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No. 61]

PERTH : MONDAY, 18th JULY

[1960

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

L.G. 2301/52.

A By-law of the Municipality of North Fremantle made under Section 180 of the Municipal Corporations Act, 1906, and numbered 1.

IN pursuance of the powers conferred by the said Act, the Mayor and Councilors of North Fremantle Municipality order as follows:—

By-Law No. 1.

Repeal of By-laws.

The by-laws heretofore made by the North Fremantle Municipality under the provisions of the Municipal Corporations Act and numbered 1 to 16, and printed in pages 1778 to 1787 of the *Government Gazette* dated 21st September, 1923, and subsequent amendments thereto and the by-law numbered 18 and printed in page 2005 of the *Government Gazette* dated 22nd August, 1930, and the by-law numbered 18 and printed in page 406 of the *Government Gazette* dated 24th March, 1932, are hereby repealed.

Passed by the Council of the North Fremantle Municipality this 26th day of February, 1959.

[L.S.]

W. H. WALTER,
Mayor.

S. W. PARKS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of June, 1960.

R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 2—Standing Orders.

Regulating the Proceedings of the Council.

L.G. 2301/52.

A By-law of the Municipality of North Fremantle made under Section 180 of the Municipal Corporations Act, 1906, and numbered 2, for Regulating the Proceedings of the Council.

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

Interpretations.—In the construction of this by-law the following terms in inverted commas shall, except where otherwise expressly provided, or unless the context otherwise indicates, have the meanings and include the things hereby assigned to them respectively—

“Act” shall mean the Municipal Corporations Act, 1906, and amendments thereto;

“Committee” shall mean any standing or special committee appointed by the Council;

“Special committee” includes “occasional committee” within the meaning of section 168 of the Act;

“Council” shall mean the Council of the Municipality of North Fremantle;

“Mayor” shall include any Councillor chosen to preside at any meeting of the Council in manner prescribed by the Act;

“member” shall mean any member of the Council for the time being, and, when applicable, any member of a committee;

“officer” shall mean officer of the Municipality appointed by the Council;

“meeting” shall mean and include any regular or special meeting of the Council held in pursuance of the Act and convened as therein required;

“Town Clerk” shall mean the Town Clerk of the Municipality or acting Town Clerk for the time being.

Proceedings Conducted According to Standing Orders.

1. The proceedings and business of the Council shall be conducted according to the following regulations, which shall be called the Standing Orders.

Open Doors.

2. The business of the Council shall be conducted with open doors, except upon such occasions as the Council shall by resolution decide, which resolution may, at any time, be moved without notice.

Reporters.

3. At all meetings accredited newspaper reporters shall be permitted to attend in such part of the Council Chamber as may be appropriated for their accommodation, but they shall withdraw upon a vote of the Council so requiring during any portion or the whole of the meeting.

Disturbance by Visitors.

4. The admission of citizens, reporters, and visitors to the Council Chamber shall be under and subject to the condition that no expression of dissent or approval, conversation, or interruption to the proceedings of the Council shall take place, and in the event of any breach of this condition, the Mayor may at his discretion and without a vote of the Council, require the person or persons so offending to withdraw, and thereupon such person or persons shall immediately withdraw from the Council Chamber.

Quorum.

5. At every meeting of the Council a quorum shall consist of not less than one-third of the number of Councillors assigned to the Municipality, exclusive of the Mayor or the Councillor chosen to preside in the absence or after the retirement of the Mayor. Every meeting shall proceed to business as soon after the time stated in the notice as there shall be a sufficient number of Councillors in attendance to constitute a quorum.

Count Out.

6. If at any time during any meeting of the Council a Councillor shall call the attention of the Mayor to the fact that a quorum is not present, the Mayor shall thereupon suspend the proceedings of the meeting for a period of two minutes, and if a quorum be not present at the expiration of such period, the meeting shall be deemed to have been counted out, and the Mayor shall adjourn it to some future day.

Record of Councillors Present.

7. At all meetings at which there are not present three Councillors and the Mayor, or four Councillors, as the case may be, or at which the Council is counted out for want of a quorum, the names of the Councillors then present shall be recorded in the minute book.

Order of Business (Standing Orders).

8. After the signing of the minutes as provided for hereunder the order of business of any ordinary meeting shall be as follows, or as near thereto as shall be practicable; but for the greater convenience of the Council at any particular meeting thereof, it may be altered by resolution to that effect:—

- (1) Confirmation of Minutes.—The minutes of any preceding meeting whether ordinary or special, not previously confirmed, shall be submitted as the first business at all meetings of the Council in order to obtain their confirmation; and no discussion shall be permitted thereon except as to their accuracy as a record of the proceedings, and the said minutes shall then be signed by the Mayor as by section 176 of the Act required.
- (2) Announcements by the Mayor without discussion.
- (3) Questions by Councillors without discussion.
- (4) Notices of motions for consideration at the following meeting, if given during the meeting.
- (5) Correspondence.
- (6) Petitions and memorials.
- (7) Tenders.
- (8) Report of Committees.
- (9) Orders of the day, including considering and ordering upon reports previously presented, business left over from the preceding meeting, and any business the Mayor may think desirable to bring under the notice of the Council and may have directed to be entered as an order of the day.
- (10) Motions of which previous notices have been given.

Special Meetings—Order of Business.

9. The order of business at any special meeting of the Council shall be the order in which such business stands in the notice thereof. No business shall be transacted at any special meeting, except such as is stated in the notice thereof (section 167 (3)).

Notice of Motion.

10. Any Councillor may bring forward such business as he may consider advisable in the form of a motion, of which notice shall be given in writing to the Town Clerk, either at the meeting previous to the meeting at which it is intended to move the same, or at any time thereafter, being not less than three clear days before such last mentioned meeting.

Motion to Lapse.

11. Every such motion shall lapse, unless the Councillor who gave the notice thereof, or some other Councillor authorised by him in writing, be present to move the same when such motion shall be called on.

Unopposed Notices of Motion.

12. The Mayor may call over the notices of motion on the business paper in which they appear thereon; and if objection is not taken to a motion being taken as a formal motion, may call upon the mover to move the same, and upon the motion being seconded may then, without discussion, put the motion to the vote.

The Mayor or Chairman may Take Part in Debates.

13. Subject to the provisions of this by-law, it shall be competent for the Mayor or Chairman to take part in a discussion upon any question before the Council, provided that he shall address the Council before the right of reply is exercised.

Precedence of Mayor or Chairman.

14. When the Mayor or Chairman rises in his place during the progress of a debate, any member of the Council then speaking or offering to speak, shall immediately resume his seat, and every member of the Council present shall preserve strict silence, so that the Mayor or Chairman may be heard without interruption.

Digression from Subject—Personal Reflection.

15. No Councillor shall digress from the subject matter of the question under discussion nor impute improper motives to any other Councillor, and all personal reflections upon any Councillor shall be considered highly disorderly.

Councillors to Address the Chair.

Point of Order.

16. (1) Any Councillor moving a motion or amendment, or taking part in the discussion thereon, shall rise and address the Mayor and shall not be interrupted unless upon a point of order, when he shall resume his seat until the Councillor raising the point of order has been heard thereon, and the question of order has been disposed of, when the Councillor in possession of the floor may proceed.

(2) Rising to express a difference of opinion with or to contradict a speaker shall not be recognised as raising a point of order.

(3) The following actions shall be deemed breaches of order, namely:—

- (a) Discussion of a question not before the Council.
- (b) The use of offensive or insulting language.
- (c) The violation of any by-law or standing order of the Council.

Nature of Motion to be Stated.

17. Any Councillor desirous of proposing an original motion or amendment, shall state the nature of the same before he addresses the Council thereon, and, if so required by the Mayor, shall put the same in writing.

Withdrawal of Motion.

18. A motion or amendment may be withdrawn by the mover with the consent of the Council, which shall be signified without debate, and it shall not be competent for any Councillor to speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

Official Titles to be Used.

19. Members of the Council shall speak of each member in the Council during the transaction of business by their respective titles of Mayor or Councillor, as the case may be, and as recognised by Statute, and members of the Council, in speaking of or addressing officers shall designate them by their respective official or departmental titles.

Priority.

20. In the event of two or more members of the Council rising to speak at the same time, the Mayor or Chairman shall thereupon decide which member is entitled to be heard, and the decision of the Mayor or Chairman shall be final and conclusive, and shall not be open to discussion or dissent.

Councillor not to Speak Twice.

Right of Reply.

21. No Councillor shall speak twice on the same question except by way of explanation, but the mover of an original motion shall have the right of reply, and a reply shall be allowed to the mover of a substantive motion. After the mover of the motion or substantive motion has commenced his reply no other member of the Council shall speak on the question. It shall not be competent for any new matter to be introduced by the mover when speaking in reply, but he shall strictly confine himself to answering previous speakers.

Right of Reply Governed.

22. The right of reply shall be governed by the following provisions:—
- (a) If no amendment ensue upon the proposal of an original motion, the mover may reply at the conclusion of the discussion on his motion.
 - (b) If there be an amendment, the mover of an original motion shall make his reply at the conclusion of the debate on the amendment, and this reply shall exhaust his right thereto as a mover of an original motion. He may, however, take part in the discussion upon subsequent amendments as an ordinary member of the Council.
 - (c) The mover of a first amendment, after speaking thereto, has not the right to reply. If his amendment be carried, the amended proposition then becomes the substantive motion and he shall have the right of reply at the conclusion of the debate on a second amendment.
23. On the amendment being moved, a member of the Council who has spoken to the original question may speak again before the amendment has been put and has become the amended proposition before the Council.
- Any member moving or seconding a motion or amendment in the terms, "I move," etc. or "I second," etc., as the case may be, shall be held to have spoken on that question.

Calling to Order for Speaking Twice.

24. The Mayor shall, without waiting for the interposition of the Council call to order any Councillor proceeding to speak a second time on the same question.

Suspension of Standing Orders.

