



Government Gazette

OF

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No. 42]

PERTH: TUESDAY, 11th JUNE

[1963

MARRIED PERSONS (SUMMARY RELIEF) ACT, 1960.

Crown Law Department,
Perth, 22nd May, 1963.

C.L.D. 7996/60.

HIS Excellency the Governor in Executive Council, acting pursuant to the Married Persons (Summary Relief) Act, 1960, has been pleased to make the Rules of Court set out in the schedule hereto, to take effect one month after the publication hereof.

R. C. GREEN,
Under Secretary for Law.

Schedule.

Rules.

1. In these rules, the Married Persons (Summary Relief) Rules, 1961, published in the *Government Gazette* on the 25th January, 1961, and amended by rules published in the *Government Gazette* on the 22nd June, 1961, and the 27th December, 1962, are referred to as the principal rules.

2. The principal rules are amended by inserting, immediately after rule 14, the following rule:—

14A. (1) A person to whom notice is given, pursuant to rule 12 or 14 of these rules, is not entitled to be heard at any stage of the proceeding, unless he shall first have—

- (a) given to the clerk, at least five days prior to the hearing of the complaint, notice of his intention; or
- (b) obtained the leave of the Court;

to be heard.

(2) The clerk, on receiving a notice of intention to be heard, pursuant to this rule, shall forward to the other parties to the complaint a copy of that notice.

(3) A person to whom a notice has been given as a third party and who is not entitled to be heard shall not be awarded, or be condemned to pay, any costs of the proceeding.

3. Rule 31 of the principal rules is amended by inserting, immediately after the word, "Court" in line one, the passage, " , other than an interlocutory order;".

- 4. The First Schedule to the principal rules is amended—
 - (a) by substituting for Form 5 the following form:—

Form 5.

Western Australia.

Married Persons (Summary Relief) Act, 1960.

IN THE MARRIED PERSONS' RELIEF COURT

Sitting at.....

Complaint No.....

Fees Paid.....

Assessment No.....

BETWEEN

..... (Complainant)

—and—

..... (Defendant)

NOTICE OF COMPLAINT TO THIRD PARTY.

To (1).....,
 of (2).....
 Take notice that (3).....,
 of (4)....., (5).....,
 has made a complaint under the Act which states that
 (6)....., of (7).....
 (8)....., did (9).....

And the complainant applies for relief under the Act,
 namely, on order that (10).....

The said complaint will be heard at the Married Persons'
 Relief Court sitting at....., on.....day, the.....
 day of....., 19....., at.....o'clock in the.....
 noon.

If you wish to be heard upon the hearing of the said
 complaint you should complete and send or deliver to the
 Clerk of the above Court the attached notice of your intention
 to be heard, at least five days prior to the above hearing date,
 otherwise you may not be heard on the hearing of the com-
 plaint, without the leave of the Court.

Dated theday of....., 19.....

.....
Clerk of the Court.

-
- (1) Full name of third party. (2) Address of third party. (3) Full name of complainant. (4) Address of complainant. (5) Description of complainant. (6) Full name of defendant. (7) Address of defendant. (8) Description of defendant. (9) Cause of complaint and particulars as far as they affect the third party. (10) Relief sought by complainant including any such affecting the third party.

This notice was issued by:— ;

(b) by adding, after Form 5, the following form:—

Form 5A.

Western Australia.

Married Persons (Summary Relief) Act, 1960.

IN THE MARRIED PERSONS' RELIEF COURT

Sitting at

Complaint No.....

BETWEEN

..... (Complainant)

—and—

..... (Defendant)

NOTICE BY THIRD PARTY OF INTENTION TO BE HEARD.

To the Clerk of the Married Persons' Relief Court at.....

Take notice that I intend to be heard on the hearing of the above complaint.

Dated this day of, 19.....

..... Third Party.

Note.—This notice must reach the Clerk not later than five days prior to the hearing date. ;

(c) by substituting for Form 6 the following form:—

Form 6.

Western Australia.

Married Persons (Summary Relief) Act, 1960.

IN THE MARRIED PERSONS' RELIEF COURT

Sitting at.....

Complaint No.....

BETWEEN

..... (Complainant)

—and—

..... (Defendant)

ORDER.

On the complaint of (1)....., of (2)....., that (3)....., of (4)....., has (5)..... and upon (6).....

the Court doth order that (7).....

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

..... Magistrate.

(1) Full name of complainant. (2) Address and description of complainant. (3) Full name of defendant. (4) Address and description of defendant. (5) Set out causes of complaint, as in complaint form. (6) Here set out finding

such as "it being proved to the reasonable satisfaction of the Court that, etc." or, where any allegation is admitted: The defendant having admitted the allegation that, etc. A finding must be shown for each cause of complaint.
 (7) Set out order made and, if by consent, that fact must be stated. ;

(d) by inserting, immediately after clause 4 of Form 7, the following clause:—

5. No proceedings are pending in any Court, for the enforcement of the Order; no writ, warrant or other process issued by any Court for the enforcement of the order is in force; and the order now sought to be enforced has not ceased to have effect, by reason of any process or decree, taken or made under the Matrimonial Causes Act, 1959, of the Commonwealth, or for any other reason. ;

and by renumbering clause 5 as clause 6; and

(e) by adding, after Form 8, the following form:—

Form 8A.

Western Australia.

Married Persons (Summary Relief) Act, 1960.

IN THE MARRIED PERSONS' RELIEF COURT

Sitting at.....

Complaint No.....

BETWEEN

..... (Complainant)

—and—

..... (Defendant)

ORDER.

(Section.....)

In the..... Court held at....., on the..... day of....., 19....., an order was made under the (1)..... requiring (2)..... to pay to (3)..... the sum of..... per week for maintenance and costs.

And on the (4)..... a warrant was issued out of the Court under (5)..... requiring the said (2)..... to pay arrears of maintenance/ and costs amounting to £..... or be committed to serve..... days' imprisonment.

And upon the said (2)..... being taken into custody/committed to prison he elected to make an application under the said Act seeking an order that the operation of the said warrant be suspended.

And upon the said (2)..... being brought before the (6)..... Court at..... on the..... day of....., 19....., and cause being shown that the said warrant should not be put into operation.

Now this Court doth order that the operation of the said warrant be suspended to enable the amount of £..... to be paid on or before the..... day of....., 19...../ by instalments of £..... per....., in addition to current maintenance payments of £..... per..... due under the aforementioned order, and orders that such moneys are to be paid to the Clerk of the Court first abovementioned who is hereby authorised to pay all such moneys received to the said (3)..... The first payment of £..... to be made on the..... day of....., 19.....

And the Court further orders that upon default of any of the said payments the said (2).....be returned to his former custody there to serve such of the term for which he was taken into custody/committed to prison as remains to be served, pursuant to section 167 (4) of the Justices Act, 1962.

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

Justice of the Peace.

Justice of the Peace
or Magistrate.

- (1) Act under which order made. (2) Full name of defendant. (3) Full name of complainant. (4) Date of warrant. (5) Act under which warrant issued. (6) Insert here Married Persons' Relief Court or Court of Petty Sessions (as the case may require).

HEALTH ACT, 1911-1962.

Department of Public Health,
Perth, 22nd May, 1963.

P.H.D. 1938/62.

HIS Excellency the Governor in Executive Council, acting under the provisions of the Health Act, 1911-1962, has been pleased to make the by-laws set out in the schedule hereunder.

W. S. DAVIDSON,
Commissioner of Public Health.

Schedule.

Model By-laws Series "A."

Principal
by-laws.

1. In these by-laws, the Model By-laws Series "A," published in the *Government Gazette* on the 8th April, 1927, and reprinted in the *Government Gazette* on the 9th August, 1956, pursuant to the Reprinting of Regulations Act, 1954, with all amendments up to and including the 18th May, 1955, and amended from time to time thereafter, are referred to as the principal by-laws.

Part I,
B.L. 23
amended.

2. By-law 23 of Part I of the principal by-laws is amended by substituting for the passage, "2 ft." first occurring in line three of subparagraph (i) of paragraph (2B), the passage, "2 ft. 9 in."

HEALTH ACT, 1911-1962.

Shire of Coorow.

P.H.D. 1477/62.

WHEREAS under the provisions of the Health Act, 1911-1962, a local authority may make or adopt by-laws and may alter or amend any by-law so made or adopted: Now: therefore, the Council of the Shire of Coorow, being a local authority within 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 in the *Government Gazette* on 9th August, 1956, doth hereby amend the said adopted By-law as follows:—

PART I.—GENERAL SANITARY PROVISIONS.

1. After by-law 14 add the following heading and by-law:—

Prescribed Areas (Section 112A).

14A. The areas specified in Schedule "B" to this part are the areas within which the provisions of section 112A of the Act shall operate and have effect.

2. The following schedule is added after Schedule "A":—

Schedule "B"—Prescribed Areas (Section 112A).

Within the boundaries of the townsite of Coorow, as constituted under the Land Act, 1933.

Passed at a meeting of the Council of the Shire of Coorow on the 19th day of March, 1963.

PETER W. THOMSON,
President.

P. J. BENNETT,
Shire Clerk.

Approved by His Excellency the Governor in Executive Council this 22nd May, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

HEALTH ACT, 1911-1962.

Shire of Dalwallinu.

P.H.D. 403/57.

WHEREAS under the provisions of the Health Act, 1911-1962, 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 Dalwallinu 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 the 9th August, 1956, doth hereby resolve and determine that the said adopted by-laws shall be amended as follows:

PART 1.—GENERAL SANITARY PROVISIONS.

By-law 1C is revoked and a new by-law 1C is inserted as follows:—

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

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

The townsites of Buntine, Pithara and Wubin 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 districts described in paragraph (a) shall provide on the premises an apparatus for the bacteriolytic treatment of sewage and sullage before the house is occupied or used.

(c) Every apparatus for the bacteriolytic treatment of sewage within the townsite of Wubin, as required by this by-law, shall be of the six-pint capacity type, unless the owner shall provide, as part of the apparatus, a sufficient storage of water for flushing purposes.

Passed at a meeting of the Shire of Dalwallinu this 8th day of April, 1963.

