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OF

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No. 12]

PERTH: WEDNESDAY, 19th FEBRUARY

[1964

MEDICAL ACT, 1894-1961.

Department of Public Health,
Perth, 30th January, 1964.

HIS Excellency the Governor in Executive Council has been pleased to approve of the rules set forth in the schedule hereunder, made by the Medical Board pursuant to the provisions of section 6 of the Medical Act, 1894-1961.

W. S. DAVIDSON,
Commissioner of Public Health.

Schedule.

Rules.

Principal
rules.

1. In these rules, the rules made by the Medical Board under the provisions of section 6 of the Medical Act, 1894 (as amended), as reprinted pursuant to the Reprinting of Regulations Act, 1954, and published as so reprinted in the *Government Gazette* on the 5th December, 1961 (such reprinted rules including all amendments to and including those published in the *Government Gazette* on the 20th November, 1959) are referred to as the principal rules.

Rule 1
amended.

2. Rule 1 of the principal rules is amended by substituting for the passage commencing with the word, "Monthly" being the first word in line one down to and including the passage, "5.15 p.m." in line two, the passage, "Meetings of the Board shall be held once in each month, on such day and at such hour, as the Board may, at a fully attended meeting, from time to time resolve."

HEALTH ACT, 1911-1962.

Carnamah Shire Council.

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 Carnamah 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 day of August, 1956, doth hereby resolve and determine that the said adopted by-laws shall be amended as follows:—

Part I.—GENERAL SANITARY PROVISIONS.

After by-law 1B insert a new by-law to stand as by-law 1C as follows:—

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

(a) This by-law shall apply in those portions of the District comprising the townsite of Carnamah, as constituted under the Land Act, 1933, and includes those portions of the townsite of Carnamah which are enclosed by the boundaries as described in the schedule hereunder.

Schedule.

Carnamah Townsite Boundaries.

A line commencing at the south-west corner of M1354; thence eastward along the southern boundary of that location approximately 58 chains to the north-west corner of lot 85; thence in a south-easterly direction along the eastern boundary of lot 85 and by prolongation across a road survey to meet the western boundary of M1172; thence southerly along this boundary and by prolongation from the south-west corner of M1172 across the road survey to meet the northern boundary of Pt. M1073. From this point in west-south-west direction along the northern boundary of Pt. M1073 to the north-west corner of that location; thence southward along Geraldton Highway and the western boundary of Pt. M1073 to a point meeting the prolongation eastward of the northern boundary of 3328. From this point westwards across the Geraldton Highway to the north-east corner of 3328; thence along the northern boundary of 3328 to meet a prolongation southward of the western boundary of lot 104. From this point northwards along the western boundary of lot 104 and to cross Lake Road at a point on the southern boundary of lot 78; thence westerly along the southern boundary of lots 78, 77, 76, 75 to the south-west corner of lot 75; thence northerly along the western boundaries of lots 75, 74 and 68 to the north-west corner of lot 68; thence easterly along the southern boundary of lot 102 to the south-east corner of lot 102; thence by prolongation of that boundary across the Geraldton Highway to meet the western boundary of location M1354; thence southerly along that boundary to the point of commencement on the south-west corner of location M1354.

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

Passed at a meeting of the Shire of Carnamah this 10th day of October, 1963.

F. C. G. LUCAS,
President.

R. S. DUTCH,
Shire Clerk.

Approved by His Excellency the Governor in Executive Council this 30th day of January, 1964.

R. H. DOIG,
Clerk of the Council.

HEALTH ACT, 1911-1962.

Shire of Esperance.

Health By-law—Snack Bars.

WHEREAS under the provisions of the Health Act, 1911-1962, a local authority may make by-laws and may amend, repeal or alter any by-laws so made: Now, therefore, the Council of the Shire of Esperance, being a local authority, doth hereby make the following by-law:—

Part 1.

Interpretation.

1. This by-law shall come into operation on the publication hereof in the *Government Gazette*.

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

- (1) "Act" means the Health Act, 1911-1962, and any amendment thereof;
- (2) "food" means any substance, whether solid or liquid, or partly solid and partly liquid, used or intended to be used for food or drink by man, other than drugs or water, and includes any article intended to enter into or be used in the preparation or composition of such food, and confectionery, flavouring, and colouring matters and condiments;
- (3) "inspector" means any person appointed by the local authority to be a Health Inspector pursuant to the provisions of the Act;
- (4) "license" means a license to conduct a Snack Bar granted pursuant to this by-law;
- (5) "local authority" means the Council of the Shire of Esperance;
- (6) "meals" means and includes any substance whether solid or liquid or partly solid and partly liquid used or intended to be used for food or drink by man.

The term does not include drugs, water, milk, icecream, soda fountain or iced drinks commonly known as cool or soft drinks, or aerated waters;

- (7) "Medical Officer" means the Medical Officer of the local authority and includes any person acting in that capacity;
- (8) "proprietor" means the person having the management or control of a Snack Bar;
- (9) "Snack Bar" means any food stall or other premises from which meals as defined in the Act are served to the public for gain or reward and includes the land used in connection therewith.

The following are excepted:—

- (i) Eating houses (as defined in the Act).
 - (ii) Any premises licensed under the Licensing Act, 1911, and amendments.
 - (iii) Any boarding house or lodging house.
 - (iv) Automatic food or meal suppliers where no person is in attendance.
 - (v) Any building or other structure used temporarily for serving meals to the public, at any fair, show, military encampment, races, or other public sports, games or amusements.
- (10) "Shire Clerk" means the Shire Clerk or the Acting Shire Clerk for the time being of the Shire of Esperance.

Part 2.

Licenses and Registration.

3. No person shall occupy or use any stall or other premises as a Snack Bar and such occupation and use is prohibited unless—

- (a) The Snack Bar is registered under this by-law.

- (b) The occupier is the holder of a license issued by the local authority authorising him to conduct on the premises the business of a Snack Bar.

4. Before a Snack Bar is registered under this by-law the occupier or owner thereof shall make written application to the Shire Clerk and shall forward with his application a plan indicating the exact location and area of proposed site and details of proposed structure.

5. Before any license to conduct a Snack Bar is granted by the local authority under this by-law, the applicant shall sign an application for the same in the appropriate form prescribed in the first schedule hereto and shall forward the same to the Shire Clerk.

6. Any person who makes a false statement in connection with any application under clauses 4 and 5 hereof shall be guilty of an offence.

7. Every certificate of registration of premises registered as a Snack Bar and every license issued to an occupier to conduct a Snack Bar shall be kept on the registered premises in a position visible to the general public and in such manner as not to be defaced or damaged and when requested shall be produced to an inspector.

8. Every certificate of registration and every license shall be in force from the day of issue until and inclusive of the 31st day of December next ensuing, unless the same be cancelled in the meantime in accordance with the provisions of this by-law.

9. Applications for renewal of certificates of registration and licenses shall be made annually during the month of December.

10. The fees payable to the local authority on the registration of premises, on the issue of a license and on the renewal of any registration or licenses shall be as follows:—

For the registration of premises—£5.

For license to conduct a Snack Bar—£1.

11. So often as any person holding the license issued pursuant to this by-law changes his place of abode he shall, within seven days next after such a change, give notice thereof in writing to the Shire Clerk specifying in such notice his new place of abode and he shall, at the same time, produce such license to the Shire Clerk, who shall endorse thereon and sign a memorandum specifying the particulars of such change.

12. Any license issued to any proprietor under the provisions of this by-law to conduct a Snack Bar shall not be transferable to any other person.

13. If the owner of any premises registered as a Snack Bar desires to sell, lease or transfer the said premises to any other person an application by that person shall be made to the Shire Clerk for a license to conduct a Snack Bar as required by paragraph 5 before any sale, lease or transfer is made.

14. Where application is made to a local authority either for—

(i) a Snack Bar to be registered; or

(ii) a license to be issued to conduct on any premises the business of a Snack Bar;

then—

(i) such application may be granted or refused arbitrarily without any reason being given; and

(ii) any such registration or license, if allowed and granted, may be cancelled at any time if any conditions or term of issue be broken or if any of the provisions of this by-law not be complied with.

15. Before any premises are registered as a Snack Bar the site intended to be used shall be subject to the approval of the local authority.

Structure and Management.

