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PERTH: TUESDAY, 14th JANUARY

[1969

HEALTH ACT, 1911-1968.

Department of Public Health,
Perth, 19th December, 1968.

HIS Excellency the Governor in Executive Council under the provisions of the Health Act, 1911-1968, has been pleased to make the regulations set forth in the Schedule to this notice.

W. S. DAVIDSON,
Commissioner of Public Health.

Schedule.

Regulations.

Principal regulations.

1. In these regulations the Food Standards Advisory Committee—Attendance Fees Regulations, 1955, published in the *Government Gazette* on the 9th December, 1955 are referred to as the principal regulations.

Reg. 3 amended.

2. Regulation 3 of the principal regulations is amended by substituting for the passage, "three pounds three shillings (£3. 3s.)" in lines two and three, the passage, "thirteen dollars fifty cents (\$13.50)".

HEALTH ACT 1911-1968.

The Municipality Of The Town Of Kalgoorlie.

By-law for The Control Of Trade Wastes being discharged into the Sewerage System.

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 Eleventh day of November, 1968, to make and submit for confirmation by the Governor, the following by-law:—

Town of Kalgoorlie.

By-laws for the Control of Trade Wastes.

WHEREAS the Town of Kalgoorlie (hereinafter referred to as "the Council") is a Health District pursuant to the Health Act 1911 as amended and is thereby responsible for carrying into effect the provisions of the said Act within its Municipal District; and whereas the Council has installed a sewerage system within its jurisdiction and is thereby authorised and required by the said Act to do all such acts matters and things as the Council may deem proper for maintaining the efficient operations of the said system and is therein empowered of its own motion to make by-laws for carrying into effect the provisions of the said Act within its said district the Council has resolved that the several by-laws hereinafter appearing shall have effect in relation to the control of trade wastes sought to be discharged through its sewerage system (which may hereinafter be referred to as "any sewer").

The said By-laws are divided into Parts as follows:—

Part A—Prohibited Discharges, By-law (1).

Part B—Conditions of Discharge, By-law (2).

Part C—Connections and Fittings, By-laws (3) to (6).

Part D—Inspections-Tests-Maintenance and Workmanship, By-laws (7) to (13).

Part E—Materials, By-laws (14) to (18).

The several definitions of terms appearing in the said Act shall where applicable herein bear similar meanings.

PART A.—PROHIBITED DISCHARGES.

1. Any person who deposits or discharges or who knowingly permits the deposition or discharge of any of the following substances into any sewer, commits an offence against these By-laws:—

- (a) Any animal matter, fleshing, wool, hair, dead animal, grease, dust, ashes, rubbish, garbage, offal, vegetable and fruit or their parings, rags, oil, fat, mud, sand, gravel, grit, abrasives, metal filings, turnings or other things (to be read ejusdem generis) or any other substance of such a nature as is liable to be injurious to any part of the sewerage system or to any employee of the Council engaged in the operation or maintenance of such system.
- (b) Any petrol or other inflammable or explosive substance, whether solid, liquid or gaseous.
- (c) Any rain, roof, surface, river or flood water.
- (d) The contents of any nightsoil cart, cesspool, or sanitary pan.
- (e) Any trade waste which is above the temperature of 100 degrees fahrenheit, or such lower temperature as may be prescribed by the Council, having regard to the special circumstances of any particular case.
- (f) Any of the following chemicals in such concentrations that would adversely affect sludge digestion or any other biochemical or biological process normal to sewerage treatment plants.

Arsenic and Arsenicals; Copper and Copper Salts; Mercury and Mercurials; Silver and Silver Compounds; Zinc; Toxic Dyes, organic or mineral; Sulphonamides; Phenols and their derivatives; Cresols; Alcohols; Formaldehyde; Chlorine in excess

of 100 p.p.m.; Iodine; Fluorine; Bromine; all strong oxidizing agents such as Peroxides, Chromates, Dichromates, Permanganates etc.; compounds producing Hydrogen Sulphide; strong reducing agents such as nitrites, sulphides, etc.

- (g) Any wastes containing viable pathogenic bacteria other than those normal to domestic sewage.
- (h) Any radioactive substances.
- (i) Any solids in solution which will precipitate greater than 1,000 p.p.m. upon acidification (pH below 5.5), alkalization (pH above 8.5), oxidation or reduction and such solutions shall not have a specific viscosity at 20 degrees centigrade exceeding 1-10 upon discharge or after acidification, alkalization, oxidation or reduction.
- (j) Any wastes exceeding the limiting chemical characteristics as follows—

Oxygen demand (450 p.p.m. max. by the 5 day BOD test at 20°C.)	(600 p.p.m. max. by the COD test)
Chlorine demand (30 minutes at room temperature)	30 p.p.m. max.
Suspended Solids	450 p.p.m. max.
Settleable Solids (Imhoff Cone Test. 1 hour)	10 ml./litre max.
Hydrogen Ion Concentration (pH)	4.5 to 9.5

PART B.—CONDITIONS OF DISCHARGE.

2. The discharge of trade wastes into any sewer shall be subject to the following terms, provisions and conditions:—

- (a) (i) No person shall discharge directly or indirectly nor knowingly permit any such discharge of any trade waste into any sewer unless, pursuant to a subsisting agreement between the Council and the occupier of any property from which such trade waste is sought to be discharged, the Council signifies its permission for such discharge of trade waste.
- (ii) Where no such agreement as aforesaid has been entered into with the occupier of a property from which trade waste is discharged directly or indirectly into any sewer of the Council, the Council may by its officers, servants, agents or workmen enter upon the property and every part thereof and carry out such works as may be necessary in order to prevent the discharge of such trade waste into its sewer. Any expense incurred by the Council in carrying out such works shall be payable by the occupier and may be recovered in addition to any penalty for which he might be liable.
- (b) Any person desirous of availing himself of the provisions of paragraph (a) (i) hereof shall make written application to the Council setting out therein—
 - (i) The processes of manufacture from which trade wastes are discharged into the Council's sewer;
 - (ii) The nature of the trade waste from every such process;
 - (iii) The estimated maximum rate of discharge of trade wastes from every such process;
 - (iv) The hours of the day during which discharge of trade wastes from every such process will normally take place;
 - (v) The estimated maximum daily discharge of such trade wastes into the Council's sewer;
 - (vi) The water consumption of the applicant industry or trade. Such applications shall be accompanied by detailed plans of the apparatus to be used for the treatment of the said trade waste, the method of operation and maintenance of the apparatus and by such other information regarding the nature, quantity, rates and times of discharge as may be required by the Council.

- (c) Every agreement referred to in paragraph (a) (i) hereof shall be in writing and contain a covenant on the part of the Applicant to comply with the conditions imposed by the Council as governing its said permission. Such permission shall also be subject to the following conditions:—

That if at any time it is determined by the Council that—

- (i) The quantity, nature of rate of discharge of trade wastes is not in compliance with the terms provisions and conditions of the said permit hereinbefore referred to or in any particular not sanctioned by same; or
 - (ii) The occupier of any person acting under his authority is not fully and faithfully performing and observing the terms provisions and conditions of the said or of the By-laws or any other By-laws of the Council; or
 - (iii) The treatment apparatus is not in efficient working order; or
 - (iv) A breach of the said agreement has been made, the Council may serve a notice in writing upon the occupier of the property concerned by leaving the same thereon or posting it addressed to him at the said property, in which notice reference shall be made to such of the matters aforesaid in respect of which any breach may have taken place or in respect to which the occupier is in default or as to any other relevant complaint which the Council may make to the said occupier.
- (d) Subject to section 37 of the Health Act aforesaid the Council shall be the sole judge of any question arising in respect of the nature, quantity and rate of discharge of such trade wastes and as to whether such discharge complies with the conditions of the said permit and these By-laws.
- (e) Except by special permission of the Council, in writing, the volume per hour of trade waste discharged from any property into a sewer of the Council shall not in any case exceed:—
- (i) A volume of 600 gallons per hour, if the trade waste is discharged into a 4 inch sewer of the Council.
 - (ii) A volume of 1,500 gallons per hour, if the trade waste is discharged into a 6 inch sewer of the Council.
 - (iii) A volume of 2,500 gallons per hour, if the trade waste is discharged into a 9 inch sewer of the Council.
- (f) Every person discharging trade wastes into any sewer shall record the daily quantity so discharged.
Any person who discharges trade waste into any sewer and thereby causes the rate of flow therein to be sufficient to flood manholes, appreciably surcharge sewers or cause a reversal of normal sewerage flow commits an offence hereunder.
- (g) Except as provided in paragraph (e) hereof the maximum aggregate daily quantity of trade waste which may pass from any property into a sewer, the size and capacity of the drain for conveying such trade waste from the property to the sewer, and the hours during which such flow will be permitted, shall be determined by the Council.
- (h) All such trade wastes shall be passed through such apparatus as may be ordered or approved by the Council to ensure that the resulting effluent complies with the requirements of the said permit and of these By-laws. Unless the Council shall determine otherwise, all wastes for discharge as aforesaid shall be collected in a single basin which shall provide a minimum detention of not less than one half hour at the maximum rate of flow, and a minimum of two hours at the average rate of flow. According to the nature of some wastes the Council may require a greater period of detention than aforesaid. Provided that while all such apparatus and machinery shall be subject to the approval of the Council as to its type and general arrangement the onus shall be upon the Applicant to ensure that any effluent passed into any sewer shall not contravene the terms of the said permit.
- (i) The occupier shall notify the Council in writing of his desire to make any alteration which shall in any way affect:—
- (i) The nature of the waste from any process of the manufacture;

- (ii) The estimated maximum rate of discharge from any such process of manufacture;
 - (iii) The hours of discharge of trade waste from any such process; and all alterations or additions to the treatment apparatus shall in all things comply with the requirements of the said permit and of these By-laws, but in no case shall any such alteration be made without the approval in writing of the Council.
- (j) The person to whom the said permit is granted shall notify the Council in writing of any change of ownership or occupancy, of any trade property connected with the Council's sewers, at least fourteen days prior to such change.
 - (k) In no case shall the said permit be assigned or transferred, except by permission in writing under the hand of the Council.
 - (l) The owner or occupier of any property connected with the Council's sewers shall, if any where directed, install to the Council's design, an approved chamber for inspection, sampling, and measurement, and such chambers shall at all times be readily accessible to the Council's officers.
 - (m) Any officer, servant, agent, or workman of the Council authorised by the Council so to do shall be at liberty at any time and from time to time to enter upon the property and every part thereof and take samples of the said trade waste for analysis and otherwise and also to inspect the said treatment apparatus.
 - (n) Every settling, screening, or neutralising chamber, basin, or other apparatus for the treatment of trade wastes in accordance with these By-laws shall be cleansed and maintained by the occupier at his own expense and at such intervals as may be considered necessary by the Council to ensure the efficient operation of such chamber, basin or apparatus.
 - (o) Notwithstanding the permission of the Council the occupier of any property shall be solely liable for and in respect of
 - (i) Any accident, damage, loss or injury directly or indirectly arising out of or resulting from the discharge of trade waste from the said property into any sewer and the occupier shall agree to hold harmless and keep indemnified the Council against all claims and demands arising out of any damage loss or injury sustained or suffered by any workman of the Council or by any other person whomsoever.
 - (ii) All damage, loss or injury occasioned or done to any sewer, sewerage treatment plant or any other property of the council or of any Company, person or persons whomsoever, by reason of such discharge of trade waste failing to comply with the terms provisions and conditions of the said permit or of these By-laws and the occupier shall agree to pay the cost of making good any such damage, loss or injury.
 - (p) The Council may, from time to time, without payment of any compensation thereof exclude from its sewers all trade waste from any property during the repairing, examination, or maintenance of the said sewers or sewerage treatment works for the carrying out by the Council of any works in connection therewith.
 - (q) Such other conditions as may be required by the Council having regard to the special circumstances of any particular case and the need to safeguard and maintain the efficient operation of its sewers.

PART C.—CONNECTIONS AND FITTINGS.

For the purpose of the By-laws hereinafter appearing the following terms have the meanings set against them.

- “Soil Pipe” means any pipe which conveys the discharge from water closets, slop hoppers, urinals, mortuaries or operating theatres to the drain.
- “Waste Pipe” means any pipe which conveys the discharge from any fixture other than water closets, slop hoppers, urinals, mortuaries or operating theatres to a disconnector trap in the case of “The separate pipe system” or directly to the drain in the case of the “Combined Pipe System.”

"Combined Waste Pipe" means that type of plumbing installation in which disconnector traps are omitted and both soil and waste pipes are connected directly to the drain. Combined waste pipes are connected directly to the drain and are used only in connection with the "Combined Pipe System."

3. Connections Prior To By-laws.

- (a) In any case in which the Council, has, before the date of the coming into operation of these By-laws, granted to any person permission to discharge trade waste into any drain or into any sewer of the Council or in any case in which any person, has, before the date of the coming into operation of these By-laws, been discharging trade waste into any drain or into any sewer of the Council without the express permission of the Council, if after the said date, such person continues so to discharge such trade waste, the Council, if it thinks fit may, by notice in writing, direct such person wholly to cease from discharge such trade waste as aforesaid.
- (b) Every such notice shall specify a day, not less than eight weeks from the date thereof, as the day on and after which such person is directed to cease from discharging such trade waste.
- (c) If such person fails to comply with such direction he shall be guilty of an offence against these By-laws.
- (d) The foregoing provisions of this By-law shall not operate to prevent the Council from granting further permission to such person pursuant to the provisions of By-law 2.

4. Steam Exhaust. No steam exhaust, blow-off or drip pipe shall be connected with any drain or any soil pipe, waste pipe or combined waste pipe.

5. Sub-Soil Water:

- (a) Upon written application the Council may grant permission in writing to any person to connect a sub-soil drain into any drain or into any sewer of the Council.
- (b) Every such permission shall be subject to such terms and conditions as may be imposed in such permit.

6. Fittings etc. To Be Above Flood Level:

- (a) No inlets or openings shall be placed, or, if already placed, shall be permitted to remain placed in such positions that any extraneous water due to rise of sub-soil water level, or from any drain, river, gully or creek, or any other source, whether in floor or otherwise, may gain access to the Council's sewers.
- (b) Without in any way limiting the generality of paragraph (a) of this By-law in areas liable to be flooded or affected by rise of sub-soil water level, no person shall place in position for use, any fitting, fixture, or apparatus having an inlet or opening into any drain or into any sewer of the Council unless the inlet or opening is above a level fixed by the Council for the particular district or locality; such level providing a safe margin above the highest known sub-soil water level or flood level.

