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[1958.

MATRIMONIAL CAUSES AND PERSONAL STATUS CODE, 1948.

Crown Law Department,
Perth, 16th December, 1958.

THE following amendments of the Matrimonial Causes and Personal Status Rules, 1949, are published for general information.

R. C. GREEN,
Under Secretary for Law.

AMENDMENT OF THE MATRIMONIAL CAUSES AND PERSONAL STATUS RULES, 1949.

WE, the Honourable Sir John Patrick Dwyer, K.C.M.G., Chief Justice, the Honourable Albert Asher Wolff, Senior Puisne Judge, and the Honourable Lawrence Walter Jackson, the Honourable John Evenden Virtue, and the Honourable Roy Vivian Nevile, Puisne Judges of the Supreme Court of Western Australia, acting in pursuance of the powers contained in the Matrimonial Causes and Personal Status Code, 1948-1957, and the Commonwealth Matrimonial Causes Act, 1945-1955, and of every other power enabling us in this behalf, do by these Rules amend the Matrimonial Causes and Personal Status Rules, 1949, in the manner hereinafter mentioned:—

1. A new rule is inserted after Rule 20 as follows:—

20A. (1) Where it appears that the adultery of the defendant amounted to rape, or incest with a minor, the person with whom the adultery is alleged to have been committed shall not, in the first instance, be joined as a co-defendant.

(2) In every such case, the plaintiff before service of the writ of summons, shall apply to a Judge for directions, and the Judge shall thereupon determine whether the person with whom the adultery is alleged to have been committed, shall be joined as a co-defendant, and shall give directions accordingly.

(3) An order under this rule excusing the joining as a co-defendant of the person with whom adultery is alleged to have been committed, may provide for notice of the proceedings to be given to, and (if thought proper) representation of such person, and such person shall be entitled to be heard in respect of the allegation, on filing a Statement of Defence within the time fixed in the order, or within such extended time as may be allowed by a Judge.

(4) This rule shall apply with the necessary modifications where the allegation of adultery is made in a Statement of Defence, or a Counterclaim.

2. Rule 25 is amended by inserting after the word "wife" in line seven the words "and status of the husband".
3. Rule 38 is amended—
 - (1) by deleting the words "contest any claim made by the Plaintiff for" in lines 4 and 5 and inserting in lieu thereof the words "be heard on the question of";
 - (2) by adding the following passage—"A defence limited to maintenance or custody, or access, may be filed, by leave of a Judge, after the granting of an order nisi, and before the final order for dissolution."
4. Rule 45 is amended—
 - (a) by deleting the words "such time after filing the Defence" in lines four and five of subrule (1) and inserting in lieu thereof the words "ten days after filing the Defence, or such extended time";
 - (b) by adding a subrule as follows:—
 - (4) This rule shall not apply where the joinder of the party named has been excused under Rule 20A.
5. Rule 47 is amended by deleting the words "half a" in line one of subrule (2) and inserting in lieu thereof the word "one".
6. Rule 63 is amended by substituting the word "herein" for the word "therein" in line one.
7. Rule 73 is amended by deleting the word "this" in line three and inserting in lieu thereof the words "the preceding".
8. Rule 74 is amended by deleting the words "preceding rule" in lines one and two, and inserting in lieu thereof the words "two last preceding rules".
9. A new rule is inserted after Rule 97 as follows:—
 - 97A. (1) An order appointing a guardian to defend on behalf of an infant shall state the time within which the guardian may file a Defence or Counterclaim, and an office copy of the writ, statement of claim, and order shall be served on the guardian.
 - (2) If no Defence or Counterclaim is filed by the guardian within the time limited for that purpose, the action, on proof of service on the guardian, may be set down for hearing if the Registrar certifies that it is proper to do so.
10. Rule 102 subrule (5) is amended by deleting the word "for" in line two and inserting in lieu thereof the words "by a bond with two approved sureties in double".
11. Rule 115 is amended by inserting after the word "trial" in line two the words "or a defence or counterclaim filed".
12. Rule 116 is amended by inserting after line eleven a further paragraph as follows:—
 - (d) being the defendant, has failed to comply with the requirements of Rule 45;
13. Rule 129 is amended by adding subrules as follows:—
 - (2) It shall be the duty of the applicant to disclose to the Court any impediment, not already disclosed, which might operate as an absolute or discretionary bar to the granting of the final order.
 - (3) The application shall be attested by a person authorised to administer oaths in the Supreme Court, or, if signed outside the jurisdiction, in a court of comparable jurisdiction there. The application shall not be attested by the applicants solicitor or his agent.
 - (4) The application shall be filed within ten days from the day on which it has been signed by the applicant, or within such further time as the Registrar in special circumstances, may allow.
14. Rule 130 is amended by adding to the proviso the words "and that there has been no conduct on the part of the applicant which would be an absolute or discretionary bar to the granting of the order."
15. Rule 132 is amended by adding the words "and whether there is any impediment within the knowledge of the defendant which would operate as an absolute or discretionary bar to the granting of the final order",

16. Rule 135 is amended by deleting subrule (3) and inserting in lieu thereof the following subrules:—

(3) Every motion for a new trial or rehearing shall be served on the other parties to the action or proceeding insofar as they may be affected by the result of any order which may be made on the motion.

(4) A new trial or rehearing in an action for nullity of marriage shall be applied for within three calendar months of the date of the granting of the order for nullity.

17. Rule 148 is amended—

(a) by inserting after the word "for" in line two of sub-rule (1) the words "or relating to";

(b) by deleting the words "half a" in line one of sub-rule (2) and inserting in lieu thereof the word "one".

18. A new Rule is inserted after Rule 148 as follows:—

148A. After the final order for dissolution, a defendant who has not filed a Defence may make any application relating to maintenance upon filing and serving on the plaintiff a notice of address for service to the same effect as the memorandum referred to in Rule 47.

19. Rule 153 is amended by adding a subrule as follows:—

(2) At any time after the final order for dissolution has issued, a defendant who has not filed a Defence in the action may make or oppose an application for custody or access of children, upon first filing and serving on the opposite party, a notice of address for service to the same effect as the memorandum referred to in Rule 47.

20. Rule 166 of the Matrimonial Causes and Personal Status Rules, 1949, is amended as follows:—

(a) Subrule (1) is repealed and in lieu thereof the following subrule is inserted:—

(1) Subject to the provisions of the Code the following costs, and no more, shall be allowable in all actions, ancillary matters, and proceedings, and the costs set out shall include (unless otherwise specified or unless allowed and fixed on the hearing of the application) costs of all interlocutory and ex parte proceedings prior to the trial or hearing:—

	Guineas
Undefended actions (including the obtaining of the final order)	60
When the action is not defended at the trial, but a defence has been entered, and the party having the carriage of the action has reasonably prepared the case for trial on the basis that it will be defended at the trial, an additional sum may be allowed, not exceeding	20
Actions defended at the trial as to damages, or damages and other ancillary relief, but not as to the merits	70
Defended actions	75-100
Where the trial of a defended action continues for more than one sitting day—for each additional day of trial, if certified for, a sum not exceeding	40
Note: If in such case less than a day is involved, the additional fee shall be such proportion of the daily fee as the Judge or Taxing Officer may allow.	

	Guineas
Extra (in all actions):	
Guardian ad litem	3
Co-defendant, for each	3
Service outside the jurisdiction or in the discretion of the Taxing Officer.	3
Agency allowance where town agent is employed—	
Undefended actions	4
Defended actions	7
Reserved judgment	3- 7
Interlocutory applications (to be allowed only when fixed and certified for on the applica- tion)	2- 15
Applications for ancillary relief:	
(i) Custody, access, maintenance orders, and variations of such orders	5- 30
(ii) Warrant of Commitment, and application	4
Appeals etc.:	
(i) Appeal against an order of the Registrar	7- 20
(ii) Appeal against the granting of, or refusal to grant, an order nisi, or order for judi- cial separation, or nullity, or against a final order; Motion for re-hearing or new trial: Case referred to the Full Court	30-100
(iii) Appeal against an order of a Judge in Chambers	20- 50
On any Intervention (not being intervention in an ancillary proceeding)	30- 75
Any contested motion	15- 40
Uncontested motions	5- 15

Where there is a maximum and minimum prescribed by the above scale the fee, within the limits prescribed, shall be fixed by the Judge or taxing officer, without prejudice however to the provisions of the proviso to subrule (2) of this rule.

(b) Subrule (2) is deleted and in lieu thereof the following subrule is inserted—

(2) The above costs shall include the costs of all services including counsel fees, but shall not include disbursements necessarily and properly paid or incurred: Provided that notwithstanding anything hereinbefore contained—

- (a) in any action, application, or proceeding presenting unusual difficulty or special features, or which is of special importance, and in the opinion of the Judge calls for a higher fee, the Judge may certify accordingly, and as to the fee which the Judge thinks proper, and thereupon such fee shall be the fee allowed and recoverable;
- (b) the Judge may direct that the costs be taxed, in which case the taxing officer, subject to any special directions of the Judge, shall fix and allow the costs within the limits prescribed by this Rule;

- (c) a defendant and co-defendant, or plaintiff and party named by the defendant, who defend by the same solicitor, or are represented at the trial by the same counsel, shall be allowed only one set of costs, unless the Judge otherwise orders.

Where such parties, though defending by the same solicitor, are represented at the trial by separate counsel, additional costs shall be allowed only if the Judge is satisfied that their interests are diverse, and that it is proper in the circumstances that additional costs be allowed.

In all cases mentioned in this paragraph where additional costs are allowed, the Judge in his discretion shall fix the amount thereof;

- (d) when dealing with the costs of a claim and counterclaim which have been tried together, or of consolidated actions, the Judge shall give such directions as may be necessary to ensure that the incidence of the order for the costs of the litigation shall be equitable. If any doubt or difficulty arises on taxation there shall be deemed to be reserved in every such order an authority to the Taxing Officer, or any party to refer the question to the Judge;
- (e) in any particular case where the quantum of work performed does not justify the allowance of a fee according to the scale prescribed, or a fee equal to the minimum fee prescribed, the Judge or the taxing officer may fix such fee as in his opinion is just and reasonable;
- (f) in awarding or disallowing any particular part of the costs relating to any action or proceeding the Judge may fix the appropriate sum;
- (g) the Court, Judge or taxing officer, shall fix the sum considered proper to be charged for costs in any case not covered by the scale set out in subrule (1) of this Rule;
- (h) if, in the opinion of the Judge at trial, the trial of any action has been unnecessarily protracted through the fault of any party otherwise entitled to costs in accordance with these Rules, the Judge may disallow such portion of the costs as he thinks just.
- (c) Subrules (5) and (6) are repealed, and the following subrule to stand as subrule (5) is inserted.

