



Western Australia.

ANNO QUINQUAGESIMO NONO

VICTORIÆ REGINÆ.

No. XXIX.

AN ACT to amend "The Building Act, 1884."

[Assented to, 12th October, 1895.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. SECTION three of "The Building Act, 1884" (hereinafter called the principal Act), and the Schedule to such Act, are hereby repealed.

Repeal.

2. THE principal Act and all amendments thereof shall apply to the whole Municipalities of Perth and Fremantle, and to such other Municipalities or portions thereof as have heretofore been proclaimed under Section three of the said Act.

Provisions of Building Act to apply to Perth and Fremantle, &c.

3. (1.) WHENEVER requested so to do by any Municipality, it shall be lawful for the Governor, by notice in the *Government Gazette*, to apply all or any of the provisions of the said Act, or of any amendments thereof, to any Municipality heretofore or hereafter

And to such other Municipalities, or portions thereof, as the Governor may direct.

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proclaimed, or to any portions thereof; and thenceforth the said Acts, or such provisions thereof as aforesaid, shall apply to such Municipality, or portions thereof, in as full and ample a manner as if such Municipality, or such portions thereof as aforesaid, were specially named in the Principal Act.

(2.) A copy of the *Government Gazette* containing any notice as aforesaid shall be received in all Courts of Justice and elsewhere as evidence that the said Acts, or such provisions thereof as aforesaid, apply to the Municipality or portions thereof mentioned in such notice, and from the date therein expressed.

Power to make by-laws in certain cases.

4. (1.) THE Council of a Municipality shall, in addition to the powers granted by the fortieth section of the Principal Act, have power to make, repeal, alter, or amend by-laws with respect to the following matters, that is to say:—

- (a.) Regulating the plan and levels of sites for, and the foundations and sites of buildings.
- (b.) The mode in which and the materials with which such foundations and sites are to be made, excavated, filled up, prepared, and completed.
- (c.) The thickness and height and the description and quality of the substances of which walls may be constructed.
- (d.) The construction and erection, size, and position of parapets, flues, and fireplaces in any building.
- (e.) The height, size, and dimensions, and the lighting and ventilation of all rooms or parts of a building.
- (f.) Prohibiting the use, for purposes of human habitation, of any building or part thereof not originally built for such purpose.
- (g.) Requiring the deposit with and approval of the surveyor of the plans and specifications of all buildings, or alterations therein, before such construction or alteration is commenced.

(2.) Such by-laws may apply to any part of the Municipality as therein mentioned.

(3.) Without prejudice to the recovery of any penalty imposed by such by-laws, the provisions of Section thirty-eight of the Principal Act shall extend to any act contrary to, or any omission or neglect of any act required to be done by the provisions of any by-law.

(4.) For the purposes of this section, “building” shall include every building or erection of whatsoever nature hereafter erected or wholly or substantially rebuilt, and, as far as applicable, such by-laws

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may be made to extend to every future alteration of, or addition to, any such building or erection heretofore or hereafter erected.

5. THIS Act may be cited as “The Building Act, 1884, Amendment Act, 1895,” and shall be incorporated with and construed Short Title as part of the Principal Act.

In the name and on behalf of the Queen I hereby assent
to this Act.

ALEX. C. ONSLOW, Administrator.