PART D.—INSPECTIONS—TESTS—MAINTENANCE AND WORKMANSHIP.

In this part "Responsible Officer Of The Council" means any officer, servant, workman or agent of the Council authorised by the Council to execute the functions prescribed hereunder.

7. Before any sewer shall be connected to the sewerage system or during the renovation or repair of any existing sewerage unit the responsible officer of the Council shall inspect as far as is reasonable all materials, pipes, bends, junctions, fittings, fixtures and apparatus (hereinafter referred to as "the apparatus") before same shall be placed in position and may take samples therefrom for testing by the Council or by any authority authorised by the Council and shall in all instances apply to such apparatus either one or both of the Water and the Smoke tests or any other type of test or tests as he may order or approve to ensure compliance with these By-laws and approved plans.

Any person contravening this provision commits an offence.

8. Water Test:

- (a) The water test shall be applied to either or both of the drainage and plumbing systems and their fittings in their entirety or in sections and shall be applied by hermetically sealing all openings below the top of the section to be tested. The system shall then be filled with water to the highest point of the section, or if considered necessary, to such additional height as the responsible officer may order, and every joint, fitting and pipe carefully examined for leaks.
- (b) In testing stoneware or concrete drains a loss allowance at the rate of two and a half per cent per hour of the capacity of the drain under test and at five feet head shall be permitted.

9. Smoke Test: The smoke test shall be applied by forcing into the system thick smoke to a pressure of one inch of water by means of a smoke test apparatus, closing all openings at which smoke appears and keep up the pressure for five minutes after the last opening is closed. Every joint or pipe shall then be carefully examined for leaks.

10. Equipment: The equipment, material, power and labour necessary for the inspection and tests shall be furnished by a licensed plumber.

11. Defective Work: Any materials, pipes, bends, junctions, fittings, fixtures, and apparatus found to be defective shall be removed and replaced by sound ones, and all defective joints made tight and every part of the work shall be made to conform to the By-laws and shall be subject to the approval of the Council or its responsible officer.

12. Workmanship: All work shall be executed in a thorough and workman-like manner to the satisfaction of the Council of the said responsible officer who is hereby authorised to express the satisfaction of the Council. Within twelve months of the execution by a person holding a license from the Council of any works in connection with any sewerage, drainage or sanitary plumbing the Council may require such person to make good any defect therein appearing due to faulty workmanship on his part and in the event of failure or refusal of such person to make good any such defect the Council may condemn such work and take action as in By-law 11 hereof prescribed.

13. Maintenance By Occupier: Every silt trap, grease trap, oil trap or neutraliser, and such other appliance as the Council may direct, shall be maintained by the owner or occupier at his own expense and shall be cleaned at such intervals as may be necessary to ensure that such trap or appliance operates in an efficient and hygeinic manner.

PART E.—MATERIALS AND CHARGES.

14. (a) Testing: The cost of testing all apparatus required by By-law 7 hereof to be submitted for examination and testing shall be borne by the person making the submission. Such examinations and tests shall be carried out at such time and place as is ordered by the responsible officer of the Council and at such rates and charges as is determined by the Council.

(b) Every application for such approval of any fittings, fixtures or apparatus for use in connection with the Council's Sewerage System shall be made in writing and shall be accompanied by a sample and, if ordered or approved, by approved drawings showing full details of the said fittings, fixtures or apparatus.

(c) Every such fitting, fixture, or apparatus so approved shall, if it be a condition of such approval, be tested, stamped, marked, or authorised by the Council, in accordance with the conditions of the said approval.

(d) A charge as determined by the Council from time to time shall be made for testing or branding or for both of all apparatus used in connection with sewerage installations.

15. Concrete: Portland cement concrete, shall be to a mix approved by the Council and shall be thoroughly mixed with clean water to such consistency as ordered or approved by the responsible officer of the Council.

16. Cement Mortar: Cement mortar, unless otherwise ordered, shall consist of one part Portland cement, and two parts clean sharp sand properly mixed with an approved proportion of clean water.

17. Use of Concrete: Concrete shall be used in any of the following cases:—

- (a) Gully basins.
- (b) Around the top of educt vent and induct vent pipe sockets.
- (c) Around interceptor trap covers and tops of disconnector or other shafts.
- (d) Under and around bends rising vertically off oblique branches, and under bases of all drainage traps.
- (e) Around drains where such drains are, in the opinion of the Inspector, liable to be affected by tree roots.
- (f) Drains under buildings.
- (g) Around drains having, in the opinion of the Inspector, insufficient cover.

18. Cement Rendering: Wherever any concrete work is exposed the surface shall be rendered in cement mortar.

PART F.—PENALTIES.

19. Any person committing a breach of any of the provisions of these By-laws shall be liable, on summary conviction, to a penalty not exceeding \$40.00 and, in addition, may be ordered to pay any expense incurred by the Council in consequence of such breach.

In the case of a continuing breach the offender shall be liable in addition to the fine and payment of expenses to a daily penalty not exceeding \$10 for each day that the breach continues after notice thereof has been given by or on behalf of the Council to the offender.

The Common Seal of the Municipality was hereto affixed this thirteenth day of November, 1968 in the presence of—

[L.S.]

L. A. ALMAN,
Mayor.
D. R. MORRISON,
Town Clerk.

Approved by His Excellency the Governor in Executive Council this 19th day of December, 1968.

W. S. LONNIE,
Clerk of the Council.

HEALTH ACT, 1911-1968.

Shire of Bridgetown.

WHEREAS under the provisions of the Health Act, 1911, as amended, a local authority may make or adopt by-laws and may alter, amend or repeal any by-laws so made or adopted: Now, therefore, the Shire of Bridgetown, being a local authority within the meaning of the Act and, having adopted the Model By-laws described as Series "A" as reprinted in the *Government Gazette* on the 17th July, 1963, doth hereby resolve and determine that the said adopted by-laws shall be amended as follows:—

PART I.—GENERAL SANITARY PROVISIONS.

By-law is amended—

1. By adding in sequence a new paragraph (aa) to read as follows:—
 - (aa) No person shall undertake the collection or disposal of pigswill intended as food for pigs unless he is registered with the local authority so to do. Such registration may only be granted to an occupier, or employee, of a registered piggery and shall be subject to renewal during the first week in January of every year.

2. By substituting the word "pigswill" for the word "pigwash" wherever it appears in paragraph (b) and (c) of this by-law.

Passed at a meeting of the Bridgetown Shire Council held on the 15th day of November, 1968.

W. S. BAGSHAW,
President.

E. C. MOLYNEUX,
Shire Clerk.

Approved by His Excellency the Governor in Executive Council this 19th day of December, 1968.

W. S. LONNIE,
Shire of the Council.

HEALTH ACT, 1911-1968.

Shire of Yalgoo.

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

PART I.—GENERAL SANITARY PROVISIONS.

Add in sequence to this part a new by-law 1C to read as follows:—

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

- (1) This by-law shall only apply within the Townsite of Yalgoo as constituted under the Land Act, 1933.
- (2) Except where by reason of the nature of the terrain, soil or other peculiar circumstances it is not reasonably practical to install the apparatus, the owner of every house constructed after the coming into operation of this by-law shall provide on the premises an apparatus for the bacteriolytic treatment of sewage before the house is occupied or used.

Passed at a meeting of the Yalgoo Shire Council held on the 20th day of November, 1968.

L. J. BROAD,
President.

S. R. HARDWICKE,
Acting Shire Clerk.

Approved by His Excellency the Governor in Executive Council, this 19th day of December, 1968.

W. S. LONNIE,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960-1968.

The Municipality of the Shire of Carnarvon.

By-laws Relating to Standing Orders, Officers and the Common Seal.

L.G. 881/67.

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 18th day of September, 1968, to make and submit for confirmation by the Governor the following by-laws:—

PART I.

1. By-laws 1 to 39, 53, 54, 63 and 64 of the By-laws of the Shire of Carnarvon published in the *Government Gazette* on the 25th April, 1913 and the amendments to the By-laws of the Shire of Carnarvon published in the *Government Gazette* on the 25th August, 1916, are hereby repealed.

2. In these by-laws unless the context otherwise requires:

“Act” means the Local Government Act;

“Clerk” means the Shire Clerk of Carnarvon;

“Council” means the Shire Council of Carnarvon;

“District” means the municipal district of the Shire of Carnarvon;

“President” means the President of the Shire of Carnarvon and includes the Deputy President or any other councillor whilst the Deputy President or that other councillor is presiding at any meeting of the Council or otherwise duly acting in the place of the President;

“The Standing Orders” means the provisions of Part II of these by-laws.

PART II.—STANDING ORDERS.

PRESIDENT TO PRESIDE.

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

Notice of Meeting.

4. (1) The Clerk shall give to all councillors at least 3 clear days before a meeting notice in writing of that meeting of the Council and shall give the like notice of the resumption of any meeting adjourned for more than 3 days.

(2) If a meeting is adjourned because of the absence of a quorum notice of the resumption of that meeting shall be given to all councillors not present when the meeting was adjourned.

Quorum.

5. (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 by-law 6, every meeting shall proceed to business so soon after the time stated in the notice as a quorum is constituted.

Absence of Quorum.

6. If at the expiration of half an hour from the time fixed for the commencement of a meeting a quorum is not present the President or, in his absence the Deputy President, or in his absence the majority of councillors present or any councillor present alone or in the absence of the President and all the councillors the Clerk may adjourn the meeting to any date not later than 7 days from the date of the adjournment and business which could have been transacted had there been a quorum at the meeting may be transacted at the resumption of the adjourned meeting.

7. If at any time during any meeting of the Council a quorum is not present the President shall thereupon suspend the proceedings of the meeting for a period of two 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 President shall adjourn it to some future date.

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

Open Doors.

9. (1) The business of the Council shall be conducted with open doors except upon such occasions as the Council may by resolution otherwise determine.

(2) Upon the carrying of a resolution pursuant to sub-by-law (1) of this by-law, the President shall direct all persons other than councillors and servants of the Council to leave the Council Chambers and every such person shall forthwith comply with that direction.

(3) Any person failing to comply with a direction made pursuant to sub-by-law (2) of this by-law may, by order of the President, be removed from the Council Chambers.

(4) After the carrying of a resolution pursuant to sub-by-law (1) of this by-law 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) While a resolution made pursuant to sub-by-law (1) of this by-law is in force the operation of by-law 29 shall be suspended unless the Council, by resolution, otherwise determines.

(6) Any resolution mentioned in this by-law may be moved without notice.

Minutes.

10. The pasting or otherwise permanently affixing of the minutes of the proceedings of the Council to the leaves of a book is a sufficient recording of the minutes in the book.

Disturbance by Strangers.

11. (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 President, 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 President, be removed from the Council Chambers.

Order of Business at Ordinary Meeting.

12. The order of business at an 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—

- (i) Confirmation of minutes.
- (ii) Announcements by the President without discussion.
- (iii) Reports of officers.
- (iv) Reports of committees.
- (v) Questions of which due notice has been given.
- (vi) Petitions and memorials.
- (vii) Notices of intention to move the suspension of Standing Orders at the close of the meeting.
- (viii) Motions of which previous notice has been given.
- (ix) Notice of motions for consideration at the following meeting, if given during the meeting.
- (x) Correspondence.
- (xi) Orders of the day, including considering and ordering upon any business left over from the previous meeting and any business the President may think desirable to bring under the notice of the Council and may have directed to be entered as an order of the day.
- (xii) Motions without notice by permission of the Council.

Order of Business at Special Meeting.

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

Confirmation of Minutes.

14. (1) 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 President in accordance with section 188 of the Act.

(2) The reading at the next ordinary meeting of the minutes of the previous meeting may be dispensed with when the councillors have been supplied with copies thereof at least 3 days before the holding of that next ordinary meeting.

Questions.

15. Any councillor desiring to ask a question at any meeting of the Council shall give notice thereof in writing to the Clerk at least 4 hours before the hour fixed for the commencement of the meeting.

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

Reception of Correspondence.

17. 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.

Petitions.

18. A petition shall only be presented to the Council by a councillor who shall state the prayer of the petition to the Council.

Notices of Motion.

19. (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 less than 7 clear days before the meeting at which it is brought forward.

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

(3) The President shall rule out of order any motion which does not comply with sub-by-law (2) of this by-law.

20. Every motion of which notice has been given in accordance with by-law 19 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 by resolution agrees to defer consideration of the motion to a later hour of the same meeting or to a subsequent meeting of the Council.

Deputations.

21. (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 pursuant to sub-by-law (1) of this by-law he shall lay the memorial—

(a) before the committee concerned; or

(b) where there is no committee concerned, before the President.

(3) A Committee or the President receiving a memorial in terms of the last preceding sub-by-law may either receive the deputation or lay the memorial before the Council.

(4) Where a memorial is laid before the Council under the last preceding sub-by-law the Council may, if it so resolves, receive the deputation.

22. 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 the Committee and the matter shall not be further considered by the Council or the Committee, until the deputation has withdrawn.

Councillors to Address President.—Points of Order.

23. (1) Any Councillor moving a motion or amendment, or taking part in the discussion thereon, shall rise and address the President.

(2) A councillor who is addressing the President shall not be interrupted except upon a point of order, in which event he shall resume his seat 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 rising to express a difference of opinion with, or to contradict, a speaker shall not be recognised as raising a point of order.

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

Substance of Motion to be Stated.

24. 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 President shall put the motion or amendment in writing.

Motions and Amendments to be Seconded.

25. (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 President's attention to the infraction thereof.

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

Titles to be Used.

26. A speaker, in referring to any other member present, shall designate him by the title of President or councillor, as the case may be.

Priority of Speaking.

27. Where two or more councillors rise to speak at the same time the President shall decide which of them is entitled to priority.

President to be Heard.

28. Whenever the President rises during a debate any councillor then speaking or offering to speak shall sit down and the Council shall be silent so that the President may be heard without interruption.

Speaking Twice.

29. Except where this by-law is suspended under by-law 31 a councillor may 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.

Mover and Seconder Deemed to Have Spoken.

30. A councillor moving or seconding a motion or amendment is deemed to have spoken thereon.

31. The Council may, by resolution moved without notice, suspend the operation of by-law 29 and thereupon the operation of that by-law shall be suspended until such time as the Council shall, by resolution moved without notice, otherwise determine.

Personal Explanation.

32. 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.

33. The President shall forthwith call to order any councillor committing a breach of by-law 32.

No Speech After Certain Events.

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

Limit of Speeches.

35. (1) No Councillor shall 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.

(2) No extension beyond a total of twenty minutes may be granted by the Council under sub-by-law (1) of this by-law.