25. In cases of urgent necessity and Standing Order or orders of the Council may be suspended on motion duly made and seconded without notice, provided that such motion has the concurrence of the majority of the Councillors present, provided also that such majority be not less than four.

Object of Suspension to be Stated.

26. Any Councillor moving the suspension of any Standing Order shall state the object of such motion, but no discussion shall take place thereon.

Production of Documents.

27. Any Councillor may of right require the production of any of the documents of the Council relating to the question or matter under discussion.

One Amendment at a Time.

28. One amendment only shall be discussed at one time, but, if lost, another may be moved before the original question is put to the vote, but upon any amendment being carried it shall be competent for any Councillor to move one other amendment thereon but no more.

Substantive Motion.

29. Upon the adoption of any amendment, such amendment shall be held to have quashed the original motion, and for all purposes of subsequent discussion the amendment so carried shall, subject to the last preceding clause, be treated as an original motion.

Method of Taking Votes.

30. The Mayor shall, in taking the vote of any motion or amendment, put the question first in the affirmative and then in the negative, and he may do so as often as it is necessary to enable him to form and declare his opinion from the show of hands as to which party has the majority.

Division.

31. The Council shall vote by a show of hands, but any Councillor may call for a division upon any question, in which case the Councillors voting in the affirmative shall, until the vote is recorded, stand up, and those in the negative retain their seats; all division lists shall be entered on the minutes.

Reflection upon Vote of Council.

32. No Councillor shall reflect upon any vote of the Council, except for the purpose of moving that such vote be rescinded.

That the Council do now Adjourn—Time to Move.

33. A Councillor may at the conclusion of the speech of any other Councillor, or on the conclusion of any business, move without notice that the Council do now adjourn: Provided that the mover may speak for not more than five minutes, the seconder shall not speak beyond formally seconding, and the mover of the question (if any) under debate, on the motion for adjournment being made, may be heard in reply for five minutes, but no further debate shall be allowed. No Councillor who has spoken on the question then before the Council shall be permitted to move the adjournment of the Council.

No Discussion: Procedure before Further Motion.

34. Except as provided in clause 33, no discussion shall be allowed on any motion for adjournment of the Council, but if on the question being put the motion be negatived, the subject then under consideration, or the next on the notice paper or any other that may be allowed precedence, shall be discussed before any subsequent motion for adjournment shall be entertained.

Question Adjourned to Next Meeting.

35. On a resolution for adjournment the question (if any) under debate when motion for adjournment was made shall stand adjourned to the next meeting.

One Motion Only.

36. At the same sitting no Councillor may move or second more than one motion for the adjournment of the Council.

Speaking at Resumption of Council.

37. On a motion for the adjournment of the Council being carried, a record shall be taken of all those who have spoken on the subject under consideration at the time of the adjournment and they shall not be permitted to speak on any subsequent consideration of the same subject. Provided that this clause shall not deprive a mover of the right of reply.

That the Debate be Adjourned—Time to Move.

38. Any Councillor may, at the conclusion of the speech of any other member, move without previous notice that the debate be adjourned to a later hour of the same day or to any other day. No discussion shall be allowed upon a motion for the adjournment of a debate.

Pre-Audience on Resumption of Adjourned Debate.

39. The Councillor upon whose motion any debate shall be adjourned by the Council shall be entitled to pre-audience on the resumption of the debate.

Resumption of Debate after Count Out.

40. If a debate on any motion moved and seconded be interrupted by the Council being counted out, such debate may be resumed at the next meeting at the point where it was so interrupted, on motion with notice.

Rescission of Resolution.

41. No resolution of any meeting of the Council shall be revoked, rescinded, or altered except in manner provided in section 165 of the Act.

Reconsideration of Motion for Rescission.

42. No motion for revoking, rescinding, or altering any resolution of the Council which shall have been negatived by the Council shall again be entertained during the same municipal year unless with the consent of at least six members of the Council.

All Councillors to Vote—Casting Vote.

43. At all meetings of the Council, save where the Act otherwise provides, all the Councillors present shall vote, and if any Councillor fails to vote the Mayor shall call upon him either to vote or to leave the Council Chamber. If there be an equal division of votes upon any question, the Mayor shall, in addition to his own vote, have a second or casting vote.

That the Council do Resolve into Committee of the Whole.

Council in Committee.

44. The Council may, upon a motion duly made, resolve itself into Committee of the Whole, for the purpose of taking into consideration any subject which, in the opinion of the Council, may require more full and free discussion and may at the close of sitting in Committee resume the proceedings in Council.

Notice Resolving into Committee, etc., Unnecessary.

45. No previous notice of any motion to resolve into Committee of the Whole or resume in Council shall be necessary.

Motion Resolving into Committee, etc., to be Seconded.

46. A motion that the Council do resolve into Committee of the Whole, or resume proceedings in Council, must be seconded, but such motion need not be reduced in writing.

Speeches on Motion to Resolve into Committee.

47. The member of the Council moving that the Council do resolve into Committee of the Whole, or resume proceedings in Council, may speak in support thereof for not more than five minutes, but the seconder shall not be permitted to speak beyond formally seconding it.

48. Upon a motion being made that the Council do resolve into Committee of the Whole, the mover of the question under debate if any, may, without prejudice to his right of reply, be heard in reply on the question of resolving into Committee of the Whole for five minutes, after which the question shall be at once put without debate.

Conduct of Committee.

49. In Committee of the Whole the Standing Orders of the Council shall apply except that Councillors may speak more than once to the same question.

Adoption of Committee.

50. The Mayor shall report the resolution arrived at in Committee of the whole to the Council at its next ordinary meeting, or upon resumption of the Council as the case may require, and such resolution shall be dealt with as the Council may think fit.

Record of Words used by a Councillor.

51. Any Councillor may require the Town Clerk to take down any particular words used by a Councillor immediately upon the same being used.

Mayor's Ruling.

52. The Mayor when called upon to decide a point of order or practice shall give his decision, and his decision shall be final in that particular case, unless a majority of the members of the Council shall upon motion made forthwith, dissent therefrom.

53. Any Councillor who shall use any expression which in the opinion of the Mayor reflects offensively on any member of the Council shall, when required by the Mayor, unreservedly withdraw such expression, and make a satisfactory apology to the chair, and if he declines, or neglects to do so the Mayor may refuse to hear such Councillor further upon the matter then under discussion and may call upon the next speaker or may suspend or adjourn the sitting of the Council, or may direct the offending Councillor to withdraw from the Council Chamber for the remainder of the then sitting of the Council.

Disturbance.—Conversing Aloud.

54. No Councillor shall make any noise or disturbance or, except to raise a point of order, converse aloud whilst any other Councillor is speaking, or whilst any matter is being read or opened.

Crossing Council Chamber.

55. When the Mayor is putting any question, no Councillor shall walk out of or across the Chamber, nor shall any Councillor, whilst any other Councillor is speaking, pass between the speaker and the chair.

Mayor May Call to Order.

56. The Mayor shall preserve order, and may, on his own motion call any Councillor to order whenever in his opinion there shall be cause for so doing.

Infraction of Standing Orders.

57. Every Councillor shall be entitled to direct the attention of the Mayor to any infraction of the Standing Orders by any other Councillor.

Decision of Mayor on Point of Order—Councillor to Apologise when Called Upon.

58. Whenever it shall have been decided by the Mayor that any motion, amendment, or other matter before the Council is out of order and the Mayor's ruling has not been dissented from, in accordance with clause 52, the same shall be rejected, and whenever anything said or done in the Council by any Councillor shall be similarly decided to be out of order, such Councillor shall be called upon by the Mayor to make such explanation, retraction or apology as the case may require.

Councillor to Withdraw from Council Chamber.

59. Any Councillor who shall persist in any line of conduct which the Mayor shall have decided, or which by any clause of this by-law is declared to be out of order, or who shall refuse to make any explanation, retraction, or apology required by the Mayor as aforesaid, shall, upon the request of the Mayor, withdraw from the Council Chamber for the remainder of the then sitting of the Council.

Removal of Councillor from Council.

60. In the event of any Councillor refusing or neglecting to withdraw from the Council Chamber, when requested or directed by the Mayor so to do, the Mayor may order such Councillor to be removed from the said Chamber and to be excluded therefrom during the remainder of the then sitting of the Council.

Committees.

61. In addition to such special committees as may from time to time be appointed, there shall be five standing Committees from among the Councillors—Works Committee, Health Committee, Finance Committee, a General Purposes Committee, and a Parks and Ovals Committee, each of which shall consist of not less than three members. Such committees shall be appointed each year at the first meeting of the new Council which shall be held after the annual elections.

Election of Committees.

62. The members of the said committees shall, in default of agreement, be elected by ballot, and, in the event of an equality of votes for two or more Councillors, the Mayor shall have a casting vote.

Works Committee.

63. The Works Committee shall have the general direction of all works ordered or sanctioned by the Council, and all streets, roads, ways, drains, bridges, and other public places under the care and management of the Council, the management and general direction of sweeping and watering, and the general administration of the Building By-laws.

Such Committee shall inquire into and report to the Council from time to time upon such improvements and repairs as they may think necessary, or which the Council may by resolution direct them to inquire into and report upon.

Finance Committee.

64. The Finance Committee shall examine and check all accounts and generally supervise the collection and expenditure of the municipal revenue. Such committee shall inquire into and report to the Council from time to time on all matters which they may consider to affect, or be likely to affect, the finances of the Municipality or which the Council may, by resolution, direct them to inquire into and report upon. Such committee shall also have control of all matters affecting the staff of the Council.

General Purposes Committee.

65. The General Purposes Committee shall prepare draft of all such by-laws as may from time to time be required for the good government of the Municipality.

Parks and Ovals Committee.

66. The Parks and Ovals Committee shall have the control of all parks, reserves, Leighton Beach and tree planting, and of the Town Hall and other municipal buildings and the administration of all the municipal by-laws, except such as shall be specially placed under the control of any other committee.

Health Committee.

