



# Government Gazette

OF

## WESTERN AUSTRALIA

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No. 100]

PERTH: WEDNESDAY, 12th DECEMBER

[1962

### HEALTH ACT, 1911-1960.

Department of Public Health,  
Perth, 20th November, 1962.

P.H.D. 384/63, Pt. 1.

HIS Excellency the Governor in Executive Council, acting under the provisions of the Health Act, 1911-1960, has been pleased to make the by-laws set out in the schedule hereunder.

LINLEY HENZELL,  
Commissioner of Public Health.

### Schedule.

#### Model By-laws Series "A."

Principal  
by-laws.

1. In these by-laws, the Model By-laws Series "A" published in the *Government Gazette* on the 8th April, 1927, and reprinted in the *Government Gazette* on the 9th August, 1956, pursuant to the Reprinting of Regulations Act, 1954, with all amendments up to and including the 18th May, 1955, and amended from time to time thereafter, are referred to as the principal by-laws.

Part I,  
B.L. 1A  
substituted.

2. The principal by-laws are amended by substituting for by-law 1A of Part I the following by-law:—

1A. (1) The owner of a house shall provide a privy or privies thereon to such number and of such construction as are required in accordance with the provisions of this by-law.

(2) Subject to sub-by-law (4) of this by-law, every house shall be provided with at least one privy where it is necessary or likely to be necessary to provide for the requirements of not more than fifteen persons, and additional privies in the proportion of one to every fifteen, or portion of fifteen, persons shall be provided where it is necessary or likely to be necessary to provide for the requirements of more than fifteen persons but not more than ninety persons.

(3) In the case of a house where it is necessary or likely to be necessary to provide for the requirements of more than ninety persons, there shall be provided the number of privies required under sub-by-law (2) of this by-law and additional privies in the proportion of one to every twenty, or portion of twenty, persons in excess of ninety persons.

(4) Where a house is one in which persons of both sexes reside or lodge, and the house is a boarding-house or a lodging-house or is occupied by more than one tenant, separate privies for each sex shall be provided in such house.

(5) All entrances to privies shall be so screened as to ensure privacy and the entrance to a privy set aside for use by one sex shall be distant not less than 12 feet from the entrance to a privy set aside for use by the opposite sex.

Part I,  
B.L. 3  
substituted. 3. The principal by-laws are amended by substituting for by-law 3 of Part I the following by-law:—

3. (1) The owner of premises shall maintain all works and services, fixtures, fittings and mechanisms that form part of or are appurtenant to sanitary conveniences, bathroom, laundry, or cooking facilities on those premises in good condition and available for use.

(2) The occupier of premises shall maintain all sanitary conveniences and all works, fixtures, fittings, pipes and drains on those premises in a clean condition.

Part I,  
B.L. 4  
revoked. 4. By-law 4 of Part I of the principal by-laws is revoked.

Part I,  
B.L. 4AF  
added. 5. The principal by-laws are amended by adding after by-law 4AE of Part I the following by-law:—

4AF. Notwithstanding the requirements of by-laws 4A, 4AA, 4AB, 4AC, 4AD and 4AE of these by-laws, in a building comprising flats, laundry and bathroom facilities provided for each flat may, if the facilities mentioned in sub-by-law (1) and in paragraphs (c), (d), (e) and (f) of sub-by-law (2) of by-law 4A of these by-laws are provided, be contained in a single room having a floor area of not less than 78 square feet and walls not less than five feet measured horizontally.

Provided that where a closet pan is one of the fittings in the room, such closet pan shall be installed within a closet provided with a door to ensure privacy, and the floor area of the closet shall not exceed 18 square feet.

Part I,  
B.L. 4B  
revoked. 6. By-law 4B of Part I of the principal by-laws is revoked.

Part I,  
B.L. 15 and  
heading  
substituted. 7. The principal by-laws are amended by substituting for by-law 15 of Part I and the heading to that by-law the following heading and by-law:—

#### Rubbish Removal Vehicles.

15. A vehicle used by the local authority or its contractor for the collection and transport of rubbish shall—

- (a) be provided with a compartment in which all rubbish shall be deposited for removal, and of which the interior is constructed from or surfaced with impermeable material; and
- (b) have a cover over the compartment at all times when the vehicle is engaged in the transport of rubbish.

Part I,  
B.L. 15A and  
heading  
added. 8. The principal by-laws are amended by adding after by-law 15 of Part I a heading and by-law as follows:—

#### Method of Removal of Rubbish.

15A. A person engaged in the removal of rubbish from premises shall—

- (a) convey all rubbish from the receptacle of the occupier of the premises and deposit the rubbish in the portion of the collection vehicle intended to hold rubbish; and
- (b) replace the receptacle at the place where the person found it, with the lid in place.