Reply.

36. No Councillor speaking in reply shall introduce any new matter but shall strictly confine himself to answering previous speakers.

Division of Motions.

37. The President 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.

38. A motion or amendment may be withdrawn by the mover, with the consent of the Council, which shall be signified without debate and no councillor shall speak upon the motion or amendment after the mover has asked permission for its withdrawal unless that permission is refused.

Production of Documents.

39. (1) Any councillor 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 four hours notice a councillor 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.

40. No Councillor shall speak otherwise than upon, or digress from, the question then before the Council, except to make a personal explanation.

No Adverse Reflection on Council.

41. No Councillor shall reflect adversely upon a resolution of the Council except on a motion that the resolution be rescinded.

No Adverse Reflection on Councillor.

42. No Councillor shall reflect adversely upon the character or actions of another councillor nor impute any motive to a councillor, unless the Council resolves, without debate, that the question then before the Council cannot otherwise be adequately considered.

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

Demand for Withdrawal.

44. If any councillor commits a breach of by-law 41 or 42, the President may require him unreservedly to withdraw any offending comment and to make a satisfactory apology and, if the councillor declines or neglects to do so, the President may direct such councillor to cease speaking and to resume his seat and may call on the next speaker.

Conduct of Councillors.

45. No councillor, shall make any noise or disturbance, or, except to raise a point of order, converse aloud, while any other person is addressing the Council.

46. The President 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 resume his seat.

47. When the President is putting any question, no councillor shall walk out of or across the Chamber nor pass between the speaker and the chair whilst any other councillor is speaking.

48. The President shall preserve order, and may call any councillor to order, whenever, in his opinion, there is cause for so doing.

49. Every councillor shall be entitled to direct the attention of the President to any infraction of the Standing Orders by any other councillor and to draw the attention of the President to any matter of which the President may take notice under by-law 46.

Rulings by President.

50. The President, 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.

51. Whenever the President has decided that any motion, amendment or other matter before the Council is out of order, it shall be rejected, and whenever anything said or done in the Council, by any councillor, is decided by the President to be out of order, that councillor shall be called upon by the President to make such explanation, retraction or apology, as the case may require.

Continued Breach of Order.

52. Where a councillor persists in any conduct which the President decides is out of order, or refuses to make any explanation, retraction or apology required by the President under by-law 51 the President may direct that Councillor to refrain from taking any further part in the current meeting of the Council, other than by recording his vote; and the councillor shall comply with such direction.

Serious Disorder.

53. (1) If at a meeting of the Council the President is of 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 forthwith and without debate whether business is to be proceeded with.

(2) Where after having once adjourned a meeting under sub-by-law (1) of this by-law, the President is again of opinion that the business of the Council cannot effectually be continued, he may close the meeting.

Permissible Motions During Debate.

54. (1) Subject to sub-by-law (2) of this by-law, when a motion is under debate, no further motion shall be moved except a motion pursuant to by-laws 31 or 35 or—

- (a) that the motion be amended;
- (b) that the Council do now 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.

(3) On any motion that the question be referred back to a committee 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 hereof, may speak for not more than five minutes, but no other debate shall be allowed.

Amendments.

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

56. Every amendment shall be read before being moved.

57. (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.

58. Where an amendment is carried, the original motion as amended shall, for all purposes of subsequent debate and subject only to by-law 57 be treated as an original motion.

“That Council Adjourn”.

59. (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.

60. 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 if there is no question under discussion the next question on the notice paper or any other matter which may be allowed precedence shall have been disposed of.

61. (1) No councillor who has spoken on the question then before the Council shall move the adjournment of the Council.

(2) No councillor shall, at the same sitting of the Council, move or second more than one motion for the adjournment of the Council.

62. 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.

63. On a motion for the adjournment of the Council being carried, a record shall be taken of all councillors 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, provided however that the mover of any motion under consideration at the time of the adjournment shall retain his right of reply.

“That Debate be Adjourned”.

64. (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.

65. (1) No councillor who has spoken on the question then under debate shall move the adjournment of the debate.

(2) No councillor shall, at the same sitting of the Council move or second more than one motion for the adjournment of the same debate.

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

67. 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, provided however that the mover of any motion under consideration at the time of the adjournment shall retain his right of reply.

68. Where the debate on any motion, moved and seconded, is interrupted by the council being counted out, that debate may, on motion without notice, be resumed at the next meeting, at the point where it was so interrupted.

“That Question be Put.”

69. 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, it shall immediately be put, without debate.

70. A motion that the question under consideration be now 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.

71. When a motion that the question be now put is carried, 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.

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

“That Council Proceed with Next Business”

73. 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 next business, and upon that motion being formally seconded, it shall immediately be put, without debate.

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

75. 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 negatived.

“That Meeting be now Closed”.

76. (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 be now 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.

77. Where a motion that the meeting be now closed is negatived, no similar motion shall be moved until after the question then under discussion or if there is no question under discussion the next question on the motion paper or any other matter which may be allowed precedence shall have been disposed of.

78. (1) No councillor who has spoken on the question then before the Council shall move that the meeting be closed.

(2) No councillor shall, at the same meeting of the Council, move or second more than one motion that the meeting be closed.

79. On a motion that the meeting be now 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.

80. On a motion that the meeting be now closed being carried, a record shall be taken of all councillors 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 provided however that the mover of any motion under consideration at the time of the adjournment shall retain his right of reply.

Confidential Business.

81. Every matter dealt with by, or brought before the Council sitting otherwise than with open doors, 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 President, 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 with open doors.

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 in section 177 of the Act.

Negatived Motions.

83. Except with the consent of an absolute majority of the Council a motion to the same effect as any non-procedural motion which has been negatived by the Council shall not again be entertained within a period of three months.

Suspension of Standing Orders.

84. In cases of urgent necessity, any Standing order of the Council may be suspended on motion duly made 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.

Voting.

86. (1) Except where he is prohibited from voting by the Act, a councillor present in his seat when a question is put shall vote on the question and if any councillor who is entitled to vote fails to vote the President shall call upon him to vote.

(2) The President has and shall exercise a deliberative vote only.

(3) A question arising at a meeting of the Council shall be determined by a majority of the valid votes of the councillors present at the meeting, but where there is an equal division of votes the question shall be determined in the negative.

87. The President 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.

88. (1) The vote shall be taken openly on the voices unless a councillor calls for a show of hands in which case the result shall be determined on the count of raised hands and upon a vote on the voices or on a show of hands being taken, a councillor may call for a division.

(2) Upon a division being called for, the President 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) The division shall be taken by those voting in the affirmative passing to the right of the chair and those voting in the negative to the left of the chair.

(4) The names of the councillors who vote on a question on which there is a division shall be recorded by the Clerk in respect of every division together with details of whether they voted in the affirmative or negative together with the names of those councillors who abstained from voting.

Standing Committees.

89. (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; and
- (b) General Purposes.

(2) Each standing committee shall comprise the President and three councillors.

(3) Subject to sub-by-law (4) of this by-law, 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.

(4) The 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.

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

- (a) Finance committee, the oversight of—
 - (i) the finances of the Council;
 - (ii) items of expenditure recommended by any committee;
 - (iii) estimates of receipts and expenditure for each financial year;
 - (iv) loans; and
 - (v) the Council's official staff.

- (b) General Purposes Committee, the oversight of—
 - (i) construction and maintenance of streets, ways, drains, bridges and other public places;
 - (ii) sweeping and watering of streets;
 - (iii) fencing vacant lands;
 - (iv) construction of street shelters and street signs;
 - (v) construction of crossings over footpaths, and any constructional matters in connection with streets;
 - (vi) siting of all works buildings; and
 - (vii) building, traffic, health and town planning matters.

(2) The General Purposes Committee may make a recommendation to the Finance Committee concerning an appointment to the official staff of an applicant whose principal duties pertain to matters, the oversight of which

has been entrusted by the Council to the General Purposes Committee, and where the Finance Committee does not accept that recommendation, it may be made to the Council.

Occasional Committees.

91. (1) The Council may appoint occasional committees to perform any duties which may lawfully be entrusted by it to a committee.

(2) An occasional committee may comprise any number of members not exceeding 4.

(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 President, 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.

Meetings of Committees.

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

93. Except in so far as they limit the number of times a member may speak or require meetings to be conducted with open doors and subject as hereinafter provided the 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.

94. (1) At any meeting of a committee a quorum shall consist of not less than two members and the chairman.

(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 fifteen minutes after the appointed time of meeting, the meeting shall lapse.

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.

Representation on Public Bodies.

96. Whenever it becomes necessary to appoint a councillor to represent the Council on a public body or a State instrumentality, notice of the necessity to make that appointment shall be given at the meeting of the Council immediately preceding the meeting at which it is intended to make the appointment.

Meetings of Electors.

97. (1) The Standing Orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the Standing Orders and the provisions of section 171 of the Act, the latter shall prevail.

(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 resolution, requests him to do so.

Meetings of Ratepayers.

98. (1) The Standing Orders apply, so far as is practicable, to any meeting of ratepayers, but where there is any inconsistency between the provisions of the Standing Orders and the provisions of section 171 of the Act, the latter shall prevail.

(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 resolution, requests him to do so.

Enforcement of Standing Orders.

99. (1) The President is authorised and required to enforce the Standing Orders and to prosecute for any breach thereof.

(2) Any person committing a breach of these Standing Orders shall be liable to a fine not exceeding \$100.

PART III.—OFFICERS OF COUNCIL.

100. The duties of the Clerk shall be—

- (a) to summon members to Council meetings and to committee meetings;
- (b) to attend all Council meetings and to prepare the minutes of all such meetings;
- (c) unless his attendance is not required by the committee, to attend all committee meetings and to prepare the minutes and the reports of committee meetings;
- (d) to conduct all correspondence of the Council and to give effect to resolutions of the Council as contained in the minutes and to convey the decisions of the Council to the persons concerned;
- (e) to answer all questions on the Council's business;
- (f) to supervise the preparation of the annual financial estimates and to submit them to the Council and to keep the Council informed of its operations in relation to the estimates adopted by the Council;
- (g) to prepare and place before the Council once in each month a financial statement in accordance with section 628 of the Act;
- (h) to ensure that the annual accounts and balance sheets are duly prepared and audited;
- (i) to keep all books up to date and in accordance with the Act and any additional instructions from the Council;
- (j) to check all accounts sent in to the Council and to ensure that all accounts for works have stated in them the authority under which such works have been performed and to check all returns made by officers and servants of the Council;
- (k) to supervise and to attend to the due payment of all moneys received by officers and servants of the Council and payable to the credit of the Council and to report to the Council at its next meeting any officer or servant neglecting to make his returns as required;
- (l) to ensure that no payments to the credit of the Council's banking account shall be made except through himself or such other officer as shall be duly authorised by the Council in that behalf;
- (m) to supervise the preparation and lodging of such returns as are required to be made by the Council;
- (n) to ensure that all bonds and other forms of security required to be taken from contractors or other persons are prepared and executed and that any security required from officers or servants of the Council is taken within due time and to report on such matters to the Council;
- (o) to supervise the insurance policies of the Council and to report to the Council thereon as often as necessary and at least annually;
- (p) to supervise the preparation of the rate book and the electoral lists and to make all necessary arrangements for elections;
- (q) to exercise, subject to any directions given by the Council or the President, control over all officers and servants of the Council;
- (r) to report to the President any officer or servant who has been guilty of any neglect of duty or who is incapable of performing the duties allotted to him;

- (s) to be acquainted with the provisions of the Act and these by-laws and any other statutes, regulations, by-laws or orders affecting the operations of the Council;
- (t) to carry out all duties for which he is responsible under the Act;
- (u) wherever possible to ensure that the provisions of the Act are carried out; and
- (v) to obey all lawful commands or orders of the Council.

101. Whenever a vacancy occurs in any of the offices of Shire Clerk, Assistant Shire Clerk, Works Supervisor, Electrical Engineer, Health Inspector, Traffic Inspector or Building Surveyor applications shall be called by the Council from persons eligible to fill that office by such advertisements as the Council shall determine.

102. The Clerk acting for and on behalf of the Council may employ any officer other than an officer referred to in the last preceding by-law and any casual or weekly servant required by the Council in connection with any works but shall report the fact of employment of such officer or servant to the Council at its meeting next following his employment and the Council shall be deemed to have ratified the employment of any such officer or servant and such employment may be continued unless at that meeting the Council by resolution directs that the employment of the officer or servant shall be discontinued.

103. (1) All complaints against officers or servants of the Council must be in writing and must in every case be signed by the person complaining and any complaint not made in accordance with this by-law shall not be acted upon.

(2) All complaints as aforesaid shall be addressed to the President who on receipt hereof shall have the power to investigate the same and he shall report thereon to the Council at its next meeting.

(3) An officer or servant against whom a complaint has been made shall be given an opportunity of submitting to the Council meeting at which the complaint is considered a written answer to the complaint.

PART IV.—COMMON SEAL.

104. The Clerk shall be responsible for the care of the common seal of the shire and shall keep it in safe custody.

105. The common seal shall not be affixed to any document unless the Council has resolved that the common seal be affixed to that document, and it is affixed by the Clerk in the presence of the President or the persons for the time being acting in those capacities who shall both sign every document to which the common seal is so affixed.

106. The Clerk shall keep or cause to be kept a register of all documents to which the Common seal of the Shire has been affixed.

Dated this 18th day of September, 1968.

[L.S.]

W. TUCKEY,
President.
G. WHITELEY,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 19th day of December, 1968.

W. S. LONNIE,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960-1968.

The Municipality of the Shire of Carnarvon.

By-laws Relating to Recreation Grounds.

