



Government Gazette

OF

WESTERN AUSTRALIA

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No. 30]

PERTH : FRIDAY, 3rd APRIL

[1964

HEALTH ACT, 1911-1962.

Shire of Dundas.

WHEREAS it is provided in the Health Act, 1911, as amended, that a local authority may, of its own motion, by resolution, adopt with or without modification, the whole or any portion of by-laws caused to be prepared by the Governor under the provisions of section 343 (1) of that Act; and whereas Model By-laws, described as Series "A," prepared in accordance with those provisions, and duly amended, have, pursuant to the Reprinting of Regulations Act, 1954, been reprinted with amendments to and including that published in the *Government Gazette* on 25th June, 1963, and as so reprinted have been published in the *Government Gazette* on 17th July, 1963: Now, therefore, the Dundas Shire Council, being a local authority within the meaning of the said Act, doth hereby resolve and determine that the said Model By-laws, as so reprinted and published in the *Government Gazette* on the 17th July, 1963, shall be adopted without modification, and doth hereby prescribe the following scale of fees as applied to Schedule "D" of Part IX of the adopted by-laws:—

Offensive Trade.		Fee Per Annum.
		£ s. d.
Slaughterhouses	.....	2 0 0
Piggeries	.....	2 0 0
Skin sheds	.....	10 0
Fat melting, fat extracting or tallow melting establishments	.....	1 0 0
Marine Stores	.....	1 0 0
Chemical works	.....	1 0 0
Cleaning establishments and dye works	.....	1 0 0
Poultry processing establishments	.....	2 0 0
Knackeries	.....	2 0 0

Passed at a meeting of the Dundas Shire Council this 8th day of January, 1964.

H. DEHRING,
President.

V. A. DUNN,
Shire Clerk.

Approved by His Excellency the Governor in Executive Council this 18th day of March, 1964.

R. H. DOIG,
Clerk of the Council.

WESTERN AUSTRALIAN MARINE ACT, 1948-1962.

Harbour and Light Department,
Fremantle, 12th February, 1964.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the Western Australian Marine Act, 1948-1962, has been pleased to make the regulations set forth in the schedule hereunder.

(Sgd.) K. G. FORSYTH,
Manager.

Schedule.

Regulations.

1. In these regulations the Western Australian Marine Act, 1948, Regulations for Swinging Ships, as reprinted pursuant to the Reprinting of Regulations Act, 1954, and published in the *Government Gazette* on the 22nd October, 1958, are referred to as the principal regulations.

2. Regulation 2 of the principal regulations is amended by substituting for the scale of fees appearing therein, the following scale:—

	£	s.	d.
For vessels up to 250 tons gross register	5	5	0
For vessels over 250 tons and up to 1,000 tons gross register	6	6	0
For vessels over 1,000 tons and up to 3,000 tons gross register	8	8	0
For vessels over 3,000 tons gross register	12	12	0

WESTERN AUSTRALIAN MARINE ACT, 1948-1962.

Harbour and Light Department,
Fremantle, 12th February, 1964.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by the Western Australian Marine Act, 1948-1962, has been pleased to make the regulations set out in the schedule hereunder.

(Sgd.) K. G. FORSYTH,
Manager.

Schedule.

Regulations.

1. In these regulations the Western Australian Marine Act, 1948 (Survey and Equipment) Regulations, as printed pursuant to the Reprinting of Regulations Act, 1954, and published as so reprinted in the *Government Gazette* on the 22nd October, 1958, with all amendments to and including those published in the *Government Gazette* on the 27th June, 1952, and as amended by notices published in the *Government Gazette* on the 1st April, 1960, and the 7th February, 1963, are referred to as the principal regulations.

2. Regulation 75 of the principal regulations is amended by adding, after subregulation (3), the following subregulation:—

(4) Notwithstanding the provisions of subregulations (1), (2) and (3) of this regulation, the carrying by a seagoing fishing vessel of self-inflating life rafts, of a type, and in a manner, approved by the Department and of such a number as is capable of supporting all persons on board the vessel, shall constitute a sufficient compliance with this regulation.

3. The principal regulations are amended by adding, after regulation 99, the following heading and regulation:—

Radio Telephony.

99A. (1) Subject to subregulation (2) of this regulation, every seagoing fishing vessel, other than such as is mentioned in regulation 99 of these regulations, and every harbour and river passenger vessel that is proceeding outside protected waters shall carry a two-way radio telephony set, in efficient working order.

(2) Notwithstanding the provisions of subregulation (1) of this regulation, the Department may, by authority in writing, exempt a vessel from the provisions of that regulation, where it is satisfied that the carrying of a radio telephony set would be impracticable.

LOCAL GOVERNMENT ACT, 1960.

By-law No. 64—Town Planning Classification or Zoning By-law for Land and/or Buildings in the North Perth-Mount Hawthorn-Wembley-Leederville Area being part of the City of Perth Municipal District—Amendment.

The Municipality of the City of Perth.

By-law Relating to Zoning.

L.G. 457/62.

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 7th day of October, 1963, to make and submit for confirmation by the Governor the following amendment to by-law No. 64:—

That all that piece of land being portion of Swan Location 671 and being lot 231 on Plan 2355 be and is hereby excised from Zone 1 Classification and re-classified to be included in Zone 2, and the North Perth-Mount Hawthorn-Wembley-Leederville Zoning Plan No. 64 is amended accordingly.

Dated this 21st day of January, 1964.

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

[L.S.]

H. R. HOWARD,
Lord Mayor.
W. A. McI. GREEN,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of March, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

By-law No. 65—Town Planning Classification or Zoning By-law for Land and/or Buildings in the Central Area being part of the City of Perth Municipal District—Amendment.

The Municipality of the City of Perth.

By-law Relating to Zoning.

L.G. 192/62.

