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[1965

CONSTITUTION ACTS AMENDMENT ACT, 1899-1963.

Premier's Department,
Perth, 7th April, 1965.

HIS Excellency the Governor in Executive Council, acting under the provisions of section 41A of the Constitution Acts Amendment Act, 1899-1963, has been pleased to make the regulations set out in the schedule hereunder.

W. S. LONNIE,
Under Secretary.

Schedule. Regulations.

1. In these regulations, the regulations made under the provisions of section 41A of the Constitution Acts Amendment Act, 1899-1963, published in the *Government Gazette* on the 3rd day of January, 1947, and amended from time to time thereafter by notices published in the *Government Gazette*, are referred to as the principal regulations. Principal regulations.
2. Regulation 8 of the principal regulations is amended— Reg. 8 amended.
 - (a) by substituting for the passage, "£1 12s. 6d." in line two of paragraph (a), the passage, "£4."; and
 - (b) by substituting for the passage, "£3 3s." in line two of paragraph (b), the passage, "£7 10s."

LAND AGENTS ACT, 1921-1964.

Crown Law Department,
Perth, 7th April, 1965.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Land Agents Act, 1921-1964, has been pleased to make the regulations set forth in the schedule hereunder.

R. C. GREEN,
Under Secretary for Law.

Schedule.

Regulations.

Principal regulations. 1. In these regulations the Land Agents Act Regulations, 1965, published in the *Government Gazette* on the 28th January, 1965, are referred to as the principal regulations.

Reg. 6A and heading added. 2. The principal regulations are amended by adding after regulation 6, the following heading and regulation:—

Grounds of Objection.

6A. (1) An objection shall be competent only if and to the extent that the grounds of the objection affect—

- (a) the character, business methods or financial position of the applicant, or the dishonest or fraudulent conduct or business methods of any person in the employ of the applicant; or
- (b) in the case of an application by or on behalf of a firm, the character, business methods or financial position of the partners or any of them, or the dishonest or fraudulent conduct or business methods of any person in the employ of the firm; or
- (c) in the case of an application by or on behalf of a company, the financial position of the company or the character or business methods of the directors or of the general manager, or the dishonest or fraudulent conduct or business methods of any person in the employ of the company; or
- (d) the employment by the licensee of any person who to the knowledge of—
 - (i) the applicant; or
 - (ii) the applicant or any partner, where the application is made by or on behalf of a firm; or
 - (iii) the general manager or any director, where the application is made by or on behalf of a company,
 has committed an offence under the provisions of section 151 of the Act; or
- (e) the obtaining improperly of a licence or renewal of a licence under the Act.

(2) In and for the purposes of this regulation a person who is remunerated by a licensee by way of commission or by share of profits shall be deemed to be in the employ of the licensee.

Reg. 9 amended. 3. Regulation 9 of the principal regulations is amended by inserting after the word, "ceased" in line three of subregulation (3), the words, "or is any of the grounds of objection mentioned in regulation 6A of these regulations."

Form No. 3 in Appendix amended. 4. Form No. 3 in the Appendix to these regulations is amended by substituting for the word, "required," being the last word in line seven, the words, "all the persons who are required."

DEBT COLLECTORS LICENSING ACT, 1964.

Crown Law Department,
Perth, 7th April, 1965.

HIS Excellency the Governor in Executive Council, acting in pursuance of the provisions of the Debt Collectors Licensing Act, 1964, and of the Interpretation Act, 1918-1962, has been pleased to make the regulations set forth in the schedule hereunder, to have and take effect on and after the date upon which the firstmentioned Act comes into operation.

R. C. GREEN,
Under Secretary for Law.

Schedule.

Regulations.