W. E. OWENS,
President.

R. A. L. BROOMHALL,
Shire Clerk.

Approved by His Excellency the Governor in Executive Council this 22nd day of May, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

HEALTH ACT, 1911-1962.

Shire of Manjimup.

P.H.D. 510/57.

WHEREAS under the Health Act, 1911-1962, the Governor may cause to be prepared Model By-laws for all or any of the purposes of the said Act; and whereas Model By-laws described as Series "A" have been prepared, and amended from time to time, and reprinted, pursuant to the Reprinting of Regulations Act, 1954, in the *Government Gazette* on 9th August, 1956, and further amended by notice published in the *Government Gazette* on 12th December, 1962; and whereas a local authority may adopt such Model By-laws with or without modification; Now, therefore, the Shire of Manjimup, being a local authority within the meaning of the Act and having adopted the Model By-laws, Series "A," as reprinted in the *Government Gazette* on 9th August, 1956, doth hereby resolve and determine that the aforesaid amendment published in *Government Gazette* on 12th December, 1962, shall be adopted with the following modification:

PART I.—GENERAL SANITARY PROVISIONS.

Delete section (2) of by-law 29B, and insert a new section (2) as follows:—

This by-law operates and has effect in the townsites of Manjimup, Pemberton, Northcliffe and Walpole, and the millsites of Deanmill, Jardee, Palgarup, Shannon River, Nyamup, Tone River (Strahan), Quininup, Northcliffe and Pemberton.

Passed at a meeting of the Shire of Manjimup this 11th day of April, 1963.

E. A. EDWARDS,
President.
M. DUNN,
Shire Clerk.

Approved by His Excellency the Governor in Executive Council this 22nd day of May, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

TRAFFIC ACT, 1919 (AS AMENDED).

Office of the Commissioner of Police,
Perth, 22nd May, 1963.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the Traffic Act, 1919 (as amended), has been pleased to make the regulations set out in the schedule hereunder.

J. M. O'BRIEN,
Commissioner of Police.

Schedule.

Regulations.

Principal regulations.

1. In these regulations the Traffic Regulations, 1954, published in the *Government Gazette* on the 15th December, 1954, as amended by the regulations amending the same published in the *Gazette* on the 9th February, 1955, 1st April, 1955, 11th May, 1955, 17th June, 1955, 9th August, 1955, 30th September, 1955, 30th December, 1955, 24th April, 1956, 23rd October, 1956, 16th November, 1956, 23rd November, 1956, 21st December, 1956, 22nd February, 1957, 8th March, 1957, 1st April, 1957, 26th April, 1957, 17th May, 1957, 1st July, 1957, 30th August, 1957, 25th September, 1957, 5th November, 1957, 20th December, 1957, 23rd December, 1957, 24th January, 1958, 19th February, 1958, 17th April, 1958, 29th April, 1958, 13th May, 1958, 5th June, 1958, 25th June, 1958, 15th July, 1958, 18th July, 1958, 1st

August, 1958, 12th September, 1958, 10th October, 1958, 24th November, 1958, 3rd March, 1959, 9th April, 1959, 15th May, 1959, 26th May, 1959, 12th June, 1959, 23rd June, 1959, 30th June, 1959, 30th September, 1959, 16th October, 1959, 29th October, 1959, 30th October, 1959, 21st December, 1959, 28th January, 1960, 12th February, 1960, 29th February, 1960, 1st April, 1960, 21st April, 1960, 20th May, 1960, 26th May, 1960, 31st May, 1960, 21st June, 1960, 15th July, 1960, 1st August, 1960, 28th September, 1960, 25th November, 1960, 8th December, 1960, 27th January, 1961, 31st January, 1961, 2nd March, 1961, 24th May, 1961, 29th June, 1961, 1st August, 1961, 20th September, 1961, 1st November, 1961, 12th December, 1961, 18th April, 1962, 21st June, 1962, 1st August, 1962, 18th October, 1962, 20th December, 1962, and 23rd January, 1963.

Reg. 229
revoked.

2. The principal regulations are amended by revoking regulation 229.

DOG ACT, 1903.

The Municipality of the Town of Geraldton.

By-laws Relating to Dogs.

L.G. 372/58.

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 27th day of March, 1963, to make and submit for confirmation by the Governor the following amendments to the by-laws relating to Dogs, published in the *Government Gazette* on 30th May, 1952:—

Clause 3 (a). Delete the words "five shillings" and insert the words "ten shillings".

Clause 3 (b). Delete the words "two shillings and sixpence" and insert the words "five shillings".

Clause 3 (c). Delete the words "five shillings" and insert the words "ten shillings".

Clause 4. Delete the words "five shillings" and insert the words "ten shillings".

Dated this 27th day of March, 1963.

The Common Seal of the Town of Geraldton
was hereunto affixed by authority of a resolution of the Council in the presence of—

[L.S.]

C. S. EADON-CLARKE,
Mayor.

H. W. CHAMBERS,
Town Clerk.

Recommended—

J. F. CRAIG,
Acting Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 22nd day of May, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Town of Bunbury.

Adoption of Draft Model By-laws Relating to Petrol Pumps.

L.G. 610/59.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 8th day of April, 1963, to adopt such Draft Model By-laws published in the *Gazette* of the 16th day of January, 1963, as are here set out:—

Local Government Model By-laws (Petrol Pumps) No. 10.

The whole of the by-laws subject to the words "one month" being deleted from by-law 4 and the words "two years" being substituted therefor.

Dated the 13th day of May, 1963.

The Common Seal of the Town of Bunbury was affixed hereto in the presence of—

[L.S.]

A. H. WILSON,
Mayor.
A. L. SCOTT,
Town Clerk.

Recommended—

J. F. CRAIG,
Acting Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 22nd day of May, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Bassendean.

Adoption of Draft Model By-laws (Street Lawns and Gardens) No. 11.

L.G. 253/63.

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 27th day of February, 1963, to adopt such, of the Draft Model By-laws published in the *Government Gazette* of the 7th day of February, 1963, as are here set out:—

Draft Model By-law.

Local Government Model By-law (Street Lawns and Gardens) No. 11.

The whole of the by-laws.

[L.S.]

A. C. FAULKNER, J.P.,
President.
R. F. DAWSON,
Shire Clerk.

Recommended—

J. F. CRAIG,
Acting Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 22nd day of May, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Bassendean.

Adoption of Draft Model By-laws (Standing Orders) No. 4.

L.G. 748/62.

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 13th day of February, 1963, to adopt such of the Draft Model By-laws published in the *Government Gazettes* of the 12th December, 1961, the 25th January, 1962, and the 8th May, 1962, with such alterations as are here set out:—

1. The word "President" is to be substituted for the word "Mayor" wherever appearing in the by-laws.
2. Subparagraphs (i) to (xii) of clause 10 are deleted and the under-mentioned subparagraphs inserted in lieu thereof:—
 - (i) Confirmation of minutes.
 - (ii) Business deferred from previous meeting.
 - (iii) Announcements by the President without discussion.
 - (iv) Replies to questions of which due notice has been given.
 - (v) Petitions and memorials.
 - (vi) Reports of officers.
 - (vii) Reports of committees.
 - (viii) Motions of which previous notice has been given.
 - (ix) Correspondence.
 - (x) Notice of motions for consideration at the following meeting, if given during the meeting.
 - (xi) General business.
3. Clause 13 is deleted and re-enacted as follows:—
 13. Any Councillor desiring to ask, at any meeting of the Council, a question which requires a research by servants, shall give notice thereof in writing to the Clerk at least twenty-four hours before the hour fixed for the commencement of the meeting.
4. Clause 15: Delete the word "Occasional" in line three.
5. Clause 18: Delete subclauses (2), (3), and (4) and insert in lieu thereof, the following clauses:—
 - (2) Where the Clerk receives a memorial in terms of this clause, he shall lay the memorial before the Council at the next meeting.
 - (3) Where a memorial is laid before the Council under subclause (2) of this clause, the Council may, if it so resolves, receive the deputation.
6. Clause 32 is deleted and re-enacted as follows:—
 32. A Councillor, moving a motion or an amendment, shall not speak for a longer period than 10 minutes and when speaking in reply a Councillor shall not speak for a longer period than five minutes.
 - Any other Councillor speaking for or against a motion shall not speak for a longer period than five minutes.
7. Clause 36: Delete the word "four" in line one of subclause (2) and insert in lieu thereof, the words "twenty-four".
8. Clause 42 is deleted and re-enacted as follows:—
 42. A Councillor shall not make any noise or disturbance, or converse aloud, except to raise a point of order, while any other person is addressing the Council.

9. Clause 57: Delete from subclause (1) the words "and that motion shall state the time and date to which the adjournment is to be made" in lines three and four.

10. Clause 62: Delete the word "specifies" in line two and insert in lieu thereof, the words "may specify".

11. Clause 69: Delete the words "and that motion shall not be carried without the consent of a two-thirds majority of the Councillors then present" in lines two, three, and four.

12. Clause 83: Delete the words "three months" in line two and insert in lieu thereof, the words "one month".

13. Clause 84: Delete clause 84 and re-enact as follows:—

84. In cases of urgent necessity, any Standing Order of the Council may be suspended on the motion duly moved and seconded, and carried by a majority of the Council.

14. Clause 88: Delete subclause (1) and insert in lieu thereof the following:—

88. (1) In addition to such Occasional Committees as may from time to time be appointed there shall be Standing Committees of the Council, namely, for—

- (a) Finance;
- (b) Works; and
- (c) Health and Building.

Clause 88: After the word "and" in line one of subclause (2) add the word "three".

15. Clause 89: After paragraph (b) of subclause (1), insert a new paragraph as follows:—

(c) Health and Building Committee, the oversight of—

- (i) all matters appertaining to the health of the District, including the observance and enforcement of the Health Act and Health By-laws;
- (ii) all matters appertaining to the control of and the erection of buildings in the District and the enforcement of the Uniform Building By-laws, except wherein a matter has been referred to another Standing Committee.

16. Clause 93: Insert after the word "than" in line two, the word "two".

17. Clause 95: Clause 95 is deleted and clauses 96 to 99 are re-numbered 95 to 98 consecutively.

Dated this 9th day of April, 1963.