(5) Subject to the provisions of the Legal Practitioners Act, 1893, and its Amendments, permitting a solicitor to make a written agreement as to costs with his client, the fees and disbursements allowed under this Rule shall apply both as between party and party, and solicitor and client, but where costs have been incurred which in the opinion of the taxing officer are not properly recoverable against the party liable under the Judgment or order to pay costs, but have nevertheless been properly incurred, or where costs have been incurred at the special request of the client, such costs shall be recoverable from the client, and the taxing officer is hereby authorised to fix such sum as he thinks reasonable to cover such additional costs.

21. Rule 166 as amended by these Rules shall apply to all business (including appeals, interventions, motions, and applications for ancillary relief in pending actions) commenced in the Court on or after the day on which these Rules come into force. Save as aforesaid Rule 166 in its unamended form shall continue to apply to all business commenced in the Court prior to such date, as if these Rules had not been made.

22. A heading and new rule is inserted after Rule 167 as follows—
 Restriction on Execution for Arrears of Maintenance.
 168. Execution shall not issue for the recovery of periodical payments of maintenance which are more than twelve months in arrear, except by leave of a Judge on good cause shown. The extent to which such arrears shall be recoverable by execution, shall be in the discretion of the Judge granting leave.
23. Form No. 14 is amended—
 (a) by substituting for the words "half a" appearing immediately after the passage "Any statement of defence which is filed must specify an address not more than" in the third paragraph of the form, the word "one";
 (b) by deleting from line two of paragraph (3) of the Plaintiff's Certificate Verifying Statement of Claim, the passage "which if disclosed would debar me from the relief claimed".
24. Form No. 27 is amended by striking out the passage "Dated the day of 19...." and the word "Plaintiff" in lines 7 and 8 and inserting in lieu thereof the following clause—
 "Signed by the Plaintiff at in
 the State of this
 day of 19.... Before me,
 (A Commissioner etc.)"
25. Form No. 32 is amended by deleting the words "half a" in line 4 of the notice to be endorsed thereon, and inserting in lieu thereof the word "one".

These Rules shall come into force on the 1st day of January, 1959.

Dated this 8th day of December, 1958.

J. P. DWYER,
 Chief Justice.
 R. A. WOLFF,
 Senior Puisne Judge.
 L. W. JACKSON,
 Puisne Judge.
 J. E. VIRTUE,
 Puisne Judge.
 R. V. NEVILE,
 Puisne Judge.

LOTTERIES (CONTROL) ACT, 1954-1956.

Chief Secretary's Department,
 Perth, 26th November, 1958.

C.S.D. 405/55, Ex. Co. No. 2255.

HIS Excellency the Lieutenant-Governor and Administrator in Executive Council acting pursuant to the provisions of the Lotteries (Control) Act, 1954-1956, has been pleased to make the regulations set out in the Schedule hereunder.

J. DEVEREUX,
 Under Secretary.

Schedule.
 Regulations.

1. In these regulations the Lotteries (Control) Regulations, 1955 published in the *Government Gazette* on the 11th November, 1955, are referred to as the principal regulations.

2. The principal regulations are amended by substituting for the First Schedule the following Schedule:—

First Schedule.

The Chairman — At the rate of £1,500 per annum.

A Member — At the rate of £450 per annum.

TRAFFIC ACT, 1919-1957.

Municipality of Albany.

By-law No. 34 (Traffic).

Police T.O. 58/786.

THE Albany Municipal Council, pursuant to an Order in Council made under section 49 of the Traffic Act, 1919-1957, and the powers thereby conferred, doth hereby order that By-law No. 34 be amended as follows:—

Add New Section

1A.—Restricted Parking of Vehicles.

Vehicular parking on the north side of Stirling Terrace for a distance of 150 feet east of Spencer Street is restricted to the following classes of vehicles:—

Cycle, Motor Car, Motor Cycle.

Passed by the Albany Municipal Council on 13th October, 1958.

[L.S.]

J. A. BARNESBY,
Mayor.

D. J. SULLIVAN,
Town Clerk.

Recommended—

(Sgd) H. E. GRAHAM,
Minister for Traffic.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 10th day of December, 1958.

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

TRAFFIC ACT, 1919-1957.

Municipality of Kalgoorlie.

Amendment of Traffic By-Law No. 140—Parking.

Police T.O. 58/381.

THE Council of the Municipality of Kalgoorlie, pursuant to an Order in Council issued under section 49 of the Traffic Act, 1919-1957, doth hereby make the following amendment to By-Law No. 140 to control parking within the Municipal District of Kalgoorlie by amending the by-law as published in the *Government Gazette* of the 17th day of September, 1954, on pages 1604 and 1605 thereof, and amended as published in the *Government Gazette* of the 9th day of August, 1955, on pages 1864 and 1865 thereof, as follows:—

1. Before the words "No person in charge of any vehicle shall" in line one of the said By-law No. 140 inserting the figure (1).

2. By adding paragraphs (2) and (3) thereto as follows:—

(2) Subject to regulation 183 of the Traffic Regulations, 1954, the driver or person in charge of any vehicle shall comply with the restrictions on the parking of vehicles as prescribed in column 2 and set out in the Schedule to this by-law in relation to the roads and portions of roads described in column 1 thereof to which such restrictions apply, and no person shall park any vehicle or cause a vehicle to stand on any portion of a road described in column 1 aforesaid for longer periods than those prescribed in relation to that road or the portion in question of that road, as shown opposite and corresponding thereto in column 2.

(3) Any person committing a breach of this by-law either by act or omission, shall on conviction be liable to a penalty not exceeding twenty pounds.

The Schedule.

Table showing Parking Restrictions within the Municipality of Kalgoorlie.

Column 1. Name and portion of road in relation to which the corresponding Parking Restrictions in Column 2 opposite apply.	Column 2. Parking Restrictions applying to the corresponding portions of roads described in Column 1 opposite hereto.
1. Hannan Street.—North and south sides, between Porter Street and Wilson Street except as hereinafter provided in the paragraph numbered 4 of this Schedule.	Between 10 a.m. and 5 p.m. on Fridays and between 9 a.m. and 12 a.m. on Saturdays, excepting on public holidays, parking of vehicles restricted to 60 minutes.
2. Maritana Street.—East and west sides between Brookman Street and Egan Street.	Between 10 a.m. and 5 p.m. on Fridays and between 9 a.m. and 12 a.m. on Saturdays, excepting on public holidays, parking of vehicles restricted to 60 minutes.
3. Cassidy Street.—East and west sides, between the right of way (between Brookman Street and Hannan Street) and Egan Street.	Between 10 a.m. and 5 p.m. on Fridays and between 9 a.m. and 12 a.m. on Saturdays, excepting on public holidays, parking of vehicles restricted to 60 minutes.
4. Hannan Street.—North side, from a point 222 feet west of the western building line of Maritana Street and extending westwards for a distance of 93 feet.	Between 9 a.m. and 5 p.m. on any day of the week excepting Saturdays and Sundays and excepting on public holidays, and between 9 a.m. and 12 a.m. on Saturdays, parking of vehicles restricted to 10 minutes.

A resolution adopting the foregoing by-law was passed by the Kalgoorlie Municipal Council on the 27th day of October, 1958.

The Common Seal of the Municipality of Kalgoorlie was hereunto affixed on the 3rd day of November, 1958, in the presence of:

[L.S.]

R. G. MOORE,
Mayor.
G. O. EDWARDS,
Town Clerk.

Recommended—

(Sgd.) H. E. GRAHAM,
Minister for Traffic.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 10th day of December, 1958.

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

TRAFFIC ACT, 1919-1957.

Municipality of Albany.

By-law No. 34 (Traffic).

Police T.O. 58/786.

THE Albany Municipal Council, pursuant to an Order in Council made under section 49 of the Traffic Act, 1919-1957, and the powers thereby conferred, doth hereby order that By-law No. 34 be amended as follows:—

Section 1.

Delete subsection (d) and substitute new subsection:—

(d) To be parked on those portions of Peels Place, which are contiguous to the Northern sides of Lots 829 and 830.

Section 2.

Delete subsection (c) and substitute new subsection:—

(c) Both sides of Albany Highway from its junction with York Street to its junction with Alicia Street.

Add new subsection:—

(e) Both sides of Peels Place between Aberdeen Street and Collie Street and including the southern side of lots 829 and 830 but excluding those areas prescribed in sections 8 (a) and 8 (b) as a taxi stand and motor omnibus stand respectively.

Passed at a meeting of the Albany Municipal Council on 12th May, 1958.

[L.S.]

J. A. BARNESBY,
Mayor.
D. J. SULLIVAN,
Town Clerk.

Recommended—

(Sgd.) H. E. GRAHAM,
Minister for Traffic.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 10th day of December, 1958.

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

TRAFFIC ACT, 1919-1957.

Municipality of Geraldton.

Traffic By-law and Amendments.

Police T.O. 58/379.

A By-law of the Municipality of Geraldton pursuant to Order in Council made under the authority of Section 49 of the Traffic Act, 1919-1957. IN pursuance of the powers conferred by the said Order in Council the Municipality of Geraldton by this by-law orders as follows:—

- (a) Traffic By-law No. 1.—Passed by the Municipality of Geraldton on the 8th day of June, 1955, and published in the *Government Gazette* on the 14th day of September, 1955, is rescinded.
- (b) Traffic By-law No. 2.—Passed by the Municipality of Geraldton on the 22nd day of August, 1956, and published in the *Government Gazette* on the 8th day of February, 1957, is rescinded.
- (c) The following new by-law is passed in substitution therefore:—

Traffic By-law No. 1.

1. The Municipality of Geraldton hereby appoints the following places in streets within the Municipal district to be used as stands for licensed Taxi Cars playing for hire:—

- (a) Cathedral Avenue on the south-westerly side, commencing 20 feet from the south-westerly building line with Marine Terrace and extending south-easterly for 54 feet (three vehicles) then discontinuing 110 feet and then further continuing for 54 feet (3 vehicles).
- (b) Fitzgerald Street on the south-westerly side, commencing 30 feet from the south-westerly building line with Marine Terrace then extending 150 feet in a south-westerly direction (eight vehicles).

- (c) Durlacher Street on the north-easterly side, commencing at the northerly building line with Durlacher Street and Marine Terrace and extending north-westerly for a distance of 36 feet and having a width at right angles to Durlacher Street of 17 feet (four vehicles).
- (d) Adjoining Durlacher Street on the land adjoining on the easterly side, the place described on the last preceding sub-paragraph (c), and commencing at the commencement of that place and extending north-westerly for a distance of 36 feet and having a width at right angles to and easterly of Durlacher street, of 17 feet (four vehicles).

2. The said Municipality hereby appoints the following places in streets within the said district to be used as stands for licensed Omnibuses plying for hire:—

- (a) Cathedral Avenue on the north-easterly side, commencing at a point 56 feet from the north-easterly building line with Marine Terrace and extending in a south-easterly direction for a distance of 35 feet (one vehicle).
- (b) Eleanor Street on the north-westerly side, commencing at a point 20 feet from the north-westerly building line with Post Office Lane and extending north-easterly for a distance of 40 feet (one vehicle).
- (c) Cathedral Avenue on the south-westerly side, commencing at a point 40 feet from the south-westerly building line with Lester Avenue and extending in a south-easterly direction for a distance of 170 feet including the approach (four vehicles).