1. (1) These regulations may be cited as the Debt Collectors Licensing Regulations, 1964. Citation.
- (2) In these regulations "the Act" means the Debt Collectors Licensing Act, 1964, and if that Act is amended, includes that Act as amended from time to time. Interpretation.
See S. 39 of Act No. 30 of 1918.
2. The forms set out in the First Schedule to these regulations shall be used for the several purposes to which they are respectively applicable, and shall contain the particulars, indicated by the forms respectively with such variations as circumstances may require. Forms.
3. Every application under the Act by a corporation shall be signed on behalf of the corporation by its manager, secretary or other governing officer, by whatever name called. Application by corporation.
4. The fees payable in respect of— Fees.
 - (a) a licence and every renewal thereof shall be five pounds;
 - (b) a transfer of a licence shall be ten shillings;
 - (c) a duplicate licence shall be ten shillings; and
 - (d) the perusal of the register kept pursuant to section twelve of the Act shall be five shillings.
5. (1) A licensee may, at any time during the currency of his licence, apply to the Court that granted the licence for the transfer of the licence to a person qualified to hold the licence and on receipt of the application the Clerk of the Court shall as soon as practicable notify the officer in charge of police at the police station nearest the Court of the fact. Transfer of licence.
- (2) The application for the transfer of the licence signed by the licensee and by the proposed transferee shall be lodged in duplicate in the prescribed form with the Clerk of the Court and shall be accompanied by—
 - (a) the licence;
 - (b) testimonials as to the character of the proposed licensee signed by not less than three reputable persons;
 - (c) the prescribed fee of ten shillings; and
 - (d) a fidelity bond in the prescribed form or approved security in the appropriate sum as required by section twenty of the Act in respect of the proposed transferee as if the proposed transferee were an applicant for a licence.
- (3) Instead of lodging a fidelity bond or approved security there may be lodged in the case where a fidelity bond already lodged by the licensee is a fidelity bond in the prescribed form or the licensee has lodged an approved security, an undertaking in writing by the surety under the bond or security to hold itself or himself, as the case may be, liable thereunder in respect of the proposed transferee as if the fidelity bond or approved security were lodged in respect of the proposed transferee.

- (4) If the Court is satisfied that the proposed transferee is—
 - (a) of good fame and character;
 - (b) a fit and proper person to be a licensee; and
 - (c) of the age of twenty-one years or more,

the Court may transfer the licence to him and thereupon the transferee shall, during the currency of the licence, be deemed to be the holder of the licence.

(5) Where the proposed transferee is a corporation any reference in subregulation (4) of this regulation to the proposed transferee shall be read and construed as a reference to the directors of the corporation.

- (6) Upon the transfer of a licence the Clerk of the Court shall—
 - (a) endorse the licence accordingly;
 - (b) enter the particulars thereof in the register kept by him pursuant to section twelve of the Act; and
 - (c) notify the Commissioner of Police of the transfer of the licence.

(7) Where the application for a transfer of a licence is not granted or the application is withdrawn the amount of the prescribed fee shall be refunded to the applicant.

Lodging of application.

6. (1) An application for the grant, renewal or transfer of a licence to a Court under the Act shall be lodged in duplicate in the prescribed form with the appropriate Clerk of the Court not less than seven days before the date of the hearing of the application.

(2) Where a report of an officer in charge of police contains a statement that an objection will be made to the granting of the application, the Clerk of the Court to which the report is made shall within three days of the receipt of the report notify the applicant in the form prescribed that the application will be objected to and of the date on which it is proposed that the application will be heard by the Court.

Duplicate licence.

7. (1) An application for a duplicate licence under subsection (5) of section nine of the Act shall be lodged in duplicate in the prescribed form with the Clerk of the Court at which the licence was issued.

(2) Where a duplicate licence is issued that licence shall be endorsed as follows:—

This licence is issued under subsection (5) of section nine of the Debt Collectors Licensing Act, 1964, in substitution for licence number..... pursuant to the order of a Stipendiary Magistrate of the Local Court held at

Made on the.....day of.....19.....

Fidelity bond.

8. The fidelity bond required to be lodged prior to the issue by the Clerk of the Court of a licence granted by the Court or a transfer thereof shall be in or to the effect of the Second Schedule to these regulations.

Surrender of licence.

9. A licensee may at any time during the currency of his licence surrender the licence by letter under his hand addressed to the Clerk of the Local Court at which the licence was issued notifying the Clerk that he desires, as from the date specified therein, to surrender the licence and enclosing the licence with the letter.

Non-disclosure by auditor and person appointed by Minister.

10. (1) Except as provided in this regulation an auditor or person appointed by the Minister shall not divulge to any person or in any proceedings, any information that he has obtained in the course of conducting an audit or examination pursuant to the Act.

(2) An auditor or person appointed by the Minister is not guilty of a breach of this regulation by disclosing any information—

- (a) by means of or in any report made pursuant to the Act or to the Minister;

- (b) in or for the purposes of any legal proceedings arising out of any such report or instituted in connection with the trust accounts of a debt collector to whom the information relates; or
- (c) to any surety under a fidelity bond or approved security given in respect of a debt collector either verbally or in writing if the disclosure is first approved by the Minister.

