



Government Gazette

OF

WESTERN AUSTRALIA

(Published by Authority at 3.30 p.m.)

(REGISTERED AT THE GENERAL POST OFFICE, PERTH, FOR TRANSMISSION BY POST AS A NEWSPAPER)

No. 47]

PERTH : TUESDAY, 30th MAY

[1961

HEALTH ACT, 1911-1960.

Perth Road Board.

Consolidation of Health By-laws.

PERTH ROAD BOARD, being a local authority under the provisions of the Health Act, 1911-1960, doth hereby under and by virtue of the powers conferred upon it in that behalf by the said Act and all other powers enabling it, make and publish the following by-laws:—

Repeal.

1. The by-laws of the Perth Road Board specified in the First Schedule hereto are hereby repealed.

Definitions.

2. In these by-laws unless the context otherwise indicates the following terms have the meanings set against them hereunder respectively:—

“Act” means the Health Act, 1911-1960, and any amendments thereof.

“Board” means the Perth Road Board.

“Cafe” means any house, building or structure or any part thereof in which meals are served to the public for gain or reward and in which provision is made for the eating of meals therein but does not include any premises, building or structure excluded from the definition of eating house by section 160 of the Act.

“District” means the Perth Road District Health District.

“Food stall” means any house, building or structure or any part thereof in which meals are served to the public for gain or reward but in which no provision is made for the eating of meals therein but does not include any premises, building or structure excluded from the definition of eating house by section 160 of the Act.

“Meals” has the meaning ascribed to it by section 160 of the Act.

“Model By-laws” means the Model By-laws—Series “A” prepared by direction of the Governor under the provisions of the Act as amended from time to time.

“Inspector” means a Health Inspector appointed by the Board.

“Proprietor” includes the owner, the occupier and any person having the management or control of a cafe or of a food stall.

Model By-laws.

3. The Model By-laws—Series “A” published in the *Government Gazette* of 9th August, 1956, and amendments thereto published in the *Government Gazette* of 10th March, 1959, are hereby adopted by the Board subject to the modifications hereinafter contained.

Bread.

4. No person selling or delivering bread shall carry unwrapped bread in the hands.
5. No person shall place on the ground a basket or container used for carrying bread whether then containing bread or not.
6. Every person delivering bread during wet weather shall adequately cover the basket or container so as to protect the bread from rain.
7. No person shall sell any bread which has fallen to or come in contact with the ground.

Drinking Vessels and Eating Utensils.

8. The keeper of every public house, public bar, refreshment room, tea-room, eating house, or other public place of refreshment shall not permit the use of any drinking vessel or eating utensil, unless such vessel or utensil is sound and free from cracks, and unchipped.

Eating Houses.*

Cafes.

9. No person shall occupy or use any premises as a cafe unless—
 - (a) the premises are registered by the Board; and
 - (b) the proprietor of the said premises is the holder of a license issued by the Board authorising him to conduct on the premises the business of a cafe.
10. Before any premises are registered as a cafe the proprietor thereof shall make application in the form of Form No. 1 in the Second Schedule hereto and shall forward his application, together with a plan of the premises in respect of which such application is made and the fee specified in the Third Schedule hereto, to the Board and if the application be approved the Board shall issue to the proprietor a certificate of registration in the form of Form No. 2 in the Second Schedule hereto.
11. Before any license to any proprietor to conduct a cafe is granted by the Board the proprietor shall sign an application in the form of Form No. 3 in the Second Schedule hereto and shall forward it, together with the fee specified in the Third Schedule hereto, to the Board, and if the application be approved the Board shall issue to the proprietor a license in the form of Form No. 4 in the Second Schedule hereto.
12. Any person who makes a false statement in connection with any application under by-laws 10, 11 or 15 hereof shall be guilty of an offence.
13. Every proprietor of premises registered as a cafe shall keep the certificate of registration and the license to conduct a cafe on the registered premises and shall, when requested so to do by an Inspector, produce to him the certificate of registration and also the license issued to the proprietor in respect of such premises.
14. Every certificate of registration and every license shall be in force from the day of the date of the issue thereof until and inclusive of the 31st of December then next ensuing unless it be cancelled in the meantime in accordance with the provisions of the Act.
15. Applications for the renewal of certificates of registration and licenses shall be made annually during the month of December. Such applications shall be in the form of Forms Nos. 5 and 6 in the Second Schedule hereto respectively, and shall be accompanied by the fee specified in the Third Schedule hereto.
16. If any person holding a license to conduct a cafe shall change his place of abode he shall, within twenty-eight days next after such a change, give notice thereof in writing to the Board specifying in such notice his new place of abode, and he shall at the same time produce such license to the Board and the Secretary or other officer of the Board shall endorse thereon and sign a memorandum specifying the particulars of such change.

* See also sections 160 to 172 of the Act. Division 3 of Part V of the Act operates and has effect within the District by virtue of an Order in Council published in the *Government Gazette* of the 5th April, 1946.

17. If the owner of any premises registered as a cafe sells or transfers or agrees to sell or transfer the said premises to another person he shall within twenty-eight days from the date of such sale or transfer or agreement notify the Board thereof in writing, stating the full name, address and occupation of such other person.

18. In all premises occupied or used or intended to be occupied or used as a cafe:—

- (a) The walls of all rooms therein shall be tiled or oil painted to a height of at least seven feet from the floor level so as to maintain a smooth, hard, durable and washable surface devoid of holes, cracks and crevices.
- (b) The floors of all kitchens, sculleries and food and vegetables stores shall be of or covered with an impervious washable surface.
- (c) Every room therein shall be properly ceiled with stamped metal, lath and plaster, fibrous plaster or asbestos sheets or other similar material, and shall be constructed and maintained throughout its area and at the wall junction free from holes, cracks and crevices.
- (d) There shall be provided sanitary conveniences and wash hand basins for the use of employees and, when required by the Board, there shall also be provided sanitary conveniences and wash hand basins for the use of customers and in either case when considered necessary by the Board, separate sanitary conveniences and wash hand basins shall be provided for each sex.
- (e) All water closets or urinals situated on any premises registered as a cafe shall be separated from the kitchen, food store or dining room by a properly constructed ante-chamber or airlock not less than thirty square feet in area.
- (f) Every room shall be provided with approved outlet ventilators corresponding with an allowance of not less than one square inch of airway for every forty cubic feet of gross air space of every such compartment or, alternatively, some mechanical system of ventilation shall be installed to the satisfaction of the Board.
- (g) The air space between the ground surface and the floor (except in the case of concrete or other solid floors) shall be efficiently ventilated to the satisfaction of the Board.
- (h) In every premises used as a cafe where wood, coal or coke is used as fuel, such wood coal or coke shall be stored or kept in a properly constructed wood store with brick walls and concrete floors separating such store from the remainder of the premises.