3. No person in charge of any vehicle shall, at any time, leave such vehicle or cause or permit such vehicle to stand on the south-easterly side of Marine Terrace, Geraldton, between Post Office Lane and the south-westerly boundary of the Geraldton Post Office land unless he does so in the course of duty or engagement as an employee of or contractor with the Postmaster General's Department.

4. No person in charge of any vehicle, including bicycles, shall, at any time, stand such vehicle on any road or portion of a road mentioned hereunder:—

- (a) On the north-easterly side of Durlacher Street, Geraldton, between Marine Terrace and Eleanor Street.
- (b) On the south-westerly side of Cathedral Avenue, Geraldton, between Marine Terrace and Lester Avenue, except as provided for taxi cars plying for hire as stated in paragraph 1a above.
- (c) On the south-westerly side of Fitzgerald Street, Geraldton, between Marine Terrace and a point in line with the south-easterly boundary of Lester Avenue except as provided for taxi cars plying for hire as stated in paragraph 1(b) above.
- (d) On the south-westerly side of Armstrong Street, Geraldton, throughout its full length.
- (e) On the south-westerly side of Gregory Street, Geraldton, from its building line with Marine Terrace and proceeding in a north-westerly direction some 100 feet to its north-westerly extremity.

- (f) On the south-westerly side of Post Office Lane throughout its full length, and on its north-easterly side for a distance of approximately 70 feet from its building line with Marine Terrace.
- (g) On or across the north-westerly extremity of Fitzgerald Street, Geraldton, as fronting the foreshore.
- (h) On either side of Fitzgerald Street, Geraldton, from its north-westerly building line with Marine Terrace and proceeding in a north-westerly direction some 130 feet to its north-westerly extremity unless such vehicles are angle parked at an angle of 90 degrees to the adjoining foot-path.
- (i) On the north-easterly side of Gregory Street from its north-westerly building line with Marine Terrace and proceeding in a north-westerly direction some 80 feet to its north-westerly extremity unless such vehicles are angle parked at an angle of 90 degrees to the adjoining fence line.

5. No person in charge of any vehicle shall leave such vehicle or cause or permit such vehicle to park on any portion of Marine Terrace, Geraldton, between its northerly building line with Forrest Street and its southerly building line with Fitzgerald Street for a longer period than 30 minutes between the hours of 9 a.m. and 5 p.m. on any day other than Saturday and Sunday or for a longer period than 30 minutes between the hours of 9 a.m. and 12 noon on any Saturday.

6. (a) In this paragraph "park" means to permit any vehicle to stand, whether occupied or not, upon a street or way otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or goods or in obedience of traffic regulations or traffic signs or signals, and "vehicle" means any vehicle the tare of which is two tons or more.

(b) No person shall park any vehicle as defined in this paragraph upon that portion of Marine Terrace, Geraldton, which lies between its junction with Forrest Street and its intersection with Fitzgerald Street.

7. If any person shall commit any breach of any provision of this by-law he shall be liable to a penalty not exceeding twenty pounds.

Passed by the Council of the Municipality of Geraldton this 6th day of November, 1958.

[L.S.]

C. S. EADON-CLARKE,
Mayor.

L. V. CAUDWELL,
Town Clerk.

Recommended—

(Sgd.) H. E. GRAHAM,
Minister for Traffic.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 10th day of December, 1958.

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

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT, 1943-1957.

Department of Local Government,
Perth, 15th December, 1958.

NOTICE is given that the Schedule to the notice relating to the definitions and maximum annual premium rates under the provisions of the Motor Vehicle (Third Party Insurance) Act, 1943-1957, and published in the *Government Gazette* on the 12th June, 1953, as amended by the notice published in the *Government Gazette* on the 29th June, 1956, is hereby further amended in the following manner:—

- (a) by adding after the word, "Vehicle" in line two of paragraph (b) of Class No. "(1), Motor Car", the passage, "A motor vehicle owned and used by the Australian Red Cross Society, or a vehicle owned and used by the Spastic Welfare Association";
- (b) by adding after the word, "passengers" in lines seven and eight of paragraph (e) of Class No. "(3), Hire Vehicle", the passage, "and any other vehicle constructed similarly to an omnibus privately owned and used for conveyance of non-paying passengers."

GEO. S. LINDSAY,
Secretary for Local Government.

ROAD DISTRICTS ACT, 1919-1956.

Busselton Road Board.

Amendment to Standing Orders—By-Law.

L.G. 496/52.

THE By-Laws under the Road Districts Act, 1919-1956, published in the *Government Gazette*, on the 4th day of April, 1952 (pages 886/92), are amended as hereunder:—

1. By-law No. 40 is deleted and the following substituted in lieu thereof:—

Chairman's Ruling.

40. The Chairman when called upon to decide a point of order or practice shall give his decision, but, if a majority of the Board by a resolution thereupon carried, disagrees with his ruling, then the decision of the Board shall be final.

Passed by resolution of the Busselton Road Board at a meeting held on the 26th day of November, 1958.

JAMES BUTCHER,
Chairman.

T. McCULLOCH,
Secretary.

Recommended—

(Sgd.) F. J. S. WISE,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 10th day of December, 1958.

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

DOG ACT, 1903-1948.

Irwin Road Board—By-laws.

L.G. 326/58.

UNDER section 35A of the Dog Act, 1903-1948, and in exercise of all other powers thereto enabling it, the Irwin Road Board doth hereby make the following by-laws for the control of dogs within the area of the Irwin Road District:—

1. In these by-laws the term "Board" shall mean the Irwin Road Board.
2. The Board may establish and maintain a pound or pounds for the impounding of dogs seized pursuant to the provisions of the Dog Act, 1903-1948.
3. A dog seized by the police or by an officer authorised by the Board may be placed in a pound.
4. Where a dog has been seized or placed in a pound the keeper of the pound or other officer authorised by the Board shall, if the owner or person usually in charge of the dog is known to him, forthwith notify such person that the dog has been impounded.
5. If the owner or person apparently acting on behalf of the owner of a dog seized or impounded shall claim such dog, then upon payment of the fees specified in the Schedule hereto the dog shall be released to such person.
6. The poundkeeper shall be in attendance at the pound for the release of dogs at such times and on such days of the week as shall from time to time be determined by the Board.
7. Any person applying for the release of a dog seized or impounded shall prove to the satisfaction of the poundkeeper or other officer authorised by the Board the ownership of the dog and his authority to take delivery of it. The poundkeeper or officer may accept such proof as he considers satisfactory and no person shall have any right of action against him or the Board in respect of the delivery of a dog in good faith.
8. If a dog shall not be claimed and the said fees paid within 48 hours of its being seized, or if a dog having a collar around its neck with a registration label for the current year affixed thereto shall not be claimed and the said fees paid within 48 hours of the service of a notice upon the registered owner, the poundkeeper or other officer authorised by the Board may sell such dog.
Upon the sale of a dog, the proceeds of a sale shall be the property of the Board and may be disposed of in such manner as the Board thinks fit. The owner of a dog sold pursuant to these by-laws shall have no claim against the Board in respect of the proceeds thereof.
10. If within the times mentioned by by-law 8 hereof or at any time before the destruction of a dog the dog has not been claimed as aforesaid and the said fees paid and if no offer has been received for its purchase, the dog may be destroyed.
11. Notwithstanding anything herein contained, but subject to the provisions of section 19 of the Dog Act, 1903-1948, any dog seized or impounded may at any time be destroyed upon the authority of the Secretary of the Board if, in the opinion of the Secretary, the dog is too savage or noisy to be kept, or is suffering from an injury, disease, or sickness.
12. If the Board shall destroy a dog at the request of its owner whether such dog shall have been seized or impounded or not, the owner shall pay the Board the fee specified in the Schedule hereto.
13. No person shall—
 - (a) unless a poundkeeper or other officer of the Board duly authorised in that regard, release or attempt to release a dog from the pound;
 - (b) destroy, break into, damage, or in any way interfere with or render not dog proof any pound;
 - (c) destroy, break into, damage, or in any way interfere with or render not dog proof any dog cart, vehicle or container used for the purpose of catching, holding, or conveying dogs which have been seized.

14. The owner of a dog shall keep such dog chained or under effective control from sunset to sunrise, and notwithstanding the previous provisions of these by-laws, any dog found wandering at large between sunset and sunrise may be destroyed by the police or officer authorised by the Board.

15. The owner of a dog shall prevent that dog from entering or being in any of the following places unless on a leash held by a person:—

- (a) A public building.
- (b) A theatre or picture garden.
- (c) A house of worship.
- (d) A shop or other public business premises.

16. The owner of a dog shall prevent that dog from entering or being in any of the following places unless on a leash held by a person:—

- (a) A sports ground.
- (b) An area set aside for public recreation.
- (c) A car park.
- (d) A school.
- (e) Any land vested in or under the control of the Board other than a road.

17. No person shall obstruct or hinder an employee of the Board or member of the police force in the performance of anything authorised by the provisions of the Dog Act, 1903-1948, or the regulations made in pursuance of these provisions.

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

19. Any person who shall commit a breach of these by-laws shall upon conviction be liable to a penalty not exceeding £5.

The Schedule.

Fees.	s.	d.
For the seizure or impounding of a dog	10	0
For the sustenance and maintenance of a dog in a pound (per day)	5	0
For the destruction of a dog	10	0

Passed by resolution of the Irwin Road Board at a meeting held on the 12th day of November, 1958.

A. J. GILLAM,
Chairman.

J. PICKERING,
Secretary.

Recommended—

(Sgd.) F. J. S. WISE,
Minister for Local Government.

Approved by His Excellency the Lieutenant Governor and Administrator in Executive Council this 10th day of December, 1958.

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

ROAD DISTRICTS ACT, 1919-1956.

Kellerberrin Road District—Building By-laws.

L.G. 1600/52.

IN pursuance of the powers in that behalf contained in the Road Districts Act, 1919-1956, the Kellerberrin Road Board makes the following by-laws relating to buildings:—

Part 1.—Operation and Definition.

Application.

1. These by-laws shall apply to the townsites of Kellerberrin, Doodlakine and Baandee.

Commencement.

2. These by-laws shall come into operation immediately upon their confirmation and approval by the Governor and publication in the *Government Gazette*.

Repeal.

3. From the date of coming into operation of these by-laws all building by-laws previously in force for the Kellerberrin Road Board are hereby repealed.

Definitions.

