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No. 98]

PERTH: FRIDAY, 1st DECEMBER

[1961

Western Australia.

LEGAL PRACTITIONERS ACT, 1893-1960.

Rules of the Barristers Board.

WHEREAS by the Legal Practitioners Act, 1893-1960 (hereinafter called "the Act"), the Barristers Board thereby constituted is empowered from time to time to make and prescribe such rules as to the Board may seem meet for the matters and purposes in the said Act mentioned; and whereas it is desirable to amend the Rules of the Board as published in the *Government Gazette* (No. 45) of the 5th August, 1949: Now, therefore, the Board, by virtue of the powers vested in it by and under the Act, doth hereby at a meeting held on the 17th day of November, 1961, make and publish the following amendments to the said rules, to take effect one month after the publication in the *Government Gazette*.

Amendments.

Rules 28 to 32, both inclusive, are repealed and the following substituted therefor, namely:—

28. Subject to rule 30 every articled clerk shall, while articled, attend at the University of Western Australia the lectures provided in the following subjects and pass an examination therein to be known as the Intermediate Examination as follows, viz.:—

Intermediate Examination.

Constitutional Law I.

English I.

Legal History.

29. Subject to rule 30 every articled clerk shall, while articled, attend at the University of Western Australia the lectures provided in the following subjects and pass an examination therein to be known as the Final Examination as follows, viz.:—

Final Examination Part 1.

Constitutional Law II.

Criminal Law and Criminology.

Law of Contract.

Law of Tort.

Final Examination Part 2.

Law of Evidence.

Law of Real Property.

Mercantile Law.

Final Examination Part 3.

Company Law.
Equity.
Legislation and Administrative Law.
Conflict of Laws.
Domestic Relations.

Final Examination Part 4.

Practice and Procedure.
Conveyancing.
Accounts.
Taxation.

30. (i) The Board may for good cause shown excuse an articulated clerk from attendance at any lecture or lectures but, subject thereto, an articulated clerk shall not be deemed to have attended the lectures provided in any subject unless he shall have attended at least 80 per cent. of the number of lectures provided in that subject in any year.

(ii) An articulated clerk whose principal does not practice within fifty miles of the General Post Office of Perth shall not be required to attend any lectures.

(iii) Except as to the Final Examination Part 4 an articulated clerk shall be deemed to have complied with rules 28 and 29 if he shall (either before or during his articles) have taken a degree in law at a University recognised by the Board for the purposes of section 15 (d) of the Act.

31. (i) No articulated clerk may sit for the Final Examination referred to in rule 29 until he shall have passed the Intermediate Examination referred to in rule 28. The parts of the Final Examination shall be passed in the order in which they appear in rule 29, and no articulated clerk may sit for any part except in its proper order.

(ii) Subject to rule 30 no articulated clerk may sit for an examination in any subject until he shall have attended the lectures provided in that subject.

(iii) Examinations shall be conducted by such persons in such manner and at such times and places as the Board may from time to time determine. The time and place of every examination shall be advertised by the Board by notice displayed in the Supreme Court Library.

(iv) Before attending lectures at the University of Western Australia in any year, articulated clerks will be required to enrol as students not proceeding to a degree and to pay to the University the fees payable by such students.

(v) Articled clerks while attending lectures at the University of Western Australia will be required to comply with all the statutes and regulations of the University as if they were enrolled as students proceeding to a degree.

32 (i) An articulated clerk wishing to sit for an examination or any part of an examination shall not more than six nor less than four weeks before the date advertised for the examination lodge with the Secretary an application in Form G in the schedule.

(ii) An articulated clerk who has not previously so applied shall lodge with his application a separate certificate in Form H from every practitioner with whom he has served articles certifying as to his conduct during the relevant period of service. On every subsequent occasion he shall lodge a separate certificate in Form H from every practitioner with whom he has served articles since the date of his last previous application.

Rules 44 to 47, both inclusive, are repealed and the following substituted therefor, namely:—

44. Rules 29, 30 and 31 shall *mutatis mutandis* apply to managing clerks as if they were articulated clerks. A managing clerk is not required to sit for the Intermediate Examination.

45. Rule 32 shall also *mutatis mutandis* apply to managing clerks as if they were articulated clerks and for that purpose the reference to form G shall be read as a reference to Form M and the reference to Form H as a reference to Form N.

Rule 59 is repealed and the following substituted therefor, namely:—

57A. On receipt of the affidavit the Board shall fix a time and place for the examination of the applicant on his affidavit and the hearing of verbal evidence from the persons who shall have made the certificate exhibited thereto. The Board shall give not less than seven days' notice in writing of such time and place to the applicant and to all the aforesaid persons.

57B. The Secretary may, and at the request of the practitioner shall, issue a summons for the attendance of any person or the production of any documents whom or which the Board or the applicant may think fit to call or have produced at the aforesaid hearing. The summons shall be in such form as the Board may from time to time approve.

57C. The Board may instruct Counsel to appear and examine the applicant and the other witnesses at the hearing and the applicant may appear in person or by Solicitor or by Counsel and may examine any witness.

The hearing shall be conducted in such manner as the Board may determine and the Board may adjourn the hearing from time to time.

57D. The evidence given at the hearing shall be recorded by the Secretary or by such other person as the Board may appoint whether a member of the Board or not.

57E. The Board may at its discretion approve the application or withhold its approval and if it approves the application it shall issue a certificate to the applicant in the Form R in the schedule.

57F. Rules 54 and 55 and 53 (c) shall apply to applicants for re-admission but not Rules 51, 52 or 53 (a) or 53 (b).