67. The Health Committee shall have the control of all matters connected with health and hygiene, including the standard of dwellings, food inspections, vermin destruction, sanitary and rubbish removals, and administration of health clinics, together with the control of any matter governed by the Health Act, Food and Drug Regulations, and Health By-laws adopted by the Council of this Municipality from time to time.

Confidential Business.

68. All matters dealt with or brought before the Council in Committee or before any committee of the Council shall be treated as strictly confidential, and unless and until otherwise determined, no information whatever in relation to the proceedings thereat shall be disclosed to any person outside the Council prior to the decision of the full Council thereon.

Special Leave for One Day.

69. The Town Clerk, may, at any time, grant one day's emergency leave of absence to any officer upon written application in that behalf, but such emergency leave shall not count against or be deducted from any leave due or to become due to the applicant.

Absence Through Illness.

70. Written notification must be sent to the Town Clerk by or on behalf of any officer who is prevented by illness from attending to his duties for any period exceeding one day. Should any officer be absent from duty through illness for any period exceeding two days, notification thereof in writing, accompanied by a medical certificate must be immediately sent to the Town Clerk.

Transfer of Officers or Servants.

71. The Council may, in its discretion, transfer any officer or servant of the Municipality from any office or employment to any other office or employment as the interests of the Municipality may appear to the Council to warrant.

Town Clerk to Chief Executive Officer.

72. The Town Clerk shall be the chief executive officer of the Municipality, and shall have and exercise, on the Council's behalf, full authority over every officer and servant of the Municipality.

All Other Officers to be Subordinate to the Town Clerk.

73. All officers and other servants of the Municipality, in whatever capacity shall be subordinate to the Town Clerk, whose directions and instructions such officers and servants shall promptly and faithfully accept, act upon, and execute.

Officers to receive Instructions from Town Clerk.

74. All directions of the Council, together with other special and important instructions to principal officers and heads of departments shall, as far as practicable, be conveyed by the Town Clerk in writing: Provided that, pending written confirmation, the verbal instructions of the Town Clerk must be promptly and faithfully accepted, acted upon and executed.

Town Clerk may Suspend any Officer from Duty.

75. If, in the opinion of the Town Clerk, the suspension from duty of any officer, pending the pleasure of the Council, would be in the best interest of the Municipality, the Town Clerk may, in writing under his hand, suspend any officer accordingly, and every such suspension shall be good and binding until the pleasure of the Council thereon.

Town Clerk to Report Suspension Immediately.

76. Immediately any officer has been suspended as aforesaid, the Town Clerk shall report to the Council the facts in respect thereof. It shall not be competent for the Town Clerk or any member of the Council to make public or otherwise communicate the contents of such report to any person other than a member of the Council without the expressed authority and approval of the Council.

Effect of Suspension.

77. Upon receipt of a written notice of suspension signed by the Town Clerk, whether such notice contains reasons for such suspension or otherwise, the officer in question shall be suspended accordingly, and shall forthwith deliver to the Town Clerk or any other person appointed by the Town Clerk in that behalf, all papers, books, documents, records, moneys, valuables, keys, and all other articles and things, the property of the Municipality in his possession.

Officers not to Become Security.

78. No officer or servant of the Council shall become security for any member of the Council, nor for any other officer or servant of the Council nor engage in any loan transaction with any member of the Council or with any other officer or servant of the Council.

Officers of Council not to Show Documents.

79. No officer of the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council without leave from the Council, except as otherwise provided by law.

Mayor may Suspend Town Clerk.

80. The Mayor may, in writing under his hand and the Common Seal of the Municipality, suspend the Town Clerk from duty for any misconduct or punishable offence, and shall immediately thereafter call a special meeting of the Council to deal with such suspension.

Miscellaneous.

Mayor authorised to expend funds up to £10.

81. Upon the written recommendation of the Town Clerk in that behalf the Mayor may, in writing under his hand, at any time, authorise the expenditure of any sum not exceeding £10 upon any work or service of special urgency; but such authorisation shall be submitted to the Council for confirmation at the next regular meeting of the Council.

Officers not to Incur Unauthorised Expenditure.

82. No officer of the Council shall incur any expenditure not previously authorised by the Council, or not provided for in that behalf in the Council's estimates of current expenditure.

Town Clerk may Sanction Maintenance Expenditure.

83. Subject to the general and special instructions of the Council from time to time, the Town Clerk may sanction the expenditure on account of maintenance, wages, salaries, office stationery, street cleaning, public lighting, street watering, and current expenditure on reserves, markets weighbridges, refuse service, water supply, and other and all services of and incidental to the proper discharge of the Council's business from day to day. Provided that no expenditure shall be authorised in respect hereof except and within that authorised by the Council and provided for in the Council's estimates of current expenditure.

No New Works to be Commenced without Council's Authority.

84. No new works shall, under any circumstances or pretences whatever be undertaken or commenced, or any expenditure or liability whatsoever incurred in respect thereof, by any officer of the Council without the express approval and sanction of the Council or a committee of the Council authorised to act in that behalf.

Increased Expenditure—Reference to Finance Committee.

85. No motion or amendment which would have the effect of increasing the expenditure of the Council, not provided for in the annual estimates, shall be moved at any meeting of the Council, except in the form of a reference to the Finance Committee for consideration and report.

Copies of Acts, etc., to Members of the Council.

86. The Town Clerk shall furnish to each member of the Council, as soon as convenient after his acceptance of office, a copy of the Acts and by-laws regulating and governing the municipal administration of the Municipality.

Custody and Use of Common Seal.

87. The Town Clerk shall have the charge of the Common Seal of the Municipality, and shall be responsible for the safe custody and proper use of same.

Seal not to be Improperly Used.

88. Except as required by law, or in the exercise of the express authority of the Council, the Town Clerk shall not unlock or use the Common Seal of the Municipality.

Custody of Corporate Property.

89. The custody of all property whatsoever belonging to or held in trust by the Municipality shall be in the Town Clerk, who shall be responsible to the Council therefor.

Securities may be Lodged with the Council's Banker.

90. When so directed by the Council, all securities of or belonging to, or held in trust by, the Municipality, and all valuables, including title deeds, important contracts, indentures, and special agreements shall be lodged with and held by the Council's bankers for the time being in safe custody for and on behalf of the Council.

Papers.

91. Any member may, in writing, address to the Town Clerk and deliver at the office of the Town Clerk 24 hours at the least before any meeting of the Council or of any committee of the Council a request that any specified papers be laid upon the table at any meeting to be named, and such papers shall be laid upon the table accordingly.

Papers Relating to Matter under Discussion.

92. At any meeting of the Council or of any Committee of the Council, the Mayor or Chairman or any member may require the production of any specified papers, documents, books or records, books of accounts, plans or any other record or matter whatsoever relating to any question then under discussion.

All Papers Laid upon Council Table to be Public.

93. All papers laid upon the Council table as aforesaid shall be deemed to be public unless otherwise ordered by resolution of the Council.

Deputations.

94. Deputations desirous of waiting upon the Council shall give at least seven clear days notice in writing to the Town Clerk of their desire, stating the nature of the matter to be represented, and the names of the speakers. The Town Clerk shall thereupon convene a meeting of the Committee concerned, and such Committee shall have authority to decide whether the deputation shall be received by the Council or not.

Number of Deputation Five.

95. A deputation shall not exceed five in number and only two members thereof shall be at liberty to address the Council or a Committee of the Council, except in reply to questions from members of the Council or Committee, and the matter shall not be further considered by the Council or the Committee until the deputation shall have withdrawn.

Notice of Deputation to Appear on Business Paper.

96. Notices of deputation, with the object thereof, shall be entered on the business paper.

Cases not Provided for in Standing Orders.

97. The Mayor or Chairman shall decide all questions of order, procedure, debate or otherwise, in respect of which no provision or insufficient provision, is made in this by-law taking as a guide the procedure of the Western Australian Parliament in that behalf. The decision of the Mayor or Chairman in all such cases shall be final and conclusive.

Penalty for Breach of this By-law.

98. Any person guilty of any breach of this by-law or of any of the provisions hereof, shall be liable on conviction before a court of summary conviction to a penalty not exceeding £5.

Enforcement of By-law.

99. Whenever any person shall have been guilty of any breach of this by-law or of any of the provisions hereof, the Mayor, may forthwith lay, or by writing under his hand cause to be laid, any information before a Justice of the Peace for the purpose of summoning the person offending, and shall afterwards appear and prosecute the charge.

Passed by the Council of the North Fremantle Municipality this 24th day of January, 1957.

[L.S.]

W. H. WALTER,
Mayor.
S. W. PARKS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of June, 1960.

R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 4—Betting in Streets.

L.G. 2301/52.

A By-law of the Municipality of North Fremantle made under Section 180 of the Municipal Corporations Act, 1906, and numbered 4, for Regulating Betting in Streets.

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

1. Any person who shall frequent or use any street or other public place within the Municipality of North Fremantle, either on behalf of himself or of any other person, for the purpose of bookmaking, or betting, or wagering, or agreeing to bet or wager with any person, or paying or receiving or settling bets, shall be liable to a penalty not exceeding £20.

2. Any person who shall, together with any other person or persons, assemble in any street or other public place for the purpose of betting or wagering, or agreeing to bet or wager, shall be liable to a penalty not exceeding £20.

Passed by the North Fremantle Municipality this 24th day of January, 1957.

[L.S.]

W. H. WALTER,
Mayor.
S. W. PARKS,
Town Clerk.

Recommended

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of June, 1960.

R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 5—Tents and Caravans.

L.G. 2301/52.

A By-law of the Municipality of North Fremantle made under Section 180 of the Municipal Corporations Act 1906, and numbered 5, for Regulating the Erection of Tents and Occupation of Caravans.

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

Erection of Tents.

1. No person shall erect any tent, pavilion, shed or other structure of calico, canvas, or other inflammable material within the limits of the Municipality, without the written consent of the Council thereto.

Removal of Tents.

2. No person shall allow any such structure to remain, except for such time and upon such terms as shall be specified in such consent.