4. In these by-laws, subject to the context—
- “act” means the Road Districts Act, 1919-1956, and amendments;
 - “alteration” means any work made or done for any purpose in, or on a building (except that of necessary repairs not affecting the construction of any external, cross, or party wall), or any change in the purpose for which the building or erection, or any part thereof shall be used;
 - “apartment” means a room or rooms or part of a building intended or adapted for a separate occupation as a dwelling, and includes a flat;
 - “apartment building” means a building containing two or more apartments;
 - “approved” means approved by the Board in writing or (in case where the surveyor is authorised by the Board to do so) approved by the surveyor in writing;
 - “area” applied to a building means the sum of the superficieses of the horizontal sections of each storey made at the point of the greatest surface of each floor, inclusive of the external walls and such portions of the party walls as belong to the building;
 - “Board” means the Kellerberrin Road Board;
 - “build” means and includes erect, build, or construct, or cause to be erected, built or constructed;
 - “building” means and includes erection, structure, detached room, outbuilding, hoarding, and every structure of whatever kind capable of affording protection or shelter, either roofed, or intended or adapted to be roofed, and whether enclosed by roofs or not, and every part of such structure and any addition or alteration thereto;
 - “builder” means the master builder or other person employed to execute any work, or, if there is no master builder or other person so employed, then the owner of the building or other person for whom or by whose orders such work is to be done.
 - “dwelling house” means a building used or adapted to be used wholly or principally for human habitation;
 - “District” means Kellerberin Road District;
 - “external wall” means the outer wall of a building, not being a party wall, even though it adjoins a wall of another building;
 - “fire-resisting” used with reference to any materials includes—
 - (a) brickwork constructed of good bricks well burnt hard and sound; properly bonded and solidly put together with good lime or cement mortar;
 - (b) any stone suitable for building purposes by reason of its solidity or durability;
 - (c) sheet metals or other similar materials which are, in the opinion of the Board, fire-resisting;
 - (d) iron and steel (when used for columns, girders, or wall framing) encased in cement, concrete, or other incombustible or non conducting external coating;
 - (e) slate, tiles, brick, and terra-cotta, when used for covering or corbels;
 - (f) concrete when composed of broken bricks, stone chippings, or ballast and lime cement or calcined gypsum;

- (g) asbestos cement sheets;
 - (h) pressed wood or other similar sheets which are, in the opinion of the Board, fire-resisting;
- “frontage” means the distance measured at right angles to one of the sides of the land from the terminal point thereof to the opposite side, or a continuation of such opposite side;
- “garage” means any building used for the housing of a motor vehicle (not being a garage carried on as a business undertaking);
- “height” in relation to any building means measurement taken from the level of the footway (if any) immediately in front of the centre of the building, or when there is no such footway from the level of the ground before excavation to the level of the ceiling or tie of the topmost storey;
- “hoardings” includes any erection or structure erected, built, constructed, or used, or that may be used for the purpose of writing, painting, pasting or posting thereon notices, advertisements, placards, or other printed, painted, or written matter, or any erection or structure, being a greater height than six feet from the level of the adjoining street;
- “main rooms” means and includes all rooms used or intended to be used as bedrooms, dining-rooms, lounges, ordinary living rooms or kitchens;
- “new buildings” includes—
- (a) any building erected or commenced to be erected after the date of these by-laws coming into operation;
 - (b) any building of which more than half of its cubical contents has been taken down or destroyed by fire, tempest, or otherwise, and is re-erected, or commenced to be re-erected wholly or partially on the same site after the date of these by-laws coming into operation;
 - (c) any buildings removed or transported wholly or in sections into the district, or to another part of the district after the date of these by-laws coming into operation;
- “outbuildings” means any building or the curtilage of any dwelling, shop or combined shop and dwelling used as a work shop or store-room not being a building for the storage of inflammable materials, nor for the housing of animals, including birds;
- “party wall” means a wall built to be used as a separation of two or more buildings, or a wall forming part of a building built upon the dividing line between adjoining premises for the common use;
- “person” includes corporation;
- “prescribed” means prescribed by these by-laws;
- “public place” has the same meaning as in the Act;
- “reinforced concrete” means a form of construction in which cement concrete is reinforced with iron or steel, these materials being so combined that the iron or steel will take up and resist substantially the whole of tensional stresses and assist in the resistance to shear, while the concrete will take up and resist the compressional stresses, and assist in resistance to shear;
- “right-of-way” means any lane or right-of-way, not a road, over which any person other than the owner thereof has a right of carriage way;
- “road” has the same meaning as in the Act;
- “S.A.A. code or specification” means the specified code or specification issued by the Standards Association of Australia;
- “surveyor” means the building surveyor or acting building surveyor appointed by the Kellerberrin Road Board, having for the time being the administration of these by-laws;
- “shop” means a building in which goods are regularly offered or exposed for sale, in which meals or refreshments are regularly offered or provided for payment, and also includes saloons of barbers and

hairdressers, and offices of agents, auctioneers, and all other businesses and trades. A bona fide boarding house shall not be included in this definition by reason only of the fact that meals or refreshments are occasionally supplied for payment to persons other than boarders;

"square" applied to the measurement of any area means the space of 100 square feet;

"surface or ground level" means the level of the ground as determined by the surveyor or engineer;

"wooden building" means buildings constructed of wood, or buildings having wooden frames;

Part 2.—Classes of Buildings.

5. For the purpose of these by-laws, buildings shall be divided into three classes:—

Class A—"Domestic class," which includes all buildings subject to small vibrations and light loading of floors, such as dwelling houses, residential shops, offices, hotels, private schools, club houses, and studios.

Class B—"Warehouse class," which includes all buildings subject to vibrations and heavy loadings of floors, such as warehouses, factories, mills and places for storage and manufacturing of goods.

Class C—"Public building class" which includes all buildings designed to accommodate an assemblage of people, such as theatres, churches, chapels, assembly halls, museums, libraries, public schools, hospitals, lecture rooms, and other like buildings. In case of doubt the surveyor shall finally determine to which class any particular building belongs.

Part 3.—Notice of Intention to Build or Demolish and Lodging of Plans.

Notice to be Given.

6. No builder shall commence any building, or any addition, or alteration to any building without first delivering at the office of the Board a written application in the form of the First Schedule hereto before so commencing and delivering to the surveyor:—

Plans and Specifications.

(a) Properly prepared plans and specifications of such building, addition, or alteration, together with a tracing or copy of the plans of such building, addition, or alteration, and also details and dimensions, sizes and qualities of all materials and enumerating any old materials proposed to be used in the construction of the same. Plans shall be drawn in ink, and specifications typed or legibly written. Plans to be of good quality parchment, 22 in. by 15 in. Scale, $\frac{1}{8}$ in. to 1 ft.

Block Plan.

(b) A block plan showing relation of the building to adjoining buildings and boundaries.

Purpose.

(c) A statement in writing of the purpose for which the building is intended to be used.

Drainage.

(d) Particulars of the proposed method of drainage.

Further Particulars.

(e) Such further particulars in writing regarding the same as shall be necessary to enable the Board or its surveyor to determine if all the provisions of these by-laws applicable thereto are being complied with.

Tracing Retained.

7. The tracing or copy of the plans and details of materials shall be retained by the surveyor, and the original plans and specifications when approved shall be evidenced in writing endorsed on the plans and specifications and signed by the surveyor.

Plans, etc., to be Kept at Building.

8. Such plans and specifications shall be kept at the building therein referred to, and shall be available for inspection by the surveyor or accredited officer of the Board at all reasonable times on demand, during the construction, or erection, or alteration, or addition, as the case may be, and for 14 days after the completion thereof.

Permits and Fees.

9. No person shall commence a building of any kind or addition or alteration to any building, or demolish any building without first having obtained from the surveyor a written permit for the commencement of the same and without having first paid to the Board fees in accordance with the scale set out in the Second Schedule hereto, having regard to the class of building. The written permit shall be in the Form A in the First Schedule hereto.

Area of New Building.

10. The decision of the surveyor as to the area of a new building, or value of an addition shall be final and conclusive.

Permit shall Lapse after Six Months.

11. A permit obtained pursuant to these by-laws shall lapse and be of no effect unless the building for which such permit was granted shall be commenced within six months and completed within 12 months from the date of such permit.

Surveyor may Enter and Inspect.

12. The surveyor at all reasonable times during the progress and after the completion of any building, or addition, or alteration to any building affected by these by-laws may enter and inspect such building, or addition, or alteration. Any person obstructing or hindering the surveyor shall be liable to a penalty of not more than ten pounds (£10).

Surveyor May Stop Work if Contrary to By-laws.

13. The surveyor may at any time stop the progress of any building and withdraw or suspend any permission given by the Board under these by-laws, in the event of his not being satisfied that all the provisions of these by-laws are being complied with, and any person who continues to build, or erect, or works on the site after notice from the surveyor to desist, shall be guilty of an offence against these by-laws.

Demolition or Removal of Buildings.

14. When a building is to be demolished or removed the owner or contractor shall give 24 hours' notice to the surveyor of such intended demolition or removal.

14a. Provision shall be made so as to avoid all nuisance from dust or falling refuse by playing water on same by means of a hose or other approved method.

Sanitary Conveniences for Workmen.

15. Before commencing any building operations upon any building site, the contractor, or person responsible for carrying out building operations shall provide sanitary conveniences sufficient for the use of all working upon the site, such sanitary conveniences shall be in accordance with the requirements of the Health Act.

Low-lying Land.

16. Where land upon which a building is to be erected is below the level of the crown of the road adjoining the land frontage, no building shall be commenced until a level has been given by the surveyor. When it is considered by the surveyor that, having regard to the water level during

winter months, filling is required, such filling shall be carried out by the owner or contractor before the commencement of building operations. In the event of there being no made road from which to take the level for any building, the surveyor shall determine the level at which any building shall be commenced and if he considers it to be necessary shall require the owner or contractor to fill in to a given level.

Dwelling Houses—Distance from Road.

17. No building which is intended to be used as a dwelling house, and no addition to any such building, shall be built within a distance of 25 feet measured horizontally from the road to which the building fronts, unless a building line at a different distance has been fixed by a proper authority.

Distance from Side Boundary.

18. No building which is intended to be used as a dwelling house and no addition to any building which is intended to be used as a dwelling house shall be built within a distance of three feet if of brick, or six feet if of wood or wood frame, measured horizontally from the boundary of the allotment on which such building is erected.

Minimum Area of Open Land.

19. At least one-third of the area of any allotment on which a dwelling house is erected shall be left open and unbuilt on and for the exclusive use of the occupiers of the buildings erected upon such allotment.

Minimum Area of Dwelling House.

20. Every dwelling hereafter erected, altered or extended shall conform to the following requirements:—

- (a) The minimum accommodation shall comprise four habitable rooms complying with the requirements of By-law 75 in addition to any bathroom, laundry or water closet required to be provided by the Health By-laws.

Provided a Local Authority, by special resolution, may approve of lesser accommodation.

- (b) Where an existing dwelling is converted into a duplex house the floor area of each dwelling unit of such duplex house shall not be less than 600 square feet.

Provision of Bathroom, Wash-troughs, Copper, etc.