[L.S.]

A. C. FAULKNER, J.P.,
President.
R. F. DAWSON,
Shire Clerk.

Recommended—

J. F. CRAIG,
Acting Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 22nd day of May, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

Municipality of the Shire of Canning.

By-laws Amending By-laws Classifying South, Central, West and North Wards.

L.G. 78/59.

IN pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Shire of Canning hereby records having resolved on the 25th June, 1962, and the 21st August, 1962, to make and submit for confirmation by the Governor the following by-laws:

The by-laws of the Shire of Canning published in the *Government Gazette* on the 13th February, 1957, and amended from time to time are amended as follows:—

1. The Fifth Schedule (Business Zones) is amended by adding thereto—
Albany Highway.—Portion of Canning Location 2 and being lot 29 on Diagram 12279;
and deleting therefrom under Albany Highway paragraph (i)—
(j) Lots 39 to 48 (inclusive) on Plan 2957.
2. The Sixth Schedule (Service Station Zones) is amended by adding thereto—
Central Road.—Portion of Canning Location 25 and being part of lots 400 and 401 to the depth of 200 links from Central Road on Plan 4393.
3. The Tenth Schedule (Showroom Warehouse Zones) is amended by adding thereto—
Albany Highway.—Portion of Canning Location 2 and being lots 161, 162, and 28 on Plan 2731 and Diagram 12279.
Albany Highway.—Portion of Canning Location 2 and being lots 39 to 48 (inclusive) on plan 2957.
Sevenoaks Street.—Portion of Canning Location 2 and being lot 1 on Plan 2467.
4. The Eleventh Schedule (Special Zones) is amended by adding thereto—
High Road and Bulls Creek Road.—Being Crown Reserve No. 26430. (Homes for the Aged) involving the erection of dispersed buildings.
Albany Highway and Burton Street.—Portion of Canning Location 2 and being lots 30, 31, 34 and 35 on Diagram 20129. Tennis Courts for private tennis coaching during hours of daylight only.

Dated this 27th day of February, 1963.

The Common Seal of the Shire of Canning was hereunto affixed by Authority of a resolution of the Council in the presence of—

C. G. PAYNE,
Deputy President.
NOEL I. DAWKINS,
Shire Clerk.

Recommended—

J. F. CRAIG,
Acting Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 22nd day of May, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Esperance.

Adoption of Draft Model By-laws Relating to Street Lawns and Gardens.

L.G. 252/63.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 5th day of April, 1963, to adopt the Draft Model By-laws published in the *Gazette* of the 7th day of February, 1963, viz.:—

Local Government Model By-laws (Street Lawns and Gardens)
No. 11.

The whole of the by-law to apply to all townsites within the Shire of Esperance.

Dated this 5th day of April, 1963.

The Common Seal of the Municipality of the Shire of Esperance was duly affixed hereto in the presence of—

[L.S.]

P. A. CHARSLEY,
President.
A. J. PEDDER,
Shire Clerk.

Recommended—

J. F. CRAIG,
Acting Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 22nd day of May, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Esperance.

Adoption of Amendments to the Draft Model By-laws Relating to Caravan Parks.

L.G. 884/61.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 5th day of April, 1963, to adopt the whole of the amendments to the Local Government Model By-law (Caravan Parks) No. 2 published in the *Gazette* on the 16th day of January, 1963.

Dated this 5th day of April, 1963.

The Common Seal of the Municipality of the Shire of Esperance was duly affixed hereto in the presence of—

[L.S.]

P. A. CHARSLEY,
President.
A. J. PEDDER,
Shire Clerk.

Recommended—

J. F. CRAIG,
Acting Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 22nd day of May, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Denmark.

Adoption of Draft Model By-laws Relating to Removal and Disposal of Obstructing Animals or Vehicles.

L.G. 258/63.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 17th day of January, 1963, to adopt such of the Draft Model By-laws published in the *Gazette* of the 1st day of August, 1962, as are here set out:—

Local Government Model By-laws (Removal and Disposal of Obstructing Animals or Vehicles) No. 7.

Without amendment.

Dated this 19th day of March, 1963.

The Common Seal of the Municipality was hereto affixed this 19th day of March, 1963, in the presence of—

[L.S.]

S. F. RAVENHILL,
President.
F. W. TIMOTHY,
Shire Clerk.

Recommended—

J. F. CRAIG,
Acting Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 22nd day of May, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Denmark.

Adoption of Draft Model By-laws Relating to Old Refrigerators and Cabinets.

L.G. 257/63.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 17th day of January, 1963, to adopt such of the Draft Model By-laws published in the *Gazette* of the 1st day of May, 1962, as are here set out:—

Local Government Model By-law (Old Refrigerators and Cabinets) No. 8.

Without amendment.

Dated this 19th day of March, 1963.

The Common Seal of the Municipality was hereto affixed this 19th day of March, 1963, in the presence of—

[L.S.]

S. F. RAVENHILL,
President.
F. W. TIMOTHY,
Shire Clerk.

Recommended—

J. F. CRAIG,
Acting Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 22nd day of May, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Irwin.

By-laws Relating to the Control of Caravan Parks.

L.G. 870/61.

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 13th day of March, 1963, to make and submit for confirmation by the Governor the following by-laws:—

1. These by-laws may be cited as the "Shire of Irwin Caravan Park By-laws."

2. In the construction and interpretation of these by-laws—

"caravan" means a vehicle designed or fitted or being capable of use as a habitation or for dwelling or sleeping purposes;

"owner" when used with reference to a caravan shall include the owner, licensee, hirer, bailee or other person having charge of or any control over a caravan.

"occupier" includes and shall be deemed to include the owner of any caravan (whether actually occupying or in charge of the same or not) and any other person occupying or living or sleeping in a caravan site on which there is lawfully a caravan which such person is entitled to use;

"Council" means the Shire of Irwin.

3. The Council may set aside an area or areas of land as a caravan parking area or areas for any purpose relating to these by-laws and any area so set aside shall be deemed a caravan parking area to which these by-laws shall apply; and it is hereby expressly provided that these by-laws shall apply to the caravan park situated on location 113 to 118 at Denison, portion of Reserve 14222, which said caravan park is hereby declared to be a caravan parking area to which this by-law applies.

4. No person shall, except with the permission of the Shire Clerk of the Council or other duly authorised officer, park, drive or permit or suffer any caravan to be upon any caravan parking area.

5. No person shall, except with the permission of the Shire Clerk of the Council or other duly authorised officer, park, drive or permit or suffer any caravan to be upon any portion of any caravan parking area other than such site thereon as may have been allocated for the parking of such caravan by the Shire Clerk or other duly authorised officer.

6. (a) The Shire Clerk or other duly authorised officer may, on application being made, grant permission to an owner of a caravan to park such caravan on a site to be allocated by the Shire Clerk or other authorised officer on a caravan parking area and for such period or periods as he may, at his discretion, deem fit and may, at his discretion, refuse or withhold any such permission.

(b) Any such permission granted may be withdrawn and revoked by the Shire Clerk or such other duly authorised officer at any time without giving reason thereof.

(c) Upon the withdrawal and revocation of such permission the person whose permission to park a caravan on a caravan parking area is so withdrawn and revoked shall forthwith remove his caravan and all goods belonging to him from the caravan parking area.

7. On applying for permission to park a caravan on a caravan parking site the owner shall notify the Shire Clerk or other officer duly authorised to grant such permission of the number of persons who will be occupying such caravan during the period for which such permission is sought and, in the event of such permission being granted, shall not permit any person or persons in excess of the number of occupiers or intended occupiers so notified to occupy the caravan on the caravan parking area.

8. No person shall sublet, transfer or allow by leave or license any other person to occupy any caravan site allocated to him under the provision of by-law 6 (a) hereof.

9. No person shall enter into or upon or be upon any caravan parking area who is not the owner or the invitee of the owner or a bona fide occupier of a caravan lawfully upon such caravan parking area or the Shire clerk or other duly authorised employee of the Council or a Police Officer.

10. No person shall erect or authorise the erection of any fence, rail post, clothes line or wire or other structure or thing upon any part of any caravan parking area or disturb or authorise the disturbance of the surface of any part thereof. Provided always however that any disturbance by an owner lawfully on any caravan parking area of the surface thereof reasonably necessary for the reasonable exercise of his rights to be upon the same shall not be deemed a breach of this by-law.

11. The owner of a caravan lawfully in occupation of any site on a caravan parking area shall—

- (a) keep such site in a clean and tidy condition and free of all rubbish, litter and unwholesome matter;
- (b) cause all rubbish, litter and refuse from or on the site allocated to him to be deposited in a receptacle to be provided by the Council on the caravan parking area and shall not bury or deposit or permit or suffer the burial or deposit of any such rubbish, litter or refuse on any part of the caravan parking area other than in such receptacle.
- (c) At all times keep the caravan, whilst on the caravan parking area in a clean and sanitary condition and shall maintain it so as not to be offensive and shall keep and maintain all food therein in clean fly-proof containers.

12. (a) It is hereby declared that the Council has, on Denison Caravan Park situated on location 113-118, Denison, portion of Reserve 14222, constructed an amenities pavilion and has supplied therewith for the use and convenience of the owners and occupiers of caravans lawfully upon such caravan parking area toilet facilities, water, electricity, showers, washing machines, ironing boards, clothes hoists, troughs, laundry and other facilities.

(b) No person, other than the owner or occupier of a caravan lawfully on a caravan parking area, shall use or be entitled to use any amenities, toilet facilities, water, electricity, showers, washing machines, ironing boards, clothes hoist or line, washing facilities, troughs, laundry facilities or any other facilities or any equipment or material on, in or about the caravan parking area supplied or provided for the use and convenience of the owners and occupiers of caravans lawfully on the caravan parking area.