Caravans.

3. No person shall occupy a caravan within the boundaries of the Municipality without having first obtained the written consent of the Council thereto.

Penalty.

4. Every person offending against any of the provisions of this by-law shall for every such offence be liable to a penalty not exceeding £20.

Passed by the Council of North Fremantle on the 24th day of January, 1957.

[L.S.]

W. H. WALTER,
Mayor.
S. W. PARKS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of June, 1960.

R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 6—Fencing.

L.G. 2301/52.

A By-law of the Municipality of North Fremantle made under Section 180 of the Municipal Corporations Act, 1906, and numbered 6, for Regulating and prescribing the Manner in which and the Materials of which Walls and Fences shall be Erected.

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

Whenever the Council shall require the erection of a fence under the provisions of section 274 of the Municipal Corporations Act 1906, such fence shall—

- (1) if of brick, be not less than four and one-half inches thick with nine inch piers of not more than seven feet centres and of such height, being not less than two feet, as the Council may require; or
- (2) if of stone, be not less than 12 inches thick and of such height, being not less than two feet, as the Council may require; or

(3) if of timber, be constructed in accordance with the following specifications:—

- (a) Posts shall not be less than five inches by three inches in sectional measurements. They shall be erected true to line and level at a distance of not more than nine feet from centre to centre. They shall be in height above ground or above the level given by the Council as the Council may require, being not less than two feet, and shall be sunk into the ground not less than two feet. They shall not at any time be erected with less than one-third of their whole length sunk in the ground.
- (b) Rails shall be not less than three inches by two inches in sectional measurement nor more than 18 feet in length. There shall be two rails in each panel of fence and the joints of the top and lower rail shall be on alternative posts. They shall be securely fastened to each post with four-inch wire nails and covered with pickets, galvanised corrugated iron or cyclone wire as the Council may determine.
- (c) Pickets shall not be less than three inches by three-quarters of an inch. They shall each and severally be affixed to the top and lower rails, with two two-inch nails to each rail.

Where the Council issues an order to prevent sand, soil, or refuse from being carried on to the street, a nine-inch brick or stone retaining wall shall be built. Bricks or stone to be laid in cement mortar. Where the natural surface of the land is lower than the road or footpath level supplied by the Council a nine-inch brick or stone retaining wall shall be built, bricks or stone to be laid in cement mortar.

Penalty.

Every person offending against any of the provisions of this by-law shall, for every such offence, be liable to a penalty not exceeding £20.

Passed by the Council of North Fremantle this 24th day of January, 1957.

W. H. WALTER,
Mayor.

S. W. PARKS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of June, 1960.

R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 7—Parks and Reserves.

L.G. 2301/52.

A By-law of the Municipality of North Fremantle made under Section 180 of the Municipal Corporations Act, 1906, and numbered 7, for Regulating the Management and Conservation of Park Lands and Public Reserves Vested in or under the Control of the Council.

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

1. No person shall damage or interfere with any trees, shrubs, fence, soil, or other property in any park or public reserve.

2. No person shall throw stones or other missiles in any park or public reserve, or leave therein any bottles, orange-peel, paper, cast-off clothing, or any litter.

3. Any person found in a state of intoxication, or behaving in a disorderly manner, or using obscene language, or creating or taking part in any disturbance or making harangues whereby a crowd is collected, or committing an act of indecency in any park or public reserve, shall be liable to be forthwith removed by any officer or servant of the Council, or by any constable, and shall be guilty of an offence against this by-law.

4. No person shall hawk or offer for sale in any park or public reserve any goods or articles of any description without having previously obtained written permission from the Town Clerk.

5. No person shall light any fire within any park or public reserve without permission from the Town Clerk.

6. No person shall post, stick, stamp, stencil, paint or otherwise affix, or cause to be posted, stuck, stamped, stencilled, painted, or otherwise affixed, any placard, hand-bill, notice, advertisement or any document whatsoever upon any tree, fence, post, gate, wall, flagging, or path in or around any park or public reserve without the written consent of the Council first obtained.

7. No person or club shall practice or play at any game on any park or public reserve within the Municipality without having first obtained a written permit from the Council so to do.

8. No person or organised club having obtained any such permit as aforesaid shall practice or play at any such game except at such times and upon such portions of the park or public reserves as shall be specified in such permit.

9. It shall be lawful for any officer or servant of the Council, or any constable to remove from any park or public reserve any child under the age of ten years not being under the control of some competent person.

10. No person shall erect or place within any park or public reserve any tent, store, platform, or table for public amusement or for any performance whether for game or otherwise without the consent of the Town Clerk being first had and obtained.

11. No person shall bet, gamble, or call the odds or offer to bet or gamble, or race, or train horses, within any portion of any park, public reserve, beach or river foreshore.

12. No person shall bring, carry or take into any park, public reserve or any lands under the control of the Council, any fermented or spirituous liquor, nor shall any person consume or drink same therein, or in any building therein, nor shall therein have any fermented or spirituous liquor in his possession or under his control without the express permission of the Council in writing.

13. No person shall climb or be upon any tree, shrub, wall, fence or upon any roof of any building in any park or public reserve.

14. No person shall cause, allow or suffer any horse or cattle to be or to depasture upon any park or public reserve without first having obtained a license from the council so to do.

15. No person, unless authorised in that behalf by the Council shall lead, ride or drive any horse, cattle, bicycle, tricycle or vehicle upon or over any park or public reserve, except upon a carriage way.

16. No person shall use any spring gun or catapult in any park or public reserve.

17. No person shall spit or expectorate on the paths, seats or any structure or erection within any park or public reserve.

18. No person shall train or exercise any horse or dog within any park or public reserve, and no person shall permit or allow any dog to enter or remain in any part of the North Fremantle Oval; the reserve at the intersection of Stirling Highway and Harvest Road or any reserve which may be set apart from time to time by the Council as a children's playground.

19. The whole of sub-lot 43 of lots P101/102, Pamment Street, and the whole of the reserve at the corner of Harvest Road and Herbert Street, together with the entrance thereto from Thompson Road, are hereby set apart for the purpose of children's playgrounds, and shall be reserved for the use of children under the age of fourteen (14) years.

20. No adult and no child over the age of fourteen (14) years shall enter or remain in such playgrounds, provided that mothers and attendants in charge of children under the age of fourteen (14) years shall be allowed to accompany such children into such playground and to remain there with them. Provided also that any woman over the age of 60 and any man over the age of 65 years may be permitted to enter the playground for the purpose of resting.

21. The playing of football, cricket or other games likely to damage the shrubs or trees in the said grounds shall not be permitted.

22. It shall be lawful for any officer or servant of the Council, or any constable, to remove from any such playground any person or child who is not entitled under this by-law to the use thereof.

23. Every person offending against any of the provisions of this by-law shall be liable for every such offence to a penalty not exceeding £20.

Passed by the Council of North Fremantle this 24th day of January, 1957.

[L.S.]

W. H. WALTER.

Mayor.

S. W. PARKS,

Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of June, 1960.

R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 8—Drainage of Premises.

A By-law of the Municipality of North Fremantle made under Section 180 of the Municipal Corporations Act, 1906, and numbered 8, for Regulating the Drainage of Water from premises.

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

1. No person shall drain any water or liquid matter of whatever description on to any public street or vacant land or interfere with any drain, road or way, except in accordance with this by-law.

2. Any person desiring to drain or maintain any drainage of water or liquid matter of whatever description from his premises to any drain or channel in a street, road or way shall first submit a plan showing the direction, level and other particulars to the Council and obtain their approval in writing.

3. The material to be used for any drain pipe shall be concrete, glazed earthenware or such other material as may be approved by the Council, and of a diameter of not less than three inches.

4. The construction or laying of the drain shall be undertaken by the Council, at the expense of the owner of the property.

5. Such drain shall be maintained and kept clean and free from any cause of offence, to the satisfaction of the Council.

6. Such drain shall only be allowed to remain for such time as the Council will allow and must be discontinued at any time within 14 days' notice from the Council.

7. Any person offending against any of the provisions of this by-law shall, for every offence, be liable to a penalty not exceeding £20.

Passed by the Council of North Fremantle this 24th day of January, 1957.

[L.S.]

W. H. WALTER,
Mayor.
S. W. PARKS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of June, 1960.

R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 9—Ocean and River Foreshores.

L.G. 2301/52.

A By-law of the Municipality of North Fremantle made under Section 180 of the Municipal Corporations Act, 1906, and numbered 9, for the Management and Conservation of Ocean and River Foreshores.

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

Interpretation.

In the construction of this by-law unless the context otherwise requires—

“Beach” means portion of the ocean or river foreshore within the boundaries of the Municipality of North Fremantle and that portion of reserve 3729, held on lease from the Western Australian Government Railway Commission;

“Council” means Council of the Municipality of North Fremantle;

“reserve” means any portion of the reserve abovementioned including all buildings, erections and structures thereon.

1. No person shall create or commit any nuisance or behave in a disorderly manner, or use indecent or improper language on the reserve or upon the beach.
2. No person shall climb on or over any building, shelter shed or lavatory, or climb on or over any fence or fixture erected on the reserve or the beach.
3. No person shall pry into or over or enter any lavatory, bath, shed or building, or portion of a building, erected upon the reserve or the beach and expressly reserved for the use of the opposite sex.
4. No person shall enter any portion of the reserve or the beach which has been fenced off or otherwise closed to the public.
5. No person shall break, injure, pull up or destroy any trees, shrub or grass growing on the reserve or the beach.
6. No person shall cut, mutilate, deface or disfigure any buildings, erections, fixtures, or structures upon the beach or the reserve, or, without the written consent of the Council, write, paste or affix any notice or advertisement thereon.
7. No person shall expectorate or throw lighted matches upon any building, erection, or structure on the Reserve or the beach.

8. No person shall place or break or permit to be placed or broken, any glass, metal, bottle, or utensils on the reserve or the beach and no person shall deposit or leave any rubbish, refuse, paper, broken glass, skins or litter of any kind thereon, except in receptacles provided for that purpose.