19. The proprietor of every cafe shall—

- (a) keep or cause to be kept scrupulously clean and in good condition and repair the floors, walls, ceilings, and all portions of the premises and all fittings, stoves, ranges, utensils, implements, shelves, counters, bins, cabinets, fixtures, sinks, drain-boards, drains, grease traps, tubs, vessels and things used on the premises or in connection with the preparation or storage of food thereon;
- (b) provide all such furniture, fixtures, counters, bins, sinks, drain-boards, grease traps, tubs, vessels, fittings, utensils, implements and things for use on the premises as are necessary for the proper conduct of the business;
- (c) construct and arrange or cause to be constructed or arranged all furniture, fixtures, counters, bins, sinks, drain-boards, tubs, vessels, fittings, utensils and things in every kitchen, serving room, scullery and fish cleaning room on the premises so that the floor in every such room or place may at all times be kept in a thoroughly clean and sanitary condition;
- (d) not keep or use any floor covering that is absorbent or in such a condition as to allow of the lodgement of dirt thereunder;
- (e) provide moveable tables and benches to be used for the preparation of food to facilitate cleansing;
- (f) provide and properly maintain at all times suitable and effective means for keeping and keep every room or compartment on the premises free from dust, rats, mice, cockroaches, flies, spiders, bugs, ants, moths and all other vermin and, if in the opinion of an Inspector effective means and methods of cleansing and eradication

of vermin from the premises cannot be done effectively while the ordinary business of the establishment is carried on, then the Board may order the temporary closure of the premises to the public until such time as such cleansing and eradication of vermin has been carried out;

- (g) keep all portions of the premises free from any unwholesome or offensive odour arising from the premises or the operations carried on thereon;
- (h) provide and maintain an approved hood over every wood, gas or electric cooking fire, stove or boiler. The hood shall be so placed as to arrest all steam, effluvia, odours and smoke from the process of cooking or boiling. The underside of the hood shall be not more than two feet above the top or fire plate of the stove. The flue from the hood shall be at least seven inches in diameter and shall discharge to the open air at a height of not less than two feet above the eaves of any adjoining building;
- (i) provide an efficient chimney or flue to every wood, coal or coke cooking stove so that no smoke nuisance shall arise in or outside the premises;
- (j) provide and keep a sufficient number of suitable vessels or receptacles, with lids, constructed of galvanised iron, or other non-absorbent and non-corrodible material on the premises for the purpose of receiving all garbage waste matter and other refuse arising from the business, and keep such vessels and receptacles in good order and condition;
- (k) provide sufficient hot water and adequate sink facilities for the thorough cleansing of all drinking vessels and eating and cooking utensils used on the premises;
- (l) immediately after each occasion of use thoroughly cleanse all drinking vessels and eating and cooking utensils by means of washing them in hot water and immediately thereafter rinsing the same in clear hot water at a temperature of not less than 180 degrees Fahrenheit;
- (m) not permit or suffer any table napkin which has been used as such or for any other purpose by any person to be placed on any table in the dining room on the premises used for serving meals for use by or to be used by any other person unless such table napkin shall have been thoroughly washed and cleansed since it was previously used by such firstmentioned person;
- (n) not permit or suffer any food which is unwholesome, putrescent or weevilled to be used for food or for the preparation of food or meals;
- (o) cause any food which is unwholesome, putrescent or weevilled to be immediately withdrawn from sale, stock or use and placed in the waste food garbage bin;
- (p) provide adequate and efficient means of refrigeration of an approved type for the preservation of food;
- (q) remove or cause to be removed any food which may have been served to any person or placed on any table occupied by any customer on the premises and not then consumed or removed by him immediately after such person shall have finished his refreshment to the kitchen or serving room of such premises and not permit any of such food to be served to any person on the premises and such food shall be immediately deposited in the waste food garbage bin. Provided that in this paragraph food shall not mean or include the following substances, to wit, sugar, pepper, salt, mustard, vinegar, sauces, spices or condiments if such substances are contained in receptacles or containers so constructed that the contents of such receptacles or containers cannot be handled by any person. Provided further that in this paragraph food shall not include bread which is placed in a receptacle or container so constructed that the contents are only handled as required;
- (r) not gut, clean or scale any fish on any portion of the premises unless such portion of the premises shall have been constructed for such purpose and shall not store any fish in any kitchen or pantry of the premises unless such fish has already been gutted, cleaned, scaled and washed;

- (s) not permit or suffer any animal or bird to be killed or any poultry, pigeons or game to be plucked in any kitchen or scullery;
- (t) not permit to be kept on any portion of the premises any live poultry, pigeons or game or any horse, cow, ass, mule, pig or goat.
- (u) not permit any clothing or wearing apparel to be placed, kept, hung or deposited in any dining room, kitchen, scullery, pantry or food store, provided that patrons may be permitted temporarily to hang hats and cloaks in a dining room;
- (v) not keep or permit to be kept any container which has contained wet fish or other perishable food and which has not after the last occasion of such use been cleansed and rendered inoffensive;
- (w) cleanse daily and at all times keep and maintain all water-closets, urinals, lavatories, catch-pits, grease traps and all other sanitary appliances on the premises in a clean and sanitary condition;
- (x) not store or permit to be stored any petrol, kerosene, benzene, naphtha, alcohol, mineralised or methylated spirit or any volatile liquid (not being an article of food) in any kitchen on the premises.

20. Every person working in premises used as a cafe shall immediately before beginning work and immediately after visiting a sanitary convenience wash his hands and every such person shall keep and maintain his clothing and body clean.

21. No person who is suffering from any communicable disease, suppurating wound or sore or any other disease likely to contaminate food shall enter the kitchen or take part in the preparation, handling or carrying of food on any premises used as a cafe.

22. Every proprietor of premises used as a cafe shall as soon as he becomes aware that any person engaged on the premises is suffering from any of the abovementioned diseases cause him to cease to be engaged on and to leave the premises without unnecessary delay and shall not allow him again to be engaged on such premises until such person shall have obtained a certificate from a qualified medical practitioner that he has recovered from or is not suffering from any such condition as aforesaid and is no longer a source of danger to others.

23. The proprietor of premises used as a cafe shall forthwith report in writing to the Board the suspension of any person engaged on the premises suffering from any disease mentioned in by-law 21.

Food Stalls.

24. No person shall prepare or sell meals or offer meals for sale at a food stall unless such food stall is registered with the Board.

25. An application for the registration of a food stall shall be made in the form of Form No. 7 of the Second Schedule hereto and shall be forwarded to the Board with a plan of the food stall and of the area surrounding its proposed situation.

26. If the application for registration of a food stall be granted the Board shall issue a certificate of registration in the form of Form No. 8 of the Second Schedule hereto.

27. No person shall prepare or sell meals or offer meals for sale at a food stall unless he or the proprietor of the food stall is the holder of a license issued by the Board authorising him to conduct the business of a food stall.

28. An application for a license to conduct a food stall shall be in the form of Form No. 9 of the Second Schedule hereto. If the application for a license be approved the Board shall issue a license in the form of Form No. 10 of the Second Schedule hereto.

29. Every certificate of registration and every license to conduct the business of a food stall shall be in force from the date of its issue by the Board until the 31st day of December next following unless such certificate of registration or license shall be cancelled in the meantime by the Board.

30. Applications for the renewal of certificates of registration and for the renewal of licenses shall be made annually during the month of December. Such applications shall be in the form of Form Nos. 11 and 12 of the Second Schedule hereto.

31. The fees to be paid to the Board on the registration of the food stall and on the issue of a license to conduct the food stall and on the renewal of registration or of license are set out in the Third Schedule hereto. All applications for registration or for a license or for a renewal of registration or license shall be accompanied by the appropriate fee.

32. Any person who makes a false statement in any application made under by-laws 25, 28 or 30 shall be guilty of an offence.

33. If any person to whom a certificate of registration or a license to conduct a food stall is issued pursuant to these by-laws shall change his place of residence he shall within twenty-eight days after such change give notice in writing thereof and specify his new place of residence to the Board. He shall at the same time produce the certificate of registration or license granted to him to the Secretary of the Board who shall endorse thereon and sign a memorandum specifying the particulars of such change.

