as the Interstate Maintenance Recovery Regulations, 1960. |
| Interpretation. | 2. In these regulations unless the context requires otherwise—
“the Act” means the Interstate Maintenance Recovery Act, 1959, as amended;
expressions used in these regulations have the same respective meanings as those expressions have in the Act. |
| Duties of collector. | 3. The duties of the collector shall be—
(a) to collect moneys as provided by the Act either personally or by other officers appointed under the Act, and to give receipts on printed forms for the moneys so collected;
(b) to keep a cash book in which shall be entered and which shall show particulars of all moneys received by him and the disposition of the moneys; |

- (c) to keep a ledger or ledgers which shall show—
 - (i) the amount due by any person paying or liable to pay money to the collector;
 - (ii) the amounts paid by any such person from time to time;
 - (iii) the amount (if any) due by or to any person for whom or in whose favour money is being paid or should be paid;
 - (iv) the total amount collected in respect of orders made in each State from which orders have been received;
- (d) to prepare and present to the Minister as soon as practicable after the 30th day of June in each year an audited account of the transactions of the financial year ending on that date and such other information as the Minister may direct from time to time;
- (e) to direct and supervise the operations of all other officers appointed under the Act;
- (f) to file in his office and keep proper records of all documents received by him in accordance with the provisions of the Act;
- (g) to disburse periodically as soon as may be convenient to the collector all moneys received pursuant to the Act from time to time which are due and payable to collectors in other States, or as the case may be, to complainants in this State, provided that where practicable the disbursement of those moneys shall be made by the collector each week.

Duties of other officers.

4. The duties of officers, other than the collector, appointed under the Act shall be such as are from time to time allocated to them by the collector, and every officer shall faithfully and diligently carry out the duties so allocated to him and report thereon to the collector as often as he may require and direct.

Collector to be informed of birth dates of children.

5. Where pursuant to subsection (2) of section 12 of the Act a certified copy of a maintenance order referred to in that subsection is furnished to the collector, the clerk of the court or authority, as the case may be, furnishing that copy order shall inform the collector of the dates of birth of any children entitled to be paid maintenance under that order.

Duties are in addition to those imposed by the Act.

6. The duties and powers imposed and conferred by these regulations are in addition to and not in derogation of or in substitution for any duties and powers imposed or conferred by the Act.

Forms in Schedule may be used.

7. The forms in the schedule to these regulations, with such variations and adaptations as the circumstances may render necessary or convenient, may be used for the purposes of the Act, but the use of other forms, or any variation in or omission from any of the forms in that schedule, shall not affect the validity of the proceedings.

APPLICATION.

Interstate Maintenance Recovery Act, 1959.
(Section 8 (1).)

Western Australia, }
to wit. }

* Full Christian name, surname, and address of plaintiff.

* Plaintiff

against

† Full Christian name, surname, and address of defaulter.

† Defendant

The application of
Of in the State of Western
Australia, made this day of 19

to the undersigned, one of Her Majesty's Justices of the Peace for the said State, for the issue of a summons for maintenance, who says that:.....

 Made before me, the day and year first abovementioned, at, in the said State.

 Justice of the Peace.

‡ Set out the facts alleged in the affidavit or declaration.

SUMMONS FOR MAINTENANCE.

Interstate Maintenance Recovery Act, 1959.
 (Section 8.)

Western Australia, }
 to wit. }

* Full Christian name, surname, and address of plaintiff. * Plaintiff

 against

† Full Christian name, surname, and address of defaulter. † Defendant

 To the Defendant.

Whereas an application for a summons for maintenance under the abovementioned Act has this day been made by the abovenamed Plaintiff (or by....., on behalf of the abovenamed Plaintiff) to the undersigned, one of Her Majesty's Justices of the Peace in and for the State of Western Australia; and whereas the said application was supported by an affidavit sworn (or a declaration made) by the Plaintiff (or by....., on behalf of the Plaintiff) wherein it is alleged as follows, namely:—

‡ Set out the facts alleged in the affidavit or declaration.

