



Government Gazette

OF

WESTERN AUSTRALIA

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No. 128]

PERTH: FRIDAY, 19th DECEMBER

[1969

Museum Act, 1969.

PROCLAMATION

WESTERN AUSTRALIA, } By His Excellency Major-General Sir Douglas
 TO WIT, } Anthony Kendrew, Knight Commander of the
 DOUGLAS KENDREW, } Most Distinguished Order of Saint Michael and
 Governor. } Saint George, Companion of the Most Honour-
 [L.S.] } able Order of the Bath, Commander of the
 } Most Excellent Order of the British Empire,
 } Companion of the Distinguished Service Order,
 } Governor in and over the State of Western
 } Australia and its Dependencies in the Com-
 } monwealth of Australia.

WHEREAS it is enacted, *inter alia*, by section 2 of the Museum Act, 1969 that that Act shall come into operation on a date to be fixed by proclamation: Now, therefore, I, the Governor, acting with the advice and consent of the Executive Council, do hereby fix the date on which this proclamation is published in the *Government Gazette* as the date on which the Museum Act, 1969 shall come into operation.

Given under my hand and the Public Seal of the said State, at Perth, this 17th day of December, 1969.

By His Excellency's Command,

E. H. M. LEWIS,

Minister for Education.

GOD SAVE THE QUEEN !!!

MUSEUM ACT, 1969.

The Western Australian Museum,
Perth, 19th December, 1969.

HIS Excellency the Governor in Executive Council, acting pursuant to the provisions of the Museum Act, 1969, has been pleased to make the regulations set out in the schedule hereunder.

W. D. L. RIDE,
Director.

Schedule.

WESTERN AUSTRALIAN MUSEUM REGULATIONS, 1969

1. These regulations may be cited as the Western Australian Museum Regulations, 1969.
2. In these regulations—
 - “person” does not include any Trustee including the Chairman and Vice-Chairman, the Director or any officer appointed by the Board in pursuance of section 25 or 28 of the Act;
 - “the Act” means the Museum Act, 1969;
 - “the Director” means the person appointed under section 18 of the Act to be the Director of the Museum and includes the person from time to time acting in the place of the Director;
 - “the Museum” means The Western Australian Museum established at Perth.
3. The Trustees shall determine from time to time the days and hours during which the Museum shall be open to members of the public and shall so open the Museum during those days and hours and shall cause a notice of the days and hours so determined to be exhibited in a conspicuous place at the Museum.
4. (1) A person entering the Museum shall deposit in such place as may be directed by a notice posted in a prominent position at or near the entrance to the Museum any umbrella, bag, overcoat, parcel and any other article of a kind described in the notice that he has in his possession, and shall reclaim all articles so deposited upon leaving the Museum.
 - (2) Where any article is not reclaimed within seven days of being so deposited, the Museum may forward the article to the Police Department.
 - (3) The Museum shall not be liable for any loss of or damage to any article deposited in the Museum in accordance with this regulation.
5. A person shall not bring into the Museum any radio, radiogram, or similar device or any food or liquid.
6. A person within the Museum or upon any land vested in the Trustees—
 - (a) shall obey any reasonable direction of the Director or any of his officers;
 - (b) shall not wilfully obstruct the Director or any of his officers in the execution of his duty under the Act; or
 - (c) shall not wilfully disturb, interrupt or annoy any other person in the proper use of the Museum.
7. A person shall not cause or permit any animal belonging to him or under his control to enter or remain in the Museum.
8. A person shall not, without the consent of the Director, enter or remain in any part of the Museum not set apart for the use of members of the public.
9. A person shall not—
 - (a) lie on the chairs, table, floor or any other part of the Museum;
 - (b) loiter or sleep in any part of the Museum;
 - (c) expectorate in any part of the Museum;

- (d) except with the consent of the Trustees or the Director, partake of any kind of refreshment in any part of the Museum; or
- (e) smoke in any part of the Museum not set aside for that purpose.
10. A person within the Museum shall not—
- (a) behave in a disorderly manner;
- (b) use violent or abusive language;
- (c) bet or gamble;
- (d) post up or affix any poster, placard or bill; or
- (e) sell or offer for sale any article.
11. The Director may, with such assistants as he thinks necessary, remove from the Museum—
- (a) any person behaving in a disorderly manner;
- (b) any person who appears to be intoxicated;
- (c) any person who appears to be using the Museum for purposes other than those for which it is opened to the public; or
- (d) any person who has committed a breach of these regulations if it appears that his continued presence in the Museum may lead to a further breach of these regulations.
12. The form of the Common Seal of the Museum shall be—