Part I,  
B.L. 19  
substituted. 9. The principal by-laws are amended by substituting for by-law 19 of Part I the following by-law:—

19. (1) It shall be the duty of the local authority to ensure that all household rubbish deposited at a site under its control is—

- (a) distributed in such a manner that no layer of rubbish is deeper than six feet; and
- (b) covered each day with a layer of earth at least nine inches deep.

(2) A person who—

- (a) sets fire to any rubbish at a site set aside for the deposit of rubbish, except where the rubbish is in a properly constructed incinerator; or
- (b) removes any matter or thing whatsoever from a site set aside for the disposal of rubbish without the written permission of the local authority, or fails or neglects to observe any condition under which that permission was given; or
- (c) deposits or disposes of any rubbish at a place other than a place set aside by the local authority for the purpose;

commits an offence.

Part I,  
B.L. 23  
amended.

10. By-law 23 of Part I of the principal by-laws is amended—

- (a) by deleting subparagraph (c) of paragraph (2A);
- (b) by adding immediately after paragraph (2A) a paragraph as follows:—

(2B) By discharging into a leach drain which complies with the following conditions:—

- (a) A sketch plan of the proposed leach drain showing details of construction, dimensions, levels and situation and connections to be made shall have been submitted to and approved by the local authority before construction is commenced.
- (b) The drain shall be not less than two feet wide, and two feet deep.
- (c) It shall be at least thirty feet long when connected to a combined septic tank-liquid waste disposal system and not less than twenty feet long in other cases.
- (d) It shall be constructed of good quality bricks laid with open joints, and having the two top courses set in cement mortar, or of precast cement segments complying with the standard for blocks, Class B, S.A.A. Int. 306. Housing specification (Interim Series).
- (e) The bed of the drain shall have a fall of one in two hundred away from the inlet pipe.
- (f) A concrete slab shall be fitted into the bed beneath the inlet pipe to prevent scouring of the bed.
- (g) Bridging pieces shall be placed between the walls of the drain at not more than six feet centres. The bridging pieces shall have apertures equal to at least fifteen per cent. of their surface area and be so positioned as to allow the free passage of liquids.

- (h) If the walls of the drain are constructed of bricks, the bridging pieces shall extend to within three inches of the top of the drain.
- (i) The drain shall be fitted with a cover constructed of concrete slabs measuring 2 ft. x 2 ft. x 2 in., and having rebated edges. The slabs shall be grouted and sealed with weak cement mortar if the final earth cover of the drain is less than 12 in. deep.
- (j) It shall be ventilated by means of a 90 degrees bend fitted with a metal grid and gauze. The grid shall be clear of the ground, and the portion above ground shall be boxed in concrete.

(c) By deleting paragraph (3).

Part I,  
B.L. 23A  
added.

11. The principal by-laws are amended by adding after by-law 23 of Part I a by-law as follows:—

23A. (1) Notwithstanding the provisions of by-law 23 of Part I of these by-laws, where an owner of premises has installed a septic tank on those premises and has connected all drains necessary for the disposal of liquid wastes thereon, and the work has been done pursuant to and in accordance with a permit issued under the Bacteriolytic Treatment of Sewage Regulations, 1958, the provisions of by-law 23 of this Part shall be deemed to have been complied with.

(2) The provision and repair, but not the daily maintenance and cleansing, of the apparatus for the disposal of liquid wastes as referred to in by-law 23 of this Part shall be the responsibility of the owner of the premises where on the apparatus is provided or to be provided.

Part I,  
B.L. 28  
amended.

12. By-law 28 of Part I of the principal by-laws is amended by substituting for the passage, "20 feet of any dwelling, shop, factory, bakery or other" in line seven the passage, "40 feet of any dwelling whatsoever and within 60 feet of any shop, factory, bakery or".

Part I,  
B.L. 29  
amended.

13. By-law 29 of Part I of the principal by-laws is amended—  
(a) by inserting immediately after the by-law number, "29" in line one the sub-by-law designation, "(1)"; and  
(b) by adding a sub-by-law as follows:—

(2) The provisions of this by-law shall remain in force until and including the 30th day of June, 1963, after which date this by-law shall cease to be of any force or effect.

Part I,  
B.Ls. 29A  
and 29B  
added.

14. The principal by-laws are amended by adding after by-law 29 of Part I, by-laws as follows:—

29A. (1) On and after the 1st day of July, 1963, an occupier of premises shall not keep or permit to be kept poultry on any premises occupied by him within the area described in sub-by-law (2) of this by-law except under and in compliance with the following conditions:—

- (a) The occupier is registered with the local authority as a keeper of poultry and the premises are also registered.
- (b) The occupier has paid to the local authority a registration fee of five shillings.

- (c) The occupier has provided properly constructed enclosures and facilities for the keeping of poultry and the poultry are kept therein at all times.
- (d) The poultry do not exceed 20 in number.
- (e) The occupier does not keep any poultry within 30 feet of any dwelling-house.
- (f) All enclosures within which poultry are kept are maintained in a clean condition.