L.G. 762/61.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned municipality hereby records having resolved on the 18th day of September, 1968, to make and submit for confirmation by the Governor the following by-laws:—

1. In these by-laws, unless the context otherwise requires—
 - “building” means and includes any building, erection, stall, fence, barrier, hoarding or other structure and includes a tent or a caravan;
 - “caretaker” means a person appointed by the Council to take care of a recreation ground;
 - “function” includes any gathering, meeting, show, exhibition, game, contest, match or gymkhana;
 - “license” means a license to hold a function on a recreation ground or to train persons or to train or exercise animals;
 - “person” includes any person, body corporate, club or association;
 - “recreation ground” means the area or areas described in the first schedule to these by-laws.
2. No person shall conduct a function on a recreation ground or conduct training for sports or train or exercise animals on a recreation ground unless he holds a current license under these by-laws.
3. Every person wishing to obtain a license shall make application therefor to the Council in the form set out in the second schedule hereto.
4. The Council may grant a license upon such terms and conditions as it deems fit.
5. A license shall be in the form set out in the third schedule hereto.
6. The person to whom a license has been granted under these by-laws shall pay to the Council the fees set out in the fourth schedule hereto.
7. No person to whom a license to hold a function has been granted shall make a charge for admission to the function unless authorised to do so by the Council and no person shall make a charge for admission in excess of that authorised by the Council.
8. No person under the influence of alcohol or acting in a riotous or disorderly manner shall attend any function on a recreation ground.
9. A person to whom a license to hold a function has been granted shall prevent any person under the influence of alcohol or any person acting in a riotous or disorderly manner from attending or remaining at the function.
10. A person to whom a license has been granted under these by-laws who commits or permits the commission of a breach of any of the terms and conditions of the license shall be guilty of an offence.
11. The Council may by notice in writing served upon the licensee cancel a license granted under these by-laws if it is satisfied that the licensee has committed or permitted or authorised the commission of a breach of any of these by-laws.
12. Except with the prior written permission of the Council no person shall erect a building on a recreation ground.

13. Every person wishing to erect a building on a recreation ground shall make application therefor to the Council in the form set out in the schedule hereto.

14. The Council may grant its consent to the erection of a building in the form set out in the sixth schedule hereto upon such terms and conditions as it deems fit.

15. The Council may by notice in writing to the person to whom consent to erect a building has been granted or to the owner, or to the person whom it believes to be the owner of a building on a recreation ground direct that the building be removed within a period of 14 days after the date of service of the notice.

16. Any person who fails to comply with a notice given by the Council requiring him to remove a building on a recreation ground shall be guilty of an offence and the Council may sell the building or may sell the materials of which it is constructed and shall hold the balance of the purchase money received by it, after deducting therefrom all costs and expenses of such taking down, removal and sale, upon trust for the person entitled thereto.

17. No person other than the owner of a building or a person duly authorised in that behalf by the owner of a building erected on a recreation ground pursuant to the provisions of these by-laws shall use the building.

18. No person shall occupy or use a building on a recreation ground during the course of a function without the permission of the person to whom a license to hold the function has been granted.

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

Offences.

20. No person shall damage or interfere with any building property or thing placed or used in, or belonging to the Council or authorised by the Council to be placed on, a recreation ground, or throw stones, or other missiles, or commit any nuisance therein, or leave any rubbish, refuse, bottle, can, tin, paper, broken glass, china or litter of any kind on a recreation ground other than in a receptacle provided for that purpose.

21. No person shall stand on or climb or jump over any tree, seat, gate post or fence on a recreation ground or cut letters, names, or marks on or otherwise damage any structure, tree, seat, gate post, or fence thereon, or otherwise deface the same or write thereon.

22. Except with the prior written permission of the Council no person shall bring any animal into a recreation ground.

23. Except with the prior written permission of the Council no person shall light any fire within a recreation ground.

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

25. No person other than a member of a club or sporting association authorised in that behalf shall enter a recreation ground for the purpose of playing any game or sport or taking part in any gymkhana or for horseracing or trotting therein without a license so to do from the Council.

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

27. No person shall enter a recreation ground without being duly authorised by the Council or by a license holder nor enter any of the dressing or training rooms on a recreation ground or use any locker without having first been duly authorised by the Council or by a license holder for that purpose.

28. Except with the prior written permission of the Council no person shall address an audience or public meeting on a recreation ground.

29. Except with the prior written permission of the Council no person shall camp, lodge or tarry overnight or frequent for the purpose of camping, lodging or tarrying overnight on a recreation ground.

30. Except with the prior written permission of the Council no person shall sell or expose for sale any food, drink, goods, wares, merchandise or other things on a recreation ground, provided however that the permission of the Council shall not be required when such person sells or exposes for sale anything with the consent of a person to whom a license has been granted to hold a function and during the period of that license.

31. Except with the prior written permission of the Council no person shall drive any vehicle or machine of any kind on a recreation ground other than on a carriageway and at a speed not exceeding 10 miles per hour.

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

33. Any person who does anything prohibited by or under these by-laws or who fails to do anything which by or under these by-laws he is required or directed to do is guilty of an offence and is liable to a penalty of \$100 and, in addition, to a daily penalty of \$10 for each day during which the offence continues.

Repeal.

34. By-laws 55 to 62 of the By-laws of the Shire of Carnarvon published in the *Government Gazette* on the 25th April, 1913 and the by-laws relating to Recreation Grounds published in the *Government Gazette* on the 1st December, 1961 are hereby repealed.

First Schedule.

Carnarvon Oval (Reserve 1856).

Second Schedule.

Shire of Carnarvon.

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

To the Shire Clerk, Shire of Carnarvon:

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

1. Purpose for which the recreation ground is to be used

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

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

Dated the day of 19.....

Signed:

Third Schedule.

Shire of Carnarvon.

LICENSE TO HOLD A FUNCTION ON A RECREATION GROUND.

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

- (a) The nature of the function for which this license is granted is
- (b) This license shall be valid for a period of
- (c) The times during which this license shall operate are
- (d) The position or particular place on the recreation ground where it is No such buildings shall be erected before the day of 19..... and all such buildings shall be removed before the day of 19..... Buildings referred to
- (e) The recreation ground shall be left clean and tidy after the completion of the function.
- (f) No charge (or a charge of \$.....:.....c) will be made for admission to the function.
- (g) Special conditions if any

This license is issued subject to the licensee's strictly observing the by-laws of the Council.

Dated the day of 19.....

.....
Shire Clerk.

Fourth Schedule.

FEEES FOR USE OF A RECREATION GROUND.

The fees for the use of the recreation ground shall be as follows—

For sporting fixtures—20 per centum of the gross gate takings or \$1 per day whichever is the greater. For shows, exhibitions and gymkhanas—20 per centum of the gross gate takings or \$10 per day whichever is the greater. School sports approved by the Council, no charge. Individuals, no charge.

Fifth Schedule.

Shire of Carnarvon.

APPLICATION TO ERECT A BUILDING ON A RECREATION GROUND.

To the Shire Clerk, Shire of Carnarvon:

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

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

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

Dated the day of 19.....

Signed:

Sixth Schedule.

Shire of Carnarvon.

CONSENT TO ERECT A BUILDING ON A RECREATION GROUND.

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

- (a) The nature of the building shall be
- (b) The building shall not be used except for the purpose of
- (c) The building shall not be used except on the following dates and times
- (d) The building shall be erected only on the following part of the recreation ground
- (e) The building shall be removed from the recreation ground on or before or on notice to remove the same being given before that date.

- (f) The building shall be constructed of the following materials and in accordance with the plan attached to the application herein.
- (g) Ownership of the building shall not be transferred or assigned unless notice in the form of the seventh schedule to the by-laws has been first duly completed and delivered to the Council.
- (h) The building shall not be used during a function on the recreation ground without the approval of the person to whom a license to hold such function has been given.
- (i) The building shall not be used as a dwelling or for sleeping purposes without the consent in writing of the Council.
Special conditions (if any)

Dated the day of 19.....

.....
Shire Clerk.

Seventh Schedule.

Shire of Carnarvon.

TRANSFER OF OWNERSHIP OF BUILDING.

To the Shire Clerk, Shire of Carnarvon:

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

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

Building referred to

Dated the day of 19.....

Signed by the transferor

Signed by the transferee

Received by the Carnarvon Shire Council the day of 19.....

.....
Shire Clerk.

Dated this 18th day of September, 1968.

[L.S.]

W. TUCKEY,
President.

G. WHITELEY,
Shire Clerk.

Recommended—

.....
L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 19th day of December, 1968.

W. S. LONNIE,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960-1968.

The Municipality of the Shire of Carmarvon.

By-laws Relating to Motels.

L.G. 891/60A.

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 18th day of September, 1968, to make and submit for confirmation by the Governor the following by-laws:—

1. (1) In these by-laws "motel" means any premises that provide, or are held out as providing, accommodation for the motoring public at large, for reward, and that are denominated by the owner or occupier by the word "motel" or any combination of the word "motor", "auto", or "travel" or any derivation or contraction of those words, with a word, or any derivation or contraction of a word, denoting lodging or accommodation, whether alone or in conjunction with other words.

(2) Without limiting the generality of sub-by-law (1) of this by-law, a motel may be, or comprise, premises licensed under the provisions of the Licensing Act, 1911.

2. (1) No person shall establish or operate a motel unless it is duly registered and otherwise established or operated in accordance with these by-laws.

(2) No person shall use the word "motel" or any combination of the word "motor", "auto", or "travel" or any derivation or contraction of those words, with a word, or any derivation or contraction of a word, denoting lodging or accommodation, whether alone or in conjunction with other words, in connection with any premises of which the occupancy is offered or given for reward, unless those premises are currently registered as a motel with the Council.

Sites.

3. (1) No motel shall be established or operated upon any site having an area of less than one acre, provided however that in special circumstances, with the consent in writing of the Minister for Local Government and of the Council, a motel may be established on a site of less than one acre.

(2) Any site used for the establishment or operation of a motel shall be provided with means of ingress from, and egress to, a public road by an entry and driveways, properly paved and approved by the Council.

(3) The maximum number of residential units which may be built and operated as a motel shall be such that, after deducting from the area of the land the area of the buildings erected or to be erected as a cafe, cafeteria, restaurant or dining room, kitchen, laundry, flat or residence for the manager or person in charge of the motel and any parking space for use by members of the public, as distinct from persons occupying the motel units, the remaining area of the land is not less than one thousand square feet per unit.

Distance of Buildings from Boundaries.

4. (1) No motel shall be constructed in such a way that any portion of a building is nearer to the street alignment than is permitted under the provisions of any building line by-laws, building by-laws, town planning scheme or zoning by-laws of the Council or in the absence of such by-laws or scheme, within twenty-five feet of the street alignment.

(2) No motel building shall be so constructed that any portion of the walls of that building is nearer to the side or rear boundary of the site than ten feet, provided however that in special circumstances, with the consent in writing of the Minister for Local Government and of the Council, a motel building may be erected with walls nearer than ten feet to the site or rear boundary of the site.

(3) Notwithstanding the provisions of sub-by-laws (1) and (2) of this by-law, eaves, hoods and ornamental fixtures may be extended a distance of three feet nearer to any boundary than thereby prescribed.

(4) A motel building that comprises more than two storeys shall be so constructed as to incorporate a passenger lift serving each storey and being of a size and standard approved by the Council.

Composition of Motels.

5. A motel shall comprise at least—

- (a) ten residential units;
- (b) subject to by-law 9, a cafe, cafeteria or restaurant;
- (c) a common laundry;
- (d) a fiat or residence for the manager or person in charge of the motel,
- (e) parking space as in these by-laws provided; and
- (f) a garden or plantation surrounding the site.

Composition of Residential Unit.

6. (1) Each residential unit of a motel shall comprise at least—

- (a) a bed-sitting room;
- (b) a space for storage of luggage;
- (c) a car park; and
- (d) and ablution and toilet unit.

(2) The minimum floor area of any residential unit, exclusive of any patio, covered way or car park, shall be two hundred and fifty square feet where the ceiling height is eight feet but may be reduced to such area as the Council shall specify where the ceiling height is greater than eight feet provided however that a residential unit shall not, in any event, contain less than two thousand cubic feet of space and shall be such as will ensure to the occupants at least the amount of air space as is required by any by-laws made under the Health Act, 1911.

Structure.

7. (1) A motel shall be constructed in accordance with the building by-laws of the Council and any provisions of the building by-laws which are applicable to flats shall, as far as practicable, be applicable to motels.

(2) Where provision is made in any building for one residential unit to open into another residential unit, there shall be an intervening door having a fire resistance rating of at least one hour's duration and being capable of being locked from either side.

Ablution Units.

8. (1) Each ablution unit shall include—

- (a) a shower cubicle;
- (b) a hand basin; and
- (c) an air lock and water closet.

(2) Hot and cold running water shall be provided to the shower and hand basin of each ablution unit.

(3) Where it is desired to provide baths in addition to showers, those baths may be installed in a common bathroom.

Cooking Facilities.

9. (1) Each residential unit shall be provided with one power point.

(2) Where, in any motel, no cafe, cafeteria or restaurant is provided and operating, there shall be a common kitchen having a floor area of at least one hundred square feet.

(3) Any common kitchen shall have installed therein at least one stove and one sink for every ten residential units or part of that number of units.

Laundry.

10. A motel shall be provided with a common laundry of a floor area of at least 100 square feet, having therein installed one set of wash troughs and either one copper or one washing machine for every ten residential units or part of that number of units.

Car Parking.

11. (1) A motel shall be provided with a car park appurtenant to and within a distance of fifteen feet of each residential unit, unless the Council shall approve of a car park being at a greater distance from any residential unit; and the parking site allotted to each unit shall comprise not less than one hundred and seventy-five square feet in area.

(2) There shall be adequate means of access to and manoeuvring space at each car park.

(3) In a motel where a restaurant, swimming pool, dance floor or other facilities are provided for the use of the public, other than residents, there shall be provided on-site parking space in the ratio of one car space for every three members of the public in addition to the car parks required under sub by-law (1) of this by-law.

(4) In a motel which is licensed under the provisions of the Licensing Act, 1911, there shall be provided, in addition to any parking space hereinbefore required, on-site parking space in the ratio of one car space for every twenty-five square feet of licensed floor space or part of that area, exclusive of floor space devoted to storage, service areas, refrigeration areas and the like utility areas.

Furniture.

12. (1) Each residential unit in a motel shall be provided with a suitable complement of bedding and furniture in good order, repair and condition and there shall be in each residential unit at least—

- (a) one spring bedstead for each person occupying the unit;
- (b) one mattress for each bedstead;
- (c) all usual linens, blankets and bedspreads for each bed;
- (d) one easy chair;
- (e) one luggage rack;
- (f) hanging space for clothing;
- (g) one table, desk or dresser or any combination of those articles of furniture; and
- (h) one mirror of an area of at least six square feet.

Advertising Sign.

13. No entrance sign or gateway shall be erected on the front boundary of a motel unless that sign or gateway shall first have been approved by the Council.

Resident Manager.

14. (1) Where the owner or occupier of a motel is not in residence at that motel he shall appoint a manager or other responsible person to reside at, and be in charge of, the motel.

- (2) No person shall be the manager of, or be in charge of a motel who—
 - (a) is an undischarged bankrupt;
 - (b) has been convicted of any indictable offence; or
 - (c) has been or is convicted more than three times of offences against these by-laws, or against regulations or by-laws made pursuant to the provisions of the Health Act, 1911.