16. The use of stalls or other premises as Snack Bars is forbidden unless the following conditions are complied with:—

(a) The walls shall be constructed of impervious materials and shall have a smooth, hard, durable and washable surface, devoid of holes, cracks and crevices.

- (b) Every structure shall be ceiled with a material as required by clause (a) and shall be maintained throughout its area and at the wall junctions free from holes, cracks and crevices.
- (c) The floors of all structures shall be constructed of or covered with an impervious material free from holes or cracks and shall be of such construction as to permit of cleansing without lodgment of any cleansing fluid.

If required by the local authority, a floor waste fitting shall be installed to discharge as approved by the local authority.

- (d) There shall be provided adequate food storage facilities and cupboards to prevent the contamination of food, crockery and utensils by dirt, dust, flies and vermin of any kind.
- (e) There shall be provided on every registered premises separate sanitary convenience for each sex constructed in accordance with the local authority and Metropolitan Water Supply, Sewerage and Drainage Department by-laws, each convenience to be clearly indicated as to sex.
- (f) All cooking facilities shall be to the approval of the local authority and shall be so installed that all fumes and effluvia shall discharge via a hood and flue to the outside air, without offsets, such hoods and flues to be constructed of metal and seams and joints of which shall be watertight.
- (g) An approved hot water system shall be installed together with adequate sink facilities for the thorough cleansing of all drinking vessels and other utensils used on the premises to the satisfaction of the local authority.
- (h) Immediately after each occasion of the use, the proprietor shall cause all drinking vessels and any other utensil used by the public to be cleansed by means of washing in water containing a suitable detergent. The temperature of such water shall not be less than 120 degrees Fahrenheit. They shall then be rinsed in clear hot water at a temperature of not less than 180 degrees Fahrenheit.
- (i) There shall be provided sufficient and adequate means of refrigeration for the preservation of food to the satisfaction of the local authority.
- (j) There shall be provided a sufficient number of suitable receptacles constructed in accordance with the local authority's by-laws for the purpose of receiving all waste matter, and shall be maintained in a clean and efficient condition and kept in such position as directed by a Health Inspector.
- (k) No food which is unsound, substandard, unwholesome, putrescent or infested with insects or mites shall be—
 - (i) sold from such Snack Bar;
 - (ii) served from such Snack Bar;
 - (iii) used in the preparation of food or meals in such Snack Bar.
- (l) All food which is unsound, unwholesome, putrescent or infested with insects or mites shall be immediately withdrawn from sale, stock or use and placed in the waste food garbage bin.
- (m) No commodity and article other than food and meals shall be—
 - (i) sold from such Snack Bar;
 - (ii) kept on such Snack Bar for the purpose of sale.
- (n) No live animal or bird shall be kept in or upon any portion of the registered premises and no animal, bird or fish shall be cleaned or dressed upon or in any portion of the registered premises.
- (o) Where a sewer is available within 300 feet of a registered structure all sanitary conveniences and liquid wastes shall be discharged thereto.
- (p) Where no sewer is available, sanitary conveniences shall be connected to an apparatus for the bacteriolytic treatment of sewage and all liquid wastes shall discharge to approved soak wells via a properly constructed greasetrap approved by the local authority.

- (q) Bacteriolytic treatment plants, soak wells, and greasetraps shall at all times be maintained in an efficient working condition.
- (r) A person who is suffering from any communicable disease, suppurating wound or sore, or any other disease likely to contaminate food shall not be employed in the preparation or handling of food.
- (s) All persons preparing or handling food shall wear a clean outer garment or overall of washable material and every person before beginning or recommencing the preparation of food and immediately after visiting a sanitary convenience shall wash his hands and every person shall maintain his clothing and body in a clean condition. The proprietor of a registered premises shall provide and maintain on such premises adequate and efficient means of maintaining personal cleanliness to the satisfaction of the local authority.
- (t) The area surrounding any structure shall be covered with either grass or material which shall be of such a nature as to prevent dust arising and shall be maintained in a condition satisfactory to the local authority.
- (u) Where a caravan type of structure is to be utilised, the wheels shall be removed and the body securely supported by some solid material and the space beneath securely enclosed with impervious material.
- (v) The whole of the premises including sanitary conveniences and area surrounding the registered structure shall be maintained in a thoroughly clean and tidy condition, and all empty crates, cartons, etc., shall be removed from the premises as soon as practicable.
- (w) Artificial lighting shall be provided by electricity and there shall be provided adequate lighting in the registered structure and sanitary convenience and any other such lighting as shall be deemed necessary by the local authority.
- (x) Any amenities provided for the use of customers such as chairs, tables, braziers, etc., shall be subject to the approval of the local authority.

Penalty.

17. Any person who shall commit a breach of any provision of this by-law shall be guilty of an offence and on conviction shall be liable to—

- (i) a penalty not exceeding twenty pounds (£20); and
- (ii) a daily penalty not exceeding two pounds (£2) where the breach is of a continuing nature.

Schedule 1.

Shire of Esperance.

Health Act, 1911-1962.

**APPLICATION TO REGISTER A FOOD STALL OR OTHER PREMISES
AS A SNACK BAR.**

I of
hereby apply to register premises situate at
as a Snack Bar. will hold (or apply
to hold) the license to carry on business at such premises. Attached is a plan
indicating the exact location and area of proposed site and details of proposed
structure.

Dated the day of 19.....

.....
Signature of applicant.

Schedule 2.

Shire of Esperance.
Health Act, 1911-1962.

APPLICATION FOR A LICENSE TO CONDUCT A SNACK BAR.

I of
hereby apply for a license to conduct a Snack Bar on the premises situate at
in the Shire of Esperance, and known as subject to the Health Act and
the by-laws from time to time in force thereunder.

My nationality is

If a British subject by naturalisation I was naturalised on the
day of 19..... at
I was born on the day of in the
country of

I have had the following previous experience as the keeper of a Snack Bar or in the handling and selling of food to the public.
.....
.....

Dated the day of 19.....

.....
Signature of applicant.

Passed at a meeting of the Council of the Shire of Esperance this 9th day of August, 1963.

The Common Seal of the Shire of Esperance was hereto affixed this 9th day of August, 1963, pursuant to a resolution passed the 9th day of August, 1963, in the presence of—

[L.S.]

W. S. PATERSON,
President.

J. F. CAMERON,
Acting Shire Clerk.

Approved by His Excellency the Governor in Executive Council this 30th day of January, 1964.

R. H. DOIG,
Clerk of the Council.

HEALTH ACT, 1911-1962.

Shire of Peppermint Grove.

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 17th July, 1963, and further amended by notice published in the *Government Gazette* on 7th November, 1963; and whereas a local authority may adopt such Model By-laws with or without modification: Now, therefore, the Shire of Peppermint Grove, 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 17th July, 1963, doth hereby resolve and determine that the aforesaid amendment published in *Government Gazette* on 7th November, 1963, shall be adopted without modification.

Passed at a meeting of the Shire of Peppermint Grove this 12th day of November, 1963.

ATHOL J. HOBBS,
President.

T. WORSLEY,
Shire Clerk.

Approved by His Excellency the Governor in Executive Council, this 30th day of January, 1964.

R. H. DOIG,
Clerk of the Council.

FIRE BRIGADES ACT, 1942-1963.

Chief Secretary's Department,
Perth, 13th February, 1964.

C.S.D. 120/61.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Fire Brigades Act, 1942-1963, has been pleased to make the regulations set forth in the schedule hereto.

J. DEVEREUX,
Under Secretary.

Schedule.

Regulations.

- Principal regulations. 1. In these regulations the Fire Brigades Act Regulations made under the Fire Brigades Act, 1942 (as amended), reprinted pursuant to the Reprinting of Regulations Act, 1954 in the *Government Gazette* on the 29th March, 1961, with all amendments up to and including the 28th September, 1960, and amended by notice published in the *Government Gazette* on the 29th June, 1961, are referred to as the principal regulations.
- Reg. 10 amended. 2. Regulation 10 of the principal regulations is amended by substituting for the words, "fire premium income", in line seven, the words, "contribution numerator".
- Reg. 231 added. 3. The principal regulations are amended by adding after regulation 229 the following heading and regulation:—
Return and Declaration of Contribution Numerator.
231. (1) The annual return of, and declaration verifying, the contribution numerator of an insurance company, pursuant to section 39 of the Fire Brigades Act, 1942, shall be in the form set out in the Third Appendix to these regulations.
(2) The declaration prescribed by this regulation shall be made by the manager, secretary or agent of the insurance company or other officer performing those duties and, where under the provisions of section 39 (5) of the Fire Brigades Act, 1942, a person is constituted an insurance company, the declaration shall be made by that person.
- Third Appendix added. 4. The principal regulations are amended by adding, after the Second Appendix, the following Appendix:—

Third Appendix.