11. A licensee shall not use directly or indirectly in the conduct or carrying on of his business as a debt collector, any vehicle of whatever kind on which is painted, affixed or otherwise exhibited— **Offence.**

- (a) the fact that he is a debt collector; or
- (b) the words, "debt collector"; or
- (c) any words importing or likely to import that he carries on the business of a debt collector.

12. Where the address of the place of business of a licensee as shown in his licence is changed, notice in writing of the change shall be lodged by the licensee with the Clerk of the Court from which the licence issued, within seven days after the address is changed. **Change of address.**

13. A licensee may charge, recover or receive from any debtor of a creditor for or in connection with the collection of a debt from the debtor on behalf of the creditor where the debt is paid by instalments a sum of five shillings or a sum not exceeding two and one half per centum of the amount of the debt, whichever is the greater amount. **Charges by licensee.**

14. The provisions of the Act do not apply to a person who holds a valid and current licence under the Land Agents Act, 1921-1964, in respect of— **Exemption.**

- (a) the collecting of rents; and
- (b) the collecting of any purchase moneys of any land or interest therein or any instalments thereof,

by that person in the ordinary course of his business as a land agent or by any person employed by him who is acting in the ordinary course of that business of, and on behalf of, the person who holds the licence.

15. A person who commits a breach of these regulations is guilty of an offence against the regulations and is liable to a penalty not exceeding one hundred pounds. **Penalties.**

FIRST SCHEDULE.

Form 1.

Debt Collectors Licensing Act, 1964.

APPLICATION FOR DEBT COLLECTOR'S LICENCE OR RENEWAL THEREOF.

To the Local Court at.....
 I..... of (place of abode).....
 in the State of....., hereby make application for *a
 grant or renewal of a Debt Collector's Licence.

My principal or sole place of business where I propose to carry on business as a debt collector is situated at.....

The other places at which I intend to carry on business as a debt collector are situated at.....

*My current licence number..... issued by the Local Court at..... will expire on the..... day of..... 19.....

I am not under the age of twenty-one years.

Testimonials as to my character are annexed hereto marked respectively "A" "B" and "C" and signed respectively by

	Name.	Address.	Occupation.
A			
B			
C			

Dated this..... day of....., 19.....

Signature of Applicant.

* Strike out whichever is inapplicable.

Form 2.

In the Local Court held at.....

Debt Collectors Licensing Act, 1964.

DEBT COLLECTOR'S LICENCE.

PURSUANT to the provisions of the abovementioned Act..... of*....., whose principal or sole place of business is situated at..... is hereby licensed to carry on business as a debt collector on his or its behalf in Western Australia from the date hereof until the..... day of....., 19....., unless this licence is before that date cancelled in accordance with the Act.

Given under my hand at..... this..... day of..... 19.....

Clerk of the Local Court at

* Insert place of abode.

Form 3.

Debt Collectors Licensing Act, 1964.

NOTIFICATION OF OBJECTION TO GRANT, RENEWAL OR TRANSFER OF LICENCE.

WHEREAS the Officer in Charge of Police at the..... Police Station proposes to object to the grant of your application for the grant, renewal or transfer of a debt collector's licence on the following grounds:— (Here state grounds of objection.)

TAKE notice that the application will be heard by the Local Court held at..... on....., the..... day of....., 19.....

Given under my hand this..... day of..... 19.....

Clerk of the Local Court at

TO: of (place of abode as shown in the application).....

Form 4.

Debt Collectors Licensing Act, 1964.

NOTIFICATION TO COMMISSIONER OF POLICE.

Name of Licensee.	Place of Abode.	Sole or Principal Place of Business.	Licence No. and Expiry Date.	Date of Issue, Renewal or Cancellation.	Action Notified.*

* Issue, renewal, cancellation or surrender or notification of change of place of business or transfer of licence.

.....
Clerk of the Local Court at

Form 5.

Debt Collectors Licensing Act, 1964.

APPLICATION FOR DUPLICATE LICENCE.

To the Clerk of the Local Court at.....
I....., of.....
hereby make application for a duplicate of Debt Collector's Licence Number....., which was issued to me by the Local Court at....., on the.....day of.....19.....

I tender herewith the sum of ten shillings, being the prescribed fee.

My sole or principal place of business is situated at.....