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 2nd day of December, 1963, to make and submit for confirmation by the Governor the following amendment to By-law No. 65:—

That all those pieces of land being—

- (1) portion of Perth Suburban Lot 20 and being part of lot 8 on Plan 438 and being the whole of the land comprised in Certificate of Title Volume 708, folio 194;
- (2) portion of Perth Suburban Lot 20 and being so much of lots 9 and 10 on deposited Plan 438 as is coloured blue on Diagram 3267 and being the whole of the land comprised in Certificate of Title Volume 496, folio 50;

(3) portion of Perth Suburban Lot 20 and being the whole of the land comprised in Certificate of Title Volume 496, folio 49;

be and are hereby included in Zone 7 Classification and that the Central Area Plan No. 65 be amended accordingly.

Dated the 4th day of February, 1964.

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

[L.S.]

H. R. HOWARD,
Lord Mayor.
W. A. McI. GREEN,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of March, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the City of Subiaco.

Amendment to By-law No. 6 Relating to Zoning made under the Provisions of the Second Schedule of the Town Planning Act, 1928.

L.G. 84/64.

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 2nd day of October, 1962, to amend and submit for confirmation by the Governor the following:—

That Zoning By-law No. 6 as published in the *Government Gazette* on the 30th day of September, 1958, and as amended from time to time, be further amended as follows:—

By adding to Schedule 2A: (Business Zone)—

Lot 2 of Perth Suburban Lot 291 fronting Nicholson Road and the adjoining area situated on the south-east corner of Nicholson Road and Derby Road and having frontages of 207.1 links to Nicholson Road and 241.9 links to Derby Road.

Dated this 14th day of February, 1964.

The Common Seal of the Council of the City of Subiaco was hereto affixed in the presence of—

[L.S.]

J. H. ABRAHAMS,
Mayor.
G. O. EDWARDS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of March, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Town of Melville.

Amendment to By-laws Relating to Standing Orders.

L.G. 632/63.

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 17th day of December, 1963, to make and submit for confirmation by the Governor, the following by-law.

The by-laws of the Town of Melville (formerly Melville Road Board) passed at an ordinary meeting of the Melville Road Board held on the 27th day of May, 1922 (and published in the *Government Gazette* on the 30th day of June, 1922) are hereby amended by deleting clauses 18 to 56 (inclusive) and substituting in lieu thereof:—

TOWN OF MELVILLE.

Standing Orders.

1. (1) The proceedings and business of the Council shall be conducted according to this by-law, the clauses of which shall be referred to as "the Standing Orders."

Interpretation.

2. In this by-law, unless the context otherwise requires—
 "Act" means the Local Government Act, 1960-1962;
 "clause" means a clause of this by-law.

Mayor to Preside.

3. The Mayor, if present, shall preside at all meetings of the Council, and, in his absence, or if, after being present, he retires, the Deputy Mayor shall preside, but if he is not present, or after being present, retires, then one of the Councillors chosen by the Councillors then present shall preside.

Quorum.

4. (1) At any meeting of the Council a quorum shall consist of such number as conforms to the provisions of section 173 of the Act.

(2) Subject to clause 5, every meeting shall proceed to business as soon after the time stated in the summons as a quorum is constituted.

Absence of Quorum.

5. If at any meeting a quorum be not present within half an hour after the time appointed for that meeting, the Mayor, or in his absence, the Deputy Mayor, or in his absence the majority of the Councillors present, or any one Councillor, if only one be present, or the Clerk if no Councillor be present, may adjourn the meeting to some future date.

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

7. At any meeting at which there is not a quorum of members present, or at which the Council is counted out for want of a quorum, the names of the members then present shall be recorded in the Minute Book.

Open Doors—Except as Provided.

8. (1) The ordinary meetings of the Council shall be open to the public except upon such occasions as the Council, by resolution, which may be moved without notice, directs otherwise.

(2) Upon the carrying of such a resolution as is mentioned in subclause (1) of this clause, the Mayor shall direct all persons other than Councillors to leave the Council Chambers and every person shall forthwith comply with such direction, provided that by a decision of the Council persons other than Councillors may be requested to remain.

(3) Any person failing to comply with a direction made pursuant to subclause (2) of this clause may, by order of the Mayor, be removed from the Council Chambers.

(4) After the carrying of a resolution made under subclause (1) of this clause the business at that meeting of the Council shall proceed behind closed doors until the Council, by resolution, decides to proceed with open doors.

(5) Resolution of motions conducted behind closed doors shall be recorded in the minutes when adopted by Council in open meeting.

Disturbance by Strangers.

9. (1) A person, not being a Councillor, shall not at any meeting of the Council interrupt the proceedings of the Council.

(2) Any person interrupting the proceedings of the Council shall, when so directed by the Mayor, forthwith leave the Council Chambers.

(3) Any person who, being ordered to leave the Council Chambers, fails to do so may, by order of the Mayor, be removed from the Council Chambers.

Order of Business at Ordinary Meeting.

10. The order of business at any ordinary meeting of the Council shall, unless for the greater convenience of the Council altered by resolution to that effect, be as nearly as practicable as follows, that is to say:—

- (1) Confirmation of minutes.
- (2) Business arising from minutes.
- (3) Announcements by the Mayor without discussion.
- (4) Report of Committees.
- (5) Report of officers.
- (6) Correspondence.
- (7) Petition and memorials.
- (8) Orders of the day, and any business the Mayor may think desirable to bring under the notice of the Council and may have directed to be entered as an order of the day.
- (9) Questions of which due notice has been given without discussion.
- (10) Motions of which previous notice has been given.
- (11) Notice of motions for consideration at the following meeting.
- (12) Motions without notice by absolute majority of the Council.
- (13) Acceptance of late correspondence by permission of the Council.

Order of Business at Special Meeting.

11. The order of business at any special meeting of the Council shall be the order in which that business stands in the notice of meeting.

Confirmation of Minutes.

12. The minutes of any preceding meeting, whether of an ordinary or a special meeting, not previously confirmed, shall be submitted as the first business at a meeting of the Council in order to proceed to their confirmation, and discussion, other than discussion as to their accuracy as a record of the proceedings shall not be permitted, and when confirmed, the minutes shall thereupon be signed by the Mayor in accordance with section 188 of the Act.