13. No person shall in or on any caravan parking site—

- (a) use the wash troughs or washing machines for any purpose other than the washing or rinsing of clothes;
- (b) leave clothes or other articles unattended in any wash trough or washing machine;
- (c) cause or permit any damage to the amenities pavilion or any facility or amenity supplied on the caravan parking area nor foul, damage, mark, destroy or deface any portion of the washing, bathing, sanitary or other conveniences, facilities or amenities, building or any tree shrub, lawn or other improvement, machinery or equipment on a caravan parking area;
- (d) permit or suffer any water, tap, shower or hose to remain turned on when not actually being used;
- (e) place or deposit any rubbish, refuse or offensive or decomposable material on any part of any caravan parking area other than in the receptacles provided therefor;
- (f) place, store or deposit on any part of a caravan parking area any goods or things whatever unless such person is in fact lawfully occupying a caravan lawfully upon such caravan parking area.

14. No person shall construct, make, place or store or keep upon any part of any caravan parking area any offensive matter or material, crayfish bait or other bait, craypots, craypot floats, timber, iron, wire, or any other goods or things to be used for any commercial purpose.

15. No person shall park or permit to stand on any caravan parking area any vehicle so as to obstruct or impede the free flow of vehicles and or pedestrian traffic in any caravan parking area nor drive any vehicle at a speed in excess of 10 miles per hour in any caravan parking area.

16. Any person committing a breach of these by-laws or of the terms of any permission granted to him to be upon a caravan parking area shall be guilty of an offence and liable to a penalty not exceeding £20.

17. The Council may, at any time, make and declare a schedule of charges for a site in the caravan park and vary such charges from time to time.

Passed by the Shire of Irwin at a meeting of the Shire held on the 13th day of March, 1963.

The Common Seal of the Shire of Irwin
was hereunto affixed by authority of
a resolution of the Council in the
presence of—

[L.S.]

A. J. GILLAM,
President.
J. PICKERING,
Shire Clerk.

Recommended—

J. F. CRAIG,
Acting Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 22nd day of May, 1963.

W. S. LONNIE,
Acting Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

Local Government Department,
Perth, 27th May, 1963.

L.G.D. 77/63.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the Local Government Act, 1960, has been pleased to cause the draft model by-laws set out in the schedule hereto to be prepared and published.

2. Councils proposing to adopt the draft model by-laws are required, in addition to conforming with the provisions of section 258 (4) of the Act, to frame the adopting resolution so as to complete by-law 38, where the Council has previously made by-laws relating to signs, hoardings and bill posting, or, where none such has been made by it, to delete by-law 38.

R. C. PAUST,
Acting Secretary for Local Government.

Schedule.

Draft Model By-laws.

Part I.—Preliminary.

Citation.

1. These by-laws may be cited as the Local Government Model By-laws (Signs, Hoardings and Billposting), No. 13.

Interpretation.

2. In these by-laws, unless the context otherwise requires—
“Act” means the Local Government Act, 1960, as amended;
“direction sign” means a sign erected in a street or public place to indicate the direction to be taken to some other place; but does not include any such sign erected or affixed by the council or a road direction sign erected or affixed by a duly incorporated association, or union, of motorists, authorised in that regard by the Minister for Transport;

- "hoarding" means a detached structure, other than a pylon sign, that is erected for the sole purpose of displaying a sign or signs and does not include a hoarding within the meaning of section 377 of the Act;
- "illuminated sign" means a sign that is so arranged as to be capable of being lighted, either from within or without the sign by artificial light provided, or mainly provided, for that purpose;
- "pylon sign" means a sign supported by one or more piers and not attached to a building;
- "residential area" means an area that has been so designated under a Town Planning Scheme or in Zoning By-laws or, where not so designated, a lot not exceeding one-half acre in area;
- "sale sign" means a sign indicating that the premises whereon it is affixed are for sale or for letting;
- "semaphore sign" means a sign affixed and supported at, or by, one of its ends, only;
- "sign" includes a signboard and a clock, other than a clock that is built into a wall and that does not project beyond the face of the wall;
- "surveyor" means the council's building surveyor appointed pursuant to the Act;
- "tower sign" means a sign affixed to, or placed on, a chimney stack or an open structural mast or tower; and
- words and expressions used have the same respective meanings as are given them in, and for the purposes of the Act.

Part II.—Signs.

Division 1.—Signs Generally.

License Required for Certain Signs.

3. (1) A person shall not erect or maintain a sign, and the owner or occupier of premises shall not suffer or permit a sign to remain on those premises, within 100 feet of a street or other public place, except pursuant to a license issued under these by-laws.
- (2) Nothing in this by-law relates to a sign erected or maintained pursuant to any Act having operation within the State or to a sign that is—
- (a) a sale sign;
 - (b) a plate, not exceeding two square feet in area, erected, or affixed, on the street alignment, or between that alignment and the building line, to indicate the name and occupation or profession of the occupier of the premises;
 - (c) of an area not exceeding four square feet and is affixed to a dwelling or erected, or affixed, behind the building line, to indicate the name of the occupier and his trade or occupation.

Fixing of Signs.

4. Every sign shall be securely fixed to the structure by which it is supported, to the satisfaction of the surveyor, and shall be safely maintained.

Glass in Signs.

5. Glass shall not be used in any sign, other than in an illuminated sign.

Readily Combustible Material.

6. Except in the case of posters securely affixed to a sign board or hoarding, paper, cardboard, cloth or other readily combustible material shall not form part of, or be attached to, any sign.

Signs to be Kept Clean.

7. Every sign shall be kept clean and free from unsightly matter.

Illuminated Signs.

8. (1) Every illuminated sign shall—
- (a) have any boxing or casing in which it is enclosed constructed of incombustible material;

- (b) where comprising glass (other than fluorescent tubing), have the glass so protected as to prevent its falling into a public place, in the event of breakage;
 - (c) have its electrical installation constructed and maintained to the satisfaction of the State Electricity Commission or the appropriate electric supply authority and in accordance with the SAA Wiring Rules No. C.C.1—Part 1, 1961;
 - (d) be maintained to operate as an illuminated sign;
 - (e) not have a light of such intensity as to cause annoyance to the public; and
 - (f) display one or more of the following, namely—
 - (i) the name of one or more of the occupiers of the premises;
 - (ii) the business or businesses carried on in the premises; and
 - (iii) the goods sold in the premises, to which it is affixed, and nothing more;
- (2) The provisions of paragraph (f) of sub-by-law (1) of these by-laws do not apply to a roof sign that is an illuminated sign.

Certain Signs Prohibited or Restricted.

9. A sign shall not be erected or maintained—

- (a) so as to obstruct the view, from a street or public place, of traffic in the same street or public place;
- (b) so as to be likely to be confused with, or mistaken for, an official traffic light or sign, or so as to contravene the Traffic Act, 1919, or the Traffic Regulations;
- (c) except with the specific approval of the council, on any ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulk-head over stairs or other superstructure over the main roof of a building;
- (d) on any land that is classified in a Town Planning Scheme or Zoning By-laws as residential or for flats;
- (e) on any building of which the stability is, in the opinion of the surveyor, likely to be affected by the sign;
- (f) as a movable or portable sign, in a street or public place, unaffixed to a building; or
- (g) in any position wherein it obstructs or obscures a person's view from a dwelling of a river, the sea or any other natural feature of beauty.

Division 2.—Particular Signs.

Signs Above Verandah Fascias.

10. Signs comprising free standing lettering only may be erected above the outer fascia of a verandah, parallel to the kerb, if the lettering does not exceed 15 inches in height and is mounted on a base of at least three inches in width.

Signs on Verandah Fascias.

11. A sign fixed to the outer or return fascia of a verandah—
- (a) shall not exceed two feet in depth;
 - (b) shall not project beyond the outer metal frame, or surround of the fascia; and
 - (c) if an illuminated sign, may be of changing colours, but shall not emit a flashing light.

Signs Under Verandahs.

12. A sign under a verandah shall—
- (a) afford a headway of at least eight feet;
 - (b) not exceed eight feet in length, nine and one-third square feet in area or 24 inches in width;
 - (c) not weigh more than 120 pounds;

- (d) not, if it exceeds 12 inches in width, be within four feet six inches, or, where it does not exceed 12 inches in width, be within three feet of the side wall of the building, measured along the front of the building, before which it is erected;
- (e) not, if it exceeds 12 inches in width, be within nine feet, or, where it does not exceed 12 inches in width, be within six feet, of another sign under that verandah;
- (f) be fixed at right angles to the front wall of the building before which it is erected, except on a corner of a building at a street intersection, where the sign may be placed at an angle with the wall, so as to be visible from both streets;
- (g) bear, at its outer end, its license number in figures clearly legible from the footway; and
- (h) be so placed that the centre of its base, longitudinally, is equidistant from the outer edge of the verandah and the edge of the street nearest to the building to which such verandah is attached.

Horizontal Signs.

13. (1) A horizontal sign shall—
- (a) afford a minimum headway of eight feet;
 - (b) be fixed parallel to the wall of the building to which it is attached and with the bottom of the sign contiguous to the wall;
 - (c) conform, as to the depth, to the following table:—

Minimum Distance of Sign Above Street.	Maximum Depth of Sign.	
	Ft.	Ins.
Less than 25 feet	2	0
25 feet to 30 feet	2	6
31 feet to 40 feet	3	0
More than 40 feet (if there is no roof sign on the building)	15	0 ;

- (d) not project more than two feet from the wall to which it is attached; and
 - (e) not be within two feet of either end of the wall to which it is attached, unless the end of the sign abuts against a brick, stone or cement corbel, pier or pilaster which is at least nine inches wide and projects at least one inch in front of, and three inches above and below, the sign.
- (2) Notwithstanding the provisions of paragraph (c) of sub-by-law (1) of this by-law, the council may permit an increase of not more than 50 per cent. of the depths therein mentioned in any part or parts of a sign to permit the inclusion therein of a motif or capital letter.
- (3) There shall be not more than one line of horizontal signs facing any one street on any storey of a building.
- (4) The name of the building, owner or occupier may be placed on the facade of a building, but—
- (a) unless otherwise specifically approved by the council, only one such name shall be placed on any facade;
 - (b) the letters of the name shall not exceed four feet in depth;
 - (c) the letters shall be of metal or other incombustible material; and
 - (d) the letters shall not be lit or illuminated unless all illuminated lettering has been specifically approved by the council.

Vertical Signs.