The licence number.....has not been transferred, terminated, or cancelled.

I have made diligent search for the licence, but have been unable to find it and am of the opinion that it has been accidentally (or, as the case may be,) lost destroyed.*

Dated this.....day of....., 19.....

.....
Applicant.

* Strike out whichever is inapplicable.

Form 6.

Debt Collectors Licensing Act, 1964.

APPLICATION FOR TRANSFER OF A DEBT COLLECTOR'S LICENCE.

To the Clerk of the Local Court at.....
I.....of.....
being the holder of a Debt Collector's Licence Number..... issued by the Local Court at..... on the.....day of.....19..... and whose principal or sole place of business is situated at..... hereby make application for the transfer of the licence to..... of.....

The licence is attached hereto for endorsement.

And I the said....., hereby make application that the licence be transferred to me.

My principal or sole place of business where I propose to carry on the business of a debt collector is situated at.....

My place of abode is situated at.....

I am not under the age of twenty-one years.

I tender herewith the sum of ten shillings, being the prescribed fee for the transfer.

Testimonials as to my character are annexed hereto marked respectively "A" "B" and "C" and signed respectively by—

	Name.	Address.	Occupation.
A			
B			
C			

Dated this.....day of....., 19.....

Signature of Transferor.

Signature of Transferee.

SECOND SCHEDULE.

Form 7.

Debt Collectors Licensing Act, 1964.

FIDELITY BOND.

KNOW ALL MEN BY THESE PRESENTS that

(insert name in full of the corporation which is the surety) an incorporated company carrying on the business of insurance in the State of Western Australia (in this bond called "the Surety") is hereby firmly held and bound to Her Most Gracious Majesty Queen Elizabeth II, Her Heirs, Successors and Assigns in the sum of (five thousand pounds if the licensee is a corporation or three thousand pounds where the licensee is a natural person) to be paid to Her Majesty Her Heirs, Successors or Assigns for which payment well and truly be made the Surety binds itself and its successors firmly by these presents.

Sealed with our seal

Dated this.....day of....., 19.....

WHEREAS one (name of applicant for a debt collector's licence with his address and description)..... (in this bond called "the Applicant") is an applicant for the grant of a debt collector's licence under the Debt Collectors Licensing Act, 1964, and under the provisions of that Act each such applicant is required to lodge with its or his application a fidelity bond for the sum of five thousand pounds, if the applicant is a corporation and three thousand pounds, if the applicant is a natural person from some insurance company approved for the purpose by the Minister for the time being administering the Act; and whereas the above bounden Surety has agreed to enter into the above written bond. Now, therefore, the condition of the above written bond is such that if the applicant is granted a debt collector's licence under the Debt Collectors Licensing Act, 1964, and if from time to time and at all times thereafter the applicant shall duly pay all penalties,

damages and costs adjudged against the licensee to whom the bond relates in respect of any act done or omitted by him as a debt collector before the bond is terminated and shall duly observe and comply with all the provisions of that Act and the regulations thereunder with respect to any moneys received by him or it or by any partnership of which he or it is or shall be a member as a debt collector or debt collectors and the applicant shall duly and faithfully account for and pay over to the persons respectively entitled thereto all moneys received by the applicant or by any partnership of which he or it is or shall be a member in the course of his or its business as debt collectors but so that no granting by or on behalf of Her Majesty the Queen or the Minister or any person paying to the applicant or to any such partnership or any employee of the applicant any of those moneys or by or on behalf of any person entitled to any of those moneys or any person employing the applicant or any such partnership as debt collectors, of any time, credit, forbearance or indulgence to the applicant, to any such partnership or employee of the applicant shall in any way release the Surety from liability under the above written bond then the above written bond shall be void but otherwise shall remain in full force and effect, but if the Surety gives notice in writing to the licensee, the Commissioner of Police and to the Clerk of the Local Court with whom these presents are lodged that the Surety desires to be relieved of any further liability thereunder as from the date specified in the notice, being a date not earlier than thirty days from the service of the notice, the obligation of the Surety under these presents shall cease as from the date so specified but notwithstanding such determination the Surety shall continue to be liable—

- (a) in respect of all penalties, damages and costs adjudged against the licensee to whom the above written bond relates in respect of any act, done or omitted before the date of the determination of the bond; and
- (b) for the due accounting after the specified date by the licensee to the persons entitled thereto, of all trust money received by the licensee before the specified date.