Questions.

13. Any Councillor desiring to ask a question at any meeting of the Council shall give notice thereof in writing to the Clerk at least eight hours before the hour fixed for the commencement of the meeting. Questions arising during debate are excluded from this clause.

14. Every question and answer shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

Reception of Correspondence.

15. Discussion shall not be permitted on any motion that any correspondence be received or not received, or that any correspondence or any part thereof be referred to any Occasional Committee of the Council.

Consideration of Reports.

16. (1) The recommendations contained in a report of a committee or any portion thereof may be amended by the Council in any manner it may think fit, but may only be so amended by firstly having a majority decision of the Council for that item or part thereof to be removed from the report.

- (2) Once removed by resolution, that item may be dealt with as follows:—
- (i) By an amending resolution of the Council at the same meeting.
 - (ii) By re-instatement of the item without amendment.
 - (iii) Complete deletion.
 - (iv) Referred back to the appropriate committee for further consideration.
- (3) The recommendations of any Committee when adopted by the Council, shall be resolutions of the Council.

Notices of Motion.

17. (1) A Councillor may bring forward at a meeting such business as he considers advisable, in the form of a motion, of which notice has been given in writing to the Clerk, either at the last previous meeting or at any time thereafter, being not later than noon of the fourth day before the meeting at which it is to be brought forward.

(2) Every notice of motion shall relate to some question affecting the constitution, administration, or condition of the municipality of the Council.

(3) The Mayor shall rule out of order any motion which does not comply with subclause (2) of this clause.

18. Every such motion as is mentioned in clause 17 shall lapse, unless—

- (a) the Councillor who gave notice thereof, or some other Councillor authorised by him in writing, is present to move the motion when called on; or
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

Deputations.

19. (1) Any person or persons wishing to be received as a deputation by the Council shall, in the first instance, send to the Clerk a memorial, setting out in concise terms the subject matter to be raised by the deputation.

(2) Where the Clerk receives a memorial in terms of this clause, he shall lay the memorial—

- (a) before the Committee concerned; or
- (b) where there is no Committee concerned, before the Mayor.

(3) A Committee or the Mayor receiving a memorial in terms of this clause may either receive the deputation or lay the memorial before the Council.

(4) Where a memorial is laid before the Council under subclause (3) of this clause, the Council may, if it so resolves, receive the deputation.

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

Councillors to Address Mayor.

21. (1) Any Councillor moving a motion or amendment or taking part in the discussion thereon, shall address the Mayor and may rise if he desires, or shall do so when requested by the Mayor.

Point of Order.

(2) A Councillor who is addressing the Mayor shall not be interrupted except upon a point of order, in which event he shall discontinue until the Councillor raising the point of order has been heard thereon and the question of order has been disposed of, whereupon the Councillor so interrupted may, if permitted, proceed.

(3) A Councillor raising a point of order must rise to do so.

(4) A Councillor rising to express a difference of opinion with, or to contradict a speaker shall not be recognised as raising a point of order.

(5) A violation of any provision of these Standing Orders is a breach of order.

Substance of Motion to be Stated.

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

Motions and Amendments to be Seconded.

23. (1) A motion or amendment shall not be discussed or put to the vote of the Council unless seconded, but a Councillor may require the enforcement of any Standing Order of the Council by directing the Mayor's attention to the infraction thereof.

(2) A nomination to the position of Mayor or Deputy Mayor is not required to be seconded.

Titles to be Used.

24. A speaker, in referring to any other present, shall designate him by the title of Mayor or Councillor, as the case may be.

Priority of Speaking.

25. Where two or more Councillors rise or commence to speak at the same time, the Mayor shall decide who of them is entitled to priority.

Mayor to be Heard.

26. Whenever the Mayor rise during a debate any Councillor then speaking or offering to speak shall discontinue and the Council shall be silent so that the Mayor may be heard without interruption.

Speaking Twice.

27. Except where this clause is suspended under clause 28, a Councillor shall not speak twice on the same question except—

- (a) in reply, upon an original motion of which he was the mover;
- (b) in reply, upon an amendment last debated of which he was the mover; or
- (c) by way of personal explanation.

28. The Council may, by resolution moved without notice, suspend the operation of clause 27 hereof and thereupon such clause shall be suspended until such time as the Council shall, by similar resolution, otherwise decide.

Personal Explanation.

29. A Councillor making a personal explanation shall confine it to a succinct explanation of a material part of his former speech which may have been misunderstood, and to the explanation itself, and shall not advert to matters not strictly necessary for that purpose nor seek to strengthen his former argument by new matter or by replying to other Councillors.

30. The Mayor shall forthwith call to order any Councillor committing a breach of clause 27.

No Speech After Certain Events.

31. No Councillor shall speak on any motion or amendment—
- (a) after the mover has replied; or
 - (b) after the question has been put.

Mover and Seconder Have Spoken.

32. A Councillor moving or seconding a motion or amendment is deemed to have spoken thereon.

Limit of Speeches.

33. (1) A Councillor shall not speak upon any motion or amendment or in reply for a longer period than ten minutes without the consent of the Council, which shall be signified without debate.

Speaking in Reply.

34. A Councillor speaking in reply shall not introduce any new matter but shall strictly confine himself to answering previous speakers.

Division of Motions.

35. The Mayor may, at his discretion, or the Council may, by motion without debate, order a complicated motion to be divided and put in the form of two or more motions.

Withdrawal of Motions.

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

Production of Documents.

37. (1) Any member may of right require the production of any of the documents of the Council relating to the question or matter under discussion.

(2) On giving to the Clerk not less than eight hours' notice, a member of the Council shall be entitled to have laid on the Council table, for the duration of a meeting, any document or record of the Council, and the Clerk, on receiving that notice, shall lay the document on the Council table at the commencement of the meeting.

No Digression.