Compliance with Other By-laws.

15. Nothing in these by-laws shall be deemed to relieve any person from his obligation to comply with any regulation or by-law made pursuant to the provisions of the Local Government Act, the Town Planning and Development Act, 1928, or the Health Act, 1911.

Registration.

16. (1) Any person desiring to establish or operate a motel shall apply for initial registration of the motel to the Council, and registration, if approved shall operate until the 31st day of December then next following.

(2) An application for renewal of the registration of a motel for the ensuing year shall be made in the month of December and unless that registration is renewed no person shall continue the operation of the subject premises as a motel.

Penalty.

17. Any person who does anything prohibited by or under these by-laws or who fails to do anything which by or under these by-laws he is required or directed to do shall be guilty of an offence.

18. Any person who is guilty of an offence under these by-laws shall be liable to a fine not exceeding \$100 and in addition to a maximum daily penalty of \$10 for each day during which the offence continues.

Repeal.

19. The Motel By-laws of the Shire of Carnarvon published in the Government Gazette on the 9th February, 1961, are hereby repealed.

Dated this 18th day of September, 1968.

[L.S.]

W. TUCKEY,
President.

G. WHITELEY,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 19th day of December, 1968.

W. S. LONNIE,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960-1968.

The Municipality of the Shire of Carnarvon.

By-laws Relating to Signs, Hoardings and Bill Posting.

L.G. 1080/68.

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 18th day of September, 1968, to make and submit for confirmation by the Governor the following by-laws:—

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

- “direction sign” means a sign erected in a street or public place to indicate the direction to be taken to some other place, but does not include any such sign erected or affixed by the Council or a road direction sign erected or affixed by a duly incorporated association, or union, of motorists, authorised in that regard by the Minister for Transport;
- “hoarding” means a detached structure, other than a pylon sign, that is erected for the sole purpose of displaying a sign or signs and does not include a hoarding within the meaning of section 377 of the Act;
- “illuminated sign” means a sign that is so arranged as to be capable of being lighted, either from within or without the sign by artificial light provided, or mainly provided, for that purpose;
- “pylon sign” means a sign supported by one or more piers and not attached to a building;
- “residential area” means an area that has been so designated under a town planning scheme or in zoning by-laws or, where not so designated, a lot not exceeding one-half acre in area;
- “sale sign” means a sign indicating that the premises whereon it is affixed are for sale or for letting;
- “semaphore sign” means a sign affixed and supported at, or by, one of its ends, only;
- “sign” includes a sign board and a clock, other than a clock that is built into a wall and that does not project beyond the face of the wall;
- “surveyor” means the building surveyor of the Shire of Carnarvon appointed pursuant to the Act;
- “tower sign” means a sign affixed to, or placed on, a chimney stack or an open structural mast or tower.

SIGNS.

Signs Generally.

License Required for Certain Signs.

2. (1) No person shall erect or maintain a sign, and no owner or occupier of premises shall suffer or permit a sign to remain on those premises, within 100 feet of a street or other public place, except pursuant to a license issued under these by-laws.

(2) Nothing in this by-law relates to a sign erected or maintained pursuant to any Act having operation within the State or to a sign that is—

- (a) a sale sign;
- (b) a plate of an area not exceeding two square feet, erected or affixed on the street alignment, or between that alignment and the building line, to indicate the name and occupation, trade or profession of an occupier of the premises;
- (c) of an area not exceeding four square feet and affixed to a dwelling or erected, or affixed, behind the building line, to indicate the name and occupation, trade or profession of an occupier of the premises.

Fixing of Signs.

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

Glass Signs.

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

Readily Combustible Material.

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

Signs to be Kept Clean.

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

Illuminated Signs.

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

(2) The provisions of paragraph (f) of sub-by-law (1) of this by-law do not apply to a roof sign that is an illuminated sign.

Certain Signs Prohibited or Restricted.

8. A sign shall not be erected or maintained—
- (a) so as to obstruct the view, from a street or public place, of traffic in the same or any other street or public place;
 - (b) so as to be likely to be confused with, or mistaken for an official traffic light or sign, or so as to contravene the Traffic Act, 1919, or the regulations made thereunder;
 - (c) except with the specific written approval of the Council, on any ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulk-head over stairs or other superstructure over the main roof of a building;
 - (d) on any land that is classified in a town planning scheme or zoning by-laws as residential or for flats;
 - (e) on any building of which the stability is, in the opinion of the surveyor, likely to be affected by the sign;
 - (f) as a movable or portable sign, in a street or public place, unaffixed to a building; or
 - (g) in any position wherein it obstructs or obscures a person's view from a dwelling of a river, the sea or any other natural feature of beauty.

Particular Signs.

Signs Above Verandah Fascias.

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

Signs on Verandah Fascias.

10. A sign fixed to the outer or return fascia of a verandah—
- (a) shall not exceed two feet in depth;
 - (b) shall not project beyond the outer metal frame, or surround of the fascia; and

- (c) if an illuminated sign, may be of changing colours, but shall not emit a flashing light.

Signs Under Verandahs.

11. A sign under a verandah shall—
- (a) afford a headway of at least eight feet;
 - (b) not exceed eight feet in length, nine and one-third square feet in area or 24 inches in width;
 - (c) not weigh more than 120 pounds;
 - (d) not, if it exceeds 12 inches in width, be within four feet six inches, or if it does not exceed 12 inches in width, be within three feet of the side wall of the building, measured along the front of the building, before which it is erected;
 - (e) not, if it exceeds 12 inches in width, be within nine feet, or, if it does not exceed 12 inches in width, be within six feet, of another sign under the verandah;
 - (f) be fixed at right angles to the front wall of the building before which it is erected, except on a corner of a building at a street intersection, where the sign may be placed at an angle with the wall, so as to be visible from both streets;
 - (g) bear, at its outer end, its license number in figures clearly legible from the footway; and
 - (h) be so placed that the centre of its base, longitudinally is equidistant from the outer edge of the verandah and the edge of the street nearest to the building to which such verandah is attached.

Horizontal Signs.

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

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

- (d) not project more than two feet from the wall to which it is attached; and
 - (e) not be within two feet of either end of the wall to which it is attached, unless the end of the sign abuts against a brick, stone or cement corbel, pier or pilaster which is at least nine inches wide and projects at least one inch in front of, and three inches above and below, the sign.
- (2) Notwithstanding the provisions of paragraph (c) of sub-by-law (1) of this by-law, the Council may permit an increase of not more than 50 per centum of the depths therein mentioned in any part or parts of a sign to permit the inclusion therein of a motif or capital letter.

(3) There shall be not more than one line of horizontal signs facing any one street on any storey of a building.

(4) The name of the building, owner or occupier may be placed on the facade of a building, but—

- (a) except with the prior written permission of the Council, only one such name shall be placed on any facade;
- (b) the letters of the name shall not exceed four feet in depth;
- (c) the letters shall be of metal or other incombustible material; and
- (d) the letters shall not be lit or illuminated unless all illuminated lettering has been specifically approved by the Council.

Vertical Signs.

13. (1) A vertical sign shall—
- (a) afford a minimum headway of 10 feet;
 - (b) subject to sub-by-law (2) of this by-law, not project more than three feet from the face of the building to which it is attached;
 - (c) subject to sub-by-law (3) of this by-law, not be within six feet of either end of the wall to which it is attached;
 - (d) not project more than eight feet above the top of the wall to which it is attached nor more than five feet back from the face of that wall;
 - (e) be of a height at least twice its width;
 - (f) not be within 12 feet of another vertical sign on the same building;
 - (g) not be placed on a corner of a building, except at a street intersection where it may be placed at an angle with the walls, so as to be visible from both streets; and
 - (h) not exceed three feet in width.

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

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

Semaphore Signs.

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

(2) Not more than one semaphore sign shall be fixed over, or adjacent to, any one entrance to a building.

Direction Signs on Street Poles.

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

Roof Signs.

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

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

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

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

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

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

Pylon Signs.

17. (1) A pylon sign shall—

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

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

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

Clocks.

18. (1) A clock shall—

- (a) if suspended under a verandah have its centre coinciding with the centre line of the footway thereunder;
- (b) comply, as regards size, with the following table—

Height of Bottom of Clock above Footway.	Maximum Diameter of Width of Clock Face and depth of Clock including lettering.	
	Ft.	Ins.
9 feet and under 12 feet	1	6
12 feet and under 20 feet	2	6
20 feet and under 40 feet	3	6
40 feet and over	5	0

- (c) be fixed either parallel with, or at right angles to, the wall to which it is attached;
- (d) not project from the wall to which it is attached—
 - (i) if parallel to the wall, more than one foot; or
 - (ii) if at right angles to the wall, more than six feet;
- (e) afford a minimum headway of nine feet;
- (f) be maintained so as to show the correct time;
- (g) be illuminated from sunset to midnight; and
- (h) not be permitted to strike between midnight and seven o'clock in the morning.

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

Tower Signs.

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

Sale Signs.

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

Institutional Signs.

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

Signs on Fences or Vacant Lots.

22. A sign may, with the prior written permission of the Council, be painted or erected on the side or rear fence of a lot on which there is no building, and which is used for business purposes, but any such sign shall not be nearer to the street than a distance equal to its own height above the ground, nor shall it exceed three feet in depth.

HOARDINGS.

Prohibition or Restriction of Hoardings.

23. (1) No person shall erect or maintain a hoarding except pursuant to a license issued under these by-laws.
- (2) Subject to the Act, the Council may in its absolute discretion grant or refuse a license for the erection or maintenance of a hoarding.
- (3) Except with specific written approval of the Council, a hoarding shall not be erected within 50 feet of any street or other public place.
- (4) A hoarding shall not be of a greater area than 240 square feet.

Bill Posting.

24. (1) Subject to sub-by law (2) of this by-law, no person shall post any bill, or paint, stencil, place or affix any advertisement in any street or on any building, structure, fence, wall, hoarding, sign, post, blind or awning in or within 50 feet of any street.

- (2) This by-law shall not apply to—
- (a) signs or hoardings for which a license is in force under these by-laws;
 - (b) advertisements affixed to, or painted on, a shop window by the occupier thereof and relating to the business carried on therein;
 - (c) the name and occupation of any occupier of business premises painted on a window or wall of those premises; or
 - (d) signs within a building.

Licenses.

Application for Licenses.

25. (1) An application for a license under these by-laws shall be made in the form set out in the first schedule hereto.
- (2) An application for the first issue of a license in respect of—
- (a) an illuminated sign;
 - (b) a pylon sign;

- (c) a clock; or
- (d) a hoarding;

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

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

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

Objectionable Signs and Hoardings.

26. Notwithstanding that a sign or hoarding would otherwise comply with the provisions of these by-laws and without limiting the provisions of sub-by-law (2) of by-law 23, the Council may refuse a license therefor, if the sign or hoarding would, in its opinion, be injurious to the amenity or natural beauty of the area.

License Fees.

27. (1) A license shall be issued in the form set out in the second schedule hereto upon payment of the appropriate fee set out in the third schedule hereto.

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

License to be Subject to By-Laws.

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

Licenses to be Produced.

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

Licenses.

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

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

Revocation of Licenses.

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

Special Permits.

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

(2) The Council may revoke any such permit at any time by notice in writing served upon the person to whom the permit has been granted without assigning any reason therefor.

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

General.

No Obstruction to Doors, etc.

33. No sign shall be so erected as to obstruct access to or from any door, fire escape or window, other than a window designed for the display of goods.

License Number.

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

Offences and Removal of Offending Signs.

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

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

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

(4) The Council may remove any sign placed or erected, contrary to the provisions of these by-laws, on any street or land vested in or under the care or control of the Council and may without incurring any liability therefor dispose of any signs so removed, in such manner as it thinks fit.

(5) Where, in exercise of the power conferred by sub-bylaw (4) of this by-law, the Council removes and disposes of a sign it may recover the cost of the removal and disposal in any court of competent jurisdiction from the person responsible for the placing or erecting of the sign.

Penalty.

36. Any person who does anything prohibited by or under these by-laws or who fails to do anything which by or under these by-laws he is required or directed to do is guilty of an offence and is liable to a penalty of \$100, and, in addition, to a daily penalty of \$10 for each day during which the offence continues.

Repeal.

37. By-laws 80 and 81 of the By-laws of the Shire of Carnarvon published in the *Government Gazette* on the 25th April, 1913 are hereby repealed.

First Schedule.

APPLICATION FOR LICENSE.

Signs and Hoardings.

To the Shire Clerk, Shire of Carnarvon:

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

Full name and address of applicant

Exact position of sign

Dimensions of sign

Materials and construction of sign and supports:

Inscription or device on sign:

A plan is attached hereto.

Dated the day of 19.....

Signature of Applicant.

* Strike out whichever does not apply.

† Strike out, if sign already erected.

Second Schedule.

LICENSE.

Shire of Carnarvon.

No.

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

Dated the day of 19.....

.....
Building Surveyor.

Third Schedule.

FEES.

- | | |
|--|--|
| 1. A pylon sign or tower sign— | \$4. |
| 2. An illuminated sign— | |
| (a) on a roof— | 5c per square foot
with a minimum of \$3. |
| (b) under a verandah— | \$2. |
| (c) any other— | \$4. |
| 3. A sign other than a pylon sign or an illuminated
sign— | \$2. |
| 4. A hoarding—per annum— | \$10. |

Dated this 18th day of September, 1968.

[L.S.]

W. TUCKEY,
President.G. WHITELEY,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.Approved by His Excellency the Governor in Executive Council this 19th day
of December, 1968.W. S. LONNIE,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960-1968.

The Municipality of the Shire of Carnarvon.

By-laws Relating to Hawkers.

L.G. 345/58.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned municipality hereby records having resolved on the 18th day of September, 1968, to make and submit for confirmation by the Governor the following by-laws:—

1. In these by-laws "hawker" means a person as defined in section 217 of the Local Government Act, 1960.

2. No person shall hawk any goods, wares or merchandise within the municipal district of the Shire of Carnarvon unless he holds a current license under these by-laws.

3. Subject to these by-laws, the Council may issue licenses for a period of one year and may, at its discretion, issue a license for a period of less than one year, but for not less than one month.

4. (1) Every person wishing to obtain a license shall make application therefor to the Council.

(2) An application for a license shall be made in writing and shall specify—

- (a) the kind of goods, wares or merchandise which the applicant desires to hawk;
- (b) the type of vehicle, conveyance or means of carriage to be employed in hawking;
- (c) the period for which the license is required; and
- (d) where the license is required to be limited to a part of the district, the part of the district to which it is so to be limited.