13. The Common Seal shall be kept in safe custody by the Chairman of the Trustees, or if the Chairman so directs, by the Director.
14. The Common Seal shall not be affixed to any document unless—
- (a) the Trustees have directed by resolution at a regular meeting that the Common Seal be affixed to the document; and
- (b) the Common Seal is affixed by the Chairman or the Vice-Chairman of Trustees in the presence of the Director.
15. (1) Where—
- (a) any specimen or other thing has been received by the Museum for the purposes of identification or for a similar purpose;
- (b) the Museum did not, at the time of receiving the specimen or thing, undertake to return it to the person from whom it was received; and
- (c) the specimen or thing has not, within thirty days of its receipt by the Museum, been reclaimed from the Board,
- the Museum may, at its discretion, retain the specimen or thing for its own use or may destroy or dispose of it as it thinks fit.
- (2) The Museum shall not be liable in respect of the destruction, or disposal, of any specimen or thing carried out in pursuance of subregulation (1) of this regulation.
- (3) The provisions of subregulations (1) and (2) of this regulation do not apply to or in relation to an object produced to and left in the possession of the Trustees pursuant to subsection (5) of section 42 of the Act.
16. Any person who contravenes a provision of these regulations commits an offence and is liable upon conviction to a penalty not exceeding fifty dollars.

JUSTICES ACT, 1902-1968.

Crown Law Department,
Perth, 9th December, 1969.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by section 96 of the Justices Act, 1902-1968, has been pleased to make the regulations set forth in the schedule hereunder.

W. J. ROBINSON,
Under Secretary for Law.

Schedule
Regulations.

1. These regulations may be cited as the Justices Act (Service of Summonses by Post) Regulations.

2. For the purposes of section 56A of the Justices Act, 1902 the following Acts are prescribed in accordance with paragraph (b) of subsection (1) of that section, namely:—

Betting Control Act, 1954.
Brands Act, 1904.
Builders' Registration Act, 1939.
Bush First Act, 1954.
City of Perth Parking Facilities Act, 1956.
Dividing Fences Act, 1961.
Dog Act, 1903.
Droving Act, 1902.
Factories and Shops Act, 1963.
Fauna Conservation Act, 1950.
Firearms and Guns Act, 1931.
Fisheries Act, 1905.
Harbours and Jetties Act, 1928.
Health Act, 1911.
Industrial Arbitration Act, 1912.
Inspection of Machinery Act, 1921.
Inspection of Scaffolding Act, 1924.
Land Act, 1933.
Licensing Act, 1911.
Local Government Act, 1960.
Marketing of Eggs Act, 1945.
Marketing of Onions Act, 1938.
Marketing of Potatoes Act, 1946.
Milk Act, 1946.
Parks and Reserves Act, 1895.
Plant Diseases Act, 1914.
Prevention of Cruelty to Animals Act, 1920.
Road and Air Transport Commission Act, 1966.
Road Maintenance (Contribution) Act, 1965.
Stamp Act, 1921.
Totalisator Agency Board Betting Act, 1960.
Used Car Dealers Act, 1964.
Vermin Act, 1918.
Weights and Measures Act, 1915.

RIGHTS IN WATER AND IRRIGATION ACT, 1914-1964.

Preston Valley Irrigation District.

Department of Public Works Water Supply,
Perth, 12th December, 1969.

HIS Excellency the Governor in Executive Council has been pleased to approve of the by-laws made pursuant to the provisions of the Rights in Water and Irrigation Act, 1914-1964, by the Minister for Water Supply, Sewerage and Drainage (acting as the Irrigation Board for the Preston River District), set forth in the schedule hereunder.

J. McCONNELL,
Under Secretary for Works.

Schedule.

BY-LAWS

DIVISION I.

Preliminary.

1. These by-laws apply to and have effect in the Preston Valley Irrigation District constituted under the provisions of the Rights in Water and Irrigation Act, 1914.

2. The arrangement of these by-laws is as follows:—

Division I.—Preliminary, by-laws 1-3.

Division II.—Advisory Committee, by-law 4.

Division III.—Protection of Water, Grounds, Works, etc. from Trespass and Injury, by-laws 5-11.

Division IV.—Conditions Governing the Supply and Control of Water, by-laws 12-26.