38. A Councillor shall not speak otherwise than upon, or digress from, the question then before the Council, except to make a personal explanation.

No Adverse Reflection on Council.

39. A Councillor shall not reflect adversely upon a resolution of the Council, except on a motion that the resolution be rescinded.

No Adverse Reflection on Councillor.

40. A Councillor shall not reflect adversely upon the character or actions of another member nor impute any motive to a member, unless the Council resolves, without debate, that the question then before the Council cannot otherwise be adequately considered.

41. Any member may require the Clerk to take down any particular words used by a member immediately upon their being used.

Demand for Withdrawal.

42. If any Councillor commits a breach of clause 39 or 40, the Mayor may require him unreservedly to withdraw any offending comment and to make an apology; and, if the Councillor declines or neglects to do so, the Mayor may direct such Councillor to cease speaking and, if standing, resume his seat and may call on the next speaker.

Disturbance of Councillors.

43. A Councillor shall not make any noise or disturbance or, except to raise a point of order, converse aloud, while any other person is addressing the Council, and shall not cause any disturbance during the course of the meeting.

Continued Irrelevance, etc.

44. The Mayor may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a Councillor and may direct that Councillor, if speaking, to discontinue his speech, and thereupon the Councillor shall cease speaking and shall, if standing, resume his seat.

45. When the Mayor is putting any question, a Councillor shall not walk out of or across the Chamber; and shall not, whilst any other Councillor is speaking, pass between the speaker and the chair.

46. The Mayor shall preserve order, and may call any Councillor to order, whenever, in his opinion, there is cause for so doing.

47. Every Councillor shall be entitled to direct the attention of the Mayor to any infraction of the Standing Orders by any other Councillor; or to draw the attention of the Mayor to any matter of which the latter may take notice under clause 44.

Rulings by Mayor.

48. The Mayor, when deciding a point of order or practice, shall give his decision and argument or comment shall not be permitted thereon and his decision shall be final, in that particular case, unless a majority of the Councillors then present shall, upon motion made forthwith, without discussion, dissent therefrom.

49. Whenever the Mayor has decided that any motion, amendment or other matter before the Council is out of order, or is outside the legal jurisdiction of the Council, it shall be rejected; and whenever anything said or done in the Council, by any Councillor, is similarly decided to be out of order, that Councillor shall be called upon by the Mayor to make such explanation, retraction or apology, as the case may require.

Continued Breach of Order.

50. Where a Councillor persists in any conduct which the Mayor decides is out of order, or refuses to make any explanation, retraction or apology required by the Mayor under clause 49, the Mayor may direct that Councillor to refrain from taking any further part in the then meeting of the Council, other than by recording his vote; and the Councillor shall comply with such direction.

Serious Disorder.

51. (1) If at a meeting of the Council the Mayor is of the opinion that by reason of disorder or otherwise the business of the Council cannot effectually be continued, he may adjourn the meeting for a period of fifteen minutes whereafter the Council shall re-assemble and decide whether business is to be proceeded with; and that question shall be decided forthwith and without debate.

(2) Where after any proceeding under subclause (1) of this clause, the Mayor is again of the opinion that the business of the Council cannot effectually be continued, he may close the meeting.

All Councillors to Vote.

52. (1) At every meeting of the Council, save where the Act otherwise provides, every Councillor present shall vote, and if any Councillor who is entitled to vote fails to vote, the Mayor shall call upon him to vote.

(2) Where there is any equal decision of votes upon any question, the Mayor has and may exercise a casting vote.

Permissible Motions During Debate.

53. (1) Subject to subclause (2) of this clause, when a motion is under debate, no further motion shall be moved except a motion—

- (a) that the motion be amended;
- (b) that the Council do adjourn;
- (c) that the debate be adjourned;
- (d) that the question be now put;
- (e) that the Council do proceed with the next business;
- (f) that the Council do sit behind closed doors; or
- (g) that the meeting be now closed.

(2) Where the question before the Council is a recommendation from a Committee of the Council, a Councillor may, at the conclusion of the speech of any other Councillor, move without notice that the question be referred back to the Committee; and on any such motion, the mover may speak for not more than five minutes, the seconder shall not speak, other than formally to second and the Chairman of the Committee concerned or in his absence a member thereof, may speak for not more than five minutes, but no other debate shall be allowed.

Amendment to Relate to Motion.

54. Every amendment shall be relevant to the motion on which it is moved.

One Amendment at a Time.

55. (1) Only one amendment shall be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the original motion is put to the vote, except that where an amendment is carried, one further amendment to the original motion, as amended, and no more, may be moved.

(2) In speaking to an amendment a Councillor may give notice of his intention to move a further amendment.

56. Where an amendment is carried, the original motion as amended shall, for all purposes of subsequent debate and subject only to clause 55, be treated as an original motion.

“That Council Adjourn.”

57. (1) A Councillor may, at the conclusion of the speech of any other Councillor or on the conclusion of any business, move without notice that the Council do now adjourn and that motion shall state the time and date to which the adjournment is to be made.

(2) On a motion to adjourn, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second and the mover of the motion (if any) which was then under debate may speak for not more than five minutes, but no other debate shall be allowed.

58. Where a motion for the adjournment of the Council is negatived, no similar motion shall be moved until after the question then under discussion or the next on the notice paper or any other which may be allowed precedence shall have been disposed of.

59. (1) A Councillor who has spoken on the question then before the Council shall not move the adjournment of the Council.

(2) A Councillor shall not, at the same sitting of the Council, move or second more than one motion for the adjournment of the Council.

60. On a motion for the adjournment of the Council being carried, the debate on the question (if any) under debate when that motion was moved shall be continued immediately upon the Council resuming after the adjournment.

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

62. The Mayor may at any time adjourn the Council to such time and date as the motion specifies, or where no time and date is specified to such time and date as he shall then declare.

“That Debate be Adjourned.”

63. (1) A Councillor may at the conclusion of the speech of any other Councillor move without notice, that the debate be adjourned to a later hour of the same meeting or to a subsequent meeting of the Council.