(2) This by-law operates and has effect in the whole of the district of the local authority.

(3) The local authority may cancel or refuse the registration of any occupier in relation to any premises if the occupier is convicted in any court for an offence relating to the keeping of poultry.

29B. (1) On and after the 1st day of July, 1963, an occupier of premises shall not keep or permit to be kept pigeons on any premises occupied by him within the area described in sub-by-law (2) of this by-law, except under and in compliance with the following conditions:—

- (a) The occupier is registered with the local authority as a keeper of pigeons and the premises are also registered.
- (b) The occupier has paid to the local authority a registration fee of five shillings.
- (c) Pigeons are confined in a suitable cage not nearer than 30 feet to any dwelling-house, street or road, and not less than four feet from the side and rear boundaries of the lot, provided that registered homing pigeons may be freed for exercise.
- (d) All pigeon cages are provided with a concrete floor trowelled to a smooth finish and laid with a fall of one in fifty to the front, or with tongued and grooved flooring on a timber base, laid with a fall to the front.
- (e) All pigeon cages or lofts within which pigeons are kept are maintained at all times in a clean condition.
- (f) The maximum number of pigeons kept at the one time does not exceed twenty on a subdivided residential lot, except that any person who in January of each year produces to the local authority satisfactory proof that he is currently affiliated with the Pigeon Racing Federation of W.A. (Inc.) or a registered fancier, may be permitted to keep up to a maximum of seventy-five (75) pigeons.

(2) This by-law operates and has effect in the whole of the district of the local authority.

(3) The local authority may cancel or refuse the registration of any occupier in relation to any premises if the occupier is convicted in any court for an offence in relation to the keeping of pigeons.

Part I, B.L. 35 substituted. 15. The principal by-laws are amended by substituting for by-law 35 of Part I a by-law as follows:—

35. (1) A person shall not erect, occupy or permit to be occupied any house or part thereof unless that house is provided with fixed open ventilators having not less than 24 inches of uncontrolled ventilating area for each 100 square feet of floor area.

- (2) The ventilators referred to in sub-by-law (1) of this by-law shall be so installed as to provide outlet ventilation, and may be in the form of ceiling vents if the roof space is adequately ventilated.
- Part V,  
B.L. 20  
amended. 16. By-law 20 of Part V of the principal by-laws is amended by substituting for the passage, "licensed to accommodate more than 25 people" in lines one and two the words, "in which provision is made to accommodate persons".
- Part VI,  
B.L. 18  
amended. 17. By-law 18 of Part VI of the principal by-laws is amended by substituting for the passage, "licensed to accommodate more than 25 people" in lines one and two the words, "in which provision is made to accommodate persons".
- Part VII,  
B.L. 8  
substituted. 18. The principal by-laws are amended by substituting for by-law 8 of Part VII the following by-law:—
8. (1) The occupier of premises where food is manufactured, prepared, packed or kept for sale shall provide on the premises for the use of all persons engaged in work thereon—
- (a) lavatory basins in the proportion of one for each ten persons or part thereof which basins shall be provided with a supply of running water and properly trapped and connected to a liquid wastes disposal system; and
- (b) a supply of soap and clean towels, but so that no towel may be used by more than one employee.
- (2) Facilities provided as required by sub-by-law (1) of this by-law shall be so situated as to be readily accessible to employees.
- Part VII  
B.L. 9  
amended. 19. By-law 9 of Part VII of the principal by-laws is amended by substituting for the words, "sanitary convenience" where they appear in line two and again in line three the words, "closet or privy" in each case.
- Part VII,  
B.L. 12  
amended. 20. By-law 12 of Part VII of the principal by-laws is amended by substituting for the word, "nine" in line three the word, "eighteen".
- Part VII,  
B.L. 13  
amended. 21. By-law 13 of the Part VII of the principal by-laws is amended by deleting the words, "storage or" in line two.
- Part VII,  
B.L. 16A  
revoked. 22. By-law 16A of Part VII of the principal by-laws is revoked.
- Part VII,  
B.L. 24  
amended. 23. By-law 24 of Part VII of the principal by-laws is amended by deleting the passage commencing with "either" in line six down to and including the word, "time" being the last word in the by-law.
- Part VII,  
B.L. 25  
amended. 24. By-law 25 of Part VII of the principal by-laws is amended by substituting for the words, "galvanised iron" in the last line the words, "stainless steel".
- Part VII,  
B.L. 50  
amended. 25. By-law 50 of Part VII of the principal by-laws is amended by substituting for the word, "October" in line two of paragraph (a) the word, "January".
- Part VII,  
B.L. 51  
substituted. 26. The principal by-laws are amended by substituting for by-law 51 of Part VII the following by-law:—
51. (1) A person shall not engage in trade as an itinerant vendor of food unless he is the holder of a license from the local authority so to do.
- (2) Every person desiring to engaged in trade as an itinerant vendor of food shall, before so engaging, or if already so engaged then during the first week of January in each year, apply to the local authority in the form of Schedule "C" for a license to carry on such trade, and shall with his application deposit a fee of five pounds.

