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No. 110]

PERTH : FRIDAY, 20th DECEMBER

[1957

HEALTH ACT, 1911-1956.

By-laws.

P.H.D. 2633/18, Ex. Co. No. 2316.

WHEREAS under the provisions of the Health Act, the Governor may cause to be prepared Model By-laws for all or any of the purposes for which by-laws may be made by a local authority; and whereas a local authority may adopt such by-laws with or without modification; and whereas Model By-laws described as Series "A" have been prepared by the Governor in accordance with the said Act and published in the *Government Gazette* and amended from time to time; and whereas the said Model By-laws have been reprinted with amendments pursuant to the Reprinting of Regulations Act, 1954, and published in the *Government Gazette* on the 9th August, 1956: Now, therefore, the Wyndham Road Board, being a local authority within the meaning of the Health Act, 1911-1956, hereby resolve and determine that the said reprinted by-laws, as published in the *Government Gazette* on the 9th August, 1956, shall be adopted with the modification as follows:—

After Part IX insert a new part to be known as Part X, as follows:—

Part X—Storage of Inflammable Materials.

1. These by-laws shall have effect within the Townsite of Wyndham as constituted under the Land Act, 1933.
2. In this by-law unless the context requires otherwise—
 - “inflammable liquid” means liquid petroleum, and any oil, liquid, spirit or any similar liquid which will flash or emit an inflammable vapour at or below a temperature of 150 degrees Fahrenheit, Abel Close Test;
 - “firebreak” means a strip of ploughed or cleared land which is devoid of all scrub, stubble, buildings, structures and any other inflammable material, and is so maintained;
 - “embankment” means a barrier constructed of earth or of concrete, which is devoid of all scrub, stubble, buildings, structures and any other inflammable material, and so maintained.
3. No person shall store any aviation spirit within any portion of the district prescribed in by-law 1 of this Part.
4. No person shall store more than 60 gallons of inflammable liquid on any domestic premises, and not more than four gallons shall be stored within 20 feet of any adjacent structure or building or inside any building which is within 20 feet of any other structure or building.

5. No person shall store any inflammable liquid on premises which are not domestic premises except under the following conditions:—

- (a) Where the quantity of inflammable liquid stored does not exceed 500 gallons—
- (i) it shall be stored at least 25 feet distant from any adjacent buildings;
 - (ii) a firebreak at least 10 feet wide shall be provided immediately around the storage area;
 - (iii) a continuous embankment capable of arresting the flow of all inflammable liquid there stored shall be provided, not less than 15 feet distant from any building on any premises where the storage area is situated on sloping ground;
 - (iv) two 2-gallon capacity foam fire extinguishers shall be kept at the storage area and maintained ready for immediate use;
 - (v) two signs bearing the wording specified hereunder shall be conspicuously displayed at the storage area, clearly marked in red letters, not less than six inches in height:—

DANGER.

INFLAMMABLE LIQUIDS.

NO SMOKING. NO MATCHES. NO NAKED LIGHTS.

- (b) Where a quantity exceeding 500 gallons but not exceeding 5,000 gallons of inflammable liquid is stored—
- (i) the storage area shall be surrounded by a continuous embankment forming a reservoir, the capacity of which shall be not less than ten per centum greater than the total value of inflammable liquid stored;
 - (ii) every part of such embankment shall be not less than 50 feet distant from any building;
 - (iii) two 2-gallon capacity foam fire extinguishers shall be kept at the storage area and maintained ready for immediate use;
 - (iv) two signs bearing the wording specified hereunder shall be erected at the storage area, clearly marked in red letters not less than 12 inches in height:—

DANGER.

INFLAMMABLE LIQUIDS.

NO SMOKING. NO MATCHES. NO NAKED LIGHTS.

6. No person shall store any quantity of inflammable liquids in excess of 5,000 gallons within the area prescribed in by-law 1 of this Part without the written permission of the local authority, and unless all conditions imposed by the local authority are fully complied with.