Fire Brigades Act, 1942.

RETURN AND DECLARATION BY INSURANCE COMPANY.

Pursuant to Section 39.

STATUTORY DECLARATION.

I, (1)....., of (2).....,
(3)....., do solemnly and sincerely declare that according to the books and records kept and examined by me as the (4)..... of the insurance company hereinafter named, and to the best of my information and belief, the several particulars set forth in the schedule hereunder are true particulars in respect of the insurance company therein named.

Schedule.

Name of insurance company (5).....
 Address of insurance company (6).....
 Contribution numerator in respect of the above insurance
 company for the year ended the 31st December, 196.....
 Gross premiums paid or payable for above year: £.....
 Premiums paid for re-insurance with contributory com-
 panies during above year: £.....
 Contribution numerator: £.....

And I make this solemn declaration under, and by
 virtue of, section 106 of the Evidence Act, 1906.(7)

Declared at..... }
 in the State of..... }
 this.....day of....., }
 196..... }

Before me.....

Justice of the Peace or
 Commissioner for Declarations.

- (1) Full name of declarant. (2) Residential address of declarant.
 (3) Description of declarant. (4) Office or position held by
 declarant with the insurance company. Where, under the
 provisions of section 39 (5) of the Act, the declarant is, him-
 self, deemed to be the insurance company, insert the words
 "personal constituent". (5) Here insert the corporate or regis-
 tered business name of the insurance company, if any. (6)
 Registered office, if any. (7) Where this declaration is made
 at a place outside the State of Western Australia, this clause
 must be varied to conform with the law of that place.

LOCAL GOVERNMENT ACT, 1960.

Local Government Department,
 Perth, 3rd February, 1964.

L.G.D. 908/62.

HIS Excellency the Governor in Executive Council, acting pursuant to the
 powers conferred by the Local Government Act, 1960-1963, 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,
 before conforming with the provisions of section 258 (4) of the Act, to invoke
 an extension of their by-law making powers under the provisions of section
 190 (8) thereof.

A. E. WHITE,
 Secretary for Local Government.

Schedule.

Draft Model By-laws.

1. These by-laws may be cited as the Local Government Model By-laws
 (Safety, Decency, Convenience and Comfort of Persons in respect of Bathing)
 No. 14.

2. These by-laws apply to the rivers, water courses, tidal and non-tidal
 waters, in or outside but adjoining the district of the municipality, the area
 between high water mark and low water mark, and in the sea adjoining the
 district for a distance of 200 yards seaward from low water mark at ordinary
 spring tides, and to reserves numbered.....

3. Interpretation.—In these by-laws, unless the context otherwise
 requires—

"authorised person" means a Beach Patrol Officer or Inspector of the
 Council appointed as such or any member of a life-saving patrol
 who is in charge of that patrol;

"bathing" includes entry into the sea and emerging therefrom; it also includes the use of bathing appliances;

"bathing appliance" means a float of any material, surf ski, surf board, kick board, malibu board, boat or any other device used or for use in bathing or surf riding;

"bathing area" means an area that is from time to time set aside pursuant to by-law 10 of these by-laws as a bathing area;

"boat" means any structure or vessel whether propelled manually or by the wind or power, made or used to float upon or travel under the sea;

"building or structure" means any thing erected or placed on land unless in the circumstances of a particular case, a Court required to decide the case declares otherwise but in any case includes a fence erected in the district of a city or of a town or in a town-site and also includes all plumbing, electrical installations, fittings, fixtures and all furniture or other contents of a building and all structures in the open air such as notices, signs, seats, fences, walls, drains, showers, roads, footpaths, memorials and the like, erected by or with the consent of the Council;

"Council" means the Council of the municipality;

"defined area" means the area set out in by-law 2 of these by-laws;

"inspector" means a person appointed as such under these by-laws;

"life-saving club" means a life-saving club affiliated with the Western Australian State Centre of the Surf Life-Saving Association of Australia or any branch thereof;

"life-saving gear or appliance" means a life-saving reel, box, line, outfit, line or belt, patrol or signal flag, notice board, blanket, signal whistle, bell or siren, transhailer, patrol cap, patrol enclosure, lookout tower, any article of resuscitation or first aid equipment and broadcasting equipment, watercraft or any other gear or appliance for use in the provision of life-saving services or for the training of life-saving club members in their duties;

"life-saving patrol" means a patrol comprising such members of a life-saving club as are appointed by that club from time to time to provide life-saving services in the defined area, and the term includes a servant of the council appointed as a beach patrol officer or inspector;

"life-saving services" includes service provided in the defined area by the Council or by a life-saving club under the authority of the Council for the protection and safety of persons bathing in or upon that area;

"patrol flag" means a flag or notice erected at the limits of a bathing area to denote the limits of that area;

"patrolled area" means an area within the defined area whereon a life-saving patrol is operating;

"person" includes in the plural a group of persons and a club, association, or other body of persons;

"watercraft" means any bathing appliance or boat and the equipment thereof used or intended for use by a member of a life-saving club or patrol for life-saving purposes;

4. (1) For the purpose of ensuring the safety, comfort and convenience of bathers, and to regulate the conduct of bathers and others, the Council may set aside within the defined area, and designate by exhibiting appropriate signs, areas within which—

- (a) bathing is permitted at all times or is restricted or prohibited;
- (b) boats may be launched or taken up from the river or sea;
- (c) vehicles may be driven to, or from, or turned about at, launching sites;
- (d) the playing of games on the beach is prohibited and areas within which the playing of games is permitted;

- (e) the sale of goods and services is permitted or prohibited;
 - (f) fishing is permitted, prohibited, or is restricted to fishing in a particular manner;
 - (g) fires may be lighted for barbecues; and
 - (h) bathing appliances, either generally or of a particular class, may be used or prohibited.
- (2) The designation of areas under paragraph (b) or (c) of sub-by-law (1) of this by-law has the effect of prohibiting other areas from being used for that purpose.

5. A person shall not—

- (a) bathe in an area in which bathing is prohibited;
- (b) launch a boat from a site or area in which the launching of boats is prohibited;
- (c) play games in an area in which the playing of games is prohibited;
- (d) sell goods or services in an area in which their sale is prohibited;
- (e) fish in an area in which fishing is prohibited, or fish contrary to the restrictions, in an area in which fishing is restricted to fishing in a particular manner.

6. A person shall not, within the defined area—

- (a) create or commit any nuisance or behave in a disorderly or offensive manner or use indecent or improper language;
- (b) enter, pry, look into, or loiter outside, any lavatory, dressing shed or other building or portion of a building expressly reserved for the use of the other sex;
- (c) except to put on or remove a garment or garments worn over a bathing costume, dress or undress or remove or disarrange any part of his bathing costume, in any place open to public view or in any building other than such as is specifically set aside by the Council for the purpose;
- (d) not being a member of a life-saving club acting in the course of his duty, climb on, or over, any building or structure;
- (e) enter any portion or place that has been fenced off or otherwise closed to the public;
- (f) alter, cut, mutilate, deface or disfigure or otherwise damage any building or structure or expectorate or throw lighted matches therein or thereon;
- (g) break, or permit to be broken, any glass, metal, bottle or utensil or deposit or leave any rubbish, refuse, bottle, can, tin, paper, broken glass, china or litter of any kind, other than in receptacles provided for that purpose;
- (h) injure, cut, break, deface, pull up, pick, remove or destroy any tree, shrub, flowers, grass or plant of any kind or description or, without the consent of the Council, plant any such or sow any seed;
- (i) without the written consent of the Council, cut, collect or remove any timber, firewood, stone, sand or other material, other than seaweed;
- (j) consume any intoxicating liquor, except—
 - (i) on a portion of the area leased by the Council on such conditions as permit the consumption of intoxicating liquor thereon; or
 - (ii) on a portion of the area in respect of which the Council has given approval for the consumption of intoxicating liquor, and then only in accordance with any conditions laid down by the Council;
- (k) being obviously under the influence of drink, enter or remain in the area or fail to depart from the area, on being ordered to do so by a beach patrol officer or inspector of the Council;

- (l) not being a servant of the Council or a member of a life-saving club acting in the course of his duty as such, carry or discharge any firearm, air gun or other missile discharging device (other than a speargun) or throw or discharge any firework, stone, spear or other missile;
- (m) load or discharge any speargun, unless the speargun is under water and fifty yards or more from any swimmer, other than a companion spear fisherman;
- (n) drive any mechanically propelled vehicle (other than a boat) except within a part of the area designated for that purpose;
- (o) except in an area set aside for barbecues, light any fire;
- (p) drive a boat into an area where persons are bathing, in such a manner as to cause, or be likely to cause, annoyance or injury to any person bathing or about to bathe;
- (q) ski into any place where bathers are congregated together, to the danger or annoyance of those bathers; or
- (r) play games in such a way as to cause inconvenience and annoyance to persons bathing or using a beach.