5. (1) The Council shall not issue a license if the aggregate number of licenses authorised by these by-laws has already been issued nor shall it issue a license for the hawking of any class of goods if the aggregate number of licenses authorised by these by-laws for that class of goods has already been issued.

(2) The Council shall not entertain any application other than an application for a license by way of renewal unless the applicant produces to the Council a certificate signed by two Justices of the Peace certifying that he is of good character and reputation and is a fit person to exercise the trade of a hawker.

(3) The Council may refuse to issue a license or may cancel a license in the event that the applicant or licensee (as the case may be)—

- (a) is an undischarged bankrupt or becomes bankrupt;
- (b) has been convicted or is convicted of an indictable offence;
- (c) has been twice convicted during the preceding five years or is twice convicted in the space of five years of an offence against the by-laws of any local authority relating to hawkers; or
- (d) fails to conform with the requirements of the Health Act, 1911, or of any by-laws made thereunder.

(4) Upon the cancellation of a license the holder thereof shall forthwith return the license to the Clerk and shall forfeit all fees paid in respect of the license.

6. (1) The Council shall not in any financial year concurrently issue more than 12 licenses and shall not concurrently issue licenses for hawking special classes of goods in excess of the following—

In Townsites.		No. of Licenses
(a) Clothing, clothing materials and manchester goods	....	1
(b) Electrical goods	....	1
(c) Other merchandise	....	2
Outside Townsites.		No. of Licenses
(a) Clothing, clothing materials and manchester goods	....	2
(b) Electrical goods	....	2
(c) Other merchandise	....	4

(2) The Council shall issue licenses in the order of priority of application and, in case of apparent equality of priority of any application, shall determine which application shall have greater priority.

7. (1) A license shall be in the form set out in the first schedule to these by-laws and the license fee shall be \$40 which shall be paid by the licensee to the Council forthwith upon the issue to him of the license.

(2) A license is not transferable.

(3) A license is valid only for the hawking of the goods, wares or merchandise therein described; and, in the case of a license limited to a part of the district is valid only for that part of the district.

8. (1) The Council shall issue to every licensee a badge in the form set out in the second schedule to these by-laws and the licensee shall pay for such badge a fee of fifty cents.

(2) A licensee shall display his badge while hawking.

(3) No person shall display a hawker's badge unless he is the holder of a current license.

(4) Upon cancellation of a license the holder shall forthwith return his badge to the Clerk and shall forfeit the fee paid in respect thereof.

9. (1) A hawker while hawking shall—

- (a) carry with him his license and shall produce the same to any officer of the Council or to a police officer on demand;
- (b) have his name and the words "licensed hawker" legibly and conspicuously displayed on his vehicle, barrow, bag or tray; and
- (c) when selling goods, wares or merchandise by weight, carry and use for that purpose, scales, tested and certified in accordance with the provisions of the Weights and Measures Act, 1915.

10. No hawkers shall—

- (a) without the consent of the Council hawk between the hours of sunset and the next sunrise, or on any Sunday, or on Christmas Day or on Good Friday;
- (b) loiter within a distance of two hundred yards of any shop or permanent place of business that has for sale any goods, wares or merchandise of the kind being hawked by the hawker;
- (c) call his wares or make or cause to be made any outcry, noise or disturbance likely to be a nuisance or annoyance to any person in that vicinity; or
- (d) remain stationary in any street or public place for any period longer than shall be necessary for the purpose of serving or treating with any customer or intending customer then offering to buy or to treat.

11. Any person who does anything prohibited by or under these by-laws or who fails to do anything which by or under these by-laws he is required or directed to do is guilty of an offence and is liable to a penalty of \$100 and, in addition, to a daily penalty of \$10 for each day during which the offence continues.

12. By-laws 49 to 52 of the By-laws of the Shire of Carnarvon published in the *Government Gazette* on the 25th April, 1913 are hereby repealed.

First Schedule.

Shire of Carnarvon.

HAWKER'S LICENSE

No

..... of is hereby licensed to hawk by the means described in his application dated the within the district of the Shire of Carnarvon or the following portion of the district, namely during the month of 19....., the year ending on the day of, subject to the by-laws relating to hawkers from time to time in force in the said district.

DATED the day of 19.....

.....
Shire Clerk.

Second Schedule.

FORM OF BADGE.

Shire of Carnarvon

No. Year of issue

Issued to

Dated this 18th day of September, 1968.

W. TUCKEY,
President.
G. WHITELEY,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 19th day of December, 1968.

W. S. LONNIE,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960-1968.

The Municipality of the Shire of Carnarvon.

By-laws Relating to Petrol Pumps.

L.G. 347/58.

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned municipality hereby records having resolved on the 18th day of September, 1968, to make and submit for confirmation by the Governor the following by-laws:—

1. In these by-laws unless the context otherwise requires—

“inspector” means a person, other than the Minister for Local Government, authorised to enter and inspect buildings under the provisions of section 420 of the Local Government Act, 1960;

“owner”, in relation to a petrol pump, includes the lessee or licensee of a petrol pump;

“petrol pump” means any mechanical device, whether fixed or movable, used, or designed to be used, for dispensing petrol, and includes all tanks and equipment ancillary thereto.

2. (1) No person shall install a petrol pump—

(a) in a street or public place;

(b) within twelve feet of a street or public place or, where a building line has been fixed for a street or public place, within twelve feet of that building line;

(c) within twenty-five feet of the boundary of any adjoining premises, unless those premises are occupied by the person occupying the premises on which the petrol pump is to be installed.

(2) No person shall install a petrol pump in any place for the sale of petrol to the public without first having obtained a license to do so from the Council.

3. No person who, at the commencement of these by-laws, was the owner of a petrol pump shall, after one month from that commencement—

(a) suffer or permit the petrol pump to remain upon a street or public place; or

(b) suffer or permit the sale of petrol to the public from that pump;

except with the approval of and by authority of a license issued by the Council.

4. A person seeking a license under these by-laws shall make written application to the Council therefor, submitting therewith, in the case of an application for a license to install a petrol pump—

(a) a plan showing—

(i) the dimensions and boundaries of the land to which the application relates;

(ii) the lot and location number of the land;

(iii) the position on the land of every existing, and any proposed, buildings;

(iv) the proposed position on the land of every petrol pump and of the storage tanks comprised therein together with details of all pipes connecting the pumps to the storage tanks; and

(v) the proposed positions of entrances to and exits from the land over footpaths; and

(b) a specification detailing the type and construction of every pump and of every delivery pump

together with, in the event of the applicant not being already the holder of a license for a petrol pump on the premises in respect of which the application is made, an amount of \$2, being the license fee for a period of one year.

5. The Council shall not issue a license to any person either to install a petrol pump in or on any land that has not been set aside as a site for a petrol station or petrol pump under a town planning scheme made under any

Act or by by-laws made under section 248 of the Local Government Act, 1960-1968, or to keep a petrol pump installed for the sale of petrol to the public in a street or other public place unless the Minister for Local Government has consented in writing to that place being used as a site for a petrol pump after—

- (a) the owner or proposed owner of the petrol pump has made written application to the Council for the license in accordance with by-law 4;
- (b) the owner or proposed owner of the petrol pump has published notice of his application, specifying the place to which it relates, in a newspaper circulating in the district where it is proposed to install the petrol pump;
- (c) the Council has caused notice of the application for the license to be exhibited on its notice board, advertising that objections (if any) to the application shall be lodged with the Council within 21 days after the notice is first exhibited; and
- (d) the Council has considered the objections (if any) to the application being issued and has resolved by an absolute majority to recommend the issue of the license.

6. The Council shall not issue a license either to install or to keep a petrol pump unless it is satisfied that the petrol pump, when installed, will be properly ventilated or is properly ventilated and will not constitute a danger to the public.

7. Where the Council has issued a license pursuant to these by-laws for the keeping of a petrol pump in a street or public place or a place that is not comprised in land set aside, in a town planning scheme or by zoning by-laws, as a site for a petrol station, that license shall be valid for the period of one year only, from the date of issue; but the Council may, upon the expiration of the license, renew it for a further period of one year and so on, from year to year; and, where the Council resolves not to renew the license, it shall give to the license holder three months' notice in writing of its intention in that regard.

8. A person is not entitled to compensation by reason of the Council's refusal to issue, or to renew, a license for a petrol pump, or by reason of any defect in, or any failure to give, any notice in that regard.

9. The Council shall refuse to grant a license pursuant to these by-laws in any case where, in its opinion, a sufficient number of petrol pumps are already installed in the district to satisfy the existing reasonable requirements thereof.

10. All fittings and pipes connecting any petrol pump with the supply tank, and all other pipes or fittings through which petrol flows, shall be constructed and maintained in such a manner that there shall be no escape therefrom of petrol either in the form of liquid or of vapour.

11. Every tank used to supply petrol to pumps shall be fitted with a ventilating pipe, which shall be carried to a position in the open air approved by the Council, being not less than twelve feet above the ground, and shall there terminate in one or more bends, and have the opening in the end of the vent pipe covered with brass wire gauze of not less than 28 meshes to the lineal inch, secured in such manner that the gauze may be removed for examination and cleaning.

12. Where the intake of a tank comprised in a petrol pump is situate near any street or way, petrol shall not be delivered to that tank except through a pipe approved by the Council designed to prevent, and capable of preventing, the escape of petrol either in the form of liquid or of vapour.

13. Petrol shall not be allowed to remain in the visible (or measuring) container of any petrol pump, where the pump is of that type, except at such times as the container is in actual operation of being filled or discharged.

14. No person shall deliver petrol, or permit petrol to be delivered, from any pump to the fuel tank of any motor vehicle whilst the engine of that motor vehicle is running.

15. No person shall use a petrol pump whilst there is any light capable of igniting petrol vapour within ten feet of the container into which petrol is being delivered from that pump.

16. No person shall permit petrol to escape into any street or other public place from a discharge or delivery pipe attached to a petrol pump.

17. Every operator of a petrol pump shall, at all times, take all reasonable precaution to protect persons and property from injury or damage.

18. An inspector may, at all reasonable times, make an inspection of pumps licensed by the Council, to ascertain whether these by-laws are being observed.

19. Every owner of a petrol pump shall pay to the Council an annual fee of \$2 in respect of the license for one pump; and, upon payment of that fee, no charge shall be made by the Council in respect of the license for any other petrol pump situate on the same premises as that in respect of which the license fee has been paid.

20. The Council may at any time cancel a license or may refuse to issue or renew a license if the holder of the license or the applicant for, or for the renewal of, a license fails to comply with any of these by-laws.

21. The holder of a license for a petrol pump shall install and keep in good working order, in a convenient position not more than twenty feet from the petrol pump, a fire extinguisher which has been approved by the Western Australian Fire Brigades Board.

22. Where a petrol pump is installed, operated or kept contrary to these by-laws or a license for a petrol pump is cancelled or not renewed, the Council may, subject to by-law 7 in the case of a refusal to renew a license, by notice in writing order the owner to remove the pump so installed, operated or kept or in respect of which the license was issued, within seven days of the receipt of the notice by him; and, in default of compliance with that notice, the Council may remove the pump, tanks, cisterns, pipes and installations and recover, from the owner, the cost of the removal, in any court of competent jurisdiction.

23. The provisions of by-laws 4 to 9 and 18 to 21 do not apply to industrial or commercial pumps that are not used for the sale of petrol to the public.

24. Any person who does anything prohibited by or under these by-laws or who fails to do anything which by or under these by-laws he is required or directed to do is guilty of an offence and is liable to a penalty of \$100 and, in addition, to a daily penalty of \$10 for each day during which the offence continues.

25. The by-laws of the Shire of Carnarvon published in the *Government Gazette* on the 22nd July, 1949, and on the 16th October, 1959, relating to petrol pumps are hereby repealed.

Dated this 18th day of September, 1968.

W. TUCKEY,
President.

G. WHITELEY,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 19th day of December, 1968.

W. S. LONNIE,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960-1968.

The Municipality of the Shire of Carnarvon.

By-laws Relating to the Storage of Inflammable Liquid offensive and Dangerous Things.

L.G. 1081/68.

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 18th day of September, 1968, to make and submit for confirmation by the Governor the following by-laws:—

STORAGE OF INFLAMMABLE LIQUID OFFENSIVE AND DANGEROUS THINGS.

1. Unless the context otherwise requires, words and expressions used in these by-laws have the same respective meanings as are given them in, and for the purposes of, the Uniform Building By-laws.

Application of Uniform Building By-laws.

2. By-laws 2842 and 2843 of the Uniform Building By-laws shall be read with these by-laws, as though included in, and forming a part of them.

Storage of Inflammable Liquids in Underground Tanks (under 1,000 gals.).

3. (1) Subject to sub-bylaws (2) and (3) of this by-law, inflammable liquids may be stored in quantities not exceeding 1,000 gallons, in an underground tank or in underground tanks, if—

- (a) the site for each tank has first been approved by the Council, for that purpose;
- (b) each tank is constructed of steel plate of not less than 14 gauge thickness;
- (c) each tank is placed not less than two feet below the lowest floor of any building under which it is situated;
- (d) sand or other filling material approved by the Surveyor is filled in over each tank to the level of the ground or floor, as the case may require;
- (e) each tank is adequately and individually ventilated;
- (f) every opening to a tank, at, or near, ground level is fitted with a gas-tight cover cap; and
- (g) the filling pipe of any tank is placed in an approved position within the boundaries of the premises whereon the inflammable liquid is to be stored,

and not otherwise.

(2) Where, in the opinion of the Surveyor, a tank to be installed under the provisions of this by-law need not, by reason of its diminutive size, be constructed of steel plate of 14 gauge thickness, he may authorise its construction of steel plate of a lesser thickness.

(3) Notwithstanding the provisions of paragraph (g) of sub-by-law (1) of this by-law the Surveyor may, if, in his opinion, the circumstances are such as to warrant it, approve of the placing of filling pipes outside the boundaries of the premises whereon the inflammable liquid is to be stored, but only if their being so placed will not occasion the obstruction of traffic while a tank is being filled.

Storage of Inflammable Liquids in Underground Tanks (1,000 gals. or more).

4. (1) The provisions of by-law 3 shall apply to the storage of inflammable liquids in underground tanks in quantities of 1,000 gallons or more, save that the construction of every tank shall first be approved by the Surveyor and the provisions of sub-by-law (3) of that by-law do not apply.

(2) Where two or more tanks having an aggregate capacity of 1,000 gallons or more are installed as a battery, the tanks shall be so installed that there is, between any two of them, a thickness of not less than one foot of filling material approved by the Surveyor.