9. No person shall, without the written consent of the Council remove any sand, soil or stone from the reserve or the beach.

10. No person shall, without the permission of the Council, allow any horse, cattle, sheep, donkey, mule, pig or other animal or any fowl or other bird, to enter or stray upon the reserve or the beach.

11. No person shall, either on the reserve or the beach, without the written consent of the Council—

- (a) in any way damage, alter, or interfere with the electric light fittings or electrical equipment;
- (b) sell or offer or expose for sale or hire any goods or merchandise;
- (c) engage in any public speaking or in any musical, dramatic or athletic performance;
- (d) alter, deface, or remove from its position any notice board or other sign erected by the Council;
- (e) take any intoxicating liquor on to any portion of the beach or reserve;
- (f) carry or discharge any firearms or throw or discharge any stone or other missile.

12. No person shall cause or permit any dog of which he is the owner, as defined by section 4 of the Dog Act 1903, or of which for the time being he has control, to be on that portion of the beach situated between a point due west of Swan Street, and a point due west of Leighton Railway Station, between the hours of 9 a.m. and 9 p.m. daily. Any dog found on the beach in contravention of this by-law may be destroyed.

13. No person shall bathe on any portion of the river beach except in such places as the Council may, from time to time by resolution, set apart for the purpose. Such resolution shall distinctly describe the places so set apart, and posts defining such places shall be set up and notices written, painted, or printed, shall be displayed at such places, setting forth such regulations or directions as the Council may think proper.

14. No person, without the written consent of the Council first had and obtained, shall camp or lodge at night in or occupy as sleeping quarters any stall, building, or structure of any kind erected on the Reserve or the beach.

15. Any person attempting to do any of the things expressly or impliedly forbidden in this by-law shall be liable to a punishment as if he had committed the offence.

16. Every person offending against any provisions of this by-law shall be liable for every such offence to a penalty not exceeding £20.

Passed by the Council of North Fremantle this 24th day of January, 1957.

[L.S.]

W. H. WALTER,
Mayor.

S. W. PARKS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of June, 1960.

R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 10—Hawkers and Stall Keepers.

L.G. 2301/52.

A By-law of the Municipality of North Fremantle made under section 180 of the Municipal Corporations Act, 1906, and numbered 10, for Regulating the Hawking of goods and the Use of Movable or Temporarily Fixed Stalls for the Sale of any Goods.

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

1. In the construction of this by-law the word "fish" shall include fish, whether fresh, salt, smoked or dried, oysters, crayfish, crabs, prawns and shrimps.

2. Subject, so far as regards the hawking of fish, to the proviso to clause (e) of subsection (1) of section 182 of the Municipal Corporations Act, 1906, no person shall hawk any fruit, meat, poultry, game, fish, vegetables or other articles of merchandise, or keep or conduct any movable or temporarily fixed stall in or near any street or way for the sale of any meat, fruit, vegetables, drink, eatables or other articles of merchandise within the Municipality, unless and until he shall have applied for and obtained a license from the Council.

3. Licenses in the form of Schedule "A" hereto may be issued by the Town Clerk to a person applying to be licensed to hawk or vend with a cart or motor vehicle, or with a barrow, pack or basket; or from a movable or temporarily fixed stall, provided that the Town Clerk shall have the right to refuse a license to any person whom he believes to be a criminal or bankrupt or drunkard or person of ill repute, and where the Town Clerk in the exercise of the discretion hereby given to him, shall refuse a license to any person applying for the same under this by-law, it shall not be necessary to assign any reason for such refusal, but the applicant shall have the right of appeal to the Council.

4. Every person applying for a license to hawk under this by-law shall submit for the approval of the Town Clerk the cart, motor vehicle, barrow, pack or basket proposed to be used for hawking purposes, and after approval no addition or alteration shall be made to any such cart, motor vehicle, barrow, pack or basket.

5. Every person licensed shall have exposed to public view while hawking, on his licensed vehicle, truck, pack or basket, his name and licensed number, and the words "Licensed Hawker" painted in legible and conspicuous Roman letters not less than one inch in length and of corresponding width, and no person hawking shall be allowed to stand in any street or thoroughfare without first obtaining leave of the Council.

6. Every unlicensed person hawking goods who shall expose any name on any vehicle, pack or basket, purporting to be the name of the licensed person, and every licensed person who shall omit to show to any inspector or other officer of the corporation or Police constable, on demand, his license for hawking, or shall neglect to have painted on his licensed vehicle, pack or basket, the name, number and words aforesaid, or fails to keep them legible and conspicuous, or shall, without the approval in writing of the Town Clerk, use any other vehicle than that which has been approved by him, or use such approved vehicle after making any addition thereto or alteration thereof, without first obtaining the like approval, shall be guilty of an offence against this by-law.

7. No person licensed to hawk shall take up a position in any street or public place for the purpose of soliciting custom, or shall remain stationary at any one spot in any street or public place for a longer period than shall be necessary for the purpose of serving a customer then offering to buy.

8. Should the Town Clerk or Health Inspector at any time be of opinion that it is necessary to move any licensed hawker from any appointed stand or place, it shall be lawful for him to direct the said licensed hawker to move to any place he shall deem fit, and any hawker who shall refuse to obey such directions shall be guilty of an offence against this by-law, but the hawker shall have the right of appeal to the Council.

9. Every licensed stallkeeper standing on any appointed stand shall at all times act under the direction of the Town Clerk or Health Inspector, and any stallkeeper who shall refuse to obey such instruction shall be guilty of an offence against this by-law.

10. The several fees specified in Schedule "B" hereto shall be the fees to be levied and charged in respect of licenses issued in pursuance of section 3 of this by-law.

11. Every person offending against any of the provisions of this by-law shall for every offence be liable to a penalty not exceeding £20.

Schedule "A."

HAWKER'S LICENSE.

No.....of.....is hereby licensed to hawk fruit, meat, fish, poultry, game, vegetables or other articles of merchandise within the Municipality of North Fremantle with.....for a period of.....from this date, subject to the provisions of the by-laws in regard to hawkers for the time being in force in the North Fremantle Municipality.

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

Town Clerk.

STALLKEEPER'S LICENSE.

No.....of.....is hereby licensed to keep and conduct a stall for a period of.....from this date, subject to the provisions of the by-laws in regard to Stallkeepers for the time being in force in the North Fremantle Municipality.

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

Town Clerk.

Schedule "B."

LICENSE FEES FOR HAWKERS AND STALLKEEPERS.

IN pursuance of the powers contained in section 182 of the Municipal Corporations Act 1906, the Council of the North Fremantle Municipality hereby fixes the undermentioned fees to be paid for licenses for hawking and stallkeeping, within the Municipality:—

- Hawking with hand cart, pack or basket 5s. per month.
- Hawking with cart or motor vehicle, 7s. 6d. per month.
- For keeping a stall 10s. 6d. per month.

Passed by the Council of North Fremantle this 24th day of January, 1957.

[L.S.]

W. H. WALTER,
Mayor.
S. W. PARKS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of June, 1960.

R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 12—Discount on Rates.

L.G. 2301/52.

A By-law of the Municipality of North Fremantle made under Section 180 of the Municipal Corporations Act, 1906, and numbered 12, for Regulating the Allowance of Discount on Rates.

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

The Council shall allow to any person liable to pay rates, who pays such rates within thirty days after notice give to him to pay the same, a discount of £5 per centum on the amount of the current rate.

Passed by the Council of North Fremantle this 24th day of January, 1957.

[L.S.]

W. H. WALTER,
Mayor.
S. W. PARKS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of June, 1960.

R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 13—Brothels.

L.G. 2301/52.

A By-law of the Municipality of North Fremantle made under Section 180 of the Municipal Corporations Act, 1906, and numbered 13, for Regulating the Use of Premises for Habitual Prostitution.

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

Letting with Knowledge.

1. No person shall let any premises, or any part thereof, with the knowledge that the same are, or is, to be used as a brothel, or for the purpose of habitual prostitution, or shall wilfully continue as a tenant of his premises, any person who shall keep such premises as a brothel or for the purposes of habitual prostitution.

Keeping Brothel.

2. No person shall keep, manage, or assist in the management of a brothel, house of assignation, house of ill-fame, or place used for the purposes of habitual prostitution.

Permitting Use as a Brothel.

3. No person shall knowingly permit any premises, or any part thereof, to be used as a brothel, house of assignation, or for the purposes of habitual prostitution.

Penalty.

4. Every person offending against any of the provisions of this by-law shall for every such offence be liable to a penalty not exceeding £20.

Passed by the Council of North Fremantle this 24th day of January, 1957.

[L.S.]

W. H. WALTER,
Mayor,
S. W. PARKS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of June, 1960.

R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 14—For the Regulation of General Traffic.

L.G. 2301/52.

A By-law of the Municipality of North Fremantle made under Section 180 of the Municipal Corporations Act, 1906, and numbered 14, for the Regulation of General Traffic.

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

Interpretations.

1. In the construction of this by-law, unless the context otherwise requires—

- (a) "street" shall mean and include every thoroughfare, which the public are allowed to use within the limits of the Municipality;
- (b) "footpath" shall mean and include any part of a street set apart for the sole use of foot passengers, whether the same shall be made or kerbed or not.

2. Occupier to Sweep and Water Footpath.

2. The occupier of every building abutting on any street, the footpath of which is permanently formed, shall once on each day, excepting Sunday, Christmas Day, Good Friday and Public Holidays before the hour of nine in the forenoon, sweep and water, or cause to be swept and watered, the whole of the footpath between such buildings and the roadway;

Provided that—

- (a) A footpath shall be deemed to be permanently formed if the same is flagged, paved, asphalted, or made of or covered with gravel, shell, or any other material and kerbed.
- (b) Between the first day of May and the thirty-first day of August in each year it shall not be compulsory for any occupier to water the footpath under this by-law unless such footpath or some part thereof be covered by a verandah.
- (c) If any building be unoccupied or occupied by more than one tenant, the owner thereof shall be deemed to be the occupier.