Dated the 17th day of November, 1961.

S. H. GOOD,
Chairman of The Barristers Board.
P. R. ADAMS,
FRANCIS BURT,
R. D. FORBES,
J. M. LAVAN,
H. V. REILLY,
J. L. WALKER,
JOHN L. C. WICKHAM,
Members of The Barristers Board.

PHARMACY AND POISONS ACT, 1910-1954.

Department of Public Health,
Perth, 9th November, 1961.

C.S.D. 254/59.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the Pharmacy and Poisons Act, 1910-1954, has been pleased to make the regulations set forth in the schedule hereunder.

LINLEY HENZELL,
Commissioner of Public Health.

Schedule. Regulations.

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|------------------------|---|
| Principal regulations. | 1. In these regulations the Pharmacy and Poisons Act Regulations, 1951, as reprinted and published in the <i>Government Gazette</i> on the 2nd February, 1960, and amended by a notice published in the <i>Government Gazette</i> on 30th June, 1960, are referred to as the principal regulations. |
| Reg. 84 amended. | 2. Regulation 84 of the principal regulations is amended by deleting the words, "compounds of fluorine" in line eight of paragraph (1). |
| Appendix D amended. | 3. Appendix D to the principal regulations is amended by adding at the end thereof the following item:—
Compounds of fluorine for human therapeutic use. |

HEALTH ACT, 1911-1960.

Shire of Coolgardie.

P.H.D. 1613/56.

WHEREAS under the provisions of the Health Act, 1911-1960, a local authority may make or adopt by-laws and may alter, amend or repeal any by-laws so made or adopted: Now, therefore, the Shire of Coolgardie, being a local authority within the meaning of the Act and having adopted the Model By-laws described as Series "A" as reprinted pursuant to the Reprinting of Regulations Act, 1954, in the *Government Gazette* on the 9th August, 1956, doth hereby resolve and determine that the said by-laws shall be amended as follows:—

Part I.—General Sanitary Provisions.

After By-law 1B insert a new By-law 1C as follows:—

1C.—Provision of Apparatus for the Bacteriolytic Treatment of Sewage.

(a) This by-law shall apply in those portions of the district prescribed hereunder:—

The townsite of Widgiemooltha, as constituted under the Land Act, 1933.

(b) The owner of every house constructed after the coming into operation of this by-law which is within a portion of the district prescribed in paragraph (a) shall provide on the premises an apparatus for the bacteriolytic treatment of sewage before the house is occupied or used.

Passed at a meeting of the Shire of Coolgardie this 18th day of September, 1961.

J. P. BAKER,
President.

H. E. WILLIAMS,
Shire Clerk.

Approved by His Excellency the Governor in Executive Council this 1st day of November, 1961.

(Sgd.) R. H. DOIG,
Clerk of the Council.

HEALTH ACT, 1911-1960.

Shire of Melville.

P.H.D. 797/61, Pt. 1.

WHEREAS under the provisions of the Health Act, 1911-1960, a local health authority may make or adopt by-laws and may alter, amend or repeal any by-laws so made or adopted: Now, therefore, the Shire of Melville, being a local authority in the meaning of the Act and having adopted the Model By-laws described as Series "A" and reprinted pursuant to the Reprinting of Regulations Act, 1954, in the *Government Gazette*, 9th August, 1956, with modifications, and further amended the said adopted by-laws as set out by notice published in the *Government Gazette* on 25th July, 1958, and 12th December, 1958, doth hereby resolve that the said adopted by-laws shall be amended as follows:—

Part I.—General Sanitary Provisions.

After By-law 4AE add a by-law to stand as By-law 4AF as follows:—

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

Provided that where a pedestal pan is one of the fittings in the room, such pedestal pan shall be installed within a closet provided with a door to ensure adequate privacy.

Part VII.—Food.

Substitute for the words, "five shillings" in line six of paragraph (b) of By-law 51 the words, "five pounds."

Part IX.—Offensive Trades.

Section A.—General.

(a) Substitute for the word, "It" being the first word in by-law 20 the passage, "Subject to the provisions of by-law 20A of these by-laws, it".

(b) After by-law 20 add a by-law to stand as by-law 20A as follows:—

20A. Notwithstanding the provisions of by-law 20 of these by-laws, the establishment of fish shops and dry-cleaning establishments may be permitted in any portion of the municipal district designated a shopping or business area under the provisions of the Town Planning Scheme adopted by the council pursuant to the Town Planning and Development Act, 1928 (as amended).

Passed at a meeting of the Shire of Melville this 22nd day of August, 1961.

R. F. CARROLL,
President.
J. E. ELLIS,
Shire Clerk.

Approved by His Excellency the Governor in Executive Council, this 1st day of November, 1961.

R. H. DOIG,
Clerk of the Council.

HEALTH ACT, 1911-1960.

Busselton Shire Council.

P.H.D. 1103/51.

WHEREAS under the provisions of the Health Act, 1911-1960, a local authority may make or adopt by-laws and may alter, amend or repeal any by-laws so made or adopted: Now, therefore, the Busselton Shire Council, being a local authority within the meaning of the Act, and having adopted the Model By-laws described as Series "A," as reprinted pursuant to the Reprinting of Regulations Act, 1954, in the *Government Gazette* on 9th August, 1956, hereby resolve and determine that the said adopted by-laws shall be amended as follows:—

Part I.—General Sanitary Provisions.

After By-law 14 insert a new By-law 14A as follows:—

14A.—Prescribed Areas—Section 112A.