7. No person shall store any empty drum which has been used for containing inflammable liquid, within 50 feet of any occupied building.

8. The owner, agent and every person employed or engaged in or about any inflammable liquid storage area shall take all due precautions for the prevention of accidents by fire or explosion and shall prevent unauthorised persons from having access to any inflammable liquid.

9. This by-law shall not apply to any underground storage of inflammable liquid, installed and maintained in accordance with the requirements of the Fire Underwriters' Association of Australia.

Passed at a meeting of the Wyndham Road Board, this 10th day of June, 1957.

F. D. GEE,
Chairman.
C. Q. AHERN,
Secretary.

Approved by His Excellency the Governor in Executive Council, this 5th day of December, 1957.

(Sgd.) R. H. DOIG,
Clerk of the Council.

BUNBURY HARBOUR BOARD ACT, 1909-1928.

Amendment of Regulations.

Resolution.

Ex. Co. No. 2373.

THE Bunbury Harbour Board, acting pursuant to section 61 of the Bunbury Harbour Board Act, 1909-1928, hereby amends in the manner mentioned in the Schedule hereunder, the regulations made by the said Board under and for the purposes of the said Act, and published in the *Government Gazette* of the 26th day of November, 1909, and amended from time to time thereafter by notices published in the *Government Gazette*.

Schedule.

The abovementioned regulations are amended as follows:—

Regulation 104—Outwards Cargo.

Notes.

4. Delete the figures and symbols "7s. 0d." in the second line of subclause (2) (b) and substitute in lieu the figures and symbols "6s. 0d."

After the word "Oats" in the third line of subclause (2) add the words "Crushed wheat and processed grain."

Adopted and passed by a resolution of the Bunbury Harbour Board members at a meeting of the said members on the 3rd day of September, 1957.

The Common Seal of the Bunbury Harbour Board was at the same time affixed and impressed by order and in the presence of—

W. E. McKENNA,
Chairman.

B. W. MASON,
Member.

C. DONALDSON,
Secretary.

[L.S.]

Approved by His Excellency the Governor in Executive Council, this 5th day of December, 1957.

(Sgd.) R. H. DOIG,
Clerk of the Council.

INSPECTION OF SCAFFOLDING ACT, 1924-1955.

Department of Public Works,
Perth, 11th December, 1957.

HIS Excellency the Governor in Executive Council, acting under the provisions of the Inspection of Scaffolding Act, 1924-1955, has been pleased to make the regulations set out in the Schedule hereunder.

R. J. BOND,
Under Secretary for Works.

Schedule.

Regulations.

1. The regulations made under the Inspection of Scaffolding Act, 1924, as amended, published in the *Government Gazette* on the 9th March, 1951, and amended by notices published in the *Government Gazette* on the 26th February, 1954; 15th April, 1955, and the 12th September, 1956, are referred to in these regulations as the principal regulations.

2. Subregulation (1) of regulation 29C of the principal regulations is amended by inserting after the passage "subregulations (2)" in line one the following:—" (2a)."

3. Regulation 29C of the principal regulations is amended by adding after subregulation (2) a subregulation as follows:—

(2a) The provisions of subregulation (1) of this regulation do not apply to a roof where the roof area is sheeted on the top of the members immediately supporting the corrugated asbestos with material approved by the Chief Inspector of Scaffolding and capable of sustaining a central load of 400 lb. on a span of four feet.

MUNICIPAL CORPORATIONS ACT, 1906-1956.
CITY OF PERTH ENDOWMENT LANDS ACT, 1920-1936.

The City of Perth.

Amendment to By-law No. 44.

(Control of Endowment Lands and Reserve 16921.)

L.G. 489/57.