Hours for Sweeping and Watering Footpath.

3. No person shall sweep or water any footpath within the Municipality after the hour of nine in the forenoon of any day.

Handbilling.

4. No person shall, in any street or public place, give out or distribute to passers by any advertising handbill or election card without the approval of the Council and no person shall scatter or throw down any advertising handbill, ticket, placard or notice.

Noise in the Street.

5. No person shall to the annoyance of the public sound or make any noise by the use of a motorcycle, gramophone, amplifier, wireless appliance, bell or other instrument or appliance in or upon any street or way or in or upon any private property near or adjacent to any street, or way.

License for Posting Bills, etc.

6. No person shall post or paint any bill or other form of advertisement upon any part of the Municipality without the approval of the Council.

Posting Bills on Posts and Walls.

7. No person shall post or paint any bill or other form of advertisement upon any lamp post or upon any pole or fence in or abutting upon any street or way, or upon the wall of any private house, without the consent of the owners or occupier thereof, and without the consent of the Council.

Injuring Council's Property.

8. No person shall, without first having obtained the written consent of the Council, break up, cut down, damage, destroy or injure any footpath drain, gutter, culvert, bridge, road, public way, tree, plant, gate, fence, post, lantern, lamp-post, implements, material, buildings, or other property belonging to or under the control of the Council.

Suffering Persons to go on to Verandahs.

9. No person, being the occupier of any premises in the Municipality to which is attached a verandah extending over the footpath of any street therein shall permit or suffer any person to go upon such verandah except for the purpose of cleaning or repairing the same.

Persons going on to Verandahs.

10. No person shall go upon any verandah over the footway of any street in the Municipality to the danger of any person using such street.

Breaking in a Horse.

11. No person shall break in any horse or other animal in any street, either by leading, riding or driving the same.

Covering by Stallions, etc.

12. No person shall cause or suffer any entire horse or bull to be turned loose into any yard or other place with any other animals for the purpose of covering the same unless such yard or other place shall be completely screened from public view from any street or place.

Penalty.

13. Every person offending against any of the provisions of this by-law shall, for every such offence, be liable to a penalty not exceeding £20.

Passed by the Council of North Fremantle this 24th day of January, 1957.

[L.S.]

W. H. WALTER,
Mayor.
S. W. PARKS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of June, 1960.

R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 15—Erection of Verandahs.

L.G. 2301/52.

A By-law of the Municipality of North Fremantle made under Section 180 of the Municipal Corporations Act, 1906, and numbered 15, for Regulating the Erection of Verandahs.

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

1. The word "Portico" shall mean and include every awning, portico, porch, verandah, balcony, shade or covering upon or across any public footway or road together with the supports of such portico, other than the building against which it shall be erected.

2. Any verandah or balcony which obstructs any footway, street or way within the district of North Fremantle, or is dangerous, and all signboards, signs, awnings, blinds, and overhanging lamps near any footway, street, or way or overhanging the same, shall be removed by the owner or occupier thereof when ordered so to do by the Council of the North Fremantle Municipality, whether the same shall have been erected before or after the commencement of the Municipal Corporations Act, 1906, and all expenses in connection with the removal thereof shall be borne by the owner or occupier of same as the case may be.

3. No verandah or balcony which is not of the cantilever type shall be erected over any footway, street, or public way, after the passing of this by-law.

4. Any verandah or balcony supported on posts and projecting over the footway of any street road or way in any part of the district of the North Fremantle Municipality, whether such verandah or balcony was erected before or after the commencement of the Municipal Corporations Act, 1906, shall be removed by the owner when ordered so to do by the Council of the North Fremantle Municipality provided no such orders shall be made to operate before the 31st of December, 1958.

5. No person shall erect any portico over any public footway within the District of the North Fremantle Municipality without having first obtained the consent of the Council. Such consent may be withheld by the Council without any reason being given therefor, and in no case will such consent be granted in the case of porticoes to be supported on posts and projecting over the footway of any street, road or way in any part of the district of North Fremantle, and plans and specifications of any proposed portico must in any case be submitted to the Council of the North Fremantle Municipality.

6. In the event of any owner or occupier failing to comply with any order issued by the Council of the Municipality of North Fremantle in accordance with clause 2 or clause 4 of this by-law to remove any portico, the said Council may, with its own workmen, proceed at once to remove such portico and may recover all expenses incurred therein from the said owner or occupier as to the said Council may appear expedient.

7. No cantilever type verandah shall extend for a distance of more than 10 feet six inches beyond the building alignment, provided that the fascia of every such verandah shall be set back a minimum distance of 1 foot 6 inches inside the kerb alignment.

8. Every owner or occupier of any building against or in front of which there shall be any portico shall keep the same clean and in good repair, and it shall be lawful for the Council to give such notice to any such owner or occupier to clean or repair such portico, if and as the same shall require; and every owner or occupier who shall neglect or refuse, within seven days after the service of such notice, to effect such cleaning and repair shall forfeit the sum not exceeding forty shillings (40s.) for every day during which he shall fail to effect the same, and on default by the owner or occupier to so clean and repair the same, the Council may cause the same to be done at the expense of the owner or occupier.

Penalty.

Any person guilty of any breach of this by-law, or of any of the provisions thereof, shall be liable to a penalty not exceeding twenty pounds (£20).

Passed by the Council of the North Fremantle Municipality this 24th day of January, 1957.

[L.S.]

W. H. WALTER,
Mayor.
S. W. PARKS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council on the 17th day of June, 1960.

R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 16—Illuminated Signs.

L.G. 2301/52.

A By-law of the Municipality of North Fremantle made under Section 180 of the Municipal Corporations Act, 1906, and numbered 16, for Regulating the Erection of Illuminated Signs.

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

“Illuminated Signs” shall mean every sign, signboard, poster, or advertisement lighted or capable of being lighted, whether from within or without, by electric or other light; if such is provided solely or mainly for the purpose of lighting such sign, signboard, poster or advertisement.

“Municipality” shall mean the Municipality of North Fremantle.

1. No person shall erect or maintain, and no occupier of any premises shall permit to remain on his premises, any illuminated sign over or near any footway or roadway within the Municipality, without a written license from the Council, and except in accordance with and upon the terms and conditions of such license, and such license shall be granted only upon the terms and conditions contained in this by-law.

2. Every illuminated sign under a verandah shall comply with the following conditions:—

- (a) It shall follow absolutely the contour of the roof of the verandah at right angles to the building line.
- (b) the bottom of the sign shall be not lower than 18 inches below the under side of the roof of the verandah.
- (c) It shall be so fixed that its centre coincides with the centre line of the verandah.
- (d) It may extend to the full width of the verandah.

3. No portion of any illuminated sign shall be less than eight feet above the roadway.

4. No horizontal illuminated sign (excluding those on roofs or under verandahs) shall project more than the following distances from the face of the building to which it is attached:—

From 12 feet to 40 feet above the footway or roadway, maximum projection two feet six inches.

From 40 feet to 60 feet, maximum projection three feet six inches.

Not more than one such sign shall be erected on any one storey of a building, but such sign may extend laterally the full width of such storey.

5. (1) No vertical illuminated sign (other than those on roofs or under verandahs)—

(a) shall project more than two feet six inches from the face of the building to which it is attached;

(b) shall have a width of more than two feet six inches measured on the face of the building to which it is attached;

(c) shall be attached to any building within six feet of an adjoining building;

(d) shall extend vertically over more than one storey of the building.

(2) There shall be a clear horizontal space of not less than 12 feet between each vertical illuminated sign.

6. No illuminated sign on a roof—

(a) shall be of a greater height than 20 feet measured from the eaves of the building to which it is attached, or in the event of there being a parapet wall on the top of such building, 20 feet from the top of such parapet wall at its lowest point. Provided that in no case shall the top of such sign be more than 150 feet above ground level.

(b) shall extend laterally beyond the walls of the building to which it is attached.

7. The wording of the advertising shall be subject to the approval of the Council.

8. (1) Every application for a license for an illuminated sign shall be accompanied by a drawing to a scale of not less than one-quarter of an inch to one foot, showing the proposed position, design, and method of construction of such sign.

(2) Every application for a license for an illuminated sign on a roof shall also be accompanied by a certificate from a qualified architect that the building upon which it is proposed to erect such sign and the roof thereof are sufficiently strong and structurally sound to support such sign under all conditions, and that the sign itself is of a design which is structurally sound.

9. Flashing and intermittent signs shall be erected only above the first floor level.

10. All illuminated signs shall be maintained in a safe and efficient condition, and in the form and of the construction originally approved. No alteration, shall be made to such signs unless first approved in writing.

11. Applications for licenses for illuminated signs and licenses therefor under this part of this by-law shall be in the form of Schedule 1 and 2 hereto.

12. The fees set out in Schedule 3 hereto shall be paid to the Council on the issue of every license under this by-law.

13. Any illuminated sign for which a license is issued under this by-law may be removed by the Town Clerk at the cost of the licensee in the event of any of the conditions of the license not being complied with.

Penalty.

14. Any person guilty of any breach of this by-law, or of any of the provisions thereof, shall be liable to a penalty not exceeding twenty pounds (£20).

Schedule 1.

North Fremantle Municipality.

APPLICATION FOR ILLUMINATED SIGN.

Date.....195.....

I hereby make application for a license to erect an illuminated sign on premises occupied by me and known as.....

No.Street.

Position

Design

Method of Construction

Size

Material

Should the license be granted I undertake to maintain the illuminated sign in a safe and efficient condition and indemnify the council against any claim for injury sustained by any person if this permit be granted.

Signature.....

Schedule 2.

North Fremantle Municipality.

ILLUMINATED SIGN LICENSE.

Date.....195.....

No.

Granted to

Address

Authorising the erection of an illuminated sign on premises No..... Street in accordance with the By-law No. 16 and the application dated

The License expires on the day of, 195.....