(2) On a motion that the debate be adjourned, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second, and no other debate shall be allowed; but if the question then before the Council is a recommendation from a Committee, the Chairman of the Committee concerned, or, in his absence, a member thereof may speak for not more than five minutes.

64. (1) A Councillor who has spoken on the question then under debate shall not move the adjournment of the debate.

(2) A Councillor shall not, at the same sitting of the Council, move or second more than one motion for the adjournment of the same debate.

65. On resuming an adjourned debate the Councillor who moved its adjournment shall be entitled to speak first.

66. On a motion for the adjournment of a debate being carried, a record shall be taken of all those who have spoken on the subject under debate and they shall not be permitted to speak on any resumption of the debate on that subject, but this clause does not deprive a mover of the right to reply.

67. Where the debate on any motion, moved and seconded, is interrupted by the Council being counted out, that debate may, on motion with notice, be resumed at the next meeting, at the point where it was so interrupted.

“That Question be Put.”

68. A Councillor may, at the conclusion of the speech of any other Councillor, move, without notice and without comment, that the question under consideration be now put, and upon that motion being formally seconded, the same shall immediately be put, without debate.

69. A motion that the question under consideration be put shall not be moved by a Councillor who has already spoken on the question, and that motion shall not be carried without the consent of a two-thirds majority of the Councillors then present.

70. When it is decided by the Council that the question under consideration be put, the mover of the question under consideration shall, if debate has ensued and if otherwise entitled to do so, be permitted to speak in reply for not more than five minutes before the question is put, but subject thereto, the question shall at once be put.

71. Whenever it is decided by the Council that the question be put, the question to be put includes the main question as well as any amendment thereto.

“That Council Proceed with Next Business.”

72. A Councillor may at the conclusion of the speech of any other Councillor move, without notice and without comment, that the Council do proceed with the next business and, upon that motion being formally seconded, it shall be immediately put, without debate.

73. Where the Council decides to proceed with the next business, the question which was then under discussion shall be considered as dropped.

74. During the same debate on any question, a motion that the Council do proceed with the next business shall not be moved within one hour after a similar motion has been negated.

“That Meeting be Closed.”

75. (1) A Councillor may, at the conclusion of the speech of any other Councillor or on the conclusion of any business, move, without notice, that the meeting of the Council be now closed.

(2) On a motion that the meeting of Council be closed, the mover may speak for not more than five minutes, the seconder shall not speak other than formally to second and the mover of the motion (if any) then under debate may speak for not more than five minutes; but no other debate shall be allowed.

76. If a motion that the meeting of the Council be closed is negated, a similar motion shall not be moved until after the question then under discussion and the next on the agenda paper or any other which may be allowed precedence has been disposed of.

77. (1) A Councillor who has spoken on the question then before the Council shall not move that the meeting be closed.

(2) A Councillor shall not at the same meeting of the Council, move or second more than one motion that the meeting is closed.

78. On a motion that the meeting be closed being carried, the debate on the question (if any) under debate when that motion was moved shall stand adjourned to its place on the notice paper for the next meeting of the Council.

79. On a motion that the meeting be closed being carried, a record shall be taken of all those who have spoken on the subject under consideration up to the closing of the meeting and they shall not be permitted to speak on any subsequent consideration of the same subject; but this clause does not deprive a mover of the right to reply.

Confidential Business.

80. Every matter dealt with by, or brought before the Council sitting otherwise than open to the public, or any Committee of the Council, shall be treated as strictly confidential, and shall not without the authority of the Council or of the Committee (as the case may be) be disclosed to any person other than the Mayor, Councillors or servants of the Council (and in the case of servants only so far as may be necessary for the performance of their duties) prior to the discussion of that matter at a meeting of the Council held open to the public.

Motions Affecting Expenditure.

81. Where a motion or amendment would have the effect of incurring expenditure not provided for in the estimates, that motion or amendment shall not be moved other than in the form of a reference of the question to the Finance Committee, unless decided by the Council by an absolute majority that the expenditure is classified as urgent.

Rescission of Resolution.

82. A resolution of any meeting of the Council shall not be revoked, rescinded or altered at the same or any subsequent meeting, except in the manner provided by section 177 of the Act.

Negatived Motions.

83. A motion to the same effect as any motion which has been negatived by the Council shall not again be entertained within a period of two months, except with the consent of an absolute majority of the Council.

Suspension of Standing Orders.

84. In cases of urgent necessity, any Standing Order of the Council may be suspended on motion duly moved and seconded, but that motion shall not be declared carried, unless an absolute majority of the Council, or a two-thirds majority of those present and voting on the question, whichever is the lesser number, have voted in favour of the motion.

85. Any Councillor moving the suspension of a Standing Order shall state the object of the motion, but discussion shall not otherwise take place thereon.

Method of Taking Vote.

86. The Mayor shall, in taking the vote on any motion or amendment, put the question, first in the affirmative and then in the negative, and he may do so as often as is necessary to enable him to form and declare his opinion as to whether the affirmative or the negative has the majority on the voices or by a show of hands.

87. (1) The Council shall vote on the voices, but any Councillor may call for a show of hands or a division on any question.

(2) Upon a division being called for, the Mayor may, if he thinks fit, order that the division bell be rung, and after the lapse of one half of a minute from the bell ceasing to ring a Councillor shall not be permitted to enter or leave the chamber, until after the division has been taken.

(3) Where a division is taken, the procedure laid down in subsections (11) and (12) of section 173 of the Act shall be observed.

Committees.

Standing Committees.

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, Parks and Reserves.
- (c) Health.
- (d) Building.
- (e) District Planning.
- (f) Subdivisions.
- (g) District Libraries.
- (h) General Purposes.

(2) The Council may for the purpose of convenience, combine any of the Standing Committees.

(3) Each Standing Committee shall comprise the Mayor (*ex officio*) and five Councillors.