The areas described in the schedule hereto are prescribed as areas within which the provision of section 112A of the Act will operate and have effect.

Schedule.

All that portion of the gazetted Busselton Townsite as described on page 3284 of the *Government Gazette*, dated 19th December, 1958.

Passed at a meeting of the Busselton Shire Council this 27th day of September, 1961.

F. H. JOLLIFFE,
President.
T. McCULLOCH,
Shire Clerk.

Approved by His Excellency the Governor in Executive Council this 1st day of November, 1961.

(Sgd.) R. H. DOIG,
Clerk of the Council.

HEALTH ACT, 1911-1960.

Shire of Mosman Park.

P.H.D. 1026/56.

WHEREAS under the provisions of the Health Act, 1911-1960, a local authority may make or adopt by-laws and may alter, amend or repeal any by-laws so made or adopted; and whereas the Shire of Mosman Park, being a local authority within the meaning of the Act, adopted Model By-laws made by the Governor pursuant to section 343 of the Act, reprinted on the 9th August, 1956, in accordance with the Reprinting of Regulations Act, 1954: Now, therefore, the Council of the Shire of Mosman Park, doth hereby resolve that the said adopted by-laws shall be amended, as follows:—

Part VII—Food.

Amend clause 51 (b) by deleting the words "five shillings" in the sixth line and inserting the words "ten pounds" in their place.

Passed at a meeting of the Council of the Shire of Mosman Park held this 27th day of July, 1961.

E. G. SMITH,
President.

J. A. SMALLMAN,
Shire Clerk.

Approved by His Excellency the Governor in Executive Council this 1st day of November, 1961.

(Sgd.) R. H. DOIG,
Clerk of the Council.

HEALTH ACT, 1911-1960.

Canning Shire Council.

P.H.D. 769/61, Pt. 1.

WHEREAS under the provisions of the Health Act, 1911-1960, a local authority may make or adopt by-laws and may alter, amend, or repeal any by-laws so made or adopted, and whereas Model By-laws described as Series "A" have been made and reprinted pursuant to the Reprinting of Regulations Act, 1954, in the *Government Gazette* on 9th August, 1956: Now, therefore, the Canning Shire Council, being a local health authority within the meaning of the Act and having adopted the aforesaid Model By-laws, doth hereby resolve and determine that the adopted by-laws as amended by resolution of the local authority published in the *Gazette* on 15th May, 1959, shall be amended as follows:—

Part I.—General Sanitary Provisions.

Delete the full stop after the word "used," being the last word of paragraph (b) of by-law 23, and add the passage:—

; In such case, two wells four feet in diameter and five feet deep from the invert of the inlet pipe, shall be provided in series. The first well to be provided with a four-inch long square junction at its outlet and the second well with a four-inch induct vent; alternatively a leach drain 36 feet in length, two feet in depth and two feet in external width shall be provided.

Made and passed by the Canning Shire Council on the 14th day of August, 1961.

JOSEPH W. COLE,
President.

N. I. DAWKINS,
Shire Clerk.

Approved by His Excellency the Governor in Executive Council this 1st day of November, 1961.

(Sgd.) R. H. DOIG,
Clerk of the Council.

HOSPITALS ACT, 1927-1955.

Rottnest Island Hospital Board—Resolution.

M. 5421/61.

WHEREAS it is provided in the Hospitals Act, 1927 (as amended), that a Board may, of its own motion, by resolution adopt the whole or any portion of by-laws formulated under the provisions of subsection (1) of section 37 of the said Act by the Governor for the guidance of Boards in respect of all or any of the matters regarding which Boards may make by-laws; and whereas Model By-laws have been formulated in accordance with those provisions and are contained in regulation 10 of the regulations made under the said Act, which regulations have, pursuant to the Reprinting of Regulations Act, 1954, been reprinted with amendments to and including that published in the *Government Gazette* on the 29th February, 1952, and as so reprinted were published in the *Government Gazette* on the 2nd February, 1960, and as amended thereafter: Now therefore, the Rottnest Island Hospital Board, being a Board within the meaning of the said Act, doth hereby resolve and determine that the said model by-laws as contained in regulation 10 of the regulations so reprinted and published in the *Government Gazette* on the 2nd February, 1960, and as amended thereafter be adopted.

Passed at a meeting of the Rottnest Island Hospital Board this 21st day of July, 1961.

STEWART BOVELL,
Chairman.
D. J. SULLIVAN,
Secretary.

Approved by His Excellency the Governor in Executive Council this 1st day of November, 1961.

(Sgd.) R. H. DOIG,
Clerk of the Council.

PARKS AND RESERVES ACT, 1895-1955.

Department of Lands and Surveys,
Perth, 25th October, 1961.

Ex. Co. No. 2022.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Parks and Reserves Act, 1895-1955, has been pleased to approve of the by-laws made by the King's Park Board set out in the schedule hereunder.

F. C. SMITH,
Under Secretary for Lands.

Schedule.

By-laws.

1. In these by-laws the King's Park By-laws made under the Parks and Reserves Act, 1895-1955, and reprinted pursuant to the Reprinting of Regulations Act, 1954, and published in the *Government Gazette* on the 11th March, 1957, incorporating all amendments up to and including the 9th December, 1955, are referred to as the principal by-laws.

2. The principal by-laws are amended by adding after by-law 6 a heading and by-law as follows:—

Unauthorised Removal, etc., of Leaf Mould, Personal Property, etc.,
Forbidden.

6A. A person shall not, without the authority of the Board, remove from the Park or disturb or move—

- (a) any leaf mould or other decayed or decaying vegetable lying within the Park; or
- (b) any article or property which is lying or left within the Park and of which he is not—
 - (i) the owner; or
 - (ii) legally entitled to possession.