7. Unless he has first obtained the consent of the Council in writing, a person shall not, within the defined area—

- (a) bet, or offer to bet, publicly or conduct or take part in any gambling game or contest;
- (b) except in the normal competitive or training activity of a life-saving club or in meetings of such a club convened and held in accordance with its constitution, engage in any public speaking or conduct any meeting, entertainment or competition of an athletic or natatorial nature;
- (c) sell or hire or offer for sale or hire any equipment, goods, produce or merchandise;
- (d) operate any broadcasting or public address system or apparatus, other than those employed or used by a life-saving club in the performance of its functions as such;
- (e) advertise anything by any means, or display or distribute any notice, pamphlet or document;
- (f) solicit, purchase or offer to purchase bottles; or
- (g) operate any radio, record player or radiogram at such volume as to cause annoyance to other persons in or near the area.

8. (1) Except with the permission of the Council, or under the authority of a by-law made under the Dog Act, 1903, a person shall not allow any animal or bird under his control to enter the defined area.

(2) The Council may permit a horse or a donkey to be brought into and remain in the defined area, subject to such conditions as the Council may see fit to impose.

(3) Any animal found in the defined area in contravention of this by-law may be removed and dealt with in accordance with the provisions of the Dog Act, 1903, or as the case may require, any other law relating to the impounding of animals, and any bird found in the defined area in contravention of this by-law may be destroyed.

9. (1) Where the Council sets aside areas in which fishing is prohibited, it shall exhibit signs indicating that fishing is prohibited between the signs.

(2) A person shall not, at any place within the defined area, whether that place is one in which fishing is permitted or not—

- (a) clean fish or cut bait on any seat or handrail;
- (b) leave or deposit fish offal on land or in the sea within 200 yards of any portion of the beach at which persons are swimming or are likely, within twelve hours thereafter, to be swimming; or

(c) without written permission of the Council, fish for sharks by use of set or buoyed lines or use blood or any other lure, for the purpose of attracting sharks.

10. (1) Where the Council sets aside areas or sites for the launching and beaching of boats at any place within the defined area, it shall exhibit signs indicating that the area is one in which that action may be taken.

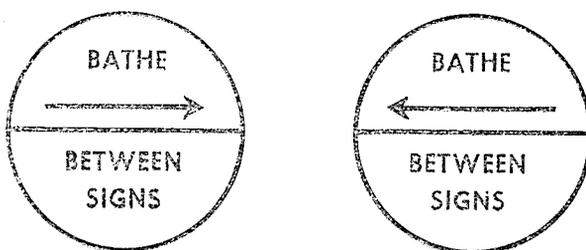
(2) The Council may set aside areas in which boats may be left or parked and a boat may not thereupon be left on the beach in an area other than that so set aside.

(3) Every person using a car or other vehicle to tow a boat to a launching site shall use the road set aside for that purpose and, after the launching, shall withdraw the vehicle from that road to an area set aside for parking in the defined area or, where there is no such area set aside, shall remove the vehicle to a place where it may lawfully be parked.

11. Except with the written permission of the Council obtained at least twenty-four hours in advance, a person shall not within the defined area—

- (a) camp, lodge at night in, or occupy as sleeping quarters, any stall, building, tent or structure of any kind; or
- (b) erect any tent, camp, hut or other structure, other than a beach shade or windbreak erected for use during the hours of daylight and dismantled and removed during those hours on the same day.

12. (1) The authorised person who first commences morning duty shall, during the patrol season approved by the Western Australian State Centre of the Surf Life-Saving Association of Australia and during any additional period for which the Council may maintain its paid beach inspector on duty, immediately upon commencing duty, select what in his opinion is the safest and most suitable part of the patrolled area to be set aside as a bathing area and shall thereupon define the limits of that area by erecting at each extremity thereof either a red and yellow patrol flag at least thirty inches square, the signs depicted and described hereunder, or both those flags and those signs.



Description of Signs.

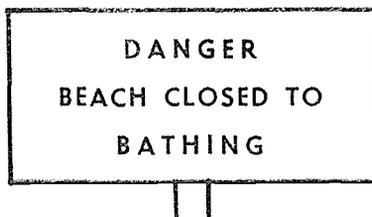
The sign shall have a minimum diameter of twenty-four inches and at its lowest point shall be at least seven feet, and not more than ten feet, above the immediate ground level.

The upper half of each sign shall be painted yellow and the lower half red. The sign shall be lettered in black, with lettering at least three inches high.

(2) The erection of the patrol flags or signs described in this by-law, or both, and their re-erection as hereinafter provided, indicates the bathing area whereat an officer of the Council appointed as a permanent beach patrol or, as the case may be, a surf life-saving club, is, for the time being, providing life-saving services in the defined area.

(3) Where at any time, having regard to prevailing conditions, an authorised person is of the opinion that the bathing area should be changed, he may remove the patrol flags or signs or if the case requires, both, and re-erect them in another position within the area.

(4) If at any time, having regard to prevailing conditions, an authorised person is of the opinion that conditions within the area are so dangerous as to warrant that action, he may close the beach by removing all patrol flags and signs and erecting in a central position within the bathing area a sign such as is depicted and described hereunder.



The sign shall be painted white with red lettering at least three inches in height and shall be at least three feet in length by two feet in width and its lowest point shall be not less than seven feet and not more than ten feet above the immediate ground level.

(5) During any time life-saving services are not provided in the bathing area, an authorised person shall remove all the patrol flags and signs referred to in this by-law.

(6) An authorised person may—

- (a) place any life-saving gear or appliance in a position on the defined area considered by him to be the most suitable;
- (b) set aside a roped enclosure not greater than twelve feet square, for the exclusive use of members of a life-saving patrol;
- (c) order the discontinuance of use within a bathing area of bathing appliances (either generally or a particular class) which, in his opinion, could cause inconvenience or danger to bathers; and
- (d) require any or all persons to leave the water within the bathing area or any part thereof, during the course of any rescue.

(7) During the presence in or near a bathing area of a shark or other danger, an authorised person may cause a shark alarm to be given by the prolonged ringing of a shark alarm bell or a long blast on a shark alarm siren and the erection of a red and white quartered flag upon the lookout tower or some other prominent position, or by the holding of a red and white quartered flag stationary above the head; and when the authorised person is of the opinion that there is no longer any danger, he shall cause the signal, "all clear", to be given, by a short ringing of the shark alarm bell or a short blast on the shark alarm siren followed by the taking down of the red and white quartered flag.

(8) The Council may set aside and designate by signs a part of the patrolled area (other than the bathing area) for use by persons using bathing appliances, either generally or of the particular class concerned, at any time during which the discontinuance of use of bathing appliances (either generally or of a particular class) is ordered pursuant to paragraph (c) of sub-by-law (6) of this by-law, and the part so set aside may be defined by notice, flag or such other means as may be thought necessary.

(9) Every member of a life-saving patrol shall wear a red and yellow quartered swimming cap, whilst engaged on patrol.