(4) Subject to subclause (5) of this clause, the members of each Standing Committee shall be appointed for each year, at the first meeting of the Council held after the annual election and shall hold office until the commencement of the first meeting after the annual election then next ensuing.

(5) Council may, by resolution carried pursuant to a notice of motion, by a simple majority, or on a motion moved without notice, by an absolute majority, change the membership of any committee or appoint substitutes for Councillors absent pursuant to leave granted by the Council.

(6) In the event of an equality of votes for two or more Councillors in an election for member of a Committee, the Mayor shall have a casting vote.

89. Subject to any resolution of the Council, passed after the coming into operation of the Standing Orders, the duties of the Standing Committees shall be—

- (a) Finance Committee, the oversight of the finances of the Council, including all items of revenue and expenditure.
- (b) Works, Parks and Reserves Committee, the oversight of all matters appertaining to works, parks, reserves and playing areas.
- (c) Health Committee, the oversight of—
 - (i) requirements of Health Act and by-laws and relative sections of the Local Government Act,
 - (ii) construction and maintenance of Infant Health Clinics.
- (d) Building Committee, the oversight of—
 - (i) provision of the Uniform Building By-laws and relative sections of the Local Government Act and by-laws;
 - (ii) determining of matters where discretionary powers are granted the Council under the Uniform Building By-laws; and
 - (iii) examination of plans and specifications where assistance is required by the Building Surveyor.
- (e) District Planning Committee, the oversight of—
 - (i) all matters appertaining to zoning under the Town Planning Act;
 - (ii) matters relating to regional planning under the Metropolitan Regional Planning Scheme.
 - (iii) disposal of land held by the Council; and
 - (iv) acquisition of land required for Council use.
- (f) Subdivisions Committee, the oversight of all matters appertaining to subdivision of land within the district as received from the Town Planning Department.
- (g) District Libraries Committee, the oversight of all matters appertaining to the provision and control of library services.
- (h) General Purposes Committee, the oversight of matters that can be dealt with by committee and would not be under the control of any other Standing or Occasional Committee.

90. Tender Opening Committee: The Council may by resolution, appoint annually a Tenders Opening Committee and such committee shall comprise the Mayor, a Councillor appointed by Council, and two executive officers. At least three members of the committee shall be in attendance at the opening of the tenders.

Occasional Committee.

91. (1) The Council may appoint Occasional Committees to perform any duty which may be lawfully entrusted by it to a committee.

(2) An Occasional Committee may comprise any number of members not exceeding the largest minority of the total number of members.

(3) A Standing Committee shall not interfere in any matter which has for the time being been entrusted to an Occasional Committee.

(4) An Occasional Committee shall not be appointed except on a motion setting out—

- (a) the duties proposed to be entrusted to such Committee; and
- (b) either—
 - (i) the names of the Councillors of whom, with the Mayor, it is intended to constitute the Committee; or
 - (ii) the number of Councillors intended to constitute the Committee and a provision that they be elected by a separate motion.

Calling Committee Meetings.

92. The Clerk shall call a meeting of any Committee when requested so to do by the Mayor or the Chairman or any two members of that Committee.

Observance of Standing Orders.

93. Except in so far as they limit the number of times a member may speak or require meetings to be conducted open to the public, these Standing Orders shall be observed at meetings of Committees; but the chairman of a Committee may have and exercise both a deliberative and, in the case of equality of votes, a casting vote.

Quorum of Committees.

94. (1) At any meeting of a Committee the number of members necessary to form a quorum—

- (a) where the total number of the members of the Committee is an even number, is one-half of that total; or
- (b) where the total number of the members of the Council is an odd number, is the integer nearest to but greater than one-half of that total.

(2) Every meeting shall proceed to business so soon after the time stated in the summons as a quorum is constituted; but if a quorum is lacking one half hour after the appointed time of the meeting, the meeting shall lapse.

Minutes of Committees.

95. (1) Each Standing Committee shall cause to be kept a minute book in which shall be entered minutes of all its proceedings and transactions.

(2) The minutes of each meeting shall be confirmed at the next meeting of the Committee and shall be signed by the Chairman thereof.

Meetings of Electors.

96. (1) These Standing Orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this by-law and the provisions of section 171 of the Act, the latter prevails.

(2) A person who is not an elector is not entitled to vote at a meeting of electors, and he may not take any part in any discussion at that meeting, unless the meeting, by a motion, requests him to do so.

Meeting of Ratepayers.

97. (1) The Standing Orders apply, so far as is practicable to any meeting of ratepayers, but where there is inconsistency between the provisions of this by-law and the provisions of section 171 of the Act, the latter prevails.

(2) A person who is not a ratepayer is not entitled to vote at a meeting of ratepayers and he may not take any part in any discussion at that meeting, unless the meeting, by a motion, requests him to do so.

Protection of Officers.

98. All complaints by Councillors against servants of the Council must be in writing and must in every case be signed by the person or persons complaining, and no notice whatsoever shall be taken of any complaint not made in accordance with this by-law. All complaints as are receivable, shall be addressed to the Mayor, who, upon receipt of such complaints, shall have power to investigate the same, and shall report thereon to the Council at the next meeting of the Council.

Penalty.

99. Any person wilfully committing a breach of these Standing Orders is liable to a penalty not exceeding twenty pounds.

Enforcement.

100. The Mayor is authorised and required to enforce the Standing Orders and may, with the authority of an absolute majority of the Council, prosecute for any breach thereof.

Made and passed by the Town of Melville on the 17th day of December, 1963.

The Common Seal of the Town of Melville was here-
under affixed as required by section 190 (5) (c) of
the Local Government Act, 1960-1962.

[L.S.]

R. F. CARROLL,
Mayor.

J. E. ELLIS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of March, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Town of Melville.

Amendment to By-laws for the Management, Use and Letting of Applecross District Hall.

L.G. 159/59.