Division V.—Rates and Charges, by-laws 27-28.

Division VI.—Miscellaneous, by-law 29.

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

“Approved Diverter” means a person who has received approval from the Minister to divert water from the Preston River;

“District” means the irrigation district referred to in by-law 1 of these by-laws;

“fauna” means the vertebrate fauna which is wild by nature and is ordinarily to be found in a condition of natural liberty in the whole or a part or parts of the State and which is indigenous or introduced and includes any kind, species, sex and individual member of the fauna and also includes terrestrial or marine mammals, birds and reptiles;

“Preston River” means the Preston River within the boundaries of the District and also any tributary connected to the Preston River, the flow in which is augmented by the water released from storages constructed by the Minister;

“the Act” means the Rights in Water and Irrigation Act, 1914.

DIVISION II.

Advisory Committee.

4. (1) The Minister may from time to time appoint an Advisory Committee for the purposes of these by-laws.

(2) An Advisory Committee may consist of such number of persons, including representatives of owners and occupiers of land and officers of Government Departments, as the Minister appoints, but—

(a) not more than three persons shall be appointed members of the committee as representatives of owners or occupiers of land at any one time; and

- (b) the persons to be members of the committee as representatives of owners and occupiers of land shall be such persons as the Minister may nominate or may select from persons to be nominated by the local authorities in whose district the Preston Valley Irrigation District is situated.
- (3) When nominations by the local authorities are desired, the Minister may determine the number of nominations to be made by each such local authority and the manner in which the nominations shall be made.
- (4) A person appointed to be a member of the committee shall hold office during the pleasure of the Minister.
- (5) The functions of the Advisory Committee shall include assisting and advising the Minister and the Commissioners or either of them appointed under section 3 of the Act, on the conditions governing the supply and control of water and on such other matters as the Minister refers to the committee.

DIVISION III.

Protection of Water, Grounds, Works, etc. from Trespass and Injury.

5. A person shall not, without lawful authority, enter upon—
- (a) any fenced-off ground adjacent to or reserved for water supply or irrigation works; or
 - (b) any water or irrigation work not open to the public.
6. A person shall not camp or light a fire—
- (a) upon any land reserved for the purposes connected with water; or
 - (b) in the immediate vicinity of any reservoir or headworks,
- except on land set apart for such purposes.
7. (1) A person shall not remove, pluck, or damage any wildflower, shrub, bush, tree or other plant growing on any land reserved for or vested in the Minister within half a mile of any reservoir.
- (2) A person shall not shoot, trap, or take any fauna on any land reserved for or vested in the Minister within half a mile of any reservoir.
8. A person shall not drive or ride any vehicle, conveyance, or animal in such a manner as to endanger or damage any works.
9. (1) A person shall not—
- (a) cast away, throw, or deposit on any works any rubbish of any kind; or
 - (b) carry on any operations, or do any act which creates or tends to create any nuisance on any works.
- (2) An occupier shall not allow any sullage from his land to enter in or upon any works.
10. (1) A person shall not, except with the consent of the Minister—
- (a) trespass upon, injure or interfere in any way with any works;
 - (b) do or cause to be done anything likely at any time to injure or interfere with any works;
 - (c) plant any tree or noxious weed within such distance from any works that any part of the tree or noxious weed or any roots thereof at some or any future time will be likely to injure or interfere with any works.
- (2) The Minister and any person authorised by the Minister may, after giving to the owner or occupier of the land concerned not less than one month's previous notice in writing of his intention so to do, cut down, destroy, dig up and remove from any land any tree or noxious weed that is or is likely to become injurious to or an interference with any works.
11. (1) No person owning or having the right of control of any animal shall drive, or allow the same to stray, upon any works.

(2) A person convicted of an offence against this by-law shall, in addition to the penalties prescribed in by-law 29 of these by-laws, be liable for all damage that may thereby be caused to any works.

DIVISION IV.

Conditions Governing the Supply and Control of Water.

12. A person shall not divert water from the Preston River unless he is an Approved Diverter.

13. A person shall not construct or maintain any diversion works or pumping installations on the Preston River unless he is an Approved Diverter.

14. (1) An application to become an Approved Diverter shall be made on the form provided by the Minister for the purpose.

(2) Where the Minister approves an application by a person to become an Approved Diverter, the Minister shall issue a certificate to that effect to the person.

(3) The Minister shall maintain a register of Approved Diversers.