IN pursuance of the powers in that behalf contained in The City of Perth Endowment Lands Act, 1920-1936, and the Municipal Corporations Act, 1906-1956, the Lord Mayor and Councillors of the City of Perth order that By-law No. 44 be amended as follows:—

Clause 22A is repealed and a new clause is inserted in lieu thereof as follows:—

22A. (1) In this clause—

“bathing area” means when markers are placed on the beach an area bounded on the south by a line running east and west and passing through the southern marker, on the west by a line running north and south and passing through the western extremity of the groyne, on the north by a line running east and west and passing through the northern marker, and on the east by the beach;

“marker” means a sign answering the following general description, namely: A yellow disc two feet in diameter with black lettering thereon reading, “Bathing north (south) of this point. The use of boats, floats, surf-boards and surf-skis is prohibited in Bathing Area.”

(2) No person shall take any boat, float, surf-board or surf-ski or use any boat, float, surf-board or surf-ski in a bathing area.

(3) No person shall without the authority of the Council place any marker on the beach or move any marker placed on the beach.

Passed by the Council of the City of Perth at the ordinary meeting of the Council held on the 28th October, 1957.

[L.S.]

H. R. HOWARD,
Lord Mayor.

W. A. McI. GREEN,
Town Clerk.

Recommended—

(Sgd.) G. FRASER,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council, this 5th day of December, 1957.

(Sgd.) R. H. DOIG,
Clerk of the Council.

TRAFFIC ACT, 1919-1956.

CORRECTION.

REGULATION 313A of the Traffic Regulations, 1954, published on pages 2189-2190 of *Government Gazette* (No. 63), of 1st July, 1957: After the word "or" (being line 17 on page 2190) insert the words, "the handle of which is black or the tip of which is red."

ROAD DISTRICTS ACT, 1919-1956.

TOWN PLANNING AND DEVELOPMENT ACT, 1928-1956.

Perth Road Board.

By-laws Amending By-laws Classifying Scarborough, Hamersley, Osborne, Inglewood and Maylands Wards.

L.G. 97/56.

THE Perth Road Board, under and by virtue of the powers conferred on it in that behalf by the Road Districts Act, 1919-1956, the Second Schedule thereof, the Town Planning and Development Act, 1928-1956, and all other powers enabling it, doth hereby make and publish the following by-laws:—

The by-laws of the Perth Road Board classifying Scarborough, Hamersley, Osborne, Inglewood and Maylands Wards passed at an ordinary meeting of the Perth Road Board on the 5th day of April, 1955, and published in the *Government Gazette* on the 3rd day of May, 1955, are hereby amended in the following manner:—

1. By-law 3 is amended by adding after the letters and words "(g) A theatre or cinema" the words "but not including an open-air cinema or drive-in cinema."

2. The Third Schedule to the said by-laws is amended by adding at the end of the detail under the heading "Osborne Ward" the following:—

Scarborough Beach Road—The whole of the land bounded by Scarborough Beach Road, Ewen Street, and Bowra Avenue.

Michael Street—Portion of Perthshire Location Au, Section B, and being lots 101 to 108 (inclusive) on Plan 6615.

Passed by the Perth Road Board at the ordinary meeting of the Board held on the 12th day of November, 1957.

R. H. BANDY,
Chairman.

LLOYD P. KNUCKEY,
Secretary.

Recommended—

(Sgd.) G. FRASER,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council, this 5th day of December, 1957.

(Sgd.) R. H. DOIG,
Clerk of the Council.

ROAD DISTRICTS ACT, 1919-1956.

Canning Road Board.

By-laws Relating to Blasting, Quarrying and Excavations.

L.G. 261/56.

WHEREAS under the provisions of the Road Districts Act, 1919-1956, the board of any district is empowered to make by-laws for any of the purposes mentioned in the said Act, and whereas the Canning Road Board, in pursuance of the powers vested in the said Board, under and by virtue of the said Act, doth hereby make and publish the following by-laws.

Previous by-laws made for the regulating of quarrying or excavating and gazetted in the *Government Gazette* on the 1st day of December, 1939, are hereby repealed.