3. By-law 12 of the principal by-laws is amended—
- (a) by adding immediately after the by-law number "12" the sub-by-law designation "(1)";
 - (b) by adding after the word "distribute" in line one the words "for the purpose of promoting a sale";
 - (c) by adding a sub-by-law as follows:—
 - (2) A person shall not, within the Park, distribute, sell, carry for sale or distribution, or expose for sale or distribution any printed or written matter without the permission in writing of the Board.
4. The principal by-laws are amended by adding after by-law 12 a heading and by-law as follows:—
- Fetes, etc., in Park without Permission Forbidden.
- 12A. (1) A person shall not, within the Park, organise, hold, advertise or take part in any fete, picnic or concert, or engage in public worship, in preaching or in public speaking of any kind, or hold or take part in any public meeting, or collect money for any purpose, without the permission in writing of the Board.
- (2) For the purposes of this by-law "picnic" does not include a family gathering not exceeding twelve persons in number.
5. By-law 13 of the principal by-laws is amended by substituting for the word "dislodge" in the last line the passage "or exercising,".
6. Paragraph (b) of by-law 20 of the principal by-laws is amended by substituting for the words "Bellevue Terrace" in the last line the words "Fraser Avenue."

The above by-laws were duly made by the King's Park Board in accordance with the Parks and Reserves Act, 1895-1955, by resolution passed at a meeting of the Board held on the 7th day of September, 1961.

THOMAS MEAGHER,
Chairman.
J. E. WATSON,
Secretary.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the City of Nedlands.

By-law No. 16 Relating to Deposit of Rubbish on Roads, to Excavations on Roads and Prohibition of Injury to Road Surfaces.

L.G. 365/60.

IN pursuance of the powers conferred upon it by the abovementioned Act, and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 7th day of September, 1961, to make and submit for confirmation by the Governor, the following by-law:—

16. (a) No person shall deposit any rubbish, tree or hedge cuttings, lawn clippings, garden waste or waste materials of any kind on any street, way, footpath or other place without the consent of the Council.
- (b) Except where acting under a statutory power, no person shall cause any excavation to be made in or on, or shall cause any injury to, the surface of any street, way, footpath or other public place without the consent of the Council.
- (c) Where any rubbish, tree or hedge cuttings, lawn clippings or waste materials of any kind has been deposited on, or any excavation has been made in or on, or any injury has been caused to the surface of, any street, way, footpath or other public place in contravention of this by-law, the Council may remove such deposit and/or may reinstate such street, way, footpath or other public place at the expense of the person or persons responsible for such deposit, excavation or

injury and may recover the amount of the expense from such person or persons in a Court of competent jurisdiction in addition to any penalty for which they may be liable under this by-law.

(d) Where anything by this by-law is prohibited, any person making default as to such prohibition commits an offence and is liable on conviction to a penalty not exceeding £50.

Dated this 7th day of September, 1961.

[L.S.]

J. CHAS. SMITH,
Mayor.
T. C. BROWN,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 1st day of November, 1961.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Town of Claremont.
By-laws Relating to Zoning.

L.G. 112/60.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 25th day of September, 1961, to make and submit for confirmation by the Governor the following amendments to Zoning By-laws published in the *Government Gazette* of the 8th February, 1957, at pages 205-217, both inclusive, and amended from time to time thereafter as follows:—

Third Schedule.

In the section "Business Zone—South Ward" following the words "lots 10, 11 and 12, location 350, Stirling Highway and Bay View Terrace" insert the words "lot 1, location 699, Stirling Highway and Airlie Street."

Fourth Schedule.

After the first paragraph of the section "Residential Flat Zone—South Ward" following the words "excluding lots 109, 110, 111, 112 and 113, location 699, Stirling Highway" insert the words "excluding lot 1, location 699, Stirling Highway and Airlie Street."

The Common Seal of the Town of Claremont was hereunto affixed on the 25th day of September, 1961, in the presence of—

[L.S.]

A. W. CROOKS,
Mayor.
D. E. JEFFERYS,
Town Clerk

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 1st day of November, 1961.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the City of Fremantle.

By-law Relating to Porticoes, Projections, Verandahs, etc.

(This by-law amends by-law No. 206 of the City of Fremantle and this by-law is No. 227.

L.G. 556/61.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 21st day of August, 1961, to make and submit for confirmation by the Governor the following by-law:—

1. By-law No. 206 for regulating porticoes, projections, verandahs, etc., as amended by a by-law published in the *Government Gazette* on the 8th day of February, 1957, is hereby amended by repealing all the amendments made on the 8th day of February, 1957.

2. This by-law is made in respect of that type of portico known as and herein defined as an awning. In so far as this by-law dealing with awnings particularly is inconsistent with by-law No. 206 which deals with porticoes generally, then the provisions of this by-law prevail and by-law 206 is amended accordingly.

3. In this by-law—

“awning” shall mean and include any roof-like cover or shelter of any material (including canvas, plastic wood or metal) of which any part extends over any part of a street;

“Council” means the Council of the City of Fremantle;

“first floor level” shall mean the space from where the first floor commences to where the second floor commences if there is a second floor but otherwise shall mean from where the first floor commences to the top of the building;

“ground floor level” shall mean the space from the ground to where the first floor of the building commences if there is a first floor but otherwise shall mean from the ground to the top of the building;

“Surveyor” means the Building Surveyor of the City of Fremantle.