(3) Upon the granting of an application under this by-law, a license shall be issued to the applicant in the form of Schedule "D."

(4) Every license granted under this by-law shall operate only during the period ending on the 31st day of December next succeeding the date of issue and after the 31st day of December aforesaid shall cease to be of any force or effect.

Part VII,  
B.L. 52  
substituted. 27. The principal by-laws are amended by substituting for by-law 52 of Part VII the following by-law:—

52. Every person engaged in the trade of an itinerant vendor of food—

- (a) shall cause all food to be protected from contamination by flies and dust, and all meat, fish or other food that is subject to putrefaction to be protected by refrigeration to the satisfaction of an inspector;
- (b) shall not permit any other person to handle or touch any food on his vehicle;
- (c) shall maintain his clothing and his person at all times in a clean condition;
- (d) shall, whilst plying his trade, have his name legibly and conspicuously displayed on some part of his vehicle, barrow, bag or tray; and
- (e) shall, whilst plying his trade, carry with him his license and produce the same to any inspector on demand.

Part VII  
B.L. 54  
amended. 28. By-law 54 of Part VII of the principal by-laws is amended by substituting for the passage commencing with the word, "with" in line two of paragraph (b) down to and including the word "September" in line four the passage, "on the 31st day of December next succeeding the date of issue, and after the 31st day of December aforesaid".

Part VII,  
B.L. 55  
amended. 29. By-law 55 of Part VII of the principal by-laws is amended by deleting paragraph (j).

Part VII,  
B.L. 58  
amended. 30. By-law 58 of Part VII of the principal by-laws is amended by deleting paragraph (b).

Part VII,  
B.L. 66  
revoked. 31. By-law 66 of Part VII of the principal by-laws is revoked.

Part VIII,  
B.L. 1  
amended. 32. By-law 1 of Part VIII of the principal by-laws is amended by substituting for paragraph (u) the following paragraph:—

(u) There shall be provided in a convenient position for use by persons engaged in work on the premises at least one hand basin which shall be provided with an adequate supply of running water and be properly trapped and connected with a system for the disposal of liquid wastes.

Part IX  
amended. 33. The commencing paragraph of Part IX of the principal by-laws is amended by adding after the item, "Section S.—Flock Factories." being the last item in that paragraph, the following items:—

Section T.—Knackeries.

Section U.—Poultry Processing Establishments.

Part IX,  
Sec. A,  
B.L. 9  
substituted. 34. The principal by-laws are amended by substituting for by-law 9 of Section A of Part IX the following by-law:—

9. Every such occupier shall maintain, or cause to be maintained, in a clean condition the internal surface of every wall and the underside of every ceiling or roof, together with all fittings.

Part IX,  
Sec. K,  
B.L. 2  
revoked. 35. By-law 2 of Section K of Part IX of the principal by-laws is revoked.

Part IX,  
Sec. U  
added.

36. The principal by-laws are amended by adding after Section T of Part IX a section as follows:—

Section U.—Poultry Processing Establishments.

1. The occupier of every poultry processing establishment shall cause all operations in connection with the killing, dressing, preparation, processing or packing of poultry for sale for human consumption to be carried out in an enclosed building which shall comply with the following conditions:—

- (a) Every portion of the building is adequate in size for the operations conducted therein.
- (b) The internal surfaces of all walls are finished with an impervious material to a height of not less than six feet.
- (c) All walls are not less than nine feet in height, measured from the floor to the ceiling (or to the top of the plate).
- (d) All floors are of cement, finished to an even surface with a fall of 1 in 20 to a surface gutter in such a way that all liquids falling upon the floor are conducted by the gutter to a sedimentation trap and drain inlet situated outside the building wherein the floor is situated.
- (e) All floors are covered to the walls. The bottom plate of timber-framed walls rests upon a brick-on-edge or concrete plinth to facilitate coving.
- (f) All doors of packing rooms are self-closing.
- (g) In all ceiled rooms where condensation occurs a metal hood or canopy is provided over every vat or tub of hot water; the hood is at least equal in compass to the upper surface of the vat or tub; the underside of the hood is not more than 6 ft. 6 in. above the floor level; the hood is connected to a metal flue not less than six inches in diameter which discharges in the open air.
- (h) The upper surface of every bench, table, shelf, rack or counter used in processing poultry is constructed of smooth, impervious non-corrodible material.
- (i) The intensity of light on every working surface is not less than 30 foot candles at any time when the surface is in use, and artificial light in compliance with this standard is provided and used whenever the natural lighting is less than 30 foot candles in intensity.