1. No person, company or corporation shall, within the limits of the Canning Road District, directly or indirectly, quarry or permit quarries or excavations for stone, gravel, sand, or other materials, or do any act or thing, for the purpose of recovering any stone, gravel, sand, or other material, whereby an excavation is created or enlarged without a license from the Board in writing first had and obtained: Provided that any person may excavate for foundations, wells, post holes, septic tanks, reservoirs according to the plans and specifications submitted to the Board upon the granting of a building permit. The owners (as shown by the rate book), the registered proprietor, the purchaser under contract of sale, the occupier and/or any person removing or assisting in removing any such material without a license having been granted in respect thereof shall be liable as if such person were actually quarrying.

2. The application for a license shall be in writing with a deposit of £1 and accompanied by a plan showing the site with contours and levels and size of the proposed quarrying or excavation and its distance from the nearest buildings, roads and footpaths.

3. Before any license is issued for any quarrying or excavations, the applicant must deposit with the Board an amount not exceeding one hundred pounds (£100), such an amount to be fixed by resolution of the Board and to be retained in trust by the Board until the requirements of the next succeeding paragraph are complied with, and should any licensee fail to carry out such requirements it shall be competent for the Board to have the necessary work carried out and deduct the cost thereof from the deposit held.

4. When the removal of materials from any excavation is completed the floor of the excavated area shall be graded and levelled to an even surface and the sides shall be sloped down to a suitable batter to the satisfaction of the Board.

5. The removal of materials from an excavation shall be deemed to be completed—

- (a) when the license has expired; or
- (b) when the area has been excavated to the extent of and in accordance with the area and depth shown on the plan accompanying the application for the license.

6. The fee for such license shall be £1 per annum and, if cancelled by the Board during its currency, a proportionate part will be refunded.

7. The Board may refuse to grant or renew a license without assigning any reason to the applicant.

8. The licensee shall, before commencing any blasting or quarrying, erect and keep exhibited such notices of warning as may be directed by the Board.

9. The licensee shall obey the directions of the Board as to the limit in size, weight, or amount of any explosive that may be used in any charge.

10. Every quarry shall be enclosed by a sufficient fence to keep out persons, stock and cattle, and shall have gates which shall be locked during the hours when quarrying operations are not being carried out.

11. Before the grant of a license, the applicant shall notify every owner of land situated within 300 yards of the proposed excavation and such notification shall inform such owner that he may within seven days object in writing to the granting of a license.

12. No license shall be granted for any excavations and no excavation shall be made or maintained within 22 yards of any road, or of land owned by the Canning Road Board, or any person, which would be likely (after allowing for a normal angle of slope of the materials excavated) to cause a subsidence of such roads or land.

13. The license shall show on its face that it is granted for 12 months and may be renewed annually, and is subject to cancellation without compensation at any time for infringement of any of the by-laws governing the same, or on the breach of any conditions under which it has been issued.

14. The licensee shall drain and keep drained the excavations, and the responsibility for the discharge and disposal of the water drained shall be upon the licensee.

15. The Board may, before or pending the grant of a license, enter into agreements with the licensee as to compliance with the above by-laws, the observance of regulations relating to heavy traffic, the construction and maintenance of a private road to the quarry or excavation, or the licensee bearing a proportionate part of the maintenance of the public road in the said district used by him, and such agreements shall be conditions of the grant and holding the license.

16. If the Board cancel the license for any reason other than the infringement of any of the conditions of the license or agreement (if any), the licensee shall be entitled to a refund of a proportionate part of the fee paid.

17. Between five and ten minutes before blasting a charge, the licensee shall, by bell, whistle or other means, give sufficient warning of danger.

18. The holding of a license shall not exempt the licensee from damage or liability to the public or entitle or permit him to commit any nuisance.

19. Any contravention of an agreement, if any, or the conditions imposed upon the granting of a license shall incur cancellation of the license.