21. Provision shall be made in all new, or re-erected dwellings for a bathroom fitted with bath and washbasin, also laundry facilities consisting of wash-troughs and copper; properly fitted and housed in accordance with any provisions of the Health Act and any regulations or by-laws made thereunder which may from time to time be applicable.

Computing Distances.

22. For the purpose of computing distances from any building, the outer face of the wall shall be taken as the point from which measurements are to

Occupation of Dwelling.

23. No person or persons shall occupy any new or re-erected dwelling before completion, nor shall any person or persons occupy any new or re-erected dwelling until a certificate has been issued by the surveyor in writing stating that the dwelling has been completed in accordance with the plans approved by the Board, Building by-laws and Health Act.

Stables.

24. Stables may be erected with walls of brick, stone or concrete, provided that in stables of more than two squares in area, the distance of any wall of such stable from land not in the same occupation or possession shall not be less than the vertical height of such wall including the vertical portion of a gable and roof from the boundary of the land not in the same occupation or possession.

Distance of Stables from Boundaries.

25. No stable may be erected nearer than 30 feet to any dwelling, nor more than 10 feet to the boundary of land not in the same occupation.

Fowl Houses.

26. (a) (i) Except as provided in subclause (ii) of this clause, no fowl-house shall be built closer than 3 feet to a boundary of a site.

(ii) A fowlhouse may be erected on a rear or side boundary of a site up to the rear of any dwelling to which it is appurtenant.

(iii) A wall of a fowlhouse which is erected within three feet of a boundary must be constructed of brick, stone or concrete, and must be carried up as a parapet 15 ins. in height above the roof, flat or gutter of the fowlhouse. But the boundary walls may be of material other than brick, stone or concrete if they abut a right-of-way or lane over which the owner of the fowlhouse has rights.

(b) Fowlhouses may be constructed provided that such structures—

(i) shall have a height not exceeding eight feet and a total superficial area not exceeding 100 square feet;

(ii) shall be distant not less than 60 feet from the boundary of any street or road to which the building has a frontage except in cases where the Health By-laws permit any lesser distance;

(iii) shall comply with the requirements of the Health By-laws.

Garages.

Materials.

27. (a) Every garage shall be constructed of fire-resisting material unless otherwise approved by the Board.

Position of Garage.

(b) No garage shall be erected nearer than the dwelling house to which it is appurtenant to any road fronted by such dwelling house. Provided that if there is no means of access for motor vehicles to the rear portion of the allotment on which such dwelling house is erected, a garage may be erected on the front boundary of such allotment subject to a plan showing the exact position in which such garage is proposed to be erected, and the approximate position of any buildings in the allotments adjoining, together with the design of the garage proposed to be erected, and the front elevation thereof being submitted to and approved of by the Board but so that no part of such garage shall be between the dwelling house and the road.

In special cases where the physical configuration or dimensions of the ground preclude the observance of the distances prescribed in this By-law, the Board may permit the erection of a garage in another position.

Doors of Garage.

(c) The doors of a garage when opened shall not encroach on any road.

Walls for Garages.

(d) Every garage wall shall be constructed of fire-resisting materials but corrugated iron shall not be used. Where fire-resisting sheets are used, framing and dado of approved hardwood may be used.

Garage Incorporated with Dwelling.

(e) Where a garage is incorporated as part of the main building it shall in all respects conform thereto, but must have a ceiling of fire-proof material approved by the surveyor.

Garages on Corner Blocks.

(f) No garage shall be erected on a corner block at a less distance from the road on the side boundary than the adjoining building is from such road, or if there is no adjoining building, at a less distance than 20 feet from such road.

Apartment Buildings.

Area of Land to be Occupied.

28. The total floor area of an apartment building together with the floor area of any other buildings erected on the same allotment, shall not exceed half the area of such allotment.

Area of Each Apartment.

29. Every apartment hereafter erected, constructed or adopted or altered shall comprise not less than three habitable rooms complying with the requirements of By-law 75 in addition to any bathroom, laundry or water closet required to be provided by the Health By-laws.

30. Notwithstanding the provisions of By-law 29, the Board may prescribe areas by zoning where single unit flats may be erected comprising a bed-sitting room of not less than 180 square feet, a kitchen of not less than 50 square feet together with any bathroom, laundry or water closet required to be provided by by-laws under the Health Act.

Apartment to be Self-contained.

31. Every apartment shall be self-contained; it shall contain its own kitchen, bathroom and lavatory. It shall have separate entrance from the outside of the building, and such entrance shall be constructed of fire-resisting material as defined in the building by-laws of the Board for the time being in force.

Part 4—Building Materials.

32. All workmanship and materials used in the construction or alteration of any building shall be the best of their respective kinds and in accordance with recognised building practice; all materials used in any building must be of good quality and shall be subject to the approval of the surveyor, and the surveyor shall have the power to condemn any material which in his opinion is not suitable for use in such building, or addition.

Second-hand Material.

33. No old or second-hand material may be used in any building unless approved in writing by the surveyor.

Bricks.

34. Bricks used in any building must be good, hard and well burnt. When old bricks are used in any wall they shall be thoroughly cleaned before being used.

Sand.

35. Sand used for mortar or concrete in any building shall be clean and sharp and free from loam, dirt, salt or organic matter.

Lime Mortar.

36. Lime mortar shall be composed of freshly burnt lime and sand in the proportion of at least one part by measure of lime, and not more than three parts by measure of sand. All lime intended to be used for mortar shall be thoroughly burnt, of good quality and be properly slaked before being mixed with sand.

Cement Mortar.

37. Cement mortar shall be composed of good Portland cement or other cement of equal quality, mixed with clean sharp sand, in proportion of at least one part by measure of cement, and not more than four parts by measure of sand.

Timber.

38. All timbers and wooden beams used in any building shall be of good sound material, free from rot, large loose knots, shakes, or other imperfections where by the strength may be impaired and, in the case of dwellings, shall be such sizes, dimensions and spaces as set forth in By-law 39. In other buildings all timbers shall be of such as will afford safe loadings, and shall be to the satisfaction of the surveyor.

Dimensions and Spacing of Timber.

39. In the construction of wood frame or other buildings where timbers are used, the minimum sizes, dimensions and maximum spacings of such timbers shall in the case of dwellings or other similar buildings, be in conformity with the requirements of S.A.A. Code for Dimensions of Structural Timbers, No. O.56-1948, but not less than the dimensions and spacings set out hereunder:

Minimum Dimensions and Maximum Spacing of Timbers in Dwellings and Similar Buildings.

Stumps—4 in. by 4 in. at not more than 4 ft. centres.

Bearers—4 in. by 3 in. fixed on edge and spaced not more than 5 ft. centres apart.

Floor Joists—4 in. by 2 in. spaced not more than 18 in. centres; double joists are to be fixed in all cases where joists are parallel to the vermin plates; all floor joists are to be supported at least every 5 ft.

Wall Framing, either—

(a) Vermin Plates and Top Plates—4 in. by 2 in. housed three-eighths of an inch for studs.

Intermediate Studs—4 in. by 2 in. spaced up to 24 in. centres and housed three-eighths of an inch into plate.

Corner Studs—4 in. by 4 in. or two 4 in. by 2 in.

Openings—Heads, sills and studs to all openings not less than 4 in. by 2 in.; or

(b) Vermin Plates and Top Plates 3 in. by 2 in. housed three-eighths of an inch for studs.

Intermediate Studs—3 in. by 2 in. spaced up to 18 in. centres and housed three-eighths of an inch into plates.

Corner Studs—3 in. by 3 in. or two 3 in. by 2 in.

Ceiling Joists—3 in. by 2 in. spaced up to 18 in. centres.

Angle Stops—2 in. by 1½ in.

Hangers—Not less than 8 in. in depth by 1½ in. in thickness spaced up to 6 ft. on centres with hanging straps to joists of either No. 16 gauge galvanised hoop iron or 1½ in. square hardwood securely spiked to hangers and joists.

Rafters—

For tile or slate or similar roofs 4 in. by 2 in. spaced not more than 24 in. centres.

For sheet metal roofs the spacing may be 4 in. by 2 in. increased to 36 in. or 3 in. by 2 in. spaced not more than 30 in. centres.

Roof Battens—

For tile roofs, a bearing batten of 2 in. by 1 in. to each row of tiles and tiles shall be securely wired to such tie battens.

For sheet metal roofs battens 3 in. by 1½ in. shall be used spaced up to 36 in. centres.

Roof Purlins—4 in. by 3 in.

Roof Struts—3 in. by 3 in.

Collar Ties—3 in. by 2 in.

Valleys, Barge Boards and Fascias—7 in. x 1½ in.

Ridges, Hips—7 in. x 1 in.

Flooring Boards—Shall not exceed 6 in. in width nor be less than 9/16th in. thick and shall be tongued and grooved well cramped up and securely nailed and cleaned off.

Weatherboards—Shall have a lap of not less than 3/16 in. for each inch of the board width.

Sashes and Doors—The minimum thickness for sashes shall not be less than 1½ in. and for panelled doors not less than 1¼ in.

Unsupported Floors—The floor joists for all unsupported floors of residential buildings shall not be less than 8 in. by 2 in. where the span is less than 10 ft.; 9 in. by 2 in. then for spans up to 13 ft.; and 10 in. by 2 in. then for spans up to 16 ft. and to the approval of the surveyor for greater spans than 16 ft.; such joists shall not be spaced at more than 18 in. on centres and shall be laterally supported by herringbone or other approved strutting or bridging.

Bracing—The framework of all external and internal walls shall be well braced with battens not less than 3 in. by ¾ in.

All gable roofs shall be braced against lateral movement with timber not less than 1½ in. in width.

Lintels.

40. Builders casting lintels in position shall submit to the surveyor a plan showing position and details of reinforcement and specifications of materials to be used, such designs to be approved at the same time as the plan of the building. Lintels up to 6 ft. span shall be three courses in depth, lintels from 6 ft. to 8 ft. span shall be four courses in depth. All such lintels

shall be reinforced with at least $\frac{1}{2}$ in. steel rods, not less than three rods per lintel and proper bearing, to the satisfaction of the surveyor, shall be given at each end of lintel.

Part 5.—Construction.

Excavation and Inspection of Trenches.

41. All excavation for footings shall be not less than 12 in. below the natural surface of the ground, except in cases of special construction of foundations approved by the surveyor. No footing shall be placed in position until at least 24 hours' notice has been given to the surveyor that the trenches are ready for inspection.

Walls to have Footings.

42. Unless with the consent of the surveyor, every external wall, and every party wall not carried on a bressummer, and every pier and storey post shall have footings.

Dimensions of Footings.

43. The width of the bottom of the footing of every wall shall be at least one-half greater than the thickness of the wall at the ground floor level, but in no case less than 16 in. wide, unless approved by the surveyor, and the height of such footing shall be at least equal to the thickness of the wall at its ground level, but in no case less than 9 in.

External Walls.