34. If the owner of any food stall registered under these by-laws transfers or assigns or enters into any binding agreement to transfer or assign his interest or any interest in the food stall he shall within twenty-eight days from the date of such transfer assignment or agreement give notice thereof in writing to the Board specifying the nature of the interest transferred or assigned and the name, address and occupation of the person or persons to whom such interest is transferred assigned or agreed to be transferred or assigned.

35. No certificate of registration shall be granted in respect of a food stall unless—

- (a) the area in which the food stall is situated is surfaced with some impervious material beneath the food stall and to a distance of not less than ten feet in front of the food stall and to a distance of not less than five feet to the rear and at the sides of the food stall and if required by the Board such area is fenced;
- (b) an efficient and adequate supply of wholesome fresh water is available at the food stall;
- (c) sufficient sanitary conveniences are provided for the use of each sex in accordance with the provisions of the Model By-laws;
- (d) a soak well with all necessary fittings is provided for the disposal of liquid refuse such soak well to be constructed and maintained in accordance with these by-laws.

36. The person to whom a certificate of registration of a food stall is granted pursuant to these by-laws shall ensure that the requirements of these by-laws are carried out and that the facilities required are maintained in a clean and efficient manner and in good working order.

37. Every person to whom a license to conduct the business of a food stall has been issued shall—

- (a) provide and keep a sufficient number of suitable vessels and receptacles with lids constructed of galvanised iron or other non-absorbent and non-corrodible material for the purpose of receiving all garbage waste matter and other refuse arising from the carrying on of the business of a food stall and shall keep such vessels and receptacles at or available to the food stall and keep them fly and vermin proof and efficiently ventilated;
- (b) forthwith after any garbage waste matter or other refuse is produced at the food stall place the same in the vessels or receptacles provided and kept in accordance with the paragraph (a) of this by-law, and remove or cause the contents of such vessels and receptacles to be removed from the area made available to the customers of the food stall at least once in every twenty-four hours;
- (c) provide and maintain a hot water installation and sink facility adequate for the thorough cleansing of all drinking vessels, cutlery, crockery and utensils used at the food stall;
- (d) immediately after each occasion of use thoroughly cleanse all drinking vessels, cutlery, crockery and utensils used at the food stall, by means of washing in water at a temperature of not less than 120 degrees Fahrenheit and immediately thereafter rinsing in clear hot water at a temperature of not less than 180 degrees Fahrenheit for two minutes;

- (e) provide and maintain a hood over every cooking fire, stove or boiler used at the food stall. The hood shall be so placed as to remove all steam, effluvia, odours or smoke from the process of cooking or boiling. The under side of the hood shall not be more than two feet above the top or fire plate of the stove. The flue from the hood shall be at least seven inches in diameter and shall discharge the steam, effluvia, odours or smoke from the hood into the open air above the highest part of the roof of the food stall;
- (f) at all times keep and maintain in a clean and sanitary condition the interior and exterior of the food stall together with all soak wells, grease traps, lavatories and sanitary conveniences;
- (g) take such steps as may be reasonably necessary to protect all food from dust, dirt, filth, mud, dirty water, animals, vermin, flies, insects and other sources of contamination and from the contamination by persons and cause the food to be so placed as to prevent risk of contamination;
- (h) cleanse as often as may be reasonably necessary to prevent risk of contamination all food counters, slabs, fittings, apparatus, stoves and ranges and surfaces with which food is likely or liable to come into contact;
- (i) cause every part of the food stall and its fittings and apparatus and all crockery and containers and utensils to be kept and maintained in good order and condition so as to prevent the absorption of any food material or refuse and to cause the fittings and apparatus used in the food stall to be so placed as to make it possible for them to be thoroughly cleansed;
- (j) keep the food stall and all fittings thereof and all containers and utensils in connection with the business of the food stall clean and in good and efficient state of repair;
- (k) keep the area underneath and in the vicinity of the food stall clean and free from insects, vermin and dust;
- (l) dispose of all liquid refuse by discharging it into a soak well constructed in accordance with these By-laws;
- (m) provide suitable and sufficient lighting either artificial or natural to ensure that all parts of the premises to which customers have access are effectively lighted during the hours of darkness;
- (n) have his name and address legibly and conspicuously displayed at the food stall.

38. No person to whom a license to conduct a food stall has been granted shall carry on the business of a food stall at any place other than the place specified in the license, unless another license is issued in respect of that place.

39. If a person to whom a certificate of registration of a food stall has been granted shall be convicted of an offence against any of these by-laws the Board may in its discretion cancel the certificate of registration.

40. If any person to whom a license to carry on the business of a food stall has been granted shall be convicted of an offence against any of these by-laws the Board may in its discretion cancel the license.

41. If the Board shall cancel a certificate of registration or a license it shall give to the person to whom the certificate of registration or the license was granted notice of such cancellation by sending such notice by registered post to him at his address as shown in the certificate of registration or license.

42. No person who is suffering from any communicable disease, suppurating wound or sore, or any other disease likely to contaminate food, shall enter the kitchen or take part in the preparation handling or carrying of food on any premises used as a food stall.

43. Every proprietor of premises used as a food stall shall so soon as he becomes aware that any person engaged on the premises is suffering from any of the abovementioned diseases cause him to cease to be engaged on and to leave such premises without unnecessary delay and shall not allow him again to be engaged on such premises until such person shall have obtained a certificate from a qualified medical practitioner that he has recovered from or is not suffering from any such condition as aforesaid and is no longer a source of danger to others.

44. The proprietor of premises used as a food stall shall forthwith report in writing to the Board the suspension of any person engaged on the premises suffering from any disease mentioned in by-law 42.

45. No person whilst employed in any food stall shall smoke or expectorate.

46. Persons engaged in the preparation or handling of food in a food stall shall wear clean outer garments or overalls of a washable nature.

47. Every person to whom a certificate of registration or license to conduct the business of a food stall has been granted shall keep such certificate of registration or license at the food stall and shall when requested to do so by an Inspector produce to him the certificate of registration and the license.

Ventilation of Houses.

48. Where ceiling vents are used for the ventilation of a room and the eaves of the house are boxed, ventilation shall be provided in the boxed eaves in the ratio of twenty four inches of inlet and twenty four inches of outlet of uncontrolled ventilating area to each one hundred square feet of floor area.

49. Where the eaves of a house are boxed and ventilation is by means of wall vents above the boxed eaves, ventilation shall be provided in the boxed eaves in manner provided in by-law 48 hereof.

Dwellings—Reticulation.

50. The owner of every house shall cause such house to be provided with water piping with all necessary bends, tees, taps and fittings of sufficient size to deliver to the kitchen, bathroom, laundry and lavatory fixtures of such house, an adequate and continuous supply and pressure of potable water.

51. He shall cause all such pipes to be connected to the water reticulation mains of the Metropolitan Water Supply, Sewerage and Drainage Department.

52. He shall maintain all such pipes, bends, tees, taps and fittings in good and efficient repair and action.

Drains.

53. The owner of every building when providing the drains required by by-law 32 of the Model By-laws shall so arrange and construct them that the water therefrom is prevented from dropping upon or running over any public street, or way, and from causing dampness in any part of any wall or foundation of any building, either on the owner's or on adjacent premises, and from damaging any adjoining property.

54. The owner shall, when so ordered by the Board, cause the drains to discharge into the nearest stormwater channel, or into a soak well or wells constructed or to be constructed by him on his premises having a total capacity equal to four cubic feet for every one hundred square feet of roof area.

Soak Wells—Stormwater.

55. Soak wells for storm water disposal shall be lined with bricks laid with open joints and shall be provided with an impervious cover of reinforced concrete.