2. The occupier shall provide for use by himself and all employees sanitary accommodation connected to—

- (a) a deep sewerage system; or
- (b) a system for the bacteriolytic treatment of sewage.

3. The occupier shall provide facilities for storing employees' outdoor clothing in a room that is separated from any room used for the processing of poultry by a wall or walls extending from floor to ceiling or to the top plate level.

4. Running water shall be provided for the washing of every poultry carcass, and adequate facilities, including hot water and sinks, shall be provided for the cleansing of apparatus, instruments, utensils, appliances, receptacles and containers.

5. The floors and walls of all rooms shall be thoroughly cleansed at the close of each day's work.



6. Every portion of such building shall be maintained free from flies and vermin, and cats and dogs shall be excluded.

7. Poultry for bleeding shall be suspended so that no part of any bird is closer to the floor than twelve inches.

8. The water in scald tanks shall be changed as often as necessary for the maintenance of reasonably clean conditions in the scald tanks and in no case shall be changed less than once daily.

9. No person shall place on the floor any dressed poultry or poultry in course of being dressed, or any edible offal.

10. (1) The packing of dressed poultry shall not be carried out in the same portion of the premises in which killing, scalding, plucking or eviscerating takes place except where such packing is done at a different time to those operations and only after the plant and premises have been thoroughly cleaned.

(2) In any case, the portion of the premises that is used for packing must be ceiled with material providing a smooth washable surface and must be fly-proof.

11. The occupier shall not permit the dry plucking of poultry.

12. The occupier shall not carry out on the premises any operations unconnected with poultry processing unless such operations are separated from every room used for poultry processing by an unbroken wall extending from floor to ceiling or top plate level.

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#### LOCAL GOVERNMENT ACT, 1960.

##### The Municipality of the City of Fremantle.

##### By-laws relating to Clearing Vacant Land of Trees, Scrub, Undergrowth and Rubbish and Removing Refuse, Rubbish or other Material from Land.

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 17th day of September, 1962, to make and submit for confirmation by the Governor the following by-laws:—

1. The owner of any vacant land within the boundaries of the City of Fremantle shall clear such vacant land of trees, shrub, undergrowth and rubbish when required by written order of the Council or of an authorised officer so to do.

2. The written order referred to in the previous paragraph shall set out the time within which the work is to be done.

3. The owner or occupier of any land within the boundaries of the City of Fremantle shall remove from such land within a time specified in a notice given by the Council and served on the owner or occupier of the land, refuse, rubbish or other material whatsoever which in the opinion of the Council is likely to affect adversely the value of adjoining property or the health, comfort or convenience of the inhabitants thereof.

4. Where the owner does not clear the land or remove the refuse, rubbish or other material as required the Council may clear or remove it at the expense of and recover the amount of the expense from the owner in a Court of competent jurisdiction.

5. Any owner or occupier who fails to comply with any order issued within the time specified, shall be guilty of an offence and shall be liable to a penalty of £50 (fifty pounds) and £5 (five pounds) per day for every day or part thereof for which the offence continues after the expiry date of the order served.

Dated this 4th day of October, 1962.

The Common Seal of City of Fremantle was hereto affixed this 4th day of October, 1962, pursuant to a resolution passed the 17th day of September, 1962, in the presence of—

[L.S.]

W. FRED SAMSON,  
Mayor.  
N. J. C. McCOMBE,  
Town Clerk.

Recommended—

L. A. LOGAN,  
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 20th day of November, 1962.

P. L. SPARROW,  
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

TOWN PLANNING AND DEVELOPMENT ACT, 1928.

The Municipality of the Shire of Armadale-Kelmscott.

By-law Relating to Building Lines.

L.G. 504/62.

IN pursuance of the powers conferred upon it by the abovementioned Acts and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 16th day of July, 1962, to make and submit for confirmation by the Governor the following by-law:—

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

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

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

Passed by the Armadale-Kelmscott Shire Council at the ordinary meeting of the Council held on the 16th day of July, 1962.

[L.S.]