Town Clerk.

Schedule 3.

North Fremantle Municipality.

SCALE OF FEES TO BE PAID FOR ILLUMINATED SIGNS.

For every license and renewal of license issued under this by-law, 2/6 per annum.

Passed by the Council of North Fremantle this 24th day of January, 1957.

[L.S.]

W. H. WALTER, Mayor.

S. W. PARKS, Town Clerk.

Recommended—

L. A. LOGAN, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council on the 17th day of June, 1960.

R. H. DOIG, Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 18—Inflammable Materials (Storing Of).

L.G. 2301/52.

A By-law of North Fremantle Municipality made under the Municipal Corporations Act, 1906, and numbered 18, for Prescribing the Kind and Quality of Inflammable or Combustible Materials or Substances to be kept at any One Time in One Place within the Municipality of North Fremantle, and Preventing the Placing, Stacking, or Storing of Dangerous or Inflammable Substances in the Open Air.

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

1. No person shall, within the North Fremantle Municipality, without first having obtained the consent in writing of the Town Clerk—

- (a) stack, store, or place in any yard or open space, any hay, straw, bark, thatch, or reeds, paper shavings, crates packed with straw, unless the same be at least 100 feet from any building;
- (b) place or permit or suffer to be placed or to remain in any street, lane, yard, or place whatsoever, whether public or private, within 20 yards of any dwelling-house, store or other building or structure, or within 10 yards of any fence, any combustible or inflammable material of any kind whatever.

2. In the Interpretation of this by-law—

“Class ‘A’ Material” means and includes methylated spirits, benzine, petrol, naphtha, and any other volatile fluids which will flash or emit an inflammable vapour below the temperature of 73 deg. F., Abel close test.

“Class ‘B’ Material” means and includes petroleum and any products of petroleum, turpentine, and other volatile fluids which will flash or emit an inflammable vapour, but at a temperature not below 73 deg. F., Abel close test.

“Class ‘C’ Material” means and includes lubricating and other oils which will flash or emit an inflammable vapour, but at a temperature not below 350 deg. F., Abel close test.

“Dangerous business” shall mean and include the manufacture of gun powder, or any detonating or explosive powder, or of matches ignitable by friction, or of any other substance liable to a sudden explosion, inflammation, or ignition, or of turpentine, vitriol, naphtha, varnish, fireworks, or printed covers of oilcloths, or any other manufactures liable by reason of the nature or quantity of the material employed therein to cause sudden fire or explosion.

3. No more than fifty (50) gallons of Class “A” Material shall be stored in any building or tank, except under the following conditions:—

- (1) Quantities not exceeding 250 gallons of Class “A” Material may be stored in a room properly ventilated and having walls and floors and ceilings constructed similarly to party structures. The door of such room shall, if possible, open directly into the outer air, but should this not be possible, the floor shall be sunk below the level of the adjoining floors, to the approval of the surveyor. External doors within 20 feet of any door or window not in the same wall as and parallel to such first mentioned door, shall be tin-clad and constructed in accordance with the Fire Underwriters’ specifications.
- (2) Quantities exceeding 250 gallons of Class “A” Material may be stored in a building, provided the following conditions are complied with, but not otherwise:—
 - (a) The site or each such building shall first be approved by the Council for that purpose.
 - (b) The building shall be constructed with walls of brick or stone set in cement concrete or reinforced concrete.
 - (c) The total cubic capacity below the level of the lowest opening in any wall of such building shall exceed by at least 25 per cent., the total quantity for which permission is granted.

- (3) Quantities exceeding 50 gallons of Class "A" Material may be stored in surface tanks, provided the following conditions are complied with, but not otherwise:—
- (a) The site of such tank shall first be approved by the Council for that purpose.
 - (b) Any tank upon or above the surface of the ground, or partly below and partly above the surface of the ground, shall be enclosed by a wall of brick, stone, or concrete, or an earthen dam of approved construction; such wall or dam shall be at least two feet higher than the level to which the liquid would rise should it escape from the tank. An opening may be made in the wall or dam to permit access to the tank, but such opening shall contain a liquid-tight door, either sliding or opening inwards, made of incombustible material and of sufficient strength to resist any pressure which may be brought to bear upon such door by the bursting of the tank enclosed in such wall or dam.
- (4) Quantities not exceeding 1,000 gallons of Class "A" Material may be stored in underground tanks constructed of galvanised steel plate, not less than 14 gauge, placed not less than two feet below the surface of the ground, or two feet below the lowest floor of any building under which such tank is situated. Sand shall be filled in over the tank to the level of the ground or floor, as the case may be. Tanks shall be adequately ventilated and fitted with safety devices, to the satisfaction of the surveyor. Filling pipes may be placed where the surveyor approves, but so that they shall not cause any obstruction to the traffic while tanks are being filled.
- (5) Quantities exceeding 1,000 gallons of Class "A" Material may be stored in underground tanks, provided the following conditions are complied with, but not otherwise:—
- (a) the site of such tank shall be approved by the Council for that purpose.
 - (b) The tank shall be constructed to the approval of the surveyor.
 - (c) Batteries of two or more tanks, the aggregate capacity of which exceeds 1,000 gallons, shall be subject to special approval by the Council.
4. Not more than 250 gallons of Class "B" Material shall be stored in any building or tanks, except under the following conditions:—
- (1) Quantities exceeding 250 gallons of Class "B" Material may be stored in buildings subject to the conditions prescribed in clause 3 (2) (a), (b) and (c) of this by-law in respect of Class "A" Material, but not otherwise.
 - (2) Quantities exceeding 250 gallons of Class "B" Material may be stored in surface tanks subject to the conditions prescribed in clause 3 (3), (a) and (b) of this by-law, in respect of Class "A" Material, but not otherwise.
 - (3) Quantities not exceeding 1,000 gallons of Class "B" Material may be stored in underground tanks constructed in accordance with the conditions prescribed in clause 3 (4) of this by-law in respect of Class "A" Material but not otherwise.
 - (4) Quantities not exceeding 1,000 gallons of Class "B" Material may be stored in underground tanks subject to the conditions prescribed in clause 3 (5), (a), (b) and (c) of this by-law in respect of Class "A" Material, but not otherwise.
5. Not more than 10,000 gallons of Class "C" Material shall be stored on any site or in any building, except under the following conditions:—
1. Such site or building shall first be approved by the Council for that purpose, and, when such site is an open yard or a shed, it shall be enclosed with such wall or bank, or be excavated to such depth as the surveyor may require.

- (2) Any building used for such storage shall be constructed with walls of brick or stone set in cement mortar or of cement concrete or reinforced concrete;
- (3) The total cubic capacity below the level of the lowest opening in any wall of such building shall exceed by at least 25 per cent. the total quantity for which permission is granted.
- (4) Rooms used for the storage of Class "A" Material, Class "B" Material, calcium carbide, or any other highly inflammable or dangerous materials, shall be properly ventilated and shall have walls, floors, and ceilings constructed similar to party structures as provided in by-law No. 17. The doors of such rooms shall, if possible open directly into the outer air. All internal doors shall be tin-clad and constructed in accordance with the Fire Underwriters' specifications.

Any person committing any offence against the provisions of this by-law shall, on conviction for each offence, forfeit and pay a sum not exceeding twenty pounds.

Passed by the Council of the North Fremantle Municipality this 24th day of January, 1957.

[L.S.]

W. H. WALTER,
Mayor.
S. W. PARKS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of June, 1960.

R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 19—By-law Regulating the Erection and use of Petrol Pumps.

L.G. 2301/52.

A By-law of the Municipality of North Fremantle made under Section 180 of the Municipal Corporations Act, 1906, and numbered 19, for Regulating the Erection and Use of Petrol Pumps.

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

1. These regulations shall apply to any petrol pump, tank, cistern, pipes and installations which are so placed for the supply of petrol to the public that the point of delivery of petrol from the pump or from any extension is within any street or way or is within fifty (50) feet of any street or way.

2. No person shall erect or lay or alter the position of or use or supply petrol from any petrol pump, tanks, cisterns, pipes and installations in or near any street or way within the abovementioned limits unless licensed by the Council so to do.

All applications for licenses so to do must be accompanied by a ground plan or sketch to scale setting out the position and depths of all intended petrol pumps, tanks, cisterns, pipes and installations and of all joints and connections.

In the case of pumps, tanks, cisterns, pipes and installations existing and installed at the date hereof the plan and/or sketch may be waived or modified by the Council. Subject to the compliance with these by-laws such licenses may be granted on payment of the prescribed fee.

3. No petrol pump shall be placed within four (4) feet of the boundary of adjoining premises not in the same occupation.

4. It shall be lawful for the Council to refuse an application for permission to instal and/or use and/or supply petrol from petrol pumps, tanks, cisterns, pipes and/or installations where any of the by-laws are not complied with and the decision of the Council in this regard shall be final and binding, subject to clause 24 hereof.

5. It shall be lawful for the Council to cancel any License or refuse to issue or renew any license at any time where any of these by-laws are not complied with but this is subject to clause 24 hereof.

6. Any applicant who is licensed to operate a petrol pump or pumps shall not interfere in any way with any road or footpath surfaces, or undermine such road or footpath without having first obtained the written consent of the Council and in the event of such permission being granted the Licensee must re-instate such road or footpath on demand in such manner as the Council or its officers may direct.

7. If required, the applicant shall lodge such deposit as the Council or its officers may deem necessary to ensure that the work is carried out to the satisfaction of the Council or its officers.

8. An inspector appointed by the Council shall have the right at all reasonable times to make an inspection of pumps licensed by the Council (including tanks, cisterns, pipes and installations) to ascertain if these by-laws are being observed.

9. The licensee or his servant shall, whenever required by the Council, give practical demonstrations of the working or security of each pump (including all tanks, cisterns, pipes and installations).

10. The licensee or his servant shall see that all fittings and pipes connecting the pump or pumps with the supply tanks and other pipes and fittings through which petrol or inflammable liquid flows, either to or from the supply tanks, shall be so constructed and maintained that there is no escape of inflammable liquid in the form of liquid or vapour.