13. (1) The Council may, from time to time, authorise a life-saving club to—

- (a) set apart, temporarily, any part of the defined area, for the holding a life-saving competition;
- (b) enclose a competition area with rope, hessian, wire or other means;
- (c) divide a competition area into sections, some of which may be set aside for use by the public and some of which may be set aside for competition use only, but so that the areas are clearly defined as to the nature of their respective uses; and

- (d) fix the terms and conditions of entry of the public into a competition area, but so that the terms and conditions of such entry shall be clearly defined by notice erected at each end and at every entrance of the competition area.
- (2) During the period of the authorisation provided by sub-by-law (1) of this by-law, a person shall not—
- (a) enter into or remain within a competition area, except upon compliance with the conditions of admission indicated by notices at the entrance or entrances to the areas;
 - (b) being a member of the public, enter upon any part of the competition area set aside for competition use; or
 - (c) do any act or thing to create, or which is likely to create, any interruption or interference to the smooth running of the competition.
14. (1) Any person over the age of four years bathing within defined area in water exposed to the public view or using the beach for sun-bathing in the public view, shall, in order to secure the observance of decency, be properly and adequately clad.
- (2) Where a beach patrol officer or inspector appointed by the Council considers that the costume or other clothing of any person using the defined area is not proper and adequate to secure decency, the officer or inspector may order that person to put on adequate clothing, and if that person refuses, he may be removed from the defined area by that officer or inspector.
15. A person shall not within the defined area—
- (a) swim out to sea to such a distance that, in the event of his becoming in danger or difficulty, the life of anyone attempting to rescue him might be endangered;
 - (b) bathe in any place that has, by notice erected by the Council or by an authorised person, been declared as—
 - (i) closed to bathing;
 - (ii) dangerous; or
 - (iii) reserved for the launching and beaching of surf boats operated by a life-saving club;
 - (c) use a bathing appliance (either generally or of a particular class) in a bathing area where the use of that appliance has been prohibited, either by notice or the verbal order of an authorised person pursuant to by-law 12 of these by-laws, or use a bathing appliance in such a way as to cause, or be likely to cause, danger, injury or annoyance to any other person;
 - (d) fail to leave the water during the course of a rescue, when so required by an authorised person;
 - (e) fail to leave the water within the bathing area after a shark alarm has been given pursuant to sub-by-law (7) of by-law 12 of these by-laws;
 - (f) bathe within a bathing area after a shark alarm has been given and before the signal of "all clear" has been given;
 - (g) assist or attempt to assist in the use of any life-saving gear or appliance or in any way interfere with its use, unless so requested or authorised, by an authorised person or a member of a life-saving patrol;
 - (h) interfere with, damage, or destroy any notice, life-saving gear or appliance;
 - (i) place any clothing, towel or any other object, matter or thing on any notice, life-saving gear or appliance;
 - (j) encroach upon any area in which any life-saving gear or appliance is located or is being used or in which life-saving or first aid treatment is being administered to any person;
 - (k) obstruct any authorised person or member of a life-saving patrol providing life-saving services;
 - (l) enter upon or loiter in any roped enclosure set aside for the exclusive use of members of a life-saving patrol pursuant to these by-laws;

- (m) refuse to remove any beach umbrella, sunshade, beach coat or any other thing in his control that may impair the view of the bathing area from the roped enclosure set aside for the exclusive use of members of a life-saving patrol pursuant to these by-laws;
- (n) unless he is a member of a life-saving patrol on duty, wear a red and yellow quartered swimming cap, in, or upon, any bathing area;
- (o) unless he is an inspector appointed by the Council pursuant to these by-laws, wear a badge bearing the words, "Beach Inspector";
or
- (p) in any way interfere with any other person in the defined area.

16. (1) The Council may appoint any of its members or employees to be an inspector under these by-laws.

(2) The Council may appoint any member of a life-saving club to be an inspector under these by-laws, but a member so appointed shall not prosecute any person for a breach of any provisions of these by-laws, but shall report the breach to the Council for such action as it may care to take.

(3) Every person appointed an inspector as provided by this by-law shall be given a certificate of his appointment and shall have issued to him a badge bearing the words, "Beach Inspector"; and the wearing of such badge or the production of the badge or of the certificate of appointment, by a person exercising authority under these by-laws, is *prima facie* evidence of the appointment and authority.

(4) Every member of the Western Australian Police Force has the power of an inspector under these by-laws.

(5) An inspector or authorised person finding any person committing, or attempting to commit, a breach of any of the provisions of these by-laws may demand of that person his name and current and usual place of abode, and shall thereafter report the fact of the breach and the name and place or places of abode of the offending person to the Council, as soon as practicable.

(6) Every person who refuses to state his name and place or places of abode to an inspector or authorised person is guilty of an offence.

17. Every person who fails to do any thing required under these by-laws to be done or who does or attempts to do anything prohibited by these by-laws is guilty of an offence and is liable to a penalty of fifty pounds.

18. Nothing in these by-laws derogates from the effect of the Navigable Waters Regulations or any regulations made by virtue of the Fremantle Harbour Trust Act, 1902-1960 and to the extent that there is any inconsistency between the provisions of these by-laws and any of those regulations, the provisions of the latter shall prevail.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the City of South Perth.

By-law Relating to Building Lines.

By-law No. 6—Melville Parade Building Line.

L.G. 697/60.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 11th day of December, 1963, to make and submit for confirmation by the Governor the following repeal of By-law No. 6—Melville Parade Building Line and the remaking thereof.

1. The whole of By-law No. 6—Melville Parade Building Line is hereby repealed and the following substituted in lieu thereof.

2. A building line is fixed on the east side of Melville Parade from the intersection of the northern alignment of Thehna Street and the east side of Melville Parade to the intersection of the southern alignment of Eric Street and the eastern alignment of Melville Parade.

Dated this 19th day of December, 1963.

The Common Seal of the City of South Perth
was affixed hereto in the presence of—

W. C. G. THOMAS,
Mayor.
E. J. JOHNSON,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 30th day of January, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

Municipality of City of Fremantle.

By-laws Relating to Building Lines.

L.G. 17/55.

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 17th day of June, 1963, to make and submit for confirmation by the Governor the following by-laws:—

1. By-law No. 213 for the provision of new building lines within the City of Fremantle is hereby further amended by the addition of the following:—

(i) Add to Second Schedule:

The corners numbers 150 and 151 on the said Plan are to be truncated as follows:—

With chord of 91 links.

Corner No. 150—Truncation (links) 60.

With chord of 45.4 links.

Corner No. 151—Truncation (links) 32.97.

Dated the 25th day of October, 1963.

The Common Seal of City of Fremantle was
hereto affixed this 25th day of October,
1963, pursuant to a resolution passed this
17th day of June, 1963.

[L.S.]

W. FRED SAMSON,
Mayor.
N. J. C. McCOMBE,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 30th day of January, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

Municipality of the Shire of Dundas.

Draft Model By-laws Relating to Storage of Inflammable Liquid No. 12.

L.G. 42/64.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the Shire of Dundas hereby records having resolved on the 11th day of December, 1963, to adopt Draft Model By-laws published in the *Government Gazette* on the 29th day of May, 1963, viz.:—

Local Government Model By-laws (Storage of Inflammable Liquid) No. 12.—The whole of the by-laws.

Dated the 20th day of January, 1964.

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

[L.S.]

H. DEHRING,
President.
V. A. DUNN,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 30th day of January, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

Municipality of the Town of Albany.

By-laws Relating to Zoning.

Amendment—By-law No. 19.

L.G. 691/61.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 12th day of November, 1963, to make and submit for confirmation by the Governor the following by-laws:—

That by-law No. 19—Land Use (Zoning) which was published in the *Government Gazette* on the 19th July, 1956, be amended as follows:—

Thirteenth Schedule—Service Station Area.

Add new clause "all land being lot P48, corner Albany Highway and Meyers Way."

Dated 18th day of December, 1963.

The Common Seal of the Town of Albany was hereunto affixed pursuant to a resolution of the Council and in the presence of—

[L.S.]

C. E. COURTIS,
Deputy Mayor.
F. R. BRAND,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 30th day of January, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.
Municipality of the Town of Albany.
By-laws Relating to Zoning.
Amendment—By-law No. 19.

L.G. 691/61.

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 14th day of October, 1963, to make and submit for confirmation by the Governor the following by-laws:—

That by-law No. 19—Land Use (Zoning) which was published in the *Government Gazette* on the 19th July, 1956, be amended as follows:—

Seventh Schedule—Rural Areas.