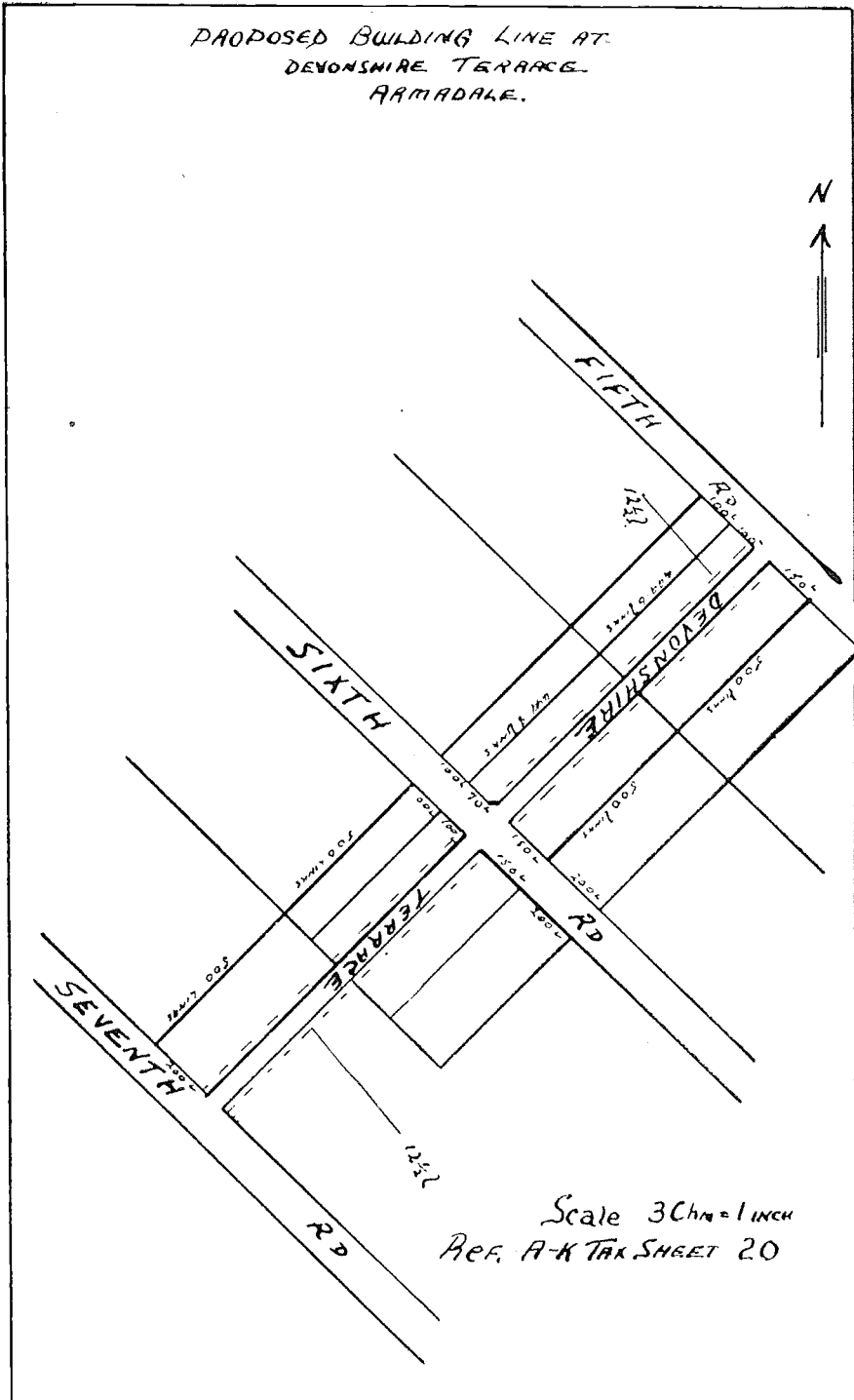
J. E. MURRAY,  
President.  
W. W. ROGERS,  
Shire Clerk.

Recommended—

L. A. LOGAN,  
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 20th day of November, 1962.

P. L. SPARROW,  
Acting Clerk of the Council.



## LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Kwinana.

Adoption of Draft Model By-laws Relating to Motels.

L.G. 639/60.

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 25th July, 1962, to adopt the Draft Model By-laws published in the *Gazette* of the 13th June, 1962, and designated: "Local Government Model By-laws (Motels), No. 3 (Amended)":—

The whole of the by-law without amendment.

Dated this 22nd day of October, 1962.

The Common Seal of the Shire of Kwinana  
was affixed hereto in the presence of—

[L.S.]

A. M. LYDON,  
President.  
D. E. MARLING,  
Acting Shire Clerk.

Recommended—

L. A. LOGAN,  
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 20th day of November, 1962.

P. L. SPARROW,  
Acting Clerk of the Council.

## JUSTICES ACT, 1902-1962.

Crown Law Department,  
Perth, 7th November, 1962.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of section 96 of the Justices Act, 1902-1962, has been pleased to make the regulations set forth in the schedule hereunder.

R. C. GREEN,  
Under Secretary for Law.

Schedule.  
Regulations.