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 26th day of November, 1963, to make and submit for confirmation by the Governor, the following by-law:—

The by-laws of the Town of Melville (formerly Melville Road Board) passed at an ordinary meeting of the Melville Road Board held on the 24th day of November, 1953 (and published in the *Government Gazette* on the 11th December, 1953), are hereby amended by:—

Deleting the "Schedule of Charges" and substituting in lieu thereof:—

SCHEDULE OF CHARGES.

Full Hall:

	£	s.	d.
Regular Bookings:			
Week nights and Sunday nights, 6.30 p.m. to midnight	4	4	0
Saturday nights, 6.30 p.m. to midnight	6	10	0
Casual Bookings:			
Public Functions—			
Week nights and Sunday nights, 6.30 p.m. to midnight	5	5	0
Saturday nights, 6.30 p.m. to midnight	7	10	0
Per hour after midnight	1	0	0
Private Functions:			
Week nights and Sunday nights, 6.30 p.m. to midnight	4	4	0
Saturday nights, 6.30 p.m. to midnight	5	5	0
Per hour after midnight	1	0	0
Day Time: Bazaars, etc., to 5 p.m.	4	4	0
Day and Evening: Bazaars, etc.	5	5	0
Lodge Meetings	3	15	0
Meetings—Hall:			
Day Time:			
Between hours 8 a.m. and 5 p.m., per hour (minimum 2 hours)	1	0	0
Evening:			
Per hour (minimum 2 hours)	1	10	0

	£	s.	d.
Stage Only:			
Regular bookings—Day time (per hour)	10	0	
Casual bookings—Day time (per hour)	15	0	
Regular bookings—Evening (per hour)	15	0	
Casual bookings—Evening (per hour)	1	5	0
Decorating Hall: Evening (per hour)	10	0	
Use of Kitchen: If full hall not booked	10	0	
Local Organisations:			
Hall:			
Day time (per hour)	6	0	
Evening (per hour)	10	0	
Stage:			
Day time (per hour)	3	0	
Evening (per hour)	5	0	
Piano: If used when full hall not booked	5	0	

A rebate of 20 per cent. of the charges for use of Full Hall after 6.30 p.m. made under the above schedule may be granted to local organisations approved by the Council.

Dated this 26th day of November, 1963.

The Common Seal of the Town of Melville was hereunto affixed as required by section 190 (5) (c) of the Local Government Act, 1960-1962.

[L.S.]

R. F. CARROLL,
Mayor.

J. E. ELLIS,
Town Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of March, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Swan-Guldford.

Adoption of Draft Model By-laws Relating to Street Lawns and Gardens,
No. 11.

L.G. 117/64.

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

Draft Model By-laws (Street Lawns and Gardens) No. 11.—The whole of the by-laws without alteration.

Dated this 30th day of December, 1963.

[L.S.]

D. H. FERGUSON,
President.

T. J. WILLIAMSON,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of March, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Canning.

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

L.G. 75/64.

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 23rd September, 1963, to make and submit for confirmation by the Governor the following by-laws:—

The Sixth Schedule (Special Business Zones "A" Service Stations) is amended by the addition thereto of the following:—

Wharf Street—intersection with Elshaw Street, portion of Canning Location 2 and being lot 21 on Diagram 21279.

Passed by the Council of the Municipality of the Shire of Canning.

Dated 31st day of January, 1964.

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.
NOEL DAWKINS,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of March, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Wongan-Ballidu.

Adoption of Draft Model By-laws Relating to (Petrol Pumps) No. 10.

L.G. 45/64.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 15th day of October, 1963, to adopt the whole of the Draft Model By-laws published in the *Gazette* of the 16th January, 1963, and designated Local Government Model By-laws (Petrol Pumps) No. 10.

Dated this 29th day of October, 1963.

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

[L.S.]

H. L. SHIELDS,
President.
T. E. JENSEN,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of March, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Wongan-Ballidu.

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

L.G. 46/64.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 15th day of October, 1963, to adopt the whole of the Draft Model By-laws published in the *Gazette* of the 29th May, 1963, and designated Local Government Model By-laws (Storage of Inflammable Liquid) No. 12.

Dated this 29th day of October, 1963.

The Common Seal of the Shire of Wongan-Ballidu hereunto affixed by authority of a resolution of the Council in the presence of—

[L.S.]

H. L. SHIELDS,
President.
T. E. JENSEN,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of March, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Ashburton.

Adoption of Draft Model By-laws Relating to (Removal and Disposal of Obstructing Animals or Vehicles) No. 7.

L.G. 104/64.

IN pursuance of the powers conferred upon it by the abovementioned Act, the Council of the abovementioned Municipality hereby records having resolved on the 8th day of January, 1964, to adopt such of the draft Model By-laws published in the *Government Gazette* of the 1st August, 1962, as are here set out:—

Local Government Model By-laws (Removal and Disposal of Obstructing Animals or Vehicles) No. 7.—The whole of the by-laws without alteration.

Dated this 8th day of January, 1964.

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

[L.S.]

D. K. FORREST,
President.
J. A. V. PROCTER,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of March, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Ashburton.

Adoption of Draft Model By-law Relating to the Rendering Safe of Old Refrigerators and Cabinets, No. 8.

L.G. 105/64.

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 8th day of January, 1964, to adopt without amendment Local Government Model By-law (Old Refrigerators and Cabinets) No. 8, as published in the *Government Gazette* of the 1st May, 1962.

Dated this 8th day of January, 1964.

The Common Seal of the Shire of Ashburton was affixed hereto in the presence of—

[L.S.]

D. K. FORREST,
President.
J. A. V. PROCTER,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of March, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Shire of Ashburton.

By-law amending By-laws Relating to Long Service Leave.

L.G. 1144/63.

IN pursuance of the powers conferred upon it by the abovementioned Act and all other powers enabling it, the Council of the Shire of Ashburton hereby records having resolved on the 4th day of December, 1963, to make and submit for confirmation by the Governor, the following by-law:—

The by-laws of the Shire of Ashburton published in the *Government Gazette* on the 28th May, 1954, be amended as follows:—

After by-law (2) the following new by-law is inserted:—

(2A) Where an employee has completed at least five years' continuous service since its commencement and his employment is terminated—

- (i) by his death;
- (ii) in any circumstances otherwise than by the employer for serious misconduct;

the Council may, by an absolute majority and with the consent of the Minister, approve of the payment of *pro rata* long service leave and the amount of long service leave shall be such proportion of 13 weeks' leave as the number of completed years of such service bears to ten years.