56. Before constructing a soak well the owner or any person acting on his behalf shall obtain the approval of an Inspector for the construction of the proposed soak well.

Rubbish Receptacles.

57. The occupier of any premises within the district shall keep a rubbish receptacle in such place convenient for the removal of the contents thereof as the Board may direct.

Removal of Rubbish.

58. In pursuance of section 112A of the Act the areas described in the Fourth Schedule hereto are hereby prescribed as areas within which every occupier of premises shall—

- (a) not, unless authorised by the Board so to do, remove any house and trade refuse and other rubbish from the premises;
- (b) pay to the Board for the removal of house and trade refuse and other rubbish from the premises the charges set out in the Third Schedule hereto.

59. Where any refuse or rubbish is removed from the premises under the written authority of the Board the person removing it shall—

- (a) dispose of it at the place set apart by the Board for the disposal of refuse and rubbish; and
- (b) pay to the Board the tipping fee set out in the Third Schedule hereto, for the disposal.

Liquid Refuse.

60. The occupier of any premises shall dispose of the liquid refuse produced upon the premises by one of the following methods, and by-law 23 of Part 1 of the Model By-laws is modified accordingly:—

(1) By discharging it into a soak well, complying with the following conditions:—

- (a) A sketch plan showing the design, situation and construction together with the connections with such soak well shall be submitted to and approved in writing by an Inspector.
- (b) It shall be at least four feet in diameter and five feet in depth. It shall be lined with bricks laid with open joints or approved concrete segments at least four inches thick and be provided with a two-inch reinforced concrete cover and shall be built up to within one foot of surface. Brick soak wells shall have the top three courses of bricks set in two and one cement mortar. Segment soak wells shall have all courses above the invert of the inlet pipe set in two and one cement mortar.
- (c) The liquid refuse shall be discharged from the house fittings into a gully or P trap beneath the grating and shall enter into a P trap from outside the building and through a brass inspection opening bend. Flanged grates only shall be used.
- (d) From such gully or P trap, liquid wastes shall be conducted direct to the soak well by means of an earthenware drain at least four inches in diameter and laid with a proper fall.
- (e) Every liquid refuse disposal system shall be ventilated by a four-inch educt ventilator installed at the head of the drain and shall comply in all respects with the Metropolitan Water Supply Sewerage and Drainage By-laws.
- (f) A four-inch ninety degrees earthenware bend induct vent shall be installed on the outlet side of the soak well, or if there is a series of soak wells, on the outlet side of the last well. It shall be fitted with bronze mosquito wire and cast iron grate, and be domed with a layer of at least two inches of concrete taken at least six inches below ground level and finished to a smooth surface. It shall be so constructed that the entire inlet opening shall be above finished ground level. In cases where two lines of drain are connected to the same soak well the educt vent may be installed at the head of one line and the induct vent at the head of the other, but the educt vent must be on the longer line.
- (g) When there is a series of more than one soak well the earthenware drain from the house shall connect with only one of such soak wells. In each subsequent well except the last, a vertical long square shall be installed on the inlet side.
- (h) Where a combined system is installed at least two soak wells each of at least four feet in diameter and five feet in depth shall be installed.
- (i) All pipes and fittings used in connection with installation of combined system shall be tested in accordance with Metropolitan Water Supply, Sewerage and Drainage Department standard.
- (j) All earthenware drainage shall be provided with access for cleaning and sighting in both directions. Before all Y junctions a square shall be provided.

- (k) Where an earthenware drain is built over, it shall be encased all around in six inch concrete and a removable slab shall be laid above every access square, cleaning eye, or rod end, to permit cleaning.
 - (l) Where a path is laid above a drain any rod end, cleaning eye or square shall be covered only by a removable slab.
 - (m) Drains must not be covered or covers placed on septic tank or soak well until the work and materials have been approved by an Inspector.
 - (n) Whenever ordered by an Inspector such well shall be emptied, cleansed, and disinfected in such manner and within such time as is specified in the requisition.
- (2) By discharging into an approved ventilated impervious receptacle fitted with a gas-tight cover, which shall comply with the following conditions:—
- (a) The contents of such receptacle shall be removed at such times and with such frequency and in such manner as is directed by an Inspector.
 - (b) The occupier shall not permit any such receptacle to overflow or become offensive.
 - (c) The receptacle shall be situated where directed by an Inspector.
- (3) By discharging into a french drain, which shall comply with the following conditions:—
- (a) A sketch plan showing the design, situation and construction, together with the connections with such french drain shall be submitted to and approved in writing by an Inspector.
 - (b) It shall be constructed of agricultural drain pipes of not less than four inches in diameter laid in a straight line with open joints and completely surrounded with not less than nine inches of broken blue metal of not more than three inch gauge and not less than two inch gauge. The surface of the drain shall be covered with gravel or earth.
 - (c) The house fittings shall be to the standard prescribed by the by-laws made under the Metropolitan Water Supply, Sewerage and Drainage Act, 1909-1955, except where otherwise approved in writing by an Inspector, and each such fitting shall be discharged into an open gully provided with a water-sealed trap.
 - (d) A grease intercepting trap of a design and dimensions approved by the Inspector shall be installed at the premises as is considered necessary by the Inspector, and shall be situated where directed by the Inspector.
 - (e) The dimensions of the trench shall be determined by the Inspector, except that no trench shall be less than thirty feet long or two feet wide or two feet deep.
 - (f) The french drain shall be ventilated by means of a glazed earthenware ninety degrees bend installed at the inlet to the french drain and shall be fitted with mosquito proof bronze wire mesh and a cast iron grate. It shall be domed with a layer of at least two inches of concrete taken at least six inches below ground level and finished to a smooth surface.
 - (g) The french drain, and all fittings connected thereto shall at all times be maintained in good order and condition, and when required by an Inspector any french drain shall be emptied, cleaned and disinfected in such manner and within such time as may be specified in the requisition.
- (4) By discharging into a leach drain which shall comply with the following conditions:—
- (a) A sketch plan showing the design, situation and construction together with the connections to such leach drain shall be submitted to and approved in writing by an Inspector.

- (b) It shall be constructed at least two feet in width and two feet in depth as measured from the invert of the inlet pipe and shall not be less than twenty feet in length.
- (c) It shall be lined with bricks laid with open joints and the spaces between bricks shall not be less than one half of an inch. The top two courses shall be made fast with cement mortar. The first two feet from the invert shall have a cement apron and shall be provided with an impervious cover of two feet by two feet rebated concrete slabs which shall not be more than twelve inches below the surface of the surrounding ground.
- (d) Where there is a combined system for the bacteriolytic treatment of sewage and water is installed, a leach drain shall not be less than thirty feet in length.
- (e) The leach drain shall be ventilated by means of a glazed earthenware ninety degree bend fitted with a metal grid and brass mosquito-proof wire mesh and so installed that the grid is clear of the surface of the ground. The vent shall be domed with cement.
- (f) Where a leach drain is installed at the side of a house it shall not be within six feet of the house.

(5) Whenever the Board is of opinion that proper facilities are not provided at any house it may by notice order the owner of such house to do the work necessary to dispose of liquid refuse in such one or other method provided by clauses (1), (2), (3) or (4) of this by-law as is specified in the notice.

(6) Any person who fails within twenty-eight days to comply with the terms of a notice given under clause (5) hereof shall be guilty of an offence.

Keeping of Swine.

61. No person shall keep any pigs or swine within the District without permission in writing of the Board.

Poultry.