Add after "lot 837" last line clause (b) "excluding lots 697 and 698, Troode Street."

Eleventh Schedule—Drive-In Theatre Area.

Add "lots 697 and 698, Troode Street."

Dated 17th day of December, 1963.

The Common Seal of the Town of Albany was hereunto affixed pursuant to a resolution of the Council and in the presence of—

[L.S.]

C. E. COURTIS,
Deputy Mayor.
F. R. BRAND,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 30th day of January, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Balingup.

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

L.G. 34/64.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 16th day of October, 1963, to adopt the draft Model By-laws published in the *Government Gazette* of the 7th day of September, 1961:—

Local Government Model By-law (Prevention of Damage to Streets) No. 1.—The whole of the by-law.

Dated this 15th day of January, 1964.

The Common Seal of the Municipality was hereto affixed this 15th day of January, 1964, in the presence of—

[L.S.]

D. WAUCHOPE,
President.
L. W. SMITH,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 30th day of January, 1964.

R. H. DOIG,
Clerk of the Council.

THE LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Balingup.

Adoption of Draft Model By-laws relating to Extractive Industries.

L.G. 33/64.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 16th day of October, 1963, to adopt the draft Model By-law published in the *Government Gazette* of the 8th day of November, 1962:—

Local Government Draft Model By-law (Extractive Industries)
No. 9.—The whole of the by-law.

Dated this 15th day of January, 1964.

The Common Seal of the Municipality was
hereto affixed this 15th day of January,
1964, in the presence of—

[L.S.]

D. WAUCHOPE,
President.

L. W. SMITH,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 30th
day of January, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Balingup.

Adoption of Draft Model By-laws Relating to Signs, Hoardings and Billposting.

L.G. 35/64.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 16th day of October, 1963, to adopt such of the Draft Model By-laws published in the *Government Gazette* of the 11th day of June, 1963, with such alterations as here set out:—

Local Government Draft Model By-law (Signs, Hoardings and
Billposting) No. 13.—By-law No. 38 is deleted.

Dated this 15th day of January, 1964.

The Common Seal of the Municipality was
hereto affixed this 15th day of January,
1964, in the presence of—

[L.S.]

D. WAUCHOPE,
President.

L. W. SMITH,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 30th
day of January, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT.

The Municipality of the Shire of Balingup.

Adoption of Draft Model By-laws Relating to Storage of Inflammable Liquids.

L.G. 36/64.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 16th day of October, 1963, to adopt the Draft Model By-laws published in the *Government Gazette* of the 29th day of May, 1963, as here set out:—

Local Government Draft Model By-law (Storage of Inflammable Liquids) No. 12.—The whole of the by-laws.

Dated this 15th day of January, 1964.

The Common Seal of the Municipality was hereto affixed this 15th day of January, 1964, in the presence of—

[L.S.]

D. WAUCHOPE,
President.

L. W. SMITH,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 30th day of January, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Cockburn.

By-laws Relating to the Classifying of the District.

L.G. 291/62.

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 November, 1963, to make and submit for confirmation by the Governor the following by-laws:—

The by-laws of the Cockburn Shire Council (formerly Cockburn Road Board) passed at an ordinary meeting of the Cockburn Road Board held on the 23rd day of October, 1957, and published in the *Government Gazette* of the 17th day of April, 1958, as amended from time to time thereafter, are hereby further amended by a new by-law reading as follows:—

1. Schedule 5—Special Industry: Add new paragraph as follows:—
 - (d) All that area of land comprised in lots 3 and 5 of Cockburn Sound Location 406 and lot 4 of J.A.A. Location 298, Jandakot.

Dated this 25th day of November, 1963.

[L.S.]

J. H. COOPER,
President.

E. L. EDWARDES,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 30th day of January, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Cockburn.

By-law—Fencing.

L.G. 1158/63.

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 11th day of December, 1963, to make and submit for confirmation by the Governor the following by-laws:—

1. Interpretation:—

“Council” means the Council of the municipality.

“Dangerous fence” means any fence or wall certified by the Surveyor to be dangerous by reason of its faulty design, construction, deterioration of constituent materials, damage by termites, changes in ground level, or other causes subsequent to construction.

“dividing fence” means a fence that separates the lands of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary.

“fence” means any fence or wall and includes a retaining wall.

“Residential Area” means any area which is set apart in a Town Planning Scheme or in Zoning By-laws as a residential site or in the absence of any Town Planning Scheme or Zoning By-laws means land in a street of which the majority of lots are occupied by houses.

“sufficient fence” means a sufficient fence relating to dividing fences on boundaries between lots or other holdings and is more particularly set forth in Schedules No. 1 and 2.

“Surveyor” means the Building Surveyor to the municipality.

2. A person shall not commence to erect, proceed with the erection, rebuild, reconstruct or alter any fence, hood, pergola or ornamental hood to gateways or attached to a fence exceeding three feet six inches in height abutting on or within 10 feet of a street alignment unless and until he has lodged with the Council two copies of the plan and specification of the proposed fence or the proposed alterations or reconstruction and the Council has approved a copy of the plan and specification.

3. A person shall not commence to erect, proceed with the erection, rebuild, reconstruct or alter any fence exceeding six feet in height on any boundary line until he has lodged with the Council a copy of the plan and specification of the fence proposed to be built, rebuilt or reconstructed and the Council has approved of that plan and specification.

4. A person shall not erect a fence on the frontage or side of an allotment at the intersection of two streets which exceeds the height of three feet six inches for a distance of 30 feet from the intersection. The fence on the side street shall be constructed for a distance from the corner of at least 30 feet, along that street of design and materials similar to those on the fence along the frontage of the allotment. In a gazetted Industrial Area a link mesh fence may be permitted of a greater height than three feet six inches if the Council is satisfied that it does not materially affect the visibility of the intersection and its approaches in respect of the drivers of vehicles in either street.

5. A person shall not erect or affix or allow to remain upon any fence surrounding property owned or occupied by him in a residential area any barbed wire, broken glass, or other wire with spiked or jagged projections, nor shall he erect or affix or allow to remain any such barbed wire, broken glass or other wire with spiked or jagged projections on any fence in a Business or Industrial Area except barbed wire which is not less than seven feet vertically above the level of the ground immediately thereunder. Where the fence is erected on the alignment of a street or public place broken glass shall not be permitted.

6. A person shall not cover any fence with secondhand galvanised iron or other secondhand material unless he shall have received the written consent of the Council, which consent the Council may, in its discretion, grant or refuse on such terms and conditions as it deems fit, but no galvanised iron shall be used within 25 feet of a street in any Residential Area.

7. A person may construct a fence of brick, concrete, masonry, wrought iron, tubular steel, link mesh or timber sheeted with pickets, palings, boarding or asbestos, new galvanised iron or other materials approved by the Council, but no galvanised iron may be used within 25 feet of a street. In Rural Areas, in addition to the foregoing materials, a fence may be erected of posts and wire or posts and rails.

8. A person desiring to erect a retaining wall shall submit a plan and specification and, when required by the Surveyor, engineering calculations in respect of retaining walls exceeding four feet in height and these must be approved by the Surveyor before the construction of the wall may be commenced.

9. The owner or occupier of any land on which a fence is located, which is certified by the Surveyor to be dangerous, shall at his own expense when required by the Council so to do, take down, repair or rebuild such fence within the period stipulated, any such requisition being a period not exceeding 35 days and if he fails to take down, repair or rebuild the fence, the Council may enforce its wishes under sections 403 and 404 of the Local Government Act, 1960.

10. (i) The owner or occupier of any land on which a fence is located shall keep such fence in good repair. Where in the opinion of the Surveyor any portion of a fence within 25 feet of the street alignment is in need of repair or of painting, the Surveyor may serve on the owner or occupier a notice to repair or to repair and paint or to paint such fence. Any owner or occupier who refuses or neglects within a period of 14 days after the serving of the notice to carry out the repair or painting in accordance with the request, commits an offence under this by-law.

The Council may enforce the order to repair or paint under the provisions of section 407 to 411 both inclusive of the Local Government Act, 1960.

(ii) The repairing and maintaining of other fences or portions of fences not within 25 feet of a street alignment shall be carried out in accordance with the provisions of the Dividing Fences Act, 1961.

11. A fence constructed to the specifications shown in Schedules One and Two shall be considered a sufficient fence for the purpose of the Dividing Fences Act, 1961.