14. (1) A vertical sign shall—
- (a) afford a minimum headway of 10 feet;
 - (b) subject to sub-by-law (2) of this by-law, not project more than three feet from the face of the building to which it is attached;
 - (c) subject to sub-by-law (3) of this by-law, not be within six feet of either end of the wall to which it is attached;

- (d) not project more than eight feet above the top of the wall to which it is attached nor more than five feet back from the face of that wall;
- (e) be of a height at least twice its width;
- (f) not be within 12 feet of another vertical sign on the same building;
- (g) not be placed on a corner of a building, except at a street intersection where it may be placed at an angle with the walls, so as to be visible from both streets; and
- (h) not exceed three feet in width.

(2) Where a vertical sign is affixed to the face of a building that is set back beyond the face of another building within 10 feet of it, the sign may project two feet further than the distance prescribed by paragraph (b) of sub-by-law (1) of this by-law or the distance by which the building to which it is affixed is set back beyond the face of the other, whichever is the lesser.

(3) Where a building to which a vertical sign is to be affixed is set back from the boundary or abuts on an intersecting street or right-of-way, the council may authorise the affixing of the sign at a lesser distance from the end of the wall than that prescribed by paragraph (c) of sub-by-law (1) of this by-law.

Semaphore Signs.

15. (1) A semaphore sign shall—
- (a) afford a minimum headway of nine feet;
 - (b) be fixed at right angles to the wall to which it is attached;
 - (c) not project more than three feet from the point of attachment, nor be of a greater height at any point than three feet six inches;
 - (d) be fixed over, or adjacent to, the entrance to a building; and
 - (e) not be fixed over or under a verandah.
- (2) Not more than one semaphore sign shall be fixed over, or adjacent to, any one entrance to a building.

Direction Signs on Street Poles.

16. A direction sign attached to a pole in a street shall not exceed six inches in depth or two feet six inches in length.

Roof Signs.

17. (1) Approval for the erection of a sign on a roof of a building shall be granted by resolution of the council at an ordinary meeting only, and where approval has been so granted, a roof sign shall—

- (a) not at any part be within 12 feet of the ground;
- (b) not extend laterally beyond the external walls of the building;
- (c) comply, as regards height above ground and height of sign, with the following table:—

Height of Main Building above Ground Level at Point where Sign is to be Erected.	Maximum Height of Sign. Ft.
12 feet and under 15 feet	4
15 feet and under 20 feet	6
20 feet and under 40 feet	10
40 feet and under 60 feet	15
60 feet and upwards	20 ; and

- (d) not be at any part more than 150 feet above the ground.

(2) The council shall not approve the erection of a roof sign unless the building surveyor certifies that, in his opinion, the building is so designed and constructed that the sign may be erected thereon without fear of damage or danger to the building or its occupants.

(3) When ascertaining the height of the main building above ground level for the purposes of this by-law, any part of the roof, at the point where the sign is to be erected, that is provided solely for the purpose of architectural decoration, shall be disregarded.

Pylon Signs.

18. (1) A pylon sign shall—
- (a) not have any part thereof less than nine feet or more than 20 feet above the level of the ground immediately below it;
 - (b) not exceed eight feet six inches measured in any direction across the face of the sign or have a greater superficial area than 43 square feet;
 - (c) not project more than three feet over any street;
 - (d) be supported on one or more piers or columns of brick, stone, concrete or steel of sufficient size and strength to support the sign under all conditions;
 - (e) not, as to any part thereof, project over any street at a height of less than nine feet;
 - (f) subject to sub-by-law (2) of this by-law, not be within six feet of the side boundaries of the lot on which it is erected;
 - (g) not have any part thereof less than twenty feet from any part of another sign erected on the same lot.

(2) Where a lot on which a pylon sign is to be erected abuts on an intersecting street or right-of-way, the council may authorise the erection of the sign at a lesser distance from the side boundaries than that prescribed by paragraph (f) of sub-by-law (1) of this by-law.

(3) Where a pylon sign is supported on two or more piers or columns, the space between the piers or columns shall not be wholly or partly filled in with any material.

Clocks.

19. (1) A clock shall—
- (a) if suspended under a verandah, have its centre coinciding with the centre line of the footway thereunder;
 - (b) comply, as regards size, with the following table:—
- | Height of Bottom of
Clock above Footway | Maximum Diameter of Width
of Clock Face and Depth of
Clock including Lettering |
|--------------------------------------------|--------------------------------------------------------------------------------------|
| | Ft. In. |
| 9 feet and under 12 feet | 1 6 |
| 12 feet and under 20 feet | 2 6 |
| 20 feet and under 40 feet | 3 6 |
| 40 feet and over | 5 0; |
- (c) be fixed either parallel with, or at right angles to, the wall to which it is attached;
 - (d) not project from the wall to which it is attached—
 - (i) if parallel to the wall, more than one foot; or
 - (ii) if at right angles to the wall, more than six feet;
 - (e) afford a minimum headway of nine feet;
 - (f) be maintained so as to show the correct time;
 - (g) be illuminated from sunset to midnight; and
 - (h) not be permitted to strike between midnight and seven o'clock in the morning.

(2) Notwithstanding the provisions of sub-by-law (1) of this by-law, a clock suspended in an arcade, may be suspended over the centre of the arcade.

Tower Signs.

20. A tower sign shall not—
- (a) indicate or display any matter other than the name of the owner or occupier of the land or premises on which the mast, tower or chimney stack is erected;
 - (b) if illuminated, be a flashing sign;
 - (c) exceed, in height, one-sixth of the height of the mast, tower or chimney stack on which it is placed;
 - (d) exceed, in width, the width or diameter of the mast, tower or chimney stack on which it is placed; or
 - (e) extend, laterally, beyond any part of the mast, tower, or chimney stack on which it is placed.

Sale Signs.

21. Where erected in a residential area, a sale sign shall not exceed four square feet in area.

Institutional Signs.

22. Signs erected or placed on any land, building, fence or other structure used for, or in connection with, a surgery, clinic, hospital, rest home, home for the aged or other institution or place of a similar nature, shall not exceed six square feet in area.

Signs on Fences or Vacant Lots.

23. Signs may, with the approval of the council, be painted or erected on the side or rear fence of lots on which there are no buildings, and which are used for business purposes, but any such sign shall not be nearer to the street than a distance equal to its own height above the ground, or exceed three feet in depth.

Part III—Hoardings.

Prohibition or Restriction of Hoardings.

24. (1) A person shall not erect or maintain a hoarding except pursuant to a license issued by the council for that purpose.

(2) Subject to the Act, the council may in its absolute discretion grant or refuse a license for the erection or maintenance of a hoarding.

(3) Except with specific approval of the council, a hoarding shall not be erected within 50 feet of any street or other public place.

(4) A hoarding shall not be of a greater area than 240 square feet.

Part IV—Bill Posting, etc.

25. (1) Subject to sub-by-law (2) of this by-law, a person shall not post any bill, or paint, stencil, place or affix any advertisement on any street or on any building, structure, fence, wall, hoarding, sign, post, blind or awning in, or within 50 feet of any street.

(2) This by-law does not apply to—

- (a) signs or hoardings for which a license is in force under these by-laws;
- (b) advertisements affixed to, or painted on, a shop window by the occupier thereof and relating to the business carried on therein;
- (c) the name and occupation of any occupier of business premises painted on a window or wall of those premises; or
- (d) signs within a building.

Part V—Licenses.

Objectionable Signs and Hoardings.

26. Notwithstanding that a sign or hoarding would otherwise comply with the provisions of these by-laws and without limiting the provisions of sub-by-law (2) of by-law 24 of these by-laws, the council may refuse a license therefor, if the sign or hoarding would, in its opinion, be injurious to the amenity or natural beauty of the area.

License to be Subject to By-laws.

27. Every license shall be granted, and shall subsist, subject only to the provisions of these by-laws.

Revocation of Licenses.

28. Where anything purporting to be done pursuant to a license issued under these by-laws is not done in conformity with the license or with these by-laws or where the licensee is guilty of an offence against these by-laws the council may, without derogation of any penalty to which that person may be liable, by notice in writing, revoke the license.

Licenses to be Produced.

29. A licensee shall, on demand by an officer of the council, produce his license for inspection.

Applications for Licenses.

30. (1) An application for a license under these by-laws shall be made in the form of application set out in the First Schedule thereto.

- (2) An application for the first issue of a license, in respect of—
 (a) an illuminated sign;
 (b) a pylon sign;
 (c) a clock; or
 (d) a hoarding;

shall be accompanied by a plan drawn to a scale of not less than one-quarter inch to the foot, showing the position, design and method of construction of the thing for which the license is sought.

(3) An application for the first issue of a license, in respect of a roof sign, shall be accompanied by a certificate from an architect or structural engineer certifying that the building upon which it is proposed to erect the sign is, in all respects, of sufficient strength to support the sign, under all conditions, and that the sign is itself of structurally sound design.

(4) Every applicant for a license shall furnish, in writing, such further particulars as may be required by the surveyor.

Licenses.

31. (1) Subject to sub-by-law (2) of this by-law a license issued pursuant to these by-laws remains valid until any alteration is made to the sign in respect of which it issued, and in that event the licensee shall apply for a new license.

(2) A license issued in respect of a hoarding is valid for the period of one year only.

(3) A license shall be in the form set out in the First Schedule to these by-laws.

License Fees.

32. (1) A license shall be issued upon payment of the appropriate fee, set out in the Second Schedule to these by-laws, only, but the payment of a license fee pursuant to any by-laws that were in operation prior to the coming into operation of these by-laws is deemed to be a payment for the purposes of this by-law.

(2) The license fee for a hoarding is an annual license fee and is payable annually, so long as the hoarding is maintained.

Special Permits.

33. (1) Notwithstanding anything contained in these by-laws, the council may, by permit under the hand of the surveyor, allow the display of advertisements at theatres and other places of public entertainment or of advertisements of meetings or other matters of public interest, upon such terms, and for such period, as the council may, in each case, decide.

(2) The council may revoke any such permit at any time without assigning any reason therefor.

(3) Upon the expiration or revocation of a permit issued under this by-law, the person to whom it was issued shall forthwith remove the advertisement to which it relates.

Part VI—General.

No Obstruction to Doors, etc.