Storage of Inflammable Liquids in Surface Tanks.

5. (1) No person shall store inflammable liquids in any quantity exceeding, in the case of Class A, 50 gallons or, in the case of Class B, 250 gallons, in a surface tank, unless—

- (a) the site for each tank has first been approved by the Council; and
- (b) each tank upon, above, or partly above and partly below, the surface of the ground is enclosed by a compound wall of brick, stone or concrete or by an earthen dam approved by the Surveyor.

(2) The height of a compound wall or earthen dam referred to in sub-by-law (1) of this by-law shall be such as will enable the wall or dam to retain therein not less than one-eighth in excess of the total capacity of the inflammable liquid permitted to be stored in the tanks that it encloses; and, in the case of an earthen dam, the height shall, unless the profile of the dam is protected by stone, pitching, concrete facing or other permanent protection approved by the surveyor, be not less than two feet above the level to which the liquid would rise, if permitted to run free from the tanks therein enclosed.

(3) Any opening made in a compound wall such as is mentioned in sub-by-law (1) of this by-law shall be fitted with a sliding, or inward opening, liquid-tight door of incombustible material and of sufficient strength to resist any pressure that might be brought to bear on it by the escape of the liquid that the wall encloses.

Storage of Inflammable Liquids not in Buildings.

6. (1) No person shall keep any inflammable liquid except in a building such as is prescribed by by-law 2843 of the Uniform Building By-laws or in an underground tank in conformity with by-law 3 of these by-laws, within a distance of 150 feet or less from any building or building site, in any quantity exceeding that prescribed for the distance by sub-by-law (2) of this by-law.

(2) A quantity set out in column 2 of the Table to this sub-by-law is the quantity of inflammable liquid not contained in metallic containers of 50 gallons or less, and the quantity set out in column 3 of the Table is the quantity of inflammable liquid contained in metallic containers of 50 gallons or less, that may be stored within the distances set out in the corresponding line of column 1 of the Table.

The Table.

1.	2.	3.
Within 10 feet	400	4,000
Over 10 feet and not over 15 feet	1,000	10,000
Over 15 feet and not over 20 feet	2,000	20,000
Over 20 feet and not over 30 feet	4,000	40,000
Over 30 feet and not over 40 feet	6,000	80,000
Over 40 feet and not over 50 feet	8,000	100,000
Over 50 feet and not over 60 feet	10,000	Unlimited gals.
Over 60 feet and not over 75 feet	15,000	Unlimited gals.
Over 75 feet and not over 100 feet	20,000	Unlimited gals.
Over 100 feet and not over 150 feet	50,000	Unlimited gals.

(3) Notwithstanding any other provision of this by-law but subject to by-law 18, a person shall not keep inflammable liquid on any site that has not first been approved by the Council.

High Flash, Paint Oil and Grease.

7. No person shall store or keep lubrication or other oils that will not flash or emit inflammable vapour below a temperature of 150 degrees Fahrenheit, on any site or in any building, in an aggregate quantity exceeding 10,000 gallons, unless the proposed storage site or the building has first been approved by the Council for that purpose.

Fuel Oil.

8. Every installation of a system for the storage and delivery of fuel oils shall be carried out in conformity with the provisions of S.A.A. Code No. C.B. 5-1957 for Fuel Oil Installations.

Approval of Site.

9. (1) A person desiring approval of a site for the storage of inflammable liquids shall make application therefor to the Council, submitting a plan in duplicate showing the dimensions of the site and the position and dimensions of all buildings existing on the site, together with details of the buildings or other installations proposed.

(2) One copy of a plan approved by the Council under this by-law shall be returned to the applicant and the second copy of the plan shall be retained by the Council as a permanent record.

(3) Where a site to be approved under this by-law is within a fire district, under the Fire Brigades Act, 1942, the person desiring approval shall also submit the plan to, and obtain the approval of, the Chief Fire Officer.

Clearing of Site.

10. The space between the buildings or storage tanks erected under this part within the distances set out in by-law 6 shall be kept completely clear of every kind of material, other than vehicles using the site to bring in, or take away, inflammable liquid.

Fire Extinguishers.

11. The person using a site for the storage of inflammable liquids shall provide thereon at least two foam fire extinguishers of 2 gallons capacity, or such other number and type of fire extinction equipment as the Chief Fire Officer may require, and shall maintain all equipment in readiness for use.

Under-brush and high grass prohibited.

12. A person using a site for the storage of inflammable liquid shall keep the site completely free of underbrush, dry grass and other combustible growth of any description.

Cases, cartons, etc.

13. A person using a site for the storage of inflammable liquids shall not keep, or suffer to be kept, thereon any cases or cartons other than those actually in use for packaging; and where a case or carton becomes saturated, or partly saturated, with any inflammable liquid, that person shall cause it to be removed from the site.

Fire Precautions.

14. (1) No person shall smoke, strike any match or make, or use, any naked flame on a site used for the storage of inflammable liquids.

(2) A person using a site for the storage of inflammable liquids, and every person in his employ, shall ensure that any inflammable liquid that is spilled on the site does not flow onto a street or any adjoining site.

(3) Where a site used for the storage of inflammable liquids is of such a sloping nature that spilled liquid might escape from the site, the Surveyor may require the owner to erect an earthen bank sufficient to prevent that escape.

Open containers.

15. No person using a site for the storage of inflammable liquids shall cause or permit any container thereon containing inflammable liquid to remain open, except while the liquid is being put into, or being drawn from, it.

Ramps.

16. A person using a site for the storage of inflammable liquids shall cause any ramps thereon to be kept clean and not suffer them to become saturated or partly saturated with inflammable liquid.

Warning Notices.

17. Every person using a site for the storage of inflammable liquids, other than in small quantities pursuant to by-law 18, shall exhibit thereon at least two separate signs, each bearing in letters, coloured red and of at least six inches in height, the warning: "Danger. Inflammable Liquids. No Smoking. No Matches. No Naked Lights".

Storage of small quantities.

18. A person may store quantities not exceeding in the aggregate 50 gallons of Class A inflammable liquid or 250 gallons of Class B inflammable liquid, if the liquid—

- (a) is contained in the fuel tanks of vehicles, or in drums, cans, or other containers specially designed to hold inflammable liquid and equipped with tight fitting screw-on caps; and
- (b) is so stored as not to constitute a fire hazard, but not otherwise.

Dangerous and Offensive Things.

19. No person shall except under authority of a license issued by the Council and upon such conditions as the Council shall see fit to impose keep within the district any animal or bird or any other thing whether animate or inanimate which, in the opinion of the Council, is offensive or dangerous.

Old Refrigerators and Cabinets.

20. No person shall place in, or about any rubbish depot, tip or dump, sanitary depot, public reserve, public place, or unfenced vacant land, any refrigerator, ice chest, ice box, furniture, trunk or other thing, whether of the same kind as, or of a different kind from, those in this by-law specified, that has in it a compartment of a capacity of one and a half cubic feet or more, unless, before so placing it, he removes from the compartment every door, lid, lock and hinge thereof or otherwise renders every such door or lid incapable of being fastened.

Penalty.

21. Any person who does anything prohibited by or under these by-laws or who fails to do anything which by or under these by-laws he is required or directed to do is guilty of an offence and is liable to a penalty of \$100 and, in addition, to a daily penalty of \$10 for each day during which the offence continues.

Repeal.

22. The by-laws of the Shire of Carnarvon relating to inflammable liquids published in the *Government Gazette* on the 16th September, 1927 and on the 26th August, 1932, are hereby repealed.

Dated this 18th day of September, 1968.

[L.S.]

W. TUCKEY,
President.

G. WHITELEY,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 19th day of December, 1968.

W. S. LONNIE,
Clerk of the Council.

LOCAL GOVERNMENT ACT, 1960-1968.

The Municipality of the Shire of Carnarvon.

By-laws Relating to Extractive Industries.

L.G. 1079/68.

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 18th day of September, 1968, to make and submit for confirmation by the Governor the following by-laws:—

1. No person shall, on any land, other than Crown land within the district, excavate for stone, gravel, sands, clay, limestone, loam, or other material; or carry on for the purpose of recovering any stone, gravel, sands, clay, limestone, loam, or other material, any operation whereby an excavation is created or enlarged, without first having obtained a license to do so from the Council.

2. (1) An application for a license, pursuant to by-law 1 of these by-laws shall—

- (a) be in writing;
- (b) be accompanied by three copies of a plan, showing—
 - (i) sufficient details to enable the Council to understand the nature of the proposed excavation;
 - (ii) the location, together with the name and description of the owner of the land;
 - (iii) the limits of the area proposed to be excavated;
 - (iv) the existing contours of the land based on the high water mark at Fremantle;
 - (v) the depth and extent of the proposed excavation;
 - (vi) the estimated depth and description of the overburden present;
 - (vii) the level of filling for rehabilitation upon completion of excavation operations, or if no rehabilitation is proposed, a notation to that effect;
 - (viii) the location of any existing or proposed buildings, so far as is known; and
 - (ix) the distance of the proposed excavations from adjoining drains, water courses, roads and footpaths; and
- (c) state the proposals, if any, for the future development of the land upon completion of excavation operations and any proposed rehabilitation.

(2) Where the land the subject of an application for a license to excavate is situated within an irrigation district constituted under the Rights in Water and Irrigation Act, 1914, or within a drainage district constituted under the Land Drainage Act, 1925, the following provisions shall apply, that is to say—

- (a) the plan or any amended plan of the excavation, when submitted to the Council for approval, shall clearly and legibly disclose that the land represented therein is situated within an irrigation district or within a drainage district, as the case may be, and give the name of such district;
- (b) the Council shall, on receipt of the plan or amended plan and before considering whether or not it shall be approved, refer the plan or amended plan to the Irrigation Board or Drainage Board (as the case may require) in which the land represented in such plan or amended plan is situated, for examination, consideration and report to the Council;
- (c) the Irrigation Board or the Drainage Board concerned shall, as soon as reasonably may be, report in writing to the Council the conditions, if any, that should be imposed in the granting of a license, in order that any existing works or proposed works of the Board shall not be adversely affected by the granting of a license; and

- (d) when the Council has received from the Irrigation Board or the Drainage Board concerned the notification provided for in paragraph (c) of this sub-by-law, the Council may proceed to examine and consider the plan or amended plan of excavation and to determine whether or not the Council should approve of the issue of a license.
3. An applicant for a license to excavate shall give to the Council such additional information concerning the proposed excavation as the Council may reasonably require.
4. An applicant for a license to excavate shall—
- (a) except in the case of an application in respect of an excavation in existence at the time of the coming into operation of these by-laws published in a newspaper circulating in the area, a notice of his intention to submit the application, specifying that any person interested may, within fourteen days after the date of publication, object to the granting of the license, by written notice given to the Council; and
- (b) supply to the Council for posting on its notice board, a copy of the notice, which the Council shall exhibit on the notice board for at least seven days.
5. (1) The Council may, before granting any license under these by-laws, require the applicant to enter into an agreement for the payment to the Council of a sum of money, being the expense estimated by the Council as likely to be incurred by it, in repairing and maintaining roads under its control in the neighbourhood of the proposed excavation by reason of extraordinary damage as a result of heavy or extraordinary traffic conducted by the licensee or any person acting on his behalf in the exercise of the license, if granted; and any such agreement shall be deemed to have been entered into under the provisions of section 57(1) of the Traffic Act, 1919.
- (2) The due observance of any agreement entered into by the applicant pursuant to sub-by-law (1) of this by-law shall be a condition of the granting and holding of the license.
- (3) In the event of disagreement between the applicant and the Council as to the amount of the expense estimated by the Council pursuant to this by-law, that disagreement shall be referred to the Minister for Local Government whose decision shall be binding on both the applicant and the Council.
6. (1) Subject to the provisions of the next succeeding by-law an applicant for a license under the provisions of these by-laws shall deposit with the Council before the issue of the license, such amount, not exceeding \$1,000 as the Council may by resolution determine, to be retained by the Council for the duration of the license and until the licensee shall have complied with by-law 13 of these by-laws.
- (2) Any deposit paid to the Council under this by-law shall be placed in the Council's trust fund and be lodged in a savings bank; and all interest derived therefrom shall be added to the deposit and credited to the licensee.
- (3) If the licensee does not carry out the requirements of by-law 13 of these by-laws within twenty eight days from the service on him of written notice from the Council to remedy the default then the Council may cause the necessary work to be carried out and deduct the cost of the work from the moneys deposited by the licensee and in the event of the cost exceeding the amount of the deposit and accrued interest the licensee shall forthwith on demand pay to the Council the amount of the excess.
- (4) Upon the expiration of the license and the carrying out of the prescribed works the deposit (if any) or the balance of the deposit and accrued interest shall be repaid to the licensee.

7. (1) As an alternative to payment of a deposit as aforesaid an applicant for a license may, with the consent of the Council, give to the Council a bond, with or without sureties as the Council may determine, in such sum as the Council deems sufficient to ensure that the applicant will carry out or cause to be carried out the requirements of by-law 13 of these by-laws.

(2) If the licensee fails to carry out the requirements of by-law 13 of these by-laws within twenty eight days from the service on him of written notice from the Council to remedy the default the bond shall be forfeited and the sum therein referred to paid to the Council and the Council may apply that amount or so much of that amount as is required to the carrying out of the work.

8. The annual fee payable to the Council for a license is \$20 provided however that the Council may reduce the fee in respect of an excavation deemed by it to be small in area or depth.

9. A license shall be valid for such term not exceeding twenty one years from the date of issue as the Council may at that date determine, but a license may be renewed by the Council, from time to time, for a further period or periods from the date of expiration on payment of the prescribed annual fee.

10. (1) Subject to sub-by-law (3) of this by-law no person shall—

- (a) except by agreement with the owner of the adjoining land, verified to the satisfaction of the Council, excavate within 22 yards of the boundary of any land not owned by him; or
- (b) excavate within a distance of 44 yards of any road, unless the Council approves of excavation within a lesser distance, under the provisions of sub-by law (2) of this by-law.

(2) Where a proposed excavation is not to be lower than the level of the nearest road and reinstatement of the area excavated for its existing use is possible, the Council may permit a licensee to excavate to a specified distance within 44 yards of that road.

(3) The Council may, in any particular case, having regard to any town planning scheme or any zoning by-laws implemented by the Council and to any regulation or order issued under the provisions of the Town Planning and Development Act, 1928 limit any excavation to such greater distance from the boundary or road as is specified therein.