44. All external walls shall consist of brick, stone, concrete, reinforced concrete, or other hard fire-resisting material approved by the Board; provided that any building used or intended to be used solely as a dwelling house may have walls constructed of wood and/or asbestos cement sheets, subject to the conditions set out in these by-laws for buildings wholly or partly of wood.

Construction of External Walls.

45. Every wall constructed of brick, stone, or other similar material shall be properly bonded and solidly put together with mortar, and no part of such wall shall over-hang any part underneath it to a greater extent than nine inches and as approved by the surveyor, and provided that the projection is well and solidly corbelled out, and is carried up vertically in continuation of the lower face thereof. All return walls shall be properly bonded together.

Damp Course.

46. Every wall or fireplace of brick, stone or similar material shall have a damp-proof course of courses of asphalt, distilled tar and hot sand or other approved material at least six inches above the surface of the ground below the lowest floor, and in cases where it is not desirable to place the same throughout the building at the one uniform level, then the said damp-course must be laid in horizontal layers connected at the end by a vertical course of the same materials and shall not be less than half an inch in thickness.

Hollow Walls.

47. External walls may be constructed as hollow walls if constructed in accordance with the following rules:—

- (a) The inner and outer parts of the wall shall be separated by a cavity which shall throughout be of a width not exceeding two inches or less than one inch;
- (b) the inner and outer parts of the wall shall be securely tied together with suitable bonding ties of adequate strength, formed of galvanised iron, glazed stone-ware, or other material approved. Such ties shall be placed at distances apart not exceeding three feet horizontally and at least every fifth course vertically;
- (c) the thickness of each part of the wall shall throughout be not less than four and one-half inches;
- (d) the aggregate thickness of the two parts, excluding the width of the cavity, shall throughout be not less than the minimum thickness prescribed for solid walls of the same height and length;

- (e) no hollow wall of not more than 11 in. in thickness shall be greater in superficial extent than three squares in any one storey unless strengthened by a partition wall, fireplace or projecting pier, to the satisfaction of the surveyor.

Concrete Blocks.

48. Concrete blocks shall contain not less than one part cement to five parts mixed aggregate and shall be kept damp for a period of not less than four days, and shall not be used green. The blocks shall be bedded and jointed in cement mortar.

Thickness of Walls, Domestic Class.

49. No external walls in brick, stone, concrete, or cement block shall have less than the thickness prescribed in the following Table A:—

Table A.—Buildings of Domestic Class.

Length of Wall.	No. of Storeys.	Thickness of Walls in Inches.	
		Ground Floor.	First Floor.
Walls built with lime mortar—			
Not exceeding 30 ft.	1	9	—
	2	9	9
Exceeding 30 ft.	1	13½	—
	2	13½	13½
Walls built with cement mortar—			
Not exceeding 30 ft.	1	9	—
	2	9	9
Exceeding 30 ft.	1	9	—
	2	13½	9

50. If any storey exceeds in height 18 times the thickness prescribed for walls of such storey, the thickness of each external and party wall throughout such storey shall be increased to one-eighteenth part of the height of the storey and the thickness of each external and party wall below that storey shall be increased to that thickness, but any such additional thickness may be confined to piers properly distributed, of which the collective widths amount to one-fourth part of the length of the wall. No increase in thickness of brick walls shall be less than 4½ in.

51. The height of any storey may be 20 times the thickness of walls prescribed for such storey, if built with cement mortar.

Thickness of Walls, Warehouse Class.

52. The external and party walls of buildings of the warehouse class shall be made of not less thickness than that specified in the following Table B:—

Table B.—Buildings of the Warehouse Class.

Length of Wall	No. of Storeys.	Thickness of Walls in Inches.		
		Ground Floor.	First Floor.	Second Floor.
Walls built in lime mortar—				
Not exceeding 75 ft.	1	13½	—	—
	2	18	13½	—
	3	18	18	13½
Exceeding 75 ft.	1	18	—	—
	2	18	18	—
	3	22½	18	18
Walls built in cement mortar—				
Not exceeding 75 ft.	1	13½	—	—
	2	18	13½	—
	3	18	13½	13½
Exceeding 75 ft.	1	13½	—	—
	2	18	13½	—
	3	18	18	13½

Thickness of Walls Under Certain Conditions.

53. Walls under 75 ft. in length may be constructed 9 in. thick, provided they are strengthened with $4\frac{1}{2}$ in. piers equally spaced, of which the collective widths amount of one-fifth of the length of the wall. The height shall not exceed 12 ft. when built of lime mortar or 13 ft. when built of cement mortar.

54. The thickness of walls under 20 ft. in length may be two thirds the thickness required for external or party walls, as stated in Tables A and B but in no case less than 9 in.

55. If in any storey of the warehouse class the thickness of the wall as determined by the provisions of this part of these by-laws is less than one-sixteenth part of the height of such storey, the thickness of the wall shall be increased to one-sixteenth part of the height of the storey, and the thickness of each external and party wall below that storey shall be increased to that thickness, but any such additional thickness may be confined to piers properly distributed of which the collective widths amount to one-fifth part of the length of the wall. No increase in the thickness of brick walls shall be less than $4\frac{1}{2}$ in. The height of any storey built in cement mortar may be 18 times the thickness for such storey.

Lengths—How Measured.

56. Walls are deemed to be divided into distinct lengths by return wall, and the length of every wall is measured from the face of one return wall to the face of another. Provided that such return walls are external, party or cross walls of the thickness required by this part of these by-laws and bonded into the wall so deemed to be divided.

Cross Walls.

57. The thickness of a cross wall shall not be less than two-thirds of the thickness hereinbefore required for an external or party wall of the same dimensions and belonging to the same class of building, but never less than 9 in., and no wall subdividing shall be deemed to be a cross wall unless it is carried up to the plate level of the topmost storey, and unless in each storey the aggregate extent of the vertical faces or elevation of all recesses, and that of all the openings therein taken together does not exceed one-half, of the whole extent of the vertical face or elevation of the wall. If a cross wall is carried on a girder across the ground storey and is supported by piers to the satisfaction of the surveyor, it shall be deemed to be a cross wall in accordance with this regulation; but in one storey buildings of the domestic class, $4\frac{1}{2}$ in. cross walls will be permitted, provided the unsupported length of any wall does not exceed 25 ft.

Cross Wall becomes External Wall.

58. Whenever a cross wall becomes any part of an external wall, the external part of such cross wall shall be of the thickness required for an external wall of the same height and length belonging to the same class of building, but no portion of such cross wall shall be of less thickness than is required for the external portion thereof.

Internal and Partition Walls.

59. (1) All internal bearing walls and partition walls shall be constructed in such a manner as may be approved by the surveyor and shall be of cement blocks, brick, stone or concrete. All such walls shall be not less than $4\frac{1}{2}$ in. thick; provided that, where such walls form a division between flats, then such walls shall not be less than 9 in. thick.

(2) Unless with the consent of the surveyor, every such wall, unless carried on a bressumer, shall have footings, and such footings shall be at least twice the thickness of the wall resting upon it.

Isolated Piers.

60. No isolated brick or stone piers shall exceed in height eight times the least diameter of same, if built of lime mortar, and 12 times if built of cement mortar.

Parapet to Walls on Boundary.

61. Where the external wall of any building is erected on the boundary of the land on which the same stands, or where the overhanging eaves or gutters of any building would be within 2 ft. of such boundary then the

external wall of such building shall be carried up to form a parapet of 15 in. at least in height above the roof, or above the highest part of any flat or gutter, as the case may be.

Parapet, Warehouse Class.

62. In buildings of the warehouse class, the thickness of such parapet shall be equal to the thickness of such wall in the topmost storey, and in any other building of a thickness of 9 in. at least.

Party Walls.

63. Every party wall shall be carried up for a height of 15 in. above the roof, measured at right angles to the slope thereof; or 15 in. above the highest part of any flat or gutter, as the case may be, and of a thickness (in buildings of the warehouse class) equal to the thickness of such wall in the topmost storey and in any other building, of a thickness of 8½ in. at least. Provided, however, that in the case of domestic buildings, where not more than two buildings are erected under one roof, it shall be sufficient if the party wall is carried up at least 8½ in. in thickness to the underside of the roof covering, and such roof covering of iron, slate, or other material must be bedded in good mortar to the satisfaction of the surveyor, and the top of such party wall shall not be hidden from view until it has been approved by the surveyor.

64. Every party wall shall be carried up of the thickness aforesaid above any turret, dormer, lantern light, or other erection of combustible materials fixed upon the roof or flat of any building within 4 ft. of such party wall, and shall extend at the least 15 in. higher and wider on each side than such erection, and every party wall shall be carried up above any part of any roof opposite thereto, and within 4 ft. therefrom.

Roughcast and Stucco.

65. Roughcast and stucco work shall be applied only to brickwork, provided that in certain cases, such as gables of dwellings, or other ornamental sections of dwellings, roughcast may be applied to expanded metal fixed in an approved manner.

Interior Walls of Dwellings.

66. The interior of all walls and ceilings of every wooden or wooden-framed building, and the ceiling of every other class of building, which is intended to be used, or which may be used as a dwelling house, shall be constructed of plaster sheets, or other fire-resisting materials.

Roofs.

67. The roof of every building shall be constructed of metal, tiles, slates, glass, artificial stone, cement or shingles, or other materials approved by the Board.

Reinforced Concrete Buildings.

68. In all cases where reinforced concrete is employed, whether in buildings as a whole or in portions of buildings, before the actual carrying out of the work, or any portion thereof, complete drawings of such work or portion shall be delivered to the surveyor, showing all details of the construction, and the size, spacing, and arrangement of all reinforcing members.

Public Buildings.

69. In any case in which the plans of any public building (proposed) are required by law to be approved by the Public Health Department, or any other department, such approval shall be obtained before such plans are submitted for the Board's approval.

Shops.

Minimum Area of Land.

70. No person shall hereafter erect any shop otherwise than upon a site satisfying the following requirements:—

- (a) The area of the site shall be not less than 2,000 square feet.
- (b) The width of the frontage of the site shall be not less than 16 ft. 6 ins.

Access to Rear of Shop.

- (b) Every shop shall be so erected and built that, without passing through the building there is a reasonable access to the back premises and offices of such shop for the removal of nightsoil and other refuse to a road or lane 10 ft. wide at least.

Separate Entrance for Shop and Dwelling in
Different Occupations.

- (c) If a dwelling attached to a shop is in a different occupation from the shop, a separate entrance from the road shall be provided for the sole use of the occupants of the dwelling.

Alterations and Additions.

Alterations.

71. Except with the consent of the Board, or the surveyor, no alteration shall be made to any building in such manner that when so altered it will, by reason of such alterations, not be in conformity with the provisions of these by-laws relating to new buildings.

Additions and Alterations.

72. Every addition to, or alteration of a building, and any other work made or done for any purpose in or on a building (except necessary repairs which do not affect the construction of a building) shall so far as regards such addition, or alteration or other work, be subject to the provisions of these by-laws relating to new buildings.