62. The occupier of any premises shall not keep any pigeons or poultry within thirty feet of any house and by-law 29 (b) of Part 1 of the Model By-laws is amended accordingly.

63. No person shall keep more than thirty fowls or turkeys or more than thirty pigeons or more than twenty ducks or geese or more than thirty in all of the birds mentioned upon any land used for residential purposes or within a residential area of an area of one-quarter of an acre or less.

64. The floor of every roofed poultry pen shall be constructed of cement trowelled to a smooth finish and laid with a fall of one in fifty to the front.

65. The occupier of every premises upon which poultry intended for sale as food is killed, plucked, hung, dressed or cleaned shall—

- (a) maintain such premises and all drains, fittings, apparatus, machinery, utensils, receptacles, tools and appliances used thereon in a clean condition and in good repair;
- (b) provide upon such premises an ample supply of clean water together with such fittings as may be required for the purposes of making the water supply readily available for use.
- (c) provide a sufficient supply of ablutionary appliances and fittings for the use of persons engaged in the killing, hanging, plucking, dressing and cleaning of poultry intended for sale as food and shall maintain such ablutionary appliances clean and in good working order and condition.

66. No person shall kill, pluck, hang, clean or dress any poultry intended for sale as food except in a room constructed and situated and drained as follows:—

- (a) It shall have a cubic capacity of not less than five hundred cubic feet for every person working therein.
- (b) It shall be flyproof and well ventilated and adequately lit.

- (c) It shall have walls constructed of impervious material with a smooth surface to a height of not less than eight feet.
 - (d) It shall have a floor constructed of impervious material with a smooth surface having a fall to a surface gutter in such a way that all liquid falling upon such floor shall be conducted by means of the surface gutter to a drain inlet situated outside the building wherein the room is situated.
 - (e) The drain shall conduct all liquids from the floor of the room directly either to a sewer or to a gully-trap and thence to a soak well.
 - (f) The room shall not be situated within twenty feet of a water closet or within one hundred feet of an earth closet.
67. The occupier of every premises upon which poultry intended for sale as food is killed, plucked, hung, cleaned or dressed shall—
- (a) provide impervious receptacles with air-tight coverings ready for use and sufficient in size and number to receive all feathers, offal, offensive and decomposable material produced upon the premises; and
 - (b) immediately place or cause to be placed in such receptacles all feathers, offal, offensive and decomposable material produced upon the premises; and
 - (c) remove from the premises the contents of such receptacles not less frequently than once in each working day.
68. Every person killing or preparing poultry for sale as food shall—
- (a) immediately after killing hang the bird for a period of not less than fifteen minutes;
 - (b) thoroughly pluck and clean the bird within one hour after it has been killed;
 - (c) place the bird in cool storage immediately after it has been plucked and cleaned.
69. No person shall pluck or prepare for human consumption or offer for sale or dispose of for human consumption any bird which was not at the time of killing in a healthy condition.

Animals.

70. The occupier of every premises upon which an animal or animals are kept shall prevent any nuisance arising in or about the said premises.

71. No meat or food for the animals shall be cooked on any premises in such manner as to permit offensive odours to escape therefrom.

Dogs.

72. The occupier of every premises upon which dogs are kept for breeding purposes or upon which more than two dogs are kept for more than two months shall—

- (a) provide yards or runs for the dogs so situated as to be not less than four feet from the boundary of the land, not less than forty feet from any house and not less than eighty feet from the street to which the land has a frontage. If the land has also a street adjoining at the side the yards or runs shall not be less than twenty-five feet from that street;
- (b) provide a kennel or kennels which shall be of a height and width sufficient to permit the dogs to move inside without restriction;
- (c) keep the yards, runs and kennels clean and in a tidy condition and free from vermin;
- (d) paint all second-hand material used in the construction of the kennels, yards or runs.

General Sanitary Provisions.

73. Every house constructed after the date of publication of these by-laws in the *Government Gazette* shall be provided with a water closet connected with the deep sewer or connected to an apparatus for the bacteriolytic treatment of sewage.

74. The owner of a house which is not provided with a water closet connected with the deep sewer or connected to an apparatus for the bacteriolytic treatment of sewage shall provide a water closet thereon connected either to the deep sewer or to the said apparatus within six months after the publication of these by-laws in the *Government Gazette*. Provided that the Board may extend the time for the compliance with this by-law in any case where by reason of the level of the subsoil water, the nature of the soil, the availability of the Metropolitan Water Supply, Sewerage and Drainage Department sewer, or the temporary nature of the occupancy of the premises, the compliance with this by-law is not desirable or practicable.

Water Closets.

75. Every water closet shall be of an internal height of not less than seven feet in any part and shall have internal dimensions of not less than four feet eight inches by three feet. The floor shall be constructed of an impervious material. The entrance door shall be not less than two feet three inches in width exclusive of the door frame.

Sanitary Provisions—Earth Closets.

76. In cases where earth closets are in use the following provisions shall apply:—

- (a) Where the premises abuts on a public right of way the earth closet shall be so placed and constructed that the pan may be removed and replaced from the right-of-way.
- (b) The earth closet shall be so placed and constructed that the pan can be removed without being taken through any part of a building.
- (c) The panstead shall be constructed and maintained in a fly proof condition.

Temporary Earth Closets.

77. No person shall erect or commence to erect or do any work preparatory to the erection of any building without providing a temporary earth closet on the land upon which the building is to be erected, and maintaining the same clean and in a proper condition during the course of the building operations. Such earth closet shall be constructed of wood or iron walls and otherwise shall comply with the conditions of clauses 1 and 1B of Part 1 of the Model By-laws.

Offences and Penalties.

78. Any person who shall commit a breach of any of by-laws 9 to 47 shall be liable to a penalty not exceeding fifty pounds and where such breach is of a continuing nature in addition a daily penalty not exceeding two pounds for every day or part of a day during which the breach is continued after complaint of such breach has been made.

79. Any person who shall commit a breach of any of these by-laws except by-laws 9 to 47 shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding two pounds.

THE FIRST SCHEDULE.

(By-law No. 1.)

BY-LAWS REPEALED.

By-laws published in the *Government Gazettes* of:—

- (1) 29th March, 1934, at page 431.
- (2) 22nd March, 1935, at page 695.
- (3) 12th November, 1937, at page 1943.
- (4) 16th January, 1942, at page 62.
- (5) 27th October, 1944, at page 914.
- (6) 20th September, 1946, at page 1164.
- (7) 14th January, 1949, at page 44.
- (8) 2nd November, 1951, at page 3023.
- (9) 2nd November, 1951, at page 3024.
- (10) 7th January, 1958, at page 19.
- (11) 7th January, 1958, at page 21.
- (12) 12th December, 1958, at page 3247.
- (13) 15th May, 1959, at page 1238.

THE SECOND SCHEDULE.

Form No. 1.
(By-law No. 10.)

Perth Road Board.
Health Act, 1911-1960.

APPLICATION FOR REGISTRATION OF A CAFE.

To the Secretary, Perth Road Board.

I (full name)....., of (address).....,
being the owner/occupier of the premises hereinafter described hereby make
application for the registration of the said premises as a cafe, subject to the
provisions of the Act and the by-laws for the time being made thereunder,
and I attach hereto a plan of the said premises.

Food will/will not be cooked on the premises.

Situation and description of premises.....

I enclose herewith £.....for registration fee.

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

.....
Signature of Applicant.

Form No. 2.
(By-law No. 10.)

Perth Road Board.
Health Act, 1911-1960.

CERTIFICATE OF REGISTRATION OF PREMISES AS A CAFE.