Dated this 18th day of January, 1964.

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

[L.S.]

D. K. FORREST,
President.
J. A. V. PROCTER,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of March, 1964.

R. H. DOIG,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960.

The Municipality of the Shire of Perth.

By-laws Relating to Zoning—Business and Flat Zones and Multi-Storey Flat Zones.

L.G. 47/63.

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 7th day of January, 1964, 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:—

Section 5 of the Fifth Schedule (as contained in the amending by-laws published in the *Government Gazette* of the 29th August, 1963) is altered by the addition after the words and figures "and Diagrams 4916 and 5601" appearing in the item Walcott Street, of the following:—

Between Vale Road and Learoyd Street, and being lots 1 and 2 being the subdivision of lots 657 and 658 on Plan 3218; lots 665 and 666 on Plan 3218; lots 818 and 819 on Plan 3218; lots 1, 2 and 3 on Diagram 4948; lots 821 to 825 inclusive on Plan 3218; lots 1326 to 1329 inclusive on Diagram 4396.

Dated this 7th day of January, 1964.

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.]

M. STARKE,
President.
LLOYD P. KNUCKEY,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of March, 1964.

R. H. DOIG,
Clerk of the Council.

DOG ACT, 1903.

The Municipality of the Shire of Wyndham-East Kimberley.

By-law Relating to the Control of Dogs.

L.G. 107/64.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 21st day of January, 1964, to make and submit for confirmation by the Governor the following by-laws:—

1. In these by-laws the term "Council" means the Wyndham-East Kimberley Shire Council.
2. The Council may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Dog Act, 1903.
3. A dog seized by the police or by an officer authorised by the Council may be placed in a pound.
4. Where a dog has been seized or placed in a pound the keeper of the pound or other officer authorised by the Council, shall, if the owner or person usually in charge of the dog is known to him, forthwith notify such person that the dog has been impounded.

5. If the owner or person apparently acting on behalf of the owner of a dog seized or impounded shall claim such dog, then upon payment of fees specified in the schedule hereto, the dog shall be released to such person.

6. The pound-keeper shall be in attendance at the pound for the release of dogs at such times and on such days of the week as shall from time to time be determined by the Council.

7. Any person applying for the release of a dog seized or impounded shall prove to the satisfaction of the pound-keeper or other officer authorised by the Council the ownership of the dog and his authority to take delivery of it. The pound-keeper or officer may accept such proof as he considers satisfactory and no person shall have any right of action against him or the Council in respect of the delivery of the dog in good faith.

8. If a dog shall not be claimed and the said fee paid within 48 hours of its being seized or if a dog, having a collar around its neck with a registration label for the current year affixed thereto, shall not be claimed and the said fees paid within 48 hours of the service of notice upon the registered owner the pound-keeper or other officer authorised by the Council may sell the dog.

9. Upon the sale of a dog, the proceeds of sale shall be the property of the Council and may be disposed of in such manner as the Council thinks fit. The owner of a dog sold pursuant to these by-laws shall have no claim against the Council in respect of the proceeds thereof.

10. If within the times mentioned in by-law 8 hereof or at any time before the destruction of a dog the dog has not been claimed as aforesaid and the said fees paid and if no offer has been received for its purchase the dog may be destroyed.

11. Notwithstanding anything herein contained but subject to the provisions of section 19 of the said Dog Act, 1903, any dog seized or impounded may at any time be destroyed upon the authority of the Shire Clerk if, in the opinion of the Clerk, the dog is too savage or noisy to be kept or is suffering from an injury, disease or sickness.

12. If the Council shall destroy a dog at the request of its owner whether such dog shall have been seized or impounded or not the owner shall pay to the Council the fees specified in the schedule hereto.

13. No person shall—

- (a) Unless a pound-keeper or other officer of the Council duly authorised in that regard release or attempt to release a dog from a pound;
- (b) destroy, break into, damage, or in any way interfere with or render not dog-proof any pounds;
- (c) destroy, break into, damage, or in any way interfere with or render not dog-proof any dog cart, vehicle or container used for the purpose of catching, holding or conveying dogs which have been seized.

Any person who shall commit a breach of this clause shall, upon conviction be liable to a penalty not exceeding £20.

14. The owner of a dog shall keep such dog chained or under effective control from sunset to sunrise.

15. The owner of a dog shall prevent that dog from entering or being in any of the following places:—

- (a) A public building.
- (b) A theatre or picture gardens.
- (c) A house of worship.
- (d) A shop or other public business premises.
- (e) A sports ground.
- (f) An area set aside for public recreation.
- (g) A car park.
- (h) A school.
- (i) Any land vested in or under the control of the Council, other than a road.

16. No person shall obstruct or hinder an employee of the Council or member of the Police Force in the performance of anything authorised by the provisions of the Dog Act, 1903, or the regulations made in pursuance of those provisions.

17. The payment of fees in respect of the seizure, care, detention or destruction of a dog shall not relieve the owner of it of liability to a penalty under any of the provisions of these by-laws.

18. Any person who shall commit a breach of these by-laws, shall, upon conviction, be liable to a penalty not exceeding £5, provided that for a breach of clause 13 the penalty shall not exceed £20.

Schedule.

Fees.

For the seizure or impounding of a dog—10s.

For the sustenance and maintenance of a dog in a pound—5s. per day or part of day.

For the destruction of a dog—10s.

Passed by the Wyndham-East Kimberley Shire Council at a meeting held on the 21st day of January, 1964.

[L.S.]

R. SARGENT,
President.
G. GAUNT,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 18th day of March, 1964.

R. H. DOIG,
Clerk of the Council.