15. An Approved Diverter shall not—

- (a) construct or maintain any diversion works or pumping installations on the Preston River without the written approval of the Minister; or
- (b) divert water from the Preston River except in the manner and at the place approved by the Minister and in accordance with the provisions of these by-laws.

16. The Minister may from time to time by notice served on an Approved Diverter notify him of the maximum quantity of water which that person may divert from the Preston River during the period specified in the notice.

17. An Approved Diverter intending to divert water from the Preston River in any period specified in a notice served on him pursuant to by-law 16 of these by-laws shall notify the Minister not later than the Thursday preceding each week during which he intends to so divert water during that period, of the quantity of water he wishes to use during that week and of the times at which he wishes to use that water during that week.

18. Upon receiving a notice given by an Approved Diverter pursuant to by-law 17 of these by-laws the Minister may—

- (a) agree to the diversion by the Approved Diverter of the quantity of water specified in the notice or such lesser quantity as the Minister determines; or
- (b) refuse to allow the diversion,

and where the Minister does not agree to the diversion of the quantity of water so applied for by the Approved Diverter, the Minister shall notify the Approved Diverter of his decision either in writing or by a notice published in a newspaper circulating in the district.

19. The Minister may cause a meter or meters to be fitted to the diversion works or pumping installation of any Approved Diverter for the purpose of ascertaining by reference to the index or register incorporated with the meter or meters so fitted the quantity of water supplied to the Approved Diverter through the diversion works or pumping installation.

20. Any repairs required to a meter fitted in accordance with by-law 19 of these by-laws shall be done by an officer appointed by the Minister, and the cost of the repairs shall be paid by the Approved Diverter upon demand in writing being made therefrom.

21. A person other than an officer of the Minister shall not—

- (a) break or in any way interfere with the seal fixed on a meter;
- (b) turn or attempt to turn any screw, bolt or nut on or attached to a meter;

- (c) introduce or attempt to introduce any body or substance into a meter;
- (d) interfere in any way with the correct registration of a meter; or
- (e) cause the supply of water to by-pass a meter.

22. (1) Where an Approved Diverter is at any time dissatisfied with the reading of a meter, he may give written notice to the Minister or an officer of the Minister within seven days of the reading requiring the meter to be tested, and the meter shall then be tested by passing through it a predetermined quantity of water.

(2) When a test has been completed to the satisfaction of the Minister or an officer of the Minister then—

- (a) where the meter registers more than five per cent. in excess of the quantity that actually passes through it at the test, the Minister shall bear all direct and incidental expenses of that test;
- (b) where the meter registers less than five per cent. in excess of the quantity that actually passes through it at the test, the Approved Diverter shall pay to the Minister all direct and incidental expenses of that test.

(3) The expenses of a test shall be fixed by the Minister, subject to a minimum charge of one dollar.

(4) An Approved Diverter may only request a test for the period of registration last preceding the date of reading in respect of which he gives notice.

23. Any Approved Diverter whose diversion works or pumping installations have been fitted with a meter in accordance with these by-laws shall, on finding the meter damaged or not registering, immediately give notice of the fact to the local Water Supply Office.

24. Where a meter ceases to register the correct quantity of water pumped or where a meter is being repaired, the quantity of water used by an Approved Diverter shall be computed and charged for on a basis to be assessed by the Minister.

25. Where an Approved Diverter does not use any quantity of water which has been allocated to him by the Minister in accordance with by-law 18 of these by-laws, he may, nevertheless, be charged for all the water so allocated and in that event is liable to pay for the water so allocated at the prescribed rate.

26. The supply by the Minister of water for irrigation purposes shall not be deemed to imply that the water is of potable quality or free from noxious germs or other matter dangerous or injurious to health.

DIVISION V.

Rates and Charges.

27. The Minister may charge \$15.00 per acre foot for water diverted for irrigation purposes, and an Approved Diverter is liable to pay the amount so charged.

28. Where, in the opinion of the Minister, water can be made available from the Preston River for the purpose of irrigating land outside the District, the Minister may make such water available at a charge of \$15.00 per acre foot, and the person to whom that water is made available shall be liable to pay the amount so charged.

DIVISION VI.

Miscellaneous.

29. Any person who fails to comply with any of the provisions of these by-laws commits an offence and is liable upon conviction to a penalty not exceeding \$40.00 and, in the case of a continuing offence, to a further penalty not exceeding ten dollars for each day the offence continues after notice has been given by or on behalf of the Minister to the alleged offender.