4. No person shall erect or maintain any awning without a written license issued by the Council under this by-law.

5. Any person desiring to obtain a license under this by-law shall deposit with the Surveyor a duplicate set of drawings comprising a plan, elevation and section showing in detail the proposed construction of the awning and the manner in which it is proposed to secure it to the building to which it is to be attached and showing guttering and down pipes where required as herein provided.

6. A license under this by-law shall be in the form in the First Schedule hereto.

7. (a) The fee prescribed in the Second Schedule hereto shall be paid to the Council for each license under this by-law.

(b) The prescribed fee shall be paid to the Council before a license is issued.

8. (a) All awnings below first floor level shall finish a distance of two (2) feet from the face of the kerb or eight (8) feet from the building line, whichever is the lesser.

(b) No part of any awning shall be less than nine (9) feet from the footpath level.

9. (a) No awning above ground floor level shall project more than three (3) feet beyond the face of the building to which it is attached.

(b) Notwithstanding anything herein contained, no person shall erect an awning with a projection of seven (7) feet or more from the face of the building to which it is attached unless—

(i) the awning shall incorporate such gutterings and downpipes as shall be adequate to prevent water collected by the awning from falling on to the street; and

(ii) such downpipes shall be connected to the street gutter in a manner approved by the Surveyor.

10. No awning shall bear any sign, advertisement or artificial lighting; provided that the name of an occupier of the building to which the awning is attached may be painted on to the fascia of the awning.

11. Every awning shall be designed to withstand a live load of at least ten (10) pounds per square foot in addition to its own weight.

12. (a) No awning other than those above ground floor level shall be erected in the area known as the Central Zone, or in areas set apart for shopping purposes as shown on the City of Fremantle's Town Planning Scheme No. 1.

(b) The Council may in its discretion by writing under the hand of the Town Clerk permit the erection of awnings below the first floor level in the areas referred to in subclause (a) of this clause provided that no part of any such awning—

(i) shall project from the building line for more than four feet six inches;

(ii) shall be less than nine (9) feet above the footpath to the lowest edge of the fascia thereof.

13. The owner and occupier for the time being of any building to which an awning is attached, shall keep the awning clean, painted, watertight and in good repair. It shall be lawful for the Surveyor to give notice to the owner or occupier of the said building to clean, paint or repair such awning whenever in his opinion such cleaning, painting or repairing is required, and every owner or occupier who neglects or refuses within seven (7) days after the service of the notice to effect such cleaning, painting or repairing shall be guilty of an offence against this by-law.

Schedule No. 1.

City of Fremantle.

AWNING LICENSE.

No..... Date.....
The Council of the City of Fremantle consents to the erection by of
of an awning in accordance with the plans and specifications approved
by the Building Surveyor on the day of
19..... in front of premises known as
situate on

Schedule No. 2.

FEE FOR AWNING LICENSE.

One shilling for each lineal foot, measured along the front of the building, with a minimum fee of £1.

Dated the 13th day of September, 1961.

The Common Seal of the City of Fremantle was hereunto affixed on the 13th day of September, 1961, by a resolution passed the 21st day of August, 1961, in the presence of—

[L.S.]

W. FRED. SAMSON,
Mayor.

N. J. C. McCOMBE,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 1st day of November, 1961.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Town of Carnarvon.

By-laws Relating to Recreation Grounds.

L.G 762/61.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 12th day of September, 1961 to make and submit for confirmation by the Governor the following by-laws:—

1. In these by-laws unless the contrary intention appears, the following words shall have the meanings assigned to them hereunder:—

“Council” means the Carnarvon Town Council;

“building” means and includes any building, erection, stall, fence, barrier, hoarding or other construction and includes tents and caravans;

“caretaker” shall mean a person appointed by the Council to take care of a recreation ground;

“function” means any gathering, meeting, show, sport, gymkhana, or exhibition;

“license” means a license to hold a function on a recreation ground or for the training of persons or animals;

“person” means any person, body corporate or group of persons;

“recreation ground” means the grounds as set out in the Schedule of Recreation Grounds hereto.

2. The Council may grant a license in the form of the schedule hereto to a person to hold or organise a function on a recreation ground and may authorise a charge to be made for admission to the function and, subject to such conditions or restrictions as may be imposed, may grant a license to a person to carry out training operations for sports and/or for training and exercising animals.

3. A license to hold a function on a recreation ground shall specify—

(a) the purpose for which such license is granted;

(b) the dates and times during which the function may be held and/or in the case of a license to train or exercise persons or animals the times and days on which such training or exercising shall be carried on and the conditions imposed in respect thereof;

(c) whether or not a charge is to be made for admission thereto.

4. No license shall be granted for a continuous period of more than 14 days.

5. A license may be granted upon such terms and conditions as the Council may think fit and the person to whom a license is granted shall pay such fees as are set out in the schedule hereto.

6. Any person desirous of obtaining a license shall make application to the Council in the form in the schedule hereto.

7. No persons to whom a license has been granted shall make a charge for admission to the function unless authorised to do so by the Council and no higher charge for admission than that authorised by the Council shall be made.

8. No person under the influence of alcohol or acting in a riotous or disorderly manner shall attend a function.

9. A person to whom a license has been granted shall prevent persons under the influence of alcohol or persons acting in a riotous or disorderly manner from attending a function.

10. Any person to whom a license has been granted who commits or permits the commission of a breach of any of the terms or conditions of the license shall be guilty of an offence.

11. The Council if satisfied that the person to whom a license has been granted has committed or permitted or authorised the commission of a breach of any of the terms or conditions of the license or has committed a breach of any of these by-laws may by notice in writing to such person cancel the license and thereupon the license shall be cancelled.