34. A sign shall be not so erected as to obstruct access to or from any door, fire escape or window, other than a window designed for the display of goods.

License Number.

35. Every advertising device shall bear on its face, in figures legible from the nearest street, the number of the license under which it is erected or displayed.

Offences.

36. (1) Every person who erects a sign that does not comply with, or erects a sign in a manner contrary to, the provisions of these by-laws commits an offence.

(2) Every person who maintains a sign without a license or in respect of which the license has expired or been cancelled commits an offence.

(3) Without prejudice to the provisions of sub-by-laws (1) and (2) of this by-law, the council may serve on the owner or occupier of any premises on which any sign is erected, affixed or maintained, contrary to these by-laws, notice to remove the sign within such time as may be specified in the notice; and a person neglecting or failing to comply with the terms of a notice served on him pursuant to this sub-by-law commits an offence.

Penalty.

37. Any person who is guilty of an offence against these by-laws is liable to a penalty not exceeding £50.

Revocation.

38. The by-laws of the municipality relating to signs and hoardings, published in the *Government Gazette* of the _____ day of _____, 19____, are hereby revoked.

First Schedule.

APPLICATIONS FOR LICENSES.

Signs and Hoardings.

Municipality of.....,
Date.....19.....

I hereby apply for a license for a sign/illuminated sign/roof sign/pylon sign/semaphore sign/direction sign/clock/hoarding* (to be)† erected on the premises known as No..... subject to the by-laws of the Municipality.

Full name and address of applicant

Exact position of sign.....

Dimensions of sign.....

Materials and construction of sign and supports.....

Inscription or device on sign.....

Plan attached.

Signature of Applicant.

* Strike out whichever does not apply.

† Strike out, if sign is already erected.

LICENSE.

Municipality of.....,
Date.....19.....

No.....
This license is granted to..... in respect of a..... on premises known as No..... in accordance with Application No..... and subject to the by-laws of the Municipality. This license shall remain valid unless any alteration is made to the sign, then in such event the licensee must apply for a new license. If this license is issued in respect of a hoarding, the license expires on the.....19.....

Building Surveyor.

Second Schedule.

FEES.

	£	s.	d.
1. A pylon sign or tower sign	2	0	0
2. An illuminated sign—			
(a) on a roof—6d. per square foot with a minimum of £4			
(b) under a verandah	1	0	0
(c) any other	2	0	0
3. A sign other than a pylon sign or an illuminated sign	1	0	0
4. A hoarding—per annum	5	0	0

CEMETERIES ACT, 1897.

Albany Public Cemetery.

Department of Local Government,
Perth, 27th May, 1963.

L.G. 196/58.

HIS Excellency the Governor in Executive Council, acting under the provisions of the Cemeteries Act, 1897-1962, has been pleased to approve of the by-laws made by the Trustees of the Albany Public Cemetery Board as set out in the schedule hereunder.

R. C. PAUST,
Acting Secretary for Local Government.

Schedule.

The by-laws made by the Albany Public Cemetery Board Trustees and published in the *Government Gazette* of the 3rd May, 1955, and thereafter amended from time to time are referred to in these by-laws as the principal by-laws.

1. By-law No. 27, subsection (1): Add after the words "each tombstone" the words "other than as specified in clause G."

After clause (f) insert clause (g) as follows:—

(g) As an alternative to the type of headstone as previously specified in clauses (a) to (f) inclusive, a Desk Type Headstone will be permitted and shall be as follows: Shall be constructed of granite and to be the sizes as stated. Width, 36 inches; thickness, 12 inches; height of front face above lawn level, six inches; height of rear face above lawn level, minimum 12 inches, maximum 18 inches. Sloping face to form a panel with inscription thereon or to have a marble or bronze tablet fixed thereto with inscription as set out in clause (f). No concrete foundation required but stone to be firmly embedded on a sand base at the existing level of the lawn at the time of fixing."

2. Schedule "B" is amended by adding to the provision "For permission to erect a headstone not exceeding 3 ft. 6 in. in height 15s." the following:—

Plus a surcharge on all memorial work erected including lettering of five per cent. of cost of same exceeding the amount of fifty (£50) pounds.

The amendments to the by-laws as set out in the above schedule were made by the Albany Cemetery Board at a duly convened meeting of Board held on the 16th January, 1963, and 17th April, 1963.

The Common Seal of the Albany Public Cemetery Board was hereunto affixed this 3rd day of May, 1963, by the Chairman in the presence of the Secretary.

[L.S.]

C. JOHNSON,
Chairman,
C. E. COURTIS,
Secretary.

EDUCATION ACT, 1928-1962.

Education Department,
Perth, 6th June, 1963.

HIS Excellency the Governor 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, 1928-1962.

(Sgd.) 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. 97 amended.
(Amendment No. 121.)
2. Regulation 97 of the principal regulations is amended—
- (a) by inserting after the word, "inclusion" in line three of paragraph (a) of subregulation (1) the words, "of his or her name";
- (b) by adding after paragraph (b) of subregulation (1) the following paragraphs:—
- (c) Notwithstanding the provisions of paragraphs (a) and (b) of this subregulation—
- (i) a teacher whose name was on the 30th August, 1961, included in the promotion list for Class III primary schools, classified as such in accordance with the provisions of these regulations as those provisions existed on that date, shall from and including the 1st September, 1963, if that teacher has the necessary qualifications and efficiency mark for appointment as headmaster or headmistress, as the case may be, of a Class II primary school, be eligible for inclusion of his or her name in the promotion list for Class II primary schools, and the name of that teacher shall be placed in that promotion list ahead of teachers referred to in subparagraphs (ii) and (iii) of this paragraph;
- (ii) a teacher who on the 1st January, 1960, was a duly appointed headmaster or headmistress of a Class IV primary school, classified as such in accordance with the provisions of these regulations as those provisions existed on the 30th August, 1961, shall from and including the 1st September, 1963, if that teacher has the necessary qualifications and efficiency mark for appointment as headmaster or headmistress, as the case may be, of a Class II primary school, be eligible for inclusion of his or her name in the promotion list for Class II primary schools, and the name of that teacher shall be placed in that promotion list ahead of teachers referred to in subparagraph (iii) of this paragraph;

(iii) a teacher who on the 1st January, 1961, was a duly appointed headmaster or headmistress of a Class IV primary school, classified as such in accordance with the provisions of these regulations as those provisions existed on the 30th August, 1961, shall from and including the 1st September, 1963, if that teacher has the necessary qualifications and efficiency mark for appointment as headmaster or headmistress, as the case may be, of a Class II primary school, be eligible for inclusion of his or her name in the promotion list for Class II primary schools.

(d) Paragraph (c) of this subregulation shall remain in force and have effect until and including the 1st day of September, 1963, and no longer.

JUSTICES ACT, 1902-1962.

Crown Law Department,
Perth, 6th June, 1963.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of section 96 of the Justices Act, 1902-1962, has been pleased to make the regulations set forth in the schedule hereunder.

R. C. GREEN,
Under Secretary for Law.

Schedule.

Regulations.

1. In these regulations the Justices Act (Enforcement of Maintenance Orders) Regulations, 1962, made under the provisions of the Justices Act, 1902 (as amended) and published in the *Government Gazette* on the 12th December, 1962, are referred to as the principal regulations.
2. Regulation 2 of the principal regulations is amended, by adding after the word, "otherwise", in line one, the following interpretation:—
"collector" means the collector appointed by the Interstate Maintenance Recovery Act, 1959, and includes an assistant collector;
3. Regulation 3 of the principal regulations is amended—
 - (a) by adding, immediately after the regulation number, "3.", the subregulation designation, "(1)";
 - and
 - (b) by adding the following subregulation:—
(2) Where the person seeking to enforce payment under this regulation is the collector, the provisions of paragraphs (b) and (d) of subregulation (1), do not apply.
4. The schedule to the principal regulations is amended—
 - (a) by inserting, immediately after clause 4 of Form 1, the following clause:—
5. No proceedings are pending in any Court, for the enforcement of the Order; no writ, warrant or other process issued by any Court for the enforcement of the Order is in

force; and the Order now sought to be enforced has not ceased to have effect, by reason of any process or decree, taken or made under the Matrimonial Causes Act, 1959, of the Commonwealth, or for any other reason. ;

and by renumbering clause 5 as clause 6;

and

(b) by adding, after Form 2, the following forms:—

Form 3.

Western Australia.

Justices Act, 1902.

PRAECIPE BY COLLECTOR FOR WARRANT UNDER SECTION 155A AND AFFIDAVIT VERIFYING DEFAULT.

I,, of, Assistant Collector appointed under the Interstate Maintenance Recovery Act, 1959-1962, being duly sworn, make oath and say that, in respect of the Maintenance Order made against in the Court, held at on the day of, 19, and registered in accordance with the provisions of the Interstate Maintenance Recovery Act, 1959-1962, in the Married Persons' Relief Court, Perth, on the day of 19

(a) As appears from the affidavit sworn pursuant to section 14 (1) (b) of the Act last abovementioned and filed herein the arrears owing on the aforesaid Order amount to £ as at the day of, 19

(b) I am desirous that a Warrant for the arrest and imprisonment of the aforementioned should issue in respect of the arrears set out hereunder, that is to say:

..... weeks at £ per week, in respect of the period commencing on the day of, 19, and ending the day of, 19

£ s. d.

Costs—

Table with 3 columns for costs in pounds, shillings, and pence. Includes dotted lines for entry and a horizontal line at the bottom.

Sworn at Perth in the State of Western Australia by the said deponent this day of, 19

Before me:

..... Justice of the Peace or Clerk of the Court.

Received (date)

Warrant issued (date)

..... Clerk of the Court.

Form 4.

Western Australia.

Justices Act, 1902.

IN THE MARRIED PERSONS' RELIEF COURT

Sitting at Perth.

In the matter of the Maintenance Order made against....., of....., in the.....Court,....., on the.....day of....., 19....., and registered on the.....day of.....19..... in the Married Persons' Relief Court, Perth, in accordance with the provisions of the Interstate Maintenance Recovery Act, 1959-1962:

WARRANT FOR ARREST AND IMPRISONMENT OF DEFAULTER UNDER SECTION 155A.