20. If there is any breach of any of the above by-laws, the penalty shall be up to £20.

21. These by-laws shall apply to existing as well as future quarries.

22. Nothing herein contained shall be construed to limit, or restrict any general by-law made or to be made under the Town Planning and Development Act, and in case of any inconsistency, such general by-law shall prevail.

Passed by resolution of the Canning Road Board at a meeting held on the 14th day of October, 1957.

A. B. STANNARD,
Chairman.

N. I. DAWKINS,
Secretary.

Recommended—

(Sgd.) G. FRASER,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council, this 5th day of December, 1957.

(Sgd.) R. H. DOIG,
Clerk of the Council.

ROAD DISTRICTS ACT, 1919-1956.

Gingin Road Board.

By-laws for Control of Gingin Agricultural Hall.

L.G. 1592/52.

THE by-laws published in the *Government Gazette* of the 11th April, 1956, at pages 973 to 975, are amended as follows:—

(1) By inserting after by-law 15 a new by-law to stand as by-law 16, as follows:—

16. Every person who does, permits, or suffers any act, matter, or thing contrary to any of these by-laws, or commits, or permits any breach or neglect thereof, shall be deemed guilty of an offence against these by-laws, and, where not otherwise provided, shall be liable to a penalty not exceeding £5 (five pounds) for every such offence.

(2) The Schedule of Charges is revoked and the following substituted:—

Fees and Charges—First Schedule.

	£	s.	d.
(a) Functions charging more than 5s. for admission	3	0	0
(b) Picture contract	2	10	0
(c) Functions charging 5s. and under for admission, wedding dances, meetings, and picture shows shown from the floor	2	5	0
(d) Social gatherings	1	0	0
(e) Supper room	5	0	0

Passed by a resolution of the Gingin Road Board on the 17th day of August, 1957.

W. J. de BURGH,
Chairman.

K. D. GORDON,
Secretary.

Recommended—

(Sgd.) G. FRASER,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council, this 5th day of December, 1957.

(Sgd.) R. H. DOIG,
Clerk of the Council.

ROAD DISTRICTS ACT, 1919-1956.

Gosnells Road Board.

By-law Relating to Lawns and Gardens on Road Reserves.

L.G. 497/52.

IN pursuance of the powers in that behalf contained in section 201 of the Road Districts Act, 1919-1956, the Gosnells Road Board hereby makes the following by-law relating to lawns and gardens on road reserves.

1. In this by-law, unless the context otherwise requires—
 "Board" means the Gosnells Road Board;
 "carriage way" means that part of a road which is formed or paved for use by vehicles;
 "footpath" means that part of a road which is set apart for the sole use of pedestrians.
2. The owner or occupier of premises abutting on a road may plant and maintain a lawn in the road subject to the following conditions:—
 - (a) The lawn shall not extend beyond the side boundaries of the premises where they abut on the road. Provided that in the case of premises at the corner of two roads the lawn may extend round the corner.
 - (b) The lawn shall not extend beyond the edge of the carriage way, nor shall it encroach on to a drain, or on a formed or paved footpath.
 - (c) The lawn shall have an even surface from the edge of the carriage way, or if the carriage way is kerbed from the top of such kerb to the footpath or road boundary as the case may be.
 - (d) The planting of Kikuyu grass (*Pennisetum clandestinum*) is expressly forbidden.
3. (a) The owner or occupier of premises abutting on a road may, with the written permission of the Board, form and plant a garden in the road.
 (b) The application for such permission shall be accompanied by a plan showing the position and measurements of the garden by reference to the carriage way and the front boundary.
4. Permission for the planting of a lawn and/or garden may be granted subject to such other conditions as the Board may impose.
5. The Board may at any time and without notice and without paying any compensation in respect thereof remove from a road any lawn or garden, or any part thereof, maintained in a road under this by-law.
6. No person shall ride or drive any animal or vehicle over any lawn or garden maintained in a road pursuant to this by-law.

Passed by resolution of the Gosnells Road Board at a meeting held on the 26th day of October, 1957.