1. These regulations may be cited as the Justices Act (Enforcement of Maintenance Orders) Regulations, 1962.
2. In these regulations unless the context requires otherwise—  
"the Act" means the Justices Act, 1902 (as amended).
3. A person seeking to enforce payment under an order as provided by subsection (1) of section 155A of the Act shall file in the court wherein the enforcement is sought a praecipe for that purpose together with an affidavit deposing to—
  - (a) the amount whereof payment is alleged to be in default;
  - (b) the fact that no part of the amount whereof payment is alleged to be in default has been paid to the deponent or to any other person for the deponent's benefit, in money, money's worth or by any benefit given in lieu of money;
  - (c) the fact that maintenance is not sought to be enforced in respect of any period during which the defaulting party may already have been imprisoned under the subsection in this regulation mentioned; and
  - (d) the deponent's means of knowledge of the amount whereof payment is in default, where payments are not made direct to the deponent.
4. A person seeking to enforce payment under an order, as provided by subsection (3) of section 155A of the Act (Local Court Procedure), shall file in the Local Court having jurisdiction within the district where the defaulting party is residing—
  - (a) a certified copy of the order under which payment is sought to be enforced;

- (b) a certificate of the clerk that there is not any warrant issued pursuant to subsection (1) of section 155A of the Act, then outstanding; and
- (c) an affidavit such as is prescribed by regulation 3 of these regulations.

5. Where any person is imprisoned under the provisions of subsection (1) of section 155A of the Act, the superintendent or other officer in charge of the prison wherein that person is so imprisoned shall certify to the clerk at the place whence the warrant issued the day of the commencement, and of the termination, of that imprisonment.

6. (1) A warrant issued under the provisions of subsection (1) of section 155A of the Act shall have annexed thereto a summary of the provisions of subsection (2) of that section, a direction as to the right conferred by, and a form of election under, section 155C of the Act.

(2) A police officer arresting a person under a warrant mentioned in this regulation shall detach the annexure to the warrant and hand it to the person arrested.

(3) A person electing to make an application under section 155C of the Act shall complete and sign the form of election in this regulation mentioned and thereupon detach it from the annexure and hand it to the police officer, or where he is already committed to prison, the prison officer, in whose custody he may then be.

(4) A police or prison officer shall upon the receipt of an election made under this regulation bring the person so electing before a Children's Court or other court of summary jurisdiction, as may be required pursuant to section 155C of the Act, as soon as practicable after receipt of the election and the election and the warrant to which it relates shall be produced to the court before which the person is brought.

7. Any court hearing an application made under section 155C of the Act shall indorse on the reverse of the warrant the record of the proceedings taken under the application, and any order which may, from time to time, be made thereunder.

8. Any moneys received by any court pursuant to a warrant shall be sent forward to the court at the place whence the warrant issued, as and when received and upon the completion of payments in satisfaction of the warrant it shall be returned to the court at the place whence it issued.

9. The court shall not issue a warrant under subsection (1) of section 155A of the Act, unless it is satisfied that no process of execution or enforcement is in operation under subsection (3) of that section, for the same default.

10. The forms in the schedule to these regulations, or forms to the like effect, may be used for the purposes for which they are respectively applicable, as indicated on the form, and any such form may be varied for the purpose of adapting it to circumstances.

Schedule.

Western Australia

Form 1.

Justices Act, 1902.

In the.....Court Sitting at.....

Complaint No.....

Fees Paid.....

Assessment No.....

In the matter of the complaint of (1)

**PRAECIPE FOR WARRANT UNDER SECTION 155A AND  
AFFIDAVIT VERIFYING DEFAULT.**

I, (2) of (2) ,

being duly sworn, make oath and say:

1. I am the (3) in this matter.

2. The total amount set forth in the schedule to this my affidavit (hereinafter referred to as "the said amount") is the amount whereof payment by the (4) under an Order of the Court, made the (5) day of 19 , is in default.

3. No part of the said amount has been paid to me this deponent or to any other person for my benefit in money, money's worth or by any benefit given in lieu of money and I am informed by the Clerk of the Court and verily believe that no part of the said amount has been paid to any Officer of the Court.

4. No part of the said amount is in respect of any period during which the defaulting party has been imprisoned under subsection (1) of section 155A of the Act.

5. I am desirous that a warrant for the arrest and imprisonment of the defaulting party should issue in respect of the said amount.

The Schedule.

	weeks at £	per week in respect of the period							
	commencing on the	19	, and ending the					£	:
	19	.....	.....	.....	.....	.....	.....	:	:
Costs	.....	.....	.....	.....	.....	.....	.....	£	:

Sworn at  
in the State of  
by the said deponent this  
day of 19  
Before me:

Justice of the Peace or Clerk of the Court (6).

Received (date):  
Warrant Issued (date):  
Clerk of the Court:

(1) Full name of complainant in original complaint. (2) Full name, address and description of deponent. (3) Insert "complainant" or "defendant", as the case may be. (4) Complainant, defendant or third party, whichever is the defaulter. (5) Date of order under which payment is in default. (6) This affidavit may not be sworn before a Clerk of the Court other than in Western Australia.

Form 2.

(Page 1.)

Western Australia.  
Justices Act, 1902.

In the Court Sitting at

Complaint No.

WARRANT FOR ARREST AND IMPRISONMENT OF  
DEFAULTER UNDER SECTION 155A (1).