To all Police Officers in the State of Western Australia and to the Superintendent (or Keeper) of Her Majesty's Prison (or Gaol) at....., or elsewhere in the said State.

(Defendant)

of..... (Address)

having made default in the payment of periodical instalments of maintenance and in the payment of costs* under the aforementioned Order to the extent hereinafter set out and being still in default, these are therefore to command you to arrest the said..... and convey him to the prison or gaol nearest to the place of his arrest and deliver him to the Superintendent or Keeper thereof together with this Warrant, and the said Superintendent or Keeper is hereby required to receive him into his custody in the said prison or gaol there to imprison him for a term of..... days unless the sum hereinafter specified and the costs and expenses of issuing and executing this Warrant amounting to the further sum of..... are sooner paid:

But if the said..... shall pay any portion of the total amount payable under this Warrant (namely £.....) then the period of imprisonment shall thereby be reduced by a period which bears the same ratio to the period of imprisonment as the portion paid bears to the total amount payable, and the prisoner shall be released at the expiry of the reduced period, and in calculating any such reduction, fractional parts of days shall be disregarded.

£ s. d.

Arrears:.....weeks at £.....per week
Costs*
Expense of issuing and executing Warrant
Total amount payable

Given under my hand and the Seal of the Court at Perth this.....day of....., 19.....

Magistrate.

* Delete reference to costs where not applicable.

(Reverse of Page 1.)

Name of person at whose instance Warrant issued.....
.....

Address.....

RECORD OF PROCEEDINGS UNDER SECTION 155A
OF THE JUSTICES ACT, 1902-1962.

Date of arrest.....

Court before which arrested person is brought.....

Place

Date of first appearance.....

Remands

Order made as to Warrant.....
.....
.....

Date.....

.....
Magistrate or
Justice(s) of the Peace.

Particulars of payments (if made) under above Order.....
.....
.....

Date..... Amount £.....

.....
Clerk of the Court.

(Page 2.)

To (arrested person).....

1. Your attention is drawn to the following provisions of section 155A of the Justices Act, 1902-1962, under which Act the annexed Warrant for your arrest is issued, that is to say:—

- (a) if you are imprisoned under the annexed Warrant, your obligation to pay maintenance under the abovementioned Act is suspended while you are serving that imprisonment, but not imprisonment under remand;

- (b) notwithstanding your imprisonment under the annexed Warrant, you are still liable to pay the amount for which the Warrant was issued (other than the expenses of execution), but you cannot again be imprisoned for any default of payment due at the time the Warrant was issued, except after proceedings by Judgment Summons under the Local Courts Act, 1904;
- (c) you may be imprisoned for any default of payment occurring after your release from imprisonment; and
- (d) if you are arrested under more than one Warrant at the one time, you are liable to serve imprisonment under those Warrants cumulatively, but not for any period of more than three months.

2. If the annexed Warrant is issued in respect of maintenance payable pursuant to an Order made under the Matrimonial Causes Act, 1959, of the Commonwealth, you should obtain legal advice as to the application of the foregoing portion of this notice to your particular case.

3. If you believe you can show cause why you ought not to be imprisoned under the annexed Warrant, you may elect to be brought before a Court of Summary Jurisdiction, for that purpose, by completing, signing and detaching the form below and handing it to the Police Officer in charge of any Police Station to which you are brought, or to the Superintendent or Keeper of the prison or gaol in which you are imprisoned.

FORM OF ELECTION UNDER SECTION 155A
OF THE JUSTICES ACT.

MARRIED PERSONS' RELIEF COURT

Sitting at Perth.

Complaint No.....

IN the matter of the Complaint of.....
I (arrested person).....hereby elect to
make application for the suspension of the operation of the
Warrant issued for my arrest and imprisonment on the
.....day of....., 19....., for the amount
of £.....

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

.....
Signature of Arrested Person.

Note.—The officer receiving this election should attach it to the Warrant to which it applies and thereafter comply with the provisions of section 25 of the Act.

PLANT DISEASES ACT, 1914-1962.

Department of Agriculture,
South Perth, 6th May, 1963.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Plant Diseases Act, 1914-1962, has been pleased to make the regulations set forth in the schedule hereunder.

T. C. DUNNE,
Director of Agriculture.

Schedule.

Regulations.

- Principal regulations. 1. In these regulations the Compulsory Fruit Fly Baiting Regulations, made under the provisions of the Plant Diseases Act, 1914 (as amended), published in the *Government Gazette* on the 1st April, 1955, are referred to as the principal regulations.
- Reg. 4 substituted. 2. The principal regulations are amended by substituting for regulation 4 the following regulation:—
4. Where under section 12B or section 12C of the Act the Minister directs that a poll be taken of the owners or occupiers of orchards registered under the provisions of the Act within any district for or against the proposed introduction within that district of a compulsory fruit fly baiting scheme, or where such a scheme is in operation within any district, to determine whether the scheme should be continued, as the case may be, the Minister shall—
- (a) appoint a returning officer for the conduct of the poll; and
- (b) fix a day, in accordance with the provisions of the Act, for the taking of the poll.
- Regs. 4A-4N added. 3. The principal regulations are amended by adding after regulation 4 the following regulations:—
- 4A. (1) (a) The returning officer may appoint such officers as he deems necessary to assist in the conduct of the poll and the scrutiny thereof.
- (b) The returning officer shall be paid fifty per centum (50%) of the fee prescribed for a returning officer for State parliamentary elections in the regulations made under the Electoral Act, 1907 (as amended), that are in force at the time of the conduct of the poll, and the officers employed by him shall, while engaged on the scrutiny and count of votes, be paid for their services the fees prescribed for similar duties by those regulations for presiding officers at State parliamentary elections.
- (c) Officers employed by the returning officer in the preparation and distribution of voting material shall be paid at the rate prescribed by regulations made under the Electoral Act, 1907 (as amended), for presiding officers engaged on the scrutiny and count of votes.
- (2) The returning officer shall publish or cause to be published notification of the intention to conduct a poll and of the day fixed by the Minister for the taking thereof in a newspaper circulating in the district in which the poll is to be taken, not less than ten days before the day so fixed.

(3) A notice published in accordance with this regulation shall specify the address of the returning officer to which all applications and other documents under these regulations are required to be sent or delivered.

4B. (1) Within seven days after his appointment by the Minister the returning officer shall request the Director of Agriculture to furnish him with a list of the names and addresses of the owners and occupiers of orchards registered within the district in which the poll is to be taken, and on receipt of such request the Director of Agriculture shall forthwith furnish or cause to be furnished the returning officer with the list so requested.

(2) The list so furnished, together with any names added thereto pursuant to regulation 4C of these regulations, shall be the special roll of owners and occupiers required to be prepared under subsection (2) of section 12B of the Act and shall be available for inspection at the office of the returning officer during the hours when his office is open.

4C. (1) An owner or occupier of an orchard registered pursuant to the provisions of the Act within the district in which the poll is to be taken whose name is not on the list furnished by the Director of Agriculture under regulation 4B of these regulations, may have his name enrolled on the special roll of such owners and occupiers prepared for the poll if he lodges with the returning officer, not less than seven days before the day fixed for the taking of the poll, an application in the Form No. 1 in the Appendix to these regulations.

(2) The special roll prepared for a poll in accordance with these regulations shall be conclusive evidence of the right of each person enrolled thereon to vote at the poll.

4D. (1) Where an owner or occupier eligible for enrolment on the special roll is a limited liability company or other corporate body, the board of directors or other management authority thereof may authorise any director, trustee or other member of that board or management authority, or its manager, secretary or other officer (being a person not already enrolled or entitled so to be on the special roll) to represent the company or other corporate body as a voter, and upon receipt from that representative of an application for enrolment in the Form No. 2 in the Appendix to these regulations, together with a certificate in writing under the hand of the managing director of the company, or the president or chairman of the management authority of such other corporate body, as the case may be, the returning officer may enrol that representative on the special roll in accordance with his application.

(2) In the case of a partnership, any one of the partners, but not more than one at any one time, may apply to the returning officer in the Form No. 2 in the Appendix to these regulations for enrolment and be enrolled on the special roll upon which the partnership is entitled to be enrolled.

(3) A person shall be entitled to one enrolment only on the special roll at any one time, whether as a voter in his own right or as the representative of a limited liability company or other corporate body, or as a partner in a partnership, or otherwise.

(4) A company or other corporate body may revoke any authority given by it under this regulation by notice in writing signed by the board of directors or other management authority sent or delivered to the returning officer, and upon receipt of such notice the returning officer shall

remove forthwith from the special roll the name of the representative person whose authority has been so revoked; but any such revocation shall not invalidate any vote given by that representative person enrolled and voting by virtue of such authority at a poll taken prior to that revocation.

(5) Every authority given under subregulation (1) of this regulation shall remain effective for all subsequent polls until written notice of revocation is sent or delivered to the returning officer.

4E. (1) As soon as practicable after the fixing of the day for the taking of the poll the returning officer shall cause to be printed ballot papers in accordance with the Form No. 3 in the Appendix to these regulations setting out the proposal on which the poll is to be taken, and counterfoils in accordance with the Form No. 4 in that Appendix, and within fourteen days after the publication of the notice under regulation 4A of these regulations shall send by post or otherwise to each person whose name appears on the special roll prepared in accordance with regulation 4B of these regulations—

- (a) one ballot paper initialed by the returning officer or a person authorised by him in that behalf;
- (b) one counterfoil;
- (c) one ballot paper envelope; and
- (d) one envelope addressed to the returning officer.

(2) Each ballot paper, counterfoil, ballot paper envelope, and addressed envelope shall be enclosed by the returning officer in a covering envelope which shall be fastened, addressed and forwarded to the person for whom it is intended.

(3) There may be enclosed also in the covering envelope referred to in subregulation (2) of this regulation a pamphlet containing a brief explanation by the Minister of the reason for the conduct of the poll.

(4) A person who has been enrolled on the special roll under the provisions of regulation 4C of these regulations shall be sent a ballot paper, counterfoil, ballot paper envelope, and envelope addressed to the returning officer, as soon as practicable after being enrolled.