Ventilation, Lighting and Drainage—Height of Rooms.

73. The main rooms in all buildings shall be in every part not less than 9 ft. from floor to ceiling and the minimum height for wash-houses and external bathrooms shall be 7 ft. The minimum height of verandahs shall be 7 ft. from floor level to top of the plate.

Attics.

74. Every habitable room shall be not less than 9 feet in height provided that coving, cornices and beams projecting below that height will be permitted subject to such coving, cornices and beams having a clear head room not less than 8 ft. 6 ins. and the total area of such projections below a height of 9 feet not exceeding 20 per cent. of the area of the room.

Ingle nooks and recesses for furniture may be added to such rooms with ceilings of less height than 9 feet provided that the ceilings of such ingle nooks shall be not less than 6 ft. 8 in. in height.

Minimum Area of Rooms.

75. (a) Except as provided elsewhere in these by-laws, every habitable room shall have a minimum floor area of not less than 80 square feet.

(b) Every habitable room shall be not less than 8 feet wide in its minimum dimension, except a kitchen which may have a minimum width of 7 feet.

A kitchenette which is constructed in the form of an annex to a habitable room and separated therefrom by an unobstructed opening not less than 5 feet wide and 7 feet high shall not be deemed to be a separate habitable room.

(c) In every dwelling house there shall be one living room with a superficial area of not less than 144 square feet and a minimum width of not less than 10 feet and one bedroom with a minimum area of not less than 120 square feet.

(d) Every bathroom shall be not less than 30 square feet in floor area with a minimum width of 5 feet and every water closet shall be not less than 13 square feet in area.

(e) Where the water closet is contained within the bathroom, the floor area shall be not less than 40 square feet.

(f) The height of a bathroom or of a water closet shall be not less than 7 ft. 6 ins.

(g) Every laundry and wash-house shall have a floor area of not less than 50 square feet and the walls of such building shall be an average of 8 feet in height from the floor level to the underside of the ceiling, or if there be no ceiling, the underside of the rafters.

(h) Sleepouts shall comply with the provisions of By-law 81 as regards light and ventilation and shall have an average height of not less than 8 feet, a minimum height of not less than 7 feet and a floor area of not less than 80 square feet.

Windows (Natural Lighting).

76. All rooms in a building intended to be used as a dwelling shall have one or more windows opening directly into external air; the area of such windows shall be not less than one-tenth of the area of the floor of the room in which such window or windows are fitted.

Ventilation (Other than Dwellings).

77. The ventilation of all buildings, parts of buildings, type of ventilators to be used, arrangement and situation of ventilation openings, shall be subject to any provisions of the Health Act or regulations or by-laws made thereunder which may from time to time be applicable.

Ventilation (Dwellings).

78. Every part, and every room of any dwelling house or building intended to be used for habitation, shall be ventilated as required under any provisions of the Health Act or regulations or by-laws made thereunder which may from time to time be applicable.

Ventilation (Sub-floor).

79. The space under the ground floor of every building shall be provided with a sufficiency of openings through all walls under the floors to allow a current of air to flow freely under all parts of the building, unless otherwise approved by the Board. Type of ventilator used and spacing of same shall be the subject of approval by the surveyor and in accordance with any provisions of the Health Act or any regulations or by-laws made thereunder which may from time to time be applicable.

Lighting and Ventilation (Shops).

80. The provisions of this part of these by-laws relating to height of rooms, lighting and ventilating of main rooms in dwellings shall as far as applicable apply to all shops save that the windows need not be constructed to open if other approved provision for ventilation is made, and the minimum height of ceilings in shops shall be 11 ft.

Enclosing of Verandahs.

81. No verandah of any dwelling, or shop, or other building shall be enclosed, or built in in such manner as to exclude natural light, or reduce the proper ventilation of any building or any part thereof. The use of hessian or jute bags, or similar materials for enclosing or screening verandahs is prohibited.

Any verandah shall not be totally enclosed for habitation or sleeping, but may be partially enclosed if of a minimum height of 7 ft. as hereunder:—

- (1) A brick, concrete, jarrah or asbestos dado shall be constructed for a maximum height of 3 ft. 6 in. from the floor level of such verandah or sleep-out in accordance with the existing by-laws.
- (2) The space above the dado shall be constructed as follows:—
 - (a) of fly wire totally; or
 - (b) of fixed clear or white obscure glass louvres, minimum height 3 ft. 6 in.; or
 - (c) of mechanically adjustable (to open and partially close) clear or white obscure glass louvres, minimum height 3 ft. 6 ins. sash;
 - (d) louvres described in (b) and (c) shall be approved by the Board or building surveyor;

- (e) of sliding windows containing clear or white obscure glass, minimum height 3 ft. 6 in. sash (casement windows not permitted);
 - (f) the total length of the louvres or windows described in (b), (c), (e) shall not be less than 70 per cent. of the total length of the sleep-out or verandah measured along the side and one end, but the end, exposed to weather (paragraph g) shall not be included in this measurement;
 - (g) subject to the approval of the Board or the building surveyor, the end of the verandah or sleep-out most exposed to the wet weather may be totally closed up in brick, concrete, jarrah, or asbestos, but one window, minimum size 3 ft. x 2 ft., shall be provided in such enclosed end if any existing window is in close proximity or may have its lighting reduced unduly by such total end enclosing.
- (3) Any sleep-out or partially enclosed verandah shall provide that any existing windows shall not be obscured by any opaque substance which will reduce the existing lighting to existing rooms.
 - (4) New sleep-outs of minimum height of 7 ft. (not being partly enclosed verandahs) shall comply fully with this by-law and existing by-laws.
 - (5) The rules of this by-law shall not apply to a sleep-out where its height from the floor to ceiling is 10 ft. or more, providing the floor area is 80 square feet or more and providing its total air space is not less than 720 cubic feet, but shall comply with the existing by-laws for habitable rooms.

Floors.

82. Floors, other than verandah floors, shall be fixed level, and in all buildings the ground floor, if of wood, shall have a space of not less than six inches between the ground and the underside of the floor bearers.

Permit may be Refused if Drainage is not Satisfactory.

83. The Board may refuse to approve the plan of any building or any addition, or alteration to any building, until it is satisfied that the proposed building, or addition, or alteration and the site and curtilage thereof will be properly drained in accordance with any provisions of the Health Act or regulations or by-laws made thereunder which may from time to time be applicable.

Drainage of Waste Water.

84. Every person who shall erect a building shall provide proper drainage for the disposal of all waste water in accordance with any provisions of the Health Act or regulations or by-laws made thereunder which may from time to time be applicable.

Waste Pipes.

85. Waste pipes from baths, sinks, wash-troughs and similar sanitary fittings shall be of wrought iron of approved sizes. All sanitary fittings shall be provided with traps under fittings, metal cleaning eyes shall be fitted at all changes of direction and angles of waste pipes in accordance with any provisions of the Health Act or regulations or by-laws made thereunder which may from time to time be applicable.

Roof-water Disposal.

86. All buildings shall be provided with gutters and downpipes of approved sizes sufficient to carry all water from every part of the roof in an efficient manner, such water shall be carried at least two feet clear of the foundations of the building. In the case of large buildings, where the surveyor shall deem it necessary all stormwater from the roof of such buildings shall be carried by pipes direct to the street drains, or gutters in such a manner as directed by the surveyor.

Water Supply.

87. Every dwelling house not connected to a public water supply shall be provided with a water storage tank of not less than one thousand gallons capacity, or as may be prescribed in any provisions of the Health Act or regula-

tions or by-laws made thereunder which may from time to time be applicable. Such tank shall be completely covered at its top and provided with a manhole fitted with a tightfitting lid.

Provisions of Manhole in Ceiling.

88. Every building shall be provided with one or more manholes in the ceiling to enable access to be gained to the underside of the roof thereof.

Removal of Buildings.

89. If any building is removed from outside the district to within the district, or from a site within the district to another site within the district, whether on the same or another block of land, such building shall be deemed for the purpose of these by-laws to be a new building erected for the first time on the site whither it is removed.

Verandahs over Footpaths, Projections, Signs, Hoardings and Fences.

Verandahs.

90. No person shall erect, or cause or permit to be erected, any portico or verandah over the footway of any road in the district without first obtaining the consent of the Board in writing, and such portico or verandah shall be of the shape, figure, dimensions and materials as set forth on the plan and specifications, for the time being adopted by resolution of the Board, but the lowest part of the frieze or rails of such portico or verandah shall in no case be of less height than nine feet above the level of the outer edge of the footway. All such verandahs and projections shall be of the cantilever type.

Openings in Roof of Verandah.

91. No opening shall be made in the roof of such verandah for the purpose of affording light, unless such opening be properly framed and glazed with approved glass protected underneath with fine mesh wire-netting or armoured glass to the satisfaction of the surveyor.

Porch Landing, etc.

92. Every porch, gangway, outside landing, and outside step shall be of fire-resisting material and shall not project beyond the boundary of any road or public place.

Shop Windows.

93. Shop windows intended to be used for the display of goods or business advertisements shall consist of plate or approved glass jointed and fixed in approved metal or approved timber frames, the level of the sill of such frames to be not higher than 30 in., nor within 12 in. of the level of the footpath immediately adjoining the same.

Woodwork Abutting on Roads.

94. Woodwork shall not be fixed flush with the face of any wall abutting on a road unless it is encased with metal of not less than 22 gauge.

Signboards, Hanging Lamp, Etc.

95. No signboard, hanging lamp, or other fixture shall be erected on or attached to any building or verandah projecting over the roadway unless permission in writing of the Board be first obtained. Each such signboard, hanging lamp, or other fixture shall be of material, construction and design approved by the surveyor and shall be in no part less than 8 ft. 6 in. above the level of the footpath or road. No signboard shall exceed in depth 3 ft. nor shall any signboard project over a road or footpath except with the approval of the Board.

Unightly or Dangerous Fence.

96. When any fence abutting on any road or public place within the district is in a dangerous or unsightly state, the Board may, by notice in writing to be served on the owner of such fence, require such owner within 14 days from the receipt of such notice to take down or repair such fence as the case may require, and such owner shall comply with such notice.

Fences and Walls.

97. Every fence to be hereafter erected abutting on any road or public place shall have affixed thereto a plinth at least 9 in. high unless the surveyor shall consent in writing to such plinth being of less height, and every wall of brick, stone or concrete, or other similar substance shall be constructed with a base to be approved by the surveyor. All fences to be constructed in town-sites shall be in conformity with plans and specifications previously submitted to and approved by the Board.

Brick Chimneys, Flues, Fireplaces and Heating Apparatus, Foundations, Footings, etc.

98. (1) Chimneys shall be built on solid foundations and with footings similar to the footings of the wall against which they are built, unless they are carried on steel girders with direct bearings upon party, external or cross-walls, to the satisfaction of the surveyor, or on corbels of brick, stone or other incombustible material, and the work so corbelled does not project from the wall more than the thickness of the wall measured immediately below the corbel.