THIS is to certify that the premises hereinafter described owned/occupied
by.....have been registered by the Perth Road
Board as a Cafe.

This certificate takes effect from the.....day of.....19.....
and will continue in force until the 31st day of December, 19....., unless can-
celled in the meantime, and is issued and accepted by the abovenamed pro-
prietor subject to the provisions of the Act and the by-laws for the time
being made thereunder.

Food may/may not be cooked on the premises.

Description of premises registered.....

Street No.....Street.....

Plan No.....

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

.....
Secretary.

Form No. 3.
(By-law No. 11.)

Perth Road Board.
Health Act, 1911-1960.

APPLICATION FOR A CAFE LICENSE.

To the Secretary, Perth Road Board.

I (full name)....., of (address).....,
hereby make application for a license to carry on the business of a cafe on
the premises situate at.....,
subject to the provisions of the Act and the by-laws for the time being made
thereunder.

Particulars—

Nationality of Applicant.....

Date and place of birth.....

Previous experience (if any) as the keeper of a cafe.....

I enclose herewith £.....registration fee.

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

.....
Signature of Applicant.

Form No. 4.

(By-law No. 11.)

Perth Road Board.

Health Act, 1911-1960.

LICENSE TO CARRY ON THE BUSINESS OF A CAFE.

THIS is to certify that (full name)....., residing at (address)....., is licensed by the Perth Road Board to carry on the business of a cafe on the premises situated at.....

This license takes effect from the..... day of..... 19....., and continues in force until the 31st day of December, 19....., unless cancelled in the meantime, and is subject to the provisions of the Act and the by-laws for the time being in force made thereunder.

This license is not transferable.

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

Secretary.

Form No. 5.

(By-law No. 15.)

Perth Road Board.

Health Act, 1911-1960.

APPLICATION FOR RENEWAL OF REGISTRATION OF A CAFE.

To the Secretary, Perth Road Board.

I (full name)....., of (address)....., hereby make application for the renewal of the registration of the premises specified hereunder as a cafe, for the year ending 31st day of December, 19....., and deposit herewith the sum of..... as registration fee in accordance with the provisions of the by-laws.

Food will/will not be cooked on the premises.

Situation of premises in respect of which renewal of registration is sought.....

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

Signature of Applicant.

Form No. 6.

(By-law No. 15.)

Perth Road Board.

Health Act, 1911-1960.

APPLICATION FOR THE RENEWAL OF A LICENSE TO CARRY ON THE BUSINESS OF A CAFE.

To the Secretary, Perth Road Board.

I (full name)....., of (address)....., hereby make application for the renewal of my license to conduct and carry on the business of a cafe at premises specified hereunder, for the year ending 31st day of December, 19....., and deposit herewith the sum of..... as renewal fee in accordance with the provisions of the by-laws.

Food will/will not be cooked on the premises.

Situation of premises in respect of which renewal of license is sought.....

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

Signature of Applicant.

Form No. 7.

(By-law No. 25.)

Perth Road Board.

Health Act, 1911-1960.

APPLICATION FOR REGISTRATION OF A FOOD STALL.

To the Secretary, Perth Road Board.

I (full name)....., of (address)....., being the owner/occupier of the food stall situated at..... hereby make application for the registration of the said food stall under the provisions of the Act and the by-laws for the time being made thereunder and I attach hereto a plan and description of the said food stall and the area surrounding it.

I enclose herewith the sum of £.....for registration fee.

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

.....
Signature of Applicant.

Form No. 8.

(By-law No. 26.)

Perth Road Board.

Health Act, 1911-1960.

CERTIFICATE OF REGISTRATION OF A FOOD STALL.

Number:

THIS is to certify that the premises hereinafter described owned/occupied by (full name)....., of (address)....., has been registered by.....as a food stall. This certificate takes effect from the.....day of.....19....., and will continue in force until the 31st day of December, 19....., unless cancelled in the meantime and is issued subject to the provisions of the Act and the by-laws for the time being made thereunder.

Description of food stall.....

Situation of food stall.....

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

.....
Secretary.

Form No. 9.

(By-law No. 28.)

Perth Road Board.

Health Act, 1911-1960.

APPLICATION FOR LICENSE TO CONDUCT FOOD STALL.

To the Secretary, Perth Road Board.

I (full name)....., of (address)....., hereby make application for a license to carry on the business of a food stall at.....subject to the provisions of the Act and the by-laws for the time being made thereunder.

I enclose herewith the sum of £.....in respect of the license fee.

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

.....
Signature of Applicant.

Form No. 10.
(By-law No. 28.)
Perth Road Board.
Health Act, 1911-1960.

LICENSE TO CARRY ON THE BUSINESS OF A FOOD STALL.

Number: _____
THIS is to certify that (full name).....
of (address)..... is licensed by
..... to carry on the business of a food stall at the
food stall situated at.....
This license takes effect from the..... day of..... 19.....,
and continues in force until the 31st day of December, 19....., unless cancelled
in the meantime and is issued subject to the provisions of the Act and the
by-laws from time to time made thereunder.
This license is not transferable.
Dated this..... day of..... 19.....
Secretary.

Form No. 11.
(By-law No. 30.)
Perth Road Board.
Health Act, 1911-1960.

APPLICATION FOR RENEWAL OF REGISTRATION OF FOOD STALL.

To the Secretary, Perth Road Board.
I (full name)....., of (address).....
hereby make application for the renewal of the registration of the food stall
specified hereunder for the year ending 31st day of December, 19....., and
deposit herewith the sum of £..... as registration fee.
Situation of food stall in respect of which renewal of registration sought
.....
Number of previous registration.....
Dated this..... day of..... 19.....
Signature of Applicant.

Form No. 12.
(By-law No. 30.)
Perth Road Board.
Health Act, 1911-1960.

APPLICATION FOR RENEWAL OF LICENSE TO CARRY ON THE
BUSINESS OF A FOOD STALL.

To the Secretary, Perth Road Board.
I (full name)....., of (address).....
hereby make application for a renewal of my license to carry on the business
of a food stall at the address specified hereunder for the year ending 31st
December, 19....., and deposit herewith the sum of £..... as the renewal
fee.
Situation of food stall in respect of which renewal of license is sought
.....
Number of previous license.....
Dated this..... day of..... 19.....
Signature of Applicant.

THE THIRD SCHEDULE.

FEES.

Removal of Rubbish from Premises:—

- House refuse—£2 5s. per annum or 1s. 6d. per single service.
- Trade refuse—£1 per cubic yard.
- Other refuse—£1 per cubic yard.
- Pig swill—2s. per single service.

Tipping Fee—5s.

Registration of premises as a Cafe where food is cooked on the premises and every renewal thereof	£5
Registration of premises as a Cafe where no food is cooked on the premises and every renewal thereof	£2
License to proprietor to conduct a Cafe and every renewal thereof	£1
Registration of a Food Stall and every renewal thereof	£5
License to conduct a Food Stall and every renewal thereof	£1

THE FOURTH SCHEDULE.

(By-law No. 58.)