That ‡

These are therefore to command you, in Her Majesty's name, to be and appear at the Married Persons' Relief Court (or as the case may be, the Children's Court) sitting at..... in the said State, at..... o'clock in the..... noon on the..... day after the service of this summons upon you (not counting the day of such service) or after you intentionally evade service of such summons upon you (not counting the day of attempted service), to answer to this summons, and to show cause why you should not support or should not contribute towards the support of the Plaintiff, and to be further dealt with according to law.

Given under my hand this..... day of, in the year 19....., at Perth, in the State of Western Australia.

Justice of the Peace.

(Reverse.)

PROOF OF SERVICE.

(To be indorsed on duplicate summons.)

I, of
make oath (or solemnly and sincerely declare):—

1. That I did, on the day of
19....., between the hours of and, duly serve
the withinnamed with the within
summons by delivering a duplicate thereof to him personally *

* Or if service attempted and evaded, set out particulars and date of attempted service and grounds for alleging intentional evasion.

2. That I believe the person upon whom the within summons was served as aforesaid (or the person upon whom service of the within summons was attempted and who evaded service thereof as aforesaid) to be the withinnamed the person upon whom the same was to be served.

Sworn (or declared) before me at
the day of 19.....

.....
Commissioner for taking Affidavits
in the Supreme Court of
..... (or Justice
of the Peace in and for the
State of).

Note.—If an affidavit is sworn it must be sworn before a Commissioner; a declaration must be made before a Justice of the Peace.

Western Australia.

Interstate Maintenance Recovery Act, 1959.

(Section 8.)

The First Schedule.

FORM OF AFFIDAVIT (OR DECLARATION) IN SUPPORT OF
SUMMONS FOR MAINTENANCE FOR SERVICE OUT OF THE
JURISDICTION.

(a) Full Christian name and surname of plaintiff.

(a) Plaintiff
against

(b) Full Christian name and surname of defaulter.

(b) Defendant

(c) Full Christian name and surname.

I, (c)

(d) Address and occupation.

of (d)
do hereby make oath and say (or do solemnly and sincerely declare)
as follows:—

(e) Here state relation of defendant to plaintiff.

1. The abovenamed Defendant is (e)
of the Plaintiff.

2. To the best of my knowledge and belief the said Defendant is now residing at..... in the State of..... and has been residing there since about (f).....

(f) Here state the time so far as known or believed.

3. The said Defendant left the Plaintiff without adequate means of support.

(g) Here state, so far as known or believed, what means the defendant has and whether employed or not, and, if employed, how employed.

4. The said Defendant (g).....

5. I desire to avail myself (or I desire that the Plaintiff may have the benefit) of the Interstate Maintenance Recovery Act, 1959.

Sworn (or declared) at..... }
the..... day of..... 19..... }

Before me,

MAINTENANCE ORDER.

Interstate Maintenance Recovery Act, 1959.

(Section 8.)

Western Australia, }
to wit. }

* Full Christian name, surname, and address of plaintiff.

*..... Plaintiff

against

† Full Christian name, surname, and address of defendant.

†..... Defendant

‡ Set out the grounds alleged in the affidavit or declaration which will be one of the grounds mentioned in subsection (1) of section 8 of the Act.

Be it remembered that on the..... day of..... 19....., upon application made by (or on behalf of) the Plaintiff at..... in the State of Western Australia, before..... of....., one of Her Majesty's Justices of the Peace in and for the State of Western Australia, supported by an affidavit (or declaration) made by (or on behalf of) the Plaintiff wherein it is alleged that ‡.....