ARTHUR A. MILLS,
Chairman.

H. W. WALKER,
Secretary.

Recommended—

(Sgd.) G. FRASER,
Minister for Local Government.

Approved by His Excellency the Governor in Executive Council, this 5th day of December, 1957.

(Sgd.) R. H. DOIG,
Clerk of the Council.

SUPREME COURT ACT, 1935-1957.

Crown Law Department,
Perth, 18th December, 1957.

THE following amendments of the Rules of the Supreme Court, 1909, are published for general information.

(Sgd.) R. C. GREEN,
Under Secretary for Law.

SUPREME COURT ACT, 1935-1957.

Amendment of the Rules of the Supreme Court, 1909.

WE, the Honourable Sir John Patrick Dwyer, Chief Justice, the Honourable Albert Asher Wolff, Senior Puisne Judge, and the Honourable Lawrence Walter Jackson, and the Honourable John Evenden Virtue, Puisne Judges of the Supreme Court of Western Australia, being a majority of the Judges of the said Court, acting in pursuance of the powers conferred by the Supreme Court Act, 1935-1957, and of every other power enabling us in this behalf, do amend the Rules of the Supreme Court, 1909, in the manner hereinafter mentioned, and declare that such amendments shall come into operation upon publication thereof in the *Government Gazette*.

ORDER LXXII (O. 72).

New rules are added, to be numbered respectively 4, and 5, as follows:—

4. The Registrar in Bankruptcy for the District of Western Australia appointed pursuant to the provisions of the Bankruptcy Act, 1924-1955, shall keep a seal, called the Bankruptcy Seal, bearing a representation of the Royal Arms, and the words "The Supreme Court of Western Australia exercising Federal Jurisdiction in Bankruptcy" which shall be affixed to all documents which are authorised or required to be sealed by the provisions of the said Bankruptcy Act or by the Bankruptcy Rules. Whenever for any reason any such seal is replaced or superseded by another seal, the seal replaced or superseded shall be delivered forthwith by the said Registrar in Bankruptcy to the Registrar of the Supreme Court, to be held or disposed of by him in accordance with the directions of the Chief Justice.

5. The Registrar in Bankruptcy for the District of Western Australia appointed pursuant to the provisions of the Bankruptcy Act, 1924-1955, shall have the custody of all the records of the Court in the exercise of its Federal Jurisdiction in Bankruptcy and of all documents filed in the Federal Bankruptcy Registry or ordered to be deposited therein in pursuance of the provisions of the said Bankruptcy Act or the Bankruptcy Rules.

Dated this 18th day of December, 1957.

J. P. DWYER,
Chief Justice.

A. A. WOLFF,
Senior Puisne Judge.

L. W. JACKSON,
Puisne Judge.

J. E. VIRTUE,
Puisne Judge.

MUNICIPAL CORPORATIONS ACT, 1906-1956, AND INTERPRETATION
ACT, 1918-1957.

NOTICE is hereby given under subsection (3) of section 36 of the Interpretation Act, 1918-1957, that by a resolution of the Legislative Assembly on the 13th day of November, 1957, the Uniform General Building By-laws made under the Municipal Corporations Act, 1906-1956, published in the *Government Gazette*, on 5th June, 1957, and laid upon the Table of the House on the 9th July, 1957, were disallowed.

R. C. GREEN,
Under Secretary for Law.

ROAD DISTRICTS ACT, 1919-1956, AND INTERPRETATION
ACT, 1918-1957.

NOTICE is hereby given, under subsection (3) of section 36 of the Interpretation Act, 1918-1957, that by a resolution of the Legislative Assembly on the 26th day of November, 1957, the Uniform General Building By-laws made under the Road Districts Act, 1919-1956, published in the *Government Gazette*, on 5th June, 1957, and laid upon the Table of the House on the 9th July, 1957, were disallowed.

R. C. GREEN,
Under Secretary for Law.