- (a) The INGLEWOOD WARD of the Perth Road District.
- (b) The LAWLEY WARD of the Perth Road District.
- (c) The MAYLANDS WARD of the Perth Road District.
- (d) Those portions of the OSBORNE WARD of the Perth Road District as are set out hereunder:—
 1. That portion of land enclosed as follows:—

Commencing at the corner of Hutton Street and Scarborough Beach Road, along Scarborough Beach Road in a south-easterly direction to the corner of Frobisher Road; thence in an easterly direction along Scarborough Beach Road and Green Street to the corner of Wanneroo Road, along Wanneroo Road to the corner of Wiluna Street; thence in a north-easterly direction to the corner of Flinders Street; thence in a northerly direction to the corner of Delawney Street; thence in a westerly direction to the corner of Wanneroo Road; thence in a southerly direction to the corner of Amelia Street; thence in a westerly direction to the corner of Canning Street; thence in a southerly direction to Beryl Street; thence in an easterly direction to Albert Street; thence in a southerly direction to the corner of Hutton Street; thence in a south-westerly direction to the commencing point.
 2. That portion of land enclosed as follows:—

Commencing at the corner of Huntriss Road and Killarney Road; thence in an easterly direction along Killarney Road to the corner of Odin Road; thence in a southerly direction along Odin Road to Hertha Road, along Hertha Road to Oswald Street; thence in a southerly direction along Oswald Street to a point in line with the prolongation eastwards of Beatrice Street; thence directly westwards to Odin Road, along Odin Road in a southerly direction to Ewen Street; thence along Ewen Street in a westerly direction to Huntriss Road; thence in a northerly direction along Huntriss Road to the commencing point.
 3. That portion of land enclosed as follows:—

Commencing on the corner of Harborne Street, and Scarborough Beach Road; thence in a southerly direction along Harborne Street to Dodd Street, eastwards along Dodd Street; thence north-easterly and then south-easterly along Lake Monger Drive; thence in a northerly direction along Brady Street to Scarborough Beach Road; thence in a westerly direction along Scarborough Beach Road to the commencing point.

- (e) Those portions of the SCARBOROUGH WARD of the Perth Road District as are set out hereunder:—

1. That portion of land enclosed as follows:—

Commencing at the south-east corner of West Coast Highway and Peasholm Street, along Peasholm Street in an easterly direction to Hastings Street; thence in a northerly direction to the corner of Cobb Street, along Cobb Street in an easterly direction to the corner of Queenscliffe Road; thence in a northerly direction along Queenscliffe Road to the corner of Ewen Street; thence in a south-easterly direction along Ewen Street to the corner of Huntriss Road; thence in a northerly direction along Huntriss Road to the corner of Newborough Street; thence in a westerly direction along Newborough Street to the corner of Deanmore Road; thence in a southerly direction along Deanmore Road to a point directly in line with the southern boundary of Swan Location 1150; thence in a westerly direction along the southern boundary of Swan Location 1150 to The Esplanade; thence in a southerly direction along The Esplanade to the corner of Brighton Road; thence in an easterly direction along Brighton Road to the corner of West Coast Highway, thence in a southerly direction along West Coast Highway to the commencing point.

2. That portion of land enclosed as follows:—

Commencing at the corner of Border Road and Brompton Road; thence along Border Road in an easterly direction to the corner of Morden Street; thence via Morden Street to Ednah Street; thence in an easterly direction to the corner of Ailsa Street; thence in a northerly direction along Ailsa Street, Margaret Street and Unwin Avenue; thence via Stockdale Crescent and Arundale Crescent to the corner of Cobb Street; thence in a westerly direction along Cobb Street to Drabble Road; thence via Drabble Road and Peasholm Street to the corner of Brompton Road; thence in a southerly direction along Brompton Road to the commencing point.

3. That portion of land enclosed as follows:—

Commencing at the corner of Williamstown Road and Queenscliffe Road in an easterly direction along Williamstown Road to Castle Road; thence in a northerly direction along Castle Road to Marlock Road; thence eastwards along Marlock Road and Willow Road to the boundary with the Osborne Ward; thence in a northerly direction along the Ward boundary to Ewen Street; thence in a westerly direction along Ewen Street to the corner of Queenscliffe Road; thence in a southerly direction along Queenscliffe Road to the commencing point.

- (f) That portion of the HAMERSLEY WARD of the Perth Road District as is set out hereunder:—

That portion of land enclosed as follows:—

Commencing at the south-east corner of Ocean Parade and King Albert Road, along King Albert Road in an easterly direction to a point directly in line with Arnott Street; thence in a northerly direction along Arnott Street and via Barratt Street, along Kitchener Street and Woden Street to the northern boundary of Swan Location 1137; thence in a westerly direction to a point directly in line with Lane Street; thence in a northerly direction along Lane Street and Hope Street to Mary Street; thence along the boundary of Swan Location 1032 in an easterly thence northerly direction to Beach Road; thence in a westerly direction to the corner of West Coast Highway; thence in a southerly direction along West Coast Highway and Ocean Parade to the commencing point.

Passed by the Perth Road Board at the ordinary meeting of the Board held on the 6th day of December, 1960.

HERBERT R. ROBINSON,
Chairman.
LLOYD KNUCKEY,
Secretary.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 10th day of May, 1961.

E. P. FOREMAN,
Clerk of the Council.

EDUCATION ACT, 1928-1960.

Education Department,
Perth, 25th May, 1961.

HIS Excellency the Lieutenant-Governor and Administrator in Executive Council has been pleased to approve of the regulations set forth in the schedule hereunder, made by the Minister for Education pursuant to the provisions of section 28 of the Education Act, 1928-1960.

T. L. ROBERTSON,
Director-General of Education.

Schedule.

Regulations.

Principal regulations. 1. In these regulations the Education Act Regulations, 1960, published in the *Government Gazette* on the 26th July, 1960, and amended from time to time thereafter by notices published in the *Government Gazette*, are referred to as the principal regulations.

Reg. 3 amended. (Amendment No. 13.) 2. Regulation 3 of the principal regulations is amended by substituting for the passage, "PART XIV.—GOVERNMENT SCHOOL TEACHERS' TRIBUNAL—Regulations 282-295B" the following passage:—

PART XIV.—GOVERNMENT SCHOOL TEACHERS'
TRIBUNAL.

Division 1.—General—Regulation 282.

Division 2.—Elections—Regulations 283-295B.

Division 3.—Appeals—Regulations 295C-295L.

Part XIV amended. (Amendment No. 14.) 3. Part XIV of the principal regulations is amended—

(a) by adding after the heading, "PART XIV.—GOVERNMENT SCHOOL TEACHERS' TRIBUNAL." and immediately before regulation 282, the following sub-heading:—

Division 1.—General. ;

(b) by adding immediately before regulation 283 the following sub-heading:—

Division 2.—Elections. ; and

(c) by adding after regulation 295B a division to stand as Division 3 as follows:—

Division 3.—Appeals.

295C. (1) An appeal or application to the Tribunal pursuant to section 37AF of the Act shall be made by notice in writing signed by the appellant or applicant addressed to the Tribunal and shall be in the Form No. 7 in Schedule 1 to these regulations.

(2) The notice mentioned in subregulation (1) of this regulation shall clearly and concisely set forth in the case of an appeal the grounds of appeal, and in the case of an application the reasons for making the application.

(3) The party giving the notice shall lodge the same with the Secretary to the Tribunal and shall deliver with the notice three copies thereof for use by the Tribunal and a sufficient number of additional copies for service upon all other known interested parties to the appeal or application, provided that in the case of an appeal made under

paragraph (d) of subsection (3) of section 37AE of the Act only two copies of the notice shall be required.