To all Police Officers in the State of Western Australia and to the Superintendent (or Keeper) of Her Majesty's Prison (or Gaol) at in the said State.

of having made default in the payment of periodical instalments of maintenance and in the payment of costs\* which he was ordered to pay under an Order of the Court made the day of 19, to the extent hereinafter set out and being still in default, these are therefore to command you to arrest the said and convey him to the prison or gaol nearest to the place of his arrest and deliver him to the Superintendent or Keeper thereof together with this warrant and the said Superintendent or Keeper is hereby required to receive him into his custody in the said prison or gaol there to imprison him for a term of days unless the sum hereinafter specified and the costs and expenses of issuing and executing this warrant amounting to the further sum of are sooner paid: But if the said shall pay any portion of the total amount payable under this warrant (namely, £ ) then the period of imprisonment shall thereby be reduced by a period which bears the same ratio to the period of

imprisonment as the portion paid bears to the total amount payable and the prisoner shall be released at the expiry of the reduced period, and in calculating any such reduction, fractional parts of days shall be disregarded.

Arrears:	weeks at £	per week	....	....	....	£	:	:
Costs*	....	....	....	....	....	£	:	:
						<hr/>		
Expense of issuing and executing warrant	....	....	....	....	....	£	:	:
						<hr/>		
Total amount payable	....	....	....	....	....	£	:	:
						<hr/>		

Given under my hand and the Seal of the Court at this day of 19 .

Magistrate.

\* Delete reference to costs where not applicable.

(Reverse of page 1)

Name of person at whose instance warrant issued  
Address

RECORD OF PROCEEDINGS UNDER SECTION 155D.

Date of Arrest:

Court before which Arrested Person is brought:

Place:

Date of First Appearance:

Remands:

Order made as to Warrant:

Magistrate or Justice(s) of the Peace.

Date:

Particulars of Payments (if made) under above Order:

Date: Amount £

Clerk of the Court.

(Page 2)

To

(Arrested Person.)

1. Your attention is drawn to the following provisions of section 155A of the Justices Act, 1902 (as amended), under which Act the annexed warrant for your arrest is issued, that is to say—

- (a) if you are imprisoned under the annexed warrant, your obligation to pay maintenance, under the abovementioned Act is suspended while you are serving that imprisonment, but not imprisonment under remand;

- (b) notwithstanding your imprisonment under the annexed warrant, you are still liable to pay the amount for which the warrant was issued (other than the expenses of execution), but you cannot again be imprisoned for any default of payment due at the time the warrant was issued, except after proceedings by judgment summons under the Local Courts Act, 1904;
- (c) you may be imprisoned for any default of payment occurring after your release from imprisonment; and
- (d) if you are arrested under more than one warrant at the one time, you are liable to serve imprisonment under those warrants cumulatively, but not for any period of more than three months.

2. If the annexed warrant is issued in respect of maintenance payable pursuant to an order made under the Matrimonial Causes Act, 1959, of the Commonwealth, you should obtain legal advice as to the application of the foregoing portion of this notice to your particular case.

3. If you believe you can show cause why you ought not to be imprisoned under the annexed warrant, you may elect to be brought before a Children's Court or other Court of Summary Jurisdiction as provided by section 155C of the Justices Act, 1902 (as amended), for that purpose, by completing, signing and detaching the form below and handing it to the police officer in charge of any police station to which you are brought or to the Superintendent or Keeper of the prison or gaol in which you are imprisoned.

Justices Act, 1902.

FORM OF ELECTION UNDER SECTION 155C.

Court, Sitting at

Complaint No.

I, (Arrested Person) hereby elect to make application for the suspension of the operation of the warrant issued for my arrest and imprisonment on the day of , 19 , for the amount of £

Dated the day of , 19 .

Signature of Arrested Person.

Note.—The officer receiving this election should attach it to the warrant to which it applies and thereafter comply with the provisions of section 155C of the Act.

BULK HANDLING ACT, 1935-1961.

Department of Agriculture,  
South Perth, 20th November, 1962.

Ex. Co. No. 2297.

HIS Excellency the Governor in Executive Council, acting under the provisions of section 26 and section 41 of the Bulk Handling Act, 1935-1961, has been pleased to make the regulations set out in the schedule hereunder.

(Sgd.) T. C. DUNNE,  
Director of Agriculture.

Schedule.  
Regulations.

1. In these regulations, the regulations under the Bulk Handling Act, 1935 (as amended), published in the *Government Gazette* on the 31st January, 1936, and amended thereafter from time to time by regulations published in the *Government Gazette*, are referred to as the principal regulations.

2. Regulation 2 of the principal regulations is amended—

- (a) by substituting for the expression, "1960-61" therein occurring, the expression, "1961-62"; and
- (b) by substituting for the expression, "1/8.701d.", wherever therein occurring, the expression, "2/4.20782", in each case.