12. No person shall erect or permit or authorise the erection of a building on a recreation ground without the consent in writing of the Council.

13. Any person desirous of erecting a building on a recreation ground shall make application to the Council in the form in the schedule hereto.

14. The Council may refuse to grant such consent unconditionally or may grant its consent upon such terms and conditions as it may think fit.

15. The consent of the Council to the erection of a building may specify—

- (a) the purpose for which such building may be used;
- (b) the time during which such building may be permitted to remain on the recreation ground;
- (c) the times when such building may be used;
- (d) the nature of the building which may be erected; and
- (e) the position in which such building may be erected.

16. Any person who shall erect or use or permit or authorise the erection or use of any building on a recreation ground without the written consent of the Council or otherwise than in accordance with the terms of the written consent of the Council shall be guilty of an offence.

17. The Council may after having given to the person to whom a consent to erect a building on a recreation ground has been granted one calendar month's notice of its intention so to do withdraw such consent.

18. The Council may by notice in writing to the owner, or to the person whom it believes to be the owner of a building on a recreation ground, direct that a building erected or used on a recreation ground without the consent of the Council or erected or used otherwise than in accordance with the terms of the consent of the Council or any building in respect of which the consent to erect the same has been withdrawn be removed within a period of 14 days after the date of the service of the said notice.

19. Any person who fails to comply with a notice given by the Council to remove a building on a recreation ground shall be guilty of an offence.

20. No person shall cause any damage to a building on a recreation ground.

21. No person other than the owner or a person duly authorised in that behalf by the owner of a building on a recreation ground shall use such building.

22. No person shall, without consent in writing of the Council, use a building on a recreation ground as a dwelling or for sleeping purposes.

23. No person who is the owner of or is a person authorised in that behalf by the owner of a building on a recreation ground shall use such building during the course of a function without the permission of the person to whom a license to hold such function has been granted.

24. No person shall assign or transfer his ownership of or his interest in a building on a recreation ground without having first delivered to the Council a notice of transfer duly completed in the form in the schedule hereto.

25. In the event of the non-compliance with a notice given in pursuance of by-law 18 hereof the Council may sell the building in respect of which the notice has been given or may by its servants and workmen take down and remove the said building and may sell the materials of which it is constructed and shall hold the balance of the purchase money received by it, after deducting all costs and expenses consequent upon such failure to comply with the notice and such taking down and removal and sale, upon trust for the person entitled thereto.

26. Any notice to be given under any of these by-laws may be signed by the Town Clerk of the Council and may be served on the person to whom it is addressed by post in a registered letter addressed to such person. A notice so served shall for the purposes of these by-laws be deemed to be served and given on the date on which in the ordinary course of post it would reach the address to which it is sent.

27. No person shall damage or interfere with any property or thing placed or used in, or belonging to the Council or authorised by the Council to be placed on, a recreation ground, or throw stones, or other missiles, or commit any nuisance therein, or leave any bottles, orange peel, paper, cast-off clothing, or any litter, rubbish, or waste matter of any kind.

28. No person shall stand on or climb or jump over the seats, trees, or fences of a recreation ground or cut letters, names, or marks on or otherwise damage the structures, trees, seats, gates, posts, or fences therein, or otherwise deface the same or write thereon.

29. No person, except those authorised by the Council shall bring into a recreation ground any horse, dog or other animal.

30. No person shall light any fire within a recreation ground without the permission of the Council.

31. No person, except the officers or servants of the Council, acting in the discharge of their duty, shall enter a recreation ground on such days as a license has been granted for the holding of a function except through the proper entrance for that purpose, and on payment of the fee chargeable for admission at the time.

32. No person shall enter a recreation ground for the purpose of playing of any games or sports or for horseracing or trotting therein, until he has first obtained a license so to do from the Council, unless he is a *bona fide* member of any club or sporting body authorised in that behalf.

33. No person or authorised club having obtained any license as aforesaid shall practise, play at, or carry on any game, sport, amusement or exercise or race any animal except upon such portions of a recreation ground as may be specified by the Council for that purpose.

34. No person shall enter a recreation ground without being duly authorised by the Council, nor enter any of the dressing or training rooms on a recreation ground or use any of the lockers without having first obtained an authority or license from the Council for that purpose and every person holding such authority or license shall produce and exhibit the same when required by the caretaker or person acting under the authority of the Council. Any person committing a breach of this by-law may be removed forthwith by the caretaker or any other officer or servant of the Council or of the Police Force, and such person shall also be liable to prosecution for a breach of this by-law.

35. No person shall address an audience or public meeting on a recreation ground without having first obtained permission so to do from the Council.

36. No person shall camp, lodge or tarry overnight or frequent for the purpose of camping, lodging or tarrying overnight on a recreation ground.

37. No person shall sell or expose for sale any food, drink, goods, wares, merchandise, or things on any portion of a recreation ground unless the consent of the Council shall have been previously obtained in writing; provided that the consent of the Council shall not be required when such person sells or exposes for sale anything with the consent of a person to whom a license has been granted to hold a function and during the period of such license.

38. Any person found in a state of intoxication in a recreation ground or behaving in a disorderly manner, or creating or taking part in any disturbance, or using any profane, indecent or obscene language, or committing any breach of these by-laws, may be removed forthwith from such recreation ground by the caretaker or by any officer or servant of the Council or by any member of the Police Force, without affecting such person's liability to prosecution for an offence against these by-laws.