4F. If a person entitled to vote at the poll sends or delivers to the returning officer a statement in writing signed by him setting out his full name and his address, and stating that he has not received his ballot paper, or that the ballot paper received by him is lost or has been destroyed, and that he has not already voted in respect of the poll, the returning officer may issue a new ballot paper to that person.

4G. (1) A person to whom a ballot paper and counterfoil is addressed, if desirous of voting, shall record his vote on the ballot paper in the manner following—

- (a) if he approves of the proposal, he shall mark the ballot paper by placing a cross in the square opposite the word, "Yes"; or
- (b) if he does not approve of the proposal, he shall mark the ballot paper by placing a cross in the square opposite the word, "No".

(2) A voter having marked his ballot paper in accordance with subregulation (1) of this regulation shall then—

- (a) place the ballot paper alone in the envelope marked "ballot paper" and fasten such envelope;

- (b) complete and sign the counterfoil in the presence of a witness who shall also sign the counterfoil; and
- (c) return the ballot paper envelope with the ballot paper contained therein and the completed counterfoil to the returning officer by post or otherwise in the envelope addressed to the returning officer so as to be received by him not later than twelve o'clock noon on the day fixed for the taking of the poll.

4H. (1) The returning officer shall place and keep in a locked and sealed ballot box, until the scrutiny, all envelopes purporting to contain ballot papers received by him up to the close of the poll.

(2) An envelope containing a ballot paper received after the close of the poll shall not be admitted to the scrutiny.

(3) As soon as practicable after the close of the poll the returning officer, in the presence of any scrutineer permitted by him, shall—

- (a) produce and open the locked and sealed ballot box wherein the envelopes containing ballot papers and counterfoils have been placed and kept, and open each outer envelope;
- (b) compare each enclosed counterfoil with the special roll, and if satisfied that the person named in the counterfoil is entitled to vote and that the counterfoil has been completed, signed and witnessed as required by these regulations, strike out the name of that person on the special roll; and
- (c) without opening the envelope marked "ballot paper", deposit it in a locked and sealed ballot box and set aside the counterfoil for safe keeping.

(4) Where the right of a person to vote is not established or the counterfoil is not signed by the voter and by the witness, the returning officer shall replace the counterfoil and the envelope marked "ballot paper" in the outer envelope that he has opened, endorse on that envelope the word, "rejected", and set it aside for safe keeping, together with any other outer envelopes that he has rejected.

4I. A ballot paper shall be informal—

- (a) if it does not bear the initials or signature of the returning officer or a person authorised in that behalf by the returning officer;
- (b) if the voter has not marked it in accordance with the directions set out therein; or
- (c) if no mark is indicated on it.

4J. (1) The returning officer may, if he thinks fit, commence the count of ballot papers without waiting until all outer envelopes have been opened pursuant to subregulation (3) of regulation 4H of these regulations, and he may at any time during the course of the scrutiny open the locked and sealed ballot box referred to in paragraph (c) of that subregulation and proceed with the count of the votes.

(2) The returning officer shall count—

- (a) the number of votes recorded in favour of the proposal;

- (b) the number of votes recorded not in favour of the proposal; and
- (c) the number of informal ballot papers.

(3) The returning officer may adjourn the count of votes from time to time as he deems necessary until it has been completed, but before every such adjournment he shall place or cause to be placed in ballot boxes all unopened envelopes purporting to contain ballot papers and, in the presence of any scrutineers who may be present, shall lock and seal those ballot boxes.

(4) Any scrutineer, if he desires to do so, may also place his special seal upon the ballot boxes locked and sealed by the returning officer pursuant to subregulation (3) of this regulation.

4K. (1) On completion of the scrutiny and count of votes the returning officer shall enclose in one packet all used ballot papers, in another packet all counterfoils, and in a third packet all rejected votes, and shall seal up the several packets, endorse on each packet a description and the number of the contents respectively, and sign the endorsements.

(2) The returning officer shall preserve and hold in custody the sealed packets referred to in this regulation together with all other documents used at or in connection with the poll until the expiration of six months after the date of certification to the Minister of the result of the poll, when those sealed packets and documents shall then be destroyed.

4L. (1) The returning officer shall forthwith after completion of the scrutiny and count of votes prepare and forward to the Minister a certificate showing the result of the poll and setting forth—

- (a) the total number of votes recorded in favour of the proposal;
- (b) the total number of votes recorded not in favour of the proposal; and
- (c) the total number of informal ballot papers.

(2) The Minister shall cause to be published in the *Government Gazette* notification of the result of the poll, and such notification shall be conclusive evidence of such result and of the regularity of all antecedent proceedings and of due compliance with all necessary conditions.

4M. (1) Any dispute arising out of the conduct of a poll shall be referred by the returning officer to the Minister, and the decision of the Minister in that regard shall be final and conclusive.

(2) The provisions of the Electoral Act, 1907 (as amended) and the regulations made thereunder apply so far as they can be made applicable to all matters not provided for in these regulations.

(3) The fees and expenses incurred in conducting a poll under these regulations shall be borne by the Fruit Fly Eradication Trust Fund.

4N. A person who—

- (a) not being entitled to be enrolled as a voter for the purpose of a poll conducted under the Act and these regulations, makes a claim to be enrolled; or
- (b) makes any statement that is to his knowledge false in any application for enrolment, or in any statement accompanying a ballot paper verifying the right of the voter to vote; or

(c) votes more than once at a poll; or
 (d) votes at a poll unless he is entitled so to vote,
 commits an offence against these regulations.
 Penalty: Twenty pounds.

Appendix substituted.

4. The principal regulations are amended by substituting for the Schedule to those regulations the following Appendix:—

Appendix.

Form No. 1. Reg. 4C.
 Western Australia.
 Plant Diseases Act, 1914 (as amended).
 (Sections 12B and 12C.)

APPLICATION FOR ENROLMENT ON SPECIAL ROLL.

.....District.
 To the Returning Officer,
 Poll on Compulsory Fruit Fly Foliage Baiting Scheme,

I,, of....., in the State of Western Australia, declare that I am an owner (or occupier) of an orchard registered under the provisions of the Plant Diseases Act, 1914 (as amended), within the.....District, wherein a poll is to be conducted on the proposal to introduce a compulsory fruit fly foliage baiting scheme (or, to determine whether the compulsory fruit fly foliage baiting scheme operating therein should be continued), and I hereby make application for my name to be enrolled on the special roll prepared in accordance with regulation 4B of the Compulsory Fruit Fly Baiting Regulations.

I make this statement with full knowledge of the fact that if it is wilfully false in any particular I am guilty of an offence against the regulations.

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

.....
 Applicant's Signature.

Form No. 2. Reg. 4D.
 Western Australia.
 Plant Diseases Act, 1914 (as amended).
 (Sections 12B and 12C.)

APPLICATION FOR ENROLMENT OF REPRESENTATIVE OR PARTNER.

To the Returning Officer,
 Poll on Compulsory Fruit Fly Foliage Baiting Scheme,

I, (a)....., of (b)....., in the State of Western Australia, hereby apply to have my name enrolled as an elector on the special roll prepared in accordance with regulation 4B of the Compulsory Fruit Fly Baiting Regulations on the ground that:—

(1) I am a (c)....., of (d)....., which is an owner (or occupier) of an orchard registered under the provisions of the Plant Diseases Act, 1914 (as amended), within the.....District.

[or]

I am a partner in the firm of (e)....., which firm is an owner (or occupier) of an orchard registered under the

provisions of the Plant Diseases Act, 1914 (as amended) within the.....District, and all the other partners have consented to my making this application as evidenced by their written consent lodged herewith.

(2) I am not enrolled upon the said special roll or upon any other special roll under the regulations aforesaid, and I am not disqualified under those regulations from being enrolled upon the special roll.

(3) I supply the following particulars concerning myself:—

- Surname (block letters).....
- Christian names (in full).....
- Residence (full address).....
- Occupation

I, the abovenamed (a)....., hereby state that the particulars furnished above in this application are true and correct, and I make this statement knowing that any wilfully false statement herein is punishable under the regulations.

Dated the.....day of....., 19.....
(f).....

Applicant.

(a) Full name of applicant; (b) address; (c) director, trustee, member or officer; (d) name of company or other corporate body; (e) trade name of firm or partnership; (f) signature of applicant.

Note.—(1) The applicant must complete and sign the above application, and satisfy the returning officer that the partnership, company, or other corporate body, which he represents, is owner (or occupier) within the meaning of the abovementioned Act by furnishing such particulars as the returning officer may require.

(2) The application must be sent by prepaid letterpost, or delivered, to the returning officer at his address.

Form No. 3.

Reg. 4E.

Western Australia.

Plant Diseases Act, 1914 (as amended).
(Sections 12B and 12C.)

.....District.

**POLL ON PROPOSAL RE COMPULSORY FRUIT
FLY FOLIAGE BAITING SCHEME.**

BALLOT PAPER.

Date of close of Poll.....at 12 o'clock noon.

Authorised Officer's
Initials.

Proposal—

(Here insert the proposal on which
the poll is to be conducted.)

YES

NO

Directions for Voting.

1. The voter shall mark his ballot paper as follows:—
 - (a) If he approves of the proposal—by placing a cross in the square opposite the word, "Yes".
 - (b) If he does not approve of the proposal—by placing a cross in the square opposite the word, "No".
2. The voter shall then—
 - (a) enclose the ballot paper alone in the envelope marked, "Ballot paper" and fasten the envelope;
 - (b) complete and sign the counterfoil (Form No. 4);
 - (c) return the ballot paper envelope with the ballot paper contained therein and the completed counterfoil to the Returning Officer by post, or otherwise, in the envelope addressed to the Returning Officer, so as to be received by him not later than twelve o'clock noon on the day fixed for the taking of the poll.

Form No. 4.

Reg. 4E.

Western Australia.

Plant Diseases Act, 1914 (as amended).
(Sections 12B and 12C.)

.....District.

POLL ON PROPOSAL RE COMPULSORY FRUIT FLY
FOLIAGE BAITING SCHEME.

COUNTERFOIL.

Date of close of poll.....at 12 o'clock noon.
 Name in full of voter.....
 Address of voter.....
 Usual signature of voter.....
 Witness to signature.....
 Address of witness.....