In witness whereof the Surety has hereunto affixed its Common Seal the day and year above written.

The Common Seal of
was hereunto affixed
pursuant, etc.,
in the presence of:

LOCAL GOVERNMENT ACT, 1960.

Municipality of the Shire of Gnowangerup.

Draft Model By-law No. 10—Petrol Pumps.

L.G. 358/64.

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 February, 1965, to adopt an amendment to Draft Model By-law No. 10—Petrol Pumps—as published in the *Government Gazette* dated 1st October, 1964:—

The whole of the amendment.

Dated the 24th day of February, 1965.

[L.S.]

J. V. McDONALD,
President.
W. J. CUNEO,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 7th day of April, 1965.

W. S. LONNIE,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Town of Northam.

Adoption of Draft Model By-laws Relating to Signs, Hoardings and Billposting.

L.G. 512/59.

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 February, 1965, to adopt the Local Government Model By-laws (Signs, Hoardings and Billposting) No. 13 published in the *Government Gazette* on the 11th day of June, 1963, and the 10th December, 1964, with the following alteration:—

By-law 38 is deleted and the following by-law is substituted:—

38. The by-laws No. 66—Signs, Hoardings and Billposting—published in the *Government Gazette* on the 15th September, 1959, are hereby revoked.

Dated this 25th day of February, 1965.

[L.S.]

C. T. BEAVIS,
Mayor.
N. J. D. RIDGWAY,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 7th day of April, 1965.

W. S. LONNIE,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Narembeen.

Adoption of Draft Model By-laws Relating to Caravan Parks (No. 2).

No. 17.

L.G. 114/65.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 21st day of October, 1964, to adopt such of the Draft Model By-laws Relating to Caravan Parks (No. 2) as published in the *Government Gazette* of the 28th day of September, 1961, and as amended in the *Government Gazette* of the 16th day of January, 1963; as here set out:—

The whole of the by-laws.

Dated this 3rd day of March, 1965.

[L.S.]

A. ROACH,
President.
R. H. FARDON,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 7th day of April, 1965.

W. S. LONNIE,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.
The Municipality of the Shire of Narembeen.
By-laws Relating to Street Verandahs.
No. 16.

L.G. 113/65.

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 21st day of October, 1964, to make and submit for confirmation by the Governor, the following by-laws:—

1. Every owner or occupier of land on which there is a building or structure having a verandah supported by posts erected in or on a street way or footpath or other public place within the townsite of Narembeen shall remove such verandah on or before the 1st day of January, 1967.

2. Where the owner or occupier does not comply with the requirement referred to in the preceding paragraph, the Council may, after the expiration of one month from the date of service of a written notice of its intention to do so, remove such verandah at the expense of the owner or occupier (in the discretion of the Council) and the Council may recover the amount of the expense from the owner or occupier in a court of competent jurisdiction.

3. No verandah shall hereafter be erected in, on or over a street, way or footpath or other public place within the townsite of Narembeen unless the construction is of the cantilever or suspended awning type and is as approved by, and to the satisfaction of, the Council.

4. Owner or occupiers of land on which there is a building or structure having a verandah, in on or over a street, way or footpath or other public place within the townsite of Narembeen shall maintain the verandah in a good and safe state of repair to the satisfaction of the Council.

5. Any person offending against any of the provisions of this by-law shall, on conviction, be liable to a penalty of £50.

Dated this 3rd day of March, 1965.

[L.S.]

A. ROACH,
President.
R. H. FARDON,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 7th day of April, 1965.

W. S. LONNIE,
Clerk of the Council.

VETERINARY MEDICINES ACT, 1953-1963.

Department of Agriculture,
South Perth, 7th April, 1965.

HIS Excellency the Governor in Executive Council, acting under the provisions of the Veterinary Medicines Act, 1953-1963, has been pleased to make the regulations set forth in the schedule hereunder.

T. C. DUNNE,
Director of Agriculture.

Schedule.
Regulations.

Principal regulations.

1. In these regulations the Veterinary Medicines Act Regulations, published in the *Government Gazette* on the 11th June, 1954, and amended by notice published in the *Government Gazette* on the 12th December, 1956, are referred to as the principal regulations.

Reg. 8 amended.

2. Regulation 8 of the principal regulations is amended by substituting for the passage, "three guineas (£3 3s.) for each", in lines three and four, the passage "five guineas (£5 5s.) for each half day of each".