12. Any person who does anything in contravention of any provisions of this by-law or who fails to carry out a duty or requirement under this by-law commits an offence. Penalty £50.

Schedule One.

FENCES IN RESIDENTIAL ZONES.

(a) Dividing fence alongside boundary:—

For a distance of 25 feet from the street alignment the fence shall comprise either—

- (i) a brick or concrete wall of a height of not more than two feet; or
- (ii) link mesh or other approved material extending to a height of not more than three feet six inches above the ground.

Thereafter the fence shall be as follows:—

Front corner posts shall be 5 in. x 5 in. x 6 ft. and rear corner posts shall be 5 in. x 5 in. x 7 ft. and intermediate posts shall be 5 in. x 3 in. x 7 ft. all spaced at not more than nine feet centres.

All posts shall have tops with 1½ in. weather and shall be sunk at least two feet into the ground.

Corner posts shall be strutted two ways with 4 in. x 2 in. soles and 3 in. x 2 in. struts.

Intermediate posts shall be double yankee strutted with 6 in. x 1 in. x 18 in. struts.

Posts shall be checked for two rows of rails.

Rails shall be 3 in. x 2 in. each rail spanning two bays of fencing with joints staggered.

Fence other than of brick or concrete shall be covered for the first 25 feet with link mesh or other approved material and for the next bay by 3 in. x $\frac{3}{4}$ in. sawn pickets or palings of graduated length rising from three feet six inches to five feet.

Thereafter fence shall be covered with 3 in. x $\frac{3}{4}$ in. x 5 ft. sawn pickets or palings.

All pickets or palings shall be placed three inches apart and shall be double nailed to each rail.

(b) Dividing fence along rear boundary:—

Corner posts shall be 5 in. x 5 in. x 7 ft. and intermediate posts shall be 5 in. x 3 in. x 7 ft. spaced at not more than nine feet centres.

All posts shall have tops with 1½ in. weather and shall be sunk at least two feet into the ground.

Corner posts shall be strutted two ways with 4 in. x 2 in. soles and 3 in. x 2 in. struts.

Intermediate posts shall be double yankee strutted with 6 in. x 1 in. x 18 in. struts.

Posts shall be checked for two rows of rails.

Rails shall be 3 in. x 2 in. each rail spanning two bays of fencing with joints staggered.

Fence shall be covered with 3 in. x $\frac{3}{4}$ in. x 5 ft. sawn pickets or palings placed three inches apart, double nailed to each rail.

Schedule Two.

RURAL ZONES.

The fence shall be erected from sawn, split or round wooden posts set not less than 24 inches in the ground and not less than 48 inches out of the ground and spaced not more than 12 feet apart with strainer posts set three feet six inches in the ground and suitably and securely strutted at all corners, gateways and fence line angles but not exceeding 10 chains apart. Each fence post shall be bored with not less than five half-inch suitably spaced holes, to be threaded with not less than five plain galvanised wires. Wire shall be wrapped around strainer and strained tight.

The following materials shall be used:—

- (a) Wire.—Shall be high tensile wire and not less than 12½ gauge.
- (b) Posts.—If of paperbark, jam, white gum, jarrah or other indigenous timber, be cut not less than six feet long by four inches diameter at small end if round or 5 in. x 2½ in. if split or sawn.
- (c) Strainer Posts.—Not less than seven feet six inches long and six inches diameter at small end shall be cut from indigenous timbers.
- (d) Barbed Wire.—A barbed wire may be affixed along the top of the fence or on the inside of such fence.

Dated this 8th day of January, 1964.

[L.S.]

J. H. COOPER,
President.

E. L. EDWARDES,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 30th day of January, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Cockburn.

By-laws Relating to the Classifying of the District.

L.G. 291/62.

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 November, 1963, to make and submit for confirmation by the Governor the following by-laws:—

The by-laws of the Cockburn Shire Council (formerly Cockburn Road Board) passed at an ordinary meeting of the Cockburn Road Board held on the 23rd day of October, 1957, and published in the *Government Gazette* of the 17th day of April, 1958, as amended from time to time thereafter, are hereby further amended by a new by-law reading as follows:—

1. Schedule 6—Shopping Areas: Add new paragraph as follows:—

(19) Portion of Cockburn Sound Location 10 being lot 14 on Plan No. 7744.

Dated this 25th day of November, 1963.

J. H. COOPER,
President.

[L.S.]

E. L. EDWARDES,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 30th day of January, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

Municipality of the Shire of Canning.

By-laws Amending By-laws Classifying South, Central, North and West 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 24th September, 1962, 21st April, 1963, and 27th May, 1963, to make and submit for confirmation by the Governor the following by-laws:—

1. The Eleventh Schedule (Special Zones) is amended by the addition thereto of the following:—

Portion of Canning Location 5 and being lots 52 to 55 inclusive, River Street, and lots 33 and 34, Woodloes Street, to be used as a nursery for the propagation and cultivation of native plants and wild flowers.

2. The Fifth Schedule (Business Zones) is amended by the addition thereto of the following:—

Marjorie Avenue—Portion of Canning Location 25 and being lot 4 on Plans 4386 and 4387.

Albany Highway—Portion of Canning Location 2 and being lot 23 on Plan 2731 and Diagram 12279.

3. The Eighth Schedule (Stable Zones) is amended by deleting therefrom the whole of subsection (a) under Central Ward, which covers the area enclosed by Upnor Street, Watts Road, Fern Street, Chapman Road, Manning Road and Riverton Road.

4. The Tenth Schedule (Showroom Warehouse Zones) is amended by deleting therefrom lot 28, Albany Highway, on Plan 2731 and Diagram 12279.

Dated this 10th day of December, 1963.

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

[L.S.]

A. T. MALEY,
Deputy President.
N. I. DAWKINS,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 30th day of January, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of Shire of Perth.

By-laws Relating to Removal of Obstructing Animals and Vehicles.

L.G. 853/60.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 30th day of July, 1963, to make and submit for confirmation by the Governor the following by-laws:—

The by-laws of the Shire of Perth published in the *Government Gazette* of the 29th day of June, 1960, are hereby amended in the following manner:—

Paragraphs (3) and (4) of by-law 180 as inserted by notification in the *Government Gazette* of the 5th January, 1961, are deleted and the following new paragraphs are inserted in their place:—

(3) No person shall on any part of a street (whether or not such part of the street be paved or not) without the consent of the Council leave any vehicle or any part of a vehicle which is not capable of being driven away under its own power provided that it shall not be an offence under this paragraph to leave for no longer than is reasonably necessary a motor vehicle which while in transit has suffered a mechanical break-down rendering it impossible or unsafe for it to be driven.

(4) No person shall in any street, way, footpath or other public place without the consent of the Council—

- (a) park a vehicle for any period exceeding twenty-four hours; or
- (b) tether an animal for any period exceeding eight hours; or
- (c) leave any animal or vehicle so as to obstruct any portion of the street, way, footpath or other public place.

(5) When a vehicle or animal obstructs any portion of a street, way, footpath or other public place, a member of the West Australian Police Force or the Clerk may by his servants or agents seize such animal or vehicle and remove it—

- (a) in the case of an animal to a public pound; and
- (b) in the case of a vehicle to the Council Depot, Cedric Street, Osborne Park.

(6) When an animal has been placed in a public pound in accordance with this by-law it shall be dealt with in manner authorised for animals lawfully impounded.

(7) When a vehicle has been removed to the Council Depot in accordance with this by-law the Clerk shall enter in a register to be kept by the Council details of the date and time of its removal the place from which it was removed and a description of the vehicle.

(8) The Clerk shall exhibit on the Notice Board of the Council a notification that the vehicle described in the notice has been seized and removed to the Council Depot, Cedric Street, Osborne Park, and shall, unless the vehicle be sooner recovered, keep that notification exhibited for a period of not less than seven days.

(9) A person may recover a vehicle seized in pursuance of these by-laws, by paying to the Clerk—

(a) the cost incurred in removing the vehicle; and

(b) the sum of ten shillings per day for each day or part of a day that the vehicle has remained in the Council Depot.

and upon payment of those costs and charges the Clerk, if satisfied that the person is the owner of the vehicle or is a person entitled to possession of the vehicle, shall permit him to remove it.