11. No person shall, within 44 yards of the boundary of any road or of any land owned by the Council, or such lesser distance as may be permitted under the provisions of by-law 10 of these by-laws remove natural trees or scrub on land in respect of which a license to excavate has been granted except for the purpose of constructing access roads or erecting buildings for use in connection with the excavation.

12. Where the Council so requires, a licensee shall plant trees, of a type specified by the Council, to screen the boundaries of the working of any excavation.

13. (1) Where drainage is practicable and the Council so requires, an excavation shall be drained and shall be kept drained and the responsibility for the discharge and disposal of the water drained is upon the licensee.

(2) No person shall tip any offensive rubbish into any excavation without the written consent of the Council.

(3) Irrespective of the manner of its ceasing, on the cessation of any excavation work, the licensee shall ensure that—

- (a) the excavation is filled or rehabilitated in accordance with the plan referred to in by-law 2 of these by-laws or as the Council shall subsequently agree with the licensee;

- (b) any face permitted to remain in the excavation is left safe with all loose material removed therefrom;
 - (c) retaining walls, where considered necessary by the Council to prevent subsidence of the surrounding area, are constructed in such manner as may be agreed upon between the Council and the licensee and failing agreement, as determined by the Minister for Local Government;
 - (d) the agreed floor level of the excavated area, where retaining walls are not required under the provisions of this sub-by-law, is graded to an even surface and the sides sloped to a batter sufficient to prevent subsidence of the surrounding area; and
 - (e) all dumps of stone, sand or other material are so left that no portion of that material can escape into any stream, watercourse or drain that is not wholly situated within land owned or occupied by him.
- (4) The provisions of section 336 of the Act apply to these by-laws as if set out herein and, in addition where the Council considers it to be necessary as a safety precaution, a licensee may be required to fence, to the satisfaction of the Council, the area proposed to be excavated, prior to the commencement of the work.

14. The licensee shall, before commencing any blasting, erect and keep exhibited on the approaches to, and not less than 440 yards from the site of the blasting, notices of warning which shall be of a standard type and shall provide adequate warning to those working in the excavation and to passers-by; and between five and ten minutes before blasting, the licensee shall, by bell, whistle, or other means give sufficient warning of that danger; and the bell, whistle or other signal shall be kept continuously in operation until blasting is completed.

15. No person shall carry out blasting operations in or about an excavation except between the hours of 6 a.m. and 6 p.m. on Mondays to Saturdays inclusive.

16. (1) Whenever in the course of excavating operations dust arising from those operations is allowed to escape from the premises whereon they are being conducted, the Council may by written notice require the licensee, within a reasonable period, to provide, use or cause to be used, the most reasonably effective means known, for the purpose of laying or removing dust and preventing the dust from endangering any person, creating a nuisance or damaging natural vegetation.

(2) A licensee shall not stockpile any material that is likely to escape into any stream, watercourse or drain that is not wholly situated within land owned or occupied by him unless he erects a wall of such height as to be capable of retaining that material.

17. (1) Having regard to the nature of the material being excavated, the method of working and the equipment used, the height of the face of an excavation shall be determined by the Council as one that can be safely worked.

(2) Should there be any dispute between the Council and the licensee as to the height of any face, then the matter shall be submitted to the State Mining Engineer, or a person nominated by him, and his decision shall be binding on both the Council and the licensee.

(3) No person shall work at or permit work at a face having a greater height than that fixed under this by-law.

18. A person carrying out excavating or quarrying operations shall comply with the safe working provisions of the Mines Regulation Act, 1946.

19. (1) Where any dispute arises between the licensee and the Council, with regard to any matter referred to in these by-laws (other than in by-law 17) or in respect of any order, direction or requisition by the Council, the dispute shall be referred to the Minister for Local Government and the decision of the Minister shall be final and binding on both the licensee and the Council,

(2) In the event of a dispute as to any alleged breach of by-law 16 of these by-laws being referred to the Minister the licensee shall not be liable to prosecution in respect of any alleged breach of that by-law committed prior to the date of the decision of the Minister.

20. (1) If a licensee fails to comply with—

(a) any of the terms of any agreement entered into by him with the Council, relative to the excavating of stone, gravel, sands, clay, limestone, loam, or other material; or

(b) any of these by-laws

and the default continues after the expiration of fourteen days from the service on the licensee of written notice from the Council to remedy the default, then, the Council, may, with the prior written consent of the Minister for Local Government, cancel the license of the defaulting licensee.

(2) The Council shall give to the licensee at least seven days' written notice of its intention to apply to the Minister for his consent to the cancellation of of a license.

21. Nothing in these by-laws shall be construed to limit, diminish or restrict any general by-laws made, or to be made, under the Town Planning and Development Act, 1928 and in the case of any inconsistency the general by-law shall prevail.

22. The holding of a license does not exempt the licensee from liability to any person for any damage or nuisance occasioned by, or arising from the excavation work.

23. These by-laws apply to all land other than Crown land, in the district; and apply except where herein expressly excluded, to every excavation, whether existing or made before or after the coming into operation of these by-laws.

24. A Licensee shall give the Council at least seven days' written notice of his intention temporarily to cease operating for a period of twelve months or more, or permanently to cease operating under his license.

25. Any person who, either by act or omission, contravenes these by-laws, or being the owner or occupier of property within the district, knowingly permits any act or omission on that property in contravention of these by-laws is guilty of an offence and is liable to a penalty of \$100 and, in addition, to a daily penalty of \$10 for each day during which the offence continues.

Dated this 18th day of September, 1968.

[L.S.]

W. TUCKEY,
President.

G. WHITELEY,
Shire Clerk.

Recommended—

L. A. LOGAN,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 19th day of December, 1968.

W. S. LONNIE,
Clerk of the Council,

BUSH FIRES ACT, 1954.

Shire of Albany.

WHEREAS under the provisions of the Bush Fires Act, 1954 (as amended), a Local Authority may, with the approval of the Governor, make by-laws not inconsistent with that Act: Now, therefore, the Shire of Albany being a Local Authority within the meaning of the said Act, doth hereby resolve and determine that the by-laws made by the Council and published in the *Government Gazette* on the 3rd May, 1940, and amended by notice in the *Government Gazette* on 1st January, 1943, be further amended as follows:—

By-Law No. 7 (Clause 3). By substituting for the numerals "18" the numerals "15".

Passed by resolution of the Council of the Shire of Albany this 18th day of October, 1968.

[L.S.]

B. E. LANGE,
President.
F. P. JAGO,
Shire Clerk.

Recommended—

STEWART BOVELL,
Minister for Lands.

Approved by His Excellency the Governor in Executive Council this 19th day of December, 1968.

W. S. LONNIE,
Clerk of the Council.

BULK HANDLING ACT, 1967.

Department of Agriculture,
Perth, 19th December, 1968.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by section 53 of the Bulk Handling Act, 1967, has been pleased to make the regulations set forth in the schedule hereto.

T. C. DUNNE,
Director of Agriculture.

Schedule.

Regulations.

Principal regulations.

1. In these regulations the Bulk Handling Act Regulations, 1967, published in the *Government Gazette* on the 4th January, 1968 and amended by a notice published in the *Government Gazette* on the 8th April, 1968 are referred to as the principal regulations.

Reg. 2 amended.

2. Regulation 2 of the principal regulations is amended—

(a) by adding after the interpretation, "bushel", the following interpretation—

"damaged sorghum kernels" means kernels and pieces of kernels of the grain sorghum which are frosted, ground damaged or otherwise materially damaged; ;

(b) by adding after the interpretation, "Form", the following interpretations—

"grain" includes such seeds as the Minister may, from time to time, approve under the provisions of section 52 of the Act;

"grain sorghum" means the seeds of the cereal grass *Sorghum vulgare*;

"grain sorghum screen" means a sieve punched with round holes, three thirty-seconds of an inch in diameter, and the sieve being approximately thirteen inches in diameter held in a stout ring;

- (c) by substituting for the words, "means a hulled kernel" in lines two and three of the interpretation, "kernel" the words, "and grain sorghum means a hulled kernel of wheat or of grain sorghum as the case may be"; and
- (d) by adding before the interpretation, "sick wheat" the following interpretation—
 "screenings" in respect to grain sorghum, means whole grain sorghum kernels and pieces of grain sorghum kernels and seeds other than grain sorghum and pieces of husk which will pass through a grain sorghum screen when the screen is held horizontally and shaken, twenty times, a distance of at least four inches;

First
Schedule
amended.

3. The First Schedule to the principal regulations is amended by adding after the item, "5. WESTERN AUSTRALIAN STANDARD OATS:" the following item—

6. WESTERN AUSTRALIAN STANDARD GRAIN SORGHUM:

(1) Shall—

- (a) weigh with all admixtures not less than fifty-nine pounds to the imperial bushel as measured by the Australian Standard Chronometer,
 (b) be of the current season, and
 (c) contain not more than fourteen per centum of water;

(2) shall not include kernels that are—

- (a) sprouted,
 (b) mould affected, or
 (c) immature;

(3) shall not include—

- (a) an admixture of more than eight per centum of screenings and other materials, or
 (b) more than five per centum of damaged kernels of which quantity more than half per centum shall not be heat damaged kernels;

(4) shall not contain any admixture of—

- (a) stones,
 (b) earth, or
 (c) insects.

GOVERNMENT RAILWAYS ACT, 1904-1967.

Office of the Commissioner of Railways,
 Perth, 30th December, 1968.

HIS Excellency the Governor in Executive Council has been pleased to approve of the by-laws made by the Western Australian Government Railways Commission pursuant to the Government Railways Act, 1904-1960, set out in the Schedule.

J. B. HARRIGAN,
 Commissioner.

Schedule.

Principal
by-laws.

1. In these by-laws the by-laws made pursuant to the Government Railways Act, 1904 (as amended) and published in the *Government Gazette* on the 29th October, 1920, and amended from time to time thereafter, by notices so published are referred to as the principal by-laws.

By-law 43
amended.

2. By-law 43 of the principal by-laws is amended by adding after sub-by-law (2), a sub-by-law as follows:—

(3) Every person contravening the provisions of this by-law is liable to a penalty not exceeding forty dollars.

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT, 1966.

Resolution of the Interim Council, dated 20th November, 1968.

Western Australian Institute of Technology,
Bentley, 20th November, 1968.

THE Interim Council of the Western Australian Institute of Technology has made the Statute set out in the Schedule hereunder.

H. W. PETERS.
Administrative Secretary.**Schedule.****Statute 3.**

Power to make By-laws and Rules.

1. The Council may make by-laws or rules regulating or providing for the regulation of—

- (a) the management, good government and discipline of the Institute;
- (b) the use and custody of the common seal of the Institute, and the functions of the Council that may be exercised without the use of the common seal for that purpose;
- (c) the organisation and supervision of the teaching of enrolled students;
- (d) the staff of the Institute and its branches;
- (e) the manner and time of convening, holding and adjourning the meetings of the Council, the manner of voting at those meetings, the powers and duties of the Chairman, the conduct and record of the business, the appointment of committees of the Council and the quorum, powers and duties of those committees;
- (f) the entrance standards for students;
- (g) the granting of appropriate diplomas and certificate of honorary awards by the Institute;
- (h) the granting of scholarships, exhibitions, bursaries and prizes;
- (i) the fees to be charged for courses of study or instruction, examinations, diplomas and certificates of the Institute and for such other facilities or privileges of the Institute as are prescribed;
- (j) the admission of graduates and students of other institutes of technology or educational institutions to any corresponding status in the Institute without examination;
- (k) the recognition, instead of or for the purpose of any examination or course of study, of any course of study completed or examination passed in any educational institution;
- (l) the establishment by the Council of hostels and halls of residence for enrolled students and the management, control and closing of any of those hostels and halls;
- (m) the government of colleges, hostels and halls of residence that are under the control of the Council, the affiliation of colleges, hostels and halls of residence that are not under the control of the Council and the licensing and supervision of boarding houses catering for enrolled students and for the revocation of the licensing thereof; and
- (n) the control and investment of the property of the Institute.

and for carrying out or giving effect to any Statute.

2. The Administrative Secretary shall seal each by-law or rule and cause it to be published.

3. A by-law or rule—

- (a) is published by posting a copy of it on the notice board which the Institute shall provide outside the main entrance to the Administration Block; and
- (b) takes effect from the date it is published.

4. A by-law or rule made under this Statute may be revoked or amended by a subsequent by-law or rule so made.
5. (1) Where the Council delegates to any member, committee of members or officer any power to act under a Statute, by-law or rule, it shall give to the member, the committee or the officer written notice of the delegated power.
- (2) The production of a written notice given pursuant to subsection (1) of this section is sufficient evidence that the member or officer nominated in the notice has the power specified in it.

The Common Seal of the Western Australian Institute of Technology was hereto affixed on the 20th day of November, 1968, by the direction of the Council in the presence of—

[L.S.]

H. S. WILLIAMS,
Director.

H. W. PETERS,
Administrative Secretary.

Ex. Co. 3021.

Approved by His Excellency, the Governor in Executive Council, this 19th day of December, 1968.

W. S. LONNIE,
Clerk of the Council.

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT 1966.

Resolution of the Interim Council, dated 20th November, 1968.

Western Australian Institute of Technology,
Bentley, 20th November, 1968.

THE Interim Council of the Western Australian Institute of Technology has made the Statute set out in the Schedule hereunder.

H. W. PETERS,
Administrative Secretary.

Schedule.

Statute 4.

Student Guild.

1. In this Statute—
“the Guild” means the Student Guild referred to in section forty-four of the Act.
2. All enrolled students are members of the Guild.
3. The Institute Council shall appoint forthwith a Guild Interim Council.
4. On appointment the Guild Interim Council shall adopt for the Guild a constitution that is approved by the Institute Council and that includes provision for the appointment of the Guild Council as the governing authority of the Guild.
5. Until the Guild Council is appointed the Guild Interim Council shall have all the powers, authorities, duties, and obligations that the Guild Council would have on appointment.

6. When the Guild Council is appointed the Guild Interim Council shall be dissolved.

7. The Guild may amend its constitution with the approval of the Institute Council but not otherwise.

8. The powers, duties and functions of the Guild are as set out in its constitution from time to time.

9. The fees payable to the Guild by its members are such fees as are approved by the Institute Council after report and recommendation of the Guild Council.

The Common Seal of the Western Australian
Institute of Technology was hereto affixed
on the 20th day of November, 1968, by the
direction of the Council in the presence of—

[L.S.]

H. S. WILLIAMS,
Director.

H. W. PETERS,
Administrative Secretary.

Ex. Co. 3021.

Approved by His Excellency, the Governor in Executive Council, this 19th day of December, 1968.

W. S. LONNIE,
Clerk of the Council.