295D. (1) An appeal or application to the Tribunal pursuant to section 37AF of the Act shall be made—

- (a) in the case of an appeal mentioned in paragraph (a) of subsection (3) of section 37AE of the Act, or in subparagraph (i) of paragraph (g) of that subsection, within one month after the publication of the determination by the Minister in the *Government Gazette*;
- (b) in the case of an appeal mentioned in paragraph (d) of subsection (3) of section 37AE of the Act, within fourteen days after the appellant has been notified of the recommendation by the Director-General of a person other than the appellant;
- (c) in the case of an appeal mentioned in paragraph (e) of subsection (3) of section 37AE of the Act, within fourteen days after the Director-General has refused a written request by a teacher for a reconsideration of the assessment and issue of a further assessment, or if the request is granted then after issue of the further assessment, as the case may be;
- (d) in the case of an appeal mentioned in paragraph (f), or subparagraph (iii) of paragraph (g), or paragraph (h), of subsection (3) of section 37AE of the Act, within one month from the date of the decision or imposition of the penalty or punishment, as the case may be;
- (e) in the case of an appeal mentioned in paragraph (i) of subsection (3) of section 37AE of the Act, within fourteen days from the termination of the course of training by the Minister;
- (f) in the case of an appeal mentioned in paragraph (j) of subsection (3) of section 37AE of the Act, within one month from notification of the rental payable;
- (g) in the case of an appeal or application in respect of any other matter which the Tribunal has jurisdiction to examine into, hear and determine under section 37AE of the Act, at any time.

(2) A teacher who holds a position in a remote locality or is temporarily absent from his school shall be deemed to have lodged his appeal within the time prescribed by this regulation if, within that time, he notifies the Secretary to the Tribunal by telegram of his intention to appeal and lodges his appeal on the prescribed form with the Secretary of the Tribunal within seven clear days after the expiration of that time.

295E. The Tribunal, upon application made to it setting out special circumstances, may at its absolute discretion extend the prescribed time for lodging an appeal or application if the Tribunal considers an extension warranted in the particular case.

295F. The Tribunal may allow an appellant or applicant to amend at any time the particulars of grounds of appeal or reasons for application set forth in his notice of appeal or application upon such terms (if any) as to the Tribunal shall appear just.

295G. The Tribunal may adjourn the hearing of any appeal or application.

295H. If an appellant or applicant desires to abandon an appeal or application, he shall notify the Secretary to the Tribunal in writing or by telegram at least three clear days before the date fixed for the hearing of the appeal or application.

295I. (1) Notice of the hearing of an appeal or application shall be in accordance with the Form No. 8 in Schedule 1 to these regulations, and shall be given by the Secretary to the Tribunal to all parties having an interest therein.

(2) The date fixed for the hearing of an appeal or application shall be not less than seven days after the date of service of the notice of hearing.

295J. The service of any notice or other document required by the Act or by these regulations to be served may be effected by any method prescribed in section 31 of the Interpretation Act, 1918 (as amended), but where service is to be effected by posting during the Summer Vacation, the notice or document to be so served on a teacher or student shall be posted as a letter addressed to him at the address of that teacher or student notified by him to the Department.

295K. (1) A summons to witness issued at the instance of the Tribunal, or with the approval of the Tribunal at the instance of any party to an appeal or application, shall be in the Form No. 9 in Schedule 1 to these regulations and shall be signed by the Secretary to the Tribunal.

(2) The provisions of sections 74, 75, 76, 77 and 78 of the Justices Act, 1902 (as amended), shall otherwise apply to witnesses so summoned.

295L. (1) An appeal pursuant to the power conferred on the Tribunal by paragraph (d) of subsection (3) of section 37AE of the Act may be made on the grounds of—

- (a) superior efficiency to that of the teacher promoted; or
- (b) equal efficiency and seniority to the teacher promoted.

(2) For the purposes of this regulation, "efficiency" means special qualifications, experience and aptitude for the discharge of the duties of the position to be filled, together with the merit, diligence and good conduct of the teacher and the status of the position held by the teacher at the time of application, but any service in an acting capacity shall be disregarded.

Schedule 7 amended. (Amendment No. 15.) 4. Schedule 1 to the principal regulations is amended by adding after Form No. 6 the following forms comprising Forms Nos. 7, 8 and 9:—

Form 7, Reg. 295C.

Western Australia.

Education Act, 1928-1960.

NOTICE OF (A) APPEAL.

(B) APPLICATION FOR A DETERMINATION.

(C) APPLICATION FOR A REVIEW.

(Regulation 295C.)

Take notice that (here give full name or title of Appellant/s or Applicant/s)

hereby (A) appeal against

(B) make application for a determination of

(C) make application for a review of

the following:—(here state subject matter of decision or determination appealed against, or dispute to be determined, or of matter to be reviewed, as the case may be):—

on the grounds or for the reasons which follow (here set forth clearly and concisely the grounds of appeal or reasons for the application):—

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

Signatures of

Appellant/s or

Applicant/s

To The Government School Teachers' Tribunal,
Perth.

NOTE.—(a) Where a party to any appeal or application seeks permission to be represented by a legal practitioner, such party shall make written application in that behalf to the Tribunal at the same time as that party lodges Notice of Appeal or Application or when the matter is referred to the Tribunal, and as soon as practicable thereafter shall serve a copy of the application on every other party to the appeal, application or matter.

(b) Where a party to any appeal or application desires to summon a witness or witnesses, such party shall seek the approval of the Tribunal to the issue of the requisite summons/summonses. The issue of a summons to witness is not necessary where a party can secure the voluntary attendance of a witness.

(c) The grounds of appeal available to an appellant pursuant to the powers conferred on the Tribunal by paragraph (d) of subsection (3) of section 37AE of the Act (Promotions) have been prescribed as follows:—

- (1) Superior efficiency to that of the teacher promoted; or
- (2) equal efficiency and seniority to the teacher promoted.

(d) Notice of Appeal—Copies Required:—

- (1) Promotions—two copies.
- (2) Other Appeals—three copies for Tribunals use plus copies for all other known interested parties.

Form 8, Reg. 295I.

Western Australia.

Education Act, 1928-1960.

NOTICE OF HEARING OF APPEAL OR APPLICATION.
(Regulation 295I.)

Take notice that the—

- (A) appeal against
- (B) application for a determination of
- (C) application for a review of

the following:—

.....

.....

.....

.....

.....

.....

.....

.....

will be heard by the Government School Teachers' Tribunal sitting at.....Perth, on the..... day of.....19....., at.....o'clock in the noon.

Dated at Perth the.....day of.....19..... To.....

Secretary to the Tribunal.

NOTE.—In Promotions Appeals parties to an appeal are requested to have available at the hearing copies of the statement of the facts they intend to rely upon for all other parties to the appeal and for members of the Tribunal.

Form 9, Reg. 295K.

Western Australia.

Education Act, 1928-1960.

SUMMONS OF A WITNESS.

(Regulation 295K.)

To.....
of.....
in the State of Western Australia.

Whereas an Appeal/Application was on this.....
day of.....19....., lodged with the under-
signed seeking.....
.....
.....
.....

These are therefore to require you to appear before the
Government School Teachers' Tribunal at.....
Perth, in the said State, on the.....day of
.....19....., at.....o'clock in the.....noon
and so from day to day until such appeal/application is
determined, to give evidence in the said appeal/application
on behalf of the.....
(and there to have and produce.....
.....

and all other papers and documents relating to the said
appeal/application which may be in your custody posses-
sion or power). In default of your attendance you will be
liable to the penalty provided under section 75 of the
Justices Act, 1902 (as amended).

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

Secretary to Government School
Teachers' Tribunal.

ENDORSEMENT OF SERVICE.

On the.....day of.....19.....
at.....I served the within-named
.....with the within
summons by delivering a duplicate of it to him personally
(or by leaving a duplicate of it for him with.....
at.....his last known place of abode).

(Signature).....

(Date).....