(10) Where a vehicle seized and removed to the Council Depot in accordance with this by-law has not been recovered by the owner or a person entitled thereto within one month from the day upon which it was seized, the Council may cause the vehicle to be offered for sale by public auction or by public tender and accept the best offer made; and where no offer has been made for the purchase of the vehicle, the Council may dispose of it in such manner as it shall determine.

(11) The proceeds of the sale of a vehicle under the provisions of this by-law shall be applied by the Council—

(a) firstly, in meeting the costs of the sale; and

(b) secondly, in meeting the cost of removal of the vehicle to the Council Depot, and a sum of ten shillings for each day or part of a day that the vehicle remained in that place; and

(c) thirdly, in payment of the balance to the person who satisfies the Council that he was the owner of the vehicle at the time of its sale by the Council.

Dated this 30th day of July, 1963.

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

[L.S.]

HERBERT R. ROBINSON,
President.
LLOYD P. KNUCKEY,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 30th day of January, 1964.

R. H. DOIG,
Clerk of the Council.

COUNTRY AREAS WATER SUPPLY ACT, 1947-1960.

THE Minister for Water Supply, Sewerage and Drainage, acting pursuant to the powers conferred by section 105 of the Country Areas Water Supply Act, 1947-1960, has been pleased to make the by-laws set out in the schedule hereto.

(Sgd.) J. McCONNELL,
Under Secretary for Works and Water Supply.

Schedule.

By-laws.

Principal
by-laws.

1. In these by-laws the by-laws made under and for the purposes of the Country Areas Water Supply Act, 1947-1960, published in the *Government Gazette* on the 20th June, 1957, and amended from time to time thereafter by notices published in the *Government Gazette*, are referred to as the principal by-laws.

By-law 89
amended.

2. Paragraph (e) of by-law 89 of the principal by-laws is amended by adding after the passage, "Yarloop;" in the last line of subparagraph (ii), the passage, "Australind; Capel; Eaton; Hamel; Boyanup;"

Schedule
amended.

3. The Schedule to the principal by-laws is amended by adding after the table, "(105) Balingup Rating Zone.", the following tables:—

(106) Australind Rating Zone.

Purpose for which Water is Supplied or Class of Water Service.	Price of Water per 1,000 Galls.	
	s.	d.
Water in return for amount of rates paid or for charges in lieu of rates	4	0
Water supplied in excess of quantity allowed for rate or minimum charge—		
Domestic (including domestic gardens)	3	0
Trading and all other services not otherwise specified	4	0
Building Fees—Refer to By-law 99.		

(107) Capel Rating Zone.

Purpose for which Water is Supplied or Class of Water Service.	Price of Water per 1,000 Galls.	
	s.	d.
Water in return for amount of rates paid or for charges in lieu of rates	4	0
Water supplied in excess of quantity allowed for rate or minimum charge—		
Domestic (including domestic gardens)	3	0
Trading and all other services not otherwise specified	4	0
Building Fees—Refer to By-law 99.		

(108) Eaton Rating Zone.

Purpose for which Water is Supplied or Class of Water Service.	Price of Water per 1,000 Galls.	
	s.	d.
Water in return for amount of rates paid or for charges in lieu of rates	4	0
Water supplied in excess of quantity allowed for rate or minimum charge—		
Domestic (including domestic gardens)	3	0
Trading and all other services not otherwise specified	4	0
Building Fees—Refer to By-law 99.		

(109) Hamel Rating Zone.

Purpose for which Water is Supplied or Class of Water Service.	Price of Water per 1,000 Galls.	
	s.	d.
Water in return for amount of rates paid or for charges in lieu of rates	4	0
Water supplied in excess of quantity allowed for rate or minimum charge—		
Domestic (including domestic gardens)	3	0
Trading and all other services not otherwise specified	4	0
Building Fees—Refer to By-law 99.		

(110) Boyanup Rating Zone.

Purpose for which Water is Supplied or Class of Water Service.	Price of Water per 1,000 Galls.	
	s.	d.
Water in return for amount of rates paid or for charges in lieu of rates	4	0
Water supplied in excess of quantity allowed for rate or minimum charge—		
Domestic (including domestic gardens)	3	0
Trading and all other services not otherwise specified	4	0
Building Fees—Refer to By-law 99.		

BULK HANDLING ACT, 1935-1963.

Department of Agriculture,
South Perth, 30th January, 1964.

HIS Excellency the Governor in Executive Council, acting under the provisions of section 26 and section 41 of the Bulk Handling Act, 1935-1963, has been pleased to make the regulations set out in the schedule hereunder.

T. C. DUNNE,
Director of Agriculture.

Schedule.

Regulations.

1. In these regulations, the regulations under the Bulk Handling Act, 1935 (as amended), published in the *Government Gazette* on the 31st January, 1936, and amended thereafter from time to time, by regulations published in the *Government Gazette*, are referred to as the principal regulations.
2. Regulation 2 of the principal regulations is amended—
 - (a) by substituting for the expression, "1961/62" therein occurring, the expression, "1962/63"; and
 - (b) by substituting for the expression, "2/4.20782", wherever therein occurring, the expression, "3/3.49498", in each case.

MINING ACT, 1904-1963.

Department of Mines,
Perth, 30th January, 1964.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Mining Act, 1904-1963, has been pleased to make the regulations set out in the schedule hereunder.

(Sgd.) A. H. TELFER,
Under Secretary for Mines.

Schedule.

Regulations.

- Principal regulations.
1. The regulations made under the provisions of the Mining Act, 1904-1963, as printed pursuant to the Reprinting of the Regulations Act, 1954, and published as so reprinted in the *Government Gazette* on 14th January, 1959, and amended from time to time thereafter by notices published in the *Government Gazette*, are referred to in these regulations as the principal regulations.
- Reg. 205F amended.
2. Regulation 205F of the principal regulations is amended by substituting for the passage, "31st December, 1960" in the last line the passage, "31st December, 1963."

BETTING CONTROL ACT, 1954-1963.

Totalisator Agency Board,
Perth, 30th January, 1964.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by section 33 of the Betting Control Act, 1954-1963, has been pleased to make the regulations set forth in the schedule hereunder.

J. P. MAHER,
Chairman, Totalisator Agency Board.

Schedule.

Regulations.

- Principal regulations. 1. In these regulations the Betting Control Regulations, 1955, published in the *Government Gazette* on the 6th May, 1955, and amended from time to time thereafter by notices published in the *Government Gazette*, are referred to as the principal regulations.
- Reg. 95 amended. 2. Regulation 95 of the principal regulations is amended by inserting after the word, "Divisions" where it appears in line four of paragraph (c), in line eight of paragraph (d) and again in line two of paragraph (f) of subregulation (2), the passage, "Consolation Races" in each case.
- Rule 6 in First Appendix amended. 3. Rule 6 in the First Appendix to the principal regulations is amended—
- (a) by substituting for the word, "seven" in line four of subrule (2), the word, "eight";
 - (b) by substituting for the words, "five or six" in lines five and six of subrule (2), the passage, "five, six or seven";
 - (c) by substituting for the word, "seven" in line one of paragraph (a) of subrule (4), the word, "eight"; and
 - (d) by substituting for the words, "five or six" in line one of paragraph (b) of subrule (4), the passage, "five, six or seven".

TOTALISATOR AGENCY BOARD BETTING ACT, 1960-1963.

Totalisator Agency Board,
Perth, 30th January, 1964.

HIS Excellency the Governor in Executive Council has been pleased to approve of the regulations set forth in the schedule hereunder, made by the Totalisator Agency Board pursuant to the provisions of section 57 of the Totalisator Agency Board Betting Act, 1960-1963.

J. P. MAHER,
Chairman, Totalisator Agency Board.

Schedule.

Regulations.

- Principal regulations. 1. In these regulations the Totalisator Agency Board Betting Regulations, 1961, published in the *Government Gazette* on the 8th February, 1961, and amended from time to time thereafter by notices published in the *Government Gazette*, are referred to as the principal regulations.
- Reg. 35 amended. 2. Regulation 35 of the principal regulations is amended by inserting after the word, "Divisions" where it occurs in line one of each of subparagraph (iii) of paragraph (a), subparagraph (ii) of paragraph (b), and subparagraph (iv) of paragraph (d), the passage, "Consolation Races", in each case.