39. No person shall sub-let any portion of a recreation ground, the use of which may be granted to any such person, nor permit the same to be used by any other person or persons whatsoever without the written consent of the Council.

40. Any person who commits a breach of any of these by-laws shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding twenty pounds.

41. No person shall drive a vehicle or machine of any kind on a recreation ground at a speed exceeding 10 miles per hour without the written consent of the Council.

The Schedule.

Town of Carnarvon.

FORM OF APPLICATION FOR LICENSE TO HOLD A FUNCTION ON OR TO USE A RECREATION GROUND FOR ANY PURPOSE.

To the Carnarvon Town Council, Carnarvon.

I/We..... of..... hereby apply for a license to hold a function on or to otherwise use the Recreation Ground.

- 1. Purpose for which the recreation ground is to be used.....
2. Date and times the recreation ground is to be used.....
3. It is proposed to charge..... for admission to the function.
4. Application is also made for the erection of the following buildings for the purpose of such function and such buildings shall not be erected before the..... day of..... 19..... and shall be taken down and removed on or before the..... day of..... 19.....

If a license shall be granted I agree to abide by the terms of the license and to comply with and observe the provisions of the by-laws of the Council.

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

Signed.....

Form 2.

Town of Carnarvon.

LICENSE TO HOLD A FUNCTION ON A RECREATION GROUND.

The license of the Carnarvon Town Council is hereby granted to..... of..... to hold a function (or train or exercise animals or persons) on..... recreation ground on the following terms and conditions:—

- (a) Nature of the function for which this license is granted is.....
(b) The times during which this license shall operate are.....
(c) The following buildings only may be erected on the recreation ground and no such buildings shall be erected before the..... day of..... 19....., and all such buildings shall be removed before the..... day of..... 19..... Building referred to.....
(d) The recreation ground shall be left clean and tidy after the completion of the function.
(e) No charge, or, a charge will be made for admission to the function.
(f) Special conditions if any.....

This license is issued subject to the strict compliance with the by-laws of the Council.

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

Town Clerk.

Form 3.

Town of Carnarvon.

APPLICATION TO ERECT A BUILDING ON A RECREATION GROUND.

To the Carnarvon Town Council, Carnarvon.

I/We..... of..... hereby apply for the consent of the Carnarvon Town Council to the erection of a building on.....recreation ground.

- (a) The nature of the building is.....
(b) The purpose for which the building will be used is.....
(c) The dates and times when the building will be used are.....
(d) The position or particular place on the recreation ground where it is desired to erect the building is.....
(e) The materials of which the building is to be constructed are.....
(f) The period for which it is desired that the building be permitted to remain on the recreation ground is.....
(g) A plan of the proposed building is attached hereto.

I/We agree to observe the provisions of the by-laws of the Council and in the event of non-compliance with a notice served in manner specified in said by-laws to remove the said building. I/We authorise the Council to sell or to take down and remove the building and to sell the building or the materials with which it is constructed and to pay from the purchase money all costs and expenses consequent upon such failure to comply with the notice and such taking down, removal and sale.

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

Signed.....

Form 4.

Town of Carnarvon.

TRANSFER OF OWNERSHIP OF BUILDING.

To the Carnarvon Town Council, Carnarvon.

I/We..... of..... hereby give notice that I/We intend to transfer the ownership of the under-mentioned building situate on recreation ground..... to..... of..... The transfer will take effect when this notice has been delivered to the Council.

I/We..... of..... (the transferee) accept the building subject to the terms of the application for consent and the terms of consent of the Council and hereby undertake to comply with the terms and conditions of the said consent and the by-laws of the Council.

Building referred to.....

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

Signed by the transferor.....

Signed by the transferee.....

Received by the Carnarvon Town Council, the..... day of.....

19.....

Town Clerk.

Form 5.

Town of Carnarvon.

CONSENT TO ERECT A BUILDING ON A RECREATION GROUND.

The consent of the Carnarvon Town Council is hereby given to
 of to erect
 a building on recreation ground on the following
 terms and conditions:—

- (a) The nature of the building shall be.....
- (b) The building shall not be used except for the purpose of.....
- (c) The building shall not be used except on the following dates and times.....
- (d) The building shall be erected only on the following part of the recreation ground.....
- (e) The building shall be removed from the recreation ground on or before..... or on notice to remove the same being given before that date.
- (f) The building shall be constructed of the following materials.....
- (g) The building shall be constructed according to the plan attached to the application.
- (h) The ownership in the building shall not be transferred or assigned unless notice in the form of Form 4 of the schedule to the by-laws has been first duly completed and delivered to the Council.
- (i) The building shall not be used during a function without the approval of the person to whom a license to hold such function has been given.
- (j) The building shall not be used as a dwelling or for sleeping purposes without the consent in writing of the Council.

Special conditions, if any.....

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

.....
 Town Clerk.

Schedule of Fees.
 CARNARVON OVAL.
 (Reserve 1856.)

The sums to be charged by the Council to the various persons, clubs, sporting bodies, or associations for the use of the recreation ground shall be as follows:—

For sporting fixtures—20 per cent. of gross gate takings or 10s. per day whichever is the greater.

For shows, exhibitions, gymkhanas—20 per cent. of gate takings or £5 per day whichever is the greater.

School sports approved by the Council, no charge.

Schedule of Recreation Grounds.

1. Carnarvon Oval—being the whole of Reserve No. 1856.

Dated this 12th day of September, 1961.

[L.S.]