a summons was signed and issued under the abovementioned Act by the said Justice of the Peace, directed to the Defendant requiring him to show cause why he (or she) should not support (or as the case may be) the Plaintiff; and now on this day, to wit, the..... day of..... 19....., at....., in the State of Western Australia, the parties aforesaid, appear before me (or the Plaintiff duly appears before me but the Defendant, although duly called, does not appear by himself (or herself), his (or her) Counsel or Attorney, and it is now satisfactorily proved to me that the said summons has been served on the said Defendant (or it having been proved to my satisfaction that a reasonable attempt has been made to serve the said summons on the said..... and that the said..... has intentionally evaded service thereof)); and I, having heard the matter of the said summons and the evidence and being satisfied that the allegations aforesaid have been established and that the Defendant is able to support (or contribute towards the support of) the Plaintiff, do order and adjudge the Defendant to pay to..... (or to..... of..... on behalf of) the Plaintiff the

§ Or if by instalments, say what amounts and when.

sum of for past maintenance forthwith \$ and the further sum of per week, the first payment whereof to be made on the day of 19....., until further order be made; and I do also order the said to pay to the Plaintiff the sum of for his costs on this behalf; and if the said several sums are not paid as aforesaid || I order that the same be levied by execution against the goods and chattels of the said Defendant, and in default of sufficient goods and chattels || I adjudge the said Defendant to be imprisoned in Her Majesty's prison (or the (police) gaol) at (there to be kept to hard labour), for the term of unless the said several sums and all costs and charges of the said execution (and the costs and charges of commitment and of conveying the said Defendant to prison) are sooner paid.

Given under my hand at in the said State, this day of 19.....

|| Or where the issuing of a warrant of execution would be more injurious to the defendant or his family than imprisonment, or it appears that he has no goods whereon to levy, then instead of the words between the parallels || || say—"Inasmuch as it appears to me that the issuing of a warrant would be more injurious to the said defendant and (his) family than imprisonment" (or "that the said defendant has no goods or chattels whereon to levy the said sums), I adjudge" (etc., as above, to the end, but omitting the words "of the said execution and").

APPLICATION TO COLLECTOR.

Interstate Maintenance Recovery Act, 1959. (Section 12.)

To the Collector.

Whereas an order was made by the Court sitting at in the State of Western Australia on the day of 19..... against for the payment of towards the maintenance of; and whereas the said has gone to reside outside the State of Western Australia, namely at in the State of

Now, I of in the said State of Western Australia, being the complainant (or a person on behalf of the complainant) named in the said order do hereby apply that you proceed in accordance with the provisions of section 12 of the Interstate Maintenance Recovery Act, 1959, to cause the said order to be enforced in the said State of

Dated the day of 19.....

Complainant (or on behalf of the Complainant).

WARRANT OF DISTRESS UPON AN ORDER FOR MAINTENANCE MADE IN ANOTHER STATE.

Interstate Maintenance Recovery Act, 1959. (Section 14.)

To....., and to all Police Officers in the State of Western Australia.

Whereas an order made by the Court at..... in the State of..... whereby..... of....., was ordered*.....

* Set out as in order.

has been received in this State of Western Australia, and has been served on....., as required by the abovementioned Act, and the said order may now be enforced within this State; and whereas the time in and by the said order appointed for the payment of the said several sums of.....

(or as the case may be) has elapsed, but the said..... has not paid the same or any part thereof, but therein has made default; and whereas payment of the said several sums of money is by virtue of the Interstate Maintenance Recovery Act, 1959, enforceable in manner set out in the Justices Act, 1902, by execution against the goods and chattels of the said.....

These are therefore to command you, in Her Majesty's name, forthwith to take the goods and chattels of the said..... and if within the space of..... days after taking them the said lastmentioned sums, together with the reasonable charges of taking and keeping the said goods and chattels are not paid, that then you sell the said goods and chattels and pay the money arising from such sale to the collector at..... in the said State of Western Australia, and if no goods and chattels can be found, then that you certify the same to me.

Given under my hand at....., in the said State of Western Australia, this..... day of..... 19.....

REQUEST THAT AN ORDER BE MADE ENFORCEABLE.

Interstate Maintenance Recovery Act, 1959. (Section 12 (1) (d).)