(2) Chimneys may be corbelled out not more than 14 in. from walls 9 in. in thickness on corbels of stone or incombustible materials not less than 10 in. in depth and of the full width of the jambs.

Chimneys, etc., with Soot Doors.

99. (1) Chimneys and flues having proper soot doors of not less than 40 square inches may be constructed at such angle as is approved by the surveyor, but in no other case shall any flue be inclined at less angle than 45 degrees to the horizon, and every angle shall be properly rounded.

(2) Position of soot doors—All soot doors shall be distant at least 15 in. from any woodwork.

Arches.

100. An arch of brick or stone of sufficient strength shall be built over the opening of every chimney to support the breast thereof. Every camber arch shall have the abutments tied in by an iron bar, or bars, of sufficient strength turned up or down at the ends and built into the jamb for at least $4\frac{1}{2}$ in. on each side.

Flues.

101. A flue shall not be adapted to or used for any new oven, furnace, steam boiler or other fire used for any purpose of trade or business, or to or for the range or cooking apparatus of any hotel, tavern, or eating house, unless the flue is surrounded with brickwork at least 9 in. thick, or reinforced concrete 6 in. from the floor of the storey on which such oven, furnace, steam

Flues in Connection with Engines.

102. A flue shall not be used in connection with a steam boiler or hot-air engine unless the flue is at least 20 ft. in height measured from the level of the floor on which such engine is placed.

Linings, etc., of Flues.

103. The inside of every flue, and also the outside where passing through any floor, or roof, or space enclosed by the roof or behind or against any woodwork, shall be rendered or pargetted, or lined with fire-resisting piping or stoneware.

Incombustible Material in Certain Cases.

104. The breast of every chimney shall be of incombustible material, at least 4 in. in thickness and the brickwork surrounding every smoke flue shall be at least $4\frac{1}{2}$ in. in thickness, provided that where a ventilating flue is carried up with a smoke flue, they may be separated by a properly constructed iron wyth of cast iron not less than 1 in. in thickness.

Jambs.

105. The jambs of every fireplace opening shall extend at least 9 in. on each side of the opening thereof.

Backs of Fireplaces.

106. The back of every fireplace opening in party or external walls from the hearth up to a height of 12 in. above the lintel or arch shall be brickwork at least 9 in. thick, or shall be reinforced concrete 6 in. thick. No flue shall be within 2 in. of the centre line of any party wall.

Thickness of Flues.

107. The thickness of the upper side of every flue when its course makes with the horizon an angle of less than 45 degrees, shall be at least 9 in.

Height.

108. Every chimney flue or chimney shaft shall be carried up in brick or stonework at least 4 in. thick throughout to a height of not less than 3 ft. above the roof, flat or gutter adjoining thereto, measured at the highest point in the line of junction with such roof, flat, or gutter.

Top Courses.

109. The highest six courses of every chimney stack or shaft shall be built in cement mortar.

Chimney Shafts.

110. The brickwork or stonework of any chimney shaft except that of the furnace of any steam engine, brewery, distillery or manufactory shall not be built higher above the roof-flat or gutter adjoining thereto than a height equal to six times the least width of such chimney shaft, at the level of such highest point in the line of junction, unless such chimney shaft, is built with, and bonded to another chimney shaft, not in the same line with the first, or otherwise rendered secure to the approval of the surveyor.

Slabs.

111. There shall be laid level with the floor of every storey, before the opening of every chimney, a slab of stone, slate, or other incombustible material, at least 6 in. longer on each side than the width of such opening, and at least 14 in. wide in front of the breast thereof.

How to be Laid.

112. On every floor except the lowest floor, such slab shall be laid wholly on stone or iron bearers, or upon brick trimmers, or other incombustible materials, but on the lowest floor it may be bedded on concrete, covering the site, or on solid materials placed on such concrete.

Hearths, etc.

113. The hearth or slab of every chimney shall be bedded wholly on brick, stone or other incombustible materials, and shall together with such material be solid for a thickness of 6 in. at least beneath the upper surface of such hearth or slab.

Flues in Party Walls.

114. A flue shall not be built in, or against, any party structure or existing wall, unless it is surrounded with good sound brickwork, or other approved material, at least 4½ in. in thickness, properly bonded to the satisfaction of the surveyor.

Cutting Away Chimney Breast.

115. A chimney breast or shaft built with or in any party wall, shall not be cut away, unless the surveyor certifies that it can be done without injuriously affecting the stability of any building.

Cutting into Chimney Shaft.

116. A chimney shaft, jamb, breast, or flue shall not be cut into except for the purpose of repair or doing one or more of the following things:—

- (1) Letting in or removing or altering flues, pipes, or funnels for the conveyance of smoke, hot air, or steam.
- (2) Forming openings for soot-doors, each opening to be fitted with a close iron door and frames.
- (3) Making openings for the insertion of ventilating valves. Provided that an opening shall not be made nearer than 12 in. to any timber or combustible material.

Position of Timberwork.

117. Timber or woodwork shall not be placed—

- (1) Under any chimney opening within 6 in. from the upper surface of the hearth of such chimney opening.
- (2) Within 2 in. from the face of the brickwork or stonework above the chimney or flue, unless the face of such brickwork or stonework is rendered.

Position of Wooden Plugs.

118. Wooden plugs shall not be driven nearer than 3 in. to the inside of any chimney or flue opening, nor any iron holdfast or other iron fastening nearer than 2 in. thereto.

Ironwork.

119. No iron or steel joists, or other iron work shall be placed in any flue except insofar as the same may be required for insuring stability.

Floors above Furnace or Ovens.

120. The floor or roof over any room or enclosed space in which a furnace is fixed, and any floor within 18 in. from the crown of an oven shall be constructed from fire-resisting material.

Exempted Buildings.

121. This by-law shall not apply to any temporary or removable offices and sheds used by builders during the construction of any building at or about the site of such building for a period not exceeding 12 months.

Enforcement of By-laws and Penalties.

122. No building may be erected except in compliance with these by-laws. No person shall erect, build, or construct, remove, or make any alteration or addition to, or cause to be erected, built or constructed, removed or make any alteration or addition to any building, contrary to the provisions of these by-laws.

Penalty for Breach.

123. Any person who shall be guilty of any breach of any of the provisions of these by-laws, or shall fail to duly comply with an notice thereunder, shall be liable for every such offence to a penalty of not less than £1 and not exceeding £20.

Notice to Make Building Conform to By-laws.

124. If any building shall be wholly or partly built, or erected, or added to, or altered, contrary to, or not in conformity with the provisions of these by-laws, the Board or any officer thereof may give to the owner, occupier or builder, or leave upon the site of such building notice in writing to bring such building into conformity with the said provisions or requiring the pulling down or removal of such building within the time as limited in such notice, and such owner, occupier, or builder shall comply with such notice within the time therein limited.

No Alterations Infringing By-laws.

125. No alteration shall be made in any building in such a manner that when so altered it will by reason of such alteration not be in conformity with the provisions of these by-laws relating to new buildings.

No User Infringing By-laws.

126. No person shall occupy or permit to be occupied any building for any purpose for which such building could not have been built under the provisions of these by-laws; provided that this clause shall not prevent the continued use of any building in existence at the time of coming into operation of these by-laws for any purpose for which it was then being used.

Licenses for Hoardings.

127. The Board may grant licenses in accordance with the provisions of regulation (3) of the Second Schedule to the Road Districts Act for the erection of a hoarding or fence to the satisfaction of the surveyor. Such license shall be in the Form A of the Third Schedule hereto.

License for Deposit of Materials on Roads, etc.

128. The Board may grant licenses in accordance with the provisions of regulation (4) of the Second Schedule to the Road Districts Act for the deposit of materials on any road or way or the making of any excavation on any land abutting on or adjoining or contiguous to any road or way. Such deposit or excavation shall be to the approval of the surveyor. The license shall be in the form B in the Third Schedule hereto.

Before granting a license to deposit the materials or make an excavation the Board may require from the applicant a sum determined by the surveyor to be held as a deposit to cover the cost of carrying out repairs to the road, footpath, kerb, etc., made necessary by the deposit or excavation concerned.

First Schedule.

FORM OF APPLICATION.

I,, of as owner or builder, hereby make application for a permit to erect a on lot No. situated in Street, at for owner. Frontage of the lot feet, depth feet. Building to be used for No. of rooms Height of walls feet (first storey). Height of walls feet (second storey). Walls to be built of Linings to be Roof to be of If skillion roof, height of rear wall feet. Distance from side boundaries feet. Outbuildings to be erected as follows Height of walls to be built of Roof distance from nearest building on lot feet. Distance from nearest boundary on lot feet. Drainage: I propose to instal the following drainage Cost of building

I submit a block plan, ground plan and front elevation of proposed building, drawn in ink, together with a copy to be retained by the Board, and I certify to the best of my knowledge that plans and all particulars herein set out are true and correct.

Date
 Received on
 Signed
 Approved
 Referred to Board

Form A.

Road Board.

Permit to Build No.
 Mr. of is hereby granted permission to erect a on at a cost of £.....

Terms and Conditions

Dated day of 19.....

Secretary.

Second Schedule.

PRESCRIBED FEES.

	s.	d.
New buildings of an area of two squares or less	5	0
New buildings of an area of more than two squares, per square	2	6
Addition for alteration to buildings, per £100 (minimum fee 5s.)	5	0
Garages and outbuildings (new buildings or additions or alterations to)	2	6
Fees for hoarding licenses	2	6
Fees for licenses to deposit on roads	2	6
Fees for license to excavate	2	6

Removal of Buildings.

For inspection only of a building not in the district, whether removal is approved or not—minimum £2 2s., up to 10 miles. Over 10 miles, £2 2s., plus 1s. per mile for each mile over.

For inspection of a building within the district, whether removal is approved or not, £2 2s. Fees for permit additional to inspection fee.

Third Schedule.

FORM A.

..... Road Board—License to Erect a Hoarding.
Pursuant to Regulation 3 of the Second Schedule to the Road Districts Act and By-laws.

No..... license is issued to of
to erect a hoarding at the land specified hereunder for the purpose of carrying out building operations.

..... Secretary.
Lot No. Street

FORM B.

..... Road Board—License to Deposit Materials
on Road or License to Make an Excavation. Pursuant to Regulation 4 of the Second Schedule to the Road Districts Act and By-law.

No..... License is issued to of
to deposit materials on the road at the land specified hereunder or to make an excavation on the said land.

..... Secretary.
Lot No. Street

A resolution adopting the foregoing by-laws was passed by the Board on the 11th November, 1958.

F. H. NICHOLLS,
Chairman.
T. R. BENNETT,
Secretary.

Recommended—

(Sgd.) F. J. S. WISE,
Minister for Local Government.

Approved by His Excellency the Lieutenant-Governor and Administrator in Executive Council this 10th day of December, 1958.

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