J. McKENNA,
 Mayor.
 C. McCREED,
 Town Clerk.

Recommended—

L. A. LOGAN,
 Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 1st day of November, 1961.

R. H. DOIG,
 Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Town of Geraldton.

By-law No. 11B Relating to the Control and Management of Reserve No. 25572, Bayly Street, Campsite.

L.G. 781/61.

IN pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 21st day of March, 1961, to make and submit for confirmation by the Governor the following by-law:—

1. In the construction of this by-law subject to the context—

- (a) the word "camp" shall mean any camp, tent, tent fly, shed or hut and any awning, blind or other structure designed or fitted as a habitation for any person or used or intended for use as a dwelling or for sleeping purposes;
- (b) "Bayly Street Campsite" shall mean lot 1736, Bayly Street, Geraldton Reserve No. 25572, which land is held by the Municipality of Geraldton for the purposes of Camping (Natives).

2. No person shall erect occupy or use a camp upon the Bayly Street Campsite unless he, or the person in charge of such camp, holds in respect thereof a current camping license under this by-law.

3. The Council of the Municipality may in its absolute discretion grant or refuse camping licenses under this by-law. Application for any such license shall be made in writing to the Town Clerk and shall be accompanied by the fee hereinafter prescribed.

Each application shall be in respect of one camp only.

4. Any camping license granted by the Council under this by-law shall be deemed to be the subject of the following conditions:—

- (a) The licensee named therein shall pay to the Council a fee equal to the sum of five shillings in respect of every period of seven days or part thereof during which the license is to be current.
- (b) No camp shall be erected under the license unless it shall be of a design and of materials specified on the license or approved by the Town Clerk or an officer of the Council authorised by the Town Clerk for the purpose.
- (c) No license shall be transferable.
- (d) The camp shall be removed by the licensee from the Bayly Street Campsite immediately on or before the expiration of the license.
- (e) The license shall be exercised only on that particular part of the Bayly Street Campsite described on the license whether described by reference to a numbered plan kept by the Council or otherwise.
- (f) The licensee shall not erect or authorise the erecting of any fence, rail, post or other structure upon that part of the Bayly Street Campsite the subject of the license except in accordance with the conditions of the license, or disturb or authorise the disturbance of the surface of that part except to the extent necessary for the reasonable exercise of the rights granted by the license.
- (g) The licensee shall obey the reasonable directions of the Council or the Town Clerk as to positions, time and mode of camping and general care of that part of the Bayly Street Campsite the subject of the license.
- (h) The licensee shall not light any fire or authorise the lighting of any fire on the camping area, except in a fireplace approved by the Council.
- (i) The licensee shall keep that part of the Bayly Street Campsite the subject of his license in a clean and tidy condition and free from any unwholesome matter.

- (j) The licensee shall cause all refuse and rubbish from that part of the parking area and subject of his license to be deposited in a receptacle provided for the purpose and shall not bury or deposit or authorise the burial or deposit of any refuse or rubbish on any part of the Bayly Street Campsite.
- (k) The licensee will permit the authorised officers of the Council to enter upon that part of the Bayly Street Campsite the subject of his license at all reasonable times and will on demand produce his license to any such officer requiring to inspect the same.
- (l) The license may be revoked by the Council if it considers on report from any of its officers that any breach of the conditions thereof has occurred and, on such revocation, such license shall be deemed to have expired and shall cease to have any further force or effect.
- (m) On the expiration or revocation of the license, any authorised officer of the Council may remove from the campsite the subject of the license and may place the same in such place as he deems fit until such time as the licensee or the owner shall take possession of the same and the licensee will pay to the Council all costs and expenses incurred by it in such removal and in the storage of the camp.
5. No person shall upon the campsite—
- (a) light any fire except in a fireplace approved by the Council, or use any fire so lit;
 - (b) bury, deposit or discard any refuse, rubbish or waste material of any kind.
 - (c) erect any structure, whether temporary or otherwise except pursuant to and in accordance with the conditions of a license granted under this by-law;
 - (d) damage or injure any tree, garden, building or structure the property of the Council growing or erected upon such campsite;
 - (e) obstruct or interfere with an officer of the Council in the performance of his duties;
 - (f) be drunk or misconduct himself or indulge in any noisy disorderly or indecent conduct or use any indecent or improper language or offend against decency as regards dress;
 - (g) deposit any filth or matter which is offensive or dangerous to health or could become offensive or dangerous to health;
 - (h) enter upon that part of the reserve which is occupied by a licensee under this by-law without the permission of the licensee or interfere with any such licensee in the enjoyment of the rights conferred upon him by his license.
6. Any officer of the Municipality or any Police or special Constable may remove any person from the Bayly Street Campsite who may be found breaching any of the provisions of this by-law.
7. Every person guilty of a breach of this by-law shall be liable for every such offence besides any costs or expenses which may be incurred in the taking of proceedings against such person guilty of such offence to a penalty not exceeding £20 for every such breach.

Dated this 17th day of October, 1961.

[L.S.]

C. S. EADON-CLARKE,
Mayor.
C. J. RAYNOR,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 16th day of November, 1961.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Bassendean.

Adoption of Draft Model By-laws Relating to Preventing of Damage to Streets.

L.G. 758/61.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 27th day of September, 1961, to adopt such of the Draft Model By-laws published in the *Gazette* of the 7th day of September, 1961 (pages 2633-4), as are here set out:—

Draft Model By-law.

Local Government Model By-law (Prevention of Damage to Streets),
No. 1.

The whole of the by-law.

Dated the 6th day of October, 1961.

[L.S.]

R. A. McDONALD,
President.BERT GALE,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 16th day of November, 1961.

R. H. DOIG,
Clerk of the Council.