Whereas an order was made by the..... Court sitting at..... in the State of Western Australia on the..... day of..... 19....., against....., for the payment of..... towards the maintenance of.....; and whereas the said..... has gone to reside outside the State of Western Australia, namely at..... in the State of.....: Now, I..... Collector appointed under the abovementioned Act for the State of Western Australia, do hereby request that the said order may be made enforceable in the said State of.....

Signed by the said..... at his office in Perth, in the State of Western Australia, on the..... day of..... 19.....

Collector.

APPLICATION FOR PROVISIONAL ORDER VARYING, SUSPENDING OR DISCHARGING A MAINTENANCE ORDER.

Interstate Maintenance Recovery Act, 1959.

(Section 18.)

Western Australia, }
to wit. }

(Full name and address of person applying for provisional order.)
against

(Full name and address of other party.)

The application of....., in the
of....., State of Western Australia, made this..... day of
19....., who says that*

* Set out details of the maintenance order to be varied, suspended or discharged.

† Set out particulars of relief applied for

and hereby applies that the said order be †.....

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

Applicant.

PROVISIONAL ORDER VARYING, SUSPENDING OR DISCHARGING A MAINTENANCE ORDER.

Interstate Maintenance Recovery Act, 1959.

(Section 18.)

Western Australia, }
to wit. }

(Full name and address of person applying for provisional order.)
against

(Full name and address of other party.)

Whereas on the..... day of..... 19....., upon application made by (or on behalf of) the Complainant..... an order was made by the..... Court at..... in the State of..... against the Defendant for the payment of..... towards the maintenance of the Complainant; and whereas the Defendant (or Complainant) being at present resident in the State of Western Australia has made application that the said order be varied (or suspended or discharged); and now on this day, to wit, the..... day of..... 19....., at..... in the State of Western Australia, the Defendant (or the Complainant) duly appears before me and it is now satisfactorily proved to me that the requirements of section 18 of the abovementioned Act relating to notice to the Collector and to the other party to the maintenance order have been complied with; and I having heard

the matter of the said summons and the evidence and being satisfied that the allegations aforesaid have been established and that the said maintenance order should be varied (or suspended or discharged) do order and adjudge *.....

* Set out the terms of the order.

and I do also order the said.....
to pay to the.....the sum of.....
for his costs on this behalf.

Given under my hand at.....in the
State of Western Australia this.....
day of.....19.....

BETTING CONTROL ACT, 1954-1960.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Betting Control Act, 1954-1960, has been pleased to make the regulations set out in the schedule hereunder.

(Sgd.) C. C. PERKINS,
Minister Administering the
Betting Control Act, 1954-1960.

Schedule.

Regulations.

1. (1) In these regulations the Betting Control Regulations, 1955, published in the *Government Gazette* on the 6th May, 1955, as amended by the regulations amending the same published in the *Gazette* on the 4th and 11th November, 1955, 15th June, 1956, 3rd August, 1956, 13th November, 1956, 6th May, 1957, 17th May, 1957, 7th January, 1958, 25th August, 1958, 17th October, 1958, 23rd January, 1959, 10th March, 1959, 17th March, 1959, 18th December, 1959, 20th May, 1960, 30th June, 1960, 6th July, 1960, 3rd October, 1960, 27th October, 1960, and the 25th November, 1960, are referred to as the principal regulations.

(2) These regulations shall come into force on the coming into operation of the Betting Control Act Amendment Act, 1960.

2. Regulation 95 of the principal regulations is amended—

(a) by adding before the word, "A," being the first word in the regulation, the subregulation designation, "(1)"; and

(b) by adding a subregulation as follows:—

(2) Such bookmaker shall not accept a bet on any race held in the State of Queensland, South Australia or Tasmania.

3. Regulation 96 of the principal regulations is amended—

(a) by adding before the word, "A," being the first word in the regulation, the subregulation designation, "(1)"; and

(b) by adding a subregulation as follows:—

(2) Such bookmaker shall not accept a bet on any race held in the State of Queensland, South Australia or Tasmania.