11. The licensee or his servant must ensure that all tanks and cisterns used to supply the petroleum spirit to the pumps shall be fitted with ventilating pipes which shall be carried to a position in the open air not less than twelve (12) feet above the ground, and shall there terminate in one or more bends. The opening in the end of the vent pipe to be covered with brass wire gauze of not less than twenty-eight (28) meshes to the lineal inch secured in such manner that the gauze may be removed for examination and cleaning.

12. The licensee or his servant shall see that no petroleum spirit is allowed to remain in the visible (or measuring) container of any pump, except when the pump is actually in use.

13. The licensee or his servant shall instal and keep in good working order in a convenient position not more than twenty (20) feet from such pump an approved fire extinguisher approved by the W.A. Fire Brigades Board.

14. No person shall use any petrol pump whilst there is any light capable of igniting petrol vapour within ten (10) feet of any container whilst same is being filled with petrol from any pump.

15. No person shall deliver petrol, or permit petrol to be delivered from any pump to the fuel tank of any motor vehicle when the engine of such motor vehicle is running.

16. The licensee or his servant shall not permit any lighting appliances to be used in connection with the pumps or tanks except electric light.

17. The licensee shall indemnify and hold harmless the Council from all claims, losses, damage and costs of all persons whomsoever for injury to persons or property sustained by reason of the damage by the installation of the said pump or pumps, tank or tanks, cistern or cisterns, pipes and installations, or any of the appliances thereof.

Every licensee shall, if so directed by the Council, take out an indemnifying insurance with an approved insurance company for such amount as the Council may consider necessary. The premiums on any such policy of indemnity shall be paid by the licensee or his servant.

18. The licensee or operator of any petrol pump shall at all times take all reasonable precautions to protect all persons and property from injury or damage.

19. Every applicant for a license under this by-law shall make application in the form of Schedule "A" hereto and at the same time there shall be lodged a plan or sketch as herein provided. If the Council so directs the applicant shall be issued with a license in the form of Schedule "B" hereto, subject to the payment of the following fees:—

5s. per single pump, and 7s. 6d. per dual pump per annum.

Such charges to operate as from the first day of January of each year, and to terminate on the thirty-first day of December of each year.

Renewals of licenses shall be paid not later than the thirty-first day of January in each year. It shall be competent for the Council to waive all or any part of the license fee if it is satisfied that due to circumstances beyond the control of a licensee the pump is empty and has not been used for six (6) months.

20. The Council may, in its absolute discretion, and on the written application of the licensee, transfer a license to the person named in such application, on payment of a fee of two shillings and sixpence (2s. 6d.).

21. If at any time a license is cancelled or not renewed, then the Council may, by notice in writing, order a previous licensee to remove the pump or pumps, tank or tanks, cistern or cisterns, pipes and installations within seven (7) days and in default of obedience of such order it shall be lawful for the Council or its agents or servants to remove the said pump or pumps, tank or tanks, cistern or cisterns, pipes and installations and recover the cost of the removal thereof from such person.

22. Notwithstanding anything in the foregoing by-laws the council may recover the amount of any outstanding License fees in any Court of competent jurisdiction.

23. Any person offending against any of the provisions of this by-law shall, on conviction, forfeit and pay for each offence the penalty of not less than one pound (£1) not more than twenty pounds (£20).

24. The decision of the Council as referred to in paragraphs 4 and 5 hereof shall be subject to a right of appeal to the Minister for Local Government by any person or company dissatisfied with such decision.

The right of appeal is subject to the following conditions and rules:—

- (a) The person or company aggrieved must give notice of appeal within 21 days from the date he or it is advised of the Council's decision.
- (b) The notice of appeal shall be by letter addressed to the Minister for Local Government and may be served by registered post or by leaving same at the office of the Minister for Local Government.
- (c) The notice of appeal shall clearly set out the grounds relied on.
- (d) A copy of such letter shall within the same time be posted to the Council.
- (e) The manner of deciding the appeal shall be within the Minister's discretion and the Minister's decision shall be final.

Schedule "A."

I/We
of hereby
apply for a license to erect and/or use within fifty (50) feet of a street or
way petrol pumps at the following address:

Attached hereto is plan or sketch showing position of petrol pumps, tank,
cisterns, pipes and installations it is desired to instal (or which have been
installed.)

Enclosed herewith is remittance of £..... to cover license fees if
granted.

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

.....
Applicant.

Schedule "B."

The Mayor and Councillors of the Municipality of North Fremantle hereby license of to erect and/or use petrol pumps within fifty (50) feet of a street or way at the following address, namely:—

Subject to the following conditions:—

- (a) All pumps to be erected shall be erected according to plans and/or sketches deposited.
- (b) All pumps shall be maintained according to the by-laws.
- (c) This license is subject to the terms of the by-laws.
- (d) This license terminates on the 31st day of December next.

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

.....
For and on behalf of the Town Clerk.

Passed by the North Fremantle Municipality this 24th day of January, 1957.

[L.S.]

W. H. WALTER,
Mayor.
S. W. PARKS,
Town Clerk.

Recommended—

.....
L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of June, 1960.

.....
R. H. DOIG,
Clerk of the Council.

MUNICIPAL CORPORATIONS ACT, 1906.

North Fremantle Municipality.

By-law No. 20—Granting of Long Service Leave to Employees.

L.G. 2301/52.

A By-law of the Municipality of North Fremantle made under Section 180 of the Municipal Corporations Act, 1906, and numbered 20, for Regulating the Granting of Long Service Leave to Employees.

IN pursuance of the powers conferred by the said Act the Mayor and Councillors of North Fremantle order as follows:—

(1) In the interpretation of this by-law the following words shall have the meanings assigned to them hereunder:—

- (a) "Council" means the Municipality of North Fremantle.
- (b) "Employee" means and includes all persons employed in any capacity by the Council and who are in the regular and full-time employ of the Council.
- (c) "Continuous service" means service in the employment of the Council during which an employee has not been absent from the service of the Council for a continuous period of more than two days or an aggregate period of more than 10 days without leave of absence being granted by the Council and has not been absent, without pay, for a period exceeding four weeks: Provided that an employee who was employed by the

Council on a permanent basis immediately prior to entering a continuous full-time service with the Armed Forces of the Commonwealth of Australia, or who was directed by the Manpower Directorate to serve elsewhere between the 3rd day of September, 1939, and the 3rd day of March, 1947, shall have such service counted as continuous service with the Council, provided the requisite proof is produced.

2. All present and future employees of the Council shall, after each period of ten (10) years' continuous service as permanent full-time employees, be entitled to three (3) months' long service leave and no long service leave will be granted to any employee without a qualifying period of ten (10) years being first completed. All employees who qualify for long service leave on the 31st day of October, 1950, shall be entitled thereto and all other employees shall be entitled thereto as from the commencing date of their employment with the Council.

3. (a) The Council may grant long service leave to an employee of the Council who has been granted long service leave for 10 years' continuous service if, before a further period of 10 years' continuous service is reached such employee retires from the Council's service owing to having reached the retiring age of sixty-five (65) years, or is retired on the grounds of ill-health, or dismissed through staff retrenchments, in which case the long service leave may be adjusted *pro rata*. Provided that no such grant shall be made to an employee of the Council who prior to completing a further period of ten (10) years' continuous service resigns his employment with the Council.

(b) The long service leave which may be granted under this by-law shall be for a period not exceeding one and three-tenths weeks for every completed year of service since the conclusion of the period of service which qualified the employee for his previous long service leave and shall be on full pay.

4. An employee dismissed by the Council for neglect of duty or for irregular practices shall not be paid any sum in pursuance of the preceding clause.

5. Long service leave shall be taken at the convenience of the Council, who will, as far as possible, meet with the wishes of the employee, but the Council may require the employee to take leave by giving not less than three (3) months' notice.

Long service leave shall be taken in the first place in accordance with a roster prepared by the Town Clerk and prepared so far as possible to enable the employees to take long service leave in order of the length of their service with the Council.

6. In the event of the death of an employee who has served a period of at least two (2) years' continuous service with the Council, the Council may pay to his personal representatives, or if there be none, to his dependants, a sum of money equal to his wages or salary for the period of long service leave which the Council would have been empowered under this by-law to grant to such employee at the date of his death, if he had retired after ten (10) years' continuous service or if the Council after consideration of all the circumstances, direct that the death of an employee be presumed, the Council may authorise the payment to the dependants of the employee a sum equivalent to the amount of wages or salary which would under this by-law have been granted the employee immediately prior to the date of his death, such date to be determined by the Council.

7. Absence on account of sickness shall not be deemed to be a break in the continuity of service, providing the period of absence shall not be longer than three months in any year, unless otherwise decided by the Council.

8. (a) Employees taking long service leave shall be paid their salary or wage for the period thereof at the rate equivalent to the permanent rate of pay excluding conditional margins or higher duty payments, equivalent to the salary or wage paid in the week immediately preceding the taking of long service leave.

(b) The Council shall pay to any employee his salary or wages during his period of long service leave weekly provided that it may at its discretion pay to the employee in advance a sum representing the amount of his salary or wages for the period of his long service leave upon written application being made to the Council for payment in such manner.

9. All annual leave to which an employee is entitled or will become entitled before the expiration of his long service leave shall be taken by the employee in conjunction with his long service leave.

10. Long service leave shall be considered as a special period of recuperation after a lengthy term of service, with a view to fitting the employee for a further term, and during such leave no employee shall undertake any form of employment for hire or reward, unless by special permission of the Council. Any contravention of this clause shall entitle the Council to dismiss the employee from its service and to cease paying or to recover any amount paid in advance on account of long service leave.

Passed by the Council of North Fremantle this 24th day of January, 1957.

[L.S]

W. H. WALTER,
Mayor.
S. W. PARKS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 17th day of June, 1960.

R. H. DOIG,
Clerk of the Council.